

CASA - Cathryn Paul_FAV_SB436

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Position: FAV



Testimony in SUPPORT of SB436

SB436: Courts - Improperly Summoning a Police Officer - Civil Liability

Cathryn Paul, On Behalf of CASA de Maryland, Inc.
Judicial Proceedings Committee

To Chairman Smith and Members of the Committee:

CASA de Maryland (“CASA”) is pleased to provide enthusiastic support for Senate Bill 388, Courts - Improperly Summoning a Police Officer - Civil Liability.

CASA is the largest membership based immigrant advocacy and services organization in the region with approximately 100,000 members across the states. CASA provides a variety of different services that serve black and brown immigrants in Maryland. We are proud to partner with the Prince Georges Police Department through our Public Safety Program (funded by a Dept. of Justice Community Based Crime Reduction grant) to increase positive interactions and trust between Langley Park residents and law enforcement. We do this through hosting monthly coffee clubs and community walks with residents and officers, as well as a summer youth soccer clinic with the Police Athletic League and Spanish Language for Community Policing course - all key programs that offer opportunities for police and residents to engage and build trust, awareness and understanding.

With a mission to improve trust between the police and our community members, the high numbers of racially motivated 911 calls that have gained national attention across the country over the last several years have been troubling to our members. Unnecessary and racially motivated phone calls to the police are disrupting the lives of the people of color that are simply participating in their lives. Aside from racially biased motivated 911 calls being morally wrong, they are extremely dangerous, as they put lives in jeopardy by sending police officers when they are not needed, resulting in the possibility of officers not being able to respond to critical emergencies. Resources and time are wasted when police officers respond to calls where no one is in real danger.

Furthermore, bias-motivated calls bring police officers into dramatic scenes of racism, which puts the validity of the officer that is responding at risk. It is well documented that communities of color already have a deep-seated both fear and lack of trust in law enforcement - and police responding to racially-motivated 911 calls has a potential to worsen the police-community relationship, which instead, we should be focused on repairing.

Senate Bill 436 would effectively discourage racially biased 911 calls by allowing citizens to bring civil action for damages against another person who knowingly calls the police with the intent to discriminate against them. The bill would be a step toward community and police trust, discourage discrimination and increase the overall safety of all Marylanders. For all of the reasons stated above, CASA **strongly urges a favorable report of SB436**. Thank you for your consideration.

ACLU_FAV_SB 436

Uploaded by: Senator McCray, Senator McCray

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

February 14, 2020

SB 436 Courts - Improperly Summoning a Police Officer - Civil Liability

INFORMATIONAL

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SB 436 creates a new statutory civil cause of action against persons who improperly summon law enforcement to infringe on another's constitutional rights; discriminate against another; harass another; or damage another's reputation. The offense is punishable by a \$10,000 civil penalty.

Unfortunately, it is common knowledge that every dimension of the criminal legal system is plagued with racial disparities. Across the country, over the past few years, we have learned about law enforcement being summoned against people of color who had every right to be where they were.

SB 436 highlights a deficiency in the criminal legal system in which any person can simply swear out what is called a "citizen complaint" against another person, and that alone is sufficient to initiate criminal legal proceedings. A 2014 report by the Commission to Reform Maryland's Pretrial System showed that in 2012, citizen complaints comprised 42.8% of the total charging documents issued by District Court Commissioners. In Maryland, 96.7% of the complaints filed with a District Court Commissioner resulted in the issuance of a charging document, only 3.3% are denied.¹

We encourage the Committee to gather additional data about citizen-initiated complaints in Maryland, including the number of citizen complaints filed over the past year, disaggregated by race, gender, and age of the complainant, race, gender, and age of the defendant, nature of the complaint, jurisdiction of the incident, and outcome of the complaint.

¹ Commission to Reform Maryland's Pretrial System—Final Report (Dec. 19, 2014), available at <http://goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf>.

MGA_FAV_SB436

Uploaded by: Senator McCray, Senator McCray

Position: FAV

CORY V. MCCRAY
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Budget and Taxation Committee

Capital Budget Subcommittee

Health and Human Services Subcommittee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Vote Yes on Senate Bill SB: 436

Bill Title: Courts—Improperly Summoning a Police Officer – Civil Liability

Hearing Date: February 14, 2020 at 12pm

Chair: Will Smith

I write to you today in **support** of **Senate Bill SB: 436**. This bill is important because it would authorize a citizen to bring civil action for damages against another person who knowingly calls the police with the intent to infringe on someone's civil liberties (i.e. discriminate against them, make them feel harassed/threatened, damage their standing in the community or their economic interests). If passed, it would allow for a person to sue for up to \$10,000 for economic damages and emotional distress.

The purpose of the bill would be to discourage racially biased 911 calls where the police are weaponized against people of color. In January 2020, a black man in Michigan named Sauntore Thomas had 911 called on him in a bank while attempting to cash a check that he received in a discrimination lawsuit. In May 2018, in an incident commonly referred to as the "BBQ Becky" incident, a white woman in Oakland called 911 on a black family barbecuing in a park. In October 2018, a white woman in St. Louis called 911 on and obstructed a black man from entering his own apartment building despite the fact that he had a key to the building. In July 2018, Oregon State Rep. Janelle Bynum had 911 called on her while canvassing in her own legislative district. This incident prompted the Oregon State Senate to pass similar legislation in 2019. These are just a few examples of the many instances across this country, where the police have been improperly summoned against people of color.

