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Judicial Proceedings Committee

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THE SENATE OF MARYLAND
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Judicial Proceeding Committee

**SB 134 – Favorable - Sponsor Testimony - Maryland Police Training and
Standards Commission - Training Requirements - Electronic Stalking**

Senate Bill 134 is a police training bill to help protect against a new and growing threat to Marylanders, electronic stalking and stalkerware. National and international groups such as INTERPOL has stepped up training around the world to equip law enforcement with the tools they need to help victims of this pernicious and dangerous behavior. Stalking a serious crime with a penalty of up to 5 years, but it is rarely prosecuted. Perhaps prosecutions are lower than the projected incident rate because when victims go to police for assistance, [they feel gaslit](#).

The ACLU report that the Maryland Network Against Domestic Violence referenced in another bill, highlighted that 88% reported that police “sometimes” or “often” do not believe survivors or blamed survivors for the violence. Respondents said that survivors called police in the past “to find that the police took no action, did not believe them, minimized the situation, or threatened the survivor with arrest.” “Often times the police believe the woman is seeking attention, or this is a tactic to end the relationship.” “Survivors are often concerned [rightly so] that their children will be taken away if the police are called to a domestic violence situation.” Most importantly, that ACLU report provides, that survivors’ goals do not align with those of the criminal justice system or how it operates. Survivors are looking for options other than punishment for the abuser. A quote that should stick with you if none else do, is, “Our clients report that they don’t want their abuser to be arrested. The police often give the impression that the only service they can offer to domestic [violence] calls is to place someone under arrest.” If they don’t necessarily want an arrest, what do they want? Perhaps a 21st century safety plan, and law enforcement that is familiar with stalking and the ways to mitigate harms.

Importantly, stalking is not just domestic violence related. You can't just cure this problem with protective orders. What if you don't know who is placing the tag on your car to track your movements? How about the malicious stalkerware put on your phone by someone you don't know well? How do you seek relief from this type of cyber abuse from strangers? Well, apparently the police want you to file a complaint about concerns, and have that complaint get in line with the already backlogged computer forensic unit that is rightly prioritizing more imminent threats to abducted or abused children. Are you giving the forensic unit your phone? Won't that alert the stalker? Don't you need your phone to work and live in the 21st century? A little secret, the police don't know how to respond because they were not trained but our experts do were trained and I hope you ask them lots of questions, because not enough people are asking these important ones. Privacy is inextricably intertwined with safety in the 21st century, and stalkerware is a clear and present danger to Marylanders.

How could this happen in Maryland, where our Police Training Commission must have [extensive training](#) for new police officers? Well, unlike their [testimony for the hate crimes bill](#), the chiefs and sheriffs won't be able to say stalking is taught to new recruits – because even simple “stalking” is not listed as a training requirement. That is fascinating because when I passed the update to the stalking law in 2016, we were repeatedly told how complicated and different of a crime stalking is, yet police get no basic training here, and now with the [exponential growth of stalkerware](#) – we have nothing new to provide them?

We have the leading national and international experts joining this hearing today to highlight the harms and plethora of resources from non-profits. We have no doubt the police generally oppose this because they think the legislature shouldn't mandate training requirements at all. My office met with the state police to discuss this bill and there was a productive dialogue but there is a clear resistance to legislate in this space at all, despite the need. However, recall that we have recently legislated in this same section of code for human trafficking police training, a bill I sponsored, as well as the more recent hate crimes training provision. Both of these crimes were taught to new recruits but they didn't have the experience we wanted for treating victims with the respect and consideration the crimes demanded. Here too, we need to codify this training requirement for training to appropriately interact with stalkerware victims, to ensure they know to help victims protect themselves, gather evidence and not alarm the stalker and escalate the abuse.

For these reasons and more to be outlined by the experts, I respectfully request a favorable report on SB134.