

# General Order

## Houston Police Department



ISSUE DATE:

January 4, 2008

NO.

600-17

REFERENCE: Supersedes all prior conflicting Circulars, Directives, and General Order 600-17, dated March 26, 2007

### SUBJECT: USE OF FORCE

#### POLICY

When dealing with citizens, suspects, and prisoners, employees will limit their use of force and physical contact to only the amount reasonably necessary to protect themselves or others, to effect an arrest, or to bring an incident under control.

In every situation in which a firearm, soft-impact weapon, or a conducted energy device (CED) is discharged, even if the suspect is not struck, officers will notify the Command Center, write a detailed incident report, and the on-scene supervisor will make a supplement.

This General Order applies to all employees.

#### DEFINITIONS

***Bodily Injury.*** An injury causing physical pain, illness, or any impairment of the function of any bodily member or organ.

***Deadly Force.*** Force intended or known to cause or in the manner of its use or intended use is capable of causing death or serious bodily injury.

***Force.*** A physical power exerted to compel a person to comply with law enforcement objectives.

***Intermediate Weapons.*** Within the context of this General Order, intermediate weapons are:

- Baton

- Oleoresin capsicum (OC) spray
- Soft-impact weapon (e.g., beanbag shotgun)
- CED (e.g., stun gun or TASER)

***Serious Bodily Injury.*** An injury that creates a substantial risk of death, or causes death, serious permanent disfiguration, or protracted loss or impairment of the function of any bodily member or organ.

#### 1 USE OF FORCE

Employees who use force against any person must be able to state in detail the specific reasons for using force.

The circumstances justifying the initial use of force may change during the course of an event. It is the duty of all employees to constantly assess the situation and adjust the use of force accordingly.

Employees will not display any weapon in an unprofessional or unsafe manner.

#### 2 BATONS, OC SPRAY, AND SOFT-IMPACT WEAPONS

Before carrying or using any intermediate weapon, an officer must be currently certified with the weapon by the Training Division.

Intermediate weapons will be carried or used as issued or authorized by the department. No changes, alterations, or modifications are permitted.

It is within the officer's discretion to determine when the use of an intermediate weapon is necessary and which intermediate weapon is appropriate for the situation. The Training Division is responsible for maintaining a list of approved intermediate weapons and carrying devices.

### **Batons**

Officers will always carry a baton when:

- a. Responding to disturbance calls.
- b. Working an event where there are a large number of persons.

Supervisors responding to situations requiring a baton are responsible for ensuring each officer at the scene complies with this policy.

Unless deadly force is warranted, baton strikes will be made only to areas of the body below the shoulders and only with the degree of force necessary to counter resistance or establish control of the suspect. Strikes made with flashlights must be made in accordance with the same guidelines as those made with batons.

### **OC Spray**

The department does not furnish employees with OC spray or equipment. However, once certified for on-duty use, employees are authorized to carry OC spray and equipment approved by the Training Division. Uniformed officers carrying OC will store the canisters on their duty belts in an appropriate case.

If a person is sprayed with OC, employees will immediately request medical personnel and a supervisor to respond to the scene.

### **Soft-Impact Weapons**

On each shift, at least one officer in every patrol beat will be assigned a soft-impact weapon. Those officers will notify the dispatcher at the beginning of their shift.

Unless deadly force is warranted, officers will not target soft-impact weapons for munition impacts above a person's shoulders.

If a person is struck by a munition from a soft-impact weapon, officers will immediately request medical personnel and a supervisor to respond to the scene.

Officers in specialized divisions needing a soft-impact weapon will coordinate with an appropriate district patrol sergeant.

When a division is assigned soft-impact weapons, the division commander is responsible for ensuring the weapons are properly maintained at all times.

## **3 CONDUCTED ENERGY DEVICES**

For information on the policies and procedures regarding CEDs, see General Order 400-26, **Conducted Energy Devices**.

## **4 USE OF DEADLY FORCE**

The use of deadly force will be limited to those circumstances in which officers reasonably believe it is necessary to protect themselves or others from the imminent threat of serious bodily injury or death. Officers will consider their immediate surroundings and the safety of uninvolved citizens before using deadly force.

Employees will not justify the use of deadly force by intentionally placing themselves in imminent danger.

Officers are prohibited from using firearms in the following ways:

- a. Firing warning shots.
- b. Firing at fleeing suspects who do not represent an imminent threat to the life of the officer or another.
- c. Firing at suspects whose actions are a threat only to themselves (e.g., attempted suicide).

#### Moving or Fleeing Vehicle

Officers will not discharge a weapon:

- a. From a moving vehicle.
- b. At a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force.

Employees have a duty to seek cover when confronted with the possibility of injury from a moving or fleeing vehicle. Employees will make every effort to safely remove themselves from the path of the vehicle and reassess the threat level before discharging a weapon or taking further action.

In a circumstance in which the threat of deadly force is against only the officer or another person, and the deadly force consists only of the vehicle itself, the officer may discharge a firearm at the vehicle or its driver only if the conditions make evasive maneuvers by the officer or another person a practical impossibility.

For additional information, see General Orders 600-04, **Motor Vehicle Pursuits** and 600-34, **High-Risk Vehicle Approaches**.

## 5 REPORTING AND DOCUMENTING USE OF FORCE BY AN EMPLOYEE

### Reporting

If an officer uses any form of force against a person resulting in any type of bodily injury, the officer will follow procedures as outlined in General Orders 200-16, **Weapon Discharges** and 400-26, **Conducted Energy Devices**.

If a civilian employee while on duty uses force against a person, the employee will immediately notify the employee's supervisor or other divisional supervisor. If the use of force occurs in a jail facility, an on-duty jail supervisor will be notified immediately.

### Documentation

Except as noted in General Order 200-16, section 2, *Outside City of Houston*, an incident report will always be completed when any of the following occur:

- A baton or OC spray is used.
- A firearm or soft-impact weapon is discharged.
- Any form of force is used resulting in any type of bodily injury.

Documentation of CED usage is regulated by General Order 400-26.

Incident reports will contain the following:

- a. The names and employee numbers of:
1. All employees on the scene at any time during the incident involving the use of force.
  2. The supervisor assigned to the incident.
  3. The supervisor in the lock-up or detention facility where the prisoner was booked.
- b. The unit number of responding medical personnel.
- c. The employee's specific reasons for using force.
- d. The part of the person's body receiving the strike, hit, spray, or injury.
- e. Location on the person's body of any known injury, even if the injury was not obtained as part of the incident.

If the on-scene investigation reveals violations of department policy regarding the use of force, the supervisor will contact the Internal Affairs Division for direction. However, during the hours of 1900 through 0700, the supervisor will contact the night commander.

In addition to the above requirements, Jail Division employees using any form of force will also document the incident according to Jail Division's standard operating procedures.

#### Jail Booking

Officers will notify an on-duty jail supervisor before booking a prisoner who has been injured, struck, hit, or sprayed by any weapon or other form of force

causing bodily injury. Such prisoners will not be booked into any lock-up facility or city jail unless approved by that supervisor.

#### **6 DEPARTMENT'S RESPONSE TO THE USE OF FORCE BY EMPLOYEES**

If an employee uses force resulting in serious bodily injury or death of any person, the on-scene supervisor will immediately notify the Command Center in accordance with General Order 200-10, **Notification and Emergency Management**.

The Command Center is responsible for ensuring all appropriate internal and external investigative units are notified.

The criminal and administrative investigations resulting from the use of such force will be conducted in accordance with General Orders 200-03, **Investigation of Employee Misconduct**, 200-16, **Weapon Discharges**, and 400-26, **Conducted Energy Devices**.

Employees who inflict serious bodily injury or death upon another person, or who suffer serious bodily injury during the performance of their duties are also responsible for compliance with General Order 200-04, **Assistance to Officers Inflicting or Suffering Injury**.

#### **7 RELATED GENERAL ORDERS**

200-03, **Investigation of Employee Misconduct**

200-04, **Assistance to Officers Inflicting or Suffering Injury**

200-10, **Notification and Emergency Management**

200-16, **Weapon Discharges**

400-26, **Conducted Energy Devices**

600-04, **Motor Vehicle Pursuits**  
600-34, **High-Risk Vehicle Approaches**

700-01, **Property/Evidence Control**  
**Regulations**

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