



**NETHER PROVIDENCE POLICE DEPARTMENT**  
**Wallingford, Pennsylvania**

**GENERAL ORDER 1.3.0**

**Subject**

**Use of Force**

**Date of Issue**

**May 12, 2020**

**Effective Date**

**May 19, 2020**

**Expiration Date**

**May 19, 2023**

**PLEAC STANDARD Reference**

**PLEAC 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**

**Amends**

**Rescinds**

**All Previous Orders**

**Index Words**

**Use of Force**

**Distribution**

**All Personnel**

This order contains the following sections:

**GENERAL ORDER**

- 1.3.1 Authorized Force Options
- 1.3.2 Use of Deadly Force
- 1.3.3 Special Prohibitions/Exceptions
- 1.3.4 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
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- 1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons
- 1.3.10 In-Service Use of Force and Weapons Proficiency Training Required

The purpose of this policy is to establish guidelines and procedures governing the use of force. The intent of this order is to ensure that all officers understand the authorized force options available to them, the limitations of the authorized force options and an officer's responsibilities in the use of force.

It is the policy of the Nether Providence Police Department to value and preserve human life. Officers shall use only the degree of force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.

Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances

The decision to use force requires careful attention to the facts and circumstances of each situation, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The focus should be on whether the officer's actions are "objectively reasonable" considering the facts and circumstances confronting them. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the use of force was justified.

Reasonable and necessary force may be used to effect 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 control is achieved, and resistance is overcome. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) for why the authorized force option 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 department's mandatory "Use of Force" report, or other reports, as outlined in this general order.

#### **DEFINITIONS:**

Choke Hold – A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. This does not include vascular neck restraints.

Deadly Force - Force which, under the circumstances surrounding its use, is readily capable of causing death or serious bodily injury.

De-Escalation – Taking action or communicating verbally or non-verbally during a potential 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 necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

Exigent Circumstances – Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

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.

Impact Projectiles - Referred to as the "PepperBall Launching System." It is designed to incapacitate a subject with a minimal potential for causing death or serious physical injury. Refer to General Order 5.22.0- PepperBall Launching System.

Less Lethal Force – Force other than that which is considered deadly force that involves physical effort to control, restrain or overcome the resistance of another.

Objectively Reasonable- The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

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.

Serious Bodily Injury - Bodily injury which creates a substantial risk of death or serious permanent disfigurement, or a prolonged loss or impairment of the function of any bodily member or organ.

### **1.3.1 AUTHORIZED FORCE OPTIONS**

#### **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 shall establish legally binding restrictions regarding the use of force by Nether Providence Police Department personnel, as it relates to criminal or enforceable civil matters.
2. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
3. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
4. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
5. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
6. All uses of force shall be documented and investigated pursuant to this agency's policies.

#### **B. Policy Disclaimers.**

1. This section, as well as this general order, is explanatory in nature and is intended as a guide

for departmental personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher legal standard than that provided by law.

2. The force options model allows an officer to select from a variety of force options depending on the situation. Nothing in this policy shall establish a requirement that officers employ a progression or retrogression of force options when faced with a dynamic situation. Officers are expected to select the authorized force option appropriate to the situation confronting them.

C. De-escalation.

1. An officer shall use de-escalation techniques and other alternatives of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force, and/or the level of force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

D. Authorized Force Options

The authorized force option selected by the officer should match the level of threat presented by the suspect and perceived by the officer at the time. Use of physical force should be discontinued when resistance ceases or when the incident is under control. A reasonable amount of force shall be used to gain compliance and a higher-level force option is authorized in response to continued or increased resistance or threat. It is recognized that a subject's actions, behaviors and/or choices may necessitate the immediate use of a higher-level authorized force option by the officer. Officers will choose among the force options authorized by this Department and consistent with their training, including: Police Presence, Verbal Commands, Restraint and Control Holds, Taser, Oleoresin Capsicum Spray (O/C or Pepper Spray), PepperBall Launching System, Impact Weapons and Deadly Force.

**AUTHORIZED FORCE OPTIONS:**

Police Presence

At times an officer's mere presence or identification of themselves as a police officer can gain the necessary compliance without further action.

Verbal Commands

Dialogue used by an officer can serve to diffuse potentially violent confrontations. The manner and form in which an officer speaks to a person can be an effective means of exerting control over the situation. The use of profanity or disrespectful or argumentative conduct on the part of the officer is prohibited.

Restraint and Control Holds

Whenever a subject refuses to comply with lawful verbal commands, an officer is authorized to use physical force to gain control. The amount of force used should be determined by the amount of resistance or threat encountered. Officers have several authorized force options available in the use of Restraint and Control:

- a. Empty Handed Control- This type of force can be as little as a hand on the arm of a person or could escalate to a higher level of physical force (blocks, kicks, punches). The object of this authorized force option is to gain control and compliance while minimizing the risk of injury to the officer, the person being controlled, or innocent bystanders. Officers are not trained in the use of neck restraint control techniques. Therefore, the use of neck restraints/choke holds cannot be condoned, EXCEPT as the ultimate measure of self-defense or defense of another when the suspect is employing deadly force.
- b. Less-Lethal Extended Range Impact Devices – Less-Lethal force is an authorized force option in situations when lower level force options have not been effective or are inappropriate in order to force control of a non-compliant or actively resistant suspect. An officer is not authorized to use less-lethal weapons unless qualified in their proficient use as determined by training procedures. When appropriate, less-lethal weapons may be used to de-escalate a potentially deadly situation. Less-Lethal weapons shall be targeted to areas of the body designated during training. Officers deploying less-lethal weapons shall do so with the following safety issues in mind: safety of hostages, safety of innocent civilians, safety of police officers, and the safety of the suspect/subject. Items in this option include:

1) Taser:

- a) The Taser is the only electronic control device (ECD) authorized for use by this Department. Only officers who have completed a Department approved training course may carry and use the Taser. Officers shall use the Taser in accordance with the Department's "Use of Force" policy and the following guidelines:
- b) The Taser is color coded "yellow" and is required to be carried on the duty belt on the opposite side of your firearm in a cross-draw manner to eliminate confusion with your firearm.
- c) The officer will examine his/her assigned Taser at the start of each shift to determine that it is functioning properly. A "spark test" should be conducted by removing the cartridge, pointing the Taser in a safe direction and test firing the unit long enough to get a single spark. If the Taser does not test properly, the unit shall be taken out of service and an incident report will be completed and forwarded to the Chief of Police.

- d) No policy or guideline can anticipate every situation that an officer might face, but in general terms an officer may use the device when he or she can articulate grounds to arrest or detain a subject, and the subject has demonstrated that they will likely use physical force to resist the arrest or detention, or may otherwise assault or attempt to assault the officer, another person, or injure himself or herself.
- e) Before deploying, the officer shall announce "TASER. TASER. TASER." to warn other officers and to prevent firearm confusion, if tactically feasible.
- f) Upon firing the device, the officer shall energize the subject the least number of times, and no longer than three cycles, to accomplish the legitimate operational objective. The subject should be secured as soon as practical while disabled to minimize the number of deployment cycles.
- g) The TASER will not be used:
  - When the operator cannot, for safety or other reasons, approach the subject within an effective range of the device.
  - In proximity to flammable liquids, gases, blasting materials or any other highly combustible matter that may be ignited using the device, including but not limited to any subject who may have been contaminated with flammable liquids.
  - When it is reasonable to believe that incapacitation of the subject may result in serious injury or death unless deadly force is justified.
  - On a handcuffed/secured prisoner, absent overly assaultive behavior that cannot be dealt with in any other less intrusive or reasonable fashion.
  - Note: The use of a Taser in a "drive stun" mode should not be used on mentally ill individuals who suffer from a mind-body disconnect. In the latter case, these individuals do not react to pain in the same manner as other individuals.
- h) After the Taser has been deployed and the subject subdued, they shall be restrained by assisting officers. If a person exposed to the Taser requests medical assistance, the person shall be transported to a medical facility for examination as soon as possible.
- i) Removal of probes shall be done by trained medical personnel.
- j) After-Action Reporting
  - The investigating authority (on-duty supervisor) will indicate in his/her report, in addition to other requested information, the serial number of the unit used, the distance from the subject

from which the TASER was fired, the locations of impact on the subject and an evaluation of the effectiveness of the device.

- The supervisor should photograph probe impact points both prior to and after removal of probes from the subject.
- The supervisor will fill out a Supervisory TASER Use Report. (Attachment D)

## 2) Oleoresin Capsicum Spray (O/C or Pepper Spray):

This spray is intended to temporarily incapacitate a person or an animal. Officers attempting to perform an official duty and meeting resistance are authorized to use O/C spray. Oleoresin Capsicum is the only authorized aerosol incapacitation agent approved for use by officers of this Department. Only officers who have completed a Department approved training course may carry and use O/C spray. Officers shall use O/C spray in accordance with the Department's "Use of Force" policy and following guidelines:

When O/C spray is deployed the officer shall announce "SPRAY" to warn other officers.

The officer should create distance between him/herself and the subject and allow time for the spray to take effect.

After using O/C spray, the subject shall be restrained and transported to a post-exposure cleansing site. Post-exposure cleansing shall be accomplished by use of methods outlined in Departmental training. If a person exposed to O/C spray requests medical assistance, the person shall be transported to a medical facility for examination as soon as possible.

## 3) Impact Projectiles

Impact projectiles are intended to temporarily incapacitate a person or animal at extended range. Officers attempting to perform an official duty and meeting resistance are authorized to use impact projectiles. The PepperBall Launching System is the only authorized impact projectile launcher approved for use by officers of this Department. Only officers who have completed a Department approved training course may carry and use The PepperBall Launching System. Officers shall use impact projectiles in accordance with the Department's "Use of Force" policy and following guidelines:

The PepperBall Launching System is designed for the deployment of impact projectiles and shall be definitively marked by paint or other conspicuous distinguishing features as authorized by this Department and shall be kept only by authorized personnel in a manner designated by the Department.

Where possible, officers should inform other police personnel in the immediate vicinity that the PepperBall Launching System will be deployed,

“PEPPERBALL” in order that the shot will not precipitate the use of firearms by other officers.

Suspects who are struck with an impact projectile should be restrained as necessary and transported to a medical facility for examination.

- c. Impact Weapon (Expandable or Solid Straight Baton) - Impact weapons are defined as less-lethal or non-deadly force weapons. Impact weapons include the expandable baton and the solid straight baton. The use of a baton as a striking tool should only be utilized when it is necessary to incapacitate a subject. Officers should never strike a subject in the head except as a last resort when deadly force is justified.

### Deadly Force

- a. The use of deadly force by an officer is authorized when it is objectively reasonable under the totality of circumstances. Deadly force is authorized when the officer believes that such force is necessary to prevent death or serious bodily injury to himself or another person. Deadly force is not authorized against persons whose actions are a threat only to themselves or property absent exigent circumstances.
- b. An officer is authorized to use deadly force when he/she believes that no other alternative exists to effect the arrest, or to prevent the person fleeing from arrest or custody, and when the officer reasonably believes that:
  - 1.) The person fleeing possesses a deadly weapon which he/she has used or indicated is about to use, or
  - 2.) The person fleeing has indicated that he/she will endanger human life or inflict serious bodily injury unless arrested without delay, or
  - 3.) The person fleeing has committed or attempted to commit a forcible felony.
- c. Whenever practical, an officer should identify himself/herself as a law enforcement officer and provide a verbal warning of his or her intent to use deadly force.
- d. Section 1.3.2, Use of Deadly Force, shall be the controlling policy of the Nether Providence Police Department as it relates to the use of deadly force by officers of the Nether Providence Police Department.

**NOTE:** Only those officers of the Nether Providence Police Department that are members of the Central Delco Tactical Response Team (CDTRT) shall deploy chemical agents other than the departmentally issued Oleoresin Capsicum. Deployment of chemical agents, Noise/Flash Diversion Devices and/or other devices by members of CDTRT must be commensurate with training and in conformance with CDTRT operating procedures.

### 1.3.2 USE OF DEADLY FORCE

- A. The Pennsylvania Crimes Code, Title 18, Chapter 5, Section 508, Subsection (a.), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer only when he/she believes that:
1. The action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury, or when he/she reasonably believes that both:
    - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
    - b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.
  2. Shoot to Stop.
    - a. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.

### 1.3.3 SPECIAL PROHIBITIONS/EXCEPTIONS

- A. Nether Providence Police Officers are prohibited from discharging firearms under the following circumstances:
1. Warning shots are inherently dangerous and are not authorized.
  2. The discharging of firearms at a moving vehicle is generally prohibited with the following exceptions when authorization is provided:
    - a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    - b. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted which includes moving out of the path of the vehicle.
  3. Officers are prohibited from discharging their firearms from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
  4. Choke holds are prohibited unless deadly force is authorized.
  5. Officers shall never display or draw their weapons unnecessarily without due regard for safety.
  6. Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with the law, their training and departmental procedures. (see

“1.3.1 Authorized Force Options” for further guidelines.)

