



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

4.1.1 PURPOSE

The purpose of this policy is to provide police officers with guidelines on the use of force, including deadly, less-lethal, and non-lethal force. A reverence and respect for the dignity of all persons and the sanctity of human life shall guide all training, leadership, and procedures, as well as guide officers in the use of force.

4.1.2 POLICY

It is the policy of the Crofton Police Department that police officers may use only the amount of force that is necessary to control an incident, to make an arrest, or to protect themselves or others from harm or death as may be necessary to take a prisoner into custody. If, however, the officer is resisted, he/she may overcome force with force. In making an arrest, officers should always consider the enormity of the crime and the character of resistance, and use only such force as may be necessary to overcome the resistance and make the arrest.

The appropriate level of force is based on the facts known to the officer or reasonably available at the time its use becomes necessary. It is recognized that officers are required to make split-second decisions about the amount of force that is necessary in a particular situation. The appropriate level of force is not dependent on alternative approaches to an incident that may have, but were not, utilized. When time, circumstances and safety permit, officers should take steps to gain compliance and de-escalate conflict without using physical force. Examples include:

- A. The use of verbal advisements, warnings, and persuasion.
- B. Attempts to slow down or stabilize the situation so that more time, options and resources are available.
- C. Officers should consider whether a subject’s lack of compliance is a deliberate attempt to resist or is caused by an inability to comply.

4.1.3 DEFINITIONS

Deadly Force: Any use of reasonable and necessary force which is intended to or likely to cause death or serious physical injury.

Defensive Aerosol Spray: a weapon whose law enforcement purpose is to provide officers with additional force options when dealing with resistant or aggressive subjects in arrest and other enforcement situations. The use of a defensive aerosol spray is not intended to cause death or serious injury. An example of a defensive aerosol spray is OC Spray.

Defensive Impact Weapon: Any device authorized by the department used to apply force to another individual. Defensive Impact Weapons are primarily used in less lethal situations, however, in certain instances can be used as a lethal weapon. Examples of defensive impact weapons are expandable batons and straight sticks.

Lethal Weapon: A weapon whose law enforcement purpose is to cause death or life threatening injury. The only lethal weapons authorized for use by officers of this department are firearms.

Less-Lethal Force: Any use of reasonable and necessary force that is not intended to, nor reasonably likely to, result in death or serious physical injury.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

Less-Lethal Weapon: A weapon whose law enforcement purpose is to resolve incidents in a manner that is not intended to, nor reasonably likely to, result in death or serious injury. The less-lethal weapons authorized for use by all trained officers of this department are the less-lethal “bean bag” shotgun, Conducted Electrical Weapon (CEW) such as the TASER, defensive impact weapons, and defensive aerosol sprays. SOS/QRT personnel are allowed various other less-lethal weapons as specified in Index Code 402.2, Section XV.C.2.

Non-Lethal Force: Any use of reasonable and necessary force (other than that which is considered deadly force or less-lethal force) which is applied to effect an arrest or to protect the officer or others from personal attack, physical resistance, harm, or death.

Personal Weapon: Hands, arms, legs, feet when used as a weapon (i.e., punches, elbow strikes, knee strikes & kicks.)

Reasonable Belief: Belief based on facts or circumstances the officer knows, or should know, and sufficient to cause a reasonable and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury: Bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ. Includes any injury caused by the discharge of a firearm.

Weapon of Opportunity: Any other object that an officer uses to apply force to another individual. Examples of weapons of opportunity are handcuffs, portable radios, and flashlights.

4.1.4 DEGREE OF FORCE

A. Officers shall use only the degree of force that is objectively reasonable, necessary under the circumstances and proportional to the threat or resistance of a subject. An Officer should consider all information known regarding the subject and circumstances, including the seriousness of the crime or suspected offense, the level of threat or resistance presented by the subject and whether the subject is posing an immediate threat to officers or a danger to the community.

The use of force proportional to threat or resistance does not mean the Officer should use only the force that is equivalent to what they encounter. When Officers make the determination to use force, they must use only that force necessary to terminate the threat or resistance presented rapidly and with consideration of the potential of injury to the subject, the Officer, and other individuals present.

B. Any officer who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede, when feasible, to prevent the use of such excessive force, so long as doing so does not pose a safety risk. Officers shall immediately report these observations to a supervisor, and document the observations prior to the end of shift.

4.1.5 DEADLY FORCE

A. A police officer 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 who is in immediate danger of serious physical injury.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

B. A police officer may use deadly force to prevent the escape of a suspect fleeing from a felony of violence that the officer has probable cause to believe will pose an immediate threat to human life should escape occur.

4.1.6 FIREARMS REGULATIONS

A. Before discharging a firearm for a law enforcement purpose, police officers shall identify themselves and state their intent to shoot, where feasible.

