



Policy 725

Subject

USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT

Date Published

24 November 2019

Page

1 of 28

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.

CORE PRINCIPLES

1. **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 this policy. Use of Force Levels are:

Level 1 Use of Force — Includes:

- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, including 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 an 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.

NOTE: Escorting, touching, or handcuffing a person with minimal or no resistance does not constitute a Level 1 Use of Force.

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 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 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, will not be a Use of Force. A permanent-rank supervisor must complete a Form 93, Weapons-Pointing Report (Appendix A) detailing the incident in this situation, and submit to their District or Unit Commander.

Level 2 Use of Force — Includes:

- 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 probe mode, 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,
- 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 an 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,
- Striking of a person or a vehicle with a vehicle that does not rise to Level 3 Use of Force.

Level 3 Use of Force — Includes:

- Strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon,
- Firearm discharges (including unintentional firearm discharges),
- 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 injury requiring hospitalization, and
- Uses of deadly force/lethal force.

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.

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 categorized as a Level 1, Level 2, or Level 3 Use of Force.
3. Any permanent-rank supervisor may opt to adjust the Use of Force level based upon the circumstances of the incident.
4. 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 by any member during the incident.

DIRECTIVES**Level 1 Use of Force/Threat of Force**

1. Members whose actions constitute a Level 1 Use of Force and/or Threat of Force shall immediately notify a permanent-rank supervisor.

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

2. Involved Members shall submit a Force Report, Form 96 by the end of their tour of duty. The Force Report shall include:
 - 2.1. The reason for the initial police presence,
 - 2.2. A specific description of the acts that led to the Use of Force,
 - 2.3. The level of resistance encountered,
 - 2.4. A description of every type of Use of Force, and
 - 2.5. Other items included in the Totality of the Circumstances as appropriate.
 - 2.6. The name and sequence number of the notified supervisor.
3. Observing members shall complete and submit a Form 95 that documents the Use of Force by the end of their tour of duty
4. 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 2 Use of Force

1. Members whose actions constitute a Level 2 Use of Force shall immediately notify a permanent-rank supervisor.

2. Involved Members shall submit a Force Report, Form 96 by the end of their tour of duty. The Force Report shall include:
 - 2.1. The reason for the initial police presence,
 - 2.2. A detailed narrative account of the incident from the member's perspective, including:
 - 2.2.1. A detailed description of the person,
 - 2.2.2. The severity of the crime at issue,
 - 2.2.3. The presence and location of witnesses at the scene,
 - 2.2.4. A specific description of the acts that led to the Use of Force,
 - 2.2.5. The level of resistance encountered,
 - 2.2.6. The threat the person posed,
 - 2.2.7. The force options available to the member,
 - 2.2.8. Any De-Escalation techniques used, and
 - 2.2.9. A description of every type of Use of Force.
 - 2.2.10. The existence of any body-worn camera (BWC) data that exists, or any non-recorded event that should have been recorded under BPD policy, as well as any interruptions or terminations of recordings (See Policy 824, *Body-Worn Camera*).
 - 2.2.11. The name and sequence number of the notified supervisor shall be included in the report.
3. Observing members shall complete and submit a Form 95 that documents the Use of Force by the end of their tour of duty.
4. 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

1. Members whose actions constitute a Level 3 Use of Force shall immediately notify a permanent-rank supervisor.
2. The Special Investigation Response Team (SIRT) will respond to and investigate all instances of Level 3 Use of Force.
3. Members shall immediately notify the Communications Section if involved in a 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)*).

REQUIRED ACTION

Supervisor Responsibilities: Conducting a Use of Force Review

1. Supervisors will 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.
2. When notified of a Level 1 or Level 2 Use of Force by a member, supervisors will conduct a Use of Force Review by completing a Use of Force Review, Form 99 (Appendix C), and make an initial entry in BlueTeam before the end of the tour of duty.
3. Supervisors shall notify the Shift Commander with basic information concerning the incident by the end of their shift during which the force occurred.
4. Supervisors may utilize the Use of Force Preliminary Review Checklist for Supervisors (Appendix G) to assist with completing a thorough Use of Force Review.
5. 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. Supervisors will ensure that all supporting documentation, including statements, photographs, videos, and documents are scanned and/or uploaded to BlueTeam within 72 hours of the incident.

