

10.1 Use of Force

The purpose of this directive is to provide written directives and guidelines to all Office personnel who are authorized to use force and/or weapons.

10.1.1 Definitions

Deputy - as used in this general order, the term "deputy" shall apply to any employee of the Sheriff's Office who is authorized to use force and/or weapons

Less lethal philosophy- A concept of planning and force application which meets operational objectives with less potential for causing death or serious physical injury than conventional law enforcement tactics

Reasonable Belief - belief based on facts or circumstances which the deputy knows or should know, and sufficient to cause a reasonable and prudent deputy to act or think in a similar way under similar circumstances

Weapon - any item or piece of equipment other than empty hands which is used to inflict pain or injury

Non-Lethal Weapon - any weapon, other than a firearm, which is used to control persons or defend someone from harm (e.g. baton, chemical spray, Taser) or any weapon of opportunity used to subdue a combative individual (e.g. handcuffs, radio, rock, stick)

Deadly or Lethal Weapon - any weapon which is designed to cause death or serious bodily injury, or any item used in such a manner and is likely to cause death or serious bodily injury

Non-deadly Force - any force other than deadly force

Deadly Force - any use of force likely to cause death or serious bodily injury or harm

Serious Bodily Injury or Harm - any bodily injury that:

- causes death or substantial risk of death; or
- causes serious permanent disfigurement; or
- results in the long-term loss or impairment of the functioning of any body part

Kinetic energy impact projectiles - Flexible projectiles which are intended to incapacitate a subject with a minimum potential for causing death or serious injury, when compared to conventional projectiles

Taser/Conducted Electrical Weapon (CEW) – the Advanced Taser (X26 and X2) issued to selected, trained deputies to provide them with additional options for gaining compliance of resistant, aggressive or violent individuals in arrest or other enforcement situations.

Combined Tactical Systems (CTS) Super Sock – The brand of kinetic energy impact round authorized for use by the Anne Arundel County Sheriff’s Office

Hold! Hold! Hold! - The verbal warning given prior to the discharge of the CTS Super Sock round to avoid a sympathetic discharge from a deadly force weapon

Deadly force cover deputy - The deputy assigned to cover the deputy deploying the CTS Super Sock round during a high risk critical incident

10.1.2 General Policy

The Office has adopted a “less lethal” force philosophy to assist with the de-escalation of potentially violent confrontations. Deputies shall use only the degree of force necessary to achieve their lawful objectives. The use of excessive or unnecessary force for any reason is prohibited. Deputies are authorized to use force that reasonably appears necessary, under the circumstances known to them at the time the force is used, in order to defend themselves or others from attack or assault, effect a lawful arrest, prevent the escape of any person who is in the lawful custody of any law enforcement or criminal justice agency, or subdue a combative individual.

The prohibition against the use of excessive or unnecessary force is not to be construed as requiring deputies to meet assault, attack or resistance with equal force. Deputies are authorized to use superior force when necessary for purposes as defined above.

The degree of force used must always be considered in the context of all facts or circumstances known by the deputy at the time force is used, including but not limited to:

- the degree and nature of force being directed toward the deputy or others;
- the number of assailants, attackers, or arrestees involved in the incident; and
- the number of law enforcement officers present.

Facts or circumstances unknown to the deputy at the time force is used may not be considered in evaluating a use of force decision.

Safety priorities- the Sheriff's Office has established the following safety priorities:

- Hostage
- Involved non-subject/suspect civilian
- Deputy/Law enforcement personnel
- Subject/Suspect

Only those deputies who demonstrate proficiency in the use of authorized weapons will be permitted to carry them. All deputies authorized to carry weapons will be issued a copy of this General Order and will receive instruction on the policies contained herein prior to being allowed to carry them.

Any deputy who employs any weapon during a use of force situation will render any necessary and appropriate medical aid to any injured person, including but not limited to:

- decontaminating procedures for persons exposed to OC spray
- first aid for any bleeding or breathing problem
- Taser dart removal, under appropriate circumstances
- arranging transport to an emergency medical facility

At least annually, deputies who are authorized to use force will receive in-service training in the Use of Force policies and demonstrate proficiency in the use of all authorized weapons. Proficiency training must be monitored by a certified weapons instructor. Training and proficiency must be documented, and deputies who fail to demonstrate proficiency will receive remedial training prior to being allowed to return to full duty.

10.1.3 Use of Force Modes/Levels

Decisions on the type of force as well as when and how to escalate or de-escalate use of force must be made based on the totality of the circumstances known to the deputy at the time of the incident.

