



INDEPENDENT INVESTIGATIONS DIVISION

Report Concerning the Police-Involved Shooting Death in
Prince George's County on September 19, 2022

March 9, 2023

**Report of the Independent Investigations Division of the Maryland Office of
the Attorney General Concerning the Officer-Involved Death of Bryan
James Coupal on September 19, 2022**

Pursuant to Md. Code, State Gov't § 6-602, the Office of the Attorney General's Independent Investigations Division (the "IID") provides this report to Prince George's County State's Attorney Aisha Braveboy regarding the police-involved shooting death of Bryan James Coupal.

The IID is charged with "investigat[ing] all police-involved incidents that result in the death of a civilian or injuries that are likely to result in the death of a civilian" and "[w]ithin 15 days after completing an investigation ... transmit[ing] a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter." Md. Code, State Gov't § 6-602(c)(1), (e)(1). The IID completed its investigation on March 8, 2023. This report is being provided to State's Attorney Braveboy on March 9, 2023.

I. Introduction

On September 19, 2022, at 3:48 p.m., officers with the Riverdale Park Police Department responded to a home in the 4700 block of Oglethorpe Street in Riverdale Park for the report of a suicidal man who had access to firearms. The man was later identified as Bryan James Coupal. Officers had received two separate calls that day from civilians concerned with Mr. Coupal's welfare. Officers were unable to locate Mr. Coupal following the first call, but four officers located him at home following the second call.

Once officers found Mr. Coupal at home, they spoke with him for roughly 20 minutes at the front door of his residence. During their conversation, Mr. Coupal admitted to having guns inside his house. While Officer Sunday was speaking with Mr. Coupal, he sat down on the steps immediately inside the doorway of the home. At 4:23 p.m., Mr. Coupal retreated inside his house and walked into an upstairs bedroom. Officer Chad Sunday gave Mr. Coupal repeated commands to stay downstairs, but he did not comply. Once inside the bedroom, Mr. Coupal picked up a gun and pointed it at Officer Sunday but did not fire. Officer Sunday fired his gun five times, striking Mr. Coupal twice. Officers immediately performed CPR and used an automated external defibrillator until medical personnel arrived. Mr. Coupal was taken to an area hospital, where he was pronounced dead. No officers were injured.

This report includes an analysis of Maryland statutes that could be relevant in a shooting of this nature. The IID considered the elements of each possible criminal charge, the relevant departmental policies, and Maryland case law to assess whether any charge could be supported by the facts of this incident. Because the Prince George's County State's Attorney's Office—not the Attorney General's Office—retains prosecution authority in this case, this report does not make any recommendations as to whether any individuals should or should not be charged.

II. Factual Findings

The following findings are based on a review of body-worn camera video, radio transmissions, analysis from the Office of the Chief Medical Examiner, and interviews with civilian and law enforcement witnesses. All materials reviewed in this investigation are being provided to the Prince George's County State's Attorney's Office with this report and are listed in Appendix A.

The four officers present on scene all had their body-worn cameras activated during their interactions with Mr. Coupal. Unless otherwise noted, the factual analysis provided in this report is based on a review of the body-worn camera footage.

A. First Call for Welfare Check and Response

At 12:57 p.m. on September 19, 2022, Prince George's County Police received a call from the office of Dr. [REDACTED] at Riverside Medical Associates. The 911 caller, who only identified herself as [REDACTED] reported that Mr. Coupal had just left the office after dropping off a suicide note and two books. Dr. [REDACTED] read the note, that was found in one of the books, and ordered her to call the police to check on Mr. Coupal's welfare.

Dr. [REDACTED] was interviewed by IID investigators and said that Mr. Coupal had left numerous letters at her office in the past. She would read each letter thoroughly in case they contained statements reflecting a desire to harm himself or others. This is the first time one of Mr. Coupal's

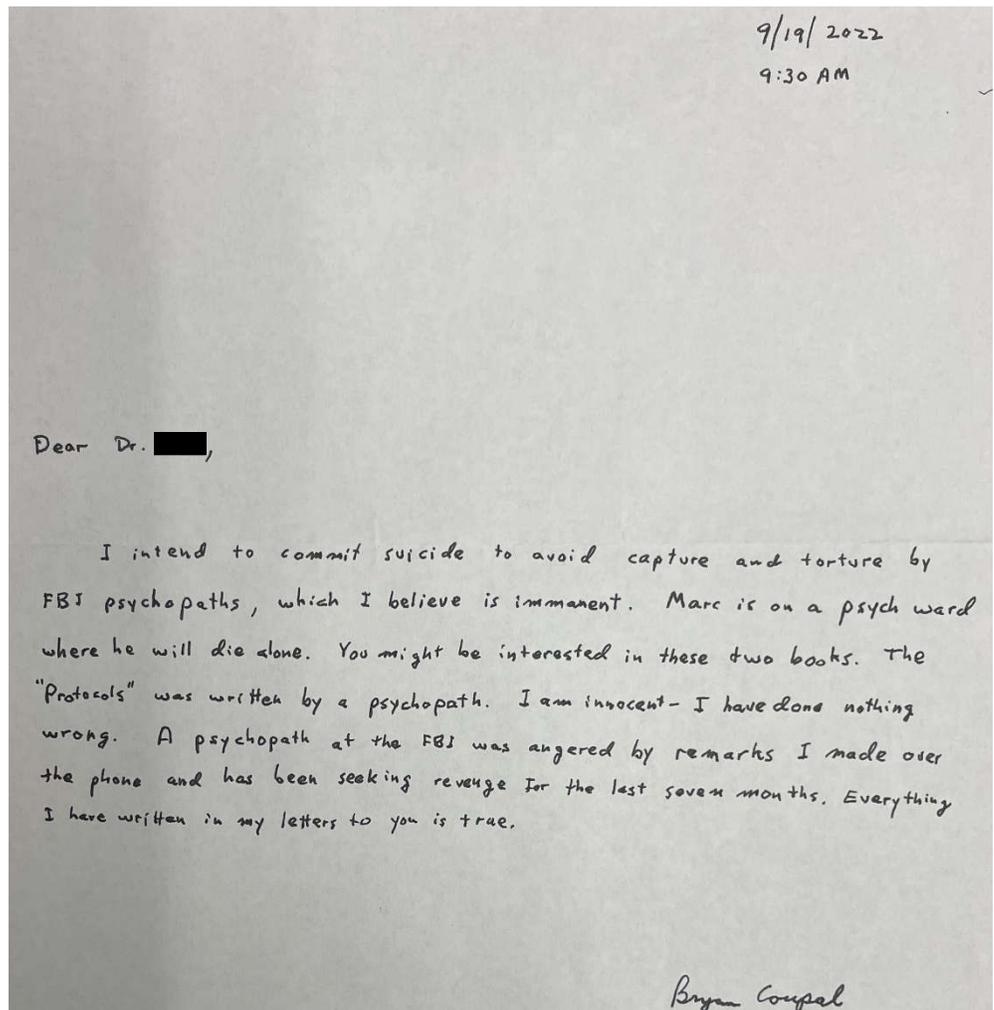


Image 1. Note recovered from Dr. [REDACTED] office after the shooting, the contents of which were read to officers over the phone by office staff. The "Marc" referenced in the note is Mr. Coupal's brother.

letters contemplated suicide.

Riverdale Park Police Officers Chad Sunday and Louis Speight were dispatched to Mr. Coupal's residence for a welfare check and arrived at 1:18 p.m. They knocked on his front door but received no response. Officer Sunday walked around the residence but did not find Mr. Coupal. Officer Speight told the dispatch officer that he spoke to a neighbor, who confirmed that Mr. Coupal was not home and had left earlier that morning.¹

When interviewed, Dr. █████ indicated that between 1 and 2 p.m., Officer Speight notified her that Mr. Coupal was not home. Dr. █████ remembered having a discussion with Officer Speight as to what additional steps could be taken to ensure Mr. Coupal's physical well-being, including potentially filing an emergency petition.² She further recalled reading out Mr. Coupal's suicide note to Officer Speight over the phone. The officers stopped searching for Mr. Coupal at approximately 2 p.m.

B. Second Call for Welfare Check and Response

At 3:48 p.m., Riverdale Park Police Department received a second call to check on Mr. Coupal's welfare, this time from █████ a friend of Mr. Coupal's since 1986. Ms. █████ said that Mr. Coupal had come to visit her that afternoon to "say his final goodbyes". She said that Mr. Coupal was "severely depressed," believed that "the FBI was coming to torture him, and planned to commit suicide" that evening. Ms. █████ told 911 that she was at █████ and Mr. Coupal had left approximately five minutes prior. She further said that Mr. Coupal told her that he planned to drop his cat off at Lin Animal Hospital with some money so they would take care of it. Ms. █████ said that she was very scared.

The 911 dispatcher followed up with Ms. █████ to obtain additional information, and she told him that Mr. Coupal owned a gun. Ms. █████ further detailed numerous statements that Mr. Coupal had made reflecting his paranoia that the FBI was out to get him, "armed gangs" would invade the supermarkets, and "he sees these psychopaths all the time." Ms. █████ also informed the dispatcher that Mr. Coupal had told her about a helicopter circling his home several nights prior and he believed "they" were coming to get him.

Officers Sunday, Speight, Walter Bustamante, and Felix Martinez-Sanchez were dispatched to once again search for Mr. Coupal at his house. The officers were aware that there had been prior calls for service to the residence and that Mr. Coupal's brother suffered from mental illness, but none of the officers had prior dealings with Mr. Coupal. Officer Speight was the first officer on scene and discovered that a silver truck, which was later identified as Mr. Coupal's vehicle, was now in the driveway. Officer Speight requested that the dispatch officer

¹ This information was obtained from departmental radio transmissions. Officer Speight did not have his body-worn camera activated during this time. Pursuant to the Portable Audio/Video Recorders Policy of the Riverdale Park Police Department, an officer is only required to do so "any time the [officer] believes it would be appropriate or valuable to record an incident."

² An emergency petition is a process by which an individual who "[p]resents a danger to the life or safety of the individual or of others" is taken into custody in order to receive psychological evaluation and treatment at a hospital. *See* Md. Code Health-Gen. § 10-622.

send a mobile crisis unit from Prince George's County and to have paramedics stand by if needed. The remaining officers met him there.

At the request of Officer Speight, dispatch called Dr. [REDACTED] office and obtained a phone number for Mr. Coupal. Officer Speight attempted to call Mr. Coupal at 3:54 p.m., but he did not answer the call. At approximately 3:55 p.m., Officer Speight tried again, and this time Mr. Coupal answered. During that phone call, Officer Speight asked Mr. Coupal to come to the front door so officers could confirm he was safe. Officer Speight told Mr. Coupal that the police had received a concerning phone call and that Mr. Coupal was not in any trouble. Mr. Coupal opened the front door at 3:59 p.m. Officers gave him commands to show them his hands and confirmed that he did not have a weapon before approaching the front door.

Officer Speight spoke to Mr. Coupal and asked if he wanted to harm himself, to which Mr. Coupal said "no." Officer Speight then told Mr. Coupal that police had received several calls that day indicating that he might be contemplating suicide. Mr. Coupal told Officer Speight that he had an errand to run and that he would like to go about his business. Officer Speight mentioned that they had received a call from his doctor's office, to which Mr. Coupal responded, "Dr. [REDACTED]"

Mr. Coupal received a phone call that he took in the officer's presence and said, "I can't talk to you now Nancy, I'll talk to you later. What?" He then hung up the phone. Officer Speight again asked why Dr. [REDACTED] office would call them, and Mr. Coupal said, "I'm telling you that I don't intend to harm myself, and I don't intend to harm anyone else. And I have an errand to run, and you need uh that's it. That's the end of the story." Mr. Coupal then confirmed that he did want to drop his cat off at the veterinarian because she was too much of a burden for him.

At 4:03 p.m., Officer Sunday asked Mr. Coupal if there were any weapons in the house. Mr. Coupal responded that he had three guns registered to him.³ Officer Speight and Mr. Coupal continued to talk about the reasons for the police being at his home for roughly five more minutes. Mr. Coupal was calm and answered the officers' questions throughout; he repeatedly told the officer that he did not intend to harm himself. At 4:08 p.m., Officer Sunday handed Officer Speight a cellphone so that Officer Speight could brief a supervisor on the situation. Officer Speight walked away from the front door and spoke with Captain Robert Turner, telling the captain about the statements Mr. Coupal had made earlier and on scene. Captain Turner advised Officer Speight to confirm the statements to Dr. [REDACTED] and Ms. [REDACTED] so that those could serve as probable cause for an emergency petition of Mr. Coupal. While Officer Speight spoke with the supervisor, Officer Sunday remained at the front door speaking with Mr. Coupal.

At 4:09 p.m., Officer Speight received confirmation that two social workers with the Prince George's County mobile crisis unit were responding to the address. [REDACTED] and [REDACTED] arrived at Mr. Coupal's home at 4:19 p.m. After the shooting, they told IID investigators that they had just begun their shift and when dispatched and had little information as to the situation. When they arrived at the house, they began gathering information from Officers Bustamante and Martinez as to the reason for the call and the nature of the statements Mr. Coupal

³ A subsequent check of the Maryland gun database revealed that Mr. Coupal only had two guns registered to him. Both of those guns were subsequently recovered inside the home.

was believed to have made to Dr. [REDACTED] and Ms. [REDACTED]. They were still gathering information when the shooting occurred, roughly five minutes after they arrived.

C. Interaction with Officer Sunday and Shooting

Officer Sunday began speaking with Mr. Coupal; they discussed both of their fathers serving in the military. Officer Sunday also offered that Mr. Coupal could sit on the steps if it would be more comfortable; Mr. Coupal initially declined before ultimately sitting down at 4:21 p.m. Officer Sunday told Mr. Coupal, “Listen, if you need help buddy, we’ll get you any help you need, OK. If you made the comments, you made the comments, OK. Again, we’ll work through this, but we all have troubles in our lives, sometimes big, sometimes small. They may amount in our heads to a lot, all right. We are here to help you.” Mr. Coupal responded, “OK, I think your work here is complete,” and Officer Sunday responded, “No, sir, it’s not.”



Image 2. Mr. Coupal sitting on the steps, speaking with Officer Sunday at 4: 22 p.m.

Mr. Coupal asked Officer Sunday if he was going to be charged, and Officer Sunday responded, “We’re not charging you with anything right now. We’re trying to investigate what’s going on. You’re telling us one thing, somebody else is telling us something else. We have to look into everything, OK. We’re not trying to make this any more difficult than it needs to be.” Mr. Coupal also asked Officer Sunday, “So what’s the alternative to leaving me alone?” And Officer Sunday responded, “The alternative will be for you to go the hospital to get help.” Mr. Coupal then asked what hospital and Sunday responded that they had to call to see what hospital was available and it generally would be the closest hospital. Officer Sunday reiterated that they were not trying to make things more difficult for Mr. Coupal.



Image 3. Mr. Coupal begins to walk upstairs.

Approximately two minutes later, at 4:23 p.m., Mr. Coupal said, “Excuse me” and started walking up the steps of his home. Officer Sunday called out numerous times, “Sir, stay down here,” but Mr. Coupal did not acknowledge him. Mr. Coupal initially went left into the living room area, before turning back and walking down a narrow hallway. Officer Sunday followed up the stairs, calling out commands for Mr. Coupal to come back.

After entering the bedroom, Mr. Coupal picked up a gun and pointed it toward Officer Sunday. This can be seen on Officer Sunday's

body-worn camera footage. Officer Sunday then fired his gun five times, striking Mr. Coupal twice; once in the chest once and head. The shooting occurred at 4:24 p.m.; the entire interaction inside the home lasted 24 seconds. The remaining officers followed Officer Sunday inside, but none of the three discharged their weapons. Officer Speight and Officer Sunday immediately began doing chest compressions and utilizing an AED, which is a defibrillator. In the immediate aftermath of the shooting, Officer Sunday said to Officer Speight, “He grabbed...he grabbed and pointed in my direction.”



Image 4. Still photograph from Officer's Sunday's body worn camera showing Mr. Coupal pointing the gun at Officer Sunday.

The gun that Mr. Coupal had in his hand landed in the hallway, and crime scene technicians seized it as evidence. IID investigators were informed that Officer Sunday gave his gun to other on-scene officers to secure. His gun was ultimately taken for processing by MSP crime scene technicians.

After the shooting, Officer Sunday told additional officers that “he pointed the gun right at me.” This is consistent with what can be seen on his body-worn camera video.

Officer Speight called for EMS, who arrived and took over attempts at resuscitating Mr. Coupal at 4:31 p.m., approximately 6 minutes after the shooting.⁴ He was ultimately



Image 5. Firearm located in hallway. Officers initially moved the weapon to render it safe before placing it back in its original location.

⁴ According to Prince George’s County EMS records, Fire Rescue services were requested to the residence at 4:08 p.m. and asked to stage away from the house until further requested.

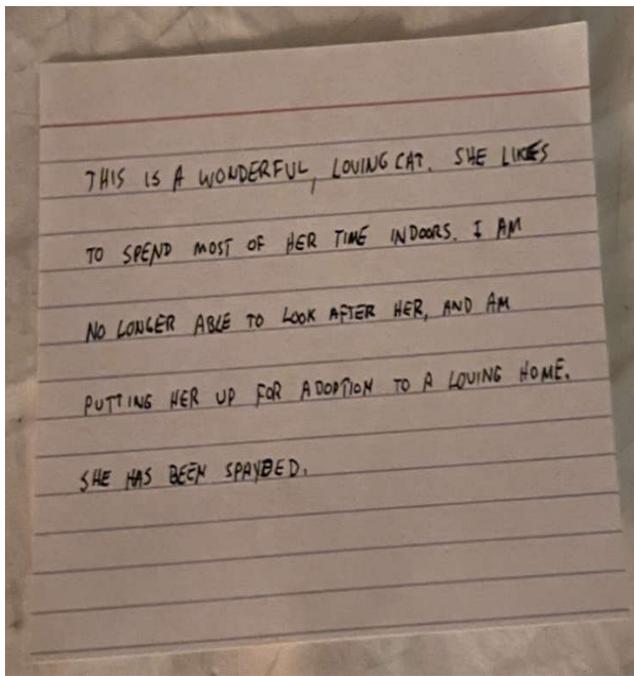
transported to Washington Medical Center, where he was pronounced dead at 5:22 p.m.

After the shooting, IID and MSP investigators recovered two guns. One Taurus .38 Special black revolver, loaded with five live rounds, was recovered in the kitchen. One Bersa .380 pistol Model Thunder 380 with an empty magazine was located in the hallway near Mr. Coupal and was the gun that Mr. Coupal pointed at Officer Sunday.⁵

During a search of the residence, investigators found two additional letters indicating that Mr. Coupal was suicidal and making arrangements for someone to take care of his cat.



Image 6. Firearm located in the kitchen. A subsequent search of the firearm revealed it was loaded with five rounds.



Images 7 and 8. Officers discovered that Mr. Coupal had placed his cat in a box (see yellow circle) and sealed it. A note was found sitting next to the box. Investigators safely secured the cat. The photo on the right was taken from Officer Bustamante's body camera as he walked through the residence after the shooting. The photo on the left is a close up of the note.

Mr. Coupal also had the windows in his bedroom covered with aluminum foil. When rendering medical treatment, officers removed the foil to provide additional light in the bedroom.

⁵ Officer Martinez can be seen on body-camera footage picking up the firearm in the seconds after the shooting, removing the magazine, and then placing it back in the same general location. He was not wearing gloves.

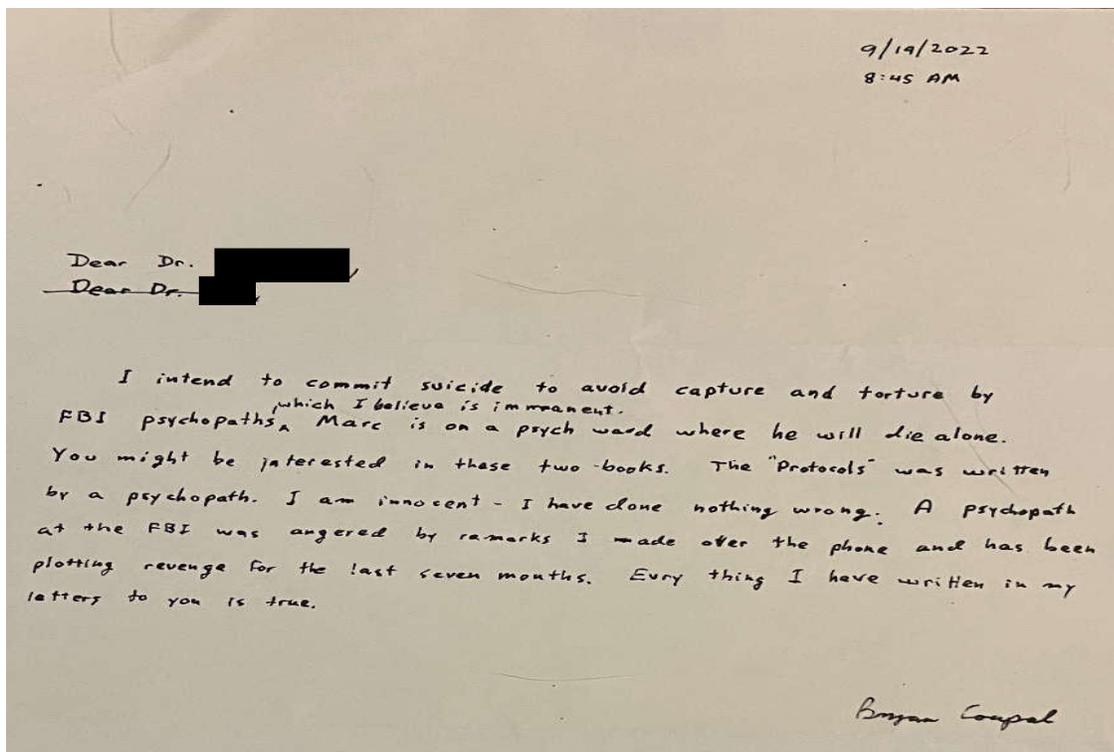


Image 9. What appears to be a first draft of the letter Mr. Coupal ultimately provided to Dr. [REDACTED]. This note was recovered by investigators from the dining room table inside of the residence.

D. Medical Examination

Mr. Coupal's autopsy was conducted by Dr. Abdulaziz Almalki of the District of Columbia Office of Chief Medical Examiner on September 20, 2022. The IID received the final autopsy report on March 7, 2023. Dr. Almalki identified Mr. Coupal's cause of death as multiple gunshot wounds, and the manner of death as homicide.⁶ Mr. Coupal sustained two gunshot wounds: a wound to the right side of the head that traveled left to right, front to back, and downward; and a wound to the chest traveling right to left, front to back, and downwards.

In addition to the gunshot wounds, Dr. Almalki observed a laceration to the left side of the forehead, an abrasion on the right philtrum (upper lip), two abrasions to the right face, an abrasion on the left nostril, and multiple small abrasions on the right forearm and right dorsal (back of) hand. Toxicology testing was negative for both alcohol and other drugs.

⁶ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The Office of the Chief Medical Examiner of Maryland uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. "Homicide" applies when death results from a volitional act committed by another person to cause fear, harm, or death. These terms are not considered a legal determination, rather they are largely used to assist with public health statistics. "A Guide for Manner of Death Classification", First Edition, National Association of Medical Examiners, February 2002.

E. Ballistic Analysis

According to a firearms analysis performed by the Maryland State Police forensic lab, Officer Sunday fired his 9mm service weapon five times. Five cartridge cases and four bullets were recovered from the scene, and the analysis matched those items to Officer Sunday's gun. The final bullet was recovered during Mr. Coupal's autopsy at the medical examiner's office and was also fired from Officer Sunday's gun.

An analysis of the two additional firearms recovered from Mr. Coupal's house, the Taurus revolver and the Bersa pistol, determined that they were operable and capable of discharging bullets. The Bersa pistol that was recovered in the hallway was confirmed to have Mr. Coupal's DNA on it.

F. Civilian Witness Statements

1. [REDACTED] and [REDACTED]

As indicated above, there were two social workers from the Prince George's Mobile Crisis Team present at the time of the shooting, [REDACTED] and [REDACTED]. Both social workers were interviewed by MSP and IID investigators. Their statements are consistent with each other and with the body camera footage and statements from the officers on scene. Both Ms. [REDACTED] and Ms. [REDACTED] told investigators that they went to the Oglethorpe residence to assist the police with a suicidal individual who believed the FBI was out to kill him and was believed to have access to weapons. Once they were on scene, officers told them that the man had also informed a friend that he had deposited \$1,800 in the friend's bank account, that he was intending to take his cat to the vet for safekeeping, and that he was planning on returning home to commit suicide that evening. The officers also gave the social workers an overview of the note he left for Dr. [REDACTED].

Ms. [REDACTED] told IID investigators that the social workers arrived at the house at 4:19 p.m. and spoke with Officers Martinez and Bustamante. Both social workers observed Mr. Coupal in the doorway with Officer Sunday. Ms. [REDACTED] said that an additional officer (Speight) was on the phone, and that Officers Bustamante and Martinez approached them to explain the situation. Both women told investigators that they were discussing the possibility of obtaining an Extreme Risk Protective Order⁷ or an emergency petition. The officers informed the social workers that they could likely obtain the petition once they verified details with Ms. [REDACTED] and Dr. [REDACTED].

Ms. [REDACTED] told investigators that she then heard the officer at the door state something to the effect of, "No sir, you cannot go, where are you going," as Mr. Coupal got up to walk up the stairs. Ms. [REDACTED] indicated that she heard the officer say something to the effect of "come back" or "don't walk away" when the Mr. Coupal began walking away. Both women then saw officers follow Mr. Coupal into the house, heard what they believed were three gunshots, and then saw

⁷ An Extreme Risk Protective Order is a court order that prohibits an individual from possessing firearms after a judicial officer finds "reasonable grounds to believe that the [individual] poses an immediate and present danger of causing personal injury" to themselves or others by possessing a firearm. *See* Md. Code Public Safety, §§ 5-601 to 5-605.

two officers run to their vehicles for medical supplies. Ms. [REDACTED] remembered running back to the car at 4:24 p.m. They said that EMS responded quickly, and they observed that Mr. Coupal was transported by ambulance. Neither woman spoke with Mr. Coupal.

2. Dr. [REDACTED]

Dr. [REDACTED] was interviewed by IID investigators on September 21. Much of Dr. [REDACTED] statement is incorporated into the facts above.

Dr. [REDACTED] told investigators that Mr. Coupal had been her patient since 2004 but had stopped coming to see her roughly two years prior. Records from her office reflect that Mr. Coupal was last seen on March 9, 2021. Dr. [REDACTED] stated that Mr. Coupal suffered from paranoia and had made prior statements about being targeted by the FBI. The paranoia began when Mr. Coupal started bringing his brother to see Dr. [REDACTED] years earlier. In response to those statements, she attempted to have Mr. Coupal make an appointment to set up mental health treatment, but he refused to do so.

Dr. [REDACTED] was unaware of any mental health treatment Mr. Coupal was obtaining or of any violence in his history.

3. [REDACTED]

[REDACTED] was interviewed by IID investigators on September 21. Much of her statement is incorporated into the facts above.

During the interview with IID investigators, Ms. [REDACTED] indicated that she spoke with Mr. Coupal almost daily. She recounted several conversations over the last year. On one occasion, Mr. Coupal came to visit her and placed his cell phone in a closet, as he believed the FBI was spying on him through his phone. She recounted another story where Mr. Coupal found an ear plug and can of cleaner in his house that he did not believe he bought. He believed those things were “calling cards” left as a warning to him by the “gang stalkers.” On another occasion, he indicated the FBI left a calling card by stealing his ladder out of his backyard.

Ms. [REDACTED] told IID investigators that Mr. Coupal informed her that he was going to kill himself that night. He would not say how he planned to do it. He said the FBI was after him and he was going to be tortured, but that he could not stand to be tortured. Ms. [REDACTED] indicated that Mr. Coupal’s paranoia had gotten worse over the years and that she was aware of his paranoia dating back twenty years. She was unaware if Mr. Coupal had ever received a psychiatric diagnosis.

G. Law Enforcement Officers’ Statements

Under Maryland law effective July 1, 2022, a police officer must “fully document all use of force incidents that the officer observed or was involved in.” Public Safety § 3-524(e)(4). The law does not provide further guidance about what “fully document” means.

