Policy 1115

Subject	
USE OF FORCE	
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By Order of the Police Commissioner

TABLE OF CONTENTS

POLICY 1
CORE PRINCIPLES 2
DEFINITIONS 3
General Terms 3
Levels of Resistance Encountered: 4
Types of Force: 5
Non-Reportable Actions: 6
Reportable Force 7
DIRECTIVES 9
Use of Force 9
De-Escalation 9
Critical Thinking 10
Restrained Persons 10
Dangerous Animals 11
Use of Deadly Force/Lethal Force 11
Restrictions on the Use of Deadly Force/Lethal Force 12
REQUIRED ACTION 12
Duty to Intervene 12
Duty to Provide Medical Assistance 13
Youth 13
Reporting 14
REFERENCED POLICIES 15

POLICY

The purpose of this policy is to establish when a member may use force, and members' duties before, during, and after the Use of Force. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully.

CORE PRINCIPLES

Sanctity of Human Life. Members shall make every effort to preserve human life in all situations.

Value and Worth of All Persons. All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.

Peaceful Resolutions. Members shall avoid the Use of Force unless no reasonably effective alternative exists .

De-Escalation. Members shall use, where Feasible, De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force Necessary (See Policy 1107, *De-Escalation*).

Avoiding Escalation. Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.

Warn where Feasible. Where Feasible, a person shall be given direction and the opportunity to comply prior to being subjected to a Use of Force.

Assessment. Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force consistent with the Critical Decision-Making Model.

Use of Force: Reasonable, Necessary, and Proportional. Members shall use only force that is Reasonable, Necessary, and Proportional to respond to the threat or resistance to effectively and safely resolve an incident and will immediately reduce the level of force as the threat or resistance diminishes.

Reporting Use of Force. Each member who uses force, or observes another member or members use force, shall immediately ensure a supervisor is notified in a timely manner. This notification shall, occur while at an incident scene unless it is not possible to do so. Involved and witnessing members will accurately and completely report the Use of Force by the end of their tour of duty. (See Policy 725, *Use of Force Reporting, Review, and Assessment*).

Duty to Intervene. Members shall intervene to prevent abusive conduct or the use of excessive force by another member. (see Policy 319, *Duty to Intervene*).

Duty to Provide Medical Assistance. After any Use of Force incident, where it is safe to do so, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance. If restrained, persons are not to be positioned facedown as it may cause positional asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.

Accountability. Members shall be held accountable for uses of force that violates law or policy.

Retaliatory Force. Members are prohibited from using force to retaliate or punish people. This includes retaliatory force used against persons who are/were engaged in: First Amendment protected activities, fleeing, resisting arrest, assault on police, or any other reason. (See Policy 804, *First Amendment Protected Activity*).

Minimization of Injury. Given equally effective options to accomplish a lawful objective, Members should make reasonable efforts to prioritize techniques and tactics that reduce the risk of injury for everyone involved, including the subject, members, and the public.

DEFINITIONS

General Terms

De-Escalation Techniques — De-Escalation Techniques are actions taken by members that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical re-positioning and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully (See Policy 1107, *De-Escalation*).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the member or another person.

Imminent Threat — A person presents an Imminent Threat when the person has the means and ability to harm the member or another person, and the member reasonably believes the person intends to deliver that harm.

Reasonable, Necessary, and Proportional — The review of every Use of Force shall be to determine whether it was 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.

Physical or Bodily Injury (also "Injury") - Impairment of physical condition greater than Temporary Pain. Includes abrasions, bruising, and swelling as well as more significant impairment.

Serious Physical Injury — Serious Physical Injury is when there is disfigurement or substantial disruption or harm to one or more body parts, organs, or systems. The term includes, for example, brain injury, with or without unconsciousness, gunshot wounds, cardiac arrhythmia, injury that reduces the subject's ability to sustain adequate breathing, cardiac or respiratory arrest, broken bones, dislocations, torn ligaments or tendons, or significant bleeding. This list is not exhaustive and is intended only to provide representative examples for guidance.

