

SB0626 Testimony.pdf

Uploaded by: Apple, Christopher

Position: FAV

Chris Apple
7001 Cradlerock Farm Court
Columbia, MD 21045
District 13

TESTIMONY IN SUPPORT OF Bill SB0626, Law Enforcement Officers - Use of Force
Feb 4, 2021
TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings
Committee
FROM: Chris Apple

I am Chris Apple, I live in Columbia in District 13. This testimony is in support of Bill SB0626.

Between 2015 and 2019, there were almost 23,000 use of force incidents in Baltimore alone, a rate of about 12 per day.¹ Yet despite the prevalence of these incidents, Maryland is one of only nine states without a statewide use of force law. Use of force in Maryland is instead governed by two Supreme Court cases, which authorize use of force when it is “objectively reasonable.” They do not require officers to attempt to de-escalate the situation first, nor exhaust all non-violent options before using force. Without a state-wide policy, there is minimal guidance about how police officers are supposed to engage with suspects.

Maryland needs a Use of Force policy that meets international standards. SB0626 delivers a comprehensive solution that protects citizens from unnecessary violence. It will also protect officers from accusations of misconduct by giving them a clear policy for engaging with suspects. This bill requires deadly force be used only as a last resort, and only after attempted de-escalation and exhausting all other options.

I respectfully urge you to support SB0626, which will give Marylanders badly-needed protections and create a unified policy for police departments to follow.

¹ Spielberger, Joe. *Chasing Justice*. Baltimore, 2021.
<https://www.aclu-md.org/en/publications/chasing-justice-addressing-police-violence-and-corruption-maryland>

SB0626 Testimony - Benzer.pdf

Uploaded by: Benzer, Rebecca

Position: FAV

Dear Senator Reilly,

I am a resident of District #33 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of bill **SB0626** which sets statutory Limits on Police Use of Force. I've lived in Anne Arundel county since 2005, and have become motivated to act on behalf of my community members to encourage the objective reduction of police use of force.

While I was horrified by the deaths of Eric Garner in New York and George Floyd in Minnesota, I have been trying to follow this issue locally. I appreciate Anne Arundel County Police Department's transparency in providing Use-of-Force statistics since 2012—it's a good start and just good public policy. And I really appreciated former Chief Altomare's condemnation of the killing of George Floyd. I've attended some of the County Executive's virtual town halls including Chief Altomare, who was clearly interested in working with citizens on this issue.

Even though Anne Arundel County began making changes to their use-of-force policy since a lawsuit last year, it doesn't make sense to have a patchwork of local and federal use-of-force policies, while having that gap at the state level.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, *no state or federal law meets international standards for police use of force.*

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. We are very pleased to see that this bill includes all of these components.

It is for these reasons that I am encouraging you to vote in support of **SB0626**.

Thank you for your time, service, and consideration.

Sincerely,
Rebecca Benzer
305 Bonheur Ave.
Gambrills, MD 21054

SB0626-HB0139-UseOfForce.pdf

Uploaded by: Britt, Adiena

Position: FAV

SB0626 cross-filed with HB0139-Law Enforcement Officers - Use of Force

Stance: Support

Testimony: My name is Adiena C. Britt and I am a constituent of Baltimore City District 45. I am writing to encourage the passage of Bills SB0626 & HB0139 regarding Law Enforcement Officers - Use of Force. During the past 5 years, I have been making my way into various advocacy circles and have learned a lot about certain conduct that occurs out on our streets. One of the activities I partake in is tracking all cases of police misconduct that I manage to uncover via researching News and newspaper accounts, public facing reports, and various databases that were utilized by Baltimore City, but are now defunct.

There are alarming trends within our Police department that require being addressed once and for all. There are countless numbers of cases where police officers have gone above and beyond anything that should be considered reasonable use of force. Take the Summer of 2013 for instance. From May through July of 2013, the **same** band of officers; sometimes on a rotating basis, terrorized various citizens of the Northeast District. There were unwarranted traffic stops that escalated into assaults of varying degrees. Traffic stops that were conducted under false pretenses, merely because it appeared these officers participated in these activities as a sick kind of sport. The culminating encounter resulting in the death of Tyrone West. This band of rogue officers showed a clear pattern of escalating behavior that ultimately resulted in murder. That's the bluntest way to put it.

Police officers act as if a civilian is not allowed to inquire about the reason they're being stopped. When they know what their rights are and point them out, the officers choose to escalate the situation by becoming overly aggressive. There are documented cases over a large number of years of civilians being picked up and body slammed, picked up and dropped on their heads, pulled by their hair to the ground, hit with police radios, punched, kicked, teeth knocked out, ribs broken, sat upon, held in choke holds, given "rough rides" in police vans, being shot, being tased, being falsely arrested and driven to another jurisdiction and abandoned there, and even being placed in restraints and further assaulted without being able to defend their person. In addition to these, there have been thefts, home invasions, and more serious types of harassment. These encounters involve women, men, and children. They seem to have no discretion as to whom they accost. These are all unacceptable behaviors, and should not be the means to deal with a subject of a traffic stop. Nor because a person looked at a police officer "funny" and ran off. Nor because they are asking about the nature of their being stopped, or contesting the legality of such a stop. Citizens should not be subjected to a band of lawless people who are clearly being held above the law in our fine State, just because they wear badges.

It is imperative that legislation be passed to thwart these kinds of encounters so that trust can be restored within the community, and for justice and healing to take place. Without such verbiage being made into law, the police have the discretion to interpret "use of force" to their liking, often resulting in injuries up to and including death. How is that acceptable? Please allow this bill to move out of committee to be heard before the full Senate and House of Delegates.

Thank you.

Adiena C. Britt

6014 Old Harford Rd. Baltimore, MD 21214

Use of Force Victims of Baltimore City.pdf

Uploaded by: Britt, Adiena

Position: FAV

Use of Force Victims of Baltimore City - recent history

Brandon Williams Jarrod Edwards Bobby Harry Alvin Norris Christen Brown Stephen Baker
Jamar Kennedy Sheena Smith Joseph Clayton Ivan Johnson Kolin Truss Jazmin Brewer
Amanda Paris James Fowler Trayvon Scott (resulted in death) Troy Johnson Cierra Brooks
Joshua Taylor Kyron Lambert Chardonnay Cary Harvey Forbes Branden Owens Tavon Bailey
Shamia Hall Rodney Sydnor Devin Jones Keondre Boykins Terry Redd Roger Cockrell Glenn Wooden
Larry Lomax Jason Snowden Ivan Pratt, Sr. John Rau III Quincy Burden Joseph Green James Green
Ryan Brown Tony McLaurin Cherell Conway Alfred Evans Jameka Relish Adiena Britt Raul Ramirez
Jared Ramirez Donovan Hand Antonio Walker-Bey Paul Samuels Brenda McDowell
Michael Johansen Crystal Oats Levone Jones Timothy Ashe Jamal Butler Antonio Smittick
Maurice Blanding Devin Fields Michael Wudtee (resulted in death) Kevin Gray Albert Lemon
Patricia Custis Kyana Graham Jeremiah Llewellyn Davion Burgess Michael Cudnik, Jr.
Jon Black-Thaxton Michael Bethea Michael Rotondo Wayna Ham (a minor) Dameatrice Moore
Justin Cloude Dorian Savage Duncan Smith Vernese Henson Hanna Belcher Leonard Key
George B. Wells (resulted in death) Kianga Mwamba Marque Marshall Christine Abbott (rough ride
recipient)
Bruce Friedrich David Yim Franklin Williams Jermaine Lyons Abdul-Jaami Salaam Brandon Smith
Anthony Royster Ashley Overbey Tyrone West (resulted in death) Jerriel Lyles Venus Green
Aubrey Knox Lena Knox Edward Lamont Hunt (resulted in death) Dondi Johnson (rough ride resulted in
death) Freddie Gray (rough ride resulted in death) Tyrone Brown (resulted in death) Jacqueline Allen
Daudi Collier Salahudeen Abdul-Aziz Wesley Williams Shaney Pendelton Starr Brown Latasha Calvert
Brittney Jones Jennelle Causey Shakita Causey Lornell Felder Donte Harris Ira Todd John Bonkowski
Antwan Bryant Milton McLean Tyrode Gibbs Sr. Terrell Perkins James "Lenny" Clay Anthony Keyes
Jonathan Hunt Bolaji Obe Akinola Adesanya Alberto Mojica Jyrel Washington (a minor)
Charles Faulkner Frank Snell Brian Holmes Rodney Hueston Deon Johnson Alvin Cuffee Alex Dickson
Michael Wright Christensen Threatt Barbara Floyd Tiyon Williams Lacey Burnett Robert O'Neil, Jr.
Mary Forrest Taray Jefferson Leah Forde Keiron Forde Gareth Adams Makia Smith
Anthony Anderson, Sr. (resulted in death) Jeffrey Blair (resulted in death) Eric Jones Devin Smallwood
Theresa Rouse DaShawn McGrier Jewan Richards

*These are reported known cases tied to Civil Court Proceedings found via public record. What about the unreported ones? The ones not in public record?

Favorable-SB626-Cain.pdf

Uploaded by: Cain, Darlene

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Darlene Cain and I live in Baltimore, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

This means so much to me because I lost my son, Dale Graham on October 28, 2008 to a Baltimore City Police Officer. I never received information on the officer's background or had my day in court. We cannot sit back and allow an officer to be the judge, jury and executioner while mothers and families are left voiceless. Instead of attending hearings for police accountability in a court room for wrongful actions, we are planning funerals and burials. If the roles were reversed, families of police officers would want justice for their loved one's life that was taken unjustly. Dale's dreams, like so many others, were stolen. Mothers, fathers, and families are left traumatized; visiting gravesites on birthdays and holidays while violent officers can continue their job and see their families. Dale has two daughters that are now fatherless. Sadly, our new normal is to mourn with unanswered questions. We demand accountability, starting now.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Attentively,
Darlene Cain

SB626 Statutory Limit Use of Force.pdf

Uploaded by: Cantori, Renee

Position: FAV

I support SB0266 - Set Statutory Limits on Police Use of Force - Judicial Proceedings - Sen. Carter

I have witnessed an event where a police officer may have used excessive force. While the police officer was trying to help the person, his use of excessive force might have done the opposite had we not intervened. Additionally, I and most Americans have seen in the last few years repeated displays of excessive use of force that have resulted in the deaths of many people of color. I don't want that for my County, State, or Country. That is not the America I want to live in.

