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# POLICE DEPARTMENT

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**Chief Jack Brommer**

General Order No. 2014-01-01

Order Number:

Date of Issue: 24 October 2014

Review Date: 01 June 2020

Expiration Date: Until Amended/Rescinded

CALEA References: 1.3

PLEAC References: 1.3

By Authority of : Jack R. Brommer, Jr.

CHIEF OF POLICE

Subject: Use of Force

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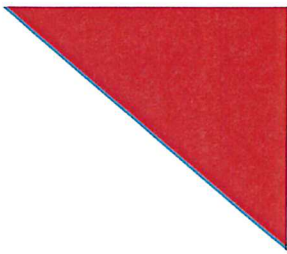
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## I. PURPOSE

The purpose of this policy is to provide officers of the Columbia Borough Police Department with guidelines on the use of deadly and non-deadly force.

## II. DEFINITION(S)

- A. Bodily Injury – Impairment of physical condition or substantial pain.
- B. 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.
- C. Physical Force
  - 1. Deadly Force – Force that can cause death or serious bodily injury.
  - 2. Non-Deadly Force – Force that is not intended, nor reasonably likely to, result in death or serious bodily injury.

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- D. Reasonable Belief – The existence of facts, or combination of facts, that the circumstances are such to cause a reasonable person to believe them to be true.
  - E. Control – Force used by an officer to influence or overcome the unlawful or physical actions of a subject.
  - F. Resistance – The subjects attempt to evade an officer’s attempts to control.

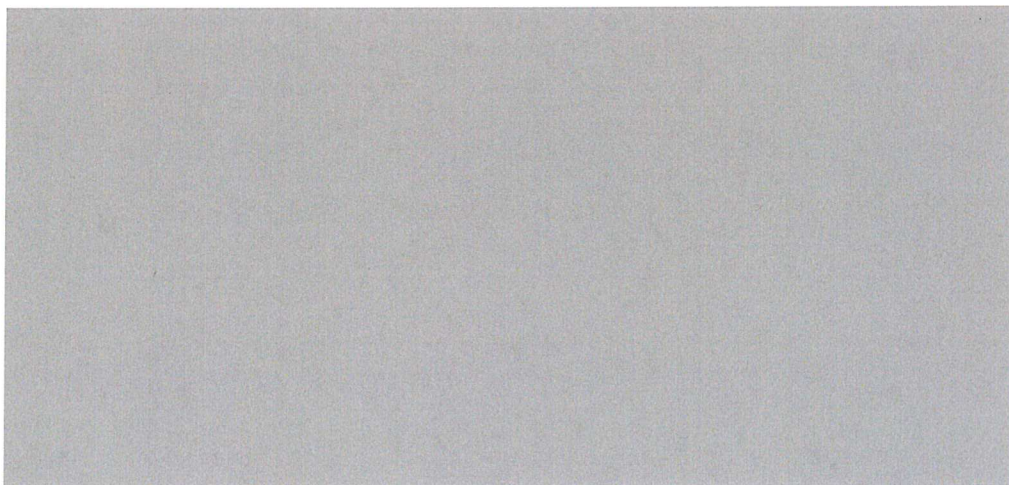
### III. POLICY

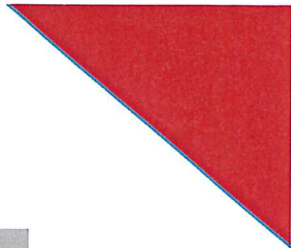
It shall be the policy of the Columbia Borough Police Department for officers to use only that force that is reasonable and necessary on any particular occasion. They shall discharge their firearms only when doing so is necessary to save a life or when it is the only effective means to apprehend an individual who poses an imminent threat or serious bodily injury to officers or citizens.

### IV. USE OF FORCE CONTINUUM

- A. Officers are confronted daily with situations requiring the use of force to effect a lawful arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances. Facts or circumstances unknown to the officer will not be considered in later determining whether the force was justified. It is the policy of the Columbia Borough Police Department that officer’s use only that amount of force, including deadly force, which an officer reasonably believes to be necessary to apprehend and arrest or any force which officers reasonably believe to be necessary to defend themselves or another from death or bodily injury.

B.





