



# USE OF FORCE

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## I. PURPOSE

The purpose of this policy is to provide the police officers of this agency with a policy for the use of force and to define reporting requirements and procedures related to officers' use of force. This policy applies to the use of force by agency officers only in the performance of law enforcement duties.

## II. POLICY

It is the policy of this law enforcement agency that the use of force by its officers must be necessary, proportional, and in furtherance of a legitimate, law enforcement objective or to prevent an imminent threat of physical injury to a person. All uses of force by police officers must be in compliance with applicable law and should conform to the officer's training. Police officers have the authority and the responsibility to enforce laws and protect society and, with that, police officers have the authority and responsibility to use force in conformance with this policy. The preservation and sanctity of life guides this agency's policy, leadership, and training.

## III. DEFINITIONS

- 1. **Necessary:** Force is "necessary" when, under the totality of the circumstances, there are no reasonable alternatives which would safely and effectively achieve the same legitimate result as the force.
- 2. **Proportional:** Force is "proportional" when, under the totality of the circumstances
  - a. an officer uses no more force than is reasonably required under the circumstances to prevent an imminent threat of physical injury to a person or to effectuate a legitimate law enforcement objective, but is not limited to use of force which is equivalent in type or amount to the force, resistance, or aggression the officer encounters; and
  - b. the degree and amount of force used is not too severe in relation to the value of the interest the officer is seeking to protect.
- 3. **Vascular Neck Restraint:** A vascular neck restraint is any application of force which intends to restrict blood flow to the head for the purpose of incapacitation, thereby placing the subject of the restraint in danger of loss of consciousness, death, or serious physical injury.

4. **Chokehold:** A chokehold is any application of force which intends to restrict oxygen intake for the purpose of gaining control of the subject, thereby placing the subject of the chokehold in danger of loss of consciousness, death, or serious physical injury.
5. **Force:** The execution of a physical act upon another person to exert physical control, overcome resistance, compel compliance, and/or defend oneself or another.
6. **Levels of Force:**
  - a. **Lethal Force:** A level of force likely to cause death or serious physical injury including: the discharging of a firearm in a manner likely to cause death or serious physical injury (except a firearm which discharges less-lethal or non-lethal projectiles); the use of a chokehold; the use of a vascular neck restraint; and the use of other force techniques which are likely and intended to cause death or serious physical injury. Also known as “Deadly Force.”
  - b. **Less-Lethal Force:** A level of force which: is not intended or reasonably expected to cause death or serious physical injury. Although there is less potential for less-lethal force to cause death or serious physical injury when compared to lethal force, the use of less-lethal force can result in death or serious physical injury.
  - c. **Non-Lethal Force:** A level of force which is not likely to cause death or serious physical injury.
7. **De-escalation:** Non-force measures which may stabilize a situation or reduce the immediacy of a threat. De-escalation measures include, but are not limited to: verbal commands, warnings, persuasion, and advisements; repositioning or use of barriers to create time and space; and the use of non-force tools or other parties to gain compliance.
8. **Reportable Use of Force:** A Use of Force Report is required in the following circumstances:
  - a. When use of force by an officer results in, or is reasonably alleged to have resulted in, any injury or death of another person.
  - b. When an officer uses actual, lethal force against another person.
  - c. When an officer uses actual, less-lethal force against another person.
  - d. When a departmental Canine either bites a person or inflicts an injury to a person.
  - e. When an officer uses non-lethal force in excess of basic, push or pull methods used to either overcome resistance to handcuffing or to escort or direct a subject acting with little or no resistance. Examples include but are not limited to: pinning a subject to the ground or other fixed object; forcing a subject to the ground; joint locks; and pain compliance techniques.

