

## FREDERICK POLICE DEPARTMENT GENERAL ORDER

**Section 07:** Force, Detention and Arrest  
**Topic:** USE OF FORCE  
**Approved:** 11/14/18  
**Review:** Annually in March by the Professional Services Division Commander  
**Supersedes:** General Order 705 dated 03/21/17

**Order Number:** 705  
**Issued by:** Chief of Police

### .01 PURPOSE:

To provide guidelines to sworn personnel regarding the application of various types of force utilized by officers to gain compliance or accomplish legitimate law enforcement goals. In addition, this Order will explain policies and procedures regarding the reporting of force incidents.

### .02 CROSS-REF:

G.O. 435, "Canine Unit"  
G.O. 710, "Non-Lethal Force"  
G.O. 712, "Less-Lethal Force: Impact Weapons"  
G.O. 720, "Deadly Force Guidelines and Investigations"  
G.O. 773, "Sick or Injured Prisoners"  
G.O. 1422, "Jurisdiction"  
G.O. 1610, "Complaints and Internal Investigations"  
CALEA Standards: 1.3.1; 1.3.2; 1.3.4; 1.3.5; 1.3.6; 1.3.7; and 1.3.13  
Form OSB-11 Use Of Force Part A  
Form OSB-024 Use Of Force Empty Hand

### .03 DISCUSSION:

The Department recognizes that it has a responsibility to control the application of physical force by its officers to ensure that force is used in conformance with existing professional standards and within limits permitted by law. In addition, the Department must ensure that the use of force by its members is properly documented and that there is a complete, thorough, and objective supervisory and command review of the incident to ensure compliance with existing departmental policies and procedures.

### .04 POLICY:

It is the policy of the Frederick Police Department that its members will employ only force that is **objectively reasonable when necessary** to accomplish lawful objectives. In accordance with case law, the "reasonableness" of the force used will be a major factor in any review as to the propriety of any use of force (whether constructive or actual), as well as whether the force was appropriately applied and in accordance with training. With the understanding that use of force incidents are extremely fluid, dynamic, and oftentimes violent encounters, it is the policy of the Frederick Police Department that its members will attempt to de-escalate prior to using force when it is safe to do so and there is not an imminent threat of death or serious bodily injury to the officer(s) or a third party.

It is also the policy of the Department that its members will document, in writing, all incidents in which physical force above a certain defined level, and in some cases "constructive force," in a **Use of Force Report** or an **"Empty-Hand Control/Pointing of Firearm" Use of Force Report**. The Department will monitor, review, evaluate and investigate in accordance with this order the amount of force used by its members in the performance of their duties. Use of Force reports will be analyzed and evaluated by supervisors and command members of the agency to determine the appropriateness of the force used, including whether the force used was a tactic/technique recognized, accepted, and/or taught by the Department. Based upon this supervisory and command review, a determination will be made whether the force used, as reported and affirmed by any review, was objectively reasonable and appropriate or whether it was inappropriate and/or

excessive. In cases where a determination is made that the force used was inappropriate and/or excessive, the Department will decide whether remedial training and/or administrative action is warranted.

#### **.05 DEFINITIONS:**

**APPROPRIATE FORCE:** The amount of force which a reasonable, trained law enforcement officer would apply or determine to be permissible to apply in a given situation in order to obtain compliance from a resistant individual, using established departmental and/or judicially accepted standards. Appropriate Force must be commensurate with the actual or potential threat posed based upon the articulable facts of a given situation, in keeping with the policies and procedures of the Department, and recognized by the courts as objectively reasonable.

**DEADLY FORCE:** Physical force which, by its application, causes death or has a high probability of causing death or serious physical injury.

#### **DE-ESCALATION:**

- A. Pre-Incident: Taking action or communicating during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat faced by the officer so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. Examples of pre-incident de-escalation actions include, but are not limited to: tactical use of cover, use of tactical verbal communication strategies, etc.
- B. Post-Incident: Taking action to communicate and professionally stabilize a situation after a use of force. Examples of post-incident de-escalation actions include, but are not limited to: placing the person on which force was used into a recovery position, maintaining an open airway, establishing a professional rapport, application of immediate life-saving first aid techniques when it is safe to do so, immediate summoning emergency medical personnel (if necessary), etc.

