

Crestwood Police

General Order Use of Force Policy

Purpose:

To explain the law and department policy regarding the use of force by law enforcement officers.

Policy:

It is the policy of the department that force is used only to the extent reasonably necessary to accomplish lawful objectives and in compliance with current department training standards.

Definitions:

1. **Deadly and Non-Deadly Force:** The law distinguishes between deadly and non-deadly force. Deadly force means force plainly likely to cause serious physical injury or death. Non-deadly force is any other physical force. A baton and similar objects are normally non-deadly force, but they can constitute deadly force, depending on the manner of use.
2. **Serious Physical Injury:** A serious physical injury is one which creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
3. **Reasonably Necessary:** Force may be used only to accomplish lawful objectives and only to the extent reasonably necessary in light of the circumstances confronting the officer. Force is reasonably necessary only if lesser force would not likely lead to safe control of persons and situations.
4. **Reasonable Belief:** A logical, articulable conclusion drawn from facts and circumstances which would be evident to a person of average intelligence and intellect.

Procedure:

A. **HFRG (Human force Research Group): Resistance Control Continuum**

1. The HFRG Resistance Control Continuum, its components and force correlations are accepted and approved for training by the Crestwood Police Department. All Department employees authorized to carry lethal and less-lethal weapons shall be required to receive annual in-service training on the Department's use of lethal force policies. All employees must demonstrate proficiency with all approved lethal and less-lethal weapons that the employee is authorized to use

Distribution: All Personnel	Document Number: G23300
Classification: A9.1	Page: 1 of 6
Effective Date: October 27, 2023	Cancels: G22088
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before being given authority to carry the weapon. Refer to General Order A9.3 for Firearms training requirements. In-Service training for less-lethal weapons shall occur annually during Defensive Tactics training.

2. **Resistance Control Continuum**

LEVELS OF RESISTANCE (Officer's Injury Potential)	LEVELS OF CONTROL (Subject's Injury Potential)
DEADLY FORCE ASSAULTS	DEADLY FORCE
Active Aggression (Overt actions of assault)	Intermediate Weapons Baton strikes, chemical agents, impact munitions, distraction devices, etc. or any level of response previously listed.
Defensive Resistance (Physically resists, non-assaultive)	Hard Empty Hand Control; TASER (Stun blows, motor dysfunction, etc.), or any level of response previously listed
Passive Resistance (Ignoring officer's commands but taking no further action to resist, "Dead Weight")	Soft Empty Hand Control Oleoresin Capsicum Aerosols, Blocking or Pushing (non-striking) with an Extended/Riot Baton Pain compliance with verbal reinforcement, joint locks, or any level of response previously listed.
Verbal Non-compliance (Oral refusal to comply)	Verbal Direction (Commands of direction or arrest)
Psychological Intimidation (Blank stare, Clenched fist, Tightening of Jaw)	Officer Presence

- Annual use of force training will include less-lethal weaponless control techniques. Holds which restrict the ability to breathe are prohibited. This training will be documented in accordance with Missouri POST requirements.
- Officers of the department must generally employ tools, tactics, and timing of force utilization consistent with the HFRG Resistance Control Continuum. Due to the fact that officer/citizen confrontations occur in environments that are potentially

Distribution: All Personnel	Document Number: G23300
Classification: A9.1	Page: 2 of 6
Effective Date: October 27, 2023	Cancels: G22088
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unpredictable, “tense, uncertain, and rapidly evolving” (Graham v. Connor, 490 U.S. 386, 1989), the officer may utilize tools, tactics, and timing outside the parameters of the continuum. However, this application of force must meet the same test of reasonableness as those stated herein.

B. Force Protocols: Non-Deadly

1. Where lethal force is not authorized, officers should assess the incident in order to determine which non-deadly technique or less-lethal weapon will best de-escalate the incident and bring it under control in a safe manner. Subject to the provisions of paragraph B (above), an officer may use force upon another person only when that force is, or reasonably believed to be, necessary:
 - a. To defend themselves or a third person from what they reasonably believe to be the use or imminent use of physical force.
 - b. To effect an arrest.
 - c. To effect an investigative detention of a person who they reasonably suspect has committed a criminal offense.
 - d. To prevent escape from custody.
2. This Department permits the use of the following less-lethal weapons:
 - a. **Department issued/approved collapsible baton and straight baton (riot baton).**
 - 1) Only batons approved by this department will be authorized for use by employees. When carried, the baton will be secured in a manner consistent with established uniform standards.
 - 2) Uniformed officers having a rank of Lieutenant and below will carry one of the department approved batons at all times while on duty. The baton will only be used in accordance with current departmental training standards. The use of the baton will be restricted to stopping physical confrontations where other verbal or physical force alternatives would be, or have been, ineffective or inappropriate.
 - 3) Other types of striking devices are strictly prohibited and will not be carried while on duty or acting in an official capacity as a member of this Department.
 - 4) Each officer issued a baton will be trained on the accepted use of the baton by a Department Defensive Tactics Instructor. Annual

Distribution: All Personnel	Document Number: G23300
Classification: A9.1	Page: 3 of 6
Effective Date: October 27, 2023	Cancels: G22088
MPCCF: 9.1, 9.2, 9.6, 11.4, 22.3, 29.3	Indexed as: Use of Force, Lethal Force, Less-Lethal Force, Post Shooting

training in the proper use of the baton will be conducted during in-service Defensive Tactics training.

