



Ocean City Police Department

General Order

Subject: Use of Force		No. G.O. 200 U-1	
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I. Purpose

The purpose of this Policy is to explain the law and the Department's policy on the use of force. Police officers shall use no more force than is objectively reasonable to accomplish lawful objectives. Naturally, the use of any force to accomplish unlawful objectives is prohibited. The Department will not tolerate excessive and/or punitive force.

The Department trains its employees to use only that force necessary under the circumstances, as those circumstances reasonably appear to the employee, at the time force is used. What force is necessary must depend on the judgment of the employee based upon the employee's assessment of the situation and the employee's training and experience.

Determining and performing the appropriate response to subject resistance or assaultive behavior requires the police officer to:

- A. Understand and apply the law and Department policy to fact situations;
- B. Make critical situational assessments before, during, and after the decision to use or not use force;
- C. Achieve proficiency with each authorized weapon and with personal weapon defensive techniques;
- D. Attain and maintain the physical skills, abilities, and conditioning necessary to safely and effectively deploy force and authorized weapons.

To avoid repetition, and aid in understanding the Department's universal policy, procedures regarding force are grouped in subsequent sections of this Order. Specific policies regarding certain weapons, tactics, or practices are addressed in the relevant sections.

II. Definitions

- A. **Active Aggression:** When a subject makes overt, hostile, attacking movements which may cause injury to the officer or another. This aggression may manifest itself through actions including, but not limited to, punching, kicking, biting, or pushing.
- B. **Active Resistance:** When a subject is making physically evasive movements or behaviors to defeat the officer's attempt to arrest or gain control. Physically evasive movements or behaviors may include, but are not limited to physically bracing, twisting, pulling, or attempted flight.
- C. **BlueTeam Use of Force Module:** Computer software used by the Department to administratively document information regarding use of force incidents by employees.

- D. **Conducted Electrical Weapon (CEW):** A less-lethal weapon that emits an electrical energy charge which causes electro-muscular disruption that affects the sensory and motor functions of the central nervous system.
 - 1. Display: The visible presence of the CEW outside of the holster.
 - 2. Target: The pointing of an armed CEW at a subject.
 - 3. Deploy: The use of the CEW to deliver an electrical energy charge either by firing probes, or by direct contact.
- E. **Lethal Force:** Force which creates a substantial risk of serious physical injury or death.
- F. **Less-lethal Force:** Any force that is less than lethal force.
- G. **Objectively Reasonable Force:** Force that is proportionate to the threat presented by, or the force needed to lawfully control, a subject in a particular moment, as the threat or need would be reasonably perceived in that moment, by that officer, without benefit of hindsight.
- H. **Passive Resistance:** The refusal to comply with an officers' verbal command to the extent that it would require some degree of physical contact by the officer in order to elicit compliance.
- I. **Physical Force:** Striking, holding, pulling, pushing, throwing, or exerting strength against another person.
- J. **Sensitive Population Group:** People who reasonably appear to be, or are known to be under five feet tall and weighing under one hundred pounds, elderly, suffering from medical/mental crisis, frail, pregnant, users of cardiac pace makers or have heart conditions.
- K. **Serious Physical Injury:** An injury that creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
- L. **Use of Force:** The amount of effort required by police to compel compliance from a person. This applies to any use of force occurring while the officer is acting in an official law enforcement capacity; to include undercover, plain clothes, or uniform assignments whether on-duty or off-duty. The use of a firearm by police officer(s) to compel compliance with verbal commands (i.e. high-risk traffic stop) does require a report of force under this policy.

Exceptions: Police actions not included in the above definition are handcuffs when used as a restraint in arrest and transport activities; transport by vehicle; physical removal of peacefully resisting demonstrators; display of a firearm, (unholstering or depressed weapon position); presence of police officers, mounted or canine units, or police issuance of tactical commands.

III. Policy

The Department recognizes and respects the dignity of all persons and respects the value of human life and shall guide training, leadership, and use of force principles based upon this philosophy.

It is the policy of the Department to use only objectively reasonable force to control or overcome active resistance and or active aggression put forth by subjects who are violent, exhibit threatening behavior, or physically resist arrest. When time, circumstances and safety permit, employees should take steps to gain compliance and de-escalate conflicts without using physical force.

