

40.0 Use of Force

A. Policy: The Sheriff's Office shall establish policy governing the use of force, escalation of the use of force, reporting use of force incidents, use of firearms and departmentally issued/sanctioned weapons and necessary training.

B. Definitions

1. **Use of Force:** the amount of physical effort required by Law Enforcement to compel compliance by, or control of, an unwilling subject or to defend oneself or others against an attack.
2. **Less Lethal Force:** is an amount of force that is unlikely to cause serious bodily injury, harm or death to another person. Also referred to as non-lethal force.
3. **Deadly Force:** is an amount of force that is likely to cause serious bodily injury, harm or death to another person. Also referred to as lethal force.
4. **Serious Bodily Harm:** relative to use of force, is that bodily harm or injury that creates a high probability of death, serious, permanent disfigurement, or permanent or protracted loss or impairment of any bodily member or organ.
5. **De-Escalation:** The use of a behavior management technique that helps the deputy's control over an individual's emotions and behavior and results in a reduction of a present or potential level of danger that in turn reduces the level of imminent danger of serious physical harm to the deputy or others.
6. **Verbal Commands:** this refers to a deputy verbal orders towards an individual to comply with a lawful command.
7. **Passive Resistance:** Where a subject is not actively resisting or being physically or verbally aggressive; however, the individual is not complying with the legal orders of the deputy.
8. **Active Resistance:** Where a subject is displaying physically evasive movements, or verbal communications or other behaviors intended to defeat the deputy's attempt to arrest or gain control. Physically evasive movements, verbal communications or other behaviors may include, but are not limited to: physically bracing, twisting, pulling,

holding onto objects, fighting words or assuming a stance reasonably perceived by a deputy to be posturing or fleeing.

9. **Active Aggression:** A threat or overt act, hostile, or attacking movement by a subject, coupled with the present ability and opportunity to carry out the threat or assault and where a reasonable deputy would believe the threat or assault may cause injury to the deputy or other individuals. This aggression may include, but is not limited to: punching, kicking, biting or pushing.
10. **Jeopardy:** The physical or verbal act by an individual which is reasonably perceived by a deputy to indicate intent and a present ability and opportunity to place the deputy or a third party at risk of injury, peril or danger.
11. **Imminent Jeopardy:** The physical or verbal act by an individual which is reasonably perceived by a deputy to indicate intent and a present ability and opportunity to inflict an impending serious bodily harm on the deputy or third party. Imminent jeopardy may be present even if a subject is not at that instant pointing a weapon at the law enforcement deputy but is carrying a weapon and poses an articulable imminent threat.
12. **Approved Weapon:** a device or instrument which a deputy has received permission from the agency to carry and use in the discharge of that deputy's duties, and for which the deputy has obtained training in the technical, mechanical and physical aspects of the device, and developed a knowledge and understanding of the law, rules and regulations regarding the use of such weapons.
13. **Weapons of Opportunity:** If the deputy or a third person is in jeopardy or imminent jeopardy, any weapon of opportunity can be used to prevent injury and preserve that life (ink pen, broom handle, flashlight). These weapons of opportunity should not be used in place of existing tools (OC, baton, Taser, etc.) if tactically practical, but as last resort to preserve life and prevent injury.
14. **Conducted Energy Weapon (CEW):** Generally, refers to any hand-held weapon that produces and discharge electrical energy that is designed to temporarily capture and/or control individuals, and/or apply pain in order to gain compliance, or to overcome resistance.
15. **Emergency Medical Professional:** An emergency medical professional is defined as a person certified, at a minimum, as an EMT through the Maryland Institute of Emergency Medical Services.

16. **Less Lethal Impact Munitions (LLIM):** Less lethal Impact Munitions are intermediate weapons that are intended for pain compliance or to incapacitate a subject. These munitions are deployed from a distance by a launcher specific to their deployment. They are intended to be used during incidents that do not meet the criteria of lethal force. They may, however, be targeted for lethal force if deadly force resistance is presented.
17. **Excited Delirium:** State of extreme mental and physiological excitement, characterized by behaviors and symptoms such as extreme agitation, elevated body temperature (hyperthermia), watering eyes, hostility, exceptional strength, and endurance without fatigue. The subject should be seen by emergency medical professionals as soon as tactically possible.
18. **Intermediate Weapons:** Intermediate Weapons for purposes of this policy, may be defined as those issued or approved weapons that are generally considered, when used in accordance with departmental policy and training, to be non-deadly.
19. **Escape:** A person who has been lawfully arrested and has knowingly departed from custody without the authorization of a law enforcement or judicial officer.
20. **Fresh Pursuit:** Fresh pursuit is pursuit by a law enforcement officer (with or without a warrant) for the purpose of preventing the escape or effecting the arrest of any person who is suspected of committing or having committed, a misdemeanor or felony. Fresh pursuit implies pursuit without unreasonable delay but need not be immediate pursuit. It can also refer to chasing a suspect or escaped felon into a neighboring jurisdiction in an emergency, without time to alert law enforcement people in that area.
21. **Oleoresin Capsicum (OC):** An inexpensive, low level, less lethal force option that is derived from the pepper plant. It is classified as an inflammatory and can be deployed by spraying, launching and in grenade form.
22. **Orthochlorobenzalmalononitrile (CS):** A less lethal force option that is classified as an irritant and can be deployed by spraying, launching and in grenade form. Usually used by Civil Disturbance Teams (CDT) and Special Response Teams (SRT) as a tactical measure.
23. **Duty to Intervene:** Agency members will act within the scope of their authority to intervene to prevent or terminate the use of force by another law enforcement officer beyond what is authorized by law.

40.1 Use of Force Policy Statement

- A. It is the policy of the Washington County Sheriff's Office to accomplish its mission as efficiently as possible, with the highest regard for human life and dignity. The use of any type of force will be restricted to that force which is objectively reasonable in the situation to accomplish lawful goals, objectives and to restore order and control. The Washington County Sheriff's Office's mission will be accomplished with minimal reliance upon the use of force.
- B. Sworn Law enforcement from this agency may not use force against a person unless, under the totality of the circumstances, the force is necessary and proportional to:
 - 1. Prevent an imminent threat of physical injury to a person; or
 - 2. Effectuate a legitimate law enforcement objective.
- C. This order establishes departmental policy for the appropriate use of force. Deputies will use only that force, which is objectively reasonable in the light of the facts and circumstances confronting the deputy at the scene. The reasonableness of a particular use of force must be judged from the perspective of a reasonable deputy on the scene, and its calculus must embody an allowance for the fact that law enforcement deputies are often forced to make split-second decisions about the amount of force necessary in a particular situation.
- D. Good judgment and circumstances of each situation will dictate the necessary force to be used. Deputies using any type of force will be held accountable for its use. A deputy may repel force with the appropriate level of force. A prudent deputy, in making an arrest, will consider the severity of the crime in question, the character of resistance faced, and use the reasonably necessary force to overcome the resistance and make the arrest.
- E. Sworn Law Enforcement from this agency shall cease the use of force as soon as :
 - 1. The Person on whom the force is used is under the agency member's control.
 - 2. The person no longer poses an imminent threat of physical injury or death to the police officer or to another person.
 - 3. The agency member determines that force will no longer accomplish a legitimate law enforcement objective.
- F. Deputies will not wear, carry, use, or otherwise possess, while on or off duty, any item which is in violation of any Federal, State, or local law. Deputies will not wear, carry, use, or otherwise possess, while on duty, any item that could be construed as a defensive/offensive weapon that is not issued by the

Sheriff's Office. The only exception is a multipurpose tool or knife, in any configuration, which may be carried by law enforcement personnel.

If a Patrol or Judicial Deputy chooses to carry a knife, it will not be used as an offensive/defensive weapon except in situations where deadly force is authorized by law and only when all other reasonable means have been exhausted, ineffective or not available.

- G. Deputies shall wear, carry, and use authorized and issued weapons in accordance with agency approved training and policy.
- H. Force will not be used maliciously to cause harm or as a form of punishment.

