

**Police Reform and Accountability Workgroup**  
Written testimony – August 6, 2020

Hi there,

Following the death of George Floyd, an unarmed African-American man in Minneapolis, I have a proposal to change a policing policy for the Maryland State Police Department. Maryland State Police officers should not be able to touch the neck of a subject or suspect. This will ensure safety to all members of the community because they won't have to worry about dying at the hands of the police, due to the police touching their necks. If this law was in place in Minnesota, it would've been illegal for the police officer to touch Mr. Floyd's neck - and his death may have been avoided. I am requesting that you work to change this policing policy to save lives and better our community.

Thank you,

Jeremy Fredricks

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I learned from my representative, Nicole Williams, about the formation of the Workgroup to Address Police Reform and Accountability in Maryland. I'm writing to urge you to consider not only the minimal reform measures suggested by groups like Eight Can't Wait, but true reforms that reduce funding for police departments and put in place safe, effective alternatives to policing.

Right now, police are called in for any emergency that doesn't explicitly require firefighters or EMTs (and sometimes for those as well). But most such situations are made *more* dangerous by the presence of an armed authority, and people are often forced to choose between handling risky situations without any external support, and calling in police who may help or may make things worse. We need more options for 911 dispatchers, who should be able to call in unarmed mental health experts, mediators, and other experts in non-violent crisis intervention. Police--even if they remain necessary at all--should be called only as a last resort for situations where armed intervention is actually likely to be necessary.

Non-emergency police response, particularly for traffic regulation, should also be replaced as well as dramatically reduced in scope. It's absurd and horrifying that people of color need to be afraid for their lives over traffic stops, and that we think "increasing accountability" is a proportionate response--a system that leads to this result needs dramatic changes.

I'm a white Jewish woman, and this matters to me because I want to protect my friends, neighbors, and family members of color. But I've also had my own frightening experiences with police--most recently, a neighbor called them in on my autistic daughter, who was having a meltdown on our front porch. The neighbor couldn't see her, doesn't know us well, and I doubt knew the races of anyone involved. We were able to reassure the officer with no harm done, but I'm all too aware that my child or I may still be alive because we're white. Autistic children of color are particularly vulnerable to police violence, because cops treat "non-compliance" (including not understanding directives or the social situation, or not responding immediately because of cognitive processing delays) as a capital offense.

Replacing police with trained non-violent responders is not a new or unprecedented idea. For example Eugene, Oregon's [CAHOOTS](#) program now covers 17% of 911 calls with these alternatives using 2% of their former police budget. I also hope this type of thing is what the Minneapolis City Council has in mind with their recently announced intention to dismantle their police department and "dramatically rethink how we approach public safety and emergency response." Public support for police defunding and replacement is at an all-time high, and I hope to see Maryland take a leading role in these much-needed changes.

Sincerely,  
Ruthanna Emrys  
Hyattsville MD

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June 11, 2020

Dear Maryland House of Delegates:

Systemic racism was and is pervasive in the United States. In the face of U.S. racial injustice, Martin Luther King Jr. wrote: "Injustice anywhere is a threat to justice everywhere." King's practice of non-violent, civil disobedience landed him in jail, where he penned on April 16, 1963 the famous open letter, entitled "Letter From a Birmingham Jail," on the margins of a newspaper.

Throughout the 1960s, broadcast television reporters spotlighted the brutality of racist policing in America during the Civil Rights Movement. One sign held by activists read: "We Demand An End to Police Brutality Now!" Wow! Fast forward 50 years. Sadly, police brutality persists today. Unfortunately, a great number of black people, especially black men, have died by the hands of the police in the United States. Some we learn about, but many more end up being a statistic in a database.

However, my elderly parents and I were truly horrified as we sat in the living room, watching TV news in the middle of a pandemic, repeatedly seeing the video of the May 25<sup>th</sup> death of George Floyd, an African American man who died while in police custody. We watched in horrific disbelief as a white Minneapolis police officer held his knee on Floyd's neck for nearly nine minutes as Floyd repeatedly said "I can't breathe" while face down on a city street until he was lifeless.

It was that stunning display of police brutality caught on video that ignited the nation – and then the world. For two weeks, people took to the streets in protests. I cried – more than once.

As people across the country continued to protest police brutality, I have seen beautiful moments of solidarity, and I saw the heartwarming acts of unity stamp out the ugliness of non-activist, riotous behavior. Then, I was deeply disturbed to watch the video capturing a 75-year-old white man hitting his head on the ground after being knocked down by Buffalo police during a protest. A pool of blood collected on the sidewalk near the elderly man's head as police walked by.

George Floyd is dead, and he was black. The 75-year-old man who was pushed to the ground and seriously injured by police was white. The elderly white demonstrator, along with countless other police-wounded protestors, will probably live to tell the tale of how police crackdowns throughout American cities during the last two weeks violated their civil rights.

According to the Smithsonian Magazine, "African-Americans make up 13 percent of the U.S. population but account for 24 percent of people fatally shot by police." According to the Washington Post, blacks are "2.5 times as likely as white Americans to be shot and killed by police officers."

Indeed, many have chanted "Black Lives Matter!" And some have countered that "All Lives Matter!" Truth be told, I agree with both. My Lord and Savior Jesus Christ said it first in Matthew 12:25: "Every kingdom divided against itself is brought to desolation, and every city or house divided against itself will not stand." Abraham Lincoln later quoted a version of Mark 3:25: "A house divided against itself, cannot stand."

This is a watershed moment in U.S. history. Now is the time for police reform in the United States.

On Sunday, June 7, 2020, my spiritual leader, Pastor John K. Jenkins Sr. of the First Baptist Church of Glenarden, quoted the relevant scripture of Psalm 106:3:

"Blessed are those who keep justice, And he who does righteousness at all times!"

Believing as Dr. King did, that all communities and states are interrelated, I am calling on you to act justly and support police reform. Members of the Congressional Black Caucus wrote on June 5, 2020 that when police officers abuse and kill people, the behavior erodes public confidence and trust – making it difficult to maintain civil order in our society.

During a CNN broadcast on June 7th, Chairwoman Karen Bass (D-CA) announced that members of the Congressional Black Caucus are starting to work with Congress and the federal government to develop comprehensive law enforcement reform legislation.

On June 8, 2020, the Justice in Policing Act of 2020 was announced. House Judiciary Committee Chair Jerrold Nadler (D-NY) wrote: "This bold, transformative legislation will finally ban chokeholds at the federal level and incentivize states to do the same; it will help end racial profiling, get weapons of war off our streets, hold police accountable, increase transparency and require and encourage greater use of body cameras." This legislation is supported by 166 Representatives and 35 Senators.

Furthermore, localities from DC to Denver are pushing aside politics and embracing police reform as a shared agenda: "A house divided against itself, cannot stand." Please act now, and work together.

I urge the Maryland House of Delegates to come together to see what can be done in terms of transformative police reform in our Great State of Maryland.

Thank you for your consideration.

May God Bless Each of You Who Desires to "Keep Justice" and "Do Righteously At All Times,"

Phyllis L. D. Johnson, U.S. Citizen and Resident of the Great State of Maryland

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Dear Speaker Jones and members of the Workgroup,

By the way of background, I am *pro-law* enforcement, having spent decades as a federal prosecutor.

Based on my review of a May 30th [Maryland Matters news report](#) on the goals of the workgroup, permit me to suggest that the workgroup's intended direction fails to address a key element: **how to prevent police misconduct by screening out potentially bad cops before they are hired -- and "screening in" likely good candidates.**

According, to this **2017** news report, Minneapolis had a weak psychological screening process for police: *Minneapolis police reduced mental health screening in years before Justine Damond shooting* <https://www.twincities.com/2017/12/14/minneapolis-police-reduced-mental-health-screening-in-years-before-justine-damond-shooting/>

In contrast, California has created a more rigorous approach to both "screen out" potentially bad cops and "screen in" police candidates more likely to serve well ( "*CPI scale profiles based on norms for public safety job incumbents, which allow the applicant's test scores to be compared to those of applicants who were subsequently hired and are successfully performing the job that the current applicant is applying for.*") <https://www.jra-assessment.com/cpi.html>

An expert who can and should be consulted on using psychological testing to both "screen out" potentially bad cops and "screen in" police candidates more likely to serve well is:

Daniel Lawrence, Ph.D.  
Principal Research Associate  
Urban Institute  
phone: 202-261-5309  
[DLawrence2@urban.org](mailto:DLawrence2@urban.org)

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Delegate Sheree Sample-Hughes,

The unnecessary, gruesome death of George Floyd has again highlighted the desperate need for police reform in this country. Black families should not have to live in fear that their loved ones will die, without reason and without representation, in the streets at the hands of a force that has sworn to protect its citizens.

The fact that so many black men have been killed by police and no significant systemic action has been taken is heartbreaking and shameful. We need to immediately implement procedures that emphasize empathy, mental health, and de-escalation. The officers involved need to be not only fired, but brought up on criminal charges. The entire police culture should be examined and reformed to align with science-based best practices and person-centered ethics.

The only effective way to police is to have a force rooted in, and representative of, the community which it protects, and that is well trained in providing support, making social connections, and recognizing and preventing racial bias. That is so clearly lacking, and the senseless death of

another man has underlined this shortcoming yet again.

Drastic moves need to be made right now to save lives. How many more people will die before we start making changes? Let George Floyd be the last. Let his legacy be the change that saves lives.

Linda Zelaya

Constituent from Salisbury, Maryland

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Good evening all,

I just read the article below. I think the steps the former Detroit Police Chief outlines are worth putting into conversations with law enforcement and into legislation.

<https://www.usatoday.com/story/opinion/2020/06/11/floyd-killing-police-must-change-former-detroit-chief-column/5341884002/>

Very Respectfully,

Ms. Bulynda Thomas

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Dear Members of the Workgroup to Address Police Reform and Accountability in Maryland:

It is not only the behavior of police when they engage with members of the community that must be addressed. We must address the unnecessary interactions that police have with the community (especially here in Baltimore City) because of the failed and counterproductive War on Drugs. There would be many fewer incidents of police violence (and also violence against the police) if we abolish this War on Drugs and treat substance abuse and addiction as health/public health problems. Please bring in experts on this topic who can provide information about less harmful approaches and please consider reforming Maryland law in this area.

**Charlie Cooper, Baltimore, Maryland**

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June 2, 2020

To Whom It May Concern:

Our nation has hit a breaking point. As public rage over the killings of black Americans, often at the hands of police, continues to escalate, protests throughout Maryland are growing as well. I am writing this letter in support of and in solidarity with people of color who are protesting police brutality and inequity of black, indigenous and people of color. I am enraged at the mistreatment, inequity, and injustice endured solely because of skin color. This is unacceptable and you should be angry as well. Please let your anger be your motivation for change. Let your anger be your motivation to connect and communicate with the marginalized people of the communities that you serve.

I am writing this letter to you to ask you to support people of color, to publicly condemn police brutality and police militarization, and to stand with us as we elevate the voices of the oppressed. You, as leaders of our state, counties, cities, and towns, have the ability to make these changes. You have the platform to make changes and to educate those in your network about the injustices and inequity that our friends of color endure.

Ideas for implementing change should not come from the people who are in positions to propagate (even if unwittingly) systemic racism and oppression and repression of people of color. It should come from the people who are directly affected. I implore you to put your pride aside, leave your judgments behind, learn to sit with the discomfort and shame, and listen, truly hear, what these people have to say, the changes that they want to see and their ideas for how to do so. Talk with the members of your communities whose voices are often unheard. Hear their experiences, feel their pain, learn of their fears, and make the changes necessary to allow everyone to feel safe and heard. To live without the fear of being murdered or brutalized due to the color of your skin should not be a privilege, but a basic human right.

I ask that you not only make public statements of support but that you join the people of your communities in shouting BLACK LIVES MATTER and NO JUSTICE, NO PEACE. To achieve peace, we must avoid the power struggle that police and people of power are so quick to initiate. Please do not offer control tactics that force people of color into submission as “solutions”. Instead, hear the people of color within your communities and network. See them and walk with them, and peace can be achieved. The need for change is beyond apparent and long overdue. The request for change comes from us, the people. The response and implementation of practices that support change comes from you. I ask you to join us in elevating the oppressed. Speak up against injustices, hatred, and daily microaggressions. If we don’t challenge oppressive and repressive ideologies moving forward then people will continue to blindly fear, hate and misjudge. We must do better. Together, with your help, we can do better. “The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.” Martin Luther King, Jr.

Sincerely,

A Privileged White Citizen of Baltimore, Maryland

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Delegate,

I’m writing to urge you to pledge your support for five critical and long-overdue reforms to policing in Maryland. Please see below a press statement announcing these reforms, which are supported by over 60 organizations across the state.

[The Demands](#) outline the details of each reform, the organizations supporting them, and the legislators who have pledged their support thus far.

Here is [The Commitment Form](#) for you to join your colleagues and pledge your support.

Please be in touch with any questions. Thank you for considering, we hope we can count on your support at this critical time in our nation's history!

Take care,  
Molly Amster

**Molly Amster** ([she/her/hers](#)),  
Baltimore Director  
[Jews United for Justice](#) | *Think Jewishly. Act Locally.*

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Dear Colleagues,  
Please see attached my recent paper on reducing police violence. It contains many actionable recommendations. Please let me know if I can be of help.  
Sincerely,  
Marc Brenman  
Montgomery County, Maryland

**Reducing Police Violence in the US**

<https://americandiversityreport.com/category/reducing-police-violence-by-marc-brenman/>  
By Marc Brenman  
IDARE LLC  
Mbrenman001@comcast.net

May 30, 2020

It's a very hard thing to figure out what to do about reducing police violence in the US, especially reducing and eliminating racist violence. These issues keep coming to our attention largely because of undue and inappropriate police violence against unarmed African-American men. Recording of videos on cellphones and subsequent distribution on social media have made these tragedies much more public and apparent. These tragedies have been occurring for a very long time. Progress has been spotty and inadequate.

In classic strategic planning, we talk about what to stop doing, what to do more of, and what to do less of. There appear to be issues of organizational culture, where a substantial number of police departments are disconnected from morals, ethics, humanity, cultural competence, and the surrounding communities. Clearly, if an organization is being overtly discriminatory, they should stop doing that. But most of us aren't overtly discriminatory, so our connection to the larger society must be producing

discriminatory effects. The issues are complicated by the fact of about 19,000 largely independent police departments in the US.

It helps to start by admitting there is a problem. Like all societal problems, they are complex, with connections, externalities, spillover benefits for some people, historical antecedents, complexities, etc. America still suffers from the vestiges of slavery, Jim Crow, white supremacy, institutional racism, and discrimination. The disparities between white and Black communities in wealth, education, health, housing, and incarceration are large.

Where's the causality for police violence? If the violence were random, then many fewer African-Americans would be victimized. What responsibility and blame do we as ordinary citizens have? Choking a Black man to death is clearly wrong. So is setting fire to a police station. So is looting. So are the disproportionately adverse effects of the Covid pandemic on the Black community. Most people have a breaking point. For you or me, it might be for defense of our children. The Black community feels particular frustration because these tragic incidents have been happening since the invention of Black slavery in North America in the 1600's. The horrible experiment of cutting people off from their families, culture, religion, language, education, and tribe creates severe challenges for people to stay connected to those values. Is it surprising that sometimes they will become fed up and rebel?

But while we discuss African-Americans, we need to be clear that there are indeed outsiders in the violent demonstrations. Historically, these outsiders have included faux Anarchists, who are mostly young, white, wear black, wear masks, and like committing violence like breaking windows and starting fires. They believe that the "system" must be destroyed.

Urban rebellions must be understood as complex, deliberate mechanisms through which the desperate seek political recourse they feel they cannot get by other means. By understanding the texture of these modern rebellions, activists, elected officials, and policymakers can hope to find solutions that improve upon past failures. The pandemic is making conditions much worse. Fifty years ago the Kerner Commission (officially the National Advisory Board on Civil Disorders) following long hot summers of racial rioting concluded that America was "moving toward two societies, one black, one white — separate and unequal." These findings are still true:

- African-American unemployment is consistently double the white rate, and Black workers are crowded into the lowest-skilled and least-well-paid occupations.
- "Redlining" by mortgage lenders restricted the areas in which Black urban dwellers could live, resulting in overpriced, overcrowded and inferior housing.
- Black students experienced de facto segregation, lack of Black teachers, overcrowded schools, and biased school boards.

