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CHAPTER 24 – RESPONSE TO RESISTANCE

Section 24.00 – Response to Resistance

The Police Department values the safety of its officers and the public, above all else. As such, officers should only use force that is "reasonable" under the circumstances and only the force necessary to accomplish their lawful objectives. Therefore, the use of lethal and less-lethal force may only be used as set forth in this policy.

Section 24.01 – Definitions

- A. Control - The method(s) an officer uses to neutralize the unlawful actions of a person, or to protect the person from injuring himself/herself or others.
- B. Force - The attempt to establish control through physical means in the presence of a person's resistance. All force is means of control. However, control can be achieved without the use of physical force.
- C. Kinetic Energy Projectiles (Impact Munitions) - Flexible or inflexible projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury, compared to conventional projectiles.
- D. Lethal Force - Force that could result in death or serious physical injury.
- E. Less-Lethal Force - The amount of force that will not likely result in death or serious physical injury.
- F. Reasonableness - Within reason, moderate action suitable to the situation, consistent with department-approved training and policies.
- G. Resistance - The subject's attempt, whether verbal or physical, to evade an officer's attempts to establish control.
- H. Deploy or Deployment – Refers to the actual use or attempted use of a lethal or less-lethal piece of equipment. The mere display of equipment does not constitute deployment.

Section 24.02 – Resistance Levels

The amount and type of resistance will vary based on a variety of circumstances. The Department recognizes the following levels of resistance:

- A. Passive Resistance – The subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control.

Examples would include not moving when given lawful direction, falling limply and refusing to use their own power to move (becoming “dead weight”), or holding onto a fixed object or other person.

B. Active Resistance – The subject’s verbal or physical actions are intended to prevent an officer from placing the subject in custody and control, but are not directed at harming the officer. Examples would be walking or running away or breaking from the officer’s grip.

C. Aggressive Resistance – The subject displays intent to harm the officer, themselves or another person and prevents an officer from taking control. 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.

D. Aggravated Aggressive Resistance – The subject’s actions are likely to result in death or serious bodily harm to the officer, themselves or another. These actions may include a firearm, use of a blunt or bladed weapon and extreme physical force.

Section 24.03 – Levels of Control

*A. The following are methods utilized by an officer to de-escalate volatile situations, neutralize the unlawful actions of a person, or to protect a person that may be injuring himself/herself or others. The type of control methods used will vary based on a variety of factors. The Department recognizes the following levels of control:

1. Officer Presence - The control manifested by the presence of an officer at the scene, whether in regular duty uniform or special duty uniform.
2. Verbal Direction - The control manifested by the officer's use of spoken commands and directions.
3. Soft Empty-Hand Control/Less Lethal Control - The use of techniques utilizing hands, feet, or less-lethal devices, (e.g., escort control, pressure points, Oleoresin Capsicum or O.C. Spray, handcuffing, Taser, and/or canine bark-and-hold, baton joint manipulation/escort techniques), which is intended to establish control or compliance of a subject.
4. Hard Empty-Hand Control - The use of techniques utilizing hands or feet which is intended to establish control or compliance of a subject. (e.g., strikes, kicks, active countermeasures)

5. Less-Lethal Weapons - A use of a technique utilizing an implement in which to establish control or compliance of a subject. (e.g., baton strikes, CS, or OC gas delivered by a launching or dispersion/expulsion device, distraction device, canine bite, and kinetic energy impact munitions)

6. Lethal Force - The use of an implement or technique used in such a manner that is reasonably likely to result in death or serious bodily harm. (e.g., firearms, impact weapon strikes to the head)

B. Safety considerations of persons at or near the scene of a risk incident are paramount. Knowledge and understanding of the below listed priorities will assist officers in tactical decision making:

1. Victims
2. Innocent By-Standers
3. Officers
4. Suspects/Subjects

C. The level of control does not imply that an officer is required to use the least amount of force before escalating to the next level. The officer is justified in using that force which he/she believes is reasonable and necessary to effect an arrest or to protect the officer or another from harm. In use of force incidents, the officer may transition to differing degrees or types of force and shall modify their level of control in relation to the amount of resistance offered by the subject whether it is an escalation or de-escalation in relation to the "objectively reasonable" standard.

