DEPARTMENT OF PUBLIC SAFETY

POLICY & PROCEDURE MANUAL	DATE: 02/15/2007	SUCCEEDS:

SUBJECT: USE OF FORCE	NUMBER: 33	PAGE: 1 OF 11

Purpose:

Because of it's law enforcement and peacekeeping role, the Department of Public Safety Officer will be required at times to resort to physical force in the execution of their duties and responsibilities. The use of force by police officers is an issue of great concern to society, individual officers and police administrators alike. All too often cries of police brutality are heard throughout the country and it has become more difficult for you the officer to effectively execute your duties without the fear of some form of reprisal. This is particularly true where determination of the propriety of the use of force is often after-the-fact and subjective in nature. Therefore, the lawful use of force must be controlled and confined so that officers will not subject themselves to civil and criminal liability through the unnecessary use of force.

Enclosures:

Appendices - #1 Physical Body Weapon Techniques
#2 Restraints / Handcuffs
#3 OC Spray, Pepper Spray
#4 PR-24 Police Baton

Use of Force Documents- Unarmed Self Defense
OC Spray
PR-24 Police Baton

Policy:

A. The Public Safety Officer's Use of Force authority is based on the **Crimes Code of Pennsylvania** Section 505, *Use of Force in Self Protection;* 506, *Use of Force for the Protection of Other Persons,* 507, *Use of Force for the Protection of Property;* 508, *Use of Force in Law Enforcement,* and 509, *Use of Force by Persons with Special Responsibilities for Care, Discipline, or Safety of Others.* Each Public Safety Officer is responsible for knowing and understanding these sections of the Crimes Code.

B. In any situation where force is necessary, Public Safety Officers are to use the minimal amount of force necessary to control the situation and it's participants. The use deadly force will always be considered as a last resort or as outlined in Section 508 of the Crimes Code, Use of Force in Law Enforcement.

C. Force used shall be reasonable, as deemed by the Officer, for the given situation. The amount and degree of force will be determined by the totality of the circumstances, including but not limited to the following:

1. The nature of the offense;

2. The behavior of the subject(s) involved;

3. Actions by third party subject(s) who may be present;

4. The feasibility or availability of alternative actions;

5. The capability of the subject(s) imposing harm, whether serious bodily injury or death;

6. The opportunity available to the subject(s) in imposing harm, whether serious bodily injury or death;

7. The possible intent of the subject(s) as perceived and/or interpreted by the officer based on the circumstances implying that the subject is or will impose harm, whether serious bodily injury or death.

D. The following guidelines are for the Use of Force by members of the Department of Public Safety. The specific guidelines will provide officers with a basis by which to employ sound judgment and make reasonable and prudent decisions.

Definitions:

1. **Force**: To produce by reasonable effort a desired or required response or result, executed with legal validity, efficacy.

2. **Continuum of Force (Ladder of Force)**: The concept that there is a wide range of possible actions, ranging from verbal commands to the application of deadly force, that may be used to gain and maintain control in a potentially dangerous situation

3. **Minimal Force**: The amount of force which a person knows will generally not result in serious bodily injury or death.

4. **Deadly Force**: The amount of force which a person knows or should know would create a substantial risk of serious bodily harm or death, and is used as a last result when all lesser means have failed or cannot be reasonably employed.

5. **Serious Bodily Harm**: Includes, but is not limited to broken bones, serious internal injuries, internal bleeding, etc. It does not include bruises, bloody noses or dislocated joints.

6. **Defensive Devices**: Refers to OC Spray and the PR-24 Police Baton

7. **Physical Body Weapon Techniques**: Harmed, hands on defensive tactics utilizing either "Hard Closed Hand or Soft Open Hand" defensive techniques.

8. **OC Spray**: A defensive aerosol device containing a mixture of a resin and naturally occurring oil from one of several varieties of pepper plants with pungent fleshy pods, ie. Chili Peppers, Cayenne Peppers, Bird Peppers, etc.

9. **PR-24 Police Baton**: A "defensive impact device" designed for an officer to actively defend and control an assailant's aggression and attack. Governed by a specific method of employment through an in-depth instruction, evaluation and certification period.

10. **Restraining Device - Handcuffs**: A restraining device consisting of a pair of strong, connected metal hoops which can be tightened and locked on the wrists, used to secure a prisoner or detainee taken into custody.

11. **Verbal Commands:** Lawful orders and commands given by Public Safety Officers in the execution of their duties in controlling a situation or subject(s).
12. **Command Presence:** The lawful presence of Public Safety Officers in a specific area executing their sworn duties in an official capacity.

Policy Guidelines:

1. Use of force as outlined in this policy statement directs a use by ascension from minimal to deadly force based on the totality of the circumstances which the officer has been placed in.

