

CITY OF FERGUSON  
OFFICE OF THE CHIEF OF POLICE

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**USE OF LETHAL AND LESS-LETHAL WEAPONS  
USE OF FORCE CONTINUUM**

**410.00 PURPOSE**

The purpose of this General Order is to establish policy and procedure for the use of lethal and less-lethal force by members of this department.

**410.01 POLICY**

The Department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Officers are confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved verbally through instruction, advice, warnings and persuasion, or by the use of physical force.

While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under a particular set of circumstances. Therefore, it is the policy of this Department that police officers shall use only that force that appears reasonably necessary to effectively bring an incident under control or prevent unlawful behavior and accomplish lawful objectives, while protecting the lives and safety of the officer or another. Verbal or physical abuse is forbidden.

An officer may use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. A police officer must weigh the necessity of apprehension against the apparent threat to the safety of all involved, and exhaust every alternative means of apprehension known to be available at the time before resorting to the use of lethal force. Lethal force will not be used if a clear risk to the safety of a third person is perceived, even though no other means exist for apprehension.

**410.02 DEFINITIONS**

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- A. "***Excessive Force***" - All force beyond what is reasonably required for self-defense, or to take a person into custody.
- B. "***Firearms***"- Any weapon from which a projectile is forcibly ejected by an explosive not to include the Advanced Taser Electronic Incapacitation Device.
- C. "***Lethal Force***"- That force which is likely to cause death or serious physical injury.
- D. "***Less-Lethal Force***" – Force that is less than lethal force to include pointing of firearms and pain compliance techniques.
- E. "***Lethal Weapon***" - Any weapon that is likely to cause death when properly used according to training.
- F. "***Less-lethal Weapon***" - A weapon not likely to cause death when properly used according to training.
- G. "***Officer***" - a sworn officer having a Class A POST license to include reserves.
- H. "***Reasonable Belief***"- A logical, articulable conclusion drawn from facts and circumstances which would be evident to a person of average intelligence and intellect.
- I. "***Serious Physical Injury***"- An injury that creates a substantial risk of death or that causes severe disfigurement or protracted loss or impairment of the function of any body part.

410.03 RESPONSIBILITIES OF DEPARTMENT PERSONNELA. Command and Supervisory Responsibility

Department commanders and supervisors have a responsibility to closely monitor the day-to-day performance of employees under their supervision. Command and supervisory personnel must maintain an awareness of any employee experiencing problems in dealing with the public and make recommendations for specific remedial action, training or counseling when appropriate. Commanders and supervisors are accountable for the compliance of their subordinates with the provisions of this Order.

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**B. Individual Employee Responsibility**

1. Every employee of this Department has the responsibility to immediately contact the Professional Standards Office or the on-duty Watch Commander and report any act which they believe involves the use of excessive force as described in this Order.
2. Any employee who fails to report physical or verbal abuse against any citizen by another member of this Department is subject to disciplinary action.

**410.04 FIREARMS AND AMMUNITION**

The policy and procedure for the use and care of authorized firearms, ammunition, qualification and training is contained in General Order 216.00 *Authorized Firearms, Ammunition and Qualification*.

**410.05 USE OF LETHAL FORCE – REGULATIONS**

**A. Parameters for Use of Lethal Force**

Officers are authorized to use lethal force in order to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury; or effect the capture or prevent the escape of a suspect when there is probable cause to believe that:
  - a. the suspect committed or attempted to commit a felony, and:
  - b. the crime involved the use or threatened use of lethal force, and:
  - c. there is a substantial risk that the fleeing suspect will cause death or serious physical injury if apprehension is delayed.
2. If feasible, a verbal warning shall be given prior to the use of lethal force.

**B. A Police Officer May Also Discharge a Firearm Under the Following Circumstances**

1. To destroy an animal which presents a substantial risk of harm to the officer or another, or when an animal is so badly injured that it should be destroyed to prevent additional suffering.
2. To give alarm or to call assistance in an emergency when no other means can reasonably be used, and then only in a safe direction.

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3. At a sporting event, to include hunting and organized shooting matches and target practice where discharging of a firearm is not in violation of any law or ordinance and all safety procedures can be followed, or at Department sponsored firearms training.

**C. Firearms Shall Not be Discharged Under the Following Circumstances**

1. As a warning shot.
2. At or from a moving vehicle, unless the occupant(s) of the vehicle represents a direct and immediate threat to the life or safety of the officer or an innocent person, and then only as a last resort. Officers shall avoid tactics that could place them in a position where a vehicle could be used as a weapon against them. When confronted with an oncoming vehicle, officers shall make every attempt to move out of its path.
3. Into a crowd or during a situation where it appears likely that an innocent person may be injured.

