



# Use of Force and Weapons

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## **2.800 Use of Force and Weapons**

The directives contained in this section are for agency use only and do not apply in any criminal or civil proceedings. These directives will not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of these directives will only form the basis for agency administrative sanctions. Violations of law will be the basis for civil and criminal sanctions in recognized judicial settings.

### **2.802 General Provisions for the Use of Force**

It is the policy of the University of Baltimore Police Department that protecting life is its highest priority. To that end officers:

- A. Will use reasonable force to accomplish lawful objectives;
- B. May use deadly force only when they reasonably believe that the actions are in defense of human life or in defense of any person in imminent danger of serious physical injury.
- C. Will use force consistent with training standards and directives;
- D. May use force:
  1. To repel force with force, using only that amount of force necessary to overcome attackers or resistance;
  2. When necessary to preserve the peace, prevent commission of offenses, or prevent suicides or self-inflicted injuries;
  3. When necessary to overcome resistance to lawful arrest, searches and seizures, and prevent escapes from custody; or
  4. When in self-defense or in defense of another against unlawful violations to their person or property; and
  5. Will not use unnecessary, aggressive, or excessive force.
  6. Will not use chokeholds- a physical maneuver that restricts an individual's ability to breath for the purposes of incapacitation- except in those situations where the use of deadly force is allowed by law. Furthermore, it is prohibited to use any technique that restricts the intake of oxygen for the purpose of gaining control of a subject unless deadly force would be considered reasonable.
  7. Will not use a vascular neck restriction technique- which relies on the temporary disruption of blood flow to the brain for incapacitation thereby potentially causing serious injury or death.

- E. A member acting alone may be required to resort to a much greater use of force than would be necessary if other officers were present. Therefore, whenever possible, police personnel should call and wait for assistance, unless immediate action is required.
- F. The use of force is a continuum ranging from verbal commands to deadly force. Officers should exhaust every means of employing the minimum amount of force before escalating to more severe applications of force except where lesser methods would be obviously futile.
- G. Officers will attempt to de-escalate the incident when practical and circumstances permit. Officers may be justified in using force at one moment, but not justified in using force several seconds later due to the changing dynamics of a situation.
- H. Officers have a duty to intercede to prevent the use of excessive force by another officer towards any person. Officers should notify appropriate supervisor(s) if they observe another agency employee engaging in any unreasonable use of force that violates the department policy.
- I. After any use of force incident, officers shall immediately render aid to the injured person consistent with his/her training and experience and request medical assistance.
- J. Officers will not use firearms to fire warning shots, shoot from or at moving vehicles.
- K. Supervisors will ensure appropriate training regarding the use of force and the use of issued firearms and equipment are used.

#### **2.804 Justification for Use of Force**

- A. Justifications for uses of force must be judged from the perspective of reasonable member, similarly situated, rather than with the 20/20 hindsight. Facts unknown to agency members, no matter how compelling, cannot be considered when later determining whether uses of force were justified.
- B. In addition to other criteria discussed in these directives, Tennessee v. Garner, 471 U.S. 1, 85 L.Ed. 2d 1 (1985), Graham v. Connor, 490 U.S., 104, L.Ed. 2d 443 (1989), Samuel v. Busnuck, 423 F. Supp. 99 (D.Md. 1976), and State v. Albrecht, 336 Md, 646 A.2d (1993) provide that some “reasonableness” factors will be considered while evaluating uses of force. Some “reasonableness” factors include, but are not limited to:
  - 1. Severity of the crimes at issue;
  - 2. Whether suspects pose immediate threats to the safety of the agency members or others;
  - 3. Whether suspects are actively resisting arrest or attempting to evade arrest by flight;
  - 4. Examining uses of force in the light of the circumstances as they appeared to agency members at the time of incidents;
  - 5. Whether agency members exercising their official discretion as the functionaries in the front line do so in good faith; and
  - 6. Allowances for the fact that agency members are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.
- C. Another criteria while evaluation use of force is whether the element of serious physical injury is present. The definition of serious physical injury includes, but are not limited to:
  - 1. Creates a substantial risk of death; or
  - 2. Causes permanent or protracted serious:
    - a. Disfigurement;
    - b. Loss of the function of any bodily member or organ; or

- c. Impairment of the function of any bodily member or organ.

