



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 1	Subject: Use of Force	Effective Date: 03/18/1996
Order of: Maureen S. Rush, Superintendent of Police		Amended Date: 5/27/2021

I. Purpose

The purpose of this directive is to establish policy and procedure regarding the appropriate and acceptable use of force, to provide for a high degree of officer safety, and to provide for the treatment of any injury or complaint of injury arising from the use of force.

II. Policy

It shall be the policy of the University of Pennsylvania Police Department (UPPD) to employ only the amount of force that is reasonable and necessary to overcome the resistance offered, effect a lawful arrest, and/or accomplish the lawful performance of duty while protecting the public.

The use of unreasonable, unnecessary force, and/or the failure to provide proper medical treatment following the use of force, shall, in every case, result in certain and severe disciplinary action against those who use or allow the use of such force, or fail to provide for the care of persons in custody.

Police Officers are responsible for the review and knowledge of Pennsylvania Law on the authority for the use of force as contained in Title 18, Chapter 5, "General Principles of Justification"; specifically, police officers are governed under sections 505, 506, 507, and 508.

This policy requires employees to intervene and notify appropriate supervisory authority (if they observe another agency employee or public safety associate)engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law, or local ordinance. (CALEA 1.2.10)

III. Scope

This directive shall affect all sworn police officers.

IV. Definitions

- A. **Control:** The method/methods an officer uses to neutralize the unlawful actions of a subject, or to protect the subject from injuring himself or others.
- B. **Deadly force:** Force which, under the circumstances in which it is used, could result in death or serious physical injury.
- C. **Forcible felony:** A felony involving actual or threatened serious physical injury. The following crimes are forcible felonies: (1) Murder; (2) Rape; (3) Robbery; (4) Aggravated Assault; (5) Kidnapping; and (6) Arson.
- D. **Last resort:** Last resort situations are those wherein certain immediate and drastic measures must be undertaken by an officer in order to protect human life. Force used in these situations may involve the use of techniques or weapons not covered by policy; however, they remain to be measured by “reasonable” and “necessary” use of force standards.
- E. **Less-lethal weapon:** Any weapon, other than a lethal weapon, used to control persons or defend an officer or persons from harm. The department authorizes the use of the following Less-Lethal Weapons: Electronic Control Device (ECD); Oleoresin Capsicum (OC) Aerosol Subject Restraints; Straight and Collapsible Batons; and Extended Range Impact Devices.
- F. **Lethal weapon:** Any weapon considered by the courts to be deadly. An example of a lethal weapon is a firearm.
- G. **Non-deadly force:** That amount of force that will not likely result in death or serious physical injury.
- H. **Physical force:** The overcoming of resistance by the exertion of physical strength or power.
- I. **Reasonable belief:** When the facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- J. **Resistance:** Is defined as the subject’s attempt to evade an officer’s attempts to establish control.
- K. **Serious physical injury:** A physical injury that creates a substantial risk of death, or causes serious, permanent disfigurement, or results in long-term loss or impairment of any bodily member or organ.
- L. **Use of force continuum:** Use of force is reactive based on the subject’s actions and levels of resistance and may not necessarily be progressive. Any of the following levels of resistance could be met immediately by responding officers at any time and the officer must exert the level of control necessary to overcome the resistance offered by the subject.

- M. **Vascular neck restrictions:** This technique relies on the temporary disruption of blood flow to the brain for incapacitation, has the potential to cause serious injury or death. The UPPD prohibits the use of this technique unless deadly force would be considered reasonable and justified as “last resort”. (CALEA 4.1.6)
- N. **Choke holds:** This technique restricts the intake of oxygen for the purpose of gaining control of a subject and has the potential to cause in serious injury or death. Furthermore, such applications can result in physical airway injuries that can prevent successful medical interventions. The UPPD prohibits the use of this technique unless deadly force would be considered reasonable and justified as “last resort”. (CALEA 4.1.7)

Definitions of Levels of Resistance (Subject’s actions):

