

PITTSFIELD POLICE DEPARTMENT
PROCEDURE

POLICY & PROCEDURE: 3	SUBJECT: Use of Force
EFFECTIVE DATE: 01/01/2008	EXPIRATION DATE: Indefinite
THIS POLICY RESCINDS ANY PREVIOUSLY ISSUED MEMORANDUM, DIRECTIVES, NOTICES, SPECIAL OR GENERAL ORDERS IN CONFLICT WITH THIS POLICY.	
AUTHORIZED BY:	Matthew E. Harshberger Director of Public Safety
REVISIONS: 12-01-10, 01-01-13, 02-03-15, 05-23-16, 12-19-16, 08-4-20	

POLICY:

This policy shall be followed by all Department Personnel. Adherence to any and all procedures related to this policy are required for the purpose of determining compliance.

PURPOSE:

The purpose of this policy is to establish:

- Regulation and policy governing the use of force.
- Regulation and policy governing the use, carrying and display of firearms and other weapons.
- Procedures for reporting the use of firearms or other force.
- Requirements to provide medical assistance to subjects who have been restrained with the use of force.

APPLICATION:

This policy is for internal use only and is not intended to enlarge or negate the employee's civil and criminal liability in any way. Non-compliance with this policy and procedure constitutes a violation of Department Rules and Regulations, except in such cases where compliance would cause a violation of state or federal laws.

I. GENERAL POLICY

- A. It is the policy of the Pittsfield Township Police Department that its personnel shall always employ an appropriate level of force. An "Appropriate Level of Force" is the level of force necessary to safely achieve lawful police objectives, effect arrest, establish control of a situation, or overcome resistance offered. An appropriate level of force is the level which is objectively reasonable, adequate for the task,

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and will ensure that the offender/subject is taken into custody with the minimum risk of injury to the officer, other civilians, and the subject.

- B. Officers shall not use excessive force in any manner or in any situation, regardless of provocation. The use of excessive force is a breach of trust that erodes the public's trust in, and support of, their police department. The use of excessive force shall not be tolerated.
- C. The use of any level of force is to be employed in accordance with constitutional, legislative and judicial law, departmental mandates, and departmental in-service training. The level of force applied will decrease and increase proportionately to the level of resistance encountered. The control options authorized by the Pittsfield Township Police Department are verbal commands, compliance controls (empty hand controls, pressure points, joint locks/control), physical controls (strikes and takedowns), intermediate controls (use of impact devices, police service dog apprehensions, and Taser deployments), and deadly force options (firearms and improvised tools of opportunity used in a manner likely to cause death or serious physical injury).
- D. Each decision to use force must be justifiable within the framework of this policy and all laws governing its use. The Pittsfield Township Police Department encourages the planning and effecting of arrests in a non-violent manner with the least amount of (minimal) force applied to gain compliance with an officer's duty to complete a safe and lawful arrest, while reducing a subject's potential desire or opportunity to resist or flee.
- E. The Pittsfield Township Police Department recognizes and respects the integrity and value of human life, and that the decision to use deadly physical force is one of the most important decisions that an officer will make in the course of their career. The use of deadly physical force will emotionally, physically and psychologically impact the officer involved, the subject the deadly physical force was directed at, the family and friends of both, and can impact the community as well.
- F. In cases when a subject uses a level of active aggression/force/assault that may necessitate the use of deadly force by an officer, there should be no hesitancy on the officer's part in using the force necessary to end the threat in order to safeguard lives. However, inasmuch as there should not be hesitancy when the need for deadly force is clear and reasonable, it is also understood that instances may occur when circumstances are such that the use of deadly force is not clear

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- thus, requiring the officer to think and process information/circumstances available to arrive at a decision to use deadly force or not. The point is to utilize any/all time and training available to provide for effective decision making and de-escalation when circumstances allow.
- G. Officers shall use de-escalation techniques to prevent or reduce the need for force whenever it is safe and reasonable to do so. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer and subject safety, including stopping the use of force entirely when it is no longer necessary. Examples of de-escalation techniques include, but are not limited to:
 1. Utilizing good communication skills, providing a warning and exercising persuasion and advice prior to the use of force;
 2. Determining whether the officer may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject;
 3. Requesting additional personnel to respond or make use of specialized units or equipment, including crisis-intervention-team trained officers, as available and appropriate.