The weapons and tactics described in this policy shall only be applied/used by authorized and trained employees in accordance with this Policy and related Standard Operating Procedures.

IV. Statement of Authority

A. Less-Lethal Force:

Subject to the provisions of Section IV,B (below), a police officer may use less-lethal force when and to the extent it is objectively reasonable to:

1. Defend himself, herself or a third person from what the police officer reasonably believes to be the use or imminent use of force.
2. Prevent the escape from custody or investigative detention or to effect an arrest or investigative detention of a person who the police officer reasonably believes (or reasonably suspects in the case of investigative detention) has committed a criminal offense.
3. Defend himself, herself or a third person from what the police officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect compliance with a lawful order.
4. Discourage the attack of a vicious or dangerous animal.

B. Lethal Force:

A police officer may use lethal force upon another person when and to the extent it is objectively reasonable to:

1. Defend himself, herself or a third person from what the officer reasonably believes to be the use or imminent use of lethal force;
2. Effect an arrest or to prevent the escape from custody of a person who the officer reasonably believes is attempting to escape by means of a deadly weapon, or who by his or her conduct or any other means indicates that he or she presents an imminent threat of death or serious

physical injury to others unless apprehended immediately. In the case where lethal force is authorized on a fleeing suspect, officers shall give some warning, if feasible, prior to the use of lethal force. (Example: "Police! Stop or I'll shoot!");

3. Destroy an animal that represents a clear threat to public safety, or as a humanitarian measure when an animal is seriously injured and no owner is present, prepared to provide immediate emergency veterinary care.

C. Excessive Force:

1. Force which is not objectively reasonable is prohibited and will not be tolerated by the Department.
2. Any employee who observes another employee using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede, where feasible, to prevent the use of such excessive force, so long as it does not pose a safety risk.
3. Employees shall promptly report observations of excessive force to a supervisor.

D. Use of Force Decision Making:

When assessing the need to use force, and the type and degree of force to use, police officers should consider the nature and extent of any threat posed by the subject, as well as all other circumstances of the encounter. Situational factors include but are not limited to the following:

1. The severity of the crime(s) reasonably believed to have been committed by the subject;
2. The degree to which the subject resists arrests or detention;
3. Attempts made by the subject to evade arrest by flight;
4. Available non-force alternative measures including de-escalation techniques, surveillance, waiting for additional or specialized support, and disengagement. (**Note:** This factor does not preclude an officer from using force which is objectively reasonable in a particular moment.);
5. Combatant's known or perceived intentions, motivations and abilities relative to the officer's abilities in terms of:
 - a. Gender, age, size, strength, condition, and personal weapon proficiencies
 - b. Availability and proficiency of weapon (s) use by either the suspect or the officer

- c. Suspect's motivation to harm or escape, propensity for violence, current condition or state of mind, and combat experience
- d. The ratio of police officer(s) to combatant(s)

6. The location or environment where the use of force incident is occurring.

E. Force Transition:

Transition from one use of force type or degree to another is common in most force incidents. In some extended use of force incidents the officer will correctly transition to differing degrees or types of force several times. A frequent pattern involves the police officer's attempted use of non-force or open hands techniques to gain compliance, followed by the use of less-lethal force that provides the opportunity for the police officer to more safely use restraint force and equipment to secure and control the subject. Force situations are very dynamic by nature and require the officer to continually monitor and assess the situation to insure a proportionate use of force.

F. Voluntary Compliance:

Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When practicable police officers should ask for and allow reasonable time for compliance.

V. Force Weapons, Tools, and Equipment

Unless otherwise noted the policy, procedures, and the authorized conditions of use or deployment contained in sections I-IV apply to the following subsections. All weapons, force tools, or restraint equipment carried while on-duty, or off duty under the police officer's authority as a sworn officer, shall be those issued by the Department or approved for carry by the Chief of Police or his/her designee. No other such instruments shall be carried or used. No issued or approved equipment or weapon is to be altered or modified unless specifically authorized by the Chief of Police or his/her designee. All weapons, tools, and equipment shall be maintained in good working order and any defect shall be reported to appropriate authority and resolved expeditiously. All weapons and equipment shall be carried and used in a manner consistent with Department training as well.

