

**BALTIMORE POLICE DEPARTMENT
TRAINING BULLETIN**

Guidelines

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Revised: July 27, 2001

Vol. 20, No. 1

Use of Deadly Force Guidelines

1. PURPOSE

The purpose of these guidelines is to present the topic of the police use of deadly force in a way which prepares officers to make quick, sound decisions under extremely stressful conditions. The information contained herein is consistent with and in support of General Order 2-88, (C-2), Rules and Regulations, Rule 3, Firearms. Officers will be held accountable for adhering to the specific requirements of this guideline.

II DEFINITION OF DEADLY FORCE

Deadly force is defined as that force which is used with the purpose of causing or which is known to create a substantial risk of causing death or serious bodily harm. In addition to firearms, deadly force may exist in the use of various articles or equipment normally used for other police related purposes such as vehicles, batons, knives or any implement utilized as a weapon of last resort. Any deliberate use of such items in a manner that a reasonable and prudent person would consider likely to cause death or serious bodily injury (i.e. baton strikes to the head or throat or striking with a vehicle) are strictly prohibited unless extreme exigent circumstances exist and the use of deadly force is authorized pursuant to General Order 2-88. (C-2), Rules and Regulations, Rule 3, Firearms.

III DEADLY FORCE POLICY

1. When authorized deadly force is used by a member of this agency, it is recognized that such use is not specifically designed to inflict death upon the attacker but rather to render the offender incapable of injuring the officer or others.
2. Use of force must cease when the attacker is incapacitated.
 1. Incapacitation is defined as that point when an attacker is no longer capable of injuring the officer or others.
3. Examples of incapacitation:
 1. Suspect has dropped his weapons and demonstrates no willingness for attempting further attack.
 2. Suspect is restrained to the point that he is incapable of inflicting injury.
 3. Suspect is wounded and incapable of inflicting injury.
4. As long as a suspect attempts to inflict serious injury or is capable of inflicting serious injury and indicates a willingness to do so, officers may continue to use deadly force.

IV GENERAL ORDER 2-88, (C-2), RULES AND REGULATIONS, RULE 3, FIREARMS. (All material in quotation marks and **bold type** below was quoted directly from the General Order. Material without quotation marks and not in **bold type** explains the section of the Order immediately preceding it.

1. **“Members of this department shall not use firearms in the discharge of their duty, except in the following cases:**
 1. **In self-defense, or to defend another person (unlawfully attacked) from death or serious injury.”**
 - a. The attacked officer is the person who has to evaluate the potential seriousness of the attack and determine an appropriate level of response.
 2. The evaluation and response must be reasonable from the perspective of a reasonable police officer similarly situated.
 3. There is no requirement that an actual specific injury be inflicted. It is, however, required that the potential for such injury be present and the threat must be immediate.

2. **“To effect the arrest or to prevent the escape, when other means are insufficient, of a person whom the officer has probable cause to believe:**

Has committed a felony involving the use or threat of deadly force or serious physical injury; and

Who poses an imminent threat of death or serious physical injury to the officer or others.”

1. As used in this policy, *imminent* has a broader meaning than “immediate” or “instantaneous.” The concept of *imminent* should be understood to be elastic, that is, involving a period of time dependant on the circumstances, rather than the fixed point of time implicit in the concept of “immediate” or “instantaneous.” Thus a subject may pose an *imminent* danger even if he or she is not at that very moment pointing a weapon at the officer if, for example, he or she is lunging for a weapon within reach or is trying to gain a tactical advantage by running for cover carrying a weapon.
2. When other means are insufficient can include but is not limited to:
 1. Using the radio to direct other units to prevent the suspect’s escape;
 2. Knowing the suspect’s identity and that he/she poses no imminent threat to anyone in the immediate vicinity of the area of escape;
 3. Challenging the suspect to halt;
 4. Pursuing suspects until it becomes obvious that capturing them is unlikely and/or further pursuit is likely to endanger the officer or others.
3. The probable cause standard allows officers to act in situations without having absolute knowledge that a violent felony has occurred but requires that their actions be used on more than mere suspicion.
4. Both the element of the officer’s probable cause to believe a dangerous felony has been committed and the element that the offender poses an imminent threat to the officers or others in the immediate vicinity of the crime must be present before an officer can use deadly force to arrest the offender or prevent his escape.

1. Using deadly force to stop an escaping suspect must be based on a specific threat of imminent danger and not on a general threat to the community because of viciousness of the crime.
2. Both of these elements should appear in subsequent reports and should specifically detail who was endangered (names if possible) and how they were endangered.

Note: Where feasible, the officer should give a verbal warning prior to shooting at the felon. There are, however, situations when the issuance of a verbal warning would be detrimental to the safety of officers or others. In such a case, the officer need not give warning if to do so would increase the risk to himself or others.

3. **“To kill a dangerous animal, or an animal so badly injured that humanity requires its relief from further suffering.”**
 1. Shooting a dangerous animal can only be done if the animal is unconfined and presenting an imminent threat.
 2. Shooting an injured animal should be a last resort and after obtaining approval from the shift commander.
 3. In all cases the officer should be aware of the potential for ricochets.
 1. The angle of fire should be away from bystanders.
 2. A soft backstop should be selected which will minimize the potential for ricochets.
 4. If possible, the weapon of choice should be the shotgun loaded with .00 buckshot.
 1. The shotgun is more accurate.
 2. The buckshot will not penetrate the animal as easily as handgun ammunition will.
 3. There is less potential for ricochets.
 5. Officers should try not to shoot at animals at distances greater than ten yards with either the service handgun or the shotgun.
4. **“To give an alarm or to call assistance when no other means can be used; and”**

- a. The officer should be unable to communicate by any other readily available means. Shouting, blowing a whistle or a horn is preferable to firing shots.
 1. There must be an adequate, soft backstop for the projectile.
 2. The officer must never fire indiscriminately into the air.

5. **“When used in practice and/or qualification on the range.”**

5. GENERAL GUIDELINES AND TACTICS IN DEADLY FORCE SITUATIONS

- A. Officers should try to avoid placing themselves in a situation where they have no option but to use deadly force.
- B. If at all possible, officers should try to use a less deadly means, bearing in mind that deadly force should be a last resort.
 1. Alternatives to Using Deadly Force
 1. Use cover whenever possible, in addition to stopping incoming bullets, cover may afford a few extra moments to evaluate a potential deadly force threat and perhaps employ alternatives.
 2. Strong verbal challenge - POLICE, DON'T MOVE! (May be accompanied with a drawn weapon.)
 1. When challenging a suspect with a drawn weapon the trigger finger should be off the trigger at “touch point,” until the officer is prepared to justifiably fire the weapon.
 2. “Touch point” on the Glock Pistol is the area on the slide above the slide lock.
 3. “Touch point” on the revolver is the area on the frame below the cylinder.
 3. Chemical agents
 4. Defensive control techniques
 5. Baton
 6. Less Lethal technology
 1. Bean bag shotgun, air tazer, pepper fogger and capture net.
 2. Wait for a sufficient number of officers to handle a situation with a lesser degree of force.
 3. Talk to suspects in a manner consistent with training which will convince them to comply with orders. No Profanity!
 4. If off-duty, call the police.

5. SOME SITUATIONS ARE SO IMMEDIATELY DANGEROUS THAT OFFICERS MAY NOT HAVE TIME TO USE ALTERNATIVES, SUCH AS:

1. An aggressive, threatening, armed suspect within striking distance of the officer or others.
2. A suspect is armed with a firearm and is pointing it at an officer or others.

6. Incapacitation Procedures

1. Officers will direct their fire at the center mass of their intended target.
 1. Center mass represents the largest target area available to inflict incapacitation during an intensely stressful confrontation.
2. Exceptions:
 1. Suspects wearing body armor will necessitate fire being directed at the head.
 2. Suspects closer than 12 feet may necessitate immediate incapacitation requiring use of the vertical tracking technique. (Firing begins at center mass and is progressively tracked up through the upper chest, throat and head.)

1. Unarmed Suspects

1. From time to time law enforcement is confronted with unarmed individuals who possess the ability and intention of inflicting life threatening injuries with their bare hands or the ability and intention to disarm the officer. This ability may exist in one or more of the following characteristics offered as examples:
 1. Force of numbers, officer is outnumbered and being attacked.
 2. Size and physical ability of the suspect as compared to the victim officer.
 3. Size and mental disturbance.
 4. Expertise or proficiency in unarmed combat.
 5. Combination of the above.
2. Deadly force may be justified when confronted by an unarmed suspect who:
 1. Is aggressively trying to overcome the officer; and

2. The officer is unable to control the suspect with any other readily available means; and
 3. Is capable of or has inflicted potentially life threatening injury on the officer or others; and
 4. The officer cannot withdraw without unreasonably exposing him/herself or someone else to danger.
10. If there is a substantial risk of injury to innocent people from an officer's use of deadly force, the office may not use deadly force.
11. Warning shots are prohibited.
12. Pointing a weapon at a suspect:
 1. Is permitted when the officer reasonably believes that a person poses a significant, potential threat.
 2. The trigger finger should be off the trigger at "touch point" until the officer is prepared to justifiably fire the weapon.
 3. If an officer points a weapon at someone they should be frisked and a report written.
13. Officers with Weapon in Hand Chasing a Suspect
 1. Is permitted if an officer reasonably believes that a suspect poses a significant, potential threat.
 2. The weapon must be pointed in a safe direction.
 3. The trigger finger must be moved to a position below the trigger guard.
 4. Officers should not close with or tackle and wrestle with a running suspect with the weapon drawn but should direct other units to contain the suspect.
 5. Officers should not use the service weapon as an impact tool or weapon.
14. Shooting at vehicles:
 1. Do not take a position in the path of an oncoming vehicle and move out of the way if it changes direction towards you.
 2. Take cover which is substantial enough to offer protection from a vehicle.
 3. Officers may not shoot at vehicles moving away from them unless:
 1. The vehicle turns around and attempts to injure them or someone else and adequate cover is not available.

