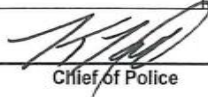
	CROWLEY POLICE DEPARTMENT	
	Policy 6.1 Use of Force	
	Effective Date: 3/10/2023	Replaces: 1/24/22, 6/9/21, 5/19/21, 11/16/20, 9/17/19, 6/14/13
	Approved:  Chief of Police	
	Reference: TBP 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10	

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 only use that force which a reasonably prudent officer could 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 inform police department members of the police department's position concerning the use of force; and to provide the police department members with provisions where, and to what extent, force is permitted; and to minimize the likelihood of wrongful applications of use of force.

- A. The Crowley Police Department acknowledges that at times, members of the police department must utilize force to achieve a lawful purpose.
- B. Given that no policy can realistically predict every situation an officer might encounter, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate response to resistance in each incident.
- C. This police department recognizes the Constitutional rights of the United States and the State of Texas. When utilizing force to achieve a lawful purpose, members of the Crowley Police Department will not violate the rights of any person.

- D. This policy will be enforced concurrently with other city and police department directives.
- E. All sworn members of the police department will receive training annually in the use of force policy, and will receive copies of written directives related to use of force issues. "Use of force" includes lethal force; soft & hard empty hand, diversion, distraction, mechanical application, verbal direction, less lethal, chemical spray, and officer presence. Officers will receive hands on arrest and defensive tactics training once every two years. (TBP: 3.02, 3.06, 3.04)
- F. All officers shall be trained and qualified with lethal and less lethal firearms and at least annually. (TBP: 3.01 ,3.02)

III. DEFINITIONS

- A. **Lethal force** is force that is intended or known by the actor to cause, or in the manner of its intended use, is capable of causing death or serious bodily injury. Deadly force will have the same meaning as lethal force in this policy.
- B. **Non-lethal force** is that amount of force, which in the circumstances then present, is neither likely nor intended to cause serious bodily injury or death, but sufficient to neutralize the event(s) that required the use of force. (TBP: 6.01)
- C. **Less-lethal force** is the use of force, other than what is considered deadly force, which involves impact, mechanical, chemical, or technological options available to be deployed.
- D. **Deadly weapon** is a firearm or anything manifestly designed, made, or adapted for purposes of inflicting death or serious bodily injury; or, anything that in the manner of its use, or intended use, is capable of causing death or serious bodily injury.
- E. **Reasonable belief** is the set of facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.
- F. **Imminent danger** means any situation that poses a direct and immediate threat of serious bodily injury or death to an individual(s).
- G. **Serious bodily injury** is bodily injury that creates a substantial risk of death or causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- H. **Objectively Reasonable:**

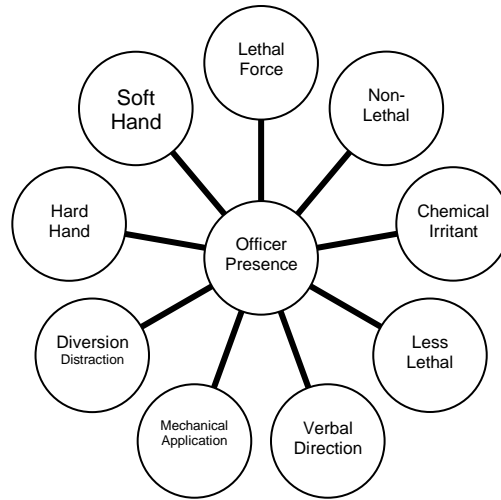
1. This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.
 2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, and skill level with department weapons, state of health, and the number of officers opposing the number of suspects.
- I. **Passive Resistance:** The subject is not complying with an officer's commands and is uncooperative but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming 'dead weight'), holding onto a fixed object, or locking arms to another during a protest or demonstration.
- J. **Active Resistance:** The subject's verbal or physical actions are intended to prevent an officer from placing the suspect in custody and taking control, but are not directed at injuring the officer. Examples include walking or running away, breaking the officer's grip.
- K. **Aggressive Resistance:** The suspect has displayed or engaged in conduct likely to injure the officer, themselves or another person and prevent an officer from placing the subject in custody and taking control. The suspect's actions are likely to result in death or serious bodily injury to the officer, themselves or another. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions which present an imminent threat of physical injury to the officer or another. These actions include the use of a firearm, use of a blunt or bladed weapon, or extreme physical force.

IV. LAWFUL OBJECTIVE

- A. Force will include non-lethal, less-lethal and lethal measures, utilizing only those types of weapons authorized by department policy.
- B. Lawful objectives will have the same meanings as assigned by Chapter 9, Texas Penal Code and will include:
1. Protection of property;
 2. Protection of persons;
 3. Making lawful arrests and searches; and
 4. Prevention of escape from custody.

V. USE OF FORCE OPTIONS/TOOLS

The Crowley Police Department recognizes the following use of force *Circle of Response*.



Force options presented through this policy provide guidance regarding alternatives that an officer may utilize in response to a subject's resistance. Officers are expected to respond to the subject's resistance with an appropriate level of force. An officer does not have to progress through each level before reaching the final level of force to be used. These progressions are based on the premise that as officers react, they should escalate and/or de-escalate their level of force in response to the subject's actions and/or resistance.

The levels of force in the Circle of Response include, but are not limited to the following:

- A. **Officer Presence-** The identification of a police officer's authority, by the uniformed presence of the officer, the display of the officer's badge of authority or the officer's verbally identifying themselves as a police officer.

The mere presence of a uniformed law enforcement officer in combination with a visibly marked police unit works to deter crime or diffuse a situation.

1. Officer's body language, speech, and gestures are to be presented in a professional, non-provocative, manner.

- B. **Verbal Direction-** Commands of direction or arrest.

1. Officer shall issue calm, clear and nonthreatening commands.
2. Officers may increase their volume and shorten commands in an attempt to gain compliance.

3. The appropriate combination of commands with officer presence can de-escalate a tense or volatile situation and potentially prevent the progression of further force options.

C. Empty-Hand Control- Officers use physical strength or bodily force to gain control of a situation.

Soft Empty-Hand Control- designed to control passive or defensive resistance. Used when presence, verbal direction/commands are not effective and there is noncompliance with lawful orders. Officers use strength, escorts, grabs, holds, pressure point compliance techniques, handcuffing or joint locks to control, guide or restrain an individual. Soft Empty-Hand Control techniques have little or no potential for injury to the subject.

Hard Empty-Hand Control- designed to control active aggression, but can be used to control defensive resistance when lower forms of control have failed or when the officer believes lower forms of control will fail and/or are not applicable. Officers use of a forceful takedown or distraction techniques through kicks, punches or other striking techniques to distract and/or restrain an individual. Hard Empty-Hand Control techniques have a moderate potential for injury to the suspect and may include strikes to target areas of the brachial plexus nerve (network of nerves between the neck and shoulder extending to the arm, forearm, hand) or the common peroneal nerve (lower leg).

D. Handcuffs and Restraints (Ref. TBP Ch. 7.10)

Handcuffing and/or restraining a subject- a use of force option to the objectively reasonable standard. The use of handcuffs as a form of restraint is often necessary to secure an arrested subject, or for the protection of the officer or others, and especially in cases where the subject has resisted arrest or has been otherwise non-compliant. The use of handcuffs serves as only a temporary method of restraint. Proper application of handcuffs can cause the subject discomfort or pain, but the potential for injury is low.

Soft restraints- (Ripp Hobble) may be used to control violent suspects when the officer feels that the subject poses an imminent danger of physical harm to himself or another with the use of his feet or legs, or when the person attempts to damage the inside of the patrol car during. The use of the hobble technique will be applied as prescribed in Chapter 7.10(III)(F).

1. Prohibited Tactics:
 - a. Carotid restraint and choke holds are considered lethal force in this policy and are prohibited unless deadly force is authorized.
 - b. “Hog tie” restraints are strictly prohibited by this policy and shall never be applied.

E. Less-Lethal Force (Ref. TBP Ch. 6.3)

Use of Less-Lethal Force includes any use of force, other than what is considered deadly force that has a desired outcome of controlling a resisting, combative, or assaultive person by temporarily disabling the subject. The use of Less-Lethal Force for control is justified when lower forms of empty hand control have failed or when the officer believes that an empty hand control will be insufficient, and the use of deadly force is not justified. Less-lethal force is used only with the intent to temporarily disable a person and never with the intent to cause permanent injury. These options include any of this departments approved chemical irritant (OC Spray), batons, impact munitions, or conductive energy weapons (CEW), also known as a Taser. Less-Lethal control techniques have a low to moderate potential for injury to the suspect.

