

4017 Use of Force – School Police Officers**Purpose**

It is the policy of the Upper St. Clair School District that School Police Officers shall only use force when authorized by law and shall only use the amount of force reasonably necessary to mitigate an incident while protecting themselves and others from harm. School Police Officers are advised that the priority of the School District is the safety of students. This includes the safety of any student who is the perpetrator of a crime or the subject to be controlled by the officer. Officers shall not retaliate, taunt, or engage in any malicious behavior towards a student.

Authority

In order to preserve a safe school environment for students and staff, the Upper St. Clair School District has appointed School Police Officers with all of the powers and duties set forth by 24 P.S. § 13-1306-C. School Police Officers who are properly trained in accordance with the laws of the Commonwealth may possess weapons on their person. This policy shall set forth guidelines for School Police Officers who have been authorized and approved by the Board to carry weapons while on duty. 24 P.S. § 5-510; 24 P.S. § 13-1305-C.

Delegation of Responsibility

The Superintendent or designee shall be responsible for ensuring compliance with the laws of the Commonwealth of Pennsylvania and this policy relating to the use of force by School Police Officers. The Superintendent or designee shall maintain administrative regulations, as necessary, to ensure proper implementation of this policy.

The Chief of School Police shall establish and maintain a training program under which all School Police Officers are adequately and properly trained on this policy and the continuum of force set forth herein.

The Chief of School Police shall conduct a periodic analysis of incident reports regarding the use of force and make recommendations relating to training or policy modification that may be necessary.

The Chief of School Police may recommend additional law enforcement policies for the operation and management of the School Police force consistent with this policy and subject to Board approval, as applicable.

Definitions

Objectively Reasonable – The reasonableness of a particular use of force is based on the totality of the circumstances known by an officer at the time of the use of force. Circumstances may include, but are not limited to, the seriousness of the crime, the level of the threat or resistance presented by the individual, and the danger to the school community.

Physical Force – Any physical strike or instrumental contact with a person, application of pain compliance techniques or any significant physical contact that restricts movement of a person. This term does not include escorting or handcuffing a person with minimal or no resistance.

Proportional Force – Proportional force is the use of force that is proportional to the law enforcement objective at stake and is generally force that is one level higher than the force used by the subject. Application of proportional force must reflect the circumstances, including the presence of imminent danger to officers or others, and be reasonably proportionate to the threat. Proportional force does not require officers to use the same type or amount of force as the subject presents.

Serious Physical Injury – An injury that creates a substantial risk of death, causes serious permanent disfigurement or results in long term loss or impairment of the functioning of a body part or organ.

Guidelines – Use of Force

In using any level of force with respect to students, a School Police Officer shall at all times be cognizant of the age, perceived age, grade level, size and physical and mental capacity of the student. In general, the District's policy is to avoid the use of any law enforcement device, such as O.C. (Pepper) Spray or restraints, with respect to any student whose actions do not constitute an immediate threat to himself or another, unless the School Police Officer determines the use of a law enforcement device is justified under the circumstances. O.C. Spray shall not be used for crowd control. The School District does not envision the use of any such law enforcement devices with respect to any student in Grades K-8 under any but the most unusual circumstances and the Officer can justify such use for the protection of the student or others from serious bodily injury.

The levels, or continuum of force, School Police Officers use shall include officer presence, verbal commands, de-escalation, empty-hand controls, less-lethal force, and lethal force. The continuum of force is further defined herein.

De-escalation

Prior to using force, when safe and without compromising law enforcement objectives, School Police Officers shall use de-escalation techniques to attempt to slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution. De-escalation techniques include, but are not limited to:

1. Mitigating the immediacy of the threat by containing or reducing exposure by moving to a safer position;
2. Establishing communications from a safe position;
3. Use of verbal techniques to promote rational decision making; and
4. Avoidance of physical confrontation, unless immediately necessary.

When safe and feasible, School Police Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors such as, but not limited to, a medical condition, mental impairment, developmental disability, language barrier, influence of drug or alcohol use, perceived age, and/or behavioral crisis. School Police Officers should accept information and recommendations from school staff regarding individual students and any disability or behavioral needs that may be relevant.

Use of Force

School Police Officers have the right to use force in achieving lawful objectives, as delineated within this policy and consistent with 18 Pa. C.S. § 508 (Use of Force in Law Enforcement) and § 509 (Use of Force by Persons with Special Responsibility for Care, Discipline or Safety of Others). School authorities may use reasonable force to quell a disturbance, to obtain possession of weapons or other dangerous objects, for the purposes of self-defense, or for the protections of persons or property. 22 Pa.Code § 12.5. School Police Officers must only use the amount of force that is objectively reasonable and necessary under the circumstances and proportional to the threat or resistance of the individual. Use of force that is objectively unreasonable or unnecessary may subject the Officer to disciplinary action, up to and including termination, as well as civil and criminal liability.

