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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Chair Luke Clippinger and Members of the Committee
House Judiciary Committee
House Office Building Room 101
Annapolis, MD 21401

March 3, 2020

Testimony in Support of House Bill 1309 – Criminal Procedure - Law Enforcement Procedures - Use of Force

Dear Chair Clippinger and Committee Members:

I fully support House Bill 1309 entitled Criminal Procedure - Law Enforcement Procedures - Use of Force which would **codify a state-wide use of force statute** and specify circumstances for when law enforcement officers may and may not use deadly force.

Based on the Department of Public Safety and Correctional Services, **26 individuals were killed or seriously injured by state and local law enforcement officers in 2018 alone.**¹ This number is a low estimate as it does not include incident reporting from twenty law enforcement agencies which flagrantly did not comply with excessive force reporting requirements as outlined in the Public Safety Article 3-207(b)(1). Police violence and excessive use of force is not confined solely to one or two jurisdictions, rather police-involved deaths have occurred all across the state, in 17 counties and Baltimore City between 2010 and 2014.² In 2018, 75 criminal charges were filed against state and local law enforcement officers and 48 complaints of criminal misconduct were investigated and sustained.

African American and Latino Marylanders are more likely to experience use of deadly force and are disproportionately victims of police killings. In 2015, law enforcement officers used excessive force on Freddie Gray, resulting in injury to his spinal cord and death seven days later.³ And this incident is not unique, with Leonard Shand shot over thirty times by ten officers in Sept. 2019 while experiencing a mental health crisis,⁴ Demonte Ward Blake paralyzed from the waist down after a routine traffic stop in Oct. 2019,⁵ and Anton Black's death in police custody in 2018 which you will hear more about in another bill hearing today. **In Maryland, 69% of victims of police involved deaths were African American, although they only account for 29% of the state's population.**

¹ 2018 Report to the State of Maryland. Number of Serious Police Officer Involved Incidents and Officers Disciplined. *Department of Public Safety and Correctional Services.*

² Briefing Paper on Deaths in Police Encounters in Maryland, 2010-2014. *ALCU of Maryland.* March 2015.

³ Freddie Gray Case: DOJ won't charge Baltimore police officers." Kevin Rector. *Baltimore Sun.* September 2017.

⁴ Uliano, Dick. "Prince George's Co. Community Raises Questions About Police-Involved Shooting." *WTOP News.* 2 Oct. 2019.

⁵ Ejiochi, Ike. "Traffic Stop in Prince George's County Leaves Man Partially Paralyzed From the Waist Down, Girlfriend Confirms." *Fox 5.* 18 Oct. 2019.

This bill would bring Maryland in line with 38 other states which codify when law enforcement officers may use deadly force.⁶ Maryland's Commission to Restore Trust in Policing recently issued recommendations to improve relations between Baltimore Police Department law enforcement officers and citizens including: officers using de-escalation techniques before resorting to force, creating and adhering to a clear and comprehensive use of force policy, improving use of force reporting, and use of force training.⁷ This bill cements these recommendations into statute not just for law enforcement in Baltimore City but for law enforcement across the entire state.

The language and definitions presented in this bill derived from a thoughtful comparison of use of force guidelines of all county law enforcement agencies across the state. The bill text pulls primarily from Baltimore City Police Department's revised use of force policy and procedures that were created in the wake of the Consent Decree and codifies its recommendations for all law enforcement agencies as described above.

I have been working on improving use of force guidelines since the mid-1990s and it pains me to see state law lag behind national best practices on this issue. We know from national research that **police departments that place clear restrictions on when and how officers use force had significantly fewer police killings than those that did not have these limits in place.**⁸ Unless we codify a use of force statute and hold officers to a higher standard, innocent people will continue to be injured and killed at the hands of the police.

We must safeguard our citizens from police brutality in Maryland; lives will continue to be lost if we do not take action this legislative session. For all these reasons, I respectfully request a favorable report on HB 1309.

⁶ Police Use of Deadly Force. *National Conference of State Legislatures*. February 2020.

⁷ Preliminary Report December 2018. *Commission to Restore Trust in Policing*. December 2018

⁸ DeRay McKesson et al. "Police Use Of Force: Policy Analysis." *Campaign Zero*. Sept. 2016.