



USE OF FORCE

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I. Purpose

A. Use of Force

The purpose of this Written Directive is to ensure that each officer is aware of and complies with the policy of the University of Maryland, Baltimore Police Force (UMBPF) on the use of force in the performance of their responsibilities.

B. Reporting and Review

Additionally, the purpose of the Written Directive is to provide guidelines for the procedure for reporting and reviewing firearm discharges.

II. Policy

It is the policy of the UMBPF to ensure all laws, rules, regulations, and organizational objectives are followed by all members as it relates to the use of force.

III. Definitions

A. Deadly Force

The use of reasonable or necessary force intended to incapacitate, that may likely result serious physical injury or death.

B. Less Lethal Force

The use of reasonable or necessary force that is not intended to, nor reasonably likely to, result in death or serious injury.

C. Necessary Force

When no reasonably effective alternative to the use of force appears to exist and the amount of force to be used is reasonable to affect the lawful purpose intended.

D. Non-Lethal Force

Any use of reasonable or necessary force, other than deadly or less lethal force, that is applied to affect an arrest or to protect an officer or others from personal attack, physical resistance, harm, or death.

E. Reasonable Belief

Reasonable belief is defined as facts or circumstances the officer believes, or should believe, to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

F. Serious Bodily Injury

Serious bodily injury includes permanent disfigurement or the long term loss or impairment of the function of any body part or organ.

G. Substantial Force

Substantial force is the use of force (firearms discharge excluded) which causes injury to a subject to such an extent that medical treatment is necessary or death has resulted.

H. Weapon of Opportunity

During an imminent danger situation, if an officer cannot readily retrieve his/her OC Spray, baton, or firearm, then any readily object such as handcuffs, radio, flashlight, etc., may be used to stop or prevent an attack.

I. Use of Force Form

A Use of Force Form will accompany an Incident Report any time a use of force incident occurs. The requirements for the use of the form are contained herein. (See Appendix 3.11.1)

IV. Limited Use of Force

A. Achieving Objectives

1. Sworn members shall use reasonable force to achieve the lawful objectives of the UMBPF.
2. The propriety and extent of the use of force directly reflects the standing of the Agency within the University community and the community at large. While individual circumstances may dictate the use of force to complete a task, the success of the task will most probably be measured by the appropriateness of the amount of force used.

B. Use of Force Alternatives

The application of force includes a wide range of alternatives, some requiring the use of either lethal or less lethal weapons. The UMBPF shall issue weapons and ammunition which the individual officer may only use in a lawful manner while on or off duty.

C. Deadly Force

The use of deadly force may be applied only when an officer reasonably believes he/she are in immediate or imminent danger of death or serious bodily injury, or the officer reasonably believes another person is in immediate or imminent danger of death or serious bodily injury.

D. Duty to Intercede

Members have a duty to intercede to prevent the use of excessive force by another member toward any person. Intervention may be verbal and/or physical. Failure to intercede may subject a member to disciplinary action. Members must immediately notify a supervisor after such an intervention, when safe to do so.

V. Weapons and Proficiency

A. Unauthorized Weapons and Ammunition

Weapons or ammunitions, lethal or less lethal, not issued by the UMBPF or approved by the Chief of Police are not authorized. The use of unapproved, non-issued weapons and/or ammunition, either lethal or less lethal, shall cause the initiation of an investigation of the officer(s) involved. Further information is found in **WD 6.6, Firearms/Deadly Force**. This paragraph does not apply to weapons of opportunity as described in **Section VIII, F** of this directive.

B. Proficiency

Before an officer is authorized to carry a weapon, the officer shall demonstrate an acceptable level of proficiency in the use of weapons, lethal and less lethal, as established by the UMBPF and the Maryland Police Standards and Training Commission (MPSTC) rules and regulations. Additionally, all sworn personnel will be issued copies of, and instructed in the use of force policies before being issued a weapon.

VI. Use of Less Lethal Weapons

A. Authorization and Training Required

The use of a weapon or technique which is not authorized by the UMBPF and/or for which the officer is not trained is prohibited.

