JOPLIN POLICE DEPARTMENT	6-03 STANDARD OPERATING GUIDELINE
SUBJECT: Response to Resistance	**REVIEW DATE:** Annually - June
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AMENDS/SUPERSEDES: 6-03 Use of Force	**AMEND DATE:** August 14, 2024
ACCREDITATION INDEX: 4.1.1-5, 4.2.1-5	**APPROVED:** Richard A. Pearson **Chief of Police**

I. POLICY

The Joplin Police Department is committed to protecting the Rights of our citizens and everyone who visits our city. There are times that a Police Officer, during their duties, is confronted with persons who refuse to comply with the law and must be compelled or controlled with a use of force. It is during these times that a Police Officer's proper use of force is essential to properly enforce the law while maintaining the legitimacy of their authority and the public's trust. Every Police Officer must continually weigh the government's interest so that the level of force used is an objectively reasonable intrusion upon an individual's Constitutional Rights.

Therefore, it is the policy of the Joplin Police Department to hold the highest regard for the dignity and liberty of all persons and placing a reliance upon using force only when it is reasonable and necessary to do so. The Joplin Police Department values every human life and respects that the use of deadly force is only employed in the most extreme of circumstances. Officers shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

II. PURPOSE

To establish guidelines governing the use of force and its training, limitations and prohibited activities.

III. DEFINITIONS

Active Pointing

Anytime a firearm is pointed at a person in a manner that the person would be in danger of serious physical injury or death if the firearm were fired.

Deadly force

Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical injury. (RSMo 563.011)

Non-deadly force

Force employed which is neither likely nor intended to cause death or serious physical injury.

Firearms

Any weapon from which a projectile is forcibly ejected by an explosive.

Reasonable belief

When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think reasonably in a similar way under similar circumstances.

Serious physical injury

Bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body part.

Objectively Reasonable Force

The "reasonableness" of a use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. The question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. Because “the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

Resistance Indicators

Verbal and non-verbal indications that a subject is going to resist the lawful orders of police officers. Examples of these indicators are subjects verbally expressing to the officer they will not comply or non-verbal indications such as clinched fists, bladed stance, or target glances for attack or escape.

Restraints

Devices used to limit a person’s ability to move to maintain the safety and security of all involved. Examples of commonly used restraints would be handcuffs and leg shackles.

Force Options

Tools and/or tactics that allow an officer to deal with a wide range of rapidly evolving, tense and uncertain circumstances involving the arrest of a subject or in defense of themselves or others.

IV. TRAINING

Due to the importance of this policy, each commissioned police officer will be issued a copy and receive annual instructional training concerning its contents. All future members of this Department will also be issued a copy of this policy and receive identical instruction on its contents before being allowed to carry a firearm. Policy familiarization will be conducted annually, and the policy will be reviewed and updated as necessary.

The department trains officers in Threat Recognition and Force Response Options, which recognizes use of force events presented to officers, that are dynamic, rapidly evolving and rarely linear in nature. Most resistance is Non-Compliance, Psychological Intimidation, Passive, Active or Escape Resistance. Officers are taught a preemptive response to Threat Indicators that correlate with lower levels of force applications. In addition to lower level force applications, a preemptive response to Threat Indicators reduces the likelihood of Active Aggression and Deadly Force Threat events. Following the application of any law enforcement action, once the situation is contained, medical attention shall be provided or obtained for any individual requesting medical attention, or if deemed necessary by the officer.

V. DETERMINING OBJECTIVELY REASONABLE FORCE

Under the Fourth Amendment of the United States Constitution a Police Officer may only use such force as is “objectively reasonable” under all the circumstances. The standard that courts will use to examine whether a use of force is constitutional was first set forth in Graham v. Connor, 490 U.S. 386 (1989) and expanded by subsequent court cases. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.

The reasonableness inquiry in reviewing use of force is objective: The question is whether the officers' actions are "objectively reasonable" considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. So, “the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," however, its proper application requires careful attention to the facts and circumstances of each case. The officer’s perception may be a consideration, but other objective factors will determine the reasonableness of force. These factors may include but are not limited to:

1. The severity of the crime(s) at issue;
2. Whether the subject poses an immediate threat to the safety of the officer(s) or others;
3. Whether the subject is actively resisting arrest or attempting to evade arrest by flight;
4. The influence of drugs/alcohol or the mental capacity of the subject;
5. The availability of time, distance, and cover;

6. The availability of officers/resources to de-escalate the situation;

7. The proximity or access of weapons to the subject;

8. Environmental factors;

9. Other exigent circumstances that may include but are not limited to:

    a. Officer vs Subject's - Age, Size, Strength, State of Health

    b. Officer vs. Subject's - Fitness Level

    c. Officer vs. Subject's - Skill Level

    d. Officer's Ability to Disengage

    e. Control Attempt vs. Self Defense

The officer will use a level of force that is necessary and within the range of "objectively reasonable" options. When use of force is needed, officers will assess each incident to determine, based on policy, training and experience, which use of force option will de-escalate the situation and bring it under control in a safe and prudent manner. Reasonable and sound judgment will dictate the force option to be employed. Therefore, the department examines all uses of force from an objective standard rather than a subjective standard. Facts or circumstances unknown to the officer when force was used shall not be considered in later determining whether the force was justified.

