

Testimony for the House Judiciary Committee

February 9, 2021

HB 139 –Law Enforcement Officers --Use of Force

FAVORABLE

To Chairman Smith, Vice Chair Waldstreicher, and Committee members,

My name is Darlene Cain and I live in Baltimore, Maryland. I'm formally submitting my written testimony in support of HB 139 on Use of Force.

As you know, Maryland does not have statutory limits on use of force, and the Supreme Court cases fail to adequately protect the lives and safety of Maryland residents. Instead of merely codifying Graham and Garner into state law, we must elevate the "objectively reasonable" standard to prohibit officers from using force unless it is necessary as a last resort, under the totality of the circumstances, after the officer has exhausted de-escalation and other reasonable alternatives. Although there are other necessary components to a robust use of force statute, failing to change the legal standard will maintain the status quo and let officers remain unaccountable for the harm they cause.

This means so much to me because I lost my son, Dale Graham on October 28, 2008 to a Baltimore City Police Officer. I never received information on the officer's background or had my day in court. We cannot sit back and allow an officer to be the judge, jury and executioner while mothers and families are left voiceless. Instead of attending hearings for police accountability in a court room for wrongful actions, we are planning funerals and burials. If the roles were reversed, families of police officers would want justice for their loved one's life that was taken unjustly. Dale's dreams, like so many others, were stolen. Mothers, fathers, and families are left traumatized; visiting gravesites on birthdays and holidays while violent officers can continue their job and see their families. Dale has two daughters that are now fatherless. Sadly, our new normal is to mourn with unanswered questions. We demand accountability, starting now.

Now is the time for a statewide use of force standard that holds officers accountable when they use unlawful force, and ensures that officers will do everything they need to do in order to preserve human life. I urge a favorable vote on HB 139.

Attentively,
Darlene Cain