Temporary Pain — Transient pain or disorientation or complaint of pain or disorientation. Temporary Pain is brief and does not result in or relate to injury (physical damage to body tissues such as bones, muscles,

or tendons), including when delivered as a means to gain compliance. Temporary Pain may result from the application of, but is not limited to, techniques that place joints at maximum range of motion to cause pain/discomfort, pressure point techniques, and/or forcible takedowns that do not result in injury or complaint of injury.

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.

Youth — A person who is under 18 years of age. For purposes of this policy, a Youth is an individual with whom a member is interacting that: a member knows (e.g., through prior interaction, Youth self-reporting) is under 18 years of age, or whose Youth status is objectively apparent to a reasonable member.

Levels of Resistance Encountered:

Resistance — Members may face the following types of Resistance to lawful directives:

Passive Resistance — Passive Resistance is when a non-assaultive person fails to comply with the member's commands without attempting to flee. Passive Resistance may include, but not be limited to, going limp, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent being taken into custody.

Active Resistance — Active Resistance is when a person moves to avoid detention or arrest but does not attack or attempt to attack the member or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the member's grasp are all examples of Active Resistance. Verbal statements, bracing, or tensing alone do not constitute Active Resistance. A person's reaction to pain caused by a member or purely defensive reactions to force does not constitute Active Resistance.

Active Aggression — Active Aggression is when a person attacks or attempts to attack a member or another person. Strikes, kicks, or attempted strikes or kicks with hands, fists, the head, elbows, knees, or an instrument, constitute Active Aggression.

Aggravated Aggression — Aggravated Aggression is when a person presents an Imminent Threat of death or Serious Physical Injury to the member or another person based on the Totality

of the Circumstances. Aggravated Aggression represents the least encountered but most serious threat to a member or other person. Even when confronted with Aggravated Aggression, the member is required to make every reasonable effort to de-escalate and to continuously assess the member's Use of Force.

Types of Force:

Chemical Agents — Substances designed to irritate the eyes and mucous membranes (CS gas, PepperBall, Mk-9 Pepper Fogger, smoke, etc.).

Chokehold – A Chokehold is any hold or contact that runs a reasonable risk of inhibiting breathing by compression of the airway in the neck. Chokeholds are prohibited unless the use of Deadly Force/Lethal Force is justified and no reasonable force alternative exists.

Neck Hold (AKA "Carotid/Vascular Restraint") – A neck restraint, hold, or other defensive tactic where pressure is applied to the sides of a person's neck, creating a substantial risk of restricting blood flow and potentially rendering the person unconscious. Neck Holds are prohibited unless the use of Deadly Force/Lethal Force is justified and no reasonable force alternative exists.

Conducted Electrical Weapon (CEW) — A weapon designed to discharge electrical impulses.

Probes Deployment — the primary way that CEWs are used. Occurs when a cartridge is attached and pulling the trigger fires a probe with barbs on the end that can penetrate the clothing or skin of a person.

NOTE: TASER 10 (T10)[1] deploys a single probe with each trigger pull. **Two probes (two trigger pulls) must be fired and make connect with the person** to establish an electrical circuit that delivers pulsed electricity into the person and overrides the person's voluntary motor function (Standard Cycle). The probes are connected to the CEW by wires. Probes Deployment also causes significant pain.

Improvised Impact Weapon — An Improvised Impact Weapon is a device or object that is not a department-approved weapon but is nonetheless used as an impact weapon (e.g., flashlight, radio, or stick). Such weapons may be unpredictable, ineffective, or exert unexpectedly high levels of damage (e.g., board with protruding nail). Consequently, members shall use Improvised Impact Weapons only in rare, emergency conditions where members lack an authorized Baton or other approved less-lethal alternatives, and use of an Improvised Impact Weapon is reasonable and necessary to defend against a person displaying Active or Aggravated Aggression.

Less-Lethal Force — Force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or Serious Physical Injury. Devices of Less-Lethal Force may include, but not be limited to, a DS-3027 bean bag, FN-303, Pepper Ball rounds, batons/impact weapons, O.C. spray, and CEW. The way a Less-Lethal Force device is used and the circumstances in which it is used could constitute Deadly Force/Lethal Force.

