



City of Frederick
Frederick, Maryland

Frederick Police Department



Professional Services Division 2018 Use of Force Annual Report

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Frederick, Maryland 21701

Michael O'Connor, Mayor

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Introduction:

The Professional Services Division (PSD) Annual Report is part of a continuing effort to educate the citizens of Frederick in the operations of their police department.

In 2018, 161 incidents involving force met reporting requirements as mandated by the Frederick Police Department's General Order 705. Of those 161 reported incidents, force was used to apprehend or control 175 individuals

The 175 individuals who had force used against them in 2018 can further be broken down to Criminal and Non-Criminal incidents. A total of 145 individuals were criminal subjects, and the remaining 30 subjects were due to a non-criminal petition for an emergency evaluation.

Staff:

Lieutenant Sean Carr, Commander
Sergeant Matt Carrado, Internal Affairs Unit Supervisor
Janine Campbell, Internal Affairs Unit Administrative Assistant

Use of Force Reporting:

The Frederick Police Department's (FPD) use of force reporting requirements are detailed in General Order 705, entitled "Use of Force", which can be viewed [online](#). This General Order is reviewed annually in March by the PSD Commander, and complies with the Maryland Police and Correctional Training Commission (MPCTC) standards. With few exceptions, force is required to be reported if an officer:

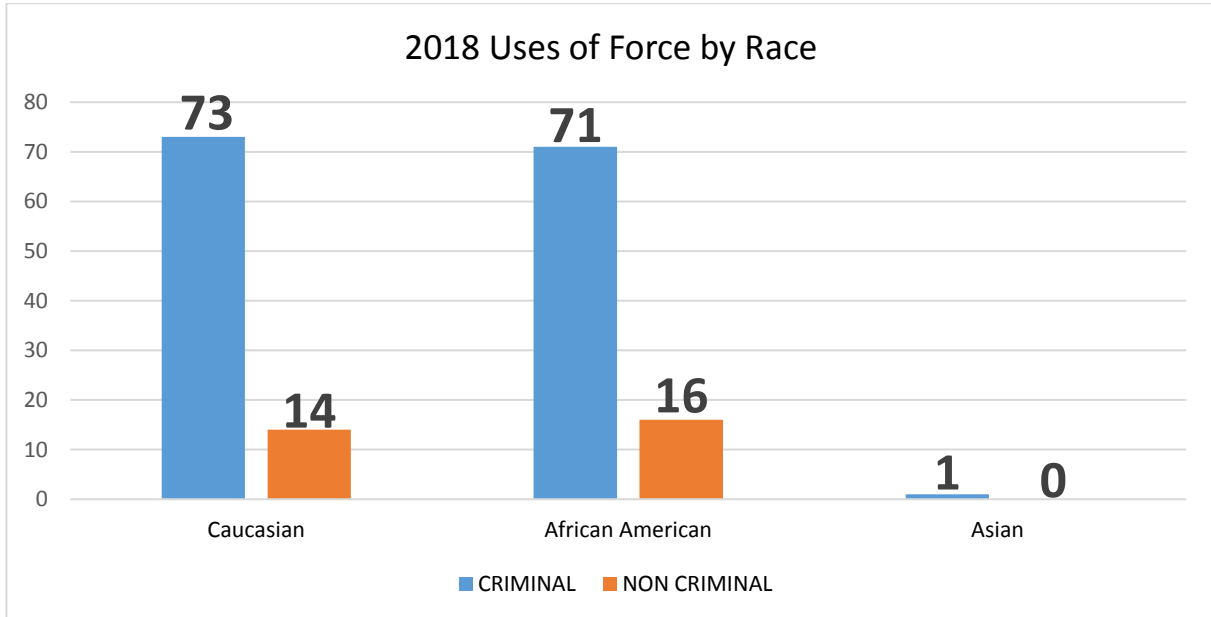
- Uses any empty-hand control technique that does not cause injury or complaint of injury to the officer or the subject the force is applied to and does not result in medical treatment for subject or officer;
- Points a firearm or a CEW at any person;
- Uses any force which causes any visible or apparent physical injury or complaint of injury, or which results in medical treatment for the individual or the officer;
- Uses O.C. Spray or any other chemical agent;
- Uses any object, including but not limited to, a baton, hand, fist, or foot, to strike or attempt to strike a blow to a subject;
- Uses a baton in any manner to control a resistant subject - this includes strikes and blocks as well as control holds utilizing the baton;
- Uses a conducted electrical weapon ("CEW", a Taser®);
- Utilizes a canine for a physical apprehension;
- Uses force in such a way as to cause a subject to suffer a blow to the head, even if that blow to the head is accidental;
- Uses force during or after which a subject loses consciousness; or
- Discharges a firearm under circumstances that require a use of force report per General Order 720, "Deadly Force Guidelines," i.e., discharge of a firearm at an individual regardless of whether the person is actually struck.

