CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 09-01

EFFECTIVE: DECEMBER 17, 2014 UPDATED: June 2, 2016

TO: ALL PERSONNEL INDEX AS: USE OF FORCE
DEFENSIVE TACTICS
DEFENSIVE TACTICS
TRAINING
WEAPONS

SUBJECT: USE OF FORCE/DEFENSIVE TACTICS

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I. PURPOSE

A. The purpose of this General Order is to establish policy and procedures for the use of deadly and non-deadly force by police officers. This Order is for Department use only and does not apply in any criminal or civil proceedings. The Order should not be construed as a creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims.

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

C. This Order requires that only weapons and ammunition authorized by the Chief of Police shall be carried both on and off duty.

II. POLICY

A. The Department recognizes and respects the value and 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 are 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 and persuasion, or by use of physical force.

B. While the use of reasonable physical 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 particular set of circumstances. Therefore, it is the policy of the Department that police officers shall use only that force that appears reasonably necessary to accomplish lawful objectives by effectively bringing an incident under control, while protecting the lives and safety of the officer or another. Verbal or physical abuse is forbidden.

III. DEFINITIONS

A. Police Officer or Officer

1. A commissioned employee of the Ballwin Police Department.

2. A Reserve Officer of the Ballwin Police Reserve Force.

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

C. Non-Lethal Weapon - A weapon designed not to cause death when used properly.

D. Deadly Force – That force 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

E. Excessive Force – The application of an amount and/or frequency of force greater than that required to compel compliance from a willing or unwilling subject.

F. Less Lethal Force – Any force intended to subdue an individual with a reduced risk of death or serious physical injury, for example the use of flexible impact projectile in 12 gauge designed to be fired from a smooth bore weapon.

G. 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 individual or unlawful situation involving the use of physical strength which falls outside of the normal scope of physical contact reasonably necessary to affect an arrest, handcuff or control an individual. Examples of non-deadly force include pressure point applications, shoulder pins, pain compliance measures, the use of pepper spray, proper deployment of the Taser X-26, physically taking a person to the ground, and any strike or hit with an ASP, fist, open hand, foot, arm, solid object, etc. Any use of neck restraint techniques other than a shoulder pin shall be considered deadly force and is not an approved Departmental defensive tactic.

H. Non-Force Anti-Resistance Measures – That physical contact and/or verbal or non-verbal direction utilized by an officer in dealing with a subject's resistance to an officer's commands. Examples of such measures include standard handcuffing and detention techniques, physical touching, gripping, holding, frisking, come-along, and the like.

I. Defensive Tactics - The application of detailed maneuvers intended or appropriate for defending against or deterring aggression or attack and to assist an officer when effecting an arrest and reducing resistance. Those tactics include the use of various blocks, strikes, locks and control techniques to control an individual.

J. Immediate Threat – Imminent or proximate peril.

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

L. 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.

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

N. Administrative Leave – An employee is relieved of his normal work schedule, but is required to be available for all departmental interviews, reports, training and/or counseling.

O. Administrative Duty – An employee is assigned duties that would not normally put him in contact with the public. Officers assigned to Administrative Duty may be in uniform or out of uniform and armed or unarmed dependent upon the reason they have been placed on Administrative Duty.

P. Off-Duty Weapon- A weapon which an officer may carry on or about his/her person when not working his/her normal tour of duty.

## IV. RESPONSIBILITIES OF DEPARTMENT PERSONNEL

### A. Command and Supervisory Responsibility

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 dealing with the public and make recommendations for specific remedial action, training or counseling when appropriate. Supervisors shall assure that CARE reports and Defensive Action Report [(DAR) BPD #16] forms are completed in all instances where non-deadly or greater force is used. Aiming a firearm at an individual to gain compliance with verbal commands is considered a use of force and a DAR will be completed. A DAR form shall not be completed in instances where only non-force anti-resistance measures are utilized by an officer. Commanders and supervisors are accountable for the compliance of their subordinates with the provisions of this Order.

### B. Individual Employee Responsibility

1. Every employee of the Department has the responsibility to immediately contact the on-duty supervisor or the Commander, Bureau of Administration and report any act which they believe involves the use of excessive force as described in this Order.

2. Any employee who fails to report physical or verbal abuse against any citizen by another member of this Department is subject to disciplinary action.

### C. Professional Responsibility Unit

1. In addition to managing the Professional Responsibility function while investigating alleged acts of misconduct, the Bureau of Administration will also have the responsibility of administering counseling and/or training to prevent similar complaints from occurring.

2. The Defensive Tactics Unit of the Division of Training shall review each incident wherein a Defensive Action Report form is generated, and, (where any non-deadly or greater force is used) find as to whether the use of force was justified.

3. The Defensive Tactics Unit shall publish an annual report analyzing incidents involving the use of force by Department employees and the circumstances surrounding these incidents. The Defensive Tactics Unit shall retain the Defensive Action Report forms.

## V. DEADLY FORCE REGULATIONS

It is the policy of this Department that police officers weigh the necessity of apprehension against the apparent threat to the safety of all involved, and exhaust every reasonable alternative means for apprehension.

A. A police officer may use deadly force under the following circumstances:

1. In the necessary defense of the police officer or other persons from death or imminent serious physical injury;

2. To effect an arrest, to prevent the escape, or to recapture a felony suspect when:

a. The officer has a warrant or probable cause to arrest the felony suspect, **and**

b. The felony suspect could not be otherwise apprehended, **and**

c. The felony suspect has used deadly force in the commission of the felony or the officer reasonably believes the felony suspect would use deadly force against the officer or others if not immediately apprehended, **and**

d. Where feasible, some verbal warning to stop has been given.

B. Procedures to be Followed When an Employee Utilizes Deadly Force

1. Any employee on the scene of a deadly force incident shall take the necessary steps to ensure that appropriate medical aid is administered, including providing first aid when appropriate. The Division of Communications shall be notified immediately either by the employee involved or the first police officer on the scene after the incident. Communications shall make the required notifications, including summoning of emergency medical aid as required.

2. When a firearm is discharged at another human being, an officer must decide when the threat of danger has passed. Once that determination is made, the following procedures are to be followed. These guidelines must be followed even if the discharge occurred outside the City of Ballwin (e.g. pursuit, undercover arrest, fugitive arrest, off-duty incident).

a. The firearm(s) used must be securely stored. A pistol must be re-holstered. A shotgun or patrol rifle must be placed on "safe" and locked in a Ballwin Police vehicle (preferably in the trunk). In the event a Ballwin Police officer

is injured and unable to retain control of the firearm(s) used, the on-duty watch commander will immediately attempt to recover the firearm used and any magazines and/or unspent ammunition.

b. Initially, the employee(s) involved will not provide an official written statement; however, they shall provide the commanding officer of the investigation with basic information regarding the events that occurred in order to assist with the investigation of the incident. An official statement shall only be made after an employee has a chance to recover from the shock of the experience and given an opportunity to accurately recall all related events.

c. The weapon (s) used will be surrendered to a command level officer of the Ballwin Police Department or the primary investigating agency and replaced with another Department issued firearm.

d. No attempt shall be made to unload a discharged firearm until an evidence technician is present. When the weapon is unloaded, an evidence technician shall photograph, record detailed information concerning the items and properly package the firearm and ammunition as evidence.

e. It shall be the policy of this Department to cooperate fully with any other agency investigating a Ballwin Police Officer's discharge of a firearm.

3. The on-duty watch commander shall make the appropriate notifications to members of the Department's command staff and investigate the circumstances of the incident.

a. The Watch Commander shall evaluate the use of deadly force and make a recommendation as to if it was or was not justified in accordance with this General Order.

b. The Watch Commander shall ensure a Defensive Action Report form is completed by officers involved and is forwarded through the chain of command to the Chief of Police. The form shall be accompanied by a copy of the original CARE report which supports the conclusion that the use of deadly force was or was not justified and in accordance with this Order. The Defensive Action Report form will then be forwarded to the Professional Responsibility Unit and the Defensive Tactics Unit for review.

c. Status of Employees Involved In Deadly Force or Serious Injury Incidents

1) Any employee directly involved in a deadly force or serious physical injury incident shall be placed on administrative leave directly upon completion of his/her preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the employee had acted improperly.

2) While on administrative leave, the employee shall remain available at all times for official Departmental interviews and statements regarding the incident and shall be subject to recall at any time.

3) Upon return to duty, the employee may be assigned to administrative duty for a period of time as deemed appropriate by the Chief of Police.

4) Within one week of any incident where an employee is involved in a shooting situation or a deadly force situation, the employee shall be required, for their benefit, to see a psychologist selected and provided by the Department. The psychologist shall be skilled in dealing with these types of incidents.

## VI. DISCHARGE OF A FIREARM

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

1. When use of deadly force is warranted.

2. To kill a dangerous animal, when the animal is an immediate threat to the officer or an innocent bystander;

3. At a firing range, and/or as part of a departmental defensive tactics training exercise.

4. To humanely destroy an injured animal with supervisory approval.

5. While hunting or at an organized shooting match. If circumstances are such that an officer is armed with a recreational firearm in a lethal force situation, he/she may employ it in defense of his/her life, or another's.

B. Firearms shall <u>not</u> be discharged:

1. As a warning to a fleeing suspect;

2. In an attempt to apprehend a fleeing misdemeanant or non-dangerous felon;

3. 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 police officer or an innocent person, and then only as a last resort.

4. Into a crowd where an innocent person may be struck.

C. Procedures to be followed when a firearm is discharged accidentally or is discharged to destroy a wounded or dangerous animal.

1. Whenever an officer's firearm is discharged to stop or destroy an animal the police officer shall:

a. Immediately notify the on-duty Watch Commander.

b. Notify the Division of Communications as soon as possible.

c. Complete an Animal Destruction Report [(ADR) BPD #5] form and forward it through the chain of command to the Chief of Police. The ADR should be accompanied by the related CARE report except in cases where a non-domesticated animal is destroyed, since no CARE report is required in such cases.

d. Euthanizing injured wildlife should be done in the safest and human manner possible. An officer will need to contact the on-duty supervisor who, after authorizing the action, will provide the officer with a 12 gauge ALS Door Breaching Round. Deployment of this munition will follow the training protocol as instructed by the Defensive Tactics Unit.

2. Whenever an officer's firearm is accidentally discharged, the police officer shall:

a. Immediately notify the on-duty Watch Commander.

b. Notify the Division of Communications as soon as possible.

c. Prepare an Inter-Office Memorandum detailing the circumstances surrounding the discharge and forward it through the chain of command to the Chief of Police. The memorandum should be accompanied by a copy of all related CARE reports.

A copy of the discharge memorandum shall be forwarded to the Professional Responsibility Unit and the Defensive Tactics Unit for review.

3. The watch commander shall:

a. Respond to the scene and ensure that the police officer preparing the report identifies all known witnesses to the incident.

b. Review the officer's Inter-Office Memorandum and forward it through the chain of command to the Chief of Police. The memorandum shall contain the investigating supervisor's conclusion as to whether or not the discharge was justified and in accordance with the General Order. The memorandum will be forwarded to the Department's record clerks where it will be maintained.

## VII. USE OF LESS LETHAL FORCE

A. Currently the Ballwin Police Department only permits the use of a flexible impact projectile in 12 gauge, designed to be fired from a smooth bore weapon as a less lethal weapon. Less lethal shotguns will be designated by the fore-end and butt stock being constructed of a

synthetic material and blaze orange in color. These weapons will only be loaded with less lethal rounds. While stored in the patrol vehicle, the 12 gauge Less Lethal shotgun will be carried decocked, no round in the chamber, bolt locked forward and five rounds of Less Lethal impact munitions in the magazine tube. Less lethal munitions are to be deployed only by those officers who have been trained in their use and who have been designated to do so by the Chief of Police.

B. It is important to differentiate between non-lethal and less-lethal munitions. Less-lethal munitions are specifically less lethal as opposed to non-lethal. There is a high probability that less-lethal munitions may cause death or serious physical injury if not deployed according to established guidelines. Even when properly deployed, less-lethal munitions may still cause death or serious physical injury in some cases. Therefore, careful consideration should always be given before the decision is made to use this option.

C. Criteria for Deployment

1. Due to the risk associated with less lethal munitions, a set criterion governing their deployment shall be adhered to at all times.

a. The situations should involve circumstances that would make the use of non-lethal force ineffective or inappropriate.

b. Other actions to resolve the situation have been unsuccessful or are inappropriate and the use of less lethal force must be taken to resolve the situation.

c. Appropriate support is present at the scene to isolate the suspect and gain control while the suspect is still under the effects of the less lethal munitions. In all cases, at a minimum, one lethal force cover officer should be on the scene when the bean bag shotgun is deployed.

d. Every police officer on the scene is clear on the plan of action.

e. In all cases, the officer deploying the less lethal rounds must communicate that the bean bag shotgun is being fired prior to doing so. This must be done so officers do not mistake the bean bag shotgun report for that of live gunfire and to insure all officers are aware a less lethal weapon is being utilized. Prior to discharging any less lethal weapon, the officer shall announce "Less Lethal, Less Lethal."(For simplicity's sake the same phrase will be used for all less lethal weapons) The officer may then discharge the bean bag shotgun.

