



# M a r y l a n d Troopers Association



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The Honorable Luke Clippinger, Chair and Members of Judiciary Committee

RE: HB956 Criminal Procedure - Law Enforcement Procedures – Use of Force

**POSITION: OPPOSE**

The Maryland Troopers Association (MTA) opposes this bill as written.

The test of reasonableness for use of force is dictated by the 4th Amendment. It cannot be defined in statute as the Supreme Court found in *Graham v. Connor*, 490 U.S. 386 (1989). Use of force is examined under a totality of the circumstances and under an objectively reasonable standard. The facts of each situation are carefully considered. Troopers/officers also cannot be expected to ponder or consider multiple factors in life and death situations where citizens and the officers' safety is at issue.

HB956 creates a hesitation by the officer in many cases that require split second decisions which could put the officer's life or the life of the public in further danger. The reasonableness of the officer's actions must be based on the information the officer has in the moment force is used.

As the MTA does not support the unconstitutional codification of the objectively reasonable standard with respect to use of force, the MTA does not support such codification on witnessing excessive force under the same standard. By definition, this would take the "objectively reasonable" standard and create a subjective component of the individual officer who witnesses use of force.

The MTA opposes any provisions related to specific criminal charges stemming from an alleged violation of use of force standards.

The MTA opposes any provisions related to the dissemination of information to the public that is otherwise classified as personnel files or investigatory records.

Brian Blubaugh  
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**Member of National Troopers Coalition**

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