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**303.00 Response to Resistance and Aggression**

**303.01 Purpose**

The purpose of this General Order is to provide guidelines for all North Richland Hills Police Department employees, authorized to use force, in the use of any force, up to and including deadly force.

**303.02 Policy (TPCA 6.01)**

- A. It is the policy of the North Richland Hills Police Department that its employees, while performing an official duty and acting in compliance with the laws of the United States and the State of Texas, use only the force that is objectively reasonable to accomplish a lawful police objective while protecting themselves, employees, and others.
- B. This policy is applicable to each employee, either on-duty or off-duty, when acting in their capacity as a department employee, and/or invoking powers of their respective office. All actions equating to the use of force shall be in accordance with the correlated department training governing such actions.
- C. There is no duty to retreat before using force or deadly force that is justified by these General Orders. However, the sanctity of all human life shall be a guiding principle.
  - 1. The use of force by any employee will be the least amount reasonably necessary to accomplish a legal objective, and
  - 2. The decision to employ force shall be based not only upon legal authority, but shall also adhere to the following principles: Proportional, Lawful, Authorized, Necessary, and Ethical (P.L.A.N.E.).

**303.03 Definitions**

Employees: For the purposes of this policy, the term “Employees” refers to police officers, detention officers, public service officers, and any other employee of the Police Department.

Imminent: An action that is impending or looming, but not so forthcoming as to be immediate or instantaneous. An imminent danger may exist if an employee has probable cause to believe:

- 1. A subject possesses a weapon or is attempting to gain access to a weapon under circumstances indicating an intention to use it against the employee or another; or,
- 2. A subject with the capability of inflicting injury, serious bodily injury, death or otherwise incapacitating an employee is demonstrating an intention to do so.

Objectively Reasonable: The term ‘objectively reasonable’ establishes the standard by which an employee’s decision to use force is evaluated.

- 1. The decision to use force, and what level of force, is to be judged objectively and from the perspective of a reasonably prudent employee with similar training in light of the totality of the same or similar circumstances known by the employee at the moment the force is used.

2. In determining objective reasonableness, employees shall consider these factors:
  - a. The seriousness of the offense;
  - b. The extent to which an individual poses an actionable threat to the employee or another; and,
  - c. Whether the individual is actively resisting arrest or attempting to evade arrest.

Proportional: Employees will utilize force in proportional response to the threat, actions, and level of resistance presented by an individual, meaning that the level and method of force used will fall within a proper and acceptable relationship to the resistance an employee is responding to.

1. Proportional force does not require an employee to use the same type or amount of force as the subject.
2. A greater level of force may be objectively reasonable and necessary to address a threat that is immediate and likely to result in injury if not effectively countered.
3. A lesser level of force may be appropriate if the circumstances indicate the same or greater level of force is not reasonably necessary to safely counter a threat or the actions of a subject.

Lawful: Force that is authorized by Chapter 9 (Justification Excluding Criminal Responsibility) of the Texas Penal Code as well as all applicable federal law.

Authorized: Force that is permissible under these General Orders. An employee's use of force must not only adhere to state and federal law, it must also be permissible under these General Orders.

Necessary: Employees will only use physical force when no reasonably effective alternative appears to exist. Unless doing so would place any person at greater risk, employees shall utilize de-escalation tactics in an effort to enable responses that involve lower levels of force or no force at all.

Ethical: Force that conforms to the standards of conduct expressed in the Law Enforcement Code of Ethics.

Bodily Injury: Physical pain, illness, or any impairment of physical condition.

Serious Bodily Injury: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Force: Any physical action or exercise of strength exerted upon another to influence, compel, or control the other to act or refrain from certain behavior. It may include the physical touching of another through the use of empty hand control techniques and/or the use or display of intermediate weapons or firearms.

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.

Intermediate Force Options: Devices or techniques, which by their design, intended function, and use, may be categorized intermediary to physical control and deadly force. Intermediate force options are:

1. By their design, intended function and use, less likely to result in death or serious bodily injury;
2. Intended to enable employees to remain outside of contact range and/or more safely and effectively subdue an individual whose level of resistance or capability of resistance presents a substantial risk to any person; and
3. Include, but are not limited to, impact weapons and impact munitions, Oleoresin Capsicum, TASERs, and police canine as defined within Response Options.

