

Secretary's Directive



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Secretary

Title: Use of Force	Secretary's Directive Number: DPSCS.110.0005 Revised
Related MD Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland	Supersedes: Secretary's Directive DPSCS.110.0005 dated 12/10/10
Related ACA Standards: 4-4091 and 4092; 4-4204; 4-4206 2-CO-3A-01	Responsible Authority: Chair – Use of Force Steering Committee
Related MCCS Standards: N/A	Effective Date: July 31, 2015 Number of Pages: 6

.01 Purpose.

- A. This directive continues uniform policy for the use of force for the Department of Public Safety and Correctional Services (Department).
- B. This directive assigns responsibility for development and maintenance of a Department Use of Force:
 - (1) Procedures Manual; and
 - (2) Training Program and Training Manual.
- C. This directive continues a Use of Force Steering Committee (Committee).

.02 Scope.

This directive applies to Department employees who may use force to perform duties and responsibilities related to the control and security of an individual in the custody or under the supervision of the Department and other law enforcement or criminal justice related assignments.

.03 Policy.

- A. When practical, an employee shall use confrontation avoidance procedures to resolve a situation involving non-compliant behavior.
- B. In an incident where an employee cannot obtain voluntary cooperation through confrontation avoidance, and force is required, an employee trained and authorized to use force shall only use the minimum reasonable force necessary to control the individual or situation to maintain personal safety or facility security, or both.
- C. An employee trained and authorized to use force when applying force shall comply with policy, procedures, and techniques taught during training and notification requirements when force is used.

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- D. The Department shall develop, document, and maintain a uniform training program and use of force procedures that comply with applicable legal principles, law enforcement, and correctional standards.
- E. The Department shall provide use of force training to each employee required to:
 - (1) Be certified as a correctional officer by the Correctional Training Commission;
 - (2) Be certified as a police officer by the Police Training Commission;
 - (3) Use force in the performance of assigned Department responsibilities; or
 - (4) Meet specific training requirements for a mandated employee as defined in COMAR 12.10.04.02.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Compliant” means voluntarily conforming to Department operational and administrative requirements.
- (2) “Confrontation avoidance procedure” means a technique or strategy, or a combination of both, employed to resolve a situation involving non-compliant behavior without the use of force.
- (3) Employee” means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.
- (4) “Inmate” means an individual placed in the custody of, or under the supervision of, the Department.
- (5) “Non-compliant” means resistant to or refusing to submit to a lawful order or other rule, procedure, or requirement related to the conditions:
 - (a) Of an individual’s custody or supervision by the Department; or
 - (b) Related to the individual’s interaction with an employee performing assigned duties.
- (6) “Unit head” means the highest authority of a group of employees identified in the Department’s table of organization to perform specific administrative or operational responsibility that is established by statute or under the authority of the Secretary
- (7) Use of Force.
 - (a) “Use of Force” means the application of physical or other form of control identified in the Use of Force Procedures Manual authorized by this directive by an employee, or employees, against a non-compliant individual, or individuals, for the purpose of controlling non-compliant behavior and procuring compliance.

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(b) "Use of Force" may include:

- (i) Lethal force; or
- (ii) Less than lethal force.

.05 Responsibility/Procedures.

- A. An employee shall use force consistent with the employee's training and Department policy and procedures.
- B. Use of Force Equipment or Techniques. An employee using equipment or techniques to apply force shall:
 - (1) Be properly trained and authorized to use the specific equipment or technique;
 - (2) Use the equipment or technique according to approved procedures for the specific item of equipment or technique; and
 - (3) Only use equipment or techniques recommended for use by the Committee and approved by the Secretary, or a designee.
- C. Notification.

An employee involved in, or with knowledge of, a situation involving the use of force shall immediately notify a supervisor according to procedures specified in the Use of Force Procedures Manual authorized by this directive.

D. Administrative Review.

- (1) The Deputy Secretary for Operations (DSO), or a designee, shall ensure that when a use of force incident occurs at a correctional facility:
 - (a) A post-incident review is conducted by the close of the next calendar day following a report of a use of force incident to determine the propriety of the action taken; and
 - (b) If appropriate, action is taken, to the extent possible, immediately to prevent reoccurrence when improprieties are identified.
- (2) If a use of force incident involves an employee outside a correctional facility, the Secretary, or a designee, shall ensure that the requirements under §D(1) of this directive are met.
- (3) The Executive Director — Field Support Services, or a designee, shall:
 - (a) Establish a system to collect use of force incident data for the Department;
 - (b) Review and analyze information collected related to Department use of force; and
 - (c) Report results of required review and analysis to the:

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(i) DSO monthly or sooner if determined necessary; and

(ii) Use of Force Steering Committee quarterly.

