



Manchester Police Department

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ARTICLE 23 USE OF FORCE

Effective Date: March 20, 2019, By Orders of the Police Chief

ARTICLE 23 USE OF FORCE

Summary:

This policy is the Manchester Police Department's General Order issued for the purpose of defining policy and establishing regulations pertaining to Use of Force. The protection of human life is of utmost importance. Law Enforcement has been given the responsibility to protect life. It is the policy of the Manchester Police Department that police officers may use only the amount of force necessary to control an incident, effect an arrest, or to protect themselves or others from harm or death as may be necessary. Deadly Force is only used to stop an imminent threat of death or serious bodily injury to the officer(s) or citizen(s).

POLICY

The purpose of this policy is to establish when a member may use force and members' duties before, during, and after the Use of Force. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully.

While members must at all times comply with the minimum legal requirements governing the Use of Force, they must also comply with even stricter standards set forth by Department policy.

CORE VALUES

- 1. Value of human life.** Members shall make every effort to preserve human life in any situation. All human beings have equal value and worth and members are expected to respect, protect and uphold the value and dignity of all persons at all times.
- 2. Peaceful Resolutions.** Members when reasonable should avoid use of force, maintain distance and communicate with the individual(s). **Critical Thinking, Communication and De-escalation are key factors to success.**



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3. **De-Escalation.** Members shall use De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful command without the Use of Force or with the lowest level of force when reasonably possible.
4. **Avoiding Escalation.** Members shall maintain a calm atmosphere both verbal and body language avoiding escalation unless necessary to achieve a lawful purpose.
5. **Constant Assessment.** On scene members shall continuously assess the situation and adjust to the change of circumstances. Use of Force is justified in one instance but not justified in a later instance. On scene members have the duty to assess and adjust tactics and techniques before and after applied use of force.
6. **Use of Force: Reasonable, Necessary and Non Aggressive.** Members shall use only the force which is necessary and reasonable to respond to a threat or resistance to effectively and safely resolve an incident.
7. **Reporting Use of Force.** Each member who engages in use of force, or observes another member using use of force, shall immediately notify their supervisor. Accurate reporting outlining all events will be documented including photographs, prior to their tour ending.
8. **Duty to Intervene.** Members do have the duty to intervene to prevent excessive and abusive conduct/force by another member.
9. **Medical Assistance.** Rendering aid and or ensuring proper medical attention is always a top priority by members. After any Use of Force incident, members will, when the scene is secure and reasonable, immediately and without hesitation render aid to any injured person. Their aid should be consistent with the members training and they will request medical assistance without delay.
10. **Restraint Position.** If restrained, persons are not to be positioned facedown as it may cause positional asphyxia. Persons left lying on their back may lead to radial nerve damage and or other joint damage. Controlled restrained persons, are to be placed in a seated position or on their sides in the recovery position.
11. **Accountability.** Members will be held accountable for uses of force that violate law or policy.



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12. Retaliatory Force Is strictly prohibited. Members are prohibited from using force against persons engaged in First Amendment verbal use or activities, or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other action deemed to be retaliation.

DEFINITIONS

Active Aggression — Active Aggression is when a person actions are likely to cause injury.

Aggravated Aggression — Aggravated Aggression is when a person presents an Imminent Threat of death or Serious Physical Injury to the member or another person based on the Totality of the Circumstances. Aggravated Aggression represents the least encountered but most serious threat to a member or other person. Even when confronted with Aggravated Aggression, the member is required to make every reasonable effort to de-escalate and to continuously assess the member's Use of Force.

Chemical Irritant — Substances designed to irritate the eyes and mucous membranes (CS gas, Pepper Ball, Mk-9 Pepper Fogger, smoke, etc.).

Chokehold/Neck Hold — A Chokehold or Neck hold is any hold or contact with the neck that may inhibit breathing by compression of the airway in the neck, may inhibit blood flow by compression of the blood vessels in the neck, or that applies pressure to the front, side, or back of the neck. Chokeholds/Neck Holds are prohibited unless the use of Deadly Force/Lethal Force is justified.

