



# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

## Use of Force

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### 1. Purpose

To provide Harford County Sheriff's Office (HCSO) employees with guidance on proper procedures regarding situations when force must be used.

### 2. Policy

Deputies have been given the responsibility to protect and serve all citizens while balancing the need for officer safety and are granted the authority to use force when necessary to accomplish lawful ends. This authority is grounded in the laws of the State of Maryland, the United States Constitution, Court rulings and the provisions of this policy. Recognition of, and respect for the dignity of all persons and the value of human life will guide all training, leadership, and procedures, as well as guide deputies in the use of force.

### 3. Definitions

- A. **ACTIVE RESISTANCE:** physical evasive movements or behaviors to defeat a deputy's attempt at arrest or control, including bracing, twisting, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into custody.
- B. **ACTIVE AGGRESSION:** overt, hostile, attacking movements or actions by a subject, which may cause injury to the deputy. This aggression may manifest itself through actions including, but not limited to, punching, kicking, biting or pushing.
- C. **AGGRAVATED AGGRESSION:** when a subject's actions create an objectively reasonable perception on the part of the deputy that the deputy or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated Aggression represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.
- D. **CONDUCTED ELECTRICAL WEAPON (CEW):** a less lethal weapon that emits an electrical energy charge which causes electro muscular disruption that affects the sensory and motor functions of the central nervous system.
- E. **CHOKE HOLD/STRANGLE HOLD:** any hold that restricts the ability to breathe or that restricts the flow of blood to the brain.
- F. **DEADLY FORCE:** a degree of force applied which is intended to cause death or serious injury; or force which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.
- G. **FORCE:** amount of effort required by a deputy to compel compliance from an unwilling suspect.

- H. **FORCE TRANSITION:** the movement from the application of one force type to another consistent with the "objectively reasonable" standard (e.g., escalation/de-escalation).
- I. **IMMINENT DANGER:** actions or outcomes that may occur during an encounter which places a fear for safety of the deputy or others.
- J. **IN-CUSTODY DEATH:** an incident in which an arrestee/detainee died while in HCSO custody.
- K. **INSTRUMENT OF NECESSITY:** an item at hand or in close proximity that can be used immediately without delay (e.g. flashlight, clipboard, etc.).
- L. **LESS LETHAL PHILOSOPHY:** a concept of planning and applying force that meets operational objectives that is neither likely nor intended to cause death or serious physical injury.
- M. **MECHANICAL FORCE:** the use of a device or object, other than a firearm, shotgun, or rifle, to overcome a subject's resistance to the exertion of the deputy's authority (e.g., use of a baton, CED or chemical agent).
- N. **OBJECTIVELY REASONABLE:** in determining the necessity for force and the appropriate level of force, deputies will evaluate each situation in light of the known facts and circumstances of each particular case, including, but not limited to, the seriousness of the crime, whether the subject poses an immediate threat to the safety of the deputy or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.
- O. **PASSIVE RESISTANCE:** subject is not physically cooperating with the deputy's attempt to restrain them and is not assaulting the deputy or trying to escape (e.g. going limp).
- P. **PROBABLE CAUSE:** reasonable likelihood based that a crime has been committed that is based upon facts and circumstances known to the deputy at the time of the incident.
- Q. **REASONABLE BELIEF:** the existence of facts, or combination of facts, that the circumstances are such to cause a reasonable person to believe them to be true.
- R. **REASONABLE FORCE:** the use of a device, technique, or object to overcome a subject's resistance to the exertion of the deputy's authority.
- S. **SERIOUS PHYSICAL INJURY:** physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, loss of the function of any bodily organ, or the impairment of the function of any bodily organ.
- T. **USE OF FORCE:** any execution of a physical act to control a person, overcome resistance and/or defend oneself or another. The force may entail the use of body parts, issued Agency defense equipment, an instrument of necessity or deployment of a K-9.

