



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



**DIVISION DIRECTIVE**

TITLE <b>USE OF FORCE/RESPONSE TO RESISTANCE</b>		PROCEDURE NUMBER <b>PG400.0</b>	
SECTION <b>Operational Procedures</b>	DISTRIBUTION <b>A</b>	EFFECTIVE DATE <b>09/22/20</b>	REVIEW DATE <b>05/01/21</b>
REPLACES <b>PG400.0 "Use of Force/ Report", issued 07/01/20</b>			
RELATED DIRECTIVES <b>PG403.1, 607.0, 1500.0, 1700.0</b>	REFERENCES <b>CALEA 1,17,22,41</b>	AUTHORITY  <i>S.R. Johnson</i> <b>Chief Stanley R. Johnson</b>	

**I. PURPOSE**

This directive provides all officers with guidelines on the use of lethal (deadly) force, less-lethal force, and de-escalation techniques to reduce the potential for and severity of the use of force.

**II. POLICY**

The Department 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 and themselves, a careful balancing of all human interests is required. The use of force by law enforcement is a matter of critical concern to the public and the law enforcement community. Therefore, it is Division policy that police officers will use only that force which is objectively reasonable and necessary to accomplish lawful objectives to effectively bring an incident under control, while preventing unnecessary serious injury and protecting the life of the officer or another person.

Each incident involving the application of any degree of force upon another must be evaluated based on the perspective of a reasonable officer on the scene, with only the facts known to the officer at the time of the incident. The totality of the circumstances will be considered when reviewing the use of force incidents.

Under no circumstances may the use of force be more than that which is reasonable or necessary to achieve a lawful purpose, such as arrest. The officer must evaluate the immediate circumstances and select the appropriate level of force to those circumstances. Without limitation an example of factors to be considered in determining

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the level of force to use include the nature of the crime at hand, the use of or presence of weapons, and the risk of harm to the officer, other persons, or other officers.

While consideration of the crime committed may play a role, it should not be the determining factor. Instead, 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.

Every member of the Department shall refrain from using force unnecessarily or excessively and take action to prevent similar conduct by others. The use of excessive or unreasonable force will subject officers to discipline, possible criminal prosecution, or civil liability.

The use of chokeholds, carotid holds, or neck restraints are prohibited.

The use of reasonable force by officers is authorized in situations where no other means of managing the situation, including de-escalation, will resolve the situation, or in cases where such exigency and safety concerns dictate that use of reasonable force is prudent.

Any time an officer uses force, he or she shall ensure that appropriate medical treatment or first aid is provided to the subject of the force as soon as it is safe to do so.

### III. DEFINITIONS

- A. Active Resistance:** When a subject takes action and/or uses evasive movements that attempt to physically counteract or defeat an officer's attempt to detain a subject or place them in custody and take control, and which may create a potential risk of bodily harm to the officer, subject, and/or other persons. Generally, physically evasive movements to defeat the officer's attempt to control, to include bracing, tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested. Other examples include, but are not limited to, pulling away from the officer, breaking the officer's grip and/or control, or fleeing arrest.
- B. Aggression:** When a subject commits a physical assault, or active threat of assault, upon the officer or another person.
- C. Cooperative or Compliant:** When a subject complies with verbal commands or other directions of an officer.
- D. Deadly force:** See Lethal Force.
- E. De-escalation:** Any verbal or physical act or action that reduces the intensity of conflict or a potentially violent situation. When encountering resistance, de-escalation techniques assist in moving a situation from a state of high tension to a state of reduced tension.
- F. Force:** Any physical coercion used to affect, influence, or persuade a subject to comply with an

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order from an officer; the term shall include the use of chemical irritants and the deployment of canine, but shall not include ordinary, unresisted handcuffing, or unresisted escort.

