

Use of Force- Policy #6-1

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Chief's Signature <i>Jennifer Lyon</i>	Re-evaluation Date:	Number of Pages 9

I. PURPOSE

The purpose of this Policy is to provide officers with guidelines on the use of force, deadly force and less lethal force. It does not apply in any criminal or civil proceeding. This policy should not be construed as a creation of a higher legal standard of safety, care or conduct for employees in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions.

II. POLICY

The Stroud Area Regional Police Department (SARPD) recognizes and respects the value and special integrity of each human life. In vesting Police Officers with the lawful authority to use force to protect themselves and the public welfare, a careful balancing of all human interests is required. It is the policy of this Department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. Use of force, as designated herein, shall be reported in a timely, complete, and accurate manner by involved officers and in accordance with this Policy.

III. SCOPE

Only Department approved weapons (see SARPD Policy 4.024) shall be authorized for use by members of the SARPD. Members shall only be authorized to carry and use weapons after successfully completing the required course of instruction.

In the event of a conflict between this Policy and statutes or case law, the more restrictive shall control.

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IV. DEFINITIONS

1. Deadly Force: Any use of force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.
2. Impact Weapons and Munitions – Weapons and ammunition designed to fire less-lethal projectiles or blunt tool used to strike or restrain and that can incapacitate or disorient aggressive, violent or armed subjects.
3. Less-Lethal Force: Any use of force other than that which is considered Deadly Force.
4. Serious bodily injury: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
5. Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.
6. Use of Force: Use of force is the amount of effort required by Police to compel compliance from a person. This includes any use of force occurring while the Officer is acting in an official law enforcement capacity, whether undercover, plainclothes, or uniform assignments, while on or off duty.
7. De-escalation: Taking action or communication verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a deduction in the force necessary. De- escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.
8. Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
9. Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.
10. Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause injury.

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11. Conducted Energy Weapon (CEW)- A device capable of firing two small dart-like electrodes, which stay connected to the main unit by conductors, or by direct contact, designed to deliver electric current to disrupt voluntary control of muscles causing “neuromuscular incapacitation”. eg., TASER
12. Organic or Chemical Agents (Oleoresin Capsicum/OC or Orthochlorobenzalmalonitrile /CS): (SARPD Chemical Agents policy 4.902 & SWAT Policy 4.900) Any liquid, solid, or gas compound that works psychologically and/or physiologically to create discomfort in humans.
13. Flash Sound Diversionary Device (FSDD): (SARPD SWAT FSDD Policy 4.901 & SWAT Policy 4.900) Device creating a bright flash and loud report designed to temporarily divert the attention of persons in the immediate vicinity, giving tactical teams a window of opportunity to exploit to their advantage.
14. Blue Team: An electronic reporting tool used by the SARPD that permits the entry of required use of force reporting by officers and supervisors.

V. PROCEDURES

A. Statutory Authority:

All Officers are responsible for the review and knowledge of Pennsylvania Statute Title 18, Chapter 5, General Principles of Justification. Specifically, members are governed by Section 505, Use of Force in Self-Protection; Section 506, Use of Force for the Protection of Other Persons; Section 507, Use of Force for the Protection of Property; and Section 508, Use of Force in Law Enforcement. In addition, All SARPD Officers are responsible for the review and knowledge of the US Supreme Court decisions in Tennessee vs. Garner¹ and Graham vs. Connor². These statutes and case laws have been used to form the basis of this policy.

¹ Tennessee v. Garner, 471 U.S. 1 (1985), is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others”.

² Graham v. Connor, 490 U.S. 386 (1989), was a United States Supreme Court case where the Court determined that an objective reasonableness standard should apply to a civilian's claim that law enforcement officials used excessive force in the course of making an arrest, investigatory stop, or other "seizure" of his or her person

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B. De-escalation

1. An officer shall use De-escalation techniques as an alternative to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before forced is used.

C. Duty to Intervene

1. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is Objectively Reasonable under the circumstances shall intercede to prevent the use of unreasonable force. If and when the officer has a realistic opportunity to prevent harm.
2. An Officer who observes another officer use force that exceeds the degree of force as described in section 1 of this section, will promptly report these observations to a supervisor.

