

 University of Pittsburgh Police Department Rules and Regulations Manual	Reference Number: 4-01
	Issue Date: August 10, 2015 Reviewed January 2021
	Effective Date Immediately Upon Release
	Rescinds: All previous
	Amends: 4-01
Title : Use of Force	 By Order of James K. Loftus, Chief of Police

1.0 General

Police officers, in the performance of their duties, may encounter situations where it is necessary to use force in order to effect an arrest or otherwise protect the public welfare; or as a means of protecting themselves or others.

2.0 Necessity That University of Pittsburgh Police Officers Be Armed

As long as members of the University of Pittsburgh community and members of the general public are victims of violent crimes and police officers in the performance of their duty are confronted with deadly force, it will remain necessary for police officers to be armed. All sworn personnel shall be issued copies of, and be instructed in, the departmental use of force policy prior to being authorized to carry firearms, or any other department issued weapons or control devices.

3.0 Definitions

Use of Force

A measured police response to gain compliance, gain control, incapacitate, stop or neutralize a threat.

Deadly Force

Force which, under the circumstances it is used, is readily capable of causing death or serious bodily injury. (PACC, Chapter 5, §501 Definitions)

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. (PACC, Chapter 26, §2301 Definitions)

Deadly Weapon

Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner which it is being used or intended to be used, is calculated or likely to produce death or serious bodily injury. (PACC, Chapter 23, §2301 Definitions)

Believes/Belief

Facts that would cause a reasonable police officer in the same situation to conclude that the point at issue is more likely than not true. This term also means “reasonable belief” or “reasonably believes.”

Less-Lethal Force

A quality or quantity of force which is neither likely, nor intended to cause death or serious bodily injury. Less-lethal force normally includes the use of physical strength or skill, chemical agents, police batons, conducted electrical weapon, or any other less-lethal device approved by the Chief of Police.

Conducted Electrical Weapon (CEW)

A weapon that uses electricity to override voluntary motor responses, or apply, pain in order to gain compliance or overcome resistance. Commonly referred to by the brand name TASER.

SIMs

Specialty Impact Munitions (SIMs) are projectiles designed to be fired, launched or otherwise propelled for the purposes of gaining compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing serious bodily injury or death. Examples of SIMs are bean bags, foam or wooden or rubber batons, rubber pellets and other like items.

Tactical Aiming Points

Areas of the body, which when struck by a baton or other less-lethal device, have varying degrees of potential for death or serious bodily injury. The potential for serious bodily injury or death for a specific area of the body may depend on variables such as, but not limited to, device used, distance between the subject and the deploying officer, physical stature of the subject, clothing worn and other deployment considerations.

Impact Weapon

Any implement or device, sanctioned by the University of Pittsburgh Police Department, to gain compliance, gain control, stop, neutralize or incapacitate by striking a subject.

Off-Body Carry

The carrying of a pistol or revolver in a bag, container, or any other manner, where the weapon is not physically worn and/or secured upon an officer's body (i.e. a fanny pack, purse, briefcase, glove compartment, etc.)

High-Capacity Magazine

A magazine for use with a semi-automatic pistol or rifle, which is of a higher capacity than the magazines originally designed for use in that weapon.

OC Chemical Aerosol

Oleoresin Capsicum (OC). An organic agent that is inflammatory. It causes localized topical heat, redness, inflammation and pain to all exposed skin and tissues. Effective time is 30 to 45 minutes. Usually does not require medical attention.

Necessary

Alternative steps are not likely to lead to safe control of the subject.

Peace Officer

Any person, who by virtue of his office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa C.S. §508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class. (PACC, Chapter 5, §508)

Contact Shooting

A shooting in which a UPPD officer shoots any person, including themselves, intentionally or accidentally, on duty or off duty, or when a UPPD officer is shot by any person, or a person is shot by a projectile, or secondary projectile, such as glass, wood, concrete, etc.

Non-Contact Shooting

A shooting in which a UPPD officer discharges a firearm (except during training, practice, or personal recreational activities) and no person is struck by the projectile. Animal shootings (except the euthanasia of injured wild animals) are considered non-contact shootings for the purposes of this policy.

Iron Sights

A system for aiming an AR15 or similar rifle, consisting of a separate rear aperture and front post sight. Iron sights may be fixed to the weapon or attached via an accessory rail system.

Forcible Felony

Those felony crimes that are against persons, not property, and the force used has caused or immediately threatens to cause death or serious bodily injury.

4.0 **Use of Force**

A description of all situations wherein the use of force, whether less-lethal or deadly force, would be justified is not feasible. The standard used by courts to determine whether or not the use of force is justifiable is outlined in *Graham v. Connor* (490 U.S. 386 [1989]), where the court explained:

“In determining whether force used in a particular arrest, investigatory stop, or other seizure is reasonable, the inquiry is whether the officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight, and its calculus must embody allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation.”

In *Graham*, the United States Supreme Court emphasized facts and circumstances that courts will examine in determining the reasonableness of the use of force;

- The severity of the crime at issue
- Whether the suspect poses an immediate threat to the safety of officers or others
- Whether the offender is actively resisting arrest or attempting to evade arrest by flight

Additional variables exist, but the most important factor continues to be the need to prevent serious bodily injury or harm to either the officer or others.

5.0 **Reasonable Force**

An officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which he or she believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend themselves or another from bodily harm while making the arrest. (Reference PACC, Chapter 5 §508)

When it is objectively reasonable to an officer(s) that a subject is fully in control, the use of force must terminate.

6.0 **Duty to Intervene**

If in a position to do so, officers have a duty to intervene should they know or have reason to know that another officer is about to use, or is using, unreasonable force. Officers shall promptly report any use of unreasonable force and the efforts made to intervene to a supervisor.

7.0 Use of Deadly Force

An officer may use deadly force when he or she believes such force is necessary to prevent death or serious bodily injury to themselves or another person.

An officer may use deadly force to effect an arrest or prevent an escape when,

- Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
- The person to be arrested has committed or attempted a forcible felony; and
- There is probable cause to believe that the person to be arrested possesses a deadly weapon and poses a threat of death or serious bodily injury to the officers or others, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.

