



Policy 725

Subject

USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT

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By Order of the Police Commissioner

POLICY

The purpose of this policy is to set forth the requirements for reporting and reviewing a Use of Force incident to ensure a fair, thorough, and impartial assessment of member actions.

While members must at all times comply with the minimum legal requirements governing the Use of Force, they must also comply with even stricter standards set forth by Departmental policy (See Policy 1115, *Use of Force*).

CORE PRINCIPLES

Thorough Reporting and Review. All members of the Baltimore Police Department (BPD) have a duty to report any Use of Force, whether as an Involved Member or an observing member, and all levels of supervision shall thoroughly document, investigate, review, and assess the actions taken to determine if the Use of Force was consistent with BPD policy and training.

DEFINITIONS

Involved Member — A member or supervisor who participated in, directed, or influenced the application of the Use of Force. This includes involvement in the tactical planning that led to the Use of Force.

Preponderance of the Evidence — When the balance of evidence demonstrates a version of the facts that is more likely than not the truth.

Reasonable, Necessary, and Proportional — The review of every Use of Force shall be to determine whether it was objectively Reasonable, Necessary, and Proportional in light of the Totality of the Circumstances that were known, or should have been known, to the member, and in light of the mandates of BPD policies.

Reasonable — A member uses Reasonable force when the member uses no more force than required to perform a lawful purpose.

Necessary — Force is Necessary only when no reasonably effective 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.

Proportional — Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.

NOTE: Members who use force that is not Reasonable, Necessary, and Proportional will be subject to corrective action, possible discipline, possible criminal prosecution, and/or civil liability.

Totality of Circumstances — The Totality of Circumstances consists of all facts and circumstances surrounding any event. The facts and circumstances may include but are not limited to:

- Whether an offense has occurred;
- The nature of the offense;
- The seriousness of the offense;
- The size and strength of the person;
- The number of persons;
- The availability of weapons;
- Whether the person is exhibiting signs of mental illness or is experiencing a behavioral health crisis;
- Whether a person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier;
- Other force options;
- Availability of non-force options, including tactical repositioning, going to cover or other de-escalation techniques;
- Environmental factors;
- Availability of back up and specialized units.

Temporary Pain — Any pain or complaint of pain that is brief, does not result in injury, and is delivered as a means to gain compliance. Temporary Pain may result from the application of, but is not limited to, elbow grips, wrist grips, shoulder grips, pressure point techniques, and/or forcible takedowns.

Threat of Force — Gestures of lethal and/or less-lethal weapons directed at a person as means to coerce, gain compliance, or demonstrate that an escalated Use of Force level is imminent (e.g., pointing a firearm, less-lethal launcher, CEW, or cycling a CEW at a person).

Use of Force — Any Use of Force or threat of force that falls within Level 1, Level 2, or Level 3 force as defined in Policy 1115, Use of Force, regardless if these techniques make contact or result in visible injury.

Use of Force Assessment Unit (UFAU) — Conducts administrative assessments of all Level 2 Use of Force incidents.

Use of Force Review — The gathering of facts and evidence by a permanent-rank supervisor to document a Use of Force. The Use of Force Review shall consist of witness interviews, written statements, police reports, discharge papers, audio and video data, BlueTeam entries, etc. This list is not exhaustive.

GENERAL

1. All Use of Force or Threat of Force incidents shall be documented and reviewed by a permanent-rank supervisor who is not an Involved Member in the incident.
2. Incidents will be classified as a Level 1, Level 2, or Level 3 Use of Force.

3. All Use of Force incidents require a permanent rank supervisor to respond to the scene.
4. Any permanent-rank supervisor may opt to adjust the Use of Force level based upon the circumstances of the incident.
5. When an incident involves multiple types of force or multiple members, the entire incident will be reported and investigated at the highest Use of Force level used by any member during the incident.
6. Unless necessary for the investigation, involved members are not to discuss the Use of Force incident after it concludes.
7. If a supervisor is an Involved Member in a Use of Force incident, they shall request, via dispatch/radio, an uninvolved supervisor of the appropriate rank to respond to the scene.

NOTE: Members who observe a Use of Force and fail to report it in a Form 96B will face disciplinary action up to and including termination.

DIRECTIVES

Level 1 and Level 2 Use of Force/Threat of Force

8. Members whose actions constitute a Level 1 Use of Force, Level 2 Use of Force and/or Threat of Force shall immediately notify a permanent-rank supervisor that a Use of Force occurred and relevant details about the Use of Force to inform the investigatory response. A permanent-rank supervisor shall respond to the scene immediately.
9. Involved Members, whose actions constitute a Level 1 or Level 2 Use of Force, shall submit a Force Report, Form 96A by the end of their tour of duty. The Force Report shall include:
 - 9.1. The reason for the initial police presence,
 - 9.2. A specific description of the acts that led to the Use of Force, including the specific threat the officer faced,
 - 9.3. A detailed description of the person against whom the force was used,
 - 9.4. The severity of the crime at issue,
 - 9.5. The presence and location of witnesses at the scene,
 - 9.6. The level of resistance encountered,
 - 9.7. A description of every type of Use of Force,
 - 9.8. The name and sequence number of the notified supervisor,
 - 9.9. The force options available to the member,

- 9.10. Any de-escalation techniques used,
 - 9.11. Other items included in the Totality of the Circumstances as appropriate, and
 - 9.12. The existence of any BWC footage, or any non-recorded event that should have been recorded, as well as any interruptions or terminations of recordings (See Policy 824, *Body-Worn Camera*).
- 10. Observing members shall complete and submit a Form 96B that documents the Use of Force by the end of their tour of duty.
 - 11. Members shall refrain from using conclusory statements, or boilerplate/canned language (e.g., “furtive movement” or “fighting stance”) in the narrative of their Force Report **unless** those statements can be supported with incident-specific detail.

