


HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
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Chapter: One – Organization & Management		Section: Three- Use of Force
Chief of Police: <i>John F. Viola</i>		

SUBJECT: USE OF FORCE

I. PURPOSE

The purpose of this directive is to provide police officers with guidelines on the Department’s authorized use of force options, including the use of deadly force, and the appropriate application of those options.

II. POLICY

This 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 only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code (Title 18 Pa. C.S.A), other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions.
(PLEAC 1.3.1)

III. DEFINITIONS

- Bodily Injury:** Impairment of physical condition or substantial pain.
- Deadly Force:** Is defined by the Pennsylvania Crimes Code as: “Force, which under the circumstance in which it is used, is readily capable of causing death or serious bodily injury.”
- DelCom:** Acronym for the Delaware County Emergency Communications Center.
- Force:** Any degree of conduct beyond mere restraint used to control someone.

Non-Deadly Force: A force application that is not intended or expected to cause death or serious bodily injury.

Less Lethal Weapon: A weapon authorized by this Department that when deployed is not intended or expected to cause death or serious bodily injury and that is commonly understood to have less potential for causing death or serious bodily injury than conventional, more lethal police weapons. Nonetheless, use of a Less Lethal Weapon can result in death or serious bodily injury.

Non-Force Option: Any degree of conduct prior to mere restraint that is used by an officer to control a situation. Handcuffs when used as a restraint in arrest and transport activities, physical removal of peacefully resisting demonstrators, display of a weapon (unholstering a firearm), verbal direction and officer presence are all generally non-force options. It should be noted pointing a firearm or a taser at a subject in an attempt to control them should be noted on a use of force report.

Reasonable Force: Force that satisfies the constitutional standard as “objectively reasonable” under the totality of the circumstance.

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. LEGAL DISCLAIMER

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

V. AUTHORIZED USE OF FORCE - LEGAL STANDARDS

A. The use of force is strictly governed by the United States Constitution, the Pennsylvania State Constitution, and Title 18, The Pennsylvania Crimes Code (18 Pa. C.S.A. § 501, et seq. and specifically § 508).

1. The Fourth Amendment to the United States Constitution protects all people from unreasonable search and seizure. Therefore a police officer may only use such force to affect an arrest/ seizure as is “objectively

reasonable” under all of the circumstances. **Graham v. Connor**, 490 U.S. 386 (1989) along with subsequent cases set the standard the courts will use to determine if a particular use of force situation was Constitutional and reasonable. In Graham the court held:

“Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application... its proper application requires careful attention to the facts and circumstances of each particular case,

- Including the severity of the crime at issue,
- Whether the suspect poses an immediate threat to the safety of the officers or others, and;
- Whether he is actively resisting arrest; or
- attempting to evade arrest by flight...

...The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight...

...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.”

- Chief Justice Rehnquist’s Majority *Opinion of the Court*.

2. Title 18 Pa. C.S.A. § 508 Use of force in law enforcement (a) Peace officer’s use of force in making arrest –
 - a. (1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect(sic) the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:
 - (i) such force is necessary to prevent the arrest from being defeated by resistance or escape;

and

(ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

- b. (2) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(PLEAC 1.3.1)

VI. PROCEDURES

A. Force Considerations

1. In determining what force is reasonable under the circumstances, an officer should consider:
 - a. The severity of the crime at issue;
 - b. Whether the suspect poses an immediate threat to the safety of the officer or others;
 - c. Whether the suspect is actively resisting arrest; or
 - d. Attempting to evade arrest by flight
 - e. Other relevant factors the officer reasonably believes to be true at the time.

(PLEAC 1.3.1)

B. Force Options

- Deadly Force:

Is that force, which under the circumstance in which it is used, is readily capable of causing death or serious bodily injury.

- Less Lethal Weapons:

The authorized use of Department approved less lethal weapon(s) includes;

- 1) Oleoresin Capsicum Aerosol Spray – Directive # 6.3.3
- 2) Expandable Baton - Directive # 6.3.4
- 3) Electronic Incapacitation Device - Directive # 6.3.5
- 4) Specialty Impact Munitions – Directive # 6.3.6

- 5) Any other less lethal weapon expressly authorized by the Chief of Police by memo or in exigent circumstances verbally.

(PLEAC 1.3.4)

- Police K9:

The authorized use of a police K9 - Directive # 2.1.14 *Police K9 Unit*

- Empty Hand Control:

Techniques employed by officers without the aid of equipment or weapons.

