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HB166 – Criminal Procedure - Law Enforcement Procedures - Use of Force

HB166 will build on the recent work done by the General Assembly to reform police practices by establishing a “Use of Force” statute for our state.

When a police officer shoots an individual, that officer’s decision to use force or use deadly force should be carefully evaluated to ensure that it was the appropriate choice of action under the circumstances. Over the past couple of years, following the work of the Public Safety & Police Working Group, the Maryland Police Training and Standard Commission improved its use of force evaluation process by issuing a set of best practices and standards for the use of force by law enforcement officers.

Much of what is proposed in HB166 comes from these regulations issued by the Commission. The actions the bill suggests fact finders should consider when assessing the reasonableness of an officer’s use of deadly force – such as de-escalation measures and the conduct of an officer – are measures that many police chiefs acknowledge are critically important.

The advantage of HB166 over the Commission’s regulations is that the legislation would have the force of law. Because of its enforceability in a court, an enacted statutory provision would have far more potential to shape police culture than internal police regulations. Right now, Maryland is one of only seven states in the country that does not have a use of force provision in its statute.

Ultimately, this legislation will be able to supplement police training requirements by providing statutory guidelines for use of force and a baseline for evaluating conduct that falls outside of those statutory requirements.

Between 2013 and 2018, the Governor’s Office of Crime Control & Prevention reported 98 homicides were committed by law enforcement officers, most of which involved the fatal shooting of the subject. Ensuring the law allows police officers to use deadly force only when such force is necessary and proportionate is critically important to reducing this number of officer-involved homicides, maintaining public safety, and improving accountability and public trust in our police departments.

We are also drafting several amendments for this bill, that will streamline its purpose and ensure that common sense measures are taken to hold law enforcement accountable.

For these reasons, I respectfully request a favorable report on HB166.