D. The use of force will be consistent with Department training.

E. Due to the unpredictability of confrontation (uncertain, tense, rapidly evolving, etc.) (Graham v. Conner, 490 U.S. 386, 397 (1989), officers may deem it necessary to use tools and tactics not identified in the Levels of Control or in the training program. These other applications must meet the same test of objectivity and reasonableness as those identified and authorized by the Department. When the person poses no imminent danger to an officer and no threat to others, the use of lethal force to apprehend is unjustified. (Tennessee v. Garner, 491 U.S. 1), (1985)

The officer must always consider the totality of the circumstances when deciding the reasonable amount of force. Some of the factors to consider include:

[REDACTED]

Section 24.04 – Justification for Use of Lethal Force

In all situations, justification for the use of lethal force must be limited to the facts reasonably apparent to the officer at the time the officer decides to use force.

Section 24.05 – Drawing or Displaying Firearms

Officers may draw or display firearms when there is a threat or belief that there is a threat to life or have a reasonable fear for their own safety and/or the safety of others.

Section 24.06 – Discharge of Firearms

A. Officers will only discharge their firearms to protect themselves or another person from imminent death or serious bodily injury, or to kill a dangerous animal or an animal so badly injured that humanity requires its removal from suffering.

B. Anytime an officer discharges a firearm while on duty or in the performance of duty, a report will be submitted documenting the discharge of a firearm. This does not apply to scheduled firearms training.

C. Officers will not fire their weapons under conditions that would risk bystanders or hostages to injury or death except to preserve life or prevent serious bodily injury.

Section 24.07 – Discharging Firearms at Moving Vehicles

A. Discharging firearms at moving or fleeing vehicles is prohibited unless it is necessary to prevent death or serious bodily injury to the officer or another person.

B. Officers will not voluntarily place themselves in a position in front of an oncoming vehicle where the use of deadly force is a probable outcome.

Section 24.08 – Warning Shots Prohibited

Officers will not fire warning shots under any circumstances.

***Section 24.09 – Approved Duty Handguns**

[REDACTED]

Section 24.10 – Approved Off-Duty Handguns

Officers will be required to comply with Missouri Revised Statutes while carrying weapons in an off-duty capacity.

Section 24.11 – Approved Ammunition

Police officers shall only carry approved ammunition, issued by the department, in on-duty weapons.

Section 24.12 – Firearm Configuration

Firearms in use by the police department will be kept in the following configuration:

[REDACTED]

Section 24.13 – Qualification with Firearms

Every commissioned police officer of the department shall fire a qualifying score with the on-duty weapon twice yearly. Officers shall also fire a qualifying score once yearly with the department issued shotgun and the semi-automatic patrol rifle. The qualification courses and minimum passing scores for each course shall be developed by the firearms instructors and approved by the Chief of Police. Failure to qualify with any duty weapon shall place the officer in an administrative assignment until a qualifying score can be attained.

Officers assigned to the Cass County Tactical Response Team shall maintain qualification with special weapons as outlined in the tactical unit standard operating procedures manual.

Section 24.14 – Gas Rounds and Full-Auto Weapons

Gas rounds and fully-automatic weapons shall be used only with the approval of the Captains, Chief of Police, or in a tactical call-out situation. Any officer firing a gas projectile or a fully-automatic weapon must be qualified to do so.

***Section 24.15 – Less-Lethal Munitions**

Less-lethal kinetic energy rounds (like bean bags and rubber bullets) are those which are deployed to induce temporary incapacitation to attain compliance and control. These munitions are **not** currently approved for use in the Raymore Police Department. If future use is contemplated, the following rules will apply:

[REDACTED]

Section 24.16 – Carrying of Firearms

Regular or part-time officers, off-duty, may carry approved on-duty weapons or an approved off-duty weapon and shall remain concealed at all times. This provision does not authorize an officer to carry a weapon prohibited by state law or local ordinance.

Section 24.17 – Buying, Selling, and Trading of Firearms

Officers shall be familiar and comply with the State regulations prohibiting buying, selling, borrowing, loaning, trading or otherwise acquiring or disposing of concealable firearms.

