

WAYNE TOWNSHIP – Lawrence County

RESOLUTION No. 2 of 2013

Police Department Policies

BE IT RESOLVED AND IT HEREBY IS RESOLVED, the Township of Wayne – Lawrence County Board of Supervisors, Charles Hutchison, Chairman; Bruce Badger, Vice-Chairman, and William Hepler have established the following revised Police Department Policies, as follows: “Vehicular Pursuit, Policy #02.0”; “Domestic Violence, Policy #03.0”; and “Use of Force, Policy, Policy #01.0”. (See Attachments 3)

So RESOLVED this 7rd day of February, 2013.

Attest:

THE BOARD OF SUPEVISORS  
OF WAYNE TOWNSHIP

By: \_\_\_\_\_  
Charles Hutchison, Chairman/Supervisor

By: \_\_\_\_\_  
Bruce Badger, Vice-Chairman/Supervisor

By: \_\_\_\_\_  
William Hepler, Supervisor

# POLICE DEPARTMENT

## WAYNE TOWNSHIP

POLICY #01.0

EFF. DATE: 1-4-10

TOPIC: USE OF FORCE

REVISED: 2-7-13

### **PURPOSE**

Wayne Township Police Officers, when apprehending criminal offenders, will often be met with resistance. It is the purpose of this policy to ensure minimum force standards when affecting an arrest.

Use of force in law enforcement is addressed in Section 508 of the Pennsylvania Crimes Code. Section 508 states: A Peace Officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force that he believes to be necessary to effect the arrest and of any force, which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or other persons, or when he believes both that:

1. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and,
2. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

### **01.1 POLICY**

It is the policy of the Wayne Township Police Department to use only the amount of force necessary to effect an arrest while still maintaining a high level of safety for themselves and others. The Wayne Township Police Department incorporates Section 508 of the Pennsylvania Crimes Code as the policy of the police department. It states as follows:

Police Officer's use of force in making arrest:

1. A Police Officer, or any person, whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force that he believes to be

necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or another person, or when he believes both that:

- a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and,
- b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

2. A Police Officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

## **01.2 PROCEDURE**

Wayne Township Police Officers shall use the following progression of the seven force continuum levels when making an arrest:

1. Officer Presence;
2. Verbal Direction;
3. Soft Empty Hand Techniques;
4. Chemical Agents (OC spray) and Tasers;
5. Hard Empty Hand Techniques;
6. Intermediate Weapons (Batons, etc.); and,
7. Deadly Force.

The level of resistance posed by the subject will determine the appropriate level of force to be used by the officer. "The officer may begin his use of force at whatever level is appropriate to respond to the use of force or resistance being used against him."

A detailed report explaining the use of force must be completed for every arrest or instance when an officer uses force.

## **01.3 USE OF HANDCUFFS**

Typically persons taken into custody are to be handcuffed with their hands behind their backs. However, officers have the discretion to handcuff subjects with their hands in front, when the officer deems it to be appropriate.

Handcuffs should be double locked when possible.

Officers should never handcuff themselves to a prisoner.

Handcuffs typically should not be used as a “come-along”.

#### **01.4 DEADLY FORCE**

Deadly force is defined as force, which under the circumstances in which it is used, is readily capable of causing death or serious bodily injury. The use of deadly force should be used only when appropriate as outlined by Section 508 of the Pennsylvania Crimes code and as outlined in the PURPOSE of this policy.

#### **01.5 RESPONSIBILITY TO THE INJURED**

A Wayne Township Police Officer has the responsibility to evaluate the need to provide medical treatment for an arrested subject. If a person is injured and the injury is obvious to the officer, medical treatment shall be furnished. If the injury is not obvious but the subject complains of pain and or injury, medical treatment shall be arranged. Injured persons refusing treatment shall be transported to medical facilities where refusal shall be documented.

#### **01.6 POLICY VIOLATIONS**

Violations of this policy shall only form a basis for departmental administrative sanctions and shall not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

By Order of:



William R. Betz, Jr.  
Chief of Police

## **POLICE DEPARTMENT**

### **WAYNE TOWNSHIP**

POLICY #03.0

EFF. DATE: 1-4-10

TOPIC: DOMESTIC VIOLENCE

REVISED: 2-7-13

#### **PURPOSE**

It is the purpose of this policy to familiarize Wayne Township Police Officers with their responsibility when responding to calls of domestic violence.

#### **POLICY**

It is the policy of the Wayne Township Police Department to protect victims of abuse at all times. Orders of the court must be adhered to, to enhance victim safety. Procedures set forth shall facilitate officer safety in domestic violence interventions and minimize exposure to liability. Wayne Township Police Officers shall respond quickly and consistently to domestic violence calls, and arrest offenders when possible.

#### **03.2 PROCEDURES**

Police Response:

1. Respond quickly as possible but try to preserve the element of surprise.
2. Advise dispatcher of status.
3. Remain aware of immediate cover.
4. Begin initial contact with extreme caution while surveying the scene.
5. Make a decision as soon as possible and act on it.
6. Make arrests when warranted.

### **03.3 OBJECTIVES**

1. Identify offender.
2. Locate offender.
3. Identify victims/witnesses.
4. Collect and preserve evidence.
5. Establish probable cause.

