


Effective Date: XX/XX/2020	General Order: 2020.XX
Rescinds Previous Policy Dated:	Issuing Authority: Chief Rich Lockhart
Date Last Reviewed: 03/02/2020	Distribution Restrictions: None
 <p style="text-align: center;">WARRENSBURG POLICE DEPARTMENT POLICY & PROCEDURE</p>	Applicable Personnel: All
Subject: Use of Force	
CALEA Standard(s): 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1a-d, 4.2.2, 4.2.3, 4.2.4a-e, 4.3.3a-c, 4.3.4,	

PURPOSE

The purpose of this policy is to provide law enforcement officers with guidelines for the use of less lethal and deadly force.

POLICY

It is the policy of the Warrensburg Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances. The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the individual poses an immediate threat to the safety of the officer or others, and whether they are actively resisting arrest or attempting to evade arrest by fleeing. In addition, 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 vision of hindsight. The question is whether the officers' actions are objectively reasonable considering the facts and circumstances confronting them at that time. This policy is to be reviewed annually and any questions or concerns should be addressed with their immediate supervisor for clarification. <4.1.1>

DEFINITIONS/TERMINOLOGY

CONTROL: The responses an officer uses to influence or neutralize the unlawful physical actions of a subject. Generally, there are four times an officer is justified in using physical control methods: to stop potentially dangerous and unlawful behavior; to protect the officer or another from injury or death; to protect subjects from injuring themselves; and in the process of effecting lawful arrest or detention when the subject offers resistance.

DEADLY FORCE: means physical force which the officer uses with the purpose of causing or which he/she knows to create a substantial risk of causing death or serious physical injury. (563.046)

DE-ESCALATION: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and

resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

EXIGENT CIRCUMSTANCES: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence obstructing legitimate law enforcement efforts.

IMMEDIATE THREAT: a statement or other indication of intent to hurt or injure another that is capable of being carried out without intervening delay or time.

LESS LETHAL FORCE: Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

OBJECTIVELY REASONABLE: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

PHYSICAL INJURY: means physical pain, illness, or any impairment of a physical condition.

PROBABLE CAUSE: when the facts presented to an officer would lead a reasonable person to believe a crime has been or is being committed.

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

SERIOUS PHYSICAL INJURY: Injury that involves a substantial risk of death, prolonged and obvious disfigurement, or extended loss or impairment of the function of a body part or organ. <4.1.2>

VIOLENT FELON: any person who has been identified as participating in the commission or attempt of a murder, manslaughter, forcible rape, forcible sodomy, aggravated assault, kidnapping, or armed robbery.

GUIDELINES

A. General Provisions

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.

3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or 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.
4. An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
5. All uses of force shall be documented and investigated pursuant to this agency's policies.

B. De-escalation

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

C. Use of Less Lethal Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency approved, less lethal force techniques and issued equipment. See Firearms General Order 2020.XX and Authorized Force Options General Order 2020.XX for further information on techniques and equipment.
 - a. To protect the officer or others from immediate physical harm,
 - b. To restrain or subdue an individual who is actively resisting or evading arrest, or
 - c. To bring an unlawful situation safely and effectively under control.
2. See Authorized Force Options General Order 2020.XX for further information on techniques and equipment.

D. Use of Deadly Force

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
 - a. To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
 - b. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a violent felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended

2. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.
3. Warning shots are **not** allowed. <4.1.3>
4. Deadly Force Restrictions
 - a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
 - b. Firearms shall not be discharged at a moving vehicle unless
 - (1) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - (2) The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
 - c. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.
5. See Firearms General Order 2020.XX for further information on firearms.

