



ON OUR OWN
OF MARYLAND

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WRITTEN TESTIMONY IN OPPOSITION TO

HB 1019: Mental Health Law - Petitions for Emergency Evaluation

Thank you Chairs, Vice Chairs, and committee members for your commitment to improving the quality and accessibility of healthcare services for Marylanders, especially community members who experience significant behavioral health challenges. On Our Own of Maryland (OOOMD) is a nonprofit behavioral health education and advocacy organization, operating for 30+ years by and for people with lived experience of mental health and substance use recovery.

OOOMD strongly opposes HB 1019, which unnecessarily emphasizes use of “reasonable force” when executing an emergency evaluation for involuntary psychiatric admission (Emergency Petition, “EP”), and would provide courts the authority to extend the timeframe for serving an EP.

EPs are filed in response to observed and emergent 'dangerousness' to self or others, typically when an individual is experiencing a psychiatric crisis and expediently delivered care is seen as necessary to maintain safety. However, police response not only fails to meet the healthcare needs of individuals experiencing one of the most vulnerable times of their lives, but can also dramatically increase risk of arrest and fatal encounters.^{1,2} This is particularly true for marginalized communities, where a long standing history of discriminatory practices has already warranted distrust of law enforcement.^{3,4}

Maryland law already authorizes use of force when “necessary and proportional to prevent an imminent threat of physical injury to a person.” (Md. Code, Pub. Safety § 3-524), and requires that force must be ceased when there is no longer an imminent threat or the threat is under the officer’s control. The *Maryland Police Accountability Act of 2021*⁵ established further requirements for police accountability and discipline.

The particular emphasis on endorsing use of force proposed by this bill is unnecessary and dangerous. Maryland residents who experience mental health crises deserve understanding, support, and high quality healthcare. Use of force by police and expanding the timeframe for serving a petition fails to uphold the primary purpose of EPs – to expeditiously establish safety for the individual – and creates significant opportunities for serious harm. **We strongly urge an unfavorable vote on HB 1019. Thank you.**

¹ Bor J, Venkataramani AS, Williams DR, Tsai AC. Police killings and their spillover effects on the mental health of black Americans: a population-based, quasi-experimental study. *Lancet* 2018;392:302-310.

² Monk EP Jr. Linked fate and mental health among African Americans. *Soc Sci Med* 2020;266:113340-113340.

³ Johnson O Jr, St Vil C, Gilbert KL, Goodman M, Johnson CA. How neighborhoods matter in fatal interactions between police and men of color. *Soc Sci Med* 2019;220:226-235.

⁴ Bailey ZD, Feldman JM, Bassett MT. How structural racism works — racist policies as a root cause of U.S. racial health inequities. *N Engl J Med* 2021;384:768-773.

⁵ New York Times (2021) ‘Maryland Passes Sweeping Police Reform Legislation’, 10 April. Available at: <https://www.nytimes.com/2021/04/10/us/maryland-police-reform.html>.