Because Maryland is one of the few states without statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have the most freedom to brutalize its citizens with impunity of any state. I do not sleep well knowing this, aware that my friends, family, and neighbors are not being adequately protected when they come into contact with a police person.

A meaningful police use of force statute would need to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers.; and 6)require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English.

Having this law on the State's books would provide more protection of our citizens and help prevent excessive use of force that can unnecessarily harm our citizens. Please consider passing this bill so that it becomes law.

Renee Cantori
Annapolis, MD

SUPPORT SB 626.pdf

Uploaded by: Caroom, Philip

Position: FAV

SUPPORT SB 626 - POLICE USE-OF-FORCE BILL

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



351 Dubois Road, Annapolis, Md. 21409

Testimony of Phil Caroom for MAJR exec.com.

Feb. 3, 2021

The recent murder of George Floyd by Minneapolis police was one of the most clearly-documented modern atrocities in the name of law enforcement. Widespread protests and disturbances rightly have resulted. The killing of Freddie Gray by Baltimore Police in 2015 led to riots but, unfortunately, not to system-wide change at that time.

These cases—and so many others-- are among many hundreds of reported killings of citizens by U.S. police officers each year- with African Americans more than twice as likely to be killed in this manner than whites.

Beyond the police killings, unequal patterns of arrest culminate in incarceration of African Americans at a rate 5.1 times greater than that of white Americans, although studies of drug involvement and traffic violations suggest the underlying behavior is quite similar. While police policies create only one part of Maryland's criminal justice racial disparities, their role is a key one.

Police policies -- permitting use of deadly force, racial profiling, “broken windows” policing, etc.-- aren't written into our statutes. They currently are part of police academy training, department policies and customs adopted over the years without public input.

Other 2021 bills make general reference to restricting “use of force” and leave its implementation to police authorities, but only HB 139 / SB 626 wisely offers explicit guidance to police authorities:

-“Lethal force” is defined to include firearms discharges, taser use, chokeholds, and knee-drops directed at citizens.

-“De-escalation” and “reasonable alternatives,” with specific listed examples, are included.

-“Imminent threat” is given an objective standard, rather than one based primarily on an officer's fears.

Why are such specifics needed? Current, fear-based policing tactics with insufficient legislative oversight have led to the recurring tragedy of unnecessary killing of civilians.

For all these reasons, Maryland Alliance for Justice Reform strongly urges adoption of HB 139 / SB 626.

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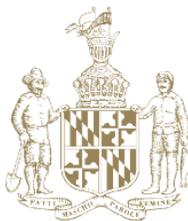
Please note: 1) Another version of this testimony including links to supporting resources is available at <https://www.ma4jr.org/legislation-2021/>.

2) This testimony is offered for Md. Alliance for Justice Reform (www.ma4jr.org), not for the Md. Judiciary.

Testimony_JPC_SB0626.pdf

Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jill P. Carter
In Favor of SB0626 - Law Enforcement Officers - Use of Force
Before the Judicial Proceedings Committee
on February 4, 2021

Mr. Chairman, Vice-chair, and Members of the Committee:

Senate Bill 0626 is a bill seeking to address the issue of excessive or improper use of force by police officers attempting to apprehend or detain a civilian. It provides a procedural framework, promoting transparency to the public and clarity to officers, so that they may understand where, how, and under what circumstances use of force is permitted. In the hopes of a favorable report, we seek to not only improve communication between officers and the public, but also to heal the wounds caused by disparate treatment of our communities of color. Through careful research and consideration, we have developed comprehensive guidance for police use of force, and stress the importance of transitioning from the current “reasonable person” standard to one of absolute necessity.

Additionally, this bill offers procedural guidance for filing civil suits against officers whose use of force is in a manner inconsistent with our proposed policy. With an emphasis on training and accountability, we wish to support officers who represent the department with honor and integrity, while distinguishing those that would seek to abuse the system.

To protect the public from harm, it is imperative that proper checks and balances are in place. As such, recommendations for how to properly address issues of non-compliance are respectfully provided, which include the withholding of departmental funding under certain, limited circumstances.

It is my sincere hope that we can continue to work with parties on both sides of the aisle to reach a consensus on effective language for this legislation. Dispelling the narrative that this type of legislation is, in any way, “anti-police” is of critical importance. The goal of the bill is not to undo effective and efficient aspects of the current system or to punish good police officers. The purpose of reform is to repair what is broken and rebuild public trust in law enforcement. Public trust is essential to the health and vitality of departmental operations.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style with a blue color.

Jill P. Carter

SB0626 Testimony Force.pdf

Uploaded by: Cocke, Abigail

Position: FAV



Many struggles, one mission.

Testimony SUPPORTING SB0626

February 1, 2021

Dear members of the Judicial Proceedings Committee,

My name is Abby Cocke, and I am a resident of Baltimore City in District 43 and a strong supporter of SB0626. On behalf of Baltimore for Border Justice, a local advocacy and aid organization, I am submitting this testimony to urge you to SUPPORT SB0626, *Law Enforcement Officers – Use of Force*.

The use of force by the state against its people should be a last resort, used when only absolutely necessary to stop an imminent threat after de-escalation techniques have been tried, and stopped the moment it is no longer needed. Maryland is one of only nine states without a policy on this matter, and police brutality against ordinary people runs rampant, with little to no accountability. SB0626 would help to rectify this situation, laying out clear and reasonable requirements limiting the use of force, creating a legal pathway for citizens to seek redress, requiring officers to intervene if a co-worker is violating the policy, and mandating a strong response when an officer goes over the line. We need these protections if we ever hope to be free of the threat of disproportionate and indiscriminate violence from the police, and the trauma, fear, distrust, and enormous expense that it causes.

One case in which a statewide use of force policy could have led to much-needed accountability is in the police shooting of Keith Davis, Jr. After mistaking him for a robber, four officers of the Baltimore Police Department chased him into a dark garage. They shot at him dozens of times, striking him three times and almost ending his life. A woman working at the garage described a bullet whizzing past her, and could easily have lost her life that day. All the bullet casings found at the scene came from the cop's guns. The officers who did this remained on the force without penalty, and Davis and his family have never been able to get any sort of justice for the immense damage done to him. His story is only one of an uncountable number, since most people never even trying to seek restitution because they know how unlikely it is under our current system.

Very simply, what is the purpose of law enforcement? Is it to terrorize and brutalize, or to uphold the rule of law and protect public safety? If the latter, it should be completely uncontroversial to pass the measures in SB0626.

Thank you for your attention and for doing the right thing.

Sincerely,

Abby Cocke
Co-founder, Baltimore for Border Justice
Bmore4BorderJustice@gmail.com
443-631-0432

SB626_FAV_Dalton.pdf

Uploaded by: Dalton, Dawn

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is **Dawn Dalton** and I live in **Upper Marlboro**, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

I am the mother of a directly impacted victim of police brutality in Prince George's County and the same officers that violated and beat my son are known for this behavior. We need change now.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the "objectively reasonable" standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Respectfully,

Dawn Dalton
The JustUs Initiative

SB626_FAV_Scott.pdf

Uploaded by: Diaz, Lorena

Position: FAV

Testimony for the Senate Judicial Proceedings Committee
February 4, 2021

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is **Erica Scott** and I live in **Glen Burnie**, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

In July of 2015, two Anne Arundel County Police Officers, Officer Ferris and Bilter responded to a call at my residence, while my teenage daughters were home, at the time both my daughters were under the age of 19. I was not home at the time. My daughter was able to use her phone to call me, so I could speak with Officer Ferris and Bilter. During our conversation, Officer Ferris and I agreed that I would speak with my daughters when I returned home. Both Officers later spoke with their supervisor and completed their report, omitting information that was significant to the call and the resolution of the call, as well as mis-categorized; and misinformed officials during a hearing. Once I became aware of the report that both officers had written, between 1 to 2 years later, I was not able to effectively appeal the report or its content that had a significant impact on the lives of my children. Police departments that fail to hold their officers accountable should be eligible to lose state funding.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the "objectively reasonable" standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Attentively,
Erica Scott

SB626_FAV_Sheppard.pdf

Uploaded by: Diaz, Lorena

Position: FAV

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is **Eugene Sheppard** and I live in **Frederick**, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the "objectively reasonable" standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

When asked to speak on my experience my dilemma was deciding which instance of police brutality/misconduct I should write about? Should I: -write about the time I was beaten while hand-cuffed? I asked the officer while getting punched and hit with batons, "Why are you doing this to me?" His response was, "Because I hate you!"- do I write about the time I was detained while working security because a woman was robbed and I fit the description? It didn't matter that my parking lot guardhouse was 10 feet away and I was playing with a tennis ball while on the phone. I was only released when my supervisor vouched for me. I was told they will let me slide, but I need to have more respect for the police. - do I write about the time I was pulled over for eating an orange? My brother who was driving asked the officer why we got pulled over. The officer motioned towards me and explained that he saw me rolling up (he imitates rolling marijuana with his hands). Confused for a moment, I then realized that I just peeled an orange. He argued that he saw what he saw but cautiously let us go with a warning and stern advice to respect the police. - do I write about the time I was accused at Whole Foods of stealing a quesadilla and an Honest green tea. \$5 worth of food. I asked the officer for assistance as the Whole Food security had taken my food. I gave him my receipt, he then proceeded to issue me a restraining order and arrested me. He tightened the cuffs to the point that it caused nerve damage. He then refused to return my receipt, but he was unaware that I already had taken a photo of it. He didn't appear at the trial.

In all of these instances of harassment and assault, no one was held accountable and all that I got was the burden of proving my innocence and PTSD.

With an influx of indisputable information highlighting the targeted intimidation, falsified arrest, brutality and fatalities, we can all agree that we do not want these crimes to continue. To achieve this goal we must initiate new ideas into practice. Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Accountability strengthens communities and strong communities are safer places to live.
And that's all we want to do. Live.

