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DEPARTMENTAL GENERAL ORDER

OLIVETTE POLICE DEPARTMENT OFFICE OF THE CHIEF OF POLICE

Index as:

Use of Deadly Response to Resistance or Aggression

Less Than Lethal Weapons

Response to Resistance or Aggression - Off-Duty

RESPONSE TO RESISTANCE OR AGGRESSION: LETHAL AND LESS THAN LETHAL WEAPONS

I. PURPOSE

A. The purpose of this General Order is to establish guidelines for the use of lethal and less than lethal response to resistance or aggression by police officers. This Guideline is for Department use only and does not apply in any criminal or civil proceedings. The Guideline should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.

B. This Guideline will only form the basis for Department administrative review and possible corrective action concerning conduct allegedly performed without regard for these guidelines although that conduct may conform to all legal norms of care and safety.

II. POLICY

A. The Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to respond to resistance or aggression to protect the public welfare, a careful balancing of all human interests is required. Officers may be confronted with situations where control must be exercised to affect arrests and to protect the public safety. Control may be achieved verbally through instruction, advice, warnings, persuasion, or the use of physical force.

B. While the use of reasonable force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under a set of circumstances. Therefore, it is the policy of this Department that police officers will only use

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reasonable force, as a response to resistance or aggression, to accomplish lawful objectives, while protecting the lives and safety of the officer or another. Verbal or physical abuse is forbidden.

III. DEFINITIONS

A. Police Officer – A commissioned employee of the Olivette Police Department.

B. Deadly Response to Resistance or Aggression – That response which is intended to cause death or serious physical injury, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

C. Less Than Lethal Response to Resistance or Aggression – A degree of response which is considered less than lethal. That level of response necessary and reasonable to restrain, subdue, or control a resistant individual or unlawful situation which involves the use of physical strength, chemical agent or other less than lethal weapon.

D. Lethal Weapon – Any weapon that has the capability of and was designed to cause death.

E. Less Than Lethal Weapon – A weapon designed not to cause death when properly used.

F. Substantial Risk – The possibility that a certain and undesirable outcome or result is real and considerable.

G. 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.

H. Reasonable Belief – A logical, articulate conclusion drawn from facts and circumstances, which would be evident to a person of average intelligence and intellect.

I. De-escalation - Non-coercive de-escalation is recognizing, creating, and maintaining conditions that allow someone to de-escalate their own emotions.

IV. RESPONSIBILITIES OF DEPARTMENT PERSONNEL

A. Command and Supervisory Responsibility

1. Department commanders and supervisors have a responsibility to closely monitor the day-to-day performance of employees under their supervision. Command and supervisory personnel must maintain an awareness of any employee experiencing problems in dealing with the public and make recommendations for specific remedial action, training, or counseling for such

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employees whenever appropriate. Commanders and supervisors are accountable for the awareness and compliance by police officers with the provisions of this Operational Guideline.

2. No commissioned employee shall be authorized to carry a firearm or other lethal or less than lethal weapon until he/she has been issued a copy of the Response to Resistance or Aggression and Authorized Weapons general orders and received instructions on both.

B. Individual Employee Responsibility

1. Every employee of this Department has the responsibility to immediately contact the Deputy Chief and report any act which they believe involves the use of excessive response to resistance or aggression as described in this General Order.

2. Any employee who fails to report information of which they are aware concerning either physical or verbal abuse against any citizen by another member of this Department is subject to disciplinary action.

3. All employees are required to intervene within their scope of authority and training and notify appropriate supervisory authority if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law, or local ordinance.

C. Deputy Chief

1. In addition to investigating alleged acts of misconduct, the Deputy Chief will also have the responsibility to identify patterns and causes of citizen complaints and may recommend a counseling program as a means of preventing similar complaints from occurring in the future.

2. The Deputy Chief will also forward to the Chief of Police an annual report analyzing incidents involving responses to resistance or aggression by Department employees and the circumstances surrounding these incidents.

