

**The Pennsylvania State University
Police & Public Safety Department**

Policy and Procedural Order

SUBJECT 5.2 Use of Force - General			
CALEA REF. 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.1, 4.3.2, 4.3.3	EFFECTIVE DATE 11/15/18	REVISED DATE 5/15/24	
APPROVED BY Chief of Police and Public Safety, Wesley Sheets 	ASSIGNED TO GROUP(s): 5 and 6		

This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE:

To establish the Pennsylvania State University Police and Public Safety (UPPS) Department's guidelines and limitations concerning the appropriate and acceptable use of deadly and non-deadly force.

II. POLICY:

It is the policy of UPPS to provide clear procedures to officers regarding the use of force in performance of their duties. The safety of innocent persons and officers is of paramount importance. The reference to "officers" means both sworn and non-sworn. If referencing specific policy that will address actions of either sworn or non-sworn the specification will be made.

The main responsibility of UPPS officers is to protect the life and property of civilians. In compliance with applicable law, officers will use only the amount of force reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others. There is a compelling public interest that officers authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law. Officers who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the Department's ability to provide effective law enforcement services to the community.

Officers who use excessive or unauthorized force will be subject to discipline, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.

It will be the duty of every officer to stop or attempt to stop another officer from using excessive force. All officers will immediately report to their supervisor any instance in which they believe another officer has used or is using excessive force.

III. DEFINITIONS:

- A. **Actively Resisting:** When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, or pushing.
- B. **Chief of Police:** This title, as used in this policy, will refer to the Chief of the Pennsylvania State University Police and Public Safety Department.
- C. **Authorized Weapons:** Weapons that meet Department specifications and officers are permitted to carry; and for which officers successfully complete proficiency and safety training.
- D. **Conducted Electrical Weapon (CEW):** An incapacitating weapon used for subduing a person by administering an electric shock for disrupting superficial voluntary muscle functions. This is an intermediate-range weapon and is classified as non-deadly. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.
- E. **Chemical Agent (OC Spray):** A substance which causes localized heat, redness, swelling and pain to all contaminated skin and tissues. A chemical agent is an intermediate weapon that is classified as less lethal. It should only be used, however, when an officer is met with active resistance.
- F. **Deadly Force:** Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in this policy and other policies governing the use of force.
- G. **De-escalation:** A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.
- H. **Deployment:** Includes removal of any firearm, TEW or non-deadly weapon from its carrier
- I. **Discharge:** The use or firing of any weapon.
- J. **Exigent Circumstances:** Those circumstances that would cause a reasonable officer to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
- K. **Force:** Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes, the act of pointing a firearm at or in the direction of a human being, discharge of a firearm, pointing or discharging an active Taser Energy Weapon (TEW) in the direction of a human being, use of impact weapon to strike, discharge of chemical spray, use of chokeholds or hard hands, taking of a subject to the ground, and a K-9 bite. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is **objectively reasonable** under the circumstances to effect an arrest, prevent escape or protect the officer or other person.
- L. **Great Bodily Harm/Serious Physical Injury:** Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

M. **Hard Hand Control:** Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

1. Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited unless the use of deadly force is authorized.

N. **Harm:** Injury inflicted upon a person, whether visible or not.

O. **Imminent Threat:** An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending threat even if he or she is not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.

P. **Impact Weapons:** Department-approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not enough to effect control.

Q. **Level of Control:** The amount of force that an officer uses to gain control over a subject.

R. **Level of Resistance:** The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

S. **Non-Deadly Force:** Any force used by an officer that would not reasonably be expected to cause death.

T. **Non-Verbal and Verbal Non-Compliance:** When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

U. **Objectively Reasonable Force:** The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, *Graham v. Connor*, 490 US 388 (1989).) In determining the appropriate level of force to be used, officers will evaluate each situation considering the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

- V. **Passive Resistance:** When a subject does not cooperate with an officer's commands but does not act to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.
- W. **Reasonable Belief:** Facts or circumstances that would cause a reasonable, similarly trained police officer to act or think in a similar manner, under similar circumstances.
- X. **Security Specialist:** A **non-sworn member** of the University Police with public order or property protection duties.
- Y. **Show of Force:** Displaying a weapon from its holstered or stored position, during an incident where no force is applied against a human being or animal.
- Z. **Soft Hand Control:** The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

- AA. **University Police Officer:** A **sworn member** of the University Police who is granted law enforcement authority from the Pennsylvania Municipal Police Officers Education and Training Commission and who is specifically named a Police Service Officer by the Chief of Police and Public Safety.
- BB. **Verbal Commands:** The use of advice, persuasion, warnings, and/or clear directions prior to resorting to actual physical force. In an arrest situation, officers will, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

IV. PROCEDURES

* Unless otherwise specified, the term "officer" applies to all sworn and non-sworn officers.

A. General

1. Officers will use advisements, warnings, verbal persuasion, and verbal instructions when possible before resorting to force.
2. Force will be de-escalated immediately after control is gained.
3. When feasible based on the circumstances, officers will de-escalate and use disengagement; area containment; surveillance; waiting on a subject; summoning reinforcements; and/or calling in specialized units, to reduce the need for force and thereby increase officer, suspect and civilian safety.
4. Officers will allow individuals time to respond to verbal commands before force is used, wherever possible.

B. Use of Force Authorization and Limitations (Sworn Officers) (4.1.1)

Sworn officers of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used.

1. To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.
2. To defend the officer or others from the use, or imminent use, of physical force.

3. To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, persons incapacitated by alcohol, and/or runaway children.
4. To assist a licensed physician or psychologist in providing necessary medical treatment, when authorized by a valid involuntary emergency medical treatment warrant.
5. To control a situation, and to overcome passive or active resistance to a lawful order.

The authorized use of physical force ends when resistance ceases, and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options.

Force will never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

All sworn personnel will receive in-service training on all Department use of force policies annually (calendar).

C. Use of Force Authorization and Limitation (Non-Sworn Members)

Non-Sworn members of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:

1. To protect themselves or others against the use of unlawful force by another person. (PA ST 18 Pa.C.S.A. §§ 505, 506).
2. To prevent or address an unlawful entry or other trespass, or the unlawful carrying away of property. The Department members must first request the person to desist, unless: such a request would be useless; dangerous to themselves or others; or cause substantial harm to the physical condition of the property. (PA ST 18 Pa.C.S.A. § 507).
3. When summoned or directed by a sworn member of the Department to assist him/her in making a lawful arrest to: (PA ST 18 Pa.C.S.A. § 508).
 - a. To overcome resistance or threatened resistance to the arrest;
 - b. To effect the arrest;
 - c. To defend himself or another from bodily harm while making the arrest; and
 - d. To prevent the escape of a person from custody.

D. Verbal Warning

When tactically feasible, an officer will identify him/herself as a police officer or security officer and issue verbal commands and warnings prior to the use of force. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands. A verbal warning is not required in circumstances where the officer must make a split-second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.

E. Use of Deadly Force in Defense of Human Life (Sworn Officers) (4.1.2)

A **sworn** officer is justified in using deadly physical force only when he or she reasonably believes such force is necessary to:

1. Defend the officer, or a third person, from the imminent threat of death or serious bodily injury.

- a. Effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed, or attempted to commit, a felony involving the infliction or threatened infliction of serious physical injury; AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. Where feasible, the officer should give warning of the intent to use deadly physical force (See, Tennessee v. Garner, 471 U.S.1, 85 (1985).)

F. **Use of Deadly Force in Defense of Human Life (Non-sworn members)** (4.1.2)

A **non-sworn** officer or member is justified in using deadly physical force only when he or she reasonably believes such force is necessary to:

1. Defend himself/herself, or a third person, from the imminent threat of death or serious bodily injury; (PA ST 18 Pa.C.S.A. §§ 505, 506).
2. When summoned or directed by a police officer to effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed, or attempted to commit, a forcible felony or is attempting to escape; AND the officer reasonably believes this person possesses a deadly weapon, or otherwise indicated that he will endanger human life or inflict serious bodily injury unless arrested without delay. (PA ST 18 Pa.C.S.A. § 508). Where feasible, the officer should give warning of the intent to use deadly physical force.

G. **Deadly Force Restrictions**

1. **Warning Shots Prohibited** (4.1.3)

Officers are prohibited from discharging their firearms as a means of warning or frightening a person.

2. **Shooting at or from Moving Vehicles**

Officers are prohibited from discharging their firearms at or from a moving vehicle, motorcycle, or bicycle (collectively, "moving vehicle") unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances. Such discharges will be rigorously scrutinized. Officers as a rule, should avoid tactics that could place them in a position where a vehicle could be used against them. When confronted with an oncoming, moving vehicle, officers must attempt to move out of its path, when possible, and should generally avoid placing themselves in situations where the use of deadly force is more likely.

3. **Risk to Innocent Bystanders**

When officers are about to discharge their firearms, they should be aware of their field of fire, including the backdrop, to avoid creating an unnecessary, substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. (i.e. discharging a firearm into a crowd, or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.

4. **Pointing Weapons**

Officers are prohibited from drawing and pointing their firearms at or in the direction of a person, absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, officers will, as soon as practicable, secure or holster their firearms. It is the rule of this Department that drawing a firearm and pointing it at a person is considered a use of force and must be documented as such.

5. Use of Firearm to Destroy Animals
 - a. Officers may use deadly force against an animal that represents a threat to the officer or to public safety. Whenever possible, officers should seek the permission of their supervisor prior to using deadly force against a dangerous animal.
 - b. Deadly force may also be used as a humanitarian measure, where an animal is seriously injured, and humaneness demands its immediate removal from further suffering. Officers should seek the authorization of their supervisor and, whenever practical, authorization from the animal's owner.
6. Use of Department Weapons for Training and Other Purposes

Officers may discharge their firearms for the purpose of practice, firearms training, when on the police range or other established shooting ranges, or when authorized by the Executive Deputy Chief, to participate in law enforcement competition events. Officers are to use new, factory, once loaded ammunition of the proper caliber which generally meets the specifications of the University Police Practice or duty ammunition.

7. Use of Firearms While Under the Influence of Alcohol and/or Drugs

Officers will not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.
8. Security, Storage, and Safe Handling of Firearms (4.3.1f)
 - a. Officers will be trained in accordance with Department guidelines and will obey all safety rules when handling any firearm or any other weapon. No person other than UPPS Officers will be permitted access to any Department-owned firearm, with the exception of: the quartermaster, police officers from other jurisdictions in the official performance of their duty; for repair or maintenance as approved by the Department; or other circumstances with the express permission of the Executive Deputy Chief
 - b. Officers will secure and store firearms, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm. All Department firearms kept at home must be secured in a safe place inaccessible to family members, especially children.
 - c. Whenever an officer is in the Department and removes his/her handgun or other weapon, the item must not be left in the open and must be secured so that it is not readily accessible to civilians, suspects, victims, or witnesses.

H. Use of Non-Deadly Force (4.1.4)

Officers will only use weapons and control techniques, in the performance of their responsibilities both on and off-duty, that are issued and/or approved for use by the Department. The use of non-deadly force will be limited to defensive and control purposes. Officers will use only the reasonable amount of force necessary to

overcome resistance or accomplish the police task. The use of non-deadly force will conform to applicable Department Standards of Conduct, policies, procedures, and training. Officers will not carry any non-deadly weapons or employ any non-deadly techniques, prior to successfully completing the relevant Department-approved training for each weapon or technique.

1. Authorization to Use Non-Deadly Force

- a. **Sworn** officers are authorized to use Department-approved, non-deadly force techniques and authorized weapons to:
 - i. Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense; or
 - ii. Protect or defend the officer or others from what he/she reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.
 - iii. For riot control or crowd dispersal.
- b. **Non-sworn** officers are authorized to use Department-approved, non-deadly force techniques and authorized weapons to:
 - i. Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense (PA ST 18 Pa.C.S.A. §§ 505, 506); or
 - ii. Protect or defend the officer or others from what he/she reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape. (PA ST 18 Pa.C.S.A. § 508).

2. Non-Deadly Force Restrictions

The following tactics of non-deadly force may be permitted in circumstances only when deadly force is authorized by this policy:

- a. Any chokeholds or neck restraints, with or without a device, that restricts a person's airway;
- b. Any strike with an impact weapon or object to a person's head or neck; and/or
- c. Any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons.
 - i. In limited circumstances when a confrontation escalates suddenly and unpredictably, however, an officer may use any means or device at hand such as a flashlight, radio, and other issued equipment, to defend themselves, another person, or to bring a situation under control. This decision should be based on the circumstances surrounding the officer at the time, if the officer determines it was reasonably necessary to do so, if the level of defensive action is objectively reasonable given the existing circumstances.
- d. Force will not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, to prevent attempted escape, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

3. Impact Weapons

- a. Authorized impact weapons may be used only when an officer is confronted with actual or imminent active aggression against him/herself or another

person. (Refer to Policy 7.1 Authorized Firearms and Use, for specifics regarding the authorized use of less lethal weapons and use.)