Conducted Electrical Weapon (CEW) — A weapon designed to discharge electrical impulses in two modes:

Drive Stun — Pulling the trigger on the CEW with the cartridge removed or discharged, and placing the electrodes upon the skin/clothing of the person. Drive Stunning does not cause neuro-muscular incapacitation but causes severe pain.

Probes Deployment — Probes Deployment is the primary way that CEWs are used. With a cartridge attached, pulling the trigger fires two probes with barbs on the end that can penetrate the clothing or skin of a person. The two probes are connected to the CEW by wires and upon contact, if an electrical circuit is established, the CEW delivers pulsed electricity



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into the person, and overrides the person's voluntary motor function. Probes Deployment also causes significant pain.

Deadly Force/Lethal Force — Any force likely to cause death or Serious Physical Injury, whether the member intended to cause death or Serious Physical Injury or not. Deadly Force/Lethal Force includes, but is not limited to:

- The discharge of a firearm at a person
- Strikes with any hard object such as a baton, flashlight, radio, weapon stock or handle, or improvised impact weapon to the head, neck, sternum, spine, groin or kidneys.
- Intentional striking a person's head against a hard, fixed object such as a roadway, concrete floor, wall or iron bars.
- Knee strikes or kicks to a person's head
- Any intentional strikes to a person's throat
- "Knee Drops" to a person laying in a prone position
- Choke holds or Neck holds
- Discharging a Less-Lethal weapon, launching a projectile at close range striking the person in the head, or neck.

De-Escalation Techniques — De-Escalation Techniques are actions taken by members that are designed to eliminate the need to use force in order to resolve any event or situation. De-Escalation Techniques include: talking to a person using a tone of voice and language that is not aggressive or confrontational; creating space or placing barriers between the member and the person; waiting the person out when circumstances permit; permitting a person to move about when safe; permitting a person the opportunity to make statements or ask questions; slowing down the pace of an incident; tactical repositioning and requesting additional resources. **The guiding principles for de-escalation are patience, flexibility, and the desire to resolve each situation peacefully.**

Imminent Threat — A person presents an Imminent Threat when the person has the means and ability to harm the member or another person, and the member reasonably believes the person intends to deliver that harm.

Improvised Impact Weapon (IIW) — An Improvised Impact Weapon (IIW) is a device or object that is not a department approved weapon, but is nonetheless used as an impact weapon. Examples of an IIW are a flashlight, radio, stick, board, pipe, rock, etc. Such weapons may be unpredictable, ineffective, or exert unexpectedly high levels of damage (e.g., board with protruding nail). Consequently, members shall use Improvised Impact Weapons only in rare, emergency conditions where members lack an authorized Baton or other approved less-lethal



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alternatives, and use of an Improvised Impact Weapon is reasonable and necessary to defend against a person displaying Active or Aggravated Aggression.

Less-Lethal Force — Force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or Serious Physical Injury. Devices of Less-Lethal Force may include, but not be limited to, a CEW, bean bag rounds, Pepper Ball rounds, batons/impact weapons, and O.C. spray. The way a Less-Lethal Force device is used and the circumstances in which it is used could constitute Deadly Force/Lethal Force.

Less-Lethal Launchers/Munitions — A delivery tool that, when used as designed and intended, is less likely to cause death or Serious Physical Injury than a conventional lethal weapon such as a firearm. Less-Lethal Launchers/Munitions are only approved for use by certified members.

Physical Force — A member uses Physical Force any time a member coercively touches, directly or indirectly, any person. Physical Force includes holds, grabs, blows, and strikes as well as the use of instruments, such as batons, devices, such as CEWs, tools such as O.C. spray, canines, or firearms, whether lethal or less-lethal.

