

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 05/04/2022	<b>Supersedes Policy Dated:</b> 12/03/2020	<b>Rescinds:</b>	<b>SOG Number:</b>
<b>Accreditation Index:</b> 4.1.1, 4.1.2, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.4, 4.3.4, 4.1.2.3, 4.1.2.4, 70.1.7			<b>103.5</b>
<b>Part Title:</b> Administration		<b>Chapter Title:</b> Standards of Conduct	
<b>Chief of Police:</b> <i>Paul F. Williams</i>			

## Resistance Response

### I Policy

This policy is to establish and regulate the decision to respond to resistance, to regulate the manner in which responses are used, and to establish procedures for reporting the response to resistance.

This order is for internal use only and is not intended to enlarge the employee's civil or criminal liability in any way. This order shall not be construed as the creation of a higher legal standard of safety or care, insofar as the employee's legal duty is imposed by law or discretion authorized by law.

Non-compliance with this order constitutes a violation of an employment duty only, except in such case as any non-compliance may also be a violation of law. Therefore, violations of this Standard Operating Guideline shall only form the basis of corrective action within this Department.

### II Definitions (CALEA 4.1.2)

**Control** - The responses an officer uses to influence or neutralize the unlawful, physical actions of a subject. Generally, there are four times an officer is justified in using physical control methods. They are: to stop potentially dangerous and unlawful behavior; to protect the officer or another from injury or death; to protect subjects from injuring themselves; and in the process of effecting lawful arrest or detention when the subject offers resistance.

**Deadly Force** – Physical force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious physical injury. (RSMo 563.011(1))

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**Immediate Threat** – A statement or other indication of intention to hurt or injure another that is capable of being carried out without intervening lapse or interval.

**Physical Injury** – Any impairment of physical condition.

**Reasonable Belief** – The facts or circumstances the officer or other employee knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

**Resistance** – Behavior by the subject in an attempt to evade an officer's attempts of control.

**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 556.061(44))

**Violent Felon** – any person who has been identified as participating in the commission or attempt of a murder, manslaughter, forcible rape, forcible sodomy, aggravated assault, kidnapping, or armed robbery.

**Resistance Response Continuum** – A training model/philosophy that supports the progressive and reasonable escalation and de-escalation of member applied force in proportional response to the actions and level of resistance offered by a subject. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the member's commands. Such response may progress from the member's physical presence at the scene to the application of deadly force.

### **III Procedure**

#### **1 RESISTANCE RESPONSE TRAINING**

1.1 No Police Department employee shall be authorized to carry a firearm or other lethal or less lethal weapon until they have (1) been issued a copy of [SOG 103.5 – Resistance Response](#) and a copy of [SOG 304.5 – Training, Proficiency, and Use of Weapons](#), and (2) have received instruction in both. Such issuance and instruction shall be documented by the Training Unit. (CALEA 4.3.4)

#### **2 DEGREE OF CONTROL (CALEA 4.1.1)**

2.1 Police employees are confronted frequently with varying levels of resistance where, in order to protect the public safety, control must be exercised to effect arrests, overcome physical resistance and neutralize assaults. Control may be achieved through advice, warnings and persuasion, or by the use of physical responses. There are varying degrees of control that may be justified depending on the dynamics of a situation.

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#### **3 EXCESSIVE FORCE (CALEA 4.1.1)**

- 3.1 The use of **excessive** force, regardless of the provocation or action of the offender, shall result in certain and severe corrective action and may result in criminal prosecution.

#### **4 JUSTIFICATION OF FORCE (CALEA 4.1.1)**

- 4.1 Justification of the use of force in the judicial system is measured by two broad standards. First, the officer's use of control methods was initiated by a subject's resistance. Second, the level of physical response used by the officer was reasonable and not excessive when considering the type of resistance offered by the subject.

