

JUDICIAL PROCEEDINGS COMMITTEE**MARCH 29, 2023****HB 1176-Public Safety-Voluntary 9-1-1 Registry****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. We appreciate the opportunity to share our views on HB 1176, which would mandate that local jurisdictions and police departments create 9-1-1 registries for persons with disabilities. We understand this is modeled on a successful program in Howard County.

We do not believe that the creation of a 9-1-1 registry would be appropriate in every jurisdiction in Maryland, and recommend that HB 1176 authorize, but not require, the creation of such a registry in each jurisdiction. If local communities desire such a registry, the ability to create a registry would be there. It appears a similar program has been successful in Howard County because of the close collaboration between families, providers, and law enforcement and other responders, resulting in commitment to the registry's success. In other jurisdictions in Maryland, such an environment may not exist. For the past several years, DRM has advocated for changes to law enforcement and dispatch policies that would reduce police interactions with people with disabilities in Baltimore City. The creation of such a registry would be negatively viewed by some in the community. Further, the City of Baltimore is making significant efforts to DIVERT callers with non-life-threatening emergencies from law enforcement to other appropriate responders such as 9-8-8. Mandating the creation of a 9-1-1 registry by local law enforcement without robust community involvement contravenes the principles of community-oriented policing.

9-1-1 registries should never be a replacement for a strong relationship between a community and the police department and effective training. Investing time and resources into building strong community relations and partnerships will go further toward positive interactions between communities and law enforcement than 9-1-1 registries. In fact, there is no research or evidence to support that 9-1-1 registries improve interactions between law enforcement and people with disabilities. There may be the opposite effect, where 9-1-1 registries continue to perpetuate negative consequences for people with disabilities when interacting with law enforcement, especially when it is not paired with effective training for officers.¹

¹ The ARC, National Center on Criminal Justice and Disability, Policy Brief: Law Enforcement Registries for Individuals with Disabilities (2019), available at http://thearc.org/wp-content/uploads/2019/07/18-086-Law-Enforcement-Registries-Resource-Sheet_v3.pdf (last accessed March 29, 2023).

In Maryland, of the 109 people who died during police interactions from 2004 – 2014, 38 percent (41 people) were likely individuals with mental health conditions.² Similarly, in Baltimore, where the relationship between the police department and community members has been particularly fraught, 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.³

DRM supports and advocates for the reduction of law enforcement as first responders to people in crisis. Such law enforcement response should be replaced with crisis response services and community supports. The result will be safer outcomes for people with disabilities. It is preferable that resources be invested in community supports for individuals with disabilities experiencing behavioral health crises. Rather than creating a mandate for jurisdictions to comply with, we encourage that the legislation simply *authorize* the creation of a registry. To that end, we propose the following amendments to accomplish that goal:

At pg. 2, line 2: ~~THERE IS A LOCAL JURISDICTIONS OR LOCAL 9-1-1 CALL CENTERS ARE AUTHORIZED TO ESTABLISH A 9-1-1 REGISTRY PROGRAM~~

At pg. 3, line 5: EACH LOCAL JURISDICTION OR LOCAL 9–1–1 CALL CENTER MAY

Pg. 4, line 28 (ADD): EACH LOCAL JURISDICTION OR LOCAL 9-1-1 CALL CENTER THAT HAS ELECTED TO CREATE A REGISTRY ...

The language on the disclaimer for the 9-1-1 registry should be transparent, clear and understandable for those who are placed on the registry to understand. Autonomy is an important principle for people with disabilities and with the undertone of a 9-1-1 registry, it is imperative that people understand the implications and rights of being placed on such a registry. To that extent, we recommend the following language be amended into the bill to appear on the disclaimer:

Page 2, Line 4-5, (C) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE INDIVIDUAL ADULTS, PARENTS OR GUARDIANS OF MINOR CHILDREN, OR GUARDIANS OF INDIVIDUALS WITH SPECIAL NEEDS TO REGISTER WITH A LOCAL JURISDICTION OR LOCAL 9-1-1 CALL CENTER THAT HAS CREATED 9-1-1 REGISTRY IN ORDER TO ALERT FIRST RESPONDERS ENCOUNTERING A REGISTERED INDIVIDUAL THAT THE INDIVIDUAL:

Page 4, Line 32, New Line (G)(2): EACH LOCAL JURISDICTION OR LOCAL 9-1-1 CALL CENTER THAT HAS CREATED 9-1-1 REGISTRY 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 INFORM THEM THAT THEIR INFORMATION MAY BE REMOVED UPON REQUEST.

² Joe Spielberger, *Chasing Justice: Addressing Police Violence and Corruption in Maryland*, American Civil Liberties Union of Maryland (January 2021), <https://www.aclu-md.org/en/press-releases/aclu-report-chasing-justice-exposes-racist-facts-about-police-violence-lack>

³ U.S. Department of Justice Civil Rights Division, *Investigation of the Baltimore City Police Dep’t 81-82* (2016).



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(G)(3) AN INDIVIDUAL AGED 18 YEARS AND OLDER WHO IS UNDER GUARDIANSHIP AND IS PLACED ON THE REGISTRY SHALL RECEIVE NOTICE OF THE FACT THAT THEY HAVE BEEN PLACED ON THE REGISTRY, 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 USE TO REQUEST REMOVAL FROM THE REGISTRY.

Thank you for your attention to this matter and we look forward to working with you. Please contact DavidP@DisabilityRightsMD.Org with any questions.