

*Maryland-National Capital Park Police
Prince George's County Division*

DIVISION DIRECTIVE

TITLE USE OF FORCE/REPORT			PROCEDURE NUMBER PG400.0
SECTION Operational Procedures	DISTRIBUTION A	EFFECTIVE DATE 10/15/04	REVIEW DATE 10/15/06
REPLACES PG400.0 "Use of Force/Report", issued 08/26/02			
RELATED DIRECTIVES PG607.0, 1500.0	REFERENCES CALEA 1, 26	AUTHORITY Commander Larry M. Brownlee, Sr. –Division Chief	

I. PURPOSE

This directive provides all officers with guidelines on the use of deadly and non-deadly 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 preventing serious injury and 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 particular 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. **Deadly force:** Any use of force that is likely to cause death or serious physical injury. This may include, but is not limited to the use of protective instruments such as a firearm, expandable baton, oleoresin capsicum pepper spray, empty hand techniques, flashlight, radio or a vehicle when applied in a manner that would cause death or serious physical injury.

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- B. Non-deadly force: Any use of force other than that which is considered deadly force which is applied to effect an arrest or to protect the officer or others from personal attack, physical resistance, harm or death.

IV. PROCEDURES

- A. Parameters for the use of deadly force.
 - 1. Officers are authorized to utilize deadly force in order to:
 - a. Defend themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury; or
 - b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe poses an immediate, or imminent threat of death or serious physical injury to himself or others.
 - 2. Before firing a weapon, officers will identify themselves and state their intention to shoot, when feasible.
 - 3. 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.
 - 4. All officers will adhere to the following restrictions when their firearm is displayed:
 - a. Warning shots are prohibited.
 - b. Officers will not fire their weapons at or from a moving vehicle.
 - 1) This does not prohibit an officer on foot from discharging a firearm at a moving vehicle, which is at that moment being used as a deadly weapon against the officer or another person.
 - 2) 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.
 - 5. After any use of force incident, officers shall render aid to any injured parties and request an ambulance if necessary.
- B. Parameters for the use of non-deadly force

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1. Where deadly force is not required, and as time and safety permit, officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident, bringing the incident under control in a safe manner and with the least possible force necessary.
2. Officers are authorized to use Division approved non-deadly force techniques, and issued, or approved equipment for resolution of incidents, as follows:
 - a. To protect themselves or another from personal attack, physical resistance or harm;
 - b. To bring an unlawful situation safely and effectively under control;
 - c. Verbal direction is ineffective or inappropriate; and
 - d. Passive resistance techniques have failed and officers may have to use physical force to maintain control.
3. After any use of force incident, officers shall render aid to any injured parties and request an ambulance if necessary.

C. Training and qualifications

1. Deadly force weapons: All officers will comply with the provisions of Division Directive PG401.0 – “Firearms”.
2. Non-deadly force weapons and methods:
 - a. Officers are not permitted to use any non-deadly weapon or method unless qualified in its use as determined by approved training procedures. **Neck restraints, choke holds or similar weaponless control techniques are not authorized.**
 - b. The following non-deadly weapons or approved methods are authorized for use by officers who have successfully completed the required training. This list may be periodically amended by the Chief, Park Police Division, upon recommendation by the Support Operations Training Section.
 - * issued approved impact weapons (ASP Baton);
 - * empty hand techniques include, but are not limited to, come alongs, take downs, pressure points, hand to hand, wrist locks, arm bars, etc. (except as outlined in Section IV.C.2.a of this directive); and
 - * issued approved chemical agents (Oleoresin Capsicum/O.C.)

V. REPORTING PROCEDURES

A. Officer's Responsibilities:

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1. Officers will report immediately to their supervisor any use of force dealing with deadly force and non-deadly force in regards to empty handed techniques when overcoming physical resistance.
2. Officers will complete or provide information for the completion of reports, charging documents, and the Use of Force Report.
3. Officers will complete any other reporting requirements related to the incident.

B. Supervisor's Responsibilities:

1. Supervisors will review the Use of Force Report for completeness.
2. Supervisors will make and forward a copy to the Division Chief and appropriate Area Operations Assistant Chief or designee.
3. Supervisors will forward the original Use of Force Report and all other required reports to the Records Management Section.
4. Supervisors will complete the Use of Force Report if the affected officer is unable to complete it.
5. On-duty supervisors will ensure that off-duty officers involved in a reportable use of force will fulfill the reporting requirements of this directive.
6. Use of Force shall be documented on a Commander's Report whenever an officer uses deadly or non-deadly force as defined in Section V.A.1 of this directive.
7. A supervisor's Checklist (Appendix A) is provided for use at the scene of officer-involved shootings.

C. Division Response

1. **Deadly force incident:**
 - a. Where an officer's use of force causes death or serious physical injury, the officer will be placed on administrative leave after completing all internal investigative requirements, pending administrative review, and until it is determined by the Commission's mental health professional that the officer is ready to return to duty.
 - b. The Division will conduct both an internal and criminal investigation of the incident (see Division Directive PG607.0 - "Deadly Force Investigation Procedures").

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- 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.

D. Administrative Review of Use of Force Incidents:

1. All Use of Force reports shall be reviewed by a designee of the Chief, Park Police Division per occurrence. Those that meet the criteria of deadly force will be forwarded to the Training Committee (see D, 2 below) to determine whether:
 - a. The relevant policy was clearly understandable, and effective, to cover the situation; and
 - b. Division training is currently adequate.
2. Training Committee will be comprised in accordance with Division Directive PG710.2 - “Training Committee”.
3. The Training Committee will review the incident and all findings of training inadequacies will be reported to the Chief, Park Police Division, for appropriate resolution.
4. All Use of Force reports will be retained permanently by the Support Operations, Training Section.
5. There will be a yearly review of use of force incidents by command staff to ascertain training and policy need.
6. An annual summary report of use of force incident will be published and made available to the public.

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