

 CITY OF YORK, PENNSYLVANIA POLICE DEPARTMENT	TYPE General	EFFECTIVE DATE 11/13/14 REVISION DATE 3/21/18	NUMBER 1.3
SUBJECT Use of Force	DISTRIBUTION Police All Sworn		
REFERENCE PLEAC 1.3 through 1.10	BY ORDER OF: Chief Troy M. Bankert		
ENCLOSURE	RE-EVALUATION DATE As Needed	NO. PAGES 22	

This order contains the following sections:

- 1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives**
- 1.3.2 Use of Deadly Force**
- 1.3.3 Prohibited Use of Weapons (Warning Shots)**
- 1.3.4 Use of Authorized Less Lethal Weapons**
- 1.3.5 Medical Attention Required Following the Use of Force as Appropriate**
- 1.3.6 Written Reports and Investigation Required**
- 1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review**
- 1.3.8 Weapons and Ammunition Approved by the Chief of Police**
- 1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons**
- 1.3.10 Use of Force In-Service and Weapons Proficiency Training Required**

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 the subject's resistance allows such treatment. 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 ceases, when resistance has been overcome, or when the arrest has been accomplished. 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.

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 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 (O.C.) 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 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.

- 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. Physical Control/Compliance and Conducted Electrical Weapons (CEW)
- 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.
 - c. An officer's use of a CEW must be: objectively reasonable, necessary under the circumstances, and proportional to the threat actions and level of resistance offered by a subject. Officers are authorized to use a CEW only for an active **resister or assailant**, and only for the purpose of gaining control of and restraining the subject. Flight, simply to avoid arrest will not be authorized, unless there are articulable and justifiable reasons.
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.
- b. 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.

B. Policy Disclaimers

1. This section, as well as this general order, is explanatory in nature and is 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.
3. Officers assigned to enforcement duties shall carry all of their authorized weapons to provide immediate access to all levels of force.

1.3.2 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 they believe 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 they reasonably believe 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 they 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.
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.

1.3.3 Prohibited Use of Weapons

A. Officers are prohibited from discharging firearms:

1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
2. As "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.

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

B. Officers shall not display or brandish as a threat, any weapon, unless its actual use would be proper under existing circumstances.

1.3.4 Use of Authorized Less Lethal Weapons

A. Oleoresin Capsicum (OC)

1. Authorization

a. Officers will be issued, and trained in the use of departmentally authorized canisters of OC.

2. Usage Criteria

a. OC is considered a level 3 use of force option and shall be employed in a manner consistent with training.

b. Personal OC dispensers may be used when verbal and escort tactics fail or the subjects' intent to actively resist arrest is apparent to the officer.

c. Foggers may be used to:

i. disperse groups of people engaging in conduct that risks bodily injury or property damage.

ii. disperse groups of people refusing orders to disperse from a civil disturbance.

iii. aid in building searches when criminal suspects secret themselves in areas too difficult or dangerous to search using routine methods.

d. Officers may use OC on dangerous animals that pose a threat to persons or other animals.

e. Officers should issue verbal warnings to groups or individuals prior to deploying OC, whenever practical.

B. Conducted Electrical Weapons (CEWs):

1. Definitions

a. **Conducted Electrical Weapon (CEW):** A weapon that uses electricity to override voluntary motor responses, or apply pain in order to gain compliance or overcome resistance.

b. **Passive resistance:** A refusal by an unarmed person to comply with an officer's verbal commands or physical control techniques that does not involve the use of physical force, control or resistance of any kind.

c. **Sensitive population groups:** Sensitive population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirmed, pregnant, or users of a cardiac pacemaker.

2. Authorized Users and Equipment

a. Officers successfully completing initial and in-service training programs are authorized to use CEWs.

b. Qualified officers may only use department issued CEWs.

3. Usage Criteria

a. The TASER CEW is considered a level 4 use of force option and shall be deployed in a manner consistent with training.

