

**Lower Providence Township Police Department
Eagleville, Pennsylvania**

General Order ☒
Special Order ☐
Personnel Order ☐

ORDER NUMBER

801

Subject

Use of Force

Date of Issue

December 14, 2020

Effective Date

December 14, 2020

Expiration Date

**Until Amended or
Rescinded**

Issued by:

Michael Jackson, Chief of Police

Amends

Any Previous General Order 801

Rescinds

Standard Number:

**1.2.3 / 1.3.1 / 1.3.2 / 1.3.3 / 1.3.4 / 1.3.5 / 1.3.6 / 1.3.7 / 1.3.8 / 1.3.9 / 1.3.10 / 1.8.4 /
4.15.1**

Distribution

- 1. General Order Manuals**
- 2. Records Manual**
- 2. Reading Verification to all Personnel**

I PURPOSE

The purpose of this General Order is to provide all personnel with guidelines on the use of deadly and non-deadly force.

II POLICY

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use only that force that is reasonable to effectively bring an incident under control, while protecting the lives of the officer and others.

III DEFINITIONS

- A. Department – Lower Providence Township Police Department
- B. Use of Force: Use of force is the amount of effort required by police to compel compliance from a person. Except as noted below, this includes any use of force occurring while the officer is acting in an official law enforcement capacity. This includes undercover, plainclothes, or uniform assignments, whether on or off duty.
 1. Exceptions: Police actions not included in the above definitions are:
 - a. Handcuffs when used as a restraint in arrest and transport activities;
 - b. Transport by vehicle;
 - c. Physical removal of peacefully resisting demonstrators;

- e. Presence of police officers, canines;
- f. Police issuance of verbal commands.
- C. Deadly Force - Any use of force that is likely to cause death or serious bodily harm.
- D. Non-Deadly Force - Any use of force other than that which is considered deadly force.

IV REGULATION

- A. Parameters for use of deadly force:
 - 1. Lower Providence Township Police Officers are “peace officers” as defined in Chapter 5 of the Pennsylvania Crimes Code and shall only utilize deadly force when reasonable and justified to effect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania Court decisions.
 - 2. Police officers are authorized to use deadly force in accordance with Pennsylvania Crimes Codes (18 Pa.C.S.A.) Sections 505, 506, and 508 in order to:
 - a. Protect the police officer or others from what is reasonably believed to be a threat of death or serious bodily harm.
 - 3. Three factors must be present to justify the use of deadly force under the above circumstances.
 - a. Opportunity - the suspect must have the opportunity to cause death or serious bodily harm to the officer or another person, and
 - b. Ability - the suspect must have the ability to cause death or serious bodily harm to the officer or another person, and,
 - c. Jeopardy - The officer's life or the life of another person must be in jeopardy at the time.
 - 4. Prevent the escape of a fleeing felon that has committed a forcible felony and whom the officer has probable cause to believe will pose a significant threat to human life should escape occur. Forcible Felony - The crimes of murder, voluntary manslaughter, rape, robbery, kidnapping (except parental kidnapping not involving force), involuntary deviate sexual intercourse, arson endangering persons, aggravated assault causing serious bodily injury.
 - 1. If the felony described above is not committed in the officer's presence, he is to have sufficient information to know as a virtual certainty that the suspect has committed the felony.
 - 2. Before using a firearm, police officers, whenever practical, should identify themselves, demand that the subject stop, and state their intent to shoot.
 - 3. A police officer may also discharge a weapon under the following circumstances:
 - a. During range practice, qualifications or competitive sporting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured, and only when the action can be safely carried out.
 - 4. Under no circumstances shall an officer use deadly force to apprehend a subject who has committed only a summary violation or a misdemeanor.
 - 5. Warning shots and discharging a firearm to summon help is prohibited.
 - 6. Discharging a firearm at or from a moving vehicle is prohibited, except as the ultimate measure of self-defense or defense of another when a suspect is using deadly force by means other than a vehicle.
 - 7. Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
- B. Parameters for use of non-deadly force:
 - 1. Where deadly force is not authorized, officers shall use only that level of force on the force continuum that is reasonably necessary to de-escalate the incident and bring it under control.
 - a. The use of neck restraints, or similar control techniques, is not authorized.
 - 2. Police officers are authorized to use department approved non-deadly force techniques and issued equipment for resolution of incidents as follows:
 - a. To protect themselves or others from physical harm.
 - b. To restrain or subdue a resistant individual.
 - c. To bring an unlawful situation safely and effectively under control.
 - 3. As a guide, there are seven levels of escalation for the use of force. They are:

Level 1 - Officer Presence - The officer assumes control through his appearance and professional bearing. This could be the officer sitting, standing, walking or running.

