

**Testimony in Opposition to
HB 1386 Criminal Law – Distribution of Heroin or Fentanyl Causing
Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law)**

**Presented by Lydia C. Watts, Esq., Executive Director, the Rebuild, Overcome, and Rise
(ROAR) Center at University of Maryland, Baltimore**

March 10, 2026

My name is Lydia Watts. I am the Executive Director of the Rebuild, Overcome, and Rise (ROAR) Center at the University of Maryland, Baltimore. I am submitting this written testimony in opposition to **HB 1386 Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily Injury or Death (Victoria, Scottie, Ashleigh, and Yader's Law)**. The views expressed herein are mine as an expert in the field and are not the views of the University of Maryland, Baltimore. ROAR provides wrap-around services to victims of crime in Baltimore City. Since June 2019 when ROAR started providing services, we have assisted over 900 people, all of whom are survivors of crime ranging from homicides, non-fatal shootings, rapes, assaults, intimate partner violence, and more. Some of the people we have helped have experienced the loss of a loved one to an accidental overdose.

There is no question that losing a loved one to a death by overdose is devastating for all impacted and that the damage wreaked upon families and whole communities by the easy access to deadly street-drugs is immeasurable. *However, creating criminal offenses to charge those who sold the drugs that led to a death or serious bodily injury does not meet the needs of those most impacted and criminalizes the wrong players in this ecosystem of deadly drugs.* Most people who would be charged under this created offense are completely unaware of the substances within their product that can result in death or serious bodily injury. They are often engaging in the distribution of drugs due to their own difficult life experiences and are street-level dealers who are not responsible for the deadly substances being put into the product they are selling.

Despite the commonly recited troupes about crime victims wanting more strict sentences and jail time for those who caused harm, most victims of all types of crime are not looking for more arrests and prosecutions. They are looking for the support they so desperately need and even support for those who hurt them rather than creating more and greater penalties for those who have caused them harm.¹ This is part because the incarceration of someone does not address the

¹ Crime Survivors Speak, The First-Ever National Survey of Victims' Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

struggles experienced by survivors, but also because of the impact that overcriminalization and mass incarceration of disenfranchised communities – especially Black men and women – has only caused greater harm.

The rate of death by overdose – especially among the Black community - is high in Baltimore City (and similarly situated cities across the country) because of the devastating impact of intergenerational trauma, institutionalized/structural racism, decades upon decades of zero investment in the neighborhoods that were decimated through the racist practices of redlining, and an embarrassing lack of investment in our city’s youth and families. The family members of overdose victims turn to programs like ROAR instead of seeking criminal prosecution of the person who sold their loved one the drugs that caused their death or injury because they want support for themselves and their families – often put into chaos by the untimely death or disability of their loved one. They want to live in safe and affordable housing in a neighborhood that is not fraught with daily overdoses. They want jobs that pay them a decent wage. They want transportation options that are reliable and efficient so that they can get their children to school and themselves to work. They want to send their kids to school knowing that they are safe and getting the best education possible. And they want to heal from the traumas they have endured and become more at peace with themselves and their lives.

Speaking from a personal perspective, the vast majority of the survivors with whom I have worked over the past 30+ years have not favored the criminal justice response to their victimization (non-scientifically, I would say over 90%). **SO, WHAT DO CRIME VICTIMS WANT?**²

- First and foremost, assistance with finding *safe and affordable housing*, especially if they have been victimized at or near their homes and/or are living in parts of the city in which there are high rates of overdoses;
- Easy to access, long-term, and *culturally appropriate counseling* (including group counseling);
- *Non-judgmental and timely assistance in navigating* the complex and bureaucratic systems, such as public benefits, medical/mental health/substance use disorder care, housing, juvenile justice, foster care, etc.
- *Legal Assistance* to minimize the impact of the victimization on housing, employment, education, safety, immigration status, financial security, and privacy/dignity.
- *Autonomy in decision-making* about their experience;

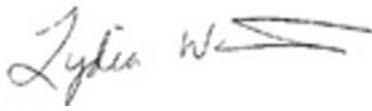
² Warnken, Heather and Lauritsen, Janet, Who Experiences Violent Victimization and Who Accesses Services?, Center for Victim Research, Findings from the National Crime Victimization Survey for Expanding Our Reach, April 2019. https://navaa.org/wp-content/uploads/2021/02/CVR-Article_Who-Experiences-Violent-Victimization-and-Who-Accesses-Services.pdf; and Crime Survivors Speak, The First-Ever National Survey of Victims’ Views on Safety and Justice, Alliance for Safety and Justice. <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>. See page 27, Box 3: “Invest in evidence-based services that protect crime survivors and stop the cycle of victimization”; Updated in 2024: “Listening to Survivors” https://build.allianceforsafetyandjustice.org/sites/default/files/2025-09/Listening-To-Survivors-Accessible-2024.pdf?_gl=1*1p9ouij*_gcl_au*OTM2NDI3MzEwLjE3NzE2MTE0NDU.