Level 3 Use of Force

- 12. Members whose actions constitute a Level 3 Use of Force shall immediately notify a permanent-rank supervisor that a Use of Force occurred and relevant details about the Use of Force to inform the investigatory response.
- 13. The Special Investigation Response Team (SIRT) shall respond to and investigate all instances classified as Level 3 Use of Force.
- 14. Members shall immediately notify the Communications Section if involved in police officer-involved shooting (POIS), and provide a Public Safety Statement, Form 97 (Appendix D) to their supervisor upon supervisor’s arrival to the scene (see Policy 710, *Level 3 Use of Force / Special Investigation Response Team (SIRT)*).

NOTE: The Police Commissioner or their designee may reassign a Use of Force Review of any level to SIRT.

REQUIRED ACTION**Supervisor Responsibilities: Conducting a Use of Force Review**

- 15. Supervisors shall ensure that all Involved Members and members who observed the Use of Force incident accurately, thoroughly, and in a timely fashion, report the Use of Force. All Use of Force or Threat of Force incidents shall be documented and reviewed by a permanent-rank supervisor who is not an Involved Member in the incident.
- 16. Supervisors shall conduct a Use of Force Review of all instances of Level 1 or Level 2 Use of Force by completing a Use of Force Report, Form 99 (Appendix C), and make an initial entry in BlueTeam before the end of the tour of duty.
- 17. Supervisors shall notify the Shift Commander with basic information concerning the incident by the end of their shift during which the force occurred.

18. Supervisors may utilize the Use of Force Preliminary Review Checklist for Supervisors (Appendix G) to assist with completing a thorough Use of Force Review.
19. An extension from the 72 hours reporting requirement may be requested by the reviewing supervisor to the Chief of the unit (i.e., Patrol Division extension requests would be sent to the Chief of Patrol). To request an extension, members may complete a Use of Force Review Extension Request, Form 25 (Appendix E).

NOTE: In cases where a member is working overtime or is otherwise outside of their normal command, the reviewing supervisor shall forward the Use of Force Review to the Lieutenant where the member was working during the Use of Force.

20. Supervisors shall thoroughly review all Uses of Force for consistency with all Departmental policies as pertains to:
 - 20.1. Whether the Use of Force was Reasonable, Necessary, and Proportional,
 - 20.2. Whether the member used de-escalation techniques,
 - 20.3. Whether the member continuously assessed the situation prior to, during, and after the Use of Force, and
 - 20.4. The submission of required documentation and related evidence.
21. The Use of Force Review and Use of Force Report, Form 99 (Appendix C), must be personally conducted/completed by a permanent-rank supervisor who is not an Involved Member or a witnessing member in the Use of Force, and who is the same rank or greater than the highest ranking Involved Member in the case of a Level 1 Use of Force or who is above the rank of the highest ranking Involved Member in the case of a Level 2 Use of Force. "Officers in Charge" (OIS) are not authorized to perform this function.
 - 21.1. Supervisors ranked captain and above who use force shall have their Use of Force Review completed by SIRT.
22. Supervisors shall complete a Use of Force Report, Form 99 (Appendix C), and ensure all supporting documentation, including statements, photographs, videos, and documents are scanned and/or uploaded to BlueTeam within 72 hours of the event.
23. Supervisors shall complete the Use of Force Review for Level 1 and Level 2 Use of Force and forward to the lieutenant of the member who used force via BlueTeam within 72 hours of the incident.

NOTE: Deliberate material omissions, false statements, or inaccuracies made with the intent to mislead will result in discipline for failure to report and/or truthfulness, up to and including termination (See Policy 302, *Rules and Regulations*).

24. Supervisors shall review the BWC footage and tag the incident as a Use of Force for all members present during the incident, as well as any CCTV video which may have recorded all or part of the incident (see Policy 824, *Body-Worn Camera*).

- 24.1. Document the content of BWC and any CCTV videos.
- 24.2. A copy of any videos should be obtained and attached to the BlueTeam Use of Force entry. BWC videos need only to be uploaded to Evidence.com.
- 25. Supervisors shall address any discrepancy, confusion, or lack of information with supplementary statements from members, witnesses, or persons prior to completing a BlueTeam entry. Document in BlueTeam any issue that cannot be resolved.
- 26. Supervisors shall evaluate in writing every Use of Force for compliance with BPD policy, including whether the Use of Force was Reasonable, Necessary, Proportional, as well as evaluate any other relevant concerns including, but not limited to, continuous assessment or tactics. Provide timely, constructive feedback, where appropriate.
- 27. Supervisors shall immediately notify command of issues that will delay the submission and completion of the Use of Force Review.