## **2.806 Use of Deadly Force**

- A. The use of deadly force is authorized only under the following circumstances:
  - 1. To defend themselves or others when there is reasonable belief that there is imminent danger of death or serious physical injury;
  - 2. To apprehend fleeing persons when no reasonable alternatives for apprehension exist and Police Officers have probable cause to believe that the persons:
    - a. Have committed crimes involving the infliction or threatened infliction of serious physical harm;
    - b. Pose **imminent** threats of serious physical harm to Police Officers or to others;
  - 3. With supervisory approval, to kill dangerous animals or animals so badly injured or ill that humanity requires they be removed from further suffering.
    - a. Owner permission must be obtained, whenever possible.
    - b. Great care must be taken to protect the public from ricocheting bullets.
    - c. Killing of animals in the presence of children should be avoided.
- B. Firearms use is prohibited:
  - 1. When innocent persons would be severely and unduly endangered;
  - 2. To fire warning shots to induce persons to surrender; or
  - 3. For misdemeanor arrests
  - 4. Officers will not use firearms to fire warning shots, shoot from, or at, moving vehicles

## **2.808 Weapons Training Programs**

- A. Only agency members demonstrating proficiency in the use of agency issued or authorized weapons will be approved to carry and use such weapons.
- B. All weapons will be inspected, reviewed, and approved by departmentally qualified weapons instructors or armorers before agency members are issued the weapons for departmental use. Unsafe weapons will be removed from service and replacement weapons issued.

## **2.810 Weapons Qualification**

### **2.810.02 Qualification Requirements**

- A. All agency members issued weapons must qualify with their agency issued handguns with minimum scores of 70% for daylight and reduced lighting.
- B. Agency members (authorized to carry agency weapons) are also qualified on their authorized privately owned handguns annually, again with a minimum score of 70%, **IF** they intend to carry off duty.
- C. The agency's certified firearms instructor is responsible for developing the qualification course of firearm instruction for approval by the Captain MPTSC.
  - 1. Firearms qualification training programs are conducted by a certified firearms instructor only.
  - 2. Agency members will be issued copies of, and instructed in, the directives contained in **2.800** prior to authorization to carry weapons.
    - a. The issuance and instruction will be documented by the instructor conducting the training.
    - b. The firearms instructor will provide training and proficiency documentation on a timely basis to the Accreditation Coordinator and Lieutenant for inclusion in Accreditation and Training files respectfully, and forwarding to MPCTC.

- D. Qualification score classifications for the awarding of agency related handgun medals are based on the three most recent firings for qualification. Qualification classifications are:
1. Distinguished Expert Five @ 100
  2. Expert  $\geq$  95
  3. Sharpshooter  $\geq$  85
  4. Marksman  $\geq$  75

#### **2.810.04 In-Service Firearms Training**

- A. All agency members who carry agency weapons must qualify at least annually with their agency issued handguns with minimum scores of 70% for daylight and reducedlight.
- B. Regarding shotgun training, the agency does not offer a shotgun qualification program
- C. In conjunction with the Captain of Police, the agency firearms and weapons instructor will schedule and publish firearms training and qualification dates. Shift supervisors/OIC will be consulted in the assignment of agency staff to trainingdates.

#### **2.810.06 Other Weapons Training Programs**

- A. All employees authorized to carry agency weapons will receive initial training and at least biennial (every 2 years) in-service training on less lethal weapons issued or those authorized by the agency.
- B. The agency's certified weapons instructor will develop initial and in-service qualification courses of weapons instruction for approval by the Captain and any other applicable approving regulatory authorities.
1. Initial and in-service weapons training programs will be conducted only by certifiedinstructors.
  2. The weapons instructor will provide training and proficiency documentation on a timely basis to the Accreditation Coordinator and the Lieutenant for inclusion in Accreditation and training files respectfully.
- C. The weapons instructor, after consultation with the Captain of Police or his/her representative, will schedule and publish weapons training and in-service dates. Shift Supervisors/OIC's will be consulted in the assignment of employees to training dates.

