



Summary of Recommended Changes

- * Language from State Law, specifically Section 508 related to deadly force should remain the same.
- * Include a statement in section 1.3.0, Use of Force, that states, “The Patton Township Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must always be subservient to the protection of life. The officer’s responsibility for protecting life must include their own.”
- * Include, “when officers determine that the subject is no longer a threat, the use of deadly force is no longer justified,” in deadly force policy under shoot to stop.
- * Add a new section in deadly force policy that speaks directly to rendering aid after a deadly force encounter. “When officers determine that the subject is no longer a threat, immediate medical assistance shall be provided to the subject. Emergency medical services (EMS) shall be summoned without delay to provide more advanced care and transport to a medical facility.”
- * Include, “Patton Township Police Officers shall endeavor to exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force. Officers shall not unnecessarily or unreasonably endanger themselves or others while applying this policy to actual situations.”

1.3.2

Use of Deadly Force

Patton Township Police Officers shall endeavor to exhaust all other reasonable means of apprehension and control before resorting to the use of deadly force. Officers shall not unnecessarily or unreasonably endanger themselves or others while applying this policy to actual situations.

- A. The Pennsylvania Crimes Code, 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 immediate 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
 - 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.
 - c. When officers determine that the subject is no longer a threat, the use of deadly force is no longer justified.
 3. Where practical, the officer shall identify himself or herself as a law enforcement officer and a verbal warning given of his or her intent to use deadly force.

Duty to Provide Care and Medical Assistance

When officers determine that the subject is no longer a threat, immediate medical assistance shall be provided to the subject. Emergency medical services (EMS) shall be summoned without delay to provide more advanced care and transport to a medical facility.

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.
 4. Less lethal force - Force which is neither intended nor likely to cause death or serious bodily injury.
- C. Use of Deadly Force to Destroy an Animal
1. A police officer is justified in using deadly force to destroy an animal or rodent 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 or rodent will ONLY be utilized when it is safe to those in the surrounding area/neighborhood to discharge a firearm. The officer must use good common sense when selecting an angle from which to discharge his/her weapon, with consideration to where the round may travel if it passes through the animal.

1.3.0

Use of Force

The Patton Township Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must always be subservient to the protection of life. The officer's responsibility for protecting life must include their own.

Persons, regardless of their involvement in a situation, shall be treated with courtesy and the dignity due any human being to the extent that such treatment is allowed by the subject's actions. Patton Township Police Officers and civilian employees shall always maintain a professional bearing. Personnel 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, to neutralize an unlawful resistance, or to neutralize an unlawful assault upon an officer or another person. The use of physical force will end immediately when resistance ceases or when the arrest has been accomplished. Emphasis shall always be on gaining control over the situation rather than forcing submission. Personnel shall not mentally or physically abuse any person that they contact or take into 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. 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 the extent of force, shall be thoroughly documented in the required "Use of Force Report," and in an incident report.

An officer or employee, regardless of his/her rank or seniority, shall intervene when they see others using force that they believe exceeds agency policies, procedures, and training and is unlawful, unreasonable or unnecessary for the specific situation or when they believe unconstitutional behavior is occurring. This applies to officers or employees from other departments or agencies who are assisting the Patton Township Police Department. The officer or employee who intervenes shall immediately prepare a written report which details the observed use of force that exceeded the agency's policies, procedures, and training, criminal conduct, or Constitutional violations and submit that report to his/her supervisor so an investigation can be initiated, and/or the proper agency notified.

(1.8.4)

A. Definitions

1. **Deadly force:** Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

2. **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.
3. **Less lethal force:** Force which is neither intended nor likely to cause death or serious bodily injury.
4. **Non-deadly force:** Any use of force other than that which is considered deadly force.

Draft

1.3.1 Use of Force to Effect Lawful Objectives

The use of the various levels of control 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 situation at hand. It should be noted that this analysis may 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.

A. Use of Force Justification.

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which the 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 the Patton Township Police Department personnel, as it relates to criminal or enforceable civil matters.
2. In any necessary use of force situations, all Patton Township Police Department personnel shall only utilize reasonable force to accomplish the aforementioned lawful objectives.

B. Use of Force Continuum Established.

1. Verbal Control

- a. In dealing with people, each officer must make every reasonable attempt to make his/her contact one that inspires respect and generates cooperation and a feeling of good will between the citizens and the department. A citizen's encounter with the police can be a frightening and emotional experience; and, under these circumstances, the risk of misunderstanding is great.
- 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 comment may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
- c. 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 the individual time and opportunity to submit to verbal commands before force is used.

2. Escort

- 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 and X2 Taser EMD

a. Chemical agents, i.e., oleoresin capsicum (O.C.), may be utilized by the Patton Township Police Department 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 effect 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.

5) 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. Members of the Patton Township Police Department on special assignment to the Centre County Tactical Response Team (TRT), shall be authorized to deploy chemical agents other than oleoresin capsicum, and/or concussion grenades, or other devices, commensurate with their specialized training in conformance with the TRT operating procedures while functioning in their capacity as a team member.

b. The X2 TASER may be used by an officer when he/she reasonably believes it is necessary in order to take a subject into custody or to otherwise prevent harm to him/herself or others. The Taser EMD is determined to be on the same Use of Force level as OC spray. The use of the Taser EMD shall be restricted to the following situations:

- 1) When necessary for the officer to defend him/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.
- 2) To effect a lawful arrest when confronted with a non-compliant, non-submissive individual, when lower levels of force have been exhausted or, by the totality of circumstances, would be deemed ineffective.
- 3) To prevent the commission of a criminal offense, when lower levels of force have been exhausted or, by the totality of circumstances, would be deemed ineffective. (Full taser policy see [PLEAC 1.3.8.2](#))

4. Control and Compliance

- 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, take downs, 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" are specifically and strictly prohibited for use by the Patton Township Police Department 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 choke holds are permissible for defense of the officer, or another's, life.

