

Town and Country Police Department

James Cavins
Chief of Police

USE OF FORCE REPORT Calendar Year 2022

In 2022, Town & Country Police Department (TCPD) effected 588 custodial arrests; of which, 14 resulted in a TCPD policy defined “Use of Force” event. A “Use of Force” event is defined as an incident in which a TCPD officer uses force to control the situation and/or affect an arrest but does not include handcuffing of a cooperative subject. Use of force reporting includes suspect(s) pedigree, describes the force threatened/used, time of day, day of week, type of offense, and number of officers involved.

Each of these events is further identified by a case report number and date. The following information describes specific factors of the 14 events:

1. A stopped vehicle’s passenger that was under the influence of alcohol and under 21, refused to comply with commands or to be handcuffed. (arrest made)
2. A FLOCK hit for a stolen vehicle, led to a felony car stop. (arrest made)
3. After receiving a request to assist another agency that was pursuing a felony suspect vehicle, an officer deployed spike strips. (arrest made by pursuing agency)
4. Officers assisted another agency with a suicidal subject with a gun in a car, Officers displayed their firearm for safety reasons.
5. A subject stopped for traffic, ran out into traffic and stood with his arms raised. (secured and transported to a medical facility for evaluation)
6. A subject was unresponsive and under the influence, on public transit. The subject failed to comply once awakened. (secured and transported to a medical facility for evaluation)
7. An officer deployed spike strips on a vehicle traveling in the wrong direction of IS 64 in the early morning hours. (arrest made)
8. A patient in mental distress at an area hospital was threatening staff with violence, officers displayed their Tasers. (secured and turned over to hospital staff)
9. While an officer was on a traffic stop, another vehicle pulled onto the shoulder and the driver got out and began yelling at officers. That subject failed to comply and was reaching around inside the vehicle. (arrest made)
10. An officer assisted another agency in searching for a shooting suspect that was on foot. The officer had his firearm displayed. (arrest made by the initiating agency)
11. An officer deployed spike strips on a vehicle attempting to flee a subdivision in a stolen auto after the occupants had committed car cloutings within the subdivision. (arrests made)
12. An intoxicated driver was passed out at the wheel and once awakened would not comply with officer’s commands. (arrest made)
13. After a vehicle fled from a traffic stop and entered a subdivision with one entry point, an officer deployed spike strips as it came back out. Officers then completed a felony car stop. (arrest made)
14. A shoplifting suspect ran from officers. (arrest made)

Ten (10) of the 14 reported events resulted in the arrest of a suspect. There was evidence to suggest 6 of the individuals involved in these incidents were under the influence of drugs and/or alcohol and 3 others were in mental distress.

Every “Use of Force” event is reviewed, evaluated, investigated (if necessary), and documented by a Command Officer holding the rank of Lieutenant or higher. Each “Use of Force” event previously described was determined to be within the standards of TCPD policies and procedures. The reviews/evaluations revealed no concerns to one specific officer or group of officers (squads).

A total of 24 Officers were involved in Use of Force Events:

- A. Nine Officers were primary in the events.
- B. Ten Officers assisted in Use of Force events. (2 events initiated by other agencies)
- C. Five officers were primary in two events.
- D. Eight Officers were involved in more than one event.

Reason for Use of Forceⁱ

Effect Arrest	11
Restrain for Subject's Safety	5
Prevent Violent Act	7
Necessary to Defend Another	3

Point in the Encounter Force was Necessaryⁱⁱ

Initial Contact	7
First Touch	2
Handcuffing	6
During Secondary Interview	2

Level of Resistance / Force used by Subjectⁱⁱⁱ

Passive Resistance	4
Defensive Resistance	7
Active Aggression	3
Verbal Threats	3
Psychological Intimidation	2
Aggravated Active Aggression	1

Level of Control / Force used by Officer^{iv}

Verbal	9
Muscling Techniques	4
Joint Locks	1
Taser Displayed	1
Firearm Displayed	5
Spike Strips Deployed	4

Reason Subjects were Arrested/Detained

DWI	3
Mental Health Crisis	3
Shooting Suspect	1
Underage Alcohol Consumption	1
Stolen Motor Vehicle	2
Assault on Law Enforcement	1
Protective Custody	1
Felony Active Warrants	1
Stealing	1

Injury to Suspects Resulting from Use of Force

1 Subject sustained a lacerated toe during a foot pursuit. (Other agency's case)

Injury to Officers

1 Officer sustained bruising and abrasions to the elbow.
 1 Officer had a right bicep tear.
 1 Officer sustained abrasions to the right-hand palm.

Gender

Male	12
Female	2

Age

Juvenile	0
18-20	1

21-25	4
26-30	5
31-35	2
36-40	2

Suspect Under the Influence

CIT / Mental Health	3
Drugs/Alcohol	6

ⁱ Force events may have multiple reasons force became necessary

ⁱⁱ During a Force event there may be multiple points in the process that force becomes necessary.

ⁱⁱⁱ Each Suspect could use Multiple Types of Force or Resistance

^{iv} Officers may use Multiple Levels of Control or Force in One Event.