There are several accepted modes of use of force:

<u>Level of Force</u>	<u>Modes / Sub-Levels</u>
Physical Presence	- Command Presence
Verbalization	- Authoritative Commands
Nonviolent Restraint	- Empty Hand - Handcuff/Hands-On - Verbal Command
Less Lethal Tactics	- TASER - Pepper Spray - ASP Baton
Less Lethal Escalated	- Kinetic Energy Round (CTS Super Sock)
Deadly Force	- Empty Hand - Impact Tool - Firearm

10.1.4 Use of Non-Lethal Force

Deputies may use non-lethal force and/or non-lethal weapons under circumstances and guidelines described in this General Order.

Deputies will be issued and/or receive instruction in the use of non-lethal weapons. Only those non-lethal weapons authorized by the Sheriff may be carried. Deputies must successfully complete training and demonstrate proficiency in the use of such weapons prior to being authorized to carry them.

Approved non-lethal weapons are:

- OC Spray
- Baton
- TASER (CEW)
- CTS Super Sock

Any weapon that fosters the appearance of unnecessary or excessive force is prohibited (e.g., iron claws, brass knuckles, blackjacks, neck restraints, or saps).

10.1.5 Guidelines for the use of an Conducted Electrical Weapon (CEW)

The Anne Arundel County Sheriff's Office has issued the Advanced Taser (Models X26 & X2) to selected, trained deputies, to provide those deputies with additional use of force options for gaining compliance of resistant, aggressive or violent individuals in arrest or other enforcement situations. It is the policy of the Sheriff's Office that personnel may use the TASER when warranted, but only within the guidelines and procedures outlined in the Offices' Use of Force policy.

10.1.5.1 Authorization

All deputies who have been trained, demonstrated proficiency and are qualified to deploy a TASER and associated equipment are authorized to carry and use it. Proficiency must be demonstrated and approved by a certified TASER instructor, at least annually, as specified by mandated Maryland Police and Correctional Training Commission (MPCTC) regulations.

With discretionary approval by the Sheriff, an agency issued TASER (Model X26 or X2) electronic control device, TASER holster and cartridges will be assigned to each authorized deputy. The TASER shall be carried during on-duty hours, in accordance with established procedure; mounted on the deputy's weak/support side of the belt.

The agency issued TASER is the only approved electronic control device to be utilized by deputies. Upon issue, TASERS will not be shared, loaned or transferred between deputies. The reassignment or transfer of a TASER must be authorized by the Training Administrator.

The proper care and secure possession of an issued TASER is the responsibility of the assigned deputy. When not in use and/or during off-duty hours, deputies shall exercise proper judgment to ensure their issued TASER is securely stored and inaccessible to untrained individuals. NOTE: desk drawers and vehicle passenger compartments are NOT considered secured storage.

Deputies shall not attempt to repair or alter a malfunctioning TASER, when feasible. If a TASER is malfunctioning, the assigned deputy shall notify a certified TASER instructor, as soon as possible. The issuance of loaner TASERS and repairs must be authorized by the Training Administrator. Inventories of spare/loaner TASERS

and accessories will be stored in the armory. (refer to G.O. 10.3.3)

10.1.5.2 Usage Criteria

- The use of the TASER is considered a use of force and will be employed in a manner consistent with the Sheriff's Office use of force policy.
- The TASER may be used when verbal dialogue has failed to gain a subject's compliance, and the subject indicates the intention to actively resist the deputies efforts to arrest him/her, the subject is actively resisting arrest, or to prevent subjects from harming themselves or others.
- A fleeing suspect will not be the sole justification for the use of the TASER. Severity of the offense and other circumstances will be considered before deputies use a TASER on a fleeing suspect.
- The TASER may be used to display the ECD "Test Arc" or "Painting" the subject with the laser in an attempt to gain compliance of the subject where resistance, assault, and/or violence is reasonably anticipated.
- Deputies should refrain from discharging multiple TASERS at a single suspect unless it has been determined that the initial discharge failed to find the target or the probes failed to make contact or the probes became dislodged during the physical arrest
- Whenever practical, personnel should issue a verbal warning prior to discharging the TASER on a person. This could give the suspect the opportunity to voluntarily comply with the deputy's lawful orders. If other deputies are present, the deploying deputy, prior to deployment, should consider announcing, if reasonably safe and feasible, "TASER"! This will give the other officers/deputies warning to either not engage or disengage from the suspect before the TASER is deployed.
- When discharging the TASER, the deputy should only use it for one standard cycle (five seconds), then stop and evaluate the situation. In an attempt to minimize the number of TASER discharges needed for subject compliance, deputies should, while deploying the TASER, direct (order) the suspect as the incident mandates. Such verbal commands may include "stop resisting" "lie flat", "put your hands behind your back", etc. Deputies will only use the minimum number of activations necessary to gain compliance and place the suspect into custody.
- It should be kept in mind that the "Drive Stun" mode of the TASER does not