II. AUTHORIZED USE OF DEADLY FORCE AND FIREARMS

- A. Deadly force may be utilized only if the officer has witnessed or knows, based on reasonable and credible information and belief, that the subject to be apprehended falls into one of the following categories, and other appropriate means of apprehension/arrest do not exist or have been exhausted:
 1. The subject is feloniously attacking or attempting to feloniously attack any person or officer, with reasonable belief that the attack will result in serious bodily injury or death;
 2. The subject is actively attempting to escape, or avoiding being taken into custody, and provided that the subject has committed a felony involving the use of deadly force or a felonious attack against any person or officer and the officer has reasonable belief the subject will pose a serious and threat of death or serious bodily injury to any citizen or officer if they escape.

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- B. Where practical, prior to discharge of firearms, officers shall identify themselves as law enforcement officers and state the intent to shoot.

III. DISPLAY OF FIREARMS

Firearms may be displayed:

- A. In situations where the use of firearms is authorized; unholstered and either at the low ready or pointed when the situation dictates the necessity.
- B. For Departmental inspection purposes; unholstered and rendered safe.
- C. Reasonable belief that a threat exists that may cause death or serious bodily injury to any person or officer, including any instance when an officer is attempting to make contact with and/or apprehend/arrest a subject(s) and reasonable belief exists of being confronted with deadly force based on:
 1. Severity of the offense/charge(s);
 2. Prior knowledge of the subject;
 3. Stature and number of subject(s) to be arrested;
 4. Credible information received concerning weapons or propensity for violence; and/or
 5. Other circumstances under which the arrest is to occur that render the drawing or displaying of firearms to be a reasonable precaution.

IV. USE OF PATROL RIFLE/CARBINE

The decision to use the Patrol Rifle/Carbine, hereafter referred to as Patrol Rifle, is based on the same criteria an officer would use when selecting the appropriate response to any threat. The decision must be made dependent on the actions of the subject(s) or threat facing any person or officer(s), and the totality of the circumstances surrounding the incident.

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V. PROHIBITED USE OF FIREARMS

Firearms shall not be used in any of the following instances, manners, or for any of the following purposes, whether on duty or off duty:

- A. Non-violent felony, non-violent misdemeanor, or civil infraction arrests or detainment, unless the subject escalates the encounter by attacking/assaulting to a level that reasonably may cause death or serious bodily injury to any person or officer.
- B. To fire warning shots or shots to attract attention.
- C. Toward, into, or at a crowd or gathering.
- D. At or from a moving vehicle, absent extreme and drastic situations.
 - 1. An officer shall not discharge a firearm at the operator or occupant of a moving vehicle, unless the operator or occupant poses an immediate threat of death or serious bodily injury to any person or officer.
 - 2. An officer shall not discharge a firearm from a moving vehicle unless the officer, after considering the totality of the circumstances, reasonably believes the subject(s) pose an immediate threat of death or serious bodily injury to any person or officer and immediate action must be taken.
- E. As a club, hammer, pry-bar, tool, or for a purpose other than that for which it was designed and intended.
- F. Engaging in any horse-play, quick-draw, or other similar activity.
- G. For any purpose other than range training, practice, or performance of duty. Department weapons shall not be carried or used for hunting or other similar non-law enforcement activity.
- H. For any purpose, or in any manner prohibited by this order, or any applicable statute or judicial ruling.

VI. DEADLY FORCE OTHER THAN FIREARMS/LAST RESORT CLAUSE

- A. Deadly force may consist of the use of items, other than firearms, that are routinely used for other legitimate police purposes. These may include, but are not limited to:
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to, vehicles, batons, flashlights, knives, and radios. Deliberate use of these items in any manner that qualifies as deadly force is strictly prohibited, except in situations when the use of deadly force is justified and allowed by law.

The use of chokeholds and other carotid restraint holds/methods — a physical maneuver that restricts a person's ability to breathe for the purposes of incapacitation – are strictly prohibited, except in situations when the use of deadly force is justified and allowed by law.