One would hope that after all the horrible incidents and tragedies, the 19,000 police departments in the US would have de-escalation policies and training. De-escalation means using non-violent means to prevent police use of violence, like using guns. Instead, some police departments keep making things worse. It is time for local elected officials to stop appointing recalcitrant police chiefs. When hiring police chiefs, their records should be examined, their references checked, and they should be asked questions about how they would issue orders and provide training to their blue suits about how to react in troubled circumstances.



The power of police unions also needs to be decreased. Police unions almost always cover up for their members.

The legal standards for justifying police violence need to be changed to provide less of a shield for misbehaving police.

Police action records need to be released to the public.

Police cameras need to be used more, and turned off less. The film needs to be released to the public.

Applicants for jobs as police officers need to be tested for racism, authoritarianism, and high control needs, and rejected if they score high. Such psychological tests exist. About 80% of police departments already use psychological tests, but clearly they are the wrong tests and/or the results are not be used for employment decisions.

It is possible that the wrong people are doing police work. Too many men inclined to shoot first and ask questions later. Men inclined to feel under fatal threat. Men inclined to misperceive reality. Men with very high control needs.

More racial diversity on police departments will help, but studies show not by much. Hiring more female officers can help. Female officers are less likely to use excessive force. When a police department cultivates a diverse workforce, preferably hiring from the community it serves, it doesn't just send a message of equality to that community. It also creates the conditions within the department for contact between groups that can reduce negative implicit bias among officers, particularly when the leadership makes a special effort to facilitate dialogue and positive experiences.

In Deborah Levine's and my book, *When Hate Groups March Down Main Street*, on community response to neo-Nazis and extreme rightwing groups, we include a chapter on what police departments can do. Each chapter has recommendations.

Teach your children well. Instill good morals, ethics, and values about equality and fairness. Set an example by treating everyone fairly.

In the workplace, become an advocate for diversity, equal employment opportunity, and affirmative action.

Contribute to the campaigns of those running for office who are interested in moving these recommendations ahead at all levels.

Support civil rights law enforcement agencies.

Work at a local level to create civilian police review boards that have real power over the police; not just advisory boards. The police are a particularly hard nut to crack, because there are about 19,000 police

departments in the US, and most act very independently. Partly we members of the public bear responsibility because we want the police to maintain social order and social control. We call the police when society gets out of order, regardless of actual laws or lawbreaking. They're not equipped to do all the things we want them to do, like be mental health first responders. The thresholds for identifying an incident as needing social control may be too low and/or too discriminatory.

When the paradigm shift to seeing police work as maintaining social control happens, a major role of police should become engaging with the public, and not alienating people. There is great and reasonable mistrust in the African-American community for police. How can that be overcome? In international negotiations, experts speak of "trust-building exercises." It is sometimes best for an officer to simply pause if his or her presence is causing unreasonable, but not necessarily illegal, behavior. Ask open-ended questions, paraphrase what a person has just said so that he or she knows the officer is listening, and make statements that connote empathy with the person's situation. Allowing suspects to explain their side of the story can reduce compliance issues.

There is a slowly emerging [procedural fairness](#) methodology of policing, which emphasizes real-time explanations to civilians of why police are taking particular actions. This seems to be a superficial change that is consistent with changing present, race-based targeting of suspects.

Police officers sometimes punish disrespect because they believe "a challenge to their respect is a challenge to their manhood." For many police officers, disrespect requires an escalation in force. Such escalation is commonly known as "[contempt of cop.](#)" Being found in contempt of court is a punishment for disobeying a judge. "Contempt of cop" occurs when an officer punishes a person for failing to comply with her request.

Stereotypes about the criminality of Black communities affect a police officer's decision to shoot a suspect. Racial bias training can address the preconceptions and subsequent racially based brutality. After extensive training with a computer simulator in which the race of the suspect was unrelated to the presence of a weapon, a Florida State University study showed that officers were able to reduce their biases. In a separate study, California officers also found that listening to the community and giving suspects time to explain their side of the story reduced compliance issues and increased cooperation. How do we train police officers to avoid making fatal errors? One theory of discrimination is that it is a subset of bad thinking.

Sometimes the punishment takes the form of being charged with disorderly conduct, resisting arrest or a similarly amorphous crime simply for verbally standing up for one's rights. Sometimes it takes the form of physical force.

Police, at least in theory, are trained to avoid racial profiling. The same can't be said for the public. If a citizen calls to report a suspicious person, police are suddenly forced into a situation that could stem from the ignorance or racism of an anonymous caller. Ignorance, which comes from all races, does not lend itself to effective community policing. Unfortunately, the age of the knowledgeable local foot officer is over.

Does the color of the driver tip the observation toward a perceived need to make a stop? At what point does the police officer make a decision to shoot his gun? Each decision point can be examined, and, where discriminatory decisions are made, we can look for ways to break the chain of causality. Right now, many African-American parents (for example) are taking on the burden of trying to break the chain of causality by giving and practicing "The Talk" (telling their children to be extra careful around police) to their children, exercising extreme caution when dealing with police, because the police are fragile or possess impaired decision-making abilities, or are fatally equipped with lethal force and the "right" to use it. Police, like gun owners and users generally, need to take on much more responsibility and accountability for their decisionmaking. There needs to be more hesitation and de-escalation, and more use of alternative dispute resolution. Police generally possess an incorrect belief that their decisions must be made extremely quickly, or their lives will be in danger. In reality, the job of police officer is less dangerous than being a farmer, a lumberman, or a construction worker. Daniel Kahneman writes about the approach of thinking more slowly in "Thinking Fast and Slow."

We need more avenues to resolve perceived disputes that don't really involve criminal laws. For example, we could use neighborhood boards or mediators. For a view of what life is really like for a police officer, read Peter Moskos' book *Cop in the Hood*. The author was working on a PhD at Harvard in sociology and wanted to study a police department. He wrote to many, but only Baltimore accepted him, on the condition that he go to the police academy and serve a year on the beat as a uniformed patrol officer. He did.

An ideal today is "democratic policing," a concept developed by scholars like Gary T. Marx at MIT. Broadly, this refers to a police force that is publicly accountable, subject to the rule of law, respectful of human dignity and that intrudes into citizens' lives only under certain limited circumstances.

Police should be banned from shooting at fleeing nonviolent suspects, firing warning shots into the air and shooting at cars.

A formal inquiry should be conducted on every firearms discharge by police. Officers who fire their weapon should be interviewed afterward by a panel of firearms trainers and other senior officials with the power to impose punishment for breaking rules, and determine why the shooting happened and how training should change in response.

Prosecutors should be very separate from police.

Annual refresher firearms training should be converted from target practice to role play simulations with actors in a mock apartment building, in a series of shoot-don't shoot scenarios, with mock guns drawn. Training should start by sending officers into scenarios where they have to solve problems without recourse to lethal force. In such simulations, police learn through such training to defuse situations that previously would have led to gunfire. Police officers need better training in "threat perception failure" (T.P.F.). These failures occur when the officer(s) perceives a suspect as being armed due to the misidentification of a nonthreatening object (e.g., a cell phone) or movement (e.g., tugging at the waistband).

A German police academy offers intensive study in psychology, government and history with an emphasis on the inhumanities and injustices of the Nazi regime. Copies of complaints made against police officers are studied by recruits so they can avoid repeating past mistakes. The need for human understanding is underscored and recruits are alerted to the dangers of prejudice and stereotyping. There is an excellent curriculum developed by the US Holocaust Museum and the Military Academy at West Point for cadets and young officers using Nazi crimes to teach ethics.

Police department officials should treat a lack of police shootings as a reason to promote an officer rather than a sign he or she was insufficiently tough.

Police violence should be treated as a public health problem. The police are one part of a criminal justice ecosystem with many parts, including problems with defense, prosecution, juries, judges, and mass incarceration. Schools contribute to the problem by kicking misbehaving students out, instead of keeping them in school. Once the youth are on the street, they are more likely to break laws.

Data on traffic stops, stops, frisks, searches, and arrests by race should be collected and analyzed. If disproportions are found compared to prevalent in the population, find out why. Creating a collective empirical picture of bias at work can raise awareness. The San Jose Police Department faced concerns that officers conducted pedestrian stops in a way that disproportionality affected young men of color. The San Jose PD had their data analyzed with the focus on officer interaction, a process that raised awareness within the department of the existence of bias. The report concluded that officers have a significant impact on the “culture” of equitable treatment. The Las Vegas Metropolitan Police Department evaluated their use-of-force data and identified a specific interaction that was resulting in excessive force: foot pursuits, especially with young men of color. They made a simple policy tweak that proved to be enormously effective: if you are the pursuing officer, you are not the same officer that puts the handcuffs on the suspect. This training policy adjustment disrupted the strong emotions that are often felt by both the officer and individual being arrested, who might have feelings of fear or anger that can lead to unnecessary resistance and subsequent violence. In creating this approach, Las Vegas reduced its use of force incidents following a foot pursuit by 23%. This kind of policy evaluation and change not only reduced use of force but also proved to be a safer approach to apprehending the suspect.

A French police recruit goes through six months of training that structures his or her allegiance so the officer is first a citizen, second a civil servant, and finally a police officer. Before a French candidate can become an officer he or she must go before a jury consisting of several police supervisors, a judge and a university professor. In Sweden, police trainees undergo a 10-month program devoted to a broad spectrum of subjects. Law and social studies make up a substantial part of the curriculum. Their civics text opens with Lincoln's famous quotation that democracy is government of, by and for the people, and then goes on to emphasize such concepts as civil liberties and minority rights. In Finland police can't carry guns the first 3 years on the job. Current US Army doctrine, is heavy on cultural competence, avoiding unarmed and civilian casualties, holding your fire until you know what you're shooting at, taking orders from the chain of command, fire discipline, identifying friend or foe, etc.

Mandate Peace Officer Standards and Training Commission in every state.

The militarization of police in the US is a major problem. They sometimes act like an occupying army. There should be rules that prohibit officers from using force against people simply for talking back or as punishment for running away. Pistol whipping should be prohibited, as is firing warning shots.

Reinstate the US Dept of Justice's Community Policing program. This is an approach that encourages officers to build relationships with the people in the neighborhood, including getting them out of their cars on onto the sidewalks. This is potentially a two-way street, because it may reduce the biases that residents hold against the police as well as those police hold against residents.

Reinstate DOJ's review of police departments.

Require universal use of dash cameras in police vehicles.

Incentivize proper behavior by police, as explored in books like Nudge, and by behavioral economists.

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I recently wrote an op-Ed for Maryland Matters (link here: <https://www.marylandmatters.org/2020/07/13/richard-deshay-elliott-a-criminal-justice-agenda/>) containing my policy ideas for the policing workgroup, including:

- Reallocate police and prison funding to community resources
- Repeal the Law Enforcement Officer Bill of Rights
- Return control of the Baltimore City Police Department to Baltimore
- Ban private police departments
- Transparent misconduct investigations and direct accountability
- Strict use of force standards
- Publicly accessible data on personnel records, misconduct complaints, hiring practices, and inter-departmental discipline records
- Demilitarize and disarm the police.
- Ban civil asset forfeiture and quota systems
- Ban prison profiteering, cash bail, and private prisons
- Ban youth incarceration and charging youth as adults
- Ban ICE detention facilities and 287(g) programs
- Disband the Fraternal Order of Police and police unions
- Establish alternative means of justice
- Dismantle the surveillance state
- End the school to prison pipeline
- Decriminalize sex work and drug possession/consumption

I would be more than willing to assist in writing these policies into legislation.

Richard DeShay Elliott

Capitol Heights, Maryland

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How are you? This is Francis and I wanted to share my proposals on police accountability and police and community togetherness and cooperation. Good afternoon members of the Policing Work group,

I am currently watching today's (7/16) meeting and Crisis Intervention Teams have been brought up multiple times already. I wanted to make sure the committee was aware that Anne Arundel County's Crisis Intervention Team (CIT) was just named the 2020 International Crisis Intervention Team of the year. I will include an article below that discusses the CIT team and the award.

<https://www.capitalgazette.com/news/ac-cn-crisis-response-team-award-20200713-nx4ajblzujgd5p4mwqorl6tnmi-story.html>.

Thank you,  
Katie Henkel

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Dear Delegate Williams -

My name is Ellen Roysel, and I live in Hyattsville. As a resident of Prince George's County, standing in solidarity with PG Change Makers, I have been moved by protest against police brutality across the nation and recently outraged by reports of racial bias in Prince George's County Police Department that resulted in the resignation of our Police Chief. Based on the movement for Black lives, incremental reforms such as adding new training requirements and pieces of equipment have not made us any safer. I am heartened by the creation of the PG County Police Reform Work Group, but I also call on you to introduce and support policies that reflect transformative changes for and reductions to the Prince George's County Police Department and policing in Maryland as a whole. Please address these local and state-wide demands:

**Local (County) policy changes**

1. Use already existing resources from the PGPD operating budget to create an unarmed division of mental health providers, counselors and healthcare workers; in the Health Department, to respond to mental health calls and non violent calls for service: Programs such as the Oregon CAHOOTS program is a model for health care workers instead of armed government employees to respond to community needs for service. See Mother Jones article explaining the success of the CAHOOTS program <https://www.motherjones.com/environment/2020/06/theres-already-an-alternative-to-calling-the-police/> See also npr interview on the CAHOOTS program <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>
2. Remove police officers from County Schools: A 2016 study demonstrated that schools with police officers had nearly five times the number of arrests for disorderly conduct as schools without police officers. See [http://dignityinschools.org/wp-content/uploads/2017/10/Resource\\_Guide-on-CNC-1.pdf](http://dignityinschools.org/wp-content/uploads/2017/10/Resource_Guide-on-CNC-1.pdf)
3. Institute transparent processes for hiring the chief of police, negotiating police contracts and appointments to the civilian review boards; with community input. [https://smlr.rutgers.edu/sites/default/files/ciwo\\_bcg-memo.pdf](https://smlr.rutgers.edu/sites/default/files/ciwo_bcg-memo.pdf)  
<https://www.bing.com/videos/search?q=bargaining+for+the+common+good&&view=detail&mid=74BD63E775D215B9493F74BD63E775D215B9493F&&FORM=VRDGAR&ru=%2Fvideos%2Fsearch%3Fq%3Dbargaining%2Bfor%2Bthe%2Bcommon%2Bgood%26FORM>

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<https://www.bing.com/videos/search?q=bargaining+for+the+common+good&ru=%2fvideos%2fsearch%3fq%3dbargaining%2bfor%2bthe%2bcommon%2bgood%26FORM%3dHDRSC4&view=detail&mid=5089A04862DC086E01565089A04862DC086E0156&&FORM=VDRVSR>

4. Require All payments, judgments and fees against the police department comes from the Police Dept operating budget.  
<https://www.aclu-md.org/en/cases/hnlea-v-prince-georges-county>
5. Eliminate the use of police in traffic and parking ticket enforcement & noise ordinances: In Germany, uniformed but unarmed city employees handle minor offenses such as parking ticket enforcement and noise ordinance complaints.  
<https://www.nytimes.com/2020/06/23/world/europe/germany-police.ht>
6. Using the existing resources in the police department operating budget, mandate quarterly mental health assessments for all officers to be conducted by the Department of Health and Human Services. <https://www.michaelshouse.com/blog/trauma-therapy-for-police-officers/>

#### State policy changes

7. Pass Anton's Law. This law would accomplish establishing a uniform citizen complaints process that would require complainants receive a copy of the investigative file and prior complaints filed against an officer, strengthening civilian review boards by removing a provision of the Law Enforcement Bill of Rights that mandates that the investigators in police misconduct complaints must be another sworn law enforcement officer, establishing a statewide use of force standard. <https://www.wbalv.com/article/antons-law-transparency-police-involved-deaths-anton-black-greensboro/31214379#>
8. Create policies that increase the number of officers that live in the jurisdictions they police.  
<https://www.usatoday.com/story/news/nation/2020/06/13/police-residency-data/5327640002/>  
<https://www.bloomberg.com/news/articles/2014-08-20/should-cops-have-to-live-where-they-work>
9. Allow for the disclosure of all investigations into police misconduct under the Maryland Public Information Act (MPIA).<https://www.aclu-md.org/en/press-releases/over-60-organizations-across-state-call-maryland-legislators-commit-support-specific>
10. Repeal LEOBR so we can fire officers who assault residents, use racist language, or are proven to be racially biased.<https://www.aclu-md.org/en/cases/hnlea-v-prince-georges-county>
11. Ban no knock warrants. Recently Breonna Taylor was killed in her own home during the execution of a no knock warrant. Here in Maryland, a Montgomery county man was killed in March during the execution of a no knock warrant. See <https://reason.com/2020/03/16/maryland-man-killed-in-no-knock-swat-raid-was-shot-while-asleep-family-says/> )
12. Demilitarize police force by ending participation in the federal 1033 program, having the police dept return all military equipment in their possession, and banning warrior cop training. Weapons of war are inappropriate tools to police civilians. See ACLU report & coalition to end 1033 program\* <https://www.aclu.org/other/coalition-including-aclu-asks-defense-secretary-moratorium-1033-program-militarizes-local> See also UMD divesting from the 1033 program <https://dbknews.com/2020/07/01/darryll-pines-umd-president-mental-health-community-policing/>
13. Ban Civil asset forfeiture: Police can seize and keep the property and cash of individuals charged with crimes even if those individuals are never convicted. And under the federal equitable sharing program officers can seize and forfeit individuals property without even charging them with a crime. See institute for justice's 2010 report on the abuses of civil asset forfeiture programs.