#### **1.3.4 AUTHORIZED LESS LETHAL WEAPONS**

Departmental Authorized Less Lethal Weapons shall include: Extended Range Impact Devices (Taser, Oleoresin Capsicum Spray and PepperBall Launching System), and Issued/Approved Baton.

A. Justification for use of Less-Lethal Force:

1. Police officers are authorized to use less lethal force when they reasonably believe it is necessary to effect an arrest. They need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest.
2. Police officers are authorized to use less lethal force against another when, and insofar as, the officer reasonably believes that such force is necessary to protect the officer or another person against the imminent use of unlawful force.
3. Police officers are authorized to use less lethal force to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.
4. Only the amount of force reasonably necessary to effect an arrest or control a person shall be used by a police officer.
5. Force shall not be used punitively, and officers shall always discontinue the use of force when the offender complies with police orders and is under control.
6. Expandable or Solid Baton.
  - a. Batons shall be used in a manner consistent with this general order, and in accordance with training standards and/or programs instituted by this Department.
7. Extended Range Impact Devices.
  - a. Extended range impact devices are approved for use in subduing or controlling violent persons who either resist arrest or demonstrate threatening behavior for which substantial force is authorized, and when the other control techniques have not been or are not likely to be effective.
  - b. Taser - An ECD used for medium distances.
  - c. Oleoresin Capsicum Spray - O/C or pepper spray. When deploying oleoresin capsicum at an individual or animal, it should be directed from the canister into the facial area, i.e., eyes, nose, and mouth, of the subject intended to be neutralized.
    - 1.) When oleoresin capsicum is deployed in an outside environment, whenever reasonable, given the context of the presenting situation, officers should be cognizant of the wind direction and avoid spraying UP-WIND where the potential exists for residual contamination of police officers involved in the neutralization action.

2.) Canisters of oleoresin capsicum that have been depressurized by any application shall be given to the shift supervisor who will secure the canister and arrange for the issuance of a new canister to the officer(s).

d. PepperBall Launching System- See General Order 5.22.0.

**B. Guidelines for Less Lethal Weapons Training/Qualification:**

1. The Department shall schedule training sessions for using the following equipment:
  - a. Taser – Annually
  - b. PepperBall Launching System- Annually
  - c. Oleoresin Capsicum Spray (O/C) – Biennially
  - d. Issued/Approved Baton – Biennially
2. Certified instructors shall conduct all training required by this policy.
3. Annual in-service training shall be conducted for all officers on the Department's Use of Force policy.
4. Records of in-service training shall be completed and maintained by the certified instructor.

**C. Issuance and Carrying of Less lethal Weapons**

1. Officers assigned to uniform patrol duty shall carry a Taser, if one is available to them during their duty shift, as well as a secondary less-lethal weapon, either OC or Baton.

**1.3.5 MEDICAL ATTENTION REQUIRED FOLLOWING USE OF FORCE AS APPROPRIATE**

**A. General Rule**

1. Officers must immediately arrange for an emergency medical service (EMS) to examine, treat, and/or transport to a medical facility a subject if:
  - a. A suspect requests medical aid.
  - b. An injury from the use of force is known, suspected or alleged.
  - c. A person who has been exposed to O/C Spray complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips or nose) or who states that they have a known allergy to any variety of pepper.
  - d. A person admits to being under the influence of, or appears to be under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin or high levels of alcohol.
  - e. Any person who admits a history of heart problems, lung problems, diabetes, high blood pressure or other potentially serious medical condition.
2. Medical aid may be provided when Less Lethal Force is used on a suspect under the following circumstances:

- a. Empty Handed Control
  - b. Taser
  - c. PepperBall Launching System
  - d. Oleoresin Capsicum Spray (see above exceptions)
  - e. Baton
  - f. At the discretion of the officer involved and/or Duty Supervisor.
3. Medical Release Required.
- a. When the arrestee is examined, treated, and subsequently released from medical care, a written medical release shall be obtained from the attending physician.
  - b. Refusals. When emergency medical services (EMS) are summoned to evaluate and/or treat an arrested and the individual refuses medical attention, the officer shall obtain a copy of the release and note the medical attention, or declination of medical attention, in his/her report of the incident, along with the name(s) of the attending EMS personnel and/or the attending physician.

