

**ARLINGTON, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS  
POLICY REVISION**

SUBJECT: **USE OF FORCE**

POLICY NUMBER: **401.00**

APPROVED: **Jaime Ayala, Interim Police Chief**

APPROVAL DATE/TIME: **06-09-20/0905**

APPROVAL METHOD: **Power DMS**

**Accreditation Standards:** 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.4; 4.2.5, 11.3.4, 33.4.1

### **401.01 PURPOSE, POLICY, AND PHILOSOPHY**

(Revised 08-04-17) (Revised 04 05 20) (Revised 06-09-20)

- A. **Purpose.** The purpose of this directive is to provide guidelines on the use of non-deadly and deadly force and the procedures for reporting and investigating such uses. (Effective 06-01-93)
- B. **Policy Statement.** Although the use of force is permitted by law under specified circumstances and a police employee is required to exercise force under certain circumstances, the unnecessary use of force is contrary to law. It places the representative government agency in a position of civil liability and the employee in jeopardy of civil and criminal liability. Under no circumstances will the force used (in any situation and specifically including against any individuals engaged in nonviolent civil rights demonstrations) be greater than necessary to achieve lawful objectives. An employee may use deadly force only when the employee reasonably believes that the action is necessary in defense of any human life in imminent danger of death or serious bodily injury. (Revised 04 05 20) (A 4.1.1; 4.1.2)
- C. **Use of Force Philosophy Statement.** The Department recognizes and respects the sanctity of all human life. The use of force, especially deadly force, is one of the most serious acts a police employee will perform. The consequences for police use of force can be far reaching even when the use of force does not result in death. The Department recognizes that police employees are involved in numerous interactions with members of the public on a daily basis and that some of those interactions may result in the employee's need to use reasonable and necessary force to prevent harm to themselves or others. The physical and mental well-being of police employees requires that they have a clear and firm understanding of their authority and limitations when using such force. (Revised 06-04-04) (Revised 04 05 20)
- D. **Definitions.**

Deadly Force: Force which is intended to cause death or serious bodily injury or that a reasonable and prudent person would consider likely to cause death or serious bodily injury. Deadly force is often referred to as lethal force. (Effective 12-31-87) (Revised 04 05 20)

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter, in an attempt to stabilize the situation and to reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. (Revised 04 05 20)

Excessive Force: Unreasonable or unnecessary force under the circumstances.

Immediate: Occurring, acting or accomplished without loss or interval of time. (Revised 04 05 20)

Immediately necessary: An action that must occur without delay.

Imminent: Ready to take place; happening soon

Necessary: Absolutely needed; of an inevitable nature; logically unavoidable.

Non-Deadly Force: Any use of force which a reasonable and prudent person believes is not likely to cause death or serious bodily injury, given its manner of application. Non-deadly force is often referred to as less than lethal force. (Revised 04 05 20)

Officer/Employee: When used within the context of APD General Order 401.00, these terms shall pertain to sworn peace officers, detention officers, and Police Service Assistants. (Revised 04 05 20)

Reasonable Belief: The determination that the necessity for using force and the level of force used is based upon the employee's evaluation of the situation in light of the totality of the circumstances known to the employee at the time the force is used and upon what a reasonably prudent employee would use under the same or similar situations.

Reckless: With respect to circumstances surrounding an employee's conduct or the result of an employee's conduct, when the employee 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 employee would exercise under all the circumstances as viewed from the employee's standpoint. (Revised 06-04-04)

Serious Bodily Injury: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

**E. Training.**

1. It is imperative that a police employee act within the boundaries of law, professional ethics, good judgment, and accepted practices. An employee must be prepared by training, leadership, and direction to act wisely when using force under color of office, whether on or off-duty. (Revised 04 05 20)
2. For these reasons, each academy recruit or other employee training in "Use of Force" shall receive all use of force policies and related instruction material during weapons training before being authorized to carry such weapon. (Revised 04 05 20)
3. Employees already authorized to carry lethal and less than lethal weapons shall receive the policies and related instruction material in training related to "Use of Force." (Revised 06-04-04) (Revised 04 05 20) (A 4.1.4; 4.3.4; 33.4.1)

**F. Administrative Sanctions Only.** This directive is for department use only and does not apply to any external criminal or civil proceeding. Oftentimes, the department requires employee conduct that exceeds civil and criminal legal standards. Violations of this directive will only form the basis for department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting. No aspect of department policy should be construed as

creating a higher legal standard of safety or care in an evidentiary sense with respect to claims. (Effective 12-31-87)

## **401.02 LIMITATIONS AND QUALIFICATIONS**

(Title revised 11-01-97) (Revised 08-04-17) (Revised 04 05 20)

