



Policy 710

Subject

LEVEL 3 USE OF FORCE INVESTIGATIONS / SPECIAL INVESTIGATION RESPONSE TEAM (SIRT)

Date Published

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By Order of the Police Commissioner

POLICY

The purpose of this policy is to establish the investigative protocol by the Special Investigation Response Team (SIRT) for their investigations. The SIRT team shall thoroughly and impartially investigate actions taken by members leading up to, during, and immediately after incidents involving a Level 3 Use of Force in order to maintain organizational transparency, improve member performance, and increase accountability.

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 Department policy.

CORE PRINCIPLES

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

Reporting Use of Force. Each member who uses or observes another member or members use force, shall immediately notify their supervisor, and shall 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 Provide Medical Assistance. After any Use of Force incident, members shall immediately render aid to any injured person consistent with the member's training and request medical assistance.

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

DEFINITIONS

Negligent Discharge — when a weapon is fired due to either operator error or a lack of attention to basic safety rules that are a part of BPD's firearms training.

Administrative Duties – When a member remains in full duty status, however their assignment is solely administrative, with no contact with detainees or other members of the public in an enforcement capacity.

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.

Police Officer Involved Shooting (POIS) — Any incident where a member discharges a firearm at a person.

Public Safety Briefing — A time sensitive statement, usually verbal, by an involved or witnessing officer that describes from what type of weapon rounds were fired by the involved member(s), the direction and approximate number of shots fired by the involved member(s) and suspect(s), the location of an injured person, the description of outstanding suspect(s) and their direction of flight, the time elapsed since the suspect(s) were last seen, whether the suspect(s) are armed, any additional known safety risks about the outstanding suspect(s), whether any evidence needs protection, and the presence and location of any known witnesses (see Appendix B).

Special Investigation Response Team (SIRT) — A multidisciplinary BPD unit tasked with conducting investigations of Level 3 Use of Force, in-custody deaths, any fatal motor vehicle crash in which the actions of a BPD member were a contributing cause, any Use of Force incident in which the involved member is ranked captain or above, and investigations specially assigned to SIRT by the Police Commissioner or designee.

GENERAL

1. To guide SIRT practices and investigations, the Department shall develop and implement a SIRT training curriculum and procedural manual.
2. The initial SIRT investigation is considered a criminal investigation. SIRT shall also proceed with an administrative investigation of the member's actions. Both investigations shall conform to the directions contained in the SIRT procedural manual and training.
3. For incidents involving an in-custody death, SIRT and the Independent Investigations Division (consisting of the Maryland State Police and the Maryland Attorney General's Office personnel) will conduct joint investigations. In these incidents, SIRT and the Independent Investigations Division will follow an agreed upon Memorandum of Understanding.
4. SIRT members will have appropriate expertise and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved. Appropriate resolution of a Use of Force incident entails arriving at a suitable recommendation for action to the Public Integrity Bureau (PIB), Office of the State's Attorney (OSA), and Performance Review Board (PRB) based on the information discovered through a thorough, complete, and informed investigation.
5. SIRT shall ensure its investigations contain sufficient information to support the Performance Review Board's needs to identify trends or patterns related to policy, training, equipment, supervision, tactics, or positive lessons related to the Use of Force.

DIRECTIVES**SIRT Investigations**

6. SIRT shall be the primary investigating entity in the following situations. While additional units (e.g., Homicide, Crash Team, Robbery, etc.) may be called upon to offer assistance and technical expertise, SIRT shall lead/direct all investigative efforts for:
 - 6.1. All BPD instances of Level 3 Use of Force.
 - 6.2. Any fatal motor vehicle crash in which the actions of a BPD member were involved.
 - 6.3. All in-custody deaths.
 - 6.4. Any incident at the direction of the Police Commissioner or their designee.
 - 6.5. Any Use of Force incident in which the involved member is ranked captain or above.

Criminal Investigative Division (CID) Investigations

7. If a member suffers a serious physical injury or dies as the result of an assault, the Homicide Section shall assist the criminal investigation. SIRT shall lead the administrative investigation, and may assist the Homicide Section during the criminal investigation.
8. If there is a related criminal incident or criminal investigation perpetrated or spurred by a non-member that occurs prior to, during, or after the Use of Force incident being investigated by SIRT, Homicide and/or the appropriate unit of CID shall lead the criminal investigation.

