



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved Fatal Incident in
Salisbury, Maryland on October 21, 2021

February 14, 2022

**Report of the Independent Investigations Division of the Maryland Office of
the Attorney General Concerning the Officer-Involved Death of Jamaal
Parish Mitchell on October 21, 2021**

Pursuant to Md. Code, State Gov't § 6-106.2, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Wicomico County State's Attorney Jamie L. Dykes regarding the officer-involved death of Jamaal Parish Mitchell.

The IID is charged with "investigat[ing] all alleged or potential police-involved deaths of civilians" and "[w]ithin 15 days after completing an investigation ... transmit[ting] a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter." Md. Code, State Gov't § 6-106.2(c), (d). The IID completed its investigation on February 11, 2022. This report is being provided to Wicomico County State's Attorney Jamie Dykes on February 14, 2022.

I. Introduction

Mr. Mitchell died after his vehicle struck a tree following a police pursuit on October 21, 2021. At 9:58 p.m., Private First Class Christopher Denny of the Salisbury Police Department ("SPD") observed Mr. Mitchell's car operating without lights at the intersection of Delaware Avenue and West Salisbury Parkway in Salisbury, Maryland. PFC Denny attempted to initiate a traffic stop, but Mr. Mitchell continued driving, increasing his speed and swerving across lane lines. PFC Denny obtained supervisor approval to continue the pursuit because he suspected Mr. Mitchell to be intoxicated. After approximately two minutes, Mr. Mitchell turned onto Queen Avenue, striking the patrol vehicle of Wicomico County Sheriff's Office ("WCSO") Deputy David Munir. Mr. Mitchell continued driving and hit another vehicle at the intersection of Queen Avenue and Duchess Drive. This collision caused Mr. Mitchell to lose control of his vehicle and enter a yard on Duchess Drive where he struck a parked car and then a tree. A paramedic pronounced Mr. Mitchell dead at the scene at 10:16 p.m.

This report details the IID's investigative findings based on a review of physical evidence, crash scene analysis, autopsy reports, video and audio recordings, officers' written reports, and personnel records for the officers involved. The IID also interviewed civilian witnesses, responding officers, and the paramedic who attended to Mr. Mitchell. All materials reviewed in this investigation are being provided to the Wicomico County State's Attorney's Office with this report and are listed in Appendix A.

This report also includes an analysis of Maryland statutes that could be relevant in a vehicle pursuit of this nature. The IID considered the elements of each possible criminal charge, the relevant departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of this incident. Because the Wicomico County State's Attorney's Office—not the Attorney General's Office—retains prosecution authority in this case, this report does not make any recommendations as to whether any individuals should or should not be charged.

II. Factual Findings

The following findings are based on a forensic examination of the crash scene as well as review of in-car video, body-worn camera video, radio transmissions, analyses from the Maryland State Police Crash Team and Medical Examiner, and interviews with civilian and law enforcement witnesses.

On October 21, 2021, SPD PFC Christopher Denny was on patrol in his marked patrol car. His car was equipped with a dashboard video system that recorded the pursuit. At 9:58:55 p.m., PFC Denny was leaving the Salisbury Police Department at the intersection of Delaware Avenue and West Salisbury Parkway, which is also known as Route 50. He left the department traveling south on Delaware Avenue and stopped at a red light at the intersection with Route 50. Opposite PFC Denny was a black Honda Accord with its lights off but left turn signal activated. Officers later determined that Jamaal Parish Mitchell was the driver and sole occupant of the Honda. When contacted after the incident by IID investigators, Mr. Mitchell's family reported that he was coming from an aunt's birthday party at the Salisbury VFW and was traveling on his normal route home. There is no evidence suggesting PFC Denny was previously familiar with either Mr. Mitchell or the Honda. Throughout his radio transmissions and statements to other officers as captured on body-worn camera video, PFC Denny never suggests that he had any previous interactions with Mr. Mitchell, had previously seen the Honda, or had any reason to anticipate a traffic stop involving either Mr. Mitchell or his car.



Image 1: In-car video from PFC Denny's vehicle at the intersection of Delaware Avenue and Route 50. Mr. Mitchell's vehicle is circled.

After waiting for several seconds after the light turned green, the Honda turned to its left onto westbound Route 50. PFC Denny followed, activating his emergency lights.

Upon turning onto Route 50, PFC Denny was travelling 23 miles per hour immediately behind the Honda. Mr. Mitchell steadily gained speed over the next two minutes. PFC Denny was consistently several car-lengths behind the Honda, though the exact distance varied. While Mr. Mitchell's speed was not measured, PFC Denny's in-car video system shows his patrol car reached a maximum speed of approximately 72 miles per hour. While on Route 50, Mr. Mitchell swerved across the dotted white lane line to his right several times. Twice he drove for extended periods, 14 and 17 seconds, while straddling the rightmost and second rightmost lanes.



Image 2: In-car video while PFC Denny traveled on westbound Route 50. Mr. Mitchell's vehicle is circled.

PFC Denny's radio communications show that he suspected the Honda's driver was intoxicated. He spoke with his supervisor, SPD Sergeant Chad Crockett, by radio throughout the pursuit, reporting his observations. A recording of SPD's radio transmissions reflects the following exchange:

PFC Denny: Still westbound 50. Vehicle not stopping.

Sgt. Crockett: What was the reason for the stop?

PFC Denny: Headlights off. He's since turned them on right now. Speed 50 miles per hour. No traffic.

Sgt. Crockett: Alright. You have your siren activated?

PFC Denny: 10-4 [confirmed].

Sgt. Crockett: [Inaudible.]

PFC Denny: Speed increasing. 65. No traffic.

Sgt. Crockett: You have any other driving here to make you think he's possible 10-55 [impaired]?

PFC Denny: 10-4 [confirmed]. He was swerving lanes.

Sgt. Crockett: Do you believe him to be 10-55 [impaired]?

PFC Denny: It is possible.

Sgt. Crockett: You can continue pursuit. I need a unit respond and backing up. Code 2 [officers may use lights and sirens but must observe a speed cap].

Approximately two minutes after the pursuit began, Mr. Mitchell turned off Route 50 onto Queen Avenue, striking the left rear corner of WCSO Deputy David Munir's patrol SUV, which had its emergency lights activated. Deputy Munir had been on patrol approximately one mile away and had stopped at this intersection with the intent of assisting PFC Denny in the pursuit. This collision between the Honda and Deputy Munir's patrol SUV is not apparent on PFC Denny's in-car video, but the resulting damage to Deputy Munir's vehicle can be seen on his body-worn camera video at 10:48:38 p.m. and is documented in the analysis by the Maryland State Police ("MSP") Crash Team. After the collision, PFC Denny stopped on Route 50 and allowed Deputy Munir to make a U-turn. Deputy Munir followed Mr. Mitchell on Queen Avenue and radioed: "Queen Avenue. I just had a vehicle strike me." There is no evidence that Deputy Munir obtained supervisor approval before pursuing Mr. Mitchell. PFC Denny followed behind Deputy Munir on Queen Avenue.



Image 3: Aerial view of Queen Avenue from Route 50 on the west to Duchess Drive on the east. Letters have been added to indicate approximately: (A) Deputy Munir’s location when Mr. Mitchell struck his patrol vehicle turning onto Queen Avenue; (B) the location of the Acura struck by Mr. Mitchell; and (C) the location where Mr. Mitchell’s vehicle crashed. The arrow indicates the direction Mr. Mitchell and PFC Denny had been traveling before turning onto Queen Avenue.

Approximately 18 seconds after Mr. Mitchell turned onto Queen Avenue, his Honda crashed into a tree in the yard of 1501 Duchess Drive. This location is approximately one quarter mile from Route 50. The analysis conducted by the MSP Crash Team found that Mr. Mitchell had been traveling east in the westbound lane of Queen Avenue (*i.e.*, traveling on the wrong side of the double yellow lane line) when he struck an Acura that was attempting to turn left onto Duchess Drive. Mr. Mitchell’s Honda then traveled across the yard of 1501 Duchess Drive, struck an unoccupied parked car in the driveway, and then struck a tree. WCSO Deputy First Class Christian Pecoraro later observed that the crashed Honda’s speedometer was stuck between 70 and 80 miles per hour.

Immediately after Mr. Mitchell struck the tree, PFC Denny radioed: “Vehicle’s 10-50 [crashed].” Deputy Munir similarly radioed: “Big 10-50 [crash]. It’s going to be Queen Avenue at Duchess.”

PFC Denny arrived at the crash scene approximately ten seconds later, stopping behind Deputy Munir’s SUV. The Acura struck by Mr. Mitchell was stopped between their vehicles, diagonally across the centerline of Queen Avenue.



Image 4: In-car video from PFC Denny’s in-car video after stopping on Queen Avenue. Mr. Mitchell’s crashed Honda is circled. Deputy Munir’s patrol vehicle is directly ahead of PFC Denny’s car. The Acura struck by Mr. Mitchell is to the right of Deputy Munir’s vehicle.

PFC Denny got out of his car about twenty seconds after the Honda crashed. PFC Denny was a canine officer and took his dog with him when he got out of the car. PFC Denny’s body-worn camera video shows that his service weapon was drawn as he and his dog approached the Honda. Deputy Munir had positioned himself next to a tree behind the crashed Honda, aiming his service weapon and a flashlight at the car. This is visible when Deputy Munir’s body-worn camera video begins at 10:02:16 p.m.¹

As PFC Denny approached the Honda, Deputy Munir twice yelled: “Show me your hands.” He received no response. PFC Denny provided cover while Deputy Munir walked to the Honda’s front passenger door. Deputy Munir reported to PFC Denny: “One person in the vehicle. Unresponsive.” He then radioed: “Subject’s unconscious. One person in the vehicle. It’s a Honda Accord.” PFC Denny then commanded the driver to show his hands. When the driver did not respond, PFC Denny radioed: “We need EMS [emergency medical services] out here immediately. Driver’s unresponsive. Trapped.”

Approximately 90 seconds after exiting his patrol car, after both officers had radioed for EMS, Deputy Munir attempted unsuccessfully to open each of the Honda’s doors. He radioed

¹ The timestamps on officers’ body-worn camera videos are not precisely synced. The same event may appear at slightly different times on different videos. The company that makes these body-worn cameras, Axon, reported to the IID that such “clock drift” of approximately two seconds per day can occur when cameras are not attached to their docks. In this incident, most officers’ cameras are calibrated within one or two seconds of each other. PFC Denny’s body-worn camera video, however, reflects a time approximately 33 seconds later than other officers’ videos. Therefore, any time shown on PFC Denny’s body-worn camera video has been adjusted by 33 seconds when reported here.

that Mr. Mitchell was “trapped inside,” then tried unsuccessfully to open the driver’s door by pulling on the window frame. Deputy Munir then radioed that Mr. Mitchell was “bleeding pretty bad from the face, if you can tell EMS [emergency medical services] to step it up.”

