



## **Use of Force**

### **I. INTRODUCTION**

The value of human life is immeasurable in our society. Police Officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be subservient to the protection of life.

### **II. POLICY**

Officers of the Ridgely Police Department will utilize the least amount of force necessary to effect an arrest. The use of excessive force shall result in certain and severe disciplinary action and may result in both civil & criminal prosecution. The Ridgely Police Department strives to maintain Use of Force policies that adhere to all applicable federal, state, and local laws.

### **III. FORCE IN MAKING AN ARREST**

- A. An officer should only use such force necessary to take the prisoner into custody.
- B. While making the arrest, if an officer is met with force, he may repel force with force.
- C. Officers may not strike a person who merely objects to their proper performance of duty, although a person who actively interferes with such performance of duty may be arrested.
- D. Officers will not strike a prisoner who merely holds back but who is not otherwise resisting arrest.
- E. Officers must always maintain control of their tempers and never allow themselves to be provoked into an excessive force incident.
- F. In every case where an offender is arrested for Assault on a Police Officer, a photograph of an injury sustained by the officer should be taken and submitted with the Criminal Investigation Report.
- G. When it is objectively reasonable that a subject is fully in law enforcement control, then the use of force shall terminate immediately.

## **General Order No. 3-4 (Cont.)**

### **IV. USE OF FORCE CONTINUUM**

- A. Physical Presence - The sight of an RPD officer may stop the offender from further action.
- B. Verbal Commands - An RPD officer issuing clear and lawful orders must be obeyed by the offender.
- C. Open/ Soft Hand Techniques - When an RPD officer attempts to gain control of an offender by placing the offender's hands behind their backs to be secured in handcuffs. The use of an arm- bar technique is covered under this category.
- D. Closed Hand Techniques/ Less Lethal Devices - The use of leg sweeps, strikes, OC spray, Impact Devices, and/ or the Taser X-26 ECD.
- E. Deadly Force - The use of any issued or approved RPD firearm.

### **V. DEADLY FORCE**

- A. Deadly force, as used in this policy, is defined as that force which is intended to cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.
- B. Deadly force may consist of the use of items, articles, instruments or equipment other than firearms which are designed, intended, and routinely used for other legitimate police purposes, such as vehicles, batons, flashlights, knives, etc. Deliberate use of any such item, article, instrument, or equipment other than that for which it is designed and intended, or in a potentially deadly manner (i.e. as a club or ramming with a vehicle) is prohibited except in cases where the use of deadly force is specifically authorized in this policy.
- C. The degree of force used in a confrontation must be consistent with both the severity of the incident and the urgency of its disposition.
- D. An officer may employ deadly force in the performance of his official duties only under the following circumstances:
  - 1. In self defense, or to defend another person, who is being unlawfully attacked, from death or grave injury.
  - 2. To prevent the escape of a felon only when all of the following conditions exist:
    - a. The suspect is a known felon or the officer has probable cause to believe the suspect committed a felony.
    - b. The suspect actually used or threatened to use deadly force in the commission of a felony.
    - c. The officer has reason to believe the felon poses a significant threat of using deadly force against the officer or others if not immediately apprehended.

## **General Order No. 3-4 (Cont.)**

- d. Every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders.
- e. Where feasible, the officer has given notice of intent to use deadly force and the felon refuses to obey the order to halt.
- f. Every other reasonable means of effecting the arrest have been exhausted.

E. Deadly force must never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer should either have witnessed the crime or should have sufficient probable cause to believe that the suspect had committed, is committing, or is about to commit an offense for which the use of deadly force is permissible.

F. Any officer of the Ridgely Police Department who uses his firearm during fresh pursuit outside the jurisdiction of the Town of Ridgely and the State of Maryland is identical to the authority to use a firearm within Maryland.

G. Any officer of this Department involved in the fresh pursuit of a dangerous felon outside of Maryland, and all conditions of this subsection are present, the employee may use deadly force to effect an arrest or prevent the escape of such felon.

