

1.3.1 Only Utilize the Force Necessary

I. POLICY

It is the policy of the Johnstown Police Department that all personnel comply with the provisions of this general order. All personnel shall be trained yearly on this general order

II. PURPOSE

The purpose of this general order is to provide guidelines to personnel in regard to the use of force and weapon safety. This general order outlines Chapter 5 of the Pennsylvania Crimes Code, weapon proficiency and qualification of personnel, medical aid after the use of force and reporting procedures for the use of force.

III. PROCEDURES

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 such treatment is allowed by the subject's actions. Johnstown Police Officers and civilian employees 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. Personnel 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 effect an arrest, to overcome unlawful resistance, to prevent an escape from custody to neutralize an unlawful resistance, or to neutralize an unlawfully assault upon an officer or another person. The use of physical force will end immediately when resistance ceases or when the arrest has been accomplished. Emphasis shall always be on obtaining control over the situation rather than forcing submission. Personnel shall not mentally or physically abuse any person that they contact or take into 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 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 reasons[s] why the level of force utilized was selected.

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Full disclosure of the circumstances requiring the use of force, and the type and the extent of force, shall be thoroughly documented in the departmentally required “Suspect Resistance Report,” and in an incident report.

A. Confrontational Force Continuum

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 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 Johnstown Police personnel, as it relates to criminal or enforceable civil matters.
2. Law Enforcement officers are permitted to use the degree of force that is reasonably necessary to accomplish their lawful objectives and to overcome any unlawful resistance.
3. Should any officer be unsure of the responsibilities mandated by the force Continuum, contact your supervisor or the Captain of Police for immediate clarification.

B. Use of Force Continuum

1. Use of Force Level 1 – Officer Presence
 - a. The officer assumes control of the situation or suspect through his/her announced and or/uniformed appearance and professional bearing.
2. Use of Force Level 2 – Verbal Control
 - a. In dealing with people, each officer must make every reasonable attempt to make his/her contact one which inspires respect and generates cooperation and a feeling of good will between the citizens and the department. A citizen’s encounter with the police can be frightening and emotional experience. Under these circumstances, the risk of misunderstanding is great.
 - b. The manner 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 voice may also be an

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effective tool to assume control over a situation without having to progress to any higher level of force.

3. Use of Force Level 3 – Escort
 - a. The majority of arrests handled by officers of this department are made peacefully. Generally, 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, should preclude the suspect from experiencing any pain or sustaining any injuries.
4. Use of Force Level 4 – Open Hand
 - a. The officer places hands on the suspect and advises them they are under arrest. All resistance beyond this point is unlawful and must be countered by the officer.
 - i. This stage may lead to a wrestling match, so great care must be taken to protect your sidearm.
5. Use of Force Level 5 – Pain Compliance
 - a. Johnstown Police personnel as an appropriate and effective use of force in Level 5 shall be certified in Capsicum and the M26 and/or X26-Taser.
 - b. Pain Compliance is where officers may employ pressure point control, M26 and/or X26 –Taser or Capsicum. Subjects if practical, should be warned the M26 and/or X26 –Taser or Capsicum would be used. Officers may utilize Capsicum or M26 and/or X26 –Taser at Level 4 whenever an accelerated reaction using higher force is appropriate. Considerable size difference, multiple suspects, combative behavior, the influence of alcohol, controlled substance or other drugs could justify this greater force. Officers must articulate these reasons in their report.
 - c. Level 5 shall be restricted to the following situations:
 - i. 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.

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- ii. To effect a lawful arrest when confronted with a non-compliant or non-submissive individual.
 - iii. To prevent the commission of a criminal offense.
 - iv. When lower levels of force have been exhausted or by the nature of the confrontational circumstances, lower levels of force would be deemed ineffective.
 - v. Pain compliance 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.
 - vi. Personnel of the Johnstown Police Department who are assigned to the Johnstown/Richland SERT Team shall be authorized to deploy chemical agents other than the Capsun and/or distraction devises, or other devices commensurate with their specialized training in conformance with the SERT operating procedures while functioning in their capacity as a team member.
6. Use of Force Level 6 – Control and Compliance
- 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 some combination of strength, leverage, takedowns, holds, and comealong techniques 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 and innocent bystanders.
7. Use of Force Level 7 – Unarmed Striking Techniques
- a. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. Officers to defend themselves against unlawful assaults where higher levels of force are not yet necessary and lower levels of force would be inappropriate or have been ineffective may use these striking techniques.

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8. Use of Force Level 8 – Mechanical Compliance
 - a. Usual methods of mechanical compliance include wristlocks, arm bars, or other “come along” techniques. These are counter joint pressures and leverage may be applied utilizing handcuffs, asp, nightsticks or PR-24 if the officer is trained in the use of the PR-24. This step is the first step where orthopedic injury may occur.

9. Use of Force Level 9 – Impact
 - a. The use of striking implements shall be restricted to quell physical confrontations, where higher levels of force are not yet necessary and lower levels of force would be inappropriate or have been ineffective.
 - b. Striking implements specifically designed for that purpose shall only be utilized by personnel trained in their use. The striking implement will be department issued or approved and officers shall carry and use the implement as prescribed by their training.
 - c. Personnel of the Johnstown Police Department who are certified handlers assigned to the K-9 unit shall be authorized to deploy their certified canine to apprehend fleeing or hiding criminals in compliance to the K-9 general order.
 - d. Personnel of the Johnstown Police Department who are trained to use the 12 gauge “Tear Drop” bean bag round shall be restricted to quell physical confrontations, where higher levels of force are not yet necessary and lower levels of force would be inappropriate or have been ineffective.

10. Use of Force Level 10 – Deadly or Potentially Deadly Force
 - a. As long as members of the public are victims of violent crime and police officers in the performance of their duties are confronted with deadly force, it will remain necessary for the police to use deadly force for the protection of society and themselves.
 - b. An officer will utilize deadly force only when legally justified and 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.

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- c. Personnel of the Johnstown Police Department who are assigned to the Johnstown/Richland SERT Sniper Team shall be authorized to use deadly force for the protection of society, team members and themselves while functioning in their capacity as a sniper for the SERT team.
- d. Section **1.3.2**, relating to the use of deadly force, shall be the controlling policy of the Johnstown Police Department, as it relates to the use of force by Johnstown Police Officers.

C. 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 standard than 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.

Effective:

Date: June 14, 2006

By Order Of:

Craig Foust
Chief Of Police