Level 2 - Verbal Commands - This is the officer's whispers, conversations, commands, or shouts.

Level 3 - Control Restraints - This is the use of the officer's hands (as in the use of pressure points or physical restraint and compliance techniques) impact tools (using leverage tactics) or handcuffs.

Level 4 - Chemical Agents/Taser - This is the use of handheld liquid spray agents (CS, CN, or OC) thrown or propelled and **Taser**. Officers may utilize chemical agents and Taser's whenever an accelerated reaction using higher force is appropriate. Considerable size difference, multiple suspects, combative behavior, the influence of alcohol, controlled substances or other drugs could justify this greater force.

Level 5 - K-9 - This is the use of canine force by a canine team within the parameters set down in the Law Enforcement Canine General Order. As in Level 4, Canine Officers may utilize canine force whenever an accelerated reaction using higher force is reasonably believed to be necessary.

Level 6 - Temporary Incapacitation - This is the use of the officer's hands, impact tools (utilizing striking tactics) and specialty impact munitions.

Level 7 - Deadly Force - This is the use of firearms and impact tools (utilizing striking tactics).

C. Duty to Intervene:

- a. Every employee has a duty to intervene when the intervening employee reasonably believes that the force, action or inaction occurring is inconsistent with agency policies, procedures or training; that criminal conduct is occurring; or when unconstitutional behavior is occurring.
- b. The intervening employee shall then submit a written report to his/her supervisor which documents the observed use of force, action or inaction inconsistent with the agency's policies, procedures or training that constituted criminal conduct or resulted in Constitutional violations.
- c. Upon receipt of a report, supervisors shall immediately notify command staff.

D. Training and Qualifications:

1. Deadly Weapons:

- a. While on duty, police officers shall carry only weapons and ammunition authorized by and registered with the Department.
 1. Officers on duty in civilian clothes shall conceal their weapon on their person and it shall not be visible to the public except when an officer is at the station.
 2. Authorized weapons are those with which the police officer has qualified and received departmental training on proper and safe usage, has demonstrated skill and proficiency in the use of the weapon under the supervision of a certified instructor and are registered and comply with departmental specifications identified in this General Order.
- b. Members may carry Department issued side arms or other weapons while off duty.
- c. The department shall schedule regular training and/or qualification sessions for all service weapons and all other authorized weapons to be conducted by a certified instructor.
- d. Firearms qualification will be graded on a pass/fail basis.
 1. Police officers who fail to receive a passing score with their duty weapons(s), in accordance with Departmental testing procedures, shall be relieved of their police powers and immediately reassigned to non-enforcement duties, until administrative measures take effect.
 - a. Officers are required to pass, at least annually, a qualification course with any firearm they are authorized to carry for the purpose of demonstrating satisfactory skill and proficiency. This includes any sidearm, and any specialized weapon. Firearms qualifications shall be conducted by certified firearms instructors.
 - b. In the event of an officer's failure to qualify, the department shall make a reasonable effort within a reasonable time frame to re-qualify the officer on his duty weapon before terminating his or her employment.
 - c. As part of the annual training officers shall review this General Order on the use of force and the force continuum.
 2. The range instructor shall keep a record of the training sessions as described in this General Order. It shall include the time, date, place, name of instructor and serial number of each weapon an officer qualified with.
 3. A police officer shall not be permitted to carry any weapon with which he has not been able to qualify during the most recent qualification period.

