



## **Board of Aldermen - Work Session Agenda**

**September 1, 2020**


**6:00 p.m. – City Hall and Via Videoconference**

---

**NOTICE:** \*Due to the Health Officer's orders for safety, public meetings and public comment during public meetings will require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment during the COVID-19 crisis. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's FaceBook page through FaceBook Live.

- 1. Call to Order**
- 2. Discussion of Police Department Procedures and Policies**
- 3. Adjourn**

## Agenda Item # 2 – Discussion of Police Department Procedures and Policies

	<b>STAFF</b> <b>REPORT</b>
<b>Date:</b>	September 1, 2020
<b>Prepared By:</b>	Jason Lockridge, Chief of Police
<b>Subject:</b>	Discussion of Police Department Organization, Procedures and Policies

### **History/Structure of Organization**

Unfortunately, most of the City's historical records were lost in the flood of 1965, this includes most police records. What little we do know is from historical accounts passed down and shared by local families. In the early 1900's, Smithville had a Town Marshal, who was most likely a part-time employee or volunteer. In 1964, Smithville appointed its first full-time Chief of Police, Dave Ross. It is assumed this is when full-time law enforcement began in Smithville.

Over the years, the department has grown to keep up with needs as the City grows. Attached is a copy of the current organization chart. Currently there are 21 members of the Smithville Police Department: one Chief of Police; one Captain; four Sergeants; eighteen Police Officers, with two assigned as Detectives, two assigned as School Resource Officers; and one Prosecutor's/Police Administrative Assistant.

There are four patrol shifts, comprised of two to three officers and one Sergeant per shift. Shifts are structured on a 12-hour cycle from 7 a.m. to 7 p.m. or 7 p.m. to 7 a.m. daily.

Combined, the 20 sworn members of the Smithville Police Department have more than 205 years of experience in law enforcement. The make-up of the Smithville Police Department is one of the more diverse departments in the Northland. Currently 30% (6) of the sworn officers are female, and 20% (4) are minorities.

### **Police Officer**

Patrol Officers are primarily tasked with responding to calls for service like traffic accidents, crimes in progress, motorist assistance, keep the peace, animal control, citizen assistance and various other requests of the citizens they serve. While carrying out their duties, Patrol Officers are often perceived as the "face" of the organization by the public and therefore are expected to exemplify the professional standards of conduct set forth by department policy.

Patrol Officers are trained to apply their knowledge of the law when conducting interviews, preparing written reports, arresting, and processing violators, and providing court testimony. Patrol Officers shall conduct themselves as professionals who practice sound judgement in determining when to use force and to what degree. While a Patrol Officer's road-performance is important, they must be equally skilled at comprehending, preparing and executing legal documents such as citations, search warrants, and affidavits.

As noted earlier, Smithville Patrol Officers may be assigned to special assignments such as Detective/Investigations or School Resource Officer/SRO. While these special assignments are outside the normal duties of a Patrol Officer, officers filling these assignments are still sworn Patrol Officers and may be called back to service to supplement the patrol function as needed. Regardless of the position in which they serve, all Patrol Officers must uphold the commitment to continuing their education and annually attend training as required by department policy.

### **School Resource Officers**

The Smithville Police Department began a School Resource Officer program in early 2001 with a Federal COPS grant. The City of Smithville and the Smithville School District entered into a Memorandum of Understanding in April of 2001. In June of 2001, the first Police Officer was appointed to serve in the SRO assignment. During the development of the FY2019 Budget, the Board of Aldermen funded a second SRO position, which was filled in November of 2018. Two officers continue to be assigned to the Smithville School District.

School Resource Officers are responsible for six buildings throughout the district and a student/staff population that is near 3,000. The SROs do not address violations of school policy but establish relationships with students and district staff in order to act as a deterrent to disruptive behavior. SROs may assist the district staff with student issues that arise. The main goal of the SRO is to act as a resource for students, staff and parents in all things law enforcement related.

A large portion of the role of an SRO revolves around crisis intervention and de-escalation, requiring an SRO to be adaptable and well trained within these areas. Given that students of all ages are still developing and learning to regulate their emotions, there are many times where the SRO may be called in to simply sit with a child who has been out of control and help them process through their unique situation. In addition, it is imperative not only for students but for staff to interact with the SRO in regular daily activities, not only in crises, but in an effort to establish relationships, community, and trust within the school culture.

### **Detective**

In the 1990's, the Smithville Police Department assigned investigative duties, as needed, to a Corporal. This officer conducted criminal investigations and presented

cases to the prosecuting attorney's office on behalf of the department. In 2005, a full-time position was created, and Smithville's first detective was appointed. In the FY2017 budget, a second detective position was added to help handle the additional case load.

Currently detectives are working 56+ active cases combined, this does not include the 10-15 cases being investigated by officers. Since July 15, 2017 Detectives have worked 672 cases - 239 of which have been cleared. These 672 cases include 53 sex crimes, 31 missing persons, 96 violent crimes, 49 deaths and 75 stolen autos. The average case takes 60 to 90 days to clear, with sex crime investigations typically taking longer than other cases.

Detectives receive specialized training in crime scene assessment and processing, interview and interrogation, victim relations, homicide, child abuse/neglect, sex crimes, and property crimes. Detectives are required to have extensive knowledge of the Missouri Criminal Code and must work closely with local, state and federal prosecutors to ensure thorough investigation when seeking prosecution of felony or misdemeanor cases. This requires exceptional report writing and communication skills, as well as a working knowledge of the latest crime trends.

Detectives are expected to be proactive in intelligence gathering, not only within Smithville but throughout the Metro area. This includes contacts with other departments, agencies and through social media.

Smithville Police Department Detectives are also called to assist neighboring agencies with high-level investigative situations, such as officer involved-shootings, homicides, crimes against children, sex crimes, and missing persons. Detectives are part of the Clay County Investigative Squad, Officer Involved Shooting Investigative Team, and the Kansas City Police Department Metro Squad. Detectives are regularly in contact with Metro agencies comparing active cases, trends, and suspects in the area.

Detectives work hand-in-hand with the medical examiner's office on all deaths. They respond to the scenes, witness autopsies, and collect forensic evidence from the medical examiner's office.