### **03.4 PROBABLE CAUSE**

Two factors should be present:

1. Confirmation by the victim, complainant or witness that the suspect committed one or more of the three enumerated misdemeanors.
2. Observation by the officer of recent physical injury to the victim or other corroborative evidence.

### **03.5 ENUMERATED MISDEMEANORS** (Pa. C.S. Sec-2711)

1. Sec – 2701 – Simple Assault
2. Sec – 2705 – Recklessly Endangering
3. Sec – 2504 – Involuntary Manslaughter

### **03.6 ARREST**

**IF PROBABLE CAUSE IS MET, WAYNE TOWNSHIP POLICE OFFICERS SHALL IMMEDIATELY ARREST THE ABUSER PURSUANT TO PA. C.A. 2711.**

### **03.7 MEDICAL AID**

If any person involved needs medical attention, police shall immediately notify medical personnel and arrange for medical attention.

### **03.8 NOTICE TO VICTIM**

1. Once the situation is under control, **notify victim orally and in** writing of the availability of a shelter, its telephone number and any other services available.
2. Notify the victim of their rights under Act 10 of 1986.
3. Notify victims of domestic violence of their rights to file a petition requesting a P.F.A. pursuant to the Act of October 7, 1976 (P.L. 1090, No. 218).

**Note:** Domestic violence is a serious crime warranting serious criminal investigation techniques.

- a. Collect and preserve all evidence.
- b. Photograph injuries.
- c. Interview all parties separately, including children.
- d. If offender has left the scene, search immediate area.
- e. Try to obtain information on whereabouts of offender.

### **02.9 INCIDENT REPORTS**

The following minimum should be included in a domestic violence report:

1. Names, addresses, and phone numbers of the victim, the accused, witnesses and caller.
2. A statement of the relationship between the victim and the accused.
3. What, if any, weapons were used or threatened to be used.
4. A description of any injuries observed by the officers.
5. An indication of what arrest decision was made:
  - a. A warrantless arrest.
  - b. Arrest with a warrant.
  - c. No arrest.
6. A detailed account of the incident and justification for the action taken by officers.


## **02.10 LIABILITY PRECAUTIONS**

1. Document all domestic violence incidents with a written report.
2. Enumerate the reasons for action taken or not taken.
3. Participate in on-going training.
4. FOLLOW DEPARTMENT POLICY.

## **02.11 NOTIFICATIONS**

1. **Officers will notify Lawrence County Children and Youth Services of any domestic violence incident in which children are victims.**

By Order of:

  
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William R. Betz, Jr.  
Chief of Police



# **POLICE DEPARTMENT**

## **WAYNE TOWNSHIP**

POLICY #02.0

EFF. DATE: 1-4-10

TOPIC: VEHICULAR PURSUIT

REVISED: 2-7-13

### **PURPOSE**

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

### **02.1 POLICY**

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the responsibility of the Wayne Township Police Department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of the Wayne Township Police Department to regulate the manner in which vehicular pursuits are undertaken and performed.

### **02.2 DEFINITIONS**

1. Vehicular Pursuit: Active attempts by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
2. Authorized Emergency Vehicle: A vehicle of this agency equipped with operable emergency equipment as designated by state law.
3. Primary Unit: The police unit that initiates a pursuit or any unit that assumes control of the pursuit.
4. Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

### **02.3 PROCEDURES**

1. Initiation of Pursuit:
  - a. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

- b. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
- c. In deciding whether to initiate pursuit, the officer shall take into consideration:
  1. Road, weather and environmental conditions;
  2. Population density and vehicular and pedestrian traffic;
  3. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
  4. The presence of other persons in the police vehicle; and,
  5. The nature and seriousness of the violation known by the officer at the time the pursuit is initiated.

#### **02.4 PURSUIT OPERATION**

1. All emergency vehicle operations shall be conducted in strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. Upon engaging in pursuit, the officer shall notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The officer shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
4. When engaged in pursuit, officers shall not drive with reckless disregard for the safety of other road users.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.

## **02.5 SUPERVISORY RESPONSIBILITIES**

1. If made aware of a vehicular pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and shall have the discretion to terminate the pursuit.
2. Where possible, a supervisory officer shall respond to the location where a vehicle has been stopped following a pursuit.

## **02.6 PURSUIT TACTICS**

1. Officers shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage when a marked unit becomes available.
3. Ramming a fleeing vehicle with a pursuit vehicle is prohibited unless the use of deadly force is justified under Section 508 of the Pennsylvania Crimes Code.
4. Decisions to discharge firearms at or from a moving vehicle or to use roadblocks is prohibited if this presents an unreasonable risk to others. They should first be authorized, whenever possible, by a supervisor.
5. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

## **02.7 TERMINATION OF PURSUIT**

1. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit is greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of a pursuit at any time.
4. A pursuit may be terminated if the suspect's identify has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

## **02.8 INTERJURISDICTIONAL PURSUITS**

1. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.
2. When a pursuit enters this jurisdiction, the action of officers shall be governed by the policy of the officers' own agency, specific inter-local agreements, and state law as applicable.

## **02.9 AFTER-ACTION REPORTING**

1. Whenever an officer engages in a pursuit, the officer shall file a written report on the appropriate form detailing the circumstances. This report shall be critiqued by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.
2. The department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

By Order of:

  
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William R. Betz, Jr.  
Chief of Police