

**MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS
LESSON PLAN**

COURSE TITLE: 2021 Performance Review Board Orientation

LESSON TITLE: BPD Policy Refresher: Use of Force & Pursuits

PREPARED BY: Paul Mincarelli

DATE: 9/20/2021

TIME FRAME

Time:
Hours: 1 ¾ hrs.
Day/Time:

PARAMETERS

Audience: PRB Members
Number:
Space: Classroom

PERFORMANCE OBJECTIVES

1. Through case study analysis, learners will evaluate a vehicle pursuit as part of a PRB review of the initiation of the event, and discuss the pursuit as compared to BPD's Policy 1503, *Emergency Vehicle Operation and Pursuit Policy* to the satisfaction of the facilitator.
2. Through case study analysis, learners will evaluate a foot pursuit as part of a PRB review of the initiation of the event, and compare the pursuit to BPD's Policy 1505, *Foot Pursuits* to the satisfaction of the facilitator.
3. Through facilitated discussion and case study analysis, learners will evaluate the elements of reasonable, necessary, and proportional as they would during a PRB review to the satisfaction of the facilitator.

ASSESSMENT TECHNIQUE

1. Facilitated Adult Discussion.
2. Case study analysis.

INSTRUCTOR MATERIALS Overheads Videotapes: Slides Posters Reference Documents:

- Policy 1115, *Use of Force*
- Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*
- Policy 1505, *Foot Pursuits*

EQUIPMENT/SUPPLIED NEEDED Flipchart & Stands Videotape Player Flipchart Markers Video camera Masking Tape Televisions Slide Projector
(Carousel) Video show Overhead Projector Computers Projector Screen Speakers Extension Cords/Power strips**STUDENT HANDOUTS**

Needed

METHODS/TECHNIQUES

- Facilitated discussion
- Case Studies

REFERENCES

The following books and other materials are used as a basis for this lesson plan. The instructor should be familiar with the material in these reference documents to effectively teach this module.

Policy 1115, *Use of Force*

Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*

Policy 1505, *Foot Pursuits*

Use of Force / Fair and Impartial Policing I Training

Stops, Searches, and Arrests / Fair and Impartial Policing II Training


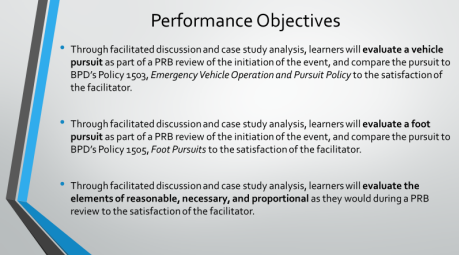
GENERAL COMMENTS

In preparing to teach this material, the instructor should take into consideration the following comments or suggestions.

This lesson plan is intended for use with experienced instructors who have extensive teaching and group facilitation experience.

LESSON PLAN

TITLE: BPD Policy Refresher: Use of Force & Pursuits

PRESENTATION GUIDE	TRAINER NOTES
<p>I. ANTICIPATORY SET</p> <p>Good morning, my name is _____. assigned to the _____. This morning we’re going to discuss the BPD’s policies governing the Use of Force & Pursuits. One of the topics of evaluation during PRB meetings is “Initiation of the Event,” and in many cases, a reviewable incident is initiated by – or incorporates – a foot or vehicle pursuit. PRB members evaluate holistically, however, in this training we will zoom in on pursuits and whether any performance issues are the result of BPD training, policy, supervision, etc.</p> <p>Similarly, the Board analyzes the most serious use of force incidents as to whether they were reasonable, necessary, and proportional, which is the three-prong test for in-policy uses of force at the BPD.</p> <p>Here are today’s performance objectives:</p> <ol style="list-style-type: none"> 1. Through case study analysis, learners will understand how to evaluate a vehicle pursuit for purposes of compliance with policy and tactics, as well as identifying equipment, policy, training, or other needs for improvement to the satisfaction of the facilitator. 2. Through case study analysis, learners will evaluate a foot pursuit as part of a PRB review of the initiation of the event, and compare the pursuit to BPD’s Policy 1505, <i>Foot Pursuits</i> to the satisfaction of the facilitator. 3. Through facilitated discussion and case study analysis, learners will evaluate the elements of reasonable, necessary, and proportional as they would during a PRB review to the satisfaction of the facilitator. 	<p>Time: 5 minutes</p> <p>Slide 1</p>  <p>Slide 2</p>  <p>Performance Objectives</p> <ul style="list-style-type: none"> • Through facilitated discussion and case study analysis, learners will evaluate a vehicle pursuit as part of a PRB review of the initiation of the event, and compare the pursuit to BPD’s Policy 1503, <i>Emergency Vehicle Operation and Pursuit Policy</i> to the satisfaction of the facilitator. • Through facilitated discussion and case study analysis, learners will evaluate a foot pursuit as part of a PRB review of the initiation of the event, and compare the pursuit to BPD’s Policy 1505, <i>Foot Pursuits</i> to the satisfaction of the facilitator. • Through facilitated discussion and case study analysis, learners will evaluate the elements of reasonable, necessary, and proportional as they would during a PRB review to the satisfaction of the facilitator.

II. INSTRUCTIONAL INPUT (CONTENT)

Vehicle Pursuits

The BPD's Policy 1503 covers responding in emergency response mode and vehicle pursuits from:

- Pursuit Authorization,
- Pursuit Prohibitions,
- Considerations/Safety assessment,
- Primary Unit Responsibilities,
- Secondary Unit Responsibilities,
- Trailing,
- Terminating a Pursuit,
- Using Air Support, and
- Supervisory requirements

The vehicle pursuit policy was developed with the Department's Use of Force policies, does anyone have a guess why?

BPD's policy was developed with our unique jurisdiction in mind. As a densely-populated city with a lot of traffic, the policy needs to preserve officer and public safety by authorizing vehicle pursuits only when:

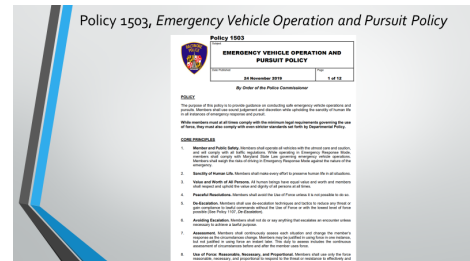
- The vehicle contains a felony suspect and failure to immediately apprehend poses an immediate threat of death or serious bodily injury to the member or others, and
- There exists probable cause to believe the fleeing suspect committed a felony which resulted, or could have resulted, in death or serious bodily injury.

Vehicle Pursuits, as defined in policy as "attempt[ing] to keep pace and/or to immediately apprehend one or more occupants of an eluding vehicle," are **prohibited** when:

- Members are transporting passengers (including arrestees) other than an on-duty police officer;
- The initial violation is a crime against property (including auto theft), misdemeanor, a traffic offense without imminent danger, or is a non-violent warrant;
- The member's vehicle is not equipped with lights and siren, or the lights and siren are

Time: 90 minutes

Slide 3



Target Response: Vehicle contact is a reportable use of force, pursuits often end in a use of force, the same core principles that cover use of force policies apply to the pursuit policy since it deals with officer/community safety (share this answer if no one offers it).

malfunctioning; or

- The risk of a vehicle pursuit outweighs the need to stop the eluding driver
- Member has not completed Emergency Vehicle Operations course at Education and Training (E&T)..

Most of these prohibitions are fairly clear-cut. What do we think about that fourth prohibition: the one that says “the risk outweighs the need to stop the eluding driver?” How might the PRB evaluate pursuits based on this criterion?

As compared to the suspected violation and perceived risk to public safety, officers should also be weighing these considerations for continuing a pursuit.

Consider our prohibition criteria. For instance, Baltimore is experiencing a string of ATM thefts. Can a member pursue a vehicle suspected of stealing an ATM?

Pursuits can be terminated by the primary unit – the first police vehicle immediately behind the eluding vehicle - when they believe that the danger to the member(s) or public outweighs the necessity for immediate apprehension of the eluding driver, even if not directed to terminate the pursuit.

