HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER OPS-11
USE OF FORCE

Effective April 13, 2026

This General Order contains the following numbered sections:

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I. POLICY

The value of human life is immeasurable in our society. Police officers have been given the responsibility to protect life, using an appropriate level of force if necessary, to fulfill their duty. It is the policy of the Howard County Department of Police (HCPD) that officers must use judgment and restraint in exercising their authority to use an appropriate level of force.

This directive is for HCPD use only and does not apply in any criminal or civil proceeding. The HCPD policy should not be construed as a creation of higher legal standards of safety or care in an evidentiary sense with respect to third-party claims.

II. DEFINITIONS[1]

A. Active Resistance: Any physical movement to oppose physical control. It may include physically bracing, twisting, pulling, or holding onto fixed objects.

B. Assaultive Behavior (also referred to as “active aggression”): Aggressive physical actions likely to cause injury to another.

C. De-escalation[2]

1. Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat.

2. As a situation and level of threat change, officers are required to reevaluate and respond proportionally with the least amount of force necessary to overcome resistance or carry out an arrest or other legitimate law enforcement function. De-escalation may include the use of techniques such as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

D. Excessive: The use or level of force that is greater than what is necessary and proportional to carry out a legitimate law enforcement objective.

E. Exigent Circumstances: The totality of the circumstances that present an urgent need for police

[1] CALEA 4.1.2
[2] CALEA 4.1.1

action to prevent the imminent risk of physical harm to an individual, the destruction of relevant evidence, or the escape of a suspect.

F. Imminent: Near at hand, at the point of happening, threatening, such an appearance of threatened and impending injury as would put a person on instant defense.

G. Necessary: Under the totality of the circumstances, no reasonable alternative exists to using force that would safely and effectively carry out a legitimate law enforcement objective.

H. Neck Restraint: Any use of force application intended to gain control of a subject by restricting blood flow to the brain.[3]

I. Objective Reasonableness:

1. Whether a reasonable officer with the same or similar training and experience, facing similar circumstances, would respond in the same way, or use similar judgment.

2. Based on the totality of the facts known to the officer at the time the force was applied, without regard to the subjective intent or motivation and without hindsight evaluation, no matter how compelling the evidence is to be found later.

3. Based on the knowledge the officer acted properly under established law at the time.

J. Passive Resistance: Failure to respond to verbal or other direction, but without exhibiting active resistance.

K. Physical Force: Any physical action used to control a person, defend oneself or another, overcome resistance, or carry out a legitimate law enforcement objective.

1. Physical force is divided into two categories:

a. Deadly Force: Force that creates a substantial risk of causing death or serious physical injury.

b. Less-lethal Force: Force that is not intended to or not reasonably likely to result in death or serious physical injury.

L. Police Action: Actions and activities performed by any officer acting in the scope of employment with HCPD involving carrying out the duties of sworn police officers, including, but not limited to effecting arrests and searches, traffic enforcement, setting up surveillance equipment, etc.

M. Proportional: Based on the totality of the circumstances, the amount of force that is required to carry out an appropriate law enforcement objective in light of the threat or resistance confronting the officer, the legitimate objective the officer seeks to achieve, and the value of the interest the officer seeks to protect.

N. Serious Physical Injury: Injury that is potentially life-threatening or causes permanent physical disfigurement.

O. Show of Force: The pointing a weapon (firearm, taser) at a person.

P. Totality of Circumstances: Circumstances an officer must consider in determining the necessary and proportional use of force, including, but not limited to, the nature and seriousness of the offense, the value of the interest the officer seeks to protect, the risk of harm to the officers and others, the relative size and strength of the subject, number of subjects, availability of weapons,

[3] CALEA 4.1.6

possible mental instability or other impairment of the subject, availability of other force options, training and experience of the officer, environmental factors, and availability of backup and specialized units. This list is not meant to be exhaustive.

III. USE OF FORCE

Officers are granted the legal authority to use force when necessary to achieve a legitimate law enforcement objective. This authority is grounded in the laws of the State of Maryland, the United States Constitution, and the provisions of this General Order.

Officers will use only the degree of force that, under the totality of the circumstances, is necessary and proportional to prevent the imminent threat of physical injury to a person or to effectuate a legitimate law enforcement objective.[4]

The decision to use force is often made in rapidly unfolding and highly stressful situations. An officer shall exercise sound judgment and discretion in determining the appropriate level of force, taking into account the totality of the circumstances, and continuously evaluating whether de-escalation would allow the officer to safely and effectively carry out a legitimate law enforcement objective.

A. There are only four instances when the use of force is justified. These include:[5]

1. To effect an arrest.

2. To prevent an escape.

3. For self protection.

4. To protect others from Self Harm or Danger to Others.

   a. Self Harm: Behavior that constitutes a danger of inflicting physical harm upon oneself. Reference General Order OPS-07, Persons Experiencing Mental Health Crisis.

   b. Danger to Others: Behavior that constitutes a danger of inflicting physical harm upon others.

