

MONTGOMERY COUNTY DEPARTMENT OF POLICE



**ANNUAL USE OF FORCE REPORT
2021**

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Chief's Message

The importance of the proper and appropriate use of force by police officers must be engrained in a department's culture, reflected in the department's policies, training materials, the development of sound tactics, and made part of an effective communications strategy with the media, elected officials, and the public. The Montgomery County Department of Police has made a concerted effort to remain at the forefront of use of force training, tactics, procedures, and policies consistent with national standards for years. Our efforts include regular reviews of incidents, policies, and training practices, as well as participation in national efforts sponsored by organizations such as the Police Executive Research Forum (PERF) to assist with developing model use of force best practices.



Use of force 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 varies based on the dynamics of each and every encounter. 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, and most importantly, the actions and level of resistance posed by the subject. The use of force by our officers is sometimes necessary, and the use of deadly force is sometimes unavoidable, but any use of force is a tremendous responsibility that demands accountability.

Although officers constantly strive to de-escalate situations to avoid the necessity to use any amount of force, if these tactics, techniques, and methods prove unsuccessful, officers are authorized to use reasonable, necessary, and proportional force governed by legal guidelines and departmental policies, procedures, and training to gain control and safely resolve these situations. Training in the department's use of force policy is required for all members of the department which helps to ensure that every officer, regardless of rank, is prepared and remains proficient in fulfilling their responsibility and solemn duty to protect the residents of Montgomery County.

Our recurring training in enforcement encounters is teaching our officers increased emphasis on de-escalation techniques and other alternatives to force to minimize the need to use force to safely resolve interactions, and our use of force policy is holding us accountable in situations when force is necessary. With each passing day and every policy, training, and operational improvement, we are forging stronger bonds with the communities we serve and protect and constantly strive to meet their expectations.

Furthermore, as a result of legislative mandates passed by the County Council and signed by the County Executive in 2020, the Department continues to make substantial changes to its use of force policies, procedures, and training. In fact, the Department is currently in the process of making additional changes based on a series of police reform and accountability measures passed by the Maryland General Assembly in 2021, namely a new Maryland Use of Force Statute.

It is important to understand the context of use of force statistics to avoid misinterpretation of the information presented, including a tendency to incorrectly assume that officers are constantly and unnecessarily using force, when in fact, officers only use force in a small number of interactions. If an officer uses force to achieve compliance, control, or custody of a subject and that subject offers any level of resistance that requires the officer to exert some degree of physical coercion, the incident must be reported as a “use of force,” however the implement used is only the officer’s hands.

In 2021, there were 593 incidents where some type of force was used in response to resistance reported, an increase of 25% from 2020. That means force was used by officers in 0.32 percent of the total dispatched calls for service. In 92 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 by 13 percent.

All reported use of force incidents are subject to various levels of supervisory and executive review to ensure that not only does each use of force by all officers involved complies with policy, but any evidence of misconduct is identified and immediately referred through appropriate channels for follow-up action in accordance with established agency procedures. We take complaints about inappropriate and unnecessary uses of force and accountability extremely seriously; that is why all complaints, regardless of the source, severity, or nature of the specific allegations, 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

A handwritten signature in black ink, appearing to read 'M. G. Jones', written in a cursive style.

Marcus G. Jones
Chief of Police

Executive Summary

The annual report data is obtained from *Use of Force* reports completed by officers for incidents in calendar year 2021 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.

On July 29, 2020, the Montgomery County Council passed Bill 27-20 (*Police Regulations - Use of Force Policy*) which was signed into law by the County Executive on August 10, 2020. Bill 27-20 requires the Chief of Police to adopt a policy directive regarding the use of force and requires the use of force policy to include certain minimum standards. Details of the legislation can be viewed here—<https://apps.montgomerycountymd.gov/ccllims/BillDetailsPage?RecordId=2666&fullTextSearch=27-20>

The types of force used by police can include verbal, physical, chemical, impact, electronic, and firearms. When a police officer decides to use force, it must be both necessary and proportional. This assessment is specific to the time, place, officer, and other situational conditions that help determine the totality of the circumstances and if the force was necessary and objectively reasonable.

Montgomery County Police Department (MCPD) has historically and consistently established use of force policies based on the fundamental principles that prioritize the safety, dignity, and value of every human life, including the life of its police officers, and in compliance with the Constitution of the United States and the State of Maryland, as well as case law established by the Supreme Court of the United States.

Bill 27-20 required the Chief of Police to issue a policy directive that establishes the permissible use of force by members of the police and to establish minimum standards in its use of force policy. Some of these minimum standards were already codified in department policy such as the prioritization of the safety and dignity of every human life, employing deadly force only in those situations where there is a threat of imminent and serious bodily injury or death to the officer or another person, emphasizing that the use of lateral vascular neck restraints is considered deadly force (and has not been part of the department's defensive tactics training program for 20 years), the use of force against fleeing felons, and prohibitions against officers shooting from a moving vehicle unless circumstances would authorize the use of deadly force.

MCPD's use of force policies reflect current research and best practices and MCPD has always strived to be proactive in its approach to policy development and training to ensure that its guidance to officers is clear and reflect current research, best practices, case law, and stress accountability for violations of policy or legal mandates. The department continuously strives to ensure its policies reflect evidence-based research and are consistent with best practices and national trends. 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 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 Montgomery County Department of Police is dedicated to creating a culture of safety, transparency, and accountability and has been a CALEA-accredited law enforcement agency since 1993.

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. The decision to exercise force must be based upon the circumstances that the officer reasonably believes to exist. 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.

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 and help promote agency accountability and transparency, and are useful tools for increasing officer professionalism, improving officer training, preserving evidence, supporting prosecutions, and accurately documenting law enforcement interactions with the public.

Analysis

This data indicates force being used in only 0.32% of the calls for service made in 2021, compared to 0.25% of the calls for service recorded in 2020. The incidence rate of the use of force compared to the calls for service has remained relatively consistent over the past five years (an average of 0.26%) and indicates that for the overwhelming majority of calls for service, officers rarely use force in response to resistance in the performance of their duties.

Figure 1.

Number of Calls for Service and Use of Force Reports in 2021 and 2020

Category	2021	2020	% Change
Calls for Service	187,620	185,973	+0.9%
Use of Force Reports	593	474	+25.1%

Figure 2.