VI. APPLICATION OF FORCE

Except for deadly force, the application of any degree of force is justified only when the officer reasonably believes that it is necessary:

1. To protect themselves;

2. To protect others;

3. To affect a lawful detention;

4. To affect a lawful arrest;

5. To prevent an escape from custody;

6. To disperse persons participating in an unlawful assembly;

7. To conduct a lawful search.

<u>The use of force may also be justified when:</u>

1. Requested by a parent, guardian or other person entrusted with the care and supervision of a minor or incompetent person; or

2. Requested by a teacher or other person entrusted with the care and supervision of a minor for special purpose; and

    a. The officer reasonably believes the force required is necessary to promote the welfare of the minor or incompetent person, or, if the officer is responding to a request from the person responsible for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

    b. The force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain or extreme emotional distress.

3. Requested by a physician or a person assisting at his/her direction; and

    a. The force is used to administer a medically acceptable form of treatment which the officer reasonably believes will promote the physical or mental health of the patient.

VII. LEVELS OF RESISTANCE

A Police Officer need not retreat or desist from efforts to affect a detention, arrest, or prevent the escape from custody of a person they reasonably believe to have committed an offense because of resistance or threatened resistance of the arrestee. It is important for officers to remember that there are many reasons a suspect may be resisting arrest or may be unresponsive. The subject may not understand the gravity of the situation. Officers must consider several factors when dealing with a non-compliant subject. A subject may be noncompliant due to a medical condition, mental, physical, or hearing impairment, language barrier, drug interaction or emotional crisis, and have no criminal intent. This may not make the subject any less dangerous, but it may require a change in tactics that will be more effective while maintaining officer safety. The following are common levels of resistance Police Officers may encounter:

1. **Compliant** – Acknowledges direction or lawful orders given by a Police Officer, and offers no resistance indicators

2. **Psychological Intimidation** – Verbal and non-verbal resistance indicators indicative of a subject's mental or physical preparedness to resist and/or assault a Police Officer or others.

3. **Passive Resistance** - Dead weight; no active participation, not influencing, not exerting any force (internal or otherwise)

4. **Active Resistance** - Clinging to objects to prevent an officer from gaining control, exerting influence by physical effort or action. (i.e. using muscle tension to prevent movement, pulling away or flight)

5. **Aggressive Resistance** – Displays intent to harm the officer, another person, or themselves. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking,

attacks with weapons or other actions which present an imminent threat of physical harm to the officer or another.

6. **Deadly Threat** – The subject's actions are likely to result in death or serious bodily harm to the officer, themselves or another, and there is an immediate need to stop the threat to preserve life. These actions may include a firearm, use of blunt or bladed weapon, and extreme physical force.

VIII. LEVELS OF CONTROL

When use of force is required, officers will assess each incident to determine, based on policy, training and experience, which use of force option is believed to be appropriate for the situation and bring it under control in a safe and prudent manner. Officers must use the amount of force that is objectively reasonable to overcome resistance to take lawful police action. The level of control must be proportionate to the circumstances and the level of resistance encountered by the officers.

A. **Low Level Force -** The level of control necessary to interact with a subject that is compliant or displaying *a threat* of Passive or Active Resistance. This level of force is not intended to and has a low probability of causing injury. Examples are handcuffing a compliant arrestee for transport to detention facility or prone a suspect out on a high-risk vehicle stop. This level of force includes the following examples, but is only limited to the reasonableness of the force used:

1. Officer Presence/Appearance - This reflects the officer's demeanor, attitude and the legal right to be there. The officer is on the scene and is recognized as an officer by sight or by identifying himself or herself.

2. Tactical Communication - Skillful communication tactics are calculated toward gaining a desired end or temporary advantage. Communication refers to the way the officer speaks to a person, which alone can manage or resolve a situation. Verbal control includes advice, persuasion, admonitions, or orders. Effective use of non-verbal communication includes volume, tone and body language such as gestures and body positioning. Tactical awareness and use of this skill set may facilitate control without having to resort to another method of force. Officers shall use verbal commands without the use of profanity, disrespectful or argumentative behavior.

3. Soft Control Techniques (Empty Hand) - When the subject fails to respond to verbal direction or resists in a defensive manner, the officer may seek compliance using physical means. This could include pressure compliance holds, blocking, restraining, controlling, escorting holds or controlled takedowns (no potential for injury). The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody.

4. Control and Compliance Tools:

   a. Restraints

   b. Taser CEW (Display Only) – No contact

   c. K9 (Presence Only) – No bite

d. Firearm (Display Only) – No discharge

B. **Intermediate Level Force -** This level directs the use of more aggressive techniques against the subject's resistance. The subject has become an aggressor and there is an imminent to immediate threat to the safety of the officer and others. Consideration has been made that lower level techniques have been exhausted or would be ineffective. This level of force includes the following examples, but is only limited to the reasonableness of the force used:

1. Hard Control Techniques (Empty Hand) - When the subject becomes more aggressive, the officer may seek compliance by additional physical means. The officer may employ the use of hands, fists, feet, knees, and so on in striking an adversary. This level would include strikes, kicks and takedowns (potential injury).

2. Control and Compliance Tools:

   a. Baton

   b. Chemical Agent

   c. Taser CEW

   d. K9 - Bite

   e. Less Lethal Munitions (Fired at more than 7 yards)

C. **Deadly Force -** When an officer is perceiving a deadly threat against their life or the life of another, they may employ whatever means available to them to stop the threat. The objective of the use of any force is to overcome the suspect's resistance to an officer's lawful purpose. Deadly force is that degree of force, which is likely to produce death or serious bodily injury. Deadly force is not limited to the use of firearms or any other method. This level of force includes the following examples, but is only limited to the reasonableness of the force used:

1. Hard Control Techniques (Empty Hand) – When an officer is perceiving a deadly threat against their life or the life of another, they may employ whatever means available to them to stop the threat. This may include the use of the officer's hands, fists, feet, knees, and so on in stopping an adversary.

   Application of choke holds are prohibited, except when the officer reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.

   NOTE: Choke holds by their nature are intended to prevent a person from breathing. Not all neck grabs or manipulations should be considered choke holds.

2. Control and Compliance Tools:

   a. Baton (Striking head, neck, sternum, spine, groin, or kidneys)

   b. Less Lethal Munitions (Fired at less than 7 yards)

3. Firearm – Shooting any firearm at a subject.

D. **Use of Deadly Force:**

1. When in defense of the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.

2. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant, immediate threat to human life should escape occur. No other reasonable means of capture must be available to the officer in this case without endangering the officer's life or the life of another person.

    a. In evaluating a "significant threat," the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.

    b. Where feasible, officers shall identify themselves and give a warning before shooting.

3. The following should be considered prior to discharging a firearm at a suspect:

    a. The direction the firearm is to be discharged.

    b. Is the suspect in plain view? Extreme caution must be used at night, as darkness may obscure the officer’s vision and adversely affect accuracy.

    c. The danger of firing the firearm while running or jumping due to the possibility that other persons or property may be struck by the projectile(s).

    d. The potential for dangerous ricochet.

    e. If possible, and when time and conditions permit, an officer should assume a position for which he/she has been trained, prior to the discharge of the firearm.

IX. USE OF FORCE MODEL

This graphic is intended as a general guideline for an officer to follow. The suspect(s) actions will dictate the officer's use of force.

Force Transition: Force transition is the movement, escalation/de-escalation, from the application of one force type to another in conjunction with the "objectively reasonable" standard.

In use of force incidents, the officer will transition to differing degrees or types of force, including attempts to deescalate. Force situations are dynamic and require an officer to continually assess the suspect's actions to ensure a proportionate response. Officers shall modify their Level of Control in relation to the amount of resistance offered by a subject.

X. DE-ESCALATION

The law enforcement profession, at times, requires the use of force to control violent or resisting subjects to further an arrest, to protect the officer or others from risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated, but officers can impact the direction and the outcome of many situations they handle, based on their decision-making and the tactics they choose to employ.

When reasonable, under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. In their interaction with subjects, officers should attempt to use advisements, warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure or allows them greater distance to consider or deploy a greater variety of Force Options. Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others based on poor tactical decisions.

The prospect of a favorable outcome is often enhanced when supervisors become involved in the management of an overall response to potential violent encounters by coordinating resources and officers' tactical actions. Supervisors should possess a good knowledge of tactics and ensure that officers under their supervision perform to a standard. As a good practice, supervisors will acknowledge and respond to incidents in a timely manner where police use of force is probable.

XI. TOOLS, EQUIPMENT AND TACTICS

A. **Officer Presence / Tactical Communication -** Officers will, when and to the extent reasonably possible, attempt to use verbal communication skills to control subjects before resorting to physical control methods.

Level of Control: *Low*

B. **Restraints (Handcuffs - Metal or Flexible), Other -** Reference policy 6-02

Level of Control: *Low*

C. **Empty Hand Techniques** – These techniques may have a wide range of usage and officers should only use tactics reasonable and appropriate to the situation they are perceiving.

Level of Control:	*Low:*	*Controlled Takedowns (No Potential for Injury), Escorts*
	Intermediate:	*Takedowns (Potential Injury), Strikes, Kicking*
	Deadly:	*Chokes, Takedowns, Strikes, Kicking*

D. **Chemical Agent** – The Oleoresin capsicum (OC) or "pepper spray" currently issued to every officer, after completing required training given by a certified instructor, is the ALS TOP COP. Chemical agents shall be used only to the extent the officer reasonably believes is necessary at the time and within training standards to overcome the resistance of the suspect. Only personnel trained in their application shall use specialized tools such as light/sound devices, distraction devices, or tear gas (CS).

Level of Control: *Intermediate*

1. Chemical sprays shall not be used to elicit information nor shall it be used on people who are handcuffed, secured, and non-aggressive.

2. Apply an amount that reasonably expected to effectively control the subject.

3. If the use of CS Gas is authorized by the on-scene supervisor, observe the following:

    a. These chemicals are used primarily in dealing with unruly crowds and armed/barricaded subjects.

    b. Gas canisters or projectiles are used to disperse unruly crowds and induce the surrender of barricaded subjects when negotiations have failed.

    c. A 37 mm or 40 mm gas launcher or shotgun is used to fire projectiles into the area of an armed/barricaded suspect when the use of hand-tossed canisters is unsafe or impractical.

4. Treatment of subjects exposed to OC spray or CS gas:

    a. Preferred method—allowing the subject access to plenty of water and fresh air.

    b. No toweling or rubbing of the eyes should be allowed.

    c. If contact lenses were contaminated, they should be disposed of so as not to allow secondary contamination to occur.

    d. No creams, salves or ointments should be provided.

    e. Washing the facial skin with mild soap is allowable; however, nothing but fresh water should be used in the eyes.

    f. If the subject is unable to remove eye contacts transport to hospital for removal.

    g. Those persons exposed should be monitored for at least 60 minutes for respiratory distress or a sign of other types of distress after exposure has occurred.

    h. Medical treatment should be given if;

        (1) Requested by the subject;

        (2) Signs of respiratory or other types of distress are noted or;

        (3) Recovery from exposure takes more than 60 minutes.

