

SECTION: CLASSIFIED EMPLOYEES

TITLE: SCHOOL POLICE-USE OF FORCE

ADOPTED: November 17, 2014

Lebanon School District

552. SCHOOL POLICE - USE OF FORCE	
<p>1. Purpose</p>	<p>School entities must prepare to meet any and all threats both internal and external to students and employees within the District. School entities should respond with a balanced and reasoned "all hazards" approach to any potential threat and provide a safe and secure environment at all times for students, staff and visitors while in school, at school functions, traveling to and from school and on school property.</p>
<p>2. Authority</p>	<p>The purpose of this policy is 1) authorize the hiring of School Police Officers and request that certain powers be conferred upon such School Police Officers by the Lebanon County Court of Common Pleas; and 2) once School Police Officer are appointed, authorize the use of force and weapons in accordance with the guidelines on the use of deadly and non-deadly force.</p>
<p>3. Delegation of Responsibility</p> <p>SC 778 53 Pa. C.S.A. Sec. 2161 et seq</p>	<p>The Lebanon School District recognizes and respects the value and integrity of each human life. Investing School Police Officers with the lawful authority to use force to protect the public welfare requires a careful balancing of all human interests. Therefore, it is the policy of the Lebanon School District that School Police Officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officers and others.</p> <p>The Lebanon School District acknowledges that recent school incidents nationwide involving violence require that it take a pro-active approach. It is the intention of the Lebanon School District to provide protection within its buildings by utilizing armed school police officers.</p>

The Board is authorized to hire School Police Officers and request that certain powers be conferred upon such School Police Officers by the Lebanon County Court of Common Pleas. The Board shall direct the solicitor to apply to a judge of the Lebanon County Court of Common Pleas to appoint a person(s) to act as a School Police Officer for the district.

The Board authorizes the applications for the granting of the following powers:

1. The authority to enforce good order in school buildings and on school busses, including but not limited to, vehicles used under transportation agreements with third party contractors to transport students, on school grounds, at bus stops, and at school functions, as well as the direct paths to and from students' residences and the school in which they are attending during times students are actually utilizing these routes in walking to and from school or school-related activities.
2. The authority to exercise the same powers exercised under authority of law, or ordinance by the municipal police of the legal entities comprising the district, or as more accurately described in the Cooperative Agreement between Lebanon School District and the City of Lebanon Police Department, including but not limited to:
 - a. Issuance of summary citations.
 - b. The power to detain and issue citations for violations of the law.
 - c. The authority to exercise arrest and citation power for violations of the Pennsylvania Vehicle Code and Pennsylvania Crimes Code.
 - d. To present those arrested before a District Justice, Juvenile Probation Officer, mental health facility, or other court of record and proffer charges against the arrested individual under the law of the Commonwealth.

18 Pa C.S.A
Sec. 505,
508, 509

- e. To exercise all powers conferred by the Lebanon County Court of Common Pleas on district property within their jurisdiction.
- f. To possess firearms while on duty providing and conditioned upon the School Police Officer successfully completing a training course in the use and handling of firearms when they have obtained the requisite Act 120 Pennsylvania Municipal Police Education and Training, annual municipal police training updates, annual firearms qualification, and any other training mandated by the Commonwealth of Pennsylvania for continued certification as a School Police Officer in this Commonwealth.
- g. The authority to use reasonable force in accordance with Title 18 Pennsylvania Crimes Code Section 508, Use of Force in Law Enforcement, Section 509, Use of Force by Persons with Special Responsibility for the Care, Discipline or Safety of Other and Section 505, Use of Force in Self-protection.

Parameters for the Use of Non-Deadly Force

1. Where deadly force is not authorized, officers shall use only that level of force on the force continuum that is reasonably necessary to de-escalate the incident and bring it under control.
2. Officers are authorized to use the police department approved non-deadly force techniques and issued equipment for resolution of incidents as follows:
 - a. to protect himself/herself or another from physical harm.
 - b. to restrain or subdue a resistant individual.
 - c. to bring an unlawful situation safely and effectively under control.

