



GEORGETOWN POLICE DEPARTMENT

POLICY MANUAL

300 USE OF FORCE

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Active Aggression – A level of resistance that includes physical actions/assaults against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).

Deadly Force – Force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing death or serious bodily injury.

Deadly Force Assault – A level of resistance where the force used against an officer and/or another person might result in serious bodily injury or the loss of human life. It is important to note that a subject's use of deadly force does not require the use of a weapon against the officer.

Defensive Resistance – A level of resistance where there is any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away to defeat the escort position, running away). It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

Imminent – Ready to take place; impending. Note that imminent does not mean immediate or instantaneous

Passive Resistance – A level of resistance that is any type of resistance where the subject does not attempt to defeat the officer's attempt to touch or control him/her, but he/she still will not

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voluntarily comply with verbal and physical attempts of control. (e.g., dead weight, does not react to verbal commands, etc.).

300.2 POLICY

TPCA 6.01

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Georgetown Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERVENE

TPCA 2.25

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor. A supervisor who discovers another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall initiate an administrative investigation and notify the chain of command as soon as practicable.

300.3 USE OF FORCE

TPCA 6.01

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Officers may use reasonable force to effect an arrest, search, prevent escape or overcome resistance. If it is not reasonably apparent to the person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search the person and identify themselves as peace officers before using force ([Tex. Penal Code § 9.51](#)).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include, but are not limited to:

- 1) Immediacy and severity of the threat to officers or others.
- 2) The conduct (level of resistance) of the individual being confronted, as reasonably perceived by the officer at the time.
- 3) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- 4) The effects of drugs or alcohol.
- 5) Individual's mental state or capacity.
- 6) Proximity of weapons or dangerous improvised devices.
- 7) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

- 8) The availability of other options and their possible effectiveness.
- 9) Seriousness of the suspected offense or reason for contact with the individual.
- 10) Training and experience of the officer.
- 11) Potential for injury to officers, suspects and others.
- 12) Whether the individual appears to be resisting, attempting to evade arrest by flight or is attempting to attack the officer.
- 13) The risk and reasonably foreseeable consequences of escape.
- 14) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- 15) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- 16) Prior contacts with the subject or awareness of any propensity for violence.
- 17) Any other exigent circumstances.

300.3.3 LEVELS OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. It should be noted that use of force is not intended to be linear, but rather open and dynamic based on the circumstances. Because resistance can happen at any level of force, officer response can begin anywhere that represents an objectively reasonable response. The levels of force are outlined below:

1) LOW LEVEL

- a) Officer Presence: Officer Presence is the identification of the police officer's identification of their authority brings forth the assumption that the public must obey a lawful order.
- b) Verbal De-escalation: The most basic defensive measure available to an officer is their verbal skill. Verbal direction is used to persuade a subject to cooperate with lawful orders. "Talking" a subject into compliance avoids the inherent dangers of a physical confrontation in which the officer or subject may be injured. The most basic skill available to an officer is their ability to communicate verbally. Verbal de-escalation refers to a range of integrated strategies and tactics used by officers to attempt to influence the thinking, actions and/or behaviors of others and lower the intensity of a potentially volatile situations with the aim to reduce the necessity or level of force required for successful resolution while ensuring officer and public safety is optimized. Officers shall use verbal de-escalation techniques and other reasonable alternatives to higher levels of force, whenever possible, appropriate and

consistent with department training, before resorting to force or to reduce the need for higher levels of force without exposing the officer to unnecessary risk.

- c) Escort Compliance Techniques: Escort compliance techniques are used when verbal direction/commands are not effective and there is noncompliance or potential for noncompliance with lawful orders. They include escort control techniques, strength techniques, and pressure points utilized to control passively resistant subjects. While these techniques may inflict pain, they generally have little or no potential for injury.

