MONTGOMERY COUNTY POLICE DEPARTMENT

ANNUAL USE OF FORCE REPORT 2014

POLICY AND PLANNING DIVISION

APRIL 2015

Chief's Message:

The events last August in Ferguson, Missouri, began a nationwide discussion on Police use of force, especially the use of deadly force. That conversation only intensified after three more uses of force that resulted in deaths that occurred in New York, Cleveland, and North Charleston. Today, the public—all segments of our community—is paying much closer attention to the actions of their police department.

I am frequently asked questions about our policies, our training, and how members of the Department are held accountable for their actions. And while I believe we have a very strong use of force policy Function Code 131 and stress de-escalation techniques in our training, the fact remains that police officers occasionally must engage a person physically either to take them into custody, to protect themselves, or to restore safety and order to a situation.

Any use of force must always be lawful, and objectively reasonable. The objectively reasonable standard requires police officers' actions to be reasonable in light of the facts and circumstances presented to the officer at the time the force was used. Over the years, the use of force by police officers has changed. The policies have improved and the training has improved. Experience has taught us that we needed to focus more on non-lethal options and dealing effectively with folks who are mentally ill. I believe that our *Crisis Intervention Training* (CIT) has had a profound impact on reducing the number of use of force cases involving people with mental illness.

Every use of force is reviewed by a supervisor and a police Commander. Every excessive force complaint is investigated by the Internal Affairs Division. As you will see in the report, the Montgomery County Police used some level of force in about 2 percent of the arrests we made in 2014. The vast majority (82 percent) of our uses of force were officers using only their hands. This could mean anything from grabbing and guiding a person who is passively resisting, to engaging in a violent struggle to gain control of an individual.

As I reviewed this report, I was pleased to see the continued decline in our uses of force overall. I did note, however, that our 5th District (Germantown) saw an increase in uses of force from 37 incidents in 2013 to 60 incidents in 2014. Although this is an area for us to monitor, the report also indicates that the number of incidents in 2014 is comparable to the number of incidents reported in 2010 and 2011. The 5th District is our fastest growing district in terms of development and population growth.

Accountability and transparency are necessary elements to building confidence and trust between the police and the community we serve. This report and others like it are one of many ways we are working to build and sustain that trust.

There is a great deal of information contained in this report. Some of it may prompt other questions for you, and I encourage you to contact me via e-mail [**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 submitted for calendar year 2014. This report is intended to provide an overview of the incidents involving use of force by police officers and also to identify trends or any training areas that need to be addressed. Because each report is reviewed by command staff at several levels within the department, individual events are not captured in this report, except for those that may involve unusual circumstances or need further clarification.

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.

An officer is required to complete a MCP 37 - *Use of Force Report*, and an incident report for 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 search, arrest, or attempted apprehension
- Anytime an officer is assaulted or ambushed

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. There are situations when an officer is forced to make the irreversible decision of whether or not to use deadly or non-deadly force.

OVERVIEW

The population in Montgomery County in 2014, based on U.S. Census Bureau data, is estimated at 1,030,447 and the crime rate per capita remains very low; 5,046 crimes for every 100,000 people. In 2014, Montgomery County police officers were dispatched to 201,811 calls for service, made 17,834 arrests, and force was used in 418 incidents. This represents force being used in only 0.2 percent of the total calls for service and two percent of arrest situations. This reflects that for the overwhelming majority of calls for service and arrest situations, officers rarely used force.

The incidence rate of the use of force compared to the calls for service has remained relatively consistent since 2012 *(an average of 0.21 percent of the calls for service).*

The following chart provides a district summary for calls for service, reported crimes, arrests, and use of force incidents reported in 2014.

2014 Summary				
District	**Total Calls for Service**	**Total Crime Reported***	**Total Arrests**	**Total Use of Force Incidents**
1D	31,710	6,799	1,870	18
2D	32,777	7,338	1,814	39
3D	40,684	11,303	4,466	107
4D	39,117	9,675	4,379	113
5D	24,287	6,126	2,221	60
6D	33,236	8,315	3,084	81
Total	**201,811**	**49,556**	**17,834**	**418**

**Includes Part I and Part II Offenses reported in accordance with the Uniform Crime Reporting (UCR) Program*

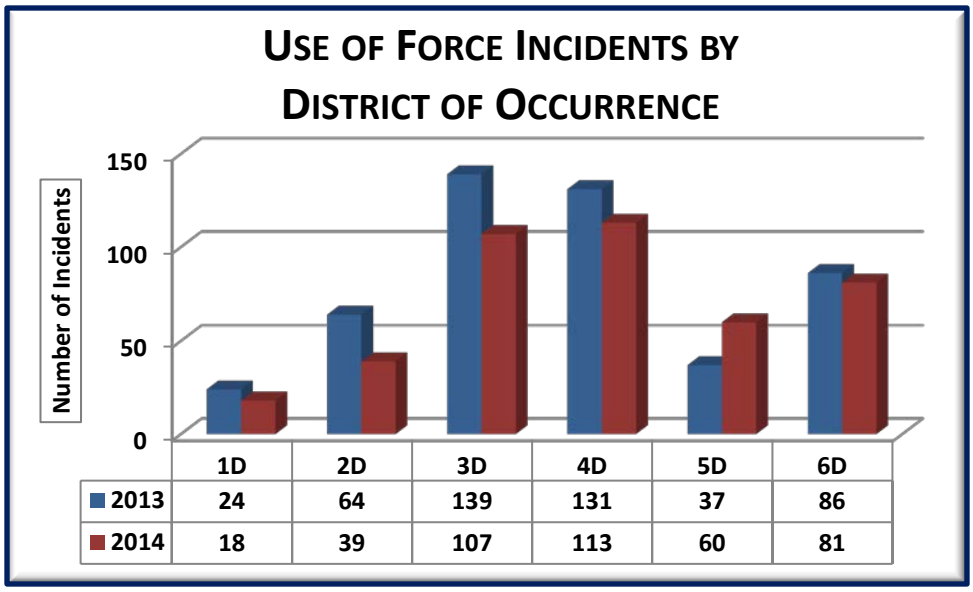
USE OF FORCE BY DISTRICT

A summary of the calls for service for each district based on available data for the last three years is outlined in the table below.

Number of Dispatched Calls for Service*				
District		**2012**	**2013**	**2014**
1D	Rockville	38,938	34,650	31,710
2D	Bethesda	31,864	34,576	32,777
3D	Silver Spring	43,592	43,048	40,684
4D	Wheaton	40,421	41,662	39,117
5D	Germantown	27,375	26,113	24,287
6D	Gaithersburg	35,823	34,757	33,236
Total		**218,013**	**214,806**	**201,811**

**The numbers reflected for each district do not include animal services-related calls for service*

In 2014, all districts experienced a decrease in the number of use of force incidents compared to 2013, except for 5D which experienced an increase as shown in the chart on the following page.



The table below is a summary of reported use of force incidents by district of occurrence from 2010 - 2014.

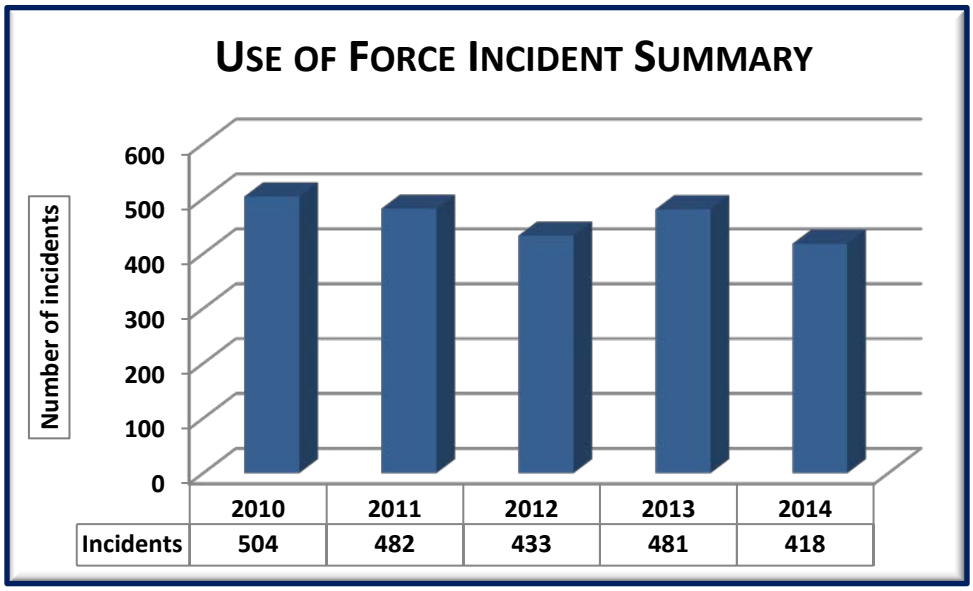
DISTRICT	2010	2011	2012	2013	2014
1D	34	39	33	24	18
2D	61	63	55	64	39
3D	120	133	102	139	107
4D	159	122	138	131	113
5D	53	62	36	37	60
6D	75	63	69	86	81
TOTAL	**504***	**482**	**433****	**481**	**418*****

