

April 12, 2021

The Maryland Police Accountability Act (MPAA) of 2021

HB 670 MPAA of 2021 - Police Discipline and Law Enforcement Programs and Procedures

This bill covers many topics, among them is the full Repeal of the current LEOBR provisions in their entirety (Annotated Code of Maryland - Public Safety Article – Law Enforcement Officers’ Bill of Rights (Sections 3-101 through 3-113)). It replaces that entire section with the new Police Discipline Section.

Traffic Stop and other stops procedures

At commencement of a traffic stop or other stop, absent exigent circumstances, an officer shall display proper ID to the stopped individual and further provide the individual the following information: officer’s name; ID number issued by agency officer represents; name of the agency officer represents; and the reason for the stop.

An officer’s failure to comply with the above paragraph may be grounds for administrative disciplinary action against the officer and may not serve as the basis for the exclusion of evidence under the exclusionary rule.

An officer may not prohibit or prevent a citizen from recording the officer’s actions if the citizen is otherwise acting lawfully and safely.

Scholarship Program and Loan assistance repayment Program

Following definitions apply. Eligible employment - work as an officer for 2 years. Higher Education Loan - Loan for undergrad tuition for a degree in criminal law, criminology, or criminal justice. Program - Loan assistance repayment program for officers. Office – Office of Financial Assistance.

Funds from the program shall be distributed to assist in the repayment of a loan owed by an officer who receives a graduate, professional, or undergraduate degree from a public college or university of the state and obtains eligible employment and satisfies other criteria established by the office. The office shall adopt regulations for this, and these regulations shall include a limit on the total amount of assistance provided in repaying the loan of an eligible officer based on the officer’s total income and outstanding loan balance.

The Governor shall include an annual appropriation of at least \$1.5 million in the budget for this program.

The Office shall report to the General Assembly by January 1 of each year on the implementation of the program.

Following definitions apply. Eligible institution – Public senior higher education institution in the State. Service Obligation – Work as an officer in the State not less than 5 years during the 8-year period after graduation. Commission – Maryland Higher Education Commission.

Maryland Police Officers Scholarship Program’s purpose is to provide tuition assistance for students attending a Degree program that would further the student’s career in Law Enforcement at an eligible institution with the intent to be a police officer after graduation; or who are currently police officers attending a degree program that would further the police officer’s career in Law Enforcement at an eligible institution.

The office shall publicize the availability of the Maryland Police Officers Scholarship.

The Office shall annually select eligible students and offer a scholarship to each student selected to be used at a eligible institution of the student's choice.

A recipient of the scholarship shall be: a Maryland resident or have graduated from a Maryland High School; be accepted for admission or currently enrolled at an eligible institution as a full or part time undergraduate or graduate student pursuing a course of study or program that would further the recipient's career in law enforcement; sign a letter of intent to perform the service obligation on completion of the recipient's required studies; satisfy any addition criteria the commission may establish. A current police officer shall be eligible for the Scholarship if they meet the eligibility criteria of this paragraph.

A recipient of the above scholarship shall repay the commission the funds received if the recipient does not satisfy the degree requirements or other requirements as provided or does not perform the service obligation.

The annual scholarship award shall be 50% of the equivalent annual tuition and mandatory fees of a resident undergraduate student at the eligible institution.

The Governor shall annually include in the budget at least \$8.5 million to the commission to award these scholarships. Of that money \$6 million is for scholarships for students intending to become police officers after graduation and \$2.5 million is for scholarships for existing police officers to attend an eligible institution and remain a police officer after graduation.

The Officer shall publicize the availability of the Scholarships and to the extent practicable, award the scholarships in a manner that reflects ethnic, gender, racial, and geographic diversity.

It is the intent of the General Assembly that the Maryland Higher Education Commission adopt similar regulations for determining award calculations for the Maryland Police Officers Repayment Program under Title 18, Subtitle 38 of the Education Article as the award calculation regulations in COMAR 13B.08.02.06 for the Janet L. Hoffman Loan Assistance Repayment Program under Title 18, Subtitle 15 of the Education Article.