NOTE: After 23 days, the case will be considered abandoned and will be referred to PIB for discipline.

Responding to the Scene:

- 28. The supervisor receiving the notification of a Use of Force shall acknowledge receipt and announce their role as investigator.
- 29. Upon responding to the scene of a Use of Force, supervisors shall:
 - 29.1. Activate their BWC to ensure all investigative actions are preserved. If BWC is unavailable, members shall utilize BPD recording equipment to record interviews, refusals of interviews, and scene footage including, but not limited to, accurate depiction of lighting, weather, vehicle placement, points of cover, and evidence relevant to include forensic evidence. Supervisors will document their on-scene actions and observations.

NOTE: BWC shall be considered unavailable if utilizing the BWC violates another BPD policy (e.g., responding to a scene inside Central Booking & Intake Facility or any detention facility).

- 29.2. Conduct and document a neighborhood canvass for relevant witnesses and memorialize on BWC. Obtain, whenever practical, recorded statements from persons or witnesses by utilizing trauma-informed interview techniques. When interviewing civilian witnesses, including the subject and third parties, the supervisor shall ensure that:
 - 29.2.1. Civilian witnesses are interviewed separately, where possible,
 - 29.2.2. Leading questions are avoided, and
 - 29.2.3. If interviewing the subject, the subject's detention is not extended if the subject is free to leave, including advisement of freedom to leave, if applicable.

30. Supervisors shall attempt to locate CCTV or privately-owned surveillance cameras that may have recorded all or part of the incident. If located, such videos must be recovered and included in the Use of Force Review.
31. Supervisors shall separate all Involved Members in a Use of Force incident.
 - 31.1. Group interviews of members and any discussion between members regarding a Use of Force prior to submitting statements is **prohibited**.
 - 31.2. Members shall not be asked leading questions that suggest legal justification for the member's conduct, or where such questions are contrary to appropriate law enforcement techniques.
 - 31.3. Investigate any incident in which a member fails to intervene in another member's suspected excessive Use of Force as appropriate (see Policy 319, *Duty to Intervene*).
32. Supervisors shall digitally photograph anyone involved (members and persons) regardless of injury or complaint of injury. Photos shall be taken of injuries, damaged property, weapons involved, and anything else relevant to the Use of Force incident.
33. Supervisors shall include a brief summary of the disposition of the person against whom the force was used such as, but not limited to, released, charges filed, issued criminal citation, transported to CBIF, or sent to the hospital for evaluation.
34. Supervisors shall provide a statement denoting any injury, complaint of injury, or lack of injury to each participant.

Level 3 Use of Force

35. For Level 3 Use of Force, the first-line permanent-rank supervisor shall immediately notify the Special Investigation Response Team (SIRT).
36. The Crime Scene Unit shall digitally photograph all visible injuries and/or claims of injury in Level 3 Uses of Force.

NOTE: If the person against whom force was used is not under arrest and refuses photography, the Crime Scene Unit may attempt overall photographs of the person against whom force was used at their discretion.

37. SIRT will lead all investigative activity. The SIRT supervisor shall respond and complete all Level 3 Use of Force Reporting per Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*.

Lieutenant

38. Lieutenants shall thoroughly examine the first-line supervisor's Use of Force Review for Level 1 and Level 2 Uses of Force for:
 - 38.1. Consistency with Policy 1115, *Use of Force*,

- 38.2. Whether the Use of Force was Reasonable, Necessary, Proportional,
 - 38.3. Whether the member used de-escalation techniques,
 - 38.4. Whether the member continuously assessed the situation prior to, during, and after the Use of Force,
 - 38.5. Submission of required documentation and related evidence, and
 - 38.6. Whether the first-line supervisor's review was complete and accurate.
- 39. Lieutenants shall return for correction to the first-line supervisor any Use of Force Review that is incomplete, contains errors, and/or is not supported by a Preponderance of the Evidence. Address any discrepancies, confusion, or lack of relevant information. Document the specific evidence or analysis supporting the correction or modification. Any supervisor in the chain of command may discuss the modification with the reviewing supervisor or reviewers.
 - 40. Lieutenants shall review the relevant BWC footage for the Use of Force.
 - 41. If necessary, lieutenants shall re-classify a Use of Force Review to the appropriate level and return the Use of Force Review to the first-line supervisor for necessary action.
 - 42. Lieutenants shall document in BlueTeam any counseling given, training referrals made, or recommendations for discipline related to the member's actions or the first-line supervisor's Use of Force Review.
 - 43. Lieutenants shall immediately refer misconduct or potential criminal conduct to command and PIB.
 - 44. Lieutenants shall forward completed Use of Force Reviews to the Executive Officer/captain via BlueTeam within 10 days of receipt.
 - 45. Lieutenants shall immediately notify command of issues that will delay the submission and completion of the Use of Force Review.

Executive Officer/Captain or Commanding Officer (If applicable to the command)

- 46. Commanding Officers shall critically examine the Use of Force Review for Level 1 and Level 2 Use of Force for consistency with Departmental policy and training. For all Level 2 Uses of Force, this examination shall include a review of the relevant BWC footage.
- 47. Commanding Officers shall return for correction to the lieutenant any Use of Force Review that is incomplete or contains errors. Address any discrepancies, confusion, or lack of relevant information.
- 48. If necessary, Commanding Officers shall re-classify a Use of Force Review to the appropriate level and return the Use of Force Review to the lieutenant for necessary action.
- 49. When it appears the findings of the Use of Force Review is not supported by a Preponderance of the Evidence, Commanding Officers shall recommend changes to the findings after consultation

with the investigating supervisors and document the specific evidence or analysis supporting the change.

