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Uploaded by: Carter, Jill

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0400 - Hate Crimes – False Statement to a
Law Enforcement Officer
Before the Judicial Proceedings Committee
on February 11, 2021**

Mr. Chairman, Vice chair, and Members of the Committee:

Senate Bill 400 would expand the definition of hate crimes to include false statements made to a law enforcement officer based in whole or in material part on a person's race, color, religious belief, sexual orientation, gender, disability, national origin, or homeless status.

This bill is the result of a number of publicly reported instances of racially targeted false reports made to law enforcement against Black Americans in jurisdictions across the country. One of the most prominent examples occurred in New York City's Central Park on May 25, 2020.

On that day, Christian Cooper, a Black man, was bird watching in the park when Amy Cooper, a white woman,

walked into his vicinity with her dog unleashed, against park rules. Knowing the rule, Christian requested Amy to leash her dog. Amy reacted by approaching Christian, jutting her finger in his face, and threatening to call 911 to tell them that there is an “Afrian American man threatening my life.” Shortly thereafter, she made good on her threat, claiming to the 911 dispatch there there “is an African American man . . . in Central Park threatening myself and my dog.” At the end of the call, she pleaded with dramatic flair, “I’m sorry, I can’t hear you. I’m being threatened by a man in the [park]. Please send the cops immediately!”

Fortunately, Christian was recording the encounter on his cell phone, conclusively proving that she falsified the encounter and the 911 report. Her intent was clear though: to punish and intimidate Chrisian for requesting that she leash her dog by intentionally deploying historical, anti-Black stereotypes against him with what she thought would be a sympathetic ear: law enforcement.

Thankfully, the situation did not escalate – because of Christian’s calm demeanor, and his foresight in taking the video and leaving the scene. But we know all too well that it could have ended tragically, as we have witnessed, repeatedly, such law enforcement encounters all over the country. The prevalence of cell phone video is bringing this

problem to the public's notice in a way that was unheard of just a few years ago.

The act of filing a false police report against an individual based solely or substantially on the above characteristics, is a tool that can be used to perpetuate racist or discriminatory stereotypes, and further sow distrust between law enforcement and such marginalized communities who are targeted with such acts. It also is a waste of law enforcement resources that would be better directed when focusing on actual crimes and public safety, rather than falsified reports. Because these racially-charged falsified reports have a greater negative impact than a non-racially-charged falsified report, the punishment for such actions should be more severe by incorporating it into the state hate crime bills. The goal would be to have a deterrent effect on such racially-motivated false reports (or false reports motivated by one or more of the other protected characteristics), leading individuals to think twice about their decision before targeting individuals with false police reports.

Maryland, as a state, must be proactive instead of reactive in discouraging this type of behavior. While the Central Park example clearly did not occur in Maryland, it is just the most recent high-profile instance of such an incident occurring. We have seen such instances occur all over the United States

and it would be foolish to imagine that Maryland would be immune from such incidents.

For these reasons, I urge a favorable report for Senate Bill 400.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large, stylized "J" and "C".

Jill P. Carter

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Uploaded by: Chaudry, Zainab

Position: FAV



February 11, 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 SB400 – Hate Crimes - False Statement to a Law Enforcement Officer

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 **400** entitled Hate Crimes - False Statement to a Law Enforcement Officer sponsored by Senator Jill Carter. CAIR is America's largest Muslim civil rights and advocacy organization.

In recent years, we have seen a significant uptick in the number of reports of racially motivated 911 calls across the nation that have gained national headlines. In April 2018, a 911 was placed to a Philadelphia area Starbucks because two African-American men did not order anything while waiting for a friend to show up. That May, a white Yale student used 911 to summon police on a Black Yale graduate student napping in the common room of her dorm. In the same month, a white woman dialed 911 to report a Black family holding a lakeside barbecue in Oakland, California. In May 2020, a white woman called the emergency number on an African-American man in Central Park who simply asked her to put her dog on a leash. And the list goes on.

These are only a few examples of recent, high profile national incidents, but my organization has also received concerns from community members here in Maryland who feel like their race or religion has been weaponized by individuals who harbor bias towards them. Some have changed their behavior or the way they dress or appear in public; one family has even moved out of their predominantly white neighborhood for fear of being targeted in this way.

