



UNFAVORABLE - HB 860

Written Testimony of National Lawyers Guild-National Police Accountability Project, Keisha James, Staff Attorney
Senate Finance Committee – March 31, 2026

Dear Chair Beidle, Vice Chair Hayes, and Members of the Committee,

Thank you for the opportunity to provide written comment on this important issue. The National Lawyers Guild National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to holding law enforcement officers accountable to constitutional and professional standards. We urge you to give an unfavorable review to HB 860, which states that law enforcement officers executing emergency petitions shall act in accordance with “best practices” and will only be joined by members of a mobile crisis response team “under certain circumstances” at the officer’s discretion. While this amendment is certainly an improvement on the prior language that authorized the use of force while executing emergency petitions, the best way to protect our communities from police violence is to reduce police interactions with civilians altogether—not increase police engagement with individuals with mental health disorders that could escalate into use of force incidents.

Reduced police-civilian contact minimizes opportunities for harm. Importantly, minimizing the footprint of law enforcement does not mean eliminating, or even reducing, police response to serious and violent crime.¹ Rather, it means scaling back police involvement in situations where a law enforcement interaction is unnecessary, or even wholly inappropriate, such as taking an emergency evaluatee to an emergency facility.

Police officers are trained to identify and defuse threats. This training can condition officers to misperceive erratic behavior in individuals as a threat to immediately subdue rather than a non-violent symptom of a mental health crisis. This threat mindset, in turn, has catastrophic consequences. The mere presence of law enforcement routinely escalates mental health crises into hectic and dangerous situations. With police involved, individuals in need of emergency aid are arrested, incarcerated, or, all too often, seriously injured or

¹ According to 2020 data from police departments in Montgomery County, Maryland, New Orleans, and Sacramento, officers in all three departments spent only four percent of their time addressing serious violent crime. Officers in these departments spent much more time responding to traffic violations and medical emergencies and spent the most amount of time responding to non-criminal calls. See Jeff Asher and Ben Horwitz, *How Do the Police Actually Spend Their Time?*, THE NEW YORK TIMES (Nov. 8, 2021), <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>; Roge Karma, *We train police to be warriors—and then send them out to be social workers*, VOX (Jul. 31, 2020), <https://www.vox.com/2020/7/31/21334190/what-police-do-defund-abolish-police-reform-training> (citing additional studies confirming that police spend very little time investigating serious crime).



killed. In 2025, 1,201 people were killed by police nationwide, and 116 of them were killed after police responded to reports of erratic behavior or mental health crises.²

Police officers are often the default first responders in situations involving individuals experiencing a mental health crisis. But these individuals do not need law enforcement intervention—they need medical and psychiatric care, which law enforcement officers do not and cannot provide. Because a law enforcement response is fundamentally incompatible with the safety needs of individuals experiencing mental health crises, the problem of police use of excessive and lethal force against individuals in crisis cannot be solved by additional training for police officers. Instead, the only viable solution is to remove law enforcement altogether from mental health emergency response.

To avoid the serious harms that flow from police officers using force to execute emergency petitions, mental health professionals and crisis intervention specialists should be tasked with executing emergency petitions and taking emergency evaluatees to emergency facilities. These mental health professionals and crisis intervention specialists have the expertise and resources needed to safely and swiftly respond to mental health crises. In the rare event they perceive danger while executing an emergency petition, they can call for police backup.

The responsibilities of law enforcement officers have ballooned significantly from investigating and preventing serious and violent crime to providing social services. But police officers are ill-suited and ill-prepared to take on this responsibility. And the greater the amount of contact there is between law enforcement and civilians, the greater the chances that civilians will be harmed by police use of force. Replacing armed law enforcement officers with mental health personnel and crisis intervention specialists in all situations involving individuals with mental disorders or individuals who are experiencing a mental health crisis, including the execution of petitions for emergency evaluations and transportation to emergency facilities, increases public safety.

We urge you to reimagine public safety and give HB 860 an unfavorable review. I am happy to answer any questions you may have. You can contact me at keisha.npap@nlg.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keisha James', written over a white background.

Keisha James
National Police Accountability Project

² MAPPING POLICE VIOLENCE, 2025 POLICE VIOLENCE REPORT, available at: <https://policeviolencereport.org/>.