- ***Increased support for a diversity of service options***, including more located within communities and at venues unaffiliated with formal justice system processes.³
- ***Access to job support, transitional housing and other longer-term resources necessary for stabilization and mitigation of risk.***⁴

Without meaningful support to get these needs met and investments in communities to make these wishes a reality, these survivors often experience trauma for years, even the rest of their lives, while trying their best to survive and “deal with” that trauma.

Lydia Watts, Executive Director of the ROAR Center at University of Maryland, Baltimore urges the Senate Judicial Proceedings Committee to oppose HB 1386.

Sincerely,

A handwritten signature in cursive script that reads "Lydia Watts". The signature is written in black ink and is positioned to the left of a horizontal line that extends to the right.

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³ Warnken, Heather, Untold Stories of California Crime Victims. Research and Recommendations on Repeat Victimization and Rebuilding Lives, April 2014 (page 19).

https://www.law.berkeley.edu/files/WI_CA_Untold_Stories_03_31_14_lo_res_Final.pdf

⁴ Same report in footnote 3 (page 25).

Additional Information about Race and the Criminal Justice System That Would be Exacerbated by the Passage of SB 604

Dating back to 1993, Kimberle Crenshaw wrote: “Women of color [in work cited, the author is referring to survivors of intimate partner violence] are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile. There is also a more generalized community ethic against public intervention, the product of a desire to create a private world free from the diverse assaults on the public lives of racially subordinated people.”⁵ “[F]or some people subjected to abuse, the criminal justice system – indeed, any state system – is not a safe and comfortable place within which to seek justice. People of color, who are already overrepresented in the criminal justice system, may have concerns about approaching the state for assistance, fearing that the state will intervene punitively against their partners or against them.”⁶ And their fears are often warranted. Sometimes calling the police results in homelessness for victims of intimate partner violence,⁷ or in their own arrest. These same fears are present – perhaps even heightened – for survivors of gun and other forms of community violence.

Black men are over-represented among those accused of and convicted of violent crime though there is no evidence to suggest that men of color are more prone to violence than white men,⁸ though the media certainly portrays otherwise.⁹ The perception of men – particularly young men – of color as inherently more violent has inexorably and negatively shaped lives, communities, history, and political landscapes.¹⁰ Not only are young men of color disproportionately

⁵ Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1257 (1993).

⁶ Leigh Goodmark, “*Law and Justice are Not Always the Same*”: *Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse*”, Florida State University Law Review Vol. 42:707, 720 (year?).

⁷ There have been many housing authorities across the country who were exposed in the early 2000s for evicting domestic violence victims for violating the policy that no illegal activity could take place on public housing property, and since she called the police for help, the housing authority was alerted that a crime had occurred – an assault against the victim who is now getting evicted as a result. This practice is still occurring today on privately owned properties. See Jenny Kutner, “Domestic Violence Victims can be Evicted for Calling the Police”, July 14, 2016, <https://mic.com/articles/148484/domestic-violence-victims-can-be-evicted-for-calling-police-here-s-why#.oJfYfDbSK>.

⁸ Kim Farbota, *Black Crime Rates: What Happens When Numbers Aren't Neutral*, January 19, 2016, http://www.huffingtonpost.com/kim-farbota/black-crime-rates-your-st_b_8078586.html.

⁹ In *Tough Guise: Violence, Media and the Crisis in Masculinity*, Jackson Katz and Jeremy Earp argue that the media provide an important perspective on social attitudes – and that while the media are not the cause of violent behavior in men and boys, they do portray male violence as a normal expression of masculinity. Earp, Jeremy and Jackson Katz. *Tough Guise: Violence, Media & the Crisis in Masculinity* (study guide). Media Education Foundation, 1999. In 1999, Children Now, a California-based organization that examines the impact of media on children and youth, released a report entitled *Boys to Men: Media Messages About Masculinity*. The report observes that... non-white male characters are more likely to experience personal problems and are more likely to use physical aggression or violence to solve those problems. *Boys to Men: Media Messages About Masculinity*. Children Now, 1999. <http://mediasmarts.ca/gender-representation/men-and-masculinity/how-media-define-masculinity>, last visited 8.23.16.

