



Use of Force Training

Use of Force Overview

- Police Officers in Pennsylvania are granted the legal authority to use force by Pennsylvania state law.
- The law authorizing and governing use of force is found in Title 18, section 508: Use of force in law enforcement [see section below].

A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest.

Use of Force Overview

Title 18, section 508 continued

However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes BOTH THAT:

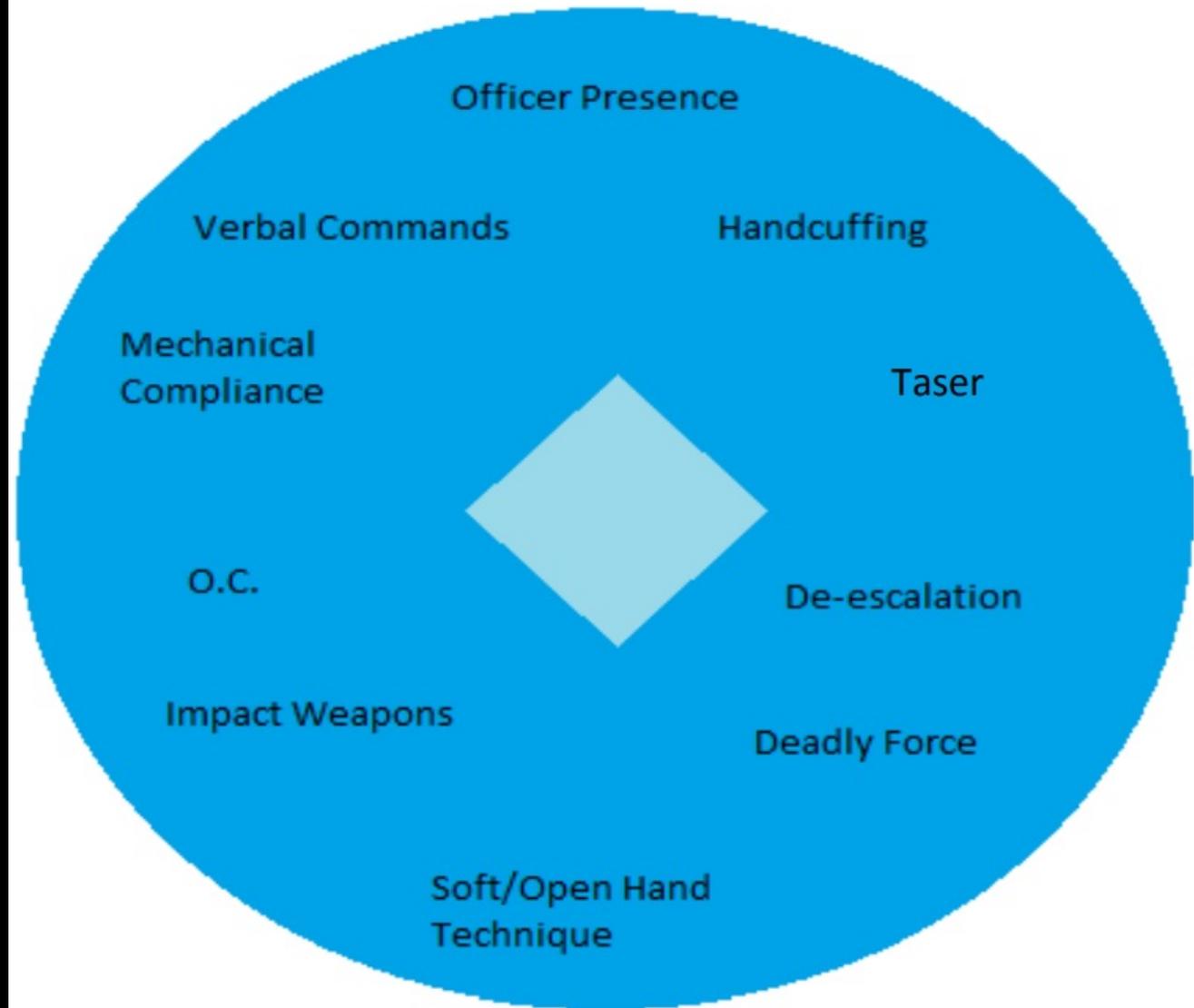
(i) such force is necessary to prevent the arrest from being defeated by resistance or escape; AND

(ii) 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 will endanger human life or inflict serious bodily injury unless arrested without delay.

