

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



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

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?

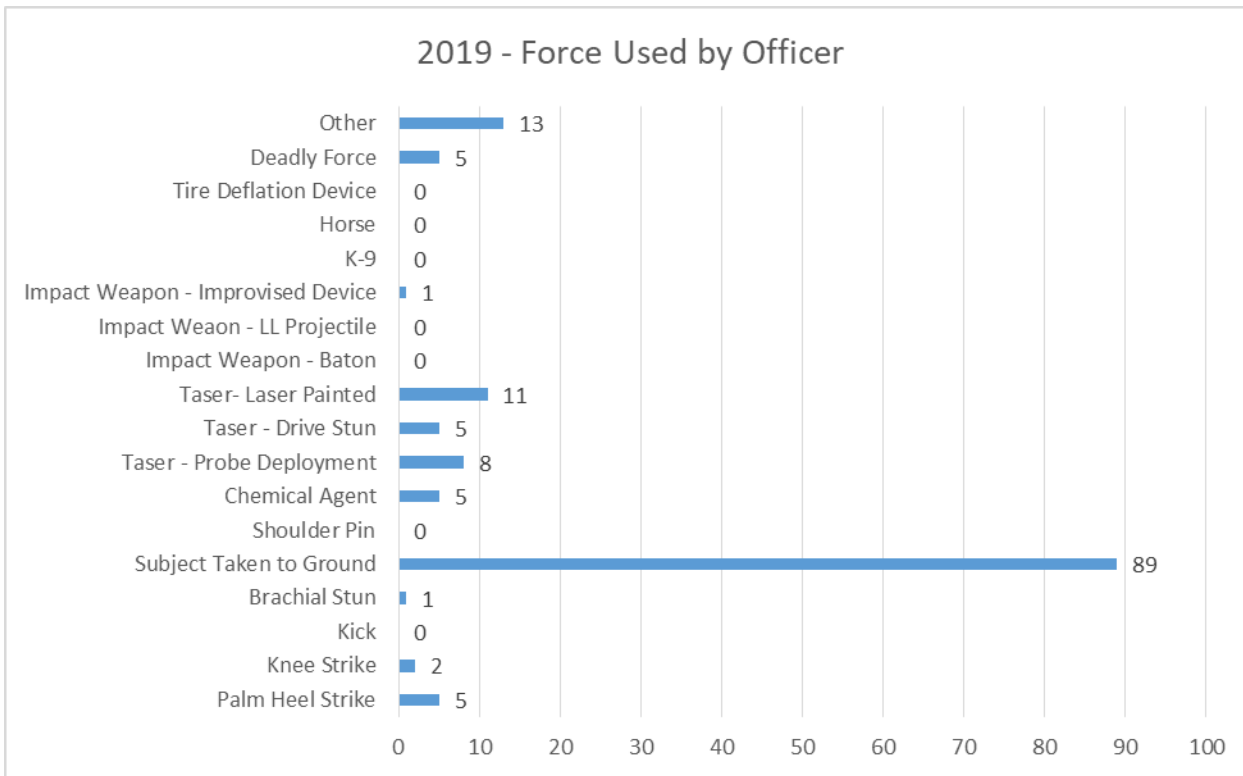
Force can be utilized for a variety of different reasons. It can be used during the course of making an arrest, in defense of another person or yourself, or for another person’s own safety. The “Subject Safety” category incorporates those times where force was used by a police officer to take a person 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.

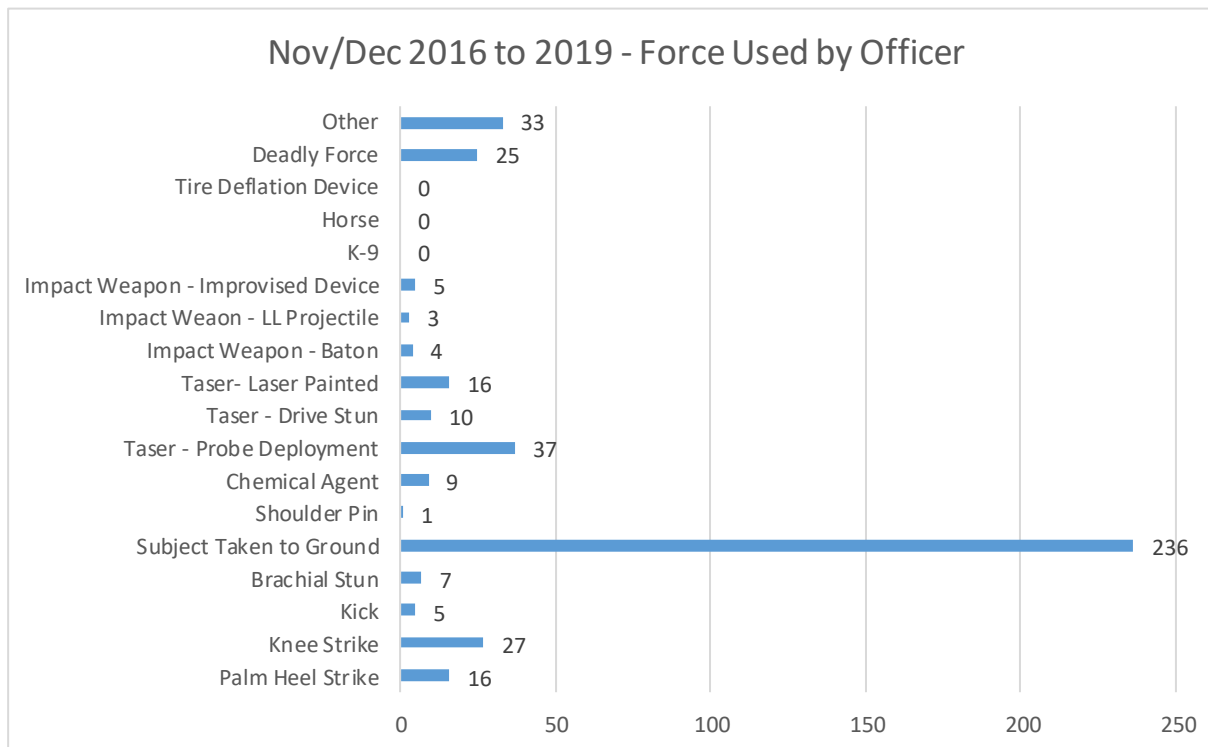
Taser – Drive Stun : In 2019, this action was used 5 times, meaning 5 times an officer utilized the Taser by stunning or holding the stun end of the taser against an individual's body and shocking him for compliance.

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



***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 keys 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