¹⁰ “This far-reaching form of stereotyping and oppression—what Toni Morrison and others call the “[white gaze](#)”—has shaped individual lives and collective histories within communities of color.” David J. Knight, *Beyond the Stereotypical Image of Young Men of Color*, The Atlantic, January 5, 2015. <http://www.theatlantic.com/education/archive/2015/01/beyond-the-stereotypical-image-of-young-men-of-color/384194/>

represented among those accused of using violence, but also of being victims of violence.¹¹ Yet, their needs as victims of crime, and the commensurate trauma that often comes with victimization, are largely ignored, thereby exacerbating the devastating impact of the continued assault of structural racism.

Since men of color are *perceived* as more prone to be violent, it is likely that they will adopt behaviors to support that perception or assumption. Michelle Alexander in *The New Jim Crow* poses the question, “Are we willing to demonize a population, declare a war against them, and then stand back and heap shame and contempt upon them for failing to behave like model citizens while under attack?”¹² She goes on to say “[t]here is nothing abnormal or surprising about a severely stigmatized group embracing their stigma... Indeed, the act of embracing one’s stigma ...is a political act – an act of resistance and defiance in a society that seeks to demean a group based on an inalterable trait... [E]mbracing the stigma of criminality is an act of rebellion – an attempt to carve out a positive identity in a society that offers them little more than scorn, contempt, and constant surveillance.”¹³ The “dance” - or “minstrel show” as Alexander calls it¹⁴ - of men of color acting “ghetto”, violent, posturing to gain some sense of respect and control, plays perfectly into stereotypes and implicit racism that men of color are in fact more violent.

It is important to note, that rates of incarceration have skyrocketed for women during this same time period, at even greater and more astonishing rates.¹⁵ “There are 14 times more women in jail in this country today than there were in the 1970s... [And] women typically become incarcerated after experiencing gender-based trauma throughout their lives. About eight in ten [incarcerated women] have experienced domestic partner abuse. A large majority has survived sexual violence.”¹⁶ Again, women of color are disproportionately represented among the incarcerated. Many of these women are in jail or prison because a violent partner forced them into illegal activity, most typically assisting in some portion of a drug exchange, but also in sex work.¹⁷ Other times, women may engage in illegal activity to survive in an environment that does not support poor mothers well, if at all. Over the past 20 years, public benefits have been dramatically cut, affordable housing stock has plummeted, and childcare costs and other costs of living have soared. Livable wages are almost non-existent for those working in certain sectors of

¹¹ Danielle Sered, *Young Men of Color and the Other Side of Harm*, Vera Institute of Justice, December 2014.

<http://archive.vera.org/sites/default/files/resources/downloads/young-men-color-disparities-responses-violence.pdf>

¹² Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010), p. 170.

¹³ Id at p. 171.

¹⁴ Alexander writes about how the media portrays men of color as caricatures of “racial stereotypes and images associated with the era of mass incarceration – an era in which black people are criminalized and portrayed as out-of-control, shameless, violent, over-sexed and generally underserving.” Id at pg. 173.

¹⁵ Coker & Macquoid, *Opposing Hyper-Incarceration*, *supra* note 15 at 588 (2015).

¹⁶ Micelle Chen, *Why Are There So Many Women in Jail? The number of women in jails has skyrocketed over the past four decades*, <https://www.thenation.com/article/why-are-there-so-many-women-in-jail/>, August 22, 2016.

¹⁷ “Survivors who were forced into criminal activity by abusive partners could also be eligible for alternative sentencing under the legislation [Domestic Violence Survivors Justice Act, passed in May 2016 in New York state]. Advocates stress that abusers often use violence to coerce survivors into committing crimes like robbery or drug trafficking.” Melissa Jeltsen, *Should Domestic Violence Victims go to Prison for Killing Their Abusers?*, May 26, 2016, http://www.huffingtonpost.com/entry/domestic-violence-prison-legislation_us_573deaa3e4b0ace7b8e94236.

our economy. Working in illegal economies may literally feel like the only choice to financially support oneself and a family.¹⁸

All of this is true also for those selling and buying street-drugs through the State of Maryland. To criminalize those caught in this matrix of racism and poverty will only compound the harm.

¹⁸ “Particularly for women, their interactions with the justice system are often the result of survival efforts,” said Liz Swavola of the Vera Institute of Justice, one of the report’s principal authors. “They are predominantly women of color, and they are overwhelmingly poor.” Rebecca McCray, *There are More Women in U.S. Jails Than Ever Before*, August 17, 2016, <http://www.takepart.com/article/2016/08/16/women-jails?cmpid=tp-twtr>. “Women often become involved with the justice system as a result of efforts to cope with life challenges such as poverty, unemployment, and significant physical or behavioral health struggles.” Vera Institute of Justice, *Overlooked: Women and Jails in an Era of Reform*, August 2016.