Additionally, in most cases, an officer who uses force must notify his supervisor as soon as possible. The supervisor is responsible for an initial inquiry to gather the facts regarding the use of force. The review process for a use of force incident requires the officer's first-line Supervisor, Division Commander, and Bureau Commander to review the circumstances of the incident and the type of force used to determine if its application was appropriate or inappropriate.

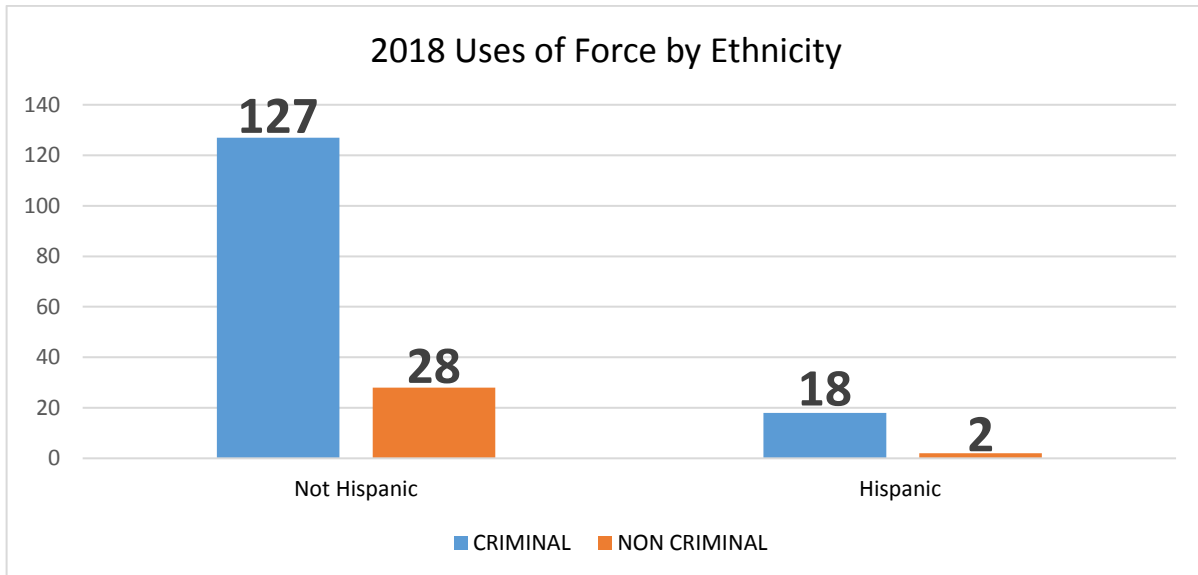
The Chief of Police reviews use of force reports involving the use of CEWs, batons, firearms, canine bites, and any incident in which any person incurs a serious physical injury. The Chief may, at his discretion, review any other use of force report. This stringent review process—which occurs whether or not the affected citizen makes a complaint—demonstrates the Department's commitment to fair and equal treatment for all citizens, as well as commitment to our policies.

Persons Subjected to Force by Race/Ethnicity:

The below chart captures an accurate representation of the race of individuals whom the Frederick Police Department used force on in 2018.



The below chart captures an accurate representation of the ethnicity of individuals whom the Frederick Police Department used force on in 2018.

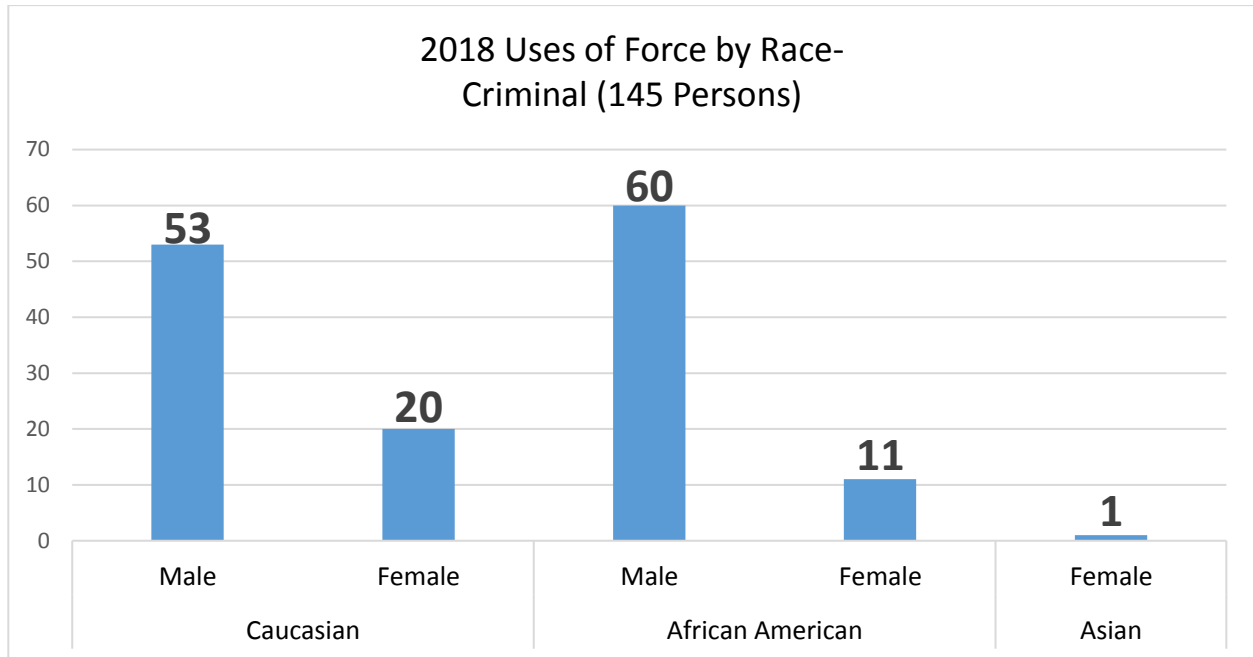


Criminal Incidents Involving Force:

Criminal individuals involving force	145
Total arrests	5,109
Total calls for service*	104,811