B. Necessary: Under the totality of the circumstances, no reasonable alternative exists to using force that would safely and effectively carry out a legitimate law enforcement objective.

1. Factors officers should consider under this standard include, but are not limited to:

   a. The severity of the crime;

   b. Risk of harm to others;

   c. The Totality of Circumstances, including those leading up to the use of force.

C. Proportional: Based on the totality of the circumstances, the amount of force that is required to carry out an appropriate law enforcement objective in light of the threat or resistance confronting the officer, the risk of imminent danger to the officer or another, the legitimate objective the officer seeks to achieve, and the value of the interest the officer seeks to protect.

1. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be reasonable and necessary to counter it. An officer must use no more force than that is required to

[4] CALEA 4.1.1
[5] CALEA 4.1.1

protect a person from physical injury or to accomplish another legitimate law enforcement objective.

2. K-9 deployment is permitted in accordance with General Order OPS-14, K-9 Program.

D. Officers shall cease the use of force as soon as a suspect is under the officer's control and no longer poses an imminent threat of physical injury or death, or as soon as the officer determines that force will no longer accomplish a legitimate law enforcement objective.

IV. DE-ESCALATION

Officers shall attempt to de-escalate situations when it is deemed safe to do so and are encouraged to defuse rather than intensify confrontations with and between citizens. Officers shall continuously re-evaluate a situation to determine if the use of force is still necessary and proportional based on any change in the totality of the circumstances.[6] Officers will take into account the totality of an interaction including those actions leading up to the use of force.

When time, circumstances, and safety permit, officers shall take steps to gain compliance and control a situation without using physical force. De-escalation techniques may include verbal persuasion, warnings, and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the officer and the threat, and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.

A. Where appropriate, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.

B. When time, circumstances, and safety allow, officers shall attempt to take steps to gain compliance and de-escalate conflict without using physical force.

C. Officers should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance in order to de-escalate a situation or consider or deploy a greater variety of force options, including lesser force or no force at all.

D. Officers shall carry out legitimate law enforcement objectives in a manner that avoids unduly jeopardizing their own safety or the safety of others.

E. Officers shall not use tactics designed to intentionally escalate the level of force.

F. Officers shall cease the use of force as soon as a suspect is under the officer's control and no longer poses an imminent threat of physical injury or death, or as soon as the officer determines that force will no longer accomplish a legitimate law enforcement objective.

G. De-escalation techniques may also include terminating contact in accordance with training guidelines.

V. DUTY TO INTERVENE

A. An officer has the duty, consistent with their scope of authority and training, to intervene to prevent or stop another officer's use of excessive force if they know or reasonably believe the use of force to be excessive and to report this action to their supervisor.

1. This duty to intervene applies when Howard County officers are taking police action in another Maryland jurisdiction, as well as when officers from other jurisdictions are taking

[6] CALEA 4.1.1

police action in Howard County.[7]

2. Any officer who intervenes in another's use of force shall detail this information in a supplemental report. Supervisors shall ensure a copy of the incident report and any supplements are forwarded to the Internal Affairs Division in accordance with General Order ADM-02A, Sworn Administrative Investigations.

VI. USE OF DEADLY FORCE

A. Deadly force may only be used in self-defense or in the defense of others when an officer is confronted by what they have reason to believe is the imminent threat of death or serious physical injury.[8]

1. An officer is authorized to use deadly force only to: [9]

a. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;

b. Prevent a crime where the suspect's actions place persons in imminent jeopardy of death or serious bodily injury; or

c. Prevent the escape of a violent fleeing felon in the following circumstance:

i. As a last resort, if necessary, to prevent the escape of a suspect whom the officer has probable cause to believe has committed, attempted, or threatened to commit a crime involving the infliction of death or serious physical injury, and if not apprehended the suspect poses an imminent threat of death or serious physical injury to the officer or others; and

ii. The officer must reasonably believe that all other means of preventing the escape and effecting an arrest are futile and base their decision on whether the suspect poses an imminent threat if not apprehended based on information known to the officer at that time; the nature of the offense committed; and the circumstances surrounding the apprehension and the nature of the resistance of the suspect.

2. A verbal warning must be given prior to the use of deadly force except in articulable exigent circumstances.

3. To the extent practicable, officers shall avoid using deadly force that might subject innocent bystanders and/or hostages to possible injury or death.

VII. RESTRICTIONS ON THE USE OF DEADLY FORCE

A. An officer shall not use deadly force to subdue persons whose actions are a threat only to property.

B. Deadly force shall not be used against persons whose conduct is a threat only to themselves.

C. Officers shall not fire any weapon from or at a moving vehicle, except:

1. To counter a situation where the officer is unavoidably in the path of the vehicle and cannot move to safety. Officers should avoid positioning themselves in the path of a moving vehicle where they have no option but to use deadly force.

