3-101. Use of Force (UOF).

A. Definition. For purposes of use of force (UOF) reporting and documentation, force is defined as any force that is used to overcome physical resistance of any amount whether or not:

1. The resistance is active or passive,
2. The force causes pain or injury,
3. The force is deemed to have the potential to cause pain or injury, and/or
4. The use of force (UOF) involves use of defensive equipment, another object, or an officer’s hands, elbows, knees, feet, legs, or other physical leverage.

For these purposes, force does not include minor physical contact necessary to render aid to, or to handcuff, search, or escort a cooperative individual.

B. Standard. It is the policy of this Department that officers will use only that force that is objectively reasonable to effectively bring an incident under control while protecting the lives of the officer or other persons. In addition, it is recognized that officers who allow a situation to unnecessarily escalate or who fail to use force when warranted may endanger themselves, the community and fellow officers. The Department's guiding value when using force shall be reverence for all life. Deciding whether to utilize force when authorized in the conduct of official responsibilities is among the most critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable, and unique circumstances.

In accordance with the relevant legal standards, the Department shall examine all use of force (UOF) incidents from a reasonable objective standard:

**OBJECTIVE REASONABLENESS.** The legal standard used to determine the lawfulness of a use of force (UOF) is the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states in part that “the reasonableness of a particular use of force (UOF) must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application. The force must be reasonable under the circumstances known to the officer at the time the force was used.”

3-101.01 Application of Force. Officers may use only that force which is objectively reasonable and within the parameters set out in this policy to:
A. Defend themselves;
B. Defend others;
C. Effect an arrest or detention;
D. Prevent escape;
E. Overcome resistance; or
F. Perform crowd control functions during civil unrest or potential civil unrest.

3-101.02 Evaluation of Situation. In determining the appropriate amount of force, officers shall evaluate each situation in light of the known facts and circumstances of each particular case. Those factors may include, but are not limited to:

A. The seriousness of the crime or suspected offense;
B. The level of threat or resistance presented by the subject;
C. Whether the subject was posing an immediate threat to officers or a danger to the community;
D. The potential for injury to citizens, officers or subjects;
E. The risk or apparent attempt by the subject to escape;
F. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
G. The time available to an officer to make a decision;
H. The availability of other resources;
I. The training and experience of the officer;
J. The proximity or access of weapons to the subject;
K. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,
L. The environmental factors and/or other exigent circumstances.

When feasible, officers will give a verbal warning before using any force including deadly force. Such warnings require that officers must identify themselves as police officers and convey their purpose and reason for the use of force (UOF) unless the officer believes such information is already known by the suspect or the information cannot reasonably be made known to the suspect.

3-101.03 Parameters for Use of Deadly Force. The Texas Penal Code sets forth when the use of deadly force is justified. The Department sets further guidelines and administrative restrictions regarding the use of deadly force. Reasonable belief, bodily injury, and serious bodily injury carry the same definitions as in Section 1.07, Texas Penal Code. Deadly force carries the same definition as in Section 9.01, Texas Penal Code.

A. Deadly force, as a matter of Department policy (whether the officer is on or off duty), is used only in the following situations:

1. When necessary to protect the officer from what is reasonably believed by the officer, at the time, to be an imminent threat of death or serious bodily injury;
2. When necessary to protect another from what is reasonably believed by the officer, at the time, to be an imminent threat of death or serious bodily injury;
3. When immediately necessary to make a lawful arrest or prevent an escape after arrest, and an imminent threat exists where the suspect has demonstrated actions that would lead an officer to reasonably believe there is substantial risk that the suspect will cause death or serious bodily injury to another if the arrest is delayed; or

4. When necessary to destroy an animal that represents an imminent threat to an officer, a third party, or to public safety.

B. Deadly force is not limited to the use of a firearm. The Department understands that in extreme circumstances, officers may have to take other actions likely to result in the death or serious bodily injury in order to protect themselves or a third party.

C. Officers will not draw or exhibit their firearms unless circumstances create a reasonable belief that it may be necessary to use the weapon in accordance with this policy.

D. The threat to use deadly force for the purposes of gaining compliance or affecting an arrest does not constitute the use of deadly force.

E. Firearms are not to be discharged:

1. As warning shots;
2. From a moving vehicle, unless in defense of the officer's life or in the defense of the life of another; or
3. At the driver of a moving vehicle or at the vehicle itself unless the officer or another is in immediate danger of being struck by the vehicle and, in the case of an officer, the officer reasonably believes that no other means of escape or evasive action is available.

3-101.04 Parameters for Use of Less Than Lethal Force. When deadly force is not authorized, officers should assess the incident to determine which less than lethal force technique or weapon the officer reasonably believes will best diffuse the incident and bring it under control in a safe manner.

A. Authorized Defensive Equipment. While in uniform, employees shall only carry equipment for which they are trained. All authorized equipment used must be Department issued. The below lists the authorized defensive equipment.

1. Chemical agents
2. Straight Riot Batons and Collapsible Batons
3. Conducted Electrical Weapon (CEW)
4. 12 Gauge Bean Bag Munitions
B. Officers are encouraged to use only the equipment described above or for which they have been trained, however the Department understands that in extreme circumstances, officers may need to avail themselves to other objects in order to safely protect themselves or another, effect an arrest, gain control, or gain compliance. Such incidents shall be reviewed and evaluated for reasonableness and appropriateness on a case by case basis.