All subjects of criminal investigations—including police officers—have a right under the Fifth Amendment not to make any statement. That right also applies to written statements. Thus, if a statement is ordered, the result of threat, or otherwise compelled (*i.e.*, not voluntary), it cannot be used against an officer in a criminal investigation and should not be considered by criminal investigators. *Garrity v. State of N.J.*, 385 U.S. 493 (1967) (holding that officers’ statements made under threat of termination were involuntary); *Department of Public Safety and Correctional Services v. Shockley*, 142 Md. App. 312, 325 (2002) (“the dispositive issue is whether [the supervisor] **demanded** that the appellee answer the questions”) (emphasis in original).

Officer Sunday did not fill out a use of force report for the shooting. IID investigators spoke with the Riverdale Park Police chief, who indicated that the department would not require Officer Sunday to complete a use of force report, as the department believed that such a request would violate Officer Sunday’s constitutional rights and the department was unaware of the change in law. The remaining officers on scene provided verbal statements to Riverdale Park Police Chief Rosa Guixens pursuant to departmental policy. Those statements mirrored the information detailed above. The Riverdale Park policy further requires that a supervisor on scene complete the written use of force report; in this incident that report was completed by Officer Speight.

The three additional officers present for the shooting, Officers Speight, Bustamante, and Martinez-Sanchez, were all interviewed by investigators. Their accounts are incorporated into the factual findings above and corroborated by body-worn camera footage and radio transmissions.

IID investigators interviewed Captain Robert Turner with the Riverdale Park Police Department. Captain Turner was the supervisor on duty that day and spoke with Officers Sunday and Speight to provide advice on how to handle the call for service. Captain Turner told investigators that he spoke with Officer Speight, the ranking officer on scene, suggesting that the officers contact Dr. [REDACTED] office and [REDACTED] to establish probable cause for an emergency petition. Captain Turner also suggested keeping Mr. Coupal calm until the crisis team arrived and could speak with him. Officer Speight told Captain Turner that there were firearms in the home. The captain directed officers to take the firearms if Mr. Coupal was petitioned. Captain Turner was informed by the Riverdale Park Police Chief of the shooting after the fact.

III. Involved Parties and Their Backgrounds

As part of its standard investigative practice, the IID obtained information regarding all involved parties’ criminal histories, and the departmental internal affairs records and relevant training of the involved officer. To the extent it exists, any criminal history is being provided to the State’s Attorney’s Office with this report.

In this case, this information did not affect the analysis of potential criminal charges.

A. Bryan James Coupal

Mr. Coupal was a 76-year-old white man who lived in Riverdale Park, Maryland.

B. Riverdale Park Police Officer Chad Richard Sunday

Officer Sunday is a white man who was 39 years old at the time of the shooting. He has been employed by Riverdale Park Police since September 2021 and has 12 total years of law enforcement experience. [REDACTED]

Officer Sunday was previously employed by the University Park Police Department from July 2010 to September 2021. [REDACTED]

Officer Sunday was also employed by the Laurel Police Department from April 2008 to December 2009. [REDACTED]

IV. Applicable Policies

The Riverdale Park Police Department has the following policies concerning the use of deadly force. These policies were updated in July 2022. The full policies are attached as Appendix B.

A. 300.3 USE OF FORCE

Officers shall use only that amount of force that is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers are permitted to use deadly force “to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.”

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

B. 300.3.4 ALTERNATIVE TACTICS – DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (Md. Code PS § 3-524).

C. 300.3.5 MARYLAND USE OF FORCE STATUTE

Officers may use reasonable force against a person to prevent an imminent threat of physical injury or to effectuate a legitimate law enforcement objective, provided that the force used under the totality of the circumstances reasonably appears necessary and proportional (Md. Code PS § 3-524).

V. Applicable Law & Analysis

The IID analyzed criminal offenses that could be relevant in a shooting of this nature. This section will discuss those potential charges and any likely defenses the State would have to overcome to prove a charge beyond a reasonable doubt.

A. Excessive Force

Effective July 1, 2022, the Maryland Use of Force Statute makes it a crime for officers to intentionally use force that is not, “under the totality of the circumstances . . . necessary and proportional to: (i) prevent an imminent threat of physical injury to a person; or (ii) effectuate a legitimate law enforcement objective.” Public Safety § 3-524(d)(1).

Before the Use of Force Statute was enacted, Maryland had no specific crime punishing officers’ use of excessive force. Instead, officers could be charged with the same crimes as any civilian, including force-related crimes such as murder, manslaughter, and assault. Officers could not be convicted of these offenses if they had acted reasonably; that is, if they acted as a reasonable officer would given the circumstances. Now, with the Use of Force Statute, officers may still face these traditional charges, but they may also face the specific charge of using excessive force if the force they used was not necessary and proportional given the totality of the circumstances.

The Use of Force Statute’s reference to “the totality of the circumstances” likely encompasses several factors courts have previously considered when evaluating officers’ uses of force, including, but not limited to: the severity of the underlying crime; the existence of an articulable basis to believe the suspect is armed; the threat, if any, the suspect posed; information known to the officer before the use of force; time of day; how the officer approached the suspect; whether the officer issued a warning or threat to the suspect; whether the officer afforded the suspect an opportunity to respond to commands; the suspect’s statements; the suspect’s mental well-being; attempts to evade or resist arrest; aggressive behavior; and the reactions of other officers to the use of force. *See generally, Graham v. Connor*, 490 U.S. 386, 396 (1989); *Koushall v. State*, 249 Md. App. 717, 730 (2021), *aff’d*, 479 Md. 124 (2022); *Estate of Blair by*

Blair v. Austin, 469 Md. 1, 23, 25-26 (2020); *Salvato v. Miley*, 790 F.3d 1286, 1293 (11th Cir. 2015); *Deering v. Reich*, 183 F.3d 645, 650-52 (7th Cir. 1999). Also likely factoring into this analysis is the Use of Force Statute’s requirement that “when time, circumstances, and safety allow, [officers shall] take steps to gain compliance and de-escalate conflict without using physical force.” Public Safety § 3-524(e)(1).

The terms “necessary” and “proportional” are not defined by statute or by Maryland caselaw. However, [an opinion](#) issued by the Office of the Attorney General concluded that the “necessary and proportional” standard “involves three core principles”:

First, the use of force is not “necessary” unless there is no reasonable alternative to using force that, under the circumstances would safely and effectively achieve the same legitimate ends. Second, even when the use of some force is necessary, the degree and amount of force must correspond to, and be appropriate in light of, the objective that the officer aims to achieve. Third, the proportionality requirement further prohibits an officer from using force if the harm likely to result is too severe in relation to the value of the interest that the officer seeks to protect.

107 Md. Op. Att’y Gen. 33, 66 (Feb. 25, 2022) (emphasis added).

The Use of Force Statute provides that necessary and proportional force may be appropriate to “prevent an imminent threat of physical injury to a person” or to “effectuate a legitimate law enforcement objective.” Public Safety § 3-524(d)(1)(i), (ii). “Imminent” is defined as “likely to occur at any moment; impending.” *Howell v. State*, 465 Md. 548, 564 n. 15 (2019).⁸ Officers must have probable cause to believe that an individual poses such an imminent threat. *Estate of Blair*, 469 Md. at 23. Probable cause “means something less than ‘more likely than not.’” *Whittington v. State*, 474 Md. 1, 41 n. 29 (2021) (quoting *Freeman v. State*, 249 Md. App. 269, 301 (2021) (cleaned up)).

The Use of Force Statute does not define “legitimate law enforcement objective,” but other sections of the Public Safety Article provide some guidance. For example, Section 3-701 defines “legitimate law enforcement objective” as “the detection, investigation, deterrence, or prevention of crime, or the apprehension and prosecution of a suspected criminal.” Public Safety § 3-701(a)(7); *see also* Public Safety § 3-509(a)(8) (defining a “legitimate law enforcement purpose” as “the investigation, detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation of terrorist or missing or endangered person searches or alerts”).

The Use of Force Statute specifically provides that an officer must cease the use of force when either of the above conditions is no longer met, or when the target of the force is under the officer’s control. Physical restraint is not a prerequisite to “control.” *Michigan v. Long*, 463 U.S. 1032, 1051 (1983) (“During any investigative detention [*i.e.*, a *Terry* stop], the suspect is ‘in the control’ of the officers in the sense that he may be briefly detained against his will.”) (cleaned

⁸ “Imminent” differs from “immediate,” which means “occurring or accomplished without lapse of time; instant; of or relating to the present moment.” *Howell*, 465 Md. at 564 n. 15. However, imminence still requires a reasonable degree of proximity and specificity; a threat that may occur “sometime in the future” is not imminent. *Madrid v. State*, 474 Md. 273, 339 (2021).

up). An individual who is complying with an officer's commands without physical restraint is under the officer's control because the officer has a "directing influence" over them. *See Bryant v. State*, 229 Md. 531, 537 (1962) (citations omitted) (applying dictionary definitions of "control," *i.e.*, "to exercise restraining or directing influence over"); *cf. Bailey v. State*, 412 Md. 349, 371 (2010) ("Although the display of force often involves placing the individual who is seized in handcuffs, application of handcuffs is not a necessary element of an arrest."); *Henderson v. State*, 89 Md. App. 19, 23 (1991) (suspect was not seized where he "was neither under the physical control of the officers, nor was he acquiescing to their authority").

