



KANSAS CITY MISSOURI POLICE DEPARTMENT

DATE OF ISSUE

EFFECTIVE DATE

NO.

PROCEDURAL INSTRUCTION

07-27-2016

07-27-2016

16-04

SUBJECT

Response to Resistance

AMENDS

REFERENCE

Procedural Instruction entitled, "Firearms Procedures"

RESCINDS

PI 13-3

***I. POLICY**

- A. Force may be used only to the extent objectively reasonable to accomplish lawful outcomes. This Department and its members recognize and respect the value of human life. In permitting members with lawful authority to use force to protect the public welfare, and for the apprehension and control of subjects, a careful balancing of all human interests is required.
- B. Strategic re-deployment may be used when a Department member determines that disengagement may better serve the objective of the situation.

II. TERMINOLOGY

- A. **Agitated/Excited Delirium:** State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, extreme tearing of the eyes, hostility, exceptional strength, and endurance without fatigue. Other signs or symptoms may include, but are not limited to, profuse sweating, foaming at the mouth, hallucinations, and exhibiting signs of a high body temperature.
- B. **Air Cartridge:** A replaceable cartridge which uses compressed gases to fire probes on connecting wires sending a high voltage/low current signal into a subject.
- C. **Conducted Electrical Weapon (CEW):** A weapon primarily designed to disrupt a subject's central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
- D. **Deadly Force:** Any use of force that is likely to cause death or serious bodily injury.
- E. **Deploying Department Member:** The Department member who has control of and activates the CEW.
- F. **Discharge:** Any activation of a CEW at an animal or human being, even if the probes miss the intended target. For administrative tracking purposes a CEW misfire will also be treated as a discharge.
- G. **Misfire:** When the CEW is activated and the probes do not deploy or an electrical arc is not observed between the electrodes affixed to the front of the CEW.

- H. **Non-Deadly Force:** Any use of force other than that which is considered deadly.
- *I. **Strategic Re-Deployment:** Is a de-escalation technique used when law enforcement officers determine there is time to disengage and re-evaluate a situation and assemble the proper resources, equipment and personnel. The intent of resolving the incident with the lowest potential of injury or death to the general public, law enforcement officers and suspected criminals.

III. PROCEDURE

A. General Guidelines

- *1. Department members will clearly articulate the factor(s), fear(s) or concern(s) that prompted the force they chose to accomplish a lawful outcome.
- 2. A supervisor and a commander will respond to the scene when:
 - a. A CEW is activated.
 - b. A Department member uses deadly force.
- 3. A supervisor will respond to the scene when:
 - a. A subject requires or requests medical treatment as the result of a Department member using force.
 - b. A Department member requires medical attention as a result of a subject using force.
 - c. A subject falls unconscious from the use of a Lateral Vascular Neck Restraint (LVNR®) or the Front Neck Control (FNC).
- 4. Department members **are not** to strike anyone in the head with a weapon, e.g., baton, shotgun, handgun, etc., except in situations where its use is objectively reasonable considering the totality of the circumstances.
- 5. Once a subject is under control and handcuffed, Department members will place the subject on his/her side or in a seated position while awaiting transportation to a detention facility. **At no time will Department members handcuff and leg shackle an arrest's hands and feet together (commonly referred to as hog tying).**
- 6. Department members **will** seek medical attention for persons exhibiting signs of agitated/excited delirium, as soon as circumstances allow. Additionally, they should monitor the subject for consciousness until medical assistance arrives.

7. Department members are cautioned **not to use** the LVNR® on subjects sprayed with Oleoresin Capsicum, except in situations where its use is objectively reasonable considering the totality of the circumstances.
8. The aerosol chemical agent orthochlorobenzal-malononitrile (CS) is available and its deployment is most often determined by extraordinary circumstances or command decisions.
- *9. Only a Department issued CEW will be carried. The CEW will be carried on the non-gun side, in a Department issued/approved holster, with an air cartridge attached to the front of the CEW and the safety engaged.
10. In any situation that results in a Department member being disarmed of the CEW, the Department member will use reasonable force to defend themselves to avoid incapacitation and possibility of the subject gaining control of the Department member's firearm. For further information refer to guidelines set forth in the current written directive entitled, "Firearms Procedures."
- *11. Each month the Watch I Desk Sergeant at the Patrol Stations or Traffic Division and Special Operations Division will have all CEWs downloaded on the unit or division X26 Dataport. The first download of the CEW will require the time on the CEW and the time on the computer to be synchronized.

B. Guidelines for **NON-DEADLY FORCE**

1. Department members will evaluate the situation to determine which available non-deadly force technique or issued equipment should be used to control the situation without compromising their safety or the safety of others.
2. Department members may use Department approved non-deadly force techniques and issued equipment to:
 - a. Effect an arrest.
 - b. Protect themselves and others from physical injury.
 - c. Restrain or subdue a resistant individual.
 - d. Bring an unlawful situation safely and effectively under control.
3. Following the use of non-deadly force, immediate medical attention will be provided or obtained for any individual if deemed necessary by the Department member or if requested by the individual.

