

Bill Number: HB 139
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 139
LAW ENFORCEMENT OFFICERS – USE OF FORCE

I write in opposition to House Bill 139 that in ten pages attempts to legislate that split second decision police officers have to make every day when deciding whether and what force to use. Police are trained at the beginning of their careers and throughout their careers about the proper use of force. The training is extensive. To try to legislate these split second decisions is untenable and dangerous.

As an officer confronts danger how long do they take to go through the eight de-escalation factors in the statute. How long do they get to consider the seven reasonable alternatives to effectuate a stop.

When considering the totality of the circumstances when people are reviewing an officers use of force, how much second guessing will there be about what the officer (11)(a) could have ascertained.

Most importantly Public Safety §3-523(B)(3) requires policies that “prohibit the discharge of a firearm from or at a moving vehicle unless a person inside the vehicle is using or threatening lethal force by means other than the use of the vehicle.”

That means if a person is driving at the officer or an innocent citizen and there is no knowledge of a lethal weapon in the vehicle the officer cannot shoot. Moving vehicles are lethal weapons in and of themselves. This is how Officer Amy Caprio was murdered. This Bill says that the next Amy Caprio cannot protect themselves with their firearm against the lethal force of a speeding car.

All of House Bill 139 is covered by case law and the training of officers. You cannot legislate split second decisions.

I urge an unfavorable report.