NOTE: 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 Use of Force Review shall be forwarded to the Lieutenant where the member was working during the Use of Force.

6. Thoroughly review all Uses of Force for consistency with all Departmental policies as pertains to:
 - 6.1. Consistency with Policy 1115, *Use of Force*, as pertains to training,
 - 6.2. Whether the Use of Force was Reasonable, Necessary, and Proportional,
 - 6.3. Whether the member used de-escalation techniques,
 - 6.4. Whether the member continuously assessed the situation prior to, during, and after the Use of Force, and
 - 6.5. The submission of required documentation and related evidence.

Policy 725	USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT	Page 7 of 28
-------------------	---	---------------------

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

Level 1 Use of Force

1. The Use of Force Review and Use of Force Review, Form 99 (Appendix C), must be personally conducted/completed by a permanent-rank supervisor who is not an Involved Member in the Use of Force, and who is the same rank or greater than the highest ranking Involved Member. "Officers in Charge" (OIC) are not authorized to perform this function.
2. The permanent-rank supervisor shall make an initial entry in BlueTeam that a Level 1 Use of Force was used before the end of their tour of duty.
3. It is not mandatory for the permanent-rank supervisor to respond to the scene of a Level 1 Use of Force.
4. Supervisors will elevate and investigate any Level 1 Use of Force that appears to have been inappropriately or improperly categorized as a Level 1 Use of Force. If a supervisor determines that a member's report reveals evidence of potential criminal conduct, he/she will promptly notify PIB.
5. Supervisors shall complete a Use of Force Review, Form 99 (Appendix C), within 72 hours of the incident and forward the report through BlueTeam. An extension from the 72 hours reporting requirement may be granted by the authorizing supervisor's commanding officer. To request an extension, complete a Use of Force Review Extension Request, Form 25 (Appendix E).

Level 2 Use of Force

1. The Use of Force investigation and review must be personally conducted by a permanent-rank supervisor who is not an Involved Member in the Use of Force, and who is above the rank of the highest ranking Involved Member. "Officers in Charge" (OIC) are not authorized to perform this function.
2. In the instance that a supervisor uses, directs, or is otherwise an Involved Member, a higher-ranking supervisor who was not involved in the incident will complete the Use of Force Review.
 - 2.1. Supervisors ranked lieutenant and above may have a Use of Force Review completed by a supervisor of equal rank.
 - 2.2. Supervisors ranked captain and above shall have their Use of Force Review completed by SIRT.
3. A permanent-rank supervisor must respond to the scene of any Level 2 Use of Force. The permanent-rank supervisor shall:
 - 3.1. Elevate and investigate any Level 2 Use of Force that appears to have been inappropriately or improperly categorized as a Level 2 Use of Force. If a supervisor determines that a member's report reveals evidence of potential criminal conduct, he/she will promptly notify PIB and SIRT.

Policy 725	USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT	Page 8 of 28
-------------------	---	---------------------

- 3.2. Complete a Use of Force Review, 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.
- 3.3. An extension from the 72 hours reporting requirement may be granted by the authorizing supervisor's commanding officer. To request an extension, complete a Use of Force Review Extension Request, Form 25 (Appendix E).

Supervisor Responsibilities On-Scene:

Upon responding to the scene of a Level 2 Use of Force, supervisors shall:

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.
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.
3. 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.
4. Separate all Involved Members in a Use of Force incident.
 - 4.1. Group interviews of members and any discussion between members regarding a Use of Force prior to submitting statements is **prohibited**.
 - 4.2. 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.
 - 4.3. Investigate any incident in which a member intervenes in another member's Use of Force (see Policy 319, *Duty to Intervene*).
 - 4.4. All interviews with members will be conducted in accordance with BPD policy and the Law Enforcement Officer's Bill of Rights (LEOBR). Involved Members will not be compelled to submit to an interrogation about the Use of Force.
5. Digitally photograph anyone involved (members and persons) regardless of injury or complaint of injury.

NOTE: The Crime Scene Unit shall digitally photograph all visible injuries in instances of a Level 2 Use of Force, and all injuries and/or claims of injury in Level 3 Uses of Force.

Policy 725	USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT	Page 9 of 28
-------------------	---	---------------------

6. Include a brief summary of the disposition of the person after 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.
7. Provide a statement denoting any injury, complaint of injury, or lack of injury to each participant.
8. Digitally photograph any departmental or private property damaged as a result of a member's involvement.
9. Evaluate in writing all Uses of Force for compliance with BPD policy, as well as any other relevant concerns including, but not limited to, continuous assessment or tactics. Provide timely, constructive feedback, where appropriate.
10. Immediately refer misconduct or potential criminal conduct to command and the Public Integrity Bureau (PIB).

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

11. Avoid conclusory statements, boilerplate, or canned language including, but not limited to, "furtive movement" or "fighting stance" without supporting incident-specific detail in use of force reporting.
12. Review the body-worn camera (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*).
 - 12.1. Document the content of BWC and any CCTV videos.
 - 12.2. 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.
13. Address any discrepancy, confusion, or lack of information with supplementary statements from officers, witnesses, or persons prior to completing a BlueTeam entry. Document in BlueTeam any issue that cannot be resolved.
14. Immediately notify command of issues that will delay the submission and completion of the Use of Force Review.

Level 3 Use of Force

1. For Level 3 Use of Force, the first-line permanent-rank supervisor shall immediately notify the Special Investigation Response Team (SIRT) to respond to the scene.
2. 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

1. Thoroughly examine the first-line supervisor's Use of Force Review for Level 1 and Level 2 Use of Force for:
 - 1.1. Consistency with Policy 1115, *Use of Force*, as pertains to training,
 - 1.2. Whether the Use of Force was Reasonable, Necessary, Proportional,
 - 1.3. Whether the member used de-escalation techniques,
 - 1.4. Whether the member continuously assessed the situation prior to, during, and after the Use of Force, and
 - 1.5. Submission of required documentation and related evidence.
2. 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.
3. If necessary, 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.
4. 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.
5. Immediately refer misconduct or potential criminal conduct to command and PIB.
6. Forward completed Use of Force Reviews to the Executive Officer/captain via BlueTeam within 72 hours of receipt.
7. Immediately notify command of issues that will delay the submission and completion of the Use of Force Review.

Executive Officer/Captain (If applicable to the command)

1. Critically examine the Use of Force Review for Level 1 and Level 2 Use of Force for consistency with Policy 1115, *Use of Force* as it pertains to training, submission of all required documentation and related evidence, and whether the force was Reasonable, Necessary, and Proportional.
2. 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.
3. If necessary, re-classify a Use of Force Review to the appropriate level and return the Use of Force Review to the lieutenant for necessary action.

Policy 725	USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT	Page 11 of 28
-------------------	---	----------------------

4. When it appears the findings of the Use of Force Review is not supported by a Preponderance of the Evidence, recommend changes to the findings after consultation with the investigating supervisors and document the specific evidence or analysis supporting the change.
5. 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.
6. Immediately refer misconduct or potential criminal conduct to the command and PIB.
7. Complete Use of Force Review for Level 1 and Level 2 Use of Force within five (5) days of receipt and forward to the Commanding Officer via BlueTeam.
8. Immediately notify command of issues that will delay the submission and completion of the Use of Force Review.

Commanding Officer

1. Critically examine all supervisors' review of Level 1 and Level 2 Use of Force for consistency with Policy 1115, *Use of Force* as pertains to training and submission of all required documentation and related evidence.
2. Return for correction to the Executive Officer/lieutenant any Use of Force reviews that are incomplete or contain errors. Address any discrepancies, confusion, or lack of relevant information.
3. If necessary, re-classify a Use of Force Review to the appropriate level and return the Use of Force Review to the Executive Officer/lieutenant for necessary action.
4. 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, lieutenant's, or captain's review.
5. Immediately refer misconduct or potential criminal conduct to PIB.

