



M a r y l a n d Troopers Association



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The Honorable Luke Clippinger, Chairman and Members of the House Judiciary Committee

RE: **HB 166 Criminal Procedure - Law Enforcement Procedures - Use of Force**

POSITION: OPPOSE

The Maryland Troopers Association (MTA) has a membership strength of approximately 2,629 members of which 1,120 are active sworn Troopers involved in traffic enforcement throughout the State of Maryland.

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 *Connor v. Graham*, 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.

HB166 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 at the moment force is used.

When a Law Enforcement Officer unfortunately has to use deadly force there is a subsequent extensive investigation and review.

Therefore, the Maryland Troopers Association OPPOSES HB166 and requests an unfavorable report.

Brian Blubaugh
President
Maryland Troopers Association