

Dear Members of the Maryland General Assembly:

We, the undersigned survivors of police violence, advocacy organizations, and concerned Marylanders demand that the following long overdue reforms be considered and passed into law during the next Maryland General Assembly Legislative session, and with sufficient time to override a potential veto by Governor Larry Hogan.

Over the past few weeks, you—our elected leaders—have issued countless statements, social media posts, and other expressions of solidarity with Black Marylanders who have suffered police abuse and our communities who demand justice. Now, we ask you to make good on your words. **We call on you to commit to voting for at least the following five common sense legislative reforms in the next session.**

As you know, policing in Maryland is broken in more ways than we can count and numerous worthwhile reforms will come before you. We encourage you to consider those proposals and pass all reforms that will bring justice for our communities. However, anything short of the five reforms listed below will not be acceptable to (y)our communities.

**1. Allow investigations into all police misconduct to be disclosed under the Maryland Public Information Act (MPIA)**

In Maryland, no member of the public can find out how police departments investigate misconduct. Even if you are a victim of misconduct, all you can find out is the outcome of your complaint and the discipline, if the officer was disciplined at all. You cannot find out whether the department conducted a thorough or lackluster investigation of your complaint (or any investigation at all). This is because Maryland's Public Information Act (PIA) prohibits disclosure of disciplinary files.

**Demand:** Allow all investigations into police misconduct to be disclosed under the MPIA.

**2. Create Statutory limits on the Use of Force by Law Enforcement**

Maryland is one of the few states that does not have a statutory limit on police officers' use of force. As a result, Marylanders' right against force by law enforcement is governed solely by the Supreme Court caselaw defining the minimal constitutional limits, and more specifically, the Supreme Court cases of *Graham v. Connor* 490 U.S. 386 (1989) and *Tennessee v. Garner* 471 U.S. 1 (1985). Under those decisions, a law enforcement officer may arrest a person if they have probable cause to believe the person committed a crime and may use force which is objectively reasonable to carry out the arrest. Under these standards, decades of the use of violent and often deadly force by law enforcement officers demonstrates that we must do more to protect our residents.

**Demand:** Pass a law prohibiting the use of force unless it is necessary (not merely reasonable), with both criminal penalties and the power for civil enforcement, including:

- i. A complete ban on some uses of force, including choke holds, strangleholds, neck restraints, neckholds, and other carotid artery restraints;
- ii. A ban on other uses of deadly and less lethal force with limited exceptions;
- iii. Defined reasonable alternatives that law enforcement must exhaust in order to effectuate a stop or an arrest;
- iv. Clear definitions of “deadly force,” (to include choke holds, strangleholds, neck restraints, neckholds, and carotid artery restraints); “less lethal force,” “necessary,” “tactics and techniques,” and “totality of the circumstances;”
- v. A prohibition on shooting at vehicles unless absolutely necessary;
- vi. A limit on officers’ ability to invoke the justification of defense or claim that force was justified if the officer’s behavior itself contributed to the necessity of the use of such force;
- vii. A duty for officers to intervene in improper uses of force by other officers;
- viii. A duty for officers to attempt to de-escalate encounters with the public; and
- ix. A requirement that all police departments enact policies and guidance for limiting use of force against:
  1. pregnant persons;
  2. children and youth under age 21;
  3. elderly persons;
  4. persons with mental, behavioral, or physical disabilities or impairments;
  5. persons experiencing perceptual or cognitive impairments due to use of alcohol, narcotics, hallucinogens, or other drugs;
  6. persons suffering from a serious medical condition; and
  7. persons with limited English proficiency.

### **3. Repeal the Law Enforcement Officers’ Bill of Rights (LEOBR)**

Maryland is in the minority of states that give law enforcement special rights against punishment for wrongdoing. Only 13 other states have a Law Enforcement Officers’ Bill of Rights (LEOBR). The LEOBR grants police officers special rights that no other state or local government employee has. For example, under the LEOBR, police abuse can only be investigated by sworn law enforcement and investigations conducted by civilians cannot result in discipline (Pub. Safety §3-104(b)). This is only one example of how the LEOBR has blocked accountability. Since the LEOBR was enacted in 1974, it has allowed police abuse to go unpunished. It is past time for it to be repealed.

**Demand:** Strike the entire LEOBR (Pub. Safety §3-101 – §3-113) from state law.

#### **4. Give the people of Baltimore City the ability to govern the Baltimore City Police Department**

Baltimore City—one of only two majority Black jurisdictions in the state—is the only locality in Maryland without authority to govern its own police department. This is because the Police Department is an agency and instrumentality of the state of Maryland, not the City. As a result, Baltimore residents must travel to Annapolis annually during the minimal time that the General Assembly is in session to advocate for change within their local department. This is a racist, ineffective, and inequitable law which must be changed.