This policy will not be construed to mean that any and all measures that compel or are intended to compel a person to move or otherwise change position are Reportable Uses of Force. The display of authority or ability to use force, a warning or threat of the use of force, and a display, pointing, warning, or threat of use of a weapon are not Reportable Uses of Force.
9. **Serious Physical Injury:** An physical injury which:
  - a. creates a substantial risk of death; or
  - b. causes permanent or protracted serious: disfigurement, loss of the function of any bodily member or organ, or impairment of the function of any bodily member or organ.
10. **Serious Incident Report Form:** A departmental form to document mandated and other statistical reporting related to uses of lethal force and force resulting in the likelihood of death.
11. **Use of Force Report:** A report in the agency’s designated use of force data reporting system. This report contains links to: required statistical data, audio and video (including Body Worn Camera footage) of the incident, incident/offense reports, and other relevant information. This type of report is a supplement, not a replacement, to the agency’s general incident and offense reporting system.
12. **Totality of the Circumstances:** Totality of the circumstances includes the following:
  - a. the nature and seriousness of the alleged offense committed; the size, strength, condition, and mental state of the subject;
  - b. whether the subject is actively or passively resisting arrest or other lawful police actions;
  - c. the subject’s violent history (if known);
  - d. whether the subject appears to have access to a weapon;

- e. whether the subject appears to be under the influence of drugs or alcohol that may impact the subject's mobility or tolerance for pain;
- f. whether there is a hostile crowd present at the scene;
- g. the potential for officers or bystanders to be injured by the subject's or responding officers' use of force;
- h. the circumstances leading up to the moment of a use of force and the officer's actions in response to those circumstances; and
- i. any other relevant factors.

#### **IV. DIRECTIVES, RESTRICTIONS, AND AUTHORIZATION FOR THE USE OF FORCE**

##### **A. GENERAL DIRECTIVES, RESTRICTIONS, AND AUTHORIZATION**

1. Force may be used by police officers when such force is necessary and proportional.
2. A police officer must cease the use of force as soon as:
  - a. the person on whom the force is used is under the police officer's control or the person no longer poses an imminent threat of physical injury or death to the police officer or another person; or
  - b. the police officer determines that force will no longer accomplish a legitimate law enforcement objective.
3. When time, circumstances, and safety allow, officers must take steps to use de-escalation to gain compliance. This requirement to use de-escalation is regardless of whether force has already been used or is currently being used. The use of de-escalation measures should be focused on eliminating the need for force or reducing the level of force required to accomplish a lawful objective. Non-force or de-escalation measures are not required when the use of such measures would jeopardize safety or would reasonably fail to accomplish the lawful objective. Unless necessary to achieve a lawful objective, officers may not intentionally or unnecessarily escalate a situation in such a way that unnecessarily creates a need to use force.
4. Weapons and ammunition carried by officers carrying out law enforcement duties must conform to department specifications under Index Code 402.2. In exigent circumstances, officers may use any weapons, means, objects, or instruments at their disposal, regardless of the officer's training or the item's intended purpose, in order to accomplish a lawful objective. Such uses must be in accordance with the requirements for necessity and proportionality under this policy.
5. All officers have a duty to intervene in accordance with Index Code 102.1.
6. **Use of lethal force:**
  - a. An officer may use lethal force to protect the officer or others when the officer reasonably believes there is an immediate threat of either death or serious physical injury.
  - b. An officer may use lethal force to prevent the escape of a fleeing suspect only when the officer has probable cause to believe that the suspect has committed a felony involving the infliction or threatened infliction of serious physical harm and there is probable cause to believe that the suspect, if not apprehended, poses a significant threat of death or serious physical injury to the officer or others.
  - c. When feasible, before using lethal force officers must give verbal warnings to the suspect.
  - d. Warning shots from all lethal force firearms are prohibited.
  - e. Officers may discharge firearms at or from moving vehicles **ONLY** when lethal force is otherwise authorized by this policy **AND** innocent persons would not be placed in undue danger as a result of the officer's discharge of the firearm. Officers must avoid tactics which will purposefully place the officer in a position where discharging a firearm at the vehicle would be proper under this paragraph.
7. **Use of less-lethal force:**
  - a. An officer may use less-lethal force in circumstances where lethal force would be authorized. An officer is not required to use less-lethal force in a circumstance where lethal force would be authorized. During situations where lethal force may be authorized, lethal cover should be provided for the operator of a less-lethal weapon.
  - b. An officer may use less-lethal force to protect themselves, another officer, or another person (including a suspect) from harm.
  - c. An officer may use less-lethal force to control, restrain, or subdue a subject who is actively resistant and/or aggressive.

- d. The use of less-lethal force weapons must be in compliance with Index Codes 402.2, 406, and 407, as the type of force used applies to those policies.

