

BETHLEHEM CITY COUNCIL

PUBLIC SAFETY COMMITTEE

VIRTUAL MEETING

August 11, 2020 - 6:00 PM

MEETING DOCUMENTS

1. Police Department Use of Force Directives (3.1.1)
2. Policing in the City of Bethlehem, 2019
3. A Report on the Use of Force by the Bethlehem Police
4. Community Engagement Initiative Resolution (2020-105)

Note - The document numbers listed above are written on the upper right corner of each page of this document packet.


CITY OF BETHLEHEM
PUBLIC SAFETY COMMITTEE

August 11, 2020

Meeting Document

1. Police Department Use of Force Directives (3.1.1)

**CITY OF BETHLEHEM, PENNSYLVANIA
DEPARTMENT OF POLICE**

	BETHLEHEM POLICE DIRECTIVE NUMBER 3.1.1			
	VOLUME:	Operations		
	CHAPTER:	Use of Force		
	TITLE:	Use of Force		
	ISSUED BY:	Mark A. DiLuzio - Chief of Police		
REPLACES:		3.1.1 Dated 24 FEB 2015	Original Date:	30 MAY 2012
CALEA Reference:		1.3	Evaluation Date:	15 JUNE 2020
PLEAC Reference:		1.3	Next Evaluation Date:	01 JAN 2021

CONTENTS:

- I.** Justification of The Use of Force
- II.** Use of Force Model
- III.** Levels of Resistance
- IV.** Levels of Force/Control
- V.** Use of Force Considerations
- VI.** Use of Deadly Force
- VII.** Restrictions on the Use of Deadly Force
- VIII.** Chokeholds and Strangulation
- IX.** Post Use of Force Medical Attention
- X.** Reporting
- XI.** Employee Action(s) or Use of Force in an Official Capacity Resulting in Death or Serious Physical Injury
- XII.** Training

PURPOSE: To provide all members of the Department with guidelines on the appropriate use of force in the performance of their official duties.

POLICY: The performance of law enforcement functions raises the possibility that, under circumstances of necessity, officers may be called upon to utilize force, including deadly force, in the performance of their official duties. Society and the rule of law prohibit the unnecessary use of force; thus, when force is used, it must be objectively reasonable and justifiable. This creates the need for the establishment of a specific policy to guide officers in the proper application of force and to prohibit the use of excessive force.

NOTE: This Directive is for the internal use of the Bethlehem Police Department only and does not enlarge the Department's, an officer's, or other employee's civil liability in any way. This Directive should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against the Department, officers, or employees. A violation of this Directive, if proven, can only form the basis of a complaint by the Department for non-judicial administrative action in accordance with Department policy and controlling legal authority.

DEFINITIONS:

Force - verbal, psychological, or physical power, exerted against a subject for the purpose of overcoming a level of resistance to gain and/or maintain control

Reasonable Force - force that is “objectively reasonable” given the totality of the circumstances

Excessive force - force used that exceeds that which is “objectively reasonable” given the totality of the circumstances

Deadly force - force, which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury (PA Crimes Code, 18 Pa.C.S. §501).

Resistance - the force used by a subject to defeat an officer’s actions of control or arrest

Totality of Circumstances - all of the facts and circumstances of a particular incident including, but not limited to: the severity of the crime committed; whether the subject poses an immediate threat to the safety of officers, others, or himself; and whether the subject is actively resisting arrest or attempting to evade arrest by flight. Other factors that should be considered include, but are not limited to:

Officer-subject factors, such as age, sex, size, skill, training, strength, endurance, multiple subjects, multiple officers, and crowds both hostile and friendly.

Special circumstances such as subject’s proximity to a weapon, special knowledge of the subject, injury, exhaustion or disability to the officer, ground fighting, imminent danger, resolution time, reactionary gap, other available options for resolution, e.g., backup officers, ERT, etc.

Subject’s level of resistance, psychological intimidation, verbal noncompliance, passive resistance, active resistance, active aggression, deadly force assault.

Imminent Danger – “Imminent” does not mean “immediate” or “instantaneous,” but that an action is pending. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at the officer. For example, imminent danger may exist if officers have probable cause to believe any of the following:

The suspect possesses a weapon or is believed to possess a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against the officer or others; or,

The subject is armed and moving to gain the tactical advantage of cover; or,

A subject with the capability of inflicting death or serious physical injury or otherwise incapacitating officers without a deadly weapon, is demonstrating an intention to do so; or,

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The subject is attempting to escape from the vicinity of a violent confrontation in which he inflicted or attempted the infliction of death or serious physical injury.

Serious bodily injury - bodily injury which creates substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of function of a bodily member or organ (PA Crimes Code, 18 Pa.C.S. §2301). Serious bodily injury includes an open gash or wound, major broken bones, dislocated joints, and/or damage to internal organs.

Gender designation - for the purposes of this policy, any reference in this policy to the male gender also applies the female gender.

Verbal Commands - spoken words of persuasion, advice, direction, and warning used by an officer, if practicable, prior to and during the use of any force.

I. Justification of the Use of Force

- A. The purpose of any use of force by a police officer shall be to establish control and/or maintain a level of advantage to defend himself or another person from bodily harm as defined in the Pennsylvania Crimes Code, 18 Pa.C.S.A. §508.
- B. Department law enforcement officers shall only utilize reasonable force, including deadly force, to affect lawful objectives in conformance with the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court Decisions.
- C. The level of force used by an officer will be determined by the subject's actions.
 - 1. When using force for defense or control, the officer shall continually assess the existing threat level and de-escalate or escalate the level of force applied as the subject's level of resistance changes.
 - 2. In determining whether the level of force used was "objectively reasonable," the decision is based upon what level of force an officer at the scene would have used under the totality of circumstances.
- D. Each Use of Force situation is unique. It is not the intent of this policy to require officers to attempt to exhaust each force level before moving to the next so long as the level of force used is necessary and reasonable under the circumstances.

II. Use of Force Model

- A. The Department formally adopts the "Pressure Point and Control Tactics, Resistance Control Continuum" developed by Bruce Siddle of PPCT Management Systems as the Department's use of force model.
- B. A copy of the model is attached to this Directive (page 11 of 11).

III. Levels of Resistance

A. Psychological Intimidation

1. Nonverbal cues indicating a subject's attitude, appearance, and physical readiness. (Blank stare, clenching of fists, tightening of jaw muscles, etc.)
2. The subject may comply with verbal attempts at control, but displays visual nonverbal cues that indicate potential physical resistance.

B. Verbal Non-compliance

1. Any verbal response indicating a subject's unwillingness to obey commands of detainment, arrest, or to stop unlawful or dangerous behavior. Verbal noncompliance may come in the form of a quiet statement indicating non-compliance to threatening statements directed at the officer.
2. The reaction to verbal threats made by a subject may differ from officer to officer depending on the totality of circumstances.

C. Passive Resistance

1. Any type of resistance where the subject does not attempt to actively defeat the officer's attempt to touch or gain control of the subject, but will not voluntarily comply with verbal and physical attempts of control (e.g., dead weight, does not react to verbal commands, etc.).
2. A typical situation is a sit-in protest, where subjects refuse to move or comply with verbal direction/commands.

D. Defensive Resistance

1. Any resistance or action a subject attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away, resistance to handcuffing, attempting to defeat the escort position).
2. It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.

E. Active Aggression

1. Active aggression includes physical actions/assaults against the officer or another person with less than deadly force (e.g. advancing, challenging, punching, kicking, grabbing, wrestling, etc.).
2. It is a physical attack on the officer or another person.
3. A deadly force assault is any assault against an officer and/or another person that may result in serious bodily injury or the loss of human life.
4. A deadly force assault involves any force that the officer believes, based on the totality of circumstances, could result in serious bodily injury or death.

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IV. Levels of Force/Control

A. Officer Presence

1. The mere presence of a police officer can exert sufficient control over some situations and enable an officer to control the situation.
2. The subject must be able to recognize the presence of the officer, either through the uniform, verbalization, or identification.

B. Verbal Commands or Directions

1. When the presence of an officer is accompanied by clear, distinct orders for the subject to follow, the officer may establish control over a situation. The officer can persuade, advise, instruct, or warn the subject in an attempt to gain control.
2. It is important that officers attempt to use verbal commands (when practicable) whenever they are employing any level of force.

C. Soft Empty Hand Control

1. Designed to control Passive or Defensive Resistance.
2. Used when verbal direction/commands are not effective and there is noncompliance with lawful orders.
3. Includes:
 - a. Strength techniques
 - b. Joint locks
 - c. Pressure points
 - d. Knee strike/distraction technique to the subject's thigh (to prevent resistance from the Escort Position)
4. While Soft Empty Hand Control Techniques may inflict pain to gain control, they generally will not cause any form of bruising or injury to the subject.
5. Soft Empty Hand Control Techniques have little or no potential for injury.

D. Hard Empty Hand Control

1. Designed to control Active Aggression
2. Can be used to control Defensive Resistance when lower forms of control have failed or when the officer reasonably believes lower forms of control will fail.
3. Includes:
 - a. PPCT's defensive counterstrikes
 - i. Kicks
 - ii. Knee strikes
 - iii. Palm Heel Strike
 - iv. Brachial stun
 - b. Shoulder pin restraint
 - c. Using physical force to take a person to the ground
4. Hard Empty Hand Techniques are techniques that have a probability of injury in the form of bruises, contusions, or lacerations.