Attentively,
Eugene Sheppard

SB626_FAV_Willis.pdf

Uploaded by: Diaz, Lorena

Position: FAV

Testimony for the Senate Judicial Proceedings Committee
February 4, 2021

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Greta Willis, mother of Kevin L. Cooper. I am also a volunteer with Moms Demand Action for Gun Sense in America and the co-founder of the Kevin L. Cooper Foundation created in my son's name. I live in Baltimore, Maryland.. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

On Saturday, August 12th, 2006, my 15-year-old son was shot and killed by an inexperienced Baltimore City police officer with one year on the force. My son was experiencing a mental health crisis. I called the police seeking help for Kevin. Instead of receiving help, Kevin, while holding a plastic dustpan, was maced and shot in my home, in front of me, as I was holding my 10-month-old granddaughter. Two officers initially responded but one officer left stating “the call was abated”, meaning it was over. The other officer stayed and antagonized Kevin, then shot and killed him. I ask you, if the officer was in danger, why would his partner leave him, a rookie, on the scene alone? That one officer became the judge, the jury, and executioner of Kevin's life. The officer was not brought up on any charges.

During the hearing, my family was offered \$10,000 to settle the case but we refused. There is no police accountability in the Baltimore City Police Department. The department should have investigated our case further instead of covering it up and declaring it a justifiable homicide on the same day the shooting took place. Please explain to me: How can you justify a homicide that just occurred at 9:30 a.m. that same day? Impossible. Why? Where is the investigation? Where is the transparency? And, where is accountability? I urge you all to make police accountability your number one priority to save the lives of our children. Police violence is gun violence. And, we cannot end gun violence without addressing the crisis.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Sincerely,

Greta Willis

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Dwyer, Maura

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **40**. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Maura Dwyer
3908 Falls Rd
Baltimore MD 21211
Showing Up for Racial Justice Baltimore

SB626-testimony-UULM-MD-Support-Steve Buckingham.P

Uploaded by: Egan, Ashley

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 626 - Law Enforcement Officers - Use of Force

TO: Chairman Smith and Members of the Senate Judicial Proceedings Committee

FROM: Stephen C. Buckingham, Chair, Unitarian Universalist Legislative Ministry of Maryland.

DATE: February 4, 2021

Unitarian Universalists affirm the inherent worth and dignity of every person, promote justice, equity and compassion in human relations, and seek a world community with peace, liberty, and justice for all. These principles are the lens through which we examine those institutions our State has developed to protect its people from harm and maintain safe communities. We must recognize that certain practices must change if our law enforcement is to live into its motto to “serve and protect.” While every law enforcement agency in our State speaks of its mission in these terms, many are not aware of historical factors that have influenced how policing is organized, directed, and managed.

One factor relevant to the use of force is our State’s history of slavery and oppression of Black people over generations. Many of our current institutions originated from early policies and methods used to continue this oppression. By 1723¹, Maryland law required every county to establish constables charged with enforcing race laws with the use of volunteer slave patrols. Even after the abolition of slavery, “these vigilante-style organizations evolved in modern Southern police departments primarily that acted as a means of controlling freed slaves who were now laborers working in an agricultural caste system, and enforcing ‘Jim Crow’ segregation laws, designed to deny freed slaves equal rights and access to the political system. . . In fact, policing in the early American colonies was often less about crime control than maintaining the racial social order, ensuring a stable labor force, and protecting the property interests of the white privileged class.”²

Aside from the racial aspects of early law enforcement, modern police departments also became tools for wealthy industrial elites to control the unruly poor and working classes. More than crime, police departments emerged as a response to “disorder.” “The modern police force not only provided an organized, centralized body of men (and they were all male) legally authorized to use force to maintain order, it also provided the illusion that this order was being maintained under the rule of law, not at the whim of those with economic power. . . Defining social control as crime control was accomplished by raising the specter of the “dangerous classes.” The suggestion was that public drunkenness, crime, hooliganism, political protests and worker “riots”

¹ Blacks Before the Law in Colonial Maryland, November 14, 2000, Maryland State Archives,

<https://msa.maryland.gov/msa/speccol/sc5300/sc5348/html/chap3.html>

² Dr. Gary Potter, Eastern Kentucky University, <https://plsonline.eku.edu/insideloook/history-policing-united-states-part-1>

were the products of a biologically inferior, morally intemperate, unskilled and uneducated underclass. . . This underclass was easily identifiable because it consisted primarily of the poor, foreign immigrants and free blacks.”³

It is no wonder that poor neighborhoods and communities of color often see the police as an official instrument for controlling their behavior if not a foreign occupying force. To rectify this situation, law enforcement agencies must be deliberate about reorienting their efforts away from social control of a population of potentially dangerous “others.” Restricting the use of force as applied to these communities is a necessary step in this process.

The other relevant factor from history relates to the militarism of law enforcement. The first individuals tasked with law enforcement were county sheriffs, to serve as the Conservator of the Peace, the Head Officer of the Court and the Keeper of the Jail, assisted by part-time deputy sheriffs. The early sheriffs did not wear uniforms until after World War II, and at times did not even carry a firearm.⁴ As maintaining order in more populous areas became more demanding, police departments began adopting a military structure as well as strategies for controlling communities. While this has had obvious benefits for maintaining internal discipline and deploying personnel to meet local needs, it has also borrowed military tactics that include heavily armed units for use in crowd control and the tendency to meet every unlawful encounter with overwhelming force when less dramatic and dangerous methods would be more appropriate.

“Centralized and bureaucratic police departments, focusing on the alleged crime-producing qualities of the “dangerous classes” began to emphasize preventative crime control. The presence of police, authorized to use force, could stop crime before it started by subjecting everyone to surveillance and observation. The concept of the police patrol as a preventative control mechanism routinized the insertion of police into the normal daily events of everyone's life, a previously unknown and highly feared concept in both England and the United States.”⁵

While history is not determinative, its influence in modern policing must be addressed by redirecting law enforcement from social control using military tactics towards one that treats all communities as comprised of people to be served and protected. Senate Bill 626 is one step in this direction by defining clearly the circumstances in which force may be used in law enforcement activities and providing real sanctions for its misuse.

The measure before you today is necessary to put our State on a new path to becoming one community with equal treatment under the law for all.

Stephen C. Buckingham

Lay Community Minister and Chair
Unitarian Universalist Legislative Ministry of Maryland

³ *Ibid.*, <https://plsonline.eku.edu/insideloook/history-policing-united-states-part-2>

⁴ Wicomico County Sheriff's Office, <http://www.wicomicosheriff.com/pages/au-history.htm>

⁵ Potter, *Op.Cit.*

Legislative Testimony 600 (1).pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:
SB626

I strongly support Senator Jill P. Carter's Senate Bill 626 to establish a use of force policy for police in Maryland.

**RICHARD
ELLIOTT**
FOR MARYLAND

By Authority: Rich Elliott For Maryland Keanu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

Support SB0626_Use of Force_Letterhead with crab.p

Uploaded by: Enagonio, Liz

Position: FAV



Indivisible: Central Maryland

Susan Radke, Advocate

Dsusan56@gmail.com

Liz Enagonio, Advocate

lenagonio@icloud.com

Lois Einolf, Advocate

leinolf@yahoo.com

Meena Sahu, Advocate

emsahu@gmail.com

SB0646_Law Enforcement Officers - Use of Force. Indivisible Central Maryland_Enagonio Liz_SUPPORT .

Indivisible Central Maryland, a grass roots group of citizens from Baltimore City and Baltimore, Anne Arundel, and Prince George's Counties, supports efforts to reform how force is used by police officers against members of the public. While we understand and appreciate that officers are often placed in difficult situations, we have seen way too much violence against unarmed or vulnerable people, especially Black and Brown people, that is not in any way required by the situation.

As Maryland is one of only nine states without a Use of Force law, we feel that the measures taken by this bill are necessary and useful to both the public and the police. The bill specifies that use of force is a last resort, after all other measures, like verbal communications, warnings, physical distance and de-escalation tactics have proven unsuccessful and is only to be used until the person is under the officer's control and does not pose a threat to anyone. It also specifies the definition of use of force and the types of force that are not allowed.

We also support that the bill includes consequences: funding is cut off if law enforcement organizations don't adopt these practices, and officers who violate these practices may be charged with manslaughter or murder, if their actions result in death, or with reckless endangerment if their actions do not.

It is the use of extreme force that has caused the tragedies that we have seen in the news, and many other tragedies that we have not. Adopting these measures would engender more trust between the public and the police, trust that is crucial to maintaining safe communities. For all of these reasons, Indivisible Central Maryland request that the committee vote IN FAVOR of SB0626.

Liz Enagonio, advocate, on behalf of Indivisible Central Maryland

lenagonio@icloud.com

301-351-6451

SB 626 - Statutory Limits on Police Use of Force Es

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 45. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Esposito
434 E Oliver, Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

UofF.pdf

Uploaded by: Evans-Goldstein, Anna

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Anna Evans-Goldstein and I live in Baltimore, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

Maryland is one of only nine states that does not have statutory limits on use of excessive force. If police officers' are meant to protect lives they must respond to incidents in ways that protect human life. That one of the wealthiest states in the nation does not have guidance or accountability on how officers use force is atrocious and must be remedied immediately. As we've seen in Baltimore over and over, without proper forms of accountability police officers will continue to use excessive force. It is beyond time to hold our police force accountable when they use unlawful force and ensure they protect human life.

I urge a favorable vote on SB 626.

Sincerely,
Anna Evans-Goldstein

testimony.SB626.pdf

Uploaded by: Ewing, Hamza

Position: FAV



February 4, 2021

Honorable Senator William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Re: Testimony in SUPPORT of SB626 – Law Enforcement Officers - Use of Force

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 626 entitled Law Enforcement Officers - Use of Force. CAIR is America's largest Muslim civil rights and advocacy organization.

Use of force by police officers is a contentious, but critical issue in the United States, currently spotlighted in a national debate following the high-profile murder of George Floyd in 2020. According to the Washington Post and the "Mapping Police Violence" Project, over 1,000 people were shot and killed by police in America in 2019.

While all fifty U.S. states have state and federal laws that fail to adhere to international standards for police force use, Maryland remains one of only nine states without laws prohibiting excessive use of force.

This issue predominantly impacts Black and Brown communities, and fosters fear and mistrust of law enforcement officers. Police brutality is not an isolated incident and too frequently leads to bodily harm and avoidable deaths. My organization has received multiple complaints from community members who report being reluctant to alert officers about concerns and incidents out of fear of repercussion to themselves and their loved ones.

Last year, an immigrant family moved from their home in Baltimore County after an alleged excessive use of force incident by an officer against their son as the mother aided him during a mental health crisis outside their own home.

It's past time that Maryland is added to the list of states that increase transparency and accountability for inappropriate use of force. Senate Bill 626 allows for the transition towards police reform, which mandates law enforcement officers to de-escalate situations, and respond with a measured approach in a manner that protects and preserves human life. **CAIR supports this bill and respectfully urges a favorable report on this measure. Thank you for your consideration.**

Sincerely,

Hamza Ewing Intern,
CAIR Office in Maryland
Council on American-Islamic Relations
Email: mdintern@cair.com

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Fertig, Benjamin

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 11 and a member of Congregation Beth Am Social Action Committee. I am testifying **in support of Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Benjamin Fertig
2722 Quarry Heights Way, Baltimore, MD 21209
Showing Up for Racial Justice Baltimore

SB 626 PJC favorable testimony.pdf

Uploaded by: Gardner, Debra

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext 228
gardnerd@publicjustice.org

SB 626

Law Enforcement Officers – Use of Force Hearing before the Senate Judicial Proceedings Committee, February 4, 2021 Position: SUPPORT

The Public Justice Center (PJC) supports SB 626 as a critical component of police accountability, transparency, and reform that is long overdue.

True police reform, the need for which can no longer be denied, cannot be accomplished without directly confronting the systemic overuse of force.

The Maryland Coalition for Justice and Police Accountability seeks five critical reforms, and clear, sensible regulation of the use of force is one of those critical pillars. During recent years the over-policing of Black and brown communities and the unjustified killings of countless individuals in Maryland and across the nation have been exposed by heinous example after horrid tragedy. The lack of legal limits on the use of force, lack of training in effective de-escalation techniques, and lack of a requirement that officers report instances of excessive force by others have all played deadly roles in those nightmarish events. As a result, even in the clearest of cases, the perpetrators have avoided justice altogether.

Without limiting the use of force, clearly defining in context what excessive force is, and requiring training and oversight, there can be no rebuilding of trust and cooperation between the public and those sworn to protect and serve.

The great majority of other states have a use of force law. Maryland cannot afford to stay behind.

The PJC is a non-profit legal advocacy organization dedicated to racial equity and ending poverty. Its Prisoners Rights Project seeks basic justice through reform in our criminal justice system and an end to all unnecessary detention and incarceration. Real police reform is critical to achieving those goals.

The PJC urges a FAVORABLE REPORT on SB 626. If you have any questions, please feel free to contact Debra Gardner, Legal Director, at gardnerd@publicjustice.org or 410 625 9409 ext 228.

Favorable-SB626-Hamlett.pdf

Uploaded by: Hamlett, Erica

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Erica Hamlett and I live in Baltimore County, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the "objectively reasonable" standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

In November 2017 my son was approached by a stranger near our home in Howard county. It was around 3:45 in the afternoon. The man was wearing a black hoodie and blue jeans. My son's van pick-up was late so he and a friend stopped to wait. The stranger asked my son and his friend "What they were doing in the area because they didn't look like they lived around there", they responded that they were just about to finish walking home from school and had stop to wait to be picked up. The person kept asking them to justify their presence in their own neighborhood. Finally, my son asked to be left alone after the stranger said someone was going to call the police on them, my son's response was "Go ahead and call the police, you are harassing us". Other people were outside getting their children off school buses coming in and out of their homes and no one thought the teens, wearing bookbags, only a few blocks from school looked out of place. After a few more questions the unidentified man pulled a gun on him! It was revealed that he was an off-duty Baltimore City Police Officer who lived across the street and assumed the kids didn't live in the area.

Before and during our internal affairs interview I asked and they did not share if the officer had been suspended or where he was working. This officer admittedly pulled his service weapon on a 16-year-old child. He had an open peace order against him for doing so, made false statements to Howard county police and in court, but was still permitted to continue to work and carry is service weapon. It was through a Baltimore Sun article that we learned the same officer broke a suspect's jaw and that there were broader litigations against him for fraud and theft.

Once the Internal Affairs' investigation was completed, I received a call stating the officer would be charged departmentally and a letter would be sent via certified mail. After I gave the sergeant my correct address, a letter was forwarded from an old address and read, "That there was enough

evidence to sustain the allegations” thanking me for my time and voicing my concerns. But the letter had no indication of what, if any, punishment or disciplinary action would be taken then or in the future. My family and I didn’t know if the officer was still working, on the street, has a gun, or is on desk duty. We lived in constant fear that we could encounter him while he’s on duty. We moved from Howard County to Baltimore County, because living near him was too much for my family. We travel to Baltimore city often and whenever we do the uneasiness lingers because my son and family have no idea if this officer is still on duty. Using Case Search we found out that he was still on active duty at least until September, 2018 at which point, I could not find any further information on his activities.

What happens next has my son and family terrified! Even if he’s terminated will he still be permitted to carry a weapon? Will he be allowed to work in law enforcement somewhere else? What background information would be accessible to future employers? Who protects victims? We need more transparency!

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Attentively,
Erica Hamlett

Jeffrey_Harrison_FAV_SB626.pdf

Uploaded by: Harrison, Jeffrey

Position: FAV

Jeffrey A. Harrison

Date: February 2, 2021

Position: **Favorable**

Bill Number: **SB 626 / HB139**

Bill Title: Law Enforcement Officers - Use of Force

Sponsor: Senator Carter

Senate Committee: Judicial Proceedings

Dear Committee Chair Smith, Committee Vice Chair Waldstreicher, and Committee Members:

I am a Marylander, and I strongly support SB 626.

Maryland urgently needs a state statute that regulates the use of force. As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. We must prohibit officers from using force unless it is **necessary as a last resort**, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

On a daily basis, families in Maryland are traumatized by law-enforcement officers who use physical force instead of the appropriate alternatives. That trauma lasts a lifetime. SB 626 will put a stop to the unnecessary and habitual violence that too many officers react with when interacting with Maryland residents, especially Black and Brown residents.

Now is the time for a statewide use-of-force standard that holds officers accountable when they use unnecessary and unlawful force. SB 626 ensures that officers will do everything they need to do in order to preserve human life.

For those reasons, please support SB 626 and report it as Favorable from the committee.

Thank you.

Jeffrey A. Harrison

(a member of Greenbelt People Power and of Community Justice Coalition)

6835 Damsel Ct, Greenbelt MD 20770 (District 22)

Jeff6836@gmail.com

SB 626 - Statutory Limits on Police Use of Force BH

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am testifying in support of **Senate Bill 626**, which sets statutory limits on police use of force for the state of Maryland.

As one of the nine states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means that in Maryland, police have more freedom by law than in most states to brutalize citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no current state or federal law meets international standards for police use of force. That is unacceptable.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English.

By implementing all of these provisions, we will have a Use of Force statute that helps to preserve human life and welfare and ensures accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Barbara Hauck (she/her)
3420 Harford Road
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

DUE 2_2 - SENATE SB 0626 - Use of Force Testimony.

Uploaded by: Hurley, Ayla

Position: FAV

Ayla Hurley
7001 Cradlerock Farm Court
Columbia, Maryland 21045
District 13

TESTIMONY IN SUPPORT OF SB 0626, Law Enforcement Officers - Use of Force
2/4/2021

TO: Chair Smith and members of the Senate Judicial Proceedings Committee
FROM: Ayla Hurley

Chair Smith and members of the Senate Judicial Proceedings Committee, my name is Ayla Hurley, I live in Columbia, Maryland, and I am writing to support the Law Enforcement Officers - Use of Force bill to create a “use of force” policy in our state.

Maryland is one of only nine states that does not define or provide direction regarding “use of force” by law enforcement against others, using only Supreme Court cases *Graham v. Connor* (1989) and *Tennessee v. Garner* (1985). Neither of these provide for Maryland law enforcement: (1) definitions of lethal and non-lethal force; (2) a requirement of lethal force only as a last resort after exhausting all other non-lethal methods of de-escalation; (3) guidance or regulations on specific and dangerous officer behavior, such as frequency of weapon discharges or dangerous body restrictions like chokeholds; (4) or specific regulations against excessive use of force used on Black, Indigenous, or People of Color, who are disproportionately affected by it.

In order to be held accountable for violent and unjust actions, Maryland law enforcement must have a policy that defines what is and is not acceptable behavior for our officers. I urge you to support the creation of such a policy through SB 0626.

SB0626 Written Testimony A Juberg.pdf

Uploaded by: Juberg, Arielle

Position: FAV

Arielle Juberg
Baltimore, Maryland
District 8

Testimony in Support of Bill SB0626, Law Enforcement Officers - Use of Force
To: Chair Smith and members of the Senate Judicial Proceedings Committee
From: Arielle Juberg

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice in Baltimore. I also attend a church and volunteer at several non-profits in the Baltimore area.

I am testifying in support of SB0626, Law Enforcement Officers - Use of Force. The General Assembly needs to establish a use of force policy for Maryland law enforcement. The state is part of a small group - only 9 states- that do not have a statewide use of force law.

This legislation presents our state with the opportunity to clearly define lethal and non-lethal force and specify that lethal force should only be used when all reasonable alternatives have been exhausted. I am particularly thankful that the law specifies that the least amount of force should be used when interacting with pregnant persons, children and youth, people with limited English proficiency, persons of color, and people with mental, behavioral, or developmental disabilities or impairments.

I, like many Marylanders, have been nervous during some police interactions. Too many of us have witnessed firsthand or seen videos of situations that escalated dramatically and involved lethal force. While I may feel unease, I recognize that many people, including people of color, experience this very real fear with every police interaction. Additionally, I cannot imagine the confusion and apprehension that people with limited English and people with developmental disabilities would feel when interacting with an officer in a high-stress environment. I hope that you will also put yourself into their shoes and imagine how this situation could spiral out of control.

Our society has entrusted law enforcement officers with lethal weapons that can take away someone's life. This power must be balanced with clearly defined limits on when it can be used. For all these reasons, I respectfully urge a favorable report for Bill SB0626.

