



ON OUR OWN  
OF MARYLAND

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## WRITTEN TESTIMONY IN OPPOSITION TO

### HB 860: Mental Health Law - Petitions for Emergency Evaluation Senate Finance

Thank you Chair Beidle, Vice Chair Hayes, 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 is deeply appreciative of the time, effort, and collaboration the sponsor has taken to address concerns and thoughtful amend HB 860** to add important patient protections and safeguards, particularly around expanding the Maryland Office of the Public Defender's access to relevant prior legal records, encouraging the use of best practices and collaboration with Mobile Crisis Teams, and removing the word "force" from the bill language. These changes address concerns we expressed about earlier versions of the bill, and we fully support their adoption and implementation.

While HB 860 as amended is the best version of the bill we have seen over the years, **it will still irrevocably link behavioral health crisis response by law enforcement with expected use of force, creating tacit approval of this as the status quo.** Our continuing opposition to the bill is rooted in our mission and core values as an organization and statewide community which has stood against the use of force and coercion in behavioral health care for more than three decades.

Over the last 5 years, Maryland has taken many steps to reduce reliance of law enforcement in behavioral health crises and address police force through investments into mobile crisis, the implementation of 988, and enacting the 2021 Maryland Police Accountability Act.

In 2023, the federal Department of Justice and Health and Human Services released guidance on emergency responses to behavioral health crises, "noting that 10% of police calls involve people with a mental illness, who account for 20-25% of individuals killed by law enforcement."<sup>1</sup> The guidance also explains that people with disabilities represent about 22% of the population but may amount to anywhere between "30-50% of incidents of police use of force".<sup>2</sup>

<sup>1</sup>Judge David L. Bazelon Center for Mental Health Law & Vera Institute of Justice. (2024, January 14). New federal guidance for alternatives to police for people with behavioral health or other disabilities [Issue brief]. <https://www.bazelon.org/wp-content/uploads/2024/01/Bazelon-Vera-issue-brief-re-crisis-response-01-14-24.pdf>

<sup>2</sup> DOJ-HHS, Guidance for Emergency Responses, 2023.



Maryland's current law (Md. Code, Public Safety § 3-524) allows police to use “necessary and proportional” force in all police encounters, including when executing petitions for emergency evaluation. The current standard requires officers to receive training on the application of the force standard. If additional training or guidance for law enforcement on how to appropriately serve an EP is needed or desired, this can be accomplished without emphasizing use of force in statute.

Notably, some jurisdictions in Maryland are already improving outcomes without any change in statute. Recent outcomes from the Central Maryland Regional Crisis System shows how robust crisis response services can reduce the need for involuntary interventions, including Emergency Petitions (EP). From 2025-2026, across 4,188 Mobile Crisis Team (MCT) requests in that region, approximately 70% were resolved without an Emergency Department visit and were resolved on the scene. Of the 2,000+ MCT calls in Baltimore City, only 1.9% resulted in an EP.<sup>3</sup>

Based on the experiences shared with us by peers across Maryland, we see current practices around EPs already result in unnecessary and inconsistent application. We strongly believe that the most direct solution to these poor results can be also accomplished through a combination of statewide data collection/analysis and consistent training for the professionals involved, particularly clinicians and police officers. This strategy was universally endorsed by a diverse group of stakeholders engaged in 2021 *BHA's Involuntary Commitment Stakeholders Workgroup*.<sup>4</sup>

We are grateful for the work done in Maryland to promote and invest in alternative crisis responses. A police response to a behavioral health crisis 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.<sup>5,6</sup> This is particularly true for marginalized communities, where a long standing history of discriminatory practices has already warranted distrust of law enforcement.<sup>7,8,9</sup>

EP standards impact thousands of Marylanders each year. Individuals experiencing mental health crises deserve understanding, support, and high quality healthcare. Use of force by police fails to uphold the primary purpose of EPs – to expeditiously establish **safety for the individual** – and creates significant opportunities for serious harm. **We urge an unfavorable vote on HB 860.**

**Thank you.**

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<sup>3</sup> This data was published on Behavioral Health System Baltimore's website showcasing the crisis system outcomes of the Greater Baltimore Crisis Response System and utilizing Behavioral Health Link database. <https://www.bhsbaltimore.org/learn/by-the-numbers/>

<sup>4</sup> Behavioral Health Administration (2021). Involuntary Stakeholder's Workgroup Report.

<sup>5</sup> 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.

<sup>6</sup> Monk EP Jr. Linked fate and mental health among African Americans. *Soc Sci Med* 2020;266:113340-113340.

<sup>7</sup> 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>.

<sup>8</sup> 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.

<sup>9</sup> 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.