

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **11**. I am testifying in support of **Senate Bill 626 with significant amendments**.



As amended, **Senate Bill 626** sets an unconstitutionally low statutory limit on police use of force for the state of Maryland. I support the spirit and intent of this bill, but am opposed to its execution.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. This means of all places, by law Maryland police have more freedom than most states to brutalize its citizens with impunity. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). As amended, Senate Bill 626 allows an officer to shoot a fleeing suspect in order to gain "control" of a situation, which was ruled illegal under the fourth amendment by *Tennessee v Garner* (1985).

The use of force standard set in HB 670 is far superior, ensuring a police officer may not use force unless it is necessary and proportional, only after exhausting reasonable alternatives, and must cease using force as soon as possible. With these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

It is for these reasons that I am encouraging you to **amend Senate Bill 626** to ensure it states that police may not use force unless it is necessary and proportional, only after exhausting reasonable alternatives, and must cease using force as soon as possible. Without these amendments that concede to language used for the same purpose in HB 670, this bill should not be passed.

Thank you for your time, service, and consideration.

Sincerely,

Benjamin Fertig

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Showing Up for Racial Justice Baltimore