[7] CALEA 1.2.10
[8] CALEA 4.1.2
[9] CALEA 4.1.2

2. To counter an imminent threat of death or serious physical injury to the officer or another person, consistent with training.

D. The discharge of firearms for use as warning shots is prohibited.[10]

E. The discharge of firearms to destroy animals is not considered a use of deadly force covered by this General Order and is subject to the procedures detailed in General Order OPS-59, Animal Control Call-Out Procedures.

F. Choke holds, neck restraints, and intentional strikes to the throat or groin with the hands, feet, legs, elbows, knees, or any implement are prohibited, absent the need for deadly force.[11]

VIII. TRAINING REQUIREMENTS

A. The Education & Training (E&T) Division shall conduct and document annual training for all officers on the lawful and appropriate use of force, deadly force, and de-escalation that reflects the current Maryland Police Training and Standards Commission training standards.

B. This training shall include, but not be limited to, the use of force in general, de-escalation and tactical alternatives to the use of force, the use of deadly force, and the limitations that govern the use of force and deadly force, under the appropriate legal standard of Necessary and Proportional.

C. Officers shall receive training in defensive tactics during Entry Level Training. Retraining will occur during In-Service Training every year.

D. Officers are prohibited from deploying any use of force technique not authorized by HCPD. Officers may receive training from external sources in various other techniques, e.g., mandibular angle pressure joint, carotid restraint, but shall not deploy any technique taught by an external source, but not approved by HCPD, unless it is necessary in response to a deadly force situation.

E. At least annually, all members authorized to carry any weapon are required to receive in-service training on the department's use of force policy and the operational and administrative expectations of the member and the Department when there is a use of force.[12]

F. Officers shall, at least annually, demonstrate proficiency with all approved lethal weapons, less-lethal weapons, and taser energy weapons that the officer is authorized to use. [13]

G. Any training conducted by members of any Division shall be recorded and training records shall include at a minimum the name of the member who received the training, type of training conducted, and date the training was completed. These records shall be maintained and accessible for supervisory review.

H. Sworn first-line supervisors shall receive training in managing the scene of officer involved shooting incidents and other police incidents that result in serious injuries.[14]

IX. WEAPONS

A. Primary and Secondary handgun

1. The carrying, deployment, and/or discharge of the primary and secondary handgun, as

[10] CALEA 4.1.3
[11] CALEA 4.1.6 and 4.1.7
[12] CALEA 11.3.4f, 4.1.2 and 4.3.3
[13] CALEA 4.3.3
[14] CALEA 11.3.4E

defined in General Order ADM-56, Authorized Weapons, Qualifications, and Inspections, shall be consistent with the training provided by Education and Training (E&T).

2. Officers shall take into consideration the following factors when deciding to deploy the handgun:

   a. Possibility of the handgun inciting or aggravating a situation as opposed to being a protective measure;

   b. Reduced use of hands when using a handgun; and

   c. Potential background targets and the likelihood that rounds may pass through walls, etc.

3. Secondary handguns are authorized for use only in those critical situations when the primary handgun has been taken, lost, emptied, or disabled, or when deadly force applies. Approval, inspections, qualifications, and training with the secondary handgun shall be done in accordance with General Order ADM-56, Authorized Weapons, Qualifications, and Inspections.

B. Rifles

1. Officers trained as rifle operators shall use a rifle only in extraordinary circumstances, such as tactical or high-risk arrest situations, when it is anticipated that officers may confront an armed suspect(s).

2. The decision to deploy a rifle shall be in conformance with training and based upon the resources available to the officer at the time, the risks created using the rifle, and the danger posed by the suspect.

C. ASP F-21 Baton[15] (ASP)

1. The ASP F-21 baton shall only be used after demonstrating proficiency with it and in accordance with the training provided.

2. Intentionally striking the subject's head, sternum, groin, back, and neck areas are only authorized if the member is justified in using deadly force.

3. Whenever the use of an ASP results in serious bodily harm or death, the responding supervisor shall place the ASP into evidence and provide the member with a new ASP. At no time shall the member's ASP be taken in the presence of the suspect, a witness, or the media.

D. Riot Baton[16]

1. The use of the riot baton is restricted to crowd control situations and civil disobedience gatherings.

   a. The riot baton shall only be utilized at the direction of a supervisor, generally the Incident Commander.

   b. The Incident Commander shall document the deployment and the reason for the deployment in an Incident Report.

2. Whenever the use of a riot baton results in serious bodily harm or death, the responding

[15] CALEA 4.1.4
[16] CALEA 4.1.4

supervisor shall place the baton into evidence and provide the member with a new baton. At no time shall the member's riot baton be taken in the presence of the suspect, a witness, or the media.

