



USE OF FORCE

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I. PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of force, including deadly, less-lethal, and non-lethal force.

II. POLICY

It is the policy of the Anne Arundel County Police Department that police officers may use only the amount of force that is necessary to control an incident, effect an arrest, or to protect themselves or others from harm or death as may be necessary to take a prisoner into custody. If, however, the officer is resisted, he/she may repel force with force. In making an arrest, officers should always consider the enormity of the crime and the character of resistance, and use only such force as may be necessary to overcome the resistance and make the arrest.

III. DEADLY FORCE

A. A police officer may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person who is in immediate danger of serious physical injury.

B. A police officer may use deadly force to prevent the escape of a suspect fleeing from a felony of violence whom the officer has probable cause to believe will pose an immediate threat to human life should escape occur.

IV. FIREARMS REGULATIONS

A. Before discharging a firearm for a law enforcement purpose, police officers shall identify themselves and state their intent to shoot, where feasible.

B. Warning shots are prohibited.

- C. Police officers should refrain from discharging firearms at or from moving vehicles, unless a person in the vehicle is immediately threatening the officer or another person with deadly force and innocent persons would not be unduly jeopardized by the officer's action. Police officers shall, as a rule, avoid tactics that could place them in a position that a vehicle could be used against them.
- D. Officers may not carry firearms when consuming alcoholic beverages unless participating in a covert investigation as authorized by a Bureau Commander or above, or the Commander of the Special Enforcement Division.
- E. Officers may not carry firearms when under the influence of alcohol or drugs, or when under the influence of medication that may hinder judgment or motor coordination.
- F. Firearms may not be discharged when it appears likely that an innocent person may be injured.
- G. A police officer may discharge a firearm to destroy an animal that represents a threat to public safety, or as humanitarian gesture where the animal is seriously injured.
- H. A police officer may discharge a firearm during range practice and/or qualification.

V. LESS-LETHAL FORCE

A. Deployment

Police officers, who are properly trained, are authorized to use departmentally issued less-lethal "bean bag" shotguns as an alternative to resolve incidents in a less-lethal manner, to protect officers and other persons from harm, to protect a suspect/subject from self inflicted injury, or to end incidents involving combative, non-compliant, armed, or violent suspects. Officers shall not interpret this policy to mean that a bean bag shotgun replaces the use of deadly force when deadly force is justified. These weapons may be deployed (consistent with training) in circumstances including, but not limited to, the following:

- 1. Suicidal subject (where a weapon is displayed)
- 2. Subject armed with a knife or other weapon (not firearm).
- 3. Subject violently resisting arrest, where the use of other defensive weapons or tactics would place officers at risk by being in contact range of the suspect.
- 4. Hostile or aggressive animals where the discharge of a firearm would be inappropriate.

Prior to the deployment of a less-lethal weapon, lethal cover must be provided for the less-lethal weapon operator. All officers should remain cognizant of the "reactionary gap" should the need for deadly force arise.

B. Weapon Discharge

Prior to discharging a less-lethal shotgun for a law enforcement purpose, the operator will identify himself/herself and state their intention to shoot, when feasible. The operator will also announce his/her intent to discharge the weapon by stating "bean bag," to warn other officers. Once the operator has stopped firing the weapon, the operator should announce that he/she has ceased firing, by stating "all clear." This will allow other officers to effect an arrest, when practical.

VI. NON-LETHAL FORCE

Police officers are authorized to use department approved non-lethal force techniques and issued or approved weapons (See Index Codes 402.2, 404 and 406), as follows:

- A. To protect themselves or others from physical harm;
- B. To restrain or subdue a resistant individual;
- C. To bring an unlawful situation safely and effectively under control.

Officers must assess each incident to determine which non-lethal force technique or weapon will best deescalate the situation and bring it under control in a safe manner.

VII. MEDICAL AID

Police officers are responsible for obtaining medical aid for individuals who complain of, or show signs of injury as a result of any use of force.

The officer will request an ambulance and begin medical evaluation and care of such individuals as soon as practical. Fire Department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene. (All individuals struck by a less-lethal “bean bag” round will be transported to the hospital for further evaluation).

