Rockville City Police Department
GENERAL ORDER

Subject RESPONSE TO RESISTANCE AND AGGRESSION		Procedure G.O. # 4 - 1
Authorizing Signature	Effective: 02-29-2012 Revised: 10-18-2016 Revised: 06-12-2020	Total Pages 17

I. PURPOSE

The primary purpose of this General Order is to ensure officers respect the sanctity of life when making decisions regarding use of force. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. The department respects the sanctity of every human life. There are situations when an officer is forced to make the irreversible decision of whether or not to use deadly or non-deadly force. Such a decision can have a powerful and possibly harmful effect on the officer, the department, and the community. This General Order is to provide guidance to aid officers in the exercise of that decision.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

II. POLICY

In accordance with the Rockville City Police Department Mission Statement, it is the sworn duty of every officer to safeguard and protect human life. Members shall treat all persons with respect, dignity, professionalism, and courtesy. If the use of force becomes necessary, members shall only use force proportional to the threat.

It is neither the policy of the department nor the intent of these General Orders that officers unnecessarily or unreasonably endanger themselves or others. This general order establishes guidelines for officers with regard to use of force.

This General Order recognizes constitutional principles, but aspires to guide beyond them. The Fourth Amendment requires that an officer's use of force be "objectively reasonable." *Graham v. Conner*, 490 U.S. 386 (1989). Under this standard, an officer may only use force that a reasonable officer would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions that officers are forced to make under rapidly evolving and often unpredictable circumstances.

Sound judgement and the appropriate exercise of discretion are the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely

replace judgment and discretion with detailed policy provisions. Nonetheless, this General Order is intended to ensure that de-escalation techniques are used whenever feasible, that force is only used when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

A member who observes another member using inappropriate, unnecessary, or unreasonable force shall intervene to stop the use of force when there is a reasonable opportunity to do so. A member who witnesses inappropriate, unnecessary, or unreasonable use of force by another member shall report it as soon as practicable to a supervisor.

III. DEFINITIONS

A. Active Resistance – Occurs when a subject takes action and/or uses evasive movements that attempt to physically counteract or defeat an officer's attempt to detain a subject or place them in custody and take control, and which may create a potential risk of bodily harm to the officer, subject, and/or other persons. Examples include, but are not limited to, pulling away from the officer, breaking the officer's grip and/or control, or fleeing arrest.

B. Deadly Force – Any use of force, which is intended or likely to cause death or substantial risk of death or serious physical injury. In addition to firearms, deadly force includes the use of unarmed techniques, such as a chokehold/neck restraint, or less lethal weapon in a manner, which is intended, or would likely cause death or substantial risk of death or serious physical injury.

C. De-escalation (De-escalation Techniques) – Actions taken by an officer and/or communicated verbally or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least force necessary. De-escalation is also an effort meant to reduce or end the use of force after a threat has diminished.

When reasonable, officers will gather information about the incident, assess the risk, assemble resources, attempt to slow momentum, communicate with the subject, and coordinate a response. Officers should use warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. When feasible, an officer may withdraw to a position that is tactically more secure or allows greater distance in order to consider or deploy a greater variety of force options.

D. Imminent – Likely to happen without delay; impending; threatening.

E. Less Lethal Weapon (Protective Instruments) – Any device authorized by the department and utilized by a police officer, to establish control by means of applying mechanical impact to another individual, (*e.g.* Oleoresin Capsicum (O.C.) spray, electronic control device (ECD), expandable baton *etc.*) Officers should avoid the use of flashlights, radios, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available.

F. Less Lethal Force – Any use of force other than that which is considered deadly force.

G. Objectively Reasonable Force – The level of force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who actually utilized the force. The objective reasonableness of a particular use of force is not analyzed with hindsight but will take into account the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.

H. Passive Resistance – A refusal by an unarmed person to comply with an officer's verbal commands or physical control techniques by non-violent actions. Examples include, but are not limited to, ignoring verbal instructions by failing to respond or move, locking arms, or going limp.

I. Probable Cause – Facts and circumstances that would lead a reasonable person with a police officer's experience and training to believe that a crime has been committed, and a particular individual has committed that crime.

J. Proportionality – Officers shall balance the circumstances known to or perceived by the officer at the time with the severity of the offense committed and the subject's level of resistance. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in serious physical injury or death, the greater the level of force that may be proportional, reasonable, and necessary to encounter it.

K. Scene – The location(s) where force was utilized during an event.

L. Serious Physical Injury – Bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement or results in long term loss or impairment of any bodily member or organ.

