No. **805**

SECTION: **Operations**

CATASAUQUA AREA SCHOOL DISTRICT

TITLE: **Use of Force by School Security Personnel**

ADOPTED: **March 11, 2025**

805 — USE OF FORCE BY SCHOOL SECURITY PERSONNEL

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1. Purpose

The Board recognizes that it must take reasonable measures to ensure a safe environment for students, staff, and school visitors. The Board is cognizant of the firearms violence that has tragically affected public schools and other public places in the recent past. The Board is also aware that the General Assembly has amended the Public School Code to expressly authorize certain school security personnel to be armed while performing their duties to protect schools, subject to certain training and certification requirements.

Therefore, the Board authorizes school resource officers, school police, officers, and school security guards, when permitted by the laws of the Commonwealth of Pennsylvania, to carry a firearm and perform assigned duties subject to the terms of this policy.

This Policy also sets forth requirements regarding the manner in which school security personnel may use force while performing their duties on District property. The Board recognizes and respects the value and special integrity of each human life. In vesting school security personnel with the authority to use force to protect the public welfare, a careful balancing of all human interests is required. Thus, it is a policy of the district that school security personnel shall use only that force that is reasonably necessary to affect lawful objectives in conformance with the Constitution and laws of the United States and the Commonwealth of Pennsylvania.

2. Definitions

For purposes of this Policy, the following terms shall have the meanings set forth in this Part 2—

A. "*School Security Personnel*" shall mean school resource officers, school police officers, and school security guards. At present, the only school security personnel in the District are school resource officers.

B. "*School Resource Officer*" shall mean a law enforcement officer employed by a police department whose duty station is located on District property pursuant to a written agreement between the District and the controlling municipality of the police department, and who is in compliance with all appointment, training, and certification requirements applicable to school resource officers under Article XIII-C of the School Code.

C. "*School Police Officer*" shall mean a law enforcement officer employed by the District, or an "independent contractor" of the District or individual provided to the District through a "third-party vendor" (as those terms are defined in School Code § 1301-C), to perform certain safety and security duties on District property as authorized by the applicable Court(s) of Common Pleas, and who is in compliance with all appointment, training, and certification requirements applicable to school police officers under Article XIII-C of the School Code.

D. "*School Security Guard*" shall mean an individual employed by the District, or an "independent contractor" of the District or individual provided to the District through a "third-party vendor" (as those terms are defined in School Code § 1301-C) to perform routine safety and security duties on District property, who has <u>not</u> been granted powers under School Code § 1306-C(a)(3) or (b), and who is in compliance with all appointment, instruction, training, licensing, and certification requirements applicable to school security guards under Article XIII-C of the School Code.

E. "*Deadly Force*" shall mean the use of force which, under the circumstances in which it is used, creates a substantial risk of causing death or serious bodily injury. The purposeful firing of a firearm in the direction of another person or at a vehicle, building, or structure in which another person is believed to be constitutes deadly force for purposes of this Policy.

F. "*Non-deadly Force*" shall mean any use of force other than that which is considered deadly force.

G. "*Serious Bodily Injury*" shall mean bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of a body part or organ.

H. "*Permitted Firearm*" shall mean a pistol or revolver with a barrel length less than fifteen (15) inches, a shotgun with a barrel length less than eighteen (18) inches, and a rifle with a barrel length less than sixteen (16) inches, *provided* that the pistol, revolver, rifle, or shotgun has an overall length less than twenty-six (26) inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt, or cylinder, whichever is applicable.

I. "*District Property*" shall mean all grounds, real property, buildings, facilities, and structures owned or leased by the District, and shall also include busses, vans, and other vehicles owned or contracted by the District.

J. "*Violent Act*" shall mean an offense involving the imminent threat of physical force or violence against a person.

K. "*Warning Shot*" shall mean discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

L. "*School Code*" shall mean the Pennsylvania Public School Code of 1949, as amended, 24 PA. STAT. ANN. §1-101 *et seq*.

3. Weapons and Other Equipment

A. Authorization to Carry Firearms.

School resource officers are authorized to carry a firearm which is a Permitted Firearm on District property.

School police officers are authorized to carry a firearm which is a Permitted Firearm on District property if they have been authorized to carry a firearm by the applicable Court(s) of Common Pleas.

School security guards are authorized to carry a firearm which is a Permitted Firearm on District property if the Board takes action at a public meeting to authorize the carrying of a firearm by the school security guard as a condition of employment, or as part of a written agreement with a qualified "independent contractor" or "third-party vendor" (as those terms are defined in School Code § 1301-C), and the person has satisfied all instruction, training, licensing, and certification requirements applicable to armed school security guards set forth in School Code § 1314-C(c) through (e).

The School Safety and Security Coordinator shall verify that all school security personnel who carry a firearm on District property have satisfied and continue to satisfy all appointment, instruction, training, licensing, and certification requirements for them to lawfully carry a firearm on District property under School Code Article XIII-C.

