

West Plains Police Department

GENERAL ORDER VII

SUBJECT: Reporting Response to Resistance

EFFECTIVE DATE: May 1st, 2016 REVIEW DATE: May 1st, 2016

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability 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 of a complaint by this department, and then only in a non-judicial administrative setting.

I. Purpose

To establish policy and regulations governing the reporting of response to resistance and deadly force by department members.

II. Definitions

A. Resistance Level I

On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be, or have been, ineffective or inappropriate. Incidents of this nature require officers to use sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain compliance and control while minimizing the risk of injury to the officer, the person being placed into custody, and innocent bystanders.

As shown in Addendum A of General Order V, control options could include: body language, verbal persuasion, contact controls, joint restraints, weapon assisted leverage techniques, and nerve center controls.

B. Response to resistance Incident - any act or incident resulting from the response to resistance by a department member which results in injury, alleged injury, or death to any person. Near-miss incidents involving the use of deadly force are within the scope of this directive.

III. General Policy

It is the policy of the West Plains Police Department to ensure that all sworn personnel are properly trained and equipped to utilize objectively reasonable levels of physical force, in order to accomplish lawful police objectives.

A. As part of this process, the Department requires a LEVEL I response to resistance report from any officer who uses physical force to overcome a subject's resistance which meets or exceeds the behavior identified in General Order V, Section IV.B. Resistance Level I or greater, and LEVEL II response to resistance reports for response to resistance incidents which result in injury, alleged injury, or death. In addition, the Department will require officers to report the display of firearms in situations where officers may determine it necessary to ready a weapon for imminent use and the weapon is displayed to a suspect during the incident.

B. The response to resistance Reports will be used to assist in identifying training and equipment needs. The reports will also provide for the immediate documentation of the force used so that should a complaint is filed, the pertinent facts would be readily available.

C. After a response to resistance incident, the officer's initial actions will address the medical needs, if any, of the suspect involved. If, in an officer's opinion, a prisoner needs medical attention, or at the request of the prisoner, the officer shall contact a supervisor who shall either authorize the transportation of that prisoner or arrange for the transportation of the prisoner to a medical treatment facility. If the officer is in doubt as to the necessity of medical treatment, the prisoner will be transported, by appropriate means, for medical evaluation of his/hers condition.

Nothing in this section shall preclude the immediate application of emergency life saving measures of summoning of emergency medical assistance, if required, prior to notification of a supervisor.

D. Off-duty officers involved in the response to resistance situations are subject to the same reporting procedures as on-duty officers. When an off-duty officer is involved in a response to resistance situation, he/she shall notify an on-duty supervisor immediately.

IV. Procedure for Level I Reporting

A. Officers are required to complete the LEVEL I response to resistance Report in the following circumstances:

1. When an officer applies physical control holds, compression, or pain inducing techniques to make an arrest and
2. No complaint of physical injury is made by the suspect or observed by the officer.
3. Anytime a weapon is made ready for imminent use and is displayed to a suspect during the course of an incident (this includes weapons displayed to persons later determined not to be suspects, i.e., store owners, employees of a business, etc., which are present at a scene and not readily discernible as innocent parties).

B. Immediately following an incident, the officer will notify his/hers immediate supervisor and request a copy of the LEVEL I response to resistance Report form. (See Addendum A)

C. The supervisor will review the circumstances of the incident with the officer involved and any witnesses present at the scene. He/she will note the general condition of the suspect by direct observation.

1. The supervisor may elect to proceed with a LEVEL II response to resistance Report and investigation if he/she deems it necessary.

2. Under no circumstances will a supervisor decline to speak with a suspect regarding a response to resistance incident.

D. The officer will complete the LEVEL I response to resistance Report Form and return it to the supervisor prior to ending his/hers tour of duty.