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E. Intermediate Weapons

1. The application/use of any weapon/object that is not part of the human body to control resistance or an assault, intended to temporarily disable and gain control of a subject and not intended to cause permanent injury unless the application of deadly force is justified.
2. Includes:
 - a. Chemical agents
 - b. Impact Weapons
 - c. Electronic Control Device
 - d. K-9
 - e. Horse
 - f. Tire deflation device

F. Deadly Force

1. Any force used by an officer that may result in serious bodily injury or death.
2. An officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

V. Use of Force Considerations

- A. In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by an officer. Factors include but are not limited to:
 1. Subject factors
 - a. Seriousness of the crime committed by the subject
 - b. Size, age, and weight, of the subject
 - c. Apparent physical ability of the subject
 - d. Subject's medical conditions, mental state and influence of alcohol or drugs
 - e. Number of subjects present who are involved or may become involved
 - f. Weapons possessed by or available to the subject
 - g. Known history of violence by the subject
 - h. Presence of innocent or potential victims in the area
 - i. Whether the subject can be recaptured at a later time
 - j. Whether evidence is likely to be destroyed
 2. Officer factors
 - a. Size, physical ability, and defensive tactics expertise of the officer
 - b. Number of officers present or available
 - c. The necessity for immediate action
 - d. Weapons or restraint devices available to the officer
 - e. Legal requirements
 - f. Department policy
- B. By law, an officer need not retreat in efforts to lawfully control a subject, but may utilize the amount of force that is necessary and reasonable to effect the arrest. That is not to say that a tactical retreat may not be the most advantageous option in certain situations.

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VI. Use of Deadly Force

- A. An officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger or death or serious bodily injury.
- B. An officer may use deadly force to prevent the escape of a fleeing suspect:
 - 1. whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily injury; and
 - 2. who will pose an imminent danger of death or serious bodily injury should the escape succeed; and
 - 3. when the use of deadly force presents no substantial risk of injury to innocent persons.
- C. When feasible, an officer should identify themselves and provide verbal commands to the subject prior to the use of deadly force.

VII. Restrictions on the Use of Deadly Force

- A. An officer is under no obligation to retreat or desist when resistance is encountered or threatened, however, an officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily injury, and achieve the law enforcement purpose at no increased risk to the officer or another person.
- B. Officers shall not use deadly force to subdue persons whose actions are only destructive to property.
- C. Deadly force shall not be used against persons whose conduct is injurious only to themselves.
- D. Officers shall not discharge a weapon as a signal for help or as a warning shot.
- E. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons.
 - 1. Due to this greater risk, and considering that firearms are not generally effective in bringing a moving vehicle to a rapid halt, officers shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle unless the officer reasonably believes:
 - a. There exists an imminent danger of death or serious bodily injury to the officer or another person; and
 - b. No other means are available at that time to avert or eliminate the danger.
 - 2. Officers shall not fire a weapon solely to disable moving vehicles.

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- F. Discharging a firearm from horseback also involves a greater risk of death or serious injury to innocent persons.
 - 1. The mounted position creates an unstable platform from which to discharge a firearm. Mounted Officers shall not fire from a mounted position unless the officer reasonably believes:
 - a. There exists an imminent danger of death or serious bodily injury to the officer or another person; and
 - b. No other means are available at that time to avert or eliminate the danger.
- G. When deadly force is justified under this policy, officers may continue its application until the subject surrenders or no longer poses an imminent danger.
- H. A supervisor shall be notified as soon as practical whenever deadly force has been utilized.

VIII. Chokeholds and Strangulation

- A. Department members shall not use chokeholds or strangulation techniques as a means of control except as a last resort during a life and death struggle.

IX. Post Use of Force Medical Attention

- A. After employing any level of force, the officer shall determine whether the subject requires medical attention as soon as practical when the scene is safe.
 - 1. Officers shall render appropriate medical aid and request further medical assistance when needed.
 - 2. Any aid provided or declined shall be documented accordingly.
- B. Officers shall increase observation of subjects in custody for any change in their condition following use of force applications

X. Reporting

A. Use of Force Documentation

- 1. Any use of force resulting in injury or death shall be reported to the officer's supervisor as soon as practical.
- 2. In addition the officer's case report, a Use of Force report (PD-120) (<https://powerdms.com/link/IDS/document/?id=1425640>) shall be completed when any of the following levels of force are applied by the officer:
 - a. Hard Empty Hand Technique
 - b. Intermediate weapons
 - c. Deploying an Electronic Control Device by pointing the device at a subject, firing the cartridge, or delivering a drive stun
 - d. Pointing or discharging a firearm at a subject
 - e. K-9 hold or bite
 - f. Horse used to physically move and/or control a person

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- g. Tire deflation devices used to stop a vehicle
- h. Roadblock used to stop a vehicle
- i. Improvised weapon use
- 3. The officer's case report shall establish the circumstances leading up to the use of force, and shall articulate the need for the level of force utilized.
- 4. The Use of Force Report shall be maintained in a separate file in the Professional Standards Division after Administrative review.
- 5. If the Use of Force involves the discharge of a firearm by an officer, the officer shall also complete a Discharge of Firearm report to be turned in with the Use of Force report.

B. Intervention

- 1. Officers and employees shall be responsible for reporting witnessed violations of the Department's Use of Force policy.
- 2. When practical, officers shall intervene through verbal or physical means to prevent physical harm to the subject as a result of the misapplication of force.

C. Administrative Review

- 1. The following documents shall be forwarded through the chain of command to the Office of Police Chief:
 - a. Original Use of Force Report
 - b. A copy of the Officer's complete case report
 - c. Any supplemental reports
 - d. Original Discharge of Firearm report – if applicable
 - e. Taser Data Report (download)– if applicable
- 2. The Office of Police Chief shall conduct an administrative review of the Use of Force.
 - a. Once reviewed, the original Use of Force report and supporting documents shall be returned to the Professional Standards Division for retention.
 - b. If it is determined that the Use of Force does not fall within Department guidelines, the affected officer(s) will be assigned the necessary remedial training as soon as practical, and may face additional administrative action.

D. Annual Analysis of Use of Force Reports

- 1. The Department shall conduct a documented annual analysis of:
 - a. Use of Force Reports (PD-120)
 - b. Firearm Discharge Reports (PD-110)
(<https://powerdms.com/link/IDS/document/?id=1425641>), and
 - c. Any other reports documenting an employee action or alleged action that resulted in injury or death of another person.
- 2. The analysis may reveal patterns or trends that could indicate a need for:
 - a. Increased training
 - b. Equipment upgrades
 - c. Policy modifications
- 3. The Professional Standards Division shall be responsible for conducting the annual analysis and reporting findings to the Office of Police Chief.

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4. The Professional Standards Division shall retain the annual reports for three years.

XI. Employee Action(s) or Use of Force in an Official Capacity Resulting in Death or Serious Physical Injury

- A. When an employee's action(s) or Use of Force in an official capacity results in death or serious bodily injury, the employee(s) involved shall be removed from line-duty assignment pending an administrative review.
- B. The on-duty Lieutenant shall immediately notify the Office of Police Chief of any action or use of force incident that has resulted in a death or serious physical injury.
- C. The on duty Lieutenant shall ensure the weapon(s) used by the employee in the application of force are secured from the employee and placed in the evidence room. A replacement weapon(s) shall be issued to the employee as soon as practical unless there are extenuating circumstances.
- D. During the period of time an investigation into the incident is being conducted, the Police Chief may, at his option, assign the affected employee(s) to administrative duties.
 1. The temporary reassignment permits the Department time to conduct an investigation into the matter.
 2. Such relief from duty shall not be considered a suspension or disciplinary action taken against the employee, but rather an administrative course of action relieving the employee from further performance of line duties while undergoing the emotional stress of having been involved in a traumatic incident.
 3. While the employee is on administrative duty, the employee shall remain available for official Departmental interviews and statements regarding the use of force incident.
 4. The employee shall be subject to return to duty at any time, as deemed appropriate by the Office of Police Chief.
- E. The involved employee(s) shall be required to undergo a debriefing with a Department provided psychiatrist as soon as possible.
 1. The debriefing shall not be related to any Department investigation of the incident.
 2. Anything discussed in the debriefing session will remain protected by the privileged physician-patient relationship.
- F. Counseling is also available through the Critical Incident Stress Management Program (CISM), Employee Assistance Programs (EAP), and Department Chaplain.

XII. Training

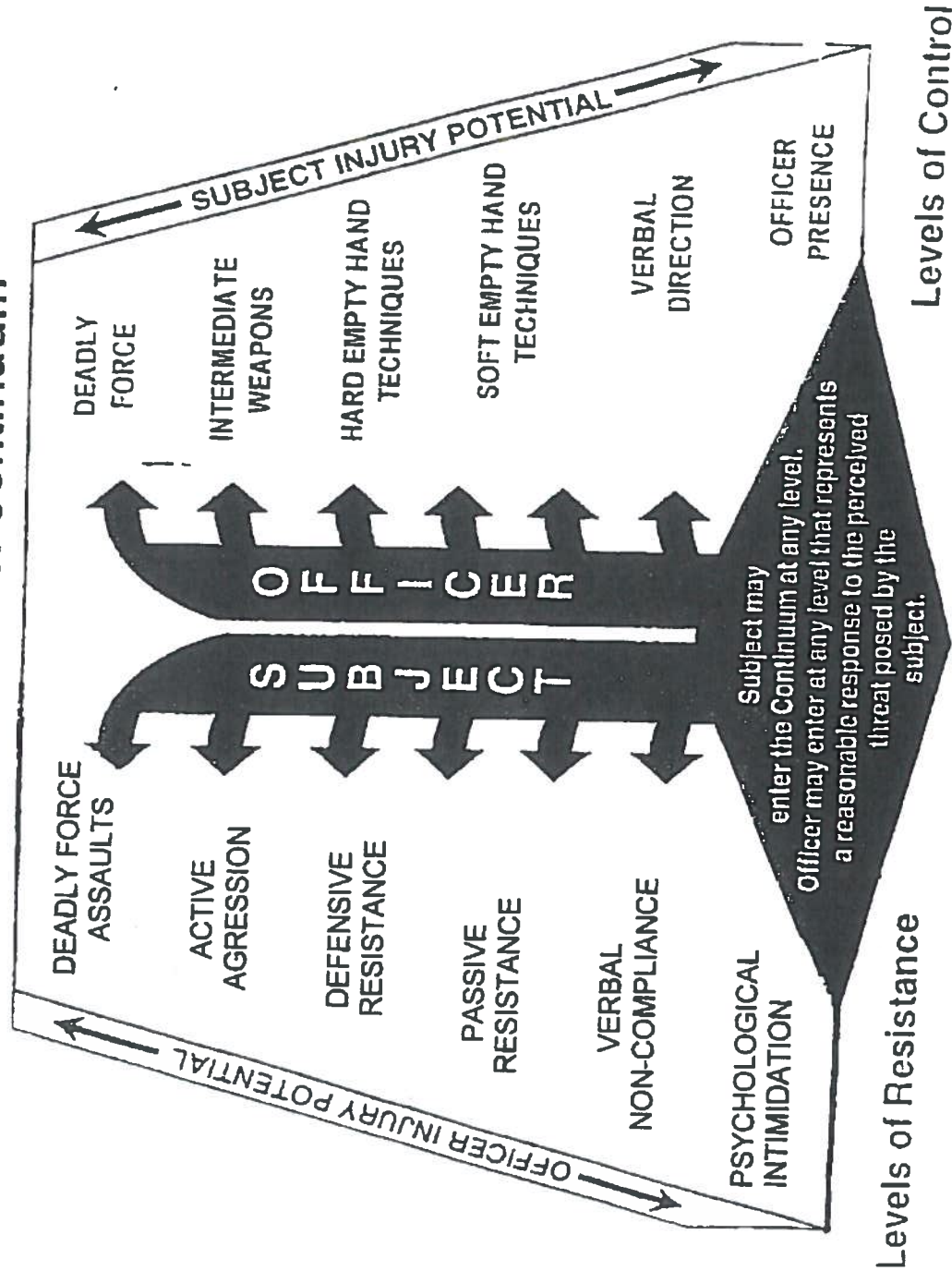
- A. Prior to being authorized to deploy force or carry any lethal or less lethal weapons, officers shall receive training and documentation on all Department Use of Force Directives. Receipt and curriculum delivery shall be documented.
- B. Officers shall receive annual training in the Department's Use of Force Directives.

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- C. Officers shall receive annual training in weaponless control techniques.
- D. Officers shall receive training in Department issued weapons and must demonstrate proficiency in their use prior to being authorized to carry any lethal or less lethal weapon.
 - 1. Training will be conducted by an instructor certified in the specific weapon system being taught.
 - 2. The training requirements for each weapon system are detailed in the Directive specific to that weapon system.
- E. All training shall be documented and training records shall be maintained by the Professional Standards Division.

PPCT Management Systems

Resistance Control Continuum



Developed in 1995 by Bruce Siddle, PPCT Management Systems, Inc., and Steven D. Ashley.

CITY OF BETHLEHEM
PUBLIC SAFETY COMMITTEE

August 11, 2020

Meeting Document

2. Policing in the City of Bethlehem, 2019

POLICING IN THE CITY OF BETHLEHEM 2019

“In Partnership with our Community”



This report contains information on Police Department crime statistics, Officers injured, opioid abuse, ICAC cases and related operational statistics for the year 2019. It does not cover everything that the Bethlehem Police Department does. I would like to thank all the Officers, civilian police personnel, Mounted Unit volunteers, Crossing guards, Block Watch leaders, and businesses who work with us each and every day, no matter what the situation is, to make Bethlehem, Pennsylvania, a great and safe City to live, raise a family, work and retire.

I would also like to thank all the citizens of Bethlehem and the Lehigh Valley who support and assist the Bethlehem Police Department through donations, volunteerism, assisting at events, and everything else they do during the year. Your actions, time and generosity are greatly appreciated.

Mark A. DiLuzio
Chief of Police



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

DEPARTMENT OF POLICE

www.bethlehem-pa.gov

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Understanding Crime - Breakdown of Offenses

Presently in Pennsylvania, crime statistics are gathered utilizing the Uniform Crime Reporting system. UCR reports were the primary crime reporting system in all 50 states. Within the next two years, the UCR system will be replaced with a newer computerized system called National Incident-Based Reporting System (NIBRS).

PART I OFFENSES

Part I offenses are serious crimes and considered nationally to be Crime Index offenses. Crime Index offenses are broken down into two categories; Violent Crimes and Property Crimes. The number (0X00) after each of these crimes is the UCR Code number designated for that particular offense by the Department of Justice.

Violent Crimes include the crimes of :

- Murder 0100
- Rape 0200
- Robbery 0300
- Assault 0400

Property Crimes include the crimes of:

- Burglary 0500
- Larceny/Theft 0600
- Motor Vehicle Theft 0700
- Human Trafficking 0800
- Arson 0900

*NOTE – In the past years, a “0800” code was used to show “other Assaults, not Aggravated.” As of 2019, all assaults are now listed under 0400. 0800 is now used to identify Human Trafficking crimes. This simple change will increase the numerical under 0400 in Part I offenses since it now includes all assaults; from Felony Aggravated to Misdemeanor Simple to Summary grade Harassment.

PART II OFFENSES

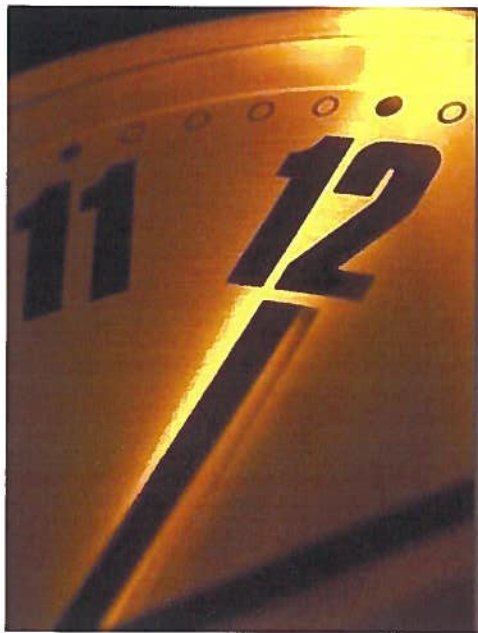
Part II offenses consist of all the serious crimes and minor crimes that are not part of the Part I Crime Index. Although not part of the National Crime Index, we still maintain statistics on these crimes because they affect the victims of those crimes, quality of life issues in our communities and our overall feelings of safety. Part II offenses include the crimes of:

- Forgery/Counterfeiting 1000
- Fraud 1100
- Embezzlement 1200
- Stolen Property 1300
- Vandalism 1400
- Carrying Weapons 1500
- Prostitution 1600
- Other Sexual Offenses 1700,
- Drug Sales and Drug Possession 1800
- Gambling 1900
- Family Offenses 2000
- Driving Under the Influence/DUI 2100
- Liquor Violations/ Underage Drinking 2200
- Public Drunkenness 2300
- Disorderly Conduct 2400
- Vagrancy 2500
- Other Offenses 2600

***NOTE - Some of these crimes are Felony grade crimes. Many are Misdemeanor and/or Summary Grade crimes.**

FREQUENCY OF CRIME IN THE UNITED STATES

NATIONAL



2018 CRIME CLOCK STATISTICS

A Violent Crime occurred every 26.2 seconds

One Murder every	32.5 minutes
One Rape every	3.8 minutes
One Robbery every	1.9 minutes
One Aggravated Assault every	39.2 seconds

A Property Crime occurred every 4.4 seconds

One Burglary every	25.7 seconds
One Larceny-theft every	6.1 seconds
One Motor Vehicle Theft every	42.2 seconds

PENNSYLVANIA CRIME FACTS

Pennsylvania's violent crime rate is 3.1 incidents per 1,000 people which is lower than the national rate of 3.7 per 1,000.

Pennsylvania's property crime rate is 14.9 incidents per 1,000 people which is well below the national rate of 22.0 per 1,000.

Larceny/Theft is the most common property crime in Pennsylvania, totaling 79% of the State's property Crimes.

Burglary accounts for 14% of all Violent Crime in Pennsylvania

BETHLEHEM CRIME STATISTICS FOR 2019

OVERALL CRIME IN THE CITY OF BETHLEHEM

OFFENSES	2016	2017	2018	2019
PART I	2109	1985	1517	*2427
PART II	3496	3622	3867	3221
TOTAL	5605	5607	5384	5648

*NOTE – In past years, 0800 was designated to show other Assaults, not Aggravated. In 2019, ALL assaults, Aggravated and lesser, are now listed under 0400. 0800 is now used to identify Human trafficking crimes. This simple change will increase the numerical under 0400 since it now includes all assaults; from Felony Aggravated to Misdemeanor Simple to Summary grade Harassment.

BREAKDOWN - PART I OFFENSES

	2016	2017	2018	2019
0100 Murder	6	0	1	0
0200 Rape	32	33	32	31

(Part I continued)

	2016	2017	2018	2019
0300 Robbery	59	61	52	55
0400 Aggravated Assault	491	508	127	*1138
			*includes ALL Assaults in 2019	
0500 Burglary	215	189	217	166
0600 Theft	1235	1130	1017	977
0700 Vehicle Theft	64	57	66	48
0800 *Human Trafficking	-	-	-	0
			*Crimes of Human Trafficking are also counted under Rape & other Sexual Assault Crimes.	
0900 Arson	7	7	5	13
TOTAL PART I	2109	1985	1517	2427

BREAKDOWN - PART II OFFENSES

	2016	2017	2018	2019
0800 Other Assaults	487	498	954	*
			*included under 0400 in 2019	
1000 Counterfeiting	62	26	27	31
1100 Fraud	351	400	404	393
1200 Embezzlement	15	2	0	0
1300 Stolen Property	18	8	12	12
1400 Vandalism	541	652	479	514
1500 Weapons Possession	40	27	30	44
1600 Prostitution	0	3	4	15
1700 Sex Offenses	69	63	112	166
1800 Drugs	314	342	384	412

(Part II continued)

	2016	2017	2018	2019
2000 Family Offenses	29	21	58	56
2100 D.U.I.	391	355	279	287
2200 Liquor	78	74	45	21
2300 Drunkenness	373	370	418	378
2400 Disorderly Conduct	268	271	228	296
2600 All Other Offenses	460	510	433	618
TOTAL PART II	3496	3622	3867	3221

D.U.I. – DRIVING UNDER THE INFLUENCE IN BETHLEHEM

	2014	2015	2016	2017	2018	2019
DUI ARRESTS	389	406	391	355	279	287

DUI CHECKPOINTS & DUI ROVING PATROL IN BETHLEHEM

*DUI Checkpoints and Roving Patrols are funded through State Grants provided by the Highway Safety Commission.