B. Selection, Storage, Maintenance, and Carrying of Firearms.

School resource officers shall comply with their police departments, policies, rules, and regulations regarding the selection, storage, maintenance, and carrying of their firearms while on District property.

School police officers and school security guards who are authorized to carry firearms on District property shall comply with the written guidelines developed by the School Safety and Security Coordinator regarding the selection, storage, maintenance, and carrying of firearms while on District property.

School security personnel carrying firearms on District property must possess them on their person at all times unless the firearm is properly secured in the firearm safe/rack located in a police department vehicle or a firearm safe/cabinet on District property.

Except for maintenance or during training, school security personnel shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this Policy

C. Revocation or Suspension of Firearms Privileges.

Any school police officer or school security guard who is approved by the District to carry a firearm on District property is subject to having that privilege suspended or revoked by the District at any time for any reason. The Superintendent is authorized to temporarily suspend such privileges of a school police officer or school security guard, pending discussion with and action by the Board to determine whether the privileges should be restored, permanently revoked, or subject to other appropriate action. Approval for a school, police officer or school security guard to carry a firearm is automatically revoked if the conditions for lawful carry are suspended, revoked, or fall into noncompliance.

D. Other Weapons and Equipment.

The School Safety and Security Coordinator may authorize school security personnel to carry and use other weapons and equipment on District property, such as tasers, stun guns, chemical agents such as pepper spray (OC foam), striking implements, or canines. School security personnel must complete and maintain required or necessary training on the proper use of such weapons and equipment and demonstrate their skill and proficiency in such use before carrying such items on District property.

4. Use of Force – In General

Graham v. Connor, 490 U.S. 386 (1989)

A. Objectively Reasonable Force.

School security personnel are authorized to use only that amount of force that is objectively reasonable to perform their duties and effectively gain control of an incident, while protecting the safety of the school security personnel and others. School security personnel may use force only when no reasonably effective, safe, and feasible alternative appears to exist. Use of physical force should be discontinued when resistance ceases or when the incident is under control.

Unreasonable force is prohibited. Unreasonable force is force that is unnecessary or excessive given the totality of the circumstances presented to the school security personnel at the time force is applied.

The basis for determining whether the use of force is reasonable or unreasonable must be assessed from the perspective of reasonable school security personnel placed in a particular circumstance. The reasonableness assessment must account for the fact that school security personnel must often make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. While the perception of school security personnel may be taken into consideration when making this assessment, other objective factors should predominantly be used to determine the reasonableness of force.

B. Factors to Determine Objectively Reasonable Force.

Factors to consider in determining whether force is objectively reasonable include, but are not limited to:

1. The severity of the crime or situation at issue.

2. Whether the person poses an immediate threat to the safety of the school, security personnel or others.

3. Whether the person is actively resisting arrest or attempting to evade arrest by flight.

4. The influence of drugs/alcohol or the mental capacity of the individual

5. The time available to school security personnel to make a decision.

6. The availability of resources and/or other individuals to de-escalate the situation.

7. The proximity or access of weapons to the person.

8. The environmental factors and/or other exigent circumstances.

9. The training, mental attitude, age, size, and strength of the person and/or school security personnel.

C. Level of Force.

School security personnel shall use a level of force that is needed to de-escalate the situation and bring it under control in a safe and prudent manner, commensurate with the threat posed, and within the range of objectively reasonable options. School security personnel may use only the level of force that reasonable school security personnel on the scene would use under the same or similar circumstances.

D. Reasonable Alternatives.

Force shall only be used when needed. Reasonable alternatives to force shall be utilized if they are objectively feasible and would not increase the danger to school security personnel or others. "Reasonable alternatives" are tactics and methods used by school security personnel in order to stabilize the situation and reduce the immediacy of the risk so that more time, options, and resources can be called upon to resolve the situation without the use of a firearm, taser, explosive device, chemical agent, baton, impact projectile, blunt instrument, hand, fist, foot, canine, vehicle, or other force against an individual. Such tactics and methods may include:

1. Presence. Presence is established through the identification as school security personnel in proximity to the person. The presence of school security personnel alone is only appropriate when the person is cooperative without the need for additional directives.

2. Constructive Authority — the use of authority to exert control without actual physical contact with a person. Examples of constructive authority include, but are not limited to, verbal commands, persuasion, gestures, warnings, and un-holstering a firearm. Whenever practical, school security personnel should attempt to de-escalate situations using verbal techniques prior to, during, and after the use of physical force.

3. Distance and tactical repositioning.

4. Other de-escalation tactics and techniques.

E. Documentation.

All uses of forced by school security personnel shall be documented and investigated.

5. Deadly Force

A. In General.

Deadly force on another person shall only be utilized as a last resort to protect human life when alternative levels of force have proved to be ineffective or would be inappropriate under the circumstances given the threat confronting the school security personnel.

School security personnel are authorized to use deadly force, including the discharge of his/her firearm, when immediately necessary:

1. To protect school security personnel or others from what is reasonably believed to be a threat of death or serious bodily injury; or

2. To prevent the escape of a fleeing suspect who school security personnel have probable cause to believe has committed or attempted to commit a felony involving serious bodily injury or death, and the school security personnel reasonably believes there is an imminent risk of serious bodily injury or death to the school security personnel or another if the suspect is not immediately apprehended.