CITY OF TOWN AND COUNTRY
POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

Policy Topic: USE OF FORCE
Policy Number: 725
Effective Date: October 10, 2011
Revised Date: March 2022, February 2023
Key Words: Force
Certification: Chapters 9.1, 9.2, 9.5

725.01 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

725.02 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

It shall be the policy of this department that an officer use de-escalation methods whenever possible prior to using force in any manner.

725.03 DEFINITIONS

Deadly Force: Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force: The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a

person allows him/herself to be searched, escorted, handcuffed or restrained.

Objectively Reasonable: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

De-escalation: The strategic slowing down of an incident in a manner that allows officers more time, distance, space and tactical flexibility during dynamic situations on the street.

Controlled Tire Deflation Devices: Commercially produced devices that disable vehicle tires through slow, controlled deflation.

725.04 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

725.05 USE OF FORCE

- A. Officers shall use only the amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- B. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.
- C. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.
- D. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method

must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

- E. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

725.06 USE OF FORCE TO EFFECT AN ARREST

An officer may use any force which he/she reasonably believes to be necessary to effect an arrest and may use any force which he/she reasonably believes to be necessary to defend him/herself or another from bodily harm while making an arrest.

725.07 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- A. Immediacy and severity of the threat to officers or others.
- B. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- C. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects).
- D. The effects of drugs or alcohol.
- E. Subject's mental state or capacity.
- F. Proximity of weapons or dangerous improvised devices.
- G. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- H. The availability of other options and their possible effectiveness.
- I. Seriousness of the suspected offense or reason for contact with the individual.
- J. Training and experience of the officer.
- K. Potential for injury to officers, suspects and others.
- L. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- M. The risk and reasonably foreseeable consequences of escape.
- N. The apparent need for immediate control of the subject or a prompt resolution of the situation.

- O. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- P. Prior contacts with the subject or awareness of any propensity for violence.
- Q. Any other exigent circumstances.

725.08 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- A. The degree to which the application of the technique may be controlled given the level of resistance.
- B. Whether the person can comply with the direction or orders of the officer.
- C. Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

725.09 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- A. The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- B. The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
- C. The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk or applying a carotid control hold:

1. Females who are known to be pregnant
 2. Elderly individuals
 3. Obvious juveniles
 4. Individuals who appear to have Down Syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries.
- D. Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- E. The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- F. Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- G. The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

725.10 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Town & Country Police Department for this specific purpose.

725.11 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- A. An officer may use deadly force to protect his/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- B. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction or serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended.

Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

725.12 CONTROLLED TIRE DEFLATION ON STATIONARY VEHICLES

There are circumstances in which an Officer would be permitted to deploy a tire deflation device on a stationary vehicle but only with permission from the Watch Commander. Some examples would be crimes in progress such as burglaries, stealing motor vehicles and car clouting, which often involve armed suspects. The department's goal is to provide officers with additional capabilities to apprehend individuals committing crimes in progress in an effort to provide an overall safer community.

725.13 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

725.14 CHOKEHOLDS

A member shall not apply direct pressure to the throat, windpipe or airway of a person with the intent to reduce or prevent the intake of air (chokehold) unless deadly force is justified. A member shall not use a chokehold or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion. (RSMo 590.805)

725.15 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident on Town & Country Non-Lethal Force Report (TC 93-9). The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and

related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure of law.

725.16 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- A. The application caused a visible injury.
- B. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- C. The individual subjected to the force complained of injury or continuing pain.
- D. The individual indicates intent to pursue litigation.
- E. Any application of the TASER device or control device.
- F. Any application of a restraint device other than handcuffs, shackles or belly chains.
- G. The individual subjected to the force was rendered unconscious.
- H. The individual was struck or kicked.
- I. An individual alleges any of the above has occurred.

725.17 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their

physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

725.18 SUPERVISOR RESPONSIBILITIES

When a supervisor is able to respond to an incident in which there has been reported application of force, the supervisor is expected to:

- A. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- B. Ensure that any injured parties are examined and treated.
- C. When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- D. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- E. Identify any witnesses not already included in related reports.
- F. Review and approve all related reports.
- G. Determine if there is any indication that the subject may pursue civil litigation. If there is an indication of a potential civil litigation, the supervisor should complete and route a notification of a potential claim through the chain of command.
- H. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any other reason further investigation may be appropriate. After reviewing the incident, the supervisor will submit his/her conclusions to the division commander.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still

expected to complete as many of the above items as circumstances permit. The supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

725.19 ADMINISTRATIVE REVIEW

All reported use of force incidents will be reviewed by a Division Commander, with recommendations forwarded to the Chief of Police in regards to:

- A. Whether Departmental rules, policy or procedures were followed;
- B. Department training consideration;
- C. If a use of force incident indicates a trend or pattern; and
- D. Disciplinary considerations.

In addition, the Operations Division Commander shall compile Use of Force statistics on an annual basis for review and analysis to determine if policy modifications and/or additional training is needed.