	2016	2017	2018	2019
Checkpoints	9	7	8	8
DUI Roving Patrols	8	5	12	13

DUI Checkpoint Arrests & Citations

	DUI Arrests	Citations	Warnings
2016	18	72	56
2017	14	64	64
2018	16	51	40
2019	15	66	43

DUI Roving Patrol Arrests & Citations

	DUI Arrests	Citations	Warnings
2016	3	22	57
2017	1	13	39
2018	9	76	109
2019	6	85	98

TRAFFIC VIOLATIONS IN THE CITY

TOTAL TRAFFIC CITATIONS & WARNINGS ISSUED CITYWIDE

	Citations	Warnings
2017	5980	2787
2018	6411	2425
2019	7237	2432

MOTOR VEHICLE ACCIDENTS IN THE CITY

	ACCIDENTS		DUI RELATED ACCIDENTS	
	2018	2019	2018	2019
Reportable	859	840	60	59
Non-Reportable	1912	1927	21	13
TOTAL	2771	2767	81	72

*A reportable accident is one in which a person is injured or the vehicle is towed due to damage. A non-reportable accident includes all other accidents

ACCIDENT FATALITIES (past 5 years)

FATAL ACCIDENTS IN 2019	4	(4 Vehicle Crashes)
FATAL ACCIDENTS IN 2018	1	(1 Pedestrian crash)
FATAL ACCIDENTS IN 2017	5	(1 Pedestrian and 4 Vehicle crashes)
FATAL ACCIDENTS IN 2016	2	(1 Pedestrian and 1 Vehicle crash)
FATAL ACCIDENTS IN 2015	4	(4 Vehicles Crashes)

TOTAL FATALS 16

POLICE VEHICLES INVOLVED IN ACCIDENTS WITH OTHER VEHICLES

	2014	2015	2016	2017	2018	2019
TOTAL ACCIDENTS	32	47	28	22	22	17
Reportable	8	4	6	4	3	5
Non-reportable	24	43	22	18	19	12
DUI related	2	3	2	2	0	0

BPD'S MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

Bethlehem's MCSAP comes under the responsibility of the Traffic Division. Two Bethlehem Officers are among 700 specially trained State Troopers and Municipal Officers that inspect commercial vehicles and their drivers for compliance with federal and state motor carrier safety regulations. Inspections are conducted on these vehicles and depending on the violations, vehicles are removed from the highway. This statewide joint safety program is one way of keeping our highways and streets safe from non-inspected and dangerous trucks, buses and other commercial vehicles.

MCSAP Yearly – 2018 & 2019

	Officer Marks		Officer Manfredo	
	2018	2019	2018	2019
Level 1 (full inspections)	44	47	61	54
Level 2 (Brakes not measured)	45	88	63	88
Level 3 (Paperwork only)	58	33	59	86
Hazmat Inspection	0	1	12	13
TOTAL	147	219	195	241
MCSAP warnings issued	399	522	658	630
MCSAP citations issued	96	211	216	232

SPECIAL OPERATIONS / VICE UNIT INVESTIGATIONS

The Special Operations / Vice Unit is responsible for all undercover and drug investigations, long term and short term, in the City of Bethlehem. Many of the investigations are multi-jurisdictional. Some are prosecuted at the State level and some at the Federal level. The unit works with various Local, State and Federal law enforcement agencies and task forces.

Special Operations Detectives conduct basic investigations and detail electronic surveillance investigations. Several are members of Federal Task Forces and sworn in as federal agents. They receive training and equipment necessary to complete their job function in the City of Bethlehem and beyond; wherever their case leads them. These Task Forces also provide the City Police Department with many different federal state and county resources whenever needed.

Many arrests were the result of search warrants obtained through undercover investigations, confidential sources, short term and long term and electronic surveillance investigations. The Unit seizes firearms, vehicles and the proceeds of drug dealing under the both State and Federal Drug Forfeiture Acts.

In the fall of 2019, Special Operations Detectives finalized two trafficking investigations involving heroin & fentanyl into the City. As a result of these investigations, approximately \$1,000,000.00 worth of heroin and fentanyl were seized. During the course of the year, Detectives seized every type of controlled substance from Heroin, Fentanyl, Cocaine, Crack Cocaine, Methamphetamine, Marijuana, MDMA, OxyContin, Clonazepam, Methylphenidate, Codeine and multiple other prescription drugs and synthetic drugs

ARRESTS / SEIZURES BY UNIT PAST FOUR YEARS

	2016	2017	2018	2019
Arrests made	133	120	140	98
Search warrants executed		57	45	27
Firearms sized	20	11	16	13
Various agencies worked with	23	24	24	12
State Forfeiture Cash seized	152,207	*90,773	91,248	139,432

*also forfeited \$223,133 & 18 vehicles

*Does not include cash or vehicles seized under federal forfeiture laws.

*The above arrest & firearm totals do not include drug arrests & firearms made by Patrol officers and other Units.

OVERDOSE CALLS AND NALOXONE SAVES BY BPD OFFICERS AND EMS

Americans die each day from opioid overdoses in the United States (approximately 70,000 plus each year). Pennsylvania is third in the nation in overdose deaths. This is a National Public Health crisis that needs to be addressed at Local, State and Federal Levels. We have lost more lives to this crisis than we have in past wars. This issue cannot be handled by law enforcement alone.

The Bethlehem Police Department began the Naloxone Program in January 2016. All 154 Officers are trained in the symptoms of narcotic overdoses and Naloxone administration. Officers were trained in January and February 2016 and began administering Naloxone in March 2016. Within 24 hours of the introduction of this program, a Bethlehem Police Officer utilized Naloxone and saved the life of an overdose victim. The following is a chart of usage and lives saved in Bethlehem broken down by County.

OVERDOSE CALLS RESPONDED TO BY BPD in 2019

Total Lives Saved by BPD	2016	2017	2018	2019
	28	73	72	45
Northampton County - Bethlehem	2016	2017	2018	2019
Lives Saved	26	62	54	38
Lehigh County- Bethlehem	2016	2017	2018	2019
Lives Saved	2	11	18	7
Gender of victim -	2016	2017	2018	2019
Male	26	52	52	37
Female	2	21	19	8
Survival after Administration of Naloxone	2016	2017	2018	2019
Yes	26	72	72	39
No	2*	*1	*1	*7

(*Passed away in Medical facility)

AGES OF OVERDOSE VICTIMS

Age	2016	2017	2018	2019
18-30	11	24	23	11
31-50	13	39	36	28
51-80	4	10	12	7

*NOTE - Bethlehem City Paramedics also administer Narcan / Naloxone along with the Fire Department.

TOTAL LIVES SAVED IN CITY BY POLICE, FIRE & EMS USING NALOXONE

	2017	2018	2019
POLICE	73	72	45
CITY EMS	115	78	81
FIRE	0	15	21
FAMILY	0	0	13
TOTAL	188	165	160

WIND CREEK CASINO COMPLEX

The Wind Creek Casino Complex attracts over 20,000 people a day to Bethlehem. It is one of the busiest Casinos in the State. With any large gathering of people, there are public safety calls and issues. In 2019, 8,334,744 people visited and passed through the Wind Creek Casino Complex.

	2016	2017	2018	2019
POLICE calls to Wind Creek	1094	646	704	1249
Crime Calls –	230	175	245	226
Incidents -	864	471	459	1023
EMS calls Wind Creek	731	476	548	543
FIRE calls Wind Creek	153	130	116	90
TOTAL CALLS	1978	1252	1368	1882

*The vast majority of these calls are non-criminal in nature. Many are EMS assist calls, fire calls, parking issues, minor accidents in the parking deck, welfare checks, suspicious persons, injured persons, disagreements or similar type service calls. Serious crime does occur and many of these crimes are quickly solved with arrests made due to vast number of surveillance cameras and security staff on duty. Considering, on an average, 22,835 people pass through Wind Creek each day, the total number of crimes at Wind Creek Casino in 2019 is again relatively low.

5 YEAR SANDS / WINDCREEK PEOPLE COUNTS

YEAR	TOTAL	DAILY AVERAGE
2015	8,154,039	22,340
2016	8,796,739	24,101
2017	8,896,075	24,373
2018	8,651,993	23,704
2019	8,334,744	22,835
5 YEAR TOTAL	42,833,590	
5 YEAR DAILY AVERAGE		23,470

OFFICERS INJURED ON DUTY IN THE CITY

Every year across the United States, Police Officers are injured and killed in the line of duty. In 2019, 147 Police Officers lost their lives in the line of Duty. 48 Police Officers died from Gunfire alone. 1 Officer was killed in Pennsylvania. Approximately 60,000 Officers are assaulted each year.

In Bethlehem, 96 Officers were injured on duty in 2019. 76% of the injuries received were from altercations and actions of individuals who were being arrested or taken into custody. 8 Individuals were arrested and charged with criminally assaulting Bethlehem Officers (felony Aggravated Assault) in 2019.

