

**NORMANDY
POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

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INDEX: USE OF FORCE

10-1. PURPOSE: To establish guidelines related to the use of force and reporting and review procedure.

POLICY: To place the highest value on human life and the safety of the public and Normandy Police Department Employees, thereby using only the amount of force which is reasonable and necessary to accomplish lawful purposes.

DEFINITIONS:

- 1. Administrative Review:** A review of the facts and circumstances attendant to the use of force conducted by the Operations Commander and should the matter become one that becomes an Internal Affairs issue, the Support Division Commander, who acts as the Inspector of Police.
- 2. Force:** The application of a technique, action, or device to compel a change in the actions of another person, usually compliance with a desired behavior, submission to authority, or to stop a threatening situation. Actions by an officer not included in this definition of force are:
 - a. a reasonable touching of a person or a firm grasp used to maintain control, guide, or assist an individual.
 - b. the application of handcuffs where the person being handcuffed offers no physical resistance.
 - c. the reasonable touching, drawing, or display of an authorized weapon.
- 3. Less Lethal Weapon:** An instrument, object, device, or substance not designed or used in a manner intending to cause death or serious physical injury. Hands, feet, knees, or other parts of the body may also be considered less lethal weapons.
- 4. OC Aerosol:** Any substance having an oleoresin capsicum (OC) base issued to enforcement personnel for use as an authorized less lethal weapon. OC is commonly called "pepper mace," a brand name for a particular manufacturer.
- 5. Conducted Electrical Weapon (CEW):** A less lethal weapon that issues an electrical discharge that disrupts the body's ability to communicate messages from the brain to the muscles, causing motor skill dysfunction.
- 6. Reasonable Belief:** The facts or circumstances an officer knows, or should know, which would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

7. **Serious Physical Injury:** An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

8. **Outpatient Treatment:** Medical treatment at an outpatient facility, doctor's office, or hospital (treated and released without being admitted) by a licensed physician or nurse practitioner.

I. APPLICABILITY

This directive is for internal use only and does not enlarge the civil or criminal liability of Normandy Police Department personnel in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis for internal action by the Normandy Police, and then only in a nonjudicial, administrative setting.

II. DUTY TO INTERVENE

Upon observing excessive force by any other law enforcement officers, will take reasonable actions necessary to stop the other officers from using excessive force.

III. GUIDELINES ON THE USE OF FORCE

A. Minimum Force to be Used

When feasible, enforcement personnel should attempt to generate voluntary compliance through non-forceful means, such as their professional presence and tactical communication. When force is necessary, enforcement personnel will use only the force necessary to effect lawful objectives or those reasonably believed to be lawful. The use or application of force will be discontinued when it becomes apparent to the officer that the force is no longer needed.

B. Authorized Use of Less Lethal Force

1. Officers are authorized to use less lethal force when they reasonably believe it is necessary to protect themselves or others from physical harm.
2. Normandy Police officers may also use less lethal force when they believe it is reasonably necessary to prevent the escape of a prisoner from custody or confinement or to make a lawful arrest.

C. Authorized Use of Deadly Force

Officers are authorized to use deadly force against persons, including fleeing felons, only when they reasonably believe such action is in defense of human life (including their own) or in defense of any person in immediate danger of serious physical injury or death.

D. Authorized Weapons and Ammunition

Enforcement personnel will carry and use only authorized weapons in the performance of duty; however, they may use any item available to them in a life-threatening situation when authorized firearms, ammunition, or weapons are not immediately available, or their use is not practical.

E. Force Options

When the use of force is authorized, officers should consider a progressive range of options for which they have been **trained** or **equipped**. Officers are not restricted to these options, nor must they use them in a particular sequence.

Available options include:

1. Professional presence of the officer or a canine
2. Tactical communication including verbal dialogue, requests, instructions, and commands
3. Tire deflation devices, if so equipped, to encourage the safe stopping of fleeing vehicles
4. Physical force which causes little or no pain, such as using empty hands
5. OC aerosol
6. Conducted Electrical Weapon
7. Level I of the lateral vascular neck restraint
8. Physical force which causes moderate or greater pain
9. Chemical irritants such as tear gas, CN, and CS
10. Intermediate force, including physical strikes and Levels II and III of the lateral vascular neck restraint
11. Strikes using an approved baton, contact by a canine, bean bag rounds, and similar forceful impact
12. Deadly force.

