



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 501 – Use of Force

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.01 INTRODUCTION

The procedure provides officers with guidelines on the use of non-deadly and deadly force. This procedure also explains the process officers shall follow for reporting use of force incidents.

.02 POLICY

- A. The San Antonio Police Department requires its officers to exhibit a sense of prudent judgment derived from departmental training, acquired knowledge, skills, and ability in the exercise or application of any level of force.
- B. Officers shall use only the level of force necessary to accomplish a lawful police objective. Any time force is used, the officer shall apply a level of force reasonable for the situation.
- C. The San Antonio Police Department requires all officers to document use of force incidents on SAPD Form #62-UOF, *Use of Force Report*, in accordance with this procedure. The Department also requires supervisors to respond to the scene of use of force incidents and to review all *Use of Force Reports*, to ensure the application of force conforms to established guidelines and departmental policy and procedures.

.03 DISCUSSION

- A. The sanctity of human life and individual liberties are immeasurable elements of modern society which vests police officers with the responsibility for the preservation and protection of its paramount values. In the pursuit of this responsibility, officers maintain the understanding the protection of property and apprehension of criminal offenders is subservient to the protection of life, including their own.
- B. In the course of discharging their duty, police officers are often confronted with situations requiring some degree of force to be exercised in order to effectively maintain public order and safety. This may be achieved on an ascending scale of the officer's presence, verbal communications, open/empty hands control, physical force, intermediate weapon and deadly force, according to and proportional with the circumstances of the situation. The application of force must be conducted in a manner reasonable and commensurate to achieving a level of control that cannot otherwise be obtained through the use of other alternatives.
- C. Although the use of a reasonable amount of force is authorized in appropriate circumstances, such as those involving the protection of the officer or others from bodily harm, officers must be aware unnecessary or excessive force violates Federal Statutes, the Texas Penal Code and departmental policy.

.04 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Active Resistance	Anti Felon Identification (AFID)	Approved Weapon
Brandishing/Displaying Firearm	Deadly Force	Drive Stun Mode
Electronic Control Devices (ECD)	Force	Injury
Intermediate Weapon	Lateral Vascular Neck Restraint	Non-deadly Force
Officer's Presence	Oleoresin Capsicum (OC)	Open/Empty Hands Control
Passive Resistance	Physical Force	Probe Mode
Reasonable Force	Takedowns	Verbal Communications
Weapon		



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Lateral Vascular Neck Restraint (LVNR) - The lateral vascular neck restraint (LVNR), commonly known as a sleeper hold, or carotid chokehold, is a general term for a grappling hold that critically reduces or prevents either air (choking) or blood (strangling) from passing through the neck of an opponent. The restriction may be of one or both and depends on the hold used and the reaction of the victim.

.05 APPLICATION OF FORCE

- A. With the exception of an officer’s presence or verbal communications, the use of any type of force is not justified in response to verbal provocation alone.
- B. Police officers finding it necessary to use force to achieve a lawful police objective shall use a reasonable amount of force to affect the objective. However, nothing in this procedure is interpreted to mean an officer must prolong any combat or struggle in order to satisfy any element of escalation rather than resort to a reasonable method that resolves the situation in the safest and most expedient fashion.
- C. The use of force by an officer can be viewed as a matrix of force options used in response to a subject’s actions and behavior. The force matrix illustrates the relationship between a subject’s actions and the officer’s response. As force options move from lesser to greater levels, the risk of injury to the suspects and/or officers increase. The matrix is designed to assist officers in understanding how force can escalate.

