

City of Sunbury Police Department USE OF FORCE POLICY REVIEW



1.3.1 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 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 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.

De-Escalation

When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force.

- **Officers shall conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.**
- **Team approaches to de-escalation are encouraged and should consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the subject. Where officers use a team approach to de-escalation, each individual officer's obligation to de-escalate will be satisfied as long as the officer's actions complement the overall approach.**
- **Selection of de-escalation options should be guided by the totality of the circumstances with the goal of attaining voluntary compliance.**

The City of Sunbury Police Department has established a USE OF FORCE CONTINUUM composed of 9 Levels of Force

- **Use of Force Level 1- Officer Presence**

- **The officer assumes control of the situation or suspect through his presence and/ or uniform appearance and/ or display of badge or other sign of authority.**

- **Use of Force Level 2- Verbal Command**

- **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.**
- **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.**
- **The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable.**

- **Use of Force Level 3- Intermediate Devices**
 - **Taser Electronic Control Devices (ECD) and/ or chemical agents, i.e. oleoresin capsicum (OC), may be utilized by police personnel as an appropriate and effective use of force in certain circumstances. The use of a Taser ECD or OC shall be restricted to the following situations:**
 - **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.**
 - **To effect a lawful arrest when confronted with a non-compliant, non-submissive individual.**
 - **To prevent the commission of a criminal offense.**
 - **When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.**
 - **Taser ECD and/ or 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.**

- **Use of Force Level 4- Mechanical Compliance**

- 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 required 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.
- **The use of carotid restraint or other “choke holds” or neck restraints are specifically and strictly prohibited for use by police personnel.**
 - ***Exception: 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 as a last resort.***

- **Use of Force Level 5- Unarmed Striking Techniques**

- **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.**

- **Use of Force Level 6- K-9 Deployment**

- **Police K-9 working dogs are a recognize 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-9s 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.**
- **Only police department certified working dogs and their handlers, operating within the policy directives and general orders of the police department, may be utilized unless the K-9 and handler are with another area law enforcement agency and are assisting police department personnel in a bona fide mutual aid situation.**

- **Use of Force Level 7- Striking Implement**

- 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.


- **Use of Force Level 8- Less Lethal Munitions**

- The use of department approved flexible projectiles are less lethal kinetic energy rounds. The goal of deploying this type of munitions with these kinetic energy rounds is to induce temporary incapacitation (stunning) to attain compliance and control.

- **Use of Force Level 9- Deadly or Potentially Deadly Force**

- An officer will utilize deadly force only when legally justified and 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.
- Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the police department as it relates to the use of deadly force.

POLICY DISCLAIMERS

- **This section, as well as this general order, are explanatory in nature and are 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.**
 - **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.**
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USE OF DEADLY FORCE

- 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 the 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:
 - 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 believes both that:
 - Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - 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.

PROHIBITED USE OF FIREARMS

Officers are prohibited from discharging firearms under the following circumstances:

- When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
- 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
- Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.

EXCEPTIONS:

- If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle.
- If no other alternative is available based on the presenting circumstances.

MEDICAL ATTENTION REQUIRED FOLLOWING USE OF FORCE

Officers shall arrange for an emergency medical service (EMS) to examine, treat and/or transport a subject to a medical facility if the force used by police personnel:

caused injury,

injury is suspected, or

injury is alleged.

WRITTEN REPORTS, INVESTIGATIONS, AND REVIEWS REQUIRED

All officers shall complete a departmental “Use of Force Report” and the Taser Use Report, if applicable whenever they:

- Discharge a firearm, other than for routine training, recreational purposes, or animal disposal.
 - Exception: Animal disposal—A departmental incident report rather than a Use of Force report shall document firearm discharges for the destruction of an animal, and which will include the weapon used and the number of rounds fired.
- Take any action that results in, or is alleged to have resulted in, any injury to or the death of another person.
- Uses physical force, or is alleged to have used physical force, upon another person

- ▶ <https://www.policeone.com/use-of-force/videos/what-officers-must-do-when-they-see-excessive-use-of-force-v6N078SQoQ4jbwbJ/>

WHAT OFFICERS MUST DO WHEN THEY SEE EXCESSIVE USE OF FORCE