

Standard Operational Procedure

BALTIMORE CITY SHERIFF'S OFFICE

Baltimore, Maryland



Use of Force

POLICY STATEMENT:

The Baltimore City Sheriff's Office recognizes and respects the value and special integrity of each human life. In vesting its members with the authority to use force to achieve lawful objectives and to overcome any unlawful resistance, a consideration of the public welfare as well as that of all human interests is required. Therefore, it is the policy of this agency that all of its members shall use only that force which is reasonably necessary to effectively bring an incident under control, while protecting their lives or the lives of others from the threat of imminent danger.

PURPOSE:

This purpose of this Operational Order is to establish rules, guidelines and procedures regarding the use of force by sworn members of the Baltimore City Sheriff's Office in the performance of their duties.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

1. DEFINITIONS—page 24
2. DEPUTY/COURT SECURITY ACTION (During Use Of Force/No Firearms)—page 26
3. FIREARM POLICY SWORN MEMBERS—page 30
4. FIREARM DISCHARGES—page 32
5. GUIDELINES ADMINISTRATIVE REPORT (Reportable Use Of Force)
—page 34



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SECTION 1 DEFINITIONS

Firearms:

1. Agency issued firearms
2. Privately owned, Agency approved firearms.

Firearms Discharged:

1. Intentional discharge
2. Accidental discharge
3. Discharge of a member's firearm by another person

Display of a Firearm: Removal of a firearm from a holster and/ or the pointing of a firearm at an individual.

Deadly Force: Any use of force that is likely to cause death or serious bodily injury.

Reportable Force:

1. Any discharge of a firearm
2. Any deployment of Less Lethal Shotgun
3. Taser usage (touch stun or cartridge deployment)
4. Any canine inflicted injury
5. Any discharge of Pepper Spray
6. Any strike with an impact object
7. Any striking of an individual with hands or feet
8. Any physical contact with an individual resulting in an injury or complaint of injury.

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Unnecessary Force: Force used when not required under existing circumstances, but is not excessive or brutal

Excessive Force: Force that is unreasonable in scope, duration, or severity under the existing circumstances.

Brutal Force: Force that is without justification under existing circumstances and that is severe or cruel in scope or duration



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SECTION 2 DEPUTY/COURT SECURITY ACTION (During Use of Force/No Firearms)

1. Immediately notify a supervisor whenever you use reportable force
2. Notify an ambulance to respond to the scene to provide medical attention for all reportable force resulting in an injury or complaint of injury.
3. Submit a written use of force report, whenever you use reportable force (other than deadly force investigated by the Baltimore City Police Department Homicide Division)

Subsection A. Level of Force

1. When notified of a reportable use of force by a member under your supervision:
 - a) Immediately respond to the scene and attend to the well being of any injured member and or civilian
 - b) Insure injuries to members and civilian are documented
 - c) Promptly identify citizens who may have witnessed the use of force and obtain statements from these witnesses.
 - d) Ensure that photographs are taken of injuries or lack of injuries sustained by any party. If a camera is not available request a Baltimore City Lab Technician to the scene.
2. Notify the command from the scene when:
 - a) There is any serious or life threatening injury to a person by an Agency member through the use of force
 - b) Injuries to a person through the use of force are inconsistent with the amount of force documented
 - c) There is a statement obtained through unbiased/ independent witnesses indicating unnecessary, excessive or brutal force used by Agency member



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3. Insure a Use of Force report package is completed and forwarded as required prior to the end of shift:
 - a) Administrative report (completed by the supervisor)
 - b) Administrative use of force report
 - c) Baltimore City Incident Report (form 1160-25-56)
 - d) Statement of Charges and Probable Cause (If applicable)
 - e) Any photographs
 - f) Any other pertinent reports

The use of Force Package will then be forwarded via official channels to the Command

Subsection B. De-Escalation

1. When safe, based on the totality of the circumstances and time and circumstances permit, Deputies/CSO's shall use de-escalation tactics in order to reduce the need for force.
2. De-escalation tactics and techniques are actions used by Deputies/CSOs, when safe, and without compromising law enforcement priorities, to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
3. When time and circumstances reasonably permit, Deputies/CSOs shall consider whether a subject's lack of compliance is a deliberate attempt to resist, or an inability to comply, based on factors including, but not limited to:
 - Medical conditions
 - Mental impairment
 - Developmental disability
 - Physical limitation



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- Language barrier
 - Drug interaction
 - Behavioral crisis
4. A Deputy/CSO's awareness of these possibilities, when time and circumstances reasonably permit, shall be balanced against the facts of the incident facing the Deputy/CSO when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.
 5. Mitigating the immediacy of the threat, gives Deputies/CSOs time to utilize extra resources, and increases time to reduce the overall force used.
 6. The number of Deputies/CSOs on the scene, may increase the available force options and may increase the ability to reduce the overall force used. Other examples include:
 - Placing barriers between an uncooperative subject and a Deputy/CSO
 - Containing a threat
 - Moving from a position that exposes Deputies/CSOs to potential threats to a safer position
 - Decreasing the exposure of a potential threat by using:
 - ◇ Distance
 - ◇ Cover
 - ◇ Concealment
 - Communication from a safe position intended to gain the subject's compliance, using:
 - ◇ Verbal persuasion
 - ◇ Advisement
 - ◇ Warnings

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- Avoidance of physical confrontation, unless immediately necessary (for example, to protect someone, or stop dangerous behavior)
- Using verbal techniques to calm an agitated subject and promote rational decision making.
- Calling extra resources to assist or other law enforcement agencies:
 - ◇ More law enforcement officers
 - ◇ Tactical Personnel
 - ◇ Law enforcement officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

Subsection C. Commanding Officer

1. Review the first line permanent rank supervisor's Use of Force package, Determine if involved members actions were consistent with Agency policies and procedures and whether the legal scope of the member's authority.
2. The Commanding Officer will prepare a report to the above determination but, will not include any recommendations for or against disciplinary action.
3. Retaining the original Use of Force package, forward a copy to the Head of Internal Affairs and the Training Director for review by force trainers. The Use of force package should be submitted on the next business day 1600. Within 24 hours to IAD.