When feasible and officer safety or the safety of others is not compromised, the officer will identify themselves as a law enforcement officer and command the subject to comply. (Reference PACC, Chapter 5 §508)

8.0 Use of Force Regarding Escape

An officer, who has an arrested or convicted person in their custody, is justified in the use of such force to prevent the escape of the person from custody as the officer or other person would be justified under PACC §508 (a), if the officer was arresting the person.

A peace officer is justified in the use of such force, including deadly force, which the officer believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense. (Reference PACC Chapter 5, §508)

9.0 **Force Options**

The following are generalized force options available to sworn police officers of the University of Pittsburgh Police Department:

A. Officer Presence

The mere presence of an officer(s). In addition, this includes any outward sign or symbol of a police officer's authority (i.e. an officer's badge, uniform, firearm, patrol car, flashing lights, etc.)

B. Verbal Commands

Instructions or commands given to an individual to manipulate their behavior, gain compliance, or gain control. When practicable, verbal commands should be used in conjunction with any other uses of force.

C. Empty Hand Control Techniques

Control techniques that have a minimal probability of injury if the subject resists the technique, such as holding, grasping, compliant handcuffing, escorting, etc.

Empty hand control techniques may be used when an officer reasonably believes other force options to be ineffective or inappropriate.

The use of neck restraints or similar techniques are prohibited unless deadly force is warranted.

D. OC Chemical Aerosol

OC may be utilized by commissioned police officers as an appropriate and effective use of force in certain circumstances.

Commissioned officers deploying OC shall be trained in its use. OC shall be deployed in accordance with an officer's training.

OC may be used when an officer reasonably believes other force options to be ineffective or inappropriate.

E. Conducted Electrical Weapon (TASER)

The TASER may be used to control a dangerous or violent subject when deadly force does not appear to be justified/necessary, or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

TASERS may be used when an officer reasonably believes other force options to be ineffective or inappropriate.

F. Hard Empty Hand Control Techniques

Techniques that have a greater potential of injury and include pain compliance, joint manipulation, pressure points, takedowns and striking the subject with an officer's personal body weapons (hands, knees, elbows, etc.).

Strikes should be aimed at the major muscle masses of the body. However, if the resistance level continues to escalate, it may be necessary to strike areas with greater injury potential, such as the face or other sensitive areas. Hard empty hand control techniques may be used when an officer reasonably believes other force options to be ineffective or inappropriate.

G. Impact Weapons

Techniques which involve striking a subject with devices or implements designed for that specific purpose, such as expandable batons, straight batons, 12 gauge bean bag rounds or 40mm foam baton rounds.

Prior to carrying, deploying or using any impact weapon, an officer must complete a department approved training program.

Only impact weapons, impact weapons platforms, or munitions authorized by the Chief of Police shall be utilized by University of Pittsburgh police officers.

This force option does not include the use of a straight baton, an expandable baton or a side-handle baton (colloquially referred to as PR24s) solely used to aid in performing a trained control technique.

Impact weapons may be used when an officer reasonably believes other force options are ineffective or inappropriate.

H. Deadly Force

Force which, under the circumstances it is used, is readily capable of causing death or serious bodily injury. (PACC, Chapter 5, §501 Definitions)

I. Weapons, Tactics or Techniques of Last Resort

In certain circumstances, where the safety or survival of an officer is in jeopardy, the use of objects or implements not designed or approved as weapons, or unconventional or otherwise unapproved tactics or techniques

Incidents involving such objects, implements, techniques or tactics will be closely examined to determine the degree of exigency, the totality of the circumstances, and the existence of absence of other alternatives at the time the force was applied.

10.0 Examples of Subject Resistance

1. Verbal non-compliance

Dialogue in the form of verbal resistance, the unwillingness to comply or cooperate and/or threats. This includes non-verbal actions (body language), as well as speech and tone of the subject.

2. Passive resistance

This is a disobedience technique where a subject does not take action to prevent being taken into custody and his/her resistance is in the form of non-compliance or inaction, e.g. a subject being taken into custody that lets his/her body go limp – the subject must then be carried away upon arrest

3. Defensive resistance

This includes actions that attempt to prevent an officer from taking control of a subject, such as evasive actions, tensing of muscles, pulling away, bracing, grasping an object, etc. The subject's actions never rise to the level of being assaultive towards the officer, but he/she nevertheless is resistive, requiring sometimes substantial force to overcome

4. Active aggression

This is assaultive behavior by the subject with personal or other weapons not perceived to be deadly or cause serious bodily injury. It includes verbal threats of imminent assault or associated body language consistent with a substantial step toward that assault.

5. Aggravated active aggression

This is assaultive behavior by the subject with personal or other weapons perceived to be deadly or may cause serious bodily injury. This involves actions where the subject is assaulting or threatening an imminent assault to the officer or someone else with a weapon, techniques or object that is likely to cause serious bodily injury or death.

11.0 Discharge of Firearms

Generally, University of Pittsburgh police officers may discharge firearms in the line of duty when it is necessary to protect themselves or others from death or serious bodily injury.

In some extreme circumstances, it may be necessary for officers to fire at a subject's location with the intent of stopping his/her actions, restricting his/her movement, and/or preventing him/her from endangering law enforcement officers or innocent persons in vulnerable positions. This tactic is a limited, task-specific action used to affect an arrest, rescue trapped persons, escape a kill zone, and/or accomplish other emergency objectives. Officers shall be cognizant of any innocent third parties that may be present in or near the line of fire when employing this tactic.

Officers may discharge firearms to euthanize an injured wild animal, if it is safe and prudent to do so, unless the status of the animal or other specific (endangered animals, etc.) order prohibits it.

Injured domestic animals, unless such animal presents a threat of serious bodily injury or death to the officer or others, shall be referred to **the local animal control**, the animal's owner, an animal shelter or veterinarian.

12.0 Discharge of Firearms Restrictions

Warning shots shall not be fired by any member of the University of Pittsburgh Police Department.

When a moving vehicle is involved, use of deadly force by discharging a firearm is dangerous, can be ineffective, and should be avoided when there is an unreasonable risk to the safety of a person other than the subject.