Less-Lethal Launchers/Munitions — A delivery tool that, when used as designed and intended, is less likely to cause death or Serious Physical Injury than a conventional lethal weapon such as a firearm. Less-Lethal Launchers/Munitions are only approved for use by certified members.

[1] TASER 10 is a trademark of Axon Enterprise, Inc.

Deliberate Vehicle Contact – Any intentional vehicle-to-vehicle contact, whether by a member or non-member. Includes Vehicle Pinch and Vehicle Strike. Deliberate Vehicle Contact is not a reportable collision under Policy 905, *Traffic Crash Investigation And Reporting*, or Policy 908, *Departmental Vehicle Crashes*.

Vehicle Pinch (AKA "Vehicle Pinning") – A pre-emptive containment tactic used by 1 or more police vehicles on a stationary or near-stationary target vehicle. A Vehicle Pinch is intended to eliminate the gap required for the suspect to generate momentum and flee. At minimum, a Vehicle Pinch generally involves positioning 2 police vehicles in direct contact with the target vehicle's bumpers (front and rear). In cases where a target vehicle is positioned against an obstacle that prevents movement in that direction, a Vehicle Pinch may be conducted by a single police vehicle contacting the opposite bumper. A properly conducted Vehicle Pinch is not considered a Use of Force.

Vehicle Strike (AKA "Ramming") – Deliberate Vehicle Contact by a police vehicle with the intent to strike another vehicle with significant impact for the purpose of interrupting or incapacitating that vehicle. Ramming is always a Use of Force. This includes, but is not limited to, a departmental vehicle ramming a suspect vehicle or redirecting the suspect vehicle into another vehicle or object. Does not include a properly conducted Vehicle Pinch.

NOTE: Operating a vehicle so that it intentionally strikes a person will be considered a Use of Force regardless of speed.

Use of Force — Any Use of Force, complaint of force made after contact, or threat of force that falls within Level 1, Level 2, or Level 3 force as defined in this policy regardless of whether these techniques make contact or result in visible injury.

Non-Reportable Actions:

Non-Reportable Actions – Actions that are meant to separate, guide, and/or control in a manner that does not cause Temporary Pain or Injury and is not likely to cause Temporary Pain or Injury provided they do not otherwise rise to a Level 1, 2, or 3 Use of Force. While a supervisor must be notified if there is a question regarding whether or not Reportable Force occurred, these actions by themselves are not reportable as Uses of Force under Policy 725, *Use Of Force Review And Assessment*. Examples of these actions include:

- Handcuffing of a subject, including where a person is handcuffed by overcoming resistance so long as the handcuffing does not involve Injury or intentional infliction of Temporary Pain
- Escort holds that do not involve Injury or intentional infliction of Temporary Pain
- Guiding touch and low-level control holds that do not involve Injury or Temporary Pain (e.g., holding waistband, holding forearm, grasping interlaced fingers during Weapons Pat-Down, etc.)
- Lifting or moving a subject exhibiting Passive Resistance.
- Vehicle Pinch where there is no Injury or complaint of Injury.
- Using physical contact to separate people who are trying to fight
- Pointing a Firearm while clearing a location consistent with Level 1 Use of Force Exceptions 1 & 2 below

NOTE: Non-Reportable Actions must still be Reasonable, Necessary, and Proportional. However, only Reportable Force must be documented consistent with Policy 725, Use of Force Reporting, Review, and Assessment.

NOTE: Whether or not a Use of Force is authored, contact with citizens, including Field Interviews and Investigative Stops, must be documented consistent with Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*.

Reportable Force

Reportable Force — All force other than Non-Reportable Actions. Consists of Level 1, Level 2, and/or Level 3 Use of Force.

