

# SWARTHMORE BOROUGH POLICE DEPARTMENT



## Policy Directive 1.03.1 – Use of Force

Chapter:	Organization and Management Role	Directive:	1.3.1
Section:	Use of Force	Effective Date	2/10/2012
Title:	Use of Force	Issue Date:	6/01/2020
Issued By:	Raymond C. Stufflet, Chief of Police	Reevaluation Date:	6/01/2022

Replaces:	All Previous Directives Relative To This Subject		
Distribution:	All Police Department Personnel		
Pennsylvania Accreditation References:	1.3.1		
Related Documentation:	Use of Force Form		

### I. PURPOSE

- A. The purpose of this policy directive is to provide members with guidelines on the use of deadly and non-deadly force.
- B. This policy directive is meant to provide guidelines on use of force by department members. It does not apply in any criminal or civil proceeding. This policy should not be construed as a creation of a higher legal standard of safety, care or conduct for employees in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Conviction of violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

### II. POLICY

- A. The Swarthmore Borough Police Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others.
- B. Personnel will use only the force necessary to accomplish lawful objectives.
- C. In the event of a conflict between this general order and statutes or case law, the more restrictive shall control.
- D. The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders must at all times be subservient to the protection of life. The officer's responsibility for protecting life must include his/her own.
- E. All sworn members are responsible for the review and knowledge of Pennsylvania Statute Title 18, Chapter 5, General Principles of Justification. Specifically, police officers are governed by Section 505, Use of Force in Self-Protection; Section 506, Use of Force for the Protection of Other Persons; Section 507, Use of Force for the Protection of Property; and Section 508, Use of Force in Law Enforcement. These statutes have been used to form the basis of this policy.

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### III. DEFINITIONS

- A. Deadly force: Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.
- B. Non-deadly force: Any use of force other than that which is considered deadly force.
- 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.

### IV. PROCEDURES

- A. Police Department members shall use only the amount of force which is necessary and reasonable to control the situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm.
- B. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the member or others.
- C. The use of force by members of the department will, whenever possible, be progressive in nature and in conformance with the Force Continuum. This force may be in the form of advice, warnings, persuasion, verbal encounters, de-escalation communication, physical contact, use of baton, OC spray, electronic control weapon, or other less lethal weapons, or the use of deadly force.
- B. Force Continuum - the Force Continuum is a logical progression through the stages of force. The continuum shows the levels of force available to police officers during an arrest situation. It is further divided with various levels of actions and assists us in analyzing the force used. The force continuum is as follows;
  - 1. Officer Presence- identification of authority
  - 2. Verbal Direction -De-escalation communication, commands of direction, or arrest.
  - 3. Restraint and Control
    - a. Soft Empty Hand Control - control techniques that have a minimal probability of injury
    - b. OC (Oleoresin Capsicum) Chemical Aerosol - an organic agent that is inflammatory. Causes localized topical heat, redness, inflammation and pain to all exposed skin and tissues. Effective time ½ to ¾ hour. Usually does not require medical attention.
    - c. CS/CN Chemical Agents (When Authorized) - CS (Orthochlorbenzalmalononitrile) – a synthetic chemical agent that causes irritation to exposed tissue and skin. Effective time ½ to ¾ hour. May require medical attention.
    - d. Hard Empty Hand Control - control techniques that have a high probability of injury

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4. Intermediate Force
    - a. Impact Weapon - blunt tool used to strike or restrain.
    - b. Extended Range Impact Devices - devices developed to give police a less-than-lethal option to use against crowds, violent suspects not armed with firearms, mentally disturbed person exhibiting aggression, and to support tactical operations.
    - c. Electronic Control Weapon - Weapon designed to disrupt a subject's motor nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
  5. Deadly Force - force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.
- D. Sworn members must weigh the circumstances of each individual case and employ only that amount of force which is necessary and reasonable to control the situation or persons. No member will use unreasonable or excessive force toward any person. Holds that are known as "Choke Holds", which are designed to restrict a subjects ability to breathe for the purposes of incapacitation, are prohibited, unless such action is a last resort and deadly force is authorized to protect the officer, or another.
- E. Reporting Requirements - all use of force incidents will be reported in accordance with the provisions of policy directive 1.3.6.

## V. REFERENCES:

- A. Title 18 Pennsylvania Consolidated Statutes, Chapter 5, General Principles of Justification.