2) INTERMEDIATE LEVEL

- a) Soft Empty Hand Control: Soft empty hand control techniques are designed to control defensive resistance. They may be used when verbal commands are not effective and there is noncompliance with lawful orders. They include strength techniques, joint locks, pressure points, and proportional force knee strikes or other distraction techniques. While these techniques may utilize pain compliance to gain control, they generally will not cause any form of bruising and have little or no potential for causing injury to the subject.
- b) Chemical OC Spray / Pepperball System (Non-Direct Impact): A less lethal response may be necessary to achieve a lawful objective when a subject is defensively resistant, actively aggressive, or exhibits potentially violent behavior that threatens the safety of others and attempts to subdue the subject by lesser means of persuasion, escort compliance techniques, and/or soft empty hand control techniques have not been or reasonably appear unlikely to be successful. The use of these options requires officers to be certified prior to field deployment. When practicable, a warning should be given to the subject advising that continued noncompliance will result in the deployment of this less lethal option.

3) HIGH LEVEL

- a) Hard Empty Hand Control: Hard empty hand control techniques are designed to repel and control a subject's active aggression, but can be used to control defensive resistance when lower forms of control have failed or when the officer believes lesser forms of control will fail. These techniques include the use of defensive counter strikes such as punches, kicks, knee strikes, and stuns.
- b) Expandable Baton: The expandable baton may be utilized in cases of subject active aggression or higher when hard empty hand control methods have failed, are not possible, or is necessary and reasonable under the circumstances. The expandable baton allows officers to defend themselves or others in situations where the use of lethal force may not be justified. When the use of the baton is warranted, officers will attempt to impact subjects per training and policy avoiding such areas as the

- head, neck, sternum, spine, groin, and kidneys unless the use of lethal force is justified.
- c) Taser/Pepperball Systems (Direct Impact): A less lethal response that may be necessary when a subject is displaying a resistance level of active aggression or greater and attempts to subdue the subject by lesser means have not been or reasonably appear unlikely to be successful. The use of these options requires officers to be certified prior to field deployment. When practical, a warning should be given advising that continued noncompliance will result in the deployment of a less lethal option.
 - d) Impact Munitions: Impact devices bridge the gap between the use of less lethal devices such as the Pepperball system and Taser and the use of firearms to control an assailant. Impact devices allow officers to defend themselves or others in situations where the use of lethal force may not be justified and can be initiated from a safe distance from the subject. Impact devices include the 12 Gauge Bean Bag Projectile, and 37/40MM Specialty Impact Munitions. These munitions shall be used consistent with policy and training and are to be utilized only by certified personnel.

300.3.4 PAIN COMPLIANCE TECHNIQUES

TPCA 3.06

Pain compliance techniques are the use of stimulus pain to control resistive behavior. Pain compliance techniques are limited to the use of approved pressure points and approved joint locks. Pain compliance techniques may be effective in controlling passive or defensive resistance. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- 1) The degree to which the application of the technique may be controlled given the level of resistance.
- 2) Is the technique appropriate for the level of resistance as set forth in the definitions.
- 3) Whether the person can comply with the direction or orders of the officer.
- 4) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved or the technique is not effective.

300.3.5 LATERAL VASCULAR NECK RESTRAINT / SHOULDER PIN TECHNIQUE *TPCA 6.11*

The proper application of the lateral vascular neck restraint hold or the shoulder pin technique may be effective in restraining a violent individual. However, due to the potential for injury, the use of the lateral vascular neck restraint hold or the shoulder pin technique is subject to the following:

- 1) The officer shall have successfully completed department-approved training in the use and application of the lateral vascular neck restraint hold and the shoulder pin technique.
- 2) The lateral vascular neck restraint hold and shoulder pin technique may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - a) A subject who demonstrates resistance levels of deadly force .
- 3) No person may be subjected to more than two applications of lateral vascular neck restraint or shoulder pin technique within a 24 hour period.
- 4) Any individual who has had the lateral vascular neck restraint hold or shoulder pin technique applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- 5) The officer shall inform any person receiving custody, or any person placed in a position of providing care, the individual has been subjected to the lateral vascular neck restraint hold or the shoulder pin technique and whether the subject lost consciousness as a result.
- 6) Any officer attempting or applying the lateral vascular neck restraint hold or shoulder pin technique shall promptly notify a supervisor of the use or attempted use of such hold.
- 7) The use or attempted use of the lateral vascular neck restraint hold or the shoulder pin technique shall be thoroughly documented by the officer in the related arrest and /or incident reports and the Use of Force Report (Blue Team).

