

# La Plata Police Department – General Orders

	Title: <b>Use of Force</b>		Order #: <b>616</b>	
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Approved by: <b>Chief Carl Schinner</b>			CALEA 6 <sup>th</sup> Edition	
CALEA Standard: 4.1.1 4.1.2 4.1.3 4.1.5 4.2.1 4.2.2 4.2.3 4.2.4 4.3.4				Pages: 15

1. **Purpose:** To establish policy, procedures and guidelines relating to the use of force by officers.
  
2. **Policy:** It is the policy of the La Plata Police Department to use only reasonable force to accomplish a lawful objective. Officers may use deadly force only when the officer reasonably believes that the action is in defense of any human life in imminent danger of death or serious physical injury. (CALEA 4.1.1 & 4.1.2)
  
3. **Sanctity of Life:** In recognition of and with respect for the dignity of all persons, the value of human life shall guide all training, leadership, and procedures, as well as guide officers in the use of force.
  
4. **Duty to Intervene:** Any officer who observes another officer 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. Officer shall promptly report these observations to a supervisor.
  
5. **De-Escalation:** When time, circumstances, and safety permit, officers should take steps to gain compliance and de-escalate conflict without using physical force. Examples include the following: The use of advisements, warnings, and persuasion; attempts to slow down or stabilize the situation so that more time, options, and resources are available; officers should consider whether a subject’s lack of compliance is a deliberate attempt to resist or is caused by an inability to comply.
  
6. **Definitions:** (CALEA 4.1.2)
  - 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.

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- 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 4.1.2)
- e. *De-Escalation*: Reduction of the intensity of a conflict or potentially violent situation.
- f. *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 fatigue brought about by psychosis, drug and/or alcohol intoxication or a combination of factors.
- g. *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).
- h. *Less-Lethal Force*: Force which is not intended or reasonably likely to result in death or serious physical injury. (CALEA 4.1.2)
- i. *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.
- j. *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.
- k. *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 4.1.2)
- l. *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.
- m. *Serious Physical Injury*: Injury which is potentially life threatening. (CALEA 4.1.2)
- n. *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.

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- o. *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.
  - p. *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 4.1.2)
- 7. 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 an electronic 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 4.3.4)
- 8. 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 4.1.5)
- a. Examine the injury and render first aid, if necessary.
  - b. Request the Charles County Fire Department (CCFD) or other appropriate jurisdiction respond to the scene to evaluate the individual.
  - c. Cause the transportation of the individual to a hospital, if necessary.
  - d. Immediately notify the on-duty Shift Supervisor, who shall respond to the scene and photograph the injury or alleged injury.
  - 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.
- 9. 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.
- 10. 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:

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- 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 individual.
- 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.

### 11. 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:
  - i. Psychological Intimidation.
  - ii. Verbal Noncompliance.
  - iii. Passive Resistance.
  - iv. Active Resistance.

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- v. Active Aggression.
  - vi. Deadly Force.
- b. Officer Actions: Based on the totality of circumstances an officer has the following control options available for suspect control:
- i. Officer Presence.
  - ii. Verbal Direction.
  - iii. Empty Hand Control.
  - iv. Less-Lethal Weapons.
  - v. Lethal Weapons.

### **12. 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:
  - i. Aggressive and/or bizarre behavior;
  - ii. Impaired thinking and disorientation;
  - iii. Hallucinations;
  - iv. Acute onset of paranoia;
  - v. Diminished sense of pain;
  - vi. Unexpected physical strength;
  - vii. Sweating and fever; and/or,
  - viii. 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.

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- 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.

**13. Positional Asphyxiation:** Position Asphyxiation occurs when an individual cannot get enough air to breathe due to the positions of his/her body. After handcuffing a individual, officers shall not place him/her on his/her back or stomach. To do so may prevent normal breathing and cause positional asphyxia. This condition can lead to death.