50. Commanding Officers shall arrange and document in BlueTeam any counseling given, training referrals made, or disciplinary action taken related to the member's actions or the first-line supervisor's and lieutenant's review.
51. Commanding Officers shall immediately refer misconduct or potential criminal conduct to the command and PIB.
52. Commanding Officers shall complete Use of Force Review for Level 1 and Level 2 Use of Force within ten (10) days of receipt as follows:
 - 52.1. Forward all Level 1 Use of Force reviews to the Use of Force Coordinator File.
 - 52.2. Forward all Level 2 Use of Force reviews to UFAU via Blue Team.
 - 52.3. A Use of Force Review shall be forwarded to the above within 23 days from the date force was used (72 hours for the initial investigation, 10 days for the Lieutenant review, and 10 days for the Executive Officer/Captain or Commanding Officer Review)
53. Commanding Officers shall re-submit any reports that were returned for corrections by the Use of Force Assessment Unit within five (5) working days of receipt.
54. The Commanding Officer will be the final reviewer for Level 1 Use of Force reviews and will make the final determination of whether the findings by the chain of command regarding the Level 1 Use of Force are consistent with the law and policy and are supported by a Preponderance of the Evidence, whether the review is thorough and complete, and whether there are tactical, equipment, and/or policy considerations that need to be addressed.

Use of Force Assessment Unit Member

55. UFAU members shall conduct an administrative assessment of all Level 2 Use of Force incidents.
56. UFAU members shall assess Level 2 Use of Force incidents and reviews to determine:
 - 56.1. Whether the findings by the chain of command regarding the Use of Force are consistent with all departmental policies and are supported by a Preponderance of the Evidence,
 - 56.2. Whether the assessment was thorough and complete, and
 - 56.3. Whether there are tactical, equipment, or policy considerations to be addressed.
57. UFAU members shall document and return incomplete reviews on a Use of Force Assessment Form.
58. UFAU members shall document errors found in the review and forward to a UFAU supervisor for verification.

59. UFAU members shall immediately inform a UFAU supervisor of any actions that appear to involve misconduct by any BPD members.
60. UFAU members shall forward all completed assessments to the UFAU supervisor for review.

UFAU Supervisor

61. UFAU supervisors shall verify the existence of any errors or omissions in the Use of Force Review and document them in the Corrective Recommendations Section of the UOF Assessment Form.
62. UFAU supervisors shall immediately inform the UFAU Commander of any actions that appear to involve misconduct by any BPD members.
63. UFAU supervisors shall forward all completed assessments to the UFAU Commander for review.
64. UFAU supervisors shall monitor the BlueTeam system for initial submissions of Use of Force Reviews by supervisors.
65. UFAU supervisors shall track the progress of Use of Force Reviews within BlueTeam and immediately notify the UFAU Commander of any Use of Force Reviews that are beyond the 23-day submission period.

UFAU Commander

66. UFAU commanders shall review the findings of the member and supervisor on the Use of Force Assessment Form and document a concurrence or make additional recommendations in the Corrective Recommendation Section.
67. UFAU commanders shall assign a date for the completion of corrections and receipts of missing or incomplete documentation.
68. UFAU commanders shall return the review along with corrective recommendations to the Commanding Officer via BlueTeam.
69. UFAU commanders shall determine if any action involved possible misconduct by any BPD member and notify and forward the review to PIB for investigation.
70. UFAU commanders shall close all completed assessments and reviews.
71. UFAU commanders shall forward a list of all outstanding corrections and delinquent Use of Force Reviews to the Internal Audits Commander or designee.
72. UFAU commanders shall refer Level 2 Use of Force reviews to the Performance Review Board (PRB) when they suggest a need for changes in training, policy, or equipment, or for incidents containing serious policy violations in accordance with Policy 724, *Performance Review Board*.
73. UFAU commanders shall distribute a scorecard summarizing UFAU's findings by district on a monthly basis for command review as well as any required follow-up or resolution.

UFAU Administrative Coordinator

74. The UFAU Administrative Coordinator shall monitor the Use of Force Coordinator file within BlueTeam daily.
75. The UFAU Administrative Coordinator shall review closed files for Commander's Conformity Opinion and Approval for closure. Re-route reviews to commands without conformity opinions or Commander's approval for closure.
76. The UFAU Administrative Coordinator shall immediately notify Division Chiefs, the Internal Audits Commander and the Chief of Internal Audits of any Command reviews beyond a 23-day period of initial reporting in BlueTeam.
77. The UFAU Administrative Coordinator shall re-assign cases to the Special Investigations Response Team (SIRT) when further investigation, analysis, or subject matter expertise is warranted.
78. The UFAU Administrative Coordinator shall transfer all closed reviews from the BlueTeam system into IAPro, and close the review.

