



# Department of State Police General Order

Effective Date	Number
<b>June 11, 2020</b>	<b>UOF-01</b>
Subject	
<b>Use of Force</b>	

## Policy

Members shall use, or are authorized to use, only that force which is *objectively reasonable* to:

- Effect an arrest;
- Restrain or subdue an individual resisting a lawful seizure; or
- Protect themselves or others from physical harm.

Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is reasonably necessary.

Any technique or hold that is, by application or duration, intended to prevent an individual's ability to breathe or prevent blood flow to an individual's head in a manner the member knows or should reasonably know will create a substantial risk of death or serious bodily harm constitutes lethal force.

If a member observes another member engaging in an unauthorized or excessive use of force, the observing member has an affirmative duty to intervene and attempt to stop the unauthorized or excessive use of force.

Members shall administer and secure medical aid after any use of force, if necessary and practical.

## Definitions

*Objectively Reasonable:* This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the officer, subject, or community. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight. Determining reasonableness of force must allow for the fact that police officers are forced to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. The force used must be reasonable under the circumstances known to the officer at the time force is used.

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**Definitions  
(Continued)**

*Less Lethal Force:* Use of force that is not intended to cause serious bodily harm/serious physical injuries or death.

- Members are authorized to use less lethal force in accordance with the law and the contents of this policy.

*Lethal Force:* Use of force intended to inflict serious bodily harm/serious physical injuries or death.

- Members are authorized to use lethal force in accordance with the law and the contents of this policy.

*Sensitive Population Groups:* Sensitive population groups include those who reasonably appear to be, or are known to be, children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker.

*Compliant Individual:* An individual who is fully cooperative with a Department member.

*Passively Resistant Individual:* An individual who is uncooperative but does not use physical strength or body movement to resist a Department member.

*Actively Resistant Individual:* An individual who uses physical strength and/or body movement to resist a Department member. Examples of active resistance include pulling, turning, or walking away from an officer.

*Assaultive Individual (Bodily Harm):* An individual who attempts to injure a Department member or another person or engages in conduct that has the potential to injure a Department member or another person.

*Aggravated Assaultive Individual (Serious Bodily Harm/Death):* An individual who engages in conduct that is likely to produce death or serious bodily harm to a member of the Department or another person.

**Use of  
Force  
Responses**

*(Note: Use of Force responses need not be exercised in progression.)*

Determining the level of force necessary may depend on resistance levels and circumstances. Factors in this decision include, but are not limited to:

- Subject vs. member - relative to age, size, physical condition, skill level;
  - Subject's drug and alcohol use;
  - Weapons - type, proximity;
  - Seriousness of offense;
  - Exigent circumstances; and
- Number of potential assailants vs. number of police on the scene.

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**Use of  
Force  
Responses  
(Continued)**

*(Note: Use of  
Force responses  
need not be  
exercised in  
progression.)*

<b>If the subject is...</b>	<b>Then the response may include...</b>
Compliant	<ul style="list-style-type: none"> <li>• Verbal commands</li> </ul>
Passively Resistant	<ul style="list-style-type: none"> <li>• Verbal commands; and/or</li> <li>• Contact control techniques.</li> </ul>
Actively Resistant	<ul style="list-style-type: none"> <li>• Verbal commands;</li> <li>• Contact control techniques;</li> <li>• Compliance techniques;</li> <li>• Distraction techniques;</li> <li>• Oleoresin Capsicum (OC) Spray, according to training;</li> <li>• Laser activation of Electronic Control Weapon (ECW) according to training;</li> <li>• Spark display of Electronic Control Weapon (ECW) according to training; and</li> <li>• Drive Stun deployment of Electronic Control Weapon (ECW) according to training.</li> </ul>
Assaultive-Bodily Harm	<ul style="list-style-type: none"> <li>• All of the above responses;</li> <li>• Striking techniques;</li> <li>• Probe deployment of Electronic Control Weapon (ECW) according to training; and</li> <li>• Any other Department approved less lethal force equipment.</li> </ul>
Aggravated Assaultive - Serious Bodily Harm /Death	<ul style="list-style-type: none"> <li>• All of the above responses; and</li> <li>• Lethal force.</li> </ul>

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**Use of Force**

**Verbal Commands** - Commands and gestures designed to:

- Effect compliance; and
- Express the member's intent.