Reasonable, Necessary, and Proportional — The review of every Use of Force shall be to determine whether it was reasonable, necessary, and proportional in light of the Totality of the Circumstances that were known, or should have been known, to the member, and in accordance with the Manchester Police Department's policies at the time of.

Reasonable — A member uses Reasonable Force when the member uses no more force than required to perform a lawful purpose.

Necessary — Force is necessary only when no reasonably effective alternative exists. When force is Necessary, members shall use force in a manner that avoids unnecessary injury or risk of injury to members and civilians.

Proportional — Proportionality measures whether the force used by the member is rationally related to the level of resistance or aggression confronting the member.

NOTE: Members who use force that is not Reasonable, Necessary, and Proportional will be subject to corrective action, disciplinary action, possible criminal prosecution, and/or civil liability.

Recovery Position - A **position** in which the subject is placed on the left side with the left arm moved aside and supported to allow for lung expansion and the right leg crossed over the left.



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This **position** affords the unconscious, breathing patient the best protection from airway occlusion or aspiration of fluids into the lungs.

Resistance — Members may face the following types of Resistance to lawful directives:

Active Resistance — Active Resistance is when a person moves to avoid detention or arrest but does not attack or attempt to attack the member or another person. Attempts to leave the scene, fleeing, hiding from detection, physical resistance to being handcuffed, or pulling away from the member's grasp are all examples of Active Resistance. Verbal statements, bracing, or tensing alone do not constitute Active Resistance. A person's reaction to pain caused by a member or purely defensive reactions to force does not constitute Active Resistance.

Aggressive Resistance -- Is a subject's attempt to attack or an actual attack against an officer. Exhibiting aggressive behavior, lunging toward the officer, striking the officer with hands, fists, or kicks. These are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

Aggravated Resistance -- When a subject's actions create an objectively reasonable perception on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated resistance represents the least encountered but most serious threat to the safety of law enforcement personnel or another person

Passive Resistance — Passive Resistance is when a non-assaultive person fails to comply with the member's commands without attempting to flee. Passive Resistance may include, but not be limited to, going limp, standing stationary and not moving based upon lawful direction, and/or verbally signaling an intention to avoid or prevent being taken into custody.

Serious Physical Injury — Serious Physical Injury is when there is disfigurement or substantial disruption or harm to one or more body parts, organs, or systems. The term includes, for example, brain injury, with or without unconsciousness, gunshot wounds, cardiac arrhythmia, difficulty breathing, cardiac or respiratory arrest, broken bones, dislocations, torn ligaments or tendons, or significant bleeding. This list is not exhaustive and is intended only to provide representative examples for guidance.



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Temporary Pain — Any pain or complaint of pain that is brief, does not result in injury, and is delivered as a means to gain compliance. Temporary Pain may result from the application of, but is not limited to, elbow grips, wrist grips, shoulder grips, pressure point techniques, and/or forcible takedowns.

Totality of Circumstances — The Totality of Circumstances consists of all facts and circumstances surrounding any event. The facts and circumstances may include but are not limited to:

- The nature of the offense;
- The seriousness of the offense;
- The size and strength of the person;
- The comparison size and strength of the member;
- The persons state of mind, exhibiting signs of mental illness or behavioral health crisis
- Whether a person suffers from medical or behavioral health disabilities, physical or hearing impairment, impaired by drugs or alcohol or prescription medication;
- Language barriers
- The number of persons and members involved;
- The surrounding elements/environmental factors to include weather but not limited too.
- The availability of resources and weapons
- Other use of force options
- Availability of non-force options, including tactical repositioning, cover and or other De-escalation techniques;
- The availability of supervision
- The availability of support/specialized support

Levels of Use of Force-Any Use of Force or show of force that falls within Level 1, Level 2, or Level 3 force as defined in this policy. The Use of Force Levels are:

NOTE: Escorting, touching, or handcuffing a person with minimal or no resistance does not constitute a Level 1 Use of Force.