40.1.1 Use of Force Training

- A. Agency personnel will receive initial and annual in-service training approved by the Sheriff's Office for the Maryland Use of Force statute and the incorporation into this order. The initial training will occur prior to the sworn law enforcement member being able to carry a departmentally issued weapon and placed into active-duty status. This and all General Orders are available in both digital and hard copy form. The training will include, but not limited to the following concepts and best practices:
 - 1. Review and acknowledgment of understanding of the Maryland Use of Force Statute § 3-524.
 - 2. Drawing a firearm or pointing a firearm at a person.
 - 3. Judgement decision making during scenario-based training, De-escalation tactics and techniques, and reasonable alternatives intended to decrease physical injury.
 - 4. Recognizing signs that an individual may be experiencing a mental health crisis.
- B. The training will incorporate communication skills, crisis intervention techniques and tactical repositioning.
- C. Instructor assessment tools to document compliance with the Maryland Use of Force statute and this agency's Use of Force General Order will include facilitated classroom discussion, knowledge-based testing, and scenario-based observations.

40.2 Types of Force

A. Less-Lethal Force

Deputies of this department may use less-lethal force in the performance of their lawful duties in the following circumstances:

1. To protect oneself from injury.
2. To protect another person from injury.
3. To prevent the commission of a crime.
4. To prevent another person from injuring himself.
5. To effect a lawful arrest or detention.
6. To prevent escapes.
7. To prevent property damage or loss.
8. When enforcing Detention Center rules and regulations where infractions compromise safety, security and order.

B. Deadly Force

Deputies of this department may use deadly force in the performance of their lawful duties in the following circumstances:

1. When the deputy has an objectively reasonable belief such action is immediately necessary to protect the deputy or another person from imminent danger of death or serious bodily harm.
2. A deputy may use deadly force to prevent the escape of a fleeing suspect (Tennessee v Garner):
 - a. Whom the deputy has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; and who will pose an imminent danger of death or serious bodily harm should the escape succeed; and
 - b. When the benefits of deadly force outweigh the risk to innocent persons: and
 - c. If tactically practical, a deputy should identify himself/herself and state his/her intention to shoot before using a firearm.

3. Restrictions on the Use of Deadly Force

- a. A deputy is under no obligation to retreat or desist when resistance is encountered or threatened. However, a deputy shall not resort to the use of deadly force if the deputy reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the purpose at no increased risk to the deputy or another person.
- b. A deputy shall not use deadly force to subdue persons whose actions are only destructive to property.
- c. Deadly force shall not be used against persons whose conduct is injurious only to themselves.
- d. Deputies shall not discharge a firearm from a moving vehicle or at the driver or occupant of a moving vehicle unless the deputy has an objective reasonable belief:
 - 1. There exists an imminent danger of death or serious bodily harm to the deputy or another person; and
 - 2. No other reasonable means are available at that time to avert or eliminate the danger.
 - 3. A law enforcement deputy shall not fire a weapon solely to disable moving vehicles without the existence of imminent jeopardy.

4. Firearms use is prohibited:

- a. As a warning shot.
- b. As a level of force when a life threatening/serious injury situation does not exist and to do so would constitute a misuse of force.
- c. At any time as a result of a careless or negligent act or when unnecessary to do so.

40.2.2 De-escalation

- 1. De-escalation may take the form of scene management, team tactics or agency member engagement. Even when individual engagement is not feasible, de-escalation techniques including scene management and team tactics that utilize time, distance, and shielding, will still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.

2. De-escalation tactics and techniques are actions, used by agency members when safe and feasible without comprising law enforcement priorities. The use of de-escalation seeks to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
 3. The overall goal of de-escalation is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved. De-escalation is reviewed and evaluated under the totality of the circumstances present at the time of the incident.
- A. When safe, feasible, and without compromising law enforcement priorities. agency members will use de-escalation tactics in order to reduce the need for force.
1. Agency members will conduct a threat assessment so as not to precipitate in any unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.
 2. Team approach to de-escalation is encouraged and will consider agency member training, skill level, number of officers, and whether any officer has successfully established rapport with the subject. Where agency members use a team approach to de-escalation, each agency members obligation to de-escalate will be satisfied as long as the agency members complement the overall approach.
 3. Selection of de-escalation options will be guided by the totality of the circumstances with the goal of attaining voluntary compliance.
- B. De-escalation options:
1. Communication – Clear verbal instructions intended to gain voluntary compliance. Advisements and warnings given in a calm and explanatory manner. Verbal techniques include listen and explain with equity and dignity to calm an agitated subject and promote rational decision making, Through communication consideration of whether lack of compliance is a deliberate attempt to resist rather than a perceived physical or psychological inability to comply based on factors including, but not limited to:
 - i. Medical Condition
 - ii. Mental impairment
 - iii. Developmental disability
 - iv. Physical limitation
 - v. Language barrier
 - vi. Drug interaction
 - vii. Behavior crisis

- viii. Fear or anxiety
- 2. Time- Attempting to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.
 - i. Scene stabilization assisting in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non-involved community members.
 - ii. Avoiding or minimizing physical confrontation, unless necessary to protect someone or stop dangerous behavior.
 - iii. Calling extra resources or agency members to assist, such as CIT or Less-Lethal trained members.
- 3. Distance- Maximizing tactical advantage by increasing distance to allow for greater reaction time.
- 4. Shielding- Utilizing cover and concealment to tactical advantage:
 - i. Placing barriers between an uncooperative subject and agency members.
 - ii. Using natural barriers in the immediate environment

40.3 Use of Force Options

A. Physical Presence/Verbal Persuasion

- 1. A deputy's physical presence and verbal communications are not in and of themselves a use of force. It is imperative that a subject would reasonably be made aware that the person that is present and communicating with them is a deputy/police officer. This would be accomplished by way of uniform and/or badge/insignia and, if tactically practical, verbal communication.
- 2. A deputy should utilize advice, persuasion, or warnings before resorting to the actual use of force when tactically practical. Simple directions resulting in compliance should be the immediate objective before progressing to the higher levels of force when tactically practical.

B. Empty Hand Physical Force

- 1. As it refers to this policy, empty hand physical force is any force used to control, subdue or arrest that uses only the human body.
- 2. This would include anti-joint techniques, punching, kicking, stunning or diversionary techniques or any other physical contact that would be used against a person displaying any form of resistance or aggression.

3. Empty Hand Physical Force may be used to prevent a person from self-harm.
4. Agency personnel are strictly prohibited from using a chokehold / vascular neck restraint on an individual who is not actively posing a threat that would justify Deadly Force as it is defined in this policy.

C. OC Aerosol and CS Chemical Agent

1. OC aerosol may be used in, but not limited to, the following situations:
 - a. To subdue a person resisting arrest after the person fails to comply with clear and specific verbal instructions to submit.
 - b. To quell a violent situation after clear and specific verbal instructions have failed.
 - c. To protect the life/safety of oneself or a third party.
 - d. OC may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
 - e. OC aerosol may be used against animals for defensive purposes only; i.e., if the animal is threatening the life or safety of personnel or civilian.
 - f. A deputy may also deploy OC if the deputy has a reasonable belief, based upon articulable facts, that it may be unsafe or present a tactical disadvantage to the deputy to attempt to physically engage the individual prior to its use.
2. Verbal instructions/warnings should be given before using OC when tactically practical.
3. Proper decontamination procedures per training shall follow each exposure as soon as tactically practical.
4. Sworn deputies issued OC, will wear their OC while in uniform.
5. OC will only be used by certified personnel as trained.
6. CS is usually reserved for SRT and CDT, but could be used during any disturbance when appropriate and as trained. Details of its use are found in those specific manuals and will only be used by certified personnel as trained.

7. In an unlawful assembly or civil disturbance event, OC/CS may be used as a force option, after the proper orders to cease and desist have been given.

D. Conducted Energy Weapon (Taser)

1. A deputy may deploy a CEW if a subject is displaying, at a minimum, active resistance.
2. A deputy may also deploy a CEW if the deputy has a reasonable belief, based upon articulable facts, that it may be unsafe or present a tactical disadvantage to the deputy to attempt to physically engage the individual prior to its use. Factors to consider may include the severity of the offense, the threat of harm to the deputy or others, whether the individual is resistant, fleeing or failing to obey lawful orders, and whether alternative means of restraint are available.
3. A Conducted Energy Weapon may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
4. Verbal instructions/warnings should be given before deploying a CEW when tactically practical.
5. CEWs will only be used by certified personnel as trained.
6. An imbedded probe in a subject will only be removed by an emergency medical professional.
7. Mentally ill subject exception (Armstrong v. Village of Pinehurst):
 - a. A deputy will not use a CEW during the course of seizing an out-numbered mentally ill individual who is a danger only to themselves.
 - b. A deputy may only use a Taser, when an objectively reasonable deputy would conclude that the circumstances present a risk of immediate danger that could be mitigated by the use of force. At bottom, 'physical resistance' is not synonymous with 'risk of immediate danger.'