Officers shall not place themselves in the path of a vehicle. If they find themselves in danger from a moving vehicle, they shall attempt to move out of the way, if possible, rather than discharging their firearm. Firing at a moving vehicle, in most circumstances, will not stop it.

When a moving vehicle is involved, the use of deadly force by discharging a firearm at the vehicle is only authorized when:

- The officer has reasonable belief that an occupant of the vehicle poses an immediate threat of death or serious bodily injury to the officer or another person;
- Or the officer has a reasonable belief that an occupant is using the vehicle in a manner which poses an imminent threat of death or serious bodily injury to the officer or to another person, and there is no reasonable avenue of escape (Such as a vehicle being used as a weapon in an act of terrorism).

13.0 Use of Force Reporting

A. Supervisor's Use of Force to Control Report (SUFCR)

Supervisors shall complete a SUFCR when an officer acts in an official capacity on or off duty, regardless of whether an arrest was made and whenever the following occurs:

- A firearm is discharged, except for training, practice, or recreational activities, including contact and non-contact shootings, within or outside of the statutory jurisdiction of the University of Pittsburgh Police Department.
- A degree of force is applied or a struggle occurs which results in an injury or death to the subject, any other individuals, or is likely to cause injury.
- There is a complaint of injury.
- A chemical agent is discharged in the direction of, or causes injury to a person.
- An injury or a complaint of injury which results from guiding, holding, directing, or handcuffing a person who offers resistance.
- Use of a police baton if used as a striking instrument.
- Use of a CEW

When an officer is the only injured party during the course of an arrest, and the criteria listed above do not apply, a SUFCR is not required.

An immediate investigation by appropriate investigators, independent of the SUFCR, will be made when an officer, on duty or off duty, shoots any person, or discharges a firearm; except for training, practice or personal recreational activities.

B. Notification of a Supervisor

As soon as control is established, and it is safe to do so, the involved officer(s) shall notify the Communications Room and immediately request that a shift supervisor be notified. If the shift supervisors are unavailable, the Operations Commander will be notified

In the case of regional campuses, and no supervisor is currently on duty, the involved officer(s) shall have their dispatch (if available) notify the station supervisors. If having dispatch make a supervisor notification is not possible, the involved officer(s) shall contact their station supervisor as soon as practically possible under the circumstances. If the concerned regional shift supervisors are unavailable, the involved officer(s) shall contact the Oakland station Communications Room and the senior shift supervisor at the Oakland station, as well as the Regional Commander will be notified.

If a supervisor is involved in a use of force, a supervisor of the same rank or higher shall complete the SUFCR, and the Commander of Operations or the Regional Commander is to be notified as applicable.

C. Preparation of the SUFCR

Color photos will be taken of all subjects and employees who were directly involved in the original incident and were listed on the SUFCR. Color photos will be taken of all injured parties; i.e. officers, subjects, and other individuals involved in the incident, except when the incident is a contact shooting investigated by the Department and an outside agency.

Close up photographs should depict all injuries sustained and the specific area(s) of the body when there is a complaint of injury.

All photographs and a copy of the case report will be attached to the SUFCR.

All SUFCR forms, photographs and case reports will be forwarded to the Chief of Police, through the chain-of-command, for review. The Chief of Police, or his designee, shall be responsible for the retention and storage of SUFCR files.

The supervisor shall not enter an opinion or conclusion when completing the narrative section of the SUFCR.

With the exception of shooting incidents, if the incident is to be subjected to an internal affairs review, investigated by the Deputy Chief of Police or their designee, the preparing supervisor must include a short synopsis of the incident and their investigative actions taken in the narrative section of the SUFCR.

If the Deputy Chief of Police or their designee responds to the scene, the supervisor will not include comments relating to the Deputy Chief of Police or designated investigating supervisor's investigation.

If the incident is to be investigated by a special unit or other agency, outside of the internal affairs mechanisms of the Department, the preparing supervisor shall enter in the narrative section, "SEE CASE REPORT PREPARED BY (unit or agency)." If available, the investigating unit or agency's case number should be listed. Upon approval by the Chief of Police, a copy of the SUFCR will be forwarded to the investigating unit or agency.

14.0 Medical Attention

In use of force incidents, both lethal and less-lethal, medical attention may be required.

If a subject complains of pain or injury; is unconscious; or, in the opinion of the concerned officer or supervisor, has an obvious injury or is exhibiting signs of physical distress requiring medical attention, or if a CEW is successfully used against them, the local EMS providers shall be requested to respond to the scene and render aid or transport the injured party to a medical facility

Medical attention may also be obtained if an officer or supervisor believes that a medical evaluation may be necessary for any reason not previously addressed above.

After using force, when it is safe and practicable to do so, an officer shall provide first aid, congruent to that officer's level of training, to any affected subjects until relieved by a higher medical authority or another officer.

If any individual refuses medical assistance, either on scene or at a medical facility, their refusal shall be fully documented in the related reports and, whenever practicable, be witnessed by another officer and/or medical personnel. If possible, refusals should be included in any body-worn camera recordings of the incident.

The on-scene supervisor or, if not available, the primary officer in custody of the subject shall ensure that any person providing medical care or receiving custody of a subject following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would potentially be safety or medical risks to the subject (e.g. prolonged struggle, impaired breathing, extreme agitation, known medical issue, etc.)

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and are unresponsive to pain (sometimes called excited delirium), or who require a protracted physical encounter with multiple officers to be brought under control, may be at a risk for sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel staged.

15.0 Administrative Assignment

Any employee, whose action(s) or use of force in an official capacity, results in death or serious bodily injury, will be removed from their line-duty assignment, pending an administrative review.

For non-contact shootings, where force is used against an animal (outside of authorized euthanasia), the decision to remove the concerned officer from their line-duty assignment shall be at the discretion of the Chief of Police.

16.0 Relief from Duty

It is the responsibility of the involved officer(s) chain-of-command to determine if it is necessary to relieve the officer(s) of duty, in accordance with Departmental guidelines and the collective bargaining agreement, and, if so, to complete that process.