E. **TASER Conducted Electrical Weapon (CEW)** - The CEW is a neuro-muscular incapacitation (NMI) device that disrupts the body's ability to communicate messages from the brain to the muscles thereby causing temporary NMI. The TASER CEW shall only be issued to and used by officers who have completed the Joplin Police Department's User or Instructor TASER training program.

The authorized department CEW is the TASER X2.

Level of Control: *Intermediate*

1. Equipped Officer Responsibilities

    a. Carry the CEW on duty unless specifically exempted by higher authority.

    b. The CEW shall be carried in an approved holster. If the officer desires to carry a holster other than the issued holster he/she must first assure the holster is recommended by the TASER's manufacturer. The officer may then request authorization to use a recommended holster. The officer will be required to purchase any additionally approved holsters.

    c. Officers may carry the CEW during City approved overtime, i.e. off duty or extra work assignments. An officer who is working one of the above assigned overtime duties should check with the on-duty street supervisor to ensure that the checking out of a TASER will not leave too few units for regular patrol duties.

    d. Officers shall ensure the batteries of the CEW are properly charged. The CEW must be tested at the beginning and end of each shift.

    e. A CEW is a sensitive electronic product and costly device, which should be encased in its protective holster or case when not in use.

    f. Care should be taken to avoid dropping the weapon and to assure that it is adequately secured while being transported in vehicles. Prolonged exposure to extreme heat or cold can cause malfunctions, so it is not recommended that a CEW be stored in vehicles for extended periods of time.

    g. Defective or expiring air cartridges and defective CEWs shall be returned to the shift supervisor.

2. Tactical Considerations:

    a. A CEW may be used when a subject has become an aggressor, attacks the officer, or there is fear for the safety of the officer and others or lower level techniques have been exhausted or would be ineffective or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

    b. While a subject's flight may be considered "active resistance," flight alone should not be the sole justification for deploying a CEW. Prior to deploying a CEW against a fleeing subject, the officer should consider such factors as: 1) The severity of the offense; 2) Any immediate threat to the safety of the officer or others posed by the subject; 3) The ability of the officer to safely affect the arrest without CEW deployment, and; 4) The risk of secondary injury to the subject, who could fall from a running position.

    c. The TASER CEW is programmed to deliver a 5-second "electrical current." The officer using the weapon can shorten the automatic 5-second cycle by turning the weapon off. It is recommended that during field deployment and use of the weapon, the full 5-second cycle be delivered to gain maximum effectiveness and control of the subject. If a cycle has no effect on the subject's behavior, the officer should consider whether the CEW is functioning properly, whether the subject is exhibiting behaviors associated with "excited delirium," and whether

other use-of-force options may be appropriate. During a 5-second cycle the officer should re-evaluate the situation, give verbal commands and determine if it is reasonable to perform an additional or continued cycle.

d. The TASER CEW is designed to be used in two modes, probe deployment or drive stun. Probe deployment mode is recommended because of its ability to disrupt neuro-motor control of the subject, while in drive stun mode it is merely a pain compliance tool.

(1) The Joplin Police Department subscribes to the view that the TASER should not be used as a pain-compliance device. However, in specific and confined circumstances it is preferable to use the TASER in the form of pain-compliance to avoid more injurious methods such as striking the subject or using takedowns.

(2) CEW deployment for passive resistance is prohibited.

e. Aiming the CEW at the eyes or face is prohibited unless lesser force options are ineffective or likely to be ineffective and deadly force is justified.

f. Those handling the CEW should keep hands away from the front of the CEW always unless the safety is activated and the CEW cartridge is removed.

g. DO NOT fire the CEW near flammable liquids or fumes. The CEW can ignite gasoline and other flammables. DO NOT deploy the CEW in highly flammable Methamphetamine labs.

h. The CEW is not to be discharged if the officer has knowledge that any member of another police department, agency, or a civilian has sprayed the subject with OC Spray or any type of other chemical agent because of the potential for combustion.

i. The CEW

3. Special Considerations:

a. Officers shall evaluate lower level techniques and use caution before deploying a TASER in elementary schools, on young children, the elderly, females reasonably believed to be pregnant, and individuals with apparent physical disabilities impairing their mobility. The use of the TASER on such subjects is inappropriate absent exigent circumstances.

b. Recognize persons under the influence of drugs or exhibiting behaviors consistent with “excited delirium’ or behaviors/traits indicative of “in-custody death candidates”. These persons may be physiologically compromised and are at a heightened risk of injury or death.

c. When practical, avoid direct confrontation until backup and EMS has arrived. When practical attempt to de-escalate.

d. Recognize a continued, prolonged resistive struggle or a foot chase is more dangerous than a CEW deployment.

e. When possible have back up present and develop a plan to capture and restrain while the subject is under power to minimize the duration of the struggle and any adverse physiological effects.

f. If time allows EMS personnel should also be dispatched to stage nearby when a CEW deployment is anticipated.