cause NMI (Neuro Muscular Incapacitation- causing direct stimulation of the motor nerves contracting muscles). This mode of the TASER only works on pain compliance. Use of the drive stun should be limited in use when applied to a subject that you believe to be under the influence of CDS since these subjects are highly resistant to pain.

- Once the subject is handcuffed or otherwise restrained the deputy should use extreme caution in using the TASER at this juncture. Cases where the suspect attempts to disarm the deputy or attempts to escape on foot while handcuffed may justify the use of the TASER.
- The TASER is not a substitute for deadly force, and generally should not be used in those circumstances. In situations where the subject may be armed with an edged weapon or blunt force instrument the use of the TASER should only be used in conjunction with the benefit of another deputy on scene employing deadly force cover (Pistol or Shotgun).
- Deputies may use deadly force to protect themselves from the use or threatened use of a TASER when the deputy reasonably believes that deadly force will be used against them if they become incapacitated.
- A TASER may be deployed on an animal when the animal is presenting a threat of attack, or is attacking another person, including deputies, or another animal.
- When lawful and appropriate to do so, the deploying deputy will photograph the impact site of the probes or where the TASER contacts made contact during a drive stun. Deputies should also photograph other related injuries from the use of the TASER i.e. bruises, lacerations or contusions from subsequent falls from TASER deployment.

10.1.5.3 Elevated TASER Application Risk Factors and Justification Factors

- Environmental and enumerated physical conditions that may be present should be taken into consideration before the deployment of the TASER. Although use of force situations rapidly evolve and unfold, if the deputy recognizes these conditions are present they should refrain from deployment until additional justification is met. These conditions are:
 - a. Presence of flammable liquids/fumes or explosive environment
 - b. Elevated positions (fall risk)
 - c. Persons operating moving vehicle or machinery
 - d. Pregnant female

- e. Swimming pool or other body of water
 - f. Intentional TASER application to sensitive areas
 - g. Frail or infirm individual
 - h. Non-standard repeated TASER applications
- The following factors involve groups of people from which the general public commonly assumes that these individuals are not capable of being an imminent threat of death and/or serious bodily harm, or that these people should be treated with more sensitivity and compassion by the deputy. Deputies understand that the realities are that individuals from each of these groups do commit violent crimes, can be an imminent threat of death and/or serious bodily harm to deputies, others and themselves, can be so resistive that the use of the TASER is eminently justified, etc. However, since society generally places individuals within these groups into protected classes, deputies using a TASER on one of these individuals will foreseeably be placed under increased scrutiny and will be required to articulate additional justification for the use of the TASER. These groups include:
 - a. Children
 - b. Seniors
 - c. Passive subjects who are being taken into custody. The TASER will not be used in a passive resistance situation, i.e. a sit-in/protest where an individual is not harming anyone, is not in imminent threat of death and/or serious bodily harm, and is not combative.

10.1.5.4 Post TASER Medical Attention

- All individuals who have been exposed to the TASER by probe deployment or by drive stun will be transported to the hospital. The individual will be medically evaluated for injuries from falls or other contributing factors (ECD exposure in training is exempt from this section).
- EMS personnel will be summonsed to the scene by the deploying deputy if: The individual displays signs of distress or complains of a medical issue or if the probes have lodged in the skin in or around the areas of the Head, Face, Neck, Groin, Breasts (female) or between the buttocks.
- Should the probes impact the areas enumerated above deputies will attempt to stabilize the probes in place until EMS personnel arrive on scene. Deputies will request EMS personnel to continue probe stabilization until the probes can be removed by a doctor or authorized medical staff at the hospital.

- Deputies, if removing the probes from the skin on scene will utilize the agency provided "TASER Dart Removal Kit."
- Scene security or volatility may necessitate selecting an alternative location for meeting medical personnel for transport. This may be accomplished by moving the subject to a neutral secure location, police facility and/or fire station.
- Probes that have been deployed and strike the subject (penetrate the skin) will be treated as biohazard sharps. They may be placed point down into the expended cartridge bores and secured (i.e. with latex gloves(s), tape, etc. They will be transported to the courthouse and placed in a sharps container, unless they are needed as evidence, or discarded in the proper receptacle at the hospital.