As other officers arrived, their rescue efforts mirrored those of PFC Denny and Deputy Munir. WCSO Deputy First Class Clayton Rush was able to bend the window frame away from Mr. Mitchell, but he was not able to open the door. DFC Pecoraro was able to open the front passenger door, but he and Deputy Munir determined that Mr. Mitchell was still trapped in the driver’s seat. DFC Pecoraro also said by radio and to other officers present that the driver was trapped and “going 10-7 [deceased].” At 10:08:03 p.m., DFC Pecoraro said he could feel Mr. Mitchell still had a pulse. He continued monitoring for a pulse until a paramedic arrived at 10:09:15 p.m. At 10:09:29 p.m., after checking Mr. Mitchell for a pulse and observing his injuries, the paramedic stated that Mr. Mitchell was deceased. He then said: “I’ll check a couple things, but he’s Priority 4 [deceased]. There’s no pulse.”

III. Investigation

The IID began its investigation within hours of Mr. Mitchell’s crash. This section summarizes the initial response, MSP Crash Team’s analysis, Medical Examiner’s report, and civilian and law enforcement witnesses’ statements.

A. Initial Response

SPD officers and WCSO deputies responded to and secured the crash scene within several minutes of the crash. Pursuant to Md. Code, State Gov’t § 6-106.2 and IID protocols, WCSO notified MSP that there had been an officer-involved fatality. MSP Crash Team Sergeants Kevin Zarzecki and Charles Gore responded at approximately 12:23 a.m. and assumed control of the investigation. IID Chief Dana Mulhauser, Chief Investigator Tony Schartner, and Investigator David Davis also responded to the crash scene.

B. Crash Investigative Report

Sergeant Zarzecki prepared a Detailed Crash Investigative Report. Sergeant Zarzecki’s analysis included examination of physical evidence at the scene—such as tire marks, roadway conditions, and the damage to Mr. Mitchell’s Honda, Deputy Munir’s patrol SUV, and the Acura—and review of body-worn camera video, officers’ written statements, and the verbal statement given by the Acura’s driver. Sergeant Zarzecki concluded that Mr. Mitchell had been traveling east in the westbound lane when he struck the driver’s side of the Acura, which was attempting to turn left onto Duchess Drive. Mr. Mitchell’s car then travelled into the side yard of 1501 Duchess Drive, struck an unoccupied parked car in that home’s driveway, and struck the tree. Sergeant Zarzecki was not able to determine the speed of the Honda because it had been involved in multiple collisions before hitting the tree.

C. Medical Examination

Mr. Mitchell's autopsy was conducted by Assistant Medical Examiner Carol H. Allan, M.D., on October 22, 2021. Dr. Allan identified Mr. Mitchell's cause of death as: "Multiple Injuries." Dr. Allan deemed the manner of death to be: "Accident."

Dr. Allan identified injuries to Mr. Mitchell's head, neck, torso, back, arms, and legs. These injuries included numerous lacerations to the face, several severe fractures to the face and skull, bleeding between the brain and skull, damage to the brain and brain stem, transection of the brain stem, and separation of the ligaments connecting the spinal column to the skull. Mr. Mitchell also had cuts on his shoulder, back, arm, and hand, and a fractured left femur.

Toxicologist Rebecca Phipps issued her Report of Findings on October 26, 2021. She found Mr. Mitchell's blood alcohol concentration to be 0.25%. She did not identify any other drugs in a sample of Mr. Mitchell's urine.

D. Civilian Witness Statements

The IID interviewed several civilian witnesses at the crash scene and during the course of the investigation. None of these witnesses had seen the pursuit or crash, nor did they otherwise have information relevant to this investigation.

The IID also attempted to interview the occupants of the Acura struck by Mr. Mitchell. Neither individual agreed to be interviewed by the IID. The passenger had two outstanding warrants at the time of the incident and was taken into custody by MSP. The driver has since been charged in Wicomico County with several offenses related to a handgun, ammunition, and narcotics found in or near the Acura on the night of the crash.

The Acura's driver did, however, give a statement to WCSO Deputy First Class BobbiJo Landing on the night of the incident. This interview is documented in DFC Landing's written report and on her body-worn camera video at 11:55:10 p.m. The driver said that he was traveling westbound on Route 50 and turned onto Queen Avenue. He noticed one SUV with blue lights coming up behind him as he was turning left onto Duchess Drive. Just as he started crossing the centerline to make the left turn, another car—not the police vehicle—hit the whole left side of the Acura and spun it 180 degrees. He did not see the car that hit him, either before or after being hit. After the collision, he and his passenger sat for a minute before climbing out the passenger's door; the driver's door was too badly damaged to open. The driver estimated that he was traveling 30 miles per hour when he was hit. He estimated the other car must have been going "close to 100 miles an hour ... to spin me like that."

E. Law Enforcement Officers' Statements

Numerous officers from both SPD and WCSO wrote reports describing their responses to this incident, and several made verbal statements to other officers that were captured by body-worn cameras. Additionally, DFC Rush, DFC Pecoraro, and the first-responding paramedic gave interviews to the IID. PFC Denny and Deputy Munir declined to be interviewed. These written,

recorded, and verbal statements are summarized below. Officer statements that are not relevant to this investigation or are wholly duplicative of other accounts are not included.

SPD's Use of Force directive states that, "[w]hen the injury or death of another person results from a motor vehicle pursuit," the involved officer must submit a report within eight hours of the end of their tour of duty. The officer's supervisor and the division commander must subsequently assess the incident and document their findings. SPD has taken the position that PFC Denny discontinued his pursuit when Deputy Munir began pursuing Mr. Mitchell, and therefore that these reports are not required, as PFC Denny's pursuit did not result in Mr. Mitchell's death.

WCSO's Vehicle Pursuits policy provides that all pursuits will be reviewed to determine whether the involved officer complied with department policies. WCSO has taken the position that such review is not required here because SPD had initiated the pursuit and, in WCSO's judgment, Mr. Mitchell had crashed before Deputy Munir began pursuing him.

i. Deputy Munir

Deputy Munir completed a written report on October 27, 2021. On the night of the incident, his body-worn camera video also recorded him telling other officers what had happened. There are no apparent inconsistencies between Deputy Munir's written report and body-worn camera statements, or between any of those statements and the physical and video evidence described above. IID investigators contacted Deputy Munir at the WCSO station after the incident, but he declined to provide an interview or verbal statement.

In his written report, Deputy Munir stated that he was on patrol in the area of West Road and Waconia Drive in Salisbury. He heard PFC Denny's radio transmissions and drove to the intersection of Queen Avenue and Route 50, approximately one mile away. The Honda was approximately 150 yards up Route 50 when Deputy Munir arrived. As the Honda turned onto Queen Avenue, Deputy Munir felt his patrol vehicle shake and heard a thud, so he believed he had been hit. As Deputy Munir began pursuit on Queen Avenue, the Honda was 100 to 150 yards in front of him. He had started to close that distance when he saw the Honda veer into the yard of 1501 Duchess Drive. As described above from PFC Denny and Deputy Munir's body-worn camera video, Deputy Munir then called for EMS assistance and unsuccessfully attempted to open the Honda's doors.

In addition to his written statement, Deputy Munir gave accounts to other officers less than 15 minutes after Mr. Mitchell's crash. These accounts can be seen on Deputy Munir's body-worn camera video at 10:11:18 p.m. and 10:12:53 p.m. Deputy Munir's verbal and written statements are consistent with each other and with all available evidence.

ii. PFC Denny

PFC Denny did not write a report of this incident. He likewise declined to provide an interview or statement when contacted by IID investigators at the SPD station after the incident.

PFC Denny's body-worn camera video, however, shows him describing the pursuit to SPD Corporal Keith Newcomer at 10:13:42 p.m. He described being "on Delaware [Avenue] from the PD [police department]" when he saw Mr. Mitchell "on the opposite side of Delaware on [Route] 50, taking a lefthand turn to westbound [Route] 50; he did not have his lights on at that point." He then described trying to pull Mr. Mitchell over, but he "continues to go, 50 miles an hour, no traffic. I said everything on the radio. Increases to 65. We're coming up on this intersection [of Route 50 and Queen Avenue]. I see County [Deputy Munir] there . . . He turned his lights on. He must have been listening to me . . . I let the deputy flip around on the highway and get behind him, which he was, he was maybe, that guy [Mr. Mitchell] took off at that point, so he [Deputy Munir] never even was on him either." There are no apparent inconsistencies between this account and the evidence described above.

PFC Denny's body-worn camera video also shows him and Deputy Munir speaking at 10:16:23 p.m. and 10:22:18 p.m. In the former conversation, PFC Denny approached Deputy Munir and asked if he was ok. Deputy Munir responded in the affirmative and said: "He hit me, and at that point I'm involved." PFC Denny asked: "What'd he hit the other car coming up?" Deputy Munir responded: "I think so. I was still far back." Minutes later, Deputy Munir approached PFC Denny and asked if he was alright. Both said they were ok, and Deputy Munir said: "I was hoping he'd make it." PFC Denny responded: "Is he not? Damn." Deputy Munir responded: "I think he's 10-7 [deceased]." PFC Denny then reiterated his account, which was consistent with the facts described above, though he added that Mr. Mitchell was "doing all sorts of reaching, slow rolling the stop" while on Route 50.

iii. Responding Personnel

DFC Pecoraro and DFC Rush were the first officers to respond after PFC Denny and Deputy Munir. Both wrote reports and spoke to IID Investigator David Davis. Both reported responding to the pursuit and arriving after Mr. Mitchell had crashed into the tree. They attempted to open the Honda's doors because the driver was trapped, and they observed what DFC Pecoraro described to be Mr. Mitchell's "extensive head injuries." DFC Pecoraro also noted that the Honda's speedometer was stuck between 70 and 80 miles per hour. DFC Pecoraro said that before paramedics arrived, he checked Mr. Mitchell and felt either no pulse or a slight pulse. DFC Rush stated that after attempting to open the driver's door, he saw the driver's severe head trauma, bleeding, and unresponsiveness, and realized that he was deceased.

Emergency medical technician Andrew Merrill also stated in an interview with Investigator Davis that, when he arrived as the first paramedic on scene, Mr. Mitchell was unresponsive and had no pulse. Mr. Merrill said that based on Mr. Mitchell's physical condition, no medical assistance could be provided. He pronounced Mr. Mitchell dead at 10:16 p.m. due to severe head and brain injuries.

