

## **2.800 USE OF FORCE AND WEAPONS (26.1.1)**

The directives contained in this section are for agency use only and do not apply in any criminal or civil proceedings. These directives will not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of these directives will only form the basis for agency administrative sanctions. Violations of law will be the basis for civil and criminal sanctions in recognized judicial settings. LAW ENFORCEMENT OFFICERS WILL USE NECESSARY AND PROPORTIONAL FORCE TO ACCOMPLISH LAWFUL OBJECTIVES THROUGH RECOGNITION OF, AND RESPECT FOR DIGNITY OF ALL PERSONS AND THE VALUE OF HUMAN LIFE SHALL GUIDE ALL TRAINING, LEADERSHIP, AND PROCEDURES, AS WELL AS GUIDE OFFICERS IN THE USE OF FORCE.

### **2.805 GENERAL PROVISIONS FOR THE USE OF FORCE (1.3.1, 1.3.2)**

#### **A. Officers:**

1. WHEN TIME, CIRCUMSTANCES AND SAFETY PERMIT, OFFICERS SHALL USE DE-ESCALATION TECHNIQUES AND TACTICS TO GAIN COMPLIANCE AND CONTROL A SITUATION WITHOUT USING PHYSICAL FORCE THROUGH:
  - A. USING TONE AND LANGUAGE THAT IS NOT AGGRESSIVE OR CONFRONTATIONAL;
  - B. WARNINGS AND PERSUASIONS;
  - C. SLOWING DOWN AND STABILIZING A SITUATION FOR MORE TIME TO OBTAIN AVAILABLE RESOURCES;
  - D. CREATING DISTANCE AND ESTABLISHING DIALOGUE; AND
  - E. WAITING OUT A SITUATION WHEN CIRCUMSTANCES PERMIT.
2. May ELECT TO use deadly force only when they reasonably believe that the actions are in defense of human life or in defense of any person in imminent danger of serious physical injury.
3. Will use force consistent with training standards and directives;
4. May use NECESSARY AND PROPORTIONAL force:
  - a. To repel force with force, using only that amount of force necessary to overcome attackers or resistance;
  - b. When necessary to preserve the peace, prevent commission of offenses, or prevent suicides or self-inflicted injuries;
  - c. When necessary to overcome resistance to lawful arrests, searches and seizures, and prevent escapes from custody; or
  - d. When in self-defense or in defense of another against unlawful violations to their person or property; and
5. Will not use unnecessary, aggressive, or excessive force.
6. WILL NOT USE ANY FORM OF A CHOKEHOLD EXCEPT IN INCIDENTS WHERE THE USE OF DEADLY FORCE IS AUTHORIZED.
7. WILL PHYSICALLY POSITION ANY PERSON DETAINED BY FORCE OR ARRESTED IN A MANNER THAT ALLOWS THEM TO BREATHE AND VERBALLY COMMUNICATE WITH OFFICERS.

#### **A. SWORN MEMBERS HAVE THE AFFIRMATIVE RESPONSIBILITY TO INTERVENE, WHERE FEASIBLE AND SAFE, TO PREVENT OR STOP ANOTHER SWORN MEMBER FROM COMMITTING ANY ACT THAT CONTRAVENES HIS/HER MORAL AND ETHICAL OBLIGATIONS AS LAW ENFORCEMENT OFFICER INCLUDING, BUT NOT LIMITED TO:**

1. UNNECESSARY AND EXCESSIVE FORCE;
2. CRIMINAL ACTS
3. FALSE REPORTING
4. SEXUAL MISCONDUCT (HARASSMENT)
5. ACTIONS OF BIAS OR DISCRIMINATION BASED ON:
  - A. RACE/COLOR/NATIONAL ORIGIN
  - B. RELIGION

- C. GENDER
- D. SEXUAL ORIENTATION
- E. GENDER IDENTITY OR EXPRESSION
- F. DISABILITY
- G. HOMELESSNESS
- H. AGE
- I. VETERAN STATUS
- B. SWORN MEMBERS SHALL INTERVENE UTILIZING VERBAL WARNINGS, CHALLENGES AND IF NECESSARY, PHYSICAL INTERVENTION TO STOP MISCONDUCT, AS PREVIOUSLY DESCRIBED, DURING THEIR TOUR OF DUTY.
- C. UPON INTERVENTION AND STABILIZATION OF THE INCIDENT, THE INTERVENING MEMBER(S) SHALL IMMEDIATELY NOTIFY THEIR SQUAD SUPERVISOR OR OFFICER IN CHARGE (OIC). THE SQUAD SUPERVISOR OR OIC SHALL NOTIFY THE PATROL BUREAU COMMANDER OR THE DUTY COMMANDER WITHOUT DELAY.
- D. MEDICAL ASSISTANCE SHALL BE PROVIDED WITHOUT DELAY IN ANY INCIDENT INVOLVING OBVIOUS PHYSICAL INJURY OR CLAIMED PHYSICAL INJURY BY ANY PERSON INVOLVED.
- E. PUBLIC SAFETY OFFICERS (PSOs):
  - 1. Do not have any authority to use force to any degree above that of a citizen;
  - 2. Will take immediate action to minimize danger to self; and
  - 3. May use NECESSARY AND PROPORTIONAL force in self-defense only to the extent that illegal force is being applied against them.
- F. The amount and degree of force that may be used will be determined by surrounding circumstances that include, but are not limited to:
  - 1. The nature of the offense;
  - 2. The current and previously known behavior of subjects against whom force is to be used;
  - 3. Actions by third parties who may be present;
  - 4. Physical odds against officers; or
  - 5. The feasibility and availability of alternative actions.
- G. Justifications for uses of force must be judged from the perspective of reasonable officers, similarly situated. Some “reasonableness” factors include, but are not limited to:
  - 1. Severity of the crimes at issue;
  - 2. Whether suspects pose immediate threats to the safety of the officers or others;
  - 3. Whether suspects are actively resisting arrest or attempting to evade arrest by flight;
  - 4. Whether officers exercising their official discretion as the functionaries in the front line do so in good faith; and
  - 5. Allowances for the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

## **2.810 WEAPON & USE OF FORCE TRAINING**

*(1.3.4, 1.3.5, 1.3.9.f, 1.3.10, 1.3.11.a, 1.3.11.b, 1.3.12)*

- A. The commander and officer responsible for the agency’s training function will ensure that initial and in-service weapon and use of force training programs are:
  - 1. Developed and conducted consistent with the agency’s directives and The Maryland Police AND CORRECTIONAL Training Commission’s (MPCTC’s) requirements;
  - 2. Are conducted only by instructors certified to teach the particular subjects; and
  - 3. Documented in the agency’s training files.
- B. Only those employees who have been specifically authorized, trained, and have demonstrated proficiency in the use of lethal or less-lethal weapons may carry and use the weapons. Demonstrating proficiency includes, but is not limited to:
  - 1. Being instructed on the agency’s weapons and use of force directives;

2. Achieving minimum qualifying scores on prescribed courses;
  3. COMPLETING SCENARIO BASED TRAINING THAT INCLUDES DE-ESCALATION TECHNIQUES.
  4. Attaining and demonstrating knowledge of the:
    - a. Laws and directives concerning the use of the weapon;
    - b. The agency's directives on the use of force and weapons;
    - c. Methods and ways to ensure appropriate medical aid is provided after the use of weapons or force; and
  5. Being familiar with recognized safe handling and storage procedures for the weapons.
- C. Weapon training and proficiency qualifications for PSO will be limited to defensive uses only.
- D. Qualification score classifications for awarding of agency related handgun medals are based on the three most recent firings for qualification. See **2.890 Weapon Authorizations, Specifications, and Qualifications**.

**2.810.05 In-Service Weapon & Use of Force Training** (1.3.10, 1.3.11a, 1.3.11.b, 22.3.1)

- A. All officers must receive in-service training and demonstrate proficiency in day and lowlight conditions with their issued or authorized firearms consistent with COMAR 12.04.02.
- B. All employees authorized to carry and use less-lethal weapons or use weaponless control techniques must receive documented in-service training and demonstrate proficiency with those weapons and techniques at least every other year.
- C. Commanders, supervisors, and instructors will work with the officer responsible for the agency's training function to ensure:
  1. In-service training schedules are established and distributed within the agency; and
  2. That employees are assigned to and attend in-service training.
- D. Officers and PSOs may request permission through their chain of command to be rescheduled or temporarily excused from weapon and use of force in-service training because of temporary medical conditions. Employees who make these requests may be required to undergo medical examinations and/or evaluations.
  1. The agency pays for required medical examinations conducted by university selected health care providers.
  2. Employees are responsible for costs incurred if they see their own health care providers.

**2.810.10 Remedial Training** (1.3.11.c)

- A. Officers ranked sergeant and below who fail to demonstrate proficiency with their issued handgun, expandable baton, OC spray, or electronic control device (ECD) will not be returned to full duty status until proficiency is demonstrated and documented. If these officers fail to demonstrate proficiency with these weapons, instructors will:
  1. Notify officers needing remedial training in accordance with applicable performance standards;
  2. Conduct same-day remedial training and testing programs with those officers; and
  3. Instruct officers they will be required to attend additional, future remedial training programs, regardless of same-day requalification outcomes.
- B. Officers ranked lieutenant and above:
  1. Are not issued expandable batons, OC, or ECDs unless they request to be issued these weapons.
    - a. If they request to be issued either or both weapons, they must demonstrate proficiency with the weapons consistent with agency standards before they are allowed to be issued the weapons.
    - b. If they do not successfully demonstrate proficiency or request to no longer be issued either or both weapons, they will turn in the weapons to logistics and not experience any change to their full-duty status; and
  2. Who do not demonstrate proficiency with their issued or authorized handguns will not be returned to full duty status until proficiency is demonstrated and will be subject to the remedial training process described in **D**.

- C. PSOs who do not demonstrate proficiency with OC spray must successfully complete remedial training and demonstrate OC spray proficiency before they are allowed to carry the weapon.
- D. If officers fail to demonstrate proficiency during same-day remedial issued handgun or required less-lethal weapon training programs, instructors will notify the officers' chain of command, the Chief, and the training function coordinator immediately and subsequently in writing/email.
  - 1. These officers will then have their police powers administratively suspended and will immediately submit their issued firearms, badges, and credentials to individuals as designated by suspending officers.
  - 2. These administrative suspensions are non-disciplinary and result in officers continuing on full pay and benefits status, but with no police authority.
  - 3. Officers will be sent for medical evaluations if their inability to requalify is potentially medically related.
  - 4. Commanders will adjust officers' work schedules to accommodate remedial training assignments.
  - 5. Officers must demonstrate proficiency with their issued handgun or required less-lethal weapon consistent with this agency's directives and MPCTC standards to be returned to full duty status.
  - 6. Weapon instructors are responsible for immediately informing the Chief and officers' commanders if officers fail to demonstrate proficiency with their issued handgun or required less-lethal weapon following remedial training for the purpose of initiating other appropriate training or personnel actions.
- E. Officers who fail to demonstrate proficiency with their personally owned handguns are not allowed to carry them under departmental authority until they complete remedial training and are able to successfully demonstrate proficiency to an in-house firearms instructor. These officers will remain on regular duty so long as they continue to demonstrate proficiency with their issued handguns.
- F. Officers in the rifle program:
  - 1. Who fail to demonstrate rifle proficiency during in-service training will be required to undergo remedial training and successfully demonstrate skills proficiency to regain their standing in the rifle; and
  - 2. Who are unwilling to undergo remedial training and/or skills proficiency demonstration will be dropped from the program for at least 12 months before they are eligible to reapply.

## **2.812 FORCE TRAINING**

- A. Force training is:
  - 1. Force-on-force training that uses specially modified guns to fire non-lethal projectiles such as Simunitions® or Air-Soft® products; or
  - 2. Non-force training that uses modified guns that are incapable of firing any type of projectiles.
- B. Force training exercises must be carefully planned, approved, monitored, and conducted to ensure the safety of everyone involved and the integrity of the training process.
- C. Force training plans must be approved by the Chief or Deputy Chief before the training is conducted.
- D. Everyone, regardless of their position or status within the agency or community, is responsible for following applicable procedures established in **SOP TR 03** and explained in mandatory safety briefings.
- E. Everyone involved in force training will wear clothing and equipment as specified for their individual roles and duties.
- F. Actions such as horseplay, unauthorized testing, firing, or pointing weapons, etc. are not allowed and may cause a person to be removed from the event without prior warning depending on the severity of the violation.
- G. The only weapons authorized in certain areas are those that have been authorized and inspected by officials running the training.