D. Level of Force:

1. Department members shall use only the amount of force which is necessary and Objectively Reasonable to control the situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. No officer will use unreasonable or excessive force toward any person.
2. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the officer or others.
3. The use of force by members of the Department will, whenever possible, be progressive in nature. This force may be in the form of officer presence, verbal control, physical control, CEW, chemical agents, use of an ASP or other less lethal weapons, canine, or the use of Deadly Force.

E. Parameters for Use of Deadly Force:

1. When it is necessary for a Stroud Area Regional Police Officer to discharge a firearm, the member shall exercise the utmost caution so as to avoid endangering innocent persons.

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2. There are three instances in which a Police Officer may discharge a firearm at another human being:
 - a) When the Officer reasonably believes that such force is necessary to prevent death or serious bodily injury to himself.
 - b) When the Officer reasonably believes that such force is necessary to prevent death or serious bodily injury to another person.
 - c) When the Officer believes that no other alternative exists to affect the arrest, to prevent the person fleeing from arrest or Police custody, and when the officer has probable cause or reasonably believes that:
 - (1) The person fleeing possesses a deadly weapon which he has used or indicates he is about to use, or
 - (2) The person fleeing has directly or indirectly indicated that he will endanger human life or inflict serious bodily injury unless arrested without delay.
3. If feasible, an Officer shall identify himself and give warning before discharging a firearm in any of the above instances.

F. Guidelines on display and discharge of firearms:

1. An Officer may display or discharge a weapon under the following circumstances:
 - a) Under the parameters for use of Deadly Force as stated above.
 - b) During range practice or training
 - c) To destroy an animal that represents a threat to public safety, or to euthanize a seriously injured animal. The destruction of an injured animal shall be documented on an Incident Report.
2. Officers shall adhere to the following restrictions when their weapon is displayed:
 - a) Except for maintenance, inspection, or during training, members shall not draw or display their firearm unless circumstances create an Objectively Reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 - b) Officers shall not use their firearm to fire a warning shot.

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c) Officers shall not discharge a firearm at or from a moving vehicle except under the following conditions:

(1) As a last resort measure of self-defense when the actor is using Deadly Force by means other than the vehicle.

(2) As a last resort measure of self-defense when a vehicle is being driven in a manner deliberately intended to kill or injure an officer or another person.

(3) As a last resort to prevent the escape of a fleeing felon when the use of Deadly Force is otherwise justified.

d) All incidents of displaying a firearm off-duty will be promptly reported to a Police supervisor and be documented on the appropriate Police report, except during range practice, hunting or competitive sporting events.

G. Parameters for use of less lethal force:

1. Where Deadly Force is not authorized, officers shall use only that level of force on the force continuum that is reasonably necessary to de-escalate the incident and bring it under control.

2. Stroud Area Regional Police Officers are only authorized to use Department approved less-lethal force techniques and issued equipment for resolution of incidents as follows:

- a) To protect themselves or another from physical harm;
- b) To restrain or subdue a resistant individual; or
- c) To bring an unlawful situation safely and effectively under control.

H. Force Continuum

1. The Force Continuum is a guideline to assist Officers when deciding the appropriate level of force to be used. The continuum shows the levels of force available to Police Officers during an arrest or non-arrest situation. The detail of the continuum assists members in analyzing the force used. Nothing in this continuum will require that Officers use all lower levels of force before using the appropriate level. Circumstances and Objectively Reasonableness will determine what level of force on the continuum that an officer will begin with. The force continuum for appropriate force response is as follows:

- a) **Officer Presence** (social control)

Identification of authority.

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b) Verbal Control

Commands of direction or arrest. Must be used, when feasible, in conjunction with all other uses of force.

c) Weaponless Control

Control techniques that have a minimal probability of injury, such as holding, or direct mechanical techniques.

Note: The use of neck restraints, vascular neck restraints or similar weaponless control techniques, commonly referred to as “choke holds”, is prohibited except when applied under Section H (1)(i) of this policy.

d) Pain Compliance

The Pain Compliance is an intermediate level of force and involves the application of pressure to a person’s body to cause pain. Compliance is gained from the effort of the person to relieve the discomfort. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

e) Organic or Chemical Agents, OC (Oleoresin Capsicum), and Chemical Aerosol

OC: An organic agent that is inflammatory. Causes localized topical heat, redness, inflammation and pain to all exposed skin and tissues. Effective time is immediate to 45 minutes. Usually does not require medical attention. The discomfort produced is intended to gain a person’s compliance without the risk of bodily injury.