Use of Force Statistical Data Collection and Reporting

79. Performance Standards Sections shall maintain all data and records related to uses of force to promote transparency by producing an annual, public report, and to assist the department to continuously evaluate its use of force practices and identify trends.
80. The BPD shall ensure the collection and tracking of all documents related to uses of force and allegations of misconduct, including, but not limited to:
 - 80.1. Use of Force Statement – Witnessing Officer, Form 96B,
 - 80.2. Use of Force Statement – Involved Officer, Form 96A,
 - 80.3. Supervisor's Use of Force Review, Form 99,
 - 80.4. Force investigations by SIRT,
 - 80.5. Reviews conducted by PIB relating to member's uses of force, and
 - 80.6. All supporting documentation and materials, including relevant CEW downloads, supporting audio-visual recordings, including witness and officer interviews, and any relevant camera downloads, including BWC footage.
81. The BPD shall annually evaluate the prior year's force data, including those listed above, to analyze trends, identify deficiencies, and produce a public report.

APPENDICES

- A. Weapons-Pointing Report, Form 93
- B. Use of Force Statement – Involved Officer, Form 96A
- C. Use of Force Statement – Witnessing Officer, Form 96B
- D. Use of Force Review, Form 99
- E. Public Safety Briefing, Form 97
- F. Force Review Extension Request, Form 25
- G. Use of Force Preliminary Review Checklist for Supervisor
- H. Use of Force Review Submission Table

ASSOCIATED POLICIES

Policy 1115, *Use of Force*
Policy 724, *Performance Review Board*
Policy 319, *Duty to Intervene*
Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*

RESCISSION

Rescind Policy 725, *Use of Force Review and Assessment*, dated 24 November 2019.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy

APPENDIX A**Weapons-Pointing Report, Form 93****Form 93/19
Weapons-Pointing Report**

Incident CC#: _____ Supervisor's Name: _____

Date & Time of Incident: _____ Supervisor's Assignment: _____

Location of Incident: _____ Today's Date: _____

Member(s) who pointed a weapon at a subject		Type of weapon
Name, Seq #	Assignment	

Please provide a brief narrative describing the incident:

Supervisor's Signature: _____

Once completed, please forward to District/Unit Commander, and copy Director, E&T

Appendix B**Use of Force Statement – Involved Officer, Form 96A**

Form 96A

**USE OF FORCE STATEMENT – INVOLVED OFFICER**

Date: _____

Pursuant to Maryland law and Baltimore Police Department Policy, you are hereby **ORDERED** to provide a report, explaining the facts and circumstances regarding your use of force. This report **MUST** be completed prior to the end of your shift/tour of duty. Failure to complete this report, as **ORDERED**, could lead to disciplinary action.

To: _____

From: _____

Subject: **Force Statement** _____

Date: _____ Time: _____ Location: _____ CC#: _____

I have been ordered to submit this statement, and failure to do so
would subject me to disciplinary action.

I am not waiving any of my rights by submitting this statement.

Signature _____

I respectfully report the following facts:

GENERAL STATEMENT INFORMATION

Type of Location (Store, street, residence): _____

Type of Incident (Common Assault, HGV arrest): _____

Unit Working: _____

Mode (Plain clothes, marked police vehicle): _____

Role (Primary, secondary): _____

Use of Force Category: ☒ Level 1 ☐ Level 2 ☐ Level 3

Level of resistance encountered: _____

If the level changed over time explain: _____

Technique or Force Employed: _____

De-Escalation Techniques Used: _____

Force Options Available (Check all that apply): ☐ Handgun ☐ Patrol Rifle ☐ OC Spray ☐ Baton ☐ Taser ☐ Other Less Lethal☐ Other: _____BWC Activated for the entire Incident: ☐ Yes ☐ No

If no, explain: _____

Name of Supervisor Notified: _____ Seq. #: _____ When was the Supervisor Notified: _____

Other Member(s) Involved: _____ Seq. #: _____

Other Member(s) Involved: _____ Seq. #: _____

Other Member(s) Involved: _____ Seq. #: _____

Appendix B**Use of Force Statement – Involved Officer, Form 96A**Any Witnessing Members?: ☐ Yes ☐ No

Name: _____

Location of Witnessing Members: _____

Any Witnessing Civilians?: ☐ Yes ☐ No

Name: _____

Any Injuries?: _____

Any Departmental or Personal Property Damaged?: _____

SUSPECT INFORMATION

Name: _____ Description (Height, weight, clothing): _____

Disposition: _____ Charges: _____

STATEMENT

What was "the reason for the initial police presence"? Write initial call for service or reason for response

Give "a specific description of the acts that led to the reportable force (UOF)." If they apply, include CDMM factors: 1. Assess the situation, threats, and risks; 2. Gather relevant facts about the incident; 3. Consider police powers and BPD policy; 4. Identify options and determine the best course of action; and 5. Act, review, and re-assess the situation.

What was "the threat the subject posed" at the time of the UOF? Include "the severity of the crime at issue." Explain.

Give "a description of every type of reportable force used" and "justification for each application of force (for example, every CEW cycle or baton strike)." Example: "I used a control hold and takedown, grabbing the suspect by the left arm and sweeping his leg. This was necessary because the suspect was trying to quickly flee the scene of a robbery and verbal commands were ineffective."

