

MONTGOMERY COUNTY DEPARTMENT OF POLICE



**ANNUAL USE OF FORCE REPORT
2019**

Chief's Message:

The Montgomery County Police Department takes the use of force in response to resistance by its officers very seriously. That is why these reports have been issued and shared with the public since 2002. We have a strict use of force policy as specified in department policy and procedures. 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.



We emphasize gaining compliance through an understanding of psychological factors and using communication skills to de-escalate situations when possible, and to minimize the amount of force used. At the same time, it is important to recognize that use of force statistics can be misread or misinterpreted. Just as the image of a police pursuit can create an image of a long, involved car chase, which is not the case, use of force in response to resistance can create the image of officers using their weapons which is not the case in the vast majority of cases.

In 2019, there were 553 uses of force in response to resistance reported, an increase of two percent from the year before. That means force was used by officers in 0.26 percent of the total dispatched calls for service, and only used in 3.3 percent of all arrests made by officers. In about 80 percent of incidents, officers used no protective instruments or weapons. Instead, officers used only their hands while attempting to place a subject in custody or otherwise gain control of them. Similarly, this was the most common type of force used against our officers by subjects, in a year in which the number of assaults on officers increased 19.7 percent.

We believe that letting the public know what we do to enforce the law and how we do it is one of the cornerstones to forging a bond of trust and respect between the Department and the public we serve. We take complaints about inappropriate and unnecessary uses of force seriously; that is why all complaints are promptly and thoroughly investigated by our Internal Affairs Division, and in some cases, these cases are reviewed by an agency outside of Montgomery County.

There is a great deal of information contained in this report. I encourage you to contact me with any specific questions via e-mail at CHIEFMCPD@montgomerycountymd.gov and we will respond to your inquiries.

A handwritten signature in black ink, appearing to read 'M. G. Jones'.

Marcus G. Jones
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 2019 where some type of force was used in response to resistance. This report is intended to provide an overview of these incidents and to also identify trends and other issues that need to be addressed. Since each use of force 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.

In addition, annual reporting and 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 promptly address use of force issues. The Montgomery County Department of Police is dedicated to creating a culture of safety, transparency, and accountability. The Montgomery County Department of Police has been a CALEA-accredited law enforcement agency since 1993. The CALEA Law Enforcement Accreditation Program is the primary method for a police agency to voluntarily demonstrate their commitment to excellence in law enforcement by systematically conducting an ongoing internal review and assessment of the agency's operations, policies and procedures, and make adjustments wherever necessary to meet a body of internationally accepted standards.

The authority to use force in response to resistance when legitimately required to do so remains a foundational pillar of the rule of law and is essential to keep communities safe and to protect the officers charged with enforcing the law. Interactions with uncooperative subjects who are physically resistant present situations that may quickly escalate. Ideally, an officer is able to gain cooperation in such situations through the use of verbal persuasion and de-escalation. However, if the situation requires it, an officer's use of force to gain control in these and other circumstances is necessary.

Use of force in response to resistance by police officers is a necessary course of action to restore safety and order in a community when all other means are ineffective. **The level of force an officer uses in response to resistance varies based on the dynamics of each and every encounter.** Because of this variation, guidelines for the use of force are generally based on many factors, including the officer's level of training or experience, the nature of the perceived threat, the risk posed to officers and others, and the level of resistance posed by the subject. An officer's goal is to regain control of the situation and subject as soon as possible, while at the same time protecting themselves, their fellow officers, and members of the public that may be at risk.

The police department's *Use of Force Policy* (FC 131) states that 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. Per department policy, an officer is required to complete a *Use of Force Report*, and an event 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.*

An on-duty patrol supervisor is required to respond to all *Electronic Control Weapon* (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 also required to notify the MCPD Major Crimes Division 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.*

All use of force reports are reviewed to verify compliance with department policy by a patrol supervisor, a District Executive, and an Assistant Chief of the respective bureau depending on the organizational component the involved officer(s) is assigned to. Moreover, the department's *Body Worn Camera* (BWC) program includes approximately 1,000 officers who are equipped with cameras. This technology helps document interactions between the police and individuals involved in the majority of calls for service. The department's use of force policy requires supervisors to review all body camera footage captured for all incidents where officers use any type of force in response to resistance. These cameras help promote agency accountability and transparency, and are useful tools for increasing officer professionalism, improving officer training, preserving evidence, supporting prosecutions, and accurately documenting encounters with the public.

STATISTICAL OVERVIEW

Based on a comprehensive review and analysis of the use of force reports submitted by MCPD officers in 2019, the following are highlights of the results that are detailed in various sections throughout this report:

- MCPD officers reported a total of 553 use of force incidents in response to resistance.
- Force was only used by officers in 0.26% of the total dispatched calls for service.
- Force was used in 3.3% of all arrests made by officers.

- Three districts, *Silver Spring (3D)*, *Wheaton (4D)*, and *Gaithersburg (6D)* experienced increases in the number of reported use of force incidents from the previous year, while two districts, *Rockville (1D)* and *Germantown (5D)* reported decreases. The *Bethesda District (2D)* reported the same number of incidents.
- *Making arrests* (or attempting to make arrests), *servicing emergency evaluation petitions*, and *defending against assaults* constituted 92.9% of the incidents where some type of force in response to resistance was necessary.
- Calls for service involving *assaults*, *narcotics/DUI offenses*, *mental illness*, and *disorderly conduct* accounted for 71.1% of all reported use of force incidents.
- The type of force most commonly used by *officers* in response to resistance was hands, which was used in 79.4% of use of force incidents, and it was also the most common type of force used against officers by *subjects* (77.3%).
- *Electronic Control Weapons (ECWs)* deployments decreased 17.8%.
- Injuries sustained by *officers* decreased 32.9%, while injuries to *subjects* increased 1.4%. As in previous years, the most common injuries reported by both *officers* and *subjects* were *bruises/soreness* and *lacerations/abrasions*.
- There was a 75% increase in the number of *officers* requiring *first aid*, and a 15.4% decrease in *officers* requiring treatment at *hospitals* for injuries sustained during use of force incidents. There was an increase of 34.3% in *subjects* requiring *first aid*, and a decrease of 14.3% in the number of *subjects* being transported to *hospitals* for treatment.
- Approximately 88% of the *subjects* involved in use of force incidents were reported to be *under the influence of alcohol and/or drugs*, or suffering from some form of *mental illness*.
- Approximately 57% of the *subjects* involved in use of force incidents were *African American*. *Caucasian* subjects were involved in 20.3% of the incidents, *Asian or Pacific Islander* subjects were involved in 2.0% of incidents, and *Hispanic* subjects were involved in 18.8% of use of force incidents.
- *Subjects* ages 18-39 accounted for 72.2% of the reported use of force incidents. The average age of the *subjects* involved in use of force incidents was 31.
- *Officers* in the 21-39 age groups were involved in 77.9% of use of force incidents. The average age of the *officers* involved in these incidents was 34.
- Approximately 78% of the *subjects* and 92% of the *officers* involved in reported use of force incidents were *male*.
- The number of assaults reported on *officers* increased 19.7%, and no officers were ambushed.
- There were two deadly force-related incidents and no in-custody deaths reported.