Level 1 Use of Force — Force greater than a Non-Reportable Action that is reasonably expected to cause, at most, Temporary Pain. Also includes the below provided it does not otherwise rise to a Level 2 or 3 Use of Force:

- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance. This includes hand control or escort techniques (e.g., twist-lock hand grip or handcuff chain twist) techniques that place joints at maximum range of motion to cause pain/discomfort, 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 (see EXCEPTION#2 below for supervisor review and reporting requirements),
- "Displaying the arc" with a CEW as a form of warning, and
- Forcible takedowns

EXCEPTION #1: SWAT team members and members assigned to work on a federal task force will not be required to report the pointing of a firearm, Less-Lethal Launcher, or CEW at a person as a Use of Force during the execution of SWAT team or federal task force duties.

EXCEPTION #2: Pointing of a firearm, Less-Lethal Launcher, or CEW at a person by any member, if done solely while entering and securing a building in connection with the execution of an arrest or search warrant or responding to a call for service in relation to clearing a building (e.g., silent alarm), will not be a Use of Force. A permanent-rank supervisor must complete a Weapons-Pointing Report in Axon detailing the incident regardless of whether the person at whom the firearm was pointed was a suspect or otherwise. That report shall explain the actions taken and whether they were consistent with this policy. However, if Reportable Force was used the entire incident (weapons pointing and Reportable Force) will be reported in the standard Use of Force Assessment. (See Policy 725, *Use of Force Reporting, Review, and Assessment)*.

Level 2 Use of Force — Force or show of force that causes Injury, complaint of Injury, OR if successful, could reasonably be expected to cause Injury but not Death or Serious Bodily Injury. Also includes the below provided they do not otherwise rise to a Level 3 Use of Force:

- Discharge of a CEW in 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 strikes 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,
- Impact Weapon Strikes, Improvised Weapon Strikes, and Canine-inflicted injuries, including attempted strikes and use of canine as apprehension tool (bite) whether or not contact results in injury,
- Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and
- Vehicle Strike or any intentional striking of a person with a vehicle.

NOTE: Whether or not Deliberate Vehicle Contact is a Vehicle Strike will depend on the facts demonstrating an intent to disable the vehicle through "significant impact." Contact with the suspect vehicle at or below 10 mph will not generally constitute "significant impact," but this will be fact-dependent and requires assessment by the responding supervisor.

Level 3 Use of Force — Force that could reasonably be expected to cause Serious Bodily Injury or Death. Also includes:

- Canine bite, impact weapon, or Improvised Impact Weapon strike to the head, neck, sternum, spine, groin, kidneys, or kidney area,
- 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 placed at risk of direct fire, ricochet, or shrapnel,
- Application 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 of combined Cycles 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

NOTE: Inadvertent administrative firearm discharges that are not considered a Level 3 Use of Force must still be investigated as Negligent Discharge and handled accordingly. See Policy 409, *Firearm Regulations*.

NOTE: Hospitalization refers to admission to the hospital and does not include treatment and release in the emergency department, no matter how long the stay is.

Deadly/Lethal Force - Any force likely to cause death or Serious Physical Injury, whether the member intended to cause death or Serious Physical Injury or not. The following are classified as Deadly/Lethal Force:

- Discharge of a firearm at a person.
- Strikes with any hard object to the person's head, neck, sternum, spine, groin, or kidneys. This includes impact weapons, Improvised Impact Weapons, and deployment of Less-Lethal munitions,
- 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;
- Any strikes to a person's throat;
- "Knee drops" against a prone or supine person's head, neck, or torso;
- Chokeholds/Neck Holds;

- Applying extreme leverage, pressure, or twisting force to a subject's neck—including but not limited to severe rotational manipulation of the head or sustained pinning of a subject using body weight, knee, or hard object directly on the neck.
- The use of any force on a person whose health, age, condition, or circumstances make it likely death or Serious Physical Injury will result.
- Intentional CEW deployment to the head, throat, chest/breast, or groin

DIRECTIVES

Use of Force

1. Sworn members have the authority to use Reasonable force when Necessary to accomplish lawful ends and Proportional to the threat faced. This authority is limited by and must conform to the laws of the State of Maryland, federal law, the United States Constitution, and the provisions of this policy.

2. When members use force, they shall exercise the utmost restraint.

3. Members may only use weapons and/or force techniques that are allowed by policy and on which the member is trained, unless warranted by the Totality of Circumstances.