IV. USE OF FORCE

A. Police officers are frequently confronted with violence, aggression, and resistance to lawful authority. Officers in such circumstances may be required to use force to overcome that violence, aggression and resistance. This is one of the most critical decisions that officers face in a free society. This General Order provides guidance for officers in such circumstances.

B. Officers will only use what force is objectively reasonable to make an arrest, an investigatory stop/detention or other seizure, in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm or death.

C. Force situations are dynamic and require an officer to continually assess the subject's actions to ensure an objectively reasonable response. Officers may initiate and transition to levels or types of force, including attempts to de-escalate, in relation to the amount of resistance offered by the subject. Circumstances that influence the level of force used by the officer include, but are not limited to the following:

1. The severity of the crime at issue,
2. Whether the subject poses an imminent threat to the safety of the officers or others, and
3. Whether the subject is actively resisting arrest, or the subject is attempting to evade arrest by flight.

D. All officers have a number of force options available to use in those situations where force is objectively reasonable. Examples may include but are not limited to:

1. Subduing or arresting a physically assaultive person.
2. Instances that reasonably threaten the safety of an officer or other person.
3. Stopping a person who is attempting to flee or escape a lawful detention or arrest.
4. When directing, controlling, or escorting resistive or physically uncooperative persons.
5. Other situations where persons who are being placed into custody are non-compliant or resistant to other lawful orders.

E. When it is necessary for officers to exercise physical control of a violent, assaultive, or resisting individual to make an arrest or protect others from harm, they shall:

1. Recognize that their conduct prior to the use of force, including the display of a weapon, may influence the level of force necessary in a given situation;
2. Exercise reasonable care that their actions do not precipitate an unnecessary or disproportionate use of force by placing themselves or others in jeopardy, or by not following policy or training: and
3. Continually evaluate the situation and adjust the use of force appropriately.

V. LEVELS OF FORCE

Whenever feasible, officers should attempt to de-escalate confrontations with the goal of resolving encounters without force. Officers may only use force that is objectively reasonable, necessary, and as a last resort.

An officer may encounter situations that require not only the officer's presence, but some form of verbal or non-verbal communication. This communication may take the form of providing information, giving commands, physical gestures or directions, asking or answering questions, conducting interviews, etc. It may also take the form of issuing specific instructions to individuals or groups, dealing with arguments, verbal assaults, or threats, handling disputes, disagreements, etc. The department recognizes that some situations require the application of force.

A person need not strike or attempt to strike an officer to be considered a physical threat as long as an officer has an objectively reasonable belief (verbal threats, verbal defiance, physical stance, etc.) that the person is physically threatening and has the present ability to harm the officer or another. Examples of actions or observations that may lead an officer to believe that a person is a threat include, but are not limited to, clinched fists, displayed hostility or anger, verbal threats, aggressive stance, non-compliance, and furtive movements, among other things. Under the law, officers are not obligated to retreat when confronted with a threat, however, de-escalation techniques prior to a use of force, when feasible, may reduce or remove the initial threat. The department relies on the officer's judgment and discretion to employ objectively reasonable force under each unique circumstance.

A. There are four levels of response to resistance and aggression. Officers respond as objectively reasonable and necessary. It is acknowledged that higher levels of response may be less injurious than lower levels in specific circumstances.

1. Physical Presence / Verbal Communication – Physical presence and verbal communication skills frequently resolve conflicts.

2. Physical Force – Officers may be required to use unarmed response techniques to overcome resistance or aggression. These techniques may range from control methods to actions that may result in severe injury or death.

3. Protective Instruments - Less lethal weapons may be used to respond to resistance or aggression when unarmed techniques pose a reasonable possibility of injury or death to the officer, suspect or others.

4. Deadly Force – Deadly force includes, but is not limited to, use of a firearm. Deadly force is force that an officer knows or should know creates a substantial risk of causing death or serious bodily injury. Deadly force includes, but is not limited to, firing a firearm in the direction of another person. Depending on the circumstances, deadly force also includes other potentially lethal tactics such as:

a. Applying a chokehold, vascular neck restraint or neck restraint of any kind, which are prohibited unless there are exigent circumstances and deadly force is authorized.
b. The use of a less lethal weapon strike above the shoulders.
c. Deliberate use of vehicle or other tool in a deadly force encounter.

