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|  | UPPER PROVIDENCE TWP POLICE DEPARTMENT | |
| | Upper Providence Twp, Pa | |
| | GENERAL ORDER 3.13.0 | |
| Subject | | |
| Use of Force | | |
| Date of Issue | Effective Date | Amends |
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| Distribution | | |
| All Personnel | | |
| Cancellation: All Orders Inconsistent with this Order | | |

I. PURPOSE

In performance of their duty, police officers are at times confronted with situations where, in order to protect the public safety, control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. Control may be achieved through verbal discussion, persuasion and warnings, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending upon the dynamics of the situations. The use of the various levels of control against active resistance in physical force should be viewed as lying along a continuum; a continuum along which the use of force escalates only when each lower level of force has been examined or discarded as impractical in the current circumstance, or which has been tried and has failed in the encounter. It should be noted that this analysis might not involve lengthy deliberations. Due to the urgency often inherent in such situations, the decision to escalate the use of force may be nearly instantaneous.

In order to provide employees with a clear understanding of their performance expectations while affecting the components of the use of force continuum, this general order is established. In addition, this order details departmentally authorized weapons, training in their use, and reporting requirements when the use of force continuum is asserted as a result of physical resistance and/or assaultive behavior.

II. POLICY

It is the policy of the department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's resistance. Police officers and civilian employees where applicable, shall maintain a professional bearing at all times. They shall not be

argumentative or engage in acts that might incite a subject to become physically aggressive. They shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. Such reasonable and necessary force may be used: to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, or to neutralize an unlawful assault upon the officer or another person. The use of physical force will end immediately when resistance has been overcome. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission. Members shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Use of Force Report", or other reports, as outlined in this general order.

Use of Force Continuum Authorized Only to Accomplish Lawful Objectives

A. Use of Force Justification

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which use of force is justified. These provisions, and the related case law, including Federal case law made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by police department personnel, as it relates to criminal or enforceable civil matters.
2. In any necessary use of force, all police department personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions in accordance with the department's Use of Force Continuum that establishes use of force options and their appropriate application.

B. Use of Force Continuum Established

1. Verbal Control - Use of Force Level 1

- a. During citizen contacts, each officer must endeavor to make every reasonable attempt to insure his/her conduct inspires respect and generates cooperation and a feeling of good will between the citizen(s) and the department.
- b. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions, or orders. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
- c. The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable.

2. Escort - Use of Force Level 2

- a. The majority of arrests handled by officers of this department are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no real resistance, the subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.

3. Chemical Agents - Use of Force Level 3

- a. Chemical agents, i.e., oleoresin capsicum (OC/CS blend), may be utilized by police personnel as an appropriate and effective use of force in certain circumstances. The use of oleoresin capsicum shall be restricted to the following situations:

(1.) When necessary for the officer to defend himself/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.

(2.) To affect a lawful arrest when confronted with a non-compliant, non-submissive individual.

(3.) To prevent the commission of a criminal offense.

(4.) When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.

- b. Chemical agents will be used only to the extent necessary to overcome the resistance of the suspect and within the authorized scope of the current departmental training standards.

4. Control and Compliance - Use of Force Level 4

- a. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, takedowns, holds, and come-alongs with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
- b. The use of carotid restraint or other "choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.

(1.) EXCEPTION:

(a.) If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another's life.

5. Unarmed Striking Techniques - Use of Force Level 5

- a. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

6. Striking Implement - Use of Force Level 6

- a. The use of striking implements shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

7. Deadly or Potentially Deadly Force - Use of Force Level 7

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.

C. Policy Disclaimers

1. This section, as well as this general order, are explanatory in nature and are intended as a guide for department personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher legal standard than that provided by law.
2. **Although the use of force continuum generally ascribes to the process whereby an officer can escalate the application of force under various presenting situations, nothing in this policy shall infer that any given level cannot be skipped in the escalation, given those presenting circumstances, or that any escalation cannot be reduced given other presenting circumstances.**

Use of Deadly Force

- A. A "peace officer" (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code, Title 18 C.S.A. Section 501, shall only use deadly force when necessary and justified to affect lawful objectives in conformance to the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. Title 18, Chapter 5, Section 508, Subsection (a.), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer only when he/she believes that:

1. The action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury, or when he/she reasonably believes both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.

2. Shoot to Stop the Threat
 - a. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.
 - b. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass", or the largest body mass exposed.

B. Definitions

1. Reasonable belief - the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
2. Serious bodily injury - bodily injury which creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
3. Forcible Felony - the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson endangering persons, aggravated assault causing serious bodily injury.
 - a. An exception to the definition of a Forcible Felony is parental kidnapping which does not involve force.
4. Less lethal force – any force, action or weapon that produces a result that is necessary to control the actions of another and does not involve the use of deadly force.

C. Use of Deadly Force to Destroy an Animal

1. A police officer is justified in using deadly force to destroy an animal that represents an imminent threat to the safety and welfare of the community; or where it is determined that the animal is so severely injured that its destruction is considered to be a humanitarian measure.
 - a. Use of deadly force (firearm) in the destruction of an animal will ONLY be utilized upon the authorization of the shift supervisor, unless the urgency for immediate destruction precludes such higher authorization.

Prohibited Use of Weapons

- A. Department police officers are prohibited from discharging firearms under the following circumstances:
 1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
 2. For the purpose of discharging any firearm into the air or ground; i.e., "*warning shots*", in an attempt to cause a fleeing suspect to stop or surrender.
 - a. **EXCEPTION:**

(1.) Shots fired for the purpose of summoning aid, when more conventional communication is not effective and the safety of others is considered, is authorized.
 3. Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.
 - a. **EXCEPTIONS:**

(1.) If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle and;

(2.) If no other alternative is available based on the presenting circumstances.

Use of Authorized Less Lethal Weapons

- A. Use of weapons in less lethal situations is considered a use of force and must be deployed in a manner consistent with this Department's Use of Force Model. They must not be used punitively or for the purposes of intimidation.
- B. The effects of using weapons in less lethal situations may vary among individuals; therefore, all suspects will be handcuffed as soon as possible after being controlled. Officers should also be prepared to employ other means to restrain the suspect consistent with agency policy if he or she does not respond adequately to the level of force applied.
- C. Once a suspect is incapacitated or under the officer's control through restraint or Compliance, further use of weapons is no longer justified.
- D. Accidental discharges, as well as the intentional use of weapons against individuals will be reported to the on-duty supervisor as soon as possible and documented in an incident report and Use of Force Report.
 - 1. TASER deployment requires additional documentation as outlined further in this policy.
- E. Officers must arrange for appropriate medical aid to examine, treat, and/or transport a subject to a medical facility as outlined in Post Use of Force Medical Aid.
- F. No officer will be issued, equipped with, or authorized to use any weapons until he/she has successfully completed a training program taught by a certified instructor.
- G. All officers must train and qualify with all weapons they are authorized to carry and demonstrate proficiency in their use.
- H. A record of weapons training will be made, detailing the date of training and its successful completion. These records will be forwarded to the Chief of Police for filing.

