



POSITION ON PROPOSED LEGISLATION

BILL: Senate Bill 50, Criminal Procedure – Police Officers – Duty to Intervene
POSITION: Favorable
DATE: Tuesday, January 26, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0050.

An officer's intervention saved my client's life. John¹ was walking home from the store when he saw a police cruiser perform an abrupt U-Turn, causing oncoming traffic to slam on the breaks. The officer mounted the curb and out emerged with a gun and pointed it at my client. John was terrified, staring at the person that could quickly end his life for no reason.

According to law enforcement, there were reports of an individual running from a store after committing a felony with a weapon to wit a butter knife. John was not running; he couldn't, his health didn't allow for it. John had his bag with his receipt; he didn't rob anyone.

At no point did the police officer ask John to turn out his pockets, ask him to sit, or wait for nearby officers to arrive. Instead, the officer pointed a gun, forced him to the ground, and placed his knee on his back. John was diminished to a helpless animal begging and pleading for his life. Not only was a 200 plus pound man kneeling on top of him, but the weight was also crushing his ribs and making it difficult to breathe. Minutes felt like hours.

Eventually, at least ten officers were on the scene, but only one assessed that John was no threat, that his life was in danger, and that the proper course of action was to treat John with dignity and respect. This should never be the exception. Officers must safeguard life and property and protect the rights of *all citizens*. Memorializing a duty to intervene is a step towards this mission.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on Senate Bill 0050.

Respectfully submitted,

/s/ Roberto C. Martinez

Roberto C. Martinez, Esq.
Assistant Public Defender, Montgomery County
Office: (301) 563-8952
roberto.martinez@maryland.gov

¹ My client's name and some of the non-essential facts were changed to protect my client's identity and privacy.
For further information please contact Krystal Williams, Director, Government Relations Division, by email at krystal.williams@maryland.gov or by phone at 443-908-0241.