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Date: February 18th, 2020

Re: HB 0720 - Criminal Law - Drug Paraphernalia for Administration -
Decriminalization

Position: SUPPORT

To: The Maryland State House Judiciary Committee

Dear Members of the Judiciary Committee,

Thank you for hearing this bill. I am testifying today as a resident of Finksburg, a former Deputy Secretary of the Maryland Department of Public Safety and Correctional Services, and a retired Major with the Baltimore City Police Department. I support HB 720 because decriminalizing paraphernalia possession will reduce disease and overdose deaths and help rebuild police-community trust.

Heroin use was a crisis in Baltimore when I began as a patrol officer in 1970. It was still a crisis 27 years later, when I retired as Commanding Officer of the Eastern District and started serving with the Department of Public Safety and Correctional Services. Today, with fentanyl mixed in the drug supply, overdoses are higher than ever before.

Fortunately, we are finally learning that arresting people for drug use does not stop overdoses, disease transmission, or drug-related crime. In fact, it is counterproductive, because it makes people hide from the authorities, share syringes, and fail to report crimes. We are moving in the right direction by establishing syringe access programs, because they reduce HIV and Hepatitis C transmission without increasing drug use or crime.

It's time for our state to take the next step and decriminalize paraphernalia possession. There is no public safety rationale to keep arresting people on this charge. In all my years of policing, I have never seen a serious threat to public safety be resolved by a paraphernalia arrest. I have, however, seen this charge used to unnecessarily arrest hundreds of people who use drugs.

Decriminalizing syringe possession would also help patrol officers, who are at risk of accidental needle-stick. Every time police make an arrest, we search the person before detaining them. As we pat them down, we ask the suspect if there's anything in their pockets or bags that could hurt us. Suspects will often lie if they're in possession of a syringe, hoping to avoid a paraphernalia charge. Researchers have found that one in three police officers are stuck with a needle while on the job.¹ Imagine the stress that police and their families experience while waiting to receive their test results after a needle-stick injury. This legislation would enable suspects to warn officers that there is a needle in their pocket without fear of a further criminal charge.

This legislation would also reduce the chance that the needle in their pocket carries an infectious virus. When people know they can be arrested for syringe possession, they are more likely to share syringes to minimize their chance of arrest.

This bill would also reduce syringe littering. When we punish people for syringe possession, they do not risk carrying a used syringe with them to dispose of it safely. Instead they leave it wherever they use it -- in a park, in an alley, or in a public restroom. We shouldn't have to worry about our children playing barefoot in the park or our custodians being stuck by needles at work. This legislation would enable people to carry their syringe until they have a safe means of disposal.

Finally, this bill would help reestablish police-community trust. When we arrest someone for drug paraphernalia, the community sees us wasting

¹ [https://www.ajpmonline.org/article/S0749-3797\(99\)00137-3/abstract](https://www.ajpmonline.org/article/S0749-3797(99)00137-3/abstract)

taxpayer resources and punishing someone who needs treatment. People who use drugs see these arrests and become afraid to report a crime or call 911 when a friend overdoses. We need the cooperation of the whole community, including those who are currently hiding from the police, in order to protect public safety.

In short, supporting this legislation is common sense. We have a clear opportunity to reduce disease transmission and syringe littering, protect officers, and improve community trust. Anyone who supports public safety and public health should support this legislation.

Thank you for the opportunity to speak to you today.

Deputy Secretary Wendell M. France, Sr. (Ret.)
Department of Public Safety and Correctional Services
Retired Major, Baltimore Police Department