



ALLENTOWN POLICE DEPARTMENT

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Chief of Police

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Subject: Use of Force		Distribution: All Personnel	Amends: N/A
Reference: PLEAC 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10			Rescinds:

4.14.01 PURPOSE

The purpose of this General Order is to provide officers with guidelines on the use of force, deadly force and less lethal force. It does not apply in any criminal or civil proceeding. This policy should not be construed as a creation of a higher legal standard of safety, care or conduct for employees in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for Departmental administrative sanctions.

4.14.02 POLICY

The Allentown Police Department recognizes and respects the value and special integrity of each human life. In vesting Police Officers with the lawful authority to use force to protect themselves and the public welfare, a careful balancing of all human interests is required. It is the policy of this Department that police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. Use of force, as designated herein, shall be reported in a timely, complete, and accurate manner by involved officers and in accordance with this General Order.

4.14.03 SCOPE

Only Department approved weapons shall be authorized for use by members of the Allentown Police Department. Members shall only be authorized to

carry and use weapons after successfully completing the required course of instruction.

In the event of a conflict between this General Order and statutes or case law, the more restrictive shall control.

4.14.04 DEFINITIONS

12 Gauge Bean Bag: 12-gauge bean bag round containing a shot- filled bag. Used for medium distances, recommended range 10 - 15 yards.

Authorized Firearm: A firearm that has been formally approved by the Department armorer and Chief of Police for general or individual use by members. This includes primary service handguns, alternate service handguns, backup hand-guns, off-duty handguns, shotguns, and rifles used for law enforcement purposes.

Blue Team: An electronic reporting tool used by the Allentown Police Department that permits the entry of required reporting by officers and supervisors in the field.

Chemical Force: Use of any CS, Mace, or OC aerosol or foam spray to compel compliance.

Cruiser Ready Condition: A patrol rifle with the bolt closed on an empty chamber, safety lever in the "SAFE" position, and a full magazine (minus 2 rounds) inserted in the magazine well.

Deadly force: Any use of force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

Electronic Force: Use of any electronic equipment (Taser®, stun gun, or similar device to compel compliance.)

Extended Range Impact Devices: Weapon ammunition designed to fire less-lethal projectiles that can incapacitate or disorient aggressive, violent or armed subjects.

Firearms Force: The discharge of a firearm to compel compliance.

Firearms Qualification: Periodic testing required of officers to determine their competency to carry authorized firearms.

Impact Force: Use of any object (baton round, bean bag round, expandable baton, PR-24, etc.) as a less-lethal weapon to compel compliance.

Less-Lethal Force: Any use of force other than that which is considered deadly force.

Physical Force: Use of any part of the Officer's body or the use of Police canines to compel compliance.

Primary Service Handgun: The firearm authorized by this agency to be carried as part of the service uniform, or the authorized firearm to be carried

by plain-clothes officers.

Secondary Service Handgun: Any authorized back-up handgun or off-duty handgun other than the primary service handgun carried in an authorized concealed manner.

Serious bodily injury: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Unloaded: A patrol rifle with an empty chamber, safety lever in the "SAFE" position, and no magazine in the magazine well.

Use of Force: Use of force is the amount of effort required by Police to compel compliance from a person. This includes any use of force occurring while the member is acting in an official law enforcement capacity, whether undercover, plainclothes, or uniform assignments, while on or off duty.

Use of force Review Board: The Use of Force Review Board shall consist of four Captains and a Use of Force Instructor from the Police Academy. A quorum shall consist of 2 Captains and a Use of Force Instructor from the Police Academy.

4.14.05 PROCEDURES

A. **Statutory Authority:**

All Officers are responsible for the review and knowledge of Pennsylvania Statute Title 18, Chapter 5, General Principles of Justification. Specifically, members are governed by Section 505, Use of Force in Self-Protection; Section 506, Use of Force for the Protection of Other Persons; Section 507, Use of Force for the Protection of Property; and Section 508, Use of Force in Law Enforcement. These statutes have been used to form the basis of this policy.

B. **Level of Force:**

1. Department members shall use only the amount of force which is necessary and reasonable to control the situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. No officer will use unreasonable or excessive force toward any person.
2. When the use of force is necessary, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the immediate threat the person poses to the officer or others.
3. The use of force by members of the Department will, whenever possible, be progressive in nature. This force may be in the form of officer presence, verbal control, physical control, chemical agents (OC), use of baton or other less

lethal weapons, canine, or the use of deadly force.

C. Parameters for Use of Deadly Force:

1. When it is necessary for an Allentown Police Officer to discharge a firearm, the member shall exercise the utmost caution so as to avoid endangering innocent persons.
2. There are three instances in which a Police Officer may discharge a firearm at another human being:
 - a. When the Officer reasonably believes that such force is necessary to prevent death or serious bodily injury to themselves.
 - b. When the Officer reasonably believes that such force is necessary to prevent death or serious bodily injury to another person.
 - c. When the Officer believes that no other alternative exists to affect the arrest, to prevent the person fleeing from arrest or Police custody, and when the officer has probable cause or reasonably believes that:
 - i. The person fleeing possesses a deadly weapon which he has used or indicates he is about to use, or
 - ii. The person fleeing has indicated that he will endanger human life or inflict serious bodily injury unless arrested without delay.
3. If feasible, an Officer shall identify themselves and give warning before discharging a firearm in any of the above instances.

