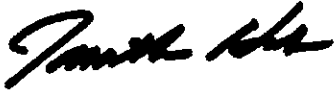




BALCH SPRINGS, TEXAS POLICE DEPARTMENT

GENERAL ORDERS MANUAL

Effective Date: 2/24/2012	Amended Date:	Directive: 6.01-1
Subject: Use of Force		
Reference:		
Distribution: All Police Personnel City Manager City Attorney	TPCA Best Practices Recognition Program Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10	Review Date: 4/5/2016
Approved by Chief of Police: 		Pages: 8

I. POLICY

Of the duties, responsibilities, and powers entrusted to law enforcement, lethal force is the most awesome and final. In all likelihood, a decision to employ lethal force will be demanded under the worst of circumstances. After the fact investigation and judgment will enjoy the benefits of time and reflection. Yet, the event cannot be undone regardless of the opinion of later examination.

Foremost to any consideration of the application of lethal force is the preservation of human life. No equation of value can balance human life and property. No legal statute can absolve conscience or replace ethics. It is therefore imperative not only that the officer acts within the boundaries of the law, professional ethics, good judgment, and accepted practices, but also that the officer be prepared by training, leadership and direction to act wisely.

Balch Springs Police Officers have demonstrated in years past their reverence for the value of human life through exemplary performances in life threatening situations. This same reverence dictates that this Department will not permit the use of lethal force solely to protect property interests, regardless of value. Although we may consider lethal force a last resort; in reality, we will lawfully protect our own lives and the lives of innocent others.



BALCH SPRINGS, TEXAS POLICE DEPARTMENT

GENERAL ORDERS MANUAL

- A. The policy of this Department permits non-lethal and lethal force where such force is in accordance with current law.
- B. The policy of this Department specifically forbids the use of force, non-lethal or lethal, in situations where such force is not in accordance with law.
- C. The policy of this Department specifically forbids the firing of firearms or the use of deadly force in situations where the use of deadly force would not be in accordance with current state and federal law.
- D. Justification for the use of non-lethal or lethal force must be limited to the facts reasonably apparent to the officer at the time the officer decides to use the force.

II. PURPOSE

This policy establishes the use of force by police officers of this Department in the performance of their duties, and is for departmental use only. This policy creates high standards of conduct in order that training may be aimed at the highest level. Additionally, this policy is written in an attempt to guide police officers in critical situations and not to serve as a measure of liability.

III. DEFINITIONS

A. Deadly force

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

B. Non-deadly force

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. Objectively Reasonable: 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,



BALCH SPRINGS, TEXAS POLICE DEPARTMENT

GENERAL ORDERS MANUAL

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, and skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