Reckless: A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary and prudent person would exercise under all the circumstances as viewed from the actor's standpoint.

### **303.04 De-escalation**

Consistent with the Department's policy on De-escalation, employees will utilize de-escalation techniques when such tactics may be implemented without placing any person at undue risk.

1. Employees will determine if the circumstances require an immediate response or whether other reasonable alternatives may be employed without unreasonable risk to any person. Examples of reasonable alternatives include such tactics as creating time and distance, establishing a secure perimeter, and/or initiating calm and consistent communication.
2. If an immediate response is necessary, employees will use the least amount of force required under the circumstances and de-escalate as soon as possible.
3. Once control of a subject has been obtained and the threat or resistance no longer exists, employees will immediately de-escalate and discontinue the use of force.

### **303.05 Post Use of Force Medical Attention and General Care (TPCA 6.07)**

- A. After any level of physical force is used upon a subject, employees should be aware that injuries may not be readily apparent. As soon as it may be safely accomplished, observation and inquiry into the person's physical status shall be made to ascertain and assess any possible injury.
- B. As soon as it may be made safe to do so, employees shall immediately administer first aid to any individual who has been critically injured or evidences medical distress. Medical personnel shall be summoned or sought to supplement employee efforts.
- C. Medical personnel shall be sought or summoned to administer aid for any individual who has been injured or potentially injured or who requests medical aid after force was used against them.
- D. The level of medical aid required of an employee by these General Orders shall be proportionate to the employee's level of training.
- E. Once a subject has been subdued and/or restrained by any means, that subject will be placed in a seated or upright position without undue delay. If that is impossible for any reason, the subject will be placed on his or her side. In no instances will a subdued and

restrained subject be placed or left in a prone position face down longer than may be immediately necessary to control an incident.

- F. In addition to the prevailing requirements set forth in this section, medical aid is required to be sought or summoned anytime an individual is subjected to certain force techniques. The specific medical requirements associated with each technique are described within the General Order section governing the use of the technique, which includes:
  - 1. Oleoresin Capsicum (OC),
  - 2. The TASER,
  - 3. Impact Weapons, to include less-lethal munitions,
  - 4. Police K9, and
  - 5. Deadly Force.
- G. Photographs of corresponding injuries and/or the area complained of shall be taken anytime a subject is injured or makes claims of injury as a result of an employee's actions. These photographs will be included with any report generated as well as the required memorandum (as specified in the General Order - Required Memorandums Addressed to the Chief of Police).

### **303.06 Use of Deadly Force (TPCA 6.02)**

- A. A police officer of the North Richland Hills Police Department may use force up to and including **deadly force** to protect officers or others from what is objectively and reasonably believed to be an imminent threat of death or serious bodily injury.
- B. Unless doing so places any person at greater risk, an officer will identify oneself as a police officer and warn of one's intention to shoot prior to the discharge of a firearm.

### **303.07 Use of Deadly Force Restrictions (TPCA 6.09)**

The following are exceptions that are specifically prohibited by this general order:

- 1. The firing of warning shots is prohibited.
- 2. Deadly force may not be used to protect property.
- 3. Deadly force may not be used to prevent a prisoner from escaping unless the actor resorts to conduct which includes the use or attempted use of deadly force.
- 4. Firearms shall not be discharged into a building at an offender in a reckless or negligent manner. When using deadly force, target acquisition is required for the discharge of all firearms, unless specifically directed by an incident commander.
- 5. Firearms shall not be discharged at a moving vehicle unless:
  - a. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle; or
  - b. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted, are not present, or are not practical.
    - i. A reasonable means of defense includes moving out of the path of the vehicle.
    - ii. Officers shall not intentionally place themselves in the path of a moving vehicle where the use of deadly force would likely be the probable outcome.

6. Weapons may not be discharged from a moving vehicle in a reckless or negligent manner.
7. Shooting of animals is prohibited unless the officer or other person(s) are in imminent danger of death or serious bodily injury as a result of the animal's ferocity.

### **303.08 Use of Non-Deadly Force**

An employee of the North Richland Hills Police Department may use force, but not deadly force, against another to the level that is objectively reasonable to accomplish a lawful police objective. Employees are authorized to use non-deadly force techniques and issued equipment:

1. To protect themselves against the other's use or attempted use of unlawful force;
2. To protect a third person against the use or attempted use of unlawful force;
3. To prevent another from committing suicide or inflicting serious bodily injury to themselves; or
4. When, and to the degree necessary, the employee reasonably believes the force is immediately necessary to make or assist in making a detention, arrest or search, or to prevent or assist in preventing escape after arrest.

### **303.09 Response to Resistance and the Critical Decision-making Model**

- A. In addition to the parameters set forth by this General Order, employees of the North Richland Hills Police Department will utilize the Department Critical Decision-making Model (CDM) to select response to resistance techniques that are objectively reasonable and represent the least amount of force reasonably necessary to accomplish a lawful objective while being Proportional, Lawful, Authorized, Necessary, and Ethical (P.L.A.N.E.).
- B. In using the CDM, an employee may respond immediately at any level of force that represents an objectively reasonable response to the perceived threat posed by an individual without first having to progress through increasing levels of force.
- C. Consistent with the concept of Proportionality, and absent the escalation of resistance by the subject, an employee can reasonably escalate to a higher level of force if the employee finds lower levels of force ineffective, or reasonably believes that a lower form of force will be ineffective, given the specific circumstances of the encounter.
- D. Conversely, an employee should utilize a lesser form of force if they reasonably determine that such lesser or equal force option will be sufficient in safely countering the threat or actions of a subject.
- E. In making these determinations, an employee's response assessment shall include:
  1. Age of the employee compared to the subject;
  2. Size of the employee compared to the subject;
  3. Physical condition of the employee compared to the subject;
  4. Apparent skill level of the employee compared to the subject; and
  5. The number of employees present compared to the number of subjects involved.
- F. In determining the reasonableness and proportionality of employing intermediate force options, an employee's assessment shall be based upon the parameters established within this General Order and shall also include:

1. Whether attempts to subdue the person by other tactics will be ineffective, futile, or pose a risk of injury to the officer, the person, and/or others; and
2. Whether the employee reasonably believes that it will be unsafe to approach to within contact range of the person.

### 303.10 Classification of Resistance

Classifications of Resistance are provided to serve as a guide for identifying and categorizing the level of resistance presented by a subject, and, in some cases, specifically identifying what level of force is not authorized in response to a particular classification of resistance.

- A. Cooperative Subject: A person who is compliant without the need for physical force.
- B. Psychological Intimidator: A person who provides nonverbal cues that demonstrate a mindset of noncompliance and/or physical readiness to resist. Examples of psychological intimidation include blank stare, clenching of the fists or jaw, etc.
- C. Verbal Non-complier: A person who verbally indicates an intention or the actual unwillingness to obey commands of detainment or arrest, or to stop unlawful actions.
- D. Passive Resister: A person who fails to comply with verbal commands or other direction through non-movement. A passive resister does not make an effort to defeat the employee's attempt to touch or control the person, but does not voluntarily comply with verbal and physical attempts of control. Examples of passive resistance include refusing to react to verbal commands or laying limp and presenting dead weight.
- E. Active Resister: A person whose actions attempt to create distance between the person and the employee's reach with the intent to prevent the employee from gaining control. Examples of active resistance include evasive movement of the arms, pulling away or running away.
- F. Assailant: A person who is using or threatening the imminent use of force against another. Actions are aggressively offensive *without* weapons and/or place an employee in fear of physical assault. Examples of resistance by an unarmed assailant include advancing on an employee, challenging, punching, kicking, grabbing, wrestling, etc.
- G. Armed Assailant: A person who is using or threatening the imminent use of force against another *with* the use of any weapon. An Armed Assailant is differentiated from a Deadly Threat Assailant by the type of weapon and/or such factors as the proximity of the threat. An example of an armed assailant is a person armed with an item which is not reasonably capable of causing serious bodily injury or death or an armed subject who is contained in a manner so as to remove the immediacy of threat to any person.
- H. Deadly Threat Assailant: A person who is using or has the imminent ability to use force against another that results in, or has the potential to cause, serious bodily injury or death.

### 303.11 Response Options

- A. Command Presence: The identification of the police employee's authority, either by uniformed presence or verbal identification.

- B. Verbal Direction: Commands of direction or arrest.
- C. Soft Empty Hand Control: Techniques that generally may inflict pain, but have little or no potential for injury and include joint locks, pressure points, and distraction techniques.
- D. Oleoresin Capsicum: Oleoresin Capsicum (OC) is an emulsion containing pepper based compounds that cause extreme irritation to humans and animals.
1. Police Officers may use OC only when:
    - a. Such force is necessary to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered; and
    - b. To control a person when attempts to subdue such person by other tactics have been or will likely be ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.
    - c. An on-scene supervisor may approve the use of OC when the listed criteria is not met, yet such force is deemed reasonable and necessary to control a person displaying only passive resistance; i.e.: a non-violent protest in which lesser means are not successful and OC is a more reasonable intermediary option to physical force.
  2. Authorization for use of OC by civilian employees is governed by the employee's assigned Standard Operating Procedures.
  3. Unless doing so would place any person at risk, employees shall issue a verbal warning to the subject that OC will be used prior to deploying OC against the subject.
  4. Employees are prohibited from utilizing OC when a subject has been mechanically restrained (e.g., handcuffed, flex-cuffed, hobbled).
  5. Unless deadly force is authorized, OC will not be used where such deployment presents a substantial risk of serious physical injury or death from situational hazards. Situational hazards include such reasonable probabilities as falling from an elevated position, drowning, and losing control of a moving motor vehicle or bicycle;
  6. Persons who have been subjected to OC will be provided with care as soon as it may be safe to do so.
    - a. Such persons will be exposed to fresh air and afforded a means of cleansing the chemical agent to lessen the discomfort.
    - b. Employees will ensure that a person exposed to OC is not subjected to treatment that could contribute to breathing complications. Individuals will be positioned upright with a clear airway, including during times of transport, and care will be taken to ensure the manner of restraint does not make breathing difficult.
    - c. Officers will inform detention personnel, prior to booking, when an arrested subject has been subjected to OC so more complete decontamination methods may be employed.
  7. As soon as it may be safe to do so, medical personnel shall be sought or summoned to evaluate anyone for whom aggravated symptoms persist.
- E. TASER: The TASER employs an electrical discharge to affect an individual's central nervous system and causes contractions of the body's muscle tissue.
1. Employees may use TASERs only when:
    - a. Such force is necessary to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered; and

- b. To control an active resister when attempts to subdue the person by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.
  2. Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that the TASER will be used prior to discharging a TASER at the subject.
  3. TASERs shall not be used solely as a pain compliance technique or in response to passive resistance alone.
  4. TASERs may be used in drive-stun mode only:
    - a. To supplement the probe mode to complete the incapacitation circuit; or
    - b. As a countermeasure to gain separation between employees and the subject, so that the employee may consider another force option.
  5. Continuous or multiple cycling of the TASER is permitted only under exceptional circumstances and generally only when it is necessary to handcuff a subject under power.
  6. Each cycle of the TASER must be independently justified and considered against other force options.
  7. TASERs shall not be used against visibly pregnant women, elderly persons, young children, or visibly frail persons unless the subject's threat level to themselves or others renders other force options reasonably improbable or unsafe.
  8. TASERs will not be intentionally aimed or fired at the subject's head, neck, or groin area unless the situation has escalated and deadly force is authorized.
  9. Unless deadly force is authorized, TASERs will not be used where such deployment presents a substantial risk of serious physical injury or death from situational hazards. Situational hazards include such reasonable probabilities as falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.
  10. Peace Officers shall maintain TASERs in a support-side holster opposite one's duty pistol so as to reduce the chances of accidentally drawing and/or firing the wrong weapon.
  11. As soon as reasonably practicable, medical personnel shall be sought or summoned to evaluate any individual who receives the actual electronic discharge of a TASER.
  12. Absent exigent circumstances, TASER probes will only be removed from a subject's skin by medical personnel.
- F. Hard Empty Hand Control: Techniques that, by their application, will generally inflict pain and include various weaponless strikes which have a probability of injury in the form of bruises, contusions, or lacerations.
- G. Impact Weapons: Weapons intended by their design and/or use to control the actions of an assailant by targeting strikes primarily to the subject's nerve motor points with the intent to only cause temporary motor dysfunction, not permanent injury or death.
1. Only department approved impact weapons may be carried by employees, either while on-duty or off-duty when acting in the capacity of their employment.
  2. Impact weapons include any weapon specifically designed and approved by the department as an impact weapon or, in cases of exigent circumstances when no viable alternatives exist, any legally possessed object (flashlight, radio, broom handle, etc.) which might be adapted and used as an improvised impact weapon. If it becomes immediately necessary for an employee to adapt and utilize an improvised impact weapon, it must be used in a manner consistent with training and targeting, just as when an approved impact weapon is utilized.

