

**HB 699:** Maryland Use of Force Statute - Failure to Prevent Excessive Force or Render First Aid - Misdemeanor: Please vote to **OPPOSE** this bill.

Dear Judiciary Committee:

I am writing to respectfully **oppose HB 699**, concerning *Maryland Use of Force Statute – Failure to Prevent Excessive Force or Render First Aid – Misdemeanor*.

While accountability in law enforcement is essential, **HB 699** raises serious concerns regarding the imposition of criminal liability on officers for actions that may occur in rapidly evolving, high-risk situations.

This legislation would create a new misdemeanor offense for an officer's alleged failure to prevent another officer's use of excessive force or failure to render first aid. In practice, such determinations are often made in **dynamic and unpredictable environments where officers must make split-second decisions to protect themselves, their fellow officers, and the public**. Imposing potential criminal penalties in these circumstances will **introduce hesitation or uncertainty at critical moments, potentially compromising officer safety and public protection**.

The bill states "... Each police officer shall sign an affirmative written sanctity of life pledge to respect every human life and act with compassion toward others..." This an overreach of governmental power and is completely unnecessary. Law enforcement officers have never needed to sign a "pledge" in order to do their jobs in an effective and respectful manner. Who would determine whether an officer has violated this pledge? How would local departments ensure that any violations of this "pledge" were judged fairly and without biases?

"... A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to: prevent an imminent threat of physical injury to a person; or effectuate a legitimate law enforcement objective. A police officer shall cease the use of force as soon as: the person on whom the force is used: 1. is under the police officer's control; or 2. no longer poses an imminent threat of physical injury or death to the police officer or to another person; or the police officer determines that force will no longer accomplish a legitimate law enforcement objective. A police officer shall: when time, circumstances, and safety allow, take steps to gain compliance and de-escalate conflict without using physical force; intervene to prevent or terminate the use of force by another police officer beyond what is authorized..."

**Who** will determine the "**totality of the circumstances**" or "**when time, circumstances, and safety allow**"? **HOW** will these undefined conditions be determined? With the ambiguity of such language, the potential for misjudgment of an officer's actions is unlimited.

Additionally, the bill does not appear to clearly define the scope of what constitutes a reasonable opportunity to intervene or render aid. Without precise standards, officers may be subject to after-the-fact judgments based on incomplete information, exposing them to criminal prosecution despite acting in good faith under dangerous and chaotic conditions.

**Law enforcement agencies already maintain internal policies, training requirements, and disciplinary procedures governing use of force and the duty to provide medical assistance. Expanding criminal liability for officers needlessly duplicates existing accountability mechanisms while creating additional legal ambiguity for officers in the field.**

**Ensuring responsible policing must be balanced with realistic expectations of officers operating in complex and time-sensitive situations. Measures that could inadvertently discourage decisive action in emergencies will have unintended consequences for both officer effectiveness and public safety.**

For these reasons, I respectfully urge you to **oppose HB 699**.

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals