
	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.15.1	
Subject:		Distribution:
Use of Force & Use of Force Review Process		All Sworn Personnel
Date of Issue:	Expiration Date:	Rescinds:
09-30-2019	Until Amended or Rescinded	
References:		
CALEA: 4.1.1 – 4.2.3, 4.3.2 – 4.3.4; PLEAC: 1.3.1 – 1.3.7, 1.3.9, 1.3.10		
By Authority of:		
		Superintendent of Police

PURPOSE

This policy establishes guidelines on the use of force and the prompt and thorough review of the use of force by Department personnel in the performance of their duties.

POLICY

It is the policy of the Police Department to value and preserve human life. Officers will use only the amount of force that is objectively reasonable to gain compliance and control and/or to effect an arrest or other lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions and applicable Pennsylvania and Federal Court Decisions. This force must be reasonable, articulable and in accord with Department standards and training. **(CALEA 4.1.1) (PLEAC 1.3.1)**

DEFINITIONS

- A. Deadly Force** – Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. De-Escalation** – Taking action or communicating verbally or non-verbally during a potential use of force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force employed.
- C. 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.
- D. Reasonable Belief** – The existence of facts, or combination of facts, that the circumstances are such to cause a reasonable person to believe them to be true.
- E. Control** – Force used by an officer to influence or overcome the unlawful or physical

actions of a subject.

F. Resistance – The subject’s attempt to evade an officer’s attempts to control.

PROCEDURES

A. The degree of force applied is dependent upon the facts surrounding the situation an officer encounters. The degree of force should be sufficient to defeat the amount of resistance or threat to the officers' safety that the situation produces, but must not exceed what an objectively reasonable officer would perceive as necessary. All officers shall use the following procedures when employing force.

ESCALATION OF FORCE MODEL

A. De-escalation – Whenever possible and appropriate, officers shall use de-escalation techniques consistent with departmental training to reduce the need for force. This includes reasonable alternatives to force and tactics which mitigate the need for force or prevent escalation. When feasible, officers shall allow a subject time to submit to verbal commands before force is used, given that such a delay will not compromise the safety of the officer or another or permit escape.

B. The escalation of force model is a logical progression through the stages of force. While it is recognized that a subject's actions or behavior may necessitate the immediate implementation of force at any level along this model, it is desired that the least amount of reasonable force necessary be used to gain compliance and that the level of force be escalated only in response to continued or increased resistance or threat. The authorized use of force options and the appropriate application is as follows:

Levels of Force in the Escalation Model

1. **Officer Presence** - Confronting a subject and identifying yourself as a police officer. This action alone may gain compliance without further action.
2. **Verbal Instructions** - Attempt to gain compliance by giving verbal instructions to a subject. When reasonable and practical, verbal commands must be used prior to resorting to physical force and continued to be used throughout all the levels of force.
3. **Physical Force** - When a subject fails to comply with lawful verbal instructions, an officer may use physical force to gain control. The amount of force used will be determined by the amount of resistance or threat encountered.
(CALEA 4.1.4) (PLEAC 1.3.4)
 - a. An officer may use any of the following techniques or equipment to gain control and compliance, if the situation warrants: **(CALEA 4.1.4)**
(PLEAC 1.3.4)
 - Hands and feet as striking weapons.
 - Department sanctioned restraint and/or control maneuvers, which an

officer is qualified to use.

- Department issued chemical agents, including OC Spray.
 - Department issued handcuffs for restraint and control.
 - Department issued impact tools, including the ASP baton and extended range impact devices.
 - Department issued electronic control weapons (ECW).
 - Department canine.
 - Implied use of Department issued firearms.
- b.** All of the above devices must be of a type approved for use by the Superintendent of Police. Officers must have completed any required training and qualification before they are authorized to carry and use them. **(CALEA 1.3.10) (PLEAC 1.3.9)**
- c.** Officers using an ECW on a handcuffed individual must be able to articulate that the subject was actively resisting and lesser levels of force were not effective or not a reasonable option. Additionally, the use of an ECW in a “drive stun” mode should not be used on persons with mental health issues who are known to be suffering from a mind-body disconnect. These individuals do not react to pain in the same manner as other individuals.
- d.** Officers using ASP batons as impact tools shall use them when it is necessary to incapacitate a subject and shall not strike a subject in the head except as a last resort when deadly force is justified.
- e.** Officers shall only use handcuffs as restraining devices for the purpose of officer safety and to prevent the escape of detainees. Handcuffs will not be used as a weapon. Handcuffs are to be double locked at all times when restraining and transporting persons.
- f.** Officers shall not carry ASP batons, handcuffs or chemical agent canisters issued by the Department while off-duty, except for department training sessions.
- g.** When circumstances require the use of physical force, it is imperative that verbal commands accompany the physical force. Officers shall attempt to gain compliance by instructing the subject to de-escalate.

