



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0050 - Criminal Procedure - Police Officers - Duty to  
Intervene  
Before the Judicial Proceedings Committee  
on January 28, 2021**

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

**Today I present Senate Bill 0050. This bill puts into statute something we should not have to codify. It demands that police officers simply do the right thing - to step in - when they see one of their own going too far. With this law we are insisting that police officers stop other officers from using excessive force. Specifically, this bill creates a duty to intervene if a police officer witnesses excessive force from another officer. Additionally, this bill requires preliminary and continued training for officers on how to intervene when excessive force is used.**

**The reasons for Senate Bill 50 are two-fold. First, under current Maryland law, an officer has no duty to intervene when witnessing another officer use excessive force. Second, incidents of police officers using excessive force have been seared into our public consciousness recently. For example, the recent murder George Floyd that sparked protests and unrest, as well as the Freddy Gray homicide that took place right here in Maryland only a few years ago.**

**The more practical need for this bill is simple, a large portion of the population have interactions with police officers. As of 2018, about 61.5 million residents, 16 or older, had at least one contact with police. This means that nearly a quarter(24%) of our country has come in contact with law enforcement at least once. With this amount of people interacting with law enforcement, there is a need for internal oversight to ensure that there is no excessive force or other misconduct. Furthermore, the need for this bill here in Maryland is strikingly evident. During a five year period, in Baltimore City alone, there were 13,392 complaints of misconduct filed against 1,826 Baltimore City police officers and 22,884 use of force incidents. Additionally, this bill will help correct the inherent racism embedded in the use of excessive force, given that African American citizens make up 91% of excessive force victims and 63% of those killed by police.**

**As the duty to intervene becomes ingrained in the police departments' culture, benefits would include fewer citizen complaints, fewer instances of misconduct, a decrease in the use of excessive force, an increase in officer safety and wellness, fewer disciplinary issues, increased retention of employees, and, most critically, increased trust within the community.**

**Officers already have a legal duty to intervene under Section 1983 of the Federal Civil Rights Act of 1871. Section 1983 applies to situations such as unjustifiable arrests, excessive force by a fellow officer, and any constitutional violation by a law enforcement official. If an officer does not act to intervene in a situation where a fellow law enforcement official is engaging in misconduct they can be held liable under Section 1983. This bill adds effective teeth to that federal mandate.**

**Beyond legal obligations, police officers promise to protect and serve their community. Those words are emblazoned on police cars, badges**

and all manner of other police paraphernalia. It is a phrase that has become synonymous with the role of police in our society. But, looking at the facts surrounding the death of Freddie Gray, knowing the facts surrounding the killings of Tyrone West, Robert Saylor, many others, and watching videos of the prolonged execution of George Floyd and other such incidents, we are forced to ask who is being protected and served. In both cases, other officers were present who could have intervened to protect the victims and serve the community's best interests. Police officers stood by and watched these crimes unfold in front of their eyes. Protecting their fellow officers. Serving their more narrow and craven interests by standing by, idly. The reluctance to interfere with another officer's arrest is understandable to an extent. Being branded a "rat" or a "snitch" can have real and serious consequences behind the Blue Wall of Silence. This law attempts to protect officers from that. The choice is very clear - either take reasonable steps to keep a fellow officer from using excessive force or face criminal prosecution yourself. This is a substantial step to restoring public confidence in our law enforcement personnel. With this bill the motto "To Protect and Serve" reclaims its original meaning - to protect and serve the whole of our State.

As such, I urge this committee to give a favorable report on SB0050. Thank you.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter