



**TEXAS SOUTHERN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY**



STANDARD OPERATING PROCEDURE

SUBJECT Use of Force		NO. OF PAGES: 3
REFERENCE: Penal Code Chapter 9, CCP 15.24 & 49.18	EFFECTIVE DATE: Jan. 1, 2009	REVIEW DATE: N/A
General Order 047	SPECIAL INSTRUCTIONS/SUPERSEDES: N/A	ISSUING AUTH.: CHIEF OF POLICE

PURPOSE: To provide officers with guidelines on the use of deadly and less-lethal force.

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balance of all human interests is required. Therefore, it is the policy of this department that officers shall use only the force necessary to accomplish lawful objectives.

A. Definitions:

1. **Deadly force:** (Penal Code Sec. 9.01): 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.
2. **Less-lethal force:** Any use of force other than that which is considered deadly force.
3. **Reasonable belief:** (Penal Code Sec. 1.07): A belief that would be held by an ordinary and prudent man in the same circumstances as the actor.
4. **Serious bodily injury:** (Penal Code Sec. 1.07): Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of bodily member or organ.

B. Parameters for Use of Deadly Force:

1. Officers may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
2. Officers are not authorized to fire their weapons in order to subdue an escaping suspect who presents no immediate threat of death or serious injury.
3. An arresting officer is required to identify themselves as a police officer and to state their purpose before affecting an arrest. The officer should communicate this in a clear, audible voice.
4. When possible, before using a firearm, officers shall identify themselves and their intent to fire.
5. An officer may also use a firearm under the following circumstances:
 - a. During range practice and qualification or competitive sporting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured. The officer will obtain a supervisor's permission before taking such action.
6. Officers shall adhere to the following restrictions when their weapon is exhibited:
 - a. Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 - b. Warning shots are prohibited. Officers shall not fire their weapons at or from a moving vehicle except in defense of life.

c. Firearms shall not be discharged when it appears that an innocent person may be injured.

C. Parameters for Use of Less-Lethal Force:

1. Where deadly force is not authorized, officers should assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
2. Officers are authorized to use department approved less-lethal force techniques and issued equipment for resolution of incidents to protect themselves or another from physical harm, or bring an unlawful situation safely and effectively under control.

D. Training and Qualifications:

1. Deadly weapons: Ref. Policy B-7
2. Less-lethal force weapons and methods:
 - a. An officer is not permitted to use a less-lethal weapon unless qualified in its proficient use as determined by training procedures.
 - b. In-service training for less-lethal weapons will be conducted biennially.
 - c. The following issued less-lethal weapons are authorized: ASP baton and OC spray

E. Reporting Uses of Force:

1. Whenever an officer uses a weapon, has drawn a firearm in a display of deadly force, or takes an action that result or is alleged to have resulted in injury or death of another person, they shall immediately notify a supervisor who will report directly to the scene. This applies to force through the use of lethal or less-lethal weapons and/or application of physical force by use of the hands or by any other means to overcome unusual resistance.
2. For the purpose of this policy, a weapon may include a firearm, ASP baton, OC spray, or any object used as an impact weapon.
3. The supervisor shall promptly notify the Chief of Police.
4. The supervisor shall conduct an investigation of the incident, set forth findings and recommendations as to the professional conduct of the officers concerned and forward the findings to the Chief of Police through the chain of command in a report. A report should be submitted whenever an employee:
 - a. discharges a firearm for other than training or recreational purposes;
 - b. takes an action that results in, or is alleged to have resulted in, injury or death of a person;
 - c. applies force through the use of lethal or less-lethal weapons and/or;
 - d. applies physical force by use of the hands or by any other means to overcome resistance.
5. Reports generated as a result of incidents described in paragraph 4 a-d will be subject to a documented annual analysis. The Field Operations Captain shall be responsible for submitting the annual use of force analysis to the Chief of Police no later than January 15 each year. The report shall include; number of incidents, level of force used, injuries reported, discernable trends or training needs, a summary of findings and recommendations for training, equipment, or corrective measures.

F. Medical Aid:

1. When officers use any form of force, deadly or less-lethal, appropriate medical assistance should be provided.
2. Emergency Medical Services should be called to the scene in instances where person(s) have been injured as a result of the application of deadly or less-lethal force.

G. Departmental Response - Deadly Force Incident:

1. When an officer's use of force causes death, or a person is injured as a result of an officer's firearm, a supervisor will respond immediately to the scene. The weapon used will be handled as evidence, with the supervisor taking control of the weapon at the most opportune time at the scene.
2. Debriefing of the officer should be coordinated by a supervisor and documented.
3. Once the officer and supervisor have returned to police headquarters, the officer shall be issued a replacement weapon that is stored in the commander's cabinet. Debriefing will

include any investigative action taken by the department and any verbal or written statements by the officer as to what occurred. The officer shall be placed on administrative leave after completing all internal investigation requirements and until it is determined by a mental health professional that the police officer is ready to return to duty.

4. The department shall conduct both an administrative and criminal investigation of the incident.

H. Death in Custody:

1. Code of Criminal Procedure Article 49.18 (b) requires: If a person dies while in the custody of a peace officer or as a result of a peace officer's use of force or if a person incarcerated in a jail, correctional facility, or state juvenile facility dies, the director of the law enforcement agency of which the officer is a member or the facility in which the person was incarcerated shall investigate the death and file a written report of the cause of death with the attorney general no later than the 30th day after the date on which the person in custody or the incarcerated person died. The director shall make a good faith effort to obtain all facts relevant to the death and include those facts in the report.
2. "In the custody of a peace officer" means: Under arrest by a peace officer or under the physical control or restraint of a peace officer.
3. Blank copies of the "Custodial Death Report" are kept at the commander's desk.

APPROVED:

Roger Byars
Chief of Police

Date

Review and Responsibility

Responsibility Party: Texas Southern University Department of Public's Safety's Command Staff

Review: Review will be conducted every even numbered

Retention: Original on file in the Office of the Chief of Police

Approval: Roger D. Byars, Director for Public Safety/Chief of Police

Date of Approval: September 1, 2008

