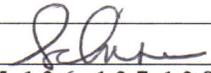


# La Plata Police Department – General Order

	Title: <b>Use of Force</b>		Order #: <b>616</b>	
	Effective Date: January 29, 2016 Original Issue: March 14, 2014	Review Date: January 29, 2016 by Karen Kruger		
	<input type="radio"/> New <input checked="" type="radio"/> <b>Amends</b> <input type="radio"/> Rescinds			
Approved by: <b>Chief Carl Schinner</b> 				CALEA 5 <sup>th</sup> Edition
CALEA Standard: 1.3.1 1.3.2 1.3.3 1.3.5 1.3.6 1.3.7 1.3.8 1.3.12 1.3.13				Pages: 10

**01 PURPOSE:** To establish policy, procedures and guidelines relating to the use of force by officers. fatigue brought about by psychosis, drug and/or alcohol intoxication or a combination of factors.

**POLICY:** It is the policy of the La Plata Police Department to use only reasonable force when force is used to accomplish a lawful objective. Officers may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer’s own life, or in defense of any person in imminent danger of serious physical injury. (CALEA 1.3.1 & 1.3.2)

**02 DEFINITIONS:** (CALEA 1.3.2)

- A. Active Aggression:** Any physical action(s) against a police officer(s) and/or another person that would reasonably be expected to cause injury but is less than deadly force.
- B. Active Resistance:** Any action by a subject(s) that attempts to prevent a police officer(s) from gaining control of the subject(s).
- C. Administrative Review:** A documented review of the known facts of an incident or occurrence indicating whether policy, training, equipment, or disciplinary issues should be addressed.
- D. Deadly Force:** Force which is intended to cause death or such force that a reasonable and prudent person would consider likely to cause death or serious personal injury. (CALEA 1.3.2)
- E. Excited Delirium:** The combined physiological and psychological state of excitement characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility, superhuman strength, aggression, acute paranoia and endurance without apparent

- F. Empty Hand Control:** Techniques that cover a number of subject control methods with the officer utilizing his hands and not yet employing any weapon(s).
- G. Less-Lethal Force:** Force which is not intended or reasonably likely to result in death or serious physical injury. (CALEA 1.3.2)
- H. Officer Presence:** When the officer is clearly identified as an officer and uses his/her presence to take control of the situation. In the event that the presence of the officer does not curb or decrease the amount of resistance, or stop the violation of law, the officer must be prepared to escalate using force.
- I. Passive Resistance:** Any type of resistance where the subject(s) does not attempt to defeat the police officer(s) attempt to touch or control the subject(s) but the subject(s) will not voluntarily comply with verbal and/or physical attempts of control.
- J. Physical Force:** Force other than deadly force or force through the use of less-lethal weapons to establish or maintain physical control over a person. (CALEA 1.3.2)
- K. Psychological Intimidation:** Non-verbal cues indicating the subject(s) potential for physical resistance. The cues may include but are not limited to: subject(s) attitude; appearance; and, physical readiness.
- L. Serious Physical Injury:** Injury which is potentially life threatening. (CALEA 1.3.2)

