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Committee

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Government Operations and
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Joint Committee on Administrative,
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Testimony of Delegate Samuel I. Rosenberg

Before the House Judiciary Committee

In Support Of

House Bill 500

Police Procedures - Requiring a Person to Lie Prone

Mister Chairman and Members of the Committee:

Safe neighborhoods and police accountability go together. Police officers have a unique duty as public employees to protect and serve their communities. However, it is our duty as legislators to ensure the procedures officers employ are safe and effective.

As we well know, when a police officer makes an arrest while forcing a person to lie on the ground on their stomach, it can be fatal. Additionally, police officers jeopardize community relations and public trust when things go wrong during an arrest.

House Bill 500 would require police officers to have an individual lie prone only if it is "objectively reasonable, necessary and proportional to obtain compliance with lawful commands." The officer would also be required to consider any knowledge about the person's mental or physical conditions.

These requirements would place a higher burden on the arresting officer before considering such action, with the goal of reducing instances of police brutality and abuse.

I was motivated to propose this standard by Larry Gibson, Professor at the University of Maryland Francis King Carey School of Law. His op-ed on this issue is submitted with my testimony.

Over the interim, in the Work Group to Address Police Reform & Accountability in Maryland, this issue was debated and voted on. The vote was 7-7.

I urge the Committee to act favorably on House Bill 500.

February 12, 2021