



MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Luke Clippinger, Chair
Delegate David Moon, Vice Chair
Judiciary Committee Members

FROM: Maryland Legislative Latino Caucus

DATE: February 21st, 2023

RE: HB0748 Law Enforcement Officers – Sexual Contact With Person in Custody – Penalty

The MLLC supports HB0748 Law Enforcement Officers – Sexual Contact With Person in Custody – Penalty, 2023

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB0748.

Police sexual misconduct is fairly common in many police departments and many state and local law enforcement agencies across the country.¹ A Cato Institute study found that police sexual violence is the second-most reported form of police misconduct, after excessive force.² Multiple studies indicate that women of color have been disproportionately affected by police sexual violence for years, and they often do not report their assaults to the police out of fear, suggesting that the rate of police sexual violence occurrence is even higher than existing reports indicate.³ Police officers who commit sexual crimes are outnumbered by those who do not, but Maryland state's attorneys and law enforcement agencies rarely, if ever, hold officers accountable for serial sexual assault and misconduct against marginalized women.⁴ Because Latino immigrants, especially undocumented immigrants, underreport crimes for fear of status repercussions such as deportation, this issue is especially important to the Latino community.⁵

In 2016, the U.S. Department of Justice detailed a pattern of discriminatory policing by the Baltimore Police Department against women and people of color and found evidence that some BPD officers “target members of a vulnerable population - people involved in the sex trade - to coerce sexual favors from them in exchange for avoiding arrest, or for cash or narcotics.”⁶ This conduct is not only criminal; it is an abuse of power... [because the BPD] failed to adequately investigate allegations of such conduct, allowing it to recur.”⁷ Additionally, regarding the 2022 arrest of a Maryland police officer for sexually assaulting a woman he held in custody, Wicomico

¹ Lewis, S., Dirks, S., & Emslie, A. (2021, June 24). *Patterns of sexual abuse show gaps in police disciplinary system*. NPR.

² Purvis, D. E., & Blanco, M. (2020). *Police Sexual Violence: Police Brutality, #MeToo, and Masculinities*. *University of California Berkeley Law Review*, 108(5), 1487–1529.

³ Ibid.

⁴ *Opinion: Survivor-focused approach needed on law enforcement sexual misconduct*. *Maryland Matters*. (2021, March 2).

⁵ Ricks, A. (2017, September 25). *Latinx Immigrant Crime Victims Fear seeking help*. Urban Institute.

⁶ Wallace, D. (2022, November 7). *Maryland cop arrested over in-custody Kohl's lot rape allegedly had more victims, history of misconduct*. Fox News.

⁷ Ibid.

County Sheriff Mike Lewis stated, “You're talking about a uniformed deputy wearing a badge with a gun, with body armor... It is not consensual intercourse.”⁸ In Maryland, some police officers are taking advantage of this power imbalance to commit sexual crimes against people of color and people in underrepresented communities requesting police assistance.

This bill prohibits a law enforcement officer from, and establishes a penalty for, engaging in sexual contact with a person who is a victim, witness, or suspect in an open investigation that the law enforcement officer is conducting, supervising, or assisting with if the law enforcement officer knew or should have known that the person is a victim, witness, or suspect in the investigation, if the person is requesting assistance from or responding to the law enforcement officer in the course of the officer’s official duties, or if the person is in custody of the law enforcement officer. Given the history of racial bias and over incarceration of people of color, this bill would help ensure that these issues are not compounded by sexual misconduct perpetrated by law enforcement.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on HB0748.

⁸ Ibid.