



**OPPOSITION TO
HB 468 - Mental Health Law - Petitions for Emergency Evaluation**

February 5, 2025

The Silver Spring Justice Coalition (SSJC) urges you to oppose HB 468 because (1) it would exacerbate the use of force against persons suspected to be in mental health crisis and (2) it unduly deprives those persons of their constitutional rights to liberty without just cause.

For the past several years SSJC has closely monitored the use-of-force data reported by the Montgomery County Police Department and elsewhere around the country. MCPD data shows that the use of force against persons with symptoms of mental illness has been increasing over the past several years. This despite the change in state-law requirements for law enforcement officers' use of force. The reality is that the changes to the requirements for the law enforcement's use of force have not significantly reduced the number of times that officers have harmed people who may be suffering from a mental health crisis. The modest expansion of mobile crisis units in Montgomery County has not changed the growing trend of officers unnecessarily using force against persons with mental illness.

Adding that reality to the bill's explicit encouragement that officers can – and therefore should – use force to apprehend persons who are the subjects of Emergency Petitions will surely only increase, rather than decrease, their use of force. Assuming these persons are in a vulnerable mental state, the last thing they need are uniformed officers, with guns, demanding they put their hands behind their heads so they can be handcuffed and shoved into a police or sheriff's car to be forcibly taken to a hospital.

Adding to the harm this bill will cause to some of the most vulnerable people in our communities, the bill will make it easier for petitioners to obtain Emergency Petitions without current proof that the person who is the subject of the EP is currently a

danger to themselves or others. An Emergency Petition is a deprivation of liberty without due process of law – with no opportunity for the accused to face their accuser, with no opportunity to refute the claims brought by petitioners. SSJC is also deeply troubled by the prospect of this bill extending the time for police to execute EPs from the current five days to up to 30 days.

While some Emergency Petitions are filed by sincere, loving family members solely because of their concern for their loved one – that isn't always the case. When we spoke last year to a deputy sheriff from Prince George's County, we were told that EPs are filed for all sorts of perverse reasons, such as a person who didn't want to go for kidney dialysis, and other nefarious reasons such as taking control of the person's assets.

Making it easier for petitioners to perpetuate an EP without current proof that the person continues to be a danger to themselves or others is a violation of a person's constitutional right to liberty, which must not be abridged without current, compelling evidence of their danger to themselves or others.

We all know that a person's mental state, and particularly a person having a mental health crisis, can rapidly change, depending on numerous circumstances. To perpetuate an EP based solely on a motion to extend the EP without knowing that the subject's mental health crisis remains unchanged is an unjustified constitutional short cut and an unwarranted deprivation of a person's liberty.

Creating a shortcut for EPs will further overload already overburdened hospital psychiatric departments, which cannot cope with the current patient load.

We urge the committee to issue an unfavorable report on the bill and to recommend to the administration a complete review of the Emergency Petition process, including the percentage of EPs that cannot be executed in the first five days, the reasons persons seek EPs, the number of EPs that are re-applied for because the subject cannot be found, the length of time it takes for a person to be evaluated, the frequency with which EPs are found to be unwarranted, and why police must be the only transporters after an EP is executed.

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