2. Force may be used by a Public Safety Officer in the performance of their duties in the following situations:

    a. When necessary to effect a lawful arrest, detainment or control of a subject(s);

    b. When necessary to defend oneself or another from serious bodily harm or death while making an arrest, detainment or controlling a subject(s);

    c. When necessary to prevent the escape of the arrested or detained subject(s) from custody;

    d. When immediately necessary to prevent another from committing or consummating the commission of a crime involving or threatening bodily injury, damage to or loss of property or a breach of the peace.

3. A Public Safety Officer acting may be required to ascend to a higher level of force than would be necessary if another Public Safety Officer had been present based on the totality of the circumstances which they are faced to deal with. Whenever possible, a Public Safety Officer should call for and wait for assistance, unless immediate action is required.

4. The following Escalation of Force (Ladder of Force) is set forth by the Department of Public Safety. This escalation follows in ascending order from the least severe to the most severe measure. It should also be noted that depending on the situation, an Officer may skip a step(s) and use a higher level of force to control situations which they are faced with, providing for their safety along with safety and well being of the community.

- PR-24 Police Baton
- OC Spray
- Restraining Devices
- Physical Body Weapon Techniques
  - Hard Closed Hand techniques
  - Soft Open Hand techniques
- Verbal Commands
- Command Presence



Deadly Force (Highest)



"Based on the Totality of the Circumstances involved"



Minimal Force (Lowest)

5. A defensive device should not be displayed or brandished unless its actual use in the situation would be proper. This does not prohibit a Public Safety Officer from having a defensive device readied when it is anticipate that it may be required to be employed.

6. Public Safety Officers shall not alter or modify any defensive devices without the express written permission of the Director/Chief of Public Safety. Only defensive devices approved and authorized by the Director/Chief of Public Safety will be issued and carried while on duty.

7. Public Safety Officers shall be properly trained in the use of defensive devices before being authorized to carry such implements and the course of training will be documented in the officer's training record maintained by the Department.

8. The "Use of Force" involving the utilization of "Defensive Devices" will be justified when the criteria's addressed in this document and Sections 506, 507, 508 and 509 of the Pennsylvania State Crimes Code have been met.

9. A Public Safety Officer who employs a defensive device shall provide treatment for the subject as soon as practicable under the circumstances or if requested by the subject.

10. When ever force is used by a Public Safety Officer to control a situation or subject(s), a detailed police report will be completed by said officer to document the course of action taken.

11. All Use of Force situations and incidents must be immediately reported to the Shift Sergeant and upper chain of command.

<u>Appendices #1</u>, Physical Body Weapon Techniques (Unarmed Self Defense)

Policy:

Department of Public Safety Officers may be put into a situation where they may have to physically combat a subject to affect a lawful arrest, detainment or establish control of a situation. Based on the circumstances of the situation the officer will have to employ hands on defensive and offensive techniques in order to protect themselves and other.

Guidelines:

a. Officers are authorized to only use approved skills and techniques which they have been trained on by the Department, other agency, police academy or certified course of instruction. The results of the training must be document in the officer's training record maintained by the Department.

b. Only "Hard Closed Hand and Soft Open Hand Techniques" or Pressure Point Control Tactics may be employed by an officer in a close combat, hand to hand situations. There are no pseudo weapon(s), ie. Kubatons, or techniques authorized for use by the Department.

c. All officers must understand the Use of Force Continuum and where these techniques fall the "Ladder of Force".

d. Officers should offer the subject(s), if injured, medical treatment as soon as practicable under the circumstances or if requested by the subject.

e. Anytime an officer combats a subject(s) physically a police report will generated to document the course of action.

f. The Use of Force Document will be completed when Physical Body Weapon Techniques are employed by an officer on a subject(s) and will become an enclosure to the police report .

g. All Use of Force situations must be immediately reported to the Shift Sergeant and upper chain of command.

**** Officers can only utilize approved defensive physical body weapon techniques in a safe and approved manner they have been instructed on. Each officer must pass a course of instruction and the results of such training must be documented in the officer's training record maintained by the Department. Officers will comply with all course, skills and legal requirements.**

Appendices #2, Restraints / Handcuffs

Policy:

Department of Public Safety Officers may have to physically restrain a subject(s) to control the individual or situation or affect the lawful arrest or detainment of the subjects(s).