**14. 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:
  - i. A firearm is discharged, for other than training, recreational purposes, or humane dispatch of injured wildlife. Training and recreational purposes are defined as the following: (CALEA 4.2.1.a)
    - 1. Departmentally authorized training;
    - 2. Legal target practice; and,
    - 3. Competitive shooting.
  - ii. An officer takes an action that results in, or is alleged to have resulted in, injury or death of another person; (CALEA 4.2.1.b)
  - iii. An officer applies force through the use of lethal or less-lethal weapons; or, (CALEA 4.2.1.c)
  - iv. An officer applies weaponless physical force at a level as defined in Section 16 of this Order. (CALEA 4.2.1.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.

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- i. In addition to the Subject Management Report, the primary reporting officer will complete a detailed incident report.
  - ii. 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 4.2.2)**
- i. The Shift Supervisor shall respond to the scene of all reportable use of force incidents and conduct an investigation.
  - ii. The investigation shall include, but is not limited to, interviewing and obtaining statements from witnesses and the suspect(s).
  - iii. 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.
  - iv. 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.
  - v. 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.
  - vi. 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.
  - vii. 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.
  - viii. Endorsement of the reports with a signature shall reflect that the reviewing Shift Supervisor or Operations Commander is in agreement that Department

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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.

- ix. Reviewers should keep in mind whether training, policy, weapons/equipment or discipline issues need to be addressed.
- x. 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.

### 15. Subject Management Report Form File:

- i. Paper copies of subject management reports shall be maintained in the Office of the Chief of Police, which shall maintain the original Subject Management Report.
- ii. Electronic copies of subject management reports shall be maintained in the agency's Blue Team software.

**16. 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 4.2.1.d)

**17. Less-Lethal Weapons:** See Order 618-Less-Lethal Weapons.

**18. K-9 Patrol Dogs (Future):** Refer to Order 650-K-9 Procedures.

### 19. Use Of Choke Holds And Lateral Vascular Neck Restraints:

- i. The use of choke holds and Lateral Vascular Neck Restraints are **prohibited**.
- ii. Officers shall not place their knee on the neck of an individual.

### 20. 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.

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- b. Use of Firearms: The Department's policy concerning the use of deadly force and discharging firearms is as follows:
- i. Officer will not unnecessarily display or carelessly handle a firearm.
  - ii. Warning shots are prohibited, as it exposes officers and citizens to unnecessary dangers. (CALEA 4.1.3)
  - iii. Officers may use deadly force only when the officer reasonably believes that the action is in defense of any human life in imminent danger of death or serious physical injury. It is important to note: (CALEA 4.1.2)
    1. When possible, a warning should be given prior to the use of deadly force;
    2. The officer must reasonably believe that all other means of effecting the arrest are futile; and,
  - iv. Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists.
  - v. 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.
  - vi. 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.
  - vii. 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).
  - viii. The Operations Commander or his/her designee will be notified of the weapon discharge incident.

### **21. Departmental Investigative Process In Use Of Deadly Force:**

#### **a. Personal Injury Or Death Within The Jurisdiction:**

- i. 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

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Department officer except for target practice, hunting, ballistics examinations, authorized training and incidents involving the humane destroying of animals.

- ii. **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:
  - i. Determine the physical condition of any injured person and render first aid when appropriate;
  - ii. Request necessary emergency medical aid.
  - iii. Notify the Operations Commander of the incident and location; remain at the scene until arrival of Shift Supervisor or Commander of Investigations (when appropriate).
  - iv. Protect any involved weapon for examination and surrender said weapon to the appropriate supervisor or investigator.
  - v. Prepare a Subject Management Report.
- iii. **Duties of the Shift Supervisor:**
  - i. Respond to the scene.
  - ii. Ensure that the command staff is notified.
  - iii. Ensure the Charles County Sheriff's Office Criminal Investigations Unit is notified.
  - iv. Take the steps necessary to maintain the security of the scene until the arrival of investigators.
  - v. Have the involved officer escorted from the scene to Headquarters and placed in a quiet environment.
  - vi. 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.
- b. **Duties of the First Responding Commander:** The first responding Commander shall coordinate with the Charles County Sheriff's Office's Criminal Investigation Division.
- c. **Duties of the Operations Commander or his/her designee:**

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- i. Respond to the crime scene.
- d. Duties of the Chief of Police or his/her designee:
  - i. 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 4.2.3)
  - ii. Refer the involved officer to the proper mental health professional to determine suitability for duty.
  - iii. Determine whether the officer shall remain on administrative leave, placed in a non-line function, or continue in present duty status.
  - iv. Determine if the internal affairs investigation should be handled within the agency or by an allied agency.
  - v. Review the internal investigative report.
  - vi. Exonerate the officer(s) in writing if conditions warrant or initiate any internal actions for violation(s) of Department Orders.