3-101.05 Procedure. In all use of force (UOF) incidents:

A. Officer Responsibility. Officer(s) shall:

1. Make the scene safe;
2. Render aid and/or summon medical assistance if necessary;
3. Notify a supervisor as soon as safely possible; and
4. Complete the incident report in I Leads, to include indicating “Y” in the “UOF by Any Officer” box and completing the “UOF Reported To:” field.

B. Supervisor Responsibility. Supervisor(s) who are not involved in the incident shall:

1. Conduct a preliminary investigation at the scene if possible;
2. Review the incident report for proper use of force (UOF) reporting and documentation in I Leads; and
3. Document the use of force (UOF) incident in Blue Team within 5 calendar days of the date of the documented incident, unless Otherwise directed by IAD or the applicable chain of command.

3-101.06 USE OF FORCE TRAINING POLICY. Annual training will include training in the Department’s Use of Force Policy, the Department’s Continuum Levels of Force and the proper application of each, and instruction on the safety, care and maintenance of each weapon. All training will be conducted by a qualified instructor and properly documented with the Training Division. (CALEA 1.3.10, 1.3.11 a. b. 1.3.12) (Amended 02-26-2007 C07-04b)
A. Duty, Secondary Duty and Off-Duty Firearms. All Officers will qualify annually with their primary duty handgun. Off-duty and secondary duty handguns are optional, but failure to qualify with these weapons means the officer is not authorized to carry said weapons. Failure to qualify with a duty weapon will result in remedial training and possible disciplinary action, as per Section 8-403. Qualification courses and pass/fail requirements for all firearms and authorized weapons are set by the Training Division.

1. Officers are encouraged to practice with their firearms quarterly at the Training Academy, when scheduling and ammunition availability permits.

2. The Department strives for realistic firearms training. Therefore, Officers must attend annual training that includes night or reduced-light shooting, shooting at moving targets, strong hand/weak hand shooting, shoot/no shoot decision making, and combat simulation shooting.

3. The Firearms Training Simulator (FATS) may be used in conjunction with other firearms training to accomplish the goals listed in A. (2) above. The FATS shall only be operated by Training Division staff.

B. Shotgun/Patrol Rifle Training. Officers will successfully complete an approved training course to be authorized to carry a Department approved shotgun or patrol rifle. To maintain their certification, they must successfully complete an annual qualification course. All officers of sergeant rank and lower shall qualify with the shotgun. Patrol rifle qualification is designated for personnel chosen by the Division’s Commander or officers who wish to carry a personally owned patrol rifle on duty.

C. Baton Training. Officers will receive training in the use of Department approved batons prior to their use in field situations. Officers will successfully complete a certification course to carry the expandable baton. Baton certification is required for all officers of sergeant rank or lower. Certified officers must attend a re-certification course annually. The straight riot baton shall only be used when ordered by the incident commander during periods of civil unrest and in accordance with the use of force guidelines delineated in the Terrorism/Critical Incident Response plan, the use of force policy and mobile field force training. Expandable batons may be carried on the duty belt or readily available in the police vehicle while on duty.
D. **Chemical Agent.** Officers will carry only those chemical agents approved by the Department. Officers will successfully complete a certification course prior to being authorized to carry any chemical agent. Chemical agent certification is required for all officers of sergeant rank or lower. Certified Officers must attend a re-certification course annually. Officers trained in the use of gas grenades and gas launchers may only use these agents in accordance with the civil unrest use of force policy in the Critical Incident/Terrorism plan and upon order of the Incident Commander.

E. **Air Tasers.** Air Tasers will be used in the manner instructed in the Air Taser training course and in accordance with department policy and State Law. The Training Academy will ensure that Officers receive basic certification and re-certification every two years. Taser certification is required for all officers of sergeant rank or lower. Training records will be kept at the Academy. The Academy will also be responsible for the maintenance and enhancement of the Department’s Taser program. *(CALEA 1.3.11)*

F. **Defensive Tactics.** When reasonably possible, Officers will limit their use of defensive tactics to those for which they have received Department approved training. Defensive tactics certification is required of all officers. Certified Officers must attend a re-certification course at least once every two years. *(CALEA 1.3.11)*

G. **12 Gauge Bean Bag Munitions.** Officers will successfully complete a certification course to use 12 gauge “bean bag” munitions. Bean bag certification is required for all officers of sergeant rank or lower. Officers must attend a re-certification course at least once every two years. *(CALEA 1.3.11)*

H. **Other Approved Weapons.** Special assignments and/or assignment to certain sections or divisions may require the Officer to utilize weapons other than, or in addition to, those specified in this policy. To use other weapons, three conditions must exist:

1. Written permission from the Bureau Commander; one copy in the Training Division file and one copy in the personnel file at the Chief’s Office.

2. Written documentation to indicate that the Officer has had instruction in the proper use of the weapon from a qualified instructor; one copy is to be placed in the training file at the Training Division.

3. Continuing use of the weapon requires maintenance of any qualification and/or certification. *(Amended 02-26-2007 C07-04b)*