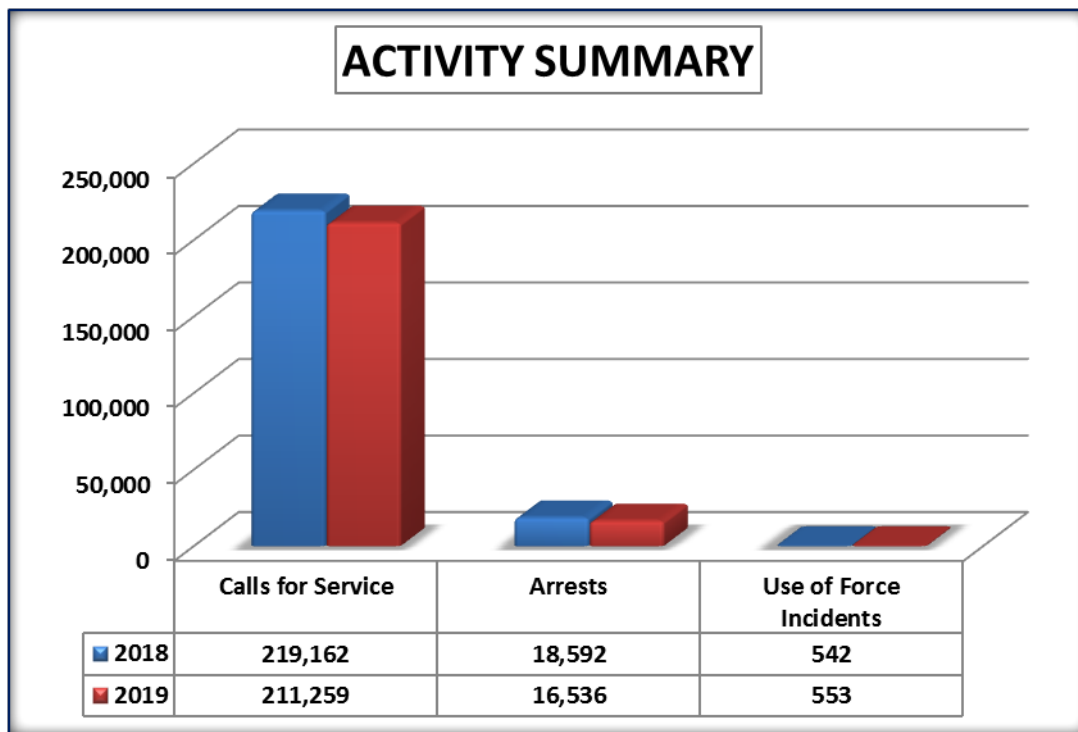
ANALYSIS

The following table summarizes the *calls for service*, *arrests*, and *use of force reports* submitted in 2019 compared to 2018.

Category	2019	2018	% Change +/-
Calls for Service	211,259	219,162	-3.6
Arrests	16,536	18,592	-11.1
Use of Force Reports	553	542	+2.0

This data indicates force being used in only 0.26% of the calls for service and 3.3% of the arrests made in 2019, compared to 0.25% of the calls for service and 2.9% of the arrests recorded in 2018. The incidence rate of the use of force compared to the calls for service and arrests has remained relatively consistent over the past five years (an average of 0.24% and 2.8% respectively), and indicates that for the overwhelming majority of calls for service and arrests, officers rarely use force in response to resistance in the performance of their duties.

A summary of MCPD activity for 2019 compared to 2018 is provided in the following chart.



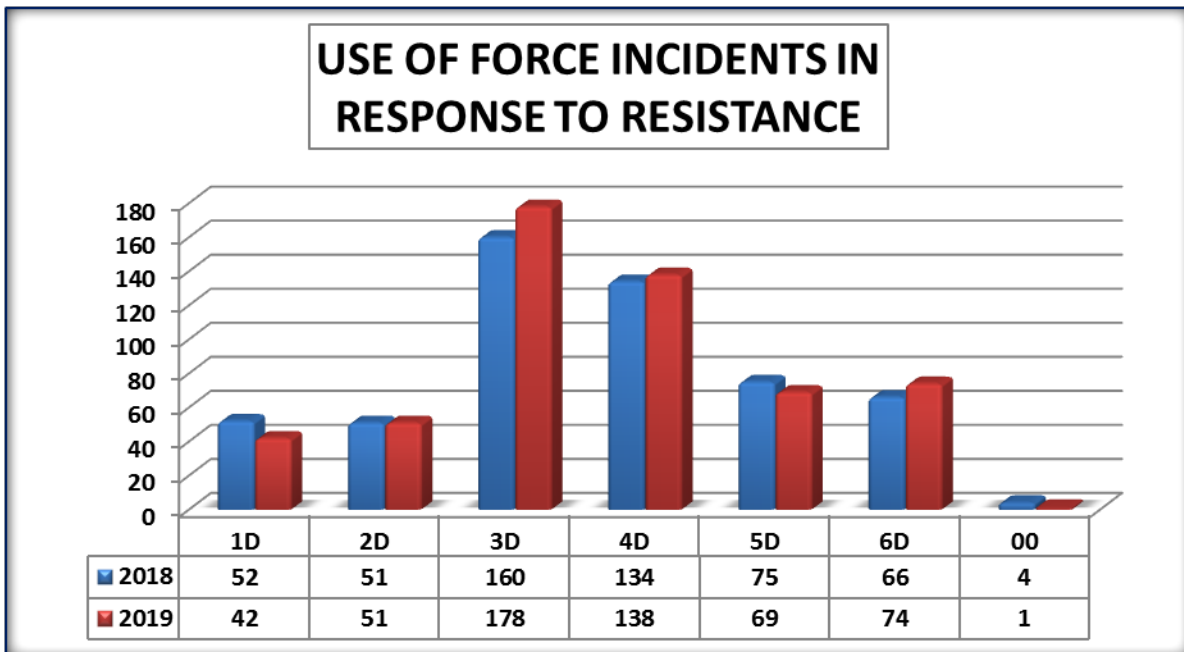
In 2019, there were 28 use of force-related cases opened involving 58 allegations received from external and internal sources reviewed by the MCPD Internal Affairs Division (IAD), compared to 20 cases and 34 allegations received in 2018. IAD ensures that all allegations, regardless of their source, are thoroughly reviewed and investigated, and that corrective action is taken for any improper conduct.

IAD also ensures that employees are protected from unwarranted criticism for properly engaging in their duties. Specific information regarding these investigations is summarized in IAD annual reports that are published on the department's website, and IAD also shares pertinent data as part of the County's Open [Government] Data Initiative (*dataMontgomery*), which is an integral element of the department's community policing philosophy and ongoing commitment to maintaining a culture of transparency with the public. Summary information concerning allegations/complaints brought to the attention of IAD from external or internal sources can be reviewed at <https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2>.

USE OF FORCE IN RESPONSE TO RESISTANCE-DISTRICT OF OCCURRENCE

In 2019, use of force incidents in response to resistance reported in *Silver Spring* (3D) and *Wheaton* (4D) comprised more than half of the use of force incidents reported, which was also the case in 2018.

As shown in the chart below, two districts, *Rockville* (1D) and *Germantown* (5D), experienced decreases in the number of reported use of force incidents in response to resistance in 2019 compared to 2018. Three districts, *Silver Spring* (3D), *Wheaton* (4D), and *Gaithersburg* (6D) experienced increases, while the number of use of force incidents in response to resistance reported in *Bethesda* (2D) remained the same as the previous year.



Note: District '00' refers to incidents reported that occurred outside Montgomery County.

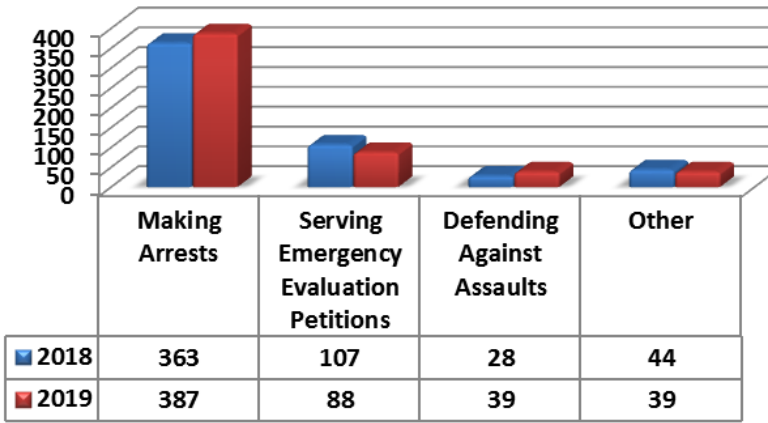
Note: The uses of force incidents summarized in this report are based on the location (*i.e., district*) where force in response to resistance was used, not necessarily the district that the officers are assigned to or where the event may have originated.

ACTIVITY WHEN FORCE IN RESPONSE TO RESISTANCE WAS USED

In 2019, *making or attempting to make an arrest, serving emergency evaluation petitions, and defending against assaults* accounted for 92.9% of the activities where officers needed to employ some type of force in response to resistance, compared to 91.9% reported in 2018.

The activity-related data reported in 2019 compared to 2018 is shown in the chart on the next page.