For purposes of this policy, 'physical resistance' is not synonymous with 'risk of immediate danger.'

E. Baton

1. Baton would include the use of any type of baton, whether expandable, fixed or riot.

2. While in uniform, sworn personnel issued a baton, will wear the baton at all times.
3. The baton may be used to manipulate a suspect that is passive into a position of control.
4. A deputy may deploy a baton by way of a strike if a subject is displaying, at a minimum, active resistance, with appropriate articulation.
5. A baton may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
6. Batons will only be used by certified personnel as trained.

F. Canine

1. All canine related orders are found in the General Order section 41.1.4.

G. Weapons of Opportunity

1. Weapons of opportunity are defined as any object available to be used for a deputy for self-defense, defense of a third party and control. Although deputies are issued many tools that would be used for self-defense, defense of a third party and control (i.e., OC Spray, Taser, Baton, etc.,) there could realistically be moments, in the heat of the battle, whereas these tools have been exhausted, ineffective or not available (i.e., off-duty, malfunction, extended encounter, etc.).
2. Weapons of Opportunity could include but are not limited to:
 - a. Handcuffs
 - b. Chair
 - c. Flashlight
 - d. Knife

H. Less Lethal Impact Munitions

1. Will only be deployed by those deputies that are qualified and certified in their use.
2. The decision as to the method of deployment will be made by the operator based on tactics that are articulable and that are acceptable by current training standards.
3. A deputy may deploy a LLIM if a subject is displaying, at a minimum, active resistance.

4. LLIMs may be used to prevent a person from self-harm if less forceful means are tactically inappropriate.
5. A deputy may also deploy LLIM if the deputy has a reasonable belief, based upon articulable facts, that it may be unsafe or present a tactical disadvantage to the deputy to attempt to physically engage the individual. Factors to consider may include the severity of the offense, the threat of harm to the deputy or others, whether the individual is resisting, fleeing or failing to obey lawful orders, and whether alternative means of restraint are available.

I. Firearms

1. Discharge of a firearm is permitted as in the following situations:
 - a. As defined in this order, when deadly force actions are justified in defense of oneself or others. The use of a firearm must be considered a deadly force option. It will not be used in an attempt to wound only. Personnel must be aware at all times, to the extent humanly possible, of the potential risks to innocent people if firearms are used and govern their actions accordingly.
 - b. To kill an animal that is jeopardizing the safety of oneself or others.
 - c. To kill an injured animal (with consent of the owner if a domestic animal and the owner can be located in a reasonable amount of time).
 - d. On a firing range.

40.4 Force Options Relative to Levels of Resistance

1. Different levels of resistance will be met with appropriate and congruent force options.
2. The deputy will use reasonable force and never use a level of force that “shocks the conscience” (Rochin v California). The four-part test will be used to ensure the appropriateness of the use of force in each case as follows (Johnson v Glick):
 - a. The need for the application of force.
 - b. The relationship between the need and the amount used.
 - c. The extent of the injury inflicted.
 - d. Whether the force was applied in good faith to maintain or restore

discipline (order), or maliciously and sadistically for the very purpose of causing harm.

3. A deputy must articulate the amount of force used relative to the amount needed and must meet the “Objective Reasonable” standard. This standard was brought forth in *Graham v Connor*. The reasonableness of a deputy’s use of force must be determined by reference to the particular facts and circumstances including:
 - a. The severity of the crime at issue.
 - b. Whether the suspect poses an immediate threat to the safety of the deputies or others.
 - c. Whether the suspect actively resists arrest or attempts to evade arrest by flight.
4. Passive resistance will typically be met with verbal commands and empty hand physical force. Not every touch, push or shove is considered a use of force. Typically, a minor manipulation of a person to handcuff or move a person to afford the safety to the general public and to gain control is, and of itself, not considered a reportable use of force.
5. Active resistance could warrant a higher force option including, but not limited to, empty hand physical force, OC, Taser, LLIM and baton.
6. Active aggression must be met with a level of force that ensures the safety of the deputy and any third party.
7. Deadly force assault can be met with deadly force. No deputy is obligated to use a less lethal option prior to using deadly force in a deadly force situation.
8. Deadly force will not be used against a person that is only causing harm to themselves and not a threat to others.
9. Non-Violent Demonstrations /Protests.
 - a. Peaceful Protests: It is the policy of the Washington County Sheriff’s Office that excessive force is not permitted when interacting with those participating in peaceful, non-violent demonstrations and / or protests. However, anyone found to be violating state or local law during an otherwise peaceful demonstration: such as obstructing free passage of the roadway (disorderly conduct). In those cases, the violator is subject to arrest and in no circumstances shall an officer use deadly force unless that officer is in fear that he/she/someone else is in jeopardy of death or serious bodily injury.

40.5 Medical Attention Post Law Enforcement Action

1. After any law enforcement action, deputies will immediately evaluate the situation to ascertain if the person(s) involved in the law enforcement action was used upon or others are in need of any medical treatment. Medical treatment will be provided or requested if the person is obviously injured or requests medical treatment. The medical treatment provided will be rendered as quickly as reasonably possible.
2. Appropriate action will include providing first aid supplies for minor cuts, abrasions, etc. If the injuries require treatment beyond the capability of departmental personnel, Emergency Medical Services will be notified to respond and evaluate the arrestee or others in need.
3. The supervisor will be notified of any substantial injuries sustained through the law enforcement action as soon as tactically practical. The supervisor will respond to the scene of any incident during which a police officer used physical force and caused serious injury. The supervisor will gather and review all known video recordings of a use of force incident. The supervisor will ensure serious or life-threatening injuries are reported to the Division Commander immediately. The supervisor will also follow the procedures that are defined in 40.6 of this order if the injuries are life-threatening.
4. The Division Commander will notify the Chief Deputy and the Sheriff as soon as practical.
5. The deputy on scene will follow any medical recommendations made by emergency medical professionals. If an individual refuses medical treatment, and an emergency medical professional recommends that the individual be transported to a medical facility, that recommendation will be followed.
6. Refusal of medical treatment by the injured party will be documented in the Use of Force Report (q06).
7. Photographs of all injuries will be taken as soon as tactically practical.
8. An individual(s) will be given medical attention by an emergency medical professional after a law enforcement action in the following circumstances:
 - a. When any life-threatening situation/injury exists.
 - b. When any obvious injury exists.
 - c. After the deployment of a CEW.

- d. After the deployment of baton strike (not manipulation).
- e. After the deployment of a less lethal impact munition.
- f. If any signs of excited delirium are evident.
- g. When obligated to do so prior to entry into the Detention Center based on their Orders and protocol.
- h. As long as the deputy follows proper decontamination protocol per training, medical attention is not necessary after an OC exposure, except when life threatening situations accompany the exposure (i.e. allergic reaction).

40.6 Agency Response and Notification Protocols to Police-Involved-Deaths.

Sworn Law enforcement members of the Sheriff's Office will be governed by the notification and investigative protocols established by The Office of Attorney General's Independent Investigation Division. Maryland Annotated Code, State of Government Article 5-106.2 states the Maryland State Police will lead the investigation of all alleged or Potential Officer-Involved Death of civilians.

Situations that would be considered an Officer-Involved-Death or Potential-Death will trigger the following procedures that are listed below. If an agency member is uncertain whether an incident qualifies as an Officer-Involved-Death or Potential-Death, contact the MSP Headquarters Duty Officer. The agency member on-scene will be contacted by MSP or IID who will make a preliminary determination of whether the incident qualifies as an Officer-Involved-Death or Potential-Death.

- Sworn law enforcement shootings that are fatal or result in the likelihood of death.
- Use of Force incidents by sworn law enforcement that are fatal or result in the likelihood of death.
- The death of an individual who is in police custody.
- Sworn Law Enforcement vehicle pursuits that result in death or the likelihood of death.