**EMPTY-HAND CONTROL:** Any weaponless control or technique performed with empty or open hands, such as control holds, joint locks and manipulation, pressure points, take downs and the intentional moving (pushing) of an uncooperative person, as well as instinctive weaponless control techniques used to gain control of a resistant subject. **Empty-hand control does not include any strikes or active use of personal weapons (feet, fists, elbows, knees, etc.) or the mere application of handcuffs.**

**EXCESSIVE FORCE:** Physical force that is grossly disproportionate to the actual or potential threat posed by an individual, and exceeds the amount of force that a reasonable, trained police officer would deem permissible to apply in a given situation. The application of excessive force either causes or may potentially cause injury to an individual.

**EXIGENT CIRCUMSTANCES:** Those circumstances that would cause a reasonable officer to believe that a particular action is necessary to prevent physical harm to self or others, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement duties.

**FORCE:** The amount of effort used by a police officer to gain compliance from a subject while acting in his official capacity, whether on or off duty. This definition includes both physical force and "constructive force" (presence, commands, pointing a firearm, etc.).

**IMMINENT:** Likely to happen without delay; impending; threatening.

**INAPPROPRIATE FORCE:** A higher level of force than a reasonable, trained police officer would utilize or deem permissible to apply in a given situation using established departmental and/or judicially accepted standards.

LIGHT-HANDED CONTROL: Any minimal physical hand contact used by an officer to guide, direct or steer an individual in a given direction.

NON-DEADLY FORCE: Physical force which, by its application, is not intended to cause and/or has a low probability of causing death or serious physical injury.

OBJECTIVELY REASONABLE: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

REASONABLE BELIEF: Believing that a given fact or combination of facts exist, and that the circumstances which are known, or should be known, are such as to cause a reasonable person to believe so.

REPORTABLE FORCE: Those types of force that the Department requires to be documented in a Use of Force Report as outlined in this General Order (Sections .35 and .40)

SERIOUS PHYSICAL INJURY: An injury that causes major disfigurement, severe tissue damage, broken bones, internal organ injury, or permanent paralysis.

#### **.10 LEGAL STANDARD:**

This Order is for departmental use only and does not alter any criminal or civil standard of care. The Department's policy and procedures should not be construed as creating a greater or higher legal standard of safety or duty of care in an evidentiary sense with respect to third party claims. Violations of this Order will only form the basis for departmental administrative sanctions.

#### **.15 AUTHORIZATION TO USE FORCE:**

1. The Department authorizes its sworn personnel to use **APPROPRIATE** force under specific conditions:
  - A. To defend from a physical attack or the use of physical force by another;
  - B. To defend a third party from a physical attack or the use of physical force by another;
  - C. To affect the lawful arrest of a non-compliant individual and/or to prevent a suspect's escape from police custody;
  - D. To secure and maintain control of an arrestee while detained or in police custody,
  - E. To accomplish a legally permitted law enforcement activity such as the execution of a search and seizure warrant or the service of an emergency petition, etc.
2. The department understands that an officer's PERCEPTIONS are an essential element in the decision to use force. **Nothing in this Order is intended to infer that an officer or third party must actually be physically attacked or suffer injury prior to the use of appropriate force.** Appropriate force may be used as stated above in response to perceived imminent danger or a threat, provided that the perceived danger/threat or reason the force was necessary can be articulated, and is a threat/necessity to which a reasonable, trained police officer would likewise respond.
3. When assessing the need to use force and the appropriate level of force to use, personnel will consider all relevant information, including, but not limited to, the following:
  - A. The nature, extent, and imminence of the threat or the perceived threat to the

