

SECTION: PROPERTY
 TITLE: REASONABLE USE OF FORCE
 ADOPTED: [April 10, 2019]
 REVISED:

FREEPORT AREA SCHOOL DISTRICT

	<p style="text-align: center;">825. REASONABLE USE OF FORCE</p> <p>Purpose</p> <p>The purpose of this policy is to provide the School Police Officer with a clear and consistent understanding of his/her performance expectations when force is asserted, upon any person, especially with respect to students. In addition, this policy addresses authorized weapons, respective training, and the reporting requirements when the use of force is asserted, as a result of threatened and/or assaultive behavior of an individual that risks physical injury to himself or others.</p> <p>This policy is not intended to create or affect an officer’s alleged liability in any criminal or civil court proceeding. This policy is not intended to establish a higher standard of safety or care in regulating employee actions as they may pertain in cases of third party claims. It is understood that no set of policies or procedures can effectively address every possible scenario a School Police Officer may encounter and that the judgment and discretion of the individual School Police Officer necessarily govern the decision-making utilized in use of force incidents. When using reasonable force against a subject, the School Police Officer must have a sound and articulable reason for doing so as determined by the totality of the circumstances confronting the officer.</p> <p>Policy</p> <p>The primary purpose of a School Police Officer at the Freeport Area School District is to promote the safety of students, staff and visitors. This includes the safety of any student who needs to be controlled by the officer. Accordingly, a School Police Officer shall use only that force that is reasonably necessary to protect persons from immediate risk of injury.</p> <p><u>Definitions</u></p> <p>Use of Force: Use of force is the amount of effort required by the School Police Officer to compel compliance from a person in order to protect the individual or others from serious bodily injury. Force used must be “objectively reasonable” based on the facts and circumstances confronting the officer and judged from the perspective of a reasonable officer on the scene.</p>
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Deadly force: Any force, which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury. 18 Pa.C.S.A. § 501.

Non-Lethal force: Any force other than that which is considered deadly force.

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

Objectively Reasonable: In determining the necessity for force and the appropriate level of force, officers shall objectively evaluate each situation in light of the known facts and circumstances, including, but not limited to, the seriousness of the situation and risk of injury to others, the level of threat or resistance presented by the subject and the danger to the community.

Excessive Force: Physical force that exceeds the degree permitted by law or the policies and guidelines of the Freeport Area School District. A school police officer shall not apply physical force to a person who has been rendered incapable of inflicting harm on himself or others.

Use of Force Statutory Justification

The Pennsylvania Crimes Code, Title 18, Chapter 5, “General Principles of Justification”, describes those circumstances in which the use of force is justified. Relevant sections within that chapter include, but are not necessarily limited to:

18 Pa.C.S.A. § 505 - Use of Force in Self-Protection

18 Pa.C.S.A. § 506 - Use of Force for the Protection of Other Person

18 Pa.C.S.A. § 508 - Use of Force in Law Enforcement

These provisions establish the legally binding restrictions regarding the use of force by Freeport Area School District’s School Police Officers as it relates to criminal or enforceable civil matters. All officers are responsible for the review and knowledge of these Pennsylvania Statutes.

Use of Force Continuum

School Police Officers are permitted to use the degree of force objectively reasonable to accomplish the lawful objective of providing a safe and secure school environment. The general progression of force can be depicted with the following levels except as the specific circumstances encountered otherwise may require:

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Level 1

Officer Presence - Identification of authority through school police officer in uniform.

Verbal commands - Dialogue of commands of direction or arrest. Verbal commands should be used in conjunction with all levels of force). Commands issued to a student shall appropriately reflect the student's age and intelligence level, and shall not consist of taunting, name-calling, threats, or cursing directed at the student. Warnings should be issued to the student each time a School Police Officer intends to escalate the level of force (e.g., "Stop this behavior or I will escort you to the principal's office"; "If you do not stop punching/kicking immediately, I will restrain your arms/legs").

Level 2

Minimal Restraint and Control - Soft empty hand or balance displacement control techniques that have minimal probability of injury if the subject resists (i.e. holding/grasping/cuffing/escorting, etc.)

Level 3

Physical Commands (Take downs, Joint Manipulation/Pressure Point, Control Tactics, Striking Muscle Groups) - Control techniques that include pain compliance techniques to the subject that present minimal potential of injury to the subject. The strikes should be aimed at major muscle masses of the subject's body.

Level 4

Striking/Punching/Kicking - Control techniques with the officer's open hand, clenched fist, forearm or leg that have a greater potential of injury to the subject.

Baton Restraints - Use of the baton as a controlling device (joint manipulation) not as an impact weapon.