**D. Procedures to be Followed When a Firearm is Discharged (Gunshot Wound Inflicted)**

1. When an officer has discharged a firearm causing a gunshot wound to be inflicted to any person, or when an officer has been shot, the Bureau of Investigations shall investigate the circumstances of the shooting incident.
2. When an officer has been shot or an officer inflicts a gunshot wound upon another person, the Communications Dispatcher shall be notified immediately either by the officer involved in the incident or the first police officer on the scene. The Communications Dispatcher shall make the required notifications, including the summoning of emergency medical aid as required. Sworn employees at the scene of such an incident are responsible for ensuring that medical care is rendered to anyone in need of such treatment.
3. The watch commander shall respond to the scene and be responsible for the command and protection of the scene until the arrival of the Bureau of Investigations investigator(s). He shall assist, as necessary, in the investigation of the incident and arrange to have a police officer, not involved, prepare the original report.
4. The watch commander will complete the Use of Force Report F-080 and forward it through the chain of command to the Chief.
5. The Chief of Police will direct the Professional Standards Officer to conduct an administrative review of all incidents where a gunshot wound is inflicted.

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E. Procedures to be Followed When a Firearm is Discharged (No Gunshot Wound Inflicted, Unknown if Wound Inflicted or Animal Destroyed)

1. Whenever a firearm is discharged by an officer, or their firearm is discharged by another person, the officer shall:
  - a. immediately notify the watch commander as soon as time and circumstances permit,
  - b. notify the Communications Dispatcher who will notify the Division Commander and the Chief;
  - c. prepare a police report detailing all circumstances surrounding the discharge. An administrative copy of the report shall be forwarded to the Chief.
2. The watch commander shall:
  - a. respond to the scene and ensure that the police officer preparing the report identifies all known witnesses to the incident;
  - b. prepare a Use of Force report and forward it through the chain of command to the Chief.

This form shall accompany a copy of the required police report (print copy). The form shall contain the observations and conclusions in addition to whether or not the discharge was justified and in accordance with this General Order. This form and a copy of the police report will be forwarded to the Professional Standards Office for review and final disposition.

2. A supervisor is not required to respond to the scene when a non-domesticated animal is destroyed but shall be notified, along with the dispatcher, by the officer prior to the officer discharging his weapon. A CAD report is required for "discharging a firearm" when a non-domesticated animal is destroyed and a Use of Force report shall be completed by the supervisor who was notified of the animal being destroyed.

**410.06 USE OF LESS-LETHAL FORCE – REGULATIONS**

- A. Where lethal force is not authorized, officers should assess the incident in order to determine which non-deadly technique or less-lethal weapon will best de-escalate the incident and bring it under control in a safe manner. Only the appropriate amount of force necessary to bring an incident under control is authorized. In making an arrest, no more force shall be used than is reasonably necessary for the safe custody of the prisoner or for overcoming any resistance that may be offered and for ensuring the delivery of the prisoner into safekeeping.

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**B. Parameters for Use of Less-Lethal Force**

1. To protect themselves or another from physical harm; or
2. To restrain or subdue a resistant individual; or
3. To bring an unlawful situation safely and effectively under control.

**C. Less-Lethal Weapons Regulations:**

This Department permits the use of the following less-lethal weapons; ASP Baton, CS chemical agent, aerosol irritant, beanbag ammunition and the Advanced Taser. Members of the department will use only department approved less-lethal weapons. Officers may utilize these items in accordance with procedures set forth in this General Order.

1. **ASP Baton** – Department issued 21 or 26-inch collapsible metal baton.
  - a. Commissioned officers may carry the department-approved ASP baton while on duty. The baton will only be used in accordance with current departmental training standards. The use of the baton will be restricted to quelling physical confrontations where other verbal or physical force alternatives would be, or have been, ineffective or inappropriate.
  - b. Other types of striking devices are strictly prohibited and will not be carried while on duty or acting in an official capacity as a member of this Department.
2. **CS Chemical Agent** - Chemical agents may be used at the discretion of a supervisory officer when warranted in matters of crowd control, barricaded persons, etc. Chemical agents will be used only after all other reasonable efforts to control the situation have failed. Whenever chemical agents are used, the supervisory officer who authorized usage will send a Use of Force form to the Chief of Police listing the details of the incident and justification for use of the chemical agent.
3. **Aerosol Irritant** – Oleoresin Capsicum Aerosol can be an effective part of the level of force continuum by preventing injury to both the officer and the arrestee. Aerosol irritants are authorized for use by an officer of this Department as provided in this Order. All patrol officers assigned to the Bureau of Field Operations and while on duty will be required to carry on their person as part of their standard equipment the Department approved aerosol irritant spray and case.
4. **Advanced Taser Electronic Incapacitation Device** - The X-26 TASER is considered a Conducted Energy Weapon; an electronic incapacitation device. It is an active aggression weapon which is listed in the force continuum at the same level as intermediate weapons.