- officer and/or third party by the individual(s);
- B. The severity of the crime or incident;
  - C. The threat level posed or perceived to be posed by the individual(s);
  - D. Any attempt made by the individual to evade arrest by flight;
  - E. The availability of, and benefit of, other options and/or tactics;
  - F. The skill level of the particular officer in various tactics/techniques;
  - G. The danger to innocent bystanders; and,
  - H. The established General Orders and training guidelines of the Department.
4. The force used in any incident must be appropriate as defined in this Order. **Personnel are expressly prohibited from using inappropriate or excessive force.** Force used by sworn members of the Department will be evaluated by supervisors and command staff to ensure that it was appropriate and objectively reasonable. Personnel using force deemed to be either inappropriate or excessive may be subject to remedial training and/or administrative action.
5. Officers of the Frederick Police Department have a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so. Officers are required to report such occurrences to his/her immediate supervisor immediately and when it is safe to do so.
6. All personnel authorized to carry various deadly and non-deadly weapons will be trained in the proper application of force and the contents of this Order prior to being permitted to carry such weapons. After initial academy training, personnel must show proficiency in the use of agency authorized weapons and knowledge in the use of force policies annually during In-Service which will be documented in accordance with established training guidelines, or, for weapons specifically addressed in their own general order or standard operating procedure, as described in that G.O. or S.O.P.

#### **.25 TYPES OF FORCE PROHIBITED:**

1. The Department recognizes that in a truly violent confrontation or struggle during which an officer is unable to use the tactics and/or equipment provided because of the circumstances, he may have to deviate from the limits placed on him as to the methods and/or manner in which force may be applied in order to fend off death or serious physical injury. In its training and in this Order, the Department acknowledges and teaches that should an officer become involved in a violent confrontation in which established tactics and authorized equipment are ineffective or unavailable for use **AND** there is the likelihood of serious injury to the officer or another, he may have to resort to instinctive survival tactics to preserve his life or the life of another. Such tactics may involve the use of other physical objects, which are at hand as defensive weapons in lieu of authorized equipment or may involve the use of tactics not recognized by the Department under other circumstances. Personnel are cautioned that the use of any tactic/technique must consider the welfare and safety of innocent bystanders and will always be judged by the Department using the standard of objectively reasonable/appropriate force as defined in this Order.
2. However, barring such imminent threat to an officer's safety or the safety of a third party, the Department expressly **prohibits** the following tactics/techniques to be used by personnel:

- A. Strangle or choke holds which restrict the ability of an individual to breathe or restrict the flow of blood to the brain;
- B. Intentional, direct blows to the head;
- C. Dragging an individual along the ground, floor, or stairs; and,
- D. Binding an arrestee's hands and feet together (commonly known as "hog tying").

**.30 AUTHORIZED EQUIPMENT:**

1. The Department issues various items of defensive equipment and restraining devices for use by its personnel. The Department recognizes that before a device can be used in the field it must be evaluated to ensure that it meets its performance criteria. Likewise, the Department will not issue or authorize for use devices that it concludes fall short of accepted professional standards. At present, the Department has issued, or has available and authorized for use by all sworn personnel, the following restraining devices, lethal and less-lethal equipment:
  - A. Glock 9mm semi-automatic firearm;
  - B. Handcuffs;
  - C. O.C. spray;
  - D. Expandable baton;
  - E. Flex cuffs, restraining straps and hobble restraints;
  - F. Riot shields and batons.
2. Other sworn personnel who are specially trained may also be issued, and utilize under permitted conditions, additional equipment, such as Tasers, shotguns, carbines, and SRT weapons, including "bean bag" rounds.
3. Personnel are prohibited from carrying, displaying and/or using any weapon, control device or other equipment which may be considered an offensive or defensive weapon while on-duty or engaged in secondary employment which has not been expressly approved by the Chief of Police or his designee. Officers will use only those weapons, to include ammunition, for which they have been trained and are qualified to use by the Department. (Exception: officers may carry a small folding type knife with a blade not exceeding four (4) inches for non-offensive purposes.)
4. Off-duty personnel who carry other weapons or control devices, which are neither approved nor issued by the Department, should carefully weigh their own personal liability should such devices be used.
5. Specialized equipment purchased and authorized by the Department for its Special Response Team is governed by standard operating procedures within that Division.