**Two incidents occurred outside the county and are not captured in the district totals*
***Three incidents occurred outside the county and are not captured in the district totals*
****One incident occurred outside the county and is not captured in the district totals*

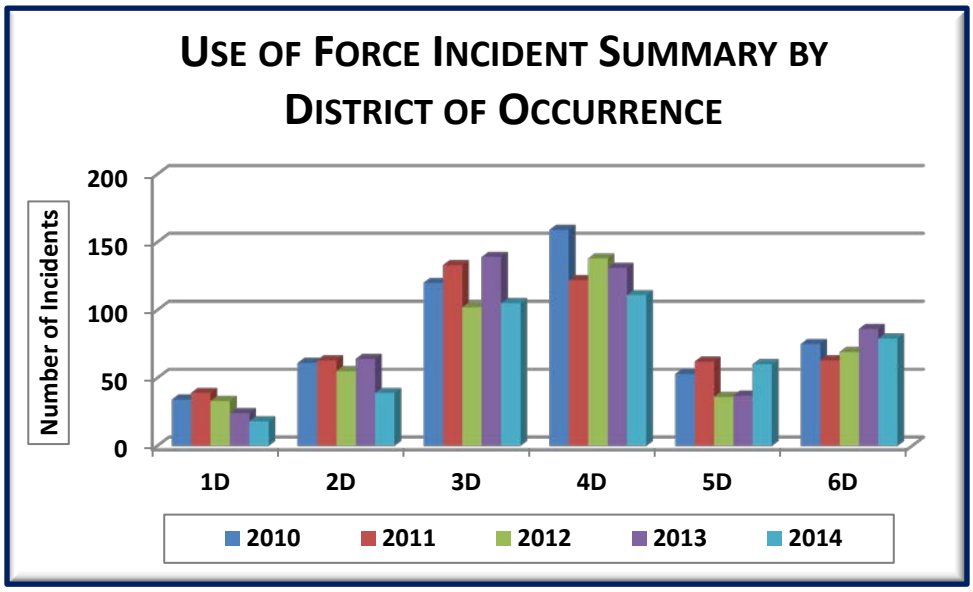
DISTRICT KEY

1D – Rockville
2D – Bethesda
3D – Silver Spring
4D – Wheaton
5D – Germantown
6D – Gaithersburg

The following chart shows the total number of use of force incidents reported county-wide from 2010-2014:



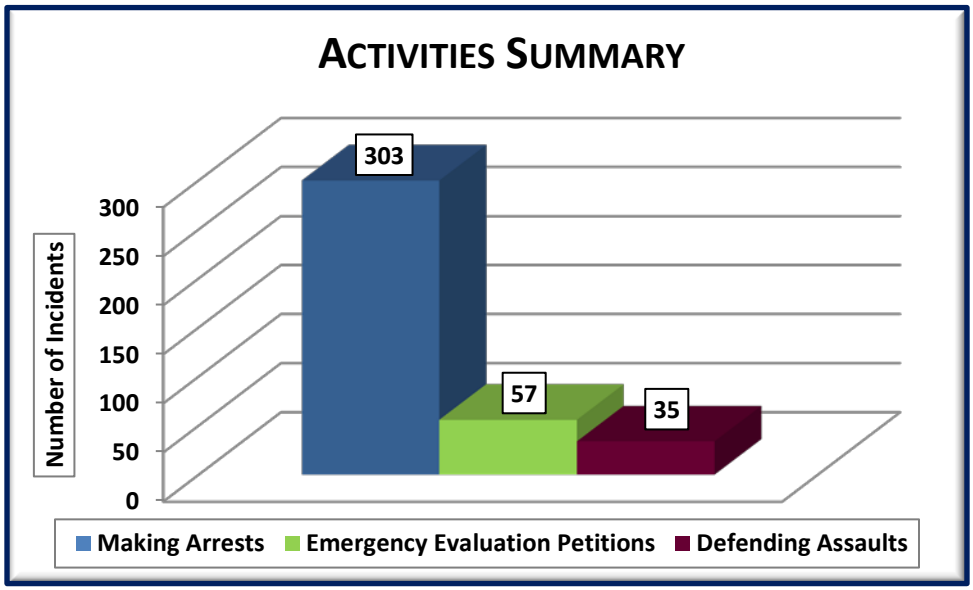
A five year summary for each police district is provided in the chart below.



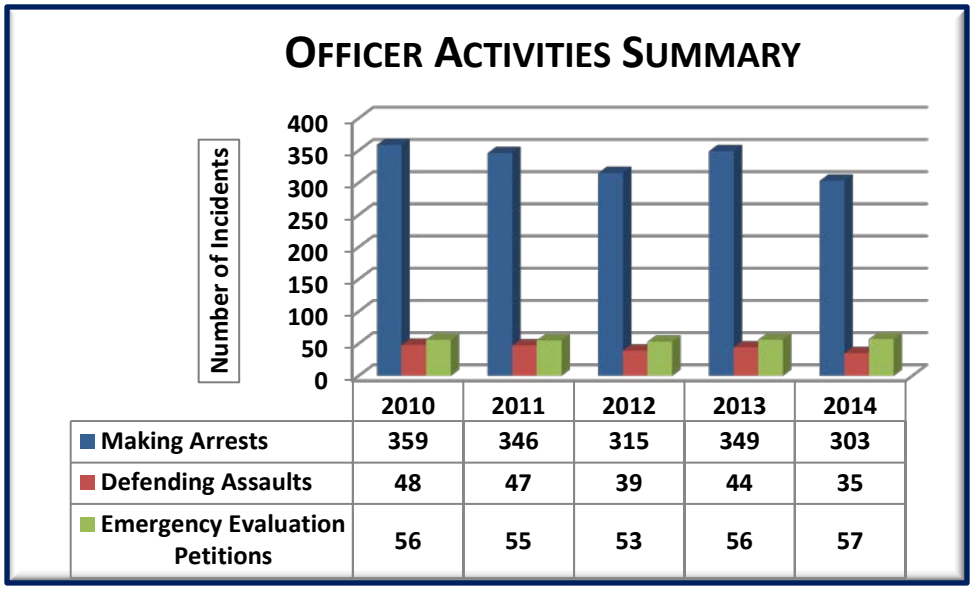
ACTIVITY WHEN FORCE WAS USED

In 2014, force was used in approximately 303 incidents (72 percent) when officers were making arrests. The next highest reported activity, serving an *emergency evaluation petition* (EEP), accounted for 57 incidents (approximately 14 percent); followed by *defending an assault,* which accounted for 35 incidents (approximately 8 percent).

The percentages for *emergency evaluation petitions* and *defending an assault* remained approximately the same from the previous year. Other various activities such as transporting prisoners, serving search warrants, traffic stops, and crowd control accounted for the remaining 23 incidents (6 percent).



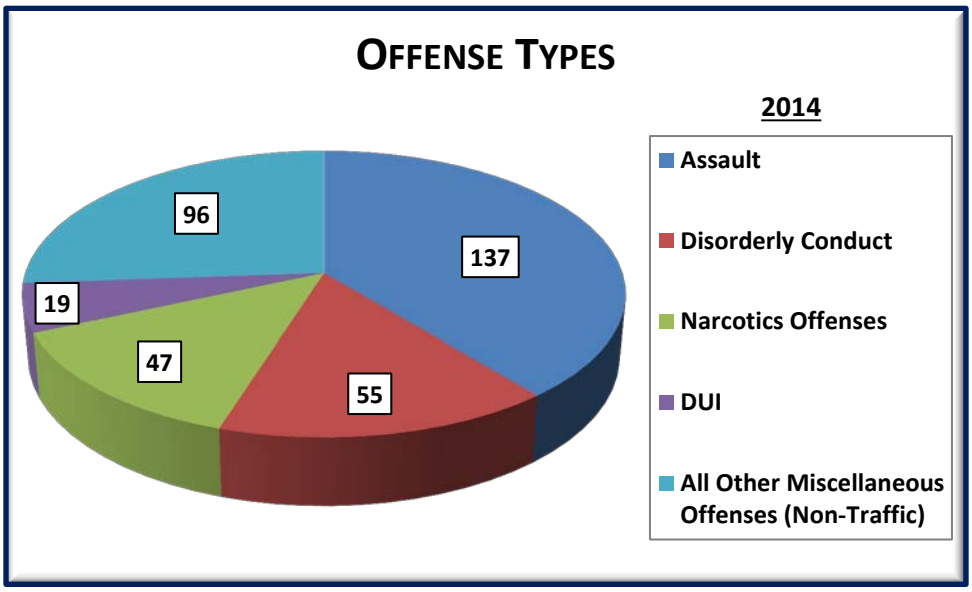
In 2014, *making or attempting to make an arrest*, *serving emergency evaluation petitions,* and *defending against assaults* accounted for approximately 94 percent of the activities where officers employed some type of force. A summary of these activities from 2010 – 2014 is provided in the chart below.



	2010	2011	2012	2013	2014
Making Arrests	359	346	315	349	303
Defending Assaults	48	47	39	44	35
Emergency Evaluation Petitions	56	55	53	56	57

OFFENSES WHERE FORCE WAS USED

Officers responding to reports of assaults accounted for 137 of the total use of force incidents reported in 2014 (33 percent). The remaining offenses that involved the use of force are shown in the following chart.