NOTE: Complete reviews of Level 1 Use of Force within a period not exceeding 30 days from the date the Use of Force Review was entered into BlueTeam and forward to the Use of Force Coordinator File (Level One Force).

6. Complete reviews of Level 2 Use of Force within five (5) days of receipt, and forward the Use of Force Review to UFAU (Level Two Force) via Blue Team.

NOTE: Complete all reviews of Level 2 Use of Force within a 16-day time period from the date force was used. Document in BlueTeam an explanation for a delay beyond the 16-day submission period for Level 2 Use of Force reviews.

7. Any Level 1 or Level 2 Use of Force reviews that require additional time for completion or closure will require the submission of a written request for extension (see Appendix E, Force Extension Request, Form 25).

- 7.1. Submit the Force Review Extension Request form to the Division Chief for approval prior to the submission deadline.
- 7.2. Attach the approved/disapproved Force Review Extension Request forms to the Blue Team entry for the incident.
8. Level 1 or Level 2 Use of Force supervisory and command reviews shall not exceed a 45-day period for closure, even if an extension is granted.
9. The Commanding Officer will ordinarily 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.

Division Chief

1. Critically review and approve/disapprove Force Review Extension Requests (Appendix E).
2. Attach the reason for any disapproval, immediately return the request to the submitting commander.

Use of Force Assessment Unit Member

1. Conduct an administrative assessment of all Level 2 Use of Force incidents. Following the final assessment, the UFAU Commander will close the assessment and the command review within IAPro system.
2. Assess Level 2 Use of Force incidents and reviews to ensure:
 - 2.1. 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,
 - 2.2. Whether the assessment was thorough and complete, and
 - 2.3. Whether there are tactical, equipment, or policy considerations to be addressed.
3. Document and return incomplete reviews on a Use of Force Assessment Form.
4. Document errors found in the review and forward to a UFAU supervisor for verification.
5. Immediately inform a UFAU supervisor of any actions that appear to involve misconduct by any officers.
6. Forward all completed assessments to the UFAU supervisor for review.

UFAU Supervisor

1. 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.

Policy 725	USE OF FORCE REPORTING, REVIEW, AND ASSESSMENT	Page 13 of 28
-------------------	---	----------------------

2. Immediately inform the UFAU Commander of any actions that appear to involve misconduct by any officers.
3. Forward all completed assessments to the UFAU Commander for review.
4. Monitor the BlueTeam system for initial submissions of Use of Force Reviews by supervisors.
5. 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 16-day submission period without an approved extension.

UFAU Commander

1. 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.
2. Assign a date for the completion of corrections and receipts of missing or incomplete documentation.
3. Return the review along with corrective recommendations to the Commanding Officer via Blue Team.
4. Determine if any action involved possible misconduct by any officer and notify and forward the review to PIB for investigation.
5. Close all completed assessments and reviews.
6. Send an email notification to Division Chiefs whose commands have not forwarded Level 2 Use of Force reviews within the 16-day submission period and have not requested an extension.
7. Forward a listing of all outstanding corrections and delinquent Use of Force Reviews to the Internal Audits Commander or designee.
8. 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.

UFAU Administrative Coordinator

1. Monitor the Use of Force Coordinator file within BlueTeam daily.
2. 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.
3. Immediately notify Division Chiefs/Inspectors, the Internal Audits Commander and the Chief of Internal Audits of any Command reviews beyond a 30-day period of initial reporting in Blue Team.

4. Re-assign cases to the Special Investigations Response Team (SIRT) when further investigation, analysis, or subject matter expertise is warranted.
5. Transfer all closed reviews from the BlueTeam system into IAPro, and close the review.

Use of Force Statistical Data Collection and Reporting

All data and records related to uses of force will be maintained 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.

