



**LOWER GWYNEDD TOWNSHIP
POLICE DEPARTMENT
SPRING HOUSE, PENNSYLVANIA
GENERAL ORDER 1.3**



Subject		
Legal Process		
Date of Issue	Effective Date	Expiration Date
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PLEAC STANDARD Reference		
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GO-68; GO-32; GO-35; GO-44		3/15/17; 04/12/2019
Distribution		Forms
All Personnel		LG-21; LG-22; LG-23; LG-64

This order contains the following sections:

- 1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives
- 1.3.2 Use of Deadly Force
- 1.3.3 Prohibited Use of Weapons (Warning Shots)
- 1.3.4 Use of Authorized Less Lethal Weapons
- 1.3.5 Medical Attention Required Following the Use of Force as Appropriate
- 1.3.6 Written Reports and Investigation Required
- 1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review
- 1.3.8 Weapons and Ammunition Approved by the Chief of Police
- 1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons
- 1.3.10 Required Annual Training

I. Purpose

In performance of their duty, police officers are at times confronted with situations where, in order to protect the public safety, control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. Control may be achieved through verbal discussion, persuasion and warnings, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending upon the dynamics of the situations. The use of the various levels of control against active resistance in physical force should be viewed as lying along a continuum; a continuum along which the use of force escalates only when each lower level of force has been examined or discarded as impractical in the current circumstance, or which has been tried and has failed in the encounter. It should be noted that this analysis might not involve lengthy deliberations. Due

to the urgency often inherent in such situations, the decision to escalate the use of force may be nearly instantaneous.

In order to provide employees with a clear understanding of their performance expectations while affecting the components of the use of force continuum, this general order is established. In addition, this order details departmentally authorized weapons, training in their use, and reporting requirements when the use of force continuum is asserted as a result of physical resistance and/or assaultive behavior.

II. Policy

It is the policy of the department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's resistance. Police officers and civilian employees where applicable shall maintain a professional bearing at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. They shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. Such reasonable and necessary force may be used: to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, or to neutralize an unlawful assault upon the officer or another person. The use of physical force will end immediately when resistance ceases, when resistance has been overcome, or when the arrest has been accomplished. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission. Members shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Use of Force Report", or other reports, as outlined in this general order.

1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives

A. Use of Force Justification

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which use of force is justified. These provisions, and the related case law, including Federal case law made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by police department personnel, as it relates to criminal or enforceable civil matters.

2. In any necessary use of force, all police department personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions in accordance with the Lower Gwynedd Police Department Use of Force Continuum that establishes use of force options and their appropriate application.

B. Use of Force Continuum Established

1. Level – Verbal Control

- a. During citizen contacts, each officer must endeavor to make every reasonable attempt to ensure his/her conduct inspires respect and generates cooperation and a feeling of good will between the citizen(s) and the department.
- b. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions, or orders. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
- c. The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable.

2. Level 2 – Escort

- a. The majority of arrests handled by officers of this department are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no real resistance, the subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.

3. Level 3 – Chemical Agents

- a. Chemical agents, i.e., oleoresin capsicum (O.C.), may be utilized by police personnel as an appropriate and effective use of force in certain circumstances. The use of oleoresin capsicum shall be restricted to the following situations:
 - i. When necessary for the officer to defend himself/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.
 - ii. To effect a lawful arrest when confronted with a non-compliant, non-submissive individual.
 - iii. To prevent the commission of a criminal offense.
 - iv. When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.
- b. Chemical agents will be used only to the extent necessary to overcome the resistance of the suspect and within the authorized scope of the current departmental training standards.

