

COLUMBIA POLICE DEPARTMENT

Standard Operating Guideline

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Chief of Police:			

Use of Force

I Policy

The use of force by police officers is a matter of critical concern to the community and to the officers who serve the community. In those instances when people threaten others or refuse to submit to lawful authority, officers are required to use reasonable force. The use of unreasonable force has never been, and will never be, tolerated as it degrades the community's confidence in the police, exposes officers to legal and physical hazards, and violates the very Constitutional rights the police are sworn to uphold and protect. The use of force is probably the most serious and solemn act a police officer will ever perform and should always be regarded as such.

II Definitions

Deadly Force - Physical force that the actor uses with the purpose of causing or which he/she knows to create a substantial risk of causing death or serious physical injury. (RSMo 563.011) (1.3.2)

Force - The amount of effort required by police to compel compliance from an unwilling subject (1.3.2)

Less Lethal force - A concept of planning and force application meeting operational objectives with less potential for causing death or serious physical injury than conventional police tactics.

Objectively Reasonable Force - That force which when judged by an objective and prudent officer, not with hindsight, but with knowledge of the same facts or circumstances known to the officer whose force is under consideration, could be found to be reasonable. (1.3.2)

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Serious Physical Injury - Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body. (RSMo 565.002). (1.3.2)

III Procedure

1. Use Of Force

- 1.1. Officers may use reasonable force to accomplish lawful objectives. (1.3.1)
- 1.2. Officers may use deadly force only when the officer reasonably believes that such action is in defense of human life or in defense of any person in imminent danger of death or serious physical injury. (1.3.2)

2. Limited To Lawful Objectives

- 2.1. Officers may only use force to accomplish objectives that are lawful or reasonably believed to be lawful at the time. Officers may use reasonable force to detain, arrest, frisk, search, seize evidence, protect property, protect people from themselves or others, and to otherwise compel compliance with a lawful order.

3. Reasonable Force (1.3.1)

- 3.1. **Objective.** Reasonableness is determined from an objective, not subjective, perspective. The question is whether an officer's actions were "objectively reasonable" in light of the facts and circumstances confronting him/her, without regard to intent or motivation.
- 3.2. **Allowance for Split-Second Judgment.** In determining reasonableness, there must be an allowance for the fact that officers are often forced to make split-second judgments about the amount of force to use in a particular situation—in circumstances that are often tense, uncertain, and rapidly evolving.
- 3.3. **Facts Known to the Officer at the Time Force Was Used.** The "reasonableness" of force is evaluated from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The test of reasonableness is not capable of precise definition or mechanical application but instead requires careful attention to the facts and circumstances of each particular case, including:
 - whether the suspect poses an immediate threat to the safety of officers or others;
 - whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
 - the severity of the crime at issue;
 - the number of suspects and officers involved;
 - the condition of the officer and suspect (size, age, strength, skill, injury, and fatigue);

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- the suspect's mental state;
 - the duration of the action;
 - the use of alcohol or drugs by the suspect;
 - the suspect's mental or psychiatric history;
 - the availability of an item that could be used as a weapon;
 - the suspect's history of violence or weapon use;
 - the presence of innocent bystanders;
 - the reasonably likely effects of the force;
 - whether a subject is restrained or partially restrained; and
 - any and all other relevant factors.
4. Gratuitous Force
- 4.1. Officers may not use any degree of force against a suspect once a suspect has been restrained, is no longer resisting and is not a threat to the officer or others.
5. Tools, Techniques And Weapons (1.2.2)
- 5.1. **Approved Tools and Weapons.** Officers may use tools and weapons approved by the Department including specially-trained animals, handcuffs, kinetic energy impact devices, noise-flash diversionary devices, leg restraint devices, batons, firearms, chemical irritants, and conducted energy devices as reasonable.
- 5.2. **Other Items.** Although not preferred, officers may also use any other article, device, or item as an instrument of force or control as reasonable.
- 5.3. **Physical Techniques.** Officers may use physical techniques, including strikes, joint manipulation, pressure point control techniques, pain compliance, and balance displacement as reasonable.
6. Recovering Items from the Mouth (1.3.2)
- 6.1. While generally officers may use reasonable force to seize evidence, officers should not use any force that impairs the ability to swallow.
7. Deadly Force (1.3.5)
- 7.1. **Definition.** Deadly force includes force that is reasonably likely to cause death or very serious injury. For purposes of this policy the definition of deadly force is different from, and not dependant upon or related to, the Missouri statutory definitions of deadly force or serious physical injury.
- 7.2. **Firearms.** Discharging a firearm at a person is regarded as deadly force. Officers should not intentionally discharge a firearm at a person except in defense of any person in imminent danger of death or serious physical injury.
- 7.3. **Impact Weapons.** Impacting the head, neck, spinal column, or groin with a baton, other striking instrument or kinetic energy impact device is regarded as

