

LABOR RELATIONS



July 3, 2024

Mr. Ivan Butts
President
National Association of Postal Supervisors
1727 King Street, Suite 400
Alexandria, VA 22314-2753

RECEIVED
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Dear Ivan:

The Postal Service intends to revise the Inspection Service Manual (ISM) Sections 7.1.3.4.1 through 7.1.3.4.6.

The purpose of the revision is to include language required to ensure compliance with the Biden Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

Enclosed is a copy of the revisions with and without changes.

Please contact Bruce Nicholson at extension 7773 if there are questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Lloyd".

 James Lloyd
Director
Contract Administration (NALC)

Enclosures

CURRENT POLICY

7.1.3.4 Applications of Force

7.1.3.4.1 Force Classifications

a. **Non-Lethal Force:** Is the application of force not intended or expected to cause death or serious injury. Non-Lethal Force includes but is not limited to verbal direction, handcuffing, pressure points, and hand strikes.

b. **Lethal Force:** Is any force, regardless of the means of application, which is likely to result in serious bodily injury or death. Lethal Force includes but is not limited to baton strikes to the head or neck, the discharge of a firearm not related to training or practice, chokeholds, shoulder pins and carotid restraints. Lethal Force utilization is required to be conducted in accordance with ISM Section 7.1.3.4.3, *Application of Lethal Force*.

7.1.3.4.2 Application of Force – Generally

The use of force is required to be reasonable and based on the totality of the circumstances at the time the force is applied. Reasonable force is the minimum amount of force required to accomplish the necessary and proper functions of law enforcement.

Postal Inspectors and Postal Police Officers may use reasonable force when necessary to accomplish the following:

- a. Effecting arrests.
- b. Conducting investigative detentions.
- c. Executing warrants.
- d. Serving subpoenas.
- e. Safeguarding the lives of oneself, other law enforcement officers, witnesses, and to the extent practicable, any other persons present.

Postal Inspectors and Postal Police Officers have a duty to intervene, report and render medical aid in accordance with ISM Sections 1.1.2.7, *Duty to Intervene and Report* and 1.1.2.8, *Duty to Render Aid*.

7.1.3.4.3 Application of Lethal Force

Postal Inspectors and Postal Police Officers may use lethal force when Postal Inspector or Postal Police Officer has reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the Postal Inspector, Postal Police Officer, or other person.

If feasible, and to do so would not increase the danger to the Postal Inspector, Postal Police Officer, or other person, verbal warnings to submit to the authority of the Postal Inspector, Postal Police Officer are required to be given prior to the application of lethal force.

If non-lethal force reasonably appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, lethal force is not authorized. Deadly force should not be used against individuals whose actions are a threat solely to themselves or property.

7.1.3.4.4 Lethal Force – Fleeing Felons

Lethal Force may be applied to prevent the escape of an individual who is fleeing if there is probable cause to believe the individual has committed a felony involving the infliction or threatened infliction of serious physical injury or death, and the escape of the individual would pose an imminent danger of death or serious physical injury to the Postal Inspector, Postal Police Officer (Nonbargaining and Bargaining) or to another individual.

7.1.3.4.5 Discharging Firearms at Vehicles – Restrictions

Postal Inspectors and Postal Police Officers are prohibited from discharging their firearms at a vehicle solely to disable the vehicle.

Postal Inspectors and Postal Police Officers may fire a weapon at the driver or other occupant of a moving motor vehicle only when there is a reasonable belief the subject poses an imminent danger of death or serious physical injury to the Postal Inspector or Postal Police Officer or another individual and no other reasonable means of defense appear to exist.

7.1.3.4.6 Warning Shots - Prohibited

Warning shots by Postal Inspectors and Postal Police Officers are prohibited.

PROPOSED NEW POLICY

7.1.3.4 Application of Force

7.1.3.4.1 Force Classifications

a. **Less-Than-Lethal Force:** Is the application of force not intended or expected to cause death or -serious injury. Less-Than-Lethal Force includes but is not limited to handcuffing, pressure points, and hand strikes.

b. **Deadly Force:** Is any force, regardless of the means of application, which is likely to result in serious bodily injury or death. Deadly Force includes but is not limited to baton strikes to the head or neck, the discharge of a firearm not related to training or practice, chokeholds, shoulder pins and carotid restraints. Deadly Force utilization is required to be conducted in accordance with ISM Section 7.1.3.4.3, *Application of Deadly Force*.

7.1.3.4.2 Application of Force – Generally

It is the policy of the Inspection Service to value and preserve human life. The application of force is required to be objectively reasonable and based on the totality of the circumstances at the time the force is applied. Reasonable force is the minimum amount of force required to accomplish the necessary and proper

functions of law enforcement.

When objectively feasible and it would not increase the danger to the Postal Inspector, Postal Police Officer, or others, de-escalation tactics and techniques designed to gain voluntary compliance from a subject must be used before using force.