Tort claim limits

Adds this new part to 5-303 of the Courts and Judicial Proceedings Article and 12-104 of the State Government Article which states that if the liability of a local government arises from intentional tortious acts or omission or a violation of a constitutional right committed by an officer the combined award for both economic and noneconomic damages may not exceed a total of \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award, and in a wrongful death action in which there are 2 or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the amount above, regardless of the number of claimants or beneficiaries who share in the reward.

The above paragraph shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from a tortious act or omission or violation of a Constitutional right committed by an officer on or before June 30, 2022.

New Law that will be the replacement to the now repealed LEOBR

Each County shall have a police accountability board to: hold quarterly meeting with heads of Law Enforcement Agencies and otherwise work with the agencies and the County Government to improve matters of policing; appoint civilian members to charging committees and trial boards; receive complaints of police misconduct filed by members of the public; on a quarterly basis, review outcomes of disciplinary matters considered by charging committees.

This board will submit a report to the governing body of the County before December 31 each year that; identifies any trends in the disciplinary process of police officers in the County and makes recommendations on changes to police that would improve police accountability in the County.

The local governing authority shall establish the membership of the police accountability board, establish the budget and staff for the board, appoint the chair of the board who has relevant experience to the position, and establish the procedures for record keeping by the board.

An active police officer may not be a member of the board and to the extent practicable, the membership of the board shall reflect the racial, gender, and cultural diversity of the county.

A complaint filed with the board shall include: the name of the officer accused of misconduct; a description of the facts on which the complaint is based; and the contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up. A complaint need not be notarized. A complaint filed with the board shall be forwarded to the appropriate agency within 3 days after receipt by the board.

An individual may file a complaint of police misconduct with the agency that employs the officer who is the subject of the complaint. The complaint should include the same information as the preceding paragraph and need not be notarized.

Each County shall have one administrative charging committee to serve county wide law enforcement agencies and local law enforcement agencies within the county.

The Committee shall be composed of: the chair of the accountability board or another member of the board designated by the chair of the board; 2 civilian members selected by the accountability board; 2 civilian members selected by the chief executive officer of the county.

There shall be at least one statewide charging committee to serve statewide and Bi-County agencies. The statewide charging committee shall be composed of 3 civilian members appointed by the Governor; one civilian appointed by the President of the Senate; and one civilian appointed by the Speaker of the House.

Before serving as a member of a charging committee an individual shall receive training on matters relating to police procedures from the MPTSC.

On completion of an investigation of a complaint made by a member of the public against an officer, the agency shall forward their charging committee the investigatory files for the matter.

The committee shall: review the findings of the agency's investigation and make a determination that the officer who is the subject of the investigation shall be administratively charged or not administratively charged; If the officer is charged, the committee shall recommend discipline in accordance with the agency's disciplinary matrix that is established in accordance with this act; review any BWC footage that may be relevant to the matters covered in the complaint; authorize an officer called to appear before the committee to be accompanied by a representative; issue a written opinion that describes in detail its findings, determinations, and recommendations; forward the written opinion to the Chief of the agency, the officer, and the complainant.

In performance of the preceding paragraph the committee may: request information or action from the agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas; if the officer is not administratively charged, make a determination that the allegations against the officer are unfounded, or the officer is exonerated, and record, in writing, any failure of supervision that caused or contributed to the officer's misconduct.

The charging committee shall meet once per month or as needed.

A member of a charging committee shall maintain confidentiality relating to matters being considered by the committee until final disposition of the matter.

MPTSC shall develop and adopt, by regulations, a model uniform disciplinary matrix for use by each agency in the State. Each agency shall adopt the uniform state disciplinary matrix.

