

PGCYD Press Release 1_21_21.pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV



NEWS RELEASE

FOR IMMEDIATE RELEASE
2021 LEGISLATIVE SESSION

Contact: Martin Mitchell

President
410-493-7966/president@pgcyd.com

Prince George's County Young Democrats

Prince George's County, MD - The membership of the Prince George's County Young Democrats Legislative Committee have unanimously supported the following coalitions and policy resolutions.

Coalitions

- Medical Aid in Dying (MAID) Bill Coalition
- Essential Worker's Coalition
- Maryland Rise - Paid Family Leave Coalition

Policy Resolutions

In Support Of:

- The expulsion of Delegate Mary Ann Lisanti. Lisanti referred to District 25 as a "nigger district" in the company of several state legislators. She was censured for this act in February 2019 but has refused to resign.
- The renaming of the House Office Building to honor Congressman Elijah Cummings. Former Chair of the Legislative Black Caucus of Maryland, first Black legislator to be named Speaker Pro Tempore, Congressman from Maryland's 7th Congressional District from 1996-2019, Chair of the Oversight & Reform Committee during the Trump presidency, and leading figure in Trump's impeachment by the House of Representatives.
- Banning the Maryland state government and local governments from the sale or purchase of items produced by prison labor unless paid prevailing wages.
- The Housing Justice package (HB52; HB18/SB154; HB104/SB401). Sponsored by Delegates Vaughn Stewart, Jheanelle K. Wilkins, Melissa Wells, Wanika Fisher and Senators Jill P. Carter, Will Smith, Charles Sydnor, & Shelly Hettleman.
- The Tax Fairness package (HB215; HB262; HB319; HB201). Sponsored by Delegate Julie Palakovich Carr to make Maryland's local property taxes & capital gains taxes are assessed in a progressive manner that lowers the burden for working families and ends tax loopholes in "opportunity zones" & carried interest.
- HB120/SB178. Sponsored by Delegate Gabriel Acevero & Senator Jill P. Carter, to expand public transparency of police data.
- HB15. Sponsored by Delegate Joseline Peña-Melnyk, to create a Governor's Office of Immigrant Affairs.

Written By:

Phylicia Henry, *Chair of Legislative Affairs as a Whole.*

Janna Parker, *Chair of County Affairs.*

Richard DeShay Elliott, *Chair of State Affairs.*

Interested members of the general public are encouraged to join the Prince George's County Young Democrats, regardless of geographic location, as long as they meet two criteria: they are registered Democrats or Independents, and they are below the age of 40.

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- **HB28. Sponsored by Delegate Joseline Peña-Melnyk, to require Implicit Bias Training for medical professionals.**
- **HB309. Sponsored by Delegate Joseline Peña-Melnyk, to require a racial and ethnic health breakdown in state medical data.**
- **HB227. Sponsored by Delegate Nick Charles, to establish civil liability for improper police calls.**
- **HB82. Sponsored by Delegate Wanika Fisher, to amend the Maryland Constitution to guarantee a clean and safe environment for all Marylanders. HB82**
- **HB375. Sponsored by Delegate Kriselda Valderrama, to expand paid family leave in Maryland.**
- **HB124. Sponsored by Delegate Kriselda Valderrama, to protect employees from aerosol-transmitted diseases, including COVID-19.**
- **HB411. Sponsored by Delegate Nicole Williams, to prohibit sexual contact between law enforcement and those under arrest. HB411**
- **HB63. Sponsored by Delegate Nicole Williams, to prohibit state expenditures on magnetic levitation transportation systems. HB63**
- **HB171. Sponsored by Delegate Alonzo Washington, to study school discipline statistics in Maryland. HB171**
- **HB206. Sponsored by Delegate Alonzo Washington. to expand Early Voting hours in Maryland.**
- **HB153. Sponsored by Delegate Julian Ivey, to expand vote by mail in Maryland.**
- **HB24. Sponsored by Delegate Julian Ivey, to make primary and general Election days as state holidays in Maryland.**
- **HB336/SB276. Sponsored by Delegate Julian Ivey & Senator Jill P. Carter. to ban private police departments for universities.**
- **HB168/HB221. Sponsored by Delegates Julian Ivey & Veronica Turner, to address credit discrimination in motor vehicle insurance.**
- **HB51. Sponsored by Delegate Veronica Turner to require environmental justice analysis during the zoning process for landfills.**
- **HB172. Sponsored by Delegate Mary Legman to require combined reporting of corporate income taxes, as is practice in 29 states and DC.**
- **HB341. Sponsored by Delegate Mary Lehman, to begin the tabulation of absentee ballots 14 days before Election Day, as is practice in Arizona.**
- **HB524. Sponsored by Delegate Mary Lehman, to require the presentation of rental licensing during court proceedings involving rental properties.**
- **HB194. Sponsored by Delegate Melissa Wells, to require implicit bias training for police officers.**
- **HB413. Sponsored by Delegate Melissa Wells, to require implicit bias training for**

