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Dear Judiciary Committee Members:

I live in the 33rd District. I am writing to you on my own behalf and on behalf of my synagogue, Mishkan Torah Synagogue, in Greenbelt, Maryland. Mishkan Torah's Board has authorized our Social Action Committee (SAC) to educate Maryland lawmakers on the urgency of passing S.B. 626 on Police Reform with amendments, which is before the House Judiciary Committee on Thursday.

The police in this country kill more than a thousand people every year often needlessly. Although Black Americans constitute only 13% of the population, they constitute twice that percentage of police killings every year (*Washington Post*). One such killing occurred in Maryland. Anton Black, a 19-year-old resident of Greensboro, Maryland, died while in police custody in September 2018. After his death, investigations revealed that the officer in the case, Thomas Webster, had multiple use-of-force reports and criminal charges while working in Delaware. The officer was found not guilty of the criminal charges and resigned. In July 2019, the Maryland Police Standards and Training Commission (MPTSC) revoked his certification.

S.B. 626 is a flawed bill that should be amended. It contains a reasonableness standard, even going far astray by changing the original bill's standard from police using only necessary force to requiring that police "not intentionally use excessive force." S.B. 626 should be amended to make it like H.B. 670 as reported by this Committee and passed by the House, to place necessary limits on the police use of force in order to prevent the use of lethal force that unnecessarily and unjustifiably kills and severely injures our citizenry. As noted above and as set forth in the media throughout last year until now, Black people, even unarmed Black people, are constantly being killed by police. A major reason why this keeps occurring is that the law on the use of force, including deadly force, is justified based on what police officers reasonably thought was necessary force. This approach leads to police officers acting with impunity. The only way to stop the continuing cycle of unnecessary killing and injury is to impose objective standards of what is necessary force. It requires making an objective assessment of the police officer's actions to include assessing what attempts the officer made to prevent the use of force including using de-escalation techniques to cool the situation thereby saving lives.

We recommend amending S.B. 626 to being like H.B. 670 so that it would comprehensively change the how police use force in Maryland. In particular, the bill would:

- Requires that police use only necessary force
- Includes an objective standard of necessary force
- Imposes an objective standard on the police use of lethal force

- Civil suits can be brought against officers who violate the use of force requirements
- Officers can be charged with crimes such as manslaughter, murder, or reckless endangerment if lethal force is used in an unlawful manner
- Police departments must develop policies to encourage officers to use de-escalation tactics

Adopting our suggested amendments means that the necessary force standard would have a chance of prevailing in a conference committee on S.B. 626.

Our suggested amendments to S.B. 626 would place sorely needed limits on police use of force to prevent needless killings by police. The amendments are necessary to save lives and subject police officers and police departments to appropriate oversight and accountability. The SAC of Miskan Torah believe it is a matter of justice, of “tikkun olam,” of repairing the world, to pass S.B. 626 with amendments.

If you wish to contact me, you may do so by emailing me at dnorken@verizon.net or calling at 443-292-8095.

Very truly yours,

A handwritten signature in black ink that reads "David Norcken". The signature is written in a cursive style with a long, sweeping underline.

David Norcken
Attorney at Law