ACTIVITY WHEN FORCE IN RESPONSE TO RESISTANCE WAS USED



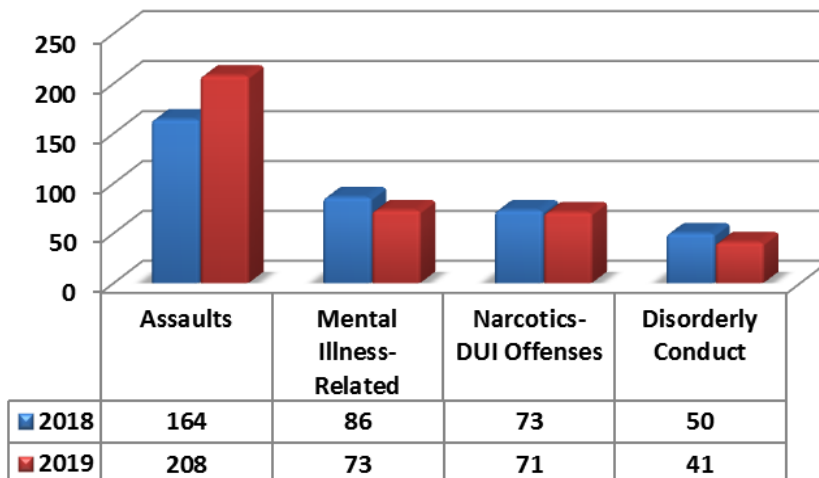
The category of “Other” includes situations such as *traffic stops, serving search warrants, and transporting prisoners*, which accounted for 7.1% of the activities in 2019, compared to 8.1% in 2018.

OFFENSES WHERE FORCE IN RESPONSE TO RESISTANCE WAS USED

Assaults, mental illness-related calls, narcotics/DUI offenses and disorderly conduct accounted for 71.1% of the use of force in response to resistance incidents reported in 2019, compared to 68.8% in 2018. The remaining percentage of incidents involved various other offenses such as *larceny, burglary, weapons offenses, vandalism, trespassing, and other miscellaneous calls for service*.

A comparison of the *primary offenses* that comprised the majority of incidents where force was used in response to resistance in 2019 and 2018 is shown in the chart below.

PRIMARY OFFENSE TYPES

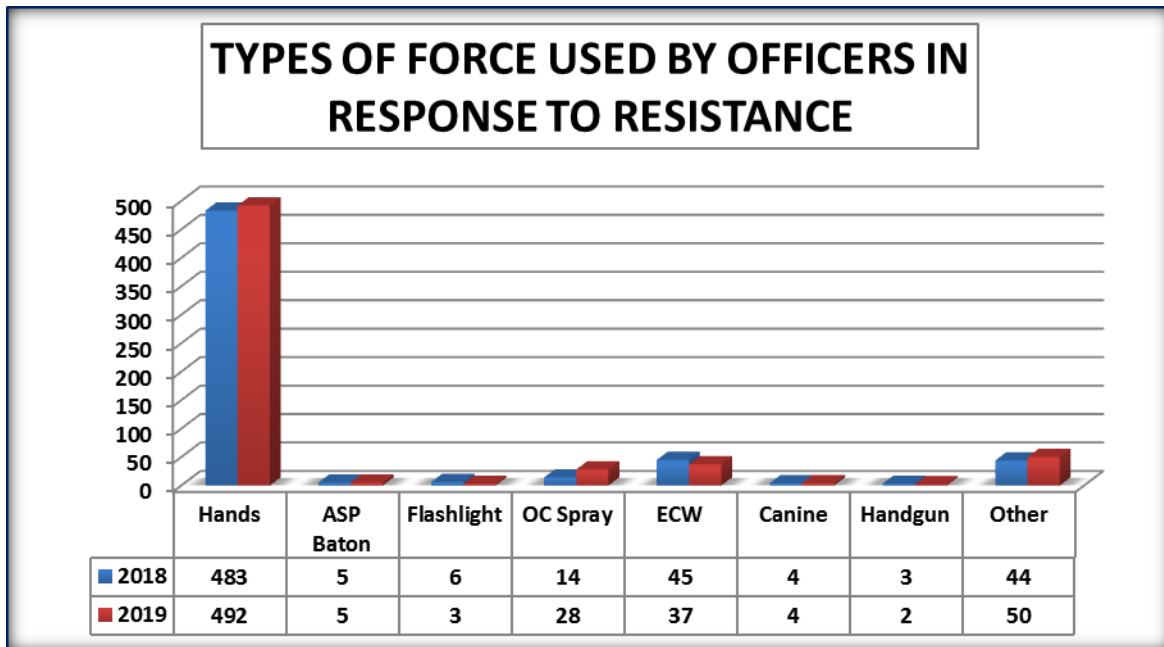


The *primary offense type* that reflected the only increase in 2019 was *assaults* which increased 26.8% compared to the previous year.

TYPES OF FORCE USED BY OFFICERS AND SUBJECTS

Officers

The following series of charts show the breakdown of the leading *types of force* used by *officers* and *subjects* in 2019 compared to 2018.



The type of force most widely used by officers in response to resistance in 2019 was *hands*, which were used in 79.4% of the incidents reported, compared to 80.4% in 2018. Other types of force used by officers in response to resistance in 2019 included *knees* and *feet*.

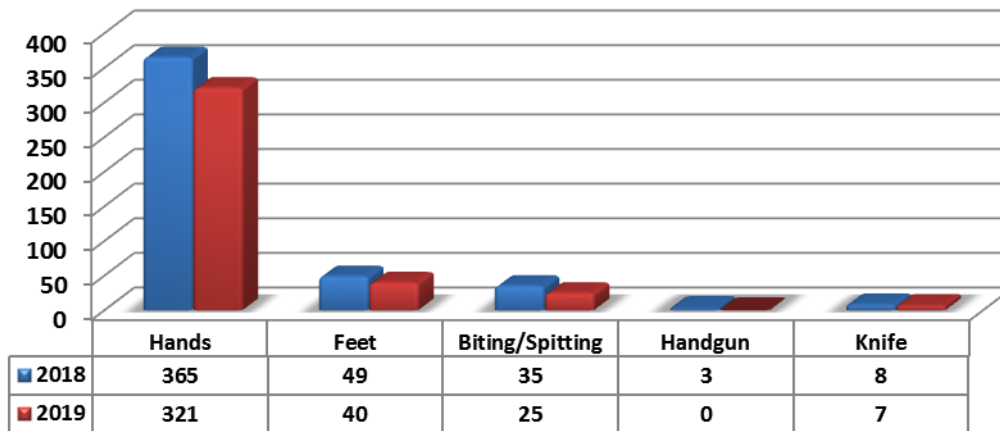
In addition, *flashlight* use decreased by 50% and use of *OC Spray* increased 100% in 2019 compared to 2018. There was also a decrease of 17.8% (8 fewer deployments) reported in the use of *Electronic Control Weapons* (ECWs) in 2019 compared to the previous year. Officers discharged their service weapons in two incidents in 2019 which are summarized in the *In-Custody Deaths and Deadly Force Incidents* section of this report.

Note: It is important to point out that in some instances, more than one type of force in response to resistance may be used by one or more officers in an attempt to make an arrest or control a situation. During most calls for service, a primary officer is dispatched and at least one additional officer responds as a back-up unit. Consequently, in the majority of the circumstances where force in response to resistance is used, two or more officers are typically involved.

Subjects

The chart on the next page shows the breakdown of the leading *types of force* used by *subjects* against officers in 2019 compared to 2018.

TYPES OF FORCE USED AGAINST OFFICERS BY SUBJECTS



Note: In some incidents, there were subjects (and multiple subjects) that used more than one type of force against officers. The chart does not reflect 'other' types of force used by subjects.

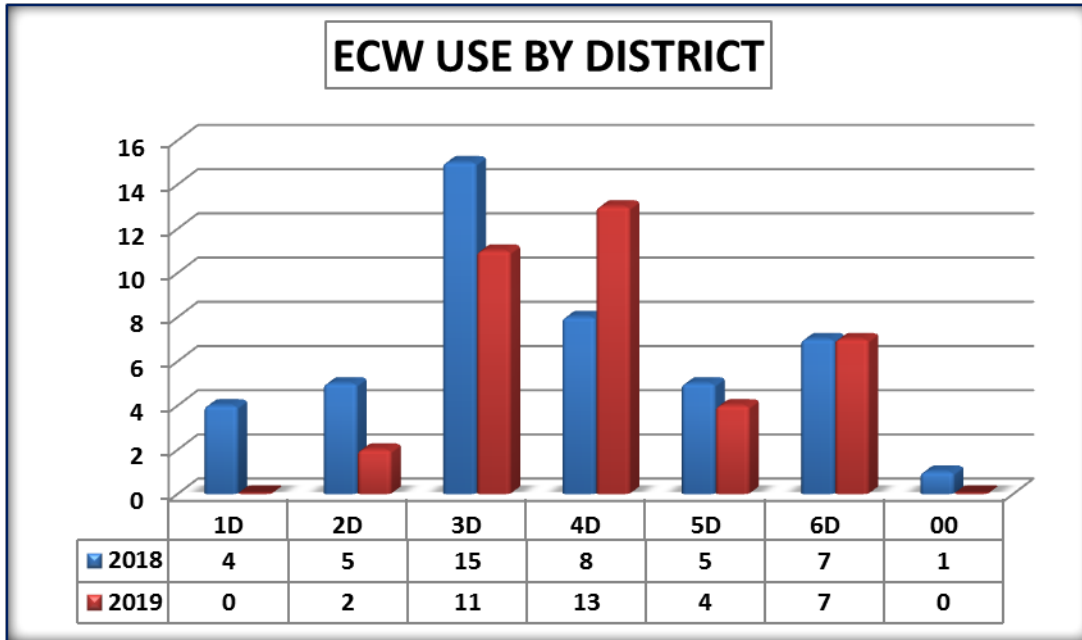
As is the case with the types of force used by officers, *hands* were also the most common type of force used by *subjects* against officers in 2019, which accounted for 77.3% of incidents compared to 71.9% in 2018. In 2019, there was a decrease in subjects' use of *feet* (18.4%) and *biting/spitting* at officers (28.6%). Other types of force used by *subjects* against officers included a *rock, stick, pole, scissors, umbrella, and a vehicle*.

