

SENATE BILL 237

E4

11r0983

(PRE-FILED)

By: **Senator West**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement Reform**

3 FOR the purpose of providing that the Police Department of Baltimore City is an agency
4 and instrumentality of the City of Baltimore, instead of the State; providing that
5 certain police officers have the authority conferred under a certain provision of law;
6 requiring that a certain “no-knock” search warrant be preapproved by a certain
7 supervisor and the State’s Attorney; altering the required frequency of certain police
8 training; altering the scope of required police training to require certain training to
9 address certain interactions and add implicit bias as a training topic; requiring a
10 certain law enforcement agency to require the use of body-worn cameras by a certain
11 date; requiring that the cost of certain equipment for a body-worn camera program
12 be split equally between the State and a certain county or municipality; requiring
13 that certain operating costs for a body-worn camera program be borne solely by a
14 certain county or municipality; altering a certain provision of law requiring each law
15 enforcement agency to establish a certain early intervention policy to require a
16 system instead of a policy, repeal the requirement that the system be confidential
17 and nonpunitive, and alter the purpose and function of the system; requiring a
18 certain chief to adopt certain rules to be followed by certain law enforcement officers;
19 and generally relating to law enforcement reform.

20 BY repealing and reenacting, with amendments,
21 The Public Local Laws of Baltimore City
22 Section 16–2(a) and 16–3
23 Article 4 – Public Local Laws of Maryland
24 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

25 BY repealing and reenacting, with amendments,
26 Article – Criminal Procedure
27 Section 1–203(a)(2)(vi)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–207(a)(16) and (17), 3–511, and 3–516
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY adding to
Article – Public Safety
Section 3–523
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article 4 – Baltimore City

16–2.

(a) The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the [State of Maryland] **CITY OF BALTIMORE**. The purpose generally of the department shall be to safeguard the lives and safety of all persons within the City of Baltimore, to protect property therein, and to assist in securing to all persons the equal protection of the laws. The department shall have, within the boundaries of said city, the specific duty and responsibility to preserve the public peace; to detect and prevent the commission of crime; to enforce the laws of this State, and of the Mayor and City Council of Baltimore not inconsistent with the provisions of this subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused of violating such laws and ordinances; to preserve order at public places; to maintain the orderly flow of traffic on public streets and highways; to assist law enforcement agencies of this State, any municipality of the United States in carrying out their respective duties; and to discharge its duties and responsibilities with the dignity and manner which will inspire public confidence and respect.

16–3.

(a) All police officers of the department, including such other members thereof who may be designated by the Commissioner from time to time to exercise the powers and duties of police officers, shall [be peace officers and shall have the same powers, with respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs, constables, police and peace officers possessed at common law and have in their respective jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in those areas outside the corporate limits of Baltimore City owned, controlled, operated or leased by the Mayor and City Council of Baltimore, and against whom criminal process shall have issued, may be arrested upon the same in any part of the State by police officers

of the department, as constituted and established by this subtitle] **HAVE THE AUTHORITY
CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE
ANNOTATED CODE OF MARYLAND.**

(b) All police officers of the department shall have and enjoy all the immunities and matters of defense now available, or such as hereafter may be made available, to sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against them in consequence of acts done in the course of their official duties.

Article – Criminal Procedure

1–203.

(a) (2) (vi) [An] **IF PREAPPROVED BY THE APPLICANT’S SUPERVISOR
AND THE STATE’S ATTORNEY, AN** application for a search warrant may contain a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer’s authority or purpose, on the grounds that there is reasonable suspicion to believe that, without the authorization:

1. the property subject to seizure may be destroyed, disposed of, or secreted; or
2. the life or safety of the executing officer or another person may be endangered.

Article – Public Safety

3–207.

(a) The Commission has the following powers and duties:

(16) to require, for entrance–level police training and[, as determined by the Commission,] **AT LEAST ANNUALLY** for in–service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions:

- (i) training in lifesaving techniques, including Cardiopulmonary Resuscitation (CPR);
 - (ii) training in the proper level and use of force;
 - (iii) training regarding sensitivity to cultural and gender diversity;
- and

(iv) training regarding **INTERACTING WITH** individuals with physical, intellectual, developmental, and psychiatric disabilities;

(17) to require, for entrance–level police training and at least [every 2 years] **ANNUALLY** for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of antidiscrimination, **IMPLICIT BIAS**, and use of force de–escalation training;

3–511.

(A) On or before January 1, 2016, the Maryland Police Training and Standards Commission shall develop and publish online a policy for the issuance and use of a body–worn camera by a law enforcement officer that addresses:

(1) the testing of body–worn cameras to ensure adequate functioning;

(2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer’s shift;

(3) when recording is mandatory;

(4) when recording is prohibited;

(5) when recording is discretionary;

(6) when recording may require consent of a subject being recorded;

(7) when a recording may be ended;

(8) providing notice of recording;

(9) access to and confidentiality of recordings;

(10) the secure storage of data from a body–worn camera;

(11) review and use of recordings;

(12) retention of recordings;

(13) dissemination and release of recordings;

(14) consequences for violations of the agency’s body–worn camera policy;

(15) notification requirements when another individual becomes a party to the communication following the initial notification;

(16) specific protections for individuals when there is an expectation of privacy in private or public places; and

(17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers.