1. Blunt Impact: Officers who have received training may use an authorized baton or impact munitions to immobilize a combative person. When using an impact weapon to control resistance the officers should first target the impact areas in Zone 1 (large muscle groups such as buttocks, thigh and the calf). Zone 2 consists of medium muscle groups (abdominal area) below the breast bone. Zone 2 has a greater risk for causing serious injury. Zone 3 area consists of head/neck, chest, and center spine. Zone 3 has the greatest potential for serious and fatal injury. Zone 3 shall not be targeted unless the use of lethal force is justified. (Ref. TBP Chapter 6.3(III) and Chapter 6.3(V))
2. Chemical Irritant: Officers who have received training may use department authorized chemical irritant sprays or projectiles (Oleoresin Capsicum) on individuals or animals as prescribed in TBP Chapter 6.3(IV).
3. Conductive Energy Weapon (CEW): Officers who have received training may use department authorized CEW's (Taser) to immobilize an individual or gain compliance. A CEW is used to electronically disrupt muscular control to allow officers to quickly subdue an individual without having to resort to a higher level of force. A CEW is not considered an alternative to deadly force. CEW's in rare instances, and under very rare circumstances, may cause serious injury or death. Officers will follow the guidelines outlined in TBP Chapter 6.3(VI) regarding CEW deployment.

Less-Lethal Force options may be appropriately used or expressly prohibited as outlined in TBP Chapter 6.3.

F. Lethal Force: (TBP: 6.02)

Lethal, or deadly, force means any force that is intended or known by the officer to cause, or in a manner of its use or intended use is capable of causing death or serious bodily injury.

The use of lethal force by members of the Crowley Police Department is authorized when it reasonably appears immediately necessary to:

1. Protect themselves or others from the imminent danger of death or serious bodily injury;
2. Prevent a crime or to make an arrest where a suspect's actions places persons in imminent danger of death or serious bodily injury;
3. Apprehend an offender for a crime involving the use or attempted use of deadly force and there is substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if the apprehension is delayed;
4. Prevent escape from custody where the officer or others are in imminent danger of death or serious bodily injury; or
5. Apprehend a fleeing felon if the person poses an imminent danger of serious bodily injury or death to another if not immediately apprehended.

Lethal Force Restrictions:

1. **Under no circumstances may a member use a warning shot.** If the situation is serious enough that requires the use of deadly force, a warning shot is not a reasonable alternative since it unreasonably places others in jeopardy of being injured or killed by the warning shot. (TBP: 6.09)
2. Lethal force should not be used against a person whose actions are a threat only to themselves or property.
3. Discharging a firearm at a moving motor vehicle is prohibited, except, when there is a clear and imminent danger of serious bodily injury or death to the member or another person if the action is not taken. Members need to consider that once a driver of a moving vehicle has been incapacitated, the driver no longer has control over the movement of the vehicle.
4. Discharging a firearm from a moving motor vehicle is prohibited at all times, unless an overwhelming extenuating circumstance exists that dictates its use.

Use of Motor Vehicles:

A vehicle may be used as means of force only if the following criteria are met:

1. The force needed to stop the actor's actions would have reasonably required the use of deadly force as outlined in the "Lethal Force" section, above and,
2. There was a reasonable assurance that others would not be injured or killed if a member's vehicle was used to stop the actor's actions; and,
3. Other reasonable alternatives did not reasonably appear available at the time.

Destruction of Animals:

Sworn members may destroy an animal only if he reasonably believes:

1. The animal is vicious and presents an immediate threat of injury to a person and reasonable alternatives are not available. For the purposes of this section, if an animal is confined at the time of the officer's presence, in a manner that the animal cannot escape, it shall be construed that the animal poses no immediate threat; or,
2. For humane purposes and only if waiting for the animal control officer would be unreasonable.

All other incidents that call for destruction of animals will be referred to animal control officer.

VI. PROCEDURES

A. GENERAL PROVISIONS

1. Members will only use the amount of force which is objectively reasonable in carrying out their lawful objectives. (TBP: 6.01)
2. The use of physical force should be discontinued when resistance ceases or when the incident is under control.
3. The decision to use force rests solely with the member who is going to use that amount of force since that member is the only one in the position to fully understand the totality of the circumstances. The member's decision to use force shall be guided by this policy.
4. Physical force shall not be used against persons in restraints, except as necessary to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, the use of force should be followed as outlined in this policy.
5. Once the scene is secured and safe, and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting EMS, and/or arranging for transport to the emergency room. (TBP 6.07)
6. Medical Aid Following the Use of Force- If an officer uses force against a subject; the officer will do the following: (TBP 6.07)

- i. Request EMS at the scene if injuries are serious enough to warrant immediate attention (i.e. severe bleeding, unconsciousness, other severe trauma), and immediately render the appropriate first aid; or
 - ii. Transport the subject expeditiously to the nearest emergency room if the subject appears to be in acute distress. Officers should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation is advisable.
 - iii. After application of a CEW, officers will act within the guidelines as outlined in the post deployment of the CEW. (Ref. TBP Chapter 6.3(VI)(G))
7. An officer has a responsibility to intervene to prevent or stop the use of excessive force by another officer.
8. All uses of force shall be reported, documented and reviewed pursuant to department policies.