E. The supervisor shall review the report form and forward a copy to the following personnel:

1. The Assistant Police Chief (to receive original report)

2. The Police Chief (to receive a copy of the report)
 3. The (Professional Standards Section), I (Internal Affairs) (to receive a copy of the report)
- F. The on duty Supervisor will review the report and indicate if the information reported complies with this order.

The on duty supervisor will forward his/hers original copy of the report to the Assistant Police Chief, indicating either his/hers concurrence with the supervisor's assessment or a recommendation for further investigation.

G. The Assistant Police Chief, will review the initial report and the recommendations of the on duty supervisor. The Assistant Police Chief will indicate his/hers concurrence or recommendation for further action on the original copy of the report and forward it to the Chief of Police.

1. If further investigation is required, the Police Chief shall initiate the investigation through the chain of command.

2. The investigation will be conducted in accordance with the procedures defined for LEVEL II reports within this General Order.

H. The Chief of Police will review the completed report and indicate his/hers final approval in the space provided.

I. The original report will then be forwarded to the Professional Standards Section for filing.
(Internal Affairs)

V. Procedures for Level II Reporting

A. The officer shall contact his/hers immediate supervisor and advise him/her of the circumstances surrounding the incident. He/she shall also complete the "Officer Record" portion of the LEVEL II response to resistance report (See Addendum B) and forward it to his/hers supervisor no later than the end of the current shift. The officer's supervisor must be notified of all uses of force, and must thoroughly investigate and determine when a formal LEVEL II response to resistance report is required. If the LEVEL II report is required, the supervisor is responsible for investigating the incident and for completing the Witness Record, Subject Record, and Event Record portions of the report. If the immediate supervisor is unavailable, the report shall be submitted to the Watch Commander.

B. The Police / Assistant Police Chief shall be notified as soon as possible, whenever injuries have been inflicted by a department employee sufficient to cause the injured party to require medical attention.

1. Notification shall be made to an immediate supervisor by the employee involved.

2. In the absence of the Police Chief / Assistant Police Chief (and/or during normal business hours Monday through Friday), the Lieutenant will be notified.

C. With the consent of the injured party, the on duty supervisor shall have photographs taken of the injuries. Officers with visible injuries shall also be photographed.

D. Upon initiation of a LEVEL II response to resistance report, a supervisor will obtain a Department Complaint Number from the communications section. The complaint will be marked "internal investigation" on the records entry.

1. The Department complaint number will be placed on the upper left corner of the response to resistance report and serve as the control number.

2. The complaint number will be assigned to the supervisor and all records of the incident will reflect the assigned complaint number.

E. After the LEVEL II response to resistance report has been completed the original shall be forwarded via the Officer's Chain of Command, to the Assistant Police Chief.

F. After review and completion, the Assistant Police Chief will then forward the original response to resistance report to the Police Chief.

G. The Professional Standards Section will then review the report and forward it to the Chief of Police. (Internal Affairs)

H. The Chief of Police will review the report and return the original copy to the Professional Standards Section to be logged and filed.

I. If the force is such that the affected individual requires hospitalization, the on duty supervisor shall immediately notify the Assistant Chief of Police; Chief of Police regardless of the hour of the day.

J. If an officer encounters a degree of resistance sufficient to justify a charge of resisting arrest or assault, these charges will be made immediately.

K. It shall be the responsibility of the Chief of Police to purge all response to resistance reports after a period of three years.

VI. Firearms Discharged - Investigative Process

The following procedure will be used to investigate every incident of firearms discharge by a department member except for target practice, hunting, ballistics examination, or other Department training.

A. Involved Officer

1. Whenever a member discharges his/hers firearm, either accidentally or officially, he/she shall immediately:

a. determine the physical condition of any injured person and renders first aid when appropriate,

b. request necessary medical aid,

c. notify the Dispatcher of the incident and location.

2. The officer shall remain at the scene, unless he/she is injured, until the arrival of the appropriate investigators; however, if the circumstances are such that the continued presence of the officer at the scene may cause a more hazardous situation to develop (violent crowd), the commanding officer at the scene shall have the discretion to instruct the officer to respond to another, more appropriate location.