PROCEDURES

A. TASER.

1. The TASER is a less-lethal, conducted energy weapon that uses propelled and fixed probes to conduct energy to override the central nervous system of a subject who poses a threat.
2. Use and Handling
 - a. No policy or guideline can anticipate every situation that an officer might face, but in general terms an officer may use the device when he or she can articulate grounds to arrest or detain a subject, and the subject has demonstrated they will likely use physical force to resist the arrest or detention, or may otherwise assault or attempt to assault the officer, another person, or injure himself or herself.
 - b. The officer assigned the TASER will examine the weapon at the start of each shift to determine that it is functioning properly. A “spark test” should be conducted by removing the air cartridge, pointing the TASER in a safe direction and test firing the unit long enough to get a single spark.
 - c. Upon firing the device, the officer shall energize the subject the least number of Times to accomplish the legitimate operational objective. The subject should be secured as soon as practical while disabled to minimize the number of deployment cycles.
 - d. The device may also be used in certain circumstances in a “drive stun” mode. This involves removing the cartridge and pressing the unit against an appropriate area of the body. It is important to note that when the device is used in this manner, it is:
 - 1) Primarily a pain compliance tool due to a lack of probe spread.
 - 2) Minimally effective when compared to conventional cartridge type deployments.
 - 3) More likely to leave contact marks on the subject’s skin.
 - 4) Subject to the same deployment (use of force) guidelines and restrictions as those in cartridge deployments.
 - e. The TASER will not be used:
 - 1) When the operator cannot, for safety or other reasons, approach the subject within effective range of the device;

- 2) In proximity to flammable liquids, gases, blasting materials or any other highly combustible matter that may be ignited by the use of the device, including but not limited to any subject who may have been contaminated with flammable liquids.
 - 3) When it is reasonable to believe that incapacitation of the subject may result in serious injury or death, unless deadly force is justified.
 - 4) On a handcuffed/secured prisoner, absent overly assaultive behavior that cannot be dealt with in any other less intrusive or reasonable fashion.
- f. In non-lethal force situations, when possible, officers should avoid using the TASER on:
- 1) The head, neck, facial area or soft tissue areas (ie. Breasts & groin)
 - 2) Persons in wheelchairs or in control of a vehicle.
 - 3) Pregnant women.
 - 4) People with apparent debilitating illness or the elderly.
 - 5) Children or those persons under 80 pounds.
 - 6) Individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy.
- g. TASER cartridges will not be carried loosely in pockets or in similar fashion as static electricity may cause an accidental discharge resulting in serious injury. All extra TASER cartridges shall be stored in the TASER grip until needed for deployment or in their shipping boxes.
- h. Probes and cartridges used against individuals shall be submitted to the Department's evidence and property custodian and held in accordance with Department policy on evidence control and storage. Probes that have been removed from suspects will be packaged according to training protocol and treated in accordance with the Department policy on the handling and storage of bio-hazardous materials.

3. After-Action Reporting.

- a. The investigating authority (on-duty supervisor) will indicate in his/her report, in addition to other requested information, the serial number of the unit used, the approximate distance from the subject from which the TASER was fired, the locations of impact on the subject and an evaluation of the effectiveness of the device.
- b. The supervisor should photograph probe impact points both prior to and after removal of probes from the subject, if practicable.
- c. The supervisor will fill out a Supervisory TASER Use Report. (Attachment D)

4. Maintenance.

- a. Testing and maintenance of the TASER will be consistent with the manufacturer's specifications.
- b. After each discharge, the firing bay will be cleaned with a dry cloth to prevent buildup of carbon residue and potential firing complications.
- c. The Digital Power Magazine (DPM) will be replaced when battery life decreases to less than 20%. (Note: Batteries can be adversely affected by exposure to high temperatures and should not be stored in a vehicle.)
- d. TASER cartridges should be stored in a cool, dry environment and should not be used past their expiration date.
- e. TASERs should not be left in direct sunlight due to the possible adverse effects on plastic parts.
- f. The Department's TASER Instructor will develop a testing maintenance schedule for all Department TASERs and their component parts.

B. OLEORESIN CAPSICUM

1. Authorized Uses of Oleoresin Capsicum- an OC/CS blend

- a. Individuals
 - (1.) In effecting an arrest in accordance with the established use of force continuum.
- b. Crowds
 - (1.) To disperse unlawful groups/crowds or others gathering who are unruly or persons gathering without authority or permission, after being ordered to cease, desist, and/or depart the area.
 - (2.) Pre-authorization required - Prior to introducing oleoresin capsicum in disorderly group/crowd situations, the officer(s) shall withdraw to a point of safety from where sufficient information can be obtained to properly evaluate the effectiveness of chemical agents in dispersing the assemblage.
 - (a.) The shift supervisor shall be requested to respond to all such situations where oleoresin capsicum may be utilized to control group/crowd behavior prior to its introduction.
 - (b.) The shift supervisor, or other commanding officer on the scene responsible for police operations, shall authorize the utilization of oleoresin capsicum only after a thorough review of the potential effectiveness of chemical agents in neutralizing or resolving the disorderly behavior of the group/crowd or other means available.