4. Where safe and Feasible, members shall De-Escalate and attempt persuasion, instruction, and warning prior to the use of physical force.

NOTE: Whether a warning is Feasible will depend on the situation, including the threat posed, the force to be used, the need for immediate action, and the existence of safe alternatives. If immediate action is necessary to counter an imminent safety threat, then a warning might not be advisable.

NOTE: An effective warning should be clear on what the member wants the person to do to avoid the necessity of the member using force. "Stop advancing or you will be Tased" provides clear direction and information on what will happen if the person does not stop. On the other hand, "you're going to get Tased" does not tell the subject what to do to avoid being Tased. Similarly, "Put your hands behind your back" gives clearer direction than "stop resisting."

De-Escalation

De-Escalation Techniques mitigate threats and give members time to utilize extra resources and increase time available to call more members or specialty units (See Policy 1107, *De-Escalation*).

5. Members shall utilize verbalization, time, distance, and cover as De-Escalation Techniques, when time and circumstances permit, to de-escalate a situation, deploy a lesser force option, or preclude the Use of Force entirely.

6. Members shall not unduly jeopardize their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a person without proper evaluation of the situation, failing to leave sufficient space between the member and the person, closing the reactionary gap, or unnecessarily escalating a situation.

7. Members shall immediately reduce their level of force as the threat diminishes.

8. If the member has no reasonably effective alternative to using force, the member shall use only the amount of force that is Reasonable, Necessary and Proportional to respond to the threat or resistance. This applies to both Reportable Force and Non-Reportable Actions.

Critical Thinking

9. Prior to using force, members shall employ the critical decision-making model (CDMM) to analyze and respond to incidents. This framework will allow members to uphold the sanctity of life and protect themselves by de-escalating and stabilizing a situation to minimize the likelihood of a Use of Force incident. Using this framework, members will:

    9.1. Assess the situation, threats, and risks;

    9.2. Gather relevant facts about the incident;

    9.3. Consider police powers and BPD policy;

    9.4. Identify options and determine the best course of action; and

    9.5. Act, review, and re-assess the situation.

Restrained Persons

10. Members shall not use Reportable Force against persons who are securely handcuffed or otherwise restrained, except in exceptional circumstances where the Totality of Circumstances makes it Reasonable and Necessary to prevent injury or escape. Members are cautioned that force that may be Proportional against an unrestrained person may not be Proportional when used on a restrained person. As with any Use of Force, members must follow above requirements related to De-Escalation Techniques and critical thinking to avoid the Use of Force.

NOTE: This does not mean that members shall allow the restrained person to escape, harm themselves, or place anyone at risk of injury (ex: striking head against wall, placing themselves in a dangerous position, kicking window that would result in them coming in contact with broken glass, kicking metal/wood that would result in them coming into contact with broken metal/wood, etc.).

11. Members shall **not** position an already-restrained person face-down as it may cause positional asphyxia, nor will members place persons on their back with one or more arms handcuffed underneath them as it can cause radial nerve damage to the wrist and forearm area. Restrained persons are to be seated, placed on their side, or otherwise placed in a position that the person finds comfortable. This paragraph is subject to positioning needed for medical treatment and as required by Policy 1121, *Persons in Hospital Environments*.

12. Every injury that is reported to have occurred during transport shall be reviewed as a Use of Force or, if the alleged injury resulted from a vehicle collision, investigated as part of a vehicle crash investigation. See Policy 908, Departmental Vehicle Accidents.

Dangerous Animals

13. Members are permitted to use Deadly Force/Lethal Force to stop a dangerous animal in circumstances where the animal reasonably appears to pose an imminent threat to human or animal safety and alternative options are not available or would likely be ineffective.

    13.1. Members frequently encounter canines and shall assess the environment and observe the canine's body language. Simple techniques such as distraction, separation and containment can eliminate an imminent threat posed by the canine and reduce the need for a Use of Force.