Level 5

Baton strikes - Less lethal option for use against violent/aggressive subjects not armed with firearms.

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Level 6

Deadly force - Force that, under the circumstances in which it is to be used is readily capable of causing death or serious bodily injury.

Use of Force Guidelines

The School Police Officer's degree of force used in subduing a student or other person shall be based on the totality of the circumstances, including: 1) the severity of any crime at issue, 2) the immediate threat to the safety of the officer or others that the student poses, 3) whether the student or other person is resisting or evading the officer, 4) how violent or dangerous the officer perceives the student or other person to be, based on the student's or person's age, size, mental and physical capacity, 5) the duration of the force, 6) whether the force was used in making an arrest, 7) whether the student or other person might be armed or carrying some other weapon, and 8) the number of people with whom the officer must contend. Once a School Police Officer has affected control of a situation he/she shall de-escalate to the lowest level of force necessary to maintain control of the situation/subject.

The Use of Force Continuum options are not absolute. The ability to escalate or de-escalate is imperative. The standard by which use of force decisions are made is the totality of the circumstance, which includes, but is not limited to the following factors:

a) Officer vs. Subject factors

- Age
- Size
- Skill level

b) Special Circumstances

- Close proximity to a firearm/other weapon
- Special knowledge as to the subject
- Injury to or exhaustion of officer
- Officer forced to the ground or other vulnerable position
- Disability of officer
- Imminent danger to officer or another

In using any level of force, with respect to secondary students, a School Police Officer shall at all times be cognizant of the age, grade level, size and physical and mental capacity of the student. In general, the policy of the Freeport Area School District is to avoid the use of any device with respect to any student whose actions do not constitute an immediate threat of serious bodily injury to himself or another.

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Restraint Devices and Procedures

Upon prior authorization by the Superintendent, a School Police Officer while on duty may carry handcuffs, as well as, “flex cuffs,” leg shackles or similar restraining devices.

The use of handcuffs, leg shackles and other restraining device constitutes a level of force and should only be used as necessary to restrain an individual in order to affect control of a situation. Under no circumstances should those devices be used as a form of punishment. Handcuffs and other restraints should be used as a last resort to subdue or escort a student or subject and should never be utilized as a scare tactic, to embarrass the student or to “teach a student a lesson.”

Typically, handcuffs are to be used behind the back. School Police Officers are permitted to handcuff an individual’s hands in front, if used in conjunction with other restraining devices, (i.e.) restraining belt/chain and/or leg shackles. Exigencies may arise that prohibit a subject from being handcuffed in this manner, such as a person with injuries that could be aggravated by standard handcuffing procedures. At no time should a School Police Officer handcuff a person to themselves.

When it is necessary for the School Police Officer to use his/her body weight to subdue and/or restrain an individual, the School Police Officer, once the individual is controlled, should quickly remove his weight to allow the individual to breathe freely and to avoid the possibility of positional asphyxia, which is death from lack of oxygen. School Police Officers should attempt to get the individual into a sitting or standing position or, at the very minimum, roll the individual on to his side, as soon as possible.

Non-Lethal Force Equipment

The Freeport Area School District recognizes that combative, non-compliant, armed and/or violent subjects may cause control problems that necessitate the use of non-lethal equipment, such as tasers, pepper spray and batons. Such less than lethal force equipment may be used to assist with the control and de-escalation of these potentially violent confrontations to lessen the likelihood of serious bodily injury or death to the School Police Officer or combative subject or other persons. Where deadly force is not authorized, the School Police Officer should assess the incident in order to determine which non-lethal technique or equipment may best de-escalate the incident and bring it under control in a safe manner.

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Use of Batons

Upon prior authorization by the Superintendent, a School Police Officer while on duty may carry a baton, which shall be carried in a black scabbard. The School Police Officer must receive annual training and certification by a certified baton instructor to be authorized to carry this device.

The deployment and delivery of the baton should be to the following areas:

- a) Primary Target, major muscle masses: The primary target areas are the major muscle masses, those being the forearm, thigh and calf. Impact strikes to the District mass of these primary areas, have a low probability of injury to the subject and normally create severe muscle cramping which inhibits the subject's ability to continue their aggression.
- b) Secondary target areas, joints and bones: If primary areas are unavailable or unreasonable officers shall target the District mass of joints or bones. For example, elbows, wrists and knees. These areas carry a high probability of creating damage to the soft or connecting tissues as well as bone fractures.
- c) Deadly force targets: include the face, neck, head, chest, spine, and lower back, which are very likely to cause death/serious injury and shall be avoided unless deadly force is authorized, necessary and reasonable in accordance with Freeport Area School District policy and applicable law.