D. Guidelines on display and discharge of firearms:

1. An Officer may display or discharge a weapon under the following circumstances:
 - a. Under the parameters for use of deadly force as stated above.
 - b. During range practice, required Department training or competitive sporting events.
 - c. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured. The destruction of an injured animal shall be documented on an Offense/Incident Report.
 - d. Officers shall adhere to the following restrictions when

their weapon is displayed:

Except for maintenance, inspection, or during training, members shall not draw or display their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.

- e. Officers shall not use their firearm to fire a warning shot.
- f. Firearms shall not be discharged **at** a moving vehicle unless:

a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle;

or

the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.

Firearms shall not be discharged **from** a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

- 2. Removal of firearms from the holster or other carrying devices for other than authorized purposes, such as tactical use, training and qualification, inspection, or cleaning and maintenance, is prohibited. Any careless or casual use or display of a firearm will constitute grounds for discipline.
- 3. All incidents of firearms discharge will be immediately reported to a Police supervisor, and documented on the appropriate form(s), except during range practice, or competitive sporting events.
- 4. All incidents of displaying a firearm off-duty will be promptly reported to a Police supervisor and be documented on the appropriate Police report, except during range practice, required Department training, or competitive sporting events.

E. Parameters for 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. Allentown Police Officers are only authorized to use Department approved less-lethal force techniques and issued equipment for resolution of incidents as follows:
 - a. To protect themselves or another From physical harm;
 - b. To restrain or subdue a resistant individual; or
 - c. To bring an unlawful situation safely and effectively under control.

F. Force Continuum ([Appendix A](#))

1. [The Force Continuum](#) is a logical progression through the stages of force. The continuum shows the levels of force available to Police Officers during an arrest or non-arrest situation. It is further divided with various levels of actions that are available to the Police when the actions of a subject escalate or de-escalate. The force continuum is categorized into types of subjects, such as cooperative, resister, or assailant, and then grouped into seven distinct categories within those three subject areas. The detail of the continuum assists members in analyzing the force used. The force continuum for appropriate force response is as follows:
 - a. **Officer Presence** (social control)
Definition: Identification of authority.
 - b. **Verbal Control**
Definition: Commands of direction or arrest. Must be used in conjunction with all other uses of force.
 - c. **Restraint and Control**
 - i. **Weaponless Control**
Definition: Control techniques that have a minimal probability of injury, such as holding, low pressure impact, or direct mechanical techniques.
Note: Use of neck restraints or similar weaponless control techniques (choke holds) is prohibited. Preventing imminent death or serious bodily injury to a member or citizen is the only possible exception to the prohibition.
2. **Impact Weapon / Control modes with weapons**
Definition: Blunt tool used to strike or restrain.

3. Chemical Agents

OC (Oleoresin Capsicum) Chemical Aerosol

Definition: An organic agent that is inflammatory. Causes localized topical heat, redness, inflammation and pain to all exposed skin and tissues. Effective time is 30 to 45 minutes. Usually does not require medical attention.

4. Taser

a. **Intermediate Force**

i. Extended Range Impact Devices

Definition: less-lethal option for use against violent crowds, violent subjects not armed with firearms, mentally disturbed person exhibiting aggressive behavior, and in support of tactical operations.

ii. Canine Techniques

Definition: various techniques used by canine handlers to assist in the control or apprehension of subjects who present a danger to the community or the Officer.

b. **Deadly Force**

Definition: Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

G. **Appropriate medical aid after the use of force:**

1. Police Officers are required to provide appropriate medical aid after the use of force in the following circumstances;

- a. To all persons with obvious injuries.
- b. To all persons complaining of injuries.
- c. To all persons with subjected injuries.

2. Appropriate medical aid includes increased observation to detect obvious changes in condition; flushing chemical agents from the eyes; applying first aid; evaluation by paramedics; or for more serious or life threatening incidents, immediate aid by medical professionals.

H. **Reporting Use of Force**

1. All incidents of firearms discharge will be immediately reported to a supervisor and documented in Blue Team as a "Firearm Discharge", except during range practice,

competitive sporting events, required department training, or destruction of an injured animal.

2. When physical force is used to overcome resistance to an official police action, an officer shall make an immediate report to their supervisor, as well as document the use of force in appropriate police incident reports and in Blue Team; specific actions shall be described in detail in the narrative.

Failure to report any use of force pursuant to this policy shall result in disciplinary action.

3. Upon receipt of a Blue Team Use of Force report, the Office of Professional Standards shall gather all available information regarding the Use of Force, including the RMS records, Taser Download report (if applicable) and any available video and attach all documentation to the Blue Team Record electronically.
4. Shift Supervisors/Commanders shall investigate, and report uses of force, as directed by the General Order, and ensure that the proper documentation is being completed by each officer involved in the incident and the member's supervisor.
 - a. Each Officer who uses force in an incident shall be listed in Blue Team as an "Involved Officer".
 - b. Each Blue Team entry shall specify the force used, the actions of the subject that necessitated the force that was used, the reasons why the officer used force, as well as any subject complaints of injury, medical treatment received, or refusal of medical treatment.
 - c. The arresting officer shall notify transporting officers if force was used on the subject, or if the subject has an injury or complaint of pain.
 - d. All use of force reports will then be reviewed by the Use of Force Review Board.
5. Any Use of Force that results in injury, or complaint of injury, or requiring medical treatment, shall be properly documented in Blue Team and forwarded to the Use of Force Review Board.
6. All Use of Force Reports, after being reviewed by the Use of Force Review board, regardless of whether or not there was injury, will be forwarded to the Asst. Chief of Operations. The Asst. Chief of Operations will determine adherence to policy and procedures, completeness of the report, and to detect and correct any training deficiencies.

