



Chapter 7: Use of Force/Response to Resistance

	FERGUSON TOWNSHIP POLICE DEPARTMENT State College, Pennsylvania	
	Directive: 7.1; 7.2; 7.3; 7.4; 7.5; 7.6; 7.7; 7.8; 7.9; 7.10; 7.11; 7.12; 7.13	
Subject: Use of Force Range of Options; Use of Deadly Force; Prohibited Uses of Force; Medical Attention Required Following the Use of Force as Appropriate; Use of Force Reporting; Authorized Use of Less Lethal Weapons; Review, Inspection, Prior Approval Authorized Weapons and Ammunition; Training: Instructors, Officers, Policy, In-Service and Proficiency, Authorized Weapons and Ammunition; EMD/CED/TASER		
Date of Issue March 14, 2014; Rev March 19, 2019; December, 2019; Rev January 29, 2020; February 2, 2021		Rescinds
References PLEAC standards 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.8; 1.3.9; 1.3.10; 1.3.11		
By Authority of: C.A. Albright		 Chief of Police

7.00.00 PURPOSE

In performance of their duty, Police Officers are at times confronted with situations where, in order to ensure 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 a range of options; on a continuum where the use of force is dependent on a variety of factors including the actions of the suspect. 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 range of options, this directive is established. In addition, this order details departmentally authorized weapons, training in their use, and reporting requirements when use of force is used.

7.01.00 POLICY

It is the policy of the Ferguson Township Police Department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due to any human being. 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(s) at the time he/she decides to use such force. 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 police incident report, a departmental "Use of Force Report", or other reports, as outlined by directive. The use of force must be objectively reasonable (*Graham v. Connor* 109 S.Ct. 1872). The officer(s) must use only that force which a reasonably prudent officer would use under the same or similar circumstances.

This directive is explanatory in nature and is intended as a guide for departmental personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher standard than provided by law.

- **DEFINITIONS:**

- ◆ **DEADLY FORCE:** Any use of force that, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.
- ◆ **SERIOUS BODILY INJURY:** Bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.
- ◆ **LESS-LETHAL FORCE:** Force which is neither intended nor likely to cause death or serious bodily injury.
- ◆ **FORCIBLE FELONY:** The crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson, endangering persons, aggravated assault causing serious bodily injury.
- ◆ **WEAPON:** the term includes lethal and less-lethal weapons.

7.02.00 USE OF FORCE TO EFFECT LAWFUL OBJECTIVES **PLEAC 1.3.1**

- Use of Force Justification:
 - ◆ The Pennsylvania Crimes Code, Title 18, Chapter 5, “General Principles of Justification”, describes those circumstances in which the 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 the Ferguson Township Police Department personnel, as it relates to criminal or enforceable civil matters.
 - ◆ In any necessary use of force, all Ferguson Township Police Department personnel shall apply only that force which is justifiable to accomplish the aforementioned lawful objectives.
- Use of Force Options Established:

OPTION 1:

OFFICER PRESENCE

The officer(s) assumes control of the situation or subject through his announced and/or uniform appearance.

OPTION II:

VERBAL COMMAND

Presence has failed, the officer(s) now begins a verbal persuasion/dialog and if needed command/warning mode to take control of the incident.

OPTION III:

OPEN HAND

The officer(s) places hands on the subject, if safely possible, and advised him/her that he/she is under arrest. ALL RESISTANCE BEYOND THIS POINT ON THE PART OF THE SUBJECT IS UNLAWFUL and must be countered by the officer(s).

OPTION IV:

PAIN COMPLIANCE

This is where the officer(s) may employ pressure point control, O.C. Spray or Projectiles. Officer(s) may utilize O.C. Spray or Projectiles whenever an accelerated reaction using higher force is appropriate. Considerable size difference, multiple suspects, combative behavior, the influence of alcohol or controlled substances, etc., may justify this greater force. OFFICERS MUST ARTICULATE THESE REASONS IN THEIR REPORTS.

OPTION V:

MECHANICAL COMPLIANCE

Usual methods of mechanical compliance include wrist locks, arm bar or other “come along” techniques. Conducted Energy Devices (TASER) shall fall into this option.

OPTION VI:**IMPACT**

The use of impact 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.

- The primary authorized Impact Weapons is the Monadnock Expandable Baton (M.E.B.) or ASP baton. It is departmental policy that the baton be carried at all times when in uniform.
- The Remington model 870 12-gauge shotgun and munition launcher comprises the delivery system for impact and impact agent projectile munitions. These designated shotguns are color coded orange and are to be used only for the delivery of less-lethal projectiles.
- Amtec Less Lethal Systems 40 mm less lethal munition launcher.

OPTION VII:**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 reasonable means of apprehension and the suspect presents an imminent risk to the community. When practical, a verbal warning must be given.

7.03.00 DE-ESCALATION

- Taking action or communicating verbally or non-verbally during a potential use of force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to help increase the likelihood of voluntary compliance or with a reduction in the amount of force. De-escalation may include the use of such techniques as command presence, advisements, warnings, active listening, verbal persuasion and tactical positioning that isolates and contains a subject.
- When safe to do so, officers should attempt to de-escalate encounters before using physical force to respond to resistance or aggression. At times, an officer must exercise control of a violent or resisting person to accomplish a legitimate law enforcement objective. Because some events evolve so rapidly and violently, not every violent incident can be de-escalated. However, officers have the ability to impact the direction and the outcome of many situations they handle based on their training, decision-making and the tactics they chose to employ.
- When reasonable under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum and communicate and coordinate a response. Officers should use advisements, warnings, active listening, verbal de-escalation, and other tactics and alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance in order to consider and or deploy a greater variety of force options. Officers must perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions.