4. Deadly Force (CALEA 4.1.2) (PLEAC 1.3.2)

- a.** The use of deadly force by an officer is justified when he/she believes that such force is necessary to prevent death or serious bodily injury to themselves or to another person. This belief must be reasonable and articulable.
- b.** The use of deadly force by an officer is justified to prevent a person fleeing from arrest or escaping from custody when he/she reasonably believes that no other alternative exists to effect the arrest and knows that both:

1. The person fleeing has used deadly force or threatens to use deadly force, and the officer reasonably believes that there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury unless arrested without delay, and
 2. The person fleeing has committed or attempted to commit one of the following crimes, known as forcible felonies: murder, voluntary manslaughter, rape, robbery, kidnapping, assault causing serious bodily injury or an arson endangering a person.
- c. An officer using deadly force against an aggressor must reasonably believe that the aggressor possesses the **ability** and **opportunity** to cause death or serious bodily injury and that the threat is **imminent**. The officer **must** preclude that other reasonable alternatives do not exist.
 - d. Warning shots are prohibited. **(CALEA 4.1.3) (PLEAC 1.3.3)**
 - e. Deadly force may not be used when it may pose an undue risk to innocent bystanders. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
 - f. Verbal commands are to be given before using deadly force whenever practical.

5. **Reporting the Use of Force**

- a. Officers will immediately notify their shift supervisor and prepare a written report whenever:
 1. Physical force is implied, used or alleged to have been used on a person or;
 2. Any action taken that results in or is alleged to have resulted in any injury to another person. **(CALEA 4.2.1 b) (PLEAC 1.3.6 b)**
- b. Officers will immediately notify their shift supervisor whenever they discharge a firearm, except while participating in training programs. **(CALEA 4.2.1 a) (PLEAC 1.3.6 a)**
- c. Whenever deadly force is used by an officer or whenever force is used that results in the hospitalization of a subject, the Superintendent of the Police Department is to be immediately notified through the established chain of command.
- d. Personnel from the Montgomery County District Attorney's Office will immediately respond to and investigate all officer-involved shootings (OIS) involving serious bodily injury or death to any person. For such incidents, the [DA's OIS Protocol](#) shall be followed.
- e. In all cases where the use of force is **employed or implied**, the officers using

the force will include a detailed report of the incident involving the use of force, including the **Use of Force Report (OPR-3)**, substantiating its use. **Code 4479** will be included on all documentation. **(CALEA 4.2.1 c, d) (PLEAC 1.3.6 c)**

- f. The use of force will be reviewed by the officer's immediate supervisor and then progress through the chain of command to the Operations Division Commander. Reviewers will document their evaluation of the incident. The Operations Division Commander will forward the report to the Staff Services Division for processing and filing. **(CALEA 4.2.2) (PLEAC 1.3.6)**

6. Escalation of Force Model

- a. Incorporated in this policy is the escalation of force model. The escalation of force model offers a guideline for an officer to follow to determine the legal, tactical and justifiable level of force that is appropriate to be used based on the level of resistance from a subject. (See the attached chart.)
- b. Use of force involves situations that are dynamic. A subject's behavior and the appropriate response to it may move up and down the model at any time. Further, the situation will not always allow for an incremental movement along the model. The operative guideline to follow is to remain flexible and proceed reasonably based on the amount of resistance you are encountering.

USE OF FORCE REVIEW PROCESS

A. The purpose of the review process is to:

1. Determine if the use of force was appropriate based on the circumstances.
2. Assure that all aspects of officer safety were promoted.
3. Protect the rights of all citizens.
4. Identify any deficiencies in training.