V. DE-ESCALATION

A. Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to an incident especially if the person appears to be having a mental health crisis.

B. Once it is determined that a situation appears to be a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should, when feasible:

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1. Evaluate safety conditions.
2. Introduce themselves and attempt to obtain the person's name.
3. Be patient, polite, calm, courteous and avoid overreacting.
4. Speak and move slowly and in a non-threatening manner.
5. Moderate the level of direct eye contact.
6. Remove distractions or disruptive people from the area.
7. Demonstrate active listening skills (e.g., summarize the person's verbal communication).
8. Provide for sufficient avenues that allow officers more time, distance, cover and tactical flexibility should the situation become volatile.

C. Responding officers generally should not:

1. Use stances or tactics that can be interpreted as aggressive.
2. Allow others to interrupt or engage the person.
3. Corner a person who is not believed to be armed, violent or suicidal.
4. Argue, speak with a raised voice or use threats to obtain compliance.

VI. NECESSARY RESPONSE TO RESISTANCE OR AGGRESSION

A. Response to resistance or aggression covers a wide range of techniques. These techniques may range from officer presence, verbal direction or de-escalation, empty hand control, intermediate weapons (O.C. spray, Taser X26P, riot baton) and lethal response. The variety of options available in a confrontational setting is often referred to as the "Resistance Control Continuum." From options in the continuum, officers are expected to employ only the level of response necessary to control the situation. Resistance from a suspect can be nonverbal uncooperative, verbal uncooperative, passive resistive, defensive resistive, active aggressive, deadly assaults or any combination thereof. The amount of response used should be based on the amount of resistance perceived by the officer. The response to resistance or aggression by the officer shall, when circumstances permit, be progressive in nature. The option used from the resistance control continuum will vary with each situation. The level of response may escalate at any time and officers must be prepared to meet the threat with that amount of response which is objectively reasonable to control the situation.

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B. In making an arrest, no more response shall be used than is reasonably necessary for the safe custody of the arrestee, or for overcoming any resistance that may be offered, and for ensuring the delivery of the arrestee into safekeeping. When resistance ceases, police response to resistance should likewise stop. Unnecessary or excessive response is wrongful and prohibited.

C. The use of excessive response to resistance or aggression shall result in certain corrective action and may result in criminal prosecution.

D. Any instance where a response to resistance or aggression results in injury, officers must provide for appropriate first aid measures and transport the arrestee to a Department approved hospital for examination, treatment, and obtain a "Fit for Confinement."

E. Where deadly response to resistance or aggression is not authorized, officers should assess the incident to determine which less than lethal technique or less than lethal weapon will best deescalate the incident and get it under control in a safe manner. Only the reasonable amount of response necessary to bring an incident under control is authorized.

F. Police officers are authorized to use less than lethal response to resistance or aggression, including the use of Department approved less than lethal weapons for resolution of incidents, as follows:

1. To protect themselves or another from physical harm; or
2. To restrain or subdue a resistant individual; or
3. To bring an unlawful situation safely and effectively under control.

G. The Department permits the use of three less than lethal weapons: Oleoresin Capsicum aerosol spray (O.C.), Taser X26P and riot baton. Police officers may utilize these items as an appropriate level of response as outlined in the Resistance Control Continuum shown in Section IX.

H. Procedures to be followed when necessary response to resistance or aggression is used:

1. Whenever a commissioned employee uses or attempts to use a response to resistance or aggression under extraordinary circumstances that vary from the standard handcuffing or detention techniques, the on-duty supervisor must be immediately notified.
2. In those situations where a response is used, a Response to Resistance or Aggression Notification form must be prepared, and the supervisor must respond to the scene.
3. Commissioned employees at the scene of such an incident are responsible for

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ensuring that appropriate medical care is rendered to anyone in need of such treatment.