**A. Considerations for Force Application.** The amount and degree of force which may be reasonably used will depend on the totality of circumstances. (Revised 04 05 20)

This includes, but is not limited to:

1. The feasibility or availability of reasonable alternative actions. (Revised 04 05 20)
2. The severity of the offense at issue; (Revised 04 05 20)
3. Whether the suspect poses an immediate threat to the safety of the officer or others; (Revised 09-15-88)  
(Revised 04 05 20)
4. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight; (Revised 04 05 20)

### **B. De-Escalation**

1. An employee shall allow an individual time and opportunity to submit to verbal commands before force is used, if such de-escalation tactic may be used without compromising the safety of the employee or another and without resulting in the destruction of evidence, escape of a suspect, or commission of a crime. (Revised 04 05 20)
2. Whenever possible, the employee shall utilize de-escalation techniques and other reasonable alternatives for higher levels of force which are consistent with department training before the employee reasonably deploys actual and necessary force. (Revised 04 05 20)

**C. Force.** When de-escalation techniques are not effective or appropriate, an employee may consider the use of force to control a non-compliant or resistant individual. (Revised 04 05 20)

**D. Levels of Resistance.** At which time an employee deems it appropriate to use force against another based on the totality of the circumstances, the employee shall consider the subject's level of resistance. Levels of resistance may be one standalone action, or multiple levels of resistance acting as a whole.

(Revised 04 05 20)

The following levels of resistance are listed in order from least to greatest:

1. Psychological Intimidation – Non-verbal cues indicating a person's attitude, appearance, and physical readiness to resist or attack the employee or another. (Revised 04 05 20)
2. Verbal Non-Compliance – Verbal refusal to comply with an employee's commands. (Revised 04 05 20)
3. Passive Resistance – Taking no physical action (doing nothing) to stop the employee from establishing control but does not comply with commands. (Revised 04 05 20)
4. Active Resistance – Taking some physical action (doing something) that tends to thwart the employee's efforts to establish control but is not assaultive in nature. (Revised 04 05 20)
5. Assaultive Resistance – Assaulting, attempting to assault or showing the intent to assault the employee or another without the use of a weapon. (Revised 04 05 20)
6. Deadly Resistance – Assaulting, or attempting to assault, an employee or another, with actions or with a weapon which is reasonably expected to cause death or serious bodily injury. (Revised 04 05 20)

**E. Levels of Force.** The force options listed below are generally accepted methods to apply police use of force and provides the employee with a reference point in choosing the most appropriate and proportional force option to utilize under any given circumstances. They are listed in ascending order, from least to greatest in severity. Prior to and during a use of force, it is the responsibility of every employee to:

1. Utilize assessment, tactics and communication to de-escalate the situation when circumstances and time permit;
2. Consider other reasonable alternatives or actions when circumstances and time permit; and
3. Decrease and/or stop the application of force when compliance or sufficient control has been achieved.