OFFICER’S PERCEPTION OF SUSPECT’S ACTIONS					
	Compliant (Cooperative)	Passive Resistant	Active Resistant	Imminent Assault (Bodily Injury)	Imminent Serious Bodily Injury/Death
<i>Officer’s Presence</i>	✓	✓	✓	✓	✓
<i>Verbal Communications</i>	✓	✓	✓	✓	✓
<i>Open/Empty Hands Control</i>		✓	✓	✓	✓
<i>Physical Force</i>			✓	✓	✓
<i>Intermediate Weapon</i>			✓	✓	✓
<i>Deadly Force</i>					✓

- D. An officer should consider the following factors when assessing the need to use force:
 1. Is the suspect submitting peacefully or resisting?
 2. Is the suspect armed?
 3. What is the nature of the crime?
 4. Does the suspect have a previous arrest record or history showing violence?
 5. Number of suspects involved?
 6. How much support from other officers is available?



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- E. A weapon is not displayed or brandished as a threat unless its potential use in the situation would be reasonable, or if the circumstances clearly call for the use of a weapon to control a dangerous situation, or in accordance with Chapter 9 of the Texas Penal Code.

- F. De-escalation of force:
 - 1. When employing necessary force, which is greater than an officer's presence, and this level of force is being employed to achieve a lawful police objective, officers shall de-escalate their use of force options when a subject's actions indicate that the initial use of force has achieved an acceptable level of compliance by a subject.
 - a. If circumstances allow, Officers should attempt to de-escalate tense situations through "advisements, warnings, verbal persuasion, and other tactics" to reduce the need for force.
 - 2. The de-escalation of force principle requires an officer to decrease the scope, or intensity of physical force being employed against a subject only when the resisting or non-compliant subject clearly demonstrates that he or she has decreased the level of resistance against an officer who is attempting to achieve a lawful police objective.
 - 3. The de-escalation of force can be viewed as a direct relationship between a subject's resistance level to an officer's use of force level. As a subject decreases his or her level of resistance, the responding officer also decreases the level of force required to gain compliance.

- G. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers shall immediately report these observations to a supervisor.

.06 USE OF NON-DEADLY FORCE

- A. When attempting to affect an arrest, officers should use verbal communications prior to the use of non-deadly force, if possible.

- B. If verbal communication has been exhausted or proven ineffective, officers are authorized to use open/empty hands control.

- C. If an open/empty hands control has been exhausted or proven ineffective, officers are authorized to use physical force.

- D. If physical force has proven ineffective or is not a reasonable option based upon the circumstances, officers are authorized to use an intermediate weapon to affect an arrest. Officers using intermediate weapons must be authorized to carry such weapons in accordance with GM Procedure 309, *Weapons*.

- E. Officers may resort to the use of an approved intermediate weapon when:
 - 1. Lesser methods have failed;
 - 2. In self-defense or defense of a third person;
 - 3. Subduing or controlling a violent subject;
 - 4. Subduing an actively resisting actor; or
 - 5. Physical force has proven ineffective or is not a reasonable option based upon the circumstances.

- F. Oleoresin Capsicum (OC) Spray/Gel and/or Electronic Control Device (ECD)



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1. Only officers who have successfully completed a training course and are certified in the use of OC spray/gel and/or an ECD are authorized to carry and use OC spray/gel and/ or ECD as an intermediate weapon. Additionally, only officers who have also successfully completed a 40 hour Crisis Intervention Training course are authorized to carry an ECD.
2. Officers shall only carry and use department-issued OC spray/gel and/or ECDs.
3. Officers shall carry the OC spray/gel and /or ECD in an authorized carrier.
4. OC spray/gel and /or ECD shall not be brandished, displayed, or pointed at a subject in an intimidating manner unless an officer is attempting to prevent further escalation of force.
5. Officers using OC Spray/Gel and/or ECD:
 - a. Oleoresin Capsicum Spray/Gel
 - (1) As with any other type of force, officers will end application of OC Spray/Gel when the subject discontinues resistance or aggression. OC Spray Spray/Gel is irritating to the eyes, nose, and skin. Any time OC Spray/Gel is used to control or subdue an actively resisting or violent subject, the officer will ensure the subject is decontaminated as soon as possible, to reduce the discomfort caused by the OC Spray/Gel. Decontamination consists of the application of water to the subject's eyes and face.
 - (2) Decontaminate prisoners exposed to OC Spray/Gel before being transported to the Detention Center. Prisoners exposed to OC spray/gel, will be observed by an officer for 45 minutes to ensure the prisoner does not require medical attention. If in the officer's opinion, the prisoner appears to be in severe pain, discomfort, or exhibits unusual symptoms such as unconsciousness, profuse sweating, chest pain or slow, shallow breathing, the officer shall immediately request EMS to the scene.
 - (3) The decontamination process and amount of time the prisoner was observed will be documented in the officer's report and on the SAPD Form #62-UOF, *Use of Force Report*.
 - b. Electronic Control Devices (ECD) will be used in accordance with GM Procedure 512, *Electronic Control Devices*.

