**Cheyney University Policy Number FA 2013-1009**

**Policy Title: CUPD Use of Force Policy**

**Approved by**: FA Council

President’s Cabinet

**History:** Issued – 8-1-12

Revised – 10-2-13

**Related Policies**:

**Additional References**:

**A. Purpose**

In performance of their duty, police officers are at times confronted with situations where, in order to protect the public safety, control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. Control may be achieved through verbal discussion, persuasion and warnings, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending upon the dynamics of the situations. The use of the various levels of control against active resistance in physical force should be viewed as lying along a continuum; a continuum along which the use of force escalates only when each lower level of force has been examined or discarded as impractical in the current circumstance, or which has been tried and has failed in the encounter. It should be noted that this analysis might not involve lengthy deliberations. Due to the urgency often inherent in such situations, the decision to escalate the use of force may be nearly instantaneous.

In order to provide employees with a clear understanding of their performance expectations while affecting the components of the use of force continuum, this general order is established. In addition, this order details departmentally authorized weapons, training in their use, and reporting requirements when the use of force continuum is asserted as a result of physical resistance and/or assaultive behavior.

**B. Policy**

It is the policy of the Cheyney University Department of Public Safety that officer only use the amount of force that is reasonable and necessary to gain compliance and control and/or to affect an arrest in the lawful execution of their duties. This force must be in accordance with applicable Pennsylvania State Laws and in accord with Department standards and training. It is the policy of the department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's resistance. Police officers, and civilian employees where applicable, shall maintain a professional bearing at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. They shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. Such reasonable and necessary force may be used: to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, or to neutralize an unlawful assault upon the officer or another person. The use of physical force will end immediately when resistance ceases, when resistance has been overcome, or when the arrest has been accomplished. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission. Members shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Use of Force Report", or other reports, as outlined in this general order.

**C. Procedures**

The degree of force used by officers is dependent upon the facts surrounding the situation an officer encounters. The degree of force should be just sufficient to defeat the amount of resistance or threat to the officers' safety, but must not be more than reasonable necessary. All officers should use the following procedures when employing force.

**This order contains the following sections:**

1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives

1.3.2 Use of Deadly Force

1.3.3 Prohibited Use of Weapons (Warning Shots)

1.3.4 Use of Authorized Less Lethal Weapons

1.3.5 Medical Attention Required Following the Use of Force as Appropriate

1.3.6 Written Reports, Investigations, and Reviews Required

1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review

* + 1. Weapons and Ammunition Approved by the Chief of Police
		2. Demonstrated Proficiency Required to Carry Approved Weapons
		3. Use of Force In-Service and Weapons Proficiency Training

**1.3.1** **Use of Force Continuum Authorized Only to Accomplish Lawful Objectives**

1. Use of Force Justification
2. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which use of force is justified. These provisions, and the related case law, including Federal case law made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by police department personnel, as it relates to criminal or enforceable civil matters.
3. In any necessary use of force, all police department personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions in accordance with the department’s Use of Force Continuum that establishes use of force options and their appropriate application.
4. Use of Force Continuum Established
5. Verbal Control - Use of Force Level 1
6. During citizen contacts, each officer must endeavor to make every reasonable attempt to insure his/her conduct inspires respect and generates cooperation and a feeling of good will between the citizen(s) and the department.
7. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions, or orders. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
8. The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable.
9. Escort - Use of Force Level 2
10. The majority of arrests handled by officers of this department are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no real resistance, the subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.
11. Chemical Agents - Use of Force Level 3
12. Chemical agents, i.e., oleoresin capsicum (O.C.), may be utilized by police personnel as an appropriate and effective use of force in certain circumstances. The use of oleoresin capsicum shall be restricted to the following situations:
13. When necessary for the officer to defend himself/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.
14. To effect a lawful arrest when confronted with a non-compliant, non-submissive individual.

1. To prevent the commission of a criminal offense.
2. When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.
3. Chemical agents will be used only to the extent necessary to overcome the resistance of the suspect and within the authorized scope of the current departmental training standards.