17.0 Discharge of Firearms Investigations and Report

A. Notifications

As soon as it is safe to do so, the involved officer shall immediately notify the Communications Room, who will then notify the shift supervisor. The shift supervisor shall notify the Commander of Operations, the Deputy Chief of Police, and the Chief of Police.

If no supervisor is available, the Communications Room shall notify the Commander of Operations.

In the case of regional campuses, and no supervisor is currently on duty, the involved officer(s) shall have their dispatch (if available) notify the station supervisors. If having dispatch make a supervisor notification is not possible, the involved officer(s) shall contact their station supervisor as soon as practically possible under the circumstances. If the concerned regional shift supervisors are unavailable, the involved officer(s) shall contact the Oakland station Communications Room and the senior shift supervisor at the Oakland station, as well as the Regional Commander will be notified.

B. Case Reports

Case reports concerning other incidents associated with the use of force; e.g. robbery, burglary, will be the responsibility of the affected departmental element. Copies will be requested when the case report is prepared by an outside agency.

C. Incidents Occurring Within the Statutory Jurisdiction of the Department

A supervisor shall proceed immediately to the scene, evaluate the incident, and request assistance as needed.

In the case of regional campuses, and no supervisor is currently on duty, the involved officer(s) shall have their dispatch (if available) notify the station supervisors who shall proceed immediately to the scene. If having dispatch make a supervisor notification is not possible, the involved officer(s) shall contact their station supervisor as soon as practically possible under the circumstances. If the concerned regional shift supervisors are unavailable, the involved officer(s) shall contact the Oakland station Communications Room and the senior shift supervisor at the Oakland station, as well as the Regional Commander will be notified. If the concerned regional supervisors are unavailable to respond the scene, the senior-most uninvolved officer on duty shall evaluate the incident and request assistance as needed until they are relieved of their incident command responsibilities.

Uninvolved uniformed units shall be dispatched to render assistance, secure the scene, initiate an investigation, and prepare initial case reports.

The Deputy Chief of Police and/or their designee, and the appropriate outside agency or agencies shall initiate follow-up action on all contact shootings.

D. Supervisor Responsibilities at Contact Shootings and In-custody Deaths

The on-scene uniformed supervisor is responsible for ensuring the following:

- The prompt security and integrity of the shooting scene by establishing two perimeters (an interior perimeter for concerned investigators, command staff, and supervisors, and an outer perimeter for media and members of the public, etc.) No officer, regardless of rank, should enter the scene prior to the arrival of an investigator or supervisor.
- The Chief of Police is to be notified as soon as possible after the shooting by an on- scene supervisor. The notification should include the condition and/or location of any subjects involved in criminal activity, officers that discharged their firearm, and any victims.
- All witness officers, involved officers, and civilian witnesses shall be separated to ensure statement integrity. Contact with the involved officer(s) should be kept to an absolute minimum.
- No firearms should be checked, impounded, or in any way disturbed by anyone other than the appropriate investigative personnel assigned to the incident.
- The involved officer's firearm should be re-holstered or left where it was dropped. Shotguns and/or rifles should remain slung on the officer's person, or exactly where they were left by the officer after the shooting.

- Where exigent circumstances may exist and there is a possibility of a firearm being removed prior to the scene being secured, the firearm should be secured by the arriving officer or supervisors.
- Supervisors shall arrange to supply any officers who discharge their firearms with a replacement firearm for any firearm impounded by investigators.

E. Supervisor Responsibilities at Non-Contact Shootings

The on-scene supervisor is responsible for ensuring the following:

- Prompt security and integrity of the shooting scene in the same manner as contact shootings.
- Notify the Commander of Operations or **Regional Commander (as appropriate)**, Deputy Chief of Police and the Chief of Police, and the appropriate investigating element or agency.
- The involved officer's firearm should be re-holstered or left where it was dropped. Shotguns and/or rifles should remain slung on the officer's person, or exactly where they were left by the officer after the shooting.
- If the officer who discharged their firearm is injured and must leave the scene, prior to an investigator's arrival, preserve the firearm at the scene as evidence.
- If the firearm was holstered, ensure that it is left holstered and retain the entire duty belt or non-uniform holster at the scene.
- The identity and location of all involved persons shall be determined.
- All witness officers, involved officers, and civilian witnesses shall be separated to ensure statement integrity. Contact with involved officers shall be kept to a minimum.
- Making basic inquiries to determine generally what occurred and briefing command staff and investigators.
 - o Witness officers are required to respond to a supervisor's inquiries and write reports concerning the incident as directed.
- Making arrangements to supply officers who discharged their firearms with a replacement for any firearm that is impounded by investigators.

F. Incidents Occurring Outside the Statutory Jurisdiction of the Department

The on-duty supervisor will contact the Commander of Operations or the Regional Commander (as appropriate). The Deputy Chief of Police and Chief of Police will determine, what, if any, support personnel or investigators should respond to assist the agency with jurisdiction over the incident.

If the incident occurs within a reasonable proximity to the statutory jurisdiction of the University of Pittsburgh Police Department, an investigating supervisor shall respond. The response of an investigating supervisor beyond that will be determined by the Chief of Police, as they see appropriate.

G. Replacement of Impounded Firearms

The supervisor on scene shall ensure that any involved officer is not left unattended without a firearm. Replacement firearms of the same make and caliber approved for duty shall be maintained in the department armory.

H. Privileged Attorney or Psychotherapist Communication

Officers who discharge their firearms are defined as involved officers in an administrative investigation. Involved officers should not be asked what happened during the incident. Attorneys or bargaining unit representatives of the officer's choice, however, are permitted to speak with involved officer.

A bargaining unit representative does not enjoy the attorney/client privilege, and therefore, could be compelled to answer questions or provide a statement concerning what the officer said.

There is no entitlement for a witness to speak to an attorney or representative of choice prior to responding to the inquiries of a supervisor or investigator in an administrative investigation.

I. Administrative Investigation Review and Report of Findings

Upon completion of the investigation, a Department investigator shall obtain copies of the case report.

In the case of contact shootings, reports shall be forwarded to the Deputy Chief of Police and Chief of Police for a review of the findings and appropriate action.