#### **5 HANDCUFFS AND RESTRAINTS**

- 5.1 The purpose of handcuffs, flexcuffs, the hobble or transport handcuffs is to restrain the movements of a subject.
  - 5.1.1 All subjects taken into custody should be handcuffed behind their back. This is to ensure the safety of the officer or the citizens. The exceptions to this are:
    - 5.1.1(a) When the subject has an injury that does not permit his/her arms to move behind the back;
    - 5.1.1(b) When the subject's age, physical condition, or physical limitations may also indicate a change in this procedure.
- 5.2 Once handcuffs are applied, they shall be double-locked as soon as practical.
- 5.3 The arresting and transporting officers shall check the handcuffs for proper security and proper fit.
- 5.4 All subjects will be handcuffed prior to being searched incident to arrest.
- 5.5 Unless exceptional circumstances exist, officers should not handcuff a subject to a fixed object such as a post, vehicle, building, etc.
- 5.6 A suspect should not be placed on his/her stomach after being handcuffed for any prolonged period of time, especially if the suspect has been involved in a strenuous physical activity as this can lead to positional asphyxia.
- 5.7 If an officer encounters resistance by a suspect under restraint, the officer should utilize appropriate control techniques to prevent injuries to the officer or injuries to others.
- 5.8 Use of the Hobble
  - 5.8.1 Only hobbles approved by the Training Unit may be used by officers. Home-made devices are specifically prohibited.
  - 5.8.2 The hobble may be used as an additional restraint device on the feet or legs of a suspect in cases where continued physical resistance (i.e. kicking, flight, etc) occurs after a suspect is handcuffed.
  - 5.8.3 The hobble shall never be used to "hog tie" a suspect by securing the feet behind them to the hands, arms or handcuffs.
  - 5.8.4 Additional possible uses include, but are not limited to:
    - 5.8.4(a) Linking several handcuffed suspects together through the arms to prevent

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flight.

5.8.4(b) Temporary securing of animals.

5.8.5 All uses of the hobble shall be documented in a RMS report, to include the reason the hobble was necessary and particularly describing the method in which it was used.

## **6 LEVELS OF RESISTANCE**

6.1 An officer's actions in response to resistance will be based upon their perception of the level of resistance.

### **6.2 Psychological Intimidation**

6.2.1 Non-verbal actions, often called body language, often influence an officer's decision on how to approach a subject or what level of response to use if a subject starts to resist an arrest. Non-verbal intimidation actions may include clenching of fist, widening of foot stance or a blank expression that may warn an officer of an individual's emotional state. An officer who reads the non-verbal signals and believes physical control is necessary to prevent a subject from injuring him/herself, others, or the officer may initiate action before any overt moves are made by the subject.

### **6.3 Verbal Non-Compliance**

6.3.1 Dialogue in the form of threats of physical injury may influence an officer's opinion as to the amount of response needed to effect control. An offender may boast of their fighting skill and/or their intention to injure the officer. The officer's judgment to attempt either empty hand control, impact weapons, or even firearms may be elevated, in part, by resistive dialogue from the offender. An officer's decision of the level of response necessary to control a subject will be based on their perception of the threat and the subject's ability to carry out that threat. An additional factor is the officer's knowledge of their own physical ability to manage the threat presented.

### **6.4 Passive Resistance**

6.4.1 Passive Resistance is the lowest level of physical resistance. The subject resists control through passive, physical actions. At this level, the offender never makes any attempt to defeat the physical contact of the officer.

### **6.5 Defensive Resistance**

6.5.1 This level of resistance occurs when the offender attempts to push or pull away in a manner that does not allow the officer to establish control. However, the subject never attempts to strike the officer.

### **6.6 Active Aggression**

6.6.1 Physical actions of assault by the offender (punching, kicking).

### **6.7 Deadly Force Assaults**

6.7.1 Deadly Force Assaults occur when the subject is assaulting the officer with a weapon, and/or uses techniques or objects that could result in death or serious

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physical injury to the involved officer(s). At this level, officers may not only face resistance to an arrest, but also overt, physical actions against the officer.

**7 LEVELS OF CONTROL (CALEA 4.1.4, 4.2.1, and 41.2.3(a))**

The level of control used will be dependent upon the officer’s perception of resistance and danger of that resistance, and whether that resistance is placing the officer or another in jeopardy of serious injury or death. An officer’s perception of the danger of the level of resistance will be based upon their past training, experience, and knowledge of physical control techniques. Justification for the level of control must be limited to what reasonably appears to be the facts known or perceived by an employee at the time they decide to use such control. Facts unknown to an employee, no matter how compelling, cannot later be considered in determining whether the use of force response was justified.

