

TATUM ISD POLICE DEPARTMENT

Policy: Use of Force

Effective Date: July 27, 2022

Approved: Omar Zuniga

Chief of Police

I. POLICY

The Tatum Independent School District Police Department is committed to the sanctity and preservation of life, human rights, and the dignity of every individual. Department members are sometimes required to use force in self-defense, defense of others, and during the execution of lawful duties. In all situations, Department members are required to conduct themselves in accordance with lawful and constitutional standards. The use of force must be objectively reasonable.

The officer must use only the force that a reasonably prudent officer would use under the same or similar circumstances. In cases where Department personnel must take action to conduct lawful duties where there is not an immediate physical threat, members shall take into account (and communicate where applicable) tactical considerations predicated on preventing the use of force. Officers are allowed and encouraged to take as much time as necessary and possible to use alternatives and if possible, avoid the use of force. It is the goal of this agency and each officer to perform our duty without the use of any force if at all possible.

For planned tactical operations, such as service of warrants, parole compliance searches, tactical cell extractions, and prolonged passive resistance, members shall develop a tactical plan predicated on preventing the use of force whenever possible. Supervisors shall be present during planned tactical operations.

This Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after force incidents. This includes force prevention efforts, effective tactics, dispassionate and objective review, and analysis of every incident.

II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force. This policy does not set forth a higher standard of care with respect to third party claims.

III. DEFINITIONS

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

B. 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: This term means that department members, in determining the necessity and level of force, shall evaluate each situation requiring the use of force in light of the known circumstances, including, but not limited to, the severity of the crime, whether the subject poses an immediate threat to the safety of the member or others, and whether the subject is actively resisting. Reasonableness will be judged by what a reasonable officer faced with the same circumstances would do.

IV. FORCE PREVENTION PRINCIPLES

A. Department members shall only use that level of force which is objectively reasonable and force should be used as a last resort. Department members should endeavor to de-escalate confrontations through tactical communications, warnings, increasing distance from the threat, and other common sense methods preventing or minimizing the use of force whenever possible.

B. When force must be used, officers should endeavor to use restraint techniques trained by the department when possible, and use only the level of force necessary for the situation.

C. While state law clearly states that law enforcement officers have no duty to retreat if otherwise authorized to use force, this department considers that a temporary tactical disengagement for purposes of preparing a plan or awaiting resources may be the best option in our efforts to accomplish our mission without the use of force.

This can only be accomplished when there is no immediate threat to others and the officers can safely withdraw to a position of safety.

D. Officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavior crisis

V. AUTHORIZATION TO USE FORCE

A. Use of Non-Deadly Force: Where deadly force is not authorized, officers are authorized to use only that amount of force that is objectively reasonable to perform their duties. (TBP 6.01)

B. Use of Deadly Force: Law Enforcement officers are authorized to use deadly force when one or both of the following apply:

1. To protect the officer or another from what is reasonably believed to be an immediate threat of death or serious bodily injury. (TBP 6.02)

2. To prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of death or serious bodily injury to the officer or another. Where practical, prior to discharge of a firearm, officers shall identify themselves as law enforcement officers and state their intention to shoot.

C. Deadly Force Restrictions:

1. Each department member discharging a firearm must establish independent reasoning for using deadly force. The fact that other law enforcement personnel discharge firearms are not by itself sufficient to justify the decision by a department member to shoot.

2. Warning shots shall not be fired. (TBP 6.09)

3. Firearms shall not be fired at moving vehicles in an attempt to disable the vehicle or driver unless there is no other reasonable means of escaping the threat. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of the path instead of discharging a firearm at it or its occupants. The primary tactical consideration in these circumstances is to move out of the path of the vehicle.

4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure if the animal is seriously injured and 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.

VI. UNREASONABLE FORCE

Department members shall use only that force which is objectively reasonable.

Unreasonable force is that force that is unnecessary or excessive given the totality of the circumstances. Unreasonable force is prohibited. The use of unreasonable force is subject to discipline and/or prosecution.

VII. PROHIBITED FORCE

The following uses of force are prohibited unless circumstances justify the use of deadly force.

A. head strike(s) with an impact weapon;

B. deliberately or recklessly striking an individual's head against a hard, fixed object;

C. from a standing position, kicking an individual with a foot while the individual is on the ground;

D. Kneeing an individual in the head, or deliberately or recklessly causing their head to strike the ground or hard, fixed object;

E. The application of a choke hold or carotid-control holds, except when the officer reasonably believes such holds are the only means of protecting himself or another from serious bodily injury or death, and then only if other departmental approved methods are not available or are impractical.

F. The use of flashlights as batons except when the officer reasonably believes such holds are the only means of protecting himself or another from serious bodily injury or death, and then only if other departmental approved methods are not available or are impractical. Use of a flashlight or similar weapon, depending on the manner of use, may be deemed a use of deadly force.

