
**POLICIES AND PROCEDURES FOR THE
FRANKLIN COUNTY BUREAU OF
DETECTIVES**



*“Well done is better than well said.”
- Poor Richard’s Almanack, 1737*

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Mission Statement

BONO MALUM SUPERATE

“Overcome Evil with Good”

The Franklin County Bureau of Detectives (“FCBD”) provides timely and thorough investigative support to all public safety agencies within Franklin County, PA, totally conformed to and absorbed within the spirit of ONE TEAM, ONE FIGHT. It shall be the utmost priority and mission of members to protect and serve all individuals of Franklin County and to respect the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force, and by conducting their duties without prejudice.

We commit to maintain the highest levels of integrity and professionalism in all of our actions and we will treat all those whom we serve in a compassionate, sensitive, courteous and professional manner, regardless of sex, race, lifestyle or reason for police contact.

The FCBD is principally and aggressively focused upon allegations of child abuse and illegal drug trafficking and co-occurring violent crime. As such, we absolutely serve the public and prioritize our efforts in accordance with what our citizens desire to be protected from rather than what we have unilaterally decided. We are not in a profession of control of the community, or siege, but of service to the public. We will never investigate crime or initiate encounters with the public in order to maintain formal or informal quotas or metrics related to public pronouncements or funding, and will not reward or personally incentivize personnel for the data they may contribute to our overall metrics in terms of arrests, convictions, or quantities of drugs or monies seized. This is a profession dealing in humanity rather than data, and therefore is not a “system” so much as a “process.”

While conducting investigations, our members will search out and collect all available evidence surrounding each case, to clear the innocent and substantiate the culpability of the guilty.

We will daily endeavor to work specifically in the interest of our community’s priorities of safety and quality of life. We are not Warriors. We are Guardians, and there are no combatants or “us versus them” sides in these United States of America.

Our organization’s policies and procedures have been developed thoughtfully and collaboratively designed, borrowing heavily from the Final Report of the President’s Task Force on 21st Century Policing from May 2015.

Franklin County Guardian Oath

"In a republic that honors the core of democracy — the greatest amount of power is given to those called Guardians. Only those with the most impeccable character are chosen to bear the responsibility of protecting the democracy."

-Plato

"As a Law Enforcement Officer, I do solemnly swear that my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality and justice.

I will always have the courage to intervene to stop any violation of this Oath by other law enforcement officers, and will hold myself and others accountable for our actions.

I will not subscribe to an ideology which focuses upon fear. Rather, I will perform my duties with 'heart,' the mental and the moral strength to venture, persevere, withstand, and overcome danger, difficulty, and fear.

I will keep my private life unsullied as an example to all and behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department.

I will not act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately, without fear or favor, malice or ill will, never employing unnecessary force or violence.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, wholly dedicating myself to my chosen profession of law enforcement, and above all, to each and every citizen whom I humbly serve.

I do further swear that I will support the constitution of the United States and the constitution of the Commonwealth of Pennsylvania; that I will faithfully enforce the laws of this commonwealth and perform the duties of a police officer to the best of my ability. I will obey the rules and regulations of my department and carry out all orders which may be lawfully given me by my superior officers.

I will perform my duties with honor and will never betray this oath or this community.”

Guiding Principles and Daily Reminders

“We must remind ourselves to be empathetic to the unique concerns of those we meet. It can be hard to see these concerns or even these people as unique, after routinely confronting repeated episodes of violence and criminality. It’s all too easy for these things to seem commonplace and even mundane over time. Whereas for the individual victims involved in each situation, these things are likely considerably unique and traumatizing events in the scope of their lives. By failing to appreciate that, we cast ourselves as callous and indifferent, needlessly damaging people’s opinions of our profession in the process.

We must remind ourselves it is our job to enforce the law. We judge behavior, not character. Becoming hostile toward a suspect because of the reprehensible nature of their apparent crimes or behavior is not only unhelpful, it is all but guaranteed to escalate what is already a bad situation. There will always be instances where the use of force will be necessary for the safety of police and others, but this reality does not negate the fact that acting from a place of aggression or vindictiveness is harmful. Furthermore, being rude, unsympathetic, or impatient is detrimental to our efforts to strengthen relationships. People will often judge us by how we treat the most challenging members of our community.

We must remind ourselves that the people we encounter are human beings first, and everything else second. People are never a mere means to an end, but an end in and of themselves. And, while it is our sworn duty to apprehend criminals, failing to respect their humanity is not only unethical, it’s dangerous. If you don’t allow yourself to try to understand and respect what might motivate a person to act criminally, you consequently fail to respect the threat they may pose. Respecting the humanity of others does not at all require you to condone or forgive their crimes. Instead, simply respect the realistic notion that this person was not born evil, and consider that you might not have turned out so differently had you lived their life. Your obligation to detain them is a vital public service; however, doing so with disdain undermines our collective efforts.

We must remind ourselves that we have the capacity to help almost any situation to be slightly better, simply by being attentive, respectful and empathetic. Not only does this have the potential to improve the present encounter, but it may also help improve a person’s attitude regarding future police interactions as well, creating a positive feedback loop.

We must remind ourselves that our frequent exposure to some of the harsher aspects of existence is not indicative of the bigger picture. For every victim or perpetrator of a crime that we meet on a given day, there are countless other human beings engaged in, and/or the recipients of, acts of kindness and compassion. In remembering that, we can find the motivation to act similarly, even when faced with the most inhospitable circumstances. By doing so, we stand a real chance, the best chance, of bringing the unpleasant situations to which we often respond ever so slightly closer to a place of hope and harmony; a place where cynicism and resentment will not flourish.

