

# **MONTGOMERY COUNTY POLICE DEPARTMENT**

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## **ANNUAL USE OF FORCE REPORT 2016**

**MANAGEMENT SERVICES BUREAU  
POLICY AND PLANNING DIVISION**

**MARCH 2017**



## **Chief's Message:**

The Department's relationship with the community is built on trust, transparency, and accountability. How officers treat the community can either strengthen bonds or undermine the Department's legitimacy. Our nation continues to engage in discourse regarding police use of force, especially the use of deadly force. Today, the public is more interested than ever in how we exercise our authority and deliver police service to the community.



As you will read in this report, occasionally an officer will encounter individuals who physically resist lawful police action to take them into custody. This can result in a use of force to gain compliance. You will read that officers typically use force sparingly and that the overwhelming majority of encounters occur without incident. The MCPD invests in training to ensure that we use the least amount of force, document our actions, and remain accountable to the public. This includes "de-escalation" training. Officers practice *tactical disengagement*, and whenever possible we employ non-lethal options.

Whenever force is used, the Department determines if the officer's actions were lawful and *objectively reasonable*. An officer's actions must be reasonable in light of the facts and circumstances presented to the officer at the time the force was used. On those occasions when force is used, every incident is documented in a Use of Force Report which is reviewed by a supervisor and a police commander. It is vital that everyone be treated lawfully and with dignity. Therefore, every excessive-use-of-force complaint is taken seriously and investigated by the Internal Affairs Division. Officers who abuse their authority are held accountable for their actions.

As you will also see in this report, the Montgomery County Police Department has used some level of force in 2.6 percent of effected arrests. The majority of our uses of force incidents (73%) involved officers using their hands. There were no deadly force-related incidents or in-custody deaths in 2016. Disseminating this report and others like it is one of the many ways our Department works towards building trust with all segments of our community.

There is a great deal of information contained in this report. Some of it may prompt other questions from you and I encourage you to contact me via e-mail [[MCPDChief@montgomerycountymd.gov](mailto:MCPDChief@montgomerycountymd.gov)] and we will respond to your inquiries.

J. Thomas Manger  
Chief of Police

## INTRODUCTION

The information presented in this annual report is obtained from the *Use of Force* reports completed by officers for incidents in calendar year 2016 where some type of force was used. This report is intended to provide an overview of the incidents involving use of force by police officers and to also identify trends or any training areas that need to be addressed. Because each report is reviewed by supervisors and command staff at various levels within the department, individual events are not captured in this report, except for those that may involve unusual circumstances or need further clarification. Moreover, the reporting and annual analysis of department use of force policies and procedures is required by the *Commission on Accreditation for Law Enforcement Agencies* (CALEA) to help agencies identify policy modifications, trends, improve training and officer safety, and provide timely information for the agency to address use of force issues with the community it serves. The Montgomery County Police Department (MCPD) has been a CALEA-accredited law enforcement agency since 1993. The CALEA Law Enforcement Accreditation Program is the primary method for an agency to voluntarily demonstrate their commitment to excellence in law enforcement by systematically conducting an ongoing internal review and assessment of the agencies' operations, policies and procedures, and make adjustments wherever necessary, to meet a body of internationally accepted standards.

Montgomery County police officers receive extensive entry-level and in-service training focused on using only the amount of force necessary to control an incident, affect an arrest, or protect themselves or others from harm or death as specified in department policy and procedures. An integral component of these training programs is focused on the use communication skills, de-escalation techniques, and use of less lethal options to help safely diffuse situations that may unnecessarily escalate to circumstances requiring officers to resort to deadly force.

The MCPD is dedicated to creating a culture of safety, transparency, and accountability. The department's use of force training goes beyond addressing use of force options, levels of resistance, and case law. Most importantly, it emphasizes gaining compliance through understanding of psychological factors and using communication skills to de-escalate situations when possible, and to minimize the force used. The concepts of accountability, professionalism, and integrity for all officers are woven into the agency's entire entry-level and in-service training programs.

Officers may only use force which is objectively reasonable to make an arrest; an investigatory stop/detention or other seizure; or in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to exercise force must be based upon the circumstances that the officer reasonably believes to exist. In determining the appropriate level of force to be used by an officer, the nature of the threat or resistance faced or perceived by the officer as compared to the force employed should be considered. However, officers must sometimes make split-second decisions about the amount of force that is necessary in a particular situation with limited information and in circumstances that are tense, uncertain, and rapidly evolving. Nevertheless, when it is practicable, officers strive to always de-escalate a situation before resorting to using any type of force.

The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. The department respects the sanctity of every human life and the application of deadly force is a measure only employed in the most extreme circumstances.

Per department policy, an officer is required to complete a MCP 37 - *Use of Force Report*, and an incident report, for an incident that involves any of the following circumstances:

- Anytime force is used to counteract a physical struggle.
- Following the use of any force which results in an injury to an individual.
- When an individual claims to have been injured as a result of use of force.
- Whenever force is applied using a protective instrument.
- Whenever a firearm is discharged other than authorized target practice.
- Whenever a department canine inflicts injury on any subject or suspect in conjunction with a canine deployment.
- Anytime an officer is assaulted or ambushed.

All reports are reviewed to verify compliance with department policy by a patrol supervisor, a District Executive, and the Assistant Chiefs of the respective bureau depending on the organizational component the involved officer(s) is assigned to.

## OVERVIEW

Based on a comprehensive review and analysis of the use of force reports submitted by MCPD officers in 2016, the following are highlights of the results that are detailed in various sections throughout this report:

- MCPD officers reported a total of 523 use of force incidents.
- Force was used by officers in 0.22 percent of the total dispatched calls for service.
- Force was only used in 2.6 percent of all arrests made by officers.
- Four districts experienced increases in the number of reported use of force incidents from the previous year, while two districts (Bethesda and Germantown), reported decreases.
- Making arrests (or attempting to make arrests), serving emergency evaluation petitions, and defending against assaults constituted approximately 94 percent of the incidents where some type of force was necessary to be used.
- Officers responding to reports of assaults accounted for approximately 35 percent of all reported use of force incidents, compared to 42 percent in 2015.
- Calls for service involving assaults, narcotics/DUI offenses, and disorderly conduct accounted for approximately two-thirds of all reported use of force incidents, as was the case the previous year.
- The type of force most commonly used by officers was hands, which was used in approximately 73 percent of use of force incidents, and it was also the most common type of force used against officers by defendants (71 percent), which is consistent with prior year data.

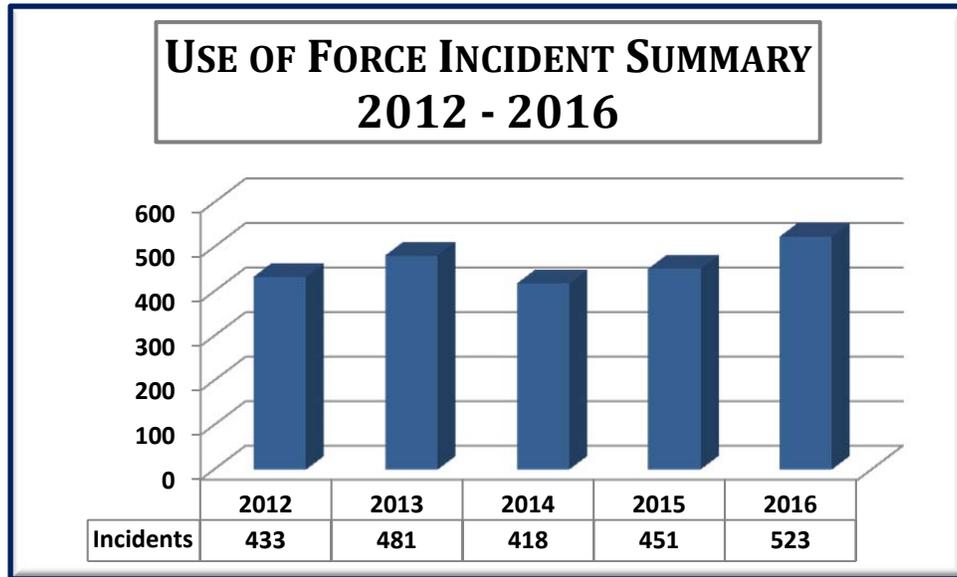
- The number of uses of *Electronic Control Weapons* (ECWs) remained the same as the previous year.
- Injuries sustained by officers increased approximately 34 percent from the previous year, while injuries to defendants increased 4 percent.
- Officers reported being injured in 33 percent of reported use of force incidents, and defendants were injured (or claimed to be injured) in 48 percent of incidents. In these incidents, over 90 percent of the injuries involved bruises/soreness and/or lacerations and abrasions to both officers and defendants.
- Officers required medical treatment in 40 percent of the reported use of force incidents, and defendants required treatment in 67 percent of incidents.
- In 64 percent of the incidents where officers employed some type of force, the defendants were reported to be under the influence of alcohol and/or drugs, which is approximately the same percentage reported in 2015. Defendants suffering from some form of mental illness were involved in 23 percent of the reported use of force incidents, an increase of approximately one percent compared to 2015.
- The number of reported assaults on officers increased 3.2 percent compared to the previous year.
- 85 percent of the defendants involved in use of force incidents were *African American* and *Caucasian*, compared to 87 percent in 2015, while 80 percent of the officers were *African American* and *Caucasian*.
- Defendants ages 18-39 accounted for approximately 70 percent of the reported use of force incidents, which is consistent with prior year data. The average age of the defendants involved in use of force incidents was 29, and the average age of the officers involved in these incidents was 34, which is similar to the averages reported in 2015.
- 79 percent of the *defendants* and 88 percent of the *officers* involved in reported use of force incidents were *male*. 21 percent of the *defendants* and 12 percent of the *officers* involved in reported use of force incidents were *female*. These percentages are consistent with those reported in 2015.
- Approximately 65 percent of the officers involved in use of force incidents served on the department between one to 10 years, compared to 67 percent the previous year.
- There were 23 use of force-related complaints made against officers compared to 12 complaints received the previous year.
- There were no deadly force-related incidents or in-custody deaths reported in 2016.

## ANALYSIS

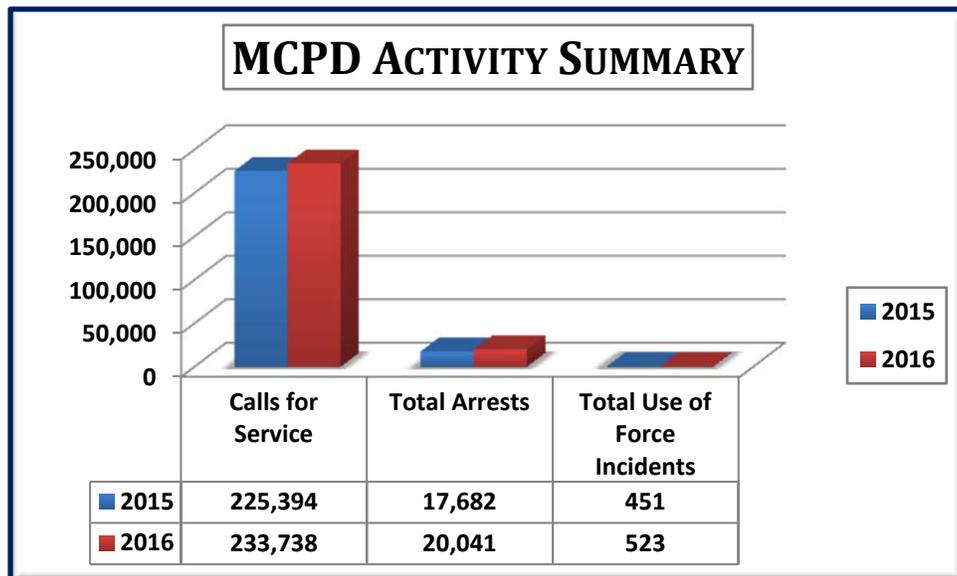
The population in Montgomery County based on the latest available U.S. Census Bureau data, is estimated at 1,043,863, and the crime rate per capita remains very low; 4,856 crimes for every 100,000 people. In 2016, Montgomery County police officers were dispatched to 233,738 calls for service; made 20,041 arrests; and force was used in 523 incidents.

The incidence rate of the use of force compared to the calls for service and arrests has remained relatively consistent since 2012 (an average of 0.21 percent of the calls for service and approximately two percent of arrests). This data reflects that, for the overwhelming majority of calls for service and arrest situations, officers rarely use force in the performance of their duties.

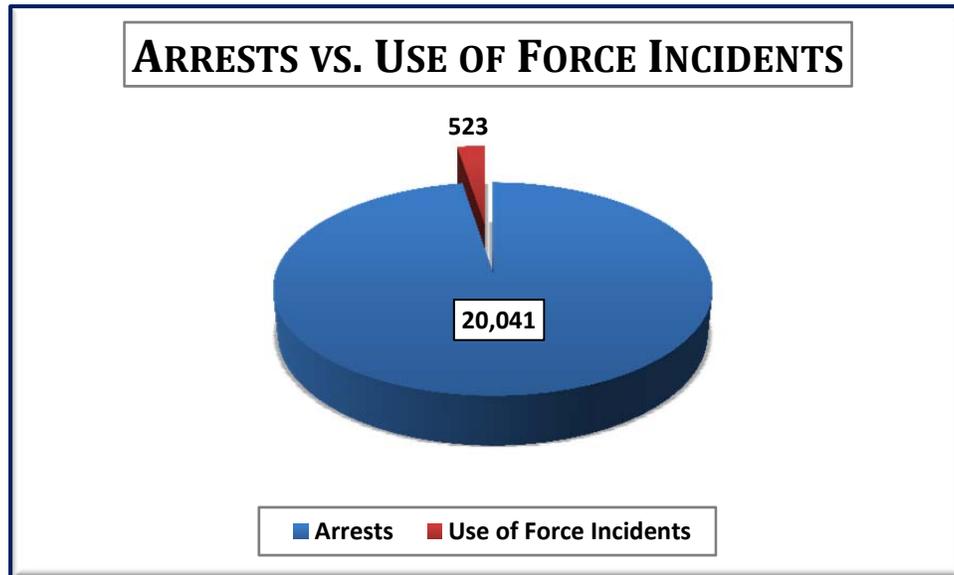
The chart below shows the total number of use of force incidents reported county-wide from 2012-2016.



A summary of MCPD activity for 2016 and 2015 is provided in the following chart.



In 2016, MCPD recorded 20,041 arrests and 523 use of force incidents which translates to force being used in only 2.6 percent of arrest situations as shown in the chart below.



### USE OF FORCE BY DISTRICT OF OCCURRENCE

The chart below provides a district summary of dispatched *calls for service*, reported crimes, arrests, and *use of force incidents* in 2016.

