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HEALTH AND GOVERNMENT OPERATION COMMITTEE

MARCH 8, 2023

HB 1176 - VOLUNTARY 9-1-1 Registry for Individuals Needing Special Assistance

POSITION: SUPPORT WITH AMENDMENTS

Disability Rights Maryland (DRM) is Maryland's designated Protection & Advocacy organization, mandated to advance the civil rights of people with disabilities. DRM works to champion the rights of individuals with disabilities and eliminate the incarceration, institutionalization, and serious injury or death of people with disabilities due to the unnecessary involvement of law enforcement when responding to individuals with disabilities.

Communities want to be able to trust their local public safety departments to engage with them in professional and ethical manner, particularly in times of crisis. Historically, some communities have had a fraught relationship with their local public safety departments due to a lack of understanding and unfair stereotypes of people with disabilities, leaving to unfair treatment and civil rights violations. Maryland is home to 1,040,158 adults with a diagnosed disability, ranging from cognitive to mobility to self-care disabilities. Many face significant challenges when interacting with the criminal justice system. Individuals who present with psychiatric or cognitive disabilities are twice as likely to be arrested for minor infractions as individuals who do not present with a disability but engaged in similar behavior. Additionally, In Maryland, of the 109 people who died during police interactions between 2004 and 2014, 38 percent (41 people) were likely individuals with mental health disabilities. The U.S. Department of Justice's investigation into the Baltimore Police Department (BPD) revealed that officers often resorted too quickly to using force against individuals with mental health disabilities, particularly involving the use of tasers against non-violent individuals.

HB 1176 aims to create safer interactions between individuals with disabilities and public safety personnel by creating a 9-1-1 registry where individuals, families and guardians of an individual with a disability can voluntarily share information about an individual's disability and needed accommodations so that first responders and law enforcement can use the information to inform their interactions with an individual with disabilities. HB 1176 is modelled on a successful program in Howard County that was established through a collaboration with families that have a member with a disability and the Howard County Police Department. The expert consensus is that programs related to police responses to persons with disabilities work best when there is collaboration between families, advocates, individuals with disabilities, and

the law enforcement community. Howard County's program demonstrates the wisdom of such an approach. HB 1176, rather than mandating that local jurisdictions create such programs, should simply authorize the creation of these programs.

Disability Rights Maryland fully supports the goal of ensuring people with disabilities have safe and positive interactions with first responders and law enforcement. We support HB 1176, with the following amendments:

1) Ensure that we are using appropriate terminology when referring to individuals with disabilities:

- Throughout the bill, substitute "individuals with disabilities" for "individuals with special needs."
- On Page 2, Line 20, change the language to "Blind or Low-Vision";
- On page 2, Line 21, change the language to "Deaf or Hard of Hearing";
- Page 2, line 1, ADD: (4) AS USED IN THIS SECTION, "GUARDIAN" DOES NOT INCLUDE A PUBLIC GUARDIAN APPOINTED BY THE COURT.

2) DRM notes that different jurisdictions and law enforcement agencies are at different points in their development and implementation of community policing policies. Some jurisdictions are just beginning to explore mobile crisis response and training for officers on interacting with persons with disabilities We believe it is essential to the success of a Registry that there be enthusiastic support from advocates, parents, and public safety departments for the program. For these reasons, we recommend that the legislation authorize the creation of such registries, but not mandate it:

- Page 3 line 5 (D) "To accomplish the purpose of the program each local jurisdiction or local 9-1-1 call center MAY:"

3) As HB 1176 is a voluntary 9-1-1 registry, we recommend amendments to clarify procedures for individual removal from the 9-1-1 registry to foster transparency and independence.

The certifications placed on the disclaimer should require an individual who is over 18 to sign the disclaimer themselves.

- Page 4 (F) line 20: Page 4, Line 20, "I certify that I am the INDIVIDUAL SUBJECT OF THE REGISTRY, parent or legal guardian of the minor child or guardian of the individual with special needs.

To provide for notification and removal of the 9-1-1 registry, we recommend that adding the following provisions to clarify that an adult may remove themselves from the Registry at any time. This voluntary removal authorization should apply to adults under guardianship, given that the guardianship statute explicitly provides that a court order placing someone under guardianship does not equal a finding of incompetency.

- On Page 4, Line 32, New Line (G)(2): EACH LOCAL JURISDICTION OR LOCAL 9-1-1 CALL CENTER SHALL CONTACT THE INDIVIDUAL SUBJECT TO THE REGISTRY ONCE THEY HAVE REACHED 18 YEARS OF AGE TO NOTIFY THE INDIVIDUAL THAT THEY ARE ON THE REGISTRY AND MAY BE REMOVED UPON REQUEST.
- New (G)(3): AN INDIVIDUAL AGED 18 YEARS AND OLDER WHO IS UNDER GUARDIANSHIP AND IS PLACED ON THE REGISTRY SHALL RECEIVE NOTICE OF THIS FACT, ALONG WITH A COPY OF THE INFORMATION PROVIDED TO 9-1-1 BY THE REGISTRANT.
- (G)(4) AN INDIVIDUAL AGED 18 YEARS AND OLDER WHO IS UNDER GUARDIANSHIP MAY REMOVE THEMSELVES FROM THE REGISTRY UPON REQUEST.
- (G)(5) IN THE NOTICES DESCRIBED IN (G)(2) AND (G)(3), EACH LOCAL JURISDICTION OR LOCAL 9-1-1 CALL CENTER SHALL PROVIDE THE PHONE NUMBER TO CALL OR EMAIL ADDRESS TO REQUEST REMOVAL FROM THE REGISTRY.

A voluntary 9-1-1 registry list has the potential to aid loved ones of individuals with disabilities. as such, it is imperative there are parameters set in place to foster greater autonomy within the disability community when implementing this program. The suggested amendments above will strengthen HB 1176 to provide for greater autonomy and transparency for loved ones of those with disabilities and individuals with disabilities themselves. For those reasons, we support HB 1176 with amendments. Should you have any questions, please contact Samuela Ansah at Samuelaa@DisabilityRightsMD.org.