



**Testimony for the House Judiciary Committee  
March 25, 2021**

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

**UNFAVORABLE**

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 opposes SB 626 as amended by the Senate, which attempts 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.

As originally drafted, this bill, the cross-file of HB 139, intended to:

- (1) raise the legal standard from “objectively reasonable” under *Graham v. Connor*<sup>1</sup> and *Garner v. Tennessee*<sup>2</sup>, to authorize police officers to use force only when it is *necessary*, as a last resort;
- (2) require considering the totality of the circumstances when determining whether the use of force was lawful, 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 actions; and
- (5) establish new training, reporting, and compliance requirements.

This bill would have held both officers and departments accountable for unlawful force, and changed 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 serve.

However, as amended by the Senate, SB 626 has now been gutted, leaving in place a weak and unconstitutional legal standard, authorizing force merely to “gain compliance” or “control a situation,” which goes against the U.S.

---

<sup>1</sup> 490 U.S. 386 (1989).

<sup>2</sup> 471 U.S. 1 (1985).



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Maryland

Supreme Court's ruling in *Garner*. The bill has also been stripped of its clarifying definitions, an explicit civil right of action, and almost all enforcement and accountability mechanisms for both officers and law enforcement agencies.

HB 670, however, as passed by the House, now includes important language from HB 139, which the Coalition supported, particularly raising the legal standard to allow force only when it is necessary and proportional, after exhausting reasonable alternatives. We strongly believe that it is precisely because law enforcement officers have so much power over the people they serve – to legally kill them – that there must be meaningful accountability when they use unnecessary force. This standard in HB 670 is completely absent from SB 626, which at best does no more than maintain the current status quo.

The use of force statute in HB 670 demonstrates that this committee understands the urgency of this moment, and the need to pass the strongest restriction possible to keep Maryland residents safe.

The ACLU-MD urges an unfavorable report on SB 626.