After review I am pleased to report that law enforcement officers at the USM Department of Public Safety are in compliance with the national “8 Can’t Wait” police reform campaign. While many of these considerations have been long implemented and taught in Maine, this review nonetheless demonstrates our commitment to the progressive work on all levels toward criminal justice system and police procedural reform.

1. **Require De-escalation**: De-escalation and crisis intervention techniques and consideration of alternatives to physical force are to be used and are less likely to result in death or serious physical injury. These techniques can be used in an attempt to de-escalate a potentially deadly situation.

USMPD policy 6.01 *Response to Resistance* requires officers to continually evaluate the evolving situation, adapting a plan and actions that are appropriate
and effective in bringing the situation under control…every attempt will be made
to achieve control through advice, warnings, or persuasion when possible”.

2. **Duty to Intervene:** Any officer present and observing another using force that is
clearly beyond what is objectively reasonable under the circumstances, when in
a position to do so, should intercede to prevent the use of unreasonable force.

   USMPD policy 2.12 *Professional Conduct* requires officers to “recognize and act
upon the Duty to Intervene in order to prevent or stop any member from
conducting any act that violates law or policy (including, but not limited
to excessive or unlawful force, unlawful behavior, abuses of authority or major
violations of department policy or procedure). Such interventions shall be
reported to an appropriate supervisor without delay. Successful intervention does
not negate a duty to report”.

3. **Ban Chokeholds & Strangleholds:** Chokeholds and strangleholds are strictly
prohibited. The use of the carotid control hold has been suspended, except in
situations when an officer is defending against an imminent threat of death or
serious injury.

   USMPD policy 6.01 *Response to Resistance* expressly prohibits the use of neck
restraints or choke holds. Neither techniques are taught or endorsed by the
Maine Criminal Justice Academy, and their use will not be used or tolerated in
this agency.

4. **Require Warning Before Shooting:** Control devices may be used when a
decision has been made to control, restrain or arrest a subject who is violent or
who demonstrates the intent to be violent. In this case, when reasonable, a
verbal warning and opportunity to comply should be done before the use of the
devices.

   USMPD policy 6.01 *Response to Resistance* states that under Maine law “an
officer is justified in using deadly force only when the officer reasonably believes
it is necessary…to defend the officer or a third person from what the officer
reasonably believes is the imminent use of deadly force”. “If feasible, the officer
must issue a warning prior to using deadly force, e.g., “drop the weapon,” or a
similar instruction to cease the threatening behavior”.

5. **Ban Shooting at Moving Vehicles:** Officers should move out of the way of an
approaching vehicle, instead of firing their weapon at the vehicle or any of its
occupants. An officer should only fire their gun at a moving vehicle or its
occupants when there is believed to be 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.
USMPD policy 6.01 *Response to Resistance* expressly prohibits using a firearm to shoot “at or from a moving vehicle, unless the circumstances justify the use of deadly force” and also “when there is a clear and obvious danger of hitting bystanders, who may be in or near the line of fire”. Circumstances that justify the use of deadly force are mirrored from Maine law (17-A M.R.S. §101(5)) and outlined in this policy to include those instances in defense to the officer or to a third person “from what the officer reasonably believes is the imminent use of deadly force. If feasible, the officer must issue a warning prior to using deadly force, e.g., “drop the weapon,” or a similar instruction to cease the threatening behavior”.

6. **Require Exhaust All Alternatives Before Shooting:** If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force.

As outlined in USMPD policy 6.01 *Response to Resistance*, officers are required to only use Situational Use of Force, or the level of force that is necessary to gain control of the incident. “The degree of control employed, however, should be in direct relationship to the amount of resistance employed against the officer or the level of threat that a person poses to the officer or others. The use of control may be in the form of advice, warnings, persuasion, verbal commands, passive control, the use of OC spray, physical contact, the use of non-lethal weapons, or the use of deadly force”. “Every attempt will be made to achieve control through advice, warnings, or persuasion when possible”.

7. **Require 'Use of Force' Continuum:** Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Vesting officers with authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interest.

The Maine Criminal Justice Academy has taught, and Maine agencies have adopted, “situational use of force” policies and procedures. As reflected in USMPD policy 6.01 *Response to Resistance*, all officers are required to continually asses, plan and respond “to situations that threaten public and officer safety and requires the use of force and control. The process includes an assessment of the situation and circumstances immediately confronting the officer, including but not limited to the severity of the crime or suspected offense, the level and imminence of any threat to the officer(s) or public, the level of resistance, the risk or apparent attempt to flee or escape; the suspect’s behavior and individual actions (cooperative, resistive (passively or actively), assaultive / high risk, or life-threatening (posing a threat of death or serious bodily injury), and the officer’s perceptions and tactical considerations. Based on this assessment, the officer selects from the available officer response options while continuing to
evaluate the evolving situation, adapting a plan and actions that are appropriate and effective in bringing the situation under control”. “An officer may use only that physical force that the officer reasonably and actually believes is necessary to effectively bring an incident under control while protecting the officer or another”, and “Every attempt will be made to achieve control through advice, warnings, or persuasion when possible”.

8. **Require Comprehensive Reporting**: Any use of force by an officer should be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why they believed the use of force was reasonable under the circumstances.

USMPD policy 6.01 *Response to Resistance* makes reporting all uses of force by officers mandatory. “A Use of Force report (Appendix B) shall be required anytime physical force is used to achieve control”. Further, “The Captain shall conduct a review and prepare a report of all incidents of force that occurred. A report will be generated to the Chief of Police to include any trends, training needs, equipment needs, or needs for policy revisions”. Additionally, USMPD policy 6.02 *Deadly Force Incident Procedures* requires mandatory reporting by the officer, an internal investigation as well as an external investigation by the Maine Attorney General, and the convergence of a review team to include “a Chief of Police from another agency, a Maine State Police Supervisor, a public citizen who is not and has not previously served as a sworn law enforcement officer and a licensed mental health or substance abuse clinician”. The incident review team will generate a written report as they “review the use of deadly force to determine…the facts of an incident, whether relevant policy was clearly understandable and effective to cover the situation, whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised, whether equipment or other resources should be modified”.