- The department will provide annual de-escalation training to all sworn personnel in a manner approved by the Chief of Police or designee. **1.3.10a**

7.3.01 DUTY TO INTERVENE

- Any Officer or department personnel present and observing another officer or department member using force that is clearly beyond that which is objectively reasonable and violating agency policy, procedures, department training and criminal conduct is occurring under the circumstances shall, when in a position to do so, safely intercede to end and prevent the further use of such excessive force. After intervening, the officer or department member shall evaluate the person's medical condition, summon medical assistance if necessary and immediately notify the on-duty / on-call supervisor. 1.8.4

The intervening employee shall then submit a written report to the Chief of Police which documents the observed use of force exceeding what is objectively reasonable and violated agency policy, procedure, department training and the criminal conduct that occurred. 1.8.4

- The department will provide annual duty to intervene training to all department personnel in a manner approved by the Chief of Police or designee. **1.3.10a**

7.04.00 USE OF DEADLY FORCE 1.3.2

- 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:
 - ♦ 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 has probable cause to believe both that:
 - Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - The person to be arrested has committed or attempted a forcible felony and possesses a deadly weapon, and/or otherwise indicates that they pose a significant threat of death or serious bodily harm towards the officer(s) or another unless arrested without delay. (Tennessee v. Garner, 471 U.S. 1, 105 S. CT. 1694 (1985).
 - ♦ Barring exigency and immediate action required by the Officer, Officers shall announce their intent to use deadly force when practical and reasonable.

7.05.00 PROHIBITED USE OF FORCE TECHNIQUES

- **WARNING SHOTS:** The Department prohibits the use of warning shots. Officer(s) shall not intentionally discharge a firearm into the air or ground or other object in an attempt to apprehend a fleeing suspect. Note: For the purposes of this directive, a firearms discharge for the purpose of summoning aid is not considered a warning shot. When other forms of communication are not possible or effective and the safety of others is carefully considered, a firearms discharge to summon aid may be necessary. **1.3.3**
- **SHOTS AT/FROM MOVING VEHICLES:** Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the actor is using deadly force. Shooting at or from moving vehicle is a use of deadly force.
- **NECK RESTRAINTS:** The Department prohibits the use of neck restraints except as the ultimate measure of self-defense or defense of another when the actor is using deadly force.

7.06.00 APPROPRIATE MEDICAL ATTENTION REQUIRED FOLLOWING USE OF FORCE 1.3.5

- After every use of force event, officers shall provide appropriate medical attention or aid if a subject alleges injury, an injury is suspected or an injury is known. Appropriate medical attention may be as basic as simple observation of the subject, or officer provided first aid or arranging for emergency medical service (EMS) to examine, treat and/or transport a subject to a medical facility. If the event involved the use of a less-lethal or lethal weapon, refer to the specific weapon use policy for any additional observation, first aid or medical treatment requirements.
- **Reporting Required:** When appropriate medical attention (observation, first aid or emergency medical services) are provided to a subject with an alleged, suspected or known injury, the officer shall include this information in the police report. Suspected or alleged injury should be photographed and submitted with the use of force report.

7.07.00 USE OF FORCE REPORTING 1.3.6

- For purposes of this sub section of the directive, use of force is the amount of effort required by police to compel compliance from a person above Step II of the Use of Force range of options. Except as noted below, this includes ANY use of force occurring while the officer(s) is acting in an official law enforcement capacity. This includes undercover, plainclothes or uniform assignments, whether on or off-duty.
- Police use of force is recognized in the following categories:
 - ♦ **PHYSICAL FORCE:** Use of any part of the officer's body or the use of police canines to compel compliance. Note: This includes handcuffing or other restraints.
 - ♦ **OC AND/OR CHEMICAL AGENT FORCE:** Use of any CS, or OC aerosol, foam spray or projectile to compel compliance.

- ◆ CONDUCTED ENERGY DEVICES: Use of any CED or mechanical compliance technique (wrist locks, arm bars or other “come along” techniques.
 - ◆ IMPACT FORCE: Use of any object (baton strike, bean bag round, flashlight, ballistic shield, other) as a less-lethal weapon to compel compliance.
 - ◆ FIREARMS FORCE: The display or discharge of a firearm of any type to compel compliance.
- Exceptions:
 - ◆ Police actions not included in the above definitions are: mere presence of police officers, canines, or police issuance of verbal commands.
 - ◆ Use of a less-lethal or lethal weapon to control or destroy an animal.
 - ◆ Unintentional Less-Lethal Weapons Discharge.
 - Use of Force Reporting:
 - ◆ Ferguson Township Police Department Officers shall complete a Police Incident Report in RMS including the circumstance boxes with the appropriate use of force category(ies) code whenever they:
 - Discharge a firearm for other than training or recreational purposes. Exception: a firearm discharged for the destruction of an animal shall be documented in an incident report. 1.3.6 a
 - Point, aim or display any firearm at another person.
 - Take any action which results in, or is alleged to have resulted in injury to or the death of another person. 1.3.6 b
 - Apply force through the use of lethal or less-lethal weapons.
 - Discharge of Oleoresin Capsicum on another person (O.C.).
 - Use of physical force, or be alleged to have used physical force, to include handcuffing or restraints on another person. 1.3.6 c
 - Use of force greater than verbal commands.
 - ◆ The police report will include a narrative description of the incident describing the actions of both the suspect and the officer(s).
 - ◆ In addition to the police report completed by the primary officer, all other officers present will complete a separate supplemental report detailing their observations, actions and involvement in the incident, Officers will not be required to complete a supplemental report for observing an officer handcuffing a compliant suspect if that is the highest level of force used.
 - If officers from other agencies are involved in the use of force, a copy of their police report detailing their involvement in the incident shall be obtained if one is completed. If no report is completed by that agency, the officer shall be asked to write a supplement to our incident/case report.
 - ◆ A police report detailing the use of force shall be completed prior to the officer(s) concluding his/her shift during which the use of force occurred. The completed report(s) shall be provided via the RMS circumstance codes to the Chief of Police.