- H. No one will be allowed to enter or re-enter certain areas unless they conduct self-searches and remove prohibited items. They must then submit to two other safety checks conducted by designated persons. This also applies to people who leave the area for any time, such as for lunch, restroom breaks, etc.
- I. All training in the immediate area will stop and all weapons will be holstered or placed on the ground until any announced stoppage or safety violation is resolved.
- J. No one is allowed to leave certain designated areas without the knowledge and permission of the official responsible for the overall safety function.
- K. All injuries must be promptly reported. However, it may not be necessary to stop the exercise when training projectiles cause minor welts, red marks, etc. and students are able to continue the exercise.

## **2.815 USE OF FIREARMS (1.3.3)**

- A. Officers may discharge firearms only:
  - 1. To defend themselves or others when there is reasonable belief that there is imminent danger of death or serious physical injury;
  - 2. To apprehend fleeing persons when no reasonable alternatives for apprehension exist AND officers have probable cause to believe that the persons:
    - a. Have committed crimes involving the infliction or threatened infliction of serious physical harm, AND
    - b. Pose imminent threats of serious physical harm to officers or to others;
  - 3. At or from moving vehicles only when no other means of avoiding or eliminating the danger it presents are available at the time. Officers will:
    - a. Not knowingly put themselves in the path of moving vehicles without the time and means to avoid the vehicles; and
    - b. Take account of risks to vehicles, pedestrians, and other bystanders before deciding whether to fire at or from moving vehicles;
  - 4. As a last resort to summon aid;
  - 5. During agency mandated firearms training and requalification;
  - 6. For practice in areas where discharging firearms would not be unsafe or illegal; or
  - 7. With supervisory or command approval as practical, to kill possibly rabid animals, dangerous animals, or animals so badly injured that humanity requires they be removed from further suffering, in accordance with the following:
    - a. Owner permission must be obtained, whenever possible;
    - b. Great care must be taken to protect the public from ricocheting bullets. Backstops must be certain;
    - c. Killing of animals in the presence of children should be avoided;
    - d. Heart and lung areas will be targeted, with headshots being avoided in case rabies tests are necessary; and
    - e. Officers euthanizing possibly rabid animals will maintain control of the carcasses until Animal Control or other appropriate authority takes custody of the carcasses;
- B. Officers needing to discharge their firearms consistent with **A.1 - A.3** of this section must communicate to suspects their identities, desired actions for suspects to take, and officers' intention to fire, unless circumstances are such that suspects are already aware of officers' and their intentions or unless such communications cannot be reasonably made.
- C. Warning shots are prohibited.

## **2.820 REPORTING USE OF FORCE**

### **2.820.05 General Reporting Requirements (1.3.6.a-d, 1.3.7, 1.3.13) {Revised: 12/21/16}**

- A. Use of force reports and reviews are required when:
  - 1. Officers:
    - a. Draw and point firearms at persons;

- b. Discharge firearms, for other than:
    - (1) Training or recreational purposes; or
    - (2) To humanely destroy suffering or possibly rabid animals.
  - c. Draw and point electronic control devices (ECDs) at subjects, spark display, discharge ECDs, or use the drive stun mode for other than training purposes;
  - d. Take an action that results in, or is alleged to have resulted in, injuries or death to other persons;
  - e. Apply force through the use of lethal or less-lethal weapons; or
  - f. Use weaponless techniques including, but not limited to, physical take-downs such as hip-rolls or body throws, kicks, knee strikes, open hand and elbow stuns and strikes, pressure points, hair control, pain compliance techniques, or throws that are intended to overcome and control suspects' physical resistance; or
2. PSOs:
- a. Draw and point or use oleoresin capicum (OC) spray;
  - b. Use defensive physical force outside routine, day to day human contact; or
  - c. Take an action that results in, or is alleged to have resulted in, injuries or death to other persons.
- B. Use of force reports and reviews are not required when officers use weaponless control techniques that include, but are not limited to:
- 1. Physical touching when accomplishing lawful frisks, arrests, handcuffing, investigatory, or custodial procedures;
  - 2. Holding onto subjects as they voluntarily go to the ground in compliance with officers' orders;
  - 3. Gripping or holding subjects for the purpose of escorting people to other locations.
- C. All reviewable uses of force require prompt:
- 1. Notification to a supervisor or commander by the involved employees or on their behalf if the involved employees are unable to do so;
  - 2. Notification of, and request to respond to, allied agencies for incidents occurring outside the primary or concurrent jurisdiction of this agency; and
  - 3. Completion and submission of required reports and all related documents before the end of involved employees' shifts if the employees are disabled. A supervisor or commander will prepare these reports using the best information available if involved employees cannot.
- D. Documented, timely use of force reviews will be conducted and submitted to the commander responsible for the internal affairs function, hereafter, "IA commander."
- 1. Each employee who performs a reportable use of force or any other involved employee when directed by a supervisor will complete and submit a **Use of Force Report (UPO.075.D)** to their supervisor.
  - 2. Officers will also complete and submit **Use of Force Reports - ECD Supplement (UPO.078.D)** for all reportable ECD incidents.
  - 3. An officer's multiple ECD discharges during one event will be reported in a consolidated **ECD Supplement**, but each ECD discharge or drive stun will be evaluated and reviewed as individual uses of force.
  - 4. Supervisors will complete and submit a consolidated **Use of Force Review – Supervisor (UPO.076.D)** to their respective commander.
  - 5. Commanders will complete and submit a consolidated **Use of Force Review – Commander (UPO.077.D)** along with the completed **UPO.075.D** and **UPO.076.D** to the IA commander.
  - 6. Routine reviews should be completed within 10 calendar days unless reviewers get permission from the commander responsible for the IA function to delay completing the reviews.
  - 7. Use of force reviews will determine:
    - a. If uses of force were consistent or inconsistent with agency directives, training; and
    - b. If there are implications for changes to training, equipment, or directives.
  - 8. Incidents involving no apparent chargeable conduct will be submitted through the chain of command to the Chief and recommended for closure.