**Contact Control Techniques:** Touch techniques (carrying and guiding) not designed to produce pain compliance.

**Compliance Techniques:**

Techniques authorized by the Department that may be used to achieve compliance and/or control of an actively resistant or assaultive subject.

In exigent circumstances, other compliance techniques may be used.

**Distraction Techniques:** Techniques intended to temporarily break the mental focus of an actively resisting individual and create an opportunity for the member to apply a compliance or control technique. Distraction techniques may be similar to striking techniques, but they differ in *intent* and *intensity*. The *intent* is to take the subject's focus off of their chosen method of resistance so that the member can bring them under control, unlike a striking technique, where the intent is to stop an assault. The *intensity* is, therefore, less than it would be with a striking technique. The intensity of the distraction technique should be limited so as not to create substantial trauma or lasting injury.

**OC Spray** - OC spray may be used in situations involving:

- Assaultive subjects; or
- Actively Resistant subjects when:
  1. Verbal commands have failed to bring about compliance; and
  2. Subject has signaled their intentions to actively resist.

OC spray shall not be used on passive resisters who offer **NO** physical resistance.

**Striking Techniques** - Striking techniques may be used on an assaultive subject to achieve compliance and/or control.

Striking techniques may include the use of issued equipment (e.g., baton, flashlight, PR-24NX), as well as hands, feet, elbows, or knees.

In exigent circumstances, other instrumentalities may be used.

**Electronic Control Weapons (ECW)** - Department Members are authorized to use ECW in accordance with Department training and UOF-06 *Electronic Control Weapons*.

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**Lethal Force Authorization** Members are authorized to use lethal force in order to protect themselves or others from an immediate threat of death or serious bodily harm.

**Warnings-** If feasible, some warning shall be given before any use of force.

<b>Use of Lethal Force: Preventing Escape</b>	<p>Members are authorized to use lethal force to prevent the escape of a suspect when the officer has probable cause to believe that:</p> <ul style="list-style-type: none"> <li>• The arrest is for a felony; and</li> <li>• The member believes that the force employed creates no substantial risk of injury to innocent persons; and either:             <ol style="list-style-type: none"> <li>1. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or</li> <li>2. There is a substantial risk that the person to be arrested will cause death or serious bodily harm/serious physical injuries if the suspect's apprehension is delayed. and</li> </ol> </li> <li>• If feasible, some warning has been given.</li> </ul>
<p>A member <u>may</u> discharge a firearm for:</p> <p>A member <b><u>SHALL NOT</u></b> discharge a firearm:</p>	<ul style="list-style-type: none"> <li>• The lawful performance of duties;</li> <li>• On or off duty training at a range, specifically designed for that purpose and using only Department authorized ammunition; or</li> <li>• Rendering harmless an animal that represents a threat to public safety or is seriously injured and suffering.</li> </ul> <ul style="list-style-type: none"> <li>• As a warning;</li> <li>• To merely disable a fleeing vehicle; or</li> <li>• At a moving vehicle – <b><u>UNLESS:</u></b> An occupant uses or threatens to use immediate lethal force directed at the member or another person to cause them serious bodily harm/serious physical injury or death.</li> </ul>
<b>Discharge of a Firearm At a Moving Motor Vehicle</b>	<p>Members shall:</p> <ul style="list-style-type: none"> <li>• As a first course of action, <u>remove themselves</u> from the path of a moving vehicle or position of vulnerability; and</li> <li>• Understand and consider that:             <ol style="list-style-type: none"> <li>1. Bullets fired at moving vehicles are extremely unlikely to stop or disable the motor vehicle;</li> <li>2. Bullets fired may miss the intended target or ricochet and cause injury to themselves, other officers, or innocent persons; or</li> <li>3. If the bullets disable the operator, the vehicle may crash and cause injury to themselves, other officers, or innocent persons.</li> </ol> </li> </ul>

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<b>Ready Position</b>	<p>When the member reasonably believes that there is a <u>potential</u> threat of serious bodily harm/serious physical injuries or death, the firearm may be placed at the ready position:</p> <ul style="list-style-type: none"> <li>• Trigger finger is alongside of the frame except when ready to engage; and</li> <li>• In a safe direction, below the line of sight, so as not to impede member's vision.</li> </ul>
<b>Use of Force Equipment and Training</b>	<p>The Colonel/Superintendent shall authorize the specific use of force equipment and training to be used by members.</p> <p>Members are responsible for keeping their equipment clean and operational at all times.</p> <p>All members shall have successfully completed training in the specific use of force equipment prior to use.</p>