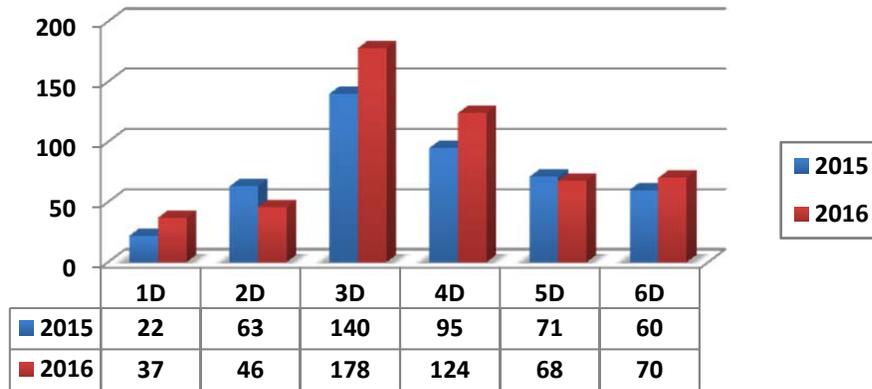
2016 SUMMARY				
DISTRICT	TOTAL DISPATCHED CALLS FOR SERVICE	TOTAL CRIME REPORTED*	TOTAL ARRESTS	TOTAL USE OF FORCE INCIDENTS
1D	35,017	6,665	2,040	37
2D	36,734	7,053	2,203	46
3D	46,785	10,936	4,863	178
4D	45,899	10,356	5,171	124
5D	29,753	6,433	2,178	68
6D	39,550	9,242	3,586	70
<b>TOTAL</b>	<b>233,738</b>	<b>50,685</b>	<b>20,041</b>	<b>523**</b>

\*Includes Part I and Part II Offenses reported in accordance with the Uniform Crime Reporting (UCR) Program  
Total does not include offenses reported in City of Takoma Park

\*\*Total includes an accidental discharge of a firearm reported by an officer

In 2016, all districts experienced an increase in the number of reported use of force incidents in 2016 compared to 2015, except for Bethesda (2D) and Germantown (5D) which experienced decreases (27 percent and 4.2 percent respectively), as shown in the chart on the next page.

### USE OF FORCE INCIDENTS BY DISTRICT OF OCCURRENCE



**Note:** The use of force incident reports are based on the location (*i.e. district*) where force was used, not necessarily the district that the officers are assigned to or where the event may have originated.

The table below is a summary of use of force incidents by *District of Occurrence* reported from 2012- 2016.

DISTRICT	2012	2013	2014	2015	2016
1D	33	24	18	22	37
2D	55	64	40	63	46
3D	102	139	107	140	178
4D	138	131	111	95	124
5D	36	37	61	71	68
6D	69	86	81	60	70
<b>TOTAL*</b>	<b>433</b>	<b>481</b>	<b>418</b>	<b>451</b>	<b>523</b>

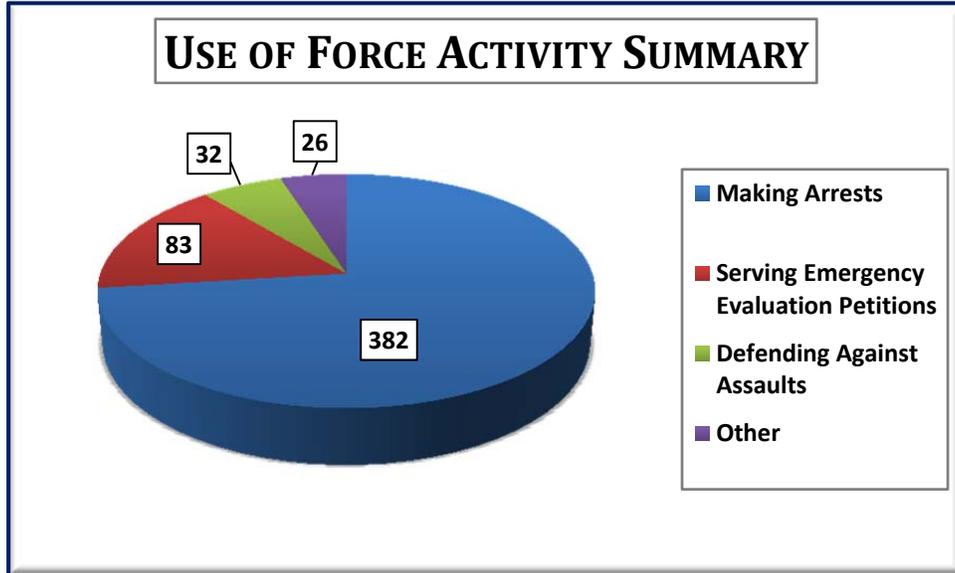
\*The yearly totals do not include the use of force reports filed by MCPD officers for incidents where force was used for animal destructions (*e.g., deer*). There were 208 animal destructions reported in 2016.

This data shows that there has been an average of 461 use of force incidents reported over the last five years, and a 20.8 percent increase in the overall number of incidents reported over this same period. There has also been a 7.2 percent increase in the dispatched calls for service during this timeframe.

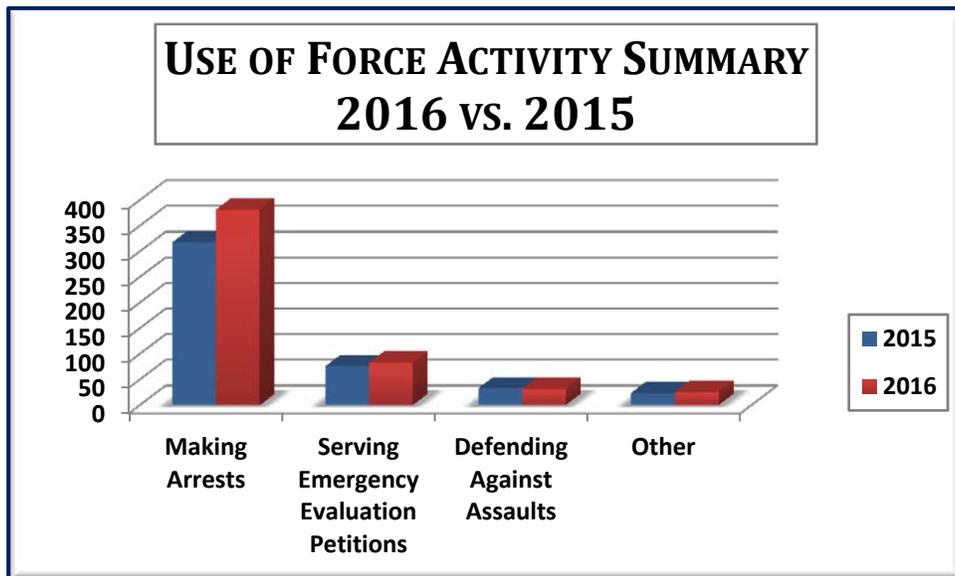
### ACTIVITY WHEN FORCE WAS USED

In 2016, force was used in approximately 382 incidents (73 percent) when officers were involved in *making arrests* for various offenses. The next highest reported activity, *servicing an emergency evaluation petition* (EEP), accounted for 83 incidents (15.9 percent), followed by *defending an assault*, which accounted for 32 incidents (6.1 percent) where some level of force was necessary to be used. Other various activities such as *transporting prisoners* and *traffic stops* accounted for the remaining 26 incidents (5 percent) reported in 2016.

A summary of these activities is presented in the chart below.



The data reported in 2016 indicates approximately the same overall totals for these categories as reported in 2015 as reflected in the chart below.

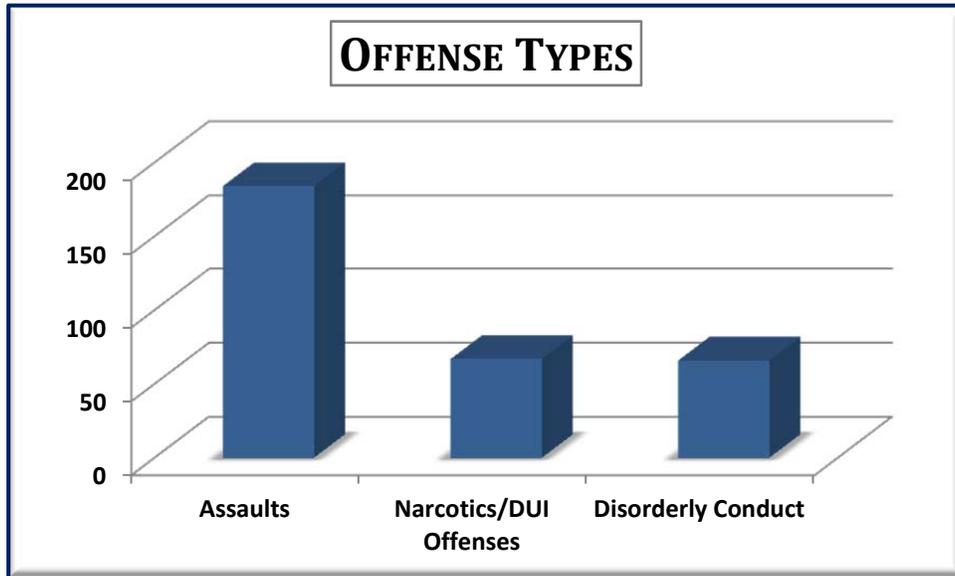


In 2016, making or attempting to make an arrest, serving emergency evaluation petitions, and defending against assaults accounted for 94.4 percent of the activities where officers needed to employ some type of force, which is similar to the experience reported for these same activities in 2015.

Over the five year period from 2012 through 2016, there has been a 21.3 percent increase in the need to use force when *making arrests*, a 56.6 percent increase when *serving emergency evaluation petitions*, and a decrease of approximately 18 percent when officers were *defending against assaults*.

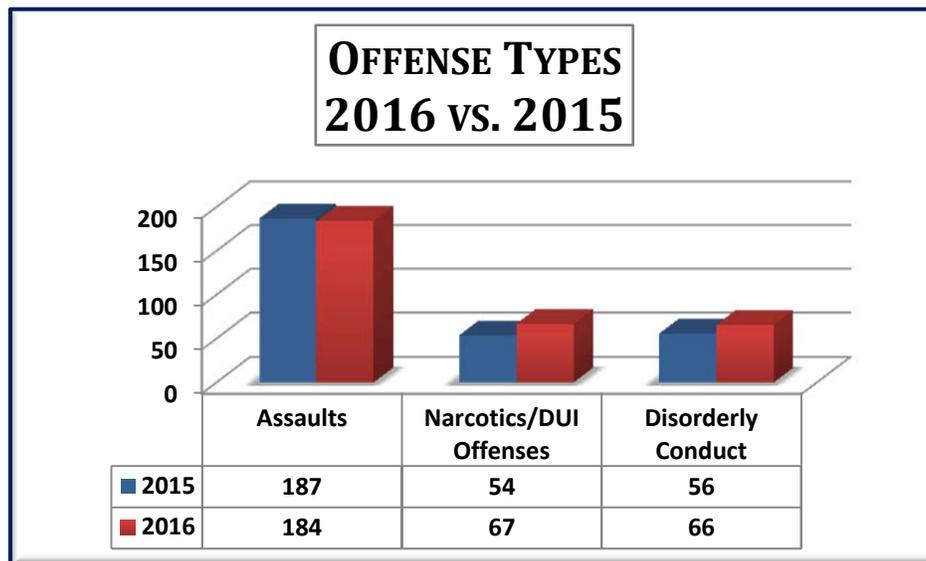
## OFFENSES WHERE FORCE WAS USED

A summary of the most common offenses where officers employed some type of force is presented in the following series of charts.



*Assaults, narcotics/DUI offenses, and disorderly conduct* accounted for 60.6 percent of the use of force incidents reported in 2016. The remaining percentage was comprised of various other offenses such as *larceny, burglary, weapons offenses, vandalism, trespassing, and other miscellaneous calls for service*. Officers responding to reports of *assaults* accounted for 35.2 percent of the total use of force incidents reported in 2016, compared to 41.5 percent in 2015. Other leading offenses where force was used in 2016 included encounters with subjects under the influence of drugs and/or alcohol (12.8 percent), and disorderly conduct (12.6 percent).

A comparison of these offenses as reported in 2016 and 2015 is shown in the chart below.



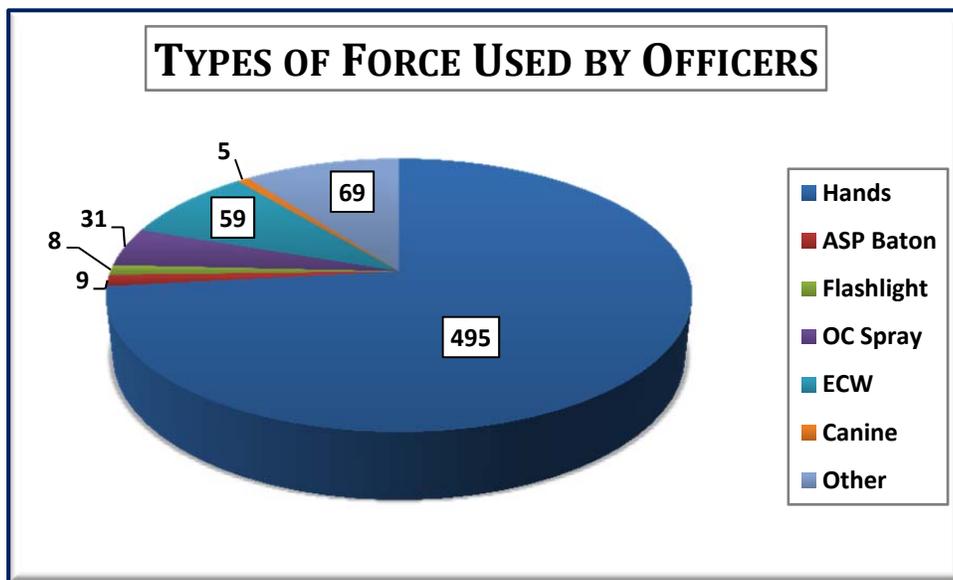
In 2015, subjects under the influence of drugs and/or alcohol accounted for 12 percent of the total use of force incidents, and disorderly conduct accounted for approximately the same percentage of incidents reported in 2016.

Over the five year period from 2012 through 2016, the need to use force in situations involving *assaults* increased 9.5 percent, while incidents involving *narcotics/DUI offenses* remained the same, and calls for service involving *disorderly conduct* where force was used increased 24.5 percent.