We must remind ourselves, now more than ever, that every interaction with a member of the public presents an opportunity to build or destroy trust, and squandering those opportunities

needlessly will only serve to erode support and detract from the important work ahead of our communities; work that will require ever-increasing collaboration and humility.

Lastly, we must remind ourselves we made the choice to uphold the law. We chose to dedicate our lives to serving and protecting. We were aware of the risks and inconveniences that come with that duty, and we were promised no reward or appreciation for our efforts. By choosing this vocation we accepted we were to be held to a higher standard. It is important we live up to that higher standard now. We owe it to the communities we've vowed to protect to do what we can to break a cycle of mistrust and disrespect."¹

1 About the author

Major Charles "Chip" Huth has 29 years of law enforcement experience and currently serves as the Commander of the Kansas City (Missouri) Police Department's Traffic Division. Chip formerly led the Street Crimes Unit Tactical Enforcement Team and has planned, coordinated and executed over 2500 high-risk tactical operations. He is a licensed national defensive tactics trainer, a court-certified expert witness in the field of police operations and reasonable force, and the state of Missouri's defensive tactics subject matter expert. He has a Bachelor's Degree in Multidisciplinary Studies from Grantham University and an Associate's Degree in Police Science from Park University.

Chip is a senior consultant for The Arbinger Institute, a recognized world-leader in improving organizational culture, conflict transformation and changing mindset. Chip serves as an adjunct professor for the University of Missouri—Kansas City, and an instructor at the Kansas City Missouri Police Leadership Academy. He serves as a consultant for the KCPD's Office of General Counsel, the Missouri Peace Officers Standards and Training Commission, and the Missouri Attorney General's Office. He is a member of the International Law Enforcement Educators and Trainers Association and the National Tactical Officers Association.

Chip is the President and CEO of CDH Consulting L.L.C., serving international law enforcement, military and corporate clients. He serves as the past-president of the National Law Enforcement Training Center, a not-for-profit corporation dedicated to delivering effective training to international law enforcement, corrections, security and military communities.

Chip has 35 years of experience in the martial arts, with a background in competitive judo and kickboxing. He is an accomplished author and co-wrote "Unleashing the Power of Unconditional Respect-Transforming Law Enforcement and Police Training," a textbook used in promotional processes and graduate programs. Chip is a veteran of the United States Army. He resides in Kansas City, Missouri, with his wife.

Hiring and Qualifications

Any applicant who is unfit for the performance of the duties of the position to which he or she seeks employment, or who is addicted to habitual use of intoxicating liquors or narcotic drugs, or who has been guilty of any crime involving moral turpitude or of infamous or notorious disgraceful conduct or who has been dismissed from any public service for delinquency or misconduct of office or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the Constitution and laws of the United States and Pennsylvania will not be eligible for employment.

Prospective applicants to the FCBD must meet the following requirements:

1. Possess a Bachelor's Degree from an accredited postsecondary educational institution
2. Successfully pass the following screenings and tests:
 - *Psychological fitness
 - *Medical/physical fitness
 - *Drug testing
 - *Polygraph examination/interview
 - *Thorough background investigation, *including queries for prior acts of misconduct when previously employed as a law enforcement officer*
3. Have at least 5 years of experience as a law enforcement officer, and be currently certified as a "Municipal Police Officer" as set forth by the Commonwealth of Pennsylvania, in requirements promulgated by its Municipal Police Officers' Education and Training Commission.
4. Be over 25 years of age
5. Live within Franklin County on the date of hire

Minority and bilingual applicants are strongly encouraged to apply as special consideration will be given to bilingual applicants.

EQUAL OPPORTUNITY EMPLOYER: FRANKLIN COUNTY DOES NOT DISCRIMINATE ON THE BASIS OF AGE, GENDER, MARITAL STATUS, RACE, COLOR, CREED, NATIONAL ORIGIN, POLITICAL AFFILIATION, RELIGION OR DISABILITY. ANY PERSON WHO NEEDS AN ACCOMMODATION IN ACCORDANCE WITH THE AMERICAN'S WITH DISABILITIES ACT DURING THE APPLICATION PROCESS SHOULD CALL HUMAN RESOURCES.

Use of Force

I. GENERAL

It shall be the policy of the FCBD that all personnel must respect and preserve human life at all times and in all situations.

MINIMAL RELIANCE ON FORCE. Personnel shall only use physical force when no other viable option is available and when all non-physical options are exhausted. (See below, “Alternatives to Use of Force”). In all cases where force is used, only the minimum degree of force which is necessary shall be employed. The minimum degree of force is the lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective.

To further the aim of minimal reliance on force, all personnel must carry on their person at all times at least one less-lethal weapon.

ALTERNATIVES TO USE OF FORCE. The following is a list of options that may be used instead of physical, non-deadly force:

1. De-escalation;
2. Placing barriers between an uncooperative subject and a law enforcement officer;
3. Containing a threat;
4. Moving from a position that exposes law enforcement officers to potential threats to a safer position;
5. Decreasing the exposure to potential threat by using:
 - *Distance
 - *Cover
 - *Concealment
 - *Time
6. Communication from a safe position intended to gain the subject’s compliance, using:
 - *Verbal persuasion
 - *Advisements
 - *Warnings
7. Avoidance of physical confrontation, unless immediately necessary (for example, to protect bystander or witness, or stop dangerous behavior);

8. Using verbal techniques to calm an agitated subject and promote rational decision making;

9. Calling extra resources to assist or law enforcement officers to assist, such as:

*More law enforcement officers

*CIT-trained law enforcement officers

*Law enforcement officers equipped with less-lethal tools

*Crisis Intervention Team, mental health and other health care professionals

10. Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject through less-lethal means.

REASONABLE, PROPORTIONAL, AND NECESSARY FORCE. FCBD personnel shall use physical force only when it is objectively reasonable, necessary, and proportional to effectively and safely resolve a conflict. Force may only be used if and only if doing so is aligned with the mission of preserving life and minimizing physical harm.

In furtherance of these principles, personnel may use reasonable, proportional force necessary to:

1. Lawfully arrest, detain, or search an individual;
2. Overcome active physical resistance;
3. Prevent escape of an individual who the law enforcement officer has probable cause to believe has committed a serious crime;
4. Defend oneself or others from active and actual physical danger; and
5. To prevent an individual from engaging in acts of self-harm.

Whether use of force is reasonable will be evaluated based on its conformity with the principles and values outlined in this policy. All personnel must use the least amount of physical force necessary to achieve one or more of the objectives listed above. While recognizing that this is a higher standard than provided by the controlling U.S. law articulated by the Supreme Court, Graham v. Connor, 490 U.S. 386 (1989), this policy recognizes that there are situations whereby the use of force - up to and including deadly force - may be considered legally permissible, but not reasonable or necessary given the range of reasonable alternatives available to the law enforcement officer. In doing so, this policy complies with international law and standards and best upholds a commitment to protect and preserve human life. Compliance with these principles and values will also help to ensure the safety and protection of FCBD personnel by reducing the need for, and reliance on, unnecessary physical force.

FACTORS TO CONSIDER IN USE OF FORCE. The following factors may be used to determine whether personnel used the appropriate level of force:

1. The seriousness of the crime or suspected offense. It will be presumptively unreasonable for personnel to use serious physical force against an individual who the member believes or has reason to believe committed a traffic or ordinance violation, misdemeanor, or non-violent felony. That presumption may be rebutted with evidence that the use of force was justified in light of other factors listed here, among others.
2. The level of threat or resistance presented by the individual. It will be presumptively unreasonable to use serious physical force against an individual that does not pose a current, active, and immediate threat of death or serious bodily injury to the member or bystanders, or to use force against an individual that is engaged in passive resistance only.
3. The risk of escape. It will be presumptively unreasonable to use serious physical force against an individual who the member believes or has reason to believe committed a traffic or ordinance violation, misdemeanor, or non-violent felony.
4. The conduct of the individual being confronted by FCBD personnel. Serious physical force may only be used if the individual acts in a manner that poses a current, active, and immediate threat of death or serious bodily injury (Def.-bodily injury that involves a substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a body part, organ, or mental faculty) to the member or bystanders. Under no circumstances may serious physical force be used to apprehend an individual engaged in passive resistance only.
5. Whether the individual appears to be having a behavioral or mental health crisis, is a person with a mental illness, or a person who is otherwise in distress.
6. The time available to personnel to evaluate the situation and decide on a course of action.
7. The availability of other feasible, less intrusive force options.
8. The ability of personnel to provide a meaningful warning before using force.
9. Whether the member believes the individual to be in close proximity to a deadly weapon, or a weapon that can inflict serious bodily injury on the member or bystanders.
10. The tactical conduct and decisions made by personnel preceding the use of force.

LEVELS OF THREAT FROM SUBJECTS.

1. Compliant. Subject offers no resistance.

2. Passive Resistance. Does not respond to verbal commands but also offers no physical form of resistance. Expressing an intent to resist is not considered resistance.

3. Active Resistance. Physically evasive movements to defeat, avoid, or prevent a member's attempt at apprehension. Expressing an intent to resist personnel's attempt at control is not considered active resistance.

4. Assaultive. Aggressive or combative; actively attempting to assault personnel or another person. Expressing an intent to assault personnel or another person is not considered assaultive under this policy.

5. Life-threatening. Any action likely to result in serious bodily injury or death of the officer or another person.

LEVELS OF FORCE. Personnel shall strive to use the minimum amount of force necessary to accomplish a lawful purpose, including levels of force lower than the level of threat. Personnel shall not, under any circumstances, use a level of force higher than the level of threat.

1. Low Level Force. The level of control necessary to interact with a subject who is displaying passive resistance or active resistance. This level of force has a low probability of causing injury and includes physical controls such as control holds and other weaponless techniques.

2. Intermediate Force. This level of force poses a foreseeable risk of significant injury or harm, but is unlikely to cause death. Intermediate force will only be authorized when members are confronted with active or assaultive aggression and an immediate threat to the safety of personnel or others. Certain force options such as OC spray, impact projectiles, and baton strikes are intermediate force likely to result in significant injury.

3. Deadly Force. Any use of force substantially likely to cause serious bodily injury or death, including but not limited to the discharge of a firearm, the use of an impact weapon under some circumstances, other techniques or equipment, and certain interventions to stop a subject's vehicle.

DE-ESCALATION. Prior to using physical, non-deadly and/or deadly force, all personnel must use proper de-escalation techniques to decrease the likelihood that members will resort to force and to increase the likelihood of cooperation between personnel and members of the public.

Personnel shall employ effective communication techniques to engage with individuals who are not compliant with orders by establishing rapport, using the appropriate voice intonation, asking questions and providing advice to defuse conflict and achieve voluntary compliance before resorting to force options.

Where feasible, all FCBD personnel must determine whether an individual's failure to comply with an order is the result of one of the following factors:

1. Medical conditions;
2. Mental impairment;
3. Developmental disability;
4. Physical limitation;
5. Language barrier;
6. Drug interaction;
7. Behavioral crisis; and
8. Other factors beyond the individual's control.

After evaluating whether the individual's failure to comply with an order is based on one of the factors listed above, personnel must then determine whether physical force, and what level of physical force, is necessary and appropriate to resolve the situation in a safe manner.

Under no circumstances may personnel use force on an individual for insolence, or for running away where the individual has not committed a crime and does not pose a current, active, and immediate threat to the safety of bystanders, other law enforcement officers, or the primary law enforcement officer.

CRISIS INTERVENTION TEAM. When feasible, a Crisis Intervention Team (CIT) consisting of both mental health providers and CIT trained law enforcement officers shall respond to calls for service involving individuals known or suspected to have mental illness or who appear to be in mental or behavioral health crisis.

SUBJECT ARMED WITH A WEAPON - NOTIFICATION AND COMMAND. Where personnel encounter an individual armed with a weapon, the following apply:

1. Upon encountering a subject with a weapon, a member shall call a supervisor as soon as feasible.
2. Upon notification, a supervisor shall as soon as feasible:

*Notify DES, monitor radio communications, respond to the incident;

*Notify responding officers, while en-route, to protect life, isolate and contain the subject, maintain distance, find cover, build rapport, engage in communication without time constraint, and call for appropriate resources;

*Upon arrival, where appropriate, the supervisor shall assume command, and ensure appropriate resources are on-scene or are responding; and

*Members and supervisors shall factor into their approach the possibility that a subject suspected of being armed with a weapon is, in fact, unarmed or carrying an object other than a weapon.

II. USE OF DEADLY FORCE

The most serious act in which a law enforcement officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility. It shall be the policy of the FCBD that personnel shall NOT use deadly force against another person unless ALL of the following conditions are met:

1. The member has an objectively reasonable belief that deadly force is necessary to protect themselves or another person from a subject who is posing a current, active, and immediate threat of death; and
2. The member has exhausted all reasonable alternatives to the use of deadly force, including de-escalation, other reasonable means of apprehending the suspect, defending themselves or others; and
3. The law enforcement officer objectively and reasonably believes that using deadly force would not unnecessarily endanger innocent people.

The above circumstances apply to each discharge of a firearm or application of deadly force. Personnel shall reassess the situation, when feasible, to determine whether the subject continues to pose a current and active threat. A member of the FCBD is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect currently and actively poses an immediate threat of death, even if deadly force would have been justified at an earlier point in time.

TACTICS PRECEDING THE USE OF DEADLY FORCE. Personnel shall not contribute to precipitating the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to de-escalate, withdraw, take cover or reposition, rather than the immediate use of force. The evaluation of a member's use of deadly force will include consideration of his/her tactical conduct and decisions leading up to the use of deadly force.

VERBAL WARNING. Personnel shall issue a verbal warning, when feasible, and have a reasonable basis for believing that the warning was heard and understood by the individual to whom the warning is directed prior to using deadly force against the individual.

PAST CONDUCT. Personnel shall not use deadly force where the only basis for using the deadly force is that the individual posed a threat of committing, or committed, a serious, violent crime prior to the encounter with police. Personnel are only authorized to use deadly

force against a person who currently and actively poses an immediate threat of death to other persons and/or the FCBD member.

NO DEADLY FORCE IN CASES OF SELF-HARM ONLY. Under no circumstances may personnel use deadly force to prevent an individual from self-harm where the individual does not currently and actively pose an immediate threat of either death to the others or to the law enforcement officer.

MOVING VEHICLES.

1. Personnel shall not discharge a firearm at or into a moving vehicle unless the occupants of the vehicle are actively using deadly force against the officer or another person, and such action is necessary for self-defense or to protect another person. Personnel shall not intentionally place themselves in the path of, or reach inside, a moving vehicle; and shall attempt to move out of the path of a moving vehicle.
2. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, **SHALL NOT** be justification for discharging a firearm at the vehicle or any of its occupants. A member in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.
3. Personnel should not shoot at any part of a vehicle in an attempt to disable the vehicle.
4. Personnel shall not discharge a firearm from his or her moving vehicle. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.

NECK HOLDS PROHIBITED. Personnel shall not use chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck.

OTHER PROHIBITIONS ON THE USE OF DEADLY FORCE.

1. Personnel shall not discharge their firearms in defense of property.
2. Personnel shall not use a firearm as a club.
3. Personnel shall not fire warning shots under any circumstances.
4. Personnel shall not discharge their firearms to subdue a fleeing individual who does not currently or actively pose an immediate threat of death to the officers or another person.

Failure to comply with this prohibition is punishable in various ways, including disciplinary action and up to termination and/or criminal prosecution.

DRAWING AND POINTING FIREARMS.

1. Personnel are only authorized to draw their firearms when they reasonably believe there is a current and active immediate threat of death to themselves or another person.
2. The pointing of a firearm at a person is a seizure and requires legal justification. No member shall point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to justify deadly force. If a member points a firearm at a person, the member shall, if feasible and safe and when appropriate, advise the subject the reason why the member pointed the firearm.
3. When a member points any firearm at a person, it shall be considered a reportable use of force. Such use of force must be reasonable under the objective facts and circumstances.

III. OTHER DUTIES

DUTY TO RENDER MEDICAL ASSISTANCE. All personnel are required to render aid, and if necessary, seek medical assistance for anyone in police custody who the member knows, or has reason to know, is injured or complains of injury.

DUTY TO INTERVENE AND REPORT. All personnel must intervene when they reasonably believe that a law enforcement officer is using or is about to use unnecessary or excessive force in violation of this mission, and must report the incident to a supervisor. Failure to report incidents involving the use of unnecessary or excessive force will result in disciplinary action.

DUTY TO PREVENT THROUGH EARLY INTERVENTION. FCBD recognizes that through early intervention it may be possible to avoid the use of excessive force and prevent harm to the community. In this effort, the FCBD will implement early intervention systems to identify personnel who are at risk for engaging in the use of excessive force and to provide those members with re-training and appropriate behavioral interventions, re-assignments or other appropriate consequences to eliminate that risk.