These offense types accounted for 354 of the total use of force incidents in 2014 (85 percent). The remaining 64 incidents (15 percent) involved numerous other offenses including larceny, burglary, auto theft, vandalism, weapons offenses, and other miscellaneous calls for service.

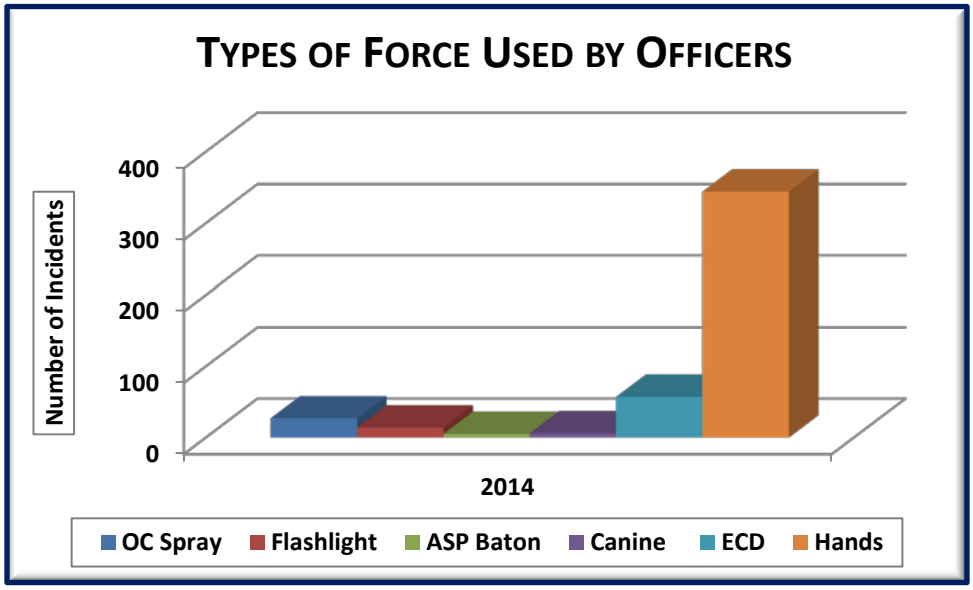
TYPE OF FORCE USED

The type of force most widely used by officers in 2014 was hands occurring in 344 incidents (82 percent). *Electronic Control Devices* were used in 64 incidents (15 percent) which are detailed in the ***Electronic Control Devices Section*** of this report.

Oleoresin Capsicum (OC) Spray was the next most common type of force and it was used in 27 incidents (6.5 percent), followed by the *flashlight* that was used in 14 incidents (3.4 percent). *Police canines* were used in 6 incidents (1.5 percent). The *ASP* (*expandable baton*) was used in 5 incidents (1.2 percent).

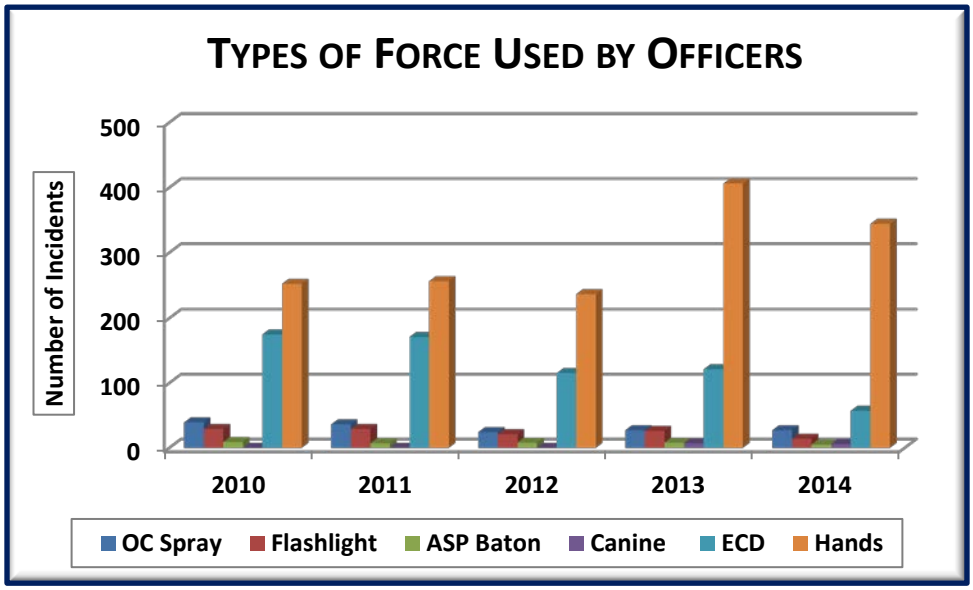
There were three incidents involving the use of deadly force that are summarized in the ***Deadly Force Incidents*** section of this report.

The chart below shows the breakdown of the most common types of force used by officers in 2014.

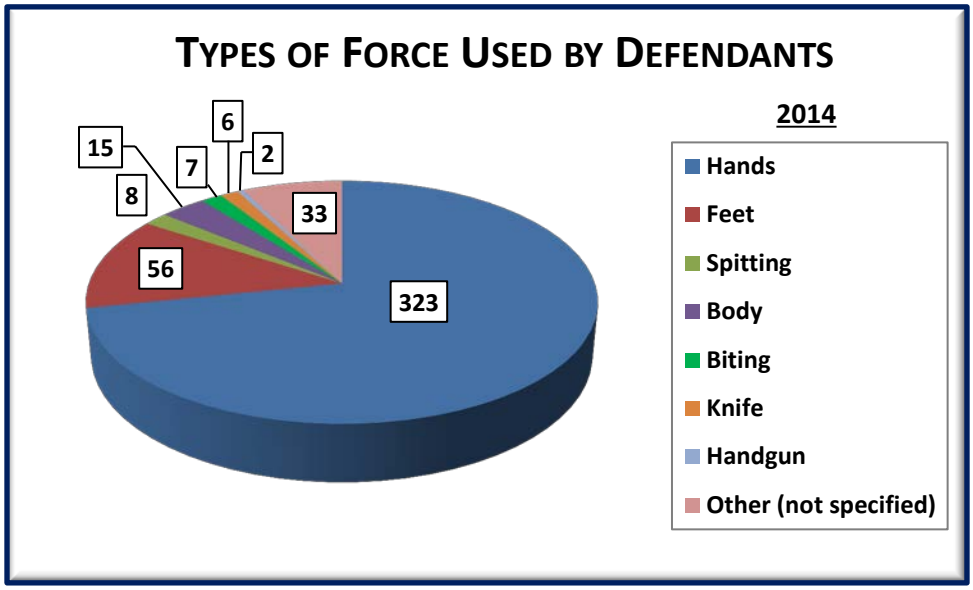


Note: In some instances, more than one type of use of force may be used in an attempt to control a situation. During many calls for service, a primary officer is dispatched and at least one additional officer responds as a back-up. It is important to point out that in approximately 70 percent of the circumstances where force was applied in 2014, two or more officers were involved.

The chart below summarizes the most common types of force used by officers from 2010 – 2014.



The most common types of force used by defendants against officers in 2014 were hands/feet, occurring in 379 (91 percent) of the incidents reported as shown in the chart below. Defendants using their body to push or pull away from officers, biting, or spitting on officers, and other types of force not specified comprised the majority of the remaining percentage of incidents reported in 2014. A knife was used by defendants in six incidents. A handgun was reported used in two incidents. In separate incidents, defendants also used a bag, pen, trash can, and door against officers.



Note: In some incidents, defendants used more than one type of force against officers.

Electronic Control Devices (ECD)

The department currently has 565 *Electronic Control Devices* (ECDs) issued to qualified officers. Officers must attend 40 hours of *Crisis Intervention Training* and they receive certification in the use of the ECD before one can be carried. Officers are also required to complete annual recertification training.

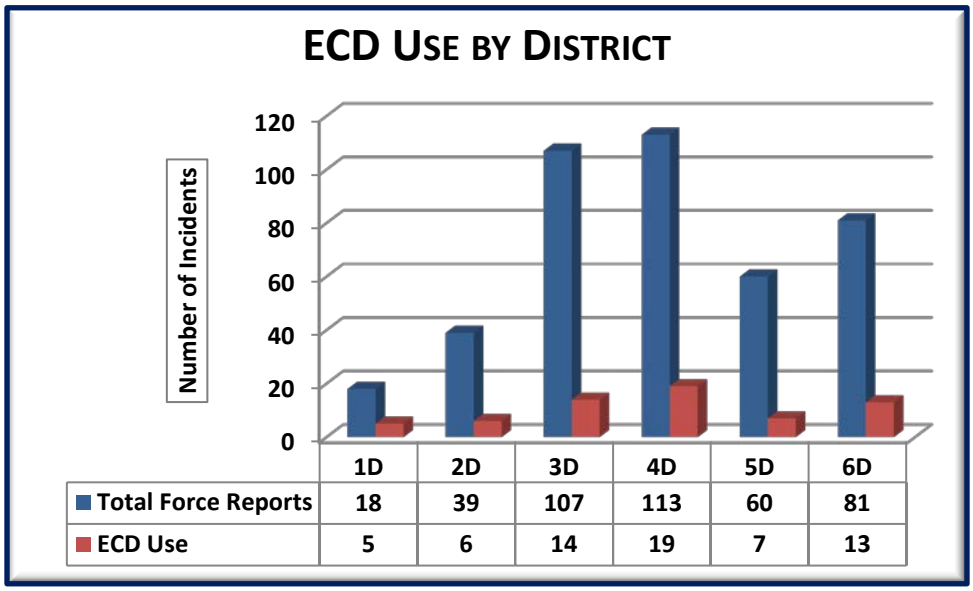
In 2014, an ECD was deployed in 64 use of force incidents (15 percent) compared to 121 incidents in 2013, a decrease of 47 percent.

