

**Testimony for the House Judiciary Committee
February 9, 2021**

HB 139 – Law Enforcement Officers -- Use of Force

FAVORABLE

To Chairman Clippinger, Vice Chair Atterbearly, and Committee members,

My name is Erica Hamlett and I live in Baltimore County, 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.

In November 2017 my son was approached by a stranger near our home in Howard county. It was around 3:45 in the afternoon. The man was wearing a black hoodie and blue jeans. My son's van pick-up was late so he and a friend stopped to wait. The stranger asked my son and his friend "What they were doing in the area because they didn't look like they lived around there", they responded that they were just about to finish walking home from school and had stop to wait to be picked up. The person kept asking them to justify their presence in their own neighborhood. Finally, my son asked to be left alone after the stranger said someone was going to call the police on them, my son's response was "Go ahead and call the police, you are harassing us". Other people were outside getting their children off school buses coming in and out of their homes and no one thought the teens, wearing bookbags, only a few blocks from school looked out of place. After a few more questions the unidentified man pulled a gun on him! It was revealed that he was an off-duty Baltimore City Police Officer who lived across the street and assumed the kids didn't live in the area.

Before and during our internal affairs interview I asked and they did not share if the officer had been suspended or where he was working. This officer admittedly pulled his service weapon on a 16-year-old child. He had an open peace order against him for doing so, made false statements to Howard county police and in court, but was still permitted to continue to work and carry is service weapon. It was through a Baltimore Sun article that we learned the same officer broke a suspect's jaw and that there were broader litigations against him for fraud and theft.

Once the Internal Affairs' investigation was completed, I received a call stating the officer would be charged departmentally and a letter would be sent via certified mail. After I gave the sergeant my correct address, a letter was forwarded from an old address and read, "That there was enough

evidence to sustain the allegations” thanking me for my time and voicing my concerns. But the letter had no indication of what, if any, punishment or disciplinary action would be taken then or in the future. My family and I didn’t know if the officer was still working, on the street, has a gun, or is on desk duty. We lived in constant fear that we could encounter him while he’s on duty. We moved from Howard County to Baltimore County, because living near him was too much for my family. We travel to Baltimore city often and whenever we do the uneasiness lingers because my son and family have no idea if this officer is still on duty. Using Case Search we found out that he was still on active duty at least until September, 2018 at which point, I could not find any further information on his activities.

What happens next has my son and family terrified! Even if he’s terminated will he still be permitted to carry a weapon? Will he be allowed to work in law enforcement somewhere else? What background information would be accessible to future employers? Who protects victims? We need more transparency!

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,
Erica Hamlett