The function of law enforcement agencies is to protect and serve. The 911 system was established by AT&T in 1968 after the FCC met with the corporation to explore a means to create a universal emergency number that could be rapidly implemented. Its designated purpose is to summon the police in case of an emergency, but too many people feel entitled to exploit this system to make the police complicit in their racial bias.

It's time for the Maryland General Assembly to take action to prevent these dangerous calls. Needless 911 calls in non-emergency situations are a waste of resources and tax dollars and endanger the lives especially of communities of color who are directly and disproportionately impacted by them. We support this bill because it sets the tone for accountability, and we believe it will help discourage such behavior in the future. Therefore, we respectfully urge a favorable report.

Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.
Director, CAIR Office in Maryland
Council on American-Islamic Relations
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Phone: 410-971-6062

LoS - Hate Crimes False Statements.pdf

Uploaded by: Dove, Spencer

Position: FAV

State of Maryland

Commission on Civil Rights

"Our vision is to have a State that is free from any trace of unlawful discrimination."



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Jeff Rosen
Gina McKnight-Smith, PharmD, MBA

February 11, 2021

Senate Bill 400 – Hate Crimes - False Statement to a Law Enforcement Officer POSITION: Support

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 400 adds to Maryland's hate crime statute a provision that making a false statement to a law enforcement officer motivated by, at least in part, that individual's race, color, religious beliefs, sexual orientation, gender, disability, national origin, and/or homelessness is a criminal offense under said statute.

The Maryland Commission on Civil Rights supports this bill because it is well documented that we are seeing an upward surge from individuals who are apt to call police on a person or group simply because of their status as a protected class – especially due to their race, ethnicity, and ancestry. One recent example of this was in May, 2020, when Amy Cooper, a white female, called police on an African American bird watcher who asked her to leash her dog in Central Park. She was charged with filing a false police report because she stated on the call to police that he was trying to assault her, which was not true according to the video recording of the incident. Other examples have included the police being called on an African American family gathering in an Oakland, California, public park and a McKinney, Texas, pool party at a private residence. Here in Maryland, in Prince George's County in 2019 a white male called police – on two occasions over the same weekend – to report that groups of African American women were gathered at their apartment complex's pool enjoying beverages from glass containers in violation of the apartment complex's policies.

Making false statements to police may already be a crime, but it is clear, especially recently, that some individuals will still do so because they are motivated by hate or bias, especially against individuals of color. Maryland's hate crimes statute is in place to prevent these kinds of incidents while protecting people identified in the law from unnecessary harm.

For these reasons, the Maryland Commission on Civil Rights urges a favorable report on SB400. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

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Uploaded by: Flowers , Willie

Position: FAV



NAACP

Maryland

STATE CONFERENCE

TESTIMONY IN SUPPORT OF SENATE 400

COURT- IMPROPERLY SUMMING A POLICE OFFICER - CIVIL LIABILITY

JUDICIAL PROCEEDINGS - CHAIRMAN WILLIAM SMITH

FEBRUARY 11, 2021

THE NAACP MARYLAND STATE CONFERENCE OFFERS A FAVORABLE REPORT ON SENATE 400. THE INTENT OF THE BILL IS TO 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 AN 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 AND PROFILE AFRICAN AMERICANS. WE KNOW THAT BECAUSE MANY OF THE 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 NO RETRIBUTION OR EDUCATION 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 CONSUMING PRACTICE OF GOING TO COURT AND RECORD

EXPUNGEMENT. I KNOW ABOUT THESE DETAILS BECAUSE I WAS THE TARGETED 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.

THERE SHOULD ALSO BE LARGER LEVEL OF CONCERN ABOUT THE ROLE OF COMMUNITY POLICING TO MITIGATE THESE CRISIS SITUATIONS THAT SHOULD NEVER HAPPEN.

FOR NOW, SENATE BILL 400 IS A STEP IN THE RIGHT DIRECTION TO REDUCE THESE TYPES OF INCIDENTS AND WILL BE HELPFUL TO THE COMMUNITY AND LAW ENFORCEMENT.