B. Restrictions.

1. Deadly force may not be used solely to prevent the escape of a fleeing suspect.

2. Firearms may not be discharged solely to disable moving vehicles. Specifically, firearms may not be discharged at a moving vehicle unless:

   a. a person in the vehicle is threatening the school security personnel or another person with deadly force by means other than the vehicle;

   b. the vehicle is being operated in a manner that threatens to cause death or serious bodily injury to the school security personnel or others and no other objectively reasonable means of defense appears to exist, which includes moving out of the path of the vehicle; or

   c. necessary to prevent the escape of a fleeing felon under circumstances where the use of deadly force is otherwise justified.

3. Firearms may not be discharged from a moving vehicle, except in exigent circumstances. In these situations, the school security personnel must have an articulable reason for the use of deadly force.

Tennessee v. Garner, 471 U.S. 1 (1985)

4. A verbal warning to submit to the authority of the school security personnel, identifying their status as school security personnel and their intent to use deadly force, shall be given prior to the use of deadly force if feasible, and if to do so would not increase the danger to the school security personnel or others.

5. Warning shots are prohibited.

6. School security personnel are prohibited from firing into crowds.

7. School security personnel should refrain from firing into buildings through doors, windows, or other openings without first identifying and maintaining sight view of a target.

8. Deadly force should not be used against persons whose actions are threats solely to themselves or property, unless the individual poses an imminent danger of death or serious bodily injury to the school security personnel or others in close proximity.

6. Non-Deadly Force

A. In General.

Where deadly force is not authorized, school security personnel shall use only that level of non-deadly force that is reasonably necessary to:

1. De-escalate the incident and bring it safely and effectively under control;

2. Protect school security personnel or others from physical harm (including the suspect from self-inflicted injury); or

3. Restrain or subdue a resistant individual.

B. Force Continuum.

When the use of force is being considered, the following list of options short of deadly force are available to school security personnel. This does not suggest the order in which they must be deployed in any specific situation, so long as their use is consistent with Part 4(C) above.

1. Reasonable Alternatives to Force. As described in Part 4(D) above.

2. Physical Control Modes Without Weapons used to effectively accomplish a legitimate purpose. Examples include separating people involved in an altercation, or securing or maneuvering to secure a person who poses a threat to others, using soft empty-hands techniques (grabs, holds, and joint locks) and/or hard empty-hands techniques (punches or kicks). This level of force should not be used with the intent to inflict pain or injuries on the person.

   School security personnel may use handcuffs to detain a person in order to protect that person or others, pending further law enforcement steps.

3. Control Modes With Weapons, such as tasers, stun guns, chemical agents such as pepper spray, striking implements, and canines, may only be used to protect school security personnel or others from assault, to overcome resistance, or to restrain a violent person when other alternative levels of force are inappropriate or have proven ineffective.

C. Prohibited Restraint Techniques.

1. In General.

   School security personnel are prohibited from using a chokehold or carotid restraint unless the standard of necessity for use of deadly force is satisfied.

2. Chokeholds.

For purposes of this Part 6(C), a "chokehold" is a physical restraint technique that applies pressure to the throat or windpipe and restricts an individual's ability to breathe.

3. Carotid Restraints.

For purposes of this Part 6(C), a "carotid restraint" is a physical restraint technique that restricts blood flow to the brain, causing temporary unconsciousness.

7. Affirmative Duties

A. Duty to Intervene.

School security personnel have the affirmative duty to intervene to prevent or stop, as appropriate, any school security personnel or law enforcement officers from engaging in excessive force or any other use of force that violates the Constitution or laws of the United States or the Commonwealth of Pennsylvania, when it is safe and reasonable to do so.

B. Duty to Render Medical Aid.

Once the scene is safe and as soon as practical, school security personnel have the affirmative duty to render medical aid consistent with his/her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

8. Limitations of Policy

A. Persons Other Than School Security Personnel.

Nothing in this Policy shall be construed to permit, allow, or authorize any student, students, parent/guardian, visitor, district employee, or independent contractor employee to carry or discharge a firearm on or into District property, unless they are expressly authorized to carry a firearm by virtue of their District employment or appointment as school, security personnel.

B. School Resource Officers.

Nothing in this Policy is intended to supersede, or modify the policies, procedures, or rules regarding carrying, storage, discharge, use, or maintenance of a firearm adopted or enforced by a police department who

is the employer of a school resource officer assigned to the District. To the extent any portion of this Policy conflict with the applicable police department's policies, procedures, or rules, the school resource officer shall abide by his/her own police department policies, procedures, or rules regarding such matters.

C. Law Enforcement Officers.

Nothing in this Policy is intended to prevent or impair local, state, or federal law enforcement officers from responding to a reported or observed crime or emergency that may be occurring on or near District property in accordance with applicable law.