D. Actions to be taken after Deployment

1. Once the suspect is under control, emergency medical attention, including providing first aid when appropriate, will be sought.

a. If deemed necessary, EMS will be requested to treat the suspect at the scene.

b. A fit for confinement shall be obtained prior to incarcerating the suspect. The fit for confinement shall be sought regardless of the suspect's complaint or lack of complaint of injury.

c. The on-duty crime scene officer or detective shall take photographs depicting the suspect's injuries and point of impact of the less lethal rounds.

d. The photographs, expended less lethal round(s) and empty shell casing(s) shall be seized by the crime scene officer or detective and packaged as evidence.

2. All facts regarding the incident shall be documented in the appropriate police reports and by the Defensive Action Report form.

E. Regardless of their assignment, only those officers who have been certified through training will be authorized to deploy less-lethal munitions. All officers authorized to deploy the less lethal weapon will be initially trained by a certified instructor and will receive periodic updated training and re-certification.

F. In all instances, it must be understood that less lethal force is not "Less than Lethal" or "Non-Lethal". It should be understood that less lethal force could be the last level of force prior to the use of lethal force. Therefore, less lethal force should only be used when appropriate personnel are on the scene, everyone understands the plan and there is a high probability the operation will succeed.

## VIII. USE OF NON-DEADLY FORCE

A. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly techniques 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 absolutely necessary for the safe custody of the prisoner or for overcoming any resistance that may be offered and for ensuring the delivery of the prisoner to safekeeping

B. Police officers are authorized to use non-deadly force, including the use of Department approved non-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.

C. Non- Lethal Weapons

This Department permits the use of four types of non-lethal weapon, the Taser X-26, the Oleoresin Capsicum aerosol spray (Pepper spray) and the ASP ™ collapsible baton, and 21 inch composite night stick for Command Staff vehicles.

Police officers may utilize these items as an appropriate level of response as outlined in the Resistance Control Continuum in this General Order.

1. Oleoresin Capsicum Aerosol (pepper) spray – Department issue only

2. ASP ™ Collapsible Baton – 21" or 26" ASP baton

3. 21" composite night stick will be carried in command staff vehicles

4. Taser X-26 – Department Issue Only.

5. 36" wood, or composite material, baton to be issued during civil disturbances

Uniformed officers assigned to the Bureau of Field Operations must carry the Taser X-26, the ASP Baton and O.C. spray on their belt at all times. The Taser X-26, when worn, must be placed on the belt in the issued holster and worn on the opposite side of the body from the duty firearm.

At the end of the officer's tour of duty under no circumstances is the Taser X-26 to be left in the patrol car or unattended in the station. If direct transfer from officer to officer cannot be accomplished, the Taser X-26 shall be placed in the designated locking storage area until the relief officer can obtain it.

Detectives or plain-clothes officers will carry the X-26 Taser when conducting arrest attempts or when performing activities where it is reasonably believed they may be in contact with subjects who would offer resistance to or assault a police officer. Tasers assigned to the Division of Criminal Investigations (DCI) will be securely stored in the DCI office when not in use.

The Department has designated the Taser X-26's for use by off duty officers working in uniform in a security capacity within the City of Ballwin. An officer wishing to sign out a Taser prior to performing secondary employment may do so by notifying an on-duty supervisor and signing for the Taser in the Taser secondary log book. These Tasers will be marked specifically for secondary employment, in the event both weapons are already in use, no other Tasers will be available for secondary use. All use of force policies and procedures are to be adhered to whether in a primary or secondary employment capacity. The Taser will be immediately returned to the designated storage area at Department Headquarters upon completion of the secondary employment.

D. Procedures to be Followed When Non-Deadly Force is Used

1. When a police officer uses or attempts to use non-deadly force, the watch commander must be notified immediately.

2. In those situations where non-deadly force is used the Watch Commander or Watch Supervisor must respond to the scene. When a police officer or suspect has sustained a serious injury, the responding commander/supervisor must ensure that the appropriate notifications are made.

   a. Police officers at the scene of such an incident are responsible for ensuring that appropriate medical care, including providing emergency first aid when appropriate, is rendered to anyone in need, and that all first responder requests for additional equipment and personnel are made.

   b. The commander/supervisor on the scene is responsible for ensuring:

      1) A thorough investigation is conducted and a complete area canvass is immediately undertaken to locate, identify and interview all witnesses to the incident; and

      2) Anyone arrested as a result of the incident is escorted in an ambulance or transported in a police vehicle by an officer not directly involved in the incident if possible; and

      3) A complete and accurate police report is prepared and warrant application, if necessary is made or summonses are issued while the suspect is in custody and within 24 hours of the original incident.

      4) A Defensive Action Report (DAR) form is completed by the officers involved when non-deadly force is used. The CARE report, the DAR, and any supplemental reports shall be forwarded through the chain of command to the Chief of Police, the Professional Responsibility Unit and the Defensive Tactics Unit for review.

3. Taser Deployment Procedures

   a. When an officer deems it necessary to deploy the Taser X-26 as a means of subduing a combative or resisting suspect, he shall, when possible, announce the intended use with the phrase, "Taser! Taser!" This announcement will warn other officers present that the firing of the Taser X-26 is imminent.

   b. When the Taser X-26 is deployed, it shall be the responsibility of the "on duty" supervisor to determine if the probes are to be removed by officers on the scene or if the suspect is to be transported to the emergency room for removal by hospital staff. Unless there are extenuating circumstances,

generally there will not be a need for "fit for confinement" or emergency room treatment. The probes, expended cartridge and wires should be handled as a "bio-hazard", transported to the station and be packaged as evidence.

c. Regardless of the method of Taser probe removal, digital photos shall be taken of the point of probe contact. These photos should be packaged as evidence. The supervisor shall insure that members of the same sex take the photos.

## IX. TRAINING

A. Prior to issue and annually thereafter, each officer shall be familiarized with weapons kept in the Department Armory, the use of which would be commensurate with their assignment. Training sessions will be scheduled at a minimum of twice in a calendar year and are mandatory for all officers and training guidelines are established per session under the Defensive Tactics/Use of Force Training Manual #15. Officers designated to use special weapons shall qualify prior to their issue and at least once each year with the weapons and familiarize themselves with the weapon at scheduled Defensive Tactics qualification period.

B. Prior to issue and annually thereafter, each officer shall qualify with the Department issued firearms assigned to their position by the Department Defensive Tactics Training Unit. Records of familiarization and qualification will be maintained by the Department Defensive Tactics Unit.

C. Each officer shall be qualified in the use of Defensive Tactics by the Defensive Tactics Unit, St. Louis County and Municipal Police Academy, the MSHP Academy, the FBI Defensive Tactics Training Academy or any accredited training academy authorized by the Defensive Tactics Unit.

D. The Department Defensive Tactics Unit shall be responsible for insuring proper training and safety on the firing range, and that proper and adequate training programs are instituted in safety, care and maintenance, and qualification in the use of weapons.

E. Officers who fail to meet qualification requirements after two (2) attempts on their assigned qualification day will be reassigned within the Department and off the street until remedial training is provided. Remedial training will be done by the Department's Defensive Tactics Unit and/or at the assistance of another law enforcement agency's firearms unit at the approval of the Chief of Police within five (5) days. A remedial training program will be tailored to the officer's qualification deficiency and will be documented in the Defensive Tactics Unit's individual officer training file. The Defensive Tactics Unit Coordinator will forward a memorandum to the officer's supervisor advising of the remedial training, which will be documented on the officer's monthly performance appraisal and yearly evaluation.

F. Officers that develop a pattern of failing to qualify at firearms qualification sessions because they have not maintained firearms proficiency will be subject to additional training as outlined by the Defensive Tactics Unit. This training may consist of

mechanics, i.e. dry-firing drills, hand strengthening, and/or range time practicing to enhance their firearms capabilities. An officer failing to comply with the outlined training program will be subject to progressive disciplinary action.

G. Each officer shall be trained in the use of defensive tactics biennially (every other year). Upon initial employment and biennially thereafter, all officers shall receive training and show proficiency with all non-lethal weapons authorized by the Department.

H. All commissioned officers authorized to carry weapons shall receive copies of, and be instructed in, Department policies relating to degree of force used, use of deadly force, warning shots prohibited, less-than-lethal weapon usage, and provisions for medical aid to be rendered prior to being issued those weapons.