IV. Involved Parties' Backgrounds

As part of its standard investigative practice, the IID obtained information regarding Mr. Mitchell, PFC Denny, and Deputy Munir's criminal histories, as well as PFC Denny and Deputy Munir's departmental internal affairs records and relevant training.

In this case, this information did not affect the analysis of potential criminal charges.

Jamaal Parish Mitchell: Mr. Mitchell was a 35-year-old African-American man who lived in Salisbury. On the night of this incident, he had been attending an aunt's birthday celebration at the Salisbury VFW. To the extent it exists, any criminal and driving history is being provided to the State's Attorney's Office with this report.

SPD Private First Class Christopher Denny: PFC Denny was hired by SPD in 2014 and is currently assigned to Road Patrol and K-9 Services. He is a 36-year-old white male. PFC Denny completed training at the Eastern Shore Criminal Justice Academy on June 13, 2016. He most recently certified his review of the SPD Pursuit Policy on March 29, 2021. PFC Denny has no internal affairs complaints. To the extent it exists, any criminal history is being provided to the State's Attorney's Office with this report. PFC Denny has not been directly engaged in any prior vehicle pursuits; he has acted in only a collateral or supporting role.

WCSO Deputy David Munir: Deputy Munir has been a WCSO deputy since 2020 and is currently assigned to the Patrol Division. He is a 35-year-old Asian male. Deputy Munir completed training at the Eastern Shore Criminal Justice Academy on June 19, 2020. He has no internal affairs complaints. To the extent it exists, any criminal history is being provided to the State's Attorney's Office with this report. Deputy Munir has been involved in five prior pursuits, all of which have been reviewed by a WCSO pursuit review board as a matter of policy. All of those pursuits were found to have been "within policy."

V. Applicable Policies

SPD and WCSO have the following policies concerning vehicle pursuits and medical aid. The complete policies are attached as Appendix B.

Salisbury Police Department: Pursuit Policy/Forcible Stopping (Section #201)

SPD policy instructs officers to "continuously weigh the benefits of apprehending a suspect against the risk posed by a vehicular pursuit." The policy specifically endorses pursuits of potentially impaired drivers. Still, officers must consider factors such as road conditions, traffic conditions, the nature of the offense, and the time of day when deciding to initiate, continue, or terminate a pursuit. An officer should only engage in a pursuit in a marked patrol vehicle and should use their vehicle horn, emergency lights, and siren. Officers must maintain sufficient distance to allow a sudden stop and must maintain radio communication with a supervisor throughout the pursuit.

Salisbury Police Department: Use of Force (Section #1001)

SPD policy states that officers should "render aid as quickly as possible following any law enforcement action in which injuries have been sustained." The policy instructs that "for more serious or life threatening incidents" such aid may include "immediate aid by medical professionals (EMS personnel)" or "EMS activated / response requested."

Wicomico County Sheriff's Office: Vehicle Pursuits (Policy 307)

WCSO policy instructs deputies to “weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.” Factors deputies must consider include the severity of the crime, risks to others in the area of the pursuit, road conditions, speed, and alternative means of effecting an arrest. Deputies may join a pursuit initiated by another agency “when a single vehicle from the initiating agency is in pursuit,” but must obtain supervisor approval to do so.

Wicomico County Sheriff's Office: Medical Aid and Response (Policy 427)

WCSO policy states that deputies “should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, ...) in accordance with their training and certification levels Prior to initiating medical aid, the member should contact Communications and request response by Emergency Medical Services (EMS) as the member deems appropriate.” The WCSO Use of Force Policy (Policy 300) adds that “[a]ny individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.”

VI. Applicable Law & Analysis

The IID analyzed Maryland statutes that could be relevant in a vehicle pursuit of this nature. This section presents the elements of each possible criminal charge and analyzes these elements in light of the findings discussed above. The report focuses specifically on the officers' pursuit of Mr. Mitchell and subsequent efforts to render aid.

A. Manslaughter by Vehicle or Vessel²

Criminal Law § 2-209(b) states: “A person may not cause the death of another as a result of the person’s driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.”

To prove manslaughter by vehicle, the State must establish: “(1) that the defendant drove a motor vehicle; (2) that the defendant drove in a grossly negligent manner, and (3) that this grossly negligent driving caused the death of [Mr. Mitchell].” MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d Ed. 2021). Grossly negligent conduct is that which “amount[s] to a wanton and reckless disregard for human life.” *Duren v. State*, 203 Md. 584, 588 (1954) (citing *State of Maryland v. Chapman, D.C.*, 101 F. Supp. 335, 341 (D. Md. 1951); *Hughes v. State*, 198 Md. 424, 432 (1951)).

The available evidence does not indicate that either officer’s driving was itself wanton or reckless. *See Duren*, 203 Md. at 584 (holding grossly negligent driving to consist of “a lessening

² This report does not analyze the charge of common law involuntary manslaughter with respect to the pursuit itself, because that charge is preempted by the manslaughter by vehicle statute. *Harris v. State*, 251 Md. App. 612, ___ (2021); *State v. Gibson*, 254 Md. 399, 400-01 (1969). This report will, however, analyze a potential involuntary manslaughter charge with respect to the officers’ response to the crash.

of the control of the vehicle to the point where such lack of effective control is likely at any moment to bring harm to another”). Both officers maintained several car-lengths between themselves and Mr. Mitchell’s Honda, navigated lanes and turns without apparent difficulty, came to controlled stops on Route 50 and again on Queen Avenue, and appear to have maintained control of their vehicles at all times.

Because the available evidence does not indicate that the officers drove recklessly, the State would need to show that the decision to engage in the pursuit was itself grossly negligent. The Court of Appeals has held that, “a violation of police guidelines *may* be the basis for a criminal prosecution.” *State v. Pagotto*, 361 Md. 528, 557 (2000) (citing *State v. Albrecht*, 336 Md. 475, 502-03 (1994)) (emphasis in original). The Court clarified that, “while a violation of police guidelines is not negligence *per se*, it is a factor to be considered in determining the reasonableness of police conduct.” *Id.* (citations omitted). Maryland courts have considered officers’ policy violations as evidence of negligence, recklessness, unreasonableness, and corrupt intent. *See, e.g., Albrecht*, 336 Md. at 503; *Pagotto*, 361 Md. at 550-53; *Koushall v. State*, 249 Md. App. 717, 729-30 (2021), *cert. granted*, 474 Md. 718 (Jun. 22, 2021) (argued Nov. 1, 2021); *Kern v. State*, No. 2443, Sept. Term 2013, 2016 WL 3670027, at *5 (Md. Ct. Spec. App. Jul. 11, 2016); *Merkel v. State*, No. 690 Sept. Term 2018, 2019 WL 2060952, at *8 (Md. Ct. Spec. App. May 9, 2019); *Mayor and City Council of Baltimore v. Hart*, 395 Md. 394, 398 (2006) (civil litigation). However, a “hypertechnical” violation of policy, without more, is not sufficient to establish gross negligence. *Pagotto*, 127 Md. App. at 304.³

PFC Denny followed all SPD policies concerning vehicle pursuits, which explicitly endorse the pursuit of potentially intoxicated drivers. PFC Denny had reason to believe Mr. Mitchell may be intoxicated because he was driving with his lights off and straddled clearly marked lane lines on three occasions, including twice for more than ten seconds. *See, e.g., Thanner v. State*, 93 Md. App. 134, 141 (1992) (“a reasonable officer not only *could*, but *would* have stopped appellant . . . at least to warn him to turn on his lights” (emphasis in original)); *Blasi v. State*, 167 Md. App. 483, 499 (2006) (finding reasonable suspicion where driver crossed lane lines multiple times and changed speeds significantly for no apparent reason). PFC Denny activated the lights and sirens of his marked patrol car, maintained a several car-lengths between his patrol car and the Honda, and maintained radio communications throughout the pursuit. PFC Denny described Mr. Mitchell’s driving to his supervisor, Sergeant Crockett, who authorized him to continue the pursuit.

Generally, Deputy Munir followed WCSO policies concerning vehicle pursuits. Although there is no indication that Deputy Munir obtained supervisor approval before pursuing Mr. Mitchell, he had an independent basis to initiate pursuit after Mr. Mitchell’s Honda struck his patrol SUV. While WCSO policy requires supervisor approval prior to joining a pursuit initiated by another agency, it does not require such approval for a deputy to initiate their own pursuit. While this distinction may represent an ambiguity in WCSO policy, for purposes of

³ For an action to be grossly negligent, it ordinarily must violate departmental policy. If an action was grossly negligent but did not violate departmental policy, that would imply either that the department had no policy on point or that the policy permitted the grossly negligent conduct. In this case, both SPD and WCSO have policies on point that do not condone actions that could be considered grossly negligent. This report, therefore, will consider gross negligence through the perspective of possible policy violations.

evaluating Deputy Munir's conduct, the existence of an independent basis for pursuit is strong evidence that engaging in the pursuit was not grossly negligent. In addition to his SUV having been struck by Mr. Mitchell's Honda, Deputy Munir heard SPD radio transmissions, which made him aware that PFC Denny was the sole vehicle in pursuit and that Sergeant Crockett had authorized the pursuit to continue due to Mr. Mitchell's potential intoxication. The failure to obtain supervisor approval, even if it could be considered a technical policy violation, does not itself indicate Deputy Munir undertook the pursuit with "wanton and reckless disregard for human life."

Additionally, in the absence of grossly negligent conduct, the available evidence would not support a conclusion that the officers caused Mr. Mitchell's death, as required to satisfy the third element of a manslaughter by vehicle charge.

B. Criminally Negligent Manslaughter by Vehicle or Vessel

Criminal Law § 2-210 states: "(b) A person may not cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a criminally negligent manner. (c) For purposes of this section, a person acts in a criminally negligent manner with respect to a result or a circumstance when: (1) the person should be aware, but fails to perceive, that the person's conduct creates a substantial and unjustifiable risk that such a result will occur; and (2) the failure to perceive constitutes a gross deviation from the standard of care that would be exercised by a reasonable person. (d) It is not a violation of this section for a person to cause the death of another as the result of the person's driving, operating, or controlling a vehicle or vessel in a negligent manner."

Criminally negligent manslaughter by vehicle differs from manslaughter by vehicle only in that it requires proof of criminal negligence rather than gross negligence. MPJI-Cr 4:17.10 Homicide—Manslaughter by Motor Vehicle, MPJI-Cr 4:17.10 (2d Ed. 2021). Gross negligence requires proof that "the defendant *was conscious of the risk* to human life posed by his or her conduct." 96 Md. Op. Atty. Gen. 128, 138, Dec. 21, 2011 (*available at* <https://www.marylandattorneygeneral.gov/Opinions%20Documents/2011/96oag128.pdf>) (emphasis in original). Criminal negligence requires proof that "the defendant *should have been aware, but failed to perceive* that his or her conduct created a 'substantial and unjustifiable risk' to human life and that the failure to perceive that risk was a 'gross deviation' from the standard of care that a reasonable person would exercise." *Id.* (emphasis in original; quoting Crim. Law § 2-210).

