

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2020, Legislative Day No. 21

Bill No. 96-20

---

Councilmembers Jones, Quirk, Bevins, Marks, and Patoka

---

By the County Council, September 8, 2020

---

A BILL  
ENTITLED

AN ACT concerning

Strengthening Modernization, Accountability, Reform, and Transparency (SMART)  
Policing Act

FOR the purpose of defining certain terms; requiring annual training of Police Officers in de-escalation techniques, implicit bias, the use of physical and lethal force, including techniques for interacting with vulnerable persons; providing for a specified probationary period for certain Police Officers; providing that certain persons are ineligible to be hired and serve as a Police Officer unless approved by the Chief of Police; requiring policies affirming the sanctity of life and the dignity and value of all persons; prohibiting the use of neck restraints by a Police Officer except in defense against death or serious bodily injury; requiring policies obligating a Police Officer to intervene to stop another Police

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

Officer from using excessive force and to report such intervention, and prohibiting retaliation against a Police Officer who intervenes or reports; requiring a Police Officer to render aid in certain circumstances; requiring policies that limit the use of physical force by a Police Officer; requiring policies for reporting certain uses of force; providing for an early intervention system for Police Officers related to the use of force; requiring certain data collection and analysis by the Department; requiring the publication of certain data; authorizing a hearing board with public members; and generally relating to the Police Department.

BY adding

Section 19-1-101(f)  
Article 19 – Police Department  
Title 1 – In General  
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Sections 19-1-201 and 19-1-206  
Article 19 – Police Department  
Title 1 – In General  
Baltimore County Code, 2015

BY re-numbering

Sections 19-1-202 through 19-1-204  
Article 19 – Police Department  
Title 1 – In General  
Baltimore County Code, 2015  
To be  
Sections 19-208 through 19-1-210

BY adding

Sections 19-1-202 through 19-1-204  
Article 19 – Police Department  
Title 1 – In General  
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Section 4-8-102  
Special Rule 2.11  
Article 4 – Human Resources  
Title 8 – The Personnel Rules  
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3

4

ARTICLE 19 – POLICE DEPARTMENT

5

Title 1 – In General

6

Subtitle 1 – Definitions

7

§ 19-1-101. Definitions.

8

(F) “DE-ESCALATION TECHNIQUES” MEANS PROACTIVE ACTIONS AND

9

APPROACHES USED BY A POLICE OFFICER WHEN TIME AND CIRCUMSTANCES

10

PERMIT, TO STABILIZE A SITUATION SAFELY SO THAT MORE TIME, OPTIONS,

11

AND RESOURCES MAY BE AVAILABLE TO GAIN VOLUNTARY COMPLIANCE IN

12

ORDER TO REDUCE OR ELIMINATE THE NEED TO USE FORCE; SUCH TECHNIQUES

13

INCLUDE BUT ARE NOT LIMITED TO VERBAL PERSUASION, WARNINGS,

14

TACTICAL TECHNIQUES, SLOWING DOWN THE PACE OF AN INCIDENT, CREATING

1 SAFER DISTANCE, AND REQUESTING ADDITIONAL RESOURCES FOR ASSISTANCE.

2 ARTICLE 19 – POLICE DEPARTMENT

3 Title 1 – In General

4 Subtitle 2 – County Police Department

5 § 19-1-201. Police Officers.

6 (a) A police officer is a peace officer who has the same powers, with respect to criminal  
7 and civil matters and the enforcement of related laws, as the powers possessed by sheriffs,  
8 constables, police, and peace officers at common law and by statute or ordinance.

9 (b) (1) A police officer shall receive the training required by the [State Police  
10 Training Commission] MARYLAND POLICE TRAINING AND STANDARDS  
11 COMMISSION and additional training in law enforcement, community relations, and related  
12 subjects as determined by the County Chief of Police.

13 (2) AT LEAST YEARLY, ALL POLICE OFFICERS SHALL RECEIVE AND  
14 SUCCESSFULLY COMPLETE ADDITIONAL TRAINING AND INSTRUCTION THAT  
15 COMPLIES WITH MARYLAND POLICE TRAINING AND STANDARDS COMMISSION  
16 REQUIREMENTS IN THE USE OF DE-ESCALATION TECHNIQUES, IMPLICIT BIAS,  
17 AND THE USE OF PHYSICAL AND LETHAL FORCE, INCLUDING TECHNIQUES FOR  
18 INTERACTING WITH VULNERABLE PERSONS.

19 (c) The probationary period for a newly appointed police officer is 2 years from the date  
20 of appointment, EXCEPT THAT THE PROBATIONARY PERIOD FOR AN OFFICER WHO  
21 AT THE TIME OF APPOINTMENT HAS NOT LESS THAN 2 YEARS OF EXPERIENCE IN  
22 A LAW ENFORCEMENT AGENCY, AND WHO IS APPROVED BY THE MARYLAND  
23 POLICE TRAINING AND STANDARDS COMMISSION FOR WAIVER OF FULL

1 ENTRANCE-LEVEL TRAINING, SHALL BE FOR A PERIOD OF 1 YEAR FROM THE  
2 DATE OF APPOINTMENT.

3 (d) A police officer may be suspended as provided in:

4 (1) The state's Law Enforcement Officers' Bill of Rights; or

5 (2) Special Rule 6B of the Personnel Rules for Police and Fire Departments.