No Force through critical thinking and communication is always the best option, combined with safe distance, when reasonable. Strong Verbal Commands, Your professional appearance and presence.

Level 1 Use of Force - Moderate/Limited Force:

- Using techniques that cause Temporary Pain or disorientation as a means of gaining compliance, hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder



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grip), and pressure point compliance techniques. Force under this category is not reasonably expected to cause injury.

- Pointing a firearm, Less-Lethal Launcher, or CEW at a person,
- “Displaying the arc” with a CEW as a form of warning, and
- Forcible takedowns that do not result in actual injury or complaint of injury.

Exception: Pointing of a firearm at a person by any member, if done solely while entering and securing a building in connection with the execution of an arrest or search warrant will not be a Use of Force. However, the event must be documented, detailing the incident.

Level 2 Use of Force – Less Lethal Force:

- Force that causes or could reasonably be expected to cause an injury greater than Temporary Pain or the use of weapons or techniques listed below — provided they do not otherwise rise to a Level 3 Use of Force:
- Discharge of a CEW in Drive-Stun or Probes Deployment, in the direction of a person, including where a CEW is fired at a person but misses,
- Use of OC spray or other Chemical Agents,
- Weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks,
- Discharge of a Less-Lethal Launcher/Munitions in the direction of a person,
- Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and
- Striking of an occupied vehicle with a vehicle that does not rise to Level 3 Use of Force.

Level 3 Use of Force – Deadly Force:

- Strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon,
- Firearm discharges by a Manchester Police member,
- Any Uses of Force or excessive uses of force resulting in death, Serious Physical Injury, loss of consciousness, or requiring hospitalization, and
- Uses of Deadly Force/Lethal Force.

NOTE: Hospitalization refers to admission to the hospital, and does not include treatment and or release in the emergency department, no matter how long the stay.



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DIRECTIVES

Vulnerable Persons - The use of any force on a person whose obvious health, age, condition, or circumstances make it likely that serious injury or death will result needs to be evaluated. Crisis Intervention from a safe distance and protective cover needs to be applied when reasonable.

Use of Force- Sworn members have the authority to use reasonable force when necessary to accomplish lawful duties. This authority is limited by the laws of the State of Maryland, Federal law, the United States Constitution, and the provisions of this policy. Members must conform their actions to the law, the Constitution, and Manchester Police policies. When members use force, they shall exercise the utmost restraint. When practical, members should announce that force will be utilized prior to the application of such force.

Manchester Police officers, regardless of the type of force or weapon used, shall abide by the following requirements:

- * Officers shall use strong verbal advisements, warnings, and persuasion, when possible, before resorting to force. Communication/De-escalation is the best choice.
- * Officers are expected to use critical thinking when making a subjective and independent decision regarding the need and appropriateness of the force to be used. You are expected to know the Use of Force Continuum
- * Under no circumstances will an officer use force **solely** because another officer is using force.
- * Officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health professionals or a crisis response team, when feasible, in order to reduce the need for force and increase officer and civilian safety. When reasonable, remember distance is the best practice and safest practice. Slow Clear Communication is best.
- * When possible, officers shall allow individuals time to submit to arrest before force is used.

Officers may use only necessary and reasonable force:

- * To protect themselves from injury;
- * To protect others from injury;
- * To effect a lawful detention;



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- * To effect a lawful arrest; or
- * To conduct a lawful search.
- * Neck Holds/Choke Holds -- Officers will not use neck holds/choke holds of any kind, **except when lethal force is authorized and is clearly reasonable.**

A use of force is "necessary" when it is reasonably required, considering the totality of facts and circumstances, to carry out one of the above listed law enforcement objectives.

When practicable, officers will identify themselves as police officers before using force. If it is not already known by the subject to be detained, arrested, or searched, officers should, if reasonable, make clear their intent to detain, arrest or search the subject.

Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create an objectively reasonable belief that a situation may escalate to the point at which lethal force would be authorized. Once an officer determines that the use of deadly force is no longer likely, the officer shall re-holster the weapon.

Officers shall not use force to attempt to effect compliance with any use of force to subdue an individual resisting arrest or detention when the initial arrest or detention of the individual was unreasonable and or unlawful.

Members shall prevent or stop the illegal, inappropriate, or excessive Use of Force by other members. Failure to intervene may subject a member to disciplinary action or criminal wrong doing.

Members may only use weapons and/or force techniques that are allowed by policy and on which the member is trained, unless warranted by the Totality of Circumstances.

De-Escalation- Members shall, unless it is not possible to do so, avoid the Use of Force by using De-Escalation Techniques, including verbal persuasion and warnings, slowing down the pace of an incident, waiting out persons, using barriers, creating distance (and thus the reactionary gap) between the member and the threat, and requesting additional resources such as specialized units, CIT trained members, behavioral health care providers, or negotiators, before resorting to force, and to reduce the need for force. De-Escalation Techniques mitigate the threats and gives officers time to utilize extra resources, and increases time available to call more officers or specialty units.

1. Members shall talk to the person; attempt to convince the person to comply; reduce any threat presented by withdrawing to a position that is tactically advantageous; or take



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actions that allow the member greater distance and time, in order to de-escalate a situation or deploy a lesser force option or no force at all.

2. Members shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions including, but not limited to, immediately approaching a person without proper evaluation of the situation, failing to leave sufficient space between the member and the person, closing the reactionary gap, or escalating a situation.
3. Members shall not use tactics that unnecessarily escalate an encounter or create a need for force.
4. Members shall de-escalate force immediately as resistance decreases.
5. If the member has no alternative to using force, the member shall use only the amount of force that is Reasonable, Necessary and Proportional to respond to the threat or resistance and shall immediately reduce the level of force as the threat or resistance lessens or stops.

Critical Thinking- Is an important part of our job and training. Members shall use a critical thinking and decision-making framework to analyze and respond to incidents including but not limited to using Use of Force.

This framework will allow members to uphold the sanctity of life and protect themselves by decelerating and stabilizing a situation to minimize the likelihood of a Use of Force incident. Using this framework, members will:

1. Assess the situation, threats, and risks;
2. Know you policy and your police powers;
3. Identify options and determine the best course of action; and
4. Act, review, and re-assess the situation.
5. Be sure to gather all facts and collect all information

Restrained Persons- Members shall not use force against persons who are handcuffed or otherwise restrained, except in exceptional circumstances where the Totality of Circumstances makes it Reasonable and Necessary to prevent injury or escape. Members are cautioned that force that may be Proportional against an unrestrained person may not be Proportional when used on a restrained person. As with any Use of Force, members shall be required to use De-escalation Techniques and critical thinking in order to avoid the Use of Force.



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1. Members shall not use force against a handcuffed or restrained person if the person's actions only present a risk of property damage.
2. Members shall not position a restrained person face-down as it may cause positional asphyxia, placing persons on their back can cause radial nerve damage to the wrist and forearm area. Restrained persons are to be placed in seated position or placed on their side in the recovery position.
3. *Neck Holds/Choke Holds -- Officers will not use neck holds/choke holds of any kind, **except when lethal force is authorized/reasonable.**

Use of Deadly Force/Lethal Force- Members shall not use Deadly Force/Lethal Force unless they have exhausted de-escalation and Less-Lethal Force options have been tried and failed, or are not safe based on circumstances. Deadly Force/Lethal Force is always the last option when reasonable.

