



# GENERAL ORDER OPS-11 USE OF FORCE

EFFECTIVE JANUARY 8, 2021

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This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. USE OF FORCE
- IV. WEAPONS
- V. AFTERCARE
- VI. REPORTING USE OF FORCE
- VII. INVESTIGATION OF USE OF FORCE
- VIII. TRAINING
- IX. CANCELLATION

## I. POLICY

The value of human life is immeasurable in our society. Police officers have been given the responsibility to protect life, using an appropriate level of force if necessary, to fulfill their duty. It is the policy of the Howard County Department of Police (HCPD) that officers must use judgment and restraint in exercising their authority to use force.

This directive is for HCPD use only and does not apply in any criminal or civil proceeding. The HCPD policy should not be construed as a creation of higher legal standards of safety or care in an evidentiary sense with respect to third party claims.

## II. DEFINITIONS<sup>1</sup>

- A. Active Resistance: Any physical movement to oppose physical control. It may include physically bracing, twisting, pulling, or holding onto fixed objects.
- B. Assaultive Behavior (also referred to as “active aggression”): Aggressive physical actions likely to cause injury to another.
- C. Choke Hold: A physical maneuver that restricts an individual's ability to breathe used for the purpose of incapacitation.<sup>2</sup>
- D. De-escalation
  - 1. Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat.
  - 2. As a situation and threats change, officers should reevaluate and respond proportionally. De-escalation may include the use of techniques such as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
- E. Exigent Circumstances: Based on the perspective of the responding officer and considering all information known at the time, circumstances that cause the officer to believe that a particular action is necessary to prevent the imminent risk of physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- F. Imminent: Near at hand, at the point of happening, threatening, such an appearance of threatened and impending injury as would put a person on instant defense.

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<sup>1</sup> CALEA 4.1.2

<sup>2</sup> CALEA 4.1.7

- G. Less-Lethal Philosophy: A concept of planning and applying force that meets operational objectives while presenting a lesser potential for death or serious physical injury than the use of deadly force.
- H. Neck Restriction: Any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation, i.e. Lateral Vascular Neck Restriction (LVNR).<sup>3</sup>
- I. Objective Reasonableness: The HCPD examines all use of force incidents through an objective reasonableness standard, analyzed through the following:
  - 1. Examined through the perspective of a reasonable officer, would an officer with the same or similar training and experience, facing similar circumstances, respond in the same way or use similar judgement.
  - 2. Based on the totality of the facts known to the member at the time the force was applied, without regard to the underlying intent or motivation and without hindsight evaluation, no matter how compelling the evidence is to be found later.
  - 3. Based on the knowledge the member acted properly under established law at the time.
- J. Passive Resistance: Failure to respond to verbal or other direction, but without exhibiting resistant movement.
- K. Physical Force
  - 1. Force utilized, with or without a weapon, to control or restrain another, overcome the resistance of another, or eliminate the threat posed by another.
  - 2. Physical force is divided into two categories:
    - a. Deadly Force: Force that creates a substantial risk of causing death or serious physical injury.
    - b. Less-lethal Force: Force that is not intended to or not reasonably likely to result in death, disfigurement, or serious physical injury.
- L. Police Action: Actions and activities performed by any member while on duty for the HCPD that typically fall under the duties of sworn police officers, including but not limited to traffic enforcement, setting up surveillance equipment, etc.
- M. Serious Physical Injury: Injury that is potentially life threatening or causes permanent physical disfigurement.

### III. USE OF FORCE

- A. There are only four instances when the use of force is justified. These include:<sup>4</sup>
  - 1. To effect an arrest.
  - 2. To prevent an escape.
  - 3. For self protection.
  - 4. To protect others.