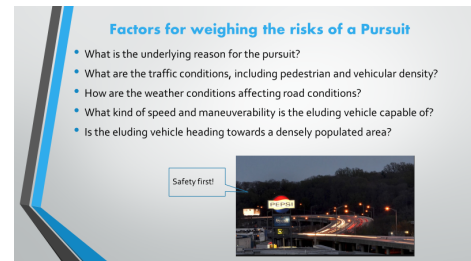
Pursuits are dangerous, and – anecdotally – our officers don’t like vehicle pursuits in the city. Too many things can go wrong. If, in their judgement, the risk outweighs the need for immediate apprehension, they can call it off.

Supervisors can also call off a pursuit at any time, using their discretion. The PRB has previously recommended policy edits that require Supervisors to exercise an

Target Response: Gives officers the opportunity weigh their safety and the safety of the community versus the need to pursue. For the PRB’s purposes, it means we’re looking at all the facts of the encounter when we evaluate the justification for a pursuit initiation, such as:

- The underlying reason for the pursuit,
- Traffic conditions (density of pedestrians and vehicles),
- Weather and road conditions,
- Speed and capabilities of the eluding vehicle,
- Geographic considerations (e.g., direction of travel, location density, terrain).

Slide 4



Desired Response: No, crime against property. Members will have to call out the description, or see if Foxtrot is available, and use different investigative strategies to conduct the stop. There’s a safer way.

affirmative duty to terminate pursuit authorization when the threat of danger or harm to citizens – including the subject of the pursuit – has surpassed the pursuit’s goal.

Recall the Caroline Street case from the summer of 2019. Can anyone describe how member performance specific to the pursuit could have been improved? As a refresher: the eluding vehicle was identified as the same vehicle as an assault by pointing at an officer the previous night. Several units from the ED and other districts immediately joined in the pursuit. Foxtrot was providing air support and heading/location updates, but there was little in the way of control from the air or via supervisors on the ground.

As a result, can anyone tell me how this element – the pursuit – led to consequential, negative outcomes?

Now let’s review a Case Study, and analyze an example of a vehicle pursuit like we would during a PRB when we evaluate the initiation of the event. For background, this incident occurred in late 2017, so it’s a few years old, but it will still give us good practice discussing pursuit decisions and BPD Policy.

While reviewing, I’d like you to jot down some notes as you consider the following:

- What information did the officer have that informed his decision to pursue?
- Based on BPD’s current policy, should the officer have initiated the pursuit?
- What did you observe as good performance/tactics during the pursuit?
- What did you observe as performance/tactics that could be improved for future pursuits?

Slide 5

SUPERVISOR RESPONSIBILITIES

CURRENT POLICY

- Upon notification that a pursuit has been initiated, supervisors shall use their discretion to:
 - Approve or disapprove the continuation of the pursuit
 - Direct additional units to join the pursuit

PRB'S PROPOSED UPDATE

- "Supervisors shall terminate authorization for a vehicle pursuit when the threat of danger or harm to citizens, including the subject of the pursuit, and the member's life has surpassed the lawful object of the pursuit."

Desired Response: Supervisors were not in charge of that pursuit. No units were called off, and there was little command and control of the pursuit. As a result, almost an entire district’s-worth of patrol units were engaged in a hot pursuit through densely populated areas, across many busy intersections and 4-lane roads. The vehicle crashed into a tree in front of a public housing project. There were so many units committed to the pursuit, and they all discharged; the BPD fired over 100 rounds resulting in the death of the subject of the pursuit and a graze wound to BPD officer. This is a terrible outcome that reflects poorly on the BPD, and it could have been avoided with more control/supervision of the pursuit.

Slide 6

What can you tell me about the information the officer had that informed his decision to pursue?


Would the officer's decision to pursue be within BPD Policy?

What did you observe as good tactics?