- If the officer(s) involved is injured or unable to make the report(s), the officer's supervisor 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.
- ♦ Any use of force beyond compliant handcuffing that requires medical attention, causes injury to the suspect or officer, or is at/beyond the force option of impact shall be reported to a supervisor prior to the end of the officer's shift. If one is not available then the on-call Sergeant shall be notified.
- Review of Written Reports:
 - ♦ All use of force reports submitted in accordance with this directive shall be reviewed and evaluated by the Chief of Police. 1.3.6
- Unintentional Less-Lethal Weapons Discharge:
 - ♦ Ferguson Township Police Officers shall complete a Memorandum to the Chief of Police whenever any less-lethal weapon is accidentally or unintentionally discharged. Less-lethal weapons include O.C. Spray, OC and CS Projectiles, Bean Bags and conducted energy devices (TASERS). The memo shall contain a complete accounting of the circumstances before, during and after the discharge.

7.08.00 AUTHORIZED USE OF LESS-LETHAL WEAPONS

- Only less-lethal weapons issued by the Department and approved by the Chief of Police shall be carried and/or used by certified police officers. Police officers shall be trained in each less-lethal weapon prior to being granted permission to carry and use. All less-lethal weapons shall be used in a manner authorized by departmental directives, use of force range of options and departmental authorized training. 1.3.4
- Approved less-lethal weapons and authorized uses:
 - ♦ **Oleoresin Capsicum (O.C.):** O.C. spray and projectiles are authorized less-lethal weapons.
 - A. Authorized Uses of Oleoresin Capsicum: 1.3.4
 - O.C. may be used on individuals to affect an arrest or for protection from assault in accordance with the use of force range of options.
 - O.C. may be used on restrained individuals to stop violent and destructive behavior where the subject is attempting to injure him/herself or damage property of another.
 - O.C. may be used on a crowd in order to disperse unlawful groups or other gatherings which are unruly, or persons gathering without authority or permission after being ordered to cease, desist and/or depart the area.

- Prior to introducing oleoresin capsicum into a disorderly group/crowd situation the officer(s) shall evaluate the effectiveness of chemical agents in dispersing the crowd.
- O.C. may be used to control animals
- O.C. may be used to aid in the search of buildings for suspects.

B. Medical Attention After O.C. Use: 1.3.5

- 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.
- Contact lenses of contaminated person(s) should be removed by the subject or medical personnel. Officers are trained that soft contact lenses should be discarded and that hard lenses can be reused after being cleaned. Contaminated persons shall be so advised by the officer(s); however the decision as to discarding and/or cleaning is that of the person who has been sprayed.
- Evaluation by medical personnel (EMS) shall be initiated WITHOUT DELAY in any of the following circumstances.
 - Any person who has been exposed to oleoresin capsicum who complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips or nose) or who states that they have a known allergy to any variety of pepper.
 - Any person who admits to being under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, bath salts, and Schedule I controlled substances or high levels of alcohol.
 - Any person who admits a history of heart problems, lung problems, diabetes, high blood pressure or other potentially serious medical condition.
 - If the subject requests medical treatment.

- ◆ **Monadnock Expandable Baton (MEB) or ASP baton:** Are the primary approved less-lethal weapon and shall be used in a manner consistent with authorized use of force options. 1.3.4

A. Authorized Uses of Monadnock Expandable Baton (MEB)/ASP baton:

- The MEB/ASP may be used on individuals to affect an arrest or for protection from assault in accordance with the use of force range of options.
- The MEB/ASP may be used on restrained individuals to stop violent and destructive behavior where the subject is attempting to injure him/herself or others or is engaging in substantial destruction of property.

- ◆ **TASER:** TASER is an approved less-lethal weapon and shall be used in a manner consistent with authorized use of force options. 1.3.4 See Section 7.11.00 for the comprehensive TASER Policy and Procedures.

- ◆ **Bean-bag Munitions, O.C. and CS Projectiles:** O.C. and CS Projectiles are approved less-lethal weapons.

A. Authorized Uses of Bean-bag Munitions, O.C. and CS Projectiles: 1.3.4

- To control a subject exhibiting active aggression when an officer(s) reasonably believes that his/her life is in danger.