The Detectives also support patrol functions by working special assignments, events and provide call for service coverage when needed. The detectives are also called upon to help cover shifts while officers are at court in Liberty.

Detectives provide case oversight and review for all active cases as well as expertise in interviewing, interrogation, domestic violence, and sex crimes. They are the department's point of contact for all forensic examinations completed at local hospitals related to sexual assaults. They also work closely with the Clay County Prosecutor's Office to present all cases for prosecution, except for minor traffic violations.

Detectives rotate on call from week to week. They must be available after hours and weekends should they need to respond to a crime scene. They answer questions and respond to scenes as necessary to investigate a multitude of crimes and calls. They are called on all deaths, missing persons, sex crimes, crimes against children, all violent crimes, any crime involving a firearm, stolen autos, trafficking or manufacturing of drugs, and many other misdemeanors. They also coordinate with the juvenile authority to investigate all cases involving a juvenile suspect.

Detectives also conduct pre-employment background investigations. The average application process consists of 5 to 10 background investigations. During the past 18 months detectives have completed 21 background investigations in two hiring processes, each averaging 2 to 3 weeks to complete.

While not a previously assigned duty, one detective with a nursing background and experience in emergency management has provided tremendous assistance over the past several months, including developing protocols and training officers and other city staff on COVID-related issues as well as developing public information related to COVID.

### **Captain**

The designation of Police Captain was first used by the Smithville Police Department in 2006. Before, the position was titled Police Lieutenant. The change was made to bring the rank structure in line with most small departments in the area. In 2012, the position was frozen, the money was used to purchase new radios department wide. The position was re-instated in 2017.

The Captain has the following responsibilities: directs the operation of the police department in the Chief's absence, coordinates law enforcement activities with other agencies, oversees scheduling and shift bids, oversees investigations and assigns cases to detectives, oversees the application/hiring process and gathering of applications, administers assessment centers for promotions, serves as department training coordinator, identifies training needs, schedules training and travel. In addition, the Captain manages fleet, oversees the School Resource Officer program, administers and coordinates reporting for department grants, monitors performance of department employees, directly supervises all sergeants, helps guide sergeants when necessary to counsel and/or discipline officers, investigates citizen's complaints. Further, the Captain manages outside employment for the department, coordinates special events and department response, equipment inventory, maintain reporting systems (records management, accident reports, UCR/NIBRS reporting to FBI, etc.), interprets new laws, ordinances rules and regulations for subordinate officers, and maintains relationships with outside agencies/organizations to insure the department can accomplish its goals.

The Captain regularly oversees special assignments such as IT support and installation of computers in patrol cars.

### **Chief of Police**

The Chief of Police, by Ordinance, has custody and control of all equipment and facilities used in the operations of the Police Department. The Chief of Police is the executive officer and operating head of the Police Department and shall promulgate all necessary rules and regulations for the efficient operation of the department. The Chief reports directly to the City Administrator in ensuring the policies and practices of the department reflect the goals and direction of the Board of Aldermen.

As a liaison for the department the, Chief of Police is expected to work closely with the City Administrator, other department heads, elected officials, community leaders and outside agencies. The Chief is responsible for responding to any media requests.

The Chief of Police manages the day-to-day operations of the Police Department. This includes ensuring all personnel are complying with policy and practices, performing to prescribed expectations, and maintaining a healthy work environment. The Chief may discipline officers when appropriate and recognize exceptional work of high performing employees.

The Chief oversees recruiting and hiring, assessing of personnel, discipline, and promotion of personnel. The development of policies and procedures, interpreting codes, laws and ordinance as well as seeing the fair application of said laws also fall to the Chief of Police. The Chief is responsible for any reports required by the State or Federal government, their preparation and prompt submission.

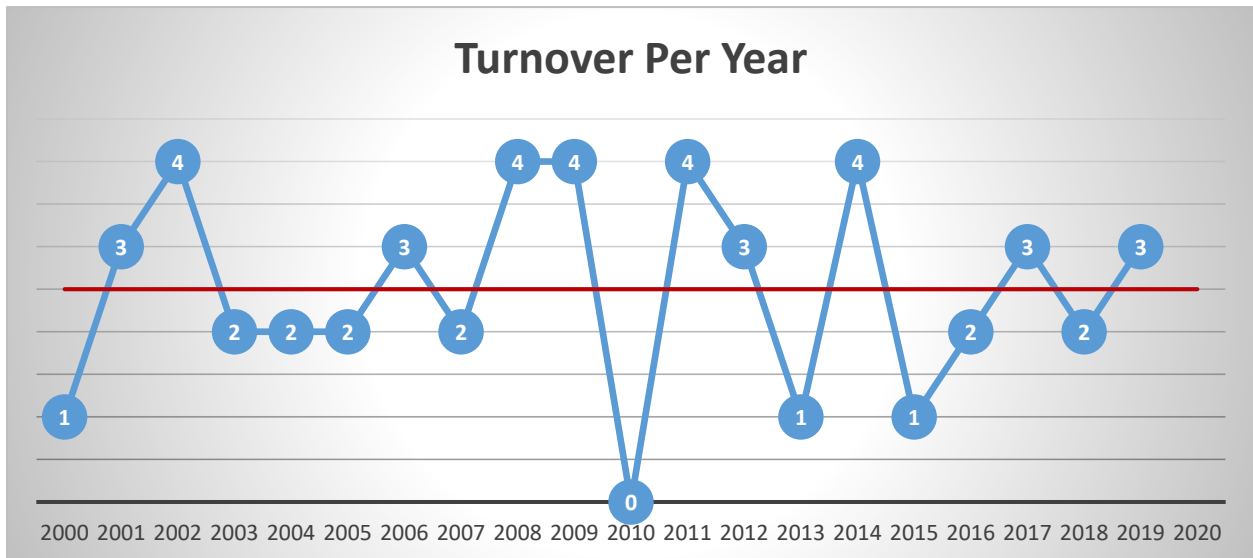
The Chief of Police has oversight of the department budget and is are responsible for budget preparation, planning and presentation for the police department.

The Chief is expected to assess the overall success of the department in keeping the community safe and make necessary changes to maximize efficiency. This may include the deployment of assets and equipment, the development and implementation of community-based programs and the enforcement of laws and ordinances.

