CHAPTER 10.00.00
USE OF DEADLY FORCE, NON-DEADLY FORCE, FIREARMS AND NON-LETHAL WEAPONS

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Officers will use only that force which is reasonably necessary in conformity with the statutes and Constitution of the State of Missouri and the United States. Force utilization shall be consistent with the Force Management Program founded upon the Glendale Police Department's Use of Force Model.

10.01.00 Definitions

1. DEADLY FORCE – Force that is likely to cause death or serious physical injury.

2. NON-DEADLY FORCE – That force, which applied properly, poses little or no risk of death. That level of force necessary and reasonable to restrain, subdue or control a resistant of the normal scope of physical contact reasonably necessary to affect an arrest, handcuff or control an individual.

3. LETHAL WEAPON – Any weapon that is likely to cause death when properly used according to training.

4. NON-LETHAL WEAPON – A weapon not likely to cause death when properly used according to training.

5. SERIOUS PHYSICAL INJURY – An injury that creates a substantial risk of death or that causes severe disfigurement or protracted loss or impairment of the function of any body part.

10.02.00 Use of Deadly Force

1. Parameters for Use of Deadly Force – Officers are authorized to use deadly force in order to:

   A. Protect themselves or others from what is reasonably believed to be an immediate threat of death or serious physical injury, or

   B. Effect the capture or prevent the escape of a suspect when there is probable cause to believe that:

      1. the suspect committed or attempted to commit a felony, and;

      2. the crime involved the use or threatened use of deadly force, and;
3. there is a substantial risk that the fleeing suspect will cause death or serious physical injury if apprehension is delayed.

C. If feasible, a verbal warning shall be given prior to the use of deadly force.

2. A police officer may also discharge a firearm under the following circumstances.

A. To destroy an animal which presents a substantial risk of harm to the officer or another, or when the animal is so badly injured that it should be destroyed to prevent additional suffering.

B. To give alarm or to call assistance in an emergency when no other means can reasonably be used, and then only in a safe direction.

C. At a sporting or training event, to include hunting and organized shooting matches and target practice where the discharging of a firearm is not in violation of any law or ordinance and all safety procedures can be followed, or at an approved firearms range.

3. Firearms shall not be discharged under the following circumstances.

A. As a warning shot.

B. At or from a moving vehicle, unless the occupant(s) of the vehicle represents a direct and immediate threat to the life or safety of the officer or an innocent person, and then only as a last resort. Officers shall avoid tactics that could place them in a position where a vehicle could be used as a weapon against them. When confronted with an oncoming vehicle, officers shall make every attempt to move out of its path.

C. Into a crowd or during a situation where it appears likely that an innocent person may be injured.

4. Procedures to be followed when a firearm is discharged (Gunshot wound inflicted).

A. When an officer has discharged a firearm causing a gunshot wound to be inflicted to any person, or when an officer has been shot, a supervisor shall immediately be notified of the circumstances surrounding the shooting. The supervisor shall notify the Captain of Police and Chief of Police as soon as practical.

B. If an officer has inflicted a gunshot wound, a review of the circumstances shall be conducted by the Office of Professional Standards.
C. A review of the circumstances surrounding an officer involved shooting shall be conducted. At the discretion of the Chief of Police, the St. Louis County Police Department Bureau of Crimes Against Persons may be requested to conduct the investigation.

D. When an officer has been shot or an officer inflicts a gunshot wound upon another person, the communications dispatcher shall be immediately notified. The communications dispatcher shall make the required notifications, including the summoning of emergency medical care as required and department supervisory personnel. Police officers on the scene of such an incident are responsible for ensuring medical care is rendered to anyone in need of such treatment.

E. A police report shall be prepared in accordance with department standards.

5. Procedures to be followed when a firearm is discharged (No gunshot wound inflicted, unknown if wound inflicted or animal destroyed).

A. Whenever a firearm is discharged by an officer, or their firearm is discharged by another person, the officer shall:

1. Immediately notify the on-duty supervisor or supervisor on-call. The supervisor shall notify the Captain of Police and Chief of Police as soon as practical, and;

2. Prepare a report detailing all circumstances surrounding the discharge for review by the Office of Professional Standards.