10.1.5.5 TASER Dart Removal Kit

- The Sheriff's Office will issue a TASER Dart Removal Kit to a deputy once they have completed the mandated course of instruction. This kit must be carried by the deputy in the case of a TASER deployment. Operations personnel may store the kit in their cruiser. Security Bureau personnel will have access to centrally- located kits within the Courthouse.
- Each TASER kit is made up of: one pair latex gloves, one alcohol prep pad, one 4x4 gauze square, and two small band aids (one for each probe wound).
- Replacement kits will be provided by the office of training upon request from the deputy's supervisor.

10.1.5.6 AFID (Anti-Felon Identification) System

This system provides accountability for each use of the TASER via the dispersal of tiny coded tags. Every time the device is "Probe deployed"- a cartridge is discharged. AFIDs shall only be collected and maintained if reasonably necessary, such as who discharged the TASER is a foreseeable problem or issue. If a supervisor determines that the AFIDs need to be collected and maintained as evidence, the AFIDs will be collected and held as evidence with the expended cartridge.

10.1.5.7 Supervisors' Responsibilities

An on-duty supervisor working within the bureau involved in the use of the TASER is responsible for the following actions:

- Respond immediately to all incidents of CEW deployment.
- Ensure proper medical attention is requested.
- Ensure expended cartridges and probes are treated and disposed of as a biohazard sharps, unless it is required for evidence.
- Determine whether AFIDs and expended cartridges will be needed as evidence based on unanticipated injury to the suspect.
- Ensure all reporting requirements are met and arrangements are made to transport the TASER to the Office of Training for data port download and cartridge replacement.

10.1.5.8 Reporting Procedures

- Accidental discharges, as well as intentional discharges of the TASER will be immediately reported to a supervisor.
- A Use of Force Report will be completed following all discharges except during testing and training. Although a use of force report is not required for an accidental discharge or use on an animal, an incident report will be required.
- Intentional discharges of the TASER on a person will be reported to an Assistant Bureau Commander as soon as possible. The Lieutenant will direct the Sergeant to place the TASER out of service until a data port download can be made. If the Office of Training is not available for the download, the Sergeant will make a notation of the date and time of the TASERS use so it can be reconciled with the download. The Sergeant can make the determination to keep the TASER in service until a download can be made.
- If it is determined that a printout should be attached to the use of force report the Sergeant will request a print out from the Office of Training, otherwise the data will be retained on file by the Office of Training.

10.1.6 Less Lethal Device & Projectiles

Less Lethal Device - The only device approved for use by the Sheriff's Office for deploying less lethal projectiles is the Remington 870P 12 gauge shotgun which is dedicated and clearly marked with a bright orange stock.

Less Lethal Projectile - The only projectile approved for use by the Sheriff's Office is

the Combined Tactical Systems (CTS) Super Sock flexible baton round.

The potential for causing death or serious injury with less lethal projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided, and when the appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury. This includes the areas of the chest, back, groin, and the thoracic and abdominal cavities.

When engaging a target, the deputy should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the deputy is encountering and the established safety priorities.

Mandated training in the use of extended range kinetic energy impact projectiles will be completed prior to use by any deputy.

10.1.7 Less Lethal Deployment Areas

The less lethal projectiles will be delivered to suspect target areas based on the circumstances known at the time, the established safety priorities, and the level of force that is justified and authorized.

The ASP training chart is the recognized Sheriff's Office model for determining contact areas for kinetic energy impact weapons, based on the potential for injury:

- *Green areas (zones)* - These areas will be considered when incapacitation is necessary and a minimal potential for injury is the appropriate response.
- *Yellow/Red areas* - These areas will be considered when escalation of force above the green areas is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
- *Head/Neck areas* - Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary, and appropriate.

10.1.8 Medical Attention

Subjects who are struck by a less lethal projectile round shall be transported to a medical facility for examination. All subjects will be photographed, particularly the area(s) of impact.

10.1.9 Less Lethal Deployment Strategy

The two following tactics shall be employed during the use of the CTS Super Sock kinetic energy round.

