

DENISON, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

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<i>Subject</i> Authorization to Use Force			
<i>Reference</i>			
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SECTION 1 PURPOSE

The purpose of this order is to establish guidelines regarding the use of force by members and agents of the Denison Police Department. Many decisions and actions of police officers have serious consequences; however, none is so irrevocable as the decision to use force, particularly deadly force. Police officers are armed and trained in the use of force in order to carry out their responsibility to protect themselves and others against assaults from resistive or violent individuals. The use of necessary force will be supported by the Denison Police Department.

- A. The use of force under specified circumstances is permitted by law and is an affirmative duty and responsibility of police officers. However, the unnecessary or excessive use of force is contrary to law, places the representative government agency in a position of civil liability, and the officer in jeopardy of civil and criminal liability and/or disciplinary action. Unnecessary or excessive use of force is prohibited and will not be tolerated by this department.
- B. The use of a firearm is in all probability the most serious act in which a police officer will engage, and has the most far-reaching consequences for all parties involved. It is therefore imperative that officers not only act within the boundaries of legal guidelines, ethics, good judgment, and accepted practices but also be prepared by training, leadership, and direction to act wisely whenever using a firearm in the course of duty.
- C. A reverence and respect for the dignity of all persons and the sanctity of all human life shall guide all training, leadership, and direction as well as guide officers in the use of force. While officers have an affirmative duty to use the degree of force necessary to protect human life, the mere protection of property interests shall never justify the use of deadly force.
- D. These guidelines are intended for internal department use and have not been developed to be applied in any civil or criminal proceeding, nor do they create a higher legal standard of safety or care with respect to third parties. A violation of these rules will be grounds for administrative discipline only, while a violation of the law may be the basis for civil or criminal penalties imposed by a court of law.
- E. The provisions of this order are applicable to all regular and reserve officers while on duty and while off duty acting in their capacity as police officers.

SECTION 2 POLICY

Members and agents of the Denison Police Department will use only the force necessary to effect lawful objectives. Use of greater force than necessary is not permitted. It is understood that situations and circumstances are never constant and there may be justified need to escalate or de-escalate according to conditions present.

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SECTION 3 DEFINITIONS

1. **FORCE:** is defined as the compulsion or restraint exerted upon or against a person for the purpose of:
 - a. Compelling a person to comply with an officer's direction; or
 - b. Overcoming resistance by a suspect during arrest or detention; or
 - c. Defending any person or oneself from an aggressive action by a suspect, which represents a threat of physical injury or death.
2. **NECESSARY FORCE:** is defined as the minimum amount of objectively reasonable force used to achieve a legitimate police objective.
3. **OBJECTIVELY REASONABLE:** The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used upon what a reasonably prudent officer would use under the same or similar situations.
4. **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. (Texas Penal Code, Chapter 9, Sec. 9.01(3))
5. **LESS-LETHAL FORCE:** Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another. Less-Lethal force shall be taken to mean physical strength or skill of one or more officers and/or the use of less-than-lethal approved equipment.
6. **DE-ESCALATION:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.
7. **EXIGENT CIRCUMSTANCES:** Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
8. **CHOKE HOLD:** A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
9. **CAROTID ARTERY NECK RESTRAINT:** A physical maneuver that restricts an individual's carotid arteries for the purposes of incapacitation.
10. **WARNING SHOT:** Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

SECTION 4 PROCEDURES

A. Use of Deadly Force

1. Members and agents of the Denison Police Department shall use deadly force only when he/she reasonably believes it is necessary to protect himself/herself or another person from death or serious bodily injury, and only as a last resort. Justification for the use of deadly force shall be limited to the facts known or reasonably perceived by an officer at the time the incident occurs. Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify the use of deadly force.
2. Deadly force will not be used when the lawful objective could be successfully accomplished with the use of a lesser degree of force. Deadly force shall be exercised only when all reasonable alternatives have been exhausted.

