



Fraternal Order of Police  
Montgomery County Lodge 35

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July 7, 2020

Sidney Katz, Council President  
Montgomery County Council  
100 Maryland Ave.  
Rockville, MD 20850

President Katz,

FOP Lodge 35, which represents over 1400 active and retired Montgomery County Law Enforcement Officers, has serious concerns with certain elements of the proposed policy standards in Bill 27-20, Police – Regulations –Use of Force Policy. The standard for which force is used by a law enforcement officer in Montgomery County is determined by the United States Supreme Court decision (Graham v. Connor). Montgomery County Police Officers are trained to use the least amount of force possible to resolve a situation. As the staff report shows, jurisdictions such as Seattle and San Francisco have made a policy change to a new standard. The change has not been challenged in the United States Supreme Court for validation. Changing the standard for use of force standard in Montgomery County will make our policy inconsistent with law, and different than any other local law enforcement agency (to include agencies within Montgomery County). Whenever a Montgomery County police officer responds to a call for service with another law enforcement agency to a call for service there will be two standards of force. For certain, there will be confusion among law enforcement officers and has the potential to place all involved in greater danger.

In addition to the change in standard causing confusion among law enforcement agencies, adding that multiple discharges of an electronic control weapon (ECW) in the definition of deadly force is inconsistent with best practice. The ECW force option is only effective if both connecting probes establish contact with the body. Excessive clothing, thick materials, and a individual in motion may prevent the probes from attaching, which will cause the ECW to be less effective or not effective at all. It should also be noted that the Montgomery County Police transitioned to a new ECW platform that does not allow for a discharge for longer than 5 seconds.

The other proposed additions to the Montgomery County Police use of force policy would be codifying language for the standards that currently exist within training. Submitting the use of force policy as law will complicate addressing best practice changes to the use of force policy as future changes will require placing them before the legislative process, and a vote of five (5) council members.

The executive branch is responsible for determining work force policies within the County Government. The County Executive is responsible to all residents of this county as it applies to directing the government workforce.

I want to be clear, Lodge 35 supports sensible and considerate changes to policing, while also respecting the hard-working men and women of the Montgomery County Police Department.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lee G. Holland".

Lee G. Holland  
Corporate Vice President  
FOP Lodge 35