Use of Force Overview

SCPD uses a “circular” Use of Force Model as opposed to “ladder” or “pyramid” models.

- Officer is depicted in the center.
- Reflects the ability to immediately use the most appropriate force to overcome resistance or stop a threat.
- Officers are trained that force must stop once compliance is gained or a threat no longer exists.



Use of Force Overview

The State College Police Department's "Use of Force" training program addresses the less-lethal tools that are routinely carried by officers during the performance of their regular duties. When used properly, less-lethal tools present a low risk of serious injury or death.

These tools include the following:

- TASER
- Oleoresin Capsicum (Pepper Spray)
- Baton
- Handcuffs

SCPD currently has two "In-House Instructors" to teach each subject area to our officers. Instructor certifications are granted and supported by nationally recognized training organizations. Training and testing curriculum for instructors and officers are established by these national organizations.

TASER: Background

- SCPD is equipped with the TASER X26P. The TASER is a conducted energy weapon (CEW) designed to overstimulate the motor nervous system and cause neuromuscular incapacitation (NMI). NMI reduces the ability of a person to perform voluntary movement.
- The primary function of a TASER is to provide a brief window of opportunity through NMI for an officer to take control of a resisting or violent subject safely.
- The TASER may also be used as a pain compliance tool under certain circumstances; but is less effective in that capacity and trained only as a secondary skill.
- The threat of a TASER paired with verbal commands/de-escalation is often sufficient to gain compliance from a resisting or violent subject.

TASER: Training

Training and certification standards for TASER instructors and officers are established by Axon Enterprises, Inc.

Axon Enterprises, Inc. training requirements are as follows:

- Instructors must attend a certification course with a TASER Master Instructor and must pass all proficiency testing as well as a written test. Instructors must re-certify with a master instructor every two years.
- Officers must certify annually with their in-house instructor. Recertification includes a block of classroom instruction, demonstration of proficiency with basic TASER drills and deployment of two live TASER cartridges.

TASER: Training

Annual TASER training for officers includes:

- Preferred target zones
- Limited effectiveness of TASER and contingencies
- Avoiding TASER over-dependence
- Controlling/cuffing “under power”
- 4th Amendment considerations
- Medical Risks including:
 - Higher risk populations
 - Injuries from falls
 - Risks posed by flammable or water environments
 - Cardiac risks
 - Physiologic and metabolic effects of exposure

TASER: SCPD Policy

- Officers must complete a TASER written test annually in addition to recertification requirements set forth by Axon Enterprises.
- TASERs are carried on the officer's support side to avoid confusion with firearm under stress.
- TASERs may only be used on subjects exhibiting active aggression or active resistance, or where other appropriate forms of force would likely cause greater injury.
- The aiming laser/threat of TASER may be used in an attempt to gain compliance.
- TASER shall not be used in a punitive or abusive manner, or on compliant, handcuffed or fleeing suspects absent aggregating circumstances.
- Post TASER deployment officers shall use a restraint technique that does not impair respiration, a supervisor shall come to the scene and EMS will be summoned to medically evaluate the subject.

Oleoresin Capsicum: Background

- Every officer with the State College Police Department is issued a 2.4 oz. canister of Oleoresin Capsicum (OC) spray for individual use.
- OC, or more commonly known as “pepper spray”, is an inflammatory agent derived from hot peppers. OC is designed to target the eyes, respiratory system and mucous membranes of the face.
- The primary function of OC is to create a physiological distraction in a resisting or aggressive subject by causing temporary discomfort on the skin, eyes and respiratory system. This physiological distraction creates a window of opportunity for an officer to safely take control of a subject or escape from an immediate threat area.
- OC is not intended to be used as a pain compliance tool. The involuntary physiological response to OC may make it difficult for a subject to comply with verbal commands.

Oleoresin Capsicum: Training

Training and certification standards for OC instructors and Officers are established by the “Oleoresin Capsicum Aerosol Training (OCAT)” program hosted by Personal Protection Consultants, Inc.

Personal Protection Consultants, Inc. requires the following for OCAT certification:

- In-House Instructors must attend a certification course with an OCAT Instructor-Trainer or Master Instructor. In-House Instructors must pass proficiency testing on all OCAT techniques and pass a written test. In-House Instructors must attend recertification training every four years and pass both written and proficiency exams.
- Officers must pass a written exam and demonstrate proficiency on any OCAT technique taught during their certification/recertification training. Officers must attend recertification training every three years.

Oleoresin Capsicum: Training

OCAT certification training for Officers includes:

- Target areas
- Physiological effects of OC
- Post-exposure guidelines for decontamination and care of a subject
- When to seek medical attention
- Limited effectiveness of OC and contingencies
- The concept of “Defend, Move and Spray”

Oleoresin Capsicum: SCPD Policy

- Officers are required to complete recertification every two years, which is more frequently than required by OCAT standards.
- OC may be used when officer presence, verbal dialogue or passive control is ineffective or not practical.
- Consideration should be given to situations where overspray may create a more hazardous condition.
- Treatment will be given to any individual sprayed as soon as practical, to include placing the individual in a well-ventilated area and permitting them to use cool water to rinse their face.
- EMS will be summoned for medical evaluation immediately upon the individual's request or with the officer's observation of other factors indicative of a possible medical emergency.

Expandable Baton: Background

- Every officer with the State College Police Department is issued a Monadnock Expandable Baton or “MEB”.
- An MEB consists of telescoping sections of lightweight metal that lock into position once fully extended. The collapsible nature of the MEB provides a lower profile for carry on a duty belt and generally appears less intimidating than a traditional solid baton.
- The primary function of an MEB is to increase the distance between an officer and an unarmed, violent subject. The MEB enables an officer to deliver strikes to a violent individual while maintaining a safer distance to avoid counterstrikes.
- In practice, there is a significant overlap between the MEB and other intermediate force options such as OC and TASER. While situations do exist where an MEB may be the appropriate force option, the SCPD rarely uses an MEB on individuals.

Expandable Baton: Training

Training and certification standards for baton instructors and officers are established by the “Personal Protection Baton Tactics (PPBT)” program hosted by Personal Protection Consultants, Inc.

Personal Protection Consultants, Inc. requires the following for PPBT certification:

- In-House Instructors must attend a certification course with a PPBT Instructor-Trainer or Master Instructor. In-House Instructors must pass proficiency testing on all PPBT techniques and pass a written test. In-House Instructors must attend recertification training every four years and pass both written and proficiency exams.
- Officers must pass a written exam and demonstrate proficiency on any PPBT technique taught during their certification/recertification training. Officers must attend recertification training every three years.

Expandable Baton: Training

PPBT certification training for officers includes:

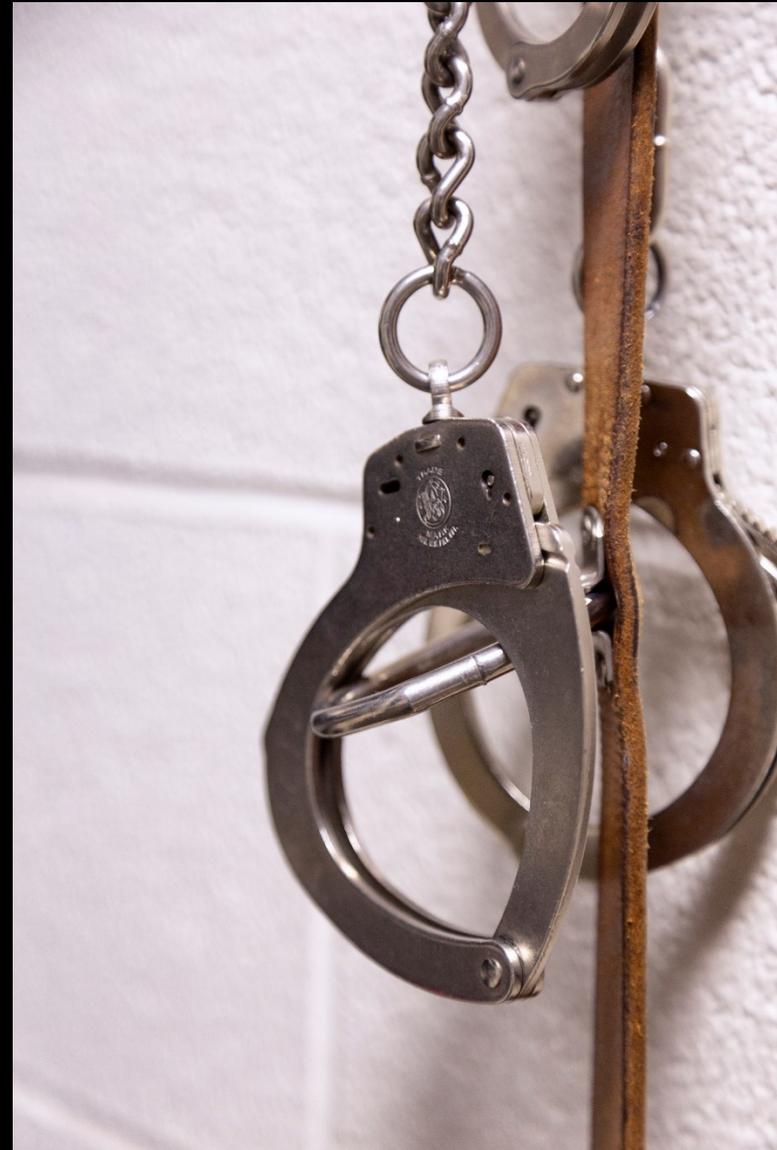
- Reasonable target area selection
- Unknown risk and high-risk target areas
- Post-use guidelines for evaluation and care of a subject
- When to seek medical attention
- Defensive positions
- Counter-strikes
- Blocks
- Baton retention

Expandable Baton: SCPD Policy

- The baton is a defensive tool and should be used only when necessary.
- It is not intended to be used on an armed subject.
- The baton shall not be used to strike "vital areas" unless deadly force would be justified.
- Officers will request EMS evaluation/medical treatment for any individual injured as a result of baton impact.

Handcuffing: Background

- Every officer in the State College Police Department is issued a minimum of one set of handcuffs. Handcuffs are generally made of stainless steel and are connected by a hinge or chain links.
- The primary function of handcuffs is to restrain an individual's hands for both the officer and the subject's safety.
- Handcuffs are generally applied to a subject prior to conducting a search or transport in a vehicle. Handcuffs are applied to both compliant and violent subjects at the officer's discretion and does not necessarily constitute an "arrest".
- Most resistance occurs at the time of handcuffing.



Handcuffing: Training

Training and certification standards for handcuffing instructors and officers are established by the “Practical And Tactical Handcuffing (PATH)” program hosted by Personal Protection Consultants, Inc.

