



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

April 22, 2022

FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Cassandra Fields 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-023-2022 Repealing the Prince George's County Police Department Use of Force
Section of the Code

CB-023-2022 (*Proposed by: The Chair of the Council at the request of the County Executive*)

Assigned to the Committee of the Whole

AN ACT repealing the Prince George's County Police Department Use of Force statutory provision as part of the new County laws being enacted in accordance with the State of Maryland Police Accountability Act of 2021.

Fiscal Summary

Direct Impact:

Expenditures: None anticipated.

Revenues: None.

Indirect Impact:

None anticipated.

Legislative Summary:

CB-023-2022, proposed by the Chair at the request of the County Executive, was presented to the Council on April 5, 2022, and referred to the Committee of the Whole (COW). CB-023-2022 repeals Subtitle 18. *Police*, Section 18-156, *Use of Force*, from the County code. The Maryland Police Accountability Act of 2021 – Body-Worn Cameras, Employee Programs, and Use of Force¹ established §3-524 of the Public Safety Article of the Maryland Code, known as the *Maryland Use of Force Statute*. The new law takes effect July 1, 2022 and supersedes the existing County Code provision.

Current Law/Background:

State Law

During the 2021 Session, the Maryland General Assembly enacted a number of laws in order to establish uniform standards for police department operations, accountability and transparency throughout the State. One such bill, Senate Bill 71 (SB 71), the Maryland Police Accountability Act of 2021 – Body-Worn Cameras, Employee Programs, and Use of Force (the Act), created procedure governing police accountability and discipline. Among other provisions, the Act created § 3-524 of the Public Safety Article of the Maryland Code, known as the *Maryland Use of Force Statute*, which establishes requirements regarding a police officer’s use of force. The new law:

- requires each officer to execute a “written sanctity of life pledge” that affirms the commitment to respect every human life and exercise compassion toward all;
- delineates the situation in which an officer may use force against a person(s) and the extent;
- sets forth the requirements that an officer shall take steps to deescalate conflict without using physical force, intervene when another officer is using force beyond that which is authorized under this statute, render first aid promptly when a person is injured as a result of police action, and fully document all use of force incidents that the officer was either involved or observed;
- requires a police supervisor to respond to the scene of any incident involving use of force that caused serious physical injury and to collect and review all known recordings of the incident;
- establishes that an agency shall have a written policy governing de-escalation of force, as well as one requiring the supervisory and command-level review of all use of force incidents;
- sets forth the requirements that an officer shall undergo training governing when to draw or not draw/point a firearm at a person, that includes techniques and reasonable alternatives to decreasing physical injury and/or death;
- requires the officer to attest in writing that the officer understands and shall comply with this Statute; and

¹ <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0071/?ys=2021rs>

- provides that any officer in violation of the Statute shall be guilty of a misdemeanor, and upon conviction, would be subject to imprisonment not to exceed ten (10) years .

New §3-524 of the Maryland Public Safety Code takes effect July 1, 2022.

County Law

County Code Sec. 18-156. - Use of force, establishes authorized uses and situations that warrant the use of physical force by sworn law enforcement officers. It also restricts the use of deadly force to only being used when the officer “reasonably believes that the use of deadly force is necessary in the defense of human life...or in the defense of any person in immediate danger of serious physical injury”.²

Resource Personnel:

- Barry Stanton, Deputy Chief Administrative Office for Public Safety and Homeland Security
- Rhonda L. Weaver, County Attorney

Discussion/Policy Analysis:

CB-023-2022 repeals the current County Code provision relating to use of force, as § 3-524 of the Public Safety Article of the Maryland Code, known as the Maryland Use of Force Statute, defines in more detail requirements that officers shall take to deescalate conflict without using physical force, to include intervening when another officer is using force beyond that which is authorized under this statute, and rendering first aid promptly when a person is injured as a result of police action. As described in detail above, the new State law sets forth requirements for all officers to execute a “written sanctity of life pledge” that affirms the commitment to respect life and exercise compassion and restraint. It establishes training standards and requires written policies for each law enforcement agency within the State. It outlines the responsibility and duties of supervisors in responding to situations involving use of force. Lastly, it provides that any officer in violation of the Statute shall be guilty of a misdemeanor, and upon conviction, would be subject to imprisonment not to exceed ten (10) years.

By its own terms in Section 3, CB-023-2022 takes effect on June 30, 2022, the day before the effective date of the new State law.

Fiscal Impact:

Direct Impact: None anticipated.

² Prince George's County Code, Sec. 18-156. - Use of force.

Indirect Impact: None likely.

Appropriated in the Current Fiscal Year Budget:

N/A.

Effective Date of Proposed Legislation

The proposed Act shall take effect June 30, 2022.

If you require additional information, or have questions about this fiscal impact statement, please call me.