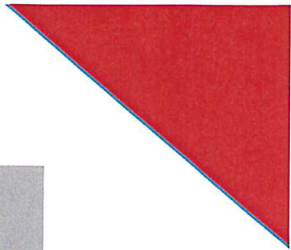
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**V. PROCEDURES AND REQUIREMENTS**

**A. General**

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification," describes those circumstances in which the use of force is justified. These provisions, and the related case law, including Federal case law made binding in Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by Columbia Borough Police Department personnel, as it relates to criminal or enforceable civil matters.

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4. This policy is consistent with Pennsylvania law and with the 1985 U.S. Supreme Court decision in *Tennessee v. Garner*.

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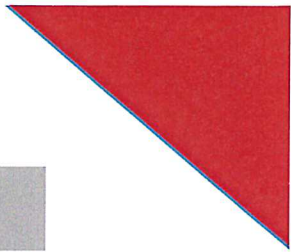
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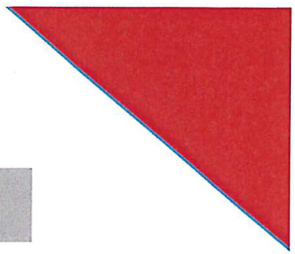
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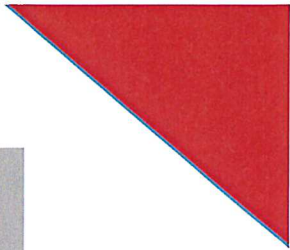
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E. Deadly Force

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, Section 508, Subsection (a), relating to “The Use of Force in Law Enforcement,” provides for the lawful and justified use of deadly force by a police officer only when he/she believes that:

i. The action is in defense of human life, including the officer’s own life, or in defense of any person in immediate danger of serious physical injury, or when he/she reasonably believes both that:

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

b. 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.

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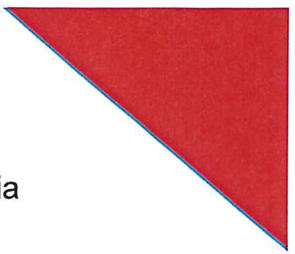
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F. Investigation Requirements

1. As soon as practical following a non-training or officer-involved deadly force incident, regardless of the location or on-duty/off-duty



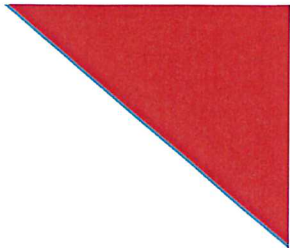
status, the officer shall notify, or cause to be notified, the Columbia Borough Police Department shift supervisor of the occurrence.

2. Upon notification by the officer, or another person, of an occurrence specified under this section, the shift supervisor shall notify the Chief of Police.
3. A complete investigation will be conducted into any discharge of a firearm in the line of duty, except when firing to destroy a wounded or suspected rabid animal or on the police firing range, unless an injury results from such discharges. This includes both on and off-duty incidents.
4. During the investigation process an officer may have their handgun, that was discharged, surrendered. Such surrender shall not be considered a suspension or disciplinary action taken against the officer but rather to assist in the investigation process.

#### G. Reporting Requirements / Use of Force Report

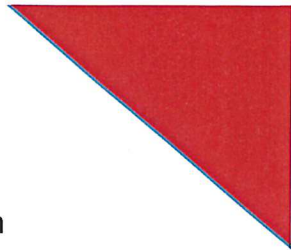
1. Officers shall complete a departmental "Use of Force" report prior to the end of their shift whenever they:
  - i. Discharge a firearm for other than training or recreational purposes, except when the firearm is discharged for the destruction of an animal, which shall be documented by a departmental incident report
  - ii. Take an action that results in, or is alleged to have resulted in, injury to or the death of another person.
  - iii. Apply force through the use of lethal or less-than-lethal weapons.
  - iv. Use physical force, or is alleged to have used physical force, to another person.
2. The "Use of Force" report shall be submitted to the officer's immediate supervisor, who shall review it. Once approved, the form shall be submitted to the Chief of Police for review.
3. If it is found that the actions of the officer are compliant with this policy, the form shall be filed and maintained by the office of the Chief of Police.



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4. Actions found to indicate non-compliance with this policy may be directed for follow-up consideration with one or more of the following actions, depending on the circumstances:
    - i. Remedial training
    - ii. Internal Review and/or investigation in accordance with departmental policies
    - iii. Disciplinary action
  5. The “Use of Force” report is strictly an internal management document. As such, copies of the report shall not be attached to the regular departmental incident or supplemental report and shall not be released in whole or in part to any person, organization, or entity outside of the Columbia Borough Police Department without specific permission of the Chief of Police.