9. Incidents involving apparent chargeable conduct will be referred to the commander responsible for the IA function for assignment and follow-up.
10. The IA commander is responsible for ensuring a documented annual analysis of use of force activities, directives, and practices is completed and submitted through the chain of command to the Chief.

#### **2.820.08 Humane Destruction of Suffering or Possibly Rabid Animals**

- A. This section applies only to the humane destruction of suffering or possibly rabid animals.
  1. Refer to **2.820.05 General Reporting Requirements** for the destruction of dangerous animals.
  2. The humane destruction of suffering or possibly rabid animals is not reported, reviewed, or counted as a use of force unless otherwise ordered by a commander.
- B. The humane destruction of suffering or possibly rabid animals will be documented, reviewed, and submitted to the IA commander.
  1. A **Firearm Discharge – Animal Destruction (UPO.075A.D)** must be completed by each officer who discharges a firearm to humanely destroy a suffering or possibly rabid animal. Supervisors and commanders will complete their respective sections before the forms are submitted to the IA commander for review.
  2. One consolidated police report will be written for each incident regardless of how many officers discharged their firearms during a single incident.
  3. Routine reviews should be completed within 10 calendar days unless reviewers get permission from the IA commander to delay completing the reviews.
  4. These reviews will determine:
    - a. If the discharges were consistent or inconsistent with agency directives, training; and
    - b. If there are implications for changes to training, equipment, or directives.
  5. Incidents involving no apparent chargeable conduct will be submitted through the chain of command to the Chief and recommended for closure.
  6. Incidents involving apparent chargeable conduct will be referred to the IA commander for follow-up.

#### **2.820.10 Involved Officers' Responsibility (1.3.5)**

Officers who use or respond to reportable uses of force will, as appropriate:

- A. Render or ensure first aid is provided to ALL INJURED PERSONS after triage examinations. This may include, but is not limited to:
  1. Care and treatment;
  2. Increased observation to detect obvious changes in condition; or
  3. Decontamination after uses of OC.
- B. Alert communications to situations and request medical assistance and additional personnel as deemed necessary;
- C. Secure any suspects, injured or otherwise, consistent with directives;
- D. Secure and protect the scene from any contamination of evidence;
- E. Identify and/or detain witnesses present; and
- F. Remain at the scene until supervisory personnel arrive unless there are hazardous conditions which require evacuation of the immediate area for safety purposes.

#### **2.820.20 Communications Responsibilities**

Communications personnel will ensure notifications are made when employees' official actions cause death or serious physical injuries to others. Those to be notified are the:

- A. On-duty patrol supervisor;
- B. Officer's commander;
- C. IA commander;

- D. Duty Officer during non-business hours; and
- E. Chief of Police.

#### **2.820.25 Shift Supervisor Responsibility**

- A. Shift supervisors will immediately respond to scenes when:
  - 1. Officers use deadly force, discharge ECDs, or use them in drive stun mode; or
  - 2. Employees' official actions cause death or AN OBSERVABLE OR CLAIMED INJURY to others.
- B. At least one officer will be directed to remain with involved employees to assure their safety, and well-being, and that no unnecessary questioning concerning the incident is initiated.
- C. As safety permits, firearms that have been discharged, related ammunition, shell casings, and magazines must be secured and left undisturbed as much as possible for evidentiary purposes.
- D. Incident and scene control will be turned over to superiors or other agencies if so ordered.
- E. Supervisors will:
  - 1. If immediate responses to incident scenes are not required, go to incident scenes on a timely basis to observe and note the conditions, surroundings, etc. to assist them in conducting use of force reviews; and
  - 2. Ensure that all reporting requirements are met.

#### **2.820.30 Command Responsibility (1.3.8)**

- A. The Chief or a designee will make notification arrangements to the next of kin if officers are critically injured. The Chief will ensure that follow-up support is provided to families of involved officers.
- B. Employees whose on-duty or off-duty official actions cause death or serious physical injuries to others will be removed by their commanders from line-duty assignments pending administrative reviews.
- C. An on-duty commander or the Duty Officer will respond to off-campus scenes where employees' official actions cause death or serious physical injuries to others. That commander will serve as the agency's on-scene liaison and is responsible for collecting and forwarding copies of reports made by other agencies.
- D. In the event that involved officers' bureau commander is unavailable, the Chief or a designee will take on responsibility of the bureau commanders.
- E. The responding commander will ensure:
  - 1. Follow-up medical support is provided to involved officers; and
  - 2. Arrangements are made for officers who use deadly force or cause serious physical injuries as the result of agency activities to receive post incident debriefing and/or counseling as soon as practical after incidents.

#### **2.820.35 Internal Affairs**

The IA commander or designee will respond to scenes when employees' official actions cause death or serious physical injuries to others.

#### **2.820.40 Public Information Officer**

- A. The commander responsible for the public information function or designee will respond to scenes and assist in releasing information when officers use deadly force or employees' official actions cause death or serious physical injuries to others.
- B. Except as directed by the Chief or the commander responsible for the PIO function, employees of the agency will not provide to the media any reports, or portions thereof, regarding use of force incidents or investigations.

#### **2.825 WEAPON AUTHORIZATIONS (1.3.9.a, 1.3.9.b, 1.3.9.c, 1.3.10)**

- A. Employees will carry and use only those weapons and ammunition that:
  - 1. Have been authorized by the Chief for on-duty, off-duty, or testing and evaluation purposes; and
  - 2. They have demonstrated proficiency with consistent with agency and MPCTC standards.



- B. All weapon and ammunition specifications are included in **2.890 Weapon authorizations, specifications, & Qualifications**.
- C. Unauthorized weapons and ammunition will not be carried by employees on their persons, in agency vehicles, or used at any time while on duty except those confiscated weapons and ammunition possessed as evidence or for storage.
- D. When the exigency of situations cause officers to use other items as weapons to protect themselves or others, those uses of force will be examined as any other use of force.
- E. Officers:
  - 1. Who travel out of state or on commercial aircraft will adhere to applicable weapons related directives of those jurisdictions or the FAA; and
  - 2. Will comply with the provisions of the **Law Enforcement Officers Safety Act of 2004 (H.R. 218)** as applicable.
- F. The Logistics Officer ensures that all:
  - 1. Departmental firearms are reviewed, inspected, and approved as being safe by certified firearm instructors or armorers before being issued or reissued. Unsafe firearms will not be issued or reissued until they have been repaired by certified armorers; and
  - 2. Less-lethal weapons are inspected by appropriately certified less-lethal weapon instructors before being issued or reissued. Damaged, malfunctioning, out-of-date, etc. less-lethal weapons will not be issued or reissued.