Number of Calls for Service from 2017 and 2021

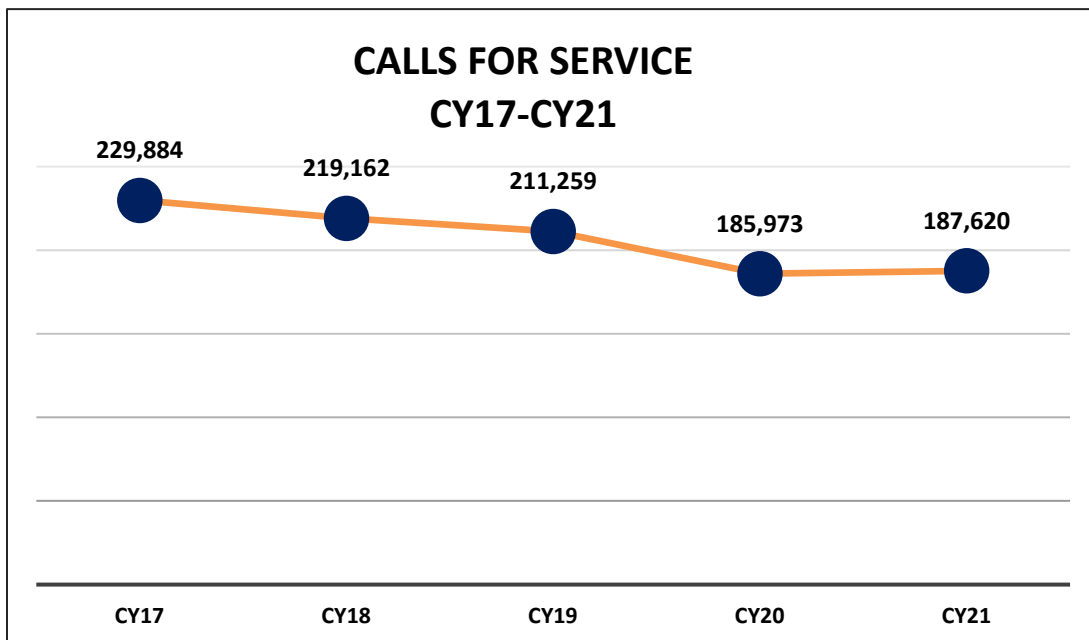
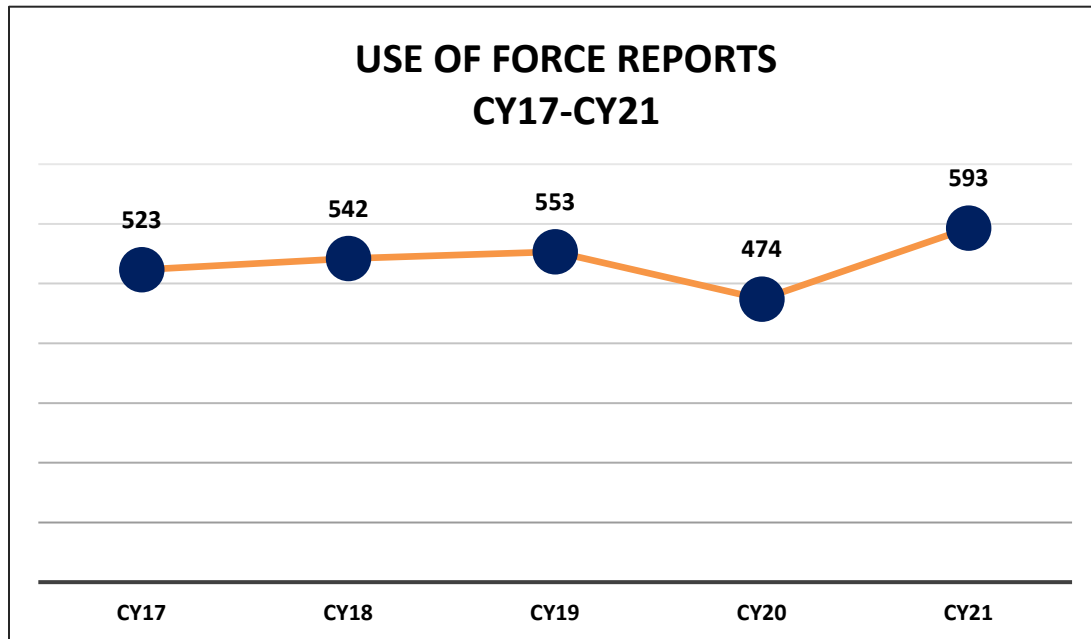


Figure 3.

Number of Use of Force Reports from 2017 to 2021



Use of Force-related Allegations

In 2021, there were 11 use of force-related cases opened involving 25 allegations received from external and internal sources reviewed by the MCPD Internal Affairs Division (IAD), compared to 17 cases and 33 allegations received in 2020. IAD ensures that all allegations of excessive force, 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

Frequency of Occurrence

Figure 4.

Use of Force Incidents in Response to Resistance by Month, Day of Week, and by Time of Day

Month	Day of Week	Time of Day
January	Sunday	12:00 AM - 3:59 AM
February	Monday	4:00 AM - 7:59 AM
March	Tuesday	8:00 AM - 11:59 AM
April	Wednesday	12:00 PM - 3:59 PM
May	Thursday	4:00 PM - 7:59 PM
June	Friday	8:00 PM - 11:59 PM
July	Saturday	
August		
September		
October		
November		
December		

In 2021, the months of *June* and *July* reported the highest number of incidents in which force was used in response to resistance, each with 11%. *January* and *February* reported the fewest incidents, January making up 5% of all use of force incidents and February at 3%. The remaining months had an average of 52 incidents per month.

The data shows that in 2021, incidents involving force in response to resistance occurred consistently throughout most days of the week, with *Sundays* reporting the most incidents, 18%, and *Tuesdays* reporting the fewest incidents, 12%.

There is a variable trend in that the rate of incidents of force occurrence that steadily increased through the morning and mid-afternoon hours (8:00AM – 3:59PM, 26%), peaked in the evening between 4:00 PM and 7:59 PM, (26%), and then declined in late night and early morning hours (8:00PM – 7:59AM, 47%). This trend is similar to that for calls for service volume that occurs throughout the day.

Use of Force in Response to Resistance

District of Occurrence

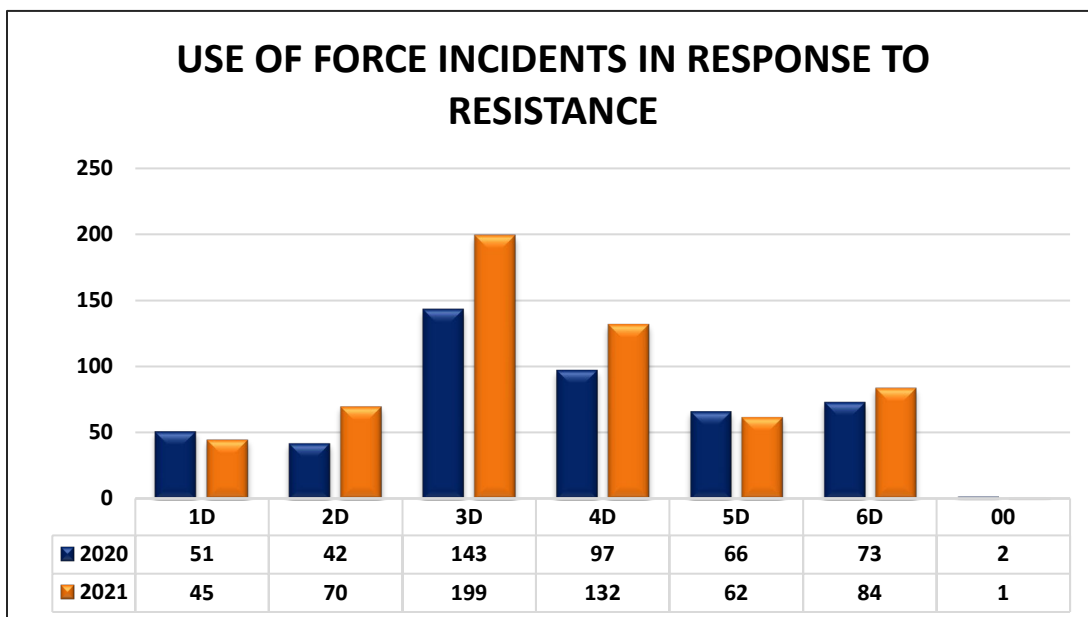
In 2021, use of force incidents in response to resistance reported in *Silver Spring* (3D) and *Wheaton* (4D) comprised more than half (56%) of the use of force incidents reported, which was also the case in 2020.

As shown in the chart on the next page, two districts, *Rockville* (1D) and *Germantown* (5D) experienced decreases in the number of reported use of force incidents in response to resistance in 2021 compared to 2020. *Bethesda* (2D), *Silver Spring* (3D), *Wheaton* (4D), and *Gaithersburg* (6D) all experienced an increase in the number of use of force incidents in response to resistance reported compared to the previous year.

The data shows that most of the reported use of force incidents occurred in *Silver Spring* (3D) and *Wheaton* (4D). This is consistent with these districts also accounting for a significant percentage of the department’s overall calls for service and total arrests. In addition to other circumstances, the department’s *Response to Resistance and Use of Force* policy requires officers to submit a use of force report for any encounter where force is used to counteract a physical struggle (including the use of hands which accounted for 57% of the incidents reported in 3D and 4D), following the use of any force which results in an injury to an individual, and when an individual claims to have been injured as a result of use of force. These policy requirements are an important element of the department’s ongoing commitment to transparency and accountability in its use of force reporting.

Figure 5.

Use of Force Incidents in Response to Resistance by District



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

Note: The use 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.