- M. *Verbal Direction*: Communication directed toward controlling the actions of a subject, including direction or commands. If resistance continues after using proper verbal and non-verbal skills, the officer must be prepared to further escalate the use of force.
  - N. *Verbal Noncompliance*: Any verbal response indicating the subject(s) unwillingness to obey a lawful command from a police officer. These commands include, but are not limited to: commands of detainment; arrest or to stop an unlawful act; and/or, dangerous behavior.
  - O. *Reasonable Belief*: A set of facts or circumstances known to the officer are such as to cause an ordinary and prudent police officer to act and think in a similar way under similar circumstances. (CALEA 1.3.2)
- 03 DISTRIBUTION OF ORDER:** The policies of the Department regarding the use of physical force, less-lethal weapons and equipment, deadly force, and discharging firearms will be set forth in this Order and Manual. Each sworn officer will be issued a copy of this Order and Manual, instructed in these policies and demonstrate proficiency before employing any of the weapons or tactics as trained. Only Departmentally issued or approved weapons, equipment and chemical agents will be authorized. (CALEA 1.3.12)
- 04 INJURY OR ALLEGED INJURY:** Any time there is an injury or an alleged injury as a result of a level of force used by an officer, the officer will do the following: (CALEA 1.3.5)
- A. Examine the injury and render first aid, if necessary.
  - B. Request that the Charles County Fire Department (CCFD) or other appropriate jurisdiction respond to the scene to evaluate the individual.
- Cause the transportation of the individual to a hospital, if necessary.
  - C. Immediately notify the on-duty Shift Supervisor, who shall respond to the scene and photograph the injury or alleged injury.
  - D. Charge the individual on a statement of charges or obtain a warrant if circumstances dictate, not a citation in lieu of arrest. Any exceptions must be approved by the on-duty Shift Supervisor.
  - E. Submit a Subject Management Report prior to the end of the officer's tour of duty, if physically capable.
  - F. Prepare a detailed incident report and submit it prior to the end of the officer's tour of duty, if physically capable. If the officer is not physically capable, the on-duty Shift Supervisor shall cause an incident report to be written.
- 05 PROGRESSION OF FORCE:** When possible officers shall employ a progression of force. Clearly, a progression of force may not be possible under all circumstances, however, officers will use a reasonable level of force when force is used to obtain a lawful objective.
- 06 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:** When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:
- A. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
  - B. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).

- C. Influence of drugs/alcohol (mental capacity).
- D. Proximity of weapons.
- E. Availability of other options (what resources are reasonably available to the officer under the circumstances).
- F. Seriousness of the suspected offense or reason for contact with the individual.
- G. Training and experience of the officer.
- H. Potential for injury to citizens, officer and suspects.
- I. Special knowledge the officer has about the subject.
- J. Risk of escape.
- K. Type of crime and/or call for service.
- L. Other exigent circumstances.

**NOTE:** It is recognized that officers are expected to make split-second decisions and that the amount of time an officer has available to evaluate and respond to changing circumstances may impact his/her decision.

**07 CONTROL OPTIONS:**

- A. Suspect Actions: In the course of their duties, officers may find it necessary to use force to overcome resistance, protect property and defend themselves or others. When applying control options, the totality of the circumstance, as well as other factors involved must be considered. Levels of resistance may include:
  - 1. Psychological Intimidation.
  - 2. Verbal Noncompliance.
  - 3. Passive Resistance.
  - 4. Active Resistance.
  - 5. Active Aggression.
  - 6. Deadly Force.

- B. Officer Actions: Based on the totality of circumstances an officer has the following control options available for suspect control:

- 1. Officer Presence.
- 2. Verbal Direction.
- 3. Empty Hand Control.
- 4. Less-Lethal Weapons.
- 5. Deadly Weapons.

**08 EXCITED DELIRIUM (Acute Behavioral Disturbance):**

- A. This mental status normally manifests itself in the violent behavior of an individual, who is likely to act in a bizarre and manic way. It can be caused by psychiatric illness, drugs (in particular cocaine), alcohol and a combination of these.

- B. The following is a list of the possible signs exhibited by such person:

- 1. Aggressive and or bizarre behavior;
- 2. Impaired thinking and disorientation;
- 3. Hallucinations;
- 4. Acute onset of paranoia;
- 5. Diminished sense of pain;
- 6. Unexpected physical strength;
- 7. Sweating and fever; and/or,
- 8. Sudden tranquility after very frenzied activity.

- C. A suspect who is or may be suffering from this condition is highly vulnerable to the risk of dying suddenly in circumstances which incorporate a violent struggle.

- D. Consideration, must, if possible, be given to an alternative restraining, while still affording an appropriate measure of

protection to the public and officer(s) present. The individual should be given as much freedom of movement as reasonably possible.

- E. A struggle with a suspect, whether handcuffed or not, may lead to the point of exhaustion and sudden death. Excited delirium is a medical emergency and shall be treated as such.