Use of Deadly Force/Lethal Force

14. The use of Deadly Force/Lethal Force shall always be the last resort.

15. Members shall not use Deadly Force/Lethal Force unless De-Escalation (See Policy 1107, *De-Escalation*), and Less-Lethal Force options have failed or would be impractical or unsafe based on the Totality of Circumstances.

16. A member may use Deadly Force/Lethal Force only when they reasonably believe such action is immediately necessary to protect the member or another person from an Imminent Threat of death or Serious Physical Injury.

    16.1. Deadly Force/Lethal Force shall not be used against persons whose conduct is a threat only to themselves.

17. Prior to the decision to employ Deadly Force/Lethal Force members shall consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life.

18. If Deadly Force/Lethal Force is authorized and no reasonable alternatives exist, the member shall clearly visualize the intended target before discharging a firearm.

19. Where Feasible, members shall identify themselves as a law enforcement member and state their intention to use Deadly Force/Lethal Force before employing Deadly Force/Lethal Force.

20. A member may use Deadly Force/Lethal Force to prevent the escape of a fleeing person if force is authorized and no Reasonable force alternative exists that is within BPD policy, the member has given a verbal warning to the person where Feasible, and there is probable cause to believe that:

    20.1. The person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death, and

    20.2. The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the member or another unless the person is apprehended without delay, and

    20.3. Members have identified themselves as law enforcement members, have stated their intention to use Deadly Force/Lethal Force, and have given the person a reasonable opportunity to comply voluntarily where Feasible.

Restrictions on the Use of Deadly Force/Lethal Force

21. Deadly Force/Lethal Force shall not be used to subdue persons whose conduct is a threat only to property.

22. Firing warning shots with a firearm is prohibited.
23. Indiscriminately firing into crowds with a firearm is prohibited.

NOTE: This prohibits firing at a threat where there is no reasonable way to ensure that rounds from your weapon will not unnecessarily endanger persons against whom Deadly Force is not justified.

24. Members shall not fire any weapon from or at a moving vehicle, except:

    24.1. To counter an immediate threat of death or Serious Physical Injury to the member or another person by a person in the vehicle using means other than the vehicle;

    24.2 When a person is using the vehicle as a weapon (ex: driver is using a truck to inflict mass causalities on a crowd); or

    24.3. To counter a situation where the member or another person is unavoidably in the path of the vehicle and cannot move to safety. Members shall not intentionally position themselves in the path of a moving vehicle where they have left themselves no option but to use Deadly Force/Lethal Force.

25. For the exceptions from #24.1 and #24.2 above to apply, members shall ensure that ALL of the below were exhausted:

    25.1. No other method is reasonably available to stop the vehicle; AND

    25.2. Incapacitating the driver will not increase the danger posed; AND

    25.3. All other factors relevant to use of Deadly Force/Lethal Force have been satisfied, including the presence of others who may be struck by fired rounds, ricochet, and/or the uncontrolled vehicle.

NOTE: Refer to Policy 409, *Firearms Regulations*, for instructions on the use of firearms.

REQUIRED ACTION

Duty to Intervene

26. Members shall intervene to stop any member from using force outside of policy. Intervention may be verbal and/or physical (see Policy 319, *Duty to Intervene*).

27. In instances where it is clear that sworn, non-agency personnel are using excessive, unconstitutional force, members have a duty to intervene to the extent Feasible under the circumstances.

    27.1. Duty to intervene does not require physical intervention where it is not safe or Feasible to do so.

27.2. In cases where it is unsafe or impractical to verbally or physically intervene, members shall notify a supervisor of the situation.

28. During a rapidly unfolding situation, members shall exercise extreme caution prior to intervening. Members without full knowledge of the situation shall consider the totality of the circumstances and the possibility that those involved may have additional information regarding the threat posed by the subject.

29. Members shall keep in mind that other agencies are not required to follow BPD Policy while carrying out their duties. Some agencies are also not required to follow Maryland law. In cases where it is not clear, members shall consult a supervisor for guidance.

Duty to Provide Medical Assistance

30. When there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, where safe to do so members shall immediately render aid consistent with their training and shall request that a medic respond to the scene, or transport the person directly to the nearest hospital emergency room. The member shall then notify their supervisor and the Communications Section.