#### **1.3.6. WRITTEN REPORTS AND INVESTIGATIONS REQUIRED**

- A. This general order establishes reporting guidelines for officers when they are on-duty or exercising police authority under statutory provisions while they are off-duty or out of their primary jurisdiction. Use of Force Reports are REQUIRED whenever officers:
1. Discharge a firearm or other weapon, other than for routine training or animal disposal.
  2. Take any action that results in, or is alleged to result in, any injury to another person.
  3. Uses physical force, or is alleged to have used physical force, on another person beyond verbal commands on the continuum.
  4. An officer takes any police action outside of his/her primary jurisdiction that results or is alleged to result in any injury to another person.
  5. EXCEPTION: The reporting guidelines set forth in this policy do not apply to officers discharging personally owned firearms when they are engaged in off-duty, non-police related "recreational" activities, i.e. hunting, civilian marksmanship competition, etc.
- B. Discharging a Firearm:
1. Officers will immediately notify their Shift Supervisor whenever they discharge a firearm. Intentional or accidental discharge of firearms will be reported by the officer and the Supervisor notified. This includes both on-duty and off-duty incidents.
  2. Any officer discharging a weapon for any reason, other than routine training, shall submit an Incident Report to the Chief of Police prior to the end of the officer's shift. The report shall include the facts and circumstances surrounding the discharge of the firearm. If the officer is unable to file such a report, it shall be the Duty Supervisors responsibility.
  3. An officer is authorized to use 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 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.
- b. An Incident Report shall be submitted when any officer discharges a weapon for the purpose of euthanizing an animal.
4. Deadly Force Incidents - Any officer that discharges his/her firearm for self-protection or for the protection of others while on duty shall:
    - a. Immediately notify the Shift Supervisor and the Communications Center.
    - b. The Shift Supervisor shall ensure that the Chief of Police is notified. There shall be no delay in any of these notifications.
    - c. The Chief of Police or his designee will relinquish the criminal investigation to the County District Attorney's Office and will conduct a parallel administrative investigation of the incident. In the case of a death, this investigation will be coordinated with the County Medical Examiner's Office.
    - d. Pending administrative review, any officer who has had to take the life of another person, or who has caused serious/grievous bodily injury, will be removed from his/her duty assignment. This is in order to protect both the officer's and the community's interest until the situation is resolved.
    - e. Psychological follow up counseling will be provided for under section 1.3.7 (C) of this policy and be directed by the Chief of Police as soon as practical.
  5. Immediate Supervisor Responsibilities:
    - a. Once notified that an incident of force resulting in a death or serious/grievous bodily injury occurred within Nether Providence Township, the Supervisor shall conduct an on-scene preliminary investigation to include:
      - 1) Secure medical attention as needed,
      - 2) Secure the scene and establish a perimeter with other responding officers,
      - 3) Locate and separate witnesses,
      - 4) Advise officer(s) to make no statements,
      - 5) Take custody of the officer(s) duty weapon, secure it as evidence with the understanding that it will be replaced with another weapon. The weapon(s) will not be unloaded or cleaned prior to proper examination,
      - 6) Maintain the scene and perimeter until relieved by a ranking supervisor.
      - 7) When relieved from the scene, complete a report of the incident.

#### C. Reporting Use of Force

1. When the use of force is required in the performance of sworn duties, details surrounding the use of force will be included in the Incident Report and a Use of Force Report. When the force used by an officer results in an injury to the officer or another person, or an alleged injury, a detailed report outlining the circumstances of the use of force will be submitted to the Chief of Police.
2. Officers will immediately notify their shift supervisor when the use of any type of physical or deadly force occurs (officer presence or verbal commands are exceptions).
3. The officer, prior to the end of his/her shift, shall submit the required Arrest, Incident, and Use of Force Reports to the shift supervisor, describing the actions of both the officer and the suspect, the force used, any injuries and any medical services rendered.
4. Each officer employing force will submit a Supplemental Report detailing their involvement in the incident. The Supplemental Report will be made to the original Incident Report.