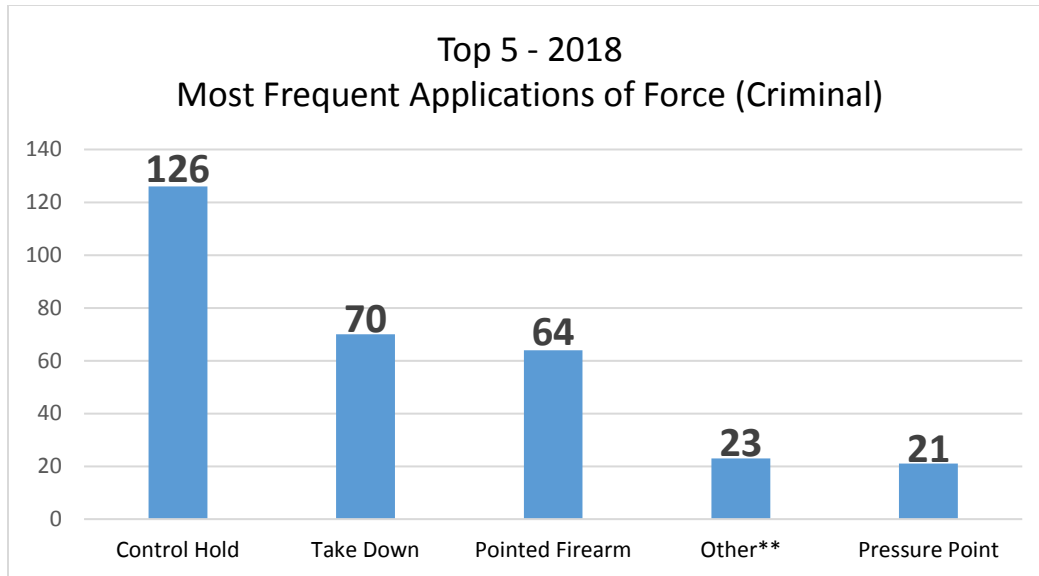
*This number reflects clean data after the elimination of duplicate or cancelled calls for service.

The chart below breaks down the race, gender, and ethnicity of persons in regards to criminal uses of force. In 2018, there were a total of 175 people who sustained a use of force. Of the 175 persons, 145 were criminal subjects.



Applications of Force Techniques during Criminal Incidents:

The chart on the next page illustrates all applications* of force by officers that have been broken down by highest frequency for criminal incidents. This chart is different from the number of force incidents in the fact that it tabulates the use of force by each officer involved in the incident. The majority of the uses of force fall within the definition of empty hand control (Control hold, Takedown, Pressure Point), which demonstrates the Frederick Police Department’s commitment to utilizing de-escalation techniques and ensuring sufficient manpower for a proper and safe response.

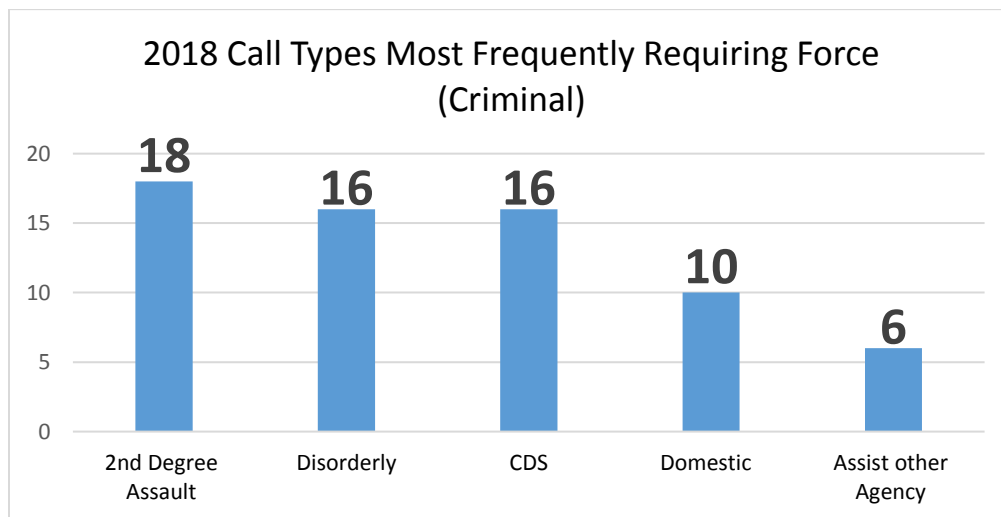


*Occasionally, officers apply more than one type (or application) of force to a subject. For example: if an officer were to conduct a takedown followed by a control hold, this would be considered two “applications” of force. Similarly, an officer who point a firearm at four subjects in a vehicle during a felony traffic stop would have had four “applications” of force.

