
	GAITHERSBURG POLICE DEPARTMENT		
	Response to Resistance / Aggression Reporting & Review Process		
	GENERAL ORDER	600.2	
Effective Date	11/10/2023		
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 11/10/2023

1. PURPOSE

The purpose of this policy is to provide officers and supervisors with guidelines for documenting and reporting officers' response to resistance and/or aggression incidents, establish guidelines to document officer response to resistance and/or aggression incidents accurately and thoroughly, and to create a standardized process to review each officer's response to resistance and/or aggression to determine whether or not it was within Department policy. This will enable supervisors to review each officer response to resistance and/or aggression to identify any training issues, policy issues, or disciplinary action, and resolve them in a timely manner.

2. POLICY

It is the policy of this Department that officers will properly document all response to resistance and/or aggression incidents in a timely manner pursuant to the guidelines set forth in this general order and in [Maryland Code, Public Safety Article § 3-524](#). The authority of police use of force carries with it the need for accountability in order to safeguard the rights of the public and to preserve the integrity of the Department.

3. DEFINITIONS

- 3.1. **Administrative Review:** Within the context of this directive, the term "administrative review" refers to the evaluation of a response to resistance/aggression report and the subsequent supervisor and command staff review of each reportable incident.
- 3.2. **Application of Force:** Within the context of this directive, the term "application of force" refers to every time an officer uses a force option on a person. Each application of force must be independently documented and reviewed.
- 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. **Force:** Within the context of this directive, the term "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 show of force (e.g. pointing a firearm at a person, display of Conducted Energy Weapon (CEW), or canine show of force

(not bite) during an apprehension) or a physical use of force (hand control technique of a resisting or aggressive subject, CEW deployment, OC spray, baton strike, personal weapons, chokehold, canine bite, or use of deadly force). The term does not include escorting or handcuffing a person with minimal or no physical resistance.

- 3.5. **Hand Control Technique:** Within the context of this directive, the term “hand control technique” refers to any 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.
- 3.6. **Less-Intrusive Officer Use of Force:** Within the context of this directive, the term “less-intrusive officer use of force” refers to any force which is minimally invasive and results in no injury, reported injury, or minor injury.
- 3.7. **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.
- 3.8. **Minor Physical Injury:** Within the context of this directive, the term “minor physical injury” refers to an injury not requiring treatment at a medical facility (e.g. abrasions, lacerations not requiring sutures, etc.).
- 3.9. **Moderate Physical Injury:** Within the context of this directive, the term “moderate physical injury” refers to an injury resulting in non-life-threatening medical treatment (e.g. lacerations requiring sutures, fractured bones, concussions, etc.).
- 3.10. **Necessary and Proportional Force:** Within the context of this directive, the term “necessary and proportional” will be defined in a manner consistent with the State of Maryland, Office of the Attorney General Opinion of the phrase Necessary and Proportional in the Maryland Use of Force Statute (dated February 25, 2022).
- 3.11. **Non-Deadly Force:** Within the context of this directive, the term “non-deadly force” refers to force which does not carry the substantial risk of resulting in the death of any person.
- 3.12. **Personal Weapon:** Within the context of this directive, the term “personal weapon” refers to the use of any body part to strike or kick another person. This is also known as a hard-hand control technique.
- 3.13. **Reported Injury:** Within the context of this directive, the term “reported injury” refers to a situation where a person states that he or she was injured, but there are no visible signs of injury (to include aggravating a pre-existing injury).
- 3.14. **Reportable Use of Force:** Within the context of this directive, the term “reportable use of force” refers to any instance when an officer uses a show of

force or uses physical force on another person. The term does not include escorting or handcuffing a person with minimal or no resistance.

- 3.15. **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 part or organ.

4. **PROCEDURE**

- 4.1. The documenting of an officer’s response to resistance and/or aggression incidents will be accomplished through a three-tier reporting system via Blue Team Reporting. The three-tier system is used to efficiently and accurately document and track incidents in which officers respond to resistance and/or aggression. The three tiers are:

- 4.1.1. Tier 1 – Show of Force;
- 4.1.2. Tier 2 – Use of Less-Lethal Physical Force; and
- 4.1.3. Tier 3 – Use of Deadly Force.

- 4.2. **Tier 1 Reporting** – Tier 1 Response to Resistance/Aggression Reports are designed to be efficient reporting procedures for less-intrusive officer show of force only actions.

- 4.2.1. Officers are required to complete a Tier 1 Response to Resistance/Aggression Report for any of the following officer actions:

- 4.2.1.1. Pointing a firearm at an individual;
- 4.2.1.2. Displaying a Conducted Electrical Weapon (CEW);
- 4.2.1.3. A Canine Show of Force: The controlled use of a canine in close proximity to an individual during apprehension, while the handler is providing a canine warning or verbal commands, and when the use of the canine was instrumental in taking the individual into custody. Note – Just the presence of the canine on the scene of an apprehension does not constitute a Tier 1 report.

- 4.3. **Tier 2 Reporting** - Tier 2 Response to Resistance/Aggression Reports are designed to document incidents when officers use a less-lethal physical force.

- 4.3.1. Officers are required to complete a Tier 2 Response to Resistance/Aggression Report for any of the following officer actions:

- 4.3.1.1. Any use of hand control techniques on a resisting or

aggressive person;

4.3.1.2. Any use of personal weapons;

4.3.1.3. Any use of less-lethal weapons;

4.3.1.4. Any canine bite; or use of a hand control technique which forces a person to the ground or against an object resulting in moderate physical injury.

4.4. Tier 3 Reporting – Tier 3 Response to Resistance/Aggression Reports are designed to document any deadly force officer response to resistance and/or aggression incidents or any in-custody deaths that occur following any type of response to resistance and/or aggression.

4.4.1. Supervisors of the involved officer are required to complete a Tier 3 Response to Resistance/Aggression Report for the following incidents:

4.4.1.1. The use of deadly force;

4.4.1.2. Any officer-involved shooting that results in serious physical injury or death; or

4.4.1.3. Incidents involving an in-custody death of an individual following any officer use of force.

4.4.2. The on-duty supervisor, or designee, will complete the Tier 3 Response to Resistance/Aggression Report with the following guidelines:

4.4.2.1. Required documents to be completed and turned in with the final Tier 3 Report:

4.4.2.2. E-Justice Report;

4.4.2.3. Associated paperwork (i.e. statement of charges, emergency evaluation petition, DUI, etc.), if applicable. This report will be completed by the on-duty supervisor and forwarded to the respective bureau commander.

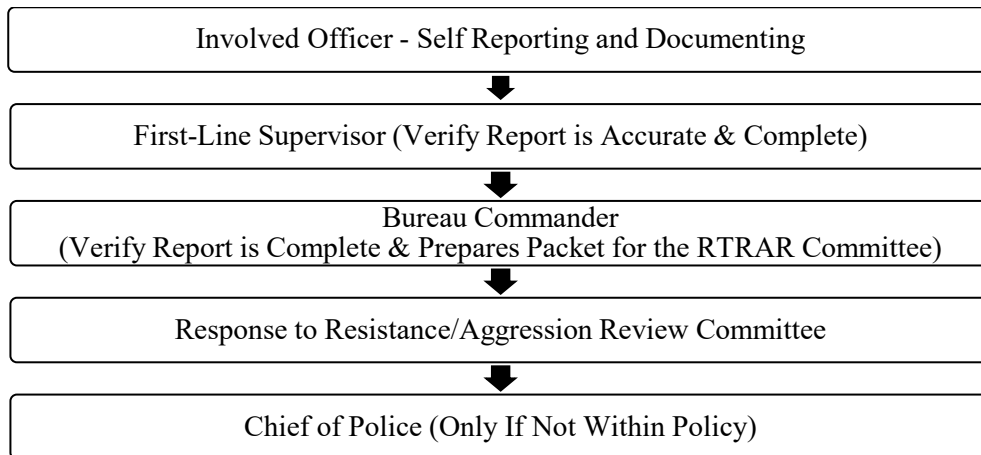
4.4.2.4. The bureau commander will check the report for accuracy of information and forward to the Response to Resistance/Aggression Review Committee (RRARC).