A breakdown of ECD deployments and percentages of the total use of force reports by district for 2014 is provided in the table below.

2014			
District	**Total Use of Force Reports**	**ECD Deployments**	**% ECD Deployments of Total Force Reports**
1D	18	5	28
2D	39	6	15
3D	107	14	13
4D	113	19	17
5D	60	7	12
6D	81	13	16
Total	**418**	**64**	**15**

**For purposes of this chart, ECD use is reported by location of the incident, not by duty assignment of the officer*

A chart summarizing the data presented in the table above is presented below. It should be noted that these totals are for each incident where an ECD was deployed.

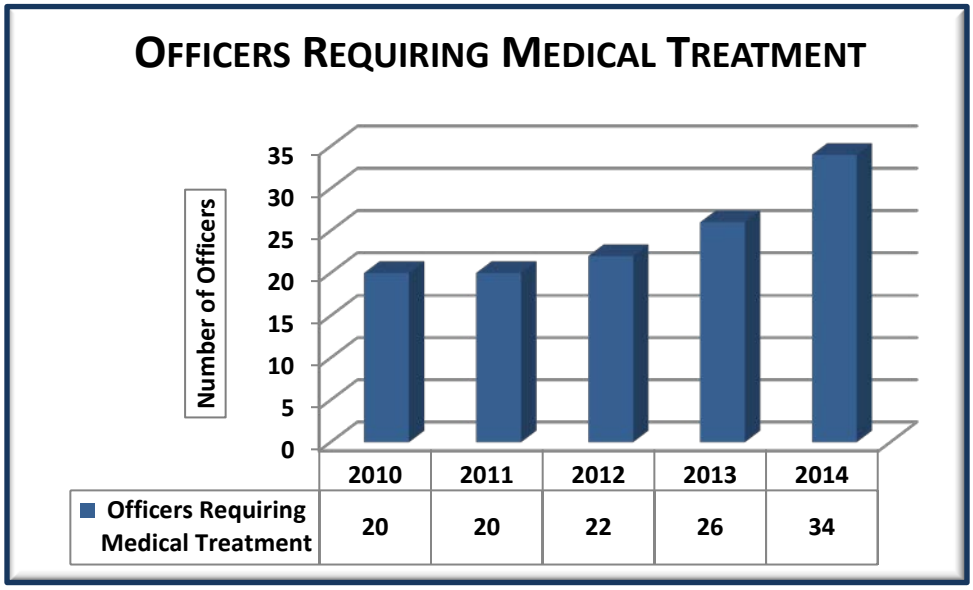


INJURIES TO OFFICERS AND DEFENDANTS

Officer Injuries

In 2014, 122 officers claimed an injury during a use of force incident. Most of the reported injuries were minor in nature consisting of a combination of bruises/soreness and lacerations. This represents a 7 percent decrease from 2013 when there were 131 reported injuries to officers. In 2014, 34 officers required some form of medical treatment compared to 26 officers in 2013, a 31 percent increase.

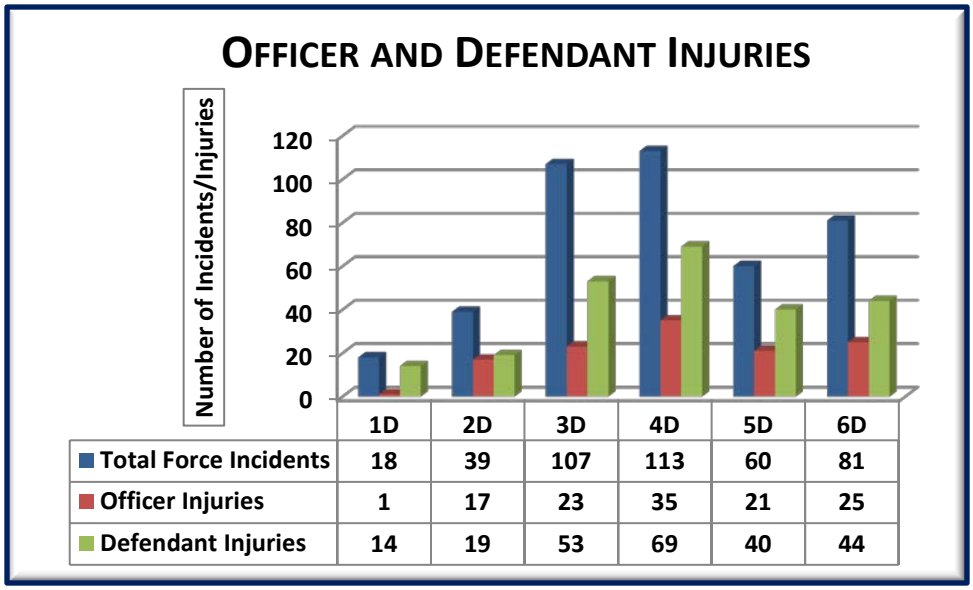
The chart below summarizes the number of officers requiring medical treatment for injuries sustained in use of force incidents from 2010 – 2014.



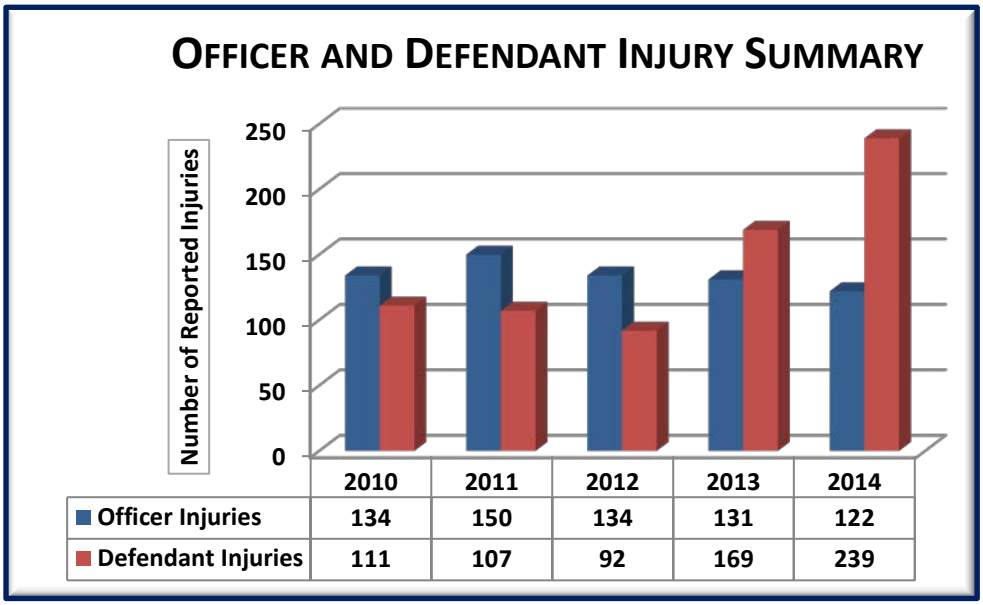
Defendant Injuries

Defendant injuries increased from 169 injuries reported in 2013 to 239 injuries in 2014, a 41 percent increase. For defendants, an injury is indicated on the *Use of Force Report* regardless of whether it is a visible injury or a claim of an injury. The majority of these reported injuries were bruises/soreness and lacerations.

The chart below provides a breakdown of the *Use of Force Reports* that were completed, the number of injuries claimed by officers, and the number of injuries claimed by defendants for each district in 2014.



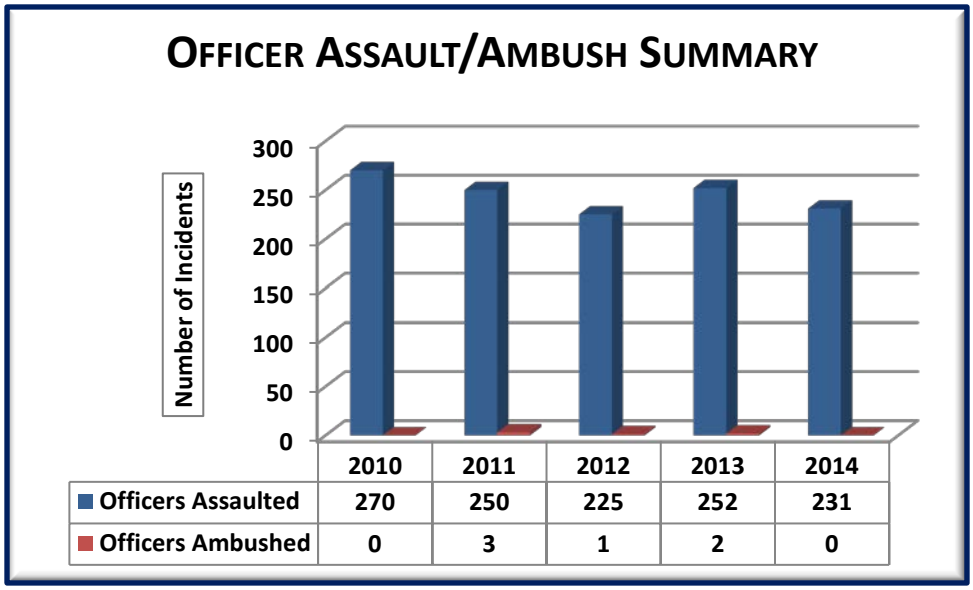
The following chart shows a five year summary of reported officer and defendant injuries related to incidents requiring some type of force to be used.



