

Rockville City Police Department

GENERAL ORDER



Subject RESPONSE TO RESISTANCE AND AGGRESSION		Procedure G.O. # 4 - 1
Authorizing Signature 	Effective: 02-29-2012 Revised: 04-21-2022 Revised: 10-18-2016 Revised: 07-01-2022 Revised: 06-19-2020	Total Pages 20

I. PURPOSE

The primary purpose of this General Order is to ensure officers respect the sanctity of life when making decisions regarding use of force. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. The department respects the sanctity of every human life. There are situations when an officer is forced to make the irreversible decision of whether or not to use deadly or non-deadly force. Such a decision can have a powerful and possibly harmful effect on the officer, the department, and the community. This General Order is to provide guidance to aid officers in the exercise of that decision.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

II. POLICY

In accordance with the Rockville City Police Department Mission Statement, it is the sworn duty of every officer to safeguard and protect human life. Officers shall treat all persons with respect, dignity, professionalism, and courtesy. If the use of force becomes necessary, officers shall only use force proportional to the threat.

It is neither the policy of the department nor the intent of these General Orders that officers unnecessarily or unreasonably endanger themselves or others. This general order establishes guidelines for officers with regard to use of force.

Sound judgement and the appropriate exercise of discretion are the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this General Order is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

An officer who observes another officer using inappropriate, unnecessary, or unreasonable force shall intervene to stop the use of force when there is a reasonable opportunity to do so. An employee who witnesses inappropriate, unnecessary, or unreasonable use of force by an officer shall report it as soon as practicable to a supervisor.

III. DEFINITIONS

- A. Active Resistance – Occurs when a subject takes action and/or uses evasive movements that attempt to physically counteract or defeat an officer’s attempt to detain a subject or place them in custody and take control, and which may create a potential risk of bodily harm to the officer, subject, and/or other persons. Examples include, but are not limited to, pulling away from the officer, breaking the officer’s grip and/or control, or fleeing arrest.
- B. Deadly Force – Any use of force, which is intended or likely to cause death or substantial risk of death or serious physical injury. In addition to firearms, deadly force includes the use of unarmed techniques, such as a chokehold/neck restraint, or less lethal weapon in a manner, which is intended, or would likely cause death or substantial risk of death or serious physical injury.
- C. De-escalation (De-escalation Techniques) – Actions taken by an officer and/or communicated verbally or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least force necessary. De-escalation is also an effort meant to reduce or end the use of force after a threat has diminished.

When reasonable, officers will gather information about the incident, assess the risk, assemble resources, attempt to slow momentum, communicate with the subject, and coordinate a response. Officers should use warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. When feasible, an officer may withdraw to a position that is tactically more secure or allows greater distance in order to consider or deploy a greater variety of force options.
- D. Imminent – Likely to happen without delay; impending; threatening.
- E. Less Lethal Weapon (Protective Instruments) – Any device authorized by the department and utilized by a police officer, to establish control by means of applying mechanical impact to another individual, (e.g. Oleoresin Capsicum (O.C.) spray, electronic control device (ECD), expandable baton *etc.*) Officers should avoid the use of flashlights, radios, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available.
- F. Less Lethal Force – Any use of force other than that which is considered deadly force.
- G. Neck Restraint – A technique involving the use of an arm, leg, or other firm object to attempt to control or disable a subject by applying pressure against the windpipe or the neck with the purpose or effect of controlling a subject’s movement or rendering a subject unconscious by blocking the passage of air through the windpipe.

- H. Objectively Reasonable Force – The level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who actually utilized the force. The objective reasonableness of a particular use of force is not analyzed with hindsight but will take into account the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.
- I. Passive Resistance – A refusal by an unarmed person to comply with an officer's verbal commands or physical control techniques by non-violent actions. Examples include, but are not limited to, ignoring verbal instructions by failing to respond or move, locking arms, or going limp.
- J. Police-Involved Death – a death or the protentional death of a civilian, resulting from an action or omission of a 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.
- K. Probable Cause – Facts and circumstances that would lead a reasonable person with a police officer's experience and training to believe that a crime has been committed, and a particular individual has committed that crime.
- L. Proportionality – Officers shall balance the circumstances known to or perceived by the officer at the time with the severity of the offense committed and the subject's level of resistance. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in serious physical injury or death, the greater the level of force that may be proportional, objectively reasonable, and necessary to encounter it.
- M. Scene – The location(s) where force was utilized during an event.
- N. Serious Physical Injury – Bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement or results in long term loss or impairment of any bodily member or organ.

