



Maryland Coalition for Justice and Police Accountability

ESTABLISH A STATEWIDE USE OF FORCE POLICY

BILLS HB 139 & SB 626

WHY DOES MARYLAND NEED A USE OF FORCE POLICY?

We need to end police violence and abuse that disproportionately impacts Black and Latinx Marylanders. We need to change officers' behavior so they respond to situations in a way that protects human life. We need to hold officers accountable when they use excessive force.

WHAT IS THE CURRENT LAW THAT DETERMINES WHEN AN OFFICER CAN USE FORCE?

Maryland is one of only nine states without a statewide use of force law. Therefore, use of force in Maryland is

governed by two Supreme Court cases, *Graham v. Connor* (1989) and *Tennessee v. Garner* (1985).

Graham authorizes use of force when it is "objectively reasonable." This standard is judged from the perspective of how a reasonable officer would react to the situation.

Garner authorizes use of lethal force to prevent a person who is incarcerated from escaping, if there is probable cause to believe the suspect is a significant threat of violence.

However, no state law or federal law meets international standards for police use of force.

SUPPORT REIMAGINING POLICING

A coalition of over 75 groups from across the state are calling on Maryland legislators to support strong, renewed demands for police reform and accountability:

- 1 Repeal in full the Law Enforcement Officers' Bill of Rights.
- 2 Reform the Public Information Act to allow disclosure of all complaints of police misconduct.
- 3 **Establish a statewide use of force policy that will prevent officers from using force unless it is necessary.**
- 4 Remove police officers from children's schools.
- 5 Return control of the Baltimore City Police Department to Baltimore City residents.

WHAT SHOULD THE USE OF FORCE POLICY INCLUDE?

1. **Clear definitions** of lethal and non-lethal force.
2. Officers may use lethal force only as a last resort after first exhausting reasonable alternatives, and only when it is **necessary** to protect officers or the public from death or serious injury.
3. Officers may use less than lethal force when it is **necessary and proportionate** to the goal.
4. Determining whether an officer's use of force is justified requires looking at the **totality of the circumstances** around the use of force, including whether the officer used de-escalation techniques, and whether the officer's actions increased the need to use force.
5. Officers must **warn, attempt to de-escalate, and intervene** with other officers who are using excessive force.
6. New **regulations around specific officer behavior**, including but not limited to the discharge of a firearm and taser, chokeholds, shooting with a less-lethal launcher, and strikes by fist or hard object.
7. Ensuring a **civil cause of action** for excessive force in addition to criminal penalties that already exist, to ensure that officers are held accountable.
8. Policies and guidance to **limit force against Black, Indigenous, and People of Color**, pregnant people, children, people exhibiting medical, mental health, or substance abuse conditions, people with limited English proficiency, unarmed people, and people who are armed with knives or other sharp objects.
9. **Training and equipment** for officers to be able to meet these standards.

Find more information about the five necessary police reforms in Maryland, and the more than 75 organizations calling for them:
www.mcjpa.org