**Investigations/  
Reporting**

**Reporting Use of Force** - The policy UOF-03 Reports, shall be adhered to upon any:

- On duty discharge of any weapon outside of a training range specifically designed for that purpose;
- Off duty discharge of a Department weapon outside of a training range specifically designed for that purpose;
- Compliance or striking techniques are used;
- OC Spray is used;
- Department issued Electronic Controlled Weapon (ECW) activation, on or off duty, as defined in UOF-06 Electronic Control Weapons; or
- Use of force caused or is reported to have caused injury or death to another.

**References**

UOF-03 Use of Force Reports  
 UOF-06 Electronic Controlled Weapons (ECW)  
 MPAC: 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5

Promulgated By:



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June 2, 2020

To: Lieutenant Colonel Robert J. Favuzza, #0980, Division Commander,  
Division of Standards and Training.

From: Major Michael J. Lyver, #2396, Deputy Division Commander,  
Division of Standards and Training

Subject: EOPSS Request for Department Training Content

1. Sir, pursuant to the EOPSS request for materials related to Department training on the topics of:

- De-escalation
- Cultural Competency
- Minority and Community Relations
- Hate Crimes

2. The following courses related to the requested topics for the 85<sup>th</sup> RTT (2019-2020) including hours associated with each are:

<u>COURSE OF STUDY</u>	<u>HOURS</u>
Empathy	3
Crisis Communications	6
De-escalation	4
De-Escalation / ICAT	6
EDP / ICAT	2
Inseparability of Empathy	2
Interpersonal Communications	7
Defensive Tactics	37.5
Review	1.5
Practical Testing	2.5
OC / Classroom	1
OC / Transition Drills	4
OC / Exposures	1.5

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Taser	6
Taser Live Exposure	1.5
Taser Presentation Drills	3.5
Physical Confrontation Review	4
Physical Confrontations	3
Defensive Tactics	13.5
Use of Force (Round Robin)	2.5
Use of Force De-escalation	4
Autism-Law Enforcement Education Coalition	4
Crisis Intervention/ Conflict Res.	2
Vulnerable Populations / Special Needs/ Victimization	4
Crowd Control (Classroom)	1.5
Crowd Control (Practical)	4
Diversity Training	4
Hate Crimes / Extremism	4
Implicit Bias Training (Pending due to Covid 19)	8
Policy & Pro (includes all UOF)	9
Racial Profiling	4

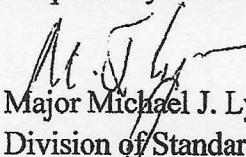
3. The following provided courses relative to the requested topic areas for in-service and professional development training are:

- 2020 Professional Development Training for Command Staff: Implicit Bias – by Fair and Impartial Policing on 03/10-11/2020
- 2019 In-service Training for all MSP members: Legal Updates & Integrating Communications, Assessment and Tactics (ICAT)
- 2017 In-service Training for all MSP members: Civil Disturbance and De-escalation Training

4. The following provided courses relative to the requested topic areas for in-service training online are:

- 2020 MSP-PD-325-PI:MIES(2020) MSP-PD-325-Police Interactions: Mental Illness and Emotional Stress (PENDING DEPLOYMENT)
- 2019 MSP-PD-321 MIRCI(2019) MSP-PD-321 Managing Initial Response to Critical Incidents
- 2019 MSP-FR-311-FRRS:BE(2019) MSP-FR-311-First Responder Refresher Series: Behavioral Emergencies
- 2019 MSP-PD-319-DATP1 MSP-PD-319-Diversity Awareness Training (Part 1)
- 2019 MSP-PD-320-DATP2 MSP-PD-320-Diversity Awareness Training (Part 2)
- 2019 MSP-PD-316-HTA(2019) MSP-PD-316-Human Trafficking Awareness
- 2018 MSP-PD-315-SR&ILE(2018) MSP-PD-315-Suicide Risk and Intervention for Law Enforcement

Respectfully submitted,

  
Major Michael J. Lyver, #2396  
Division of Standards and Training  
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