



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Resistance and Control – Parole Field Services		Policy Number: 12.4.03.08 CONFIDENTIAL Not for Public Dissemination
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I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. PURPOSE

The purpose of this policy is to provide parole supervision staff with a framework for the appropriate use of resistance and control measures during supervision.

III. APPLICABILITY

This policy is applicable to Department staff with detention/arrest powers over reentrants on field supervision, investigative responsibility, and/or staff safety training responsibility. Designated portions of this procedure shall also apply to staff who have been otherwise authorized by the Department to carry firearms and institutional parole staff.

IV. DEFINITIONS

Control: The force an employee uses to influence or neutralize the actions or resistance of a subject. Generally, employees are justified in the use of physical control methods for four reasons listed below.

A. Protection of self.

- B. Protection of others.
- C. Prevention of escape of a subject.
- D. To arrest or detain a subject as authorized by law.

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

Department Weapons: All Department firearms regardless of caliber/gauge or barrel length, electronic control devices, chemical agents regardless of their delivery system, and expandable batons.

Firearms Liaison: An employee appointed by the Deputy Secretary of Field Services to serve as an advisor and subject matter expert regarding resistance and control policy and procedure involving firearms related matters and incidents.

Resistance: A subject's reaction to parole supervision staff attempts to control the subject. The amount and type of resistance will differ, based on a variety of factors. Resistance is usually, but not always, physical.

Serious Bodily Injury: Bodily injury which 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.

Staff Safety Training: Training that involves the various levels of resistance and control specifically designed for the safety of all agency employees. This training includes, but is not limited to, the practical application of the levels of control, employee staff safety skills, weapons training, defensive tactics, and other defensive training.¹

V. POLICY

It is the policy of the Pennsylvania Department of Corrections (PA DOC) Parole Field Services (PFS) to value and preserve human life. Staff may use only the force that is objectively reasonable to effectively gain control of an incident, while protecting the safety of the staff and others, in keeping with the standards set forth in *Graham v. Connor*, 490 U.S. 386 (1989). PFS staff may use force only when no reasonably effective, safe, and feasible alternative appears to exist and may use only the level of force that a reasonable officer on the scene would use under the same or similar circumstances.

As the Supreme Court stated in *Graham*: The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight." *Id* at 396. "The calculus of reasonableness must embody

¹ 4-APPFS-3A-23

allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation." *Id* at 396-97. In addition, "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id* at 397. "[T]he question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them." *Id*

The use of force shall only occur in instances of justifiable self-defense, protection of others, and in accordance with the appropriate statutory authority. Only reasonable and necessary force may be employed². All injuries shall be treated promptly and reported to the chain of command. All incidents involving use of force shall be reported promptly to the chain of command.³

VI. PROCEDURES

A. Background and Acknowledgment

1. Supervision staff or agents are declared to be peace officers by statute and given police power and authority throughout the Commonwealth to arrest without warrant, writ, rule, or process any reentrant or probationer under the supervision of the Department for violation of said supervision.⁴ 61 Pa.C.S § 6181
2. Supervision staff or agents need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance. They are justified in the use of any force which is believed necessary to defend themselves or another person from bodily harm while making the arrest. Deadly force is justified only when there is a belief that:
 - a. such force is necessary to prevent death or serious bodily injury to staff or another person; or
 - b. such force is needed to prevent the defeat of the arrest by resistance or escape, and the suspect has committed or attempted a forcible felony or is attempting escape and possesses a deadly weapon, or otherwise indicates that they will endanger human life or inflict serious bodily injury unless arrested without delay.⁵
3. 18 Pa.C.S. §508(a) states that:
 - a. a peace officer, or any person whom they have summoned or directed to assist them, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. They are justified in the use of