SB 400 - Hate Crimes.pdf

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 400

**Scott D. Shellenberger, States Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 400
HATE CRIMES - FALSE STATEMENT TO A LAW ENFORCEMENT OFFICER

I write to offer my support for Senate Bill 400, Hate Crimes - False Statement to a Law Enforcement Officer. This bill would make it a hate crime to make a false statement to a law enforcement officer when the false statement is motivated as a result of the race, color, religious beliefs, sexual orientation, gender, disability or national origin of another person.

This bill would address an issue, which has been brought to the public's attention recently as a result of significantly publicized outrageous acts by individuals directed at others because of their race. Last year a black man was accused of threatening the life of a woman in Central Park in New York City when all he wanted to do was bird watch. Just after Christmas, a 14 year old young black man was accused of stealing the iPhone of a woman in a New York City hotel. It is readily apparent that these accusations occurred because of the race of the victims of the false reports. It is a tragic reality that incidents like this occur more often than we would like to think. With the proliferation of cellphones and the ease of recording events, they are being brought more to the public attention. Actions like this should be called exactly what they are- hate crimes. They should also be dealt with more harshly than a false report which is not motivated by hatred or prejudice against a particular class of human beings because of their race, sexual orientation, gender or national origin.

I ask for a favorable report to give the public and States Attorney's Offices around the State the ability to address such offensive acts by certain people in our communities.

SB 400 - Hate Crimes - False Statement to a Law En

Uploaded by: Siri, Michelle

Position: FAV

BILL NO.: Senate Bill 400
TITLE: Hate Crimes – False Statement to a Law Enforcement Officer
COMMITTEE: Judicial Proceedings
DATE: February 11, 2021
POSITION: **SUPPORT**

Senate Bill 400 seeks to address a very concerning, dangerous, and detrimental practice that has received national attention over the past few years. In particular SB400 will clarify that making a false statement to a law enforcement officer about another party, motivated either in whole, or substantial part, by the latter party's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, will be considered a hate crime.

Hate crimes are intended to intimidate not only the victim but also the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law. By making members of minority communities fearful, angry, and suspicious of other—and of the power structure that is supposed to protect them—these incidents can damage the fabric of our society and fragment communities. This has been most recently seen in the context of race, when Black men have repeatedly had the police called against them for partaking in legal activities such as sitting in Starbucks, attending a barbecue, or bird watching in a park. Weaponizing the police against communities already marginalized is dangerous, reprehensible, and should not be tolerated.

Hate crime laws matter. In addition to deterring criminal activity, they possess important symbolic meaning that signals to targeted communities that the government cares and that law enforcement will take their concerns seriously. Having worked with the Office of the Attorney General and a coalition of organizations for the past two years seeking to find ways to address the rise in hate crimes throughout the state, the WLC firmly believes that by passing legislation making clear such behavior is criminal, the legislature can assist in stopping these crimes from occurring in the future.

Therefore, the Women's Law Center urges support for Senate Bill 400.

The Women's Law Center of Maryland is a private, non-profit, legal services 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, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

SB 400_FAV_ACLU_Spielberger.pdf

Uploaded by: Spielberg, Joe

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee
February 11, 2021**

**SB 400 – Hate Crimes – False Statement to a Law Enforcement
Officer**

FAVORABLE

JOSEPH SPIELBERGER
PUBLIC POLICY COUNSEL

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The ACLU of Maryland supports SB 400, which would make it a hate crime to issue a false statement or complaint to a law enforcement officer about a person or group, motivated in whole or substantial part by that person or group's race, color, religious beliefs, sexual orientation, gender, or national origin, or because they are homeless.

It is undeniable that marginalized people and groups continue to be targets of violence, threats, and acts of intimidation, and they are already disproportionately targeted for police abuse and arrest for low-level, non-violent offenses. There has recently been ample evidence – often via cell phone recording – of people of privilege and people in positions of power fabricating wrongdoing and seeking to deploy law enforcement to respond to a false threat, which wastes time and resources, but more importantly, puts at risk Black and Brown residents, for whom any police encounter is potentially life-threatening.

