USE OF FORCE

Non-deadly force is to be used only when the officer determines it is necessary and it is justified under the provision of Sections 9.01 to 9.31 and Section 9.41 of the Texas Penal Code. An officer may use deadly force to protect himself or others from what he reasonably believes to be an immediate threat of death or serious bodily injury.

USE OF NON-DEADLY FORCE

The Code of Criminal Procedure (art. 15.24) provides that peace officers may use "all reasonable means" to effect an arrest and that "No greater force...shall be resorted to than is necessary." The policy of the Laredo Police Department shall be that officers shall use the least amount of force necessary to subdue and/or arrest any person. This policy shall not be construed as restricting an officer from using any legal force necessary to protect himself or a third person. To the extent necessary and reasonable, an officer uses physical strength and skill, to apply non-deadly force.

Use of force is not authorized:

- In response to such actions as verbal provocation or spitting.
- To harass or punish;
- To interview or interrogate;
An officer may use his baton, ku-baton or chemical spray to protect himself or another from assault or to arrest a person who unlawfully and violently resists arrests, if lesser methods have failed or if circumstances warrant the immediate use of the baton, ku-baton or chemical spray.

**Oleoresin-Capsicum Device**

Oleoresin-capsicum spray is a powerful irritant that occurs naturally in cayenne pepper. It comes in a 5% concentrate aerosol spray.

**Criteria for use:**

The device may be used against aggressive, unarmed suspects when lower levels of control have failed or have been determined by the officer to be inadequate.

**Deployment:**

The device is sprayed directly into the suspect’s face, at an optimum distance of four to six feet. The direct spray causes immediate respiratory inflammation with gagging, shortness of breath, burning of the eyes, and skin irritation.

**Care of contaminated subject:**

Move the contaminated subject into an area with uncontaminated air, preferably outside.

The effects should disappear after a few minutes of exposure to fresh air.

If a quicker recovery is required, the contaminated subject’s face may be rinsed with cool water. Soap and water may also be used, but is not required.

If symptoms persist for more than 45 minutes, seek medical attention for the subject.

Utilization of the device constitutes a use of force and requires a report to the Chief of Police.

Oleoresin-capsicum spray is pressurized and should not be stored in areas of extreme temperatures. It should not be left in vehicles, etc.
Officers should use the device only in amounts necessary to stop physical, aggressive behavior. Oleoresin-capsicum spray should not be inhaled in excessive amounts.

Oleoresin-capsicum spray is considered to be an incapacitating device. Therefore, it shall not be taken into areas where weapons are prohibited (i.e., in the jail).

**Tactical Chemical Weapons**

The carrying or use of tear gas is restricted to officers assigned to the Tactical Section.

Use of tear gas weapons by Tactical officers will be governed by the Tactical Section S.O.P and General Order.

**USE OF LETHAL FORCE**

The value of human life is immeasurable in our society. Police Officers have been delegated the awesome responsibility to protect human life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be subservient to the protection of human life. The officer's responsibility for protecting human life must include his own.

As long as members of the public are victims of violent crimes, and officers in the performance of their duties are confronted with deadly force, it remains necessary for police officers to be properly armed for the protection of society and themselves.

The general policy of the Laredo Police Department regarding the use of firearms or other deadly force by police officers, on or off duty, is that an officer will discharge his weapon at another person only when he or she is legally justified and in keeping with department policy. In the event any use of force by an officer results in the death or serious injury of an individual, that officer will be removed from line-duty assignment pending
completion of administrative review of the incident. The following specific guidelines are set forth as a means of assisting police officers in reaching the proper decision when faced with such situations:

A. Laredo Police Officers are permitted to fire their weapons only under the following circumstances:

1. At an approved target in an approved firing range.

2. For practice or recreational shooting in any area where firing a weapon would be safe and would not be in violation of the law.

3. In order to destroy any animal, (with prior supervisory approval) that appears to be suffering from an apparent fatal wound or sickness, but only after making every reasonable attempt to locate and receive permission from the animal's owner and after ensuring that the firing of the weapon will not endanger any person or other property.

4. At any animal that is obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person.

5. In self-defense or in defense of another person from what reasonably appears to be the use of deadly force, or in immediate danger of serious physical injury.

B. An officer is not justified in the use of deadly force to protect himself or others from assaults which are not likely to result in death or serious bodily injury.

C. Shots shall not be fired on mere suspicion that a crime, no matter how serious, was committed nor on the mere suspicion that the person being pursued committed the crime.
1. at another person to effect arrest or to prevent the escape from custody of a person who is suspected of having committed a felony involving the use of a deadly weapon; and

2. is attempting to escape by the use of a deadly weapon or otherwise poses a present, significant threat of death or serious bodily injury, or would create a substantial risk of another person being killed or seriously injured; and

3. the action is necessary to prevent escape and all other means of apprehension have been exhausted or they would obviously be unsuccessful if attempted; and

4. a verbal warning, where practical, has been given.

D. Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time he decides to use such force. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified.

E. Reducing the Risk of Death

1. Regardless of the nature of the crime or the legal justification for firing at the suspect, officers are reminded that their basic responsibility is to protect the public. Officers are instructed to be particularly cautious when firing under conditions that would subject innocent bystanders to substantial danger.

2. In the extreme stresses of a shooting decision, an officer may not have the opportunity or ability to direct his shots to a non-fatal area. To require him to do so could increase the risk of harm to himself or others.
3. Laredo Police Officers are not permitted to fire their weapons under the following circumstances:

a. Warning shots shall not be fired to induce the surrender of any person or for any other reason.

b. Shots shall not be fired at persons who have committed only a misdemeanor or traffic violation.

c. Shots shall not be fired merely to prevent the destruction or theft of property.

d. Shots shall not be fired to halt any person who simply runs away to avoid arrest.

e. When it appears likely that an innocent person may be hit by the shot.

F. Reasons For The Use Of Deadly Force

1. An officer is equipped with a firearm to defend himself or others against deadly force and when it reasonably appears necessary, to effect the arrest of an escaping or fleeing felon, in keeping with this Directive. When a firearm is used by an officer, it must be with the realization that the death of some person may occur, not necessarily with the intent that such will be the result.

G. Shooting At Fleeing Misdemeanants

1. Officers shall not intentionally use deadly force to effect the arrest of a misdemeanor offender.

H. Shooting At Vehicles

1. Officers shall not fire at moving vehicles except in self-defense, the defense of another police officer, or of another person.
2. The assumption that a fleeing vehicle is a deadly weapon and may cause injury to another officer or citizen is NOT in itself justification to use deadly force, whether displayed toward the vehicle or at the driver or occupants.

I. Use Of Police Vehicles

1. Laredo Police Officers shall not attempt to deliberately collide with, or pull in front of pursued vehicles, nor shall they use the police vehicle to force any other vehicle off a roadway. An exception to this provision occurs when an officer is in pursuit of known and extremely dangerous fleeing felons who, if allowed to escape, could create a substantial risk of another person being killed or seriously injured.

J. Surrender Of Weapon

1. Officers are strongly discouraged from ever surrendering their weapons to anyone who may be holding someone as a hostage or is a suspect in criminal activity. The ultimate decision must be made by each individual officer involved, based upon the circumstances that surround the incident.

6.04.005

REPORTING THE USE OF FORCE

All members immediately report the discharging of a firearm, including accidental to the on-duty supervisor. A "Discharge of a Firearm Report" and a Multi-Purpose Supplement Report are submitted.

The Chief of Police and Internal Affairs are to be notified immediately by the Communications Section as directed by the Watch Commander or a supervisor.

A criminal investigation is also conducted when shooting results in injury or death of a person and the officer is to be advised of his constitutional rights (Miranda Warning).
Exceptions to the reporting requirement are
target practice, hunting, ballistic
examinations and incidents involving the
destroying of snakes, dangerous animals or
injured animals to end their suffering, or
animals displaying symptoms of rabies. If
a near miss of a human results during one
of the above exceptions, or the dangerous
animal was shot for attacking the officer
or another person, the discharge is
reported.

FIREARMS REVIEW BOARD

A Firearms Review Board convenes and
reviews circumstances attendant to each
discharge of a firearm by a department
member. The Board consists of the Chief of
Police (optional), Assistant or Deputy
Chief, the Division Commander, the
Lieutenant, a supervisor from the same
division as the officer and a firearms
instructor.

The Board evaluates in explicit and fact
finding fashion each aspect of an officer
involved shooting. Such evaluation
includes:

- a thorough review of the internal
  affairs report;
- a thorough review of the criminal
  investigation report,
  if applicable;
- hearing of direct testimony of the
  officer involved, and if necessary other
  witnesses.

The Board develops findings and makes
recommendations to the Chief of Police in
the following areas:

Training
Tactical considerations
Quality of supervision
Violation of policy or rule
Disciplinary recommendation
Post shooting investigative process and
quality

ADMINISTRATIVE DUTY

Any officer directly involved in a shooting
which injures or kills a person is placed
on administrative duty. This assignment is
not to be interpreted to imply the officer

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has acted improperly. The officer does not discuss the incident with anyone except the district attorney, department personnel assigned to the investigation, the officer’s private attorney, the psychologist, the officer’s minister and immediate family.

**PSYCHOLOGICAL SERVICES**

In all cases where any person has been injured or killed as a result of firearm discharge by a member of the department, that member is required to undergo a counseling session with the department furnished psychologist as soon as practical after the incident but no later than three days after the incident. The purpose of the counseling is to allow the officer to express his feelings and to deal with the moral, ethical and psychological after-effects of the incident. The counseling is not related to any department investigation of the incident and nothing discussed in the session is reported to the Department. The counseling sessions are strictly privileged and remain protected by the Professional Psychologist Code of Ethics and federal privacy laws. This service is also available to the officer’s immediate family.

**COP TALK**

A large diverse support network of volunteer peer counselors, available on a 24-hour basis, to render confidential counseling services to members of the law enforcement profession and their immediate families.

The program maintains a current list of professionals, both within and outside the Department, from which to choose. Peer Counselors have the ability to intervene and help with many different types of problems: Divorce, Retirement, Disability, Family Relationships, Finances, Substance Abuse, Emotional and/or Physical Health Maintenance and Bereavement.
FAILURE TO COMPLY WITH THE CONTENTS OF THIS STANDARD OPERATING PROCEDURE MAY RESULT IN DISCIPLINARY ACTION.

APPROVED: J. L. Martinez
Chief of Police