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|  | <b>Abilene Police Department Operating Procedures</b> |                              |   |
|   | Subject:<br><i>Use of Force</i>                       | Issued:<br><b>12/16/2022</b> | TBP:<br>2.25,3.02, 3.04, 6.01,<br>6.02, 6.03,6.04,6.06<br>6.07, 6.09,6.11 |

**Use of Force Training (TBP 3.02)**

All officers shall attend annual training regarding the use of deadly force. This training will be conducted by a TCOLE certified instructor, and the training should consist of policy, Texas law, use of force scenario simulator, classroom training, practical exercises or any combination thereof. The training must include the proper use of any firearm used by the officer in the performance of their law enforcement duties.

**De-escalation**

De-escalation Defined – Techniques and resources designed to stabilize the situation and reduce the immediacy of the threat, so that more options and resources are available to bring about a successful resolution to an encounter with a non-compliant subject. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, thereby eliminating the need to use force in response to resistance.

Whenever possible, de-escalation methods and tactics should be employed to minimize risk of conflict or injury to employees and/or citizens. Annual training on de-escalation is mandatory for all sworn employees.


**Use of Force Training and Proficiency for Less-Lethal Weapons (TBP 3.04)**

It is the policy of the Department that all officers who are authorized to utilize less-lethal options receive training at least biennially and demonstrate proficiency at least biennially in the use of the less-lethal option(s). The training must be conducted by a TCOLE certified instructor who is certified for each option used. The instructor must insure that the training is properly documented and that the documentation is submitted in accordance with departmental policy.

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In order to achieve any of the above objectives, an officer must:

- A. Have reasonable suspicion to temporarily detain or probable cause to arrest that suspect and
- B. When feasible, identify themselves as a peace officer, state their purpose to detain or arrest the suspect, give the reason for the detention or arrest and warn the suspect that force will be used.

The amount and degree of force, which an officer may use to achieve an objective, must reflect the surrounding circumstances. The circumstances may include:

- A. The nature and seriousness of the risk of injury to the officer or others;
- B. The age, physical condition and behavior of the subject of the force;
- C. Relevant actions by any third parties;
- D. Physical conditions (such as visibility) at the scene;
- E. The feasibility and availability of alternative actions and
- F. The opportunity and actual ability of the suspect to injure the officer or others.


### **Necessary and Reasonable Force (TBP 6.01)**

An officer shall never use more force than is necessary and reasonable under the circumstances. "The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case (Rehnquist, Graham v Connor)". Officers must be aware their actions and response to resistance/aggression will be judged on an individual basis, considering the facts and circumstances confronting them at the time of the force application.

An officer shall never use force in response to mere verbal provocation or abusive language directed at the officer. However, if an officer believes a verbal threat may be immediately carried out, he is warranted in using force to quell pre-attack behavior and maintain the peace.

### **Duty to Intervene (TBP 2.25)**

All employees, regardless of rank, have a duty and responsibility to prevent and/or discontinue the use of force in violation of policy as well as deviation from use of force policy. When possible, any employee that observes another employee, regardless of rank, using force that is clearly beyond what is reasonable and necessary, has a duty to intervene by verbal and/or physical means, and to immediately report the use of force to a supervisor. When an officer is involved in a use of force incident, they will be relieved from the situation as soon as practicable by backup officer(s) who are less emotionally involved in an effort to de-escalate the situation. Officers should accept, without question (regardless of rank or tenure), the intervention of another officer unless it is not safe or practical to do so.

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## **Force Options and Use**

The following authorized force options are available to officers. The application of force and the force option used will be based on the threat assessment made by the officer at the time of application. Except in emergency circumstances, an officer shall only apply force using the authorized methods and weapons for which they have received proper training. Officers' threat assessments will dictate a response option capable of countering and overcoming the perceived threat. Once the threat has been eliminated, by means of arrest, detention or incapacitation, the response to resistance/aggression application will be reduced accordingly.

The force options available to an officer are: verbal commands, soft-empty hand techniques, oleoresin capsicum (OC) spray, hard-empty hand techniques, K9, impact weapons, conducted electrical weapons, ballistic breaching, vehicle pinning, precision immobilization technique and deadly force.

Officers who are certified and assigned OC spray and CEW's shall carry them while in patrol uniform. The choke hold is not taught by this Department and is not an authorized force option.

## **Draw and Ready Weapons**

Officers may draw and ready any of their authorized weapons for use only when they reasonably anticipate they may have to use such weapon(s).

Except in accordance with the above statement, officers will not draw or clear weapons inside the Police Department except as to use for legitimate law enforcement purposes. This does not preclude officers from transferring a weapon from their duty belt to a secure method of transporting and/or storing their weapon as long as it is not unloaded or cleared inside the PD. If an officer needs to clear a weapon at the PD, it should be done only at an authorized clearing barrel.