- B. The Pittsfield Township Police Department recognizes that situations may arise when an officer must use any means and/or any weapons available to save his/her life, or the life of any person or officer. Deadly force may be justified in these situations that is not specifically authorized by this policy, not listed on recognized force continuums, or even force that is otherwise prohibited by this policy. These instances will be reviewed and judged using the standards of this use of force policy and objective reasonableness.

VII. SURRENDERING FIREARMS

- A. Department firearms shall not be displayed or provided to any civilian to inspect, examine, or handle. Secondary on-duty firearms shall not be displayed or provided to any civilian to inspect, examine, or handle while the officer is on duty.
- B. Officers shall not furnish a firearm to a citizen in order to enlist the citizen's assistance in any way.
- C. Survival studies have shown that an officer who surrenders his/her weapon, or allows it to be taken, has severely diminished his/her chance for survival. Further, he/she has placed other persons and officers in jeopardy since the other officers will now be faced with an armed criminal. The ultimate decision about whether to surrender a weapon when being taken hostage is the officer's to make. However, studies have shown that the officer's survival chances are best if he/she makes an affirmative action to retain their weapon using offensive and defensive tactics. An attempt to disarm an officer is a felony and is considered a deadly force situation. Officers are encouraged to do everything and anything possible to retain their weapon and arrest the subject.

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VIII. OFF-DUTY USE OF FIREARMS

Officers may, but are not required or encouraged to, carry a firearm off-duty. Officers in possession of weapons, both when on-duty and off-duty, shall ensure that the weapons are carried and/or stored in a way that prevents the opportunity for unauthorized access, use, discharge, or theft. The carrying of weapons when off-duty is at the discretion of the officer. This policy and all applicable laws shall govern the off-duty carry and use of firearms.

IX. DESTRUCTION OF ANIMALS

- A. When necessary, and when it can be done safely, officers may use firearms to destroy severely injured animals, or rabid/vicious animals that are menacing persons or domestic animals, or as a humanitarian measure.
- B. When feasible, before destroying domestic animals, an officer should attempt to obtain a written request/waiver from the owner of the animal.

X. USE OF LESS THAN LETHAL FORCE

Less Than Lethal Force Philosophy: Planning and application of force that meets operational objectives with less potential for causing death or serious bodily injury than police tactics involving firearms. The availability of less than lethal weapons can assist officers in de-escalation of potentially violent confrontations and provide additional alternatives to the use of deadly force.

The use of less than lethal force is primarily intended for use in situations involving unarmed subjects. The Pittsfield Township Police Department does not expect its officers to jeopardize their lives, or other persons' lives, by attempting to disarm an armed assailant. It is understood that attacks by armed assailants may result in an officer employing a higher degree of force, up to and including deadly force, as outlined in this policy.

- A. Special impact munitions (less than lethal shotgun bean bags), when available, may be used within the following guidelines:
 - 1. Specialty impact munitions may only be deployed by personnel who have attended and successfully completed a course in this discipline and are recertified once per calendar year.

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2. The deployment and use of specialty impact weapons require approval of a supervisor unless time and circumstances render it unreasonable to do so.
3. Unit supervisors will assign the specialty impact munitions and deployment weapon to trained personnel.
4. Personnel assigned to specialty impact munitions shall inspect the specialty impact munitions and deployment weapon prior to going into service each shift and before deployment. This inspection will take place to ensure the munitions are specialty impact munitions. Generally, specialty impact munitions may be considered for use whenever time is available in order to reduce the risk to officers, innocent persons, and/or resistive subjects.
5. Situations that may call for the use of specialty impact munitions are:
 - a. Violent subjects armed with some type of weapon;
 - b. Civil disturbances; and
 - c. An armed suicidal person who may force officers into shooting him/her in order to achieve suicide.
6. Medical evaluation shall be provided in all cases to any person who has been subjected to the less than lethal force munitions pursuant to this directive.

XI. CHEMICAL AGENTS / AEROSOL SUBJECT RESTRAINTS

- A. The use of aerosol subject restraints (O.C. Spray) shall be restricted to situations where the officer has reasonable belief that empty hand controls will not be appropriate or sufficient to effect an arrest, or have already failed. Sworn officers and auxiliary officers, while working in their official capacity, are authorized to possess and employ aerosol subject restraints provided that the officer has received department approved training in its use.
- B. Any sworn or auxiliary officer who fails to complete any required training, and/or who fails to demonstrate the required level of competence in the approved techniques, is prohibited from carrying and/or using the chemical agent.
- C. Sworn and auxiliary uniformed personnel shall only carry the approved aerosol subject restraints in the issued carrying device, on the duty belt, and on the side opposite their firearm. Carrying of the aerosol subject restraints by non-uniformed sworn and auxiliary personnel shall be dictated by necessity and circumstance and carried in an approved manner.