### **Staff Turnover**

All police departments struggle with turnover: officers retire, transfer, leave law enforcement and get terminated. We are not immune to this issue. Staff has reviewed staffing data from the past 20 years. During the 2000-2009 decade the Smithville Police Department averaged a turnover rate of 2.6 (21.6% of staff levels in 2000) officers per year, with an average tenure of 4.2 years of service for each officer leaving. The following decade, 2010-2019, the Smithville Police Department averaged a turnover rate of 2.3 officers per year (11.5% of current staff levels) with an average tenure of 6.3 years of service for each officer leaving. This is a 10% reduction in turnover and a

50% increase in the average tenure of officers leaving. The trendline (in red) in the below graph shows the consistent averages over the past 20 years.



Studies on police turnover are limited, and often are conducted on a state or regional level. In 1999, the Florida Department of Law Enforcement reported 14% of state and county officers and 20% of municipal officers left within the first 18 months of their employment. In 2003 the North Carolina Department of Criminal Justice assessed the level of turnover in municipal and sheriff's officer positions and found attrition in the municipal agencies ranged from zero to 87%, with an average of 14.2%. A 'recent' study (no date was given) by the International Association of Chiefs of Police found that turnover rates reach as high as 25% with the average officer leaving after 18 to 36 months of service.

Looking at data from January 1, 2014 to July 31, 2020, a period of 79 months, the police department was fully staffed for 18 of those months or 22.8% of the time.

### Hiring Process

The most crucial part of hiring a Police Officer is the pre-employment screening process. This is where candidates are evaluated and either eliminated or advanced in the process. The department's pre-employment process is outlined below.

1. Apply for position through human resources
2. Pass a written/video-based examination
3. Complete a physical agility course
4. PEP Test- (Personality Evaluation Profile)
5. Initial Interview with Captain and Sergeants- standardized questions and scoring
6. Written scores and Interview scores are weighted and combined to rank the list
7. Given Personal History Statement to complete

8. Interview with background investigator
9. Background investigation
10. Interview with Chief of Police
11. Conditional offer of hire, pending successful completion of steps 12, 13 & 14
12. Deception detection device or other truth verification test process
13. Drug testing
14. Psychological examination
15. Final Job Offer
16. Successful completion of field training- 4 months
17. Successful completion of probation- 12 months from hire date

### **Department Training**

The Missouri Peace Officers Standards and Training (POST) is the regulatory program with responsibility for licensing peace officers, ensuring compliance with peace officer continuing education requirements, and conducting investigations of licensed peace officers as specified by Chapter 590, RSMO. Officers are required to complete twenty-four hours of continued training yearly; to include two hours in each of the following categories, Legal Studies, Technical Studies, Interpersonal Studies, and Skill Development in the area of Firearms and one hour of Racial Profiling Training. At least eight of these hours must come from a POST Approved Provider, while the remaining may come from in-service training.

During 2019 Smithville Officers completed more than 1,577 hours of training, averaging 87.6 hours per officer. There were seven officers who completed more than 100 hours of training, with one of the seven completing over 150 hours.

The Smithville Police Department has several in-house instructors for various disciplines. This includes firearms, defensive tactics, TASER, implicit bias training, less lethal options, baton and weapons retention. Later this year, two of our officers will be attending de-escalation instructor training.

### **Crisis Intervention Team**

The lack of mental health crisis services across the U.S. has resulted in law enforcement officers serving as first responders to most crises. A Crisis Intervention Team (CIT) program is an innovative, community-based approach to improve the outcomes of these encounters. The Smithville Police Department has trained its officers in Crisis Intervention Training since 2013. Currently ten of our 14 patrol officers have attended a 40-hour CIT course, sponsored by Tri-County Mental Health. The remaining officers will attend as soon as classes resume. The Smithville Police Department has one officer who helps teach a portion of the CIT course when possible.

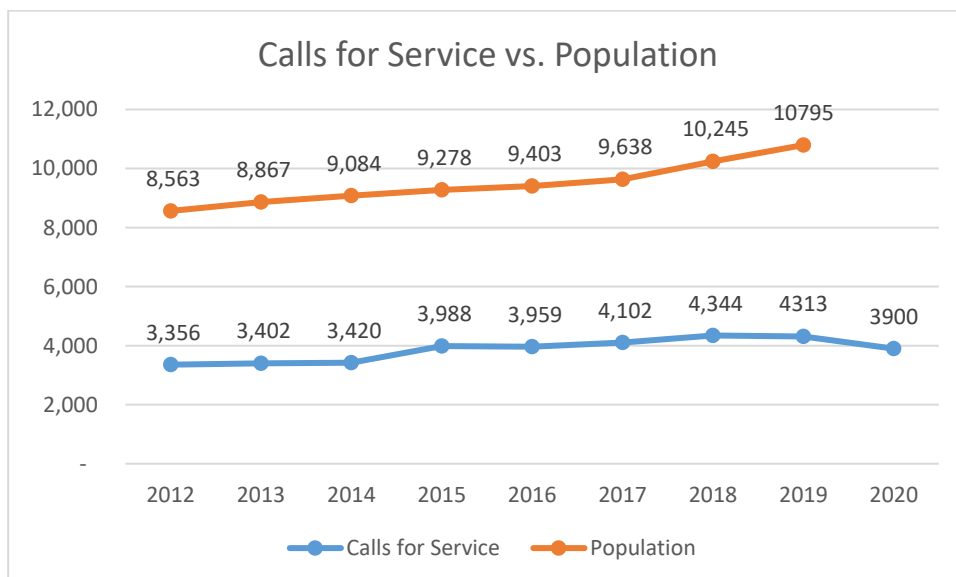
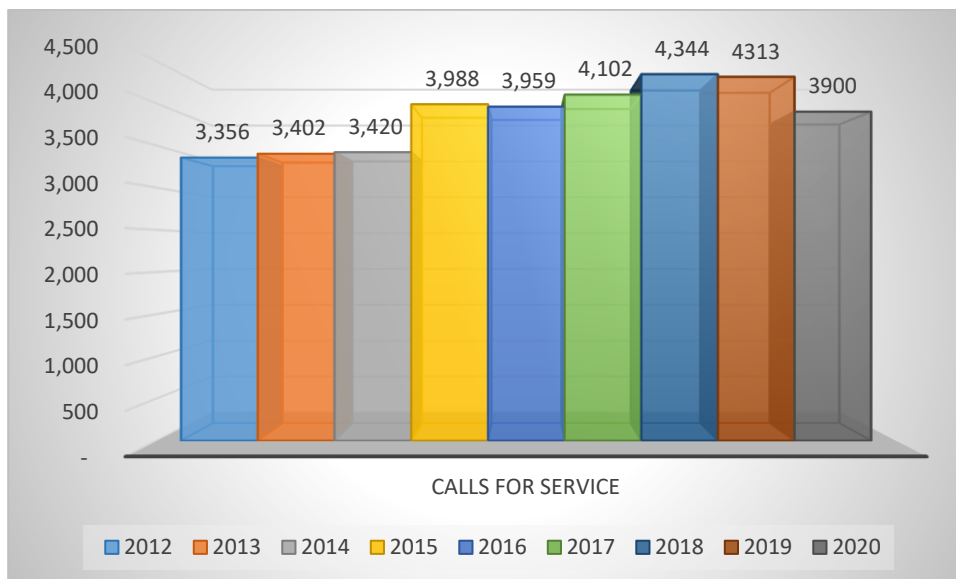
During the first six months of 2019 officers handled 22 calls with individuals which were identified as in crisis. During the same period for 2020 officers handled 41 calls, 85% of the total calls handled for the entire year of 2019. These calls were spread over 33



