

# Sachse Police Department

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## 646.00 Overview

The purpose of this policy is to establish a policy governing use of force by members of the Sachse Police Department. Such policy, combined with the requirements and restraints of Texas law, Federal law and sound principles of police practices will contribute to more effective protection of the public overall. The Texas Code of Criminal Procedure (article 15.24) provides that police officers may use "all reasonable means" to affect an arrest and that "no greater force shall be resorted to than is necessary."

## 646.01 Policy

### 646.01 Policy

It is the policy of the Sachse Police Department that its members shall only utilize the minimum level of force necessary in the performance of their duties.

### 646.02 Use of Force Definitions

1. Law Enforcement Officers are permitted to use the degree of force that is reasonably necessary to accomplish their lawful objectives and to overcome any unlawful resistance. The levels of force are:
  - a. **Verbal Commands:** The most basic defensive measure available to an officer. Used to persuade a subject to cooperate.
  - b. **Escort Compliance:** Low level compliance procedure, non-threatening and non-violent. Used to remove an individual from an area that may jeopardize an individual or an officer.
  - c. **Pain Compliance:** Pain compliance involves the manipulation of a joint or pressure point to cause pain or the use of a chemical agent (such as OC spray) to cause pain. Compliance results from an effort on the part of the individual to relieve the discomfort. Pain compliance could be used in circumstances under which it would be too dangerous to initially attempt to escort an individual.
  - d. **Physical strength and skills:** Include techniques such as arm bar take down, strikes, kicks and other physical maneuvers taught in control tactics training.
  - e. **Oleoresin Capsicum (OC):** An inflammatory substance which causes localized heat sensation, redness, swelling and pain to all contaminated skin and tissue.

- f. **Conducted Electronic Weapon (CEW):** A weapon designed to cause neuromuscular incapacitation by administering an electric shock through fine wires attached to a pair of darts deployed by a gun-like device.
  - g. **Impact weapons:** An impact weapon is an intermediate level of force and bridges the gap between the use of hands or fists and the use of firearms to control an assailant. Less-lethal shotguns are considered specialty impact weapons for the purposes of this order.
  - h. **Deadly force:** That which in the circumstances then present is either capable of or intended to cause serious bodily harm or death.
2. The use of force definitions are described for the purposes of providing officers guidance in complying with the departments Use of Force Policy.
  3. A variety of factors impact an officer's determination of the appropriate level of force necessary to control a situation. Because use of force does not occur in a vacuum, it is impossible to list all factors that go into an officer's decision. However, factors dealing with officer/ subject age, size, relative strength, skill level, injury/ exhaustion, and the number of officers present versus the number of suspects present are reasonable for an officer to take into consideration when determining the appropriate use of force for a given situation.
  4. Each individual situation is different and may require an officer to immediately initiate a higher level of force to control or overcome unlawful resistance taking all factors into consideration. All officers shall utilize the least amount of force necessary to safely take a subject under control, however, officers are not required to expose themselves to potential injury by trying and failing at lesser levels of force prior to selecting the level of force they deem appropriate for the circumstances then existing.
  5. Anytime any degree of force is used and an injury is reported or suspected, appropriate medical assistance must be rendered or sought. Emergency medical services personnel shall be called to the incident scene at the time the injury is known, suspected or reported.

### 646.03 Use of Force

1. Force may be used by a peace officer in the performance of their duty:
  - a. When necessary to preserve the peace, prevent the commission of offenses, or prevent suicide or self-inflicted injury;
  - b. When making lawful arrests and searches, overcoming resistance to such arrests or searches, and preventing escapes from custody;
  - c. When in self-defense, or defense of another against unlawful violence to his/her person or property; and
  - d. When preventing or interrupting an intrusion on or interference with the lawful possession of property.
2. Force may be used by a police officer or public service officer against a person in custody in the performance of their duty when, and to the degree, reasonable force is necessary:
  - a. To maintain the security of the detention facility, the safety or security of themselves or others;
  - b. To prevent the commission of offenses within the facility, or prevent suicide or self-inflicted injury;
  - c. To search and maintain the custody of persons arrested by a peace officer, overcoming resistance to such search or custody, and preventing escape from custody;
  - d. When in self-defense, or defense of another against unlawful violence to his/her person or property; and
  - e. Nothing in this section shall be construed as granting public service officers peace officer powers. Public service officers are only authorized to use force within the scope of their duties and where authorized by this policy.

3. Physical force shall not be utilized:
  - a. In response to actions such as verbal provocation alone;
  - b. To harass or punish;
  - c. To interview or interrogate.
  
4. The use of the Cardiovascular Neck Restraint control technique is strictly prohibited.

#### **646.04 Use of Chemical Spray or Chemical Munitions:**

1. Department approved chemical sprays (O/C) may be used when, in the officer's judgement, the use of the chemical spray is the best method to gain control, subdue, and/or apprehend a person who has or the officer has reason to believe will offer more than passive resistance or verbal noncompliance. The use of chemical spray is not justified in response to passive resistance.
  - a. Officers will only carry/utilize department issued chemical spray.
  - b. Once a chemical spray has been deployed on a subject(s), the officer shall summon the Sachse Fire Department to the incident scene to evaluate and conduct a field decontamination of the subject(s).
  - c. Extended range chemical munitions will only be deployed by designated and trained member(s) of the Sachse Police Department Special Response Team (SRT).