IV. USE OF FORCE REPORTING AND INVESTIGATIONS

REPORTABLE USES OF FORCE. To promote transparency and accountability of actions involving the use of force against civilians, personnel shall report any use of force involving physical controls when the subject is injured, complains of injury in the presence of officers, or complains of pain that persists beyond the use of a physical control hold. Personnel shall also report any use of force involving the use of personal body weapons, chemical agents, impact weapons, ECWs (i.e. Tasers), vehicle interventions, K-9 bites, and firearms. Additionally, members shall report the pointing of firearms or ECWs (i.e. Tasers) at a subject.

NOTIFICATION OF USE OF FORCE. Personnel shall notify their supervisor immediately or as soon as practical of any reportable use of force. A supervisor shall be notified if a member receives an allegation of excessive force.

EVALUATION OF USE OF FORCE. The Chief County Detective (“CCD”) shall conduct a use of force evaluation in all cases involving a reportable use of force.

EXCESSIVE USE OF FORCE. Every allegation of excessive force shall be subject to the reporting and investigative requirements of this policy.

PROCEDURE:

MEMBER’S RESPONSIBILITY. Any reportable use of force shall be documented in detail in an incident report, supplemental incident report, or statement form. Personnel shall complete use of force reports fully and truthfully. Descriptions shall be in clear, precise and plain language and shall be as specific as possible. When the member using force is preparing the incident report, the member shall include the following information:

1. The subject's action allegedly necessitating the use of force, including any threat presented by the subject;
2. Efforts to de-escalate prior to the use of force; and if not, why not;
3. Any warning given and if not, why not;
4. The type of force used;
5. Injury sustained by the subject;
6. Injury sustained by the officer or another person;
7. Information regarding medical assessment or evaluation, including whether the subject refused;
8. The supervisor's name, rank, star number and the time notified;

Each FCBD member must submit a report without coaching or assistance from other personnel present during the incident.

CHIEF COUNTY DETECTIVE’S RESPONSIBILITY. When notified of the use of force, the CCD shall conduct a supervisory evaluation to determine whether the force used appears necessary and within the provisions of this policy. The CCD shall:

1. Immediately respond to the scene unless a response is impractical, poses a danger, or where personnel’s continued presence creates a risk.
2. Ensure the scene is secure and observe injured subjects or members.

3. Ensure that witnesses (including law enforcement officers) are identified and interviewed, and that this information is included in the incident report. Though the number of witnesses may preclude identification and interview of all witnesses, the CCD shall ensure identification to the best of his/her ability.
4. Ensure photographs of injuries are taken and all other evidence is booked.
5. Remain available to review the member's incident report, supplemental incident report and written statement. The CCD shall not approve an incident report or written statement involving a use of force that does not comply with the requirements as set forth above.
6. If applicable, ensure the CCD's reason for not responding to the scene is included in the incident report.
7. The CCD shall complete and submit an evaluation form indicating whether the force used appears reasonable, necessary, and proportional, by the end of shift.
8. If the CCD used, participated in, or ordered reportable force, he/she will not conduct the supervisory evaluation of the incident, unless it is impractical under the circumstances. When the CCD uses, participates in, or orders reportable force, the District Attorney shall determine who will conduct the investigation.

The CCD shall notify the District Attorney if the supervisor determines that an officer's use of force is:

1. Unnecessary, unreasonable, or disproportionate; or
2. Otherwise appears to violate FCBD policy; or
3. Results in serious bodily injury or death.

PENNSYLVANIA STATE POLICE OVERSIGHT INVESTIGATIONS. When notified, the CCD and an independent investigator from the Pennsylvania State Police will respond to the scene, secure the evidence, initiate on-going investigations into the use of force, and prepare reports that contain preliminary findings, whether or not the use of force appears to comply with FCBD policy, and recommendations.

PROMPT INTERROGATION OF PERSONNEL INVOLVED. Where a member's use of force is determined to meet one or more of the conditions specified above, the CCD will transport the involved member, if not incapacitated, directly to the Pennsylvania State Police, Chambersburg Station for an investigatory interview.

1. Personnel involved shall be transported separately and shall not be allowed to converse with one another prior to the interview. If additional vehicles are needed, additional law enforcement supervisors from outside agencies will be summoned to provide transportation.

2. At the request of the member involved, questioning shall be delayed for no longer than two hours.

3. Personnel involved shall not be permitted to review evidence related to audio/video content depicting the use of force prior to an interrogation.

INDEPENDENT PENNSYLVANIA STATE POLICE INVESTIGATION.

Investigations shall be initiated into all uses of force resulting in serious bodily injury or death. In addition, if information is obtained at any stage of the process which suggests criminal conduct involving any other use of force, the Pennsylvania State Police ("PSP") shall initiate a criminal investigation into this conduct. This includes criminal conduct while on duty, or while off-duty if the officer purports to act under the color of law, or commits the offense while using police property, equipment, or weapons. To ensure independence and legitimacy, the PSP shall include at least two investigators from the Office of the Attorney General in all criminal investigations of FCBD personnel.

PUBLIC RELEASE OF INFORMATION FOLLOWING POLICE USE OF DEADLY FORCE. A press conference and/or an official press statement will be released by the District Attorney within 72 hours of an incident in which an individual was killed or wounded as a result of a use of force by a member of the FCBD. The information will include the member's name, years of service, assignment and duty status.

1. The release will contain a preliminary summary stating the circumstances of the incident known at the time and based on the facts collected and confirmed by the investigators. The release will provide a brief synopsis of the incident, condition (injuries) of the individual and the proceeding steps of the investigation.
2. Names of the individual subject and the FCBD member will be released.
3. No information regarding the subject's potential criminal record shall be released unless the officer's disciplinary record is also released simultaneously with this information.
4. A preliminary summary based on the facts collected and confirmed by the investigators will be placed on the District Attorney's website.