1. Control and Compliance - Use of Force Level 4
2. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, takedowns, holds, and come-alongs with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
3. The use of carotid restraint or other “choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.
4. EXCEPTION:
5. If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another’s life.
6. Unarmed Striking Techniques - Use of Force Level 5
7. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
8. K-9 Use of Force Level 6 (If Applicable)
9. Police K-9 working dogs are a recognized and valuable asset to law enforcement agencies. The use of a police K-9 by its handler in the performance of his/her duties may, depending upon the circumstances, be considered as an instrument of force. When police K-9's are utilized to neutralize assaults, to overcome the resistance of arrestees, to capture fleeing suspects, or in the defense of a police officer or another person, the use must be a situation where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
10. Only police department certified working dogs and their handlers, operating within the policy directives and general orders of the police department, may be utilized, unless the K-9 and handler are with another area law enforcement agency and are assisting police department personnel in a bona fide mutual aid situation.
11. Striking Implement - Use of Force Level 7
12. The use of striking implements shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
13. Deadly or Potentially Deadly Force - Use of Force Level 8
14. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.
15. Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the police department as it relates to the use of deadly force.
16. Policy Disclaimers
17. This section, as well as this general order, is explanatory in nature and is intended as a guide for department personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher legal standard than that provided by law.
18. Although the use of force continuum generally ascribes to the process whereby an officer can escalate the application of force under various presenting situations, nothing in this policy shall infer that any given level cannot be skipped in the escalation, given those presenting circumstances, or that any escalation cannot be reduced given other presenting circumstances.

**1.3.2 Use of Deadly Force**

1. A “peace officer” (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code, Title 18 C.S.A. Section 501, shall only use deadly force when necessary and justified to affect lawful objectives in conformance to the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. 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:

1. 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 physical injury, or when he/she reasonably believes both that:
2. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
3. 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.

1. Shoot to Stop the Threat
2. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.
3. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass", or the largest body mass exposed.
4. Definitions
5. Reasonable belief - the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
6. Serious bodily injury - bodily injury which 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.
7. Forcible Felony - the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson endangering persons, aggravated assault causing serious bodily injury.
8. Less lethal force – any force, action or weapon that produces a result that is necessary to control the actions of another and does not involve the use of deadly force.
9. Use of Deadly Force to Destroy an Animal
10. A police officer is justified in using deadly force to destroy an animal or rodent that represents an imminent threat to the safety and welfare of the community; or where it is determined that the animal is so severely injured that its destruction is considered to be a humanitarian measure.
11. Use of deadly force (firearm) in the destruction of an animal or rodent will ONLY be utilized upon the authorization of the shift supervisor, unless the urgency for immediate destruction precludes such higher authorization.
	* 1. **Prohibited Use of Weapons**
12. Department police officers are prohibited from discharging firearms under the following circumstances:
13. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
14. For the purpose of discharging any firearm into the air or ground; i.e., "*warning shots*", in an attempt to cause a fleeing suspect to stop or surrender.
15. EXCEPTION:
16. Shots fired for the purpose of summoning aid, when more conventional communication is not effective and the safety of others is considered, is authorized.
17. Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.

1. EXCEPTIONS:

(1.) If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle.

1. If no other alternative is available based on the presenting circumstances.
	* 1. **Use of Authorized Less Lethal Weapons**
2. Oleoresin Capsicum

1. Authorized Uses of Oleoresin Capsicum
2. Individuals
3. In effecting an arrest in accordance with the established use of force continuum.
4. Crowds
5. To disperse unlawful groups/crowds or others gathering who are unruly or persons gathering without authority or permission, after being ordered to cease, desist, and/or depart the area.
6. Pre-authorization required - Prior to introducing oleoresin capsicum in disorderly group/crowd situations, the officer(s) shall withdraw to a point of safety from where sufficient information can be obtained to properly evaluate the effectiveness of chemical agents in dispersing the assemblage.
7. The shift supervisor shall be requested to respond to all such situations where oleoresin capsicum may be utilized to control group/crowd behavior prior to its introduction.
8. The shift supervisor, or other commanding officer on the scene responsible for police operations, shall authorize the utilization of oleoresin capsicum only after a thorough review of the potential effectiveness of chemical agents in neutralizing or resolving the disorderly behavior of the group/crowd or other means available.
9. EXCEPTION:
10. When it is not reasonable to withdraw as previously indicated, or the safety of police officers or civilians is jeopardized and subjected to actual or potential bodily injury, the immediate introduction of oleoresin capsicum is pre-authorized under the authority of this order; consistent with guidelines established by this order.
11. Animals
12. To deter and protect officers or others from animals that present a threat of bodily injury.