B. Procedures

1. Any incident in which force is used by an officer of this Department is subject to review. All incidents where physical force results in significant injury or a firearm is discharged will be reviewed. The Review Board shall complete a thorough review and issue a written report containing a recommendation and, if necessary, the corrective action to be taken.
2. The review of incidents involving use of force by this Board is not intended to usurp the duties of the Staff and Inspections internal discipline process. The Review Board's recommendation is designed to assist in that process.
3. Initiation of Review Process:

- a. Any command staff member may request a review of any incident involving use of force.
- b. Watch Commanders are to forward copies of reports to the Operations Division Commander that involve the use of force. The Operations Division Commander will forward reports to the Board.

4. Review Process - Disposition:

- a. All reports forwarded to the Review Board are to be reviewed in a timely manner.
- b. The following dispositions are to be utilized:
 - 1. **Appropriate** - The use of force was appropriate based on the circumstances and no other action is required.
 - 2. **Inappropriate** - The use of force utilized was not appropriate, but not excessive, as reasonable alternatives existed. These alternatives must be identified. A determination is to be made whether this was an individual misjudgment or a training concern.
 - 3. **Excessive** - The use of force was both inappropriate and excessive to the point that it clearly and substantially violated policy.

5. **Review Board**

The Review Board will consist of the following:

- a. One Watch Commander selected by the Operations Division Commander.
- b. The Sergeant from the Staff and Inspections Unit.
- c. One Department firearms instructor.
- d. One Patrol Sergeant selected on a rotating basis.
- e. One Patrol Officer selected on a rotating basis.

Note: Composition of the Board may be adjusted by the Superintendent of Police as deemed necessary.

6. **Documentation**

- a. The Review Board will issue a report detailing its appraisal of the incident. The report will be issued using the incident number of the initial incident.
- b. Should the review lead to an internal discipline investigation, both the initial incident number and the incident number of the personnel investigation will be incorporated on the report.

TRAINING

- A. Training in the use of force policy and the legal requirements on the justified use of force and deadly force shall be included in the annual firearms training and qualifications. This training shall be documented. **(CALEA 1.3.11; 1.3.12) (PLEAC 1.3.10 a)**

CRITICAL INCIDENT REASSIGNMENT

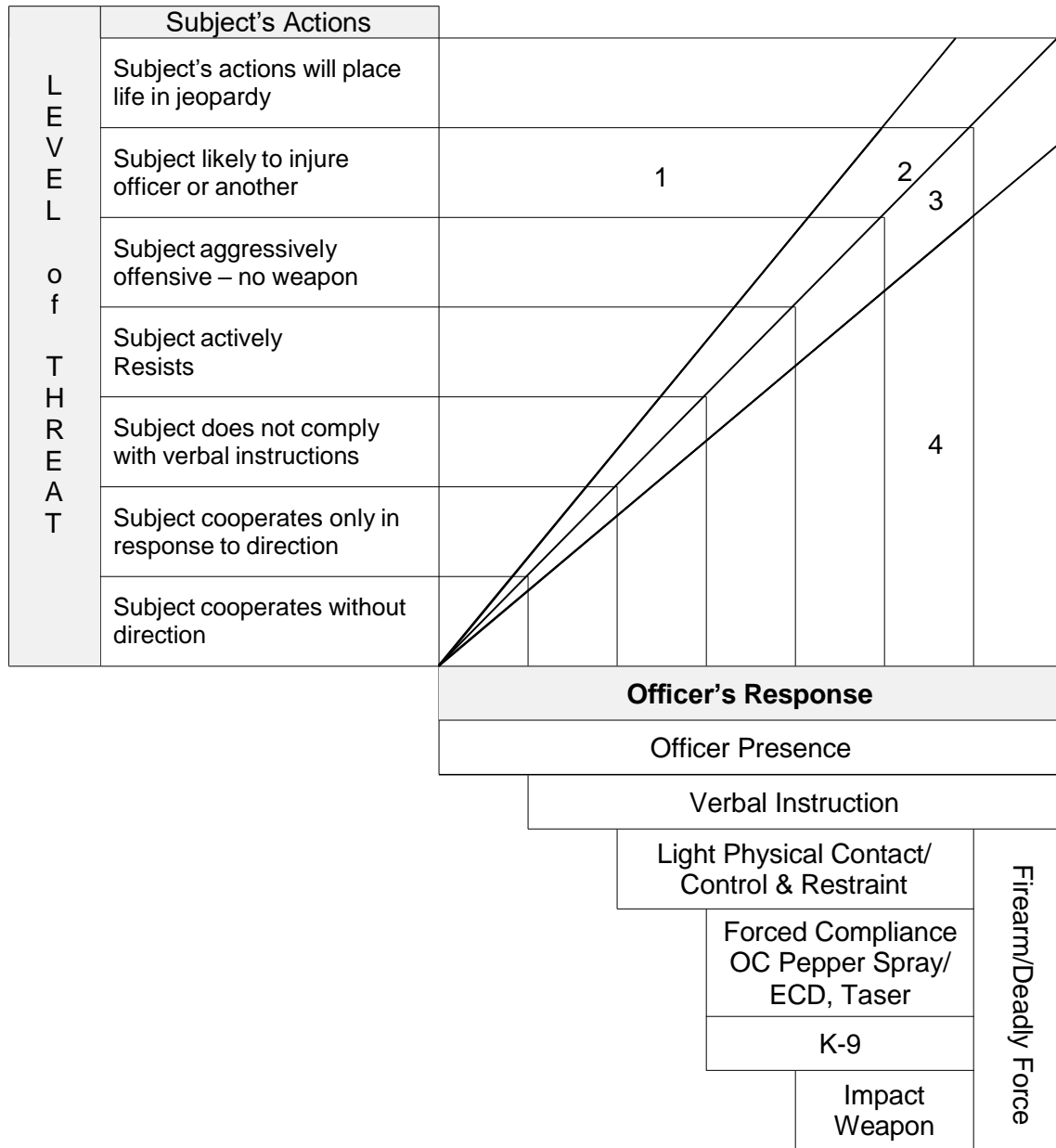
- A. When an officer's actions result in a death or serious bodily injury to another person, the officer will be reassigned to administrative duty pending the completion of the Department investigation. The Superintendent can reduce or lengthen the reassignment as needed. **(CALEA 4.2.3) (PLEAC 1.3.7)**

