


**CITY OF BETHLEHEM, PENNSYLVANIA
DEPARTMENT OF POLICE**

	BETHLEHEM POLICE DIRECTIVE NUMBER 3.1.1		
	VOLUME:	Operations	
	CHAPTER:	Use of Force	
	TITLE:	Use of Force	
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PURPOSE: To provide all members of the Department with guidelines on the appropriate use of force in the performance of their official duties.

POLICY: The performance of law enforcement functions raises the possibility that, under circumstances of necessity, officers may be called upon to utilize force, including deadly force, in the performance of their official duties. Society and the rule of law prohibit the unnecessary use of force; thus, when force is used, it must be objectively reasonable and justifiable. This creates the need for the establishment of a specific policy to guide officers in the proper application of force and to prohibit the use of excessive force.

NOTE: This Directive is for the internal use of the Bethlehem Police Department only and does not enlarge the Department's, an officer's, or other employee's civil liability in any way. This Directive should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against the Department, officers, or employees. A violation of this Directive, if proven, can only form the basis of a complaint by the Department for non-judicial administrative action in accordance with Department policy and controlling legal authority.

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DEFINITIONS:

Force - verbal, psychological, or physical power, exerted against a subject for the purpose of overcoming a level of resistance to gain and/or maintain control

Reasonable Force - force that is “objectively reasonable” given the totality of the circumstances

Excessive force - force used that exceeds that which is “objectively reasonable” given the totality of the circumstances

Deadly force - force, which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury (PA Crimes Code, 18 Pa.C.S.§501).

Resistance - the force used by a subject to defeat an officer’s actions of control or arrest

Totality of Circumstances - all of the facts and circumstances of a particular incident including, but not limited to: the severity of the crime committed; whether the subject poses an immediate threat to the safety of officers, others, or himself; and whether the subject is actively resisting arrest or attempting to evade arrest by flight. Other factors that should be considered include, but are not limited to:

Officer-subject factors, such as age, sex, size, skill, training, strength, endurance, multiple subjects, multiple officers, and crowds both hostile and friendly.

Special circumstances such as subject’s proximity to a weapon, special knowledge of the subject, injury, exhaustion or disability to the officer, ground fighting, imminent danger, resolution time, reactionary gap, other available options for resolution, e.g., backup officers, ERT, etc.

Subject’s level of resistance, psychological intimidation, verbal noncompliance, passive resistance, active resistance, active aggression, deadly force assault.

Imminent Danger – “Imminent” does not mean “immediate” or “instantaneous,” but that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at the officer. For example, imminent danger may exist if officers have probable cause to believe any of the following:

The suspect possesses a weapon or is believed to possess a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against the officer or others; or,

The subject is armed and moving to gain the tactical advantage of cover; or,

A subject with the capability of inflicting death or serious physical injury or otherwise incapacitating officers without a deadly weapon, is demonstrating an intention to do so; or,

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The subject is attempting to escape from the vicinity of a violent confrontation in which he inflicted or attempted the infliction of death or serious physical injury.

Serious bodily injury - bodily injury which creates substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of function of a bodily member or organ (PA Crimes Code, 18 Pa.C.S. §2301). Serious bodily injury includes an open gash or wound, major broken bones, dislocated joints, and/or damage to internal organs.

Gender designation - for the purposes of this policy, any reference in this policy to the male gender also applies the female gender.

Verbal Commands - spoken words of persuasion, advice, direction, and warning used by an officer, if practicable, prior to and during the use of any force.

I. Justification of the Use of Force

- A. The purpose of any use of force by a police officer shall be to establish control and/or maintain a level of advantage to defend himself or another person from bodily harm as defined in the Pennsylvania Crimes Code, 18 Pa.C.S.A. §508.
- B. Department law enforcement officers shall only utilize reasonable force, including deadly force, to affect lawful objectives in conformance with the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court Decisions.
- C. The level of force used by an officer will be determined by the subject's actions.
 1. When using force for defense or control, the officer shall continually assess the existing threat level and de-escalate or escalate the level of force applied as the subject's level of resistance changes.
 2. In determining whether the level of force used was "objectively reasonable," the decision is based upon what level of force an officer at the scene would have used under the totality of circumstances.
- D. Each Use of Force situation is unique. It is not the intent of this policy to require officers to attempt to exhaust each force level before moving to the next so long as the level of force used is necessary and reasonable under the circumstances.