4. Weapon Readiness

a. Uniformed officers shall carry their CEW on the side of the body opposite the service handgun in an approved holster.

b. Plainclothes officers may carry their CEW consistent with department training utilizing other department-approved holsters.

- c. Officers shall carry their CEWs armed, with the safety on in preparation for immediate use.
- d. Only manufacturer approved battery power sources shall be used in the CEW.
- e. Officers shall preform a full five second “spark test” before starting a tour of duty, to ensure that the device is functioning properly.
- f. Only factory authorized armorers shall modify or repair CEWs at the direction of a departmental instructor.

5. Deployment

- a. Officers are generally authorized to use CEWs against persons:
 - (1) subject to lawful arrest or detention, and
 - (2) whose actions cause a reasonable officer to believe that physical force will be used to resist the arrest or detention.
 - (3) such actions may include but are not limited to:
 - i. Use of force against the officer or another person.
 - ii. Violent, threatening or potentially violent behavior.
 - iii. Physically resisting the arrest or detention.
 - iv. Self-destructive behavior.
- b. Officers shall deploy CEWs in a manner consistent with and as outlined in training.
- c. The CEW is most effective at overcoming resistance and assisting officers with subject control when used in the “probe mode”. Officers shall use the CEW in this mode, when practical.
- d. Officers may use CEWs in the “contact” mode in close range, self-defense circumstances, specifically when there is no opportunity to use the device in the preferred “probe mode”.
- e. When the device is used in “contact mode” it is:
 - (1) Primarily a pain compliance tool
 - (2) Generally less effective than when probes are deployed with a spread in excess of 12 inches.

- (3) Used when the officer perceives the suspect is actively resisting.
 - (4) Subject to the same deployment guidelines and restrictions as probe deployments.
- f. The preferred method of close-range deployment involves firing the CEW cartridge at close range, then applying the CEW in “contact” mode to an alternate part of the body. This creates a “probe spread” effect between the impact location of the probes and the point where the CEW is placed in contact with the subject’s body. When the CEW is used in this manner, it is:
- (1) Potentially as effective at subject control as a conventional cartridge-type probe spread deployment, and
 - (2) Subject to the same deployment guidelines and restrictions as any other CEW cartridge deployment.
- g. The CEW shall not be used on those who passively resist as defined in this policy, and should generally not be used:
- (1) On a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot reasonably be controlled by other readily available means.
 - (2) In any environment where an officer reasonably believes that a flammable, volatile, or explosive material is present, including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane.
 - (3) In any situation where the officer has a reasonable belief that the subject might fall resulting in death or serious physical injury, and the circumstances presented do not justify that risk.
- h. Increased Deployment Risks
- (1) Officers need to consider the severity of the active criminal activity, resistance to arrest, or the severity of the circumstances surrounding warrants (e.g. summary traffic warrant vs. homicide warrant).
 - (2) CEW usage is a level 4 when the potential for injury is consistent with other level 4 techniques. Although they are considered level 4 force options, it may be considered a higher level of force depending on the circumstances and possible injury.
- i. Officers are discouraged from using CEWs against sensitive populations because of the increased possibility of causing injury or death. Officers are not prohibited from using CEWs on member of sensitive populations, however, such usage shall be limited to circumstances justifying the use of deadly force.

- j. Generally, officer's deploying CEWs shall not energize subjects for more than three, five-second exposures or a total exposure time of 15 seconds. Exceeding these limitations is permissible when the officer can articulate the facts justifying a higher level of force. If the CEW is having little or no effect the officer must consider other force options.
- k. Energized subjects may be incapable of responding to commands, therefore, officers must carefully evaluate the need for an additional energy cycle, a different force option, or a pause to allow the subject to comply with commands.
- l. Officers are encouraged to handcuff suspects during or immediately following the application of an CEW energy cycle, to limit the duration and number of energy cycles.
- m. Officers are authorized to use CEWs against dogs or other animals engaging in aggressive behavior towards any person.

