

<b>PBP FORM 290</b>  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...accountability, integrity and respect."</i>		<b>SUBJECT:</b> <b>"USE OF FORCE"</b>		<b>ORDER NUMBER:</b> <b>12-6</b>	
		<b>PLEAC STANDARD:</b> <b>1.3.2 and 1.3.10 a – d &amp; f</b>		<b>PAGE 1 OF 5</b>	
<b>RE-ISSUE DATE:</b> <b>5/19/2015</b>	<b>EFFECTIVE DATE:</b> <b>5/19/2015</b>	<b>ANNUAL REVIEW DATE:</b> <b>May</b>	<b>RESCINDS:</b> <b>ALL PREVIOUS</b>	<b>AMENDS:</b> <b>NONE</b>	

## **1.0 POLICY OR PURPOSE**

- 1.1 The purpose of this General Order is to provide police officers with guidelines regarding the utilization and reporting of both deadly and non-deadly force.
- 1.2 The City of Pittsburgh Bureau of Police recognizes and respects the inherently special value of each human life. The law recognizes, however, that police officers, in the performance of their duties, will encounter situations where it is necessary to use force in order to effect an arrest or otherwise protect the public welfare; or as a means of protecting themselves or others.
- 1.3 It is the policy of the Bureau of Police that use of force, as designated herein, shall be reported in a timely, complete, and accurate manner by involved officers as prescribed by this policy.

## **2.0 DEFINITIONS**

- 2.1 Use of Force – The amount of effort required by police to compel compliance from a person.
- 2.2 Deadly Force – Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.
- 2.3 Non-deadly Force – Any use of force other than that which is considered deadly force.
- 2.4 Impact Weapon – Use of any hard object as a less-lethal weapon to compel compliance. Such term shall include, but is not limited to: police baton or ASP.
- 2.5 Chemical Force – Any use of OC spray or other chemical suppressant.
- 2.6 Physical Force – The use of any part of an officer's body, the use of a vehicle, or the use of police canines to compel compliance.
- 2.7 Less Lethal Force – The use of kinetic energy projectiles deployed to areas of the subject's body that are considered less likely to cause death or serious bodily injury. Such term shall include, but is not limited to: any discharge of a TASER either through use of a cartridge or in the drive stun mode, sock round, K01 baton round, or similar object authorized for use by the PBP.
- 2.8 Weapons of Last Resort - The Bureau recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements (brick, hammer, car) as weapons. Use of such weapons should be viewed as weapons of last resort.
- 2.9 Reasonable belief – the facts 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.
- 2.10 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.
- 2.11 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.

### **3.0 USE OF FORCE**

- 3.1 The City of Pittsburgh expressly forbids any use of force that is excessive. Excessive force is the use of force which exceeds the level that a reasonable officer might reasonably believe, at the time of the incident, is necessary under the circumstances of a particular incident.
- 3.2 Officers shall only use that level of force which the officer might reasonably believe is necessary to affect an arrest, gain compliance, or to protect the officer or others from physical harm. To gain control in a physical confrontation, an officer may be required to use a force option which exceeds the level of force employed by the subject, and an officer may do so, so long as the force option utilized is reasonable under the circumstances.
- 3.3 The provisions of this policy shall apply to any use of force occurring while an officer is acting in an official law enforcement capacity.
- 3.4 Any use of force as described herein shall be employed in accordance with the training that has been received by the involved member and in accordance with all written directives pertaining to the use of force.
- 3.5 Any use of force as defined in Section 2.0 of this order by a member of the Bureau of Police shall be reported on the Subject Resistance Report (SRR), PBP Form 10.10.
- 3.5.1 For the purpose of this order, the following shall **NOT** be considered as uses of force, and a SRR PBP Form 10.10 will **NOT** be completed unless otherwise noted:
- The mere presence of police officers or police canines
  - The police issuance of verbal commands
  - \*Handcuffing with no or minimal resistance when used as a restraint in arrest and transport activities
  - \*Come-along holds
  - \*The physical removal of peacefully resisting demonstrators
  - The unholstering or display of a firearm or TASER

*(\*An SRR PBP Form 10.10 must be completed where the use of such force results in injury to the subject requiring medical treatment before acceptance into a detention facility.)*

- 3.6 PBP personnel are not authorized to use neck restraints or similar control techniques which have the potential for serious injury unless involved in a deadly force encounter.