individuals, with 8 attempted suicides and 20 reported suicide threats, for the same period of time.

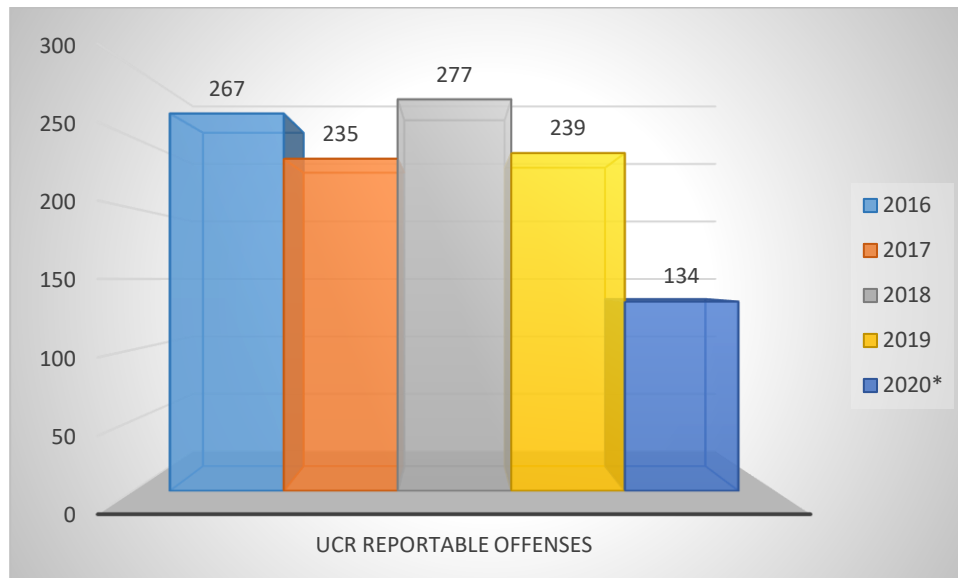
### Calls for Service

With the COVID-19 pandemic we have seen a reduction in calls for service for several months: March (-18%), April (-36%), May (-18%), June (-16%) and July (-12%). We project that call volumes will finish with 2020 down approximately 9.5% from 2019, near 3,900 calls for service. A yearly comparison is graphed below.



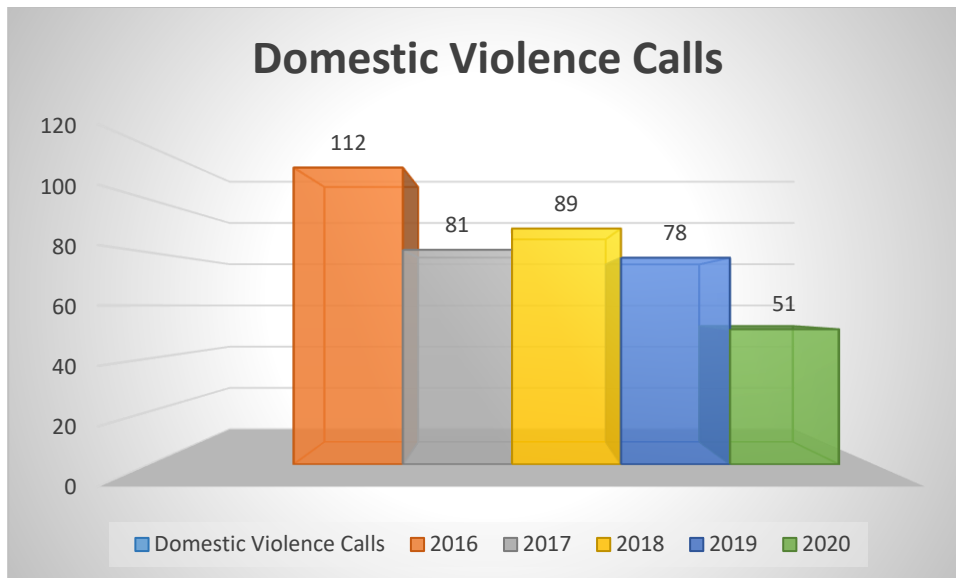
UCR reportable offenses are outlined below. This included the following: criminal homicide, rape, robbery, assault, burglary, larceny/theft, motor vehicle theft, and arson. It should be noted, the 2020 numbers represented reported offenses through July 31,

2020. If we project these numbers forward, we expect to be approximately 230 reportable UCR offenses by the end of the year.