Unintentional violations of the Use of Force Statute do not constitute criminal offenses. While it is possible the General Assembly meant only that the officer's actions must have been intentional, it is more likely the General Assembly meant to require that the officer knew the level of force that would have been permissible and intentionally crossed that threshold. The Office of the Attorney General's Opinions Division stated in a January 18, 2023, advice letter to the Prince George's County State's Attorney's Office that this latter interpretation was better supported by the plain language of the statute.⁹ Letter of Assistant Attorney General Rachel A. Simmons to State's Attorney Aisha N. Braveboy, Prince George's County State's Attorney's Office (Jan. 18, 2023).

In this case, it is highly unlikely that the State could prove the officer's force intentionally exceeded that which was necessary and proportional. Regarding necessity, the available evidence indicates that Mr. Coupal was feet from Officer Sunday, holding a gun, and pointing it towards the officer. In such a situation, where the deadly threat is immediate, Officer Sunday would not have had the opportunity to use non-lethal force, such as a Taser or OC (*oleoresin capsicum*) spray, nor the opportunity to further de-escalate the situation, such as by increasing his distance from Mr. Coupal or attempting to speak further. Regarding proportionality, Mr. Coupal appeared to have the opportunity to inflict deadly harm on Officer Sunday, so the use of deadly force in response was proportional to the threat posed. Further, all officers on scene—including Officer Sunday—were aware that Mr. Coupal had made suicidal statements on two occasions that day, had said "goodbye" to a close friend, and was making arrangements for his cat. Those factors would likely indicate to the officer that Mr. Coupal had the mindset to use deadly force on himself and make it more likely that he would use deadly force on them.

B. Homicide Charges

In addition to the new excessive force charge, officers may still be charged with traditional statutory and common law offenses. There are two charges related specifically to officers killing Mr. Coupal that could be relevant given the facts of this incident: intentional second-degree murder and voluntary manslaughter.¹⁰

⁹ The Opinions Division is a unit within the Office of the Attorney General that is responsible for answering significant legal questions involving Maryland law or other law that governs the actions of Maryland public officials. The Division issues both formal opinions and less formal advice letters; neither serves as binding precedent, though they may be used as persuasive authority.

¹⁰ First-degree murder is not analyzed because there is no evidence that Officer Sunday's killing of Mr. Coupal was premeditated. Unintentional ("depraved heart") second-degree murder and involuntary manslaughter are not analyzed because there is no dispute that the officer intended to fire at Mr. Coupal.

Intentional second-degree murder is a killing done with “either the intent to kill or the intent to inflict such serious bodily harm that death would be the likely result,” but which is not “willful, deliberate, and premeditated.” MPJI-Cr 4:17.2 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary Manslaughter (Perfect/Imperfect Self-Defense and Perfect/Imperfect Defense of Habitation), MPJI-Cr 4:17.2 (2d ed. 2021). To prove this charge, the State must, among other things, establish beyond a reasonable doubt that the killing was not legally justified. *Id.*

An officer’s use of deadly force is legally justified if it is done in self-defense, in defense of others, or pursuant to law-enforcement justification.

Self-defense and defense of others may be either complete (*i.e.*, the use of deadly force was completely justified) or partial (*i.e.*, the use of deadly force was partially, but not completely, justified). If the defendant acted in complete self-defense or complete defense of others, no assaultive charge, including murder and manslaughter, is appropriate. MPJI-Cr 4:17.2; MPJI-Cr 4:17.3 Homicide—First Degree Premeditated Murder, Second Degree Specific Intent Murder and Voluntary Manslaughter (Perfect/Imperfect Defense of Others), MPJI-Cr 4:17.3 (2d ed. 2021). If the defendant acted in partial self-defense or partial defense of others, the appropriate charge is voluntary manslaughter rather than second-degree murder. *Id.*

Complete self-defense exists where: “(1) the defendant was not the aggressor”; “(2) the defendant actually believed that [they were] in immediate or imminent danger of death or serious bodily harm; (3) the defendant’s belief was reasonable; and (4) the defendant used no more force than was reasonably necessary to defend [themselves] in light of the threatened or actual force.” MPJI-Cr 4:17.2; *see also Porter v. State*, 455 Md. 220, 234-36 (2017). Partial self-defense exists where the first two of these elements are present, but the defendant either unreasonably believed danger to be imminent or unreasonably believed the amount of force they used was necessary. MPJI-Cr 4:17.2.

Complete defense of others exists where: “(1) the defendant actually believed that the person [they were] defending was in immediate or imminent danger of death or serious bodily harm; (2) the defendant’s belief was reasonable; (3) the defendant used no more force than was reasonably necessary in light of the threatened or actual force; and (4) the defendant’s purpose in using force was to aid the person [they were] defending.” MPJI-Cr 4:17.3. Partial defense of others exists where the first and fourth of these elements are present, but the defendant either unreasonably believed the person they were defending was in immediate or imminent danger or unreasonably believed the amount of force they used was necessary. *Id.*

Law-enforcement justification exists where an officer uses “only that amount of force reasonably necessary under the circumstances to discharge his duties.” *Wilson v. State*, 87 Md. App. 512, 520 (1991). The defense provides that in using reasonably necessary force, officers are “not liable civilly or criminally for the assault or battery that may result, including, if necessary, the use of deadly force.” *Id.* at 519. The rationale for this justification is that officers’ duties are “markedly different” from those of ordinary citizens, requiring that officers “threaten deadly force on a regular basis.” *Koushall*, 249 Md. App. at 728-29. To use deadly force, an officer

must have “probable cause to believe that the suspect poses a threat of serious physical harm.” *Estate of Blair*, 469 Md. at 23-24 (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

Each of these defenses is viable only if an officer acted reasonably. The reasonableness of an officer’s actions “must be evaluated not from the perspective of a reasonable civilian but rather from the perspective of a reasonable police officer similarly situated.” *State v. Albrecht*, 336 Md. 475, 501 (1994). A court will consider “the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *State v. Pagotto*, 361 Md. 528, 555 (2000) (quoting *Graham*, 490 U.S. at 397). However, “an objectively reasonable officer would use deadly force *only* when threatened with serious physical harm.” *Estate of Blair*, 469 Md. at 24 (emphasis in original). Violations of departmental policy are one “factor to be considered in determining the reasonableness of police conduct.” *Pagotto*, 361 Md. at 557 (citations omitted).

There has not yet been any judicial analysis of how the new Maryland Use of Force Statute, discussed above, affects this common law reasonableness analysis. It is possible that the new “necessary and proportional” standard supplants reasonableness as the benchmark against which officers’ conduct should be measured. But it is also possible that the new standard applies only to the new excessive force offense created by the Maryland Use of Force Statute, leaving reasonableness as the appropriate standard for other offenses. The Office of the Attorney General’s Opinions Division concluded that this latter interpretation is more likely for several reasons, including the fact that the General Assembly did not express an intent to supersede the existing reasonableness standard for offenses other than the newly created excessive force crime. Letter of Assistant Attorney General Rachel A. Simonsen to State’s Attorney Aisha N. Braveboy, Prince George’s County State’s Attorney’s Office (Jan. 18, 2023).

The Opinions Division noted, however, that necessity and proportionality may still be salient factors in the reasonableness determination because the new standard has now been incorporated into law enforcement policies and training statewide. *Id.* The advice letter states: “Maryland’s appellate courts have often considered an officer’s compliance with police department policies or training guidelines when assessing the reasonableness of the officer’s use of force.” *Id.* (citing *Koushall*, 479 Md. at 152, 156 & n.11 (non-compliance with departmental policy “highlight[ed] the [officer’s] unreasonable use of force under the circumstances”); *Albrecht*, 336 Md. at 477-78, 487, 502-03 (noting that “the record [was] replete with evidence . . . that [the officer] did not comply with . . . departmental guidelines, procedures or practices” and, thus, did not act as “act as a reasonable police officer under the circumstances” but, rather acted “in a grossly negligent and reckless manner”); *Pagotto*, 361 Md. at 550-53 (considering three departmental guidelines about how to approach a suspect when analyzing convictions for involuntary manslaughter or reckless endangerment).

In this case, based on the available evidence, it would be difficult for the State to prove that Officer Sunday did not act in self-defense or pursuant to law-enforcement justification when shooting Mr. Coupal. The available evidence suggests that when Riverdale Park officers initially encountered Mr. Coupal, they were aware of suicidal statements he had been making and aware that there were guns present in the home. Officer Sunday, and the other officers, had been

dispatched twice that day to check on Mr. Coupal's welfare. The information that they had received up to that point was that Mr. Coupal had the means to harm himself and was making plans and saying goodbye to those closest to him. During their encounter, they repeatedly attempted to put Mr. Coupal at ease by telling him that he was not in any trouble and they were just trying to get him help, keeping the tone of the interaction non-confrontational. Officers Speight and Sunday told Mr. Coupal that they were attempting to verify the contents of the letter and his statements to [REDACTED]. The situation only escalated when Mr. Coupal walked into the house and ignored Officer Sunday's repeated commands to stay downstairs.

Ultimately, body-worn camera video shows that Mr. Coupal pointed a gun directly at Officer Sunday. There is no indication that Officer Sunday knew that the gun was unloaded at the time it was pointed at him. By all appearances and evidence available to Officer Sunday at the time of the shooting, the gun was operable and capable of causing serious physical injury or death. Immediately after the shooting, Officer Sunday spontaneously said, "he pointed the gun right at me." It is unlikely that the State could prove that the use of deadly force was unreasonable under Maryland law at the time of this incident.

Further, at the moment he fired his service weapon, Officer Sunday had no lesser level of force available that would have been appropriate. Mr. Coupal failed to obey numerous commands from Officer Sunday to come back outside. He, instead, retrieved a gun from the bedroom. Officer Sunday initially lost sight of Mr. Coupal when he went down the hallway and into the bedroom. By the time Officer Sunday made it to the bedroom, Mr. Coupal was pointing the gun at him. In this situation, a lesser level of force such as Taser or pepper spray would likely have been insufficient given the threat presented to the officer and the speed with which the incident unfolded.