The decision to use the TASER is based on the same criteria an officer uses when selecting to deploy O.C. spray, or a baton. The decision must be made dependant on the actions of the subject(s) or threat facing the officer(s), and the totality of the circumstances surrounding the incident. In any event; the use of the TASER must be reasonable and necessary. Guidelines for the operation, deployment and training on the X-26 TASER are found in General Order 499.00.

**D. Impact Munitions**

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1. This Department permits the use of impact munitions in shotguns designated and identified for such use. The type of munitions is 12 gauge bean bag/sock rounds.
2. Officers deploying the permitted impact munitions shall only do so when the following criteria have been met:
  - a. The officer has received Department approved training in the deployment of the impact munitions, and
  - b. The use of impact munitions will only be utilized in situations when other less-lethal weapons may be ineffective or inappropriate, and
  - c. Action must be taken immediately to resolve the situation, and
  - d. It is accepted that should impact munitions fail, officers at the scene may be placed in a situation that requires the use of lethal force to protect themselves or others.

**E. Nontraditional Weapons**

Under extraordinary circumstances officers may utilize any tool or object such as a flashlight, clipboard, knife, etc., to protect themselves or another when authorized lethal or less-lethal weapons are not immediately available.

**F. Procedures to be Followed When Less-Lethal Force is Used**

1. Whenever an officer uses or attempts to use force under extraordinary circumstances that vary from standard handcuffing process or detention techniques, the watch commander or appropriate bureau commander must be notified immediately. Striking with hands and pain compliance techniques are considered less-lethal force under this regulation.
2. In those situations where less-lethal force is used, or when an officer's actions result, or allegedly results, in the physical injury of another person or there is any attempt to cause physical injury or death to another person, or there is any application or attempted application of force to another person, including bare handed physical force and the pointing of firearms at a person, such force shall be documented using the Use of Force Form.
3. The watch commander/supervisor and /or bureau commander/supervisor must respond to the scene.
4. When an officer or suspect has sustained a serious injury, the responding commander/supervisor must ensure that appropriate notifications are made.
  - a. Sworn employees at the scene of such an incident are responsible for ensuring that appropriate medical care is rendered to anyone in need of such treatment.
  - b. The commander/supervisor on the scene is responsible for ensuring:
    - 1) a thorough investigation is conducted and a complete area canvas is immediately undertaken to locate, identify and interview all witnesses to this incident; and
    - 2) anyone arrested as a result of such an incident is escorted in an ambulance or transported in a police vehicle by a sworn employee not directly involved in the incident; and
    - 3) a complete and accurate police report is prepared and warrant application, if necessary, occurs. In the case of a felony resisting, the suspect shall be placed on a 20 hour hold and warrant application shall be made within that period.

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3. The investigating commander/supervisor shall complete a Use of Force Report F-080 when less-lethal force is used. The commander/supervisor may use the back of the F-080 to make any administrative comments regarding the incident, including and recommendations that the investigation should continue. However, any statements by witnesses or suspects shall be documented in the original or supplemental police report. The commander/supervisor is not required to complete a supplemental police report unless the statements given to the supervisor contradict those given to the reporting officer.
4. The Use of Force Report, the police report and any supplemental reports shall be forwarded through the chain of command to the Chief of Police.

**G. Supervisor's Use of Force Report F-080**

The following examples are intended to clarify the circumstances when a supervisor is required to complete a Use of Force Report.

1. A police officer places a suspect under arrest. The officer directs the suspect to place his hands behind his back. The suspect refuses to follow direction, stating he does not want to be handcuffed. The officer grabs the suspect's hand and applies a wristlock to control the individual. The suspect, experiencing pain as a result of the wristlock, complies with the officer's request and is handcuffed. A Use of Force Report (F-080) is required because pain compliance physical force was used. Notification must be made to the watch commander as required by the Order.
2. A police officer places a suspect under arrest. As the officer is applying the handcuffs, the suspect pulls his arm free and attempts to run from the officer. The officer chases the suspect, tackles the suspect and applies the handcuffs. Due to the fact that there were extraordinary circumstances, a Use of Force Report must be completed.

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3. A police officer receives a call for a burglar alarm sounding at a residence. Upon arrival, the officer finds an open door and enters the house. While searching, he observes someone standing in a bedroom. The officer points his weapon toward the individual and orders the person to raise his hands. The person turns out to be the homeowner. Due to the fact that the officer pointed a firearm, a Use of Force Report is required even though no crime occurred and no police report is written. Notification must be made to the watch commander as required by the Order.