**8. Use of Non-lethal force:**

- a. An officer may use non-lethal force in circumstances where lethal or less-lethal force would be authorized.
- b. An officer may use non-lethal force to accomplish any valid law enforcement objective.
- c. The use of OC Spray as non-lethal force must be in compliance with Index Code 404.

**9. Application of a knee or foot to the head or neck:**

An officer may not intentionally place their knee or foot on the head or neck of a subject except under circumstances which would allow the application of lethal force under paragraph 6 above.

**B. USE OF FORCE AGAINST ANIMALS**

- 1. Officers may use force against an animal to protect themselves or others from injury by that animal. The force used must be objectively reasonable.
- 2. Officers may use force against an animal to prevent property damage, including injury to a domestic animal. The force used must be objectively reasonable.
- 3. Officers may use lethal force against an animal to protect themselves or others from death or serious physical injury by that animal.
- 4. Officers may use lethal force against an animal to protect a domestic animal from death or serious physical injury.
- 5. Officers may discharge their firearm to destroy an animal that represents a threat to public safety or as a humanitarian gesture when an animal is seriously injured. Officers may not discharge their firearm to destroy an animal when doing so would unduly place other parties at risk of injury. When feasible, officers must obtain permission from a supervisor to discharge their firearm to destroy an injured animal or dangerous animal.
- 6. Officers discharging their firearm at an animal must notify the Communications Section to create a CAD incident and the officer must capture the incident on a BWC whenever possible.
- 7. If an officer discharges a firearm at an animal in a circumstance where it was not feasible to request permission prior to the discharge, the officer will immediately notify a supervisor.
- 8. **Discharge of a Firearm at a Domestic Animal:** The following procedures must be followed when an officer discharges a firearm at a domestic animal.
  - a. Upon being notified that a firearm was discharged at a domestic animal, the supervisor will ensure:
    - i. The supervisor responds to the scene.
    - ii. A District Detective Supervisor is notified and a District Detective responds to the scene.
    - iii. ECU responds and processes the scene.
    - iv. The Media Relations Office is notified.
    - v. Peer Support is offered to the involved officers and responds if requested.
    - vi. The Internal Affairs Section *is* notified.
    - vii. Any officer who discharges a firearm at domestic animal completes an incident/offense report or supplement detailing the circumstances of the incident and actions of the officer
  - b. A platoon commander must respond to the scene.
  - c. The District Detective Unit of the district of occurrence is responsible for conducting an investigation of the incident.
  - d. The Executive Officer of the district of occurrence, or if the incident occurs outside of the county, the Executive Officer of the nearest district, must conduct an administrative review of the incident.
  - e. The Internal Affairs Section commander is responsible for ensuring a Firearms Discharge Report is completed.

## **V. PROCEDURES FOR INCIDENTS OF LETHAL FORCE AND ANY FORCE RESULTING IN LIKELIHOOD OF DEATH**

### **A. On-Scene Procedures**

*Procedures must be followed as specified in Index Code 1653: Independent Investigation Division Notification.*

### **B. Follow-up to incidents**

1. The Criminal Investigation Division Homicide Unit is responsible for conducting a criminal investigation of any other use of force incident involving either lethal force or force that results in likelihood of death, which is not investigated by Maryland State Police and/or the Attorney General's Independent Investigations Division. A report of the criminal investigation will be submitted to the State's Attorney's Office and the Internal Affairs Section within 30 days or as soon as practical upon the conclusion of the investigation.
2. Administrative Leave and Return to Duty for Involved Officers:
  - a. When a police officer uses lethal force against a person or a use of force that results in likelihood of death, the officer **MUST**, upon going off-duty, be placed on administrative leave by that officer's Bureau Commander. The officer will return to duty after the following requirements have been completed, preferably within 10 days after the incident:
    - i. The officer must complete Traumatic Incident Counseling (see Index Code 403);
    - ii. If the use of force involved the officer discharging a firearm then the officer must complete firearm requalification and judgmental shooting training at the Training Division;
    - iii. The Chief of Police approves the officer's return to full duty.
  - b. When a police officer(s) is present at the time of a use of lethal force against a person or a use of force that results in the likelihood of death, at the discretion of the officer's Bureau Commander, the officer(s) may, upon going off duty, be placed on administrative leave. If there is any uncertainty, bureau commanders should err on the side of placing officers on leave. The officer(s) will return to duty after the following requirements have been completed, preferably within 10 days after the incident:
    - i. At the discretion of the officer's bureau commander, the officer must complete Traumatic Incident Counseling (see Index Code 403).
    - ii. If the use of force involved an officer discharging a firearm, then, at the discretion of the Training Division Commander, the officer must complete firearm requalification and judgmental shooting at the Training Division.
    - iii. The Chief of Police approves the officer's return to full duty.
3. Upon completion of criminal and administrative investigations of each use of lethal force or use of force by a police officer that results in death or injuries that are likely to cause death of a person, the Staff Inspections Section will conduct an administrative review and compile a report of the incident. This report will be provided to the Serious Incident Review Board (IC 405) and the Chief of Police. The report must include the relevant facts and circumstances surrounding the incident along with relevant policies.

