

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the Campaign for Justice, Safety, and Jobs. I am a resident of MD District **46**. My name is Lindsay Keipper and I am a barred attorney with 13 years of experience in the Baltimore City criminal justice system. I am testifying in support of **House Bill 139**.



House Bill 139 sets statutory limits on police use of force for the state of Maryland.

As one of the 9 states with no statutory language limiting police use of force, Maryland's police are only regulated by federal and local law. Currently, Use of Force in Maryland is governed by two Supreme Court cases *Graham v Connor* (1989) and *Tennessee v Garner* (1985). However, no state or federal law meets international standards for police use of force. The lack of a state law regulating or even defining the use of force means the state is governed by a patchwork of local departmental policies. Furthermore, because there is no law defining or prohibiting the inappropriate use of force, even lethal force, there is no cause of action for this independent of a general tort such as wrongful death, or a federal civil rights claim.

A meaningful police use of force statute needs to 1) make use of force acceptable only when "necessary" (rather than when "reasonable" as federal law states); 2) ban certain holds; 3) define "use of force" and delineate alternative actions; 4) limit on when officers can claim self-defense if their behavior incited the necessity to use force; 5) duty to de-escalate and to intervene with fellow officers; and 6) require police departments to enact policies to limit use of force against certain vulnerable people, including those who have mental/behavioral impairments and those who speak limited English. By implanting all of these provisions, a use of force statute will help to preserve human life and welfare and ensure accountability for actions done to people like George Floyd, Freddie Gray, Tamir Rice, Breonna Taylor, and the hundreds of people who lose their lives to police violence.

This statute gets the job done by laying out clearly the definitions of terms and the duties of an officer in a use of force type situation. It would eliminate ambiguity for police departments crafting their policies and police unsure when and how their authority should be exercised, as well as providing a much-needed avenue of relief for lives that continue to be taken or destroyed by inappropriate police uses of force.

It is for these reasons that I am encouraging you to vote **in support of House Bill 139**.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
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Showing Up for Racial Justice Baltimore