B. Warning shots are prohibited.

C. Police officers should refrain from discharging firearms at or from moving vehicles, unless a person in the vehicle is immediately threatening the officer or another person with deadly force and innocent persons would not be unduly jeopardized by the officer's action. Police officers shall, as a rule, avoid tactics that could place them in a position that a vehicle could be used against them.

D. Officers may not carry firearms when consuming alcoholic beverages unless participating in a covert investigation as authorized by the Chief of Police, in cooperation with the Anne Arundel County Narcotics and Special Investigations Section or Organized & Economic Crimes Section.

E. Officers may not carry firearms when under the influence of alcohol or drugs, or when under the influence of medication that may hinder judgment or motor coordination.

F. Firearms may not be discharged when it appears likely that an innocent person may be injured.

G. A police officer may discharge a firearm to destroy an animal that represents a threat to public safety, or as humanitarian gesture where the animal is seriously injured.

H. A police officer may discharge a firearm during range practice and/or qualification.

4.1.7 LESS-LETHAL FORCE

Police Officers, who are properly trained and certified, are authorized to use departmental issued less-lethal weapons (See Index Code 402.2, 404, 406, and 407). Less-lethal weapons are designed to provide officers with options during use of force incidents. Less-lethal weapons may be used to resolve incidents in a less-lethal manner, to protect officers and other persons from harm, to protect a suspect/subject from self-inflicted injury, or to end incidents involving combative, or violent suspects. Officers shall not interpret this policy to mean that a less-lethal weapon replaces the use of deadly force when deadly force is justified. During situations where less-lethal weapons are deployed and deadly force is justifiable, lethal cover must be provided for the less-lethal weapon operator.

4.1.8 NON-LETHAL FORCE

Police officers are authorized to use department approved non-lethal force techniques/personal weapons to protect themselves or others from physical harm, to restrain or subdue a resistant individual, and to bring an unlawful situation safely and effectively under control. This does not authorize the use of non-lethal force/personal weapons because a subject is resistant through mere non-compliance unless the subject's actions present an obvious safety threat.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

Officers must assess each incident to determine which non-lethal force technique will best deescalate the situation and bring it under control in a safe manner.

4.1.9 MEDICAL AID

Police officers are responsible for obtaining medical aid for individuals who complain of, or show signs of injury as a result of any use of force.

Officers will request an ambulance and begin medical evaluation and care of such individuals as soon as practical. Fire Department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene.

4.1.10 WEAPONS & AMMUNITION

Only weapons and ammunition meeting department specifications may be used by police officers carrying out law enforcement responsibilities, both on or off duty. A list of all such weapons and ammunition appears in Index Code 402.2.

4.1.11 REPORTING REQUIREMENTS

A. Incidents Requiring a Use of Force Report

A Use of Force report is required whenever:

1. An employee discharges a firearm, except in the following circumstances:
 - a. The firearm was discharged for training purposes.
 - b. The firearm was discharged for recreational purposes.
 - c. The firearm was discharged for destroying an aggressive or seriously injured animal.
 - d. The firearm was unintentionally discharged;
2. An employee takes an action that results in (or is alleged to have resulted) any injury or death of another person;
3. An employee applies force through the use of a lethal, less-lethal, non-lethal, personal weapon (i.e., punches, elbow strikes, knee strikes, kicks), or a weapon of opportunity.
4. A department canine bites or inflicts injury to an individual.

A Use of Force report is not required in those instances where a firearm is displayed to assure officer safety or when using weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing, non-compliant or resisting persons.

The Use of Force report does not replace the Incident Report or revoke any current reporting requirements. It is to be submitted in addition to any reports that are currently required.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

B. Officers' Responsibilities

1. Officers will immediately report to their supervisor any use of force or firearm discharge. Exception: Firearm discharge during range practice or qualification.

2. Officers will complete or provide information for the completion of the following documents:

a. Incident Report. Each officer is responsible for explaining and articulating the specific facts, and reasonable inferences from those facts, which justify the officer's use of force. Exception: An officer who uses deadly force, force that causes death or serious injury, or discharges their firearm in any other incident other than destroying seriously injured or aggressive wildlife, will not complete an incident report. Another officer will complete the incident report in these cases.

b. Use of Force Report as outlined in Section A. Each officer is responsible for explaining and articulating the specific facts, and reasonable inferences from those facts, which justify the officer's use of force. Exception: An officer who uses deadly force or force that results in death or serious injury will not complete the Use of Force Report. A supervisor will complete the Use of Force Report in these cases. The officer's justification will be reviewed to determine whether or not the force used was in or out of policy.

c. Charging documents, if applicable. Exception: An officer who uses deadly force or force that results in death or serious injury will not complete any charging documents. Another officer will complete charging documents in these cases, as directed by a supervisor.