#### **2.810.08 Remedial Training**

- A. Agency staff may request permission from the Captain to be temporarily excused from, or rescheduled for, weapons requalification as a result of temporary medicalconditions.
- B. Should an officer fail to qualify with issued or authorized weapons during regular re-qualifications, instructors will:
1. In accordance with applicable qualification standards conduct same-day remedial training and requalification programs with those employees; and
  2. After successfully qualifying in a subsequent test during the same day requalification will remain on full duty but may be scheduled for additional training, as may be deemed necessary.
- C. If employees fail to qualify during same-day or additional remedial firearms training and requalification programs, the firearm instructors will immediately:
1. Notify the employees' shift supervisor, the Captain, and the Lieutenant in writing/e-mail; and
  2. Suspend employee's police powers on an emergency basis. These administrative suspensions are non-disciplinary and result in employees continuing on full pay and benefits status, but with no

police authority. Emergency suspension hearings will be scheduled and conducted in accordance with **Complaints and Discipline 2.900**.

- D. Employees will be sent for medical evaluation if, during the remedial training and requalification process, the inability to qualify is believed to be the result of a possible medically related condition.
- E. The employees' shift supervisors will adjust the employees' work schedules to accommodate remedial training assignments.
- F. Upon completion of additional remedial instruction designed by the firearms instructor, employees will be retested and must attain at least 70% daylight and 70% reduced light qualification scores to remain in full duty status.
- G. The firearms instructor is responsible for immediately informing the Captain and the Lieutenant when staff fails to qualify following remedial training for the purpose of initiating other appropriate training or personnel actions, as appropriate and listed in B and C of this section.

## **2.812            Weapon Authorizations**

- A. Only weapons and ammunition meeting agency-authorized specifications will be used by agency personnel in the furtherance of policing responsibilities both on-duty and off-duty.
- B. Weapons and ammunition not issued or authorized by the agency will not be carried by employees on their persons, in agency vehicles, or used at any time while on duty.**
- C. The only exception is confiscated weapons and/or ammunition in the possession of employees and being transported as evidence or for storage.
- D. The exigency of situations may cause employees to justifiably use other articles to defend or protect their life or the life of others. Such use of other articles will be examined as any other use of force.

### **2.812.02        Authorized Handguns**

- A. Handguns and ammunition will be issued by the agency to all employees upon successful completion of entrance level or comparative compliance firearms training and certification programs as required by the MPCTC.
- B. Armed employees will possess, wear, carry and use only issued or authorized firearms and ammunition for which they are currently qualified.
  - 1. Unless otherwise authorized by the Captain, the only handgun issued and authorized for on-duty use are .40 caliber pistols.
  - 2. The only ammunition authorized for use in issued agency owned pistols is 180-grain .40 cal Jacketed Hollow Points.
    - a. Employees will be issued sufficient rounds to fully load their weapons and have two additional magazines loaded to their rated capacities.
    - b. Practice ammunition is issued for use at firearms qualification and practice exercises conducted by the agency.
- C. When worn on-duty, issued handguns will be carried in an issued or authorized holster, on the officer's strong hand side, and in a service ready condition. On-duty holsters will be selected and authorized by the Captain.
- D. Uniformed police officers are required to be armed with their agency owned .40 caliber pistols in a service ready condition and carry their credentials and badges on their persons when on duty with the

exception of:

1. Where, for tactical or other bona fide police concerns, the carrying of credentials and firearm could actually place employees in jeopardy;
  2. When circumstances make it impractical for an officer to carry a firearm, it must be secured in a readily available place protected from public access;
  3. When processing prisoners; or
  4. Where prohibited by law or other controlling directives.
- E. Firearms will be concealed from public view when employees are not in uniform except at crime scenes or other assignments where their badges are visible and they are readily identifiable as police officers.
- F. Police Officers are authorized, but not required, to carry issued or authorized firearms when off-duty and in the state of Maryland.
1. Police officers carrying issued or authorized firearms off-duty are required to also carry their issued badge and agency credentials.
  2. Firearms and ammunition will be reasonably and prudently protected from damage and theft and concealed from public view when police officers are off duty and not in uniform.
  3. While off duty, police officers are responsible for secure storage of their issued firearms. The safest condition for storage of their issued firearm is unloaded; weapon and ammunition stored separately under lock and key; and out of the sight and reach of children or other unauthorized persons.
- G. Police Officers will abide by statutory constraints placed by other states relating to out-of-state Police Officers wearing or carrying firearms when in those other states.