## X. SAFETY

A. When displaying or handing a weapon to others, the weapon will, in the case of a revolver, have the cylinder open, and in the case of an automatic, the magazine shall be removed and the weapon placed in an unlocked position (action locked open). Always remember, keep fingers off of the trigger to avoid an accidental discharge.

B. Weapons shall be pointed in a safe direction at all times and shall always be handled as a loaded weapon.

C. Each weapon shall be inspected to insure that it is unloaded before the weapon is transferred to another.

D. Weapons shall not be left unguarded at any time and will be locked in a drawer, safe, vault, or wall locker when not in use by the officer. Weapons shall not be accessible to anyone other than the officer to whom it is assigned. While off-duty, officers shall secure all weapons in a manner that will prevent unauthorized use by anyone other than the officer. Use of a department issued gun lock is recommended.

E. Subject to the provision of paragraphs, A, B, and C above, each officer's weapon shall remain in his/her holster while the officer is in a vehicle or secured in a locker or locked desk while in the office.

F. Only authorized lethal and less lethal ammunition shall be used by members of the Department, and such ammunition shall be replaced at least annually. Handgun ammunition shall be the .40 caliber round, or the approved appropriate caliber ammunition for Back-up and Off-Duty weapons. AR-15 rifle ammunition shall be the .223 caliber round. Patrol shotgun ammunition shall be 12 ga.00 buckshot or rifled slugs. Less lethal flexible impact projectile in 12 gauge designed to be fired from a smooth bore weapon shall be issued.

G. All weapons shall be maintained in a clean and serviceable condition at all times.

H. There shall be no "horse-play" with weapons.

I. When not in use, a shotgun or rifle shall not have a round in the chamber, and the chamber shall be closed. The shotgun, or rifle, shall remain secured in the patrol vehicle when not being deployed.

J. Officers shall not carry or have in their possession a firearm while consuming alcoholic beverages. Officers deployed to an undercover assignment or assigned to a multi-jurisdictional task force and operating in an undercover or covert capacity are exempt from this provision, if the operational plan and/or Task Force Commander or supervisor authorizes such action.

## XI WEARING OF FIREARMS:

A. While on duty, each commissioned officer of this Department shall carry on or about his person an approved firearm prescribed by the Department, for the performance of his official duties. The firearm will be carried with a round in the chamber and a full magazine inserted in the weapon. Police officers assigned to certain activities such as undercover investigation may work without a weapon or utilize special weapons not specified within this order, with the approval of the Chief of Police. At all times when armed, the police officer is required to carry in his possession, their Department issued badge and identification card.

B. Uniform officers shall carry in an exposed position, the Department issued weapon. Exception to this rule must be approved by the Chief of Police. All firearms used by Department officers shall be registered by make, model, and serial numbers with the Defensive Tactics Unit. The firearm must be inspected, fired, and certified safe by a Department Armorer.

C. Shoulder and cross/draw holsters for firearms shall be prohibited for on-duty use, unless specifically approved by the Chief of Police.

D. While on duty, officers may carry a maximum of two (2) handguns. Any Back-up weapon carried must be concealed and must be approved by the Defensive Tactics Unit, and the officer must have qualified annually with the secondary weapon to the satisfaction of the Department Defensive Tactics Unit. The serial number of the secondary weapon shall be recorded with the Department Defensive Tactics Unit.

E. RSMo. 571.030 exempts police officers from restrictions that prohibit carrying of concealed weapons. RSMo. 70.820 authorizes officers of all Missouri First Class Counties to be fully empowered as police officers and possess the powers of arrest in each of Missouri's First Class Counties. Additionally, all officers retain full powers of arrest anywhere in the State of Missouri when they witness someone committing a dangerous felony as defined by RSMo. 556.061, or the subject is causing or creating a substantial risk of death or serious physical injury to another person. Any such action shall be deemed to be within the scope of the officer's employment.

F. While off duty, and within the limits of Missouri Counties of the First Class, police officers, **except reserve officers**, are authorized, to carry concealed on or about their person his Department issued service weapon or Department approved back-up / off-duty

weapon, unless engaged in some activity which makes carrying of such weapon impractical. When so armed, a Departmental badge and I.D. card are required. (Exception: off-duty officer while operating a Department vehicle shall always be armed with an approved weapon.)