1. **Psychological Intimidation:** Non-verbal cues indicating a subject’s unwillingness to comply with control, through apparent resistive attitude, appearance, and physical readiness to resist.
2. **Verbal Non-Compliance:** Verbal cues indicating a subject’s unwillingness to comply with control, through resistive statements, threatening statements, or other “fighting words”.
3. **Passive Resistance:** Physical actions that do not prevent an officer’s attempt at control, but fail to assist in that control. An example is “dead weight”.
4. **Defensive Resistance:** Physical actions that attempt to prevent an officer’s attempts at control, but do not attempt to harm the officer. Examples include pulling away or locking the body in a fetal posture.
5. **Active Aggression:** Unarmed physical actions that attempt to harm the officer. Examples include punches and kicks.
6. **Aggravated Active Aggression:** Armed assault upon the officer.

Definitions of Levels of Control (Officer’s Response):

1. **Officer Presence:** The control manifested by the presence of an officer, whether uniformed or not, on the scene.
2. **Verbal Direction:** The control utilized by the officer’s use of spoken commands and directions.
3. **Soft Empty Hand Control:** The use of empty hand techniques that are unlikely to result in physical injury. Examples include control holds and pressure point touch pressure.

4. **Soft Intermediate Weapon Control:** The use of an implement to effect control, in a manner that is unlikely to result in physical injury. Examples include handcuffs and aerosol subject restraints (Less Lethal Weapon).
5. **Hard Empty Hand Control:** The use of empty hand techniques that have an increased likelihood of resulting in physical injury. Examples include punches, strikes and kicks.
6. **Hard Intermediate Weapon Control:** The use of an implement to effect control, in a manner that manifests an increased likelihood of physical injury. Examples include use of an Electronic Control Device (ECD) and impact weapons (Less Lethal Batons and Collapsible Batons and Less Lethal Extended Range Impact Devices).
7. **Deadly Force:** The use of an implement or technique, in a manner that is reasonably likely to result in death or serious bodily harm. Examples include firearms, motor vehicles and impact weapon strikes to the head or throat.

V. Procedures

A. Authorization For The Use Of Force

1. When consent or an emergency is not present, and there is not probable cause to make an arrest, the non-consensual touching by a police officer may constitute a crime, as well as result in civil liability. When probable cause exists, criminal and civil liability may still occur if the limits of the law are exceeded.
2. During an officer's tour of duty it may be necessary to use some level of control to effect an arrest or to protect others. In many situations control may be achieved without the use of physical force. In other instances, based on the resistance offered, the officer may find it necessary to use varying levels of physical force to control the subject's actions. That amount of force may be as minor as placing a hand on a subject's shoulder or arm and directing that subject to place their hands in an appropriate position in order to apply handcuffs. This amount of force would be considered "mere physical contact." However, depending on the level of resistance offered, the officer may use techniques that may rise to a level of physical force that is intended to influence behavior through pain compliance and the disruption of voluntary muscle control, in order to establish control. These techniques would consist of touch pressure, leg/hand strikes, impact weapons, or even the use of firearms if justified by the resistance offered.

B. Use Of Force Procedures

1. The use of force will be examined from two (2) perspectives; resistance and control. Both resistance and control can be in the form of verbal responses (subject) or commands (officer), or physical actions.

2. Officers should assess the incident in order to determine the level of control that would be appropriate. When possible, officers should attempt to gain control by means of verbal commands.
3. If verbal commands are ineffective, or not feasible given the circumstances of the situation, the officer may find it necessary to escalate to control methods that involve the use of physical force. If force is necessary, the officer must decide which technique(s) or authorized equipment will best de-escalate the incident and bring it under control in a safe manner.
4. Officers are authorized to use department approved control techniques and authorized equipment for resolution of incidents, as follows:
 - a. to stop potentially dangerous and unlawful behavior;
 - b. to protect the officer or another from injury or death;
 - c. to protect subjects from injuring themselves; and
 - d. in the process of effecting a lawful arrest when the subject offers resistance.

C. Authorized Use Of Deadly Force

1. Deadly force refers to any physical force -- not only the use of a firearm -- that under the circumstances is readily capable of causing death or serious physical injury.
2. An officer may use deadly force only when the officer reasonably believes that the action is:
 - a. in defense of human life, including the officer's life, or
 - b. in defense of any person in immediate danger of serious physical injury, or
 - c. in the apprehension of a fleeing felon only when in defense of human life including the officer's or in defense of any person in immediate danger of serious physical injury.
3. Whenever any of the conditions described above are present, where feasible, officers shall identify themselves and provide a warning before the force is applied. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similar terms used to qualify the directive, shall be included and reviewed during annual in-service training. (CALEA 4.1.2, 4.1.6, 4.1.7)

D. Use Of Deadly Force Prohibited

1. The UPPD prohibits the use of choke holds, neck restraints or any technique which restricts the intake of oxygen for the purpose of gaining control of a subject unless deadly force would be considered reasonable and justified as a 'Last Resort.'

2. The use of any technique which restricts airflow for the purpose of recovering ingested evidence is strictly prohibited. (CALEA 4.1.7)
3. The UPPD strictly prohibits the use of any vascular neck restriction techniques which restrict blood flow to the brain. (CALEA 4.1.6)
4. Shooting at or from moving vehicles is considered the use of deadly force, and is only justified as “Last Resort,” as defined in this directive.
5. Under no circumstances will UPPD officers fire “warning shots”.
6. Due to the likelihood of asphyxiation, once a person has been secured in handcuffs, they are to be turned from the prone position to allow for the proper flow of oxygen. At no time shall someone remain in the prone position after being handcuffed. If at any time someone is complaining of difficulty breathing, medical assistance shall be sought immediately.

Note: All use-of-force techniques must stop when compliance is achieved.

E. Force De-Escalation

1. De-escalation tactics and techniques are those actions taken by an officer(s) that seek to minimize the need to use force during an incident and to increase voluntary compliance by a subject. These tactics improve the safety of the officer and subject and reduce the likelihood of injury.
2. It is the policy of the UPPD that when all the reasonably known circumstances indicate it is safe, prudent and feasible to do so, an officer(s) shall attempt to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available for incident resolutions.
3. When dealing with a non-complaint subject and time, and circumstances reasonably permit, the officer shall consider whether the subject is affected by conditions such as:
 - a. medical issues;
 - b. mental impairment or mental health crisis;
 - c. developmental disability;
 - d. communication barrier;
 - e. alcohol and/or drug use; and/or
 - f. behavioral/emotional crisis

4. When time and circumstances allow for de-escalation, an officer's awareness of the above conditions shall be balanced against the totality of the circumstances when determining which de-escalation option(s) are the most appropriate to attempt to bring the situation to a safe resolution. Options to de-escalate a situation include, but are not limited to:
 - a. Calling for more resources, such as:
 - 1) additional officers/supervisor;
 - 2) an officer trained in Crisis Intervention Techniques;
 - 3) officers equipped with less-lethal devices;
 - 4) a bi-lingual officer;
 - 5) emergency medical services; and/or
 - 6) other specialty units.
 - b. Utilizing available barriers between the non-compliant subject and the officer.
 - c. Containing and/or limiting the movement of the subject.
 - d. Reducing the officers threat of danger or exposure by moving to a safer position, considering:
 - 1) distance;
 - 2) cover; and
 - 3) concealment.
 - e. Communicating with the subject from a safe position by:
 - 1) using verbal persuasion and explanation to promote rational decision making; and/or
 - 2) giving clear direction and allowing the subject time to comply.
 - f. Short term disengagement from the situation to create more time to observe the subject and plan for re-deployment.
 - g. Complete disengagement when it is in the best interest of justice.