Demographics of Subjects and Officers

In 2021, there were increases across all categories in the number of *African American (24%)*, *Caucasian (22%)*, *Asian or Pacific Islander (88%)*, and *Hispanic (18%)* involved in use of force incidents compared to 2020.

Figure 6.

Subject Race and Ethnicity Involved in Use of Force Incidents

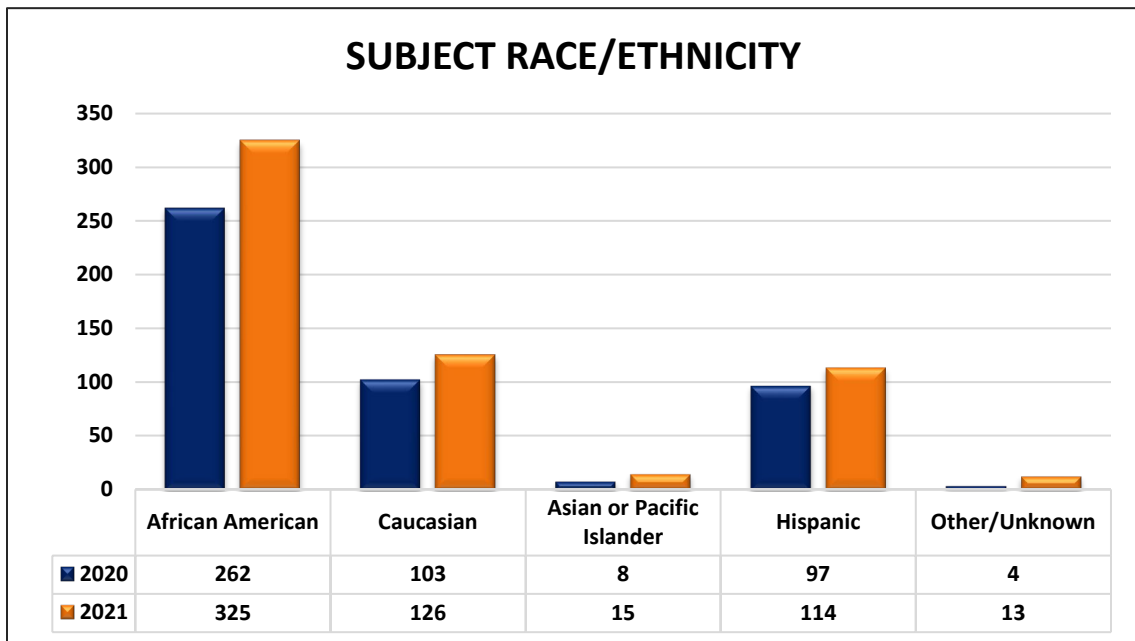
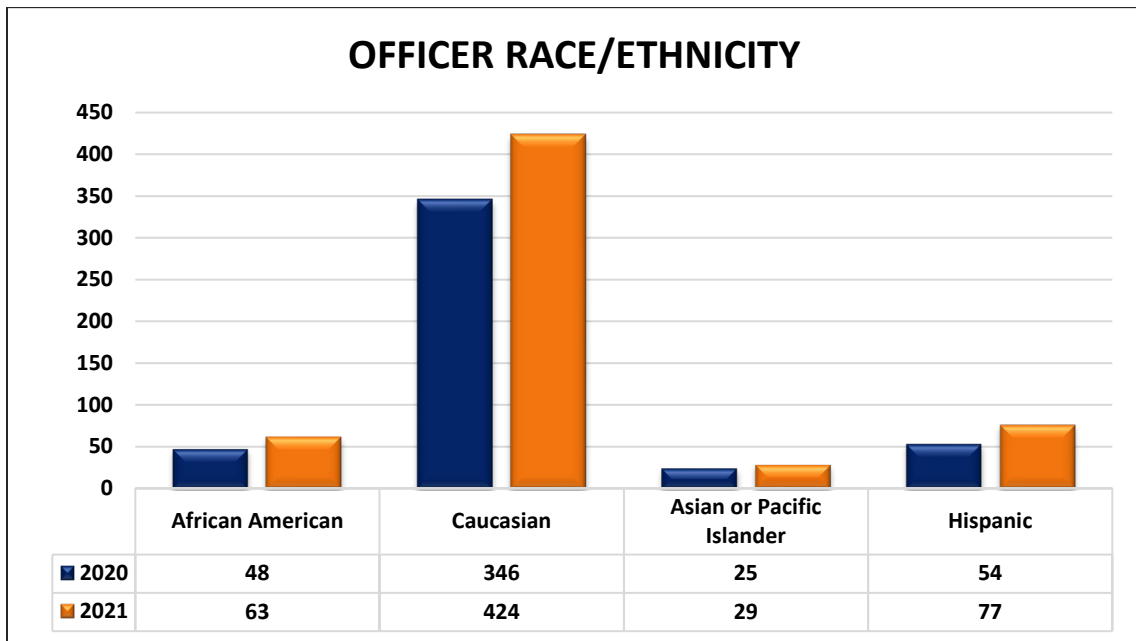


Figure 7.

Primary Officer Race and Ethnicity Involved in Use of Force Incidents

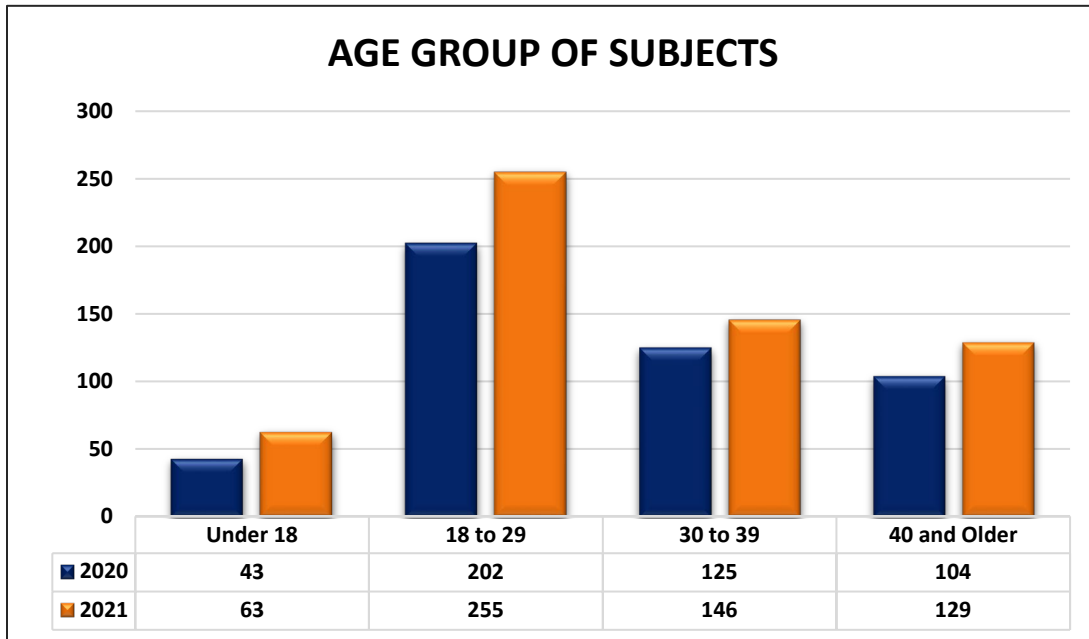


Note: Although use of force incidents can involve more than one officer, the data shown in the chart reflects the race/ethnicity of the primary officer involved.

In 2021, *African American* officers were involved in 11% of the reported use of force incidents, *Caucasian* officers were involved in 72% of incidents, *Asian or Pacific Islander* officers were involved in 5% of incidents, and *Hispanic* officers were involved in 13% of the reported use of force incidents. In 2020, 10% of the *officers* involved in encounters with subjects that resulted in some type of force in response to resistance being used were *African American*, 73% were *Caucasian*, 5% were *Asian or Pacific Islander*, and 11% were *Hispanic*. This information is generally consistent with the *demographics* of the department's sworn personnel complement.

Figure 8.