In the case of non-contact shootings, reports shall be forwarded to the Deputy Chief of Police and Chief of Police for a review of the findings and appropriate actions.

- If disciplinary action is warranted, the affected officer(s) disposition shall proceed within the terms of the collective bargaining agreement.
- If disciplinary action is not warranted, the investigative report shall be filed and maintained by the Deputy Chief of Police.

- After a review of the incident, and if the facts support a conclusion that the discharge was the result of officer negligence, the officer may be required to undergo remedial firearms training and qualifications.

18.0 Less-Lethal Weapons and Procedures

Agency personnel authorized to carry and/or use less-lethal weapons are to be instructed in the Department use-of-force policy. Proficiency with any less-lethal weapon shall be documented and maintained by the Department training supervisor.

The following less-lethal weapons are approved for use by University of Pittsburgh police officers:

A. Police Batons

Only batons approved by the Chief of Police shall be carried on duty. Prior to being issued and/or carrying a baton, officers must have completed a departmentally-approved training program and demonstrated proficiency in its use.

Officers will not unnecessarily brandish or use the baton as an intimidation or coercing device, unless the officer is attempting to prevent the further escalation of force.

Batons may be used solely for trained escort, control or restraint techniques. Such techniques are not considered as impact techniques.

1. Strikes with a baton should be delivered to the following areas:

a. Primary targets – major muscle mass

The primary targets are the major muscle masses, such as the forearm, thigh or calf. These locations should be selected because of the low implication of injury to the subject. Impacts to these areas normally create severe muscle cramping which inhibits the subject's ability to continue aggression

b. Secondary targets – joints or bones

If primary areas are unavailable or unreasonable target areas, secondary targets are joints or bones. For example, elbows, wrists and knees. These areas carry a higher probability of creating damage to soft or connecting tissues, as well as bone fractures.

c. Deadly force targets

These include the head, neck, throat, spine and internal organs, and are considered target areas which the officer may strike if justified in using deadly force. These impact points have higher implications of creating severe injury in the form of great bodily harm or death. Therefore, the officer will avoid intentionally striking these areas during a confrontation, unless justified is the use of deadly force.

2. Subject Handling

Handling of subjects struck with a baton shall be in compliance with section 14.0, *Medical Attention*, portion of this policy.

As soon as it is safely possible, officers shall check the subject for injuries and administer first aid and/or summon emergency medical services, if immediately necessary.

B. OC Chemical Aerosol

Officers shall only carry or deploy OC delivery platforms that have been approved by the Chief of Police. The primary OC delivery platform for UPPD officers is the MK3 sized Oleoresin Capsicum aerosol canister, which is carried by each individual officer.

Other chemical agent delivery platforms (e.g. 40mm rounds and grenade canisters) may be deployed in appropriate situations.

Prior to being issued or deploying a chemical agent, officers must have completed a departmentally-approved training program and demonstrated proficiency in their use.

1. Usage Guidelines MK3 OC Canisters

Officers shall only carry OC canisters in a manner and holder authorized by the department.

Officer will not brandish or use OC canisters as an intimidation or coercing device, unless they are trying to prevent the further escalation of force.

Whenever additional officers are present and it is practical and reasonable, the deploying officer should warn the others loudly and repeatedly prior to spraying the OC. Upon hearing the warnings, other officers present should distance themselves from the subject and allow a clear target area for the deploying officer to spray.

a. Reasonable uses include:

- An officer perceives he/she is being threatened with physical force
- A subject is actively resisting arrest
- A subject assaults or attempts to assault a police officer or another person
- An officer is threatened by a dangerous animal
- Other means of controlling the subject are unreasonable or could cause injury to the subject, the officer or others present.

b. OC Use Prohibitions

- A subject submits peacefully to arrest and complies with lawful demands during an arrest or while in custody/detention
- A subject is simply passively resisting
- A subject complies with lawful commands during a valid investigative stop or stop for citation purposes
- A subject is incapacitated and/or restrained and under control.

c. OC Use Considerations

- Whether innocent bystanders could be affected
- Whether the subject is operating a motor vehicle
- Environmental considerations such as wind direction
- Subject location
- Known health conditions of a subject
- The decision to deploy a chemical agent rests with the deploying officer, based on the totality of the circumstances.

2. Handling of Subjects Exposed to OC

The effects of OC vary among individuals. Therefore, all subjects shall be handcuffed as soon as practical after being sprayed. Officers must balance the need to control the subject and protect him/her from injuries versus rushing in too quickly before the spray has had an opportunity to take effect. Officers should also be prepared to employ other force options consistent with department policy if the subject does not respond sufficiently to the spray and cannot otherwise be subdued.

Immediately after spraying a subject, the officer shall:

- Give strong, loud and simple verbal commands to the subject while moving out of the subject's pathway.
- Be alert to any indications that the subject needs medical care. This includes, but is not limited to breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems, or if the subject requests medical assistance, the officer shall immediately summon medical aid.

- Remove the subject from a contaminated area as soon as practical.

Officers must be particularly aware of asphyxia issues after OC usage in conjunction with prone or compressed and restrained positioning.

3. Subject Decontamination

These procedures are not intended to be done in the listed sequence, but as quickly as possible.

As soon as practical after the subject has been controlled by the use of OC, the officer shall:

- Expose the subject to fresh air, if practical
- Flush the subject's face and other affected areas with water or other approved remedy if the subject cooperates
- Ask the subject if he/she suffers from any respiratory disease or other problems such as asthma, bronchitis or emphysema. If the subject complains of or displays symptoms of respiratory distress, medical attention should be summoned immediately
- Assure the subject that the effects of the chemical agent are only temporary
- Remove the subject from the contaminated area

4. Maintenance

Officers shall routinely inspect their issued OC canister. If a canister is found to be in unserviceable condition, it shall be reported to a supervisor and the officer will be issued a new canister.

5. Miscellaneous Considerations

During crowd control or civil disturbance situations, the incident commander has the responsibility for authorizing the use of OC and for directing its application.

Although not considered a chemical agent, smoke munitions or grenades may be deployed outdoors to disperse a crowd.