4. Level 4 – Control and Compliance
 - a. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, takedowns, holds, and come-alongs with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
5. Level 5 - Unarmed Striking Techniques/Electronic Control Device (ECD) Deployment
 - a. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
 - b. ECD Deployment - In some situations an officer may determine that the use of unarmed force against a subject is not effective or will not be effective. In such situations, the use of an ECD may be more appropriate or effective.
 - i. An ECD should be deployed where unarmed striking techniques have been ineffective, or an officer reasonably believes that such techniques will be ineffective against an aggressive subject.
 - ii. Deployment of an ECD shall be guided by the policy set forth in this General Order § 1.3.4 Use of Authorized Less Lethal Weapons
6. Level 6 – K-9 (If Applicable)
 - a. Police K-9 working dogs are a recognized and valuable asset to law enforcement agencies. The use of a police K-9 by its handler in the performance of his/her duties may, depending upon the circumstances, be considered as an instrument of force. When police K-9's are utilized to neutralize assaults, to overcome the resistance of arrestees, to capture fleeing suspects, or in the defense of a police officer or another person, the use must be a situation where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
 - b. Only police department certified working dogs and their handlers, operating within the policy directives and general orders of the police department, may be utilized, unless the K-9 and handler are with another area law enforcement agency and are assisting police department personnel in a bona fide mutual aid situation. In the event that a K-9 and handler from another law enforcement agency are used to assist the department in a mutual aid situation, the assisting agency's policy will guide the use of the K-9.
7. Level 7 – Striking Implement
 - a. The use of striking implements shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
8. Level 8 – Deadly or Potentially Deadly Force

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.
- b. Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the police department as it relates to the use of deadly force.

C. Policy Disclaimers

1. This section, as well as this general order, is explanatory in nature and is intended as a guide for department personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher legal standard than that provided by law.
2. Although the use of force continuum generally ascribes to the process whereby an officer can escalate the application of force under various presenting situations, nothing in this policy shall infer that any given level cannot be skipped in the escalation, given those presenting circumstances, or that any escalation cannot be reduced given other presenting circumstances.

1.3.2 Use of Deadly Force

- A. 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 he/she believes that:
 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 he/she reasonably believes both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. 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/she will endanger human life or inflict serious bodily injury unless arrested without delay.
 2. Shoot to Stop the Threat
 - a. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.
 - b. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass", or the largest body mass exposed.

B. Definitions

1. 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. Serious bodily injury - bodily injury which creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
3. Forcible Felony - the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson endangering persons, aggravated assault causing serious bodily injury.
4. Less lethal force – any force, action or weapon that produces a result that is necessary to control the actions of another and does not involve the use of deadly force.

C. Use of Deadly Force to Destroy an Animal

1. A police officer is justified in using deadly force to destroy an animal or rodent that represents an imminent threat to the safety and welfare of the community; or where it is determined that the animal is so severely injured that its destruction is considered to be a humanitarian measure.

1.3.3 Prohibited Use of Weapons

A. Department police officers are prohibited from discharging firearms under the following circumstances:

1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
2. For the purpose of discharging any firearm into the air or ground; i.e., "*warning shots*", in an attempt to cause a fleeing suspect to stop or surrender.
3. Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.

a. EXCEPTIONS:

- i. If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle.
- ii. If no other alternative is available based on the presenting circumstances.

1.3.4 Use of Authorized Less Lethal Weapons

A. Electronic Control Device

1. Definitions

- a. Electronic Control Device (ECD) - A less than lethal conducted energy weapon that uses propelled wires or direct contact to conduct electrical energy to a subject to affect the sensory and/or motor functions of the subject's nervous system.
- b. AFID - (Anti-Felony Identification Device) – Every time a ECD cartridge is deployed, small confetti-like ID tags called AFIDs are ejected. Each AFID contains the serial number of the

cartridge deployed allowing staff to identify the officer to whom the cartridge was assigned.

- c. Cartridge - The ECD cartridge is a single use item that is identified by a serial number.
- d. Data Port - The ECD has a data port located inside the grip of the unit. This data port will be used to recover specific usage information that is saved every time the ECD is used. This data ensures accuracy in incident documentation.

2. Procedure

- a. The Lower Gwynedd Township Police Department utilizes the Taser X26 and Taser X26P Electronic Control Device manufactured by Taser International.
- b. Only those officers who have been trained and certified in the use of the ECD will utilize this weapon.
- c. The ECD is a defensive weapon, which is listed in the force continuum at the same level as Hard Empty Hand Techniques.
- d. The ECD functions in two ways:
 - i. The department approved ECD fires two probes up to a distance of 25 feet from a replaceable air cartridge. When the probes make contact with the subject the ECD transmits electrical pulses along the wires and into the body of the subjects, which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
 - ii. Without the air cartridge, the ECD can be utilized as a contact stun system, resulting in the identical effects as the probes.
- e. The decision to use the ECD is based on the same criteria an officer uses when selecting to utilize hard empty hand techniques. The decision must be made dependant on the actions of the subject(s) or threat facing the officer(s), and the totality of circumstance surrounding the incident. In any event, the use of the ECD must be reasonable and necessary.
- f. The ECD is deployed as an additional police tool and alternate force option and is not intended to replace the police firearm or other self-defense techniques.
- g. The ECD provides a force option in which the officer does not have to get dangerously close to a threat before deploying the tool. Using the EMD may greatly reduce the need for the officer(s) to employ other types of physical force that could potentially cause serious or deadly injury to the offender, officer or others present.

2. Storage, Maintenance and Issuance

- a. Department personnel shall only carry and use ECDs or electrical incapacitation devices approved by the Chief of Police. Members may only use department issued ECD cartridges.
 - b. The ECDs will be stored in a designated area approved by the Chief of Police.
 - c. The ECD may be assigned to any certified officer of the Lower Gwynedd Police Department. The officer assigned the ECD will examine the weapon to determine that it is functioning properly. The examination will be conducted in a safe manner without a live air cartridge attached to the ECD. All ECDs will be examined prior to being taken out on patrol.
 - d. If a problem is found with an ECD the officer will notify the OIC who will mark the unit as "out of service" and place it in the designated storage area. The appropriate notification form shall be forwarded to the Lieutenant and the ECD instructor.
 - e. At the end of the shift the ECD will be returned and secured in the designated area. The ECD may be handed off to a certified officer on the oncoming shift. The oncoming officer will ensure that the weapon is inspected as outlined above.
 - f. The Department shall maintain a record listing the model and serial number of each ECD, the serial number of each air cartridge. In the event that an ECD is returned for repairs or no longer remains the property of the Lower Gwynedd Police Department, the history of that particular ECD will be downloaded using the data port access and appropriate software. The use history will be maintained for a period of five years from the date the ECD was taken out of service.
 - g. The ECD shall be carried in an approved holster or carrier device. An officer wearing a holster shall position the holster on the side of their body opposite from their firearm. This is generally known as the "weak side" position. The transportation, storage, display and deployment of the ECD shall be in compliance with approved departmental standards.
3. Training required
- a. No member of the Police Department shall carry or utilize an ECD unless they have successfully completed an ECD training and certification program administered by a certified instructor. Initial certification and recertification testing and training standards shall be in compliance with prevailing manufacturer, MPOETC and departmental guidelines.
4. Authorized uses of ECDs
- a. ECDs shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.
 - b. The ECD is not a substitute for deadly force and should not be used in those situations. Deployment of the ECD should be backed up with the availability of lethal force.
 - i. It is intended that the ECD be deployed in those situations where the need exists for an increased level of force against a subject who is failing to comply

with lawful orders. The use of the ECD is comparable with that of hard empty hand techniques on the Use of Force Continuum.

- ii. The ECD is programmed to deliver a five (5) second electrical charge. Officers should avoid contact with the devices' wires or probes during discharge.
- iii. Targeting for the deployment of the ECD shall be consistent with the guidelines set forth by the device's manufacturer. Annual training should be conducted to ensure personnel are familiar with current targeting guidelines. The head, neck, and groin areas should not be intentionally targeted unless the appropriate level of force can be justified. It is not recommended that the ECD be utilized against an obviously pregnant woman.
- iv. The ECD is not to be used punitively or for the purposes of coercion. It is to be used as a way of averting a potentially injurious or dangerous situation. The recommended firing distances are from seven to fifteen feet. Ranges fewer than three may not provide adequate distribution of the probes to allow the unit to function to its full effectiveness. However, firing the ECD at a subject at a range closer than three feet is not dangerous to the subject.
- v. Prior to deployment, the officer deploying the ECD has the responsibility to visually and physically confirm that the tool selected is, in fact, an ECD and not a firearm. **If feasible**, the deploying officer should attempt to notify County Radio that the ECD may be deployed. Immediately prior to the deployment, the deploying officer should, **if feasible**, announce that the ECD will be discharged. The announcement should be made only if it would not endanger any civilians, the officer, or the subject.
- vi. The ECD has the ability to ignite flammable liquids. It should not be deployed at a subject who the officer knows has come in contact with a flammable liquid or in an environment where flammable materials are obviously present. Certain O.C. sprays contain alcohol based propellant that may increase the flammability risk if a subject has been sprayed prior to the deployment of the ECD.
- vii. Consideration and caution should be exercised where the target subject is in an elevated position or in circumstances where a fall or the secondary effects may cause physical injury or death.

5. Duties After Deployment

- a. Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene. Once the subject is restrained or has complied, the ECD should be turned off.
- b. An ECD is not to be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody of an immediate threat.
- c. Any subject exposed to contact with the ECD probes, contacts or wires who receives an electrical shock must be offered the opportunity to be examined by professional medical personnel. This examination may take place at the scene, at a police facility, a medical facility or other location where medical personnel can safely attempt to examine the subject. A medical refusal form will be

completed if the subject refuses medical treatment. If the subject refuses medical treatment, but exhibits any signs of abnormal behavior, they will be immediately transported to a medical facility to obtain medical clearance prior to being placed in an police detention facility. Medical treatment will not be refused for anyone who requests it. Medical personnel will remove probes located in sensitive areas such as the face, neck, groin or breast.

- d. If necessary, removal of the probes in other areas may be completed by officers in accordance with training producers. Officers will provide first aid following removal of the probes by applying alcohol wipes and band-aids to the probe sites as needed. Medical personnel should also examine the probe sites to ensure proper treatment. Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe or probe barb has broken off and is still embedded in the subject's skin, the subject should be provided appropriate medical attention to facilitate the removal of the object. Photographs will be taken of the probe impact sites and other related injuries. Probes that have been removed from the skin will be treated as biohazard sharps. They should be placed point down, into the expended cartridge bores and secured with tape.
 - e. Officers will attempt to locate the yellow, pink, and clear colored "micro-dots" (AFID) dispersed at the time of the cartridge firing. If possible, this material should be photographed and a sample collected to be placed into evidence with the expended cartridges.
 - i. An OIC shall be notified to respond to the scene. The OIC should be briefed about the incident. The deploying officer will complete an ECD Use Report (LG-22) in addition to any other reports required to document the Use of Force.
 - f. Subjects controlled by the use of the ECD should be secured and transported in accordance with Departmental guidelines. Personnel charged with supervising a detained person must be advised that the subject was controlled by use of the ECD. Personnel are to closely monitor the subject.
6. Officer in Charge Responsibilities
- a. The OIC on scene should ensure that proper care is given to injured officers and/or citizens. He/she should ensure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the subjects, and the protection of the scene.
 - b. The OIC shall ensure that the Lieutenant and the Chief are notified as soon as possible by voice contact of any deployment of an ECD which results in traumatic injury or any additional factors in which notification would be prudent. If immediate contact is deemed unnecessary, this notification can be made by voice contact, voice mail or documentation of the incident.
 - c. The OIC will review and approve by signature the ECD Use Report (LG-22) and Use of Force Report (LG-21). Copies of all reports associated with the incident shall be forwarded to the Chief, Lieutenant and the ECD Instructor(s).
7. Certified Instructor(s)