The use of alternative impact devices (i.e. flashlight, broom handle, stick, etc.) shall be permitted in the event that the School Police Officer's use of their primary impact device is not feasible, malfunctions, or is unavailable. When an alternative impact device is used it shall be used in the same manner as prescribed in this section.

As with any other use of force options, application of impact devices will cease when the offender stops resistance or aggression, or when the School Police Officer has gained sufficient control of the subject. The subject is to be immediately restrained when the situation is stabilized. The School Police Officer shall check the subject for obvious injuries and summon medical assistance and/or render first aid when appropriate.

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Use of Tasers

Upon prior authorization by the Superintendent, a School Police Officer while on duty may carry a conductive electrical weapon (taser), which shall be carried in an appropriate holster. The School Police Officer must receive annual training and certification to be authorized to carry this device.

A taser may be used to control a subject when the School Police Officer reasonably perceives that he/she or another person is threatened with serious bodily injury or to control a threatening subject when deadly force is not justified and attempts to control the subject by other tactics are ineffective or if there is a reasonable expectation that it is unsafe for School Police Officers to approach within contact range of a subject.

When using a taser, the size, weight, and age of the subject should be considered. The School Police Officer should avoid targeting the eyes, face, groin and breasts and should attempt to target the taser in a less sensitive area of the person's body. The minimal number of tases should be used to subdue the subject. If possible under the circumstances, a warning should be given to the person if the School Police Officer anticipates use of the taser is imminent.

Once the subject is restrained or in custody, the taser probes should be promptly removed from the subject. The School Police Officer shall check the subject for obvious injuries and summon medical assistance and/or render first aid when appropriate.

Use of Deadly Force

A School Police Officer is justified to use deadly force and/or discharge weapons when he/she reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious bodily injury or death. Officers shall give due consideration to their weapon system being used and their potential limitations when deployed in specific environments or situations.

An officer must reasonably believe that subject has the **OPPORTUNITY** to cause death or serious bodily injury to the officer or another person; the officer must reasonably believe the subject has the **ABILITY** to cause death or serious bodily injury to the officer or another person; and the officer must reasonably believe that the officer's life or the life of another person is in **JEOPARDY** of death or serious bodily injury.

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Lethal Weapons - Prohibited Use

The School Police Officer is prohibited from discharging firearms under the following circumstances:

- a) When it is probable that an innocent bystander(s) is likely to be injured by the School Police Officer's firearm discharge, directly or indirectly.
- b) *Firing Warning Shots*-Defined as discharging any firearm into the air or ground (i.e., "warning shots") in an attempt to cause a fleeing suspect to stop or surrender.
- c) To protect or preserve property.
- d) To obtain compliance of a subject that does not present an imminent threat to cause serious bodily injury to another person.

Except during general maintenance, storage, inspections or authorized training, an officer shall not draw or exhibit an authorized firearm unless under circumstances which create reasonable cause to believe it may be necessary to lawfully use such firearm in conformance with law and this policy.

In the event the School Police Officer is involved in a firearm discharge, he/she shall determine the physical condition of any injured party and immediately summon medical assistance and/or render first aid when appropriate. All discharged weapons and ammunition shall be immediately delivered to the custody of the Superintendent or his/her designee for investigation purposes.

Firearms Possession

While on duty, a School Police Officers shall carry his/her issued handgun fully loaded and all other related equipment.

The School Police Officer shall annually complete any training required to maintain or renew certification to carry firearms.

In the event that a School Police Officer loses or has stolen his/her firearm and/or any other firearm authorized for duty use, he/she shall immediately notify the Superintendent and the Superintendent of Record of such loss or theft and have the incident documented accordingly.

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Reporting Procedures

The School Police Officer shall complete and submit to the Superintendent a written incident report whenever he/she:

- a) Takes an action which results in, or is alleged to have resulted in injury to or the death of another person.
- b) Applies force on another person through the means of lethal or non-lethal force no matter if injury occurs or not.
- c) Applies force of Level 2 or greater from the Use of Force Continuum: relating to takedowns, joint manipulations, pepper spray, Pain/Mechanical Compliance, or Deadly Force, in an effort to control subject(s).

An incident report will also be completed, and will include a detailed description of the incident describing the actions of both the suspect(s) and the School Police Officer.

Each discharge of a firearm while on duty shall be reported to the Superintendent and the Superintendent of Record whether or not someone is injured by such discharge. A written report shall be made as soon as the circumstances permit. A complete investigation will be conducted into any discharge of a firearm by the School Police Officer in the course of his/her duties.

References:

School Code - 24 P.S. § 13-1306-C

Municipal Police Education and Training Act - 53 Pa.C.S. §§ 2161, et seq.