4. Deployment (Unrestrained):

a. When practical, alert surrounding Officers of the impending CEW deployment.

b. When practical, prior to deployment, verbal warnings are encouraged as they may achieve suspect compliance, eliminating the need to deploy the TASER. Officers should recognize giving a verbal warning may reduce the opportunity for successful target acquisition.

c. Have additional cartridges available or a second TASER ready to fire in case probes miss the target or there is a malfunction.

d. When practical have back up present and develop a plan to capture and restrain while the subject is under power or upon conclusion of the cycle as practical, so as to minimize the duration of the struggle and any adverse physiological effects.

e. Aim at the lower center of mass for frontal shots and the center of mass for back shots.

f. When practical, use cover and distance to ensure officer safety.

g. Use the "drive stun mode" only as a secondary option.

h. Identify witnesses to the deployment.

i. The following deployments are prohibited unless circumstances justify using deadly force:

(1) Deployment in an environment where the subject's fall is likely to cause substantial injury or death such as use on slanted roofs, the edge of buildings, operating or riding in or on any mode of transportation, conveyance or machinery. (Vehicle, bus, bicycle, skateboard, skates, rollerblades, or machinery.)

(2) Deployment on elevated platforms such as climbing a wall or fence where a fall might be more injurious.

(3) Deployment in an environment where the subjects are in or near a drowning hazard.

(4) Against a subject in physical control of a vehicle in motion.

5. Deployment (Restrained):

a. Deployment is prohibited against handcuffed or otherwise restrained subjects unless the subject has become an aggressor, attacks the officer, or there is fear for the safety of the officer and others, or lower level techniques have been exhausted or would be ineffective or impractical.

b. Use the CEW in a manner that is likely to produce neuro-muscular incapacitation (NMI) to minimize the duration of the struggle and any adverse physiological effects.

6. Post Deployment Procedures:

After discharging a CEW, the officer shall inform a supervisor of the deployment and request their presence to the scene if they are not already present.

a. Treatment of Persons Subjected to CEW exposure

(1) After securing the subject in handcuffs and/or other appropriate restraints, the CEW trained officer shall remove the probes using trained methods.

(2) Officers should avoid restraint techniques that could impair the subject's respiration. Neck restraints and excessive pressure on a subject's torso should be avoided if a CEW has been deployed on them.

(3) The air cartridge shall be removed from the CEW prior to removal of probes.

(4) Removal from non-target areas will be at the discretion of the on-scene supervisor. Only hospital staff may remove probes that embed in soft tissue areas such as the neck, face, groin, eyes, or the female breast.

(5) If the subject is transported to the emergency room the transporting officer shall advise the paramedic or emergency room staff that the person has been subjected to the CEW and relate the time of the incident.

(6) If the subject complains of injury or the officer reasonably believes that injuries are likely, EMS should be called to perform a thorough physical examination with emphasis on secondary injuries. After examining the affected person, the paramedics will make the determination if the person should be transported to the hospital for additional treatment.

(7) If the subject's actions require being taken to jail, the jail staff should also be notified that a CEW has been used on the subject so that they can continue to monitor and evaluate the subject for the possible need of further medical attention.

b. Reporting and Evidence Procedures

(1) The air cartridge and probes shall be retained and submitted as evidence in any case where the person(s) effected by the CEW require transportation to the hospital or if someone other than the desired person is shot.

(2) The officer should wear protective latex gloves when handling the cartridges/probes due to the potential biohazard. The wires shall be wound around the cartridge and the probes inverted into the portals they were deployed from. This will prevent the sharp ends from penetrating the evidence envelope. Tape should be placed over the portals to secure the probes in the cartridge. The cartridge shall then be placed in an evidence bag and appropriately packaged. A biohazard sticker shall be placed on the outside of the envelope unless the evidence envelope is already clearly marked "Biohazard".

(3) Cartridges from uses of the CEW, which do not meet the criteria above, will be turned over to EMS personnel for biohazard disposal or disposed of in a hazardous waste container.

(4) A Blue Team Use of Force report should be completed as soon as practical after a CEW deployment. Ensure that the serial number of each cartridge fired is listed in the report.

(5) Each discharge (excluding training and testing), including accidental discharges, of a CEW shall be investigated and documented. A Blue Team – Use of Force Report shall be completed after each discharge of a CEW.

c. Supervisor Responsibilities

(1) When practical, respond to scenes where a CEW has been or is expected to be deployed.

(2) Evaluate the scene and ensure appropriate investigative units respond when necessary.

(3) Complete a Supervisor Investigation of each incident where the CEW is used on a subject or is accidentally discharged.

(4) Ensure photographs are taken of the probe penetration sites and any secondary injuries caused by falling to the ground, etc.

(5) Review any car or body camera video that may have captured evidence of the use of force. This video should be highlighted for review in the Blue Team report.

(6) Ensure that officers who discharge the CEW complete a Blue Team report.

(7) Review the officer's Blue Team report.

(8) Ensure the reports are forwarded through the chain of command to the Chief of Police or his designee.

(9) Ensure the subject that the CEW was deployed on, is examined by medically trained personnel if required.

(10) Each supervisor shall ensure officers assigned a CEW shall be supplied with gloves, alcohol swabs and adhesive bandages. These supplies shall be provided for removing the probes from the subject.

(11) Defective or expired cartridges and defective CEWs will be turned over to the designated department TASER instructors for use during training exercises or for disposal.

d. Instructor Responsibilities

(1) Maintain a current TASER instructor certification.

(2) Receive, inspect and ensure the maintenance and replacement of the TASER devices assigned to department personnel.

(3) Establish and maintain systems to record issuance of the TASER and air cartridges. Serial numbers should be recorded.

(4) Maintain an adequate supply of batteries, and air cartridges for replacement.

(5) Return defective or damaged TASER units and cartridges to supplier.