	2016	2017	2018	2019	2020*
Rape	4	7	3	7	1
Robbery	2	0	2	0	1
Agg. Assault	9	5	5	13	7
Simple Assault	142	93	105	106	68
Burglary	11	16	18	15	6
Larceny	89	94	120	91	44
Motor Vehicle Theft	9	19	24	7	7
Arson	1	1	0	0	0
<b>Total</b>	<b>267</b>	<b>235</b>	<b>277</b>	<b>239</b>	<b>134</b>
Agg. Assault- Gun	4	2	1	3	3
Agg. Assault- Knife	0	1	1	2	0
Agg. Assault- Other	5	0	2	8	4

We have seen a gradual decline in domestic violence calls, from 112 in 2016 to 78 in 2019. There have been 51 from January 1 to July 31 in 2020. This number can be projected to be around 87 by the end of the year, in line with 2018.



The Smithville Police Department has made a conscious effort to move toward a more data-driven approach. This requires gathering more data points than we have in the past. This process began in late 2019 and we are continuing to improve. We recognize that good data must be gathered in order for good information to be extracted. Below is an example of some of the data we've been able to gather and look at from January 1 to July 31, 2020.

Call Type	
Animal Bite	16
Animal Call	191
Business Check	4,421
Citizen Assist	244
Extra Patrol Request	58
Funeral Escorts	22
Missing Persons	14
Open Doors	263
Subdivision Check	13,940
Suicidal Party	16

This is an example of calls and activities that officers handled during the first seven months of 2020. Most of the open doors you see listed above are garage doors and car doors found by officers that were left open overnight. During this same time period officers averaged a 3.9 minute response time with an average of 31.3 minutes on scene.

## Policies

Establishing and implementing sound policies is an essential part of equipping police officers. Good policies help officers make the best possible decisions in critical

situations. They establish expectations for professional and ethical conduct. Policies ensure agencies comply with law, best practices, and case law. They also help promote accountability. Thorough up to date policies can help keep an agency out of court, minimizing liability and protect the agency's reputation.

For almost 10 years the Smithville Police department has utilized the services of a company called Lexipol, to manage and maintain its policies and daily training on these policies. Lexipol has a team of lawyers and experts who review federal and state case law, along with changes to statutes, to provide legally defensible, continuously updated policies and training for our officers. Officers complete daily training on policies throughout the year and have access to over 400 online courses and more than 1,100 training videos through Lexipol's service. Lexipol is currently updating policies, and we are awaiting their updates in many areas.

With the help of Lexipol, the Smithville Police Department's policy manual is rooted in case law, federal law, state law and best practices. Our policy manual contains 148 policies and consists of 555 pages. With the Lexipol app officers are able to have this policy manual at their fingertips 24/7.

In light of national events in the summer of 2020, the Chief of Police initiated a review of key policies, including Use of Force, Use of Force Review Board, TASER use, Officer Involved Shooting and Biased Based Policing policies.

### **Use of Force**

Policy 300, Use of Force, has been reviewed by staff, legal counsel and Lexipol on multiple occasions. This policy is based on best practices, federal guidelines, State Statute, and case law. Attached is a redline copy of Lexipol's recommended changes to the policy. Changes to the policy include definitions, duty to intercede and report, de-escalation, restrictions on the carotid control hold, warnings before the use of deadly force, reporting use of force, medical considerations, supervisor's responsibilities, and training.

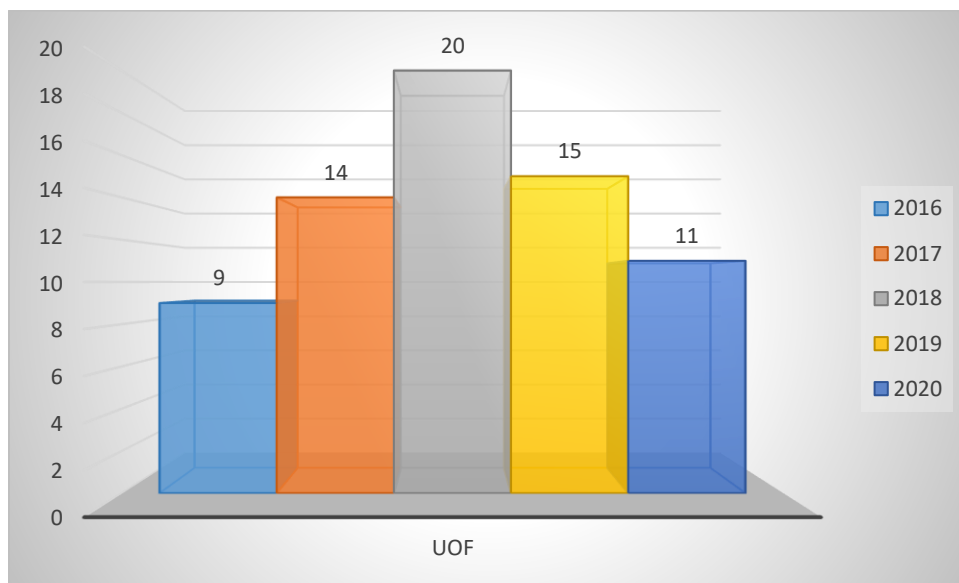
Another topic of current discussion across the county has been the use of neck restraint. Attached is a bulletin from on Lexipol's website which discusses carotid restraint (which is different than respiratory restraint).

The Smithville Police Department has never authorized the use of respiratory restraint, nor taught the application of choke holds. During review of use of force incidents, there have been no cases found where a Smithville Officer used or attempted to use a choke hold on an individual.

Staff will continue to look to Lexipol for recommendations on changes to policy regarding neck restraint.

## Review of Use of Force Data

A review of Use of Force historical data was completed. This included data from 01/01/2016 to 07/31/2020, 55 months. The yearly data is outlined below.



These incidents were categorized by the types of force used. Breaking them down into seven categories, which are outlined below, in ascending order of severity.

Muscling Techniques	22
Defensive Tactics	6
Taser Display	6
Taser Deployed	2
Less Lethal	1
Firearms Display	30
Firearms Discharge	1

The Firearms Displayed category was further broken down into three categories: Armed Parties, Pursuits, and Felony in Progress. These categories are depicted below.