Section 24.18 – Prohibited Weapons

All weapons used or carried while on duty must be issued by the department or otherwise approved by the Chief of Police.

Section 24.19 – Areas of Confinement Prohibited

Firearms shall not be taken into an area of confinement or in an area where prisoners are allowed freedom of movement, except in an emergency.

Section 24.20 – Firearms Instructors

The Chief of Police will designate department members to serve as the Firearms Instructor and Assistant Firearms Instructor. In these positions, the Firearms Instructor and Assistant are responsible to the Chief of Police and Division Commanders. Duties of the Firearms Instructor and the Assistant Firearms Instructor(s) include the following:

- A. The Firearms Instructor is in charge of all firearms training and may be involved in providing special training for Tactical Response.
- B. The Firearms Instructor and assistant(s) will be responsible for developing procedures for safety, firearms courses, etc., involved in firearms training.
- C. The Firearms Instructor will be in charge of all department weapons.
- D. The Firearms Instructor will implement an annual inspection of the department weapons that they are responsible for and forward a report regarding the condition of the weapons through the chain of command to the Chief of Police.
- E. The Firearms Instructor(s) is accountable for department ammunition.
- F. The Firearms Instructor(s) is responsible for ordering ammunition and ensuring that an adequate supply of ammunition is available.

G. The Firearms Instructor(s) is responsible for ordering other materials required for firearms training and maintaining an adequate arsenal.

Section 24.21 – Officer Involved Shootings

The following procedure shall be placed in effect by the Chief of Police when a police officer fires his weapon at another individual, whether that individual is injured or not:

- A. The affected officer may be placed on administrative leave with or without pay.
- B. The officer involved and any other department members having knowledge of circumstances pertinent to the incident will be required to submit a written report documenting the facts of the incident. The report submitted by the officer who used deadly force will be utilized for administrative purposes only.
- C. An investigation of the incident will be conducted by an individual or agency designated by the Chief of Police.
- D. The involved member(s) will be scheduled to meet with a City approved psychologist or counselor for debriefing.
- E. The investigation case file will be submitted to the prosecutor's office for review.
- F. The Chief of Police shall authorize any release of information.
- G. Additional steps may be deemed necessary to effect a thorough investigation.

*The affected police officer(s) shall submit to any requirements necessary in order to complete all phases of the investigation. However, the rights of the officer(s) will be protected based on *Garrity V. New Jersey* (1967).

Section 24.22 – Expandable Baton

The department issues each officer an expandable baton, which is a defensive instrument used for the purpose of non-deadly force arrests. Officers must successfully complete a 4-hour certification course prior to carrying the baton on-duty. Recertification of the baton requires training every two (2) years by a qualified instructor.

***Section 24.23 – Electronic Control Device**

It is the policy of the Raymore Police Department that officers must be trained and certified in the use of the department authorized electronic control device (ECD) before being permitted to carry it.

The ECD is an electronic incapacitation device. It is a defensive weapon and listed in the force continuum at the same level as aerosol chemical sprays.

A. The decision to use the ECD is based on the same criteria an officer uses when deploying chemical spray or a baton. The decision must be made dependent on the actions of the subject(s) or the threat facing the officer(s) and the totality of the circumstances surrounding the incident. In any event, the use of the ECD must be reasonable and necessary.

B. The ECD is not meant to be used in deadly force situations. It should not be used without a firearm back up in situations where there is a substantial threat present.

C. Officers must be trained by a Certified Instructor prior to being authorized to deploy the device in the field. This training shall consist of a minimum of four (4) hours of instruction with the successful completion of a written test and proficiency exam. In addition, the officer must attend annual in-service training to remain certified.

Authorized Use of an ECD

A. An officer is authorized to use the ECD after clearly displaying a physical presence and identifying themselves as a police officer. The officer must also give verbal warning and commands to a resisting subject or arrest if the situation allows. Verbal warnings and commands may not be possible if time is of the essence to officer safety or the safety of others. A suspect failing to comply by a physical display of non-compliance and showing no intention of compliance to the lawful instructions of an officer may be incapacitated by use of the ECD.

