

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** House Bill 764  
**TITLE:** Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity  
**COMMITTEE:** Judiciary  
**HEARING DATE:** February 25, 2020  
**POSITION:** **SUPPORT**

House Bill 764 would amend § 3-314 of the Maryland Criminal Law Article which prohibits sexual conduct between a law enforcement officer and a person in their custody to also include any victim, witness, or suspect in an investigation, and any person requesting assistance from a law enforcement officer in the course of the officer’s official duties. It would also establish an exception to this prohibition to protect preexisting legal sexual relationships in certain circumstances. The Human Trafficking Prevention Project (HTPP) at the University of Baltimore School of Law supports House Bill 764 because it will reduce the likelihood of the abuse of those populations who frequently find themselves the victims of sexual misconduct at the hands of the police.

The HTPP regularly serves clients who are engaged in the commercial sex trade, regardless of whether their involvement is because of choice, circumstance, or because they have survived human trafficking. While we acknowledge that many law enforcement officers behave ethically and are engaged in lawful conduct while on the job, many are also complicit with or involved in the sexual violation of those they have sworn an oath to serve and protect. Our clients regularly report sexual extortion at the hands of the police, most commonly as part of an exchange proposed by an officer in lieu of arresting them for prostitution, in the course of a prostitution sting prior to their arrest, or as a prostitution customer. Many of our clients also report sexual assault by law enforcement officers. Extending the prohibitions against sexual contact to include victims, witnesses, suspects, and persons who request assistance from law enforcement is a common sense measure that reflects the wider societal consensus that such sexual conduct is inappropriate and should not be tolerated as a matter of law. This bill is also consistent with the Prison Rape Elimination’s Act prohibitions on sexual contact between correctional staff and incarcerated people, prohibitions enacted in part because of the disproportionate rates of sexual abuse of incarcerated people by staff.

Due to the power dynamics between police and victims, witnesses, suspects, or those seeking their assistance, the potential for abuse when police engage in sexual relationships with these individuals is significant. In a time when it is even more critical for us to believe and support survivors of sexual violence, the Human Trafficking Prevention Project supports House Bill 764 and respectfully urges a favorable report.