6. Post Deployment Consideration

- a. Officers may remove CEW probes from detainees per the procedures outlined in training. The CEW probes should be treated as a biohazard risk and placed in an authorized sharps container, consistent with TASER training
- b. Probes lodged in sensitive areas of a person's body should be removed by trained medical personnel (for example, eye, face, head, breasts, genitals).
- c. All persons subject to CEW deployment shall be taken to an Emergency Department for examination.
- d. Officers deploying CEWs shall collect and secure the following items in evidence:
 - (1) CEW cartridge
 - (2) Wire leads
 - (3) Probes (marked as biohazard)
 - (4) If deployment becomes a critical incident (ex: in-custody death)
 - a) Collect AFIDS
 - b) Collect blast doors
 - c) Collect probe ejectors
 - d) Secure TASER, and have an instructor conduct a full download

7. Reporting

- a. The deploying officer shall complete a departmental use of force report pursuant to GO 1.3.6 D,2.

- b. Officers shall document the facts and circumstances that reasonably required the use of the CEW. Reports should also include the location of the probes, approximate probe spread, and the number and duration of energy cycles.
- c. Officers shall document any exigent circumstances justifying the following atypical CEW deployments:
 - (1) Use of the “contact” mode.
 - (2) More than three energy cycles.
 - (3) More than 15 total seconds of energy cycling.
 - (4) More than one CEW being used against the subject.
 - (5) Use against an individual in a sensitive population group as defined in this policy.
 - (6) Used against a handcuffed or otherwise secured subject.

8. Auditing

- a. The Head CEW instructor shall download random data from each agency owned ECW annually. The data obtained will be reconciled with existing use of force reports to ensure accountability between the cycles recorded, and those documented in such reports and occurring in pre-shift testing. The audit shall be forwarded to the operations commander and archived with the Use of Force Reports.

C. Batons/Impact weapons

1. Authorization

- a. Officers will be issued, and trained in the use of departmentally authorized impact weapons.

2. Usage Criteria

- a. Impact weapons shall be used in a manner consistent with the use of force continuum (use of force level 6), as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.

D. Specialty Impact Munitions

1. Authorization

- a. Quick Response Team members and selected supervisors will be trained and authorized to use specialty impact munitions.

- b. All officers shall be trained in the support roles for specialty munitions users. (i.e. lethal cover, arrest team, etc.)

2. Usage Criteria

- a. Specialty impact munitions shall be used in a manner consistent with the use of force continuum (use of force level 6), as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.
- b. Circumstances justifying the use of specialty impact munitions shall include, but not be limited to:
 - i. Establish control over persons who by their continued conduct pose a threat to either themselves or other persons.
 - ii. Selective intervention in use of force situations where escalation of force is appropriate to prevent escape of the suspect from containment or to affect an arrest.
 - iii. Suicide prevention
 - iv. Selective control of ringleaders or instigators in major disturbances or riots.

1.3.5 Medical Attention Required Following Use of Force as Appropriate

A. General Rule

- 1. After the use of force by agency personnel, officers shall arrange for appropriate emergency medical service (EMS) to examine, treat, and/or transport a subject to a medical facility when:
 - a. An injury is known.
 - b. An injury is suspected.
 - c. An injury is alleged.

B. Medical Treatment of Oleoresin Capsicum Contaminated Persons.

- 1. Arrestees contaminated with OC shall be transported for medical treatment.
- 2. Arrestees exhibiting no physical problems may refuse medical treatment, subject to supervisory approval.

C. Probe Removal following Taser Usage.

1. Officers will remove Taser probes, per the training course.
2. Probes attached to sensitive or painful areas (face, breast, groin, etc.) shall be removed by a qualified medical professional.

D. Treatment following Specialty Impact Munitions Usage.

1. Officers shall arrange for emergency medical service (EMS) to examine, treat, and/or transport to a medical facility, any person struck by specialty impact munitions.

