


Washington Suburban Sanitary Commission Police

GENERAL ORDER

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| TITLE USE OF FORCE/REPORT | | | PROCEDURE NUMBER G.O. 300.0 |
| SECTION Field Activities | DISTRIBUTION A | EFFECTIVE DATE 05/25/16 | REVIEW DATE 05/25/18 |
| REPLACES | | | |
| RELATED GENERAL ORDERS G.O. 1001 | REFERENCES | AUTHORITY  Chief Harvey Baker | |

I. PURPOSE

This general order provides all officers with guidelines on the use of deadly and non-deadly force.

II. POLICY

The WSSC Police recognizes and respects the value of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the WSSC Police that officers will use only that force which is reasonably necessary to accomplish lawful objectives and effectively bring an incident under control while preventing serious injury and protecting the lives of others or themselves.

The officer must evaluate the immediate circumstances and select the appropriate level of force to deploy. While consideration of the crime committed may play a role, it should not be the determining factor. Rather, it is the level of force currently being used or threatened against the officer or others, The imminent potential for death or serious physical injury to the officer or others is paramount for consideration and should base their decision to use force at any level.

III. DEFINITIONS

- A. **Deadly Force:** Any use of force that is likely to or intended to cause death or serious physical injury. This may include, but is not limited to the use of protective instruments such as a firearm, expandable baton, oleoresin capsicum pepper spray, Tasers, empty hand techniques, flashlight, radio or a vehicle when applied in a manner that would cause death or serious physical injury.

- B. Non-Deadly Force or Less Lethal Force: Any use of force other than deadly force which is applied to affect an arrest or to protect the officer or others from personal attack, physical resistance, harm or death.

This does not authorize the use of non-lethal force/personal weapons on an individual who through mere non-compliance unless the individuals actions present an obvious safety threat.

IV. PROCEDURES

- A. Parameters for the use of deadly force.

1. Officers are authorized to utilize deadly force in order to:
 - a. Defend themselves or others from what is reasonably believed to be an Imminent threat of death or serious physical injury; or
 - b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe poses an immediate, or imminent threat of death or serious physical injury to others should an escape occur.
2. Before firing a weapon, officers will identify themselves and give a verbal warning of their intentions prior to shooting, when feasible.
3. An officer may discharge a firearm to destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured and no other alternatives are reasonably available.
4. All officers will adhere to the following restrictions when their firearm is displayed:
 - a. Warning shots are prohibited.
 - b. Officers will not fire their weapons at or from a moving vehicle, unless:
 - 1) An officer on foot discharges a firearm at a moving vehicle, which is at that moment being used as a deadly weapon against the officer or another person and innocent person(s) would not be unduly jeopardized by the officer's actions..
 - 2) Officers will not intentionally place themselves in a position in front of an on coming vehicle where use of deadly force would likely be the probable outcome. When confronted by an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.

- c. A firearm will not be discharged when it is likely that an innocent person may be injured or killed.
5. After any use of force incident, officers shall render aid to any injured parties and request an ambulance, if necessary.

B. Parameters for the use of non-deadly force

1. Where deadly force is not required, and as time, cover and concealment permit; officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident. Bringing the incident under control in a safe manner and with the least possible force necessary is the desired outcome or result.
2. Officers are authorized to use Department approved non-deadly force techniques, and issued, or approved equipment for resolution of incidents, as follows:
 - a. To protect themselves or another from personal attack, physical injury, resistance or harm;
 - b. To bring an unlawful situation safely and effectively under control;
 - c. Verbal direction is ineffective or inappropriate; and
 - d. Passive resistance techniques have failed and officers may have to use physical force to maintain control.
3. After any use of force incident, officers shall render aid to any injured parties and request an ambulance if necessary.

The display of a firearm to assure officer safety or the use of weaponless, hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing, non-compliant or resisting persons is not considered use of deadly force or use of non-deadly or less lethal weapons.

C. Training and qualifications

1. Deadly force weapons: All officers will comply with the provisions of General Order GO301.0 – “Firearms”.
2. Non-deadly force weapons and methods:
 - a. Officers are not permitted to use any non-deadly weapon or method unless qualified in its use as determined by approved training procedures. **Neck restraints, choke holds or similar weaponless control techniques are not authorized and should be considered deadly force.**
 - b. The following non-deadly weapons or approved methods are authorized for use by officers who have successfully completed the required training. This list may be periodically amended by the Chief,

- Issued and approved Taser
- Issued approved impact weapons (ASP Baton);
- empty hand techniques include, but are not limited to, come along, take downs, pressure points, hand to hand, wrist locks, arm bars, etc.
- Issued approved chemical agents (Oleoresin Capsicum/O.C.)

V. REPORTING PROCEDURES

A. Officer's Responsibilities:

1. Officers will immediately report to their supervisor any use of deadly and/or use of non-deadly force applied when overcoming physical resistance.
2. Officers will complete or when unavailable, provide information necessary for the completion of all reports, charging documents, and any required Use of Force Report without unnecessary delay.
3. Officers will complete or when unavailable, provide information necessary for the completion of any other reporting requirements related to the Incident without unnecessary delay.

B. Supervisor's Responsibilities:

1. Supervisors will review all required documents, including the Use of Force Report for completeness.
2. Supervisors will make and forward copies of all documents up their chain of command for review and approval before forwarding to the Chief of Police.
3. Supervisors will complete the Use of Force Report if the affected officer is unable to complete it.
4. On-duty supervisors will ensure that off-duty officers involved in a reportable use of force will fulfill the reporting requirements of this general order.
5. Use of Force shall be reported and documented whenever an officer uses deadly or non-deadly force as defined in this general order.
6. A Supervisor's Checklist is provided for use at the scene of officer-involved shootings.
7. All witnesses to the UOF will be interviewed and a statement taken by a supervisor when witnesses are available and as soon as possible after force has been deployed by an officer.

C. Departmental Response

1. Deadly force incident:

- a. Where an officer's use of force causes death or serious physical injury, the officer will be placed on administrative leave after completing all internal investigative requirements, pending administrative review, and until it is determined by the Commission's mental health professional that the officer is ready to return to duty.
- b. The WSSC Police or other Law Enforcement Agency will conduct both an internal and criminal investigation of the incident ("Deadly Force Investigation Procedures").
- c. If the incident occurs off WSSC property, the appropriate police jurisdiction will conduct the criminal investigation, in accordance with any current "Memorandum Of Understanding", as well as the procedures currently in effect with the agency having primary jurisdiction.

D. Administrative Review of Use of Force Incidents:

1. All Use of Force incidents shall be reviewed by the Chief of Police or designee. Those that meet the criteria of deadly force will be forwarded to the Training Committee (see D, 2 below) to determine whether:
 - a. The relevant policy was clearly understandable, and effective, to cover the situation; and if the officer's action were within the policy of the department.
 - b. Departmental training is currently adequate. If the actions of the officer did not fall within the training policy, the policy will be reviewed and updated to meet the "Best Practices" being taught nationwide in law enforcement.
2. Training Committee will be comprised of the training coordinator and both Deputy Chiefs.
3. The Training Committee will review the incident and all findings of training Inadequacies will be reported to the Chief, for appropriate resolution.
4. All Use of Force reports will be retained permanently by the Training Section.
5. There will be a review of use of force incidents by command staff to ascertain training and policy needs at the request of the Chief of Police.
6. An annual summary report of use of force incident will be published and made available to the management of the Commission along with meeting the reporting requirement of Maryland Law.

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