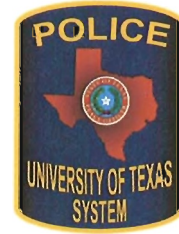




**OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL**



Subject USE OF FORCE			Policy Number 601
Effective Date 11/14/2011	Revision Date	Reevaluation Date Annually	Number of Pages 8
Reference Standards TPCA: 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, 6.10 CALEA: 1.2.2, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.12, 1.3.13 IACLEA: 1.3.1 – 1.3.12		Rescinds or Amends Policy Number C-3	

I. PURPOSE

The purpose of this policy is to provide employees of this agency with guidelines for the use of lethal and less lethal force. This agency recognizes and respects the value and special nature of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balance of all human interests is required. Therefore, it is the policy of this agency that officers shall use reasonable force when force is used to accomplish lawful objectives.

II. POLICY

Personnel will use reasonable force when force is used to accomplish lawful objectives. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances. The unnecessary use of force is prohibited.

III. DEFINITIONS

Lethal Force - Force that is intended to cause death or serious physical injury or that a reasonable and prudent person would consider likely to cause death or serious physical injury; synonymous with deadly force.

Imminent Danger - Typical considerations to find imminent danger include the attacker's apparent intent to cause serious physical injury or death, the device used by the attacker to cause serious physical injury or death, and the attacker's opportunity and ability to use the means to cause serious physical injury of death.

Less Lethal Force - That amount of force which, under the circumstances, is neither likely nor intended to cause death or serious physical injury.

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

Reasonable Belief -A belief based on facts, circumstances, and information trustworthy enough to make a person of ordinary intelligence and caution believe something is the case, commonly used when deciding to arrest someone or conduct a search and seizure without a warrant.

Serious Physical Injury - an injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of a body member or organ; synonymous with serious bodily injury.

IV. USE OF FORCE OPTIONS/TOOLS

- A. Officer Presence — No force is used. Considered the optimal way to resolve a situation.
 - 1. The mere presence of a law enforcement officer works to deter crime or diffuse a situation.
 - 2. Officers' attitudes are professional and nonthreatening.
- B. Verbalization — Force is not-physical.
 - 1. Officers issue calm, nonthreatening commands, such as "Let me see your identification and registration."
 - 2. Officers may increase their volume and shorten commands in an attempt to gain compliance. Short commands may include "Stop," or "Don't move."
- C. Empty-Hand Control — Officers use bodily force to gain control of a situation.
 - 1. *Soft technique.* Officers use grabs, holds and joint locks to restrain an individual.
 - 2. *Hard technique.* Officers use punches and kicks to restrain an individual.
- D. Handcuffs and Restraints
- E. Less-Lethal Methods — Officers use less-lethal technologies to gain control of a situation.
 - 1. *Blunt impact.* Officers may use a baton or projectile to immobilize a combative person.
 - 2. *Chemical.* Officers may use chemical sprays or projectiles embedded with chemicals to restrain an individual (e.g., pepper spray).
 - 3. *Conducted Energy Devices (CEDs).* Officers may use CEDs to immobilize an individual. CEDs discharge a high-voltage, low-amperage jolt of electricity at a distance; not considered an alternative to deadly force.
- F. Lethal Force — Officers use lethal weapons to gain control of a situation.
 - 1. Officers use deadly weapons such as firearms to stop an individual's actions.
 - 2. Carotid artery restraints or similar techniques shall be considered lethal force.

V. PROCEDURES

A. USE OF LETHAL FORCE

1. Police Officers are authorized to use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
2. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to use deadly force.

B. DEADLY FORCE RESTRICTIONS

1. 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.
2. Absent extraordinary circumstances, warning shots should not be fired.
3. Firearms shall not be discharged at/from a moving vehicle unless in defense of life.
4. Firearms shall not be discharged when it reasonably appears that an innocent person may be injured.

C. USE OF LESS LETHAL FORCE

1. Officers may use only that level of force that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department-approved, less lethal use of force options and tools when one or more of the following apply:
 - a. To protect the officer or others from physical harm.
 - b. To restrain or subdue a resistant individual
 - c. To bring an unlawful situation safely and effectively under control.
 - d. To effect arrest.