Officers Assaulted/Ambushed

For state and federal reporting requirements, the department captures information when an officer reports being assaulted or ambushed. In 2014, 231 officers reported being assaulted, a decrease of approximately 8 percent compared to 2013 when 252 officers reported being assaulted. Of the 231 officers that were assaulted, 61 (26 percent) reported sustaining injuries, and 21 (34 percent) required treatment at a medical facility.

In 2014, no officers reported being ambushed compared to two officers ambushed in 2013. The following chart is a five year summary of officers being assaulted and/or ambushed.



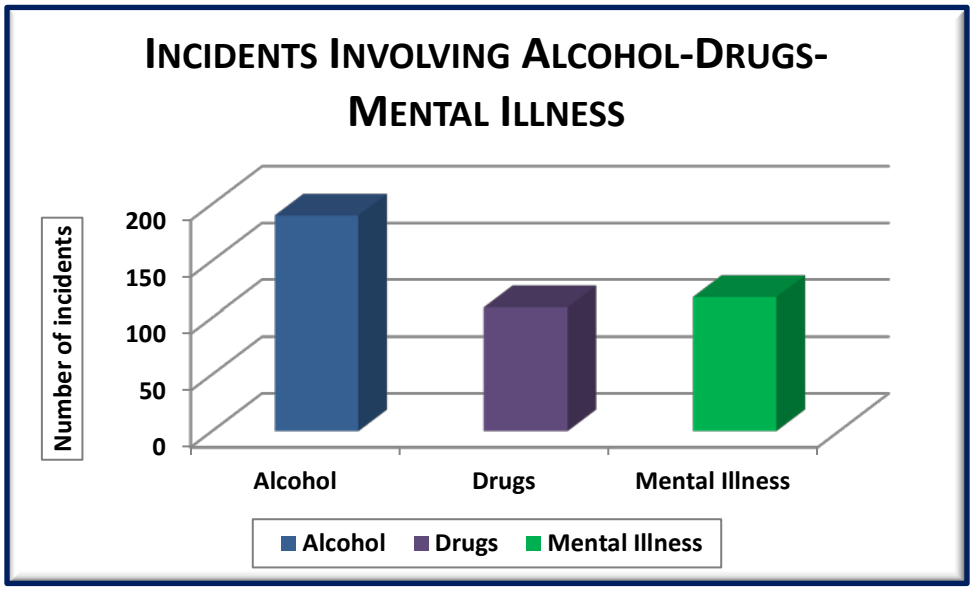
CONTRIBUTING FACTORS

In 190 of the 418 incidents in 2014 (45 percent) where a *Use of Force* Report was completed, the defendant was reported to have consumed alcohol, compared to 245 incidents in 2013, a 22 percent decrease. In addition, some form of drug use (other than alcohol) was reported in 109 incidents in 2014 (26 percent) compared to 134 incidents in 2013, a decrease of approximately 19 percent.

In 118 incidents in 2014 (28 percent), the defendants were reported as suffering from some form of mental illness. This is a 24 percent increase compared to 2013 when 95 use of force incidents involved individuals suffering from mental illness.

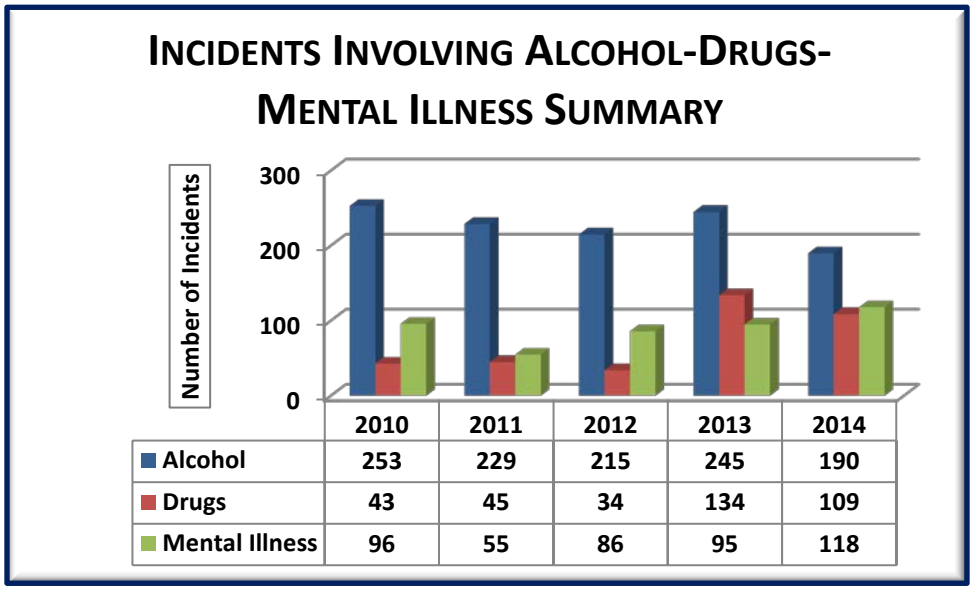
The 118 incidents involving defendants reported to be suffering from mental illness constitutes approximately 6 percent of the total events classified as mental illness-related in 2014 (2,074).

The chart below shows a summary of these factors reported in 2014.



It is 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. In a number of incidents, defendants were reported to have been under the influence of alcohol and drugs, and also suffering from some type of mental illness.

The following chart shows a five-year summary of use of force incidents where defendants were reported to be under the influence of alcohol, drugs, or suffering from mental illness.

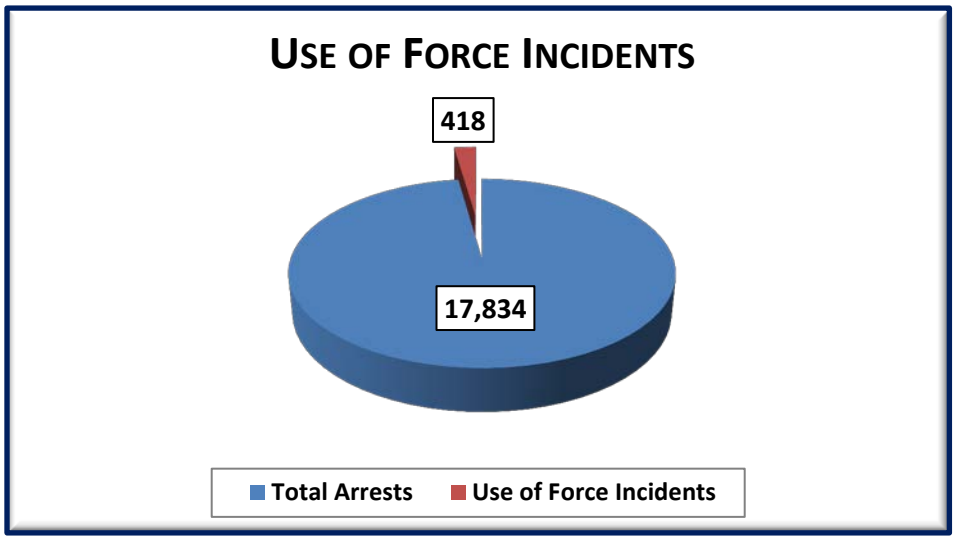


	2010	2011	2012	2013	2014
Alcohol	253	229	215	245	190
Drugs	43	45	34	134	109
Mental Illness	96	55	86	95	118

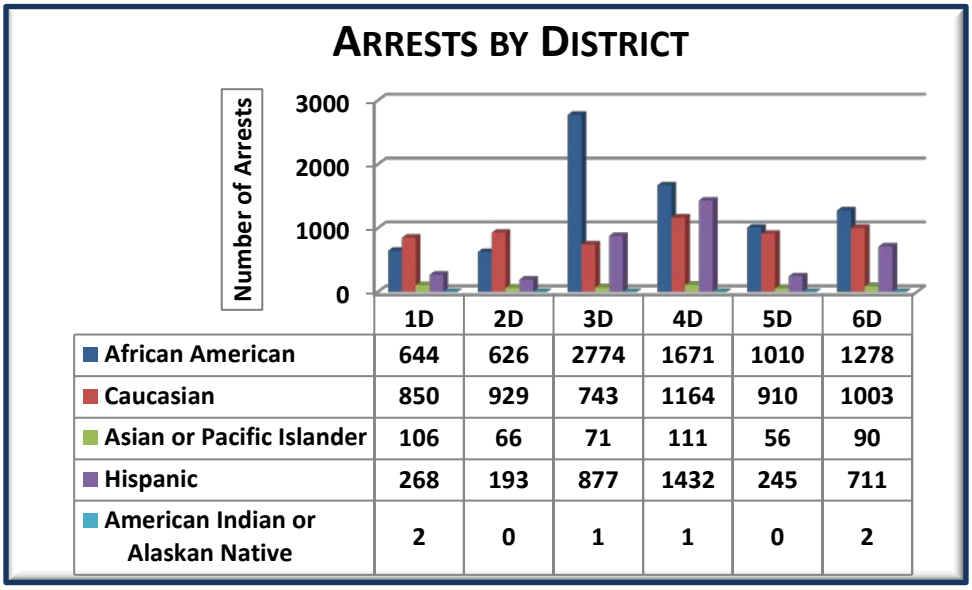
AGE-RACE-ETHNICITY AND GENDER OF DEFENDANTS AND OFFICERS

Race/Ethnicity

The Montgomery County Police Department made a total 17,834 arrests in 2014 and force was only used in approximately two percent of these situations.

