



**TESTIMONY IN OPPOSITION TO BILL 33-23
VOLUNTARY REGISTRY FOR 911 CALLS
SEPTEMBER 12, 2023 PUBLIC HEARING**

My name is Marissa Ditowsky and I submit this written testimony on behalf of the Silver Spring Justice Coalition (SSJC). SSJC is a coalition of community members, faith groups, and civil and human rights organizations from throughout Montgomery County. We envision a county where harm by police is eliminated, while community and individuals are empowered.

As a disabled Silver Spring resident, I joined the SSJC because I have seen the harms of police violence in my community. As a neurodivergent person with hearing loss, and who uses a wheelchair and other mobility aids, I fear police interactions: I am concerned about the way my reactions may be perceived as resistance and potential damage and increased risk of injury related to my durable medical equipment, for example.

SSJC's opposition to this bill is rooted in the fact that in our County's emergency response system, police are almost always dispatched in response to a 911 call, despite our years of advocacy to move towards a non-police response when someone is in crisis. However, this bill does nothing to require police to respond appropriately to the disabled people the bill aims to help. The bill does not even provide the people who choose to provide our County with private health information with additional rights, or any guarantee that the information will be used as intended. Outside of anecdotal reports, there is no evidence to suggest these registries are effective at reducing harm to people with disabilities. Generally speaking, participation in the registry may provide community members with a false sense of well-being and security when interacting with first responders.

We need policies that actually hold our police accountable and ensure they meet, at the very minimum, their legal obligations under the Americans with Disabilities Act. While there are laws in place that address, to some degree, how police interact with disabled people, the Montgomery County Police Department (MCPD) is not in compliance with these laws. MCPD has still not issued guidance for using force with a range of vulnerable populations as required in our County's use of force law, and it still has not issued a deescalation policy as required by our state's use of force law.

This bill similarly does not require any training for first responders to address the needs that might be reported by participants in the registry. The result of this non-compliance and insufficient training is real: [according to MCPD's own data](#), one-third of all uses of force in 2022 involved someone who the officer identified as having a mental illness, and in 2022, as in every previous year, rates of force used by MCPD officers have been on the rise (even discounting the newly expanded definitions for the use of force).

Officers must be prepared to interact with disabled residents regardless of what information is in a registry, and the burden should not be on people with disabilities to provide this information in advance. If information is not provided in the registry, officers may presume they do not need to assess the situation to accommodate any potential disabilities and they may ignore information presented to them. Even with a registry, officers would need to be prepared for emergency interactions with no time to search the registry. Disabled individuals may also feel uncomfortable providing their information to a registry, as lists and registries of marginalized individuals have been of concern. Officers are still required to accommodate individuals who are not on the registry under the ADA.

It is difficult to understand why we should ask members of our community to entrust the police with their private information when we have no assurance that this information will be used to reduce harm. In fact, having information about a person's disability may increase the likelihood that an officer will inflict harm fueled by bias or discrimination, particularly without proper training or protocols. Officers may come to a scene thinking they know all they need to know about a person, without understanding that they must be open to addressing each situation in real time. Or, they may be inappropriately defensive based on presumptions and biases formed from information in the registry.

Furthermore, this bill includes vague and troubling language stating that participation in the registry does not create a private right of action. Assuming this language means that a plaintiff in a lawsuit cannot use the fact that they provided information about their disability to the County in support of a claim that the County failed to accommodate their disability, this could serve to reduce the ability of individuals to seek redress for harm. Interpreted strictly, this would mean that a person with a disability who told a responding officer about their disability would retain greater rights in a subsequent action than a person who placed that information on the registry. Moreover, we wonder whether failure to participate in the registry would be used against a claimant by the County in a legal action. The bottom line is that our publicly-employed first responders have an obligation under the ADA to accommodate the disabilities of the people they serve; our county should not be able to get around this obligation through the existence of this registry.

While the bill includes language limiting the right to seek legal redress, it omits language that would provide protections for people who choose to participate in the registry. There are no restrictions on how the information provided can be used and who it can be shared with. There are no protections for minors or for people under legal guardianship. There are no time-limitations to participation and no requirement that information be updated if someone

moves from the address of record. And there is no information about how the information will be used if the person with a disability is encountered in the community and unable to communicate their identity. Moreover, there is absolutely no guidance provided to MCPD for what information to collect, what form to collect the information in, or any oversight whatsoever for the (still unknown) process that MCPD plans to employ to administer the program.

[A bill that was introduced in the Maryland General Assembly last year](#) aimed to enable local jurisdictions to create registries like the one proposed by Bill 33-23. That bill contained a number of guardrails, some of which we've mentioned, that are not included in the bill before this Council. While we would not support the statewide bill in its present form, it is certainly premature for our County to consider legislation creating a 911 registry before the state has weighed in on the minimum requirements for such a registry. We anticipate that a similar bill will be reintroduced in the upcoming session, and we urge the Council to at least wait until the end of the session before considering the creation of a registry in our county.

Finally, aside from anecdotal reports, there is no evidence that registries work to reduce harm to people with disabilities. Perhaps for this reason, a 30-page [report recently released by the United States Department of Justice and the United States Department of Health and Human Services](#) providing guidance to local jurisdictions on emergency response for people with disabilities does not include 911 registries in their long list of recommendations. For this same reason, and for several others, the Arc's National Center on Criminal Justice and Disability issued [a paper in 2019 coming out against 911 registries](#).

While the Arc has come out against registries, SSJC recognizes that a range of disability rights organizations and individuals submitted testimony in support of the above-referenced state-wide bill, and we anticipate that some will be testifying in support of this bill. However, it is important for the Council to consider the specific concerns articulated in testimony provided by some disability rights organizations in regards to the above-discussed statewide bill. This includes testimony provided by [People on the Go](#) and the [Maryland Department of Developmental Disabilities](#).

In addition, the Council should know that when SSJC polled its members regarding this bill, every member who identified as a person with a disability opposed the bill. Similarly, with one exception, every person who identified as a caregiver of a person with a disability opposed the bill. There are a range of voices in the disability rights community on this issue and our members represent one part of that range. We urge the Council to consider our concerns and vote against this bill.