E. Less-Lethal Shotguns[17]

1. Only authorized users may carry and use the Less-Lethal Shotgun. Less-Lethal Shotguns are authorized for use in assaultive behavior situations or when there is an imminent threat to an officer or others, consistent with training.

2. Officers shall announce "Beanbag, Beanbag, Impact Low" before the Less-Lethal Shotgun is discharged, when feasible. This will let the officers involved know that the Less-Lethal Shotgun is being discharged so it is not mistaken by sight or sound as a firearm discharge.

3. When a Less-Lethal Shotgun has been discharged operationally, the supervisor shall ensure that the deployed projectiles are placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.

4. Whenever a death or extended medical complication follows the discharge of a Less-Lethal Shotgun, the supervisor will ensure that the discharged less-lethal shotgun is placed into evidence and a new one may be issued to the officer.

F. FN303 Launcher[18]

1. Only authorized users may carry and use the FN303 Launcher. The deployment and/or discharge of the FN303 Launcher shall be consistent with the training provided by E&T.

2. The operator of the FN303 Launcher shall loudly give the verbal warning "FN, FN, FN" before firing, when feasible.

3. Although the FN303 Launcher is classified as a less-lethal weapon, the potential exists for FN303 rounds to inflict serious physical injury when they strike the face, eyes, neck, spine, and groin. Officers deploying the FN303 Launcher shall avoid intentionally striking those areas.

G. 37mm Multi-Launcher[19]

1. Only qualified members of the Tactical Section and Emergency Services Unit (ESU) shall be authorized to carry and deploy the 37mm Multi-Launcher.

   a. Individual launchers shall be loaded with either less-lethal projectiles or chemical weapons. At no time will a launcher be loaded with a mixed load of both.

   b. When ESU is deployed, the Emergency Response Division Commander or their designee will determine if chemical agents or less-lethal projectiles are appropriate for the situation.

2. Officers will deploy the launchers consistent with training standards established by the Tactical Section in conjunction with E&T.

3. During deployment of the launcher, the operator shall have another officer provide lethal cover.

[17] CALEA 4.1.4
[18] CALEA 4.1.4
[19] CALEA 4.1.4

4. The launchers may be deployed during tactical operations or unusual occurrences. Reference General Order OPS-35, Unusual Occurrences.

   a. The launcher may be utilized by ESU for civil unrest, or other situations deemed necessary by the Emergency Response Division Commander.

   b. Tactical operations may include but are not limited to barricaded subjects and high-risk apprehensions.

   c. Less-lethal projectiles are authorized for use in assaultive behavior situations and/or when the subject poses an imminent threat to an officer, themselves, or others if the subject is not apprehended. During tactical operations, this threat will be assessed based on the totality of the circumstances and information known at the time during any given incident, operation, or event.

   d. Chemical agents are deployed to disperse people from an area, location, or space. The use should be based on the circumstances of any given incident, operation, or event. The use of chemical agents must be authorized by the Incident Commander, the Emergency Response Division Commander, or their designee.

5. Although the 37mm multi-launcher is classified as a less-lethal weapon, the potential does exist for serious injury or death. In an effort to minimize this risk, officers should avoid intentionally impacting the head, neck, spine, or groin.

6. When a 37mm multi-launcher has been used to discharge impact projectiles operationally and the projectiles strike a subject, the supervisor shall ensure that the deployed projectiles that can be retrieved are placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.

H. Tear Gas[20]

1. Only members certified in the use and deployment of tear gas are authorized to dispense tear gas for crowd control purposes or in situations where other options are not desirable.

2. During prolonged emergency operations, the Deputy Chief for Field Operations or Incident Commander may designate additional members to deploy tear gas.

I. Oleoresin Capsicum (OC) Chemical Agent[21]

1. OC is an inflammatory agent that shall only be used by authorized members after demonstrating proficiency and consistent with the training provided by E&T. The use of OC shall be reviewed annually.

2. Uniformed civilians shall only use OC in self-defense.

3. OC shall not be used during civil disobedience situations against subjects engaged in passive resistance. Reference General Order OPS-62, Civil Disturbances.

4. OC shall not be used against a suspect in physical control of a moving vehicle unless exigent circumstances exist.

5. After each deployment:

[20] CALEA 4.1.4
[21] CALEA 4.1.4

a. The OC canister shall be placed into evidence prior to the end of the shift so it may later be analyzed, if necessary, to verify that its contents were in conformance with the manufacturer's specifications. The Property & Evidence Section shall maintain custody of the canister for a minimum of eighteen (18) months.

b. The Watch Commander shall be responsible for issuing replacement OC canisters when the Quartermaster Section is closed. The Quartermaster shall be responsible for issuing a supply of replacement OC canisters to the Watch Commanders.

c. Any officer or uniformed civilian utilizing the OC Chemical Agent shall adhere to the decontamination procedures as dictated by E&T.