5. The shift supervisor will forward detailed reports of any such incident with appropriate comments to the Chief of Police, prior to going off duty. Depending on the seriousness of injury, the shift supervisor will notify the Chief of Police as soon as possible. In the case of death, the Chief of Police, Township Manager, District Attorney, and Medical Examiner will also be notified.
6. If the officer involved is injured or unable to complete an Incident Report and Use of Force Report, the officer's supervisor shall submit a written report prior to the end of the shift in which the incident occurred, detailing the circumstances why the officer is unable to submit the report.
7. Copies of all reports pertaining to the investigation of the discharge of a firearm and or use of force shall be forwarded directly to the Chief of Police for review in accordance with Section 1.3.7 of this general order.
8. The Use of Force Report is strictly an investigative report and internal management document. As such, copies of the report SHALL NOT be attached to the regular departmental incident or supplemental report and SHALL NOT be released in whole or in part to any person, organization, or entity outside of the Nether Providence Police Department without specific permission of the Chief of Police.
9. All report(s) will be placed in the Use of Force File. The Use of Force File shall be maintained by the Chief of Police.

### **1.3.7 DUTY ASSIGNMENT/REASSIGNMENT PENDING ADMINISTRATIVE REVIEW**

- A. When death or serious injury has resulted from an officer's use of force, that officer will, as soon as practical, be released from field duty by the supervisor pending a full investigation into the incident by the department in accordance with the provisions of Section 1.3.6 of this general order.
- B. During the period an investigation into the incident is being conducted, the Chief of Police may, at his option, assign the officer involved to office related duties. Such relief from duty shall not be considered a suspension or disciplinary action taken against the officer, but rather an administrative course of action relieving the officer from further performance of field duties while undergoing the extreme emotional stress of having used deadly force and permitting the department time to conduct an objective investigation into the matter.
- C. Counseling To Be Provided
  1. It shall be the policy of the Nether Providence Police Department that when an officer discharges a firearm for his/her own defense to defend a fellow officer or citizen, etc., while on-duty or off-duty, which results in serious bodily injury or death a psychological evaluation of the officer be conducted by a licensed psychologist of the department's choosing within thirty (30) days at the expense of the municipality.
  2. Any follow-up treatment that the examiner deems necessary shall be provided at the expense of the municipality.
  3. The officer shall not be returned to full official duties until the examination and/or treatment

is completed and a certification of fitness is provided to the municipality.

4. This action is not punitive and is separate and apart from departmental disciplinary procedures.
- D. The period spent on administrative leave or on office assignment will be determined by the Chief of Police.

### **1.3.8 WEAPONS AND AMMUNITION APPROVED BY THE CHIEF OF POLICE**

- A. Types and Specifications of all Lethal Weapons.

The following are the only lethal weapons and ammunition approved and authorized for use by Officers of the Nether Providence Police Department.

1. Duty weapons:

- a. Departmental issued semi-automatic handguns, unless otherwise approved by the Chief of Police.
- b. 12-gauge shotguns issued and maintained by the department.
- c. Urban Patrol Rifles (223/5.56 NATO) issued and maintained by the Department.
- d. Departmentally approved and qualified backup handgun.
- e. Other 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 might include the officer's flashlight, metal clip board, or even a motor vehicle, etc. However, the use of such implements 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 circumstances, and the existence or absence of other acceptable alternatives.

2. Tactical Team Personnel/CDTRT:

- a. Only lethal weapons supplied and/or approved by the CDTRT are to be used.
- b. Authorized weapons will be used in accordance with the standard operating procedures of the tactical team, and only after qualification in accordance with the team requirements.

- c. Only ammunition that is approved and/or supplied by the CDTRT shall be used.
3. Police Department Lethal Weapon Ammunition:
  - a. Only ammunition that is approved and purchased by the Department and subsequently issued through the firearms instructors shall be used in departmental issued handguns, shotguns and rifles.
  - b. Backup handgun ammunition must be approved by the firearms instructor. If of the same caliber as the duty weapon, departmental ammunition may be used, otherwise, all ammunition must be supplied by the individual officer.
- B. Procedure for review, inspection, and approval of firearms for on-duty use:
  1. Departmentally approved weapons shall be reviewed on an annual basis by the certified firearms instructors.
  2. Visual inspection of all authorized firearms shall be conducted on at least an annual basis by the certified firearms armorer.
    - a. Visual inspection shall include an observation of the firearm's working condition and visible parts.
  3. Approval of firearms for individual on-duty use shall be given only by the Chief of Police and only after a certified firearms instructor has observed, at a minimum:
    - a. The officer's knowledge and safe-handling ability of each firearm approved for use.
    - b. Successful completion of an approved course of fire with an acceptable score.
- C. Records of all Department approved weapons for official use:
  1. Records shall be completed and maintained by the firearms instructor and shall contain:
    - a. Make, model, serial number, and caliber of all authorized weapons for each individual officer.
    - b. Course of fire documentation for each approved firearm with documentation as to the prescribed course of fire requirements.
    - c. A master list of all authorized Department weapons (lethal and less lethal) shall be completed and maintained by the lead firearms instructor and forwarded to the Chief of Police. The master list shall be updated and/or expunged as required.
- D. \*Types/Specifications of Only Authorized Less Lethal Weapons & Ammunition:
  1. Taser. Taser X-26P used only in conjunction with Taser International Law Enforcement

approved Taser Cartridges.

