



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: USE OF FIREARMS/USE OF FORCE/DEADLY FORCE

NEW REVISED RESCINDS

APPROVED: *GM*

GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

The Cottage City Police Department recognizes and respects the value and special integrity 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 this police department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another.

An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's life, or in defense of any person in immediate danger of serious physical injury.

Cottage City police officers are authorized to carry weapons in accordance with State Law under CR § 4-203 (b) (1) (i). Non-sworn personnel are not permitted to carry and/or use weapons.

II. PURPOSE

The purpose of this General Order is to provide clear guidelines for Cottage City Police Officers when making decisions regarding the use of their firearms or the use of force. This policy was developed with serious consideration for the safety of both police officers and the public and with the knowledge that officers may make split-second decisions in life and death situations. This policy is the standard by which the actions of Cottage City Police Officers will be measured.

III. DEFINITIONS

- A. Deadly Force - force intended to, or likely to, cause death or serious physical injury.
- B. Non-deadly Force - force not intended to, or not likely to, cause death or serious physical injury.
- C. Probable Cause - regarding deadly force, means facts and circumstances known to the police officer who would warrant a prudent and cautious person with the knowledge, training, and experience of the officer to believe that a suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.
- D. Reasonable Belief - when facts or circumstances the police officer knows, or should know, are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- E. Serious Physical Injury - bodily injury that:
 - 1. Creates a substantial risk of death;
 - 2. Causes serious, permanent disfigurement;
 - 3. Results in long-term loss or impairment of any bodily member organ.

IV. PROCEDURE

- A. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable belief that it may be necessary to use the weapon in conformance with this policy.

B. Before using a firearm, and where feasible, police officers shall identify themselves and state their intent to shoot.

C. Authorized Use

Sworn police personnel are authorized to discharge a firearm in connection with the performance of official police duties only under the following circumstances:

1. At a suspect or fleeing felon where the affected sworn police officer has probable cause to believe that this suspect poses a threat of serious physical harm or death, either to the police officer or to others;
2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured;
3. A police officer may use deadly force in other jurisdictions only to defend himself or another person from what the sworn police officer has reasonable belief to perceive as an immediate threat of death or serious bodily injury;
4. At the pistol range for target practice or when authorized for training purposes or competitive sporting events; or,
5. As a last resort in an effort to summon aid.

D. Unauthorized Use

1. Deadly force will not be used when less force would be sufficient to affect an arrest or repel and assault.
2. Firing into buildings, doors, windows, or other openings is prohibited when the person lawfully fired upon is not clearly visible.
3. Sworn police personnel will not discharge a firearm at or from a moving vehicle except as a necessary measure of self-defense or defense of another when a suspect is using lethal force.

4. Warning shots are prohibited.
5. Firearms shall not be discharged when it appears likely that an innocent person may be injured.

V. AUTHORIZED WEAPONS

- A. Police officers are authorized to use lethal and non-lethal weapons that are Department-approved and authorized for law enforcement responsibilities, on and off duty, in a manner consistent with the provisions of this general order.

Non-lethal weapons may be used as follows:

1. To protect the officer or another from physical harm;
 2. To restrain or subdue a resistant individual; or,
 3. To bring an unlawful or hazardous situation safely and effectively under control.
- B. A police officer is not permitted to use a non-deadly weapon unless qualified and proficient in its use as determined by training procedures.
 - C. Prior to the issuance of a Department-owned weapon or firearm to an officer, the Department Quartermaster will ensure that it has been inspected by a qualified weapons instructor or armorer. This inspection will normally take place at the range prior to the officer's first qualification with the weapon. Any on-duty or off-duty weapon found to be unsafe or defective during supervisory or armorer inspections will be removed from service immediately until restored to proper operating condition.
 - D. Cottage City officers of all ranks will only carry an issued or departmentally approved weapon, to include side arms and ammunition, while on-duty and may carry an issued or approved weapon off-duty, providing they are acting in conformity with applicable Department General Orders, State Laws, and Cottage City Ordinances. The following weapons are authorized for on duty and off-duty use by Cottage City Police Officers:

1. Glock Model 23, 40 caliber semi-automatic pistol with 165 grain, copper jacketed hollow point ammunition.
 2. 12 gauge pump-action shotgun, manufactured by Mossberg, Winchester or Remington, with No. 4 Buckshot ammunition.
 3. Other weapons may be approved on a case-by-case basis. The caliber must be generally accepted for law enforcement use. Ammunition will be that which is recommended by the manufacturer for the weapon.
- E. Off-duty officers who elect to carry a firearm shall also carry their police badge and credentials on their person. Off-duty weapons shall be carried in a concealed and safe manner and shall not be unnecessarily displayed to the public. Officers wishing to carry off-duty weapons must first register them with the Chief and the officers must have successfully passed a qualification course with the specific weapon approved by the Maryland Police and Correctional Training Commission.
- F. Before an officer is authorized by the Department to carry a weapon, the Chief will ensure that the officer has been issued copies of and has been instructed in Department policies governing the use of force and the use of lethal and non-lethal weapons. The Chief will document the issuance of the weapon and policies on an appropriate form.
- G. Officers wishing to use or carry a lethal or non-lethal weapon not issued by the Department may not do so unless:
1. They have submitted a memorandum via the chain of command to the Chief of Police requesting approval and the Chief has granted approval;
 2. The officer has had the weapon inspected by the appropriate qualified weapons instructor or department armorer;
 3. The officer has demonstrated to the instructor proficiency with the weapon; and,
 4. The officer has complied with paragraph D, above.

