


<p style="text-align: center;">GENERAL ORDER</p>  <p style="text-align: center;">RICHWOOD POLICE DEPARTMENT</p>	Effective: September 1, 2015	#200
	Section:	Subject: USE OF FORCE
	Rescinds:	
	Standards: TPCA TBP: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	
	NEW	

200.1 PURPOSE AND SCOPE

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

200.1.1 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.

Non-Deadly Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Objectively Reasonable -

1. This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.
2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

200.2 POLICY (TPCA: 6.1)

The Richwood 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.

The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Therefore, it is the Policy of the Richwood Police Department that the use of force by its law enforcement personnel be only that force necessary to bring an incident under control, while protecting the lives of officers and others. Officers involved on a daily basis in numerous and varied interactions with the public may use reasonable force in carrying out their duties when warranted.

200.2.1 DUTY TO INTERCEDE

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

200.2.2 USE OF NON-DEADLY FORCE (TPCA: 6.1) (TBP: 6.01)

- A. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
- B. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
 - 1. To protect the officer or others from physical harm.
 - 2. To lawfully restrain or subdue a resistant individual.
 - 3. To bring an unlawful situation safely and effectively under control.

200.2.3 LESS THAN LETHAL WEAPONS AND EQUIPMENT

Less-than-lethal weapons, equipment, and their specifications that are approved for use by officers include:

- 1. Conducted Energy Device (otherwise know as a Taser) - Mandatory to Carry
- 2. Collapsible Baton - No brand specific - Optional to Carry
- 3. Oleo-capsicum Spray (Pepper Spray) Gun – Optional to Carry

With the exception of the mandatory to carry Conducted Energy Device (Taser) officers may choose whether they will carry the collapsible baton and/or the Oleo-Capsicum or not.

200.3 USE OF DEADLY FORCE (TPCA: 6.02)

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. 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.

200.3.1 USE OF FORCE TO EFFECT AN ARREST (TPCA: 6.1)

An officer may use reasonable force to effect an arrest, search, prevent escape, or overcome resistance. If it is not reasonably apparent to the person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search the person and identify themselves as peace officers before using force (Tex. Penal Code § 9.51).

200.3.2 DEADLY FORCE RESTRICTIONS (TPCA: 6.1) (TBP: 6.09)

1. Warning shots shall not be fired.
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an officer

reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.

4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

200.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE –

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects, and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.

- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

200.3.4 LIMITATIONS ON FORCE (TPCA: 6.1)

The following acts associated with the use of force are prohibited.

A. Application of choke hold,

Exception: When the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized.

B. Use of Stream-Lites, Kel-Lites, Mag-Lites, or other flashlights as batons

Exception: An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself, herself, or another person from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical.

The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

200.3.5 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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

200.3.6 TRAINING (TPCA: 6.1)

1. All officers shall receive training in the use of their firearms.
2. All officers shall be trained and qualified with their firearms at least annually (TBP: 3.01, 3.02). In the case of rain, an alternative date may be scheduled for qualifications.
3. Officers shall qualify with all less-than-lethal authorized weapons as required by the department, hands-on arrest and defensive tactics, as well as the Use of Force policy prior to performing any law enforcement duties.
4. All officers shall receive training in the department's Use of Force policy at least annually. (TBP: 3.02)
5. All officers shall receive hands-on arrest and defensive tactics training at least every two years. (TBP: 3.06)
6. Officers shall receive training in all less-than-lethal weapons issued or used by the department or approved for carry by the department. Officers shall demonstrate proficiency with those weapons at least every two years. (TBP: 3.04)
7. All Use of Force training shall, at a minimum, comply with the standards established by TCOLE.

200.3.7 CAROTID CONTROL HOLD

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

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

subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant

2. Elderly individuals

3. Obvious juveniles

- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

200.4 DEADLY FORCE APPLICATIONS (TPCA: 6.1)

Use of deadly force is justified in the following circumstances:

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

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

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

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

200.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

200.5 REPORTING THE USE OF FORCE (TPCA: 6.1) (TBP: 6.03; 6.06; 6.07)

- A. Any use of force, except those arising in training or department demonstrations, by a member of this department, shall be documented promptly, completely, and accurately in the Use of Force Report Form.

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.

- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (**TBP: 6.07**) and then:

1. Immediately notify the on-duty supervisor or the Chief of Police (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The Chief of Police shall determine if an immediate investigation is required.

- a. It is imperative that the Chief be notified immediately in the event of any firearms discharge,

OR

- b. Serious physical injury.

2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.

3. Submit a Use of Force form to the Chief of Police prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Use of Force form shall be in addition to any other required reports.

200.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the 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 any of the above has occurred.

200.5.2 INTERNAL INVESTIGATIONS

A. Review

1. The officer's supervisor and the Chief of Police shall review all reported uses of force to determine whether:
 - a. Departmental policies/procedures were violated.
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
 - d. Departmental equipment operated properly.

2. At least annually, the Chief of Police shall conduct a Use of Force Analysis of use-of force incidents and to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10.)

B. Internal Investigations

1. An internal investigation will be conducted on any firearms discharge (other than training), and any other use of deadly force by members of the department.
2. An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is suspected.
3. In addition to the internal investigation, a criminal investigation shall also be conducted in any firearms discharge or other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation may be conducted by another law enforcement agency with concurrent jurisdiction and the results may be presented to the grand jury for review.
4. Procedures for Officer Involved Shooting Investigations are covered in Policy 210.

200.5.3 ASSIGNMENT OF OFFICER (TPCA: 6.1) (TBP: 6.08)

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, to include traffic collisions where a person was seriously injured or killed, shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature.

200.6 MEDICAL CONSIDERATION

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

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such 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 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 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.

200.7 SUPERVISOR RESPONSIBILITY

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 upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

- (g) Determine if there is any indication that the subject may pursue civil litigation, 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 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.

200.7.1 DIVISION 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.

200.8 ANNUAL USE OF FORCE REPORT (TBP: 6.10)

The Chief of Police shall prepare an annual Use of Force Report. The report should be based on the Use of Force Forms submitted through the chain of command throughout the year. In compiling the annual report, the Chief should consider reviewing:

- (a) The type of force used.
- (b) Whether the force used was effective in controlling the individual.
- (c) The location (premise type) where the force was used.
- (d) The number of officers present when the force was used.
- (e) The identity and number of officers who used force.
- (f) Precipitating events leading to the use of force.
- (g) The type of offense or arrest.
- (h) Whether alcohol and/or narcotics were involved.
- (i) The report should analyze the use of force incidents to determine whether:
 - 1. Any policies need revision.
 - 2. Additional training is needed and the scope of the training required.

3. Any equipment changes that may be needed.
4. Any changes in methods of operation or response that may be needed.

Chief of Police