BPD POIS**Required Response**

9. The member involved or another member on the scene shall immediately notify the Communications Section of a POIS.
10. Supervising members from the following sections shall immediately respond to the scene:
 - 10.1. PIB / SIRT,
 - 10.2. Homicide,
 - 10.3. Public Information Office (PIO),
 - 10.4. Officer Safety and Wellness,
 - 10.5. Crime Laboratory,
 - 10.6. Shift Commander (district of occurrence), and

10.7. Patrol Division Duty Officer, Unit 41 (See Policy 1724, *Duty Officer*).

NOTE: The POIS command response and notification protocol may apply to other SIRT investigations as determined on a case-by-case basis by the Police Commissioner or designee.

Investigative Process

11. SIRT shall perform the role of primary criminal and administrative investigating entity for all POIS relative to the BPD member's actions.
12. The Homicide Section shall perform the role of primary investigating entity related to the actions of non-BPD member subjects. This applies to all charging documents, applications for search and seizure warrants, and follow-up warrants if applicable (e.g., DNA warrant).
13. SIRT is the lead entity responsible for the direction of the investigation. SIRT has the sole responsibility of incident command and control, case information, and incident response.
14. The SIRT Commander is the final authority on matters pertaining to the critical incident investigation.
15. Involved officers or members of their command shall not charge suspects involved in POIS but will provide witness information to investigating Homicide detectives.
16. Homicide detectives shall request and obtain approval from the Deputy Commissioner, Operations (or their designee) prior to charging individuals involved in a Level 3 Use of Force.

Interviewing Law Enforcement Officers (Level 3 Use of Force)

17. All members involved in a Level 3 Use of Force incident shall be granted all applicable rights under the law. Members of SIRT and/or Homicide shall not solicit counsel for the member.
18. A SIRT member shall ask the member involved if they are willing to provide a voluntary statement.
 - 18.1. If the member is willing to provide a statement, SIRT shall administer the *Miranda* advisement immediately.
 - 18.2. If a statement is compelled, it shall be taken in accordance with the Maryland Police Accountability Act (MPAA) and *Garrity*.
19. All interviews shall be recorded (audio and/or video) and take place as soon as practical.
20. SIRT shall ensure the member files a Use of Force Statement – Involved Officer, Form 96A, (see Appendix A) prior to the conclusion of the member's shift/tour of duty. The report shall be submitted to SIRT.

Reporting (Level 3 Use of Force)

21. SIRT investigators are responsible for generating three reports:

- 21.1. 24-Hour Report – Includes the basic facts of the case as they are known at the time. SIRT shall forward this report no later than 24 hours after learning of the Use of Force (unless impractical), to:
- 21.1.1. Police Commissioner,
 - 21.1.2. Deputy Police Commissioners,
 - 21.1.3. All Chiefs,
 - 21.1.4. Commanding Officer of the member(s) involved,
 - 21.1.5. Commander, E&T, and
 - 21.1.6. The Office of the State's Attorney (OSA).
- 21.2. Performance Review Board Presentation – SIRT shall present to the Performance Review Board (PRB). This presentation is due within 30 days, or as soon as possible thereafter as scheduling permits, from the incident (see Policy 724, *Performance Review Board*).
- 21.3. Investigative Summary – Upon receipt of the PRB's findings approved by the Police Commissioner and if there is no additional investigation needed or charges filed, SIRT shall close the case.
22. All files and related evidence shall be stored in a secure location throughout the investigation.

REQUIRED ACTION**Member**

23. After any Use of Force incident, members shall immediately render aid to the injured person consistent with training, and request medical assistance.
24. Members who used or observed a Level 3 Use of Force shall immediately notify a permanent-rank supervisor.
25. Members shall immediately provide a Public Safety Briefing to responding supervisor(s), if applicable. A Public Safety Briefing is required when a member has been involved in or witnessed a critical incident involving a POIS, vehicle pursuit, or any Level 3 Use of Force the responding supervisor deems necessary.
26. Members who use force shall complete a Use of Force Statement – Involved Officer, Form 96A, prior to the conclusion of member's tour of duty. The report shall be submitted to SIRT or Homicide investigators, and members shall refrain from discussing the incident among themselves or with anyone else.

27. Members who witness a Use of Force shall complete a Use of Force Statement – Witnessing Officer, Form 96B by the end of their tour of duty.