Written By:

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Janna Parker, *Chair of County Affairs.*

Richard DeShay Elliott, *Chair of State Affairs.*

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judges.

- **HB355/SB37.** Introduced by Delegate Sheila Ruth & Senator Jill P. Carter, to ensure electronic collection of ballot signatures and expand the public's ability to gather signatures.
- **HB89/SB397.** Sponsored by Delegate Jheanelle K. Wilkins & Senator Jill P. Carter, to shorter incarceration sentences with academic options.
- **HB222/SB224.** Sponsored by Delegate Jheanelle K. Wilkins & Senator Chris West, to ensure that incarcerated individuals are aware of their voting rights and are given the opportunity to vote.
- **HB155/SB98.** Sponsored by Delegate Jheanelle K. Wilkins & Senator Cory McCray, to ban discrimination in pre-k programs and schools.
- **HB41.** Sponsored by Delegate Stephanie Smith, to establish a state banking taskforce.
- **HB320.** Sponsored by Delegate Stephanie Smith, to ease the transfer of credits.
- **Legislation to shield eviction proceedings from the general public and protect the credit and financial history of tenants.** Sponsored by Delegate Nicole Williams.

Favorable With Amendments

- **HB238.** Sponsored by Delegate Melissa Wells, to automatically expunge certain crimes after a certain period of time, expanding job opportunities for returning citizens.
Amendment, introduced by Janna Parker:
"Crimes that have been expunged or not found guilty for, should be retroactively removed from the Maryland CaseSearch database."
- **HB269.** Sponsored by Delegate Melissa Wells, to create urban agriculture grants.
Amendment, introduced by Richard DeShay Elliott:
"Prince George's County will be included in the implementation of this bill, following upcoming rezoning"

In Opposition Of:

- **The nomination of Bryon Bereano to the Circuit Court. Prince George's County voters did not nominate him to the Court in the 2020 elections. His Senate confirmation should be denied.**

"The members of PGCYD remain committed to amplifying their voices on potential policy decisions that could impact their communities and daily life. We look forward to working with our elected leaders to ensure that public policy presented before us, is for us and for the betterment of everyone, and not just a select few", Henry said.

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Written By:

Phylicia Henry, *Chair of Legislative Affairs as a Whole.*

Janna Parker, *Chair of County Affairs.*

Richard DeShay Elliott, *Chair of State Affairs.*

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SENATE363.docx.pdf

Uploaded by: Flowers , Willie

Position: FAV



NAACP

Maryland

STATE CONFERENCE

TESTIMONY IN SUPPORT OF SENATE 363

COURT- IMPROPERLY SUMMING A POLICE OFFICER - CIVIL LIABILITY

JUDICIAL PROCEEDINGS - CHAIRMAN WILLIAM SMITH

FEBRUARY 9, 2021

THE NAACP MARYLAND STATE CONFERENCE OFFERS A FAVORABLE REPORT ON SENATE 363. THE INTENT OF THE BILL IS THE MITIGATE FALSE 911 CALLS THAT ARE TRIGGERED BY OVERZEALOUS CALLERS WHO IN MOST CASES ARE BASED ON RACIAL FEAR. THESE CALLS CREATE FRICTION IN COMMUNITIES AND ALSO HAVE THE EFFECT OF HEAPING FALSE CHARGES ON RESIDENTS WHO ARE JUST TRYING TO LIVE. THE CALLS ARE UNNECESSARY USE OF TIME BY POLICE, SECURITY AND OTHER LAW ENFORCEMENT AGENCIES.