6 (e) A police officer shall comply with the rules adopted by the Chief of Police regarding  
7 attendance, conduct, training, discipline, and procedure AND THOSE ADOPTED RULES  
8 SHALL INCLUDE:

9 (1) AFFIRMING THAT POLICE OFFICERS HOLD THE HIGHEST REGARD  
10 FOR THE SANCTITY OF HUMAN LIFE AND THE DIGNITY AND VALUE OF ALL  
11 PERSONS;

12 (2) AFFIRMING THAT POLICE OFFICERS, WHEN SAFE AND  
13 REASONABLY POSSIBLE, UTILIZE DE-ESCALATION TECHNIQUES AS A PROACTIVE  
14 ACTION AND APPROACH TO STABILIZE A SITUATION SAFELY SO THAT MORE  
15 TIME, OPTIONS, AND RESOURCES MAY BE AVAILABLE TO GAIN VOLUNTARY  
16 COMPLIANCE IN ORDER TO REDUCE OR ELIMINATE THE NEED TO USE FORCE;

17 (3) REQUIRING INTERVENTION BY A POLICE OFFICER TO STOP THE  
18 USE OF EXCESSIVE FORCE BY ANOTHER POLICE OFFICER, REQUIRING PROMPT  
19 REPORTING OF ANY SUCH INCIDENT, AND PROHIBITING RETALIATION AGAINST  
20 ANY POLICE OFFICER WHO COMPLIES WITH SUCH INTERVENTION AND  
21 REPORTING POLICIES;

22 (4) REQUIRING A POLICE OFFICER TO RENDER AID, INCLUDING A  
23 REQUEST FOR EMERGENCY MEDICAL ASSISTANCE, CONSISTENT WITH HIS OR

1 HER TRAINING, WHEN SAFE AND FEASIBLE TO DO SO, FOR ANY PERSON IN  
2 POLICE CUSTODY WITH AN OBVIOUS INJURY OR COMPLAINT OF INJURY;

3 (5) PROVIDING THAT A POLICE OFFICER MAY ONLY USE  
4 OBJECTIVELY REASONABLE, NECESSARY, AND PROPORTIONAL FORCE TO  
5 ACCOMPLISH THEIR LAWFUL DUTIES;

6 (6) REQUIRING A POLICE OFFICER TO REPORT IF:

7 (I) AFTER THE USE OF PHYSICAL FORCE, A PERSON IS  
8 INJURED, COMPLAINS OF INJURY IN THE PRESENCE OF A POLICE OFFICER, OR  
9 COMPLAINS OF PAIN THAT PERSISTS BEYOND THE USE OF A CONTROL  
10 TECHNIQUE;

11 (II) PHYSICAL FORCE IS APPLIED USING A PROTECTIVE  
12 INSTRUMENT, STRIKES, OR A DEPARTMENT CANINE; OR

13 (III) A FIREARM IS DISCHARGED OTHER THAN IN TRAINING.

14 (f) The Chief and all police officers shall have and enjoy all the immunities of defense  
15 available to sheriffs, constables, police, and peace officers in any suit, civil or criminal, brought  
16 against them in consequence of acts or omissions done in the course of their official duties.

17 (g) A police officer shall be paid a salary as specified in the county classification and  
18 compensation plan and as provided in the budget.

19 (h) (1) A police officer employed by the Department before October 1, 1959, may be  
20 entitled to the benefits of the "Policemen's Special Fund of Baltimore County" as formerly  
21 provided in the code.

22 (2) A member of the Department employed by the Department on or after  
23 October 1, 1959, may be entitled to the benefits of the "Employees' Retirement System of

1 Baltimore County" as provided in the code.

2 (I) A PERSON WHO HAS PREVIOUSLY BEEN EMPLOYED AS A POLICE  
3 OFFICER WITH THE DEPARTMENT OR IN ANOTHER JURISDICTION OR AGENCY  
4 AND HAS HAD THEIR EMPLOYMENT TERMINATED OR HAS RESIGNED IN  
5 CONNECTION WITH A PENDING OR SUSTAINED DISCIPLINARY PROCEEDING  
6 SHALL BE INELIGIBLE FOR HIRE AS A POLICE OFFICER, UNLESS THE PERSON'S  
7 APPLICATION HAS BEEN REVIEWED AND APPROVED BY THE CHIEF OF POLICE.

8  
9 § 19-1-202. EARLY INTERVENTION SYSTEM.

10 THE DEPARTMENT SHALL IMPLEMENT AN EARLY INTERVENTION SYSTEM  
11 TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK FOR ENGAGING IN THE USE OF  
12 EXCESSIVE OR UNNECESSARY FORCE, AND TO PROVIDE THOSE OFFICERS WITH  
13 TRAINING, APPROPRIATE BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR  
14 OTHER APPROPRIATE RESPONSES TO REDUCE SUCH RISK.