B. Authorized Use of Deadly Force

1. Defense of Self or Another

Officers may use deadly force to defend themselves or another person from what they reasonably perceive is an imminent threat of death or serious physical injury. Deadly force is a measure to be employed only in the most extreme circumstances when de-escalation techniques and/or less-lethal means of force have failed or could not reasonably be employed.

Officers shall, whenever possible, identify themselves as police officers and issue a verbal warning prior to using deadly force, unless such identification and warning would jeopardize their safety or the safety of another person.

The United States Supreme Court has ruled that any use of deadly force must be objectively reasonable. This standard will be applied to all uses of deadly force regardless of whether or not a suspect is fleeing when an officer employs deadly force.

2. Fleeing Felon

a. Officers may use deadly force to apprehend a fleeing felon when they have reasonable cause to believe the suspect fleeing poses an imminent threat of death or serious physical injury to themselves or others, or:

b. Officers may use deadly force to apprehend a fleeing felon when:

(1) There is probable cause to believe the crime committed was a felony of a violent type (one which involved the infliction or threatened infliction of serious physical harm or death), and

(2) There is probable cause to believe the person fleeing committed the crime or the person fleeing escaped while being held in legal custody as a suspect in a felony of a violent type, and

(3) Failure to immediately apprehend the person may place the officer, another law enforcement officer, or the public in imminent danger of death or serious physical injury.

NOTE: The officer's decision to use deadly force against a fleeing felon will be judged by the reasonableness of his/her actions given the facts and circumstances available to the officer at the time the force is employed. It will be judged more so on the circumstances of the immediate situation presented to the officer, than on the type of crime committed. Section III.B.2 above, will be the controlling criterion.

C. Less Lethal Force

1. Less lethal force may be used to respond to resistance or aggression when reasonable in order to effect arrests, to safely make or maintain an investigative detention or seizure, or to protect officers from personal attack, physical resistance, or injury, provided the force applied is reasonable and based upon the immediate circumstances confronting the officer at the time.

2. Less lethal force may include unarmed response options (hands/body), the use of less lethal weapons, or other techniques.

D. Other

1. Discharge of Firearms to Destroy Animals

a. The discharge of firearms to destroy dangerous and/or injured animals (where no other alternatives are reasonably available), to relieve their suffering, is authorized and requires completion of the Use of Deadly Force on Animal Report (RCPD form # 25). Factors taken into account must include backdrop, location, etc.

b. If an officer destroys a dangerous or vicious animal, either domestic or non-domestic, that presents a threat to the safety of the officer or another, an incident report shall be completed in addition to RCPD Form#25. Officers who are confronted by dangerous animals are encouraged to consider the use of non-firearm alternatives, to include an ECD. RCPD Form#25 must also be completed when an officer uses a protective instrument against a dangerous or vicious domestic animal.

2. Exigent Circumstances

The Rockville City Police Department will authorize appropriate firearms and less lethal weapons and provide training in their lawful use. In exigent circumstances, officers are not prohibited from using another object or instrument in order to protect themselves or others as long as the object is used in accordance with the limitations on force contained in this policy.

3. Display of Weapons

   a. No officer shall draw and point a firearm at or in the direction of another person unless there is a reasonable perception of a substantial risk that the situation may escalate to the point where deadly force would be permitted.

   b. Drawing and pointing a firearm at or in the direction of a person is a reportable incident and officers shall notify a supervisor of the event. A Response to Resistance and Aggression Report (RRAR) form shall be completed. (reference section IIV.)

   c. Less than lethal weapons may be drawn whenever officers have reason to fear for their safety or the safety of others.

4. Bystanders

   When discharging a firearm for any reason, officers must exercise reasonable caution in order to avoid unnecessarily endangering the lives of bystanders. When possible, officers should give consideration to shooting background, bystanders, and location.

E. Prohibited Use

1. Warning Shots – The use of warning shots is prohibited.

2. Shots from, or at, Moving Vehicles

   a. Officers are prohibited from intentionally placing themselves in the path of a moving vehicle where an officer's use of deadly force would be the probable outcome. When confronted by an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.

   b. Shots fired at or from a moving vehicle are prohibited unless the circumstances would authorize the use of deadly force. For purposes of this order, a moving vehicle is not considered deadly force except when it is reasonable to believe that the moving vehicle is being used to conduct a vehicle ramming attack or fatally or seriously injure a person. Shots fired at or from moving vehicles, present a potential danger to innocent persons, and are usually ineffective. They cannot be depended upon with any degree of certainty.