² 4-APPFS-3G-01

³ 4-APPFS-3G-02

⁴ 4-APPFS-3B-01

⁵ 4-APPFS-3B-02

any force which they believe to be necessary to effect the arrest and of any force which they believe to be necessary to defend themselves or another person from bodily harm while making the arrest. However, they are justified in using deadly force only when they believe that such force is necessary to prevent death or serious bodily injury to himself or another person, or when they believe 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 they will endanger human life or inflict serious bodily injury unless arrested without delay.
 - b. a peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which they would be justified in using if the warrant were valid, unless they know that the warrant is invalid.
4. The use of any level of control by supervision staff shall be justified only when the Department has jurisdiction to act. The jurisdiction to act is limited to situations involving individuals under the PFS supervision and/or those not under PFS supervision who are encountered only as a result of the supervision of an individual or during investigations.
 5. When working with other law enforcement agencies, supervision staff shall comply with the PFS policies concerning the use of firearms, deadly force, and less lethal devices.
 6. Supervision staff shall ensure that they do not engage in unreasonable actions that precipitate the use of force as a result of tactical, strategic, and procedural errors that may place themselves or others in jeopardy.
 7. Supervision staff shall use only the amount of force necessary to make an arrest, protect themselves, or control the event. Use of force is a last option and should never replace tactics or training that can be used to de-escalate a situation. Force shall be employed in a manner that is objectively reasonable based on the totality of the circumstances; judged from the perspective of a reasonable person in that same situation and not by hindsight.
 8. Supervision staff must consider the continuum of responses and make every reasonable attempt to exert the lowest level. Verbal direction can be effective through persuasion or orders. Staff must also be able to adapt quickly as circumstances change in these dynamic scenarios so staff may escalate the degree of force based on the action of the subject they are attempting to control. Once under control, staff are required to revert to the lowest degree of force needed to maintain that control.

9. Anytime staff relinquish custody of an individual to another agency or a correctional facility, staff must report any force used or injuries sustained to the individual in custody to the receiving agency or correctional facility.
10. All supervision staff affected by this policy shall electronically acknowledge the Field Tactical Training through a web-based training administered annually. They shall acknowledge that they have read and understand the PFS use of force/firearms policy and the resistance and control policy.
11. The Field Tactical Training Division (FTTD) is responsible for ensuring that this attestation is completed annually.
12. The issuance of, and authorization to carry, firearms and/or less lethal weapons is governed in writing in accordance with policy **12.2.07.01, Care, Custody, and Control of Commonwealth Property**. All employees who are issued firearms or other safety equipment must successfully complete all required annual staff safety training each year in order to maintain authorization to carry any firearms or other safety equipment.⁶

B. Duty to Act

1. Use of **improper** force shall not be tolerated.
2. Supervision staff present at any incident where use of force is employed as a means of control has an obligation to recognize the application of excessive force is being used, a citizen has been unjustifiably arrested, and/or any Constitutional Violation has been committed by a law enforcement official; and the staff had a realistic opportunity to intervene to prevent the harm from occurring.
3. **When possible**, staff who witness inappropriate, unnecessary, unreasonable, or **improper** use of force by another staff member shall strongly caution the law enforcement officer/staff, physically restrain the law enforcement officer/staff, and report without delay to their chain of command. ***This action shall be taken as long as it does not interfere with the safety of other individual(s) involved and if it does, other measures should be utilized to eliminate the improper use of force.***

C. Resistance and Control Array and Decision Making⁷

1. The Department's PFS Resistance and Control Array (**Appendix A**), has been developed to define and clarify appropriate circumstances for the use of control by supervision staff.
2. The Array provides staff with guidance in determining what level of control is the proper response to actions or resistive behavior of reentrants and others

⁶ 4-APPFS-3A-22

⁷ 4-APPFS-3B-06

encountered during normal business. Supervision staff shall follow the levels of control according to the training provided to them and shall continue to use the Array on which they were most recently trained.

3. Supervision staff must evaluate every situation and knowingly make choices based on tactical evaluation, threat assessment, and the totality of the circumstances. Staff must be self-aware of their own level of experience and training and should determine the best available response that is objectively reasonable. Reasonableness for any use of force decision must be judged from the perspective of an ordinary, prudent staff member to act or think in a similar way under similar circumstances.
4. Staff shall consider the following as part of a decision-making process as it pertains to the totality of the situation:
 - a. subject may be resistive based on a medical condition, mental impairment, language barrier, emotional crisis, or drug use;
 - b. the age, sex, size, and skill level of all involved;
 - c. special circumstances such as weather, innocent bystanders, traffic;
 - d. the proximity of the subject to weapons or items that could be used as weapons;
 - e. imminent danger level posed by the subject;
 - f. the number of subjects present;
 - g. subject or staff disability, injury, or exhaustion;
 - h. the existence of alternative methods of control;
 - i. the totality of the subject's actions;
 - j. the degree to which the subject is already restrained or whose mobility has been otherwise severely compromised;
 - k. location of exits in the event of disengagement to keep staff and public safety in mind; and
 - l. availability of police support.
5. Justification for the control of a subject must be determined by the subject's actions and/or resistance toward the employee. The level of physical control used by the employee must be reasonable and necessary under the totality of the circumstances and not excessive in relation to the type of resistance encountered.