#### **646.05 USE OF CEW**

1. Conducted Electronic Weapon (CEW) are approved for those trained in accordance with this order. The decision to use a CEW is dependent on the resistive actions of the suspect. Factors such as the critical distance between the officer and the suspect may justify the use of the CEW. The CEW is deployed as an additional police tool and is not intended to replace firearms, OC spray, impact weapons, or defensive tactics techniques. The CEW may be used to control dangerous or violent suspects when attempts to subdue the suspect by other means have been ineffective; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the suspect.
  
2. Officers within the department will be trained on the use of a CEW.
  - a. Upon completing the required training, uniformed officers will be required to carry a department provided CEW while performing their duties if CEW's are available.
  
3. Actions upon deployment
  - a. If a CEW is deployed on a subject(s), either through deployment of barbs or in drive stun mode, the officer will summon the Sachse Fire Department to the incident scene to evaluate the subject (s) and remove barbs (if deployed).
  - b. The officer will take custody of the barbs and place them in the evidence room utilizing Sachse Police Department evidentiary procedures.

#### **646.06 USE OF IMPACT WEAPONS**

1. Approved impact weapons may be used by an officer to subdue a violently resisting subject or in self-defense or defense of a third party if lesser methods have failed or if circumstances warrant the immediate use of the approved impact weapon. Impact weapons are only to be used by personnel that have been trained in their proper use.
2. The impact weapon may also be used as a repelling device in crowd control situations, or to ward off blows from and assailant.
3. Impact weapons shall not be used to conduct strikes to a subject's head, neck, throat, spine or groin area.

## **646.07 LESS-LETHAL MUNITIONS**

1. Authorization
  - a. Officers will carry the designated department issued shotgun specifically modified with a distinct color and the departmentally approved impact munition.
  - b. All officers will be trained in the use of the shotgun and less-lethal munitions prior to carrying or use.
  - c. All officers are prohibited for carrying a personally owned shotgun or any shotgun ammunition not issued by the department. No lethal shotgun ammunition of any kind shall be utilized.
2. Deployment
  - a. The shotgun and less-lethal munitions will be kept in each patrol vehicle in the shotgun lock rack.
  - b. When less-lethal munitions are deployed, lethal cover must be provided by another officer.
  - c. Officers shall announce the intent to deploy less-lethal munitions prior to its use unless the situation does not allow the officer the opportunity or it is deemed imprudent to do so.
  - d. Less-lethal munitions may be deployed in the following circumstances:
    1. Subject armed with a weapon that is not a firearm
    2. Aggressive animal where discharging a firearm would be inappropriate; and
    3. Other situations where using less-lethal munitions provide a tactical advantage to resolve the situation.
  - e. Officers shall not intentionally deploy less-lethal impact munitions toward a subject's head, neck, throat, spine or groin area.
  - f. Officers shall summon the Sachse Fire Department to the scene to evaluate any subject struck with an impact munition(s).
  - g. Supervisors will immediately respond to the scene of all incidents involving the use of less-lethal munitions and shall:
    1. Document on the required forms the deployment of less-lethal munitions.
    2. Photograph the impact locations from the less-lethal munitions.
    3. Ensure that medical attention has been given to any person after the deployment of less-lethal munitions.
3. Quarterly inspections will be conducted on the shotguns by a department range master.
4. This policy does not limit the Special Response Team (SRT) in their use of less-lethal impact munitions or shotguns.

## **646.08 DEADLY FORCE**

1. Use of Deadly Force
  - a. Justification for the use of deadly force.

In all situations, justification for the use of deadly force must be limited to the facts reasonably apparent to the officer at the time.
2. Authorization to use deadly force.
  - a. Officers will only use deadly force to protect themselves or another person from imminent serious bodily injury or death.
  - b. Officers will not fire their weapon under conditions that would unnecessarily subject bystanders or hostages to death or possible injury except to preserve life or prevent serious bodily injury
3. Removal From Line of Duty After Using Deadly Force

4. Any employee that uses any deadly force intentionally or accidentally resulting in the serious injury or death of any person shall be placed on administrative leave until a preliminary administrative review can be conducted.
  - a. This policy shall also apply in the event that a member of the department is involved in a traffic collision where a person is seriously injured or killed.
  - b. The employee shall undergo post action debriefing after the incident prior to returning back to full duty.
  
5. Discharging Firearms at Moving Vehicles
  - a. Discharging firearms at a moving or fleeing vehicle is prohibited unless it is necessary to prevent imminent serious bodily injury or death to the officer or another person.
  - b. Officers will not voluntarily place themselves in the path of an oncoming vehicle where deadly force is the probable outcome.
  - c. Officers WILL NOT fire warning shots.
  
6. Officers will not discharge a firearm from a moving vehicle whether as a driver or passenger.
  
7. Drawing or Displaying Firearms. Officers may draw or display firearms when there is a threat or reasonable belief that there is a threat to life or they have a reasonable fear for their own safety and/or the safety of others.

#### **646.08 Annual Training**

1. All sworn officers shall receive training at least annually on this policy. This training may take place during annual firearms qualification.
2. All sworn Officers shall receive training and demonstrate proficiency biannually on the use of the Conducted Electronic Weapon.
3. Officers who choose to carry a department issued chemical spray (o/c) shall receive updated training biannually on the use of the chemical spray.
4. Officers who choose to carry an impact weapon shall receive updated training biannually on the use of the specific impact weapon.
5. All officers shall receive updated training annually and must demonstrate proficiency on the use of less lethal munitions.