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<sup>3</sup> CALEA 4.1.6

<sup>4</sup> CALEA 4.1.1

- B. Reasonableness shall be determined by evaluating each situation and considering the facts and circumstances for that individual case. Those factors may include but are not limited to:
1. All information known to the member prior to his use of force;
  2. The seriousness of the crime or suspected offense;
  3. The level of threat or resistance presented by the subject;
  4. Whether the subject was posing an imminent threat to members or a danger to the community;
  5. The risk or apparent attempt by the subject to escape;
  6. The conduct of the subject being confronted as perceived by the member at the time;
  7. The time available to a member to make a decision;
  8. The level of training and experience of the member;
  9. The subject's proximity to or access to weapons;
  10. Member versus subject factors such as age, size, relative strength, skill level, injury, exhaustion, and the number of members versus subject;
  11. Environmental factors; or
  12. Other exigent circumstances.
- C. Members shall only use the physical force that is objectively reasonable to effect lawful purposes.<sup>5</sup>
- D. De-escalation of situations is an important part of any use of force situation. Members shall attempt to de-escalate situations when it is deemed safe to do so. Members shall constantly re-evaluate a situation to determine if the actions are still objectively reasonable based on any change in circumstances.<sup>6</sup>
- E. A member has the duty to intervene to prevent or stop another member's use of excessive force if he knows or reasonably believes the use of force to be excessive, and to report this action to his supervisor.
1. This duty to intervene applies to officers from other jurisdictions who are taking police action in Howard County, as well as when Howard County officers are taking police action in another jurisdiction.<sup>7</sup>
  2. Any officer who intervenes in another's use of force shall detail this information in a supplemental report. Supervisors shall ensure a copy of the incident report and any supplements are forwarded to the Internal Affairs Division in accordance with General Order ADM-02, Internal Investigations.
- F. Deadly force may only be used in self-defense or in the defense of others when a member is confronted by what he has reason to believe is the imminent threat of death or serious physical injury.<sup>8</sup>

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<sup>5</sup> CALEA 4.1.1

<sup>6</sup> CALEA 4.1.1

<sup>7</sup> CALEA 1.2.10

<sup>8</sup> CALEA 4.1.2

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1. An officer is authorized to use deadly force only to:<sup>9</sup>
    - a. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;
    - b. Prevent a crime where the suspect's actions place persons in imminent jeopardy of death or serious bodily injury; or
    - c. Prevent the escape of a violent fleeing felon in the following circumstance:
      - i. As a last resort, if necessary, to prevent the escape of a suspect whom the officer has probable cause to believe has committed, attempted, or threatened to commit a crime involving the infliction of death or serious physical injury, and if not apprehended the suspect poses an imminent threat of death or serious physical injury to the officer or others; and
      - ii. The member must reasonably believe that all other means of preventing the escape and effecting an arrest are futile and base his decision on whether the suspect poses an imminent threat if not apprehended based on information known to the officer at that time; the nature of the offense committed; and the circumstances surrounding the apprehension and the nature of the resistance of the suspect.
  2. A verbal warning must be given prior to the use of deadly force except in articulable exigent circumstances.
  3. To the extent practicable, members shall avoid using deadly force that might subject innocent bystanders and/or hostages to possible injury or death.
- G. The discharge of firearms at or from motor vehicles is strictly prohibited unless necessary to protect the member's life or the life of another.
- H. The discharge of firearms for use as warning shots is prohibited.<sup>10</sup>
- I. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the member or another person, to destroy an animal for humane reasons.
1. The officer's supervisor shall be notified via radio prior to the firearm discharge, if possible.
  2. Dispatch shall be alerted of the location and reason for the firearm discharge.
- J. Choke holds, neck restraints, and intentional strikes to the throat or groin with the hands, feet, legs, elbows, knees, or any implement are prohibited, absent the need for deadly force.<sup>11</sup>
- K. K-9 deployment in and of itself is not a use of force although when the K-9 is used for crowd control or bites a subject it shall be treated as a use of force.
- L. Members may receive training in various other techniques, e.g. Mandibular Angle Pressure Point, Carotid Restraint, etc. from external sources. Members are prohibited from deploying any technique not authorized by the HCPD absent a situation that may permit the use of deadly force.

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<sup>9</sup> CALEA 4.1.2

<sup>10</sup> CALEA 4.1.3

<sup>11</sup> CALEA 4.1.6 and 4.1.7

- M. Supervisors notified of a use of force incident as detailed in this policy are required to respond to the incident and may not delegate the responsibility to another member. If the member's immediate supervisor is not available, another supervisor of the same rank or higher may respond.

#### IV. **WEAPONS**

##### A. Primary and Secondary handgun

1. The carrying, deployment, and/or discharge of the primary and secondary handgun, as defined in General Order ADM-56, Authorized Weapons and Qualifications, shall be consistent with the training provided by E&T.
2. Officers shall take into consideration the following factors when deciding to deploy the handgun:
  - a. Possibility of the handgun inciting or aggravating a situation as opposed to being a protective measure;
  - b. Reduced use of hands when using a handgun; and
  - c. Potential background targets and the likelihood that rounds may pass through walls, etc.
3. Secondary handguns are authorized for use only in those critical situations when the primary handgun has been taken, lost, emptied, or disabled, or when deadly force applies. Approval, inspections, qualifications, and training with the secondary handgun shall be done in accordance with General Order ADM-56, Authorized Weapons, Qualifications, and Inspections.