## TYPE OF FORCE USED BY OFFICERS AND DEFENDANTS

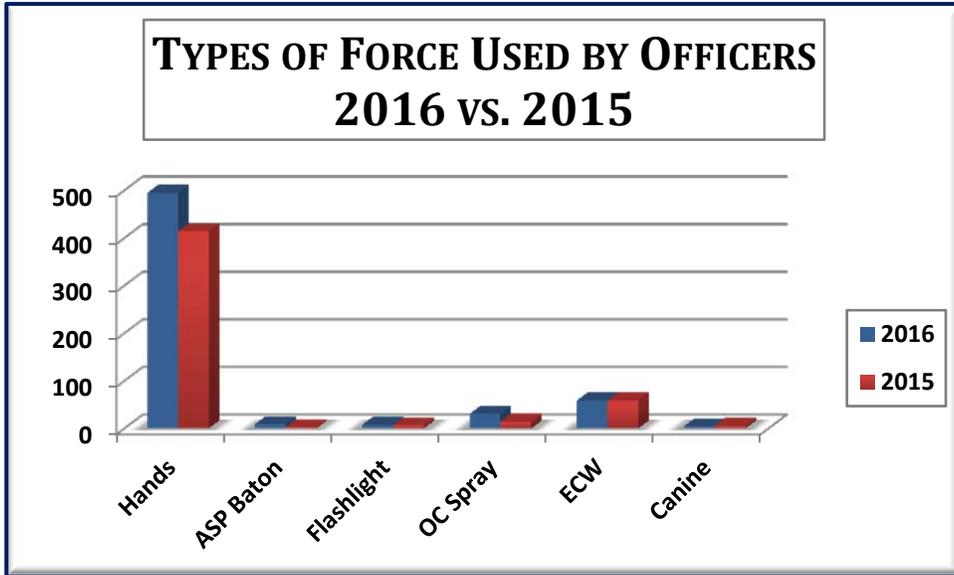
### Officers

The chart below shows the breakdown of the most common types of force used by *officers* in 2016.



Other types of force used include *knees* and *feet*. It is also important to point out that in some instances, more than one type of force may be used by one or more officers in an attempt to affect an arrest or control a situation. During many calls for service, a primary officer is dispatched and at least one additional officer responds as a back-up unit. In 2016, in over 70 percent of the circumstances where force was used, two or more officers were involved.

The chart on the following page summarizes the recurrent types of force used by *officers* in 2016 compared to 2015.



The type of force most widely used by officers in 2016 was *hands*, which were used 495 times (73.3 percent), compared to 414 times in 2015, an increase of 19.6 percent. *Electronic Control Weapons (ECWs)* were used 59 times (11.3 percent), which is the same number of uses reported in 2015. *Oleoresin Capsicum (OC) Spray* was used in 31 incidents (4.6 percent) in 2016, compared to 15 incidents in 2015, an increase of 106.7 percent.

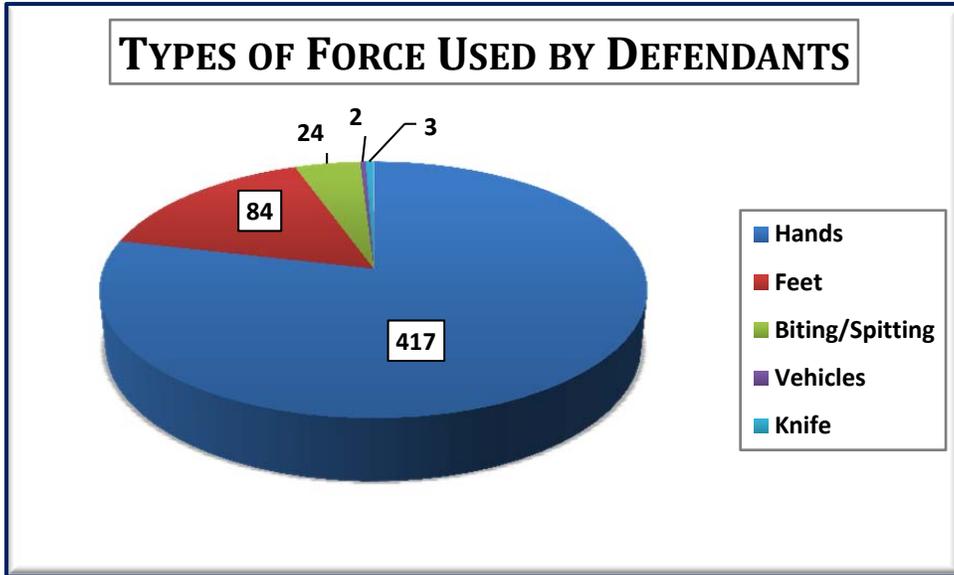
The *flashlight* was used in 8 incidents (1.2 percent), compared to 7 incidents in 2015, an increase of 14.3 percent. *Police canines* were deployed in 5 incidents (0.7 percent), compared to 6 incidents in 2015, a 16.7 percent decrease. The *ASP (expandable baton)* was used in 9 incidents (1.3 percent), compared to 3 incidents in 2015, an increase of 200 percent.

**Note:** A detailed summary of ECW use by officers in 2016 is included in the *Electronic Control Weapons Section* of this report.

Over the five year period from 2012 through 2016, officers used *hands* in 73.8 percent of reported use of force incidents, an *ASP baton* in 1.3 percent of incidents, a *flashlight* in 3 percent of incidents, *OC spray* in 4.8 percent of incidents, an *ECW* in 16.2 percent of incidents, and *police canines* in 0.9 percent of incidents.

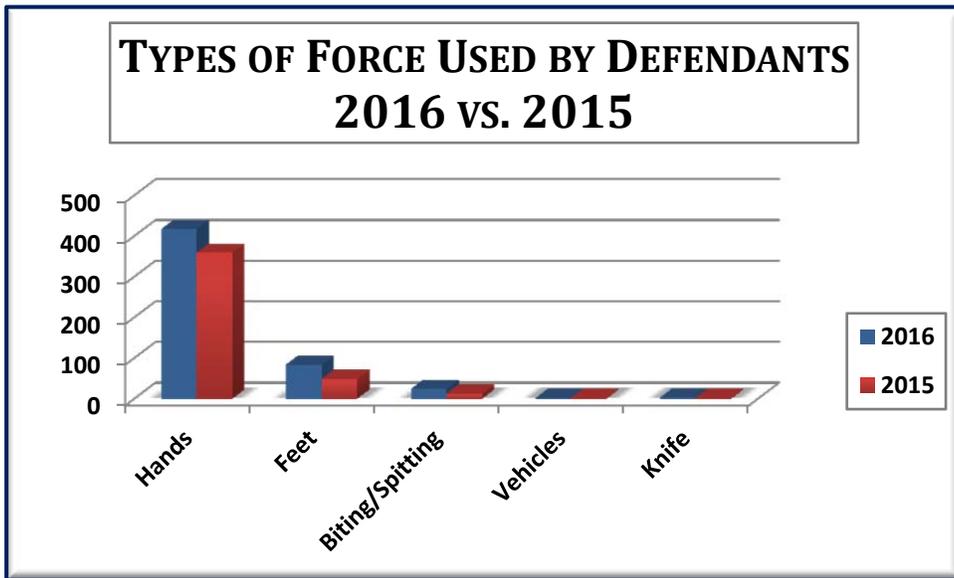
#### ***Defendants***

The chart on the next page shows the breakdown of the most common types of force used by *defendants* against officers in 2016.



Note: In some incidents, there were defendants (and multiple defendants) that used more than one type of force against officers.

The chart below summarizes the recurrent types of force used by *defendants* in 2016 compared to 2015.



The most common type of force used by defendants against officers in 2016 was hands which were used 417 times (71.2 percent), compared to 359 times in 2015, an increase of 16.2 percent. The next most common type of force used by defendants was feet which were used 84 times (14.3 percent), compared to 49 times in 2015, an increase of 71.4 percent. A knife was used by defendants in three incidents (0.5 percent), compared to two incidents in 2015, an increase of 50 percent. Vehicles were reported used in two incidents (0.3 percent), the same number of incidents reported in 2015.

Incidents involving *biting and/or spitting* at officers by defendants occurred 24 times (4.1 percent) in 2016, compared to 13 times in 2015, an increase of 84.6 percent. Defendants *resisting arrest by pushing or pulling away from officers, fleeing on foot, and using their bodies to push or pull away* from officers, and *other types of force not otherwise specified*, comprised the remaining percentage of incidents reported in 2016.

Over the five year period from 2012 through 2016, defendants used *hands* in 81.4 percent of reported use of force incidents, *feet* in 13.7 percent of incidents, *spit on or bit* officers in 3.4 percent of incidents, used *knives* in 1.2 percent of incidents, and used *vehicles* in 0.3 percent of incidents.

## ELECTRONIC CONTROL WEAPONS

The department currently has 401 *Electronic Control Weapons* (ECWs) issued to qualified officers after they complete extensive training and certification in its use. In addition, officers must attend 40 hours of *Crisis Intervention Training* (CIT) before an ECW can be carried. Once certified, officers are also required to complete annual recertification training to be authorized to continue to carry an ECW.

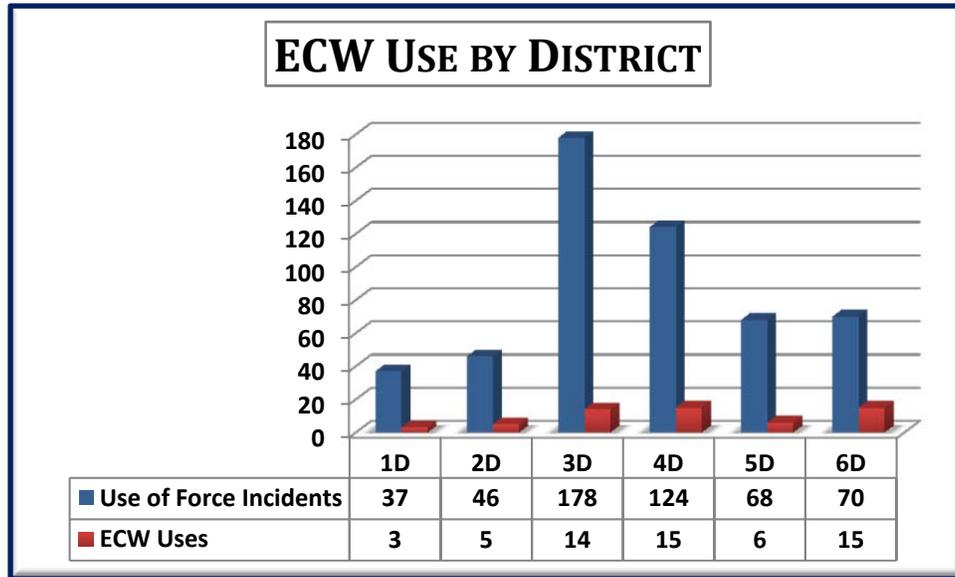
In 2016, an ECW was deployed 59 times (in 50 incidents), which was the same number of deployments reported in 2015. ECWs were used in approximately 9.6 percent of reported incidents in 2016, and in approximately 13 percent of use of force incidents in 2015.

A breakdown of ECW *deployments and percentages* of the total use of force reports *by district* for 2016 is provided in the table below. For purposes of this table, ECW use is reported by location of the incident, not by duty (district) assignment of the officer.

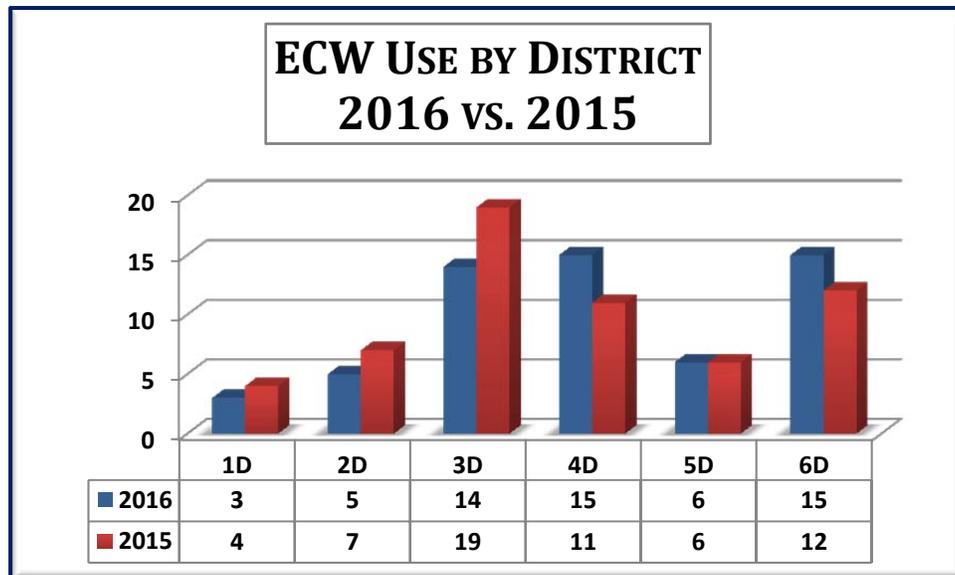
2016			
DISTRICT	TOTAL USE OF FORCE INCIDENTS REPORTED	ECW DEPLOYMENTS	% ECW DEPLOYMENTS OF TOTAL USE OF FORCE INCIDENTS
1D	37	3	8.1
2D	46	5	10.9
3D	178	14	7.9
4D	124	15	12.1
5D	68	6	8.8
6D	70	15	21.4
<b>TOTAL</b>	<b>523</b>	<b>59*</b>	<b>11.3</b>

*\*This total reflects one incident that occurred outside Montgomery County that involved an arrest of a fugitive by Major Crimes Division detectives. The total ECW uses also represents 9 incidents where more than one officer deployed an ECW.*

A chart summarizing the ECW district data for 2016 presented in the table above is shown on the next page.

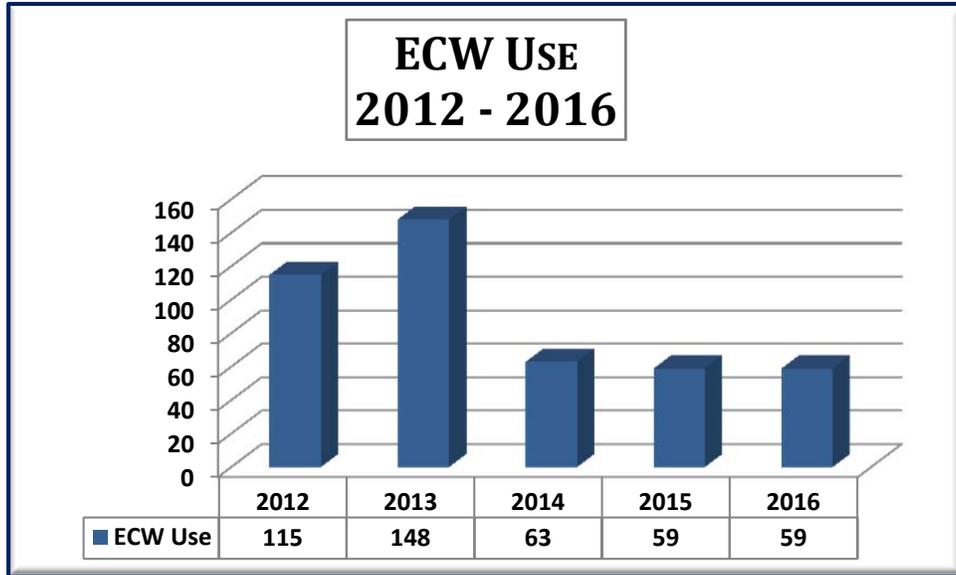


The chart below compares *ECW use* by district for 2016 and 2015.