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3. Deadly force will not be used when the use of deadly force presents a greater threat to bystanders than not using deadly force.
 4. The use of a chokehold, which if applied incorrectly can cause death or serious bodily injury, and other neck-restraining techniques such as carotid artery neck restraints are prohibited. Only as a last resort *and* no other articulable means are available in defense of an officer's life is there an exception to this tactic.
 5. Officers are prohibited from using a "hogtie" in any manner or form, as it can restrict breathing in persons possibly causing death or serious bodily injury. "Hogtie" denotes a procedure, or any variation thereof, whereby an individual's hands are restrained, feet are restrained, and then hands and feet are connected in some fashion together in back.
 6. Force shall not be used with the intent or purpose to punish, injure or kill. Force shall only be used to protect an officer from attack by a subject, to prevent a subject from completing a criminal act, or in effecting an arrest on a resisting subject, and then, only the minimum amount of force necessary shall be used.
 7. Officers shall not fire a weapon as a warning in order to compel arrest, or to prevent the escape of a suspect or prisoner.
 8. Officers shall not fire a weapon from a moving vehicle, except as a last resort to save the officers life.
 9. Officers shall not fire a weapon to disable or stop a fleeing vehicle.
 10. Firearms shall not be discharged at a moving vehicle unless:
 - A. a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle: or
 - B. the vehicle is operated in manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical) **which includes moving out of the path of the vehicle.**
 11. Officers shall not use deadly force to effect the arrest or prevent the escape of a suspect, unless suspect is known to be armed and is an imminent risk to kill or seriously injure any person.
 12. Officers shall not fire into buildings where suspects are hiding. The only exceptions to this are: The police sniper has an open shot, and has approval from the police chief or his designee to fire, on an armed subject holding a hostage or presenting a lethal danger to police and/or the public; or, in those instances where there is no doubt of the suspects location and then only when deadly assault or intended deadly assault is being directed from the location at the officer or others.
- B. De-escalation
1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
 2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
- C. Use of Less-Lethal Force
1. Officers shall use the minimum amount of objectively reasonable force necessary to prevent the commission of an offense or prevent a person from injuring himself/herself. The amount or degree of force will be determined by the totality of the facts and

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circumstances known to the officer at the time force is used. Such circumstances shall include the feasibility of alternative actions.

2. Officers shall use only the minimum amount of objectively reasonable force to make an arrest or control a person, or to conduct any other lawful police duty. Under no circumstances will the force used by an officer be greater than necessary to achieve legitimate police objectives, nor will the force be used longer than necessary to subdue the suspect, and deadly force shall not be used except as specifically provided in this General Order.
3. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, another person, or property damage. In these situations, only the minimal amount of force necessary to control the situation shall be used.
4. All employees have a duty to intervene to prevent or stop the use of excessive force by another employee. Any employee present and observing another employee, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intervene to prevent the use of excessive force. Employee's, regardless of rank, shall promptly report those observations to a supervisor, in writing, even if successful in intervening in the use of excessive force. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline.
5. Officers shall consider the following force options when feasible, but there is no duty or requirement to fulfill one force option before using or considering another as long as the forced used is appropriate for the circumstances:
 - A. Option 1: **Officer Presence**-Best illustrated when the officer arrives at the scene. The subject sees the officer and the assumption is the actor knows the person who has just arrived is a police officer because of the marked police vehicle, verbal advice by the officer, the uniform, and/or visible badge/identification. If the subject continues the illegal actions or fails to submit to the authority and direction, the officer may consider and use other force options.
 - B. Option 2: **Verbal Commands**-Best illustrated when the officer advises the subject, "You're under arrest, place your hands behind your head," etc. The assumption is the subject can clearly hear the officer's directions. If the subject fails to comply with the officer's directions and/or continues the illegal actions, the officer may consider and use other force options.
 - C. Option 3: **Open Hand Control and Restraint**-Best illustrated when an officer physically contacts subject to control or handcuff. Most defensive techniques fall in this level, since such techniques are designed for gaining control and do not have a high potential of injury.
 1. If the subject increases the level of resistance by pushing, shoving, struggling etc., the officer may increase the intensity of control and restraint techniques. Officers are not required nor expected to engage a suspect in a prolonged physical altercation as it may represent an increase in potential injury or danger to the officer. Therefore, an intense increase in the level of resistance may require the officer to take a defensive stance with either a chemical agent, TASER (if applicable), or

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baton drawn and displayed (interview or two-handed ready position). The officer should give clear and assertive verbal commands as to what the officer expects the suspect to do. The officer may not use a higher degree of force, unless the subject refuses to comply, actively resists and/or represents a threat to the safety of the officer or another person. If an alternative force option becomes necessary, the officer may use that option to gain control over suspect.

2. If the suspect is forced to the ground in order to apply handcuffs, and the weight of several officers is needed to control the suspect, the weight shall be removed as soon as possible in order to allow the subject to breathe freely. Officers should roll the suspect on his/her side, or place him/her in a sitting position as soon as possible.

D. Option 4: **Intermediate Force** (Striking Techniques, Less-than-lethal weapons including chemical spray, ASP baton and TASER, when available)-Best illustrated when the subject aggressively resists, represents a threat to the safety of the officer or others, threatens, or attempts to use force, but does not yet represent a life-threatening event. The officer may find it necessary to strike the subject with a closed fist. These strikes should be directed towards areas not likely to cause great bodily harm (i.e., motor points, muscle groups, navel area, etc.). The officer may administer a chemical agent, which is a low-level application with minimal chance of injury, or it may become necessary for the officer to deploy a TASER (when available), or strike the subject with an approved police baton technique. In most cases, officers should attempt to deploy a TASER to the backside of the suspect because his/her clothing is normally tighter and there is less chance for injury to sensitive areas. If practical and possible, officers should avoid deploying a TASER at the face throat, breasts, groin and belly area of a suspect (See TASER policy 6.01.2). Strikes with the baton shall be directed only toward areas of the chest, legs, arms, mid-section, or sides. Intentional blows with a baton to the head, neck, throat, spine, kidneys, or groin area are prohibited. The use of a TASER and/or techniques of baton use shall only be those taught in official training presented by, sponsored, or on behalf of this department. The purpose of striking techniques, Taser, chemical spray, etc. is to stop the subject(s) resistance and gain control and/or compliance. At no time should any force be used with the intent or purpose to punish or injure or prolonged when the use of force is no longer warranted. Should a subject's actions escalate to represent deadly or serious threat of bodily injury to the officer or any other person, the officer may consider and use other force options (**See Section 4-C Additional Force Options**).