- G. Hard Personal Weapons:** Strike applied and intended to overcome a physical assault or active threat of assault upon the officer or another (a strike with a closed fist or kick).
- H. High Level of Control:** Includes the use of hard personal weapon strikes, Department issued chemical agents, electronic control devices, Department issued tactical baton, and Canine; the use of hard personal weapons strikes in this instance is intended to overcome a subject's aggressive resistance when necessary to gain control.
- I. Impact Weapon:** Any object used for striking that may disable or cause temporary motor dysfunction.
- J. Intermediate Level of Control (Pressure Points, Joint Manipulation, and Control Holds):** The use of approved pressure points, joint control holds, and takedowns; it may also include soft personal weapon strikes used to stun or distract prior to applying control holds; the use of soft personal weapons in this instance is not a means intended to defeat resistance, but rather to gain control.
- K. Less-lethal 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. Also includes Low-Level Control, Intermediate Level of Control, and High Level of Control.
- L. Lethal Force:** Any use of force that is intended to or likely to cause a substantial risk of death or serious physical injury. Includes the use of a firearm or any force which has a reasonable likelihood of causing death or serious physical injury. Officers may only use lethal force when they have an objectively reasonable belief the suspect poses an imminent threat of death or serious bodily injury to the officer or another person.
- M. Life-Threatening Assault:** An attack or immediate threat of attack wherein an officer reasonably believes that the assault will result in serious physical injury or death.
- N. Low-Level Control (Escort Techniques):** Low-Level Control includes escort techniques used to remove a non-cooperative subject.
- O. No Force Necessary:** (Uniformed Officer or Identifiable Off- Duty or Plain Clothes Officer) Command presence including the display of authority as a peace officer and non-verbal communication such as body language and manner of approach; verbal direction includes statements and commands given to the subject.
- P. Officer's Actions:** Officer's conduct which is intended or designed to overcome resistance through techniques that are objectively reasonable and necessary to achieve a lawful objective.
- Q. Passive or Non-responsive:** When a subject is uncooperative when taken into custody or fails to respond to verbal commands or other directions.
- R. Personal Weapons:** Any use of hands, elbows, knees, and feet to deliver strikes for the purpose

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of stunning or distracting a suspect to overcome resistance.

- S. **Reasonable Belief:** An objective and reasonable conclusion based on the totality of the circumstances from the perspective of a reasonable police officer.
- T. **Serious Physical Injury:** Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in a long-term impairment of the functioning of the body.
- U. **Soft Personal Weapons:** Strike applied to a nerve motor point as a stunning or distraction technique to cause a motor dysfunction and balance displacement to control a resistant subject (an open hand strike or knee strike to a nerve motor point).
- V. **Subject's Actions:** Conduct observed, or intentions reasonably perceived by the officer.

## IV. USE OF FORCE CONTINUUM

An officer may encounter situations that require not only the officer's presence, but some form of verbal or non-verbal communication. This communication may take the form of providing information, giving commands, physical gestures, or directions, asking or answering questions, conducting interviews, etc. It may also take the form of issuing specific instructions to individuals or groups, dealing with arguments, verbal assaults, or threats, handling disputes, disagreements, etc. The department recognizes that some situations require the application of force.

- A. **No Force Necessary.** When subject complies based on Command presence including the display of authority as a peace officer and non-verbal communication such as body language and manner of approach; verbal direction includes statements and commands given to the subject. When possible, the subject should be allowed to submit to arrest before force is used.
- B. **De-escalation.** De-escalation techniques shall be used during the interaction where there is resistance. A degree of force which may have been justified earlier in an encounter does not remain justified indefinitely. Officers shall immediately reduce the level of force as the threat or resistance decreases or stops.
  - 1. **De-Escalation Techniques.** (The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully.) Officers should look for opportunities to de-escalate potential use of force situations by:
    - \* Talking to a person using a tone of voice and language that is not aggressive or confrontational.
    - \* Talking to the person to convince the person to comply.
    - \* Using advisements, warnings, verbal persuasion, and other tactics before escalating to the use of force, if feasible
    - \* Reducing any threat presented by withdrawing to a tactically advantageous position.
    - \* Taking actions that allow for greater distance and time to de-escalate a situation or deploy a lesser force option or no force at all.

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- \* Creating space or place barriers between you and the subject(s).
- \* Waiting the person(s) out when circumstances permit.
- \* Permitting a person to move about when safe.
- \* Permitting a person the opportunity to make statements or ask questions.
- \* Repositioning tactically and request additional resources.

**C. Less-Lethal Force.**

1. **Low-Level Control.** Officers may use escort techniques to remove a non-cooperative subject.
2. **Intermediate Level of Control.** If the above listed alternatives are exhausted and found to be ineffective, or they are patently unreasonable given the circumstances at the scene, Officers may escalate the level of force used to an Intermediate Level of Control. Tactics included in intermediate control techniques include the use of approved pressure points, joint control holds, and takedowns. The use of force at this level is intended to serve as a means to stun or distract prior to applying control holds as a means to gain control rather than to defeat resistance.
3. **High Level of Control.** If the above listed alternatives are exhausted and found to be ineffective, or they are patently unreasonable given the circumstances at the scene, Officers may escalate the level of force used to a High Level of Control. Tactics included in High Level of Control include the use of hard personal weapon strikes, Canine, Department issued tactical baton, Department issued chemical agents, and Department issued electronic control devices. The use of force at this level is intended to overcome a subject's aggressive resistance when necessary to gain control.
4. **Parameters for the use of Less-Lethal force.**
  - a. Where deadly force is not required, and as time and safety permit, officers should assess the incident in order to determine which a less-lethal technique or weapon will best de-escalate the incident, bringing the incident under control in a safe manner and with a reasonable amount of force necessary.
  - b. Officers are authorized to use Division approved less-lethal force techniques, and issued, or approved equipment for resolution of incidents, as follows:
    - i. To protect themselves or another from personal attack, physical resistance or harm;
    - ii. To bring an unlawful situation safely and effectively under control.
    - iii. Verbal direction is ineffective or inappropriate; and
    - iv. Passive resistance techniques have failed, and officers may have to use physical force to maintain control.

