

League City Police Department



GENERAL ORDER

Reference Number: 601

Subject: Authorization to Use Force

Effective Date: 03-10-15
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This Order consists of the following numbered sections:

- 601.01 PURPOSE
- 601.02 DEFINITIONS
- 601.03 GENERAL POLICY
- 601.04 TRAINING
- 601.05 EFFECTIVE DATE

601.01 PURPOSE

This Order establishes departmental policy regarding the Use of Force and applies to both sworn and non-sworn personnel of the League City Police Department. This order is for administrative departmental use only and is not intended to apply in any criminal or civil proceeding. Violation of this order will form the basis for administrative action.

601.02 DEFINITIONS

- A. Bodily Injury - Means physical pain, illness or any impairment of physical condition.
- B. Choke Hold – Any method used, which restricts the flow of blood or oxygen to the person by means of compressing the trachea, airway or vascular arteries in the neck.
- C. Companion Officer – Assigned to an officer involved in an Officer-Involved Shooting (OIS) for support and as a liaison during the aftermath of an OIS. Must be the same gender as involved officer.
- D. Deadly Force - “Deadly Force” as that which 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
- E. Excessive Force - Force is excessive when its application is unreasonable and unnecessary under the circumstances, resulting in any injury, serious bodily injury or death to an actor. Based on an objective reasonableness standard employed by the courts, the following considerations contribute to a determination of excessive force:

1. The severity of the crime;
 2. The nature and extent of the threat posed by the suspect;
 3. The degree to which the suspect resists arrest or detention; and
 4. Any attempts by the suspect to evade arrest by flight.
- F. Extreme Circumstance - The need for the immediate protection of life or protection from serious bodily injury, when circumstances do not allow for any other option(s).
- G. Firearm - Any weapon from which a projectile is forcibly ejected by an explosive charge.
- H. Force - That amount of power, strength or energy which is necessary to overcome an actor's physical resistance.
- I. Intermediate Weapon - Any object, regardless of its original manufactured purpose, which can be utilized to strike or temporarily incapacitate a person.
- J. Neck Restraint – Compressing one or both sides of a person's neck with the hands, arms or legs, without applying direct pressure to the trachea or airway.
- K. Non-Deadly Force - Any use of force that is not considered deadly force. The force employed which is not intended to cause serious bodily injury or death.
- L. Objectively Reasonable - 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 the community.
- M. Officer-Involved Shooting (OIS) - Any incident, whether on duty or off, where an officer discharges a firearm and:
1. Causes injury or property damage, or
 2. Intentionally deploys deadly force in accordance with this order, regardless of whether or not the weapon belongs to the Department.
 3. An OIS does not include a sporting event, target shooting, or hunting related activity.
- N. Reasonable Belief - When facts or circumstances the officer knows or should know are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- O. Serious Bodily Injury - A physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or impairment of the function of any bodily organ or limb.

601.03 GENERAL POLICY

- A. This Department recognizes and respects the value and special integrity of each human life. It is the policy of this Department to employ the minimum amount of force necessary to affect an arrest and overcome any resistance offered.
- The use of unnecessary force serves only to erode public confidence and support that is essential to the delivery of police services. It is to this end that the Department provides officers with policies and training in order to aid them in identifying the circumstances necessitating the utilization of and the application of force.
- B. The amount and degree of force which may be employed in attaining a lawful objective will be determined by the surrounding circumstances including, but not limited to:
1. The severity of the offense;

2. The nature and extent of the threat posed by the suspect;
 3. The degree to which the suspect resists arrest or detention;
 4. Attempts by the suspect to evade arrest by flight;
 5. The age, physical condition, and behavior of the subject of the force;
 6. Relevant actions by third parties;
 7. Physical conditions (such as visibility) at the scene;
 8. Feasibility/availability of alternative actions;
 9. The opportunity/ability of the suspect to injure the officer or others;
 10. The officer's age, size, strength, skill level with Department approved weapons and the number of officers as opposed to the number of suspects.
- C. No force option, including deadly force, shall ever be displayed or brandished as a threat unless its actual use in the situation would be proper. However, force options may be readied for use in situations where it is anticipated that they may actually be used, or the drawing or display of a force option is a reasonable precaution.
1. Prohibited actions shall include the following:
 - a. Officers shall not engage in any "horseplay", "quick draw", or any other similar activity with any firearm, Electronic Restraint Device (ERD) or any other approved force option.
 - b. A laser sight, laser beam, or any other type of optical sighting device shall not be utilized in any situation, except where the actual use of the force option would be justified.
 - c. Firearms or any other approved force option shall not be used for any purpose other than approved range training, demonstration, performance of duty, or as otherwise approved by law.
- D. The use of any force option will be examined under the guidelines of the "objectively reasonable" standards as established by court precedent. Facts or circumstances, unknown to the officer, shall not be considered in later determining whether the force was justified. In all applications of force, the Department expects officers to employ reasonable force necessary to accomplish a legitimate legal objective.
- E. Nothing in this directive shall be construed to prevent any officer from utilizing any weapon at his disposal to protect him or third parties from death or serious bodily injury in a bona fide emergency.
- F. The use of excessive force may result in disciplinary action and criminal prosecution.
- G. Officers of the League City Police Department shall not use choke holds or neck restraints as a method to control a combative suspect unless the actions of the suspect constitute a threat of serious bodily injury or death to the officer, or any other person.
- H. Any officer of the Department, regardless of rank, that observes another employee 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. This same standard applies even if the employee using force is a supervisor.