(c.) EXCEPTION:

- 1) When it is not reasonable to withdraw as previously indicated, or the safety of police officers or civilians is jeopardized and subjected to actual or potential bodily injury, the immediate introduction of oleoresin capsicum is pre-authorized under the authority of this order; consistent with guidelines established by this order.**

c. Animals

- (1.) To deter and protect officers or others from animals that presents a threat of bodily injury.

d. Building searches

- (1.) To aid in the search of buildings that may contain subjects who have secreted themselves in locations difficult or dangerous to search by routine search procedures and who have done, or are suspected of, criminal activity.

2. Tactical Deployment of Oleoresin Capsicum

a. Oleoresin capsicum spray

- (1.) When deploying oleoresin capsicum at an individual or animal, it should be directed from the canister into the facial area such as eyes, nose, and mouth, of the subject intended to be neutralized.
- (2.) When oleoresin capsicum is deployed in an outside environment, whenever reasonable, given the context of the presenting situation, officers should be cognizant of the wind direction and avoid spraying UP-WIND where the potential exists for residual contamination of police officers involved in the neutralization action.
- (3.) Canisters of oleoresin capsicum that have been depressurized by any application shall be given to the shift supervisor who will secure the canister and arrange for the issuance of a new canister to the officer(s). The officer(s) shall mark all depressurized canisters with verification by a supervisor at the time the depressurized canister is secured for exchange.

3. Training Required

- a. No police officer, or civilian employee, shall be equipped with, or be authorized to use, either oleoresin capsicum equipment until they have successfully completed a training program taught by an instructor certified by a training institute or the chemical agent's manufacturer.
- b. The course of instruction shall include, at a minimum, the following topic areas:
 - (1.) Any requirements recommended or required by the manufacturer or the instructor's certification program.
 - (2.) Records
 - (a.) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

C. EXPANDABLE BATON (MEB)

1. The primary purpose of this weapon is to provide officers with a means of fending off and/or controlling an unarmed assailant and shall be employed in a manner consistent with this Department's Use of Force
2. Use and Handling.
 - a. Whenever possible, officers should avoid blows to the head or other vital body parts unless deadly force is justified.
 - b. When striking, officers should target only those areas that will temporarily incapacitate the suspect.
 - c. Officers should be aware of their surroundings, particularly other persons within striking range who may inadvertently be struck.
3. Effects of Baton and Officer Response.
 - a. Striking a subject with the expandable baton may result in injuries, including but not limited to bleeding and or broken bones.
 - b. A subject who receives a visible injury or who complains of an injury, as a result of a baton strike is to be examined by medical personnel as soon as possible.

D. PEPPER BALL SYSTEM

The Pepper Ball System is a semi-automatic, high pressure launcher which uses compressed air to propel .68 caliber plastic balls filled with PAVA (Capcaisin II) powder that is dispersed upon impact.

Only officers trained by a certified instructor of the Pepper Ball System may use the Pepper Ball System. Officers must receive training by a certified instructor of the Pepper Ball System on a yearly basis.

It is the policy of this law enforcement agency to use only the level of force reasonably necessary to control or otherwise subdue violent or potentially violent individuals. The Pepper Ball system has been proven effective in furtherance of this policy, and this system is authorized for use in appropriate circumstances by trained officers of this agency.

Weapon Readiness

Only qualified officers of this law enforcement agency shall carry the Pepper Ball weapon system. The Pepper Ball system shall be carried in an approved carrying case until it is deployed. Only trained Pepper Ball officers of this agency shall have discretion to deploy the Pepper Ball system. The PAVA rounds shall be stored in a quick load canister and not in the hopper of the weapon so the officer will know what rounds are in the system.