E. Restraint Asphyxiation in Excited Delirium

1. Officers should remain vigilant for suspects or detainees exhibiting signs of excited delirium, alcohol or drug use symptoms, or psychotic behavior. Officers should utilize in a coordinated effort to overcome resistance when taking violent people into custody.
2. To avoid Restraint Asphyxiation in Excited Delirium during members will:
 - a. Only permit a person to remain in the prone, face down position the length of time necessary to apply the appropriate restraint(s). The restrained individual will be moved to his/her back and seated in an upright position when possible.
 - b. Multiple officers attempting to gain control of an uncooperative person, should avoid standing or sitting on a subject's chest or upper back, thereby reducing chest compression which effects the subject's ability to breathe.
 - c. Officers shall not transport persons in the prone, face down position.
 - d. Officers shall not "hog tie" or otherwise bind a person's hands and feet together, behind the person's back.
 - e. Officers shall monitor their prisoner's condition, to include, but not limited to, breathing, airway obstructions, consciousness, speech, changes in skin color, and obvious elevation of body temperature (extreme sweating or excessively warm skin).
 - f. Officers shall secure medical attention for subject's displaying signs of distress without delay.

1.3.6. Written Reports and Investigations Required

- A. Death or Injury by Firearm: The following procedures apply whenever a person is injured or killed by a firearm discharged or allegedly discharged by members of this department.
1. The member(s) shall immediately notify an on duty supervisor, and the supervisor shall obtain a public safety statement from the involved officers. (SO1.3.6 A)

2. The commanding officer shall seize the member(s)' firearm(s), magazines, and ammunition, and immediately reissue replacement weapon(s), magazines, and ammunition. The commanding officer will turn all seized equipment/evidence over to the Pennsylvania State Police.
3. The Chief of Police will convene a shooting review team consisting of a lieutenant as the chairperson, the head firearms instructor, and the Internal Affairs Inspector.
4. The shooting review team will conduct a full investigation and submit a report to the Chief of Police.
5. The member(s), along with other affected personnel, will attend a critical incident stress debriefing, paid for by the City of York. The debriefing will be completely confidential. The only information that shall not remain confidential is a recommendation to the Chief of Police for further treatment of any member(s).
6. The member(s) shall have the absolute right to consult with an attorney of his/her choosing, prior to making any oral or written statements concerning the incident. The attorney will assist the member(s) in preparing statements and be present during subsequent interviews and interrogations. This right doesn't extend to the reporting mandate in section 1.

B. Other Police Action resulting in Death

1. Any member taking police action, resulting in, or allegedly resulting in the death of another person, shall be subject to the provisions in Section A1,5, & 6.

C. Other Firearms Discharges

1. Member(s) discharging a firearm pursuant to 1. 3.2, C, (Use of deadly Force to Destroy an Animal), are subject to provision A1, and at the discretion of the Chief of Police, section 5.
2. Member(s) discharging a firearm for all other reasons (except while engaged in police/military training or lawful hunting/recreational shooting) shall be subject to provision A1, and at the discretion of the Chief of Police, sections 5.

D. Use of Force Reports

1. Member(s) discharging a firearm for all other reasons (except while engaged in police/military training or lawful hunting/recreational shooting) shall submit a use of force report before securing from duty to include accidental discharges and disposal of animals. The Chief of Police may grant additional time to prepare Use of Force Reports to members

subject to 1.3.6, A, 6.

2. When an officer uses or is alleged to have used level 3 or greater force as defined in 1.3.1 B, or takes any action that results in, or is alleged to have resulted in any injury to another person, he shall:
 - a. Notify an on duty supervisor as soon as possible.
 - b. Submit a use of force report before securing from duty.
 - c. The decision to not arrest a subject after deploying a level 3 use of force can only be made by the on-duty supervisor and shall be noted on the use of force report.

