

St. Joseph, Missouri Police Department



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SUBJECT: USE OF FORCE		
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I. Purpose

The purpose of this policy is to establish and regulate the use of firearms and/or force and define the procedures for reporting the use of force.

II. Policy

- A. All members authorized to use force shall receive this General Order and instruction regarding its requirements before being authorized to carry a weapon. In-service training shall be conducted annually on the Department's Use of Force Policies and Procedures outlined in this General Order.
- B. Department approved Instructors shall train such members in the use of the following weapons and tactics:
 1. Firearms Proficiency Training and authorized weapons/ammunition (See General Order governing "Weapons Training and Control");
 2. Only members who have successfully completed a Department approved training course in the proper use and deployment of less lethal impact devices shall be authorized to use them (See General Order governing "SRT Operations"); and
 3. Weaponless control techniques utilized by the Department.
- C. Members shall only carry weapons and ammunition authorized by and registered with the Department. (See GO0122 "Weapons Training and Control").
- D. Members authorized to use force shall only use that amount of force reasonable to accomplish a lawful objective.
- E. It shall be the duty of any member to intervene during any incident in which they witness another member use what would be reasonably calculated to be excessive or unreasonable force or any other unlawful behavior. Any such incidents shall immediately be reported to a supervisor.

III. PROCEDURE:

A. Definitions:

1. **De-Escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
2. **Force:** The amount of effort required by a member to compel compliance from an unwilling subject.
3. **Resistance:** Behavior exhibited by a subject in an attempt to avoid a member's attempt of control.
4. **Reasonable Belief:** A firm conviction as to the reality of something based on rational ground.
5. **Serious Bodily Harm:** Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.
6. **Lethal Force:** Force that creates a substantial risk of causing death or serious bodily harm.
7. **Less Lethal Force:** Munitions which can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential for causing death, (i.e. bean bags, rubber projectiles, net projectiles).
8. **Non-Lethal Force:** Force that does not create a substantial risk of causing death or serious bodily harm.
9. **Impact Weapons:** Any object used to strike an individual, including, but not limited to, Department issued batons.
10. **Stop Strips:** A tool used to slow down or stop a fleeing suspect vehicle. Such strips **are not** considered deadly force (See SO0004 "Tire Deflating Devices" and GO0018 "Vehicle Pursuits" Section III.D.1.f.).
11. **ICAT:** Integrating Communication Assessment and Tactics. ICAT is a training program that provides first-responding police officers with tools, skills, and options for successfully and safely defusing a wide range of critical incidents.

B. De-escalation

1. Officers should use de-escalation techniques when possible, and appropriate, before resorting to force and to reduce the need for force.
2. When possible, and appropriate, an officer should allow an individual time and opportunity to submit to verbal commands before force is used.
3. De-escalation techniques should not be used in lieu of force when doing so could:
 - a. Compromise the safety of the officer or another;
 - b. Allow the destruction of evidence, the escape of a suspect or the commission of a crime.
4. ICAT techniques should be utilized when possible, and appropriate, while responding to calls for service with subjects who are:
 - a. Experiencing mental and/or situational crisis;
 - b. Unarmed, or armed with a weapon other than a firearm (e.g. a knife, bat, stick, etc..)

5. Critical Decision Making (CDM) shall be used on calls for service to:
 - a. Collect Information
 - b. Assess Threats, and Risks.
 - c. Consider Powers and Policy.
 - d. Identify Options and Develop Strategy.
 - e. Act, Review and Reassess.
6. The CDM Core contains four general guidelines and principles that are applicable to our agency:
 - a. Service
 - b. Protection
 - c. Partnership
 - d. Sanctity of Human Life

C. Guidelines for Lethal Force

1. Members are allowed to use lethal force when one or both of the following apply:
 - a. To protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm.
 - b. To prevent the escape of a person who an officer reasonably believes
 1. To have committed an offense in which the person caused or attempted to cause death or serious bodily harm to another person, **and**
 2. Is otherwise likely to endanger life or inflict other serious physical injury unless arrested without delay.
2. Warning shots are prohibited.
3. Immediately prior to the use of Lethal Force, members shall give loud, clear and concise verbal commands (for example, "Police, don't move") when reasonably possible.

D. Guidelines for Non-Lethal Force:

1. Members shall evaluate the situation to determine which available non-lethal force technique or issued equipment should be used to control the situation without compromising their safety or the safety of others. The member should be mindful of his/her own physical ability to manage a threat that is presented.
 2. Members may use Department approved non-lethal force techniques and equipment to:
 - a. Affect an arrest;
 - b. Protect themselves or others from physical injury;
 - c. Restrain or subdue a resistant individual; and
 - d. Bring an unlawful situation safely and effectively under control.
- E.** Following the use of force, immediate medical attention shall be provided or obtained for any individual requesting medical attention, or if deemed necessary by the member.
- F. Levels of Resistance:** A member's "**control action**" to resistance shall be based on the member's perception of the level of resistance. The level of resistance

continuum is provided below, #1 being the lowest level on the continuum, continuing up to #6, which is the highest level:

1. **Psychological Intimidation:** Non-verbal actions and/or body language that indicate control methods are necessary to prevent a subject from injuring himself/herself or others. These may include clenched fists, an aggressive stance, or a blank expression that may warn the member of the subject's emotional state.
 2. **Verbal Non-Compliance:** Dialogue in the form of threats or other resistance.
 3. **Passive Resistance:** The subject resists control by the use of passive, physical actions with no attempt to defeat the physical contact of the member. Passive resistance is the lowest level of physical resistance.
 4. **Defensive/Escape Resistance:** The subject attempts to push, pull, or run away in a manner that does not allow the member to establish control. There is no attempt by the subject to strike or harm the member.
 5. **Active Aggression:** Physical action of assault from a subject.
 6. **Aggravated Active Aggression:** The subject is assaulting a member with a weapon and/or using techniques or objects which could result in death or serious physical harm to the member or others.
- G. Levels Of Control:** The level of control (force) used will be dependent upon the member's perception of resistance and whether the resistance is placing the member or others in jeopardy of physical injury, serious bodily injury or death. The following use of force continuum demonstrates the levels of force available, #1 being the lowest level on the continuum, continuing up to #6, which is the highest level:
1. **Officer Presence:** Identification of authority (badge, uniform etc.).
 2. **Verbal Direction:** A majority of situations may be resolved by using good communication skills and/or verbal direction. Successful communication techniques may prevent many confrontations from escalating to higher levels.
 3. **Soft Empty Hand Control:** Soft Empty Hand Control techniques have a minimal possibility of causing injury. Soft Empty Hand Control Pain Compliance techniques include uses of:
 - a. Oleoresin Capsicum Spray (pepper mace);
 - b. Pressure Points;
 - c. Joint Locks;
 - d. Handcuffs and Restraints (in order to restrain the movements of an individual).
 4. **Hard Empty Hand Control:** Hard Empty Hand Control techniques have a moderate possibility of causing injury. Hard Empty Hand Control techniques include uses of:
 - a. Taser (See GO0801 "Conducted Electrical Weapon");
 - b. Strikes;
 - c. Punches;
 - d. Kicks;
 - e. Joint Lock Take Downs;
 - f. Shoulder Pin Restraint
 - g. The Lateral Vascular Neck Restraint (LVNR) or any other "choke hold" or "strangle hold" or other similar technique is prohibited unless Lethal Force is authorized.

- h. Handcuffs and Restraints (to take down a highly resistant individual).
- 5. **Intermediate Weapons:** Intermediate Weapon techniques have a high possibility of causing injury. Intermediate Weapon techniques include uses of:
 - a. Impact weapon strikes;
 - b. Impact weapon joint locks;
 - c. CN/CS gas;
 - d. Less lethal impact devices.
- 6. **Lethal Force:** Lethal Force has the highest possibility of causing serious bodily harm or death. Uses of lethal force include:
 - a. Firearms;
 - b. Impact weapon strikes to the head, neck, torso or joints; and
 - c. Any other technique that may cause serious bodily harm or death including, but not limited to, the following:
 - 1. **Roadblocks:** Roadblocks that **completely block** a roadway are considered lethal force. All roadblocks must meet the following criteria: (See also GO0018 “Vehicle Pursuits”, Section III.D.1.k.).
 - A. The person fleeing is suspected in the commission of a felony;
 - B. The suspect is creating an immediate and continuing threat to life;
 - C. Other methods of apprehension have failed;
 - D. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a complete stop;
 - E. **The roadway shall not be completely blocked unless the use of deadly force is authorized;**
 - F. As a last resort, members may only shoot at a pursued vehicle from a stationary position when lethal force is authorized under Department guidelines governing Lethal Force found in this General Order (See Section III C.)
 - G. If a member is faced with the possibility of using Lethal Force on a moving vehicle because they are in the path of that vehicle, the member should, when reasonable and possible, move out of the path of the vehicle so long as doing so removes them from the danger of harm and does not create further danger to the public. (For example, a vehicle intentionally drives into a crowd of people causing serious injuries and possibly killing citizens. A member may respond by engaging the driver with Lethal Force from a firearm if in the members judgement, there is no other reasonable way to stop the threat. This type of response is not limited to this example.)

H) Defense and Control Report:

- 1. In addition to the Offense/Incident Report, members shall complete a Defense and Control Report, in IApro/BlueTeam, when:

- a. A member takes an action that results in, or is alleged to have resulted in, the injury or death of another person or member;
 - b. A member applies force through the use of lethal weapons, to include pointing a firearm at a person, or uses less lethal weapons;
 - c. A member applies physical force, other than physical guidance and normal handcuffing, to another person;
 - d. A member discharges a firearm for other than training, recreational purposes or for the disposal of an animal;
 - e. Force or "assault-like" resistance is used against a member.
2. Members shall complete the appropriate information on the Defense and Control Report, attach a copy of the Offense/Incident Report, and forward the information to the Professional Standards Officer after supervisor review.
3. If parties involved in the use of force complain of or have apparent injuries, the acting supervisor will ensure appropriate photographs are taken when possible. In the case of suspect injuries or complaints on an officer, the supervisor should direct personnel other than the involved officer to photograph all injuries. All images taken in these instances will be booked into evidence and documented in the offense report.
4. The Professional Standards Officer shall review all Use of Force reports to determine if there are policy, training, equipment, or discipline issues which should be addressed.
5. Upon request by the Chief of Police, the Professional Standards Officer shall conduct an annual analysis of incidents of "Use of Force" to determine if patterns or trends indicate a need for further training, equipment upgrade, and/or policy modifications.
6. A member shall be placed on administrative leave/duty pending an Administrative Review in the event his/her actions or "use of force" in an official capacity results in death or serious bodily harm. (See GO0008 "Internal Affairs").

Paul Luster, Chief of Police

Date