#### H. Removal of Officer from Line Duty Assignment Pending Admin. Review

1. When death or serious injury has resulted from an officer’s use of force, that officer will, as soon as practical, be released from field duty by the supervisor pending a full investigation into the incident by the department.
2. During the period of time an investigation into the incident is being conducted, the Chief of Police may, at his option, assign the officer involved to office related duties. Such relief from duty shall not be considered a suspension or disciplinary action taken against the officer, but rather an administrative course of action relieving the officer from further performance of field duties while undergoing the extreme emotional stress of having used deadly force and permitting the department time to conduct an objective investigation into the matter.
3. It shall be the policy of the department that when an officer discharges a firearm for his/her own defense, to defend a fellow officer or citizen, etc., while on-duty or off-duty, **a psychological evaluation of the officer be conducted by a licensed psychologist of the department’s choosing, within thirty (30) days, at Borough expense.**
  - i. Any follow-up treatment(s) which the examiner deems necessary shall be provided at Borough expense.



ii. The officer shall not be returned to full official duties until the examination and/or treatment is completed and a certification of fitness is provided to the Borough

iii. This action is not punitive and is separate and apart from departmental disciplinary procedures

4. The period of time spent on administrative leave or office assignment will be determined by the Chief of Police

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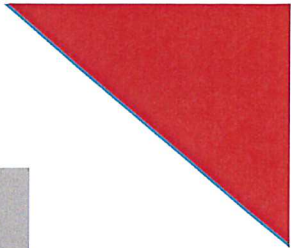
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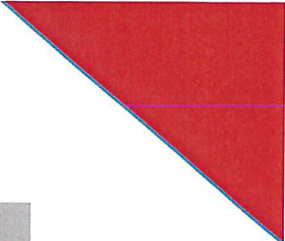
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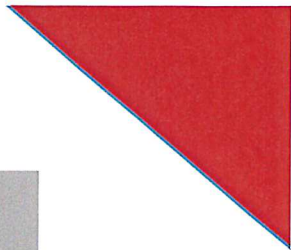
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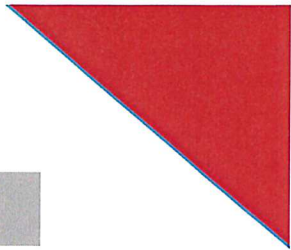
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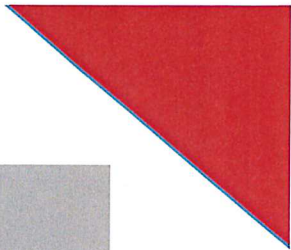
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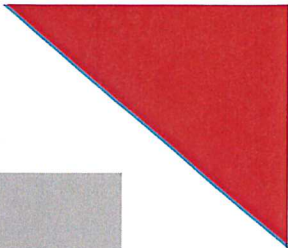
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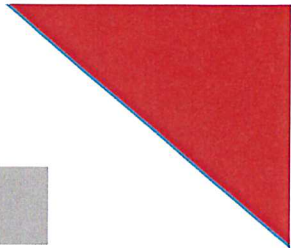
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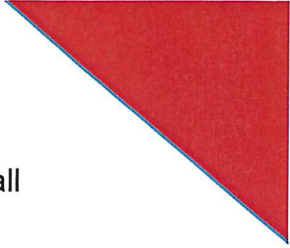
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K. Qualifications and Training

1. Departmental on-duty or secondary lethal weapons

- i. All sworn personnel shall be required to qualify annually with their primary duty weapons, including handgun, shotgun, rifle, and any secondary back-up weapon including Less Lethal.

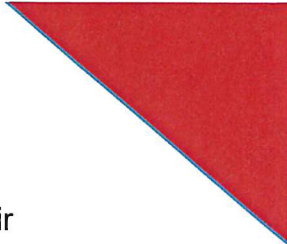


Personnel who are authorized to carry any other weapons shall also qualify on an annual basis.