B. Less Lethal Weapons

1. Officers are authorized to use less lethal weapons in a manner consistent with the provisions of this Written Directive.
2. Less lethal weapons may be used in the following manner:
 - a. To defend against violent attacks when the use of firearms would not be appropriate or advisable;
 - b. To overcome the violent resistance of a suspect when making an arrest; and
 - c. To restrain a combative suspect who is already in custody.

C. Use of the Baton

1. Every sworn member of the UMBPF will be issued a Monadnock 26” Expandable Baton for use in riot and crowd control situations, and as a tool to effectively arrest a violent person(s).
2. It shall be the policy of the UMBPF to use the baton only in situations where the degree of resistance exhibited by a suspect is of such magnitude that their arrest cannot otherwise be affected.
3. Batons used for defensive purposes are to be directed against points of the body where the impact will immobilize the suspect, but not cause permanent or fatal injury.
4. Points of immobilization may include the upper arm, shoulder above clavicle, shoulder tip, thigh, calf, and the pit of the stomach.
5. It is the policy of the UMBPF not to strike persons with the baton in the front of the throat, the upper lip, the bridge of the nose, the back of the neck, the back of the head, or anywhere in the cranial area, unless imminent danger exist to legally use deadly force/lethal force.

D. Use of Blackjacks

Blackjacks, slapjacks, or any type of leaded sack will not be issued, approved, or authorized. No member of the UMBPF is permitted to carry such equipment.

E. Mace/Chemical Spray

Oleoresin Capsicum Aerosol Restraint Spray (OC) is authorized and issued to all sworn members. The criteria for use, training, storage, maintenance, reporting and replacement policies are found in **WD 3.11A, Oleoresin Capsicum Restraint Spray**.

VII. Training

A. Requirements in General

1. All sworn members will receive initial training and annual or semi-annual (for rifles) in-service training on lethal weapons issued and authorized by the UMBPF.
2. All sworn members will receive initial training and biennial in-service training on less lethal weapons issued and authorized by the UMBPF.
3. The UMBPF certified weapons instructors will develop initial and in-service qualification courses for weapons instruction.
4. Initial and in-service weapons training programs will be conducted only by certified instructors.

5. Lethal and less lethal weapons instructors will provide training and proficiency documentation on a timely basis to the Education and Training Lieutenant for inclusion in the training files.
6. Instructors shall ensure training is conducted ranging from immediate action to de-escalation. It shall include discussions on:
 - a. Proportionality;
 - b. Using distance and cover;
 - c. Tactical repositioning;
 - d. “Slowing down” situations that do not pose an immediate threat; and
 - e. Calling for supervisory and other resources.

B. Necessary Force

Sworn members may use only reasonable force to control or restrain a suspect/prisoner, to defend against an assault, or to accomplish lawful objectives.

C. Proficiency with Lethal Weapons

The requirements for proficiency with lethal weapons are discussed in **WD 6.6, Firearms and Deadly Force** and **WD 3.11B, Patrol Rifles**.

D. Proficiency with Less Lethal Weapons

1. During biennial instruction on less lethal weapons, sworn members must demonstrate through a written test and practical examination, proficiency with less lethal weapons.
2. When a sworn member fails to qualify with the baton (less lethal weapon), remedial training shall be required. The following procedure will be followed:
 - a. The Education and Training Lieutenant will schedule remedial baton training at the earliest possible date;
 - b. The work schedule of the police officer will be adjusted to accommodate the remedial training date;
 - c. Officers who fail to qualify will be temporarily relieved of all law enforcement duties; and
 - d. Officers who have failed to qualify will remain without law enforcement responsibilities until such time as the remedial training has been successfully completed.

3. The sworn member's failure to qualify, all remedial instruction, and the results of the instruction shall be documented in a written report to the Education and Training Lieutenant.

E. Mace/Chemical Spray

1. The criteria for use and training for the agency issued restraint spray, are found in **WD 3.11A, Oleoresin Capsicum Restraint Spray**.
2. Remedial training for Oleoresin Capsicum Restraint Spray will mirror that of remedial training for the baton stated in **Section D**, above.