RESPONSIBILITY

- A. It is the responsibility of all personnel to provide the appropriate medical aid after any use of force when an injury is known, suspected, or alleged; or for injuries sustained during apprehension. **(CALEA 4.1.5) (PLEAC 1.3.5)**
- B. It is the responsibility of all supervisory personnel to ensure that officers under their immediate supervision comply with this policy.
- C. It is the responsibility of the Staff Services Division Commander to maintain a master file of Use of Force reports and reports issued by the Use of Force Review Board.
- D. The Staff and Inspections Unit Commander will conduct an annual analysis of use of force incidents and forward a report to the Superintendent of Police. The analysis should identify:
 - 1. Date and time of incidents. **(CALEA 4.2.4 a)**
 - 2. Types of encounters resulting in use of force. **(CALEA 4.2.4 b)**
 - 3. Trends or patterns related to race, age and gender of subjects involved. **(CALEA 4.2.4 c)**
 - 4. Trends or patterns resulting in injury to any person including employees. **(CALEA 4.2.4 d)**
 - 5. Impact of findings on policies, practices, equipment and training and the need for any modifications to such. **(CALEA 4.2.4 e)**
- E. FBI use-of-force data collection
 - 1. It will be the responsibility of the Staff and Inspections Unit Commander or his/her designee to submit a report to the FBI Use-of-Force Data Collection database, within five days of receiving a use of force report if the use of force involved or resulted in:

- a.** The death of a person due to an officer's use of force;
 - b.** The serious bodily injury of a person due to an officer's use of force; or
 - c.** The discharge of a firearm by an officer at or in the direction of a person that did not otherwise result in death or serious bodily injury.
- 2.** If there were no use of force incidents as described above, the Staff and Inspections Unit Commander or his/her designee shall submit a zero report to the FBI database.
 - a.** A zero report must be submitted for every month where no qualifying use of force occurs.

ESCALATION OF FORCE MODEL



1 – INEFFECTIVE CONTROL

Likely to lead to officer's safety being threatened and possibly lead to escalation of force beyond what was necessary to control the situation.

2-3 - ZONE OF EFFECTIVE CONTROL

Situations are dynamic and fluid and officers must be prepared to de-escalate and escalate as the situation warrants.

4 - EXCESSIVE CONTROL

An inappropriate response to the amount of resistance encountered.