Uninvolved Permanent-Rank Supervisor

28. The uninvolved permanent-rank supervisor shall:
- 28.1. Respond to the scene.
 - 28.2. Request medical resources for any injured person if not already done.
 - 28.3. Ensure all body-worn cameras (BWC) remain active until SIRT personnel deactivate and collect them.
 - 28.4. Once the scene is stabilized, obtain a Public Safety Briefing, in order to secure the scene, identify injured parties, and pursue suspects.
 - 28.5. Notify the Communications Section immediately to activate SIRT when a Level 3 Use of Force incident, any motor vehicle crash in which the actions of a member contributed to the crash, any in-custody deaths have occurred, and/or a Use of Force occurred for which the involved member is ranked captain or above, if not already done.
 - 28.6. Ensure initial steps in response to the incident are consistent with requirements for Level 2 Use of Force incidents, as outlined in Policy 725, Use of Force Reporting, Review, and Assessment, until turning the scene over to the Shift Commander or arriving SIRT personnel.
29. The uninvolved permanent-rank supervisor shall ensure the involved member(s) are:
- 29.1. Immediately separated from each other as well as from witnessing members once the scene is stabilized and prior to SIRT's arrival.
 - 29.2. Transported to BPD Headquarters (Homicide) after approval from the SIRT supervisor.

Shift Commander, District of Occurrence

30. The Shift Commander shall respond to the scene. If Shift Commander arrives before the SIRT personnel, Shift Commander shall assume control from the uninvolved permanent-rank supervisor.
31. Once the scene is stabilized, the district Shift Commander shall separate all involved and witnessing members, ensure they are not discussing the incident among themselves or with anyone else, and keep them at the scene until the SIRT or Homicide supervisor arrives.
32. The district Shift Commander shall ensure all BWC's remain activated until SIRT personnel deactivate and collect them if not already done.
33. The district Shift Commander shall request medical resources for any injured person if not already done.

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34. The district Shift Commander shall secure and maintain the integrity of the scene and all witnesses, and leave all intact to be processed by SIRT personnel.
35. The district Shift Commander shall establish a command post to facilitate proper command and control of investigative activity.
36. Once the scene is stabilized, the district Shift Commander shall immediately obtain a Public Safety Briefing in order to secure the scene, identify injured parties, and pursue suspects.
37. The district Shift Commander shall ensure that a crime scene log is established.
38. The district Shift Commander shall confirm with the Communications Section that SIRT and/or Homicide has been activated and Command Staff has been notified.
39. The district Shift Commander shall not recover, inspect, or secure any involved member's firearm unless directed to do so by the SIRT or Homicide supervisor. Shift Commanders shall ensure that, upon the direction of SIRT or Homicide supervisor, the member(s) involved in the incident are transported for a weapons inspection conducted by the Crime Lab Unit and SIRT/Homicide.
40. The district Shift Commander shall make reasonable attempts to identify civilian witnesses to the event and request that they stand by for SIRT arrival.

SIRT Supervisor

41. The SIRT Supervisor that responds to the scene shall lead all investigative activity, including:
 - 41.1. Establishing a command-post for post-incident response and deploying the Mobile Command Truck when appropriate,
 - 41.2. Locating and interviewing witnesses,
 - 41.3. Securing the scene and evidence,
 - 41.4. Locating video surveillance that may have captured the incident,
 - 41.5. Making notifications, etc.
42. All interviews with civilian witnesses shall be recorded unless otherwise requested by the witness.
43. SIRT personnel shall attempt to interview the person upon whom the member used force, if possible. The interview shall be audio-video recorded. If this option is unavailable, the SIRT member shall make an audio recording of the interview.
44. SIRT personnel shall ensure areas of injury or complaint of injury are photographed.
45. The SIRT Supervisor shall contact the Office of the State's Attorney as well as other external investigatory bodies when appropriate.

