

January 29, 2011

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

Index as:

Medical Treatment, Resisting Arrest

Obstructing Arrest

Officer Injured, Resisting Arrest

Resisting Arrest

RESISTING ARREST / OBSTRUCTING ARREST

414.00 PURPOSE

The purpose of this General Order is to establish procedures for the charge of resisting or obstructing with an arrest in the performance of his duties. This order further specifies the proper procedure of affording medical treatment to those arrested on the aforementioned charge(s).

414.01 AUTHORITY

- A. Ordinance No. 29-16 reads as follows: A person commits the crime of resisting or obstructing with arrest if he willfully and knowingly obstructs, resists, opposes or fails to obey a lawful command of any police officer, for the purpose of preventing the officer from effecting the arrest and:
1. Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from another such officer or;
 2. Interferes with the arrest of another person by using or threatening the use of violence, physical force, or physical interference.
 3. Knowingly obstructs, resists or otherwise fails to obey or comply with a police officer or other employee of the City in the performance of his official duties in any manner whatsoever while performing any duty.
 4. It shall be unlawful for any person to cross a police line which has been set up for the purpose of protecting a crime scene, accident scene, or any area the police deem necessary which requires the exclusion of the general public. Only those persons given permission by the crime scene commander or his designate may pass the police line.
 5. It shall be unlawful for any person to pull away, run away, lie down, or use any other form of nonviolent resistance after being placed under arrest by a police officer.

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6. Missouri State Statute: Section 575.150 of the Revised Missouri State Statutes defines state law regarding Resisting or Interfering with Arrest-Penalty.

414.02 WARRANT APPLICATION:

Officers shall charge the defendants with the city ordinance violation unless extenuating circumstances exist (e.g., aggravated cases, use of weapon by a defendant, or the resisting is in conjunction with an arrest for a felony).

414.03 MEDICAL TREATMENT:

- A. When a person is charged with “Resisting Arrest”, the officer will request that EMS personnel respond if one or more of the following conditions apply:
 1. The officer observes obvious physical injury; OR
 2. The officer reasonably believes that the person involved is in need of medical assistance; OR
 3. The person involved complains of injury or requests medical assistance,

EMS personnel will be summoned either to the scene or at the station depending on the condition of the arrested subject. The injured person shall be examined and or treated by qualified medical personnel prior to being booked and processed. This can be done on the scene, at the station, or at a hospital if conveyance was necessary. The arrested person's hospital diagnosis, when available and the name of the attending physician will be included in the police report. A prisoner may refuse medical treatment at any time. Further instructions for the medical treatment of prisoners or the refusal of medical care are found in General Order 473.00.

414.04 INFORMATION REQUIRED IN POLICE REPORT, OFFICER INJURED

- A. The police officer will specify in his report whether there were any injuries to police officers. If an officer was injured, the hospital diagnosis of the injuries and the name of the attending physician will be included in the report. The police officer will specify in the report whether the injured officer remained on duty for the duration of his watch or was excused from duty by the proper authority.
- B. The following will be included in all police reports concerning resisting or interference with arrest.
 1. Type of original assignment or self initiated incident.

2. Whether involved officer was assigned to:
 - a. One-Man Vehicle
 - b. Two-Man Vehicle
 - c. Detective or Special Assignment (alone)
 - d. Detective or Special Assignment (two man)
 - e. Off Duty
 - f. Other - e.g.; Foot Patrol

414.05 PHOTOGRAPHS IF THE POLICE OFFICER IS INJURED IN THE PERFORMANCE OF DUTY

The on duty crime scene technician shall photograph any visible injuries sustained by the police officer as a result of being assaulted by person(s) subsequently arrested for "Resisting or Obstructing with an Arrest".

414.06 SEARCH OF ARRESTED SUBJECT(S)

It shall be the responsibility of the arresting officer to insure that the arrested subject is thoroughly searched prior to being placed in a police vehicle and conveyed to the station.

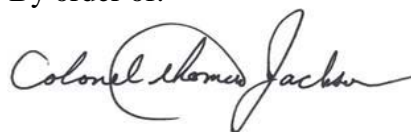
If the officer making the arrest is unable to accompany the arrested subject to the police station for processing, it shall be the responsibility of the individual police officer conveying the arrested subject to insure that the prisoner is thoroughly and properly searched.

414.08 OFFICER STATEMENTS

Officers involved in any use of force incident or a witness to such incidents or actions, are required to submit detailed statements in writing. The statements are to contain an accurate and precise account of the events that took place and the force actually used.

The record room clerks will forward a copy of all resisting Arrest reports to the Chief's office. The officer writing the report will indicate "cc: Chief's Office" at the top of the face sheet.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel