



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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Written Testimony In Support of HB 640 -Failure to Obey a Reasonable and Lawful Order – Repeal

Hearing before the Judiciary Committee

Friday, February 12, 2021 - 1:30 PM

Dear Judiciary Committee Members:

My name is Gabriela Sevilla and I am an Equal Justice Works Fellow at Homeless Persons Representation Project leading a new Medical- Legal Partnership serving the legal needs of persons experiencing homelessness in Baltimore City. Homeless Persons Representation Project is one of many organizations that is a part of the People's Commission to Decriminalize Maryland. I am the co-chair of the Homelessness workgroup of the Commission and we are in strong support of House Bill 640, which will repeal Maryland Criminal Code 10-201(c)(3), Failure to Obey a Lawful Order (FOLO). We strive to end the criminalization of homelessness and to end unnecessary police interactions with people who are trying to live their private lives in public.

Tragically Sandra Bland did not put out her cigarette when an officer demanded her to and she was yanked from her car, arrested for failing to obey the officer's lawful order¹. She died in her jail cell later that day. It is not common knowledge to citizens that it is a crime to disobey a lawful order from a police officer. Also, you would think a lawful order would be something that promotes public safety, but it can be to stop sleeping on a public bench or as silly as demanding someone put out a cigarette. Furthermore, people experiencing homeless, those with cognitive disabilities, or with past trauma from police may not understand that police officer's orders if not followed can lead to an arrest. This law is too vague and does not promote or protect public safety.

Our data shows that police officer's abuse failure to obey a lawful order as it has been charged hundreds of times alone. We believe if there was a legitimate public safety issue then there are other crimes an officer may charge, like assault. Moreover, we must address the inequities FOLO creates in our criminal justice system. If Black Lives Matter then we must repeal FOLO as it disproportionately harms Black and African American individuals. 63% of people charged with FOLO since 2017 are Black and African American. According to U.S. census data Black and African Americans only make up 31% of the population in Maryland. Also, a criminal record can create barriers to housing, employment, and contributes the cycle of homelessness.

The ambiguity caused by FOLO most likely adds to the anxiety, stress, mistrust in police that many people feel, especially in Baltimore, when interacting with the police. We should not feel fear when we see a police car. I hope that you will support HB 640 to protect your constituents and our community.

Please support HB 640 if you want to see a Maryland with a restored sense of trust in the police and believe in a fair and just criminal justice system.

Sincerely,

Gabriela Ines Sevilla, Esq.
Equal Justice Works Fellow
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Sincerely,

Gabriela Ines Sevilla,
Esq.

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