Age Groups of Subjects Involved in Use of Force Incidents

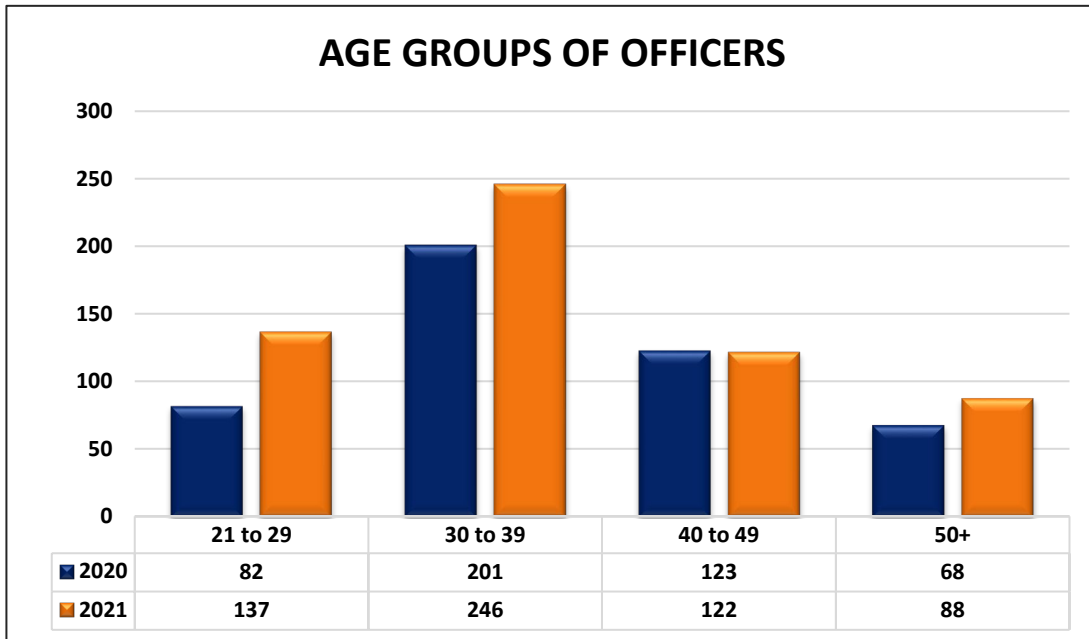


The data shows an increase in subjects *under 18 years of age* (47%) and an increase in the *18 to 29* and *30 to 39* age groups of 26% and 17% respectively in 2021 compared to 2020. The number of subjects in the *40 and older* age group increased by 24% compared to the previous year.

Subjects in the *18 to 39* age groups were involved in 68% of the use of force incidents in 2021 compared to 69% in 2020. The average age of the subjects across all age groups for 2021 was 32, which remained the same compared to 2020.

Figure 9.

Age Groups of the Primary Officers Involved in Use of Force Incidents

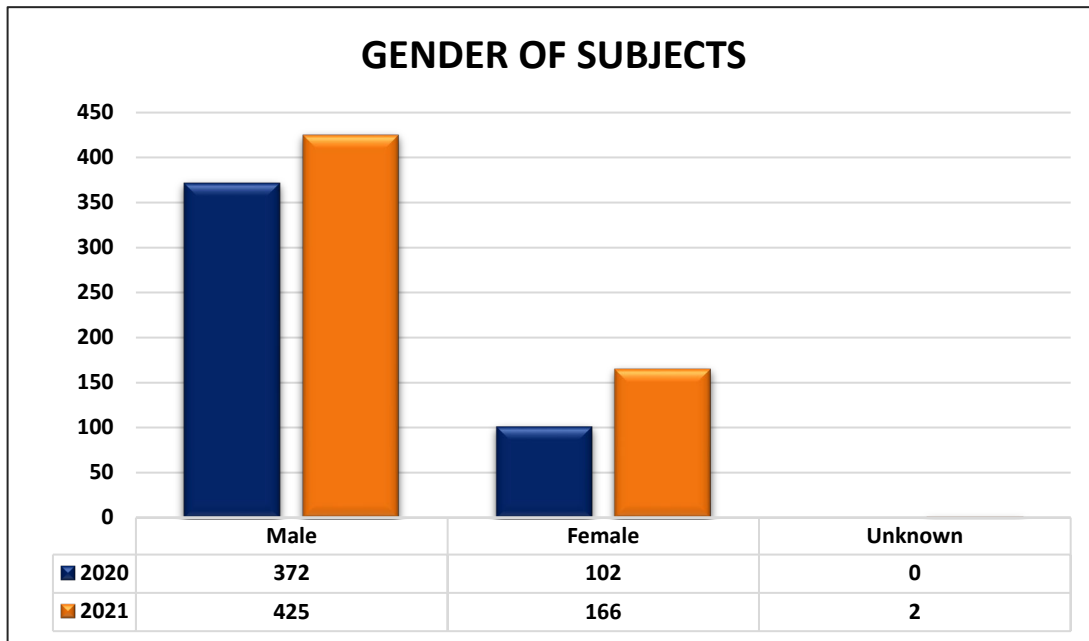


The data shows that in 2021, the number of officers in the *21 to 29* and *30 to 39* age groups increased 67% and 22% respectively compared to 2020. The number of officers in the *40 to 49* decreased 1% and officers *50 and older* increased 29%.

The percentage of officers in the *21 to 39* age groups in 2021 was 65%, compared to 60% in 2020. The average age of the officers involved in use of force incidents in 2021 was 38, which remained the same compared to 2020.

Figure 10.

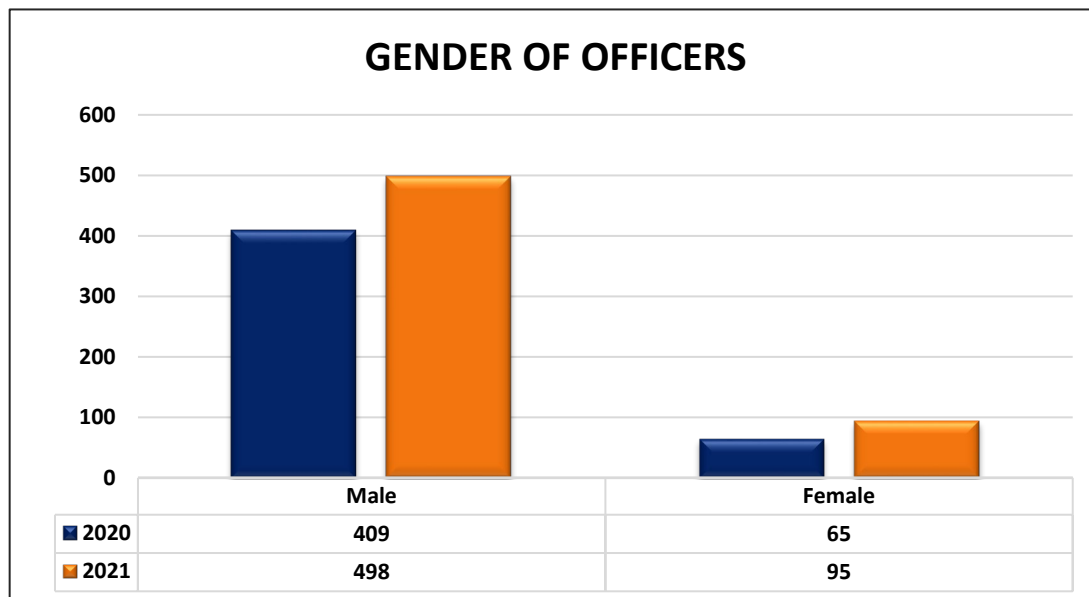
Gender of Subjects Involved in Use of Force Incidents



The data indicates that there was an increase of 14% in the overall percentage of *male* subjects involved in use of force in response to resistance incidents in 2021 compared to 2020. Additionally, there was a 63% increase in the number of *female* subjects in 2021 compared to the previous year. The overwhelming majority of the *subjects* involved in use of force incidents in 2021 (72%) were *male*.

Figure 11.