- b. Department issued OC Spray. Refer to General Order A9.2 OC Spray for further regarding operational guidelines.
 - c. Department approved TASER. Refer to General Order A9.2 TASER for further regarding operational guidelines.
 - d. Less Lethal Shotgun. Refer to General Order A9.3 Firearms, On and Off Duty, for further regarding operational guidelines.
3. When Less-Lethal force is used upon a subject the immediate supervisor must be notified. The supervisor will determine if a use of force report is to be completed per guidelines for reporting as established in G.O. A9.5 Use of Force Reporting.

C. Force Protocols: Deadly Force Assault

- 1. An officer may use deadly force upon another person only when that force is, or reasonably believed to be, necessary:
 - a. To defend themselves or a third person from what is reasonably believed to be the use or imminent use of deadly physical force.
 - b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon.
 - c. Who by his/her conduct or any other means indicates that he/she presents an imminent threat of serious physical injury or death to officers or others unless apprehended without delay.
- 2. Firearms Shall NOT be Discharged Under the Following Circumstances:
 - a. As a warning shot.
 - b. At or from a moving vehicle, unless the occupant(s) of the vehicle represents a direct and immediate threat to the life or safety of the officer or an innocent person, and then only as a last resort. Officers shall avoid tactics that could place them in a position where a vehicle could be used as a weapon against them. When confronted with an oncoming vehicle, officers shall make every effort to move out of its path.
 - c. Into a crowd or during a situation where it appears likely that an innocent person may be injured.

Distribution: All Personnel	Document Number: G23300
Classification: A9.1	Page: 4 of 6
Effective Date: October 27, 2023	Cancels: G22088
MPCCF: 9.1, 9.2, 9.6, 11.4, 22.3, 29.3	Indexed as: Use of Force, Lethal Force, Less-Lethal Force, Post Shooting

D. Procedures following the Use of Deadly Force (Post Shooting)

1. When an officer has discharged a firearm causing a gunshot wound to be inflicted to any person, or when an officer has been shot, the Bureau of Investigations shall investigate the circumstances of the shooting incident.
 - a. Depending on the situation and circumstances of the incident the investigation may be turned over to an outside agency, such as St. Louis County Police or the Missouri Highway Patrol.
2. When an officer inflicts a gunshot wound upon another person, or when an officer has been shot, Communications shall be notified as soon as possible. Communications shall make the required notifications, including the summoning of emergency medical aid as required. Sworn employees at the scene of such incident are responsible for ensuring that medical care is rendered to anyone in need of such treatment.
3. The supervisor shall respond to the scene and be responsible for the command and protection of the scene until the arrival of the Bureau of Investigations investigator(s). The supervisor shall assist, as necessary, in the investigation of the incident and arrange to have an officer, not involved, prepare the original report.
4. The supervisor will complete the Use of Force Report and forward same to the Deputy Chief per Departmental procedure.
5. The Chief of Police will direct the Inspector of Police to conduct an administrative review of all incidents where a gunshot wound is inflicted.
6. Administrative Assignment: Any officer involved in a deadly force incident shall be placed on a 72 hour administrative assignment after providing a basic statement or account to the Detectives so their investigation may begin. Research has shown that memory recall improves dramatically after 72 hours from the incident.
7. Administrative assignment is at home so that a normal sleep cycle may be preserved and away from outside influences. Outside influences may contaminate the memory of the Officer and defeat the purpose of delaying the official statement / interview. The employee will not discuss the incident with anyone except authorized investigators from the department, other investigating police agencies, a private attorney, a personal physician, clergy, immediate family members, **or any duly authorized representative.**
8. The Detective Bureau Commander, with the approval of the Chief of Police, may call an officer in, while on administrative assignment, if information is needed so the investigation may proceed.

Distribution: All Personnel	Document Number: G23300
Classification: A9.1	Page: 5 of 6
Effective Date: October 27, 2023	Cancels: G22088
MPCCF: 9.1, 9.2, 9.6, 11.4, 22.3, 29.3	Indexed as: Use of Force, Lethal Force, Less-Lethal Force, Post Shooting

9. This detachment shall be without loss of pay or benefits and for a period deemed appropriate by the Chief of Police pending the results of the investigation. The administrative assignment shall not be interpreted to imply or indicate that the officer acted improperly.
10. Psychological Services: In all cases where any person has been injured or killed as a result of a deadly force incident by an officer, the involved officer shall be required to undergo a debriefing with a department provided psychologist within a reasonable amount of time of the incident. The purpose of this debriefing is to deal with the emotional and/or psychological after-effects of the incident. The interview with the department provided psychologist will be used to determine if the employee is psychologically fit to return to duty. The debriefing shall not be related to any department investigation of the incident.
 - a. The employee on Administrative Assignment will be referred to the City of Crestwood's Employee Assistance Program within 30 days for a counseling session with a specialist in post critical incident counseling. The contents of this session will remain confidential and will not be available to the Department.

Jonathan Williams	Date
Chief of Police	

Distribution: All Personnel	Document Number: G23300
Classification: A9.1	Page: 6 of 6
Effective Date: October 27, 2023	Cancels: G22088
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