J. Taser Energy Weapon (TEW)[22]

1. Electrical charges may be released from the TEW in the following way:

a. Firing probes up to forty (40) feet from a disposable cartridge that are connected to the TEW by insulated wires which release electrical discharge pulses into the body.

2. Deployment of the TEW

a. The TEW will only be assigned to and used by sworn officers who have been trained and are currently certified in its use.

b. The use of the TEW shall be consistent with the latest training provided by E&T.

c. An officer shall immediately notify Communications after they have discharged their TEW.

d. Officers may use a TEW when confronted with assaultive behavior. Officers shall give a warning to the suspect before the TEW is discharged, when practical.

e. If there is a reasonable and articulable expectation that it will be unsafe to control the suspect and using other tactics would be unsafe, inappropriate, or ineffective, the officer may discharge the TEW.

f. An officer may use a TEW only if the subject is exhibiting assaultive behavior or the circumstances support a reasonable belief that the subject poses a risk of immediate danger to the officer, themselves (self-harm), or others that could be mitigated by use of the TEW. An officer may not use the TEW on a subject who is merely actively resisting arrest or failing to obey a lawful order.

g. Fleeing shall not be the sole justification for the deployment of a TEW. An officer may discharge a TEW upon a fleeing subject only if:

i. Subject is fleeing from a crime in which they caused or threatened injuries or serious bodily harm; or

ii. Allowing the subject to flee would likely result in them causing injuries or serious bodily harm to another.

h. Officers shall announce "Taser, Taser, Taser" to other officers before the TEW is discharged, when feasible. This will let the officers involved know that the TEW is

[22] CALEA 4.1.4

being discharged so it is not mistaken by sight or sound as a firearm discharge.

i. The TEW shall only be used to accomplish the legitimate objective of bringing the subject under control.

i. When discharging the TEW, only the minimal number of cycles of energy should be administered to accomplish control.

ii. Officers should be aware that the subject may not be able to respond to commands while an electrical charge is being released from the TEW.

iii. The suspect should be secured as soon as practical to minimize the number of electrical charges.

iv. The TEW shall never be used in a punitive manner.

j. No more than one TEW may actively deliver electrical charges against a suspect at one time.

k. The officer will not intentionally target the suspect's groin, neck, face, hands, feet, or anywhere on the head with the TEW as this could result in serious injury. Officers should also refrain from targeting the suspect's upper chest area.

l. Certain individuals may be more susceptible to injury, such as children, the elderly, or individuals who are pregnant or have an apparent medical condition. TEWs shall not be used against these individuals except in exigent circumstances.

m. Following the delivery of an electrical charge, officers should use a restraint technique that does not impair respiration.

n. The TEW shall not be used in the following situations, absent exigent circumstances:

i. On a handcuffed suspect, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

ii. Against a suspect in physical control of a moving vehicle.

iii. In an environment where an officer knows that flammable or explosive materials are present, i.e., meth lab where spilled gasoline or another flammable liquid vapor is present.

iv. In an environment where the suspect's fall could reasonably result in death or serious injury, i.e., on an elevated structure, at the top of a staircase, around water, etc.

3. Officer and Supervisor Responsibilities

a. Whenever a TEW is discharged, the officer is required to notify a supervisor who must respond to the incident and ensure that all aspects of the TEW protocol are undertaken in a manner consistent with policy.

b. When a TEW has been discharged operationally, the supervisor shall ensure that the TEW cartridge, wire leads, and darts are placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.

c. When a TEW has been discharged operationally, the officer shall return the battery to a docking station so the data from the discharge can be uploaded.

d. Whenever a death or extended medical complication follows the discharge of a TEW, the supervisor will ensure that the discharged TEW is placed into evidence and a new TEW may be issued to the officer.

X. AFTERCARE

A. In any situation where a person is injured or states they are injured as a result of an officer's use of force, aid shall be rendered as soon as practical, and Communications shall be notified to dispatch emergency medical services. An uninvolved officer should be the one to render aid, when feasible.[23]

B. If TEW probes remain embedded in an individual after deployment, they shall be transported to a medical facility for probe removal and medical assessment. If the probes do not remain embedded in the subject, they may sign a waiver declining transportation to a medical facility.

C. Any person upon whom TEW has been used will be kept under observation by a member for a period of two (2) hours following the use of the TEW unless the subject is not criminally charged or subject to Emergency Petition procedures.

D. Any request by a subject for transport to a hospital for medical evaluation or treatment will be honored.

E. Should the subject be criminally charged, the arresting/transporting HCPD officer shall provide information regarding any known medical conditions of the arrestee upon who force has been used to the Central Booking Facility on HCPD Form 1251, Alert Form.

F. It is understood that during the response to a riotous situation or when a subject evades custody, all persons struck by batons, FN303 Launcher, OC, or tear gas may not be identified, and officers may not be able to comply with the aftercare requirements of this General Order.