601.04 TRAINING

- A. In the course of official duty, it is imperative that an officer act within the boundaries of law, professional ethics, good judgment and accepted practices. It is equally important that an officer be prepared through training, leadership and direction to act wisely when using a firearm or any other prescribed use of force. The officer should have an overall understanding of these values when deciding on an appropriate force option.
- B. Except under extreme circumstances, no officer should use or attempt to use any technique, tactic, weapon or intermediate force option for which he has not been trained. The training must have been accomplished in a manner approved by the Department.

1. Weapons:

- a. While on duty, officers shall carry only weapons authorized by the Department.
- b. Authorized weapons are those with which the officer has qualified and received training on proper and safe usage and that comply with Departmental specifications.
- c. The Department shall schedule regular training and qualification sessions for duty, off-duty, and specialized weapons. These sessions will be graded as either Pass or Fail.
- d. Officers who fail to receive a passing score with their duty weapons, in accordance with Department qualification procedures, shall be relieved of their police powers and immediately assigned to non-enforcement duties.
- e. Officers shall not be permitted to carry any weapon on duty with which they have not been able to qualify during the most recent qualification period.
- f. Officers who have taken extended leave or suffered an illness or injury that could affect their firearms proficiency will be required to re-qualify before returning to enforcement duties.

2. Intermediate Levels of Control (weapons):

- a. All uniformed officers are required to be certified in and carry at least one (1) intermediate weapon.
- b. Employees are not permitted to use an intermediate weapon unless qualified in its proficient use as determined by training procedures.
- c. Employees should be aware that the application of any Intermediate level of control may result in injury, up to and including death. Employees applying an intermediate level of control should ensure that they are following training protocols and Department policies for the safety of all persons.
- d. The following intermediate levels of control (weapons) are authorized:
 - 1. Straight expandable baton, straight baton (fixed length, non-expandable) & PR24 side handle baton;
 - 2. O.C. pepper spray; and
 - 3. Electronic Restraint Device (e.g., TASER)
 - 4. Specialized units may use other weapons if trained and approved by the Chief of Police.

3. It shall be the responsibility of the officer receiving the training to ensure that a copy of all training certificates received are forwarded to the Chief of Police or his designee immediately following the completion of any school, particularly those where training in the use of force is concerned.

601.05 NON-DEADLY FORCE

- A. Non-Deadly force is any force, other than deadly force.
- B. The application of any degree of force, other than deadly force, is justified when the officer reasonably believes that it is necessary. Situations include, but are not limited to:
 1. Prevent escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime;
 2. Defend the officer or another person during an arrest and otherwise lawfully take a person into custody; or
 3. Bring a situation safely and effectively under control.
- C. When using non-deadly force, all personnel shall adhere to applicable laws and standards governing the use of force under the United States Constitution, State Constitution, applicable judicial interpretations and the guidelines set forth in this policy.
- D. When practical, an officer should attempt to issue verbal commands in an attempt to gain voluntarily compliance by the actor. It is important to note that sometimes, because of the actor's actions, it may be necessary to adjust the level of force applied. Officers must be able to escalate their use of force and de-escalate their use force as appropriate for the situation in compliance with this policy.
- E. The amount and type of non-deadly force used must be objectively reasonable in the light of the existing circumstances.

601.06 EFFECTIVE DATE

This Order is effective on March 10, 2015. This Order was revised on January 1st, 2018.



Gary D. Ratliff
Chief of Police
League City Police Department
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