F. Medical Assistance

1. Officers will ensure that persons against whom force was used are afforded medical assistance as appropriate, considering:
 - a. the amount and type of force used.
 - b. any apparent or probable injuries.
 - c. statements made by the person.
 - d. the suspected diminished capacity of the person as a result of drug/alcohol intoxication or mental condition.
2. Medical assistance afforded will be the same as for any other individual with similar injuries, including:
 - a. first aid administered by the officer within the limits of the officer's level of training.
 - b. calling or offering to call emergency medical services as appropriate.
3. Members may elect to transport injured suspects by patrol car to a medical facility for examination or treatment based on potential security risks, danger presented by the suspect, and other articulable facts.

H. Administrative Leave and Review

1. When force is used against or by any employee that results in death or serious physical injury to any person or serious physical injury or severe emotional trauma to the employee, the employee will be placed on administrative leave in accordance with General Order 10-03 Section H, "Administrative Duty" pending a preliminary administrative review of the incident by the Support Division Commander.
2. The administrative review will consider, but not be limited to, the general circumstances surrounding the incident, the impact of the incident on the community in which it occurred, and the overall fitness of the employee to return to a line-duty assignment.

IV. TRAINING

A. Lethal Weapons

Training requirements for firearms will be specified in General Order 10-05 "Firearms".

B. Less Lethal Weapons

All Patrol personnel authorized to carry any less lethal weapon(s) will be required to attend an initial training session and appropriate periodic recertification training for all such weapons. The training will include this policy governing the use of force, the specific weapon(s), and a demonstration of proficiency by the employee with each approved weapon the employee is authorized to use. Additionally:

1. the certification and recertification training will be by an instructor who has been certified to train in the use of the specific weapon(s).
2. Officers who do not successfully complete the training or demonstrate proficiency will not be allowed on-duty until proficiency has been demonstrated. Such officers will be immediately scheduled for remedial training by a certified instructor as necessary to attain the required level of proficiency.

V. OC AEROSOL

A. Training and Subsequent Action

Enforcement personnel should routinely practice use and handling of their OC aerosol dispenser to maintain proficiency in its use. They should test fire their OC aerosol every three months to check pressurization and spray pattern. Empty canisters, and those having problems or defects, should be replaced as soon as practicable.

B. Use by Members

Members are authorized to use OC aerosol to counter passive resistance, the threat of physical violence, and/or actual physical resistance or violence.

C. OC to be Carried on Uniform

Enforcement personnel assigned to the Operations Division, with the exception of administrative personnel, will carry OC aerosol on their person while on duty in regulation uniform.

F. Decontamination

OC decontamination procedures specified in General Order 10-02 should be administered by officers as soon as safety allows after OC aerosol has been used.

G. Follow-up Observation

The officer using OC on a subject will ensure the subject upon whom the technique was applied is observed for a reasonable time afterward. The officer will inform affected personnel of the OC use and observation time remaining if the subject is transferred to custody of assisting officers, medical personnel, detention center staff, etc.

VI. EXPANDABLE BATON

All members assigned to the Operations Division will be trained in the use of, and issued, an expandable baton. Officers assigned to divisions which normally require civilian clothing to be worn may be issued a baton.

A. Use by Officers

The baton is primarily a defensive weapon and is a bridge between hard empty hand controls and deadly force. Officers may use the baton for self-defense or to generate compliance when subject resistance has escalated

to the point where:

1. hard empty hand controls were unsuccessful in generating compliance, or
2. the officer reasonably believes the use of hard empty hand control techniques will not be effective based on factors that include, but are not limited to: the subject's suspected drug or alcohol intoxication, size, strength, fighting ability, lack of available back-up, etc.

B. Strikes

Unless deadly force is justified, officers will not intentionally strike the subject in the head, neck, spine, sternum, or groin.

C. Follow-up Required

The officer using the baton will ensure the subject upon whom the strikes were delivered receives medical attention when reasonably necessary.

VII. LATERAL VASCULAR NECK RESTRAINT

A. Training Required

1. Only enforcement personnel who have first been properly trained and annually recertified in the use of the lateral vascular neck restraint will use that technique.
2. All training sessions will be given by an instructor who has been certified to train the technique and will include a demonstration of proficiency by the officer.
3. Officers who do not successfully complete the training or demonstrate proficiency will not use the technique until they have successfully done so. Such officers should promptly be given remedial training as necessary to attain the required level of proficiency.