B. DE-ESCALATION

1. In an effort to reduce the need for force, officers should use de-escalation techniques to stabilize the situation and reduce the immediacy of the threat, so that more options and resources are available to bring about a successful resolution to an encounter with a non-compliant subject. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, thereby eliminating the need to use force in response to resistance.
2. De-escalation techniques are communicative or other actions used by officers, when safe, and without compromising law-enforcement priorities, that are designed to increase the likelihood of gaining voluntary compliance from a non-compliant subject, and reduce the likelihood of using force in response to resistance.

VII. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

Any interpretation of objective reasonableness about the amount of force that reasonably appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving, and the amount of time available to evaluate and respond to changing circumstances may influence their decisions. The question is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him.

- A. When determining whether to apply any level of force and evaluating whether an officer has used objectively reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:
1. The conduct of the individual being confronted as reasonably perceived by the officer at the time.
 2. Officer/subject factors such as age, size, relative strength, skill level, injury/level of exhaustion and number of officers vs. subjects.
 3. Influence of drugs/alcohol or mental capacity.
 4. Proximity of weapons.
 5. The degree to which the subject has been effectively restrained and his ability to resist despite being restrained.
 6. Time and circumstances permitting, and the availability of other options (what resources are reasonably available to the officer under the circumstances).
 7. Seriousness of the suspected offense or reason for contact with the individual.
 8. Training and experience of the officer.
 9. Potential for injury to citizens, officers and subjects.
 10. Risk of escape.
 11. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
 12. Other exigent circumstances.

VIII. PROCEDURES FOR REPORTING AND REVIEWING USE OF FORCE (TBP: 6.03, 6.06)

A. A detailed offense or information report will be completed along with the *Use of Force Supplement Form* any time a member uses the following force options:

1. Any hard-empty hand control techniques that are used with or without complaint of injury or pain. Examples of hard-empty hand control techniques may include:
 - i. Hand/Palm/Elbow Strikes
 - ii. Kicks or leg sweeps
 - iii. Forceful Take Downs

2. Any deployment of Oleoresin Capsicum (OC Spray) or other chemical agent, including Pepperball projectiles, on a person(s), regardless if contact is made.
3. Any CEW (Taser) probe deployment or drive-stun application on a person, regardless if contact is made. This does not include the threatened use of a CEW.
4. The use of any impact weapon or impact munitions on a person, regardless if contact is made, including accident discharge.
5. Any intentional firearm discharge at a person, vehicle, animal, or structure regardless of injury, regardless if contact is made.
6. Any unintentional firearms discharge.
7. Any other type of force that results in injury, serious bodily injury, or death.

B. When a Use of Force Report is not required:

1. When soft empty-hand control techniques or standard handcuffing techniques are used, or situations where an officer uses only strength and muscling to restrain the individual's arms.
2. Anytime a firearm is ONLY pointed at an individual.
3. Discharging a firearm during training or recreationally. (TBP: 6.06)
4. Discharging a CEW, impact munitions, or chemical irritant during training.

C. Officer Responsibilities:

1. Notify the on-duty supervisor or OIC as soon as practical.
2. Complete an offense or information report containing, but not limited to, the following details:
 - i. The original reason for police presence on the scene.
 - ii. A detailed description of the circumstances and subject actions that resulted in the use of force.
 - iii. A detailed description of the force used:
 - (a) Include specific details regarding any weapon used on a subject (number of cycles/bursts, duration, locations on subject, how many feet away when deployed, etc).

- iv. The result of the force used.
- iv. Any witnesses or involved individuals on scene.
- 3. All involved officers on scene will complete a supplement narrative detailing their role, subject actions observed, etc.
- 4. Submit all reports, supplements, or ancillary documents to the on-duty supervisor prior to the end of the officer's shift. Label all DMAV videos as outlined in TBP Chapter 7.18 and 7.19.

