



# LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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To: William C. Smith, Jr., Chair,  
Jeff Waldstreicher, Vice Chair, and  
Maryland Senate Judicial Proceedings Committee Members

From: Major Neill Franklin, Ret., on behalf of the  
Law Enforcement Action Partnership (LEAP)

## **Favorable - Senate Bill 762**

Drug Paraphernalia for Administration - Decriminalization

Hearing: Tuesday, March 7, 2023, 1:00 p.m.

Distinguished members of the Committee, thank you very much for the opportunity to present the views of the Law Enforcement Action Partnership (LEAP) in support of Senate Bill 762. I believe that decriminalizing paraphernalia possession will reduce disease and help rebuild police-community trust.

The Law Enforcement Action Partnership's mission is to unite and mobilize the voice of law enforcement in support of drug policy and criminal justice reforms that will make communities safer by focusing law enforcement resources on the greatest threats to public safety, addressing the root causes of crime, and working toward healing police-community relations.

I have served in three Maryland police agencies as a commander: the Maryland State Police as the northeast regional commander for the Bureau of Drug and Criminal Enforcement, the Baltimore Police Department as the Chief of human resources and head of training, and the Maryland Transit Administration as the head of Investigation Services, which included drug enforcement. Over my thirty-four-year career, I was responsible for the arrest and jailing of hundreds, if not thousands, of Maryland citizens for low-level drug possession charges. Most of the people I arrested were suffering from addiction.

I applaud the legislature for allowing syringe access programs in our state, because they reduce HIV and Hepatitis C transmission without increasing drug use or crime.

Yet while public health programs provide clean syringes to people using drugs, officers still arrest people for syringe possession, with zero benefit to public safety. I have never made or even heard of a paraphernalia arrest that resolved a public safety threat. These arrests do nothing to stop overdose deaths, HIV or Hepatitis C transmission, or drug sales.

Instead, paraphernalia arrests increase the spread of HIV and Hepatitis C. People who use drugs know that if they share a syringe with a friend who may have Hepatitis C or HIV, they are risking an incurable virus. But they also know that carrying a syringe means risking arrest. So many people choose not to carry their own syringe, and as a result, an overwhelming majority of people who inject drugs have Hepatitis C. HIV is many times more prevalent than in the general population.

It's time for Maryland to take the next step and pass SB 762, which would decriminalize paraphernalia possession. It would allow people who use drugs a safe way to avoid syringe sharing.

This bill would also help patrol officers by preventing accidental needle-sticks. When police search an individual, we ask the person if they are carrying anything that could hurt us. If they are carrying a syringe, they often lie, hoping to avoid arrest. We continue the search, reaching our hands into pockets where a syringe could stick us. With paraphernalia decriminalized, people could warn officers of the syringe in their pocket without facing a new criminal charge. This issue may sound small, but it is serious – one in three police officers will be stuck by a needle in their career.<sup>1</sup> Those officers and their families face days of agony waiting to hear if they have contracted Hepatitis C or HIV. This bill would help spare many officers and their families this pain.

SB 762 would also prevent people from leaving syringes on the ground. Today, people who use drugs do not risk carrying a syringe until they find a sharps container. They leave it as soon as possible, which may be in a public trash can, on the sidewalk, or in a park. We shouldn't have to worry about children running barefoot in the park or janitors being pricked by needles at work. This legislation would enable people to carry a syringe until they find a safe means of disposal.

Finally, I believe this bill would help reestablish police-community trust. People who use drugs have zero trust in the police, having seen us arrest their friends for a syringe. Yet they also witness a shocking number of crimes. Police are less effective because these individuals are afraid to report a crime, call 911, or share information with us. If police stop arresting people for syringes, we can begin to rebuild this trust and strengthen our ability to prevent and solve crime.

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<sup>1</sup> "Occupational needlestick injuries in a metropolitan police force." [https://www.ajpmonline.org/article/S0749-3797\(99\)00137-3/fulltext](https://www.ajpmonline.org/article/S0749-3797(99)00137-3/fulltext). Accessed 31 Jan. 2023.

In sum, I believe that this bill would help our state reduce HIV and Hepatitis C transmission, reduce syringe littering and needle sticks, and increase police-community trust. The Law Enforcement Action Partnership asks that you, the members of this committee, give SB 762 a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Neill Franklin".

Major Neill Franklin (Ret.)

Formerly with the Maryland State Police

Executive Board Member, Law Enforcement Action Partnership