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**D. Lethal Force.** If the above listed alternatives are exhausted and found to be ineffective, or they are patently unreasonable given the circumstances at the scene, Officers may escalate the level of force used to Lethal Force. Tactics included in the use of Lethal Force includes the use of Firearms or any other force which has a reasonable likelihood of causing death or serious physical injury. Officers may only use Lethal Force when they have an objectively reasonable belief based on the totality of then-existing factors which would lead a reasonable officer to believe that he or she must use lethal force because the suspect poses an immediate threat of death or serious bodily injury to him/her or another person.

#### **1. Parameters for the use of deadly force.**

- a. Officers are authorized to utilize deadly force in order to:
  - i. Defend themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury; or
  - ii. Prevent the escape of a fleeing felon whom the officer has probable cause to believe poses an imminent threat of death or serious physical injury to himself or others.
- b. Before firing a weapon, officers will identify themselves and state their intention to shoot, when feasible.
- c. An officer may safely 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.
- d. All officers will adhere to the following restrictions when their firearm is displayed:
  - i. Warning shots are prohibited.
  - ii. Officers will not fire their weapons at or from a moving vehicle.
    - a. This does not prohibit an officer on foot from discharging a firearm at a moving vehicle, only if at that moment, the vehicle is being used as a deadly weapon against the officer or another person.
    - b. Officers will not intentionally place themselves in a position in front of an oncoming vehicle where the 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.
  - iii. A firearm will not be discharged when it is likely that an innocent person may be injured.

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#### **V. ADDITIONAL PROCEDURES**

##### **A. Medical Attention Following Use of Force**

1. After any use of force incident, officers shall render appropriate medical aid to any injured parties when safe to do so and request an ambulance if necessary.
2. After any use of force, officers shall immediately assess the subject for visible injuries, observable impairment, or complaints of injuries once compliance is received, and the scene is secure. The officer will monitor the subject and immediately activate the emergency medical system when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious. Officers will contact communications to request emergency medical assistance. Officers who transport a civilian to a medical facility for treatment shall take the safest and most direct route to the medical facility if feasible. Officers shall notify Park Police Communications of their starting and ending mileage.
  - a. In situations where the subject is forced into a face-down position, officers should not take any action which could impair or inhibit the subject's ability to breathe. If physical force is required to subdue a subject that is under arrest, officers must release pressure/weight from the subject as soon as it is safe to do so. Officers are charged with and monitoring the subject for any respiratory or breathing problems; and
  - b. As soon as possible, the Officer shall position the subject on their side or sit them up as circumstances allow, so as not to reduce airflow or diaphragm function.
  - c. Medical attention shall be requested immediately when an individual is injured or complains of injury following a use of force.

##### **B. Training and qualifications**

1. Deadly force: All officers will comply with the provisions of Division Directive PG401.0 – "Firearms."
2. All agency personnel authorized to carry lethal and less lethal weapons shall receive all use of force policies and related instruction before authorization to carry a weapon. Policy receipt and curriculum delivery shall be documented.
3. Less-lethal force weapons and methods:
  - a. Officers are not permitted to use any less-lethal weapon or method unless qualified in its use as determined by approved training procedures.
  - b. Less-lethal weapons or approved methods are authorized for use by officers who have successfully completed the required training. The list of Less-lethal weapons may be periodically amended by the Chief based upon recommendation by the Support Operations Training Section.