The following is a five year breakdown of injuries (OJI) of Police Officers by month and year for 2015, 2016, 2017, 2018 & 2019.

BETHLEHEM OFFICERS INJURED (past 5 years)

	2015	2016	2017	2018	2019
January	14	3	2	4	2
February	8	2	4	5	13
March	6	6	5	3	8
April	8	8	8	5	6
May	5	8	11	8	13
June	9	4	7	11	7
July	6	2	5	8	5
August	6	4	7	5	1
September	6	5	3	4	6
October	10	3	13	8	3
November	12	3	7	6	7
December	3	3	5	7	25
TOTAL	93	51	77	74	96

OFFICER INJURIES BY TYPE AND YEAR

TYPE	2017	2018	2019
Fighting injures from arrests	26	32	35
Falling/Tripping (from chase)	6	12	6
Bites - dogs/humans	5	2	5
Fleas	7	0	0
Body Fluids thrown	13	8	32
Training	9	11	8
Drug Exposure	0	2	1
Other/Misc.	11	7	9
Total	77	74	96

*NOTE- In 2019, there was a 6% increase in officer injures that were a result of fighting, resisting arrest or other resistance/aggressive action by an individual the officer was taking into custody.

BETHLEHEM POLICE DEPARTMENT DIVERSITY

SEX / GENDER OF OFFICERS

SEX	2014	2020
Male	143	144
Female	6	10
Total	*149	*154 (as of 6/2020)

(*Budgeted strength is 154 Officers)

SEX, RACE & ETHNICITY

2014 (149 Officers)

	White	Black	Hispanic	Asian	Middle Eastern	Other
Male	132	4	5	1	1	0
Female	6	0	0	0	0	0
TOTAL	138	4	5	1	1	0

2020 (154 Officers)

	White	Black	Hispanic	Asian	Middle Eastern	Other
Male	125	5	12	0	2	0
Female	9	0	0	1	0	0
TOTAL	134	5	12	1	2	0

CITY ETHNICITY

White – 78.7 % (Hispanic -28.5%)
 Black – 7%
 Asian – 2.9%
 Other – 5.8%

POLICE COMPLAINTS BY CITIZENS

Citizen Complaints – a Five year study

2015	38
2016	32
2017	20
2018	11
2019	24

Total 125 / 5 years

Complaints by Sex	2015	2016	2017	2018	2019	
Male	23	19	6	5	14	(54%)
Female	15	13	14	6	9	(46%)
Total	38	32	20	11	24	

Complaints by Race	2015	2016	2017	2018	2019	TOTAL	
White	26	20	13	8	16	83	(66.4%)
Black	4	7	4	1	5	21	(16.8%)
Hispanic	6	5	2	2	3	18	(14.4%)
Other	2		1			3	(2.4%)
Total	38	32	20	11	24	125	

911 CALL VOLUME & ARRESTS FOR 2019

Total 911 call volume for 2019 - 61,471 calls

(*24 complaints out of 61,471 calls.....0.03904 % complaint rate

Average calls per month in 2019 - 5123 calls

Total custodial criminal arrests made in 2019 – 1305 arrests

Total All Arrests made in 2019 - 3308

THE BETHLEHEM POLICE INTERNET CRIMES AGAINST CHILDREN (ICAC) UNIT.

The BPD ICAC Unit is part of the ICAC Task Force. A City Detective is assigned to and works with this Task Force. The ICAC Task Force is a national network of 61 coordinated task force units representing over 3000 federal, state and local law enforcement agencies and prosecutorial agencies. These agencies are continually engaged in proactive and reactive investigations and prosecutions of persons involved in child sexual and physical abuse, child exploitation and child pornography involving the internet.

The Bethlehem Detective assigned investigates and prosecutes crimes at both the state and federal levels. He is part of the Pennsylvania State ICAC Task Force which operates out of Delaware County and also the FBI ICAC Task Force. The protection of our children from child predators who navigate the internet is a high priority of this administration.

	2018		2019	
Documented Complaints / Investigations	8		14	
Cyber Complaints Rec'd / Investigations	45		27	
Arrests	4		9	
	State	Federal	State	Federal
Subpoenas issued	15	4	16	0
Search Warrants	20	0	16	0
Electronics Seized:				
Hard Drives seized	15		9	
Cell Phones seized	17		15	

MOUNTED PATROL UNIT – A COMMUNITY UNIT

In 2009, Officers on horseback returned to the Bethlehem Police Department after a 63 year hiatus. 2019 marked the Mounted Unit's ten year anniversary. Presently, the Mounted Unit is composed of a Sergeant and three Officers along with five horses. Except for \$6000 a year in the Police budget, the Unit is funded entirely by donations through "Friends of the Bethlehem Mounted Police," a 501c3 organization.

The Mounted Unit works with many community groups, businesses, both Lehigh & Moravian University and attends and polices many of the City's 150 plus events and festivals each year plus regular patrol. Volunteers from "Friends of the Bethlehem Mounted Police" assist the Officers and horses at many events and also at the Mounted Facility with the care, feeding and safety of the animals. Thousands of hours each year are spent by these devoted volunteers. These volunteers perform functions that otherwise the officers would have to do along with their normal duties. Each year, thousands of hours are logged by these devoted volunteers, an expense that city taxpayers do not fund.

Below is a 5 year study of those hours. In 2019 for example, volunteers dedicated 2238 hours to the Mounted Unit. That's an average of 6 hours per day. If we had to pay officers for this, we would be spending anywhere between \$60,538.00 and \$90,796 per year. Over a five year period, Mounted Volunteers spent 11,436 hours and saved city taxpayers anywhere between approximately \$291,802.00 and \$437,727.38.

MOUNTED UNIT VOLUNTEER HOURS BY YEAR

Past 5 YEARS

	2015	2016	2017	2018	2019
Barn Hours	1179	1196	1232	1087	1413
Event hours	973	1116	1346	1069	825
TOTAL	2152	2312	2578	2156	2238

TAX DOLLARS SAVED BY THE MOUNTED VOLUNTEERS

Regular pay/hour	\$24.03	\$24.75	\$25.49	\$26.26	\$27.05
*\$\$\$ Saved	\$51,712	\$57,222	\$65,713	\$56,616	\$60,538
Overtime pay/hour	\$36.05	\$37.13	\$38.24	\$39.39	\$40.57
*\$\$\$ Saved	\$77,580	\$85,844	\$98,583	\$84,925	\$90,796

*the above dollar amounts are based on a first year officer regular pay / OT pay scale.

A LOOK AT CRIME IN BETHLEHEM – PAST 13 YEARS

THE NUMBERS

YEAR	PART I	PART II	TOTAL
2019	2428	3221	5649
2018	1517	3867	5384
2017	1985	3622	5607
2016	2109	3496	5605
2015	1849	4372	6221
2014	2072	4533	6605
2013	2230	4376	6606
2012	2225	4612	6837
2011	2109	4951	7060
2010	2340	4606	6946
2009	2188	4348	6536
2008	2696	4514	7210
2007	2354	4593	6947

HIGHS AND LOWS OVER THE PAST 13 YEARS

HIGH / LOW	YEAR	TOTAL
Highest Year Crime Rate	2008	7210
Lowest Year Crime Rate	2018	5384
Highest Year - Part I	2008	2696
Lowest Year - Part I	2018	1517
Highest Year Part II	2011	4951
Lowest Year Part II	2019	3221

ANIMAL CONTROL IN BETHLEHEM

Like any other City, Bethlehem has its share of animal control issues. They range from dogs running at large, to dog bites, to rabies issues, to feral cats and non-domesticated animal complaints; like deer, skunks, snakes, peacocks, alligators, raccoons and bear calls, to name a few.

Being a 3rd class City, the City is responsible for animal control functions and maintaining a kennel/holding facility. Presently, we are working with the State and local Humane Officers and possess a temporary kennel license. Within the next year, we hope to convert our temporarily license to a regular license with the construction of a kennel/holding facility so that the City can be in line with 3rd class City code and State Animal Control laws.

The following are animal control numbers on dogs alone. We have an active Trap, Neuter, Release program (TNR) with No Nonsense Neutering (NNN) and are working with NNN to alleviate our feral cat issues in the City. Since we just started the TNR program last year, at this time I do not have any numbers on that program.

ANIMAL CONTROL CALLS FOR 2018 and 2019

	2018	2019
Total Animal Related Calls	217	217
Total Animals in Custody	1165	1294
Animal calls per Day	3.2 calls	3.5 calls
Total dogs re-united With Owners (%)	70%	72%

CLOSING COMMENTS BY THE CHIEF

The Bethlehem Police Department is a professional and progressive law enforcement agency. The police department is composed of 154 sworn police officers plus civilian personnel. The Bethlehem Police Department is accredited at the national level by CALEA (Commission on Accreditation for Law Enforcement Agencies). Of the 17,000 police and sheriff departments nationwide, only 800 are CALEA accredited. The Bethlehem Police Department is proud to be one of the 800.

The Bethlehem Police Department is also accredited at the state level by PLEAC (Pennsylvania Law Enforcement Accreditation Commission). Of the 1184 police and sheriff departments in Pennsylvania, only 120 are PLEAC accredited. The Bethlehem Police Department is proud to be one of them and proud to be one of only 4% of law enforcement agencies nationwide that are dually accredited by CALEA and their State (PLEAC).

In Bethlehem, Accreditation has increased and improved the training we supply to our officers, improved operations, updated our technology (in-car dash videos, police body cameras, computers, etc.) and has assisted us in continuing the Community Oriented Police style we utilize. Accreditation provides a police department with a system to maintain the most current and best standards and practices, policies and procedures available to law enforcement. Accreditation provides accountability, transparency and continuous improvement throughout the agency.

Over the past few years, communication between the police and citizens has been stressed due to several violent police-citizen encounters. Each year, Bethlehem Police issues a report on police activity in the City. This report is important to us. The report provides citizen and elected officials a chance to view what their police agency does. It provides openness and transparency of crime information and other important police information.

