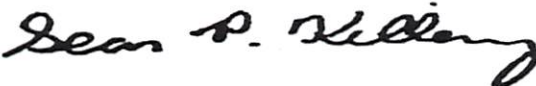


Montgomery County Sheriff Office Policy Manual



Chapter:	Standards for Organization and Management Role	Policy Number:	1.3.1
Title:	Use of Force	Issue Date:	2/1/2019
Issued By:	Sean P. Kilkenny, Sheriff	Reevaluation Date:	2/1/2022
Signature:		Expiration Date:	Indefinite
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Distribution:	All Members	Total Pages:	4
Pennsylvania Accreditation References:	1.3.1		

PURPOSE AND SCOPE

- This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

Policy

- Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

1.3.1 Use of Force Justification

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of justification," describes those circumstances in which the use of force is justified. These provisions and the related case law, including federal case law, made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by Montgomery County Sheriff's Office personnel, as it relates to criminal or enforceable civil matters.

2. In any necessary use of force, all Montgomery County Sheriff's Office personnel shall apply only that force which is necessary and justifiable to accomplish the aforementioned lawful objectives.
3. Reasonable and necessary force may be used to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, to neutralize an unlawful resistance, or to neutralize an unlawful assault upon a deputy or another person. The use of physical force will end immediately when resistance ceases or when the arrest has been accomplished. Emphasis shall always be on obtaining control over the situation rather than forcing submission

A. Factors used to determine the reasonableness of Force

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

1. Immediacy and severity of the threat to deputies or others.
2. The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
3. Deputy/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
4. The effects of drugs or alcohol.
5. Individual's mental state or capacity.
6. Proximity of weapons or dangerous improvised devices.
7. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
8. The availability of other options and their possible effectiveness.
9. Seriousness of the suspected offense or reason for contact with the individual
10. Training and experience of the deputy.
11. Potential for injury to deputies, suspects and others.
12. Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
13. The risk and reasonably foreseeable consequences of escape.
14. The apparent need for immediate control of the individual or a prompt resolution of the situation.
15. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
16. Prior contacts with the individual or awareness of any propensity for violence.
17. Any other exigent circumstances.

E. Duty to Intercede

1. Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

F. Policy Disclaimers

1. This section is explanatory in nature and is intended as a guide for departmental personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher standard than provided by law.
2. Nothing in this policy shall infer that any given level cannot be skipped in the escalation, given those presenting circumstances, or that any escalation cannot be reduced given other presenting circumstances.

B. Use of Force

1. Sworn members must weigh the circumstances of each individual case and employ the amount of force which is necessary and reasonable to control the situation or persons. No member will use unreasonable or excessive force toward any person. Use of Force situations are dynamic in nature therefore, Deputies have the option to increase levels of force or decrease levels of force based upon the subjects actions. There are a wide range of Use of Force options available to a Deputy in any given situation.

a. Officer Presence

b. Verbal Control

c. Control and Compliance

- I. Soft Empty Hand Control
 - Come-along escorts or take downs
- II. OC Spray(Oleoresin Capsicum)
- III. Taser
- IV. Hard Empty Hand Control
 - Striking
 - Pain Compliance

d. Intermediate Weapons

- I. Baton
- II. Canine
- III. PepperBall
- IV. Long range Impact Munitions (12 gauge, 37mm and 40mm)

e. Deadly Force

C. Neck Restraints

1. The Montgomery County Sheriff's Office **does not** authorize the use of Neck Restraints

D. Off Duty Use of Force

1. When any Deputy is involved in an Off-Duty use of force incident they shall notify a Supervisor as soon as possible.
2. Appropriate reports shall be submitted through the chain of command

Montgomery County Sheriff Office Policy Manual



Chapter:	Standards for Organization and Management Role	Policy Number:	1.3.2
Title:	Deadly Force	Issue Date:	2/1/2019
Issued By:	Sean P. Kilkenny, Sheriff	Reevaluation Date:	2/1/2022
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Distribution:	All Members	Total Pages:	2
Pennsylvania Accreditation References:	1.3.2		

PURPOSE AND SCOPE

- This policy provides guidelines on the reasonable use of deadly force. The Montgomery County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use deadly force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

Policy

- Every member of this office shall use these guidelines to make such decisions in a professional, impartial and reasonable and justifiable manner pertaining to the use of Deadly Force.