If deemed necessary by the Asst. Chief of Operations, the incident will be forwarded to the Office of Professional Standards for review.

Upon completion of all reviews, they will be forwarded to the Office of the Chief of Police, copied to the Asst. Chief of Administration.

I. Referral/Transport for Medical Attention:

1. Arresting and transporting officers shall ask prisoners whether they are injured or ill.
2. Prisoners shall be examined by an appropriate health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness, or when the individual:
 - a. Is extremely intoxicated or under the influence of drugs to a degree that endangers life.
 - b. Is believed to have ingested drugs.
 - c. Is struck with an extended range impact device such as a Bean Bag Round or Baton.
 - d. Is bitten by a Police canine.
 - e. Has been tased.
 - f. Has been introduced to OC and is wearing contact lenses.
 - g. If an officer discharges his/her firearm at a subject, a medical evaluation by a certified paramedic/EMT or doctor shall be performed on the subject as soon as it can be done safely.
3. An injured prisoner shall not be placed or held in a Department holding cell or processing area without being examined and released by a physician or qualified health care provider. Minor injuries may be treated by Police personnel.
 - a. Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the prisoner by an appropriate health care provider.
 - b. Refusal of treatment shall be documented and verified by the member's supervisor and/or attending physician or health care provider.

J. Cases resulting in serious injury or death

- a. The on-duty Shift Commander shall notify the Chief of

Police or designee in cases involving the serious injury or death of a person resulting, or allegedly resulting, from an officer's use of force.

- b. The Patrol Supervisor shall immediately notify the Criminal Investigation Division and shall coordinate and assist that unit in conducting the investigation.
- c. The Assistant Chief of Police of Operations will coordinate the notification of The Lehigh County District Attorney's Office.

K. Use of Force Review Board:

- 1. All reported use of force incidents will be reviewed by the Use of Force Review Board.
- 2. The Review Board shall meet regularly or at the discretion of the Chief. In order to conduct a Use of Force Review the board shall have at least three members present, one of which shall be a Use of Force Instructor from the Police Academy.
- 3. The Use of Force Board shall make recommendations to the Assistant chief of Operations whether:
 - a. Departmental rules, policy or procedures were violated,
 - b. The relevant policy was clearly understandable and effective to cover the situation;
 - c. Department training is currently adequate.
- 4. The Assistant Chief of Operations shall then report the violation(s) and/or deficiencies to the Assistant Chief of Support Services for OPS review.
- 5. All completed Use of Force Review Board inquiries shall be reported to the Chief of Police for final review and to determine appropriate action if necessary.
- 6. All use-of-force incident reports shall be retained in the Blue Team records system for the period of time directed by retention policy. Administrative Investigations Reports generated as a result of a Use of Force Review shall be maintained in the Office of Professional Standards.

L. Assignments following incidents involving death or serious physical injury:

- 1. When a Police Officer's use of force causes death, or serious physical injury, the officer shall be placed on administrative leave/duty after completing all administrative investigation requirements, and until it is determined by a

mental health professional and the Chief of Police that the Police Officer is ready to return to duty.

2. The Department shall ensure that both an administrative and criminal investigation of the incident occur.

M. Guidelines for the use of oleoresin capsicum (OC) aerosol restraint spray:

The Department has issued OC aerosol restraint spray to provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. Officers shall use OC when warranted in accordance with the guidelines and procedures in this regulation.

1. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
2. Officers whose normal duties/assignments may require them to make arrests or supervise arrestees and have been properly trained may carry Department authorized OC while on duty.
3. Uniformed officers shall carry only Department authorized OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry OC in alternative devices as authorized by the Department.
4. OC spray is considered a use of force and shall be employed in a manner consistent with this use of force policy. OC is a force option following verbal compliance tactics on the use-of-force continuum. OC may be used when:
 - a. Verbal dialogue has failed to bring about the subject's compliance, and;
 - b. The subject has signaled his intention to actively resist the officer's efforts to make the arrest.
5. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a subject.
6. An officer may not use deadly force to protect himself from the use or threatened use of OC unless there is sufficient belief that deadly force may be used against him if he becomes incapacitated.
7. Once a subject is incapacitated or restrained, use of OC is no longer justified.
8. Usage Procedures

- a. Whenever possible, officers should be upwind from the subject before using OC and should avoid entering the spray area.
 - b. An officer should maintain a safe distance from the subject of between three (3) and twelve (12) feet.
 - c. A single spray burst of between $\frac{1}{2}$ and 1 second should be directed at the subject's eyes, nose and mouth. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.
 - d. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.
9. Effects of OC and Officer Response
- a. The effects of OC vary among individuals. Therefore, all subjects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other force options consistent with Department policy, if the subject does not respond sufficiently to the spray and cannot otherwise be subdued.
 - b. Immediately after spraying a subject, Officers shall be alert to any indications that the individual needs medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems, or if the subject requests medical assistance, the Officer shall immediately summon emergency medical aid.
 - c. Subjects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in custody until the effects of the OC spray have worn off.
 - d. Officers should provide assurance to subjects who have been sprayed that the effects are temporary and encourage them to relax. To prevent positional asphyxiation from occurring, the subject shall never be placed in the prone position while handcuffed after OC is deployed.
 - e. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the subject has been restrained, officers shall assist the subject by providing a means of rinsing the exposed area.