Personal Protection Consultants, Inc. requires the following for PATH certification:

- In-House Instructors must attend a certification course with a PATH Instructor-Trainer or Master Instructor. In-House Instructors must pass proficiency testing on all PATH techniques and pass a written test. In-House Instructors must attend recertification training every four years and pass both written and proficiency exams.
- Officers must pass a written exam and demonstrate proficiency on any PATH technique taught during their certification/recertification training. Officers must attend recertification training every three years.

Handcuffing: Training

PATH certification training for officers includes:

- Relative positioning and the reactionary gap
- Proper anatomical application of handcuffs
- Double-locking the cuffs and checking for proper fit
- Post-use guidelines and positional asphyxiation
- When to seek medical attention
- Verbalization and decentralization
- Disengaging from resistance

Handcuffing: SCPD Policy

- An individual should not be handcuffed to a fixed object except for in designated holding areas.
- The decision to handcuff a compliant, peaceful subject is at the discretion of the officer.
- Individuals should be handcuffed behind their back unless doing so would compromise the subject's health and safety.
- Any individual being transported in a police vehicle should be handcuffed.

Use of Force: Annual Departmental Training

- Every sworn member of the State College Police Department is required to attend annual in-service training, regardless of rank or job assignment. Part of this training includes a “critical policies” test which includes the SCPD Use of Force policies. Each officer must score a 100% in order to pass this test.
- One full day (8 hours) of annual in-service training is specifically dedicated to Use of Force training.
- Half of this training day is dedicated to TASER training and re-certification. The other half of the day is dedicated to training and re-certification on OC, Baton and Handcuffing on an annually rotating basis.
- In addition to the required re-certification trainings, instructors present relevant academic studies and court case law decisions pertaining to use of force. Part of this case law review includes watching and critically discussing video of use of force incidents from other law enforcement agencies around the country.
- Each officer must also participate in at least one scenario-based practical exercise.

Scenario-Based Training

- The training scenario(s) are selected by the Use of Force instructors and are based on actual incidents handled by SCPD.
- One instructor serves as a role player in the scenario while the other acts as a safety officer/observer.
- The officer participating has all force options available to them that they typically would in a patrol response scenario, but all weapons are inert. The officer receives a “dispatch” from the safety officer/observer and must respond to “the scene”.
- The role player and scenario are located out of sight/sound from the “dispatch” to mimic the level of uncertainty of responding to a call for service.
- The role player dictates the remainder of the scenario with varying levels of compliance/resistance to de-escalation, verbal commands, threat of force or actual force used.
- Once all officers have participated in the scenario(s), instructors conduct a debrief with the class.

Additional Less Lethal

- Pepper Ball
- 40 mm
- Bean Bag

MILO Range De-escalation Simulator

- Interactive Video/Audio Simulations
- Simulation system allows officers to experience complex and common police scenarios
- Simulations adapt in real-time, responding to the officer's actions
- Officers have access to all the de-escalation and force options they would possess on the job.
- Started in 2014
- Replaced CAPS simulator started in 2007





Lethal Force Training

Deadly Force-SCPD Policy

Definitions

- Deadly Force – force which, under the circumstances in which it is used, creates a substantial risk of causing death or serious bodily injury (SBI).
- Forcible Felony – murder, vol. manslaughter, rape, robbery, kidnapping, indecent sexual intercourse, arson endangering persons, and aggravated assault causing SBI.

Deadly Force-SCPD Policy

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

1. The action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury, or when he/she reasonably believes both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.

Deadly Force-SCPD Policy

From SCPD Policy:

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must, at all times, be subservient to the protection of life. The officer's responsibility for protecting life must include his own.

Deadly Force is appropriate only to protect yourself or another from death or serious bodily injury; or to apprehend a fleeing forcible felon when all other means have been exhausted and the suspect presents an imminent risk of grave bodily harm or death to the officer or other persons.

Deadly Force- Case Law

Tennessee v. Garner, 471 U.S. 1 (1985), is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a significant threat of death or serious physical injury to the officer or others.