**It should be noted that the “other” category entails applications of force not captured in the remaining categories. These include: pushes to separate people, removing a subject from a vehicle, physical holding of someone down while in custody to prevent further injury to the subject/officer and application of spit shields to prevent exposure to bodily fluids.

Call Types for Criminal Incidents:

The below chart illustrates the call types that most frequently necessitated the application of force by officers. These calls for service frequently involve unstable, emotional and/or combative subjects.



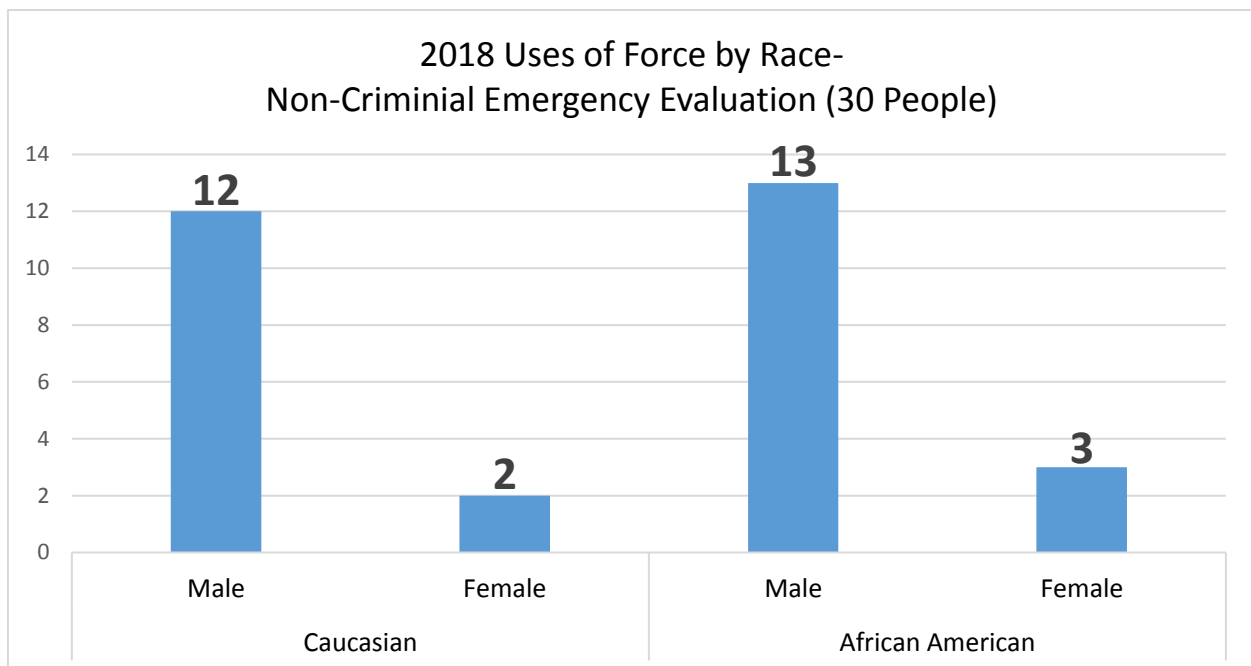
Non-Criminal Incidents Involving Force:

Non-Criminal (a petition for an emergency evaluation) individuals involving force*	30
Total Petitions for an Emergency Evaluation**	877

*Two subjects were involved in six (6) incidents.