POST-DEADLY FORCE PROCEDURES.

1. Debriefings shall be held as soon as possible after the incident.
2. A member who uses force which causes death or serious bodily injury shall be placed on paid administrative leave, and shall turn in his/her issued firearm.
3. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigations.
4. All personnel directly involved in the deadly force incident shall be required to

contact Greencastle Family Practice for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a deadly force incident. After the counseling sessions, the assigned counselor shall advise the FCBD:

*Whether it would be in the members' best interest to remain on or to be placed on administrative leave or light duty, and for how long

*When the members were relieved of their duty weapons after an incident, at what point they should be returned

*Consider what would be the best course of counseling to be continued

5. The FCBD strongly encourages the families of the involved officers to take advantage of available counseling services.

DATA COLLECTION AND ANALYSIS. The FCBD will collect and analyze information on use of force. The Use of Force statistics and analysis will include at a minimum:

1. The type of force;
2. The types and degree of injury to suspect and member;
3. Date and time;
4. Location of the incident;
5. Number of members using force in the incident;
6. Member's activity when force was used (ex. handcuffing, search warrant, pursuit);
7. Subject's activity allegedly requiring the member to use force;
8. Member's demographics (age, gender, race/ethnicity, rank, number of years with FCBD, number of years as a law enforcement officer);
9. Subject demographics, including race/ethnicity, age, gender, gender identity, primary language and other factors such as mental illness, cognitive impairment, developmental disability, drug and alcohol use/addiction and homeless; and
10. Outcome of any investigation regarding the use of force including any disciplinary actions that were taken as a result.

V. USE OF NON-LETHAL WEAPONS

Regarding the use of Tasers specifically, the following rules are applicable:

1. Tasers will be carried in “weak-side holsters” (i.e., on the side of the nondominant hand) to reduce accidental discharge.
2. Consider the severity of the crime before determining what mode to use them in.
3. Stop using them after one standard (five-second) cycle to determine whether more than one cycle is necessary.
4. Personnel are prohibited from using Tasers as follows:

- *Against high-risk groups, such as pregnant women, older people, young children, or people who are visibly frail, have known heart conditions, are in a medical or mental health crisis, are under the influence of drugs (prescription and illegal) or alcohol, or who have slight builds.

- *On vulnerable body parts, such as the head, neck, chest, or groin.

- *More than one Taser against one person at one time.

- *On someone more than three standard (five-second) cycles.

- *"Drive-stun" mode, which causes pain but not loss of muscle control and can escalate encounters by causing rage in response to pain.

- *For the sole reason of preventing flight.

VI. MEMBER'S RESPONSIBILITY AND COMPLIANCE

All personnel are responsible for knowing and complying with this policy and conducting themselves in a manner aligned with this mission. Any violation of this policy will subject the officer to disciplinary action, including and up to termination and criminal prosecution.

Supervisors shall ensure that all personnel in their command know the content of this policy and operate in compliance with it.

Arrest and Tactical Procedures

I. GENERAL

No personnel shall effect an arrest alone, except in emergency circumstances where an arrest must be made for the protection of persons or property.

All arrests and search warrant executions shall be accomplished with the use of an operational plan/format. The operational plan shall minimally include, but not be limited to, the following:

1. Identify and photograph the informant (if applicable).
2. Identify the undercover personnel (if applicable) and vehicle.
3. Identify suspects and associates who may be encountered, along with associated vehicles which are known. Photographs of each should be available.
4. Identify all law enforcement personnel participating, along with their roles and responsibilities.
5. Provide a detailed description of locations which will be searched.
6. Discuss the risk potential for violence of any suspect, along with known intelligence of any weapons, dogs, or other dangers which may be posed to personnel or the public.
7. Arrest or duress signals (both verbal and visual).
8. A contingency plan, including a retreat plan, if applicable.

PSP Special Emergency Response Team (SERT). Use of PSP SERT will only be authorized when there is reliable information that the location to be searched or the individual to be seized poses a legitimate risk of death or serious bodily injury. Any request for SERT support shall first be made to the Chief County Detective. If approved, and after consultation with the District Attorney as necessary, PSP may be contacted to provide SERT Support.

FCBD personnel do not engage in “Stop and Frisk” encounters or “Pretextual Stops.”

II. SERVICE OF WARRANTS

MINIMUM MANPOWER. Arrest and search warrants will be served at a residence by a minimum of two (2) FCBD members, accompanied by uniformed officer(s) from the agency or jurisdiction within which the residence is located. Exceptions to this procedure will require prior authorization by the Chief County Detective.

UNIFORMED POLICE OFFICERS. Whenever possible, a uniformed police officer shall be utilized to effectuate the arrest, accompanied by FCBD personnel. A uniformed police officer shall be present whenever a search warrant is served at a residence or other place of occupancy. The uniformed police officer shall be assigned to a position where he or she is immediately visible to the occupant(s) when entry is made into the residence.

BODY ARMOR. FCBD personnel shall wear tactical gear (tactical vest w/Taser (if qualified), vest cover, concealable body armor, jerseys) which also clearly identifies them as law enforcement officers when serving arrest and search warrants.

“NO-KNOCK” WARRANTS. Consistent with Pennsylvania case law, personnel must “knock and announce” while serving a warrant, and “no-knock” warrant services are prohibited.

Military Uniforms

Military-style uniforms are prohibited, as are military-style tactical vehicles.

Pursuit

No personnel shall participate in a motor vehicle pursuit.

Training

ANNUAL CERTIFICATION. Current FCBD Personnel must maintain ACT 120 status as certified law enforcement officers, as specifically required by the Commonwealth of Pennsylvania and as administered by the Municipal Police Officers' Education and Training Commission ("MPOETC"). Certified municipal police officers are required to complete twelve (12) hours of continuing education (in-service training) each year which can consist of both MPOETC-developed training and Continuing Law Enforcement Education ("CLEE") courses. MPOETC-developed courses are available either in the classroom or online.