1. A member may use Deadly Force/Lethal Force when they reasonably believe such action is immediately necessary to protect a member or another person from an Imminent Threat of death or Serious Physical Injury.
2. Prior to the decision to employ Deadly Force/Lethal Force members shall consider environmental considerations such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over penetration, and other risks to life.
3. Where safety permits, a member should identify himself/herself as a law enforcement officer and state his/her intention to use Deadly Force/Lethal Force before using a firearm or employing Deadly Force/Lethal Force
4. A member may use Deadly Force/Lethal Force to prevent the escape of a fleeing violent or potential violent person; if force is authorized and no Reasonable force alternative exists that is within Manchester Police Department's Policy. The member has given a verbal warning to the person (if time, safety, and circumstances permit), and there is probable cause to believe that:
 - The person has committed or is in the process of committing a felony involving the infliction or threatened infliction of Serious Physical Injury or death, and



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- The escape of the person would pose an Imminent Threat of death or Serious Physical Injury to the member or another unless the person is apprehended without delay, and

Restrictions on the Use of Deadly Force/Lethal Force-

- Deadly Force/Lethal Force shall not be used to subdue persons whose conduct is a threat **only to property.**
- Deadly Force/Lethal Force shall not be used against persons **whose conduct is a threat only to themselves.**

Use of Force Continuum

The use of force continuum is a standard that provides police/law enforcement and civilians with guidelines as to how much force may be used against a resisting subject in a given situation. While the specific progression of force varies, especially the wide gap between empty hand control and the use of deadly force, the situation can escalate or de-escalate quickly. The officer's critical and quick thinking must be able to quickly evaluate and adjust at times within seconds. The following all contribute to a lesser chance of an officer needing to use deadly force:

Officer presence – the professionalism, uniform, and the visual presence of authority is normally enough for a subject to comply with an officer's lawful demands. The totality of the circumstances all plays a part. In most cases additional officers are on scene and or officers may request assistance in order to gain better control of the situation to ensure a safer environment and outcome for all involved.

Clear Communication - Verbal commands involving clear and understandable verbal direction by an officer is important. At times you need to take in consideration of language barriers and hearing impairment. At times, it is necessary for the officer to include a consequence to the verbal direction so that the subject understands what will happen if the subject refuses to comply with the officer's direction. The verbal command and the consequence must be legal and not considered excessive according to the continuum. Your orders need to be clear and reasonable and of course legal.

No Force – Officer's options include Verbal Commands, Officer's professional presence while dealing with a person who is compliant, cooperative, obedient and non-aggressive.



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Moderate/Limited Force – Officer’s Options include Physical control holds, OC Spray, Pointing a firearm, Less-Lethal Launcher, or CEW at a person, “Displaying the arc” with a CEW as a form of warning, and forcible takedowns that do not result in actual injury or complaint of injury. When dealing with a person who is resisting and non-compliant in an aggressive manner.

Less Lethal Force – Officer’s options include strong verbal commands, Discharge of a CEW in Drive-Stun or Probes Deployment, ASP/Baton, Use of OC spray or other Chemical Agents, weaponless defense techniques including, but not limited to, elbow or closed fist strikes, open hand strikes, and kicks,

Discharge of a Less-Lethal Launcher/Munitions in the direction of a person, and Non-weapon strikes to the head, neck, sternum, spine, groin, or kidney area, and striking an occupied vehicle a vehicle with a vehicle that does not rise to Level 3 Use of Force. When dealing with a person who is reasonably threatening or displaying physical, aggressive or assaultive behavior with the likelihood of causing injury to police or others.

Deadly Force – Officer’s options include the use of their agency approved firearm when dealing with a person where reasonable belief that there is an immediate threat of death or serious bodily injury.

The following are prohibited unless the use of Deadly Force/Lethal Force is authorized and no reasonable alternatives exist:

*Neck Holds/Choke Holds -- Officers will not use neck holds/choke holds, **except when lethal force is authorized and clearly reasonable.**

*Head, Neck, Throat, Heart, Kidney, and Groin Strikes with Impact Weapons -- The head, neck, throat, spine, heart, kidneys and groin shall not be intentionally targeted with impact weapons except when deadly force is authorized. Head strikes with impact weapons are prohibited **except when lethal force is authorized.**

***Shooting at or from moving vehicles is prohibited**, unless the vehicle is clearly being used as a deadly force tool/weapon against an officer or another person; and Officers shall not discharge a firearm from or at a moving vehicle unless the occupants of the vehicle are clearly using deadly force other than the vehicle itself against the officer or another person, and such action is necessary for self-defense or to protect another person. Discharging a firearm in this circumstance is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger or it is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander.