##### B. Shotguns and Rifles

1. Officers shall use a shotgun or rifle only in extraordinary circumstances, such as tactical or high-risk arrest situations, when it is anticipated that officers may confront an armed suspect(s).
2. The decision to deploy a shotgun or rifle shall be in conformance with training and based upon the resources available to the officer at the time, the risks created using the shotgun or rifle, and the danger posed by the suspect.

##### C. Conducted Electrical Weapon (CEW)<sup>12</sup>

1. Electrical charges may be released from the CEW in two (2) ways:
  - a. Probe Mode: Firing two (2) probes up to twenty-five (25) feet from a disposable cartridge that are connected to the CEW by insulated wires and release electrical discharge pulses into the body.
  - b. Drive Stun Mode: When the CEW is applied directly to the body consistent with training as a pain compliance technique.

Note: The probe mode should be used as the primary option. The drive stun mode should be used as a secondary option.

2. Deployment of the CEW

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<sup>12</sup> CALEA 4.1.4  
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- a. The CEW will only be assigned to and used by sworn officers who have been trained and are currently certified in its use.
- b. The use of the CEW shall be consistent with the latest training provided by E&T.
- c. An officer shall immediately notify Communications after he has discharged his CEW.
- d. Officers may use a CEW when confronted with assaultive behavior. Officers should give a warning to the suspect before the CEW is discharged, when practical.
- e. If there is a reasonable and articulable expectation that it will be unsafe to achieve contact range and attempts to control the suspect using other tactics would be unsafe, inappropriate, or ineffective, the officer may discharge the CEW.
- f. An officer may use a CEW only if the subject is exhibiting assaultive behavior or the circumstances support a reasonable belief that the subject poses a risk of immediate danger to the officer or others that could be mitigated by use of the CEW. An officer may not use the CEW in either drive stun or probe mode on a subject who is merely actively resisting arrest or failing to obey a lawful order.
- g. Fleeing shall not be the sole justification for the deployment of a CEW. An officer may discharge a CEW upon a fleeing subject only if:
  - i. Subject is fleeing from a crime in which they caused or threatened injuries or serious bodily harm; or
  - ii. Allowing the subject to flee would likely result in them causing injuries or serious bodily harm to another.
- h. Officers shall announce "Taser" to other officers before the CEW is discharged, if possible. This will let the officers involved know that the CEW is being discharged so it is not mistaken by sight or sound as a firearm discharge.
- i. The CEW shall only be used to accomplish the legitimate objective of bringing the subject under control.
  - i. When discharging the CEW, only the minimal number of cycles of energy should be administered to accomplish control.
  - ii. Officers should be aware that the subject may not be able to respond to commands while an electrical charge is being released from the CEW.
  - iii. The suspect should be secured as soon as practical to minimize the number of electrical charges.
  - iv. The CEW shall never be used in a punitive manner.
- j. No more than one CEW may actively deliver electrical charges against a suspect at one time.
- k. The officer will not intentionally target the suspect's groin, neck, face, hands, feet, or anywhere on the head with the CEW as this could result in serious injury. Officers should also refrain from targeting the suspect's upper chest area.

- I. Certain individuals may be more susceptible to injury, such as children, the elderly, or individuals who are pregnant or have an apparent medical condition. CEWs shall not be used against these individuals except in exigent circumstances.
  
- m. The use of the drive stun mode is discouraged and is the lesser preferred method unless a probe deployment is not possible or the CEW has already been discharged and the immediate application of the drive stun, consistent with training, will bring a subject safely under control.
  - i. Multiple drive stuns are discouraged.
  - ii. Drive stun is primarily used as a pain compliance tool due to the lack of probe spread.
  - iii. It does not inhibit the central nervous system of the subject and is less effective when compared to conventional probe mode discharge.
  - iv. Drive stun mode is subject to the same guidelines and restrictions as a probe mode CEW discharge.
  
- n. Following the delivery of an electrical charge, officers should use a restraint technique that does not impair respiration.
  
- o. The CEW should not be used in the following situations, absent exigent circumstances:
  - i. On a handcuffed suspect, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
  - ii. Against a suspect in physical control of a moving vehicle.
  - iii. In an environment where an officer knows that flammable or explosive materials are present, i.e. meth lab where spilled gasoline or another flammable liquid vapor is present.
  - iv. In an environment where the suspect's fall could reasonably result in death or serious injury, i.e. on an elevated structure, at the top of a staircase, around water, etc.