- f. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent. All such incidents shall be reported as soon as possible to the Officer's immediate supervisor, and shall be detailed in the incident report and the Blue Team Entry.
10. All uses of OC spray against an individual shall be reported to the officer's immediate supervisor as soon as possible. In addition to other required incident reports, a Blue Team entry shall be completed following all discharges of OC spray except during testing, training, malfunction or accidental discharge. Copies of the related incident reports shall be attached to the Administrative Investigation Report for submission to the Office of Professional Standards.
11. All OC spray devices shall be maintained in an operational and charged state by assigned personnel. It will be the responsibility of the officer to whom the OC spray was issued to report damaged, inoperable, or empty devices to their immediate supervisor. OC spray canisters shall be replaced when necessary.

N. **Taser/CEW:**

Definitions:

CEW: Conducted Energy Weapon

CEW Control Manager: A CEW instructor who has been appointed by the Chief of Police to manage the Departments CEW Program.

CEW Instructors: All approved CEW instructors of the Allentown Police Department.

Conventional tactics: Those tactics and other uses of force described in the Department's Use of Force Policy.

Department: Allentown Police Department, Allentown, PA.

Deployment: The activation of a Taser/CEW resulting in the arcing of the unit, a contact maneuver on a subject or animal, and/or the discharge smart cartridge, whether or not the probes strike their intended target. The mere display of a Taser/CEW is not a deployment.

Exposure/tased: The accepted words indicating that a person or animal has received an electrical charge from a CEW.

Laser painting: CEW is pointed at a subject, red dot lasers are on the subject as a warning, but there is no arcing of the CEW.

Medical Personnel: Includes, but is not limited to, Doctors, Physician's Assistants, Nurses, Paramedics, and Emergency Medical Technicians.

Supervisor: An Allentown Police Department Officer above the rank of Patrol Officer to include Sergeants, Lieutenants, or above, and the Chief of Police.

Procedure:

1. Taser/CEW includes but is not limited to the X-2 Taser, and any Department authorized and issued less-lethal device which is designed to produce and emit an electrical charge.
2. Personally owned Tasers/CEW are not authorized. Allentown Police Department officers will be trained in the use of the Taser/CEW before they are allowed to deploy with the device.
3. CEW shall be issued to and handled or deployed only by officers who have completed the Department's CEW Training Program, and mandated CEW Training Program from AXON. The CEW shall be handled in the same manner and treated with the same degree of care and discretion as a firearm.
4. CEW shall only be used as instructed in the training course, and only in accordance with Department policy, and State Law.
5. CEW issuance records:
 - a. Specific officer issuance: A record will be kept of all CEWs, their serial numbers, and which officers the CEW has been issued to.
6. All CEW and associated equipment shall be properly secured when not in use. When carried in the field, the CEW shall be carried in the Department approved holster. The holster shall be carried opposite of the officer's department issued sidearm, or in a leg holster, approved by the CEW Manager/Instructor, and the Chief of Police.
7. **CEW inspection prior to shift:** Prior to officers (carrying CEWs) at commencement of their shifts, the officers shall:
 - a. Point CEW in safe direction.
 - b. Keep body parts away from the front of the CEW/smart cartridges.
 - c. Make sure the safety switch is in the up (armed)

position before use. Depress the ARC switch for a full 5 seconds.

- i. Check that the CEW is sparking
 - ii. Check battery performance
 - iii. Check the CID to ensure no fault icons are present
8. Any CEW or component thereof found to be defective or damaged shall be returned to the CEW Control Manager for repair or replacement, with a detailed explanation of the malfunction or cause of damage.
9. Alterations: No changes, alterations, modifications or substitutions shall be made to the CEW or the smart cartridges. All repairs to CEWs or accessories shall be completed by a Department authorized armorer or vendor. CEW repairs shall be documented and the records shall be maintained by the CEW Manager.
10. Each deployment of a CEW shall be investigated and documented utilizing the appropriate Blue Team entry/report, and the Initial Report. This includes a contact deployment, as well as the firing of a smart cartridge or other deployment resulting in a subject or animal receiving an electrical charge from the CEW, or when the CEW is activated (“sparked”).
Accidental smart cartridge discharge – In the event of an accidental CEW smart cartridge discharge, the officer shall notify their supervisor and prepare a written report documenting the accidental discharge. The supervisor will investigate the deployment and complete a Blue Team report if warranted. Any accidental discharge of a CEW smart cartridge shall be documented in an Incident Report.