B. The procedure outlined above will not be required when a firearm is discharged under section 10.02.00 – 2-C.

10.03.00 Use of Non-Deadly Force

1. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or non-lethal weapon will best de-escalate the incident and bring it under control in a safe manner. Only the appropriate amount of force necessary to bring an incident under control is authorized. In making an arrest, no more force shall be used than is reasonable necessary for the safe custody of the suspect or for overcoming any resistance that may be offered and for ensuring the delivery of the suspect for safekeeping.

2. Parameters for use of non-deadly force

A. To protect themselves or another from physical harm; or

B. To restrain or subdue a resistant individual; or
C. To bring an unlawful situation safely and effectively under control.

3. Non-lethal weapons. This department permits the use of three types of non-lethal weapons;

A. Taser,

B. Oleoresin Capsicum aerosol spray (non-flammable),

C. Collapsible baton.

4. Non-traditional weapons. Under extraordinary circumstances officers may utilize any tool or object, such as a flashlight, clipboard, knife, etc., to protect themselves or another when authorized lethal or non-lethal weapons are not immediately available.

5. Procedures to be followed when non-deadly force is used:

A. Whenever an officer uses or attempts to use force under extraordinary circumstances that vary from the standard handcuffing process or detention techniques, the on-duty supervisor or supervisor on-call shall be notified immediately or as soon as practical.

B. When an officer or suspect has sustained a serious injury, the communications dispatcher shall be immediately notified. The communications dispatcher shall make the required notifications, including the summoning of emergency medical care as required and department supervisory personnel. Police officers on the scene of such an incident are responsible for ensuring medical care is rendered to anyone in need of such treatment.

C. A police report shall be prepared in accordance with department standards.

D. A Use of Force Review Form shall be completed by the on-duty supervisor or supervisor on-call for cases involving the use of non-deadly force. If the on-duty supervisor is involved in the use of force incident, the supervisor on-call or the Captain of Police shall complete the Use of Force Review Form.

E. The Chief of Police shall determine the need for a review of the incident by the Office of Professional Standards or an investigation by an independent agency.
10.04.00   Training and Qualification

1. Deadly Weapons

   A. While on and off duty, police officers shall carry only weapons and ammunition authorized by and registered with the department.

   B. Authorized weapons are those with which the police officer has qualified and received departmental training on proper and safe usage, and that are registered and comply with departmental specifications.

   C. The police department shall schedule regular training and qualification sessions for on duty, off-duty and specialized weapons, which will be graded on a pass/fail basis.

   D. Police officers who fail to receive a passing score with their duty weapon(s) in accordance with department testing procedures shall be relieved of their police powers and immediately reassigned to non-enforcement duties.

   E. A police officer shall not be permitted to carry any weapon with which he has not been able to qualify during the most recent qualification period.

   F. A police officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability may be required to re-qualify before returning to enforcement duties.

2. Non-deadly Force Weapons and Methods

   A. A police officer is not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures.

   B. Advanced Taser® X-26, collapsible baton and/or Oleoresin Capsicum Spray (pepper mace) are the only authorized non-lethal weapons.

10.05.00   Use of Taser

The Advanced TASER® X-26 shall be deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques. The Advanced TASER® X-26 is classified as less lethal force. The Advanced TASER® X-26 may be used to control a dangerous or violent subject when deadly force does not appear to be justified and/or necessary; or attempts to subdue the subject under conventional tactics have been, or will likely be, ineffective in the situation confronting the officer, or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.
10.05.01  Equipment and Training

1. The Advanced TASER® X-26 is the only TASER authorized for use by this Department.

2. The Advanced TASER® X-26 shall be issued to and used only by officers who have successfully completed the TASER Certification Training Program.

3. Officers will receive re-fresher training on the use of the TASER on an annual basis.

4. Officers will carry only properly functioning and charged TASERs.

5. Officers will only carry the TASER in the Department-issued cross-draw type holster.

6. When not in use, TASERs shall be stored in a Department gun locker.

7. Officers will be issued an Advanced TASER® X-26 at the beginning of their patrol shift.

   A. Officers shall complete the required sections of the TASER log at the time of issuance. The TASER log shall consist of the following information:

      1. Date and time of issuance

      2. Officer’s name and DSN

      3. TASER #

      4. Air cartridge #’s

      5. Function test performed

      6. Date and time of return

8. A function test of the TASER will be conducted at the time of issuance. All function testing shall be conducted with the TASER pointed into an empty gun locker. The function test shall consist of:

   A. Check the battery pack for sufficient charge. (No TASER may be issued to an officer with a battery charge showing 20% or less.)