XI. REPORTING USE OF FORCE[24]

A. Once the incident has been stabilized and is safe to do so, the officer using force or another officer on scene shall notify the area supervisor that force was used. The notification to the area supervisor shall include what force was used and if there were any apparent injuries or complaint of injuries by the subject or officer(s) involved.

B. Pursuant to Maryland law, the officer shall complete an incident report and a Use of Force Report prior to the end of shift if:[25]

1. The officer has used a weapon;[26]

2. Another person is injured or claims to be injured by the officer's use of force.[27]

3. If the officer has pointed a weapon at another person, the officer must enter a Show of Force entry in Axon Standards and submit an incident report prior to the end of shift.

C. If an incident meets the following conditions, it will not constitute a use of force: Routine handcuffing, escorting, or touching a suspect, with minimal or no resistance, to effect a legitimate

[23] CALEA 4.1.5
[24] CALEA 82.2.1b
[25] CALEA 4.2.1
[26] CALEA 4.2.1 a & c
[27] CALEA 4.2.1b

law enforcement objective.

D. All officers present or who witness another officer's use of force are required to complete a supplement to the incident report describing what they observed and their part, if any, in the incident. A copy of all supplements shall be forwarded to the supervisor of the primary involved officer, and all endorsements shall come from their chain of command.

E. Supervisors notified of a use of force incident where the subject complains of an injury or more than simple physical contact was used are required to respond to the incident and may not delegate the responsibility to another officer. If the officer's immediate supervisor is not available, another supervisor of the same rank or higher may respond.

E. When any member is involved in a use of force, the member's immediate supervisor shall ensure that copies of the Incident Report, all endorsements, and all relevant documents are forwarded through the chain of command.[28]

1. The review process for minor Use of Force incidents may stop at the Bureau or District Commander level as long as the incident did not involve:[29]

   a. Non-compliance with policy;

   b. Discharge of a firearm or less-lethal impact weapon;

   c. Significant injuries to any party;

   d. The use of the ASP or TEW; or

   e. The Internal Affairs Commander's assessment that a higher review is warranted.

2. For all reporting requirements, members of the Office of the Chief of Police shall report to the Deputy Chief for Administration.

F. Officers involved in an incident involving death or serious physical injury due to a use of force shall complete an incident report prior to the end of the shift in accordance with Maryland law unless the officer is disabled and unable to complete the report.[30]

1. All officers required to complete a report under this section shall be requested to provide a brief overview of the incident to the first uninvolved supervisor who arrives on the scene.

   a. The officer(s) shall provide information necessary for the safety of officers and/or the public, the nature of any possible crime(s) committed, descriptions and locations of possible outstanding suspects, and information related to any injured persons.

   b. This supervisor will be responsible for completing an initial report documenting the overview as given by the involved officer(s) prior to the end of shift.

2. The officer may review their BWC recording related to the incident prior to completing and submitting any required reports and/or being interviewed by the appropriate investigative unit. Reference General Order ADM-31, Body Worn Cameras.

3. The Watch or Bureau Commander shall ensure that a detailed report is completed by the supervisor who conducted the initial on-scene interview(s) prior to the end of shift.

[28] CALEA 4.2.2
[29] CALEA 4.2.2
[30] CALEA 4.2.1b

a. Any witness officers or other officers who responded to the scene but were not actively involved in the use of force being investigated are required to complete supplemental reports by the end of shift describing their actions and observations.

b. All reports should be approved by the same Watch or Bureau Commander working during the incident whenever feasible.

G. Any time force is used or an officer discharges a firearm, other than during a controlled training exercise or for the destruction of an animal for humane reasons, the officer's immediate supervisor shall ensure that a copy of the Use of Force Report, if required, incident report, and supplemental report with supervisory endorsements are forwarded through channels to the respective Deputy Chief of Police within twenty-four (24) hours following the end of shift.[31]

H. When a firearm is discharged, other than during a controlled training exercise or for the destruction of an animal for humane reasons, an incident report shall be submitted, with supervisory review, up to the District/Bureau level.[32] A simple notation on the report form will satisfy review and endorsement requirements. Officers and supervisors shall ensure the appropriate box is checked at the bottom of the report so that it may be forwarded.

I. Less-Lethal Impact Weapons

1. Whenever a member discharges a less-lethal impact weapon at another person, the member must submit a detailed incident report and a Use of Force form.[33]

2. If the member has pointed a less-lethal weapon at another person, the member must enter a Show of Force entry in Axon Standards and submit an incident report prior to the end of shift.

2. The member's supervisor shall provide an endorsement and ensure that copies are forwarded to the respective Deputy Chief of Police as well as to E&T through the chain of command.