Deadly Force- Case Law

[Plakas v. Drinski](#), 19 F.3d 1143 (7th Cir. 1994) - If the actions of the suspect justifies the use of deadly force, the officer is not required to use less-than-lethal force before employing deadly force. The court noted that "...where deadly force is otherwise justified under the Constitution, there is no constitutional duty to use non-deadly alternatives first."

[Powpow v. City of Margate](#), 476 F. Supp. 1237 (N.J. 1979) - Firearms training should include night and/or reduced light shooting, shooting at moving targets, strong-hand/weak-hand firing, and combat simulation shooting. Firearms training should attempt to simulate the actual environment and circumstances of foreseeable encounters in the community setting, whether urban, suburban, or rural

Prohibited Use of Weapons

State College Police Officers are prohibited from discharging firearms under the following circumstances.

1. Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured unless Defense of Life applies. In addition, the playful or wanton pointing of firearms at anyone or the careless or negligent use of the firearm is prohibited.
2. A police officer is not justified in using his/her firearm to fire a warning shot.
3. Shots at/from Motor Vehicles—Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force.

Municipal Police Officers Education and Training Commission (MPOETC) Requirements

- 2020 marks the first year that Municipal Police Officers Education and Training Commission (MPOETC) provided a specific qualification course.
- SCPD is using the MPOETC recommended course. Prior to 2020 SCPD utilized a generally accepted law enforcement qualification course.
- The requirements for shotguns or rifles have not changed. These qualifications must be completed on a generally accepted law enforcement qualification course for those weapons.
- The Commission requires one (1) qualification per calendar year for any firearm an officer utilizes during the course of their duties. Failure to meet the Commission's standards for firearms qualification will disqualify an officer from using that weapon.

MPOETC Requirements

Title 37 Section 203 establishes regulatory requirements related to police firearms Qualification.

§203.11(11)(ii)(A) - The minimum passing score for a firearms course is 75%.

§203.52(b)(1)(i) - All certified officers must complete annual qualification on a police firearms course with any firearms authorized for use.

§203.33(16)(i) - Firearms instructors can refuse to qualify an individual on a weapon they have determined is unsafe, inadequate or not appropriate for police training.

§203.14(a)(3) - Failure to meet the Commission's standards for firearms qualification is grounds for revocation of certification.

SCPD Requirements

- All agency personnel authorized to carry weapons shall receive Annual in-service training on Use of Force and Deadly Force policies.
- Agency personnel shall demonstrate satisfactory skill, proficiency and qualifications with all approved lethal weapons that the employee is authorized to use. 75% is the minimum passing score.
- Skill and qualification training for each authorized weapon must be evaluated by a certified instructor.
- A Firearms and Armorer Report detailing the training and qualification for each authorized weapon shall be documented by the certified instructor(s) for each approved weapon type(s) and provided to the Chief of Police for evaluation, filing, and/or further action on an annual basis

SCPD Yearly Training Schedule

SCPD conducts five (5) firearms trainings per year. These trainings include the following:

- MPOETC required firearms qualification
- Reduced light qualification
- Shotgun training and qualification
- Rifle training and qualification
- Less lethal bean bag shotgun training and qualification
- Fundamentals of marksmanship training, positional shooting training, moving target training, target identification training

Specialty Firearms Training

- CAPS Live Fire scenario training (Video simulator with live fire on a controlled range)
- MILO De-escalation Training Simulator (Video simulator with laser-initiated weapons)
- Simunition training (non-lethal training ammunition). This training incorporates shoot/don't shoot training.

SCPD Firearms Trainers

(4) Nationally Certified Instructors (Pistol, Shotgun and Rifle)

- Pistol/Shotgun Certification - 44 hours training with written/practical tests and proficiency test
- Rifle Certification – 44 hours training with written/practical tests and proficiency test
- (3) year certification that requires minimum 24 hours of continuing education for recertification.