- a. It is the responsibility of the manufacturer's certified instructors(s) to instruct, evaluate, certify and maintain training records for those officers selected to carry, deploy and utilize the ECD in accordance with the manufacturer guidelines.
 - b. It is the responsibility of the manufacturer's certified instructor(s) as soon as practical after deployment download the deployment history of the weapon. A printout will be created and retained by the ECD instructor(s) and a copy will be attached to the case file.
- B. Oleoresin Capsicum (OC)
1. Authorized Uses of Oleoresin Capsicum
 - a. Oleoresin Capsicum (OC) shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.
 - b. Individuals
 - i. In effecting an arrest in accordance with the established use of force continuum.
 - c. Crowds
 - i. To disperse unlawful groups/crowds or others gathering who are unruly or persons gathering without authority or permission, after being ordered to cease, desist, and/or depart the area.
 - ii. Pre-authorization required - Prior to introducing oleoresin capsicum in disorderly group/crowd situations, the officer(s) shall withdraw to a point of safety from where sufficient information can be obtained to properly evaluate the effectiveness of chemical agents in dispersing the assemblage.
 - (a) The shift supervisor shall be requested to respond to all such situations where oleoresin capsicum may be utilized to control group/crowd behavior prior to its introduction.
 - (b) The shift supervisor, or other commanding officer on the scene responsible for police operations, shall authorize the utilization of oleoresin capsicum only after a thorough review of the potential effectiveness of chemical agents in neutralizing or resolving the disorderly behavior of the group/crowd or other means available.
 - (c) EXCEPTION:
 - When it is not reasonable to withdraw as previously indicated, or the safety of police officers or civilians is jeopardized and subjected to actual or potential bodily injury, the immediate introduction of oleoresin capsicum is pre-authorized under the authority of this order; consistent with guidelines established by this order.
 - d. Animals
 - i. To deter and protect officers or others from animals that presents a threat of bodily injury.
 - e. Building searches

ii. Records

- (a) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

C. Batons

1. Authorized uses of batons.

- a. Batons shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.

2. Training required

- a. No police officer shall be equipped with, or be authorized to use, batons until they have successfully completed a training program taught by an instructor certified by a training institute or the baton's manufacturer.

- b. The course of instruction shall include, at a minimum, the following topic areas:

- i. Any requirements recommended or required by the manufacturer or the instructor's certification program.

ii. Records

- (a) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

D. Other Authorized Less Lethal Weapons

1. Any other less lethal weapon authorized by the department shall be detailed in a departmental Special Order which shall provide for:

- a. The type of less-lethal weapon and its intended use.

- b. The circumstances when police officers would be justified and authorized to use the less-lethal weapon.

- c. The training required prior to the issuance and use of the less-lethal weapon.

1.3.5 Medical Attention Required Following Use of Force as Appropriate

A. General Rule

1. After the use of force by agency personnel, officers shall arrange for appropriate Emergency Medical Services (EMS) to examine, treat, and/or transport a subject to a medical facility when:

- a. An injury is known

- b. An injury is suspected

- c. An injury is alleged

B. Medical Release Required

1. When the arrestee is examined, treated, and subsequently released from medical care, a written medical release shall be obtained from the attending physician.

2. Refusals

- a. When emergency medical services (EMS) are summoned to evaluate and/or treat an arrestee and the individual refuses medical attention, the officer shall obtain a copy of the release and note the medical attention, or declination of medical attention, in his/her report of the incident, along with the name(s) of the attending EMS personnel and/or the attending physician.

1.3.6. Written Reports and Investigations Required

A. "Use of Force Report"

1. Officers of the Police Department shall complete a departmental "Use of Force Report" (Form LG-21) whenever force as outlined in parts a-e of this section is used:
 - a. Discharge a firearm, other than for routine training, recreational purposes, or animal disposal. **(PLEAC 1.3.6a)**
 - i. A departmental incident report rather than a Use of Force Report shall document firearm discharges for the destruction of an animal.
 - b. Takes any action that results in or is alleged to have resulted in any injury to or the death of another person. **(PLEAC 1.3.6b)**
 - c. Uses physical force or is alleged to have used physical force to another person. **(PLEAC 1.3.6c)**
 - d. Applies force through the use of lethal or less lethal weapons.
 - e. Applies Level 3 force, relating to the discharge of oleoresin capsicum, or force in excess of that defined by Level 4 within this general order.
2. The "Details" section of the Use of force Report will include a narrative description of the incident describing the actions of both the suspect and the officer(s).
3. Each officer employing Level 3 force, or force greater than Level 4, will complete and sign a separate "Use of Force Report" form for their involvement in the incident.
4. Officers of this Department who use force while assisting other agencies outside of Lower Gwynedd Township will complete a Use of Force Report as directed in this section.
5. Officers from outside agencies who use force while assisting within Lower Gwynedd Township are bound by their department's policies regarding reporting the use of force. If possible, a copy of the assisting agency's Incident Report and Use of Force Report will be obtained and attached to the LGPD incident report. The Officer in Charge of this department will assure that the incident is fully and accurately documented describing the actions of both the suspect and the officer(s).
6. A "Use of Force Report" shall be completed prior to the officer(s) concluding their shift during which the use of force occurred. The completed report(s) shall be provided through the chain of command to the Chief of Police.
 - a. If the officer involved is injured or unable to make the report, the officer's supervisor, if applicable, shall submit a written report prior to the end of the shift in which the incident occurred detailing the circumstances under which the officer is unable to submit the report. The officer involved shall complete the Use of Force report as soon as possible.