3. When multiple officers are actively or allegedly involved in an incident that requires a use of force report, each officer is subject to the provisions of section 2.

4. Supervisory responsibilities.
 - a. Review the incident and notify the operations commander if the incident:
 - i. is likely to receive media attention.
 - ii. resulted in injury to the officer(s)
 - iii. appears out of compliance with the law or departmental policy.
 - b. If the arresting officer is the victim of an assault, or further hostilities are likely, the arrest and processing of the prisoner shall be reassigned to another officer.
 - c. If officer(s) from outside agencies are involved with agency officer(s) pursuant to section 3, the supervisor shall request a written report from the involved non-agency personnel.

- E. Use of force reports shall be forwarded to the Operations Commander for compliance review and retention.
 1. Reports indicating compliance shall be filed and maintained.
 2. Reports indicating non-compliance with this general order may be directed for follow up actions including remedial training, internal affairs investigation, or discipline.

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

- A. When an employee's official actions result in another person's death or serious bodily injury, the employee will be placed on administrative leave. The employee will be returned to full duty at the discretion of the Chief of Police pending investigation and any possible administrative adjudication. Officers involved in "Other Firearms Discharges"(1.3.6, C.) may be subject to the provisions of this section (1.3.7) at the discretion of the Chief of Police.
- B. During the period of time an administrative review or investigation into the incident is being conducted, the Chief of Police may reassign the employee to office related or other duties. Such reassignment shall not be punitive. The reassignment will be an administrative action relieving the employee from enforcement duties while under going a period of emotional stress, while allowing the department time to conduct a proper investigative review.
- C. **Mandatory Counseling Requirement**
 - 1. When an officer is involved in a shooting incident or other police action resulting in death, the department shall order a psychological evaluation.
 - a. Officers discharging a firearm pursuant to 1.3.2 (use of deadly force to destroy an animal) may request and be granted an exemption to this section, by the Chief of Police.
 - 2. The cost of the examination and any recommended follow up care shall be provided at department expense.
 - 3. The officer shall not return to full duty until the examination/treatment is complete, and the psychologist deems the officer fit for duty.
- D. The duration of administrative leave or modified duty shall be at the discretion of the Chief of Police.

1.3.8 Weapons and Ammunition Approved by the Chief of Police

- A. The Chief of Police shall authorize the types and specifications of lethal and less lethal weapons and ammunition approved for issue, carry, and use by members of the department in the performance of official duties, on-duty as well as off-duty.
 - 1. The Chief of Police shall issue a Special Order indicating the authorized duty weapons and ammunition approved for use by officers of the department.
 - 2. Officers desiring to carry personally owned firearms off-duty, under law enforcement authority, or as back up weapons on-duty, shall submit a written request to the Chief of Police.
 - a. A departmental armorer/firearms instructor shall inspect privately owned weapons, observe the safe handling ability of officer, and qualify the officer on an approved course of fire.

- b. The firearms instructor shall make an approval/disapproval recommendation to the Chief of Police.
- B. Procedures for review, inspection, and prior approval of all weapons intended for on/off-duty use by employees in the performance of law enforcement functions.
 1. Departmentally approved weapons shall be reviewed and inspected before deployment, and annually, thereafter.
 - a. Certified armorer(s) shall perform inspections and repairs of departmentally owned firearms.
 - b. A departmental armorer shall perform inspections of approved, privately owned firearms, if the armorer's certification is valid for the weapon in question. If the armorer is not certified to inspect the weapon, he shall perform a general "function and cleanliness check".
 - i. The armorer shall place nonconforming weapons out of service.
 - c. Certified less lethal instructor(s) shall perform annual inspections of all less lethal weapons.
- C. Removal of unsafe weapons from service.
 1. The armorer(s)/less lethal instructor(s) shall immediately remove any weapon from service that is not in proper working order.
 2. Officers shall immediately notify a firearms instructor, less lethal instructor, or supervisor, if they suspect any weapon is not in proper working order. The weapon in question shall be placed out of service, labeled "out of service", and secured in the armory or patrol gun safe.
 3. Officers surrendering a departmentally issued firearm for repair shall be issued a replacement weapon, and must re-qualify on an approved course of fire.
 - a. The department is not responsible for repair or replacement of privately owned firearms.
- D. Guidelines for the safe and proper storage of agency authorized weapons.
 1. All department weapons not in service, or not issued, shall be secured unloaded.
 2. All weapons issued to officers will be maintained in a safe condition for storage.
 - a. Firearms should be kept in a locked locker if stored in the police department.
 - b. Weapons stored away from the police department shall be secured per training.