#### 4. References

OPS 0504 Use of Batons/Impact Weapons  
OPS 0505 Use of Chemical Agents  
OPS 0506 Use of Conducted Electrical Weapons  
OPS 0507 Use of Firearms  
OPS 0508 Use of Force Review Committee  
Tennessee v. Garner, 471 U.S. 1 (1985)  
Graham v. Connor, 490 U.S. 386 (1989)

Scott v. Harris, 550 U.S. 372, 381 (2007)  
Thomas v. Holly, 553 Fed. Appx. 208, 215 (4th Cir. 2013)  
MD Code, Criminal Law § 3-201

## 5. Procedures

### A. Prohibitions

1. The use of excessive and unreasonable force or brutality is prohibited and will not be tolerated under any circumstances.
2. The use of any choke hold/strangle hold is prohibited except when the deputy reasonably believes there is an imminent threat of death or serious injury to himself or another and has determined that the hold is the most reasonable means of protecting himself or another. The use of any such technique will stop immediately if/when the imminent threat has ended.
3. The discharge of firearms for use as “warning shots” is prohibited.
4. A deputy should not use deadly force to subdue persons whose actions are a threat only to property.
5. Deputies should not fire any weapon from or at a moving vehicle except to counter an imminent threat of death or serious physical injury to the deputy or another person.
6. Deputies should avoid positioning themselves in the path of a moving vehicle.

### B. General Factors

1. Factors for evaluating any use of force include but are not limited to:
  - a. The seriousness of the crime or the suspected offense;
  - b. Whether the suspect posed an imminent threat to the safety of the deputies or others;
  - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
  - d. Whether the use of force is objectively reasonable;
  - e. The deputy’s tactical conduct and decisions preceding the use of force;
  - f. Whether the deputy has reason to believe that the subject is:
    - i. Mentally ill;
    - ii. Has a physical, developmental, or cognitive disability;
    - iii. Is emotionally disturbed;
    - iv. Is under the influence of alcohol or drugs;
    - v. Is suffering from a behavioral crisis; and/or
    - vi. Has a language barrier.

- g. Whether there was an opportunity to warn about the use of force prior to force being used, and if so, was such a warning given;
  - h. Whether there was any assessment by the deputy of the subject's ability to cease resistance and/or comply with the deputy's commands;
  - i. Specialized knowledge, skills, or abilities of subjects;
  - j. Prior contact;
  - k. Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic and other hazards; and
  - l. Whether the subject's escape could pose a future safety risk.
2. Not all the above factors may be present or relevant in a particular situation, and there may be additional factors not listed.

C. Use of Force

1. Deputies will use only the force objectively reasonable to effectively and safely resolve an incident, while protecting the lives of the deputy or others. When feasible, deputies should announce that force will be utilized prior to the application of such force.
- a. The reasonableness of a particular use of force is based on the totality of circumstances known by the deputy at the time of the use of force.
    - i. Reasonableness must be judged from the perspective of a reasonable deputy on the scene, rather than with the benefit of hindsight.
    - ii. The reasonableness standard is an objective one; whether the deputy's actions are objectively reasonable in light of the facts and circumstances confronting the deputy, without regard to the deputy's underlying intent or motivation.
    - iii. Reasonableness is not capable of precise definition or mechanical application.
    - iv. The reasonableness standard must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that is necessary in circumstances that are tense, uncertain, dynamic, and rapidly evolving.
2. When the circumstances justifying a particular level of force no longer exist, that level of force must be discontinued as part of the reassessment of the situation.
3. Deputies will utilize their authorized weapons and other less lethal items in accordance with established policy and training for that particular item.
4. Additional care and caution should be exercised when encountering children, the elderly, or individuals who are pregnant, suffering from pre-existing injuries, frail, have a low body mass, are experiencing a medical or mental health crisis, or are otherwise apparently vulnerable or in distress.
5. Deputies may use reasonable force against a domestic animal/pet to prevent substantial harm to the deputy or another person.

B. De-escalation

1. Deputies should use de-escalation techniques when appropriate.
2. The recommendation for deputies to engage in de-escalation techniques does not preclude deputies from using justifiable force when objectively reasonable.
3. Deputies should, when feasible, use combinations of the following de-escalation tactics to reduce the need for, or degree of, force used:
  - a. Attempt to isolate and contain the subject;
  - b. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an imminent threat that may require the use of force;
  - c. Request additional resources;
  - d. Attempt to establish rapport and engage in communication with the subject;
  - e. Tactically re-position to maintain the reactionary gap, protect the public, and preserve deputy safety; and
  - f. Continue de-escalation techniques, taking as much time as reasonably necessary, to resolve the incident, before having to use force.