IV. USE OF FORCE

- A. Police officers are frequently confronted with violence, aggression, and resistance to lawful authority. Officers in such circumstances may be required to use force to overcome that violence, aggression and resistance. This is one of the most critical decisions that officers face in a free society. This General Order provides guidance for officers in such circumstances.
- B. Officers will only use what force is objectively reasonable to make an arrest, an investigatory stop/detention or other seizure, in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm or death.
- C. Force situations are dynamic and require an officer to continually assess the subject's actions to ensure an objectively reasonable response. Officers may initiate and transition to levels or types of force, including attempts to de-escalate, in relation to the amount of resistance offered by the subject. Circumstances that influence the level of force used by the officer include, but are not limited to the following:
 - 1. The severity of the crime at issue,
 - 2. Whether the subject poses an imminent threat to the safety of the officers or others, and
 - 3. Whether the subject is actively resisting arrest, or the subject is attempting to evade arrest by flight.
- D. All officers have a number of force options available to use in those situations where force is objectively reasonable. Examples may include but are not limited to:
 - 1. Subduing or arresting a physically assaultive person.
 - 2. Instances that reasonably threaten the safety of an officer or other person.
 - 3. Stopping a person who is attempting to flee or escape a lawful detention or arrest.
 - 4. When directing, controlling, or escorting resistive or physically uncooperative persons.
 - 5. Other situations where persons who are being placed into custody are non-compliant or resistant to other lawful orders.
- E. When it is necessary for officers to exercise physical control of a violent, assaultive, or resisting individual to make an arrest or protect others from harm, they shall:
 - 1. Recognize that their conduct prior to the use of force, including the display of a weapon, may influence the level of force necessary in a given situation.
 - 2. Exercise reasonable care that their actions do not precipitate an unnecessary or disproportionate use of force by placing themselves or others in jeopardy, or by not following policy or training: and
 - 3. Continually evaluate the situation and adjust the use of force appropriately.

F. Officers shall cease any use of force when:

1. The subject is under the officer's control; or
2. The subject no longer poses an imminent threat of physical injury or death to the officer or another person; or
3. The officer determines that force will no longer accomplish a legitimate law enforcement objective.

V. LEVELS OF FORCE

Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

An officer may encounter situations that require not only the officer's presence, but some form of verbal or non-verbal communication. This communication may take the form of providing information, giving commands, physical gestures or directions, asking or answering questions, conducting interviews, etc. It may also take the form of issuing specific instructions to individuals or groups, dealing with arguments, verbal assaults, or threats, handling disputes, disagreements, etc. The department recognizes that some situations require the application of force.

A person need not strike or attempt to strike an officer to be considered a physical threat as long as an officer has an objectively reasonable belief (verbal threats, verbal defiance, physical stance, etc.) that the person is physically threatening and has the present ability to harm the officer or another. Examples of actions or observations that may lead an officer to believe that a person is a threat include, but are not limited to, clinched fists, displayed hostility or anger, verbal threats, aggressive stance, non-compliance, and furtive movements, among other things. Under the law, officers are not obligated to retreat when confronted with a threat, however, de-escalation techniques prior to a use of force, when feasible, may reduce or remove the initial threat. The department relies on the officer's judgment and discretion to employ objectively reasonable force under each unique circumstance.

A. There are four levels of response to resistance and aggression. Officers respond as objectively reasonable and necessary. It is acknowledged that higher levels of response may be less injurious than lower levels in specific circumstances.

1. Physical Presence / Verbal Communication – Physical presence and verbal communication skills frequently resolve conflicts.
2. Physical Force – Officers may be required to use unarmed response techniques to overcome resistance or aggression. These techniques may range from control methods to actions that may result in severe injury or death.
3. Protective Instruments - Less lethal weapons may be used to respond to resistance or aggression when unarmed techniques pose a reasonable possibility of injury or death to the officer, suspect or others.
4. Deadly Force – Deadly force includes, but is not limited to, use of a firearm. Deadly force is force that an officer knows or should know creates a substantial risk of causing death or

serious bodily injury. Deadly force includes, but is not limited to, firing a firearm in the direction of another person. Depending on the circumstances, deadly force also includes other potentially lethal tactics such as:

- a. Applying a chokehold, vascular neck restraint or neck restraint of any kind, which are prohibited unless there are exigent circumstances and deadly force is authorized.
- b. The use of a less lethal weapon strike above the shoulders.
- c. Deliberate use of vehicle or other tool in a deadly force encounter.

B. Authorized Use of Deadly Force

1. Defense of Self or Another

Officers may use deadly force if such force is necessary, as a last resort due to a lack of reasonable and safe alternatives, to defend themselves or another person from what they reasonably perceive is an imminent threat of death or serious physical injury. Such force must not create substantial unnecessary risk of injury to a third person. Deadly force is a measure to be employed only in the most extreme circumstances when de-escalation techniques and/or less-lethal means of force have failed or could not reasonably be employed.