ANNUAL FIREARMS QUALIFICATION. MPOETC is required to publish requirements related to police firearms qualification. In 2020, the requirements include the following:

1. The minimum passing score for a firearms course is 75%.
2. All certified officers must complete annual qualification on a police firearms course with any firearms authorized for use, including personal weapons.
3. .38/380 is the minimum acceptable caliber for police firearms qualification.
4. Failure to meet the Commission's standards for firearms qualification is grounds for revocation of certification.
5. Beginning in 2020, MPOETC will require all certified municipal police officers to qualify on a standardized course of fire for duty weapon (handgun) qualification. The two-phase course mimics the course required in the basic training program but reduces the number of rounds from 60 to 50-rounds and has been modified to streamline use at the department level. The course specifies that officers use duty ammunition for at least the first phase of the course and also provides accommodation for departments who are required to qualify on reduced-distance ranges.
6. A modified course is also provided and is intended to be used for back-up duty weapons or off-duty weapons if the department chooses to qualify officers on them. This course reduces the maximum shooting distance from 25 to 15 yards to accommodate short barreled handguns and is also intended to be used to qualify retired officers. Due to the variety of holsters, locations of carry, and security features, this second course does not require a holster and allows shooters to begin each stage holding the weapon.

ANNUAL TRAINING. The Chief County Detective, as directed and/or approved by the District Attorney, will maintain the annual training schedule. Ideally, because of the FCBD's emphasis and commitment to training, personnel will become assets or force multipliers to the rest of the Franklin County, PA law enforcement community, in a cost-effective "train-the-trainer" capacity. The CCD will ensure in person and scenario-based training is optimized over strictly academic or web-based training. At a minimum, all personnel will receive annual training related to the following:

1. First Aid and CPR Training. All members will be issued all appropriate lifesaving equipment and materials as well, and will always be prepared to assist other members or citizens as necessary.
2. Bias Training. All members will participate in annual Bias Training scheduled for the District Attorney's Office, in addition to other types of bias or procedural justice training which may be specifically tailored to law enforcement personnel and activities.
3. De-Escalation Training. Critical thought and communication are the most valuable resources for FCBD personnel. Oftentimes, not using physical force at all may not be realistic or safe. The legitimate goal of de-escalation tactics is to resolve problems with minimal use of force and establishment of personal connections can be made.

In most situations calling for de-escalation, members must first ensure the situation is stabilized and under control before beginning their verbal de-escalation tactics. This calls for accurate risk assessments, effective use of tactics and maneuvering strategies, scene containment and deployment of the appropriate resources. Once the scene is stable, members gain discretionary time in which they can attempt effective de-escalation tactics. Applying proper officer and public safety tactics is therefore foundational to the effective application of de-escalation.

FCBD members will participate in training which will prepare them to manage difficult encounters by enhancing the skills that let them establish contact, build rapport and gain influence to achieve objectives in encounters. These abilities include incident stabilization tactics, decision-making and both verbal and nonverbal communication skills. Even when subjects present difficulties, trained personnel will be able to make connections and provide the best service to the community.

4. Crisis Intervention Training. As referenced in the Use of Force provisions above, members will liaison with the PA South-Central Region Crisis Intervention Team ("CIT") when necessary. Our CIT is based on the nationally recognized Memphis Police Department CIT program and is an innovative program of police-based crisis intervention involving law enforcement, mental health, and advocacy partnerships ("MHA"). CIT is a pre-jail diversion program that directs individuals with mental illness away from the criminal justice system and into treatment where they can be better served.

In addition to robust and ongoing De-Escalation Training, FCBD personnel will, at a minimum, attend 40-hours of specialized training to intervene more effectively in crisis situations involving people with serious mental illness and drug and alcohol issues. Officers learn to recognize the signs of psychiatric distress and how to de-escalate a crisis, avoiding officer and individual injuries/deaths, and tragedy for the community.

5. Naloxone. All personnel will be equipped with unexpired Naloxone and equipment, and will undergo training regarding the proper administration of Naloxone to individuals in an opioid-induced overdose.

Members will attend Operation Save-A-Life Training, conducted by Healthy Communities Partnership.

District Attorney Policies and Initiatives

All FCBD personnel, including members of the DVCTF, are subject to all policies of the Franklin County District Attorney's Office, policies which have been thoughtfully and collaboratively designed to maintain public confidence in the scientific and evidence-based efficacy of our procedures and investigative techniques. The following policies of the District Attorney, specifically yet not exclusively, shall be adopted and observed by all members:

CHILD PROTECTION INVESTIGATIVE PROTOCOL: Child victims of crimes, as well as child witnesses of crime, will be interviewed at the Over the Rainbow Children's Advocacy Center. Members will not conduct interviews of children under the age of eighteen (18), regarding any matter.

EYEWITNESS IDENTIFICATION PROCEDURES: Witness identification of suspects via photograph, if utilized, will only be done using sequential photo arrays, in keeping with the most scientifically proven techniques.

ELECTRONIC RECORDING OF INTERROGATION PROCEDURES: Official statements of suspects or witnesses will be audio and video recorded.

BODY-WORN CAMERA PROCEDURES: All members will utilize body-worn cameras as directed within the protocol, including searches of suspects and service of warrants for arrest and search of property.

CO-RESPONDER INITIATIVE: All personnel will utilize the resources of our Co-Responder Initiative, which assists members by simultaneously deploying an embedded mental health professional with law enforcement personnel as necessary and applicable under the circumstances. The geographically-assigned regional Community Liaison is a mental health professional embedded in the Chambersburg, Greencastle, Washington Township & Waynesboro Police Departments. The liaisons are able to work with community members to engage in service systems instead of criminal justice system when applicable.