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SECTION 3 FIREARMS POLICY SWORN MEMBERS

1. Will be mindful of their duty to perform their law enforcement mission, using only the force required to carry out their responsibilities effectively and safely.
2. May ONLY justify use of a firearm by facts known at the time a decision to use the firearm is made. Facts unknown, no matter how compelling, cannot be considered later when determining if the use of a firearm is justified.
3. Must communicate to a suspect their identity, purpose and intentions to fire, unless the circumstances are such that the suspect already knows or unless such communication cannot reasonably be made.
4. May discharge their firearm in the performance of their law enforcement duties only: in the following circumstances:
 - a) In self defense from death or serious bodily injury
 - b) In defense of another person from death or immediate danger of serious bodily injury
 - c) When all other reasonable means have been exhausted to apprehend or prevent the escape of a person who is known or believed to have potential to cause imminent death or serious bodily injury.
 - d) To dispose of or humanely destroy an injured dangerous animal
 - e) During training / qualification at an authorized range.
 - f) When the member is on foot and a vehicle is being used against the member or another person and the safety of innocent persons would not be jeopardized.
5. Will not discharge a firearm in the performance of their duties in the following circumstances:

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- a) From a moving vehicle except when the occupants of another moving vehicle are using or attempting to use deadly force against a member and the safety of innocent persons would not be jeopardized (e.g., ricocheting bullets, out of control vehicles ECT.)
 - b) To fire warning shots. Warning shots are strictly prohibited
 - c) To call for assistance, except in extreme emergencies, Justification for this exception rests solely with the member involved.
6. Members may display their firearm when they have a reasonable belief that they may have cause to use it under this policy.



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SECTION 4 FIREARMS DISCHARGES

Subsection A. Firearms Discharge

1. All firearms discharges by an agency member must be reported, investigated and reviewed. Except: target practice/training at an authorized range
2. Sworn members must immediately report all firearms discharges to the Baltimore City Sheriff dispatcher at 410-396-1155 for supervisory notification

Subsection B. Firearms discharges occurring in the City of Baltimore where no individual has been struck and no reason exist to believe that any individual has been struck

1. Permanent First Line Supervisors who response to accidental discharge/ discharges of a member firearm by another person will, in addition to following the procedures for reportable use of force:
2. Immediately instruct the member that their agency authority to carry a firearm is suspended Firearm suspension will continue until the firearm is determined to be functioning and the member's knowledge of firearms has been demonstrated
3. Obtain the firearm in question and secure it for the range staff
4. Insure the firearm is tested for functionality by a member of the range staff
5. Schedule the member for the range with the Training Director to demonstrate firearm proficiency

Subsection C. Firearm discharges occurring in the City of Baltimore where the individual has been struck and/or reason exist to believe that an individual has been struck

1. First Line Permanent Rank Supervisor who responds to a firearms discharging where an individual has been struck and /or there is reasonable belief that an individual was struck will follow the following procedures:

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- a) Respond to and ensure that the scene is secure, evidence (including vehicle/equipment) is preserved in its original position, and witnesses are available for interview by detectives.
- b) Ensure all agency personnel remain on the scene
- c) Request Baltimore City Police Homicide respond at 410-396-2100
- d) Notify the Command Staff and Internal Affairs
- e) Arrange an escort to stay with and support the involved member(s) as their primary function
- f) Encourage members involved in the incident to contact their families before extensive media coverage begins.
- g) Assign a member not involved in the incident to write any offence report
- h) No one will conduct any formal administrative interviews until authorized by the Baltimore Police Homicide Division



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SECTION 5 GUIDELINES FOR ADMINISTRATIVE REPORTS (Reportable Use of Force)

1. Administrative report completed by Permanent First Line Supervisors for reportable use of force shall include but are not limited to:
 - a) Reported facts accurately, Guesses, theories editorial comments do not have a place in these reports.
 - b) This is not a “justification” report. The fair accurate and impartial reporting of the facts will determine if the involved member’s actions comply with Agency policies and procedures. The involved member’s emotional state of mind expressed during the incident is often useful.
 - c) Note any departmental or private property damaged as a result of a members involvement
 - d) Notations of the on-scene supervisor’s actions and observations are required
 - e) The first line permanent rank supervisor shall be the one report the member’s actions and render an opinion as to whether the incident of use of force was consistent with departmental rules and training
 - f) Each higher ranking member in the chain of command shall review the first line permanent rank supervisor’s report. Concurring or Non-Concurring opinions must be in writing.
 - g) Including a brief summary of the disposition of the subject after force was used (such as released, charged filed, sent to hospital for evaluation).
 - h) Include the full name, address, race, sex date of birth and phone numbers of all subjects and witness
 - i) All injuries to anyone involved must be documented. Photographs of all persons/members injured, complaining of injury, or detailing the lack of injury must be included

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- j) Administrative reports are required from every witnessing member at the scene of an incident.
- k) An area canvass for witness of the incident is required
- l) The first line permanent rank supervisor shall include in the report the actual quote from the General Orders or Training guidelines.

COMMUNICATION OF POLICY

Supervisors shall be responsible for communication of this Order to their subordinates and to ensure compliance. This Order is effective on the date of publication

By Order of John W. Anderson, Sheriff of Baltimore City