Officers shall, whenever possible, identify themselves as police officers and issue a verbal warning prior to using deadly force, unless such identification and warning would jeopardize their safety or the safety of another person.

The United States Supreme Court has ruled that any use of deadly force must be objectively reasonable. This standard will be applied to all uses of deadly force regardless of whether or not a suspect is fleeing when an officer employs deadly force.

2. Fleeing Felon

- a. Officers may use deadly force to apprehend a fleeing felon when:
 - (1) There is probable cause to believe the crime committed was a felony of a violent type (one which involved the infliction or threatened infliction of serious physical harm or death), and
 - (2) There is probable cause to believe the person fleeing committed the crime or the person fleeing escaped while being held in legal custody as a suspect in a felony of a violent type, and
 - (3) Such force is necessary, as a last resort due to a lack of reasonable and safe alternatives, to prevent imminent and serious bodily injury or death to the officer or another person, and

- (4) the use of such force creates no substantial unnecessary risk of injury to a third person and
- (5) Officers have identified themselves as police officers and have stated their intention to use deadly force and given the person a reasonable opportunity to comply voluntarily, if time, safety, and the circumstance permit.

C. Less Lethal Force

1. Less lethal force may be used to respond to resistance or aggression when reasonable in order to effect arrests, to safely make or maintain an investigative detention or seizure, or to protect officers from personal attack, physical resistance, or injury, provided the force applied is reasonable and based upon the immediate circumstances confronting the officer at the time.
2. Less lethal force may include unarmed response options (hands/body), the use of less lethal weapons, or other techniques.

D. Other

1. Discharge of Firearms to Destroy Animals
 - a. The discharge of firearms to destroy dangerous and/or injured animals (where no other alternatives are reasonably available), to relieve their suffering, is authorized and requires completion of the Use of Deadly Force on Animal Report (RCPD form # 25). Factors taken into account when using a firearm to destroy an animal must include backdrop, location, bystanders, etc. Destruction of a domestic injured animal (cats, dogs, cattle, horses etc.) that is not dangerous will be a last resort. Effort should be made to notify the owner but if they cannot be quickly located a Neighborhood Services Officer (NSO) will be contacted to handle. If an NSO is not available a Montgomery County Animal Services Officer will be contacted to handle the situation. An incident report will be completed, and an attempt will be made to notify the owner, when there is a necessary destruction of an injured domestic animal.
 - b. If an officer destroys a dangerous or vicious animal, either domestic or non-domestic, that presents a threat to the safety of the officer or another, an incident report shall be completed in addition to RCPD Form#25. Officers who are confronted by dangerous animals are encouraged to consider the use of non-firearm alternatives, to include an ECD. RCPD Form#25 must also be completed when an officer uses a protective instrument against a dangerous or vicious domestic animal.

2. Exigent Circumstances

The Rockville City Police Department will authorize appropriate firearms and less lethal weapons and provide training in their lawful use. In exigent circumstances, officers are not prohibited from using another object or instrument in order to protect themselves or others as long as the object is used in accordance with the limitations on force contained in this policy.

3. Display of Weapons

- a. No officer shall draw and point a firearm at or in the direction of another person unless they reasonably believe that there is a substantial risk that the situation may escalate to the point where deadly force would be permitted. Firearms shall be secured or holstered as soon as possible after the perceived threat has ended.
- b. Drawing and pointing a firearm at or in the direction of a person is a reportable incident and officers shall notify a supervisor of the event. A Response to Resistance and Aggression Report (RRAR) form shall be completed. (reference section VII.)
- c. Less than lethal weapons may be drawn whenever officers have reason to fear for their safety or the safety of others.

4. Bystanders

When discharging a firearm for any reason, officers must exercise reasonable caution in order to avoid unnecessarily endangering the lives of bystanders. When possible, officers should give consideration to shooting background, bystanders, and location.

E. Prohibited Use

1. Warning Shots – The use of warning shots is prohibited.
2. Shots from, or at, Moving Vehicles
 - a. Officers are prohibited from intentionally placing themselves in the path of a moving vehicle where an officer's use of deadly force would 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.
 - b. Shots fired at or from a moving vehicle are prohibited unless the circumstances would authorize the use of deadly force. For purposes of this order, a moving vehicle is not considered deadly force except when it is reasonable to believe that the moving vehicle is being used to conduct a vehicle ramming attack and/or fatally or seriously injure a person. Shots fired at or from moving vehicles, present a potential danger to innocent persons, and are usually ineffective. They cannot be depended upon with any degree of certainty.