5. Unarmed Striking Techniques

- 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. K-9

- a. Police K-9 working dogs are a recognized and valuable asset to law enforcement agencies. The use of a police K-9 by its handler in the performance of his/her duties may, depending upon the circumstances, be considered as an instrument of force. When police K-9's are utilized to neutralize assaults, to overcome the resistance of arrestees, to capture fleeing suspects, or in the defense of a police officer or another person, the use must be a situation where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
- b. Only the Patton Township Police Department certified working dog(s) and their handler(s), operating within the policy directives of the Patton Township Police Department may be utilized, unless the K-9 and handler are with another area law enforcement agency and are assisting the Patton Township Police Department personnel in a bona fide mutual aid situation.

7. Striking Implement **and Bean-bag projectiles**

- 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.
- b. A Remington model 870P 12-gauge shotgun comprises the delivery system for a beanbag less lethal projectile. These designated shotguns are color

coded orange and is to be used only for the delivery of less lethal projectiles. The use of bean-bag projectile, 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.

c.

8. Deadly or Potentially Deadly Force

- a. As long as members of the public are victims of violent crime and officers, in the performance of their duties, are confronted with deadly force, it will remain necessary for police officers to use deadly force for the protection of society and themselves.
- b. 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. Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the Patton Township Police Department as it relates to the use of deadly force by officers of the Patton Township Police Department.

C. Policy Disclaimers

1. This general order is explanatory in nature and is intended as a guide for departmental personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher standard than 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.

1.3.11 De-escalation

The overall goal of this policy is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved.

De-escalation tactics and techniques are actions taken by an officer that seek to minimize the need to use force during an incident and to increase voluntary compliance by a subject. These tactics improve the safety of the officer and the subject, reduce the likelihood of injury, improve community relations, and reduce citizen complaints.

De-escalation tactics shall be used whenever possible, and when such delay will not compromise the safety of the officer or a citizen, and when it is not immediately necessary for an officer to take action to prevent the officer or a citizen from being assaulted or injured. When considering the totality of the circumstances, an officer shall use de-escalation tactics by attempting to slow down or stabilize a situation so that more time, options, and resources may become available for incident resolution. The totality of the circumstances may include, but is not limited to, the seriousness of the crime, danger to the public, and threat to officers and citizens.

It must also be recognized that when de-escalation techniques are applied, force may still be required to resolve an incident. However, de-escalation may result in lower levels of force, than if no de-escalation tactics/techniques are utilized. If force is being utilized, the amount of force shall be reduced to the lowest level necessary or stopped as the situation stabilizes, the resistance of the subject subsides, or positive control of the subject is achieved.

When dealing with a non-compliant subject and time and circumstances reasonably permit, the officer shall consider whether the subject is affected by conditions such as:

1. Medical issues;
2. Mental impairment or mental health crisis;
3. Developmental disability;
4. Physical Limitation;

5. Communication/Language barrier;
6. Alcohol and/or drug use;
7. Behavioral/emotional crisis; and/or
8. Fear or anxiety.

When time and circumstances allow for de-escalation, an officer's awareness of the above conditions shall be balanced against the totality of the circumstances when determining which de-escalation option(s) are the most appropriate to attempt to bring the situation to a safe resolution. Options to de-escalate a situation include, but are not limited to:

A. Calling for more resources, such as:

1. Additional officers/supervisor;
2. A CIT officer;
3. Officers equipped with less-lethal devices;
4. Emergency Medical Services; and/or
5. Other specialty units.

B. Utilizing available barriers between the non-compliant subject and the officer

C. Containing and/or limiting the movement of the subject.

D. Reducing the officer's threat of danger or exposure by moving to a safer position, considering:

1. Distance (maximize tactical advantage by increasing distance to allow for greater reaction time;
2. Cover; and
3. Concealment.

E. Communicating with the subject from a safe position by:

1. Using verbal persuasion and explanation to promote rational decision making;
2. Giving clear direction and allowing the subject time to comply;
3. Using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision making;
4. Avoid language, such as taunting or insults, that could escalate the incident

F. Short term disengagement from the situation to create more time to observe the subject and plan for re-deployment

G. Complete disengagement when it is in the best interest of justice.

H. Any other tactics that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

To properly de-escalate a situation an officer must also consider other factors when determining what techniques will lead to resolution of the incident. Those factors include:

1. Recognizing factors, that increase subject and officer escalation rather than de-escalation;
2. Environmental considerations;
3. Identifying limitations to the officer's ability to communicate with the subject; and
4. Creating a plan for resolving the incident and communicating the plan to other officers/supervisor, etc.

Each officer has a responsibility to attempt tactical de-escalation efforts consistent with their training. Circumstances are unique to each event, and may dictate if an officer can reasonably de-escalate.

Newly hired officers shall be trained on this policy during their Field Training as a probationary Patton Township Police Officer.

All officers shall receive yearly training on this policy as part of their annual in-service.