



**Maryland-National Capital Park Police
Prince George's County Division**



DIVISION DIRECTIVE

TITLE USE OF FORCE/REPORT			PROCEDURE NUMBER PG400.0
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 09/01/19	REVIEW DATE 05/01/21
REPLACES PG400.0 "Use of Force/ Report", issued 05/01/17			
RELATED DIRECTIVES PG403.1, 607.0, 1500.0, 1700.0	REFERENCES CALEA 1,17,22,41	AUTHORITY <i>S.R. Johnson</i> Chief Stanley R. Johnson	

I. PURPOSE

This directive provides all officers with guidelines on the use of deadly and less-lethal force.

II. POLICY

The Department recognizes and respects the value of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare and themselves, a careful balancing of all human interests is required. The use of force by law enforcement is a matter of critical concern to the public and the law enforcement community. Therefore, it is Division policy that police officers will use only that force which is reasonably necessary to accomplish lawful objectives and effectively bring an incident under control while preventing unnecessary serious injury and protecting the life of the officer or another person.

It is the policy of the Department that each incident involving the application of any degree of physical force upon the person of another must be evaluated based on the facts known to the officer at the time of the incident. The totality of the circumstances will be considered when reviewing use of force incidents.

Under no circumstances may the use of physical force be more than that which is necessary to achieve a lawful purpose. The officer must evaluate the immediate circumstances and select the appropriate level of force to those particular circumstances.

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While consideration of the crime committed may play a role, it should not be the determining factor. Rather, it is the level of force currently being used against the officer and the imminent potential for death or serious physical injury to the officer or others upon which officers should base their decision to use force at any level.

Every member of the Department shall refrain from using force unnecessarily and shall prevent similar conduct by others. The use of excessive force will subject officers to discipline, possible criminal prosecution, or civil liability. The use of chokeholds and similar carotid holds by members of the Department is prohibited.

The use of reasonable physical force by officers is authorized in situations that cannot be otherwise controlled. Any time an officer uses force, he or she shall ensure that appropriate medical treatment or first aid is provided to the subject of the force when safe to do so.

III. DEFINITIONS

- A. Deadly force: Any use of force that is likely to cause death or serious physical injury such as a firearm.
- B. Force: Any physical coercion used to effect, influence, or persuade a subject to comply with an order from an officer; the term shall include the use of chemical irritants and the deployment of canine, but shall not include ordinary, unresisted handcuffing, or unresisted escort.
- C. Hard Personal Weapons: Strike applied and intended to overcome a physical assault or active threat of assault upon the officer or another (a strike with a closed fist or kick).
- D. Impact Weapon: Any object used for striking, may disable or cause temporary motor dysfunction.
- E. Less-lethal force: Any use of force other than that which is considered deadly force which is applied to effect an arrest or to protect the officer or others from personal attack, physical resistance, harm or death.
- F. Personal Weapons: Any use of hands, elbows, knees, and feet to deliver strikes for the purpose of stunning or distracting a suspect to overcome resistance.
- G. Reasonable Belief: Facts or circumstances that an officer knows or should know that cause a reasonable and prudent officer to act or think in a similar way under similar circumstances.

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- H. **Serious Physical Injury:** Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term impairment of the functioning of the body.
- I. **Soft Personal Weapons:** Strike applied to a nerve motor point as a stunning or distraction technique to cause a motor dysfunction and balance displacement in order to control a resistant subject (an open hand strike or knee strike to a nerve motor point).

IV. USE OF FORCE CONTINUUM

- A. **Officer's Actions:** Conduct designed to overcome resistance through force that is objectively reasonable and necessary to achieve a lawful objective. When possible, the subject should be allowed to submit to arrest before force is used.
 - 1. **No Force Necessary:** (Uniformed Officer or Identifiable Off-Duty or Plain Clothes Officer) Command presence including the display of authority as a peace officer, and non-verbal communication such as body language and manner of approach; verbal direction includes statements and commands given to the subject.
 - 2. **Low Level Control (Escort Techniques):** Low Level Control includes escort techniques used to remove a non-cooperative subject.
 - 3. **Intermediate Level of Control (Chemical agents, electronic control devices, Pressure Points, Joint Manipulation, and Control Holds):** The use of Department issued chemical agents, electronic control devices, and the use of approved pressure points, joint control holds, and takedowns; it may also include soft personal weapon strikes used to stun or distract prior to applying control holds; the use of soft personal weapons in this instance is not a means intended to defeat resistance, but rather to gain control.
 - 4. **High Level of Control:** Includes the use of hard personal weapon strikes, Department issued tactical baton and Canine; the use of hard personal weapons strikes in this instance is intended to overcome a subject's aggressive resistance when necessary to gain control.
 - 5. **Lethal Force:** Includes the use of a firearm or any force which has a reasonable likelihood of causing death or serious physical injury. Officers may only use lethal force when they have an objectively reasonable belief the suspect poses an imminent threat of death or serious physical injury to the officer or another person.