 - To control a subject exhibiting active aggression or active resistance to effect a lawful arrest or otherwise control a combatant when lesser response to resistance options have been ineffective or the officer(s) reasonably believes they will be ineffective.
 - To apprehend a fleeing suspect only when the officer(s) has probable cause for arrest for a crime involving serious physical harm to self or others, or a threat thereof.
 - To prevent a subject from harming him/herself or others.
 - Where other appropriate forms of force would likely cause greater injury to the subject or officer(s).
 - For riot control, crowd control or to disperse unlawful gatherings.
 - Against aggressive animals.
 - Impact munitions may be used for tactical purposes, such as breaking windows or streetlights.
- ♦ **MUNITIONS LAUNCHER:** Combined Tactical System 40 mm single shot launcher.

A. Storage and Maintenance

- Only department certified 40 mm munitions launcher certified instructors will maintain, perform maintenance on and clean the 40 mm launchers.
 - The only rounds to be used in the 40 mm munitions launcher are those listed in this policy.
- ♦ **40 MM LESS LETHAL IMPACT MUNITIONS**
- 40 mm REACT direct fire round manufactured by Amtec Less Lethal Systems. This is a lightweight, high-speed projectile consisting of a plastic body and a foam/sponge nose. The round weighs 30 grams and travels at a velocity of 325 feet per second. The optimal energy range for this round is 10-75 feet although it may be used in situations from 5-120 feet. The REACT round is designed as a blunt trauma pain compliance round.
 - 40 mm REACT OC payload projectile round manufactured by Amtec Less Lethal Systems. This round is the same as the direct fire round but is designed to combine blunt trauma pain with OC irritant upon impact. The optimal energy range is the same as the REACT round.
 - 40 mm power punch beanbag round manufactured by Amtec Less Lethal Systems. This is a 40 mm beanbag round that is designed to be direct fired, producing blunt trauma and pain compliance. The round weighs 100 grams and travels at a velocity of 215 feet per seconds. The optimal energy range for this round is 5 to 45 feet.
 - 40 mm Hornests Nest, .45 cal. Rubber balls (63 count) round manufactured by Amtec Less Lethal Systems. This is a 40 mm area fire round that can be direct

or skipped fired, producing blunt trauma and pain compliance. This round weighs 63 grams and travels at a velocity of 315 feet per second. The optimal energy range for this round is 5 to 45 feet.

- 40 mm Pen-Prevent manufactured by Amtec Less Lethal Systems. This is a 40 mm beanbag round that weighs 40 grams and is tail stabilized. It travels 180 feet per second with a range of 60 feet.
- Deployment of 40 mm munitions launchers:
 - ◆ The department's 40 mm munitions launchers will be used when appropriate in an attempt to de-escalate a potentially deadly situation with a reduced potential for death or serious bodily injury to all persons involved. When using less lethal impact munitions the rounds should be delivered to areas that include the arms, hands, lower abdomen, buttocks, legs or feet. Officers certified to use the 40 mm munitions launcher and using less lethal impact munitions are authorized to consider target areas in the yellow and red areas of the Monadnock MEB training chart if the use of deadly force is justified or efforts to subdue a subject using the areas listed above are ineffective or inappropriate based on the circumstances. Intentional impact munitions shots to the red areas on the Monadnock MEB training chart should be avoided unless deadly force is justified. Depending on the area struck, use of 40 mm impact munitions could result in death or serious injury. A subject struck with a 40 mm impact munition will likely sustain some type of injury.
 - ◆ The department's 40 mm munitions launchers may be used to deploy chemical agents (OC or CS) in specific situations with prior approval from the Chief of Police or his designee. Application of chemical munitions may be called upon in incidents including but not limited to riots, barricaded subjects and various tactical requirements. With prior approval, chemical munitions may be used to disperse crowds in a riot situation. Barricaded subjects may also be disoriented, visually impaired and confused, allowing officers an advantage during a high-risk search and arrest.
- Training for use of 40 mm munitions launchers:
 - ◆ Only officers certified or trained to deploy the 40 mm munitions launchers are authorized to deploy them consistent with this policy.
 - ◆ Officers trained and authorized to deploy the department's 40 mm munitions launchers shall have received training in firing the launchers at least once per year (annually) and achieve a passing score in both the practical and written exercise.

NOTE: Bean-bags, O.C. and CS projectiles may be used in deadly force situations when the subject is not posing an immediate threat to the officer(s) or others, and another officer is present with a firearm backup.

◆ **Other Approved Less-Lethal Weapons: 1.3.4**

- A. Other less-lethal weapons shall be approved by the Chief of Police and shall be detailed in a Memorandum which shall provide for:

- They type and specifications of the less-lethal weapon and its ammunition, munitions or projectiles if any.
- The circumstances when police officers would be justified and authorized to use the less-lethal weapon.
- The training required prior to the issuance and use of the weapon.