### **4.0 DISCHARGE OF FIREARMS**

- 4.1 Pittsburgh Bureau of Police personnel will refer to General Order 12-7, "Discharge of Firearms", as the Bureau policy regarding the handling of firearms, unintentional discharge of firearms, or the discharge of a firearm to destroy an animal.

### **5.0 USE OF DEADLY FORCE**

- 5.1 A "peace officer" (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code, Title 18 C.S.A. Section 501, shall only use deadly force when necessary and justified to affect lawful objectives in conformance to the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. Title 18, Chapter 5, Section 508, Subsection (a.), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer only when they believe that:

- 5.1.1 The action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury, or when they reasonably believe both that:

5.1.1.1 Such force is necessary to prevent the arrest from being defeated by resistance or escape; and

- 5.1.1.2 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 the person to be arrested will endanger human life or inflict serious bodily injury unless arrested without delay.
- 5.2 According to the United States Supreme Court in *Tennessee vs. Garner* (1985) a verbal warning, IF FEASIBLE, must be given prior to the use of deadly force by an officer.
- 5.3 When an officer intentionally employs deadly force against another person, and death or injury results, the following procedures will apply:
- The officer shall determine the physical condition of the injured party, and render first aid when appropriate. Medical assistance shall be immediately requested.
  - The officer shall immediately notify Communications of the incident and location so that proper notifications may be made.
  - Other than a brief overview to the supervisor, the involved officer(s) shall not discuss the incident with anyone except Homicide personnel and the FOP Attorney. When necessary, this overview shall include information that is required for a broadcast to apprehend suspects, vehicles, recover evidence or locate witness.
- 5.4 The shift supervisor will respond immediately and secure the scene. The shift supervisor will:
- Notify the appropriate Commander via the chain of command of the incident,
  - Notify the Homicide Squad, which will be responsible for conducting the investigation (See section #12-10, "Critical Incident Procedures Involving Police"),
  - Ensure that all Bureau policies and procedures are followed, and
  - Ensure that the SRR PBP Form 10.10, the Weapon Discharge Report and any other required or necessary documents are prepared and submitted.
- 5.5 All agency personnel that are authorized to carry firearms shall receive in-service training, at least annually, on the agency's use-of-force and deadly force policies.

## **6.0 USE OF NON-DEADLY FORCE**

- 6.1 Following the use of any non-deadly force employed under the color of law by an officer, the officer will determine the physical condition of the party, and render first aid when appropriate. Medical assistance shall be immediately requested.
- 6.2 Officers shall then make an immediate verbal report to their supervisor following the use of any use of non-deadly force except those identified in Section 3.5.1.
- 6.3 The supervisor shall:
- 6.3.1 Ensure that any/ all officers who use non-deadly force in an incident submit written SRRs PBP Form 10.10, as required under this policy, and any other required or necessary documents are prepared and submitted and,
- 6.3.2 Ensure that all Bureau policies and procedures are followed.
- 6.4 **Training** - all recertification training will be done on a yearly or biennial basis as described below.
- 6.4.1 The following shall be recertified on a yearly basis;
- 6.4.1.1 TASER
- 6.4.2 The following shall be recertified on a biennial (every other year) basis;
- 6.4.2.1 OC spray
- 6.4.2.2 ASP, baton, or other impact weapon
- 6.4.2.3 Specialty Impact Weapons such as bean bag rounds

6.4.3 All training shall be evaluated by a certified instructor.

6.4.3.1 The PBP training academy shall verify all instructor certifications and maintain a record of each instructor’s certifications.

6.4.4 All training and qualifications shall be documented with a copy of all records kept at the PBP training academy.

## **7.0 REFERRAL/TRANSPORT FOR MEDICAL ATTENTION**

7.1 If the use of force against a subject results in injury of which an officer has actual knowledge or an immediate complaint of injury where an officer has actual knowledge of such complaint, the subject shall be examined by an appropriate health care provider prior to interrogation or processing.

7.2 Refusal of treatment by the subject shall be documented and verified by the officer and attending physician or health care provider.