Gender of the Primary Officers Involved in Use of Force Incidents



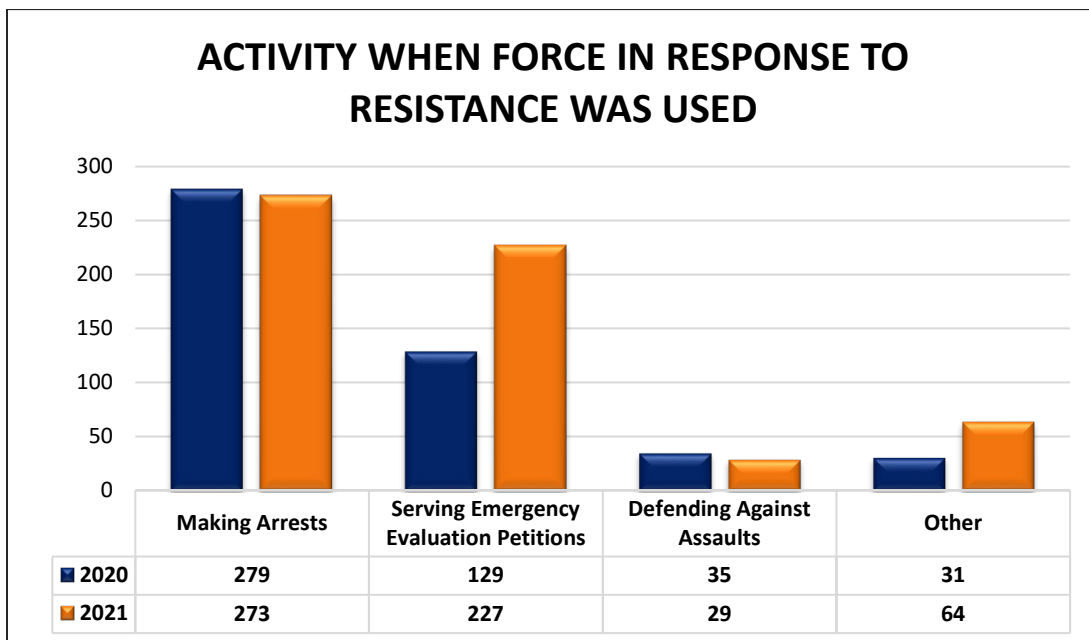
The data shows that in 2021, there was a 22% increase in the number of *male* officers reported involved in use of force in response to resistance incidents, and a 46% increase in the number of *female* officers compared to the previous year. In 2021, 84% of the *officers* involved in use of force incidents in response to resistance were *male*, compared to 86% in 2020. Although use of force incidents can involve more than one officer, the data shown in the chart reflects the race/ethnicity of the primary officer involved.

Activity When Force in Response to Resistance was Used

In 2021, making or attempting to make an arrest, serving emergency evaluation petitions, and defending against assaults accounted for 89% of the activities where officers needed to employ some type of force in response to resistance, compared to 94% reported in 2020.

Figure 12.

Activity when Use of Force in Response to Resistance was Used



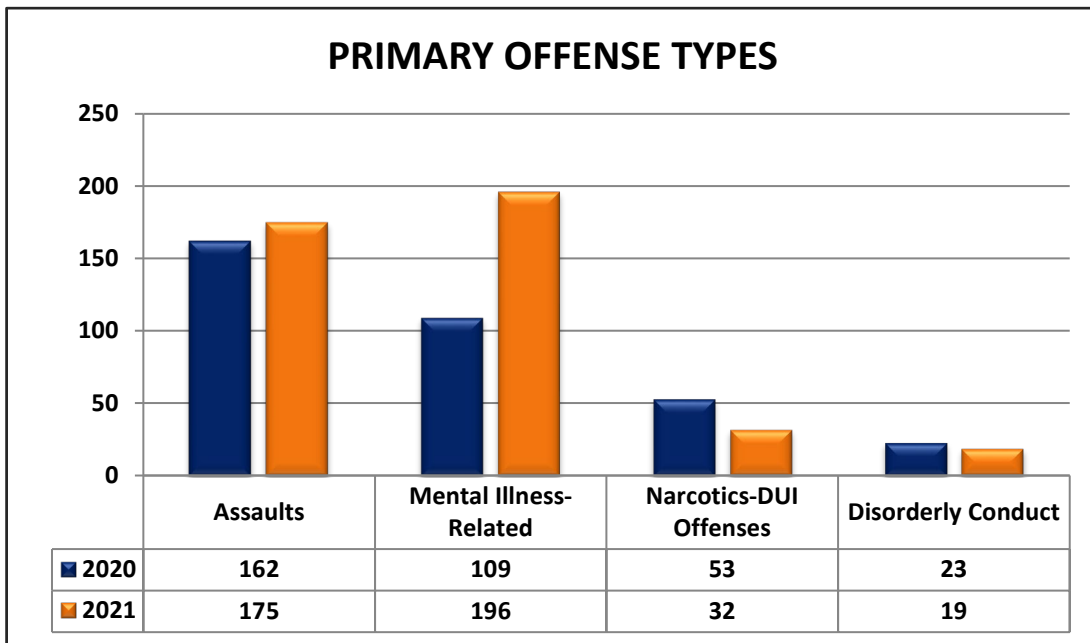
The category of “*Other*” includes situations such as *traffic stops*, *servicing search warrants*, and *transporting prisoners*, which accounted for 11% of the activities in 2021, which is an increase compared to 7% in 2020. In 2021, 23 of the 64 reports (36%) involved “Investigative Detention.” The category of “*Serving Emergency Evaluation Petitions*” increased by 76% compared to the previous year.

Offenses Where Force in Response to Resistance was Used

Assaults, mental illness-related calls, narcotics/DUI offenses and disorderly conduct accounted for 71% of the use of force in response to resistance incidents reported in 2021, compared to 73% in 2020. The remaining percentage of incidents involved various other offenses such as larceny, burglary, weapons offenses, vandalism, trespassing, and other miscellaneous calls for service.

Figure 13.

Primary Offense Types that comprised the majority of incidents where force was used in response to resistance



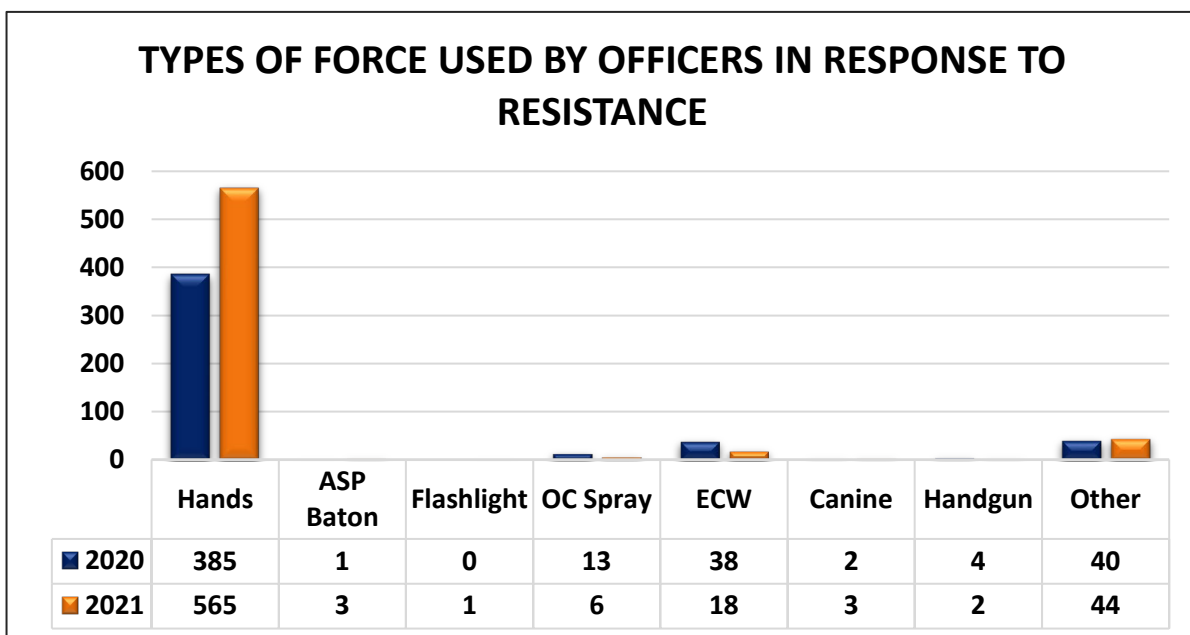
The *primary offense types* that reflected an increase in 2021 were *assaults*, which increased by 8%, and *mental illness-related offenses* which increased 80% compared to the previous year.