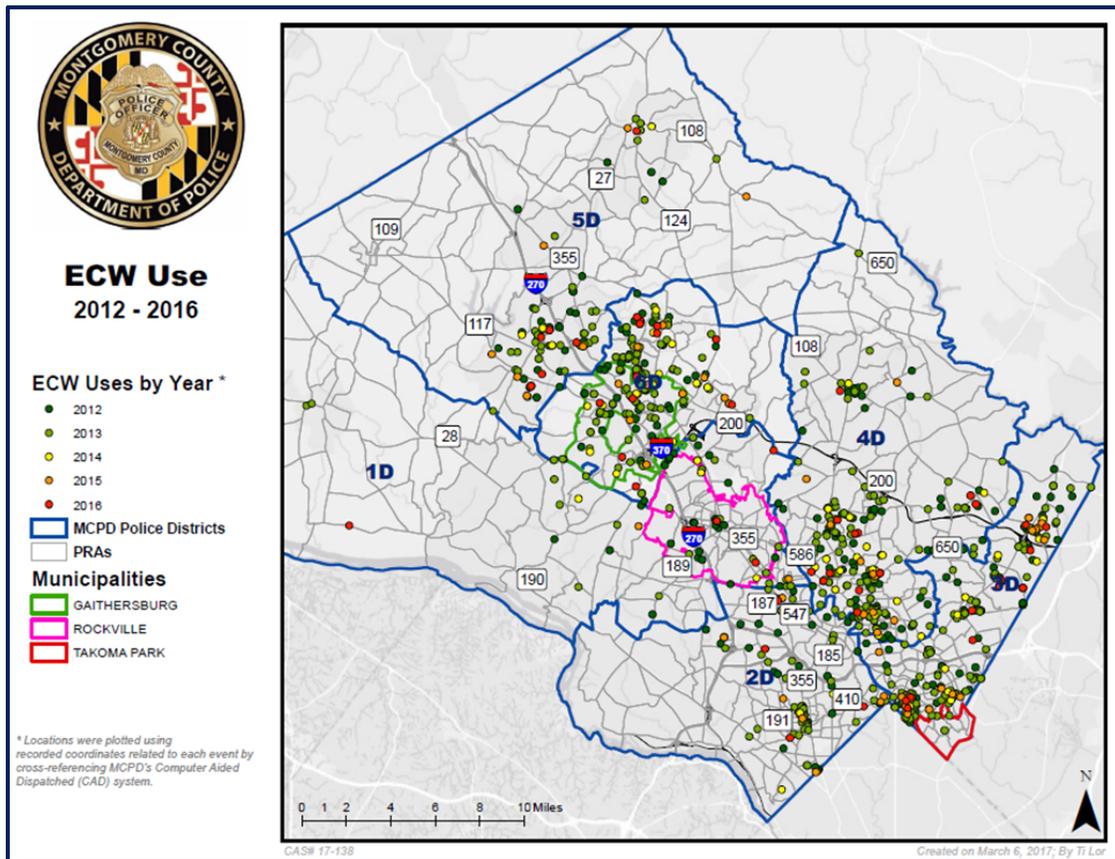
The data reflects decreased ECW use in 1D (33 percent), 2D (28.6 percent), and 3D (26.3 percent), and increased use in 4D (36.4 percent) and 6D (25 percent).

The chart on the following page summarizes *ECW use* for all police districts (county-wide) from 2012 through 2016.



Since 2012, ECW deployments have decreased 48.7 percent (and 52.4 percent since 2006).

The map below shows the locations of reported ECW uses by police reporting area (PRA) for each police district from 2012 – 2016.



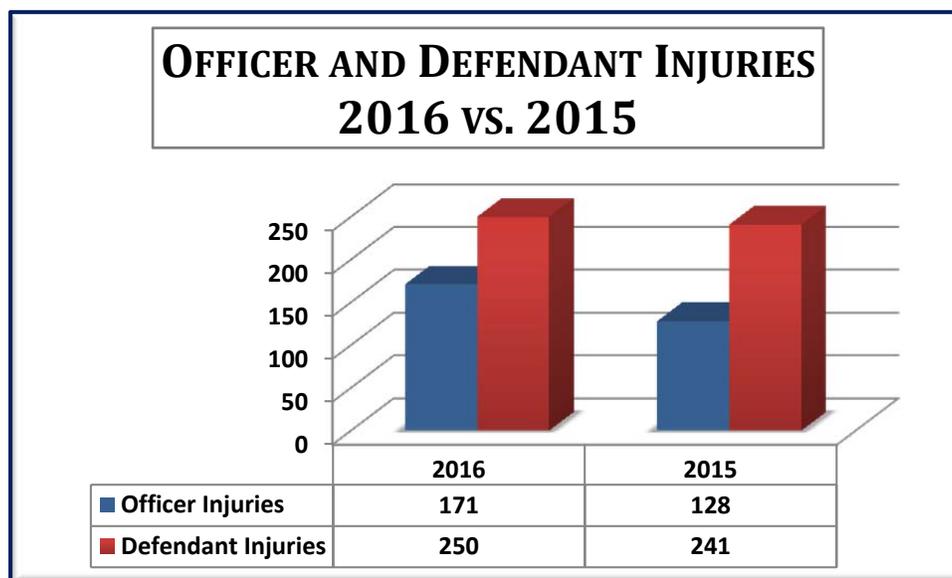
This data indicates concentrations of ECW use by officers in certain areas of the *Silver Spring*, *Wheaton*, and *Gaithersburg* districts.

These districts are also the districts where officers traditionally respond to the largest number of calls for service, and the districts that are generally responsible for the majority of the arrests reported by the department on an annual basis.

## INJURIES TO OFFICERS AND DEFENDANTS

In 2016, 171 *officers* reported sustaining some type of injury (or multiple injuries) during a use of force incident. This represents a 33.6 percent increase from 2015 when 128 *officers* reported being injured. The number of *defendant* injuries increased from 241 injuries reported in 2015 to 250 injuries in 2016, an increase of 3.7 percent.

The chart below compares *officer* and *defendant* injuries for 2016 and 2015.

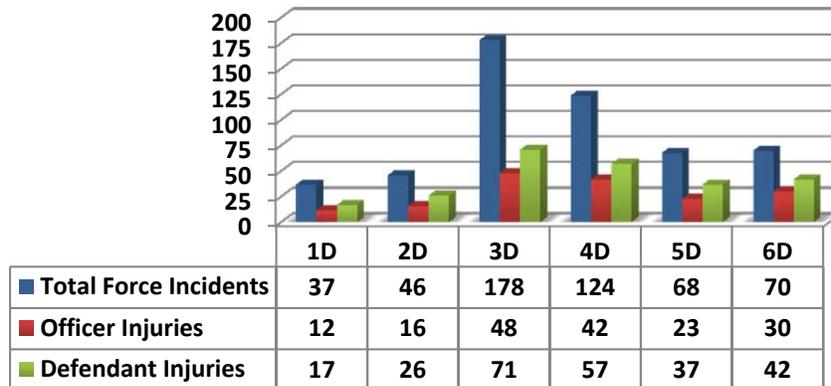


*Note: For defendants, an injury is recorded on the Use of Force Report regardless of whether it is a visible injury or the defendant claims an injury.*

In 2016, 92.3 percent of the reported injuries to *officers* involved bruises/soreness or lacerations and abrasions, compared to 91 percent reported in 2015, an increase of approximately 1.4 percent. In the case of defendants, 90.1 percent of the injuries reported by *defendants* (or claims of an injury by defendants) also involved bruises/soreness or lacerations and abrasions.

The chart on the next page provides a summary of the *Use of Force Reports* that were completed, the number of *injuries* sustained by *officers*, and the number of *injuries* sustained (or claimed) by *defendants* by district of occurrence in 2016.

## OFFICER AND DEFENDANT INJURIES DISTRICT SUMMARY



Based on the total use of force incidents reported by all districts in 2016, the majority of *injuries sustained by officers* (52.6 percent), occurred in 3D (*Silver Spring*) and 4D (*Wheaton*). Similarly, the largest percentage of *defendant injuries* (and claims of an injury) (51.2 percent), occurred in these same districts. These are also the districts that typically account for a large percentage of the calls for service and the most arrests each year.

From 2012 through 2016, *injuries to officers* increased approximately 28 percent, and *defendant injuries* (or claims of injuries), have increased approximately 172 percent. The average number of *injuries to officers* reported over this five year period is 137, and the average number of *defendant injuries* (including claims of an injury) is 178.

## MEDICAL TREATMENT FOR OFFICERS AND DEFENDANTS

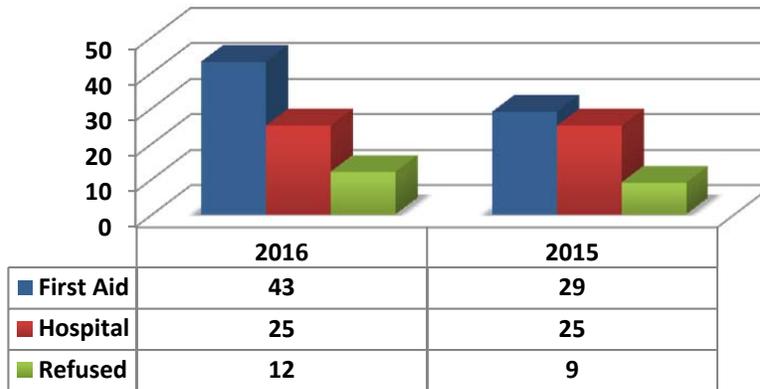
### *Officers*

In 2016, 68 of the 171 *officers* (39.8 percent) that sustained injuries, required some form of medical treatment (*i.e., first aid administered on scene or medical follow-up at a hospital*), compared to 42 percent of officers that required some type of medical treatment in 2015. Twelve officers that reported injuries in 2016 (7 percent) refused treatment, compared to nine officers in 2015, a 33.3 percent increase.

Moreover, there were a total of 24 incidents where officers were spit on (16) or bitten by defendants (8) that required decontamination and/or some form of first aid/medical treatment. In several of these incidents, officers also required decontamination from the effects of using OC spray against defendants.

The chart on the following page is a summary of the type of medical treatment administered for *officers* as a result of reporting being injured in 2016 compared to 2015, as well as the number of *officers* injured that refused medical treatment.

## MEDICAL TREATMENT FOR OFFICERS 2016 vs. 2015



The data reported for 2016 associated with *officer* medical treatment compared to 2015 reflects an increase of 48.3 percent in the number of *officers* requiring first aid, no change in the number of *officers* requiring treatment at a hospital, and a 33.3 percent increase in the number of *officers* that refused medical treatment.

Since 2012, the number of *officers* requiring medical treatment for injuries sustained during use of force incidents has decreased 1.4 percent.

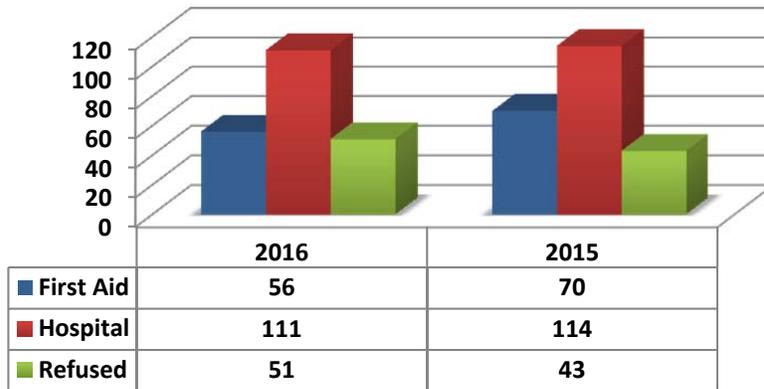
### ***Defendants***

In 2016, of the 250 *defendants* that sustained injuries (or claimed to have been injured), 167 (67 percent) were treated (*i.e., first aid administered on scene or were transported to a medical facility*), compared to 76 percent of *defendants* in 2015, decrease of 11.8 percent. Fifty-one *defendants* (20.4 percent) that reported injuries in 2016 refused treatment, compared to 43 *defendants* (17.8 percent) in 2015, an increase of 18.6 percent.

**Note:** In 2016, 20 *defendants* required decontamination from the effects of officers deploying OC spray.

The chart on the next page is a summary of the type of medical treatment administered for *defendants* as a result of reporting being injured in 2016 compared to 2015, as well as the number of *defendants* that refused medical treatment.

## DEFENDANT MEDICAL TREATMENT 2016 vs. 2015



Compared to 2015, the data reported for 2016 associated with *defendant* medical treatment reflects a decrease of 20 percent in the number of *defendants* requiring first aid, a 2.6 percent decrease in the number of *defendants* transported to medical facilities, and an increase of 18.6 percent in the number of *defendants* that refused medical treatment.

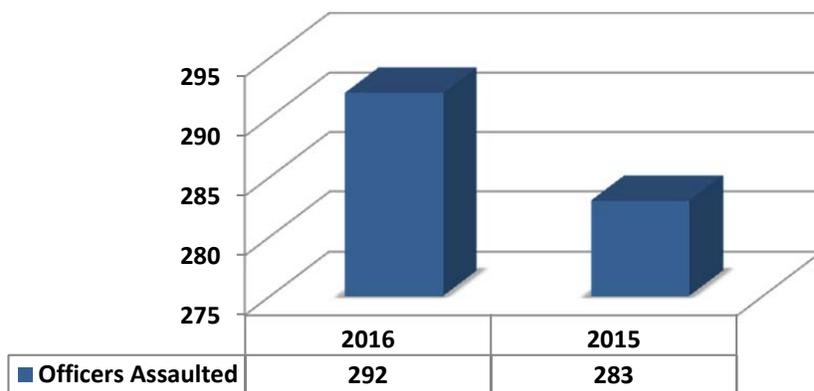
Since 2012, the number of *defendants* requiring medical treatment for injuries, (or claims of an injury) sustained during use of force incidents has decreased 9.2 percent.