C. Use of Deadly Force

1. A deputy may use deadly force when he reasonably believes such action is necessary to protect himself, another deputy, or another person from imminent danger of death or serious physical injury.
2. A deputy may use deadly force to prevent the escape of a fleeing suspect if the deputy has probable cause to believe that the action is necessary:
  - a. To protect the deputy or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
  - b. Has reason to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to the deputy or another if the subject is not immediately apprehended; and
3. When feasible, a member should identify himself as a deputy and state his intention to use deadly force before using a firearm or employing deadly force.

D. Duty to Intercede

1. Deputies have a duty to intercede to prevent the use of excessive force by another deputy or law enforcement officer toward any person; intervention may be verbal and/or physical.
2. Failure to intercede may subject a deputy to disciplinary action and/or criminal charges.
3. Deputies must immediately notify a supervisor after such an intervention, when safe to do so.

E. Duty to Provide Medical Assistance

1. Whenever there is an obvious injury or complaint of injury due to use of force, to include canine deployment and application of a CEW, or if requested by any individual, deputies will render aid in a timely manner or as soon as practical without further endangering the employee or others, consistent with their training and experience, and request that a Medic Unit respond to the scene to treat or transport the individual directly to the nearest hospital emergency room.
2. The deputy will document the requested medical aid and/or assistance provided or made available to all persons who have sustained a physical injury occurring as a result of an employee's use of force on the Incident Report (SO-001) of the original call for service.
3. If the individual refuses medical treatment or leaves the location prior to the arrival of the Medic Unit, deputies must document the actions taken to identify and render aid to the individual on the Incident Report (SO-001).

F. Training Requirements

1. The Training Academy will conduct and document annual training for all deputies on the lawful and appropriate use of force and deadly force. This training will:
  - a. Reflect current Maryland Police and Correctional Training Commissions (MPCTC) standards; and
  - b. Include, but not be limited to:
    - i. The use of force in general;
    - ii. De-escalation and tactical alternatives to the use of force;
    - iii. The use of physical and mechanical force;
    - iv. The use of deadly force; and
    - v. The limitations that govern the use of force and deadly force.
2. Training records will include, at a minimum, the name of the deputy who received the training, type of training conducted, and date the training was completed.
3. Training records will be maintained electronically by the Training Academy in accordance with the established records retention schedule and accessible for supervisory review.

G. Reporting Requirements

1. An on-duty deputy, off-duty deputy, or a deputy working supplemental law enforcement services is required to immediately notify his supervisor or the on-duty supervisor whenever he has:
  - a. Discharged an issued or approved firearm for any reason other than for training purposes or target practice at an established firing range;
  - b. Applied force or taken an action that results in, or is alleged to have resulted in, the physical injury or death of another person or a domestic animal/pet;

- c. Applied force through the use of lethal or less lethal weapons;
  - d. Applied weaponless control techniques to the extent that it was likely to cause or lead to physical injury, a claim of injury, or an allegation of excessive force (this does not include the use of techniques that have little or no chance of producing injuries when gaining control over, subduing non-compliant or resisting persons when no injury results. These techniques include, but are not limited to physical touching, holding, frisking, handcuffing, or other custodial procedures);
  - e. Applied intentional force against property that results in damage to that property;
  - f. Pointed a firearm or CEW at a person (display only).
    - i. Whenever a firearm or CEW is pointed at a subject (displayed only) and not discharged, the incident will not be labeled a “use of force”; however, it must be documented by checking the “Display Only” box on the Use of Force Report (SO-044).
2. Deputies involved in the above described incidents will document the event in an Incident Report (SO-001) for the original call for service or a Supplement Report (SO-002) prior to the end of that deputy’s tour of duty.
- a. In instances where a deputy is injured or otherwise unable to complete an Incident Report (SO-001), his supervisor will complete that report.
  - b. When the deputy’s supervisor is unavailable, the on-duty supervisor will complete the report.
  - c. Discharge of firearms to humanely destroy an injured animal will be documented by a CAD entry only, while indicating the type of animal and the number of rounds discharged.
3. Chain of Command Review
- a. The deputy’s supervisor, or an on-duty supervisor, must report to the scene of any use of force incident, except:
    - i. When a firearm is discharged to humanely destroy an injured animal who is so badly injured that humanity requires its relief from further suffering; or
    - ii. When there is a display of the firearm only.
  - b. The responding supervisor will assist the deputy as necessary and will review the circumstances of the incident.
  - c. The responding supervisor must complete one Use of Force Report (SO-044) for each deputy involved in any use of force incident before the end of that tour of duty and forward it through the chain of command.
  - d. When one deputy uses force on multiple subjects, a Use of Force Report (SO-044) will be completed for each subject on which the force was used.
  - e. The supervisor completing the Use of Force Report (SO-044) will verify that the deputy made the appropriate entry on an Incident Report (SO-001) or Supplement Report (SO-002) as required above.