4. Upon arrival at the scene, the supervisor shall be responsible for ensuring:

- a) A thorough investigation is conducted, and a complete area canvas shall be immediately undertaken to locate, identify, and interview all witnesses to this incident.
- b) Anyone arrested as a result of such an incident will be transported in a police vehicle by a commissioned officer not directly involved in the incident when feasible. If the arrestee needs medical treatment, he/she will be transported by appropriate means; and
- c) A complete and accurate police report shall be prepared, and warrant application made, if necessary, while the suspect is in custody and within twenty-four (24) hours of the original incident, and
- d) A copy of the completed report shall be forwarded through the chain of command to the Deputy Chief without delay.

I. Required Police Report Components

Whenever a commissioned employee uses or attempts to use a response to resistance or aggression under extraordinary circumstances that vary from the standard handcuffing or detention techniques, the police report and supplemental report, if any, will contain the following information:

1. The number of officers involved in the incident, their method of arrival (marked police unit vs. unmarked vehicle) and whether the officers were in uniform or plain clothes apparel.
2. A description of the scene upon arrival and verbal commands initially given to the suspect.
3. The subject's reaction to officer/s
 - a) Verbal response (s)
 - b) Body language
 - c) Physical actions
4. The suspect's condition, i.e., apparent influence of drugs or alcohol, mental condition, highly agitated, etc.
5. The officer's action

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- a) Type of control methods used or attempted
 - b) The duration of subject's resistance
 - c) Type of de-escalation methods used (immediate removal, etc.)
 - d) Methods of restraint (handcuffs, leg irons, etc.)
6. Name of transporting officer, method of transport (patrol vehicle, etc.) transportation destination, and the subject's demeanor and actions during transport.
7. Name of supervisor who interviewed witness (es), if applicable, and name/s of any witness(es) and their statement/s.

VII. MEDICAL CONSIDERATIONS

A. Following when any law enforcement action is taken or any degree of response to resistance or aggression is used on an individual and injuries are sustained, Officers shall make sure appropriate medical aid is rendered as quickly as reasonably possible. Officers shall activate the emergency medical system by requesting EMS to the scene when:

1. The individual requests medical treatment.
2. The individual complains of injury or pain.
3. Any officer observes or suspects that obvious severe injuries have occurred, and/or medical distress is apparent, and/or the individual is unconscious.
4. Directed by a supervisor or other appropriate authority.

In addition to activating the emergency medical system, immediate medical aid consistent with the employee's training should be administered for any obvious severe injuries or unconsciousness.

B. When an officer determines that an individual needs medical treatment, the officer, in addition to making medical treatment available shall:

1. Notify their supervisor at the earliest available opportunity.
2. Promptly notify their supervisor of the individual's condition after the individual has been examined by the appropriate medical care provider.

C. A Fit for Confinement (FIT) authorization document shall be obtained from the medical care provider if the provider determines the individual is fit for confinement.

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D. Officers who obtain medical treatment for an individual shall document this information, along with the name of the medical care provider, the nature of the injury or complaint of injury, in a police report.

VIII. PROGRESSIVE RESPONSE TO RESISTANCE OR AGGRESSION

A. Progressive response to resistance or aggression refers to the escalation of response used by an officer to control a situation, from minimal to maximum response. The response to resistance or aggression by officers shall follow the training standards established by the Department. Officers of this Department may only use the level of response that is objectively reasonable under the circumstances to neutralize or prevent unlawful behavior.

B. Cooperative Level – In the course of normal patrol, the officer's contact with the general population is vastly more positive than negative, and likewise, much more prone to be non-confrontational. Even in exceptional cases, the officer may simply re-adjust his/her spatial positioning or elicit greater eye contact (body language methods) and gain reluctant compliance of the individual. Or the non-compliant individual may have the officer's request repeated or be verbally convinced that increased reluctance need not progress to resistance (verbal persuasion methods) culminating in eventual compliance.

