

Bethlehem, first Lehigh Valley city to post police use-of-force policy

The Bethlehem Gadfly George Floyd killing, Police June 18, 2020

 *Latest in a series of posts about the Bethlehem Police* 

Memo to Councilpersons Reynolds and Crampsie Smith BPD-Directive-3-1-1-Use-of-Force

We knew this already. Gadfly will be posting more on this topic from Tuesday's City Council meeting.

from Christina Tatu, "Bethlehem Police Department becomes first in Lehigh Valley to release its full use-of-force policy." Morning Call, June 17, 2020.

Bethlehem took the unusual step of posting on its website an unredacted version of the police department's use-of-force policy Wednesday, becoming the first of the Lehigh Valley's cities to do so.

The city released the 12-page policy a week after police Chief Mark DiLuzio provided a heavily redacted version to The Morning Call. He said then that making the full policy public "would compromise the safety of individual officers and the public and make it easier for criminals to elude prosecution."

The city released the policy along with a response to a memo Councilman J. William Reynolds and Councilwoman Grace Crampsie Smith sent to DiLuzio last week, asking for details about the use-of-force policy and officer training requirements.

Reynolds and Crampsie Smith also have proposed a community engagement initiative involving residents, police officers, school representatives and social justice organizations.

"Up until this point, no one really asked for the policy," DiLuzio said Wednesday. "It was always there. We have hundreds of policies. It's a good use-of-force policy. We update it every year."

In the memo, DiLuzio, Deputy Chief Scott Meixell and Mayor Robert Donchez acknowledged that while no policy is perfect, they believe the department's use-of-force policy exceeds standards.

It already includes the recommendations in the "8 Can't Wait" campaign, which are points reformers have asked departments across the country to adopt, including: banning chokeholds, requiring de-escalation techniques, warning suspects before firing, using alternatives to guns, and requiring officers to intervene when force is inappropriately applied.

Bethlehem's policy instructs officers to use "the amount of force that is necessary and reasonable to effect the arrest." It notes that in some cases, a tactical retreat may be a better option.

"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," it reads.

An officer should consider deadly force, the policy says, only when it's reasonable to believe it is necessary to protect an officer or another person from imminent danger or death. It says imminent danger may exist when an officer has "probable cause to believe" a suspect has a weapon. The policy notes, "A subject may pose an imminent danger even if he is not at that very moment pointing a weapon at the officer."

It explains that among the things officers have to consider before using force — such as a gun or Taser, chemical agents like tear gas, or a K-9 — are: the seriousness of the crime; the subject's age, size, weight, medical condition and mental state; and whether the subject can be recaptured at a later time.

Officers are not permitted to use deadly force if there is a reasonable alternative that will avert the danger. They also can't use it to subdue someone whose actions are only destructive to property or only injurious to themselves.

In Bethlehem, officers are responsible to speak up if they see a fellow officer violating the use-of-force policy, and they are required to intervene to keep an officer from misapplying force.

In the redacted version Bethlehem police provided last week, sections were blacked out on justification for use of force, the use-of-force model, levels of resistance and control, use-of-force considerations, use of deadly force and restrictions on use of deadly force — seven of the report's 10 sections.

Reynolds thanked DiLuzio and the city's administration during a City Council meeting Tuesday night for sharing the department's use-of-force policy.

"I do think this is the time for a much bigger conversation," Reynolds said, adding that he and Crampsie Smith have heard from people in the community asking for a public conversation about local policing and how to prevent issues of racial discrimination.

Councilman Michael Colon is organizing a forum for the city's next Public Safety Committee meeting. The event will be held at Liberty High School, but a date has yet to be chosen, he said. It will likely be held within the next two weeks.

Esther Lee, the longtime president of the Bethlehem NAACP, said she had not personally been informed of the meeting but that her group, at the recommendation of the National NAACP, set up its own meeting with city officials and police officers earlier this week.