ELECTRONIC CONTROL WEAPONS

The department currently has 409 officers that are qualified and authorized to carry *Electronic Control Weapons* (ECWs). These officers are required to complete extensive training and certification prior to being issued an *ECW*. This training requires officers to attend 40 hours of *Crisis Intervention Training* (CIT), and after successful completion, officers are also required to complete annual recertification training to be authorized to continue to carry an *ECW*.

Note: The department is in the process of developing a multi-year plan to issue *ECWs* to all officers whose assignments routinely involve public contact.

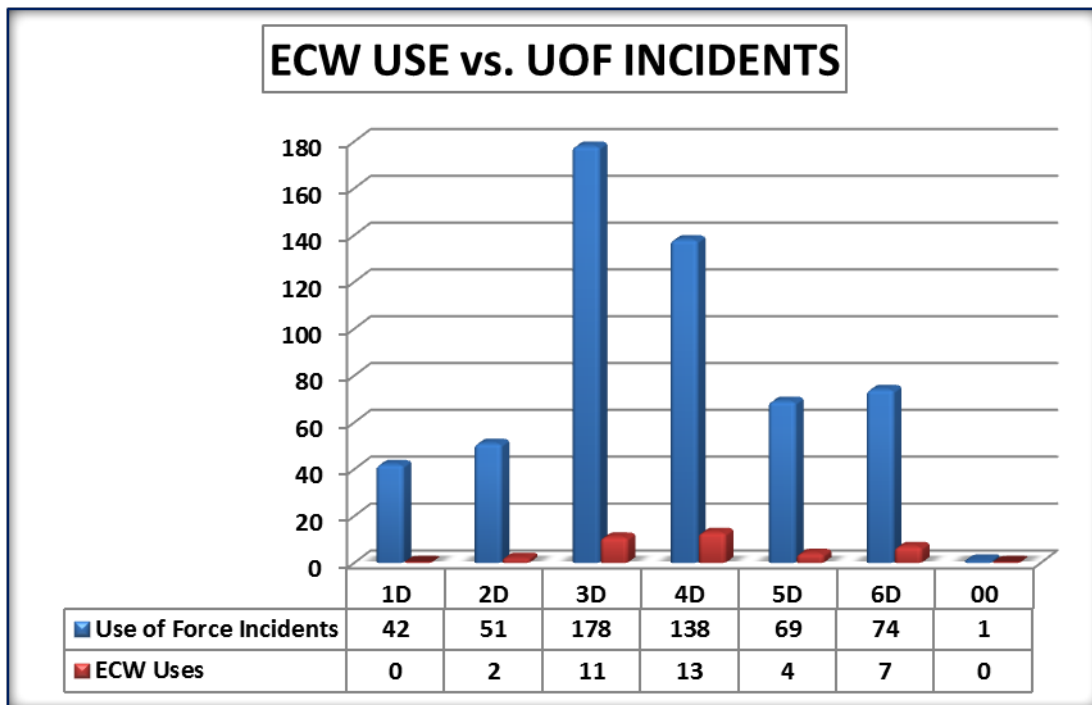
In 2019, an *ECW* was deployed 37 times (*in 35 incidents*) compared to 45 uses (*in 42 incidents*) in 2018. A detailed summary of *ECW* uses by *district of occurrence* is provided on the next page.



Note: District designation '00' represents those incidents that occurred outside Montgomery County. ECW use is reported by location of the incident, not by duty (district) assignment of the officer.

The data reflects decreases in ECW use in Rockville (1D), Bethesda (2D), Silver Spring (3D), and Germantown (5D), an increase in Wheaton (4D), and no change in the number of ECW uses in Gaithersburg (6D). Overall, ECW use decreased 17.8% in 2019 compared to the previous year.

The chart below shows ECW use by district compared to the total number of reported use of force (UOF) incidents in that district in 2019.



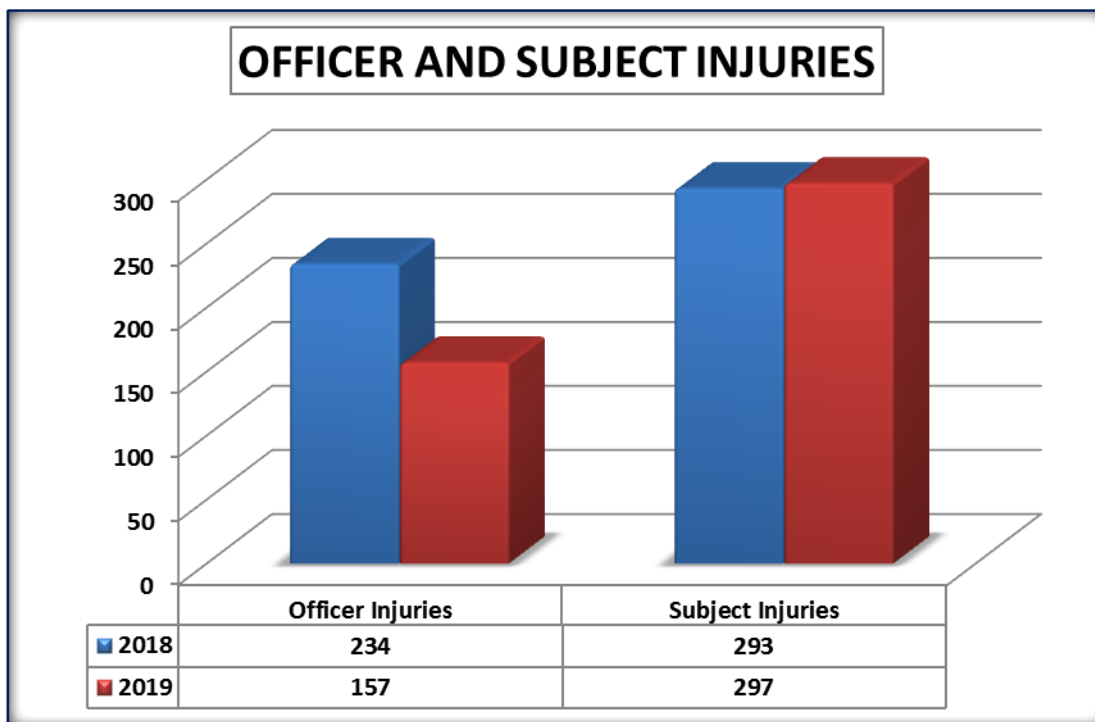
Note: District designation '00' represents those incidents that occurred outside Montgomery County.

The data shows an *ECW* usage rate of 6.7% in 2019 compared to 8.3% in 2018. Historically, *Silver Spring* (3D) and *Wheaton* (4D) are the districts where officers traditionally respond to a large number of calls for service, and involve offenses that often result in arrests where some type of force in response to resistance is necessary, including more frequent use of protective instruments such as *ECWs*.

As noted earlier in this report, 57.1% of the uses of force reports completed in 2019 were for incidents reported in *Silver Spring* (3D) and *Wheaton* (4D). Additionally, in 2019, 64.9% of the *ECW* deployments also occurred in these same districts.

INJURIES TO OFFICERS AND SUBJECTS

The chart below compares *officer* and *subject* injuries for 2019 and 2018.



Note: For subjects, an injury is recorded on the Use of Force Report regardless of whether it is a visible injury or they claim an injury.