THERE ARE MANY EXAMPLES OF THIS BUT RECENT NATIONAL FALSE CALLS HAVE SHOWN HOW WHITE PEOPLE KNOWINGLY WEAPONIZE THE POLICE AN PROFILE AFRICAN AMERICANS. WE KNOW THAT BECAUSE AND MANY OF THE CALLS CALLERS EMPHASIZE RACE. THIS TRIGGERS CONCERNS ABOUT THE HISTORY OF RACE-BASED PROFILING THAT ARE THE CENTER OF MUCH OF THE RACIAL CONFLICT THAT WE SEE BECAUSE THEY ARE ALL BASED ON LIES. THE STORY OF EMMETT TILL IS AN EXAMPLE WHERE A YOUNG MAN'S LIFE WAS TAKEN BY LIES AND THERE

ARE COUNTLESS OTHERS THAT SHOWCASE RACIAL STEREOTYPING & FEAR BEING AT THE CENTER OF THE ALL FALSE CALLS WITH NOT RETRIBUTION TO THE PERSON WHO TRIGGERED THE CALL.

AS RECENTLY AS NOVEMBER OF LAST YEAR A FALSE 911 CALL WAS MADE AT A POLLING PLACE ON AN EARLY VOTE DAY. THE FRAGILE CALLER WAS UPSET ABOUT QUESTION ABOUT THE SUPPORT OF A CANDIDATE. NOT A DISPUTE BUT A CONVERSATION. THIS LED TO ANOTHER CONVERSATION, NOT A PHYSICAL ALTERCATION BUT A CONVERSATION THAT CAUSED THE FRAGILE CALLER TO CALL THE POLICE, GET A PEACE ORDER AND FILE CRIMINAL CHARGES. THE CALLER DID NOT SHOW UP FOR THE PEACE ORDER HEARING AND THE CHARGES WERE EVENTUALLY DROPPED.

THE CALLER, WHILE FRAGILE ADMITTED TO GOING OVERBOARD BUT THE DAMAGE WAS DONE. ALTHOUGH THE CHARGES WERE DROPPED THE ACCUSED PERSON HAS HAD TO DEAL WITH ATTORNEY'S FEES FOR DEFENSE, CONCERNS ABOUT REPUTATION, UNNECESSARY STRESS, THE TIME THE TIME CONSUMING PRACTICE OF GOING TO COURT AND RECORD EXPUNGEMENT. I KNOW ABOUT THESE DETAILS BECAUSE I WAS THE PERSON ON THE RECEIVING END OF THAT CALL.

THE ONLY THING I WOULD ADD WOULD BE AUTOMATIC EXPUNGEMENT FOR THE PERSON ACCUSED OF THE LIE AND FOR THEM TO BE REIMBURSED FOR THEIR TIME AND MONEY.

SENATE BILL 363 WORKS TO REDUCE THESE TYPES OF INCIDENTS AND WILL BE HELPFUL TO THE COMMUNITY.

SB 363 Improperly Summoning a Police Officer – Civ

Uploaded by: McCray, Cory

Position: FAV

CORY V. MCCRAY
Legislative District 45
Baltimore City



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Cory.Mccray@senate.state.md.us

Budget and Taxation Committee

Capital Budget Subcommittee

Health and Human Services Subcommittee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Vote Yes on Senate Bill SB: 363

Bill Title: Courts—Improperly Summoning a Police Officer – Civil Liability

Hearing Date: February 9, 2021 at 1:00 p.m.

Chair: Will Smith and members of the committee:

I write to you today in **support** of **Senate Bill SB: 363**. This bill is important because it would authorize a citizen to bring civil action for damages against another person who knowingly calls the police with the intent to infringe on someone's civil liberties (i.e. discriminate against them, make them feel harassed/threatened, damage their standing in the community or their economic interests). If passed, it would allow for a person to sue for up to \$10,000 for economic damages and emotional distress.

The purpose of the bill would be to discourage racially biased 911 calls where the police are weaponized against people of color. In January 2020, a black man in Michigan named Sauntore Thomas had 911 called on him in a bank while attempting to cash a check that he received in a discrimination lawsuit. In May 2018, in an incident commonly referred to as the "BBQ Becky" incident, a white woman in Oakland called 911 on a black family barbecuing in a park. In October 2018, a white woman in St. Louis called 911 on and obstructed a black man from entering his own apartment building despite the fact that he had a key to the building. In July 2018, Oregon State Rep. Janelle Bynum had 911 called on her while canvassing in her own legislative district. This incident prompted the Oregon State Senate to pass similar legislation in 2019. These are just a few examples of the many instances across this country, where the police have been improperly summoned against people of color.

In order to protect both our citizens and our police departments throughout the state of Maryland, we hope that you will move for a **favorable** report of **Senate Bill: 363**.

Respectfully,

Cory V. McCray
State Senator

testimony.SB363.pdf

Uploaded by: Muhammad, Huzzaifa

Position: FAV



February 9, 2021

Honorable Senator William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

**Re: Testimony in SUPPORT of SB363 – Courts - Improperly Summoning a Police Officer-
Civil Liability**

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 363 Improperly Summoning a Police Officer. CAIR is America's largest Muslim civil rights and advocacy organization.

Over the course of especially last year, there have been many issues on the forefront of our society; among them is increasingly excessive police interference with daily life. Police are called too often especially on people of color for non-emergency situations which can escalate rapidly.

Maryland's Muslim communities are comprised of very diverse ethnic and racial groups, and many individuals have also had their race or religion weaponized by others who seek to do them harm. Oftentimes, as we have seen in numerous national high profile incidents recently, racial and religious bias are the impetus for these calls.

These unnecessary 911 calls not only waste government resources and divert police officers' attention from legitimately urgent disputes and crimes that warrant their intervention, but they also increase the risk of a hostile situation which can endanger innocent lives.

We support this bill because it sets the tone for accountability, and we believe it will help discourage this behavior in the future. Therefore, we respectfully urge your vote in favor of it.

Thank you for your consideration.

Sincerely,

Huzzaifa Muhammad
Intern, CAIR Office in Maryland
Council on American-Islamic Relations
Email: mdintern@cair.com

Kendal-Wade-T (1).pdf

Uploaded by: Wade , Kendal

Position: FAV

9 February 2021

Chair Smith

Testimony on HB0227 Improperly Summoning a Police Officer Civil Liability

Mr Chair, Mr. Vice Chair Members of this esteemed Committee:

These instances when an officer is improperly summonsed due to a biased 911 call initiate an emergency response to a non-emergency, and that has the potential to needlessly escalate tensions between officers and civilians. When an officer is called to a scene, the expectation is that the police are responding to an emergency situation where peoples lives could potentially be in danger. Because of this assumption, officers senses are heightened and that creates a more dangerous situation for both officers and civilians alike. Frivolous 911 calls also make it more difficult for officers to discern which situations are actual emergencies and which ones are not. In addition, these calls end up being a waste on police resources as money and time are spent in order to get officers to a scene and investigate a situation. Police then end up finding secondary infractions that they weren't looking for in the first place. Thank You for your Time Mr.Chair I urge a favorably report.

Yours in service,

Kendal Wade

Delegate Nick Charles 227 testimony.pdf

Uploaded by: Charles, Delegate Nick

Position: FWA

NICK CHARLES
Legislative District 25
Prince George's County

Health and Government
Operations Committee

Subcommittees

Health Occupations and
Long Term Care

Insurance and Pharmaceuticals



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Favorable Testimony

SB363/ HB227 Courts – Improperly Summoning a Police Officer – Civil Liability

Chair, Vice Chair and entire Judiciary Proceedings Committees, thank you for the opportunity to share my support of SB363/HB227, I am pleased and grateful for the opportunity to testify in support of SB363. This Bill proposes authorizing citizens to pursue civil lawsuits, up to \$10,000, against those who misuse calling 911 to summon a police officer for improper reasoning's.

Those reasoning's including: the intent to (1) infringe on the person's constitutional rights; (2) unlawfully discriminate against the person; (3) cause the person to feel harassed, humiliated, or embarrassed or be expelled from a place the person is lawfully entitled to be; or (4) damage the person's reputation or standing within the community or financial, economic, consumer, or business prospects or interests. If passed into law, this bill would discourage discriminatory and unsafe summoning's of the police. Tensions between civilians and police departments are at an all-time high in 2021. Allowing people to continually summon police officers for ordinary activities creates an unsafe environment for everyone involved. Historically, improper summoning's of the police have been utilized specifically against marginalized groups and Black communities. Trends on social media, including "#LivingWhileBlack", reveal how prevalent racially motivated police calls are. News reports showcase that 911 has been called on African-Americans at alarming rates for ordinary tasks in life. Such as, mowing the wrong lawn, redeeming an expired coupon and not waving while leaving an AirBNB. Many of these calls include pleading for police intervention. This highlights a major issue: that a citizen has the ability to weaponize the State just to supervise the behavior of minorities. That becomes especially alarming in context of the racial disparities in police use of force which exist. This makes people of color more likely to encounter violence or harassment.

Additionally, exposing innocent citizens to heightened interaction with law enforcement not only poses real physical threats, but increased emotional trauma as well. Police officers respond to calls ready for the worst possible scenario, and sending this resource into non-threatening areas creates danger. Those who had the officer summoned on them must now deal with mortal fear as they hope the police understand the situation. The Maryland Legislative Body has an obligation to prevent this behavior to ensure a more just, equal and safe State.

Lastly, unnecessary police calls siphon resources and time away from the ability of the police department to pursue more pressing issues. When police are called for completely non-threatening issues, it results in less officers being able to respond to real, critical emergencies. Those who abuse this system should face consequences.

Sincerely,

A handwritten signature in black ink that reads "Nick Charles".

Maryland State Delegate - District 25

Nick Charles

SB 363 FWA House of Ruth.pdf

Uploaded by: Lennig, Dorothy

Position: FWA



Marjorie Cook Foundation
Domestic Violence Legal Clinic

2201 Argonne Dr • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org.

TESTIMONY IN SUPPORT WITH AMENDMENTS OF SENATE BILL 363

February 9, 2021

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

The House of Ruth is a non-profit organization providing shelter, counseling and legal services to victims of domestic violence throughout the State of Maryland. Senate Bill 363 allows a person to bring a civil action against another person who knowingly causes the police to arrive at a place with the intent to infringe on the person's rights or cause other harm. **We urge the Senate Judicial Proceedings Committee to amend and favorably report on Senate Bill 363.**

The House of Ruth supports the intent of this bill but is concerned that an unintended consequence of the bill could negatively impact victims of domestic violence. For example: a victim calls police after an incident of abuse and the police ask the perpetrator to leave the premises. If the parties come to an agreement to separate and the victim decides not to go forward with criminal charges, the perpetrator could use this bill to file a civil lawsuit against the victim for having called the police. While we do not believe that was the intent of this bill, we are concerned it could be misused in this fashion.

We respectfully suggest the following amendment to specifically exclude domestic violence cases from this bill.

On page 1, line 19, before "A PERSON" insert "(A) EXCEPT AS PROVIDED IN SUBSECTION (B)"

On page 2, line 19, insert "(B) THIS LAW DOES NOT APPLY TO A PERSON WHO KNOWINGLY CALLS A POLICE OFFICER TO ARRIVE AT A LOCATION AND WHO AT THE TIME OF THE CALL MAY HAVE BEEN ELIGIBLE FOR RELIEF AS DEFINED IN 4-501 OF THE FAMILY LAW ARTICLE."

The House of Ruth urges the Senate Judicial Proceedings Committee to amend SB 363 and issue a favorable report.

SB 363 - Courts – Improperly Summoning a Police Of

Uploaded by: Ruth, Laurence

Position: FWA

BILL NO: House Bill 363
TITLE: Courts – Improperly Summoning a Police Officer – Civil Liability
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2021
POSITION: **SUPPORT WITH AMENDMENTS**

Senate Bill 363 would create a civil cause of action against a person who knowingly causes a member of law enforcement to arrive at a location in order to place the person in that location in an unfair light (explanation below). The Women’s Law Center of Maryland (WLC) supports this bill with amendments to make clear that cases where domestic violence or other interpersonal crimes may be being committed are excluded or considered in a more specific way. We are wary of unintended consequences for the people we represent and others trying in good faith to assist them.

Senate Bill 363 is trying to address behavior that should not be condoned. There seem to be two kinds of acts it is addressing. First, sometimes a person engages in swatting, defined as “a criminal harassment tactic of deceiving an emergency service [...] into sending a police and emergency service response team to another person's address” (Wikipedia, last viewed 2/11/2020). Second, there are calls made that have simply no basis – there is no criminal activity even being alleged, the person is doing nothing wrong or illegal; rather, the caller just doesn’t like them, doesn’t want them around, or wants to get them into trouble. SB 363 would allow a suit for damages if the caller called law enforcement to come to a place with the intent to infringe on the person’s constitutional rights, to cause that person embarrassment, harassment or humiliation, or to damage the person’s reputation. The cost to a person if this happens to them can be terrible. Also egregious is the caller using law enforcement, a vital public service, for no good means, perhaps limiting law enforcement’s ability to respond to a valid call.

However, we have grave concerns of any chilling effect to victims of intimate partner violence or sexual assault having this used against them by their abusers. Similarly, we do not want to chill Good Samaritan type calls, often neighbors of someone experiencing violence in their home. Imagine a neighbor hearing what sounds like someone being abused in the apartment next door. The neighbor calls the police. Perhaps the victim decides not to implicate the abuser, and does not pursue either a civil protective order or criminal charges against their abuser. The abuser might then seek to sue the neighbor for damages. We see, often enough, abusers suing their victims in tort, so this is a very real possible unintended consequence of this bill. We hope there is a way to protect callers in these cases.

We know there was conversation about an amendment in 2020 to address the concern above and hope it will be raised again in 2021.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 363 with amendments.

The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

Favorable Testimony - Wrongfully Summonings Police

Uploaded by: Saint-George, Jo

Position: FWA



FAVORABLE

[HB0227/SB0363](#)

Courts – Improperly Summoning a Police Officer – Civil Liability

Chair, Vice Chair and entire Judiciary and Judiciary Proceedings Committees, thank you for the opportunity to share my support of HB-227/SB0363, which is a long overdue remedy for the discriminatory summoning of police officers in the State of Maryland.

Since the close of the 2020 Legislative Session with the sudden and unexpected global Covid-19 pandemic, our world, our country and the State of Maryland has been under siege in a Great Controversy between what is “truth” and what is a “Lie”, what is “fake” and what is “real” between “freedom of choice” and “Freedom from a deadly disease” or better yet “Freedom from police brutality or wrongful arrest”.

No matter what side anyone is on in this Great Controversy, it is the job of our legislature to hold “all” accountable” for their “choices” – good or bad. Many great thinkers have said that;

Freedom does not mean we can do anything we want without care to the outcome of our choices. Freedom of choice is both a great privilege and an enormous responsibility. Everything we do is a choice and every choice we make has a consequence.

HB227/SB363 at its heart is about holding people accountable for their wrongful summoning of police based on discriminatory perceptions or skin color bias. Every citizen has the “choice” to call the police when there is a reasonably perceived threat of danger. However, when a perceived threat is not reasonable and lacks any credibility, those individuals who choose to still call the police on people of color who have not done anything to be a threat of any harm, those choices MUST have consequence and HB227/SB363 provides the remedy to the person(s) who had no choice in the calling of the police.

While the siege on the US Capital is an extreme case of individuals choosing to exercise what they believed was a choice, the details of that attack on the US Capital has revealed some very alarming TRUTHS. One of which is the fact that there are many in this country who believe that they can exercise their “choice”/freedom without consequence, without any accountability for the outcomes of their choices.

The story of Jenna Ryan, who participated in the attack on the capital, is an example of a mind set that this legislation must be passed to protect against. [In January 18, 2021 news story](#) about the Texas real-Estate agent who flew to the capital on a private jet to participate in the attack, it was revealed that she believes that she should be “pardoned” for her acts because she attacked the capital based on the directive of the President. While this story is extreme, it is an example of those who feel that they can do anything they want and get a pardon (not pay a price for their choice), and this story is not an exception. There are many if not hundreds who have chosen to

call the police on people of color which have cost the victims tremendous pain and there is absolutely no remedy for the pain and affliction caused by others wrongful choices.

For example, throughout 2017 and early 2018, three white women in Detroit accused Marc Peeples, a black urban farmer, of a range of serious crimes. Among the allegations they reported to police, (all of which were determined in court to be untrue), was that he was seen brandishing a gun, participated in a drive-by shooting targeting one of the women's homes, and that he was a convicted pedophile.

While the Detroit judge called the case "ridiculous" and "disgusting", and admonished police and prosecution for moving forward the criminal case, Mr. Peeples lost his garden and his work contracts, and had to pay for defense attorneys and for bond to get out of jail. The case took an emotional toll and left him humiliated by the accusations when, in fact, all he had been doing was "gardening while black".

In 2019, Mr. Peeples filed a civil complaint and alleged that the women "knowingly fabricated all of [their] allegations" and "acted intentionally and concertedly to cause Marc economic harm and emotional distress" and that their behavior was "extreme, malicious, wanton, and outrageous", and worthy of \$300,000 in damages and punitive damages. The court did find for damages for Mr. Peeples.