ONLY certified Pepper Ball instructors have authorization to make alterations or repairs to the Pepper Ball Systems.

Deployment of Pepper Ball System

The Pepper Ball system is designed to provide an alternative to physical force. Requests for the Pepper Ball system and operator may be made by any sworn officer from an outside law enforcement agency. The use of the Pepper Ball system will be at the discretion of the system operator once on scene. The Pepper Ball system may not always be appropriate and the operator must consider all factors prior to deployment.

The Pepper Ball system is considered non-deadly use of force which is not intended to cause death or serious bodily injury, however it does fall into the Use of Force Continuum in the following areas:

Chemical Agent: If used for area saturation without striking subjects.

Control Modes without Weapons (Stunning):

If used against a person to cause diffuse pressure striking and to deliver the PAVA chemical agent.

The Pepper Ball system may be used to control a violent or potentially violent subject when an officer reasonably believes the following conditions exist:

- A. Deadly Force does not appear to be immediately necessary
- B. Attempts to gain compliance by verbal commands and/or physical control are likely to be ineffective or have been ineffective in the situation.
- C. There is a reasonable expectation that it will be unsafe for officers to approach within the contact range of the subject.

Instances where the use or availability of a Pepper Ball System may be effective, would include but are not limited to:

- Subjects who have made active movements to avoid physical control.
- Apprehension of subjects armed with weapons other than firearms.
- Planned warrant service with potentially violent subjects.
- Apprehension of violent persons under the influence of alcohol/drugs.
- Detention of persons threatening suicide or injury to themselves.
- Riot control or unlawful assembly.

Prior to utilizing the Pepper Ball system, officers should consider the totality of the circumstances and give particular consideration to its use on persons who are known to be at high risk. This may include persons who are morbidly obese or who are known to have respiratory ailments such as bronchitis, asthma, emphysema or similar diseases.

Subjects exhibiting symptoms of mental health crisis or drug abuse may require Pepper Ball use in order to gain control and compliance. These persons may be at an increased risk for unsuspected secondary injuries for the development of excited delirium. Excited delirium (ED) is a potentially fatal acute medical illness. Subjects exhibiting signs of ED shall be evaluated by a physician at a medical facility. ED should be strongly suspected in a subject who exhibits unbelievable strength, little or no reaction to pain, ability to resist multiple officers, excessive sweating, bizarre or violent behavior, extreme aggression or paranoia, incoherent shouting and destruction of property.

When practical and prior to deploying the Pepper Ball system, officers should attempt to use verbal commands to gain compliance. When deploying the Pepper Ball system, one officer,

when practical, should be dedicated to the Pepper Ball system and a second officer should be on scene to take control of the subject.

The Pepper Ball projectiles can target individuals accurately at distances up to 60 feet and are muzzle safe from point blank range. Tactical considerations should dictate minimum closing distances with a particular subject.

The Pepper Ball system may also be used for area saturation against hard surfaces at distances up to 150 feet. As with deployment of any chemical agent, wind, temperature and humidity conditions need to be considered when evaluating the use of the Pepper Ball system.

When circumstances permit, officers should aim at the subject's torso or center of mass. Intentional impact to the head, neck, spine, groin, and breast area of females should be avoided.

The Pepper Ball system should not be used on the following individuals, except in circumstances where the safety of officers or the public outweighs the potential health risks to the suspect:

- Children
- Elderly persons
- Persons with known respiratory ailments
- Persons with known heart related ailments
- Females known or appear to be pregnant

Treatment

Officers are responsible for decontaminating subjects in their custody who have been exposed to the PAVA powder. Personal security should be established in a safe area and subjects must be physically controlled prior to decontamination procedures.

Officers may decontaminate a subject by rinsing the affected area with water or request EMS to assist with decontamination. Water should be poured over the bridge of the nose so it floods both eyes. Particular care should be given with persons wearing contact lenses.