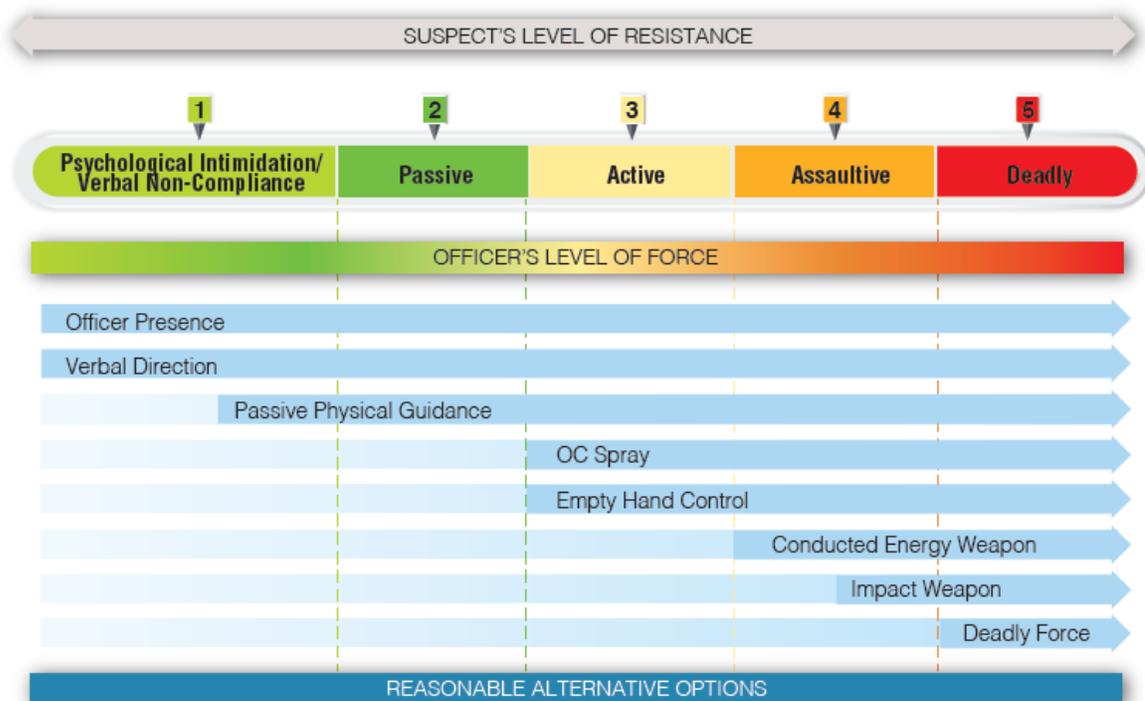
**F. Force Options.**

1. Employee/Officer presence
2. Verbal direction
3. Passive guidance/control
4. Empty hand control and/or Oleoresin-Capsicum (OC) Spray (or approved chemical irritant) (Revised 04 05 20)
5. Conducted Energy Weapon (CEW) (Revised 04 05 20)
6. Impact weapon (Revised 04 05 20) (Revised 06-09-20)
7. Deadly Force (Revised 04 05 20)

**G. Totality of Circumstances Model.** Although every possible situation cannot be accounted for, the Totality of Circumstances Model is designed to provide a framework and visual representation to employees when considering reasonable force options available. This model provides a reference point for comparing a suspect’s level of resistance to the force options that may be available to the employee. The model also serves as a reminder of Considerations for Force Application GO 401.02(A). (Revised 04 05 20)

### Totality of Circumstances Model

Severity of the Crime at Hand, Immediacy of the Threat, Level of Resistance or Evading Actions



(Revised 06-09-20)

- H. **Duty to Intervene.** An employee has a duty to intervene to prevent or stop the use of excessive force by another employee when it is safe and reasonable to do so.
- I. **Duty to Report.** An employee who witnesses or participates in an act of excessive force shall immediately report that event to a supervisor.
- J. **Duty to Respond.** Upon notice or allegation of excessive force, a supervisor shall immediately respond to the scene to begin an investigation into the incident.
- K. **Defensive Tactics Annual Training/Qualification**
  - 1. Commissioned employees, reserve commissioned employees, detention employees and public service assistants must successfully complete the annual department-approved defensive tactics training for their specific assignment. (Revised 04 05 20)
  - 2. Failure to attend or inability to demonstrate the training objectives in practical and/or written examinations shall result in scheduling remedial training with an authorized defensive tactics instructor, after which a retest will be given. (Revised 04 05 20)
  - 3. Failure of the retest may subject an employee to termination of employment, a reserve employee to disqualification from the reserve program, and a volunteer to disqualification from serving in the volunteer assignment. (Revised 06-04-04)

### **401.03 NON-DEADLY FORCE**

(Revised 02-02-16) (Revised 04 05 20) (Revised 06-09-20)

#### **A. Authorization**

- 1. Non-deadly force may be used when an employee, based on totality of circumstances, reasonably believes physical action is needed to:
  - a. Defend any human life against unlawful violence; (Revised 04 05 20)
  - b. Make a lawful arrest and/or search, or overcome resistance to same;
  - c. Prevent escape from custody;
  - d. Prevent suicide or serious bodily injury to any person; (Revised 04 05 20)
  - e. Prevent the commission of an offense;
  - f. Preserve the peace; OR (Revised 04 05 20)
  - g. Prevent unlawful possession of property. (Revised 04 05 20)
- 2. Non-deadly force may be used when an employee reasonably believes it is necessary to maintain the security of the Jail or the safety or security of other persons in the Jail (Revised 11-15-99) (Revised 04 05 20)

#### **B. Force Options Definitions**

- 1. **Employee/Officer Presence.** The amount of physical bearing the employee will have on the situation based solely on appearance (uniform, badge, police insignia) and demeanor. (Revised 04 05 20)
- 2. **Verbal Direction.** The officer's use of lawful commands, communication skills, negotiation skills, and verbal maneuvering to achieve a law enforcement objective. (Revised 04 05 20)
- 3. **Passive Guidance/Control.** Establishing control over another by escorting, picking up/pushing down, or pushing/pulling laterally. With passive guidance/control, there is no reasonable expectation for injury or pain. (Revised 04 05 20)
- 4. **Empty Hand Control.** A technique or tactic utilized by the employee using hands/feet without the aid of a piece of equipment or weapon. Empty hand control varies in degree depending on the potential for injury to the subject it is used upon. Empty hand control can be utilized to stop the lowest levels of resistance or the highest levels of resistance depending on the specific technique and the volume control applied by the employee. (Revised 04 05 20)