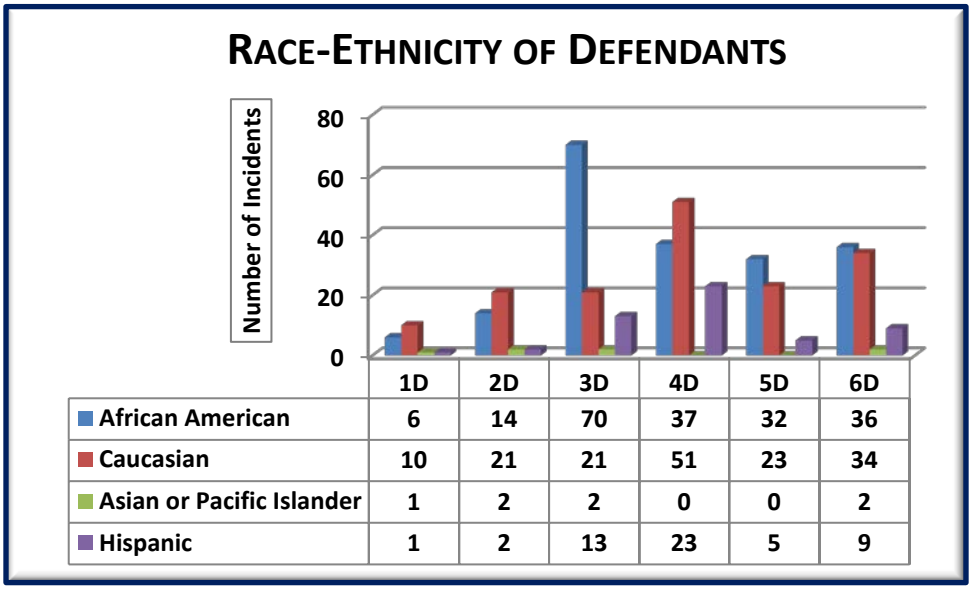


The following chart shows a breakdown of arrests by race/ethnicity of defendants for each district.



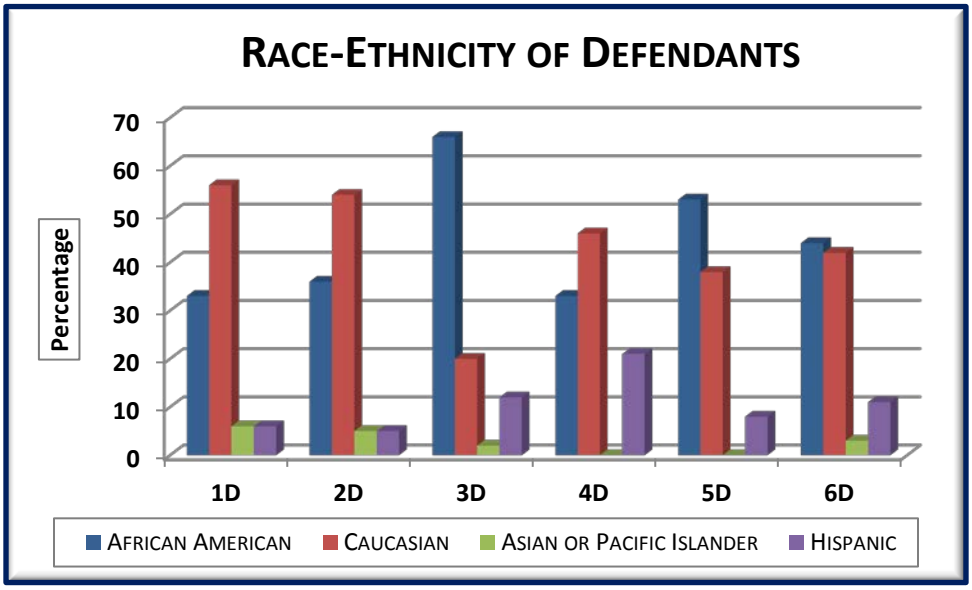
	1D	2D	3D	4D	5D	6D
African American	644	626	2774	1671	1010	1278
Caucasian	850	929	743	1164	910	1003
Asian or Pacific Islander	106	66	71	111	56	90
Hispanic	268	193	877	1432	245	711
American Indian or Alaskan Native	2	0	1	1	0	2

The chart below shows the number of use of force incidents by district and a breakdown of the race/ethnicity of the defendants.



	1D	2D	3D	4D	5D	6D
African American	6	14	70	37	32	36
Caucasian	10	21	21	51	23	34
Asian or Pacific Islander	1	2	2	0	0	2
Hispanic	1	2	13	23	5	9

The following chart shows the *percentage* of use of force incidents by district based on the race/ethnicity of the defendants.



The following summary is based on information compiled from the *Use of Force Reports* submitted in 2014 where the race-ethnicity and age of the defendant and primary officer were applicable and reported on the MCP Form 37.

As noted earlier, in the majority of use of force incidents, there are more than two officers involved. However, the data reflected in the charts in the next section only indicates the race-ethnicity and average ages of the primary officers that were responsible for completing the MCP Form 37.

The majority of defendants involved in use of force incidents were *Caucasian* and *African American*, comprising approximately 86 percent (355) of the use of force incidents reported in 2014. *Asian or Pacific Islander* and *Hispanic* defendants comprised the remaining 14 percent (60) of use of force incidents.

For all age categories, the majority of the officers involved were *Caucasian* and the average age of the officers was *32*.

A summary of the individual race-ethnicity categories reported in 2014 is provided in the following series of tables.

Defendants Under 18 Years of Age

Defendant Race/ Ethnicity	Use of Force Incidents	Officer Race/Ethnicity			
		African American	*Caucasian*	*Asian or Pacific Islander*	*Hispanic*
African American	**21**	0	18	0	3
Caucasian	**21**	0	17	2	2
Asian or Pacific Islander	**1**	0	1	0	0
Hispanic	**13**	0	11	0	2
Average Age of Primary Officer Involved = 31					

Defendants 18 to 29 Years of Age

Defendant Race/ Ethnicity	Use of Force Incidents	Officer Race/Ethnicity			
		African American	*Caucasian*	*Asian or Pacific Islander*	*Hispanic*
African American	**102**	7	88	2	5
Caucasian	**72**	2	60	2	8
Asian or Pacific Islander	**2**	0	2	0	0
Hispanic	**22**	1	18	1	2
Average Age of Primary Officer Involved = 33					

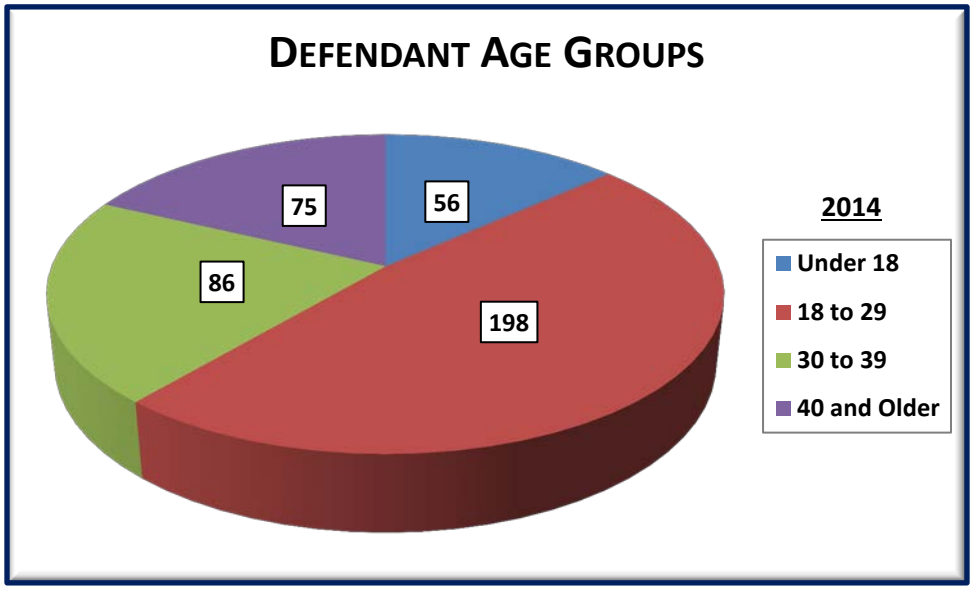
Defendants 30 to 39 years of Age

Defendant Race/ Ethnicity	Use of Force Incidents	Officer Race/Ethnicity			
		African American	*Caucasian*	*Asian or Pacific Islander*	*Hispanic*
African American	**44**	5	38	0	1
Caucasian	**31**	2	27	0	2
Asian or Pacific Islander	**2**	0	1	0	1
Hispanic	**9**	0	8	0	1
Average Age of Primary Officer Involved = 32					

