



MARYLAND STATE POLICE OPERATIONS DIRECTIVE



Use of Force

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.01 Purpose

To outline when troopers may use force, and to establish duties before, during and after the use of force.

.02 Policy

Troopers may not use force against a person unless, under the totality of the circumstances, the force is reasonable, necessary and proportional to prevent an imminent threat of physical injury to a person or to accomplish a legitimate law enforcement objective. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully. Troopers who use force that is not reasonable, necessary, and proportional will be subject to corrective action and possible discipline, possible criminal prosecution, and/or civil liability.

.03 Definitions

CHOKEHOLD: a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. Chokeholds are prohibited unless the use of deadly force is justified.

DEADLY FORCE: force which is intended to cause death or serious physical injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

DE-ESCALATION TECHNIQUES: taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include, but is not limited to: the use of techniques, such as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

IMMINENT THREAT: a person presents an imminent threat when the person has the means and ability to harm themselves or another person, and the trooper reasonably believes the person intends to deliver that harm.

LESS-LETHAL FORCE: force that, when employed as designed, intended, and consistent with policy and training, is not likely to cause death or serious physical injury. Devices may include, but are not limited to: batons, O.C. spray and electronic control weapons (ECWs).

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REASONABLE, NECESSARY, AND PROPORTIONAL: the review of every use of force will be to determine whether the force used was reasonable, necessary, and proportional in light of the totality of the circumstances that were known, or should have been known, to the trooper and in light of MSP policy.

1. REASONABLE: a trooper uses reasonable force when he uses no more force than is required to perform a lawful purpose.
2. NECESSARY: force is necessary only when no reasonably effective alternative exists. When force is necessary, troopers will use force in a manner that avoids unnecessary injury or risk of injury.
3. PROPORTIONAL: proportionality measures whether the force used by the trooper is rationally related to the level of resistance or aggression confronting the trooper, or the law enforcement objective.

SERIOUS PHYSICAL INJURY: physical injury that creates a substantial risk of death, or causes permanent or protracted serious disfigurement, or loss or impairment of the function of any bodily member or organ.

TOTALITY OF THE CIRCUMSTANCES: consists of all facts and circumstances surrounding any event that are known or reasonably should have been known at the time. The facts and circumstances may include, but are not limited to: whether an offense has occurred; the nature of the offense; the seriousness of the offense; the size and strength of the subject; the number of subjects; the availability of weapons; whether the subject is exhibiting signs of mental illness or is experiencing a behavioral health crisis; whether the person suffers from a medical or behavioral health disability, physical or hearing impairment, is impaired by alcohol or drug use, or may be non-compliant due to a language barrier; other force options; availability of non-force options including tactical repositioning, moving to cover, or other de-escalation techniques; environmental factors such as backdrop; and the availability of backup and specialized units.

USE OF FORCE: any physical strike or contact with an instrument of a person; any intentional attempted physical strike or instrumental contact that does not take effect; any significant physical contact or action that restricts the movement of a person other than that normally required to handcuff a suspect; intentional K-9 bites; and the ramming of a suspect's vehicle. The term includes: discharge of a firearm, use of chemical agents, use of impact weapons, use of an ECW, use of a violent prisoner restraining device, taking a subject to the ground, and any physical contact that includes control techniques. The term does not include a trooper's mere presence, verbal commands, escorting, or handcuffing a person with minimal or no resistance.

.04 CALEA Standards

LE:	1.2.10	4.1.1	4.1.2	TA:	N/A	CM:	N/A
	4.1.3	4.1.4	4.1.5				
	4.1.6	4.1.7	4.2.1				
	4.3.1	4.3.2	4.3.3				
	4.3.4	4.1.6					

.05 References

[MD. CODE ANN., CRIM. LAW §3-201](#)

[MD. CODE ANN., PUB. SAFETY §3-524](#)