<b>Level:</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	<b>VI</b>
<b>Levels of Resistance:</b>	Psychological Intimidation	Verbal Non-Compliance	Passive Resistance	Defensive Resistance	Active Aggression	Deadly Force Assaults
<b>Levels of Control:</b>	Officer Presence	Verbal Direction	Soft Empty Hand Techniques	Hard Empty Hand Techniques	Intermediate Weapons	Deadly Force
<b>Examples of Control:</b>	Badge Uniform	Advice Warning Persuasion	Physical Control Holds Pain Compliance	Stun Strike OC Spray TASER	Impact Weapons Less Lethal K9	Firearm Vehicle Ramming Roadblock

**7.1 Level I - Officer Presence**

7.1.1 Identification of authority (badge, uniform, etc.). The mere presence of an officer will be sufficient to persuade most individuals to follow an officer's direction.

**7.2 Level II - Verbal Direction**

7.2.1 The majority of situations can be resolved by good communication skills or Verbal Direction. Successful communication techniques can prevent many physical confrontations from escalating to higher levels.

**7.3 Level III - Soft Empty Hand Control (CALEA 4.2.1(d))**

7.3.1 Soft Empty Hand Control techniques have minimal or nonexistent possibility of injury. Generally, these techniques are used to control passive and defensive resistance. Soft Empty Hand Control is authorized for any level of resistance.

7.3.1(a) Soft Empty Hand Control Techniques include techniques such as pressure points, transport wristlocks and straight arm bars.



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- [REDACTED]
- [REDACTED]
- [REDACTED]
- 7.4 Level IV - Hard Empty Hand Control
- 7.4.1 This level of control is authorized for high levels of resistive dialogue, defensive resistance, active aggression, or deadly force assaults. All Level IV Techniques will require that a **RCF** be completed. (CALEA 4.2.1(d))
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- 7.4.3 Chokeholds (CALEA 4.1.7)
- 7.4.3(a) Any technique restricting the intake of oxygen for the purpose of gaining control of a subject is prohibited unless deadly force would be reasonable.
- 7.4.4 OC Spray shall be considered a Level IV response. (CALEA 4.1.4)
- 7.4.4(a) All uniformed officers shall carry department-issued OC Spray while on duty except where otherwise specified in SOG 304.6 – Police Uniforms and Appearance Regulations.
- 7.4.4(b) All non-uniformed officers, and Traffic Service Officers may carry department issued OC Spray at their discretion.
- 7.4.4(b.1) Traffic Service Officers shall only use OC Spray for self-protection.
- 7.4.4(c) All personnel who carry OC Spray must complete training as required by the Training Unit.
- 7.4.4(d) At no time shall an officer unnecessarily brandish or use OC Spray as an intimidation device unless the officer is attempting to prevent further escalation of response.
- 7.4.4(e) Any time OC Spray is used for controlling an offender; the application of the OC Spray will end when the offender discontinues resistance or aggression.
- 7.4.4(f) Following the use of OC Spray for the purpose of subject control, the officer will ensure that the subject receives adequate decontamination as soon as practical. The officer should supply immediate medical attention if requested by the suspect.
- 7.4.4(g) When an officer books a subject who has been exposed to OC Spray, the officer will advise the Detention personnel in order to prevent any unnecessary contamination of other jail occupants or Detention personnel.
- 7.4.5 TASER (CALEA 4.1.4)
- 7.4.5(a) The primary goal of the TASER is to create neuromuscular incapacitation.

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- 7.4.5(b) For the safety of the officer and the public, officers shall not deploy the TASER in any environment containing flammable hazards such as gasoline, natural gas, meth labs, explosives, etc.
- 7.4.5(c) In circumstances that include an increased injury risk deployment, (i.e. A subject on an elevated platform or running on a concrete surface) officers shall evaluate the need to overcome resistance or terminate a subject's flight and balance that need against the increased risk before deployment.
- 7.4.5(d) Handcuffing under power may minimize the need for multiple cycles if it is tactically safe to do so.
- 7.4.5(e) TASER probes are generally removed by officers in the field.
  - 7.4.5(e.1) Probe removal will be done according to current training protocols.
  - 7.4.5(e.2) Probes in sensitive target areas (eyes, throat, genitals, female breast) will be removed by medical personnel (EMS).
  - 7.4.5(e.3) Photographs will be taken of impact sites.
  - 7.4.5(e.4) The officer will collect the air cartridge, the wire leads, and the probes. The probes will be packaged by placing them into the expended cartridge with the pointed ends of the probes facing down. Tape will be placed around the cartridge holes to secure the probes in the cartridge. The secured probes and cartridge, as well as the wire leads, will be placed into a manila envelope and labeled with a biohazard sticker. They will be logged into the property room for safekeeping (not evidence) and retained for a 6-month period, unless notification of civil action is made or requested by an investigator.
  - 7.4.5(e.5) At no time shall an officer unnecessarily brandish or use a TASER/CEW (Conducted Energy Weapon) as an intimidation device. If the officer is justified in the use of the TASER/CEW and/or the officer is attempting to prevent further escalation of response then utilization of a warning arc is authorized.<sup>1</sup>