6. Supervision staff who use any control on a resisting subject shall reduce the level of control when the subject stops resisting and is under control.

D. Presence and Verbal Skills

1. Supervision staff must always be prepared to diffuse situations of an unexpected nature. Supervision staff must, whenever practicable, identify themselves to all involved persons.
2. Staff shall be trained in de-escalation skills to aid them when low levels of resistance are encountered.

E. Restraints and Restraining Devices

1. When supervision staff use restraints and/or restraining devices on a subject, they shall adhere to the following:

All subjects taken into initial custody shall be handcuffed (double-locked), behind the subject's back, and if needed, appropriate leg restraints shall be used (leg irons or hobble restraints). This is to ensure the safety of staff, the subject, and other citizens.

2. ***Physical restraints placed on pregnant, laboring or a postpartum individual***
 - a. ***Physical restraints may not be placed on any person who is known to be or who discloses that they are: pregnant, laboring, or a postpartum individual (postpartum includes the eight-week period, or longer as determined by the health care professional responsible for the health and safety of the incarcerated individual or detainee, following childbirth) absent a substantial risk of imminent flight, or other extraordinary medical or security circumstances.***
 - (1) ***Extraordinary circumstances may include, but are not limited to:***
 - (a) ***not having a caged vehicle available; or***
 - (b) ***transport with another detainee who is restrained.***
 - (2) ***Restraints include:***
 - (a) ***handcuffs;***
 - (b) ***shackles; or***
 - (c) ***any physical or mechanical device used to restrict or control the movement of an individual's body, limbs or both.***

- (3) ***If restraints are placed on a person who is pregnant, laboring, or who is a postpartum individual, the least restrictive restraint option must be used. Leg restraints/ shackles should only be used in the most extreme circumstances.***
- (4) ***The chain of command, at the deputy district director level or above, shall be contacted in reference to any decision to either place or not place a reentrant who meets these criteria into restraints when it is safe for the agent to do so.***
- (5) ***Whenever any restraints are placed on a reentrant who meets these criteria, a Blue Team incident report must be completed within one business day. The report must include the following information:***
 - (a) ***The number and type of restraints used.***
 - (b) ***The circumstances that led to the determination that there was a substantial risk of imminent flight, or***
 - (c) ***other extraordinary medical or security circumstances requiring the need for physical restraints.***
 - (d) ***The date and time the restraints were applied and the amount of time the individual was placed in restraints.***
 - (e) ***The names and employee numbers of all staff member(s) who applied or authorized the application of restraints.***
 - (f) ***Any visible injury of the individual resulting from the placement of restraints.***
- (6) ***All Blue Team reports involving placing restraints on a person who is pregnant, laboring, or who is a postpartum individual shall be reviewed by each level of the chain of command, up to and including the Secretary of Corrections.***
- (7) ***At no time shall the pregnant, laboring or postpartum individual be left unattended by parole supervision staff should release from the restraint become medically necessary.***
- (8) ***Parole supervision staff accompanying a pregnant, laboring or postpartum individual that has been restrained shall promptly remove all restraints upon request of a treating doctor, nurse or other health care professional.***
- (9) ***Leg and waist restraints shall not be used on any individual who is in labor.***

3. ***Alternate handcuffing techniques may also be justified when:***

- b. the subject has an injury that does not permit the subject's arms to move behind the back, or does not permit the subject to walk with leg restraints;
 - c. the subject's age, physical condition, or physical limitations may also justify alternative cuffing techniques;
 - d. environmental conditions exist which preclude handcuffing behind the back or leg irons, such as: ladders, steep stairs, and embankments; or
 - e. circumstances are tactically unsafe.
4. To ensure proper safety for all involved, all subjects who are being arrested and/or detained shall be handcuffed before being searched;
- a. if a subject complains that the handcuffs, leg irons, or any other restraints are too tight, supervision staff shall ensure that the handcuffs, leg irons, and/or other restraints are not unnecessarily tight such that the tightness is preventing proper circulation. This is to be documented in CAPTOR and in the Blue Team Report, if one is required;
 - b. it is not uncommon for supervision staff to arrest a subject, place **them** in restraints, and then the subject starts to resist. If supervision staff encounter this type of resistance, control techniques shall be utilized to prevent injuries to staff or injuries to the subject. The techniques utilized shall be those which are reasonable and necessary to bring the subject under control; and
 - c. supervision staff shall ensure that any subject restrained by handcuffs, leg irons, and/or any other type of restraining device is controlled or monitored at all times. Staff must ensure that physical control (contact) is maintained over a subject at all times when the subject is being escorted (walking or moving). Restrained subjects must be monitored at all times.

F. Oleoresin Capsicum (OC)

When deploying OC in response to resistance, supervision staff shall:

- 1. exercise caution when deploying OC in windy conditions or in confined areas. Use in confined areas is generally not recommended absent exigent circumstance;
- 2. discontinue use when the subject discontinues resistance or aggression;
- 3. if it appears that the OC spray has not effectively neutralized the situation, supervision staff shall utilize other appropriate methods of control;

4. staff shall ensure that the subject is decontaminated as soon as possible in accordance with the training provided to supervision staff; and
5. when supervision staff transports a subject who has been exposed to OC spray to another law enforcement agency or to a custodial facility, staff shall notify the receiving personnel or facility of the following:
 - a. time of contamination;
 - b. efforts to decontaminate; and
 - c. results of decontamination.

G. Impact Weapons

When deploying an impact weapon in response to resistance, supervision staff shall:

1. employ the expandable baton in accordance with the training provided;
2. refrain from unnecessarily brandishing or expanding the baton as an intimidating device, unless such use is an attempt to deescalate the situation;
3. maintain and adhere to this procedure regarding the use of impact weapons in the event that an object is used as an improvised impact weapon; and
4. refrain from intentionally striking the head, neck, spine, sternum, and groin of any subject unless the use of deadly force is justified.

H. TASER

The procedures for carrying and using the Department issued TASER are listed below.

1. The TASER shall be employed as an additional tool and is not intended to replace firearms or other control techniques when responding to a resistance and control situation.
2. Supervision staff authorized to use the TASER may use it to restrain a subject consistent with the Department's PFS resistance and control continuum. The totality of the circumstances, for the use of any level of force against a human or animal, must be considered.
3. Following the discharge of the TASER, supervision staff shall provide an opportunity for the subject to comply with verbal commands prior to the delivery of another cycle of energy.

4. ***Minimize the number and duration of energy weapon exposures. Use the shortest duration of energy weapon exposure objectively reasonable to accomplish lawful objectives, and reassess the subject's behavior, reaction, and resistance before initiating or continuing the exposure. If an energy weapon deployment is ineffective in achieving compliance, consider alternative control measures in conjunction with or separate from the energy weapons.***
5. All circumstances surrounding the incident, including the use of a TASER, shall be documented in PFS Blue Team Report.
6. The next business day following the discharge of a TASER and electricity being conducted through a subject's body, supervisory personnel shall exchange the TASER battery, place the discharged battery in any AXON docking station and retrieve a new TASER battery. A member of the FTTD shall be notified to retrieve the data download for the incident.
7. Deployment

When deploying a TASER in response to resistance, supervision staff shall:

- a. not use the TASER where flammable liquids and/or fumes may be present;
- b. may use the TASER when it reasonably appears it is the most effective force option, after consideration of the totality of the circumstances, to successfully bring the subject under control;
- c. not brandish the TASER at any time, except during approved training sessions with certified instructors;
- d. place the laser dot sighting system on the subject's body consistent with PFS TASER training prior to discharging the TASER and should never intentionally aim laser sights at the eyes, genitals, or groin area of a subject;
- e. avoid the use of a TASER on known pregnant women, children, or the elderly/frail;
- f. not discharge a TASER against a subject who is in control of a moving motor vehicle, motor cycle, bike, or scooter unless exigent circumstances exist;
- g. avoid the use of a TASER if the subject is in an elevated position;
- h. not discharge a TASER against a subject who is in water of sufficient depth to create a risk of drowning if incapacitated; and
- i. only use the TASER in the following modes: ***Warning Alert or Probe Deployment.***