1.3.2 Use of Deadly Force

A. Definitions

Bodily injury - Impairment of physical condition or substantial pain

Serious Bodily Injury - Bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Deadly Force - Force which, under the circumstances in which it is used is readily capable of causing death or serious bodily injury.

- B. This policy mandates that a “peace officer” (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code (18 Pa.C.S.A. §501) shall only utilize deadly force when necessary and justified to effect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions.
- C. Section 508, Subsection (a) of the Pennsylvania Crimes Code (18 Pa.C.S.A.), provides for the lawful and justified use of deadly force by a “peace officer” (law enforcement officer). The use of force and deadly force may also be justified under the provisions of Section 505, “Use of force in self-protection” and Section 506, “Use of force for the protection of other persons” of the Pennsylvania Crimes Code.
- D. Deadly force is used when legally justified, which is when the need to do so is strong and compelling, is used as a last resort, and when lesser levels of force had not been effective or would be inappropriate given the threat level confronting the deputy or other human being as the deputy or other person has been put in imminent fear of serious bodily harm.
 - 1. Pennsylvania law provides that the use deadly force is justified only when the law enforcement officer believes that such force is necessary to prevent serious bodily injury to himself/herself or such other person when he/she believes both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. That the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.

Montgomery County Sheriff Office Policy Manual



Chapter:	Standards for Organization and Management Role	Policy Number:	1.3.3
Title:	Warning Shots and Shooting at or from a moving vehicle	Issue Date:	2/1/2019
Issued By:	Sean P. Kilkenny, Sheriff	Reevaluation Date:	2/1/2022
Signature:	<i>Sean P. Kilkenny</i>	Expiration Date:	Indefinite
Replaces:	All Previous General Orders Relative to Subject		
Distribution:	All Members	Total Pages:	1
Pennsylvania Accreditation References:	1.3.3		

PURPOSE AND SCOPE

- The purpose of this policy is to provide guidelines pertaining to the use of warning shots and shooting at or from a moving vehicle.

Policy

- **Warning shots are strictly prohibited**
 - Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle
- A. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.
1. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Montgomery County Sheriff Office Policy Manual



Chapter:	Standards for Organization and Management Role	Policy Number:	1.3.6
Title:	Use of Force Investigative Report	Issue Date:	2/1/2019
Issued By:	Sean P. Kilkenny, Sheriff	Reevaluation Date:	2/1/2022
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Distribution:	All Members	Total Pages:	3
Pennsylvania Accreditation References:	1.3.6		

PURPOSE AND SCOPE

- This policy establishes a process for the Montgomery County Sheriff's Office to review the use of force by its members. This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

Policy

- The Montgomery County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

1.3.6 - Use of Force Investigative Report

- A. This policy requires a use of force investigative report, adopted by the Sheriff's Office, to be submitted to the Sheriff, Chief Deputy, or his designee whenever any deputy:
1. Discharges a firearm, other than for routine training or recreational purposes;
 2. Takes any action that results in, or is alleged to have resulted in, any injury to another person; or
 3. Uses physical force, or is alleged to have used physical force, to another person.

B. Use of Force written Investigative Report required:

- 1. The Use of Force Report shall be completed whenever force was, or alleged to have been used upon a subject, stating the level of force used, an injury sustained by either the deputy or subject, and the details surrounding the use of force. In the case of an allegation, a statement shall be made relating the circumstances which led to the allegation.**
- 2. A report should be filed for all alleged or real incidents involving the use of force and the reports will be retained in a separate file within the Department.**
- 3. Initial Report and Supplemental Reports -- If more than one deputy was involved in the use of force incident or in an alleged use of force incident, the deputy who initiated the alleged use of force should write the initial report and all other deputies and supervisors who were present at the incident should write supplemental reports. In the case of a multi-agency incident the agency with primary jurisdiction shall be provided with copies of our reports.**

C. Force shall be defined as:

- 1. Discharge of a firearm while in the performance of duty, other than the destruction of an animal.**
- 2. Any action which results in, or is alleged to have resulted in, injury or death of another person.**
- 3. Any force as a result of the use of lethal or less lethal weapons.**
- 4. Use of O.C. Spray.**
- 5. Use of the Taser**
- 6. Use of physical force, or alleged physical force, on another person.**

D. Reporting Requirements for Deputy involved shootings

- 1. The Deputy's immediate supervisor, or duty officer, shall be notified.**
- 2. The Chief Deputy of the Montgomery County Sheriff's Office shall be notified.**
- 3. The Sheriff of Montgomery County shall be notified.**
- 4. The District Attorney's Office and the District Attorney's Detective Bureau shall be notified.**
- 5. The Police Department which has primary jurisdiction where the shooting occurred shall be notified.**

- E. The investigation into the circumstances surrounding the shooting shall be conducted by the Montgomery County District Attorney's Office.
 - 1. This agency shall follow the Montgomery County District Attorney's Office Officer involved Shooting Protocol.