31. If a person has been impacted by any type of Less-Lethal Force including CEW, impact weapons or impact projectile, members shall, where safe to do so, provide the individual with medical treatment. If the person refuses medical treatment or leaves the location (e.g., persons of an unlawful gathering dispersed by Less-Lethal Force that may voluntarily leave without aid), members must document the actions taken to identify and render aid to the person in their associated Use of Force reporting.

Youth

32. Members shall recognize that a Youth may not comply right away with orders and that multiple attempts may be needed without resorting to the use or threat of force.

33. When force against a Youth is Necessary, members shall take into account articulable personalized factors of the Youth including: apparent age of the Youth, body size, and relative strength of the member relative to the Youth; and risk posed by the child or young person; and,

34. If a Youth is injured resulting from a Use of Force, members shall ensure that a supervisor or a member not involved with the Use of Force will notify the Youth's parent, guardian, or other responsible adult.

NOTE: This is in addition to standard requirements for any Use of Force (render aid, summon medical care, notify a supervisor, etc.).

35. Members shall refer to Policy 1202, *Interactions with Youth*, for additional requirements related to Youth interactions.

Reporting

36. All members shall adhere to the Use of Force guidelines found in Policy 725, *Use of Force Reporting, Review, and Assessment.*

37. Members shall ensure that a permanent-rank supervisor is notified immediately, or as soon as practicable, following a Use of Force.

    37.1. **In any instance where a member is uncertain whether their actions constitute a Use of Force, the member shall err on the side of caution and consult with a supervisor to determine if a notification is required.**

    37.2. Where a member is uncertain whether a Non-Reportable Action should be considered a Use of Force, Members shall provide the supervisor sufficient information about Non-Reportable Actions to determine whether a Use of Force actually occurred.

    37.3. The supervisor shall notify the Shift Commander no later than the end of the shift during which Reportable Force occurred. The notification will contain basic information concerning the incident.

38. Any member with knowledge that another member used reportable force shall also ensure that the Use of Force was reported to a permanent-rank supervisor.

39. In all instances, a permanent-rank supervisor will conduct a thorough review of the Use of Force consistent with Policy 725, *Use of Force Reporting, Review, and Assessment*.

40. Where a question exists regarding whether a Use of Force occurred, the supervisor shall:

    40.1. Ensure they have sufficient information to determine that the incident was a Non-Reportable Action, not a Use of Force.

    40.2. Where additional facts are necessary, before end of shift review the incident, including BWC if available, to determine that the incident was Non-Reportable Action and that it was Reasonable, Necessary, and Proportional.

    40.3. If the supervisor determines that notification or actions taken were inconsistent with departmental standards, appropriate action must be taken consistent with policy.

NOTE: Only Reportable Force must be documented in BlueTeam consistent with Policy 725, *Use of Force Reporting, Review, and Assessment*.

NOTE: Whether or not a Use of Force is authored, contact with citizens, including Field Interviews and Investigative Stops, must be documented consistent with Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*.

41. No member, whether commander, supervisor, or member, shall prevent, inhibit or otherwise affect fulfillment of any of the requirements of this policy or affect the ability of the Department to conduct an investigation of any misconduct arising from a Use of Force incident or to otherwise discipline a member for any violation of this policy.

REFERENCED POLICIES

Policy 319, *Duty to Intervene*
Policy 409, *Firearms Regulations*
Policy 725, *Use of Force Reporting, Review, and Assessment*
Policy 804, *First Amendment Protected Activity*
Policy 905, *Traffic Crash Investigation And Reporting*
Policy 908, *Departmental Vehicle Crashes*
Policy 1107, *De-Escalation*
Policy 1112, *Field Interviews, Investigative Stops, & Weapons Pat-Downs*
Policy 1121, *Persons in Hospital Environments*
Policy 1202, *Interactions with Youth*

RECISSION

Rescind Policy 1115, *Use of Force*, dated 17 June 2026.

COMMUNICATION OF POLICY

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