J. OC: The incident report and Use of Force form shall include all required information and:

1. What decontamination procedures were provided to the subject;

2. Information on any third party who was affected by the OC; and

3. That the canister was placed into evidence.

K. TEW Reporting

1. Display: The visible presence of a TEW, including holding it at "low ready" or the display of the "warning alert," shall be considered a display and no report is needed.

2. Deployment: Pointing a TEW at a subject shall be considered a TEW deployment. Officers deploying a TEW must complete both an incident report detailing the actions of the officer and the suspect and Show of Force entry in Axon Standards.[34]

3. Discharge: The delivery of an electrical energy charge via probes shall be considered a TEW discharge. Officers discharging a TEW must complete both an incident report detailing the actions of the officer and the suspect, and a Use of Force form.[35]

[31] CALEA 4.2.1a
[32] CALEA 4.2.1a
[33] CALEA 4.2.1c
[34] CALEA 4.2.1c
[35] CALEA 4.2.1c

4. The battery of the TEW shall be removed and placed into a docking station so that the data can be downloaded after each discharge.

L. All completed incident reports and Use of Force forms shall be forwarded to IAD for review.[36]

1. Database entry is not necessary when an officer discharges a firearm to destroy an animal.

2. Copies will be forwarded to E&T for review.

3. All Use of Force forms will be made available to the Howard County Office of Risk Management and the Howard County Office of Law.

M. The Internal Affairs Division (IAD) will complete an annual analysis of all documented use of force incidents. This analysis shall identify:[37]

1. The date and time of incidents;[38]

2. The types of encounters resulting in use of force;[39]

3. Trends or patterns relating to race, age, and gender of subjects involved;[40]

4. Trends or patterns resulting in injury to any person, including HCPD members;[41] and

5. The impact of these findings on policies, practices, equipment, and training.[42]

N. The E&T Division shall complete an annual report reviewing all assaults on sworn HCPD members to determine trends or patterns and make recommendations to enhance officer safety, revise policy, or address training issues. The report shall be forwarded to the Chief of Police, through the chain of command, for endorsement.[43]

XII. INVESTIGATION OF USE OF FORCE

A. Use of force investigations shall be conducted as dictated throughout this General Order or applicable law.

1. If a use of force resulting in death or serious bodily injury occurs in another jurisdiction, HCPD will defer to that jurisdiction for any criminal investigation that may result.

2. Officers shall complete all required HCPD forms and reports as detailed in this General Order regardless of the level of force used.

B. The first arriving officer who is not involved in the incident shall be responsible for the following, if appropriate:

1. Render first aid to any injured officer or others after triage examination.[44]

2. Alert Communications to the situation and request medical assistance and additional personnel as deemed necessary.

[36] CALEA 82.2.1b
[37] CALEA 4.2.4
[38] CALEA 4.2.4a
[39] CALEA 4.2.4b
[40] CALEA 4.2.4c
[41] CALEA 4.2.4d
[42] CALEA 4.2.4e
[43] CALEA 4.2.5
[44] CALEA 4.1.5

3. Secure any suspects, injured or otherwise, per established procedures.

4. Protect and secure the scene from any contamination of evidence.

5. Identify and/or detain witnesses present.

6. Ensure the area supervisor has been notified.

C. The first area supervisor arriving on the scene shall be responsible for the direction of subordinate personnel.

1. The supervisor responding to a use of force incident shall ensure, if appropriate:

a. That aftercare has been initiated and EMS summoned, as appropriate;

b. That suspects and the scene have been secured;

c. That witness statements and photographs have been secured; and

d. Coordinate with a member of the Criminal Investigations Command to secure the involved weapon for placement into evidence.

2. If a Commissioned Officer arrives on-scene, they can act as a senior advisor to the incident, consistent with Incident Command System.

D. The Communications Division shall be directed to preserve and turn over to the assigned IAD or Violent Crimes Division (VCD) investigator(s) all involved/related electronic recordings of telephone and radio transmissions at least thirty (30) minutes prior to the incident and until the clearance of all investigators from the scene.

E. When an officer's action or use of force results in serious injury or death, the Watch Commander shall immediately respond to the scene and shall:

1. Contact the Independent Investigative Division (IID) at the Maryland State Police by calling the MSP Duty Officer at 410-653-4474. The IID will respond to the scene and assume responsibility for the investigation, including the collection of evidence.

2. Direct at least one officer to remain with the body or the injured person. In cases where a suspect is taken to a hospital, the assigned officer shall remain with the suspect, securing any physical evidence until relieved by a VCD and/or IID investigator.

3. Direct at least one officer to secure the scene.

4. Direct at least one officer, preferably a Supervisor, to remain with the involved officer to assure their personal safety and well-being. The Supervisor shall remain with the involved officer until relieved by VCD and/or IID. The involved officer shall not be questioned unnecessarily.

5. The involved officer shall not be left unescorted until all evidentiary items have been collected.

6. If the involved officer must report to a police facility to meet with VCD and/or IID, the crime lab, etc., they shall be driven to the police facility by a supervisor. The involved officer's vehicle shall remain at the scene until released by VCD and/or IID.

