



June 22, 2015

DeRay McKesson
Muck Rock News
18940-38729894@requests.muckrock.com

RE: Request for Public Information

Dear Mr. McKesson:

Attached in this e-mail, in response to your recent request, is a copy of the current Irving Police Department policies regarding Use of Force. If you have questions, please contact this office at 972.721.2555, or e-mail me at lmoore@cityofirving.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Moore", with a stylized flourish at the end.

Les Moore
Legal Advisor
Irving Police Department

LM/lg

303.00 USE OF FORCE (TPRP 6.02)

303.01 Purpose

The purpose of this policy is to provide police/detention officers of this agency with guidelines for the use of deadly and non-deadly force.

303.02 Policy (TPRP 6.01)

It is the policy of this agency that officers use only the force that is objectively reasonable to effectively bring an incident under control while protecting officers and others. The reasonableness of the use of force cannot be supported solely by the subjective declaration of any one officer. Each incident is to be judged objectively and from the perspective of a reasonably prudent officer in light of the totality of the same or similar circumstances. The use of force will be in accordance with Irving Police Department training.

303.03 Definitions

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.

Non-deadly Force: Any use of force other than that which is considered deadly. This includes any physical effort used to control or restrain another, or to overcome resistance of another.

Objectively Reasonable: The reasonableness of an officer's use of force is based upon the totality of the circumstances known by the officer at the moment the force is used. Officers will consider the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to flee. This standard is based on what a reasonable officer would do under similar circumstances.

Officers: For the purposes of this policy, the term "Officers" refers to both police and detention officers.

303.04 Procedures (TPRP 6.09)

A. Use of Deadly Force

- *1. When objectively reasonable, officers are authorized to use Deadly Force to protect officers or others from what is believed to be an immediate threat of death or serious bodily injury.
2. The use of a firearm at or from a moving vehicle is authorized if the officer reasonably believes that deadly force is immediately necessary to protect his life or the life of another.

B. Deadly Force Restrictions

1. The firing of warning shots is prohibited.

C. Use of Non-Deadly Force

1. Where deadly force is not authorized, officers may use only that level of force which is objectively reasonable to bring an incident under control.
2. Officers are authorized to use non-deadly force techniques and issued equipment to:
 - a. Protect the officer or others from physical harm
 - b. Restrain or subdue a resisting individual and/or
 - c. Bring an unlawful situation safely and effectively under control

***303.05 Use of Force Options**

- A. Officer Presence: Identification of authority
- B. Verbal Direction: Commands of direction or arrest
- C. Soft Empty Hand Control Techniques
 1. When objectively reasonable, officers are authorized to use Soft Empty Hand Control techniques.
 - *2. Soft Empty Hand Control Techniques generally will not cause injury and include joint locks, pressure points, and knee strike distraction techniques to the thigh. **Note:** Knee strikes to the common peroneal that are intended to create a motor dysfunction are more likely to cause an injury and should be considered hard empty hand control.
- *D. Oleoresin-Capsicum Device
 1. When objectively reasonable, officers are authorized to use the Oleoresin-Capsicum device issued by the Department.
 2. Before being allowed to carry an Oleoresin-Capsicum device, officers must be certified for the use of the device through a Departmentally-sanctioned training program.
 3. Any arrestee who has been sprayed with an Oleoresin-Capsicum device must be transported to the jail or appropriate medical facilities and observed.
- *E. TASER
 1. When objectively reasonable, officers are authorized to use TASER.
 2. Only those officers who are certified to use TASER through a Departmentally-sanctioned training program are authorized to carry one.
 3. Officers are responsible for ensuring their TASER is in working order before use.
 4. Officers who are certified to use the TASER may purchase an approved TASER at their own expense.

- a. Officers must take their personally owned TASER to the Training Academy for inspection to have the serial number recorded prior to carrying the TASER on or off-duty.
 - b. When ordered to do so, officers are required to present their personally owned TASER for inspection or downloading data.
 - c. Only TASER cartridges provided by the Department are authorized.
- F. Hard Empty Hand Control
 - 1. When objectively reasonable, officers are authorized to use Hard Empty Hand Control techniques.
 - *2. Hard Empty Hand Control techniques have a probability of injury in the form of bruises, contusions, or lacerations. These techniques include but are not limited to kicks and strikes or takedowns on hard surfaces such as concrete and asphalt.
- G. Lateral Vascular Neck Restraint
 - 1. When objectively reasonable, officers are authorized to use the Lateral Vascular Neck Restraint.
 - 2. Only officers certified in the use of the Lateral Vascular Neck Restraint, through a Department sanctioned training program, are authorized to use this technique.
 - 3. The "bar arm" neck restraint is prohibited. Pressure against a suspect's trachea is considered deadly force, acceptable only in immediate defense of life.
- H. Intermediate Weapons
 - 1. Baton
 - a. When objectively reasonable, officers are authorized to use Departmentally-approved expandable batons.
 - b. Only officers certified to use the baton, through a Departmentally-sanctioned training program, are authorized to carry one.
 - 2. Flexible Baton (Beanbag) Round
 - a. When objectively reasonable, officers are authorized to use the Flexible Baton Round.
 - b. Only officers certified to use the Flexible Baton Round, through a Departmentally-sanctioned training program, are authorized to use it.
- I. Deadly Force
 - 1. When objectively reasonable, officers are authorized to use Deadly Force to protect officers or others from what is believed to be an immediate threat of death or serious bodily injury.

Revised 03/12/14

303.06 Reporting (TPRP 6.03, 6.07)

- A. Any use of force greater than Soft Empty Hand Control, or when injury or claims of injury occur, or upon display of the TASER will be reported by the officer to his immediate supervisor.
 - 1. Officers will complete the Use of Force Report and forward to their immediate Supervisor.
- B. Supervisor's Responsibilities
 - 1. Ensure the use of force conforms to Departmental policy
 - 2. Ensure the Use of Force Report is completed
 - 3. Ensure injured officers/subjects receive or are offered treatment for their injuries
 - 4. Notify their Division Commander, Criminal Investigation, and Professional Standards when deadly force is used or when there is serious bodily injury.
 - 5. Ensure that digital photographs are taken of any observed or reported injury and of any involved person or officer and attached to the Use of Force Report.
 - 6. Forward Use of Force Report and photographs through the Chain of Command.
- C. The Use of Force Report will be reviewed by the Training staff.
- D. Incidents involving use of force while an officer is off-duty will be reported to an on-duty supervisor immediately.

Revised 11/01/11

303.07 Training (TPRP 3.02, 3.03, 3.04, 3.06)

- A. Officers will receive training on an annual basis which will include:
 - 1. Use of Force - Objectively Reasonable Standard
 - 2. Use of Deadly Force
 - 3. Firearms proficiency
 - 4. Empty Hand Control Techniques
 - 5. Oleoresin-Capsicum Device
 - 6. TASER
 - 7. Lateral Vascular Neck Restraint
 - 8. Baton
 - 9. Flexible Baton

303.08 Departmental Review of Deadly Force (TPRP 6.08)

- A. The Professional Standards Section will conduct an investigation into all instances where deadly force is used. This investigation is separate and independent from any criminal investigation. Under the following situations, Professional Standards is to be notified immediately:
 - 1. When officers discharge weapons under any circumstances, on or off-duty, except during firearms training sessions or recreational activities.
 - 2. In the event the use or attempted use of deadly force causes serious injury or death to any person as the result of police action or the conduct of an officer whether on or off-duty.
- B. Officers involved in actions that intentionally or accidentally result in the death or serious injury of a person will immediately be placed on Administrative Leave pending a preliminary review of the circumstances by Professional Standards.
- C. The completed Review of Deadly Force will be forwarded to the Chief of Police.

Revised 9/1/09

***303.09 Use of Force Review (TPRP 6.10)**

- A. All use of force reports are forwarded to and reviewed by the appropriate chain of command.
- B. All use of force is reviewed quarterly or when requested by the Operations Bureau Chief, by the Use of Force Review Board. This review is to ensure departmental compliance with policy and to identify areas for improvement or needed training.
- C. The Use of Force Review Board is chaired by the Operations Bureau Chief and is comprised of the following personnel:
 - 1. Legal Advisor,
 - 2. Patrol Captains,
 - 3. Technical Services Captain,
 - 4. Jail Lieutenant,
 - 5. Professional Standards Lieutenant,
 - 6. Personnel and Training Lieutenant,
 - 7. Training Sergeant,
 - 8. Defensive Tactics/Use of Force Instructors and,
 - 9. Representatives from Organizations representing Department employees.
- D. The Board will submit a written report outlining their conclusions and recommendations to the Chief of Police. This report will include, but not be limited to:

1. Trends or patterns revealed by this review
 2. Number of use of force incidents by division
 3. Number of uses of force involving arrest
 4. Number of incidents by use of force option
 5. Number of uses of force resulting in injury
 6. Number of civilians injured/severity
 7. Number of officers injured/severity
 8. Recommendations for improvements in use of force training or policy
 9. Recommendations regarding prevention of use of force injuries
 10. Other recommendations or comments determined necessary by the panel
- E. This Board will convene as soon as practical after the last day of the calendar year and meet at the discretion of the Chairman. The final report of this Board will be due within forty-five (45) calendar days from the date of the first meeting.
- F. Upon completion of the review and report, the results will be presented to the Staff and Training Academy personnel.
- G. The final report of this Board will be available for review by members of the Department.

Revised 11/1/13