1. In dealing with people, each officer must attempt to make his/her contact one which inspires respect and generates cooperation and approval of the public. A citizen's encounter with the police can be a frightening, emotional experience and under these circumstances, the risk of misunderstanding is great.

2. The manner and form in which an officer speaks to the individual(s) can be an effective means of controlling a situation. Verbal response may be in the form of warnings, advice, persuasion, volume, and tone control and may in and of itself, be progressive in nature, depending on the circumstances. All are effective means of utilizing reasonable and necessary response to resistance or aggression. If used properly, officers may not have to resort to the use of other forms of response.

3. The majority of arrests made by officers of this Department are made peacefully; the prisoner is handcuffed, searched, and transported. In these situations, there is neither resistance, nor the need to use physical response. On occasion, some form of physical maneuvering may be required to escort the individual from one location to another; however, this simple direction is not a response to resistance or aggression as defined in this General Order.

C. Resistance Level I – On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be, or have been, ineffective or inappropriate. Incidents of this nature require officers to

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use enough response to make a lawful arrest without unnecessarily aggravating the situation. The object of this level is to gain compliance and control while minimizing the risk of injury to the officer, the person being placed into custody, and innocent bystanders. Control options could include body language, verbal persuasion, and soft empty hand control techniques. OC spray may be an option at this level if exigent circumstances exist (i.e. passive resister blocking an ambulance on an emergency run, etc.)

D. Resistance Level II – Resistance in this classification is active in its scope and intensity. The suspect's indifference is expressed via physical defiance. The individual may turn away from the officer and attempt to leave the scene. He may actively resist the officer's attempts at controls. The critical aspect of Resistance Level II is that no violence has been directed toward the officer. It should be noted, however, that resisting a control technique could directly or indirectly injure the officer and, therefore, subsequent techniques deployed attempting to gain control of the suspect could legitimately escalate into a higher level of non-compliance. Control options for this level of resistance could include all techniques listed for Resistance Level I as well as contact controls, joint restraints, nerve center controls, and use of X26P.

E. Assault Level I – In this level the officer is met with active, hostile resistance expressing itself in the form of physical attack upon the officer. Resistance keys upon the direction of the violence as well as the intensity and, therefore, includes a large realm of resistance activities. In each case, the specific judgment as to overall scope of the violence must err on the side of officer safety.

1. Personal Weapons

This level of response to resistance or aggression involves the use of what is commonly known as personal weapons (hands, feet, fist, elbow, knee etc.). The use of personal weapons can be employed by officers to defend themselves against unlawful assaults where higher levels of response are not necessary and other verbal and physical response alternatives would be, or have been, ineffective or inappropriate. Striking techniques may be delivered with an officer's open hand, fist, forearm, leg or foot. Primary target points are the major muscle mass areas such as the legs, arms, shoulders, torso, or the side of the neck. Strikes to these target areas should create temporary muscle paralysis. Application of this level of response must be justified and appropriate.

2. ASP Baton

The Department issued ASP baton is not authorized to be carried on an officer's duty belt. The ASP baton may be carried in the officer's duty bag and only deployed in the event of needing to use it in a different manner other than striking another. Authorized use includes breaking a window, etc.

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3. Riot Baton

- a. The Department issued riot baton may be utilized by uniformed officers during events of civil unrest. The baton shall only be used in accordance with current Departmental training standards. The use of the baton shall be restricted to quelling physical confrontations where other verbal or physical response alternatives would be, or have been, ineffective or inappropriate.
- b. Only riot batons issued by this Department shall be authorized for use by officers.
- c. Officers may use the baton as a redirect or striking tool. When used as a striking tool, officers should avoid vulnerable areas such as the head, neck, throat, and genitalia, where feasible.
- d. Other types of striking devices are strictly prohibited and shall not be carried while on duty or acting in an official capacity as a member of this Department.

4. Taser X26P

- a. The Taser X26P and two Air Cartridges will be utilized by police officers who have successfully completed the Taser User Certification Training Program and have been approved by the Taser Instructors. The Taser X26P will be assigned to each officer at the beginning of his/her shift; Air Cartridges will be permanently issued to each officer. The Taser X26P is the only Conducted Electrical Weapons authorized for use by employees of this Department.
- b. Police officers will receive user re-certification training on the use of the Taser X26P on an annual basis.
- c. Authorized police officers in uniform assigned to enforcement duties will carry the Taser X26P on their support side (opposite side of body from firearm) in a Department-approved holster for the Taser X26P.
- d. Authorized police officers in uniform will carry the spare air cartridge in a pouch on the duty belt.
- e. Authorized police officers not in uniform have the option of carrying the Taser X26P, in a Department-approved holster, and spare air cartridge, in a pouch on their belt.

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f. Police officers may be restricted from using the Taser X26P by the Deputy Chief or the Chief of Police.

5. O.C. Spray

a. The Department issued pepper spray is a product that uses a 10% oleoresin capsicum (O.C.) formula, which is the extract from the cayenne pepper plant.

b. O.C. spray, unlike CS and CN tear gas, is not an "irritant" but rather an "inflammatory agent" that inflames the mucous membranes and causes an extreme burning sensation to the skin and eyes and causes an involuntary closure of the eyes.

c. Proper use of O.C. spray should reduce injuries to resisting suspects and to officers.

d. Officers are authorized to carry only Department issued O.C. spray, only after receiving training and demonstrating proficiency from a certified instructor. Officers will receive user re-certification training on the use of O.C. spray on, at least, a biennial basis.

e. The O.C. spray should only be used in a situation where you would be justified in the use of an intermediate weapon to subdue a resisting subject unless exigent circumstances exist (i.e. passive resister blocking an ambulance on an emergency run, etc.)

f. The O.C. spray should be dispensed at least three feet from the subject as the minimum engagement distance. Hold the canister upright and use short, ½ to 1 second bursts, rather than a prolonged spray. Only use the amount needed to bring the subject safely under control, however more than three bursts are not recommended if the spray is proving ineffective.

g. Spray directly into the subject's face. The spray should be directed toward the subject's eyes, nose and mouth. The spray can be effective on dogs and other animals. Dogs can be effectively subdued with a short burst toward the eyes, nose and mouth.

h. Use caution when spraying in windy conditions. You could become exposed.

i. Follow up Procedures

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1. O.C. spray causes acute inflammation of the eyes and all other mucous membranes, resulting in extreme discomfort for up to thirty minutes.
 2. When the subject has been secured and resistance has ceased, EMS should be requested at the scene to assist in decontamination of the subject and perform a medical evaluation of their condition. Officers should make every reasonable effort to relieve the discomfort of the subject and any affected bystanders. If conditions permit, clear water will relieve the eye inflammation in several minutes. Moving air and natural body action will remove all other symptoms in thirty minutes or less. Showering may further relieve extreme contamination cases.
 3. Area contamination will be found to be negligible. Hands should be washed to prevent any possible residue from being rubbed in the eyes or before going to the restroom. Any residue otherwise would not be expected to cause problems.
 4. Contaminated contact lenses should be removed by EMS or hospital personnel and cleaned before use. O.C. spray on clothing will generally dissipate by exposure to fresh air. Normal machine washing will remove all traces.
 5. Do not allow the contaminated person to apply any salves, lotions or creams. These will trap the oleoresin capsicum next to the skin and may cause blistering. Water and fresh air are the suggested methods of relieving the irritation.
 6. If additional medical care is warranted, the arrestee shall be taken to a medical facility for a Fit for Confinement examination.
 7. The officer shall include in the arrest report the details of the incident and complete justification for the use of the O. C. spray.
 8. The officer will complete a Response to Resistance or Aggression Notification form to be approved by the supervisor.
6. A less than lethal weapon may be used to protect an officer from a violent animal when no other disposition is reasonably practical. This is not considered a response to resistance or aggression as defined by this General Order. Form #OPD – 1207, DISCHARGE OF WEAPON, must be completed and forwarded through the chain of command to the Chief of Police.

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F. Assault Level II – At this level is the violent subject who by his/her actions creates a reasonable assessment that his/her non-compliant activity has the potential to cause the officer great bodily harm and even death. Most officers will readily, almost instinctively, perceive when their actions are in defense of life and therefore, justified in response options which range from the levels indicated earlier to include extended range impact projectiles, weapons techniques with debilitating potential, service firearm, and supplemental firearms.

1. All officers are equipped with a firearm to defend themselves or others against deadly assaults. An officer shoots when it is reasonably necessary to preserve his/her life or the life of another. When a firearm or other deadly response is used, it must be within the realization that the death of a person may occur.
2. Justification for the use of deadly response to resistance or aggression must be limited to what reasonably appears to be the facts known to or perceived by the officer at the time he/she decides to use such response. Facts unknown to an officer, no matter how compelling, cannot later be considered in determining whether the use of deadly response was justified.
3. An officer may use deadly response to resistance or aggression in the defense of a citizen or him/herself from what he/she reasonably believes to be an imminent threat of death or serious physical injury. This is so, if the further risk of death or serious physical injury that the unapprehended violent felon is likely to cause others, exceeds the risks inherent in the officer's use of deadly response.
4. Deadly response to resistance or aggression may be used to prevent the escape of a fleeing felon when the officer has exhausted all other means of capture and:
 - a. The officer reasonably believes that the person to be arrested has used deadly force in the commission of a felony, or
 - b. The officer reasonably believes that the person whose arrest is sought will inflict death or serious physical injury to the officer or to others if the apprehension is delayed.
5. A lethal weapon may be used to kill seriously injured or dangerous animals when no other disposition is reasonably practical. When feasible, officers must obtain approval from a supervisor before such action is taken. This is not considered a response to resistance or aggression as defined by this General Order. Form #OPD – 1207, DISCHARGE OF WEAPON, must be completed and forwarded through the chain of command to the Chief of Police.

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IX. THE 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 within the continuum:

Levels of Resistance	Appropriate Levels of Response
Physical Intimidation	Officer Presence
Verbal Non-Compliance (Verbal refusal to comply)	De-escalation/Verbal Direction (Commands of direction or arrest)
Passive Resistance	Soft Empty Hand Control (Pain compliance with verbal reinforcement), joint locks, Oleoresin Capsicum Aerosols (exigent circumstances)
Defensive Resistance (Physically resists, non-assault)	Oleoresin Capsicum Aerosols, Riot Baton (redirect), Hard Empty Hand Control (Stun blows, motor dysfunction, Taser X26P, etc.)
Active Aggression (Overt actions of assault)	Riot Baton (striking)/Chemical agents (Special weapons & ammunition, Distraction devices, etc.)
Deadly Assaults (Intent to cause death or serious physical injury).	Lethal Response

X. USE OF DEADLY RESPONSE TO RESISTANCE OR AGGRESSION

A. Police officers may use deadly response to resistance or aggression only when:

1. The officer reasonably believes that the action is in defense of any human life, including his/her own, in imminent danger of death or serious bodily injury, or
2. Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose an imminent threat to human life should escape occur.

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B. Before using a firearm, police officers shall identify themselves and state their intentions, when feasible.

C. A police officer may also discharge a weapon under the following circumstances:

1. To give alarm or call assistance in an emergency when no other means can reasonably be used, and then only in a safe direction.
2. During approved range training, performance of duty or as provided by law. Department weapons shall not be carried or utilized for hunting, or similar, non-law enforcement activity.
3. To terminate the life of an animal that represents a threat to public safety or to humanely stop the suffering of a severely injured animal.