7.09.00 REVIEW, INSPECTION AND PRIOR APPROVAL OF WEAPONS AND AMMUNITION 1.3.8 c

- All lethal and less-lethal weapons and ammunition for on or off duty use shall be reviewed, inspected and approved for use by the Department weapons instructor before authorization to carry and use is granted by the Chief of Police. **1.3.8 c**
- Departmentally approved weapons shall be reviewed on an annual basis by the appropriate less-lethal weapons instructor or the certified firearms armorer/instructor.
- An inspection of all authorized weapons shall be conducted on at least an annual basis by the appropriate less-lethal weapons instructor or the certified firearms armorer/instructor.
- Approval of less-lethal and lethal weapons for individual on-duty and off-duty use shall be at the discretion of the Chief of Police and only after the certified firearms instructor or qualified instructor has observed, at the minimum:
 - ♦ The officer's knowledge and safe-handling ability of each weapon approved for use.
 - ♦ Successful completion of an approved course with a passing score.
- Secondary Weapon:
 - ♦ Officers may carry a backup handgun while on duty if they meet the following requirements:
 - The handgun must be inspected and approved by the firearms instructor and prior approval to carry that weapon has been obtained.
 - The officer has qualified with the firearm, as per established standards.
 - The handgun must be registered with the Department by make, model and serial number.
 - The handgun must be loaded only with ammunition inspected and approved by the firearms instructor
 - The holster or device used to secure the backup weapon must be inspected and approved by the firearms instructor. The weapon may not be carried without an approved holster/device.
- Off-Duty Weapon:
 - ♦ Firearms or other weapons may be carried off-duty when approved by the Chief of Police and after:

- Inspection by the firearms instructor.
 - The officer has qualified with the weapon or firearm, as per set standards.
 - The weapon is registered with the Department by make, model and serial number, if applicable.
- ◆ Approved off-duty ammunition is that which is commercially available, factory loaded, designed to expand on contact, consistent with the caliber and size of the handgun.

7.10.01 WEAPONS MODIFICATIONS AND REPAIRS

- Modifications to any Department owned weapons are not permitted.
- Defective or unsafe weapons shall be reported immediately to the armorer or appropriate weapons instructor.
- Repairs or alterations to any Department owned weapons may only be made by the Department armorer or appropriate weapons instructor.
- Authorized weapons, whether Department owned or personally owned, shall be maintained in a clean and safe operating condition, and are subject to inspection by the appropriate weapons instructor or shift supervisor at any time.
- Any modifications made to secondary or off-duty weapons immediately render that weapons not approved until the inspection and (re)approval process is complete.

7.10.02 CRUISER WEAPONS STORAGE

- Shotguns
- Less-Lethal shotguns.

- Patrol Rifles.

7.11.01 INSTRUCTOR TRAINING 1.3.10 c

- Each use of force training instructor shall successfully complete initial and regular update training on relevant use of force issues and all departmental use of force directives, policies, procedures and techniques.
- The firearms training instructor shall successfully complete initial and regular update training and shall be certified in the use and instruction of firearms through a professionally recognized firearms instructor training program. 1.3.10 c
- Each less-lethal weapons training instructor shall complete initial and regular update training and shall be certified in the use and instruction of the particular less-lethal weapon through a professionally recognized instructor training program. 1.3.10 c
- All training shall be in a curriculum approved by the Chief of Police.
- All training instructors shall be certified and appointed by the Chief of Police.

7.11.02 OFFICER TRAINING REQUIREMENTS 1.3.9, 1.3.10

- It shall be the policy of the Ferguson Township Police Department to require all officers authorized to carry weapons and employ authorized use of force techniques to receive annual training from Department authorized instructors. This training shall include a review of the Department's Use of Force, Deadly Force, Pursuit, De-escalation, and Duty to Intervene policies. 1.3.10 a. The training shall require officers to demonstrate satisfactory skill, proficiency and qualification with all lethal and less-lethal weapons before the officer is authorized to carry and/or use the weapon.
- Only Ferguson Township Police Officers who demonstrate proficiency in the use of departmentally authorized weapons shall be approved to carry such weapons. Demonstrated proficiency includes: 1.3.9
 - ◆ Lethal Weapons: Successfully completing initial and annual in-service training and achieving a qualifying score on a prescribed course of fire that is approved and meets

or exceeds standards set forth by the Municipal Police Officers' Education and Training Commission and is conducted by certified firearms instructor. **1.3.10 a, c**

- ◆ Less-Lethal Weapons: Successfully completing initial and annual in-service training course approved by the Chief of Police and conducted by a certified instructor. **1.3.10 b, c**
- Required Training for Less-Lethal Weapons: **1.3.10 b**
 - ◆ Annual proficiency, as a minimum requirement, shall be demonstrated as a component of in-service training for all less-lethal weapons approved to be carried, and authorized to be used, by all departmental personnel.
 - ◆ Demonstrating knowledge of the laws concerning the use of authorized weapons and Department policies on the use of force, escalating force and deadly force.
 - ◆ Familiarization with recognized safe-handling procedures for the use of all authorized weapons.
 - ◆ The weapons training shall be conducted by certified less-lethal weapons training instructors.
- Remedial Weapons Training: **1.3.10 e**
 - ◆ Any police supervisor or appropriate designated instructor may recommend, and the Chief of Police may require, any Ferguson Township Police Officer to submit to remedial weapons training when circumstances indicate the officer(s) has violated any provision of this policy or has demonstrated unsafe or unapproved weapons use or may otherwise benefit by additional training.
 - ◆ Certified instructors for any given weapon type may be assigned by the Chief of Police to conduct remedial training as required for personnel to maintain the knowledge, skills and abilities necessary to maintain proficiencies commensurate with the requirements of this general order.
 - ◆ Supervisors shall report any incidents involving inappropriate or unsafe weapons handling or use to the Chief of Police.
 - ◆ Any officer who observes any unsafe or unauthorized weaponry use by another officer shall report same to a supervisor.
 - ◆ Remedial training shall be documented in accordance with any training policy requirements, and the officer's supervisors and Chief of Police shall be advised of the progress and/or outcome of any required training.
 - ◆ Officers unable to demonstrate proficiency with any approved weapon, shall not be permitted to resume official duties with that weapon until proficiency has been satisfactorily demonstrated to a qualified weapons instructor.
 - Officers who fail to receive a passing score with their duty weapon, in accordance with Department testing procedures, will be placed on special assignment, re-trained and re-tested. Failure to qualify after two additional attempts during this special assignment/training period may result in disciplinary action.