Within 15 days after the charging committee issues an administrative charge against an officer, the Chief of the agency shall offer discipline to the officer who has been administratively charged in accordance with the disciplinary matrix. The Chief may offer the recommended discipline from the committee or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the charging committee.

If the officer accepts the Chief's offer of discipline, then the offered discipline shall be imposed.

If the officer does not accept the Chief's offer of discipline, then the matter shall be referred to a trial board.

At least 30 days before a trial board proceeding begins, the officer shall be provided a copy of the investigatory records, notified of the charges against the officer, and notified of the disciplinary action being recommended.

Each agency shall establish a trial board process in accordance with this section to adjudicate matters for which an officer is subject to discipline. A small agency may use the trial board process of another agency by mutual agreement.

A trial board shall be composed of: an actively serving or retired administrative law judge or a retired judge of the District Court or a Circuit Court, appointed by the Chief Executive Officer of the County; a civilian who is not a member of a charging committee, appointed by the accountability board; an officer of equal rank to the officer who is accused of misconduct, appointed by the Head of the agency. Before serving as a member of a trial board an individual shall receive training on matters relating to police procedures from the MPTSC.

Proceedings of a trial board shall be open to the public except to protect a: victim's identity, personal privacy of an individual; child witness; medical records; identity of a confidential source; investigative technique or procedure; life or physical safety of an individual. A complainant has the right to be notified of a trial board hearing and, except as provided above in this paragraph, the right to attend as well.

A trial board may administer oaths and issue subpoenas as necessary to complete its work.

Except as otherwise provided in this subtitle, an agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.

An officer may be disciplined only for cause.

Within 30 days after the date for the issuance of a decision of a trial board, the decision may be appealed by the employee. If the trial board is from a local agency, then it is to the Circuit Court of the County in which the agency is

located. If the trial board is from a statewide or Bi-County agency, then the appeal is to the Circuit Court for Anne Arundel County. An appeal shall be on the record. A trial board decision that is not appealed is final.

Pending an investigatory, charging committee, and trial board process, the Chief may impose an emergency suspension with or without pay if the chief determines that such a suspension is in the best interest of the public. An emergency suspension without pay cannot exceed 30 days. An officer that is suspended without pay under this paragraph is entitled to back pay if a charging committee determines not to administratively charge the officer in connection with the matter on which the suspension is based.

A chief or a Chief's designee may suspend an officer without pay and suspend the officer's police powers on an emergency basis if the officer is charged with: a disqualifying crime as defined in 5-101 of this article; a misdemeanor committed in the performance of duties as an officer; misdemeanor involving dishonesty, fraud, theft, or misrepresentation. An officer suspended without pay under this paragraph is entitled to receive back pay if the criminal charge or charges against the officer result in; a finding of not guilty; an acquittal; a dismissal; a nolle prosequi.

The Chief shall terminate the employment of an officer who is convicted of a felony. The Chief may terminate the employment of an officer who: receives a PBJ for a felony or is convicted of: a misdemeanor committed in the performance of duties as a police officer; misdemeanor second degree assault; misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

In connection with a disciplinary matter, an officer may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation. If the officer refuses to do so, the agency may commence an action that may lead to a punitive measure as a result of the refusal, and if the officer complies, the results are not admissible or discoverable in a criminal proceeding against the officer. The results of the polygraph are also not admissible or discoverable in a criminal or civil proceeding against the officer.

The agency shall designate an employee as a victim's rights advocate to act as the contact for all the public within the agency on matters related to police misconduct. The advocate shall explain to the complainant: the complaint, investigation, charging committee, and trial board process; any decision to terminate an investigation; a charging committee's decision of administratively charged, not charged, unfounded, and exonerated; a trial board's decision. The advocate shall furthermore: provide the complainant with an opportunity to review an officer's statement, if any, before completion of an investigation by the agency's investigative unit; notify a complainant of the status of the case at every stage of the process; provide a case summary to a complainant within 30 days after final disposition of the case.

