

	EVERMAN POLICE DEPARTMENT	
	Policy 6.1 Use of Force	
	Effective Date: 01/01/2017	Replaces:
	Approved: C. W. Spencer; Chief of Police	
	Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

I. POLICY

This department values the protection and sanctity of human life. It is, therefore, the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer and others.

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.

The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

Officers are prohibited from using any force as a means of punishment or in the process of an interrogation.

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:

1. This term means that, in determining the necessity for force and the appropriate level of force, officers 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 themselves and the community.
2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

IV. PROCEDURES

A. Use of non-deadly force

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable and necessary to bring an incident under control. (TBP: 6.01)
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
 - a. To protect the officer or others from physical harm.
 - b. To lawfully restrain or subdue a resistant individual.
 - c. To bring an unlawful situation safely and effectively under control.

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 others from what is reasonably believed to be an immediate threat of death or serious bodily harm. (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 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. (TBP: 6.09)
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, 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.

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.

V. LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited:

- A. 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 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 Streamlites or Kel-lites or other flashlights as batons. 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 and then only 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.

VI. TRAINING

- A. All officers shall receive training in the use of their firearms and 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 annually. (TBP: 3.01, 3.02)
- C. All officers shall receive training in the department’s “Use of Force” policy at least annually. (TBP: 3.02)
- D. All officers shall receive hands-on arrest and defensive-tactics training at least every two years. (TBP: 3.06)
- E. Officers shall receive training in all non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years. (TBP: 3.04)
- F. All use-of-force training shall, at a minimum, comply with the standards established by TCOLE.

VII. REPORTING USE OF FORCE (TBP: 6.03, 6.06)

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then they will do the following:
 1. Immediately notify the on-duty or on-call supervisor of any use of force or discharge of a weapon. The supervisor shall determine if an immediate investigation is required.
 2. In the event of any firearms discharge or serious physical injury, the supervisor shall immediately notify the Chief of Police.
 3. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.
 4. Submit a use-of-force form to the Chief of Police 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.

VIII. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine the following:
 - a. If departmental orders were violated.
 - b. The relevant departmental policy was clearly understandable and effective enough to cover the situation.
 - c. Departmental training was adequate.
 - d. Departmental equipment operated properly.
2. At least annually, the Chief of Police shall conduct an analysis of use-of force incidents to be made available to the public and to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10.)

B. Internal Investigations

1. An internal investigation will be conducted on any firearms discharge (other than training), and any other use of deadly force by any member of the department. An internal investigation may be conducted on other use-of-force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted of any incident involving the discharge of firearms or any other use of force

incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation may be conducted by another law-enforcement agency with concurrent jurisdiction, and the results may be presented to the grand jury for review.

2. Procedures for officer-involved-shooting investigations are covered in Policy 6.6.

C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use-of-force weapon or action or a vehicle accident, shall be removed from line-duty assignment. This action protects both the interests of both the officer and the community until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)