7.11.04 TRAINING RECORDS MANAGEMENT **1.3.10 d**

- **Lethal Weapons and Use of Force:** The firearms training instructor shall be responsible for completing all use of force and lethal weapons training records to include course content (lesson plans), attendance records, performance of individual attendees and any measuring instruments or test scores used. The instructor(s) shall provide the Chief of Police with the training records of all attendees.
- **Less-Lethal Weapons:** Each less-lethal weapons training instructor(s) shall be responsible for completing their respective less-lethal weapons training records to include course content (lesson plans), attendance records, performance of individual attendees and any measuring instruments or test scores used. The instructor(s) shall provide the Chief of Police with the training records of all attendees.
- All training records shall be retained by the Chief of Police pursuant to the applicable provisions of the Municipal Records Act.

7.12.00 APPROVED WEAPONS AND AMMUNITION (TYPES AND SPECIFICATIONS)

Lethal and Less-Lethal Weapons:

- The Chief of Police shall issue special memorandum (see Appendix A) that details the weapons and ammunition, munitions or projectiles authorized for carry, deployment and use by departmental personnel for both on-duty and off-duty use. The records shall be compiled and maintained by the designated lethal or less-lethal weapons instructor(s).
- The weapons records shall include a complete listing of every departmentally owned and authorized weapon by type and specification. The records shall include the make, model serial number, caliber, size or other unique identifier. **1.3.8 a, b**
- The ammunition, munitions or projectile records shall include a complete listing of the departmentally owned and authorized ammunition by type and specifications. The records shall include the size, energy capability, caliber or other descriptors.
- Annually, the appropriate weapon instructor(s) shall review, update and purge all weapons and ammunition records. **1.3.8 d**
- A copy of all weapons records shall be maintained by Records.

7.13.00 ELECTRO-MUSCULAR-DISRUPTION DEVICES CONDUCTED ENERGY DEVICE (TASER)

7.13.01 PURPOSE

To establish procedures for the training, equipping and deploying of Conducted Energy Device.

7.13.02 DEFINITIONS

- **ANTI FELON IDENTIFICATION DOTS (AFID):** Small identification tags ejected from the air cartridge when the X-2 Advanced TASER is fired. The AFID's have the individual unit's serial number printed on them which identifies which unit was fired.
- **SMART CARTRIDGE:** The replaceable cartridge of the X-2 Advanced TASER which contains and fires the probes. The cartridge has an expiration date and ejects AFID Identification tags when fired.
- **CONDUCTED ENERGY DEVICE (CED):** A weapon primarily designed to disrupt a subject's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. Also known as a Conducted Energy Weapon (CEW).
- **DATA PORT:** A computer data port located at the back of the X-2 Advanced TASER which allows data to be downloaded from the device. Each time the device is fired it stores the time and date of activation.
- **X2 ADVANCED TASER:** A hand held conductive energy weapon manufactured by TASER International. The device holds two smart cartridges and can deploy up to 35 feet. The X-2 Advanced TASER can be used on one subject or multiple subjects. The X-2 Advanced TASER can perform a spark test with the smart cartridges in place without removing them.
- **PROBES:** Projectiles that are fired from a Conducted Energy Device and penetrate the skin; wires are attached to the probes leading back to the CED.
- **PROBE STUN MODE:** This is an application of the TASER to the subject from a distance up to 35 feet (or otherwise as indicated by the manufacturer) by using compressed nitrogen cartridges to propel two insulated wires with small end probes to make contact with the body or clothing. An electrical signal is transmitted through the wires resulting in immediate loss of the subject's neuromuscular control. This method has a two part application, the first which stuns and the second which causes involuntary muscle contractions and overrides voluntary motor responses.
- **DRIVE STUN MODE:** This is an application of the TASER directly to the subject with an air cartridge, a spent air cartridge in place or with the air cartridge removed. The drive stun mode delivers the 50 thousand volts (0.0036 amps), of current to the subject resulting in pain, but does not result in involuntary muscle contractions or override voluntary motor responses due to lack of probe spread. It is therefore not as effective as Probe Stun Mode. It is also more likely to leave marks on the subject's skin.

7.13.03 POLICY

- It is the policy of the Ferguson Township Police Department that officers will employ the TASER in compliance with all Use of Force Policy in an effort to reduce the likelihood of injury to innocent persons, officers and subjects. Officers shall use only that level of force reasonably necessary to accomplish their lawful objectives while safeguarding their own lives and the lives of others.

7.13.04 TRAINING

- Only officers that successfully complete an approved Axon Taser training and a Department approved course of training are authorized to carry or use the TASER in which they are trained.
- Officers are required to attend recertification training annually.