Not everything the police do is in this report. But each year, we add and will continue to add to it to satisfy the needs and concerns of our community. We believe that the information provided will help civilians and elected officials to gauge the actions, duties and behavior of their police department.

With the death of George Floyd in Minnesota, there have been many questions about police use of force. There have been calls for agencies to release their use of force policy. In Bethlehem, we released our entire policy, as is, for the public to view. As Chief, I believe we have an excellent use of force policy which adopts the highest law enforcement standards, and follows federal and state case law and guidelines.

A use of force report will be released within the next few weeks by BPD. This report will provide the public with detailed information on how often force is used and the type of force utilized. Other informational reports on issues of concern are being researched and will also be released at later dates. We will be releasing these informational reports because transparency and education of the public on issues of concern like use of force is very important to us. Currently, there is a lot of false information on the internet concerning the use of force and other police issues. We believe that it is important to provide the public with factual information and to educate them on what their police department does and how their police department operates.

In Bethlehem, we are listening to and working with our Community members. Partnering with citizens, community groups, Blockwatches, merchants and businesses is extremely important in today's society. Police cannot do the job alone. We need to work together as a community to solve our problems. When Police and the Community work together, crime and other problems, can be solved, creating a better community in which we all live, work, play, raise a family and retire.

As Chief of Police, I am very proud of all the officers of the Bethlehem Police Department and the services they perform for the citizens of Bethlehem. I know this City has an excellent police department. Under accreditation, we will continue to improve our standards and policies to reflect what society's needs are today. We will continue to respond to all calls for help and to function in a progressive, fair and transparent manner. The Bethlehem Police Department is an excellent police department and we will continue to improve and be better.

If you have any questions or comments about this report, feel free to contact me anytime.

Thank You.

Mark A. DiLuzio
Chief of Police

CITY OF BETHLEHEM
PUBLIC SAFETY COMMITTEE

August 11, 2020

Meeting Document

3. A Report on the Use of Force by the Bethlehem Police

A REPORT ON THE USE OF FORCE BY BETHLEHEM POLICE

July 13, 2020



"In Partnership with our Community"

This report contains information on the Bethlehem Police Department and its Use of Force Directive.

Mark A. DiLuzio
Chief of Police



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

DEPARTMENT OF POLICE

www.bethlehem-pa.gov

A REPORT ON USE OF FORCE BY BPD OFFICERS

Police Officers are trained and authorized by law to use force under certain circumstances. Each state has its own laws, case law and regulations addressing the use of force. The Federal Government and the Department of Justice also have case law and guidelines on the use of force for law enforcement. Each police department thus should have a written use of force policy that is in compliance with their state law, federal laws, guidelines and standards. The policy should specify under what conditions force is authorized, the type of force authorized, the level of force authorized and de-escalation techniques that should be utilized.

Every police – citizen contact is different. Some are very casual and some become very violent very quickly. No two situations are the same, nor are any two officers the same. According to independent research sources, it is estimated that police agencies in the U.S. handle approximately 192,851,292 calls and made approximately 11,000,000 arrests a year. Today, use of force is being questioned because of several questionable police - citizen incidents involving force that resulted in deaths and serious injuries.

To understand Police and the use of force by police officers, we first must understand what force is, what is unreasonable force, what is deadly force and what the law in Pennsylvania is about the use of force.

1-What is **force**?

Force is the amount of effort required by a police officer to compel compliance by an unwilling subject.

2-What is **unreasonable force**?

Law enforcement officers should use only the amount of force **necessary and reasonable** to mitigate an incident, make an arrest, or protect themselves or others from harm.

The levels, or continuum, of force police use range from basic verbal commands and physical restraint, less-lethal force, and lethal force.

3-What is **deadly force**?

Deadly force is force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury to an individual.

4-What is the **Law in Pa.**?

Use of force in law enforcement. Pa. C.S., Title 18, Section 508, (a)

(a) Peace officer's use of force in making arrest.

(1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

(i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

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

When utilizing force, context counts. You must remember that no two situations are the same, nor are any two officers. In a potentially threatening situation, an officer will quickly tailor a response and apply force, if necessary. Situational awareness is essential, and officers are trained to judge when a crisis requires the use of force to regain control of a situation or requires de-escalation techniques to be used. In most cases, time becomes the key variable in determining when an officer chooses to use force.

Bethlehem Police Officers follow a force continuum outlined in our Use of force directive. This force continuum, along with de-escalation, is part of our use of force policy. The following are the five main components of our use of force continuum:

1. Police presence (using the effect of the presence of an authority figure on a subject)
2. Verbalization (commanding a subject)
3. Empty hand control (using empty hands to search, relieve weapons, immobilize, or otherwise control a subject)
4. Intermediate weapons (using non-lethal chemical, electronic or impact weapons on a subject)
5. Deadly Force (using any force likely to cause permanent injury or death to a subject)

A full un-redacted copy of BPD Directive # 3.1.1, Use of Force, was released on Wednesday, June 17, 2020 to the public. Our policy on the use of force complies with federal and state laws, guidelines, case laws and both national and state accreditation standards and practices.

Many of the issues raised because of the recent death of George Floyd in Minnesota have long been addressed in BPD's use of force policy and other directives. BPD Officers **do not** train to use or utilize chokeholds of any type. BPD Officers are required to report and **intervene if the officer observes any violation** of any violation of any directive. Our use of force policy is restrictive, but **comprehensive**, so that if an officer utilizes any degree of force and/or deadly force, it is reported to his/her Supervisor and a use of **force report** shall be completed by that officer. An un-redacted copy of BPD's use of force policy is available on the City's website or through the City's Right to Know Office

When force is used by an Officer, the Officer's use of force report, in car dash, body camera and any other documentation of the incident, is reviewed by our Professional Standards Division (PSD), headed by Captain Michelle Kott. This review involves interviews, testing of equipment if needed, review of all forms of digital communication and any documentation related to the incident. After PSD's use of force review is complete, the use of force report and all documentation is then reviewed by the Deputy Chief and the Chief of Police.

The Administrative review is very thorough. At any time during our internal review, if anything is found to be in violation of state or federal law, the investigation is immediately turned over to the Office of the District Attorney for independent investigation. If the findings are in violation of a department directive, the officer faces and re-training and/or internal discipline. The Bethlehem Police Department takes the use of force, the documentation of that use of force, the review and any deviations from our use of force policy very seriously.

Please remember that each and every police department has its own use of force policy. The use of force laws and guidelines in Pennsylvania are different than those in California, Maine, Florida, Alaska or any other state, thus each and every police department's use of force policy differs in some manner. What you see and hear on television by major networks might be true in one state, but incorrect in Pennsylvania or other states.

Each year and during the year, the Professional Standards Diversion reviews our use of force policy along with other policies. This is to make sure that our policies and directives comply with the best standards and practices possible. As society changes, so does case law, rules, standards and practices. Our use of force reporting form is a good example. As the types of information collected changed, so did our recording form to records those changes.

The following information and statistics represent 10 years of use of force findings and information by the Bethlehem Police Department. Over the 10 years, the gathering of use of force information has changed. In 2019, we gather and study more information than we did in 2010, ten years ago. I believe that when you review the attached information, it will be useful in understanding police use of force incidents in the City, when and to what degree force is utilized.

A MULTI YEAR STUDY – USE OF FORCE BY BPD

HOW MANY TIMES DO BPD OFFICER USE FORCE ON ANOTHER PERSON?

Year	Force used
2019	143
2018	131
2017	128
2016	104
2015	129
2014	116
2013	52
2012	73
2011	115
2010	124

***NOTE:** The observable rise in reports completed between 2014 to present is attributable to the Department adopting a more comprehensive policy that requires officers to submit Use of Force reports when a subject is taken to the ground during the course of taking the person into custody and/or during an arrest.

Whenever a BPD Officer utilizes force of any type; discharges a firearm, takes any action that results in, or is alleged to have resulted in, injury or death of another person, applies force through the use of lethal or less lethal weapons, or applies weaponless physical force at a level as defined in the BPD Use of Force Directive, the officer “shall” report the use of force and “shall” complete a “Use of Force Report.”

This is mandatory for all officers. A “Use of Force Report” is required, regardless of any injury occurring. This mandatory reporting of all use of force incidents is required under both CALEA and PLEAC accreditation standards and per Bethlehem Police Directive 3.1.1, Use of Force.

USE OF FORCE INCIDENTS INVOLVING 2 OR MORE OFFICERS

Many times, a use of force situation may involve more than one officer. In these cases, each individual officer is required, mandated by policy, to report and document what course of action, use of force, he or she utilized. Each use of force report is reviewed separately to establish if the actions of the officer were within the guidelines of the department's use of force policy.

Year	Incidents Involving 2 or More Officers	Total Use of Force Incidents
2019	25	143
2018	17	131
2017	20	128
2016	18	104
2015	25	129
2014	26	116
2013	13	52
2012	15	73
2011	27	115
2010	*	124

* = Data not collected

TOTAL USE OF FORCE AND TOTAL ARRESTS MADE

Was Individual Arrested?

Year	Yes	*No	Total Use of Force
2019	118	25	143
2018	112	19	131
2017	118	10	128
2016	93	11	104
2015	103	26	129
2014	107	9	116
2013	48	4	52
2012	52	21	73
2011	100	15	115
2010	85	39	124

*There are a number of reasons why an individual that force was used on wasn't arrested. For example, the victim does not wish to proceed with charges. Force could be used by an officer to take an individual into custody for mental or physiological reasons pursuant to a mental health commitment order or other legal / court order.

