1. Purpose:
   1.1. It is the purpose of this policy to provide police employees and supervisors with guidelines for reporting control to active resistance. The department has a procedure to capture all required information described in this policy.

2. Policy:
   2.1. Police officers are given the authority to use force to overcome a subject’s resistance to the officer’s order to comply, effect arrest, defend against assault, and prohibit flight. It is incumbent that officers be held accountable to safeguard the rights of members of the public. This policy mandates that members of the Department accurately, completely and in a timely manner report subject control of active resistance and a supervisor conducts a prompt investigation and reports these investigation findings.

3. Definitions:
   3.1. **Injury or Complaint of Injury** – Any time the subject being controlled is injured or complains of injury.

   3.2. **Reportable Control to Active Resistance** – Any force beyond pain compliance used by an officer to compel compliance from a subject in conformance with the officer’s official duties, whether on or off duty or while employed in an off duty paid detail.
(Note: Pain compliance becomes reportable upon visible injury or citizen complaint of injury.)

This includes:

3.2.1. **Canine use** – Use of a police canine will be reported on a special form to capture any form of use whether there is contact with a subject or not.

3.2.2. **Chemical agents** – Use of any chemical agent to overcome subject resistance.

3.2.3. **Firearms discharges** – Any discharge of a firearm other than at the range or during qualification whether unintentional, for animal dispatch, or whether a subject is hit or not will be reported in a separate manner consistent with these policies.

3.2.4. **Electronic tools** – Use of any electronic equipment on a subject being controlled

3.2.5. **Impact tools/strikes** – Use of any tools, extended range less-lethal munitions, object or body part to strike a subject

3.2.6. **Physical force** – Use of any part of an officer’s body, such as joint manipulation, leverage, pain compliance, and take down maneuvers or any levels of a shoulder pin restraint. Use of physical force in such a manner will be documented in the narrative of a case or arrest report completed by the officers involved. (Note: If there are any injuries or complaint of injury associated with the use of physical force, completion of a Response to Resistance ticket in the department’s administrative reporting software is required.)

3.2.7. **Pointing of Firearms** – Any time an officer points a firearm at an individual, notwithstanding the fact that deadly force is not ultimately deployed. This does not include drawing a firearm and maintaining at the low-ready position.

4. **Procedure:**

4.1. **Officer Responsibilities:**

4.1.1. Officers who become involved in an incident that required any degree of force are required to immediately notify their supervisor. The involved officer will provide a detailed documentation of the response to resistance utilized in the official police report prepared for the incident involved.

4.1.2. A separate Response to Resistance administrative report shall be prepared by each officer involved whenever an officer of this agency utilizes reportable force, as described in the definition of this policy, in the performance of their duties.

4.1.3. The administrative report ticket will be completed in detail including a narrative account of the following:

4.1.3.1. The actions of the subject that necessitated that response to resistance as a response to overcome the active resistance of the subject.
4.1.3.2. The reasons why force was required and the type of force the officer utilized in overcoming the resistant subject.

4.1.3.3. Any injuries or complaint of injuries of either the subject or the officer and any medical treatment received.

4.1.3.4. In the case of an off duty officer that respond to resistance with any degree of force meeting the reporting requirements listed above, the administrative report will be initiated by the on-duty supervisor that investigated the incident. The off-duty officer involved will immediately complete the administrative report upon their return to work on their next regularly scheduled work day.

4.2. Supervisory Responsibilities:

4.2.1. Once notified of an incident in which an officer has utilized force, a supervisor will immediately respond to the scene to investigate the incident. The supervisor will accomplish the following investigative steps in conducting the investigation:

4.2.1.1. Investigate the circumstances to determine that a response to resistance was justified.

4.2.1.2. Take photographs of the involved officer(s) and subject(s) depicting any potential injuries or documenting the lack of any injuries to the parties involved.

4.2.1.3. Interview (recorded if possible) all witnesses to the incident and document their description of the event.

4.2.1.4. Ensure that a qualified health care provider handles any injuries or other medical condition being experienced by the involved person.

4.2.1.5. The supervisor shall review any video recording of the incident, if available, prior to the completion of the administrative report and the approval of the officer’s reports.

4.2.1.6. The supervisor investigating the use of reportable force shall be responsible for the review and approval of the officer’s reports of the incident, when practicable.

4.2.1.7. The supervisor will complete a review of the incident prior to completing their shift and submit a written review along with the officer’s report to their chain of command for review.

