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Testimony from:

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In SUPPORT of JPR 1, AN ACT concerning Public Safety – Law Enforcement Officers – Use of Force Standards (Maryland Police Accountability Act of 2021)

September 22, 2020

Senate Judicial Proceedings Committee

Chairman Smith and Members of the Committee:

My name is Jesse Kelley, and I am the Government Affairs Manager for Criminal Justice and Civil Liberties policy at the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, specifically including police reform which is why the Maryland Police Accountability Act of 2021 is of particular interest to us.

Existing protections against excessive police use-of-force are too weak. Nearly all large police departments, and most smaller ones, have use-of-force policies that outline a continuum of force that can be applied in varying circumstances, but these policies can be ineffective in practice.

Recent cases of excessive police use-of-force were caused by the toxic culture within law enforcement departments. Poor police culture includes a lack of professionalism and respect for human dignity during interactions with the community. It is compounded when accountability, transparency and a desire for continued professional development are not priorities for police forces.

Increasing accountability surrounding use-of-force policies as outlined in JPR 1 will begin to right not only police culture but also can have a positive impact on the department's credibility and relationship with the community it has sworn to preserve and protect. The legislation would require the court to consider whether an officer's use of physical or deadly force was reasonable by weighing factors like if the officer took, or could have taken, actions that an objectively reasonable officer would take to attempt to limit the likelihood that physical or deadly force would be required.

A tool that can aid decision-making when courts look to determine reasonableness is the use of body-worn cameras that record in detail what actions an officer engaged in; furthermore, we believe that when making determinations about unreasonable use-of-force, outside or third-party adjudicators could increase accountability and transparency.

In discussing the best practices for instituting use-of-force standards, we believe that the conversation must also include incorporating de-escalation practices into use-of-force policies, shifting to a non-stress model of academy training, investing in stronger field training officer (FTO) programs, limiting police use of military equipment, and creating new internal accountability policies and programs.

For these reasons, we support JPR 1.

Very Respectfully,

Jesse Kelley
Government Affairs Manager, Criminal Justice & Civil Liberties