**09 SUBJECT MANAGEMENT**

**REPORT:** The Department will incorporate a Subject Management Report to document all reportable incidents involving the use of force by officers. Each officer utilizing a level of force, as outlined by this policy, shall complete a Subject Management Report as soon as possible, but no later than the end of the officer’s tour of duty, unless incapacitated.

- A. A Subject Management Report will be submitted in the following circumstances:
  1. A firearm is discharged, for other than training, destruction of an injured animal, or recreational purposes. Training and recreational purposes are defined as the following: (CALEA 1.3.6.a)
    - a. Departmentally authorized training;
    - b. Legal target practice; and,
    - c. Competitive shooting.
  2. An officer takes an action that results in, or is alleged to have resulted in, injury or death of another person; (CALEA 1.3.6.b)
  3. An officer applies force through the use of lethal or less-lethal weapons; or, (CALEA 1.3.6.c)
  4. An officer applies weaponless physical force at a level as defined in Section 11 of this Order. (CALEA 1.3.6.d)

- B. Each individual officer shall provide justification on the narrative portion of the Subject Management Report (supplement). The narrative will annotate who, what, when, where, how and why.

1. In addition to the Subject Management Report, the primary reporting officer will complete a detailed incident report.
2. The incident report and any related supplemental paperwork will be submitted with all Subject Management Reports for review. A Shift Supervisor will review the reports and will attach all appropriate paperwork, a copy of the incident report, hospital release and submit it for review via the chain of command, with endorsements, to the Office of the Chief of Police. The original Incident will be placed in the “report in” box in the mail copy room.

**C. SUBJECT MANAGEMENT REPORT ADMINISTRATIVE REVIEW: (CALEA 1.3.7)**

1. The Shift Supervisor shall respond to the scene of all reportable use of force incidents and conduct an investigation.
2. The investigation shall include, but is not limited to, interviewing and obtaining statements from witnesses and the suspect(s).
3. Upon review of the Subject Management Report, the Shift Supervisor shall determine whether Department policies were followed or if there were any other notable issues such as training or equipment failures.
4. If the Shift Supervisor finds no violations of policy he/she will sign the Subject Management Report and forward it to the Operations Commander with any

statements or personal comments.

weapons/equipment or discipline issues need to be addressed.

5. The Operations Commander or his/her designee shall review the Subject Management Report and any other comments forwarded by the Shift Supervisor. If the Operations Commander agrees that no policies were violated, the Operations Commander shall sign the Subject Management Report and forwarded it to the Office of the Chief of Police for review.
6. The Chief of Police or his/her designee shall review all Subject Management Reports and Shift Supervisor and/or Operations Commander comments. If the Chief of Police concurs with the Use of Force, he/she will sign the report and file the original Subject Management Report in his/her office.
7. At any stage in the Administrative Review process, the Shift Supervisor, the Operations Commander or his/her designee or Chief of Police or his/her designee may initiate an investigation if Department policies were not followed.
8. Endorsement of the reports with a signature shall reflect that the reviewing Shift Supervisor or Operations Commander is in agreement that Department policy was adhered to. Should the Shift Supervisor or Division Commander not be in agreement a memorandum shall be attached to the Use of Force Report and forwarded through the chain-of-command. The Chief of Police or his/her designee shall determine who shall investigate the possible breach of policy.
9. Reviewers should keep in mind whether training, policy,

10. If training, policy, weapons or equipment issues are noted, the Chief of Police shall notify the Operations Commander or the Commander of Investigation, whichever is appropriate, to ensure appropriate action is taken.

**10 SUBJECT MANAGEMENT REPORT FORM FILE:** The Office of the Chief of Police shall maintain the original Subject Management Report and photographs.

**11 NON-REPORTABLE USE OF FORCE LEVELS:** Neither Department policy nor CALEA standards require the reporting of the use of weaponless, hand-to-hand control techniques that do not produce injuries when gaining control of non-compliant individuals who are not actively resisting. These techniques include, but are not limited to; physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs or handcuffing. Any other uses of force or those listed in this section where injury occurs or is alleged shall be reported on a Subject Management Report. (CALEA 1.3.6.d)

**12 LESS-LETHAL WEAPONS:** See Order 618-Less-Lethal Weapons.

**13 K-9 PATROL DOGS (Future):** Refer to Order 650-K-9 Procedures.

**14 USE OF CHOKE HOLDS AND LATERAL VASCULAR NECK RESTRAINTS:** The use of choke holds and Lateral Vascular Neck Restraints are **prohibited**.