c. Gunlocks will be provided to officers as requested.

3. Weapons normally stored in police vehicles will be maintained in a ready mode for transport. The weapon may have a loaded magazine without a cartridge in the chamber.
4. Weapons will be removed from police vehicles needing service. The weapons will be stored in an unloaded condition in the armory or patrol gun safe. Unloading, if needed, will be completed outside the building.

5. Service pistols or rifles left for repair or inspection by the armorer will be stored in an unloaded condition. Unloading for pistols, if needed, will be completed only in the provided unloading bullet trap. Rifles will be unloaded before entering the building.

E. Procedure for maintaining a record on each weapon approved by the agency for official use.

1. A record of each weapon will be maintained within the firearms unit of this department or, for less lethal weapons, by the less lethal weapons instructors.
2. A copy of these records will be provided to the Training and Accreditation Lieutenant annually for updating purposes and held indefinitely with copies of the annual qualification records.
3. Each firearm serial number will be checked for accuracy at every organized department firearms training and/or qualification.

F. Weapons of Last Resort

1. The department recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements as weapons. These weapons might include the officer's flashlight, metal clipboard, knife, or even a motor vehicle, etc. However, such implements used as weapons should be viewed as weapons of last resort.
2. Use of such weapons will be closely examined, as well as, the degree of exigency present in the situation, the totality of the circumstances, and the existence or absence of other acceptable alternatives.
3. Officers are authorized to carry knives with a maximum blade length of 4 inches. The officer's badge number shall be conspicuously inscribed on the knife.

1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons

A. Firearms

1. All firearms training will be conducted by a department firearms instructor who has been certified by a professionally recognized instructor-training program. Firearms training shall include training on the use/application of force options, and the legal requirements for the justified use of force/deadly force, in addition to, the content recommended by the instructor development course.
2. Probationary Officers shall receive an initial eight hours in-service firearms safety and handling course conducted by a department instructor. This training will take place prior to the Probationary Officer being issued his/her service pistol and prior to their academy training. In addition to the classroom instruction, Probationary Officers will be required to demonstrate safe storing, handling, and operating procedures at the range.
3. Only department personnel who have demonstrated satisfactory skill and proficiency with agency-authorized weapon(s) shall be granted approval to carry such weapon(s). Personnel shall demonstrate satisfactory skill and proficiency by firing a minimum score on the Department Firearms Qualification Course (DFQC).

B. Less Lethal and Impact Weapons.

1. No police officer, or civilian employee, shall be equipped with, or be authorized to use less lethal or impact weapons until they have completed a training program taught by a certified instructor.
2. The course of instruction shall include, at a minimum, any requirements recommended or required by the manufacturer or the instructors certification program.