3. Supervisor Responsibilities

- a. Whenever a CEW is discharged, the officer is required to notify a supervisor who must respond to the incident and ensure that all aspects of the CEW protocol are undertaken in a manner consistent with policy.
  
- b. When a CEW has been discharged operationally, the supervisor shall ensure that the CEW cartridge, wire leads, darts, and the anti-felon identification (AFID) tags are placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.
  
- c. Whenever a death or extended medical complication follows the discharge of a CEW, the supervisor will ensure that the discharged CEW is placed into evidence and a new CEW may be issued to the officer.

D. ASP F-21 Baton<sup>13</sup>

1. The ASP F-21 baton shall only be used after demonstrating proficiency with it and in accordance with the training provided.
2. Striking the subject's head, sternum, groin, back, and neck areas shall be avoided. Intentionally striking such areas is only authorized if the member is justified in using deadly force.
3. Whenever the use of an ASP results in serious bodily harm or death, the responding supervisor shall place the ASP into evidence and provide the member with a new ASP. At no time shall the member's ASP be taken in the presence of the suspect, a witness, or the media.

E. Riot Baton<sup>14</sup>

1. The use of the riot baton is restricted to large crowd control situations and civil disobedience gatherings.
  - a. The riot baton shall only be utilized at the direction of a supervisor, generally the Incident Commander.
  - b. The Incident Commander shall document the deployment and the reason for the deployment in an Incident Report.
2. Whenever the use of a riot baton results in serious bodily harm or death, the responding supervisor shall place the baton into evidence and provide the member with a new baton. At no time shall the member's riot baton be taken in the presence of the suspect, a witness, or the media.

F. Tear Gas<sup>15</sup>

1. Only members certified in the use and deployment of tear gas are authorized to dispense tear gas for crowd control purposes or in situations where other options are not desirable.
2. During prolonged emergency operations, the Deputy Chief for Operations or Incident Commander may designate additional members to deploy tear gas.

G. Oleoresin Capsicum (OC) Chemical Agent<sup>16</sup>

1. OC is an inflammatory agent that shall only be used by authorized members after demonstrating proficiency and in accordance with the training provided by E&T. The use of OC spray shall be reviewed annually.
2. Uniformed civilians shall only use OC spray in self-defense.
3. OC shall not be used during civil disobedience situations against subjects engaged in passive resistance.
4. OC spray shall not be used against a suspect in physical control of a moving vehicle unless exigent circumstances exist.
5. After each deployment:

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<sup>13</sup> CALEA 4.1.4

<sup>14</sup> CALEA 4.1.4

<sup>15</sup> CALEA 4.1.4

<sup>16</sup> CALEA 4.1.4

- a. The OC canister shall be placed into evidence prior to the end of the shift so it may later be analyzed, if necessary, to verify that its contents were in conformance with the manufacturer's specifications. The Property and Evidence Section shall maintain custody of the canister for a minimum of eighteen (18) months.
- b. The Watch Commander shall be responsible for issuing replacement OC canisters when the Quartermaster Section is closed. The Quartermaster shall be responsible for issuing a supply of replacement OC canisters to the Watch Commanders.
- c. Any member or uniformed civilian utilizing the OC Chemical Agent shall adhere to the decontamination procedures as dictated by E&T.

H. Less-lethal Shotguns<sup>17</sup>

1. Less-lethal shotguns are authorized for use in assaultive behavior situations or when there is an imminent threat to an officer or others, consistent with training.
2. When a less-lethal shotgun has been discharged operationally, the supervisor shall ensure that the deployed projectiles are placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.
3. Whenever a death or extended medical complication follows the discharge of a less-lethal shotgun, the supervisor will ensure that the discharged less-lethal shotgun is placed into evidence and a new one may be issued to the officer.

I. OC Pepperball Launcher<sup>18</sup>

1. The deployment and/or discharge of the Pepperball Launcher shall be consistent with the training provided by E&T.
2. During deployment of the launcher, the operator shall have another officer provide lethal cover.
3. The operator of the Pepperball Launcher shall loudly give the verbal warning "Pepperball" before firing to allow other officers to break contact with the intended target. This warning is mandatory regardless of whether or not other officers are observed in the vicinity.
4. Although the Pepperball launcher is classified as a less-lethal weapon, the potential exists for Pepperball rounds to inflict injury when they strike the face, eyes, neck, spine, and groin. Officers deploying the Pepperball launcher shall avoid intentionally striking those areas.

J. 37mm Multi-Launcher<sup>19</sup>

1. Only qualified members of the Tactical Section and Emergency Services Unit (ESU) shall be authorized to carry and deploy the 37mm Multi-Launcher.
  - a. Individual launchers shall be loaded with either less-lethal projectiles or chemical weapons. At no time will a launcher be loaded with a mixed load of both.

