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The Bloomsburg Police Department is keenly aware of recent national events involving police officers. Town Council Members have received inquiries as to the Bloomsburg Police Department's Policies as they relate to "#8cantwait". As Chief of Police I wish to reassure all residents that the members of the Bloomsburg Police Department take their responsibility to this community very seriously. The fair and equal treatment of all persons is paramount to our philosophy of policing in Bloomsburg. The members of the Bloomsburg Police Department will continue to provide professional services to everyone they meet and interact with.

For those who question our resolve and sincerity as it relates to providing fair and equal services, I ask that you examine our actions as they relate to our service to the Town of Bloomsburg. I believe the record will show the men and women of the Bloomsburg Police Department are fully committed to this community and all persons who reside or work here.

As to "#8cantwait". I am including the Bloomsburg Police Department's Philosophy Statement and excerpts from the Bloomsburg Police Department's Use of Force Policy to address "#8cantwait". The current version of the policy manual went into effect in 2017. However, these "#8cantwait" were addressed in the prior version.

A handwritten signature in black ink that reads "Roger F. Van Loan". The signature is written in a cursive style.

Roger F. Van Loan
Chief of Police

PHILOSOPHY STATEMENT

We believe the men and women of the Bloomsburg Police Department are its most valuable asset and the essential ingredient to effectively and efficiently accomplish the police mission. We believe in the equitable, fair and impartial application of laws and ordinances without regard to race, color, creed, sex, or station in life, and in treating all individuals with tolerance, compassion and the dignity we would expect if found in similar circumstances.

We believe in the preservation of basic human rights and the maintenance of individual human dignity under the rule and spirit of law, which dictates that the ends do not always justify the means and that punishment is not the function of the police.

We believe in providing quality, empathetic, responsive and professional service to the citizens and visitors of our community. Additionally, we believe the citizens of Bloomsburg have endowed us with a public trust. We will honor that trust by holding ourselves to the highest standards of professional police conduct, wholly subscribing to the **Law Enforcement Code of Ethics** established by the International Association of Chiefs of Police.

We believe that proactive team management, open communication and employee input, prior to policy and procedure implementation, are the norm in the Bloomsburg Police Department. Once decisions are made, we realize it is critical that everyone (including dissenters) work together toward achieving department goals.

We believe a written Policy, Rules and Regulations Manual are necessary to guide each member of this Department in the performance of their duties. However, rules cannot be written to cover all contingencies. Therefore, we believe all actions taken by Department personnel must be legal, professional, reasonable and consistent with the spirit and intent of this philosophy statement, the Constitution of the United States, the laws of the Commonwealth of Pennsylvania and the ordinances of the Town of Bloomsburg

We believe that crime and other community nuisances are social ills that we, as police personnel, are incapable of conquering alone. We believe our responsibility is to provide service, leadership, guidance and protection to our citizens, who in partnership with us, strive to make our community a safer and more pleasant place to live.

Use of Force Policy Overview

It is the policy of the department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's resistance. Police officers and civilian employees where applicable, shall maintain a professional bearing at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. They shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. Such reasonable and necessary force may be used: to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, or to neutralize an unlawful assault upon the officer or another person. The use of physical force will end immediately when resistance ceases, when resistance has been overcome, or when the arrest has been accomplished. Emphasis shall always be upon obtaining control over the resistance situation. Members shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Response to Resistance Report", or other reports, as outlined in this general order.

#8cantwait

(Policy Excerpts)

1. Ban chokeholds and strangleholds

- a. The use of carotid restraint or other "choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.

1. EXCEPTION:

- a. If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another's life.

2. Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance

- a. Although the use of force continuum generally ascribes to the process whereby an officer can escalate the application of force under various presenting situations, 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.*

3. Require officers to give a verbal warning, when possible, before shooting at a civilian

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, *and when lower levels of force have been ineffective* or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.

*Lower level of force, Verbal Control Level 1 in force continuum

4. Require police to exhaust all other reasonable means before using deadly force

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.