**.35 USE OF FORCE REPORTING REQUIREMENTS:**

1. In documenting any use of force, officers will report **specifically** what threat level or force was used against them or another and **detail** what tactics/techniques were utilized to overcome the resistance. Whenever practical, appropriate terminology shall be used to explain tactics/techniques and specific areas of the body affected.

2. The mere touching or handcuffing of an individual being placed under arrest, the use of light handed control to guide or direct an individual, or the **display** of weapons such as O.C. spray, baton, or handgun (without pointing) will not normally require written documentation.
3. Specifically, the Department **requires** that any officer who uses force under any of the following circumstances will complete a Use of Force Report as follows:
  - A. Form OSB-011 ("Full" Use of Force Report):
    - (1) Uses any force which causes any visible or apparent physical injury **or complaint** of injury, **or** which results in medical treatment for the individual or the officer;
    - (2) Uses any object, including but not limited to, a hand, fist, or foot, to strike or attempt to strike a blow to a subject, to include baton strikes and blocks;
    - (3) Uses force in such a way as to cause a subject to suffer a blow to the head, even if that blow to the head is accidental;
    - (4) Uses O.C. Spray or any other chemical agent;
    - (5) Discharges a firearm under circumstances that require a Use of Force Report per [General Order 720, "Deadly Force Guidelines and Investigations,"](#) i.e., discharge of a firearm at an individual regardless of whether the person is actually struck;
    - (6) Utilizes a canine for a physical apprehension (refer to [G.O. 435, "Canine Unit"](#)); or,
    - (7) Uses force during or after which a subject loses consciousness.
  - B. Form OSB-024 ("Empty-Hand Control /Pointing of Firearm" Use of Force Report):
    - (1) Uses any empty-hand control technique that does not cause injury or complaint of injury to the officer or the subject the force is applied to and does not result in medical treatment for subject or officer; or
    - (2) Points a firearm at any person, or
    - (3) Uses a baton as part of a control hold; for example, to remove an arrestee's hands from under their body.

Exception 1: Use of Force reports for the "intentional moving (pushing) of an uncooperative person" are required only when the person on whom the force is used is arrested, injured, or otherwise easily identified. In all other circumstances under which an uncooperative person is intentionally moved (pushed), an Incident Report will be completed, with a copy forwarded to the Professional Services Division (PSD).

Exception 2: The pointing of weapons by the Special Response Team (SRT) may be reported either on an "Empty-Hand Control/Pointing of Firearm" Use of Force Report or by documenting such use in an SRT "Mission Report" that is forwarded to the Commander PSD with all required statistical information.

4. A supervisor has the discretion to require that an officer complete a full or "Empty-Hand Control/Pointing of Firearm" Use of Force Report if that supervisor believes it is in the best interest of the Department, the officer, and/or the public, to do so.
5. All employees are required to immediately report to a supervisor when another employee is using or has used force that appears, from an objectively reasonable standard, to be inappropriate or excessive.

#### **.40 HIGH RISK STOPS/BUILDING SEARCHES:**

As stated above, the **pointing** of a firearm at any individual will require an "Empty-Hand Control/Pointing of Firearm" Use of Force Report to be completed. In instances where a High Risk Stop, whether involving a vehicle or a pedestrian, has been made and a firearm has been **POINTED AT** an individual(s), the officer initiating the stop will be required to submit an "Empty-Hand Control/Pointing of Firearm" Use of Force Report in addition to any required Incident Report. In instances where the only reportable force used is the pointing of a firearm, one officer will complete the report detailing all officers involved who pointed firearms and all subjects who had weapons pointed at them. This procedure will also be followed if a firearm is pointed at any individual during a building search.

#### **.45 OFF-DUTY ACTION:**

1. While off-duty and out of uniform, officers should refrain from taking overt police action except under circumstances that threaten life and/or seriously threaten public safety. Before taking overt police action while off-duty and out of uniform, officers will carefully consider the risk to themselves and to others that may be caused by a sudden confrontation with criminals, suspects or other law enforcement officers who may not readily identify them as police officers. Dependent on the circumstances posed by the threat, off-duty personnel who take overt action will **visually and verbally** identify themselves as law enforcement officers as soon as appropriate and practical. Officers will attempt to seek the assistance of on-duty personnel if possible prior to initiating overt action dependent on the circumstances of the situation and in every case immediately after the situation has stabilized.
2. Under circumstances that do not require immediate police intervention, officers who are off-duty and out of uniform will request the presence of an on-duty officer. Prior to the on-duty Officer's arrival, the off-duty officer will monitor the situation until the on-duty officer arrives, and intervene only when necessary.
3. Any force that is used by an officer during an incident that occurs while he is off-duty will be reported in accordance with this Order.