(6) Obtain service and or replacement for defective or damaged TASER components from the supplier.

(7) Provide documented annual retraining to certified users.

(8) Conduct training to certify officers as requested by the Training Division.

(9) Continuously update the TASER Certification lesson plan on file with the Training Division with the most current training information provided for certification classes.

(10) Download info from all CEWs after a deployment.

F. **Canine (K9)** - Physical contact (biting) between a K-9 unit and a suspect will be governed by SOG 10-01 XI.A.

G. **Baton / Impact Weapons** – A baton or other impact weapons may have a wide range of usage and officers should only use tactics reasonable and appropriate to the situation they are perceiving.

Level of Control: *Low – When used as an escort or pain compliance tool*

Intermediate – When used for jabbing or striking

Deadly – When used to strike that can cause serious physical injury or death

1. The department authorizes the carrying and use of batons.
2. Officers who carry a baton shall be trained and certified in its use by a certified instructor.
3. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.
4. Current authorized batons for use by officers is collapsible batons and fixed riot batons.
5. Striking or punching weapons that are prohibited for carrying or use, include but are not limited to saps, blackjacks, slapjacks, nunchaku, and brass knuckles.

H. **Less Lethal Kinetic Energy Impact Devices** - There are many products on the market that are considered "less lethal." The Joplin Police Department's use of these products is limited to the 12-gauge kinetic energy projectiles, the Sage, and 37/40 mm launcher.

Level of Control: *Intermediate – When fired at 7-yards or greater*

Deadly – When fired a range closer than 7-yards

1. Equipped Officer Responsibilities:

a. Must have received training before employing techniques using Bean Bag rounds, Sage rounds and/or the Pepper Ball rounds.

b. Officers assigned 12-gauge kinetic energy rounds will maintain an approved shotgun with duty ammunition in the weapon. The officer will keep his/her assigned Sage/ shotgun and kinetic energy rounds within ready access always during his/her tour of duty.

c. Officers, who observe a situation for possible use of the 12-gauge kinetic energy rounds, sage, or the pepper ball rounds, will notify the on-duty supervisor. The communications center will be notified, and an ambulance will be dispatched to stand by. Every effort will be made to contact a Uniformed Operations Bureau Commander, Major or Chief of Police prior to deployment if time permits.

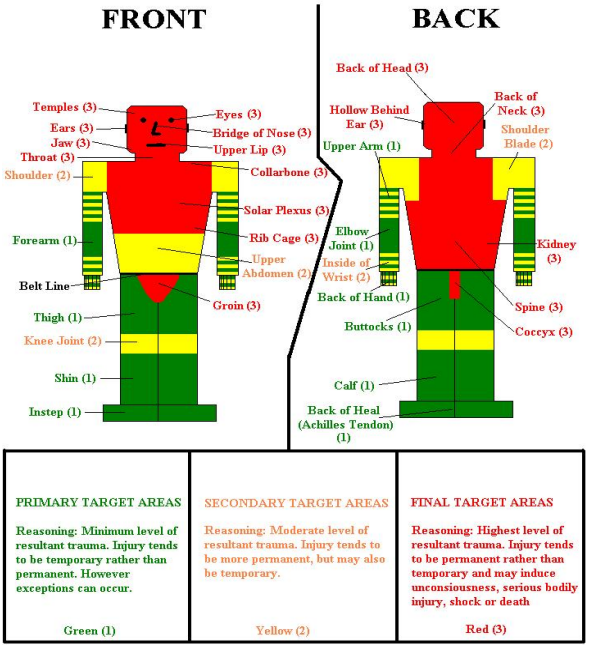
2. Tactical Considerations:

a. The duty ammunition will be removed prior to loading of the 12-gauge kinetic energy rounds. Officers will make every effort, including the visual and physical inspection of the chamber and magazine, to ensure that all duty ammunition is removed prior to the loading/deployment of the 12-gauge kinetic energy round. This procedure should be witnessed and verified by a second officer

b. The approved 12-gauge kinetic energy round or sage round will be used to de-escalate a potentially deadly situation, with a reduced potential for death or serious injury to all persons involved. The projectile will be delivered to areas recognized as "green areas" in circumstances where deadly force/serious physical injury is not the desired result.

The following illustration indicates the green areas as well as yellow and red areas with a description of the escalation of trauma in each of those areas.

ESCALATION OF TRAUMA BY VITAL AND VULNERABLE AREAS



3. Deployment:

   a. Deployment for the 12-gauge kinetic energy rounds should occur at ranges of 7-21 yards. Seven yards is the minimum recommended distance for deployment. There is no recommended range for the Sage rounds.

   b. When deploying with "less lethal" capabilities, make every attempt to gain lethal cover.

4. Treatment of Subjects Post-Deployment - Subjects who are struck with a shot bag, Sage round, should be evaluated by medical personnel for possible injuries. Those individuals struck by a shot bag or Sage round, will be transported by ambulance to a medical facility for evaluation. Special attention should be given to those individuals struck in areas that are considered "yellow" or "red" on the escalation of trauma chart above.

5. Reporting - Officers who deploy a shot bag or Sage round at a suspect (hit or miss) will immediately notify dispatch and their supervisor. The supervisor will then contact the Uniformed Operations Bureau Commander. The incident will be fully documented with a Blue Team report.