#### **2.812.04 Authorized Off-Duty Handguns**

- A. Police Officers are authorized to carry privately owned .380, .40 caliber or 9mm semi-automatic pistols while off-duty or for non-operational, non-uniform temporary duty assignments such as training days, providing the UPO qualified with same.
- B. The off-duty pistols must meet the following criteria:
1. Pistol must be double action only; or
  2. Pistol must be double/single only; and
  3. Pistol must be made by a reputable manufacturer.
- C. Suggested reputable manufacturers include, but aren't limited to:
1. Sig Sauer
  2. Beretta
  3. Smith and Wesson
  4. Glock
- D. Authorized ammunition for off-duty pistols must meet the following criteria:
1. Police Officers wishing to carry off duty weapons must agree to supply all their ammunition for qualifications and other training deemed necessary by the agency.
  2. Agency issued .40 caliber ammunition for .40 caliber pistols; or
  3. Semi Jacketed or Jacketed Hollow Point ammunition of a reputable U.S. manufacturer as approved by the Captain of Police for .380 caliber and 9mm pistols.
  4. Full Metal Jacketed ammunition is prohibited.
- E. All police staff will report all instances of pointing or discharging their off-duty weapon.

- F. Police Officers must successfully complete agency training and qualification programs before carrying an off-duty pistol. Police Officers must qualify on an MPCTC approved off-duty pistol course of fire before carrying the off duty pistol.
- G. In order to maintain certification for the off-duty pistol, Police Officers shall qualify annually on an MPCTC approved course of fire with a minimum score of 70%.
- H. Police Officers are prohibited from wearing or carrying privately owned off-duty pistols while on-duty unless they meet the requirements established by the Captain.

**2.812.06 Police Rifle**

- A. The Colt LE 6940, .223 is the only authorized patrol rifle.
- B. Be guided by UBPD written directive 2.2100 Patrol Rifle Program.

**2.812.08 Riot Baton**

- A. The agency issues and authorizes the use of a 36-inch Riot Baton.

**2.812.10 Expandable Batons**

- A. The agency's secondary impact weapons for which Police Officers are trained and are certified to carry are the ASP Expandable Batons.
- B. Police Officers will be issued expandable batons only after completion of the ASP Expandable Baton Basic Course certifying they have achieved minimum proficiency levels.
- C. Expandable baton use will not be inconsistent with training guidelines of the ASP Training.
- D. Police Officers must qualify at least biennial (every 2 years) with the expandable baton in order to maintain authorization to carry the weapon.
- E. Police Officers are required to be equipped with their expandable batons.

**2.812.12 FN-303 Less-Lethal Launcher**

- A. The agency does not have, maintain, issue or train in FN-303 less-lethal launchers.

**2.812.14 Oleoresin Capsicum (OC) Spray**

- A. The only OC authorized for agency use are those OC delivery systems purchased by the agency and approved for use by the Captain of Police.
- B. OC delivery systems exceeding 10% Oleoresin Capsicum or utilizing alcohol-based or other flammable propellants are prohibited.
- C. Police Officers will:
  - 1. Be issued OC only after completion of required training certifying they have achieved minimum proficiency levels;
  - 2. Carry only those serial numbered OC canisters registered and issued to them;
  - 3. Carry issued OC canisters only in agency issued or authorized holders; and
  - 4. Undergo OC training to maintain authorization to carry it.
- D. The use of OC spray will be consistent with applicable training.
- E. Uniformed Police Officers engaging in routine field operations will wear an issued OC streamer canister with safety tabs intact in their issued OC holsters, on their duty belts.