- h. any other tactics that attempt to achieve law enforcement objectives by gaining the compliance of the subject.
- 5. To properly de-escalate a situation, an officer must also consider other factors when determining what techniques will lead to resolution of an incident. These factors include:
 - a. recognizing factors that increase subject and officer escalation rather than de-escalation;
 - b. environmental considerations;
 - c. identifying limitations to the officer's ability to communicate with the subject; and
 - d. create a plan for resolving the incident and communicating the plan to other officers/supervisors, etc.
- 6. Each officer has the responsibility to attempt tactical de-escalation efforts consistent with their training. Circumstances are unique to each event, and may dictate if an officer can reasonably de-escalate. De-escalation and related tactics will be evaluated as part of departmental administrative investigations, use of force follow-up by supervisors and the Use of Force Board. Supervisors must explain why de-escalation would not have been appropriate or how it was used. When related to a use of force, the findings of this evaluation will be addressed as a separate matter from the incident resulting in the investigation. De-escalation will not be used to determine whether a use of force is justified or appropriate. If the Use of Force Review Board determines de-escalation and related tactics were not utilized appropriately, the matter will be referred to the Superintendent of Police for further review.
- 7. All employees have a responsibility to take appropriate action in circumstances that involve fellow employees, as well as other public safety associates whose actions are criminal, unconstitutional, or inappropriate and will harm the reputation of the agency or the law enforcement profession as a whole. Other public safety/criminal justice associates might include, but is not limited to, members of task forces with which the agency works, members from other agencies with shared or concurrent jurisdictions, agency volunteers, or representatives from support organizations within the broader criminal justice system. When encountering unreasonable actions of other employees or public safety/criminal justice associates that could result in injury, death or violations of constitutional or civil rights, intervention must be immediate. Officers must report the incident to a supervisor as soon as reasonably practical. Failure to report incidents involving the use of unnecessary or excessive force will result in disciplinary action. (CALEA 1.2.10)

F. Motor Vehicles As Force

1. Officers must be aware, and acknowledge, that in many instances the motor vehicle can be viewed as an instrument of force. Intentional collisions, partial or complete roadblocks, the use of spikes or sharp instruments, or other similar methods, techniques, or actions have been ruled to be the use of force and sworn officers of the UPPD are prohibited from using these methods except as a last resort as defined in this directive. The use of these methods, techniques or actions has a high probability of causing death or serious physical injury.

G. Rendering Medical Aid

1. Officers using force on a subject(s) shall:
 - a. immediately assess the subject's injuries;
 - b. request an emergency medical response for a subject(s) who has serious or potentially fatal injuries;
 - c. perform first aid, as trained; and
 - d. request that a supervisor be dispatched to the scene.
2. Officers using force on a subject shall ensure that the subject(s) is transported to a medical facility prior to any investigatory or detention facility by officers not directly involved in the use of force incident when:
 - a. the subject requests medical treatment;
 - b. the subject complains of injury or continued pain;
 - c. any officer observes or suspects injury to the subject;
 - d. the subject is exposed to an Oleoresin Capsicum (OC) Aerosol Restraint Spray (ASR);
 - e. the subject is exposed to an Electronic Control Device (ECD); or
 - f. directed by a supervisor.

Note: At no time shall a prisoner be transported in the prone position.

3. Officers who provide a subject with first aid on scene shall document same, along with the nature of the injury or complaint of injury, in the Incident Report (UPPD-10) and Subject Management Report (UPPD-2).
4. Officers who transport a subject to a medical facility shall:

- a. prior to removing the subject from the medical facility, receive written authorization from the attending physician to do so;
 - b. notify the on-duty supervisor of the injuries sustained as a result of the incident; and
 - c. document same, along with the nature of the injury or complaint of injury, in the Incident Report (UPPD-10) and Subject Management Report (UPPD-2).
5. If the subject(s) refuses medical treatment, note the refusal in the submitted (UPPD-10) and (UPPD-2).
 6. Supervisors will ensure that two (2) officers not directly involved in the use of force incident guard each prisoner that is admitted to, or is being treated at, a medical facility.

H. Investigation Of Use Of Force

1. All applications of force shall be reported by the involved officer(s) to the on duty commander/supervisor as soon as possible.
 - a. The shift supervisor shall immediately notify the on-duty Commander of any applications of force; The Superintendent of Police shall be notified via the chain of command, as soon as possible.
 - b. The shift supervisor shall immediately report to the scene of any use of force incident.
2. If an officer is off-duty at the time of a use of force incident as defined in this directive, he/she will, if physically able, notify the local law enforcement authority and the on-duty PennComm Center Police Supervisor as soon as practical.
3. As soon as reasonably possible, officers that have used force shall complete an Incident Report (UPPD-10) and Subject Management Report (UPPD-2). If the officer is incapacitated, the commander/supervisor will prepare the necessary reports.
4. The on-duty commander/supervisor will review every incident in which an officer uses force, except when there is a discharge of a firearm or the use of force results in death or serious physical injury (See section I., 1. through 4. below).
 - a. After conducting a review of the circumstances attending the use of force, the on-duty supervisor shall sign the Subject Management Report (UPPD-2) and submit to the on-duty or Shift Commander for review. The Commander shall sign the subject management report on the Command Staff Review page, then submit the entire original report, along with copies of related documents, to the Captain of Patrol immediately. Copies of the report and related documents shall be forwarded to the Superintendent of Police, Deputy Chief of Investigations, Deputy Chief of Tactical and Emergency Readiness