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- deadly force. Officers should not intentionally impact a person in these areas with a striking instrument or kinetic energy impact device except in defense of any person in imminent danger of death or serious physical injury.
- 7.4. **Respiratory Function Restriction.** Restricting the respiratory function of a person is regarded as deadly force. Officers should not intentionally restrict the respiratory function of a person except in defense of any person in imminent danger of serious physical injury.
 - 7.5. **Vascular Neck Restraint.** The proper application of a vascular neck restraint is not reasonably likely to cause death or very serious injury. However, the misapplication of such techniques may restrict respiratory function. Therefore, officers should use such techniques only where the use of deadly force would be reasonable.
8. Medical Attention (1.3.7)
- 8.1. **Injury.** Officers should make appropriate medical aid available to any person who is injured, who lost consciousness, or who claims to have been injured as a result of the actions of an officer, or who has ingested some item that could be presumed to have or could cause injury.
 - 8.2. **Upon Request.** Officers should summon emergency medical personnel for any person who so requests.
 - 8.3. **Uses of Force** Officers should summon emergency medical personnel for any person upon whom one of the following was used: a conducted energy device; deadly force; vascular neck restraint; impact weapon; less lethal device or a department canine.
 - 8.4. **Bizarre Behavior/Prolonged Struggle.** A person who has displayed bizarre and/or aggressive behavior, shouting, paranoia, panic, violence towards other people, unexpected physical strength, or has an elevated body temperature may be at an increased risk of sudden death. Emergency medical personnel should be summoned to the scene whenever a person who has displayed such symptoms is involved in a prolonged struggle with officers. Such a person should be positioned on his/her side, if it can be done safely, and monitored until the arrival of medical personnel.
9. Notification (1.3.7)
- 9.1. Officers should notify a supervisor when an officer has used any tool or weapon other than an approved restraint device, used a physical strike, restricted a person's respiratory function, applied a vascular neck restraint, caused any observable injury or is alleged to have caused injury to a person. The notification should be made as soon as practical and, where possible, while the officer remains at the location the incident occurred.
 - 9.2. The involved officer should report sufficient facts and details so that a supervisor can conduct a preliminary inquiry to determine whether additional or specialized investigators are appropriate, and if not, to conduct a preliminary investigation.

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10. Preliminary Investigation (1.3.7)
 - 10.1. **Initial Inquiry.** Upon receiving notification that force was used to overcome resistance, a supervisor should conduct an initial inquiry. As soon as a supervisor determines that deadly force was used, that an officer applied a vascular neck restraint, or that a person has suffered serious physical injury due to the actions of an officer, he/she should secure the scene and contact Professional Standards and Investigative Bureau Commanders, and proceed as directed.
 - 10.2. **Preliminary Investigation.** Where an officer used any tool or weapon other than approved restraint device, used a physical strike, caused any observable injury or is alleged to have caused injury to a person a supervisor should conduct a preliminary investigation into the incident. The preliminary investigation should minimally include identifying and interviewing potential witnesses, photographing the area and location of the use of force, photographing the person on whom force was used, photographing the officer(s) involved in the incident, documenting the physical condition of the officer and the person on whom force was used, documenting the condition of the officer's tools and equipment, and interviewing the person on whom force was used or who claims to have been injured.
 - 10.3. **Medical Release.** Any person who sustained observable injury or who claims to have been injured due to the actions of an officer should be asked for authorization to release his/her medical records.

11. Report Required (1.3.7) (1.3.6)
 - 11.1. Where an officer used any tool or weapon other than an approved restraint device, used a physical strike, restricted respiratory function or applied a vascular neck restraint, caused any observable injury or is alleged to have caused injury to a person, the facts and circumstances of the incident should be documented in an offense or incident report. [1.3.6b]
 - 11.1.1. **For use of force incidents involving use of force by only one officer**
The officer who used force is responsible for the report unless a supervisor directs otherwise. In such cases, the supervisor or responsible investigator should complete the report.
 - 11.1.2. **For use of force incidents, as described in 10.1, involving multiple officers,** the investigating supervisor will designate an officer to complete the report or complete it themselves.

12. Use of Force Form or Entry
 - 12.1. A use of force form or entry should be completed for each incident during which an officer draws and exhibits a firearm in response to a person (or aims a long gun at a person) or during which handcuffs are applied to a person who is not subsequently arrested. One form or entry should be completed per incident generally by the officer primarily responsible for the investigation. A brief narrative should be included on the form or in the entry that establishes the lawful

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nature of the contact, the reasonableness of the force, and the reason(s) no other report was required.

- 12.2. **When an officer uses any degree of force** to overcome resistance or utilizes a restraint chair a use of force form or entry should be completed.
- 12.3. **For use of force incidents involving only one officer** the officer who used force is responsible for completing the form or entry.
- 12.4. **For use of force incidents involving multiple officers** for which *no* supervisor preliminary investigation is required, the officer primarily responsible for the investigation is responsible for ensuring the form or entry is completed. The actual form or entry can be completed by any of the officers who used force. Officers who used force during such an incident may complete a supplemental form to document their own force. If an officer completes a supplemental form, he or she should provide the form to the officer completing the form or entry. After being used for the primary form or entry, supplemental forms should be forwarded up the chain to the Internal Affairs Unit.
- 12.5. For use of force incidents involving multiple officers for which a supervisor preliminary investigation *is* required, the investigating supervisor will designate an officer to complete the form or entry or the supervisor will complete it themselves.

IV Attachments

None