4.4.3. A Tier 3 Report that documents an incident that resulted in serious physical injury or death of a civilian will be investigated by the Office of the Attorney General – Independent Investigation Division, per State law.

- 4.4.3.1. The administrative investigation responsibility will be determined by the Chief of Police.
- 4.4.3.2. The findings of the Administrative Investigation shall be forwarded to the Chief of Police and the Response to Resistance/Aggression Review Committee for the Administrative Review of officer's actions.
- 4.4.4. The RRARC will ensure that all information on the Tier 3 Report is accurate and thorough.
 - 4.4.4.1. A review of the incident with recommendation(s) will be forwarded to the Chief of Police at the conclusion of the criminal and the Administrative Investigation/Review process.
 - 4.4.4.2. The purpose of the delay in a final recommendation is to obtain all information that may be gathered during the investigation(s) and to not influence the Administrative Investigation/Review process.

5. DOCUMENTING RESPONSIBILITIES

The response to resistance and/or aggression reporting process begins with the officer using force. That officer shall notify the on-duty supervisor without unreasonable delay so that the review process will begin at the scene of the incident. The final Response to Resistance/Aggression Report will be reviewed at multiple levels of the Department, initially by the first line supervisor and bureau commander, who will confirm that the Response to Resistance/Aggression Report is complete and accurate. Then, the Response to Resistance/Aggression Report will be forwarded for the Administrative Review process by the Command Staff. Each response to resistance incident shall require a supervisor and command-level review of the use of force incident. The RRARC will review the entire incident to include Response to Resistance/Aggression Report and associated videos of the incident to identify policy issues, training issues and determine if the force used was or was not within Department policy. If any officer's actions were not found to be within Department policy by the RRARC, the Report Packet will be forwarded to the Chief of Police who will make a final Administrative Review decision (See chart below for workflow).



5.1. **Officer Responsibilities**

- 5.1.1. The officer shall notify the on-duty supervisor, without unreasonable delay of any response to resistance/aggression actions in which the officer participated or observed. If there are multiple officers involved, only one notification is necessary.
- 5.1.2. Any officer who engages in a reportable response to resistance and/or aggression incident shall notify their supervisor and complete a Response to Resistance/Aggression Report as soon as practical but no longer than the end of the officer's shift, unless the officer is disabled.
- 5.1.3. The reporting officer shall conduct an on-scene investigation to include the following investigatory steps when applicable, but not limited to:
 - 5.1.3.1. Take photographs of the involved subject;
 - 5.1.3.2. Take photographs of the subject's injury(ies), reported injury(ies), or lack of injuries;
 - 5.1.3.3. Take photographs of the officer injury(ies);
 - 5.1.3.4. Take photographs of the scene; Collect physical evidence of the incident (including CEW probes, AFIDS, etc.);
 - 5.1.3.5. Identify and take witness statements (written or recorded);
 - 5.1.3.6. Seize or collect any video footage of the incident; and/or
 - 5.1.3.7. Collect anything of evidentiary value to the administrative review process.
- 5.1.4. The written articulation of the incident should include, but not be

limited to:

- 5.1.4.1. The date, time and place of occurrence;
 - 5.1.4.2. All individuals involved in the incident (suspects, officers, and witnesses);
 - 5.1.4.3. Facts and circumstances of the incident;
 - 5.1.4.4. Facts and circumstances of the seizure;
 - 5.1.4.5. Articulation of the subject's behavior; Articulation of the officer's perception of the subject's behavior;
 - 5.1.4.6. Articulation of officer's verbal commands, and the subject's reaction to the verbal commands;
 - 5.1.4.7. Articulation and justification of why each application of force was used;
 - 5.1.4.8. Articulation and justification of why the use of restraint techniques and tools used on the subject;
 - 5.1.4.9. Articulation of injuries incurred during the incident (*subject and officer*); and
 - 5.1.4.10. Medical treatment provided or summoned.
- 5.1.5. The reporting officer will complete the Response to Resistance/Aggression Report by the end of the shift or day of the incident.
- 5.1.5.1. The officer will supplement that report as soon as practical as additional documentation becomes available (i.e. event report, CEW download report, photos, videos, etc.).
 - 5.1.5.2. Upon completion, the Response to Resistance/Aggression Report will be submitted to the officer's shift or unit supervisor for the beginning of the administrative review.
- 5.1.6. Witness Officers – Officers that witness a GPD police use of force incident shall fully document the incident by classifying their BWC footage and list them as a witness employee in a GPD Response to Resistance/Aggression Report.
- 5.1.7. Officers are permitted to view their body worn (BWC), in-car camera video, or any other video or photographic evidence prior to submitting the Response to Resistance/Aggression Report.

5.1.8. Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor so that they may document the incident as a citizen complaint.

5.1.8.1. The supervisor shall investigate the incident in accordance with General Order 209.1 Internal Affairs.

5.2. Supervisor (*Investigation & Verify Report is Complete*)

5.2.1. On-Duty Supervisor (On-Scene Responsibilities)

5.2.1.1. The on-duty supervisor shall respond without unreasonable delay to all Tier 2 and Tier 3 (physical use of force) response to resistance and/or aggression incidents.

5.2.1.2. It is the responsibility of the on-duty supervisor to conduct the on-scene investigation and gather any information or items which may be of evidentiary value to the Administrative Review of the incident.

5.2.1.3. The on-duty supervisor shall gather and review all known video recordings of the response to resistance/aggression incident.

5.2.1.4. The on-duty supervisor's on-scene responsibilities include, but not limited to:

5.2.1.4.1. Ensure that any medical attention for officer(s) and suspect(s) have been obtained, if required or requested;

5.2.1.4.2. Interview the individual that physical force was used on, if possible;

5.2.1.4.3. Ensure that all injuries to officers and/or suspects are photographed per documentation protocol;

5.2.1.4.4. Ensure all witness statements (if applicable) and current witness contact information is collected and accurate;

5.2.1.4.5. Ensure that the details of the scene are documented by still photographs. Video evidence of the scene may be completed if appropriate, or to document conditions which photos alone may not capture; and

5.2.1.4.6. Document, collect or seize items at the scene

which may be of evidentiary value.

5.2.1.5. The on-duty supervisor shall review and make sure any BWC footage is properly classified as, “Response to Resistance to Resistance/Aggression” or “Observed/Witnessed RTRA.”

5.2.2. Shift or Unit Supervisor (Follow Up/Preparing the Response to Resistance/Aggression Report)

5.2.2.1. The shift or unit supervisor shall conduct a thorough review of the incident and associated videos and compile all appropriate information for submission with the Response to Resistance/Aggression Report.

5.2.2.1.1. Documentation necessary for each Report Packet will depend on the Tier of reporting.

5.2.2.2. The shift or unit supervisor shall review the Response to Resistance/Aggression Report to ensure it is accurate and contains all necessary documentation.

5.2.2.2.1. The shift or unit supervisor shall review BWC footage associated with the incident and ensure it is properly classified.

5.2.2.3. The completed Response to Resistance/Aggression Report will be submitted by the shift or unit supervisor without unnecessary delay to the appropriate bureau commander for further review.

5.3. Bureau Commander (Verify Report is Complete)

5.3.1. The appropriate bureau commander shall review the Response to Resistance/Aggression Report submitted by the shift or unit supervisor to determine completeness and accuracy in reporting procedures.

5.3.1.1. The bureau commander shall review BWC footage and/or in-car video of all incidents.

5.3.2. When the bureau commander has determined that the Response to Resistance/Aggression Report is accurate and complete, they shall forward the Response to Resistance/Aggression Report to the Response to Resistance/Aggression Review Committee.

5.4. Response to Resistance/Aggression Review Committee (RRARC) (Command Staff Level Review of Incidents)

- 5.4.1. The RRARC shall be composed of the following Command Staff members:
 - 5.4.1.1. Administrative Bureau Commander;
 - 5.4.1.2. Operations Bureau Commander; and
 - 5.4.1.3. Special Operations Bureau Commander.
- 5.4.2. The Committee shall meet once a month to review any Response to Resistance/Aggression Reports.
 - 5.4.2.1. If a Response to Resistance and/or Aggression Report is found by the Review Committee to be “within policy,” the Report will not be forwarded to the Chief of Police and the findings will be final.
 - 5.4.2.2. The Review Committee Chairman is responsible for ensuring any training issues or policy issues are corrected with either remedial training or policy revisions.
- 5.4.3. The RRARC shall review BWC footage or other video evidence.
- 5.4.4. The RRARC shall prepare an annual Response to Resistance/Aggression Analysis and forward to the Chief of Police.

5.5. Chief of Police (Administrative Review and Final Decisions)

- 5.5.1. The Chief of Police shall only review a Response to Resistance/Aggression Report that is recommended by the review committee as “not within policy.”
- 5.5.2. The Chief of Police will forward his or her finding(s) and the completed Report Packet to the RRARC Chairman for filing purposes.

5.6. Community Engagement Officer (CEO) Reporting – As required under Ed. Article §7–1508 (h), the Maryland Center for School Safety (MCSS) will collect data on incidents of use of force between any CEO or School Security Employee (SSE) and a student while the CEO/SSE is carrying out their duties.

- 5.6.1. The CEO will complete the appropriate Response to Resistance/Aggression tiered report as enumerated under Section 4 of this policy.
- 5.6.2. The Special Operations Bureau Commander, or designee, will then submit the Maryland Center for School Safety Use of Force form to the Montgomery County Department of Police after each use of force that meets the following criteria:

- 5.6.2.1. The Maryland Center for School Safety Use of Force form applies to CEO's during the normal school day (bell to bell);
- 5.6.2.2. The form does not apply to non-CEO officers/deputies even if they respond to a school for assistance (this would be captured on GPD's RRAR form);
- 5.6.2.3. This form does not apply to after school events (even if it is an CEO);
- 5.6.2.4. Use of Force is defined as Physical force APPLIED to overcome resistance or to stop threat of harm to self or others. This does not include handcuffing in the normal course of a custodial arrest. This definition only applies to the CEO Reporting guidelines described in Section 5.5 of this policy.

6. REVIEWER FINDINGS

Response to Resistance/Aggression Reports are administrative policy reviews of officer response to resistance and/or aggression actions; and only focus on whether the officer actions were necessary and proportional, and followed provisions described in Department policy and training. Each reviewer will determine the facts and circumstances of the response to resistance and/or aggression and make one of the following recommendations:

6.1. Within Policy: The reviewer makes a recommendation that the officer's response to resistance and/or aggression was:

- 6.1.1. Consistent with the Maryland Use of Force Statute ([Md. Code Ann., Pub. Safety \("PS"\) § 3-524\(d\)\(1\)](#));
- 6.1.2. Consistent with the State of Maryland, Office of the Attorney General Opinion of the phrase Necessary and Proportional in the Maryland Use of Force Statute (dated February 25, 2022); and
- 6.1.3. Consistent with provisions described in General Order 600.1 – Response to Resistance/Aggression, General Order 600.5 – Conducted Energy Weapon (CEW) and General Order 609.1 – Canine Use; and
- 6.1.4. Consistent with Department training.