F. Medical Assistance

1. Officers and supervisors will be required to administer first aid and obtain medical treatment as soon as practical for individuals:
 - a. Who show signs of any injury as a result of any response to resistance and aggression.
 - b. Who complain of any injury as a result of any response to resistance and aggression.
 - c. Who become unconscious or exhibits reduced consciousness either during or following any response to resistance and aggression.
 - d. When a subject exhibits or complains of trouble breathing.
 - e. When the officer or supervisor reasonably believes an individual is in need of medical treatment as a result of any response to resistance and aggression.
 - f. Who show obvious signs that chemical restraint may be necessary. Officers must specifically request an Advanced Life Support ("ALS") unit. ALS units carry medication such as Haldol or Ketamine which can assist in treating individuals suffering from excited or agitated delirium.
 - g. Who have been exposed to an Electronic Control Device (ECD) Montgomery County Fire Rescue Service (MCFRS) ambulance medical treatment is an appropriate level of care in most circumstances: hospital/emergency medical center treatment is not necessary but may be required as determined by MCFRS personnel.
2. Medical treatment will be provided immediately or as soon as practical and will not be refused for any individual who requests it. For the purposes of this General Order, medical treatment may be performed by responding MCFRS, emergency medical personnel at the scene of the incident, or by hospital personnel. Once on the scene, MCFRS personnel will advise police personnel of the need for further medical care beyond that provided at the scene.
3. Individuals exposed to Oleoresin Capsicum (OC) spray usually display predictable reactions. Officers certified in OC spray and are trained to recognize these reactions may provide field remediation of OC in accordance with their training. Unless other circumstances are required, as outlined in V.G.2., individuals exposed to OC spray will not require medical treatment.
4. If safety circumstances reasonably dictate moving the subject to another location, officers may have emergency medical personnel meet the officers at a nearby location to assess the subject and render aid.

VI. CUSTODIAL RESPONSIBILITIES

A. Important considerations

Officers must be mindful of certain indicators and/or conditions when detaining or arresting a person. The following conditions and/or indicators may potentially contribute to sudden unexpected death. Following extreme physical exertion and/or restraint;

1. Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora, hostility, exceptional strength, and endurance without fatigue.
2. Alcohol or drug use/abuse
3. Obesity
4. Display of erratic/psychotic behavior
5. Incoherent speech
6. State of agitation
7. Subject intentionally injuring themselves
8. Subject disrobing or naked

Officers must recognize these factors and closely monitor a subject in custody in the aftermath of a struggle when one or more of the above indicators are present and the scene is secure.

- B. Officers must take appropriate measures so that the individual being transported is able to breathe without restriction and if possible should lay the subject on their side or seated in an upright position. Officers are prohibited from transporting subjects in a face-down position, as transporting subjects in a face down position has a high likelihood of causing positional asphyxia. Additionally, officers should avoid transporting a person in a position which places pressure on the ECD probes.

C. Medical Emergencies

Officers must immediately summon emergency medical assistance if the subject exhibits or complains of trouble breathing, becomes unresponsive, exhibits a reduced level of consciousness, or, if in the officer's opinion, the subject requires evaluation or medical treatment.

VII. RESPONSE TO RESISTANCE AND AGGRESSION REPORTING REQUIREMENTS

- A. The Response to Resistance and Aggression Report (RRAR) will be completed by each officer actively involved any time force is used, which:
1. Results in an injury or death to an individual.
 2. Where the individual claims that he/she is injured as a result of the use of force.
 3. Where force is applied by the use of a less lethal weapon

4. Where any physical force is applied to the extent it is likely to cause or lead to unforeseen injury, claim of injury or allegations of excessive force.
5. Whenever a firearm is discharged other than authorized target practice or the humane destruction of an injured or dangerous animal.
6. Drawing and pointing a firearm at or in the direction of a person.
7. Drawing and pointing an ECD at or in the direction of a person.
8. Drawing and pointing of Oleoresin Capsicum (O.C.) spray at or in the direction of a person.
9. Anytime force is used to counteract a physical struggle.
10. Whenever a department canine inflicts injury on any subject or suspect in conjunction with a canine deployment
11. Anytime an officer is assaulted or ambushed.

NOTE: A Response to Resistance and Aggression Report is not needed in those instances of accidental firearm discharges.

- B. The form will be completed no later than the end of the shift on which the response to resistance and aggression occurred, and forwarded to the Chief of Police, via the chain of command. This form will be also be used to evaluate the response to resistance and aggression department wide.
- C. If the submission of the RRAR will take longer than the required time frame, the Bureau Commander will be notified of the delay and the reason for the delay. The Bureau Commander or Bureau Commander's designee will determine a due date for submission of the RRAR.
- D. The Chief of Police will designate a Senior Police Official to conduct an annual documented analysis of its use of force activities, policies and practices with the assistance of the Department's response to defensive tactics instructors. The Senior Police Official will report the analysis and the results to the Chief of Police.