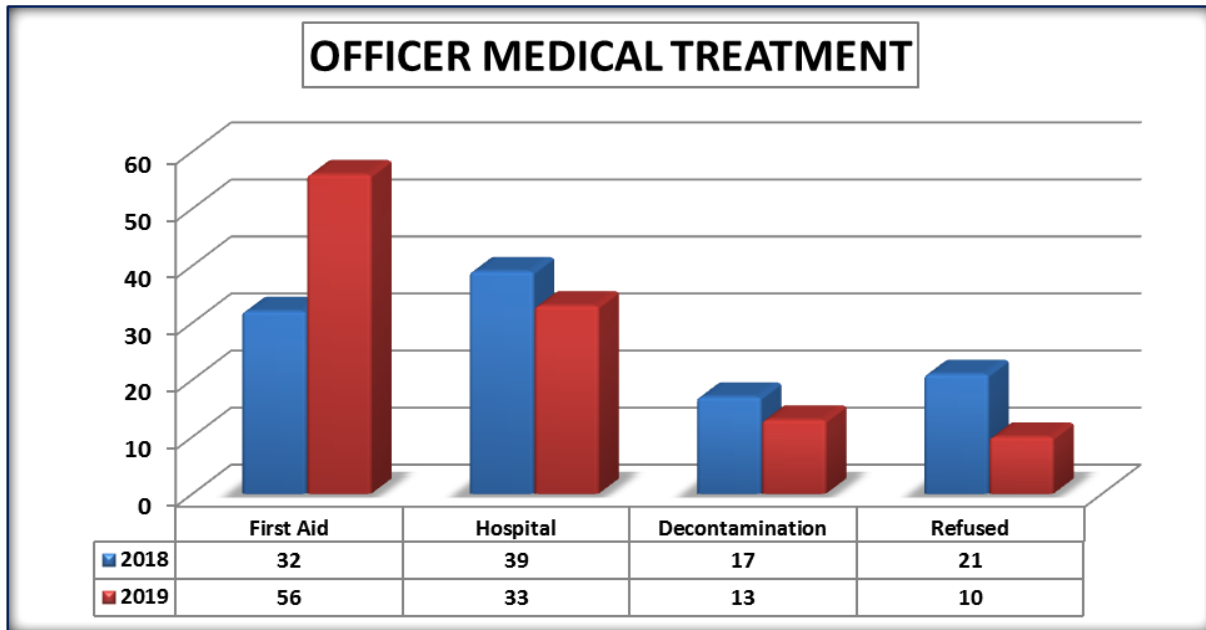
In 2019, the data shows a 32.9% decrease in injuries to *officers*, and a 1.4% increase in reported *subject* injuries compared to the previous year. As in previous years, the majority of the injuries reported by *officers* and *subjects* were *bruises/soreness* and *lacerations/abrasions*.

MEDICAL TREATMENT FOR OFFICERS AND SUBJECTS

The following series of charts provides a summary of the types of *medical treatment* administered for *officers* and *subjects* as a result of reporting being injured in a use of force incident in 2019 compared to 2018 (as well as those that refused medical treatment).

Officers

The chart on the next page compares *officer medical treatment* for 2019 and 2018.

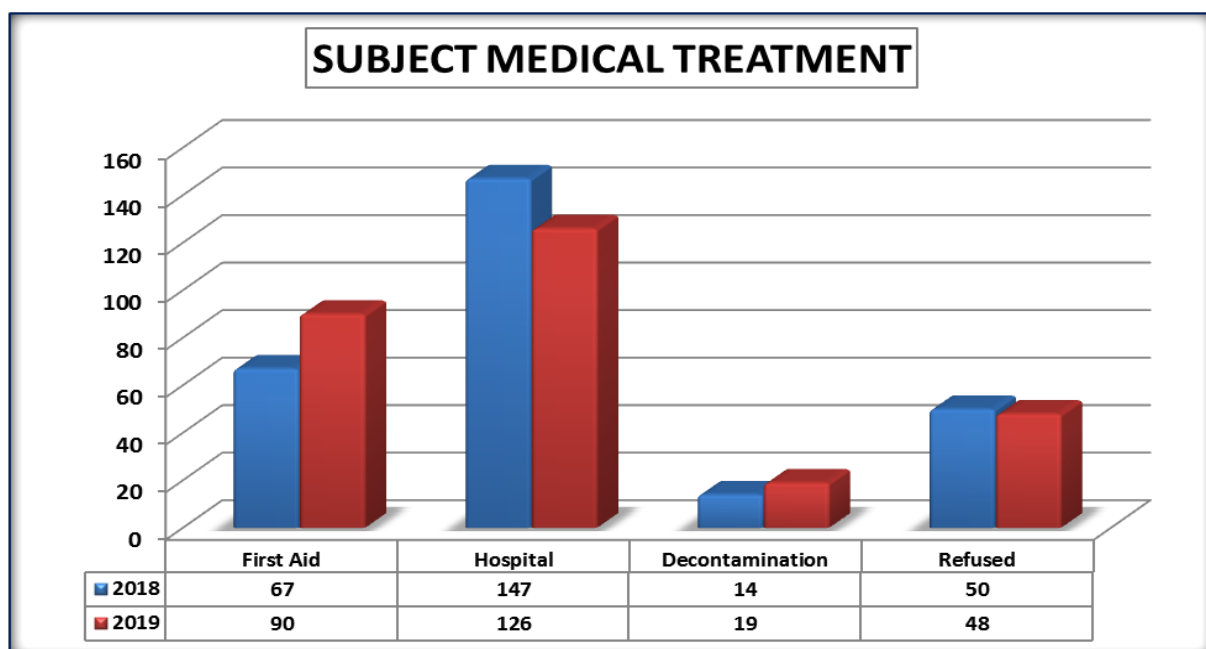


The data shows that in 2019, there was a 75% increase in the number of officers requiring *first aid*, and a 15.4% decrease in the number of *officers* being transported to a *hospital* compared to the previous year. The remaining percentage of officers did not require any type of medical treatment.

Note: *Decontamination* typically refers to procedures (e.g., flushing with water) to mitigate the effects of exposure to *OC Spray* being deployed by officers as a less lethal force option which can cause irritation to the eyes, nose, and throat of both officers and subjects depending on the circumstances of the incident.

Subjects

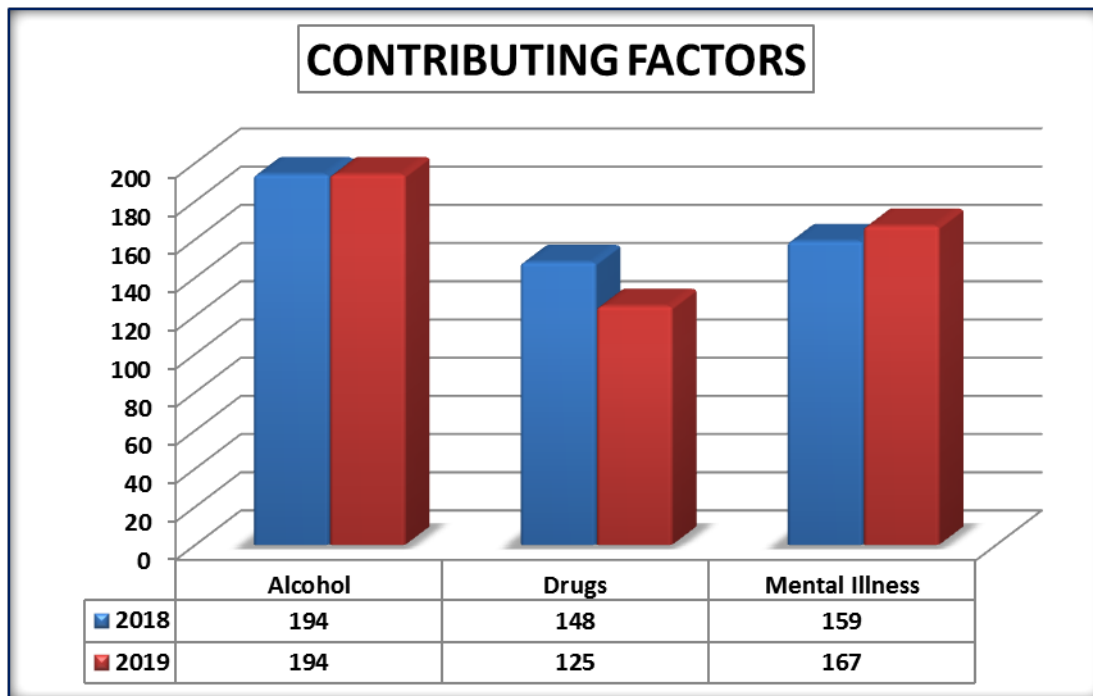
The chart below compares *medical treatment* for *subjects* in 2019 versus 2018.