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Keipper, Lindsay

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **46**. My name is Lindsay Keipper and I am a barred attorney with 13 years of experience in the Baltimore City criminal justice system. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force. The lack of a state law regulating or even defining the use of force means the state is governed by a patchwork of local departmental policies. Furthermore, because there is no law defining or prohibiting the inappropriate use of force, even lethal force, there is no cause of action for this independent of a general tort such as wrongful death, or a federal civil rights claim.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

This statute gets the job done by laying out clearly the definitions of terms and the duties of an officer in a use of force type situation. It would eliminate ambiguity for police departments crafting their policies and police unsure when and how their authority should be exercised, as well as providing a much-needed avenue of relief for lives that continue to be taken or destroyed by inappropriate police uses of force.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
2425 Fleet St.
Baltimore, MD 21224
Showing Up for Racial Justice Baltimore

SURJ Police use of force 2021 2 1.pdf

Uploaded by: Kleinman, Jan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. Having just moved to Baltimore from Minneapolis, I lived through the death of George Floyd in my own neighborhood. I am keenly aware of what happens when police officers lack limits on when and how they can use deadly force. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit when officers can claim self-defense if their behavior incited the necessity to use force; 5) require de-escalation and intervention with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Jan Kleinman
2700 Remington Avenue, Apt 504
Baltimore, MD 21211
Showing Up for Racial Justice Baltimore

MD Catholic Conference_FAV_SB0626.pdf

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 3, 2021

**SB 626
Law Enforcement Officers - Use of Force**

Senate Judicial Proceeding Committee

Position: Support

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 626 seeks to limit the use of excessive or unreasonable force by law enforcement, unless warranted by certain exceptions or conditions. The bill makes use of force standards applicable to both civil and criminal cases against an officer alleged to have abused their discretion through the use of excessive physical or deadly force.

In June of 2020, a letter was jointly submitted to all members of Congress by the United States Conference of Catholic Bishops’ (USCCB) Chairmen of the Committee on Domestic Justice and Human Development, the Committee on Migration, and the Ad Hoc Committee against Racism, offering reflections and principles for police accountability and reform. Therein, the Chairmen, which included Maryland-serving Bishop Mario Dorsonville-Rodriguez, Auxiliary Bishop of the Archdiocese of Washington, stated that there *“must be better practices for formation and accountability for police, certainly in the use of lethal force, but also in patterns of discrimination and prejudice, so that real accountability can happen before more lives are lost.”*

The Catholic Church roots much of its social justice teaching in the inherent dignity of every human person. The use of excessive force by officers, particularly as has been exhibited against African-American men and women in number or situations nationwide, stands in stark contrast to that inherent dignity. It is for this reason that we support the intent of Senate Bill 626. Specifically, the Bishops noted in the letter to Congress that we *“must make progress in the use of force by the police and other law enforcement officers.”* They further noted that Pope Francis has maintained that the use of force by police officers should never degenerate into violence. Likewise, we support Senate Bill 626 as a reasonable means for deescalating the use of force by police officers, while striking a balance in allowing for a rebuttable presumption to delineate instances where such force was in fact a last resort.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on Senate Bill 626.

Testimony SB 626 ML.pdf

Uploaded by: Ladd, Melissa

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Melissa Ladd and I live in Olney, Maryland. I am a volunteer with Maryland Moms Demand Action, and I am formally submitting my written testimony in support of SB 626 on Use of Force by Law Enforcement Officers.

Maryland does not currently have sufficient statutory limits on the use of force by police. SB626 would establish a statewide standard for the use of force and deadly force by Law Enforcement Officers. It would require officers to exhaust all other reasonable alternatives before resorting to the use of force. Every year in America, police shoot and kill more than 1,000 people.¹ SB 626 defines deadly force to include firing at a person and using choke holds. The misuse of this type of force by police not only causes death and injury to the person involved, there are ripple effects throughout the community, resulting in reduced public confidence in policing that inhibits the ability of departments to effectively do their job.

Also, SB 626 creates a civil cause of action for people who are injured by officers who violate those use of force standards. This element of the bill is a step toward creating accountability on behalf of victims and families impacted by unnecessary use of force by the police. We see in many communities, the impact of violence by police has created barriers and rendered situations where police cannot rely on community members to assist in helping to solve crime.

Furthermore, SB 626 will mandate that all law enforcement agencies across the state establish, maintain and implement use of force policies consistent with these statewide standards. All communities in Maryland deserve to know that they will be protected by police, not harmed.

The Maryland General Assembly should act now to ensure that deadly force is prohibited for use by Law Enforcement Officers except in cases of imminent threat of death or serious injury. By enacting SB 626, the General Assembly will make great strides to increasing public confidence in policing in Maryland and will help to prevent future deadly encounters between police and citizens.

Sincerely,
Melissa Ladd
State Legislative Lead
Moms Demand Action for Gun Sense in America, Maryland Chapter

¹ [Mapping Police Violence 2013–2019, https://mappingpoliceviolence.org/](https://mappingpoliceviolence.org/) (accessed June 4, 2020), and U.S. Census Bureau, “National Population by Characteristics, 2010–2019” datasets

SB626 - FAV - Rebecca Goldfinger - JUFJ.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Rebecca Goldfinger
Silver Spring, MD 20901



TESTIMONY IN SUPPORT OF SB626/HB139
Law Enforcement Officers - Use of Force

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Rebecca Goldfinger, on behalf of Jews United for Justice (JUFJ)

My name is Rebecca Goldfinger. I live in Silver Spring in District 20. I am submitting this testimony on behalf of Jews United for Justice in support of SB626/HB139, Law Enforcement Officers - Use of Force. JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice.

According to Jewish tradition, if someone saves a life, it is as though she has saved the entire world. And if someone destroys a life, it is as though she has destroyed the entire world.

A recent article by Lynn Peeples in the journal *Nature* indicated that "about 1,000 civilians are killed each year by law-enforcement officers in the United States. By one estimate, Black men are 2.5 times more likely than white men to be killed by police during their lifetime. And in another study, Black people who were fatally shot by police seemed to be twice as likely as white people to be unarmed."¹

These statistics are shocking and distressing, especially when you consider the individuals behind the statistics. Each one of those victims was a son or daughter, possibly a parent, sibling, aunt, uncle, friend. Reading about the killings of Anton Black, Robert White, and other Black people who have been murdered by law enforcement officers here in Maryland has shaken me greatly.

¹ Peeples, Lynn. "What the data say about police brutality and racial bias — and which reforms might work." *Nature*. June 19, 2020. <https://www.nature.com/articles/d41586-020-01846-z>.

As I white person, I am distressed that my Black friends and neighbors live with a fear of police that I am unencumbered by. Black people are at greater risk of suffering police violence than I am, simply because of their physical appearance. This is absolutely appalling and I am moved by Leviticus 19:16, which says, "Do not stand idly by while your neighbor's blood is shed." That's why I am urging you to support SB626/HB139 - it will save lives.

One way to stem this tide of police violence is to place limitations on the use of force by law enforcement officers. I believe it is critical that police use lethal force only when their lives or the lives of others are in imminent danger, and every other option has been exhausted. Law enforcement officers need better training in de-escalation, and they need to face consequences if they fail to limit their use of force appropriately.

I believe that there are many actions we can take as a society to stop taking the lives - and thus the entire world - of people of color. I view passing SB626/HB139 as one of those actions, and I, on behalf of JUFJ, respectfully urge you to return a favorable report on SB626/HB139. Thank you very much for your consideration.

SB626 - FAV- Carol Stern.pdf

Uploaded by: Lloyd, Rianna

Position: FAV

February 4, 2021

Carol Stern
Chevy Chase, MD 20815

TESTIMONY IN SUPPORT OF SB626/HB139
Law Enforcement Officers - Use of Force

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Carol Stern

My name is Carol Stern. I live in Chevy Chase, in District 16. I am providing testimony in favor of SB626/HB139, Law Enforcement Officers - Use of Force.

My Jewish tradition teaches me that destroying one life is akin to destroying the entire world. In a world already filled with so much violence, we must move to end police violence and change Maryland laws that prevent us from holding police accountable.

The Maryland Coalition for Justice and Police Accountability (MCJPA) has called on the General Assembly to pass five specific and impactful reforms. Limiting the Use of Force by police officers is a key change needed to reform our justice system.

I live in Montgomery County, where we have witnessed many people die at the hands of police in the past few years. Black and brown residents are disproportionately represented. **It is important to remember all of their names. Here are a few: Peter Njang, Emanuel Okutuga, Robert White, Mikyas Tegegne, Duncan Lemp, Finan Berhe, and most recently Kwamena Ocran. They were killed by police in Montgomery County.** Under the current state of the law, every one of these killings by police officers were (or will be) legally justified. We must hold police accountable, limit the use of lethal force to a “necessary” standard and increase safe and effective ways for police to interact with civilians.

I respectfully urge a favorable report on SB626/HB139.

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: McDonald, Ericka

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **12**. I am also on the Board of Directors for the League of Women Voters, Baltimore County. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,

Ericka McDonald

418 Harwood Rd.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore
League of Women Voters, Baltimore County

SB 626_Use of Force_FAV_Morris.pdf

Uploaded by: Morris, Marguerite

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Rev. Marguerite Morris and I live in Odenton, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

I am the founder of For Kathy's Sake, Community Actively Seeking Transparency (C.A.S.T.), and the mother of a deceased young woman named Katherine Sarah Morris. I have been in an eight year legal battle with police calling for greater transparency and accountability in matters related to her death. While I support all five of the ACLU's policing priorities, this testimony is provided in support of SB 626 – Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

We must stop continuing to empower abusers to abuse. Police, policing themselves continue to give rise to conflicts of interest that have become a barrier to oversight in my own county. We as a Nation must rise up and do better. I charge you that as this country continues to cry out for justice for the unjust killing, or beating, or knee necking of our children, that you rise to the occasion and allow this bill to go forward and be enacted into law.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life.

As an impacted voter and community leader, I urge a favorable vote on SB 626.

Thank you,

**The Mother of Katherine Sarah Morris,
Marguerite Morris and the Friends of “For Kathy’s Sake”**

SB0626_Use_of_Force_MLC_FAV.pdf

Uploaded by: Plante, Cecilia

Position: FAV



TESTIMONY FOR SB0626 LAW ENFORCEMENT OFFICERS – USE OF FORCE

Bill Sponsor: Senator Carter

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0139 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our Coalition members support efforts to rethink how force is used by police officers against members of the public. While we understand and appreciate that officers are often placed in difficult situations, we have seen way too much violence against unarmed or vulnerable people that is not in any way required by the situation.