C. Post-Application Care of Non-Deadly Force.

1. If a subject appears to be exhibiting signs of agitated/excited delirium Department members will:
 - a. Request Emergency Medical Services (EMS) personnel to respond to the scene.
 - b. Request a field supervisor to respond to the scene.
2. When a Department member uses the LVNR® or FNC and a subject falls unconscious, the Department member will:
 - a. Call for EMS personnel to respond to the scene.
 - (1) Inform EMS personnel that the subject fell unconscious while the LVNR® or FNC was being applied.
 - (2) Request EMS personnel to determine if the subject will be transported to a medical facility.
 - b. Request a field supervisor to respond to the scene.
3. When a Department member uses the CEW the Department member will:
 - a. **NOT ATTEMPT** to remove a probe if it is imbedded in the following areas of soft tissue: face, neck, ear, breast, or groin. In this instance, **THE PROBE SHOULD BE REMOVED BY MEDICAL PERSONNEL ONLY.**
 - b. Remove probes using current training guidelines.
 - c. Provide an antiseptic wipe and clean dry bandage to the person that has been subjected to the CEW.
 - d. Request a field supervisor and commander to respond to the scene.
4. When a Department member uses Oleoresin Capsicum aerosol spray and/or pepper foam (MK-46 and MK-9 Pepper Foggers) the Department member will:
 - a. Ensure the subject receives fresh air.
 - b. Rinse affected area with large amounts of cool water.
 - c. Call for EMS personnel to respond to the scene if requested or appears necessary.
 - d. Request a field supervisor to respond to the scene.

D. Guidelines for **DEADLY FORCE**

Department members are authorized to use deadly force in order to protect themselves or others from what they reasonably believe is an immediate threat of death or serious bodily harm.

*E. On-line Response to Resistance.

1. The Response to Resistance will be completed on-line.
2. The on-line Response to Resistance will be accessed from the intranet. A "User Guide for Response to Resistance Reporting" is available on the intranet.
3. The utilization of wrist locks, empty hand tactics and handcuffing alone do not require the on-line Response to Resistance to be completed. The wrist locks, empty hand tactics, and handcuffing should be noted by marking the "Other" box on the on-line Response to Resistance when used in conjunction with the tactics outlined in this section.
4. The case detective will complete the on-line Response to Resistance without a narrative, when:
 - a. A Department member discharges a firearm **at a person**, involving death, injury, or no injury.
 - b. A death occurs as a result of any use of force.
5. The on-line Response to Resistance will be completed by the Department member when any attempt is made by the suspect to obtain the Department member's weapon, holstered or unholstered.
6. The on-line Response to Resistance will be completed by the Department member when they use:
 - a. A non-deadly weapon, i.e., capsicum, baton if used as an impact weapon, MK-46 & MK-9 Pepper Foggers, CEW is used against a person including any air cartridge discharge, drive stun, or misfire intended to impact a subject.
 - b. A LVNR® or an FNC.
 - c. Any force which causes injury that requires medical treatment.
 - d. A beanbag round discharged at a person.
7. An on-line Response to Resistance will be completed by the Department member when a subject receives a canine bite as a result of an apprehension.

8. The on-line Response to Resistance will be completed when a subject:
 - a. Uses force that results in injury to a Department member that requires medical treatment.
 - b. Uses a weapon against a Department member regardless of injury.
 - c. Uses force that causes the death of a Department member.
 - d. A supervisor reserves the right to have a Department member complete an on-line Response to Resistance in any circumstance that, in the opinion of the supervisor, documentation would be reasonable.
9. The on-line Response to Resistance will be completed for each incident described. A copy of all applicable reports, or the Detention Unit Incident Report, Form 5123 P.D., **will be attached instead of rewriting the required narrative.** If applicable, statements taken by the Violent Crimes Division detective **may be attached at the discretion of a supervisor or commander to the on-line Response to Resistance in place of completing the narrative section.** (No reference to the on-line Response to Resistance will be made in any case report.)
10. Should the Department member using force be injured and unable to complete the on-line Response to Resistance the immediate supervisor will ensure the form is completed.
- *11. In the event a case report number is not obtained in conjunction with the on-line Response to Resistance one will not be obtained for the sole purpose of completion. However, the case report number of any other report taken in regard to the incident will be included in the appropriate space on the on-line Response to Resistance.
12. The on-line Response to Resistance will be reviewed and routed through the chain of command to the Department member's Bureau Commander or designee. The Department member's Bureau Commander will review and close the report.
13. No information contained on the Response to Resistance will be released to persons or agencies outside the Department without prior approval from the Chief of Police with the exception of cases presented to the prosecutor.

*F. On-line CEW Incident Log, Form 150 P.D.

1. Each CEW activation will be recorded whether the activation was an actual deployment incident, maintenance test, show of force, or accidental deployment incident.
2. One line will be completed for each activation incident.
3. Multiple activations to control the same individual or animal will be entered on one line, with the number of activations noted in the appropriate column.

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2016.

Michael Rader
Board President

DISTRIBUTION: All Department Personnel
Public View Master Index – Internet
Department Master Index – Intranet
Policy Acknowledgement SyStem