## **8.0 REPORTING USE OF FORCE**

8.1 Each officer who uses force in an incident shall submit a separate written SRR PBP Form 10.10.

8.2 The SRR shall be completed in its entirety as soon as time and circumstances permit, but in no event later than the end of his or her current tour of duty. If a member is incapacitated, the officer’s immediate supervisor will submit the SRR for the officer and will note in the “Shift Supervisor Remarks” section that this was done.

8.2.1 For officers working secondary employment details, they have the option of remaining in a paid status to complete any non-arrest related SRR reports that may have arisen while working the secondary employment detail or they may wait until their next regularly scheduled shift to complete the SRR report. All SRR reports related to an arrest MUST be complete prior to the detail officer ending their tour.

8.3 The actions of the subject that necessitated the use of force and the reasons why the officer used force will be fully described in the narrative section of the Investigative Report.

8.4 It is acceptable for officers to document the narrative only once on the Investigative Report, and make reference to the narrative on any related reports by entering the statement “See Related Investigative Report for Narrative.” Supervisors may require officers to provide more detailed information about the actor’s resistance in the SRR narrative section.

8.5 The narrative section of the Investigative Report will list all officers involved in assisting with a use of force incident.

8.6 All involved officers will complete the SRR and return it to their own duty location. The immediate supervisors assigned to their duty location will review the report. This applies whether the officer was on or off duty.

8.6.1 If the officer is off-duty or working secondary employment and he or she is anticipating an extended absence from their assigned duties, i. e. vacation, they shall ensure that the SRR is submitted to their immediate duty location supervisor prior to commencing the absence.

8.6.2 If the officer is a SWAT operator who is not assigned to SWAT on a full-time basis, they shall submit the SRR through the chain-of-command of the zone/unit where they are assigned. It will then be the responsibility of shift supervisor to forward the SRR to the zone in which the incident occurred.

8.7 The SRR will be forwarded through the chain of command to the duty location Commander.

## **9.0 REVIEW POLICY**

9.1 The shift supervisor will review the SRR PBP Form 10.10 to determine whether Bureau policies and procedures were appropriately followed.

- 9.1.1 Concerns or issues relating to a particular SRR will be communicated by the shift supervisor on a Form 54 (Special Report) through the chain-of-command to the Duty Location Commander.
- 9.2 The Duty Location Commander will review the SRR to determine whether Bureau policies and procedures were appropriately followed.
- 9.2.1 When a Duty Location Commander approves a SRR, and determines that no excessive use of force was used, the original report shall be forwarded to the Assistant Chief of the Administration Branch.
- 9.2.2 When a Duty Location Commander has reason to believe that excessive force may have been used in an incident, the Commander will check the “OMI Investigation Requested” block located on Page 2 of the SRR, and will attach a Special Report explaining the reason for this request.
- 9.2.3 When a Duty Location Commander has checked either the “OMI Investigation Requested” or “Homicide Investigation Requested” block on Page 2 of the SRR, the distribution outlined in section 9.4 will apply, however, copies of the report will also be forwarded through the chain of command to the Office of the Chief of Police.
- 9.2.4 The Duty Location Commander will attach any Special Report(s) PBP Form 54 describing any necessary actions initiated during the review process for each SRR as it passes through the chain of command.
- 9.3 The Assistant Chief of the Administration Branch will send one copy of the completed form to each of the following:
- The Assistant Chief of the appropriate branch.
  - The Commander of the Zone in which force was required to overcome the subject’s resistance.
  - The officer’s duty location performance file.
  - The Director of the Training Academy.
  - The Manager of OMI.
- 9.4 Assistant Chief of Administration will review all SRRs to determine whether:
- Any violations of Bureau policies and procedures occurred;
  - Applicable Bureau policies were clearly understandable and adequate;
  - Any deficiencies in training are evident.
- 9.5 The Assistant Chief of Administration will also:
- 9.5.1 Notify the Chief of Police in the event a pattern of the employment of excessive force by a particular officer(s) is detected;
- 9.5.2 Make recommendations to the Chief of Police concerning policy changes and additional training requirements; and
- 9.5.3 Prepare, at minimum, quarterly reports of use of force incidents for the Chief of Police.

Approved By:



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Cameron McLay  
Chief of Police