.07 USE OF DEADLY FORCE

- A. This section applies to all forms of deadly force, regardless of the type of instrument or weapon used.
- B. The use of deadly force is authorized only to protect an officer or another person from what is reasonably believed to be an immediate threat of death or serious bodily injury.
 1. An officer with an honest and sincere personal belief his life or the life of another person is in imminent danger is justified in using deadly force to preserve that life.
 2. Justification for the use of deadly force is determined by the facts known or perceived by the officer at the time the deadly force is employed.
- C. The use of deadly force against one who is fleeing from custody, or who is fleeing immediately after committing an offense, is prohibited unless the officer has probable cause to believe the suspect poses an imminent threat of death or serious bodily injury to the officer or a third party.
- D. A lateral vascular neck restraint (LVNR) shall not be used unless deadly force is authorized.
- E. Approved firearms are intended to be used as defensive instruments to prevent an assailant from completing a potentially deadly act. A firearm is discharged with the intent to stop or incapacitate.



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- F. Firearms are not discharged under the following circumstances:
1. As a warning shot;
 2. When it appears likely a non-participant may be injured; or
 3. At or from a moving vehicle, except as the ultimate measure of self-defense or defense of another. Officers should employ all reasonable means available to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

.08 SHOULDERS WEAPON DEPLOYMENT

- A. If physical force and the use of intermediate weapons have proven ineffective or are not reasonable options based upon the circumstances, officers authorized to deploy and use a department approved shoulder weapon may do so to neutralize a threat that poses an imminent danger of serious bodily injury or death to any person.
- B. Officers shall only utilize a shoulder weapon consistent with the training received and in accordance with all GM Procedures and Standard Operating Procedures (SOPs).
- C. A shoulder weapon is intended to augment primary and approved handguns under circumstances where a hand held weapon is not sufficient to neutralize a perceived threat that may result in serious bodily injury or death.
1. A shoulder weapon may be used or deployed at a scene where it is requested by an officer or supervisor who is in a position to articulate the need for such support; and
 2. Supervisors will ensure compliance with section .12 of this procedure.
- D. The decision to deploy or use a shoulder weapon will be dependent upon the actions of the subject, the threat facing the officer, and the totality of circumstances surrounding an incident.
- E. As with any other type of force, officers will end the use of a shoulder weapon when the subject discontinues resistance, aggression, or when the threat has been sufficiently neutralized and a shoulder weapon is no longer necessary to affect a police response.
- F. Shoulder weapons should not be brandished, displayed, or pointed at a subject in an intimidating manner unless an officer is attempting to prevent further escalation of force, or finds it necessary to discharge the weapon to neutralize a threat of serious bodily injury or death to any person.
- G. More than one officer may deploy a shoulder weapon at a scene as dictated by the circumstances, keeping in mind the location of other officers, other persons, and other variables involved in the situation.
- H. As soon as practical, an officer will immediately notify the Communications Unit of a shoulder weapon discharge and advise on whether there are any hits or injuries.
- I. Improper handling or inappropriate uses of a shoulder weapon which may result in disciplinary action.

.09 MEDICAL TREATMENT

- A. Prisoners, who are injured as a result of an officer's use of force, either physical, non-deadly, or deadly force, are provided immediate medical treatment in accordance with GM Procedure 601, *Prisoners*.
- B. Officers having prisoners who have been exposed to oleoresin capicum (OC) Spray/Gel and/or ECD utilization, shall comply with Subsection .06 F of this procedure.



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.10 USE OF FORCE REPORT RESPONSIBILITIES

- A. Officers shall complete SAPD Form #62-UOF, *Use of Force Report*, under the following circumstances:
 - 1. Any force used by an officer greater than an open/empty hands control technique, as listed in Subsection .05C;
 - 2. Any force used by an officer which causes an individual to impact the ground/floor, object, or another person (e.g. a push, leg sweep, hip throw, etc.). This does not include those situations where a suspect is directed and voluntarily goes to their knees or assumes a prone position on the floor, prior to being handcuffed;
 - 3. Any force used by an officer that causes injury to an individual, which requires medical treatment;
 - 4. Any force used by an officer that causes death to an individual;
 - 5. Discharging a firearm at an individual to accomplish a lawful police objective;
 - 6. The use of an intermediate weapon by an officer; and
 - 7. When a police canine bites an individual.
- B. When a prisoner offers resistance during an arrest and the officer does not use more than an open/empty hands control, the officer will check the appropriate box on the booking slip. The information gathered on the suspect's resistance will be used for statistical purposes.
- C. Although an officer's presence, verbal communication, open/empty hands control techniques, or the brandishing or displaying of a weapon does not require the completion of SAPD Form #62-UOF, *Use of Force Report*, the details must be documented in the officer's report.
- D. The discharging of a firearm in order to destroy an animal, in accordance with GM Procedure 605, Subsection .02F, does not require the completion of SAPD Form #62-UOF.

.11 OFFICER RESPONSIBILITIES

- A. Each officer using force during an incident which requires them to complete SAPD Form #62-UOF, *Use of Force Report*, in accordance with Section .09 of this procedure shall:
 - 1. Notify the supervisor of the type of force used and whether the prisoner received any type of injury as a result of the use of force.
 - 2. Request the supervisor to respond to the scene.
 - a. An officer may relocate the prisoner prior to the arrival of a supervisor due to a threat of violence or exigent circumstances.
 - b. If an officer does relocate from the scene, he shall notify the dispatcher and the responding supervisor.
 - 3. Complete SAPD Form #62-UOF, *Use of Force Report*, documenting the specific type of force the officer used.
 - 4. Complete a detailed, accurate offense/incident report describing the force used and the circumstances and facts surrounding the use of force.
 - 5. Complete SAPD Form #62, *Injured Prisoners Report*, for those injured prisoners who receive medical treatment at a hospital.



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6. Attach a copy of the offense/incident report to the completed SAPD Form #62-UOF, *Use of Force Report* as well as the SAPD Form #62, *Injured Prisoners Report* and give it to the supervisory officer who was notified of the use of force incident.

B. The SAPD Form #62-UOF, *Use of Force Report* shall be completed before the officer ends his tour of duty.

.12 SUPERVISORS' RESPONSIBILITIES

A. Supervisory officers who are notified of a use of force incident, which requires a SAPD Form #62-UOF, *Use of Force Report* in accordance with Section .09 of this procedure shall:

1. Respond to the scene;
2. Contact the officer(s) involved in the use of force; and
3. Request a UEDI to photograph the person who had the force used against them. If a UEDI is unavailable a Crime Scene Unit Investigator shall be requested. In their absence, the responding supervisor will take the photos.
 - a. The photographs shall include photos of any documented, visible or alleged injuries.
 - b. The photographs shall take place as soon as practical after the incident.
 - c. The photographs will be handled in accordance with GM Procedure 408, *Digital Photography*.

B. If a supervisor from the section is not available to respond to the scene of a use of force incident the dispatcher will send any available supervisor.