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<sup>17</sup> CALEA 4.1.4

<sup>18</sup> CALEA 4.1.4

<sup>19</sup> CALEA 4.1.4

- b. When ESU is deployed, the Emergency Response Division (ERD) Commander or his designee will determine if chemical agents or less-lethal projectiles are appropriate for the situation.
  2. Members will deploy the launchers consistent with training standards established by the Tactical Section in conjunction with Education and Training.
  3. During deployment of the launcher, the operator shall have another officer provide lethal cover.
  4. The launchers may be deployed during tactical operations or unusual circumstances.
    - a. The launcher may be utilized by ESU for civil unrest, crowd control, or other situations deemed necessary by the ERD Commander.
    - b. Tactical operations may include but are not limited to barricaded subjects and high-risk apprehensions.
    - c. Less-lethal projectiles are authorized for use in assaultive behavior situations and/or when the subject poses an imminent threat to an officer, themselves, or others if the subject is not apprehended. During tactical operations, this threat will be assessed based on the totality of the circumstances and information known at the time during any given incident, operation, or event.
    - d. Chemical agents are deployed to disperse people from an area, location, or space. The use should be based on the circumstances of any given incident, operation, or event. The use of chemical agents must be authorized by the Incident Commander, the ERD Commander, or his designee.
  5. Although the 37mm multi-launcher is classified as a less lethal weapon, the potential does exist for serious injury or death. In an effort to minimize this risk, officers should avoid intentionally impacting the head, neck, spine, or groin.
  6. When a 37mm multi-launcher has been used to discharge impact projectiles operationally and the projectiles strike a subject, the supervisor shall ensure that the deployed projectiles that can be retrieved are placed into the Property/Evidence Section as evidence prior to the end of the shift. The Property/Evidence Section shall maintain custody for a minimum of thirty-nine (39) months.

## **V. AFTERCARE**

- A. All persons upon whom any law enforcement action or force has been used will be evaluated and treated by competent medical personnel.<sup>20</sup>
  1. In any situation where a person is injured or states he is injured as a result of a member's use of force, aid shall be rendered as soon as practical and Communications shall be notified to dispatch emergency medical services. An uninvolved officer should be the one to render aid, if possible.
  2. If CEW probes remain embedded in an individual after deployment in the probe mode, he shall be transported to a medical facility for probe removal and medical assessment. If the probes do not remain imbedded in the subject, he may sign a waiver declining transportation to a medical facility.
  3. Any request by a subject for transport to a hospital for medical evaluation or treatment will be honored.

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<sup>20</sup> CALEA 4.1.5

- B. Any person upon whom force has been used will be kept under observation by a member for a period of two (2) hours following the use of force unless the subject is not criminally charged or subject to Emergency Petition procedures, in which case the member shall ensure that appropriate advice regarding medical treatment and observation is provided to the subject prior to releasing him and document this in a written report.
- C. Should the subject be criminally charged, the arresting/transporting HCPD officer shall provide information regarding any known medical conditions of the arrestee upon who force has been used to the Central Booking Facility on HCPD Form 1251 Alert Form.
- D. A supervisor shall respond and attempt to take a statement from the person and ensure photographs are taken to document any injuries or lack thereof when force is used.
  - 1. Care should be taken to photograph any area struck by a weapon or, in the case of chemical agents, any areas that may be especially sensitive to the agent, i.e. the eyes, nose, etc.
  - 2. A photograph should be taken of the subject's face for identification purposes.
- E. It is understood that during the response to a riotous situation or when a subject evades custody, all persons struck by batons, Pepperball rounds, OC spray, or tear gas may not be identified, and members may not be able to comply with the aftercare requirements of this General Order.

**VI. REPORTING USE OF FORCE<sup>21</sup>**

- A. Except as otherwise provided in this General Order, a member who uses force shall complete an Incident Report and a Use of Force Report prior to the end of shift if:<sup>22</sup>
  - 1. The member has used a weapon;<sup>23</sup>
  - 2. The member has pointed a handgun, rifle, or shotgun at a person;
  - 3. The member is involved in a physical altercation with a suspect and uses any force above that needed for compliant handcuffing; or <sup>24</sup>
  - 5. Another person is injured or claims to be injured by the officer's use of force.<sup>25</sup>
- B. All officers present when or who are witness to another officer using force are required to complete a supplement to the incident report describing what they observed and their part, if any, in the incident. A copy of all supplements shall be forwarded to the supervisor of the primary involved officer, and all endorsements shall come from his chain of command.
- C. When any member is involved in a use of force, the member's immediate supervisor shall ensure that copies of the Incident Report, all endorsements, and all relevant documents are forwarded through the chain of command.<sup>26</sup>
  - 1. The review process for minor Use of Force incidents may stop at the Bureau or District Commander level as long as the incident did not involve:<sup>27</sup>
    - a. Non-compliance with policy;
    - b. Discharge of a firearm or less-lethal impact weapon;