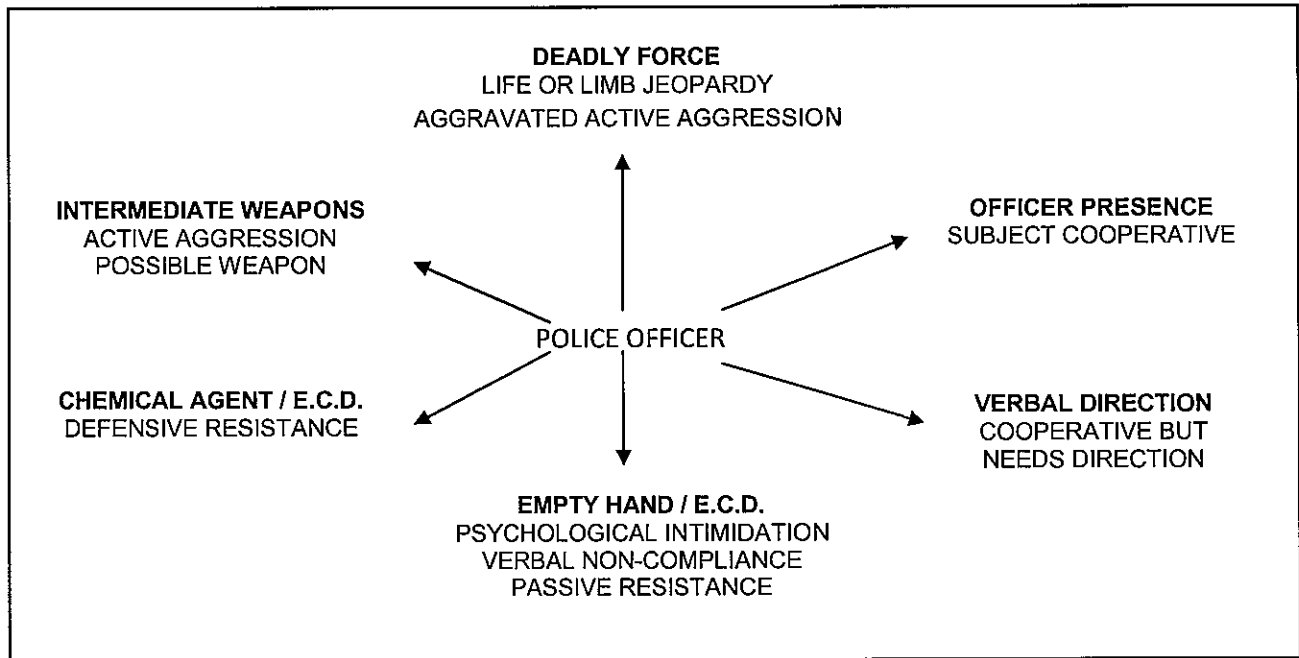
IV. PROCEDURES

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. Force may be used by a police officer in the performance of his duties to achieve a lawful objective as set forth in Chapter 9 of the Texas Penal Code.
3. Acknowledged levels of resistance:
 - a. Psychological intimidation – such as subject body stance (boxing, karate, etc.)
 - b. Verbal non-compliance - abusive language, cursing, verbal refusal to comply with officer's direction.
 - c. Passive resistance - sit in demonstration, hands tucked underneath the body.
 - d. Defensive action - turning, jerking, or twisting away.
 - e. Active aggression - hitting, kicking, biting, etc.
 - f. Aggravated active aggression - aggressive resistance with a weapon, and/or uses techniques or objects which could result in death or serious bodily injury to the confronting officer.



BALCH SPRINGS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL



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 a threat of death or serious bodily injury. (TBP: 6.02)

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.



BALCH SPRINGS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

4. Firing a firearm or use of deadly force in situations where the use of deadly force would not be in accordance with Chapter 9 of the Texas Penal Code.
5. Use of deadly force or firing firearms without first-hand knowledge of crime events in an alleged offense. Officers are not to rely solely on third person reports as basis for use of deadly force.
6. Firing into buildings or other places where offenders are suspected of hiding. The only exception to this will be where there is no doubt of offender's location and when deadly force or intended deadly force is being directed from that location at the officer or others.
7. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when 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 choke hold or carotid control holds, except when the officer reasonably believes such holds are the only means of protecting the officer 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.



BALCH SPRINGS, TEXAS POLICE DEPARTMENT

GENERAL ORDERS MANUAL

VI. TRAINING

- A. All officers shall receive training in the use of their firearms, 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) (see directive 6.02-1)
- C. All officers shall receive training in the department's Use of Force policy at least annually. (TBP: 3.02) (see directive 6.02-1)
- D. All officers shall receive hands-on arrest and defensive tactics training at least every two years. (TBP: 3.06) (see directive 3.01-1)
- 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) (see directive 6.03-1)
- F. All Use of Force training shall, at a minimum, comply with the standards established by TCLEOSE.

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 discharged any firearm, they shall first provide appropriate medical aid for the subject (TBP: 6.07) and then:
 - 1. Immediately notify the on-duty supervisor. The supervisor will determine if immediate notification up the chain of command is necessary.



BALCH SPRINGS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.
 3. The involved officer(s) shall complete a "Use of Force" report prior to the end of their shift.
 4. The on-duty supervisor shall review and acknowledge the report. The supervisor shall complete a "Supervisor Supplement to the Use of Force" report. This report will identify any policy violations and make recommendations for changes in policy or needs in training.
 5. The supervisor shall forward both reports to the division commander for review. After review by the division commander the reports will be forwarded to the Chief of Police or his designee.
- C. If the officers have displayed a firearm and not discharged the firearm the officer shall:
1. Complete a "Weapon Display" report. This report is saved on the department computer server.
 2. The department range master shall review the reports and create an annual log to be reviewed and filed with firearms training records.

VIII. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisors and the Chief of Police or his designee shall review all reported uses of force to determine whether:
 - a. Departmental orders were violated.
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
 - d. Departmental equipment operated properly.
2. At least annually, the Chief of Police or his designee shall conduct an analysis of use-of force incidents and to determine if additional



BALCH SPRINGS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

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 members of the department. An internal investigation may be conducted on other uses 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 in any firearms discharge or 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 Directive 6.04-1 Investigation of Officer involved shooting.

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 or vehicle accident, shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)

PRIOR ORDERS

From and after the effective date of issuance of this order, it shall be in full force and shall govern the operations of this department with regard to its subject matter. Former orders, policies, directives, and memoranda relating to this subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.