As with the manslaughter by vehicle charge discussed above, the available evidence does not indicate that PFC Denny or Deputy Munir's actions created an unjustifiable risk that was a gross deviation from a reasonable standard of care.

C. Involuntary Manslaughter

While the charge of involuntary manslaughter is preempted by the manslaughter by vehicle statute with respect to the officers' actions while driving, it would not be preempted with

respect to their actions following the crash. This section will therefore analyze the officers' actions only after Mr. Mitchell crashed into the tree.

To prove involuntary manslaughter, the State must prove: “(1) that the defendant acted in a grossly negligent manner; and (2) that this grossly negligent conduct caused the death of [Mr. Mitchell].” MPJI-Cr 4:17.9 Homicide—Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.9 (2d Ed. 2021). As discussed above, gross negligence is conduct which “amount[s] to a wanton and reckless disregard for human life.” *Duren*, 203 Md. at 588.

The available evidence does not indicate that PFC Denny or Deputy Munir's response to the crash was grossly negligent. Both officers acted in accordance with their respective departmental policies, which call for officers to utilize EMS and to provide aid as possible in accordance with their training. PFC Denny and Deputy Munir reported the crash by radio immediately. They approached the Honda as soon as it became apparent that Mr. Mitchell was not responding to their commands. Upon seeing the severity of Mr. Mitchell's injuries, both officers conveyed urgency by radio, asking for EMS to “step it up” and to come “immediately.” The officers likewise conveyed that Mr. Mitchell was trapped. Deputy Munir tried to open the Honda's doors multiple times, both by their handles and by pulling on the frame of the driver's door.

When other officers arrived, they undertook the same actions as PFC Denny and Deputy Munir, providing information by radio and attempting to open the Honda's doors. This suggests that PFC Denny and Deputy Munir's conduct was consistent with that “of a reasonable police officer similarly situated.” *Albrecht*, 336 Md. at 501.

Additionally, in the absence of grossly negligent conduct, the available evidence would not support a conclusion that the officers caused Mr. Mitchell's death, as required to satisfy the second element of an involuntary manslaughter charge.

D. Duty of Driver to Render Reasonable Assistance to Persons Injured in an Accident

Transportation Article § 20-104(a) states: “The driver of each vehicle involved in an accident that results in bodily injury to or death of any person or in damage to an attended vehicle or other attended property shall render reasonable assistance to any person injured in the accident and, if the person requests medical treatment or it is apparent that medical treatment is necessary, arrange for the transportation of the person to a physician, surgeon, or hospital for medical treatment.”

This offense requires proof that: (1) the defendant drove a motor vehicle; (2) the motor vehicle was involved in an accident; (3) the accident resulted in bodily injury to or death of a person or in damage to an attended vehicle or other attended property; and (4) the defendant did not render reasonable assistance to a person injured in the accident.

For the reasons discussed above with respect to the potential charge of involuntary manslaughter, the available evidence does not indicate that either PFC Denny or Deputy Munir

failed to offer reasonable assistance to Mr. Mitchell. Both reported the crash immediately, expressed urgency to EMS, and attempted to free Mr. Mitchell from the vehicle until EMS arrived.

E. Reckless Driving & Negligent Driving

Transportation Article § 21-901.1(a) states: “A person is guilty of reckless driving if he drives a motor vehicle: (1) In wanton or willful disregard for the safety of persons or property; or (2) In a manner that indicates a wanton or willful disregard for the safety of persons or property.”

Transportation Article § 21-901(b) states: “A person is guilty of negligent driving if he drives a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual.”

Factors such as “[s]peed, erratic driving, disregard of the red light, [and] force of impact ... can be taken as evidence of wanton or reckless disregard of human life.” *Taylor v. State*, 83 Md. App. 399, 404 (1990) (citing *Boyd v. State*, 22 Md. App. 539 (1974); *State v. Kramer*, 318 Md. 576, 590 (1990)).

As discussed above with respect to the potential charge of manslaughter by vehicle, PFC Denny and Deputy Munir maintained a distance of several car-lengths from Mr. Mitchell’s Honda, maintained control of their vehicles, navigated lanes and turns without issue, and came to controlled stops on Route 50 and Queen Avenue. The available evidence does not indicate that either officer drove recklessly or negligently.

F. Other Charges Considered⁴

There are several other charges for which full analysis was not warranted given the facts of this incident. Those charges are addressed briefly here.

The crimes of first-degree murder, intentional second-degree murder, and voluntary manslaughter each requires the State to prove the defendant had “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result.” MPJI-Cr 4:17 Homicide—First Degree Premeditated Murder and Second Degree Specific Intent Murder, MPJI-Cr 4:17 (2d Ed. 2021); *Cox v. State*, 311 Md. 326, 331 (1988) (voluntary manslaughter is “an intentional homicide”). In this case, there are no facts suggesting that either PFC Denny or Deputy Munir intended to kill or cause serious bodily harm to Mr. Mitchell.

The crime of second-degree depraved heart murder requires the State to prove the defendant “created a very high degree of risk to the life of [Mr. Mitchell]” and “acted with extreme disregard of the life endangering consequences” of such risk. MPJI-Cr 4:17.8 Homicide—Second Degree Depraved Heart Murder and Involuntary Manslaughter (Grossly Negligent Act and Unlawful Act), MPJI-Cr 4:17.8 (2d Ed. 2021). With respect to the pursuit, this charge is preempted by the manslaughter by vehicle statute. *Blackwell v. State*, 34 Md. App.

⁴ This report does not analyze the potential charge of reckless endangerment because the relevant subsection of that statute “does not apply to conduct involving ... the use of a motor vehicle.” Criminal Law § 3-204(c)(1)(i).

547, 555-56 (1977). With respect to the response to the crash, as discussed in the involuntary manslaughter section above, there is no evidence suggesting that either officer “created a very high degree of risk of life” or “acted with extreme disregard.”

The crime of misconduct in office requires the State prove: (1) that the defendant was a public officer; (2) that the defendant acted in their official capacity or took advantage of their public office; and (3) that the defendant corruptly did an unlawful act (malfeasance), corruptly failed to do an act required by the duties of their office (nonfeasance), or corruptly did a lawful act (misfeasance). MPJI-Cr 4:23 Misconduct in Office (Malfeasance, Misfeasance, and Nonfeasance), MPJI-Cr 4:23 (2d Ed. 2021). “[T]he conduct must be a willful abuse of authority and not merely an error in judgment.” Comment to *id.* (citing Hyman Ginsberg and Isidore Ginsberg, *Criminal Law & Procedure in Maryland* 152 (1940)). While the State need not show direct evidence of intent when alleging malfeasance, as discussed above, the available evidence does not indicate that PFC Denny or Deputy Munir engaged in an unlawful act. *See Pinheiro v. State*, 244 Md. App. 703, 722 n. 8 (2020). Regarding misfeasance and nonfeasance, as discussed above, there is no evidence that either officer acted with a corrupt intent, defined as “depravity, perversion, or taint.” *Id.*

VII. Conclusion

This report has presented factual findings and legal analysis relevant to the fatal vehicle pursuit that occurred on October 21, 2021, in Salisbury, Maryland. Please feel free to contact the IID if you would like us to supplement this report through any further investigation or analysis.



Appendices

Appendix A – Materials Reviewed

In-car camera video from Salisbury Police Department officers (4 videos)
Body-worn camera video from Salisbury Police Department officers (11 videos)
Body-worn camera video from Wicomico County Sheriff's Office deputies (11 videos)
Salisbury Police Department reports (6 reports)
Wicomico County Sheriff's Office reports (6 reports)
Salisbury Police Department dispatch audio (1 recording)
Salisbury Police Department Call for Service report (1 document)
Wicomico County Sheriff's Office dispatch audio (1 recording)
Wicomico County Sheriff's Office Computer-Aided Dispatch report (1 document)
Maryland State Police Fatal Collision Response Form (1 document)
Maryland State Police Detailed Crash Investigation Report (1 document)
Maryland State Police evidence records (4 documents)
Crash scene photographs (110 photographs)
Independent Investigations Division civilian witness interview reports (4 reports)
Independent Investigations Division first responder interview reports (3 reports)
Office of the Chief Medical Examiner Post Mortem Examination Report (1 document)
Involved individuals' criminal history and motor vehicle reports (7 documents)
Involved officers' relevant training and pursuit history (5 documents)

Appendix B – Relevant SPD and WCSO Policies

See attached.

	SALISBURY POLICE DEPARTMENT
	Written Directive: Pursuit Policy/Forcible Stopping
	Publication Date: December 02, 2019
	 Approved: Barbara Duncan, Chief of Police
Related CALEA Standards: 41.2.2, 41.2.3	Pursuit Policy/Forcible Stopping Section # 201

Pursuit of Motor Vehicles/Forcible Stopping

1. Purpose:

To provide guidance to officers and supervisors in the decision making process of engaging in, continuing, and terminating vehicular pursuits.

2. Policy:

It is the policy of the Salisbury Police Department to limit pursuits to those circumstances where the suspect's actions posed a dangerous threat to the community prior to the initiation of the pursuit. Apprehending suspects is a high priority and paramount responsibility of the Salisbury Police Department. Supervisors and officers must continuously weigh the benefits of apprehending a suspect against the risk posed by a vehicular pursuit.

3. Definition:

Pursuit: The motorized chase of another vehicle at possible speeds above the legal speed limit.

4. Procedure:

- A. Patrol officers shall make every reasonable effort to apprehend a fleeing violator, but pursuit should not be carried to such an extent as to appreciably endanger the lives of innocent users of our streets and highways, or the officer himself/herself. In the case of traffic violations, officers may pursue the violator for the short distance necessary to overtake the violator for the purpose of a traffic stop. If the violator disregards the officer's signal to stop, the officer must discontinue pursuit, except for those violations specified.
- B. As a general rule, pursuit is not recommended or favored when the potential danger to the officer and the public outweigh the potential advantage of apprehending a fleeing vehicle by such means. Delay may also be the wiser choice when the person is known and he or she poses no immediate threat to the community. On the other hand,

it is not in the best interests of public safety to advocate a policy that would encourage the dangerous driver, or the fleeing criminal to proceed without the imminent possibility of police intervention.

