



February 9, 2021

The Honorable Luke Clippinger
Chair, Judiciary Committee
Maryland House of Delegates
Room 101 House Office Building
Annapolis, MD 21401

LETTER OF INFORMATION: HB 670 - Police Reform and Accountability Act of 2021

Dear Chair Clippinger and Members of the House Judiciary Committee:

Our respective organizations, the Maryland Municipal League (MML) and the Maryland Association of Counties (MACo), both have legislative committees comprising local officials who guide our official positions on pending bills. While we have not taken an all-encompassing position on HB 670, we submit these observations for the Committee's consideration as it continues work on this pressing policy priority.

Body worn camera mandate – appreciate time frame, but multiple details to resolve before then
Local agencies would have a duration to implement body worn cameras, and to establish appropriate policies for their use. During this interval, State leadership will be needed to help resolve the vexing issues of wide/unwarranted disclosure of footage under the Maryland Public Information Act, and to develop effective storage resources to enable proper stewardship of recorded footage.

Revise directive for county grievance procedure that (apparently) includes municipal agencies
The bill (page 20, lines 23-25) appears to oblige that each county create a body to receive misconduct complaints – applying county oversight to municipal and other non-county agencies would likely confuse lines of command, and interfere with independent governing bodies' appropriate authority.

Reframe provisions to better acknowledge counties with elected sheriffs as head of law enforcement

Multiple components of the bill reference both the law enforcement agency itself, and its superior government. While these references may generally conform to the most common structure in municipal and county-run police departments, they may offer an imperfect fit for the many counties where an elected

sheriff oversees primary law enforcement. A final plan for discipline and training matters should fairly reflect the autonomy of elected sheriffs, and should not mandate county actions that betray that Constitutional structure of government.

Consider less prescriptive details on locally-created bodies/processes

The bill compels each superior government to establish an administrative charging committee, with multiple prescriptions regarding its constitution and charge. Local flexibility, within the essential state guidelines, should prevail in the final construction of such bodies. Directing the exact official to serve as chair, or the qualifications of designees to serve, may preclude reasonable local processes.

Need for balance on the Maryland Police Training and Standards Commission

The bill broadens and revises the charge and membership of the Commission. The bill adds 7 new civilian seats but removes important law enforcement voices. We suggest that the input from law enforcement agencies as a contributing membership, but not majority/controlling vote, would remain of substantial benefit to the Commission's work. The current municipal Chiefs of Police representative should be retained.

Respect for Baltimore City consent decree

The circumstance of the Baltimore City Police Department, currently operating under a federal consent decree, merits appropriate deference. Rather than rehash these issues in detail here, our Associations echo the perspectives of Baltimore City government and the Baltimore City Police Department to ensure that its continued pursuit of those improvement goals will be empowered, rather than impeded, by the final State legislation.

Need for clarity, technical changes in multiple provisions

With multiple stakeholders reviewing the proposed legislation on an accelerated timetable, many have identified areas of ambiguity and potential technical defects. We will gladly supply Committee Counsel with this level of input for the Committee's consideration, to either urge clarification or remedy.

Our organizations and staff stand ready to help the Committee and its staff with any of the matters described briefly, above.

Respectfully,



Michael Sanderson
Executive Director, MACo



Scott Hancock
Executive Director, MML

CC: The Honorable Adrienne Jones, Speaker of the Maryland House of Delegates
Alexandra Hughes, Chief of Staff, Maryland House of Delegates