CEW may be used:

11. Authorized personnel may use the CEW when circumstances known to the officer at the time, indicate that such application of the CEW is reasonable to control a person in the following circumstances:
 - a. The subject is violent or physically resisting and presents the potential to harm officers, him/herself, or others.
 - b. A subject who, by words or action, has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself, or others.
 - c. Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has

committed or threatened to commit a **serious offense** which is defined as any felony, any crime of violence, or any crime of reckless driving or of driving while intoxicated **if such involves personal injury to another**. Mere flight from pursuing officers shall not serve as good cause for the use of the CEW to apprehend an individual.

12. Whenever a CEW is to be deployed it is the responsibility of the deploying officer to make certain officers on scene understand that the CEW is being deployed prior to the deployment of the Taser if at all possible. This shall be accomplished through the warning announcement "TASER! TASER!" to alert other officers, as well as to provide the subject an additional opportunity to cease the conduct that has given rise to the deployment of the CEW.
13. **Elevated CEW application risk factors** – The following factors, where apparent to involved officers, will require elevated justification of CEW application. Under the following conditions the risk of foreseeable direct or secondary injuries are elevated, thus officer's justification for CEW application are also elevated. These elevated risk factors can only be given consideration when the factors are reasonably perceived by the officer.
 - a. Presence of flammable materials/fumes or explosive environments
 - b. Elevated positions or platform
 - c. Persons operating moving vehicles or machinery (including bicycles)
 - d. Persons running (fleeing) or under momentum
 - e. Pregnant female
 - f. Swimming pool or other body of water
 - g. Intentional CEW application to sensitive areas
 - h. Frail or infirm individual
 - i. Non-standard repeated, extended, or continuous CEW applications
 - j. Person with low body mass
 - k. Probes in heart or chest area
14. Elevated justification for the use of a CEW will be needed for the use on the following individuals:
 - a. Children
 - b. Seniors
 - c. Restrained subjects
15. Use of CEW on animals

- a. Using a CEW against an animal may reduce the need for greater, more injurious force against such animals. The use of a CEW on an animal should be based on the intent to provide a safer, more humane conclusion to an incident.
 - b. A CEW can be deployed on an animal when:
 - i. The animal is threatening or is attacking a person, other animals, or property.
 - ii. The animal is causing a continuous public nuisance and the animal needs to be captured for the reason of public peace and safety, preservation of property, or other legitimate purpose, and the animal poses an active threat to officers in their effort to perform their duty.
16. **CEW's shall not be used:**
- a. Punitively
 - b. In drive stun mode as a prod or escort device
 - c. To rouse an unconscious, impaired, or intoxicated individual
 - d. For horse play in an unprofessional manner
 - e. To experiment on a person or to allow them to experience the CEW. This does not apply to voluntary CEW training exposures or CEW demonstrations as authorized by the department.
 - f. For illegal purposes (ex. illegal coercion, torture, etc.)
17. **Other CEW factors to consider:**
- a. CEW is not a substitute for deadly force. A CEW should generally not be used as a substitute for deadly force and should not be used in those situations. Officers decision to deploy a CEW should be backed up with the immediate availability of deadly force.
 - b. CEW vs. handgun – Prior to the deployment of a CEW the officers deploying the CEW has the responsibility to reasonably visually and physically confirm that the use of force tool selected is in fact a CEW and not a firearm in order to avoid weapon confusion.
18. **Subjects who have received an electrical charge from the CEW unit or probes, shall be treated as follows:**
- a. Once the subject is safely secured and in custody, the arresting officer shall notify EMS that the subject has received an electrical charge from the CEW and

- relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of medical personnel.
- b. Officers shall remove probes unless embedded in soft tissue areas such as the head, neck, face, hand, breast, and groin. Removal from these sensitive areas will be done at discretion of EMS or hospital personnel.
 - c. The officer who deployed the CEW or the on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital.
 - d. If the probes are no longer affixed to the subject, and medical personnel determine the subject does not need to be transported to the emergency room/hospital, the subject may be transported to a holding facility for booking procedures.
 - e. If the subject is transported to the emergency room/hospital, the transporting officer shall obtain a medical release from medical personnel before the subject is transported to any holding facility.
 - f. Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a CEW is that of falling from a standing position.
 - g. Caution should be exercised in handling probes that have penetrated a subject's skin. Such probes shall be made safe on scene and either placed in a sharps container in the on scene ambulance or upon returning to station shall be put in the sharps container. The probes shall be handled with the same care as a hypodermic needle.

Documentation:

19. The deploying officer is responsible for documenting the deployment of the CEW by completing the Blue Team Use of Force report, and indicating the CEW use on the diagram in the appropriate section, as well as submitting a detailed account of the probable cause for deploying the CEW each time it is deployed. If the deploying officer is not the primary reporting officer, the deploying officer shall provide a detailed supplement to the case documenting his/her role in the deployment of the CEW.
20. The officer deploying the CEW shall ensure photographs are taken of the subject receiving an electrical charge from the CEW (contact or probes), with special attention to any area injured and where the charge was received. A department

issued body camera may be used to comply with this section. The officer shall also include detailed documentation in the incident report of how the injuries occurred.

21. The deploying officer shall notify his/her Supervisor. The CEW Instructor should be notified as reasonably possible of the use of the CEW to ensure a detailed review is downloaded of the deployment.
22. The CEW that was deployed shall be removed from service until such time as the deployment report is downloaded from the CEW data port. A CEW instructor trained to recover the deployment data shall perform this function. Once a printed report is obtained, the CEW may return to service.
23. A copy of the printed deployment report shall include the date prior to the deployment, the date of deployment on a subject, and the day after, if available. The CEW instructor/manager shall then submit a supplemental report indicating they downloaded the data and then shall be submitted for inclusion in the case file.