C. Other Charges

There are additional potential charges that are not discussed further because they would merge with the homicide charges discussed above. Those charges include: first-degree assault, *Sifrit v. State*, 383 Md. 116, 137 (2004); and reckless endangerment, *Williams v. State*, 100 Md. App. 468, 490-91 (1994). The analysis of these charges would parallel that of the charges above.

There are other charges that could not be proven unless the State proved one of the charges above as a requisite predicate offense. Those charges include: use of a firearm in the commission of a crime of violence, Criminal Law § 4-204(b); and misconduct in office, a common law offense. For the reasons discussed above, it is unlikely the State could prove that officers used force unreasonably, unnecessarily, or disproportionately, as would be required to prove either of these charges. Specifically, regarding misconduct in office, there is no evidence the officers acted with "a sense of depravity, perversion, or taint" necessary to establish the required corrupt intent. *Sewell v. State*, 329 Md. App. 571, 604 (2018) (citation omitted).

VI. Conclusion

This report has presented factual findings and legal analysis relevant to the fatal shooting that occurred on September 19, 2022, in Riverdale Park, Maryland. Please feel free to contact the IID if you would like us to supplement this report through any further investigation or analysis.

Appendices

Appendix A - Materials Reviewed

911 Calls (1 recording, 1 inventory, and 1 custodian certification)
Body Worn Camera (6 videos)
Cad Reports (7 items)
Civilian Witness Documents (1 item)
Civilian Witness Statements (4 items)
Communications Audio (2 items)
Decedent Documents (7 items)
Departmental Policies (5 items)
IA History & Training Records (9 items)
Lab Reports (8 items)
Medical Records (2 items)
OAG Reports (28 items)
OCME (1 report, 1 transfer of custody form, 79 photographs, and 4 x-ray images)
Officer Witness Statements (4 items)
Photographs (3 items)
Search Warrants (2 items)
Subpoenas (13 items)
Use of Force Reports (1 item)

All materials reviewed have been shared with the Prince George's County State's Attorney's Office via a secure filesharing service.

Appendix B - Relevant Riverdale Park Policies

Appendix B
Relevant Riverdale Park Policies

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the objectively reasonable use of force. While there is no single way to specify the exact amount or type of objectively reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Duty - a moral or legal obligation to act.

Objectively reasonable - that an officer's actions were reasonable in light of the facts and circumstances confronting the officer, without regard to the underlying intent or motivation.

Pain compliance techniques - the use of painful stimulus to control or direct a person. The purpose is to direct the actions of the subject and to this end, the pain is lessened or removed when compliance is achieved.

Use of force continuum - a standard that provides law enforcement officers with guidelines as to how much force may be used against a resisting subject in a given situation.

Passive resistance - Uncooperative when taken into custody or fails to respond to verbal commands or other directions.

Active resistance - Physically evasive movements to defeat the officer's attempt at control, to include bracing, tensing, pushing or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person used to effect, influence or persuade a subject to comply with an order from an officer. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

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Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The sanctity of human life is the cornerstone of policing. The men and women of The Riverdale Park Police Department affirm, uphold, support, embrace and embody this ideal. Officers are vested with the authority to use objectively reasonable force to protect the public welfare. The application of deadly force is a measure to be employed only in the most extreme circumstances and all lesser means of force have failed or could not be reasonably employed.

De-escalation is a fundamental part of our practice and is included in our curriculum for both basic and annual in-service training. This training takes place in the classroom as well as during interactive, scenario-based training exercises. Crisis Intervention Training (CIT) on recognizing those experiencing a mental health crisis, emphasizing appropriate de-escalation techniques, is taught in basic and annual in-service training. This training is most effective when officers are provided with an understanding of cultural context.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use objectively reasonable force in carrying out their duties. The use of excessive force will subject officers to discipline, possible criminal prosecution or civil liability.

Officers must have an understanding of, and true appreciation for, their statutory authority and constitutional limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (Md. Code PS § 3-524).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible (Md. Code PS § 3-524).

300.3 USE OF FORCE

Officers shall use only that amount of force that is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying objectively reasonable force.

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The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

Officers will use those weapons issued or authorized by the department. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

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- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence, mental impairment and/or history of drug use.
- (r) Any other exigent circumstances.

300.3.2 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passively or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.
- (d) Training and experience of the officer.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

Officers may use objectively reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Riverdale Park Police Department for this specific purpose.

300.3.4 ALTERNATIVE TACTICS – DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (Md. Code PS § 3-524).

300.3.5 MARYLAND USE OF FORCE STATUTE

Officers may use reasonable force against a person to prevent an imminent threat of physical injury or to effectuate a legitimate law enforcement objective, provided that the force used under

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the totality of the circumstances reasonably appears necessary and proportional (Md. Code PS § 3-524).

Officers should cease the use of force as soon as the person is under control or no longer poses an imminent threat of physical injury or death, or the force will no longer reasonably accomplish a legitimate law enforcement objective (Md. Code PS § 3-524).

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury.
- (b) Officers may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
 - 1. The individual has a weapon or is attempting to access one and it is reasonable to believe the individual intends to use it against the officer or another.
 - 2. The individual is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the individual intends to do so.
- (c) The use of choke holds and similar carotid holds by members of The Department is prohibited unless the use of deadly force is allowed by law.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Officers should avoid placing themselves in front of a moving or approaching vehicle. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers shall not shoot at any part of a vehicle solely in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force shall be documented promptly, completely and accurately in an appropriate report. The officer will articulate the factors perceived and why they believed the use of force was reasonable under the circumstances. For purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms.

[See attachment: Use of Force Report.pdf](#)

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[See attachment: Use of Force Coding Overlay.pdf](#)

300.5.1 REPORTING DEADLINE

Any use of force by a member of this department shall be documented as required by state law and as directed in the Report Preparation Policy (Md. Code PS § 3-514; Md. Code PS § 3-524).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious (Md. Code PS § 3-524). Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
 - 2. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within the Shift Supervisor's command to ensure compliance with this policy and to address any training issues (Md. Code PS § 3-524).

The Shift Supervisor or other appropriate supervisor should respond to the scene and gather and review all known video recordings in any incident where a use of force by an officer is reasonably believed to have caused serious physical injury as defined by Md. Code CR § 3-201 (Md. Code PS § 3-524).

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300.8 TRAINING

Officers will receive statutorily mandated training on this policy and demonstrate their knowledge and understanding via training bulletins and annual in-service training.

Subject to available resources, officers should receive periodic training on:

Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

De-escalation tactics, including alternatives to force.

300.9 GOVERNING CASE LAW

Graham vs. Connor (490 US 386, 109 S.Ct. 1865)

In *Graham vs. Connor*, the US Supreme Court determined the standard to be used to judge constitutional claims of excessive force brought by citizens against police officers.

Facts of the case

On November 12, 1984, Graham, a diabetic, asked Berry, a friend, to drive him to a convenience store to purchase orange juice to prevent the onset of an insulin reaction. Upon entering the store and seeing the number of people ahead of him, Graham hurried out and asked Berry to drive him to a friend's house instead.

Connor, a city police officer, became suspicious after seeing Graham hastily enter and leave the store. Connor followed the car Graham was riding in and made an investigatory stop. Although Graham was suffering from an insulin reaction, Officer Connor ordered both men to wait while he investigated what had happened in the store.

Backup officers arrived on the scene, handcuffed Graham, ignoring attempts to explain and treat his condition. During the encounter, Graham sustained multiple injuries. He was released when Connor learned that nothing had happened in the store.

Graham filed a law suit against all the officers involved, alleging the use of excessive force in making the investigatory stop.

Court review of the case

During the trial, the District Court considered the following four factors in determining whether the officers used excessive force:

- The need for the application of force
- The relationship between the need and the amount of force that was used
- The extent of the injury inflicted
- Whether the force was applied in a good faith effort to maintain and restore discipline, or maliciously and sadistically for the purpose of causing harm

Riverdale Park Police Department

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Using the above factors, the District Court found that the amount of force used was appropriate under the circumstances. The Fourth Circuit Court of Appeals heard the appeal from the District Court and agreed with the District Court's decision.

Supreme Court Decision

The case was appealed to the US Supreme Court. The Supreme Court determined that the allegations of excessive force by law enforcement officers - deadly or not - during an arrest, investigatory stop, or other seizure of a citizen should be analyzed under the Fourth Amendment.

According to the US Supreme Court, the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the benefit of hindsight. This "reasonableness" must include the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly changing - about the amount of force that is necessary in a particular situation. Thus, the test used by the District Court was incompatible with a proper analysis under the Fourth Amendment.

The proper analysis is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, regardless of their underlying motive or intent.

The test of "reasonableness" under the Fourth Amendment cannot be precisely defined. However, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime, whether the suspect posed an immediate threat to officers or citizens, and whether the suspect actively resisted arrest or attempted to flee.

In sum, the US Supreme Court determined that an officer's good intentions will not make an unreasonable use of force constitutional, nor will an officer's bad intentions make a Fourth Amendment violation out of a reasonable use of force.

Tennessee vs. Garner (471 US 1, 105 S. Ct. 1694)

In this case, the United State Supreme Court held that officers cannot resort to deadly force unless they have probable cause to believe that the suspect has committed a felony and poses an immediate and significant threat to the safety of the officer, or a danger to the community at large. The Court affirmed the Court of Appeals decision limiting the use of deadly force to apprehend a fleeing felon.

