

## Use of Force

### 300.1 PURPOSE AND SCOPE

- (a) This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.
- (b) In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Taser policies.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Active Resistance** - Active Resistance is when a person moves to avoid detention or arrest but does not attack or attempt to attack the member or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the member's grasp are all examples of Active Resistance. Verbal statements, bracing, or tensing alone do not constitute Active Resistance. A person's reaction to pain caused by a member or purely defensive reactions to force does not constitute Active Resistance.

**De-Escalation Techniques** - De-Escalation Techniques are actions taken by members that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical repositioning and requesting additional resources. The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully.

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Excessive Force** – Force that is excessive in scope, duration, or severity in light of the circumstances.

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

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**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Less-Lethal Force** - Force which is not intended or reasonably likely to result in death or serious physical injury

**Necessary** - Force is necessary only when no reasonably effective alternative exists that, under the circumstances, would safely and effectively achieve the same legitimate ends.

**Passive Resistance** - Passive Resistance is when a non-assaultive person fails to comply with the member's commands without attempting to flee. Passive Resistance may include, but not be limited to, going limp, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent being taken into custody.

**Proportional** - The degree and amount of force must correspond to, and be appropriate in light of, the objective that the officer aims to achieve. Prohibits an officer from using force if the harm likely to result is too severe in relation to the value of the interest that the officer seeks to protect.

**Reasonable, Necessary, and Proportional** - The review of every Use of Force shall be to determine whether it was reasonable, necessary, and proportional in light of the Totality of the Circumstances that were known, or should have been known, to the member.

**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.

**Reasonable** - A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.

**Serious Physical Injury** - Physical injury which creates a substantial risk of death, causes serious permanent or serious protracted disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

**Totality of the circumstances** - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

### **300.2 POLICY**

- (a) The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.
- (b) Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.
- (c) The St. Mary's County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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- (d) An officer who violates these policies may subject him/herself to agency sanctions including, but not limited to disciplinary actions, termination, etc.
- (e) An officer will not make their use-of-force decision based upon race, ethnicity, national origin, gender, sexual preference, or disability.
- (f) An officer will not use force for the sole purpose of inflicting pain or torture, or for the extraction of information. This does not prevent an officer from using Reasonable, Necessary, and Proportional Force, which may include pain control techniques.

#### 300.2.1 DUTY TO INTERVENE AND REPORT

- (a) Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force (Md. Code PS § 3-524).
- (b) Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Md. Code PS § 3-524).

#### 300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

#### 300.3 USE OF FORCE

- (a) Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.
- (b) The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.
- (c) Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.
- (d) It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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- (e) While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

#### 300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.2 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have

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successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

#### 300.3.3 MARYLAND USE OF FORCE STATUTE

- (a) A police officer may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to:
  - 1. prevent an imminent threat of physical injury to a person; or
  - 2. effectuate a legitimate law enforcement objective.
- (b) A police officer shall cease the use of force as soon as:
  - 1. the person on whom the force is used:
    - (a) is under the police officer's control; or
    - (b) no longer poses an imminent threat of physical injury or death to the police officer or to another person; or
  - 2. the police officer determines that the force will no longer accomplish a legitimate law enforcement objective.

#### 300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.

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- (d) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

#### **300.3.5 RESPIRATORY RESTRAINTS**

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

#### **300.3.6 USE OF FORCE TO SEIZE EVIDENCE**

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

#### **300.3.7 ALTERNATIVE TACTICS – DE-ESCALATION**

When circumstances reasonably permit, deputies shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (Md. Code PS § 3-524).

### **300.4 DEADLY FORCE APPLICATIONS**

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force to protect themselves or others from what the deputy reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, a deputy should not use deadly force against a person whose actions are a threat solely to themselves or property.

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Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

#### 300.4.1 MOVING VEHICLES

- (a) Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.
- (b) When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
- (c) A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

#### **300.5 REPORTING THE USE OF FORCE**

If any use of force is utilized or observed by a member of this office they shall as soon as practicable notify the Emergency Communications Center (ECC). The force shall be documented promptly, completely and accurately in the Blue Team Use of Force report. The deputy or correctional officer shall articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms as specified in office policy, procedure or law.

See the Report Preparation Policy for additional circumstances that may require documentation.