II. Use of Force Model

- A. The Department formally adopts the "Pressure Point and Control Tactics, Resistance Control Continuum" developed by Bruce Siddle of PPCT Management Systems as the Department's use of force model.
- B. A copy of the model is attached to this Directive (page 11 of 11).

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III. Levels of Resistance

A. Psychological Intimidation

1. Nonverbal cues indicating a subject's attitude, appearance, and physical readiness. (Blank stare, clenching of fists, tightening of jaw muscles, etc.)
2. The subject may comply with verbal attempts at control, but displays visual nonverbal cues that indicate potential physical resistance.

B. Verbal Non-compliance

1. Any verbal response indicating a subject's unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behavior. Verbal noncompliance may come in the form of a quiet statement indicating non-compliance to threatening statements directed at the officer.
2. The reaction to verbal threats made by a subject may differ from officer to officer depending on the totality of circumstances.

C. Passive Resistance

1. Any type of resistance where the subject does not attempt to actively defeat the officer's attempt to touch or gain control of the subject, but will not voluntarily comply with verbal and physical attempts of control (e.g., dead weight, does not react to verbal commands, etc.).
2. A typical situation is a sit-in protest, where subjects refuse to move or comply with verbal direction/commands.

D. Defensive Resistance

1. Any resistance or action a subject attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away, resistance to handcuffing, attempting to defeat the escort position).
2. It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.

E. Active Aggression

1. Active aggression includes physical actions/assaults against the officer or another person with less than deadly force (e.g. advancing, challenging, punching, kicking, grabbing, wrestling, etc.).
2. It is a physical attack on the officer or another person.
3. A deadly force assault is any assault against an officer and/or another person that may result in serious bodily injury or the loss of human life.
4. A deadly force assault involves any force that the officer believes, based on the totality of circumstances, could result in serious bodily injury or death.

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IV. Levels of Force/Control

A. Officer Presence

1. The mere presence of a police officer can exert sufficient control over some situations and enable an officer to control the situation.
2. The subject must be able to recognize the presence of the officer, either through the uniform, verbalization, or identification.

B. Verbal Commands or Directions

1. When the presence of an officer is accompanied by clear, distinct orders for the subject to follow, the officer may establish control over a situation. The officer can persuade, advise, instruct, or warn the subject in an attempt to gain control.
2. It is important that officers attempt to use verbal commands (when practicable) whenever they are employing any level of force.

C. Soft Empty Hand Control

1. Designed to control Passive or Defensive Resistance.
2. Used when verbal direction/commands are not effective and there is noncompliance with lawful orders.
3. Includes:
 - a. Strength techniques
 - b. Joint locks
 - c. Pressure points
 - d. Knee strike/distraction technique to the subject's thigh (to prevent resistance from the Escort Position)
4. While Soft Empty Hand Control Techniques may inflict pain to gain control, they generally will not cause any form of bruising or injury to the subject.
5. Soft Empty Hand Control Techniques have little or no potential for injury.

D. Hard Empty Hand Control

1. Designed to control Active Aggression
2. Can be used to control Defensive Resistance when lower forms of control have failed or when the officer reasonably believes lower forms of control will fail.
3. Includes:
 - a. PPCT's defensive counterstrikes
 - i. Kicks
 - ii. Knee strikes
 - iii. Palm Heel Strike
 - iv. Brachial stun
 - b. Shoulder pin restraint
 - c. Using physical force to take a person to the ground
4. Hard Empty Hand Techniques are techniques that have a probability of injury in the form of bruises, contusions, or lacerations.