**15 DEADLY FORCE:**

- A. Police Vehicles. Officers will not attempt to deliberately collide with other vehicles or to use the police vehicle to force any vehicle off the

roadway, unless deadly force would be authorized.

**B. Use of Firearms:** The Department’s policy concerning the use of deadly force and discharging firearms is as follows:

1. Officer will not unnecessarily display or carelessly handle a firearm.
2. Warning shots are prohibited, as it exposes officers and citizens to unnecessary dangers. The discharge of a gun to summon aid, when other means are not available, is permitted. (CALEA 1.3.3)
3. Deadly force may be used in self defense or in the defense of others, when an officer is confronted by what he/she reasonable believes is an imminent threat of death or serious physical injury. It is important to note: (CALEA 1.3.2)
  - a. When possible, a warning should be given prior to the use of deadly force;
  - b. The officer must reasonably believe that all other means of effecting the arrest are futile; and,
  - c. The decision on whether the suspect poses an imminent threat, if not apprehended, must be based on information known to the officer at the time.
4. Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists.
5. Officers will not discharge firearms at or from moving vehicles, or suspects fleeing in vehicles, unless the officer’s life or the life of another person is in eminent danger of serious physical injury or death and no escape route is available.

6. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the officer or another person, or when an animal is so badly injured that humanity requires its relief from further suffering.
7. Officers who discharge(including accidental discharge) any firearm will notify the Shift Supervisor as soon as possible and submit the appropriate paperwork as outlined in this Order as soon as practical. (Firearms training, lawful target practice, and lawful hunting are exempt from this paragraph).
8. The Operations Commander or his/her designee will be notified of the weapon discharge incident.

**16 DE-ESCALATION OF DEADLY FORCE:** In situations where the officer must overcome an attack that the officer reasonable believes would produce serious injury or death to the officer or another person, the officer may use any methods necessary to overcome the attack. However, once the situation has stabilized and the threat of serious injury or death is past, the officer must once again immediately resort to reasonable approved less-lethal force tactics and weapons.

**NOTE:** As a last option in order to save his/her own life or the life of another, an officer may use any action necessary, even ones prohibited by this Order.

**17 DEPARTMENTAL INVESTIGATIVE PROCESS IN USE OF DEADLY FORCE:**

**PERSONAL INJURY OR DEATH WITHIN THE JURISDICTION:**

- A.** The following procedures will be used to investigate every incident of firearms discharge or use of force that result in serious physical injury or death by a Department officer except for target practice, hunting, ballistics examinations, authorized training and

incidents involving the humane destroying of animals.

**B. Involved Officer's Responsibility:**

Whenever an officer discharges a firearm either accidentally or officially or uses force that results in serious physical injury or death. The officer will immediately:

1. Determine the physical condition of any injured person and render first aid when appropriate;
2. Request necessary emergency medical aid.
3. Notify the Operations Commander of the incident and location; remain at the scene until arrival of Shift Supervisor or Commander of Investigations (when appropriate).
4. Do not discuss the case with anyone except supervisory and investigative personnel, or officer's private attorney.
5. Protect any involved weapon for examination and surrender said weapon to the appropriate supervisor or investigator.
6. Prepare a Discharge of Firearm Report (LPPD Form 616).
7. Prepare a Subject Management Report.

**C. Duties of the Shift Supervisor:**

1. Respond to the scene.
2. Ensure that the Criminal Investigations Commander is notified.
3. Ensure that the Operations Commander and the Chief of Police are notified.
4. Take the steps necessary to maintain the security of the scene until the arrival of Criminal Investigations Unit's personnel.