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<sup>21</sup> CALEA 82.2.1b

<sup>22</sup> CALEA 4.2.1

<sup>23</sup> CALEA 4.2.1 a & c

<sup>24</sup> CALEA 4.2.1d

<sup>25</sup> CALEA 4.2.1b

<sup>26</sup> CALEA 4.2.2

<sup>27</sup> CALEA 4.2.2

- c. Significant injuries to any party;
    - d. The use of the ASP or CEW; or
    - e. The Internal Affairs Commander's assessment that a higher review is warranted.
  - 2. For all reporting requirements, members of the Office of the Chief of Police shall report to the Deputy Chief for Administration.
- D. Officers involved in an incident involving death or serious physical injury due to a use of force shall complete an Incident Report prior to the end of the shift in accordance with Maryland law, unless the officer is disabled and unable to complete the report.<sup>28</sup>
  - 1. All officers required to complete a report under this section shall be requested to provide a brief overview of the incident to the first uninvolved supervisor who arrives on the scene.
    - a. The officer(s) shall provide information necessary for the safety of officers and/or the public, the nature of any possible crime(s) committed, descriptions and locations of possible outstanding suspects, and information related to any injured persons.
    - b. This supervisor will be responsible for completing an initial report documenting the overview as given by the involved officer(s) prior to the end of shift.
  - 2. The Watch or Bureau Commander shall ensure that a detailed report is completed by the supervisor who conducted the initial on-scene interview(s) prior to the end of shift.
    - a. Any witness officers or other officers who responded to the scene but were not actively involved in the use of force being investigated are required to complete supplemental reports by the end of shift describing their actions and observations.
    - b. All reports should be approved by the same Watch or Bureau Commander working during the incident whenever possible.
- E. Any time force is used or an officer discharges a firearm other than during a controlled training exercise or for the destruction of an animal for humane reasons, the officer's immediate supervisor shall ensure that a copy of the Use of Force Report, if required, Incident Report, and Supplemental Report with supervisory endorsements are forwarded through channels to the respective Deputy Chief of Police within twenty-four (24) hours following end of shift.<sup>29</sup>
- F. When a firearm is discharged, an Incident Report shall be submitted, with supervisory review, up to the District/Bureau level.<sup>30</sup> A simple notation on the report form will satisfy review and endorsement requirements. Officers and supervisors shall ensure the appropriate box is checked at the bottom of the report so that it may be forwarded.
- G. Less-Lethal Impact Weapons
  - 1. Whenever a member points or discharges a less-lethal impact weapon at another person, the member must submit a detailed Incident Report and a Use of Force Form.<sup>31</sup>

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<sup>28</sup> CALEA 4.2.1b

<sup>29</sup> CALEA 4.2.1a

<sup>30</sup> CALEA 4.2.1a

<sup>31</sup> CALEA 4.2.1c

2. The member's supervisor shall provide an endorsement and ensure that copies are forwarded to the respective Deputy Chief of Police as well as to E&T through the chain of command.
- H. OC Spray: The Incident Report and Use of Force form shall include all required information and:
1. What decontamination procedures were provided to the subject;
  2. Information on any third party who was affected by the spray; and
  3. That the canister was placed into evidence.
- I. CEW Reporting
1. Display: The visible presence of a CEW, including holding it at "low ready," shall be considered a display and no report is needed.
  2. Deployment: Pointing a CEW at a subject shall be considered a CEW deployment. Officers deploying a CEW must complete both an Incident Report detailing the actions of the officer and the suspect and a Use of Force Form.<sup>32</sup>
  3. Discharge: The delivery of an electrical energy charge via probes or drive stun shall be considered a CEW discharge. Officers discharging a CEW must complete both an Incident Report detailing the actions of the officer and the suspect, and a Use of Force Form.<sup>33</sup>
  4. CEW data will be downloaded after each discharge by the appropriate Watch Commander prior to re-issuance and included in the Use of Force Report. Officers should review the downloaded data with the Watch Commander prior to completing all required written reports.
- J. All completed Incident Reports and Use of Force Forms shall be forwarded to IAD for review.<sup>34</sup>
1. Database entry is not necessary when an officer discharges a firearm to destroy an animal.
  2. Copies will be forwarded to E&T for review.
  3. All Use of Force Forms will be made available to the Office of Risk Management and the Office of Law.
- K. IAD will complete an annual analysis of all documented use of force incidents. This analysis should identify:<sup>35</sup>
1. The date and time of incidents;<sup>36</sup>
  2. The types of encounters resulting in use of force;<sup>37</sup>
  3. Trends or patterns relating to race, age, and gender of subjects involved;<sup>38</sup>
  4. Trends or patterns resulting in injury to any person, including HCPD members;<sup>39</sup> and