### **22. Personal Injury Or Death Outside The Jurisdiction**

- i. 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.
- ii. The local jurisdiction involved will be responsible for the investigation of the shooting including the placing of criminal charges, if warranted.
- iii. The officer shall immediately cause to be notified the on-duty Shift Supervisor who shall notify the officer's Commander and the Chief of Police.
- iv. The Operations Commander shall:
  - i. Contact the investigating agency to ascertain the facts, documenting same on a Departmental Memorandum; and,
  - ii. Respond to the scene, if reasonable.

### **23. Discharge Of Firearm - No Injury Or Death Involved**

- a. 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 as soon as practical.

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- b. The Shift Supervisor shall notify the Operations Commander who shall determine the need for a criminal/internal affairs investigation.
- c. The involved Commander shall respond to the scene and coordinate with the investigating agency.
- d. Required Reports:
  - i. Serious physical injury or death within the jurisdiction:
    - i. Subject Management Report/involved officer;
    - ii. Incident Report/involved officer;
    - iii. The Shift Supervisor shall ensure all the above reports are properly completed by the end of the tour of duty.
  - ii. Discharge of a firearm within the jurisdiction without injury or death:
    - i. Subject Management Report/Involved officer;
    - ii. Incident Report/involved officer;
    - iii. Investigative Report/CIU; and,
    - iv. Internal Affairs Report (if warranted)/Criminal Investigations Commander.
  - iii. Serious physical injury or death outside the jurisdiction:
    - i. Subject Management Report/involved officer;
    - ii. Incident Report/on-duty Shift Supervisor;
    - iii. Investigative Report/Allied Agency; and,
    - iv. Internal Affairs Report/Criminal Investigations Commander.
  - iv. Discharge of firearm outside jurisdiction without injury or death:
    - i. Subject Management Report/Involved Officer;
    - ii. Incident Report/on-duty Shift Supervisor;
    - iii. Investigative Report/Allied Agency; and,
    - iv. Internal Affairs Report (if warranted)/ Criminal Investigations Commander

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- 24. Administrative Leave/Duty: (CALEA 4.2.3)**
- a. Any employee, whose action(s) or use of force in an official capacity results in the death or serious physical injury, shall be removed from operational assignments, pending an administrative review of the event.
  - 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, officer’s 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, a psychologist and the Chief of Police.
- 25. 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 be held in accordance with the Psychologists’ Code of Ethics.
  - c. The same psychological services will be available to the officer’s family.
- 26. 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.
- 27. Legal Representation:** Officers are entitled to legal representation as prescribed in the LEOBR.
- 28. Officer Rights During an Investigation:** All investigations shall be conducted in accordance with the provisions in the Law Enforcement Officers Bill of Rights.
- 29. Civil Rights Investigation:** 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.

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### 30. Annual Review:

- a. An annual report of all Subject Management Reports documenting use of force will be conducted by the Department.
- b. Input on policy, training, and equipment will be obtained from the Department's firearms, less-lethal, and other instructors.
- c. Annually, the Department will conduct analysis of Subject Management Reports. The analysis shall include: (CALEA 4.2.4)
  - i. Date and time of incidents;
  - ii. Type of encounters resulting in use of force;
  - iii. Trends or patterns related to the race, age, and gender of subjects involved;
  - iv. Trends or patterns resulting in injury to any person including employees; and,
  - v. Impact of findings on policies, practices, equipment, and training;
  - vi. Trends or patterns on all assaults on officers, with recommendations to enhance office safety, revise policy, or address training issues. (CALEA 4.2.5)