

	KANSAS CITY MISSOURI POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	PROCEDURAL INSTRUCTION	10-11-13	10-12-13	13-3
SUBJECT			AMENDS	
Response to Resistance				
REFERENCE		RESCINDS		
Procedural Instruction entitled, "Firearms Procedure"		Procedural Instruction 09-10 Patrol Bureau Memorandum 11-3		

*I. POLICY

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. Therefore, it is the policy of this department that a member will use that force that is objectively reasonable given the totality of the circumstances to bring an incident under control or apprehend a subject(s).

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 two probes on connecting wires sending a high voltage/low current signal into a subject.
- *C. **Conducted Energy 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 Officer:** The officer 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.

III. PROCEDURE

A. General Guidelines

1. A supervisor and a commander will respond to the scene when:
 - *a. A CEW is activated.
 - b. An officer uses deadly force.
2. A supervisor will respond to the scene when:
 - a. A subject requires or requests medical treatment as the result of an officer using force.
 - b. An officer 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).
3. Officers **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.
4. 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).**
5. 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.
6. 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.
7. The aerosol chemical agent orthochlorobenzal-malononitrile (CS) is available and its deployment is most often determined by extraordinary or command decisions.
- *8. Only a department issued CEW will be carried. The CEW will be carried on the non-gun side, in a department issued holster, with an air cartridge attached to the front of the CEW and the safety engaged.

- *9. In any situation that results in an officer being disarmed of the CEW, the officer will use reasonable force to defend himself/herself to avoid incapacitation and possibility of the subject gaining control of the officer's firearm.

*Note: When an officer is disarmed of the CEW, guidelines set forth in the current written directive entitled, "Firearms Procedures," will be followed.

B. Guidelines for NON-DEADLY FORCE

1. 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. 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 officer 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 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 member uses the LVNR® or FNC and a subject falls unconscious, the 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 member uses the CEW the 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 member uses Oleoresin Capsicum aerosol spray and/or pepper foam (MK-46 and MK-9 Pepper Foggers) the 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**

Officers are authorized to use deadly force in order to:

- 1. Protect themselves or others from what they have probable cause to believe is an immediate or imminent threat of death or serious bodily harm.

2. To prevent the escape of a person:
 - a. From the vicinity of a violent crime or confrontation during which the officer has probable cause to believe that the person has caused or attempted to cause death or serious bodily harm to the officer(s) or other persons, or
 - b. Who they have probable cause to believe is armed and has committed an offense in which he/she caused or attempted to cause death or serious bodily harm to another person, or
 - c. Who they have probable cause to believe may otherwise endanger life or inflict other serious physical injury unless arrested without delay.

- E. Response to Resistance, Form 246 P.D. - The utilization of wrist locks, empty hand tactics and handcuffing alone do not require the Response to Resistance, Form 246 P.D., to be completed. The wrist locks, empty hand tactics, and handcuffing should be noted by marking the "Other" box on the Response to Resistance, Form 246 P.D., when used in conjunction with the tactics outlined in this section.

- *1. The case detective will complete The Response to Resistance, Form 246 P.D., without a narrative, when:
 - a. A 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.

2. The Response to Resistance, Form 246 P.D., will be completed by the 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. The FNC will be documented by marking the "Other" box on Response to Resistance, Form 246 P.D., and adding "Front Neck Control."
 - c. Any force which causes injury that requires medical treatment.
 - d. A beanbag round discharged at a person.

- *3. A Response to Resistance, Form 246 P.D., will be completed by the Canine Officer when a subject receives a canine bite as a result of an apprehension.
4. The Response to Resistance, Form 246 P.D., will be completed when a subject:
 - a. Uses force that results in injury to an officer that requires medical treatment.
 - b. Uses a weapon against an officer regardless of injury.
 - c. Uses force that causes the death of an officer.
 - *d. A supervisor reserves the right to have a member complete a Response to Resistance, Form 246 P.D., in any circumstance that, in the opinion of the supervisor, documentation would be reasonable.
5. The Response to Resistance, Form 246 P.D., 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 Response to Resistance, Form 246 P.D., in place of completing the narrative section.** (No reference to the Response to Resistance, Form 246 P.D., will be made in any case report.)
6. Should the member using force be injured and unable to complete the Response to Resistance, Form 246 P.D., the immediate supervisor will ensure the form is completed by another member.
7. A case report number will not be obtained for the Response to Resistance, Form 246 P.D., but the case report number of any other report taken in regard to the incident will be included in the appropriate space on the Response to Resistance, Form 246 P.D.
8. The Response to Resistance, Form 246 P.D., will be forwarded through the chain of command to the Bureau Commander. The Bureau Commander will forward the Response to Resistance, Form 246 P.D., directly to the Internal Affairs Unit with a copy also being forwarded to the Training Division. The Response to Resistance, Form 246 P.D., will **not** be sent to the Records Unit.
9. The Internal Affairs Unit will be responsible for receiving, collecting and retaining the Response to Resistance, Forms 246 P.D.

10. No information contained on the Response to Resistance, Form 246 P.D., 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. CEW Incident Log, Form 150 P.D. - Each CEW activation will be recorded whether the activation was an actual deployment incident, maintenance test, show of force, or accidental deployment incident. One line will be completed for each activation incident. Several activations to control the same individual or animal will be entered on one line, with the number of activations noted in the appropriate column. The information on the CEW Incident Log will also be entered into an on-line form by an on-duty sergeant.

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2013.

Alvin Brooks
Board President

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