4.2.1.8. Exceptions: The following do not require the completion of a Response to Resistance administrative report unless otherwise required by the above policy:

4.2.1.8.1. Handcuffing or escorting a compliant, cooperative subject.

4.2.1.8.2. Physical removal of peaceful demonstrators whom do not resist.
4.3. When OC aerosol restraint spray is used, follow the procedures listed in Section #600, Policy #603 Chemical Agents.

4.4. A Response to resistance Report will also be completed when a police K-9 is used to affect apprehension.
1. Purpose:

1.1. The purpose of this policy is to direct officers in the appropriate response to resistance.

2. Policy:

2.1. The policy of this department is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in response to resistance events. It is the policy of this department that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

3. Definitions:

3.1. Impact Weapons – Collapsible Batons, be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed or where based on the officer’s perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
4. Procedure:

4.1. Prior to deployment of any less-lethal weapon, officers must be trained and certified in the proper use of the weapon from both the technical and legal aspects. All deployments must be consistent with departmental response to resistance training and policy.

4.2. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.

4.3. Examples would be where other options have been utilized and failed or where based on the officer’s perception at the time, the other options would not be successful in bringing the event to a successful conclusion.

4.4. Officers shall not intentionally strike a person in the head with an impact weapon unless deadly force would be justified.

4.5. At all times while on duty, all sworn officers in the field shall be required to carry their collapsible baton. Repairs or modifications to the collapsible baton should be done only by the armorer or his designee.

4.6. The flashlight should not be used as a defensive tool, except in an emergency situation.

4.7. Except in an emergency, handcuffs will not be used as a defensive impact tool.

4.8. The use of an impact weapon requires a Response to Resistance report in the department’s administrative reporting software. Follow reporting guidelines as listed in Section #600, Policy #602 Response to Resistance Reporting Requirements.

4.9. Currently the department issues a collapsible baton manufactured by ASP. Officers are also authorized to carry an Autolock® baton manufactured by Monadnock.
Policy: Weapon Repair - Authorization

Related Policies:
Section #: 600 Response to Resistance
Policy #: 608
Effective: 6/2020

This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.

Policy Owner: ASD

Reference:

Sensitivity Level: ☒ Public
☐ Law Enforcement Eyes Only

1. Purpose:
   1.1. This policy is created to establish guidelines regarding the repair of department weapons and authorization to carry firearms while on duty.

2. Policy:
   2.1. It is the policy of the Sioux Falls Police Department that any repairs or modifications to department issued firearms shall be referred to the Armorer. It is also the policy of the department that only firearms that are authorized by the Chief of Police or a division commander may be carried by officers on duty.

3. Procedure:
   3.1. The serial number of any firearm carried on duty must be recorded with the department Armorer.
       3.1.1. This includes personal backup weapons.
   3.2. All officers are required to carry and use only department-issued ammunition while on duty.
   3.3. Uniformed officers will use the department-issued safety holster when on duty, except those officers on station assignments.
Policy:  
Response to Resistance- 
Electronic Control Devices

Related Policies: 
601, 602

Section #: 600 Response 
to Resistance

Policy #: 609

Effective: 6/2020

Page 1 of 6

This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.

Policy Owner: ASD

Reference:

Sensitivity Level:  ☑ Public  ☐ Law Enforcement Eyes Only

1. Purpose:

1.1. The purpose of this policy is to direct officers in the appropriate response to resistance, specifically dealing with Electronic Control Devices (ECD’S)

2. Policy:

2.1. The policy of this department is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in response to resistance events. It is the policy of this department that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

3. Definitions:

3.1. Active Resistance – Any affirmative action taken by a subject to defeat the officer’s ability to take custody or control.

3.2. Data download - Method of electronic recovery of information saved by the Electronic Control Device upon each deployment.

3.3. Deadly Force – Any force that is likely to cause serious bodily harm or death.
3.4. **Electronic Control Device (ECD)** – Electronic Control Devices, TASER, or stun guns that disrupt the central nervous system.

3.5. **Imminent** – Impending or about to occur.

3.6. **Non-Deadly Force** – All uses of force other than those that is likely to cause serious bodily harm or death.

3.7. **Objectively Reasonable** – The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented.

3.8. **Passive Resistance** – No affirmative action or threat of affirmative action on the part of the subject to defeat the officer’s ability to take custody or control.

3.9. **Reasonable Belief** – Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.

3.10. **Serious Bodily Harm: (18 U.S.C. § 1365 (h) (3))** – The term "serious bodily injury" means bodily injury which involves

3.10.1. a substantial risk of death;

3.10.2. extreme physical pain;

3.10.3. protracted and obvious disfigurement; or

3.10.4. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

4. **Procedure:**

4.1. In addition to compliance with this agency’s use of force (response to resistance) policy #601, all deployments of an ECD as a response to resistance must comply with the provisions of this Electronic Control Device policy.

4.2. An ECD as a force option is the same level of force as chemical spray.

4.3. ECD’s must be worn on the weak side in a cross draw position.

4.4. Animal Control officers may wear their ECD’s on either the weak or strong side.

4.5. ECD deployment shall not be considered for the passively resistant subject. Active resistance or act of aggression shall be required.

4.6. Flight from an officer alone is not a justification for the use of ECD. Officers should consider the nature of the offense suspected at the level of suspicion with respect to the person fleeing, and the risk of dangers to others if the person is not apprehended immediately. Additionally, officer should take into consideration the type of area, i.e. asphalt, railroad tracks, water, grass etc.
4.7. Officers must be trained concerning the ability of an electrical charge to act as an ignition for combustible materials.

4.8. Multiple ECD deployments against an individual may increase the likelihood of serious injury. Training should encourage officers to minimize the successive number of discharges against an individual where possible.

4.9. This agency recognizes however, particularly where back up officers are unavailable, that multiple active applications may be necessary to gain or maintain control of a combative individual.

4.10. No more than one officer should deploy an ECD against a single individual at the same time.

4.11. A drive stun with the X2 Taser may cause burns and is used for pain compliance, not incapacitation. Drive stuns may be used with the X2 Taser however, should be used only when probe activation is not feasible.

4.12. The preferred target areas for probe shots are below the neck area for back shots and the lower center mass (below chest) for front shots. The preferred target areas increase the dart to heart distance and reduced cardiac risks. Back shots are preferable to front shots when practical.

4.13. When practical, avoid intentionally targeting the ECD on sensitive areas of the body such as the face, eyes, head, throat, chest area (area of the heart), breast, groin, genitals or known pre-existing injury areas.

4.14. Officers are prohibited from using the device as a punitive measure.

4.15. ECDs shall not be used against a person who is in physical control of a vehicle in motion unless deadly force would be justified based on an existing eminent threat.

4.16. A warning prior to discharge is preferred but not always necessary for this type of force to be considered reasonable. Model policies as well as courts have noted that giving a subject, who is assaultive toward the officer, a warning may enhance the danger to the officer and the subject by giving the subject time to avoid the deployment. See: Draper v. Reynolds, 369 F.3d 1270 (11th Cir, 2004)

4.17. When feasible, officers should notify other officers before deploying the device.

4.18. The ECD shall never be used on a handcuffed person to force compliance unless the subject is actively resistant and control cannot otherwise be accomplished.

4.19. Officers should consider the location and environment of the subject. i.e. Is the subject at the top of a stairwell such that when incapacitated by the ECD they fall down the stairs causing a collateral injury.
4.20. Officers should be aware that a subject’s heavy clothing may impact the effectiveness of the ECD.

4.21. Officers should consider whether the subject has been exposed to combustible elements that may be on their person, such as gasoline. The use of ECD’s on such a person may cause an ignition and fire.

4.21.1. Activation of an ECD after deployment of a chemical spray is discouraged as not all chemical sprays are deemed non-flammable.

4.22. Officers should consider the particular subject and any vulnerability that they may have such as: the very young, the elderly, those small in stature or very frail who will be more dramatically impacted by the use of ECD.

4.22.1. Officers who are aware that a female subject is pregnant shall not use the ECD unless deadly force would be justified. This is due to the danger created by the secondary impact or the possibility of muscle contractions leading to premature birth.

4.22.2. Alternative tactics shall be utilized where the officer has prior information that the subject suffers from a disability or condition which would increase the danger to the person by using an ECD. i.e. A person at the scene tells an officer that the subject has a heart condition.

4.23. In cases where the probes have penetrated a subject’s skin and it’s not in a sensitive area (see mandatory medical clearance at a hospital), removal of the probes may be done by the officer on scene. Deployed probes that have been removed from a suspect should be treated as a biohazard.

4.24. If EMS is present, their services may be utilized for the removal of darts that have penetrated the skin as long as such removal can be accomplished without causing further injury or pain to the subject.