Appendix B**Use of Force Statement – Involved Officer, Form 96A**

Did you reduce the level of force applied as the nature of the threat and/or the subject's resistance decreased? If so, how?

Explain when and why you reduced the force used. Example: "Once Mr. Smith stopped resisting and began following directions, I placed him in handcuffs and released the pressure point."

Improvised tool/technique - did you use weapons/techniques that you were not trained on or are not allowed by policy?

Yes or No. Example: strike with radio, nearby object. If so, explain how the use of weapons and/or force techniques was warranted by the Totality of the Circumstances.

IF FORCE WAS USED AGAINST A HANDCUFFED OR RESTRAINED SUBJECT:

If you used force against a handcuffed/restrained subject, how was force necessary and reasonable to prevent injury or escape? Explain.

IF A CONDUCTED ELECTRONIC WEAPON (CEW/TASER) WAS USED:

Where was your CEW holstered? Give location. If not in weak-side holster, explain.

Did you use probes or drive-stun? ☐ Probes ☐ Drive-Stun

Was head, neck, chest, groin avoided? ☐ Yes ☐ No

If no, explain: _____

How many applications? Approximately how many seconds in duration? Explain.

Did you give the subject the opportunity to comply after each application? ☐ Yes ☐ No

Explain: _____

Was medical attention sought to remove probes? ☐ Yes ☐ No

Explain: _____

IF CHEMICAL/OC SPRAY WAS USED:

Did you give a warning before deploying? ☐ Yes ☐ No

Explain: _____

Appendix B**Use of Force Statement – Involved Officer, Form 96A**Did you give time to comply before deploying? ☐ Yes ☐ No

Explain: _____

Was OC used to disperse a crowd? ☐ Yes ☐ No

If so, explain how: _____

Was OC used against handcuffed/restrained subject? ☐ Yes ☐ No

If yes, explain: _____

What aid was rendered after deploying? *Explain decontamination, aid, known pre-existing conditions.***IF THERE WAS A VISIBLE INJURY, COMPLAINT OF INJURY, SIGNS OF MEDICAL DISTRESS, OR A REQUEST FOR MEDICAL
ATTENTION BY ANY PERSON**Did you immediately render aid consistent with your training? *Explain.*Did you or someone on scene request a medic respond to the scene or transport the person directly to the nearest hospital emergency room? *Explain.*Was a supervisor notified about the injury/complaint? ☐ Yes ☐ No

Explain: _____

Was the communications section notified about the injury/complaint? ☐ Yes ☐ No

Explain: _____

IF THE INCIDENT INVOLVED A PERSON UNDER THE AGE OF 18:If the incident involved a child or young person, was parent, guardian, or responsible adult notified? ☐ Yes ☐ No

Explain: _____

Appendix B**Use of Force Statement – Involved Officer, Form 96A****Overflow Section:***Use the space below to add any additional information from the previous sections.*

Appendix C

Use of Force Statement – Witnessing Officer, Form 96B

Form 96B

**USE OF FORCE STATEMENT – WITNESSING OFFICER**

Date: _____

Assignment: _____

To: _____

From: _____

Subject: **Use of Force Witnessing Officer Statement**

Date: _____ Time: _____ Location: _____ CC#: _____

Sir/Ma'am,

I respectfully report I was a witness to a Use of Force on the above date, time, and location recorded under the above CC#. This form documents my observations. **I respectfully report the following facts:**

SUSPECT INFORMATION

Name: _____ Description (Height, weight, clothing): _____

The severity of the crime at issue: _____

The observed level of resistance encountered by officers: _____

The observed threat the subject posed: _____

The observed presence and location of other officer and civilian witnesses at the scene:

The description of the acts that led to the use of reportable force based on my observation:

The force options observed that were available to the involved officers: (Check all that apply): ☐ Handgun ☐ Patrol Rifle ☐ OC Spray ☐ Baton ☐ Taser ☐ Other Less Lethal ☐ Other: _____

De-escalation techniques observed being used by the involved officers: _____

A description of every type of reportable force observed being used by each involved officer:

STATEMENT

I have been ordered to submit this statement, and failure to do so would subject me to disciplinary action.

I am not waiving any of my rights by submitting this statement.

Signature _____

Appendix C**Use of Force Statement – Witnessing Officer, Form 96B****Overflow Section:***Use the space below to add any additional information from the previous sections.*

APPENDIX D**Use of Force Review, Form 99**

Form 99

**USE OF FORCE REVIEW (SUPERVISORS)****SUPERVISOR'S DETAILS:**

CC #: _____

Name: _____ Seq. #: _____ Assignment: _____

DISCLOSURE:

1. Did you witness this Use of Force incident? ☐ Yes ☐ No
2. If present, did you have any physical contact with the subject of the force? ☐ Yes ☐ No
3. Did you direct any of the actions of your subordinates prior to, or during this UoF incident, which directly caused the involved member to have contact with the subject of the use of force? ☐ Yes ☐ No

If you answered **YES** to any of the questions above, **STOP**; another supervisor must complete the UoF review

Highest Level of Force Used (select one): ☐ Level 1 ☐ Level 2 ☐ Level 3

If you circled **Level 3**, **STOP**; and **notify SIRT immediately** to complete the UoF review