A. Restraint Use:

Restraints are a vital tool to maintain control and reduce injuries. Only issued and/or authorized restraint techniques or equipment are permitted for use. If authorized/ issued restraint techniques or equipment are insufficient to maintain custody and control of a subject, supervisory notification and authorization shall be obtained as soon as practical. Supervisors shall monitor any extraordinary restraint application and ensure appropriate use and documentation. Use of restraints as a punishment is strictly prohibited.

Restraints are authorized as objectively reasonable to:

1. Secure arrestees (or under certain circumstances, detainees) to prevent escape and/or assault.
2. Prevent injury to the arrestee, detainee or others.
3. Prevent property damage.

B. Oleoresin Capsicum:

Oleoresin Capsicum, commonly called OC or pepper spray is an inflammatory agent. The use of OC spray is considered a form of less lethal force that can be used to disable a person temporarily. Uniformed and plain clothes police officers performing police functions on-duty or off-duty while engaging in private security or other law enforcement related work, shall carry Department issued OC spray. Any person affected by OC spray, either intentionally or accidentally, will be provided post-use care by an officer.

1. Post-use care consists of rinsing the exposed areas with a saline solution or water as soon as reasonably possible following the exposure, placing the exposed person in a well-ventilated area, and observing the person in a manner consistent with the Department training concerning post-use care.
2. Police officers shall provide access to medical care upon request by the affected person or if it reasonably appears to the officer that medical care is needed. Any doubt is to be resolved by providing medical attention.
3. Any police officer or employee affected by OC spray shall be provided with post-use care. Documentation of any medical treatment provided to a Department employee shall be handled in accordance with other Department procedures

C. Conducted Electrical Weapon (CEW)

The CEW is a less-lethal weapon that may be utilized to gain control of a subject who is exhibiting active aggression, active resistance, or other circumstances as permitted by Department policy.

1. Deployment Guidelines

The following guidelines are supplemental to those policies and procedures outlined in Standard Operating Procedure OPS-015.

- a. The CEW will only be assigned to and be carried by on-duty sworn police officers who have been trained and are currently certified in its use.

- b. The use of the CEW shall be consistent with the latest training as mandated by the Maryland Police and Correctional Training Commissions, the CEW manufacturer, and the Department.
- c. A police officer who targets/deploys a CEW shall immediately notify his/her supervisor.
- d. A police officer may use a CEW when confronted with active aggression and/or active resistance, consistent with Department policy. The use of the CEW should be preceded by a verbal warning when practical.
- e. If an officer is faced with less than active resistance but there is a reasonable and articulable expectation that it would be unsafe to achieve contact range; and attempts to control the subject using other tactics would be unsafe, inappropriate, ineffective, or would likely result in injury to either the subject or the officer; then the officer may deploy the CEW. (i.e. known police fighter, known differences in size and strength, known disparity in relative skill level, prior knowledge of suspect).
- f. Fleeing shall not be the sole justification for the deployment of a CEW. Severity of the offense and other circumstances will be considered before officers use a CEW on a fleeing suspect. Officers should be aware that deploying a CEW for the purpose of stopping a fleeing suspect, and does in fact stop the suspect, may be considered a de facto arrest that must be supported by probable cause. (Reid v. Maryland).
- g. If an officer deploys a CEW, he/she must continually reassess the situation to ensure the level of force is appropriate.
- h. The suspect should be secured as soon as practical.
- i. No more than one officer may actively deliver CEW electrical charges against a suspect at any one time.
- j. Officers confronting a subject with a medical or mental condition should evaluate alternative force options available prior to a CEW deployment as a means to gain compliance.
- k. In situations involving a subject with an obvious medical or mental condition where a CEW will be used, efforts should be made to summon EMS prior to CEW deployment.
- l. The Department will maintain custody of all evidentiary items collected from a CEW deployment for three years plus one month.

- m. Following a CEW deployment, officers should use a restraint technique that does not impair respiration of the subject to avoid positional asphyxia.
- n. Supervisors shall ensure that digital images of the suspect are captured as soon as practical after the use of a CEW. Particular attention will be taken to image the impacted area and any obvious physical injuries.
- o. An officer will not target the suspect's face, neck, upper chest, groin, hands, feet, or anywhere on the head with the CEW.