.06 Procedures

A. Core Principles

1. **ASSESSMENT:** troopers will continuously assess each situation and change their response as circumstances change. Troopers may be justified in using force in one instance, but not justified in using force later in the same incident. The actions of the suspect and the trooper will be assessed throughout the entire encounter, not simply the moment the trooper used force.
2. **DE-ESCALATION TECHNIQUES:** when time, circumstances, and safety allow, troopers will take steps to gain compliance and de-escalate conflict without using physical force in accordance with [OPS 10.05](#).
3. **PEACEFUL RESOLUTIONS:** troopers will avoid the use of force unless it is not reasonably possible to do so.
4. **RETALIATORY FORCE:** troopers are prohibited from using force against persons solely to punish persons for fleeing, resisting arrest or assaulting a trooper, or for any other retaliatory reason.
5. **USE OF FORCE (REASONABLE, NECESSARY AND PROPORTIONAL):** troopers will use only the force reasonable, necessary and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
6. **VALUE AND DIGNITY OF ALL PEOPLE:** troopers will respect and uphold the value and dignity of all people at all times. Troopers will make every effort to preserve human life in all situations.

B. General Provisions for Use of Force

1. Troopers have the authority to use force that is reasonable, necessary and proportional.
2. When practical, troopers should announce force will be utilized prior to the application of force.
3. Troopers may only use weapons and/or techniques that are authorized by policy and on which the trooper is trained, unless warranted by the totality of circumstances.
4. Troopers will cease the use of force as soon as:
 - a. the person on whom the force is used is under their control or no longer poses an imminent threat of physical injury or death to themselves or to another person; or
 - b. they determine the force will no longer accomplish a legitimate law enforcement objective.

C. Critical Thinking

1. To the extent that time and circumstances allow, prior to using force, troopers will use a critical thinking and decision-making framework to analyze and respond to incidents. This framework will allow troopers to uphold the sanctity of life and protect themselves by slowing down and stabilizing a situation to minimize the likelihood of a use of force incident. Using this framework, troopers will:
 - a. assess the situation, threats and risks;
 - b. gather relevant facts about the incident;
 - c. consider their police powers and the law/MSP policy;
 - d. identify other options and determine the best course of action (the trooper might have to delay or even abandon a law enforcement objective if the only way to accomplish the objective is through using force that, under the circumstances, would likely result in harm that far exceeds the value of the interest the trooper seeks to protect through the use of force); and
 - e. act, review and re-assess the situation.

D. Restrained Persons

1. Troopers will not use force against those who are handcuffed or otherwise restrained, except when the totality of circumstances makes it reasonable and necessary to prevent injury or escape, to conduct a search incident to arrest, or accomplish another lawful law enforcement objective.
2. Troopers are cautioned that force that may be proportional against an unrestrained person may not be proportional when used on a restrained person. As with any use of force, troopers are required to use de-escalation techniques and critical thinking in order to avoid the use of force.
3. Troopers will not position restrained persons face-down as it may cause positional asphyxia. Additionally, troopers will avoid placing suspects on their backs as it can cause nerve damage to the wrist and forearm area. Restrained persons should be seated or placed on their side.

E. Use of Deadly Force

1. Troopers may use deadly force only when the trooper reasonably believes the action is in defense of any human life in imminent danger of death or serious bodily injury.
2. Troopers will not use deadly force unless de-escalation and less-lethal force options have been tried and failed, or are not safe based on the totality of circumstances.
3. The use of deadly force will always be the last resort.

F. Restrictions on Force

1. Prior to the decision to employ deadly force, troopers will consider environmental conditions such as field of fire, backdrop, bystanders, potential for ricochet, possibility of over penetration, and other risks to life.
2. When safety permits, troopers should identify themselves as law enforcement and state their intention to use deadly force before using a firearm or employing any form of deadly force.
3. Deadly force will not be used to subdue people whose conduct is a threat only to property or against those who are only a threat to themselves.
4. The following actions are prohibited unless the use of deadly force is authorized and no reasonable alternatives exist:
 - a. discharge of a firearm at a person;
 - b. intentional strikes with any hard object, such as a baton, flashlight, radio, weapon stock/handle, etc. to the person's head, neck, sternum, or spine;
 - c. intentional kneeling or kicking a prone person in the head, neck, sternum, or spine;
 - d. intentional strikes of a person's head against a hard, fixed object including, but not limited to, a roadway, concrete floor, wall, or iron bars;
 - e. use of chokeholds or vascular neck restraints;
 - f. discharge of a less-lethal launcher to the chest, neck, or head at close range; and
 - g. the use of any force on a person whose health, age, condition, or circumstances are reasonably known to make it likely that death or serious physical injury will occur.
5. Generally, firing at a suspect in a crowd is prohibited; however, this is not to prevent troopers from taking necessary action during incidents including but not limited to active shooter and hostage-related events.

