

**Laurel Police Department – General Order
Chapter IV, Section 100, Order 107 – Use of Force
October 21, 2012**

4/107.05 POLICY

It is the policy of this Department that each incident involving the application of physical force upon the person of another must be evaluated upon the facts of the particular incident. Whenever any sworn personnel of the Department, while in the performance of their law enforcement duties, deems it necessary to utilize a degree of physical force upon the person of another, the degree of physical force shall only be that which is reasonable and necessary to effect the arrest, prevent escape, overcome resistance or to protect others or themselves from bodily harm.

4/107.10 PURPOSE

The purpose of this General Order is to provide basic guidelines governing the use of force procedures including that of approved and issued weapons, so sworn personnel can be confident in exercising good judgment, as to the use of all levels of force, ranging from verbal to lethal force.

4 / 107.15 DEFINITIONS

Physical Force	That force applied to overcome resistance, achieve compliance and gain control or any use of Department issued and/or approved lethal or non-lethal weapons.
Less Lethal Force	That force which is unlikely, when properly used, to result in serious bodily injury or death.
Lethal Force	That force that is likely to cause death or serious bodily injury or force that a reasonable and prudent person would consider to cause death or serious bodily injury.
Reasonable Belief	The fact or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
Serious Bodily Injury	A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

4 / 107.20 PROCEDURES

A. GENERAL

1. The use of force by Departmental sworn personnel is a matter of critical concern both to the citizens of the City of Laurel and to the Department.
2. Sworn personnel are involved on a daily basis in numerous and varied human encounters, and when warranted to do so, may use force in carrying out their duties.

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3. Sworn personnel must have an understanding of and true appreciation for, the limitations on their authority, particularly with respect to overcoming resistance from those with whom they come in official contact.
4. The Department recognizes and respects the value of human life and dignity.
5. Vesting sworn personnel with authority to use force to protect the public welfare requires a careful balancing of all human interests.
6. Sworn personnel, acting in their officer capacity, shall not use unnecessary or excessive force

B. JUSTIFICATION FOR USE OF FORCE

1. Reasonableness
 - a. The reasonableness of the use of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident.
 - b. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
 - c. The use of a firearm is, in all probability, the most serious act in which a law enforcement officer will engage.
 - 1) It is, therefore, imperative not only that sworn personnel act within the boundaries of legal guidelines, ethics, good judgment and accepted practices, but also that the officer be prepared by training, leadership and direction, to act wisely wherever using a firearm in the course of duty.
 - d. While the sworn personnel have an affirmative duty to use that degree of force necessary to protect human life, the use of lethal force is not justified merely to protect property interests.
 - 1) Therefore, sworn personnel should only discharge their firearms to protect themselves or others against the "imminent" threat or death or serious bodily injury. Officer shall not fire under conditions that would subject bystanders to death or possible injury, except to preserve life or prevent serious bodily injury.
 - 2) Firing under such conditions is not justified unless the failure to do so, at the time, would create an "imminent" threat of death or serious bodily injury.

C. USE OF LETHAL FORCE

1. Sworn personnel are authorized to use lethal force, when it reasonably appears necessary to:
 - a. Protect the officer or others from an imminent threat of death or serious injury.
 - b. Prevent the escape of a suspect whom the officer has probable cause to believe has committed a crime involving the infliction, or threatened infliction, of death or serious bodily injury and if not apprehended, the suspect poses an imminent threat of death or serious bodily injury to the officer or to others.
 - 1) When possible, a verbal warning should be given prior to the use of lethal force; and
 - 2) The sworn personnel must have the a reasonable belief that all reasonable alternatives have been exhausted or appear impractical; and

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- 3) The decision on whether the suspect poses an imminent threat, if not apprehended, must be based on:
 - a) Facts known to officer, at the time he/she decides to shoot. Facts unknown to the officer at the time he/she decides to shoot, no matter how compelling, cannot be considered, at a later date, to justify the shooting.
 - b) The nature of the offense committed: and,
 - c) The circumstances surrounding the apprehension and the nature of resistance by the suspect.
2. The discharge of firearms at or from motor vehicles is prohibited unless necessary to protect the officer's life or the life of another.
3. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the officer or another person, or when an animal is so badly injured that humanity requires its relief from further suffering.
4. The discharge of firearms for use as "warning shots" is prohibited.
5. The discharge of a gun to summon aid, when other means are not available, is permitted.

