



September 21, 2020

Senator William Smith
Chair

Senator Jeff Waldstreicher
Vice Chair

Maryland Senate: Judicial Proceeding Committee

Re: Amnesty International Statement for September 22 Hearing: Bill Hearings on Police Accountability and Law Enforcement Reform, JPA 1

Amnesty International USA¹ respectfully submits this statement to the record, in connection with the above referenced hearing before the Senate Judicial Proceedings Committee and ask that this statement be submitted as part of the official hearing record.

Each year police kill over 1,000 people in the US and in Maryland between 2013 and 2019 128 people were killed by police, 80 of them Black. In these years Black people accounted for 29% of the state's population and yet 63% of the people killed by police². Maryland remains one of nine states in the US including Washington, DC without a deadly use of force by police statute³.

JPR 1, would enact felony assault statutory penalty for officers that violate the existing legal standard in MD and training/policy/orders by intentionally using excessive force. While we support the intent to prevent unnecessary killings that involve police, we do not believe this bill contains sufficient limitations to the use of force in order to yield that result. JPR 1 maintains what Maryland Courts have applied from US Supreme Court cases defining the minimal constitutional limits of police use of force, *Graham v. Connor* 490 U.S.386 (1989) and *Tennessee v. Garner* 471 U.S. 1 (1985). While *Graham's* "reasonableness" standard is commonplace and widely accepted by law enforcement, some states use of force statues incorporate additional elements that bring important clarity and even push beyond the floor set by this cases. However, these limits set by the Court are too permissive and do not meet the US obligations under international law on the use of force and firearms by police. Maryland must follow suit and enact statutory limitations to the use of force by police that prohibits deadly force unless necessary, as a last resort, to prevent an imminent threat of serious bodily injury or to life, after exhausting reasonable options.

Protecting the public and maintaining officer safety are not at odds with one another. Police departments that have put more restrictive use of force policies in place have seen a decrease of people killed without risking officer safety and only serving to gain public trust. In 2011, the Seattle Police Department, under a consent decree with the Department of Justice, restricted its department policy on use of force given recommendations emphasizing de-escalation. A 2017 Seattle Police Monitor report⁴ found that following implementation, police use of force decreased, as did crime, without an increase in

¹ Amnesty International is a global movement of more than 7 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. We have hundreds of thousands of supporters, members and activists in the U.S. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

² Mapping Police Violence, State Comparison Tool. <https://mappingpoliceviolence.org/states>

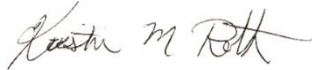
³ Amnesty International, Deadly Force: Police use of lethal force in the United States, 2015, www.amnestyusa.org/wpcontent/uploads/2015/06/aiusa_deadlyforcereportjune2015-1.pdf

⁴ Ninth Systemic Assessment: Use of Force . Seattle Police Monitor , Apr. 2017, [static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/58e6a753ff7c50ebbad126f8/1491511130661/Ninth Systemic Assessment--Use of Force--FINAL.pdf](http://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/58e6a753ff7c50ebbad126f8/1491511130661/Ninth+Systemic+Assessment--Use+of+Force--FINAL.pdf).

officer injury. While use of force policies play an important role in providing guidance to law enforcement, they do not provide accountability for the unlawful use of force. It is therefore imperative that the Maryland Legislature take this opportunity to enact a more restrictive consistent legal standard throughout the entire state that meets international standards to prevent the unnecessary use of force and hold officers accountable when they exceed those restrictions.

Should you have any questions, please email Senior Advocate, Criminal Justice Program, Kristina Roth at kroth@aiusa.org or (202) 945- 2021.

Sincerely,

A handwritten signature in cursive script that reads "Kristina M. Roth".

Amnesty International USA
600 Pennsylvania Ave SE,
Washington, DC 20003