In order to protect both our citizens and our police departments throughout the state of Maryland, we hope that you will move for a **favorable** report of **Senate Bill: 436**.

Respectfully,

A handwritten signature in blue ink, appearing to read "Cory V. McCray".

Cory V. McCray

State Senator

Saint-George_FAV_SB 436

Uploaded by: Senator McCray, Senator McCray

Position: FAV

Jo Saint-George, Esq.
"The Healthy Lawyer"
Jo@HealthyLawyers.org

SB436
Improperly Summoning a Police Officer – Civil Liability
Hearing: February 14, 2020 - 12pm
FAVORABLE

Chair, Vice Chair and entire Judiciary Proceedings Committee, thank you for the opportunity to share my support of SB436, which is a long overdue remedy for the discriminatory summoning of police officers in the State of Maryland.

First, I would like to share a short story with you to stress the importance of the passage of SB436. Throughout 2017 and early 2018, three white women in Detroit accused Marc Peeples, a black urban farmer, of a range of serious crimes. Among the allegations they reported to police, (all of which were determined in court to be untrue), was that he was seen brandishing a gun, participated in a drive-by shooting targeting one of the women's homes, and that he was a convicted pedophile.

While the Detroit judge called the case "ridiculous" and "disgusting", and admonished police and prosecution for moving forward the criminal case, Mr. Peeples lost his garden and his work contracts, and had to pay for defense attorneys and for bond to get out of jail. The case took an emotional toll and left him humiliated by the accusations when, in fact, all he had been doing was "gardening while black".

In 2019, Mr. Peeples filed a civil complaint and alleged that the women "knowingly fabricated all of [their] allegations" and "acted intentionally and concertedly to cause Marc economic harm and emotional distress" and that their behavior was "extreme, malicious, wanton, and outrageous", and worthy of \$300,000 in damages and punitive damages.

While that case is amongst the extreme cases with a laundry list of facts that warrant an award of the most monetary damages, cases with fewer incidents of allegations are equally as harmful to individuals and the community and are worthy of monetary damages. In other words, in cases where there may be only one act of intentional wrongful summons of the police that nonetheless equally outrageous, SB436 would give individuals the right of action to sue a person who intentional falsely summons the police against a person for the purpose of violating the Maryland Constitution, to discriminate or cause the person physical or emotional harm.

What these incidents around the Country shows is that there is a lack of accountability of people who abuse 911 to summons to police against persons of color, religious groups, and those in vulnerable communities or categories. While it is a crime under Maryland Criminal Code 9-501 to make false statements to a law enforcement officer with the intent to deceive and to cause investigation of other, the fine for that crime is only \$500 and those funds do not go to the victim of the false report. SB436 would award a victim up to \$10,000 in monetary damages, not

limiting any other available damages, which is a sufficient deterrent to those who would engage in such harmful behavior without such a penalty.

The U.S. Department of Justice Office of Community Oriented Policing Services has studied this problem since at least 2002 when they issued their first report called the Misuse and Abuse of 911 written in collaboration with the National Emergency Number Association. The report showed that they identified among the 183 million 911 calls made annually for police or other emergency services, that there are a substantial number of callers who “intentionally exaggerate” the seriousness of an emergency to get a quicker police response. The DOJ report calls categorizes them as “exaggerated 911 calls”.

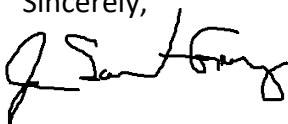
Regretfully, the DOJ 911 Misuse and Abuse report also states there is no “tracking” of the exaggerated calls, but the report nonetheless listed “exaggerated 911 calls” in the category of “serious abuses” of 911 services. The report goes on to indicate that the DOJ is aware that there are callers who make false 911 calls but give information in such a way that the caller knows there is enough room for “caller error” that he or she cannot be charged (or prosecuted) for the exaggerated 911 call. While in those situations criminal charges would not be pursued because of the inability to prove the facts beyond reasonable doubt, in civil cases, like what is proposed by SB 436, the burden of proof is by a preponderance of the evidence, which is a lower standard that can be proved by circumstantial evidence. In other words, SB 436 is the appropriate legal remedy through which private citizens can obtain redress for the improper summons of police.

It is further noted that there is no nationally recognized protocol to address 911 misuse and abuse, except that there are now national 311 call diversion services and other forms of technology used to reduce the drain on police resources. Regretfully, the report concludes with the point that there is a patchwork of federal, local and private responses to such abuses. Consequently, it is time to make SB 436 a law in Maryland to deter such discriminatory abuse of 911 police calls. As a criminal justice reform advocate around the state and in my home county of Montgomery County, there must be penalties that will hold individuals accountable for their abuse of 911 and terrorizing of vulnerable communities of color. If something is not done, there can be more incidents against vulnerable communities like the incident that occurred against Mr. Peebles.