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Georgetown Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

TPCA 6.02

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- 1) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- 2) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
 - a) The individual has a weapon or is attempting to access one and intends to use it against the officer or another person.
 - b) The individual is capable of causing serious bodily injury or death without a weapon and the officer believes the individual intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes the vehicle is being used in such a manner that is likely to immediately subject the officer or another to serious bodily injury or death and there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 PROHIBITIONS/RESTRICTIONS

TPCA 6.09

Warning shots shall not be fired.

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. Improvised weapons are not intended as substitutes for departmentally sanctioned methods and should only be used if those departmentally sanctioned methods are impractical. The use of a flashlight or other improvised weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

300.5 REPORTING THE USE OF FORCE

TPCA 6.03

300 USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in the approved electronic reporting system, depending on the nature of the incident. The application of physical techniques or tactics, chemical agents or weapons to another person is defined as a use of force. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

Reports should be completed prior to the end of watch unless approved by a supervisor.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- 1) The application caused a visible injury.
- 2) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- 3) The individual subjected to the force complained of injury or continuing pain.
- 4) The individual indicates intent to pursue litigation.
- 5) Any application of a control device which includes the TASER, chemical weapons, impact munitions, and impact weapons.
- 6) Any application of a restraint device other than handcuffs, shackles or belly chains.
- 7) The individual subjected to the force was rendered unconscious.
- 8) An individual was struck or kicked in any manner.
- 9) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

TPCA 6.07

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

Regardless of any apparent injury, officers shall request emergency medical services respond to the scene for assessment of suspects who have been subjected to the following use of force techniques or weapons:

- 1) deadly force
- 2) chemical weapons
- 3) impact weapons
- 4) impact munitions
- 5) Taser
- 6) Lateral Vascular Neck Restraint/ Shoulder Pin Technique

The on-scene supervisor, or if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away (See the [Medical Aid and Response Policy](#)).

300.7 SUPERVISOR RESPONSIBILITIES

TPCA 6.03

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- 1) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

- 2) Ensure that any injured parties are examined and treated.
- 3) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - a) The content of the interview should not be summarized or included in any criminal charges.
 - b) The fact a recorded interview was conducted should be documented in the Use of Force Report.
 - c) The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- 4) Once any initial medical assessment has been completed or first aid has been rendered, ensure photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- 5) Identify any witnesses not already included in related reports.
- 6) Review and approve all related reports prior to the end of the shift unless a delay is approved by the shift lieutenant or higher.
- 7) Document any indication that the subject may pursue civil litigation.
 - a) If there is an indication of potential civil litigation, the supervisor should complete and route a notification of potential claim through the appropriate channels.
- 8) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
- 9) Notify the chain-of-command up to the division captain of the use of force incident. If applicable, ensure they are aware if misconduct is alleged and/or civil litigation may result.
- 10) All use of force reports are reviewed by the involved officer's supervisors up to and including the Chief of Police.

In the event a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8 ANNUAL USE OF FORCE REPORT

TPCA 6.10

The Professional Standards Unit Commander shall submit an annual Use of Force Report to the Chief of Police. The report should be based on use of force submissions provided to the Professional Standards Unit Commander throughout the year. In compiling the annual report, the Professional Standards Unit should consider reviewing:

- 1) The type of force used.
- 2) Whether the force used was effective in controlling the individual.
- 3) The location (premise type) where the force was used.
- 4) The number of officers present when the force was used.
- 5) The identity and number of officers who used force.
- 6) Precipitating events leading to the use of force.
- 7) The type of offense or arrest.
- 8) Whether alcohol and/or narcotics were involved.
- 9) The report should analyze the use of force incidents to determine whether:
 - a) Any policies need revision.
 - b) Additional training is needed and the scope of the training required.
 - c) Any equipment changes that may be needed.
 - d) Any changes in methods of operation or response that may be needed.

300.9 TRAINING

TPCA 3.02, 3.04, 3.06

- 1) Officers shall receive training in the use of their firearms, all less 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.
- 2) Officers shall be trained and qualified at least annually with all issued or approved firearms.
- 3) Officers will receive annual training on this policy and demonstrate their knowledge and understanding.
- 4) Officers shall receive hands-on arrest and defensive tactics training at least every two years.
- 5) Officers shall receive training in all less lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years.
- 6) Officers can receive additional training based on the recommendations of supervisors or field training officers.