## **Use of Restraints**

Officers should use handcuffs or other restraining devices on an arrestee, unless the situation warrants less restraint based on the arresting officer's discretion. An officer should reasonably protect an arrestee from injury caused by handcuffs or other restraining devices.

Officer's will notify a supervisor of any person who is physically placed in restraints (handcuffs, plastic cuffs, flex cuffs) and is later released without arrest. The notification can be in person, via radio or telephone. The officer shall note the subjects' information on the call-sheet along with the name and ID number of the supervisor contacted and reason for release.



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## **Removal from Line of Duty after Using Deadly Force (TBP 6.08)**

It is the policy of the Department that any officer involved in a use of force incident that results in serious bodily injury or death will be relieved from field operations or placed on administrative leave while the matter is investigated. This also applies to traffic collisions when a person is seriously injured or killed. The on-duty supervisor shall immediately notify the appropriate Assistant Chief of Police who in turn will notify the Chief of Police.

The Employee Assistance Program (EAP) shall be available to the employee. The Department may also offer post-incident debriefing or counseling to any employee involved.



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### **No Duty to Retreat**

Officers have no obligation to retreat or back down before resorting to the approved response to resistance/aggression, including deadly force. However, if it would not increase the risk to themselves or others, officers should consider retreat or withdrawal where delay (e.g. to secure assistance) could make a more peaceable arrest more likely.

### **Warning Shots Prohibited (TBP 6.09)**

An officer shall not discharge a firearm as a warning or a threat.

### **Use of Force on Fleeing Suspects**

An officer may use deadly force against a fleeing suspect only when the officer has probable cause to believe:

- A. The suspect committed a felony that involved the use or threatened use of deadly force (or otherwise caused death or serious bodily injury);
- B. The suspect will likely cause death or serious bodily injury to others if the arrest is delayed;
- C. The suspect cannot safely be apprehended by using less force;
- D. The officer's actions will not further jeopardize innocent bystanders and
- E. Where feasible, the officer should attempt to give warning of the use of deadly force.


### **Weapons of Last Resort (TBP 6.11)**

The Department recognizes in some extreme circumstances, where the survival of the officer is in severe jeopardy and deadly force is authorized, the situation may dictate pressing other tools or techniques into service as weapons. These implements might include officer's flashlight, metal clipboard, knife or even a motor vehicle. However, such implements should be viewed as weapons of last resort.

Use of devices or objects as weapons will be closely examined, as well as the degree of exigency present in the situation, the totality of the circumstances and the existence or absence of other acceptable alternatives. The choke is hold is not taught by this Department and is not an authorized force option.

### **Supervisor Response**

An officer using force greater than that of soft empty hands shall notify an on-duty supervisor as soon as practical after the incident. The supervisor should respond, in person, to the scene. A supervisor shall observe the scene, take required notes, photographs, etc. in order to make a detailed response in a use of force document. The supervisor will ensure the use of force form is forwarded to the Event Review Board chairman.

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### **Use of Force Documentation (TBP 6.03, 6.04, 6.06)**

An officer who uses a level of force greater than soft empty hand techniques must submit a completed Department Use of Force Documentation Form to their immediate supervisor, as soon as practical. This report shall include a detailed comprehensive description of the circumstances surrounding the use of the force. The form will then be entered into the Department's tracking system by the officer's supervisor.

### **Injured Prisoners (TBP 6.07)**

Prisoners who are injured or report an injury shall be afforded medical treatment from qualified personnel. An officer who causes an injury requiring medical treatment to a prisoner must notify their supervisor, who in turn will notify the appropriate Assistant Chief.

### **Use of Force Reviews (TBP 6.04)**

The Use of Force may be reviewed by the Event Review Board to:

- A. Ensure the officer's particular use of force complied with state law and departmental policy;
- B. Determine if the officer's particular use of force indicates a need for special counseling or training and
- C. Determine if the situation requires further action.

### **Arrest and Transport of Violent Prisoners**

Hand and leg restraints are acceptable methods of restraining violent prisoners. However, at no time will a prisoner be restrained in a manner likely to cause injury. Subjects will not be hog-tied or placed in any position which obstructs the airway or any mechanical functions of respiration except during the initial control and restraint phase of the arrest and for only as long as immediately necessary to gain control of the subject. Once the subject is restrained, the officer(s) shall immediately set the person upright and relieve the subject of any heavy weight used to gain control.

### **Care of Restrained Prisoners**

Prisoners will not be left in a prone position with their arms restrained behind their back except as necessary while preparing them for movement or transport. Under no circumstances will subjects be left unattended in a prone position with their hands restrained behind their back.