Finally, I would like to make a friendly amendment to SB436 in light of the pending Byron Allen case, wherein at line 21, the phrase, “which need not be the sole intent” should be added after the word “intent”.

Therefore, I respectfully, request a favorable report for SB436.

Sincerely,



Jo Saint-George, Esq.
“The Healthy Lawyer”

HouseofRuthMD_FWA_SB436

Uploaded by: Lennig, Dorothy

Position: FWA



Marjorie Cook Foundation
Domestic Violence Legal Clinic

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TESTIMONY IN SUPPORT WITH AMENDMENTS TO SENATE BILL 436

February 14, 2020

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth is a non-profit organization providing shelter, counseling and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 436 allows a person to bring a civil action against another person who knowingly causes the police to arrive at a place with the intent to infringe on the person's rights or cause other harm. **We urge the Senate Judicial Proceedings Committee to amend and favorably report on Senate Bill 436.**

The House of Ruth supports the intent of this bill but is concerned that an unintended consequence of the bill could negatively impact victims of domestic violence. For example: a victim calls police after an incident of abuse and the police ask the perpetrator to leave the premises. If the parties come to an agreement to separate and the victim decides not to go forward with criminal charges, the perpetrator could use this bill to file a civil lawsuit against the victim for having called the police. While we do not believe that was the intent of this bill, we are concerned it could be misused in this fashion.

We respectfully suggest the following amendment to specifically exclude domestic violence cases from this bill.

On page 1, line 19, before "A PERSON" insert "(A) EXCEPT AS PROVIDED IN SUBSECTION (B)"

On page 2, line 19, insert "(B) THIS LAW DOES NOT APPLY TO A PERSON WHO KNOWINGLY CALLS A POLICE OFFICER TO ARRIVE AT A LOCATION AND WHO AT THE TIME OF THE CALL MAY HAVE BEEN ELIGIBLE FOR RELIEF AS DEFINED IN 4-501 OF THE FAMILY LAW ARTICLE."

The House of Ruth urges the Senate Judicial Proceedings Committee to amend Senate Bill 436 and issue a favorable report.

SB 436 - FWA- Women's Law Center of MD

Uploaded by: Ruth, Laure

Position: FWA

BILL NO: Senate Bill 436
TITLE: Courts – Improperly Summoning a Police Officer – Civil Liability
COMMITTEE: Judicial Proceedings
HEARING DATE: February 14, 2020
POSITION: **SUPPORT**

Senate Bill 436 would create a civil cause of action against a person who knowingly causes a member of law enforcement to arrive at a location in order to place the person in that location in an unfair light (explanation below). The Women’s Law Center of Maryland (WLC) supports this bill with amendments to make clear that cases where domestic violence or other interpersonal crimes may be being committed are excluded or considered in a more specific way. We are wary of unintended consequences for the people we represent and others trying in good faith to assist them.

Senate Bill 436 is trying to address behavior that should not be condoned. There seem to be two kinds of acts it is addressing. First, sometimes a person engages in swatting, defined as “a criminal harassment tactic of deceiving an emergency service [...] into sending a police and emergency service response team to another person's address” (Wikipedia, last viewed 2/11/2020). Second, there are calls made that have simply no basis – there is no criminal activity even being alleged, the person is doing nothing wrong or illegal; rather, the caller just doesn’t like them, doesn’t want them around, or wants to get them into trouble. SB 436 would allow a suit for damages if the caller called law enforcement to come to a place with the intent to infringe on the person’s constitutional rights, to cause that person embarrassment, harassment or humiliation, or to damage the person’s reputation. The cost to a person if this happens to them can be terrible. Also egregious is the caller using law enforcement, a vital public service, for no good means, perhaps limiting law enforcement’s ability to respond to a valid call.

However, we have grave concerns of any chilling effect to victims of intimate partner violence or sexual assault having this used against them by their abusers. Similarly, we do not want to chill Good Samaritan type calls, often neighbors of someone experiencing violence in their home. Imagine a neighbor hearing what sounds like someone being abused in the apartment next door. The neighbor calls the police. Perhaps the victim decides not to implicate the abuser, and does not pursue either a civil protective order or criminal charges against their abuser. The abuser might then seek to sue the neighbor for damages. We see, often enough, abusers suing their victims in tort, so this is a very real possible unintended consequence of this bill. We hope there is a way to protect callers in these cases.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 436 with amendments.

The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women’s Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.

ACLUMD_Amanuel_INFO_SB436

Uploaded by: Amanuel, Yanet

Position: INFO



Testimony for the Senate Judicial Proceedings Committee

February 14, 2020

SB 436 Courts - Improperly Summoning a Police Officer - Civil Liability

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We encourage the Committee to gather additional data about citizen-initiated complaints in Maryland, including the number of citizen complaints filed over the past year, disaggregated by race, gender, and age of the complainant, race, gender, and age of the defendant, nature of the complaint, jurisdiction of the incident, and outcome of the complaint.

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