Slide 7

Let's Discuss:



- What information did the officer have that informed his decision to pursue?
- Based on current BPD policy, should the officer have initiated the pursuit?
- What did you observe as good performance/tactics during the pursuit?
- What did you observe as performance/tactics that could be improved for future pursuits?

At the conclusion of the case study, lead a facilitated discussion based on what they wrote down.

Target Responses:

1. The officer believed that he had pulled-over a shooting suspect based on a BOLO he saw with a car that matched the description.
2. While he never received confirmation from Citywide Shooting as to the vehicle, the crime at issue was a felony. This can be an open discussion with no right/wrong answer; facilitator should encourage critical engagement. If there's a policy gap discovered, allow the Board to recommend a revision. For instance, Policy 1503 requires probable cause to believe that the fleeing

What could be improved?

That was a great discussion, and similar to how we'll evaluate discrete elements of an incident during a PRB review. Now let's examine foot pursuits.

Foot Pursuits

In February 2021, the BPD published its first policy that governs foot pursuits, Policy 1505.

Since it's likely that a foot pursuit could result in a use of force or injury to the officer or others, it's important that we understand the justification for these pursuits so that we can evaluate the initiation of the event during a PRB.

As you recall from Stops, Searches, and Arrests / FIP II training, the two-prong test for justifying a foot pursuit is:

- When there's RAS to believe that the suspect has committed, is committing, or is about to commit a crime*, AND
- The member reasonably believes that there's a valid, law enforcement need to detain the suspect that outweighs the threat to safety posed by the pursuit.

Similar to the vehicle pursuits policy, the BPD's policy on Foot Pursuits is intended to preserve officer and community safety by applying common-sense parameters to prevent unnecessary pursuits that, in all likelihood, could result in injury.

The BPD's policy on foot pursuits was developed with the policies governing stops, searches, and arrests.

suspect committed a felony which resulted in, or could have resulted in, death or serious bodily injury. Did the learners observe that PC? If not, what else was needed? If yes, describe what was observed.

3. Great communication and command from Foxtrot. Everyone stayed off the air, and allowed Fox to call out 20s.
4. It was not observed that any supervisor got on the air when the pursuit was initiated. Also, some units got right on the eluding vehicle when they should have maintained a safe distance and allowed Fox to control the chase. Also, at the end of the pursuit, we saw at least one BPD member rush towards the car to extract the driver in the middle of a busy intersection with no cover or concealment. Remember: this individual discharged a firearm a number of times during the pursuit, he was armed and dangerous. Is that a good situation to rush into without cover? Also, in rushing to extract the driver, the car was not secured, and it began to coast towards other cars/people. This decision to rush towards the driver resulted in unsafe outcomes.

Slide 8

Thus, the policy follows the same legal requirements for initiating a foot pursuit as those governing a lawful stop, since the intention of a foot pursuit is to stop someone. What is the threshold for performing an investigative stop?

As a Board, when we discuss the initiation of the event and a foot pursuit is involved, we'll ask whether the member(s) had RAS to believe that:

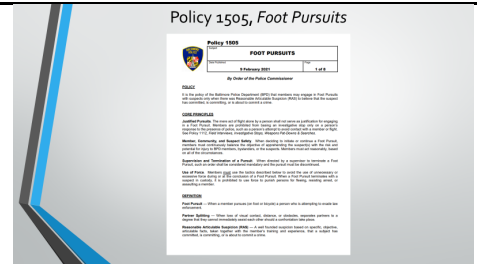
- The suspect has committed, is committing, or is about to commit a crime (NOT a status offense or lesser offense violation), AND
- The member(s) reasonably believe that there was a valid, law enforcement need to detain the suspect that outweighed the threat to safety posed by the pursuit.

Another element at the initiation of a foot pursuit that we will have to analyze as a Board is a suspect's flight. If an individual runs from police solely due to the police's presence, is that enough to justify a foot pursuit?

No, because why might someone run solely due to police presence?

What else does an officer need prior to pursuing someone running away from them?