3. The officer will protect his/hers weapon for examination and submit said weapon to the appropriate investigator.

4. The officer shall, utilizing the response to resistance report, prepare a detailed report in accordance with Section II of this General Order.

5. The officer should not discuss the case with anyone except:

a. Supervisory and Professional Standards personnel,

b. the officer's legal counsel,

c. Department psychologist.

6. The officer shall be available at all times for Professional Standards and other administrative interviews and statements regarding the case and shall remain subject to recall to duty at any time.

B. Communications shall:

1. Dispatch medical aid,

2. Notify the on-duty supervisor,

3. Notify the Police Chief / Assistant Police Chief.

- C. On-Duty supervisor shall:
 - 1. Proceed immediately to the scene.
 - 2. Where injury resulted, shall insure the following are notified:
 - a. Chief of Police,
 - b. Assistant Police Chief,
 - c. Lieutenant,
 - d. Designated Public Information Officer.
 - 3. Secure the scene.
 - 4. Conduct a preliminary field investigation.
 - 5. Render command assistance to the assigned investigator(s).
 - 6. Assist the involved officer(s).
 - 7. Submit a detailed written report of the results of the investigation to:
 - a. The Chief of Police,
 - b. The assigned investigator(s),

1. Professional Standards Section (Internal Affairs) will conduct an investigation, subordinate to any criminal investigation, to determine:

a. Whether the shooting was:

(1) within policy,

(2) out of policy,

(3) accidental,

(4) policy failure.

b. Evaluate training considerations:

(1) drawing and exhibiting weapons,

(2) firing the weapon,

(3) tactics prior to drawing and discharging,

(4) tactics during and after discharge.

c. Quality of the supervision prior to, during, and after the shooting incident.

d. The Professional Standards Section (Internal Affairs) will prepare a detailed report of findings for:

2. The investigation conducted by the Professional Standards Officer (Internal Affairs) is an administrative investigation and as such the officer is required to answer questions pertaining to the circumstances surrounding the incident.

E. Investigations Division

The Investigations Division will conduct a thorough investigation of every shooting by a police officer which results in injury or death. The investigation shall include the following minimum procedural standards:

1. Proceed to the scene immediately.
2. Assume control of the scene.
3. Where injury resulted, notify the County Prosecuting Attorney's Office.
4. Examine the weapon(s) of all officers present at the time the shots were fired including secondary weapons and weapons in police vehicles.
5. Secure weapons that may have been fired.
6. Secure samples of spent ammunition.
7. Separate, secure, and interview all on-scene witnesses.
8. Photograph the scene.

9. Secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body.

10. Secure communications tape.

11. Obtain hospital, autopsy, lab, and photographic reports.

12. Before interviewing or requesting written statements of the involved officer(s), the investigator shall advise the officer of his/hers rights (Miranda Warning) in a criminal investigation. The Miranda Warning form will be retained as part of the original report.

13. The Investigation Division shall prepare a detailed report of the investigation and submit same to:

a. the Chief of Police,

b. the County Prosecuting Attorney, and

c. the Critical Incident Review Board.

F. The Critical Incident Review Board .

1. The Critical Incident Review Board shall convene and review the circumstances attendant to each discharge of a firearm by a department member. Firearms training, hunting, or ballistic testing are exempt.

2. The Board shall consist of:

a. Assistant Police Chief (board chairman),

- b. A Lieutenant,
- c. The Professional Standards Officer, (IA)
- d. The Department Armorer,
- e. The immediate supervisor of the officer that discharged the weapon, and
- f. Two members of the same rank as the officer that discharged the weapon, selected by the officer.

3. The Critical Incident Review Board will evaluate, in explicit and fact finding fashion, each aspect of an officer involved shooting. Such evaluation will include:

- a. A thorough review of the criminal investigation report;
- b. A thorough review of the Professional Standards Report;
- c. Hearing of Direct testimony, if necessary, from officers and witnesses.