(4) The Office of the Inspector General shall be responsible for determining compliance with requirements for reporting, administrative review, and disposition of use of force incidents.

E. Use of Force – Disciplinary Action. An individual found to violate use of force policy or procedures:

(1) Shall be subject to disciplinary action, up to and including termination of employment according to the Department's Standards of Conduct and State law; and

(2) May be subject to criminal prosecution or civil litigation, or both.

F. Use of Force Steering Committee (Committee).

(1) To address the unique requirements of the Department's diverse responsibilities when identifying and approving equipment and technology and developing and maintaining use of force procedures and training, a Use of Force Steering Committee is created consisting of, at a minimum, the following individuals:

(a) Deputy Secretary for Operations, or a designee, — Chair;

(b) Secretary's Director — Investigation, Intelligence and Fugitive Apprehension, or a designee;

(c) Commissioner — Division of Correction, or a designee;

(d) Commissioner — Division of Pretrial Detention and Services, or a designee;

(e) Director — Patuxent Institution, or a designee;

(f) Director — Division of Parole and Probation, or a designee;

(g) Executive Director — Police and Correctional Training Commissions, or a designee;

(h) Executive Director — Field Support Services, Office of Operations, or a designee;

(i) Principal Counsel, or a designee;

(j) Director — Policy and Regulations — Office of Grants, Policy and Statistics, or a designee;

(k) Director — Clinical Services, or a designee;

(l) Director — Professional Standards, Police/Correctional Officer & Labor Liaison;

(m) Administrator, Correctional Training Unit, or a designee; and

(n) Administrator — Risk Management, Human Resources Services Division, or a designee.

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- (2) The Committee, within budgetary limitations, may solicit input from use of force experts and trainers from within the Department or other public or private organizations in order to meet requirements of this directive.
- (3) The Committee shall:
 - (a) Oversee uniform application of the Department's use of force policy;
 - (b) Recommend, for approval by the Secretary, use of force equipment and techniques;
 - (c) In cooperation with the Police and Correctional Training Commissions ensure development, implementation, and maintenance of a use of force training program and training manual;
 - (d) Consistent with the requirements of this directive, oversee development and maintenance of a Use of Force Procedures Manual;
 - (e) Establish and communicate a process for submitting a recommendation for changes to approved use of force equipment, techniques, and training;
 - (f) Meet at least quarterly, on a schedule determined by the Chair, or as needed to perform responsibilities established by this directive; and
 - (g) Maintain records documenting Committee activities under this directive.

G. The Executive Director of the Police and Correctional Training Commissions, or a designee, shall:

- (1) Ensure that training is provided and maintained to ensure that an employee meets training and certification requirements for approved use of force equipment and techniques available for use by the employee;
- (2) Maintain written documentation of training and certification and re-certification provided to a Department employee related to approved use of force equipment; and
- (3) Chair a Use of Force Training Advisors sub-committee of the Use of Force Steering Committee to ensure continuous evaluation of Department use of force-related training.
 - (a) The Use of Force Training Advisors committee shall consist of individuals recommended by a unit head and approved by the Chair of the Use of Force Training Advisors sub-committee to represent the unit's interests related to use of force training issues.
 - (b) At a minimum, the Chair of the Use of Force Training Advisors sub-committee:
 - (i) Shall, establish and maintain a meeting schedule for the Use of Force Training Advisors;
 - (ii) May call a meeting of the Use of Force Training Advisors on an as needed basis;
 - (iii) Shall appropriately document Use of Force Training Advisors sub-committee activities;
 - (iv) Shall present Use of Force Training Advisors sub-committee recommendations to the Use of Force Steering Committee; and

- (v) Shall ensure that training recommendations approved by the Committee are implemented.

H. A unit head shall:

- (1) Ensure that only use of force equipment and techniques approved under the requirements of this directive are used by an employee who is properly trained and, if required, certified in the use of the specific equipment or technique;
- (2) Ensure that a use of force incident is reported and documented according to procedures in the Use of Force Procedures Manual and established Department procedures;
- (3) Establish and maintain a current list of use of force equipment approved for use by that unit's employees;
- (4) Establish and maintain a list of unit employees and the approved use of force equipment each employee is approved or certified to use; and
- (5) Ensure that changes to approved use of force equipment and techniques available for use by the unit are recommended by the Committee and approved by the Secretary, or a designee.

.06 Attachment(s)/Links.

Use of Force Procedures Manual (Issued as a Separate Document).

.07 History.

- A. This directive supersedes DPSCS.110.0005 dated 12/10/10 by updating style and format and changes as well as changes due to Department re-alignment.
- B. This directive supersedes provisions of any other prior existing Department communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

A

S — Correctional Officer, Employees certified as law enforcement officers, and employees who may use force as part of assigned responsibilities.