D. DRAWING OR EXHIBITING FIREARMS

1. Unnecessary or prematurely drawing a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens and may result in an unwarranted or accidental discharge of the firearm.
2. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where lethal force may be justified.
3. When the officer has determined that the use of lethal force is not necessary, the officer shall as soon as practical, secure or holster the firearm.

E. USE OF FORCE - GENERAL

1. Officers will only use the force necessary to affect lawful objectives in accordance with Departmental procedures, state law and constitutional mandates.
2. There are only four instances when an officer is justified in using force to accomplish his/her task. These include:
 - a. To effect an arrest
 - b. To prevent an escape
 - c. For self-protection
 - d. To protect others

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F. USE OF FORCE CONTINUUM

1. The use of force continuum is designed to provide an overview and visual determination of the force options available to officers in the department.
 - a. It is a fluid instrument which attempts to embody the dynamics of a confrontation.
2. The Department recognizes that building flexibility into an officer's determination of the appropriate use of force is advisable and acceptable-if not essential-given that the standard for evaluating an officer's use of force claims is reasonableness under the facts and circumstances known to the officer at the time.
 - a. This is an affirmative stance by the department designed to provide additional confidence and needed support to officers in making their decisions regarding the use of force in the field.
3. A number of factors are taken into consideration when an officer selects force options, and when evaluating whether the officer has used reasonable force.
 - a. The Department recognizes that officers are expected to make split second decisions and that the amount of time available to evaluate and respond to a situation may impact the officer's decision.
 - b. By establishing a policy that includes the use of force continuum the Department hopes to provide additional guidance to officers making those split-second decisions.
 - 1) Examples of factors which affect an officer's force selection include, but are not limited to:
 - a) Officer/Subject factors (size, age, relative strength, skill level, injury/exhaustion, number of officers versus number of suspects.
 - b) Influence of drugs or alcohol
 - c) Proximity to weapons
 - d) Availability of other options
 - e) Other exigent circumstances
4. It is important to note that sworn personnel need not attempt to gain control over an individual by use of the lowest level of force on the Use of Force Continuum when reason dictates and the officer can articulate that a higher level of use of force is reasonable.
5. The Use of Force Continuum should be viewed as an elevator, not a ladder; an officer may go to any level of the Use of Force Continuum provided that the force selected is reasonable.
6. Refer to General Order 4 / 107A for Use of Force Continuum Flow chart

G. PROHIBITIONS

1. The use of neck restraints, neck holds, or any other carotid control technique is strictly prohibited by any member of this Department.

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H. MEDICAL AID

1. Appropriate medical aid will be rendered after the use of any force and/or in accordance with the specific provisions of other General Orders.

I. COMMANDERS INFORMATION REPORT

1. Any use of deadly force, non deadly force through the use of less-lethal weapons, and any physical force resulting in any injuries or alleged injuries to another person will be reported and documented on a Commanders Information Report.
 - a. This reporting is in addition to any other reports that are required to be completed regarding the incident or situation.
2. The Commanders Information Report documenting the use of force will be reviewed individually and/or collectively by the appropriate Bureau Commander, the Deputy Chief of Police, and the Chief of Police for compliance with applicable Use of Force policies within one (1) week of occurrence.
 - a. The Commanders Information Report will then be confidentially filed in the Office of the Chief of Police by calendar year.

J. REPORTING USE OF LESS-LETHAL WEAPONS

1. Sworn Personnel using weapons to affect an arrest will indicate usage in the Use of Force report.
2. Whenever any less-lethal weapon is used to affect an arrest and an injury occurs to the suspect or the arrestee complains of an alleged injury, medical treatment will be provided and an Incident Report completed.
 - a. The Incident Report shall explain in detail the nature of the complaint, Injury, if any, and medical treatment rendered.