TOTAL AMOUNT OF ARRESTS vs. TOTAL AMOUNT OF USE OF FORCE

2015 through 2019 (past 5 years)

Year	Total Arrests	Total Use of Force	Use of Force %
2015	3308	129	3.9%
2016	2675	104	3.8%
2017	2527	128	5.0%
2018	2501	131	5.2%
2019	2639	143	5.4%
5 YR.TOTAL	13650	635	4.6%

*The total arrest number incorporates all types of arrests: felony, misdemeanor, summary grade, in custody, detained & released, non-custody, and mailed summons, etc.

WHAT MONTH AND TIME OF DAY DO USE OF FORCE INCIDENTS OCCUR?

MONTH

Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
2019	4	5	10	11	7	7	10	16	11	10	13	9
2018	14	12	8	7	4	15	11	15	4	15	14	12
2017	3	9	9	20	14	7	10	7	14	9	15	11
2016	9	1	12	14	11	4	12	11	12	8	5	5
2015	7	6	5	5	12	17	14	22	5	13	9	14
2014	5	7	3	11	8	10	11	29	10	8	10	4
2013	5	3	4	1	2	12	0	4	10	2	6	3
2012	5	4	13	2	5	3	12	5	6	3	11	4
2011	12	4	11	9	11	11	15	6	12	11	8	5
2010	3	6	25	11	7	6	7	13	12	15	3	15

Total	67	63	100	91	78	92	102	128	96	96	94	83
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TIME OF DAY

Year	0000-0300	0300-0600	0600-0900	0900-1200	1200-1500	1500-1800	1800-2100	2100-0000
2019	34	14	3	13	17	8	10	14
2018	30	30	9	5	7	11	13	26
2017	40	9	12	6	13	10	15	23
2016	*	*	*	*	*	*	*	*
2015	*	*	*	*	*	*	*	*
2014	*	*	*	*	*	*	*	*
2013	*	*	*	*	*	*	*	*
2012	*	*	*		*	*	*	*
2011	*	*	*	*	*	*	*	*
2010	*	*	*	*	*	*	*	*

*= Data not collected

*= A new Use of Force form was implemented in 2017. The new form included time (am/pm) when force was used. Prior to 2017, we did not record that information.

WHO WAS FORCE USED ON BY POLICE - DEMOGRAPHICS?

AGE OF INDIVIDUAL

Year	Under 18	18-25	26-30	31-35	36-40	41-45	46-50	51-55	56-60	61-65	Over 65	Unknown
2019	8	40	19	15	10	7	4	5	2	1	2	0
2018	9	36	38	20	13	7	1	4	1	2	0	0
2017	2	56	34	18	3	8	2	3	1	1	0	0
2016	3	46	17	10	12	3	8	1	1	3	0	0
2015	9	43	15	7	8	8	9	0	2	1	0	2
2014	9	46	15	14	10	6	7	2	3	1	0	3
2013	4	17	6	8	7	1	7	2	0	0	0	0
2012	4	27	14	13	1	7	6	0	1	0	0	0
2011	5	44	24	6	6	14	4	6	4	1	0	1
2010	5	55	22	13	11	7	5	1	1	1	0	3

SEX OF INDIVIDUAL

Year	Male	Female
2019	130	13
2018	111	20
2017	113	15
2016	94	10
2015	119	10
2014	102	14
2013	51	1
2012	63	10
2011	111	4
2010	109	15

RACE OF INDIVIDUAL

Year	Asian	Black	Hispanic	Other	White
2019	3	45	36	1	58
2018	1	33	56	1	40
2017	0	34	44	1	49
2016	0	26	35	1	42
2015	*	14	62	*	53
2014	*	24	53	*	39
2013	*	9	28	*	15
2012	*	22	29	*	22
2011	*	31	40	*	44
2010	*	38	61	*	38

* = Data not collected

WHY WAS FORCE USED BY POLICE?

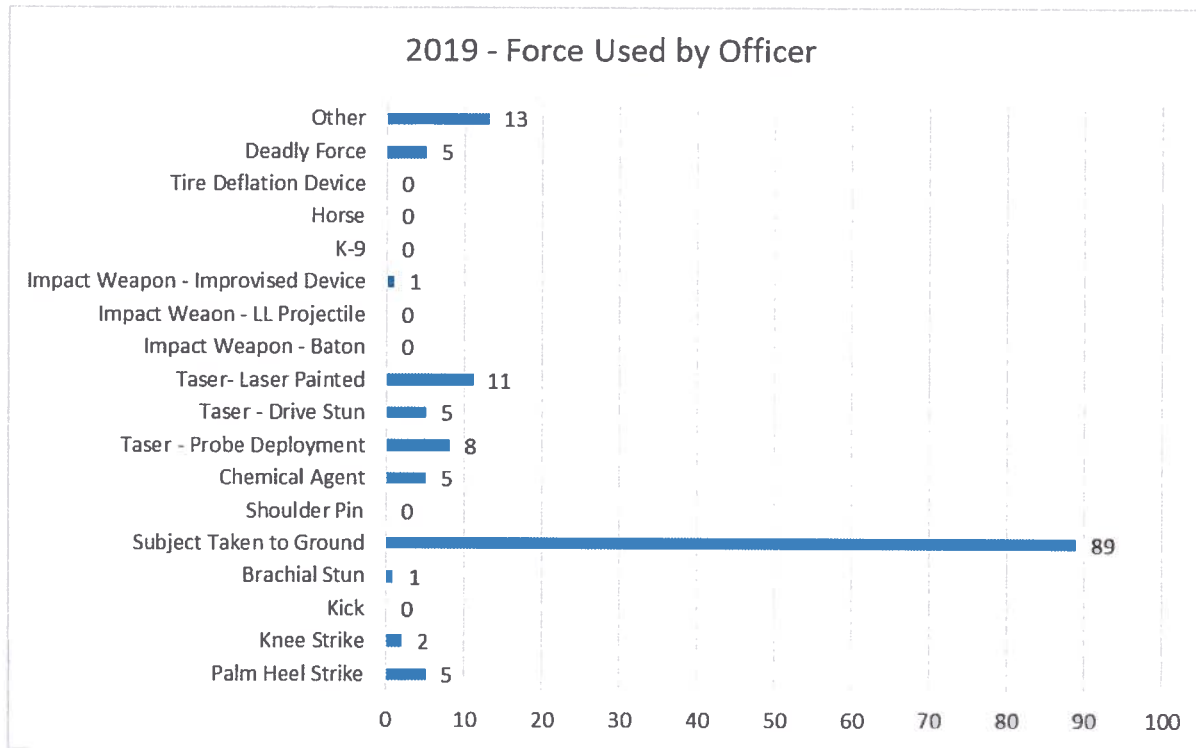
Force can be utilized for a variety of different reasons. It can be used during the course of making an arrest, in defense of another person or yourself, or for another person's own safety. The "Subject Safety" category incorporates those times where force was used by a police officer to take a person into custody for mental health issues, drug overdose issues, medical issues or any other issue where force is necessary to stop the person from hurting himself. 99% of these incidents of subject safety involve some type of drug or mental health issue or both issue.

Reason Force Used

Year	Effect an Arrest	Defend Self	Defend Another	Subject Safety
2019	98	12	15	18
2018	95	8	11	17
2017	118	3	1	7
2016	*	*	*	*
2015	*	*	*	*
2014	*	*	*	*
2013	*	*	*	*
2012	*	*	*	*
2011	*	*	*	*
2010	*	*	*	*

* In 2017, a new Use of Force form was implemented to collect this data. Prior to that, the data was not collected for this category.

A BREAKDOWN OF FORCE USED BY OFFICERS - 2019



DEADLY FORCE

*In 2019, deadly force was used 5 times, meaning 5 times an officer utilized their weapon (handgun, shotgun, patrol rifle, etc.) and covered a subject (pointed weapon directly at subject). None of the 5 cases resulted in the discharging of the firearm.

NOTE - In 2019, out of 2639 arrests, deadly force (5) was utilized .189%.

POLICE TASER

In 2019, the Police issued Taser was utilized 24 times in 3 different ways. The 3 ways a Taser can be deployed are:

1). **Taser-Laser Painted** – the act of un-holstering and pointing a Taser at an individual and turning on the laser red aiming dot to show the device is aimed at the subject and where if fired it will hit. Many times the subject surrenders when he or she views the red dot on him or her body.

2). **Taser-Drive Stun** – the act of un-holstering and holding the TASER device against the subject without firing the projectiles.

3). **Taser – Probe Deployment** – the act of un-holstering and aiming a taser at a subject and discharging the electric probes into that subject to effect compliance.

Taser - Laser painted : In 2019, this action was used 11 times, meaning 11 times an officer utilized their Taser and covered a subject without discharge of the device. The Taser has a laser / red dot aiming system on it. When the laser / red dot appears on an individual's body, many times the individual surrenders before deployment.

Taser – Drive Stun : In 2019, this action was used 5 times, meaning 5 times an officer utilized the Taser by stunning or holding the stun end of the taser against an individual's body and shocking him for compliance.

