
Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or serious bodily injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonably necessary force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Plymouth Township Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonably necessary force to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as practicable.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that is reasonably necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that is reasonably necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting.

However, officers shall not intentionally use any technique that restricts blood flow to the head or which creates a reasonable likelihood that blood flow to the head would be restricted, unless they would otherwise be justified in using deadly force. Officers shall not intentionally use any unauthorized technique that may have the effect of restricting respiration or which creates a reasonable likelihood that respiration would be restricted, unless the officer is justified in the use of deadly force.

Officers are authorized to use Department approved techniques that may effect respiration when utilized according to Department authorized training for the minimum time necessary to gain effective control of a physically resisting and or combative subject. The use of such technique(s), including the positioning of the subject upon whom force is used, shall be reasonably necessary under the circumstances.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonably necessary force.

The following agencies may be consulted regarding the Department's authorized training, techniques and equipment in the application of force: MPOETC, Pennsylvania State Police, Montgomery County District Attorney's Office, Montgomery County SWAT, MIRT, and the Department's risk management providers.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Officers may use any reasonable force necessary to effect an arrest or to defend him/herself or another from bodily harm while making an arrest. The officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance (18 Pa.C.S. § 508).

300.3.6 USE OF FORCE TO PREVENT SUICIDE

The use of force upon or toward the person of another is justifiable when the officer believes that such force is immediately necessary to prevent such other person from committing suicide or inflicting serious bodily injury upon himself or herself. The amount of force used shall be reasonably necessary given the facts and circumstances reasonably perceived at the time by the officer. The amount of force should be less than harm or evil sought to be prevented.

The use of deadly force to prevent suicide is not justifiable under the provisions of this section. However, justification regarding an officer's use of deadly force is determined by the Deadly Force Applications section of this policy and a determination that such force is reasonably necessary after a consideration of all factors present.

300.4 DEADLY FORCE APPLICATIONS

When feasible, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is necessary to prevent an imminent threat of death or serious bodily injury to him/herself or another; or

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- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that force is necessary to prevent an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, an officer should identify him or herself, demand the subject stop, not move and state their intent to shoot preceding the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer reasonably believes the individual intends to do so.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The officer should articulate the factors perceived and why he/she believed the use of force was reasonably necessary under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department requires the completion of a single use of force form prepared by each officer using force, as specified in department policy, procedure or law. Any action taken by an officer that results in injury or alleged injury shall be documented in the report and may require the completion of use of force report form consistent with this policy.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency shall notify a supervisor and request medical assistance as soon as practicable.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Department approved use of force techniques and tactics.
- (d) Legal guidelines.