7. If the involved officer was injured and taken to an emergency facility, an officer or supervisor shall be sent to the emergency facility to act as a liaison between medical and

HCPD personnel.

8. Secure the involved officer's weapon(s) and, in the case of firearms, all ammunition carried in the incident.

   a. Firearms are to be left loaded with the magazine positions undisturbed.

   b. If appropriate, the Watch Commander shall ensure that the involved officer's weapon is replaced as soon as practical.

9. At no time shall the officer's weapon be taken in the presence of the suspect, a witness, or the media.

10. Ensure that all personnel at the scene submit a detailed supplemental report on their actions and observations prior to the end of their shift.

11. If an officer must be transported from the scene before being photographed or their firearm being recovered, they shall be in the company of a supervisor wearing an activated BWC.

12. In the event an officer shoots or critically injures another person, the Watch Commander shall ensure the following notifications are made:

    a. The area Patrol Supervisor;

    b. The Major Crimes Bureau Commander;

    c. The Internal Affairs Division Commander;

    d. The Bureau, District, or Division Commander for the officer involved;

    e. The Public Information Officer;

    f. The appropriate Deputy Chief of Police; and

    g. The Chief of Police.

F. When an officer's actions or use of force results in death or serious physical injury, they shall be placed into an administrative assignment pending an HCPD evaluation and review of the incident and the officer's ability to resume their normal assignment, independent of the internal investigation.[45]

1. The Chief of Police may recommend to the Chief Administrative Officer that the officer be placed on official leave for the remainder of the shift in which the incident occurred and remain on official leave until the Chief of Police or their designee authorizes a status change.

2. The Commander of the involved officer shall:

   a. Make a recommendation to place the officer on official leave or in an administrative assignment on the officer's following workday if the officer seriously injures or kills another person.

   b. If the involved officer's Commander is unavailable the next highest ranking Commissioned Officer shall handle this responsibility.

3. In all incidents where an officer's actions result in serious injury or death, the officer

[45] CALEA 4.2.3

involved may return to duty after the following have been completed:

a. Psychological assessment.

b. If applicable, a firearm familiarization session with the officer's new weapon, under the direction of the firearms training officer.

c. Review of the investigative information by the Chief of Police.

d. Authorization by the Chief of Police.

G. The Major Crimes Bureau and/or the Independent Investigative Division (IID) shall conduct an immediate investigation at the scene whenever an officer discharges their weapon at or seriously injures or kills another person.[46]

1. The involved officer shall be advised of their Miranda rights prior to any interrogation conducted by the Major Crimes Bureau and/or the Independent Investigative Division (IID).

2. The investigation shall be conducted in the same manner as any other crime.

H. The IAD Commander or their designee shall:[47]

1. Respond to the scene whenever an officer discharges their weapon and seriously injures or kills another person;

2. Review the completed investigation whether or not criminal charges are placed against the involved officer; and

3. Initiate a separate administrative investigation.[48]

4. Make the proper notification to the Governor's Office of Crime Control and Prevention.

I. A Criminal Investigation conducted by the Major Crimes Bureau shall be sent to the Chief of Police and the assigned State's Attorney for review. After the assigned State's Attorney has made a determination on justification or additional action, IAD shall conduct a review of the investigation.[49]

J. A Criminal Investigation conducted by the IID shall be sent to the assigned State's Attorney for review. After the State's Attorney has made a determination on justification or additional action, IAD shall conduct a review of the investigation.[50]

K. Except as directed by the Chief of Police, no member shall converse with the media about any part of an investigation of any use of force incident.[51]

L. The Deputy Chief of Administration or their designee shall serve as the point of contact for involved officers following a shooting or critical injury incident, and shall:

1. Ensure that follow-up medical support is provided to the involved officer.

2. Ensure every officer who critically injures or kills a person in the line of duty shall meet with a psychologist or psychiatrist selected by the HCPD at the officer's earliest

[46] CALEA 11.3.4a
[47] CALEA 11.3.4b
[48] CALEA 11.3.4b
[49] CALEA 11.3.4c
[50] CALEA 11.3.4c
[51] CALEA 11.3.4d

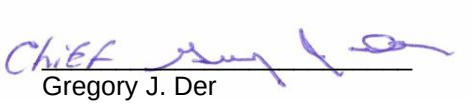
convenience. This interview is designed to assist the officer in dealing with the incident, and at the same time provide the HCPD with the necessary information for appropriate assignments.

M. The Critical Incident Stress Management (CISM) team may be contacted per the guidelines in General Order ADM-24, Peer Support Team.

XIII. CANCELLATION

This General Order cancels and replaces General Order OPS-11, Use of Force, dated October 28, 2024.

Authority:



Gregory J. Der
Chief of Police