

DIRECTIVE 2020-08-04

REVISIONS TO USE OF FORCE POLICY

Temporary Directive Effective Immediately

The following revisions to the Use of Force Policy are effective immediately per City Ordinance 71186. Any relevant Special Orders will be updated accordingly.

Ban on chokeholds and strangleholds: The use of chokeholds or strangleholds (any sustained and intentional pressure to the throat or windpipe which may prevent or hinder breathing or reduce intake of air) by officers is banned in non-deadly force encounters. The ban on lateral vascular neck restraints (LVNR), put into place by the Chief of Police on 8/27/2007, remains in effect.

Requirement for de-escalation techniques: When it is safe under the totality of the situation and time and circumstances permit, officers are required to use de-escalation techniques and tactics in order to reduce any threat or to gain compliance to lawful commands without the use of force or with the lowest level of force possible. De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible, de-escalation techniques including scene management and team tactics such as time, distance, and shielding, should still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of a situation.

Duty to intervene: Officers are required to either stop or attempt to stop another employee when excessive force is being inappropriately applied or is no longer required. Officers who use force or observe the use of force will notify their supervisors of any use of force incident. Upon receiving notice of an allegation of excessive use of force, officers will verify their supervisors are aware of the allegation of unreasonable or unreported use of force by an employee. Officers who observe excessive use of force and fail to report it, are subject to disciplinary action, up to and including termination. Training for police trainees must include racial profiling, implicit bias, procedural justice, and duty to intervene.

Withdrawn Firearm: A report is required **when a firearm is withdrawn and pointed at a civilian** regardless if the weapon is discharged or not.

- To accomplish this required reporting, an **incident report** AND a **Blue Team Use of Force** entry must be created **anytime** a Department firearm is pointed at a civilian/suspect as follows:
 - IF A CRIMINAL INCIDENT/ARREST REPORT IS CREATED:
 - A brief description of the circumstances involving the pointing of a firearm at a civilian/suspect must be added to the narrative, including identifying each officer who pointed a firearm at a citizen/offender.
 - IF NO CRIMINAL INCIDENT/ARREST REPORT IS CREATED:
 - A report titled, “NONCRIMINAL INCIDENT – FIREARM DISPLAYED – COMMUNICATIONS REPORT,” must be created to capture a brief description of the circumstances involving the pointing of a firearm at a civilian/suspect, including identifying each officer who pointed a firearm at a citizen/offender.
 - A single Blue Team Use of Force entry associated with the Complaint Number must be created, selecting the Force Type, “DISPLAY – choosing the appropriate firearm,” in addition to any other Force Type which may have been utilized in an incident. Each officer who pointed a firearm at a citizen/offender must be identified in the Blue Team entry.

Compliance with Any DOJ National Police Misconduct Registry:

- If a National Police Misconduct Registry is compiled and maintained by the Department of Justice, the St. Louis Metropolitan Police Department shall comply and report data accordingly to include, but not limited to:
 - Each complaint filed against a law enforcement officer, aggregated by complaints that were found to be credible or that resulted in disciplinary action of the law enforcement officer, disaggregated by whether the complaint involved a use of force.
 - Complaints that are pending review, disaggregated by whether the complaint involved a use of force; and complaints for which the law enforcement officer was exonerated or that were determined to be unfounded or not sustained, disaggregated by whether the complaint involved a use of force.
 - Discipline records disaggregated by whether the complaint involved a use of force.
 - Termination records, including the reason for each termination, disaggregated by whether the complaint involved a use of force.
 - Records of lawsuits and settlements made against law enforcement officers.
- Annual comprehensive financial and management audits must be submitted to the Public Safety Committee of the Board of Aldermen annually no later than December 1, with the first report due by December 1, 2020.

Ban on No-Knock Warrants for Drug Cases: “No-knock warrants” (a warrant that allows a law enforcement officer to enter a property without requiring the law enforcement officer to announce the presence of the law enforcement officer or the intention of the law enforcement officer to enter the property) are banned for drug cases. Search warrants authorized for drug cases require officers to execute the search warrant only after providing notice of their authority and purpose.