K. REPORTING / INVESTIGATING THE USE OF LETHAL FORCE

1. Departmental Investigative Process
 - a. The following procedures, 4/107.20.K.1.b through 4/107.20.K.1.d, will be used to investigate every incident of firearms discharge by a Department member except for target practice, hunting, ballistics examinations, authorized training, and incidents involving the humane destroying of animals.
 - b. Involved Officer(s) Responsibility
 - 1) Whenever a member(s) discharges their firearm either accidentally or officially, they will immediately:
 - a) Determine the physical condition of any injured person and render first aid when appropriate.
 - b) Request necessary emergency medical aid.
Notify Communications of the incident and location; remain at the scene until arrival of supervisor or investigators (when appropriate).
 - c) Do not discuss the case with anyone except supervisory and investigative personnel, or the officer(s) private attorney.

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- d) Protect their weapon for examination and surrender said weapon to the appropriate investigator.
 - e) The officer(s) will prepare a detailed report of the incident prior to the end of the involved officer(s) shift if the officer(s) are physically and emotionally able to do so.
 - f) If the involved officer(s) are unable to complete the report, supervisors or command rank personnel will prepare the report using the best information available.
2. Discharge in City with Personal Injury
- a. Immediate notification of:
 - 2) On duty Supervisor;
 - 3) Member's immediate Supervisor;
 - 4) Commander, Criminal Investigation Unit; and
 - 5) Chief of Police
3. Discharge in City without Injury
- a. Immediate notification of:
 - 1) On duty Supervisor / Commander.
4. Discharge Outside of City with Personal Injury
- a. Immediate notification of:
 - 1) On duty Supervisor;
 - 2) Member's immediate Commander;
 - 3) Member of Criminal Investigation Unit;
 - 4) Chief of Police; and
 - 5) Appropriate jurisdictional police agency
5. Discharge Outside of City without Injury
- a. Immediate notification of
 - 1) Duty Commander or
 - a) Who will respond to the scene and will confirm the notification of the discharge to the appropriate jurisdictional police agency and coordinate interagency communications
 - 2) Sergeant on duty if the Duty Commander is not available
 - a) Who will respond to the scene and will confirm the notification of the discharge to the appropriate jurisdictional police agency and coordinate interagency communications.

L. RESPONDING OFFICER'S RESPONSIBILITY

- 1. Responding officers who arrive at scenes of other officer(s) uses of force resulting in death or injury will, if appropriate:
 - a. Render or ensure first aid is provided to injured officer(s) or others after triage examinations;
 - b. Alert Communications to situation and request medical assistance and additional personnel as deemed necessary;
 - c. Secure any suspect(s), injured or otherwise, according to directives;

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- d. Secure and protect the scene for any contamination of evidence;
- e. Identify and/or detain any witnesses present; and
- f. Remain at scene until supervisory personnel arrive unless there are hazardous conditions that require evacuation of the immediate area for safety purposes.

M. COMMUNICATION UNIT RESPONSIBILITY

- 1. Communications personnel will ensure notifications are made when officers use deadly force or when there are serious injuries resulting from agency activities.
- 2. Responsibilities include:
 - a. Dispatching medical aid as necessary;
 - b. Notification of supervisory and Command Staff personnel as policy dictates;
 - c. Notification of the Public Information Officer; and
 - d. Notifications as advised by on-scene commander or supervisor.

N. SHIFT SUPERVISOR RESPONSIBILITY

- 1. Shift supervisor(s) will immediately respond to scenes whenever officers use deadly force or there are serious physical injuries resulting from agency activities. Shift supervisor responsibilities include:
 - a. At least one officer will be directed to remain with the bodies or injured persons.
 - 1) In cases where persons are taken to hospitals, assigned officers will remain with the persons, preserving any physical evidence, until relieved by investigators;
 - b. Officers will be directed to secure incident scenes;
 - c. At least one officer will be directed to remain with the involved officer(s) to assure their safety, well being, and that no unnecessary questioning concerning the incident is initiated;
 - d. One officer will be sent to the medical facility to act as a liaison between medical and agency personnel if an officer is injured and taken to an emergency facility;
 - e. As safety permits, involved officer(s) weapons must be secured.
 - 1) In case of firearms use, ammunition used in the incident must be secured.
 - 2) Firearms, shell casings, and magazines are to be left undisturbed for evidentiary purposes. Involved officer(s) will be issued replacement firearms if suspensions are not involved
 - f. Ensure that all personnel at incident scenes will submit detailed supplementary reports of their activities.