3. Impact weapons will not be intentionally aimed or swung at the person's head, neck, spine, sternum, or groin area unless the situation has escalated and deadly force is authorized.
  4. As soon as it may be safe to do so, medical personnel shall be sought or summoned to evaluate any individual who is struck by an impact weapon.
- H. Impact Munitions: Impact Munitions are projectiles such as Drag Stabilized 12-gauge beanbag rounds fired from specially designated shotguns or sponge rounds fired from 37mm or 40mm launchers. These specialty impact munitions are intended to impact and incapacitate a potentially dangerous subject from a safe distance, thereby reducing resistance and gaining compliance, while reducing the probability of serious injury or death. These projectiles, considered an extended range impact weapon, shall be deployed in a manner consistent with the Department training and only by qualified and designated personnel.
1. Employees may use Impact Munitions only when:
    - a. Such force is necessary to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered; and
    - b. To control an active resister when attempts to subdue the person by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.
  2. Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that Impact Munitions will be used prior to discharging Impact Munitions at the subject.
  3. Impact munitions will only be loaded at the scene of deployment.
    - a. In order to ensure absolute safety in munitions identification, prior to loading, each round will be secondarily verified by an officer who has undergone the impact munition familiarity training.
    - b. The deploying officer and the qualified cover officer will visually inspect and verbally acknowledge to each other the identifying descriptors located on the outside of each cartridge.
    - c. Both officers will verify that only less-lethal munitions are loaded into any impact munitions weapon.
  4. Impact munitions will only be delivered from a shotgun or launcher designated specifically for impact munitions by the Department. The firing of impact munitions from any other weapon is prohibited.
  5. Less-Lethal shotguns will be:
    - a. Painted bright orange in color with the word "Less-Lethal" clearly marked on either side of the weapon.
    - b. Carried unloaded with the beanbag rounds carried in the sleeve attached to the weapon.
  6. When a subject struck by an impact weapon is arrested and transported to the jail, the transporting officer will notify detention staff, prior to booking, that the arrestee has been struck with impact munitions.
  7. As soon as it may be safe to do so, medical personnel shall be sought or summoned to evaluate any subject who is struck by an impact munition.
- I. Police Canine: A Police Canine is a canine which is specially trained and utilized to work alongside a police officer for specific purposes in one or more specialized areas.

1. A Canine Handler is a police officer assigned to the K9 Unit who is formally certified to train, maintain care, custody and control of, and work with one or more police canines.
  2. Due to the highly specialized nature of police canines, the canine handler at the scene will maintain responsibility for determining if it is safe and appropriate to deploy the canine when such deployment is otherwise legally and procedurally authorized.
  3. Once the decision to deploy a police canine has been made, the canine handler shall have control of the scene until the canine deployment is complete and the canine handler returns control of the scene to the primary officer.
  4. When interacting with a police canine, employees shall:
    - a. Not place themselves in a position between the police canine and a subject unless directed to do so by the canine handler; and
    - b. Not give commands to the police canine unless the canine handler is incapacitated and unable to maintain control of the canine.
  5. The Uniformed Services K9 Unit SOP will establish use of force guidelines for the appropriate deployment of a canine.
  6. When subjects sustain injuries from a police K9, including bite and non-bite injuries, the transporting officer will notify detention staff, prior to booking, that the arrestee sustained a bite or non-bite injury.
  7. As soon as it may be safe to do so, medical aid will be sought or summoned for any individual who has sustained injuries from a police K9, whether bite or non-bite.
- J. Deadly Force: When objectively reasonable, any force used by an employee that is intended or known by the employee to cause, or in its manner of use or intended use, is capable of causing serious bodily injury or death.
1. As soon as it may be made safe to do so, employees shall immediately administer medical aid, consistent with one's training and abilities, to any individual who has been critically injured or evidences medical distress.
  2. Furthermore, and also as soon as it may be safe to do so, medical personnel shall be summoned to supplement employee efforts, regardless of apparent degree of injury.