*See force continuum below

5. Require officers to intervene and stop excessive force by other officers and report these incidents immediately to a supervisor

- a. All complaints will be alleged or suspected violations of statutes, ordinances, departmental rules or orders by sworn or civilian members, including both full and part-time, and shall be handled in accordance with the provisions of this general order and applicable law.
- b. Complaints can be made by:
 1. Members of the department who report them to supervisory or command staff.
 2. Members of the general public.

Although a policy requiring an officer to intervene and stop excessive force by another officer isn't currently written in the policy this practice has long been the practice and is verbally reiterated to the officers by the Chief of Police and supervisory personnel during regular departmental meetings. I am in the process of amending our use of force policy to include this requirement as a written policy.

6. Ban shooting at moving vehicles

Prohibited Use of Weapons

- a. Department police officers are prohibited from discharging firearms under the following circumstances:
 1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
 2. For the purpose of discharging any firearm into the air or ground; i.e., "warning shots", in an attempt to cause a fleeing suspect to stop or surrender.

a. EXCEPTION:

1. Shots fired for the purpose of summoning aid, when more conventional communication is not effective and the safety of others is considered, is authorized.
3. Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.

a. EXCEPTIONS:

1. If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle.
2. If no other alternative is available based on the presenting circumstances.

7. Develop a “force continuum” that limits the types of force and/or weapons that can be used to respond to specific types of resistance

In performance of their duty, police officers are at times confronted with situations where, in order to protect the public safety, control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. Control may be achieved through verbal discussion, persuasion and warnings, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending upon the dynamics of the situations. *The use of the various levels of control against active resistance in physical force should be viewed as lying along a continuum; a continuum along which the use of force escalates when each lower level of force has been examined or discarded as impractical in the current circumstance, or which has been tried and has failed in the encounter.* It should be noted that this analysis might not involve lengthy deliberations. Due to the urgency often inherent in such situations, the decision to escalate the use of force may be nearly instantaneous. It is understood, there may be circumstances where an officer is required in the use of reasonable force continuum to move from mere officer presence to a much higher level of force in an instant.

Use of Force Continuum Authorized Only to Accomplish Lawful Objectives

a. Use of Force Justification

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which 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 police department personnel, as it relates to criminal or enforceable civil matters.
2. In any necessary use of force, all police department personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions in accordance with the

department's Use of Force Continuum that establishes use of force options and their appropriate application.

b. Use of Force Continuum Established

1. Verbal Control - Level 1

- a. During citizen contacts, each officer must endeavor to make every reasonable attempt to ensure his/her conduct inspires respect and generates cooperation and a feeling of good will between the citizen(s) and the department.
- b. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions, or orders. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
- c. The use of profanity or disrespectful or argumentative conduct on the part of the officer is not acceptable.

2. Escort - Use Level 2

- a. The majority of arrests handled by officers of this department are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no real resistance, the subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.

3. Control and Compliance - Level 3

- a. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, takedowns, holds, and come-alongs with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
- b. The use of carotid restraint or other "choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.

i. EXCEPTION:

1. If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another's life.

4. Chemical Agents, Taser, Less Lethal Weapons -Level 4

- a. Chemical agents, i.e., oleoresin capsicum (O.C.), Taser and Less Lethal Weapons may be utilized by police personnel as an appropriate and effective use of force in certain circumstances.

1. When necessary for the officer to defend himself/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.
2. To affect a lawful arrest when confronted with a non-compliant, non-submissive individual.
3. To prevent the commission of a criminal offense.
4. When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.

- a. Chemical agents will be used only to the extent necessary to overcome the resistance of the suspect and within the authorized scope of the current departmental training standards.
- b. Chemical agents and Taser will not be used against a person who is handcuffed.

5. Unarmed Striking Techniques - Level 5

- a. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

6. Striking Implement - Level 6

- a. The use of striking implements shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
- b. Striking Implements will not be used against a person who is handcuffed

7. Deadly or Potentially Deadly Force - Level 7

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.
- b. Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the police department as it relates to the use of deadly force.

8. Require officers to report each time they use force or threaten to use force against civilians.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Response to Resistance Report", or other reports, as outlined in this general order.