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XII. USE OF POLICE SERVICE BATONS

- A. Officers, while acting in their official capacity, are authorized to possess and deploy, as provided herein, a Department-issued police service baton.
 - 1. The baton must be unaltered and that of a commercial manufacturer as specified by the Director of Public Safety.
- B. Prior to carrying and/or using the baton, the officer shall complete such instruction as necessary to demonstrate competency in M.C.O.L.E.S. defensive tactic training.
 - 1. Continued authorization to carry/deploy such weapon is contingent upon successful completion of any training and/or testing established by the department.
 - 2. The baton shall be deployed, when justified, consistent with provisions of this policy and utilizing only approved techniques.
- C. Method of Carrying
 - 1. Batons may be carried by authorized personnel in compliance with the department's uniform specifications, or may be carried in the assigned vehicle go-bag.

**XIII. USE OF THE TASER 7 CONDUCTED ELECTRICAL WEAPONS
(CEW) "TASER" DEVICES**

DEFINITIONS

Taser 7 CEW: A Conducted Electrical Weapon (CEW) device that utilizes an electrical discharge which disrupts the body's ability to communicate messages from the brain to the muscles, causing Neuro-Muscular Incapacitation (NMI). It transmits an electrical pulse that causes an uncontrollable contraction of the muscle tissue, which then causes a temporary physical debilitation to a person. CEWs may not achieve total NMI with the higher likelihood of the effect occurring based upon the greater probe spread. The deployment of the Taser 7 uses compressed nitrogen to project two probes with a maximum range of 25 feet. Note: Optimal Range is based upon which duty cartridge is being considered. The probes are attached to the power source by insulated wire leads. The Taser 7 CEW also features a drive stun mode as an alternative defensive system.

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Taser 7 Cartridges: The Taser 7 CEW uses smart cartridges. Smart cartridges contain a small circuit board that communicates cartridge type, distance, and status to the Taser 7 CEW. Smart Cartridges are a single use item that contains compressed nitrogen, Digital A.F.I.D. System, two darts and insulated wires. Taser 7 CEW uses 2 distinct duty cartridges, which are based upon tactical considerations.

Close Quarters (CQ) Cartridges (12-degree angle) are designed for effective use engagement ranges as close as 4 feet. CQ Cartridges are identifiable by black front and body. Serial number, cartridge degree, 2D bar code and expiration date printed on top.

Stand Off (SO) Cartridges (3.5-degree angle) are intended for longer ranged engagements. SO Cartridges can be effective at 11.5 feet or longer. SO Cartridges are identifiable by black front and gray body. Serial number, cartridge degree, 2D bar code and expiration date printed on top.

Axon Docking Station: The Axon Docking Station is a multi-purpose station that charges Taser 7 battery packs and transfers data. The Docking Station connects directly to Axon Evidence.com, which allows data from the weapon to automatically upload to Axon Evidence.com and preserved. The Docking Station updates firmware to battery packs, recharges and conditions batteries. The Docking Station will test and record battery capacity.

Drive Stun: A method of deploying the Taser 7 CEW when the officer physically contacts the device to the subject being controlled.

Active Resistance: Non-compliance, plus additional actions. Active resistance can include, but is not limited to, pushing away, fleeing, locking arms to avoid handcuffing, or pulling away from an officer.

GUIDELINES

The decision to use the Taser 7 CEW/Taser is based on the same criteria an officer would use when selecting the appropriate response to any threat. The decision must be made dependent on the actions of the subject(s) or threat facing the officer(s), and the totality of the circumstances surrounding the incident. Consideration of these events should be based upon an active resistance threat level. In any event, the decision to use the Taser 7 CEW must be objectively reasonable. The Taser 7 CEW is not meant to be used in deadly force situations and/or replace firearms. The Taser 7 CEW should not be used without a firearm back-up in situations where there is a substantial threat towards the officer(s) or other persons present.