Use of Lethal Force

School Police Officers are authorized to use lethal force upon another person when it appears reasonably necessary to: (1) protect the Officer or another person from the use or imminent use of lethal physical force; (2) to prevent the escape from custody of a person if, based on the objective and reasonable belief that:

1. The suspect has committed or is in the process of committing a felony involving the infliction or threatened infliction of serious physical injury or death; and
2. The escape of the subject would pose an imminent danger of serious physical injury or death to the officer or another person unless the suspect is apprehended without delay and all other reasonable means of apprehension have been exhausted.

In determining whether lethal force is warranted, the Officer shall act upon their reasonable belief. Prior to the use of lethal force, where safe and feasible, Officers will identify themselves as law enforcement and order the subject to stop the activity which authorizes the use of lethal force.

Restrictions on the Use of Lethal Force

Officers will not use lethal force to subdue persons whose actions are a threat only to property or against persons whose conduct is a threat only to themselves.

Officers will not fire any weapon from or at a moving vehicle except to counter an imminent threat of death or serious physical injury to the Officer or another person, and when no other means are available at the time to avoid or eliminate the danger. Officers will consider the following factors in determining whether shooting at or from a moving vehicle is justified:

1. An occupant of the vehicle is using or threatening to use lethal force by means other than the vehicle.
2. The vehicle is being operated in a manner deliberately intended to strike a person.
3. All other reasonable means of defense (including taking cover or moving out of the path of the vehicle or other evasive action) have been exhausted, are not practical or are not present.

Warning shots are prohibited.

Officers will not fire any weapon to humanely destroy an animal unless this is objectively reasonable to prevent potential bodily harm to other persons.

Officers will avoid the use of the following unless lethal force is reasonably believed to be necessary within the guidelines and in compliance with law and this policy:

1. Choke holds; and/or
2. Strikes with an instrument other than hands or fists above a person's shoulder.

Where lethal force is not authorized, Officers may use less lethal methods, empty hand control and only that level of force that is objectively reasonable to bring an incident under control according to the use of force continuum.

Rendering Aid

Following any use of force, Officers shall evaluate the subject for injuries. Officers must immediately request an ambulance, paramedics or other appropriate medical personnel for all subjects who show signs of injury or complain of injury following any use of force. Officers shall proceed to render appropriate medical aid within their training as soon as practicable.

Reporting Requirements

School security or School Police Officers involved in a use of force incident must notify the Chief of School Police and Superintendent as soon as practicable after the situation has been brought under control. If a student is injured during the use of force, the injury shall be reported to ChildLine as required by the Child Protective Services Law, 23 Pa.C.S. § 6301 *et seq.* If an eligible student under the Individuals with Disabilities Education Improvement Act (IDEA) is restrained as that term is defined by 22 Pa.Code § 14.133, the School Police Officer shall cooperate with all restraint reporting requirements.

When a firearm is discharged the Chief of School Police, the Superintendent and/or designee, and the Upper St. Clair Township Police shall be notified immediately.

A School Police incident report containing reasons and type of force used must be completed for the following:

1. Whenever a School Police Officer's actions result in, or are alleged to have resulted in, the injury or death of another person.
2. Whenever a School Police Officer applies force through the use of a lethal weapon.

3. Whenever a School Police Officer applies physical force as defined in this policy, including the use of empty-hand control and less-lethal methods.
4. Whenever a School Police Officer discharges a firearm other than for authorized training purposes.

Lethal Force and Serious Injury Incident Response

The Chief of School Police will respond to the scene of all reportable incidents involving the use of lethal force or serious injury and immediately notify the Upper St. Clair Township Police and/or other external law enforcement. Where the use of force by a School Police Officer results in death or serious physical injury of any individual, the Chief of School Police or designee shall request that a separate law enforcement entity of competent jurisdiction conduct a comprehensive investigation.

The Chief of School Police will participate in the collection of information and cooperate with external law enforcement investigation as directed by the external law enforcement agency. If the Chief of School Police is the individual directly involved in the use of lethal force or serious injury, the incident will be immediately referred to external law enforcement for response and investigation. All incidents will simultaneously be referred to the Superintendent or designee (Human Resources) for employment investigation purposes, subject to any limitation on internal investigation imposed by external law enforcement.

While the above investigation into the incident of death or serious physical injury is pending, the School Police Officer involved shall be removed from active duty pursuant to applicable personnel procedures and consistent with laws, regulations and District policy.

Any School Police Officer whose actions or use of force results in death or serious physical injury shall be referred to the appropriate mental healthcare professional or Employee Assistance Program for support.

Guidelines – Firearms

School Police Officers authorized to carry firearms shall have the firearm under their control at all times. Firearms shall be holstered, except when in use by the officer.

Firearms shall be properly and routinely cleaned and maintained in proper working order. Firearms will be inspected by the Chief of Police on a periodic and random basis.

Firearms utilized by School Police shall include an internal safety mechanism to prevent accidental discharge.

Storage –

School Police Officers are responsible for the general safekeeping and handling of their firearms at all times. No District authorized firearm shall be stored in any school building area, whether locked or unlocked. When on school premises, traveling between sites on school business and/or when traveling to and from work, the firearm shall be safely placed in a school-issued gun holster. The Officer is personally responsible for maintaining the firearm in a safe manner at all other times when the equipment is in the Officer's possession.