GET BACK UP: Members will utilize the Get Back Up diversion initiative for suspects or members of the public in general who are in need of drug treatment and rehabilitation rather than being officially dealt with in the field of criminal justice and courts.

CRISIS INTERVENTION TEAM: As necessary and as described within the Use of Force and Training provisions above, personnel will be aware of Crisis Intervention procedures and will utilize the Crisis Intervention Team when necessary, in interacting with citizens with perceived mental illness or mental health concerns.

GIGLIO PROTOCOL: FCBD personnel are subject to the *Giglio* protocol, along with the rest of the law enforcement community within Franklin County. Realistically, placement upon the District Attorney's *Giglio* list will very likely result in termination of employment.

DRUG DELIVERY DEATH PROTOCOL: Fatal drug overdoses are homicides, and those with addiction issues are sick and unhealthy rather than weak or “junkies.” When fellow citizens die as a result of their use and misuse of illegal drugs, they are victims, and are somebody’s family member. As part of our protocol, which demonstrates our collective dedication to the complete health and safety of all citizens and a search for justice for all citizens, an assigned member of the DVCTF will respond to every fatal overdose. The assigned DVCTF member will assist the assigned investigator from the local law enforcement agency with jurisdiction over the homicide investigation.

GOOD WOLF TREATMENT COURT: Personnel will be aware of Good Wolf Treatment Court, and advise prosecutors from the District Attorney’s office about charged persons who should be directed to that disposition.

EARLY ACCOUNTABILITY/E-DISCOVERY: Like other law enforcement agencies within Franklin County, FCBD personnel are expected to deliver all discovery to our Discovery Coordinator no later than the date set for Central Court.

INCARCERATED INFORMANTS: From time to time, incarcerated inmates will contact law enforcement and request to give information about what they have learned from others while incarcerated with them. Given the obvious issues with reliability and likely expected favorable treatment in exchange for information, personnel will NOT respond to direct entreaties from incarcerated individuals.

Wellness and Emotional Safety

The Franklin County District Attorney's Office values the physical and mental readiness of all employees, and promotes a culture that supports member health and safety. FCBD personnel, however, have an obviously unique job requirement which may place them in highly stressful and/or dangerous circumstances. Without an appropriate professional outlet, anxiety over those unique stressors or traumatic exposures may build and manifest in inappropriate ways. Poor mental health may impact job performance, may lead to self-medication with drugs or alcohol, and perhaps may negatively impact the member's own safety or their family's emotional or even physical safety. Indeed, suicide is the leading killer of law enforcement personnel nationwide.

The Final Report of the President's Task Force on 21st Century Policing notes that officer wellness has a direct impact on communities. Officers who are equipped to handle stress at work and at home, it notes, are more likely to make better decisions on the job and have positive interactions with community members. As task force member Tracey Meares noted on the importance of officer wellbeing, "Hurt people can hurt people." Officer health, wellbeing, and safety is, in short, an important public and officer safety issue.

Therapy is the treatment of mental and emotional disorders using psychological techniques through the establishment of a therapeutic relationship with a mental health professional. Mental disorders may include severe and recurrent psychological conditions or less severe and short-term emotional problems and disturbances that interfere with your life. Therapy is both an art and a science, and has been scientifically studied. Studies show most people report success in making the changes they want with therapy. Therapy works through the establishment of a relaxed, comfortable, trusting, respectful, psychologically safe, and therapeutic relationship with a mental health professional - a therapist. This relationship becomes a "tool" to help personnel reduce anxiety and fear so participants can successfully examine and confront issues and problems that interfere with their lives and their happiness.

FCBD personnel are employees of Franklin County, and beneficiaries of the Employee Assistance Program ("EAP"), and are highly encouraged to participate in therapy, **without any stigma**. As employees, members may receive up to 3 free professional counseling visits annually.

Franklin County provides employees with access to an Employee Assistance Program (EAP). The EAP provides confidential assessment, referral and follow-up services to help employees who may be experiencing personal problems. Employees are entitled to four visits per calendar year at no cost to them. The EAP can be effective in addressing a variety of problems including:

1. Alcohol & Drug Problems
2. Relationship Issues
3. Stress
4. Emotional Difficulties
5. Marital & Family Conflicts
6. Employment Concerns

7. Financial Instability
8. Conflict with Co-Workers or Supervisors
9. Medical Issues/Pain Management
10. Spirituality Issues
11. Stress Management
12. Weight/Body Image Issues

Participation in EAP services is confidential and will not jeopardize job security or opportunity for promotion.

Should members desire additional sessions (which is encouraged), the Franklin County District Attorney has formed a strategic partnership with Greencastle Family Practice and a resident counselor specifically experienced in counseling law enforcement personnel, who has a unique understanding of the stressors which impact members of law enforcement. Diane Swan is a Licensed Professional Counselor in Pennsylvania, as well as a Nationally Certified Counselor. She received her Master's Degree in Mental Health Counseling in 2006 from Shippensburg University, and has been a counselor at Greencastle Family Practice since 2008. FCBD members can contact Diane Swan at 717.597.0095 to schedule an appointment. Her office is located at 50 Eastern Avenue #115, Greencastle, PA 17225.

In addition to the counseling and therapy availabilities described above, FCBD members will receive an annual psychological screening which will be confidential, completed in order to monitor stress levels, biases, coping skills, and overall attitudes. Additionally, a confidential psychological screening will follow any involvement or witnessing of a traumatic event (such as an officer-involved shooting, a mass shooting, the death of a child), or may be directed as deemed appropriate or necessary by a supervisor or the CCD.