1. The BPD will ensure the collection and tracking of all documents related to uses of force and allegations of misconduct, including, but not limited to:
 - 1.1. Member's Force Reports, Form 96,
 - 1.2. Supervisor's Use of Force Review, Form 99,
 - 1.3. Force investigations by SIRT,
 - 1.4. Reviews conducted by PIB relating to member's uses of force, and
 - 1.5. 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.
2. The BPD will 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. Force Report, Form 96
- C. Use of Force Review, Form 99
- D. Public Safety Statement, Form 97
- E. Force Review Extension Request, Form 25
- F. Use of Force Review Submission Table
- G. Use of Force Preliminary Review Checklist for Supervisor

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

Remove and recycle/destroy Policy 725, *Use of Force Review and Assessment*, dated 14 March 2017.

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

Form 93, Weapons-Pointing Report

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**Force Report, Form 96****POLICE DEPARTMENT
BALTIMORE, MARYLAND**

USE OF FORCE STATEMENT
Form 96/19

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.

Date Time Location

TO: _____
(Commander of member who used force)

FROM: _____
(Member who used force and Seq#)

SUBJECT: **Force Statement**

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

I respectfully report the following facts:

Page _ of _

Please sign at the bottom of your statement.

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

CC#:

SUPERVISOR

Supervisor's Name: _____ Supervisor's Sequence#: _____ Supervisor's Assignment: _____

Disclosure:

1. Did you witness this Use of Force incident or were you present when this UOF occurred? ☐ 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 or indirectly 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.**Level 3 - Use of Force:**

1. Was deadly force used in this incident or is this an In-Custody Death Investigation? ☐ Yes ☐ No
2. Did an officer discharge their weapon, to include any unintentional or negligent discharge? ☐ Yes ☐ No
3. Did the UOF cause great or substantial bodily harm, to include injury resulting in hospital admission, loss of consciousness or a broken bone? ☐ Yes ☐ No
4. Was the subject of the UOF struck in the head, neck, sternum, spine, groin or kidneys with an impact weapon? ☐ Yes ☐ No
5. Did the subject of the UOF sustain more than 3 cycles of a CEW during a single encounter? ☐ Yes ☐ No
6. Was there any significant misconduct by an Officer during the UOF? ☐ Yes ☐ No

If you answered YES to any of the questions above, STOP; and notify SIRT immediately to complete the UOF review.

7. Is a member of SIRT completing this form? ☐ Yes ☐ No

Level 2 - Use of Force:

1. Was there any physical contact with the subject that resulted in an injury or complaint of injury to the subject? ☐ Yes ☐ No
2. Did the subject sustain three or fewer cycles of a CEW in a single encounter to include drive stun mode? ☐ Yes ☐ No
3. Was OC Spray or other chemical agents used on the subject or deployed? ☐ Yes ☐ No
4. Were any less-lethal weapons utilized against the subject, regardless if the subject was struck? ☐ Yes ☐ No
5. Was a canine utilized against the subject, regardless if any injury did or did not occur? ☐ Yes ☐ No
6. Was the subject struck with an impact weapon, other than any intentional strike to the head, neck, sternum, spine, groin or kidneys? ☐ Yes ☐ No
7. Did an Officer intentionally strike a vehicle with a vehicle, or strike the subject with a vehicle? ☐ Yes ☐ No

Level 1 - Use of Force:

1. Did the Officer use force to gain control of the subject who exhibited Active Resistance or more aggressive behavior that did not result in actual injury or alleged injury? ☐ Yes ☐ No
2. Did the Officer point a firearm or CEW at the subject? ☐ Yes ☐ No
3. Did the Officer use force to take down the subject where there was no obvious injury or complaint of injury? ☐ Yes ☐ No

APPENDIX C

Use of Force Review, Form 99

[illegible]

APPENDIX C

Use of Force Review, Form 99

Subject of the Use of Force:

Subject's Name: _____ D.O.B.: _____ Address: _____ Phone#: _____

Race: ☐ ☐ Sex: ☐ ☐ Age: _____ Any known Gang Affiliation? ☐ ☐ Indication of Mental Illness? ☐ ☐Was Subject Armed? ☐ ☐ Weapon Type: ☐ ☐ Was a Firearm Discharged? ☐ ☐ Weapon Recovered? ☐ ☐If firearm involved: Caliber: _____ Make/Model: _____ Serial#: _____ Stolen: ☐ ☐Was the subject handcuffed? ☐ Yes ☐ No How was the subject handcuffed? _____ (Behind back, to railing, etc.)Did the subject complain of any injuries? ☐ Yes ☐ No Subject's Condition: ☐ ☐

What/where on their body? _____

How were injuries sustained? ☐ ☐ If Other, Explain: _____Did the member take steps to render aid? ☐ Yes ☐ No Explain: _____ (Loosen handcuffs, sit upright, etc.)Was a medic called? ☐ Yes ☐ No Was subject transported to a hospital? ☐ Yes ☐ No How transported? _____What hospital? ☐ ☐ Was individual transported to hospital for injuries sustained due to the U.O.F.? ☐ Yes ☐ NoWas the individual transported to the hospital for **ANY** other reason other than injuries sustained from the U.O.F.?Was subject released? ☐ Yes ☐ No If Yes, were hospital release forms collected? ☐ Yes ☐ No Under the influence? ☐ ☐Were photographs taken of injuries or claim of injuries? ☐ Yes ☐ No If No, Explain: _____

If Yes, by who? (Crime Lab, Unit#, etc.): _____

What was the final disposition of the subject of the Use of Force such as, released from custody (Issued a citation, investigative stop, arrested, taken to CBIF/Juvenile Booking Facility, charges filed, etc)?

[Click for Additional Use of Force Subjects](#)[Delete Use of Force Subject](#)

APPENDIX C**Use of Force Review, Form 99****Involved Member(s):**

Name: _____ Sequence#: _____ Assignment: _____

Race: _____ Sex: _____ Age: _____ Years of Service: _____ Prior Military Service: _____

Was this Officer injured: ☐ Yes ☐ No (See diagram in blue team for mark up) Were there photographs of the injury? ☐ Yes ☐ No ☐ N/AWas this Officer transported to the hospital? ☐ Yes ☐ No If Yes, what hospital: _____

Explain the nature of this Officer's injury: _____

Officer's condition: _____

Type of Force Used by this Member:Did the Officer use force to gain control of the subject who exhibited Active Resistance or more aggressive behavior that did not result in actual injury or alleged injury? ☐ Yes ☐ No

Explain in detail; below:

Did the Officer point a firearm or a CEW at the subject? ☐ Yes ☐ No

Explain in detail; below:

Did the Officer use force to take down the subject where there was no obvious injury or complaint of injury? ☐ Yes ☐ No

Explain in detail; below:

Body Worn Camera for this member:Was this Officer issued a BWC? ☐ Yes ☐ NoIf issued, was BWC worn at the time the force was used? ☐ Yes ☐ No ☐ N/A If Yes, was it activated? ☐ Yes ☐ No

If No, Explain why: _____

If Yes, was it tagged UOF & titled correctly by a non involved permanent rank supervisor? ☐ Yes ☐ NoDid the BWC capture the UOF? ☐ Yes ☐ No If Yes, at what time into the recording did the actual UOF occur? _____

If No, Explain why: _____

In the event of a Malfunctioning Device for this Member:Was the BWC inoperable at the time force was used? ☐ Yes ☐ NoIf not, was the reason for non-activation documented in writing or via recording on the BWC? ☐ Yes ☐ No

Please Explain: _____

Upon discovering a BWC malfunction, did the member immediately report the malfunction to a supervisor? ☐ Yes ☐ No

If No, Explain: _____

Did the supervisor notify the BWC Unit immediately to ensure repair/replacement of the malfunctioning BWC device? ☐ Yes ☐ No