For procedures related to Reporting the Use of Force, see the St. Mary's County Sheriff's Office LE Procedures Manual: [USE OF FORCE REPORTING PROCEDURES](#) and [FORCE LEVELS](#)

#### 300.5.1 REPORTING DEADLINE

Any use of force in the line of duty by a member of this office shall be documented by the end of the member's shift unless the member is disabled, as required by state law and as directed in the Report Preparation Policy (Md. Code PS § 3-524).

#### 300.5.2 NOTIFICATIONS TO SUPERVISORS

The officer(s) on the scene where reportable force was used shall ensure supervisory notification is made as soon as practicable following the application of force as defined in the Definitions subsection of this policy.

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For procedures related to Supervisors, see the St. Mary's County Sheriff's Office LE Procedures Manual: [USE OF FORCE SUPERVISOR REVIEW](#) (There again will we have access to LE Procedures Manual)

#### **300.6 MEDICAL CONSIDERATIONS**

- (a) Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious (Md. Code PS § 3-524). Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.
- (b) Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.
- (c) The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
- (d) Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

For procedures related to Medical Considerations, see the St. Mary's County Sheriff's Office LE Procedures Manual: [ARRESTS AND MEDICAL CARE](#).

#### **300.7 SUPERVISOR RESPONSIBILITIES**

Anytime force is utilized against an individual, a supervisor should be available to respond to the scene where force was utilized and conduct a review of the incident in accordance with the Use of Force Procedures: Investigation at the Scene - [USE OF FORCE SUPERVISOR REVIEW](#). In cases where a supervisor is not available to respond to the scene, the Shift Supervisor will take

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the necessary steps to ensure a supervisor is assigned to the incident as soon as possible and make every attempt to conduct a supervisory review. The supervisor is expected to:

- (a) Ensure that any injured parties are examined and treated.
- (b) Verify a Use of Force disposition has been added to the CAD event.
- (c) If the scene requires further investigation by the Criminal Investigations Division (CID) or the Office of Professional Responsibilities (OPR), make sure the scene is protected and secure from any contamination of evidence. Refer to the Officer-Involved Incident (OII) policy if applicable.
- (d) Conduct a Use of Force Supervisory Review as outlined in the St. Mary's County Sheriff's Office LE Procedures Manual:USE OF FORCE SUPERVISORY REVIEW
- (e) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
- (f) Ensure all reporting requirements have been fulfilled prior to the end of the tour of duty.

#### 300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

- (a) The Shift Supervisor shall review each use of force by any personnel within the Shift Supervisor's command to ensure compliance with this policy and to address any training issues. Any potential violations of policy will be reported without delay to the Division Commander and the supervisor for OPR (Md. Code PS § 3-524).
- (b) The Shift Supervisor or other appropriate supervisor should respond to the scene and gather and review all known video recordings in any incident where a use of force by a deputy is reasonably believed to have caused serious physical injury as defined by Md. Code CR § 3-201 (Md. Code PS § 3-524).
- (c) Supervisors shall ensure completion of all required elements of the Use of Force review process and shall route the Use of Force Report through the chain of command to the Office of Professional Responsibilities within thirty (30) days of the incident date.

#### 300.8 TRAINING

- (a) The Training Coordinator shall ensure that a biannual review of the Use of Force Policy and Procedures is completed for each deputy during the December/January and June/July timeframes. This review will be conducted through PowerDMS and will include an associated knowledge-based test.
- (b) Supervisors within each division may conduct additional Use of Force training at any time as needed. All supplemental training shall be documented in BlueTeam within ten (10) days of completion.

Subject to available resources, deputies should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

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Pursuant to Md. PS 3-524, a police officer shall:

- (a) Undergo training on when a police officer may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; and
- (b) Sign a training completion document stating that the officer understands and shall comply with the Maryland Use of Force Statute.

Any officer who believes his/her training is deficient and/or is not current will notify his/her supervisor in writing by the way of Blue Team detailed report, of the perceived deficiency.

#### **300.9 HORSEPLAY/ROUGH HOUSING PROHIBITED**

Horseplay and practical jokes when an officer is within the scope of his/her employment can cause serious injury, can degrade the image of the agency, and can cause discord among officers. Therefore, horseplay, roughhousing, practical jokes, etc. involving use-of-force techniques and/or instrumentalities are prohibited, including, but not limited to using an electronic restraint inappropriately, using a chemical aerosol inappropriately, pointing or brandishing a firearm (whether loaded, unloaded, toy, blank, etc.) in an inappropriate manner and/or direction, etc.

#### **300.10 USE OF FORCE ANALYSIS**

At least annually, the OPR supervisor should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.