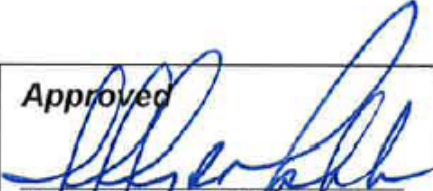
- f. The shift Lieutenant and Division Commander will complete an assessment of the use of force incident within 72 hours to determine compliance with Agency policy and each will document his findings on the Use of Force Report (SO-044).
- g. The Division Commander will enter the data from the Use of Force Report (SO-044):
  - i. Into the Records Management System (RMS) under the Use of Force tab; and
  - ii. When violations of Agency policy are suspected, the Division Commander will contact the Office of Professional Standards (OPS) and handle in accordance with PER 0201 Complaints Against Deputies.
- h. Distribution of the Use of Force Report (SO-044):
  - i. The Division Commander will forward the original Use of Force Report (SO-044) within seven days to OPS for entry into the Early Intervention Program in accordance with PER 0210 Early Intervention Program; and
  - ii. The Division Commander will forward an electronic copy of the Use of Force Report (SO-044) via email, within seven days, to the Chairperson of the Use of Force Review Committee for review as outlined in OPS 0508 Use of Force Review Committee policy.

#### H. Investigations of Use of Force

- 1. Any supervisor who is notified of a use of force incident, other than a display or the dispatch of an injured animal, must:
  - a. Ensure that emergency medical services have been notified and are responding, if needed;
  - b. Respond and ensure scene security;
  - c. Ensure photographs are taken of the injuries or alleged injury sites of both the deputy and suspect; and
  - d. Review the circumstances and complete the Use of Force Report (SO-044).
- 2. If the force involved the use of a firearm and/or resulted in serious physical injury or death:
  - a. The supervisor must:
    - i. Notify the Division Commander in the area in which the incident occurred;
    - ii. Notify the Criminal Investigations Division (CID) to respond to the scene for investigation; and
    - iii. Notify OPS for an independent administrative investigation.
  - b. CID must respond to the scene to:
    - i. Ensure evidence is identified and secured; and
    - ii. Conduct a thorough investigation.



- c. Direct involvement in a use of force incident by a supervisor will preclude that member from involvement in the administrative process and will require the paperwork to be completed by a supervisor of equal or superior rank.
- d. If a firearm was discharged, the on-scene supervisor will secure the firearm involved for further investigation when the scene is safe to do so.
  - i. A deputy's firearm will not be taken in the presence of the suspect, a witness, or the media.
  - ii. Ensure that the condition of the deputy's firearm is documented to include the number of rounds of ammunition that are in each magazine.
- e. The deputy will be removed from the scene as soon as practical and will not participate in the investigation beyond the required initial reporting requirement.
- f. The deputy will be placed on non-disciplinary administrative leave with pay pending further disposition by the Sheriff.
- g. When a deputy's firearm is discharged, the deputy's supervisor will arrange for the Agency Rangemaster to issue a replacement firearm prior to the deputy going home, if appropriate.

Approved  
  
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