C. The supervisor shall evaluate the circumstances surrounding the use of force incident and:

1. Interview the prisoner, when available;
2. Determine and ensure the use of force incident meets the criteria, which requires completion of the *Use of Force Report*;
3. Determine if departmental policies and procedures were followed;
4. Ensure proper medical treatment has been offered to the prisoner, and if oleoresin capsicum (OC) spray/gel was used, the decontamination process is conducted;
5. When an ECD has been utilized and the subject received an electrical charge, the supervisor relieves the officer of his ECD. The sergeant downloads the ECD's internal information onto the ECD computer tracking system. Afterward, the supervisor returns the ECD to the officer as soon as possible. The sergeant also issues the officer replacement cartridges when applicable;
6. Ensure all officers who use force, in accordance with Subsection .09A during the incident, complete SAPD Form #62-UOF, *Use of Force Report*.

D. Procedural violations identified by the supervisor will be handled in accordance with GM Procedure 303, *Disciplinary Procedures*. Supervisors shall route line complaint disposition reports or formal preliminary complaint investigation packets through the chain of command.

E. If the officer(s) is unable to complete the SAPD Form #62-UOF, *Use of Force Report*, the supervisor shall prepare the report based on available information.



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- F. The supervisory officer receiving SAPD Form #62-UOF, *Use of Force Report*, shall complete the appropriate section of the report and route the original report to the Internal Affairs Unit.
- G. Supervisors not responding to any use of force incident, as outlined in Subsection .11A of this procedure, shall document in a report the reason he did not respond. This report will be forwarded to his division commander through the chain of command.

.13 USE OF FORCE ANALYSIS

- A. The *Use of Force Reports* will be analyzed annually by the Internal Affairs Unit and the data will be used to prepare the *Formal Cases and Line Complaints Report* for the Chief of Police.
 - 1. The Chief of Police shall designate the Deputy Chief assigned to the Major Crimes and Intelligence Division to serve as the central point of contact for information, and will forward any recommendations for program improvements, as needed.
 - 2. The Major Crimes and Intelligence Division Deputy Chief will submit a report every February 28th which will highlight significant findings in the *Formal Cases and Line Complaints Report* and will contain practices or policies that were changed or added during the reporting year (Jan 1st – Dec 31st).
 - 3. The Major Crimes and Intelligence Division Deputy Chief will meet as needed with the commanders of Internal Affairs, Training Academy, or any other commander in order to identify use of force trends, training, equipment, or policy issues.
- B. An analysis of vehicle pursuits will be completed in accordance with GM Procedure 609, *Emergency Vehicle Operations*.

.14 POST EVENT PROCEDURES

- A. SAPD Form #62-UOF, *Use of Force Report*, shall be reviewed by a supervisor assigned to the Internal Affairs Unit to ensure:
 - 1. The type of force documented meets the criteria required for the completion of SAPD Form #62-UOF, *Use of Force Report*;
 - 2. Whether departmental policies and procedures were followed;
 - 3. The SAPD Form #62-UOF, *Use of Force Report*, is completed properly and is entered into the Use of Force database.
- B. If the Internal Affairs Unit Supervisor determines the incident documented on SAPD Form #62-UOF, *Use of Force Report*, does not meet the criteria for the completion of the SAPD Form #62-UOF, or requires corrections, the Internal Affairs Unit Supervisor shall retain a copy of the SAPD Form #62-UOF and return the original, through the chain of command, to the supervisor who completed the report.
- C. The field supervisor receiving a SAPD Form #62-UOF for clarification of details or corrections shall complete the *Use of Force Clarification Form* and return the form to their Division Commander who will forward the report to the Internal Affairs Unit.
- D. The Internal Affairs Unit Supervisor will review the *Use of Force Clarification Form* and determine if the incident meets the criteria for completion of a SAPD Form #62-UOF, *Use of Force Report*. The *Use of Force Report* is either accepted and entered into the Use of Force database, or is rejected and filed in the Internal Affairs Unit as a rejected *Use of Force Report*.



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- E. Officers involved in the use of deadly force shall be placed on administrative duty or administrative leave in accordance with GM Procedure 908, *Mandatory Reassignment*.