B. Proper Use

Officers applying the lateral vascular neck restraint will only use that level necessary to gain or maintain control of a resisting subject. Once the subject ceases to resist, the officer will take the subject to Level 1 minus.

C. Follow-up Required

The officer using the lateral vascular neck restraint will ensure the subject upon whom the technique was applied is observed for a reasonable time afterward.

VIII. CANINES

A. Training

Patrol canines will be trained in a manner so as to use no more force than is necessary to counter resistance or threats.

B. Control

Canine handlers will maintain strict control over their canine by voice or leash at all times.

C. Treatment of Injured Persons

Canine handlers will ensure all subjects who are bitten or otherwise injured by a canine are offered and/or

receive necessary medical treatment as outlined in this order. Persons injured by canines may be transported for treatment by any officer, if feasible.

D. Reporting Requirements

When persons are bitten or are otherwise seriously injured by a canine, canine handlers will promptly notify their immediate supervisor of the incident by the most expedient means available. The canine handler will also submit a Use of Force Report Form NPD 38 except in cases of injury to a canine handler or a contracted canine trainer during an actual training exercise. This reporting process is required regardless of the handler's intent or lack of intent for the canine to be aggressive toward the injured person and in addition to other reporting requirements as outlined in General Order 6-06, "Canine Units."

E. Investigation of Incidents

1. The on-duty supervisor of canine unit which has bitten or otherwise seriously injured a person, will cause the incident to be investigated and reported as a use of force as outlined in this order.
2. The assigned investigator's report should include:
 - a. Color photographs of all dog bites/injuries.
 - b. As much as reasonably possible, color photographs showing portions of the victim's body which were not injured.
 - c. A detailed description of the location of the wounds, their number, and type.
 - d. A copy of the victim's medical records relating to the injury.
 - e. Written statements from witnesses and the victim.
 - f. Other relevant information describing the circumstances surrounding the incident.

IX. CONDUCTED ELECTRICAL WEAPONS (CEW)

Only Tasers and other CEWs approved and authorized by the Chief of Police may be issued for use by members of the Department and only after satisfactory documented training has been conducted by the department TASER instructor. Upon approval by the Chief of Police, wear and usage is approved for police related secondary employment within the city limits of the City of Normandy and its contracted partner cities.

A. Training

Only members who have first been properly trained and annually recertified in the use of a specific type of CEW will carry or use such a weapon. New users shall have a minimum of six hours of training prior to be certified and authorized to carry the TASER in their official capacities.

B. Proper Use

1. Members will limit the use of the CEW to those situations in which such force is necessary to protect the officer, the suspect, or another party from imminent physical harm. CEW use on passive resistant subjects will require articulated documentation indicating a suspect's potential to use violence and/or cause imminent physical harm, e.g., statements made by the suspect indicating a propensity to become violent or past incidents involving violence by the suspect that are known by the officer at the time of the encounter.
2. Members should evaluate the age, size, gender, apparent physical capabilities, and visible or known health concerns of a subject before applying force through use of a CEW. Except where lethal force would be justified, or where the officer has reasonable cause to believe there is an imminent risk of serious bodily self-harm and lesser force options are not feasible, a CEW should not be used against pregnant women, elderly persons, children, visibly

frail individuals, or persons in nonviolent medical or mental crises. Use of a CEW may be necessary to subdue and gain control of individuals experiencing extreme mental/physical irregularities to effect immediate treatment, e.g., resulting from legal and illegal drug ingestion, diabetic reactions, or other unidentified causes.

3. A verbal warning of the officer's intent to use the EC may be used to obtain compliance. A verbal warning should not be used if it would create a danger to the member or others, or compromise a tactical advantage needed by the officer to effectively deploy the CEW. The verbal warning may be used in conjunction with a spark demonstration.

4.. If the CEW must be used on a suspect facing the member, an attempt should be made to split the belt line for increased effectiveness. Members should avoid targeting the subject's chest above the diaphragm. Ideally, deployment of a CEW should be targeted toward a suspect's back.

5. Should a subject continue resistance to the extent multiple CEW activations are employed, members will assess the continued resistance after each standard CEW cycle and should limit use to what is reasonable to control the resistive subject and affect an arrest. If more than one CEW is deployed on a suspect at the same time, each member will immediately communicate to ensure only one CEW remains activated to maintain control of the suspect. Assessments and limits on use are considered in total whether one or multiple CEW devices are used.

6. Members should not use the drive-stun function of the CEW except in the following circumstances:

- a. No more than three short duration (approximately three three-second) applications to attempt pain compliance.
- b. As a "break contact" tactic when tied up with the suspect.
- c. To achieve neuromuscular interruption by establishing a "3-point contact" when a clothing disconnect or a single probe hit situation has occurred.

7. Use on Restrained Persons

Use of a CEW on a suspect who is controlled through the use of handcuffs or other restraints will be limited to situations where the level or type of continued resistance by the suspect is overwhelmingly violent, posing an imminent likelihood of injury to any person, and other justifiable methods of overcoming the resistance are not effective or feasible.

C. Considerations in CEW Use - Situational Hazards

Except where deadly force would be permitted, CEW will not be used where such deployment may cause serious injury or death from certain situational hazards. Situational hazards will include persons encountered in the following circumstances:

1. In areas where falling would pose an unreasonable risk, e.g., elevated areas and locations where a subject may land in the path of vehicular traffic.
2. When a subject is swimming and neuromuscular interruption would likely result in drowning.
3. When an individual is driving a motor vehicle and neuromuscular interruption would result in loss of control.
4. After a person is contaminated with a chemical substance having a known flammable or explosive content, e.g., exposure to chemical irritants deployed by a tactical team (SWAT), or in other any environment containing combustible chemical vapors (methamphetamine lab).
5. After an individual is contaminated with a chemical substance having an unknown flammable or explosive content.

D. Follow-up Required

1. The member using a CEW will ensure the subject upon whom the technique was applied is offered appropriate

medical aid, if injured. When injury is not immediately apparent, the subject must be carefully observed for signs of distress and should be medically evaluated at the earliest opportunity.

2. The member using a CEW will submit the spent cartridges, probes, and at least one RFID into evidence in accordance with training received.

X. USE OF FIREARMS

A. Prerequisites for Carrying Firearms

Before being authorized to carry a firearm, each officer will:

1. be issued a copy of applicable Normandy Police Department General Orders
2. have received training in the limits and proper use of force, particularly deadly force.
3. have demonstrated proficiency in the use and handling of the type of firearm being carried.

B. Officers will carry only authorized firearms and ammunition as outlined in General Order 10-02, "Firearms".

C. Safe Handling of Firearms Required

Officers will exercise due care in handling firearms.

D. Warning Shots Prohibited

Officers will not fire warning shots under any circumstances.

E. Authorized Use of Firearms

Discharging a firearm may constitute deadly force. Officers may use authorized firearms in performing their duties:

1. for authorized practice, training, qualification, in authorized target/firearms competition, or recreational use.
2. to summon aid in exigent circumstances when more conventional communication is ineffective.
3. to kill an animal that is an immediate threat to any person or law enforcement canine.
4. to kill a sick or injured animal for humanitarian reasons. Prior permission will be obtained from the owner of the animal when feasible.
5. to conduct ballistic testing, firearms testing, testing of ballistic armor, and other official testing processes.
6. in situations which justify the use of deadly force.
7. to render safe an improvised container being improperly used to store or transport anhydrous ammonia.

F. Consideration of Risks

1. Firearms will not be used unless there is a high probability of striking the intended target. Attempts to shoot to wound or to injure are unrealistic and, because of high miss rates and poor stopping effectiveness, can prove dangerous for the officer and others. Therefore, shooting merely to disable is strongly discouraged.
2. Firearms will not be used when the officer is aware that firing the weapon creates a substantial risk of causing the serious physical injury or death of an innocent person.

G. Incidents Involving Moving Vehicles

Officers will not discharge firearms toward or from a moving vehicle except when the use of deadly force is justified. Even when deadly force is justified, officers will carefully weigh the immediate need for such action against the potential danger to any innocent persons in the area, including any occupants in the suspect vehicle who are not engaged in criminal or threatening behavior.

I. Circumstances Dictate Action to be Taken

The decision to use a firearm must be based on facts and the totality of the circumstances known to the officer involved at that time; therefore, permission to discharge a firearm should not be requested.