Empty hand control is broken down into five main categories:

- a. Pressure Points – Techniques which rely upon force applied to nerve motor points or nerve pressure points causing pain for compliance or control. (Revised 04 05 20)
  - b. Joint Manipulation/Leverage Based Technique – Techniques which utilize body mechanics and momentum to achieve compliance or control. (Revised 04 05 20)
  - c. Takedown/Tackle – Techniques designed to force a subject to the ground for compliance or control. (Revised 04 05 20)
  - d. Body Weight Control – Techniques designed to keep a subject on the ground to prevent escape or exhaust the subject into compliance or control. (Revised 04 05 20)
  - e. Strikes – Hitting the subject with the hand, foot or any other part of the body for mental stunning or motor point disfunction. (Revised 04 05 20)
5. **Oleoresin Capsicum (OC) Spray (or approved chemical irritant).** Employees, who have demonstrated proficiency through annual department-approved training, are permitted to use oleoresin-capsicum (OC) spray issued to them by the department: (Revised 11-15-99) (Revised 04 05 20) (A 1.2.2; 4.1.4;)
- a. As a non-deadly force to stop or subdue an animal that is aggressive toward any person; (Revised 04 05 20)
  - b. When an inmate in the jail or a subject under lawful detention, arrest, transport or search is actively resisting (or has demonstrated intent to actively resist) lesser methods of reasonable force; (Revised 04 05 20)
  - c. When an employee reasonably believes it would be unsafe, or likely to cause more severe injury to the employee or others, to move into contact range of a subject without the use of the OC spray; (Revised 04 05 20)
  - d. When an employee reasonably believes it would be unsafe, or likely to cause more severe injury to the employee or others, to move into contact range of several subjects (whom are actively engaged in mutual combat or civil disorder) without the use of OC spray; (Revised 04 05 20)
  - e. Mere passive resistance does not justify use of OC spray; and (Effective 11-01-97)
  - f. Employees authorized to use OC spray will carry the spray issued to them while in uniform and on duty or while working an approved uniformed off-duty job. (Revised 04 05 20)
6. **Conducted Energy Weapon (CEW).** Employees, who are certified through annual department-approved training are permitted to use an approved CEW, issued by the department: (A 4.1.4)
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- d. Mere passive or active resistance does not justify the use of a CEW; (Revised 04 05 20)
  - e. CEW related risks include but are not limited to deployment longer than 15 seconds (cumulative), pregnant subjects, the elderly, young children, visibly frail subjects, subjects exhibiting symptoms associated with Excited Delirium, subjects operating a motor vehicle, subjects on elevated surfaces, secondary fall injuries, and the presence of combustible vapors leading to flammability risks. The use of the CEW in these circumstances must be immediately necessary and the increased potential harm to the person weighed proportionally against the severity of the crime, immediacy of the threat, and level of resistance faced. The need to use the CEW under these circumstances must outweigh the potential increased harm to the person when these risk factors are present. (Revised 04 05 20)
  - f. Employees shall not draw or exhibit a CEW unless the employee reasonably believes its use would be permitted under law and department regulations. (Revised 04 05 20)

- g. A supervisor shall be notified concerning the deployment of CEW, and the supervisor shall make a reasonable effort to respond to each incident involving CEW discharge, including a negligent discharge. (Revised 04 05 20)
- h. Except for equipment testing and documented training, each discharge, including a negligent discharge, shall be documented and investigated. (Revised 04 05 20)
- i. Employees may only carry department approved CEW. No changes, modifications, or alterations may be made without approval from the Police Chief. (Revised 04 05 20)
- j. Employees may utilize only properly functioning and charged CEWs. If a CEW exhibits a malfunction, the CEW should be downed and/or inspected by authorized personnel for repair. (Revised 04 05 20)
- k. CEW equipment tests shall be conducted in a safe and reasonable manner and not performed in the presence of the public. (Revised 04 05 20)

7. **Impact Weapon.** Employees, who have demonstrated proficiency through department-approved training, are permitted to use an impact weapon approved by the department:

- a. As non-deadly force to stop or subdue an animal that is aggressive toward any person; (Revised 04 05 20)
- b. When an inmate in the jail or a subject under lawful detention, arrest, transport or search is engaged in or demonstrating the intent to use assaultive resistance; (Revised 04 05 20)
- c. When an employee reasonably believes it would be unsafe, or likely to cause more severe injury to the employee or others, to move into contact range of the subject without the use of the impact weapon; (Revised 04 05 20)
- d. Mere passive or active resistance does not justify the use of an impact weapon; (Revised 04 05 20)
- e. Impact weapon strikes to the head, neck, throat, or clavicle will not be used, unless deadly force is justified.