<p>3. Definitions</p> <p>4. Guidelines</p>	<p><u>Parameters for Use of Deadly Force</u></p> <ol style="list-style-type: none">1. School Police Officers are authorized to use deadly force including the discharge of their firearms in order to:<ol style="list-style-type: none">a. protect the security officer or others from what is reasonably believed to be a threat of death or serious bodily harm,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.2. Before discharging a firearm, School Police Officers shall, where safely possible, identify themselves and state their intent to shoot.3. School Police Officers shall adhere to the following restrictions when their weapon is exhibited:<ol style="list-style-type: none">a. Except for maintenance or during training, School Police Officers shall not draw or exhibit their firearms unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.b. Officers are prohibited from firing warning shots under any circumstances.c. Officers are prohibited from firing into crowds.d. School Police Officers should refrain from firing into buildings, through doors, windows or other openings.e. Officers shall not discharge a firearm from a moving vehicle except under the following conditions:<ol style="list-style-type: none">i. As a last resort of self-defense when the actor is using deadly force by means
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other than the vehicle.

ii. As a last resort measure of self-defense, when a vehicle is being driven in a manner deliberately intended to kill or injure an officer or other person.

iii. As a last resort to prevent the escape of a fleeing felon when the use of deadly force is otherwise justified.

Use of Force Continuum

Officers may only use force to the effect it is objectively reasonable under the circumstances. The Lebanon School District hereby adopts the Use of Force Continuum followed by the Lebanon City Police Department Order Number 122, the most recent version of which is attached hereto as Exhibit A and incorporated herein.

Deadly force - any use of force that is likely to cause death or serious bodily harm. 18 Pa. C.S. § 501

Non-deadly force - any use of force other than that which is considered deadly force.

School Police Officer - any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether a duty extends to all offenses or is limited to specific offenses. 18 Pa. C.S. § 501

All armed School Police Officers shall act according to the laws of the Commonwealth. This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for mediation or reflection. It provides basic guidelines to govern the use of force so that officers can be confident in exercising judgment as to the use of force.

**Lebanon City Police Department
Lebanon, Pennsylvania**

General Order
Special Order
Personnel Order

ORDER NUMBER

122

Subject

Use of Force

Date of Revision

12/11/2013

Distribution

1. General Order Manuals
2. Reading Verification to all Personnel

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 officers 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.

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 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 "Response to Resistance Report", or other reports, as outlined in this general order.

Case Law

Law enforcement officers are permitted to use force to effect an arrest only to the extent that it is "objectively reasonable" under the circumstances (*Graham v. Connor*, 490 U. S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

Factors to determine "objectively reasonable" force options.

1. The reasonableness of an officer's use of force under the Fourth Amendment requires careful attention to the totality of the facts and circumstances known by the officer prior to using force, including:

- a. The severity of the crime at issue and
- b. Whether the suspect poses an immediate threat to the safety of the officer(s) or others and
- c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

2. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Depending on the circumstances, officers may find it necessary to escalate or de-escalate the use of force. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the level of force used is reasonable and appropriate under the circumstances.

Use of Force Continuum

Lebanon City police officers are permitted to use the degree of force that is necessary to accomplish their lawful objectives and to overcome any unlawful resistance. The amount of force an officer uses is dependent upon the amount of resistance or threat

to safety given the totality of circumstances. Officers must use reasonable means of apprehension and control before resorting to the use of deadly force, unless the situation necessitates the immediate use of deadly force. Officer's reactions shall be dictated by the hostile actions of the suspect(s) and the need for immediate control. Once the officer has effective control of the situation, he should de-escalate to the lowest level necessary to maintain control.

Step 1 - Officer Presence

The officer assumes control of the situation or suspect through his announced or uniform appearance and professional bearing.

Step 2 - Verbal Command

When mere presence has failed, the officer now begins a verbal persuasion. This includes dialog with the suspect in order to take control of the situation.

Step 3 - Open Hand

The officer places his hand on the suspect and advises them that they are under arrest. All resistance beyond this point is unlawful and must be countered by the officer. At this point a physical confrontation becomes likely and the officer should take great care to protect his sidearm.

Step 4 - Pain Compliance

The officer may employ pressure point control, TASER® or OC. If practical, subjects should be warned when less lethal objects such as those listed will be used. Use of these weapons may be justified whenever an accelerated reaction using higher force is appropriate. Considerable size difference, multiple subjects, combative behavior, the influence of alcohol or controlled substances could justify this greater force. Officers must be able to articulate these reasons in their use of force reports.