What about environmental factors? In previous years, BPD reporting used to refer to "flight in a high-crime area." This was boilerplate language meant to justify a pursuit and stop, and didn't incorporate individualized, articulable facts that would have led to the pursuit and stop. BPD's new policy clarifies when such environmental factors can be weighed in justifying a pursuit. Can anyone on the Board tell me to what extent locations with particular criminal activity can be factored-in to a decision to pursue?

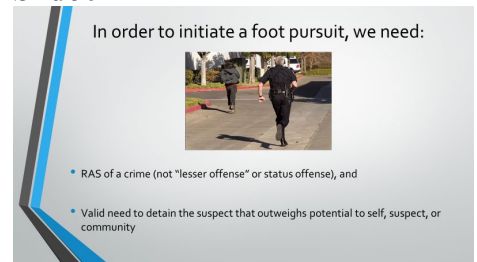


Instructor's note:

* Not included in this are curfew violations, citation-only violations, or non-arrestable violations. Clarify that status offenses for youth and "quality of life" (e.g., possession of non-criminal quantities of marijuana, open container, loitering) crimes do not justify a foot pursuit absent additional factors.

Desired Response: Reasonable Articulable Suspicion.

Slide 9



When we consider the initiation of an event during a PRB case, we'll discuss these environmental factors and how they may have contributed to a member's decision to pursue.

There are a number of guidelines included in the policy to protect member and public safety during the pursuit itself. As a Board, we'll have to examine the foot pursuit, and we may make remedial recommendations to involved members based on what we saw or did not see. Based on your understanding of the policy, training, and general practices of officer safety, what should we be looking for during a foot pursuit?

This is a good rubric for evaluating a foot pursuit, so

Desired Response: No.

Desired Response: Could simply be fear of being involved with law enforcement, or it could be a rabbit (someone who takes off with the intent of drawing officers away from the crime at issue).

Desired Response: RAS that the person is involved in criminal activity.

Desired Response: 1). The area has to be known to the member for certain criminal activity; 2). The member needs an articulable reasonable suspicion that the individual is running because they are involved in that activity, other than the mere fact of fleeing.

now let's examine a case study. This incident occurred in the fall of 2020 in the Southeastern District. The officers are about to stop and question an individual who is wanted for an open homicide warrant.

Based on our discussion and some of the ideas we wrote down, I'd like you to jot down some notes on the following topics while we watch the footage:

- What do we notice about the initiation of the pursuit:
 - o Did the officers appear to provoke the flight?
 - o Did this look like an investigative stop during which the individual was not free to leave?
 - o Given that the individual was wanted for an open homicide warrant, was it appropriate to attempt an arrest with just two officers? What other resources could have been used?
- What does the Board think about the justification of pursuit:
 - o The two-prong test for a foot pursuit is RAS to believe the individual has committed, is committing, or is about to commit a crime, AND the member reasonably believes that there's a valid, law enforcement need to detain the suspect that outweighs the threat to safety posed by the pursuit.
- During the pursuit itself, what does the Board think about tactics observed:
 - o Communication
 - o Use of back-up
 - o Partners
 - o Weighing public safety vs. the need to continue the pursuit
 - o Distance
 - o Navigating blind spots (e.g. dumpsters or corners)
 - o Pursuing after losing sight of the subject
- Now, to the conclusion of the pursuit:
 - o Was force used? If so, what level.

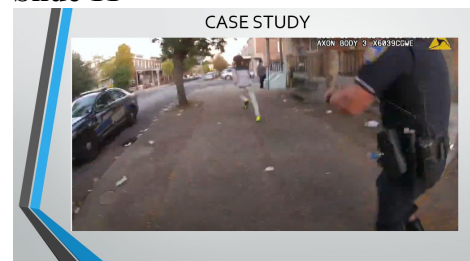
Slide 10



Listing Exercise: Facilitator will write down responses from the Board, including at a minimum:

- BWC Activation throughout the pursuit,
- Early communication (radio broadcast) to coordinate and deploy add'l resources,
- Partners sticking together (no partner splitting unless in order to protect someone from imminent harm),
- If the suspect enters a building/structure/space, members await add'l resources before proceeding to take in custody.
- Calling off the pursuit: did a supervisor call it off? Did it look like the pursuit was going to become unsafe? Should it have been called off?

