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- I. Purpose

This Directive provides all officers with guidelines on the use of lethal and less than lethal force.

- II. Policy

The Division recognizes and respects the value of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is Division policy that police officers will use only that force which is reasonably necessary to accomplish lawful objectives and effectively bring an incident under control, while protecting the life of the officer or another person. The officer must evaluate the immediate circumstances and select the appropriate level of force to those circumstances. While consideration of the crime committed may play a role, it should not be the determining factor. Rather, it is the level of force currently being used against the officer and the imminent potential for death or serious physical injury to the officer or others upon which officers should base their decision to use force at any level.

- III. Definitions

- A. Lethal force: Any use of force that is likely to cause death or serious physical injury.
- B. Less-Lethal force: Any use of force, other than that which is considered lethal force, that is applied to effect an arrest or to protect the officer or others from personal attack, physical resistance, harm or death.
- C. Reasonable Belief: An honest belief based on a set of facts and circumstances which would lead a reasonable person.
- D. Objectively Reasonable Force: That level of force which is appropriate when analyzed from the perspective of a reasonable officer on the scene possessing the same information and faced with the same circumstances as the officer who actually utilized the force. The objective reasonableness of a particular use of force is not analyzed with hindsight but will take into account the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.
- E. Control Techniques: Firm grip and physical control holds (i.e., arm bars)
- F. Empty-Hand Techniques: Strikes with fist, elbow, knee, or foot executed consistent with the officer's entry-level police defensive tactics training and the Division's annual defensive tactics in-service training.
- G. Protective Instrument: Any less-lethal device utilized to apply force, baton, Electronic Control Device (TASER), OC Spray, flashlight, etc.
- H. Firearm: A Division-issued, or an authorized and approved officer-owned handgun, rifle, or shotgun.

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- I. Serious Physical Injury: An injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.
  - J. Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
  - K. 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.
  - L. Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.
- IV. Procedures
- A. Authorized Use of Force
    - 1. As time and safety permit, officers should assess the incident in order to determine the appropriate level of force to best de-escalate the incident, and bring it under control in a safe manner with the least possible force and, in all incidents, a level of force that is proportional to:
      - a. The level of resistance, and
      - b. The danger posed by the subject to the officer or others
    - 2. In determining the appropriate level of force, officers should consider objective factors regarding a subject's mental capacity, intellectual, developmental, or physical disability, drug/alcohol intoxication, and language barriers in determining:
      - a. the decision to use force
      - b. The level of force to be used
    - 3. Officers will not use force on any individual who is not engaged in or suspected of criminal conduct unless;
      - a. That individual is being lawfully taken into custody pursuant to an *Emergency Evaluation Petition*, and
      - b. Force is necessary to effect such custody.
    - 4. Officers will not use force, other than control techniques, on a subject who is handcuffed unless that subject poses a danger to the officer or others.

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5. Once the scene is safe, and as soon as practical, an officer will provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
  6. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances will, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers will promptly report these observations to a supervisor.
  7. All uses of force will be documented and investigated pursuant to this and other Division Directives.
- B. De-escalation
1. In their interaction with the public, officers should make every effort to avoid escalation of the encounter.
  2. An officer will use de-escalation techniques and other alternatives to force that are consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force
  3. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer will allow an individual time and opportunity to submit to verbal commands before force is used.
- C. Deadly Force
1. An Officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply
    - a. To protect the officer or others from what is reasonably believed to be an imminent threat of death or serious physical injury
    - b. To apprehend a fleeing felon only when:
      - 1.) There is probable cause to believe the crime committed was a felony of a violent type (one which involved the infliction or threatened infliction of serious physical injury or death), and
      - 2.) There is probable cause to believe the person fleeing committed the crime or the person fleeing escaped while being held in legal custody as a suspect in a felony of a violent type, and
      - 3.) Failure to immediately apprehend the person may place the officer, another law enforcement officer, or the public in imminent danger of serious physical injury or death.

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2. The officer's decision to use deadly force will be judged by the reasonableness of the officer's actions given the totality of the circumstances available to the officer at the time the force is employed. It will be judged more so on the circumstances of the immediate situation presented to the officer than on the type of crime committed
  3. Consideration of an officer's back drop and the danger of innocent persons must also be factored into the decision-making process.
  4. An officer may discharge a firearm to destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured, and no other alternatives are reasonably available.
  5. All officers will adhere to the following restrictions when their firearm is displayed:
    - a. Warning shots are prohibited.
    - b. Shots fired from or at moving vehicles are prohibited unless the circumstances would authorize the use of deadly force. Officers will not intentionally place themselves in a position in front of an oncoming vehicle where use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers will move out of its path if possible, rather than fire at the vehicle
    - c. A firearm will not be discharged when it is likely that an innocent person may be injured.

D. Less-lethal force

1. Officers are authorized to use Division approved less-lethal force options, to include empty-hand techniques and any issued or approved protective instrument with which they are trained and currently certified, for resolution of incidents, as follows:
  - a. When verbal direction and de-escalation techniques are ineffective or inappropriate, and
  - b. To protect themselves or another from personal attack, physical resistance or harm,
  - c. To effect the arrest of a combative subject, or
  - d. To bring an unlawful situation safely and effectively under control.;
2. Only in exigent circumstances, to protect themselves or another individual, will officers use an unauthorized object as a protective instrument.
3. Only when deadly force is justified may an officer use a less-lethal device in a manner which the officer knows is likely to cause serious bodily-injury or death.