Step 5 - Mechanical Compliance

Usual methods of mechanical compliance include wrist locks, arm bar, and other "come along" or counter joint pressure and leverage techniques.

Step 6 - Impact

The use of impact weapons is authorized only when the previous levels of force fail or the situation necessitates the quick escalation to this level. This department only authorized the following impact weapons: ASP. The techniques for the use of the ASP will be consistent with annual training

Step 7 - Deadly Force

This ultimate step is appropriate only to protect yourself or another from death or serious bodily injury, or to apprehend a fleeing forcible felon when you have exhausted all other means of apprehension **and** the suspect presents an imminent risk to the community. When practical, a verbal warning will be given.

Officer/Subject Factors

Numerous factors may affect the selection of an appropriate level of force. Examples of officer/subject factors include, but are not limited to the following:

- (a) Age - An older officer may have to use more force on a younger person who is more agile and stronger. In contrast, a younger officer who is quicker, stronger, and has more stamina would use less force to control an older person.
- (b) Relative strength - The different physical capabilities of males and females may be a factor in handling a member of the opposite sex. It is known that females usually have less upper body strength than their male counterparts. A male officer may use less force to control a female, where a female officer may use more force to control a male.
- (c) Size - A larger officer may be able to control a smaller person with a lesser amount of force. In contrast, a smaller officer would have to intensify the amount of force for the same task.
- (d) Skill level - An officer who is highly trained in unarmed tactics may need only to use a proper technique that would use very little force to control the subject. An officer with a lower skill level would need to use more force. The ability of the person being arrested also plays a major role here. A karate expert may not be controlled easily because of his martial arts skills.
- (e) Multiple subjects - Obviously an officer who is being attacked by several people is at a disadvantage. Even the most skilled officer is no match for several subjects who have the intent to harm the officer. Higher levels of force may be necessary to survive in these circumstances.

Procedure

A. Less-lethal force

1. An officer is justified in the use of force to effect lawful objectives which he believes necessary to:
 - (a) effect an arrest or overcome resistance to arrest,
 - (b) defend himself or another against the use of force, or
 - (c) control persons who are dangerous to themselves or others
2. The force used should be progressive in nature and shall follow the use of force continuum set forth in section III of this policy.
3. Whenever an officer uses force that results in or is alleged to have resulted in the injury or death of another person, a written report will be submitted as outlined in this policy.

B. Lethal Force

1. An officer may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury.
 - (a) reasonable belief - the facts or circumstances the officer knows or should know are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
 - (b) serious physical injury - a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

2. Fleeing felon - an officer is justified in using deadly force to prevent a person fleeing from arrest or police custody when the officer believes no other alternative exists to affect the arrest and reasonably believes that:
 - (a) the person fleeing possesses a deadly weapon which they have used or indicates they will use,
 - (b) the person fleeing presents an immediate risk to the community and immediate apprehension is needed to preserve community safety,
 - (c) the person fleeing committed or attempted to commit a forcible felony, as defined below.
 - (i) a forcible felony is a felony involving actual or threatened serious bodily injury, such as murder, voluntary manslaughter, arson endangering persons, aggravated assault causing serious bodily injury, etc.
 - (ii) The following crimes are forcible felonies only when their commission involves actual or threatened serious bodily injury: rape, involuntary deviant sexual intercourse, robbery, and kidnapping.

C. Restriction on the Use of Firearms

1. When practical, officers shall issue a verbal warning before employing deadly force. The officer should identify himself as a police officer and instruct the suspect to cease or stop his actions.
2. Warning shots pose a danger to officers and citizens alike. Accordingly, firing warning shots is strictly prohibited. Once the officer has fired his weapon, he must be prepared to take the ultimate responsibility of inflicting injury or death.
3. Officers will not discharge a firearm at or from a moving vehicle except as a final measure of self-defense or the defense of another when the suspect is employing deadly force. Firing a weapon strictly to disable a fleeing vehicle is prohibited unless failure to do so will, with a high degree of probability, result in injury or death to innocent persons.
4. Firearms should not be used to destroy animals unless they are presenting an immediate threat to the officer or another person. A seriously wounded, sick, or injured animal may be destroyed only with the approval of the police chief or his designee.