VIII. PERFORMANCE STANDARDS ASSOCIATED WITH USE OF FORCE

A. The evaluation of a member's performance with regards to the use of force includes the strategies and tactics used to lead up to, during and after the use of force. These strategies and tactics shall be evaluated in terms of whether or not they comply with department policies and training.

The following are examples of the types of tactical considerations that shall be evaluated under this policy:

- The approach to the subject or vehicle
- The availability and deployment of equipment and weapons
- Communication with the subject
- Use of cover or concealment, position of advantage
- Coordination with other officers
- Maintaining or increasing distance (if possible)
- Field of fire, shooting backdrop, crossfire potential
- Target acquisition and fire discipline
- Planning and supervision
- Partner splitting and taking independent action

B. A member's performance associated with the use of force that does not comply with department policies, procedures, and training may be subject to discipline under this section.

IX. MEDICAL ASSISTANCE

A. Department members will immediately provide medical assistance to any subject injured during a use of force incident.

X. USE OF FORCE REPORTING

A. The department recognizes each use of force by its members requires a thorough, fair and objective review.

B. Any force which is greater than that required for un-resisted department approved searching and handcuffing, control holds or come-along, hobbling, or which results in any injury or complaint of pain constitutes a reportable use of force. This includes:

- Searching, handcuffing, or hobbling resisted by subject,
- Control holds or come along resisted by subject,

- Any take-downs, strikes, or pain compliance techniques,
- The use of any less-lethal weapons or firearms,
- Any identifiable injury or complaint of pain,
- The discharge of any firearm,
- The display of any firearm,
- The deployment of a patrol rifle or shotgun, and
- Any canine bite.

C. Officer Responsibilities

In all cases where force is used, if the subject is injured or complains of injury, the officer shall immediately request medical assistance and shall provide medical assistance to the level of the officer's ability until medical assistance arrives. Any refusal of medical treatment will be documented in subsequent reports.

In all cases where a member uses a Reportable Use of Force, they shall make verbal notification to their immediate supervisor as soon as safely possible and before leaving the scene. Unless otherwise specifically directed by a supervisor, the member will complete a written first report of the force incident (Use of Force Form #) before going off duty. Reference to the supervisor the incident was verbally reported to shall be included in the report.

Each assisting member who used force, and any partners, or witness officers will also submit a written supplement report detailing their actions prior to going off duty.

Each member reporting a use of force shall describe in detail the force incident, including the tactics leading up to the use of force, the actions of the suspect necessitating the use of force, and the specific force used. Any injuries or complaints of injuries shall also be detailed in the report.

A use of force report is required if the force was used by a member of the department regardless of whether the subject subsequently escaped, or was involved in a crowd control actions and could not be taken into custody.

D. Supervisor Responsibilities

If notified by an officer of a reportable use of force, or if notified by a citizen of a use of force allegation, the supervisor shall respond to the scene or to the holding facility if the subject has been arrested. The supervisor shall immediately conduct an inquiry to determine the circumstances of the reported incident and will insure the required reports are submitted.

The supervisor will as soon as possible, notify the Chief of Police of the incident through the chain of command. The supervisor conducting the inquiry shall adhere to the following guidelines for use of force investigations:

- Ensure medical assistance was provided in needed;
- Locate and interview all witnesses including the suspect and those named by the suspect;

- Collect any evidence and take written or recorded statements from witnesses if possible;
- Interview the officers and ensure their written reports are submitted;
- Take photographs of the location where the incident occurred and any injuries to the officers and/or suspect;
- Recover and preserve any video evidence from police vehicles, body cameras, or private surveillance systems if possible;
- Review any medical records;
- Prepare a summary report to the Chief of Police containing a summary of the incident, a summary of the witness statements and other evidence, and a statement regarding the conclusions of the supervisor regarding the necessity and appropriateness of the use of force. The report will be forwarded through the chain of command.

E. Chief of Police Responsibilities

The Chief of Police shall review the investigation and any recommendations from the supervisors in the chain of command. If department policy, training, tactics or procedures were violated during the incident, the Chief may order an Internal Investigation. In all cases the Chief of Police will inform the officers involved of his decision in the matter and forward a copy of the incident summary to the training officer for use in training development.

XI. ANALYSIS OF USE OF FORCE INCIDENTS

A. Annually, in January of each year, the department will conduct an analysis of all use of force incidents. This analysis will include the number and type of force used on suspects, the race and sex of suspects involved, and the results of the uses of force and whether they were successful at bringing the incident to a close. The analysis shall go into sufficient depth to determine a clear picture of the use of force by the department and show any increase or decrease over the previous year.

B. The Annual Use of Force Analysis will be forwarded to the School Board for review.