F. Medical Assistance

1. Officers and supervisors will be required to obtain medical treatment as soon as practical for individuals:

   a. Who show signs of any injury as a result of any response to resistance and aggression.

   b. Who complain of any injury as a result of any response to resistance and aggression.

   c. Who become unconscious or exhibits reduced consciousness either during or following any response to resistance and aggression.

   d. When a subject exhibits or complains of trouble breathing.

   e. When the officer or supervisor reasonably believes an individual is in need of medical treatment as a result of any response to resistance and aggression.

   f. Who show obvious signs that chemical restraint may be necessary. Officers must specifically request an Advanced Life Support ("ALS") unit. ALS units carry medication such as Haldol or Ketamine which can assist in treating individuals suffering from excited or agitated delirium.

   g. Who have been exposed to an Electronic Control Device, "ECD" (Montgomery County Fire Rescue Service (MCFRS) ambulance medical treatment is an appropriate level of care: no hospital/emergency medical center visit is required.)

2. Medical treatment will be provided immediately or as soon as practical and will not be refused for any individual who requests it. For the purposes of this General Order, medical treatment may be performed by responding (MCFRS), emergency medical personnel at the scene of the incident, or by hospital personnel. Once on the scene, MCFRS personnel will advise police personnel of the need for further medical care beyond that provided at the scene.

3. Individuals exposed to OC spray usually display predictable reactions. Officers certified in OC spray and are trained to recognize these reactions may provide field remediation of OC in accordance with their training. Unless other circumstances require, individuals exposed to OC spray will not require medical treatment.

4. If safety circumstances reasonably dictate moving the subject to another location, officers may have emergency medical personnel meet the officers at a nearby location to assess the subject and render aid.

VI. CUSTODIAL RESPONSIBILITIES

A. Important considerations

Officers must be mindful of certain indicators and/or conditions when detaining or arresting a person. The following conditions and/or indicators may potentially contribute to sudden unexpected death. Following extreme physical exertion and/or restraint;

1. Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora, hostility, exceptional strength, and endurance without fatigue.
2. Alcohol or drug use/abuse
3. Obesity
4. Display of erratic/psychotic behavior
5. Incoherent speech
6. State of agitation
7. Subject intentionally injuring themselves
8. Subject disrobing or naked

Officers must recognize these factors and closely monitor a subject in custody in the aftermath of a struggle when one or more of the above indicators are present and the scene is secure.

B. Officers must take appropriate measures so that the individual being transported is able to breathe without restriction and if possible should lay the subject on their side or seated in an upright position. Officers are prohibited from transporting subjects in a face-down position, as transporting subjects in a face down position has a high likelihood of causing positional asphyxia Additionally, officers should avoid transporting a person in a position which places pressure on the ECD probes.

C. Medical Emergencies

Officers must immediately summon emergency medical assistance if the subject exhibits or complains of trouble breathing, becomes unresponsive, exhibits a reduced level of consciousness, or, if in the officer's opinion, the subject requires evaluation or medical treatment.

VII. RESPONSE TO RESISTANCE AND AGGRESSION REPORTING REQUIREMENTS

A. The Response to Resistance and Aggression Report (RRAR) will be completed by each officer actively involved any time force is used, which:

1. Results in an injury or death to an individual.

2. Where the individual claims that he/she is injured as a result of the amount of force used.

3. Where force is applied by the use of a less lethal weapon.

4. Where any physical force is applied to the extent it is likely to cause or lead to unforeseen injury, claim of injury or allegations of excessive force.

5. Whenever a firearm is discharged other than authorized target practice.

6. Drawing and pointing a firearm at or in the direction of a person.

7. Anytime force is used to counteract a physical struggle.

8. Whenever a department canine inflicts injury on any subject or suspect in conjunction with a canine deployment

9. Anytime an officer is assaulted or ambushed.

NOTE: A Response to Resistance and Aggression Report is not needed in those instances of accidental firearm discharges.

B. The form will be completed no later than the end of the shift on which the response to resistance and aggression occurred, and forwarded to the Chief of Police, via the chain of command. This form will be also be used to evaluate the response to resistance and aggression department wide.

C. If the submission of the RRAR will take longer than the required time frame, the Bureau Commander will be notified of the delay and the reason for the delay. The Bureau Commander or Bureau Commander's designee will determine a due date for submission of the RRAR.

D. The Chief of Police will designate a Senior Police Official to conduct an annual documented analysis of its use of force activities, policies and practices with the assistance of the Department's response to resistance instructors. The Senior Police Official will report the analysis and the results to the Chief of Police.