Slide 11



Now let's have a discussion based on what you wrote down, like we would during a PRB regarding the initiation of the event.

That was a very good discussion. While the Board won't evaluate events such as this (L1 uses of force), it's good practice to examine pursuits and their underlying justification since many critical incidents involve a pursuit of some type.

Does the Board have any recommendations based on the initiation of the event?

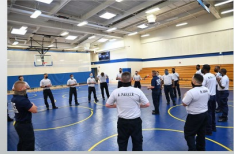
Use of Force

Finally, let's discuss the use of force itself. The policy governing the Performance Review Board directs the Board to critically identify opportunities for organizational and individual improvement in several areas, specifically: consistency with Use of Force Policy and Training. The Board is asked to discuss and

Slide 12

Let's Discuss:

- The initiation of the pursuit
- The justification of the pursuit (including hypotheticals)
- During the pursuit; tactics
- Conclusion of the pursuit



Group Discussion/Desired

Responses: Facilitator will lead the Board through an open dialogue related to the initiation of the event. Here are the desired or anticipated responses for each component:

Initiation of the pursuit:

- *Consider:* Should the officers have approached the felony suspect differently?

Justification of the pursuit:

- *Consider:* What if, instead, this were a response to a call for service for: loitering? Disorderly (because of the loud music)? Suspected CDS? Would a pursuit have been justified in those situations? When would the individual's flight have justified pursuit?
- *Recall:* BPD policy permits foot pursuits when "a person in a location known for certain criminal activity runs, unprovoked, from police **and** there is an articulable reason to believe

evaluate whether the member's use of force was reasonable, necessary, and proportional based on the totality of the circumstances, and otherwise consistent with BPD's policy and training.

In order to make this evaluation, we need to understand how the concepts of "reasonable, necessary, and proportional" function together. In your own words, can you define:

- Necessary,
- Reasonable, and
- Proportional?

Let's think of an easier way to remember these concepts:

- Necessary: whether force is required to perform a lawful purpose. This is referring to the **need** to use force in this incident. The question this seeks to answer is "did the officer have to use

the person is running because they are involved in that type of crime. What do we know about this part of McElderry Park?

- Officers should have either awaited backup or utilized the DAT or WATF teams to apprehend. They did not have appropriate resources to contain, and the subject was able to lead them on a pursuit. With additional personnel, there could have been a peaceful surrender.

During the pursuit:

- Effective communication from both officers, good job by additional units to stay off the air.
- Good communication led to a coordinated approach from back-up units to take the individual into custody.
- The pursuit was not called-off since the pursuing units kept visual contact with the individual, pursuit limited to alleys and sidewalks (i.e., no immediate danger to life and safety).

Conclusion of the pursuit:

- There was a L1 use of force (pointing of a firearm). The officer pointed his firearm and gave strong verbal commands, which led to compliance and the termination of the pursuit.
- *Consider*: Was the pointing of the firearm justified in this situation? What are the risks associated with conducting a foot pursuit while holding a firearm?
- *Recall*: BPD Policy 409,

force to resolve this incident?” Now, just because force is *necessary* does that make it *proportional*?

- **Reasonable**: just the force required to perform a lawful purpose, e.g., an arrest. This is referring to the **amount** of force used. The question this seeks to answer is “did the officer use an appropriate amount of force to resolve the incident?” Now, just because force is *reasonable* does that make it *necessary*?
- **Proportional**: whether the force used is rationally related to the level of resistance or aggression confronting the member. This is referring to the **type** of force deployed in the encounter. The question this seeks to answer is “did the officer use the appropriate force instrument as compared to the resistance/aggression encountered?” Again, simply because the force used was *proportional*, does that make it *necessary* or *reasonable*?

All three of these elements need to work together in order to the use of force to align with BPD policy and training.