Each agency shall create a database that enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through investigation, charging, offer of discipline, trial board, ultimate discipline, and appeal.

The officer who is the subject of a complaint of police misconduct and a complainant may have the assistance of a representative in connection with proceedings.

An officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against, or threatened in regard to the officers employment because the officer disclosed information that evidences mismanagement, a waste of Government resources, a danger to public health or safety, or a violation of law or policy committed by another officer, or lawfully exercised constitutional rights.

An officer may not be denied the right to bring suit arising out of the officer's official duties.

An officer has the same rights to engage in political activity as a State Employee. The right to engage in this activity does not apply when the officer is on duty or acting in an official capacity.

An agency may not prohibit secondary employment by officers. The agency can adopt reasonable regulations that relate to secondary employment by officers.

An agency may not negate or alter any of the requirements of this subtitle through collective bargaining.

A record relating to an administrative or criminal investigation of misconduct by an officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision may not be expunged or destroyed by an agency.

The investigatory unit of an agency shall immediately review a complaint by a member of the public alleging officer misconduct.

A charging committee shall review and make a determination or ask for further review within 30 days after completion of the investigating unit's review.

The process of review by the investigating unit through disposition by the charging committee shall be completed within 1 year and 1 day after the filing of a complaint by a citizen.

MPTSC shall adopt regulations to implement this subtitle.

The above LEOBR replacement section shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any bona fide collective bargaining agreement entered into on or before June 30, 2022, for the duration of the contract term, excluding any extension, options to extend, or renewals of the term or the original contract, or for a disciplinary matter against an officer based on alleged misconduct occurring before July 1, 2022.

End of the LEOBR Replacement Section

MPTSC section

MPTSC makeup is adjusted by removing the President of Maryland Law Enforcement Officers, Inc; the 2 members appointed by the Senate President; the 2 members appointed by the Speaker of the House and making the following changes: adding word civilian to the Wor-Wic Program Advisory Committee spot; changed word individual to civilian and added the condition - who does not have relationships to law enforcement - to the following positions 1) expertise in community policing 2) expertise in policing standards 3)expertise in mental health; and change from 2 to 3 the citizens of the State and added the condition to them that they represent different geographic areas of the State and do not have relationships to law enforcement.

The MPTSC powers and duties include requiring entrance-level and as determined by them for in-service training conducted by the State and each County and municipal training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and Federal and State Constitutional provisions; training in lifesaving techniques, including CPR; training in the proper level and use of force as set forth in the Maryland use of force statute; training regarding sensitivity to cultural and gender diversity; training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities.

MPTSC shall develop and administer a training program on matters relating to police procedures for individuals who intend to qualify to participate as a member of a trial board or charging committee and a training program on matters relating to police training and standards for citizens who are appointed to serve as members of MPTSC.

MPTSC shall hold agencies accountable for violations of the use of force statute and work with the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) to ensure grant funding is withheld from an agency that violates the use of force statute.

MPTSC shall develop a test and training for implicit bias, subject to the availability of implicit bias testing standards that are generally accepted by experts in the field of police psychology. They shall require all agencies to use the test in the hiring process and require all new officers to complete implicit bias testing and training, and require all incumbent officers to undergo the training and testing on an annual basis.

Mental Health Screening by a licensed mental health professional and physical agility assessment as determined by the commission are required prior to MPTSC certifying an individual as a police officer. As a condition of certification, an officer shall submit to a mental health assessment every 2 years and an annual physical agility assessment to establish continuing fitness to carry out the officer's assigned duties as an officer.

Prior marijuana use is not a disqualifier for certification as a police officer.

MPTSC may suspend or revoke the certification of an officer if the officer: violates or fails to meet MPTSC standards; violates the use of force statute; knowingly fails to report suspected child abuse. MPTSC shall revoke the certification of an officer who was: convicted of a felony; convicted of perjury or another misdemeanor relating to truthfulness and veracity; previously fired or resigned while being investigated for serious misconduct or use of excessive force. MPTSC shall hold a hearing before taking any of this paragraph's actions. An officer can appeal the findings and order of MPTSC.