#### **.50 MEDICAL TREATMENT OF INJURED PERSONS:**

1. While the objective of any force application by an officer is not to inflict injury, but rather to control or obtain compliance from a subject, the Department recognizes that injuries may result from the application of force. Additionally, the Department realizes that discomfort and/or the complaint of pain can be by-products of certain techniques (pain compliance, O.C. spray, etc.) and that this type of discomfort may initially be interpreted by the individual as an actual injury. Supervisors and officers are occasionally called upon to determine whether an individual's complaint of pain is merely discomfort or is, in fact, an injury that requires medical treatment. The Department relies on the good judgment of its supervisors to distinguish between the two. However, in the event that any person complains of injury and requests medical attention, **medical attention will be sought for the person.**
2. In some instances, a subject may refuse medical treatment following a use of force

incident. Should this occur, the supervisor will document the refusal in his report of the incident. If the injury appears to be more serious than first aid would treat, the subject will be transported to a medical facility and evaluated by medical personnel.

3. In the event that an individual is injured or complains of being injured during the application of force and/or during an arrest, the officer using the force and/or making the arrest will promptly notify his supervisor or the on-duty supervisor. If the injury is obvious to the officer on the scene, medical treatment will be obtained immediately.
4. The type of treatment, the location of the treatment, and the name of the medical professional providing the treatment will be documented in the Use of Force Report. Visible injuries and those areas where the subject complains of injury will be photographed. Copies of pertinent medical reports will also be submitted with the Use of Force Report if available. If circumstances warrant, supervisors may confer with medical personnel and include their observations in the report.
5. The treatment and reporting of injuries to an officer(s) will be handled in accordance with existing procedures and will, in addition, be documented in the Use of Force Report, and photographed.

#### **.55 NOTIFICATION OF SUPERVISOR:**

1. Any officer who uses force requiring a full Use of Force Report (form OSB-011) as outlined in this Order will notify his immediate supervisor as soon as possible after the incident has occurred if the immediate supervisor is working. If the officer's immediate supervisor is unavailable or if the incident occurred while the officer is off-duty, then the on-duty Patrol Division supervisor will be notified.
2. In the event that the officer who utilized the force is injured during the encounter, the supervisor assuming control of the situation will determine, through medical consultation, whether the officer's injuries preclude him from completing a Use of Force Report. If the injuries preclude the completion of the report, the supervisor will determine the essential facts of the incident and submit an administrative memo to his Division Commander giving as much detail as possible. The supervisor will ensure that a follow up Use of Force Report is completed by the officer as soon as practical after he is released from medical care.

#### **.60 SUPERVISOR RESPONSIBILITIES CONCERNING USE OF FORCE INCIDENT:**

**FOR PURPOSES OF THIS ORDER A SUPERVISOR WILL BE CONSIDERED ANY OFFICER OF THE RANK OF CORPORAL OR ABOVE.**

1. In instances where force requiring the completion of a full Use of Force Report (form OSB-011) has been used, a supervisor who has been contacted will be responsible for gathering information concerning the incident including what event(s) precipitated the use of force and the names of those persons who could provide pertinent information about the incident. The supervisor will then conduct a thorough review into the incident. The supervisor's review **must** include, but not be limited to:
  - A. Identifying and interviewing police witnesses (all statements by witnesses are discoverable for any criminal prosecution related to the incident and should be documented in a supplement);
  - B. Identifying and interviewing, if appropriate, employees and civilian witnesses identified in the "A" Section of the report (or others) who possess pertinent and relevant information about the incident;

**NOTE:** If the supervisor does not respond to the scene (due to the movement of the subject from the area or due to other operational reason), other officers present will gather this information and forward it to the supervisor for follow-up.