- *Verbal Announcement:* Prior to the deployment of each CTS Super Sock round (when time allows), the deputy assigned the less lethal shotgun will state in a clear loud voice "Hold! Hold! Hold!" At the conclusion of the last "Hold!" the deputy will discharge the CTS Super Sock, assess the target and if necessary fire another CTS round until compliance is gained. This warning should be used to warn the deputies who have drawn their pistols of the pending action to alleviate the chance of a sympathetic discharge.
- *Deadly Force Cover Deputy:* When a deputy deploys the Remington 870P loaded with the CTS Super Sock, the deputy should have a second deputy acting in the capacity of "deadly force cover," based on exigency of circumstances. In this role the deadly force cover deputy will have his/her pistol drawn and positioned in the low ready position. The cover deputy will be cognizant of his/her "touch point" and have his/her finger off the trigger. Should the CTS round fail to gain compliance and the suspect escalates the situation, the deadly force cover deputy is in a tactical position to protect and defend the CTS deputy and him/her self through the use of a deadly force option (issued sidearm).

The only exception to the use of a deadly force cover deputy is in the Circuit Courthouse's Detention Command Center (secure setting), where the use of the CTS Super Sock round is authorized without benefit of deadly force cover.

10.1.10 Use of Deadly Force

Deputies are required to use reasonable and informed judgment in the discharge of their duties, being aware that deadly force should be the weapon of last resort. The decision to use deadly force can only be justified by the facts or circumstances known to the deputy at the time the decision is made. Deputies may use deadly force when it is reasonably believed that the action is in defense of themselves, or any other person, or when in immediate danger of death or serious bodily injury to themselves or another person (see General Order 10.2 Firearms Policy).

Deputies may use deadly force to prevent the escape of a fleeing violent criminal or prisoner when probable cause exists to believe the person will pose a significant threat to human life should the escape occur.

10.1.11 Use of Force Reporting

An *incident report* must be filed any time a deputy:

- uses any force above non-violent restraint;
- takes any action that results in, or is alleged to result in, injury or death; or
- discharges a firearm, either intentionally or accidentally, except during authorized training or recreational target practice.

Involved deputies (if physically and emotionally able) must file such reports prior to ending their tour of duty. Such reports shall set forth all the circumstances surrounding the incident.

A Use of Force Report form is not necessary after euthanizing an animal, but an incident report will be required. All use of force reports will be reviewed annually by the Administrative Bureau. The intent of this review is to identify any patterns or trends that may indicate training needs or policy modifications.

10.1.12 Use of Force Review

Any use of force incident report will be reviewed by the immediate supervisor of the deputy using force. This review shall include the completion of a *Use of Force Report* form by that supervisor. The deputy using force is not to fill this form out. This form is for the supervisor's review of the incident. The supervisor will complete the form up through the Supervisor's Assessment, and will sign and date the form in the appropriate places.

In conducting the Use of Force review, the supervisor should insure that the information is complete and accurate. This includes interviewing and collecting written statements, taking photographs, the collection of physical evidence, and obtaining copies of medical reports and other documentation.

The supervisor should complete the Use of Force Report within 24 hours of receiving notification of the incident. Any reason for further delay must be outlined in the report. Completed reports shall be forwarded to the commander of the supervisor completing the form, along with the original incident report and any related documents.

The bureau commander will review the paperwork and complete the Commander's Assessment. The Commander will forward all documents to a reviewer designated by the Sheriff for final assessment and disposition. The reviewer's assessment

shall stand as the final disposition of the review. The completed Use of Force Report should be distributed as follows:

- originals to Administrative Secretary for filing; and
- copies to Chief Deputy, bureau commander, unit supervisor, & deputy involved

If the final assessment determines that the use of force was necessary and appropriate, the deputy's copy shall be returned without further comment. If the final assessment confirms that the use of force was legitimate, but an alternate approach to the situation might have made it unnecessary, the supervisor shall return the deputy's copy, and shall review and explain the assessment. If the final assessment finds that the use of force was not consistent with Office policy, the reviewer shall prepare a written recommendation for further action attached to the Sheriff's copy. Additionally, the bureau commander and unit supervisor will both review the report with the deputy after returning the deputy's copy. The Sheriff or Chief Deputy will make the determination as to further action.

Any deputy whose action results in, or is alleged to have resulted in, a death or serious bodily injury will be placed on limited duty or paid or unpaid administrative leave pending the review.

The Chief Deputy or a designee will conduct a documented annual analysis of use of force reports in an attempt to identify patterns or trends that could indicate training needs, equipment upgrades, or policy modifications.