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Bill: HB0541
Title: Maryland Police Training and Standards Commission – Training Requirements – Hate Crimes
Date: February 11, 2020
Committee: Judiciary
Position: Support

To the Honorable Luke Clippinger and Esteemed Members of the Committee:

FreeState Justice is Maryland’s lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to hundreds of LGBTQ Marylanders facing discrimination. We strive to create an equitable Maryland where LGBTQ Marylanders can live full lives with safety, dignity and respect in all spaces.

Access to public safety institutions is crucial for leading safe and dignified lives, especially for marginalized and disrespected minority groups. Maryland law requires state police to report hate crimes in Md. Code Ann. Pub. Safety §2–307. However, in the Maryland Department of State Police’s 2018 Hate Bias Report, they noted multiple problems that prevent police from fulfilling this function. Since hate crimes based on sexual orientation and gender identity are the third most common type of hate crime following race, ethnicity, and ancestry (R/E/A) and religious incidents, these issues disproportionately impact the LGBTQ community.

First, there were either no hate bias incidents or no reports submitted by the following counties: Allegany, Calvert, Dorchester, Garrett, Queen Anne’s, Somerset, Talbot, Washington and Worcester. As the report notes, “although a county does not report any incidents, the conclusion should not be drawn that the jurisdiction was free of hate/bias incidents.” Instead, this lack of reporting either indicates a lack of formal complaints by victims to police, often because victims may feel fear of reporting to police or assume that their reports will not be taken seriously, or a failure of police to properly code the incident or crime. Both of these issues can be addressed by proper training.

Second, across the 15 counties that reported one or more hate crimes, the overwhelming majority of cases were determined to be inconclusive. This points to a systematic failure in the police department’s capacities and knowledge to carry out follow-up investigations that make a verified or unfounded determination on the status of reported cases. Training will also address this issue.

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Third, there is a troubling variance in the number of cases determined to be inconclusive between counties. For example, over 70% of Ann Arundel County's 78 reported incidents and Baltimore County's 76 reported incidents were found to be inconclusive in 2018 while 86% of Prince George's County's 28 crimes were verified. The disparities in verifying hate crimes between counties points to a troubling miscarriage of justice based on the zip code in which the victim resides.

Taken together, these systematic issues point to a failure of most counties to execute the task they were assigned under Maryland's existing public safety codes. This translates into real consequences, including distrust in and fear of public safety officials by marginalized and disrespected minority groups.

In 2016, FreeState Justice conducted a Needs Assessment of LGBTQ Marylanders, surveying and conducting listening sessions with over 500 LGBTQ Marylanders to better understand barriers to full equality. We learned that almost 1 in 3 LGBTQ people consider street harassment and interactions with law enforcement to be urgent issues facing the community. Several participants shared accounts of requesting help from the police, only to be mocked or arrested. One respondent remarked: "My friends and I were leaving a bar one night and a car pulled up, about 4 guys got out of the car and started calling us names and throwing beer bottles at us. We took off running, called the police. When the police arrived, our response from the police was we should expect that to happen to us because of our lifestyle."

The prevalence of street harassment based on sexual orientation and gender identity and the actual or perceived lack of recourse to law enforcement significantly impacts the freedom and wellbeing of LGBTQ Marylanders. For example, some participants significantly alter their daily routines to minimize the threat of harm. One Black transgender woman in Baltimore noted: "I have to run all my errands at night, because as a trans woman, if I go out during the day, I get harassed by the police."

As demonstrated by the Needs Assessment, fear and exclusion from access to public safety institutions prevent LGBTQ Marylanders from leading safe and healthy lives with full access to dignity and rights. Mandating entrance-level and in-service training for police on hate crimes is essential to carry out the duties assigned to police officers by existing law, reduce disparities in reporting between counties, increase knowledge and resources for local police to make final verified or unfounded determinations on reported hate crime incidents, and improve the safety and wellbeing of LGBTQ Marylanders and other targeted groups.

We strongly support this legislation and urge you to vote favorably.

Sincerely,

Mark A. Procopio
Executive Director