4. Officers will not use protective instruments on any subject who, at the time of contact, is only a danger to him/herself and does not pose an immediate threat to officers or the public.
  5. Chokeholds are prohibited unless deadly force is necessary and reasonable.
- E. Transport and Custody Considerations
1. Officers must be mindful of certain indicators and/or conditions when detaining or arresting a person. The following conditions and/or indicators may potentially contribute to sudden unexpected death following extreme physical exertion and/or restraint:
    - a. Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora, hostility, exceptional strength, and endurance without fatigue. Officers who respond to calls for service or witness subjects exhibiting these behaviors/characteristics will summons emergency medical assistance to minimize their response times. The medical personnel will be requested to stage in a safe location outside of the scene until officers have safety secured the subject in distress.
    - b. Alcohol or drug use/abuse
    - c. Obesity
    - d. Display of erratic/psychotic behavior
    - e. Incoherent speech
    - f. State of agitation
    - g. Subject intentionally injuring themselves
    - h. Subject disrobing or naked.
  2. Officers must recognize these factors and closely monitor a subject in custody in the aftermath of a struggle when one or more of the above indicators are present and the scene is secure.
  3. Officers must take appropriate measures so that the individual being transported is able to breathe without restriction and if possible, should lay the subject on their side or seated in an upright position. Officers must avoid transporting subjects in a face-down position whenever possible.
- F. Medical Emergencies
1. Officers must immediately summon emergency medical assistance if the subject exhibits or complains of trouble breathing, becomes unresponsive, exhibits reduced levels of consciousness, or if in the officer's opinion the subject requires evaluation or medical treatment.

2. Officers will render medical aid, consistent with their training, as soon as practical and safe to do so.

G. Training and qualifications

1. Lethal force weapons: All officers will comply with the provisions of Division Directive, "Firearms Training and Qualification."
2. Less-lethal force weapons and methods:
  - a. Officers receive basic training and certification in the use of various control techniques, empty-hand techniques, and protective instruments during entry-level training.
  - b. Officers will receive training, at least annually, on the Division's use of force policy and related legal updates.
  - c. Officers will receive training, at least annually in defensive tactics to include control techniques and empty-hand techniques.
  - d. Officer will receive training, at least every two years, in techniques and tactics of de-escalation.
  - e. Officers will complete the annual-recertification training required for every protective device that is carried in accordance with the Directives under this section which govern the use of those devices.
  - f. In cases where an officer fails to demonstrate adequate proficiency with a protective instrument during retraining, the officer will be subject to remedial training which may include the completion of an entry-level certification course for that device.

H. Reporting uses of force

1. A supervisor will respond to the scene and comply with the appropriate reporting/investigative procedures, as required, in the following situations:
  - a. When a firearm is discharged outside the firing range (response is optional for authorized discharges involving animals); or
  - b. When an officer takes an action that results in or is alleged to have resulted in injury or death to another person; or,
  - c. When an officer applies force through the use of lethal or less lethal weapons, including vehicles.

2. A Use of Force Report will be utilized to document an officer's use of force. An Incident Report will still be required for incidents which result or are alleged to have resulted in the injury or death of another person, or that may involve a violation of policies, directives, or laws. A Report of Investigation will be completed for any incident that results in or is alleged to have resulted in injury or death to another person or that may involve a violation of policies, Directives, or laws. A Use of Force Supervisor's Checklist (see Division Forms Log) is provided for use at the scene of officer-involved shootings.
3. The provisions of Division Directive, "Deadly Force Investigation Procedures," will be followed in all instances where an officer uses lethal force or discharges a firearm in a confrontational situation, either on or off-duty.
4. *Animal Euthanasia*
  - a. *Officer will complete an incident report when euthanizing an injured animal. A Use of Force Report is **not** required.*
  - b. *When an officer responds to an injured animal call and euthanizes the animal, they will advise dispatch, via the radio, the number of rounds expended, and the on-duty supervisor will be notified. The officer will be required to complete an incident report to document the incident, the weapon used, rounds expended and disposal of the carcass. In the case where an off-duty officer dispatches an animal, the on-duty shift supervisor will be responsible for completing an incident report documenting the incident.*

#### I. Division Response

1. Lethal force incident:
  - a. Where an officer's use of force causes death or serious physical injury, the officer will be placed on administrative leave, pending outcome of the review of the preliminary facts and completing a required psychological evaluation by a Commission approved professional.
  - b. The Division will conduct both an administrative and criminal investigation of the incident (see Division Directive, "Deadly Force/In-custody Death Investigation").
  - c. If the incident occurs off park property, the appropriate police jurisdiction will conduct the criminal investigation, in accordance with any current "Memorandum of Understanding", as well as the procedures currently in effect with the agency having primary jurisdiction.
2. Administrative Review of Use of Force Incidents:
  - a. All Use of Force reports will be reviewed on a daily basis by the officer's supervisor and the Branch Chief. Those that meet the criteria of lethal force will be forwarded to the Administrative Review Board (see below) to determine whether:

- 1.) The relevant policy was clearly understandable, and effective, to cover the situation;
- 2.) Division training is currently adequate;
- b. The Administrative Review Board will be comprised of the following members or designees:
  - 1.) A Branch Assistant Chief
  - 2.) The involved officer's Section Commander
  - 3.) The Training Coordinator
  - 4.) The Range Master
- c. The Administrative Review Board will review the incident and all findings of training inadequacies will be reported to the Chief for appropriate resolution.
- d. All Use of Force reports will be retained permanently by Internal Affairs.
- e. There will be a yearly review of use of force incidents by command staff to ascertain training and policy needs.
- f. Internal Affairs is responsible for an annual analysis of all use of force incidents to be submitted to the Chief, Park Police Division.

Issuing Authority: \_\_\_\_\_



**Chief Darryl W. McSwain**  
**Maryland-National Capital Park Police**  
**Montgomery County Division**

**End of Directive**