VIII. RESPONSIBILITIES

- A. Officer
 1. Officers will report immediately to their supervisor, and off-duty officers to the on-duty supervisor, any circumstance described in section VII A. 1 – 11 as well as any firearm discharge (except authorized range practice) or serious medical emergency involving a subject in-custody.
 2. Officers will complete or provide information for the completion of incident reports, charging documents, and the RRAR and any other reporting requirements deemed

necessary. An incident-report MUST be completed prior to the end of the shift whenever an RRAR is completed.

B. Shift Supervisor

1. Respond to the scene of all ECD deployments, firearm discharges (except the humane destruction of non-domestic animals), and any use of force that results in any injury or complaint of injury.
 - a. Ensure appropriate medical treatment has been received or requested, evidence is collected, witness/involved persons are interviewed, and pictures taken of all involved parties whether injured or not, when BWC (Body Worn Camera) recording of the incident is not available or it is believed the BWC recording does not capture the involved officer(s) and/or subject(s).
2. Review for completeness the associated incident report and RRAR(s) submitted by the officer, review associated BWC, complete the supervisor section and forward to the on-duty Watch Commander (or next scheduled WC if one is not on duty), prior to the end of the tour of duty.
3. Immediately notify the on duty/on call Watch Commander of all incidents listed in VIII B.1., serious medical emergency involving a subject in-custody, and/or any serious concerns after reviewing the incident report, RRAR and/or BWC.
4. Complete the Response to Resistance and Aggression Report and ensure an incident report is completed if the officer is unable to complete.
5. On-duty supervisors will ensure that off-duty officers involved in reportable use of force events fulfill the requirements of section VII.A. B. and C of this General Order.

C. Watch Commander

1. Respond to the scene of any serious, fatal use of force or firearm discharges (except the humane destruction of non-domestic animals). See section for IX for investigative process for departmental shootings as well as serious and fatal use of force. Ensure VIII B.1.a is completed.
2. Review for appropriate level of response to resistance and aggression and completeness of the associated incident report and RRAR(s) submitted by the officer, review associated BWC, complete the appropriate section and forward to the appropriate Bureau Commander for assignment to an appropriate certified instructor in the discipline of force that was used as soon as practical.
3. Immediately notify the appropriate Bureau Commander of any serious concerns after reviewing the incident report, RRAR and/or BWC.

D. Certified Instructor's Review

1. Once assigned by a Bureau Commander, this will be completed by a certified instructor in the discipline of force that was used
2. Review for completeness the RRAR(s) submitted by the officer, review associated BWC, complete the certified instructor's section and forward to the appropriate Bureau Commander by the end of the tour of duty on which it was received.

E. Bureau Commander

1. Review for completeness the associated incident report and RRAR(s) submitted by the officer, review associated BWC, comments from other reviewers, complete the appropriate section and forward to the Deputy Chief of Police as soon as practical.
2. Immediately notify the Deputy Chief of Police of any serious concerns after reviewing the incident report, RRAR and/or BWC.

F. Deputy Chief of Police

1. Review the associated incident report and RRAR(s), review associated BWC, comments from other reviewers, complete the appropriate section and forward to the Chief of Police as soon as practical.

G. Chief of Police

1. Review the associated incident report and RRAR(s), review associated BWC, comments from other reviewers, complete the appropriate section and forward to the Office of Professional Responsibility for filing and/or appropriate follow-up.

IX. DEPARTMENTAL NON-LIFE-THREATENING USE OF FORCE AND SHOOTING INVESTIGATION PROCESS

A. The department will ensure a thorough investigation is completed for all non-life-threatening serious use of force incidents as well as every officer involved shooting (excluding firearm discharges at authorized range practice or the destruction of an injured or dangerous of any non-domestic animal).

1. Shift Supervisor Responsibilities (in addition to VIII B):

- a. The supervisor will secure the scene until relieved by investigative personnel or a higher-ranking authority.
- b. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer shall be taken to a quiet area away from the scene of the incident.

- c. The supervisor should briefly meet with the involved officer(s) and preliminary questions should be asked about the incident, but in a minimal capacity. A walk through of the incident may be conducive to understanding how the incident transpired.
 - d. The officers should be advised that a more detailed debriefing would be conducted at a later time.
 - e. The supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and to be taken directly to a quiet secure setting at the police station or MCPD PSHQ where they will be turned over to an investigator from the Criminal Investigation Unit or MCPD Homicide Detective if it is determined appropriate by the Chief of Police or his designee and MCPD agrees to handle the investigation.
2. Watch Commander Responsibilities (in addition to VIII.C.):
 - a. Respond to the scene and ensure steps VIII.B. and IX.A.1.a-e are completed.
 - b. Ensure the Chief of Police and IID are notified.
 3. Whenever an officer is involved in a shooting and does not involve a life-threatening injury or fatality, the incident will be investigated by the Criminal Investigations Unit (CIU). The CIU will conduct a complete investigation, provide a written report of the findings directly to the Chief of Police. It shall be the duty of the Criminal Investigations Unit to notify the State's Attorney's Office as soon as possible. Depending upon the circumstances the Chief of Police, or the Chief's designee may request MCPD to lead or assist with the investigation as deemed appropriate.