Note: The use of neck restraint techniques, airway-restraints, carotid artery restraints or similar control techniques shall not be used by officers. The use of neck restraint techniques are not a permitted method of restraint except in circumstances of extreme urgency. I.E.- Officers are in a life or death confrontation with a suspect.

(PLEAC 1.3.2 b) (PLEAC 1.3.10 d)

- Both Verbal Direction and Officer Presence are **Non-Force Options** as defined by this directive. Officers are reminded these options may be an appropriate choice to de-escalate the incident and bring it under control in a safe manner. These options are part of an officer's daily routine and are not an application of force and as such do not require additional reporting above normal department procedures.
 - An officer's presence and verbal communications are however governed by our Code of Conduct and Code of Discipline and should reflect the professionalism of the officer and this department.
 - Verbal Direction is defined as: Oral Communication that is directed toward controlling the actions of a subject.
 - This communication may include directions, orders or commands which take into account proportionality, recognition of persons in crisis, and effective communication skills
 - Officer Presence is defined as: The identification of authority through the *officer's presence* in uniform or by other means such as a badge and ID or apparel clearly identifying the member as an officer.
 - In situations where force could be used, but there is no immediate threat, officers should use other options as feasible. When tactically feasible, officers should use time and distance to reduce the immediate need for the use of force when no immediate threat is imminent.

- De-escalation strategies using non-force options of verbal direction and officer presence will be applied to reduce the need for the utilization of force, when tactically feasible (PLEAC 1.3.11)

C. Parameter For Use Of Deadly Force

1. Police officers are authorized to use deadly force in order to:
 - a. Protect the police officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
(PLEAC 1.3.2)
 - b. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur.
(PLEAC 1.3.2)
 - c. Effect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions
(PLEAC 1.3.2 a)
 - d. If feasible, an officer should identify himself or herself as a law enforcement officer and give a verbal warning of her or her intent before using or attempting to use deadly force.
(PLEAC 1.3.1) (PLEAC 1.3.2 c) (PLEAC 1.3.10 h)
2. A police officer may also discharge a weapon under the following circumstances:
 - a. During firearms training conducted either on duty or off duty and department sanctioned competitive sporting events.
 - b. To protect themselves or another person from a vicious animal. An officer's use of force against a vicious animal shall be guided by the same rules set forth above in this section, in that they are authorized to use such force that is reasonable and necessary.
(PLEAC 1.3.1)
 - c. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from an agency (humane society, animal control, game warden, etc.) responsible for disposal of animals. Officers shall obtain prior approval from the on duty supervisor before the animal is destroyed.

- d. In an emergency situation and when authorized by the police supervisor on duty in accordance with Directive # 2.1.6 Tranquilizer Gun for the control of a sick or vicious animal.

3. Police officers shall adhere to the following restrictions:

Police officers will not discharge a firearm at, or from a moving vehicle except as a last resort to prevent imminent death or serious bodily injury to the officer or another. Safety to the public is paramount. An officer threatened by an oncoming vehicle must use every reasonable effort to move out of the path of the vehicle.

(PLEAC 1.3.3 b, c)

- a. Warning shots are prohibited
(PLEAC 1.3.3 a)

D. Parameter for Use of Non-Deadly Force.

1. Where deadly force is not authorized, officers should assess the incident in order to determine which Non-Deadly Force, weapon or technique will best de-escalate the incident and bring it under control in a safe manner.
2. Police officers are authorized to use Department approved non-deadly force techniques and issued equipment for resolution of incidents, as follows:
 - a. To protect themselves or another from physical harm; or
 - b. To restrain or subdue a resistant individual; or
 - c. To bring an unlawful situation safely and effectively under control; or
 - d. To apply control techniques only until the subject is restrained and responsive to reason.
3. Non-Deadly Force is any force option other than Deadly Force including:
 - a. Less Lethal Weapons
 - b. Police K9
 - c. Empty Hand Control
4. Less lethal weapons will include those authorized for Department use and will only be deployed by officers trained and certified in their use.
5. Less lethal weapons will only be deployed under circumstances consistent with the standards established by training and this Department's directives specific to each less lethal weapon.

(PLEAC 1.3.4)

E. Medical Aid After Use of Force

1. When police personnel use any type of force on a subject and an injury is known, an injury is suspected, or an injury is alleged, police personnel shall ensure that appropriate medical aid is rendered. Medical aid may be provided through, but not limited to, the following:
 - a. Assisting the subject with self initiated treatment, such as in the case of the chemical agent wash-up guidelines.
 - b. Paramedic personnel called to provide examination or treatment for the subject.
 - c. Transportation to a medical facility for examination or treatment for the subject.

(PLEAC 1.3.5)

2. Arresting and transporting officers shall ask prisoners whether they are injured or ill.
3. A suspect shall be examined by a paramedic prior to interrogation or prisoner processing for purposes of detention when suffering from or complaining of injury or illness or when, among other instances, the individual is:
 - a. Struck on the head with an impact weapon or other hard object;
 - b. Restrained about the neck or throat;
 - c. Struck with a less-lethal weapon projectile such as a bean bag round.
 - d. Struck with an electronic incapacitation device probes or drive stun.
4. An injured prisoner shall not be admitted to or held in detention without being examined and released by a physician or paramedic:
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by an appropriate health care provider.
 - b. Refusal of treatment shall be documented and verified by the officer and attending physician or paramedic.

F. Reporting Use of Force

1. A written report shall be prepared according to departmental procedures, including a use of force report as a result of a force application in the following situations:

- a. When a firearm is discharged other than for routine training, recreational purposes, or animal disposal; or
 - b. When a use of force, alleged use of force, or any action by an officer that results in death or injury to a person other than the officer involved; or
 - c. When force or an alleged use of force is used on another person.
2. Use-of force reports shall be submitted to the commander of the division to which the involved officer(s) are assigned.
 - a. This commander shall review the use of force report and recommendation if further investigation is needed by internal affairs.
 - b. If no such referral is necessary, this commander shall submit a report to the Chief of Police outlining the incident and any recommendations for remedial action or discipline.
3. Responsibility for Reporting
 - a. Officers shall make an immediate verbal report to their supervisors following any use of force and file a use-of-force report.
 - 1) Each officer who uses force in an incident shall submit a separate use-of-force report.
 - 2) Any officer who witnesses a use of force shall advise a supervisor and shall submit a use-of-force report.
 - b. All use-of-force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer used force, as well as any suspect complaints of injury, medical treatment received, or refusal of medical treatment.
 - c. The arresting officer shall notify transporting officers if force was used on the arrestee, or if the arrestee has an injury or complaint of pain.
4. A supervisor shall be immediately summoned to the scene of a use of force incident and will comply with investigative procedures as required by the Department in the following situations:
 - a. When a firearm is discharged other than for routine training, recreational purposes, or animal disposal; or
 - b. When a use of force or alleged use of force results in death or injury to a person other than the officer involved; or
 - c. When force or an alleged use of force is used on another person.

(PLEAC 1.3.6 a, b, c)

5. A supervisor shall upon notification of a use of force incident;
 - a. Document the officer's and suspect's statements of actions taken, injuries sustained, and medical treatment needed or desired;
 - b. Identify/interview witnesses as appropriate;
 - c. Document, as necessary, the scene of the incident;
 - d. Interview any health care provider concerning the injuries sustained and their consistency with uses of force; and
 - e. Complete and forward a supplemental report to the divisional commander of the involved officer(s).

6. The supervisor shall notify the duty commander in cases involving injury or complaint of injury, hospitalization, or death of a person resulting or allegedly resulting from an officer's use of force.
 - a. Use-of force reports shall be submitted to the commander of the division to which the involved officer(s) are assigned for review and recommendation for further investigation by internal affairs. If no such referral is necessary, this commander shall submit a report to the Chief of Police outlining the incident and any recommendations for remedial action or discipline. A copy of the Use of Force Report is placed in the case file and the original is maintained by the Special Operations Unit Sergeant.

(PLEAC 1.3.6)

VII. TRAINING, QUALIFICATION AND AUTHORIZATION

- A. While on duty and off duty, police officers shall carry only weapons (Lethal and Less Lethal) and ammunition authorized by and registered with the Department.
 1. Authorized weapons are those that the police officer has qualified with per departmental guidelines and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.
 2. The Chief of Police shall publish a memo of approved weapons and ammunition on an annual basis ([Appendage A](#)).

(PLEAC 1.3.8 a, b)

- a. All department and off duty weapons shall be inspected by a certified departmental firearms armorer or firearms instructor for safety, reliability and quality.

- b. Should the weapon(s) pass this inspection the firearms armorer or instructor shall record the make, model, serial number and caliber of each weapon. This record shall be maintained, updated and expunged as necessary by the Special Operations Unit.
 - c. Should the weapon fail this inspection, the weapon may be resubmitted for authorization to carry after repairs have been made. This inspection shall be done by a certified departmental armorer only.
(PLEAC 1.3.8 c, d)
 - 3. While on duty officers of this Department shall carry only Department issued weapons and ammunition.
(PLEAC 1.3.8)
- B. The Department shall schedule regular training and qualification sessions for duty weapons, off duty weapons, specialized weapons, less lethal weapons, and the use of force directive.
 - 1. Training on the Use of Force, Deadly Force, De-escalation in Directive 1.3.1, and Duty to Intervene and Act in Directive 1.3.2, shall be given by Special Operations Unit personnel or other Department sanctioned instructor annually.
(PLEAC 1.3.10 a)
 - 2. Officers shall demonstrate satisfactory skill and proficiency of agency-authorized lethal and less-lethal weapon(s) before approval is granted to carry and/ or use such weapon(s), both on and off duty.
(PLEAC 1.3.10 i)
 - 3. Officers shall be required to qualify with their duty weapon(s) and any off duty weapon(s) they are authorized by the Department to carry. This qualification shall be at least annually. Prior to being authorized to carry a lethal weapon(s), on or off duty, the officer must demonstrate satisfactory skill, proficiency and qualification with that weapon.
(PLEAC 1.3.10 a, b)
 - 4. All newly hired personnel shall demonstrate satisfactory skill and proficiency on all agency authorized lethal and less lethal weapons and/or weapon systems before approval is granted to carry and/or use such weapon and/or weapon system(s) on duty and if applicable off duty.
(PLEAC 1.3.10 g)
 - 5. All personnel shall demonstrate satisfactory skill and proficiency on any newly implemented weapon or weapon system before approval is granted to carry and/or such weapon or weapon system on duty and if applicable off duty.
(PLEAC 1.3.10 h)
 - 6. In service training for all authorized Less lethal weapons, and empty hand control, arrests, post-arrest positioning and defensive techniques shall occur at least annually.
(PLEAC 1.3.10 c)

7. In the event part-time police officers are employed by the Department, all training and qualification requirements shall also apply to these part-time police officers.
(PLEAC 1.5.4)
8. Special Operations Unit shall be responsible for scheduling, training and qualifying all police officers annually. This training and qualification shall be conducted by a certified departmental firearms instructor. The Special Operations Unit shall document and maintain all records of training.
 - a. Qualification records shall be maintained in accordance with departmental record keeping procedures, generally five (5) years.
(PLEAC 1.3.10 d, e)
9. Any officer not able to meet firearms qualification minimum departmental and M.P.O.E.T.C. standards, or unable to exhibit proficiency/qualification with any authorized weapon, shall be remedially trained.
 - a. The officer shall be rescheduled for remedial training and qualifying as soon as practical. The officer shall be assigned to a departmental firearms instructor for one to one retraining on the fundamentals of shooting a firearm and skills necessary for proficiency/qualification with the authorized weapon.
(PLEAC 1.3.10 d, f)
 - b. The officer shall be relieved from enforcement duties until he/she has successfully qualified with the weapon.
 - c. Officers unable to successfully qualify after repeated training and qualification attempts shall be subject to disciplinary action up to and including termination.
 - d. Officers unable to qualify with their off duty weapon(s) shall not be authorized to carry this weapon and will not be remedially trained by the Department.
 - e. Officers may attempt to qualify with this off duty weapon at their next schedule departmental qualification session.
10. No modifications will be made to issued weapons and equipment, and the established training guidelines, without authorization from the Chief of Police.
11. A police officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

VIII. DEPARTMENTAL RESPONSE – DEADLY FORCE INCIDENT

The following procedures will be implemented to investigate every incident of deadly force resulting in injury or death.