and the Captain of Staff and Administrative Services. The Command Staff Review Page shall be completed within two (2) working days.

I. Investigation of use of force involving a discharge of a firearm or death, serious physical injury

1. A shift commander/supervisor will be immediately summoned to the scene and comply with investigative procedures (See Directive 9, "Responsibilities At Crime Scenes.") in the following situations:
 - a. when a firearm is discharged (except test or target fire at a bona fide range, lawfully hunting game or when destroying an animal in accordance with policy); or
 - b. when the use of force results in death or injury;
2. The commander/supervisor shall notify the Deputy Chief of Investigations or designee (Detective Supervisor), and the Deputy Chief of Tactical and Emergency Readiness as soon as possible. (The Deputy Chief of Tactical and Emergency Readiness will be notified whenever a firearm is discharged by any member of the department for any reason other than in-service firearms training).
 - a. The Deputy Chief of Investigations or designee (Detective Supervisor) shall:
 - 1) conduct or assist in the criminal investigation of the incident in conjunction with the pertinent municipal police agency; and
 - 2) conduct an administrative investigation of the incident, with the assistance of the Deputy Chief of Tactical and Emergency Readiness.
3. When a use of force incident results in death or serious physical injury to a subject(s), the department shall:
 - a. place the officer(s) on administrative leave until all investigative requirements are completed and until it is determined that he/she can return to full duty; and
 - b. ensure the involved officer(s) meets with an agency-designated specialist(s) for counseling and/or treatment as outlined in Directive 30, "Critical Incident Management Procedures".
4. Whenever there is a discharge of a firearm or an infliction of death or serious physical injury to a subject(s), the Superintendent of Police shall be notified via the chain of command, as soon as possible, as outlined in Directive 51, "Discharge Of Firearms By Police Personnel".

J. Administrative Review

1. The UPPD Command Staff will review all initial use of force incidents to determine if:

- a. departmental rules, regulations, policies or procedures were violated;
 - b. the relevant policy was clearly understandable and effective to cover the situation; and
 - c. if departmental training is currently adequate.
2. After an initial review of the Subject Management Report, the Deputy Chief of Tactical and Emergency Readiness, as appropriate, will empanel the "Use of Force Board" consistent with the Departmental review parameters.
3. The 'Use of Force Board' will consist of the following Commanders:
 - a. Deputy Chief of Investigations;
 - b. Deputy Chief of Tactical and Emergency Readiness
 - c. Captain of Patrol; and
 - d. Captain of Staff and Administrative services.
4. The 'Use of Force Board' shall forward their findings to the Superintendent of Police for review within two (2) working days.
 - a. All findings of policy violations or training inadequacies shall be reported to the responsible commander for resolution and/or discipline.
5. All use of force incident reports shall be retained by the Superintendent of Police as required by State Law.
6. The UPPD shall provide biennial training to ensure the skills required for proper application of force are maintained and the agency's policy is clearly understood by all personnel. Training shall include the implications of applying all approved subject management techniques to those having obvious medical conditions, which could further enhance the associated risks of injury or death. (CALEA 4.1.6)

K. Annual Analysis

1. At the end of each fiscal year, the Captain of Patrol, or designee, will complete an analysis of all use of force incidents and forward the completed report to the Superintendent of Police.
2. An annual report of use of force incidents, approved by the Superintendent of Police, will be published and made available to the University of Pennsylvania's Senior Administration and the Penn community.

L. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

M. Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

N. Application

This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.