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The Taser 7 CEW may be used to control dangerous or violent subjects when deadly force does not appear to be justified and/or necessary, or when other attempts to control the subject through the use of empty hand control have been or will likely be ineffective, or if it is reasonably believed that it would be unsafe for officers to come within contact range to control a subject.

- A. Only the departmental approved Taser 7 CEW device/Taser shall be carried or used. The Taser 7 CEW shall only be carried by personnel on the non-gun/support side of the duty belt, and in an approved/issued holster.
- B. Each Taser 7 CEW unit shall be inspected prior to carrying. Only a properly functioning and charged Taser 7 CEW shall be carried.
- C. No officer shall carry a Taser 7 CEW unless he/she has successfully completed a departmentally approved certification/training course. Annual re-certification training will be conducted. Re-certification will involve Basic Drills, Live Fire Drills, Practical Exercises, Conclusion and Written Exam.
- D. Taser 7 CEW Consideration and Use:
 1. Officers may use the Taser 7 CEW when they are required to use physical force to take a person into custody, to protect him/herself from physical assault, and to protect a subject from injuring him/herself, or other persons.
 2. When applicable, verbal warning of intended use should be attempted, and subject should be afforded the opportunity to comply with the warning.
 3. The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable.
 4. After the first 5 second deployment, subject threat level should be re-evaluated to determine if subsequent deployments are necessary, understanding the subject may not be able to respond to verbal commands during active deployment.
 5. Each additional Taser 7 CEW deployment must be justified and is considered a separate "Use of Force" incident. Additional Taser 7 CEW deployments may be considered warranted based upon the totality of the incident, but the officer(s) must be objectively reasonable in their determination. If after three

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- 5 second deployments the subject threat level is unchanged, additional use of force measures should be considered.
6. Officers shall take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures.
 7. The Taser 7 CEW should not be used on a handcuffed or secured prisoner, absent overly assaultive, self-destructive, or violent resistive behavior that cannot reasonably be controlled by other available measures.
 8. Officers should, if possible, avoid using the Taser 7 CEW in the following situations:
 - a. Any known or obvious pregnant female, unless the circumstances of the situation are so grave that intervention with the Taser 7 CEW is the only way to safely assist the woman or take her into custody;
 - b. Any individual who is saturated with, or in the presence of, highly flammable or combustible materials or liquids, including Meth Labs;
 - c. Any subject who is likely to receive a secondary injury resulting from a fall from an elevated position; and/or
 - d. Small children or elderly subjects unless it is the only reasonable force option available to the officer.
 9. Due to its incapacitating abilities, an officer may be faced with a deadly force situation, if a subject is actively attempting to disarm the officer of their Taser 7 CEW or succeeds and attempts to deploy a Taser at the officer. However, circumstances must meet the requirements of Authorized Use of Deadly Force and Firearms, as outlined in this policy, if the officer believes the use of deadly force is necessary in response.

The use of deadly force is not immediately authorized for the mere fact that a Taser was taken or in possession of a fleeing subject. All factors must be considered before deadly force is utilized, including the requirement that an officer must have reasonable belief the subject has the ability to feloniously assault/attack the officer, resulting in incapacitation that would lead to the subject gaining possession of the officer's firearm and using it against any person or officer.

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XIV. TASER 7 POST DEPLOYMENT

In the event the Taser 7 CEW is deployed, absent extenuating circumstances, arrangements shall be made to have the Taser 7 CEW probe(s) removed from the subject by fire/medical or ambulance personnel, jail medical staff, or hospital staff. Monitor subjects' medical condition and document any changes.

The smart cartridge, probes, and wires that can be located shall be collected and preserved as evidence using biohazard procedures, if necessary. A minimum evidence storage term of four years is mandatory, with the Director of Public Safety's approval for scheduled destruction after the four-year term. The battery pack from the deployed Taser 7 shall be placed in the Axon Docking Station to upload the weapons deployment to Axon Evidence.com.

XV. PROHIBITED WEAPONS

The carrying and/or use of other weapons not authorized by this policy are prohibited. These include, but are not limited to; sap gloves, saps, blackjacks, martial art weapons, brass knuckles, iron claws, and double-edged knives, etc.