## **VI. MEDICAL CARE**

All officers on scene of a use of force are responsible for ensuring appropriate medical care is provided as quickly as reasonably possible to any persons who complain of or show signs of injury as a result of any use of force or other law enforcement action. Medical care consists of rendering basic first aid and requesting appropriate medical assistance when: the subject has severe injuries; the subject is in apparent medical distress; the subject is unconsciousness; the subject requests emergency medical services; or otherwise appropriate.

A subject's refusal of medical care must be made knowingly and intelligently. Such a refusal should be captured on a body worn camera or in writing.

## **VII. TRAINING**

The Training Division is responsible for providing agency use of force training and ensuring compliance with training requirements under this policy and local, state, and/or federal laws. Firearms training must be in accordance with Index Code 402.

Agency personnel responsible for conducting criminal and administrative investigations of use of lethal force or any police action that results in death or serious injury must receive training for conducting and managing these investigations.

All non-sworn agency personnel who could be potentially impacted by or involved in the investigation or management of a use of lethal force or any police action that results in death or serious injury must receive awareness training regarding the process of investigating and managing these incidents.

### **VIII. RESPONSE, REPORTING, AND REVIEW FOR USES OF FORCE**

#### **A. Responsibilities of Officers Involved in a Reportable Use of Force**

1. Any officer involved in an incident of a Reportable Use of Force under this policy must immediately report the incident to either: an on-duty supervisor of the patrol district where the incident occurred or an on-duty supervisor of the officer's unit or section.
2. Any involved officer who is not disabled must, before going off-duty, complete required documentation and reports or, if disabled, provide required information to allow another officer to complete required documentation.

#### **B. Responsibilities of Supervisors of Reportable Use of Force**

Upon being notified of a Reportable Use of Force, the notified supervisor is responsible for ensuring compliance with Section VIII of this policy, unless another supervisor explicitly relieves the notified supervisor and assumes this responsibility. The responsible supervisor is additionally responsible for ensuring compliance the following directives:

1. If a use of force causes a serious physical injury: Without exception, a supervisor must respond to the location of that incident.
2. If a use of force causes an injury, but the injury is not serious physical injury: A supervisor must respond to the location of any incident unless exigent circumstances exist which prohibit a supervisor from responding to that location. In such case, a supervisor should respond to the scene later to ensure evidence is thoroughly collected.
3. A supervisor will ensure that all known video recordings are gathered and reviewed. This includes: ensuring that each of the Body Worn Camera recordings of all officers on scene are downloaded before each officer goes off-duty; and gathering and submitting as evidence video from local surveillance/security cameras and any other video sources that are known to be available.
4. The supervisor responsible for compliance with directives under this sub-section will ensure that any officer responsible for completing documentation under this policy has an opportunity to review Body Worn Camera data before completing any reports or documentation.
5. The supervisor responsible for compliance under this sub-section will conduct a review of the use of force in compliance with the review procedures under Section E below.
6. Ensure compliance with reporting requirements under Section C below.