In 2019, there was a 34.3% increase in the number of subjects being administered *first aid*, and a decrease of 14.3% in *subjects* being transported to *hospitals* for treatment compared to 2018. The remaining percentage of subjects did not require any type of medical treatment.

CONTRIBUTING FACTORS

The chart below shows a summary of the *contributing factors* associated with uses of force reported in 2019 compared to 2018.

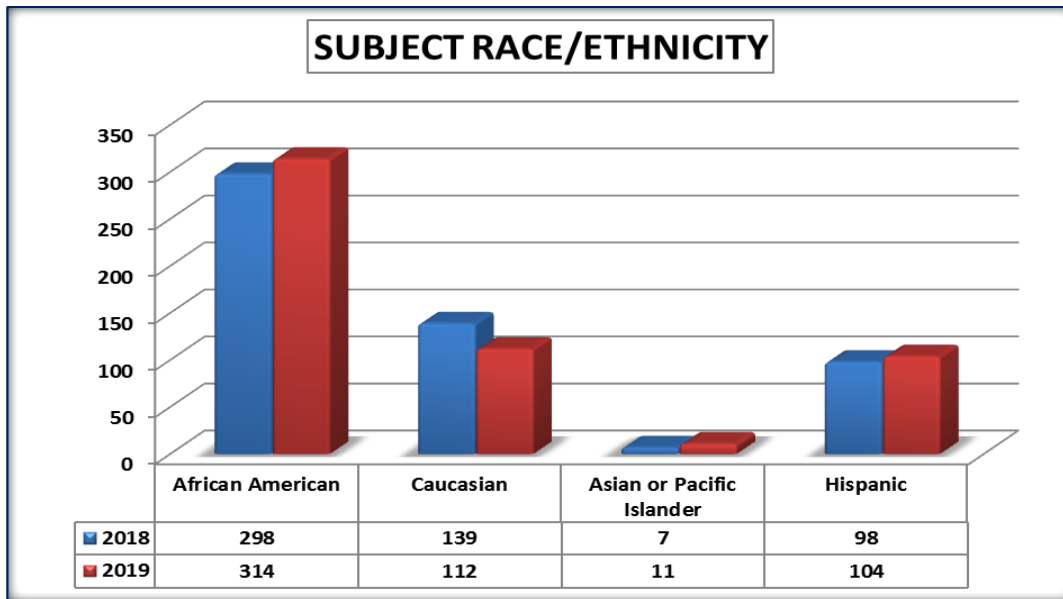


In 2019, 87.9% of the subjects involved in use of force incidents were reported to be *under the influence of alcohol and/or drugs*, or suffering from *mental illness* at the time of the encounter, compared to 92.4% in 2018. In addition, there was a slight increase (5%) in the number of subjects suffering from some form of *mental illness* involved in use of force incidents. These contributing factors often result in officers needing to employ some type of force in response to resistance to safely control the situation due to an increased likelihood of non-compliance on the part of the subject(s) involved.

DEMOGRAPHICS OF SUBJECTS AND OFFICERS

Race/Ethnicity of Subjects

The following charts show a summary of the *subjects* and *officers race/ethnicity* in use of force incidents reported in 2019 compared to 2018.

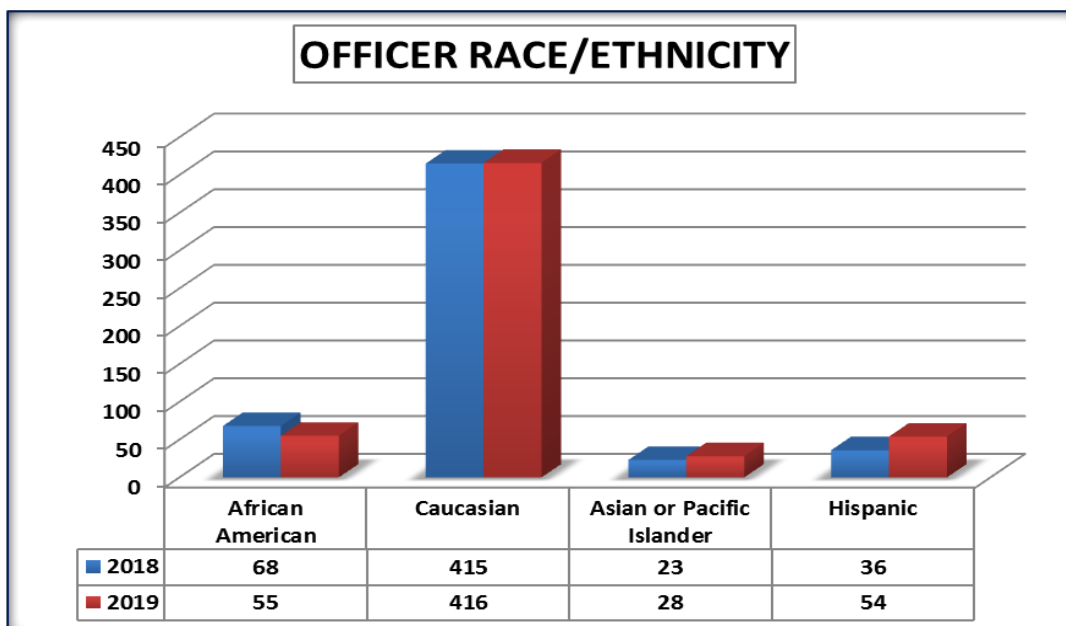


In 2019, there were increases in the number of *African American*, *Asian or Pacific Islander*, and *Hispanic* subjects involved in use of force incidents of 5.4%, 57.1%, and 6.1% respectively, compared to 2018. The number of *Caucasian* subjects involved in use of force incidents decreased 19.4% from the previous year.

Note: In 2019, there were 12 subjects encountered where the *race/ethnicity* was reported as either 'unknown' or 'other.'

Race/Ethnicity of Officers

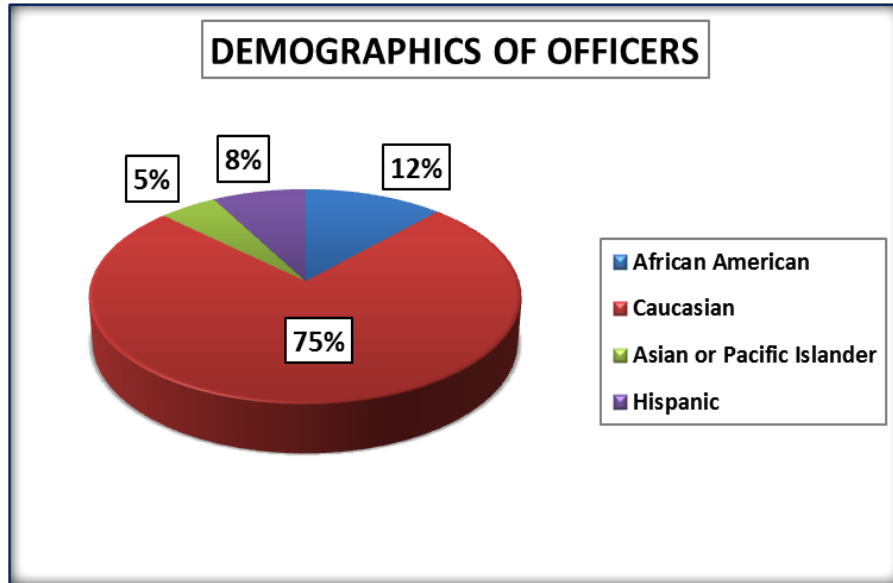
The chart below shows the *race/ethnicity* of the *officers* involved in use of force incidents reported in 2019.



Note: Although the majority of the use of force incidents involve more than one officer, the data shown in the chart reflects the race/ethnicity of the primary officer involved.

In 2019, *African American* officers were involved in 9.9% of the reported use of force incidents, *Caucasian* officers were involved in 75.2% of incidents, *Asian or Pacific Islander* officers were involved in 5.1% of incidents, and *Hispanic* officers were involved in 9.8% of the reported use of force incidents. In 2018, 12.5% of the *officers* involved in encounters with subjects that resulted in some type of force in response to resistance being used were *African American*, 76.6% were *Caucasian*, 4.2% were *Asian or Pacific Islander*, and 6.6% were *Hispanic*.

