



**PITTSBURGH
BUREAU OF
POLICE**

*"...accountability, integrity and
respect."*

SUBJECT:

"USE OF FORCE"

ORDER NUMBER:

12-6

PLEAC STANDARD:

PAGE 1 OF 4

RE-ISSUE DATE:

1/3/05

EFFECTIVE DATE:

8/15/97

ANNUAL REVIEW DATE:

JANUARY

RESCINDS:

ALL PREVIOUS

AMENDS:

NONE

1.0 POLICY OR PURPOSE

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

2.0 DEFINITIONS

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

3.0 USE OF FORCE

- 3.1 The City of Pittsburgh expressly forbids any use of force that is excessive. Excessive force is a use of force which exceeds the level that a reasonable officer might reasonably believe, at the time of the incident, is necessary under the circumstances of a particular incident.
- 3.2 Officers shall only use that level of force which the officer might reasonably believe is necessary to affect an arrest or to protect the officer or others from physical harm. To gain control in a physical confrontation, an officer may be required to use a force option which exceeds the level of force employed by the subject, and an officer may do so, so long as the force option utilized is reasonable under the circumstances.

- 3.3 The provisions of this policy shall apply to any use of force occurring while an officer is acting in an official law enforcement capacity.
- 3.4 Any use of force as described herein shall be employed in accordance with the training that has been received by the involved member and in accordance with all written directives pertaining to the use of force.
- 3.5 Any use of force as defined in Section 2.0 of this order by a member of the Bureau of Police shall be reported on the Subject Resistance Report (SRR) Form.
- 3.5.1 For the purpose of this order, the following shall **NOT** be considered as uses of force, and a SRR Form will **NOT** be completed unless otherwise noted:
- The mere presence of police officers or police canines
 - The police issuance of verbal commands
 - *Handcuffing with no or minimal resistance when used as a restraint in arrest and transport activities
 - *Come-along holds
 - *The physical removal of peacefully resisting demonstrators
 - The unholstering or display of a firearm or TASER

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

4.0 DISCHARGE OF FIREARMS

- 4.1 Pittsburgh Bureau of Police personnel will refer to section 12-7, "Discharge of Firearms", which shall continue in effect as the Bureau policy regarding the handling of firearms, unintentional discharge of firearms, or the discharge of a firearm to destroy an animal.

5.0 USE OF DEADLY FORCE

- 5.1 A police officer may use deadly force to protect him or herself or a third person against the actions of another which he or she reasonably believes constitutes an immediate threat of death or serious bodily injury.
- 5.2 According to the United States Supreme Court in *Tennessee vs. Garner*, 1985, a verbal warning, IF FEASIBLE, must be given prior to the use of deadly force by an officer.
- 5.3 When an officer intentionally employs deadly force against another person, and death or injury results, the following procedures will apply:
- The officer shall determine the physical condition of the injured party, and render first aid when appropriate. Medical assistance shall be immediately requested.
 - The officer shall immediately notify Communications of the incident and location so that proper notifications may be made.
 - *The officer shall make an immediate verbal report to their supervisors following the use of deadly force.*
- 5.4 The shift supervisor will respond immediately and secure the scene. The shift supervisor will:
- Notify the appropriate Commander via the chain of command of the incident.
 - Notify the Homicide Squad, which will be responsible for conducting the investigation (See section #12-10, "Critical Incident Procedures Involving Police").
 - Ensure that all Bureau policies and procedures are followed.
 - Ensure that the SRR Form, the Weapon Discharge Report and any other required or necessary documents are prepared and submitted.

6.0 USE OF NON-DEADLY FORCE

- 6.1 Following the use of any non-deadly force employed under the color of law by an officer, the officer will determine the physical condition of the party, and render first aid when appropriate. Medical assistance shall be immediately requested.

6.2 Officers shall then make an immediate verbal report to their supervisor following the use of any use of non-deadly force except those identified in Section 3.5.1.

6.3 The supervisor shall:

- Ensure that any/ all officers who use non-deadly force in an incident submit written SRR Forms, as required under this policy, and any other required or necessary documents are prepared and submitted.
- Ensure that all Bureau policies and procedures are followed.

7.0 REFERRAL/TRANSPORT FOR MEDICAL ATTENTION

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

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

8.0 REPORTING USE OF FORCE

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

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

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

8.4 It is acceptable for officers to document the narrative only once on the Investigative Report, and make reference to the narrative on any related reports by entering the statement "See Related Investigative Report for Narrative."

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

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

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

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

9.0 REVIEW POLICY

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

9.1.1 Concerns or issues relating to a particular SRR will be communicated by the shift supervisor on a Form 54 (Special Report) through the chain-of-command to the Duty Location Commander.

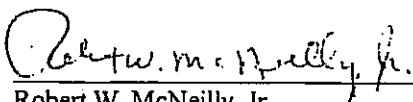
9.2 The Duty Location Commander will review the SRR to determine whether Bureau policies and procedures were appropriately followed.

9.2.1 When a Duty Location Commander approves a SRR Form, and determines that no excessive use of force was used, distribution of the SRR Form shall be as follows:

- Original report to the Assistant Chief of the Administration Branch

- 9.2.2 When a Duty Location Commander has reason to believe that excessive force may have been used in an incident, the Commander will check the "OMI Investigation Requested" block located on Page 2 of the SRR Form, and will attach a Special Report explaining the reason for this request.
- 9.2.3 When a Duty Location Commander has checked either the "OMI Investigation Requested" or "Homicide Investigation Requested" block on Page 2 of the SRR Form, the distribution outlined in section 9.4 will apply, however, copies of the report will also be forwarded through the chain of command to the Office of the Chief of Police.
- 9.2.4 The Duty Location Commander will attach any Form 54 Special Report (s) describing any necessary actions initiated during the review process for each SRR Form as it passes through the chain of command.
- 9.3 The Assistant Chief of the Administration Branch will send copies of the completed form to:
- One copy to The Assistant Chief of the appropriate branch.
 - One copy to the Commander of the Zone in which force was required to overcome the subject's resistance.
 - One copy to be placed in the officer's duty location performance file.
 - One copy to the Commander of the Training Academy.
 - One copy to the Manager of OMI.
- 9.4 Assistant Chief of Administration will review all SRR Forms to determine whether:
- Any violations of Bureau policies and procedures occurred;
 - Applicable Bureau policies were clearly understandable and adequate;
 - Any deficiencies in training are evident.
- 9.5 The Assistant Chief of Administration will also:
- 9.5.1 Notify the Chief of Police in the event a pattern of employment of excessive force by a particular officer(s) is detected;
- 9.5.2 Make recommendations to the Chief of Police concerning policy changes and additional training requirements; and
- 9.5.3 Prepare, at minimum, quarterly reports of use of force incidents for the Chief of Police.

Approved By:


Robert W. McNeilly, Jr.
Chief of Police