As Maryland is one of only nine states without a Use of Force law, we feel that the measures taken by this bill are necessary and useful to both the public and the police. The bill specifies that use of force is a last resort, after all other measures, like verbal communications, warnings, physical distance and de-escalation tactics have proven unsuccessful and is only to be used until the person is under the officer's control and does not pose a threat to anyone. It also specifies the definition of use of force and the types of force that are not allowed, such as –

- Discharge of a firearm
- Strikes to the head, neck, sternum, spine or groin
- Strikes to the throat or chokeholds
- Hitting a person's head against a hard object, such as a wall
- Any maneuver that restricts blood flow to the brain

It is the use of extreme force that has caused the tragedies that we have seen in the news, and many other tragedies that we have not. Adopting these measures would engender more trust between the public and the police, trust that is crucial to maintaining safe communities.

We are also heartened by the fact that there are consequences built into the bill. Too often, there are requirements, but no real teeth. In this case, funding is cut off if law enforcement organizations don't adopt these practices, and officers who violate these practices may be charged with manslaughter or murder, if their actions result in death, or with reckless endangerment, if their actions do not.

There have been too many injuries, and even deaths, by police against often unarmed and harmless residents. Policing organizations must stand up and admit that they have allowed officers too much free reign and have shielded those who have violated the public's trust. It is more than time for accountability. This bill supplies some solid, well measured steps in making policing organizations, and police officers more accountable for actions that are not representative of good policing.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Powell, Holly

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **46**. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell

2308 Cambridge Street

Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Rehr, Nathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **45**. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Nathan Rehr
450 E. Federal Street Baltimore, MD 21202
Showing Up for Racial Justice Baltimore

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Rochkind, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind
755 Melville Ave
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

SB0626 testimony.pdf

Uploaded by: Rock-Foster, Charlene

Position: FAV

I am testifying in favor of SB 626– Law Enforcement Officers Use of Force

There has and still is the expectancy of use of force being the last resort when other means of stopping an imminent threat through de-escalation has failed. Unfortunately, there have been cases in which use of force becomes the first tool being used, with devastating outcomes. I have seen the news reports of officers indiscriminately using unnecessary force to apprehend suspects or harass individuals. The use of force issue is even more prevalent in officers responding to mental health and domestic calls. Other officers who are task with stopping an imminent threat are put into a situation where if one unnecessarily uses force, they are more than likely to pile on the use of force and not stop the action. In Baltimore City, there is the long history of unnecessarily forced being used, which did begin nor end with Freddie Gray; enough of those experiences made the news and were even outlined in the DOJ report.

There is not a standardized policy of when and how use of force should be executed. SB 626 can and shall be the policy applied-to create a pathway to better training at de-escalation, requiring intervention of officers if the policy is violated, and greatly reduce the fear, trauma, and expenses caused by the harm imposed. If the responsibility we want law enforcement to have is to protect and serve as opposed to brutalize and terrorize, this bill needs to be passed. Thank for your time and attention to this matter.

Sincerely,

Charlene Rock-Foster
Baltimore City Resident

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Rosenthal, Anne

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 40. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "AR", with a long horizontal stroke extending to the right.

Anne Rosenthal

810 Cathedral St. Baltimore, MD 21201

Showing Up for Racial Justice Baltimore

SB0626- Testimony- Support- JS.pdf

Uploaded by: Sell, Jennifer

Position: FAV

Dear members of the Judicial Proceedings Committee,

I am a resident of District 33 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of bill SB0626 which sets statutory Limits on Police Use of Force.

The fact that Maryland does not currently have a strict enough policy on use of force by police officers means that police are able to use their personal discretion on when force is warranted. This often means that people of color, persons with disabilities, and the mentally ill are victims of police brutality in situations that do not warrant it, sometimes resulting in death or life-long medical issues.

Please take a few moments to compare in your mind the imagery of the Anne Arundel County police physically removing a Black man from his car and then kneeling on his back with the imagery of many of the Capitol Police standing by while white supremacists forcefully invaded our Capitol building. Compare this also with the physical abuse Black Lives Matters protesters were subjected to in Portland, where they were kidnapped and physically assaulted by Federal law enforcement officials.

It is clear that police officers choose when and against whom to use violence against and it is clear that many of their decisions are based on racist fears and beliefs that wind up harming those of color, those who are disabled, and those who are mentally ill. Instituting a new use of force policy will ensure that police officers are held to a higher standard when making the decision if force is warranted and will also hold police accountable when they choose to actively not follow the rules.

It is for these reasons that I am encouraging you to vote in support of SB0626.

Thank you for your time, service, and consideration.

Sincerely,
Jennifer Sell
444 Lynwood Dr
Severna Park, MD 21146

Testimony - SB 626 – Law Enforcement Officers -- U

Uploaded by: Shand, Tracy

Position: FAV

SENATE VERSION

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is **Tracy Shand** and I live in **Montgomery County**, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

My brother Leonard Shand a black man was killed on September 26, 2019, at the intersection of Belcrest and Toledo Road, Hyattsville MD. My brother was killed by the Prince Georges County, Hyattsville, and Mount Rainer Police Officers without justification. The officers created a dangerous situation by throwing an unauthorized flash bang grenade, within sec after firing a bean bags at Leonard, and when he reacted by moving away from the blast, they shot him over 44 times. Then create a false narrative stating that he was in the process of attacking an officer. Prior to engaging in a prolonged pattern of physical violence against Mr. Shand, that includes kicking him and trying to hit him with a car. At no time did the officers seek assistance from the Medical Unit, Crisis Center, or any intervention resources unit that specialize in mental illness.

These officers used excessive force in continuously escalating a situation that could have deescalated by calling any form of a medical unit, talking Mr. Shand down, and employing dangerous measures like flash bangs when the situation did not call for it. The use of the flash bang was excessive force when Mr. Shand did not pose an imminent threat to anyone at the time it was used. Once used, Mr. Shand reacted by moving away from it, and was shot to death under circumstances where he did not pose a threat of harming anyone. These officers were protected by the Law Enforcement Bill of Rights, and they were not charged with any of the crimes they committed or received any form of discipline.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Attentively,
Tracy Shand

SB 626 - Statutory Limits on Police Use of Force.do

Uploaded by: Simmons, Christina

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 42B, and a lot of my adopted family have identities that would make them more at risk when interacting with police officers. The police need to be held accountable and it's obvious they won't do it without policies mandating it, so I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Christina Simmons
304 Stevenson Lane, APT B8
Towson, MD 21204
Showing Up for Racial Justice Baltimore

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Smeton, Jonathan

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 43. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
3140 Ellerslie Avenue, Baltimore, MD 21218
Showing Up for Racial Justice Baltimore

SB 626_FAV_ACLU_Spielberger.pdf

Uploaded by: Spielberg, Joe

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers – Use of Force

FAVORABLE

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
JOHN HENDERSON
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 626 to establish a statewide use of force policy for law enforcement officers. We are united in solidarity with more than 90 organizations representing hundreds of thousands of Maryland residents, and victims, survivors, and families of those who have been killed or harmed by police violence.

This bill intends to:

- (1) raise the legal standard from “objectively reasonable” under *Graham v. Connor*¹ and *Garner v. Tennessee*,² to authorize police officers to use force only when it is *necessary*, as a last resort;
- (2) require judging the lawfulness of use of force based on the totality of the circumstances, including the officer’s behavior and whether the officer contributed to the need to use force;
- (3) ensure a civil right of action for victims of unlawful force;
- (4) clearly define terms such as “lethal force” to include chokeholds and other specific tactics; and
- (5) establish new training, reporting, and compliance requirements.

This bill will hold both officers and departments accountable for unlawful force, and change the culture of policing so that officers serve our communities in deference to Constitutional rights and the preservation of every human life, while upholding the dignity and humanity of those they are sworn to protect. Without meaningful accountability, officers have little incentive to follow the law and improve these practices, which jeopardizes public safety everywhere.

Race disparities have been widely documented in every aspect of policing, from stops and searches³ to use of force.⁴ In Baltimore City,

¹ 490 U.S. 386 (1989).

² 471 U.S. 1 (1985).

³ The Stanford Open Policing Project. *Findings*. <https://openpolicing.stanford.edu/findings>

⁴ Frank Edwards, Hedwig Lee, & Michael Esposito. (2019, August 19). *Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex*. Pnas.org.



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Maryland

91% of police use of force is directed toward Black residents.⁵ Statewide, 63% of people in Maryland killed by police are Black, which is indeed the *highest percentage of any state in the country*.⁶

In Prince George's County, William Green was shot seven times and killed by an officer while sitting in the police car with his hands cuffed behind his back, while the officer was already being investigated for a prior shooting. The abject cruelty manifested here has time and time again robbed Black communities across Maryland of fathers and mothers, sons and daughters, brothers and sisters, grandparents, neighbors, and cherished friends. The recent protests and demonstrations nationwide that have etched the names of George Floyd, Breonna Taylor, and others into our collective memory represent the outpouring of profound grief and righteous anger at the relentless, uninterrupted cycle of police violence and brutality toward Black people.

The gross disparities in treatment at the hands of police of white and Black people – compare the responses to Black Lives Matter protests versus the violent uprising at the U.S. Capitol – show us that it is indeed possible for officers to respond better, to police differently, in ways that minimize harm and the loss of human life. In fact, analysis of use of force data provided from the Baltimore Police Department shows that officers cited (1) self-defense, (2) defense of others, or (3) to make an arrest as the reason why force was used less than 16% of the time,⁷ suggesting that officers primarily use force when it is not necessary. Officers have a *choice* in how they respond, and we must ensure that they have the tools they need to make safer choices.

Black residents and activists have been working on police reform for decades, and have cried out in front of this committee for real and lasting change. And despite the very best efforts of some legislators on this committee, meaningful change has been wanting.

<https://www.pnas.org/content/116/34/16793>. Roland G. Fryer, Jr. (2016, July). *Analysis of racial differences in police use of force*. Law.yale.edu.

https://law.yale.edu/sites/default/files/area/workshop/leo/leo16_fryer.pdf

⁵ Analysis of data provided by the Baltimore Police Department to Code for America for the years 2015-2019. <https://projectcomport.org>.