## OFFICERS ASSAULTED/AMBUSHED

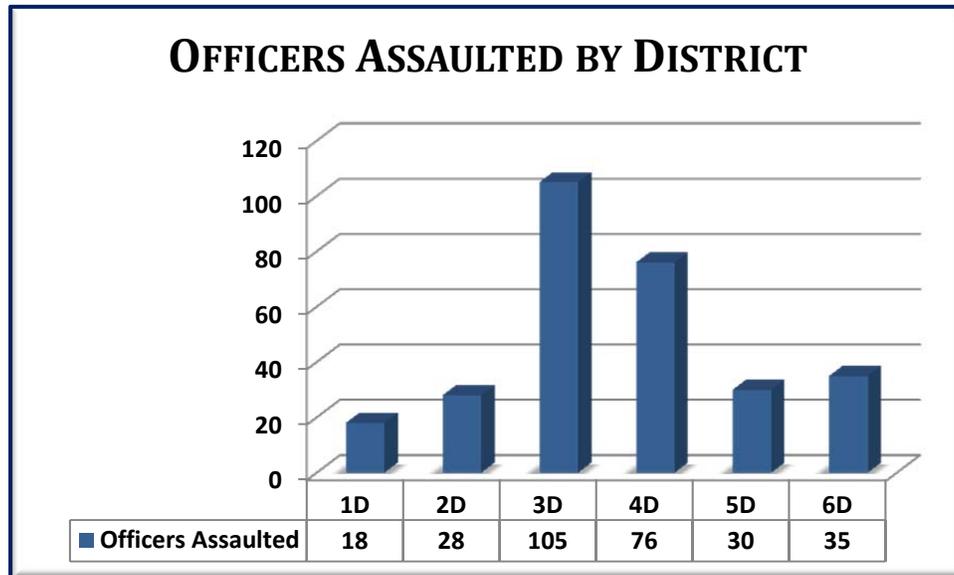
For state and federal reporting requirements, the department captures information when an officer reports being assaulted or ambushed.

The chart below compares the number of officers that reported being assaulted in 2016 to 2015.

## OFFICERS ASSAULTED 2016 vs. 2015



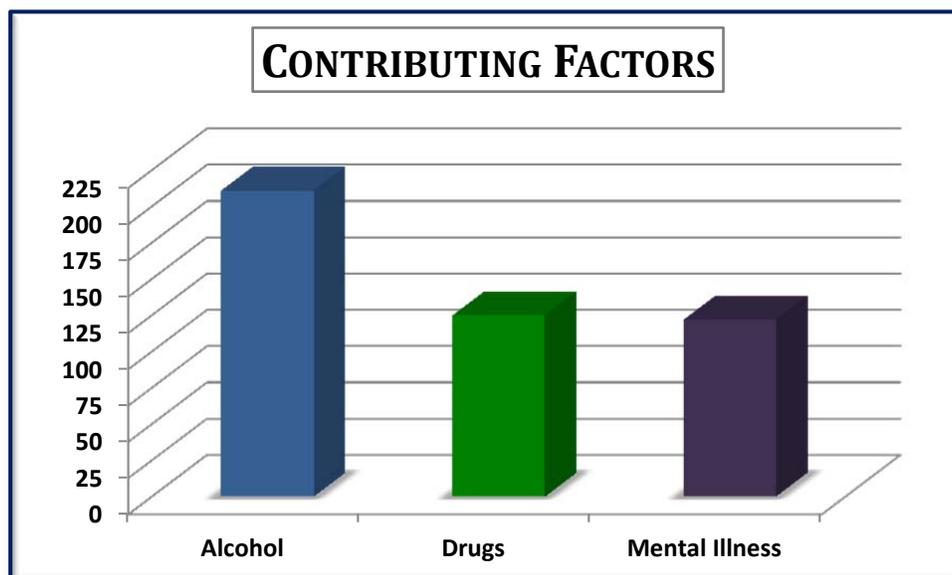
In 2016, 292 officers reported being assaulted, an increase of 3.2 percent compared to 2015 when 283 officers reported being assaulted. In 2016, no officers reported being ambushed, the same number reported in 2015. A summary of these incidents reported in 2016 by *district* is shown in the chart below.



This data indicates that the highest number of assaults on officers (62 percent) occurred in 3D (*Silver Spring*) and 4D (*Wheaton*), which are the two districts that respond to a large majority of the calls for service, where approximately 58 percent of the reported use of force incidents occurred, and where approximately 50 percent of the arrests were made in 2016. From 2012 through 2016, the number of officers who reported being assaulted increased 29.8 percent.

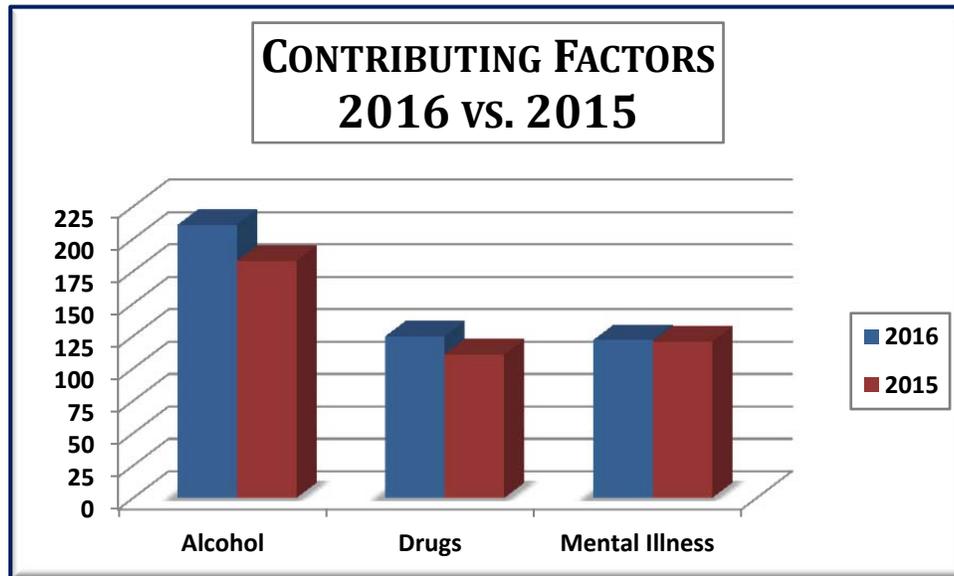
## CONTRIBUTING FACTORS

The chart below is a summary of the contributing factors reported in use of force incidents in 2016.



**Note:** In several incidents, defendants were reported to be under the influence of alcohol and drugs and also suffering from some form of mental illness. It is also important to note that in some situations, defendants under the influence of alcohol and/or drugs or suffering from mental illness, may not comply with an officer's presence or verbal commands, thereby necessitating the use of some type of physical force to gain compliance.

The chart below shows a summary of the contributing factors reported in 2016 compared to 2015.



In 2016, 211 defendants (40.3 percent) were reported to have been under the influence of alcohol at the time of the use of force incident, compared to 41 percent of the incidents reported in 2015, a decrease of 1.7 percent. In addition, some form of drug use was reported in 125 incidents (25 percent) in 2016, compared to 111 incidents in 2015, an increase of 12.6 percent. In 2016, defendants were under the influence of alcohol and/or drugs in 64.2 percent of the incidents where officers employed some type of force, a decrease of 1.2 percent compared to 2015.

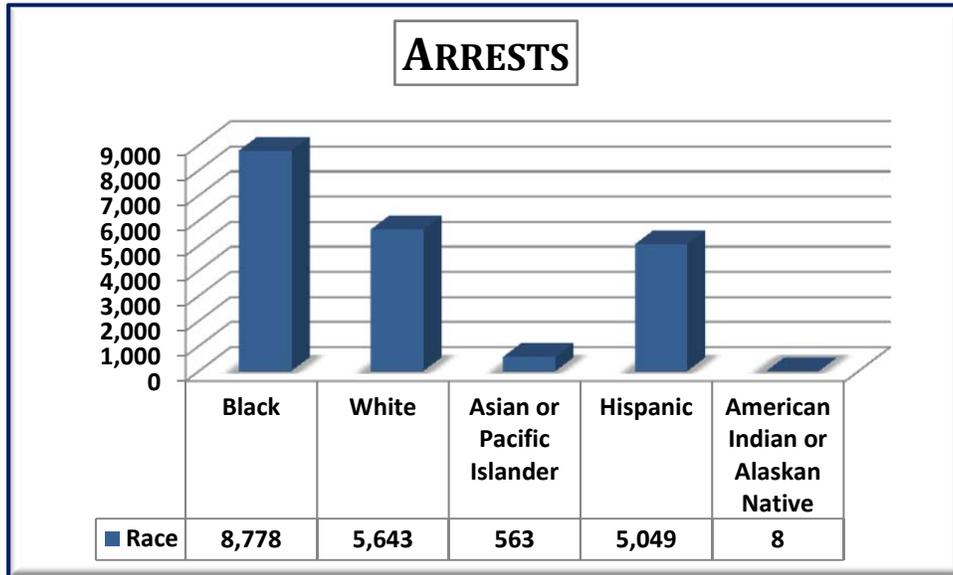
In 2016, 122 defendants (23.3 percent) encountered by police were reported to be suffering from some form of mental illness (or some type of mental health crisis), a decrease of 13.7 percent compared to 2015, when 27 percent of the reported incidents involved individuals suffering from some form of mental illness. Use of force incidents involving defendants reported to be suffering from mental illness/or a mental health crisis, constituted approximately 2 percent of the total events classified as mental illness-related in 2016.

Over the five year period from 2012 through 2016, the data shows that there has been a 1.9 percent decrease in the number of use of force incidents where *alcohol* was a contributing factor, a 267.6 percent increase in the incidents where some type of *drug(s)* were involved, and a 41.9 percent increase in incidents where individuals were suffering from some form of *mental illness*.

## DEMOGRAPHICS OF DEFENDANTS AND OFFICERS

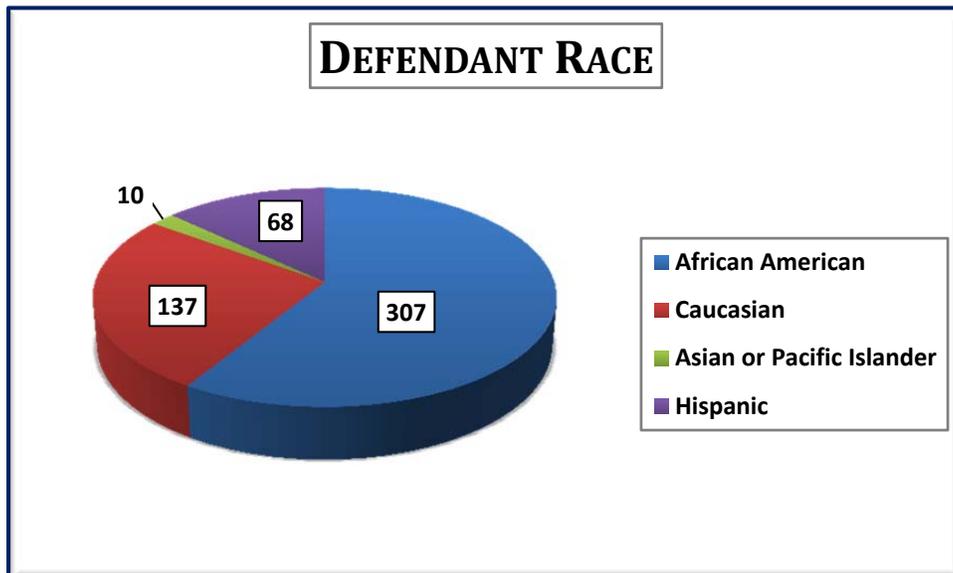
### *Race of Defendants*

The chart below shows a breakdown of the *race of the defendants* that were arrested county-wide in 2016.

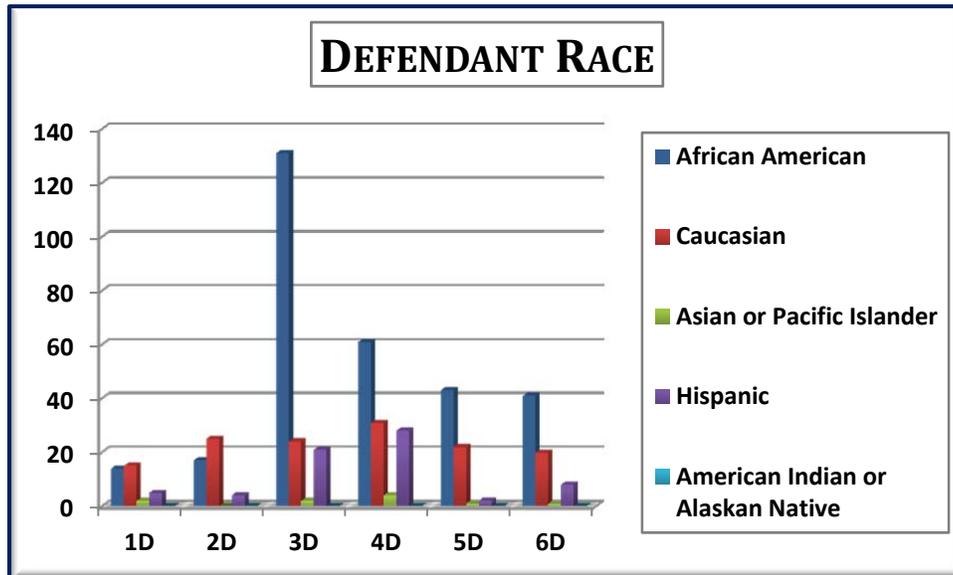


This data indicates that approximately 72 percent of the arrests made in 2016 involved *African American* and *Caucasian* defendants, and *Asian or Pacific Islander*, *Hispanic*, and *American Indian or Alaskan Native* defendants comprised the remaining 28 percent of arrests.

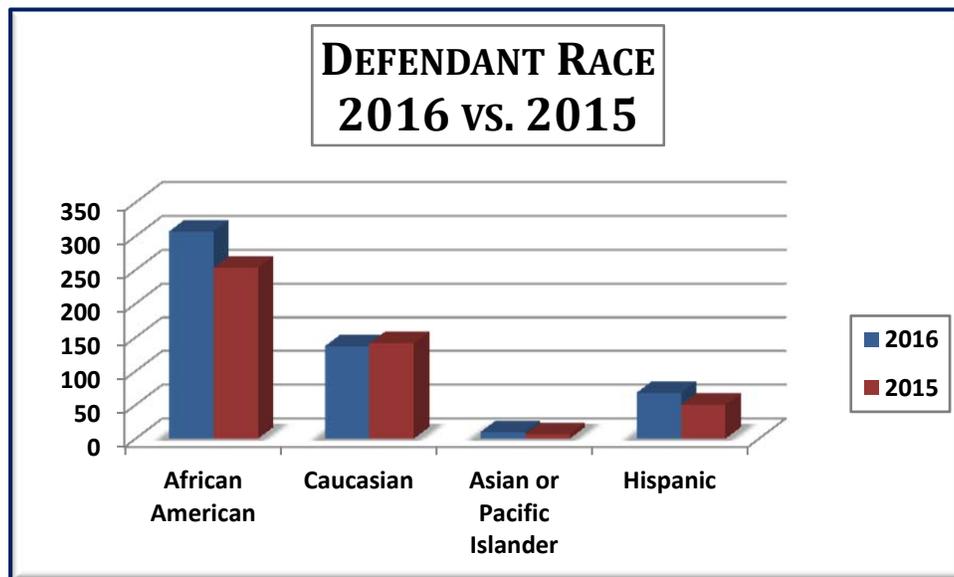
The chart below shows a summary of the *defendants' race* based on the number of use of force incidents reported in 2016.