#### **C. Required Documentation:**

1. A Use of Force Report must be completed for any Reportable Use of Force. All relevant records must be attached to or linked to the Use of Force Report. Each Reportable Use of Force must individually recorded in a departmental Use of Force Report and must be individually recorded and described in a departmental incident/offense report. Use of Force Reports must be completed before the involved officers go off-duty, unless the reporting officer is disabled.
2. An incident/offense report must be submitted for any Reportable Use of Force. Except as otherwise exempted by this policy, all officers involved with or who witness a Reportable Use of Force must fully document the incident in either a primary or supplemental incident/offense report. The incident/offense report must contain a description and circumstances of injuries incurred during the incident and medical care provided to the subject. If the author of the report used force, the report must contain an explanation of the force and a justification for the use of force. Additionally, the report must contain a description and circumstances of all self-inflicted injuries which occurred during police custody and pre-existing injuries to persons in police custody. See Index Codes 2003 and 2004 regarding injuries to prisoners.

Photographs should be taken of the following and submitted as attachments to the incident/offense report:

- a. All injuries due to a use of force and all alleged injuries due to a use of force (including officers and subjects)
- b. All locations of use of force impacts on a subject, regardless of the presence of any injuries
- c. The full body of any person who was the subject of a use of force

- d. All damaged property, including departmental property, officers' personal property, and other privately owned or public property.
- e. All pre-existing injuries to persons in police custody and all self-inflicted injuries to persons in police custody.
- 3. A Serious Incident Report Form must be completed for each officer who uses: force which results in death; force which results in injuries likely to cause death; or lethal force.
- 4. For discharge of a firearm on a domestic animal (Section IV.B.8): an incident/offense report must be completed documenting the circumstances of the incident and actions of officers involved.

#### **D. Responsibility for Completion of Reports**

The reports required under Section C above must be completed by the officer indicated:

- 1. For uses of force that are neither lethal force nor force resulting in likelihood of death:
  - a. Use of Force Report: Completed by the officer who initiated the primary use of force in the incident.
  - b. Incident/Offense Report or Supplement: Completed by each officer involved in the incident.
  - c. Charging Documents: Completed by an officer assigned by the responsible supervisor. Officers who are victims of a serious assault should not be assigned to complete charging documents.
- 2. For uses of force that are lethal force or force resulting in likelihood of death:
  - a. Serious Incident Report Form: Completed by the officer(s) who used lethal force or force resulting in likelihood of death before that officer goes off-duty, except if the officer is incapacitated the form will be completed by the responsible supervisor under Section A above.
  - b. Use of Force Report: Completed by the supervisor responsible under Section A above.
  - c. Incident/Offense Report and supplements completed by any officer(s) who did not use either lethal force or force resulting in likelihood of death.
  - d. Charging Documents: Completed by an officer assigned by the CID Supervisor for the incident. Officers who use lethal force or force resulting in likelihood of death may not be assigned to complete charging documents.

#### **E. Review Procedures**

This section lists the procedures for review of Use of Force Reports. ALL Use of Force Reports must be reviewed according to the requirements of this section.

Reviewers may include in any review whether relevant policies were clear and effective in consideration of the incident under review. Reviewers may return Use of Force Reports and associated records to the appropriate author for clarification, explanation, or further information required to complete a thorough review.

Any reviewing supervisor or commander who believes an officer may be in violation of Section IV of this policy must notify the Internal Affairs Section. The Internal Affairs Section is responsible for reviewing the incident and making a final determination regarding policy violations. This review does not preclude or halt the chain-of-command policy review under this policy.

Upon initiation of an investigation of misconduct by the Internal Affairs Section, any Use of Force Report regarding the incident under investigation must be forwarded to the commander of the Internal Affairs Section without delay and without any further chain-of-command policy review.

- 1. In general, Use of Force Reports will, without unnecessary delay, be reviewed via the chain of command as follows:
  - a. The responsible supervisor under Section A above is the primary reviewer of the Use of Force Reports for the relevant incident.
  - b. The responsible supervisor under Section A above must review the reports, video, and other relevant materials relating to the use of force. That supervisor will render a determination of compliance with the directives of this policy under Section IV for each use of force by each officer who used force.
  - c. The responsible supervisor under Section A above, will record the policy determination in the Use of Force Report and forward the Use of Force Report to the lieutenant of the officer who initially used force. The supervisor will also send an electronic copy (use of a "CC" function is preferable) of the Use of Force Report to the lieutenant(s) of any other officer(s) involved in the incident who used reportable force.

