



Olivia Bartlett, Co-Lead, DoTheMostGood Maryland Team

Committee: Judicial Proceedings

Testimony on: HB0139 – Law Enforcement Officers – Use of Force

Position: Favorable

Hearing Date: February 9, 2021

Bill Contact: Delegates D.M. Davis, Bartlett, Crutchfield, W. Fisher and Smith

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep all members of our communities healthy and safe and promote positive and trusting relationships between communities and law enforcement as well as fair and equal policing for all communities. DTMG is part of a coalition of more than 75 groups from across the state calling on Maryland legislators to support strong, renewed demands for police reform and accountability. DTMG strongly supports HB0139 because we believe the use of unreasonable force is fundamentally wrong and there needs to be a higher level of police accountability in Maryland.

Multiple horrifying news accounts over the past year have raised everyone’s consciousness about police use of force. However, officers have used violent and often deadly force disproportionately against Black and Brown people in Maryland for decades. Maryland is one of only nine states that does not have a state-wide statutory limit on police officers’ use of force. We need to change officers’ behavior so they respond to situations in a way that protects human life and also hold officers accountable when they use excessive force. Currently, there is also no way a person can seek relief in a court after excessive use of force except by going to the Supreme Court.

HB0139 will establish clear statewide definitions, standards, and consequences for use of force by law enforcement officers in Maryland. In particular, HB0139 will make it clear that “imminent threat” does not justify the use of force no matter how great the fear and no matter how great the likelihood of the threat. It also clearly defines a variety of practices that constitute use of force, mandates that proactive de-escalation tactics and techniques must be exhausted prior to using force, and makes it clear that lethal force must be used only as a last resort.

importantly, HB0139 protects vulnerable individuals from excessive use of force. Law enforcement officers will have to use the least amount of force possible when interacting with pregnant women, children and young people, the elderly, people with mental, behavioral, developmental, intellectual, or physical disabilities, people under the influence of alcohol or drugs, people with a serious medical condition, people of color, and people with limited English ability. There have been too many stories in the past year where these restrictions might have saved someone’s life.

Finally, HB0139 explicitly requires officers to intervene to prevent or stop another officer from improperly using force and report it to a supervisor. HB0139 will require the Office of the Attorney General to establish and maintain policies and guidance for law enforcement agencies, and will also enable a person to seek relief by filing a civil action.

These provisions in HB0139 are all commonsense and necessary steps to make sure that law enforcement officers interact with Maryland residents in the most responsible and responsive ways possible, and they will go a long way towards rebuilding trust in our law enforcement agencies.

For all these reasons, DTMG strongly supports HB0139 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

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