The chart below shows the number of use of force incidents reported in 2016 by *district*, and a breakdown of the race of the *defendants* involved in those incidents.



The chart below shows a summary of the *defendants' race* in use of force incidents reported in 2016 compared to 2015.



The majority of *defendants* involved in use of force incidents reported in 2016 were *African American and Caucasian* (444), comprising approximately 85 percent of the total incidents, compared to 87 percent in 2015, a decrease of 2.3 percent. *Asian or Pacific Islander* defendants were involved in 10 incidents (1.9 percent), which is approximately the same percentage reported in 2015, and *Hispanic* defendants were involved in 68 incidents which accounted for the remaining 13 percent of incidents in 2016, compared to 11 percent in 2015.

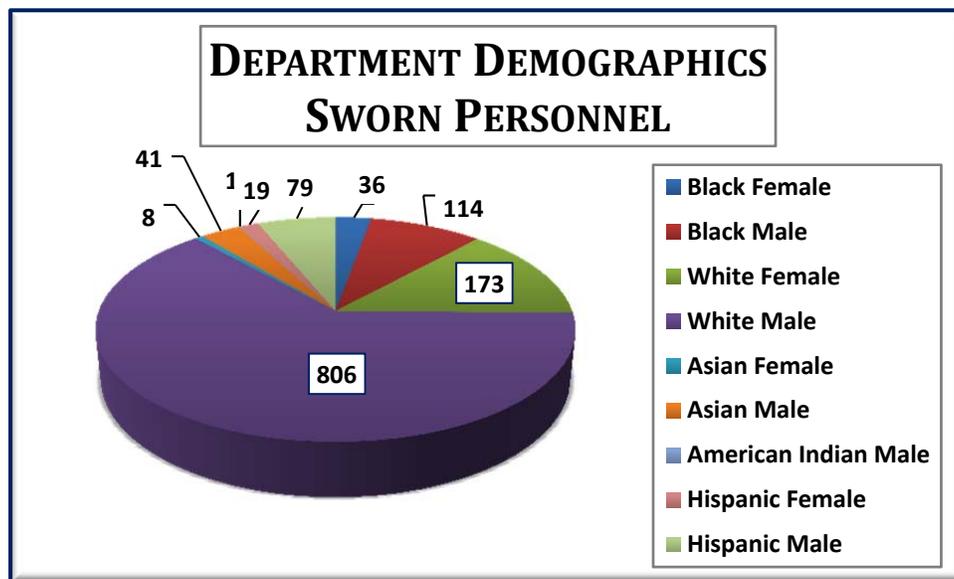
Over the five year period from 2012 through 2016, the following demographic-related trends are notable:

- The number of *African American* defendants involved in reported use of force incidents has increased 50.5 percent.
- The number of *Caucasian* defendants involved in reported use of force incidents has decreased 6.8 percent.
- The number of *Asian/Pacific Islander* defendants involved in reported use of force incidents increased 100 percent.
- The number of *Hispanic* defendants involved in reported use of force incidents decreased 2.9 percent.

Since 2012, *African American* subjects have been involved in 52.5 percent of the reported use of force incidents, *Caucasians* have been involved in 32.4 percent of reported incidents, *Asian/Pacific Islanders* have been involved in 1.5 percent of incidents, and *Hispanics* have been involved in 13.6 percent of reported use of force incidents.

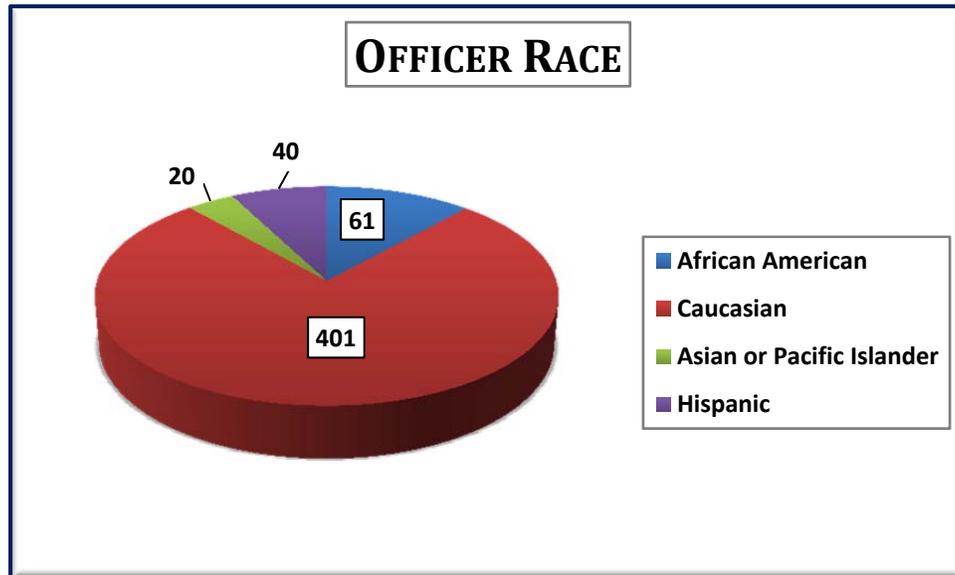
### ***Race of Officers***

The chart below shows the department demographics of its sworn personnel complement as of January 2017.

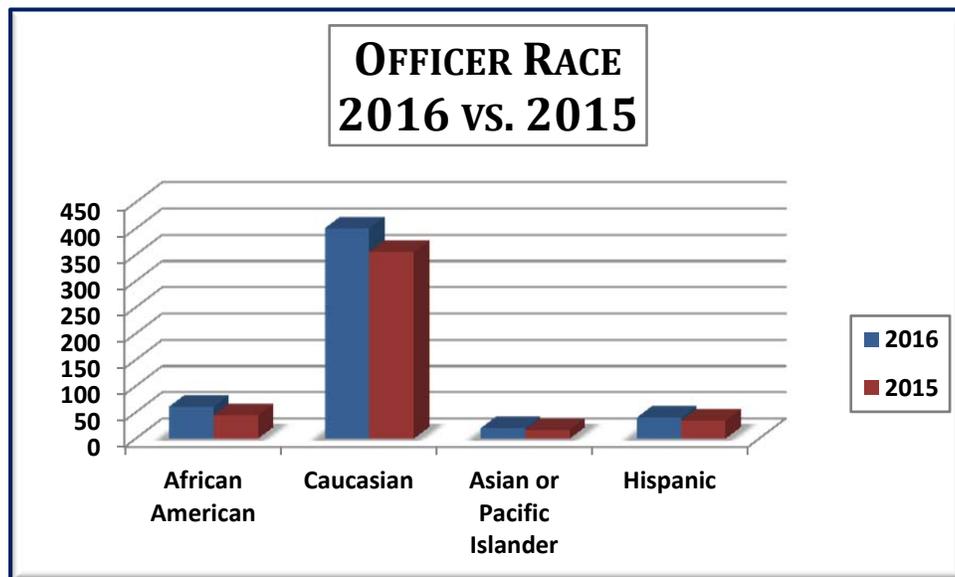


The following section includes a summary based on information compiled from the *Use of Force Reports* submitted in 2016 where the *race* of the *primary officer* was noted on the MCP 37. As previously noted, in the majority of use of force incidents, there are more than two officers involved. However, the data contained in the charts on the next page only reflect the *race of the primary officer(s)* that were responsible for completing the MCP 37.

The chart below shows the *race of the primary officers* involved in use of force incidents reported in 2016.



The chart below shows a summary of the *race of the primary officers* involved in use of force incidents reported in 2016 compared to 2015.



The majority of *officers* involved in use of force incidents reported in 2016 were *Caucasian* (356), comprising approximately 76.7 percent of the officers involved, compared to 78.9 percent in 2015, a decrease of 2.8 percent. *African American* officers were involved in 61 incidents (11.7 percent), compared to 9.8 percent of incidents in 2015. *Asian or Pacific Islander* officers were involved in 20 incidents (3.8 percent), which is approximately the same percentage reported in 2015, and *Hispanic* officers were involved in 40 incidents (7.6 percent), compared to 7.5 percent of the incidents reported in 2015.

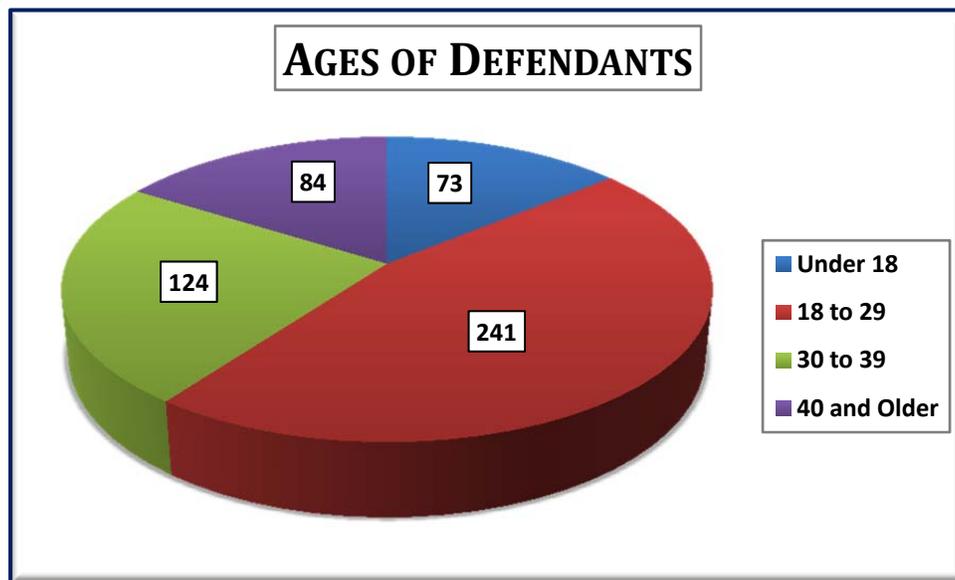
Over the five year period from 2012 through 2016, the following demographic-related trends are notable:

- The number of *African American* officers involved in reported use of force incidents increased 56.4 percent.
- The number of *Caucasian* officers involved in reported use of force incidents increased 13.9 percent.
- The number of *Asian/Pacific Islander* officers involved in reported use of force incidents increased 33.3 percent.
- The number of *Hispanic* officers involved in reported use of force incidents decreased 48.1 percent.

### ***Ages of Defendants and Officers***

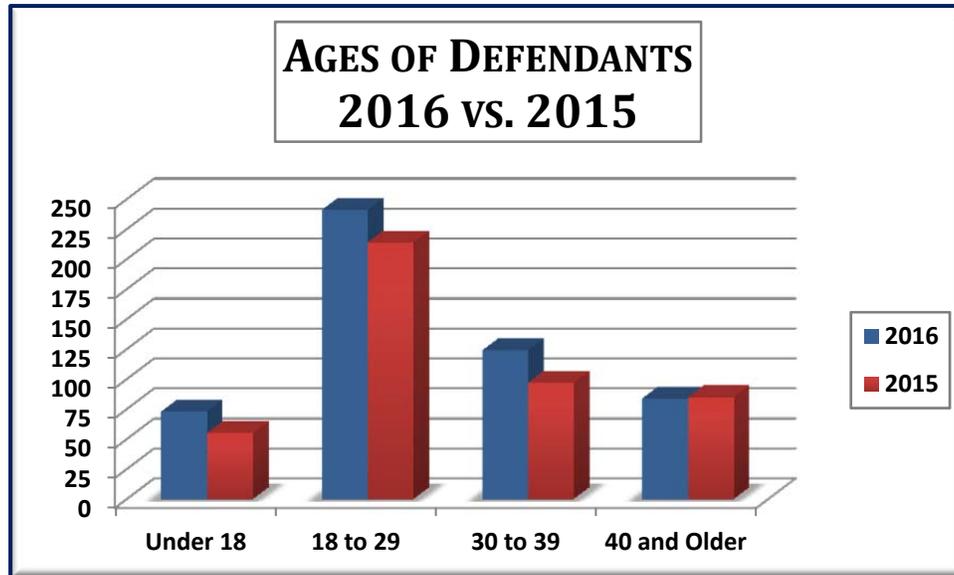
#### *Ages of Defendants*

The following series of charts show a breakdown of the *age groups of the defendants and officers* based on the information reported on use of force reports submitted in 2016.



*Defendants* ages 18 to 29 and 30 to 39 accounted for approximately 70 percent of the individuals involved in use of force incidents in 2016, compared to 69 percent of the individuals in 2015. *Defendants under the age of 18* were involved in 14 percent of the incidents reported in 2016, compared to 12 percent in 2015, while *defendants ages 40 and older* comprised the remaining 16.1 percent, compared to 19 percent in 2015.

The chart on the next page shows a summary of the *age groups of the defendants* involved in use of force incidents reported in 2016 compared to 2015.



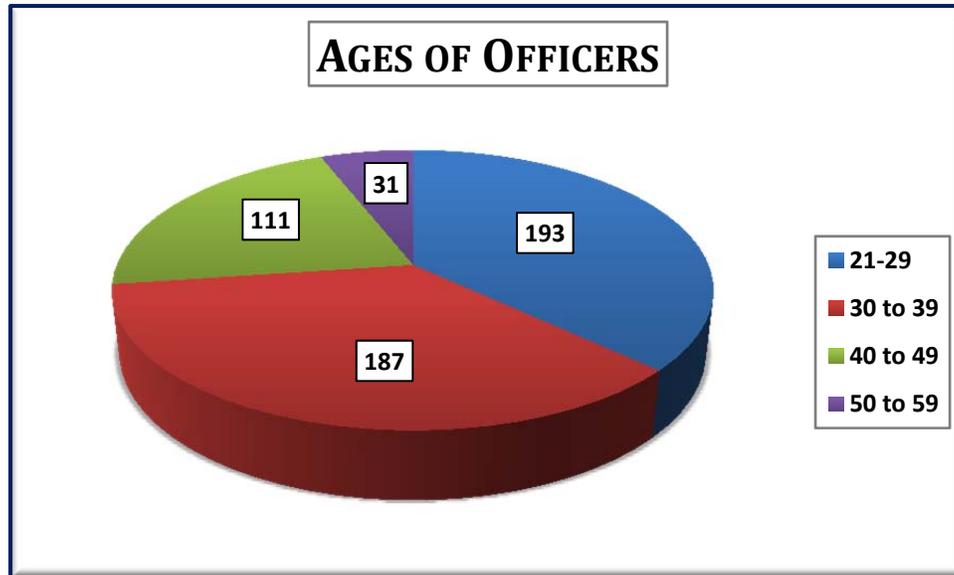
The average age of the *defendants* across all age groups for 2016 and 2015 was 29.4. From 2012 through 2016, the average age of *defendants* for all age groups was 29.5.