C. **Immediate Report to Supervisor.** Once tactically safe to do so, an employee shall immediately report the use of non-deadly force resulting in injury or alleged injury to a supervisor.

D. **Duty to Respond.** Upon notice or allegation of injury as the result of non-deadly force, a supervisor shall immediately respond to the scene.

**401.04 DEADLY FORCE** (Revised 04 05 20) (Revised 06-09-20)

A. **Authorization.** Employees may only use deadly force when they reasonably believe it is necessary to protect any human life from immediate danger of death or serious bodily injury. Deadly force is only authorized in making an apprehension, preventing immediate escape of an arrestee, or against a fleeing felon or other offender when the officer reasonably believes that the suspect poses an immediate threat of death or serious bodily injury to the officer or others. (Revised 06-04-04) (Revised 04 05 20) (A 4.1.2)

- 1. Justification for use of deadly force is limited to the facts reasonably apparent to the officer at the time the officer decides to use the force. (Effective 06-01-93)
- 2. Police personnel will not place themselves in a position of exposure to immediate threat of death or serious bodily injury when there are reasonable alternative actions.
- 3. When police personnel should reasonably perceive the potential exists where the use of deadly force may be an outcome of any situation, the employee must plan ahead and utilize reasonable alternatives, if time and opportunities permit. (Revised 04 05 20)
- 4. Officers shall issue a verbal warning, whenever reasonably safe to do so, prior to using deadly force against an individual. (Revised 06-09-20)

**B. Limitations.** The authority to use deadly force is limited as follows: (Revised 06-01-93) (Revised 04 05 20) (Revised 06-09-20)

1. A sworn officer shall not fire warning shots. (Re-numbered 06-01-93) (A 4.1.3) (Revised 04 05 20)
2. Any sworn officer shall not discharge a firearm at or from a moving vehicle, except when the suspect is using deadly force against the officer(s) or others, and the exigency to stop the threat outweighs the potential risks involved. (Revised 04 05 20) (Revised 06-09-20)
3. An employee shall not place themselves or any part of their body on, inside, or in the path of a vehicle where deadly force is the likely outcome, unless the exigency to stop the threat outweighs the potential risks involved. (Revised 04 05 20)
4. Officers shall not discharge a firearm recklessly. (Effective 11-01-97)

**C. Vascular Neck Restraints (VNR).** The use of VNR is considered deadly force. (Revised 06-09-20)

1. Only employees who have demonstrated proficiency through annual department-approved training may utilize VNR as a deadly force option. (Revised 06-09-20)
2. VNR-related risks include, but are not limited to, pregnant subjects, the elderly, young children, persons with intellectual or developmental disabilities. The use of the VNR in these circumstances must be immediately necessary, and the increased potential harm to the person must be weighed proportionally against the severity of the crime, immediacy of the threat, and level of resistance faced. The need to use VNR under these circumstances must outweigh the potential increased harm to the person when such risk factors are present. (Revised 06-09-20)

**D. Drawing Firearms.** Except for general maintenance, storage, or authorized training, sworn officers shall not draw or exhibit a firearm unless circumstances create reasonable cause to believe its use would be permitted under law and department regulations. (Revised 12-31-87)

**E. Immediate Report to Supervisor.** Once tactically safe to do so, an employee shall immediately report the use of deadly force to a supervisor. (Revised 06-04-04) (Renumbered 01-27-10) (Renumbered 07-05-13)

**F. Duty to Respond.** Upon notice or allegation of injury as the result of deadly force, a supervisor shall immediately respond to the scene and procedures as specified in GO 401.08 Use of Force Investigations and APD SOP Use of Force Investigations shall apply. (Revised 06-09-20)

## **401.05 USE OF FORCE AFTERCARE**

(Added 04 05 20) (Revised 06-09-20) (A 4.1.5)

**A. Aftercare Policy.** After a use of force incident or when injuries occur during apprehension, the employee shall ensure the subject receives appropriate medical care. After any arrest, especially if force is used during the apprehension, the employee shall summon medical aid if necessary. Employees should be aware that injuries may not be readily apparent, and that evaluation of the person's physical status and observation may be necessary. (Revised 04 05 20)

**B. General Aftercare Procedures.** (Revised 04 05 20)

1. After any level of force is used, the police employee shall immediately assess the need for medical attention or treatment for that person upon whom the force was used and arrange for such treatment when:
  - The subject is in obvious need of medical attention;
  - The subject is showing signs of medical or chemically induced distress; or
  - The subject complains of injury or discomfort and requests medical attention.
2. Any person requesting and/or deemed in need of immediate medical attention shall be evaluated by medical personnel at the scene or transported to an approved medical facility

3. The employee shall provide and/or summon medical attention as soon as it is tactically safe to do so.
4. The employee in control of a subject shall make notification of force used or any potential injury to any person (another officer, jail facility, hospital) who assumes control of the subject to ensure continuous monitoring.
5. All medical treatment received shall be noted in the employee's report.

**C. Special Aftercare Protocols** (Revised 04 05 20)

1. **Chemical Spray Exposure Response.** (Revised 04 05 20) Following any application of OC spray, and once control of the subject has been established, the employee shall make reasonable efforts to allow the subject exposed to OC spray relief from the effects caused by the application.
  - a. In most cases, decontamination to chemical sprays requires time, ventilation and water. If it is not feasible to provide decontamination relief following the application of chemical spray, employees shall document the reason why in their report.
  - b. Employees shall summon for medical aid if serious symptoms persist. (Examples: profuse sweating, shallow breathing, lethargic, or chest pain.)
  - c. Employees shall summon medical aid if the exposed prisoner requests medical attention.
2. **Conducted Energy Weapon (CEW) Response.** (Revised 04 05 20) After use of the CEW, the subject shall be treated and evaluated by appropriate medical personnel.
  - a. Following any application of a CEW, and once control of the subject has been established, the employee shall notify a supervisor and medical personnel of the application of the CEW.
  - b. The subject shall be medically evaluated, and probes shall only be removed by medical personnel.
  - c. The subject shall be continuously monitored for at least two hours after the CEW application.
  - d. The employee in control of the subject shall make notification of the CEW application to any person (another officer, jail facility, hospital) who assumes control of the subject to ensure continuous monitoring.
3. **Vascular Neck Restraint (VNR) Response.** (Revised 04 05 20) After application of the vascular neck restraint, the subject shall be medically evaluated by appropriate medical personnel.
  - a. Following any application of a VNR, and once control of the subject has been established, the employee shall notify a supervisor and medical personnel of the application of the use of deadly force. (Revised 06-09-20)
  - b. Medical personnel and a supervisor shall respond to the scene regardless whether the subject lost consciousness.
  - c. Prior to the arrival of medical personnel, the officer will complete the following:
    - i. Handcuff the subject and pat them down for weapons.
    - ii. Move the subject to a position of recovery or a seated position.
    - iii. Notify EMS. (Revised 06-09-20)
    - iv. Check for a pulse and breathing. If the subject does not have a pulse or is not breathing, begin life-saving measures.
  - d. The subject shall be continuously monitored for at least two hours after the VNR application.
  - e. The employee in control of the subject shall make notification of the VNR application to any person (another officer, jail facility, hospital) who assumes control of the subject to ensure continuous monitoring.
4. **Figure Four Leg Control.** After application of the figure four leg control, the subject will be monitored for signs of medical distress for 30 minutes. (Revised 04 05 20)

5. **Special Medical Considerations.** An employee, using training and experience, should pay special attention to a suspect displaying any behavior exclusive of the resistant behavior, which could be indicative of additional medical or psychological conditions. Conditions such as Excited Delirium, Alcohol Intoxication, Drug Intoxication, and Mental Illness may contribute to the suspect's behavior and should also be reported to medical personnel. (Revised 04 05 20)

## 401.06 INTERACTION WITH CANINES AND OTHER AGGRESSIVE ANIMALS (Revised 04 05 20) (Revised 06-09-20)

- A. **Purpose.** The purpose of this policy is to provide sworn officers with guidance on the proper handling of canines and other aggressive animals during law enforcement encounters to prevent, mitigate, and reduce the need for the use of deadly force. (Revised 04 05 20)
- B. **Safe Handling Methods.** In circumstances in which officers have sufficient advanced notice that a potentially aggressive canine or other animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal without the use of force. When a canine or aggressive animal may be encountered during law enforcement operations, officers should attempt (when feasible) alternative safe handling measures first. (Revised 04 05 20)

Examples may include, but are not limited to:

- a. Consult with the residents when animals are present as to whether they can be sequestered prior to entering. (Revised 04 05 20)
- b. Officers may be able to sequester animals by shutting a door or gate, or by placing an object between themselves and the animal. (Revised 04 05 20)
- c. Attempt to assess the animal's demeanor, prior to advancing toward the animal or the person/animal they may be protecting. (Revised 04 05 20)
- d. Request the assistance of animal control. (Revised 04 05 20)
- e. When an unattended or unsecured animal is present where no immediate or imminent public safety danger exists, and the animal may be aggressive, an officer may remain in their vehicle and attempt to contact the complainant by phone or through the aid of dispatch to secure the animal through Animal Control. (Revised 04 05 20)

- C. **Use of Force.** During encounters with canines or other aggressive animals, sworn officers are authorized to use only the degree of force that is reasonably necessary. The reasonable use of deadly force is only authorized to protect any human from the threat of imminent serious bodily injury or death.