Smoke munitions or grenades have a potential to start a fire. Additionally, the smoke emitted replaces oxygen in the air. Unless deadly force is authorized, smoke munitions or grenades shall never be deployed into a structure.

Due to the risk of fire, unless deadly force is authorized, only munitions and grenades designed to be used indoors shall be deployed into a structure.

OC munitions fired from a 12 gauge or 40 millimeter platform shall not be fired directly at any person.

The duration of the application of OC shall be limited to that which is required for effective control.

C. Specialty Impact Munitions (SIMs)

Only launching platforms and SIMs approved by the Chief of Police may be used or carried on duty.

Prior to being issued or authorized to deploy SIMs, officers must complete a departmentally approved training program. Officers shall demonstrate proficiency in firing or launching SIMs annually.

Any officer that has been trained and is currently qualified to use SIMs may use them if justified by the circumstances. A supervisor shall be notified as soon as practical of the impending or intended use of a SIM.

Circumstances that may justify the use of SIMs include, but are not limited to:

- Situations in which a subject is acting aggressively towards officers or bystanders
- Safely controlling violent or potentially violent subjects
- Subduing viscous animals
- Situations in which a supervisor deems their use to be reasonably necessary to safely resolve the incident and prevent escalation of an incident to a life-threatening situation
- Active aggression toward persons or property during civil disturbances
- As an alternative to deadly force when such force is clearly justifiable; however, another officers must be present and capable of providing deadly force coverage to protect the officers and/or civilians as necessary

The following conditions may preclude the use of SIMs, unless deadly force is justified:

- The age, weight, or size of the subject would increase the potential for serious bodily injury or death
- There is an obvious or known medical condition that would increase the potential of serious bodily injury or death to the subject
- The use of SIMs would increase the risk to hostages or other persons

The decision to deploy SIMs rests with the officer deploying the munition, based on the totality of the circumstances.

If possible, officers on scene should be notified that the impact device will be deployed loudly and repeatedly by the deploying officer.

1. Subject Targets

- a. The primary targets are the major muscles masses of the lower body. These locations should be selected because of the low implication of injury to the subject. Impacts to these locations normally create severe muscle cramping which inhibits the subject's ability to continue aggression.
- b. If primary targets are unavailable or unreasonable, secondary target areas are joints or bones, preferably of the lower body. These areas carry a higher probability of creating damage to soft or connecting tissues, as well as bone fractures.
- c. Deadly force targets include the head, neck, spine, throat, sternum and areas close to internal organs. These are considered target areas an officer may strike if justified in using deadly force. These impact points have high implications of causing great bodily injury or death. Therefore, officers will avoid intentionally targeting these areas, unless the level of resistance is severe enough to justify the use of deadly force.
- d. SIMs are to be precisely aimed at portions of the subject's body. Consideration must also be given to target isolation so innocent people in the immediate area are not harmed should a round miss the intended target.

2. Subject Handling

Handling of subjects struck with a SIM shall be in compliance with section 14.0, *Medical Attention*, portion of this policy.

As soon as it is safely possible, officers shall check the subject for injuries and administer first aid and/or summon emergency medical services, if immediately necessary.

All subjects struck by a SIM must be evaluated by emergency medical services. They shall be transported to a medical facility for further treatment if necessary.

D. Conducted Electrical Weapon (TASER)

CEWs may be used for the purposes of gaining compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing serious bodily injury or death.

The decision to deploy a CEW rests with the officer deploying it, based on the totality of the circumstances, in accordance with UPPD Policy 4-2 "Conducted Energy Weapon (TASER)".

Prior to being issued or authorized to carry a CEW, officers shall complete a departmentally approved training program.

Officers shall complete a yearly recertification course in the use of the CEW.

19.0 Firearms

Employees shall not carry or possess a firearm or weapon, concealed or unconcealed, while on duty or while on University of Pittsburgh properties, facilities, officers or vehicles unless authorized by Pennsylvania law and the Chief of Police.

Only sworn officers are permitted, as part of their official duties, to handle, analyze or examine, transmit, store or receive any firearm or weapon that has been impounded by or submitted to the Department for analysis, examination, storage and/or safekeeping.

Sworn personnel shall carry an authorized firearm on duty (firearms for authorized recreational or organized competitive shooting activities are excluded), unless relieved of this requirement by a supervisor.

If available and the officer has demonstrated proficiency, an AR-15 patrol rifle or shotgun shall be carried on duty by uniformed patrol officers.

Approved secondary weapons, known as back-up guns (BUGs) and firearms carried by personnel in "plain clothes" shall be concealed.

The Department training supervisor shall maintain a list of departmentally approved firearms, weapons and ammunition.

A. Drawing a Firearm

The decision to draw or direct a firearm at an individual should be based on the tactical situation and totality of the circumstances. Officers should exercise discretion when drawing a firearm.

B. Surrendering a Firearm

An officer may be confronted by an armed person who has the advantage, but the danger is not reduced by the officer giving up his or her firearm upon demand. Surrendering his or her firearm might mean giving away the only chance for survival, therefore, an officer should use all possible tools and tactics to avoid surrendering his or her firearm.

C. Authorization to Carry Firearms

Sworn personnel will be authorized to carry only departmentally-approved firearms, and only after receiving instruction in the Department Use of Force and Weapons policy and demonstrating proficiency as determined by the Municipal Police Officers Education and Training Commission.

D. Supervisor Inspection

Supervisors shall routinely inspect subordinates' firearms, ammunition and magazines. Personnel are responsible for the proper care, cleaning and treatment of all firearms carried in the line of duty.

E. Handling Firearms

Firearms shall be handled in a safe and reasonable manner. The playful or wanton pointing of a firearm at anyone, on or off duty, or the careless or negligent handling of a firearm is strictly prohibited.

F. Prohibition on Direct Contact

A handgun, shotgun or rifle muzzle will not be held in direct contact with an individual, except as a last resort when the use of deadly force is justified and it is the only manner in which the firearm can be discharged without increasing the danger of death or serious bodily injury to the officer or another person.