Guidelines:

a. Only officers who have completed a prescribed course of instruction on the use of restraints and handcuffs are authorized to carry the devices. The results of the training must be documented in the officer's training record maintained by the department.

b. Public Safety Officers shall carry only handcuffs approved by the Department of Public Safety while on duty. All National Institute of Justice approved handcuffs

are acceptable.

c. Flex-cuffs and other restraint devices may be used in exigent circumstances and only when authorized by the Director / Chief of Public Safety or authorized designee.

d. Handcuffs are used as a restraining device. They should only be used when it is necessary to control a subject, affect a lawful arrest / detainment of a subject(s) or protect the officer, subject or a third party from the risk of injury.

e. When restraining a subject(s) they should be restrained with their hands behind the back unless a special circumstance exists that prevents this. Once an individual is handcuffed, they should remain handcuffed until they are turned over to local law enforcement agencies. It is up to the officer's discretion whether or not to remove the subject from the restraints based once in custody at Public Safety Headquarters.

f. In most situations, the use of handcuffs or restraints should result in an arrest or control situation.

g. Anytime a subject(s) is restrained a police report will generated to document the course of action.

h. All officers must understand the Use of Force Continuum and where these techniques fall in the "Ladder of Force."

i. All Use of Force situations must be immediately reported to the Shift Sergeant and upper chain of command.

**** Officers can only utilize restraining devices or handcuffs in the manner they have been instructed to do so. Each officer must pass a course of instruction and the results of such training must be documented in the officer's training record maintained by the Department. Officers will comply with all course, skills and legal requirements.**

<u>Appendices #3,</u> **Oleoresin Capsicum (OC) Spray, Pepper Spray**

Policy:

Department of Public Safety Officers are authorized to carry and employ a Pepper Aerosol Compliance Spray. The spray consists of Oleoresin Capsicum, derived from consumable peppers, which is used to control a violent or agitated subject(s) through pain compliance of a natural burning sensation of the face, eyes, nose and mouth.

Guidelines:

a. Only officers who have completed a prescribed course of instruction on the use of OC are authorized to carry the spray. The results of the training must be documented in the officer's training record maintained by the department.

b. All officers excluding dispatchers are required to qualify and carry OC spray while on duty. Only Department issued spray will be carried by officers on duty.

c. Non-uniformed officer and detectives may carry OC in alternative devices authorized by the Director / Chief of Public Safety.

d. All officers must understand the Use of Force Continuum and where this device falls the "Ladder of Force".

e. If used on a subject(s) and they become compliant, the use of OC spray is no longer justified.

f. Whenever practical a verbal warning should be given when OC spray is being employed.

g. The use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.

h. Officers should decontaminate the subject(s)'s face with cold running water as necessary after they are in custody at Public Safety Headquarters.

i . Medical attention is not necessary after a subject(s) is sprayed with OC. Officers should observe subject(s) for signs of extreme distress and offer medical attention to the subject(s) if deemed necessary. If the subject(s) request medical attention, officers will have an Emergency Medical Services Unit summoned to evaluate the subject(s).

j. Officers are responsible for maintaining spray devices in a good operating condition. Routine replacement of the device after OC deployment or expiration will be that of the Department.

k. Officers who misuse, abuse or damage the device are responsible to the Department for replacement costs. Officers may be subject to reprimand for abuse to device.

**** Officers can only utilize OC spray in the manner they have been instructed to so. Each officer must pass a course of instruction and the results of such training must be documented in the officer's training record maintained by the Department. Officers will comply with all course, skills and legal requirements.**

Appendices #4 **PR-24 Police Baton**

Policy:

Department of Public Safety Officers are authorized to carry and employ the PR-24 Police Baton as a defensive impact device to protect themselves, others or property in the execution of their official duties.

Guidelines:

a. Only officers who have completed a prescribed course of instruction on the PR-24 Police Baton are authorized to carry the device. The results of the training must be documented in the officer's training record maintained by the department. Officers carrying PR-24 Police Batons will also successfully completed ACT 235 training course mandated by the Commonwealth of Pennsylvania for "lethal weapons".

b. All officers must understand the Use of Force Continuum and where this device falls in the "Ladder of Force." The PR-24 Police Baton can be used to control a situation and subject(s) with minimal force or may be employed in deadly force situations as dictated by the totality of circumstances involving it's use.

c. Officers will carry only Department issued batons while on duty.

d. Officers will stay current and proficient in the approved use of the PR-24 Police baton, attending scheduled refresher training and annual recertification training sessions.

e. If the device is employed and used to defend against a subject(s) a police report will be completed to document the course of action taken.

f. The Use of Force Document will be completed after a PR-24 Police baton is utilized and will become an enclosure to the police report .

g. All Use of Force situations must be immediately reported to the Shift Sergeant and upper chain of command.

**** Officers can only utilize the PR-24 Police baton in the manner they have been instructed to do so. Each officer must pass the course of instruction and the results of such training must be documented in the officer's training record maintained by the Department. Officers will comply with all course, skills and legal requirements.**