CEW Training and Certification:

24. CEW authorization – Only trained and qualified department officers may carry and/or use a CEW.
25. CEW training – All members of the department who carry and/use a CEW must first successfully complete a department approved and mandated CEW familiarization program to include written and practical tests.
26. CEW re-certification - A mandatory annual re-certification program will be successfully completed
27. Certified instructors – All department CEW certification programs will be presented by an Axon certified (or equivalent) instructor
28. Training records – the department CEW control manager shall maintain CEW training and certification records.

CEW Control Manager's Responsibilities:

29. Receive, inspect, and ensure the maintenance and replacement of the Department's CEW devices and related equipment.
30. Establish and maintain systems to record issuance of equipment.
31. Return defective or damaged CEW and smart cartridges to the suppliers.

32. Obtain service and/or replacement for defective or damaged CEW components from the supplier.
33. Review reported uses of a CEW by Department personnel and establishes a system for maintaining statistics on the performance of the CEW.
34. Annual re-certification training on the CEW is provided as needed, as well as maintaining a record of the training.
35. All other duties as may become necessary for the employment, maintenance, and enhancement of the Department's CEW program.
36. Constantly monitors the CEW Program and updates necessary policies and keeps the Chief of Police informed of all issues regarding the CEW program.

O. Extended Range Impact Devices:

Extended range impact devices are approved for use in subduing or controlling violent persons who either resist arrest or demonstrate threatening behavior for which substantial force may be justified after a subject has failed to comply with verbal commands and other progressive levels of force, before the use of deadly force. The extended range impact device used by the Department is the 12 gauge bean bag round.

1. Extended Range Impact Device may be used generally to:
 - a. Prevent injury to a Police Officer and/or other person.
 - b. Overcome unlawful resistance to an arrest or detention.
 - c. Prevent escalation of an incident to a life threatening situation.
 - d. Disperse individuals/groups who are committing unlawful acts, refuse to disperse, and the failure to disperse has the potential for creating a public safety hazard.
2. Note that an officer's assessment of the current threat level may justify rapid acceleration through the levels on the use of force continuum, and might even dictate a need to skip certain levels (e.g., - a subject advancing aggressively on an officer may offer no safe opportunity to issue verbal commands).
3. As with other uses of force, application of extended range impact devices will cease when the offender stops resistance or aggression, or when the arresting officers(s) have gained sufficient control of the subject.

4. The extended range impact devices will be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious injury to all persons involved.
5. Due to the extended range impact devices potential for causing injury, unarmed subjects/persons should not be engaged without sufficient justification.
6. The following conditions may preclude the use of extended range impact devices:
 - a. Where the size, age, and/or weight of the subject would increase the potential of serious bodily injury or death.
 - b. Where there is an obvious or known medical condition that would increase the potential of serious bodily injury or death to the subject.
 - c. Where the use of an extended range impact device would increase the risk to hostages or other person(s).
7. Any member that has been trained and is currently qualified to use the extended range impact device may use this weapon if justified by the circumstances.
8. Designated vehicles have been equipped with orange stocked shotguns for the sole purpose of distribution of less lethal force:
 - a. The orange-stocked shotguns will only be loaded with less lethal ammunition.
 - b. The shotguns will be securely stored, unloaded, in the above noted vehicles in the cases provided.
 - c. The shotguns will be inspected and maintained by the officers assigned to those vehicles.
 - d. Shotguns which have been damaged, or require repairs, will be reported to the Lead firearms instructor
9. Prior to deploying the 12-gauge beanbag extended range impact device, members must make every effort, including a visual and physical inspection of the shotgun chamber and magazine, to ensure all duty or other specialty ammunition is removed prior to loading/deploying the extended range impact device.
10. To avoid the contagion of gunfire effect and the possibility of the inappropriate introduction of deadly force, all Police Officers involved in the operation must be informed that Extended Range Impact Devices will be used.

11. After employing extended range impact devices against any person, officers shall immediately have them transported to a hospital for a medical examination.
12. Members who use extended range impact devices against any person shall document such use in an Investigative Supplemental report. This will include:
 - a. The reason for employing extended range impact devices;
 - b. The type and amount used;
 - c. The effect upon the individual(s);
 - d. Any medical treatment provided, and;
 - e. Any injuries sustained by any person involved in the incident.
13. In addition to required incident reporting, the Supervisor or Commander shall ensure the completion of a Blue Team Entry and attach copies of the related Incident Reports for submission to the Office of Professional Standards and/or the Use of Force Review Board.

4.14.06 ANNUAL PROFICIENCY TRAINING

All training, qualifications and weapon proficiency must be documented on the Police Academy Qualification Form. Supervisors shall ensure that all issued weapons are inspected for proper condition, function, and reliability and documented on the monthly or quarterly Firearm Inspection Form. All department authorized weapons will be documented, and records will be kept by Academy personnel. Records are updated yearly and expunged at the discretion of Police Administration.