- ii. Qualifications shall be a course of fire as prescribed by the department's firearms instructor or Chief of Police. Uniformed officers will wear their department's duty belt and holster. Detectives (plainclothes) officers will wear the holster that they normally wear during duty hours. If more than one is used, the firearms instructor will advise the officer which holster to wear.
- iii. Officers not attaining the minimum required score during qualification on any primary on-duty weapon(s) will return to the firing range during available times, if any, on that qualification day or the alternate day, for additional remedial training and re-qualification. This needs to be accomplished and expedited as early as possible within 14-days.
  - a. Remedial training and re-qualification must be scheduled through the individual assigned responsibility for coordinating training. The individual assigned responsibility for coordinating training and the firearms instructors, in consultation with the officer requiring re-training and re-qualification, shall submit recommendations to the Chief of Police for items which can be accomplished to assist the officer in re-qualification.
  - b. Officers who fail to qualify after attending remedial training may be suspended without pay
  - c. Officers on suspension for failing to qualify will have thirty (30) days to schedule training on their own time to qualify. If after 30 days, an officer has still failed to qualify, the officer shall be dismissed from the force.
- iv. Officers failing to attain the minimum required score with any secondary or back-up weapon will lose their authorization to carry such weapon until they are able to qualify with same.

## 2. Off-duty lethal weapons

- i. Officers shall be required to qualify a minimum of once per year with approved off duty weapons. This qualification shall be done off duty, unless otherwise approved by the Chief of Police. If this weapon is an approved secondary weapon the qualification may be completed on duty.

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- ii. Officers, in addition to achieving a minimum required score, must demonstrate to the department's firearms instructor their ability to safely handle these weapons.
    - iii. Officers failing to achieve i & ii above will lose their authorization to carry this weapon(s) off duty.
    - iv. Until they do qualify under i & ii above.
    - v. Any repeat qualification needed will be on the officer's own time and must be scheduled through the individual assigned responsibility for coordinating training.
    - vi. All scheduled off-duty qualifications shall first be arranged with the department's firearms instructors and the Chief of Police for approval and availability.
  3. All qualifications and firearms training shall be instituted by the individual assigned responsibility for coordinating training, in cooperation with the firearms instructor(s) and upon approval of the Chief of Police
  4. Officers must attend a training session on any of the use of force tools authorized for use other than the handguns, shotguns and weapons already covered in this order. Materials to be covered and the duration of this training will be approved by the individual assigned responsibility for coordinating training in consultation with the appropriate instructors for those use of force tools.
    - i. Training on authorized Departmental less lethal weapons and weaponless control techniques shall occur at least every two years and shall be documented, except for electronically controlled weapons, which shall occur annually.
  5. All proficiency and training on lethal and less lethal weapons shall be monitored by a certified weapons or tactics instructor. Officers who fail to achieve a passing score and/or who fail to demonstrate proficiency will lose their authorization to carry the weapon until they do demonstrate score and/or proficiency to the satisfaction of the instructor. Additional qualification or training needed to achieve the ability to carry the weapon will be on the officer's own time and must be scheduled through the appropriate instructor.
  6. All lethal and less-than-lethal weapons proficiency and training shall be documented.

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IX. **ORDER REVIEW**

- A. Each supervisor shall ensure that their personnel review applicable law and the provisions of this policy annually. A policy review documentation form shall be forward to the Chief of Police verifying that this was accomplished.
- B. All personnel who are authorized to carry lethal and less-than-lethal weapons shall be issued a copy of this policy.
- C. Annually, officers must attend training on the use of force which would review areas such as the law on the use of force, use of force continuum, moral and ethical uses of force and safety issues related to the use of force situations.
- D. This requirement can be met either by material contained in the Municipal Police Officers Education and Training Commission's annual In-Service Training courses or in programs offered by the Department.

X. **ANNUAL REVIEW**

- A. On an annual basis, the Chief of Police, supervisors and firearms instructors/trainers shall conduct an analysis of all "Use of Force Reports" submitted in compliance with this policy to determine whether any training needs exist or whether there should be any policy modifications

XI. **SAFETY AND SECURITY**

- A. All agency authorized weapons shall be maintained securely at all times by the officer responsible for the weapon. Weapons shall be:
  - 1. Secured by a lock or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or
  - 2. Placed in a securely locked box or container; or

3. Placed in some other location that a reasonable person would believe to be secure from a minor under the age of 14 years.

B. Officers transporting weapons in their privately-owned vehicles must secure the weapon in a manner that would reasonably prevent theft and/or access by the general public and unauthorized personnel.

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**XIII. REVIEW**

This policy shall be reviewed periodically and amended, as needed.

EFFECTIVE DATE:                      10/24/2014

BY ORDER OF

  
Chief of Police