Types of Force Used by Officers and Subjects

The following series of charts show the breakdown of the leading *types of force* used by *officers* and *subjects* in 2021 compared to 2020.

Figure 14.

Types of Force Used by Officers in Response to Resistance



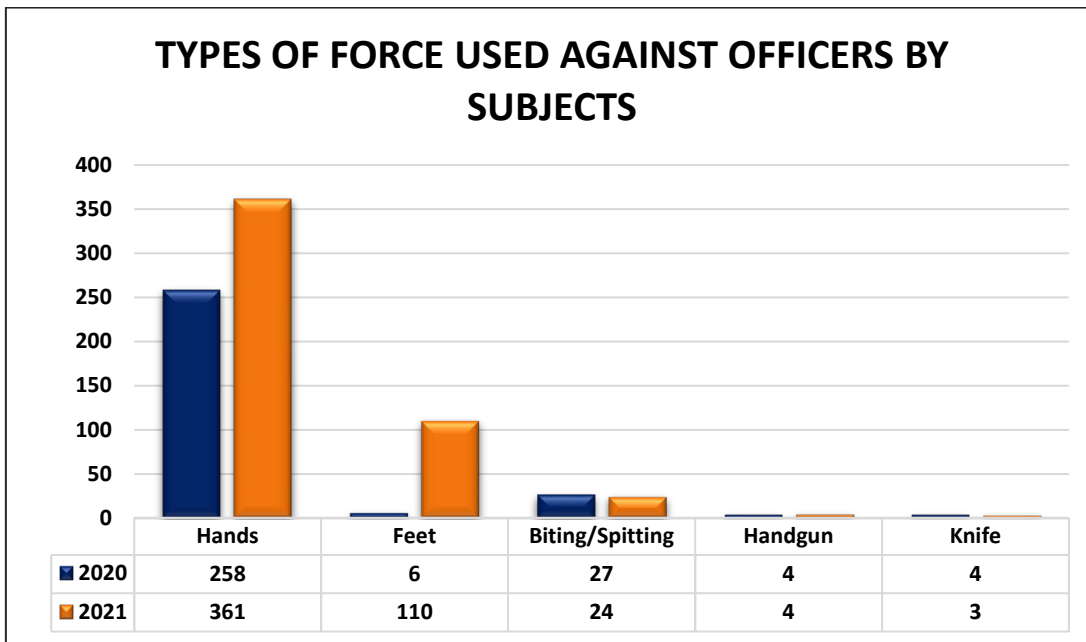
The type of force most widely used by officers in response to resistance in 2021 was *hands*, which were used in 95% of the incidents reported, compared to 81% in 2020. Other types of force used by officers in response to resistance in 2021 included *knees* and *feet*.

In addition, the use of *baton* increased 200%, *OC Spray* decreased by 54%, *handgun* decreased by 50%, and the number of *K9 deployments* increased by 50% compared to the previous year. There was also a decrease of 53% reported in the use of *Electronic Control Weapons (ECWs)* in 2021 compared to 2020. Officers discharged their service weapons in two incidents in 2021 which is 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.

Figure 15.

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 2021, which accounted for 61% of incidents compared to 54% in 2020. In 2021, there was a significant increase in subjects' use of *feet* and no change in the use of a *handgun* toward officers compared to 2020. Other types of force used by *subjects* against officers included a *baseball bat*, *cigarettes*, *elbows*, *shoulders*, *rocks*, and *shards of broken glass*.

Electronic Control Weapons

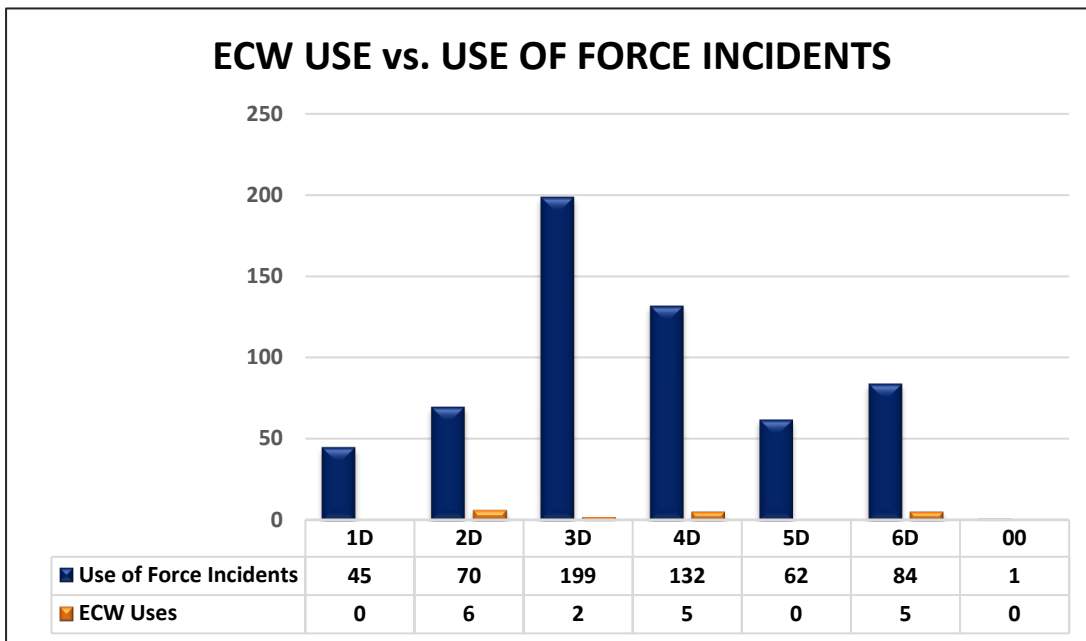
Effective July 1, 2020, subject to budgetary limitations, ECW's were issued to all sworn officers who work in an assignment that routinely involves public contact. The department currently has 304 officers that are qualified and authorized to carry *Electronic Control Weapons* (ECWs). These officers 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: As of February 2022, the department has purchased 400 ECWs to replace the current 304 ECWs and add up to an additional 96 operators. In 2023, another 400 ECWs will be purchased to add up to an additional 400 operators.

In 2021, an ECW was deployed 18 times (*in 15 incidents*) compared to 38 uses (*in 32 incidents*) in 2020. The chart below shows ECW use by district compared to the total number of reported use of force (UOF) incidents in that district in 2021.

Figure 16.