E. Medical Aid <4.1.5>

1. The officer will ensure the subject is transported to a medical facility for medical attention if the subject is struck by a less lethal round, unconsciousness occurs, there are obvious signs of physical injury, serious physical injury, or the subject requests medical attention.
 - a. Minor abrasions or bruises that can be treated with simple first aid, do not require transportation to a medical facility unless requested by the subject.
 - b. An immediate supervisor will be notified as soon as possible whenever injuries have been inflicted by a department employee sufficient to cause the injured party to require medical attention (at a medical facility).
2. An officer will be assigned to transport or follow EMS to the hospital.
 - a. The immediate supervisor shall determine whether the subject can be released from custody (with a summons or pending charges) at the hospital prior to a full evaluation by the Emergency Room physician.
 - b. If the response is such that the affected individual is admitted to the hospital, the immediate supervisor shall immediately notify their Bureau Lieutenant or Bureau Executive Officer.

F. Removal from Operational Assignment

Any employee, whose actions or use of force in an official capacity results in death or serious physical injury, will be removed from operational assignment, pending an administrative review. <4.2.3>

G. Reporting <4.2.1>

1. The Use of Force Form (UoFF) will be completed if:
 - a. Less lethal force or less lethal weapons are used resulting in physical injury or greater <4.2.1c><4.2.1d>
 - b. A claim of injury is made by the recipient or physical injury is evident <4.2.1b>
 - c. Medical treatment is required by emergency medical services or a hospital <4.2.1b>
 - d. Obvious serious physical injury, or death as a result of force <4.2.1b>
 - c. Discharge of a firearm while on duty; except for training, testing, or recreational purposes <4.2.1a>
2. The UoFF will be completed as soon as possible by the employee or employees who applied the response. The form will be completed prior to the end of shift. Their supervisor will be notified as soon as practical. The supervisor will ensure photographs are obtained of injuries requiring medical attention.
3. If a report is written in conjunction with a use of force, the narrative of the use of force report does not need to be completed. The reporting officer will put “refer to report # _____ for the narrative.” The officer will attach a copy of the referenced report to the UoFF.
4. If an officer is incapacitated or for some other reason unable to complete the UoFF, the officer’s sergeant will complete the report.

H. Review <4.2.2>

1. The immediate supervisor will receive the UoFF, review it for completeness, and ensure that all supporting documentation is included.
2. The supervisor will then forward the UoFF and all supporting documentation to the Lieutenant for review. When the Lieutenant has completed review, it will be returned to the immediate supervisor.
3. The immediate supervisor will review the UoFF and decide if the response used was in compliance with department training and policy. If the supervisor finds that the officer was not in compliance, a recommendation for disciplinary action will be included. The UoFF will then be forwarded once more to the Lieutenant for review.
4. Members of the chain of command receiving the form will assess completeness, compliance with policy, and compliance with training and recommend disciplinary action if necessary.
5. All forms will be compiled into one complete packet and sent to the Chief of Police for review.

6. After review and completion, the Chief of Police will make a final determination regarding the level of force used and any associated discipline.

I. Annual Review <4.2.4a-e>

Annually, the Chief of Police or designee will analyze all use of force reports. The intent of the review is to determine whether there are policy, training, weapon/equipment, or discipline issues which should be addressed. The information will be collected from each UoFF to complete the summary analysis which will include:

1. Date and time of incidents.
2. Types of encounters resulting in force.
3. Trends or patterns related to race, age, and gender of subjects involved.
4. Trends or patterns resulting in injury to any person including employees.
5. Impact of findings on policies, practices, equipment, and training.

J. Training

1. No police department employee shall be authorized to carry a firearm or other lethal or less lethal weapon until they have received all use of force policies and related instruction. Policy receipt and instruction curriculum will be documented and available for viewing in PowerDMS. <4.3.4>
2. At least annually, all agency personnel who are authorized to carry lethal weapons shall receive in-service training on the Warrensburg Police Department's Use of Force policy and demonstrate proficiency with all approved lethal and electronic controlled weapons the employee is authorized to use.
3. In-service training for other less lethal and weaponless control techniques shall occur at least biennially (every 2 years).
 - a. Proficiency training must be monitored by a certified weapons or tactics instructor.
 - b. Training and proficiency must be documented.
 - c. Those employees who are unable to qualify with an authorized weapon must be provided remedial training prior to resuming assigned duties. <4.3.3a-c>