- F. Authority to mandate carrying of OC spray for cause rests with Lieutenant and the Captain .
- G. Police Officers will render aid and decontamination measures to subjects on which OC spray has been used as soon as possible and practical after such use.
- H. Discharged duty canisters, regardless of the extent of the discharge, will be submitted to the shift supervisor/OIC in a sealed, plastic evidence bags for replacement and diversion to training use.
- I. Use of force reports must be completed consistent with all discharges of OC, except for training purposes, and must include:
  - 1. Effects of OC spray use on suspects and any other contaminated personnel; and
  - 2. Decontamination measures and first aid given or offered to suspects and any other contaminated personnel or areas.

#### **2.812.16 Weapons in Courthouses**

- A. Uniformed Police Officers of this agency may be armed within Baltimore City Courthouses.
  - 1. Police Officers of this agency who are not in uniform, but who are on official police business, may be armed within courthouses so long as they display both badge and identification cards at all times.
  - 2. Wearing or carrying firearms in courthouses outside of Baltimore City is governed by any applicable laws or regulations of those other jurisdictions.
- B. Police Officers who are called to jury service, or are personal parties to civil litigation, are not allowed to wear firearms within courthouses during the times they are serving as jurors or litigants.

#### **2.814**

##### **2.814.02 USE OF FIREARMS**

- A. Police Officers are responsible for continuous and safe display, handling, cleanliness, and security of all issued and authorized firearms and ammunition.
- B. Firearms may be discharged only:
  - 1. To defend themselves or others when there is reasonable belief that there is imminent danger of death or serious physical injury;
  - 2. To apprehend fleeing persons when no reasonable alternatives for apprehension exist and Police Officers have probable cause to believe that the persons:
    - a. Have committed crimes involving the infliction or threatened infliction of serious physical harm, **AND**
    - b. Pose **imminent** threats of serious physical harm to Police Officers or to others;
  - 3. During agency mandated firearms training and requalification;
  - 4. For practice in areas where discharging firearms would not be unsafe or illegal; or
  - 5. With supervisory approval, to kill dangerous animals or animals so badly injured or ill that humanity requires they be removed from further suffering.
    - a. Owner permission must be obtained, whenever possible.
    - b. Great care must be taken to protect the public from ricocheting bullets.
    - c. Killing of animals in the presence of children should be avoided.
- C. Firearms use is prohibited:
  - 1. When innocent persons would be severely and unduly endangered;
  - 2. To fire warning shots to induce persons to surrender; or

3. For misdemeanor arrests.
4. Officers will not use firearms to fire warning shots, shoot from, or at, moving vehicles

## **2.816 Reporting Use of Force**

### **2.816.02 General Reporting Requirements**

- A. Use of force reports are required when an employee:
  1. Draws and points firearms at person;
  2. Discharges a firearm – except to practice and/or qualify at the range or at other appropriate location;
  3. Discharges OC spray;
  4. Strikes with an impact object;
  5. Uses weaponless force and/or techniques that result in physical injury to the suspect or officer.
  6. Applies force through use of lethal or non-lethal weapons;
  7. Charges an arrestee with resisting arrest;
  8. Has any physical contact with a suspect and/or arrestee resulting in injury OR complaint of injury;
  9. Are the subject of physical injury.
- B. All uses of force as defined in **A** require timely:
  1. Notification to supervisors by involved Police Officers or on their behalf if involved Police Officers are unable to do so;
  2. Completion and submission of reports and all related documents by involved Police Officers or on their behalf if involved Police Officers are unable to do so.
- C. Although use of force report information is usually contained in incident reports, a separate “use of force” report is still required. **Exception: An officer who uses deadly force that causes death or serious injury, or discharges their firearm in any other incident other than destroying seriously injured or aggressive wildlife, will not complete an incident report. Another officer will complete the incident report in these cases.**
- D. The Captain will designate a supervisory or administrative ranked officer to serve in an ancillary capacity as coordinator for timely reviews of these incidents.
  1. Incidents involving no apparent chargeable conduct will be submitted to the Captain and recommended for closure.
  2. Incidents involving apparent chargeable conduct will be referred to the Lieutenant for follow-up.
  3. The Lieutenant is responsible for ensuring an annual analysis of all use of force incidents is conducted and submitted to the Captain in order to reveal patterns or trends that could indicate training needs, equipment upgrades, or directive modifications.
- E. The Lieutenant will adhere to the following procedures when conducting an administrative review of a use of force incident.
  1. The Sergeant or OIC will make a notification to the Lieutenant that an incident has occurred.
  2. The Sergeant or OIC will provide the Lieutenant with a detailed summary of the incident. The Sergeant or OIC will submit all related written reports including written reports from officers involved and any witnesses’ statements.
  3. The Lieutenant will conduct an administrative review in compliance with 2.900 Complaints and Discipline.
- F. Police Officers will notify appropriate law enforcement agencies to respond to incidents of uses of force if the incidents occur outside primary or concurrent jurisdiction of the University Police.