F. Control Techniques

1. Officers shall receive documented biennial instruction in defensive tactics, control techniques, and handcuffing procedures.
2. Officers are not authorized to use neck restraints or similar weaponless control techniques that have a potential for serious injury, unless imminent danger exist to legally use deadly force/lethal force.
3. Remedial training requirements for control techniques will mirror that of remedial training for the baton stated in **Section D**, above.

VIII. Reporting Procedures

A. Use of Force Incidents

1. Officers shall submit a written Use of Force (UOF) report through the chain of command to the Professional Standards Commander whenever an action is taken that results in or is alleged to have resulted in injury or death to another person (on or off duty).
2. The incident report is completed and submitted by the assigned officer as required per **WD 1.11, Records**.
3. A UOF report will also be required when a police officer applies force through the use of lethal weapons, less lethal weapons, or applies weaponless physical force against any person.
4. The Professional Standards Commander or designee shall be responsible for briefing the Chief of Police and the Deputy Chief regarding use of force incidents.
5. A UOF report shall also be prepared for incidents involving the use of physical force to include the circumstances surrounding resisting arrest and gaining compliance. In all cases a Use of Force Report will be attached to all other documentation when submitted for review to the Professional Standards Commander.

6. Any actions resulting in injury or death, to include traffic accidents and a display of lethal or less lethal force (i.e. *unholstering of service pistol or drawing of baton from holder*), will require a Use of Force Report. The report shall include information pertaining to all facts, circumstances, and actions taken during the incident.
7. Anytime a firearm is discharged (regardless of injury) other than for training or recreational purposes, the officer shall notify the on-duty Patrol Supervisor immediately. The Patrol Supervisor shall instruct the officer to report to the Operations Center (Pine Street Annex) as soon as possible for the purposes of submitting a written report concerning the incident.
8. All incidents will require submission of the UOF and incident report before the end of the shift.
9. Officers rights under LEOBR, the Fifth Amendment, or Miranda Rights, shall not be violated during the course of documenting the incident and the use of force.
10. For each use of force or firearms discharge described in #4, above, copies of all reports and documents shall be submitted to the Professional Standards Commander for review.

B. Responsibilities of the Police Officer

The police officer shall immediately notify the Patrol Supervisor and submit the appropriate reports, completely describing the details of the incident.

C. Responsibilities of the Patrol Supervisor

1. Patrol Supervisors will respond to the scene of a use of force and determine first-hand the facts of the incident.
2. The Patrol Supervisor will be responsible for the preliminary determination of the appropriateness of the use of force and shall interview or cause to have interviewed, the officer, witnesses, other officers, the victim, or any other involved party to the incident.
3. If the use of force results in injuries to the suspect, this information will be documented in a photograph and made part of the official investigation. Medical treatment shall also be made available, if required or requested.
4. The Patrol Supervisor shall be responsible for gathering all reports, statements, and any other pertinent information and shall forward it through the chain of command to the Professional Standards Commander.
5. In addition to a summary of the incident, the Patrol Supervisor shall include the below listed details if available:
 - a. Race, gender and age of the suspect(s);
 - b. The date, time, location, and circumstances leading to the use of force; and

- c. Documented injuries and medical treatment received by the suspect(s) and/or officer(s).
6. After a use of force has been identified, the Patrol Supervisor shall notify the Patrol Lieutenant or in the case of non-business hours, the On-Call Lieutenant at their earliest opportunity.
7. The Patrol Supervisor must also submit a report of their findings to the Patrol Lieutenant.

D. Responsibilities of the Patrol Lieutenant

1. The Patrol Lieutenant shall review all of the information provided by the Patrol Supervisor including reports, statements, photographs, and other documentation of the incident. The Patrol Lieutenant shall determine whether the officer should continue at present duty status or be placed in an administrative leave capacity.
2. Consultations with the command staff will be part of the process of determining the status of the involved officer(s).