VIII. WEAPONS & AMMUNITION

Only weapons and ammunition meeting department specifications may be used by police officers carrying out law enforcement responsibilities, both on or off duty. A list of all such weapons and ammunition appears in Index Code 402.2.

IX. REPORTING USES OF FORCE

A. Incidents Requiring Written Report

A written report is required whenever:

1. An employee discharges a firearm, for other than training or recreational purposes;
2. An employee takes an action that results in (or is alleged to have resulted) any injury or death of another person;
3. An employee applies force through the use of a lethal, less-lethal, non-lethal, personal weapon (i.e., punches, elbow strikes, knee strikes, kicks), or a weapon of opportunity.
4. A department canine bites or inflicts injury to an individual.

A Use of Force report is not required in those instances where a firearm is displayed to assure officer safety or when using weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing, non-compliant or resisting persons.

The Use of Force report form (PD 401.1) is used to fulfill this reporting requirement. A sample Use of Force report appears as Appendix B of this directive. The Use of Force report does not replace the Incident Report or revoke any current reporting requirements. It is to be submitted in addition to any reports that are currently required. Exception: The Use of Force report is not required when a firearm is used to destroy a seriously injured animal. The only report required is the Incident Report.

B. Officers' Responsibilities

1. Officers will immediately report to their supervisor any use of force or firearm discharge that meets the reporting requirements listed in this directive.
2. Officers will complete or provide information for the completion of the following documents:
 - a. Incident Report
 - b. Use of Force Report (not needed when destroying an ***aggressive or*** seriously injured animal)
The officer will complete an Incident Report labeled Discharge of Firearm. ECU will be required to process the scene involving an aggressive animal attack. A supervisor will respond to an aggressive animal attack where a police officer discharges a firearm. The supervisor will ensure a thorough investigation by patrol personnel or by District Detectives is completed. The Night Commander must also be notified of the incident.
 - c. Charging documents, if applicable.
3. Officers who are off-duty or working secondary employment, who are involved in a reportable use of force incident, will immediately report the event to the on-duty supervisor of the patrol district of occurrence, and are required to fulfill all the reporting requirements of this directive.

C. Supervisors' Responsibilities

A patrol supervisor in the district of occurrence is responsible for the following actions:

1. Ensure that any officer involved in a reportable use of force event fulfills the requirements of this directive. Complete the required reports if the officer is unable or refuses to complete them. If the officer is assigned to another command, ensure that a copy of the incident report is forwarded to the officer's assigned commander.
2. Review all reports and charging documents for accuracy and completeness. Approve completed reports and submit via chain of command.
3. If the Use of Force Report was completed on an incident involving deadly force, it will be reviewed by the officer's chain of command (signed & dated only) without determining if the incident was "in" or "out" of policy.
4. Notify the Internal Affairs Section, if the use of force appears to be excessive or in violation in this policy.
5. If the officer is injured, complete the First Report of Injury report, authorization for medical treatment form, and any other required workers' compensation or administrative reports.

X. DEPARTMENT RESPONSE

A. Deadly Force Incidents

1. The patrol supervisor and platoon commander in the district of occurrence will respond and secure the scene pending arrival of investigators; render assistance to the affected officer; secure all weapons used in the incident for the follow-up investigator; ensure that the officer receives or is scheduled for traumatic counseling; relieve the officer from line of duty pending traumatic counseling and administrative review; and submit a written report of their activities. Notify the on-call CID Persons supervisor in cases involving use of deadly force.
2. The Criminal Investigation Division Homicide Unit will conduct a criminal investigation of every use of force by a police officer that results in death or serious injury. A report of the investigation will be submitted to the State's Attorney's Office and the Staff Inspections Unit within 30 days. The State's Attorney will decide whether the officer's actions were lawful or unlawful, and whether to initiate criminal action against officers whose actions are deemed unlawful.
3. When a police officer's use of force causes death or serious injury, the officer shall be placed on administrative leave by the section/platoon commander after completing all internal investigative and reporting requirements until:
 - a. A mental health professional determines that the police officer is ready to return to duty. See Index Code 403 for details and procedures; and
 - b. The officer's Bureau Commander reviews that incident.

The officer may not return to line duty until both the medical professional and the Bureau Commander grant permission.

The mental health professional retained by the County, and/or the department chaplain, are available if needed to respond to the scene of a traumatic incident and provide counseling to employees. The decision to request these services rests with an on-scene patrol supervisor of the rank of Police Lieutenant or above. Communications should be notified if either or both of these resources is needed at the scene.

4. The Staff Inspections Unit will conduct a detailed administrative investigation of every incident where an officer employs deadly force, and where an officer discharges a firearm, other than for training or recreational purposes. The Staff Inspections commander will submit a report on each review of deadly force or discharge of a firearm to the Chief of Police. This report will be completed and submitted to the Chief of Police within 21 days of the Staff Inspections Unit receipt of a report requiring review. The report will include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the officer's actions were in violation of any policy. Actions deemed to be in violation of policy will be referred to the Internal Affairs Section for investigation, within 21 days.

B. Duty-Related Trauma

The designated representatives of the FOP Lodge 70 will be notified immediately whenever an employee is seriously injured or killed or is involved in an incident where another person is seriously injured or killed.

1. In the event that employees under this agreement are involved in situations in which they, in the performance of their duties, use deadly force which seriously injures or kills another person, the department/County will:

- a. Release only their last name, rank, and department tenure to the media except as otherwise may be required by law; and
- b. Provide a weapon and/or radio to the employee if either is retained by the investigating agency (unless the employee is suspended from duty).

2. If an employee is not suspended from duty after a deadly force or other traumatic incident, and after being cleared for full duty by a psychologist or psychiatrist acting on behalf of the department, feels that he or she is ready to return to full duty, shall be returned to full duty at the discretion of the Chief of Police subject to the following conditions:

- a. The Chief of Police may not exercise his/her discretion in an unreasonable manner;
- b. The mere fact that the State's Attorney's Office has not completed its review of the incident in a reasonable time shall not be the sole basis for the Chief of Police to prevent an employee's return to full duty; and
- c. The Chief of Police shall consult with a representative of the employee to articulate the basis of any decision not to return the employee to full duty.

3. If the incident occurs in another jurisdiction, the department will seek an outside opinion from the investigating agency or State's Attorney's Office.

C. Less-Lethal Use of Force Incidents

The Evidence Collection Unit technician will respond to the scene or hospital to photograph any injury site on the suspect. The ECU Technician will also prepare a crime scene sketch of the incident location and collect the spent less-lethal round(s) for safekeeping.

D. Uses of Force

All reported uses of force will be reviewed to determine whether:

1. Department rules, policies, or procedures were violated;
2. The relevant policy was clearly understandable and effective to cover the situation.

This administrative review is conducted by the affected officer's chain of command, ending at the level of Bureau Commander. Each Use of Force Report will be forward via chain of command to the Bureau Commander, and each supervisory officer in the chain will review and sign the report. ***The review will include selecting "Yes" or "No" that the use of force was in policy. This determination will be based on the facts and information available at the time of the review.***

If the administrative review determines that the use of force violated department policy, the Bureau Commander will refer the case to Internal Affairs for investigation.

A report of the Internal Affairs investigation will be submitted to the Chief of Police and Staff Inspections, within 30 days, of its initiation for review.

If the administrative review determines that the use of force was within policy, the Bureau Commander will forward the report to the Staff Inspections Unit. The Staff Inspections Unit will maintain a file of all Use of Force Reports and will prepare an annual analysis of reportable uses of force by police officers for the Chief's review.

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The commander of a component which is unable to meet the report submission deadlines established in this directive must notify the Chief of Police requesting an extension.

XI. DISCLAIMER

The Anne Arundel County Police Department's policy on the use of force is for department use only and does not apply in any criminal or civil proceeding. The department's policy will not be construed as the establishment of a higher legal standard of safety or care with respect to third party claims.

XII. PROPONENT UNIT: Training Academy & Staff Inspections.

XIII. CANCELLATION: This directive cancels Index Code 401, dated 02-07-13.