46. The SIRT Supervisor shall ensure that the Shift Commander has separated all members involved in or who witnessed the incident until they have all been interviewed. Interviews with law enforcement officers shall conform to this policy (see Interviewing Law Enforcement Officers section).
47. Arrange for all involved and witnessing members to submit Use of Force written reports (Form 96A and Form 96B where appropriate), as soon as practicable and no later than 24 hours after the incident, except in extenuating circumstances, such as when a member is injured. If extenuating circumstances exist, the member will submit their written report as soon as the practicable.
 - 47.1. In the event of a POIS, SIRT detective(s) shall record interviews with witnessing members instead of seeking a written report.
48. The SIRT Supervisor shall facilitate the download of any data available from BWCs in accordance with Policy 824, *Body-Worn Camera*, and document the content of the videos. Ensure the data is titled correctly.
49. The SIRT Supervisor shall ensure all video evidence is immediately gathered and assessed. This evidence may include, but is not limited to, CCTV footage, private or public surveillance, cell phone video footage, and BWCs.
 - 49.1. Ensure SIRT personnel arranges for a canvass for any CCTV or privately-owned video that may have captured the contact and attempt to obtain copies voluntarily.
 - 49.2. If the owner of privately-owned video refuses, ensure SIRT personnel document the location and/or owner of the video, and seek a warrant if appropriate.
 - 49.3. If no privately-owned video is discovered, ensure SIRT members document that none was found.
50. SIRT and/or Homicide Supervisors shall ensure the member(s) involved in the incident are transported, as directed, for a weapons inspection conducted by the Crime Lab Unit.
 - 50.1. The Crime Lab Technician (CLT) shall photograph the member and their weapon prior to the inspection.
 - 50.2. The permanent-rank supervisor shall unload and render the weapon safe while the CLT and SIRT/Homicide supervisor witness the procedure.
 - 50.3. If the weapon is a patrol rifle, a member certified in the patrol rifle program or SWAT member shall unload and render the weapon safe while the CLT and SIRT/Homicide supervisor witness the procedure.
 - 50.4. The SIRT or Homicide supervisor will also conduct a weapon inspection on witnessing members.
 - 50.5. If the weapon is a semi-automatic handgun or a patrol rifle, the CLT shall count the total number of live cartridges remaining in both the chamber and the magazine, the

number of cartridges that were ejected from the weapon's magazine, and the number of live cartridges in any additional magazines recovered from the member's primary and secondary pouch (or off-duty/plainclothes pouch).

51. The SIRT Supervisor shall review BWC and/or other video which may have recorded all or part of the incident, and document the content of such videos. Obtain copies of all videos (other than BWC footage) as soon as practical.
52. The SIRT Supervisor shall review witness statements from all witness members, prior to the end of the shift, unless impracticable.
53. The SIRT Supervisor shall ensure KGA and 911 recordings are gathered and reviewed.
54. The SIRT Supervisor shall arrange for a CLT to process the scene.
55. If the incident is a POIS, the SIRT Supervisor shall contact Officer Safety and Wellness Section to place involved members on Administrative Leave for 10 days (See Policy 1731, *Critical Incident Stress Management Protocol*).

NOTE: If not a POIS, the member may be placed on administrative leave or Administrative Duty if directed by the Deputy Commissioner, PIB.

56. The SIRT Supervisor shall make a BlueTeam entry before the conclusion of their tour of duty, documenting the Use of Force and whether or not there are any BWC recordings.
57. The SIRT Supervisor shall ensure all reporting is completed and submitted.
58. The SIRT Supervisor shall ensure that at least one member of SIRT is available at all times to evaluate potential referrals from BPD supervisors.

SIRT Commander

59. If the SIRT investigation indicates potential criminal conduct or administrative misconduct, the SIRT Commander shall notify the Deputy Commissioner, PIB.
60. In cases of potential criminal conduct, shall notify the appropriate prosecuting authority.

Crime Laboratory Technician

61. In the event of a POIS, the CLT shall process the scene according to the Crime Scene Unit's Technical Manual and provide photos as soon as practicable to SIRT and/or Homicide investigators.
62. For involved member(s) and witnessing member(s), the CLT shall photograph the member and their weapon prior to any weapons inspection and follow the procedures contained in the Crime Scene Unit's Technical Manual related to recovering and processing an involved member's weapon.

Education and Training (E&T) Firearms Training Unit

63. In the event of a POIS, the range supervisor shall:
- 63.1. Provide SIRT and/or Homicide investigators with any subject matter expertise that may be required.
 - 63.2. Compile firearms in-service qualification information for all members involved in shooting incidents. In addition, confirm via the Armory's Unit's inventory database that the involved member was in possession of a BPD-approved firearm.
 - 63.3. If necessary, conduct an after-action training program with involved members of a POIS within 10 days of the incident.
64. In the event of a Negligent Discharge, the range supervisor shall provide remedial training for the member as outlined in Policy 409, *Firearms Regulations*.