- F. Review of Use of Force Incident Reports -- All use of force incident reports or supplemental reports shall be reviewed and approved by a supervisor who shall send the reports up the chain of command for review at every level. Exception: Routine Training, Recreational Purposes, and when a deputy or supervisor is issued an order to write a report by the Sheriff and/or Chief Deputy, such report shall be directly transmitted to the Sheriff or Chief Deputy for review.

Montgomery County Sheriff Office Policy Manual



Chapter:	Standards for Staff Support Responsibilities	Policy Number:	3.4.1
Title:	Uniformed Field Reporting	Issue Date:	2/1/2019
Issued By:	Sean P. Kilkenny, Sheriff	Reevaluation Date:	2/1/2022
Signature:	<i>Sean P. Kilkenny</i>	Expiration Date:	Indefinite
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Distribution:	All Members	Total Pages:	3
Pennsylvania Accreditation References:	3.4.1		

PURPOSE AND SCOPE:

- This policy requires a uniform field reporting system for the Sheriff's Office. This will ensure that the Office has a consistent process to record law enforcement incidents and activities. A uniform and established field reporting system provides an essential management tool for the Office.

Policy:

- This policy provides for a uniform field reporting system for the Sheriff's Office to include:
 - Guidelines to indicate when reports must be completed
 - Designated forms to be used in field reporting
 - Data required to be included in field reports
 - Procedures to be followed in completing field reports
 - Process for submitting completed field reports.

3.4.1 - A Uniform Field Reporting System for the Sheriff's Office

- A. The Montgomery County Sheriff's Office shall use the Records Management System (RMS) designed to enhance the overall efficiency of the Office.

B. Report Completion and Routing:

1. This procedure applies to all reports, supplements, etc., generated by Montgomery County Sheriff's Office personnel.
2. Field Reports shall be filled out completely. All entries shall be submitted for approval through the RMS system.
3. Section Supervisors shall review reports for accuracy and completeness. Reports shall be approved by the Section Supervisor.

C. All field reports shall including the following:

1. Case Number – Provided by the RMS system.
2. Nature of Incident -- Enter the nature of the incident from the drop down menu.
3. Location of Incident -- Enter the location where the incident occurred. Include County and Township.
4. Complainant/Victim Name -- Enter the full name of the complainant/victim.
5. Date/Time Arrived -- Enter the date and time the deputy arrived at the scene.
6. Complainant/Victim Address -- Enter the complete address for the complainant or victim.
7. Date/Time Completed -- Enter the date and time the assignment was completed.
8. Action Taken -- Briefly describe what occurred and the action taken.
9. Deputy Signature -- Self-explanatory (to include I.D. number).
10. Supervisor's Signature -- The supervisor who reviews and approves the report.

D. Below is the list of Field Reports that are utilized by deputies of the Montgomery County Sheriff's Office:

1. Use of Force Report – shall be completed anytime a deputy discharges his firearm, other than training. Or takes action that results in or alleged use of force against another no matter how slight.
 - a. An Incident report must be created prior to the Use of Force Report being completed.
2. Prohibited Item Report – Shall be completed by deputy assigned to scanners at Main Street, Swede Street, DRO and Domestic Relation 321.
3. Property Report – shall be completed and submitted with any property that is seized as a result of being evidence, found or recovered property.

