



**Testimony for the House Judiciary Committee
March 1, 2011**

**HB 507 – Public Safety – Use of Electronic Control Devices -
Reports**

SUPPORT

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The ACLU of Maryland urges a favorable report on HB 507, a bill that would require the statewide collection, compilation, and analysis of uniform and comprehensive law enforcement agency data regarding the use of electronic control devices (“ECDs” or “ECWs”) such as stun guns and tasers. This data will be collected and analyzed by the Governors Office of Crime Control and Prevention (GOCCP).

This bill was a recommendation of the Maryland Attorney General’s Task Force on Electronic Weapons in their report of December, 2009. The Task Force was created in October 2008 following the death of Jarell Gray of Frederick, who died after being shocked with an ECD during an altercation with local Maryland police. The Task Force was designed to bring diverse stakeholders together to provide policymakers with recommendations for best practices regarding ECD use. Members of the task force included law enforcement, prosecutors, medical professionals, and civil rights advocates, including the ACLU of Maryland. The Task Force issued a report that made 60 recommendations unanimously endorsed by all of its members. The report also recommended several specific legislative actions, one of which was a recommendation for statewide, uniform data collection.

While ECDs can be a valuable law enforcement tool when used properly, there is also a degree of serious injury and even risk of death associated with their use. Over 500 deaths have reportedly occurred following ECD use, including 12 in Maryland. There have also been numerous incidents of serious injury. Most recently, a 16 year old boy in North Baltimore suffered serious neck and back injuries upon falling off a roof after being shocked with an ECD by the police. Disturbingly, the majority of ECD discharges are against African-Americans.

Deaths and serious injuries following ECD use are not only tragic for the individual and family involved, but often have widespread repercussions. Heightened media attention to these events and the community reaction broadens the impact of these tragedies and can significantly harm community-police relations. This is why

accountability in law enforcement use of ECDs is so important. As was stated in the AG's Task Force report, "[w]ithout accountability, both at an individual officer and agency level, ECWs can be abused and misused in ways that could undermine the legitimacy of the officer, the agency, and the use of ECW's."¹

While many law enforcement agencies are currently collecting data on ECD use, few make it easily accessible to the public and it is not collected in a uniform way or stored centrally. If collected uniformly and maintained in a centralized location accessible to the public, it would be easier for the general public and law enforcement agencies to assess the efficacy of using ECDs, especially compared to other available tools. It will also allow the general public and law enforcement agencies to identify the need for improvements to an agency's ECD training or usage requirements.

This centralized and uniform data will help law enforcement agencies and policymakers to make more informed decisions regarding ECDs. This is especially needed due to the current lack of objective data on ECDs and the intense scrutiny they receive when serious injury occurs. The greater transparency that such data collection will provide can help to both identify and address problems regarding ECD use and can strengthen the community's trust in their law enforcement.

For these reasons, we urge a favorable report for HB 507.

¹ *Report of the Maryland Attorney General's Task Force on Electronic Weapons*, <http://www.oag.state.md.us/Reports/ECWReport.pdf>, p. 56 (Dec. 2009).