H. The use of deadly force during fresh pursuit outside of Maryland must be justified by the officer employing it to authorities within the foreign jurisdiction.

I. The use of choke holds and similar vascular-neck restraints, by their very nature, shall be considered deadly force. These types of physical restraints shall only be utilized in circumstances where deadly force is authorized by policy and law.

## **VI. FIREARM USE OTHER THAN DEADLY FORCE**

A. An officer of this Department may discharge a firearm:

1. To kill a dangerous animal that is jeopardizing the safety of the public or the officer.
2. To kill an injured animal, either wild or domestic, if the officer has consent of the owner or has been requested to do so by a licensed veterinarian. In any case where a reasonable attempt to locate an owner has failed or a licensed veterinarian is not readily available, the employee may use discretion in deciding whether or not to kill the animal to relieve it's suffering.
3. To give alarm or to call for assistance when no other means are available.
4. When used in practice on the firing range.

## **General Order No. 3-4 (Cont.)**

B. An officer will NOT discharge a firearm:

1. As a warning.
2. In any felony case which does not meet the criteria set forth in subsection V.D.2 of this section.
3. At or from a moving vehicle except:
  - a. As a measure of self-defense or defense of another when the suspect is using potentially deadly force other than a vehicle.
  - b. When all conditions regarding a fleeing felon in subsection V.D.2 of this section are present.
  - c. When a vehicle is being driven in a manner deliberately intended to kill or severely injure a police employee or citizen who is on foot.
4. In any attempt to apprehend a misdemeanor.

C. Under no circumstances will officers of the Ridgely Police Department display a weapon in a flagrant manner or in any manner which is unsafe or would invite unfavorable comment from the public.

D. An officer must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it. The use or display of weapons in circumstances other than those described in this section is contrary to Department policy.

E. Any officer who is wearing an RPD issued or approved firearm may not consume alcoholic beverages, or have alcohol in their blood.

## **VII. REPORTING PROCEDURES**

A. Whenever an officer is involved in an incident involving the use of force resulting in injury or the use of deadly force, notification will be made to the Chief of Police or his designee as soon as possible.

B. Every discharge of a firearm by an officer in the performance of their duty is subject to administrative review to determine whether such action was in conformance with Departmental policy and procedure. Except when practicing on the range, Officers shall without delay, notify the Chief of Police or his designee when they have discharged a firearm in the performance of their duty.

C. Every time a firearm is discharged to kill a dangerous or injured animal, the officer will complete a detailed Incident Report outlining all the actions and circumstances.

## **General Order No. 3-4 (Cont.)**

D. An officer shall submit a detailed report each time a firearm is discharged in the performance of their duty and an injury has occurred or when injury has occurred as a result of the use of force. The detailed report shall contain all specific circumstances relating to the incident and will be submitted before the end of the tour of duty that the incident occurred.

E. In instances where the officer is injured, incapacitated, or otherwise unable to prepare a detailed report, the specific facts and circumstances surrounding the incident will be summarized by another officer from facts obtained verbally from the involved officer and/ or witnesses. The first endorsement to this detailed report will be made by a member of the Department, appointed by the Chief of Police.

F. A Use of Force report (RPD Form #72) will be completed in every case where an officer uses any physical force on a person. This does not include the display only of a firearm, unless the circumstances surrounding the display are likely to result in a complaint being filed.

G. The completed Use of Force report will be submitted to The Chief of Police through the Chain of Command along with a copy of the incident report as soon as practical after the incident.

### **VIII. TREATMENT OF INJURIES**

It is the responsibility of the department member who uses physical force on a person to provide a reasonable level of medical treatment for any real or suspected injury until professional medical care providers assume responsibility for the patient's treatment.

### **IX. DUTY TO INTERVENE**

A member of the Ridgely Police Department present and observing another law enforcement officer using excessive force has both a duty and an obligation to intervene to prevent and/or stop this use of force when it is objectively reasonable to do so. A member of the Ridgely Police Department who observes another law enforcement officer use force that exceeds the degree of force permitted by law shall promptly report these observations to a supervisor.