Public Information Office

65. In the event of a POIS, the Chief, Public Information Officer (PIO) or their designee shall:
- 65.1. Respond to the scene and collect pertinent information. Ensure the information is verified as factual through SIRT and/or Homicide investigators.
 - 65.2. Identify an appropriate media staging area, ensuring it is far enough away from the scene so as not to interfere with on-going investigative efforts.
 - 65.3. Work closely with SIRT and/or Homicide and the Police Commissioner to provide timely and accurate public information regarding the incident.
 - 65.4. Release a statement to the media summarizing the facts of the incident after consultation with the commanding officer of SIRT and/or Homicide and once all information has been approved by the Police Commissioner or their designee.
 - 65.5. Serve as the chief spokesperson for the BPD, the Police Commissioner, and members of the Senior Command Staff. The Chief, PIO, is the only employee of the BPD, other than the Police Commissioner, or the Police Commissioner's designee authorized to speak or release information to any media outlet concerning a Level 3 Use of Force incident.
 - 65.6. Disclose the identity of the member(s) involved to the general public and media outlets after 48 hours from the time the incident occurred, unless the Police Commissioner or their designee authorizes a more rapid disclosure or a longer withholding of the identity. If a member is injured or killed as a result of the incident, information shall only be released by the Police Commissioner or their designee. In addition to the member's name, the following information shall be released:
 - 65.6.1. Number of years on duty,

65.6.2. Assignment, and

65.6.3. Current duty status.

66. The Chief, PIO shall not disclose victim identification information until after their next of kin has been notified.

Communications Section

67. Dispatch shall contact, via telephone, SIRT supervisor for all new SIRT incidents.
68. For all POIS, Dispatch shall notify command members (captains/majors or civilian equivalents) from the following sections: SIRT, PIB, Homicide, Crime Lab, the District Shift Commander, Unit 41, MRS, Communications Section, Officer Safety and Wellness, all Chiefs, Deputy Police Commissioners, and the Police Commissioner that a POIS has occurred.
69. For all other Level 3 Uses of Force, Dispatch shall notify the District Shift Commander and Officer Safety and Wellness that a Level 3 Use of Force has occurred.
70. Dispatch shall immediately process and provide copies of relevant KGA and 911 call recordings to SIRT investigators. Do not wait for an official request from SIRT or Homicide to begin processing this information.

Commanding Officer, Involved Officer's District/Unit

71. For all POIS, or if mandated by the Deputy Commissioner, PIB, the Commanding Officer shall ensure the involved member(s) is assigned to administrative leave for 10 days. During the 10 days, ensure the following occurs:
- 71.1. Member(s) completes a critical incident debriefing by a BPD-approved mental health professional.
- 71.2. Member(s) completes an E&T after-action training program relevant to the incident, if required. This shall be conducted only after completion of the critical incident debriefing by a BPD-approved mental health professional.
- 71.3. After the 10 days of administrative leave, the member shall be placed on Administrative Duties until authorized to return to full-duty by the Deputy Commissioner, PIB or designee.

NOTE: If the Director of the Public Safety Infirmary for the BPD evaluates a member and places them medical leave due to stress related to the critical incident, Commanding Officer shall ensure compliance with Policy 304, *Suspension Procedures*.

Division Chief, Involved Member

72. The Division Chief of the involved member shall consult with SIRT and/or Homicide Commanding Officer prior to the reissuance of any BPD equipment.

73. A member may be issued a replacement firearm from the Armory unless there is reason to believe the member acted outside the scope of authority, or the BPD deems it unreasonable to do so.

APPENDICES

- A. Use of Force Statement – Involved Officer, Form 96A
- B. Public Safety Briefing, Form 97.
- C. Notification of Internal Investigation, Form 98.

REFERENCED POLICIES

Policy 304, *Suspension Procedures*
Policy 409, *Firearms Regulations*
Policy 724, *Performance Review Board*
Policy 725, *Use of Force Reporting, Review, and Assessment*
Policy 824, *Body-Worn Camera*
Policy 1115, *Use of Force*
Policy 1724, *Duty Officer*
Policy 1731, *Critical Incident Stress Management Protocol*

RESCISSION

Rescind Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*, 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

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, HSV 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 A

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 A

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 A

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 A

Use of Force Statement – Involved Officer, Form 96A

Overflow Section:

Use the space below to add any additional information from the previous sections.

APPENDIX B

Public Safety Briefing, 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 C

Notification of Internal Investigation, Form 98

Form 98

**NOTIFICATION OF INTERNAL INVESTIGATION**

Date: _____

TO:

FROM: Commanding Officer
Public Integrity Bureau

SUBJECT: PIB Control Number:

You are hereby informed that you are the subject of an internal investigation being conducted by the Department. You have the right to the presence and assistance of a responsible representative or attorney of your choice during the questioning. Your representative may be able to provide you with valuable assistance in this matter.

The nature of the investigation involves, amongst other things, the following:

Investigating Detective: _____

Supervising Detective: _____

NOTICE OF RECEIPT

I hereby acknowledge receipt of a copy of this form.

Respondent's Signature: _____ Seq.#: _____ Date: _____

Serving Investigator's Signature: _____ Seq.#: _____ Date: _____