
	GAITHERSBURG POLICE DEPARTMENT		
	Response to Resistance / Aggression		
	GENERAL ORDER	600.1	
Effective Date	02/13/2025		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 02/13/2025

1. PURPOSE:

1.1. The need to use force, whether deadly or less-lethal, is one of the most demanding and critical decisions in law enforcement. The purpose of this directive is to provide guidance that aids in the exercise of making such decisions. Department policy should not be construed as the creation of a higher legal standard of safety or care, in an evidentiary sense, with respect to third party claims. Violations of this directive will only form the basis for Departmental administrative action.

2. POLICY:

2.1. It is the policy of this Department to permit officers to use only that force which under the totality of the circumstances, is necessary and proportional to prevent an imminent threat of physical injury to a person, or to effectuate a legitimate law enforcement objective. The decision to exercise force at any level must be based upon the totality of circumstances that the officer reasonably believes to exist at the time force was used and is better predicated upon the danger posed by a subject. Policy based upon imminent danger results in clear and concise understanding of necessary and proportional use of force. While the use of deadly force is most commonly associated with firearms, it is not limited to such weapons. Force shall be de-escalated appropriately as resistance decreases.

2.2. Officers who use excessive or unjustified force degrade the confidence of the community we serve, undermine the legitimacy of a police officer’s authority, and hinder the Department’s ability to provide effective law enforcement services to the community. Officers who use force that is unnecessary or not proportionate shall be subject to remedial training, discipline, possible criminal prosecution, and/or civil liability.

2.2.1. Officers who intentionally violate subsection (d) of the Maryland Use of Force Statute ([Md. Code Ann., Pub. Safety \(“PS”\) § 3-524\(d\)\(1\)](#)), resulting in serious physical injury or death to a person is guilty of a misdemeanor and upon a conviction is subject to imprisonment not exceeding 10 years.

3. DEFINITIONS

- 3.1. **Active Aggression:** Within the context of this directive, the term “active aggression” refers to any threat communicated through verbal or physical means, or overt act of assault, in conjunction with the perceived present ability to carry out such threat or assault, with reasonable indication that such assault is imminent.
- 3.2. **Active Resistance:** Within the context of this directive, the term “active resistance” refers to physically evasive movements, such as bracing, fleeing, tensing, and pushing, with the apparent intent to defeat an officer’s attempts at physical control, or verbally signaling an intention to avoid or prevent being taken into, or retained in, custody.
- 3.3. **Deadly Force:** Within the context of this directive, the term “deadly force” refers to force which carries a substantial risk of resulting in the death of any person.
- 3.4. **De-escalation:** Within the context of this directive, the term “de-escalation” refers to an officer’s tactics that reduce the intensity of a conflict or potentially violent situation.
- 3.5. **Exigent Circumstances:** Within the context of this directive, the term “exigent circumstances” refers to circumstances that would lead a reasonable officer to believe that immediate action is necessary to prevent physical harm to any person.
- 3.6. **Hand Control Technique:** Within the context of this directive, the term “hand control technique” refers to a hand grab that redirects a resisting and/or aggressive person in a controlled manner, to the ground or against an object. This is also known as a soft hand control technique.
- 3.7. **Immediate:** Within the context of this directive, the term “immediate” refers to something occurring or accomplished without delay; instant.
- 3.8. **Imminent:** Within the context of this directive, the term “imminent” refers to something that is likely to occur at any moment; impending.
- 3.9. **Lawful Order:** Within the context of this directive, the term “lawful order” refers to an officer’s commands based on a lawful authority (*i.e. effecting an arrest, investigatory stop, legal seizure, legal command to move, etc.*).
- 3.10. **Less-Lethal Force:** Within the context of this directive, the term “less-lethal force” refers to force which does not carry the substantial risk of resulting in the death of any person.
- 3.11. **Less-Lethal Weapon:** Within the context of this directive, the term “less-lethal weapon” refers to any instrument that does not carry the substantial risk of

causing the death of any person.

- 3.12. **Necessary and Proportional Force:** Within the context of this directive, the term “necessary and proportional” is defined in a manner consistent with the State of Maryland, Office of the Attorney General Opinion of the phrase Necessary and Proportional in the new Maryland Use of Force Statute (dated February 25, 2022).
- 3.13. **Pace of Events:** Within the context of this directive, the term “pace of events” refers to the speed of how events in an incident unfold.
- 3.14. **Passive Resistance:** Within the context of this directive, the term “passive resistance” refers to the refusal to comply with an officer’s verbal commands without active resistance and/or aggression.
- 3.15. **Physical Force:** Within the context of this directive, the term “physical force” refers to any force above verbal commands that an officer uses to gain control of a resisting and/or aggressive person. This includes any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact with a person; an intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, or pointing a firearm at a human being, use of chemical spray, use of impact weapons, use of Conducted Energy Weapons (CEW), chokeholds or personal weapons, taking a subject to the ground, or a canine bite. The term does not include escorting or handcuffing a person with minimal or no resistance.
- 3.16. **Personal Weapon:** Within the context of this directive, the term “personal weapon” refers to any body part used to strike or kick another person. This is also known as a hard hand control technique.
- 3.17. **Probable Cause:** Within the context of this directive, the term “probable cause” refers to facts and circumstances that would lead a reasonable officer to believe that a crime has been committed and a particular individual has committed that crime.
- 3.18. **Proximate Cause:** Within the context of this directive, the term “proximate cause” refers to an act from which an injury results as a natural, direct, uninterrupted consequence and without which the injury would not have occurred. *(For example: an officer energizes an individual with a Conductive Energy Weapon (CEW), and that person falls to the ground and suffers an injury from the fall. The proximate cause of that injury is the officer deploying the CEW on the person).*
- 3.19. **Reasonable Belief:** Within the context of this directive, the term “reasonable belief” refers to facts and circumstances that would lead a reasonable officer to believe that an action has occurred or is about to occur.

- 3.20. **Serious Physical Injury:** Within the context of this directive, the term “serious physical injury” refers to bodily injury that creates a substantial risk of serious permanent disfigurement or long term loss or impairment of the function of any bodily member or organ.
- 3.21. **Verbal Commands:** Within the context of this directive, the term “verbal commands” refers to an officer’s verbal orders towards a person to comply with a lawful command.
- 3.22. **Verbal De-escalation:** Within the context of this directive, the term “verbal de-escalation” refers to the verbal persuasion skills and tactics used to try to calm a person down.

4. **PROCEDURE**

4.1. **General Provisions** ([*Md. Code Ann., Pub. Safety \(“PS”\) § 3-524\(d\)\(1\)*](#))

- 4.1.1. A police officer may use only that force, which under the totality of circumstances, is necessary and proportional to:
- 4.1.1.1. Prevent an imminent threat of physical injury to a person; or
 - 4.1.1.2. Effectuate a legitimate law enforcement objective.
- 4.1.2. A police officer shall cease the use of force as soon as:
- 4.1.2.1. The person on whom the force was used:
 - 4.1.2.1.1. Is under the police officer’s control; or
 - 4.1.2.1.2. No longer poses an imminent threat of physical injury or death to the police officer or to another person; or
 - 4.1.2.2. The police officer determines that forces will no longer accomplish a legitimate law enforcement objective.
- 4.1.3. An officer may use necessary and proportional force in accordance with Section 4.1. of this policy:
- 4.1.3.1. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.
 - 4.1.3.2. To defend the officer or others from the use, or imminent use of physical force.
 - 4.1.3.3. To take persons into protective custody when authorized by law such as, but not limited to a person who is a danger to

themselves or others, persons incapacitated by alcohol, and/or runaway children.

- 4.1.3.4. Use necessary and proportional amount of force to prevent someone from committing suicide or inflicting serious physical injury upon themselves; however, there is no legal duty for an officer to prevent someone from harming themselves.
 - 4.1.3.5. To assist medical personnel in providing necessary medical treatment.
 - 4.1.3.6. To control a situation, and to overcome passive and/or active resistance to a lawful order.
 - 4.1.3.7. To neutralize an unlawful assault and defend themselves or others from harm.
- 4.1.4. Additional guidance when assessing the necessity and proportionality of force is provided in the State of Maryland, Office of the Attorney General Opinion of the Phrase Necessary and Proportional (dated February 25, 2022).
- 4.1.5. When feasible based on circumstances, officers will use disengagements, area containment, surveillance, summons reinforcements, and/or request specialized units, to reduce the need for force and increase officer and civilian safety.
- 4.1.6. Medical Aid:
- 4.1.6.1. A police officer shall render basic first aid to a person injured because of police action and promptly request appropriate medical assistance.
 - 4.1.6.2. Officers will render immediate and appropriate medical aid consistent with their training, to anyone claiming to be injured, or who is injured, or when an officer reasonably believes an individual needs medical treatment due to an officer's response to resistance and/or aggression.
 - 4.1.6.3. Officers will render immediate aid if it may be done without endangering themselves.
 - 4.1.6.4. Officers will render immediate medical aid if the injured subject consents to receive such aid, or if they are otherwise incapable of refusing medical assistance.
 - 4.1.6.5. Officers will summon Fire/Rescue to have the person's

condition evaluated by qualified medical personnel, and for any person who is unconscious, unresponsive, or otherwise incapable of refusing medical treatment.

- 4.1.6.6. Officers will attempt decontamination measures on persons exposed to OC spray, and/or summons Fire/Rescue to assist in decontamination.
- 4.1.6.7. For medical aid requirements in post-CEW exposures, refer to General Order 600.5 – Conducted Energy Weapon (CEW).

4.1.7. De-escalation:

- 4.1.7.1. A police officer shall when time, circumstances, and safety allow, take steps to gain compliance and de-escalate conflict without using physical force.
- 4.1.7.2. If practical, officers should emphasize de-escalation techniques and negotiations prior to using a reasonable amount of force.
- 4.1.7.3. If practical, officers will attempt to verbally de-escalate situations unless exigent circumstances exist to act or use force.
- 4.1.7.4. Verbal de-escalation is not required in circumstances where the officer must make a split second decision, or if the officer reasonably believes that engaging in verbal de-escalation would place the safety of the officer or others in jeopardy.
- 4.1.7.5. Force shall be deescalated appropriately when resistance stops or compliance is gained.

4.1.8. Verbal Warnings:

- 4.1.8.1. When tactically feasible, an officer will identify him or herself as a police officer and issue verbal commands and warnings prior to any use of force.
- 4.1.8.2. A verbal warning is not required when:
 - 4.1.8.2.1. There are exigent circumstances for the officer to act; or
 - 4.1.8.2.2. The officer reasonably believes that issuing the verbal warning would place the safety of the officer or others in jeopardy.

- 4.1.8.3. Whenever possible, officers shall allow individuals time to submit to arrest before force is used. *(This is not based on a specific period of time that must be allowed, but rather the subject's actions and/or threat posed before and after each use of force).*
- 4.1.8.4. When force is necessary, the degree of force used should be in direct relationship to the amount of resistance exerted, or the immediate threat posed to the officers or others.
- 4.1.8.5. Force shall never be used to subject a person to torture, cruel and/or inhumane or degrading treatment, or punishment.
- 4.1.8.6. In conducting a threat assessment, officers should consider the ability, opportunity, and intent of the subject.

4.1.9. Duty to Intervene:

- 4.1.9.1. A police officer shall intervene to prevent or terminate the use of force by another police officer beyond what is authorized under Sections 4.1.1. and 4.1.2. of this policy.

4.1.10. A police officer shall fully document all use of force incidents that the officer observed or was involved in.

4.1.11. A police supervisor shall:

- 4.1.11.1. Respond to the scene of any incident during which a police officer used physical force and caused serious physical injury;
- 4.1.11.2. Gather and review all known video recordings of a use of force incident,

4.2. Deadly Force Response

4.2.1. An officer is justified in using deadly force only when he or she reasonably believes, under the totality of the circumstance, that such force is necessary and proportional to:

- 4.2.1.1. Defend the officer, or another person from the imminent threat of death or serious physical injury.
- 4.2.1.2. To apprehend a suspect when the officer has probable cause to believe ([Tennessee vs Garner \(1985\)](#)):
 - 4.2.1.2.1. The crime committed was a felony of the violent type *(one which involves the infliction or*

threatened infliction of serious physical injury or death); **and**

4.2.1.2.2. Probable cause exists that the suspect committed the felony of a violent type; **and**

4.2.1.2.3. The suspect fleeing poses an imminent threat of death or serious physical injury to the officer or other persons; **and**

4.2.1.2.4. If feasible, some verbal warning has been given.

4.2.2. Deadly Force Provisions:

4.2.2.1. Officers shall not carry or use any firearm or weapon while impaired by alcohol, drugs, or any medical condition that interferes with his or her judgement or proficiency.

4.2.2.2. Warning Shots Prohibited - Officers are prohibited from discharging a firearm as a means of warning or frightening a person.

4.2.2.3. Pointing a Firearm – An officer may point his or her firearm at a person when the officer reasonable perceives an imminent deadly force threat as authorized under Section 4.2.1 of this policy may be anticipated due to the totality of the circumstances, or when an officer reasonably anticipates a deadly force situation while conducting high risk officer tactics (e.g. a high risk traffic stop or room clearing, etc.).

4.2.2.4. Shooting at or from Moving Vehicles – Officers are prohibited from discharging a firearm at or from a moving vehicle unless the officer reasonably believes deadly force, under the totality of the circumstances, is necessary and proportional to defend the officer or another person from the use, or imminent use of deadly force.

4.2.2.4.1. Officers shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them.

4.2.2.4.2. When confronted with an oncoming, moving vehicle, the officer must attempt to move out of its path, if possible.

4.2.2.5. Risk to Innocent Bystanders – When an officer is about to discharge a firearm, he or she should be aware of the field of fire, including backstop, to not unnecessarily create a

substantial risk of harm to innocent persons.

4.2.2.5.1. Officers are prohibited from discharging a firearm when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the suspect's actions (*e.g. discharging a firearm into a crowd, or shooting into a building or through a wall, where the suspect is not clearly identified and it is unknown if there are other occupants present*).

4.3. Less-Lethal Force Response

4.3.1. Officers shall use only that force which, under the totality of the circumstances, is necessary and proportional to prevent an imminent threat of physical injury to a person, or to effectuate a legitimate law enforcement objective. Hand control techniques may be used to overcome persons exhibiting passive resistance of a lawful detention or arrest.

4.3.2. Impact Weapons

4.3.2.1. The use of a department approved impact weapon or similar instrument to intentionally strike a subject's head or neck is prohibited except where deadly force is authorized.

4.3.2.2. The department authorized impact weapon is the expandable baton.

4.3.3. Oleoresin Capsicum Spray

4.3.3.1. Officers shall carry only the department issued water-based, non-flammable OC Spray (OC@5.3 million SHU).

4.3.4. Conducted Energy Weapon (CEW)

4.3.4.1. Refer to General Order 600.5 – Conducted Energy Weapon for further details regarding the authorized use of the CEW.

4.3.5. Canine –

4.3.5.1. Refer to General Order 609.1 – Canine Use_for further details regarding the authorized use of Canine.

4.3.6. Less-Lethal Force Restrictions – The following tactics of less-lethal force are not permitted unless the use of deadly force would be necessary and proportional:

- 4.3.6.1. Any chokeholds or neck restraints, with or without a device that restricts a person's airway or blood flow.
 - 4.3.6.1.1. This includes any chokehold to prevent a person's attempt at swallowing contraband.
- 4.3.6.2. Any intentional strike with an impact weapon or object to a person's head, throat or neck.
- 4.3.6.3. Officers are prohibited from using any objects that he or she has not been specifically trained to use as an impact weapon except when exigent circumstances exist and the officer does not have time to transition to another force option due to the pace of events.
- 4.3.6.4. Force shall not be used against persons in handcuffs unless, under the totality of the circumstances, the force is necessary and proportional to:
 - 4.3.6.4.1. Prevent imminent bodily harm to the officer, the prisoner, or another person;
 - 4.3.6.4.2. To prevent an escape; or
 - 4.3.6.4.3. Where physical removal or moving of the prisoner is necessary to overcome passive resistance.

4.4. Training

- 4.4.1. All officers shall, at least annually, receive in-service training in General Order 600.1 – Response to Resistance/Aggression, General Order 600.2 – Response to Resistance/Aggression Reporting and Review, and General Order 600.5 – Conducted Energy Weapon (CEW).
- 4.4.2. For training policies on specific force option weapons or tools, refer to the following General Orders:
 - 4.4.2.1. General Order 401.2 – In-Service Training and Weapons Qualifications.
 - 4.4.2.2. General Order 600.4 – Weapons.
 - 4.4.2.3. General Order 600.5 – Conducted Energy Weapon (CEW).
 - 4.4.2.4. General Order 609.1 – Canine Use.
- 4.4.3. All training, including remedial training, shall be documented:

- 4.4.3.1. Only officers demonstrating proficiency in the use of Department-authorized weapons shall be approved to carry such weapons; and
- 4.4.3.2. Officers failing to demonstrate proficiency with weapons shall follow provisions prescribed in General Order 600.4 Weapons.
- 4.4.4. Officers shall receive annual scenario-based training exercises to simulate real-life situations and conditions to enhance officers' discretion and judgment in using deadly and less-lethal force in accordance with this general order.
- 4.4.5. Officers shall:
 - 4.4.5.1. Undergo training on when a police officer may or may not draw a firearm or point a firearm at a person and enforcement options that are less likely to cause death or serious physical injury, including scenario-based training, de-escalation tactics and techniques, and reasonable alternatives to decrease physical injury; and
 - 4.4.5.2. Sign a training completion document stating that the officer understands and shall comply with the Maryland Use of Force Statute.
 - 4.4.5.3. Sign an affirmative written sanctity of life pledge to respect every human life and act with compassion towards others.

4.5. Human Performance Considerations: When evaluating Necessary and Proportional it is also important to consider how human performance factors into decision-making when evaluating a use of force incident. Though not an all-inclusive list, the below factors have been validated by peer-reviewed research and should be considered when evaluating a use of force incident.

- 4.5.1. Decision-making in high stress situations often involves fast, intuitive, heuristic thinking rather than the slow, deliberate, and analytical thinking that occurs in less stressful circumstances.^{1 2}
- 4.5.2. Expecting officers to engage in optimal, rational decision-making in real-time disregards the perceptual and cognitive performance issues they can face under stress, including tunnel vision, auditory exclusion, and stress hypervigilance.³

¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC6696903/>

² Kahneman, D. (2011). Thinking, fast and slow. Farrar, Straus and Giroux.

³ https://www.fletc.gov/sites/default/files/imported_files/reference/research-papers/Stress-and-Decision-Making-04-06-12--Approved---Pulic-Release--508-Accessible.pdf

- 4.5.3. Courts and juries, using post-event analysis, apply slow, analytical thinking, which does not reflect the reality of human performance during life-threatening events.⁴
- 4.5.4. Use of force judgments are often made in rapidly-unfolding, time-compressed circumstances- with imperfect information, perceptual distortions, divided attention, and competing interests.⁵
- 4.5.5. Officers are unlikely to make slow, analytical decisions in situations involving physical force. During potential lethal encounters and other high-pressure situations, it is reasonable to expect that officers may instead rely on intuition and experience.⁶
- 4.5.6. Perception, reaction, and response times frequently do not allow officers to delay their response to imminent threats to achieve a high level of certainty regarding weapon and threat identification.⁷
- 4.5.7. Active resistance can become assaultive in split seconds, without warning, and faster than officers can respond to prevent it.⁸
- 4.5.8. Failing to account for these human factors may result in standards that exceed what is realistically achievable.⁹

4.6. Reporting and Review Process

- 4.6.1. The Department will thoroughly review and/or investigate all use of force by officers to ensure compliance with all legal requirements and this policy and the Maryland Use of Force Statute ([*Md. Code Ann., Pub. Safety \("PS"\) § 3-524\(d\)\(1\)*](#)).
- 4.6.2. For all matters specific to the reporting and review of response to resistance/aggression incidents, see General Order 600.2 – Response to Resistance/Aggression Reporting and Review Process.

⁴ https://www.researchgate.net/profile/Dennis-Devine/publication/228688698_Jury_Decision_Making_45_Years_of_Empirical_Research_On_Deliberating_Groups/links/555f4af608ae9963a118af2f/Jury-Decision-Making-45-Years-of-Empirical-Research-On-Deliberating-Groups.pdf

⁵ <https://pmc.ncbi.nlm.nih.gov/articles/PMC6400077/>

⁶ https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=6595&context=dissertations&utm_source=scholarworks_waldenu_edu

⁷ https://www.fletc.gov/sites/default/files/imported_files/reference/research-papers/Stress-and-Decision-Making-04-06-12--Approved---Pulic-Release--508-Accessible.pdf

⁸ <https://pmc.ncbi.nlm.nih.gov/articles/PMC6696903/>

⁹ <https://www.forcescience.com/2022/10/new-study-stress-training-and-the-objective-reasonableness-standard/>

4.6.3. All use of force incidents shall undergo a supervisory and command-level review of the incident.