MPTSC shall create a statewide database to track police officer decertifications due to improper use of force.

The above MPTSC section shall take effect July 1, 2022

2nd MPTSC section

An individual that applies for a position as a police officer shall: under penalty of perjury, disclose to the hiring agency all prior instances of employment as a police officer at other agencies; authorize the hiring agency to obtain the officer's full personnel and disciplinary record from each agency that previously employed the officer. The hiring agency shall certify to the Commission that the agency has reviewed the applicant's disciplinary record.

Prior marijuana use may not be the basis for disqualifying an applicant from a position as a police officer.

Every 6 months, beginning July 1, 2022, an agency that maintains a SWAT team shall report the following information to the GOCPYVS using the developed format: number of times SWAT team was activated and deployed by the agency in the previous 6 months; name of the county or county and municipal corporation and the zip code of the location where the SWAT team was deployed for each activation; reason for each activation and deployment of the SWAT team; the legal authority, including type of warrant, if any, for each activation and deployment of the SWAT team; result of each activation and deployment of the SWAT team including number of arrests, if any, whether property was seized, whether forcible entry was made, whether a weapon was discharged by a SWAT team member, and whether a person or domestic animal was injured or killed by a SWAT team member. MPTSC in consultation with the GOCPYVS shall develop a standardized format that each agency shall use in reporting data to the GOCPYVS.

An agency shall compile the data for each 6-month period and submit the report to the GOCPYVS and the local governing body of the jurisdiction served by the agency that employs the SWAT team no later than the 15th day of the month following the 6-month period. If the jurisdiction served by the agency that employs the SWAT team is a municipal corporation, the report is submitted to the GOCPYVS and the Chief executive officer of the jurisdiction.

GOCPYVS shall analyze and summarize the reports of the agencies and before September 1 each year submit a report of the analyses and summaries of the reports of the agencies to the Governor, the General Assembly, and each agency as well as publish the report on its website.

If an agency fails to comply with this reporting provision, the GOCPYVS shall notify MPTSC. Upon receiving the notice, the MPTSC shall contact the agency and request that they comply with the reporting provisions. If the agency fails to comply with the reporting provisions within 30 days of being notified by MPTSC with the request to comply then the GOCPYVS and the MPTSC shall jointly report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly

Each agency shall require an officer who was involved in a use of force incident in the line of duty to file an incident report regarding the use of force by the end of the officer's shift unless the officer is disabled.

By March 1 of each year, each agency shall submit to MPTSC the number of use of force complaints made against its officers during the previous calendar year, aggregated by numbers of complaints administratively charged, not charged, unfounded, and exonerated. By July 15 of each year, MPTSC shall post on its website and submit to the General Assembly a compendium of the information submitted by agencies. If an agency has not submitted the required report by July 1 for the previous calendar year, GOCPYVS may not make any grant funds available to that agency.

Each agency shall post all the official policies of the agency, including public complaint procedures and collective bargaining agreements on the website of MPTSC and the agency's own website. A Chief may prohibit the posting of administrative or operational policies that if disclosed would jeopardize operations or create a risk to public or officer safety, including policies related to high-risk prisoner transport security measures, operational response to active shooters, or the use of confidential informants.

Each agency shall post in a prominent public location an explanation of the procedures for filing a complaint of officer misconduct and a request to obtain records relating to an administrative or criminal investigation of misconduct by an officer under the Public Information Act.

By December 31, 2022, the Emergency Number Systems Board shall study and report to the House Judiciary Committee and the Senate Judicial Proceedings Committee, regarding whether certain types of calls for 9-1-1 service should be diverted to a person or entity other than law enforcement agencies.