2. Restrictions

- a. Officers are not prohibited from using a CEW in the following circumstances, however CEW use is limited to those extraordinary circumstances where the need to use the CEW reasonably outweighs the risks to those involved. Officers should exercise great discretion in these specific cases;
 - i. When the subject is holding a firearm.
 - ii. On a handcuffed suspect, absent overtly assaultive, self-destructive, or violently resistive behavior.
 - iii. Against a suspect in physical control of a vehicle in motion.
 - iv. In and around water to avoid possible drowning.
 - v. In an environment where the suspect's fall could reasonably result in death or serious injury.

Ex: Elevated Structure.
 - vi. Against subjects engaged in passive resistance.
 - vii. Against subjects who are members of a sensitive population group.
- b. A CEW shall not be deployed in the following situations:
 - i. In an environment where an officer knows that flammable, volatile or explosive materials are present.
 - ii. In an attempt to awaken unconscious or intoxicated individuals.
 - iii. For any punitive and/or unjust manner.

- iv. Intentionally at any person's head, neck, or groin except in lethal force situations.

D. Impact Weapons

The use by a police officer of a flashlight, baton, or any other objects used to strike a blow to the muscle groups of a person's arms or legs will be considered use of less-lethal.

A flashlight, gun, baton, or any other objects used by a police officer to intentionally strike a blow to a person's head or any other vital zone is prohibited except when lethal force is authorized. While on duty, police officers are prohibited from possessing saps, sap gloves, claws, blackjacks, or other unapproved weapons.

Whenever the use of an impact weapon results in serious bodily harm or death, the responding supervisor shall place the impact weapon into evidence and provide the involved officer with a replacement impact weapon.

The Department's less-lethal launcher (FN 303) is classified as an impact weapon. The use of this weapon is outlined in S.O.P. OPS 020.

E. Strangle Holds/Choke Holds

Holds that may choke or restrict the ability of an individual to breathe may be considered the use of lethal force and are permitted only when lethal force is authorized.

F. Firearm Use – Handgun

1. Discharge of a firearm is regulated as follows:

- a. Firearms discharge is permitted only when it is objectively reasonable in circumstances where lethal force is allowed under this Order.
- b. Firing at or from moving vehicles is prohibited except where the police officer reasonably believes that there is an imminent threat of death or serious physical injury to himself, herself or a third party if the police officer does not do so and that it is the only reasonable means of protecting himself, herself and/or a third party. The officer shall consider the safety of bystanders in determining the reasonableness of firing at or from a moving motor vehicle. If an officer can simply move out of the path of an oncoming vehicle, the officer shall do so rather than use lethal force.
- c. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

d. To give an alarm or to call assistance when doing so is necessary in an emergency situation and no other means can be used to do so and such a discharge can be accomplished safely.

e. Warning shots are prohibited.

2. Firearm Display

Police officers shall adhere to the following restrictions regarding display of their firearms:

a. Police officers shall not draw or display their firearm unless it is reasonable to believe it may be necessary to use the weapon in conformance with this Policy.

b. Police officers, when not in uniform, shall take steps to clearly identify themselves if displaying a firearm.

3. Firearms Carry

a. Police officers authorized by law to carry firearms shall exercise the utmost care and precaution in the safekeeping and use of such weapons.

b. Police officers will carry their Department-approved firearms with Department-issued ammunition as their primary weapon while on-duty, unless otherwise exempted (i.e. restricted duty, special assignment, etc.). The specific weapon issued will vary, depending on individual police officer's job assignment. Police officers are not authorized to carry more than one handgun on their person while on-duty, except when authorized by the Chief of Police.

4. Off-Duty Firearms

Off-duty wear and carry of a firearm is regulated in General Order 200 B-2: Off-duty Action.

G. Firearm Use - Patrol Rifles

1. Operational Guidelines

a. Officers should use a patrol rifle in circumstances, such as tactical or high-risk arrest situations, when it is anticipated that officers may confront an armed suspect(s).