The following table summarizes the increases in the number of *defendants* in each age group from 2012 through 2016, as well as the average number of *defendants* in each age group that were involved in use of force incidents during this timeframe.

AGE GROUP	5 YEAR % (+/-)	AVG. NUMBER OF DEFENDANTS
Under 18	+31.3	54
18-29	+0.8	229
30-39	+57	102
40 and Older	+15.1	79

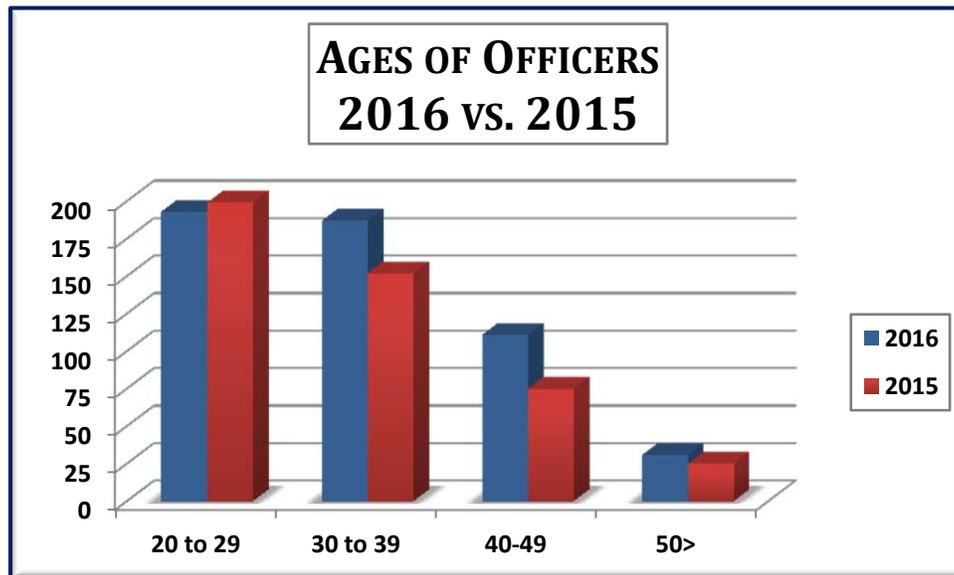
#### *Ages of Officers*

The chart on the following page provides a breakdown of the age groups of the *officers* involved in use of force incidents reported in 2016.



*Note: The age groups shown in the chart include only the age of the primary (arresting) officer and not all officers that may have been involved in a use of force incident.*

The chart below shows a summary of the age groups of the *officers* involved in use of force incidents reported in 2016 compared to 2015.

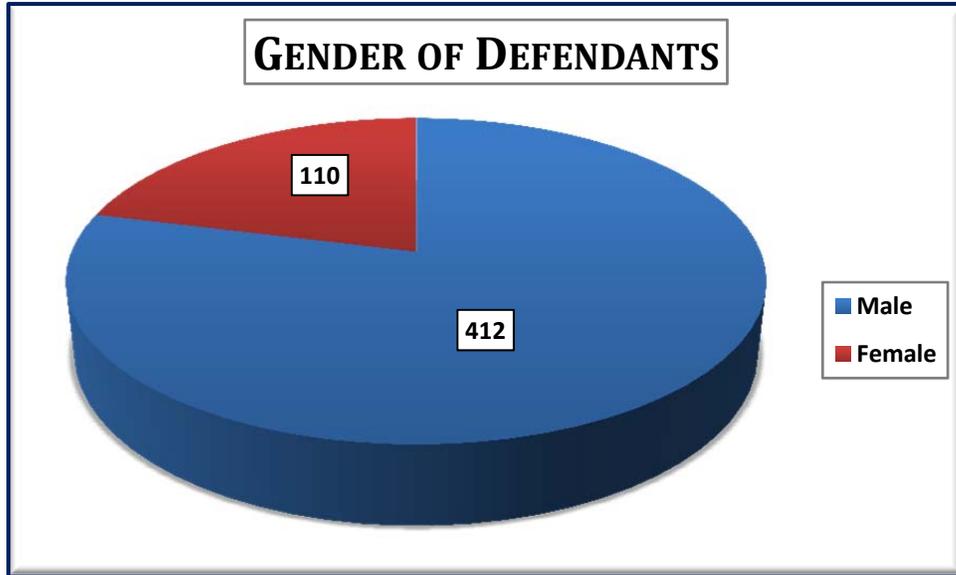


For all age categories in 2016, the average age of the *officers* involved in use of force incidents was 34, compared to 33 in 2015. From 2012 through 2016, the average age of *officers* for all age groups was 34.

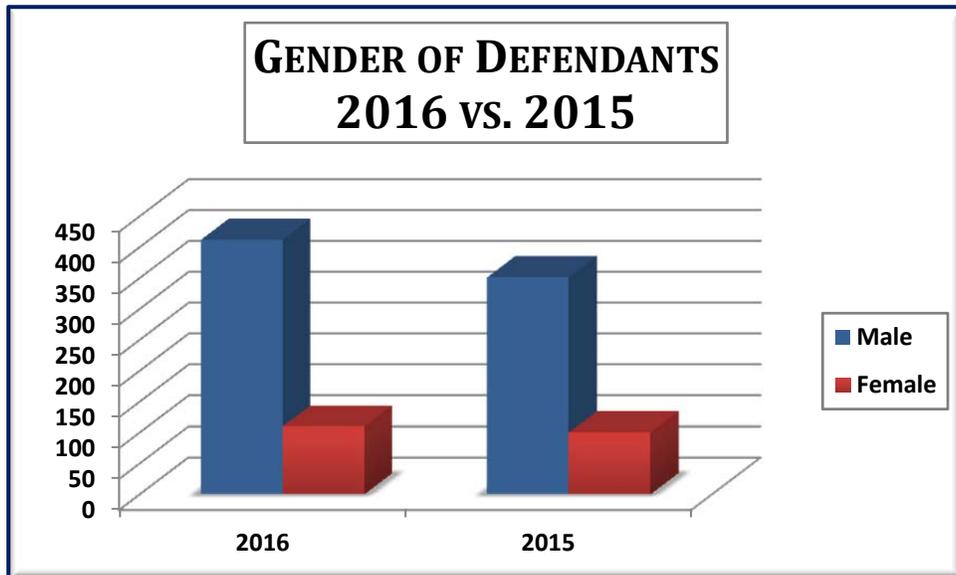
### **Gender**

#### *Defendants*

Of the *defendants* involved in use of force incidents in 2016, approximately 79 percent (412) were *male* and 21 percent (110) were *female*, as shown in the chart on the next page.



The chart below shows a summary of the gender of the *defendants* involved in use of force incidents reported in 2016 compared to 2015.

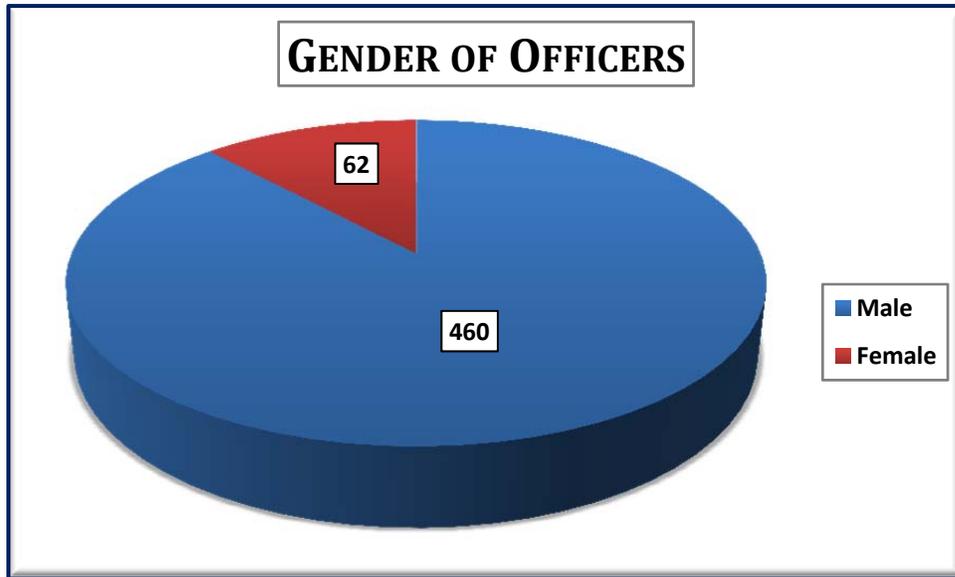


In 2016, there was a 17.1 percent increase in the number of *males* involved in use of force incidents, and a 10 percent increase in the number of *females* involved, compared to 2015.

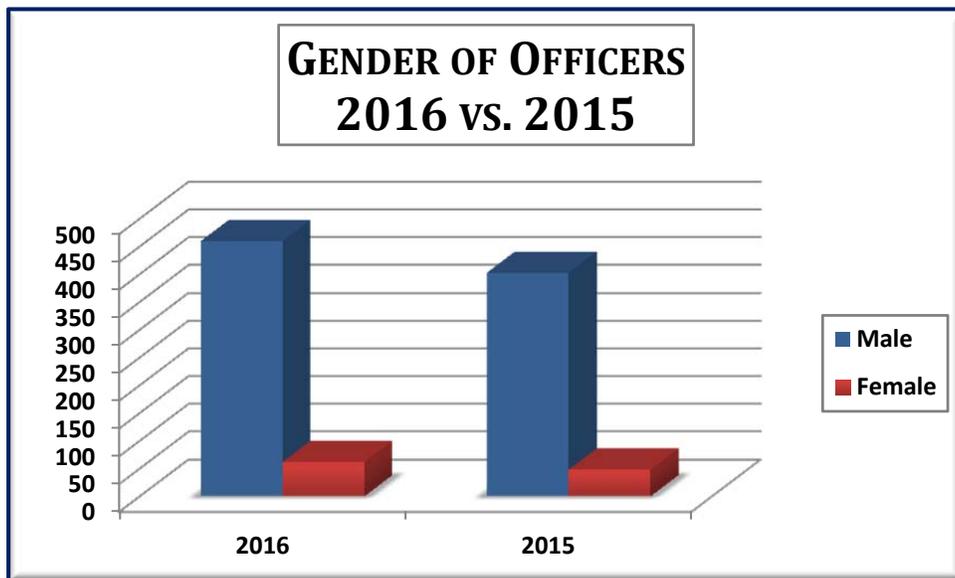
The data shows that over the five year period from 2012 through 2016, there was a 12.6 percent increase in the number of *males*, and an 83.3 percent increase in the number of *females* involved in use of force incidents.

#### *Officers*

Of the primary *officers* involved in use of force incidents reported in 2016, 88.1 percent (460) were *male*, and 11.9 percent (62) were *female*, as shown in the chart on the following page.



The chart below provides a comparison of the gender of the *officers* involved in use of force incidents reported in 2016 and 2015.

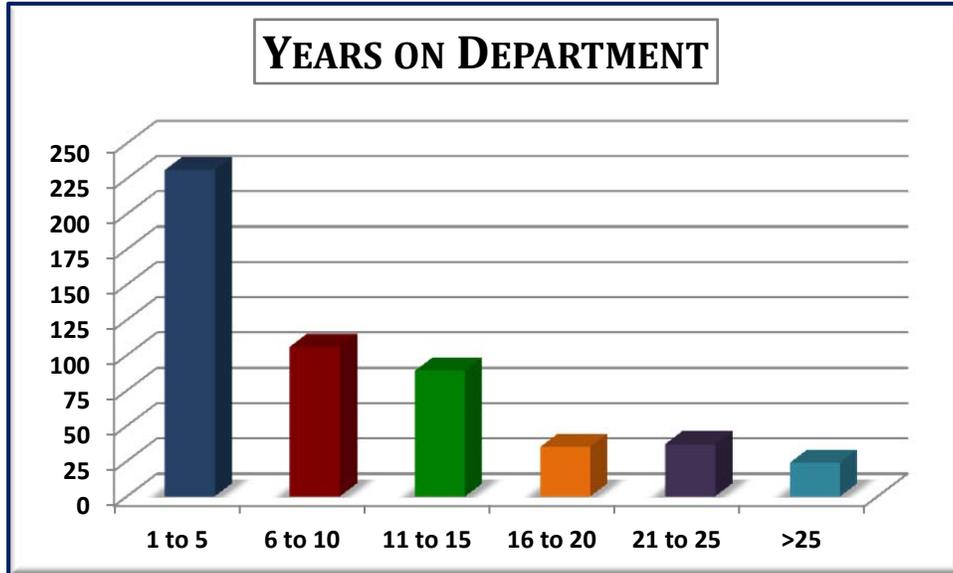


This data indicates that between 2016 and 2015, there was a 1.5 percent decrease in the number of *male* officers reported involved in use of force incidents, and a 12.3 percent increase in the number of *female* officers.

Over the five year period from 2012 through 2016, there was a 25 percent increase in the number of *male officers*, and a 4.8 percent decrease in the number of *female officers* involved in use of force incidents.

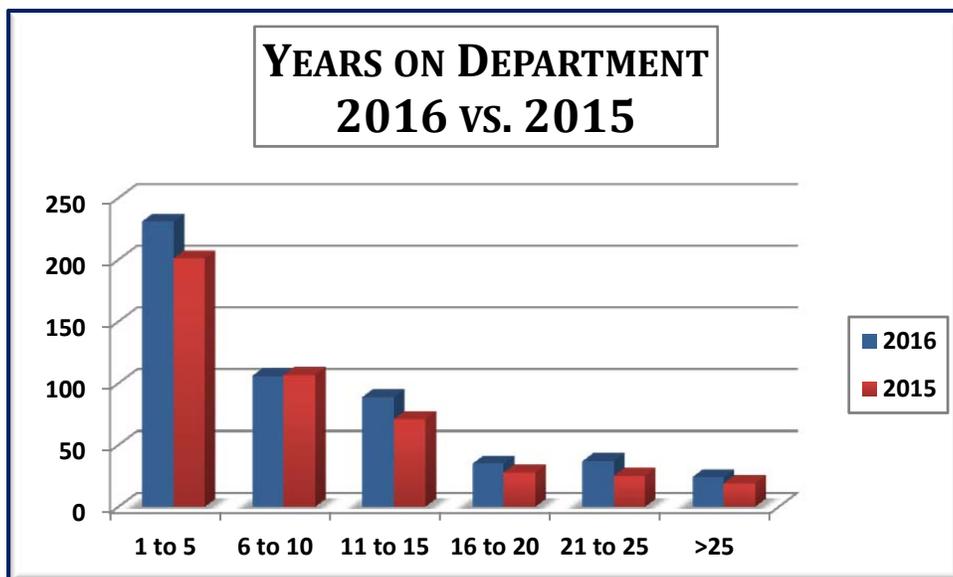
## YEARS ON DEPARTMENT OF OFFICERS

A summary of the officers' *years of experience* on the department that were involved in use of force incidents for 2016 is shown in the chart below.