**Demand:** Make the Baltimore City Police Department an agency of the City of Baltimore.

#### **5. Take Law Enforcement out of Schools**

Every Maryland school district utilizes School Resource Officers (SROs), in spite of overwhelming evidence that police presence in schools substantially increases the likelihood that students will face arrest for behaviors that are better addressed through non-punitive supports and interventions. Additionally, one district, Baltimore City Public Schools, has its own police force authorized by state law (Educ. § 4-318). Statewide, the Safe to Learn Act (Educ. § 7-1501 et. Seq.) promotes districts' overreliance on police by expressly authorizing them to employ or contract with SROs as the primary means of providing "adequate law enforcement coverage" within every school building. In addition, the SRO/Adequate Coverage Grant, funded at \$10 million each year, allocates revenues to school districts and law enforcement agencies for SRO hiring around the state.

**Demand:** Require and support school districts to shift away from reliance on SROs and towards effective behavior support and intervention strategies by:

- i. Prohibiting school districts from hiring or contracting to place police in schools;
- ii. Dismantling the Baltimore City School Police Force (by repeal of Educ. § 4-318); and
- iii. Replacing the SRO/Adequate Coverage Grant (established at Educ. § 7-1508(g)) with a grant program, funded at an equal or higher level, dedicated to hiring additional highly trained counselors, social workers, psychologists, and behavioral specialists within school districts.

Sincerely,

Advocates for Children and Youth  
ACLU of Maryland

ACLU of Maryland, Montgomery County Chapter  
Amnesty International  
Baltimore Action Legal Team  
Baltimore Bern Unit  
Baltimore City Civilian Review Board  
Be More Unified  
Council on American-Islamic Relations (CAIR) Office in Maryland  
CASA  
Caucus of African-Americans Leaders  
Citizens Policing Project  
Coalition for Justice for Anton Black  
Coalition of Concerned Mothers  
Coalition of people Opposed Violence and Extremism  
Common Cause Maryland  
Community Actively Seeking Transparency (C.A.S.T.)  
Disability Rights Maryland  
Do the Most Good  
Drug Policy Alliance  
For Kathy's Sake  
FreeState Justice  
Greater Baltimore Democratic Socialists of America - Steering Committee  
Hispanic National Law Enforcement Association  
Homeless Persons Representation Project  
Innocence Project  
InterFaith Action for Human Rights  
Jews United For Justice  
Job Opportunities Task Force  
Justice Policy Institute  
Law Enforcement Action Partnership  
Leaders of a Beautiful Struggle  
League of Women Voters Maryland  
LGBTQ Dignity Project  
Life After Release  
Making Changes  
Mama Sisterhood of Prince George's County  
March for Our Lives Maryland  
Maryland Alliance for Justice Reform  
Maryland Consumer Rights Coalition  
Maryland Justice Project  
Maryland Poor People's Campaign  
Maryland Prisoners' Rights Coalition  
Maryland Restorative Justice Initiative  
Marylanders to Prevent Gun Violence  
Montgomery County Civil Rights Coalition

Montgomery County Democratic Socialists of America  
Mothers on the Move  
NARAL Pro-Choice Maryland  
NAACP Maryland State Conference Political Action  
Office of the Public Defender  
Our Prince George's  
Our Revolution Maryland  
Out For Justice  
Planned Parenthood of Maryland  
Power Inside  
Prevent Gun Violence Ministry, River Road Unitarian Universalist Congregation  
Prince George's People's Coalition  
Prisons to Professionals  
Progressive Maryland  
Public Justice Center  
Racial Justice NOW!  
Rebuild, Overcome, and Rise (ROAR) Center at UMB  
Reproductive Justice Inside  
Sanctuary DMV  
SEIU 1199  
Showing up for racial justice Annapolis and Anne Arundel county (SURJ3A)  
Showing Up for Racial Justice, Baltimore  
Showing Up for Racial Justice, Montgomery County  
Silver Spring Justice Coalition  
Takoma Park Mobilization  
West Wednesdays  
Wicomico County NAACP Branch 7028  
Women's Law Center

**LEGISLATORS COMMITTED TO SUPPORTING THESE REFORMS:**

1. Del. Gabriel Acevero, D39
2. Del. Ereik Barron, D24
3. Del. Regina T. Boyce, D43
4. Del. Al Carr, D18
5. Sen. Jill Carter, D41
6. Del. Lorig Charkoudian, D20
7. Del. Charlotte Crutchfield, D19
8. Del. Debra Davis, D28
9. Del. Julian Ivey, D47A
10. Del. Jazz Lewis, D24
11. Del. Robbyn Lewis, D46
12. Del. David Moon, D20
13. Del. Julie Palakovich Carr, D17

14. Del. Pamela Queen, D14
15. Del. Sheila Ruth, D44B
16. Del. Emily Shetty, D18
17. Del. Stephanie Smith, D45
18. Del. Jared Solomon, D18
19. Del. Vaughn Stewart, D19
20. Sen. Mary Washington, D43
21. Del. Jheanelle Wilkins, D20