While that case is amongst the extreme cases with a laundry list of facts that warrant an award of the most monetary damages available, cases with fewer incidents of allegations are equally as harmful to individuals and the community and are worthy of monetary damages. In other words, in cases where there may be only one act of intentional wrongful summons of the police that nonetheless equally outrageous, HB227/363 would give individuals the right of action to sue a person who intentional falsely summons the police against a person for the purpose of violating the Maryland Constitution, to discriminate or cause the person physical or emotional harm.

What these incidents around the Country demonstrate is that there is a lack of accountability of people who abuse 911 to summons to police against persons of color, religious groups, and those in vulnerable communities or categories. While it is a crime under Maryland Criminal Code 9-501 to make false statements to a law enforcement officer with the intent to deceive and to cause investigation of other, the fine for that crime is only \$500 and those funds do not go to the victim of the false report. 58436 would award a victim up to \$10,000 in monetary damages, not limiting any other available damages, which is a sufficient deterrent to those who would engage in such harmful behavior without such a penalty. The U.S. Department of Justice Office of Community Oriented Policing Services has studied this problem since at least 2002 when they issued their first report called the Misuse and Abuse of 911 written in collaboration with the National Emergency Number Association.

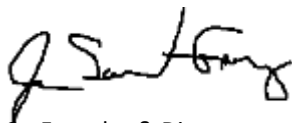
The report showed that they identified among the 183 million 911 calls made annually for police or other emergency services, that there are a substantial number of callers who intentionally exaggerate the seriousness of an emergency to get a quicker police response. The DOJ report calls categorizes them as exaggerated 911 calls.

Regretfully, the DOJ 911 Misuse and Abuse report also states there is no tracking of the exaggerated calls, but the report nonetheless listed exaggerated 911 calls in the category of serious abuses of 911 services. The report goes on to indicate that the DOJ is aware that there are callers who make false 911 calls but give information in such a way that the caller knows there is enough room for "caller error" that he or she cannot be charged (or prosecuted) for the exaggerated 911 call. While in those situations criminal charges would not be pursued because of the inability to prove the facts beyond reasonable doubt, in civil cases, like what is proposed by SB 436, the burden of proof is by a preponderance of the evidence, which is a lower standard that can be proved by circumstantial evidence. In other words, SB 436 is the appropriate legal remedy through which private citizens can obtain redress for the improper summons of police.

It is further noted that there is no nationally recognized protocol to address 911 misuse and abuse, except that there are now national 311 call diversion services and other forms of technology used to reduce the drain on police resources. Regretfully, the report concludes with the point that there is a patchwork of federal, local and private responses to such abuses. Consequently, it is time to make SB 436 a law in Maryland to deter such discriminatory abuse of 911 police calls. As a criminal justice reform advocate around the state and in my home county of Montgomery County, there must be penalties that will hold individuals accountable for their abuse of 911 and terrorizing of vulnerable communities of color. If something is not done, there can be more incidents against vulnerable communities like the incident that occurred against Mr. Peebles.

Therefore, I respectfully, request a favorable report for

Sincerely,



Co-Founder & Director

SB363_MNADV_FWA.pdf

Uploaded by: Shapiro, Melanie

Position: FWA



BILL NO: Senate Bill 363
TITLE: Courts – Improperly Summoning a Police Officer – Civil Liability
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2021
POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to amend SB 363 and issue a favorable report.**

The MNADV fully supports the intent of HB 363, to create a civil cause of action for persons to pursue for racially biased calls to the police. Specifically, the bill permits a lawsuit for civil damages when a person knowingly calls the police to a location with the intent to infringe on a person’s rights pursuant to the U.S. or Maryland Constitution, unlawfully discriminate against that person, cause the person to feel harassed, humiliated, or embarrassed, or be required to leave a location they are lawfully located.

However, as drafted, SB 363 could have a negative impact on survivors of domestic violence. For example, it could prevent a well-intentioned neighbor from calling the police. Currently, a neighbor might contact the police regarding violence that they hear next door. When the police arrive the victim of domestic violence can decline to pursue charges against the abuser or seek a protective order. SB 363 would allow the abuser to then initiate a civil action against the Good Samaritan neighbor. In addition, if a victim of domestic violence initially seeks assistance from the police and later decides to not pursue charges or a protective order, the abuser could then sue the victim under SB 363. We are confident that there is language that would protect callers in these situations while preserving the intention of the bill.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on SB 363.**