4. A police officer who has taken an extended leave (six months or more) or has suffered an illness or injury that could affect his firearms ability shall be required to requalify before returning to enforcement duties
2. Non-deadly force weapons and methods:
 - a. A police officer is not permitted to carry and/or use a non-deadly weapon unless satisfactory skill and proficiency has been demonstrated in its use as determined by training procedures. Training for these weapons will be conducted annually unless required more frequently by law or weapon type and shall be conducted by a certified instructor.
 - b. The following non-deadly weapons are authorized:
 1. Expandable baton
 2. Straight baton
 3. OC spray
 4. Taser
 5. Specialty Impact Munitions
 6. Canines
 7. Bolawrap
 - c. The Department expressly bans the use, by its police officers, of the following: slap jacks, blackjacks, brass knuckles, nunchucks, fighting stars, and other martial arts weapons. In addition, the use of the flashlight as an impact weapon is discouraged, except in extreme circumstances.
- E. Authorized Weapons:
 1. Officers of the Lower Providence Township Police Department shall be issued a Glock Model 22 .40 caliber semi-automatic handgun, Glock Model 27 .40 caliber semi-automatic handgun, or Glock Model 35 semi-automatic handgun, depending on assignment.
 - a. Only that ammunition and munitions that are approved by the Chief of Police in consultation with a department firearms instructor and purchased by the department and issued through a department firearms instructor may be used in department issued handguns, shotguns, rifles and submachine guns. Approved ammunition is as follows:
 1. .40 Caliber 180 Grain Jacketed Hollow Point
 2. 9mm Luger 147 Grain Jacketed Hollow Point
 3. 12 Gauge 2 3/4" Rifled Shotgun Slugs
 4. 12 Gauge 2 3/4" 00 Buck Shotgun Shells
 5. .223 55 Grain Full Metal Jacket Rifle Ammunition
 6. 12 Gauge 2 3/4" Bean Bag Rounds
 7. 37mm or 40mm Bean Bag Rounds
 2. The department range officer will update and keep a record of each authorized weapon issued. This record will be reviewed and updated whenever there is a change in weapons or at least annually. The Lieutenant is responsible to review these records annually to ensure proper procedure is being adhered to.
 3. Officers of the Lower Providence Township Police Department may, but are not required to, carry an authorized firearm while off duty. Officers who wish to carry an off-duty firearm, other than a department issued firearm, must submit a request to the Chief of Police in order to be authorized to carry that firearm. The request shall include the caliber, grain and type of ammunition that will be utilized with the firearm. The Chief of Police, in consultation with a department firearms instructor or agency armorer who shall conduct an inspection of the firearm prior to approval, may approve or deny the request in writing.
 - a. Officers are required to qualify annually with any approved off duty weapon that is not a department issued firearm. Only ammunition that is approved by the Chief of Police in consultation with a department firearms instructor or agency armorer will be utilized with the firearm. Any approved ammunition for an off-duty firearm must be purchased by the officer and no reimbursement shall be made.
 4. All officers are responsible for cleaning and keeping the weapon issued to them in good working order.
 - a. Should the weapon be lost, stolen, damaged or in any way rendered inoperable it shall be

reported immediately to their supervisor. If the weapon can not be repaired by the departmental armorer it will be sent away to the manufacturer for repairs.

b. No work is to be done to any department owned weapon by anyone other than cleaning and sight alignment. No modifications are to be done on any department owned weapon. The Chief of Police or his designee will approve of all other repairs or maintenance to all weapons. Only the departmental armorer will perform approved repairs.

5. Any change in authorized weapons, both lethal and less-lethal, requires that a qualified instructor or agency armorer review, inspect, approve and make a formal recommendation with respect to the proposed weapon to the Chief of Police. Final approval of all authorized weapons shall lie with the Chief of Police.

F. Reporting Uses of Force:

1. A written report prepared according to departmental procedures will be required in the following situations:

- a. All incidents of firearms discharge will be immediately reported to a police supervisor and documented on the Use of Force Form, except during range practice, hunting, or competitive sporting events. Discharges for humane purposes of injured animals shall be documented on an Incident Report.
 - i. A Use of Force form shall be completed when a firearm or Taser is pointed at a any person.
- b. For any suspect who has been injured, or who alleges to be injured, a Use of Force Report form shall be completed by the member involved in the incident. This will be in addition to any other required Lower Providence Township Police Department reports.
- c. Officers shall make an immediate verbal report to their supervisor(s) and complete the Use of Force Form anytime physical force is used upon another person to overcome active resistance to an arrest or any device is used other than handcuffs.
- d. All Use of Force Forms shall be submitted to and reviewed by the Chief of Police or his designee to determine adherence to policy and procedures, completeness of the report, and to detect and correct any training deficiencies.