X. DEPARTMENTAL POLICE INVOLVED LIFE-THREATENING OR DEATH INVESTIGATION PROCESS

1. Primary criminal investigative responsibility for officer actions involving Police-Involved Deaths will reside with the Office of the Attorney General's Independent Investigations Division (IID), and the Maryland State Police will lead the investigation. As provided by Section 3-527(b) of the Public Safety Article of the Maryland Code, notification to IID responsibility will rest with the agency from which the involved officer(s) are employed. The Montgomery County Police (MCPD) will provide investigative resources to assist the IID to include, but not limited to detectives from the Major Crimes Division, Forensic Services, and Collision Reconstruction Unit for incidents involving RCPD Officers. The RCPD will provide investigative resources to assist IID, to include, but not limited to detectives from the Criminal Investigations Unit involving RCPD officers and/or County Police Officer incidents occurring inside the City of Rockville boundaries. The agency from which the police officer is employed is responsible for conducting the administrative investigation once the IID criminal investigation has concluded.
2. See Appendix A for detailed guidance on the IDD process.

XI. DEPARTMENTAL MISC PROCEDURES AND DUTIES FOR POLICE INVOLVED DEATHS, SHOOTINGS, AND SERIOUS USE OF FORCE

A. Mental Health Support

1. Peer Support Team (PST) – The on scene ranking officer should evaluate the need for RCPD and/or MCPD PST. The PST can be activated by contacting ECC.
2. Psychologist – In all cases where an officer is involved in any in custody death, fatal use of force or officer involved shooting (other than authorized target practice or destroying an injured or dangerous animal), that officer will be required to meet with a department-furnished psychologist within five days of the incident. The session will remain protected by the privileged Professional Psychologist Code of Ethics.
3. Employee Assistance Program (EAP)- In all cases where an officer has been involved in a police-involved death or police involved shooting where the subject was injured the involved officer and his family will have available to them services provided by EAP. The consultation sessions will remain protected by the privileged relationship.

B. Weapon

1. If an officer's service weapon is taken as evidence, and approved by the Chief of Police or designee, the supervisor will ensure that the officer is provided with a replacement weapon before the end of the tour of duty. Requirements for range qualifications with the replacement weapon will be temporarily waived until a firearm instructor can schedule a qualification session
2. In all cases where an officer fires his weapon (excluding firearm discharges as a result of authorized range practice or the destruction of an injured or dangerous animal), the involved officer will be required to re-qualify with his weapon prior to returning to on-duty status. A certified firearms training instructor shall conduct the re-qualification.

C. Reassignment/Leave

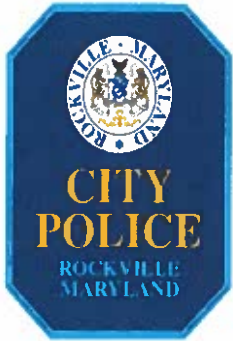
1. When a police officer discharges a weapon and the subject is either injured or killed or if the officer is involved in a police-involved death or serious life-threatening injury, the officer(s) will complete the preliminary report of the incident and then be directly placed on "Administrative Leave." The senior ranking officer on the scene will complete the preliminary report if the officer is unable to do so.
 - a. This leave shall be without loss of pay or benefits, pending the outcome of the investigation by the State's Attorney's Office or the assigned investigative and/or prosecutorial entity.
 - b. The assignment to Administrative Leave shall not be a presumption that the officer acted improperly.
 - c. While on Administrative Leave, the officer shall remain available at all times for official departmental interviews and statements regarding the incident and shall be subject to recall to duty at any time.

2. When a police officer discharges a weapon, (excluding firearm discharges as a result of authorized range practice or the destruction of an injured or dangerous animal), the officer shall be temporally assigned to administrative duties ~~duty~~ within the confines of the police building. The officer shall remain ~~on~~ in this assignment until the Criminal Investigations Unit, and any other organization authorized to investigate the incident (e.g. the State's Attorney's Office, Office of the Attorney General, Montgomery County Police Department, Federal Bureau of Investigation, or the appropriate courts) completes their investigation. Depending on the circumstances, the Chief of Police or the Chief's designee, may place the involved officer on administrative leave. If an officer is placed on administrative leave section XI.C.1.a-c applies.