DEFENDANTS 40 YEARS OF AGE AND OLDER					
DEFENDANT RACE/ ETHNICITY	**USE OF FORCE INCIDENTS**	**OFFICER RACE/ETHNICITY**			
		African American	***Caucasian***	***Asian or Pacific Islander***	***Hispanic***
African American	**28**	0	27	1	0
Caucasian	**36**	2	26	1	7
Asian or Pacific Islander	**2**	0	2	0	0
Hispanic	**9**	0	7	0	2
Average Age of Primary Officer Involved = 32					

Age

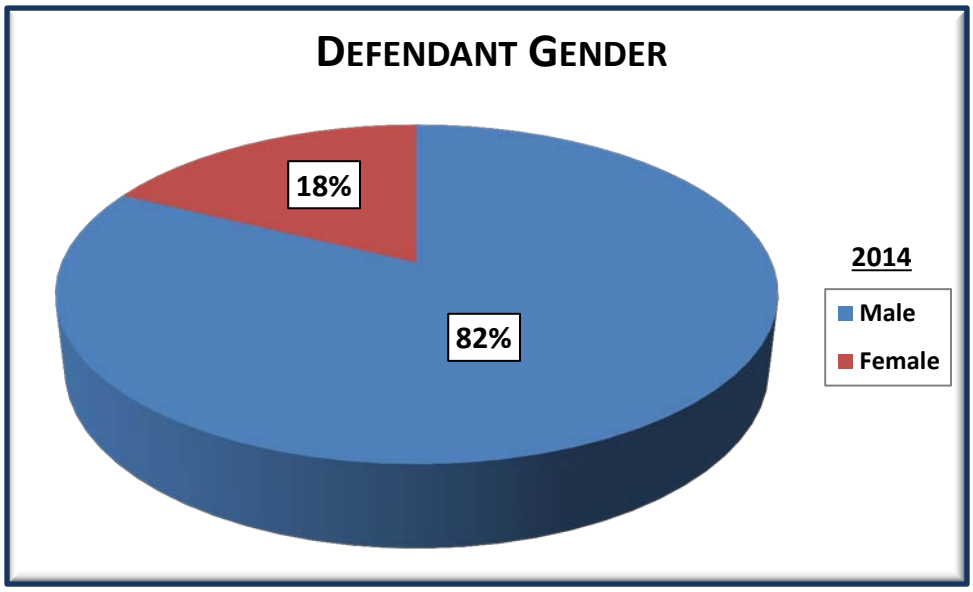
The chart below shows the number of use of force incidents and the age groups of the defendants based on the data in the table above and the tables on the previous page. Defendants ages *18 to 29* and *30 to 39* accounted for approximately 68 percent of the total individuals involved in use of force incidents in 2014.



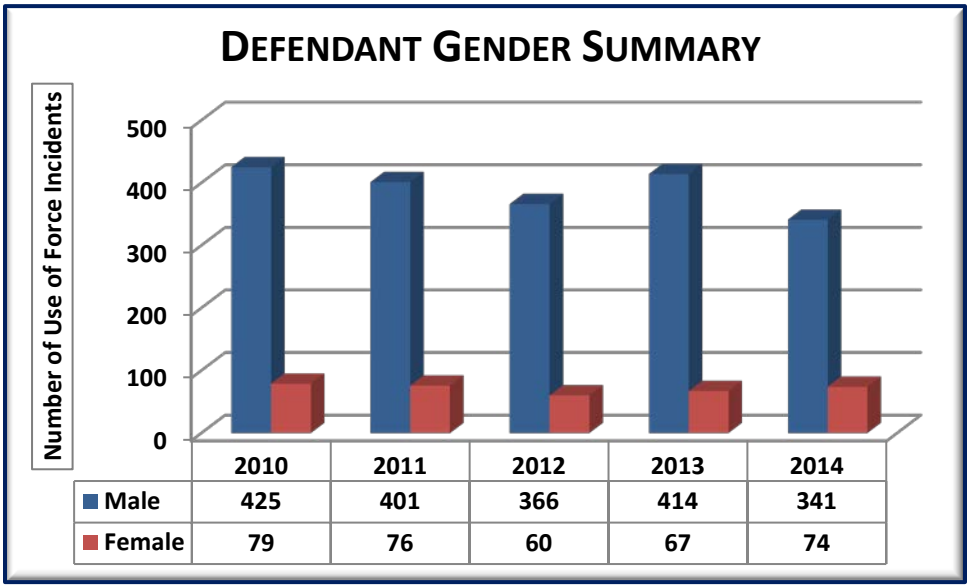
Gender

Of the defendants involved in use of force incidents in 2014, 82 percent were *male* (341) and 18 percent were *female* (74). In 2013, *males* were involved in 414 use of force incidents and *females* were involved in 67 of the incidents. This represents an 18 percent decrease in the number of *males* involved in use of force incidents and a 10 percent increase in the number of *females* involved in 2014 compared to 2013.

A summary of the gender of the defendants (*percentages*) involved in the use of force incidents reported in 2014, as well as a five year summary, are provided in the following series of charts.

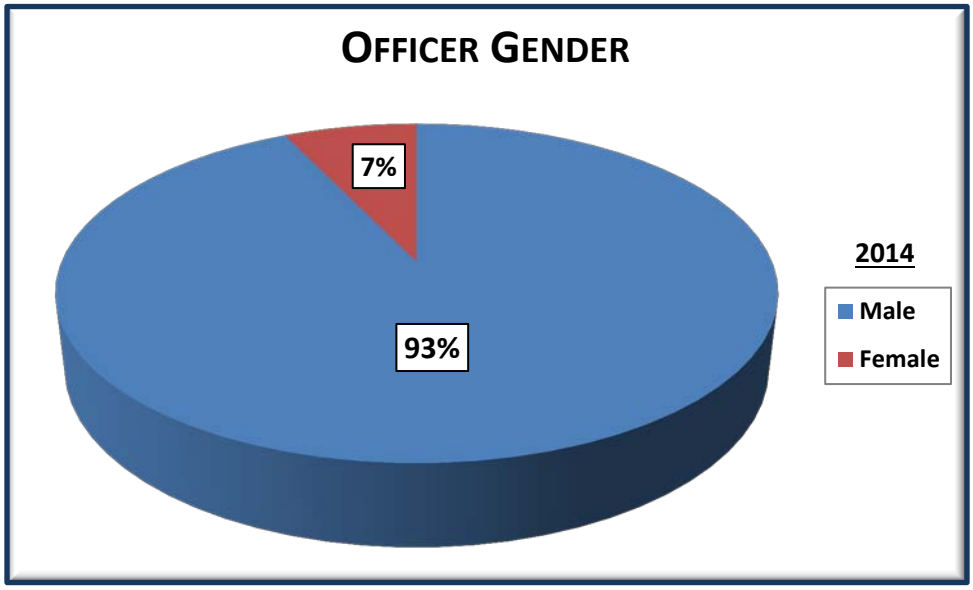


These numbers are generally consistent with the gender-based information published in previous reports over the past five years as indicated in the chart below.



	2010	2011	2012	2013	2014
Male	425	401	366	414	341
Female	79	76	60	67	74

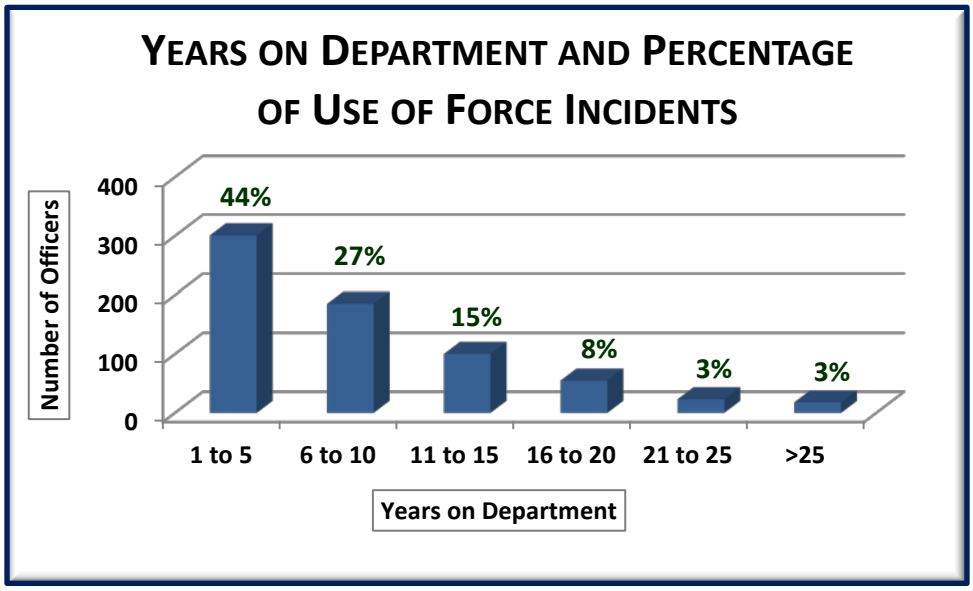
A summary of the gender of the officers (*percentages*) involved in the use of force incidents reported in 2014 is shown in the following chart.



