



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

HB699 Support

February 24<sup>th</sup>, 2024

The Honorable Sandy Bartlett  
Chair, Judiciary Committee  
101 Taylor House Office Building  
Annapolis, Maryland 21401

RE: Support of HB699 – Maryland Use of Force Statute - Failure to Prevent Excessive Force or Render First Aid - Misdemeanor

Dear Chairwoman Bartlett and Committee Members:

On behalf of the Baltimore City State's Attorney's Office, I'm here to testify in support of House Bill 699.

Maryland Public Safety Article § 3-524 was structured to affirmatively require certain actions by law enforcement officers when force is used. While subsections (d)(1) and (d)(2) appropriately limit when and how much force may be used and include criminal penalties for violations, subsection (e) which mandates de-escalation, intervention to prevent excessive force, the rendering of first aid, and full documentation does not carry a criminal penalty. As a result, these provisions, though mandatory in language, are currently unenforceable through prosecution.

HB699 addresses a separate but equally critical statutory gap by prohibiting an officer from intentionally failing to intervene to prevent or terminate excessive force and from intentionally failing to render appropriate first aid or request timely medical assistance for an injured person. The bill properly classifies such intentional violations as a misdemeanor, punishable by up to five years' imprisonment.

The need for this clarification is not theoretical. In *State v. Small*, the Baltimore City State's Attorney's Office prosecuted Officer Zachary Small of the Baltimore County Police Department under PS § 3-524 for excessive force. During that incident, three additional officers stood by and watched, two of whom passively aided in the use of force. While the assaultive behavior was occurring, none of the three officers attempted to intervene. When the assaultive behavior ended, only one officer attempted to render medical assistance, and that effort was untimely.

The State's Attorney's Office sought to charge all three officers for failing to intervene under subsection (e)(2) and/or for failing to render aid under subsection (e)(3). However, because no



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penalty is attached to subsection (e), we were unable to charge them with violating PS § 3-524. Although the statutory duties were clear, the absence of an enforcement mechanism prevented criminal accountability. HB699 would correct this deficiency.

Importantly, this legislation does not create new duties. Those obligations already exist in Maryland law. Rather, it ensures that all mandatory provisions of § 3-524 are enforceable and aligned with legislative intent. The bill is narrowly tailored to intentional misconduct, safeguarding officers who act in good faith while reinforcing professional standards and accountability.

Ensuring enforceability of the duty to intervene and render aid strengthens public trust, supports a culture of de-escalation within law enforcement agencies, and provides prosecutors with the tools necessary to uphold the full scope of Maryland law.

For these reasons, the Baltimore City State's Attorney's Office respectfully urges a favorable report on HB699.

Thank you for your consideration of this important legislation.

Respectfully submitted,

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