Intrinsic to our evaluation of the use of force is an assessment of de-escalation, using time, distance, cover, concealment: did the member, or another member, attempt to de-escalate the incident in order to avoid the need to use force, reduce the level of force, or whether the actions of the officer escalated the incident so that a higher force level became required to resolve the situation. De-escalation can keep officers safe, keep the public safe, and can prevent encounters that we unfortunately might have to review as a Board.

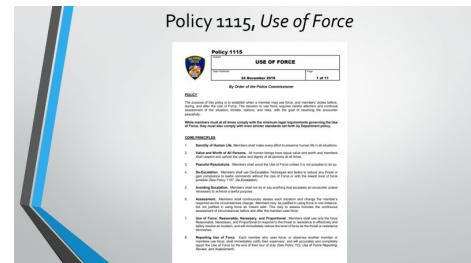
This slide is the BPD’s Use of Force Continuum, which presents different force options with corresponding subject actions.

What do you notice about the continuum at the very top,

Firearms Regulations prohibits pointing a firearm at a person unless they “reasonably believe that the person poses a present or imminent threat of death or serious physical injury to the member or another person.” The individual was wanted for murder, which entered the officer’s decision-making to unholster and point his service weapon.

Note any recommendations for supervision, policy, equipment, training, etc. based on the case study.

Slide 13



Ask the Board to define each term in their own words, arriving at the BPD policy definition for each:

- **Necessary**: When not reasonably effective

in the blue arrow?

We expect our members to attempt to de-escalate a use of force situation where time/safety permit so that force is no longer necessary for a lawful purpose. The affirmative duty to de-escalate needs to be factored-in to our continuous analysis of whether force used was reasonable, necessary, and/or proportional. This is a discrete area of the Reviewable Incident that we will analyze as a board.

Now let's apply what we've discussed about reasonable, necessary, proportional, and de-escalation to a BPD case study.

The PRB has already examined this incident and has made several recommendations based on our review of SIRT's presentation. For today's purposes, let's analyze this footage based on our earlier discussion of reasonable, necessary, and proportional.

SIRT was asked to investigate this incident 3 days after the arrest when a bystander's footage was heavily circulated on social media. The video appears to show a prohibited chokehold during an arrest. Prohibited in this case because the use of deadly/lethal force was not justified. Further, BPD defense tactics training does not instruct chokeholds like this.

Both videos were taken by bystanders on the scene, showing separate angles of the incident.

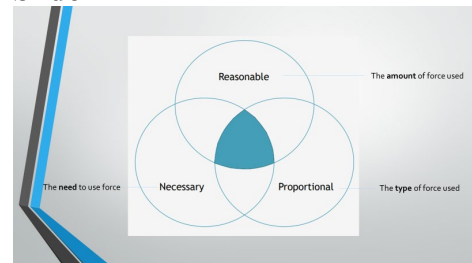
BPD policy prohibits chokeholds/neck holds unless deadly/lethal force is justified. Deadly/lethal force is categorized as a Level 3 Use of Force, hence the SIRT investigation. As stated earlier in training, the PRB shall review all Level 3 Use of Force incidents for consistency with use of force policy and training.

alternative exists. When force is necessary, members shall use force in a manner that avoids unnecessary injury or risk of injury to members and civilians.

- **Reasonable:** When a member uses no more force than required to perform a lawful purpose.
- **Proportional:** When force used by the member is rationally related to the level of resistance or aggression confronting the member.

Note on the white board any helpful interpretations of these criteria that align with policy.

Slide 14



Desired Response: No, that needs to be evaluated separately.

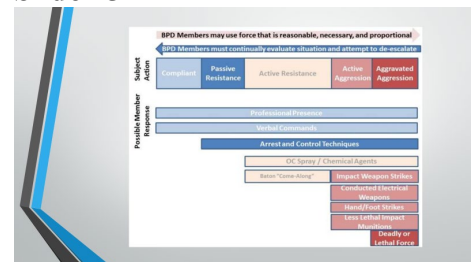
Desired Response: No, that also needs to be evaluated separately.

Let's discuss the chokehold:
Was the use of force *necessary*?

Desired Response: No, those also need to be evaluated separately.

