

### **1.3.7 Reassignment Pending Investigation**

#### **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

### **1.3.7 continued**

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. When a 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 shift supervisor pending a full investigation into the incident by the department in accordance with the provisions of 1.3.6 of this general order.
- B. During the period of time an investigation into the incident is being conducted, the Chief of Police may, at his/her discretion, 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 or causing serious injury and permitting the department time to conduct an objective investigation into the matter. The period of time spent on administrative leave or the Chief of Police will determine office assignment.

**1.3.7 continued**

C. Counseling to be provided.

1. It shall be the policy of the Johnstown Police Department that when an officer discharges a firearm for his/her own defense or to defend another officer or citizen, etc., while on-duty or off-duty, a psychological evaluation of the officer be conducted by a licensed psychologist of the department's choosing, within thirty [30] days of the incident, at the cities expense.
2. Any follow-up treatment that the psychologist deems necessary shall be provided at the cities expense.
3. The officer shall not be returned to full duty until the examination and/or treatment is completed and a certificate of fitness is provided to the city.
4. This action is not punitive and is separate and apart from the departmental investigation.

Effective:

Date: June 14, 2006

By Order Of:

Craig Foust  
Chief Of Police