[http://www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)

14. Pass a law prohibiting the use of excessive force and require officers to enact de-escalation tactics during arrest. See studies on requiring de-escalation tactics: <https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12467> ;  
<https://www.scientificamerican.com/article/police-violence-calls-for-measures-beyond-de-escalation-training1/>

Thank you for your time and service. You have a powerful opportunity to make lasting change in policing in our state, and I hope that you use your power to do so.

Sincerely,

Ellen Royse  
Hyattsville, MD 20782

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I want to register in support of law enforcement.

Steve Somers  
Regional Vice President  
Security Services US  
Garda World  
1699 S. Hanley Road  
Suite 350  
St. Louis, MO 63144

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TO: US Senate, US House of Representative, US Attorney General, All States' Attorney General, All States' Governors, County Governments, Police departments and all other Government officials and Agencies, elected officials

From: Everson Francis, AA (Business Law) BA (Criminal Justice), MA (Criminal Justice), JD (Law)

Subject: F.R.A.N.C.I.S policing system (section dealing with police accountability and policing police)

This letter is to urgently recommend to you from the F.R.A.N.C.I.S policing system, Friends Requiring a Nice Community Interest State, recommendations that will enhance policing, and provide safe -guards for the community and allow the community (black people, whites, minorities and all people) to once again trust the police.

The historian and moralist, who was otherwise known simply as Lord Acton, expressed this opinion in a letter to Bishop Mandell Creighton in 1887: "Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men." 'Absolute power...' is one of the language's best known proverbs.

The F.R.A.N.C.I.S Policing SYSTEM & Legislative Act RECOMMENDS:

1) All complaints on police officers will be filed with a state or federal department that polices police officers. This department will have arresting power and will not work with police departments on cases



pertaining to civilians, as they are task with policing only police conduct and criminal acts of police. Both policy violations and Criminal acts.

2) This State or Federal Policing Police department will comprise of its own internal board or grand jury (if you want to call it that) that is presented with a complaint directly from a civilian or police department or any complaint sent to them by a known or unknown person. Members of this board or grand jury within the Policing Police department can perform their own investigation/due diligence which could result in finding evidence and members can also perform their own investigation, so that they can conclude on whether to charge a police officer with a police department policy violation or criminals charges. This department may also be used to police judges, police officers, correction officers, prosecutors and other city, county and state criminal justice workers.

3) This Policing police Board or grand jury that is build into this policing police department will comprise of civilians, wrongly convicted civilians, attorneys, convicts, pastors, elected officials, ex -police officers, criminal justice experts, Doctors, Social Scientist, criminologists, human rights experts, and just a wide array of people in the community.

4) This Policing Police department will have arresting powers or trained staff assigned to this board who can make such arrest and prosecutor's assigned to this department and only does this kind of prosecution for these kind of Policing Police Departments.

5) This policing police department should be state or a federal agency within every state.

6) At no time shall a police department and local prosecutors investigate complaint on its own officers and must promptly and expeditiously forward all complaints to this State or Federal Policing police department.

7) If this Policing Police department and policing police agents and prosecutors are not formed, regular police officers and prosecutor's if failed to bring charges against a police officer when a reasonable police or prosecutor would have or should have concluded from the evidence that the officer should have been charged, then that investigating officer or prosecutor shall be promptly penalize with reasonable sanctions from loss of pay, suspension, firing to arrest. There must be good-faith reasons like reasonable deals to not charge an officer when reasonable evidence shows he should have been arrested and charge.

8) This policing Police department shall not work in policing civilians, but will be an active community partner, going into the community, giving awards for co-operation and thanking resident for their support and efforts.

9) This policing police department will be in the lead of taking recommendation from the community and giving suggestion of policing laws to the legislative Branch in cities, counties, state and federal, these will be suggestion to these bodies but will have much more power or policy type power when they are given to police departments in the jurisdiction the policing police department is in charge of.

10) To become license by the state to be a police officer, a person MUST successfully pass Constitutional Law, Tort, Administrative Law, Criminal Procedure, Criminal Law, Evidence Law and a Police class near the level taught in a Law School. Which means a regular police officer can pass a Bar/Law exam in the areas they study practically like what is required of an Attorney during the Bar/Law exam.

11) A Police officer must be friendly even in high crime areas and with minority

12) A Police must past a psychological test that shows that this officer if ever making an error or mistake on the job would prefer that error cause him or her, the officer, the harm than an innocent victim, no matter who the victim is. So, the officer will be extra careful because a good officer would prefer harm come to him than an innocent person, even when force was required but the force the officer used was

excessive and unreasonable. Even if the harm was a honest mistake where no charges would be filed against the officer, a good officer would always prefer and want for him/herself to be the victim of this error and not anyone else. Even if the mistake was an honest mistake, not punishable administratively or criminally or even tortiously. If the person or officer does not have this mentality, they shall not be an officer

13) The policing Police department agents will have the same powers of regular police but towards police departments in their jurisdiction or all police department in their state or if federal, all police officers in the country.

14) This policing Police accept that people are human and having such power as police officers can cause people to get big headed and abuse their power and the policing police department will accept this fact and try to mitigate this. It is truly sad Police unions, local prosecutors and other government officials do not realize it is a human nature to start feeling untouchable when being placed in certain types of powerful positions. A police officer is one of the most powerful person in society, they are licensed to carry a deadly weapon, they are licensed to kill, license to take liberty and are agents of the government.

The historian and moralist, who was otherwise known simply as Lord Acton, expressed this opinion in a letter to Bishop Mandell Creighton in 1887: "Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men." 'Absolute power...' is one of the language's best known proverbs. Even I have to tell myself once in a while humble myself as I am nothing but a black man in USA with degrees. I get pulled over nearly everyday with officers asking me if I have drugs in the car or why I am at a bank withdrawing my own money or asking me if my car I am driving is stolen because I am guessing I should not have such kind of car.

15) The policing Police department will make available all complaints against an officer and results of investigation. This may be different if with substantial evidence, more than reasonable evidence, more than a preponderance of evidence the complaints is proven to be untrue and filed in bad-faith against the officer.

16) The policing Police department will monitor a budget that is given to local police department for community policing events and its impact on the community. (community party, get to together, teach-ins that includes local regular police with Policing Police Department monitoring from the F.R.A.N.C.I.S policing system monitoring, and analyzing the event and impact.

17) The F.R.A.N.C.I.S POLICING SYSTEM states that any evidence of an officer escalating an issue instead of de-escalate shall be punished usually by firing. An officer will be the most slow to anger officer and very calculated and reasonable when dealing with civilians. Stress at home shall never be an excuse for an officer to not be sanctioned.

18) An officer lying, falsifying documents, evidence or anything pertaining to his duty as an officer requires prompt firing and mostlikely criminal charges. Deceit will not be tolerated by an officer no matter how minor.

19) Police officers hate when you tell them the law or show them you know the law more than them, that makes them so angry, which I do not know why they feel this threaten their ego. Training on humility will be had and we are going to take the chance on testing officers while they are on duty with under-cover policing police agents who are verse on Criminal Procedure, Constitutional law, Criminal Law, Tort, and Administrative law and the relevant police department policy.

**20) Crime rate will be as important to the Policing Police Agency and agents as community feelings and complaint on the police, when this agency is doing its audit, inspection and so forth. I want to**

**be apart of this Policing Police Department implemented by the F.R.A.N.C.I.S system and legislature/Act.** It is said there are over 800,000 law enforcement officers in the US, this Policing Police Department will require little budget and money taken from the budget of police department will be sufficient to fund the F.R.A.N.C.I.S. Policing Police Department, since the police departments will also not have any internal affairs in the local police police departments and less lawsuits filed and awarded to victims of police abuse and violation of USC 1983.

21) If there is ever a decision for the Policing Police department to have a hearing, the policing Police Department determines whether to make it a public hearing or not, not the accused officer, as this hearing usually occurs when credible evidence exist of a wrong doing by the officer. The officer defendant does not control the proceedings just like in a criminal matter the civilian defendant does not have the right to arbitrarily and capriciously determine if the hearing is public or not.

22) There are more to come, Please do contact me for recommendation on policing and police accountability and legislation on how police should police.

I have been around police my entire life and head of police. My firm right after college concentrated mainly on representing police officers charged with misconduct and other violations. But today, it is time I stand up for people without power, minorities like myself who were and is being victimize nearly weekly by the police. I must say really good police officers exist but I must also tell you horrible and evil police officers exist, I may even say more bad than good officers exist. Police officers would like a criminal gang, does not believe in snitching on each other or telling each other they are wrong when they are. Trust me, I know this. Police officer will do almost anything in his or her power to cover for another officer.

It just happen last week in Newark, I filed a complaint on an officer, the internal affairs officer called me we spoke, he set up a time for me to do a recording, he never called and I keep calling him and then eventually he called and recorded my statement and said before recording this is a recording and we are doing your recording statement. Do you know this officer wrote in his record that I refuse to give a recorded statement and close the case after I chased him to take my recorded statement and he took my recorded statement, what I said about the officers conduct was so serious and was proven that the internal affairs officer for Newark police department got rid of the tape and wrote I failed to give one. How I know this happen, another officer went into his file and notes and saw it, I would not have known about this other than the letter he sent me saying complaint is close officer is cleared. Had I contacted him, the internal affairs officer assigned to my case I would not have known what he did and only got a letter saying complaint closed officer is cleared. Yet he never made my recorded statement apart of the file and listed it as i refused to give one. How evil is this?

Other incident is Madison, New Jersey Police, called them because a caucasian lady ran into my car while I was sitting in my car parked, damaged my car and me, and she took off and I ran out my car to chase her from leaving the parking area and then she stop further up from me, then returned when I stopped her and told her she ran into me, she said she did not know. So, the officer came, the officer knows this lady when I called the police, they spoke the entire time and with her family that the officer knows, lauging, chuckling, setting dates, and when the officer came to the scene I told the officer I was in the car, and the witnesses told the officer this too, do you know the officer put in the report I was not in the car to protect his friend and I did not know this until about over 1 year the insurance company told me this.

Next Incident in Chatham Borough, I went to another state to take the Bar/Law exam, so I stayed for 7 days and while I was away from new Jersey, all my work was piling up on me, so I got back to NJ at about

8pm and stayed up all night drafting papers for court and other things, I finished about 12am and went to the post office, while finished at the post office walking back I was surrounded by 3 police cars, 3 officers and one officer said in a rough and unprofessional manner, "you come here now". They find me suspicious as a black man in Chatham Borough at 12am at night walking. I actually saw white folks on other nights walking this late and as you will see no police troubled them.

Then another situation, I was driving to new york and when I reach by the brigde two officers sitting in the parked police car saw me driving and immediately started following me then pull me over and first thing they asked me, do you have drugs in the car. I never ever in my life used or seen drugs until I started to do my master's degree and was doing training a special police department and it was m first time seeing marijuana in my entire life at the age of 25 I think it was. Seriously the truth, I was so legalistic and so pro-police, I lived like I was already a police officer, and great admirer to my father who was Assistant Superintendent of police, a police officer and head of police. If my father was doing things like this to innocent people or any person, I would proudly disown my father and want nothing to do with him, if he was such a tyrant and deceitful evil person.

So, if there is anyone who will fairly, reasonably and justly call for police reform and civilian protection from abusive police officers it will be me. There is no one more credible and acting in good-faith to request these things in good-faith than me. Please find my elementary school essays and see what i stated I wanted to be nearly my entire life, a police officer. Even after college and law-school I still wanted to protect and support police officers that I concentrated on representing off icers in New York city before the Administrative Law Judge for the NYPD.

I never wanted to believe officers are what I have experienced, I just did not want to accept the truth that often occurs.

I have had the worse violations committed against me by police officers, I am the son of an Assistance Superintendant of police and growing up I thought police officers can do no wrong in my mind and heart until I left home for college and had officers followed me for over 10 minutes, stop me randomly and ask me if I have drugs in the car and other situations, where am I going. Or do you live in this community or surround me because I am walking from the post office mail box at night

I am demanding that you use my F.R.A.N.C.I.S policing system that states an agency/department be formed in the states that polices only police departments, used only to investigate and arrest police officers, and do not have any form of police relationship with the police departments of that state, that is also made up of agents with arresting power, civilians from all walks of life, even a member of the board will be a convicted person, black minorities (from the ghetto and hood), defense attorneys, civil rights advocates, police science experts and social scientist, a police advocate, this board that runs this agency will be comprised of numerous kinds of individuals. This is my demand to fix the racist, abusive, discriminatory policing system and all decisions will be made public, all decipline will be made public, all results and process will be made public.

Please contact me for more detail ideas on policing. Also why everytime I go to Milburn/shorthills, New Jersey court which is 99.9% whites resident, if there are 100 people in court for tickets, 99 will be black and one will be half white and half black? why? do we black people just drive horrible or just criminals? Why do I have to see this so often in court in the white neighborhoods I go to for court? why? Again, contact me to learn more about the F.R.A.N.C.I.S policing system.

Contact me urgently

Everson Francis

Florham Park, NJ 07932

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Over the past several months, there has been a great deal of discussion and support for moving the responsibility for responding to individuals experiencing a mental health crisis from police officers to more appropriately trained mental health professionals. In recent months, The Sun has published several op ed pieces on this topic, including one co-authored by former Baltimore City Police Department Commissioner Leonard Hamm.

Discussing the tragic shooting of Ricky Walker, Jr at the most recent consent decree hearing on the Baltimore Police Department, United States District Judge James K. Bradar stated that “the Walker situation is an example of how mental health related incidents should not fall exclusively to police officers.” That has always been the goal of most public behavioral health systems including Baltimore’s.

In 1992 when I was CEO of Baltimore’s Mental Health Systems, Inc. (BMHS) we established Baltimore Crisis Response, Inc. (BCRI) as the city’s crisis response agency. Over time, the city’s behavioral health authority has expanded BCRI’s scope and capacity. However, additional steps must be taken so that mental health professionals become the primary responders to mental health crisis calls.

In order to meet that goal, the following recommendations should be addressed:

- Determine the potential volume of calls. This will take an analysis of several data bases, including looking at the inexact (due to the difficulty in many situations in determining the reason for the call) data of the 911 dispatch system, BCRI’s crisis line call volume, and police data for mental health calls as well as others that may exist.
- Based on the potential for volume of need, ensure the mental health mobile crisis services are staffed to meet the increase in volume expectation and to respond in 30 minutes or less.
- Promote one phone number to access mental health services which is either the 911 service or linked to the 911 structure. There is national discussion for a new mental health number that may be part of the remedy for this issue
- Ensure that the entity receiving the call is well integrated within the mental health and police structures and able to track and respond to the mental health staff in the field.
- Ensure coordination with the police department to ensure immediate police support for the mental health staff when needed.
- Develop ongoing quality improvement processes that can review the strengths and weaknesses of the structure and address high risk and poor outcome situations.
- Develop oversight capacity that includes both law enforcement, mental health authorities, and citizens.
- Determine the effectiveness of increasing the mental health capacity and evaluate if outcomes are improved and reliance on police is lessened.

Having mental health staff serve as first responders to ensure better outcomes for our fellow citizens experiencing a mental health crisis is critical. The International Bipolar Foundation has stated that “nationwide, at least 25% of people who are shot and killed by police officers suffer from acute mental illness at the time of their death. People with untreated mental illness are 16 times more likely to be fatally shot during an encounter with police than people with their mental illnesses under control.”

These are unacceptable outcomes and we can do better.

Submitted by: Steve Baron, CEO/President: Baltimore Mental Health Systems, Inc. 1988-2006; Director DC Department of Mental Health/Department of Behavioral Health 2006-2015; Currently a consultant.

