

1.3.2 Only Utilize Deadly Force When Justified

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. DEFINITIONS

1. Reasonable belief – the fact 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.
2. Serious bodily injury – bodily injury which creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
3. Forcible felony – the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson, endangering persons and aggravated assault causing serious bodily injury.
4. Deadly force – force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

IV. 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

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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.

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. Title 18; The Pennsylvania Crimes Code, Chapter 5, Section 508 Subsection A

1. The Use of Force In Law Enforcement provides for the lawful and justified use of deadly force by a police officer when he/she believes that:
 - a. 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.
 - b. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant, immediate threat to human life should escape occur. No other reasonable means of capture must be available to the officer in this case without endangering the officer's life or the life of another person.
 - i. In evaluating a significant threat, the officer must reasonable believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
 - ii. Where feasible, officers shall identify themselves and give a verbal warning before shooting.

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- c. A police officer is justified in using 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.
 - i. Use of deadly force with a firearm in the destruction of an animal will only be utilized after the responding officer conducts a scene survey for safety.
 - ii. A supervisor's approval should be sought when possible.
- 2. Shoot to Stop
 - a. Officers may fire their weapon to stop and incapacitate an assailant from completing a potentially deadly act as describe in this general order.
 - b. For maximum stopping effectiveness and minimal danger to innocent bystanders officers should shoot at "center body mass" or the largest body mass exposed.
 - c. Before using a firearm under this policy officers shall identify themselves and state their intent to shoot, where feasible.

Effective:

Date: June 14, 2006

By Order Of:

Craig Foust
Chief Of Police