2. Responsibility for Reporting:

A. Sergeants/OIC's shall investigate and report on uses of force as directed in this General Order, and ensure that the Use of Force Form is being completed by the arresting officer or other officers involved in the incident.

1. Each officer who uses force in an incident shall be listed on the Use of Force Form and each involved officer shall complete a supplemental report detailing their level of force used.
2. All Use of Force Forms shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer used force, as well as any suspect complaints of injury, medical treatment received, or refusal of medical treatment.
3. The arresting officer shall notify transporting officers if force was used on the suspect, or if the suspect has an injury or complaint of pain.

B. The Use of Force Report will be submitted to the Shift Supervisor and forwarded to the Chief of Police or his designee prior to going off duty.

3. Supervisory Responsibilities

A. An officer's immediate supervisor shall be summoned and shall respond to any incident of use of force on a priority basis. In any instance of use of force, the supervisor shall:

1. Preliminarily document the member's and suspect's statements of actions taken, injuries sustained, photograph any injuries and document any medical treatment needed or desired;
2. Identify/interview witnesses as appropriate;
3. Protect, as necessary, the scene of the incident;
4. Interview any health care provider concerning the injuries sustained and their consistency with uses of force;
5. In the case of serious injury or death complete a written report.
6. In all cases ensures that the Use of Force Report is being completed by the arresting officer or other officer involved in the incident.

- B. Cases resulting in serious injury or death.
 - 1. The immediate supervisor shall notify the Lieutenant and Chief of Police in cases involving the serious injury or death of a person resulting or allegedly resulting from a member's use of force.
 - 2. The patrol supervisor shall immediately notify the Detective Sergeant and shall coordinate and assist that unit in conducting the investigation.
 - 3. The Chief of Police will coordinate the notification of The Montgomery County District Attorney's Office and the Office of County Detectives.
- C. The patrol supervisor shall prepare and submit to the Lieutenant a complete review of any use of force not investigated by the Lieutenant.
- D. The Lieutenant shall review the sergeant's report, conduct such further investigation of the incident as may be deemed necessary, and submit findings and conclusions to the Chief of Police.
- E. No information will be released to the public or news media without the approval of the Chief of Police.
- G. Medical Aid:
 - 1. 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.
- H. Departmental Response:
 - 1. Deadly force incident
 - a. Where a police officer's use of force causes death or serious bodily injury, the officer shall be placed on administrative leave after completing all internal investigative requirements, and until it is determined by a mental health professional that the police officer is ready to return to duty.
 - b. The department shall conduct or have conducted both an administrative and a criminal investigation of the incident.
 - 2. Post-Traumatic Stress Disorder
 - a. As a condition of continued employment, without cost to the law enforcement officer, a law enforcement agency shall provide a law enforcement officer with a mental health evaluation for post-traumatic stress disorder by a licensed mental health professional:
 - 1. upon request of the law enforcement officer;
 - 2. upon recommendation of a police chief or other supervising law enforcement officer; or
 - 3. within 30 days of an incident of the use of lethal force during the course of law enforcement duties.
 - b. treatment, if a licensed mental health professional determines during the mental health evaluation under subsection (a) that the law enforcement officer has symptoms of post-traumatic stress disorder, the law enforcement officer shall be provided with treatment under a licensed physician's care until the licensed physician determines in writing the law enforcement officer is able to return to full duties; and
 - c. a law enforcement officer shall be assigned to administrative duty if the law enforcement officer:
 - 1. fails to undergo a mental health evaluation for post-traumatic stress disorder when required under subsection (a); or
 - 2. is experiencing symptoms of post-traumatic stress disorder as determined by a licensed mental health professional under subsection (a), and whom the licensed physician has not yet determined is able to resume full duties under subsection (b).
 - 3. Administrative review of critical incidents:
 - a. All reported uses of force will be reviewed by the appropriate departmental authority to determine whether:
 - departmental rules, policy and procedures were violated
 - the relevant policy was clearly understandable and effective to cover the situation, and
 - department training is currently adequate.
 - All findings of policy violations or training inadequacies shall be resolved and appropriate discipline and/or training shall be administered.
 - 5. There will be regular review of use-of-force incidents by the Chief of Police to ascertain training

and policy needs.

Michael Jackson

Michael Jackson
Chief of Police