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As an African American woman, growing up in the urban area of Philadelphia, my relationship with the police has always been one of fear. Many of the families in our neighborhood were working class, with strong values, trying to make a better life for themselves; However, many of our youth, particularly our young Black males were often stopped without just cause, harassed and often excessive force used. When crimes were committed in our neighborhood, the police were slow to arrive and in some areas not at all. Many law-abiding citizens were respectful to the law, however, many felt the same respect was not reciprocated. I personally have known individuals that have been harassed just for standing on the street. We are seen as criminals before proven innocent. There were very few neighborhood cops who volunteered with community organizations, schools, to build relationships with the youth and the neighborhoods. Unfortunately, over the years, I’ve seen less programs involving the community and the police, and an increase in police shootings with Black people. A good friend of mind’s son, Dale Grahm was killed by the police because they felt they were threaten but no evidence of this was found. There needs to be a major initiative to build trust within the community which entails the police officers having an understanding of the community it polices, having an intervening liaison to enhance the relationship between the community and law enforcement, and more participation by police officers to be a part of preventive programs for our youth and to serve our neighborhoods in a positive manner. A time for change is now. We have loss too many and it has to stop.

Submitted by: Lisa Walker

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Vanessa Atterbeary, Delegate  
Law Enforcement work group Chair  
6 Bladen Street  
Annapolis, MD 21401

August 6, 2020

SUBJECT: Hazard Duty

Dear Delegate Atterbeary and Distinguished Members of the law enforcement work group,

On behalf of over 300 active and retired members of the Harford County Deputy Sheriff’s Union, I respectfully ask that you consider the responses listed below pertaining to the law enforcement topics.

1) Investigations of police misconduct:

In Harford County, like most law enforcement agencies, all misconduct investigations are investigated by the Office of Professional Standards, in concert with the Office of the States Attorney.

The union would have no problem if a separate, independent organization were to conduct a parallel investigation. With that said, the independent organization should have law enforcement experience to understand the requirements and demands of the profession. A comparison can be made from review panels of doctors or lawyers, which are made up by members of that profession.

2) Investigations under Maryland’s law Enforcement Officers Bill of Right:

I believe there is misconception the LEOBR protects law enforcement in criminal cases. LEOBR only relates to administrative agency issues and is technically more restrictive than the rights defendants are afforded during a criminal investigation. In a criminal case, cop or no cop, you never have to participate or incriminate yourself. LEOBR, you must give an interview in 5 days. But again, LEOBR only applies to internal policy violations. If a police officer is charged with a crime, LEOBR has no considerations.

3) Body worn cameras:

I fully support the use of body worn cameras. Cameras are a great help during administrative agency issues, and criminal issues involving law enforcement. I only hope the state finds funds available to assist with the purchase of body cameras and the storage space.

4) Uniform statewide use of force and arrest policy for police officers.

This could be the most impactful and deadly proposition. Every situation is different and requires different considerations of escalation or de-escalation of force. Law Enforcement trains continuously to become proficient. The examples of mistakes law enforcement have made in the past, related to use of force, are microscopic compared to the number of actual situations that occur. I should note that mistakes are made in every profession, that also have catastrophic or deadly consequences.

If you mandate these split-second decisions, or limit the resources available, I promise you, it will result in law enforcement or community members being hurt or killed.

Again, I thank you all for the opportunity to address the workgroup and ask for a favorable consideration to the scheduled topics. Please feel free to contact me with any questions or concerns.

Sincerely,  
Aaron Penman, President  
Harford County Deputy Sheriff’s Union

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TESTIMONY FOR THE POLICE REFORM AND ACCOUNTABILITY WORKGROUP

August 6, 2020

On behalf of the Maryland Violence Prevention Coalition, Greg Jackson, Co-Chair

Dear Chairwoman Atterbeary and Members of the Workgroup:

My name is Greg Jackson and I serve as the National Advocacy Director for The Community Justice Action Fund and speak today as a member of The Maryland Violence Prevention Coalition (MVPC), a coalition of victim service providers, advocacy groups, and violence intervention programs across Maryland.

The MVPC is deeply concerned about the effect police abuse and misconduct has on the cycle of violence and lack of independent oversight of law enforcement in Maryland. There are many factors that play into the cycle of violence, but the deeply entrenched mistrust of the police in Baltimore and across the State fuels violence in our communities from gun violence to violent encounters with police. When individuals are unwilling to turn to the police for assistance or to share crucial information that could solve a homicide case, they often turn to more violence as a form of retaliation. Rebuilding trust starts with greater accountability, oversight of law enforcement, and meaningful engagement with communities of color.

Community violence does not happen in a vacuum – it happens in close proximity and so do solutions. Violence Intervention and Prevention Programs (VIP) including Safe Streets, Roca, hospital-based programs, and community-based programs are an important part of the solution. These programs use credible messengers who are trained to stop the cycle of violence and renew community trust.

As policymakers and political leaders explore innovative ways to direct resources beyond policing, MVPC strongly recommends that funds for public safety be directed toward saving lives in black and brown communities most impacted by violence through investments in evidence-based programs. These programs not only reduce violence, enhance public safety, improve social and health outcomes, but they also improve relationships with law enforcement across entire communities.

We recommend investing in four major areas to reduce community violence in Maryland:

- Funding Community-Based Violence Intervention and Prevention Organizations
- Funding Cognitive Behavioral Therapy Programs Targeting Those Most at Risk
- Funding Violence Survivor Support Services and Resources
- Funding Hospital-Based Violence Intervention Programs

Including these program areas and public health approaches in the larger discussions taking place is critical to finding a path toward improved public safety and beginning the long process of addressing the inequity in our criminal justice system.

Maryland will not arrest or prosecute our way out of our challenges with violence. Many root causes of violence are the result of generational trauma, structural racism, denials of opportunity, and systemic under-investment in our state's youth, families, and communities. Time and again, studies show that violence interruption programs like ROCA, Safe Streets and the hospitalbased programs at LifeBridge Health, University of Maryland, Johns Hopkins and others, in tandem with community-based programs that serve victims of violence actually work to make us all safer. Together, they provide critical support and often serve to break the cycle of violence.

We write to add our collective voices to your deliberations on the future of policing in Maryland. As you reimagine public safety, we ask that you consider strengthening and expanding community- and hospital-based programs and victim services that already help to stop the spread



of violence, and help provide those impacted by violence with a way to heal, and thrive in the local economy.

The MVPC came together in response to legislation sponsored by Delegate Brooke Lierman and Senator Jill Carter to fund Violence Intervention and Prevention Programs (VIPP). Despite Governor Hogan's veto of dedicated VIPP funding, the coalition continues to advocate for these important programs. MVPC brings together Baltimore's violence prevention organizations, policy experts, social service providers, gun violence survivors, and city agencies to increase cooperation and education around public health approaches to addressing gun violence. Active coalition members include Advocates for Children and Youth, LifeBridge Health, Giffords, Johns Hopkins Center for Gun Policy and Research, Mayor's Office of Criminal Justice, Roca Baltimore, Safe Streets, Violence Prevention Program at UMMC, Community Justice Action Fund, and Marylanders to Prevent Gun Violence. These programs, proven to reduce violence, need to become a key part of the conversation when we discuss ways to actively invest in police reform. VIPPs are a key part of the solution to addressing policing reform.

#### WHAT WE'D LIKE YOU TO KNOW

- Maryland suffers over 1,000 shootings each year, with resultant deaths and injuries that cost us an estimated \$1.3 billion per year.
- 66% of all shootings do not result in fatalities. Most individuals who show up in the criminal justice system have been victims of violence and crime first.
- Violence is a preventable disease. (See: National Medical Association, the American Medical Association, the American College of Physicians and the American Academy of Pediatrics) Gun violence spreads person to person. Most shooting victims -- and many shooters or would-be shooters want a way out of violence. They just need someone they trust to guide them out.
- Street-based programs like ROCA, Safe Streets, and hospital-based violence intervention programs have substantially reduced recidivism and re-injury, in, e.g. places in Baltimore, Chicago, Oakland, and Richmond.<sup>1</sup> For example:
  - LifeBridge Health reports that 92 percent of the 114 gunshot/stabbing victims enrolled in Sinai's hospital-violence interruption program from June 2018 to June 2019 AVOIDED violent crime within 6 months of being discharged, and less than 2% of those same patients were re-admitted with a violence-related injury.
  - A randomized trial at the R. Adams Cowley Shock Trauma Center at UMMC, Baltimore, demonstrated a marked reduction in recidivism rate for violent injury, violent crime and an increase in employment rate for patients who were enrolled in the hospital based violence intervention program.
  - Various SafeStreets community mediation programs across Baltimore have reported a 12-56 percent reduction in homicides from 2010-2017, with some sites reporting no homicides in one calendar year<sup>2</sup>
  - ROCA Baltimore reported 95 young men aged 16-24 referred from police and probation enrolled in job training, with an additional 32 participants having worked close to 7,000 hours in the year ending Dec 2019<sup>3</sup>
- Research demonstrates "the value to victims as they seek safety, stability and healing following traumatic events" of receiving assistance such as "civil legal services, restorative justice

opportunities, transitional housing, relocation, mental health and substance use treatment, as well as multi-system, multi-disciplinary coordinated response to crime victims.”

WHAT WE’D LIKE YOU TO DO: Investing in evidence-based violence prevention methods such as the VIPPs mentioned above is a key to working on police reform. We welcome rigorous analysis and accountability because we know violence interruption programs and supportive services work.

1 See, e.g., National Network of Hospital-based Violence Intervention Programs (HAVI), 2019; Johns Hopkins University Center for Prevention of Youth Violence 2012; written testimony submitted for Maryland SB 708/HB822 (2020), detailing successes and statistics of programs throughout Maryland)

2 Johns Hopkins University Center for Gun Policy and Research 2010, 2013, 2018; Mayor’s Office of Criminal Justice; Safe Streets Park Heights; Safe Streets Bel Air; Safe Streets Cherry Hill (2016-present)

3 [https://www.washingtonpost.com/local/this-anti-violence-program-relentlessly-courts-at-risk-youth-its-off-to-aremarkable-start-in-baltimore/2019/12/04/a7d9f566-0cac-11ea-97ac-a7ccc8dd1ebc\\_story.html](https://www.washingtonpost.com/local/this-anti-violence-program-relentlessly-courts-at-risk-youth-its-off-to-aremarkable-start-in-baltimore/2019/12/04/a7d9f566-0cac-11ea-97ac-a7ccc8dd1ebc_story.html)

4 See Warnken, Heather and Lauritsen, Janet L., “Who Experiences Violence Victimization and Who Accesses Services? Findings from the National Crime Victimization Survey for Expanding Our Reach”, Center for Victim Research, April 2019)

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Submission Version Rev. Marlon B. Tilghman  
www.BRIDGEMD.org Criminal Justice Taskforce

The Maryland Law Enforcement Bill of Rights<sup>1</sup> does an excellent job of protecting police officers from prosecution or even an inconvenience in their quality of life<sup>2</sup> should they ever be accused of misconduct.<sup>3</sup> However, the MD LEBOR also does a scandalous job of protecting bad officers making poor decisions and exhibiting bad behavior. To that point this Bill of Rights as it is written gives police agencies, hearing boards and the chief the flexibility of allowing bad police officers to go unpunished without any possible penalty for their actions. This Bill of Rights uses repeatedly terms like, “may” or “reasonable,” to describe actions that should be addressed and not be subject to interpretation, bias or prejudice (e.g. if a citizen’s complaint or video recording is clearly a violation of human rights why is **Universal Citation:** MD Pub Safety Code § 3-112 (2019) written for subjectivity and vague.

And thus, this Bill of Rights although I originally thought it should be totally abolished could be reformed by simply changing some of these key words from “may” to “shall” or “reasonable” to specific periods of time. Because as it stands right now, LEBOR is truly subject to opinion by officers who are policing themselves. For example, if you were accused of assault and battery the statute of limitation for charges is 3 years according to Md. Code, Courts & Judicial Proceedings §§ 5-101) however, the statute of limitation for a police officer is 1 year when classified as brutality.<sup>4</sup>

Likewise, civilians on Hearing boards have a voice but can’t vote<sup>5</sup>, thus they have no power to

change the outcome against bad officers using bad judgment or in some cases repetitive bad behavior. Thus, this Bill of Rights as it is currently written does not afford the public any expectation that bad police officers will be judged by the same justice system everyone else is subjected to and thus it needs to be reformed immediately. Bad Law enforcement officers should be treated with the same scrutiny as the public because when Police Officers remove their uniform, they are citizens too.

1 **Universal Citation:** MD Pub Safety Code § 3-104 (2019)

2 **Universal Citation:** MD Pub Safety Code § 3-112 (2019)

3 **Universal Citation:** MD Pub Safety Code § 3-112 (2019)

4 **Universal Citation:** MD Pub Safety Code § 3-104 (2019) (2).

5 (**Universal Citation:** MD Pub Safety Code § 3-107 (2019)(c)(3)

**More Detailed concerns with the LEBOR follow:**

**We have major concerns for use of the words “reasonable” and “may” used throughout this document because actions are subject to interpretation, bias and prejudice.**

**Universal Citation:** MD Pub Safety Code § 3-102 (2019)

(a) Except for the administrative hearing process under Subtitle 2 of this title that relates to the certification enforcement power of the Police Training and Standards Commission, this subtitle supersedes any other law of the State, a county, or a municipal corporation that conflicts with this subtitle.

(b) Any local law is preempted by the subject and material of this subtitle.

(c) This subtitle does not limit the authority of the chief to regulate the competent and efficient operation and management of a law enforcement agency by any reasonable means including transfer and reassignment if:

(1) that action is not punitive in nature; and

(2) the chief determines that action to be in the best interests of the internal management of the law enforcement agency.

**Universal Citation:** MD Pub Safety Code § 3-103 (2019)

(a)(1) Subject to paragraph (2) of this subsection, a law enforcement officer has the same rights to engage in political activity as a State employee.

(2) This right to engage in political activity does not apply when the law enforcement officer is on duty or acting in an official capacity.

(b) A law enforcement agency:

(1) may not prohibit secondary employment by law enforcement officers; but

(2) may adopt reasonable regulations that relate to secondary employment by law enforcement officers.

(c) A law enforcement officer may not be required or requested to disclose an item of the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement officer's official duties; or

(2) the disclosure is required by federal or State law.

(d) (1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer:

SKIP

**Universal Citation:** MD Pub Safety Code § 3-104 (2019)

(a) The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(b) For purposes of this section, the investigating officer or interrogating officer shall be:

(1) a sworn law enforcement officer; or

(2) if requested by the Governor, the Attorney General or Attorney General's designee.

(c) (1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is signed and sworn to, under penalty of perjury, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual:

1. was present at and observed the alleged incident; or

2. has a video recording of the incident that, to the best of the individual's knowledge, is unaltered; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within 366 days after the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken. **This not true for the public which is addressed in my verbal testimony.**

(d)(1) The law enforcement officer under investigation shall be informed of the name, rank, and command of:

(i) the law enforcement officer in charge of the investigation;

(ii) the interrogating officer; and

(iii) each individual present during an interrogation.

(2) Before an interrogation, the law enforcement officer under investigation shall be informed in writing of the nature of the investigation.

(e) If the law enforcement officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, the law enforcement officer shall be informed completely of all of the law enforcement officer's rights before the interrogation begins.

(f) Unless the seriousness of the investigation is of a degree that an immediate interrogation is required, the interrogation shall be conducted at a reasonable hour, preferably when the law enforcement officer is on duty.

(g) (1) The interrogation shall take place:

(i) at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer; or

(ii) at another reasonable and appropriate place.

(2) The law enforcement officer under investigation may waive the right described in paragraph (1)(i) of this subsection.

(h) (1) All questions directed to the law enforcement officer under interrogation shall be asked by and through one interrogating officer during any one session of interrogation consistent with paragraph (2) of this subsection. **Concern: One interrogation officer and only one session? What prevents a hearsay interrogation without another witness in the room? Not to mention in section (3)(k)(1), the interrogation officer has a choice of written, taped OR transcribed recording of interrogation.**

(2) Each session of interrogation shall:

(i) be for a reasonable period; and

(ii) allow for personal necessities and rest periods as reasonably necessary.

**Concern: What is a personal necessity and is the public entitled to rest periods?**

(i) The law enforcement officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.

(j) (1)(i) On request, the law enforcement officer under interrogation has the right to be represented by counsel or another responsible representative of the law enforcement officer's choice who shall be present and available for consultation at all times during the interrogation.

(ii) The law enforcement officer may waive the right described in subparagraph (i) of this paragraph.

(2)(i) The interrogation shall be suspended for a period not exceeding 5 business days until representation is obtained.

