



**Testimony for the House Judiciary Committee
February 15, 2021**

**HB 956 – Criminal Procedure – Law Enforcement Procedures –
Use of Force**

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UNFAVORABLE

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The ACLU of Maryland opposes HB 956, which regulates use of force by law enforcement officers, clarifies when officers' use of force is justified, and restricts the use of specific tactics, such as chokeholds, neck restraints, and deadly force directed at moving vehicles.

Amidst the nationwide reckoning on police violence, the ACLU-MD supports efforts by Maryland legislators to address this critical issue and codify a statewide use of force standard into law. This would bring Maryland in line with the 41 other states with use of force statutes. Unfortunately, HB 956 falls short. HB 956 allows force when "there is probable cause to believe that a person committed or is about to commit a crime," and the force is "reasonably proportionate" and no more than "reasonably necessary." Deadly force is justified when the officer "actually and reasonably believes" that it is necessary, and the bill lists factors to assess whether the officer's beliefs and actions were reasonable.

Instead of codifying and seeking to clarify a reasonableness standard, Maryland's use of force statute must elevate the legal standard to only allow force when it is necessary, based on the totality of the circumstances, after exhausting de-escalation and other reasonable alternatives. While raising the legal standard is fundamental, a use of force bill must also include clearer definitions of "lethal force," "totality of the circumstances," and other key terms; ensure a civil right of action; and create new reporting and compliance requirements to hold both officers and agencies accountable. Without meaningful accountability, officers have little incentive to follow the law and improve these practices, which jeopardizes public safety everywhere. Maryland has the obligation to not settle for anything less than for what this moment calls. While well-intentioned, HB 956 does not meet the standard that Maryland needs.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on HB 956.