4. Detention Intake Report – shall be completed whenever anyone is taken into custody by the Sheriff's Office.
 - a. Prison Rape Elimination Act report shall be completed whenever a subject is taken into custody by the Sheriff's Office
 - b. Prisoner Property Report – shall be completed and submitted when any property is recovered from a detainee
 - c. Detention Release Form – shall be completed whenever a subject is released from custody of the Sheriff's Office
 - d. Property Release Form -- shall be completed whenever the Sheriff's Office releases property of a detainee
5. Incident Report – shall be completed for general incidents.
6. Supplement Report – shall be used when deputy has follow-up investigation to previous incident report. Supplement Reports shall be used when more than one Deputy is reporting on the same incident.
7. Operations Report – shall be completed for generic incidents
8. Daily Activity Report – shall be completed by each deputy reporting their activities for the day. (Handwritten or typed)
9. EMS Report – shall be completed by assigned deputy weekly for the First Aid Kits. (Handwritten)
10. BATS Report – shall be completed by Bomb Disposal Unit members for each incident and activity performed
 - a. Bomb Arson Tracking reports are generated through the ATF BATS website.
 - b. Bomb Response Reports are utilized in RMS to supplement BATS reports.
11. Vehicle Inspection Reports – to be completed daily for the condition of vehicles prior to shift. (Handwritten)
12. Visual Cell Search – to be completed before a detainee is put into a cell and after he is removed.

Montgomery County Sheriff Office Policy Manual



Chapter:	Standards for Staff Support Responsibilities	Policy Number:	4.2.1
Title:	Motor Vehicle Pursuits	Issue Date:	2/1/2019
Issued By:	Sean P. Kilkenny, Sheriff	Reevaluation Date:	2/1/2022
Signature:	<i>Sean P. Kilkenny</i>	Expiration Date:	Indefinite
Replaces:	All Previous General Orders Relative to Subject		
Distribution:	All Members	Total Pages:	5
Pennsylvania Accreditation References:	4.2.1		

PURPOSE AND SCOPE:

- **The purpose of this policy is to establish guidelines in the event that Montgomery County Sheriff's Office Deputies become involved in a vehicle pursuit to include:**
 - *Evaluating the circumstances*
 - *Initiating deputy's responsibilities*
 - *Designating secondary unit's responsibilities*
 - *Specifying roles and restrictions pertinent to marked, unmarked, or other types of Office vehicle*
 - *Involvement in the pursuit*
 - *Assigning dispatcher's responsibilities*
 - *Describing supervisor's responsibilities*
 - *Using stopping techniques;*
 - *Specifying when to terminate pursuit*
 - *Engaging in inter-jurisdictional and/or jurisdictional pursuits involving personnel from the department and/or other jurisdictions*
 - *Establishing the procedures for reporting and for an administrative review of the pursuit which conforms to the laws and regulations of the Commonwealth of Pennsylvania.*

Policy

- It is the policy of the Montgomery County Sheriff's Office not to engage in vehicle pursuits unless the fleeing vehicle presents an immediate threat to life.

4.2.1 - Motor Vehicle Pursuits

A. Motor Vehicles Pursuits

1. Pursuits shall be instituted only to preserve life or to prevent grievous bodily injury. The preservation of human life is the paramount consideration when it becomes necessary to use an Office vehicle in high-speed pursuits.
 - a. The primary goal of the Montgomery County Sheriff's Office is the protection of life.
 - b. A motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit. This policy is written in accordance with Title 75 section 6341 through 6345
 - c. Deputies shall employ alternative methods of apprehension when possible. The deputies shall initially evaluate the circumstances and decide if the pursuit can be concluded safely.
 - d. The Division Commander, or his/her designee, shall immediately be advised of a pursuit by a deputy. The deputy shall maintain constant communication with the Emergency Operations Center (EOC). The Division Commander, or his/her designee, shall monitor the situation and order units into or out of the pursuit, and/or request assistance from other law enforcement agencies.
 - e. The Division Commander, or his/her designee, may at any time order the termination of the pursuit when, in his/her judgment, an apprehension is outweighed by the level of danger created by the pursuit.
 - f. Immediately upon engaging in a vehicle pursuit the local police department shall be notified. Once they are on scene they shall become primary in the pursuit.
2. Responsibilities of Pursuing Deputy
 - a. When a deputy becomes involved in a vehicle pursuit, he/she shall immediately notify the EOC. The information given to the dispatcher shall include, but not be limited to, the following:
 - i. Fleeing vehicle's registration plate number
 - ii. Description of fleeing vehicle
 - iii. Reason for pursuit
 - iv. Number of occupants and description, if possible, of occupants in fleeing vehicle
 - v. Location/Direction of travel of the pursuit
 - vi. Approximate speed involved

- b. The pursuing deputy must constantly consider the risks created by the pursuit. The pursuit may be terminated by the primary pursuit unit at any time. Some of the factors to be considered when determining to initiate, continue or terminate a pursuit are:
 - i. Time of day
 - ii. Volume of vehicular traffic
 - iii. Volume of pedestrian traffic
 - iv. Location of pursuit
 - v. Weather conditions
 - vi. Road conditions
 - vii. Speeds involved
 - viii. Seriousness of the offense(s)
 - ix. Physical condition of the Office vehicle
- c. When a deputy becomes involved in a vehicle pursuit in a marked vehicle he/she shall engage the overhead emergency lights, siren, and headlights (low beam). The above equipment shall remain in use during the entire pursuit.
- d. Extreme care will be used whenever disobeying traffic control devices, and the provisions of Title 75 section 3105 "Drivers of Emergency Vehicles" shall be followed.
- e. The assisting units will maintain a safe distance behind the primary unit. All units shall space themselves at a distance that will ensure proper braking and reaction time in the event that the lead vehicle stops, slows or turns.
- f. If the primary unit becomes disabled, the assisting unit will become the primary unit and a supervisor will assign another car as backup.
- g. Speed should not be escalated to the point where it would put driver safety or public safety at risk.
- h. During the course of the pursuit, passing a suspect's vehicle, deliberate contact or forcing the suspect's vehicle off the road shall not be permitted.
- i. Deputies shall never shoot from a moving vehicle or at a fleeing vehicle.
- j. Deputies shall not commandeer a civilian driver or vehicle to make a pursuit.
- k. Deputies operating unmarked vehicles shall not engage in vehicle pursuit unless the fleeing vehicle represents an immediate threat to life. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will yield to the first arriving marked unit and then assume the responsibility of a backup.
- l. Deputies shall not become involved in a pursuit if he/she has a passenger on board, other than another deputy or law enforcement officer.

3. Responsibilities of Supervisors

- a. The supervisor shall assert control over the pursuit by monitoring radio transmissions, coordinating and directing activities.
- b. The supervisor may order a backup unit to join the initiating deputy in the pursuit.
- c. The supervisor may order other units into or out of the pursuit.
- d. The supervisor shall decide if he/she wants the tire deflation devices utilized and where they are to be deployed.
- e. The supervisor shall have discretion to terminate the pursuit.
- f. If possible, a supervisor should respond to the termination point of the pursuit.

4. Vehicle Stopping Techniques

- a. **The use of vehicle roadblocks is strictly prohibited during a motor vehicle pursuit.**
- b. **The use of stopping techniques is strictly prohibited during a motor vehicle pursuit.**
- c. Controlled tire deflation devices, used with the authorization of a supervisor, will be used to de-escalate a potentially deadly situation and reduce the likelihood of death or serious bodily injury to all persons involved.

5. Termination of a Pursuit -- A pursuit shall be terminated under any of the following conditions:

- a. In the opinion of the deputy or supervisor, the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
- b. The suspect(s)' identity has been established to the point that later apprehension can be accomplished and there is no longer a need for immediate apprehension.
- c. The location of the pursued vehicle is no longer known.
- d. The pursuing deputy loses contact with the EOC.
- e. The Office's vehicle's emergency lights or siren are not functioning properly.

6. Inter-jurisdictional Pursuits

- a. The initial pursuing deputy will notify the EOC when it is likely that a pursuit will continue into a neighboring jurisdiction.
- b. When a pursuit is initiated by a law enforcement department of another jurisdiction, the shift supervisor will immediately inquire into the circumstances surrounding the pursuit and what assistance is requested by the pursuing agency.

- c. Sheriff's Office units will back up the pursuing agency as directed by the shift supervisor.

7. Reporting and Administrative Review

- a. Whenever a deputy engages in a pursuit, the deputy shall file a Pennsylvania State Police Pursuit report and complete a Montgomery County Sheriff's Office incident report. Pursuit reports shall be submitted by the records manager to the Pennsylvania State Police, Bureau of Research and Development.
- b. All reports generated will be reviewed by the appropriate supervisor to determine if policy has been complied with and to detect and correct any training deficiencies.
- c. As per Title 75 section 6343 "Pursuit Records," the Office shall maintain records of all motor vehicle pursuits. Copies of all motor vehicle pursuit reports shall be maintained by the Special Services Lieutenant.