- A. At least annually, all officers authorized to carry weapons are required to receive in-service training on the use of deadly force Policies and demonstrate proficiency with all approved lethal and less-lethal weapons that the officer is authorized to use. Authorized weapons and ammunition include:
 1. Handguns
 - a. Glock 19 9mm
 - b. Glock 26 9mm
 2. Weapon Mounted Handgun Lights
 - a. The department will issue weapon mounted lights for Officers' handguns (if officer prefers a mounted light). Duty holsters will be issued to accommodate the handgun equipped with a light.

- b. Officers are required to qualify with the handgun equipped with a light and holster prior to using it on duty.
 - c. All handgun lights must be approved by the Chief of Police or his de-signee
 - d. Handgun lights that also have a laser sighting device are prohibited for duty use unless specifically authorized in writing by the Chief of Police or his de-signee.
 - e. Handguns with laser sighting devices are prohibited for duty use unless specifically authorized in writing by the Chief of police or his designee.
3. Patrol Rifles and Accessories
- a. Authorized patrol rifles will be AR-15 type rifles chambered in .223 / 5.56 caliber.
 - b. All patrol rifles will be equipped with traditional front and rear iron sights.
 - c. Patrol rifles may be fitted with red dot / reflexive type sighting systems such as those manufactured by Aimpoint, EO-Tech, and Trijicon. The exact brand or type of sight is subject to approval by the Chief of police, or his designee.
 - d. All patrol rifles will be fitted with a sling.
 - e. All patrol rifles will be fitted with a weapon mounted light.
4. Maintenance / Repairs / Modifications of Rifles
- a. All patrol rifles will be maintained by the lead firearms instructor for the department or his designee. Maintenance will include cleaning, lubrication, and inspection of patrol rifles.
 - b. Only the lead firearms instructor will perform or authorize repairs or modifications to the patrol rifles.
 - c. Officers signing out a patrol rifle or signing out a police vehicle equipped with a patrol rifle will be responsible for ensuring that the rifle and accessories are in good working condition prior to the start of shift. Officers will ensure that the patrol rifle is loaded to cruiser ready condition and the weapon mounted light and optic (if equipped) are working properly.

5. Zeroing of Patrol Rifles
 - a. All patrol rifles will be zeroed by the lead firearms instructor or his designee. This refers to traditional iron sights and red dot / reflexive type sights. Unless authorized by the lead firearms instructor, no other officer will change the zero for either iron sights or optics.
 - b. A current record of the patrol rifle zero will be kept on file by the lead firearms instructor.
6. Patrol Rifle Security / Storage
 - a. Patrol rifles assigned to a vehicle will be stored in the secure rifle rack in cruiser ready condition. If there is no storage rack, patrol rifles will be stored in a case in the trunk.
 - b. Officers deploying a patrol rifle or taking it in / out of service will be responsible for its security.
 - c. Patrol rifles that are out of service will be stored, unloaded, in the armory at the 10th Street Patrol Station or the armory at the police academy.
 - d. The patrol rifle will be removed from any vehicle that is being taken out of service for maintenance or repairs. This includes vehicles grounded at the city garage, radio repair, or dealerships.
7. Patrol Rifle Deployment
 - a. The decision to fire the patrol rifle shall be in accordance with State Law and APD Use of Force General Order 4-14.
 - b. Patrol rifles may only be deployed when an officer believes that the tactical advantage of a rifle may be necessary.
 - c. Patrol rifles that have been deployed, but not fired, must be placed back to cruiser ready condition prior to placing them back into the police vehicle.
8. Shotguns:
 - a. Remington 870 or other shotgun approved by the Chief of police or his designee.
9. Submachine Guns (ERT use only)
10. Ammunition
 - a. Only Department authorized ammunition shall be used in firearms.

- b. While on duty, officers are authorized to carry only departmental issued ammunition.
- c. Officers shall not use ball (full metal Jacketed) non-expanding ammunition in any handgun, except for target practice.
- d. The use of reloaded ammunition in Department issued weapons is prohibited
- e. The use of nylon-jacketed ammunition, or bullets which are designed to fragment on impact or constructed with a fragmented core are prohibited except for training purposes under the direction of an ERT Supervisor or a Firearms instructor.

4.14.07 QUALIFICATION REQUIREMENTS: LESS LETHAL WEAPONS

- A. Members shall adhere to the requirements established herein to ensure safe handling and use less lethal weapons.
 - 1. Authorized Less Lethal weapons (excludes ERT)
 - a. Expandable Baton
 - b. PR-24 Baton
 - c. Oleoresin Capsicum (OC) Aerosol Restraint Spray
 - d. Less Lethal Shotgun
 - e. Taser
 - 2. Prior to receiving authorization to carry any less lethal weapon, all officers shall;
 - a. Receive training regarding the use from a certified instructor,
 - b. Demonstrate proficient knowledge of its use.
 - c. On an annual basis, each officer must demonstrate proficiency with each less-lethal weapon with a certified instructor. Officers who fail to demonstrate proficiency with any less lethal weapon will be subject to remedial training.
 - d. All lethal and less-lethal weapons shall be inspected for proper condition, function, and reliability prior to proficiency training.
 - 3. Remedial training requirements
 - a. The member's Commander shall be notified by the Range Officer and shall promptly arrange for a period of formal remedial training. Such training does not

preclude an officer from engaging in any additional informal practice or training sessions that the member may deem necessary.