D. Handling of Firearms

1. Officers will follow all guidelines governing the carrying, training, and using of firearms. Firearms shall not be carried, stored, or used in a negligent or reckless manner.
2. While on duty, sworn officers shall only carry the following weapons and ammunition meeting department specifications: 40 caliber Glock Model 22.
3. Off-duty officers are authorized, but not obligated to carry issued firearms and ammunition within the Commonwealth of Pennsylvania. If an officer does carry the firearm, it will be concealed from the public and he will conduct himself in a professional manner refraining from activities or

conduct that adversely affect the reputation of the department. If carrying a firearm, the officer must have the official police identification card and badge in his possession. No off-duty officer is ever authorized to transport issued firearms outside the Commonwealth.

4. While in off-duty status, officers may carry an off-duty firearm. If an officer carries a firearm, it will be concealed from the public and he will have in his possession the official police identification card and badge. Off-duty personnel shall conduct themselves in a professional manner and refrain from activities or conduct that would adversely affect the reputation of the department. ***On or off-duty officers shall be held accountable to this policy.*** Officers will be permitted to carry their personal off-duty firearm while on duty as a secondary firearm provided the secondary firearm is concealed from the public view and is approved by this department.
 - (a) Officers will submit a memo to the Police Chief (or his designee) informing him of the personal firearm that they carry when off-duty. The memo will include the make, caliber, length of barrel, type of finish, and serial number of the firearm. The weapon will be submitted to a firearms instructor for inspection and registration.
 - (b) The officer must be proficient with the off-duty weapon. The firearms training instructors will check the officers proficiency on the department range course and record same. Ammunition used will be supplied by the individual officer.
5. All sworn officers will be required to successfully complete a training and qualifications course annually as prescribed by the firearms training instructor. All department issued firearms and approved back-up firearms will be inspected annually by a firearms training instructor to determine if the weapon is in proper working condition. This will be performed at firearms qualifications.

E. Shotguns and Rifles

1. Officers will only use or carry shotguns, rifles and ammunition authorized and issued by the department.
2. Officers will be required to complete a training qualifications course annually as prescribed by the firearms training instructor.

F. Specialized Weapons

1. The department has in its possession certain specialized weapons, such as rifles, automatic weapons and tear gas. Only properly trained and authorized officers will be permitted to possess and use these weapons. The Police Chief (or his designee) will designate those officers who will be qualified on specialized weapons. The training instructor (training section, etc.) will determine training and qualification requirements.
2. Authorized officers will be required to complete a training qualifications course annually, as prescribed by the firearms training instructors.
3. The weapons will be used in accordance with the policies and procedures established in this policy as well as in the policies for the specific piece of equipment.

G. Less-Lethal Weapons

1. While on duty, officers will only carry and use those less-lethal weapons authorized and issued by the department.
2. The authorized less-lethal weapons are the ASP baton, OC and the X-26 Taser.
3. See General Order 142 Less – Lethal Weapons – ASP, OC and Taser.

H. Reporting Procedures - Whenever an officer discharges a firearm, other than in training or for recreational purposes, a written report shall be submitted in accordance with the following procedure:

1. No Injury or Death

- (a) The officer discharging the firearm will immediately notify the shift supervisor whether on or off duty.
- (b) The officer will submit the required incident report, explaining the details of the discharge to the Chief of Police or his designee through the chain of command, prior to the end of his tour of duty. Off duty officers will report to headquarters immediately after the incident to submit the report.
- (c) The Chief of Police or his designee will review and forward the reports with appropriate written comments to the Mayor. Copies of the reports will be forwarded to the internal affairs officer.

2. Causing Injury or Death

- (a) The officer discharging the firearm will immediately notify the shift supervisor. The Shift Supervisor will notify the Chief of Police or his designee.
- (b) A detective will immediately be assigned to assist the investigation. The detective will submit a follow-up report of the incident to the Chief of Police.
- (c) An Internal Affairs Officer will be assigned by the Chief of Police to conduct a separate investigation. The Internal Affairs Officer will not inhibit any criminal investigation taking place.
- (d) Investigating Officers will follow the established policies regarding crime scenes, investigation and evidence collection. The Officer will be taken immediately to headquarters where he will speak to investigative and internal affairs personnel. The officer will be entitled to union representation during this process. If the officer discharging the firearm is incapacitated, the Shift Supervisor will file the necessary reports to the Chief of Police.