In 2016, 64.6 percent of the officers (337) involved in use of force incidents served on the department from one to 10 years, while there were 124 officers (23.8 percent) that served on the department between 11 and 20 years. Officers serving for more than 20 years comprised the remaining percentage of officers (11.6 percent).

A comparison of the officers' *years of experience* that were involved in use of force incidents for 2016 and 2015 is presented below.



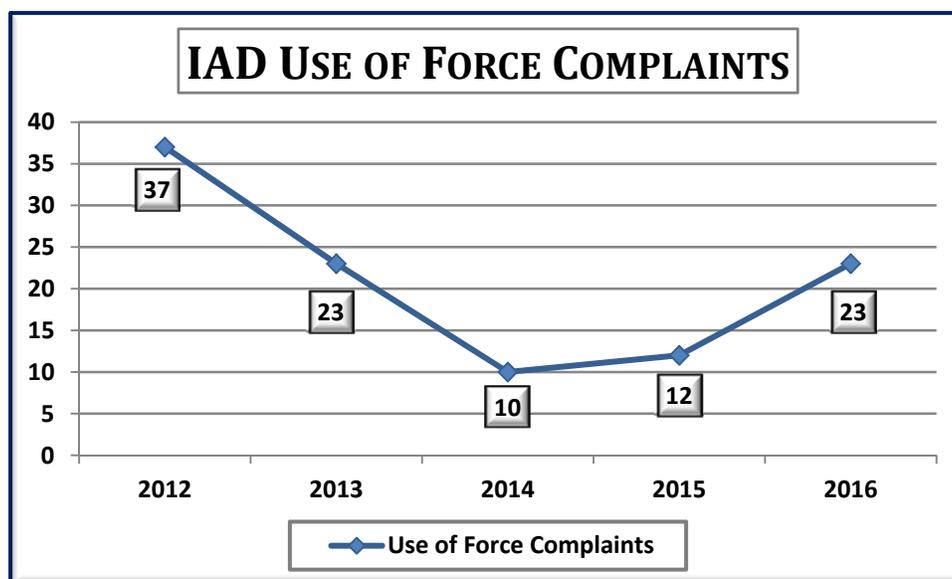
This data reflects increases in each experience category for 2016, except for the officers with 6 to 10 years of experience which shows a 0.9 percent decrease compared to 2015. The categories with the highest increases involve those officers with more than 25 years on the department, followed by those with 11 to 15 years of experience, and 16 to 20 years of experience respectively.

Data reported from 2012 through 2016 reflects moderate increases in each experience category, except for officers with 6 to 10 years of experience, which shows a 37.6 percent decrease over this five-year period.

## ALLEGATIONS AND INVESTIGATIONS

There were 23 use of force-related complaints made to the department's Internal Affairs Division (IAD) in 2016, compared to 12 complaints received in 2015, an increase of 91.7 percent. These investigations are formal investigations conducted by IAD in accordance with the *Law Enforcement Officer's Bill of Rights*.

A summary chart of the complaints related to use of force incidents received by IAD from 2012 through 2016 is provided below.



The data shows a significant increase in the number of complaint received in 2016 compared to 2015, however since 2012, there has been a 37.8 percent decrease in the number of use of force-related complaints reported to IAD.

## IN-CUSTODY DEATHS

An in-custody death generally refers to the death of an individual while in the custody of law enforcement officers when the death is not directly caused by a use of deadly force. Death may occur from contributing circumstances, such as medical problems, that are identified or develop while a person is in police custody.

No in-custody deaths occurred in 2016, the same number reported in 2015.

## DEADLY FORCE INCIDENTS

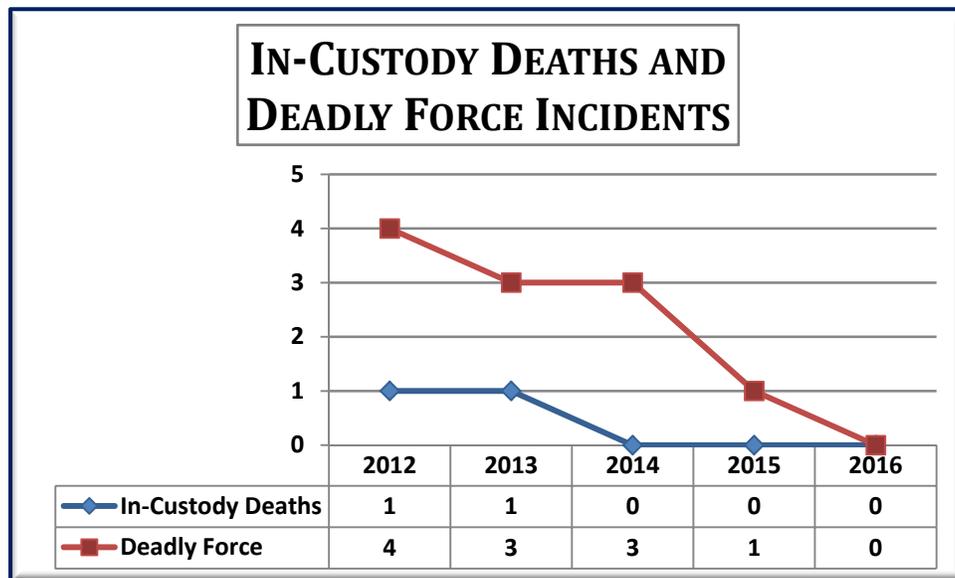
Deadly force is defined as *any use of force that is intended to or likely to cause a substantial risk of death or serious physical injury*. Officers may use deadly force to defend themselves or another person from what they reasonably believe is an imminent threat of death or serious physical injury. All incidents that involve the use of deadly force or in-custody deaths are investigated by the department's Major Crimes Division (MCD).

An on-duty patrol supervisor is required to respond to all ECW deployments, firearm discharges (except for the humane destruction of non-domestic animals), use of 12-gauge impact projectiles, and any use of force incident that results in serious bodily injury or in-custody death. Supervisors are required to notify MCD of any situations that meet the following criteria:

- All intentional firearm discharges by an employee, whether injuries occur or not, with the exception of authorized range practice or the destruction of dangerous or injured animals;
- All accidental firearm discharges by an employee that result in an injury to anyone, including the involved officer; and
- All incidents where an individual sustains life-threatening injury as a result of police action.

There were no deadly force incidents recorded in 2016, compared to one incident in 2015.

A five year summary of *in-custody deaths* and *deadly force incidents* is shown in the chart below.



## SUMMARY

In 2016, officers reported 523 use of force incidents, an increase of 16 percent from 2015. All districts experienced an increase in the number of reported use of force incidents, except for Bethesda (2D) and Germantown (5D). The Bethesda District experienced a 27 percent decrease in use of force incidents, and the Germantown District experienced a 4.2 percent decrease.

The use of any type of force by MCPD officers continues to constitute a very small percentage of the overall calls for service that officers respond to on a daily basis. In 2016, officers used force in 0.22 percent of the total dispatched calls for service, and in only 2.6 percent of all arrest situations. Over the past five years, there has been a 20.6 percent increase in the overall number of use of force incidents reported averaging approximately 461 incidents annually.

#### Activities When Force Was Used

Making arrests (or attempting to make arrests), serving emergency evaluation petitions, and defending against assaults constituted 94 percent of incidents where some type of force was used, a one percent decrease from 2015. Over the five year period from 2012 through 2016, there has been a 21.3 percent increase in the need to use force when making arrests, a 56.6 percent increase when serving emergency evaluation petitions, and a decrease of approximately 18 percent decrease when defending against assaults.

#### Offenses Where Force Was Used

Calls for service involving *assaults*, *narcotics/DUI offenses*, and *disorderly conduct* accounted for approximately 61 percent of all reported use of force incidents, compared to 66 percent the previous year. Officers responding to reports of assaults accounted for approximately 35 percent of all reported use of force incidents in 2016, which is a 15.2 percent decrease compared to the previous year. Over the five year period from 2012 through 2016, the need to use force in situations involving *assaults* increased 9.5 percent, while incidents involving *narcotics/DUI offenses* remained the same, and calls for service involving *disorderly conduct* where force was used increased 24.5 percent.

#### Types of Force Used

The type of force most commonly used by *officers* was hands (73 percent), which increased approximately 20 percent compared to 2015. The type of force most commonly used against officers by *defendants* was also hands (71 percent), which increased approximately 16 percent compared to 2015. Defendants also used their feet attempting to kick officers, and attempted to bite or spit at officers in 20.1 percent of the incidents reported in 2016. The use of hands and/or feet as a means to prevent being placed into custody continues to be the most common means of force/resistance used by defendants.

Over the five year period from 2012 through 2016, officers used *hands* in 73.8 percent of reported use of force incidents, an *ASP baton* in 1.3 percent of incidents, a *flashlight* in 3 percent of incidents, *OC spray* in 4.8 percent of incidents, an *ECW* in 16.2 percent of incidents, and *police canines* in 0.9 percent of incidents. During this same five year period, defendants used *hands* in 81.4 percent of reported use of force incidents, *feet* in 13.7 percent of incidents, *spit on or bit* officers in 3.4 percent of incidents, used *knives* in 1.2 percent of incidents, and used *vehicles* in 0.3 percent of incidents.

#### ECW Use

The frequency of use of ECWs by officers remained the same in 2016 as in 2015 [59 deployments]. ECWs were deployed in approximately 10 percent of all reported use of force incidents in 2016, compared to approximately 13 percent in 2015. Since 2012, ECW use by officers has declined 48.7 percent, and 52.4 percent over the last 10 years.

### Injuries to Officers and Defendants

In 2016, officers reported being injured in 33 percent of reported use of force incidents, and defendants were injured (or claimed to be injured) in 48 percent of incidents. Injuries sustained by officers increased approximately 34 percent from 2015, while injuries to defendants increased 3.7 percent. Since 2012, injuries to officers have increased approximately 28 percent, while the number of defendants reported being injured (or claiming they were injured) has increased 172 percent. The average number of *injuries to officers* reported over this five year period is 137, and the average number of *defendant injuries* (including claims of an injury) is 178.

### Medical Treatment for Officers and Defendants

Officers required medical treatment in 40 percent of the reported use of force incidents in 2016, compared to 42 percent in 2015, and defendants required treatment in 67 percent of incidents compared to 47 percent of incidents the previous year. Since 2012, the number of officers requiring medical treatment for injuries sustained during use of force incidents has decreased 1.4 percent, and the number of defendants requiring medical treatment for injuries sustained during a use of force incident (or claiming to be injured), has decreased 9.2 percent.

### Officers Assaulted

In 2016, the number of reported assaults on officers increased 3.2 percent compared to the previous year. Over the past five years, the number of officers reported being assaulted in use of force incidents has increased 29.8 percent.

### Contributing Factors

In 64 percent of the incidents where officers employed some type of force in 2016, defendants were reported to be under the influence of alcohol and/or drugs, a 1.5 percent decrease from 2015. Since 2012, there has been a two percent decrease in the number of incidents where alcohol was a contributing factor, a 267.6 percent increase in the incidents where some type of drug(s) were involved, and a 42 percent increase in incidents where individuals were suffering from some form of mental illness.

### Demographics of Defendants and Officers

#### *Race*

In 2016, 85 percent of the *defendants* involved in use of force incidents were *African American* and *Caucasian*, compared to 87 percent in 2015, a 2.3 percent decrease. Since 2012, *African American* and *Caucasian* defendants have been involved in 85 percent of the reported use of force incidents in the county. *Asian/Pacific Islander* defendants have been involved in approximately two percent of incidents, and *Hispanics* have been involved in approximately 13 percent of use of force incidents.

In contrast, *African American* and *Caucasian officers* have been involved in 88.7 percent of the reported use of force incidents in the county. *Asian/Pacific Islander* officers have been involved in approximately 3.6 percent of incidents, and *Hispanic* officers have been involved in approximately 7.7 percent of use of force incidents.

## *Age*

*Defendants* ages 18 to 29 and 30 to 39 accounted for approximately 70 percent of the individuals involved in use of force incidents in 2016, compared to 69 percent in 2015. *Defendants* under the age of 18 were involved in 14 percent of the incidents reported in 2016, compared to 12 percent in 2015, while *defendants* ages 40 and older comprised the remaining 16.1 percent, compared to 19 percent in 2015. These percentages are fairly consistent with similar data reported over the last five years.

The average ages of the defendants and officers involved in use of force incidents reported in 2016 were very similar to those reported in 2015, with the average age of *defendants* being 29, and age 34 for *officers*, which are also the same average ages for defendants and officers over the last five years. A review of the data over the last five years also shows significant increases in the number of defendants under the age of 18 (approximately 31 percent), and defendants in the 30-39 age group (approximately 57 percent) involved in use of force situations.

For *officers* over the same five year period, the data reflects an increase of 52 percent in the number of officers' ages 20 to 29 involved in use of force incidents, and a 107 percent increase in the number of officers ages 50 and older. The data also indicates increases in the number of officers in the age groups of 30-39, and ages 40-49, of 10 percent and 13 percent, respectively.

## *Gender*

In terms of gender, *male defendants* and *male officers* continue to be involved in the majority of use of force incidents. Male *defendants* were involved in 79 percent of the use of force incidents reported in 2016, while male *officers* were involved in 88 percent of the incidents. Female *defendants* were reported to be involved in 21 percent of incidents, while female *officers* were involved in 12 percent of use of force incidents. These percentages are consistent with data published in 2015.

The data shows that over the five year period from 2012 through 2016, there was a 12.6 percent increase in the number of *males*, and an 83.3 percent increase in the number of *females* involved in use of force incidents. Over this same five year timeframe, there was a 25 percent increase in the number of *male officers*, and a 4.8 percent decrease in the number of *female officers* involved in use of force incidents.

## Years on Department of Officers

In 2016, 65 percent of the officers involved in use of force incidents served on the department between one to 10 years, compared to 67 percent in 2015. This is consistent with the current composition of the department's sworn personnel complement, which has seen an influx of younger officers as the department has moved to fill vacancies as a result of retirements of more experienced officers in the last five years.

## Allegations and Investigations

There were 23 use of force-related complaints made against officers in 2016, compared to 12 complaints received in 2015, an increase of 91.7 percent.

## Deadly Force Incidents and In-Custody Deaths

There were no deadly force incidents or in-custody deaths reported in 2016. Deadly force was only used in one incident in 2015, and no in-custody deaths occurred.

The Montgomery County Police Department regularly provides information to educate the community on its use of force training and policy guidelines. District Commanders and police executive staff meet regularly with various community groups and stakeholder organizations to share information and listen to concerns. Another extremely positive department initiative designed to educate citizens about police work, including police use of force, is the department's *Citizen Academy*. This program was originally developed as an extension of the department's community policing efforts and it continues to provide the department with an excellent opportunity to help citizens increase their knowledge and understanding about the complex nature of police work, including police use of force.



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**DEPARTMENT OF POLICE**

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