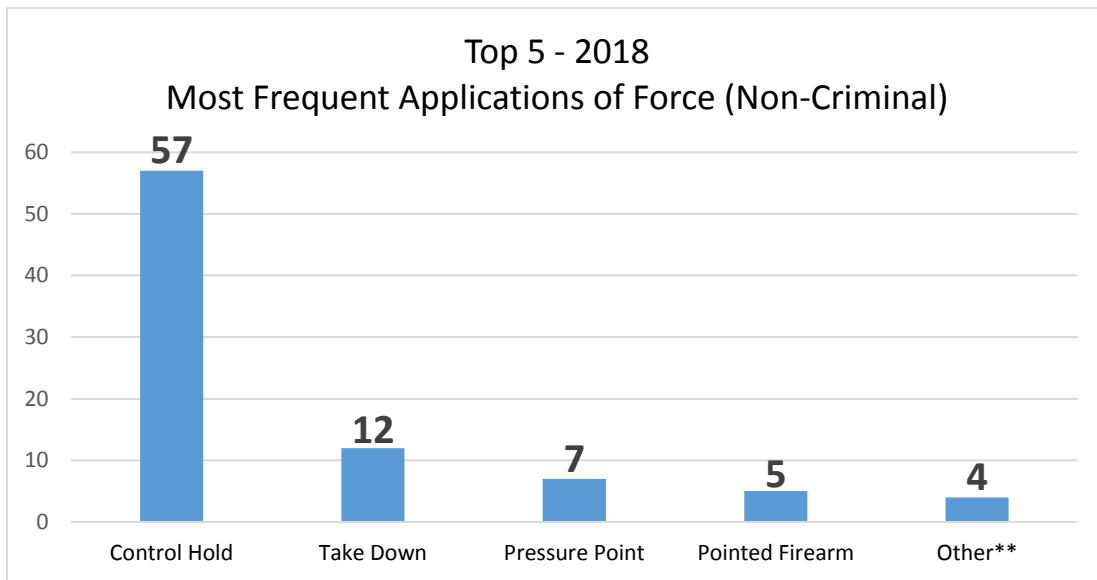
**A petition for an emergency evaluation of an individual may be made under Maryland Health – General Section 10-622 only if the petitioner has reason to believe that the individual: (1) has a mental disorder, and the individual presents a danger to the life and safety of the individual or of other.

The chart below breaks down the race, gender, and ethnicity of persons in regards to non-criminal uses of force. In 2018, there were a total of 175 people who sustained a use of force. Of the 175 persons, 30 subjects were due to a (non-criminal) emergency petition.



Applications of Force Techniques during Non-Criminal Incidents:

The below chart illustrates all applications* of force by officers that have been broken down by highest frequency for non-criminal incidents.



*Occasionally, officers apply more than one type (or application) of force to a subject. For example: if an officer were to conduct a takedown followed by a control hold, this would be considered two “applications” of force. The above chart only captures the highest used of force that an officer used.

**It should be noted that the “other” category entails applications of force not captured in the remaining categories. These include: pushes to separate people, removing a subject from a vehicle, physical holding of someone down while in custody to prevent further injury to the subject/officer and application of spit shields to prevent exposure to bodily fluids.

Summary:

- In the review of the 2018 use of force data, no troubling trends have been noted based on any particular characteristic of race, sex, or ethnicity.
- Of all the calls officers responded to, 4 UOF resulted in a complaint for excessive force, 3 external, 1 internally generated. Of the 4 complaints, one received a sustained finding, for violation of department policy.
- An officer who uses force must notify his supervisor as soon as possible. The supervisor is responsible for an initial inquiry to gather the facts regarding the use of force. The review process for a use of force incident requires the officer's first-line Supervisor, Division Commander, and Bureau Commander to review the circumstances of the incident and the type of force used to determine if its application was appropriate or inappropriate.
- The Chief of Police reviews use of force reports involving the use of CEWs, batons, firearms, canine bites, and any incident in which any person incurs a serious physical injury. The Chief may, in his discretion, review any other use of force report. This stringent review process—which occurs whether or not the affected citizen makes a complaint—demonstrates the Department's commitment to fair and equal treatment for all citizens, as well as commitment to our policies.
- A review of the Frederick Police Department's reporting system revealed that there were 57 assaults on police officers in 2018. These incidents resulting in 20 injuries to officers. By contrast, these same incidents resulted in 13 injuries to suspects during the same incidents.
- In 2018, there were 0 injuries to suspects and officers that resulted in hospitalization/extended care.