VIII. RESPONSIBILITIES

A. Officer

1. Officers will report immediately to their supervisor any use of force.

2. Officers will report any firearm discharge (except for any authorized range practice).

3. Officers will notify the on-duty shift supervisor of any accidental discharge that does not result in an injury or death. The shift supervisor will notify the on-duty or on-call watch commander who will initiate the appropriate investigation as outlined in General Order # 2- 6 PERSONNEL AND ADMINISTRATIVE COMPLAINTS.

4. Officers will complete or provide information for the completion of event reports, charging documents, and the Response to Resistance and Aggression Report. An event report MUST be completed prior to the end of the shift whenever a Response to Resistance and Aggression report is completed.

5. Officers will complete any other reporting requirements.

6. Off-duty officers involved in a reportable use of force incident will immediately report the event to the on-duty supervisor. The on-duty supervisor will make a notification to the on-duty or on-call watch commander who will initiate the appropriate investigation as outlined in General Order # 2- 6 PERSONNEL AND ADMINISTRATIVE COMPLAINTS.

B. Shift Supervisor

1. Review for completeness the Response to Resistance and Aggression Report submitted by the officer.

2. Complete the Supervisor's Section.

3. Forward Response to Resistance and Aggression Report to their respective Bureau Commander for assignment to an appropriate certified instructor in the discipline of force that was used, prior to the end of the tour of duty on the day on which it is received.

4. Immediately notify the on duty/on call Senior Police Official of all firearm discharges by employees except for authorized range practice or for the purpose of destroying animals. This includes all intentional and accidental firearm discharges, regardless of whether the involved employee is on duty or off duty.

5. Submit the original event report for discharge of a firearm. The investigator assigned the follow-up investigation will file any supplemental report(s).

6. Ensure that officers fulfill all event-reporting procedures as outlined in the Field Reporting Manual and this General Order by the end of the shift.

7. Complete the Response to Resistance and Aggression Report and ensure an event report is completed if the officer is unable to complete.

8. On-duty supervisors will ensure that off-duty officers involved in reportable use of force events fulfill the requirements of section VI.A. and B. of this General Order.

C. Certified Instructor's Review

1. Once assigned by a Watch Commander, this will be completed by a certified instructor in the discipline of force that was used.

2. Review for completeness the Response to Resistance and Aggression Report submitted.

3. Review for appropriate use of force.

4. Complete the certified instructor's section.

5. Forward Response to Resistance and Aggression Report to the appropriate Bureau Commander by the end of the tour of duty on which it was received.

D. Watch Commander

1. Review for completeness the Response to Resistance and Aggression Report submitted.

2. Review the comments of the supervisor and certified instructor.

3. Initial in the appropriate box and complete the comment section.

4. Forward Response to Resistance and Aggression Report to the Bureau Commander as soon as practical.

E. Bureau Commander

1. Review for completeness the Response to Resistance and Aggression Report submitted.

2. Review the comments of the supervisor and certified instructor.

3. Initial in the appropriate box and complete the comment section.

4. Forward Response to Resistance and Aggression Report to the Deputy Chief of Police as soon as practical.

F. Deputy Chief of Police

1. Review for completeness the Response to Resistance and Aggression Report submitted.

2. Review the comments of the supervisor, certified instructor, and Bureau Commander.

3. Forward to the Chief of Police

G. Chief of Police

1. Review for completeness the Response to Resistance and Aggression Report submitted.

2. Review the comments of the supervisor, certified instructor, and Bureau Commander.

3. Initial in the appropriate box and complete the comment section.

H. Investigations of Officer-Involved Shootings and Other High-Level Response to Resistance and Aggression

1. The on duty/on call Senior Police Official will be immediately notified of any officer involved shooting or other response to resistance and aggression, which results in death or serious injury. The Senior Police Official will ensure that the Chief of Police is notified in a timely manner.

2. The Chief of Police will assign an officer to conduct a complete investigation into the incident. The investigating officer will provide a written report and determine whether the response to resistance and aggression was within Rockville Police Department Policy.

3. If an officer's service weapon is taken as evidence, the supervisor will ensure that the officer is provided with a replacement weapon before the end of the tour of duty. The replacement weapon will not be provided if the supervisor reasonably believes that the officer is too mentally distraught to possess a firearm or if criminal charges against the officer are anticipated.

4. Requirements for range qualifications with the replacement sidearm will be temporarily waived until a firearm instructor can schedule a qualification session.

5. The Department will assign a liaison officer to assist an outside agency conducting an investigation into the response to resistance and aggression by a Rockville City Police Officer. Unless refused by the involved officer, the liaison will be present during any interview or interrogation of a Rockville City Police Officer.

