



CHELTENHAM TOWNSHIP POLICE DEPARTMENT

Directive 03	Deadly Force and the Discharge of Firearms
Issued: 04/13/11	Chapter 1: Organization and Management
Revised: 03/18/20	Section 3: Use of Force
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PLEAC References: 1.3.1, 1.3.2, 1.3.3, 1.3.5, 1.3.6, 1.3.7	

I. PURPOSE:

- A. Regulations:** This Directive establishes regulations to ensure that all sworn members of the Cheltenham Township Police Department are cognizant of their responsibilities, limitations, and the appropriate application of Force Options, specifically Lethal Force Options, in the performance of their duties.
- B. Reports and Administrative Review:** This Directive establishes reporting requirements and establishes a procedure for the investigation and administrative review of critical incidents where Deadly Force is employed by police personnel.

II. POLICY:

- A. Priority of Life over Property:** The Cheltenham Township Police Department recognizes the value of human life. **The primary duty of all police officers is to preserve human life whenever possible.** The Priority of Life and Property can be further refined as follows (in order of priority):
 - 1. Preservation of Innocent Human Life:** This includes hostages, bystanders and un-involved persons.
 - 2. Preservation of the Lives of Emergency Responders** including Police, Fire, EMS, etc.
 - 3. Preservation of the Life of the Criminal Actor:** Police shall take reasonable actions to preserve the life of the Actor committing criminal actions. However, the lives of innocent persons and Emergency Responders must always take priority over the wellbeing of the criminal who places these lives at risk through his/her own actions.
 - 4. Preservation of the Peace and Maintenance of Order:** Police are tasked with the preservation of the peace and good order of the community they serve through the enforcement of various laws and ordinances. Police are also responsible for the investigation of persons or circumstances that may be in violation of these laws.

- 5. Reduction of Crime and Protection of Public and Private Property:** Police shall make reasonable efforts to protect both public and private property. However, the preservation of human life must always take priority over mere physical property.

B. Compliance with Statute and Relevant Case Law: The most serious act in which a police officer can engage is the use of Deadly Force. The authorization to carry and use firearms in the course of public service is a grave responsibility. Police personnel shall only employ a **reasonable** level of force necessary to affect an arrest or to protect life in conformance with Pa. C.S. Title 18 Chapter 5, Section 501-508 of the Pennsylvania Crimes Code. Police personnel must also be cognizant of relevant case law regarding the use of force.

C. Level of Force must be Objectively Reasonable: Police personnel shall only employ a **reasonable** level of force as determined by the circumstances of the incident. The objective of the use of force must be to protect life, prevent injury, effect an arrest, defeat the escape of a suspect/prisoner, or for other legitimate law enforcement purposes.

D. Force Option Escalation and De-Escalation: Police personnel must be able to select the appropriate Force Option under rapidly evolving conditions during a Critical Incident. Police Officers must be able to escalate, or de-escalate, the level of force applied to the subject depending on the Actor's assaultive or resistive actions. Under some circumstances, police personnel may be compelled to employ a Deadly Force Option without the opportunity to employ Less-Lethal Force Options, depending on the severity of the incident. This Directive provides regulations on the use of Deadly Force Options, including firearms.

E. Post-Incident Investigations: A use of Deadly Force by police personnel is reviewed on two separate levels:

- 1. Was the Application of Deadly Force Lawful?** The Montgomery County District Attorney's Office will conduct an initial investigation to determine if the use of force was in compliance with applicable Federal and State statutes.
- 2. Was the Application of Deadly Force within Department Guidelines?** The Professional Standards Division will conduct an administrative review to determine if the use of force was in accordance with department policies and procedures.
- 3. Cooperation Required:** Police personnel must cooperate and provide information as requested by investigative personnel, within Constitutional guidelines established by relative statutes and court decisions.

III. DEFINITIONS:

Active Deadly Threat: Person(s) with the capability, means and intent to cause immediate death or serious bodily injury to the public or police.

Administrative Duty: A modified duty assignment which may replace an officer's normal duties and responsibilities.

Administrative Leave: A temporary relief from normal duties (with normal pay) as directed by the Chief of Police.

Critical Use of Force Incident: An incident involving the possibility, or actual infliction, of death or serious bodily injury to a person or persons. A frequently encountered Critical Incident in Law Enforcement might be a police-involved shooting or other application of force involving serious bodily injury or death.

Deadly Force: Actions likely to cause death or serious bodily injury to persons involved.

Force Options: A training model/philosophy that supports the reasonable escalation and de-escalation of officer-applied force in response to the actions and levels of resistance offered by a subject. The level of response is based upon the facts encountered at the scene and the actions of the subject in response to the officer's commands. Force Options may progress from the officer's physical presence to the application of Deadly Force without the ability to utilize other intermediate options. The Force Options are generally broken down into three levels: Low, Intermediate and Deadly Force Options.

Forcible Felony Crimes: Crimes involving the use (or threat) of force likely to cause death or serious bodily injury. The Forcible Felony Crimes are:

- **Murder**
- **Voluntary manslaughter**
- **Rape**
- **Involuntary deviate sexual intercourse**
- **Arson**
- **Robbery**
- **Robbery of a motor vehicle**
- **Kidnapping**
- **Aggravated assault**

Reasonable Belief: A legal concept which evaluates the officer's actions under the following criteria: Would a reasonable police officer in the same circumstances and experiencing the same informational input feel the same level of danger? Would this reasonable police officer employ the same level of force employed by the officer under scrutiny? The evaluation **must not** be made in the bright light of "20-20" hindsight, but through the eyes of the officer under the conditions of the actual incident.

Serious Bodily Injury: Injury creating the substantial risk of death or causing serious permanent disfigurement, loss or impairment of the function of any bodily member or organ.

Warning Shots: An obsolete concept where the police officer discharges shots into the air to "warn" the criminal to cease his actions or face actual gunfire. Warning Shots are unlikely to have the intended result and are dangerous to the public. Warning Shots are prohibited by this department.

IV. REGULATIONS:

- A. Authorization:** Police Officers are authorized by Title 18, Sections 501-508 of the Pennsylvania Crimes Code to employ a **reasonable** level of force, up to and including Deadly Force, to protect another person or themselves from death or serious bodily injury. Police officers shall not use Deadly Force against another person unless they reasonably believe that they must protect themselves or another person from imminent death or serious bodily injury. Police personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions.

Peace Officers (Police Officers), as defined in Chapter 5 of the Pennsylvania Crimes Code (Pa. C.S. Title 18, Section 501) shall only utilize deadly force when reasonable and justified to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. (PLEAC 1.3.2)

- B. Protection of Innocent Persons:** The protection of innocent human life must be the highest priority. Police Officers shall not discharge firearms when doing so will unnecessarily endanger innocent persons.

C. Verbal Warnings: Whenever practical, police personnel shall issue a verbal warning such as "POLICE! DON'T MOVE!" to a suspect in a manner consistent with their training. Certain rapidly evolving deadly threats, however, will preclude the issuance of a verbal warning prior to the use of Deadly Force.

V. PROHIBITIONS:

A. Fleeing Individuals (Non-Violent): Police Officers shall not discharge firearms to subdue a fleeing individual who presents no threat of imminent death or serious bodily injury to the public or police.

B. Property: The discharge of firearms **solely in defense of property** is prohibited.

C. Warning Shots are prohibited by this Department. (PLEAC 1.3.3)

D. Moving Vehicles: Police personnel are prohibited from firing at or from a moving vehicle unless persons in that vehicle present an **active deadly threat** to the public or police (for example, the driver is actively striking pedestrians or occupants of the vehicle are firing on police).