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SB436
Improperly Summoning a Police Officer – Civil Liability
Hearing: February 14, 2020 - 12pm
FAVORABLE

Chair, Vice Chair and entire Judiciary Proceedings Committee, thank you for the opportunity to share my support of SB436, which is a long overdue remedy for the discriminatory summoning of police officers in the State of Maryland.

First, I would like to share a short story with you to stress the importance of the passage of SB436. Throughout 2017 and early 2018, three white women in Detroit accused Marc Peeples, a black urban farmer, of a range of serious crimes. Among the allegations they reported to police, (all of which were determined in court to be untrue), was that he was seen brandishing a gun, participated in a drive-by shooting targeting one of the women's homes, and that he was a convicted pedophile.

While the Detroit judge called the case "ridiculous" and "disgusting", and admonished police and prosecution for moving forward the criminal case, Mr. Peeples lost his garden and his work contracts, and had to pay for defense attorneys and for bond to get out of jail. The case took an emotional toll and left him humiliated by the accusations when, in fact, all he had been doing was "gardening while black".

In 2019, Mr. Peeples filed a civil complaint and alleged that the women "knowingly fabricated all of [their] allegations" and "acted intentionally and concertedly to cause Marc economic harm and emotional distress" and that their behavior was "extreme, malicious, wanton, and outrageous", and worthy of \$300,000 in damages and punitive damages.

While that case is amongst the extreme cases with a laundry list of facts that warrant an award of the most monetary damages, cases with fewer incidents of allegations are equally as harmful to individuals and the community and are worthy of monetary damages. In other words, in cases where there may be only one act of intentional wrongful summons of the police that nonetheless equally outrageous, SB436 would give individuals the right of action to sue a person who intentional falsely summons the police against a person for the purpose of violating the Maryland Constitution, to discriminate or cause the person physical or emotional harm.

What these incidents around the Country shows is that there is a lack of accountability of people who abuse 911 to summons to police against persons of color, religious groups, and those in vulnerable communities or categories. While it is a crime under Maryland Criminal Code 9-501 to make false statements to a law enforcement officer with the intent to deceive and to cause investigation of other, the fine for that crime is only \$500 and those funds do not go to the victim of the false report. SB436 would award a victim up to \$10,000 in monetary damages, not

limiting any other available damages, which is a sufficient deterrent to those who would engage in such harmful behavior without such a penalty.

The U.S. Department of Justice Office of Community Oriented Policing Services has studied this problem since at least 2002 when they issued their first report called the Misuse and Abuse of 911 written in collaboration with the National Emergency Number Association. The report showed that they identified among the 183 million 911 calls made annually for police or other emergency services, that there are a substantial number of callers who “intentionally exaggerate” the seriousness of an emergency to get a quicker police response. The DOJ report calls categorizes them as “exaggerated 911 calls”.

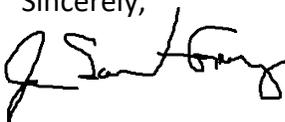
Regretfully, the DOJ 911 Misuse and Abuse report also states there is no “tracking” of the exaggerated calls, but the report nonetheless listed “exaggerated 911 calls” in the category of “serious abuses” of 911 services. The report goes on to indicate that the DOJ is aware that there are callers who make false 911 calls but give information in such a way that the caller knows there is enough room for “caller error” that he or she cannot be charged (or prosecuted) for the exaggerated 911 call. While in those situations criminal charges would not be pursued because of the inability to prove the facts beyond reasonable doubt, in civil cases, like what is proposed by SB 436, the burden of proof is by a preponderance of the evidence, which is a lower standard that can be proved by circumstantial evidence. In other words, SB 436 is the appropriate legal remedy through which private citizens can obtain redress for the improper summons of police.

It is further noted that there is no nationally recognized protocol to address 911 misuse and abuse, except that there are now national 311 call diversion services and other forms of technology used to reduce the drain on police resources. Regretfully, the report concludes with the point that there is a patchwork of federal, local and private responses to such abuses. Consequently, it is time to make SB 436 a law in Maryland to deter such discriminatory abuse of 911 police calls. As a criminal justice reform advocate around the state and in my home county of Montgomery County, there must be penalties that will hold individuals accountable for their abuse of 911 and terrorizing of vulnerable communities of color. If something is not done, there can be more incidents against vulnerable communities like the incident that occurred against Mr. Peebles.

Finally, I would like to make a friendly amendment to SB436 in light of the pending Byron Allen case, wherein at line 21, the phrase, “which need not be the sole intent” should be added after the word “intent”.

Therefore, I respectfully, request a favorable report for SB436.

Sincerely,



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