6.2. Not within Policy The reviewer makes a recommendation that the officer's response to resistance and/or aggression was:

- 6.2.1. Not consistent with the Maryland Use of Force Statute ([Md. Code Ann., Pub. Safety \("PS"\) § 3-524\(d\)\(1\)](#));

- 6.2.2. Not consistent with the State of Maryland, Office of the Attorney General Opinion of the phrase Necessary and Proportional in the Maryland Use of Force Statute (dated February 25, 2022); and
- 6.2.3. Not consistent with provisions described in General Order 600.1 – Response to Resistance/Aggression, General Order 600.5 – Conducted Energy Weapon (CEW) and General Order 609.1 – Canine Use; and/or
- 6.2.4. Not consistent with Department training.

6.3. Split Finding

- 6.3.1. In some cases, a split finding may occur in which some of the applications of force are “Within Policy” and some are “Not within Policy.” In these cases:
 - 6.3.1.1. When a “Split Finding” has been checked, the reviewer shall provide articulation to explain which application(s) of force was considered “Within Policy” and “Not within Policy.”

6.4. Corrective Actions

- 6.4.1. Policy Issue – The Administrative Review has identified a flaw or violation in Department policy.
- 6.4.2. Policy Flaw – Reviewer(s) identified a flaw in one or more of the Department’s policies.
- 6.4.3. Policy Violation – The officer’s actions were found not consistent with provisions in General Order 600.1 – Response to Resistance/Aggression – General, General Order 600.5 – Conducted Energy Weapon (CEW) or General Order 609.1 – Canine Use.
- 6.4.4. Training Issue – The administrative policy review has identified a flaw in Department training and/or a need for remedial training.
 - 6.4.4.1. This training will be documented by the RRARC Chairman, or designee
- 6.4.5. A policy or training issue can be identified in any finding (*Within Policy or Not within Policy*).

7. ADMINISTRATIVE ACTION

- 7.1. When any officer’s use of force or action in an official capacity result in a death or serious physical injury, the Department will place the officer on administrative leave, pending a decision by the Chief of Police.

- 7.2. When any officer's use of force or action in an official capacity was, or was alleged to have been, the proximate cause of death or serious physical injury, the officer shall be sent to see a certified psychologist of the City's choosing, and at the City's expense, prior to returning to duty.
- 7.3. A mandatory mental health consultation is required for an officer involved shooting, serious injury to the officer or a use of force resulting in death or serious injury.
- 7.4. Before a police officer returns to full duty, a Law Enforcement Agency shall provide at no cost:
 - 7.4.1. A voluntary mental health consultation and voluntary counseling services to the police officer if the police officer is involved in an incident involving an accident resulting in a fatality;
 - 7.4.2. A mandatory mental health consultation and voluntary counseling services to the police officer if they are involved in an incident involving:
 - 7.4.2.1. Serious injury to the police officer;
 - 7.4.2.2. Officer-involved shooting; or
 - 7.4.2.3. Any use of force resulting in a fatality or serious injury.
- 7.5. A mental health consultation and counseling service provider shall be confidential.
- 7.6. If an officer/employee has been placed on administrative leave, and his or her weapon has been taken as part of the administrative review/internal investigation, the officer must qualify with a replacement weapon prior to returning to full duty. An officer who has been issued a Personal Patrol Vehicle (PPV), and who is on administrative leave, may retain the PPV at the discretion of the Chief of Police.
- 7.7. All other aspects of the PPV Program and vehicle use remain in effect, as outlined in Department directives.

8. TRAINING

- 8.1. The Department shall coordinate and review all response to resistance/aggression policies and training to ensure quality, consistency, and compliance with applicable law and Department policy.
- 8.2. The Department shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough response to resistance/aggression investigations.