XII. FORCIBLE VEHICLE STOPS

The use of a vehicle as a weapon or to force another vehicle to stop may, based upon the circumstances present, constitute deadly force and should be conducted and reported in accordance with the guidelines on deadly force contained in this order and General Orders 10-03, "Vehicular Pursuits".

XIV. REPORT & REVIEW OF USE OF FORCE

A. General Reporting Requirements

1. Officers will immediately report by radio, telephone, or the most expedient means available, all discharges of department-issued firearms and any duty-related discharge of other firearms (except practice, training, qualification, authorized target/competition, recreational use, or authorized testing of firearms, ammunition, or ballistic armor) and any incident in which the officer takes any action that results in or is alleged to have resulted in injury or death of an officer or another person.

2. Any accidental discharges of department-issued weapons or accidental discharges which are related to the performance of official duties will be promptly reported using the Use of Force Report and any other appropriate reports.

B. Notification in Serious Cases

1. The following personnel shall be notified with delay in all serious Use of Force cases: Chief of Police, Operations Commander, and Support Commander.

C. Use of Force Report

1. Except as provided in this order, the officer who used force will prepare and submit a Use of Force Report in addition to other appropriate reports. When force is used or directed against more than one individual, separate reports will be submitted describing the encounter with each subject. Use of Force Reports will be submitted as soon as practical after the event and be submitted as outlined in the Normandy Police Department General Orders.

2. A Use of Force Report will be submitted by an officer who:

a. intentionally directs force toward or applies force to a person through the use of any weapon, canine, or physical technique, including holds, takedowns, blows, wrestling, or similar overt acts. This includes force used to overcome passive resistance, but does not include physical touching or a firm grasp to maintain control, guide, or assist an individual, the routine application of handcuffs when the suspect offers no physical resistance, or the reasonable touching, drawing, or display of an authorized weapon by an officer.

b. intentionally operates a vehicle in such a manner as to cause impact with a person or vehicle or to forcibly stop a vehicle other than gradually slowing while in front of a vehicle.

c. discharges a firearm to summon aid, kill an animal.

D. Supervisory Review of Reports

Supervisors and commanders will closely review Use of Force Reports to:

1. identify any training needs.

2. determine possible deficiencies in policies and procedures.

3. determine the level of compliance with policy and take or recommend corrective measures or disciplinary action.

4. ensure the reports have been properly completed

E. Investigation Required

1. All firearm discharges, except in authorized practice, training, qualification, authorized target/competition, recreational use, humanely killing an animal, or during testing of firearms, ammunition, or ballistic armor will be investigated, and a report of the investigation will be submitted.
2. All incidents in which a canine injures a person, other than biting a handler or during training, will also be reported and reviewed for policy compliance.
3. Officer-involved shootings and other similar incidents involving serious physical injury or death through the use of force by or against an employee will be investigated by St. Louis County Police Department. Additionally, officer-involved shootings and other similar incidents in which an employee directed deadly force toward any person or any vehicle, structure, or area occupied by a person will be investigated by the Inspector of Police.

H. Immediate Corrective Action

The commander may formally counsel an employee to correct actions related to a use of force incident; however, the employee may still be subject to disciplinary action upon conclusion of the investigation by the Inspector of Police.

I. Juvenile Suspects' Names Not to be Shown

Names of juvenile suspects will not be shown on Use of Force Reports. Instead, the "Juvenile" block will be checked. References to any juvenile suspects in the narrative should be recorded as "the juvenile," if only one, or Juvenile #1, Juvenile #2, if more than one.

K. Use of Force Review

1. Reports or copies of reports of investigations on the use of force will be forwarded by the Operations Commander who will determine if the use of force was within policy.

L. Determining Reasonableness of Force Used

The reasonableness of a particular use of force will be reviewed from the perspective of a reasonable officer in that situation. The proper application of force requires careful attention to the facts and circumstances specifically known to the officer involved at the moment the force was used, including:

1. whether the suspect posed an immediate threat to the safety of the officer or others.
2. the severity of the incident.
3. whether the suspect was physically resisting arrest in an aggressive manner.

M. Notice of Recommended Discipline

1. After a thorough investigation of the use of force has been conducted by the appropriate division commanders, any recommendations for discipline for out of policy force usage will be forwarded to the Chief of Police for review.

Adopted by Command Staff

By Order of:

(Signature on File)

Colonel Frank A. Mininni
Chief of Police

02/20/2016
Date