A. Involved Officer:

1. Whenever a member uses deadly force (intentionally or unintentionally) that results in an injury or death, they will immediately:
 - a. Determine the physical condition of any injured person and render first aid when appropriate.
 - b. Request necessary emergency medical aid.
 - c. Notify DelCom of the incident and the location.
 - d. The officer will remain at the scene (unless the officer is injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (violent crowd), the ranking Commanding Officer at the scene shall have the discretion to instruct the officer to respond to another, more appropriate location.
 - e. The officer will protect his weapon for examination and submit said weapon to the appropriate investigator.
 - f. The officer shall prepare a detailed report of the incident.
 - g. The officer shall not discuss the incident with anyone except:
 - 3) Supervisory and assigned investigative personnel.
 - 4) The assigned assistant District Attorney.
 - 5) The officer's attorney, doctor, or immediate family.
 - h. The officer shall be available, at all times, for official interviews and statements regarding the incident and shall be subject to recall to duty at any time.
 - i. The officer will be reassigned to the Records Office until the completion of the investigation and if appropriate the submission of the Shooting Review Board report or until assigned back to his prior assigned duties by the Chief of Police.
(PLEAC 1.3.7)

B. Supervisor Responsibilities

1. Proceed immediately to the scene.
2. Secure the scene.
3. Conduct a preliminary field investigation.

4. Insure that the Duty Commander, the Chief of Police and the Detective Division's Criminal Investigations Unit have been notified.
5. Assist the involved officer(s).
6. Submit a detailed supplemental report of the events of the incident to the assigned investigator.

C. Duty Commander Responsibilities

1. Respond to the scene as soon as possible and take overall Command of the incident.
2. Insure that all necessary personnel and/or agencies have been notified and requested to respond.
3. Insure that all necessary reports are completed accurately and in a timely fashion.
4. Coordinate with the members of the Shooting Review Board to insure the availability of all necessary personnel and reports.
5. Keep the Chief of Police informed as to the status of the investigation.

D. Criminal Investigations Unit

1. The assigned investigator will conduct a thorough investigation of every Deadly Force incident, which results in injury or death.
2. A detailed report will be submitted to the Chief of Police.
3. Investigators will cooperate and coordinate their investigation with all necessary outside agencies involved in this investigation i.e. Medical Examiner's Office, County Investigations Unit, etc.

E. Shooting Review Board

1. The Shooting Review Board shall convene and review circumstances attendant to each discharge of a firearm that causes injury or death.
 - a. The Board shall consist of:
 - 1) The Deputy Chief of Police or, a Command Officer appointed by the Chief of Police.
 - 2) Commanding Officer of a Platoon or Division not involved in the Investigation.
 - 3) The Supervisor of the Special Operations/Training Unit
 - b. The Board will evaluate, in explicit and fact-finding fashion, each aspect of an officer involved shooting. The evaluation shall include:

- 1) A thorough review of the investigative report.
 - 2) The hearing of direct testimony, if necessary, from officers and witnesses.
- c. Develop findings and make recommendations to the Chief of Police in the following areas:
- 1) Whether the shooting was within policy, outside of policy, or accidental.
 - 2) Tactical considerations.
 - 3) Training considerations.
 - 4) Recommendation of any disciplinary action to be considered by the Chief of Police.

BY ORDER OF THE CHIEF OF POLICE

Appendage A – 2023 Approved Weapons and Ammunitions

Duty Firearms

Make	Model	Caliber
Sig Sauer	P320 – Full Size	.40 cal
Sig Sauer	P320 - Compact	.40 cal
Sig Sauer	P365	9 mm
Glock	27	.40 cal

Other Duty Firearms

Make	Model	Caliber
Bushmaster	M4	5.56 mm
Troy Industries	M4	5.56 mm
Remington	870	12 ga

Off Duty Firearms

Officers are permitted to qualify with and carry off-duty any personally owned handgun between the calibers of .38 and .45 cal.

Less Lethal Weapons

Brand/Make	Type
Axon / Taser	X26/X26P
ASP	Expandable Baton
Defense Technologies	MK-3/MK-6 OC

Duty Ammunition *Duty Ammunition may be substituted by approval of the Chief of Police due to ammunition shortages.

Brand	Type	Caliber
Federal	165 Gr HST	.40 cal
Federal	124 Gr HST	9 mm
Federal	55 Gr BTHP	.223 cal
Federal	1 oz Slug	12 Ga
Federal	00 Buck	12 Ga

Off Duty Ammunition:

All off-duty ammunition must conform to the following specifications:

1. Commercially manufactured new in the United States or Canada
2. .38 caliber 65 grain to .45 caliber 230 grain
3. Cannot be modified to increase lethality
4. FMJ, HST, JHP, or equivalent
5. Armor piercing rounds are prohibited