3. Officers who are off-duty or working secondary employment, who are involved in a reportable use of force incident, will immediately report the event to the on-duty supervisor of the patrol district of occurrence, and are required to fulfill all the reporting requirements of this directive. The officer will submit their Use of Force Report to their own chain of command for review.

4. Officers will ensure that photos are taken, and submitted into ARS, of any injury or alleged injury location on a suspect due to a use of force, unless the Evidence Collection Unit is already required to do so under this or another index code. Officers will also ensure that photos are taken, and submitted into ARS, of any impact location on a suspect resulting from a use of force, even if no injury is suspected or alleged. If an officer is injured or has property damaged (ie. clothing) during a use of force incident, the officer will ensure that photos are taken, and submitted into ARS, of the injury and/or damaged property.

5. Submit all reports to the Chief of Police.

C. Chief of Police Responsibilities

The Chief of Police is responsible for the following actions. If the Chief of Police is not available the closest Anne Arundel County Police Supervisor will respond and assume the duties:

1. Respond to the scene of any use of force incident where an injury occurs, unless exigent circumstances exist which prohibit the notified supervisor from responding directly to the scene.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

2. Gather and review any known video of the use of force incident, including Mobile Video System (MVS) business surveillance video, and other sources. If the video source is not immediately available, the supervisor will make arrangements to obtain a copy as soon as possible.
3. Ensure that any officer involved in a reportable use of force event fulfills the requirements of this directive. Complete or have another officer complete the required incident reports if the officer is unable or is involved in a deadly force or a firearms discharge incident as described in Section A. The supervisor will complete the Use of Force report in these situations.
4. Review all reports and charging documents for accuracy and completeness. If the investigation is turned over to County Police, ensure all relevant documents are provided to them.
5. If the use of force event occurs while an officer is off-duty or working secondary employment, a patrol supervisor in the district of occurrence is responsible for satisfying the supervisors' responsibilities and ensuring that a copy of the incident report is routed to the officer's assigned commander. The Use of Force Report, however, will be completed and/or reviewed by the officer's chain of command.
6. If the Use of Force report was completed on an incident involving deadly force, it will be reviewed by the officer's chain of command without determining if the incident was "in" or "out" of policy.
8. If the officer is injured, complete the First Report of Injury report, authorization for medical treatment form, and any other required workers' compensation or administrative reports.

4.1.12 DEPARTMENT RESPONSE

A. Aggressive or Seriously Injured Wildlife Firearm Discharge

The Chief of Police and patrol supervisor in the district of occurrence will be notified prior to discharging a firearm, where feasible.

B. Unintentional Discharge of Firearm

1. The Chief of Police will respond to the scene of any unintentional discharge of a firearm. If the Chief of Police is not available to respond the closest platoon commander from the district of occurrence, will respond, secure the scene, and will make contact with the District Detective Supervisor of the district of occurrence and the Evidence Collection Unit. If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene.

2. A District Detective will respond to the scene to conduct the critical incident investigation .

3. An Evidence Collection Technician will respond and fully process the scene.

4. The Chief of Police will conduct an administrative review of the incident. If the Chief of Police is not available to respond the District Executive Officer of the closest district to the location will conduct the administrative review.

C. Discharge of Firearm on a Domestic Animal



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

1. The Chief of Police, or a patrol supervisor and a platoon commander in the district of occurrence if the Chief of Police is not available, will respond to the scene of any discharge of a firearm on a domestic animal (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond); secure the scene, and will make contact with the District Detective Supervisor, the Evidence Collection Unit, the PIO, and a member of Peer Support (if requested). If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene

2. A District Detective will respond to the scene to conduct the critical incident investigation.

3. An Evidence Collection Technician will respond and fully process the scene.

4. The PIO will be notified.

5. A member of Peer Support will respond to the scene if requested by the involved officer.

6. The Chief of Police, or the district Executive Officer of the district of occurrence if the Chief of Police is not available, will conduct an administrative review of the incident. If the incident occurs outside of the County, the District Executive Officer of the closest district to the location will conduct the administrative review.