- C. Observing the condition and demeanor of the arrestee and questioning him if necessary as to the **facts** of the use of force incident;
- D. Ensuring the arrestee/detainee is photographed, regardless if they have or claim injury (this excludes the pointing of a CEW or firearm);
- E. Ensuring that any and all injuries (or claimed injuries) to an injured officer are photographed;
- F. That the officer documents **specifically** what threat level or force was used against them or another and **detail** what tactics/techniques were utilized to overcome the resistance in an incident report/probable cause statement/incident supplements and that all documentation is attached to Section B.
- G. Ensuring that any additional evidence or items needed to complete the administrative review are secured and/or processed; and,
- H. Obtaining, if applicable and available, any pertinent medical reports for any individual injured during the incident.

NOTE: The reviewing supervisor will have had no involvement in the use of force, either by application of force or in authorizing its use by others. In all such cases, an uninvolved supervisor or command member will conduct the review of the incident. The involved supervisor will contact another on-duty supervisor of equal or greater rank or an on-duty or on-call command officer, who will handle the initial review of the incident.

- 2. The findings of a supervisor's review of the incident will be reported by him during the supervisor's written report of the incident.

#### **.65 SUPERVISOR RESPONSE TO SCENE:**

- 1. The presence of a supervisor at the scene of a force incident not only reinforces support for the officer(s) involved in the incident, but also assures the public that the Department views force incidents seriously and worthy of supervisory attention. By responding to the scene of a force incident as soon as possible after it has occurred, a supervisor will be better able to determine the circumstances which led to the use of force, to identify any witnesses who may be able to provide relevant and pertinent information about the incident and to safeguard and/or process evidence which may be critical to any subsequent review into the event.
- 2. While the Department relies on each supervisor to use good judgment and common sense to determine whether he is needed at the scene of a use of force incident, and expects him to respond if available, the following incidents will **require** the presence of a supervisor as soon as possible after the incident has occurred:
  - A. Police involved shootings;
  - B. The discharge of a police firearm other than for training purposes or to kill an injured animal;
  - C. Serious injury to an officer or suspect;
  - D. Any force incident where either an officer or suspect loses consciousness; and,

- E. Any situation that is unstable and requires continued police intervention.
- 3. In other instances involving the use of force by an officer, a supervisor will need to weigh the situation against other operational needs to determine if his presence is needed/appropriate. Instances in which an arrest has been made, the arrestee removed from the scene without further incident and the situation has been resolved, may not warrant the presence of a supervisor on the scene. In cases where a supervisor determines that his presence is not needed at the scene or circumstances prevent a timely arrival, he will note this fact during the supervisor review of the incident.

#### **.70 THE USE OF FORCE REPORT:**

- 1. The Use of Force Reports have been designed to provide an accurate, detailed account of a police use of force incident. There are two types of use of force reports - an "Empty-Hand Control/Pointing of Firearm" report (Form OSB-024) that can be used to report "minor" uses of force without injury or claim of injury, and a "full" report (Form OSB-011) to be used for all other uses of force. The "Empty-Hand Control/Pointing of Firearm" report consists of the basic information required for statistical purposes and is completed by the officer using force and submitted to his supervisor. The "full" report is divided into two sections, A and B. Section A will be completed by the officer(s) utilizing the force. Section B, which will be completed for all "full" Use of Force reports, is the supervisory and command review of the incident.
- 2. OFFICER'S REPORT (SECTION A)
  - A. As stated in Sections .35 and .40, a Use of Force Report must be completed by any officer who uses any reportable force, or who is otherwise directed to do so by a supervisor. This report will include information identifying the officer and suspect and a series of check-off boxes to summarize the incident. The Officer will complete an incident report narrative setting out **in detail** the circumstances that resulted in force being used. This may be done in the Statement of Probable Cause if it is an essential element of criminal charges. Officers are required to specifically describe the resistance and/or force used against them by a subject as well as what force was used to overcome the resistance and accomplish their lawful purpose. NOTE: A recitation of the elements of any criminal charges are not required on the Use of Force form unless they have a bearing on the justification for the use of force. **A copy of the incident report will be attached to all Use of Force Reports.** A copy of other department or court paperwork may be attached to any Use of Force Report, as appropriate.
  - B. In the event that multiple officers use force requiring a Use of Force Report against a single subject, each officer will submit a Use of Force Report detailing only the specific force he used during the incident. Conversely, if an officer uses force requiring a Use of Force Report on multiple subjects during a single incident, that officer will complete one report for each person.
  - C. The only exception to this reporting procedure will be if the only force used is the pointing of a firearm at an individual(s). In that case, the officer who initiates the stop will complete one "Empty-Hand Control/Pointing of Firearm" Use of Force Report, detailing which officers pointed firearms and identifying all subjects at whom firearms were pointed. If additional force is used in the incident, the officer(s) who used the additional force will be required to complete the appropriate reporting. **Identification of all subjects on which force was used MUST include the full name, race, ethnicity, sex, and date of birth, as available.**