B. In most cases, the use of this weapon should eliminate or reduce the need for active hands-on countermeasures and the possibility of an officer or suspect injury. Officers should utilize soft empty hand control tactics prior to the use of the ECD based upon the totality of the circumstances. The officer is not required to attempt soft, empty hand control tactics first if it is believed they would be ineffective or the officer believes the use of the ECD would reduce the likelihood of more serious injuries to the subject, the officer and third parties.

C. The ECD may also be utilized on a suspect, previously under control, who suddenly reacts violently and requires additional restraint during the arrest or booking process.

D. The ECD is not a substitute for deadly force and should not be used in those situations where deadly force is needed. Deployment of the ECD should be backed up with the availability of lethal force.

[REDACTED]

G. The ECD will never be used as a means of punishment. It is a weapon and shall be treated with the same respect given to firearms safety. Horseplay of any type is forbidden. Violations of this policy will be considered serious infractions, which will result in disciplinary actions not to exclude the possibility of criminal prosecution if the situation warrants.

Limitations for Use of the ECD

Use of the ECD is prohibited in the following situations:

- A. Any known or obviously pregnant female.
- B. Any subject whose clothing is saturated with a flammable liquid or is in the presence of combustible materials and liquids.
- C. Any subject who may receive a secondary injury resulting from a fall after use of the Taser, i.e. standing on a roof ledge.
- D. The facial area of the head.

Additional Limitations (Range)

[REDACTED]

Duties After Deployment

Immediate action should be taken to care for the injured, apprehend suspects and protect the scene. As soon as the subject is restrained or has complied, the Taser should be turned off. A Taser will not be left unattended except in exigent circumstances, such as an immediate threat or an officer is forced to act alone in making the arrest. Medical personnel may be summoned to the scene to evaluate the subject, if it is deemed necessary after initial assessment by department personnel at the scene. If the exam or other circumstances dictate the subject needs further medical treatment, the subject will be transported to the nearest medical facility. Treatment will not be refused for anyone who requests it.

*In every ECD deployment where probes make contact with skin, medical personnel will be requested to respond via Communications to remove probes. If medical personnel are not available, Officers may remove probes at the direction of the scene supervisor. Officers will provide first aid following removal by applying alcohol wipes or first aid cream and band-aids to the probe sites as needed.

[REDACTED]

Officer Reporting Requirements

The officer that deployed the ECD will complete the department Response to Resistance Form. One copy is forwarded to the Chief of Police and one copy shall be forwarded to the department ECD Instructor for reporting to Taser International.

[REDACTED]

The Department Instructor will be responsible for maintenance, upkeep and inventory of equipment.

Section 24.24 – Oleoresin Capsicum Spray (O.C.)

A. O.C. Spray is a defensive instrument used for the purpose of non-deadly force arrests. Officers shall complete a 4-hour certification course prior to carrying O.C. spray on-duty. Recertification training will be conducted every two (2) years by a qualified instructor.

B. Duties after deployment

1. Once a subject sprayed with O.C. has been controlled, care should be provided for the subject.
2. If the subject is within a closed area that is contaminated, move the subject outside or to a place where there is fresh air.
3. Assist the subject with flushing the face and eyes with clean, cold water. Use a hose, if one is available or the eyewash station located in the sally port. Do not use a pail of water because the oily resin will sit on top of the water and cause further contamination.
4. People with respiratory disorders may have a more extreme reaction when exposed to O.C. If the subject does not appear to be recovering within a short time, or appears to be having a severe reaction, summon medical personnel for evaluation and treatment.

Section 24.25 – Response to Resistance Reports

A Response to Resistance Report will be utilized when the following conditions apply:

A. Physical force is used to overcome resistance by an arrest.

B. The utilization of wrist locks, empty hand tactics and handcuffing alone do not require a report, but may be noted if used with other force that is reported, or if injury to the officer or subject occurs as a result of the force.

- C. OC spray is deployed to effect an arrest.
- D. A baton is deployed to effect an arrest.
- E. A Taser is deployed to effect an arrest.
- F. A firearm is deployed to effect an arrest.
- G. Display does not constitute deployment.

The report will be forwarded through the chain of command to the Chief of Police for review and determination whether the amount of force was warranted and appropriate.