- d. The reviewing lieutenant will render an independent policy determination for compliance with Section IV in the Use of Force Report and forward the Use of Force Report to that lieutenant's captain.
  - e. The reviewing captain will render an independent policy determination for compliance with Section IV in the Use of Force Report and forward the Use of Force Report to the Internal Affairs Section.
2. The following circumstances are exceptions to the general rules in subsection 1, above:
- a. For ALL uses of force involving lethal force or force that results in likelihood of death:
    - i. The Use of Force Report will be completed by the responsible supervisor under Section E above.
    - ii. The Use of Force Report will be routed for review through that supervisor's chain of command to the district/division Captain.
    - iii. The reviewing parties will ensure the Use of Force Report is complete and accurate, but will not make a policy determination.
    - iv. The captain will forward the Use of Force Report to the Commander of the Internal Affairs Section.
    - v. The Commander of the Office of Professional Standards will review the Use of Force Report and render a final policy determination.
  - b. K-9: Except for cases where paragraph a (lethal force, etc), above, applies: In cases where a departmental canine bites a subject or inflicts injury on a subject, the Use of Force Report will be initiated by canine personnel and routed through Canine chain of command with electronic ("CC") copies sent to the commander(s) of any other officers(s) who used force. Each reviewing supervisor and commander in the chain of command will render an independent policy determination for compliance with Section IV in the Use of Force Report and the reviewing captain will forward the Use of Force Report to the Internal Affairs Section.
  - c. QRT: Except for cases where paragraph a (lethal force, etc), above, applies: In cases where members of QRT use force during an incident under the command of QRT, the Use of Force Report will be initiated by QRT personnel and routed through QRT chain of command with electronic ("CC") copies sent to the commander(s) of any other officer(s) who used force. Each reviewing supervisor and commander in the chain of command will render an independent policy determination for compliance with Section IV in the Use of Force Report and the reviewing captain will forward the Use of Force Report to the Internal Affairs Section.
  - d. Uses of Force by supervisory/command ranked personnel: Except for cases where paragraph a (lethal force, etc), above, applies: If a supervisory or command ranked officer uses force, the Use of Force Report will initially be reviewed by that supervisor's/commander's direct commander. It will then be forwarded for review and policy determination for compliance with Section IV at each level up the chain of command up to and including the captain of the supervisor/commander who used force and then to the Internal Affairs Section.

## **IX. DETERMINATION OF MISCONDUCT**

A violation of the standards under Section IV of this policy is misconduct.

A deviation from the procedural and reporting standards in this policy is not misconduct unless the deviation was made intentionally and with improper purpose.

## **X. DUTY TO INTERVENE**

Officers are required to comply with all provisions of Index Code 102.1: Duty to Intervene, when the officer observes another officer of any law enforcement agency using force that is clearly, either unnecessary or not proportional under the circumstances.

## **XI. ANNUAL REVIEW**

The Internal Affairs Section is responsible for preparation of an annual analysis and report of Reportable Uses of Force by police officers. Included in this analysis must be a review of the agency's policies and practices. The analysis must include the date and time of incidents; types of encounters resulting in Reportable Uses of Force; trends or patterns related to the race, age, and gender of subjects involved; trends or patterns resulting in injury to any subjects and officers; and the impact of findings on policies, practices, equipment and training. The report of this analysis will be submitted to the Chief of Police and the Staff Inspections Section.

The Internal Affairs Section is responsible for preparation of an annual report which reviews assaults on officers. This report will identify trends or patterns and will include recommendations to improve officer safety, revise policy, and/or



address training issues. This report will be submitted to the Chief of Police, Staff Inspections Section, and the Training Division.

**XII. DISCLAIMER**

The Anne Arundel County Police Department's Use of Force policy is for department use only and does not apply in any criminal or civil proceeding. The department's policy will not be construed as the establishment of a higher legal standard of safety or care with respect to third-party claims.

**XIII. PROPONENT UNIT:** Training Division & Staff Inspections

**XIV. CANCELLATION:** This directive cancels Index Code 401, dated **01-28-25**.