



Independence Police

223 North Memorial Drive
Independence, MO 64050
(816) 325-7300
FAX (816) 325-7270

GENERAL ORDER	No. 1994-009	Page 1 of 13
SUBJECT: Response to Force	EFFECTIVE DATE:	1994
	REVIEW/REVISION DATE:	August 13, 2020
	REFERENCE:	FOP Work Agreement/State Cert. Standards 9.1, 9.2 and 9.5

PURPOSE

This General Order provides officers with guidelines on the use of lethal, less lethal, and non-lethal force.

POLICY

The Independence Police Department recognizes and respects the value and special integrity of human life. Vesting officers with lawful authority to use force to protect the public welfare requires a careful balance of all human interests. A department member will use that force that is objectively reasonable given the totality of the circumstances to bring an incident under control or apprehend a subject(s). Department members have the duty to intervene to protect life in the event they witness any department member violating this policy with regard to use of force and must report such violations to their supervisor or other higher authority.

PROCEDURE

■ General

- This General Order is for departmental use only and should not be construed as a creation of higher legal standards of safety or care in an evidentiary sense with respect to third party claims. Each member of the department will be issued a copy of this policy before being authorized to carry any weapon.
- Violation of this General Order will form the basis for departmental administrative sanctions only.
- Violation of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

Revised 08-13-20

- The term Response to Force will encompass non-lethal, less lethal, and lethal force. Options available to department members include the following:
 - Verbal commands
 - Physical control
 - Oleoresin Capsicum, tear gas CS and/or CN
 - Conducted Electrical Weapon (CEW)/Taser CEW
 - Baton
 - Less lethal impact munitions
 - Firearms
 - Other weapons
- If the situation dictates and time permits, law enforcement officers may choose the option of strategic re-deployment. This would allow officers the opportunity to disengage, re-evaluate and assemble proper resources, equipment, and personnel.

■ **Definitions**

- Conducted Electrical Weapon (CEW) / Taser CEW - Conducted Electrical Weapons (CEWs) are designed to use propelled wires or direct contact to conduct electrical charge to primarily affect motor functions and/or the sensory nervous system.
- Dedicated Weapon System - A weapon system used only for deployment of impact munitions. A Remington 870 shotgun utilized as a less lethal weapon identified by an orange fore-end, stock, or both.
- End User - Commissioned police officer trained and certified in the use of less lethal impact munitions.
- Impact - A term used to alert on-scene officers that less lethal munitions are about to be discharged from weapon.
- Impact Munitions - Refers to less lethal ammunition fired from a 12-gauge shotgun or other less lethal launcher system.
- Kinetic Energy Impact Munitions - Flexible and non-flexible projectiles, intended to incapacitate a subject with a lesser potential for causing death or serious physical injury compared to conventional projectiles.

Revised 08-13-20

- Less Lethal force - A concept of planning and force application meeting operational objectives with less potential for causing death or serious physical injury than conventional police tactics.
- Lethal force - Force intended to, or likely to, cause death or serious physical injury.
- Non-lethal force - Force not intended to, or likely to, cause death or serious physical injury.
- Reasonable belief - When facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- Serious bodily harm - A bodily injury that:
 - creates a substantial risk of death, or
 - causes serious, permanent disfigurement, or
 - results in long-term loss or impairment of any bodily member or organ
- Strategic Re-Deployment - A de-escalation technique used when law enforcement officers determine there is time to disengage and re-evaluate a situation and assemble the proper resources, equipment, and personnel. The intent of resolving the incident with the lowest potential of injury or death to the general public, law enforcement officers and suspected criminals.
- Subject - Person who is the focus of the police operation.
- “Taser” - A term used to alert on-scene officers that a Taser CEW is about to be deployed.
- Verbal commands - Verbal instructions an officer communicates to a subject to achieve compliance to a lawful objective.
- **Levels of Resistance**
 - The following are levels of resistance that an officer may encounter from a subject that they come into contact with:
 - Verbal Resistance - Subject verbally indicates to the officer that they will not comply with the officer’s requests
 - Passive Resistance - Subject will not comply with the officer’s requests or physical attempts to control them (e.g. subject refusing to move)

- Active Resistance - Actively and physically attempting to resist the officer's attempts to control the subject (e.g. pushing or pulling away)
- Assault On Officer - Subject physically assaults or attempts to assault an officer or another
- Aggravated Assault On Officer - Subject assaults an officer or another with a weapon or inflicts serious bodily harm

■ **Non-Lethal Force**

- Department members will 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.
- Department members may use department approved Non-Lethal force techniques and issued equipment to:
 - Effect an arrest
 - Protect themselves and others from physical injury
 - Restrain or subdue a resistant individual
 - Bring an unlawful situation safely and effectively under control
- Physical force will not be used for the following:
 - As a threat from the officer
 - As retaliation for physical or verbal abuse
- The use of any neck restraint other than the LVNR is forbidden except in those instances in which an officer is defending themselves or others and they are in fear of serious physical injury or death.
- Following the use of Non-Lethal force, immediate medical attention will be provided or obtained for any individual if deemed necessary by the officer or if requested by the individual.
- When a Department member uses the LVNR the Department member will:
 - Call for EMS personnel to respond to the scene
 - Inform the EMS personnel that the LVNR was applied

- Request EMS personnel to determine if the subject will be transported to a medical facility
- Request a supervisor to respond to the scene
- A supervisor will respond to the scene anytime a department member utilizes force.
- **Subject Positioning**
 - If a subject has been placed in a prone position they will be moved to a sitting or standing position as soon as practical and as instructed in the department approved prone handcuffing technique.
 - While the subject is in a prone position, the officer will continuously monitor the subject for any health concerns.
 - At no time will Department members handcuff and leg shackle an arrestee's hands and feet together (commonly referred to as hog tying).
- **Lethal Force**
 - An officer may use lethal force only when it is reasonably believed that the action is:
 - In defense of human life, including the officer's life, or
 - In defense of any person in imminent danger of serious physical injury
 - In the apprehension of a fleeing felon, only when:
 - The officer has probable cause to believe that a felony has been committed and the person to be arrested has committed that felony; and
 - The officer has identified himself as a police officer, and given notice of his intentions to arrest (time and circumstances permitting); and
 - The officer reasonably believes that the suspect's freedom represents an imminent threat of serious physical injury or death to the officer or to other persons'; and,
 - All other reasonable means of apprehension have been exhausted before deadly force is used.
 - All sworn personnel shall be required to read the Response to Force General Order, receive roll call or post-academy training, and be qualified on the firing range according to state mandates before they are authorized to carry a firearm.
 - Should medical attention be required by any person involved, the assigned officer will be responsible for notifying proper emergency medical personnel.

■ Use of Less-lethal Force

- Combative, non-compliant, armed, and violent subjects cause handling and control problems requiring special training and equipment. The department has adopted a less lethal philosophy to assist with de-escalation of these potentially violent confrontations. The end user will be authorized to deploy less lethal impact munitions to de-escalate a dangerous situation where the potential of serious physical injury or death exists, while considering the following:
 - When a subject has made an overt act or made threats of violence giving officers reason to believe the subject will attempt to injure themselves or others
 - To control, detain, or arrest a dangerous or potentially dangerous subject from self inflicted injury
 - To protect officers or other persons from harm, including the subject from self inflicted injury
- Contributing factors may include subjects past history indicating violent or non-compliant behavior, which could jeopardize the public or officer safety.
- Training in use of less lethal impact projectiles will be consistent with the approved Department end user program and annual re-certification.

Deployment Techniques

- Prior to deployment of the less lethal weapon, except where exigent circumstances exist, all attempts should be made to obtain supervisor approval. When practical, the less lethal system will be deployed with a pre-determined tactical plan, to include a lethal cover officer and arrest team. When it is decided that less lethal force may be an option:
 - Retrieve the secured less lethal impact weapon
 - Visually and physically inspect the weapon to insure it does not contain any other munitions
 - Load less lethal munitions while visually inspecting each round to ensure that it is a less lethal round
 - Alert all officers on scene that less lethal impact munitions may be used to avoid sympathetic fire
 - Verbalize intent to deploy using keyword **“impact”** to alert other officers
- After incident, unload less lethal impact weapon and secure.
- Affected supervisor will complete and submit a Response to Force Report.

- When practical, recover discharged less lethal round and place in Police Property.

Areas of Impact

- The projectile should be directed at primary areas (green areas) on the agency/baton instrument chart (Monadnock training chart). Primary areas are targeted to minimize the potential for serious physical injury or death.
- Primary area examples include:
 - Front: Lower abdomen
Thigh
Leg below the knee
 - Back: Buttock
Thigh
Leg below the knee
- End Users are authorized to consider targets in higher risk areas if escalation of force is necessary and appropriate. (Monadnock chart, yellow/red areas).
 - Targeting these areas will increase potential for serious physical injury or death. Intentionally targeting head, neck and chest areas should be avoided unless use of deadly force is justified, necessary and appropriate.
- End Users should consider an alternative course of action when a subject is struck with a solid volley of less lethal munitions and results are clearly ineffective.

First Aid

- Upon striking a subject with less lethal impact munitions, emergency services will be rendered.
- The subject will be transported to a medical facility for an examination.
- Each impact area on the subject's body should be photographed to document the existence or lack of visible injury.
- After any Response to Force incident involving personal injury to a suspect or bystander, assault on an officer, property damage or resisting arrest, the officer will:
 - Notify an available supervisor
 - The supervisor will complete a Response to Force form

■ Use of Baton

- The issued baton is authorized as a means of:
 - Physical restraint or control
 - Defense of any person
- All uniformed field personnel will be required to have the baton accessible in their vehicle while on duty.
- All other sworn officers will be required to have the baton accessible at Police Department headquarters.
- Uniformed officers, trained in its use, who are involved in approved extra-duty employment, will have the baton immediately accessible when performing enforcement activities.
- Except as a last resort when necessary for defense of any person, officers should avoid striking any person on or about the head with the baton.
- The baton will not be used for the following:
 - The intentional striking of any person who is under an officer's control
 - Retaliation for physical or verbal abuse
- After use of baton, whether or not the suspect is in custody, the officer will:
 - Notify an available supervisor as soon as practical, and
 - The affected supervisor will complete and submit a Response to Force form

■ Use of Chemical Agents

- For the purposes of this General Order, chemical agents shall refer to:
 - Oleoresin Capsicum, CS or CN gas issued or authorized for use by the department
 - Used in law enforcement or duty-related situations, only by those officers who have received training in their use under sponsorship of the Department
- After use of such items, whether or not the suspect is in custody, the officer will:
 - Notify an available on-duty supervisor as soon as practical
 - The supervisor will complete a Response to Force form

- Department members are cautioned **not to use** the LVNR on subjects sprayed with Oleoresin Capsicum (OC), except in situations where its use is objectively reasonable considering the totality of the circumstances.

- **Use of Conducted Electrical Weapons**

- A Taser CEW is not a substitute for deadly force and should not be used in those situations. Deployment of a Taser CEW should be backed up with the availability of lethal force if such force is justified.
- Unless there are compelling reasons that can be articulated, officers will not be allowed to use a Taser CEW on people who are handcuffed, extremely old or young, frail, or infirm, physically disabled, or obviously pregnant. A Taser CEW will only be utilized on these individuals when there is imminent threat of injury to an officer or citizen. This threat must be articulated in the officer's Response to Force documentation.
- Refer to General Order 2014-001 (Use of Taser Conducted Electrical Weapons) for policy regarding the use of the Taser.

- **Use of Firearms**

- For purposes of this General Order, firearms shall refer only to those firearms:
 - Issued or authorized for use by the department,
 - Used in law enforcement or duty related situations
- Officers of this department will be authorized to draw and display firearms when in fear for their safety or the safety of other persons (e.g. building searches, confronting persons believed to be armed or dangerous, etc.).
- Only officers demonstrating department mandated proficiency in the use of agency authorized firearms, in addition to authorized side arms, shall be allowed to carry such weapons on or off duty.
- These weapons include (but not limited to) shotguns, tear gas guns, and rifles.
- The proficiency demonstrated by officers carrying these weapons include:
 - Achieving a passing score on the departmental prescribed course
 - Attaining and demonstrating a knowledge of the laws concerning use of firearms
 - Familiarization with recognized safe-handling procedures for use of these weapons
 - Successfully completed a P.O.S.T. certified police academy

- Annual training will be conducted on requirements of this General Order.
- For reasons of safety and civil liability, only weapons and ammunition meeting agency authorized specifications are to be used in the performance of duty.
- Officers will be authorized to discharge a firearm for the following purposes:
 - In defense of self or others, or in situations requiring use of lethal force as previously defined under Lethal Force
 - To destroy a seriously injured or ill animal, when:
 - No other disposition is practical
 - The officer deems it appropriate with supervisor approval to relieve the animal from further suffering (No Response to Force Form will be required)
- Department training and qualifications
- Department approved test firing
- Officers are prohibited from discharging a firearm for the purpose of a warning shot.
- Discharging a firearm at or from a moving vehicle is authorized only when:
 - Any person is in imminent danger of serious physical injury and all other reasonable means of defense have been exhausted or are not available (including moving out of the path of the vehicle)
 - Any occupant of the suspect vehicle is using, or threatening to use, deadly force by means other than the vehicle thus creating imminent danger of serious physical injury
 - A vehicle is being operated in a manner indicative of a deliberate intent to strike an officer or another person and placing them in imminent danger of serious physical injury
 - The safety of innocent persons shall not be unduly jeopardized by the officer's action
 - Officers are prohibited from discharging a firearm with the intent of disabling the vehicle
- Officers faced with the necessity of discharging a firearm should remain cognizant of the following:
 - The direction the firearm is to be discharged and the presence of bystanders
 - That target is in plain view and identified

- The danger inherent in discharging a firearm while running or moving creating a possibility of unintended persons or property being struck by projectiles
- Reporting the discharge of firearms:
 - While on-duty, an officer will report the discharge of any firearm under the officer's control to that officer's immediate supervisor
 - Such notification will be made as soon as practical
 - When appropriate a Response to Force form will be completed by the officer's supervisor
- Regardless of jurisdictional boundaries, an officer while off-duty will report the law enforcement related discharge of a firearm under that officer's control (as soon as practical) to the on-duty supervisor.
 - Verbal notification will be made as soon as practical after the incident
 - A Response to Force form will be completed by that supervisor
- While off-duty, an officer will report to the on-duty supervisor accidental discharge of a firearm authorized for use by the department.
 - Verbal notification will be made as soon as practical after the incident
 - It will be the discretion of the on-duty supervisor whether or not a Response to Force form will be completed
- If discharge results in no personal injury or substantial property damage, unless instructed otherwise by the Chief or his designee the weapon will be retained by the officer.
- **Use of Other Items as Weapons**
 - The use by an officer of any item not specifically mentioned as a weapon in the directive will be for defensive purposes only.
 - After use of such item(s), whether or not the suspect is in custody, the officer will:
 - As soon as practical notify the immediate on-duty supervisor
 - The supervisor will complete a Response to Force form.
- **Response to Force Resulting in Serious Physical Injury or Death**

- When a Response to Force incident results in serious physical injury or death, the procedures detailed in General Order 2004-007 (Serious Physical Injury or Fatal Response to Force Incidents), will be implemented.

- **Documentation**

- A Response to Force form will be completed by the affected officer's supervisor to document:
 - Certain uses of physical force. The utilization of wrist locks, empty hand tactics (other than striking) and handcuffing alone do not require a response to force report unless extenuating circumstances exist (subject requests or receives medical attention)
 - Use of LVNR or other neck restraint
 - Use of the baton
 - Use of Oleoresin Capsicum, CN and/or CS tear gas
 - Use of Taser
 - Certain discharges of firearms - Exceptions:
 - Training/testing a weapon
 - Destroying seriously injured or ill animal
 - Use of flash/sound diversionary devices
 - Use of other weapons
- The Response to Force Report will be completed as a factual account of the Response to Force situation. The report will not include information derived from either personal opinion or speculation.
- The supervisor submitting the form will include any offense reports, interview summaries, and any memoranda, making certain that these are attached to the Response to Force form.
- The supervisor will have the initial Response to Force summary completed prior to the end of the tour of duty.
- The form will be submitted through the chain of command to the Chief of Police and each supervisory level will:
 - Review the form for completeness and policy compliance for the act reported
 - Sign and date the form on approval

- Submit the form to the next level in the chain of command
- The Response to Force form shall be considered a Confidential Work Product.
- Confidential Work Products will be handled with the utmost care and will:
 - Not be forwarded through the normal report review process, (must be in a sealed envelope)
 - Not be filed within the Records Unit
 - Not be discussed with or delivered to anyone other than those persons named in this General Order, without prior authorization by the Chief of Police
- Supplementary and follow-up information to a Response to Force form will be:
 - Completed in memorandum
 - Attached to the Response to Force form
- All internal reports will be considered confidential work products.
- Police incident reports related to the Response to Force will not be considered as Confidential Work Products.
- **Mandatory Counseling**
 - Officers involved in a response to force incident resulting in death or serious physical injury will be required to attend counseling provided by the department.
 - The department will select a mental health professional qualified to meet the perceived need.
 - Mandatory sessions will be scheduled during the officer's duty time, if practical; otherwise, the department will pay overtime or grant compensatory leave earned.
- **Annual Analysis of Response to Force Required**
 - The Internal Affairs Officer will prepare and submit to the Chief of Police an annual analysis of all Response to Force forms and incidents to determine patterns or trends indicating a need to modify training or policy.