6. Supervisor Responsibilities:

   a. Proceed immediately to the incident involving the less lethal kinetic energy deployment and assume tactical control;

   b. Ensure that less lethal kinetic energy deployment is appropriate for the incident;

c. If less lethal kinetic energy deployment is inappropriate for the incident, modify or countermand deployment.

d. Ensure medical attention is provided

e. Ensure Blue Team reporting is completed.

7. Instructor Responsibilities:

a. Only those officers who have received training from a certified less lethal instructor employing techniques using Bean Bag rounds, Sage rounds and/or the Pepper Ball rounds, and have been granted approval by the Chief of Police or their designee, will be issued the 12- gauge Kinetic Energy Projectiles, and the Sage

b. The Range Master will maintain accurate records as to the number of kinetic energy rounds in the field and those officers to whom they are assigned.

I. **Firearms – (**Reference SOG 7-03)

Level of Control: *Low – Actively pointing of a firearm for officer safety purposes*

Intermediate – When shotguns are used for less-lethal purposes

Deadly – Actively shooting lethal rounds

1. Equipped Officer Responsibilities:

a. Before beginning a tour of duty or immediately thereafter officers shall inspect all firearms assigned to them.

2. Tactical Considerations:

a. Whenever possible, officers deploying a firearm should attempt to do so behind ballistic cover.

3. Discharge of Firearms (Deadly Force):

a. When an officer uses deadly force, the officer shall immediately take whatever steps are reasonable and necessary to protect the safety of the officer and any member of the public.

(1) After taking such steps, the officer shall immediately notify his or her supervisor/dispatch of the use of deadly force.

(2) Thereafter, the officer, if able, shall take such steps as are reasonably necessary to preserve the integrity of the scene and to preserve evidence.

(3) Following the discharging of a firearm, the officer involved will protect the weapon and ammunition to be secured for examination.

(4) Upon request, the officer shall provide information regarding the circumstances as necessary to protect persons and property, preserve any evidence, and to provide a framework for the investigation. (Public Safety Statement)

4. Discharge of Firearms at Animals - The following are guidelines to aid the officer who may be required to destroy an animal:

a. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.

(5) An animal will be destroyed only after all attempts to notify Animal Control have been made, and Animal Control will not respond or has not responded after a reasonable time.

b. If time permits, officers will adhere to the following steps:

(1) Ensure the safety of all citizens, property, and other animals by moving the animal to be destroyed to an area of relative safety and, if possible, out of public view. The primary concern is that the animal should be placed on the ground (in lieu of pavement) to decrease the possibility of ricochet.

(2) Shoot the animal from close range (five to fifteen feet, if possible).

(3) Shoot "down" into the animal so the projectile, if exiting the animal's body, will enter the ground.

(4) Shoot the animal in the brain to minimize suffering. EXCEPTION: If the possibility exists that the animal has rabies or has bitten someone, the animal should not be shot in the brain. In this case, the animal should be shot in the chest cavity, directly behind either front leg.

c. An officer responsible for destroying an animal must submit a "Discharge of Firearm" report to his immediate supervisor as soon after the incident as possible. The report will be forwarded up the chain of command to the Chief's office. When the facts surrounding the incident raise questions as to adherence to department policy, Internal Affairs shall investigate the incident.

5. Discharge of Firearm Limitations: - The following acts associated with the use of force are prohibited.

a. Firing into crowds.

b. Firing a warning shot.

c. Firing at, or from, a moving vehicle is prohibited **except** where the officer reasonably believes that:

(1) An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; OR

(2) A vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action.

(3) To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.

(4) To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others should escape occur.

d. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat. Consideration should be given to all factors found in the Vehicle Pursuit policy, (Reference SOG 12-10)

e. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.

f. Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. (*When in doubt, don't shoot*.)

g. Use of deadly force against non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.

h. Any use of force not reasonable in the light of the circumstances confronting the officer.

i. No officer shall carry or use any firearm unless they have received training and demonstrated proficiency in its use.

XII. REPORTING – USE OF FORCE (Reference SOG 5-03)

A. The shift supervisor will be notified by the officer using force when:

1. A subject requires or requests medical treatment because of the officer’s use of force.

2. The officer uses lethal force.

3. The officer requires medical attention because of a suspect’s use of force.

B. The shift supervisor will ensure that the Bureau Commander and Chief of Police are notified when: (Reference SOG 5-01)

1. A subject is seriously injured as the result of an officer’s use of force.

2. An officer utilizes lethal force.

3. An officer requires medical attention because of a suspect using force.

C. **Blue Team – Use of Force Report:**

1. Officers shall document any application of force via the Blue Team Use of Force Report, which goes beyond low level control tactics.

   Exception – Active pointing of a firearm will be reported.

   Exception - Should an officer be injured and cannot complete the Blue Team Use of Force Report, the immediate supervisor will ensure the form is completed.

2. A complete use of force report should include, but is not limited to:

   a. A detailed account of the incident from the "officers" perspective;

   b. A description of the purpose for the officer's presence (lawful presence);

   c. A description of any behavioral or threat indicators present before/during the use of force;

   d. A description of the perceived resistance types encountered by the officer; and

   e. A description of every type of force employed to stop the perceived threats.

3. Video documentation:

   a. Any video documentation of the use of force incident that was obtained through the use of a police camera such as an in-car camera, jail video or a BWC, should be documented and attached to Blue Team Use of Force Report.

   b. Officers and Supervisors are encouraged to locate other video recordings that exist i.e., ATM, Surveillance, and personal communication devices. An attempt should be made to obtain the identified video. If the video is unable to be obtained a notation should be placed in the Blue Team Use of Force Report indicating where to locate the video, who owns/possess the video, and what the video may have recorded, is recommended.