## 7.5 Level V - Intermediate Weapons

### 7.5.1 Hard Intermediate Weapons (CALEA 4.1.4)

- 7.5.1(a) Intermediate weapons can provide a means by which officers can defend themselves or others from injury when facing resistance in the form of active aggression or deadly force assaults.
- 7.5.1(b) Only departmentally issued or approved batons shall be used.
- 7.5.1(c) No officer shall carry an impact weapon unless he has successfully completed the annual certified training.
- 7.5.1(d) When carried by uniform employees, the baton shall be secured in a manner

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<sup>1</sup> Section 7.4.5(e.5) added to authorize warning arc when use of TASER/CEW is justified or to prevent further escalation of response, per [Policy Change Order 22-020](#).

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consistent with established standards.

7.5.1(e) At no time shall an officer brandish or use the impact weapon as an intimidation device, unless the officer is attempting to prevent further escalation of response.

7.5.1(f) Other types of striking devices are prohibited, except as authorized in Section 8.

[REDACTED]

7.5.2 Tear Gas (CALEA 4.1.4 and 71.2.4)

7.5.2(a) Commanders have the responsibility of determining the need for the use of tear gas and the authority to direct its deployment.

7.5.2(b) Prior to the deployment of tear gas, due regard shall be exercised for the safety of innocent citizens, police officers, and the subject. Proper scene cordon and evacuation techniques shall be utilized. Only the reasonable amount of tear gas under the circumstances shall be deployed and consideration of fire hazard and injuries shall be undertaken with fire department and appropriate medical personnel on scene prior to deployment of pyrotechnic forms of chemical munitions whenever possible.

7.5.2(c) Actual deployment shall be by a member trained in the use and deployment of tear gas.

7.5.3 Less Lethal Extended Range Impact Devices (See [SOG 304.5 – Training, Proficiency, and Use of Weapons](#)) (CALEA 4.1.4)

7.6 Level VI - Lethal Force Responses (CALEA 41.2.3(a))

7.6.1 An employee may use lethal force responses **only** when he reasonably believes that the action is in the defense of human life, including the officer's own life, or in the defense of any person in immediate danger of serious physical injury or death. (CALEA 4.1.2)

7.6.1(b) Officers shall issue a clear and loud verbal warning prior to firing, if practical.

7.6.2 Fleeing Felon (CALEA 70.1.7(c))

7.6.2(a) An officer may use lethal force responses to prevent the escape of a violent fleeing felon (see definitions) only if that suspect poses a clear and immediate threat to public safety if not apprehended without delay.

7.6.2(b) Some examples may include:





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- 10.2.4 Medical treatment is required by hospital or EMT; (CALEA 4.2.1(b))
  - 10.2.4(a) In the event it is unknown which officer(s) caused the injury, all officers laying hands on must complete an RCF.
- 10.2.5 Any discharge of a firearm during on-duty or off-duty status; except for marksmanship training, firearms training, ballistic tests, sporting events, and the humane destruction of sick or injured animals. (CALEA 4.2.1(a))
- 10.2.6 At the direction of a supervisor or commander.
- 10.3 The Resistance Control Form will be completed as soon as possible by the officer who applied the response. The RCF will always be completed prior to the end of the shift. Use of Level IV response requires the employee to notify their supervisor as soon as practical, prior to the end of shift. Use of Level V or Level VI response requires the employee to immediately notify their supervisor. (CALEA 41.2.4)
  - 10.3.1 Off-duty officers involved in resistance response situations are subject to the same reporting procedures as on-duty officers. Any time a RCF is required, off-duty employees shall notify an on-duty police supervisor as soon as practical.
  - 10.3.2 All resistance responses that result in physical injury (requiring medical attention) require the employee to immediately notify an on-duty supervisor. The supervisor will ensure that photographs of the obvious and/or apparent injuries are taken.
- 10.4 Administrative Review Procedure (CALEA 4.2.2)
  - 10.4.1 The immediate supervisor will receive the RCF, review it for completeness and ensure that all supporting documentation is included (video, photographs etc.).
    - 10.4.1(a) When an RCF is completed based on Taser use; the officer's supervisor will use the computer designated for Taser download in the report writing room at either Headquarters or the South District Station to print out the Taser download data from the date of the Taser use. This printout shall be attached to the RCF.
  - 10.4.2 The supervisor will then forward the RCF and all supporting documentation to their Section Lieutenant for review. After the Section Lieutenant completes their review, they will forward the RCF packet to the Inspections and Internal Affairs Unit.
  - 10.4.3 The IIAU staff will file the form and log the RCF into the Administrative Investigations Management System (AIM). IIAU will then track the RCF through AIM to the officer's immediate supervisor.
  - 10.4.4 The immediate supervisor will review the RCF and make a determination if the response used was in compliance with department training and the Resistance Response policy. If the supervisor finds that the officer was not in compliance a recommendation for disciplinary action will be included. The RCF will then be forwarded through the chain of command for supervisory review.
    - 10.4.4(a) Members of the chain of command receiving the form will assess completeness, compliance with policy, and compliance with training and recommend disciplinary action if necessary. The RCF will be forwarded to the Bureau Commander.

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- 10.4.4(b) The Bureau Commander will determine if the response was within policy, and consistent with training. If there are disciplinary issues pertinent to the response used the Bureau Commander will recommend disciplinary action or cause an administrative complaint to be initiated with the Inspections and Internal Affairs Supervisor. After review of the RCF the Bureau Commander will forward it back to IIAU.
  - 10.4.5 IIAU will then compile all related Resistance Control Forms and forward one complete packet to the Chief of Police for review.
    - 10.4.5(a) After review and completion, the Chief of Police will make a final determination regarding the level of resistance used and any associated discipline.
  - 10.5 Annual Resistance Response Data Analysis (CALEA 4.2.4)
    - 10.5.1 IIAU will forward RCF data to Research and Development to conduct an annual analysis of the Resistance Control Forms and present the analysis to the Chief of Police by May of each year.
      - 10.5.1(a) At the minimum, the analysis shall identify:
        - 10.5.1(a.1) date and time of incidents;
        - 10.5.1(a.2) types of encounters resulting in use of force;
        - 10.5.1(a.3) trends or patterns related to race, age and gender of subjects involved;
        - 10.5.1(a.4) trends or patterns resulting in injury to any person, including employees.
    - 10.5.2 The Support Operations Section Commander will conduct an analysis of the department's resistance response policies and practices which will be included within the final Research and Development Annual Resistance and Control Report.
- ## 11 MEDICAL AID (CALEA 4.1.5)
- 11.1 The officer will ensure that the subject is transported to a medical facility for medical attention if the subject is struck by a less lethal round, unconsciousness occurs, there are obvious signs of serious injury, Medical distress is apparent, or the subject requests medical attention.
    - 11.1.1 Officers shall ensure that medical care is rendered as quickly as reasonably possible when a subject has sustained injury.
    - 11.1.2 Minor abrasions or bruises that can be treated with simple first aid do not require transportation to a medical facility unless requested by the subject.
    - 11.1.3 A Watch Commander 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 (at a medical facility). In the absence of a Watch Commander, the appropriate Bureau Commander or ranking officer shall be notified.
      - 11.1.3(a) An officer will be assigned to transport or follow EMS to the hospital.

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- 11.1.3(b) The Watch Commander shall determine whether or not the subject can be released from custody (with a summons or pending formal charges) at the hospital prior to a full evaluation by the Emergency Room physician.
- 11.1.4 If the response is such that the affected individual is admitted to a hospital, the Watch Commander shall immediately notify IIAU personnel.

**IV Attachments**