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***Officers shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.** Where possible the officer will or clearly attempt to move out of the path of a moving vehicle rather than discharge their weapon to stop the vehicle. Officers shall not shoot at any part of a vehicle in an attempt to disable the vehicle.

*Shooting through a door or window when the target is not clearly in view.

*Warning shots or shots fired for the purpose of summoning aid are prohibited.

*Using firearm as impact weapon -- Officers should never use a firearm as an impact weapon, i.e. "pistol whip" a subject or using the firearm as a club, except in situations where deadly force would be authorized.

*Force against persons in handcuffs -- Officers shall not use force against persons in handcuffs, except to prevent imminent bodily harm to the officer, or another person, or to physically move the subject who has become passively resistant.

*Force to overcome passive resistance -- Officers shall not use force to overcome passive resistance, except that physically moving a subject is permitted when it is necessary and objectively reasonable.

REQUIRED ACTION

Duty to Intervene- Members shall intervene to stop any member from using excessive force. Intervention may be verbal and/or physical. It is equally our job to police ourselves.

Failure to Intervene will subject a member to disciplinary and or criminal prosecution action. Members must immediately, or as soon as safety allows, notify a permanent-rank supervisor after such an intervention.

Duty to Provide Medical Assistance- Medical Attention is the priority. Police officers are responsible for obtaining and ensuring medical aid for individuals who complain of, or show signs of injury as a result of any use of force or complaint of injury. *Officers* will request an ambulance and begin medical evaluation and care of such individuals as soon as practical. Fire Department emergency medical personnel at the scene of an incident will assess the need for further medical care beyond that provided at the scene.



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If a person has been subjected to impact by **any type of Less-Lethal Force** including CEW, impact weapons or impact projectile, he/she will be provided with medical treatment. If the person refuses medical treatment or leaves the location (e.g., persons of an unlawful gathering dispersed by Less-Lethal Force that may voluntarily leave without aid), members must document the actions taken to identify and render aid to the person in the Use of Force Review.

Children and Youth-When dealing with Children and our youth, as with any encounter, members are expected to continually assess the situation, employ De-Escalation Techniques, and seek peaceful resolutions during incidents involving children and youth.

Members will, when feasible, recognize and employ tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language. Members will also account for any fear-based reactions children and youth may experience during an encounter.

When force against a child or young person is necessary, take into account personalized factors of the child or young person including, apparent age, body size, and relative strength of the member relative to the child or young person; and risk posed by the child or young person; and,

In the case of injury resulting from a Use of Force, in addition to the requirements to render aid, summon medical care and notify a supervisor, the member will notify the child or young person's parent, guardian, or other responsible adult and or Child Protective Services.

REPORTING USES OF FORCE

Members of the Manchester Police Department must notify a permanent-rank supervisor immediately, or as soon as practicable, following a Use of Force. The supervisor and or Chief of Police will respond to the scene. The notification will contain basic information concerning the incident. Any member with knowledge that another member used force must also immediately report that Use of Force to a permanent-rank supervisor. In all instances, the permanent-rank supervisor will conduct a thorough review of the Use of Force, and document this review by completing a full investigation and reporting. Documentation will include, witness statements, photographs, officer's reporting, and if needed, crime lab response, processing and documentation. As part of the documentation, always look for video surveillance or witnesses using their cell phones to record the events. This information is critical in the review of facts.