If No, Explain: _____

Click for Additional Involved Member

Delete Additional Involved Member

APPENDIX C**Use of Force Review, Form 99****De-Escalation:**

Were de-escalation tactics used? ☐ Yes ☐ No If No, why not? _____

Did involved member give verbal commands prior to action? ☐ Yes ☐ No Did involved member create distance? ☐ Yes ☐ No

Did involved member speak in a calm manner? ☐ Yes ☐ No Did the involved member use cover? ☐ Yes ☐ No

Was a negotiator required? ☐ Yes ☐ No If yes, did the involved member call for a negotiator? ☐ Yes ☐ No

Were specially trained officers/unit (CIT Trained) needed? ☐ Yes ☐ No If Yes, did the involved member request the unit? ☐ Yes ☐ No

Damaged Property Personal / Departmental:

Was there any property damage? ☐ Yes ☐ No If Yes, to whose property? _____

Name: _____ Address: _____ Phone#: _____

Describe damage:

Were photographs taken of the damage? ☐ Yes ☐ No If Yes, by whom: _____

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 If No, Explain:

APPENDIX C**Use of Force Review, Form 99****Additional Witnessing Officers:**

What other Departmental members were present when the UOF occurred?

Last Name	First Name	Seq#	Assignment	Was a detailed Form 95 submitted by this Officer?	Did Form 95 articulate events that took place during UOF?	Was member injured?	Were photographs of the injuries taken?
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Add Officer		Delete Officer					

If any witnessing Officer(s) were injured, please explain the nature of their injuries below:

*** Please note, utilize the diagram in Blue Team for mark-up ***

Witness Information:Are there Non L.E.O. witnesses to this incident? ☐ Yes ☐ No

If No, Explain: _____

List the names, addresses and contact information for each witness:

Last Name	First Name	Address	Contact#	Provided a Written Statement?	Provided a Verbal Statement via BWC?
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Add Additional Witness		Delete Additional Witnesses			

Did witness(es) give a recorded statement **NOT** captured on BWC? ☐ Yes ☐ No**If Yes, save and upload to system.**

APPENDIX C**Use of Force Review, Form 99****Counseling, Training and Misconduct Referrals:**

Did you issue a written counseling to any officers involved in the UOF incident?

☐ Yes ☐ No

If Yes, explain in detail (attach counseling form):

Were you directed, or, have you referred any officers involved in the UOF incident for additional training?

☐ Yes ☐ No

If Yes, explain in detail:

Did you refer this incident to your Command or OPR for excessive force or misconduct?

☐ Yes ☐ No

If Yes, explain in detail (List all Blue Team entries):

Was the subject of an excessive force provided with OPR & CRB contact numbers?

☐ Yes ☐ No ☐ N/A

If Yes, list the Date & Time:

If No or N/A, explain in detail:

Rendering of Opinion:

Do you reasonably believe the use of force was consistent with Departmental Policy and training?

☐ Yes ☐ No

Explain your reasoning in detail:

Signed By

Date:

Print Form

APPENDIX D**Public Safety Statement, Form 97**Public Safety
Statement Form 97/18**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 what type of weapon, 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

Use of Force Review Submission Table

Rank	Force Review Submission Timeframe					
	End of Tour	72 HRS	5 Days	16 Days	30 Days	45 Days
Sergeant	Initial Entry Level 1 & 2	Complete Review Level 1 & 2				
Lieutenant	Initial Entry Level 1 & 2	Complete Review Level 1 & 2				
		Complete Review of Sergeant's Review Level 1 & 2				
Captain			Complete Review of Supervisors' Review			
Major				Complete Review of Supervisors' Review and Submit Level 2 to UFAU	Complete Review of Supervisors' Investigation and Close Level 1	Extension
						Complete Review of Supervisors' Review and Close Level 1 Submit Level 2 to UFAU

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 Administrative Reports (Form 95s) from involved members in Level 1 and Level 2 Reportable Use of Force Incidents.			
3.	Identify all witnessing members.			
4.	Collect Administrative Reports (Form 95s) from witnessing members 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, such as released, charges filed, or sent to the hospital for evaluation.			
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.			