7.13.05 GENERAL PROCEDURES

- Only Department issued CED's and cartridges will be carried while on duty.
- Only CED's with a digital power magazine (DPM) reading of 40 (forty) or greater should be deployed.
- The CED will be carried on the officer's support side of the duty belt or exterior vest and will be drawn from a support side draw position using a department issued holster or molle holder.
- All TASERs will be holstered with the safety in the "ON" position.
- The Department issued TASER will NOT be carried or used by officers during secondary employment or off-duty.
- Unless otherwise directed by the incident OIC, officers may use the TASER when summoned to other jurisdictions. Officers will follow Ferguson Township Police Department Policy and Protocol on CEDs while deployed in the other jurisdiction.

7.13.06 STORAGE AND ASSIGNMENT PROCEDURES

- Each officer assigned to the patrol division will be assigned a TASER. Additional TASER's shall be stored in the patrol equipment room for officers not assigned to patrol and for instances in which a backup or temporary TASER may be needed by a patrol officer.
- The TASER instructor shall be responsible for maintaining a record of each TASER and cartridge.

- Officers not assigned to patrol shall return the TASER to the patrol equipment room at the end of their respective shift.
- Officers shall do a spark test at the beginning of their shift to ensure functionality. The battery should also be checked to ensure the TASER is sufficiently charged.
- TASERs found to be malfunctioning shall be reported immediately to a supervisor, marked as such and left on the notified supervisor's desk. Patrol officers shall obtain a temporary replacement TASER from the equipment patrol room to use for the remainder of their respective shift.

7.13.07 DEPLOYMENT PROCEDURES

- The TASER shall be used in accordance with this Ferguson Township Police Department Directive, Use of Force Option V (Mechanical Compliance).
- The TASER may be used: **1.3.4**
 - ◆ To control a subject exhibiting active aggression when an officer reasonably believes that his/her life is in danger.
 - ◆ To control a subject exhibiting active aggression or active resistance to effect a lawful arrest or otherwise control a combatant when lesser response to resistance options have been ineffective or the officer reasonably believes they will be ineffective.
 - ◆ To apprehend a fleeing suspect only when the officer has probable cause for arrest for a crime involving physical harm to self or others, or a threat thereof.
 - ◆ To prevent a subject from harming him/herself or others.
 - ◆ Where other appropriate forms of force would likely cause greater injury to the subject or officer.
 - ◆ Against aggressive dogs.
 - ◆ NOTE: The TASER may be used in deadly force situations when the subject is not posing an immediate threat to the officer or others, and another officer is present with a firearm backup.
- All officers shall use the TASER CAM camera when deploying the TASER, if the TASER is so equipped.
- The deploying officer, when practical, should loudly announce "TASER" before deployment. This warns the suspect of his/her last chance to comply and alerts other officers to impending deployment. It also serves to eliminate the false assumption that gun shots have been fired.
- Officers may use the laser sighting system to attempt to gain compliance, however the TASER may not be pointed at a subject unless the officer is prepared to deploy it if necessary.
- Laser sites should be the primary aiming device and the laser dot the secondary aiming device.

- Officers shall target large muscle groups in deployment. The preferred aiming point is center mass of the subject's back.
- Maximum effect occurs when delivered at a "PREFERRED TARGET ZONE":
 - ◆ Preferred Target Zone Front includes the lower torso being most effective when the hemisphere is split striking the larger muscles. This reduces the risk of hitting sensitive body areas.
 - ◆ Preferred Target Zone Rear includes the entire body below the neck with the large muscle groups working best.
- Deployment shall be to the above listed areas unless one of the following exceptions exists:
 - ◆ Where the suspect is wearing thick or loose clothing, the legs should be targeted.
 - ◆ Lethal force would be justified and recommended strike areas are not available for contact. Additionally, officers should avoid targeting the head, neck or genitals unless the preferred targeting areas are not available.
- The laser shall not be pointed at the suspect's face, neck or groin unless in exigent circumstances and those areas present as the only available target areas. Contact in sensitive areas must be justified by a higher threat standard.
- The subject should be secured as soon as practical while disabled by CED power to minimize the number of activation cycles. Officers are reminded that subjects may not be able to respond to commands during or immediately after exposure. Active resistance must be present for repeated activations.
- Due to currently unexplained, but occasional apparent increased risk, death or serious injury after multiple deployments, officers shall avoid repeated bursts from the TASER once the probes have made contact.
- If subsequent activations are necessary, each shall be made only after a careful evaluation of the effectiveness of the previous deployment. If repeated bursts are ineffective, other methods to subdue the subject must be considered.
- Only one officer shall discharge the TASER at the subject at a time.
- The TASER shall only be used on subjects being contacted pursuant to Title 50 Mental Health Procedures, if the subject is being arrested or taken for medical and/or psychological examination.
- Officers should AVOID use of the TASER in the following circumstances:
 - ◆ Where flammable gas may be present or in a potentially explosive environment, including potential methamphetamine labs or subjects contaminated with flammable materials.
 - ◆ When the subject is handcuffed, unless the suspect continues to pose a threat.
 - ◆ When the subject is out of range.
 - ◆ When the subject is compliant and following commands.