1. Building searches
2. To aid in the search of buildings that may contain subjects who have secreted themselves in locations difficult or dangerous to search by routine search procedures and who have done, or are suspected of, criminal activity.
3. Tactical Deployment of Oleoresin Capsicum
4. Oleoresin capsicum spray
5. When deploying oleoresin capsicum at an individual or animal, it should be directed from the canister into the facial area such as eyes, nose, and mouth, of the subject intended to be neutralized.
6. When oleoresin capsicum is deployed in an outside environment, whenever reasonable, given the context of the presenting situation, officers should be cognizant of the wind direction and avoid spraying UP-WIND where the potential exists for residual contamination of police officers involved in the neutralization action.
7. Canisters of oleoresin capsicum that have been depressurized by any application shall be given to the shift supervisor who will secure the canister and arrange for the issuance of a new canister to the officer(s). The officer(s) shall mark all depressurized canisters with verification by a supervisor at the time the depressurized canister is secured for exchange.

1. Training Required
2. No police officer, or civilian employee, shall be equipped with, or be authorized to use, either oleoresin capsicum equipment until they have successfully completed a training program taught by an instructor certified by a training institute or the chemical agent's manufacturer.
3. The course of instruction shall include, at a minimum, the following topic areas:

1. Any requirements recommended or required by the manufacturer or the instructor’s certification program.
2. Records
3. The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

1. Batons
2. Officers will be issued and trained in the use of batons authorized by the department.
3. Authorized use
4. Batons shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.
5. Training required
6. No police officer shall be equipped with, or be authorized to use, either batons until they have successfully completed a training program taught by an instructor certified by a training institute or the baton’s manufacturer.
7. The course of instruction shall include, at a minimum, the following topic areas:

* 1. Any requirements recommended or required by the manufacturer or the instructor’s certification program.
	2. Records
		1. The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.
1. Other Authorized Less-Lethal Weapons
2. Any other less-lethal weapon authorized by the department shall be detailed in a departmental Special Order which shall provide for:
	1. The type of less-lethal weapon and its intended use.
	2. The circumstances when police officers would be justified and authorized to use the less-lethal weapon.
	3. The training required prior to the issuance and use of the less-lethal weapon.

**1.3.5 Medical Attention Required Following Use of Force as Appropriate**

1. General Rule
2. After the use of force by agency personnel, officers shall arrange for appropriate emergency medical service (EMS) to examine, treat, and/or transport a subject to a medical facility when:
3. An jury is known
4. An injury is suspected
5. An injury is alleged

1. Medical Treatment of Oleoresin Capsicum Contaminated Persons.
2. As soon as possible, person(s) contaminated by a release of oleoresin capsicum shall be exposed to fresh air and have their contaminated areas flushed with cold water.
3. Contact lenses of contaminated person(s) should be removed and thoroughly washed prior to reuse.
4. Evaluation by medical personnel (EMS) shall be initiated WITHOUT DELAY in any of the following circumstances:
5. Any person who has been exposed to oleoresin capsicum who complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips, or nose) or who states that they have a known allergy to any variety of pepper.
6. Any person who admits to being under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or high levels of alcohol.
7. Any person who admits a history of heart problems, lung problems, diabetes, high blood pressure, or other potentially serious medical condition.
8. Medical Release Required
9. When the arrestee is examined, treated, and subsequently released from medical care, a written medical release shall be obtained from the attending physician.
10. Refusals
11. When emergency medical services (EMS) are summoned to evaluate and/or treat an arrestee and the individual refuses medical attention, the officer shall obtain a copy of the release and note the medical attention, or declination of medical attention, in his/her report of the incident, along with the name(s) of the attending EMS personnel and/or the attending physician.

**1.3.6. Written Reports and Investigations Required**

1. “Use of Force Report"
2. Officers of the police department shall complete a departmental "Use of Force Report" (Attachment A) whenever they:

1. Discharge a firearm, other than for routine training, recreational purposes, or animal disposal.
2. Animal disposal
3. A departmental incident report rather than a Use of Force Report shall document firearm discharges for the destruction of an animal.
4. Takes any action that results in, or is alleged to have resulted in, any injury to or the death of another person.
5. Uses physical force, or is alleged to have used physical force, to another person.
6. Applies force through the use of lethal or less lethal weapons.
7. Applies Level 3 force, relating to the discharge of oleoresin capsicum, or force in excess of that defined by Level 4 within this general order.
8. The "Details" section of the report will include a narrative description of the incident describing the actions of both the suspect and the officer(s).
9. Each officer employing Level 3 force, or force greater than Level 4, will complete and sign a separate "Use of Force Report" form for their involvement in the incident.
10. A “Use of Force Report" shall be completed prior to the officer(s) concluding their shift during which the use of force occurred. The completed report(s) shall be provided through the chain of command to the Chief of Police.
11. If the officer involved is injured or unable to make the report, the officer's supervisor, if applicable, shall submit a written report prior to the end of the shift in which the incident occurred detailing the circumstances under which the officer is unable to submit the report.
12. When an incident requires the "Use of Force Report" form, the shift supervisor, if not present, shall be notified to respond to the scene of the incident.
13. Additional Reporting Requirements Following Deployment of Oleoresin Capsicum.
14. An "O.C. Administrative Warning” should be given, in accordance with a form prescribed by this general order, to any subject contaminated by oleoresin capsicum, as soon as feasible, to determine if any potential health threats exist. (Attachment B)
15. If health threats are determined by the "O.C. Administrative Warning,” or at any time prior to or following the warning, procedures outlined in Section 1.3.5 of this order shall be immediately implemented.
16. Investigation Requirements for Non-Training Firearms Discharges and Officer-Involved Firearms Incidents.
17. As soon as practical following a non-training or officer-involved firearms incident, regardless of the location or on-duty/off-duty status, the officer shall notify, or cause to be notified, the Chief of Police or his designee of the occurrence.
18. A complete investigation will be conducted into any accidental discharge of a firearm, or any time an officer deliberately discharges 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 duty and off-duty incidents, regardless of where they occurred.
19. All "Use of Force" reports, “O.C. Administrative Warning” reports, and “PepperBall Report Forms” submitted in accordance with Section 1.3.6 of this general order shall be reviewed by the Chief of Police or his designee for consideration of compliance with this general order and the review shall be documented.
20. Determination of Compliance.
21. Reports found to indicate actions compliant with this general order shall be filed and maintained by the Chief of Police or his designee.
22. Determination of Non-Compliance.
23. Reports found to indicate non-compliance with this general order may be directed for follow-up consideration in accordance with one or more of the following actions depending upon the circumstances of the non-compliance:
24. Remedial training as outlined in Section 1.3.11 (C) of this general order.

1. Professional Conduct investigation as determined by the Chief of Police.
2. Disciplinary action.
3. 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 police department without specific permission of the Chief of Police.

**1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review.**

1. When death or serious bodily injury to another person has resulted from an employee’s actions or use of force in an official capacity, that employee will, as soon as practical, be released from line-duty assignment by the Chief of Police pending investigation and any possible administrative adjudication of the incident by the department in accordance with the provisions of Section 1.3.6 of this general order.
2. During the period of time an administrative review or investigation into the incident is being conducted, the Chief of Police may, at his option, reassign the employee involved to office related or other duties. Such relief and reassignment shall not be considered a suspension or disciplinary action taken against the employee, but rather an administrative course of action relieving the employee from further performance of line duties while undergoing the extreme emotional stress of having been involved in a death or serious injury action while permitting the department time to conduct an objective investigation into the matter.
3. Mandatory Counseling Requirement
4. It shall be the policy of the police 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 the department’s expense.
5. Any follow-up treatment which the examiner deems necessary shall be provided at department expense.
6. 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 Chief of Police.
7. This action is not punitive and is separate and apart from departmental disciplinary procedures.
8. The Chief of Police will determine the period of time spent on administrative leave or office assignment.

**1.3.8 Weapons and Ammunition Approved by the Chief of Police**

1. Types and specifications of lethal and less lethal weapons and ammunition approved for issue, carry, and use by sworn members of department in the performance of official law enforcement duties, on-duty as well as off-duty, shall be authorized by the Chief of Police.
2. The Chief of Police shall issue a Special Order indicating authorized duty weapons and ammunition approved for use by officers of the department.

a. Personal back-up firearms for use on-duty or off-duty shall be reviewed by a departmental armorer or firearms instructor prior to approval by the Chief of Police.

Officers intending to carry a personal back-up firearm on-duty or off-duty, under law enforcement authority, shall submit a memorandum to the Chief of Police.

The department armorer or firearms instructor shall inspect the firearm, observe the safe handling ability of the firearm by the officer, and verify that the officer has successfully completed an approved course of fire under the direction and supervision of a department firearms instructor.