4. The Critical Incident Review Board will develop findings and make recommendations to the Chief of Police in the following areas:

- a. Whether the shooting was within policy, out of policy, or accidental;
- b. Tactical considerations;
- c. Training considerations;
- d. Quality of supervision;

e. Corrective action;

f. The post shooting investigative processes and quality.

VII. Civil Rights Investigation

A. The department will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations which may have occurred.

B. The department will not request any of its members who may be the subject of an investigation to confer with federal investigators without advice of counsel.

VIII. Administrative Duty

A. Any officer directly involved in a use of deadly force incident shall be placed in an "administrative assignment" directly upon completion of his/hers preliminary report of the incident. This assignment shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative duties shall not be interpreted to imply or indicate that the officer has acted improperly.

B. While on administrative assignment the officer will be available at all times for official departmental interviews and statements regarding the use of deadly force incident, and shall be subject to recall to regular duty at any time. The officer shall not discuss the incident with anyone except the County Prosecuting Attorney, department personnel assigned to the investigation, the officer's legal counsel, the officer's psychologist, the officer's chosen clergy, and the officer's immediate family.

C. Refer to Department General Order [], Critical Incident, Illness and Injury for additional information pertaining to limited duty assignments for employees involved in a "critical incident".

IX. Psychological Services for the Officer

A. In all cases where any person has been injured or killed as a result of the use of deadly force by a police officer, the involved officer will be required to undergo an emotional debriefing with a department furnished psychologist within five working days of the incident. The purpose of this debriefing will be to allow the officer to express his/hers feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.

B. The officer will be afforded the opportunity to continue psychological services. These subsequent visits will be the officer's choosing and shall continue as determined by the psychologist and officer.

C. Department General Order [], Critical Incident, Illness and Injury defines the procedures for referral of employees involved in "critical incidents" to counseling services.

X. Response to Resistance Report Annual Summary

The Professional Standards Section will be responsible for issuing a summary report on the response to resistance by Department personnel. The report will be prepared annually and contain the following information:

A. Total Level I response to resistance reports filed and number of reports by each officer;

B. Total Level II response to resistance reports filed and number of reports by each officer;

C. Number of suspects injured during response to resistance incidents;

1. Break down of injuries by degree of severity

2. Age of suspects

3. Race of suspects

4. Sex of suspects
- D. Number of officers injured during response to resistance incidents;
1. Breakdown of injuries by degree of severity
 2. Age of officers
 3. Race of officers
 4. Sex of officers
- E. Breakdown of suspects' weapons by type;
- F. Breakdown of officers' weapons by type;
- G. Civilian complaints filed on unreported response to resistance incidents;
1. Complaints sustained
 2. Complaints unfounded

GENERAL ORDER ADDENDUM A

POLICE DEPARTMENT

LEVEL I RESPONSE TO RESISTANCE REPORT

Type of Incident:

Complaint Number:

Officer DSN:

Date/Time Occurrence:

Suspect Name:

Address:

Race:
No ____

Sex:

Age:

Type of Weapon:

Recorder Used: Yes ____

Officer=s Weapons Used or Displayed:

Description of Incident:

Charges Filed:

Field Supervisor=s Recommendation:

Field Supervisor DSN:

Date:

Watch/Division Commander=s Concurrence/Recommendation:

Supervisor DSN:

Date:

Assistant Police Chief's Concurrence/Recommendation:

Assistant Police Chief:

Date:

Chief of Police's Concurrence/Recommendation:

Chief of Police:

Date:

Returned to Supervisor for Further Action:

Yes ____

No ____

Personal Standards Officer:

Date:

Addendum B

LEVEL II: Response to Resistance Report

Chain of Command Routing Slip

Sergeant

Date

Lieutenant

Date

Assistant Police Chief

Date

Professional Standards Officer (IA Officer)