1. Local jurisdictions involved will be responsible for thorough investigation of incidents including the pursuit of criminal charges, if warranted.
2. Police Officers involved will notify on-duty supervisory personnel as soon as possible.

#### **2.816.04 Involved Employees' Responsibility**

- A. Involved employees will immediately notify the shift supervisor/OIC and prepare necessary administrative report detailing facts regarding uses of force or discharges of firearms.
  1. Reports must be completed prior to the end of involved employees' shifts if the employees are physically and emotionally able to do so. ***An officer who uses deadly force that causes death or serious injury, or discharges their firearm in any other incident other than destroying seriously injured or aggressive wildlife, will not complete an incident report. Another officer will complete the incident report in these cases.***
  2. If involved employees are unable to complete required reports, supervisory or administrative ranked personnel will prepare the reports using the best information available.
- B. Involved employees will ensure appropriate medical aid is provided as necessary after all lethal and less lethal uses of force. This may include, but is not limited to:
  1. Care and treatment consistent with **2.608 Sick or Injured Detainees** and/or **2.639 Security for Detainees at Medical Facilities**;
  2. Increased observation to detect obvious changes in condition; or
  3. Decontamination after uses of OC.
- C. Ensure the crime scene is protected.
- D. Employees who shoot or critically injure persons in the line of duty will receive post-trauma debriefing within eight hours and other post-trauma mental health services as necessary.

#### **2.816.06 Responding Officer's Responsibility**

Responding police staff arriving at scenes of other's use of force resulting in death or injury will, if appropriate:

- A. Render or ensure first aid is provided to the injured or others after triage examinations;
- B. Alert communications to situations and request medical assistance and additional personnel as deemed necessary;
- C. Secure any suspects, injured or otherwise, according to directives;
- D. Secure and protect the scene from any contamination of evidence;
- E. Identify and/or detain witnesses present; and
- F. Remain at the scene until supervisory personnel arrive unless there are hazardous conditions which require evacuation of the immediate area for safety purposes.

#### **2.816.08 Communications Responsibilities**

- A. The Police Communication Officer or Auxiliary PCO on duty at the communications center will ensure, per the shift supervisor/OIC, notifications are made when agency staff use deadly force or when there are serious physical injuries resulting from agency activities. Those to be notified are:
  1. On-duty shift supervisor/OIC;
  2. Lieutenant;
  3. PIO;

4. Captain of Police; and
  5. The Baltimore Police Department.
- B. The Supervisor will, once the agency has the capability, submit copies of all involved and/or related recorded media of telephone and radio transmissions from at least 30 minutes prior to incidents and until clearance of all investigators from scenes to the Lieutenant.

#### **2.816.10 Shift Supervisor Responsibility**

- A. On notification, immediately respond to the scene and:
1. Ensure proper medical assistance is requested;
  2. Ensure the crime scene is protected;
  3. Conduct a "Use of Force" investigation;
  4. Promptly identify citizens who may have witnessed the use of force occurrence and obtain statements from witnesses;
  5. Identify UB security or police officers who may have witnessed the use of force occurrence and instruct them to prepare an administrative report detailing where they were at the time and what they observed.
  6. Ensure immediate and proper notification of departmental command members;
  7. Ensure photographs are taken of suspect/arrestee, the involved officer and others who claim to be injured. Seek assistance from the Baltimore Police Department.
  8. If the use of force involves the discharge of a firearm or any injury inflicted by a member of the UBPD that is likely to result in a death or serious physical injury, the Baltimore Police Department MUST be notified;
  9. Officers will submit an administrative report with the facts relevant to the incident. Submission of the administrative report is not a waiver of the officer's rights as it relates to LEOBOR.
  10. As safety permits, involved employees' weapons must be secured. In cases of firearms use, ammunition used in the incident must be secured. Firearms, shell casings, and magazines are to be left undisturbed for evidentiary purposes. Involved UB police officers will be issued replacement firearms if suspensions are not invoked.
  11. Control of scenes and incidents will be turned over to City police and/or investigators.
  12. Supervisory personnel will ensure that reporting requirements by UB employees are met.
  13. Reports of incidents are to be completed by employees, if physically and/or mentally possible.
  14. Each UB personnel at an incident scene will submit a detailed reports of their observations and/or actions.
  15. Copies of all reports will be sent to the Lieutenant, unless otherwise directed by the City Investigator in charge at the scene.