D. Police officers shall adhere to the following restrictions when their weapon is exhibited:

1. Police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
2. When the person to be apprehended has committed, or there is probable cause to believe the person to be apprehended has committed, a felony offense and the probability exists, based on the:
 - a. Severity of the charge,
 - b. Individual or number of individuals to be apprehended,
 - c. Credible information received concerning weapons and/or subject's propensity for violence,
 - d. Other circumstances under which the felony arrest may occur which renders the drawing or display of a firearm as reasonable precaution,
or
 - e. When an officer fears for his/her safety.
3. No officer shall display or provide any weapon to a citizen to inspect, examine or otherwise handle.
4. No officer shall furnish his/her firearm to any citizen or civilian enlisting his/her assistance.
5. Warning shots are prohibited.

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6. Police officers shall not fire at or from a moving vehicle. Exceptions:
 - a. The occupant of the other vehicle is using, or threatening to use, deadly force by means other than the vehicle, or
 - b. A vehicle is operated in a manner deliberately intended to strike an officer or citizen, and, when feasible, other reasonable means of defense have been exhausted, which includes moving out of the path of the vehicle. The safety of innocent persons should not be unduly jeopardized by the officer's actions.
7. Firearms are not to be discharged towards, into, or at a crowd or gathering or when it appears likely that an innocent person may be injured.
8. Police officers shall fire weapons to stop an assailant from completing a potentially deadly act as described in the Order. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer shall shoot "center body mass."

E. Deadly response to resistance or aggression by means other than firearms:

1. Deadly response may consist of the use of items, articles, instruments, or equipment other than firearms that are designed, intended, and routinely utilized for other legitimate police purposes such as vehicles, batons, flashlights, etc.
2. Deliberate use of any such item, article, instrument, or equipment for any purpose other than that for which it was designed and intended, or in a potentially deadly manner, is prohibited except in cases where the use of deadly response is specifically authorized by this Order.
3. Strikes to the head, neck, throat, and clavicle should be avoided. These may occur only as a last resort when no other means of control exists, and the use of deadly response is justified.
4. "Choke holds", "strangle holds," and other similar holds that restrict the ability to breathe are prohibited. These may occur only as a last resort when no other means of control exists, and the use of deadly response is justified.
5. Use of Vascular Neck Restrictions is prohibited.

XI. DEATH OR SERIOUS PHYSICAL INJURY – POST INCIDENT PROCEDURES

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A. When, in an official capacity, an employee's actions result in death or serious physical injury, the employee will be removed from operational assignment, pending an administrative review. In that regard, the following procedures will be instituted:

1. The involved employee will be removed from the incident scene as soon as practical.
2. A reasonable recovery period (1-2 hours) may be allowed before any questioning of the involved employee is conducted.
3. The involved employee will be removed from their current duty assignment and placed on paid administrative leave/assignment pending further review/investigation of the incident. An administrative assignment may be in the form of an on-duty assignment as determined by the Chief of Police. The employee involved will remain on the administrative assignment until otherwise determined by the Chief of Police. The assignment to administrative leave shall not be interpreted to imply or indicate that the employee has acted improperly.
4. The employee will be referred to the City of Olivette Employee Assistance Program (EAP) for a counseling session with a specialist in post critical incident counseling. This referral will be for support purposes, allowing the employee to discuss any problems resulting from the incident. The contents of this session will remain confidential and will not be available to the Department or used by the Department in subsequent proceedings. In exceptional circumstances, the employee may be referred to a mental health professional in preference to the Employee Assistance Program.
5. Following this counseling, the Chief of Police will schedule the employee for an interview with a psychologist hired by the Department. This interview with the psychologist will be used to determine if the employee is psychologically fit to return to duty. Information discussed during this interview and the psychologist's recommendation, while treated in a confidential manner, will be provided to the Department in a written report.
6. Participation in this program is mandatory for employees whose action(s) or response to resistance or aggression results in the death of a person.