G. Handguns

When the handgun is drawn, the trigger finger will be kept outside of the trigger guard and parallel to the frame or cylinder until the weapon clears the holster.

The hammer of a double action revolver shall not be drawn back to the single action firing position, except for cleaning or disassembling the weapon.

Handguns will be secured as soon as practicable after determining the use of deadly force is not necessary.

H. Shotguns

An officer may deploy a shotgun in any circumstance where the officer can reasonably articulate that a shotgun may be needed.

The trigger finger shall be kept outside the trigger guard, unless deadly force becomes necessary.

The safety button shall be engaged or disengaged only from outside the trigger guard. The safety shall only be disengaged when deadly force may become necessary.

The shotgun shall be carried on duty with the chamber closed and empty, the magazine filled, and the safety on.

Officers carrying shotguns are discouraged from engaging in foot pursuits, unless circumstances dictate it.

Absent exigent circumstances:

- Shotguns shall be loaded and unloaded in a safe manner and location with the barrel pointing downward.
- Routine loading and unloading will be into and from the magazine.
- Shotguns will be transported in vehicles with an empty chamber, in battery, with the safety on.
- A round shall be chambered only when the officer determines that deadly force may be necessary. A chambered round will be removed directly from the chamber.
- Shotguns will be secured as soon as practicable.

I. AR-15 Patrol Rifles

An officer may deploy a patrol rifle in any circumstance where the officer can reasonably articulate that a rifle may be needed.

The trigger finger shall be kept outside the trigger guard unless deadly force becomes necessary.

If using an approved red dot, in case of optic failure, officers shall also have iron sights mounted and available for use. If using a variable magnification optic, the optic shall have an etched reticle in case of battery failure.

The rifle will be stored in a vehicle with the bolt forward, the chamber empty, the dust cover in the up position, a magazine loaded to capacity, and the safety selector in the "safe" position.

The rifle will be stored in the roll call room safe with the magazine removed, the bolt locked to the rear, and the safety selector in the "safe" position.

A round shall be chambered only when an officer determines that deadly force may be necessary. The safety selector shall only be disengaged when deadly force may become necessary. An un-fired chambered round shall be taken out of service, and stored to be used for training.

Rifles shall be secured as soon as practicable.

20.0 Approved On-Duty Firearms

All firearms will be inspected by the firearms instructors or armorers during annual qualifications. Unsafe weapons shall be removed from service until repaired.

If a supervisor or Department armorer finds a weapon to be unsafe for duty or that maintenance has not been performed on the weapon as to reasonably conclude negligence on the part of the concerned officer, a memorandum will be generated and placed in the officer's training file.

Multiple instances of poorly maintained or unsafe weapons may result in escalating disciplinary measures, consistent with the collective bargaining agreement.

A. Duty Firearms

For specifications of approved duty weapons, refer to the controlling Chief of Police's standing order for each respective type of firearm.

B. Additional Secondary Firearms or Back-up Guns (BUGs)

For specifications of approved secondary weapons or BUGs, refer to the controlling Chief of Police's standing order for each respective type of firearm.

C. Special Purpose Firearms

The Department will supply officers with special-purpose tactical firearms as necessary; including bolt-action rifles, or firearms subject to National Firearms Act registrations and transfers. The Chief of Police may authorize purchase or issuance of any special-purpose firearms.

D. Firearms for Off-duty Personnel

Sworn personnel are authorized to have a firearm and ammunition in their possession unless off-duty activity dictates otherwise, such as exercise activities.

When off-duty, sworn personnel may carry an approved firearm that meets the requirements of a duty pistol or BUG.

E. Holsters

Uniformed officers shall only wear holsters approved by the Chief of Police or their designee.

On-duty, non-uniformed personnel shall carry handguns in a holster which allows for safe drawing and re-holstering, and features some type of retention system. Off-body carry is generally prohibited unless it is an operational necessity.

Holsters that accommodate a weapon-mounted light are authorized to be worn on duty. In the case of uniformed personnel, only approved holsters may be worn. For non-uniformed personnel, any light-bearing holster must meet the requirements set forth above.

BUGs may be carried in an ankle holster equipped with a retention strap; or a holster that attaches to the strap of an officer's ballistic vest; or a holster designed to be carried inside of a pants or cargo pocket. Officers must demonstrate to a firearms instructor that they can safely draw the weapon from the chosen carry method.

Off-duty holsters must be in good condition, and allow for the safe draw of a firearm. Firearms carried in purses or "fanny packs" must be holstered with a security strap or flap, or be in a separate compartment.

Holsters made entirely of nylon or neoprene are prohibited for on-duty and off-duty use.

F. Other accessories

Officers may utilize horizontal or vertical magazine pouches. Magazine pouches may be secured with a flap or be open-top, secured by pressure retention.

Vertical magazine pouches may not be worn upside-down.

For further guidance, with respect to accessories, refer to the Chief of Police's controlling standing order for that respective type of firearm.

G. Security of Firearms

Firearms will not be left unprotected. Departmental personnel, both on duty and off, shall take reasonable and prudent steps to ensure that their firearms are secured at all times and not readily accessible to unauthorized users.

H. Approved Ammunition

Only ammunition approved by the Chief of Police, or their designee, shall be carried on-duty in any pistol, shotgun, or AR-15 patrol rifle.

Ammunition carried in BUGs, or any other approved firearm, must be approved by the Chief of Police or their designee.

I. Prohibited Ammunition

Explosive or combustible rounds, "tracer" rounds, or any rifle for pistol round intended to expel multiple projectiles or pellets are prohibited for use by officers in duty weapons or BUGs. This prohibition does not apply to personal recreational or competitive uses.

J. Duty Ammunition Supply

While on duty, uniformed personnel shall carry at least two (2) fully-loaded additional magazines for their duty pistol.

While on duty, investigative or administrative officers shall carry at least one (1) fully-loaded additional magazine for their duty pistol.

Officers needing replacement duty ammunition shall contact a supervisor authorized to distribute ammunition.

Ammunition for BUGs is the responsibility of the individual officer.

K. Spare and Training Ammunition

If inventory allows, additional duty ammunition, in order to have additional fully-loaded magazines in addition to the minimum number mandated for duty, may be obtained from a supervisor authorized to distribute ammunition.