#### **2.816.12 Command Responsibility**

- A. The Captain or a designate will coordinate with Homicide Detectives in making notification arrangements to the next of kin if employees are critically injured. The Captain will ensure that follow-up support is provided to families of involved employees.
- B. If an employee uses deadly force or causes serious physical injuries, the involved member will be removed from line-duty assignments pending an administrative review to determine if the employees are to be placed on suspension, paid administrative leave, in non-contact assignments, or returned to full-duty status.

1. These actions and reviews are to:
  - a. Protect the community's interest when employees may have exceeded the scope of their authority in the use of deadly force; andShield employees who have not exceeded the scope of their authority from possible confrontations with the community.
2. These reviews will be structured and conducted according to **2.900 Complaints and Discipline**.
- C. If incidents occur outside the primary or concurrent jurisdiction of the agency, the Captain of Police or the Lieutenant will determine if personal responses to scenes are warranted. In all cases, the shift commanders will be responsible for collecting and forwarding copies of reports made by other agencies.
- D. In the event the Captain is unavailable, the Lieutenant or an officer specifically designated by the Captain will assume that responsibility.
- E. The Office of the Captain Unit will ensure:
  1. Follow-up medical support is provided to involved employees; and
  2. Arrangements are made for employees who use deadly force or cause serious physical injuries as the result of agency activities to receive post-incident debriefing and/or counseling as soon as practical after incidents.
- F. The Captain will also be responsible for:
  1. Reviewing all reports and facts in the case and initiate an internal investigation to determine if the member's actions were consistent with departmental policy and whether the actions were within the legal scope of the member's authority.
  2. Ensure the investigation is in compliance with LEOBR parameters.
  3. Possibly directing a change in the involved officer's duty assignment.
  4. Determining whether to suspend the officer's *police powers*, which is NOT a suspension from duty.
  5. Implementing any training initiatives or equipment needs resulting from the investigation.

#### **2.816.14 Internal Inquiries**

- A. The Lieutenant or another as assigned by the Office of the Captain will respond to any scene where employees used deadly force or when there are serious physical injuries resulting from agency activities.
- B. Investigations into uses of force will be conducted or coordinated by the Lieutenant.
- C. Internal Investigation reports will be submitted to the Captain. They will contain relevant facts and circumstances surrounding incidents and determinations if:
  1. Actions of agency employees were in accordance with law and agency directives;
  2. Actions of agency employees were in apparent violation of law and should be referred to the Captain who will confer with the Office of the States Attorney;
  3. Actions of agency employees were justifiable under law but violated agency directives;
  4. Agency disciplinary actions are necessary; or
  5. Changes should be made regarding:
    - a. Training;
    - b. Supervision and accountability procedures;

- c. Psychiatric or psychological counseling;
  - d. Hiring and promotion criteria;
  - e. Deployment and dispatch techniques; or
  - f. Operational policy and practices.
- D. The assigned Internal Investigator will provide necessary statistical information in order to facilitate the annual use of force analysis reports.

**2.816.16 Public Information Officer**

- A. The PIO or designate will be informed and may or may not respond to scenes and assist in releasing information when employees use deadly force or when there are serious physical injuries resulting from agency activities.
- B. Except as directed by the Captain, employees of the agency will refer media requests to the University's PIO.