D. Supervisor Responsibilities:

- 1. Complete a supplement report, if applicable.
- 2. Review all reports, supplements, and documents for accuracy and completeness.
- 3. Review the DMAV from all officers who were on scene.
- 4. After reviewing all documentation and DMAV, determine if the force used was objectively reasonable and is compliance with policy or if further investigation is needed.
- 5. If the force used is determined to be objectively reasonable and compliant with policy, the offense/information report, Response to Resistance (RTR) Supplement Form, and other documentation is forwarded to the Bureau Lieutenant for review.
- 6. If it is determined that further investigation is needed, the supervisor will document all concerns in a memorandum as to why they believe additional inquiry is needed. The memorandum, offense/information report, Response to Resistance (RTR) Form Supplement Form, and other documentation will be forward to the Bureau Lieutenant for further review.

E. Bureau Lieutenant Responsibilities:

- 1. Review all reports, supporting documents, and supervisor determinations and/or recommendations.
- 2. Review the DMAV from officers who were on scene.
- 3. Validate or reject the supervisor's determination in that the force was objectively reasonable and is compliant with policy or if further investigation is needed.

4. The report and supporting documents may be returned to the initial reviewing supervisor if issues are found and additional inquiry or information is needed. Significant or legal issues may be referred to a higher investigative authority.
5. If the Bureau Lieutenant determines that the use of force is compliant with policy and no additional inquiry needed, all documentation will be forwarded to the Chief of Police for final review. The Chief of Police will make the final determination regarding the use of force incident.

IX. USE OF FORCE OUTSIDE OF THE CITY OF CROWLEY

- A. Members involved in a use of force incident while taking police action outside of the City of Crowley shall notify the law enforcement authority having jurisdiction, contact the on-duty supervisor, and follow the reporting procedures outlined in this policy. Supervisors will immediately notify the Bureau Lieutenant or Watch Commander and provide all known details, jurisdiction, etc.

X. INVESTIGATIONS

- A. In cases involving a member inflicting serious bodily injury or using lethal force, using a motor vehicle as a weapon, or discharging a firearm, all originals of related paperwork will be forwarded to the Bureau Commander, who will forward a copy to:
 1. Texas Rangers;
 2. Use of Force Committee; and
 3. Police chief.
- B. All incidents of lethal force will be reviewed by the Texas Rangers for impartiality and transparency. This procedure is necessary to determine whether there was any criminal wrongdoing on part of the member(s) inflicting the force. The results from the investigation shall be submitted to the District Attorney's Office and may be presented to the grand jury for consideration.
- C. Procedures for officer-involved shooting investigations are covered by TBP Chapter 6.6
- D. An internal affairs investigation will be conducted on any firearms discharge, intentional or unintentional, and any other use of lethal force by any member of the department. An internal affairs investigation may be conducted on other use of force incidents if a violation of law or policy is suspected.

- E. Findings of all use of force incidents investigated by the Use of Force Committee, internal affairs, and the Texas Rangers will be forwarded to the police chief who will make a written report that will include:
 - 1. Relevant facts and circumstances of surrounding the incident; and
 - 2. Conclusion as to whether the force used was within the law and police department guidelines.

XII. USE OF FORCE COMMITTEE

- A. All incidents of lethal force will be reviewed by Use of Force Committee. This procedure is necessary to:
 - 1. Determine whether the force was proper within the law and within police department guidelines;
 - 2. Review the lethal force policy;
 - 3. Identify the need for remedial training or retraining of the involved member; and to evaluate the need to modify the training program;
 - 4. Ensure public confidence in the police department's ability to thoroughly and diligently investigate deadly force incidents.
- B. All use of force incidents or incident in which the Chief of Police or Bureau Lieutenant deem necessary will be reviewed by the Use of Force Committee.
 - 1. The committee will be comprised of a Bureau Lieutenant, use of force instructors, patrol sergeant, and a patrol officer.
 - 2. The committee will also be of an odd number.
 - 3. Committee members will be decided by the Chief of Police, or designee.
- C. Annually, the Chief of Police, or designee, shall conduct an analysis of use of force incident to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10)
 - 1. The department shall comply with all state mandated reporting requirements.

XIII. RELIEF FROM DUTY (TBP: 6.08)

- A. Members who use force that has caused death or serious bodily injury likely to cause death either through the intentional use of force or by accident involving a use of force or vehicle accident will be removed from any duty requiring the carrying of a

firearm pending the outcome of the Use of Force Committee, Accident Review Board and/or the Texas Rangers investigation.

- B. Members removed from such duty will be placed on either administrative leave or will assume a duty in a position not requiring the carrying of a firearm.
- C. Members involved in a deadly force incident that could have resulted in serious bodily injury or death will be given the opportunity to seek counseling provided through the city's Employee Assistance Program.
- D. Members involved in a deadly force situation that caused, or could have caused, serious bodily injury or death may be required to seek counseling and may be required to obtain a release to return for duty.