XII. DEFENSIVE TACTICS TRAINING

A. Officers shall receive in-service training on, at least, a biennial basis regarding defensive tactics and the use of response to resistance or aggression and control holds. This training will be consistent with current legal trends and generally accepted law enforcement procedures.

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1. Only certified instructors will be utilized to present this training. Although not required, it is preferred that the instructors be sworn members of this Department.
2. A training syllabus will be prepared by the lead instructor and submitted for review to the Deputy Chief, prior to the first class.
3. The Deputy Chief will review the material and forward the appropriate recommendation to the Chief of Police based on the syllabus content.
4. All training syllabi will be approved by the Chief of Police prior to implementation.
5. The Deputy Chief is responsible for coordinating the training program, to include the scheduling process, equipment, and facility acquisition.
 - a. Entries of this training shall be made on the officer's individual training record.
 - b. A list of officers failing to attend or pass the required training shall be prepared and forwarded to the Deputy Chief for appropriate corrective action.
6. All sworn personnel below the rank of Deputy Chief shall be required to attend these training sessions as scheduled, unless excused for a justifiable reason by the Chief of Police.

XIII. RESPONSE TO RESISTANCE OR AGGRESSION WHILE OFF-DUTY OR OUTSIDE THE CITY OF OLIVETTE

A. Commissioned employees that respond to resistance or aggression in a law enforcement capacity while off-duty or outside the City of Olivette will immediately request the appropriate law enforcement agency to respond to the scene and comply with all legal requirements of that venue. The employee will ensure that appropriate medical care is rendered to anyone in need of such treatment.

B. The employee will notify dispatch of the incident as soon as possible.

1. When the incident occurs within the City of Olivette procedures outlined previously in this Operational Guideline will be followed. Should the place of occurrence be within another jurisdiction, the employee will cooperate with the local authorities if they also desire a report.
2. When the incident occurs within a municipal area, unincorporated St. Louis County, or the City of St. Louis and the employee is on-duty, dispatch will make notification to the employee's supervisor, or his/her designee, who will respond to the scene if available and cooperate with the local authorities in the investigation.

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The supervisor will ensure that a Response to Resistance or Aggression Notification form is prepared and attached to a copy of the investigating agency's report.

3. While off-duty, if an employee responds to resistance or aggression outside of the City of Olivette in a law enforcement capacity, the employee will notify the on-duty supervisor through dispatch. The on-duty supervisor will prepare a Response to Resistance or Aggression Notification form and contact the investigating agency to determine if the incident was justified. A copy of the investigating agency's report will be attached to the Response to Resistance or Aggression Notification form and forwarded through the Chain of Command to the Chief of Police.

XIV. TRAINING/ISSUING RESPONSE TO RESISTANCE OR AGGRESSION POLICY:

Because of the importance of this policy, each commissioned police officer will be issued a copy and receive documented annual instructional training concerning its contents. All future members of this Department will also be issued a copy of this policy and receive identical instruction on its contents before being allowed to carry any authorized lethal or less than lethal weapon. Policy familiarization will be conducted annually, and the policy will be reviewed and updated as necessary.

This General Order supersedes all prior directives and orders inconsistent therewith.

BY ORDER OF:

Signature on File

Beth M. Andreski

Chief of Police

Effective Date: 2/5/2009

Revised: 9/13/2010

Revised: 4/22/2015

Revised: 6/20/2016

Revised: 3/14/2018

Revised: 4/30/2018

Revised: 5/22/2018

Revised: 4/10/2020

Revised: 6/18/2020

Revised: 6/24/2020

Revised: 9/14/2020

Revised: 1/08/2021

Revised: 11/22/2021

Revised: 12/18/2023

Revised: 5/20/2024

Expiration Date: Indefinite