- D. Media – All press releases relative to a police-involved death, officer involved shooting or use of force incident will only be made by the Chief of Police or designee, MCPD, State's Attorney's Office or the OAG/IID as appropriate dependent upon who is handling the investigation and/or prosecution if applicable.

XII. DISCLAIMER

This General Order is for departmental use only and does not apply in any criminal or civil proceedings. This Department policy should not be construed as creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions.



G.O. #4-1 Appendix A
Independent Investigations of Police-Involved
Deaths by the Office of the Attorney General,
State of Maryland

Date: March 29, 2022

In 2021, the Maryland General Assembly enacted into law SB600, the Maryland Police Accountability Act of 2021, creating an Independent Investigations Division (IID) within the Office of the Attorney General (OAG). The IID is charged with investigating all alleged or potential officer-involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, section 6-602. An officer-involved death is defined as a death or potential death of an individual resulting from an action or an omission on the part of a law enforcement officer while the officer is on-duty, or while off-duty but performing activities that are within the scope of his or her law enforcement duties. Examples include, but are not limited to, the following:

1. Officer involved shootings and other use of force incidents that are fatal or result in the likelihood of death of the individual.
2. Deaths occurring while an individual is in police custody.
3. Vehicle pursuits by law enforcement that result in death or likelihood of death of the individual.

The IID will be the primary investigative entity and will be responsible for the following:

1. Interviewing of witnesses/officers involved.
2. Crime scene evidence collection.
3. All other functions related to the officer-involved death investigation.

By law, the OAG may detail one or more Maryland State Troopers to the IID or employ civilian personnel as needed to assist with investigations.

When an officer-involved death or potential death has been determined it is imperative that a timely notification to the IID is made. While MCPD will make notification, RCPD is responsible for making notification when an incident involves and RCPD Officer. After initial notifications are made to the appropriate MCPD investigative group and the RCPD Watch Commander, a representative from the Major Crimes Division, Homicide Section or Traffic Operations Division, Collision Reconstruction Unit (CRU) will:

1. Immediately notify the IID point of contact, i.e., the MSP Headquarters Duty Officer at (410)653-4474; and
2. Provide the IID point of contact with contact information for the on-scene commander who has the responsibility for the initial crime scene response.

The RCPD Watch Commander will:

1. Immediately notify the IID point of contact, i.e., the MSP Headquarters Duty Officer at (410)653-4474; and
2. Provide the IID point of contact with contact information for the on-scene commander who has the responsibility for the initial crime scene response.
3. After initial notification to MSP HQ, additional questions can be directed to the on-call IID investigator at (410)576-7070.

IID personnel will take responsibility of the investigation and will make every effort to arrive within one to two hours from notification. MCPD being the primary investigative entity for Major Crimes, via MOU, does not relieve our responsibility to also make notification to the IID. If it is uncertain whether an incident qualifies as an officer involved death, notification to the IID shall be made. The IID will make the determination whether the incident qualifies for their response.

The IID may request assistance from the local law enforcement agency (LEA) to provide additional resources and aid in any security concerns. As a result, a liaison from MCD and/or CRU as well as the Crime Scene Unit will likely respond to the scene as is customary along with patrol officers. Importantly, RCPD patrol response protocols to officer-involved death investigations will remain consistent in many significant ways. For instance, initial responding officers shall, at a minimum;

1. Maintain control over the crime scene;
2. Ensure that medical attention is provided to all injured parties;
3. Identify all involved including civilian witnesses and witness officers;
4. Identify and protect all potential evidence.

The initial responding supervisor has the same responsibilities and should handle the crime scene in the same manner as any other major crime scene. The supervisor shall:

1. Ascertain a good understanding of what occurred;
2. Determine which personnel were involved;
3. Determine what resources are required;
4. Will ensure all BWCS and MVS cameras for all officers are uploaded as soon as possible; and
5. Ensure all reports are completed as required by policy.

Unless directed by the IID, no evidence will be collected by RCPD / MCPD. Personnel from the MSP Forensic Sciences Division (MSP FSD) will respond to process the crime scene(s) relating to the IID investigation. After notification, MSP FSD personnel will make every effort to arrive at the scene within one to two hours from notification. RCPD / MCPD will be responsible for the following:

1. Maintaining control over and security of the crime scene(s) until arrival of MSP FSD.
2. Providing traffic control/scene security until the on-scene investigation is complete and the scene is released.
3. Providing security for any individuals in custody until either treated and booked, relieved by the Maryland Division of Corrections as a bedside commitment or transferred to the Office of the Chief Medical Examiner.

In the event of imminent threat to evidence, which is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not take immediate action (i.e. rain, wind, flood, heat or potential interference from civilian, medical personnel, or animals), MCPD Crime Scene Unit or CRU personnel on scene should document, photograph, scan/survey (if applicable) and collect the evidence. If the MCPD Crime Scene Unit or CRU is not readily available, Shift ID/Decentralized CRU officers should be utilized prior to officers who have not participated in the Shift ID/Decentralized CRU training programs. If evidence is collected due to imminent threat the IID should be asked if the evidence is to be transferred to MSP-FSD or processed by the collecting agency.