D. Use of Deadly Force or Force that Results in Death or Serious Injury Incidents

1. The Chief of Police and a patrol supervisor and platoon commander in the district of occurrence will respond and secure the scene pending arrival of investigators (if the platoon commander is not available from the district of occurrence, then a platoon commander from another district will respond); render assistance to the affected officer; secure all weapons used in the incident for the follow-up investigator; and submit a written report of their activities. The platoon commander will notify the on-call CID supervisor, the Training Academy Commander, the Evidence Collection Unit, the PIO, and the designated representative of the involved officer's union affiliation (FOP Lodge 70 or the Anne Arundel County Police Supervisors Association), if applicable, and a member of Peer Support. If no other police officer or other credible witness is available to provide the following information, the platoon commander will ensure that brief public safety information is collected individually from the involved officer(s) (who used deadly force or force that resulted in death or serious injury) on the scene, covering only information necessary to focus initial police response. This includes information on:

a. type of force used;

b. direction and approximate number of shots fired by officers and suspects;

c. location of injured persons;

d. description of at-large suspects and their direction of travel;

e. time elapsed since any suspects were last seen and any suspect weapons;

f. any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

2. A Homicide Detective will respond to the scene.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

3. An Evidence Collection Technician will respond and fully process the scene.
4. A member of the Firearms/Specialized Training Unit will respond to the scene to assist in the investigation.
5. The PIO will respond to the scene.
6. A member of Peer Support will respond to the scene. The mental health professional retained by the County, and/or the department chaplain, are also available if needed to respond to the scene of a traumatic incident and provide counseling to employees. The decision to request these services rests with an on-scene patrol supervisor of the rank of Police Lieutenant or above. Communications should be notified if either or both of these resources is needed at the scene.
7. The Criminal Investigation Division Homicide Unit will conduct a criminal investigation of every use of deadly force against a person or force by a police officer that results in death or serious injury of a person. A report of the criminal investigation will be submitted to the State’s Attorney’s Office and the Staff Inspections Unit within 30 days. The State’s Attorney will decide whether the officer’s actions were lawful or unlawful, and whether to initiate criminal action against officers whose actions are deemed unlawful.
8. If the incident occurs outside of the County, a patrol supervisor and platoon commander of the closest district to the location will respond to the scene. They will render assistance to the affected officer and notify the designated representative of the involved officer’s union affiliation (FOP Lodge 70 or the Anne Arundel County Police Supervisors Association) and Peer Support, if applicable. They will also notify the PIO, assist the investigating agency, and submit a written report of their activities. The investigating agency will be responsible for the criminal investigation.
9. The Staff Inspections Unit will conduct a detailed administrative investigation of every use of deadly force or force by a police officer that results in death or serious injury of a person. This report will be completed and submitted to the Chief of Police within 20 working days of the Staff Inspections Unit receipt of a report requiring review. The report will include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the officer’s actions were in violation of any policy. Actions deemed to be in violation of policy will be referred to the Internal Affairs Section for investigation.
10. When a police officer uses deadly force against a person or uses force that causes death or serious injury to a person, the officer shall be placed on administrative leave by the Bureau Chief, after completing all on-scene investigative and reporting requirements, until they complete all “Post Incident Requirements” within 10 days of the incident:
 - a. A mental health professional recommends that the police officer is ready to return to duty. See Index Code 403 for details and procedures; and
 - b. The officer must report to the Police Academy for firearm re-qualification and judgmental shooting training.
11. The officer may not return to line duty until an administrative review is conducted by the Senior Command Staff and the Chief of Police approves the return to line duty.



Use of Force

S.O.P. #	ORIGINAL DATE	REVISION DATE	APPROVED BY
4.1	10/1/1994	2/1/2018	E. Fox, Chief of Police

12. In the event that employees are involved in situations in which they, in the performance of their duties, use deadly force which seriously injures or kills another person, the department/County will:

- a. Release only their last name, rank, and department tenure to the media except as otherwise may be required by law; and
- b. Provide a weapon and/or radio to the employee if either is retained by the investigating agency (unless the employee is suspended from duty).
- c. If the incident occurs in another jurisdiction, the department will seek an outside opinion from the investigating agency or State’s Attorney’s Office.

E. Less-Lethal Use of Force Incidents

Refer to Index Codes 406 and 407.

F. Uses of Force

All reported uses of force will be reviewed to determine whether:

- 1. Department rules, policies, or procedures were violated;
- 2. The relevant policy was clearly understandable and effective to cover the situation.

This initial administrative review is conducted by the affected officer’s chain of command who will:

- 1. Thoroughly review all submitted reports, documentation and photographs.
- 2. Review all known video of the incident.
- 3. Request additional information and/or documentation if needed.
- 4. Based on the facts and information available at the time of review, make a determination if the use of force was in policy by making proper notation in Blue Team.
- 5. Sign the Use of Force form and promptly submit the entire file to the next officer in the chain of command.

If the initial administrative review determines that the use of force violated department policy, the Chief of Police will investigate the matter or will refer the case to Anne Arundel County Police Internal Affairs for investigation and promptly notify the respective Chief of Police of their findings.

The Chief of Police will coordinate with the Training Academy to address any training issues.

4.1.13 DISCLAIMER

The Crofton and Anne Arundel County Police Department’s policy on the use of force is for department use only and does not apply in any criminal or civil proceeding. The department’s policy will not be construed as the establishment of a higher legal standard of safety or care with respect to third party claims.