- b. The decision to deploy a patrol rifle shall be in conformance with the training provided by the Firearm Training Unit and based upon the resources available to the officer at the time, the risks created by the use of the patrol rifle and the danger posed by the suspect. Such situations may include, but are not limited to:
 - i. Response to an Active Shooter / Killer;
 - ii. High-risk traffic stop;
 - iii. Incident where an officer has reasonable expectation that there is a potential for an armed subject encounter;
 - iv. Provide cover for a police K-9, or another officer, in the search for an armed subject;
 - v. When responding at the request of a supervisor to an extraordinary event; or
 - vi. Incidents in which suspects are believed to have weapons superior to our issued handgun.
 - vii. Incidents where suspects are believed to be wearing body armor.
- 2. Officers shall always consider the potential consequences of their actions when making the decision to use a patrol rifle. Officers shall take into consideration the factors outlined in Section V, Sub-Section G, 1 through 3.
- 3. The operational responsibilities regarding the use, care, maintenance, and storage of the patrol rifle are outlined in a Standard Operating Procedure (SOP-OPS 004).

VI. Post Use of Force Procedures

A. Medical Aid

Police officers who use force shall observe affected persons to detect signs of physical changes which may indicate a need for medical attention. If it reasonably appears that medical attention is necessary, Emergency Medical Services shall be summoned.

Police officers transferring custody of a person on whom force was used shall advise receiving officers or Arrest and Detention employees of the fact that force was used on the subject, the type of force used, and the perceived effects.

The on-scene supervisor shall also notify the Arrest and Detention Section that force was used on the subject as soon as practical. Emergency Medical Services shall be summoned if the subject:

1. Lost consciousness,
2. Suffered a seizure,
3. Has difficulty breathing,
4. Sustains an obvious injury,
5. Was subjected to a CEW deployment,
6. Is a member of a Sensitive Population Group and exhibits signs of medical distress, or
7. There is any other indication of need.

Subjects exhibiting signs of medical distress may be transported to a medical facility by EMS personnel for medical evaluation and treatment. Any doubts regarding medical aid shall be resolved in favor of providing medical attention.

B. Administrative Leave

1. An officer directly involved in a lethal force incident which results in injury or death shall be placed on Administrative Leave upon completion of the preliminary investigation of the incident. This leave shall be without loss of pay or benefits, pending results of the investigation. The leave shall not be interpreted to imply or indicate the officer has acted improperly.
2. Upon approval of the Chief of Police, the officer may be assigned to administrative duties. While on administrative leave the officer shall be subject to recall to duty at any time.
3. Upon returning to duty, the officer may be assigned to administrative duties for a period of time deemed appropriate by the Chief of Police.
4. In all cases where lethal force is used by an officer, the involved officer will be required to undergo a consultation with the Department's psychologist. The purpose of this consultation is to allow the officer to express his or her feelings and to deal with any psychological after-effect of the incident.
5. Upon the recommendation of the Department psychologist, additional consultations may be required for the involved officer through an independent psychological service. The independent psychological

evaluations shall not be related to any investigation of the incident, and nothing discussed in the independent consultations shall be reported to the Department with the exception of admissions to and/or the intent to commit criminal acts or the threat of suicide.

C. Reporting and Documentation

All uses of force will be documented in compliance with Standard Operating Procedure SOP ADM-006.

VII. Office of Professional Standards Review

The Office of Professional Standards shall conduct reviews of all Use of Force Reports completed by employees of the Department, consistent with SOP ADM-006. Reviews shall be used by the Department to reveal patterns or trends that could dictate training needs, need for equipment upgrades, and/or policy modifications.

VIII. Force Training:

A. Training Requirement:

No officer will use any authorized weapon or device without having received prior training/certification in all areas relating to its use and having demonstrated required proficiency with each weapon or device as mandated by the Maryland Police and Correctional Training Commissions, the manufacturer of specific weapon systems, and the Department.

B. Annual Training:

Sworn officers will receive annual training regarding the use of force policy, firearms training/qualification, and less-lethal weapons systems to include weaponless control techniques, recognizing implicit bias, and training in the de-escalation of incidents.

C. Training Documentation:

All training regarding use of force and related weapons systems will be documented by a qualified instructor and submitted to the Training Unit for retention and review by the department and the Maryland Police and Correctional Training Commissions.

D. Remedial Training:

All remedial training regarding use of force and related weapons systems conducted by the Department shall be under the direction of a qualified instructor and comply with the mandates set by the Maryland Police and Correctional Training Commissions.