⁶ Mapping Police Violence. <http://mappingpoliceviolence.org>

⁷ Analysis of data provided by the Baltimore Police Department to Code for America.



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Maryland

In her 1891 speech to the National Council of Women of America, Frances Harper stated,

“A government which can protect and defend its citizens from wrong and outrage and does not is vicious. A government which would do it and cannot is weak; and where human life is insecure through either weakness or viciousness in the administration of law, there must be a lack of justice, and where this is wanting nothing can make up the deficiency.”⁸

The unfathomable loss of life has left gaping wounds across our state, wounds that can never fully heal. However, in passing this bill which creates one of the best standards in the country, Maryland will at least start to bind those wounds, to honor the countless lives lost and the survivors still living, and to protect generations to come.

We know the facts, the data, and the personal experiences of so many across our state. We now have the *obligation* to act courageously, and not settle for anything less than for what this moment calls.

The ACLU-MD urges this committee to act courageously and issue a favorable report on SB 626.

⁸ Shirley Wilson Logan. *With pen and voice: A critical anthology of Nineteenth Century African-American Women*. Southern Illinois University Press (1985).

SB 626_FAV_DiGuiseppe.pdf

Uploaded by: Spielberg, Joe

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is **Angeli DiGuiseppe** and I live in **District 7**, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is necessary as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

This lack of definition of excessive force and a lack of emphasis on de-escalation in police training and policy has lead to the murder of innocent Maryland Citizens, such as Tyrone West and Freddy Gray. The offices that murdered these people were not fired or convicted of any crime. **IF YOU WANT TO BE REELECTED, NOW IS THE TIME TO PROTECT YOUR CONSTITUENTS.**

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Attentively,

Angelia DiGuiseppe

3012 Westchester Ave, Ellicott City MD, 21043

SB 626_FAV_Rev. Zacharias.pdf

Uploaded by: Spielberg, Joe

Position: FAV



Name: Rev. Dr. Christopher L. Zacharias
Silver Spring, MD, 20910
Email: chriszach14@gmail.com, 704-491-7908 (cell)

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is **Rev. Dr. Christopher L. Zacharias** and I live in **Silver Spring**, Maryland. I'm formally submitting my written testimony in support of SB 626 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the “objectively reasonable” standard to prohibit officers from using force unless it is necessary as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

Too much unaccountable actions of police officers have taken too many lives of people. In the case of the deceased, Mr. Robert White, again, unnecessary use of force, has caused Mr. White's death. An unarmed man, walking home, was falsely accused of a break in that he did not commit. However, on false suspicion and use of force, Mr. White's life is lost.

Since Mr. White's death, his church community and family have had the unnecessary grieving force of their emotional and spiritual well-being in turmoil of his life. I encourage and support this use of force bill to help for better policing and the stoppage of unnecessary use of force by any officer.

Too much time has passed for this bill to be enacted and for lives lost in the process. If we want a safer community, it must start with this bill, improved policing protocols, wiser officers and community leaders imploring to our community a safer and unified front for harmony among one another. This bill takes the necessary steps to help improve our police departments and their leading for a safer community for all.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on SB 626.

Attentively,
Rev. Dr. Christopher L Zacharias,
Pastor - John Wesley A.M.E. Zion Church
Washington, DC 20009
www.jwdc.org
(202) 667-3824 (office)
(704) 491-7908 (cell)

SB626_Fav_Hopkins.pdf

Uploaded by: Spielberg, Joe

Position: FAV

**Testimony for the Senate Judicial Proceedings Committee
February 4, 2021**

SB 626 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Marion Gray-Hopkins and I live in Upper Marlboro, Maryland. I'm formally submitting my written testimony in support of SB 626 on Law Enforcement Officers- Use of Force. I am a registered voter and actively involved in many organizations whose focus is police reform. The local organizations include Prince Georges County Peoples Coalition for Justice, MCJPA, Community Justice, the president of Coalition of Concerned Mothers which is a grassroots organization comprised of mothers who have lost children primarily to police brutality as well as community violence. Additionally I am an active board member of ACLU- MD affiliate. More importantly I am the voice for my son Gary Hopkins, Jr. who at the young age of 19 had his voice silenced due to being a casualty of police violence on November 27, 1999. He had dreams and aspirations. A fulltime college student who looked forward to contributing in a positive way yet like so many others was denied that opportunity because he came into contact with officers who utilized deadly force and were judge, jury and executioner that dreadful day that changed my life forever.

Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying *Graham* and *Garner* into state law, we must elevate the "objectively reasonable" standard to prohibit officers from using force unless it is **necessary** as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

The senseless killings of our loved ones at the hands of police MUST stop. It saddens me to know that over 21,000 have been killed by police since my sons' death most of which are disproportionately black and brown people, many unarmed and who suffered from mental illness.

This body has an opportunity to bridge the divide between community and policing by first acknowledging that there is an issue and then taking action by being on the right side of justice when this time in history is written.

My son aspired to be a writer and one of his final college papers he wrote "It takes a village to bring change". The time for change is long overdue...the time is NOW for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. On behalf of my son, my family, the many other Maryland victims of police brutality and advocates of police reform hope you will/are a part of the village and urge you to vote favorable to SB 626.

Attentively,
Marion Gray-Hopkins

SB626_FAV_MaryAnnFord.pdf

Uploaded by: Spielberg, Joe

Position: FAV

To: Senator Will Smith, Chair of Senate Judicial Proceedings Committee.

From: Mary Ann Ford, 3702 Buckeystown Pike, Buckeystown, MD 2717

Date: February 2, 2012

Per: Support for SB 626 Use of Force Bill

Dear Senator Smith,

I am a longtime resident of Frederick County and this summer, I joined thousands of Frederick County residents to protest police violence in this county, state and country. We said then and we say now law enforcement must be accountable for its use of force –that it must do all it can to preserve life.

Thus I ask you and your colleagues on Judicial Proceedings to vote in favor of SB 626.

ACLU and other advocates of police reform make the case that Maryland must codify use of force standards to ensure law enforcement is accountable for its use. I am dismayed that Maryland is one of the few states that has resisted for so long such legislation.

Sadly here in Frederick County there has been 2 lethal force incidents in the last 6 years, both killings by the same Sheriff's deputy, who is still employed in the Sheriff's Department. The circumstances around these killings have never been made public and serious questions exist about whether the deputy did everything possible to keep from killing 2 men. An 18-year old man was killed in 2013 as a result of the officer participating in a no knock entry in the early morning hours. The 18 year old being sought fired on officers as they entered the home, their having detonated a flash bomb as they entered. In the other in 2019 the officer shot a man who refused an order to drop his gun as ordered. The man was on private property at night: law enforcement reported receiving information of his being suicidal and in violation of an ex parte order. Little else has been made public about these incidents.

Use of force legislation is needed and I urge your support.

Takoma Park SB 626.pdf

Uploaded by: Spielberg, Joe

Position: FAV

February 4, 2021

Joanna Silver
Silver Spring, MD 20902-4010
joannabethsilver@hotmail.com / (202) 251-0235



TESTIMONY IN SUPPORT OF SB626
LAW ENFORCEMENT OFFICERS - USE OF FORCE

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Joanna Silver

My name is Joanna Silver and I live in Silver Spring, in District 18. I advocate on behalf of a number of organizations including Jews United for Justice, the Silver Spring Justice Coalition, and Takoma Park Mobilization.

I share this testimony on behalf of Takoma Park Mobilization. Takoma Park Mobilization is a grassroots advocacy organization with 2,300 members in and around Takoma Park, Maryland that works to enact local, state, and national policies and laws that ensure equal justice for all, with special attention to the treatment of people of color, immigrants, and other vulnerable individuals in our community.

Much attention has been rightfully placed on the outrageous acts of violence by police committed against residents of Baltimore City and Prince George's County over the years. However, residents of Montgomery County, particularly Black and brown residents, have repeatedly fallen victim to police violence. Peter Njang, Emanuel Okutuga, Robert White, Mikyas Tegegne, Duncan Lemp, Finnan Berhe, and most recently Kwamena Ocran, have all been killed by police in Montgomery County in recent years. Under the current state of the law, every one of these extra-judicial killings were (or will be) legally justified. That legal justification comes from years of conservative federal and state court jurisprudence that allows police to kill and harm with impunity and does nothing to proactively decrease police violence, hold police accountable, and increase safe and effective ways for police to interact with civilians.

This is why we need SB626. In particular, this is why we need SB626's elevation of the "reasonableness" standard to one that prohibits officers from using force unless it is necessary

as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. SB626's elevated standard is at the heart of the bill. However, the bill's clear definitions, consideration of the officer's behavior as part of the totality of the circumstances analysis, creation of both a civil right of action and a criminal penalty, and implementation of whistleblower protections for officers who intervene, combine to make this bill the best vehicle to protect all Marylanders from unnecessary police violence and hold all police accountable.

It is time for Maryland to join the vast majority of states that have statutory limits on police use of force, and to do so in a way that is meaningful and will actually reduce violence and change behavior. On behalf of Takoma Park Mobilization, I urge a favorable vote on SB 626.

SB 626 - Statutory Limits on Police Use of Force.do

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 10. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Tamara Todd
221 Northway Rd, Reisterstown, MD 21136
Showing Up for Racial Justice Baltimore

SB 626 - Statutory Limits on Police Use of Force.do

Uploaded by: Wilkins, Katherine

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **12**. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins

10651 Gramercy Pl, Unit 257, Columbia, MD 21044

Showing Up for Racial Justice Baltimore

GW SB 626_HB139.pdf

Uploaded by: Willis , Greta

Position: FAV

**Written Testimony: Greta Willis—Moms Demand Action for Gun Sense in America
SB 626/HB139
February 1, 2021**

Dear Chairman, Vice-Chair, and Members of the Committee,

My name is Greta Willis, mother of Kevin Cooper and Co-Founder and President of the Kevin L. Cooper Foundation created in my son's name. I am also a volunteer with the Maryland Chapter of Moms Demand Action for Gun Sense in America.