This act shall take effect 7/1/2022

SB 71 MPAA of 2021 - Body Worn Cameras (BWC), Employee Programs, and Use of Force

Part 1 BWC

Placed in this act the previously enacted mandate that required by 1/1/16 that the Maryland Police Training and Standards Commission (MPTSC) had to develop a BWC policy for issuance and use by Law Enforcement Officers that addressed 17 specific items.

Mandates that by 7/1/25, Maryland State Police, Anne Arundel County PD, Howard County PD, and Harford County Sheriff's Office have to require the use of a BWC, subject to the Agencies policy, for each officer in the agency that regularly interacts with the public as a part of their official duties. Their policy must be consistent with the MPTSC policy and must say which officers must have a BWC. All other Counties must do the same by 7/1/25.

If the agencies BWC has the technology to do so, the BWC must capture the 60 seconds of video that occurred prior to the officer activating the BWC.

No Collective Bargaining Agreement (CBA) can alter or negate any of the requirements or policies of this part 1.

Part 2 Employee Programs

Agency must develop a confidential and non-punitive early intervention system to ID officers at risk of engaging in use of excessive force and provide officers with training, behavioral intervention, reassignments, or other appropriate responses to reduce the risk of use of excessive force. The system can't prevent investigation of or imposition of discipline for any particular complaint.

Each agency shall provide access to a work-based program that provides access to voluntary & confidential services to address mental health issues of an officer stemming from personal and work-related concerns including stress, financial issues, legal issues, family problems, officer conflicts, and alcohol and substance abuse disorders. The program must give an officer access to confidential mental health services including counseling services, crisis counseling, stress management counseling, resiliency sessions, and peer support services for police officers.

As part of the program, before an officer returns to full duty, the agency shall provide confidential and voluntary mental health consultation and counseling if officer is involved in incident involving accident resulting in a fatality and shall provide confidential mandatory mental health consultation and voluntary counseling if officer involved in incident involving serious injury to the officer, an officer involved shooting, or any use of force resulting in fatality or serious injury.

The program shall include a component to protect the mental health of officers during periods of public demonstrations and unrest.

Agency shall develop a policy to provide these services at no cost to the officer.

Part 3 Use of Force

This statute is for Police Officers and Special Police Officers.

Officer must sign a sanctity of life pledge.

Use of Force:

(1) A Police Officer may not use force against a person unless under the totality of the circumstances, the force is necessary and proportional to:

- (I) Prevent an imminent threat of physical injury to a person; or**
- (II) Effectuate a legitimate law enforcement objective.**

(2) A police officer shall cease the use of force as soon as:

- (I) The person on whom the force is used:**
 - 1. Is under the police officer's control; or**
 - 2. No longer poses an imminent threat of physical injury or death to the police officer or to another person; or**
- (II) The police officer determines that force will no longer accomplish a legitimate law enforcement objective.**

An officer shall, when time, circumstances, and safety allow, take steps to de-escalate. Shall intervene to prevent or terminate the use of force by another officer beyond what is authorized above in bold. Shall render basic first aid to a person injured as a result of police action and promptly request appropriate medical assistance. Shall fully document all use of force incidents that the officer observed or was involved in.

A Supervisor shall respond to the scene of any incident where physical force by an officer was used and caused serious physical injury. Shall gather and review all known video recordings of a use of force incident.

The agency shall have a written de-escalation policy and adopt written policy requiring supervisory and command level review of all use of force incidents.

A police officer Shall undergo training on when the officer may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario based training , de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury. An officer shall sign a training completion document stating that the officer understands and shall comply with the MD use of force statute.

An Officer may not intentionally violate the bold section above, resulting in serious physical injury or death to a person. An officer that does so is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years. A sentence imposed may be separate from, consecutive to, or concurrent with a sentence for any other crime based on this action.

The effective date for Part 1, 2, and 3 of this act is July 1, 2022.