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B. Subject's Actions: Conduct observed, or intentions reasonably perceived by the officer.

1. **Cooperative or Compliant:** Complies with verbal commands or other directions.
2. **Passive or Non-responsive:** Uncooperative when taken into custody or fails to respond to verbal commands or other directions.
3. **Active Resistance:** Physically evasive movements to defeat the officer's attempt to control, to include bracing, tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.
4. **Aggression:** Physical assault, or active threat of assault, upon the officer or another person.
5. **Life Threatening Assault:** An attack or threat to attack wherein an officer reasonably believes that the assault will result in serious physical injury or death.

V. PROCEDURES

A. Parameters for the use of deadly force.

1. Officers are authorized to utilize deadly force in order to:
 - a. Defend themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury; or
 - b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe poses an imminent threat of death or serious physical injury to himself or others.
2. Before firing a weapon, officers will identify themselves and state their intention to shoot, when feasible.
3. An officer may safely discharge a firearm to destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured and no other alternatives are reasonably available.
4. All officers will adhere to the following restrictions when their firearm is displayed:
 - a. Warning shots are prohibited.
 - b. Officers will not fire their weapons at or from a moving vehicle.
 - c. A firearm will not be discharged when it is likely that an innocent person may be injured.

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- * This does not prohibit an officer on foot from discharging a firearm at a moving vehicle, which is at that moment being used as a deadly weapon against the officer or another person.
- * Officers will not intentionally place themselves in a position in front of an oncoming vehicle where use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.

5. After any use of force incident, officers shall render aid to any injured parties when safe to do so and request an ambulance if necessary.

B. Parameters for the use of Less-Lethal force

1. Where deadly force is not required, and as time and safety permit, officers should assess the incident in order to determine which a less-lethal technique or weapon will best de-escalate the incident, bringing the incident under control in a safe manner and with a reasonable amount of force necessary.
2. Officers are authorized to use Division approved less-lethal force techniques, and issued, or approved equipment for resolution of incidents, as follows:
 - a. To protect themselves or another from personal attack, physical resistance or harm;
 - b. To bring an unlawful situation safely and effectively under control;
 - c. Verbal direction is ineffective or inappropriate; and
 - d. Passive resistance techniques have failed, and officers may have to use physical force to maintain control.
3. After any use of force incident, officers shall render aid to any injured parties when safe to do so and request an ambulance if necessary.

C. Training and qualifications

1. Deadly force: All officers will comply with the provisions of Division Directive PG401.0 – “Firearms”.
2. Less-lethal force weapons and methods:
 - a. Officers are not permitted to use any less-lethal weapon or method unless qualified in its use as determined by approved training

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procedures.

b. The following less-lethal weapons or approved methods are authorized for use by officers who have successfully completed the required training. This list may be periodically amended by the Chief, Park Police Division, upon recommendation by the Support Operations Training Section.

- * issued approved impact weapons (ASP Baton);
- * empty hand techniques include, but are not limited to, come alongs, take downs, pressure points, hand to hand, wrist locks, armbars, etc. (except as outlined in Section IV.C.2.a of this directive) and
- * issued approved chemical agents (Oleoresin Capsicum/O.C.)
- * issued Taser

Neck restraints, choke holds or similar weaponless control techniques are not authorized.

VI. REPORTING PROCEDURES

A. Officer's Responsibilities:

1. Officers will report immediately to their supervisor any use of force dealing with deadly force and less-lethal force in regard to empty handed techniques when overcoming physical resistance.
2. Officers will provide information for the completion of reports, charging documents and the Use of Force Report. Officers involved in the Use of Force shall not complete their own Use of Force Report (LEOBR).
3. Officers will complete any other reporting requirements related to the Incident.