#### **2.825.05 Handguns**

- A. Handguns and ammunition will be issued by the agency to all officers upon successful completion of entrance level, comparative compliance, or lateral entry firearms training and certification programs as required by the MPCTC.
- B. When worn by uniformed, on-duty officers, issued or authorized handguns will be carried:
  - 1. In an issued or authorized holster as authorized by the commander responsible for the training function;
  - 2. On the officer's strong hand side;
  - 3. Clean and properly maintained;
  - 4. In a service ready condition.
- C. On-duty officers must be armed and carry their credentials and badges, on their persons except when:
  - 1. Carrying handguns would be impractical, in which case they will be secured in readily available places protected from public access;
  - 2. When processing prisoners; or
  - 3. Where prohibited by law or other controlling directives.
- D. Handguns will be concealed from public view when officers are not in uniform except at crime scenes, at assignments in law enforcement facilities where their badges are visible and they are readily identifiable as police officers, or with prior approval by officers' respective commanders.

#### **2.825.10 Personal Handguns** (1.3.9.a, 1.3.9.b, 1.3.9.c, 1.3.11.a – .c) {Revised: 11/14/18}

- A. Officers are authorized, but not required, to carry their issued or authorized personally owned handguns when off-duty.
- B. Officers who are approved to carry their issued or personal handguns off-duty are also required to carry their issued badge, agency credentials, and encouraged to also carry handcuffs.
- C. In order for officers to carry personally owned handguns off duty, they must:
  - 1. Obtain an authorized handgun meeting the criteria described in **2.890 Weapon Authorizations, Specifications, & Qualifications**;
  - 2. For a previously owned handgun, obtain a written certification from a manufacturer certified armorer that the gun meets the specifications in **2.890**;

3. Annually submit a **Personal Handgun Request (UPO.071.D)** for each personal weapon they wish to carry and have them approved. This includes having each personal handgun inspected and approved in writing by handgun instructors;
  4. Demonstrate proficiency with the handgun during day and lowlight conditions consistent with agency directives and MPCTC regulations initially and at least once a year for day and lowlight conditions to an in-house firearms instructor; and
  5. Provide their own ammunition for proficiency qualifications and requalifications if the caliber of personal handguns is different than what is issued by the agency.
- E. In order for officers to carry personally owned handguns on-duty;
1. They must:
    - a. Have successfully gone through the approval and qualification process with a handgun of the same caliber issued by the agency; and
    - b. Receive permission after submitting written requests through their respective chains of command to the Chief; and
    - c. Receive the Chief's final endorsement for on duty carry; and
    - d. Carry the approved personal owned handgun while in a plainclothes assignment or civilian attire for Court.
  2. Supervisors and commanders will evaluate officers' requests and add written comments to positively or negatively endorse officers' requests.
- E. Officers will not modify, or have modified, the internal workings of approved personally owned handgun unless the modified handguns still meet the specifications in **2.890** and they submit and have approved new **Personal Handgun Requests (UPO.071.D)** for the modified handguns.
- F. Officers who no longer want to carry an authorized personal weapon will send memos or emails through their chains of command to notify Logistics of that fact. Unless otherwise specified by the officers, authorizations to carry the weapon will be revoked the date of the memo or email.

**2.825.15 Rifles** (1.3.6.a, 1.3.6.b, 1.3.9.c, 1.3.9.f, 1.3.10, 1.3.11, 22.3.1, 33.6.1) {Revised: 08/11/15}

- A. The agency has a rifle program that supplements officers' firearm resources and their abilities to immediately respond to high risk situations. The rifle program is a supplemental duty, not a primary duty assignment;
- B. Only rifles, ammunition, and related equipment provided by the agency will be used in the rifle program.
- C. Officers who want to be a part of the rifle program must submit written requests to their respective commanders through their chains of command.
  1. In order to be considered, officers' initial requests must address:
    - a. Any previous rifle experience, although the lack of experience does not automatically disqualify officers; and
    - b. Current firearms proficiency.
  2. Supervisors will evaluate officers' requests and add written comments to positively or negatively endorse officers' requests. Supervisory comments must include officers':
    - a. Previous performance evaluations; and
    - b. Abilities to exercise good judgment under stress.
  3. Commanders will:
    - a. Evaluate officers' and supervisors' comments and add their own written endorsements;
    - b. Taking into consideration officers' duty assignments in order to balance and maximize distribution of rifle program members;
    - c. Approve requests as appropriate; and
    - d. Submit completed requests to the Chief.

- D. Officers who have been selected for the rifle program will be required to successfully demonstrate proficiency during initial and in-service tactical rifle training consistent with agency and MPCTC requirements.
- E. Officers in the rifle program:
  - 1. May request to be voluntarily removed from the rifle program after:
    - a. They have completed two years of satisfactory service in the program;
    - b. They have submitted a written request through their chain of command to the Chief;
    - c. Their requests have been approved; and
    - d. Replacements have been successfully trained;
  - 2. May be removed from the rifle program by the Chief or a commander:
    - a. For failing to meet training and proficiency standards;
    - b. For improper rifle maintenance;
    - c. For failure to properly follow rifle program mandates;
    - d. For inappropriately using, deploying, or displaying rifles;
    - e. Because of illness or injury, which prevents them from safely using rifles; and
    - f. Because of the needs of the agency to effectively distribute rifles or other, objectively based reasons for the good of the program, the agency, or involved officers.
- F. All officers will receive regular in-service familiarization training pertaining to rifle nomenclature, functioning, and how to safely secure the weapons.
- G. Rifles will be kept in one of three ways.
  - 1. **Stored Condition.** Rifles will be kept in the stored condition when they are in the agency's weapons storage facility, between times they are issued to be carried in the field, when awaiting maintenance, or on the range and not actively on the line for shooting:
    - a. Magazines removed;
    - b. Chamber clear & double checked;
    - c. Bolts forward;
    - d. Selector switches to "safe"; and
    - e. Secured in rifle cabinet.
  - 2. **Carry Condition:** When rifles have been issued to be carried in the field:
    - a. Bolts forward on empty chambers;
    - b. Magazines loaded two under capacity in the weapons;
    - c. Extra magazines loaded two under capacity and stored in the outside pockets of agency supplied carrying cases;
    - d. Selector switches on "safe"; and
    - e. Kept in agency supplied carrying cases and locked in sedan trunks or non-sedan container systems. Rifles will be kept with magazines inserted if there is enough space to do so in container systems. Magazines will be removed and kept with rifles if container systems do not have enough space to accommodate rifles with inserted magazines.
  - 3. **Charged Condition:** When rifles have been taken out of their carrying cases in anticipation of being used during incidents (deployed) or actively on the range firing line for shooting;
    - a. Magazines inserted;
    - b. Selector switches on "safe" until ready to fire; and
    - c. Slung with muzzles pointed downward until they need to be brought up on target.
- H. Except for training, and absent exigent circumstances, rifle officers will obtain supervisory or commander approval before rifles are deployed in charged conditions. Considerations for deployment include, but are not limited to potential threats of suspects:
  - 1. Believed to be wearing protective body armor;
  - 2. Armed or have immediate access to a weapon; and
  - 3. Situated in a tactically superior position.