4.25. All persons who have been the subject of an ECD deployment shall be monitored for a period of time with a focus on symptoms of physical distress. If a person appears to be having any form of physical distress following the deployment of an ECD, EMS will be requested to the scene to assess the subject.

4.26. If a person has been the subject of an ECD deployment and does not fall under one of the mandatory clearance categories listed below, officers can immediately transport them to the MCSO jail. Officers shall continue to observe the subject from the time of deployment through transportation. Correctional personnel must be notified that the subject has been exposed to an ECD deployment.

4.27. Mandatory medical clearance at a hospital:
4.27.1. Person struck in a sensitive area – face or head, genitals, female breast.

4.27.2. Where the probes have penetrated the skin and officers cannot safely remove the darts in accord with this policy.

4.27.3. Any person who appears to be having signs of unusual physical distress following the deployment of an ECD.

4.27.4. Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are small in stature, the elderly, and persons who officers become aware of having a pre-existing medical condition that increases danger.

4.27.5. Subjects who specifically request medical assistance at a hospital.

5. Documentation

5.1. All deployments of an ECD shall be documented, including those cases where a subject complies once an officer points an ECD at a subject but does not deploy probes. If an ECD is maintained at the low ready position, either armed or in safe mode, a Blue Team is not required (unless the Taser “Arc” switch is activated in order to elicit compliance from a subject, at which time a Use of Force ticket is required). By documenting the non-discharge uses our agency establishes officer judgment and control, as well as the deterrent effect of this tool.

5.2. Photographs of the affected area shall be taken following the removal of darts from the subject to document any injury. Where the drive stun method has been used, photographs are extremely important due to the increased potential for this method to cause scarring. Photographs will be taken of the deployed probes after being removed from the subject and prior to disposal.

5.3. All ECD usage by an officer will be documented as outlined in the Response to Resistance Reporting Requirements policy (602.4.1).

5.4. Supervisory personnel shall be notified and review all ECD deployments for consistency with policy and training as outlined in the Response to Resistance Reporting Requirements policy (602.4.2).

5.5. The ECD will be removed from service as soon as practical after an actual probe deployment or a drive stun was used, and will remain out of service until such time as the deployment report is downloaded from the ECD’s data port.

5.6. Downloading will be done at the LEC by an assigned downloading operator as specified by the chief of police.

6. Miscellaneous
6.1. Only those personnel specifically trained in their use will deploy ECDs.

6.2. Training in qualification with the ECD shall be conducted annually based on curriculum established by the training section.

6.3. All ECD units will be audited quarterly to ensure that all deployment/activations have been reported as required.
Policy: **Response to Resistance-WRAP Restraint System**

**Related Policies:** 601, 602

**Section #:** 600 Response to Resistance 610

**Policy #:** 610

**Effective:** 6/2020

This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.

**Policy Owner:** USD

**Reference:**

**Sensitivity Level:** ☑ Public

This document is the property of the Sioux Falls Police Department. Reprinting of this document is prohibited without permission from the Chief of Police.

---

1. **Purpose:**
   
   1.1. The purpose of this policy is to direct officers in the appropriate response to resistance, specifically dealing with WRAP Restraint System.

2. **Policy:**
   
   2.1. The policy of this department is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in response to resistance events. It is the policy of this department that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

3. **Definitions:**
   
   3.1. **Active Resistance** – Any affirmative action taken by a subject to defeat the officer’s ability to take custody or control.

   3.2. **Deadly Force** – Any force that is likely to cause serious bodily harm or death.

   3.3. **Electronic Control Device (ECD)** – Electronic Control Devices, TASER, or stun guns that disrupt the central nervous system.

   3.4. **Imminent** – Impending or about to occur.
3.5. **Non-Deadly Force** – All uses of force other than those that is likely to cause serious bodily harm or death.

3.6. **Objectively Reasonable** – The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented.

3.7. **Passive Resistance** – No affirmative action or threat of affirmative action on the part of the subject to defeat the officer’s ability to take custody or control.

3.8. **Reasonable Belief** – Reasonable belief means that the person concerned, acting as a reasonable person believes that the prescribed facts exist.