Postal Inspectors and Postal Police Officers have a duty to intervene, report and render medical aid in accordance with ISM Sections 1.1.2.7, *Duty to Intervene and Report* and 1.1.2.8, *Duty to Render Aid*.

7.1.3.4.3 Application of Deadly Force

Postal Inspectors and Postal Police Officers may use deadly force only when necessary, that is, when Postal Inspector or Postal Police Officer has reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the Postal Inspector, Postal Police Officer, or another person.

1. Deadly force may not be applied 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: (1) a person in the vehicle is threatening the Postal Inspector or Postal Police Officer, or another person with deadly force by means other than the vehicle; or (2) the vehicle is operated in a manner that threatens to cause death or serious physical injury to the Postal Inspector or Postal Police Officer, or others, and no other objectively reasonable means of defense appear to exist, which includes moving out of the path of the vehicle. Firearms may not be discharged from a moving vehicle except in exigent circumstances. In these situations, Postal Inspector or Postal Police Officer must have an articulable reason for this application of deadly force.
3. If feasible and if to do so would not increase the danger to Postal Inspector or Postal Police Officer, or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.
4. Warning shots are not permitted.
5. Postal Inspectors and Postal Police Officers will be trained in alternative methods and tactics for handling resisting subjects, which must be used when the application of deadly force is not authorized by this policy.
6. Deadly force should not be applied against persons whose actions are a threat solely to themselves or property unless an individual poses an imminent danger of death or serious physical injury to the Postal Inspector or Postal Police Officer or others in close proximity.

7.1.3.4.4 - Application of Force – Documentation

Postal inspectors and Postal Police personnel are required to complete IS Form 686, *Application of Force Report*, within 72 hours of the following events:

1. Death due to law enforcement officer use of force.
2. Death in custody incident to an official use of force.
3. Serious bodily injury.
4. Discharge of a firearm.

5. Utilization of intermediate weapon.

The completed IS Form 686, *Application of Force Report*, is required to be forwarded to Office of Counsel for compliance with ISM Section 7.1.3.4.5, *Monthly Application of Force Reporting*.

7.1.3.4.5 Monthly Application of Force Reporting

Pursuant to Section 6 of the May 25, 2022, *Executive Order, Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, the U.S. Postal Inspection Service is required to submit data on a monthly basis to the FBI National Use-of-Force Data Collection (Use-of-Force Database) to capture:

1. All deaths of a person due to law enforcement use of force.
2. All serious bodily injuries of a person due to law enforcement use of force.
3. All discharges of a firearm by law enforcement at or in the direction of a person not otherwise resulting in death or serious bodily injury.

A report is required monthly, even if there are no reportable incidents that month.

7.1.3.4.6 - Required Reporting Details

If a reportable incident occurred, the following are required to be captured on the IS Form 686, *Application of Force Report*, and forwarded to Office of Counsel within seven days of the incident for monthly reporting, pursuant to 7.1.3.4.5, *Monthly Application of Force Reporting*:

1. Incident Information, to include:
 - a. Date, time, and location.
 - b. Reason for the initial contact, to include the offenses of which the subject was suspected, if any.
 - c. Charges filed against the suspect, if any.
 - d. National Incident-Based Reporting System (NIBRS) record or local incident number of the report.
2. Subject Information, to include:
 - a. Demographic data.
 - b. Types of force used against the subject.
 - c. Resulting injuries or death.
 - d. Reason for the use of force, to include any threat or resistance from, or weapon possessed by, the subject.
3. Law Enforcement Officer Information, to include:
 - a. Demographic data.
 - b. Years of service in law enforcement and with employing agency at the time of the incident.
- c. Resulting injuries or death.

The monthly reporting, pursuant to 7.1.3.4.5, *Monthly Application of Force Reporting*, is required to occur through the CJIS systems officer in the Communications, Governance & Strategy group on or before the second Monday of each month.

CURRENT POLICY

7.1.3.4 Applications of Force

7.1.3.4.1 Force Classifications

a. **Non-Lethal Force:** Is the application of force not intended or expected to cause death or serious injury. Non-Lethal Force includes but is not limited to verbal direction, handcuffing, pressure points, and hand strikes.

b. **Lethal Force:** Is any force, regardless of the means of application, which is likely to result in serious bodily injury or death. Lethal Force includes but is not limited to baton strikes to the head or neck, the discharge of a firearm not related to training or practice, chokeholds, shoulder pins and carotid restraints. Lethal Force utilization is required to be conducted in accordance with ISM Section 7.1.3.4.3, *Application of Lethal Force*.

7.1.3.4.2 Application of Force – Generally

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Postal Inspectors and Postal Police Officers are prohibited from discharging their firearms at a vehicle solely to disable the vehicle.

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7.1.3.4.6 Warning Shots - Prohibited

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