In the event that there is a need to store a District authorized firearm on District property, the firearm shall be emptied of ammunition, stored unloaded in a locked gun safe, and the ammunition should be stored in a separate locked gun safe. All gun safes shall be capable of safely storing weapons in a manner prohibiting access by unauthorized persons and ensuring the safety and welfare of staff and students. Access to the school safes shall be limited to assigned Administrators, School Police Officers and the Chief of School Police.

Use –

When in use, the firearm shall remain under strict control of the School Police Officer.

All weapons shall be loaded and unloaded in a safe, secure and private environment, unless extenuating circumstances dictate otherwise. The School District shall provide and designate such safe, secure and private environments to be used for loading and unloading of firearms.

Weapons shall be worn and used only while the School Police Officer is performing his/her normally assigned duties.

Weapons shall not be worn while the School Police Officer is off duty or while traveling out of the Commonwealth of Pennsylvania, except for the following circumstances:

1. To and from home as a School Police Officer when such route is direct.
2. To and from off-site locations to conduct official school business.

3. To and from interschool district locations and interschool district locations in order to conduct official school business.
4. With expressed written permission of the Chief of School Police and the Superintendent or designee.

Discharge of a Firearm –

Firearms may be discharged only in a manner consistent with the use of lethal force provisions of this policy.

Damage or Loss of Firearms –

In the event that a firearm is lost or damaged, the Officer must:

1. Make an immediate verbal report to the Chief of School Police, who shall immediately notify the Superintendent and/or designee.
2. Follow up his/her verbal report with a written police report no later than the end of the officer's tour of duty.

When a firearm is lost or damaged in the performance of an official duty and not due to Officer negligence, the District shall be responsible for the expense of repair or replacement. If loss or damage is found to be the result of Officer gross negligence, the Officer may be responsible for repair or replacement.

Loss or theft of a firearm shall be reported to Upper St. Clair Township Police or other jurisdictionally appropriate police department by the Chief of School Police without delay.

Disciplinary consequences may be imposed upon the offending Officer where loss or damage of a firearm is caused by Officer negligence.

Force Continuum

Officer presence – No force is used. This method shall be the preferred method of control. The mere presence of a School Police Officer works to deter crime or diffuse a situation. The Officer's attitude shall be professional and non-threatening.

Verbal direction – Force used is not physical. School Police Officer issues a calm, nonthreatening command, such as "Let me see your hands." The School Police Officer may increase voice volume and shorten commands in an attempt to gain compliance. Commands issued to students shall appropriately reflect a student's age and developmental level, and shall not consist of taunting, name calling, threats, racial or ethnic slurs, or cursing directed at the student.

De-escalation techniques – Techniques that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance.

Empty-hand control – School Police Officers use bodily force to gain control of a situation.

1. Soft technique is utilized when an officer uses grabs, holds, and joint locks to restrain an individual.
2. Hard technique is utilized when an officer uses punches or kicks to restrain an individual.

Less-lethal methods – School Police Officers use less lethal technologies to gain control of a situation. An example of less-lethal methods School Police Officers are authorized to use OC Spray to restrain a combative person.

Lethal force – School Police Officers use lethal weapons to gain control of a situation. Lethal force shall only be used when a suspect uses or poses the imminent use of lethal physical force or to prevent the escape from custody of a person who is using or poses the imminent use of lethal physical force if not apprehended without delay.

Training

School Police Officers are only authorized to use department approved devices, tactics or weapons for which they have been trained and demonstrated proficiency.

All School Police Officers authorized to carry a lethal or less-lethal weapon must be issued copies of, and be instructed in, the use of force policy and de-escalation techniques before being authorized to carry such a weapon or device.

All School Police Officers who carry a firearm while performing their duties for the School District shall be properly qualified for the use of said firearm at least twice per year with said weapon in accordance with the laws, rules and regulations of the Commonwealth of Pennsylvania.

Weapons qualifications and proficiency training shall be monitored by a certified weapons instructor. Firearms proficiency requirements are outlined in the Municipal Police Officers Education and Training Commission (MPOETC) standards for police certification.

In the event the School Police Officer fails to complete the necessary training to maintain their status as a certified School Police Officer, the School Police Officer shall immediately notify the Chief of School Police.

Review of Policy; Liability

This policy shall be reviewed on at least an annual basis and revisions recommended as necessary. The District shall be adequately insured at all times for all duties and obligations contained in this policy.

In the event it is necessary, all such authorized School Police Officers who are subject to the rules and regulations of this policy shall be represented by legal counsel at the sole cost and expense of the District, except in the event that the Officer commits a willful, intentional or grossly negligent act with any lethal or less-lethal weapon while on duty or acts outside the scope of the Officer's employment.

All costs and expenses necessary for the implementation of this policy shall be borne solely by the District, which shall include the required periodic training of School Police Officers and other authorized personnel.

ADOPTED: January 14, 2019