**2.818**

**2.818.02 Firearm Maintenance**

- A. The Lieutenant is responsible for:
  - 1. Coordinating with the firearms instructor/armorer on all repairs and maintenance of agency owned fire arms;
  - 2. The Lieutenant will maintain records pertaining to maintenance transactions and the state of repair of all agency owned firearms;
  - 3. Maintaining records pertaining to the issuance and surrender of agency owned firearms; and
- B. The agency firearm instructor is responsible for tracking firearm approval, issuance, inspection, maintenance, and safety.
- C. Malfunctions or complaints concerning issued firearms or ammunition will immediately be brought to the attention of supervisors who will verify problems, notify agency firearms instructors, and prepare an appropriate report.
  - 1. Defective or unsafe firearms or ammunition discovered during normal business hours will be replaced by the Firearms Instructor.
  - 2. The Firearms Instructor will be contacted to determine the appropriate courses of action when unsafe firearms or ammunition are discovered during non-business hours.
- D. Shift supervisors/OIC's will inspect issued firearms monthly and document the inspections.
- E. Employees will inspect all firearms issued to or carried by them on a weekly basis, being alert for residue, corrosion, or deterioration.
- F. Employees will clean issued or authorized firearms as soon as possible after they have been fired and maintain firearm cleanliness between firings.
- G. Employees will not undertake or authorize any repair, modification, or refinishing of any agency owned firearm without the written permission of the Captain.
- H. All agency owned firearms will be inspected monthly and serviced on an "as needed" basis.
- I. Employees will surrender all agency issued firearms, weapons, ammunition, and equipment when leaving the employ of the agency.

- J. Firearms taken as the result of firearm recoveries, police power suspensions, emergency suspensions, disciplinary suspensions, shootings, etc., will be documented on property receipts and submitted to the Firearms Instructor.

## 2.820

### 2.820.02 Loss or Theft of Firearms

- A. Employees discovering their agency issued or authorized firearms have been lost or stolen will immediately report same to on-duty patrol squad commanders and complete incident or crime reports as soon as practical regarding the incidents.
- B. Initial reviews will be made consistent with the directive concerning **Property Care and Maintenance**.
1. On-duty shift supervisors/OIC's will conduct preliminary investigations and prepare supplemental reports assessing whether or not losses resulted from officer non-compliance with directives.
  2. NCIC entries will be made by communications personnel to report losses or thefts of firearms. Copies of NCIC entries will be forwarded to Lieutenant.
  3. NCIC entries will be made by communications personnel if lost or stolen firearms are recovered. Copies of NCIC entries will be forwarded to involved employees' supervisor/OIC.
  4. A summary report is required from the investigating official.
  5. Recovered firearms are to be forwarded to the Lieutenant after any evidentiary requirements are met.
- C. The Lieutenant will:
1. Coordinate the return and delivery of firearms when in the possession of authorities other than the UB police officer; and
  2. Issue replacement firearms, in conjunction with the Firearm Sergeant to the staff member upon loss or theft of agency firearms.

## 2.822

### 2.822.02 Guidelines for Administrative Reports

- A. Report the facts accurately; guesses, theories, and editorial comments have no place in these reports. This is not a "justification" report; the fair, accurate, and impartial reporting of the facts will determine if the action complies with departmental policy. ***An officer who uses deadly force that causes death or serious injury, or discharges their firearm in any other incident other than destroying seriously injured or aggressive wildlife, will not complete an incident report. Another officer will complete the incident report in these cases.***
- B. If known, "state of mind" feelings expressed by the member are often useful.
- C. Note any departmental or civilian property damaged as a result of officer's involvement.
- D. Notation of the on-scene supervisor's actions and observations is required.
- E. Include a brief summary of the deposition of the subject after force was used (released, charges filed, sent to hospital, etc.)
- F. Notations of attempts to conduct a neighborhood canvass for witnesses MUST be included.
- G. Include the full name, address, race, sex, and date of birth of all subjects and witnesses.
- H. All injuries to anyone involved must be documented; also include negative injury statements for each participant.
- I. If drawings can help explain the facts in a complex incident, include them.
- J. Injuries (or lack of injuries) to all involved MUST be photographed.

- K.** Did the officer supply a written statement; if not, why not.
- L.** Statements from witnessing agency personnel are required.
- M.** Explain why alternative means of force were not used.