Persons exposed to the PAVA powder and who are morbidly obese, or complain/have symptoms of respiratory ailments shall be decontaminated by EMS personnel. This will allow EMS personnel to assess the subject for any adverse reaction to the PAVA powder.

Officers shall ensure that persons exposed to the PAVA powder, especially those who are morbidly obese or have respiratory ailments, are restrained or transported in a manner which doesn't constrict their body position since these persons have a greater risk for positional asphyxiation.

Any person inadvertently hit with a projectile fired from a Pepper Ball system or affected by the PAVA powder shall also be provided proper medical attention as required or upon request.

Reporting

Whenever the Pepper Ball system is used, an incident report shall be completed. The report should contain the facts and circumstances surrounding the deployment of the Pepper Ball system. In addition, a Pepper Ball usage form shall be completed.

Whenever possible, pictures of the impact points should be included with other documentation.

Reports shall be forwarded to the Chief of Police. An additional copy shall also be forwarded to the Pepper Ball coordinator for the department.

Medical Attention Required Following Use of Force as Appropriate

A. General Rule.

1. Officers must arrange for medical personnel to examine, treat, and/or transport a subject to a medical facility for appropriate aid if:
 - a. The force utilized by police personnel caused known, suspected, or alleged injury.
 - b. Appropriate medical aid includes observing the individual for any change in physical health or mental condition, providing first aid, flushing chemical agents from the eyes, evaluation and treatment by ambulance personnel, which may include transportation to a hospital for treatment

B. Medical Treatment of Oleoresin Capsicum Contaminated Persons.

1. As soon as possible, person(s) contaminated by a release of oleoresin capsicum will be exposed to fresh air and have their contaminated areas flushed with reagents.
2. Evaluation by medical personnel (EMS) shall be initiated without delay in any of the following circumstances:
 - a. Any person who has been exposed to oleoresin capsicum who complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips, or nose) or who states that they have a known allergy to any variety of peppers.
 - b. Any person who admits having a history of heart problems, lung problems, diabetes, high blood pressure, or other potentially serious medical condition.

3. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.

C. Medical Treatment after TASER Contact.

1. TASER probes that penetrate the skin of an individual may be removed by the officer on scene. The subject must be evaluated by EMS personnel following probe removal. If the probe is in a sensitive area (head, face, throat, groin, breast of a female) EMS must be notified for probe removal.
2. Any subject exposed to contact with the TASER's probes or contact points who receives an electrical charge must be offered the opportunity to be examined by medical personnel.
3. If an officer gains knowledge that the person contacted with the TASER has a pre-existing cardiac condition, that subject will be transported to a hospital via ambulance for medical clearance.

D. Medical Treatment after the Use of Physical/Impact Force.

1. Immediately after gaining control of a suspect, officers must be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, bleeding, broken bones, or loss of consciousness.
2. Upon observing any of the above or other medical problems or if the suspect requests medical assistance, the officer will immediately summon emergency medical aid.

E. Medical Release Required.

1. When the subject is examined, treated, and subsequently released from medical care, a written release in the form of "discharge instructions" will be obtained from the attending physician.
2. Refusals.
 - a. When emergency medical services personnel (EMS) are summoned to evaluate and/or treat a subject and the individual refuses medical attention, the officer shall obtain a copy of the refusal to be filed along with the case incident report.

