



**Testimony for the Senate Judicial Proceedings Committee
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SB 661 Law Enforcement - Federal Surplus Program - Equipment Acquisition

FAVORABLE

The ACLU of Maryland supports SB 661, prohibiting state, county and municipal law enforcement agencies from receiving certain militarized equipment from the federal government and implementing certain notice requirements. This bill will ensure that our neighborhoods do not become war zones and our residents are not treated as wartime enemies.

The militarization of the police undermines public trust

The use of unnecessarily aggressive police tactics and equipment has a documented impact on public confidence in law enforcement. There is reason to believe it will undermine public trust as well. Public perception of the legitimacy of police turns on how the police treat people when exercising their authority. Moreover, there is a demonstrated racial gap in confidence in policing. Because police militarization tends to be concentrated in communities of color, it threatens to undermine public confidence more dramatically in those communities, where such confidence in law enforcement is already strained.

The militarization of police will result in the unnecessary use of military-style weapons in ordinary law enforcement activities

As the saying goes, if all you have is a hammer, everything looks like a nail. Although we cannot prove definitively that the acquisition of military surplus weapons motivates state and local police officers to use them, it is reasonable to infer that the program—the purpose of which was to equip local police officers to use military equipment in drug investigations—has increased the likelihood that local police departments will deploy military weapons in drug investigations and other ordinary law enforcement activities, even when such weapons are uncalled for.

In a 2014 report, the ACLU concluded, based on a national review of incident reports and discussions with members of law enforcement, that the use of armored personnel carriers was rarely necessary for the types of deployments in which they were used, based on two observations: (1) the numerous incidents in which an armored personnel carrier was deployed but not used for any obvious purpose; and (2) the numerous incidents in which the SWAT team was able to accomplish its objective without the use of an armored personnel carrier.

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Prohibiting the acquisition of equipment listed in SB 661 will ensure that these unnecessary weapons and vehicles are never deployed by local law enforcement in Maryland.

The public has a right to know when police plan to spend money on military-style equipment

The public should be aware of how law enforcement is spending their tax dollars, especially when the money is going to military weaponry that may be deployed against the public. Currently, there is no way for the public to oversee the militarization of the police department. It is important to introduce transparency over the policies, practices, and weaponry that have turned too many of our neighborhoods into war zones. We therefore support the notice requirement in the bill.

For these reasons, we urge a favorable report on SB 661.