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4. Upon arrival, two subjects are threatening each other and the officers believe an assault is imminent. One officer grabs a subject by the arm and pulls him back, the other officer uses his body to restrain the second subject. A Use of Force report is required because the officer made application of force to another person by grabbing and pulling the first subject. Notification must be made to the watch commander as required by the Order.

**410.07 USE OF FORCE REPORTING**

The Use of Force Report Form (F-80) will be used to provide a means for effective review and analysis of the use of force both on-duty and during secondary employment. This reporting system will help identify trends, improve training and officer safety, and provide timely information for the department addressing use of force issues with the public. Early and accurate reporting helps establish agency credibility.

A. A written police report will be prepared whenever an employee:

1. Discharges a firearm, for other than training or recreational purposes as defined in this General Order;
2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. Applies force through the use of lethal or less-than-lethal weapons; or,
4. Applies weaponless physical force as defined in this General Order. Exception; When only a weapon is pointed and it is determined no crime has occurred, only the Use of Force Report (F-80) is required.

B. Use of Force Report is required for all use of force incidents, to include the pointing of weapons or using weaponless, hand-to-hand control techniques even though they have little or no chance of producing injuries when gaining control over, or subduing non-compliant or resisting persons. Actions requiring a Use of Force report include; physical gripping (not to include normal handcuffing), pain compliance measures, pressure point application, and come-alongs. When such techniques are used, the method of control will be indicated in the arrest report and the Use of Force Report Form completed by a supervisor.

C. Whenever a sworn employee uses the TASER, the Taser Use Report (F-105) must be completed by a supervisor in addition to the Use of Force Report Form.

D. Whenever a sworn employee uses or attempts to use force under extraordinary circumstances that vary from the standard handcuffing process or detention techniques, the police report and supplemental report, if any, shall contain the following information:

1. The number and names of officers involved in the incident, their method of arrival (marked police unit vs. unmarked vehicle) and whether the officers were in uniform or plain clothes apparel.
2. A description of the scene upon arrival and the verbal commands initially given to the suspect.
3. The subject's reaction to the officer(s):

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- a. Verbal response(s).
- b. Body language.
- c. Physical actions.

4. The subject's condition, i.e., drugs or alcohol, mental, highly agitated, etc.

5. The officer's action:

- a. Type of control methods used or attempted.
- b. The duration of the subject's resistance.
- c. Type of de-escalation methods used (immediate removal, etc.)
- d. Method(s) of restraint (handcuffs, shackles, etc.)

6. Name or transporting officer, method of transport (patrol vehicle, conveyance van), transport destination, length of transport and the subject's demeanor and actions during the transport.

7. Name of supervisor who interviewed witness(es), if applicable, and name(s) of any witness(es) and their statement(s).

E. Supervisors approving reports containing officer use of force will forward a copy to the Chief who will review the use of force action to determine whether there are policy, training, weapon/equipment, or discipline issues which should be addressed.

F. The Professional Standards Officer will conduct an annual review of all use of force incidents to identify trends, improve training and officer safety, and provide timely information for the Chief of Police to address use of force issues with the public.

**410.08 RESISTANCE CONTROL GUIDELINES - USE OF FORCE CONTINUUM**

This Department subscribes to, and trains its officers in, the concept of controlling resistive behavior with techniques that employ reasonable force relative to the suspect's actions. As the level of resistance increases, so may appropriate levels of response:

LEVELS of RESISTANCE	RESPONSE OPTIONS PERMITTED IF REASONABLE UNDER THE CIRCUMSTANCES
<b>Psychological Intimidation</b>	<b>Officer Presence</b>
<b>Verbal Non-Compliance</b> (Oral refusal to comply)	<b>Verbal Direction</b> (Commands of direction or arrest)
<b>Passive Resistance</b> (Ignoring Officer's commands but taking no further action to resist)	<b>Oleoresin Capsicum Aerosols, Soft Empty Hand Control</b> (Pain compliance with verbal reinforcement), joint locks, or any level of response previously listed.
<b>Defensive Resistance</b> (Physically resists, non-assaultive)	<b>Hard Empty Hand Control</b> (Stun blows, motor dysfunction, etc.), or any level of response previously listed.
<b>Active Aggression</b> (Overt actions of assault)	<b>Intermediate Weapons</b> Baton strikes, chemical agents, Advanced Taser, Impact munitions,

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	distraction devices, or any level of response previously listed.
<b>Aggravated Active Aggression</b> (Subject's behavior likely to cause death or serious physical injury)	<b>Lethal Force</b> , or any level of response previously listed.

By Order of:

A handwritten signature in black ink, appearing to read "Colonel Thomas Jackson".COLONEL THOMAS JACKSON  
Chief of PoliceDistribution

All Department Personnel

GENERAL ORDER 410.00

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