(ii) Within that 5 business day period, the chief for good cause shown may extend the period for obtaining representation. **Concern: 5 business days? What days are officers not working? An officer's business day could include the weekend particularly in an emergency.**

(3) During the interrogation, the law enforcement officer's counsel or representative may:

(i) request a recess at any time to consult with the law enforcement officer;

(ii) object to any question posed; and

(iii) state on the record outside the presence of the law enforcement officer the reason for the objection.

(k)(1) A complete record shall be kept of the entire interrogation, including all recess periods, of the law enforcement officer.

(2) The record may be written, taped, or transcribed. **Concern: Why is taped not required. Isn't it required for the public and if not, it should be for everyone's protection of hearsay.**

(3) On completion of the investigation, and on request of the law enforcement officer under investigation or the law enforcement officer's counsel or representative, a copy of the record of the interrogation shall be made available at least 10 days before a hearing.

(l)(1) The law enforcement agency may order the law enforcement officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection and the law enforcement officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

(3) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement officer. **Concern: Why isn't the interrogation admissible during criminal proceeding? What if there is a confession of guilt or culpability?**

(m) (1) If the law enforcement agency orders the law enforcement officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the law enforcement agency and the law enforcement officer agree to the admission of the results.

(2) The law enforcement officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner if:

(i) the questions to be asked are reviewed with the law enforcement officer or the counsel or representative before the administration of the examination;

(ii) the counsel or representative is allowed to observe the administration of the examination; and

(iii) a copy of the final report of the examination by the certified polygraph examiner is made available to the law enforcement officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(n) (1) On completion of an investigation and at least 10 days before a hearing, the law enforcement officer under investigation shall be:

(i) notified of the name of each witness and of each charge and specification against the law enforcement officer; and **Concern: Who would testify against bad police officer(s) if they knew their names were given to that officer before the hearing?**

(ii) provided with a copy of the investigatory file and any exculpatory information, if the law enforcement officer and the law enforcement officer's representative agree to:

1. execute a confidentiality agreement with the law enforcement agency not to disclose any material contained in the investigatory file and exculpatory information for any purpose other than to defend the law enforcement officer; and

2. pay a reasonable charge for the cost of reproducing the material.

(2) The law enforcement agency may exclude from the exculpatory information provided to a law enforcement officer under this subsection:

(i) the identity of confidential sources;

(ii) nonexculpatory information; and

(iii) recommendations as to charges, disposition, or punishment.

(o) (1) The law enforcement agency may not insert adverse material into a file of the law enforcement officer, except the file of the internal investigation or the intelligence division, unless the law enforcement officer has an opportunity to review, sign, receive a copy of, and comment in writing on the adverse material. **How do you keep track of bad behavior if it's an option to keep that information in the police officer's file?**

(2) The law enforcement officer may waive the right described in paragraph (1) of this

subsection.

SKIP

**Universal Citation:** MD Pub Safety Code § 3-106.1 (2019)

(a) A law enforcement agency required by law to disclose information for use as impeachment or exculpatory evidence in a criminal case, solely for the purpose of satisfying the disclosure requirement, may maintain a list of law enforcement officers who have been found or alleged to have committed acts which bear on credibility, integrity, honesty, or other characteristics that would constitute exculpatory or impeachment evidence.

(b) A law enforcement agency may not, based solely on the fact that a law enforcement officer is included on the list maintained under subsection (a) of this section, take punitive action against the law enforcement officer, including:

- (1) demotion;
- (2) dismissal;
- (3) suspension without pay; or
- (4) reduction in pay.

(c) A law enforcement agency that maintains a list of law enforcement officers under subsection (a) of this section shall provide timely notice to each law enforcement officer whose name has been placed on the list.

(d) A law enforcement officer maintains all rights of appeal provided in this subtitle.

**Universal Citation:** MD Pub Safety Code § 3-107 (2019)

(a)(1) Except as provided in paragraph (2) of this subsection and § 3–111 of this subtitle, if the investigation or interrogation of a law enforcement officer results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues by a hearing board before the law enforcement agency takes that action.

(2) A law enforcement officer who has been convicted of a felony is not entitled to a hearing under this section.

(b)(1) The law enforcement agency shall give notice to the law enforcement officer of the right to a hearing by a hearing board under this section.

(2) The notice required under this subsection shall state the time and place of the hearing and the issues involved.

(c)(1) Except as provided in paragraph (5) of this subsection and in § 3–111 of this subtitle, the hearing board authorized under this section shall consist of at least three voting members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and **Concern: How are they chosen and what is the removal process if they are proven to be prejudice, bias or racist?**

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law

Enforcement Officers' Bill of Rights and matters relating to police procedures.

SKIP

(5)(i) 1. A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board. **Huge Concern: What is the criterion for an alternative method and does the public have a say in the matter?**

SKIP

(e)(1) The hearing shall be:

(i) conducted by a hearing board; and

(ii) open to the public, unless the chief finds a hearing must be closed for good cause, including to protect a confidential informant, an undercover officer, or a child witness. **Concern: "Good Cause" is another subjective, bias, and prejudicial phase.**

SKIP

(2) Witness fees, mileage, and the actual expenses necessarily incurred in securing the attendance of witnesses and their testimony shall be itemized and paid by the law enforcement agency.

(j) An official record, including testimony and exhibits, shall be kept of the hearing.

**Concern: Hearing is kept where, for how long, and is it available to the public?**

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**Police Reform & Accountability Workgroup Public Hearing**

**August 6, 2020 at 4:30pm**

Chair Atterbeary and members of the Workgroup:

My name is Carol Stern from Chevy Chase and I am co-chair of the Equal Justice Under the Law Team of Jews United for Justice (JUFJ). JUFJ organizes 5,000 Jewish Marylanders and allies in support of local campaigns for social, racial, and economic justice. I want to thank this workgroup for the significant work you have undertaken in the midst of the COVID-19 pandemic toward substantive police reform that is long overdue. We thank you for recognizing the urgent call of thousands of Marylanders, who have raised their voices in the streets asking for change to happen right now.

Jewish tradition teaches us that destroying one life is akin to destroying the entire world. In a world already filled with so much violence, we must move to end police violence and change Maryland laws protecting police misconduct.

JUFJ has joined more than 70 other organizations across Maryland calling on the General Assembly to pass five specific and impactful reforms: 1) repeal the Law Enforcement Officers' Bill of Rights (LEOBR); 2) restore local control of the Baltimore City Police Department; 3) make investigations into police misconduct transparent; 4) limit the use of force by law enforcement; and 5) remove law enforcement from schools. Each of these reforms can help address the racist, corrupt, and inequitable policing that has been taking place in Maryland for far too long.

The Law Enforcement Officers' Bill of Rights (LEOBR) is one of the most regressive laws in the nation. LEOBR permits non-transparent self-investigations by police departments, and has created a culture of impunity that is compounded by the fact that the Maryland Public Information Act (MPIA) denies the public access to critical information about police misconduct. For example, look at the 2018 police killing of a Silver Spring man, Robert White z"/, who was walking while Black, unarmed through his neighborhood. To this day, White's community has never learned the details of the investigation, except



that the officer still serves on the police force. Survivors of police violence, including those you're hearing from today, deserve to know the details of these investigations.

The residents of Baltimore have been calling for local control of the Baltimore Police Department for years. Without local control, Baltimoreans are forced to rely on the 3-month session of the General Assembly for changes to policies and practices. Especially amid a national uprising calling for police accountability, and in a state without laws that formally limit the use of force by law enforcement, this is unacceptable and must change.

Finally, the General Assembly must remove police from our children's schools. Police in schools don't increase safety, but instead lead to the criminalization of ordinary student behavior, targeting especially Black students and students with disabilities.

Jewish tradition says that we are called to be partners in the creation of a more perfect world — in this time, that call is louder than ever. We look forward to working with you to keep striving for a more perfect world, especially in these difficult and imperfect times.

Sincerely,

Carol Stern, Chevy Chase, MD  
Co-Chair, Equal Justice Under the Law Team  
Jews United for Justice

## **Workgroup to Address Police Reform and Accountability**

### Written Testimony – Part II

August 6, 2020

I am Dr. Sophia Marjanovic. I am of the Fort Peck Oceti Sakowin and Ipai tribes Indigenous to the United States. I am the daughter of a police officer and federal officer. I have a PhD in immunology and microbiology from George Washington University. I came to Maryland to do my PhD thesis training at the NIH in Bethesda, MD.

In 2012, I was attacked while I was holding my 10 day old newborn son and our abuser then almost shoved my sister down the stairs. I did what we are supposed to do and called the police. This began my journey as a law abiding citizen into the nightmare of dealing with domestic abusers on the police force and the retaliation they exert in coordination with our domestic abusers as a way to dominate and control survivors.

Despite begging the police to escort me out of the house, the police instead told me that our domestic abuser and his mother were leaving. As soon as the police left, our domestic abuser and his mother returned back to the house. My sister and I were terrified. We called the police again. One of the new officers was informed about domestic violence and finally escorted us out of the house.

Eventually, I lost custody of my son to our domestic abuser in the courts as the officer Freddie Charles, who has a history of domestic violence and is in charge of the Supervised Visitation Unit of the Anne Arundel County Sheriff's Department, worked in coordination with our domestic abuser to continue to exert domination and control over my son and me. Freddie Charles even claimed to the court that he fears for his life around me and that all officers of Anne Arundel County should fear for their lives around me because I video record all interactions with him and have been successful at getting unethical people reprimanded. As I have sought accountability for Officer Freddie Charles, I have encountered too many overwhelming challenges including testifying and successfully getting a provision in HB1016 in 2016 for civilians to get the outcomes of investigations of their grievances we file about police officers. I have since learned that the way the bill was written leaves many of us civilians without any ability to get the outcomes of the investigations. The Anne Arundel County Sheriff's Department even asked me

how much I was willing to pay to see my son. In the courts, Judge Allison Asti cited that police are neutral witnesses and through her discretion, ruled that Officer Freddie Charles, a police officer with a domestic violence history getting paid overtime to attend our court hearings, had more credibility than me, a survivor of domestic violence. I have been suffering for years to feel safe knowing that the police and courts don't protect survivors. I have even become completely debilitated where every single molecule in my body feels to be in intense pain for weeks on end as I suffer to feel safe in my own body. I eventually became homeless and enslaved in human trafficking as a result of this grave injustice I have experienced from the police coordinating with my domestic abuser to exert domination and control over my son and me. I have been in therapy for years doing the work to try to heal, but when the system is so unsafe, I need the system to be repaired in order to feel safe.

Law enforcement is the field of work with the most domestic abusers. 40% of law enforcement are domestic abusers. Having survivors of domestic violence call police when we have a nearly 50% chance of encountering a domestic abuser is absurd. On average, 4 women are killed per day in the USA, mostly by a domestic abuser. Between 2009 and 2018, 80 percent of child victims of mass shootings died in incidents connected to domestic violence meaning that on average, 4 children per day are being killed by gun related domestic violence. Mind you, this is an underestimate of the children killed each day by domestic violence as guns are not the only way that children are killed.

I demand that you release ALL disciplinary records of ALL public employees in the state of Maryland so that we civilians may have real accountability. The police aren't the problem. Social Workers, judges, prosecutors, public defenders, court clerks, etc. are part of a broken system systematically terrorizing the most marginalized people in Maryland.

I demand that you allow one party consent audio recording to truly allow for transparency and accountability in the state of Maryland in removing corruption from our public serving institutions.

I demand that you abolish the police. This system is broken and cannot be reformed. I demand that you appropriate funds to build safe houses for every 150 citizens for survivors of domestic violence to safely seek refuge. I demand that you appropriate funds to build an office where only

specialists in the dynamics of domestic violence intervene in domestic violence and help survivors. Let's make sure those specialists don't have a history of domestic violence like 40% of law enforcement does.

I demand that instead of the police that you appropriate funds to send psychiatrists and psychologists to our systematically traumatized Native American, Black, Latinx, LGBTQ2S, disabled and poor communities. I also demand improved accountability mechanisms for such psychiatrists and psychologist first responders. I have successfully gotten an unethical psychologist determined a danger to the public, so I know we need improved accountability for protecting the public from unethical people in positions of power in Maryland.

I demand that instead of the police that you appropriate funds to community based programs for trauma informed conflict resolution and restorative justice. The United States was built on generations of traumatizing Native American, Black and Latinx people. Let's work to heal instead of punish those of us who are systematically traumatized.

References for statistics cited in this testimony:

<https://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girlfriends/380329/>

<https://www.psychologytoday.com/us/blog/mind-games/201909/the-number-women-murdered-by-partner-is-rising>

<https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>

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### The Case for Police Accountability

After many weeks of protest against systemic racism and police violence after the murders of George Floyd, Breonna Taylor, and Ahmaud Arbery where does it leave us and more so the victims and the families of the many victims of police brutality. They have been deprived of justice and have been offered little or no accountability.

Due to the depravity and rigged criminal justice system this has meant civil settlements are the only recourse for victims and their families, because they are denied any real justice. As Tawanda Jones,

sister of victim Tyrone West, says “it is not the income but the outcome that matters.” This is not talking the talk, since Ms. Jones, took her name off a million dollar out of court settlement, because she wanted her day in court to expose the injustice of her brother’s case that led to his death at the hands of 12-15 Baltimore City Police officers. Ms. Jones story is not unusual. Countless victims and their families in our unfair city can recount similar stories of senseless assaults at the hands of the police. This followed by cover-ups and underhanded practices by all members of the criminal justice system, and actions to maintain this rigged system by lawmakers and lobbyists, front and center the Fraternal Order of Police. One glaring example is the Officer Bill of Rights. This state law allows officers to avoid criminality when they commit abuse. End this law now so accountability can even be a possibility. It is unjust that officers be granted rights that are not afforded others. There is no other profession where practitioners are shielded from consequences for their misdeeds.

Defunding the police, making it mandatory for police to carry malpractice insurance, powerful civilian review boards are some of the other strategies that should be pursued to address the most violent arm of systemic racism. Even if these mechanisms were in place, although I would argue that they will take an incredible amount of time and effort to enact, we are left with thousands of family members in our city whose emotional scars and wounds go unhealed. We are left with members of our police force and others littered around the state who have got away with harrassment intimidation, brutality, and murder. Sargent Lloyd, who recently was arrested for committing extortion and kidnapping while on duty, enlisting a small gang of his subordinates to assist him, is another example of untethered police officers gone wild. Lloyd was the lead investigator into the homicide of fellow Detective Sean Suter. His manipulation in that case will hopefully be exposed as well as other abuses he committed. This of course will and should make the headlines, but what are some other connections between these violent offenders that haven’t been exposed enough by the media. Within a span of 18 days in 2013 three of the same officers were involved in the harassment of Darell Harris, the intimidation of Joseph and James Green, the brutalization of Abdul Salaam, and the brutal killing of Tyrone West. Even more insidious is that these four young men, plus the killing of Anthony Anderson, the shooting of Keith Davis, and two generations of the Gun Trace Task Force from 2012-2018 were ostensibly under the same branch of the command structure that oversaw and directed the officers involved. All of them were complicit and should be prosecuted equally. The LEOBOR is the biggest impediment to this occurring. In fact, other officers and commanders, uner the LEOBOR, are charged with investigating those they have directed to “enforce” the law in the manner to which they are handling it. Again what agency in government or elsewhere would seriously believe that those who are complicit in some way with wrongdoing would want to risk exposing it.

So it is about time that all of these abuses be exposed to the public and police accountability is pushed to the forefront. Any impediment that shields the truth and continues the patterns that enable abusers must be abolished. End the LEOBOR now. There must be accountability for all officers and their commanders who have perpetrated brutality on the citizens of Baltimore. Police accountability is the only way to start healing our city and those who have been victimized.

Dan Hellerbach

Baltimore, MD 21214

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My name is Linda Watts from BRIDGE Maryland Inc. I live in Baltimore City, am a member of Ascension Lutheran in Baltimore County, and I have children and grandchildren living in both Harford and Anne Arundel County. I need you to know that bad policing is not just a Baltimore City issue. There are bad actors in all jurisdictions and they throw a cloud of shame on those officers who are doing their jobs the right way.

Each law enforcement agency needs to be able to set standards for its officers and enforce those standards. As we have heard, the Law Enforcement Officers Bill of Rights is a hindrance to the ability of our communities to enforce policing standards in Maryland. There are others testifying today who will address that issue. Even if the State of Maryland repeals that ugly piece of code, Law Enforcement Collective Bargaining Agreements will continue to protect BAD COPS.