- ◆ Where back targeting is not possible, officers should avoid of possible shots to the chest.
 - ◆ On the elderly, young children or those who are visible frail.
 - ◆ On obviously pregnant women, unless lethal/deadly force is justified.
 - ◆ On persons with known heart problems or neuromuscular diseases such as multiple sclerosis, muscular dystrophy or epilepsy.
 - ◆ Where the suspect is in a location where a fall may result in substantial injury or death, such as near water or on an elevated structure.
 - ◆ For a summary offense, unless involving physical harm to self or others.
 - ◆ Any other situation where it is reasonable to believe the result may be serious injury or death, unless such result would be legally justified.
 - ◆ NOTE: Officers shall not use the TASER on a passive subject, or in a coercive, punitive or abusive manner.
- Other Considerations:
 - ◆ Officers will request EMS response upon dispatch to incidents where the subject displays signs of Sudden Death Syndrome or Excited Delirium, such as severe cocaine, methamphetamine or other serious drug and/or alcohol intoxication, uncontrolled and erratic behavior such as frantic activity, screaming, public disrobing, irrationality, aggressiveness and/or superior strength.
 - ◆ Officers will treat incidents where subjects exhibit these symptoms as a medical emergency, in addition to any criminal or public safety concerns.

7.13.08 POST DEPLOYMENT PROCEDURES

- Following a TASER deployment, officers should use a restraint technique that does not impair respiration.
- If on duty, a supervisor should respond to all incident scenes where a TASER has been deployed and conduct an initial review of the TASER deployment.
- If no supervisor is on duty, the deploying officer will ensure that the on duty supervisor is notified as soon as practicable. If the next shift has no supervisor scheduled, the on-call supervisor shall be notified of the deployment.
- Probes, AFID's and cartridge packs used on subjects will be recovered and seized as evidence.
 - ◆ The probes will be packaged in accordance with existing procedures for the storage and handling of bio-hazardous materials/sharps.
 - ◆ Probes which have not penetrated skin will be packaged to ensure the safety of persons later handling the evidence packages.
 - ◆ Probes will be removed only by officers trained in their removal or by medical personnel as indicated below.
 - ◆ Photos will be taken of the probe contact site(s) after removal unless medical personnel handled the removal and obtaining photos post removal is impractical.

- All evidence, including the downloaded video and data will be kept for the duration of any criminal or civil court proceedings, including the appeal period(s), but in no case less than two years plus 30 days from the date of deployment. The Evidence Custodian shall be responsible for ascertaining the existence of any active court cases and/or related appeal periods to the TASER evidence prior to disposal of the evidence.

7.13.09 APPROPRIATE MEDICAL ATTENTION AFTER TASER USE

- Persons upon whom the TASER has been activated do not normally require medical treatment, unless there are circumstances as indicated below.
- The electrical pulse effect does not cause any long-term health issues. Once the 5-second electrical pulse has ceased, the subject will not feel any additional disruption in their central nervous system. The TASER should not affect the functions of a pacemaker, and it should not cause the subject to experience any kind of additional twitching or uncontrolled spasms.
- All subjects experiencing the TASER will be taken to the hospital for evaluation and treatment if any of the following circumstances are present:
 - ◆ The exposure was greater than the standard (i.e., greater than three activations of five-second duration) or a continuous cycle of 15 seconds or more.
 - ◆ The probe is broken off in the skin or the probe is not fully intact.
 - ◆ The subject is of a potentially susceptible category (due to age, physical condition, etc.).
 - ◆ The probe(s) is embedded in a sensitive tissue area such as the head, neck, throat, face, female breast or genitalia.
 - ◆ The subject sustained a secondary injury, such as that from a fall.
 - ◆ The subject exhibited signs associated with Sudden Death Syndrome or Excited Delirium.
 - ◆ The subject requests treatment at a medical facility.
 - ◆ Any other unusual response or circumstance is present that the officer or supervisor deems appropriate for further medical attention.

7.13.10 POST DEPLOYMENT REPORTING

- With the exception of training, all instances of TASER use, including accidental discharges, will be documented in detail. All use of the TASER to control a subject, including but not limited to, deploying the probes, a “drive stun”, using the aiming dot, or an arc display will be recorded in the reporting officer’s incident/case report. All “Use of Force” check boxes or templates will be utilized in the Records Management System, including anytime the TASER is removed from the holster with the exceptions of standard, daily sign in/out procedures or during training.
- Accidental discharge of a TASER without injury shall be documented in a Memorandum to the Chief of Police explaining the reason and cause of discharge. The memorandum will be reviewed at the next scheduled staff meeting for policy and training compliance.

- If an employee is injured in any of the instances above, the duty or on call supervisor will be notified as soon as practicable and the on duty injury protocol will be followed.
- In addition to the circumstances necessitating deployment, the incident/case report which documents the use of a TASER will indicate the serial number of the unit used, the distance between the officer and subject at the time it was fired, the location of impact on the subject, and an evaluation of the effectiveness of the device on the subject. All officers who were present and/or witnessed any part of the incident will complete a supplemental report.
- The report reviewing supervisor will review each TASER use for policy/procedure compliance and advise the TASER instructors of the need to download the usage report and camera video from the device. The sergeant will advise the Chief of the incident the next business day or immediately in the event of substantial injury or other sensitive or serious circumstances.
- Each TASER usage will be reviewed at the following months Department Staff Meeting and/or the Professional Standards Review Board as directed by the Chief. Additionally, the Sergeant Instructor for CEDs/TASERs will annually perform a dataport download of all Department TASERs and prepare a report for review by the Chief.

END OF POLICY