If inventory allows, practice ammunition may be distributed by a supervisor authorized to issue ammunition.

21.0 Firearms Proficiency

Certified firearms instructors shall ensure that sworn personnel demonstrate proficiency annually with the approved firearms they carry. Utilizing a Municipal Police Officers Education and Training Commission course-of-fire, the minimum passing score of 113 points (out of a possible 150 points) is required on each phase of the qualification course.

A. Criteria

Personnel who demonstrate proficiency with an approved revolver will be considered proficient with any approved revolver of the same manufacturer, caliber, barrel length, frame size and method of operation.

Personnel who demonstrate proficiency with an approved semi-automatic pistol will be considered proficient with any semi-automatic pistol of the same manufacturer, caliber and method of operation.

Personnel who demonstrate proficiency with an approved AR15 pattern patrol rifle shall be considered proficient with any AR15 pattern patrol rifle of the same caliber, barrel length and method of operation. This section shall only apply to the use of traditional iron sights.

Any officer wishing to use an authorized red dot or magnified optic must qualify with said optic. Officers that demonstrate proficiency utilizing a red dot or magnified optic shall be considered proficient if utilizing the same brand and model of optic.

Personnel authorized to use special-purpose firearms are required to attend familiarization and proficiency training and must demonstrate their proficiency, as determined by the Municipal Police Officers Education and Training Commission, the Chief of Police, or their designee.

B. Personnel Failing to Demonstrate Proficiency

Personnel who fail to demonstrate proficiency during scheduled qualifications will be required to achieve proficiency during a scheduled remediation session. Remediation shall be tailored to the individual officer's needs, based upon the recommendation of the Department's firearms instructors.

Personnel who fail to demonstrate proficiency due to an illness, injury or other disabling cause, or fail to attend a scheduled qualification session, shall be required to demonstrate proficiency upon return to duty or a rescheduled qualification session.

C. Procedures for Personnel Failing to Demonstrate Handgun Proficiency

During qualifications, officers will be given three (3) opportunities to demonstrate proficiency with their duty handgun. If proficiency is not demonstrated after three (3) attempts, the officer shall be immediately scheduled to attend an eight (8) hour remedial training session. The officer shall not be authorized to carry a firearm on duty, until proficiency is demonstrated. The Commander of Operations shall be notified, so that any man-power shortages may be addressed.

During the eight (8) hour remedial session, training shall be tailored toward the officer's needs. After training needs are addressed, the officer shall be given three (3) more opportunities to demonstrate proficiency. If proficiency is not demonstrated after those three (3) attempts, an additional thirty-two (32) hours of remedial training shall be immediately scheduled. The officer shall not be

authorized to carry a firearm on duty, until they demonstrate proficiency. The Commander of Operation shall be notified, so that any man- power shortages may be addressed.

During the additional thirty-two (32) hour remedial training, officers shall be given basic remedial training on firearms manipulation and marksmanship. At the end of the thirty-two (32) hour remedial training, an additional three (3) attempts to demonstrate proficiency shall be given to the officer.

Remediation training shall be documented by the instructing firearms instructor. The documentation shall be maintained in the concerned officer's training file.

D. Procedures for Personnel Failing to Demonstrate Proficiency with Other Weapons

During any other approved weapons qualifications, officers shall be given three (3) opportunities to demonstrate proficiency.

If proficiency is not demonstrated after three (3) attempts, the concerned officer shall be prohibited from carrying that respective weapons platform, until proficiency is demonstrated at a later time.

E. Failure to Demonstrate Handgun Proficiency after Remedial Training

If, after forty (40) hours of remedial training, an officer cannot demonstrate proficiency with their duty handgun, the Commander of Operations or Regional Commander (as appropriate) shall be notified. The concerned officer shall be permanently reclassified to a non-sworn position or dismissed.

22.0 Responsibilities of Training Supervisor and Firearms Training Staff

The training supervisor and firearms instructors shall be responsible for the planning and conducting of firearms qualifications, make-up, remedial, specialized or any other types of firearms training.

The firearms instructors shall record that an officer is proficient, or failed to meet the standards of proficiency. The firearms instructors shall forward this information to the training supervisor.

The training supervisor shall maintain a record of all department personnel who achieve proficiency, fail to show proficiency, or fail to attend.

The training supervisor shall notify the Commander of Operations or Regional Commander (as appropriate) of any officers that fail to achieve proficiency or that fail to attend qualifications.

23.0 **Armament Repairs and Serviceability**

The Department armorers are responsible for the inspection and repair of all departmentally- approved duty firearms. Repairs for BUGs and off-duty firearms are the responsibility of the individual officer.

A. Repairs

While repairs are being made, the officer will be issued a serviceable loaner by an authorized supervisor.

B. Negligence

When unserviceability of a departmental armament is determined to have been caused by misuse, carelessness, or neglect, in addition to any Department discipline, the cost for repair or reconditioning may be charged to the responsible employee.

C. Alterations

Officers shall not alter, repair, modify or adjust any duty firearm; unless such action is intended to be performed at the end-user level by the manufacturer, or such alteration, modification, repair or adjustment is authorized by the Chief of Police or their designee.

Unless otherwise authorized, all repairs, modifications, alterations or adjustments to duty firearms shall be made by a Department armorer.

This prohibition shall not apply to personally-owned recreational or competition firearms.

D. Report of Unauthorized Alterations

If any officer makes any unauthorized alterations, an armorer or firearms instructor shall notify the Commander of Operations. Officer making unauthorized alterations to firearms may be subject to Department discipline.

E. Individual Weapon Maintenance

Officers are responsible for the day-to-day preventative maintenance of their firearms (i.e. lubrication, cleaning, visual inspection) recommended by the weapon's manufacturer.

F. Inventory and Control of Department Firearms

All firearms purchased or confiscated by the Department shall be inventoried. The make, model, caliber, location and serial number of each firearm shall be recorded. The possession or transfer of those weapons shall be noted.

The Deputy Chief of Police, or their designee, shall be responsible for maintenance and storage of the firearms files.