The number to notify the MSP Headquarters Duty Officer is **(410) 653-4474**

Definitions.

Officer Involved Death – A death of or potential death of an individual resulting from an action or an omission of a sworn law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

IID – The Office of the Attorney General's Independent Investigations
Page **16** of **44**

Division.

MSP – Maryland State Police.

MSP-FSD – Maryland State Police Forensic Sciences Division.

Imminent Threat to Evidence – A situation in which evidence will be lost, damaged or contaminated if personnel on scene do not take action. Examples include, but not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals)

1. Agency Members Response and Procedures.

- a. Agency sworn law enforcement members will render medical aid and / or summon additional medical assistance to all injured persons involved in an Officer-Involved-Death or Potential-Death.
- b. Agency sworn law enforcement members will notify communications of the situation and request additional assistance, to include a supervisor, to respond to the incident location.
- c. Agency sworn law enforcement will secure the suspect(s) and notify additional units arriving at the scene if any involved persons will be transported from the incident scene(s) to a medical facility for treatment.
- d. Agency sworn law enforcement will identify any witnesses to the Officer-Involved-Death or Potential-Death and secure the incident scene to preserve evidence.
- e. Agency sworn law enforcement will turn over control of the incident to the first agency supervisor to arrive at the scene.
- f. In the absence of an available supervisor to respond to the scene of the Officer-Involved-Death or Potential-Death, the most senior ranking law enforcement agency member will assume command until a supervisor arrives.

2. Supervisor Response and Procedures.

- a. The first agency supervisor to respond to the scene of an Officer-Involved-Death or Potential-Death will assume control of the incident scene.
- b. The supervisor will account for agency members involved in the Officer-Involved-Death or Potential-Death incident and gather the preliminary information of the events that occurred. The supervisor will request the

Sheriff's Office Duty Officer to call the Duty Officer at MSP Headquarters to report the Officer-Involved-Death or Potential-Death. The phone number for the Duty Officer at MSP Headquarters is **410-653-4474**

- c. The on-scene supervisor will make him or herself available to speak with MSP Duty Officer to provide the information from the Officer-Involved-Death or Potential-Death. The information that needs to be provided consists of the following.
 - The date and time the Officer-Involved-Death or Potential-Death occurred.
 - The location(s) of the Officer-Involved-Death or Potential-Death and any related crime scenes.
 - Witnesses and or persons involved in the Officer-Involved-Death or Potential-Death.
 - Names of the sworn members involved or witnessed the Officer-Involved-Death or Potential-Death.
 - Type of incident the officer responded to that precipitated the Officer-Involved-Death or Potential-Death.
 - Injuries and or deaths of anyone involved in the Officer-Involved-Death or Potential-Death.
 - Whether the media is on-scene of the Officer-Involved-Death or Potential-Death.
 - Evidence and scene security that is deployed by the agency.
- d. The on-scene supervisor will request and be provided with adequate agency staffing and resources to secure the Officer-Involved-Death or Potential-Death scene(s) as it relates to evidence collection that will be conducted by MSP-FSD.
- e. The on-scene supervisor will separate all involved and witness deputies. IID personnel should be contacted if an involved or witnessed deputy is removed from the scene.
- f. If there is an imminent need to remove the involved or witness deputies from the scene, the on-scene supervisor should first photograph the deputy on the incident scene and contact the IID personnel for further guidance. Transportation should be in the company of a fellow deputy with an operating and activated BWC.
- g. The on-scene supervisor should identify, separate and maintain all possible witnesses and ask them to remain present until IID personnel arrives to conduct interviews.

- h. In cases where civilian witnesses need to be transported from a scene, the on-scene supervisor, if possible, will contact IID personnel prior to transport for further guidance.
- i. If a witness is unwilling to wait on scene for the arrival of IID personnel, the on-scene supervisor should attempt to conduct an interview of that individual, to collect any video or other evidence they might have. The on-scene supervisor should record the witness's name, date of birth, address, phone number and vehicle registration information.
- j. On-scene interactions with civilian witnesses should be recorded and documented. These recordings and documentation will be maintained and turned over to IID personnel.
- k. The on-scene supervisor will designate agency personnel to maintain scene security until the on-scene investigation is complete and the scene is released by MSP.
- l. Agency personnel will be responsible to provide security for any individual in custody until either treated, booked through the detention facility, or transferred to the Office of the Chief Medical Examiner.

3. Supervisor Special Considerations.

- a. The on-scene supervisor will work in conjunction with the departmental Duty Officer in reporting the Officer-Involved-Death or Potential-Death. This will include the command staff notifications, criminal investigation division callouts and any additional resources that would be necessary to secure the Officer-Involved-Death or Potential-Death incident scene.
- b. The initial notification of an Officer-Involved-Death or Potential-Death will be reported to the MSP Duty Officer Headquarters. Agency personnel involved in the incident can also contact the on-call IID investigator if necessary. The phone number for the on-call IID investigator is **(410) 576-7070**

4. Duty Officer Responsibilities.

- a. The Sheriff's Office Duty Officer will ensure a supervisor is sent to the scene of an Officer-Involved-Death or Potential-Death.
- b. The Sheriff Office Duty Officer will ensure the Officer-Involved-Death or Potential-Death is reported to the MSP Headquarters Duty Officer.
- c. The Sheriff's Office Duty Officer will attempt to obtain a timeframe

from the MSP personnel when they will arrive on the scene of the Officer-Involved-Death or Potential-Death.

- d. The Sheriff's Office Duty Officer will notify the command staff of the Officer-Involved-Death or Potential-Death.
- e. The Sheriff's Office Duty Officer will contact the Criminal investigation Supervisor to request additional investigative personnel be sent to the scene of the Officer-Involved-Death or Potential-Death.
- f. The Sheriff's Office Duty Officer will work in coordination with the on-scene supervisor to request additional personnel as needed and additional resources for the scene of an Officer-Involved-Death or Potential-Death.

5. Officer-Involved-Death Incident Scene and Evidence Preservation.

Personnel from the MSP-FSD and the Criminal Enforcement Division will oversee the scene of potential IID investigations and will make every effort to arrive at the scene of IID investigations within one to two hours from notification.

- a. The on-scene supervisor will locate, identify and secure all crime scenes containing evidence using agency personnel prior to MSP-FSD arrival.
- b. MSP-FSD will be responsible for collecting evidence from the crime scenes for processing.
- c. In cases where an imminent threat exists to evidence, the on-scene supervisor will direct agency personnel to collect the evidence in accordance with established procedure in General Order 83.0 -Collection and Preservation of Evidence.
- d. All evidence collected as part of an IID investigation should be submitted to the MSP-FRD regardless of who collected the evidence.
- e. If potential IID evidence is submitted to a crime lab other than the MSP-FSD, the IID will request or subpoena the evidence so it can be transferred to the MSP-FSD.
- f. IID personnel will make the final determination regarding the evidence related to an Officer-Involved-Death or Potential-Death.
- g. The BWC coordinator for the agency will secure and turn over any BWC or any other identified footage to IID personnel concerning the incident.

6. Special Considerations Regarding Evidence.

- a. The Sheriff and / or the Washington County State's Attorney reserve the right to request a transfer of collected evidence from an Officer-Involved-Death or Potential-Death for its own investigation or prosecution. The request will be made to IID personnel.
- b. The Sheriff and / or the Washington County State's Attorney reserve the right to request an analysis of evidence collected as part of an Officer-Involved-Death or Potential-Death. The request will be made to IID personnel

7. Notifications and Media Response.

- a. IID personnel will make the next-of-kin notification to the family of the involved decedent in an Officer-Involved-Death or Potential-Death. If extenuating circumstances prevent IID from making a timely notification, agency personnel can make the notification after consulting with the IID.
- b. Following the next-of-kin notification, the decedents family will be provided the information for the IID. The IID will be the primary point of contact for decedent's family.
- c. The Sheriff will be consulted prior to any information being released to the media.

8. Completion of the IID investigation.

- a. The IID will release a statement confirming that it has completed the investigation and has forwarded the report to the Washington County States Attorney's Office. The IID will notify this agency when the investigation is complete. By statute, the report remains confidential until any prosecution is complete, and therefore the IID will not comment on the content of the report.