IX. DEPARTMENTAL SHOOTING/FATAL USE OF FORCE INVESTIGATION PROCESS

A. The department fatal use of force/shooting investigation process will be used to investigate EVERY incident of a firearm discharge, other than authorized target practice and destroying injured or dangerous animals and any incident involving a fatal use of force.

Shift Supervisor Responsibility:

a. A supervisor will be dispatched to the scene of the incident and will assume responsibility for caring for the involved personnel. The supervisor will secure the scene until relieved by investigative personnel or a higher-ranking authority.

b. The supervisor will make appropriate arrangements for all necessary medical treatment.

c. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer shall be taken to a quiet area away from the scene of the incident.

d. The supervisor should briefly meet with the involved officer(s) and preliminary questions should be asked about the incident, but in a minimal capacity. A walk through of the incident may be conducive to understanding how the incident transpired.

e. The officers should be advised that a more detailed debriefing would be conducted at a later time.

f. The supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and to be taken directly to a quiet secure setting at the police station where they will be turned over to an investigator from the Criminal Investigation Unit.

g. The senior ranking officer on the scene may wish to contact ECC to activate the County Police Peer Support Team.

2. Whenever a firearm is used in the performance of duty, the incident will be investigated by the Criminal Investigations Unit. The Criminal Investigations Unit will conduct a complete investigation and report the findings directly to the Chief of Police. It shall be the duty of the Criminal Investigations Unit to notify the State's Attorney's Office as soon as possible.

3. If the incident results in the death of a subject, a City investigator shall be assigned to work with the MCPD Homicide Section.

4. When a police officer discharges a weapon, the officer shall be temporarily assigned to duty within the confines of the police building. The officer shall remain on this

assignment until the Criminal Investigations Unit, and any other organization authorized to investigate the incident (State's Attorney's Office, Attorney General's Office, Montgomery County Police Department, Federal Bureau of Investigation, or the appropriate courts) completes their investigation.

5. When a police officer discharges a weapon and a person is either injured or killed, that officer(s) will complete his preliminary report of the incident and then be directly placed on "Administrative Leave." The senior ranking officer on the scene will complete the preliminary report if the officer is unable to complete the report.

   a. This leave shall be without loss of pay or benefits, pending the outcome of the investigation by the State's Attorney's Office.

   b. The assignment to Administrative Leave shall not be a presumption that the officer has acted improperly.

   c. While on Administrative Leave, the officer shall remain available at all times for official departmental interviews and statements regarding the shooting incident and shall be subject to recall to duty at any time.

6. All press releases relative to the incident will only be made by the City of Rockville Public Information Officer or the Chief of Police. The Chief of Police must first approve these releases.

7. The Officer's Bureau Commander will ensure that the following guidelines are followed:

   a. In all cases where an officer fires on or exchanges gunfire or any person is injured or killed as a result of a firearm discharge by a police officer, that officer will be required to meet with a Department-furnished psychologist within five days of the incident. The session will remain protected by the privileged Professional Psychologist Code of Ethics.

   b. In all cases where any person has been injured or killed, as a result of a firearm discharge by a police officer, the involved officer and his family will have available to them services provided by the Employee Assistance Program. The consultation sessions will remain protected by the privileged relationship.

   c. In all cases where an officer fires or exchanges gun fire, or any person is injured or killed as a result of a firearm discharge by a police officer, the involved officer will be required to re-qualify with his weapon prior to returning to on-duty status. A certified firearms training instructor shall conduct the re-qualification.

X. TEMPORARY REMOVAL FROM DUTY

A. Any employee, whose actions or response to resistance and aggression in an official capacity results in death or serious injury, will be placed on Administrative Leave with pay, pending review by the Chief of Police. This is not punitive in nature; it is intended to allow the Department to complete its investigation into the incident and to allow the employee to recover from the event.

B. An employee involved in a high-level response to resistance and aggression will be afforded the services of a psychologist or psychiatrist while the incident is under investigation.

C. The Rockville City Police Department supports the Montgomery County Police Departments Peer Support Unit. Selected Rockville City officers are assigned to the unit in a decentralized capacity and remain available to provide necessary support to all personnel within the agency. Anyone needing the services of the Peer Support Unit must contact the Emergency Communications Center for activation.

XI. DISCLAIMER

1. This General Order is for departmental use only and does not apply in any criminal or civil proceedings. This Department policy should not be construed as creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions.