



Testimony for the Senate Judicial Proceedings Committee

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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>.