The failure of any supervisor or member to fulfill any of the requirements of this policy will not prevent, inhibit or otherwise affect the ability of the Department to conduct an investigation of any misconduct arising from a Use of Force incident or to otherwise discipline a member for any violation of this policy. There will be occasions where the Chief of Police will request an



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outside agency i.e. Maryland State Police, Carroll County Sheriff's Office, Baltimore County Police Department, and or the Carroll County State's Attorney's Office to conduct the investigation. It is imperative that a complete and thorough impartial investigation is concluded.

- **ALL PRELIMINARY DOCUMENTATION AND REPORTING IS DUE BY THE CONCLUSION OF THE OFFICER'S SHIFT IN WHICH THE INCIDENT OCCURRED. UNLESS REASONABLY AUTHORIZED BY THE CHIEF OF POLICE OR HIS/HER DESIGNEE.**

Use of Deadly Force or Force that Results in Death or Serious Injury Incidents

1. The supervisors up to the Police Chief or his/her designee, will be notified and will respond and secure the scene pending arrival of investigators. When reasonable, all weapons used in the incident will be secured by the crime lab for photographs and processing evidence. The supervisors, after ensuring that all involved parties are ok and or are receiving medical aid; will obtain all preliminary information; for the follow-up investigator; and submit a written report of their activities. The supervisor will notify the on-call CCSO CID supervisor, or the Maryland State Police's Criminal Investigation Division to respond, the PIO, and the designated representative of the involved officer's union affiliation (FOP Lodge 20) and a member of Peer Support. CCSO, MSP AND CARROLL COUNTY STATE'S ATTORNEY OFFICE WILL ASSUME THE INVESTIGATION.
2. A Maryland State Police Homicide Detective will be requested to respond to the scene if CCSO-CID does not assume the investigation.
3. An Evidence Collection Technician will respond and fully process the scene.
4. A member of the Firearms/Specialized Training Unit will respond to the scene to assist in the investigation if possible; and from the CCSO and or Maryland State Police.
5. The designated PIO will respond to the scene.
6. The Criminal Investigation Division Homicide Unit who is designated will conduct a criminal investigation of every use of deadly force against a person or force by a police officer that results in death or serious injury of a person. A report of the criminal investigation will be submitted to the State's Attorney's Office. The State's Attorney will decide whether the officer's actions



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were lawful or unlawful, and whether to initiate criminal action against officers whose actions are deemed unlawful.

Out of Jurisdiction Incidents

Be guided by this policy; however, unless articulated and reasonable exigent circumstances exist, always call 911/Ensure a call to 911 and or notify the police department having jurisdictional authority. Always comply with the direction given by the officer having authority and clearly identify yourself as a police officer. As soon as possible and without delay, notify or ensure notification to your supervisor.

When an officer is involved in shooting or deadly force incident, the permanent ranking supervisors followed up by the Chief of Police will ensure that the officer is:

Provided with the services of the Mental Health Intervention Team;

- scheduled for an appointment with a designated psychologist as soon as reasonable, preferably within 24 hours of the incident or the next business day;
- escorted or transported home;
- placed in an off-duty status without charge to leave until a duty status determination is made; and
- scheduled for an after-action training session, coordinated by the Chief of Police, focused on reinforcing officer survival skills (which is non-punitive and designed to build confidence)

Note: When a police officer uses deadly force against a person or uses force that causes death or serious injury to a person, the officer shall be placed on administrative leave by the Chief of Police until all requirements are fulfilled.

There are Exceptions for reporting:

- The firearm was discharged for training purposes.
- An approved Less-Lethal weapon was used for training purposes
- The firearm was discharged for recreational purposes.
- When using 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.



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TRAINING

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to provide techniques for the use of and reinforce the importance of de-escalation; simulate actual shooting situations and conditions; use of less lethal force and implicit bias training, all to enhance officers' discretion and judgment in using less-lethal, de-escalation and deadly force in accordance with this policy. All use-of-force training shall be documented.

RECISSION

Remove and destroy/recycle any and all Use of Force Policy(s) prior to March 2019.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Under Review