5. Have the involved officer escorted from the scene to Headquarters and placed in a quiet environment.
6. If necessary, secure the involved officer(s) weapon(s) and release them to investigative personnel upon their arrival. At no time will the involved officer(s) weapon(s) be taken in front of the suspect or the public.
7. The duties of the Shift Supervisor during a critical incident such as an officer involved shooting may be daunting. The Department has prepared a guide that shall be employed on any officer involved shooting and may be employed during any other in custody death or incident involving serious physical injury. For a step by step guide for Patrol Supervisors, see Section 2 of the Officer Involved Shooting Manual.

**D. Duties of the Criminal Investigations Unit (CIU):**

1. CIU will be responsible for the criminal investigation of the use of force incident. Criminal charges, if warranted, will be placed by CIU with necessary assistance from the Office of the State's Attorney.
2. The responsibility for the investigation of the police use of force incident shall be placed with the Officer-In-Charge of CIU who shall forward the report to the Chief of Police.
3. The Officer-In-Charge of CIU shall designate another detective of the Unit to investigate any criminal incidents which precipitated the use of force incident.
4. The duties of CIU during a critical incident such as an officer involved shooting may be daunting. The Department has prepared a guide that shall be employed on any officer involved shooting and may be employed during any other in custody death or incident involving

serious physical injury. For a step by step guide for CIU personnel, see Section 3, Section 4 Section 5, Section 6 and Section 7 of the Officer Involved Shooting Manual.

- E.** Duties of the First Responding Commander: The first responding Commander shall manage the over all incident until the arrival of the Chief of Police.
- F.** Duties of the Operations Commander or his/her designee:
  1. Respond to the crime scene to organize the investigation.
  2. Inter-act with news media.
  3. Cause the on-call Assistant State's Attorney to be notified.
- G.** Duties of the Chief of Police or his/her designee:
  1. Place the involved officer(s) on administrative leave until review of the incident. Administrative leave will be for a minimum of five (5) days. (CALEA 1.3.8)
  2. Refer the involved officer to the proper mental health professional to determine suitability for duty.
  3. Determine whether the officer shall remain on administrative leave, placed in a non-line function, or continue in present duty status.
  4. Determine if the internal affairs investigation should be handled within the agency or by the Maryland State Police.
  5. Review the internal investigative report.
  6. Exonerate the officer(s) in writing if conditions warrant or initiate any internal actions for violation(s) of Department Orders.

**PERSONAL INJURY OR DEATH  
OUTSIDE THE JURISDICTION**

- H.** Whenever an officer discharges a weapon which causes injury or death, the officer will become subject to the laws of the jurisdiction in which the incident occurred.
- I.** The local jurisdiction involved will be responsible for the investigation of the shooting including the placing of criminal charges, if warranted.
- J.** The officer shall immediately cause to be notified the on-duty Shift Supervisor who shall notify the officer's Operations Commander and the Chief of Police.
- K.** The Operations Commander shall:
  1. Contact the investigating agency to ascertain the facts, documenting same on a Departmental Memorandum; and,
  2. Notify the Chief of Police of the incident.
  3. Respond to the scene, if reasonable.

**DISCHARGE OF FIREARM  
NO INJURY OR DEATH  
INVOLVED**

- L.** Whenever an officer discharges a weapon without authorization which does not cause injury or death, the officer will immediately notify the Shift Supervisor and submit documentation of the incident on a Discharge of Firearm Report as soon as practical.
- M.** The Shift Supervisor shall notify the Operations Commander who shall determine the need for a criminal/internal affairs investigation.
- N.** The involved Operations Commander shall respond to the scene to direct the investigation, if necessary and feasible.