Part 4 Additional language added to an already existing Act on the BWC

Added to Chapter 309 of the Acts of 2020, the BWC task force that was put together in that act will have added to its responsibilities a study to make findings and recommendations on the implementation and feasibility of requiring the use of BWC by officers in counties and municipalities throughout the state. These findings and recommendations shall be reported to the General Assembly by 12/1/22. Task force was set to expire on June 30, 2021 but will now be in existence until June 30, 2023

The effective date of this part 4 is June 1, 2021

SB 178 MPAA of 2021 – Search Warrants and Inspection of Records Relating to Police Misconduct (Anton’s Law)

Part 1 Search Warrants (Originally SB 419)

Defines no-knock search warrant as a search warrant that authorizes the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without giving notice of the officer’s authority or purpose.

If approved in writing by a police supervisor and the State’s Attorney an application for a search warrant may contain a request that the search warrant be a no-knock search warrant on the ground that there is reasonable suspicion to believe that, without the authorization the life or safety of the executing officer or another person may be endangered.

The application for the no-knock search warrant shall contain; description of the evidence in support of the application; explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request; an explanation of why the affiant is unable to detain the suspect or search the premises using other, less evasive methods; acknowledgement that any police officers who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members; a statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours; list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.

A no-knock search warrant shall be executed between 0800 – 1900 absent exigent circumstances.

Time to execute a search warrant is reduced from 15 to 10 days.

While executing a search warrant, a police officer shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and ID of the officer.

If the agency requires the use of a BWC an officer executing the search warrant shall use a BWC during the course of the search in accordance with their agencies policy.

Unless executing a no-knock search warrant an officer must wait 20 seconds for the occupants of a residence to respond and open the door before the officer attempts to enter the residence, absent exigent circumstances.

Officer may not use flashbang, stun, distraction, or other similar military-style devices when executing a search warrant, absent exigent circumstances.

Part 2 Inspection of Records related to police misconduct (Anton’s Law)

Defines technical infraction as a minor rule violation by an individual solely related to the enforcement of administrative rules that does not involve an interaction between a member of the public and the individual and does not relate to the individuals investigative, enforcement, training, supervision, or reporting responsibilities and is not otherwise a matter of public concern.

A record relating to an administrative or criminal investigation of misconduct by an officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record with the exception of technical infractions.

A custodian may deny inspection of the record described in the above bold paragraph if the inspection would: interfere with a valid and proper law enforcement proceeding; deprive another person of a right to a fair trial or an

impartial adjudication; constitute an unwarranted invasion of personal privacy; disclose the identity of a confidential source; disclose an investigative technique or procedure; prejudice an investigation; or endanger the life or physical safety of an individual.

A custodian shall allow inspection of a record described in the above bold paragraph by the US Attorney; the Attorney General; The State Prosecutor; or the State's Attorney for the jurisdiction relevant to the record.

Except for those listed in the preceding paragraph, a custodian shall redact the portions of the record described in the above bold paragraph to the extent that the record reflects: Medical information of the person in interest; personal contact information of the person in interest or a witness; or information relating to the family of the person in interest. The custodian may redact witness information other than personal contact information.

A custodian shall notify the person in interest when the record described in the bold paragraph above is inspected but may not disclose the identity of the requestor to the person in interest.

Part 2 is considered to apply prospectively to any Public Information Act request made on or after the effective date of this Act regardless of when the record requested to be produced was created.