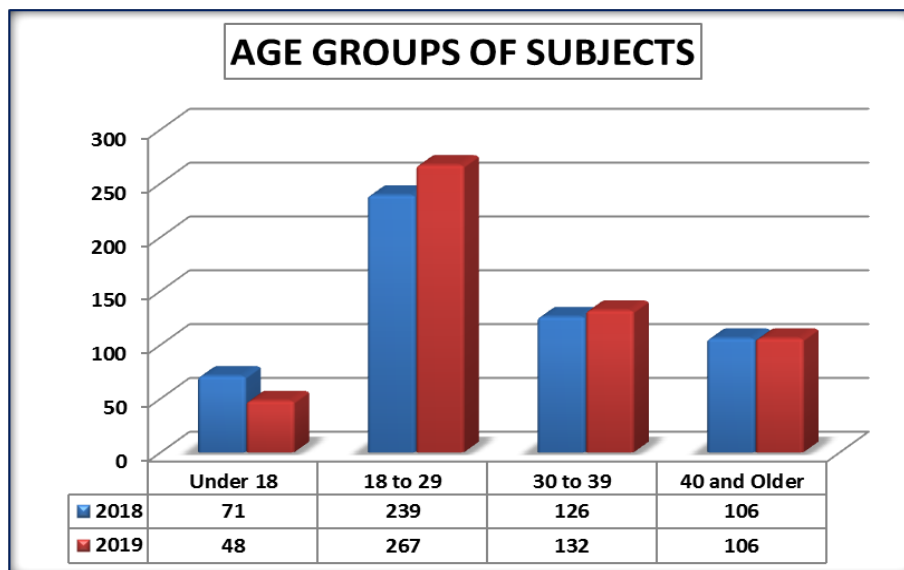
This information is generally consistent with the *demographics* of the department's sworn personnel complement as of January 2020, which is reflected in the chart below.



Ages of Subjects and Officers

Ages of Subjects

The chart below shows a summary of the *age groups* of the *subjects* involved in use of force incidents reported in 2019 compared to 2018.

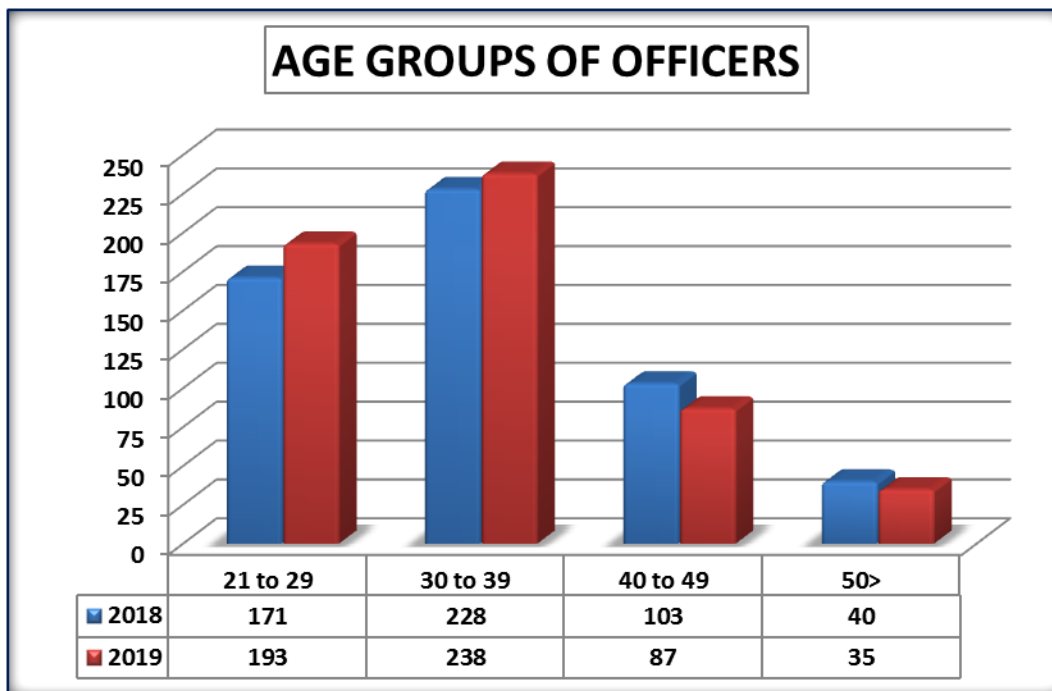


The data shows a decrease in subjects *under 18 years of age* (32.4%), and increases in the ages *18 to 29* and *30 to 39* age groups of 11.7% and 4.8% respectively in 2019 compared to 2018. The number of subjects in the *40 and older* age group remained the same.

Subjects in the *18 to 39* age groups were involved in 72.2% of the use of force incidents in 2019, compared to 67.3% in 2018. The average age of the *subjects* across all age groups for 2019 was 31 compared to 30 in 2018.

Ages of Officers

The chart below is a summary of the *age groups* of the primary *officers* involved in use of force incidents reported in 2019 compared to 2018.



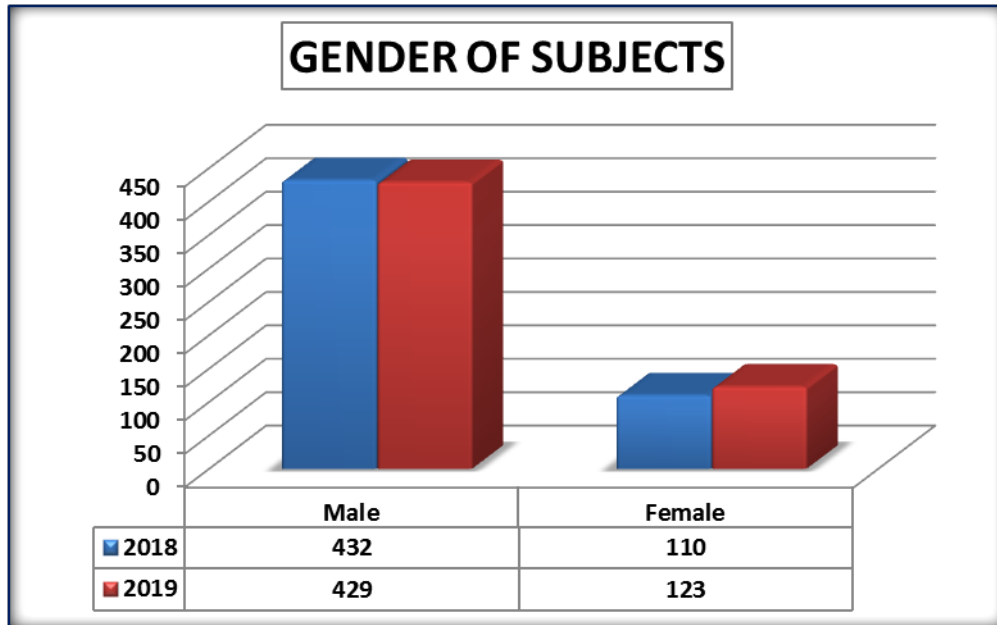
The data shows that in 2019, the number of officers in the *21 to 29* and *30 to 39* age groups increased 12.9% and 4.4% respectively compared to 2018. The number of officers in the *40 to 49* and ages *50 and older* age groups decreased 15.5% and 12.5% respectively.

The percentage of officers in the *21 to 29* age groups in 2019 was 77.9%, compared to 73.6% in 2018. The average age of the officers involved in use of force incidents in 2019 was 34, compared to 35 in 2018.

Gender

Subjects

The chart on the following page is a summary of the *gender of the subjects* involved in use of force incidents reported in 2019 compared to 2018.

