

February 1, 2021

House Judiciary Committee
Room 101
House Office Building
Annapolis, MD 21401

Dear Committee Members:

We are writing to you and submitting this letter as written testimony in advance of your hearing on February 9 in strong support of HB 670, the Police Reform and Accountability Act of 2021.

As members of the Takoma Park Presbyterian Church and in response to our understanding of the gospel, we are active in anti-racism work including efforts to redefine public safety and transform policing. Our church has an active Committed Racial Mindfulness group and also sponsors Presbyterians for Police Transformation. We realize that the movement for racial justice, including the much-needed transformation of policing in this country, requires a comprehensive approach. After much research, discussion, and reflection, we have chosen the following 6 priorities for our advocacy work in the area of police reform in Maryland:

- Shift to Non-Police Crisis Intervention
- Remove School Resource Officers
- Repeal the Law Enforcement Officers Bill of Rights
- Ensure Data Collection, Analysis, Transparency, and Accountability
- Completely Ban Chokeholds and Strangleholds
- Mandate Effective Anti-Implicit Bias and De-escalation Training

Many of these priorities are addressed in HB 670.

Repeal the Law Enforcement Officers Bill of Rights

Section 2 of the bill explicitly repeals the Law Enforcement Officers Bill of Rights (LEOBR). LEOBR provisions have been used in many instances to allow police officers found guilty of misconduct to keep their jobs, even after multiple instances and even when they have been convicted of a felony. Among other provisions, the LEOBR stipulates that police officers can only be investigated or questioned by other police officers, and proceedings of investigations are typically kept private. No type of civilian review board or civilian oversight is allowed. The LEOBR is often cited as a major obstacle to achieving greater accountability, transparency, and discipline in policing, as a major impediment to relieving problematic officers of their duties, and as a major contributor to a culture of impunity among officers.

However, full repeal of the LEOBR law, without replacement, at the state level would leave in place a patchwork of local statutes that implement LEOBR principles in various ways and to various degrees, some of them even more damaging than the state LEOBR. Thus, we are pleased to see that HB 670 also includes specific provisions that constitute a replacement of some aspects of the LEOBR. This includes the establishment of a Commission, with members representing the judiciary, police institutions, and the citizenry, with responsibility for investigating police misconduct, among

other duties. The bill also calls for removal of officers who have been convicted of a felony or who have been fired or resigned while being investigated for excessive use of force.

Ensure Data Collection, Analysis, Transparency, and Accountability

Regarding our priority of ensuring data collection, analysis, transparency, and accountability, we were heartened to see in, **Section 3-207**, the proposal requiring the Maryland Police Training and Standards Commission to--in J (3)--create a statewide database to track police officer de-certifications due to the improper use of force. Similarly, we appreciated noting in **Section 3-508** the goal of having the Commission develop standardized reporting procedures to track SWAT Teams' activations, locations, rationales, results, etc. that will be analyzed, sent to the Governor and the General Assembly, and reported on the Governor's Office of Crime Prevention, Youth, and Victim Services website.

We urge you to take the data collection further, developing a comprehensive system for tracking police misconduct, as well as compliments and awards. We hold up the [Citizen's Police Data Project](#) as an impressive model of transparency in service of police accountability. Created by the nonprofit journalism organization [Invisible Institute](#), in collaboration with The Intercept and the University of Chicago Law School's Mandel Legal Aid Clinic, it has been a rich resource for understanding and addressing the scope and scale of the problems within Chicago's police department. Their categories include Use of Force, Personnel Violations, Illegal Searches, False Arrests, Criminal Misconducts, Traffic, Bribery/Corruption, First Amendment, and Racial Profiling, among others. Establishing a standard for tracking statistics at the statewide level and holding police departments accountable for reporting, analysis, and consequences would go a long way in beginning to address systemic racism and other problematic behavior within locales.

Completely Ban Chokeholds and Strangleholds

In 2020 we watched George Floyd die as a police officer kneeled on this neck for 8 minutes and 47 seconds, following questioning about a counterfeit twenty-dollar bill so we are pleased to see that **Section 3-524** prohibits the use of a chokehold, neck restraint, or any other type of restraint that restricts blood flow or breath on another person by police officers.

We are especially pleased to see that it also provides for penalties for officers who either knowingly or recklessly violate this provision. **Section 3-203** also gives the Commission the authority to revoke the certification of those officers who violate this prohibition. This is important as Paul Butler, a former federal prosecutor and author of the book *Chokehold: Policing Black Men*, says, part of the problem is a lack of accountability. "If we look at the ban in New York City, it's kind of like a rule in an employee handbook: 'Don't use a chokehold.' We shouldn't expect those kinds of light bans to work," he says.

Mandate Effective Anti-Implicit Bias and De-escalation Training

Our priority of mandating effective anti-implicit bias and de-escalation training is partially addressed in **Section 3-203**. We appreciate the changes to the Commission that reduces the number of law enforcement representatives and adds 9 citizens without relationship to law enforcement. The bill tasks the Commission with developing testing and training for implicit bias that is required to be used in hiring, initial and annual training. In order for this training to impact behavior, we believe it must include behavioral ways to overcome bias. Adding such language to **(K)** will strengthen the bill.

We are disappointed that requiring practice based de-escalation training which has been found to be effective in reducing police violence is not included. We urge you to add this language in **Section 3-524 (8)**.

Funding

Finally, we note that the only funding provision is that the bill requires the governor to include funding in the state budget for the independent investigative agency. We believe that funding for this and all other provisions in this bill should come from within existing law enforcement agencies' funds and that these improvements should not be used as a reason to further increase the their budgets.

Thank you for your consideration of our views.

Sincerely,

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