8. Data download

- a. Following any deployment of the TASER that results in energy being conducted through a human or animal, a Blue Team Report shall be submitted. If the deployment of the TASER results in a human or animal being struck with one or more TASER probes, a data download shall be completed on that unit. If a data download is completed, a digital copy of the usage data must accompany the Blue Team Report.
- b. FTTD shall be the only authorized staff for access to Evidence.com, which is the location to data stored on any TASER battery. Additionally, access to computers with the data download software shall be restricted to FTTD staff.
- c. FTTD shall maintain records on electronic file for every deployment of a TASER.

I. Firearm

Supervision staff who determine a need to draw and/or discharge a Department issued firearm shall adhere to the following listed below.

1. Prior to issuance of a firearm and/or less lethal weapons, any staff member authorized to carry these weapons must successfully complete all required staff safety training. This training is administered by the FTTD and covers the use, safety, care, and constraints involved in the use of these weapons.⁸
2. Supervision staff should recognize that unnecessarily or prematurely drawing or exhibiting a firearm may limit their alternatives in controlling a situation.
3. The drawing of a firearm is permitted only as long as the supervision staff have a reasonable belief, based upon the totality of the circumstances, that the likelihood of death or serious bodily injury may exist. Supervision staff may not display a firearm for intimidation purposes only.
4. The discharge of a Department issued firearm shall always be classified as the use of deadly force.
5. When discharging their firearm, supervision staff shall adhere to the training provided to stop the threat presented by the subject's actions.
6. Staff, when feasible, shall provide some verbal warning before engaging in the use of deadly force, providing staff identity and command. Discharge of a weapon is justified only when staff reasonably believe it necessary to protect themselves or a third person from imminent serious bodily injury or death and that a lesser degree of force would be insufficient.⁹

⁸ 4-APPFS-3B-03

⁹ 4-APPFS-3B-02

7. Supervision staff are prohibited from firing warning shots.
8. Supervision staff shall not discharge a firearm at or from a moving vehicle except under the following conditions:
 - a. as a last resort measure of self-defense when the subject is using deadly force by means other than the vehicle;
 - b. as a last resort of self-defense when a vehicle is being driven in a manner deliberately intended to kill or injure another person or supervision staff;
 - c. supervision staff must consider the danger of incapacitating a subject, who will lose control of a vehicle, prior to discharging a weapon at a moving vehicle; and
 - d. in deciding to shoot at a moving vehicle, staff must consider the environmental conditions and the totality of the circumstances.
9. Supervision staff must be aware that following any use of deadly force incident, their firearm is evidence and, therefore, shall not be unnecessarily manipulated, handled, or cleaned prior to turning over custody to either their supervisor or law enforcement.

J. Reporting and Medical Attention Requirements for Injuries Occurring During Arrests or Use of Force Events By Supervision Staff

1. Medical injuries to supervision staff – Staff injured during an arrest should seek medical aid as soon as it is safely possible.
2. Medical clearance for reentrant – Following the application of a use of force on a reentrant, the reentrant must be examined and medically cleared by a medical professional any time any of the following situations occur:
 - a. medical aid is requested by the reentrant;
 - b. serious injuries have occurred;
 - c. medical distress is apparent;
 - d. the subject is unconscious;
 - e. the use of force involved a firearm;
 - f. the use of force involved a TASER;
 - g. the use of force involved an impact weapon; and/or
 - h. the use of force involved OC spray.