1.3.10 Use of Force In-Service and Weapons Proficiency Training

- A. Each officer will be required to fire a passing score on the DFCQ with his or her duty pistol, semi-annually. Each officer will be required to fire a passing score on the DFCQ with a patrol rifle annually. Each officer will be required to fire a passing score on the DFQC with all personally owned off-duty and on-duty back up weapons annually. Time will be allotted for such qualifications during the hours of basic training, and evaluated by a certified departmental firearms instructor.
 1. Remedial training will be provided to officers on an as-needed basis. Those officers who fail to qualify on the DFQC will be scheduled to attend an eight (8) hour remedial training program conducted by a department firearms instructor. This training will include shooting fundamentals such as: trigger control, sight alignment, shooting stances and grip, as well as loading drills, malfunction drills, holster drills, etc. during the remedial training officers will be given time at the range to shoot their service weapons in order that their shooting habits can be monitored and deficiencies can be detected and corrected. Officers will also

be given one attempt to complete the DFQC as practice prior to them being given the opportunity to fire the course for recorded score.

- a. Officers failing to qualify on the DFQC with personally owned off-duty and on-duty back up weapons will not be allowed to carry those weapons, but are not subject to section A3 below.

2. Failure to Qualify

- a. Definitions: For the purpose of this section the listed term shall have the following meaning:
 - i. Failure to qualify: Any officer who scores less than 75% during any opportunity at the Department Firearms Qualification Course (DFQC) established for the specific firearm they are shooting, has failed to qualify. The officer must attain a passing score during one attempt at a given opportunity to complete the DFQC.
 - ii. Attempt: Firing the DFQC one time.
 - iii. Opportunity: Two attempts at the DFQC per day.
 - iv. Department Firearms Qualifications Course (DFQC): A documented course of fire established for each specific firearm utilized by the department. Each course will specify: Distances, sequence of fire, shooting positions, reloading stages, and allotted times per stage. Additionally, each DFQC will specify the number of rounds fired per stage as well as the total number of rounds per course, required minimum score in raw points/percentage and detail the method of target scoring. Each DFQC will also describe penalties assessed for firing over the allotted time per stage, not following range instructions, unsafe handling procedures, etc. A record of each DFQC will be maintained by the chief firearms instructor. Copies of the DFQC will be disseminated to officers upon request.

3. Disciplinary procedure:

- a. Officers shall be afforded one opportunity to complete the required DFQC on each specified range day.
- b. Should an officer fail to qualify after the initial two attempts, the Chief of Police shall be notified in writing through the chain of command utilizing the department Failure to Qualify Form.
 - i. The officer shall re-qualify and attain a passing score within thirty (30) days of the initial failure.
 - ii. It shall be the officer's responsibility to schedule his/her re-qualification with the Head Firearms Instructor within the thirty-day period.

- iii. Officers who fail to qualify during the second opportunity are required to attend a remedial training course within ten (10) days of such failure. During the remedial training day, officers will be afforded one opportunity to qualify.
 - iv. Officers who fail to qualify following remedial training are no longer authorized to carry/utilize the specific firearm they failed to qualify with, and shall be assigned to non-enforcement duties, or relieved of specialized assignment, whichever is applicable. In addition, the member will be issued a written reprimand for a second-level offense for violation of General Order 1.8.1, IV, b, 9, "Unsatisfactory Performance."
 - v. While assigned to non-enforcement duties or relieved from a specialized assignment, officers will be afforded two additional opportunities to qualify within ten (10) days of the remedial training. The dates and times for re-qualification will be scheduled by the officer through the Head Firearms Instructor.
 - vi. Failure to qualify on at least one attempt during these two additional opportunities or failure to schedule a date and time for re-qualification will result in the violation rising to the next higher level of offense in accordance with General Order 1.8.1, II, g, 3, or the officer being permanently relieved of specialized duties, whichever is applicable.
 - vii. This progression shall continue with the officer being provided with one opportunity per day until such time as the officer attains a qualifying score on the DFQC or the violation has risen to the sixth level of offense. Upon reaching the sixth level of offense, the officer shall surrender his/her department issued service weapon until such time as the violation has been adjudicated.
- B. In-service training for personnel authorized to carry less-lethal/impact weapons shall occur at least once every two years under the supervision of a certified departmental instructor.
- C. In-service training for Use of Force shall occur at least annually.