**303.12 Use of Force Training, Equipment, and Tactics (TPCA 3.02) (TPCA 3.04) (TPCA3.06)**

- A. Officers will receive training, at least annually, on the Use of Force and the application of the Objectively Reasonable Standard as it pertains to the following options:
  1. Firearms proficiency and usage
  2. Soft Empty Hand Control Techniques
  3. Less-Lethal Devices and Techniques
  4. Hard Empty Hand Control Techniques
  5. Impact Weapons and Techniques
  6. Deadly Force
- B. Before carrying or employing any firearm, intermediate weapon, restraint device, or physical control technique, employees shall:
  1. Be instructed in the proper use of the weapon, device, or technique;
  2. Demonstrate proficiency in the application of the weapon, device, or technique; and
  3. Receive the proper departmental authorization to carry and/or use the weapon, device, or technique.

- C. Deployment and application of any firearm, intermediate weapon, restraint device, or physical control technique may not be delegated to any employee not first trained in its use.
- D. Under no circumstances will a firearm, or any other weapon and/or technique be used in a reckless manner as defined in the Texas Penal Code and this General Order.

### **303.13 Duty to Intervene and Report**

All employees are obligated to ensure their own, and other employees', compliance with Department policies and law. If an employee knows that a member of this Department or another is using force against a subject which is in violation of these General Orders, the employee will take the following action:

1. Any employee observing the use of force in violation of these General Orders will be responsible for intervening. Such intervention may consist of verbal or physical intervention, immediate notification of a supervisor, or a direct order by a supervisor to stop the use of excessive force.
2. Any employee who has knowledge of another's use of force in violation of these General Orders will direct a memorandum to the Chief of Police before completing their tour of duty on the day the employee becomes aware of the misconduct.

### **303.14 General Reporting Procedures**

- A. An employee exercising force in the performance of their official duties shall notify the on-duty supervisor of the use of force and articulate the details regarding the use-of-force in an offense report, or if not applicable, an information report.
- B. Utilizing the CDM as a platform to document one's observations and actions in full, the report should detail the totality of the circumstances, including such details as:
  1. The nature of the incident which first brought the employee in contact with the subject;
  2. The subject's demeanor and attitude;
  3. The number of subjects involved in the incident;
  4. The environmental factors surrounding the incident;
  5. Type of resistance or force used or threatened by the subject;
  6. Reason for the use of force by the employee;
  7. Type of force used by the employee;
  8. Details of actions and statements made by the subject and employee both before and after the incident;
  9. Detailed descriptions, including photographs when possible, of injuries sustained by any person; and
  10. Description of any medical aid given to any injured person.
- C. When an employee exercises force that results in an apparent injury or claimed injury to the subject and/or employee, a memorandum shall be directed to the Chief of Police, through the employee's chain-of-command, with copies of the original offense report, supplements, and photographs.
- D. Incidents involving use of force while an officer is off-duty will be reported to an on-duty supervisor immediately and shall be handled as prescribed by all applicable policies of

the Department's General Order. Such incidents shall also be subject to investigation by officials of the jurisdiction in which the said incident occurred.

### **303.15 Response to Resistance Form Procedures (TPCA 6.03) (TPCA 6.10)**

- A. An employee exercising force will complete a Response to Resistance Form when the force:
  - 1. Results in any apparent or claimed injury sustained by any person;
  - 2. Included the actual use of any technique other than Command Presence, Verbal Direction or Soft Empty Hand Control;
  - 3. Included the conspicuous display or use of any intermediate weapon such as the TASER, OC, or any impact weapon; or
  - 4. Included the actual discharge of a firearm.
  
- B. General guidelines for completing the Response to Resistance Form are as follows:
  - 1. The primary officer utilizing force shall complete a single Response to Resistance Form for each incident where force was utilized meeting the defined criteria.
  - 2. Each additional officer utilizing force against the same single subject that meets these criteria shall complete a Supplemental Response to Resistance Form.
  - 3. A form will be completed for each individual subject whom force was used upon.
  - 4. The form shall be completed and forwarded to the officer's supervisor with all other reports associated with the incident.
  