- I. Officers who believe circumstances exist to deploy rifles will immediately broadcast their unit numbers, locations, and information to describe why they believe rifles need to be deployed. Officers will also immediately broadcast information if circumstances change and rifles no longer need to be deployed.
- J. Patrol supervisors will:
  - 1. Ensure at least one rifle is issued each patrol shift to a rifle officer, provided that one is on-duty and that the officer is assigned to a vehicle with a locking trunk or locking drawer system;
  - 2. Document issuing rifles on shift condition reports;
  - 3. Promptly acknowledge and approve or disapprove requests to deploy rifles based on the agency's deployment criteria and the incident information immediately available. While it is preferred that supervisors go to incident scenes to determine if rifles will be deployed, exigent circumstances may make on-scene decisions impractical;
  - 4. Go to incident scenes where rifles are deployed; and
  - 5. Comply with applicable provisions of **2.820 Reporting Use of Force**.
- K. Rifle officers will:
  - 1. On being issued rifles to be carried in the field, inspect rifles and related equipment for operational readiness, and report any deficiencies to patrol supervisors for corrective actions;
  - 2. Place rifles in the carry condition in their assigned vehicles;
  - 3. Broadcast to communications that they are on-duty and available as rifle equipped;
  - 4. Perform their regularly assigned duties;
  - 5. Respond to requests to deploy rifles;
  - 6. Except for exigent circumstances, obtain supervisory or command approval before deploying rifles in the charged condition;
  - 7. Comply with applicable provisions of **2.820 Reporting Use of Force**; and
  - 8. Ensure rifles are clean, in proper working order, and placed in the stored condition before going off-duty.
- L. Communications personnel will:
  - 1. Be aware of on-duty rifle officers;
  - 2. Broadcast requests and related information for rifle deployments;
  - 3. Ensure on-duty patrol supervisors and/or commanders are notified and aware of requests for rifle deployments; and
  - 4. Make other notifications as needed.
- M. The officer responsible for the training function maintains and distributes a current list of rifle officers through the chain of command.
- N. The officer responsible for the logistics function will:
  - 1. Ensure that rifle maintenance, except for routine cleaning, battery replacement, etc., is performed by rifle armorers;
  - 2. Conduct documented quarterly rifle inspections; and
  - 3. Ensure an adequate supply of batteries is available for rifle accessories.

**2.825.17 Electronic Control Devices (ECDs)** (*1.3.4, 1.3.5, 1.3.6, 1.3.9, 1.3.10, 1.3.11, 33.6.1*)

{Revised: 02/29/16}

- A. The agency regularly issues ECDs to officers ranked sergeant and below.
  - 1. Officers are required to successfully complete initial and yearly in-service training on the agency's use of force directives and demonstrate ECD proficiency consistent with agency and MPCTC requirements. See also **2.810.10 Remedial Training**.
  - 2. Only ECD certified officers ranked sergeant and below who are assigned to normal field duties are required to carry issued ECDs while on-duty.
  - 3. Only ECDs and related equipment provided by the agency will be used by ECD certified officers. See also **2.890 Weapon Authorizations, Specifications, & Qualifications**.

4. The use of ECDs is not a substitute for deadly force in circumstances that warrant the use of deadly force.

**B. Officers issued ECDs will:**

1. Carry their properly charged ECDs in issued holsters on the opposite side of their bodies from their handguns;
2. Not wear or carry devices off-duty except if they choose to take them between home and the agency;
3. Draw ECDs only:
  - a. In the routine course of non-enforcement activities such as spark testing every duty day, training, inspecting, cleaning, and safely storing the devices; or
  - b. As necessary for legitimate enforcement purposes consistent with training and controlling directives;
4. If practical, attempt to deescalate situations or obtain compliance using verbal commands, displaying ECDs, painting subjects with laser sites, or sparking the devices while reasonably trying to determine if subjects are capable of complying with demands;
5. Before discharging ECDs, assess risk considerations consistent with training for situations that may include, but are not limited to:
  - a. Suicidal subjects;
  - b. Pregnant subjects;
  - c. Subjects who are handcuffed or otherwise restrained;
  - d. Subjects who appear frail;
  - e. Children or the elderly;
  - f. Subjects operating vehicles or machinery;
  - g. Physically handicapped subjects;
  - h. Subjects with certain known pre-existing medical conditions; or
  - i. Certain environmental conditions such as flammable or explosive substances, water, elevated structures, traffic, etc.
6. When feasible, give loud verbal warnings before firing or discharging the devices to alert non-deploying officers and potentially minimize any confusion that sounds associated with discharges are not firearms discharge;
7. When practical, no more than one ECD should actively deliver an electrical charge against a person at one time;
8. Use the devices to lawfully arrest or detain persons when officers take into account the separate factors of; crime severity, if suspects pose immediate threats to the safety of officers or others, and if suspects are actively resisting arrest or attempting to flee and conclude incidents may be resolved by using force that might cause serious injuries; and
9. Not use drive stun discharges unless this is done in conjunction with ineffective probe deployments or when officers are in physical contact with subjects;
10. Reassess situations after each ECD discharge to determine under the totality of the circumstances if it is objectively reasonable to deliver additional discharges and the risks are weighed against other force options;
11. Will not use ECDs:
  - a. For pain compliance similar to pressure point, etc. techniques;
  - b. To deliberately target subjects' heads, necks, or groin areas without legal justification;
  - c. From or at moving vehicles;
  - d. Inconsistent with training;
  - e. In horseplay;
  - f. To unlawfully threaten, coerce, harass, taunt, abuse, or punish others; or
  - g. In response to verbal defiance, belligerence, passive resistance, or non-threatening actions or behaviors.