G. It shall be the responsibility of each officer to assure that the carrying of a weapon off duty and any circumstance, under which that weapon may be displayed or used, is not in violation of RSMo. 571.030 or any local ordinances pertinent to the circumstances at hand.

H. All officers in uniform, unless otherwise approved by the Chief of Police, will be issued and must carry:

1. Department issued Glock , model 22, .40 cal., 4.5"bbl, Semi-automatic pistol.

I. Officers in plain clothes assignments and Commanders who may from time to time wear plain clothes may be issued and carry:

1. Department issued Glock, model 23, .40 cal., 4"bbl, Semi-automatic pistol.

J. Back-Up Weapons

While on duty, Officers may carry one additional lethal weapon (excluding the Department shotgun and rifle). It is only to be used in self-defense situations when the primary weapon is either not available or impractical to use.

1. The back-up weapon must be a pistol or revolver of reputable manufacture with at least a five (5) round capacity and a minimum caliber of .38 Special or 9 mm Parabellum. The maximum caliber shall be .45 ACP. The maximum barrel length shall be four (4) inches.
2. All back-up weapons must be inspected and approved by the Department Defensive Tactics Training Unit prior to qualification or deployment.
3. Officers carrying a back-up weapon chambered for a round other than .40 caliber, must provide at their own expense, commercially manufactured expandable type ammunition (i.e. jacketed hollow point) that has been approved by the Department's Defensive Tactics Unit. Officers will qualify with the ammunition that they intend to carry in their back-up weapon.
4. The back-up weapon must be carried in an ankle holster and concealed from public view.
5. All back-up weapons shall be carried with a round in the chamber and a full magazine / cylinder.
6. All back-up weapons shall be inspected annually by a gunsmith, or armorer, who is certified to work on that brand of firearm. Officers shall provide annual proof to the Department Firearms Coordinator that their back-up weapon has been inspected and deemed safe to carry. Glock firearms may be inspected by a Department armorer.

K. Off-Duty Weapons

Officers desiring to carry a weapon off-duty, other than their Department issued, may carry one of the following:

1. Officers, under the above guidelines, may carry as an off-duty weapon a pistol or revolver of reputable manufacture with at least a five (5) round capacity and a minimum caliber of .38 Special or 9mm Parabellum. The maximum caliber shall be .45 ACP. The maximum barrel length shall be five (5) inches.
2. All off-duty weapons must be inspected and approved by the Department Defensive Tactics Training Unit prior to qualification or deployment.
3. Officers carrying an off-duty weapon chambered for a round other than .40 caliber, must provide at their own expense, commercially manufactured expandable type ammunition (i.e. jacketed hollow point) that has been approved by the Department's Defensive Tactics Unit. Officers will qualify with the ammunition that they intend to carry off-duty.
4. Weapons carried off duty must be in a holster specifically made for the model of the firearm carried. Carrying a weapon without a holster is specifically prohibited.
5. All off duty weapons shall be inspected annually by a gunsmith, or armorer, who is certified to work on that brand of firearm. Officers shall provide annual proof to the Department Firearms Coordinator that their off duty weapon has been inspected and deemed safe to carry. Glock firearms may be inspected by a Department armorer.

M. Special Weapons

The Department currently authorizes the use of the Remington 870 pump action 12 gauge less lethal shotgun and the AR-15 type .223 caliber patrol rifle.

The AR-15 rifle may be carried by trained and designated personnel for use as a patrol rifle, for use as a containment weapon or in other appropriate tactical situations. Officers may carry a personally owned AR-15 rifle in compliance with General Order 62-01. When not in use, the AR-15 rifle will be carried decocked, bolt locked forward, no round in the chamber, dust cover closed and a full magazine inserted in the weapon.

Remington 870 pump action 12 gauge less lethal shotguns are in each sector patrol vehicle. This weapon may be used as a less lethal option when meeting the criteria for deployment under VII, Use of Less Lethal Force in this policy.

Only officers trained on the AR-15 and Remington 870 pump action 12 gauge less lethal shotgun annually shall be authorized to deploy them. The Defensive Tactics Unit shall publish a yearly list of approved officers to the command staff and Watch Commanders.

M. Department Issued Shotgun

The Remington Model 870 will be the only shotgun authorized for use. Only Department issued ammunition as selected by the Defensive Tactics Unit and approved by the Chief of Police will be utilized. When not in use, the Remington Model 870 shotgun will be carried decocked, no round in the chamber, bolt locked forward, safety on and five

rounds of buckshot in the magazine tube. All officers in assignments that might utilize the shotgun must qualify on that weapon at least once per year.