15  
16 § 19-1-203. HEARING BOARD WITH PUBLIC MEMBERSHIP.

17 SUBJECT TO THE COLLECTIVE BARGAINING AGREEMENT THE CHIEF OF  
18 POLICE MAY SELECT UP TO TWO VOTING OR NONVOTING MEMBERS OF THE  
19 PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND  
20 POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT  
21 OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

22  
23 § 19-1-204. USE OF FORCE – NECK RESTRAINT PROHIBITED.

1 (A) A POLICE OFFICER MAY NOT USE A NECK RESTRAINT, EXCEPT IN  
2 DEFENSE AGAINST DEATH OR SERIOUS BODILY INJURY.

3 (B) A NECK RESTRAINT MEANS ANY HOLD OR RESTRAINT OF THE NECK  
4 THAT IS INTENDED TO RESTRICT THE FLOW OF OXYGEN OR BLOOD TO THE  
5 BRAIN, INCLUDING BUT NOT LIMITED TO A CHOKEHOLD, STRANGLEHOLD, OR  
6 CAROTID RESTRAINT.

7  
8 § 19-1-206. DATA COLLECTION AND ANALYSIS; Reports and Documents.

9 (a) This section does not apply to accident reports issued by the Department under  
10 Article 18 of the Code.

11 (B) THE DEPARTMENT SHALL COLLECT AND ANALYZE INFORMATION ON  
12 THE USE OF FORCE BY POLICE OFFICERS, INCLUDING:

13 (1) INSTRUMENTS USED, IF ANY;

14 (2) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE  
15 INCIDENT;

16 (3) THE TYPE OF CALL FOR SERVICE OR POLICE ACTIVITY BEING  
17 CONDUCTED;

18 (4) THE NUMBER OF OFFICERS USING FORCE IN THE INCIDENT;

19 (5) THE UNIT AND ASSIGNMENT OF OFFICERS USING FORCE;

20 (6) DEMOGRAPHICS, SUCH AS GENDER, RACE OR ETHNICITY, RANK,  
21 NUMBER OF YEARS WITH THE DEPARTMENT, AND NUMBER OF YEARS AS A  
22 SWORN POLICE OFFICER, FOR EACH OFFICER USING FORCE;

23 (7) THE DEMOGRAPHICS OF PERSONS ON WHOM FORCE WAS USED,



1 INCLUDING GENDER, RACE OR ETHNICITY, AND AGE; AND

2 (8) THE OUTCOME OF ANY INVESTIGATION REGARDING THE USE OF  
3 FORCE, INCLUDING ANY DISCIPLINARY ACTIONS TAKEN AS A RESULT.

4 (C) THE DEPARTMENT SHALL COLLECT AND ANALYZE INFORMATION  
5 ABOUT ALL POLICE-INVOLVED SHOOTINGS AND POLICE-INVOLVED DEATHS OF  
6 PERSONS, INCLUDING THE INFORMATION REQUIRED IN SUBSECTION (B) OF THIS  
7 SECTION.

8 (D) THE DEPARTMENT SHALL PUBLISH STATISTICAL INFORMATION AND  
9 RELEASE ALL DATA COLLECTED UNDER THIS SECTION;

10 [(b)](E) Subject to the limitations of the state Public Information Act, the Department  
11 shall make copies of reports maintained by the Department in the ordinary course of business  
12 available to a person who qualifies to receive the report under the state Public Information Act.

13 [(c)](F) The commander of the records and technology division or in the commander's  
14 absence the commander's designee shall determine if a person requesting a report under this  
15 section is qualified to obtain the report.

16 [(d)](G) The Department shall provide a document search at the request of a qualified  
17 applicant to determine if the requested document exists.

18 [(e)](H) The County Administrative Officer shall establish and the person requesting the  
19 report, as applicable, shall pay in advance reasonable fees for:

- 20 (1) Receiving a copy of a report;
- 21 (2) Certification of a requested report; and
- 22 (3) A document search under subsection (d) of this section.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

ARTICLE 4 – HUMAN RESOURCES

Title 1 – The Personnel Rules

§ 4-8-102. Special Personnel Rules for Police and Fire Departments.  
Special Rule 2.11.

A. [The] EXCEPT AS PROVIDED BELOW, THE probationary period for all appointees to the Fire Department and Police Department shall be for a period of two (2) years from the date of appointment.

B. THE PROBATIONARY PERIOD FOR AN APPOINTEE TO THE POLICE DEPARTMENT WHO AT THE TIME OF APPOINTMENT HAS NOT LESS THAN TWO YEARS OF EXPERIENCE AS A SWORN OFFICER IN A LAW ENFORCEMENT AGENCY, AND WHO IS APPROVED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION FOR WAIVER OF FULL ENTRANCE-LEVEL TRAINING, SHALL BE FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF APPOINTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 19-1-202 through 19-1-204 of Article 19. Police Department, Title 1. In General, Subtitle 2. County Police Department, of the Baltimore County Code, 2015 shall be renumbered to be Sections 19-1-208 through 19-1-210.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five (5) members of the County Council, shall take effect on October 19, 2020.