2. Oleoresin Capsicum (O.C.). Only that O.C. which is issued by the Department and approved by the Chief of Police will be carried in the performance of the duties of a Nether Providence Police Officer.
3. PepperBall Launching System- Used only in conjunction with approved PepperBall ammunition. See General Order 5.22.0- PepperBall Launching System.
4. Department issued/approved Batons

**\*See G.O. 1.3.4 Use of Authorized Less Lethal Weapons.**

### **1.3.9 DEMONSTRATED PROFICIENCY REQUIRED TO CARRY APPROVED WEAPONS**

- A. Only Nether Providence Police Department personnel who have demonstrated proficiency in the use of departmentally authorized weapons shall be approved to carry such weapons.
- B. Demonstrated proficiency includes:
  1. Receiving training on firearms and achieving a qualifying score on a prescribed course for firearms at least once a year in accordance with MPOETC regulations.
  2. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy on the use of force, escalating force, and deadly force.
  3. Being familiar with recognized safe-handling procedures for the use of all authorized weapons.

### **1.3.10 USE OF FORCE IN-SERVICE AND WEAPONS PROFICIENCY TRAINING**

- A. All officers shall receive training, at least annually, on this agency's use of force policy and related legal updates.
- B. Training shall also be provided on a regular and periodic basis and designed to:
  1. Provide techniques for the use of and reinforce the importance of de-escalation.
  2. Simulate actual shooting situations and conditions; and
  3. Enhance officers' discretion and judgement in using less lethal and deadly force in accordance with this policy.
- C. Training and demonstrated proficiency required.
  1. In-service qualification shall mean a minimum of 75% of the total score of an officially accepted firing course, i.e. (as required by 37 PA Code 203.12(3)(1) and 203.52(b)(1)(i) of the Municipal Police Officers Education & Training Commission, Police Firearms Course) tabulated by a NRA Police Firearms Instructor, or other state approved instructor, who is present at the

time.

2. All members will qualify at least once per year or as instructed by the Chief of Police with sidearms and/or special firearms issued for the officers' use, by the department in his/her official capacity.
3. As part of the qualification procedure, each officer shall also receive annual training in the Use of Force and Authorized Force Options.
4. Type of firearms carried shall be those issued to officers. These firearms shall be loaded with ammunition consistent with the manufacturer's recommendation and approved by the department.
5. Officers shall carry one sidearm or handgun while on official duty with the department. Exception to these rules shall be with prior permission of the Chief of Police.
6. Officers may choose to engage in extra training and provide documentation for departmental records.
7. Officers unable to demonstrate proficiency with any approved weapon they have been authorized to use shall not be permitted to resume official duties with that weapon until proficiency has been satisfactorily demonstrated to a certified instructor for that weapon.

D. Training and proficiency documentation.

1. Records detailing the in-service and proficiency training shall be documented by the certified instructor(s) for the approved weapon type(s) and provided to the Chief of Police for evaluation, filing, and/or further action.

E. Remedial Training.

1. Any police supervisor or certified instructor may recommend, and the Chief of Police may require, any Nether Providence Police Department officer to submit to remedial training when circumstances indicate the officer(s) has violated any provision of this policy or may otherwise benefit from remedial training.
2. Police supervisors, or certified instructors for any given weapon(s) type, may be assigned by the Chief of Police to conduct remedial training as required for personnel to maintain the knowledge, skills, and abilities necessary to maintain proficiencies commensurate with the requirements of this general order.
3. Supervisors shall report any incidents involving inappropriate or unsafe firearms handling or use to the Chief of Police for consideration for further training.
4. Remedial training shall be documented in accordance with any training policy requirements, and the Chief of Police shall be advised of the progress and/or outcome of any required training.

**Effective: May 12, 2020**

**By order of:**

A handwritten signature in black ink, appearing to read 'DM Splain', written in a cursive style.

**David M. Splain  
Chief of Police**