These agreements are different from most Collective Bargaining Agreements in that they address the Disciplinary Process. They say who can sit on hearing boards and give the accused officer a way to remove unwanted colleagues from the panel. Even those few with voting citizens, still have a majority of sworn officer seats.

I want to make it clear, I am not anti-union. I believe police have the right to negotiate, salary, time-off, overtime. This is a system designed to provide absolute protection to bad cops. Most of these contracts allow for expungement of “unfound” cases after 3 years. So, I am bad cop – I have use of force incident in 2001 – because the hearing panel is stacked in my favor and are inclined to give me the benefit of the doubt, they rule it unfounded. I lay low for 3 years and then there is another incident and I am up before a hearing board. The prior event is no longer on my record, so the hearing board does not know about the prior incident and decides that the evidence is marginal, and they give me another pass. And so it goes on and on. I could be on the force for 20 years and have six incidents and never be punished. And I have impacted the lives of 6 citizens and probably more, because a bad cop doesn’t always get caught and/or reported every time he/she steps over the line.

I ask the Workgroup to recommend legislation that will remove Disciplinary Actions from collective bargaining agreements statewide.

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Dear Members of the Policing Work Group:

Thank you for this opportunity to submit our joint personal testimony strongly supporting comprehensive police reforms in Maryland. Our names are Nimah Nayel and Shahd Alhadari and we are volunteers with the Maryland office of the Council on American-Islamic Relations, America’s largest Muslim civil rights and advocacy organization.

Counties in the DMV Metropolitan area, including Maryland, often boast about the diversity and inclusivity in our schools, neighborhoods, and workplaces. The bustling atmosphere attracts tourists and

immigrants looking to move to the US, perceiving our area as safe for them to settle down into a new nation. Our parents belong to the latter category.

However, as African-American women growing up and living in Maryland, our hearts still stop anytime we pass a police officer on the road. On the rare occasion we've been pulled for a traffic stop, we hold our breath from the moment the patrol car lights come on, until they drive away, because we know that the officer approaching us has total control and authority over our lives, and that his actions will most likely go unchecked.

For most of our lives, we assumed that was how everyone felt when the police stopped them. As statistics and sentiment show however, it's only a very niched group of people who experience this unfiltered fear of the officer in uniform who has the seeming power and autonomy to serve as judge, jury, and executioner.

This 'fear,' stems from the gross amount of power that an individual with relatively little experience is given following a training that's a little over half of a year. According to research, it takes children around 4 years to understand the concepts of life and death, and about 7 years to learn its irreversibility. But in Maryland, it apparently only takes a high school graduate mere months to gain the power and immunity to deliver a death sentence.

In light of recent outrageous incidents, and many incidents prior, it's become abundantly clear that change is necessary. A radical, top down reformation is ideal, in which our police officers truly exist solely "to protect and serve." However, until then, there are certain checks of power that need to be instituted to prevent the kind of trauma and damage that leaves our society in a constant, almost numbed state of shock and hurt.

Checks and balances on power are by no means a new concept. In fact, they're constitutional. The founding fathers of America knew that to let any branch of government run without any or very limited checks on power was to create a lawless society. Those branches don't discipline or maintain autonomy over themselves to help avoid bias and unfair practices.

This concept is missing in our police departments. Moreover, in order to remain true to the ideals that our country was built on, we need to start by revising the doctrine of qualified immunity at the state level. If an officer makes an irrational or controversial decision, they should have no less responsibility than another citizen to justify and back that decision. Such legislation has already been introduced at the federal level in the form of the Justice in Policing Act introduced in Congress on June 8, 2020 after George Floyd's murder in Minneapolis, MN.

Furthermore, if law enforcement officers are intended to protect and serve the people, their actions also need to be thoroughly and consistently reviewed by the people. This means ensuring a diverse board of impartial, non-biased civilians can oversee and regularly have access to the inner workings of our police departments.

Critics of the notion that African Americans are disproportionately targeted by police, often cite statistics indicating that there is a higher rate of crime in those neighborhoods. What these people fail to understand, or perhaps understand and selectively choose to ignore, is that these statistics are manifested from the socioeconomic disadvantage that structural racism places communities of color in, which is reinforced and exacerbated by over-policing.

This is a two-tier problem with a two-tier solution. Let's strive for equity in society, reassess the neighborhoods and communities we're policing and work to remove race and socio-economic status out of the equation. Furthermore, let's collect, assess and analyze data from objective sources in order to get a more accurate representation to assess police conduct and responses to crimes.

Opponents of reducing and reinvesting funds from police departments into community initiatives and programs claim that "crime rates will increase". However, statistics from the NYPD in 2015, proved that when there was less police involvement, crime rates decreased. These extra funds can help struggling communities improve their standards. We must provide the necessary resources to invest in and uplift communities that, for centuries, have been at a historical disadvantage through no fault of their own.

The world is changing, and history is being recorded as we speak. As we make progress in understanding the impact of the true history of this nation, how deeply racism and white supremacy have been ingrained into our policies, and the disproportionate distribution of wealth, power, and resources, we are counting on you as our lawmakers to collectively fix those wrongs and ensure that they never happen again.

Maryland is an influential state on the national scale. We are in close proximity to the nation's capital, and boast some of the most diverse and inclusive communities in the country. Our school systems, workforce, and amenities attract tourists from across the nation and around the world. We have the opportunity to influence positive change.

Will you be the pioneers to usher in the kind of change that our children and grandchildren can be proud of? This is your chance to stand on the right side of history by enacting meaningful police reform in our state. Don't let us and future generations down.

Thank you for your time and consideration.

Nimah Nayel & Shahd Alhadari  
Volunteers, CAIR Office in Maryland  
Council on American-Islamic Relations

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Samantha Blau  
Baltimore, MD 21224

**TESTIMONY IN RESPONSE TO HOUSE POLICING WORKGROUP**

**TO:** Maryland House Policing Workgroup

**FROM:** Samantha Blau

My name is Samantha Blau, I am a resident of Baltimore's Patterson Place neighborhood . I am here to ask this workgroup to consider proposing large scale change for how police operate within our communities.

I was harassed by two Baltimore City Police officers two years ago and it was the most scared I have ever been on a dark street in Baltimore. I was at work, doing my job, unloading vans after an evening



outreach event to a local school. Two officers in patrol cars surrounded me and my work vehicles, one officer got out of his car and yelled at me for parking my vehicles in a private driveway that BPD often uses as a cut through. The incident continued for about 10 minutes and is a memory that makes my palms sweat to this very day. My boss made a request for a response from the officer's lieutenant, but other than failing to set up a promised meeting, nothing came of it. Ultimately, I am a white woman whose co-workers were all white. And my story ends there.

If we imagine what would have happened if I were a Black woman, or if some of my Black co-workers had been present that evening, then this story might include use of force, an arrest, or worse. We are often left to use our imaginations when speaking about local police departments because there is no required reporting for use of force investigations, there are no guarantees that internal investigations will ever be made public. The Law Enforcement Officers Bill of Rights ensures that a supposed "officer of the law" is actually above the law. While I can look up any citizen to see if they have an assault charge using Maryland Case Search I can't so much as know if an officer with the right to carry a firearm and deprive me of my freedom has been found guilty of use of force. If I had been arrested that evening how would my family, my lawyer, be able to fight for me? I would attend a trial where all of my actions would be laid out before a court, but those of the officer would be kept secret. That is not a fair and just system, and it is those "what ifs" that continue to ensure that I, and many of my neighbors, do not feel safe when police are present.

I would like to thank the workgroup for its time and look forward to seeing what legislative recommendations you have for the upcoming session.

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#### Testimony of Tyreese R. McAllister

I am extremely honored to be able to testify today. I live in Prince George's County and for the last 25 years, I have served as a Crisis Response Mental Health Professional. Often this work requires law enforcement support to assist vulnerable, traumatized, and mentally ill citizens. I do not consider this work hard, but it is HEART work. It is not easy to assist citizens who often don't want any interference or an intervention. This work can be dangerous as some of these individuals may be paranoid, frightened, or violent. The police involvement is often needed for people who need the psych treatment, but do not want or will not get the help without a forced intervention.

Officers can volunteer for Crisis Intervention Training. Specialized training that provides knowledge on dealing with consumers who have mental illness, an intellectual disability, or suffering from a medical emergency that presents psychiatrically. This training will provide the tools necessary to improve their

engagement with vulnerable citizens and reduce injury and death to people who require their assistance but may not be willing or able to get treatment voluntarily. This training should be mandatory for all officers.

In 2017, my daughter was murdered in Washington, DC. The Metropolitan Police Department responded and was very gracious to me and my family. Chief Peter Newsome took personal interest in the case and extended himself and his officers to us. The murder of my daughter remains unsolved. My daughter was killed during the day in a community where there was plenty of foot traffic outside. While I feel someone had to know something, not even a reward of \$25,000 could encourage the community to share information with the detectives. As a mother, of a slain 18-year-old college freshman, I am discouraged about a community who will not share information on who murdered my daughter with the police. As an African American, I know first-hand, that the police have not always been a friend to Black and brown communities.

Gun violence is a uniquely American epidemic, and gun violence by police is also. Yearly, law enforcement officers in the US, reportedly kill more than 1,000 people. This is the tip of the iceberg because it doesn't include police officer who discharge their service weapon a miss their target or cause injury. The combination of systemic racism, White Supremacy, and the America's gun culture is toxic—and Black people in particular are victims at a disproportionate rate.

The citizens of this United States, need police. Urban communities of color, where homicides and crime are high, need the police even more.

As a mother, as an African American woman, as a mental health professional, I implore you to fix our law enforcement problems so all citizen can feel safe. Community safety is a human right.

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This testimony represents my opinions only. It does not in any way represent the opinions of the Baltimore City Civilian Review Board. I sit on the Civilian Review Board ("CRB") as the representative of the Northern District, but this testimony represents my opinions alone.

Repeal the Law Enforcement Officers' Bill of Rights. There are many aspects of the LEOBR that hamper accountability efforts. For example, under the LEOBR, during an internal affairs investigation, only another police officer is permitted to interview the police officer who is alleged of misconduct (the "subject officer"). Therefore, in Baltimore City, the individual asking the interview questions is another police officer from the same police department, which creates a conflict of interest that could impact the effectiveness and impartiality of the interview. Sometimes, the CRB is provided a summary of these interviews. Sometimes, the question at the heart of the matter is NOT asked. For example, a complainant alleged that a Baltimore City police officer stole money from her during a traffic stop. During the interview of the subject officer, this allegation was never even brought up. (Further, in this case, body worn cameras had been turned off at certain points.) In my opinion, when the interviewer is another police officer, the resulting interview is not a reliable investigatory resource. Additionally, witness officers, who are not covered under this provision of the LEOBR, nevertheless often decline to be interviewed by CRB investigators. Therefore, the CRB must rely on PIB's interview of the subject officer and/or witness officers.

Return the Baltimore Police Department to local control. Having the opportunity to review BPD's internal administrative investigations from what is currently called the Public Integrity Bureau has revealed to me problems within this process. Remedy of these problems is better done at the local level where citizens can directly petition their city council and mayor to make appropriate changes, as the city council and mayor are already intimately involved in and aware of BPD's workings.

Establishing a uniform statewide use of force and arrest policy. Yes! Let us join the 41 states that have enacted such a law, so that citizens who live in PG County understand what their rights are when they are in Baltimore County. Let us follow California's lead in enacting a modern use of force state statute.

Use and disclosure of body worn camera. At least in Baltimore City, violations of the BPD body worn camera policy should be routinely and evenly enforced. Everytime. Further, the Maryland Public Information Act must be changed to allow disclosure of police department's internal administrative investigations and results, including any relevant body worn camera. The CRB isn't always provided all of the investigatory documents from PIB. If the CRB isn't provided all of these documents, how can the public expect any sort of reliable accountability and transparency? These documents are protected under the MPIA, so there is no other way to get them. Because there is no other way to get these documents, they are shrouded in the protection of secrecy, and accountability and transparency is impossible. Police officers are civil servants. For example, attorney grievance opinions and judicial disability opinions are public. I cannot understand why the same is not true for police officers. We are in the minority of states that still wholly prohibit disclosure of these materials. (Cite: webinar with Sharon R. Fairley from the University of Chicago School of Law -- <https://policeoversight.uchicago.edu/cities>).

Independent prosecution of law enforcement-related crimes. Yes, please. As described above, PIB and CRB are not getting the job done. The CRB statute needs to be amended to give the CRB some teeth. For example, the CRB needs a budget and independent counsel. Currently, CRB's final decision is sent to the Commissioner merely for his consideration; no return correspondence is sent to the CRB. Due to these issues and more, the CRB is unable to provide robust accountability and transparency for the citizens of Baltimore.

Sincerely,

Natalie Novak  
Baltimore, MD 21209

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Police Reform & Accountability Workgroup Public Hearing  
August 6, 2020 at 4:30pm

Dear Chair Atterbeary and members of the Workgroup:

My name is Jordan Harburger and I am a resident of District 11. I want to thank this workgroup for the important work you have undertaken regarding Meaningful Police Reform amidst of the COVID-19 pandemic. It is a long time coming and much needed.

I am calling on the General Assembly to pass five specific and impactful reforms: 1) repeal the Law Enforcement Officers' Bill of Rights (LEOBR); 2) restore local control of the Baltimore City Police Department; 3) make investigations into police misconduct transparent; 4) limit the use of force by law enforcement; and 5) remove law enforcement from schools.

These reforms can help stop the racist, corrupt, and inequitable policing that has been occurring too often in Maryland for decades and continues today.

The Law Enforcement Officers' Bill of Rights (LEOBR) is a terribly regressive law. It permits self-investigations by police departments, and has contributed greatly to a culture of impunity for excessive use of force by police in this state. In addition, the Maryland Public Information Act (MPIA) denies the public access to critical information about police misconduct.

The residents of Baltimore have been calling for local control of the Baltimore Police Department for years. Without local control, Baltimoreans are forced to rely on the 3-month session of the General Assembly for changes to policies and practices. Especially amid a national uprising calling for police accountability, and in a state without laws that formally limit the use of force by law enforcement, this is unacceptable and must change.

Finally, the General Assembly must remove police from our children's schools. Police in schools don't increase safety, but have instead lead to violent escalations of ordinary student behavior, targeting especially Black students and students with disabilities.

In pursuit of a more Just Maryland I urge you to effect these reforms by statute.

Sincerely,

Jordan Harburger, Owings Mills, MD

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Chair Attebeary and Task Force Members,

I speak today from three perspectives:

- (a) a nurse of 40 years in a profession violence has been directed towards us from those we serve
- (b) a mother of two brown skinned young men who face discrimination for nothing else but their skin color and perceived origins and finally
- (c) a women who has only encountered kindness and courtesy from police, even though I have never been able to talk my way out of much as a traffic ticket.

The points I raise are hopefully not new, but rather underscore what is important from the perspective of a member of the public:

First, it is pointless to deny that systemic racism does not exist in policing. Denial does nothing. The current challenge is to understand and respond to its contours. This includes understanding the ominous movement towards positioning our police as defacto counterprotesters and creating further polarization between the police and certain sectors of the public.

To address systemic factors, you must learn from other professions which have been forced to change and for whom change has been equally painful. Learning only from yourselves is too limiting.

My profession has learned from such disparate groups as air traffic control and assembly line workers. We have learned the importance of developing systems for risk reduction. Key themes include detailed root cause analysis as well as analyzing near misses when a critical threat to safety did not occur either because of our actions or sheer luck.

So for police reform, nothing less than a caring but data-driven, evidenced base approach is acceptable. The next thing I would urge you to do is to understand the limits of police expertise. That is why triage and sharing responsibility and funds is so important.

Next, please use your community. In Maryland, there are so many who have the wisdom that comes from sorrowful encounters with police as well as a host of others with important skill sets. So many of us are waiting to be asked to help and many would volunteer their services free of charge. The people of Maryland want to help

That brings me to my last point. Humility. Changing systemic racism and improving policing takes this true sign of strength. We want our police force to succeed  
Thank you for listening to my testimony.  
Submitted by Nalini Jairath

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**Testimony to the Maryland House of Delegates Workgroup to Address Police Reform and Accountability in Maryland**

August 6, 2020

Delegate Atterbeary and members of the workgroup, thank you for the opportunity to comment today on police reform and accountability in Maryland.

My testimony is on behalf of Takoma Park Mobilization, an advocacy organization with 2,000 members in the Takoma Park-Silver Spring area, active in environmental, justice, and economic matters.