Written Reports and Investigations Required

- A. "Use of Force Report"

1. Officers of the police department shall complete a departmental "Use of Force Report" whenever they:
 - a. Discharge a firearm, other than for routine training, recreational purposes, or animal disposal.
 - (1.) Animal disposal
 - a.) A departmental incident report rather than a Use of Force Report shall document firearm discharges for the destruction of an animal.
 - b. Takes any action that results in, or is alleged to have resulted in, any injury to or the death of another person.
 - c. Uses physical force, or is alleged to have used physical force, to another person.
 - d. Applies force through the use of lethal or less lethal weapons.
 - e. Applies force relating to the discharge of oleoresin capsicum.
2. The "Details" section of the report will include a narrative description of the incident describing the actions of both the suspect and the officer(s).
3. Each officer employing force will complete and sign a separate "Use of Force Report" form for their involvement in the incident.
4. A "Use of Force Report" shall be completed prior to the officer(s) concluding their shift during which the use of force occurred. The completed report(s) shall be provided through the chain of command to the Chief of Police.
 - a. If the officer involved is injured or unable to make the report, the officer's supervisor, if applicable, shall submit a written report prior to the end of the shift in which the incident occurred detailing the circumstances under which the officer is unable to submit the report.
5. When an incident requires the "Use of Force Report" form, the shift supervisor, if not present, shall be notified to respond to the scene of the incident.

B. Additional Reporting Requirements Following Deployment of Oleoresin Capsicum.

1. An "O.C. Administrative Warning" should be given, in accordance with a form prescribed by this general order, to any subject contaminated by oleoresin capsicum, as soon as feasible, to determine if any potential health threats exist.
 - a. If health threats are determined by the "O.C. Administrative Warning," or at any time prior to or following the warning, procedures outlined in this order shall be immediately implemented.

- C. Investigation Requirements for Non-Training Firearms Discharges and Officer-Involved Firearms Incidents.
 1. As soon as practical following a non-training or officer-involved firearms incident, regardless of the location or on-duty/off-duty status, the officer shall notify, or cause to be notified, the Chief of Police or his designee of the occurrence.
 - a. A complete investigation will be conducted into any accidental discharge of a firearm, or any time an officer deliberately discharges a firearm in the line of duty, except when firing to destroy a wounded or suspected rabid animal or on the police firing range, unless an injury results from such discharges. This includes both on duty and off-duty incidents, regardless of where they occurred.

- D. All "Use of Force" and "O.C. Administrative Warning" report forms submitted in accordance with this general order shall be reviewed by the Chief of Police or his designee for consideration of compliance with this general order and the review shall be documented.

- E. Determination of Compliance.
 1. Reports found to indicate actions compliant with this general order shall be filed and maintained by the Chief of Police or his designee.

- F. Determination of Non-Compliance.

1. Reports found to indicate non-compliance with this general order may be directed for follow-up consideration in accordance with one or more of the following actions depending upon the circumstances of the non-compliance:
 - a. Remedial training as outlined in this general order;
 - b. Professional Conduct investigation as determined by the Chief of Police;
 - c. Disciplinary action.

- G. The "Use of Force Report" is strictly an internal management document. As such, copies of the report SHALL NOT be attached to the regular departmental incident or supplemental report and SHALL NOT be released in whole or in part to any person, organization, or entity outside of the police department without specific permission of the Chief of Police.

Removal of Personnel from Line-Duty-Assignment Pending Administrative Review.

- A. When death or serious bodily injury to another person has resulted from an employee's actions or use of force in an official capacity, that employee will, as soon as practical, be released from line-duty assignment by the Chief of Police pending investigation and any possible administrative adjudication of the incident by the department in accordance with the provisions of this general order.

- B. During the period of time an administrative review or investigation into the incident is being conducted, the Chief of Police may, at his option, reassign the employee involved to office related or other duties. Such relief and reassignment shall not be considered a suspension or disciplinary action taken against the employee, but rather an administrative course of action relieving the employee from further performance of line duties while undergoing the extreme emotional stress of having been involved in a death or serious injury action while permitting the department time to conduct an objective investigation into the matter.

- C. **Mandatory Counseling Requirement**
 1. It shall be the policy of the police department that when an officer discharges a firearm for his/her own defense, to defend a fellow officer or citizen, etc., while on-duty or off-duty, a psychological evaluation of the officer be conducted by a

licensed psychologist of the department's choosing, within thirty (30) days, at the department's expense.