- D. All Use of Force Reports will be submitted to the supervisor responsible for review **prior to the end of the shift**, unless extraordinary circumstances prevent the timely completion of the report **and** the supervisor approves the delay. Delays of greater than one day require Division Commander approval.

### 3. SUPERVISORY/COMMAND REVIEW

- A. If officers from more than one squad or division are involved in an incident requiring the completion of a Use of Force Report(s), the supervisor of the individual who initiated the incident will be responsible for conducting the review into the incident and completing the required reports. In the event that there is a question as to which officer initiated the incident, the supervisor of the officer who used the highest level of force will be responsible for conducting the review and submitting the Use of Force Report.
- B. It is the goal of the Department to conclude each use of force review as expeditiously as possible after an incident. All Use of Force Reports will be submitted from the supervisor for command review within twenty-four (24) hours of the event's occurrence unless specifically granted an extension from a command officer. In all cases where the force used was above "Active Countermeasures," and in other cases as appropriate, supervisors will notify an on-duty command officer of a use of force incident and verbally report pertinent details prior to the completion of the official reports.
- C. In certain circumstances, a supervisor from another squad or division may complete the supervisory section of the Use of Force Report, if, for example, an incident occurs just prior to the end of the last day of a squad rotation. In this situation, both supervisors will communicate and agree upon who is responsible for completing the supervisor's review.
- D. Once supervisory review is completed, the report will be submitted to the Division Commander. Command personnel, generally up to the Deputy Chief, are afforded the opportunity to review and evaluate each use of force incident involving their personnel.
- E. Division Commanders who receive a Use of Force Report will review the report, note their conclusions and remarks, if appropriate, and forward the report to the Deputy Chief.
- F. If, during the review process, a supervisory or command member believes that a Use of Force Report is incomplete or lacks pertinent/relevant information, it will be returned for additional documentation/investigation prior to submission further up the chain of command.
- G. The Chief of Police will review all use of force reports involving the use of Tasers, impact weapons or firearms, as well as any incident where serious physical injury is involved, or any person incurs a canine bite. The Chief may, in his discretion, review any other use of force report.
- H. All Use of Force Reports will, after review by the chain of command, be sent to PSD. In the event an allegation of inappropriate/excessive force is made that a Use of Force Reports deals with, the report will be immediately sent to PSD.

### 4. "EMPTY-HAND CONTROL/POINTING OF FIREARM" USE OF FORCE REPORT

The reviewing supervisor will carefully review the officer's Use of Force Report and attached documents and arrive at a conclusion as to the appropriateness/

reasonableness of the force used, adherence to Departmental policy, and ensure that all documentation is complete. If the supervisor finds that a use of force was inappropriate and/or excessive for any reason, he will include/attach comment as to the reason prior to forwarding the report up the chain of command.

5. SECTION B ("Full" Use of Force Reports only)

A. The supervisor and command members responsible for evaluating the use of force incident will complete Section B of the Use of Force Report. It will be the responsibility of the supervisor to document all witnesses, both civilian and police, to the incident. In addition, the supervisor will list and document any injuries to either officers or civilians during the incident. The supervisor will also document and comment on his observations of the subject, if applicable.