- C. Supervisors shall utilize the Response to Resistance Form as a mechanism to conduct a review of an employee's use of force.
  - 1. Upon completion of the review, a supervisor will indicate whether an employee's use of force conformed with policy or was in violation.
  - 2. If an employee's actions were found to be in violation of policy, the supervisor will indicate the policies violated, as well as what actions were taken.
  - 3. If applicable, any disciplinary action will conform with the procedures detailed in the General Order on Discipline and any applicable City policies.
  - 4. The Response to Resistance Form will be routed through the employee's chain of command to the Division Commander, with review taking place at each step.
  
- D. Upon finalization by the employee's Division Commander, the Response to Resistance Form shall be forwarded to the Training Section.
  - 1. The Training Sergeant shall review the material for the purposes of identifying needs or opportunities for additional training and areas of focus.
  - 2. The Training Sergeant shall forward the Response to Resistance form to the Professional Standards Section.
  
- E. The Professional Standards Section shall maintain all completed Response to Resistance Forms for:
  - 1. Submitting the required data elements to the National Use of Force Data Collection;
  - 2. Entering the necessary statistical data into the Department database;
  - 3. Reviewing the database and preparing an annual analysis of use-of-force by department personnel. The annual use-of-force analysis report will be produced upon completion of the calendar year and forwarded to the Chief of Police and Command Staff for review; and
  - 4. Destruction after a one year retention period.

### **303.16 Supervisor Responsibilities**

- A. The on-duty supervisor shall ensure:
  - 1. The use-of-force is recorded accurately in accordance with departmental reporting requirements;
  - 2. The injured employees and/or subjects receive or are offered treatment for their injuries;
  - 3. That photographs are taken of any observed or reported injury, of any involved person or employee, and attached to the offense report;
  - 4. The offense report, photographs, and a memorandum (if applicable) are forwarded through the chain-of-command to the employee's division commander; and
  - 5. Critical Incident Reporting procedures are initiated when deadly force is used, conducting notification of the applicable division commanders, the Criminal Investigations Division, and the Professional Standards Section.
  
- B. The on-duty supervisor, or, as appropriate, the employee's supervisor, shall conduct a review of the incident to determine if an employee's actions conform to Departmental policy. The Response to Resistance Form shall serve as the mechanism for this review.

### **303.17 Response to Resistance Form (Pages 1-2)**

This form is cataloged separately under an entry for 303.17

### **303.18 Response to Resistance Supplement Form**

This form is cataloged separately under an entry for 303.18

### **303.19 Investigative Procedure – Deadly Force (TPCA 6.06) (TPCA 6.08)**

The Department will investigate and evaluate every instance when an officer of this department discharges a firearm, except during authorized firearms training or sanctioned recreational activities.

- 1. When an officer discharges any firearm on or off-duty in the performance of his or her duties, excluding an event defined within these General Orders as a critical incident, a memorandum shall be directed through the chain-of-command to the Chief of Police.
- 2. The Chief of Police may direct an Internal Affairs investigation regarding the discharge of any firearm.
- 3. An officer involved in a use-of-force incident involving the serious bodily injury or death of a person will immediately be placed on administrative leave by that officer's division commander.
  - a. The Criminal Investigations Division will complete a criminal investigation and the results will be presented to the Tarrant County District Attorney's Office.
  - b. Internal Affairs will be directed to do a separate, independent investigation and will forward the results exclusively to the Chief of Police.
- 4. Pursuant to the procedures detailed under Critical and Traumatic Incidents, the Tarrant County Criminal District Attorney's Office Law Enforcement Incident Team chief shall be notified in the event of any incident in which a civilian sustains bodily injury by a deadly weapon or serious bodily injury or death by a deadly weapon or other use of force.

5. Incidents involving all use of force, including deadly force, while an officer is off-duty, will be reported to an on-duty supervisor immediately, and shall be investigated as prescribed by all applicable policies of the Department's General Orders. Such incidents shall also be subject to investigation by officials of the jurisdiction in which the said incident occurred.
6. Deadly force incidents are classified as Critical Incidents and should be handled as such, referencing the General Orders governing Critical Incidents.