(B) (1) ON OR BEFORE OCTOBER 1, 2023, EACH LAW ENFORCEMENT AGENCY THAT EMPLOYS MORE THAN 20 LAW ENFORCEMENT OFFICERS SHALL REQUIRE THE USE OF BODY-WORN CAMERAS.

(2) THE COST OF INITIAL EQUIPMENT FOR A BODY-WORN CAMERA PROGRAM SHALL BE SPLIT EQUALLY BETWEEN THE STATE AND THE COUNTY OR MUNICIPALITY SERVED BY THE LAW ENFORCEMENT AGENCY IMPLEMENTING THE BODY-WORN CAMERA PROGRAM.

(3) ONGOING OPERATING COSTS FOR A BODY-WORN CAMERA PROGRAM SHALL BE BORNE SOLELY BY THE COUNTY OR MUNICIPALITY SERVED BY THE LAW ENFORCEMENT AGENCY OPERATING THE BODY-WORN CAMERA PROGRAM.

3-516.

(a) Each law enforcement agency shall establish [a confidential and nonpunitive] AN early intervention [policy for counseling officers who receive three or more citizen complaints within a 12-month period] **SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK OF ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THOSE OFFICERS WITH TRAINING, BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.**

(b) A [policy] **SYSTEM** described in this section may not prevent the investigation of or imposition of discipline for any particular complaint.

3-523.

THE CHIEF OF A LAW ENFORCEMENT AGENCY SHALL ADOPT THE FOLLOWING RULES TO BE FOLLOWED BY ALL LAW ENFORCEMENT OFFICERS EMPLOYED BY THE LAW ENFORCEMENT AGENCY:

(1) EACH LAW ENFORCEMENT OFFICER SHALL DEMONSTRATE THE HIGHEST REGARD FOR THE SANCTITY OF HUMAN LIFE AND THE DIGNITY AND VALUE OF ALL PERSONS;

(2) A LAW ENFORCEMENT OFFICER MAY USE ONLY OBJECTIVELY

1 REASONABLE, NECESSARY, AND PROPORTIONAL FORCE TO ACCOMPLISH THE
2 OFFICER'S LAWFUL DUTIES;

3 (3) A LAW ENFORCEMENT OFFICER SHALL, WHEN SAFE AND
4 REASONABLY POSSIBLE, USE DE-ESCALATION TECHNIQUES TO PROACTIVELY
5 STABILIZE A SITUATION SO THAT MORE TIME, OPTIONS, AND RESOURCES MAY BE
6 AVAILABLE TO GAIN VOLUNTARY COMPLIANCE AND REDUCE OR ELIMINATE THE
7 NEED TO USE FORCE;

8 (4) A LAW ENFORCEMENT OFFICER SHALL:

9 (I) INTERVENE TO PREVENT OR TERMINATE THE USE OF
10 EXCESSIVE FORCE BY ANOTHER OFFICER; AND

11 (II) PROMPTLY REPORT ANY INCIDENT IN WHICH THE OFFICER
12 INTERVENED TO PREVENT OR TERMINATE THE USE OF EXCESSIVE FORCE BY
13 ANOTHER OFFICER;

14 (5) A LAW ENFORCEMENT OFFICER MAY NOT RETALIATE AGAINST
15 ANOTHER OFFICER WHO REPORTS AN INCIDENT INVOLVING AN INTERVENTION
16 UNDER ITEM (4) OF THIS SECTION;

17 (6) A LAW ENFORCEMENT OFFICER SHALL RENDER AID, CONSISTENT
18 WITH THE OFFICER'S TRAINING AND WHEN SAFE AND FEASIBLE TO DO SO, TO ANY
19 PERSON IN CUSTODY WITH AN OBVIOUS INJURY OR COMPLAINT OF INJURY;

20 (7) A LAW ENFORCEMENT OFFICER SHALL REPORT IF:

21 (I) PHYSICAL FORCE IS APPLIED USING HANDS-ON FORCE, A
22 PROTECTIVE INSTRUMENT, OR A CANINE;

23 (II) A PERSON IN CUSTODY IS INJURED OR COMPLAINS OF PAIN;
24 OR

25 (III) A FIREARM IS DISCHARGED OTHER THAN IN TRAINING; AND

26 (8) A LAW ENFORCEMENT OFFICER MAY NOT USE A NECK HOLD OR
27 OTHER RESTRAINT INTENDED TO RESTRICT BLOOD OR AIR FLOW EXCEPT IN
28 DEFENSE AGAINST DEATH OR SERIOUS BODILY INJURY.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2021.