



**HOUSE JUDICIARY COMMITTEE
HB 1090: LAW ENFORCEMENT – COMPLAINTS AND INVESTIGATIONS AND USE OF FORCE
(ANTON’S LAW)**

MARCH 3, 2020

POSITION: SUPPORT

Showing Up for Racial Justice is a national network of groups working to undermine white supremacy and working toward racial justice. The Montgomery County chapter of Showing Up for Racial Justice represents the voices of over 1,500 people working locally for justice and equity.

We **Support HB 1090** which would restrict law enforcement officers’ use of force to what is reasonably necessary; establish that a trier of fact must take into account whether officers engaged in appropriate de-escalation measures or if their actions increased the risk of deadly force being used; establish that if an officer acted with an honest but unreasonable belief in the need to use deadly force that the officer would be guilty of voluntary manslaughter; allow for non-law enforcement to conduct investigations into police brutality; and require complainants be given a copy of the investigation.

In June 2018, Robert White, a Silver Spring resident known to all of his neighbors for his frequent walks through their quiet streets, was out for his usual walk. Montgomery County Police Officer Anand Badgujar had finished an unrelated call and noticed Robbie walking. Officer Badgujar claimed Robbie looked “suspicious” because his jacket had a rip in it. He came up behind Robbie and commanded “Hey big guy, you need to stop!” Robbie said, “Leave me alone” and kept walking. He had committed no crime, yet Officer Badgujar pursued him relentlessly, ignoring his plea to be left alone, and repeatedly engaged in behaviors that escalated the wholly unnecessary interaction until the point when Officer Badgujar shot and killed our beloved neighbor.

The Howard County State's Attorney's Office conducted an investigation and released a paltry one paragraph finding that the shooting was lawful and justified. The Montgomery County Police Department conducted an internal investigation and declared that Officer Badgular had not violated any department policy. The family and public have never seen the investigations nor do we know if witnesses were interviewed, body camera footage was reviewed, or what departmental policies allow officers to accost residents and escalate situations where no criminal activity is occurring.

If Anton's Law had been in effect, and Officer Badgular knew he could be found guilty of voluntary manslaughter if he failed to use de-escalation measures and took actions that increased the risk of deadly force, Robbie might be alive today. His sister, brother, and niece wouldn't have had to experience the unending trauma of losing their beloved family member to police violence. Instead, Officer Badgular is still on the police force, and our community has no idea if he has a history of other incidents of violence, or if he might use excessive force again.

Aside from the completely inadequate statements made by MCPD and Howard County SAO, which contained no details at all about the investigations, members of Robbie's family and the public were not given access to the investigations. We have no assurance that thorough and unbiased investigations were carried out. Anton's Law would have at least provided Robbie's family with copies of the investigation. That would have been little comfort to a family that will always have a missing member, but it is a vital step to providing accountability and transparency.

This bill would provide essential, common sense reforms to address officer misconduct and the lack of transparency and accountability of investigations into police brutality.

For these reasons, Showing Up for Racial Justice – Montgomery County supports HB 1090.

For more information, contact:

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