3.9. **Serious Bodily Harm**: SDCL 22-1-2(44A) "Serious bodily injury," such injury as is grave and not trivial, and gives rise to apprehension of danger to life, health, or limb

4. Procedure:

   4.1.1. When the need to apply a leg restraint is present, it should be applied only after the subject is secured by handcuffs. Subjects secured with a leg restraint device should not be left seated on hard surfaces for extended periods of time. If it is necessary to leave a subject in the device for any length of time, the subject shall be checked periodically to ensure no complications have arisen. The subject placed in the leg restraint device should not be left unmonitored if the prisoner complains of injury due to the device, normal protocol should be followed, in that the subject should be immediately examined by medical personnel.

   4.1.2. Upon application of a leg restraint, the subject should be removed and transported to a secure detention facility as soon as possible.

   4.1.3. Once the officer arrives at a detention facility, the officer should be assisted in transporting the subject into a holding cell. If the subject is able to walk they should be escorted to prevent them from falling.

   4.1.4. Once in the holding cell, the subject's personal property should be removed prior to removing the leg restraint. The leg restraint device should then be removed and taken out of the holding cell prior to the removal of handcuffs.

   4.1.5. As with other actions involving the exceptional physical restraint of prisoners, officers must thoroughly document the justification for the use of this device, and any other information relevant to its use.

   4.1.6. Subjects should be placed in an upright sitting position or on their side as soon as possible to allow for respiratory recovery. If a restrained subject complains of, or exhibits any medical concerns, seek immediate medical attention. Some examples are: Respiratory Distress (i.e. coughing, gasping, gagging, shortness of breath) sudden quiet or inactivity (especially after a violent struggle), chest
4.1.7. Unless extreme circumstances dictate otherwise the use of ECD, OC, Intermediate weapons, or other force options will not be used on subjects who have been secured in the WRAP Restraint.

5. Documentation

5.1. All WRAP Restraint usage by an officer will be documented as outlined in the Response to Resistance Reporting Requirements policy (602.4.1).

5.2. Supervisory personnel shall be notified and review all WRAP Restraint deployments for consistency with policy and training as outlined in the Response to Resistance Reporting Requirements policy (602.4.2).

6. Miscellaneous

6.1. Only those personnel specifically trained in their use will deploy the WRAP Restraint.

6.2. Training in qualification with the WRAP Restraint shall be conducted annually based on curriculum establish by the training section and manufacturer.

6.3. Jail staff will be in charge of removing subjects from the WRAP Restraint once in the booking area of the County Jail or detention facility.

6.4. All WRAP Restraints will be sanitized after each deployment, and prior to being placed back into service.

7. DESCRIPTION AND APPLICATION OF THE WRAP

7.1. The WRAP manufactured by Safe Restraints, Inc., was designed as a temporary restraining device. Used properly it can increase officer safety and reduce risk of liability due to injuries and in-custody deaths. The WRAP immobilizes the body and restricts a subject’s ability to kick or do harm to oneself and others. The WRAP minimizes the time required to secure a person safely, restrains the subject in upright position, and has the subject prepared for transport or movement.

7.2. Prior to application of the WRAP, both the upper and lower body of the subject must be controlled. In most cases the subject will be prone, faced down with the hands cuffed behind the subject's back. Officers will minimize the time subject is restrained face down to reduce the risks associated with respiratory fatigue.

7.3. Apply the ankle strap firmly around the crossed ankles. While maintaining control of the subject's upper and lower body, slide the WRAP under the subject's legs, placing the knees on the markings labeled "KNEES HERE", While maintaining control of the
subject, secure the bands tightly starting with the band closest to the feet, moving upwards towards the subject's waist until all three bands are secure. Securing the band closest to the feet first helps prevent the person from kicking.

8. Upper Body Control Option:

8.1. The upper body harness can only be used after the legs are secured (using steps 7.1 and 7.2 above).

8.2. Maintain control of the subject and place the harness on subject's back. Attach the carabineer on the harness to the handcuffs and lock the carabineer. Drape the harness over the subject's head. While supporting the head of the subject, roll the subject up to a seated position.

8.3. Feed the straps through the arms and attach to the locking buckles. Secure the straps firmly. While maintaining control of the subject, attach the tether lead of the harness to the locking buckle on the body of the Wrap (located below the first band). Lock the buckle. The tether strap should be pulled back towards the person's body until the subject is held fully upright. Do not over-tighten: the shoulder harness should never be tightened to the point that it interferes with the subject's ability to breathe.

8.4. Masks will be stored inside of the Wrap container for offenders attempting to spit on officers.

8.5. The padded helmet can be utilized in conjunction with the WRAP Restraint system.