XVI. REPORTING USE OF FORCE AND DISCHARGE OF FIREARMS

- A. Any use of force by an officer/member of this department shall be documented promptly, completely, and accurately in the appropriate police report and/or "Use of Force" form. This includes the pointing of a firearm at any person, even when no additional action or use of force is required or occurs.
- B. Upon use of force involving the discharge of a firearm, on or off duty, the officer(s) involved shall immediately notify the on-duty shift supervisor. Accidental discharges shall also be reported immediately to the on-duty shift supervisor.

This notification is not needed in the case of range training or in the course of lawful hunting or target/competition shooting while off duty, unless injury results from the discharge.

Additionally, officers shall notify the on-duty shift supervisor as soon as practicable in any of the following use of force situations or circumstances:

1. Any use of force which causes a visible injury;
2. Any use of force that would lead a reasonable person to conclude that the person subjected to force may have been injured, or may have experienced more than discomfort;

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3. Any person subjected to force complained of injury or continuing pain or discomfort;
 4. Any person subjected to force indicates intent to file a citizen complaint or pursue litigation;
 5. The application of a CEW device;
 6. Any application of a restraint device, other than properly applied and used handcuffs, flex-cuffs, shackles or belly chains;
 7. Any person subjected to force was rendered unconscious;
 8. Any person subjected to force was struck or kicked; and/or
 9. Any person alleges any of the above has occurred.
- C. The on-duty shift supervisor shall immediately notify the Director of Public Safety, or his/her designee, if deadly/lethal force is used by any officer/member of this department. The officer(s) shall complete a detailed and accurate police report regarding the incident.
- D. The Director of Public Safety, or his/her designee, shall initiate a comprehensive investigation to determine the facts and circumstances involving the use of deadly/lethal force. At the discretion of the Director of Public Safety, an outside law enforcement agency may be utilized to conduct the investigation.
- E. If the incident involved the use of a firearm, or any other weapon/instrument/item, the officer shall protect and secure the firearm or weapon/instrument/item for examination by a supervisor and/or the appropriate investigating officer or agency.
- F. Upon request of a supervisor or the appropriate investigating officer or agency, the officer shall immediately surrender any/all weapons/instruments/items, including those personally owned. The officer may, when deemed appropriate by the Director, or his/her designee, be issued a replacement weapon/item for use while the involved weapon/items is retained for the investigation. The retained weapons/items, including those personally-owned, shall not be returned prior to the completion of the investigation and any subsequent legal proceedings.
- G. Any discharge of a firearm, or other use of force that results in serious bodily injury or death, shall result in the immediate non-disciplinary reassignment of the officer to non-patrol duties pending the completion of the investigation.

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XVII. DUTY TO INTERVENE

- A. Personnel shall intervene with incidents, arrests, and/or investigations being handled by other officers of the department or by any other governmental agency when:
 - 1. Ordered to intervene by a superior officer; or
 - 2. The intervening officer reasonably believes that a manifest injustice would result from failure to take immediate action; or
 - 3. The intervening officer has information or is witness to another officer's actions being taken that are clearly outside the scope of lawfulness or department policy and procedures, when the failure to intervene may result in unnecessary use of force or injury, unlawful arrest, potential litigation, or other similar negative or improper outcomes.
- B. Under this provision, any officer, regardless of tenure or rank, who witnesses another officer use unauthorized force, shall safely intervene by verbal and/or physical means to safeguard the wellbeing of all persons involved.
 - 1. Personnel shall report the incident to their supervisor immediately following the taking of intervening action, as well as when there is a failure to intervene, as outlined above.

XVIII. MEDICAL TREATMENT

All personnel shall be alert to any injury, or complaint of injury, occurring as a result of the use of any force. Any member of this Department who has observed an injury, or received a complaint of injury, shall immediately make arrangements for treatment by fire/medical, ambulance personnel, jail medical staff, or hospital staff.

XIX. REVISION RESPONSIBILITY

- A. Responsibility for the continuous updating and revision of this order lies with the Director of Public Safety. Continuous shall mean when necessary or when mandated by law.
- B. In the event that this policy conflicts with any previous departmental order, procedure, or directive, to that extent, the conflicting or superseded order is cancelled.

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