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E. Intermediate Weapons

1. The application/use of any weapon/object that is not part of the human body to control resistance or an assault, intended to temporarily disable and gain control of a subject and not intended to cause permanent injury unless the application of deadly force is justified.
2. Includes:
 - a. Chemical agents
 - b. Impact Weapons
 - c. Electronic Control Device
 - d. K-9
 - e. Horse
 - f. Tire deflation device

F. Deadly Force

1. Any force used by an officer that may result in serious bodily injury or death.
2. An officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

V. Use of Force Considerations

- A. In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by an officer. Factors include but are not limited to:
 1. Subject factors
 - a. Seriousness of the crime committed by the subject
 - b. Size, age, and weight, of the subject
 - c. Apparent physical ability of the subject
 - d. Subject's medical conditions, mental state and influence of alcohol or drugs
 - e. Number of subjects present who are involved or may become involved
 - f. Weapons possessed by or available to the subject
 - g. Known history of violence by the subject
 - h. Presence of innocent or potential victims in the area
 - i. Whether the subject can be recaptured at a later time
 - j. Whether evidence is likely to be destroyed
 2. Officer factors
 - a. Size, physical ability, and defensive tactics expertise of the officer
 - b. Number of officers present or available
 - c. The necessity for immediate action
 - d. Weapons or restraint devices available to the officer
 - e. Legal requirements
 - f. Department policy
- B. By law, an officer need not retreat in efforts to lawfully control a subject, but may utilize the amount of force that is necessary and reasonable to effect the arrest. That is not to say that a tactical retreat may not be the most advantageous option in certain situations.

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VI. Use of Deadly Force

- A. An officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger or death or serious bodily injury.
- B. An officer may use deadly force to prevent the escape of a fleeing suspect:
 - 1. whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily injury; and
 - 2. who will pose an imminent danger of death or serious bodily injury should the escape succeed; and
 - 3. when the use of deadly force presents no substantial risk of injury to innocent persons.
- C. When feasible, an officer should identify themselves and provide verbal commands to the subject prior to the use of deadly force.

VII. Restrictions on the Use of Deadly Force

- A. An officer is under no obligation to retreat or desist when resistance is encountered or threatened, however, an officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily injury, and achieve the law enforcement purpose at no increased risk to the officer or another person.
- B. Officers shall not use deadly force to subdue persons whose actions are only destructive to property.
- C. Deadly force shall not be used against persons whose conduct is injurious only to themselves.
- D. Officers shall not discharge a weapon as a signal for help or as a warning shot.
- E. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons.
 - 1. Due to this greater risk, and considering that firearms are not generally effective in bringing a moving vehicle to a rapid halt, officers shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle unless the officer reasonably believes:
 - a. There exists an imminent danger of death or serious bodily injury to the officer or another person; and
 - b. No other means are available at that time to avert or eliminate the danger.
 - 2. Officers shall not fire a weapon solely to disable moving vehicles.

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- F. Discharging a firearm from horseback also involves a greater risk of death or serious injury to innocent persons.
 - 1. The mounted position creates an unstable platform from which to discharge a firearm. Mounted Officers shall not fire from a mounted position unless the officer reasonably believes:
 - a. There exists an imminent danger of death or serious bodily injury to the officer or another person; and
 - b. No other means are available at that time to avert or eliminate the danger.
- G. When deadly force is justified under this policy, officers may continue its application until the subject surrenders or no longer poses an imminent danger.
- H. A supervisor shall be notified as soon as practical whenever deadly force has been utilized.

VIII. Chokeholds and Strangulation

- A. Department members shall not use chokeholds or strangulation techniques as a means of control except as a last resort during a life and death struggle.

IX. Post Use of Force Medical Attention

- A. After employing any level of force, the officer shall determine whether the subject requires medical attention as soon as practical when the scene is safe.
 - 1. Officers shall render appropriate medical aid and request further medical assistance when needed.
 - 2. Any aid provided or declined shall be documented accordingly.
- B. Officers shall increase observation of subjects in custody for any change in their condition following use of force applications

X. Reporting

A. Use of Force Documentation

- 1. Any use of force resulting in injury or death shall be reported to the officer's supervisor as soon as practical.
- 2. In addition the officer's case report, a Use of Force report (PD-120) (<https://powerdms.com/link/IDS/document/?id=1425640>) shall be completed when any of the following levels of force are applied by the officer:
 - a. Hard Empty Hand Technique
 - b. Intermediate weapons
 - c. Deploying an Electronic Control Device by pointing the device at a subject, firing the cartridge, or delivering a drive stun
 - d. Pointing or discharging a firearm at a subject
 - e. K-9 hold or bite
 - f. Horse used to physically move and/or control a person

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- g. Tire deflation devices used to stop a vehicle
 - h. Roadblock used to stop a vehicle
 - i. Improvised weapon use
 3. The officer's case report shall establish the circumstances leading up to the use of force, and shall articulate the need for the level of force utilized.
 4. The Use of Force Report shall be maintained in a separate file in the Professional Standards Division after Administrative review.
 5. If the Use of Force involves the discharge of a firearm by an officer, the officer shall also complete a Discharge of Firearm report to be turned in with the Use of Force report.
- B. Intervention
 1. Officers and employees shall be responsible for reporting witnessed violations of the Department's Use of Force policy.
 2. When practical, officers shall intervene through verbal or physical means to prevent physical harm to the subject as a result of the misapplication of force.
- C. Administrative Review
 1. The following documents shall be forwarded through the chain of command to the Office of Police Chief:
 - a. Original Use of Force Report
 - b. A copy of the Officer's complete case report
 - c. Any supplemental reports
 - d. Original Discharge of Firearm report – if applicable
 - e. Taser Data Report (download)– if applicable
 2. The Office of Police Chief shall conduct an administrative review of the Use of Force.
 - a. Once reviewed, the original Use of Force report and supporting documents shall be returned to the Professional Standards Division for retention.
 - b. If it is determined that the Use of Force does not fall within Department guidelines, the affected officer(s) will be assigned the necessary remedial training as soon as practical, and may face additional administrative action.
- D. Annual Analysis of Use of Force Reports
 1. The Department shall conduct a documented annual analysis of:
 - a. Use of Force Reports (PD-120)
 - b. Firearm Discharge Reports (PD-110)
(<https://powerdms.com/link/IDS/document/?id=1425641>), and
 - c. Any other reports documenting an employee action or alleged action that resulted in injury or death of another person.
 2. The analysis may reveal patterns or trends that could indicate a need for:
 - a. Increased training
 - b. Equipment upgrades
 - c. Policy modifications
 3. The Professional Standards Division shall be responsible for conducting the annual analysis and reporting findings to the Office of Police Chief.

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4. The Professional Standards Division shall retain the annual reports for three years.

XI. Employee Action(s) or Use of Force in an Official Capacity Resulting in Death or Serious Physical Injury

- A. When an employee's action(s) or Use of Force in an official capacity results in death or serious bodily injury, the employee(s) involved shall be removed from line-duty assignment pending an administrative review.
- B. The on-duty Lieutenant shall immediately notify the Office of Police Chief of any action or use of force incident that has resulted in a death or serious physical injury.
- C. The on duty Lieutenant shall ensure the weapon(s) used by the employee in the application of force are secured from the employee and placed in the evidence room. A replacement weapon(s) shall be issued to the employee as soon as practical unless there are extenuating circumstances.
- D. During the period of time an investigation into the incident is being conducted, the Police Chief may, at his option, assign the affected employee(s) to administrative duties.
 1. The temporary reassignment permits the Department time to conduct an investigation into the matter.
 2. Such relief from duty shall not be considered a suspension or disciplinary action taken against the employee, but rather an administrative course of action relieving the employee from further performance of line duties while undergoing the emotional stress of having been involved in a traumatic incident.
 3. While the employee is on administrative duty, the employee shall remain available for official Departmental interviews and statements regarding the use of force incident.
 4. The employee shall be subject to return to duty at any time, as deemed appropriate by the Office of Police Chief.
- E. The involved employee(s) shall be required to undergo a debriefing with a Department provided psychiatrist as soon as possible.
 1. The debriefing shall not be related to any Department investigation of the incident.
 2. Anything discussed in the debriefing session will remain protected by the privileged physician-patient relationship.
- F. Counseling is also available through the Critical Incident Stress Management Program (CISM), Employee Assistance Programs (EAP), and Department Chaplain.