   B. Test the safety.

   C. Spark test the TASER for 1 second.

   D. Check the air cartridge for damage.
9. Any failure or problem observed of the TASER during the function test, or while assigned to an officer, the officer shall immediately remove the TASER from service and complete a department work order form.

10. At the conclusion of the patrol shift, an officer assigned a TASER, shall either immediately transfer the TASER to another officer, or place the TASER in the Department gun locker, and indicate the return or transfer on the TASER log.

### 10.05.02 Procedure

1. The announcement of “TASER - TASER” will be used to alert other officers prior to deploying the TASER.

2. The announcement of the word “clear” will be used to alert other officers prior to those officers approaching the subject to affect an arrest.

3. The TASER is placed on the Passive Resistance Control Guidelines to respond to passive resistance as indicated in this Use of Force policy.

4. When possible, officers shall have lethal cover or another reasonable and appropriate force option available as backup when deploying the TASER.

5. Officer should always consider the surroundings of the targeted subject and be aware of any hazards that may exist (i.e.; subject standing in deep water, flammable substance(s) present, subject standing on a ledge, etc.).

6. Intentional TASER shots/contacts to the face, neck, female breast or groin area should be avoided unless no other alternative exists.

7. The TASER shall not be used on women who are known to be pregnant or appear to be pregnant.

### 10.05.03 Post-Deployment

1. Once the subject/situation is secure, an officer on the scene shall request Police Communications to dispatch the Glendale Fire Department EMS to respond for removal the probes. The wire from the TASER should be cut as soon as practical. EMS personnel will determine if additional medical treatment is required.
2. Digital or 35mm photographs shall be taken of:
   A. the point of probe contact, and
   B. the suspect involved, and
3. Every effort shall be made to have the photograph of the probe contact area taken by a person of the same sex.
4. All information from the TASER Data Port shall be downloaded after the deployment of the TASER, except after normal training use, by a non-involved supervisor.
5. All facts regarding the deployment of the TASER shall be documented in an official police report and an Advanced TASER Usage Report.
6. Provide suspect with TASER Aftercare Form.
7. A non-involved supervisor shall complete a Supervisory TASER Use Report.

10.06.00 Use of Oleoresin Capsicum Aerosol Restraint Spray (Pepper Mace or OC Spray)

OC spray allows officers an additional use of force option for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations.

10.06.01 Authorization

1. Only employees who have completed the prescribed course of instruction on the use of OC spray are authorized to carry the device.

2. Employees shall carry only Departmentally authorized OC canisters.

10.06.02 Usage Criteria

1. OC spray is considered a use-of-force and shall be employed in a manner consistent with this Department's use of force policy. OC is a force option following verbal compliance tactics on the use-of-force continuum.

2. OC may be used when:
   A. verbal dialogue has failed to bring about the subject's compliance, and/or;
   B. the subject has signaled his intention to actively resist the officer's efforts to make the arrest.
10.06.03 Usage Procedures

1. Whenever possible, be upwind from the suspect before using OC and officers should avoid entering the spray area.

2. Maintain a safe distance from the suspect of between two and ten feet.

3. A single spray burst of between one and three seconds should be directed at the suspect's eyes and nose. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.

4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders.

10.06.04 Effects of OC and Officer Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of burning sensation in the eyes and throat, nausea, lung pain and/or impaired thought processes.

2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officer should also be prepared to employ other means to control the suspect - to include, if necessary, other force options consistent with agency policy - if he does not respond sufficiently to the spray and cannot otherwise be subdued.

3. Immediately after spraying a suspect, be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or other medical problems, immediately summon emergency medical aid.

4. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.

5. Provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.

6. Air will normally begin reducing the effects of OC spray within fifteen minutes of exposure. However, once the suspect has been restrained, assist him by rinsing and drying the exposed area.

7. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent. All such incidents shall be reported as soon as possible to the shift supervisor or the supervisor on call, and shall be detailed in an incident report.
10.07.00  Reporting Uses of Force

1. All facts surrounding the use of force as outlined in 10.09.00 shall be documented in an official police report and a Use of Force Supervisory Review form.

2. An on-duty supervisor or on-call supervisor will be immediately summoned to the scene and will comply with standard investigative procedures as required by this department in the following situations:

   A. When a firearm is discharged outside of the firing range.

   B. When a use of force results in death or serious injury.

   C. When a subject complains that an injury has been inflicted.

3. An on-duty supervisor or on-call supervisor will be immediately notified if any of the following situations occur:

   A. When a firearm is discharged outside of the firing range.

   B. When a TASER is discharged outside of a training situation.

10.08.00  Departmental Response

1. Deadly Force Incident

   A. Where a police officer's use of force causes death, the officer shall be placed on administrative leave after completing all internal investigative requirements, and until it is determined by a licensed mental health professional that the police officer is ready to return to duty.

   B. The department shall conduct both an administrative and criminal investigation of the incident.

2. Administrative Review of Critical Incidents

   A. All reported uses of force will be reviewed by the appropriate departmental authority to determine whether:

      1) Departmental rules, policy or procedures were violated;

      2) The relevant policy was clearly understandable and effective to cover the situation;

      3) Department training is currently adequate.
B. All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.

C. All use of force incident reports shall be retained as required by state law.

D. There will be a regular review of use of force incidents by the appropriate departmental authority to ascertain training and policy needs.

10.09.00 Use of Force Supervisory Review Form

1. A Use of Force Supervisory Review form shall be completed by the on-duty supervisor, or on-call supervisor for any incident involving the following:

   A. When a firearm is discharged outside of the firing range.
   
   B. When a use of force results in death or serious injury.
   
   C. For any use:

      1) When a subject complains that an injury has been inflicted.
      
      2) When a non-lethal weapon is used on a person. This includes, but not limited to, the use of a TASER, OC spray or collapsible baton.
      
      3) When an officer uses or attempts to use extraordinary circumstances that vary from standard handcuffing or detention techniques.
10.10.00 Resistance Control Continuum

This Department subscribes to, and trains its employees in, the concept of controlling resistive behavior with techniques that have minimal chance of injury. As the level of resistance increases, so too will the level of control methods escalate along the continuum:

<table>
<thead>
<tr>
<th>LEVELS OF RESISTANCE</th>
<th>APPROPRIATE LEVELS OF RESPONSE</th>
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<tbody>
<tr>
<td>Psychological Intimidation</td>
<td>Officer Presence</td>
</tr>
<tr>
<td>Verbal Non-Compliance (oral refusal to comply)</td>
<td>Verbal direction (commands of direction or arrest)</td>
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<tr>
<td>Passive Resistance</td>
<td>The above plus, Soft empty hand control [pain compliance with verbal reinforcement], joint locks, Advanced TASER X-26, O.C. (Oleoresin Capsicum Spray)</td>
</tr>
<tr>
<td>Defensive Resistance (physically resists, non-assaultive)</td>
<td>All of the above plus, Hard empty hand control [stun blows, motor dysfunction, etc.]</td>
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<tr>
<td>Active Aggression (overt actions of assault)</td>
<td>All of the above plus, Intermediate Weapons: Soft: Advanced TASER X-26 and O.C. Hard: Collapsible Baton</td>
</tr>
<tr>
<td>Aggravated Active Aggression (intent to cause death or serious physical injury)</td>
<td>All previous options plus, Deadly force</td>
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Complaint #:____________________   Page _____ of _____ Pages

Officer(s) Who Used Force:

Name     DSN  Type of Force    S/N

Suspect:

Name    DOB  Sex  Race  Height        Weight

Address

Other Officer(s) Present:

Name     DSN  Agency

Reason for Use of Force (brief description):  Police Report Attached: Yes    No

Describe Injuries:

Examined at:______________________________
Examined by: ____________________________
Admitted:  Yes    No  Fit For Confinement:  Yes    No

Officer:

Examined at:______________________________
Examined by: ____________________________
Admitted:  Yes    No

Supervisor on Scene:  Yes    No  Name_________________________ DSN_____

Supervisor Notification:  Date______________ Time__________ DSN____________

Witnesses:    Yes    No  Interviewed:  Yes    No  Statements Attached: Yes    No

Supervisory Review by:_________________________ Date______________

Use of Force:  _____Justified  _____Further Investigation Needed