



# MARYLAND CAPITOL POLICE

## OPERATIONS DIRECTIVE



### Use of Force

<b>Distribution:</b>	Sworn Employees	<b>Index:</b>	<b>OPS 08.01</b>
<b>Responsible Unit:</b>	Headquarters	<b>Rescinds:</b>	8-100
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#### .01 Purpose

To provide police officers with guidance in situations when force must be used, and to establish duties before, during, and after the use of force.

#### .02 Policy

Police officers may not use force against a person unless, under the totality of the circumstances, the force is reasonable, necessary, and proportional to prevent an imminent threat of physical injury to a person or to accomplish a legitimate law enforcement objective. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully. Police officers 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.

#### .03 Definitions

**CHOKE HOLD:** a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. This does not include vascular neck restraints.

**DEADLY FORCE:** force which is intended to cause death or serious physical injury, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

**DE-ESCALATION:** Acting 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 so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of techniques, such as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

**IMMINENT THREAT:** a person presents an imminent threat when the person has the means and ability to harm the police officer or another person, and the police officer reasonably believes the person intends to deliver that harm.

**LESS-LETHAL FORCE:** force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or serious physical injury. Devices may include, but are not limited to, batons, O.C. spray and electronic control devices.

**REASONABLE, NECESSARY, AND PROPORTIONAL:** the review of every use of force will be to determine whether it was reasonable, necessary, and proportional in light of the totality of the circumstances that were known, or should have been known, to the police officer, and in light of MCP policy.

1. **REASONABLE:** a police officer uses reasonable force when he uses no more force than is required to perform a lawful purpose.
2. **NECESSARY:** force is necessary only when no reasonably effective alternative exists. When force is necessary, police officers will use force in a manner that avoids unnecessary injury or risk of injury.

3. **PROPORTIONAL:** proportionality measures whether the force used by the police officer is rationally related to the level of resistance or aggression confronting the police officer, or the law enforcement objective.

**RESISTANCE:** police officers may face the following types of resistance to lawful orders:

1. **ACTIVE RESISTANCE:** when a person moves to avoid detention or arrest but does not attack or attempt to attack the police officer or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the police officer's grasp are all examples of active resistance.
2. **PASSIVE RESISTANCE:** when a non-assaultive person fails to comply with a police officer's commands without attempting to flee. Examples include, but are not limited to, going limp, refusing to speak, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent from being taken into custody.

**SERIOUS PHYSICAL INJURY:** physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement or loss or impairment of the function of any bodily member or organ.

**SHOW OF FORCE:** the pointing of a firearm, electronic control device, or less-lethal launcher at a person.

**TOTALITY OF THE CIRCUMSTANCES:** consists of all facts and circumstances surrounding any event that are known or reasonably should have been known at the time. 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 subject; the number of subjects; the availability of weapons; whether the subject is exhibiting signs of mental illness or is experiencing a behavioral health crisis; whether the 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, moving to cover, or other de-escalation techniques; environmental factors such as backdrop; and the availability of back up and specialized units.

**USE OF FORCE:** any physical strike, or contact with an instrument, of a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes discharge of a firearm, use of chemical agents, use of impact weapons, use of an electronic control weapon, taking a subject to the ground, and any physical contact that includes control techniques. The term does not include a police officer's mere presence, verbal commands, escorting or handcuffing a person with minimal or no resistance.

#### **.04 Authority**

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[MD. CODE ANN., CRIM. LAW §3-201](#)

[MD. CODE ANN., PUB. SAFETY § 3-207\(A\)\(19\)](#)

[MD. CODE ANN., PUB. SAFETY § 3-514](#)

[MD. CODE ANN., PUB. SAFETY § 3-524](#)

[COMAR 12.04.02.10C](#)

#### **.05 Procedure**

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##### **A. Core Principles**

1. **VALUE AND DIGNITY OF PEOPLE:** police officers will always respect and uphold the value and dignity of all people. Each police officer will sign an affirmation of the sanctity of life as outlined in [PER 02.01](#).
2. **ASSESSMENT:** police officers will continuously assess each situation and change their response as circumstances change. Police officers may be justified in using force in one instance, but not justified in using force later in the same incident. The actions of the suspect and the police officer will be assessed throughout the entire encounter, not simply the moment the police officer uses force.

3. DE-ESCALATION TECHNIQUES: when time, circumstances, and safety allow, police officers will take steps to gain compliance and de-escalate conflict without using force in accordance with [OPS 08.13](#).
4. PEACEFUL RESOLUTIONS: police officers will avoid the use of force unless it is not reasonably possible to do so.
5. RETALIATORY FORCE: police officers are prohibited from using force against persons lawfully engaged in First Amendment protected activities solely to punish persons for fleeing, resisting arrest or assaulting a police officer, or for any other retaliatory reason.
6. SANCTITY OF HUMAN LIFE: police officers will make every effort to preserve human life in all situations.
7. USE OF FORCE (REASONABLE, NECESSARY AND PROPORTIONAL): police officers will use only the force reasonable, necessary, and proportional to respond to the threat or resistance to resolve an incident effectively and safely and will immediately reduce the level of force as the threat or resistance diminishes.

