WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Use of Deadly Force		Policy # 1.3.2
Accreditation 1.3.2		
Effective Date: February 8, 2008	Revised Date: December 30, 2015	
By Authority Of: Chief A. Dale Mabry	Signature: ADMabry	

1.3.2 DEADLY FORCE

A. A "peace officer" (law enforcement officer) as defined in Chapter 5 of the Pa. Crimes Code (18Pa. C.S.A. subsection 501) shall only use deadly force when reasonable and justified to effect lawful objectives and prevent death or serious bodily injury to the officer or others when an officer reasonably believes that there is an immediate threat of death or serious bodily injury in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. Discretion to use a firearm or deadly force rests with the officer and proper justification and evaluation of the circumstances is required before an officer employs deadly force or a firearm. An officer shall employ Deadly Force against another human being only when he/she believes that such force is necessary to prevent death or serious bodily injury to himself/herself or such other person, or when he/she believes both that:

1. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and

2. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.

3. A police officer is justified in using deadly force against another when he reasonably believes that such force is necessary to prevent death or serious bodily injury to himself or to another person.

B. A police officer is justified in using deadly force against another in order to prevent the commission of a violent felony or to prevent that person from fleeing arrest or custody when the officer reasonably believes that no other means exists to prevent that commission or escape, and:

1. The officer knows or reasonably believes that the person fleeing possesses a deadly weapon which he has used or indicates he is about to use, or;

2. The person has committed, has attempted to commit, or is attempting to commit one of the following crimes; murder, voluntary manslaughter, rape, kidnapping, involuntary deviate sexual intercourse, arson or aggravated assault

causing serious bodily harm.

3. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.

C. A police officer may use a firearm to destroy any animal which:

1. Possess an immediate threat of serious bodily harm to the officer or another.

2. Is obviously mad, vicious, feral or wild and cannot otherwise be prevented from attacking or harming any person.

3. Appears to be suffering from a serious injury or disease, but only after making every reasonable attempt to contact the animal's owner or the SPCA if the animal is domestic, or the game warden, if the animal is wild and only after notifying the supervisor-on-duty.

D. A police officer <u>will not</u>:

1. Fire warning shots.

2. Fire shots to summon help.

3. Shoot at or from a moving vehicle, except as the ultimate measure of defense of self or another when the actor is using deadly force.

4. Use a firearm as a threat in situations where deadly force could not justifiably be employed.

5. Act on assumption. Unless the actor (offender) presents an immediate danger to the officer or another, it is better that the actor (offender) escapes than to have the officer use deadly force based on insufficient or incomplete information.

6. Fire his/her weapon when it would endanger innocent people.

E. Reporting Discharges of Firearms

1. The discharge of any firearm by either on-duty or off-duty personnel (except test or target firing at a range or when hunting) will be reported as follows:

   a. Cases where the weapon was not discharged at a person and no injury to a person resulted, i.e., accidental discharge or destruction of animals.
   b. The officer will complete a *Use of Force Report*. The officer will provide the shift supervisor with all spent shells and will draw fresh ammunition.

c. The shift supervisor or detective will provide the Chief of Police with copies of all reports.

d. The Chief of Police will convene a shooting review board under command of the Deputy Chief as required under Section H of this General Order.

e. In cases where the weapon was discharged at any person or where the discharge resulted in injury or death to any person the police dispatcher will be notified immediately and asked to dispatch medical aid, the shift supervisor, and/or the on-call detective.

f. The shift supervisor or detective will notify:

   i. the proper police personnel according to department call out procedures;

   ii. The patrol supervisor on duty or, if no supervisor is working, the zone officer will have the responsibility of calling the Investigation Unit for assistance. This is to be done in the following order:

      (1) If a detective is needed before 4 AM - call the 3 to 11 man
      (2) If a detective is needed after 4 AM - call the 9 to 5 man
      (3) If neither of the above can be reached - call the 1 to 9 man
      (4) If none of the above can be reached, the patrol supervisor/zone officer is to call the Deputy Chief
      (5) If the Deputy Chief is unavailable, the patrol supervisor/zone officer is to begin the investigation, if necessary, and continue to attempt to contact the Investigation Unit/Deputy Chief until successful.

   iii. the coroner, in cases where death has occurred;

   iv. any other aide he deems necessary including off-duty personnel.

g. The officer or officers involved will make no statement to anyone except to department investigating and command personnel.

h. The shift supervisor or responding detective will be responsible for the following:

   i. See to the welfare of the involved officers and transporting them to the station or other designated area.

   ii. Securing the scene.

   iii. Conducting a preliminary field investigation.

   iv. Locating all witnesses and transporting them to the station or other designated area where they will be sequestered.

   v. Securing the weapons of the involved officers with ammunition intact for processing.

   vi. Assist the investigators.

   vii. See that the involved officers are issued replacement weapons and ammunition.

F. Investigation of Discharges

1. The Detective Division will be responsible to investigate all firearms discharges.

2. The assigned detectives will conduct a full investigation of each incident and will be responsible for the preparation of all investigative reports.

3. All firearms involved will not be cleaned or unloaded prior to examination.

4. The Deputy Chief will convene a shooting review board and copies of all reports and statements, diagrams, etc., pertaining to the incident will be forwarded to the board.

G. Post-Shooting Procedures Concerning Human Confrontation Discharge

1. At the scene the officers will make statements to no one except department investigators and command personnel.

2. The officers will surrender their weapons to investigating personnel. Spent shell casings shall be left untouched until properly documented and secured as evidence.

H. Shooting Review Board

1. The shooting review board shall function as an administrative tool to provide the Chief of Police with information and recommendations regarding discharge of firearms by police personnel.

2. The board will be under the command of the Deputy Chief of Police and composed of:

   a. Firearms Training Officer
   b. A Detective (not the detective assigned to investigate the incident)
   c. A Patrol Sergeant (not the direct supervisor of the officers involved)

3. The board will investigate all cases which are subject to this Deadly Force Policy. The board will review each case and present its' findings in writing to the Chief of Police within one week of being convened. A copy of the findings will also be entered in the case folder and officer personnel file.
4. The board may find that the shooting was:

   a. Within policy
   b. Not within policy
   c. Not within policy but the existence of extenuating circumstances justified the action.