- C. All of the following criteria must be met for the initiation of pursuit:
- a) The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for a serious felony that would normally require a full custodial arrest; and
 - b) The suspect operating the vehicle refuses to stop at the direction of the officer; and
 - c) The suspect if allowed to flee would present a danger to human life or cause serious injury.
- D. The only traffic violations which shall meet these criteria are those alleged offenses for:
- a) Driving while intoxicated or under the influence of alcohol and/or drugs and/or controlled dangerous substances; or
 - b) Failure to stop and remain at the scene of a fatal, personal injury or major property damage accident.
- E. Each officer must use his/her discretion in determining whether or not to commence pursuit bearing in mind the guidelines outlined in this policy. Once a pursuit is initiated the continuation of the pursuit must be authorized by the supervisor or squad commander. Many factors should have a bearing on his/her choice, but some of the major ones may be listed:
- a) Road conditions;
 - b) Traffic conditions;
 - c) Time of day;
 - d) Type of vehicle involved;
 - e) Nature of the offense; and
 - f) Condition of police vehicle.
- F. Once made, the decision to pursue is not irrevocable and it is the prudent officer who knows when to discontinue the pursuit. It is better to abandon the pursuit when the risk of danger to him/her or to the public is high or when weather or road conditions are poor. The experience and common sense of each officer and his/her knowledge of the area should also guide him/her in their decision making.
- G. If at all possible, especially when the situation involves traffic violators or other misdemeanants, the police officer should take preventive measures in an attempt to avoid continuing a pursuit by immediately obtaining the attention of the occupants(s) of the vehicle so that he may choose to stop.
- a) The officer should use the vehicle horn and activate the emergency lights. In the hours of darkness, care should be taken not to blind oncoming traffic.

- b) If the horn or emergency lights do not affect a stop, the siren may be used.
 - c) The emergency equipment shall be immediately activated when the pursuit is undertaken and shall remain on until the pursuit is terminated.
 - d) The police vehicle shall be maintained at such a distance from the pursued vehicle so that a sudden stop or change in direction of the pursued vehicle will not result in a collision.
 - e) Intentional contact between a police vehicle and the vehicle pursued is prohibited.
 - f) Pursuit is not allowed when the police vehicle is occupied by any civilian or a law enforcement officer(s) not having concurrent jurisdiction.
- H. A continuing pursuit (over a greater distance and for a longer period of time) is authorized when the officer is pursuing a vehicle being operated in such a manner that the public safety is seriously endangered; or when the apprehension of the occupant(s) is considered paramount to ensure public safety.
- I. Only plainly marked police vehicles shall be used for continuous pursuit. If the initial pursuit must be undertaken by an unmarked or other type of police vehicle, such vehicle shall immediately abandon the pursuit when a marked vehicle has intercepted and undertaken the pursuit.
- J. Only one vehicle may be directly involved in a pursuit unless a squad or division commander otherwise orders.
- a) One other unit will be dispatched to assist, and shall respond (Code II) as a secondary response unit, and shall observe the department guidelines set forth for operation of police vehicles.
 - b) The secondary response unit shall yield the right of way to the pursued and pursuing vehicle(s) and will not become directly involved in the pursuit. The unit shall maintain a reasonable distance from the vehicles involved in the pursuit and shall be available to assist in apprehension.
 - c) The secondary unit dispatched will respond to the vicinity of a pursuit for the purpose of assisting in apprehension.
- K. Upon commencing pursuit, the officer shall immediately make radio contact with the PCO and communicate the following information:
- a) Identity of the officer's ID #;
 - b) Description of the vehicle and/or occupants;
 - c) The exact location and direction of travel; and
 - d) The offense for which the vehicle and/or occupants are being pursued.
- L. Radio contact shall be maintained and the officer shall broadcast the location and direction of travel of the vehicle pursued. When it is anticipated that the pursuit will enter another jurisdiction, the appropriate police department will be notified, and all pertinent information furnished.

- M. During a pursuit, primary command responsibility rests with the supervisor or squad commander who will take over the radio console and be assisted by the PCO.
- a) If an officer receives a communication from the PCO that the pursuit be terminated, he/she shall do so immediately, reporting the final location and direction of travel of the pursued vehicle at the time of termination.
 - b) The pursuing officer has the option to terminate pursuit when he/she determines that the safety of the public, conditions of the road, weather, traffic or other factors so necessitate. He/she shall notify the PCO of his/her decision and relay the final location and direction of travel.

5. Required Reporting:

- A. Any officer who participates in a pursuit shall immediately submit a written report to the squad supervisor or squad commander of the involved officer(s). If the involved officer(s) happen to be working an overtime assignment, the pursuit reports will be routed to the respective supervisor in which the overtime assignment falls under. This report shall be comprehensive, explain in detail the circumstances of the pursuit, and separate from any other report that may be required.
- B. The squad supervisor or squad commander will then submit the written report to the respective division commander.
- C. The division commander shall complete a report analyzing the pursuit and submit this report to the chief of police. The report will address the following issues:
- a) What was the reason for the pursuit?
 - b) What were the conditions of the pursuit (e.g. traffic, weather and road condition, time of day, vehicle speed, number of officers involved, number of vehicle involved, etc.)?
 - c) During the pursuit, did the actions of the involved officers conform to established departmental policy?
 - d) Were there any deviations from the policy? If so, what were they and why did they occur?
 - e) Was any action taken against the suspect vehicle (e.g., ramming or roadblock)? If so, what circumstances necessitated the use of this action?
 - f) If personnel and/or vehicles from other agencies assisted in the pursuit, how many personnel and vehicles responded and what role did the assisting agencies have in the pursuit?
 - g) Was there any personal injury or property damage sustained during the pursuit? If so, what was the extent of the injury and/or damage?
 - h) Were photographs taken of the damage sustained during the pursuit? If not, why not?
- D. The commander shall, at the completion of his/her administrative review of the pursuit, determine if disciplinary action is warranted. Disciplinary action shall be

handled in accordance with the department's disciplinary policy.

- E. If appropriate, the commander shall recommend training needs and or policy modification(s).

6. Inter-jurisdictional Pursuits:

The policies and procedures for pursuits are the same for inter-jurisdictional pursuit as for intra-jurisdictional pursuits. Officers will not assist another agency in a pursuit unless the offense meets the criteria set forth in this policy. Officers will not become a secondary response unit if the agency entering this jurisdiction already has a unit acting in that capacity. If a pursuit initiated by this agency and leaves the City of Salisbury, a unit from the jurisdiction entered shall become the primary unit in the pursuit and the SPD unit will become the secondary unit.

A pursuit initiated in the City of Salisbury may be continued by the initiating officer until relieved by a unit having competent jurisdiction. The squad commander or supervisor will coordinate requests by or from this agency with the allied agency supervisor or commander.

7. Commander Responsibilities:

The operations commander shall conduct an annual documented analysis of the pursuit reports to determine any patterns or trends that indicate training needs, and/or policy revisions. In addition to reviewing potential policy revisions, the operations commander must examine the current reporting procedures and determine if changes are needed. This analysis will be forwarded to the Chief of Police for approval.

8. Training on the Department's Pursuit Policy

- A. During their respective field training assignments, sworn personnel and communications personnel shall receive documented training on the departments pursuit policy.
- B. Annually sworn personnel and communications personnel shall conduct a documented review of the departments pursuit policy.

9. Roadblocks and Forcible Stopping:

Roadblocks are not permitted. The only departmental authorized roadblocks or forcible stopping techniques are a cordon type roadblock or the use of the "Terminator".

A. Cordon Roadblock

- a) The cordon type is a marked/checked area in which all vehicles are stopped for proper identification. It permits non-suspect vehicle to continue. This is the only permissible type of roadblock and can only be authorized by a commander after careful consideration of the facts at the time of the incident. For example, a dui checkpoint or a crime investigation checkpoint.

B. Terminator Tire Deflation Device

- a) The Terminator tire deflation device has been issued to the patrol supervisor, and the tactical unit. The primary purpose of the device is to facilitate the safe stopping of a suspect vehicle that is leaving from a parked position, or is traveling at low speed. The device will be deployed in any situation where it is likely that the suspect will attempt to flee, or where a high probability of a pursuit exists. The decision to deploy the device will be made by the patrol supervisor or a tactical team supervisor.

- b) There are two methods for the deployment of the terminator;

- i. (Stationary Placement):

This involves placing the terminator on the ground when the target vehicle is stationary. This is accomplished by placing the device:

- 1) Between the front and rear tires ideally
- 2) Before front tires or behind rear tires

- ii. (Tactical Tossing):

- 1) The device can either be placed in a covert manner or can be placed when the vehicle is in motion.

- c) The terminator will NOT BE DEPLOYED on any vehicle traveling in excess of 25 mph, or any vehicle with less than four wheels. In addition, the device will not be deployed in areas with heavy traffic or in populated areas or locations with pedestrians nearby.
 - d) The terminator device will ONLY be deployed on a moving vehicle in areas where the natural flow of traffic and/or environmental conditions will necessitate


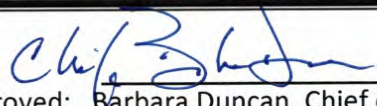
the suspect vehicle slowing to a speed less than 25 mph, where the device can then be safely deployed. The deploying officer will make every effort to limit traffic and restrict pedestrians in the area.

10. Reporting (Terminator Usage):

- A. When the terminator has been deployed the deploying officer shall submit a written report to his/her squad supervisor or squad commander prior to the end of the tour of duty. The report will then be submitted to the respective division commander. The report should include:
- a) The reason the device was deployed
 - b) The manner in which it was deployed
 - c) The effectiveness of the device
 - d) The extent of damage to the device and to the target vehicle

11. Training (Terminator):

The terminator device will only be used by officers who have received training in its safe deployment. Training will be conducted to ensure that an adequate number of authorized officers exist where needed. In addition, periodic training will be held that refreshes the safe use of the terminator and addresses the use of the cordon type stop.

	SALISBURY POLICE DEPARTMENT
	Written Directive: Use of Force
	Publication Date: October 8, 2020
	 Approved: <u>Barbara Duncan, Chief of Police</u>
Related CALEA Standards: 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5	<u>Use of Force</u> Section #1001

Use of Force

1. Policy:

- A. It is the policy of the Salisbury Police Department to value and preserve human life in all situations. The Department recognizes the Sanctity of Life of all persons we come in contact with and will show respect and dignity to those persons. The value of human life shall guide all training, leadership, and procedures as well as guide sworn officers in the application of Use of Force.
- B. ESTABLISH COMMUNICATION. Communication with non-compliant subjects is often most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.
- C. DE-ESCALATION. Officers shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance. Officers shall when feasible, attempt to understand and consider the possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier; drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public and officer safety. Officers who act to deescalate an incident, which can delay taking a subject into custody, while keeping the public and officers safe, will not be found to have neglected their duty. They will be found to have fulfilled it.
- D. PROPORTIONALITY. When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time. It is particularly important that officers apply proportionality and critical decision making when encountering a subject who is armed with a weapon other than a firearm.

- E. **CRISIS INTERVENTION.** When feasible, Crisis Intervention Team (CIT) trained officers shall respond to calls for service involving individuals in mental or behavioral health crisis.
- F. **DUTY TO INTERVENE.** Employees are required to intervene and notify appropriate supervisory authority if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law, or local ordinance.
- G. When in a position to do so, officers shall intervene when they know or have reason to know, that another officer is about to use, or is using, unnecessary force. Officers shall promptly report any use of unnecessary force and the efforts made to intervene to a supervisor.
- H. **FAIR AND UNBIASED POLICING.** Members shall carry out their duties, including the use of force, in a manner that is fair and unbiased pursuant to Written Directive: Biased Policing (Section #220).
- I. **VULNERABLE POPULATIONS.** The use of force against vulnerable populations – including children, elderly persons, pregnant women, people with physical and mental disabilities and people with limited English proficiency – can undermine public trust and should be used as a last resort, when all other reasonable means have been exhausted.

2. Purpose:

The purpose of this policy is to ensure that department personnel use only the force that appears to be reasonably necessary to effectively and safely resolve an incident, while protecting the lives of department personnel and others in our community.

3. General:

Sworn members are granted the authority to use reasonable force when necessary to accomplish lawful ends. This authority is grounded in the laws of the State of Maryland, the United States Constitution, and the provisions of this policy. Where officers are justified in the use of force, the utmost restraint should be exercised. When practical, officers should announce that force will be utilized prior to the application of such force.

This policy reinforces the responsibility of members to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers. Every officer is expected and required to take appropriate intervention, and to report to a supervisor any

situation where that officer is aware that another officer is using force in violation of the law or Salisbury Police Department policy.

The decision to use force may be irrevocable. Many times the decision to use force is made in rapidly unfolding and highly stressful situations. Sound judgment and the appropriate exercise of discretion will be the foundation of decision making in the broad range of possible use of force situations.

Every use of force by an officer of the Salisbury Police Department must be reported to a supervisor. Any officer with knowledge that another officer used force must also report that use of force to a supervisor. The supervisor will conduct a thorough review of the use of force, and document this review on the designated use of force report form before the conclusion of the supervisor's tour of duty.

4. Definitions:

- A. Passive Resistance - Individual is not actively resisting or being physically or verbally aggressive however the individual is not complying with the orders of the officer. Examples include but are not limited to individuals involved in non-aggressive civil disobediences or disturbances and those persons whose behavior is not likely to inflict injury on the officer or other persons.
- B. Deadly Force – The use of force which is intended to, or likely to cause death or serious physical injury.
- C. Reasonable belief: When facts or circumstances the officer knows are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- D. Serious physical injury: A bodily injury that creates a substantial risk of death, or causes serious permanent or protracted disfigurement, or results in long term loss or impairment of the major function of any bodily member or organ.
- E. Feasible: Capable of being carried out if such warning does not endanger the life or serious physical injury to the officer or any other person in immediate danger, or further antagonize the subject.
- F. Force Transition: Force transition is the movement from the application of one force type to another consistent with the “objectively reasonable” standard (e.g., escalation/de-escalation).
- G. Imminent Danger: Actions or outcomes that may occur during an encounter which places the member in immediate fear for his/her safety or the safety of others.

- Imminent danger may be present even if a subject is not actively pointing a weapon at the law enforcement officer, but is carrying a weapon and running for cover to gain a tactical advantage over the officer. The period of time which is considered imminent and/or immediate may change as the circumstances and facts evident in each situation change. It is not the same in all situations.
- H. Less-Lethal Force: Force employed that is neither likely nor intended to cause death or serious physical injury (e.g. baton, OC spray, flashlight, CEW, etc.).
 - I. Physical Force: Any physical coercion by an officer in performance of official duties, excluding the routine application of handcuffs.
 - J. Reasonable Force: Force that is objectively reasonable and necessary under the circumstances to affect an arrest or protect the officer or other person.
 - K. Reportable Force: A use of force by a member which requires written and verbal notification to a supervisor under this policy.
 - L. Totality of Circumstances: Those circumstances that would lead an objectively reasonable officer to believe that he/she is encountering a situation that may require the use of force on a subject. Circumstances to consider may include the nature of the offense, seriousness of the offense, size and strength of the subject, number of subjects, availability of weapons, mental instability of the subject, availability of other force options, training and experience of the member and subject, environmental factors, and availability of back up and specialized units. This list is not meant to be exhaustive.
 - M. Positional Asphyxia: A form of asphyxia that occurs when someone's body position prevents the person from breathing adequately.
 - N. Empty Hand Control: Techniques that cover a number of subject control methods with the officer utilizing his hands and not yet employing any weapons.
 - O. Dangerous Animal: An animal that has done or communicated by its actions an intention, habit, tendency, or propensity to do harm to people or other animals.
 - P. Display: Includes pointing a pistol, rifle or shotgun by an agency member on or off duty for the purposes of using force for defensive actions; excluding training sessions, recreational shooting, euthanizing an animal and tactical team activations in which specialized lethal weapons are utilized.
 - Q. Sanctity of Life: Respect the value of every human life. Deadly force should only be used in extreme circumstances and when reasonably necessary.

- R. Intervene: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.
- S. Vascular Neck Restriction: Any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation.

5. De-Escalation:

De-escalation is an effort by officers to defuse confrontations in an attempt to prevent an officer's use of force. This may not be safe or feasible in every situation. Officers shall use de-escalation techniques whenever reasonable and appropriate, before resorting to force and in an effort to reduce the need for force. De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques, such as slowing down the pace of an incident, waiting out subjects, creating distance (and thus the reactionary gap) between the member and the threat, and requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.

- A. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
- B. Officers should recognize that they may withdraw to a position that is tactically advantageous or allows them greater distance in order to de-escalate a situation or consider or deploy a greater variety of force options, including lesser force or no force at all. However, the law does not require an officer to retreat or take cover.
- C. Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.
- D. Officers shall not use tactics designed to intentionally escalate the level of force.

Other options, not listed above, may be available to assist in de-escalating the situation.

Supervisors who become aware of a situation where an officer is using de-escalation techniques shall monitor the radio communications and evaluate the need to respond to the scene.

6. Reasonable Force Will Be Used to Accomplish Lawful Objectives

- A. Use of force by personnel is limited to that which is reasonably necessary and to accomplish lawful objectives. Weapons approved for use by personnel (other than Tactical Unit) are limited to chemical spray, baton, issued handguns; shotguns, patrol rifles (limited cases) and Conducted Electrical Weapons (CEW). Only the Tactical

Unit members will employ counter-sniper rifles, automatic rifles, submachine guns, chemical munitions, pyrotechnics, or other special weapons. Personnel operating under the provisions of this policy may utilize chemical munitions and other non-lethal weapons as necessary.

- B. Physical force will not be used in an attempt to prevent a suspect from swallowing evidence or to retrieve evidence that a suspect attempts to swallow. An attempt to manually remove an object from a suspect's mouth or throat, places both the suspect and officer at risk of injury. The officer will order the suspect to spit out the contraband and advise the suspect of the severe health consequences of swallowing objects or controlled dangerous substances. Persons in custody who swallow evidence will receive medical attention.

7. Duty to Intervene:

Officers have a duty to intervene to prevent the use of excessive force by another officer toward any person. When in a position to do so, officers shall intervene (intervention may be verbal and/or physical) when they know or have reason to know, that another officer is about to use, or is using, unnecessary force. When encountering unreasonable actions of other employees or public safety/criminal justice associates that could result in injury, death, violations of constitutional or civil rights, or erode public trust in the agency, intervention must be immediate. Officers shall promptly report any use of unnecessary force and the efforts made to intervene to a supervisor. Officers must immediately notify a supervisor after such an intervention, when safe to do so. Failure to intervene may subject a sworn member to disciplinary action, civil liability and/or criminal prosecution.

A. Required Action

- a) If aid is required by any individual, ensure that medical attention has been rendered as outlined in this policy.
- b) Take a preventive approach, whenever possible, if observing behavior that suggests that another officer of the department is about to apply or in the process of applying use of Force that is outside the guidelines of this policy.
 - i. Examine the circumstances surrounding the incident to determine the appropriate form of intervention, and
 - ii. Intervene verbally or physically, depending on the circumstances.
- c) Take an active approach to intervene to stop any unauthorized use of force, when such use of force is being committed by another officer of the department.
 - i. If verbal interventions are not sufficient to stop the unauthorized use of force, come between the officer and the other individual involved.

EXAMPLE: You observe an officer strike an individual without any reason, it is your duty to intervene with verbal or physical techniques, whichever is most appropriate at that time. If necessary, step in between the officer and the

individual or hold the officer back in order to stop him/her from inflicting more unauthorized use of force.

- d) Immediately notify a supervisor after conducting any type of intervention, when safe to do so
- e) Consistent with the Department's Use of Force Policies and Procedures, when a physical intervention was performed, the intervening officer and any other officers who may have been involved in or witnessed the incident are required to submit a detailed report of the incident, documenting their involvement, the actions that were taken, their observations and all other relevant facts.

8. Use of Force:

Salisbury Police Department Officers will use only the degree of force that is objectively reasonable, under the circumstances.

- A. Reasonably Necessary: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force.
 - a) Reasonableness must be judged from the perspective of a reasonable officer on the scene.
 - b) The reasonableness standard is an objective one. Whether the officers' actions are reasonably necessary in light of the facts and circumstances confronting him or her, without regard to the officers underlying intent or motivation.
 - c) Reasonableness is not capable of precise definition or mechanical application. The reasonableness standard must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain, dynamic and rapidly evolving about the amount of force that is necessary in a particular situation.
 - d) Officers will use physical force only when no reasonably effective alternative appears to exist, and only then to the degree which is reasonable to affect a lawful purpose.

B. The use of excessive force or brutality will not be tolerated under any circumstances.

9. Weaponless Physical Force/Empty Hand Control:

- A. Weaponless physical force may include hard punches or kicks and the provisions of this policy apply. Officers will only use such force as is needed to accomplish lawful objectives which include such action in the defense of human life, including the officer's or any other person so endangered. The intent of this directive is to minimize the severity posed by obvious injuries or nonvisible trauma associated with weaponless or hand-to-hand tactics. Neck restraints are prohibited. "soft" techniques which have minimal chance of causing serious injury. These techniques include some pressure point control techniques and joint manipulations. Hard techniques are those that have a probability of causing serious injury. These techniques include punches and leg strikes.