Glossary:

APPROPRIATE FORCE: The amount of force which a reasonable, trained law enforcement officer would apply or determine to be permissible to apply in a given situation in order to obtain compliance from a resistant individual, using established departmental and/or judicially accepted standards. Appropriate Force must be commensurate with the actual or potential threat posed based upon the articulable facts of a given situation, in keeping with the policies and procedures of the Department, and recognized by the courts as reasonable.

ARREST (CUSTODIAL): Confinement or detention by police or government authorities during which a person is entitled to certain warnings as to his rights when questioned

COMPLAINT: Any report, allegation, accusation or statement in which an individual describes a problem or dissatisfaction with the behavior or performance of any departmental employee or departmental policy/procedure.

COMPLAINT FINDINGS (DISPOSITION): The official result of the Department's inquiry or investigation into a Complaint that will determine whether or not any administrative and/or disciplinary action will be considered.

- **EXONERATED:** The incident complained about did occur but was justified, legal, and proper.
- **NOT SUSTAINED:** There is not sufficient evidence to support the allegation(s).
- **SUSTAINED:** The allegation is supported by sufficient evidence or there is sufficient evidence to show misconduct not based on the original Complaint.
- **UNFOUNDED:** The investigation has determined no facts to support that the incident complained about actually occurred.
- **ADMINISTRATIVELY CLOSED:** The Department has deemed it inappropriate or unnecessary to proceed with further investigation or disciplinary proceedings.

DEADLY FORCE: Physical force which, by its application, causes death or has a high probability of causing death or serious physical injury.

DE-ESCALATION: Pre-Incident: Taking action or communicating during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat faced by the officer so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. Examples of pre-incident de-escalation actions include, but are not limited to: tactical use of cover, use of tactical verbal communication strategies, etc. Post-Incident: Taking action to communicate and professionally stabilize a situation after a use of force. Examples of post-incident de-escalation actions include, but are not limited to: placing the person on which force was used into a recovery position, maintaining an open airway, establishing a professional rapport, application of immediate life-saving first aid techniques when it is safe to do so, immediate summoning emergency medical personnel (if necessary), etc.

EMPTY-HAND CONTROL: Any weaponless control or technique performed with empty or open hands, such as control holds, joint locks and manipulation, pressure points, take downs and the intentional moving (pushing) of an uncooperative person, as well as instinctive weaponless control techniques used to gain control of a resistant subject. **Empty-hand control does not include any strikes or active use of personal weapons (feet, fists, elbows, knees, etc.) or the mere application of handcuffs.**

EXCESSIVE FORCE: Physical force that is grossly disproportionate to the actual or potential threat posed by an individual, and exceeds the amount of force that a reasonable, trained police officer would deem permissible to apply in a given situation. The application of excessive force either causes or may potentially cause injury to an individual.

FORCE: The amount of effort used by a police officer to gain compliance from a subject while acting in his official capacity, whether on or off duty. This definition includes both physical force and "constructive force" (presence, commands, pointing a firearm, etc.).

INAPPROPRIATE FORCE: A higher level of force than a reasonable, trained police officer would utilize or deem permissible to apply in a given situation using established departmental and/or judicially accepted standards.

INTERNAL INVESTIGATION: The administrative investigation of a Complaint by the Department.

LIGHT-HANDED CONTROL: Any minimal physical hand contact used by an officer to guide, direct or steer an individual in a given direction.

NON-DEADLY FORCE: Physical force which, by its application, is not intended to cause and/or has a low probability of causing death or serious physical injury.

PASSIVE RESISTANCE: Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect. Actions such as remaining limp or simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.

SERIOUS PHYSICAL INJURY: An injury that causes major disfigurement, severe tissue damage, broken bones, internal organ injury, or permanent paralysis.