(Revised 04 05 20)

1. Employees should utilize non-deadly force options and alternative actions, as identified in this policy, to control canines or other aggressive animals whenever possible before resorting to the reasonable use of deadly force based on the totality of the circumstances. (Revised 04 05 20)
2. Employees shall not utilize deadly force options to engage in euthanasia or "mercy killing" of any animal. (Revised 06-09-20)
3. Officers shall employ reasonable measures to aid an injured animal, as appropriate, by contacting the City of Arlington's Animal Control Unit. (Revised 06-09-20)

- D. **Non-Deadly Force Options.** When a canine or aggressive animal is encountered and alternative safe handling measures have failed or are reasonably likely to fail, officers are authorized in the use of non-deadly force to thwart an aggressive animal. (Revised 04 05 20)

Examples may include but are not limited to the use of:

- a. Empty Hand Control (punches or kicks) (Revised 04 05 20)
- b. OC Spray (Revised 04 05 20)
- c. CEW (Revised 04 05 20)
- d. Impact Weapon (to strike or as a bite alternative) (Revised 04 05 20)
- e. Fire Extinguisher (Revised 04 05 20)

E. **Deadly Force.** The reasonable use of deadly force is authorized to protect any human from the threat of imminent serious bodily injury or death from a canine or other aggressive animal. However, not all non-deadly force options need to be exhausted prior to the use of deadly force when it is objectively reasonable to do so, and the officer is able to clearly articulate the public safety risk of imminent serious bodily injury or death to any persons. (Revised 04 05 20)

F. **Force Used That Results in Animal Injury.** In the event force is used against an animal by an officer and the animal is injured, or there is a reasonable belief the animal is injured; regardless of whether visible injury exists, officers shall make a reasonable attempt to ensure the animal receives care for its injuries. This may include but is not limited to:

- a. contacting the owner to arrange private treatment in an appropriate time frame;
- b. contacting Animal Services for collection and treatment;

G. **When Firearm Used.** Whenever an officer involved shooting takes place, a crime scene shall be established to manage the collection of the evidence. Generally, the preservation of an animal shooting crime scene shall not supersede the welfare of an injured animal. When reasonable under the totality of the circumstances, the owner or caretaker of the animal or Animal Services should have sufficient access to the crime scene to either treat or transport the animal.

## 401.07 Reporting and Reviewing Uses of Force

(Re-numbered and Revised 04 05 20)

A. **Use of Force Report Required.** Unless injury prevents it, before the end of the employee's shift, a Use of Force report will be submitted when an employee: (Re-numbered and Revised 06-01-93) (Revised 04 05 20)

1. takes an action that results in or is alleged to have resulted in injury or death of another person; (A 4.2.1b)
2. applies force through the use of: (Revised 06-01-93)
  - a. Empty hand control; (A 4.2.1d)
  - b. Drawing a firearm or CEW directed at or in response to any person(s) within their presence; (Added 06-18-03) (Revised 04 05 20)
  - c. Pointing a firearm or CEW at any person(s); (Revised 04 05 20)
  - d. Discharging a firearm or CEW (drive stun or probe mode); (A 4.2.1c)
  - e. Handcuffing a person who is released without arrest;
  - f. Oleoresin-Capsicum (OC) Spray (or approved chemical irritant); (Revised 04 05 20) (A 4.2.1c)
  - g. Impact weapon; (A 4.2.1c)
  - h. Vascular neck restraint; (A 4.2.1d)
  - i. Diversionary device;
  - j. Apprehension by dog;
  - k. Any other method that a reasonable officer would believe to be reportable force but does not fit into an above listed category. (Revised 04 05 20)
3. applies force to a canine or aggressive animal using:
  - a. Empty Hand Control; (Revised 04 05 20)
  - b. Deployment of OC Spray; (Revised 04 05 20)
  - c. Deployment of CEW; (Revised 04 05 20)

- d. Impact Weapon (to strike or as a bite alternative); (Revised 04 05 20)
- e. Fire Extinguisher; (Revised 04 05 20)
- f. Firearm; (Revised 04 05 20)
- g. Or any other method that a reasonable officer would believe to be reportable force but does not fit into an above listed category. (Revised 04 05 20)