Level 1 Use of Force — Includes:	Level 2 Use of Force — Includes	Level 3 Use of Force — Includes
<ul style="list-style-type: none"> Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip), and pressure point compliance techniques. Force under this category is not reasonably expected to cause injury, Pointing a firearm, Less-Lethal Launcher, or CEW at a person, "Displaying the arc" with a CEW as a form of warning, and Forcible takedowns that do not result in actual injury or complaint of injury. 	<ul style="list-style-type: none"> Force that causes or could reasonably be expected to cause an injury greater than Temporary Pain or the use of weapons or techniques listed below — provided they do not otherwise rise to a Level 3 Use of Force: Discharge of a CEW in Drive-Stun or Probes Deployment, in the direction of a person, including where a CEW is fired at a person but misses, Use of OC spray or other Chemical Agents in the direction of a person, Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks, Discharge of a Less-Lethal Launcher/Munitions in the direction of a person, Canine-inflicted injuries that do not rise to a Level 3 Use of Force, Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and Striking of a person or a vehicle with a vehicle that does not rise to Level 3 Use of Force 	<ul style="list-style-type: none"> Strikes to the head, neck, sternum, spine, groin, kidneys, or kidney area with an impact weapon, Firearm discharges by a BPD member, intentional or unintentional, that place a person at risk of injury, excluding discharges by a member while performing administrative unloading of a weapon where no BPD members or members of the public are at risk, Applications of more than three (3) CEW cycles in a single encounter, regardless of the mode or duration of the application, and regardless of whether the applications are by the same or different members, CEW application for longer than 15 seconds whether the application is a single continuous application or from multiple applications, Uses of Force resulting in death, Serious Physical Injury, loss of consciousness, or requiring hospitalization, and Uses of Deadly Force/Lethal Force, such as: <ul style="list-style-type: none"> Intentionally striking a person's head against a hard, fixed object such as a roadway, concrete floor, wall, or iron bars; Knee strikes or kicks to a person's head or neck;

APPENDIX D**Use of Force Review, Form 99****SUPERVISOR INVESTIGATIVE ACTIONS:**

Supervisor arrival time on scene: _____

Did supervisor activate their BWC upon arrival: ☐ Yes ☐ No

If no, explain: _____

Were all involved and witnessing officers interviewed separately: ☐ Yes ☐ No

If no, explain: _____

Were all civilian witnesses interviewed: ☐ Yes ☐ No

If no, explain: _____

Was subject handcuffed at the time of the Use of Force: ☐ Yes ☐ NoWas subject interviewed: ☐ Yes ☐ No

If no, explain: _____

Was the scene documented through photos: ☐ Yes ☐ No

If no, explain: _____

Were all involved members and persons photographed: ☐ Yes ☐ No

If no, explain: _____

AREA CANVASS:Was an area canvass completed? ☐ Yes ☐ No

If yes, describe area/perimeters including street names:

Aside from BWC, were there any CCTV Cameras or private cameras in the area?

CCTV Camera(s): ☐ Yes ☐ No Location(s): _____Private Camera(s): ☐ Yes ☐ No Location(s): _____Other (I.E. cell phone): ☐ Yes ☐ No Owner/Location(s): _____If footage was found, did you attempt to secure and review it? ☐ Yes ☐ No

If no, explain: _____

If footage was found, did you complete a video retrieval request and submit to CECU? ☐ Yes ☐ No ☐ N/A

If No, Explain:

APPENDIX D**Use of Force Review, Form 99****DE-ESCALATION:**Were de-escalation tactics used? ☐ Yes ☐ No

If no, explain: _____

Did the involved member give verbal commands prior to action? ☐ Yes ☐ NoDid the involved member create distance? ☐ Yes ☐ NoDid the involved member speak in a calm manner? ☐ Yes ☐ NoDid the involved member use cover? ☐ Yes ☐ NoWas a negotiator required? ☐ Yes ☐ NoIf yes, did the involved member call for a negotiator? ☐ Yes ☐ NoWere specially trained officers/unit (CIT Trained) needed? ☐ Yes ☐ NoIf yes, did the involved member request the unit? ☐ Yes ☐ NoDid the involved member escalate prior to force? ☐ Yes ☐ No**COUNSELING, TRAINING AND MISCONDUCT REFERRALS:**Did you issue a written counseling to any officers involved in the UoF incident? ☐ Yes ☐ No ☐ N/A

If Yes, explain for each officer (attach counseling form):

Were you directed or have you referred any officers involved in the UoF incident for additional training? ☐ Yes ☐ No ☐ N/A

If yes, explain for each officer:

Did you refer this incident to your Command or PIB for excessive force or misconduct? ☐ Yes ☐ No ☐ N/A

If yes, explain for each officer (List all BlueTeam entries):

Was the subject of an excessive force provided with PIB & CRB contact numbers? ☐ Yes ☐ No ☐ N/A

If yes, list the date & time: _____

If no, explain: _____

APPENDIX D**Use of Force Review, Form 99****OFFICER SAFETY AND WELLNESS:**

Did you refer involved officer(s) to Officer Safety and Wellness? ☐ Yes ☐ No

If no, explain: _____

RENDERING OF OPINION:

Do you reasonably believe each use of force was consistent with Departmental Policy and training? ☐ Yes ☐ No

Explain whether the Use of Force was reasonable, necessary, and proportional for each involved member. Detail any uses of force that you believe were outside of policy:

APPENDIX E**Public Safety Briefing, Form 97**Public Safety Statement
Form 97/16**Baltimore Police Department
Public Safety Statement (Officer Involved Shooting)**

C.C.#: _____

Date: _____

Directions to on-scene supervisor:This is a compelled statement. The permanent-rank supervisor compelling this statement:

- Will not deviate from its content.
- Will disseminate public safety information immediately via radio as appropriate.