4. Any information contained on the Blue Team Use of Force Report will not be released to persons or agencies outside the department without prior approval from the Chief of Police.

5. The Office of Internal Affairs shall maintain the Blue Team Use of Force Reports and conduct a documented annual analysis of defensive action reports and forward the analysis to the Chief of Police. The annual analysis may reveal; (Reference SOG 5-03)

   a. Patterns or trends that could indicate training needs;

   b. Equipment upgrades; or

   c. Policy modification.

D. **Blue Team - Discharge of Firearm Report** - Each time an officer discharges a firearm (considering exceptions already stated in this policy) he/she shall submit a detailed report of the circumstances. The

report will be submitted as soon as possible after the incident through the chain of command to the Office of Internal Affairs.

XIII. INVESTIGATING – USE OF FORCE

A. Supervisor Investigation

1. Take any action necessary to stabilize the incident and make it safe for all.

2. Determine injuries (Officer/Subject) and request medical if applicable.

    a. Interview health care provider and gather their description of injury and determination of injury severity.

3. If an officer has suffered an injury that could alter their mental status or require medical assistance that can alter their mental status, the officer's supervisor in charge of the scene will ensure that the officer's firearm and ammunition are secured and the officer is provided a security officer.

4. Perimeter established and secured to preserve scene integrity and evidence (if applicable).

5. Notify Bureau Commander (if applicable).

6. Conduct a preliminary investigative briefing with officers involved to obtain public safety information (Public Safety Statement) as to outstanding suspects, direction of travel, location of evidence and other necessary information to ensure the safety of the scene and public.

7. If an officer has discharged a firearm while involved in the use of force event, the supervisor in charge of the scene will ensure that the firearm and ammunition is secured. The supervisor will replace the officer's secured firearm with a replacement firearm immediately or as soon as practical.

8. Interview witness officers, subjects involved, and bystander witnesses.

9. Document scene conditions through note taking and photographs (if applicable). The photo-representation should be photographically preserved in as much detail as possible.

10. Ensure all evidence is collected and/or secured (if applicable).

11. Ensure the original and supplemental use of force reports are completed – Blue Team

12. Supervisor detailed investigative supplement completed – Blue Team

13. Review all original and supplemental use of force reports for completeness – Blue Team

14. Forward the complete use of force report with all supplements – Blue Team

    a. Indicate any immediate legal or policy concerns for further review – if applicable.

15. Medical aid should be considered for any persons involved in a use of force incident. Unless specified in another policy indicating an automatic response. Each incident/ injury will be evaluated and if medical care is needed, dispatch will be notified to send the appropriate medical response.

16. Officers will be sent for post-Incident testing under the following conditions:

    a. Officer uses deadly force (Refer to SOG 3-04.IV.6.a-c).

B. **Use of Force – Board Review**

1. The Use of Force Review Board shall review all use of force incidents involving Police Department employees to determine whether:

    a. Department policies were violated. This will be accomplished through a thorough review of each use of force report, along with supporting pictures and video.

    b. Relevant department policy was clearly understandable and effective to cover the situation.

    c. Department training was adequate.

2. The Use of Force Review Board shall provide their determinations and recommendations to the Office of Internal Affairs.

    a. If a determination is made that department policy was violated, the Office of Internal Affairs will review the incident and will forward a disposition in the matter to the Chief of Police. If appropriate, the Office of Internal Affairs may open an investigation into the violations.

3. The Use of Force Review Board – Membership:

    a. Training Sergeant;
    b. Lead Use of Force Instructor or their designee;
    c. Bureau Commanders or their designees – If a member of their bureau was involved.

4. The Use of Force Review Board meetings will be organized and presented by the Office of Internal Affairs.

5. Use of Force Review Board Findings shall be compiled by the Internal Affairs Sergeant and forwarded to the Chief of Police for review and signature.

C. **Internal Investigation –** Serious use of force incident

1. Any officer or employee whose action(s) or use of force has taken the life of or seriously injured another person shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved. The return of the officer(s) to a line-duty assignment

will be no less than 7 days. Prior to the officer(s) returning to a line-duty assignment the following must occur:

a. Internal investigation - of serious applications of force may be of two types:(Reference SOG 2-08)

(1) An administrative investigation to determine whether department standards were followed.

(2) A criminal investigation to detect law violation. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred.

b. A Psychological evaluation fit-for-duty release is required for:

(1) Anyone who was involved in an incident where the officer attempted to take the life of another.

(2) Anyone who is the victim of an assault with a firearm.

(3) Any situation the Chief of Police deems appropriate.

c. A critical incident debriefing will be mandatory for any member who in the line of duty:

(1) Who discharges a firearm at another person, injuring or killing the person.

(2) Who is assaulted with a firearm.

(3) Who is referred to a psychologist by a supervisor following a shooting incident.

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D. **Internal Investigation -** Disarming of Officers/Discharge of Firearm

1. The Office of Internal Affairs will investigate incidents in which an officer is disarmed or discharges a firearm, on or off duty, except for the following situations engaged in by the officer:

a. Firearms qualification, target practice, hunting and sporting events, ballistic exams, and similar circumstances.

b. Situations involving the destroying of an animal unless there is a question about whether department policy was followed.

XIV. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders.

Members of the Joplin Police Department, while assigned to or assisting other agencies, shall comply with this policy.

XV. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.