Witness officers should be separated but remain at the scene pending the arrival of the IID, MCPD Homicide, or CRU investigators.

Unless any involved officer is injured and requires immediate transport for medical care, the involved officer will be individually photographed, in a discreet manner, using Crime Scene Unit cameras or video. Prior to removing any involved officers from the scene, MCD or CRU investigators will consult with IID investigators for guidance. If the decision to remove the involved officer from the scene is made, a supervisor, or their designee, must accompany the involved officer until relieved by IID personnel. BWCS as well as MVS will be utilized consistent with existing RCPD policy.

In addition, any involved officer should not change or remove their clothing or equipment, nor remove their service weapon or duty belt, until those items are collected by IID personnel. Exceptions can be made under exigent circumstances, such as in the event that an officer's clothing is contaminated by biohazard or other material. In these cases, a supervisor should:

1. Be notified of the need to change clothing.
2. Contact a responding/on-scene MCPD investigator who will communicate the need to the IID.
3. Allow to occur only after receiving permission from the IID.
4. Properly collect and store the evidence until transferred to the MSP FSD personnel.

If an involved officer is injured and is requiring on-scene medical treatment or transport to a medical facility, the on-scene supervisor or designee will:

1. Take custody of the officer's service weapon and duty belt, uniform, other clothing or equipment, and any other property as necessary.
2. Maintain custody of property until it is collected by the MSP FSD.

Communication with the public and media during a fatal or potentially fatal officer involved incident must balance the public's desire for timely answers, the need for accuracy, and the need to convey the independence of the investigation. Often, the local LEA will be called upon to provide some information prior to the IID fully taking control of the investigation. The IID will generally release the name of the involved officer(s) within 48 hours of the incident, though that period may be extended if there is a specific reason to believe that an officer's safety is at risk. The IID will generally release BWCS footage within 14 days of the incident. The IID will be solely responsible for next of kin notifications.

In the event of an officer-involved death or potential death, the MCPD Public Information Division and RCPD PIO will be:

1. Notified, respond to the scene; and
2. Will work in collaboration with IID personnel with media responsibility.

Upon completion of its investigation, the IID will:

1. Provide a report containing detailed findings to the State's Attorney of the county that has jurisdiction over the underlying incident; and
2. The appropriate law enforcement agency (LEA) will be notified that the investigation is complete.

The IID will not comment on the report itself due to it being considered confidential by statute until after the prosecution is complete. The IID will publicly release its report, with appropriate redactions for confidentiality, within 30 days of final judgement of all defendants in any prosecuted case or within 30 days after a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute the case.

RCPD will continue to have jurisdiction in any officer-involved shooting or other use of force case where death does not occur nor is probable. The RCPD Chief of Police or his designee can request the Montgomery County Police Department lead or assist with the investigation. Collateral criminal investigations and investigations that arise from non-police criminal activity within the same general incident will be conducted by both agencies with proper investigations, without causing prejudice to either case.

Rockville City Police Department

GENERAL ORDER



Subject RESPONSE TO RESISTANCE AND AGGRESSION		Procedure G.O. # 4 - 1
Authorizing Signature	Effective: 02-29-2012 Revised: 04-21-2022 Revised: 10-18-2016 Revised: 07-01-2022 Revised: 06-19-2020	Total Pages 16

I. PURPOSE

The primary purpose of this General Order is to ensure officers respect the sanctity of life when making decisions regarding use of force. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. The department respects the sanctity of every human life. There are situations when an officer is forced to make the irreversible decision of whether or not to use deadly or non-deadly force. Such a decision can have a powerful and possibly harmful effect on the officer, the department, and the community. This General Order is to provide guidance to aid officers in the exercise of that decision.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

II. POLICY

In accordance with the Rockville City Police Department Mission Statement, it is the sworn duty of every officer to safeguard and protect human life. Officers shall treat all persons with respect, dignity, professionalism, and courtesy. If the use of force becomes necessary, officers shall only use force proportional to the threat.

It is neither the policy of the department nor the intent of these General Orders that officers unnecessarily or unreasonably endanger themselves or others. This general order establishes guidelines for officers with regard to use of force.

Sound judgement and the appropriate exercise of discretion are the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this General Order is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

An officer who observes another officer using inappropriate, unnecessary, or unreasonable force shall intervene to stop the use of force when there is a reasonable opportunity to do so. An employee who witnesses inappropriate, unnecessary, or unreasonable use of force by an officer shall report it as soon as practicable to a supervisor.