7. When an incident requires the "Use of Force Report" form, the shift supervisor, if not present, shall be notified to respond to the scene of the incident.
- B. Additional Reporting Requirements Following Deployment of Oleoresin Capsicum.
1. An "O.C. Administrative Warning" (Form LG-23) should be given, in accordance with a form prescribed by this general order, to any subject contaminated by oleoresin capsicum, as soon as feasible, to determine if any potential health threats exist.
 - a. If health threats are determined by the "O.C. Administrative Warning," or at any time prior to or following the warning, procedures outlined in Section 1.3.5 of this order shall be immediately implemented.
- C. Investigation Requirements for Non-Training Firearms Discharges and Officer-Involved Firearms Incidents.
1. In the event of a non-training or officer-involved firearms incident, the officer shall notify, or cause to be notified, the Chief of Police or his designee of the occurrence as soon as practical.
 - a. This notification shall occur regardless of the location of the incident, the on-duty/off-duty status of the officer or whether the firearm is department issue or privately owned.
 2. A complete investigation will be conducted into any accidental or deliberate discharge of a firearm, unless the discharge is related to destroying a wounded or suspected rabid animal or on the police firing range.
 3. Any discharge that results in injury will be investigated.
- D. All "Use of Force Reports" submitted in accordance with Section 1.3.6 of this general order shall be reviewed by the Chief of Police for consideration of compliance with this general order and the review will be documented.
- E. Determination of Compliance.
1. Reports found to indicate actions compliant with this general order shall be filed and maintained by the Chief of Police or his designee
- F. Determination of Non-Compliance.
1. Reports found to indicate non-compliance with this general order may be directed for follow-up consideration in accordance with one or more of the following actions depending upon the circumstances of the non-compliance:
 - a. Remedial training as outlined in Section 1.3.11 (C) of this general order.
 - b. Professional Conduct investigation as determined by the Chief of Police.
 - c. Disciplinary action.
- G. The "Use of Force Report" is strictly an internal management document. As such, copies of the report SHALL NOT be attached to the regular departmental incident or supplemental report and SHALL NOT be released in whole or in part to any person, organization, or entity outside of the police department without specific permission of the Chief of Police.
- 1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review.**

- A. When death or serious bodily injury to another person has resulted from an employee's actions or use of force in an official capacity, that employee will, as soon as practical, be released from line-duty assignment by the Chief of Police pending investigation and any possible administrative adjudication of the incident by the department in accordance with the provisions of Section 1.3.6 of this general order.
- B. During the period of time an administrative review or investigation into the incident is being conducted, the Chief of Police may, at his option, reassign the employee involved to office related or other duties. Such relief and reassignment 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 extreme emotional stress of having been involved in a death or serious injury action while permitting the department time to conduct an objective investigation into the matter.
- C. Mandatory Counseling Requirement;
 - 1. It shall be the policy of the police department that when an officer discharges a firearm for his/her own defense, to defend a fellow officer or citizen, etc., while on-duty or off-duty, a psychological evaluation of the officer be conducted by a licensed psychologist of the department's choosing, within thirty (30) days, at the department's expense.
 - a. Any follow-up treatment which the examiner deems necessary shall be provided at department expense.
 - b. The officer shall not be returned to full official duties until the examination and/or treatment is completed and a certification of fitness is provided to the Chief of Police.
 - c. This action is not punitive and is separate and apart from departmental disciplinary procedures.
 - d. The Chief of Police will determine the period of time spent on administrative leave or office assignment.