1. Officers are provided with chemical spray and a baton as instruments of intermediate force in order for officers to successfully control situations where the use of force may be or is necessary. Properly utilized, the baton is an effective tool that can prevent the escalations of an incident to the point where deadly force may otherwise be necessary.
2. Flashlights shall not be used in substitution of the baton or as an offensive or defensive weapon, except in situations wherein it is necessary for officers to protect themselves or other from an imminent threat of death or serious bodily injury.
3. Officers shall not utilize weapons or other devices taken from citizens as instruments of control or force unless it is necessary for officers to

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protect themselves or others from an imminent threat of death or serious bodily injury.

- E. Option 5: **Deadly Force**- Best illustrated when the officer must shoot the suspect with a firearm or strike the suspect with an instrument that is intended and likely to cause death or serious bodily injury to the suspect.

An officer, based on the circumstances of the situation, has no requirement to use a lesser force option before using a stronger force option when necessary for personal or public safety.

D. Additional Force Options/Use of Less Lethal Munitions

1. The employment and use of these devices are decisive actions that can assist in achieving the goal of protection of life and property and / or the restoration of order. They should be considered whenever the use of less lethal options would assist in enabling an arrest, restoring order, and / or reducing the risk of more serious injury. Circumstances justifying the use of the munitions include, but are not limited to;
 - A. Restoration or maintenance of order during jail or civil disturbances.
 - B. Safely controlling violent persons.
 - C. Subduing vicious animals.
 - D. Situations when the authorizing person deems their use necessary to safely resolve the incident.
2. **Only officers that are trained and certified by a less lethal instructor are approved to use less lethal impact munitions.**
3. The use of less lethal impact munitions constitutes a use of force, and as such, must be reported in accordance with standard departmental force reporting procedures.
4. Storage of less lethal munitions should conform to the manufacturer's recommendations. Generally they should be stored in their original container in a cool, dry place. Munitions which have been removed from their original container shall be clearly and conspicuously identified as "less lethal", to prevent confusion with lethal munitions. Under no circumstances shall less lethal impact projectiles be kept in a manner, which might lead to confusing them with lethal munitions. Generally they should be stored in a separate container or cabinet or on a separate shelf, which is clearly marked. **Less Lethal rounds will only be used in approved and marked less lethal weapons.**
5. Except, as previously mentioned, less lethal impact projectiles should be transported in accordance with the department's customary policy or practice for small arms munitions.
6. Under no circumstances shall any person be authorized to tamper with, or alter in any manner, any less lethal impact projectiles. Misfires and duds shall be recovered, rendered safe, and removed from service. Appropriate notifications shall be made and munitions, which have malfunctioned, or are damaged, shall be handled according to departmental policy governing other types of ammunition.
7. Upon receiving any munitions, the person actually employing them is ultimately responsible for ensuring that these munitions are less lethal, and used in accordance with department, or unit policy.
8. **An audible warning (Impact, Impact) will be given by an officer before less lethal impact munitions are deployed, and a second officer will provide lethal cover for the officer deploying less lethal.**
9. **After the use of less lethal impact munitions any impact wounds on the suspect should be documented and photographed. If the subject needs medical attention it should be provided as soon as possible.**

E. Shooting of Animals

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Officers shall not shoot animals unless:

1. The officer or other persons are in imminent danger of bodily injury or death by attack from an animal or animals, or
2. The officer is requested to do so by an Animal Control Officer or,
3. Due to an accident, illness or disease, the animal is suffering and must be humanely destroyed immediately. The officer should attempt contact with the owner of the animal or a supervisor, if possible and practical, before shooting the animal.

F. Additional Force Prohibitions:

State law prohibits using an amount of force greater than necessary in any Use of Force situation. In addition, excessive force may not be used by officers in this jurisdiction against any individual engaged in non-violent civil rights demonstrations. This policy also prohibits the physical barring of any entrance to, or exit from, such a facility within this jurisdiction.

G. Reports on Use of Force

1. All officers shall submit a written report to the Chief of Police whenever:
 - A. He/she discharges a duty firearm, either purposely or accidentally (on or off duty), or witnesses another officer discharge a firearm, except during military service, training, or legitimate recreational activities.
 - B. He/she takes an action, or witnesses another officer take an action, which results in or is alleged to have resulted in injury or death to another person.
2. All use of force shall also be documented in the arrest or offense report written regarding that arrest or offense.

SECTION 5 RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.