I. Reporting Procedures - Use of Force (Physical Force and Less-Lethal Weapon)

1. Whenever an officer takes an action that results in (or is alleged to have resulted in) injury or death of another person; and or applies force through the use of non-lethal weapons, the following procedures will apply:
 - (a) The officer will immediately notify the shift supervisor. The supervisor will determine if a detective should be notified.
 - (b) A detective will be assigned to assist in the investigation and preparation of charges if needed.

- (c) The officer will complete the necessary reports detailing the use of force and reasons for use and submit it to the shift supervisor prior to the end of the shift when the incident occurred. If the officer is injured, the shift supervisor will file the necessary incident and arrest reports.
- (d) The shift supervisor will make every attempt to photograph all injuries to the person(s) and/or officer(s) that were involved.
- (e) The shift supervisor will review the report, notify the Chief and forward all reports to him.
- (f) The Police Chief or his designee will review the reports and determine if an internal investigation is necessary.

J. Use of Force Resulting in Death or Serious Physical Injury

- 1. An officer involved in an incident where the use of force resulted in death or serious physical injury will be assigned to administrative duty or given administrative leave pending a complete investigation and review of the incident. This duty or leave will not be considered discipline taken against the officer, but rather relieving the officer from the field of duty while undergoing the emotional stress of having used deadly force.
- 2. A psychologist interview will be made mandatory for all officers involved in a deadly force incident for consultation and/or treatment.
- 3. The period of time spent on administrative duty or leave will be determined by the Chief of Police, upon the recommendation of the psychologist.

K. Use of Force and Tactics

- 1. When operating in plain clothes – arrest capacity. It would be suggested to have two visuals and one verbal. Visual would be (but not limited to) a Raid jacket with “POLICE” plainly written in a contrasting color and the shield on necklace or prominently displayed. The verbal should be simple “Police, Don’t Move”.
- 2. The verbal commands will be loud and repetitive.
- 3. When working in this capacity or when assisting other agencies, i.e. County Drug Task Force, the duty weapon will be used. Only exceptions would be permanent assignments (CCNT) or permission directly from the Chief.
- 4. Arrest team or operation leaders will conduct a weapons and ammo check for compliance.
- 5. All arrest team members will wear ballistic armor.
- 6. Arrest team leaders will ensure these are in place prior to departure. Any non-compliance, they will not participate.
- 7. These recommendations will be added to existing and upgraded affected policy.

L. Medical Aid After Use of Force

A. General Rule

- 1. Officers shall arrange for an Emergency Medical Service (EMS) to examine, treat and/or transport a subject to a medical facility if the

force used by police personnel caused injury, injury is suspected or injury is alleged.

B. Medical Treatment of Oleoresin Capsicum Contaminated Persons

1. As soon as possible, person(s) contaminated by a release of oleoresin capsicum shall be exposed to fresh air and have their contaminated areas flushed with cold water.
2. Contact lenses of contaminated person(s) should be removed and thoroughly washed prior to reuse.
3. Evaluation by medical personnel (EMS) shall be initiated without delay in any of the following circumstances:
 - a. Any person who has been exposed to oleoresin capsicum and complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips, or nose), or states that he/she has a known allergy to any variety of pepper.
 - b. Any person who admits to being under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or high levels of alcohol.
 - c. Any person who admits a history of heart problems, lung problems, diabetes, high blood pressure, or other potentially serious medical condition.
 - d. Any person requesting medical treatment.

C. Medical Release Required

1. When an arrestee is examined, treated and subsequently released from medical care, a written medical release shall be obtained from the attending physician, when available. This shall be maintained in the arrest folder.
2. 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 refusal form for the arrest folder, when available. The officer shall note the medical attention, or refusal 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.

M. Annual Use of Force Training

1. Training of the department's Use of Force policy will occur during annual firearms, TASER, ASP, and O.C. training.