O. ON DUTY COMMANDER RESPONSIBILITY

- 1. In the event of an injury or when requested, the on duty or on call Commander will report immediately to the scene and complete the following:
 - a. Secure the scene.
 - b. Conduct a preliminary field investigation.
 - c. Render command assistance to the assigned investigators.
 - d. Verbally brief Chief of Police as soon as reasonably possible.
 - e. Assist the involved officer(s).
 - f. Act as Department Spokesperson in all inquiries until the PIO arrives.
 - g. Submit a written report to the Chief of Police according to policy.

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- h. The Chief of Police or a designee will make notification arrangements to the next of kin if officer(s) are critically injured. The Chief will ensure that follow-up support is provided to families of involved officer(s).
- i. If officer(s) use deadly force or cause serious physical injuries, the Deputy Chief of Police will determine if officer(s) should be removed from line-duty assignments, pending administrative reviews to determine if the officer(s) are to be placed on suspension, paid administrative leave, in non-contact assignments, or returned to full-duty status.
- j. If the incident occurs outside the jurisdiction of the agency, the on-call Commander will respond to scenes if warranted.
 - 1) In all cases, the on-call Commander will be responsible for collecting and forwarding copies of reports made by other agencies.
- k. The Deputy Chief of Police or designee will ensure:
 - 2) Follow-up medical support is provided to involved officer(s); and
 - 3) Arrangements are made for officer(s) 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 the incident.

P. SPECIAL OPERATIONS DIVISION RESPONSIBILITY

- 1. Responsibility include:
 - a. A thorough investigation of every shooting by a police officer that results in injury or death;
 - b. Proceed to scene immediately upon notification;
 - c. Secure the scene;
 - d. Examine and seize weapon(s) that may have been fired;
 - e. Separate secure and interview all scene witnesses;
 - f. Photograph and diagram the scene;
 - g. Secure all physical evidence;
 - h. Obtain all other necessary reports;
 - i. Prepare a detailed Report of Investigation where required and submit same to Chief of Police.
and
 - j. When appropriate, notify Prince George's County State's Attorney's Office.

Q. INTERNAL AFFAIRS RESPONSIBILITY

- 1. The Internal Affairs commander, or a designee, will respond to scenes when officer(s) use deadly force or when there are serious physical injuries resulting from agency activities.
- 2. Investigations into uses of force as described in 4/107.20.K will be conducted and coordinated by Internal Affairs.
- 3. Internal Affairs may request the assistance of Special Operations Division personnel during investigations.
- 4. Internal Affairs Reports of Investigation will be submitted to the Chief of Police.
 - a. They will contain relevant facts and circumstances surrounding incidents and determinations if
 - 1) Activities of agency employees were in accordance with law and agency directives.

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- 2) Activities of agency employees were in apparent violation of law and should be referred to the Chief who will confer with the state’s Attorney’s Office.
- 3) Activities of agency employees were justifiable under law but violated agency directives.
- 4) Agency disciplinary action is necessary; or
- 5) Changes should be made regarding:
 - a) Training;
 - b) Supervision and accountability procedures;
 - c) Psychiatric or psychological counseling;
 - d) Hiring and promotion criteria;
 - e) Deployment and dispatch techniques; or
 - f) Operational policies and practices.

R. PUBLIC INFORMATION OFFICER RESPONSIBILITY

1. The Public Information Officer or a designee will respond to scenes and assist in releasing information when officer(s) use deadly force or when there are serious physical injuries resulting from agency activities.
2. Except as directed by the Chief of Police, employees of the agency will not provide any information to the media regarding the use of force incident or investigation.