N. Nontraditional Weapons

Under extraordinary circumstances officers may utilize any tool or object not listed in this General Order, such as a flashlight, clipboard, knife, etc., to protect them or another when authorized lethal or less lethal weapons are not immediately available. The circumstances, the tool or object used, and how the item was used, will be fully documented in the CARE report. This statement does not authorize the carrying of any weapon for duty use that is not authorized.

O. Ammunition

Only ammunition approved by the Defensive Tactics Unit shall be authorized for any weapon used by a member of this Department. This includes the ammunition used in approved back up and off duty weapons.

P. Loss or Theft of Firearm

Following the loss or theft of a Department or personally owned firearm the officer shall immediately notify his immediate supervisor. A police report containing all facts and circumstances shall be prepared by the appropriate agency. A copy of the police report and memorandum shall be forwarded to the Chief of Police through the chain of command.

P. Inspection and Maintenance of Firearms

Prior to issue, and each year thereafter, each firearm approved for official use shall be inspected and maintenance performed by the Department armorer. A record will be maintained as to the operational readiness of each firearm. Should a Department owned firearm be found defective, it shall be removed from service and a spare firearm issued to the officer pending repair of the primary firearm.

Q. Inspection and Maintenance of all other Department Weapons

All other Department issued weapons will be inspected prior to their use in training by the training instructor. This includes, but is not limited to, Tasers, ASP Batons and OC Pepper Spray.

## XII. REPORTING (REPORT FORMS)

A. Non-Deadly Force or Greater -- Defensive Action Report (DAR)

A DAR shall be completed in all instances where members of this Department utilize non-deadly force, use deadly force or attempt to use deadly force. The officer(s) involved shall prepare the Defensive Action Report form and forward it through the chain of command to the Chief of Police for final review and approval. The form shall be

accompanied by a copy of the original CARE report and support the conclusion by the investigating supervisor that the use of force was or was not justified if in accordance with this Order. The Defensive Action Report form will then be forwarded to the Professional Responsibility Unit and the Defensive Tactics Unit for review.

A CARE report is not required in those instances where a firearm is aimed at an individual to gain compliance with verbal commands and the incident can be adequately reported on the DAR. A DAR shall not be completed in instances where only non-force resistance measures are utilized by an officer.

B. Animal Destruction – Animal Destruction Report (ADR)

Whenever an officer's firearm is discharged to stop or destroy an animal the police officer shall complete an ADR form and submit it to his on-duty supervisor for review. The supervisor shall review the form and forward it through the chain of command to the Chief of Police for final review and approval. The ADR shall contain the investigating supervisor's conclusion as to whether or not the discharge was justified in accordance with this General Order. The

ADR shall be accompanied by all related CARE reports, except in cases involving non-domesticated animals, since no CARE report is required in such cases and forwarded to the Records Division for filing.

C. Accidental or Unauthorized Purposeful Discharge -- Memorandum

Whenever an officer's firearm is accidentally discharged or is discharged purposely for reasons other than practice, training or as otherwise authorized in this order, the police officer shall prepare an inter-office memorandum detailing the circumstances surrounding the discharge and forward it through the chain of command to the Chief of Police. The memorandum should be accompanied by a copy of all related CARE reports.

A copy of the discharge memorandum shall be forwarded to the Professional Responsibility Unit and the Defensive Tactics Unit for review.

## XIII. THE FORCE CONTINUUM

The following Force Continuum shall serve only as a guideline for the use of force on a suspect:

1. Officer Presence
2. Verbal request/command
3. Soft empty hand control (non-pain compliance/guidance direction)
4. Pepper spray, Electro muscular disruption device (Taser M-26, X-26)
5. Hard empty hand control (pain compliance/physical strikes)

6. Department authorized nightstick/impact weapon

7. Less Lethal impact projectile

8. Firearm/vehicle

* Note: Officers should judge the level of force needed based on the behavior and actions of the arrestee/suspect. Officers can start with the level of force necessary to stop the aggressive behavior; however, they may also have to de-escalate their level of force depending on the behavior and actions of the arrestee/suspect.

BY ORDER OF: _____ 6/2/16
Kevin B. Scott, Chief of Police — Date

MPCCF REFERENCE

9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 16.2, 29.3, 29.4