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<sup>32</sup> CALEA 4.2.1c

<sup>33</sup> CALEA 4.2.1c

<sup>34</sup> CALEA 82.2.1b

<sup>35</sup> CALEA 4.2.4

<sup>36</sup> CALEA 4.2.4a

<sup>37</sup> CALEA 4.2.4b

<sup>38</sup> CALEA 4.2.4c

<sup>39</sup> CALEA 4.2.4d

5. The impact of these findings on policies, practices, equipment and training.<sup>40</sup>
- L. The Education and Training Division shall complete an annual report reviewing all assaults on sworn HCPD members to determine trends or patterns and make recommendations to enhance officer safety, revise policy, or address training issues. The report shall be forwarded to the Chief of Police, through the chain of command, for endorsement.<sup>41</sup>

**VII. INVESTIGATION OF USE OF FORCE**

- A. Use of force investigations shall be conducted as dictated throughout this policy.
  1. If a use of force resulting in death or serious bodily injury occurs in another jurisdiction, HCPD will defer to that jurisdiction for any criminal investigation that may result.
  2. Officers shall complete all required HCPD forms and reports as detailed in this General Order regardless of the level of force used.
- B. The first arriving officer who is not involved in the incident shall be responsible for the following, if appropriate:
  1. Render first aid to any injured officer or others after triage examination.<sup>42</sup>
  2. Alert Communications to the situation and request medical assistance and additional personnel as deemed necessary.
  3. Secure any suspects, injured or otherwise, per established procedures.
  4. Protect and secure the scene from any contamination of evidence.
  5. Identify and/or detain witnesses present.
  6. Ensure the area supervisor has been notified.
- C. The first area supervisor arriving on the scene shall be responsible for the direction of subordinate personnel.
  1. The supervisor responding to a use of force incident shall ensure, if appropriate:
    - a. That after care has been initiated and EMS summoned, as appropriate;
    - b. That suspects and the scene have been secured;
    - c. That witness statements and photographs have been secured; and
    - d. That the involved weapon has been secured for placement into property and evidence.
  2. If a Commissioned Officer arrives on scene, he can act as a senior advisor to the incident, consistent with Incident Command System.
- D. The Communications Division shall be directed to preserve and turn over to the assigned IAD or CID investigator(s) all involved/related electronic recordings of telephone and radio transmissions at least thirty (30) minutes prior to the incident and until the clearance of all investigators from the scene.

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<sup>40</sup> CALEA 4.2.4e

<sup>41</sup> CALEA 4.2.5

<sup>42</sup> CALEA 4.1.5

- E. When a member's action or use of force results in serious injury or death, the Watch Commander shall immediately respond to the scene and shall:
1. Direct at least one officer to remain with the body or the injured person. In cases where a suspect is taken to a hospital, the assigned officer shall remain with the suspect, securing any physical evidence until relieved by a CID investigator.
  2. Direct at least one officer to secure the scene.
  3. Direct at least one officer, preferably a Supervisor, to remain with the involved officer to assure his personal safety and well-being. The Supervisor shall remain with the involved officer until relieved by CIB. The involved officer shall not be questioned unnecessarily.
  4. The involved officer shall not be left unescorted until all evidentiary items have been collected.
  5. If the involved officer must report to a police facility to meet with CIB, the crime lab, etc., he shall be driven to the police facility by a supervisor. The involved officer's vehicle shall remain at the scene until released by CIB.
  6. If the involved officer was injured and taken to an emergency facility, an officer or supervisor shall be sent to the emergency facility to act as a liaison between medical and HCPD personnel.
  7. Secure the involved officer's weapon(s) and, in the case of firearms, all ammunition carried in the incident.
    - a. Firearms are to be left loaded with the magazine positions undisturbed.
    - b. If appropriate, the Watch Commander shall ensure that the involved officer's weapon is replaced as soon as practical.
  8. At no time shall the officer's weapon be taken in the presence of the suspect, a witness, or the media.
  9. Ensure that all personnel at the scene submit a detailed supplemental report on their actions and observations prior to the end of their shift.
  10. In the event an officer shoots or critically injures another person, the Watch Commander shall ensure the following notifications are made:
    - a. The area Patrol Supervisor;
    - b. The Criminal Investigations Bureau Commander;
    - c. The Internal Affairs Division Commander;
    - d. The Bureau, District, or Division Commander for the officer involved;
    - e. The Public Information Officer;
    - f. The respective Deputy Chief of Police; and
    - g. The Chief of Police.

- F. When a member's actions or use of force results in death or serious physical injury, he shall be placed into an administrative assignment pending an HCPD evaluation and review of the incident and the member's ability to resume his normal assignment, independent of the internal investigation.<sup>43</sup>
1. The Chief of Police may recommend to the Chief Administrative Officer that the officer be placed on official leave for the remainder of the shift in which the incident occurred and remain on official leave until the Chief of Police or his designee authorizes a status change.
  2. The Commander of the involved officer shall:
    - a. Make a recommendation to place the officer on official leave or in an administrative assignment on the officer's following workday if the officer seriously injures or kills another person.
    - b. If the involved officer's Commander is unavailable the next highest ranking Commissioned Officer shall handle this responsibility.
  3. In all incidents where a member's actions result in serious injury or death, the member involved may return to duty after the following have been completed:
    - a. Psychological assessment.
    - b. If applicable, a firearm familiarization session with the officer's new weapon, under the direction of the firearms training officer.
    - c. Review of the investigative information by the Chief of Police.
    - d. Authorization by the Chief of Police.
- G. The Criminal Investigation Bureau shall conduct an immediate investigation at the scene whenever an officer discharges his weapon at or seriously injures or kills another person.<sup>44</sup>
1. The involved officer shall be advised of his Miranda rights prior to any interrogation conducted by CIB.
  2. The investigation shall be conducted in the same manner as any other crime.
- H. The IAD Commander or his designee shall:<sup>45</sup>
1. Respond to the scene whenever an officer discharges his weapon and seriously injures or kills another person;
  2. Review the completed CID investigation whether or not criminal charges are placed against the involved officer; and
  3. Initiate a separate administrative investigation.
  4. Make the proper notification to the Governor's Office of Crime Control and Prevention.

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<sup>43</sup> CALEA 4.2.3

<sup>44</sup> CALEA 11.3.4a

<sup>45</sup> CALEA 11.3.4b

- I. The criminal investigation shall be sent to the Chief of Police and the State's Attorney for review. After the State's Attorney has made a determination on justification or additional action, IAD shall conduct a review of the investigation.<sup>46</sup>
- J. Except as directed by the Chief of Police, no member shall converse with the media about any part of an investigation of any use of force incident.<sup>47</sup>
- K. The Human Resources Bureau Commander shall serve as the point of contact for involved officers following a shooting or critical injury incident, and shall:
  - 1. Ensure that follow-up medical support is provided to the involved officer.
  - 2. Ensure every officer who critically injures or kills a person in the line of duty shall meet with a psychologist or psychiatrist selected by the HCPD at the officer's earliest convenience. This interview is designed to assist the officer in dealing with the incident, and at the same time provide the HCPD with necessary information for appropriate assignments.
- L. The Critical Incident Stress Management (CISM) team may be contacted per the guidelines in General order ADM-24, Critical Incident Stress Management Team.

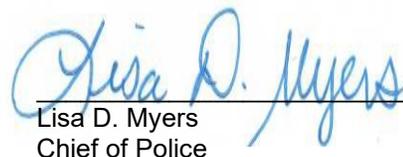
**VIII. TRAINING**

- A. At least annually, all members authorized to carry any weapon are required to receive in-service training on the department's use of force policy and the operational and administrative expectations of the member and Department when there is a use of force.<sup>48</sup>
- B. Members shall, at least annually, demonstrate proficiency with all approved lethal weapons, less-lethal, and conducted electrical weapons that the member is authorized to use.<sup>49</sup>

**IX. CANCELLATION**

This General Order cancels and replaces General Order OPS-11, Use of Force, dated March 3, 2020.

Authority:

  
Lisa D. Myers  
Chief of Police

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<sup>46</sup> CALEA 11.3.4c

<sup>47</sup> CALEA 11.3.4d

<sup>48</sup> CALEA 11.3.4f, 4.1.2 and 4.3.3

<sup>49</sup> CALEA 4.3.3