**18 REQUIRED REPORTS:**

- A.** Serious physical injury or death within the jurisdiction:

1. Subject Management Report/involved officer;
  2. Discharge of Firearm Report (if appropriate)/involved officer;
  3. Incident Report/involved officer;
  4. The Shift Supervisor shall ensure all the above reports are properly completed by the end of the tour of duty.
  5. Investigative Report(s)/CIU; and,
  6. Internal Affairs Report/Office of Professional Standards;
- B.** Discharge of a firearm within the jurisdiction without injury or death:
1. Subject Management Report/Involved officer;
  2. Incident Report/involved officer;
  3. Discharge of Firearm Report/involved officer;
  4. Investigative Report/CIU; and,
  5. Internal Affairs Report (if warranted)/Office of Professional Standards.
- C.** Serious physical injury or death outside the jurisdiction:
1. Subject Management Report/involved officer;
  2. Discharge of Firearm Report (if appropriate)/involved officer;
  3. Incident Report/on-duty Shift Supervisor;
  4. Investigative Report/Allied Agency; and,
  5. Internal Affairs Report/Office of Professional Standards.
  6. Memorandum from involved officers Division Commander to Chief of Police/Appropriate Division Commander.
- D.** Discharge of firearm outside jurisdiction without injury or death:
1. Discharge of Firearm Report/involved officer;
  2. Subject Management Report/Involved Officer;
  3. Incident Report/on-duty Shift Supervisor;
  4. Investigative Report/Allied Agency; and,
  5. Internal Affairs Report (if warranted)/-Criminal Investigations Commander
  6. Memorandum from involved Operations Commander to Chief of Police.
- 19 ADMINISTRATIVE LEAVE/DUTY:**  
(CALEA 1.3.8)
- A.** Any employee directly involved in a deadly force incident or any action resulting in a death or serious physical injury to another will be removed from a line-duty assignment and placed on Administrative Leave pending an administrative review of the incident. The leave will be without loss of pay or benefits, pending results of the criminal investigation. The leave will not be interpreted to imply or indicate that the officer(s) had acted improperly or inappropriately.
- B.** While on Administrative Leave, the officer will remain available at all times for official interviews and statements regarding the incident.
- C.** The officer will not discuss the incident with anyone except the State's Attorney's Office, Departmental personnel assigned to investigate the incident, officer's attorney, officer's psychologist, officers clergy/spiritual counselor or immediate family

- D. Upon return to duty, the officer may be assigned to a non-line function detail for a period of time as deemed appropriate by the officer, their psychologist and the Chief of Police.

**20 PSYCHOLOGICAL SERVICES FOR THE INVOLVED OFFICER(S):**

- A. In all cases where a firearm has been discharged at a human being, with or without injury, by an officer(s), or an officer(s) are involved in an incident where another person is seriously physically injured or death has occurred, the involved officer will be required to undergo an emotional debriefing with the Departmentally furnished psychologist prior to returning to full duty.
- B. The debriefing session will remain protected by the privileged professional Psychologists' Code of Ethics.
- C. The same psychological services will be available to the officer's family.

**21 REQUALIFICATION**

**PROCEDURES:** Prior to being restored to full duty, officer(s) involved in a discharge of firearm incident, including accidental discharges, are required to attend weapon re-qualification with a Department firearms instructor. Re-training maybe necessary depending on the circumstances of the incident.

**22 LEGAL REPRESENTATION:** Officers are entitled to legal representation as prescribed in the LEOBR.

**23 OFFICER RIGHTS DURING AN INVESTIGATION:** All investigations shall be conducted in accordance with the provisions in the Law Enforcement Officers Bill of Rights.

**24 CIVIL RIGHTS INVESTIGATION:**

- A. The Department will respect the right of the Federal Government to conduct

an independent investigation to identify any civil rights violations which may have occurred.

- B. The Department will not order or request any of its officers who may be suspect to confer with federal investigators without the advice of counsel.

**25 ANNUAL REVIEW:**

- A. An annual report of all Subject Management Reports documenting use of force will be conducted by the Use of Force Committee. The review will be directed at revealing any patterns or trends that could indicate training and/or policy modifications.
- B. The Chief of Police will appoint officers to be part of the Use of Force Committee. Members will include a member of command staff, a sergeant, a firearms instructor, defensive tactics instructor and a less-lethal weapons instructor.
- C. Annually, the Department will conduct analysis of Subject Management Reports. (CALEA 1.3.13)

**INTENTIONALLY LEFT BLANK**