3. In all cases where a reentrant receives medical screening or treatment immediately following a use of force, a copy of the associated medical report(s) must be requested by supervision staff and attached to the Blue Team Report. If medical staff refuse to provide the reports, the refusal must be recorded within the Blue Team Report.
4. If custody of a person upon whom force was used is transferred, supervision staff must inform the respective agency of the subject's apparent or possible injury, or complaint of an injury, prior to releasing the person to the care and custody of another law enforcement or criminal justice agency.
 - a. Within 72 hours of a transfer of custody, the assigned Parole Agent or the chain of command must contact the law enforcement or criminal justice agency that assumed custody in order to obtain any medical clearance documentation.
 - b. If the law enforcement or criminal justice agency refuses to relinquish or does not have any medical documentation, this information shall be noted in the Blue Team Report.
5. Medical injuries to a third party – If a third party is injured during an arrest, medical attention shall be arranged as soon as it is safe to do so. Department staff shall provide aid consistent with their training and certification. State vehicles should not be used to transport an injured third party except in an emergency when alternative means of transportation are not available.
6. Physical control – Any time injury results from physical control or the subject complains of injury, and it is safe to do so, the employee shall:
 - a. immediately call emergency medical personnel or transport the subject to the nearest emergency medical facility for medical attention; and
 - b. contact their supervisor and report the incident and nature of the injury as soon as it is safe to do so and no later than two hours following the incident.
7. OC spray – Upon discharging OC at any subject, the supervision staff member shall contact their supervisor as soon as it is safe to do so and no later than two hours following the incident and advise the supervisor of the nature of the incident. Supervision staff shall call emergency medical personnel or transport the subject to the nearest emergency medical facility.
8. Impact weapons – Following use of an impact weapon, supervision staff shall immediately call emergency medical personnel or transport the subject to the nearest emergency medical facility for medical attention. Medical attention must always be provided to a subject who has been struck with an impact weapon. The supervisor shall be contacted as soon as it is safe to do so and no later than two hours following the incident.

9. TASER – After the subject has been brought under control and in custody, the subject shall be monitored for indications of medical problems and shall not be left alone while in custody.
 - a. Anytime a TASER is used and electricity is transferred into the subject, the subject must be seen by medical personnel prior to being detained at any county or state detention facility.
 - b. Probe removal shall be accomplished by the supervision staff consistent with the protocol outlined during TASER training and certification.
 - c. After the probe is removed the supervision staff shall inspect it to ensure that the barb is intact. If the barb is missing, the supervision staff must advise medical staff immediately.
 - d. Probe removal from sensitive body areas shall only be done by trained medical personnel. Sensitive body areas include anywhere above the neckline, genital area, and breasts for female subjects.
10. Deadly Force – Anytime staff employ deadly force, as soon as it is safe to do so, staff shall summon emergency medical personnel in the event of injury. If the injured person is the reentrant, supervision staff shall place the reentrant in handcuffs/physical restraints for safety reasons. Staff shall then provide necessary first aid, as trained, to all injured persons. All injured persons shall be transported to the nearest available emergency medical facility for medical attention. Medical attention must be provided to any person injured as a result of the use of deadly force. The supervisor shall be contacted as soon as it is safe to do so and no later than two hours following the incident.

K. Pursuit of Subjects Attempting to Evade or Escape from Supervision Staff

1. A supervision staff member who is attempting to make a lawful arrest can pursue a subject on foot in order to make the arrest.
2. Staff shall follow all traffic laws when following a fleeing subject in a motor vehicle. Parole supervision staff are not authorized to exceed the speed limit or violate any traffic law.

L. Reporting Requirements

1. The drawing of a firearm must be verbally reported by the supervision staff member who drew the firearm to their immediate supervisor as soon as it is safe to do so and no later than two hours following the incident.
2. A response to Resistance and Control Report shall be completed in the Blue Team reporting software when supervision staff utilize any force beyond verbal commands, including but not limited to, the below applications of force.