Armed party	9
Pursuit	14
Felony in Progress	7

During this period, we were able to document three times that individuals sustained injuries. One was bruising and small puncture wounds from the deployment of a bean bag round and taser, the second was a gunshot wound involving an armed party pointing a gun at officers, and third was puncture wounds from a canine that was released after the suspect fled on foot from a vehicle pursuit involving a stolen auto.

### **Use of Force Review Boards Policy**

Policy 301, Use of Force Review Boards, governs the objective evaluation of the use of force by officers to ensure that their authority is used lawfully, appropriately and is consistent with training and policy. Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. This policy also allows the Chief of Police to convene the board for other uses of force at his/her discretion.

A redline copy of a revised policy is attached. The revisions clarify the circumstances surrounding discharge of a firearm related to the board to exclude dispatching of animals.

### **Bias-Based Policing**

Policy 401, Bias Based Policing, provides guidance to department members that affirms the Smithfield Police Department's commitment to policing that is fair and objective. This policy states, "The Smithville Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural and other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group." The policy prohibits officers from bias-based policing practices. It also requires members to intervene, when reasonable, to prevent any biased-based actions by other members.

Under Policy 401 officers are required to comply with the reporting requirements of the Attorney General by submitting information related to traffic stops (RSMo 590.650). This data is reviewed by the officer's immediate supervisor monthly for any concerns or observed patterns. A summary report is submitted to the Attorney General's Office yearly. Officers receive annual training on implicit bias and racial profiling as required by RSMo 590.050. We are currently awaiting recommended changes from Lexipol. A copy of the current policy is attached.

### **Department Partnerships**

The Smithville Police Department has relied heavily on partnerships for many years. Being a smaller department makes this essential. Some of these critical partners included Tri-County Mental Health Services and Synergy Services.

Tri-County Mental Health Services began in 1990, to provide safety-net services to Clay, Platte and Ray Counties in Missouri in the areas of mental and behavioral health, and substance use disorders. As the Northland region has grown, so has Tri-County. To serve a diverse clientele in urban, suburban and rural settings, Tri-County has developed a unique provider network allowing the agency to deliver convenient, cost-effective services to over 8,000 people each year. Some of the services provided

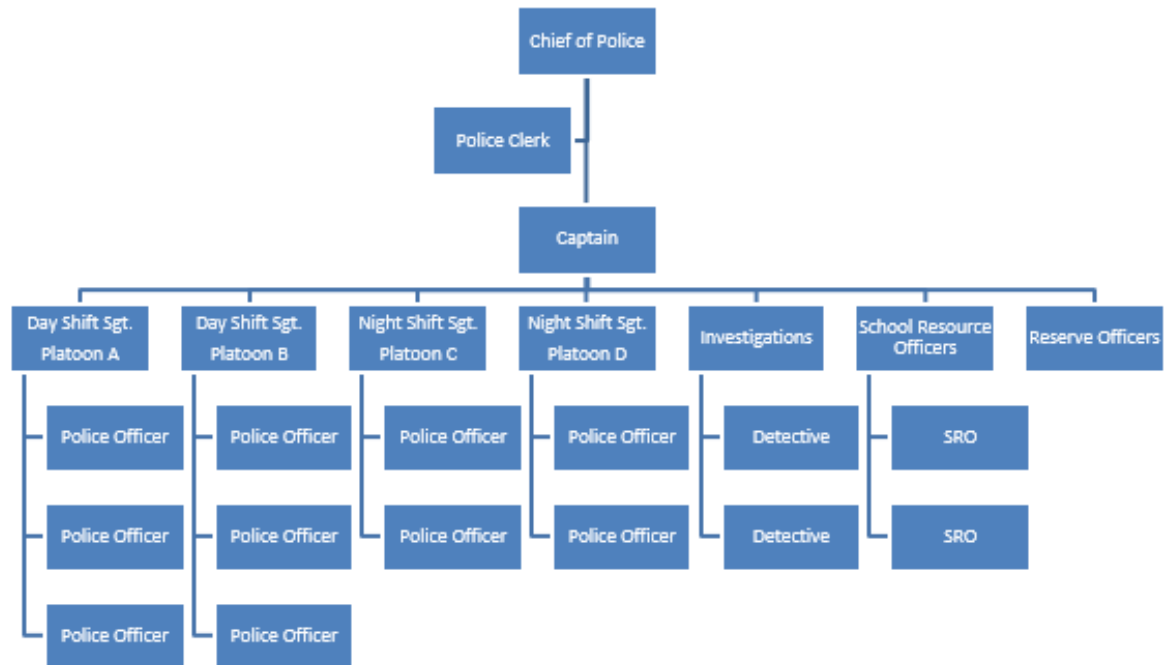
include community support, crisis services, psychiatric services, outpatient substance abuse treatment, outpatient therapy, and school-based services.

Synergy Services, Inc. began in 1970 as Synergy House, the only shelter for runaway and homeless youth in western Missouri. Through the years, a series of both opportune and strategic mergers expanded the organization's reach to include young children and women victimized by abuse.

In 2019, the Kansas City Missouri Police Department celebrated a ten-year anniversary of launching their Lethality Assessment Protocol, partnered with Synergy Services. The Lethality Assessment Protocol is a set of 11 questions based on research from Johns Hopkins University that KCPD patrol officers are required to ask victims when they respond to a domestic violence call. This tool allows officers in the field to assess victims who are at risk and put them in contact with an advocate while on the scene.

In 2019 The Smithville Police Department partnered with Synergy Services to bring this Lethality Assessment Program to Smithville. This included multiple in-service training sessions and meetings to help the detectives grasp a deeper understanding of the process and how this program can be used to better protect victims. After the initial year we have already seen cases presented to the prosecutor's office that may not have been prosecuted in the past, included felony charges. We look forward to this program growing and helping victims to get the help they need.

# Current Department Configuration





## Use of Force

### 300.1 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.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**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.

**Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

**Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

### 300.2 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 Smithville Police 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.

# Smithville Police Department

## Smithville PD Policy Manual

### *Use of Force*

---

#### 300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member 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~~

Any officer who observes another ~~employee- law enforcement officer or a member~~ use force that exceeds the degree of force permitted by law should promptly is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

#### 300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

#### 300.3 **USE OF FORCE**

Officers shall use only that 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.

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.

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.

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~~ this 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.

