



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

House Judiciary Committee

February 12, 2021

HB 500: Police Procedures - Requiring a Person to Lie Prone

Letter of Information



8601 Robert Fulton Dr
Suite 140
Columbia, MD 21046



1500 Union Avenue
Suite 2000
Baltimore, MD 21211



8835 Columbia 100 Pky
Suite P
Columbia, MD 21044



Maryland Developmental
Disabilities Council

217 E Redwood Street
Suite 1300
Baltimore, MD 21202



7000 Tudsbury Road
Windsor Mill, MD
21244

The Maryland Developmental Disabilities Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD).

In 2013, in Frederick County, Ethan Saylor tragically died following a prone restraint. Ethan was a young man who had Down syndrome and obesity. (1) He was otherwise healthy, not combative and certainly did not pose a risk to anyone as he was placed in the prone restraint. Following his death, the Ethan Saylor Alliance was formed. Now, police in Maryland receive training to inform their interactions with people with disabilities. (2) This has been a necessary development, but we believe much more can be done to ensure people with disabilities and other minority groups in our communities are protected.

In Developmental Disabilities Administration community supports, behavioral supports are guided by the MANDT system; people with disabilities are not allowed to be placed in prone restraint due to risks of harm to the individual with disabilities (3). The practice is also increasingly being banned in schools in our country (4).

While we appreciate the sponsor's intent with this bill and support restrictions on the conditions under which prone restraint may be used in Maryland, **we are concerned that this bill may not accomplish its goal of limiting the use of this form of restraint.**

The bill states: A POLICE OFFICER MAY REQUIRE A PERSON TO LIE PRONE ON THE GROUND ONLY WHEN IT IS **OBJECTIVELY REASONABLE, NECESSARY, AND PROPORTIONAL** TO OBTAIN COMPLIANCE WITH LAWFUL COMMANDS OR TO RESOLVE CONFLICT.

It is unclear what uniform standards officers would use to determine these factors. It is likely officers would be able to use this language to make a case for use of prone restraint justified by what they individually believe was reasonable and necessary. The term "proportional" is confusing as restraints are typically employed by police to restore order, not to exact proportionality to a crime or situation.

Further, the bill states: **IN DECIDING WHETHER TO REQUIRE A PERSON TO LIE PRONE ON THE GROUND, A POLICE OFFICER MUST CONSIDER ANY KNOWLEDGE OR LACK OF KNOWLEDGE ABOUT THE PERSON'S MENTAL OR PHYSICAL CONDITIONS.**

Absent uniform, repeated, and regularly updated training for police officers to understand risk factors associated with prone restraint, this component of the bill alone will likely not result in change to current practices. Risk factors associated with positional asphyxiation from prone restraint include, but are not limited to obesity, underlying breathing or circulatory conditions, level of physical exertion prior to the restraint (and a following increased need for oxygen), and Down syndrome. (5)

We hope the conversation on restraints, and in particular **prone restraint**, will continue in earnest over the coming months as part of the larger conversation about police reform in Maryland, and we, advocates from the disability community, look forward to being meaningfully involved in those conversations.

For more information, contact:

Ande Kolp

The Arc Maryland

akolp@thearcmd.org

- (1) Justice for Ethan: A Brief Summary of the Story.
<https://theroadweveshared.com/justice-for-ethan/a-brief-summary-of-the-story>
- (2) The Ethan Saylor Alliance
<http://mdod.maryland.gov/about/Pages/Saylor-Alliance.aspx>
- (3) <https://www.mandtsystem.com/about-us/>
- (4) National Ban on School Use of Seclusion and Restraint of Students Introduced in Congress.
<https://www.propublica.org/article/national-ban-on-school-use-of-seclusion-and-restraint-of-students-introduced-in-congress>
- (5) The Lethal Hazard of Prone Restraint: Positional Asphyxiation.
<https://www.disabilityrightsca.org/system/files?file=file-attachments%2F701801.pdf>