Let me explain to you why I am here today. On Saturday, August 12, 2006, my 14-year-old son was shot and killed by an inexperienced Baltimore City police officer with one year on the force. My son was experiencing a mental health crisis. I called the police seeking help for my son. Instead of receiving help, my son, while holding a plastic dustpan, was maced and shot, in my home, in front of me, as I was holding my 10-month-old granddaughter.

There were two officers on the scene, and the one officer left stating, "the call was abated," meaning it was over. The other officer stayed and antagonized my son... then shot and killed him. Think: if the officer was in danger, why did his partner leave a rookie still on the scene alone?

I was never given an opportunity to accompany my son to the hospital. Two detectives instructed me to go right then to the police station to make a statement. Then I would be allowed to be with my son. I had pleaded with the officer numerous times to exit the premises. He chose to stay and escalate the situation. He became the judge, jury and executioner of Kevin's life. There were no criminal charges placed against the officer.

Kevin was a brother, son, uncle and a friend. He had just completed his first summer employment with Youth Works. My daughter was overseas fighting for our country, and someone who is paid to protect and serve the community was murdering her brother in his home.

There is no police accountability in Baltimore City Police Department even now. If the department would have investigated our case a little further, instead of covering up and declaring on the same day of the shooting that it was a JUSTIFIABLE HOMICIDE. Please explain to me how can you justify a homicide that had just occurred at 9:30 am? On the same day it occurred? Impossible! Where is the investigation? Where is the transparency?

It is too late for my son, but as a mother and grandmother, I am here. As George Floyd cried out for his mother, I am here crying out in representation for my only child, grandchildren and all the sons and daughters. I urge you all to prohibit the deadly use of force so our children can live.

Police violence is gun violence. We cannot end gun violence without addressing this crisis.

I urge the Committee to vote and make changes. We need police reform and accountability.

Thank you for your time.

SB 626 - Statutory Limits on Police Use of Force.pdf

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District 12. I am testifying in support of **Senate Bill 626**.



Senate Bill 626 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit when officers can claim self-defense if their behavior incited the necessity to use force; 5) establish the duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 626**.

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

WDC Testimony SB626_FINAL.pdf

Uploaded by: Tomasello, Beth

Position: FWA



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**SB626-LAW ENFORCEMENT OFFICERS-USE OF FORCE
JUDICIAL PROCEEDINGS COMMITTEE-FEBRUARY 4, 2021
SUPPORT WITH AMENDMENT**

Thank you for this opportunity to submit written testimony to the Judicial Proceedings Committee concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)**. WDC is one of the largest and most active Democratic Clubs in our County, with hundreds of politically active women and men, including many elected officials.

Senate Bill 626 is comprehensive legislation that governs the circumstances in which a law enforcement officer's use of force is excessive and is criminally and civilly actionable. If enacted, SB626 has the potential to transform Maryland's law enforcement officers' use of force. WDC commends Senator Carter for introducing such an important measure to end police brutality in Maryland.

WDC strongly supports the passage of SB626, but respectfully suggests amending the definition of "Necessary Force" to include the perspective of an "reasonable civilian" so that the reasonableness of the necessity of the use of force is not viewed *solely* from the perspective of "another reasonable law enforcement officer."

WDC suggests this amendment because it is difficult to define who is the "reasonable law enforcement officer," even one with "experience and training in the use of force or lethal force." Although there is no Policy Note for SB626 or its House cross-file, HB139, we note that the "reasonable officer" standard derives from the U.S. Supreme Court's decision in *Graham v. Connor*,¹ in which the Court exonerated police officers who severely injured a victim in a diabetic crisis who did nothing more than enter and leave a convenience store quickly rather than wait in a long line to purchase a product containing glucose.

Despite the Supreme Court's decision, WDC does not believe that most reasonable Americans would objectively view the officer's use of force in *Graham v. Connor* as either reasonable or necessary. The millions of Americans protesting police violence tell us that a police officer's view of what is objectively reasonable is not the same as what Americans might think is objectively reasonable. Both the courts and disciplinary bodies within law enforcement agencies should consider both civilian and police perspectives because it is important that the public view disciplinary or legal proceedings as rendering just outcomes.

¹ 490 U.S. 386 (1989).



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

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We further note that a disproportionate number of the victims of police use of force are Black, and unfortunately, our structurally racist criminal system makes use of force against Black people too often seem reasonable. As Georgetown University Law Professor Paul Butler wrote, “what happens in places like Ferguson, Missouri, and Baltimore, Maryland, where the police routinely harass and discriminate against African-Americans, is not a flaw in the criminal justice system. [They] are examples of how the system [of structural racism and racial subordination] are *supposed* to work.”²

We ask for your support for SB626 and urge the Committee to issue a favorable report with the amendment noted in this testimony.

Respectfully,

Diana Conway
President

² Paul Butler, *Chokehold: Policing Black Men*, 6 (2017)

MCPA-MSA_SB 626_Use of Force_Oppose-Final for Subm

Uploaded by: Mansfield, Andrea

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2021

RE: **SB 626 Law Enforcement Officers – Use of Force**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 626**. This bill proposes to regulate the circumstances under which a Maryland law enforcement officer is justified in using force and deadly force.

MCPA and MSA are concerned that placing use of force requirements in statute in the manner proposed by this the bill would impose rigid guidelines that prove to be detrimental to policing and the community at large. Instead of an approach that defines terms, codifies actions of police officers, and includes criminal penalties; a uniform statewide use of force policy could be specified in statute that addresses the key elements that have been recommended by the Workgroup to Address Police Reform and Accountability in Maryland such as an officer's duty to intervene, report misconduct, de-escalation, documentation of use of force incidents, early warning intervention systems, implicit bias training, prohibiting the use of neck restraints except in those situations where the officer is defending him/herself or another from death or serious bodily injury, and shooting at moving vehicles, among others. The actual policy could still be developed by the Maryland Police Training and Standards Commission providing flexibility for other requirements to be incorporated as a result of court decisions or best practices developed by certifying agencies. To ensure accountability, all law enforcement agencies could be required to adopt these policies with appropriate action taken if they do not. In addition, mandating such a use of force policy authorizes the Chief or Sheriff to take appropriate disciplinary action should an officer not comply with specified training and policies.

For these reasons, MCPA and MSA **OPPOSE** SB 626, but offer an alternate approach for a uniform statewide use of force policy.

MTA Unfavorable SB626.pdf

Uploaded by: Massoni, Jenna

Position: UNF



M a r y l a n d Troopers Association



INCORPORATED 1979

February 4, 2021

The Honorable William C. Smith, Jr., Chair and Members of Judicial Proceedings Committee

RE: SB626 Law Enforcement Officers – Use of Force

POSITION: OPPOSE

The Maryland Troopers Association (MTA) opposes this bill as written.

The MTA supports provisions that relate to training. The MTA supports the Office of the Attorney General creating uniform policies to ensure that Troopers and police officers across the state are uniformly trained in de-escalation techniques and use of force. Such training is already completed by the Maryland State Police.

The test of reasonableness for use of force is dictated by the 4th Amendment. It cannot be defined in statute as the Supreme Court found in *Graham v. Connor*, 490 U.S. 386 (1989). Use of force is examined under a totality of the circumstances and under an objectively reasonable standard. The facts of each situation are carefully considered. Troopers/officers also cannot be expected to ponder or consider multiple factors in life and death situations where citizens and the officers' safety is at issue.

SB626 creates a hesitation by the officer in many cases that require split second decisions which could put the officer's life or the life of the public in further danger. The reasonableness of the officer's actions must be based on the information the officer has in the moment force is used.

As the MTA does not support the unconstitutional codification of the objectively reasonable standard with respect to use of force, the MTA does not support such codification on witnessing excessive force under the same standard. By definition, this would take the "objectively reasonable" standard and create a subjective component of the individual officer who witnesses use of force.

The MTA opposes any provisions related to specific criminal charges stemming from an alleged violation of use of force standards.

The MTA opposes any provisions related to the dissemination of information to the public that is otherwise classified as personnel files or investigatory records.

Brian Blubaugh
President
Maryland Troopers Association

Member of National Troopers Coalition

1300 REISTERSTOWN ROAD, PIKESVILLE, MARYLAND 21208 (410) 653-3885 1-800-TROOPER

E-mail: info@mdtroopers.org

Maryland State Police Position Paper SB 626.pdf

Uploaded by: Williams, Thomas

Position: UNF



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 4, 2021

BILL NUMBER: Senate Bill 626 **POSITION:** Oppose

BILL TITLE: Law Enforcement Officers – Use of Force

This legislation seeks to allow a person to seek civil relief for the use of force by a law enforcement officer that is inconsistent with the provisions of the legislation. This legislation requires a law enforcement officer to use “De-escalation tactics and techniques” to gain a person’s voluntary compliance. As defined in this legislation, imminent threat does not include the mere fear of future harm, no matter how great the fear and no matter how great the likelihood of the threat.

Under current law, any person who believes they have been wronged by a law enforcement officer has the ability to seek a civil remedy through the Tort Claims process. The use of force by law enforcement officers is already defined as using the level of force based upon an officer’s evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used, and upon what a reasonably prudent officer would use under the same or similar situations.

As written, Senate Bill 626 seeks to define an imminent threat in such a way that an officer could not defend themselves or another until the actual attack against the officer or another begins. This is a very high standard to meet. The bill states that an imminent threat does not include the mere fear of future harm, no matter how great the fear and no matter how great the likelihood of the threat. This is a direct conflict to the guidance provided by the courts.

If a suspect has a gun and points it at an officer and threatens to shoot her, under Senate Bill 626 the fear of future harm “no matter how great” is not considered an imminent threat. The action by the shooter is not enough to defend oneself or another until the gun goes off. When does the totality of the circumstances, based on training and experience, say there is an imminent threat? Based on current case law, the officer’s actions would be objectionably reasonable once the firearm was pointed at the officer or other person.

State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

The Maryland State Police employs training techniques that include de-escalation, and use of non-deadly weapons to arrest or detain a subject. Our goals include the safety of the victims, our officers and the people we encounter for any number of reasons.

The Department believes there should be a consistent statewide standard for the use of force and transparency in the reporting of use of force encounters. The Maryland Police Training and Standards Commission should be the independent body that develops and implements the standards. As written, Senate Bill 626 creates a difficult standard for a law enforcement officer to follow.

For these reasons, the Maryland State Police urges the committee to give Senate Bill 626 an unfavorable report.