12. If practical, consider using ECDs when confronted by aggressive animals;
  13. Have at least one back-up officer present if reasonably possible; and
  14. Ensure the on-duty patrol supervisor is promptly notified of ECD uses.
- C. Medical attention will be provided to all subjects who have experienced ECD discharges or drive stuns.
1. Subjects will be restrained and positioned so there is no interference with their breathing.
  2. EMS will be requested to initially evaluate, treat, and then transport subjects to medical facilities for medical screening and probe removal only by medical personnel. ECD wires may be cut to facilitate transport and treatment. See also **2.630.02 Security during Transport** and **2.630.04 Security at Medical Facilities – Generally**.
  3. Officers will document any ECD discharge and/or drive stun and treatment information on **Detention & Screening Reports (UPO.006.D)** and give copies to officials from any other agencies who accept custody of arrestees.
- D. Certain items and information must be collected and submitted as evidence consistent with **2.500 Property & Evidence**.
1. Photos will be taken of incident scenes, probe penetration marks, drive stun marks, and any secondary injuries.
  2. Officers who discharge their ECDs will submit their ECDs, spent cartridges, wires, probes, and identification tags as evidence.
    - a. ECDs will be promptly returned to officers after discharge related information is downloaded unless otherwise directed by a commander for specific cause.
    - b. Cartridges, wires, and probes will be packaged together if they are still connected as a single unit.
    - c. Probes that have penetrated subjects' skin will be treated as biohazards. They will be packaged separately if the wires have been cut.
- E. The officer responsible for the logistics function has certain ECD program responsibilities that include, but are not limited to:
1. Issuing ECDs as directed and maintaining certain records consistent with **2.825.30 Record Keeping**;
  2. Ensuring a limited supply of ECDs is maintained in the armory as replacements when officers' issued ECDs are taken out of service because they have been discharged or for other operational or maintenance reasons;
  3. Including temporary issue and any stock ECDs in quarterly operational readiness inspections;
  4. Downloading and retaining ECD firing data similar to other digital media evidence and as specified by the ECD manufacturer;
  5. Ensuring ECD firmware updates are installed in all devices and corresponding training bulletins are issued on a timely basis;
  6. Working with the Central Records supervisor to ensure required ECD use information is reported and submitted consistent with **Public Safety (PS) § 3-508**;
  7. Retaining ECD discharge related items, such as spent cartridges, wire leads, darts, and identification tags as evidence for at least 36 months; and
  8. For discharges related to deaths or serious injuries, ensuring ECDs and related discharge related evidence is examined by trained personnel to determine if devices had functioned properly.

**2.825.20 Batons** (1.3.4, 1.3.9.a)

- A. The expandable baton is the agency's primary impact weapon. An expandable baton is issued to each officer ranked sergeant and below and will be carried during routine field operations and special events.
- B. The tactical baton is the agency's secondary impact weapon. They are issued on a case-by-case basis to officers ranked sergeant and below during civil disorder operations.

- D. AN EXPANDABLE AND TACTICAL BATON MAY BE USED BY OFFICERS:
  - 1. TO PROTECT THEMSELVES OR ANOTHER FROM PHYSICAL HARM; AND
  - 2. TO GUIDE AND ESCORT, BUT NOT STRIKE PERSONS WHO ARE EXHIBITING PASSIVE RESISTANCE.
- E. EXPANDABLE AND TACTICAL BATONS ARE NOT RECOMMENDED FOR STRIKING THE HEAD, NECK, STERNUM, SPINE OR GROIN. THESE STRIKES MAY CAUSE SERIOUS PHYSICAL INJURY OR DEATH.
- F. UNLESS DEADLY FORCE IS WARRANTED, OFFICERS WILL NOT USE THE EXPANDABLE OR TACTICAL BATON IF THE PERSON IS:
  - 1. OBVIOUSLY PREGNANT;
  - 2. CHILDREN OR THE ELDERLY;
  - 3. PHYSICALLY HANDICAPPED;
  - 4. SUBJECTS WHO ARE FRAIL; AND
  - 5. SUBJECTS WHO ARE HANDCUFFED UNLESS EXIGENT CIRCUMSTANCES EXISTS.
- G. EXPANDABLE AND TACTICAL BATONS WILL NOT BE USED FOR PAIN COMPLIANCE.

**2.825.25 Oleoresin Capsicum (OC) Spray** (1.3.4, 1.3.5, 1.3.9.a)

- A. The agency's chemical weapon is OC spray. It is regularly issued to and required to be carried by PSOs and officers ranked sergeant and below in routine field operations.
- B. Officers and PSOs will:
  - 1. Carry only those serial numbered OC canisters registered and issued to them and in agency issued or authorized holders on their duty belts;
  - 2. Render aid and decontamination measures consistent with training to subjects on which OC spray has been used as soon as possible and practical after such use;
  - 3. Submit canisters discharged in the line of duty, regardless of the extent of discharge, to Logistics in sealed, plastic evidence bags. The Logistics officer will:
    - a. Issue replacement canisters; and
    - b. Retain discharged canisters at least 120 days prior to diverting them to training use;
  - 4. Complete use of force reports consistent with **2.820** for all OC discharges except for training purposes, and must include:
    - a. Effects of OC spray on suspects and any other contaminated personnel; and
    - b. Decontamination measures and first aid given or offered to suspects and any other contaminated personnel or areas.
- C. SWORN OFFICERS MAY USE OC SPRAY IN ARREST SITUATIONS WHEN:
  - 1. SUBJECTS ARE WARNED BEFORE USE, IF CIRCUMSTANCES EXISTS TO DO SO;
  - 2. SUBJECTS HAVE FAILED TO COMPLY WITH OFFICER'S INSTRUCTIONS;
  - 3. OFFICERS ARE ACTIVELY ENGAGED IN A HOSTILE/AGGRESSIVE RESISTANCE UPON MAKING AN ARREST;
  - 4. DEFENDING AGAINST A HOSTILE/AGGRESSIVE ATTACK UPON THEMSELVES OR ANOTHER PERSON; AND
  - 5. WHEN ENGAGING RABID OR AGGRESSIVE ANIMALS.
- D. UNLESS EXIGENT CIRCUMSTANCES EXISTS, OFFICERS AND PSOs SHALL NOT USE OC SPRAY ON:
  - 1. OBVIOUSLY PREGNANT PERSONS;
  - 2. CHILDREN OR THE ELDERLY;
  - 3. FRAIL OR HANDICAP PERSONS;
  - 4. SUBJECTS WHO ARE HANDCUFFED; AND
  - 5. PERSONS KNOWN TO HAVE RESPIRATORY CHALLENGES.
- E. PSOs MAY ONLY USE OC SPRAY:
  - 1. IN SELF-DEFENSE ONLY TO THE EXTENT THAT ILLEGAL FORCE IS BEING APPLIED AGAINST THEM.
- F. OC SPRAY WILL NOT BE USED FOR PAIN COMPLIANCE.

