

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

POLICY: 6.1 USE OF FORCE

REVISED DATE: 10.29.13

POLICY

In accordance with state and federal law, members of this department shall use only that force that is objectively reasonable in light of the facts and circumstances confronting them. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer (or member of this department) on the scene. As indicated by the United States Supreme Court in *Graham v. Connor*, “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.” **Partial compliance with this policy will be deemed non-compliance.**

I. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines in the use of deadly and non-deadly force.

II. DEFINITIONS

A. Deadly force

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

B. Non-deadly force

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

C. Objectively Reasonable

Objectively Reasonable: In determining the necessity for force and the appropriate level of force, members shall evaluate each situation in light of the known circumstances including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community or members of this department.

III. PROCEDURES

A. Use of Non-deadly Force

Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to effectively perform their duty.

B. Use of Deadly Force

Law enforcement officers are authorized to use deadly force when one of the following applies:

1. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm.

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2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant and immediate threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

C. Deadly Force Restrictions

1. Warning shots shall not be fired.
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. If an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle if it is reasonable necessary to protect the officer or another from death or serious bodily injury.
4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

IV. LIMITATIONS ON FORCE

The following acts should always be considered and are only permitted to be used as deadly force when justified as such.

- A. As officers of this department are not routinely trained in the use or application of choke hold or carotid control holds techniques, these are prohibited except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized.
- B. Use of Streamlite or MagLite or other objects as weapons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

V. TRAINING

- A. All officers shall receive training in the use of their firearms, all non-lethal weapons, authorized by the department, hands-on arrest and defensive tactics, as well as the Use of Force policy prior to performing any law enforcement duties.
- B. All officers shall be trained and qualified with their firearms at least twice annually.
- C. All officers shall receive training in the department's Use of Force policy.
- D. All officers shall receive hands-on arrest and defensive tactics training.

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- E. Officers shall receive training in Taser weapons used by the department and demonstrate proficiency with those weapons at least every two years.

VI. REPORTING USE OF FORCE

- A. Officers shall document any application of force except for those arising in training or departmental demonstrations.
- B. If officers have employed any use of physical force which has resulted in bodily injury to any party or used any impact, electrical, or chemical weapons, or discharged any firearm, they shall first provide for appropriate medical aid for the subject injured and:
 1. When safe to do so, notify the Director by phone of any use of force listed in "B". Notification by one officer involved in the event is sufficient, unless an additional officer feels that facts have been misrepresented or omitted. The Director shall determine if an immediate investigation is required.
 2. Photographs of any person involved will be taken as soon as possible after the use of force or alleged use of force, to document any injury or lack of injury. These will be taken by the Sergeant or in his absence the senior patrolman.
 3. Submit a Use of Force form to the Director prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Use of Force form shall be in addition to any other required reports.

VII. DEPARTMENTAL REVIEW

- A. Review
 1. The officer's sergeant shall review and report to the Director all reported uses of force to determine whether:
 - a. Departmental orders were violated.
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
 - d. Departmental equipment operated properly.
 2. At least annually, the Director shall prepare a use-of force incidents report to be made available to council and to determine if additional training, equipment, or policy modifications may be necessary.
- B. Internal investigations

An internal investigation will be conducted on any use of deadly force by members of this department. An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is suspected. The criminal investigation may be conducted by another law enforcement agency with concurrent jurisdiction at the request of the Director, with the request the results be presented to the grand jury for review.

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C. Assignment

Pending administrative and if applicable Grand Jury review, any officer whose actions have resulted in the death or serious bodily injury of another person shall be removed from line-duty assignment. This action is intended to protect both the officer's and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature.

Approved: *M. Shackleford*
M. Shackleford

Reference: Texas PC 9.51, Texas CCP 6.07, 15.24

Adopted 10.01.2013

Revised 10.29.2013 Content and Format