Was the use of force *reasonable*?

Slide 15



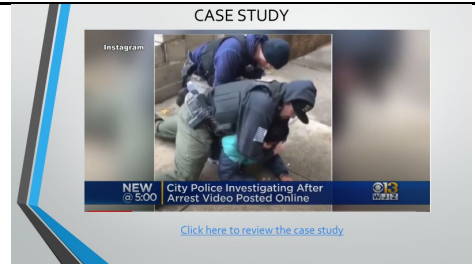
Desired Response: BPD members must continuously attempt to de-escalate.

Was the use of force *proportional*?

Slide 16

Finally, did the member or their partner attempt to de-escalate this encounter? Was there any attempt to slow down the pace of this incident, or did it appear as though the members escalated the encounter so that a higher force level became necessary?

This incident highlights the importance of the reasonable, necessary, and proportional standard. We represent the standard as a 3-part Venn Diagram because all three elements have to be present. Some uses of force can certainly be necessary or reasonable, but not always proportional. Similarly, uses of force can be proportional, but not always necessary.



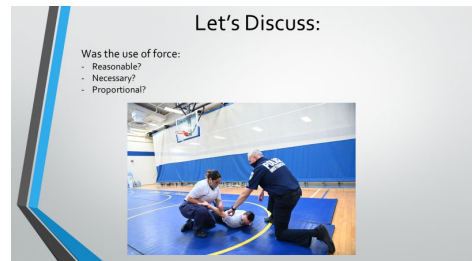
Case Study:

https://www.youtube.com/watch?app=desktop&v=8_KRa0JxC7c

Slide 17



Slide 18




Facilitated Discussion:

[allow the Board to discuss whether it was *reasonable*]

Recall that *reasonable* seeks to answer whether the officer used an appropriate amount of force.

Desired Response: No, BPD policy defines *reasonable* as “using no more force than required to perform a lawful purpose. The lawful purpose in this case was to restrain the individual and bring him into custody. A use of deadly

	<p>force such as a chokehold is unreasonable in seeking to accomplish that purpose.</p> <p>[allow the Board to discuss whether it was <i>necessary</i>] Recall that <i>necessary</i> seeks to answer whether force was needed. <u>Desired Response</u>: Force was necessary in this encounter since the individual moved between Active Resistance and Active Aggression throughout the arrest. It was necessary for the officer to overcome that resistance/aggression to take the individual into custody. But that’s “force” in general! Not the L3 use of force, and this is why BPD’s 3-prong use of force standard is so important.</p> <p>[allow the Board to discuss whether it was <i>proportional</i>] Recall that <i>proportional</i> seeks to answer whether the type of force used was appropriate when compared to the resistance/aggression encountered. <u>Desired Response</u>: No, when compared to the continuum, the officer used force that is only justified when encountering Aggravated Aggression. Based on our review of this case study, the subject moved between Active Resistance and Active Aggression during the encounter.</p> <p>Desired Response: There were no observed attempts to de-escalate this encounter. Perhaps had de-escalation been attempted, such as more communication, awaiting additional officers, or explaining the reason for the stop, a L3 use of</p>
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	<p>force could have been avoided. Instead, the officer went hands-on almost immediately and everyone ended up in a poor situation with a negative outcome.</p>
<p>III. EVALUATION/CLOSURE</p> <p>Thank you for your attention through this module. As we wrap up, I'd like to hear from each of you with one Got: something you learned during this lesson, and one Need: something that's still not clear that we can answer later in training. I'll write your responses down on the board and leave them up through the training today.</p> <p>I'd like to thank you for your attention during this module.</p> <p>If there are any questions regarding the BPD's policies on Use of Force, Vehicle Pursuits, or Foot Pursuits, please do not hesitate to reach out to policy@baltimorepolice.org.</p>	<p>5 minutes</p> <p>Slide 19</p>  <p>Gots/Needs Facilitator will use the white board to arrange two columns, one labeled "Gots" and the other "Needs." Each Board member will offer one Got and one Need, which will stay on the board throughout the training, to be addressed at the end.</p>