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.

#### 300.3.1 **USE OF FORCE TO EFFECT AN ARREST**

An officer may use reasonable force when the officer reasonably believes such force is immediately necessary to effect an arrest or to prevent an escape from custody (§ 563.046, RSMo).

# Smithville Police Department

## Smithville PD Policy Manual

### Use of Force

---

#### 300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

#### 300.3.2 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 (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of
- (e) suspected drug or alcohol use.

#### - Subject's

- (a) The individual's mental state or capacity.
- (b) The individual's ability to understand and comply with officer commands.
- (c) Proximity of weapons or dangerous improvised devices.
- (d) The degree to which the
- (e) individual has been effectively restrained and his/her ability to resist despite being restrained.
- (f) The availability of other reasonable and feasible options and their possible effectiveness.
- (g) Seriousness of the suspected offense or reason for contact with the individual.
- (h) Training and experience of the officer.
- (i) Potential for injury to officers, suspects, and others.
- (j) Whether the

#### -- person

- (a) individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (b) The risk and reasonably foreseeable consequences of escape.
- (c) The apparent need for immediate control of the
- (d) individual or a prompt resolution of the situation.

Smithville Police Department  
Smithville PD Policy Manual

*Use of Force*

---

- (e) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (f) Prior contacts with the

-- subject

- (a) individual or awareness of any propensity for violence.
- (b) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance ~~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~~ individual can comply with the direction or orders of the officer.
- (c) Whether the ~~person~~ individual 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.

### 300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. 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 limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) ~~The officer shall have successfully completed department-approved training in the use and- At all times during the~~ application of the carotid control hold: the response of the individual should be monitored. The carotid control hold ~~may only- should be used discontinued~~ when circumstances ~~perceived by the officer at the time~~ indicate that such ~~the~~ application no longer reasonably appears necessary ~~to control a person in any of the following circumstances: The subject is violent or physically resisting. 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.~~
- (b) ~~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~~



# Smithville Police Department

Smithville PD Policy Manual

## Use of Force

---

~~subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of 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~~
- (c) 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~~ such examination occurs.
- (d) 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~~ individual lost consciousness as a result.
- (e) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

### 300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes
- (b) is an imminent threat of death or serious bodily injury.
- (c) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the

# Smithville Police Department

## Smithville PD Policy Manual

### Use of Force

---

#### -- person

- (a) individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of 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
- (b) individual 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: The person- that the individual~~ 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 -The person- person. An imminent danger may also exist if the individual~~ is capable of causing serious bodily injury or death without a weapon, ~~and it is reasonable to believe the person- the officer believes the individual~~ intends to do so.

#### 300.4.1 ~~SHOOTING AT OR FROM~~ MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. ~~Officers should~~

When feasible, officers should take reasonable steps to 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.~~

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### 300.5 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. 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, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

#### 300.5.1 NOTIFICATIONS 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.

# Smithville Police Department

Smithville PD Policy Manual

## *Use of Force*

---

- (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 (TM) ~~or~~ 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) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

### **300.6 MEDICAL ~~CONSIDERATION~~ CONSIDERATIONS**

~~Prior to booking or release~~ Once it is reasonably safe to do so, 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. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the ~~subject's~~ individual's injuries, medical assistance may consist of examination by ~~fire personnel, paramedics, hospital staff or medical staff at the~~ an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a 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 to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

~~Persons~~ Individuals 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~~.

See the Medical Aid and Response Policy for additional guidelines.

# Smithville Police Department

Smithville PD Policy Manual

## Use of Force

---

### 300.7 SUPERVISOR ~~RESPONSIBILITY~~ RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a 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~~ individual upon whom force was applied. If this interview is conducted without the ~~person~~ individual 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.
  - 1. 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~~ individual may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy ~~non-compliance~~ noncompliance or if for any reason further investigation may be appropriate.

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.

#### 300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift 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.



# Smithville Police Department

Smithville PD Policy Manual

## *Use of Force*

---

### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

### **300.9 USE OF FORCE ANALYSIS**

~~At~~ At least annually, the ~~Patrol Division Commander~~ Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the ~~Chief~~ Chief of ~~Police~~ Police. The report should not contain the names of ~~officers~~ officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.



## CAROTID RESTRAINT

August 2020

In the wake of several incidents involving neck restraints on subjects under arrest, "I can't breathe" has become a rallying cry for police reform across the country. One specific type of neck restraint, the carotid restraint, has been an acceptable force option for many law enforcement agencies for decades. Accordingly, Lexipol's Use of Force Policy historically included a section on use of the carotid restraint, subject to significant restrictions and only by officers trained on the technique. In line with medical and scientific research, Lexipol did not previously limit the technique to instances of deadly force.

As a leader in law enforcement policy and policy training, Lexipol continually reviews best practices, taking into consideration perspectives of law enforcement professionals, reform advocates and community members. As a result of this process, Lexipol recently made clarifications and changes to our policy on carotid restraint.

### Background on Carotid Restraint

To understand the carotid restraint technique, we must first explain the difference between respiratory neck restraints and vascular neck restraints:

*Respiratory Restraints* ("Choke hold") – These control holds apply pressure to the front of a person's neck. Sufficient pressure can cause pain, collapse the trachea, crush the cricoid and laryngeal cartilage, and fracture the hyoid bones. The pressure and damage from respiratory restraints can prevent or reduce oxygen to the lungs. Respiratory restraints that restrict an individual's ability to breathe are sometimes referred to as "chokeholds".

*Vascular Restraints* ("Carotid Restraint") – These control holds apply lateral pressure on the carotid arteries located on the sides of a person's neck, with no compression on the airway. The pressure on the carotid arteries can reduce the flow of blood to the brain. The technique may vary depending on the training program. For example, one stage may begin with neck stabilization to prevent injury, pull the subject off balance, and as a last resort, if the pressure is sustained in response to continuous resistance, render the subject unconscious. Medical research supports the position that vascular neck restraints do not compress the airway, which means there is no medical reason to expect grievous bodily harm or death following the correct application of the vascular neck restraint.

Put simply, a carotid restraint, when properly applied, will not obstruct breathing. However, members of the public may not understand the distinctions between types of neck restraints—and even if they do, they may regard any type of neck restraint as unreasonable force.