2. Any follow-up treatment, which the examiner deems necessary, shall be provided at department expense.
 3. The officer shall not be returned to full official duties until the examination and/or treatment is completed and a certification of fitness is provided to the Chief of Police.
 4. This action is not punitive and is separate and apart from departmental disciplinary procedures.
- D. The Chief of Police will determine the period of time spent on administrative leave or office assignment.

Weapons and Ammunition Approved by the Chief of Police

A. General Provisions.

1. Officers shall carry and use only those weapons and ammunition that are approved by the Department and on which they have been qualified according to the standards of the Department.
2. Officers must demonstrate satisfactory skill and proficiency with all agency-authorized weapons before approval is granted to carry and/or use such weapons on duty. Department issued weapons may not be carried off-duty with the exception of in transit to and from work, department sponsored training or informal practice.
3. Officers are required to clean and maintain all weapons that are issued to them by the Department.
4. Officers may not repair or alter their issued weapons in any manner whatsoever.
5. Only a Departmental Firearms Instructor may make sight adjustments to issued weapons.

6. Certified Weapons Instructors or Department Armorers will review, inspect, and approve all weapons intended for use by officers of this Department. Instructors will visually inspect weapons during qualification exercises. Agency weapons will be armored according to manufacturer specifications.
7. An inventory of all department owned weapons and a record of weapons assigned to each officer will be maintained by the Chief of Police. These records will be updated as required to properly reflect the current status of each weapon.

B. Primary Handgun.

1. The Department authorizes officers to carry, while on duty, a handgun and ammunition issued by the Department. The Department specifically authorizes the use of .40 caliber Sig Sauer handguns model P229. Only Department issued .40 caliber ammunition will be used.
2. Officers, while on duty, will carry their handgun in a retention holster provided by the Department. Additionally, while on duty, officers will carry spare magazines, depending on their assignment, in a Department issued pouch.

C. Off-Duty Handgun.

1. Officers may carry an approved off-duty weapon and ammunition, while off-duty in Pennsylvania and as restricted by the Law Enforcement Officer's Safety Act for carrying a firearm outside of Pennsylvania.
2. Officers must qualify annually on the off-duty handgun qualification course with their Department approved off-duty weapon(s) and show proficiency in their use.
3. When armed, whether on or off duty, officers shall carry their badge and agency identification.

D. Shotguns/Rifles/Submachine Guns

1. Each marked police vehicle is to be equipped with at least one of the following weapons;
 - a. Mossberg 12-gauge shotgun;
 - b. AR-15 semi-automatic carbine/rifle in 5.65/.223 .
 - c. Heckler & Koch UMP submachine gun .40 S&W
2. Only Department authorized ammunition will be used to include:

- a. Pistol ammunition: Federal .40 S&W 180 Grain HST
 - b. Shotgun ammunition: Federal 12 Gauge 00 Buckshot,
 - i. Federal 12 Gauge 1 ounce rifled slug.
 - c. Carbine/rifle ammunition Federal .223 55 grain TRU
 - a. Federal 5.56 62 grain TRU
 - b. Hornady .223 Remington 62 Gr. TAP Barrier.
 - c. Submachine Gun Federal .40 S&W 180 grain HST.
3. Shotguns/rifles shall be carried in a secure and locked rack or other appropriate secured area as provided for in the vehicles and in the following manner:

- a. Lethal Ammunition.
 - 1) Loaded magazine;
 - 2) Empty chamber;
 - 3) The action is closed;
 - 4) With the safety in the “on” position.
- b. Less Lethal Ammunition.
 - 1) Magazine tube and chamber empty;
 - 2) The action open;
 - 3) The safety is in the “on” position.

E. Less Lethal Weapons.

- 1. The following less lethal weapons are authorized for use only by those individuals who have been properly trained and certified to use them.
 - a. Oleoresin Capsicum- an OC/CS blend;
 - b. TASER;
 - c. Baton;
 - d. Pepperball gun

III. EFFECTIVE

The effective date for this Order is January 31, 2020

BY ORDER OF:

David Montella
Chief of Police