Facts of the case

On October 3, 1974, a Memphis, Tennessee police officer and his partner were dispatched to a call for a prowler inside a residence. Upon arriving on the scene, a neighbor advised that someone was breaking in to the house next door. As his partner radioed for assistance, the officer went to the back of the house where he heard the door slam and saw someone running across the backyard.

The suspect stopped at a six-foot chain link fence at the edge of the yard. With the aid of a flashlight, the officer could see the suspect's face and hands. he saw no signs of a weapon, and though not certain, was "reasonably sure" that the suspect was unarmed. While the suspect was

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Use of Force

crouched at the base of the fence, the officer ordered him to stop. When the officer took a few steps toward the suspect, he started climbing the fence.

The officer was convinced that the suspect would elude capture if he got over the fence, so the officer shot the suspect. The suspect was taken to a hospital where he died on the operating table. Ten dollars and a purse taken from the house were found on his body.

In using deadly force to prevent escape, the officer was acting under the authority of a Tennessee statute and following department policy.

The Memphis Police Department's Firearms Review Board and Grand Jury reviewed this incident and neither took any action.

Court Review of the Case

The suspect's father took the matter into the Federal District Court seeking damages for the violation of the suspect's constitutional rights. The claims were dismissed in the United States District Court.

The Court of Appeals reversed and remanded the decision. It held that the killing of a fleeing suspect is a "seizure" under the Fourth Amendment, and the use of deadly force to prevent escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable.

The Tennessee statute did not adequately limit the use of deadly force because it failed to distinguish between felonies of different magnitudes.

Supreme Court Decision

The U.S. Supreme Court held that apprehension by the use of deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement.

To determine whether such a seizure is reasonable, the suspect's rights must be balanced against the police department's need make an arrest and enforce laws. This balancing process stipulates that, even though there is probable cause to seize a suspect, an officer may not always do so by killing him. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is unreasonable under the Constitution.

The Supreme Court went on to say that while burglary is a serious crime, the officer in this case could not reasonably have believed that the suspect – unarmed, young, and of a thin build – posed any threat. The Court further held that the fact that an unarmed suspect burglarized a dwelling at night does not automatically mean he is dangerous.

The Supreme Court affirmed the decision of the Court of Appeals on March 27, 1985.

Attachments

Use of Force Report .pdf

ADDITIONAL REPORTS: <input type="checkbox"/> INCIDENT REPORT <input type="checkbox"/> ARREST REPORT <input type="checkbox"/> ACCIDENT REPORT <input type="checkbox"/> INJURY REPORTS <input type="checkbox"/> STATEMENTS <input type="checkbox"/> EPS REVIEW <input type="checkbox"/> PHOTOS		RIVERDALE PARK POLICE DEPARTMENT SUPERVISOR'S USE OF FORCE REVIEW				CASE NUMBER LINKED CASE NUMBER	PAGE 1 OF			
		TYPE OF FORCE		DATE / TIME OCCURRED / / hrs.						
LOCATION OF INCIDENT				DATE / TIME SUBMITTED / / hrs.						
POLICE	P - POLICE	V - VICTIM	W - WITNESS	L - OTHER LAW ENFORCEMENT	MORE NAMES	Y <input type="checkbox"/> N <input type="checkbox"/>				
1. CODE X	RANK, NAME, ID	RACE / SEX /	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL		
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID#	RESULT OF REVIEW	STATEMENT		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>			
2. CODE X	RANK, NAME, ID	RACE / SEX /	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL		
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID#	RESULT OF REVIEW	STATEMENT		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>			
3. CODE X	RANK, NAME, ID	RACE / SEX /	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL		
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID#	RESULT OF REVIEW	STATEMENT		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>			
WITNESSES / VICTIM / OTHER			NEIGHBORHOOD CANVAS CONDUCTED			MORE NAMES				
			Y <input type="checkbox"/> N <input type="checkbox"/>			Y <input type="checkbox"/> N <input type="checkbox"/>				
1. CODE X	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB / /	HGT / WGT - /	INJURY	TREATMENT	HOSPITAL	SOBRIETY		
ADDRESS			OBSERVED BEHAVIOR		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>		STATEMENT			
2. CODE X	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB / /	HGT / WGT - /	INJURY	TREATMENT	HOSPITAL	SOBRIETY		
ADDRESS			OBSERVED BEHAVIOR		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>		STATEMENT			
3. CODE X	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB / /	HGT / WGT - /	INJURY	TREATMENT	HOSPITAL	SOBRIETY		
ADDRESS			OBSERVED BEHAVIOR		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>		STATEMENT			
4. CODE X	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB / /	HGT / WGT - /	INJURY	TREATMENT	HOSPITAL	SOBRIETY		
ADDRESS			OBSERVED BEHAVIOR		PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>		STATEMENT			
PERSONS							MORE NAMES			
A - ARRESTED S - SUSPECT F - FIELD OBSERVATION							Y <input type="checkbox"/> N <input type="checkbox"/>			
1. CODE X	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB / /	HGT / WGT - /	INJURY	TREATMENT	HOSPITAL	WEAPON	HOW USED	PHOTOS BEFORE AFTER Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
ADDRESS				LEAD CHARGE	RESISTANCE LEVEL	SOBRIETY	OBSERVED BEHAVIOR	STATEMENT		
2. CODE X	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB / /	HGT / WGT - /	INJURY	TREATMENT	HOSPITAL	WEAPON	HOW USED	PHOTOS BEFORE AFTER Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/>
ADDRESS				LEAD CHARGE	RESISTANCE LEVEL	SOBRIETY	OBSERVED BEHAVIOR	STATEMENT		
REPORTING SUPERVISOR			ASSIGNMENT	SUPERVISOR ON SCENE	Sector	APPROVING COMMANDER				
				Y <input type="checkbox"/> N <input type="checkbox"/>	- /					

SUPERVISOR'S USE OF FORCE REVIEW (CONT.)			CCN		PAGE 2	OF
PREMISE TYPE:			LINKED CASE NUMBER			
DESCRIPTION	*O.C SPRAY	ASP	EMPTY HAND	TASER		
TARGET AREA						
STRIKES / BURST						
VERBAL WARNING						
TIME TO COMPLY						
DISTANCE						
DURATION		N/A	N/A		N/A	

*TIME AFTER DEPLOYMENT UNTIL DECONTAMINATION:

*DESCRIBE EFFORTS TO DECONTAMINATE:

					EMS RUN #
EPS	Y <input type="checkbox"/> N <input type="checkbox"/>	TRANSPORTED BY	<input type="checkbox"/> AMBULANCE	<input type="checkbox"/> CRUISER #	MVS RECORDED <input type="checkbox"/> YES <input type="checkbox"/> NO

CODE	X	DISCHARGE OF FIREARMS				MORE NAMES		Y <input type="checkbox"/> N <input type="checkbox"/>
		MAKE	MODEL	SERIAL NUMBER	TYPE	HAND USED	NATURAL HAND	
		AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT	APPROXIMATE # OF TIMES FIRED		
		FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY	FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
		ANIMAL INVOLVED	SPECIES	TYPE	BEHAVIOR	INJURY		

NARRATIVE

DID THE USE OF FORCE COMPLY WITH DEPARTMENTAL POLICY: Y N

IF NO, EXPLAIN IN NARRATIVE.

SHIFT SUPERVISOR	CONCUR / NON-CONCUR	SIGNATURE /DATE
PATROL COMMANDER	CONCUR / NON-CONCUR	SIGNATURE/DATE
ASSISTANT CHIEF	CONCUR / NON-CONCUR	SIGNATURE/DATE

**RIVERDALE PARK POLICE DEPARTMENT
SUPERVISOR'S USE OF FORCE REVIEW
ADDITIONAL PERSONS SUPPLEMENT**

PAGE 3 OF 5

CCN

POLICE **P – POLICE** **V – VICTIM** **W – WITNESS** **L – OTHER LAW ENFORCEMENT** **MORE NAMES** Y N

4. CODE	RANK, NAME, ID	RACE / SEX	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL
		/						
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID #	RESULT OF REVIEW	STATEMENT			PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>
5. CODE	RANK, NAME, ID	RACE / SEX	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL
		/						
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID #	RESULT OF REVIEW	STATEMENT			PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>
6. CODE	RANK, NAME, ID	RACE / SEX	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL
		/						
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID #	RESULT OF REVIEW	STATEMENT			PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>
7. CODE	RANK, NAME, ID	RACE / SEX	SUPERVISOR ID	DUTY STATUS	FORCE LEVEL	INJURY	TREATMENT	HOSPITAL
		/						
ASSIGNMENT	CRUISER #	MVS SYSTEM Y <input type="checkbox"/> N <input type="checkbox"/>	MVS REVIEWED Y <input type="checkbox"/> N <input type="checkbox"/> ID #	RESULT OF REVIEW	STATEMENT			PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>

WITNESSES/ VICTIM

MORE NAMES Y N

5. CODE	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB	HGT / WGT	INJURY	TREATMENT	HOSPITAL	SOBRIETY
			/ /	- /				
ADDRESS				OBSERVED BEHAVIOR	PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>	STATEMENT		
6. CODE	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB	HGT / WGT	INJURY	TREATMENT	HOSPITAL	SOBRIETY
			/ /	- /				
ADDRESS				OBSERVED BEHAVIOR	PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>	STATEMENT		
7. CODE	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB	HGT / WGT	INJURY	TREATMENT	HOSPITAL	SOBRIETY
			/ /	- /				
ADDRESS				OBSERVED BEHAVIOR	PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>	STATEMENT		
8. CODE	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB	HGT / WGT	INJURY	TREATMENT	HOSPITAL	SOBRIETY
			/ /	- /				
ADDRESS				OBSERVED BEHAVIOR	PHOTOS TAKEN Y <input type="checkbox"/> N <input type="checkbox"/>	STATEMENT		