- H. Lethal and non-lethal weapons will be frequently inspected by the officer, to whom they are issued to ensure that they are in a state of operational readiness, and any weapon found to be malfunctioning, unsafe, or deficient will be promptly taken out of service and the Chief notified.

All weapons will be inspected periodically by the Chief or his/her designee.

- I. The Department-issued weapon for all ranks shall be the Glock 23, 40 caliber semi-automatic pistol.

All ammunition for the Department-issued Glock will be 165 grain copper jacketed hollow point.

- J. The Department approved expandable nightstick (ASP) and aluminum flashlight are authorized non-lethal impact weapons, the carrying and use of which are restricted to those officers who have successfully completed a Department-approved course of instruction in their use and who meet all certification and re-certification requirements.

- K. The only "pepper spray" that Cottage City Officers are authorized to carry and use if necessary, is the Sabre Red Dot OC-10 Oleoresin Capsicum Pepper Spray.

VI. MEDICAL CARE

- A. Officers will ensure the provision of appropriate medical aid after use of lethal or less-than lethal weapons, or other use of force. Appropriate "medical aid" may include increased observation by the officer to detect obvious changes in condition of the person; flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals.
- B. Officers and supervisors are required to obtain medical evaluation as soon as practical for persons:
 - 1. Who show signs of injury as a result of any use of force,
 - 2. Who complain of any injury as a result of any use of force,
 - 3. Who become unconscious either during or following any use of force, and,

4. When the officer or supervisor reasonably believes an individual is in need of a medical evaluation as a result of any use of force.
- C. Officers will notify the Chief of all injuries complained of or sustained by subjects following any use of force.

VII. IN-SERVICE TRAINING ON DEPARTMENT AUTHORIZED WEAPONS

At least annually, all officers will receive In-Service training in the Department's use of force policies and demonstrate proficiency with any approved lethal and non-lethal weapon authorized for use. Weaponless control techniques which are included in the annual in-service use of force curriculum and taught by certified instructors during Annual In-Service Training are authorized, with the exception of neck restraints which have the potential for causing serious injury. The Chief will maintain a record on each Department-approved weapon and In-Service training.

- A. The proficiency training will be monitored by an appropriate certified weapons instructor for the specific weapon being demonstrated. The instructor will notify the Department's Training Coordinator upon completion of the training in order to make a timely entry into the respective officer's training file.
- B. If an officer fails to demonstrate a satisfactory level of proficiency, he/she will not be permitted to carry that particular weapon until the officer has successfully completed remedial training.

VIII. REPORT AND NOTIFICATION

- A. An officer who discharges a firearm on or off duty, within or outside his jurisdiction, accidentally or intentionally, except during training or practice at the range or while involved in approved hunting or sporting events, shall make an oral report to the on-duty supervisor as soon as practical, or in his/her absence, the Chief of Police and complete an Incident Report and a Use of Force Report as soon as circumstances permit.
- B. If the discharge results in death or injury to another, or if the Chief feels there is negligence, or it is in the best interest of the department or the Town of Cottage City, the officer shall be placed on administrative duty until the department investigation is completed. The firearm involved may be taken for evidentiary purposes. The authority for a member to carry a firearm shall continue unless the officer's emotional state indicates he/she should be relieved of that

authority. The involved officer will follow the reporting procedures in Section VII., A.

- C. Officers shall document the use of force when it is applied through the use of lethal or less than lethal weapons.
- D. Officers shall document the use of weaponless physical force in accordance with department policy. The act of applying handcuffs for officer safety or when arresting an individual is not considered use of force for the purposes of this General Order. However, the fact that handcuffs were applied will be documented in the Event Report. When multiple employees are involved in the same use of force incident, the primary employee involved, will verbally report the incident to the supervisor and initiate a Use of Force Report prior to securing for the day/evening.
- E. If there is a need, the Chief or the supervisor shall make the decision to notify a mental health professional and/or the States Attorney.

IX. USE OF FORCE REVIEW COMMITTEE

- A. The Committee shall consist of three members:
 - 1. Lieutenant, Cottage City Police, Chairman
 - 2. Supervisor, PGPD or other Municipal Police Department
 - 3. Officer, Cottage City Police Department
- B. The Use of Force Committee shall review all assigned incidents of weapons discharge and use of force incidents involving personal injury and make a report to the Chief within 72 hours of the incident, Included in the report will be findings whether:
 - 1. Department rules, policy, or procedures were violated;
 - 2. The relevant policy was clearly understandable and effective to cover the specific incident;
 - 3. Department training is currently adequate.

- C. The Chief of Police will conduct an annual analysis of use of force reports in order to identify patterns or trends that could indicate training needs and/or policy modifications.