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#### **VI. OFFICER & AGENCY RESPONSIBILITIES**

##### **A. Non-Supervisor Response.**

1. Officers should use de-escalation techniques or tactics when appropriate and possible in place of use of force tactics.
2. Officers are required to intervene verbally and/or physically to interrupt any act if they witness another officer using unreasonable, unnecessary, excessive, or disproportionate use of force.
3. Officers should either stop or attempt to prevent another sworn employee when force is being inappropriately applied or force is no longer required.
4. Officers shall notify their supervisor of any use of excessive force they witness.
5. Officers will immediately report to their supervisor any use of force dealing with deadly force and less-lethal force in regard to empty-handed techniques when overcoming physical resistance.
6. Officers will provide information for the completion of reports, charging documents, and the Use of Force Report. Officers involved in the Use of Force shall not complete their own Use of Force Report (LEOBR).
7. Officers will complete any other reporting requirements related to the Incident.

##### **B. Supervisor Response.**

1. Supervisors will become involved as soon as practicable in the management of an overall response to potentially violent encounters by coordinating resources and officers' tactical actions.
2. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform to Department standards.
3. Supervisors or designee or will complete the Use of Force Report in Blue Team.
4. Supervisors or designee will forward a copy to the Division Chief and appropriate Area Operations Assistant Chief or designee.
5. Supervisors or designee will forward a copy of the Use of Force Report and all other required reports to the Records Management Section. On-duty Supervisors or designee 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 Lethal or Less-lethal force as defined in Section III of this directive.
7. A supervisor's Checklist (Appendix A) is provided for use at the scene of officer-involved shootings.



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#### C. Division Response.

##### 1. Administrative Review of Deadly Force Incidents.

- 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 the Commission's mental health professional determines 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").
- 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.

##### 2. Administrative Review of Use of Force Incidents.

All Use of Force reports shall be reviewed by a designee of the Park Police Division Chief per occurrence. Those that meet the criteria of deadly force will be forwarded to the Training Committee to determine whether:

- a. The relevant policy was clearly understandable, and effective, to cover the situation; and
- b. Division training is currently adequate.

##### 3. Training Committee will be comprised in accordance with Division Directive PG710.2 - "Training Committee."

- a. The Training Committee will review the incident, and all findings of training inadequacies will be reported to the Park Police Division Chief, for appropriate resolution.
- b. All Use of Force reports will be retained permanently by the Office of Accountability and Oversight.
- c. There will be a yearly review of use of force incidents by the Park Police Division Chief and Command staff to ascertain training and policy needs.
- d. An annual summary report of use of force incidents will be published and made available to the public.

**End of Document**

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**SUPERVISOR'S CHECKLIST (Appendix A)**

This checklist is intended to provide basic reminders to a supervisor at that scene of an officer involved shooting. Utilize all applicable sections:

**IMMEDIATE CONSIDERATIONS:**

- Secure scene
- Request ambulance
- Broadcast lookout
- Request additional Personnel
- Locate and identify witnesses
- Transport involved officer(s) to station
- Have appropriate notifications made

**NOTIFICATIONS:**

- All Command Staff
- Investigative Services Supervisor
- On-duty/on-call Investigator
- Public Information Officer
- Officer's Family
- FOP President

**ESTABLISH COMMAND POST: (if necessary)**

- Appoint CP Staff as required
- Record actions taken
- Brief personnel
- Establish perimeter security
- Media relations

**SPECIALIZED UNITS AND EQUIPMENT:**

- Fire Department
- MSP/PGPD Aviation
- County Police
- Hostage Negotiators
- EST/PGPD SOD
- Barricades
- Canine

**OTHER REQUIRED INFORMATION**

- Incident occurred while on duty
- Incident occurred within jurisdiction while officer off-duty. Conduct complete investigation for the purpose of preparing a detailed report.

**WEAPONS:**

- Officer: Serial number, make, model, caliber
- Suspect: Serial number, make, model, caliber

**TYPE OF AMMUNITION and HOLSTER**

- Officer: type, manufacturer, # rounds fired, holster description
- Suspect: type, manufacturer, # rounds fired, holster description
- Log all cartridges, cases and/or expended slugs

**PERSONNEL AT SCENE:**

- Identify all police personnel at scene
- Name, rank, ID #, current assignment
- Name of first Supervisor on scene
- Identify all fire department personnel at scene
- Identify all other related persons

**SUSPECTS:**

- Include all information available
- Description
- Prior Record
- Parole, probation information

**VEHICLE AND EVIDENCE:**

- Vehicle description(s)
- Evidence logged

**WITNESSESS:**

- Location and observations

**COMMUNICATIONS:**

- Teletypes sent       Notification made

**DESCRIPTION OF SCENE:**

- Photographs of scene

**CHRONOLOGICAL NARRATIVE:**

- Date and time call received
- Name, ID number and rank of all officers involved
- Current assignment
- Uniform or plainclothes
- Type(s) of vehicle(s)
- Description of scene including background