- b. The use of a baton or similar instrument to strike a blow to a subject's arms or legs will be considered use of non-deadly force. The use of any such items to intentionally strike a subject's head or neck is prohibited except where deadly force is authorized by this policy.
4. Chemical Agent (OC Spray)
 - a. Authorized OC spray is an alternative to physical control techniques and the use of other intermediate weapons. As with any other use of force, however, OC spray must not be used indiscriminately or without justification. Officers must be able to articulate the reason(s) the subject was sprayed with OC spray.
 - b. OC spray will be utilized as issued and authorized to prevent injury to the subject(s), officers and others. (Refer to Policy 5.4 for specifics regarding the authorized use of an OC spray.)
5. Conducted Electrical Weapon

A Conducted Electrical Weapon is authorized for use when other non-deadly options have been ineffective, or when it reasonably appears that such options will be ineffective in subduing the subject. Conducted Electrical Weapons will only be used in situations where the subject is actively resisting or attempting to avoid arrest by escape and poses an imminent threat to the safety of him/herself, another person, or the officer. (Refer to Policy 5.14 for specifics regarding the authorized use of an electronic control device.)

I. Training and Qualifications

In addition to training required for firearms qualification (Refer to the Firearms Policy 7.1), officers will receive Department authorized training designed to simulate actual situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons are approved to carry such weapons. (4.3.2)

1. All training, including remedial training, will be documented (4.3.3)
2. All officers will, at least annually (calendar year), receive in-service training for all lethal weapons and training in the Department's Use of Force Policy and related case law updates. All officers qualified in the use of impact weapons, OC spray, electronic control weapons and control techniques will, at least annually (calendar) in such weapons or techniques under the instruction of a certified instructor (4.3.3.a)
3. Training and proficiency results for any authorized weapon will be documented in the training files. Officers must demonstrate proficiency with weapons in compliance with CALEA requirements. (4.3.3b)
4. All officers who fail to demonstrate the required proficiency with Department issued weapons will receive remedial training. Remedial instruction for Department issued firearms will follow the Department's Firearms Policy. (See Firearms Policy 7.1) (4.3.3c).
5. An officer failing to demonstrate proficiency with a weapon will not return to duty with that weapon until proficiency is demonstrated and documented.

6. Only officers demonstrating proficiency in the use of Department authorized weapons will be approved to carry such weapons. (See Firearms Policy 7.1).

J. Provide Medical Aid (4.1.5)

1. Any time a person has visible injuries or complains of being injured because of force used against him/her by an officer, the officer must take appropriate actions to provide medical care for the injured person. This includes providing first aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility.
2. Officers will be trained in proper treatment procedures for persons exposed to chemical sprays and the effects of other less-lethal force. If the person is offered and/or refuses treatment, this refusal will be recorded in the police report, along with all relevant information. In addition, the officer will also notify their supervisor as soon as practical. If warranted, the supervisor will arrange to have photographs taken of the person's injuries and those photographs will be attached to the police report.

K. Use of Force Reporting (4.2.1)

1. Refer to UPPS Policy 5.3 Reporting and Investigating Force for the proper reporting procedures.

L. Maintenance and Accountability for Weapons:

1. The Department Quartermaster will maintain a list of all approved weapons and ammunition that will be made available to all employees. The armorer will also maintain inventory reports for all weapons authorized by the agency and update inventories annually (fiscal). This includes any specialized weapons or ammunition utilized by agency personnel taking part in regional or tactical operations (4.3.1a,b,f).
2. All weapons will be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Only weapons and ammunition authorized by the agency may be used by agency personnel in the performance of law enforcement duties both on and off-duty (4.3.1c).
3. At each training session for lethal or less lethal weapons, the armorer or instructor will conduct and document an inspection of all weapons assigned to each officer present and confirm that (4.3.1e)
 - a. The weapons are properly assigned to the officer carrying the weapon;
 - b. That the weapons (lethal and less-lethal) are in working order; and
 - c. That inventory records accurately reflect weapons assigned to individual officers.
4. The procedures listed above will also apply to any weapons authorized by the agency for off-duty carry.
5. Whenever a department weapon is found to be unsafe or not functioning properly, it will be immediately turned in by the officer and the officer will be issued a replacement. The Department Quartermaster will maintain an inventory of replacement firearms and assure such firearms are available for issuance when needed (4.3.1d).

UPDATES

- 11/1/23: Title and definitions updated
- 5/15/24: Section VI.I updated