Nobody should be targeted and put in danger because of who they are. Someone who makes a false statement to police against someone from a marginalized community does so because they think police will take them at their word. They send a strong message that their personal feelings are more valuable than someone else's life.

SB 400 is a simple bill that takes a powerful step toward ensuring equality under the law, and that we as a society will not tolerate further targeting those who are already at greater risk for abusive practices both by law enforcement and members of the community.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 400.

1OPDStatementSB400.pdf

Uploaded by: Oppenheim, Todd

Position: UNF



POSITION ON PROPOSED LEGISLATION

BILL: SB 400 – Criminal Law 9-01/ Criminal Law 10-306, 10-307 – Hate Crimes- False Statement to a Law Enforcement Officer

POSITION: OPPOSE

DATE: February 9, 2021

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue an unfavorable report on Senate Bill 400. The OPD opposes the bill.

Despite its best intentions, Senate Bill 400 furthers policies of mass incarceration and perpetuates an unequal justice system that disproportionately criminalizes people of color. Generally, the way to make our justice system more fair and equitable isn't by creating new crimes, which Senate Bill 400 does. As they are, the laws of the State of Maryland provide plenty of prison time for judges to order defendants to serve upon convictions. SB 400 targets conduct for which there are already existing laws with sufficient punishments in place. The OPD understands that the rationale for SB 400 goes towards the protection of vulnerable populations including Blacks and LGBTQ+ individuals along with other marginalized minority communities. However, in our broken justice system, the very groups of people that the bill aims to protect will inevitably become targets of its enforcement. These vulnerable populations comprise OPD's client base, so we carefully consider our position and recognize the unique circumstance of the good and the bad of SB 400. Ultimately, we oppose the bill because of the detrimental impacts it will have.

As of July 2018, over 70% of Maryland's prison population was Black while the percentage of Black people living in the State is 31%. Maryland's percentage of Black prison inmates is three times the national average. In regards to policing, a 2016 Department of Justice report on policing in Baltimore City, detailed that the Baltimore Police Department was three times as likely to stop a Black person as they were a white resident. The OPD recognizes ongoing instances of biased and prejudiced policing, prosecution and sentencing all across the state that specifically effects our clients. The entire system is flawed from beginning to end. So, any new criminal law, no matter its intent, when enacted in our justice system in its current state, can't be expected to have equal application in the community.

We realize that SB 400 seeks to prevent to undue targeting of individuals based on their race, gender, sexual orientation, religion, disability, national origin or whether a person is homeless, which is commendable. However, just as neither the death penalty nor mandatory sentencing deter the crimes for which they cover, the main results of legislation like SB 400 will simply be increased prison sentences. Meanwhile, hate will continue in society. The bill offers increased punishment for crimes already prohibited by laws like MD Criminal Law 5-901, which prohibits *all* false statements to police officers. SB 400 adds an extra measure for false police reports based on hate crime premises to Criminal Law 10-304 and in doing so increases the penalty six fold. That seems excessive. Instead of an arbitrary increase in potential jail time for offenders, we should direct

resources to root out the ideas and beliefs permeating society that cause hate crimes in the first place.

Another important point is the inherent difficulty imbued in hate crime legislation- proving intent behind actions. Similar to theories of conspiracy and other inchoate offense in criminal law, hate crime laws seek to get inside the minds of the accused as to their motives even when those motives are often not clear. It seems draconian to not only create new offenses that focus on intent with these difficult issues of prejudice, but to also severely increase the penalties.

The OPD certainly appreciates the struggles of and prejudices towards classes of groups of individuals named in hate laws. Nearly all of our clients go through the same. However, with such an unequal, unpredictable justice system, we cannot take the chance that these new laws won't be turned around and used on our clients or applied in a disproportionate way.

For these reasons, the Maryland Office of the Public Defender respectfully urges a unfavorable report on Senate Bill 400.

For further information please contact Todd Oppenheim, Assistant Public Defender and subject matter expert, at todd.oppenheim@maryland.gov or Krystal Williams, Director, Government Relations Division, at krystal.williams@maryland.gov or by phone at 443-908-0241.