We appreciate your efforts to study sensible, necessary changes to state law to improve public safety and boost police accountability. We have discussed this initiative and other reform possibilities within our group’s Equal Justice committee, with organizations including the ACLU, and with our representatives including notably Senate Judicial Proceedings Chair Will Smith.

We recently joined dozens of other advocacy organizations in calling for five major reforms:

1. Allow investigations into all police misconduct to be disclosed under the Maryland Public Information Act (MPIA).
2. Create statutory limits on the use of force by law enforcement.
3. Repeal the Law Enforcement Officers’ Bill of Rights (LEOBR).
4. Give the people of Baltimore the ability to govern the Baltimore City Police.
5. Take law enforcement out of schools.

We reiterate this call and reinforce the need for the House to listen to its resident constituents rather than deferring to Fraternal Order of Police chapters and police-department and prosecutor lobbyists. Reform should be enacted with an eye towards shifting of legislative and funding priorities away from policing and toward other ways to keep our communities safe.

Regarding LEOBR repeal, we call for replacement with state standards and mandates for meaningful civilian oversight and access to disciplinary records and databases, among other points. While we find attractive the notion of empowering Maryland’s police chiefs to handle matters under their purview without current constraints, Maryland needs state transparency and accountability standards that can not be negotiated away in concessions to local police fraternal orders.

Please make comprehensive police reform legislation, including LEOBR repeal, a priority for the 2021 Maryland legislative session.

Submitted by: Seth Grimes, [seth.grimes@gmail.com](mailto:seth.grimes@gmail.com)

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Dear Members of the Maryland General Assembly:

I write as a Marylander concerned about abuse of Black and brown people by our police forces. Many of you have indicated that you share that concern. Now is the time for your action.

Specifically, I urge you to adopt the five legislative reforms as detailed by the ACLU of Maryland ("ACLU") and others (see

<https://drive.google.com/file/d/1jsWz8x5HhmEa1ozqWTrwwWbJBOPjVB8J/view?usp=sharing>). In brief:

(1) allow disclosure of police misconduct complaints and disciplinary proceedings and related materials notwithstanding the provisions of the Maryland Public Information Act; (2) limit police use of force to "necessary" force, ban specific uses of force, such as neck restraints, as identified by the ACLU, and require police officers to intervene to prevent improper use of force; (3) repeal the Law Enforcement Officers' Bill of Rights ("LEOBR"); (4) empower Baltimore City to run the Baltimore City Police Department; and (5) take the police out of our schools by ceasing funding of and otherwise promoting utilization of School Resource Officers and by banning school district placement of police in schools, and facilitate the hiring of well-trained counselors, social workers, and other behavioral specialists in place of SROs.

I know that this is not an easy lift, and that some or all of the ACLU-proposed reforms will be opposed by police departments, police unions, and criminal prosecutors. But I believe their interests are more vested than principled. Systemic racism in policing no longer reasonably can be denied. And ordinary reforms -- increased education and training, for example -- have been tried and found wanting. Structural reforms are required to cure a structural problem. Today, police can act with near impunity, shielded by police unions and union contracts, the unwillingness of fellow officers to step up to prevent or condemn specific instances of abuse, and the LEOBR (which goes so far as to delay and confound investigations of police abuse). The opponents of structural reform are comfortable with things as they are. Marylanders and their legislators cannot be, because the alternative is more of the same: more police abuse; more criminalization of student behavior; and more fear of police within our communities, which is itself antithetical to effective policing. Any opposition to the ACLU-proposed reforms by police departments, police unions, and prosecutors must, in the end, be dismissed as special pleading. Rather, the cries of abused people and communities must be heard and served by enactment of the five proposed reforms.

Police long have complained that society expects them to fulfill too many roles; roles for which they are ill-suited. The police cannot, and should not be expected to, act capably in the roles of mental health specialist, school behavioral resource, etc. These roles must be filled by appropriate behavioral specialists, funded adequately by the state and localities. Let the police focus on limited and responsible policing, guided by statutory use of force requirements effectively enforced through prompt, meaningful, and transparent handling of abuse complaints.

Thank you for your consideration.

Michael Bloom  
North Kensington

Montgomery County, MD  
m.j.bloom@comcast.net

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Good afternoon,

To accompany my verbal testimony on Aug 6<sup>th</sup> 2020 on the impacts of overpolicing of black and immigrant communities in Maryland, I'd like to share the following links to research findings "Relying as we often do on a few statistics to describe a national phenomenon, we can easily be misled to believe that all segments of the population equally share the burden of parental incarceration. A closer examination of the numbers, however, reveals that communities of color are more at risk: Data from 2007 (the most recent data available) show that African-American children and Hispanic children were 7.5 times more likely and 2.3 times more likely, respectively, than white children to have an incarcerated parent.[8] Also, 40 percent of all incarcerated parents were African-American fathers.[9] The burden of parental incarceration on these communities has changed over time. For example, about 15 percent of African-American children born in the 1970s had a parent who was incarcerated. Twenty years later, the rate had nearly doubled to 28 percent.[10]" Source: [US Department of Justice](#)

"The emerging literature on the family and community effects of mass incarceration points to negative health impacts on the female partners and children of incarcerated men, and raises concerns that excessive incarceration could harm entire communities and thus might partly underlie health disparities both in the USA and between the USA and other developed countries." Source: Wildeman& Wang in [The Lancet, 2017](#)

"Paternal incarceration prompts household instability, increases the risk of childhood homelessness, and increases dependence on public assistance." Source: [National Council on Family Relations](#)

Larry McNeely  
Greenbelt MD

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Joe Magar  
District 41  
Baltimore, MD 21211

August 6, 2020  
Police Reform & Accountability Workgroup Public Hearing  
Chair Atterbeary and members of the Workgroup:

My name is Joe Magar and I live in Baltimore. As part of Jews United for Justice I want to reiterate the five reforms that we, along with 80+ organizations from around the State of Maryland, are calling on the General Assembly to make: 1) repeal the Law Enforcement Officers' Bill of Rights (LEOBR); 2) restore local control of the Baltimore City Police Department; 3) make investigations into police misconduct transparent; 4) limit the use of force by law enforcement; and 5) remove law enforcement from schools. While all of these reforms are critical for substantive change in my short time, I will speak to skewed standards of accountability provisions like the LEOBR and current state of the MPIA create.

For most of my career, I've worked in the performing arts and my track record is always two

steps ahead of me. When I'm at the top of my game it's a foot in the door of my next opportunity, but when I've bitten off more than I can chew, underperformed or been unprepared, it rides ahead like a warning beacon. While no one's life is ever in my hands, the same can't be said for my wife. As a primary care physician her decisions directly affect the health and safety of patients, and like police, risk to personal safety is also high with the majority of workplace violence reports occurring in the medical field. Despite this, physicians are held to a higher accountability standard. Patients can look up physician disciplinary records on the Maryland Board Physicians website and information that is kept from the public is done so to protect the patient's medical privacy. This seems to opposite for law enforcement, where police records are shielded at all costs, but representatives from law fight tooth and nail against attempts to expand expungement or efforts to protect returning citizens from discrimination. This is not a defense of a meritocracy and the fact that race, wealth and privilege play so heavily in how our track records are perceived should only further highlight the importance of transparency and accountability. If law enforcement were held the same accountability standards as you or I, so many of the tragedies being discussed today could have been avoided.

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**Police Reform & Accountability Workgroup Public Hearing Written Testimony, August 6, 2020**

Chair Atterbeary and members of the Workgroup:

I write on behalf of the Silver Spring Justice Coalition (SSJC), an advocacy organization formed in the Summer of 2018 in response to the shooting of Robert White. Mr. White was an unarmed, Black man who was killed by a police officer while taking a walk in his own neighborhood in Silver Spring. Our Coalition draws from throughout Montgomery County and includes neighbors of Robert White, community members, faith groups, and civil and human rights organizations. We envision a State and County where community and individual needs for safety are met while harm by police is eliminated. The SSJC believes that any policy reforms should be enacted with the ultimate goal of shifting legislative and funding priorities away from policing and towards less harmful ways to keep our communities safe. In the meantime, we believe that major changes are necessary to protect our community, particular our Black and brown community members. As a result, we recently joined dozens of other advocacy organizations in submitting a letter to the General Assembly calling for five major reforms. These include:

1. Allow investigations into all police misconduct to be disclosed under the Maryland Public Information Act (MPIA).
2. Create statutory limits on the use of force by law enforcement.
3. Repeal the Law Enforcement Officers' Bill of Rights (LEOBR).
4. Give the people of Baltimore the ability to govern the Baltimore City Police.
5. Take law enforcement out of schools.

We know from past legislative sessions that Marylanders want these reforms but that opposition from law-enforcement interest groups repeatedly stand in the way. We ask this Workgroup to listen to the majority of your constituents; stand up to law-enforcement and prosecutor lobbyists and do what is needed to change the harmful, racist, and violent culture of policing in this State.



Submitted by: Joanna Silver, Silver Spring, MD

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Workgroup to Address Police Reform and Accountability

Written Testimony – Part III

201 North Charles Street, Suite 1300

Baltimore, MD 21201

Facebook/Instagram/Twitter: @DecrimMaryland

info@decrimmaryland.com

**GOOD EVENING DELEGATE ATTERBEARY AND WORKGROUP MEMBERS,**

My name is Kendra Marsh, I am a resident of Baltimore City, and I am testifying on behalf of the People’s Commission to Decriminalize Maryland. The People’s Commission was created to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability or socioeconomic status.

Maryland law criminalizes adolescence. Young people can be charged in court with “status offenses” for behaviors such as skipping school and being disobedient at home. School resource officers can arrest students for “disorderly conduct” for fights at school - fights that are handled without police involvement in schools that don’t have a law enforcement on campus.

Did you know that in Fiscal Year 2019, 81% of referrals to the Maryland Department of Juvenile Services were for status offenses, citations, ordinance violations, and misdemeanor offenses? Research has told us time and time again that diverting these youth away from arrest and court involvement gets better public safety outcomes and better results for the young people themselves. So why has Maryland continued to rely on arrest and court involvement in these situations?

If a young person is struggling or engaged in concerning behavior, we should want to help them. But if we really want to help, the right response is to stop, listen to that young person about what is going on in their life, and then figure out how to support them in their own community. We cannot continue to rely on the police to respond.

I believe this is a moment in which we can tear down the power of police departments that have historically oppressed the most vulnerable in society, and instead uplift and provide resources for the communities that have been overpoliced. Thank you for your time.

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To: Police Reform and Accountability in Maryland Workgroup

Maryland General Assembly

August 7, 2020

Dear Workgroup Members,

I am writing to thank you for providing the forum for community members to speak with you regarding Police Reform. I submitted video testimony, and after listening to all of the speakers, I wanted to follow up with some additional thoughts.

As I noted in my video, I am a mother of 3 grown children, who has lived in Baltimore City for 26 years. I am also a social worker who has worked as a victim advocate in a District Attorney’s office (working often with police officers), a community mental health clinician, and a School Social Worker. As voiced in my statement, while I have worked with officers whom I have respected, I have also seen that our system of policing creates many who feel a dangerous amount of entitlement, immunity, and power when wearing their badge. This combined with the history of institutionalized racism inherent in our legal system, is dangerous and problematic for us all. The Law Enforcement Officers Bill of Rights serves to exacerbate the problem of police violence and brutality by giving police a statutory advantage over citizens as well as the time and resources to craft their stories, and cover up wrongdoing.

One of the concerns brought up during the testimony that was presented had to do with officers being put in the position of being social workers. I believe that officers absolutely do not have the clinical training to address and de-escalate the many social/mental health/relational violence situations for which they often respond. I have seen incidents where they try to assert authority and power and only make it worse. As a social worker, I have facilitated preventative communication between community officers and families of children with disabilities in an attempt to avoid the harm that can occur if officers are called and don’t know the child’s special needs, but this is not a common enough occurrence. I also know of situations where specifically trained officers working in collaboration with mental health clinicians or social workers can be very helpful at de-escalation, keeping people safe, and helping them access resources. We sorely need many more collaborative crisis teams in this state. When people call for crisis response it is not unusual to be told they will have to wait a number of hours or that they should just call 911 because no one is available. This is unacceptable. Clinical social workers have had years of schooling specifically focused on social/emotional needs and systemic issues facing our communities. Police training alone isn’t sufficient to handle many of these cases. I believe that if half of the resources currently put into policing were put into mental health treatment and community support services, our State would be a much safer and healthier place to live in.

As a white woman and mother in Baltimore City I have seen how institutionalized racism in policing plays out in our community. My teenage children driving a car that many associate with black drivers have been pulled over for a “light out”, and experienced an officer’s surprised face and only a verbal warning when they saw they were white. A child of mine got into a verbal altercation with an officer at

the harbor about skateboarding. The officer let him walk away. I can help but wonder what would have happened if my son had been black. One of my children was with a racially diverse group of friends in a park filming a project for school and was suddenly surrounded by officers with guns drawn and told to lay on the ground. When questioned from the ground about why they were doing this, the officers claimed someone in the area had reported teens trying to break into a car. Luckily no one was shot. I have had conversations with mixed race groups about traffic stops. All of the white people had been given a warning before and none had been threatened. Most of the black people had either never gotten a warning or had been, at times with guns drawn, threatened during a traffic stop. When we look at specific cases of corruption and brutality in Baltimore City over the years we see how far this has gone. From the "Jump out Boys", to the DOJ report resulting in the consent decree, to the Gun Trace Task Force, the number of unsolved murder cases where black citizens were victims, the "War on Drugs" targeting poor black communities but not the "white L", and the blue code of silence which appears to extend to the medical examiner's office as well as the States Attorney's Office, we in Baltimore clearly have a problem with corrupt, violent, and racist policing.

Our problem with the lack of accountability of police in Maryland must be addressed now. The victims of police brutality and family members of people lost to police violence tell us that they belong to a traumatized and hurting group that they would wish on no one. It is beyond time to listen to Tawanda Jones (Tyrone West), Marion Gray Hopkins (Gary Hopkins), Latoya Holley (Anton Black), Marguerite Morris (Catherine Morris), Darlene Cain (Dale Graham), Shanna Oates (Emmanuel Oates), Marah O'Neal (Jamal Taylor), Marcus Pettiford (Anthony Anderson), Kelly Davis (Keith Davis jr.), Ms. Owens (William Green), and the others that gave testimony at the hearing on 8/6/2020. I believe that the following changes must happen in order to begin to address our problem with policing in Maryland:

1. LEOBOR must be fully repealed/abolished.
2. Cases of Police Misconduct must be handled by an entity outside of local departments, and all past cases of police brutality must be reopened.
3. There must be an end to qualified immunity for law enforcement.
4. We need to provide for strong civilian oversight and investigation of officer and law enforcement misconduct with transparency and access to personnel records, and the ability to file criminal charges when appropriate.
5. Rather than officers in schools policing students, we need to facilitate collaborative relationships between school based support staff and local law enforcement/crisis teams to decrease the school to prison pipeline.
6. There need to be expanded crisis teams in all communities, without funding taken from other social service/mental health/ education resources to do this.

Thank you for your attention to this letter. Please feel free to contact me if you have any questions. Please also keep me informed of any ways that I may help advocate for the needed changes above.

Sincerely,

Hilary Hellerbach, LCSW-C  
Baltimore, MD. 21214

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## **Americans support police reform, even in the reddest states**

***From California to West Virginia, voters want to get rid of police contracts that protect officers who do wrong***

[YouGov Blue](#)

**Aug 17 · By Emily Bello-Pardo, Monika Nayak, and John Ray**

Across the country, protests against police violence have challenged the contracts and laws that protect officers under even the most extreme circumstances. A series of recent YouGov polls asked voters how they felt about police unions, their contracts with cities, and the protections those contracts afford. We found that voters are overwhelmingly ready for change. This includes the notorious “[Law Enforcement Officers’ Bills of Rights](#)” agreements that often delay or dismiss investigations into police misconduct, which even conservative voters in the “reddest” states support repealing.

### **Large majorities of voters support ending Law Enforcement Officers’ Bills of Rights**

Regardless of party affiliation, voters generally support letting investigations into police misconduct proceed as would investigations into other public servants suspected of wrongdoing. This often is not the case in cities where police union contracts set the terms for when and how officers can be interviewed by investigators. In a June survey, we found 77 percent of respondents strongly or somewhat support repealing the contract provision that disallows independent reviews of officer misconduct and often delays those reviews

Eighty-three percent of Democrats support repealing this policy, with 9 percent in opposition. Independents in the sample showed support at 79 percent with 13 percent in opposition. And, with 68 percent of Republicans in the survey in support and only 22 percent of Republicans in opposition, we found that a majority of voters across party lines support repealing agreements that delay or dismiss investigations into police misconduct.<

Support for ending protections granted by these Law Officers’ Bills of Rights (LEOBs) remains high across different geographies. We surveyed a total of 7,700 registered voters in seventeen states with between June 24 and July 2, 2020, with an additional survey fielding August 5–15, 2020 and asked them the exact same question as above. The graphic below shows the overall level of support in each of these 17 states for repealing the protections encoded in these Bills of Rights. Each state was sampled and weighted independently, so that the results are statistically representative for each state.