CS (Orthochlorbenzalmalononitrile) Definition: A synthetic chemical agent that causes irritation to exposed tissue and skin. Effective time is 30 to 45 minutes. CS May require medical attention.

Note: CS chemical agents are only authorized for use by the SWAT team members in accordance with SWAT policy 4.902.

f) Conducted Energy Weapon (CEW)

A device capable of firing two small dart-like electrodes, which stay connected to the main unit by conductors, designed to deliver electric current to disrupt voluntary control of muscles causing “neuromuscular incapacitation”. eg., TASER

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g) Hard Physical Control

Hard physical control is considered an intermediate level of force and consists of, but is not limited to punches, throws, kicks, and stuns. Hard physical control has a higher probability of compliance but has a greater risk of injury. Hard physical control should only be used in those instances in which the preceding levels of force would be inappropriate or have proven to be ineffective.

h) Impact Weapons, Munitions, FSDD'S and Canine Techniques

(1) Impact weapons and munitions are considered intermediate levels of force and bridge the gap between hard physical control and the firearm. Impact weapons and munitions should only be used in those instances in which the preceding levels of force would be inappropriate or have been proven ineffective.

Note: Impact munitions are only authorized for use by the SWAT team or SWAT trained officers working patrol when authorized by a SWAT supervisor.

Flash Sound Diversionary Devices (FSDD):

Definition: (See Definitions) (SARPD SWAT FSDD Policy 4.901 & SWAT Policy 4.900)

Use of this level of force shall cease or be deescalated to a lower level of force upon compliance or when resistance has been overcome.

Note: FSDDs are only authorized for use by the SWAT team or SWAT trained officers working patrol when authorized by a SWAT supervisor.

(2) Canine Techniques

Various techniques used by canine handlers to assist in the control or apprehension of suspects who present a danger to the community or the Officer.

i) Firearms and Deadly Force

Most Deadly Force incidents with Police Officers involve the discharge of a firearm, but if the use of Deadly Force is justified in accordance with this policy and law, then any implement, device, object, or technique to include neck restraints or choke holds, would be equally justified if the officer reasonably believes that such force is necessary to prevent death or serious

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bodily injury to an Officer or another, or when the use of Deadly Force would otherwise be authorized.

I. Less Lethal/Restraint Instruments

Officers will only use department issued less lethal/restraint instruments. Officers are not authorized to use a less lethal/restraint instrument unless qualified in its proficient use as determined by training procedures. The following are the SARPDs authorized less lethal/restraint instruments:

1. Hand cuffs
2. Zip ties
3. Leg Shackles
4. Belly Belt
5. Oleoresin Capsicum (OC)
6. CS Gas
7. Conducted Energy Weapon (CEW)
8. Extended Range Specialty Impact Munitions from authorized platform
9. ASP Expandable Baton
10. Canine
11. Any other instrument approved by the Chief of Police

J. Appropriate medical aid after the use of force:

1. Police Officers are required as per policy (See SARPD Policy 6-2) to provide appropriate medical aid after the use of force in the following circumstances;
 - a) To all persons with obvious injuries.
 - b) To all persons complaining of injuries.
 - c) To all persons with suspected injuries.
2. Appropriate medical aid includes increased observation to detect obvious changes in condition and protect against positional asphyxia and excited delirium; flushing of organic or chemical agents from the eyes; applying basic first aid; evaluation by paramedics or Emergency Medical Technicians; or for more serious or life threatening incidents, immediate aid by medical professionals.

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K. Training

1. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
2. In addition, training shall be provided on a regular and periodic basis and designed to:
 - a) Provide techniques for the use of and reinforce the importance of De-escalation;
 - b) Simulate actual shooting situations and conditions; and
 - c) Enhance officers' discretion and judgment in using less-lethal and Deadly Force in accordance with this policy.
3. All use of force training shall be documented.