

Senate Judicial Proceedings Summary

Discussion 1: Creating a statewide use of force statute to include the following standards:

- That the statute contain language that an officer's use of force should be considered unreasonable and the law enforcement officer would then have to present evidence that it was reasonable;
- Create a new law that states if a law enforcement officer uses unreasonable force, he/she could be found criminal libel. If the unreasonable use of force was intentional, the officer could be charged with a felony with a maximum sentence is 10 years imprisonment or a fine not exceeding \$5,000 or both;
- Create a law enforcement database with the names of officers who have found to have committed or are alleged to have committed an act that bears on credibility;
- All police disciplinary records are subject to public inspection under the Maryland Public Information Act;
- Eliminate "No Knock" warrants;
- Require a law enforcement officer to intervene in any use of witnessed excessive force. Failure to intervene is subject to being charged with a misdemeanor crime subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both;
- Require a law enforcement officer to report misconduct. Failure to report misconduct is subject to being charged with a misdemeanor crime subject to imprisonment not exceeding 5 years and a fine not exceeding \$10,000 or both;
- A ban on law enforcement agencies from receiving certain military surplus equipment;
- Whistleblower protection for law enforcement officers who report misconduct;

Discussion 2: Repeal of the LEOBR and create the Law Enforcement Accountability and Discipline Act of 2021:

- All job-related complaints including the investigative report, hearing record, and/or disciplinary decision is subject to disclosure;
- Changes to names of the dispositions of internal investigations to: Charged, Not Charged, Exonerated, Unfounded, and Training Issue;
- Law enforcement officers assigned to specialized or sensitive units will be subject to financial investigations;
- A civilian employee of the law enforcement agency or the law enforcement agency's superior governmental authority may conduct investigations and interrogate law enforcement officers;
- Excessive force complaint must be filed within 3 years;
- Law enforcement officers have 3 business days to obtain counsel;
- Internal investigation interviews must be recorded in audiovisual format and transcribed;

- Any polygraph ordered must be administered by an outside agency;
- The internal investigator will have subpoena power;
- An administrative charging committee will be formed in each agency to determine what, if any, administrative charges should be brought. The committee will consist of the Director of Internal Affairs, Attorney for agency, Public Defender, State's Attorney, and a civilian representative;
- Hearing Boards must be scheduled no later than 60 days from the date the officer is administratively charged;
- A law enforcement officer who has been convicted or receives a PBJ regarding a felony and a law enforcement officer who has been convicted or receives a PBJ for misdemeanor assault, or theft is subject to termination without an administrative hearing;
- Two civilian voting members shall be on every administrative hearing board;
- The Attorney General's Office will be the prosecutor in all administrative hearings;
- The public may be present at all phases of a hearing board;
- A law enforcement agency and exclusive collective bargaining unit may not negotiate Final Order;
- Expungement of Not Charged or Unfounded investigations cannot be done sooner than 5 years from the date of final disposition;
- A chief may suspend a law enforcement officer without pay if the officer is criminally charged with a felony or misdemeanor theft or misdemeanor assault'