E. Responsibilities of the Professional Standards Commander or Designee

1. Use of Force administrative reviews and investigations shall be conducted by the Professional Standards Commander or designee.
2. Documentation regarding the incident, use of force form, statements, etc., shall be provided to the Professional Standards Commander or designee as stated in **Section VII, C, 4**, above.
3. The investigator shall review data, such as:
 - a. A summary of the incident;
 - b. The race, gender, and age of the subject(s);
 - c. The date, time, location, and circumstances leading to the use of force; and
 - d. Documentation of injuries to the subject(s) and/or officer(s).

F. Weapons of Opportunity

There are occasions when an officer may be required to defend against an attack with whatever is available, to include items not normally considered to be weapons. These occasions, while not encouraged, shall not be prima facie evidence of inappropriate use of force; however, every use of lethal or less lethal force that results in injury or non-injury of another human shall be internally investigated to determine the factual circumstances surrounding the event. Disciplinary action, if required, shall be based solely upon the merits of the evidence uncovered.

G. Medical Attention Required

1. Officers will ensure that appropriate medical aid, to include evaluation by paramedics, if needed, is provided as necessary after all uses of lethal or less lethal uses of force.
2. The injured suspect shall be kept under constant observation and supervision to detect any obvious changes in the suspect's condition.
3. When injury is confirmed and medical assistance is required, a police officer shall:
 - a. Contact and advise the Patrol Supervisor of the circumstances;
 - b. Have the Communications Center contact the Baltimore City Fire Department;
 - c. Stay with the injured suspect until the Fire Department arrives; and
 - d. Officers may transport suspects for minor injuries, if needed, to the local treatment facility.
4. If the suspect is transported to the hospital, the police officer shall:
 - a. Stay with the suspect (or follow in a patrol car) to the hospital;
 - b. Update the Patrol Supervisor on the condition of the suspect; and
 - c. Guard the suspect until relieved.
5. If the suspect receives medical attention from the Baltimore City Fire Department, but is not transported to a medical facility, the police officer shall continue the required arrest procedures, including transportation to the Baltimore City Central Booking and Intake Facility.
6. If a juvenile is involved and must go to the hospital, the police officer shall stay with the suspect until the parents are notified and respond.

H. Use of Force Resulting in Death

1. If a death should occur as a result of the application of lethal or less lethal force by the police officer, the officer shall be removed from the line assignment in order to protect the interests of the individuals involved while an investigation is conducted to determine if the officer is to be placed on suspension, paid administrative leave, in-non-contact assignments, or returned to full status.
2. The following procedures shall be followed whenever substantial force results in death or whenever death is imminent:

- a. The officer using substantial force shall immediately notify the Patrol Supervisor; and
 - b. The officer shall submit the appropriate report describing completely the details of the incident; however, the officer's rights under LEOBR, Fifth Amendment, or Miranda Rights, shall not be violated.
3. The Patrol Supervisor shall notify the On-Duty Lieutenant or On-Call Lieutenant, the Operations Commander, the Professional Standards Commander, the Deputy Chief, the Chief of Police, and the Baltimore Police Department's Homicide Unit.
 4. The Chief of Police shall coordinate with the Office of Communications and Public Affairs the release of information to the news media and the public per **WD 9.5, Public Information**.

I. Post Incident Debriefing/Counseling

The Operations Commander will ensure that arrangements are made for officers, who use deadly force or cause serious physical injuries as the result of law enforcement activities, to receive post-incident debriefing and/or counseling as soon as practical after the incident.

J. Annual Analysis Required

The Professional Standards Commander or designee shall conduct an annual analysis of reports of incidents involving the use of force. The analysis of the use of force reports shall be used to reveal any patterns or trends that could indicate training needs, equipment upgrades, and/or the need for policy and procedure modifications.

Written Directive System Impact

Upon approval and publication, this edition of WD 3.11 supersedes all previous editions.

Alice K. Cary, MS
Chief of Police for Police and Public Safety

CALEA Standard (s): 4.1.1; 4.1.2; 4.1.4; 4.1.5; 4.2.2; 4.3.2; 4.3.4