4. Officers should not direct fire in an impractical attempt to disable a vehicle. Standard police weapons are incapable of disabling a vehicle.
 5. Shooting the driver will only result in the vehicle being uncontrolled and perhaps, increase the danger to the officer or others.
 6. If the driver is shot and the vehicle goes out of control, the officer may be liable for any resulting injury or death of bystanders.
15. Officers should not shoot from a moving vehicle.
1. Rolling shootouts are dangerous and it is extremely difficult to shoot accurately.
 2. Officers should back off and utilize the radio to direct units to contain the suspects.

VI CONFRONTING SUSPECTS

- A. If officers have a reasonable belief that there is a threat of death or serious injury to themselves or others, they may draw their weapons.
2. Officers should keep their finger off the trigger and at “touch point,” until they are prepared to shoot.
 3. If possible, officers should not close with suspects to frisk or handcuff until backup officers arrive to assist.
 1. Maintain a safe reactionary distance (ten feet or more when the pistol is drawn).
 2. Exception: When acting as a cover officer in a two person arrest team flexibility and good judgement must dictate the distance between the cover officer and the suspect in order to provide effective cover for the handcuffing officer.
 3. The officer should have the suspect assume a prone or kneeling position, consistent with training, prior to conducting a frisk.
 4. If the suspect advances on you:
 1. If the suspect is armed, and circumstances warrant, take cover and use deadly force in accordance with regulations and training.
 2. If the suspect is unarmed and the circumstances conform with section V, H-2, of these guidelines or he is armed with a chemical irritant:
 1. The officer should wait for additional backup units to arrive.

2. Back away if it is safe to do so. Distance is the primary defense against a chemical agent.
3. Don't physically engage the suspect.
4. Use pepper mace if possible.
5. Take cover if available.
6. Strongly warn the suspect that you will use deadly force if he/she continues to advance.
7. Use deadly force if you have a reasonable belief that the suspect is attempting to take your weapon or that he/she is capable of seriously injuring you or others.

VI GENERAL ORDER 2-88, C-2), RULES AND REGULATIONS, RULE 3, (all material in **bold print** below is quoted directly from the General Order. Material without quotation marks and not in bold print explains the section immediately preceding it.

1. **“Members of the department who are authorized by law to carry firearms shall exercise the utmost care and precaution in the preservation and use of such weapons.**

- B. **All sworn members of the department shall be suitably armed at all times when on duty. Sworn members, off duty, within the City of Baltimore shall be suitably armed, except at such times, or under such circumstances, or when engaged in such activities as a prudent man would reasonably conclude the wearing of a firearm to be inappropriate.”**
 1. Wearing a weapon while swimming would be inappropriate. Playing some sports while armed may also be inappropriate.
 2. Drinking alcohol:
 1. Regulations allow, in some limited circumstances, for police officers to drink on duty, therefore, drinking alcohol is not, by itself, a reason not to carry a weapon.
 2. Drinking to the point that judgement is impaired and then using deadly force could be considered deliberate disregard for public safety and therefore place the officer at risk from criminal, civil, or administrative proceedings.
 3. Prior to officers reaching the point that their judgement is impaired by alcohol, their weapons should be taken home and secured.

 3. **“Sworn members when off-duty, outside the jurisdiction of the City of Baltimore, within the State of Maryland are authorized to carry an issued or approved handgun. There is, however, no requirement to be armed when off-duty outside of City limits. While sworn members are authorized to wear, carry, or transport a handgun off-duty, they are reminded that their**

manner of doing so must be in conformance with existing State law and departmental General Orders.

4. The weapon should be carried in an inconspicuous manner and secured in a holster or secure container.

VIII WHEN INVOLVED IN A POLICE SHOOTING INCIDENT:

1. The officer involved should render first aid and call for medical assistance for all injured persons.
2. The involved officer, unless in need of immediate medical assistance shall remain on the scene.
3. Communications should be notified.
4. Additional units should be summoned for assistance and to preserve the crime scene.
5. When deemed appropriate by the scene supervisor, the involved officer should be transported to CID and accompanied by an officer of ascending rank if feasible.

Firearms training conducted by this agency, stresses double action shooting skills consistent with the types of close range combat situations police most often face. Under no circumstances shall an officer cock the hammer on their revolver.

Under no circumstances shall a member of the department shoot at a person who is running away to avoid arrest on a misdemeanor charge, as the law recognizes that it is better to allow that person to escape than to take their life.

Example: A suspect fleeing to avoid arrest for a mere misdemeanor handgun violation must threaten the officer or others with the handgun in a manner that would reasonably indicate that the officer's or someone else's life is in danger, before the officer can justifiably fire his weapon.

Members must always bear in mind, when in doubt, don't fire!

NOTE: These guidelines are for internal use only. The contents of these guidelines do not enlarge the Baltimore Police Department, Baltimore City, or any of its employees' civil or criminal liability in any way. They are not to be construed to be the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.