10. Use of Deadly Force:

- A. An officer may use deadly force only when the officer reasonably believes that the action is in defense of any human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury. A verbal warning should be given, if feasible, before using deadly force.
- B. An officer may use deadly force to prevent the escape of a fleeing suspect if he/she reasonably believes that probable cause exists:
 - a. The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death, and
 - b. The escape of the suspect would pose an imminent danger of death or serious physical injury to the officer or another person unless the suspect is apprehended without delay, and
 - c. The officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.
 - d. At no time will deadly force be utilized to prevent injury or death of a police K-9 or a police service animal.
- C. When reasonable, an officer should identify himself/herself as a law enforcement officer and state his/her intention to use deadly force before using a firearm or employing deadly force.

11. Restrictions on the Use of Deadly Force:

- A. An officer shall not use deadly force to subdue persons whose actions are a threat only to property.
- B. Deadly force shall not be used against persons whose conduct is a threat only to the person himself/herself.
- C. Choke holds or any other use of force technique that relies on the restriction of oxygen intake are prohibited unless deadly force is authorized.
- D. Vascular Neck Restraints or any other use of force technique that relies on the temporary disruption of blood flow to the brain for incapacitation are prohibited unless deadly force is authorized.
- E. Officers will not discharge firearms at a vehicle for the purposes of disabling the vehicle.
- F. Members shall not fire any weapon from or at a moving vehicle, except:

- a) To counter an imminent threat of death or serious bodily injury to the officer or another person, by a person in the vehicle using means other than the vehicle.
- b) To counter a situation where the officer is unavoidably in the path of the vehicle and cannot move to safety. Officers should avoid positioning themselves in the path of a moving vehicle whenever possible.

G. Warning shots are prohibited.

12. Procedures for Rendering Medical Aid Following Police Actions:

- A. Medical aid must be rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained.
- B. The emergency medical system (EMS) will be activated when obvious severe injuries have occurred, medical distress is apparent, at the individual's request, or if the individual is unconscious.
- C. Whenever there is an obvious injury, signs of injury, complaint of injury, or medical attention is requested by any individual after any law enforcement action (to include, but not limited to, a use of force incident), officers shall immediately render aid consistent with his/her training and experience and notify the communications center. Appropriate medical aid may consist of, but not be limited to, the following:
 - a) Frequent observation of the subject to detect any obvious change in his/her physical or mental condition;
 - b) Flushing chemical agents from the subject's eyes;
 - c) Applying first aid to the subject's minor injuries;
 - d) Or for more serious or life threatening incidents;
 - i. immediate aid by medical professionals (EMS personnel),
 - ii. EMS activated / response requested.
- D. If an individual has been subjected to impact by a less-lethal weapon, needed first aid by the officer or by EMS personnel will be provided. If the individual refuses medical treatment the officer must document his/her actions taken on the use of force report.
- E. If an individual has been subjected to the use of a CEW, the individual shall be provided with medical treatment as stated in the policy.
- F. Additional care and caution should be exercised when encountering individuals who are visibly or known to be pregnant, suffering from pre-existing injuries, elderly, children, frail, have a low body mass, are experiencing a medical or mental health crisis, or are otherwise apparently vulnerable or in distress.

- G. If the subject was treated at the hospital, the officer shall obtain the identity of the attending physician, the medical aid rendered, and this information will be included in the use of force report.
- H. If the subject refuses medical treatment but in the opinion of the officer medical assistance is required, the subject shall be transported to the hospital.
- I. If the subject was injured prior to being in custody of department personnel, the injury shall be documented on the use of force report.

13. Dangerous Animals:

- A. Officers may use reasonable force to stop a dangerous animal in circumstances where the animal appears to pose an imminent threat to human or animal safety.
- B. If the situation dictates, the investigating officer/detective may conduct pre-raid surveillance prior to executing a search and seizure warrant, in an effort to determine if a dangerous animal may be present at the location to be searched.
- C. Officers shall develop a reasonable contingency plan to control/avoid a dangerous animal prior to confronting the animal when given advance notice that a dangerous animal may be encountered (e.g., dog pole, contact the animal control officer, etc.).

14. Training Requirements:

- A. During an orientation phase after being hired, entry level sworn officers and animal control officers who will be authorized to carry lethal or less lethal weapons will be granted electronic access to all agencies polices related to lethal and less lethal weapons that are approved for use by the department. These same entry level personnel will also be instructed in the policies directly related to use of force before being authorized to carry a lethal or less lethal weapon. The issuance and instruction will be documented and forwarded to the administrative commander for review and included in the respective personnel file.
- B. Use of force training shall be conducted by a certified instructor.
- C. Annually, all agency personnel authorized to carry weapons shall receive training on the department's use of force policy to include, but not be limited to, the use of force in general, de-escalation, tactical alternatives to the use of force, the use of deadly force and the legal and policy limitations that govern the use of force and deadly force.

- D. The training officer maintains the curriculum used for the training. Training curriculum for the agencies use of force is reviewed by the Maryland Police Training Standards Commission, as affected personnel will receive in-service training credit.

15. Use of Force-Required Report:

- A. Use of force report shall be submitted to the officer's supervisor whenever an officer:
- a) Discharges a firearm, for other than training or recreational purposes;
 - b) Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 - c) Applies force through the use of lethal or less lethal weapons; or
 - d) Applies weaponless physical force at a level as defined by agency policy, or
 - e) When the injury or death of another person results from a motor vehicle pursuit
- B. The officer shall make a verbal report to his/her/their supervisor as soon as possible following the incident. The intervening officer (if applicable) shall also make a verbal report to his/her/their supervisor as soon as possible following the incident.
- C. A detailed report shall be completed within that tour of duty or no later than eight (8) hours after the end of the tour of duty during which the incident occurred. The Division Commander(s) of the officer(s) involved may extend the eight (8) hour deadline if extenuating circumstances exist. Reports shall be submitted by all employees involved in the incident.
- D. The report shall contain, but not limit to, the following information:
- a) The essence of the incident beginning with the circumstances leading up to and culminating with the action taken by the officer(s);
 - b) Whether or not the subject(s) was armed;
 - c) The effectiveness of the equipment used;
 - d) Any injury to the officer(s) before, during and after the action taken;
 - e) The injured or deceased person's full name, DOB, sex, race and home address, if available;
 - f) The type of injury sustained by the person and how it occurred; and
 - g) If appropriate medical aid was rendered.
 - h) Whether the officers body camera, in-car camera or taser video was activated during the use of force incident.
- E. The officer shall ensure that his/her body camera, taser or in-car camera video footage has been downloaded no later than the end of his/her tour of duty.
- F. Any employee who witnesses an injury or death by another departmental employee(s) shall submit a complete and detailed report via the chain of command to the involved employee's Division Commander, within that tour of duty or no later than eight (8) hours after the end of the tour of duty during which the incident occurred. The

Division Commander may extend the eight (8) hour deadline if extenuating circumstances exist.

- G. Any employee who intervenes, either verbally or physically, during another officer's unauthorized use of force shall submit a complete and detailed report via the chain of command to the involved employee's Division Commander, within that tour of duty or no later than eight (8) hours after the end of the tour of duty during which the incident occurred. The Division Commander may extend the eight (8) hour deadline if extenuating circumstances exist.
- H. A report, in accordance with the mandate of this policy, is also required if an injury or death occurs as a result of any other incident or a motor vehicle accident involving a departmental employee.
- I. This directive, in the absence of injury or death, does not require reporting the pointing of a departmentally issued handgun, using weaponless hand-to-hand control techniques that have little or no chance of producing injuries when gaining control over, or subduing non-complainant or resisting persons. These techniques include, but are not limited to: physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs, handcuffing, or other custodial procedures.
- J. The use of force by animal control Officer(s) falls within the purview of this policy.
- K. The reports shall contain a documented review of the incident by the officer's supervisor and determine if the use of force incident is consistent with policy or justified but avoidable. All reports will be routed to the division commander of the involved employee for a documented review and a determination as to whether the findings of the supervisor are consistent with policy. If involved personnel are assigned to two or more divisions and working a special detail, the reports shall be routed to the Division Commander in which the operation falls under. The division commander may also make recommendations deemed advisable such as, recommending remedial training and supervisor accountability.
- L. A copy of all reports shall also be routed to the chief of police for final review. All final reviewed reports will be submitted to the criminal investigation commander who is responsible for the annual analysis of use of force reports. Corrective action, if any, shall be completed by the officer's supervisor and submitted to the division commander. The corrective action shall be in accordance with the department's disciplinary matrix.
- M. Officers are responsible for explaining and articulating the specific facts, and reasonable inferences from those facts, which justify the officer's use of force. When

officers do use force, the Salisbury Police Department is committed to thoroughly reviewing, investigating, and documenting the actions taken to determine if the use of force was consistent with Salisbury Police Department policy and training.

- N. Any officer who displays a pistol, rifle or shotgun at a person for the purposes of using force, will document such action on SPD-128 (handgun display form). Exceptions will include, training sessions, recreational shooting, euthanizing an animal and tactical team activations in which specialized lethal weapons are utilized.

16. Supervisor Responsibilities:

A. Immediate Supervisor:

The supervisor not involved in the incident shall respond to the scene and conduct a complete review of the use of force incident. The supervisor will complete a detailed review of the use of force incident and document his/her findings on the use of force report. Supervisors shall review all video footage associated with the use of force incident to include, body camera footage, in-car camera footage and taser video footage.

B. Division Commander:

The division commander will critically review the immediate supervisor's use of force review. The commander will determine if the involved officers' actions were consistent with Salisbury Police Department policies and procedures and whether the actions were within the scope of the officer's authority. The division commander shall document his/her findings on the use of force report and forward the report to the Chief of Police for final review.

- a) If the use of force review indicates the need for supplementary or remedial training, the reviewing division commanding should refer such training need to the training officer. When such training occurs, documentation of such training will be store in the officers file.

17. Documented Annual Analysis of Use of Force Incidents:

- A. Annually the Criminal Investigation Division Commander will conduct a documented analysis of all use of force incidents and assaults on sworn officers. The agency's policies and practices will be closely analyzed with the following key areas focused on:
- a) number of incidents;
 - b) disposition of each incident;
 - c) date and time of incidents;

- d) types of encounters resulting in use of force;
- e) what actions the department can take to enhance officer safety;
- f) trends or patterns related to race, age and gender of the subjects involved;
- g) trends or patterns resulting in injury to any person including employees; and
- h) impact of findings on policies, practices, equipment and training.

18. Removal of Officer from Operational Assignments:

Any employee whose use of force in an official capacity results in a death or serious physical injury shall be removed from operational assignments, pending an administrative review.