XII. Training

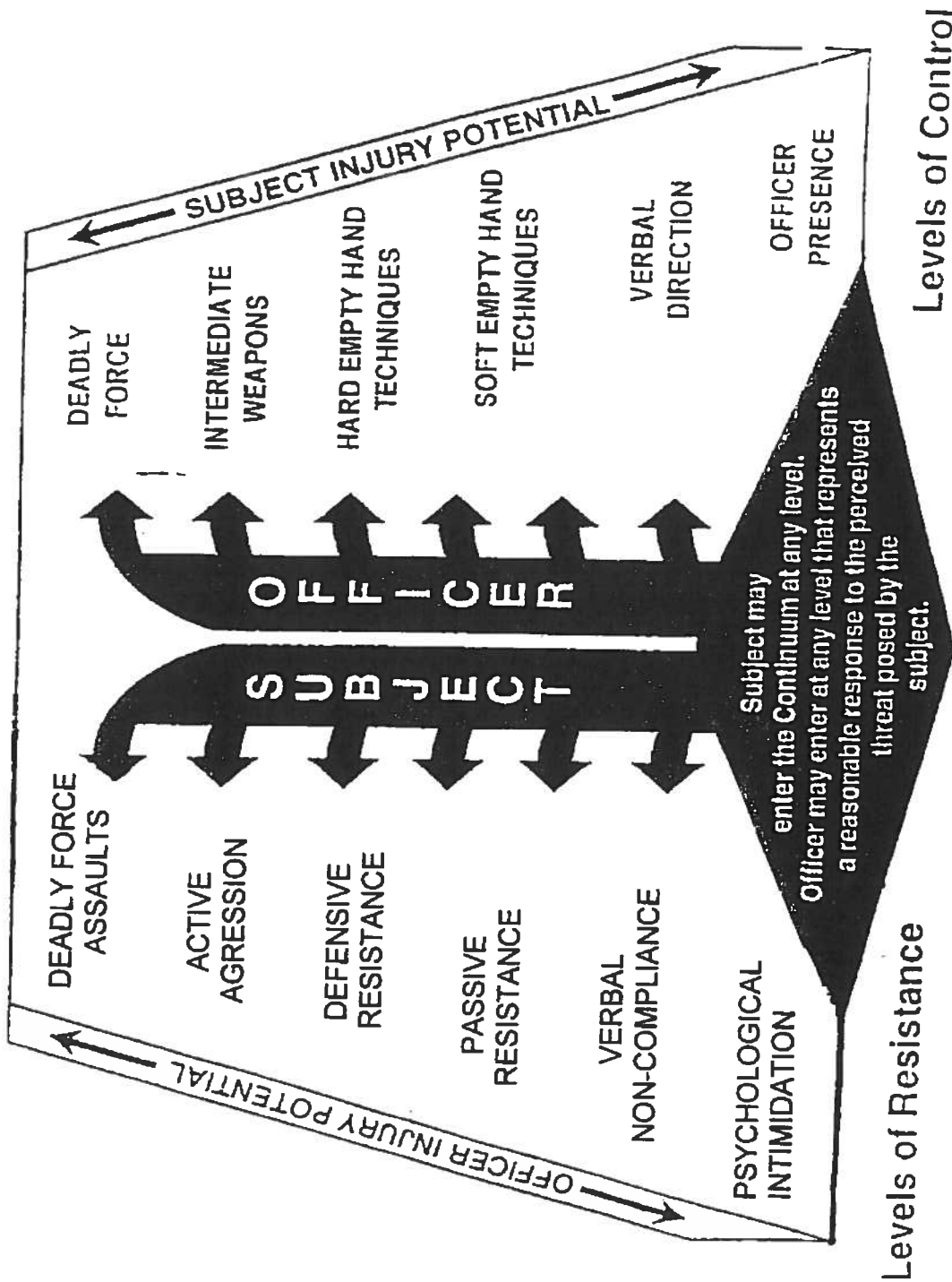
- A. Prior to being authorized to deploy force or carry any lethal or less lethal weapons, officers shall receive training and documentation on all Department Use of Force Directives. Receipt and curriculum delivery shall be documented.
- B. Officers shall receive annual training in the Department's Use of Force Directives.

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- C. Officers shall receive annual training in weaponless control techniques.
- D. Officers shall receive training in Department issued weapons and must demonstrate proficiency in their use prior to being authorized to carry any lethal or less lethal weapon.
 - 1. Training will be conducted by an instructor certified in the specific weapon system being taught.
 - 2. The training requirements for each weapon system are detailed in the Directive specific to that weapon system.
- E. All training shall be documented and training records shall be maintained by the Professional Standards Division.

PPCT Management Systems

Resistance Control Continuum



Developed in 1995 by Bruce Siddle, PPCT Management Systems, Inc., and Steven D. Ashley.