PERSONS

A - ARRESTED S - SUSPECT F - FIELD OBSERVATION

MORE NAMES Y N

3. CODE	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB	HGT / WGT	INJURY	TREATMENT	HOSPITAL	WEAPON	HOW USED	PHOTOS BEFORE <input type="checkbox"/> N <input type="checkbox"/> AFTE R <input type="checkbox"/> N <input type="checkbox"/>
			/ /	- /						
ADDRESS				LEAD CHARGE	RESISTANCE LEVEL	SOBRIETY	OBSERVED BEHAVIOR	STATEMENT		
4. CODE	NAME: LAST, FIRST	PHONE #	RACE/ SEX/ DOB	HGT / WGT	INJURY	TREATMENT	HOSPITAL	WEAPON	HOW USED	PHOTOS BEFORE <input type="checkbox"/> N <input type="checkbox"/> AFTE R <input type="checkbox"/> N <input type="checkbox"/>
			/ /	- /						
ADDRESS				LEAD CHARGE	RESISTANCE LEVEL	SOBRIETY	OBSERVED BEHAVIOR	STATEMENT		

REPORTING SUPERVISOR

ASSIGNMENT

SECTOR

APPROVING COMMANDER

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**RIVERDALE PARK POLICE DEPARTMENT
SUPERVISOR'S USE OF FORCE REVIEW
DISCHARGE OF FIREARMS ADDENDUM**

PAGE

OF

CCN

CODE							
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND	
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED		
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY		
CODE							
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND	
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED		
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY		
CODE							
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND	
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED		
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY		
CODE							
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND	
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED		
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY		
CODE							
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND	
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED		
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY		
CODE							
MAKE	MODEL	SERIAL NUMBER	TYPE		HAND USED	NATURAL HAND	
AMMUNITION USED	WEAPON'S ACTION	JUSTIFICATION FOR USE	APPROXIMATE DISTANCE FROM SUSPECT		APPROXIMATE # OF TIMES FIRED		
FIRE FROM COVER ?	WOUNDS INFLICTED ?	WHAT PART OF BODY		FIRE AT VEHICLE ?	FIRE AT SUSPECT IN VEHICLE ?		
ANIMAL INVOLVED	SPECIES	TYPE		BEHAVIOR	INJURY		
REPORTING SUPERVISOR		ASSIGNMENT		BEAT/RA	APPROVING COMMANDER		
				- /			

**RIVERDALE PARK POLICE DEPARTMENT
SUPERVISOR'S USE OF FORCE REVIEW
CONTINUATION**

PAGE

OF

CCN

NARRATIVE

DID THE USE OF FORCE COMPLY WITH DEPARTMENTAL POLICY: Y N

IF NO, EXPLAIN IN NARRATIVE.

SHIFT SUPERVISOR

CONCUR /
NON-CONCUR

SIGNATURE /DATE

PATROL COMMANDER

CONCUR /
NON-CONCUR

SIGNATURE/DATE

ASSISTANT CHIEF

CONCUR /
NON-CONCUR

SIGNATURE/DATE

Use of Force Coding Overlay.pdf

USE OF FORCE CODING OVERLAY

FORCE LEVEL

00	.....	N/A
60	.....	POLICE PRESENCE
61	.....	VERBAL PRESENCE
62	.....	O/C SPRAY
63	.....	CANINE
64	.....	EMPTY HAND
65	.....	INTERMEDIATE WEAPON
66	.....	DEADLY FORCE

FORCE LEVEL

POLICE PRESENCE ON SCENE - THE OFFICER'S MERE PRESENCE GAINS CONTROL OF THE SCENE.

VERBAL DIRECTION - THE OFFICER VERBALLY DIRECTS PERSONS TO GAIN CONTROL OF THE SCENE.

O/C (OLEORESIN CAPSICUM) SPRAY - THE OFFICER USES THE O/C SPRAY TO TEMPORARILY INCAPACITATE PERSONS AND GAIN CONTROL.

EMPTY HAND (SOFT/HARD) - THE OFFICER USES HIS/HER PERSONAL WEAPONS (EX. HANDS, FEET) TO GAIN CONTROL (EX. PRESSURE POINTS, HAND STRIKE OR PUNCH).

INTERMEDIATE WEAPON - THE OFFICER USES NON-LETHAL WEAPONS (EX. ASP BATON) TO GAIN CONTROL.

DEADLY FORCE - THE OFFICER USES A FIREARM.

INJURY

00	.....	N/A
09	.....	NOT RELATED TO USE OF FORCE
10	.....	NOT INJURED
11	.....	BRUISE/ABRASION
12	.....	SPRAIN/SORENESS
13	.....	LACERATION
14	.....	BITE
15	.....	BROKEN NOSE
16	.....	BROKEN BONE
17	.....	INTERNAL INJURY
18	.....	GUN SHOT
19	.....	OTHER (LIST IN DETAILS)

TREATMENT

00	.....	N/A
20	.....	NONE
21	.....	REFUSED
22	.....	FIRST AID
23	.....	HOSPITAL
24	.....	PERSONAL PHYSICIAN
25	.....	DECONTAMINATION

HOSPITAL

00	.....	N/A
80	.....	PRINCE GEORGE'S
81	.....	DOCTOR'S COMMUNITY
82	.....	SOUTHERN MARYLAND
83	.....	LAUREL REGIONAL
84	.....	FORT WASHINGTON
85	.....	BOWIE
86	.....	OTHER (LIST IN DETAILS)

DUTY STATUS

50	.....	NORMALLY SCHEDULED WORK HOURS (NOT ON LEAVE)
51	.....	NORMALLY SCHEDULED WORK HOURS (ON LEAVE)
52	.....	HOURS OUTSIDE NORMALLY SCHEDULED WORK HOURS (NOT WORKING)
53	.....	HOURS OUTSIDE NORMALLY SCHEDULED WORK HOURS (SECONDARY EMPLOYMENT)
54	.....	HOURS OUTSIDE NORMALLY SCHEDULED WORK HOURS (FUNDED OVERTIME)

SHIFT WORKING

00	.....	N/A OR NOT WORKING
01	.....	MIDNIGHT SHIFT
02	.....	DAY SHIFT

SOBRIETY

29	.....	SOBER
30	.....	ALCOHOL
31	.....	MARIJUANA
32	.....	COCAINE
33	.....	PCP
34	.....	HEROIN
35	.....	UNKNOWN
36	.....	OTHER (LIST IN DETAILS)

OBSERVED BEHAVIOR

00	.....	N/A
40	.....	CALM
41	.....	VISIBLY UPSET
42	.....	ERRATIC
43	.....	HIGHLY AGITATED
44	.....	COMBATIVE

WEAPON

00	.....	N/A
69	.....	NONE
70	.....	OPEN HAND/ARM
71	.....	FIST
72	.....	FEET/LEGS
73	.....	BLUNT INSTRUMENT
74	.....	SHARP INSTRUMENT
75	.....	ROCK/BOTTLE
76	.....	EXPLOSIVE
77	.....	VEHICLE
78	.....	FIREARM
79	.....	OTHER (LIST IN DETAILS)

HOW WEAPON USED

00	.....	N/A
110	.....	THREATEN
111	.....	STAB
112	.....	THROW
113	.....	GRAB/HOLD
114	.....	PUSH/PULL
115	.....	STRIKE/HIT
116	.....	BITE
117	.....	SLASH
118	.....	FIREARM DISCHARGE
119	.....	RESTRAINT
120	.....	OTHER (LIST IN DETAILS)

RESISTANCE LEVEL

00	.....	N/A
90	.....	COOPERATIVE
91	.....	NEEDS VERBAL DIRECTION
92	.....	PSYCHOLOGICAL INTIMIDATION
93	.....	VERBAL NON-COMPLIANCE
94	.....	PASSIVE RESISTANCE
95	.....	DEFENSIVE RESISTANCE
96	.....	ACTIVE AGGRESSION
97	.....	AGGRAVATED ACTIVE AGGRESSION

RESISTANCE LEVEL

COOPERATIVE - THE PERSON OFFERS NO RESISTANCE WHEN COMPLYING.

NEEDS VERBAL DIRECTION - THE PERSON PHYSICALLY COMPLIES, BUT MUST BE TOLD WHERE TO STAND, SIT, ETC.

PSYCHOLOGICAL INTIMIDATION - THE PERSON USES BODY LANGUAGE TO INTIMIDATE THE OFFICER (EX. CLINCHING FISTS, ANGRY STARE).

VERBAL NON-COMPLIANCE - THE PERSON SAYS THERE WILL BE NO COMPLIANCE.

PASSIVE RESISTANCE - THE PERSON USES NON-AGGRESSIVE, MOTIONLESS ACTIVITY TO REFUSE COMPLIANCE (EX. USES "DEAD WEIGHT").

DEFENSIVE RESISTANCE - THE PERSON USES ACTIONS TO REFUSE COMPLIANCE (EX. PULLING AWAY, FAILURE TO SURRENDER HANDS FOR HANDCUFFING).

ACTIVE AGGRESSION - THE PERSON USES PERSONAL WEAPONS (EX. HANDS, FEET) AND NON-LETHAL WEAPONS TO REFUSE COMPLIANCE.

AGGRAVATED ACTIVE AGGRESSION - THE PERSON USES LETHAL WEAPONS (EX. GUN, KNIFE) OR DEADLY FORCE (FORCE THAT IS LIKELY TO PRODUCE DEATH) TO REFUSE COMPLIANCE.