9. Concurrent Investigations.

- a. The Sheriff's Office is responsible for conducting the criminal investigation(s) that may arise from the same general incident involving the Officer-Involved-Death or Potential-Death.
- b. The Sheriff's Office Duty Officer will contact the criminal investigation division on-call investigator to respond to the scene of the criminal investigation. The on-call investigator will speak with the IID personnel investigating the Officer-Involved-Death or Potential-Death and provide

his /her point of contact information for the criminal investigation.

- c. The IID and CID personnel will collaborate to allow for a proper investigation and potential prosecution of both the IID case and the criminal investigation case. Collaboration will include, coordinating person interviews and evidentiary procedures.
- d. The internal investigation of the Officer-Involved-Death or Potential-Death will be handled by the Captain of Investigative Services.

40.7 Misuse or Excessive Force

- 1. Unreasonable use of force will not be tolerated in any form by this department. Any agency member witnessing an unreasonable use of force by any law enforcement officer will intervene to prevent or terminate the use of force within their scope of authority and training immediately. The employee will notify his / her supervisor and will complete a complaint against personnel form (h01) and forward it through the chain of command.
- 2. Force will only be used in good faith to enforce laws and compel compliance and control of an unwilling subject and/or to protect oneself or a third party from injury or death. Force will never be used maliciously to cause harm.
- 3. The unlawful use of physical force may constitute a criminal act. When a use of force is applied maliciously to cause harm, the offending deputy will face departmental disciplinary charges, along with the possibility of criminal/civil actions.
- 4. Any employee of the department witnessing or having knowledge of another member violating a departmental policy, state /provincial or federal, or local ordinance will immediately make a supervisor aware of the situation as soon as tactically practical.

40.8 Use of Force Reporting

- 1. Deputies using force will make their supervisor or the Duty Officer aware of the incident as soon as tactically practical.
- 2. Personnel involved in a use of force incident will document the circumstances on the Use of Force Report (q06).
- 3. The deputy(s) will provide specific detail in the Use of Force Report relative to the force used. Each deputy involved in the use of force shall sign in the appropriate block on the form which signifies that they have read and agree with the contents of the report. Deputies involved in the Use of Force must

complete a Use of Force Report by the end of their shift, unless they are disabled as a result of the Use of Force.

4. Reporting requirement for a deputy involved in a use of force who cannot complete the required report due to medical incapacitation. The agency member will be required to complete the report when at such time the agency member is able to do so.
5. After review/comments and signature, the Duty Officer will forward the Use of Force Report to the lead instructor in the weapon/technique that was used for review and comment (i.e., defensive tactics, OC spray, Taser, LLIM, etc.) and email them that the document is ready for review.
6. After the lead instructor review/comments and signature, the Use of Force Report will then be forwarded to the Division Commander and so forth up the chain of command.
7. Upon being notified of a use of force incident involving death or serious injury, or when a firearm has been discharged as a means of force, the Duty Officer will immediately notify the Division Commander, who will notify the Sheriff or his designee. A Lead Investigator will be assigned
8. A supervisor shall require the deputy(s) involved to complete a Use of Force Report or any other report they believe is necessary. The Use of Force report will be forwarded to the Lead Investigator.
9. Any person in the review chain of the Use of Force Report may require additional information for clarification.
10. A Use of Force Report will be completed any time deadly force is used on an animal as described in section 40.3 (I)(1)(b) if it is a domestic animal or likely legally owned by a person.

11. The following chart will be used to determine when and which documents are to be submitted following a use of force incident:

Type of Force	Use of Force Report	Supervisor Notified	CIR Supplement
Police Presence, K9 Presence, Dialog	No	No	No
Light-Handed Control – Minimal touching to guide, direct, or steer an individual in a given direction.	No	No	No
Empty-hand control - Includes control holds, pain compliance, take-downs, pressure points,	Yes	Yes – As soon as practical if no injury, immediately if there are any injuries or	Yes - If serious injury received.
baton manipulation, OC aerosol, chemical agents.		complaints of injury.	
Taser, LLIM	Yes	Yes – Immediately	Yes
Active counter-measures, strikes, kicks, and K9 apprehension.	Yes	Yes – Immediately	Yes
Baton Strikes	Yes	Yes – Immediately	Yes
Firearms/Deadly Force	Yes	Yes – Immediately	Yes

40.9 Reviewing Use of Force Incidents

1. Physical Force/OC/Taser/baton/LLIM/canine/firearm: The review process to determine if use of force was necessary and proper, will consist of reviews by the Duty Officer at the time of the incident, the lead instructor in the weapon/technique that was used (i.e. defensive tactics, OC, baton, LLIM, Taser, canine, firearms), the Division Commander, Chief Deputy and the Sheriff. Each person reviewing a Use of Force Report shall make an endorsement on the form stating if the use of force was justified according to agency approved training and policy. If the lead instructor was involved in the use of force incident, the next instructor shall review the Use of Force form and make an endorsement as stated above.
2. Personnel involved in a deadly force incident will be afforded all rights as specified by law.
3. A Use of Force Review Board will meet and conduct an annual review of all of the use of force activities, policies and practices. The board will consist of the Patrol Division Commander (or designee), the lead firearms instructor, OC Spray lead instructor, defensive tactics lead instructor, and any other person designated by the Patrol Division Commander. The Patrol Division Commander shall chair the review board.
4. The board shall forward a short synopsis of each incident and their comments/recommendations to the Sheriff within five (5) business days of the review.
5. The Board shall review all uses of force occurring since the last review for indications of any patterns of misuse of force, need for retraining, or a need for policy changes.
6. The Chief Deputy shall maintain a record of the reviews for three (3) years past the date of the incident.

40.10 Administrative Actions Review and Evaluation

1. Personnel involved in deadly force or serious injury incidents, including the discharge of a firearm as a means of force, will be placed in an administrative status pending review at the discretion of the Sheriff. Such an assignment is not disciplinary in nature, but rather an action for the purpose of relieving the member from routine police duties while undergoing the extreme emotional stress of having used deadly force or causing death or serious physical injury. The length of the administrative assignment will be determined by the Sheriff.
2. Personnel involved in deadly force incidents or whose actions led to death

or serious physical injury, will be required to meet with an agency designated psychologist as soon as practical after the incident. Following the assessment by medical professionals, the agency member will need to submit a fit-for-duty certification to his/her divisional commander to return to full duty.

40.11 Firearms

1. Firearms (General)
 - a. Employees of the Sheriff' s Office, who are Patrol or Judicial Deputies or Detention Deputies when required, and certified by the Maryland Police Correctional Training Commission, will be armed with a departmental issued or approved firearm while on duty. Personnel will, at all times, be in possession of their badge and identification.
 - b. All issued firearms will be determined by the Command Staff. Deputies will not carry or use any firearm, on-duty, unless they are properly trained, qualified and certified in that weapon and/or weapon system.
 - c. The Command Staff will be solely responsible for deciding what firearms are issued to what deputies.
 - d. All issued firearms are not to be repaired except by an approved armorer. All issued firearms will be inspected two times annually. No firearms are to be modified without the expressed written approval by the Sheriff.
 - e. No employee of the Sheriff' s Office will carry a firearm while consuming an alcoholic beverage or while under the influence of an alcoholic beverage. A supervisor may order testing when reasonable suspicion exists that an agency member is under the influence or impaired by an alcoholic beverage while carrying a firearm. Procedures for reasonable suspicion testing is defined in General Order 37.0 Drug Testing.
 - f. Patrol and Judicial Sworn Deputies of the Sheriff' s Office need not carry a firearm while off-duty. If they choose to do so, however, they will be governed by the rules and regulations contained in this order. Correctional Deputies and non-sworn employees of the Sheriff' s Office will not be allowed to carry a firearm, except as allowed by law to private citizens under the Annotated Code of Maryland. Departmental personnel will not be allowed to carry a firearm while on suspension.

- g. While off-duty, employees will not wear or display a firearm in an obvious or flagrant manner, or in any other way that would create public concern/apprehension or could possibly raise other safety concerns. Handguns carried while a member is wearing civilian clothes will be carried in a concealed manner.
- h. While on-duty but not in uniform, a deputy will prominently display their badge/insignia when carrying a firearm that is not concealed.
- i. Firearms carried in a departmental or privately-owned vehicle must be kept in a locked compartment, gun locker or locked trunk.

2. Firearms Discharge Reporting

- a. Agency personnel will complete a Firearms Discharge Report (q07) whenever they discharge a firearm with the following exceptions:
 - The agency member is required to file a use of force report.
 - Firearms range activities
 - To euthanize wildlife that are injured from motor vehicle accidents. The agency member will document his or her actions on the CAD sheet.
- b. Any incident involving the accidental/negligent discharge of a weapon by personnel of this department, on or off duty, will immediately be reported to the on- duty supervisor. A complete investigation into the accidental/negligent discharge of a weapon by departmental personnel will be conducted per **52.0 Complaints and Administrative Investigations**. Negligent or accidental discharge of a firearm by departmental personnel may result in disciplinary action and/or retraining in an attempt to correct the deficiency.
- c. Members involved in a use of force incident involving a weapons discharge or deadly force incident will refrain from discussing the incident with anyone other than the Division Commander, the investigator(s) assigned to conduct an administrative or criminal investigation, the deputy's selected counsel, and the administration's appointed psychologist, until authorized to do so by the Sheriff.

3. Firearms Discharge Review

- a. Firearms discharge incidents will undergo a review process to ensure proper use of firearms by departmental personnel, and to

identify possible training needs. The review process includes:

1. A Review Board will conduct an annual review of all weapons discharges that occur in a Use of Force incident and in all accidental/negligent discharges as per 40.9 Section 4.
 2. All firearms discharge reports will be reviewed by the supervisor at the time of the incident, Division Commander, and Chief Deputy, before being submitted to the Sheriff with comments/recommendations.
4. Request to Use Non-Issued Firearm as On/Off-Duty Weapon
- a. Only plain clothes, Patrol or Judicial Deputies (including training or special assignment) may carry an off-duty weapon, as approved by the Sheriff, while in an on-duty status.
 - b. A written request to use a non-issued firearm will be submitted to the Sheriff through the chain of command on letterhead.
 - c. No modifications are to be made to weapons, once they are approved.
 - d. Patrol and Judicial Deputies will be responsible for furnishing their own departmental approved ammunition for approved off-duty weapons. The department will furnish ammunition for a personal weapon that is approved to be carried by non-uniformed while on-duty.
 - e. Off-duty weapons will be carried in such a manner as to be concealed from public view.
 - f. The approved armorer may revoke permission to carry a personally owned off-duty weapon for cause, if in their opinion, the weapon is unsafe. This will be documented in writing and sent to the Sheriff explaining the reason. The Sheriff may also revoke permission to carry an off-duty weapon with just cause.
5. Departmentally Approved Off-Duty Firearms
- a. Pistols and revolvers may be in .380, 9mm, .38, .357, 5.7mm, .40, .45, and 10mm.
6. Departmentally Approved Backup Firearms
- a. Only firearms issued by the department will be carried by uniformed

on-duty personnel. No second backup weapon will be carried while on duty without permission from the Sheriff. Such requests will be made to the Sheriff in writing on WCSO letterhead.

7. Departmentally Approved Duty Shotguns

- a. Shotguns must be 12 Gauge Pump Action style with barrel 18" or longer utilizing approved rifled slugs or segmented slugs.
 1. Short Barrel Shotguns may be permitted under the following conditions and must be requested and justified on WCSO letterhead through the Sheriff:
 - a. The firearm is registered with the Bureau of Alcohol, Tobacco and Firearms. Paperwork will be maintained on file with the Chief Deputy with a copy carried with the deputy assigned the weapon.
 - b. The requesting deputy demonstrates a need for the firearm.
 - c. Proficiency must be demonstrated through an approved firing range course sanctioned by the Maryland Police Training Commission.
 - d. Approval has been granted by the Sheriff.
 2. Maintenance, inspection and repair of issued shotguns will be handled per 40.11.13, 10.11.14 and 40.11.15.

8. Departmentally Approved Duty Semi-automatic rifles

1. Training/Selection
 - a. Patrol and Judicial Deputies will be selected for initial training by the Command Staff.
 - b. "Training Request" forms will be submitted to the Division Commander.
2. Semi-annual re-certification will be mandatory. Failure to do so will result in removal of usage of weapon.
3. Issuance
 - a. Issuance of rifles will be authorized by the Division

Commander or higher authority.

- b. Once weapons are issued, they will be kept on the deputy's person, in a locked weapon mount or locked in the deputy's vehicle's trunk, unless otherwise directed by a supervisor.
- c. If vehicle is being utilized by another deputy or out-of-service, the weapon will be removed and secured in the armory.
- d. Only deputies who have successfully completed an approved training course will be issued an agency semi-automatic rifle and will be the only authorized user of said agency semi-automatic rifle.
- e. The Patrol Division Captain will maintain a list of authorized users; including serial numbers and departmental property number.

- 4. Maintenance, inspection and repair of issued rifles will be handled per 40.11.13, 10.11.14 and 40.11.15.

9. Specialized Firearms and Launchers

- a. The Washington County Sheriff's Office has in its possession, certain specialized firearms and launchers. Only properly authorized, certified and trained personnel are permitted to possess or use these tools.
- b. No member of the Washington County Sheriff's Office, while in the normal exercise of their duties, shall carry, use or discharge any specialized firearm or launcher except those which the member has qualified with and met agency requirements.
- c. The Sheriff retains the right of final approval regarding issuance of specialized weapons.

10. Holsters

- a. Uniformed deputies will wear only their issued holsters while on duty.
- b. Plain clothes administrative personnel, as designated by the Sheriff, will wear a holster having a minimum retention level of one (1).

11. Ammunition

- a. All ammunition and munitions, whether lethal or less lethal will be chosen on their technical merit and their specific objectives by the current expert for the department in that discipline (lead firearms instructor, lead instructor, etc.). These ammunition and munitions will be listed specifically in the training and qualification standards for each weapon/firearm/launcher training module.
- b. All ammunitions used off duty will meet SAAMI (Sporting Arms and Ammunition Manufactures Institute, Inc.) guidelines and must be approved by a firearms instructor prior to their use. If the ammunition is different than that used for on-duty use, the request will be submitted to a firearms instructor by way of agency letterhead and kept on file in the armory.

12. Weapons Maintenance/Safety/Storage (General)

- a. Only Sheriff' s Office sworn deputies may use, clean, or otherwise handle departmental issued firearms, except when other necessary arrangements are made by the departmental armorer.
- b. Deputies will only relinquish their issued firearms to a deputy within the department, the departmental armorer, or a firearms instructor, and then only after unloading and checking the weapon. Family members, friends, etc., will not be permitted to handle issued firearms.
- c. Deputies may relinquish their firearms in circumstances where they are expressly prohibited, such as secured facilities, holding areas, etc. Under those circumstances, the deputy will ensure that their firearm is secure, and that the deputy is the only person that can access their firearm.
- d. Personnel are responsible for periodic cleaning of issued weapons. Disciplinary action may be taken if a weapon is not properly maintained; i.e., rust, improper operation.
- e. While on duty, all firearms will be kept secure while not in use by a gun lock, lock box or by securing them in the locked trunk of a vehicle, All firearms will be removed and properly secured if a vehicle is taken out-of-service or left unattended and in control of a person outside of the agency.
- f. Proper care will be used in storing approved on/off duty firearms inside a residence, especially when children are in the home.

Deputies will store their duty firearms in a lock box and/or with an approved gun lock.

- g. Shift supervisors will inspect issued weapons during quarterly inspections. Any deficiencies will be reported to the departmental armorer.

13. Firearms Inspections

- a. A departmental armorer or firearms instructor will inspect each weapon issued, or carried by personnel prior to issuing, or initial qualification, and at a minimum, twice each year to ensure that it is in proper working condition.
- b. One inspection will be a general safety and function inspection and will take place during In-Service Qualification, signed off by a certified firearms instructor, and will be documented on Form q08.
- c. A second inspection will be a detailed weapons inspection and will be performed by an authorized armorer. This inspection will be documented by the armorer on the appropriate form (q04, Off Duty; q03 Rifle; q02, shotgun; q01, Glock). This form will be maintained by the armorer in the secure armory.
- d. All weapons that fail inspection and are deemed unsafe will be removed from service and any repairs documented on Form q05. A replacement weapon will be issued until the weapon can be repaired and returned to service.
- e. A record for each weapon approved and issued by the agency for official use will be maintained by the lead armorer. A copy of this record will be updated, forwarded and also maintained by the agency quartermaster.

14. Firearms Repair

- a. Any weapon that is in need of repair will be immediately taken out of service. A cadre of replacement weapons shall be maintained and accessible to the Duty Officers 24/7 in the secure armory. These weapons will have been tested and certified operational by a certified armorer. The replacement issued weapon will be documented on the "Issued Equipment Form". The deputy assigned to the malfunctioning weapon will fill out form q05 and ensure that an armorer is aware of the issue.

40.12 Firearms/Use of Force Training

1. All firearms/use of force-based training and qualification will be regulated and meet, at a minimum, the standards set forth by MPCTC and COMAR.
2. All proficiency training of all use of force disciplines (DT, firearms, less lethal, Taser, OC, etc.) will be monitored and conducted by a certified instructor in that discipline.
3. Range qualification will be recorded on Firearms Training-Annual Qualification form q8 and maintained by the Training Coordinator.
4. Range Qualifications Failure
 - a. A failure to qualify with the duty handgun shall be reported to the Maryland Police Training Commission in writing by the certifying firearms instructor within thirty days of the date of failure except if the failing deputy obtains a passing score on the same qualifying course within the thirty-day period.
 - b. The Training Coordinator will be notified on or before the next business day and will be responsible for notifying the Sheriff, via the chain of command.
5. Employees who fail to meet the minimum standard during a required qualification may be given remedial training as stated below.
 - a. This section applies to the issued on-duty weapon (annual on-duty, annual reduced light courses) and the issued shotgun (annual on-duty course). Only handgun qualifications and recertification will apply to the Detention Division.
 - b. If an employee fails in the first attempt at qualification during mandated firearms training, an attempt will be made by the instructor to identify incorrect actions that may have caused the failure. Immediate remedial training will then be given, and qualification again attempted.
 - c. An employee may attempt to qualify a maximum of two times during the initial training session.
 - d. If the employee fails to qualify on the second attempt, the Training Coordinator and the Division Commander will be

notified for further action.

- e. The employee will be given remedial training as soon as practical. This training will be provided on, at a minimum, four occasions, within a 30-day period from the initial qualification attempt for that year. There will be no expectations of more than four attempts. These training sessions will include qualification attempts. After remedial training, the employee must attain a passing score on three consecutive qualification attempts within that 30-day period.
- f. If the Patrol or Judicial Deputy fails to qualify with his duty weapon within thirty days of the initial training date, the senior firearms instructor present will take possession of the employee's weapon and immediately notify the Training Coordinator (who will notify the Sheriff). The Sheriff will immediately place the employee in an administrative status until the Sheriff makes an administrative decision regarding the employee's status. The Training Coordinator will ensure the Maryland Police Training Commission is notified in accordance with their regulations.
- g. Detailed notes will be maintained during the process of qualification if remedial training of any kind is necessary. These notes and a synopsis will be completed on letterhead and will be submitted through the chain of command, with a copy sent to the Training /coordinator.
- h. If the employee fails to qualify with any off-duty weapon, the employee shall not carry that weapon until a passing score is attained. Future qualification attempts will be at the convenience of the firearms instructor's schedules.

40.13 Restraints

- 1. Physical restraints will be limited to handcuffs (hinged or chained), flex cuffs, leg restraints and waist chains/padlock/black box combinations (three piece) and any other restraint devices approved by the Sheriff.
- 2. Any subject that is in custody will be handcuffed with their hands behind their back. Detainees who have an identified medical condition and or pregnant can be restrained or handcuffed in a manner not to cause further injury or aggravation to the identified medical condition and or pregnancy. Any deviation of this

procedure must be reported to a supervisor as soon as tactically appropriate and documented.

3. Restraints will only be used as a form of control and never as a form of punishment.
4. Leg restraints will never be connected to the hands.
5. Any subject that is in any type of restraints will be monitored for circulation in their cuffed appendage, airway, breathing and consciousness.
6. All subjects in custody will be seat belted when transported in a vehicle where seatbelts have been installed. Any deviation of this procedure must be reported to a supervisor as soon as tactically appropriate and documented.

40.14 Special Response Team

1. The Special Response Team Agreement between the Washington County Sheriff's Office and the Hagerstown City Police Department is included as a whole, as a policy of this Office and as indicated elsewhere in policy.
 - a. Sworn personnel assigned to the Special Response Team will be permitted to carry specialized weapons when on that specified detail. At all other times, the departmentally issued handgun will be worn.
 - b. SRT members may carry/store issued specialized weapons in the locked trunk or secured area of their assigned Sheriff's Office vehicle when not in use, however if the vehicle is out-of-service, the weapon will be removed and secured in the armory.

40.15 Civil Disturbance Team

1. The Civil Disturbance Team will be governed by this policy determined by this Office and as indicated elsewhere in policy.
 - a. Sworn personnel assigned to the Civil Disturbance Team will be permitted to carry specialized weapons when on that specified detail. At all other times, the departmentally issued handgun will be worn.
 - b. CDT members may carry/store issued specialized weapons

in the locked trunk or secure area of their assigned Sheriff's Office vehicle when not in use, however if the vehicle is out-of-service, the weapon will be removed and secured in the armory.

40.16 Law Enforcement Officers Safety Act of 2004 (LEOSA) (18 USC 926B/C)

The Law Enforcement Officers Safety Act of 2004 was signed into law on July 22, 2004, and allows qualified active and honorably retired law enforcement officers to carry a firearm concealed nationwide. The law also establishes criteria that the law enforcement officers must meet on an annual basis.

- A. Carrying of concealed firearms by qualified law enforcement officers
 - 1. An individual who is a qualified law enforcement officer and is carrying the identification required below may carry a concealed firearm in any of the fifty states and the District of Columbia, subject to section "B".
 - 2. Qualified law enforcement officers may not carry a concealed firearm;
 - a. on private property if the private person or entity prohibits or restricts the possession of firearms on their property, or
 - b. on any State or local government property, installation, building, base, or park if that State or local government prohibits or restricts the possession of firearms.
 - 3. The LEOSA defines a Qualified Law Enforcement Officer as:
 - a. authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for any violation of law and has the statutory powers of arrest, and
 - b. authorized by the agency to carry a firearm, and
 - c. not the subject of any disciplinary action by the agency, and
 - d. meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm, and
 - e. not under the influence of alcohol or another intoxicating or

hallucinatory drug of substance, and

- f. is not prohibited by State or Federal law from receiving a firearm.
- 4. The identification required is the photographic identification issued by the governmental agency for which the person is employed as a law enforcement officer.
- 5. As used in this section, the term firearm does not include;
 - a. any machinegun (as defined in section 5845 of the National Firearms Act), and
 - b. any firearm silencer (as defined in section 921 of Chapter 44 of Title 18 of the United States Code)
 - c. any destructive device (as defined in section 921 of Chapter 44 of Title 18 of the United States Code)

B . Carrying of concealed firearms by qualified retired law enforcement officers

- 1. An individual who is a qualified retired law enforcement officer and is carrying the identification required below may carry a concealed firearm in any of the fifty states and the District of Columbia, subject to section “B”.
- 2. Qualified retired law enforcement officers may not carry a concealed firearm;
 - a. on private property if the private person or entity prohibits or restricts the possession of firearms on their property, or
 - b. on any State or local government property, installation, building, base, or park if that State or local government prohibits or restricts the possession of firearms.

C. The LEOSA defines a Qualified Retired Law Enforcement Officer as:

- 1. retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability, and
- 2. before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for any violation of law and

had the statutory powers of arrest, and

3. before such retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more; or retired from service with such agency, after completing any applicable probationary period, due to a service-connected disability, as determined by the agency, and
4. has a non-forfeitable right to benefits under the retirement plan of the agency, and
5. during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms, and
6. is not under the influence of alcohol or another intoxicating or hallucinatory drug of substance, and
7. is not prohibited by State or Federal law from receiving a firearm.

D. The identification required is:

1. a certification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or
2. a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

E. As used in this section, the term firearm does not include;

1. any machinegun (as defined in section 5845 of the National Firearms Act), and

2. any firearm silencer (as defined in section 921 of Chapter 44 of Title 18 of the United States Code)
3. any destructive device (as defined in section 921 of Chapter 44 of Title 18 of the United States Code)

F. Procedures/Policy for active Deputy Sheriffs

1. This section shall not be construed to supersede or limit the laws of any state.
 - a. If a deputy sheriff of this agency wishes to carry a concealed firearm outside of Maryland, he must carry his issued identification card while carrying the concealed firearm. The firearm will always be secured as per this General Order.
 - b. The LEOSA does not authorize a Deputy Sheriff to exercise law enforcement authority or to take any police action outside Washington County, Maryland.
 - i. The section does not apply to a Deputy Sheriff who is operating under authority of a Federal Task Force or under a Memorandum of Understanding with another agency.
 - c. The Washington County Sheriff's Office shall not be liable civilly for any actions taken by a deputy in another state.
 - d. Deputies who have their police powers suspended for any reason may not carry a firearm in or outside of Maryland.
 - e. Deputies who are subject to any disciplinary action by the Sheriff's Office may not carry a firearm under the provisions of the Law Enforcement Officers Safety Act of 2004.
2. Deputies who are subject to any interim, temporary or final protective order may not carry a firearm under the provisions of the Law Enforcement Officers Safety Act of 2004.
 - a. Deputies shall **immediately** notify the Sheriff, via the chain of command, upon being served with an interim, temporary or final protective order.
 - b. Deputies who are questioned about their employment status if carrying a concealed firearm outside of Maryland

should have that agency contact the Duty Officer for confirmation.

G. Procedures/Policy for retired Deputy Sheriffs

1. The Sheriff's Office will only certify retired Washington County Deputy Sheriffs to carry a concealed weapon in accordance with the LEOSA. Requests from retired members of other agencies shall be referred to the MPCTC – Firearms Unit.
2. Retired Deputy Sheriffs must submit a "Qualified Retired Law Enforcement Officer Application for Certification to Carry a Concealed Firearm" (q14) to the Patrol Commander and the request must be approved by the Sheriff prior to carrying the concealed firearm.
3. If the Sheriff approves the request, the Training Coordinator will coordinate the firearms classroom/range and will, upon successful completion of the training;
 - a. issue a certification card to the retired Deputy Sheriff, and
 - b. The Training Coordinator will maintain the LEOSA documentation for a minimum of 3 years
4. The certification card will, at a minimum, contain;
 - a. the words "Retired LEOSA Certification"
 - b. complete name of Retiree and
 - c. the date of training, and
 - d. a statement that the individual has met the standards established by the Law Enforcement Officers Safety Act of 2004, and
 - e. a description of the type of weapon
5. Retired deputy sheriffs shall furnish the firearm and ammunition for the training and may only qualify with a weapon that is approved for use by active Deputy Sheriffs.
6. Retired deputy sheriffs will be afforded the opportunity to attend an annual firearms classroom/range date. The class/range date will be scheduled at approximately the same time annually (i.e. every September, etc.). It is incumbent upon the retired deputy sheriff to

notify the Patrol Commander (using the proper forms) at least thirty days prior to the expiration of his certification if he still desires to attend the class/range training.

7. Retired deputy sheriffs must recertify in accordance with this order prior to the expiration date of the previous qualification in order to maintain certification.
8. Qualifications will be set forth by MPTC and will be recorded on form q08.
9. In the event a retired deputy sheriff's certification lapses or he no longer wishes to be certified, he shall immediately notify the Patrol Commander and surrender the certification card.
10. Retired deputy sheriffs carrying a concealed firearm outside of Maryland shall not exercise law enforcement authority or take any police action under any circumstances.
11. The Washington County Sheriff's Office shall not be liable civilly for any actions taken by a retired deputy in another state.
12. Retired deputies who are subject to any interim, temporary or final protective order may not carry a firearm under the provisions of the Law Enforcement Officers Safety Act of 2004.
 - c. Retired deputies shall **immediately** notify the Sheriff upon being served with an interim, temporary or final protective order.
 - d. The Sheriff shall immediately revoke the retired deputy's' authorization to carry the firearm and take possession of the issued identification card until the matter is disposed of by legal means.
13. Retired deputies who are questioned about their employment status if carrying a concealed firearm outside of Maryland should have that agency contact the Duty Officer or Shift Commander for confirmation.

40.20 Deaths Involving Law Enforcement Officers – Reports (HB 954)

PURPOSE: The purpose of this policy is to provide the Governor’s Office on Crime Control and Prevention (GOCCP), with certain information on officer-involved deaths and deaths in the line of duty.

POLICY: It is the policy of the Washington County Sheriff’s Office to provide the GOCCP, with certain information related to officer-involved deaths by and deaths in the line of duty of law enforcement personnel employed by this Agency.

DEFINITIONS:

Death In The Line Of Duty: The death of a law enforcement officer occurring while the officer is acting in the officer’s official capacity while on duty or while the officer is off duty, but performing activities that are within the scope of the officer’s official duties.

Officer-Involved Death: The death of an individual resulting directly from an actor omission of a law enforcement officer while the officer is on duty or while the officer is off duty, but performing activities that are within the scope of the officer’s official duties.

PROCEDURES:

40.21 Reporting Requirements

Beginning July 01, 2015, within 48 hours of an incident, where a citizen death involving a law enforcement officer has occurred, or a subject is suffering from life threatening injuries following an interaction with a law enforcement officer, the Captain of Investigative Services will notify GOCCP by either calling (410) 821- 2828 and asking for the Director of the Maryland Statistical Analysis Center (leave voicemail if necessary), or sending a brief email to GOCCP via the following address: deathsincustodymd@gmail.com .

Immediately following the incident, it is only critical to make the GOCCP aware that the incident has occurred. Specific details in regard to the case will not be requested at that time.

40.22 Reporting a Citizen Death Involving a Law Enforcement Officer

- A. Include All Deaths:
 - 1. Resulting from any use of force by state or local law enforcement personnel.

2. Caused by injuries sustained while attempting to elude state or local law enforcement personnel or injuries incurred after custody had been established.
3. Attributed to suicide, alcohol or other drug intoxications, or medical conditions (e.g., cardiac arrest) that occur during the process of arrest by or in the custody of state or local law enforcement personnel.
4. All deaths occurring in the custody of state or local law enforcement personnel responding to a medical or mental health assistance or welfare call.
5. All deaths that occur while confined in lockups or booking centers (i.e., facilities from which arrestees are usually transferred within 72 hours and not held beyond arraignment).

B. Exclude All Deaths:

1. Deaths attributed to federal law enforcement personnel (e.g., FBI, DEA).
2. Any inmate death that occurred in the custody of local jails, state prisons, state juvenile correctional facilities, or private correctional facilities. These types of deaths should be reported to the Jails and Prisons data collection component of the Deaths in Custody Reporting Program.
3. Any death of a criminal suspect that occurred before the decedent came into contact with law enforcement (e.g., a decedent with an active arrest warrant who died before law enforcement

40.23 Reporting the Death of a Law Enforcement Officer

A. Include All Deaths:

1. Deaths of law enforcement personnel killed in the line of duty or in the course of law enforcement activities.

B. Exclude All Deaths:

1. Deaths of federal law enforcement personnel (e.g., FBI, DEA).

40.24 Reports

- A.** Every year, on or before March 01, 2016, and March 01 of each subsequent year, the Agency shall provide the GOCCP with information, for the previous calendar year, about each officer-involved death and death in the line of duty that involved a law enforcement officer employed by this

Agency.

- B. On or before August 15, 2016, this Agency shall provide the GOCCP with information, for the previous 3 calendar years, about each officer-involved death and death in the line of duty that involved a law enforcement officer employed by this Agency.
- C. The information provided will include at a minimum:
 - 1. The age, gender, ethnicity, and race of a deceased individual;
 - 2. The age, gender, ethnicity, and race of the officer involved;
 - 3. A brief description of the circumstances surrounding the death;
 - 4. The date, time, and location of the death; and
 - 5. The Law Enforcement Agency of the officer who:
 - I. Died, if the incident involved an officer who died in the line of duty; or
 - II. Detained, arrested, or was in the process of arresting the deceased, if the incident involved an officer-involved death.

40.25 Data Collection

- A. In order to comply with the requirements of this policy, this Agency shall begin collecting / compiling data on July 01, 2015.