- b. The officer shall be given additional attempts to demonstrate proficiency within a 30 day period of time. A written report shall be forwarded to the Chief of Police concerning any officer who fails to re-qualify within a 30-day period of time. The report shall include the training officer's recommendations for corrective action.
- c. Failure to successfully complete training
- d. Failure to successfully achieve certification shall lead to the officer having their authority to carry the less lethal weapon revoked.
- e. The instructor will immediately notify the appropriate Commander of the officers' failure to successfully complete training.
- f. There will be a regular review and annual analysis of use of force incidents by the Chief of Police or designee. The review will identify patterns or trends that could indicate training needs and/or policy modifications.

Members are not authorized to carry blackjacks, slapjacks or other similar devices.

4.14.08 FIREARMS QUALIFICATIONS

Proficiency training must be monitored by a certified weapons instructor who has been approved by the Allentown Police Department.

1. All officers must obtain a passing score during each firearms qualification period.
 - a. On at least an annual basis, all members shall receive and shall be required to demonstrate understanding of the law and agency policy and procedures relating to the use of force
 - b. Officers shall be allowed at least two (2) attempts to qualify on any given day using each authorized firearm. Officers who fail to qualify with any authorized firearm on the 3rd attempt shall be subject to remedial training. Officer shall be assigned to administrative

duty and their issued firearms held in the Armory until cleared by the Lead firearms instructor.

2. Remedial Training Requirements

- a. The member's Commander shall be notified and shall promptly arrange for a period of formal remedial firearms training. Such training does not preclude an officer from engaging in any additional informal practice or training sessions that the officer may deem necessary.
- b. The officer shall be given additional attempts to re-qualify within a 30-day period of time. A written report shall be forwarded to the Chief of Police concerning any officer who fails to re-qualify. The report shall include the training officer's recommendations for corrective action.

3. All members are required to successfully complete the Department Qualification course with their primary service handgun.

- a. Any officer who fails to qualify and comply with the qualification schedule with the primary service handgun will have their actions reviewed by the Chief of Police, or designee. The review will determine the corrective action to be taken. Officers shall be assigned to administrative duty and their issued firearm held at the Armory until cleared by the Lead firearms instructor.
- b. Officers must qualify with their primary service handgun and additional firearms (as appropriate) following return to duty after a leave of absence of more than 180 days. This shall be completed within a reasonable period of time following return to duty.
- c. Officers are required to qualify using additional proficiency standards established by the Chief Training Officer. These include, but are not limited to:
 - i. Proficiency testing at night and/or in reduced light situations,
 - ii. In combat simulation,
 - iii. When using both weak and strong hands.
- d. Officers assigned to, or serving with, tactical units shall be guided by and subject to firearms training and qualifications standards promulgated by their Unit

Commander.

- e. The Sergeant assigned to the Allentown Police Academy will be responsible for maintaining a department inventory record on each weapon authorized for use by department personnel.

4. Patrol Rifle

- a. All officers are required to successfully complete the Allentown Police Department Qualification course on a schedule approved by the Chief of Police or his designee using the patrol rifle.
- b. Any officer who fails to qualify and comply with the qualification schedule with the patrol rifle will have their actions reviewed by the Chief of Police or designee. That review will determine the corrective, remedial training, or disciplinary action to be taken.
- c. Officers may be exempted from qualification with the patrol rifle for medical reasons with the approval of the Chief of Police, or his designee. Officers exempted will not be authorized to use the patrol rifle. Officers exempted will be required to provide medical documentation annually.

5. Shotgun

- a. All officers who are certified as shotgun Operators/Instructors shall undergo an annual qualification with the shotgun under the supervision of an Allentown Police Academy Firearms Instructor.
- b. Any shotgun certified officer who fails to qualify and comply with the qualification schedule with the shotgun will have their actions reviewed by the Chief of Police, or designee. The review will determine the corrective action to be taken. Officers will be prohibited from deploying with the shotgun until cleared by the lead firearms instructor.

6. Secondary Service Handgun / Off-Duty Handgun

- a. Members who desire to carry a personal handgun on or off duty must obtain an official approval from the Chief of Police, which lists the type of weapon, make, model, caliber, serial number and any other pertinent information prior to carrying the weapon.
- b. All handguns intended for use as a secondary service weapon and/or off-duty weapon shall be inspected and approved by the Lead firearms instructor prior to

- qualification.
- c. Officers must qualify annually with the secondary-service handgun/off-duty handgun on a course and schedule approved by the Chief of Police. Qualification shall be documented on the Request to Carry Firearm form. Members shall not carry a secondary/off-duty weapon unless they have qualified during the current qualification period.
 - d. Any officer who fails to qualify will not be authorized to carry or use the secondary service handgun / off-duty handgun.
 - e. Minimum specifications for approval of a secondary service / off-duty handgun and ammunition are:
 - i. **Pistols:** Not less than .25 caliber and not more than .45 caliber.
 - ii. **Revolvers:** Not less than .22 caliber and not more than .44 magnum caliber.
 - iii. Ammunition shall be jacketed hollow point bullets.
 - iv. The weapon must be constructed with an active or passive safety system.
 - f. Back-up / Secondary Handgun authorizations shall be placed in members' official personnel file.

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