



Maryland
Montgomery County
Chapter

July 6th, 2020

The Montgomery County Council
Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

RE: Expedited Bill 27-20, Police – Regulations – Use of Force Policy

Dear Councilmembers,

On behalf of the ACLU of Maryland, Montgomery County Chapter, I would like to express our support of Expedited Bill 27-20, **only if requested amendments are accepted**. These amendments are part of those laid out by the Silver Spring Justice Coalition, of which our chapter is a member.

- (1) Amendment: Necessary means that a reasonable person (including members of the community and law enforcement officers) would objectively conclude, under the totality of the circumstances, that there was no alternative to the use of force.
 - Reasonable law enforcement officer - that language has left too much up to interpretation in the past. What is reasonable is extraordinarily subjective and provides limited means for guaranteeing accountability. By substituting "person", which would include community members, witness evidence and testimony would be admissible and guaranteed to be heard. As community members are held accountable around the community, at work, in their homes, police officers must be held accountable to those they serve and protect. If there is valid evidence and perspective, we need to support that.

- (2) Amendment (addition): Use of deadly force is never permitted where the officer's behavior created the need for the use of force.



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- Police officers must be trained not only to deescalate but also not to escalate a situation and raise the stakes. Officers who deviate and choose to escalate must be held to account. Use of deadly force must be an ABSOLUTE last resort. If an officer provokes a suspect / community member and escalates the situation themselves, then that officer should remove him/herself and allow another officer to deescalate the situation, or a duty should step in. It is inexcusable for an officer to create a situation that would lead to deadly use of force.

Most of the other original requested amendments appear to have been accepted, but we must do more to ensure the safety of our community members and hold all accountable, regardless of position. No one is above the law, and that includes the police department, who should do as they have sworn to do - look out for us – all of us.

We support the bill, only with the requested amendments.

Regards,
Joe Shaffner
ACLU of Maryland,
Montgomery County Chapter