

FAVORABLE

[HB0227/SB0363](#)

Courts – Improperly Summoning a Police Officer – Civil Liability

Chair, Vice Chair and entire Judiciary and Judiciary Proceedings Committees, thank you for the opportunity to share my support of HB-227/SB0363, which is a long overdue remedy for the discriminatory summoning of police officers in the State of Maryland.

Since the close of the 2020 Legislative Session with the sudden and unexpected global Covid-19 pandemic, our world, our country and the State of Maryland has been under siege in a Great Controversy between what is “truth” and what is a “Lie”, what is “fake” and what is “real” between “freedom of choice” and “Freedom from a deadly disease” or better yet “Freedom from police brutality or wrongful arrest”.

No matter what side anyone is on in this Great Controversy, it is the job of our legislature to hold “all” accountable” for their “choices” – good or bad. Many great thinkers have said that;

Freedom does not mean we can do anything we want without care to the outcome of our choices. Freedom of choice is both a great privilege and an enormous responsibility. Everything we do is a choice and every choice we make has a consequence.

HB227/SB363 at its heart is about holding people accountable for their wrongful summoning of police based on discriminatory perceptions or skin color bias. Every citizen has the “choice” to call the police when there is a reasonably perceived threat of danger. However, when a perceived threat is not reasonable and lacks any credibility, those individuals who choose to still call the police on people of color who have not done anything to be a threat of any harm, those choices MUST have consequence and HB227/SB363 provides the remedy to the person(s) who had no choice in the calling of the police.

While the siege on the US Capital is an extreme case of individuals choosing to exercise what they believed was a choice, the details of that attack on the US Capital has revealed some very alarming TRUTHS. One of which is the fact that there are many in this country who believe that they can exercise their “choice”/freedom without consequence, without any accountability for the outcomes of their choices.

The story of Jenna Ryan, who participated in the attack on the capital, is an example of a mind set that this legislation must be passed to protect against. [In January 18, 2021 news story](#) about the Texas real-Estate agent who flew to the capital on a private jet to participate in the attack, it was revealed that she believes that she should be “pardoned” for her acts because she attacked the capital based on the directive of the President. While this story is extreme, it is an example of those who feel that they can do anything they want and get a pardon (not pay a price for their choice), and this story is not an exception. There are many if not hundreds who have chosen to

call the police on people of color which have cost the victims tremendous pain and there is absolutely no remedy for the pain and affliction caused by others wrongful choices.

For example, throughout 2017 and early 2018, three white women in Detroit accused Marc Peeples, a black urban farmer, of a range of serious crimes. Among the allegations they reported to police, (all of which were determined in court to be untrue), was that he was seen brandishing a gun, participated in a drive-by shooting targeting one of the women's homes, and that he was a convicted pedophile.

While the Detroit judge called the case "ridiculous" and "disgusting", and admonished police and prosecution for moving forward the criminal case, Mr. Peeples lost his garden and his work contracts, and had to pay for defense attorneys and for bond to get out of jail. The case took an emotional toll and left him humiliated by the accusations when, in fact, all he had been doing was "gardening while black".

In 2019, Mr. Peeples filed a civil complaint and alleged that the women "knowingly fabricated all of [their] allegations" and "acted intentionally and concertedly to cause Marc economic harm and emotional distress" and that their behavior was "extreme, malicious, wanton, and outrageous", and worthy of \$300,000 in damages and punitive damages. The court did find for damages for Mr. Peeples.

While that case is amongst the extreme cases with a laundry list of facts that warrant an award of the most monetary damages available, cases with fewer incidents of allegations are equally as harmful to individuals and the community and are worthy of monetary damages. In other words, in cases where there may be only one act of intentional wrongful summons of the police that nonetheless equally outrageous, HB227/363 would give individuals the right of action to sue a person who intentional falsely summons the police against a person for the purpose of violating the Maryland Constitution, to discriminate or cause the person physical or emotional harm.

What these incidents around the Country demonstrate is that there is a lack of accountability of people who abuse 911 to summons to police against persons of color, religious groups, and those in vulnerable communities or categories. While it is a crime under Maryland Criminal Code 9-501 to make false statements to a law enforcement officer with the intent to deceive and to cause investigation of other, the fine for that crime is only \$500 and those funds do not go to the victim of the false report. SB436 would award a victim up to \$10,000 in monetary damages, not limiting any other available damages, which is a sufficient deterrent to those who would engage in such harmful behavior without such a penalty. The U.S. Department of Justice Office of Community Oriented Policing Services has studied this problem since at least 2002 when they issued their first report called the Misuse and Abuse of 911 written in collaboration with the National Emergency Number Association.

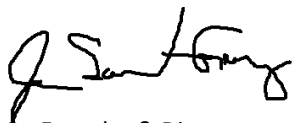
The report showed that they identified among the 183 million 911 calls made annually for police or other emergency services, that there are a substantial number of callers who intentionally exaggerate the seriousness of an emergency to get a quicker police response. The DOJ report calls categorizes them as exaggerated 911 calls.

Regretfully, the DOJ 911 Misuse and Abuse report also states there is no tracking of the exaggerated calls, but the report nonetheless listed exaggerated 911 calls in the category of serious abuses of 911 services. The report goes on to indicate that the DOJ is aware that there are callers who make false 911 calls but give information in such a way that the caller knows there is enough room for "caller error" that he or she cannot be charged (or prosecuted) for the exaggerated 911 call. While in those situations criminal charges would not be pursued because of the inability to prove the facts beyond reasonable doubt, in civil cases, like what is proposed by SB 436, the burden of proof is by a preponderance of the evidence, which is a lower standard that can be proved by circumstantial evidence. In other words, SB 436 is the appropriate legal remedy through which private citizens can obtain redress for the improper summons of police.

It is further noted that there is no nationally recognized protocol to address 911 misuse and abuse, except that there are now national 311 call diversion services and other forms of technology used to reduce the drain on police resources. Regretfully, the report concludes with the point that there is a patchwork of federal, local and private responses to such abuses. Consequently, it is time to make SB 436 a law in Maryland to deter such discriminatory abuse of 911 police calls. As a criminal justice reform advocate around the state and in my home county of Montgomery County, there must be penalties that will hold individuals accountable for their abuse of 911 and terrorizing of vulnerable communities of color. If something is not done, there can be more incidents against vulnerable communities like the incident that occurred against Mr. Peebles.

Therefore, I respectfully, request a favorable report for

Sincerely,



Co-Founder & Director