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6. Troopers will not fire a weapon from or at a moving vehicle, except to counter:
 - a. an immediate threat of death or serious physical injury to the trooper or another person, by a person in the vehicle using means other than the vehicle; or
 - b. a situation where the trooper or another person is on foot in the path of the vehicle and cannot move to safety. Troopers will not intentionally position themselves in the path of a moving vehicle where they have no option but to use deadly force.

G. Required Actions

1. Duty to Intervene
 - a. All troopers have a duty to intervene to prevent or stop the use of force by another law enforcement officer beyond what is authorized by law, if they have a reasonable opportunity and ability for intervention.
 - b. Troopers will immediately report such incidents to a supervisor.
2. Duty to Provide Medical Assistance
 - a. Whenever there is a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, troopers will render basic first aid consistent with their training and will promptly request medical assistance through communications personnel.
 - b. If a person has been subjected to impact by any type of less-lethal force including ECWs or O.C. spray, he will be provided medical treatment. If the person refuses medical treatment or leaves the location (e.g., an unlawful gathering dispersed by less-lethal force that voluntarily leaves without aid), troopers must document the actions taken to identify and render aid to the person.
3. Children, Youth and/or Persons Experiencing Behavioral Health Disorders or a Crisis
 - a. During encounters with children, youth, and/or persons experiencing behavioral health disorders or a crisis, troopers will employ developmentally-appropriate, trauma-informed tactics including, but not limited to, using a calm and natural demeanor, and avoiding threatening language.
 - b. Troopers should account for any fear-based reactions that children, youth, and/or persons experiencing a behavioral health disorder or a crisis may experience during an encounter with law enforcement.
 - c. If attempts to de-escalate an encounter with a child, youth, or person experiencing a behavioral health disorder or a crisis are unsuccessful to resolve the incident, and the use of force is reasonable, necessary, and proportional, troopers should consider personalized factors of the individual, including: apparent age; body size; strength of the member relative to the individual; and the risk posed by the individual.
 - d. In the case of injury resulting from a use of force, in addition to the other requirements outlined in this policy, the trooper will ensure the child or young person's parent, guardian, or other responsible adult, is promptly notified.

H. Reporting

1. Following a use of force incident, troopers will notify a supervisor immediately.
2. In addition, any trooper with knowledge that another trooper used force, must also immediately report the incident to a supervisor.

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3. Troopers will fully document all use of force and show of force incidents that they were involved in or observed in accordance with [OPS 10.04](#).

I. Less-Lethal Force

1. When reasonable, necessary and proportional, a trooper may use various forms of less-lethal force within the scope of his MSP training and only after he has received:
 - a. initial training and demonstrated proficiency with the weapon or technique;
 - b. a copy of the policy that addresses the use of the weapon or technique; and
 - c. training on the policy that addresses the use of the weapon or technique.
2. Certain less-lethal weapons (e.g. ECWs) are authorized for use by certain units (e.g., STATE) and the use of these weapons will be governed by a local Standard Operating Procedure approved by the Planning and Research Division.

J. Training

1. All troopers will:
 - a. undergo training on when a law enforcement officer may or may not draw a firearm or point a firearm at a person and on enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; and
 - b. sign a training completion document stating the trooper understands and will comply with the Maryland Use of Force statute.
2. All troopers will receive initial and annual training on the law and the Department's Use of Force policy and will demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that they are authorized to use. Training for all other less lethal weapons and weaponless control techniques will be provided initially and at a minimum, biennially.
 - a. All proficiency training will be monitored by a certified instructor.
 - b. All training and proficiency will be documented.
 - c. Remedial training will be completed and documented in accordance with the procedures established by the Education and Training Division for those who are unable to qualify with an authorized weapon prior to resuming their duties.

Approved:

Colonel Woodrow W. Jones III
Superintendent 12/30/2022