**B. General Provisions for Use of Force**

1. Police officers have the authority to use force that is reasonable, necessary, and proportional.
2. When practical, police officers should announce force will be utilized prior to the application of force.
3. Police officers may only use weapons and/or techniques that are authorized by policy and on which the police officer is trained, unless warranted by the totality of circumstances.
4. Police officers will cease the use of force as soon as:
  - a. the person on whom the force is used is under their control or no longer poses an imminent threat of physical injury or death to themselves or to another person; or
  - b. they determine the force will no longer accomplish a legitimate law enforcement objective.

**C. Critical Thinking**

To the extent that time and circumstances allow, prior to using force, police officers will use a critical thinking and decision-making framework to analyze and respond to incidents. This framework will allow police officers to uphold the sanctity of life and protect themselves by slowing down and stabilizing a situation to minimize the likelihood of a use of force incident. Using this framework, police officers will:

1. assess the situation, threats, and risks;
2. gather relevant facts about the incident;
3. consider their police powers and the law/MCP policy;
4. identify other options and determine the best course of action (the police officer might have to delay or even abandon a law enforcement objective if the only way to accomplish the objective is through using force that, under the circumstances, would likely result in harm that far exceeds the value of the interest the police officer seeks to protect through the use of force); and
5. act, review and re-assess the situation.

**D. Restrained Persons**

1. Police officers will not use force against those who are handcuffed or otherwise restrained, except in exceptional circumstances where the totality of circumstances makes it reasonable and necessary to prevent injury or escape. Generally, police officers should not use force against a handcuffed or restrained person if the person's actions only present a risk of property damage.
2. Police officers are cautioned that force that may be proportional against an unrestrained person may not be proportional when used on a restrained person. As with any use of force, police officers are required to use de-escalation techniques and critical thinking to avoid the use of force.

3. Police officers will not position a restrained person face-down as it may cause positional asphyxia. Additionally, police officers will avoid placing suspects on their backs as it can cause nerve damage to the wrist and forearm area. Restrained persons should be seated or placed on their side.

**E. Use of Deadly Force**

1. Police officers may use deadly force only when the police officer reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury.
2. Police officers will not use deadly force unless de-escalation and less-lethal force options have been tried and failed or are not safe based on the totality of circumstances.
3. The use of deadly force will always be the last resort.

**F. Restrictions on the Use of Deadly Force**

1. Prior to the decision to employ deadly force, police officers will consider environmental conditions such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over-penetration, and other risks to life.
2. When safety permits, police officers should identify themselves as law enforcement and state their intention to use deadly force before using a firearm or employing any form of deadly force.
3. Deadly Force will not be used to subdue people whose conduct is a threat only to property or against those who are only a threat to themselves.
4. The following actions are prohibited unless the use of deadly force is authorized and no reasonable alternatives exist:
  - a. discharge of a firearm at a person;
  - b. strikes with any hard object, such as a baton, flashlight, radio, weapon stock/handle, etc. to the person's head, neck, sternum, spine, groin, or kidneys;
  - c. intentional strikes of a person's head against a hard, fixed object including, but not limited to, a roadway, concrete floor, wall, or iron bars;
  - d. kneeing or kicking a person's head, neck, back, or torso, including "knee drops" onto a prone person;
  - e. use of chokeholds or vascular neck restraints;
  - f. discharge of a less-lethal launcher to the chest, neck, or head at close range; and
  - g. the use of any force on a person whose health, age, condition, or circumstances are reasonably known to make it likely that death or serious physical injury will occur.
5. Firing warning shots is prohibited.
6. Generally, firing at a suspect in a crowd is prohibited; however, this is not to prevent officers from taking necessary action during incidents including but not limited to active shooter and hostage-related events.
7. Police officers will not fire a weapon from or at a moving vehicle, except:
  - a. to counter an immediate threat of death or serious physical injury to the police officer or another person, by a person in the vehicle using means other than the vehicle; or
  - b. to counter a situation where the police officer or another person is in the path of the vehicle and cannot move to safety. Police officers will not intentionally position themselves in the path of a moving vehicle where they have no option but to use deadly force.

**G. Less-Lethal Force**

When reasonable, necessary, and proportional, a police officer may use various forms of less-lethal force within the scope of his MCP training and only after he has received:

1. initial training and demonstrated proficiency with the weapon or technique;

2. a copy of the policy that addresses the use of the weapon or technique; and
3. training on the policy that addresses the use of the weapon or technique.

#### H. Required Actions

##### 1. Duty to Intervene

- a. All police officers have a duty to intervene to prevent or stop the use of force by another law enforcement officer beyond what is authorized by law if they have a reasonable opportunity and ability for intervention.
- b. Police officers will immediately report such incidents to a supervisor.

##### 2. Duty to Provide Medical Assistance

- a. Whenever there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, police officers will promptly render basic first aid consistent with their training and will promptly request medical assistance through communications personnel.
- b. If a person has been subjected to impact by any type of less-lethal force including electronic control weapons or O.C. spray, he will be provided medical treatment. If the person refuses medical treatment or leaves the location (e.g., an unlawful gathering dispersed by less-lethal force that voluntarily leaves without aid), police officers must document the actions taken to identify and render aid to the person.

##### 3. Children, Youth and/or Person Experiencing Behavior Health Disorders or a Crisis

- a. During encounters with children, youth, and/or persons experiencing behavioral health disorders or a crisis, police officers will employ developmentally appropriate, trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language.
- b. Police officers should account for any fear-based reactions that children, youth, and/or persons experiencing behavioral a health disorder or a crisis may experience during an encounter with law enforcement.
- c. If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health disorder or a crisis are unsuccessful to resolve the incident, and the use of force is reasonable, necessary, and proportional, police officers should consider personalized factors of the individual, including apparent age; body size; strength of the officer relative to the individual; and the risk posed by the individual.
- d. In the case of injury resulting from a use of force, in addition to the other requirements outlined in this policy, the police officer will ensure the child or young person's parent, guardian, or another responsible adult, is promptly notified.

#### I. Reporting Procedures for Use of Force

##### 1. Officer Responsibilities:

- a. Following a use of force or show of force incident, police officers will notify a supervisor immediately.
- b. In addition, any police officer with knowledge that another police officer used force, must also immediately report the incident to a supervisor.
- c. The primary or arresting officer will complete and submit an incident report. The individual against which force is used will be listed as a contact in the report and the "Force Used" tab will be completed detailing the type of force utilized.

- d. All other officers involved in a use of force or witnessing a use of force incident will complete a supplemental report detailing their involvement in the incident and any force used.
- e. The incident report and any supplemental reports will be submitted before the end of the tour of duty during which the incident occurred unless an extension is approved by their Commander.
- f. Each officer who used force will also enter the force incident into [BlueTeam](#) by the end of their tour of duty.
- g. If the use of force results in an injury to the arrestee, in addition to the incident report, photographs of the injury will be taken and uploaded as an attachment to the report.

2. Supervisor Responsibilities:

The on-duty supervisor will:

- a. respond to the scene to ensure that all required information and documentation is collected as outlined above.
- b. notify the employee's commander of the incident.
- c. ensure that the incident report, [BlueTeam](#) report, and all supporting documentation are submitted by the end of the involved officers' tour of duty.
- d. review the incident report, use of force report, any supplemental reports, [BlueTeam](#) report, and video recording (if applicable), document whether the incident was captured by video recording equipment and forward to the involved employee's commander prior to the end of their tour of duty.
- e. complete the [BlueTeam](#) report and collect all supporting documentation in the event the officer is incapacitated and unable to do so.

3. Commander's Responsibilities:

- a. The employee's commander will make notification through the chain of command regarding the incident.
- b. The employee's commander will review the use of force incident and [BlueTeam](#) report, complete an endorsement, and forward all information to the Support Services Division Commander. The endorsement will state whether the incident conformed or did not conform to department policy and procedures.
- c. If, in the commander's opinion, the incident did not conform to department policy and procedures they will consult with the ASB Bureau Chief to determine if an administrative investigation should be initiated.

J. Force Resulting in Life-Threatening Injury or Death

In the event force is used and results in a life-threatening injury or death the procedures outlined in [OPS 08.12](#) will be followed.

K. Training in The Use of Force

1. All police officers will undergo training on:

- a. when a law enforcement officer may or may not draw a firearm or point a firearm at a person;
- b. enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques;
- c. and reasonable alternatives to decrease physical injury and demonstrate proficiency with all approved lethal weapons, less-lethal weapons, and electronic control devices that they are authorized to use.

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2. All proficiency training will be monitored by a certified instructor.
3. All training and proficiency will be documented.
4. Remedial training will be done in accordance with the procedures established by the Support Services Division for those who are unable to qualify with an authorized weapon prior to resuming their duties.
5. Pursuant to [MD. CODE ANN., CRIM. LAW §3-524\(H\)\(2\)](#), police officers will acknowledge they understand and will comply with the Maryland Use of Force statute by signing the **Form 100 – Use of Force Training Completion Affirmation**.

L. Reporting Use of Force Complaints

1. All complaints of excessive force will be thoroughly investigated by the Agency.
2. On or before **May 1<sup>st</sup> of each year**, the ASB Bureau Chief shall submit to the Maryland Police Training and Standards Commission the number of Use of Force complaints made against its police officers during the previous calendar year, aggregated by the number of complaints administratively charged, not charged, unfounded and exonerated.

Approved:



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Colonel Michael S. Wilson  
Chief of Police 06/25/2024