Date

Chief of Police

Date

LEVEL II: Response to Resistance Report

OFFICER RECORD

Department Complaint Number:

Name:

(Last) (First) (Middle)

Sex: Race: Height: Weight:

Length of Service: Duty Assignment:

Status: On-Duty Off-Duty Secondary
Uniform Plain Clothes

OFFICER INJURY (Check all that apply)

Limb ____ Torso ____ Head/Neck/Face ____ No Apparent Injury ____

Subject=s Weapon (s): Firearm Flashlight Baton

Hands/Feet/Fists/Knees/Elbows: Other weapons

Medical Treatment: Yes ____ No ____

SUBJECT #1 INJURY (Check all that apply)

Name:

Limb ____ Torso ____ Head/Neck/Face ____ No Apparent Injury ____

Officer=s Weapon(s): Firearm ____ Flashlight ____ Baton ____

Hands/Feet/Fists/Knees/Elbows ____ Other weapons _____

Medical Treatment: Yes ____ No ____

SUBJECT #2 INJURY (Check all that apply)

Name:

Limb ____ Torso ____ Head/Neck/Face ____ No Apparent Injury ____

Officer=s Weapon(s): Firearm ____ Flashlight ____ Baton ____

Hands/Feet/Fists/Knees/Elbows ____ Other weapons _____

Medical Treatment: Yes ____ No ____

SUBJECT #3 INJURY (check all that apply)

Name:

Limb ____ Torso ____ Head/Neck/Face ____ No Apparent Injury ____

Officer=s Weapon(s): Firearm ____ Flashlight ____ Baton ____

Hands/Feet/Fists/Knees/Elbows ____ Other weapons _____

Medical Treatment: Yes ____ No ____

Use Department Continuation Form for Officer=s Statement

Page ____ of ____

(Form to be completed by each officer involved)

LEVEL II: Response to Resistance Report

EVENT RECORD

Department Complaint Number:

Related Complaint Number:

Date of Incident:

Time:

Location of Incident:

TYPE OF INCIDENT:

Traffic Stop _____ Disturbance _____ Domestic Violence _____ Narcotics _____

Other (Please Specify)

Evidence collected: Yes _____ No _____

Number of subjects: _____

Number of witnesses: _____

DSN of Police Officer(s) present: 1. _____ 3. _____ 5. _____

2. _____ 4. _____ 6. _____

Use Department Continuation Form for narrative portion of report.

Department Complaint Number:

Name:

(Last)

(First)

(Middle)

Address:

City:

State:

Phone:

(Home)

(Work)

Sex: _____ Race: _____ Date of Birth: _____ Height: _____ Weight: _____

Impaired by alcohol or drugs: Yes _____ No _____ Unable to determine _____

Chemical tests administered: Yes _____ No _____ Results _____

Describe injury received:

Medical Treatment: Yes _____ No _____

Transported to Hospital: Yes _____ No _____

Method of transport: _____ Ambulance Unit #: _____

Hospital:

Attending physician/nurse:

Photos taken: Yes _____ No _____

Criminal Charges Filed: 1.

2.

3.

Court:

Court Date:

Subject Statements: Use Department Continuation Form for the narrative portion of this report.

Page _____ of _____

(To be completed by Shift Supervisor)

LEVEL II: Response to Resistance Report

WITNESS RECORD

Department Complaint Number:

Name:

(Last)

(First)

(Middle)

Address:

City:

State:

Phone:

(Home)

(Work)

Sex: _____ Race: _____ Date of Birth: _____ Height: _____ Weight: _____

Department:

DSN:

(If witness is a police officer)

Witness relationship to subject:

Use Department Continuation Form to obtain witness statement and complete narrative portion of this report.

Page _____ of _____

(To be completed by Shift Supervisor)

AUTHORITY

A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Jeffrey S. Head, Chief of Police