- a. OC spray.
 - b. Physical control – soft or hard empty hand control.
 - c. Impact weapon.
 - d. TASER deployment – regardless if electrical current is transmitted to the subject or if probes struck an individual.
 - e. Discharge of a firearm.
 - f. A subject has visible physical injury and/or a complaint of injury following any response to resistance.
 - g. Any other use of force beyond verbal commands.
3. When available and if applicable, the following are to be attached to the Blue Team Report:
- a. medical documentation;
 - b. TASER data download reports;
 - c. signed and dated statements from others involved; and
 - d. other reports related to the incident.
4. The Blue Team Report shall be submitted to the involved supervision staff's supervisor after all applicable information is obtained.
- a. The Blue Team Report shall be completed by the employee who engaged in the use of force. If multiple staff used force during a single incident, the assigned supervisor or member of management shall determine which employee shall complete the Blue Team Report. All other staff present shall complete a DC-P 366, Commonwealth Employee Witness Statement, and provide same for inclusion in the Blue Team Reports.
 - b. All reports shall be reviewed and approved by the supervisor. The supervisor shall then forward the approved report up the chain of command.
 - c. This report shall be distributed through the chain of command to the appropriate director who shall review and forward the approved report to the Regional Director who, following review, shall forward to the Deputy Secretary of Field Services.
 - d. Blue Team Reports are analyzed and the Deputy Secretary may provide the report to training, Chief Counsel, or Human Resources depending on the

circumstances. Firearms incidents shall be provided to the Chief Counsel's office.

- e. FTTD shall have access to the reports to utilize for training purposes. The reports used for training purposes shall be properly redacted prior to being used for training purposes.

M. After Action Review (AAR)

1. Every action is an opportunity to learn. There are critical lessons and knowledge available following a strategic review so that other supervision staff throughout the Department may use the experience and lessons immediately. The performance of the entire Department will improve as a result.
2. Immediately following any use of force incident, the District Director or designee shall ensure that a timely AAR occurs.
3. The AAR shall be conducted with all involved supervision staff in attendance in person, mandatory whenever practicable. The group facilitator, ideally a non-participant Department staff member, is tasked with making sure that all team members participate in an open and honest discussion.
4. The discussion's purpose is to guide and improve the work of the Department, and improve safety for supervision staff and reentrants. It is not to grade the success or failure of the incident. Staff need to provide and be open to honest and reflective observations without assigning blame or praise since there are always weaknesses to improve and strengths to sustain.
5. The facilitator shall initiate the conversation using open ended questions, and keep the attention on facts and outcomes of the participants involved with the incident. The AAR conduct is confidential in that joint learning shall be shared and individual comments shall not be. While the content may vary depending on the actual events, questions noted below shall initiate the discussion.
 - a. What was expected to happen?
 - b. What actually occurred?
 - c. What went well and why?
 - d. What can be improved and how?
6. The AAR shall result in a report which provides a clear summary of concrete and actionable recommendations and/or identified topics that may require chain of command attention.

7. The information gleaned from the AAR shall be made available to supervision staff so that continuous learning and best practices are available to all.
8. If the use of force is the result of a firearm being discharged, the Executive Deputy Secretary for Reentry, Community Corrections & Parole Field Services in conjunction with DOC Chief Counsel, shall determine any appropriate additional committee review.

VII. SUSPENSION DURING AN EMERGENCY

This policy may be suspended during an emergency at the sole discretion of the Secretary of the Department of Corrections.

VIII. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF POLICY

A. Release of Information

This policy is not public information and shall not be released in its entirety or in part, without the prior approval of the Secretary/designee. This policy may be released to any Department employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections policy and procedures manual (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, Community Corrections Regional Directors, and all Parole Field Services on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties ***has access to the policy.***

X. SUPERSEDED POLICY AND CROSS REFERENCES

A. Superseded

12.4.03.08 Resistance and Control, issued May 20, 2024

B. Cross References – Statutes

1. Federal

Title 18 USC § 926B (Federal Law Enforcement Officers Safety Act of 2004)

2. State

61 Pa.C.S. §5905(b) – Restraints not to be Placed on Pregnant Women

61 Pa.C.S. § 6181 – Status as Peace Officers

18 Pa.C.S. § 508 – Use of Force in Law Enforcement

C. Department Policies

6.3.1, Facility Security

12.2.07.01, Care, Custody, and Control of Commonwealth Property

D. Legal

Graham v. Connor : 490 US 386 (1989)

E. American Correctional Association Standards

4-APPFS-3A-22

4-APPFS-3A-23

4-APPFS-3B-01

4-APPFS-3B-02

4-APPFS-3B-03

4-APPFS-3B-06

4-APPFS-3G-01

4-APPFS-3G-02

Appendix A
Resistance and Control Array

