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TALBOT COUNTY SHERIFF'S OFFICE

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GENERAL ORDER NO. 16-019

TO: All Talbot County Sheriff's Office Personnel

SUBJECT: Firearms Use and Deadly Force

I. PURPOSE

The purpose of this policy is to establish guidelines for carrying primary and secondary weapons while on-duty and off-duty and to establish guidelines for the proper "*use of force*" and to determine when the use of deadly force is an acceptable and appropriate action.

II. POLICY

The Talbot County Sheriff's Office assumes responsibility for the care, custody and control of all issued weapons to its sworn members. It is the policy of the TCSO to comply with all regulations promulgated by the Maryland Police and Correctional Training Commission regarding training and qualification with duty and off duty weapons (primary & secondary weapons). Training pertaining to the safe handling and storage of the issued weapons is provided to all members for their safety and the safety of their families and the community. Furthermore, it is the policy of the TCSO that officers use the least amount of force that is reasonably necessary to control an incident, to affect an arrest, and/or to protect themselves or others from personal injury or death. The degree of force used by the officer should be progressive along a continuum that spans from verbal commands to deadly force.

III. DEFINITIONS

- A. Deadly force: The use of force which is intended to, or likely to cause death or serious physical injury. For the purposes of this policy, deadly force will also include the intentional striking with any vehicle.
- B. Non-Deadly Force: The use of force which is applied to effect an arrest or protect the officer or others from attack, physical resistance, harm, or death but is not intended or expected to cause death.

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- C. Probable Cause: A conclusion based upon information known to the officer at the time which leads to the belief that a violent crime has been, is being, or is about to be, committed by a particular individual.

- D. Serious Physical Injury: Bodily injury which causes death, creates a substantial risk of death, serious or permanent disfigurement, or results in the long term or permanent impairment of an organ or limb.

IV. PROCEDURES

A. Firearms Use Permitted (Deadly Force)

- 1. It is the policy of TCSO that the use of deadly force is authorized under the following circumstances:
- 2. In defense of self or another when the officer has reasonable cause to perceive an immediate threat of death or serious physical injury.
- 3. To prevent the escape of a suspect of a violent felony whom the officer has probable cause to believe will pose a significant threat of death or serious physical harm to other officers or the public.
- 4. The use of deadly force should only be used as a last resort, when all other means have been exhausted or in the attempt to preserve the life of self and/or others.

B. Firearms Use (Other than Deadly Force) Permitted

- 1. Deputies may discharge a firearm:
 - a. To kill a dangerous animal that is jeopardizing the safety of the public or sworn personnel.
 - b. To kill an injured animal, either wild or domestic, if a deputy has the consent of the owner or has been requested to do so by a veterinarian. (In any case where a reasonable attempt to locate the owner has failed or a veterinarian is not readily available, deputies may use discretion in deciding whether or not to kill the animal to relieve its suffering.)
 - c. When used in practice on a firing range.

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C. Firearm Use Prohibited

1. Deputies shall not discharge a firearm:
 - a. As a warning.
 - b. In any attempt to apprehend a misdemeanor.
 - c. At or from a moving vehicle except:
 - (1) As a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle.
 - (2) When all conditions regarding a fleeing felon in this section are present.
 - (3) When a vehicle is driven in a manner deliberately intended to kill or severely injure sworn personnel or citizens who are on foot.
2. Under no circumstances will deputies display a firearm in any manner which is unsafe or would invite unfavorable comment from the public.
3. Deputies will not wear or carry a firearm at any activity where the deputy will be consuming alcoholic beverages.
4. Deputies must reasonably anticipate a situation justifying the use of a firearm before removing it from its holster or otherwise displaying it. The use or display of firearms in circumstances other than those described in this section is prohibited.

V. **Use of Force Continuum**

It is the policy of TCSO that officers use the least amount of force that is reasonably necessary to control an incident, to affect an arrest, or to protect themselves or others from personal harm or death. The degree of force used by the officer should be progressive along a continuum that spans from verbal commands to deadly force.

A. Verbal Commands and Physical Presence

1. Verbal Commands given to order compliance
2. Physical Presence in order to show authority of the situation

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B. Open Hand Tactics and OC Spray

1. Open hand Tactics are: guiding and/or controlling movements.
2. OC spray when physical contact can't be possible or when not practical based on circumstances of the incident.

C. Closed Hand Tactics

1. The used of the Deputies physical movements during an altercation in order to control the situation.
2. Choke holds are not permitted except as a measure of Deadly Force.

D. Baton Strikes

1. Baton strikes are to be appropriate strike areas of the body are permitted and identified through training (classroom).
2. Baton strikes are to be with the Baton used in the open mode.
3. Targeted strikes to the neck and head of the body are considered to be Deadly Force.

E. Firearms Use (Deadly Force)

VI. **Police Use of Force Weapons**

A. Disapproved Weapons

1. Non-issue defensive weapons such as slapsticks, slapjacks, blackjacks, sap gloves, etc. are prohibited.
2. Personally-owned electronic defense weapons (stun guns) of any variety are prohibited.

B. Police Baton or Flashlight

1. All use of a police baton, flashlight or similar instruments as defensive weapons must be consistent with tactics stated in basic and in-service training provided by the Instructor(s).

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2. Flashlights, which serve the purpose only as an illumination device and will only, be used in a deadly force situation as a baton. However, use of such a flashlight as a defensive weapon must conform to TCSO policy and restrictions regarding the use of such items.

C. OC Spray

1. OC Spray will be issued by the Armorer of the TCSO.

IX. Effective Date

This General Order is effective October 1, 2016.

**Joseph J. Gamble
Sheriff of Talbot County**

JJG:tj