1. Procedure for review, inspection, and prior approval of all weapons intended for both on-duty and off-duty use by employees in the performance of law enforcement functions.
2. Departmentally approved weapons shall be reviewed and inspected prior to any employee carrying that weapon and on an annual basis by a certified firearm instructor or a qualified less lethal instructor for that weapon.
3. Inspection of all firearms shall be completed on an annual basis.
4. The department will maintain an armorer, or access to an armorer, for annual inspections.
5. Repairs will generally be made by the armorer
6. Problems that are identified but cannot be remedied by the department armorer will be sent to a factory authorized repair facility for attention and repair or replacement.
	1. Officers who have surrendered their firearms for repair will have another firearm issued to them. Ammunition will be provided for practice and qualification with the new firearm.
7. Inspections of personally owned weapons offered and used for duty and off-duty shall also be conducted annually. The department armorer cannot possibly attend training for all manufactured firearms, therefore on a safety, “function check”, and general cleanliness inspection will be made of each firearm other than those listed in “a.” above.
	1. Any identified problem with an offered firearm will be addressed prior to authorizing the weapon for carry.
	2. All repairs for a firearm personally owned and not of a manufacturer authorizing repairs to the department armorer will be made by a qualified gunsmith of the officer/owners expense.
	3. Proof of repair and re-inspection will be made prior to authorizing carry of the firearm.
	4. A replacement firearm will not be issued for personally owned firearms taken out of service for repairs.
8. Process to remove unsafe weapons from service
	1. The firearms armorer shall remove any firearms deemed to be unsafe, faulty or unserviceable at any time such information becomes known, i.e. annual inspection, report by officer, damage from traffic crash etc.
	2. Officers finding a firearm or other weapon to be unsafe or not working correctly shall make immediate notification to a firearms instructor or less lethal instructor. The weapon shall be removed from service, and if a firearm, unloaded if it can be accomplished safely, and placed in the secure firearms room in a locked rack.
	3. Officers will be reissued a replacement weapon and ammunition and will be required to qualify on the new weapon prior to using it for duty.
9. Procedure for maintaining a record on each weapon approved by the agency for official use.
	* + 1. A record of each weapon will be maintained within the firearms unit of this department or, for less lethal weapons, by the less lethal weapons instructors.

a. A copy of these records will be provided to the Administrative and Technical Services Division Lieutenant annually with copies of the annual qualification records.

1. Each firearm serial number will be checked for accuracy at every organized department firearms training and/or qualification.
2. Guidelines for the safe and proper storage of agency authorized weapons.
	* + 1. All department weapons not in service, or not issued, will be safely stored in a secure location.
			2. All weapons issued to officers will be maintained in a safe condition for storage.

a. Off duty firearms should be kept in a locked locker if maintained within the police department.

b. Weapons are taken with the officer to his/her residence the weapons should be stored in a secure location within the residence.

c. Gunlocks will be provided to officers as needed.

3. Weapons normally stored in police vehicles will be maintained in a ready mode for transport. The gun may have a loaded magazine without a cartridge in the chamber.

* 1. Weapons will be removed from police vehicles needing service. The weapons will be stored in an unloaded condition in the firearms room in provided secure racks. Unloading, if needed, will be completed in the provided unloading bullet trap in the firearms room.
	2. Service pistols or rifles left for repair or inspection by the armorer or firearms instructor will be stored in an unloaded condition. Unloading, if needed, will be completed only in the provided unloading bullet trap.

F. Weapons of Last Resort

1. The department recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements as weapons. These weapons might include the officer’s flashlight, metal clipboard, knife, or even a motor vehicle, etc. However, such implements used as weapons should be viewed as weapons of last resort.

2. Use of such weapons will be closely examined, as well as, the degree of exigency present in the situation, the totality of the circumstances, and the existence or absence of other acceptable alternatives.

**1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons**

1. Only department personnel who have demonstrated satisfactory skill and proficiency of agency-authorized weapon(s) shall be granted approval to carry such weapon(s).
2. Demonstrated proficiency includes:
3. Achieving a qualifying score on a prescribed course for firearms.
4. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force.
5. Being familiar with recognized safe-handling procedures for the use of all authorized weapons.

**1.3.10 Use of Force In-Service and Weapons Proficiency Training**

1. All agency personnel authorized to carry weapons shall receive training, at least annually, on the agency’s use-of force and deadly force policies and demonstrate satisfactory skill, proficiency, and qualification with all approved lethal weapons that the employee is authorized to use.
2. In-service training for personnel authorized to carry less-lethal weapons shall occur at least once every two years.
3. An instructor certified as a firearms instructor or in the less-lethal weapons system shall evaluate skills and qualification training for lethal as well as less-lethal weapons.
4. All training and qualifications shall be documented.
5. Remedial training
	* 1. Officers unable to demonstrate proficiency with any approved weapon they have been authorized to use shall not be permitted to resume official duties with that weapon until proficiency has been satisfactorily demonstrated to a certified instructor for that weapon unless:
6. They have previously been trained and have shown proficiency with that weapon and they are within the following calendar year where annual proficiency demonstration is required, and;
7. Remedial training has been instituted consistent with the provisions of this and other applicable general orders.

**III. Effective**

 **By Order of:**

 **Chief of Police**