The police supervisor receiving this information is required to submit a written statement to the Special Investigations Response Team. The statement is to include that the Public Safety Statement was formally given to the involved officer, the content of the answers given by the involved officer, and the supervisor did not deviate from the specified questions.

"Officer, I am directing you to give me a public safety statement. Due to the immediate need to take action, you are ordered to answer the following questions listed below. If you refuse to answer these questions relating to the performance of your official duties, you will be subject to Department charges, which could result in your dismissal from the Department."

Requesting Supervisor's Name _____

Seq# _____

Time _____

"At this time and to the **best of your knowledge**, please answer the following":


1. From where and in what direction did you fire rounds?
2. In what direction did the suspect(s) fire rounds?
3. If you know of anyone injured, what is her/his location?
4. If any suspects are outstanding, what are their descriptions?

Supervisors: If there are no outstanding suspects, proceed directly to question #5, otherwise ask questions #4 (a-d).

- a. What was their direction of travel?
 - b. How long have they been gone?
 - c. With what weapons were they armed?
 - d. Are there any other safety risks known about the outstanding suspect(s)?
5. Does any evidence need protection?
 6. Any known witnesses?
 7. Where are they located?

"Officer _____, in order to prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors or command staff, prior to the arrival of the assigned investigators, with the exception of your legal representation."

APPENDIX F**Force Review Extension Request, Form 25**

 <div style="display: inline-block; vertical-align: middle; text-align: center;"> Baltimore Police Department Audits and Inspections Section Force Review Extension Request </div>			
Assignment of Member Who Used Force:	Central Compliant #:	NIC #:	Reportable Force Level Used: <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2
Commander of Member Who Used Force (Print):	Division Chief of Member Who Used Force (Print):		<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Commander of Member Who Used Force (Sign):	Division Chief of Member Who Used Force (Sign):		
Date of Incident:	Due Date:	Maximum Extension Date: (45 Days from Incident)	
<i>Explanation for Consideration of an Extension:</i>			
Audits and Inspections Section: _____			<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Date : _____			

APPENDIX G**Use of Force Preliminary Review Checklist for Supervisor****Baltimore Police Department****Use of Force Preliminary Review Checklist for Supervisors**

#	Action Steps	Y	N	Comment
1.	Identify all involved members.			
2.	Collect Form 96A from involved member(s) in Level 1 and Level 2 Reportable Use of Force Incidents.			
3.	Identify all witnessing members.			
4.	Collect Form 96B from witnessing member(s) in ALL Reportable Use of Force Incidents.			
5.	Identify and interview all witnessing civilians.			
6.	Attempt to obtain written statements from civilian witnesses			
7.	Obtain contact information for witnessing civilians.			
8.	Ensure Crime Lab recovers/submits any items of evidentiary value.			
9.	Take note of any CCTV or other surveillance cameras in area, document locations, and attempt to review and retrieve the footage; if unable to view or retrieve document reason why. If footage is retrieved, upload the footage into Blue Team.			
10.	Review and tag body-worn camera (BWC) footage.			
11.	Note any departmental or private property damaged as a result of a member's involvement and photograph the damage.			
12.	Photograph all injuries and/or claims of injury to anyone involved.			
13.	Photograph anyone involved to denote the lack of injury to each participant when applicable.			
14.	Photograph the exact location of the body where CEW probes, baton strikes, hand/foot strikes, etc. impacted the body of the suspect or officer.			
15.	Photograph the scene in an attempt to accurately depict lighting, weather, vehicle placement, points of cover, etc.			
16.	Include drawings if they can help explain the facts in a complex incident.			
17.	Document your on-scene actions.			
18.	Include a brief summary of the disposition of the subject after force was used (e.g., released, charges filed, sent to the hospital for evaluation, etc.)			
19.	Render an opinion as to whether or not the use of force was consistent with departmental policy and training.			
20.	Complete Blue Team entry prior to the conclusion of your tour of duty.			

Appendix H

Use of Force Review Submission Table

Rank	Force Review Submission Timeframe <i>(23 Day Submission Period, unless granted an extension)</i>			
	End of Tour	72 Hours	10 days	10 Days
Sergeant	Initial Entry Level 1 & 2	Complete Review Level 1 & 2		
		Extension		
Lieutenant	Initial Entry Level 1 & 2	Complete Review Level 1 & 2	Complete Review of Sergeant's Review Level 1 & 2	
		Extension		
Captain or Major			Complete Review of Sgt. and Lt. Investigation and Close Level 1	Complete Review of Sgt. and Lt. and Submit Level 2 to UFAU

**Captains/Majors shall re-submit any reports that were returned for corrections by the UFAU within five (5) working days of receipt.*