Part 3 Search Warrant Execution Reporting Requirements (originally SB 419)

Agencies shall report the following information relating to search warrants executed by the agency during the prior calendar year to the GOCPYVS and the: Number of times a no-knock warrant was executed; name of county and municipal corporation and zip code of the location where each no-knock warrant was executed; for each search warrant executed the number of days from the issuance until the execution disaggregated by whether the search warrant was a no-knock warrant; legal basis for each no-knock warrant issued; number of times a search warrant was executed under circumstances in which an officer made forcible entry into the building, apartment, premises, place, or thing to be searched specified in the warrant; number of times a SWAT team was deployed to execute a search warrant (SWAT team is defined as special unit of 2 or more officers within the agency trained to deal with unusually dangerous or violent situations and having special equipment and weapons, including rifles more powerful than those carried by regular officers); number of arrests made, if any, during the execution of the search warrant; number of times property was seized during the execution of a search warrant; number of times a weapon was discharged by an officer during the execution of a search warrant; number of times a person or domestic animal was injured or killed during the execution of a search warrant, disaggregated by whether the person or animal was injured or killed by an officer. MPTSC in consultation with GOCPYVS shall develop a standardized format for each agency to use in reporting the data to the GOCPYVS. This report is to be submitted by January 15th each year and must also be sent to the local governing body of the jurisdiction served by the agency that is the subject of the report. If the jurisdiction is a municipal corporation then the report is to be submitted to the Chief Executive Officer of the jurisdiction.

The GOCPYVS shall analyze and summarize the report of the agencies.

Each year before September 1, GOCPYVS shall submit a report of the analyses and summaries of the reports of the agencies to the Governor, each agency, and the General Assembly. They shall also publish the report on its website.

If an agency fails to comply with this reporting provision, the GOCPYVS shall notify MPTSC. Upon receiving the notice, MPTSC shall contact the agency and request that they comply with the reporting provisions. If the agency fails to comply with the reporting provisions within 30 days of being notified by MPTSC with the request to comply then the GOCPYVS and the MPTSC shall jointly report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

The effective date for Part 1, 2, and 3 of this act is 10/1/21

SB 600 MPAA of 2021 – Surplus Military Equipment and Investigation of Deaths Caused by Police Officers

Part 1 Military Surplus Equipment

By February 1 of each year, State Police must submit a report to the Governor and the General Assembly listing all the equipment acquired by agencies in the State through surplus programs in the preceding year. They must also maintain in a prominent location on their public website a link to the Defense Logistics Agency's report listing excess Defense property transfers of Law Enforcement Agencies through the Law Enforcement Support Office.

Agencies are prohibited from obtaining the following items: weaponized aircraft, drones, or vehicles; destructive devices; firearm silencers; grenade launchers.

Part 2 Investigation of deaths caused by police officers

Mandates that the Independent Investigative Unit (IIU) within the Office of the Attorney General of Maryland will investigate and shall be notified by an agency of any alleged or potential police involved death of a civilian as soon as the agency is made aware of it. The agency shall cooperate with the IIU in connection with the investigation. The IIU may investigate any other crimes related to police misconduct that are discovered during their investigation. The IIU while investigating may act with the full powers of the State's Attorney including the use of a Grand Jury in any County.

Within 15 days of completing the investigation, the IIU must transmit a report with detailed findings to the State's Attorney of the involved County. Except as provided by law, the report shall remain confidential through adjudication of any associated criminal case at the trial court level.

The IIU may detail one or more State Police Troopers and other civilian personnel as needed. Governor must properly fund the unit to carry out this new function. This funding must supplement not supplant the current funding of the IIU.

Both part 1 and part 2 take effect on 10/1/21

SB 786 MPAA of 2021 - Baltimore City - Control of the Police Department of Baltimore City

Authorizes the transfer of control of the BPD to the City upon an amendment to the city charter transferring control of the BPD from the State to the City being passed by voter referendum. If the amendment is passed in the 2022 general election, then the transfer will take place 1/1/23. If the amendment is passed in the 2024 general election, then the transfer will take place 1/1/24. If the amendment fails to pass then this section is effectively killed and the transfer will not occur and the BPD will remain under State control. This act also states that FOP3 is to maintain their collective bargaining rights after the transfer.

An advisory board is created for this and FOP3 has a seat on that board. The Board must provide the Governor and the City Council an interim report on 12/1/21 and a final report on 12/1/22.

This act takes affect 6/1/21.