1.3.8 Weapons and Ammunition Approved by the Chief of Police

- A. Types and specifications of lethal and less lethal weapons approved for issue, carry, and use by sworn members of department in the performance of official law enforcement duties, on-duty as well as off-duty, shall be authorized by the Chief of Police. **(PLEAC 1.3.8a)**
 - 1. The Chief of Police shall issue a Special Order indicating authorized on-duty and off-duty weapons and ammunition approved for use by officers of the department.
 - a. Lethal and less lethal weapons and ammunition authorized for on-duty use
 - i. Only the lethal and less lethal weapons and ammunition listed in Special Order 2017-1 relating to Use of Force Weapons and Ammunitions List are authorized for on-duty use.
 - b. Personal back-up firearms for use on-duty
 - i. Only department issued firearms are permitted for on-duty use.
 - ii. Back-up or secondary firearms for on-duty use are prohibited.

- c. Personal firearms for off-duty use
 - i. Officers are permitted to carry personal firearms off-duty under color of law in accordance with Special Order 2017-2, provided the following criteria are met;
 - (a) The firearm is obtained, owned and compliant with all local, state and federal laws and regulations
 - (b) The officer ensures the firearm meets and is maintained at the manufacturer's specifications for safe operation.
 - (c) The officer successfully completes a MPOETC approved qualification course annually with each firearm the officer intends to carry.
 - The officer must supply and qualify with the ammunition he/she intends to carry.
 - (d) Only lawful ammunition is used.
 - (e) The officer is compliant with all laws regarding firearms and ammunition when carrying a personal firearm.
 - Laws regarding concealed weapons and ammunition may vary by state. When carrying a personal firearm while out of state, it is the responsibility of the officer to be aware of and compliant with all the laws of that state.
- B. Types and specifications ammunition approved for issue, carry, and use by sworn members of department in the performance of official law enforcement duties shall be authorized by the Chief of Police. **(PLEAC 1.3.8b)**
- C. Procedure for review, inspection, and prior approval of all weapons intended for both on-duty and off-duty use by employees in the performance of law enforcement functions. **(PLEAC 1.3.8c)**
 - 1. Departmentally approved weapons shall be reviewed and inspected prior to any employee carrying that weapon and on an annual basis by a certified firearm instructor or a qualified less lethal instructor for that weapon.
 - 2. Inspection of all firearms shall be completed on an annual basis.
 - a. The department will maintain an armorer, or access to an armorer, for annual inspections.
 - b. Repairs will generally be made by the armorer
 - c. Problems that are identified but cannot be remedied by the department armorer will be sent to a factory authorized repair facility for attention and repair or replacement.
 - i. Officers who have surrendered their firearms for repair will be issued a replacement firearm.
 - ii. Officers issued a replacement firearm, whether temporary or permanent, must qualify on that weapon before it can be used.
 - 3. Inspections of personally owned weapons shall be conducted annually. The department armorer cannot possibly attend training for all manufactured firearms,

- therefore only a safety, "function check", and general cleanliness inspection will be made of each personal firearm.
- a. Any identified problem with a personally owned firearm will be addressed prior to authorizing the weapon for carry.
 - b. All repairs for a personally owned firearm will be made by a qualified gunsmith at the officer's/owner's expense.
 - c. Proof of repair and re-inspection will be made prior to authorizing carry of the firearm.
 - d. A replacement firearm will not be issued for personally owned firearms taken out of service for repairs.
- D. Procedure for maintaining a record on each weapon approved by the agency for official use. **(PLEAC 1.3.8d)**
1. A record of each department issued and personal firearm will be maintained within the firearms unit of this department or, for less lethal weapons, by the less lethal weapons instructors.
 - a. A copy of these records will be provided to the Chief of Police or his designee annually with copies of the annual qualification records.
 - b. These records will be reviewed annually and updated as required.
 2. Each firearm serial number will be checked for accuracy at every organized department firearms training and/or qualification.
- E. Process to remove unsafe weapons from service
1. The firearms armorer shall remove any firearms deemed to be unsafe, faulty or unserviceable at any time such information becomes known, i.e. annual inspection, report by officer, damage from traffic crash etc.
 2. Officers finding a firearm or other weapon to be unsafe or not working correctly shall make immediate notification to a firearms instructor or less lethal instructor. The weapon shall be removed from service, and if a firearm, unloaded if it can be accomplished safely, and placed in the secure firearms room in a locked rack.
 3. Officers will be reissued a replacement weapon and ammunition and will be required to qualify on the new weapon prior to using it for duty.
- F. Guidelines for the safe and proper storage of agency authorized weapons.
1. All department weapons not in service, or not issued, will be safely stored in a secure location.
 2. All weapons issued to officers will be maintained in a safe condition for storage.
 - a. Off duty firearms should be kept in a locked locker if maintained within the police department.
 - b. Weapons that are taken with the officer to his/her residence the weapons should be stored in a secure location within the residence.
 - c. Gunlocks will be provided to officers as needed.

3. Weapons normally stored in police vehicles will be maintained in a ready mode for transport. The gun may have a loaded magazine without a cartridge in the chamber.
4. Weapons will be removed from police vehicles needing service. The weapons will be stored in an unloaded condition in the firearms room in provided secure racks. Unloading, if needed, will be completed in the provided unloading bullet trap in the firearms room.
5. Service pistols or rifles left for repair or inspection by the armorer or firearms instructor will be stored in an unloaded condition. Unloading, if needed, will be completed in the provided unloading bullet trap.

G. Weapons of Last Resort

1. The department recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements as weapons. These weapons might include the officer's flashlight, metal clipboard, knife, or even a motor vehicle, etc. However, such implements used as weapons should be viewed as weapons of last resort.
2. Use of such weapons will be closely examined, as well as, the degree of exigency present in the situation, the totality of the circumstances, and the existence or absence of other acceptable alternatives.

1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons

- A. Only department personnel who have demonstrated satisfactory skill and proficiency of agency-authorized weapon(s) shall be granted approval to carry such weapon(s).
- B. Demonstrated proficiency includes:
 1. Achieving a qualifying score on a prescribed course for firearms.
 2. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force.
 3. Being familiar with recognized safe-handling procedures for the use of all authorized weapons.

1.3.10 Annual Required Training

- A. All agency personnel authorized to carry weapons shall receive training, at least annually, on the agency's use-of force and deadly force policies. **(PLEAC 1.3.10a)**
- B. All agency personnel will demonstrate qualification, at least annually, with all approved on-duty and off-duty lethal weapons that the employee is authorized to use. **(PLEAC 1.3.10b)**
- C. In-service training for personnel authorized to carry less lethal weapons shall occur at least once every two years. **(PLEAC 1.3.10c)**
- D. An instructor certified as a firearms instructor or in the less lethal weapons system shall evaluate skills and qualification training for each weapon authorized for use. **(PLEAC 1.3.10d)**
- E. All training and qualifications shall be documented for each weapon. **(PLEAC 1.3.10e)**

F. Remedial training (**PLEAC 1.3.10f**)

1. Officers shall be allowed at no more than three attempts to qualify on any given day using each authorized firearm. Officers who fail to qualify with any authorized firearm on the first day shall be subject to remedial training.
2. A written report shall be forwarded to the Chief of Police for any officer who fails to qualify on any authorized firearm.
3. The affected officer, not the training officer, will arrange a time for remedial training with the training officer within three weeks of the initial qualifying session, or as soon after as possible upon availability of the range and training officer.
4. Officers designated to receive remedial training are required to attend the scheduled remedial training.
 - a. Failure of any officer to attend, participate or complete the assigned training shall be reported through the chain of command for disposition and possible disciplinary action.
 - b. At the discretion of the training officer, the affected officer may attempt to qualify immediately upon completion of the remedial training.
5. The officer shall schedule a re-test within three weeks after completion of the remedial training, or as soon after as possible upon availability of the range and training officer.
6. The Chief of Police will be notified of any officer who fails to qualify after a second session for review. That review will determine the corrective or disciplinary action that needs to be taken.

G. Use of neck restraints (**PLEAC 1.3.10g**)

1. The use of carotid restraint or other "choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.
 - a. EXCEPTION: If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another's life.
2. Refer to Standard 1.3.8 Bullet G regarding weapons of last resort.

By Order of:

Paul Kenny
Chief of Police

***Signature on file**