The department shall also consider removing from operational assignments any officer involved in a critical or traumatic incident, such as a fatal automobile accident involving the officer, or to which an officer may have been the first responder, or other agency personnel.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's emergency signal to stop.

307.2 POLICY

It is the policy of this agency to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

Vehicle Pursuits

307.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized Sheriff's Office agency emergency vehicles that are equipped with, and operating emergency lighting and sirens, as required by law (Md. Code TR § 21-106).

Deputies shall drive with due regard for the safety of all persons and property. However, deputies may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property:

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

307.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (Md. Code TR § 21-904).

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and police communications specialist/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

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- (h) Emergency lighting and siren limitations on unmarked Sheriff's Office agency vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) The pursuing vehicle is carrying passengers other than on-duty Sheriff's Office deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, deputies will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.

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- (f) The danger that the continued pursuit poses to the public, the deputies or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked Sheriff's Office agency emergency vehicles should be replaced by marked emergency vehicles whenever practicable (Md. Code TR § 11-118).

Vehicle pursuits should be limited to three Sheriff's Office agency emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

A deputy or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the number of suspects. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those deputies should discontinue such support immediately upon arrival of a sufficient number of authorized emergency Sheriff's Office agency vehicles or any air support.

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing deputy should notify the police communications specialist, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.

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- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing deputy, the deputy in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a deputy in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the police communications specialist of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing deputy is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit.

The following are tactics for deputies who are involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 1. Available deputies not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

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2. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other deputies to observe exits available to the suspect.
- (d) Notify the Maryland State Police and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing deputy and with a clear understanding of the maneuver process between the involved deputies.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing deputies relinquish control of the pursuit to another agency, the initial deputies may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide deputies and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If deputies on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those deputies should attempt to place their vehicles in locations that provide

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some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the Sheriff's Office agency vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other deputies are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory control will be exercised over all vehicle pursuits involving deputies from this agency.

The shift supervisor on duty will be responsible for:

- (a) Immediately notifying involved deputies and the police communications specialist of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established agency guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources are requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Shift Supervisor is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (j) Controlling and managing Wicomico County Sheriff's Office deputies when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 SHIFT SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the shift supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy.

The shift supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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The shift supervisor shall notify the on-call supervisor for all serious motor vehicle crashes and whenever a deputy is injured in a pursuit.

The shift supervisor shall ensure all the appropriate agency reports are completed, review all the applicable reports for content and forward them appropriately through his/her chain of command without delay.

307.7 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or police communications specialist.

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the police communications specialist is responsible for:

- (a) Clearing the radio channel of nonemergency traffic.
- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved deputies should broadcast pertinent information to assist other deputies in locating the vehicle. The primary pursuing deputy or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Wicomico County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies

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may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of deputies at the termination point of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this agency, the other agency should relinquish control.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The Agency that initiates a pursuit shall be responsible for conducting the pursuit.

Deputies from this agency should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a deputy from this agency may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

- (a) When a request is made for this agency to assist or take over a pursuit that has entered the jurisdiction of the Wicomico County Sheriff's Office, the supervisor should consider:
 1. The public's safety within this jurisdiction.
 2. The safety of the pursuing deputies.
 3. Whether the circumstances are serious enough to continue the pursuit.
 4. Whether there is adequate staffing to continue the pursuit.
 5. The ability to maintain the pursuit.
- (b) As soon as practicable, the on duty shift supervisor should review a request for assistance from another agency. The shift supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.
- (c) Assistance to a pursuing agency by deputies of this agency will conclude at the County limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this agency may continue only until sufficient assistance is present.
- (d) In the event that the termination point of a pursuit from another agency is within this jurisdiction, deputies shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

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307.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

307.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle.

With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision and the deputies knowledge of the tactic and his/her training.

307.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained deputies and after giving consideration to the following:
 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or others.
 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
 4. The suspect vehicle is stopped or traveling at a low speed.

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5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained deputies with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted or would not be effective, and immediate control is necessary.
- (d) Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (e) When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (f) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. Deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the following:
 1. Circumstances and conditions apparent at the time;
 2. The potential risk of injury to deputies, the public and occupants of the pursued vehicle; and
 3. deputies and supervisors have adequate knowledge and training of the application and potential risks of boxing-in suspect vehicles.
- (g) Tire deflation devices should be deployed only after notification of pursuing deputies and the supervisor of the intent and location of the intended deployment, and in a manner that:
 1. Should reasonably only affect the pursued vehicle;
 2. Provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicle;
 3. Has considered the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle;
 4. Has considered whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children; and
 5. Has adequate training and knowledge on the application and use of tire deflation devices.

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- (h) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor.
 - 1. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or the public; and
 - 2. the deputies involved have sufficient training and knowledge of the application and risks of using road blocks.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing deputy shall complete the appropriate offense report if applicable.
- (b) The primary pursuing deputy and all other pursuit involved deputies shall complete pursuit reports relative to their involvement.
- (c) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (d) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted shall be completed by the pursuit deputy's supervisor.

Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that deputies often encounter persons in need of medical aid and establishes a law enforcement response to such persons.

427.2 POLICY

It is the policy of the Wicomico County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED), Narcan administration etc.) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Communications and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Communications with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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427.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

427.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a emergency petition in accordance with the Mental Health Evaluations Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

427.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

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427.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested and will also determine the appropriate landing zone.

- (a) An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or delays will affect the EMS response.
- (b) In the absence of qualified EMS personnel one agency member at the scene may be designated as the air ambulance communications contact. Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.
- (c) Members should follow these cautions when near an air ambulance:
 1. Never approach the aircraft until signaled by the flight crew.
 2. Always approach the aircraft from the front.
 3. Avoid the aircraft's tail rotor area.
 4. Wear eye protection during the landing and take-off.
 5. Do not carry or hold items, such as IV bags, above the head.
 6. Ensure that no one smokes near the aircraft.

427.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after he/she has received the required training as provided in COMAR 30.06.02.01.

See Also [Procedures Manual: AED USE](#)

See Also [Procedures Manual: AED APPLICATION](#)

427.8.1 AED COORDINATOR

- (a) The Sheriff shall designate an AED coordinator who shall be responsible for implementing and administering the AED program in accordance with State regulations (Md. Code ED § 13-517; COMAR 30.06.02.01).
- (b) The Agency's AED Coordinator will be responsible for the following:
 1. Ensuring members using AED's complete the initial and annual re-certification training programs in collaboration with the Agency's Training Sergeant.
 2. Ensure all Agency records regarding AED training, to include CPR and AED use in the field are up to date and adequately maintained.
 3. Will act as a liaison with the Salisbury Fire Department, Wicomico County's AED Medical Director, and the Maryland Institute for the Emergency Medical Services System (MIEMSS) AED Coordinator regarding all AED related issues.
 4. Will coordinate all service maintenance and service issues regarding the AED to include replacing expired batteries and electrodes.

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5. Will ensure all required inspections of the AED's is completed by assigned members and updated in the appropriate registry.
- (c) A list of all certified operators shall be kept with the AED Coordinator and a list of all AED assigned operators shall be kept in Communications.

427.8.2 AED USER RESPONSIBILITY

Members who are issued AEDs for use in agency vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the AED Coordinator who is responsible for ensuring appropriate maintenance.

Following the use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Communications as soon as possible and request response by EMS.

See Also [Procedures Manual: MAINTENANCE](#)

427.8.3 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

The Maryland Facility AED Report Form shall also be completed and forwarded to MIEMSS for each incident of suspected cardiac arrest. If the AED fails when operated, a copy of the report shall be sent to MIEMSS and to the Food and Drug Administration (FDA) (COMAR 30.06.02.03).

427.8.4 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training, including training in the most recent publication of the American Heart Association Guidelines for CPR and emergency cardiovascular care (ECC), is provided to members authorized to use an AED (COMAR 30.06.02.01).

The AED Coordinator is responsible for ensuring AED devices are appropriately maintained and inspected consistent with the manufacturer's guidelines, and will retain records of all maintenance and inspections in accordance with the established records retention schedule (COMAR 30.06.02.01).

See Also [Procedures Manual: MAINTENANCE](#)

427.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION (NASAL NALOXONE)

Authorized members may administer opioid overdose medication, known as Nasal Naloxone, when there is an emergency situation and medical services are not immediately available (Md. Code HG § 13-3105). Administration shall be in accordance with protocol specified by the Wicomico County Health Department.

See Also [Procedures Manual: INDICATIONS AND USE](#)

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427.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer Nasal Naloxone should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Nasal Naloxone Coordinator.

See Also [Procedures Manual: MAINTENANCE AND REPLACEMENT](#)

427.9.2 NASAL NALOXONE COORDINATOR

The Sheriff shall appoint a Nasal Naloxone Coordinator to administer the Agency's Nasal Naloxone program. The Nasal Naloxone Coordinator's responsibilities include:

- (a) Ensuring the Nasal Naloxone kits are current and not past its expiration date.
- (b) Ensuring proper and efficient deployment of Nasal Naloxone for field use.
- (c) Ensuring only authorized Agency employees are adequately trained in its use.
- (d) Ensuring that any use of Nasal Naloxone on a subject is documented on an Investigation Report.
- (e) Replacing Nasal Naloxone kits that are either damaged, unusable, expired, or had been used.
- (f) Reporting Nasal Naloxone use to the Wicomico County Health Department's Nasal Naloxone Coordinator within 48 hours of deployment and whether the use was successful or not in saving a life.

427.9.3 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in the appropriate report (Md. Code HG § 13-3103).

See Also [Procedures Manual: DOCUMENTATION REQUIREMENTS](#)

427.9.4 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication. The training should include recognizing the signs and symptoms of opioid overdose and the administration of opioid overdose medication (Md. Code HG § 13-3103).

427.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport the arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

427.11 FIRST AID TRAINING

Subject to available resources, the Training Sergeant should ensure deputies receive periodic first aid training appropriate for their position.

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this agency is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Wicomico County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this agency. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.

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- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with deputy commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the deputy.
- (l) Potential for injury to deputies, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.2 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the deputy.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

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300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Wicomico County Sheriff's Office for this specific purpose.

300.3.4 ALTERNATIVE TACTICS – DE-ESCALATION

When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.5 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this agency shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Agency may require the completion of additional report forms, as specified in agency policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 REPORTING DEADLINE

Any use of force by a member of this agency shall be documented as required in the Report Preparation Policy (Md. Code PS § 3-514).

300.5.2 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the CEW or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

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1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
 2. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

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300.9 USE OF FORCE ANALYSIS

At least annually, the Special Operations Bureau authorized designee should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.