B. The supervisor responsible for evaluating the incident will also complete a narrative as part of his report. This narrative will include:

- (1) Documentation of the supervisor's direct observations of the incident, if present;
- (2) A summary of injuries sustained (or injuries claimed) by any person involved in the incident;
- (3) Identification of any witnesses to the incident, both officers and civilians;
- (4) A **detailed** summary of any witness statements from both officers and civilians, if any;
- (5) A summary of any contact with the subject of the use of force incident detailing his behavior, demeanor, or any statements made;
- (6) Any other pertinent information about the incident that may be needed to form a judgment of the propriety of the force used; and,
- (7) A conclusion as to the appropriateness/ reasonableness of the force used and adherence to Departmental policy.

**NOTE:** In the event that multiple officers are involved in the same use of force incident, supervisors are only required to complete one Section B for the entire incident.

C. Following the supervisor's review of the use of force incident, he will report his findings and recommendations, as appropriate, as part of Section B. If the supervisor finds that a use of force was inappropriate and/or excessive for any reason, he will comment as to the reason prior to forwarding the report up the chain of command.

**.75 FINDINGS/RECOMMENDATIONS:**

1. All documented uses of force are subject to supervisory and command review. During the review process of each use of force incident by either first line supervisors or command, a conclusion regarding the appropriateness or inappropriateness of the force used must be made using all relevant facts that have come to light during the review.
2. If a determination is made that a particular use of force by an officer was excessive and/or inappropriate, supervisory and/or command personnel will document the reason for their decision in a memo and attach it to the report.
3. Should supervisory or command review result in a conclusion that inappropriate and/or

excessive force may have been used and administrative/disciplinary action is warranted, the matter will be processed as an internal investigation per [G.O. 1620, "Discipline."](#)

4. Conclusions of the force used in an incident will be made in part on whether the tactic(s) and/or technique(s) is recognized, accepted, sanctioned, or taught by the Department during its training and on the circumstances of the entire incident. In most instances, first line supervisors and command will recognize a particular tactic or technique used in a situation from their own departmental training and will be able to make a judgment regarding the force used in a given situation. Should, however, any question regarding a tactic or technique arise during the review process, the sergeant of the Training Section and/or the Defensive Tactics Coordinator, will be called upon to provide a written response to any question or concern. This response will be included as part of the completed Use of Force Report forwarded up the chain of command.

**.80 RETENTION OF REPORTS:**

Once the Office of the Chief completes the review and evaluation, the Use of Force Report will be copied, with the original sent to the PSD and a copy sent to the Training Section. PSD will be responsible for the maintenance of these reports and their retention for a period of five years, with statistical data retained for 10 years, in accordance with the City of Frederick Records Retention Policy.

**.85 STATISTICAL ANALYSIS:**

The PSD will prepare an annual statistical analysis of uses of force for the Chief of Police during the first quarter of the succeeding year, and other use of force analysis as requested. The analysis will include any training, policy, or equipment issues that may need to be brought to the attention of the command staff.

**.90 SUMMARY OF ACTION:**

Type of Force	Report Required	Supervisor Notified
Pointing Firearm (No discharge)	Yes Form OSB-024	No
Pointing Taser (no probe deployment or drive stun)	Yes Form OSB-024	No
Empty-Hand Control: Includes control holds, pain compliance, take-downs, pressure points, and the intentional pushing/shoving of an uncooperative person	Yes Form OSB-011 ("Empty-Hand Control/Pointing of Firearm" UOF Form OSB-024 if no injury/claim of injury)	Yes - As soon as practical if no injury  Immediately if there are any injuries
O.C. Spray, Chemical Agents, Irritants	Yes Form OSB-011	Yes - immediately
Strikes, kicks and Canine apprehension	Yes Form OSB-011	Yes- Immediately
Impact Weapons, including bean bag rounds	Yes Form OSB-011	Yes- Immediately
Taser	Yes	Yes- Immediately

Type of Force	Report Required	Supervisor Notified
	Form OSB-011	
Firearms/Deadly Force	Yes Form OSB-011	Yes- Immediately