Across the country, effective supermajorities in the states that have them support ending LEOBs. Fully 75 percent of voters in Arizona, for example, support ending the LEOBs that exist in their state, as do 71 percent of voters in West Virginia. In the most supportive state, Rhode Island, 80 percent of voters support eliminating LEOBs. In Georgia the least supportive of the states, fully 63 percent agree. Across the states in the sample, large majorities support reforming or eliminating LEOBs

Notably, these results do not correlate with factors like partisanship. Kentucky and West Virginia, which each gave Donald Trump over sixty percent of their votes in 2016, support eliminating LEOBRs at statistically identical levels to California and Maryland, which supported Hillary Clinton at similarly high levels in 2016. Next, we explore individual elements of LEOBRs and show that voters support reforming a range of protections afforded to police officers, even controlling for partisan differences.

### **Strong support for eliminating individual LEOBR and police union protections**

Voters support several reforms meant to balance police union power with the groups and individuals tasked with oversight of law enforcement. In a national survey, we asked voters about reforms that would balance police union protections with increased access to information about officers accused of misconduct, and additional avenues of recourse against those officers.

For example, 71 percent of voters support preventing the destruction of disciplinary records, which is currently allowed in many police union contracts.<sup>1</sup> Just 20 percent oppose the idea. Fully 78 percent of Democrats, 64 percent of Independents, and 66 percent of Republicans agree that disciplinary records should not be destroyed

Similarly, 69 percent of voters support reforming police union contracts to ensure that independent investigators have the same level of access to officers accused of misconduct as their departments do.<sup>2</sup> In many places this is not the case, as some LEOBRs shield access to information about incidents that the officers involved naturally have, but that investigators do not. This includes 76 percent of Democrats, 62 percent of Independents, and 63 percent of Republicans.

In addition to supporting a better balance between oversight bodies and police unions, voters support allowing the public to have more access to oversight and disciplinary records. We find, for example, that 66 percent of voters support lifting restrictions on disciplinary oversight so that journalists and the public have access to officer discipline records — again, including large majorities of Democrats, Independents, and Republicans.<sup>3</sup>

While some of these contracts have clauses that prevent oversight bodies from interviewing officers for up to several days after an incident, voters think oversight should be prompt.<sup>4</sup> Sixty-four percent of voters somewhat or strongly support eliminating these restrictions, including majorities of Democrats, Independents, and Republicans. Democrats overwhelmingly reported they “strongly” supported changing this policy. Republicans were more tepid, with 19 percent “strongly” supporting changing this policy and 32 percent only “somewhat” supporting a change.

Moreover, some of these police union contracts allow police departments to waive misconduct complaints if the complaint is submitted too many days after an incident or if the investigation takes too long to complete. Sixty percent of all voters would support eliminating the statute of limitations on filing misconduct allegations against an officer. Sixty nine percent of Democrats, and 53 percent of Independents, and 53 percent of Republicans support this position as well.<sup>5</sup>

In another survey conducted shortly after our first national survey, we found that voters supported even more dramatic changes to police union contracts in favor of transparency and openness.<sup>6</sup> Fully 72 percent of voters supported making all misconduct allegations against officers accessible to the public, which many police union contracts currently prohibit

Voters clearly prioritize having access to, and information about, the conduct of their cities' police forces.

### **Voters want more transparency in police union negotiations**

In another national survey, we pressed voters on their priorities when it came to empowering police unions versus holding officers responsible. Voters across the partisan spectrum prioritized making it easier to remove officers over protecting the power of police unions. We asked,

*Even if it isn't exactly right, which of the following is closer to your view?*

- 1. When it comes to the police, it is more important to be able to easily remove officers who engage in misconduct, even if it means weakening some of their union protections*
- 2. When it comes to the police, it is more important to ensure they have strong union protections, even if it means weakening the ability to remove officers who engage in misconduct*
- 3. Not sure*

When asked explicitly, voters report they prioritize being able to hold police accountable over protecting the powers of police unions. About 76 percent of voters said it was more important to be able to remove officers who engage in misconduct, and just 13 percent said it was more important to protect police officer unions. When asked whether they thought the power of police unions should be strengthened or reduced, about 57 percent said they should be reduced.

This high level of support persists even controlling for other factors like partisanship. Large majorities of Democrats, Independents, and Republicans prioritize holding police officers accountable over strengthening their unions

Overall, US voters report they are strongly supportive of reforming the power of police unions. Voters in states with LEOBRs report they are ready to reform or eliminate them. Voters want investigative authorities and oversight bodies to have the power to hold police accountable, and believe the police should follow the same laws as the rest of us.

### **Methods**

*Campaign Zero and YouGov Blue fielded questions over several surveys with varying sampling frames. Here, we briefly summarize the surveys included here.*

*From June 18–19, 2020 we sampled 1,031 self-identified registered voters at the national level. The sample was weighted to be representative of the population of US voters by age, race/ethnicity, sex, education, US Census region, and 2016 Presidential vote choice. The weights ranged from 0.00 to 6.16 with a mean of 1, standard deviation of 0.89, and a margin of error of +/-4.09 percent.*

*Second, we surveyed 1,058 registered voters between June 23 and 29, 2020, with weights ranging from 0.05 to 6.20 with a mean of 1, standard deviation of 0.81, and a margin of error of +/- 3.88 percent. The sample was weighted to be representative of the population of US voters by age, race/ethnicity, sex, education, US Census region, and 2016 Presidential vote choice.*

*Third, we fielded a survey of 1,023 registered voters from July 23 to 27, 2020, with weights ranging from 0.02 to 6.01 with a mean of 1, standard deviation of 0.59, and margin of error of +/- 3.57 percent. The*

*sample was weighted to be representative of the population of US voters by age, race/ethnicity, sex, education, US Census region, and 2016 Presidential vote choice.*

*Fourth, we surveyed a total of 6,707 registered voters in fifteen states between June 24 and July 2, 2020 with the following sample sizes: N=534 in Arizona, N=658 in California, N=306 in Delaware, N=621 in Florida, N=607 in Illinois, N=417 in Kentucky, N=410 in Louisiana, N=414 in Maryland, N=427 in Minnesota, N=406 in Nevada, N=308 in New Mexico, N=429 in Oregon, N=302 in Rhode Island, N=519 in Virginia, and N=349 in West Virginia. Each state sample had a mean weight of 1, with an overall minimum of 0.1 and an overall maximum of 6.3. The sample was weighted to be representative of the population of US voters by age, race/ethnicity, sex, education, and 2016 Presidential vote choice.*

*Fifth, we fielded a survey of 1,046 registered voters from August 8-August 10. The weights ranged from 0.2 to 5.3, with a mean of 1. margin of error was +/-3.5 percent. The sample was weighted to be representative of the population of US voters by age, race/ethnicity, sex, education, US Census region, and 2016 Presidential vote choice.*

*Sixth, we fielded a survey of 993 voters in the states of Georgia and Tennessee from August 5–15, 2020. The survey included 537 registered voters in Georgia and 456 registered voters in Tennessee. The weights ranged from 0.1 to 6.2. The sample was weighted to be representative of the population of voters in these states by age, race/ethnicity, sex, education, and 2016 Presidential vote choice.*

*Please contact the authors at [yougov.blue@yougov.com](mailto:yougov.blue@yougov.com) with any inquiries about sampling, weighting, or methodology.*

#### ***Additional Survey Wording***

*1. We asked, “Some police union contracts allow police departments to destroy or purge discipline records in police officer personnel files whether or not the officer is convicted of a crime. Would you [support or oppose] a policy that would prevent departments from destroying discipline records for a long period of time or indefinitely?”*

*2. We asked, “Some police union contracts allow police departments to destroy or purge discipline records in police officer personnel files whether or not the officer is convicted of a crime. Would you [support or oppose] a policy that would prevent departments from destroying discipline records for a long period of time or indefinitely?”*

*3. We asked, “Some police union contracts limit disciplinary consequences for officers and limit the capacity of civilian oversight structures to hold police accountable, including by forbidding journalists and investigators from accessing prior reports of police misconduct. Would you [support or oppose] a policy lifting these restrictions on disciplinary consequences for police officers and keeping them accountable?”*

*4. We asked, “Some police union contracts prevent police officers from being interrogated immediately after being involved in an incident, such as when a weapon is fired or someone is killed, and sometimes restrict how, when, or where officers can be interrogated. Would you [support or oppose] eliminating restrictions on the conditions for police officers to be interviewed after an incident of misconduct?”*

*5. We asked, “Some police union contracts allow police departments to disqualify complaints of misconduct against officers, which include for abuses of power, excessive force, or other bad behavior, if*



*the complaint is submitted too many days after an incident occurs or if the investigation takes too long to complete. Would you [support or oppose] a policy that greatly raises or eliminates these statutes of limitations?"*

*6. We asked, "And even if police departments are not allowed to destroy or purge discipline records, many departments are allowed to keep the public from seeing some or all of those files, including civilian oversight groups. Would you [support or oppose] a policy requiring all allegations of police misconduct to be made public, so that departments cannot prevent them from being seen?"*

Submitted by: Cole Greene, zip code 21231

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Police need to stop the practice of detaining people on the ground except in extreme cases | COMMENTARY

**By Larry Gibson**

For The Baltimore Sun |

Aug 12, 2020 at 6:12 AM

Police in Aurora, Colorado detained and handcuffed a Black mother and four children after mistaking their SUV for a stolen motorcycle from another state. (Twitter)

The recent video of an incident in Aurora, Colorado where police officers forced a 6-year-old girl, her teenage sister, two cousins and an aunt to lay face down on hot asphalt was for me the last straw. It was heart wrenching to hear the child crying and pleading to be moved next to her sister. This family had committed no crimes, but they were victims of police misidentification and an horrendous police practice that must be curtailed by law.

Police officers frequently force people, especially Black men, women and children, to lay prone face down on the ground with their hands cuffed behind their backs. The police do this without knowing, and apparently without caring, whether people have physical or medical conditions that make complying painful or harmful.

Many people cannot lay on their stomachs without great discomfort, even in their own beds, much less out in the street. Breathing difficulties, obesity, heart disease, muscle tightness, back problems, injuries and other problems can make complying difficult or dangerous. Applying handcuffs and/or pressure to the person compounds the risks.

Sometimes this police practice leads to death. Take what happened to John Elliott Neville, a Black man in North Carolina, who died after being held down on his stomach while in handcuffs, according to several news reports. The medical examiner called it "hypoxic ischemic brain injury due to cardiopulmonary arrest due to positional and compressional asphyxia during prone restraint." In the video, one can hear Mr. Neville pleading that he could not breathe. His own body smothered him to death.

Forcing people to the ground often escalates the encounter into a physical struggle, when the frightened citizen panics and squirms as the police officer insists on immediate compliance and

interprets the citizen’s response as “resisting arrest.” We have seen too many videos of such struggles leading to tragedy.

Besides being dehumanizing, forcing people to lay face down on the ground is grossly unsanitary. The ground is where virus droplets, saliva, sweat and filth land and accumulate. Who knows what one will touch or inhale while down there?

Of course, there are circumstances where police have no other reasonable alternative but to restrain a person, perhaps even on the ground. But that should be a last resort, not a standard default procedure. Standing over citizens prone on the ground gives police such a feeling of dominance that they will resist change and legislation will be required to curtail this practice. I suggest enactment of legislation like this:

*A police officer may require a person to lay prone on the ground only when it is objectively reasonable, necessary and proportional to obtain compliance with lawful commands or resolve a conflict. The police officer must consider any knowledge or lack of knowledge about the person’s medical or physical conditions.*

It is understandable that a person would resent the dehumanizing experience of being treated like an animal. For Black people, it is too reminiscent of our images of slavery. Undoubtedly, some people suffer long-term trauma and emotional damage from these encounters.

A final casualty of this police practice is decent community police relations. Many people, particularly minorities, are afraid of the police and distrust their judgment, honesty and ability to be fair. The abuse of unnecessarily forcing them or their family members to lay on the ground exacerbates this fear and distrust. One can only imagine how those four youngsters in Aurora and many others who viewed the video of their ordeal will regard police in the future.

There is no reason to expect that most police officers or their unions will support this reform. If they will not even support banning life-threatening chokeholds, it is hopeless to expect police to support this regulation of their control over people’s bodies. Therefore, affirmative legislation, similar to what I propose, will have to be enacted over police objections.

*Larry S. Gibson is a professor of law and former associate deputy attorney general of the United States. His Twitter is @LarrySGibson*

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Police: Stop Treating Us Like Animals. We Do Not Belong On The Ground

COMMENTARY

By

[Larry S. Gibson](#)

-August 20, 2020

The video is heart wrenching – police officers standing over five black females lying face down on the ground, some with their hands cuffed behind their backs, the six year old girl crying and pleading to be put next to her teenage sister, who was struggling to keep her face up off the asphalt. This recent

incident in Aurora, Colorado, so reminiscent of images from slavery, involved a far too common police practice that must be curtailed by law.

While recent police reforms have focused on banning the chokehold, it is equally urgent to curtail the police practice of forcing citizens to sprawl face down prone on the ground while being detained. This practice is dehumanizing, dangerous, and most often unnecessary.

It must be remembered that the citizen being detained might not have committed any criminal offense. That was the case in Aurora. The police had mistakenly stopped the wrong vehicle and were detaining five innocent people. Their release with an apology did not make the harrowing experience any less traumatizing and emotionally damaging.

Human beings do not belong restrained on the ground like animals. In addition to being degrading, it is dangerous. Many people have medical and physical conditions that make it difficult, painful, or harmful to be on their stomachs. A police officer would typically not know whether a citizen had such a condition. More disturbing is that many police officers do not seem to care.

People have died as a result of being held on the ground by police. George Floyd was killed as police officers pinned him to the ground. Eric Garner died because he could not breathe, as Staten Island policemen held him down. That talented young man Elijah McClain tragically lost his life because he struggled against being held down by Aurora, Colorado police, after they had stopped him because he “looked suspicious.”

John Nevelle in North Carolina suffocated when he was kept on the ground as he too cried out that he could not breathe. Nevelle was literally smothered by his own body weight. The medical examiner called it “hypoxic ischemic brain injury due to cardiopulmonary arrest due to positional and compressional asphyxia during prone restraint.”

An increasingly compelling reason not to have people on the ground is that it is filthy down there. Virus droplets, spit, sweat, trash, and other harmful materials fall to the ground. Lying face down on the ground is risky in normal times. But, in the midst of a pandemic, it can be deadly.

Forcing people to the ground also tends to escalate police-citizen encounters. Incidents that could be calmly defused with some police patience become physical struggles, as frightened citizens react to aggressive actions by police officers demanding immediate compliance with their commands.

The citizen may not even know why the police officer is stopping them. Often, the citizen is confused as to what the officer is yelling at them to do. Recently released police body camera footage shows that George Floyd was confused and did not understand why the police were acting so violently. Too many police officers regard a citizen’s merely asking questions as “resisting arrest” and justifying the use of force.

Tragedies like what happened to George Floyd, Eric Garner, Elijah McClain, John Nevelle, and those five females in Aurora explain why many people, especially African Americans, are afraid of the police and demand reforms.

Undoubtedly, there are situations where police are justified in using force to subdue and hold detainees on the ground. But, that should be the exception, not the norm. Laws should be passed that read somewhat like this:

*A police officer may require a person to lay prone on the ground only when it is objectively reasonable, necessary, and proportional to obtain compliance with a lawful command or to resolve a conflict. The police officer must consider any knowledge or lack of knowledge about the person's medical or physical condition.*

Police officers and police unions can be expected to oppose even this modest clarification of the law. Lately, a serious question has arisen as to whether the police profession tends to attract particularly insensitive and bossy people or whether there is something about police training or police work that extracts the humanity out of so many officers. Whatever is the answer to that question, too many police officers seem to like their power to dominate citizens physically and will resist all efforts to curtail their prerogatives.

Therefore, federal, state, and local elected officials must enact laws to clarify that a police officer's unreasonable order to a citizen to get down on the ground is an unlawful order.

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