B. Supervisor's Responsibilities:

1. Supervisors or designee or will complete the Use of Force Report in Blue Team.
2. Supervisors or designee will forward a copy to the Division Chief and appropriate Area Operations Assistant Chief or designee.
3. Supervisors or designee will forward a copy of the Use of Force Report and all other required reports to the Records Management Section.

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4. On-duty Supervisors or designee will ensure that off-duty officers involved in a reportable use of force will fulfill the reporting requirements of this directive.
5. Use of Force shall be documented on a Commander's Report whenever an officer uses deadly or less-lethal force as defined in Section III of this directive.
6. A supervisor's Checklist (Appendix A) is provided for use at the scene of officer-involved shootings.

C. Division Response

1. Deadly force incident:
 - a. Where an officer's use of force causes death or serious physical injury, the officer will be placed on administrative leave after completing all internal investigative requirements, pending administrative review, and until it is determined by the Commission's mental health professional that the officer is ready to return to duty.
 - b. The Division will conduct both an internal and criminal investigation of the incident (see Division Directive PG607.0 - "Deadly Force Investigation Procedures").
 - c. If the incident occurs off park property, the appropriate police jurisdiction will conduct the criminal investigation, in accordance with any current "Memorandum of Understanding", as well as the procedures currently in effect with the agency having primary jurisdiction.

D. Administrative Review of Use of Force Incidents:

1. All Use of Force reports shall be reviewed by a designee of the Park Police Division Chief per occurrence. Those that meet the criteria of deadly force will be forwarded to the Training Committee (see D, 2 below) to determine whether:
 - a. The relevant policy was clearly understandable, and effective, to cover the situation; and
 - b. Division training is currently adequate.
2. Training Committee will be comprised in accordance with Division Directive PG710.2 - "Training Committee".

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3. The Training Committee will review the incident and all findings of training inadequacies will be reported to the Park Police Division Chief, for appropriate resolution.
4. All Use of Force reports will be retained permanently by the Office of Accountability and Oversight.
5. There will be a yearly review of use of force incidents by the Park Police Division Chief and Command staff to ascertain training and policy need.
6. An annual summary report of use of force incident will be published and made available to the public.

End of Document

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SUPERVISOR'S CHECKLIST (Appendix A)

This checklist is intended to provide basic reminders to a supervisor at that scene of an officer involved shooting. Utilize all applicable sections:

IMMEDIATE CONSIDERATIONS:

- Secure scene
- Request ambulance
- Broadcast lookout
- Request additional Personnel
- Locate and identify witnesses
- Transport involved officer(s) to station
- Have appropriate notifications made

NOTIFICATIONS:

- All Command Staff
- Investigative Services Supervisor
- On-duty/on-call Investigator
- Public Information Officer
- Officer's Family
- FOP President

ESTABLISH COMMAND POST: (if necessary)

- Appoint CP Staff as required
- Record actions taken
- Brief personnel
- Establish perimeter security
- Media relations

SPECIALIZED UNITS AND EQUIPMENT:

- Fire Department
- MSP/PGPD Aviation
- County Police
- Hostage Negotiators
- EST/PGPD SOD
- Barricades
- Canine

OTHER REQUIRED INFORMATION

- Incident occurred while on duty
- Incident occurred within jurisdiction while officer off-duty. Conduct complete investigation for the purpose of preparing a detailed report.

WEAPONS:

- Officer: Serial number, make, model, caliber
- Suspect: Serial number, make, model, caliber

TYPE OF AMMUNITION and HOLSTER

- Officer: type, manufacturer, # rounds fired, holster description
- Suspect: type, manufacturer, # rounds fired, holster description
- Log all cartridges, cases and/or expended slugs

PERSONNEL AT SCENE:

- Identify all police personnel at scene
- Name, rank, ID #, current assignment
- Name of first Supervisor on scene
- Identify all fire department personnel at scene
- Identify all other related persons

SUSPECTS:

- Include all information available
- Description
- Prior Record
- Parole, probation information

VEHICLE AND EVIDENCE:

- Vehicle description(s)
- Evidence logged

WITNESSES:

- Location and observations

COMMUNICATIONS:

- Teletypes sent
- Notification made

DESCRIPTION OF SCENE:

- Photographs of scene

CHRONOLOGICAL NARRATIVE:

- Date and time call received
- Name, ID number and rank of all officers involved
- Current assignment
- Uniform or plainclothes
- Type(s) of vehicle(s)
- Description of scene including background