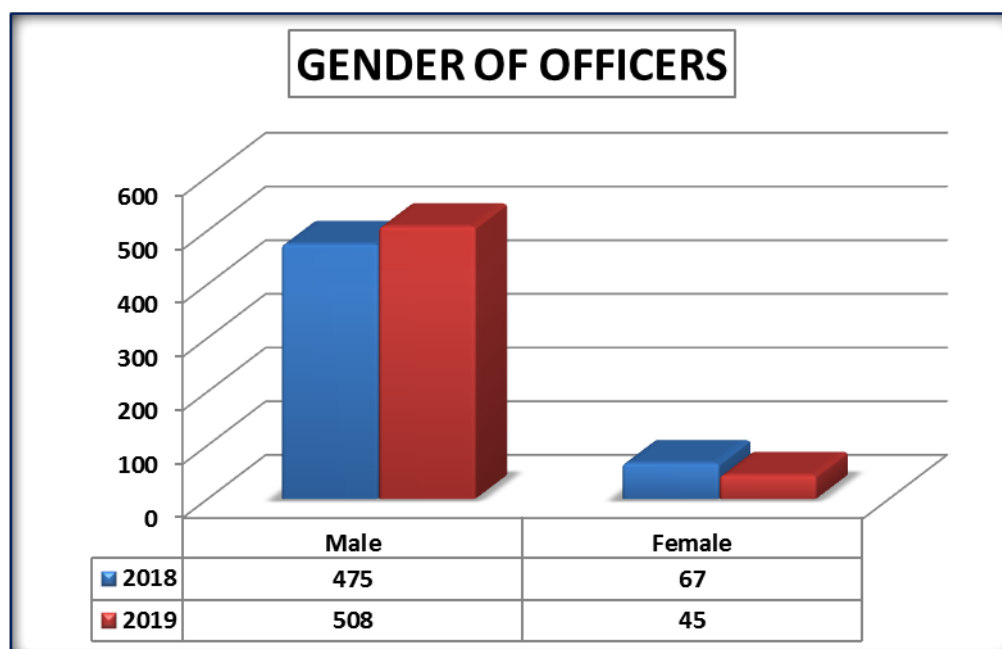


The data indicates that there was little variation in the overall percentage of *male* subjects involved in use of force in response to resistance incidents in 2019 compared to 2018, a decrease of only 0.7%. However, there was an 11.8% increase in the number of *female* subjects in 2019 compared to the previous year. The overwhelming majority of the *subjects* involved in use of force incidents in 2019 (77.6%) were *male*.

Note: In 2019, there was one incident where the gender of the subject was reported as ‘*unknown*.’

Officers

The chart below provides a comparison of the *gender of the officers* involved in use of force incidents reported in 2019 and 2018.

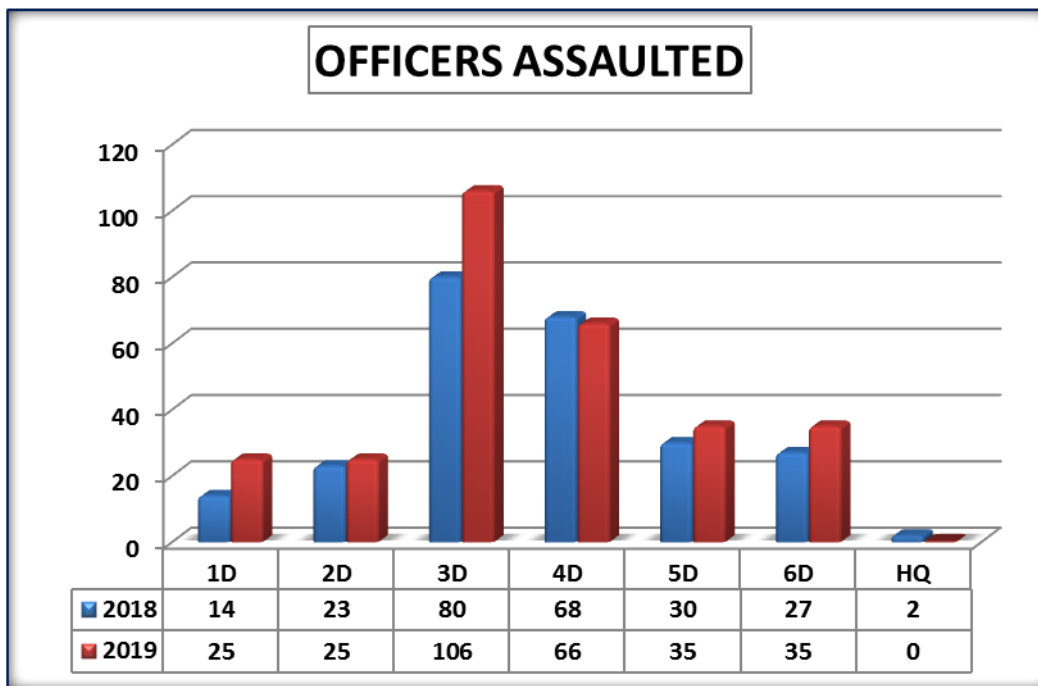


The data shows that in 2019, there was a 6.9% increase in the number of *male* officers reported involved in use of force in response to resistance incidents, and a 32.8% decrease in the number of *female* officers compared to the previous year. In 2019, 91.9% of the *officers* involved in use of force incidents in response to resistance were *male*, compared to 87.6% in 2018.

OFFICERS ASSAULTED/AMBUSHED

For state and federal reporting requirements, the department records information when an officer reports being *assaulted* or *ambushed*. In 2019, officers reported being assaulted 292 times compared to 244 times in 2018, an increase of 19.7%. No officers reported being ambushed in 2019, the same number reported in 2018.

The chart below compares *assaults on officers by district of occurrence* for 2019 and 2018.



Note: HQ represents those incidents that involved SID and/or SOD personnel.

The data indicates that in 2019, the majority of assaults against officers (58.9%) occurred during activities by officers in *Silver Spring* (3D) and *Wheaton* (4D), compared to 60.7% in these districts in 2018. The districts that experienced the largest increases in *assaults on officers* in 2019 were *Rockville* (1D) and *Silver Spring* (3D), with 78.6% and 32.5% respectively. These assaults occurred while officers were engaged in responding to calls involving a variety of offenses, including *robberies, burglaries, domestic violence-related events, assaults, narcotics-related offenses, and disorderly conduct*.

IN-CUSTODY DEATHS AND DEADLY FORCE INCIDENTS

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 2019, the same number reported in 2018.

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), and in certain circumstances, these cases are reviewed by agencies outside the department.

There were two deadly force-related incidents that occurred in 2019 compared to three deadly force-related incidents in 2018. A brief summary of the deadly force incidents that occurred in 2019 is provided below.

Deadly Force Incidents

January 16, 2019

Patrol units were dispatched for the report of a bank robbery in progress in downtown Silver Spring. Arriving units were provided with a description of the suspect and advised that the suspect was armed with a gun and claimed to have a bomb. An officer responding to the bank robbery located the suspect in a parking garage behind the bank building as the suspect was attempting to flee from the area. During the confrontation, the suspect was shot by the police officer. Officers attempted life-saving measures at the scene. Fire and emergency medical services personnel transported the suspect to a local hospital where he succumbed to his injuries.

June 13, 2019

Patrol Officers were dispatched to the report of a burglary in progress at a gun store in Rockville and were provided descriptions of the suspects. One of the first arriving officers encountered a vehicle parked in front of the business. As the officer exited his police cruiser, the vehicle accelerated towards the officer and struck the officer's police cruiser, disabling it. During the encounter, the officer discharged his service weapon. The vehicle traveled a short distance from the scene where it became disabled, and four suspects exited the vehicle and fled on foot into the surrounding area and were eventually located and taken into custody. A fifth suspect was located unresponsive in the vehicle by officers with a gunshot wound. Officers immediately initiated life-saving measures; however, the suspect succumbed to his injuries a short time later.

Note: There was an incident in 2019 where there was a potential for deadly force to be used; however, officers were able to safely resolve the situation through de-escalation. In August 2019, officers assigned to the Silver Spring District were dispatched to a call where they encountered a subject holding two knives. They used effective communication skills and a series of verbal commands while holding the subject at gunpoint. Officers maintained excellent firearms discipline and after a short time, the subject set down the knives, the officers holstered their firearms, and placed the subject in custody without incident.

SUMMARY

The department continues to provide use of force training at all levels, to include recruit, in-service, and supervisory, that emphasizes current case law, policy requirements, and best practices consistent with federal, state, and national standards and guidelines. The use of any type of force by MCPD officers in response to resistance continues to constitute a very small percentage compared to the overall calls for service that officers respond to on a daily basis and contacts they have during traffic stops and other activities. 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.

Public perceptions of the police department are largely based on individual experiences and can certainly impact the legitimacy of police actions, especially those actions that involve police use of force in response to resistance. The misuse of force violates the rights of the person against whom it is used, and it violates the trust that the public places in its police department. The public expects and deserves a culture of transparency, accountability, fairness, trust, and respect, and every member of the department is held accountable for their actions. In today's environment of heightened public expectations and scrutiny of police department operations, it is important to emphasize that regardless of how well the department believes it is fulfilling its mission, the ultimate measure of success, and the ability to maintain public trust and confidence, is how well the department is able to earn and sustain the trust and respect of the residents of Montgomery County.



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