S. REQUIRED WRITTEN REPORTS

1. Discharge in City with Injury
 - a. Commander's report by Commander/Supervisor
 - b. Investigative Report / by Criminal Investigation Unit
 - c. Other required Departmental reports
2. Discharge in City without Injury
 - a. Incident Report by Supervisor
 - b. Commander's Report
 - c. If animal destroyed; Commander's Report
3. Discharge outside City with Injury
 - a. Commander's Report / Commander
 - b. Report of Investigation / Criminal Investigation Unit
 - c. Request / obtain copies of other involved agency reports
4. Discharge Outside City without Injury
 - a. Commander's Report / Supervisor or Commander
 - b. Request / obtain copies of other involved agency reports
5. Use of Force Report
 - a. Any time an officer with this agency uses any type of force in any agency activity, the officer will complete a Use of Force Report.
 - 1) This report is in addition to all other required reports.
 - b. The Use of Force Report has the following four parts:

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- 1) Part I – Officer Information and Statement Form
 - a) To be completed by each officer involved in the use of force incident.
- 2) Part II – Involved Citizen Information and Statement Form
 - a) To be completed by immediate supervisor of officer(s) involved.
- 3) Part III – Witness Information and Statement Form
 - a) To be completed by a supervisor.
- 4) Part IV – Commander’s Review
 - a) To be completed by the division Commander of each officer involved in the use of force incident.

T. ADMINISTRATIVE LEAVE / DUTY

1. Any employee whose action(s) or use of force in an official capacity results in death or serious physical injury shall be placed on Administrative Leave pending an administrative review of the incident.
 - a. The Administrative Leave will be without loss of pay or benefits, pending results of the investigation.
 - b. This Administrative Leave will not be interpreted to imply or indicate that the officer has acted improperly or inappropriately.
2. While on Administrative Leave, the employee will remain available at all times for official interviews and statements regarding the incidents.
 - a. The employee will not discuss the incident with anyone except the State's Attorney, Departmental personnel assigned to investigate the incident, Officer's Attorney, Officer's psychologist or immediate family.
3. Upon return to duty, the employee may be assigned to Administrative Duty for a period of time as deemed appropriate by the employee, their psychologist and the Chief of Police.

U. PSYCHOLOGICAL SERVICES FOR INVOLVED OFFICER

1. In all cases where a firearm has been discharged, with or without injury, by a police officer, the involved officer will be required to undergo an emotional debriefing with a Department furnished psychologist within five (5) days of the incident and prior to returning to full duty.
 - a. The debriefing session will remain protected by the privileged professional psychologist code of ethics.
2. The same psychological services will be available to the officer's family.

V. RE-QUALIFICATION PROCEDURE

1. Prior to being restored to full duty, members are required to attend weapon re-qualification with a Department firearms instructor.

W. LEGAL REPRESENTATION

1. The involved officer will be allowed to contact their attorney.

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- a. They should assist the officer in drafting a formal statement as to the facts and reasonableness as perceived by the officer justifying their use of deadly force.
2. The officer should also be advised of their legal and Departmental rights regarding statements and reports.

X. CIVIL RIGHTS INVESTIGATION

1. The Department will respect the rights of the Federal Government to conduct an independent investigation to identify any civil rights violations that may have occurred.
2. The Department will not order or request any of its members who may be suspect to confer with Federal Investigators without the advice of counsel.

Y. ANNUAL REVIEW

1. The Deputy Chief of Police will conduct an annual review of all Use of Force Reports and Commander's Information Reports documenting Use of Force.
 - a. The review will be directed at revealing any patterns or trends that could indicate training and/or policy modifications.

4 / 107.25 GOVERNING LEGISLATION AND REFERENCES

U.S. Supreme Court Decision, Graham v. Connor, 490 U.S. 386, 1989
U.S. Supreme Court Decision, Tennessee v. Garner, 471 U.S. 1, 105, 1985
General Order 4/107A - Laurel Police Department Use of Force Continuum
CALEA Standards 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.12, 1.3.13, 52.2.7

4 / 107.30 ANNEX

4 / 107A - Use of Force Continuum