YEARS ON DEPARTMENT OF OFFICERS

In 2014, 71 percent of the officers involved in a use of force incident served on the department between one to 10 years. Officers serving on the department for more than 10 years comprised the remaining 29 percent of reported incidents.

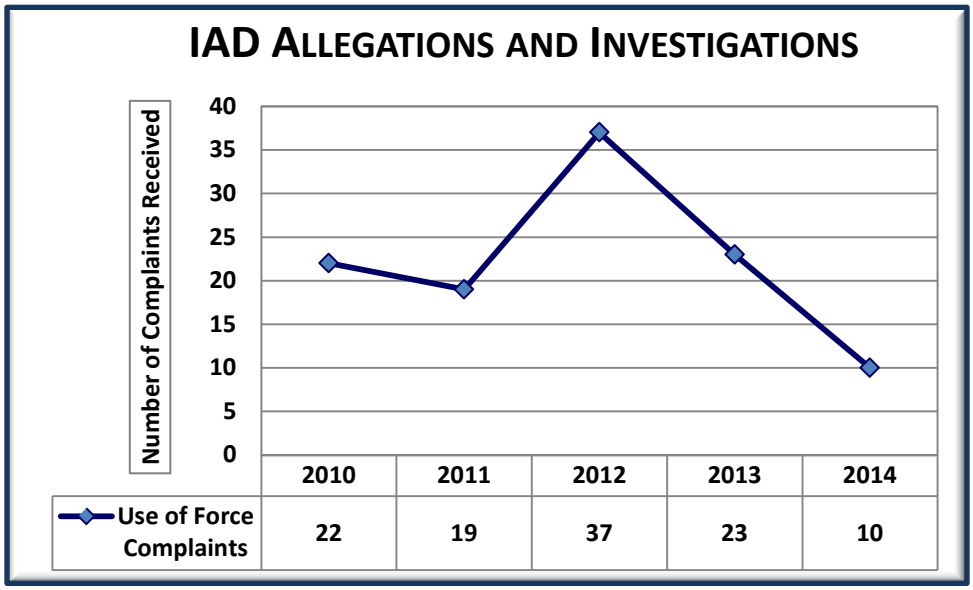
A summary of the officers' years of experience and percentage of use of force incidents for 2014 is shown in the following chart.



ALLEGATIONS AND INVESTIGATIONS

There were 10 use of force complaints made to the department's *Internal Affairs Division* (IAD) in 2014 that prompted formal investigations, a decrease of 57 percent compared to the number of complaints received in 2013 (23). These investigations are formal investigations conducted by IAD in accordance with the *Law Enforcement Officer's Bill of Rights*.

A summary of the complaints related to use of force received by IAD from 2010 – 2014 is outlined below.



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 2014. In 2013, one in-custody death was reported.

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. An investigation is conducted by the *Major Crimes Division* (MCD) for all in-custody deaths and deadly force incidents.

When the MCD investigation is completed, the Montgomery County State's Attorney's Office presents the case to the Grand Jury for a citizens' review. An administrative investigation is also conducted by the IAD. Finally, the *Use of Force Committee* reviews the event for any training issues that may need to be addressed.

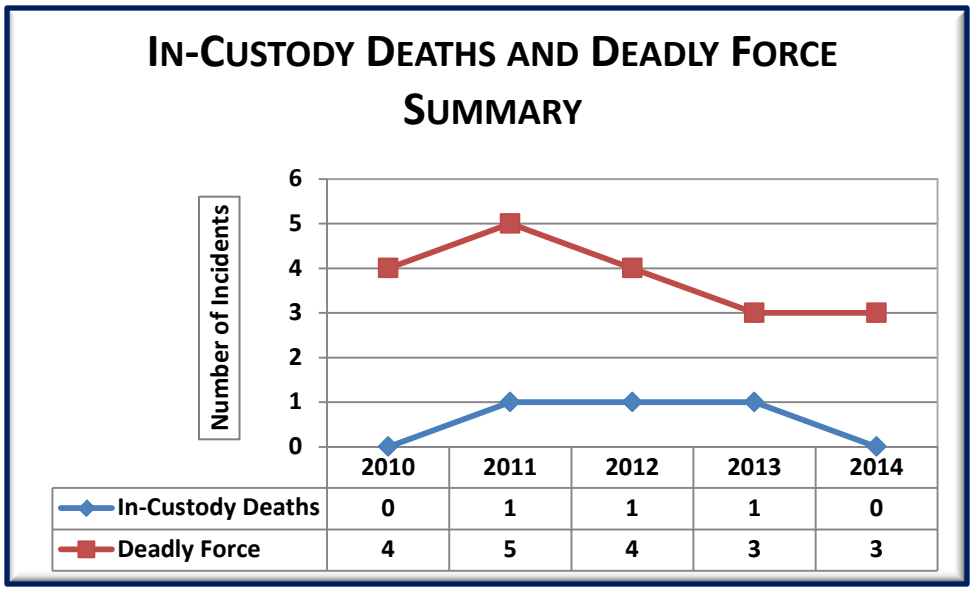
Deadly force was used in three incidents in 2014 that resulted in two civilian fatalities. This is the same number of deadly force incidents reported in 2013. All three incidents in 2014 were reviewed by a Grand Jury and were determined to be justified uses of deadly force.

On January 29, 2014, while at home and off duty, a MCP officer discharged his firearm while attempting to protect a family member from a violent knife attack. This use of deadly force resulted in a family member fatality.

On July 22, 2014, MCP officers responded to a trespassing call at the Capital One Bank located at 8740 Arliss Street in Silver Spring, MD (3D). Upon arrival, officers encountered a subject inside the bank behaving erratically. The subject failed to respond to officers' instructions, displayed a knife, and threatened the safety of officers. The subject was shot and immediately transported to the hospital where he was pronounced deceased.

On December 21, 2014, MCP officers responded to the unit block of Maryland Avenue, Gaithersburg, MD (6D) for a report of a subject threatening to kill family members. Upon arrival, officers encountered the subject in the basement of the residence. The subject did not comply with officers' commands and pointed a handgun at the officers, at which time one officer fired several gunshots at the suspect. Officers then retreated from the residence and requested a response by the departments Emergency Response Team. The subject, who was not injured, eventually surrendered.

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



	2010	2011	2012	2013	2014
In-Custody Deaths	0	1	1	1	0
Deadly Force	4	5	4	3	3

SUMMARY

In 2014, only two percent of the arrests made in Montgomery County involved use of force, and the majority of incidents occurred when officers were involved in *arrest situations*, *serving emergency evaluation petitions*, or *defending an assault*.

The majority of the situations (calls for service) where some type of force was used included assaults, disorderly conduct, narcotics offenses, and driving under the influence (DUI) offenses.

Persons under the influence of alcohol or drugs, or mentally ill individuals were involved in the majority of incidents where force was used in 2014.

Over the past five years, use of force has most often involved the use of hands when police officers were trying to make an arrest and the suspect resisted. Other types of force used in 2014 were also consistent with prior years, except for ECDs which were used in only 15 percent of the use of force incidents reported in 2014, a decrease of 47 percent compared to 2013.

In 2014, the number of officers reporting being injured in a use of force incident decreased by 7 percent compared to 2013, however the number of officers requiring some form of medical treatment increased by 31 percent. Injuries or claims of injuries by defendants increased by 41 percent in 2014 compared to 2013. The most common injury reported by officers and defendants was bruises/abrasions and/or lacerations.

Caucasian and *African American* defendants were the leading race categories involved in use of force incidents in 2014. *Males* accounted for over 80 percent of the defendants involved in use of force incidents, and over 90 percent of the officers involved were also *male*.

In 2014, the average age of the primary officers involved in use of force incidents was 32, and 71 percent of the officers involved in a use of force incident served on the department from one to 10 years.

These findings are generally consistent with numerous reports on police use of force published by the U.S. Department of Justice (DOJ) over the past two decades that indicate that only a small percentage of police-public encounters involve the use of any type of force. Moreover, the types of force used, the situations encountered by officers when use of force was used, and the frequency of defendants either under the influence of alcohol and/or drugs or suffering from mental illness, is consistent with prior research and the experience of similar sized law enforcement agencies serving comparable communities.

The Montgomery County Police Department provides information to educate the community on its use of force policy guidelines through a network of community groups and organizations. 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 initiative to educate citizens about police work 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 about the complex nature of police work, including the use of force.