D. FACTORS TO CONSIDER IN EMPLOYING FORCE

1. Subject Factors
 - a. Seriousness of the crime committed by the subject;
 - b. Size, age and weight of the subject;
 - c. Apparent physical ability of the subject
 - d. Subject's medical conditions, mental state and influence of alcohol or drugs;
 - e. Number of subjects present who are involved, or who may become involved;
 - f. Weapons possessed by or available to the subject;
 - g. Known history of violence by the subject
 - h. Presence of innocent or potential victims in the area;
 - i. Whether the subject can be recaptured at a later time;

- j. Whether evidence is likely to be destroyed.
2. Officer Factors
- a. Size, physical ability and defensive tactics expertise of the officer.
 - b. Number of officers present or available.
 - c. The necessity for immediate action in the case of sudden attack.
 - d. Weapons or restraint devices available to the officer.
 - e. Legal requirements.
 - f. Agency policy.

E. MEDICAL AID FOLLOWING THE USE OF FORCE

If an employee uses lethal or less lethal force against a person, he/she will do the following:

- 1. Request Emergency Medical Service at the scene if injuries are serious enough to warrant immediate attention (ex. severe bleeding, unconsciousness, or other severe trauma), and immediately render the appropriate first aid; or
- 2. Transport the subject expeditiously to the nearest medical facility if the subject appears to be in acute distress.

F. REPORTING USE OF FORCE

- 1. When Written Report Required: unless injury to the officer prevents it, and before the end of the employee's shift, a Use of Force form DP#54 will be submitted whenever an employee:
 - a. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
 - b. Discharges a firearm, for other than training or recreational purposes;
 - c. Applies force through the use of lethal or less than lethal weapons, including the pointing of a firearm in the view of the public;
 - d. Applies weaponless physical force such as the following:
 - (1) Physical strength and skill is used against the suspect, not to include standard handcuffing procedures during a lawful arrest;
 - (2) The suspect is hit or struck in any manner by the employee;
 - (3) The suspect has visible injury from the use of force by an employee; and/or
 - (4) The suspect complains of an injury.
 - e. Places a subject in handcuffs or other restraints for officer safety or other reasonable justification during a detention, but the officer does not perform a custodial arrest or emergency detention on said same subject.
- 2. Calls Involving More than One Employee: an officer who uses force is responsible for completing the offense/incident report. Additionally, other involved officers will complete their own narrative supplement to any arrest or offense/ incident report to describe their actions.
- 3. Routing and Review: the Use of Force Report and any related reports will be routed through the Chain of Command to the Institution Chief of Police. If it is

determined during the in-line review that improper procedure or error occurred, appropriate action will be initiated, to include an Internal Affairs investigation. After that review, the Institution Chief of Police will forward the report and any related reports to the Office of Director of Police. Annually, the Director of Police will conduct an analysis of the use of force within the agency.

G. INVESTIGATING USE OF FORCE

1. No Firearms and No Serious Physical Injury: if firearms were not involved and injuries sustained were not serious physical injuries, the use of force will be reported and reviewed through the chain of command.
2. Involved Employee Immediate Activities:
 - a. Whenever less-lethal weapons or physical force (less lethal force) is used on another, the officer will notify his supervisor immediately.
 - b. The supervisor will conduct a preliminary investigation and ensure medical treatment is provided, if necessary.
 - c. Officers involved in the use of less lethal force will submit a Use of Force report detailing their actions prior to the end of their tour of duty. The report will contain all available information to include, but not be limited to the following:
 - (1) Complete identification of the person(s) against whom force was used;
 - (2) Type of force and the justification for the use of force; complete description of the type of force, including the number of strikes, etc., and description of the method / weapon used;
 - (3) Detailed listing of the injuries to the person, if applicable, including exact locations of the injuries on the person's body;
 - (4) Photos will be taken of all injuries;
 - (5) Information on medical treatment, if applicable, which will include the date, time, location of medical treatment, the attending medical personnel, and whether treatment or hospitalization was required;
 - (6) Existing injuries not caused by the use of force will be described and explained as being present prior to the incident;
 - (7) A listing of criminal charges against the person; and
 - (8) A summary of the circumstances surrounding the use of force by the officer. This summary will identify all officers involved and witnesses to the incident.
3. Firearms or Serious Physical Injury or Death. The following procedures will be followed after every incident of firearms discharge (other than training or recreation) by an officer and after every use of force that results or is likely to result in serious physical injury or death.
 - a. Involved Employee Immediate Activities: the involved employee will:
 - (1) Determine the physical condition of any injured person and render first aid where appropriate;
 - (2) Notify the police dispatcher giving the location of the incident and requesting medical aid, if necessary;
 - (3) The involved officer will remain at the scene (unless injured) until the arrival of a supervisor and/or investigator. However, if

- circumstances are such to cause a hazardous situation, the officer has the discretion to move to another, more appropriate location;
- (4) The officer will protect the instrument used or alleged to have been used to cause the serious injury or death; and submit said instrument to the appropriate supervisor or investigator for examination; and
 - (5) Involved officers will provide an oral account of the incident to the shift supervisor; and complete a detailed Use of Force report as soon as possible, depending on the officer's physical and emotional state.
- b. Supervisor: the notified supervisor shall accomplish the following:
- (1) Proceed to the scene and conduct a preliminary field investigation to include photographs;
 - (2) Assist the involved officer(s);
 - (3) Render command assistance to the assigned investigator(s); and
 - (4) Submit a detailed written report of the results of his preliminary investigation along with the Officer's Use of Force report to the Patrol Commander;
- c. Office of Director of Police. The Office shall conduct an administrative investigation of every incident of firearms discharge for law enforcement purposes. If so warranted by the Director of Police or if requested by the Institution Chief of Police, the Office shall conduct an administrative investigation of a referred incident involving an officer's non-firearms use of force. Any investigation will be parallel to and independent of a concurrent criminal investigation. The investigation will determine:
- (1) Whether the incident/shooting was;
 - (a) Within policy limits
 - (b) Outside policy limits
 - (c) Accidental or negligent
 - (2) Training considerations; and
 - (3) Implications for supervision.

H. REMOVAL FROM LINE-DUTY PENDING ADMINISTRATIVE REVIEW

1. In the event that an employee becomes involved in an incident which results in the death or serious physical injury of another person, the employee will be reassigned from line-duty, pending administrative review of the incident. It is at the discretion of the Institution Chief of Police to place the officer on temporary inter-department duty or grant an administrative leave of absence. The purpose of this action is to protect the interest of the agency and the officer and to shield the employee from possible confrontation with the community.
2. Affected Employee's Responsibilities: employees removed from line-duty shall not speak to anyone about the incident, EXCEPT the employee will cooperate with the supervisor and investigator as directed, and may discuss the incident with the following:
 - a. State Attorney / OGC
 - b. Psychologist
 - c. Employee's chosen clergy

- d. Employee's privately retained attorney
- e. Employee's immediate family
- f. Other persons must be approved by the Director of Police

The involved employee(s) shall make themselves available to members of the agency so authorized to investigate the incident. Employee(s) shall cooperate with all personnel assigned to investigate the incident.

I. POST CRITICAL INCIDENT TRAUMA

1. Any employee who is involved in a shooting incident or other traumatic situation may, as a normal response to that incident, suffer some effects of what has been classified as post critical incident trauma. Such trauma can be a normal human response and needs to be recognized as such by all persons. There are individuals who suffer no such trauma and this, too, is a normal reaction. This section is to establish the format by which the department will assist employees and their families who may be affected by post critical incident trauma. This assistance is provided under the Employee Assistance Program (EAP) and is given to aid and support the employee and their family so the individual will remain a productive member of the department.
 - a. The employee involved in an incident connected to the serious injury or death of another, in the line of duty, shall when possible, give account of the incident to the supervisor so that appropriate notifications are made. The involved employee shall not be permitted to be interviewed by the media.
 - b. The employee involved in a serious injury or death of another person should, when practical and in the company of another employee, be moved away from the scene to await the arrival of investigators. The role of the companion is to provide support for the person involved. If more than one person is involved, they should be separated and each shall have the company of a fellow employee.
 - c. As soon as practical after the critical incident, the involved employee may communicate with family.
 - d. If the affected employee requires immediate professional counseling assistance following the critical incident, the supervisor will ensure that those contracted to provide professional services for members of the department are notified.
 - e. Following any critical incident, there may be other employees adversely affected (e.g. dispatchers), who although not directly involved, may be emotionally affected by the incident. All department supervisors must be aware of this fact and monitor their employees' emotional condition and provide whatever support and counseling is necessary.
 - f. No later than 72 hours after a critical incident has occurred, the employees involved shall be required to meet with a psychologist or other mental health professional.
 - g. After administrative review and with advice of the consulted mental health professional (where applicable), the Chief of Police may return the employee to full duty.

- h. A critical incident de-briefing shall be conducted as soon as practical.

J. TRAINING

It is imperative that a police officer act within the boundaries of law, professional ethics, good judgment, and accepted practices. An officer must be prepared by training, leadership, and direction to act wisely when using a firearm in the course of official activity. For these reasons, each commissioned officer must be given a copy of this directive and trained in the agency's policy on the use of force before being authorized to carry a firearm.

K. HANDLING/DISPLAY OF WEAPONS

Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.



Michael J. Heidingsfield
Director of Police