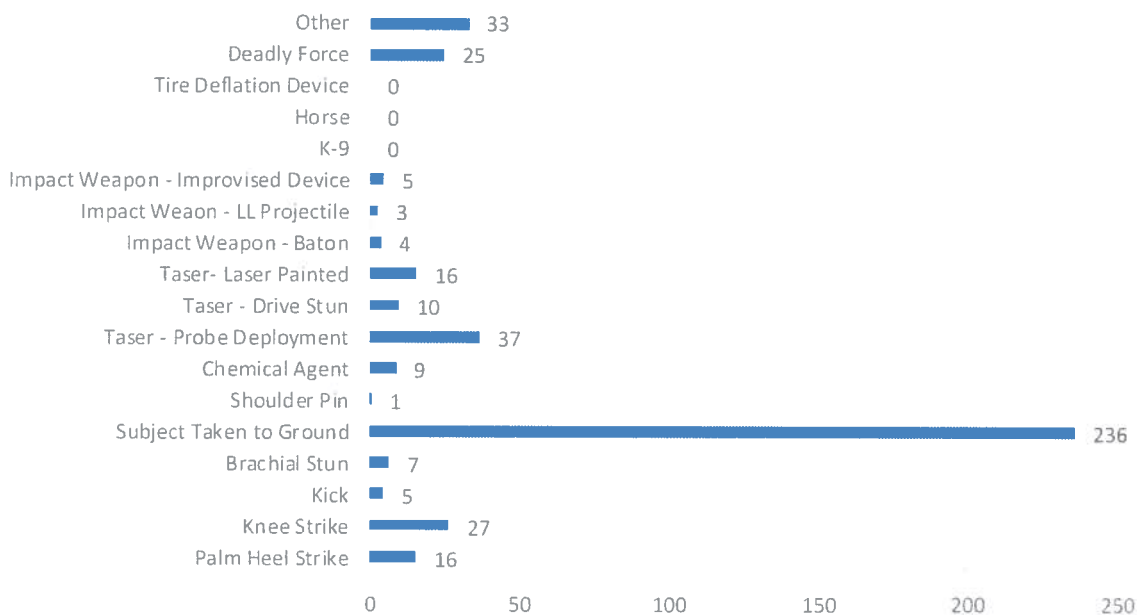
Taser – Probe Deployment : In 2019, this action was used 8 times, meaning 8 times an officer fully deployed his or her taser by firing electric probes into an individual's body to effect compliance.

NOTE - In 2019, out of 2639 arrests, the police taser (24) was utilized .91%.

NOTE - In 2019, out of 2639 arrests, a physical action (97) was utilized 3.7%.

A BREAKDOWN OF FORCE USED BY OFFICERS – A 3 YEAR STUDY

Nov/Dec 2016 to 2019 - Force Used by Officer



***Deadly force** was used 25 times. Over a 3 year and 2 month time period, an officer utilized their weapon 25 times (handgun, shotgun, patrol rifle, etc.) and covered a subject (pointed weapon directly at subject) without discharge of the firearm.

NOTE – From Nov /Dec 2016 to 2019, there were 8113 arrests. Deadly force (25) used in 0.31% of them.

*Taser – Laser Painted : Over a 3 year and 2 month period, this action was used 16 times, meaning 16 times an officer utilized their Taser and covered a subject without discharge of the device.

*Taser – Drive Stun : Over a 3 year and 2 month period, this action was used 10 times, meaning 10 times an officer utilized their Taser to stun a subject.

*Taser – probe Deployment : Over a 3 year and 2 month period, this action was used 37 times by officers upon a subject to effect compliance.

NOTE – From Nov /Dec 2016 to 2019, there were 8113 arrests. The police taser (63) was used in 0.78% of them.

NOTE – From Nov /Dec 2016 to 2019, there were 8113 arrests. A physical action (292) was used in 3.6% of them.

***Note:** Prior to the implementation of the new Use of Force form in November 2016, the data collected regarding force used by officers was generalized, therefore it is not included in the above graph.

BODILY INJURIES AS A RESULT OF USE OF FORCE

Officer Injured by Suspect during Use of Force Incident

Year	Yes	No
2019	18	125
2018	14	117
2017	21	107
2016	*	*
2015	*	*
2014	*	*
2013	*	*
2012	*	*
2011	*	*
2010	*	*

*Data was not collected prior to 2017 on this category.

Subject Injured in call prior to Police Use of Force

Year	Yes	No
2019	33	110
2018	24	107
2017	26	102
2016	10	94
2015	9	120
2014	3	113
2013	12	40
2012	0	73
2011	21	94
2010	7	117

Subject Injured as a Result of Use of Force by Police Officer

In the majority of times force was used by the police, individuals receiving the force were not injured

Year	Yes / % of all arrests	No
2019	40 *(1.5%)	103
2018	39 *(1.6%)	92
2017	36 *(1.42%)	92
2016	35 *(1.3%)	69
2015	28 *(.85%)	101
2014	31	85
2013	17	35
2012	18	55
2011	24	91
2010	9	115

*NOTE - % is amount of persons injured/sick from use of force during their arrest over that year.

Example – 1.5% of all arrests in 2019 (2639 arrests) were injured/sick from use of force.

Per Police directives, whenever a person interacts with an officer in any manner and is injured or sick, complains of being injured or sick or the officer believes the person is injured or sick, the officer is mandated to contact EMS immediately and ensure appropriate medical aid is rendered.

In use of force interactions, if the officers has any indication, however slight, that the person is sick or injured, in any way, the officer is mandated to contact EMS immediately and ensure appropriate medical aid is rendered.

SUMMARY

There are many unknowns in police work. A simple call can turn violent in a split second. A traffic stop for a summary traffic violation can turn into a physical life or death fight. No two calls are the same. No two police officers are the same. No two use of force incidents are the same and no two police departments are the same.

Over the past month or two, we have all seen in the media the issues going on across the country involving police – citizen interactions and the use of force. To paint these incidents, all police calls, all police officers, all use of force incidents and all police departments with the same broad brush is wrong and an affront to all the professional and lawful police officers across this nation who go to work every day in their communities and conduct themselves according to the oath they took.

As you see in the attached facts and statistics, incidents of force during encounters with police and arrests are significantly low in the City of Bethlehem. That, I believe, is due to the accreditation process and high standards of the Bethlehem Police Department and the involvement and support of the Bethlehem community. When police and community work together, problems get solved.

Bethlehem, like other communities, does have its share of issues. No one community or agency is perfect. There is always room for communication and learning on both sides of any issue. The Bethlehem Police Department believes that training, understanding and education are key elements for a better society and for Community Policing to be successful. We have always been open to ideas and suggestions that improve our service. We will continue to engage in accreditation, improvements and the highest standards possible, to place the Bethlehem Police Department among the best law enforcement agencies in the State of Pennsylvania.

Hopefully this information and the release of our Use of Force policy will answer many questions about the use of force by the Bethlehem Police Department. If you have any questions, please feel free to contact my office or our Professional Standards Division.

Mark A. DiLuzio
Chief of Police

CITY OF BETHLEHEM
PUBLIC SAFETY COMMITTEE

August 11, 2020

Meeting Document

4. Community Engagement Initiative Resolution (No. 2020-105)

RESOLUTION NO. 2020-105**Resolution urging the creation of a
Community Engagement Initiative in the City of Bethlehem**

WHEREAS, following the murder of George Floyd on May 25, 2020, and during a period of justified outrage and anger, people across the nation and around the world have engaged in massive and sustained protests against persistent patterns of racial injustice and inequity in the United States and other countries. In the United States, a primary focus of these protests has been on policing practices affecting Black, Latinx, and other minority communities;

WHEREAS, Bethlehem City Council believes we must and can do better as a city to build stronger bridges and trust between our Police Department and our community, and that working together, we can avail ourselves of this opportunity to work collaboratively and self-reflectively to improve the relationship between our Police Department and our diverse ethnic and racial communities, that together, make up the City we all love;

WHEREAS, Bethlehem City Council believes that now is the time to create a consistent, public space for the long-term discussion of issues surrounding systemic racism, discrimination, race-based inequities, social justice, mental health, addiction, poverty eradication, inclusionary housing, education, and fair policing practices. While we believe our City has made significant progress advancing racial justice and equality and improving policing practices for the benefit of all our diverse communities, we cannot rest on that progress. We must work together to recognize and talk about the uncomfortable fact that many of our citizens believe they are not always treated fairly under the law based on the color of their skin or street address;

WHEREAS, Bethlehem City Council acknowledges that community organizations and institutions dedicated to racial equality, social justice, mental health, addiction treatment, poverty eradication, inclusionary housing, education, and fair policing practices must have a permanent public voice in City Hall and within our Police Department; and

WHEREAS, a community-wide coalition dedicated to promoting awareness of these issues, stimulating discussion, and charting possible courses of action is essential in eliminating the systemic racism and inequity that is present in our society. By gaining more understanding of the depth, impacts, and intersection of these issues, today and over the long term, our community will be better positioned to build trust between our citizens and government institutions and to create solutions grounded in equity and fairness. It is imperative that we create as wide of a space as possible to include all community voices in this important conversation.

NOW THEREFORE BE IT:

RESOLVED, that the City Council of the City of Bethlehem urges the Mayor and his Administration to collaborate with the City of Bethlehem Police Department to create a public space and forum for the long-term discussion of issues surrounding systemic racism, discrimination, race-based inequities, social justice, mental health, addiction, poverty eradication, inclusionary housing, education, and fair policing practices ("Community Engagement Initiative"). The Community Engagement Initiative might include and/or interface with any individuals or entities that the Mayor and his Administration

think appropriate such as citizens, human service organizations, the medical community, school leaders, social justice organizations, police officers, and Police Department leaders. The City of Bethlehem will work with and incorporate recommendations by research experts including Lehigh University's Collaborative Research Opportunity (CORE) grant team who recently conducted a large research project on policing in the Lehigh Valley.

Some of the group's primary functions might include:

- Assist City government in setting funding and resource allocation priorities within the City of Bethlehem Police Department;
- Assist in organizing Police Department non-enforcement neighborhood events in order to build more trust between citizens, our individual police officers, and our Police Department as a whole;
- Discuss the intersection of race, homelessness, mental health, addiction, poverty, housing, law enforcement, and other issues;
- Discuss law enforcement and policing issues, including data on arrests and enforcement activities across our City's geographic zones and diverse racial and ethnic communities; and
- Generate policy proposals and create metrics to measure any policy changes.

Sponsored by /s/ J. William Reynolds

/s/ Grace Crampsie Smith

ADOPTED by Council this 7th day of July, 2020.

/s/ Adam R. Waldron
President of Council

ATTEST:

/s/ Robert G. Vidoni, Esq.
City Clerk

As amended at the July 7, 2020 City Council meeting
by two (2) floor amendments