In 2007, a panel of law enforcement and medical experts compared the use of the vascular neck restraint with other force options.<sup>1</sup> In 2011, experts from the Libin Cardiovascular Institute of the University of Calgary researched the mechanisms and safety of vascular restraints.<sup>2</sup> A summary of key research points regarding the topic are included here:<sup>3</sup>

- The vascular neck restraint technique must be properly learned and practiced under real-life physical and emotional stress of intense hands-on combat to minimize risk.
- Research does not support categorizing a properly applied vascular neck restraint as lethal force.
- The accepted body of medical research strongly indicates there is a lower risk of harm from a properly applied vascular neck restraints than from other standard police techniques, such as strikes, stuns, and use of an impact weapon.
- Researchers observed that outcomes could vary in different populations, including unhealthy or older subjects.

Given this research, we can now compare the components of Lexipol's historical policy to research findings and recommendations:

- Lexipol's Use of Force Policy has never authorized the use of respiratory restraints ("chokeholds"), and therefore, they are not addressed in the Use of Force policy unless a specific state requires it. Carotid control holds, however, are addressed.
- In keeping with the stipulation that proper training and practice of the technique is necessary, Lexipol policy required the officer to have successfully completed department-approved training before using the carotid control hold.
- In keeping with researchers' recommendations for "sensible restrictions," Lexipol policy outlined restrictions for pregnant individuals, elderly individuals, juveniles and individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries.

Importantly, the policy also included guidance for prompt medical attention following the technique, as well as reporting and involvement of a supervisor.

Thus we can see that Lexipol's policy on carotid restraint has historically been in alignment with medical research and law enforcement best practices.

---

<sup>1</sup>Police and Public Interaction: Arrests, Use of Force by Police and Resulting Injuries to Subjects and Officers; Butler, Chris and Hall, Christine (MD); Law Enforcement Executive Forum; December 2008; Volume 8(6).

<sup>2</sup>*Mechanism of Loss of Consciousness during Vascular Neck Restraint*; Mitchell, Jamie Dr, et al. Journal of Applied Physiology. November 2011.

<sup>3</sup>Summary derived from observations of Chris Butler. Butler is a retired Inspector of the Major Event and Emergency Management Section of the Calgary Police Service in Calgary, Alberta, Canada. He facilitated both the Use of Force comparison research and the Libin research project. Butler is court-recognized as a use of force expert, with extensive practical and research experience with neck restraints.

### **Lexipol's Current Policy on Carotid Restraint**

Although Lexipol's policy on carotid control holds has been in alignment with medical research and law enforcement best practices, we must also recognize the complexities surrounding this technique and the potential for confusion, especially in jurisdictions that restrict or criminalize the technique or for agencies that seek accreditation under the Federal Safe Community and Policing Act, which requires that the accrediting body prohibit respiratory restraints except where deadly force is allowed by law.

Accordingly, in July 2020 Lexipol issued the following changes to our Use of Force Policy:

1. Define the difference between respiratory restraints and vascular restraints and note that the carotid restraint is a vascular restraint.
2. Limit the technique to instances of deadly force.
3. In states where the technique is criminalized, the section on carotid restraint is removed from the Use of Force Policy. Note that Lexipol does not address or delineate crimes in the policy manual. Officers are expected to abide by federal, state, and local laws as set forth in the mission statement and the Standards of Conduct policy. As a practical matter, if an officer has physical contact with a subject that could constitute a "crime" in that state, common law or statutory defenses may be available to the officer, depending on the specifics of the incident. All of this, crimes and defenses, are outside the scope of Lexipol's policy manual, which focuses instead on permissible law enforcement techniques and strategies and associated guidelines.
4. Incorporate specific state law in states that outright prohibit the technique as a law enforcement tool.
5. Provide agencies that want to prohibit the use of the technique (even in states where it is not prohibited) with the option to customize their policy.

Lexipol will continue to offer our customers support in implementing and understanding the carotid restraint and its appropriate incorporation into the Use of Force Policy through Daily Training Bulletins, Today's Tips, and additional resources.

*Note: Agencies that subscribe to Lexipol policy content may have policy content that differs from the content referred to here. Lexipol subscribers receive policy content that incorporates state-specific legal and regulatory requirements. Also, each subscriber is encouraged to customize policy content to ensure it is applicable, practical, and functional for their agency as well as to ensure it meets the unique needs of their department and their community.*

## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Smithville Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 301.2 POLICY

The Smithville Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training, ~~or~~ recreational use and dispatching of injured animals.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Captain will convene the Use of Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Captain of any incidents requiring board review. The involved employee's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1 COMPOSITION OF THE BOARD

The Administrative Services Captain should select five Use of Force Review Board members from the following, as appropriate:

- Sergeant from shift(s) other than the involved officer's shift
- Sergeant in the involved member's chain of command
- Training Supervisor



# Smithville Police Department

Smithville PD Policy Manual

## *Use of Force Review Boards*

---

- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

A chairperson will be appointed by either the Chief of Police or the Captain.

### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current employment agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

Smithville Police Department  
Smithville PD Policy Manual

*Use of Force Review Boards*

---

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Smithville Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Smithville Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.



# Smithville Police Department

Smithville PD Policy Manual

## *Bias-Based Policing*

---

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### **401.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall complete a vehicle stop information form supplied by the Missouri Attorney General, or a department approved alternative. The officer should submit the form by the end of his/her shift or as soon as practicable (§ 590.650, RSMo; 15 CSR 60-10.020).

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals in their command for compliance with this policy and shall handle any alleged or observed violations of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### **401.6 STATE REPORTING**

The Chief of Police shall submit an annual report to the office of the Attorney General consisting of the information gathered from traffic stops (§ 590.650, RSMo).

### **401.7 ADMINISTRATION**

Each year, the Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information about any specific

# Smithville Police Department

## Smithville PD Policy Manual

### *Bias-Based Policing*

---

complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the report submitted under § 590.650, RSMo and the annual report and discuss the results with those they are assigned to supervise.

#### **401.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

The training shall include continuing education on racial profiling as mandated by § 590.050, RSMo (also see 11 CSR 75-15.010).