Electronic Control Weapons Use vs. Use of Force Incidents



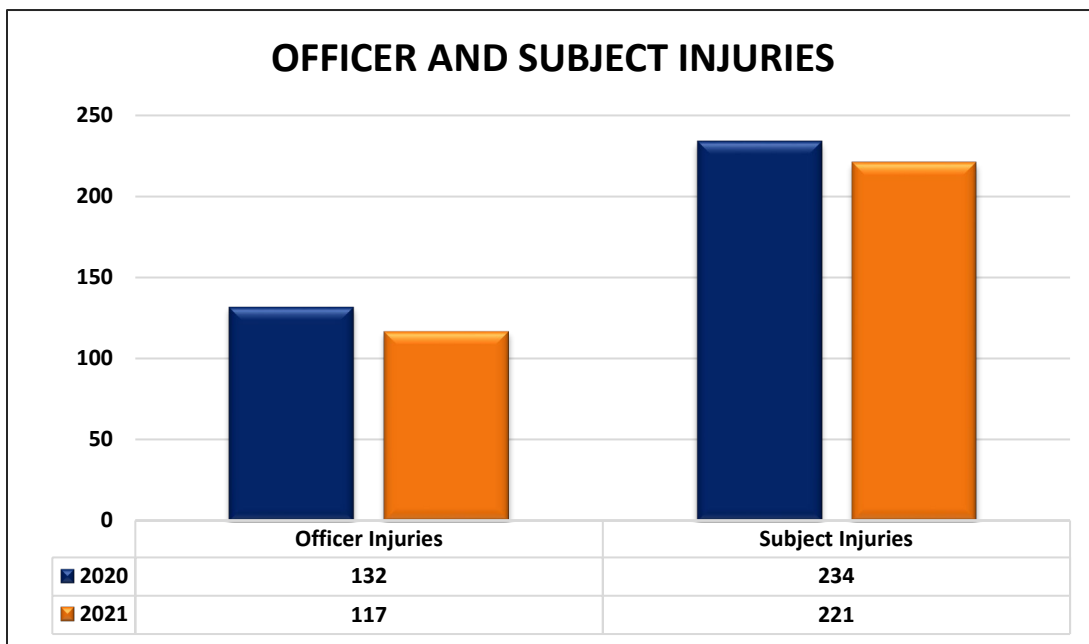
Note: District designation '00' represents those incidents that occurred outside Montgomery County.

The data shows an ECW usage rate of 3% in 2021 compared to 8% in 2020. 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. However, the data for 2021 shows that 61% of the ECW deployments occurred in *Bethesda* (2D) and *Gaithersburg* (6D), while 39% were reported in *Silver Spring* (3D) and *Wheaton* (4D).

Injuries to Officers and Subjects

In 2021, the data shows a 11% decrease in injuries to *officers*, and a 6% decrease 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*.

Figure 17.
Officer and Subject Injuries

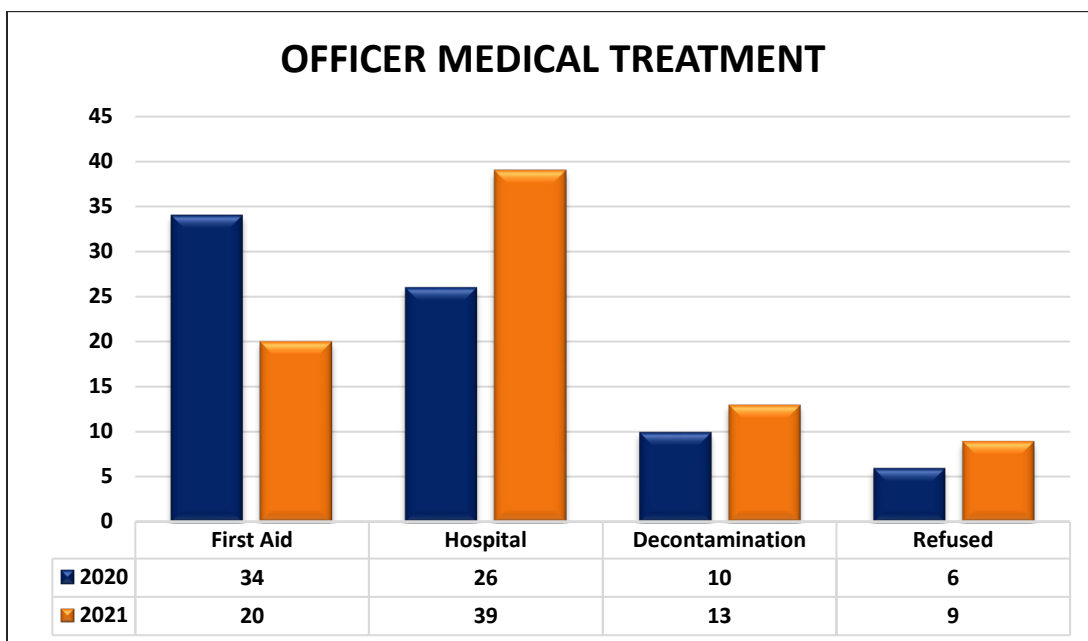


Note: 2020 data has been updated from previously reported information.

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 2021 compared to 2020 (as well as those that refused medical treatment).

Figure 18.
Officer Medical Treatment



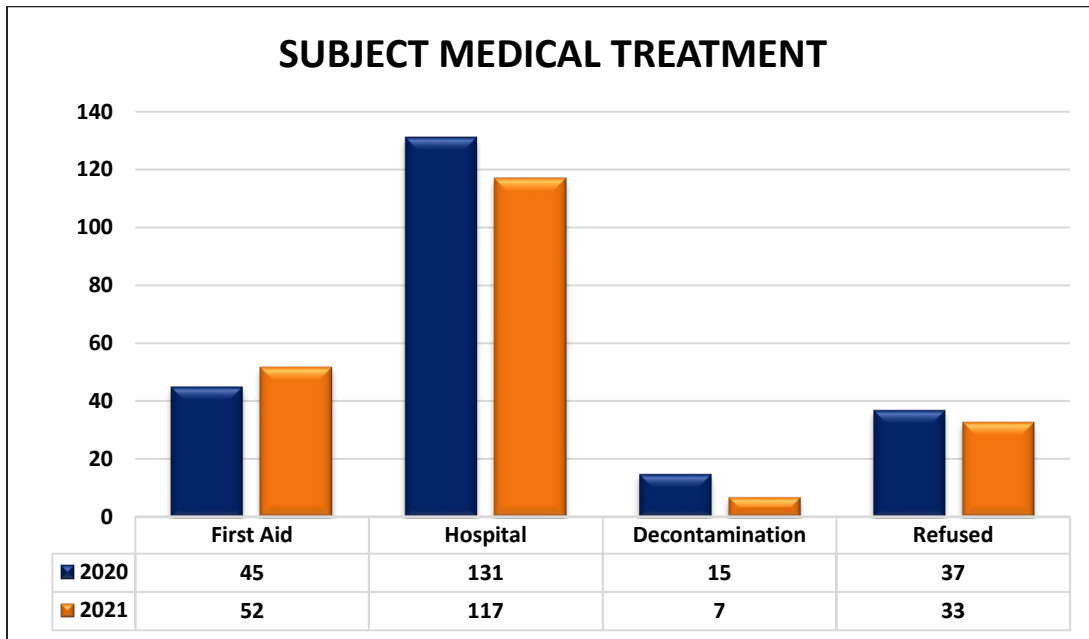
Note: 2020 data has been updated from previously reported information

The data shows that in 2021, there was a 41% decrease in the number of officers requiring *first aid*, and 50% increase 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.

Figure 19.

Subject Medical Treatment



Note: 2020 data has been updated from previously reported information

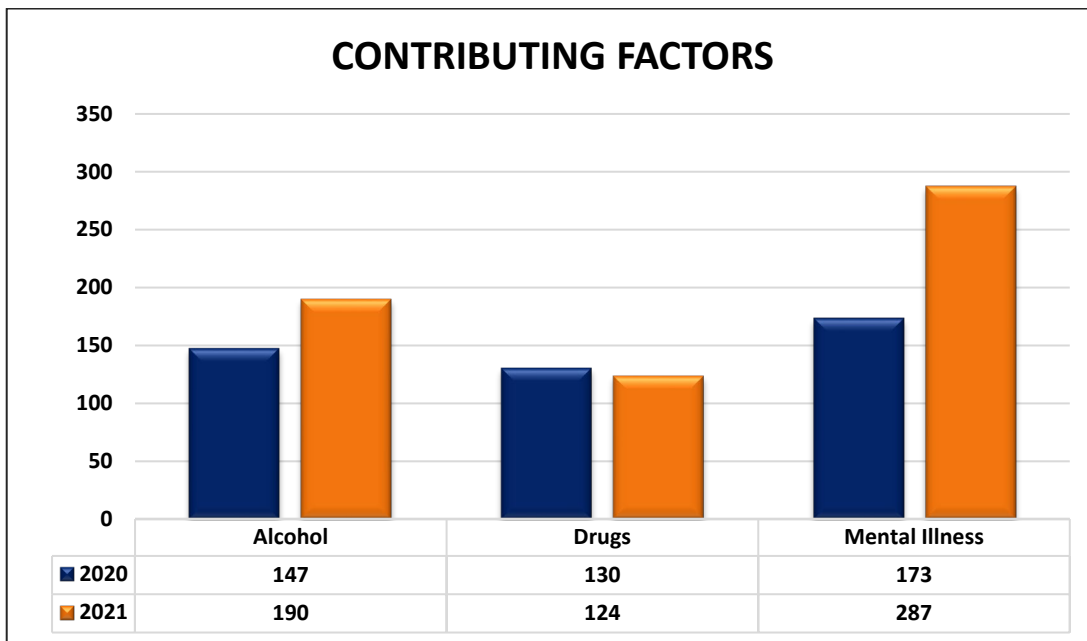
In 2021, there was a 16% increase in the number of subjects being administered *first aid*, and a decrease of 11% in subjects requiring transportation to *hospitals* for treatment compared to 2020. The remaining percentage of subjects did not require any type of medical treatment.

Contributing Factors

In 2021, 32% of the subjects involved in use of force incidents were reported to be *under the influence of alcohol*, 21% reported to be under the influence of *drugs*, and 48% suffering from *mental illness* at the time of the encounter.

Figure 20.

Contributing Factors associated with Uses of Force



Note: In 2021, 3% of the subjects involved in use of force incidents were reported to have all three contributing factors. 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.

The data reported for 2021 shows that there was a 66% increase in the number of subjects suffering from some form of *mental illness* involved in use of force incidents compared to the previous year.

The department places significant emphasis via policy and training on taking extra precautions and care when dealing with individuals suffering from mental illness or experiencing a mental health crisis. In these situations (as well as in situations where a subject may be under the influence of alcohol or drugs), there is an increased likelihood that officers may be confronted with an increased level of resistance due to the subject's diminished mental state and/or level of impairment. In many cases, officers transport these individuals to a medical treatment facility as part of the emergency evaluation petition (EEP) process so that a proper assessment can be made by a medical/mental health professional and the appropriate paperwork and documentation needed by officers can be completed so that if warranted and charged, the individual can be safely transported and appropriately processed by Department of Corrections staff.

Officers Assaulted/Ambushed

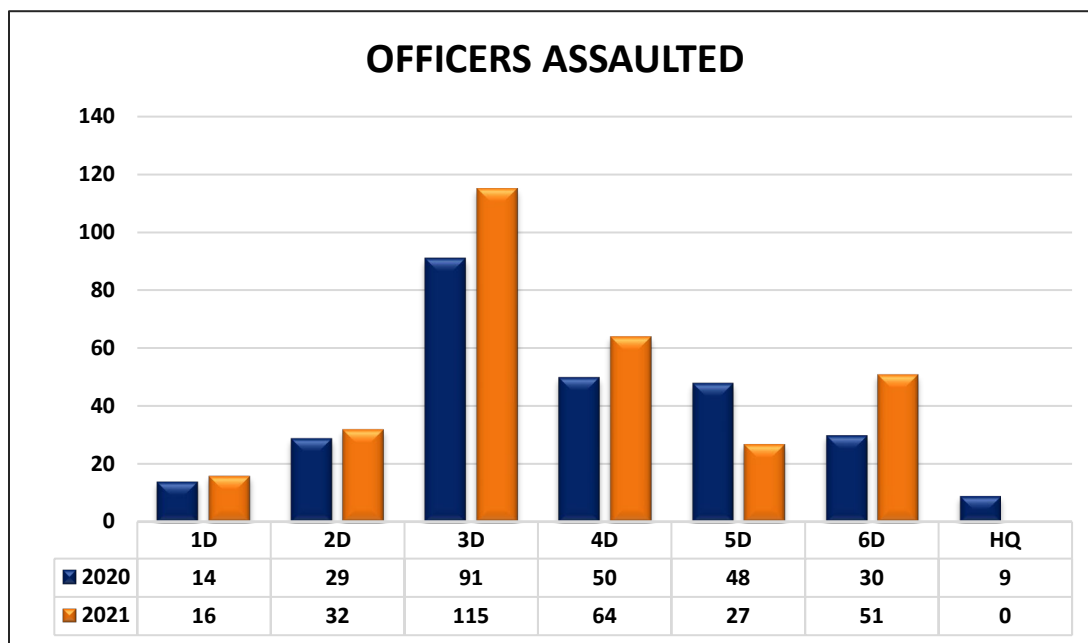
For state and federal reporting requirements, the department records information when an officer reports being *assaulted* or *ambushed*. In 2021, officers reported being assaulted 305 times compared to 271 times in 2020, an increase of 13%. Three officers reported being ambushed in 2021, with two officers also reported being ambushed in 2020.

Officers Assaulted

The department experienced a 13% increase in the number of assaults on officers compared to the previous year which is shown in the following chart.

Figure 21.

Assaults on Officers by District of Occurrence



Note: HQ (headquarter) represents those incidents that involved Special Investigations Division (SID) and/or Special Operations Division (SOD) personnel.

The data indicates that in 2021, most assaults against officers (59%) occurred during activities by officers in *Silver Spring* (3D) and *Wheaton* (4D), compared to 52% in these districts in 2020. The districts that experienced increases in *assaults on officers* in 2020 were *Rockville* (1D), *Bethesda* (2D), *Silver Spring* (3D), *Wheaton* (4D), and *Gaithersburg* (6D). 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 2021, the same number reported in 2020.

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. An officer-involved death is defined as a death or potential death of an individual resulting from an action or an omission on the part of a law enforcement officer while the officer is on duty, or while off-duty but performing activities that are within the scope of his or her law enforcement duties. In some circumstances, these cases are reviewed by agencies outside the department.

The Maryland General Assembly enacted into law SB600, the Maryland Police Accountability Act of 2021, creating the Independent Investigations Division (IID) within the Office of the Attorney General (OAG). The IID is charged with investigating all alleged or potential officer-involved deaths of civilians beginning October 1, 2021. Investigations are conducted by the office's Independent Investigations Division, in conjunction with the Maryland State Police.

There were two deadly force-related incidents that occurred in 2021 involving Montgomery County police officers, compared to four incidents reported in 2020. Per a formal agreement between the State's Attorney's Office of both Montgomery and Howard counties, the incident occurring on July 16, 2021, was transferred to the Howard County State's Attorney's Office for review. The case was presented before a Montgomery County Grand Jury who determined that the officer's actions were legally justified and declined to indict the officers involved.

The OAG Independent Investigations Division assumed investigative responsibilities for the incident occurring on December 29, 2021. At the time of publishing, this incident remains under investigation.

A summary of the deadly force incidents that occurred in 2021 is provided below.

Deadly Force Incidents

July 16, 2021- Officers were dispatched for a report of a trespasser at the McDonald's in Gaithersburg. The caller stated that a customer had ordered food and was refusing to pay or move his vehicle from the drive-through lane. While approaching the subject's vehicle, the officer observed a handgun on the front passenger seat and called for back-up. Additional officers arrived, secured the area, and evacuated McDonald's staff. During the incident, officers attempted to de-escalate the situation by requesting a crisis negotiator, attempting to talk with the subject over the phone, and by giving verbal instructions for an extended period of time. During the encounter, the subject pointed what was believed to be a firearm at officers which resulted in four (4) officers discharging their service weapons. Officers removed the subject from the vehicle after the subject was shot in order to begin CPR and first aid. While removing the subject from the vehicle, a handgun was observed in the subject's lap. The suspect was transported to a local hospital where he succumbed to his injuries.

December 29, 2021- An off-duty Montgomery County police officer was alerted to a shooting that occurred in Silver Spring. The off-duty officer relayed a secondhand description of the suspect's car to on-duty officers who were responding to the scene to assist. Officers observed a car matching that description and made a traffic stop. During the interaction, a passenger exited the vehicle and for reasons still under investigation, officers discharged their service weapons resulting in the passenger being fatally injured. At the time of this publication, this incident is still under investigation by the OAG IID.

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 of incidents 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, dignity, and value 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. 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 this 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 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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