**2.825.30 Record Keeping** (1.3.9.e)

- A. The Logistics Officer is responsible for establishing and maintaining master records of:

1. All weapons owned by the agency;
  2. What weapons have been issued to which employees;
  3. All weapons currently in stock; and
  4. Personal handguns that have been authorized for both on-duty and off-duty use.
- B. The officer responsible for the training function is responsible for:
1. Establishing and maintaining master records of weapons and use of force proficiency training scores; and
  2. Ensuring the Logistics Officer receives information on personal handguns that have been authorized for both on-duty and off-duty use.

## **2.830 WEAPON CARE & MAINTENANCE** (1.3.9.c, d, & f)

- A. Officers will:
1. Inspect all their issued and authorized weapons at least weekly for operational readiness;
  2. Clean issued and authorized firearms as soon as possible after they have been fired and maintain firearm cleanliness between firings;
  3. Not undertake or authorize any repairs, modifications, or refinishing of agency owned weapons;
  4. Promptly bring weapon maintenance problems or malfunctions to their immediate supervisors, who will, to the best of their abilities, verify problems, make any appropriate notifications, and document their findings and actions through their chain of command to the armorer and Logistics Officer.
- B. The Logistics officer will:
1. Coordinate repairs and maintenance of agency owned weapons;
  2. Promptly replace defective or unsafe weapons or ammunition discovered during normal business hours;
  3. With assistance from agency armorers and weapon instructors, maintain records pertaining to the issuance and surrender, maintenance and state of repair of all agency owned weapons; and
  4. Ensure a yearly documented inspection is conducted on all agency owned firearms by in-house or authorized armorers and on all less-lethal weapons by certified instructors for the weapon type.
- C. When unsafe weapons or ammunition are discovered during non-business hours, the on-duty patrol supervisor will:
1. For rifles ensure:
    - a. They are made safe, removed from service, and conspicuously labeled as being out of service;
    - b. The information is recorded in the rifle's log book; and
    - c. Another rifle is issued if available.
  2. For ammunition or handguns ensure:
    - a. Handguns are made safe;
    - b. Ammunition is removed;
    - c. The items are packaged, labeled, and submitted consistent with **2.500 Property & Evidence**; and
    - d. Consult with the Duty Officer who will determine the best course of action to remedy the situation;
  3. For ECDs ensure:
    - a. ECDs are made safe;
    - b. The items are packaged, labeled, and submitted consistent with **2.500 Property & Evidence**; and
    - c. Another ECD is issued from the armory if available.
  4. For expandable batons and OC spray:
    - a. Ensure the items are packaged, labeled, and submitted consistent with **2.500 Property & Evidence**; and



- b. Consult with the Duty Officer who will determine the best course of action to remedy the situation; and
- 5. Send notification emails to the Logistics Officer and commander responsible for the logistics function.
- D. Commanders will ensure inspections of their subordinates' issued weapons are conducted and documented at least quarterly consistent with **SOP PS 02 Line Inspections**.
- E. The Chief, commanders, and supervisors may conduct spot inspections of subordinates' issued or on-duty authorized handguns or other weapons at any time. These inspections must be documented only if problems are found.
- F. Officers will surrender all agency issued firearms, weapons, ammunition, and equipment when leaving the employ of the agency.
- G. Employees are responsible for the care, safety, and security of their issued and authorized weapons.
  - 1. Employees will secure their issued and authorized weapons that are not under their immediate control in a way that reasonably keeps the weapons from being accessed by unauthorized persons.
  - 2. Officers will secure their issued and authorized firearms consistent with **Criminal Law (CL) § 4-104 Child's Access to Firearms**.
  - 3. The agency issues a cable lock for each officer's issued handgun to facilitate keeping handguns safe when they are not under the direct control of the officer.
  - 4. For off-duty storage, officers are encouraged to render their firearms and ECDs safe and keep them in gun safes or lock boxes at their residences.
  - 5. Officers should not store firearms in personal vehicles unless the firearms have been rendered safe and are stored and locked in hardened compartments designed for that purpose or otherwise secured to vehicles in a way that reasonably protects weapons from unauthorized removal.
- H. Officers who discover their agency issued or authorized weapons have been lost or stolen will promptly report the information to on-duty patrol supervisors and complete appropriate reports as soon as practical regarding the incidents.
  - 1. Initial reviews will be made consistent with **1.432 Resource Care and Maintenance**.
    - a. On-duty patrol supervisors will conduct preliminary investigations and prepare supplemental reports assessing whether or not losses resulted from officer non-compliance with directives.
    - b. Communications will:
      - (1) Make NCIC entries for reports of issued or authorized weapons being lost, stolen, or recovered on campus; and
      - (2) Give copies of the NCIC reports to officers' commanders and Logistics.
  - 2. Recovered weapons will be forwarded to Logistics after any evidentiary requirements have been met.
  - 3. Logistics will:
    - a. Coordinate the return and delivery of weapons if they are in the possession of authorities other than this agency; and
    - b. Issue replacement weapons to officers upon loss or theft of agency weapons.