- B. Responsibility to Report.** Completion of the Use of Force report on any dispatched call is the responsibility of the primary dispatched officer. In any other event, the first employee who uses force is responsible for completing the form. Each employee that used force during the incident is responsible for supplementing the main report describing and articulating their individual use of force. Each employee using force is responsible for assuring that their use of force has been correctly documented on the use of force report. Before completing any reporting documentation, employees have the right to view video as specified in General Order 401.08 C.7(c), 209.09, and required by law. (Revised 04 05 20)  
(A 4.2.1a-d)
- C. Routing and Review.** The Use of Force Report and any related reports will be routed through the chain of command to the division Deputy Chief. If any members of the direct chain of command were involved directly in the incident or gave orders that resulted in the use of force, it is the responsibility of the chain of command to route the use of force review through another supervisor or chain of command. If it is determined during the chain of command review that improper procedure or error occurred at any level in the review process, appropriate action will be initiated. After the review, the division Deputy Chief will forward the report and any related documents to the Force and Tactics Assessment Unit (FTAU) for analysis and assessment. If FTAU receives a use of force report approved by an employee's chain of command that is inconsistent with approved department training or tactics, then the report will be forwarded to Internal Affairs for review. (Revised 04 05 20) (A 4.2.2)
- D. Use of Force Analysis.** The purpose of the Force and Tactics Assessment Unit is to ensure department aggregate force data is reviewed and incorporated into employee training in an effort to reduce the frequency force is required and to improve officer safety and wellness. FTAU is not an investigative unit. To accomplish this purpose, the Force and Tactics Assessment Unit shall conduct:
1. A quarterly use of force trends report due to the Police Chief;
  2. An annual use of force trends report due to the Police Chief; (Revised 04 05 20)
  3. An annual analysis of use of force practices, policies and training; (Revised 04 05 20) (A 4.2.4)
  4. An annual review of all use of force reports; and (A 4.2.2)
  5. An annual review of all assaults on police employees to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. (A 4.2.5)
- E. Reporting Exception.** Personnel assigned to a tactical operation who participated in both a pre-operation briefing and a post-operation debriefing or evaluation and whose actions were reviewed according to the procedures of the Special Operations Standard Operating Procedure are exempt from completing the Use of Force Report form. (Effective 10-04-93)

## 401.08 USE OF FORCE INVESTIGATIONS

(Re-numbered and Revised 04 05 20) (Revised 06-09-20)

### A. Definitions

1. *Critical Incident* – For the purpose of this policy, a critical incident is any action, alleged failure to act, or use of force by an employee that results in discharge of a firearm by the employee or is alleged to have resulted in serious bodily injury to another, or death to another. This term shall include custodial death. (Revised 04 05 20)

2. *Critical Incident Scene Coordinator (CISC)* – The Central Criminal Investigations Section Lieutenant. In the absence of the lieutenant, the CISC will be the Homicide Sergeant. The CISC is not the Incident Commander (IC), although he/she will work collaboratively with the IC, the CISC is coordinating and directing the investigative aspects of the critical incident. (Revised 04 05 20)
3. *Overwatch Officer* - Officer assigned to preserve and protect evidence that may be on the involved employee's person or clothing, and to monitor the involved employee while at the scene. (Revised 04 05 20)
4. *Public Safety Information* – Necessary and limited information provided by involved employee at the scene to ensure both the immediate safety of the public and effective police response. The purpose of this information is not to determine justification for using force. (Revised 04 05 20)

#### B. Types of Use of Force Incidents

1. **No Serious Bodily Injury or Death While in Police Custody.** Uses of force that did not involve a discharge of a firearm by an officer, did not result in death, or is not likely to result in the death of any individual, will be reported and reviewed through the chain of command as specified in G.O. 401.07. (Revised 04 05 20) (A 4.2.2)
2. **Discharge of Firearm by Officer at an Animal.** The discharge of an officer's firearm at an animal, regardless of the extent of injury sustained by the animal, will be reported and reviewed through the chain of command as specified in G.O. 401.07. Internal Affairs shall respond to the scene and conduct an administrative investigation. The Incident Commander may request additional resources as needed. (Revised 04 05 20)
3. **Use of Force by Officer Causing Serious Bodily Injury, or Death While in Police Custody.** The Homicide Unit shall have primary responsibility for conducting the criminal investigation in cases of:
  - a. Discharge of a firearm by an officer at an individual; (Revised 04 05 20)
  - b. Use of force by an employee that results in, or is alleged to have resulted in, death or is likely to result in the death of any individual; and (Revised 04 05 20)
  - c. The death of an individual while in police custody or in the jail, even if force was not used. (Revised 04 05 20)
4. **Pursuits Involving Crash-Related Injury or Death.** Pursuits involving crash-related injury or death will be investigated by the Traffic Section. Internal Affairs shall respond to the scene and conduct an administrative investigation of pursuits involving crash-related injuries resulting in serious bodily injury or death. (Revised 04 05 20) (Revised 06-09-20)

#### C. Critical Incident Scene Response to Deadly Force.

1. **Involved and Witness Employee(s) shall:**
  - a. Determine the physical condition of any injured person, render first aid when appropriate, notify Dispatch Services of the incident and location and request necessary emergency medical aid; (Revised 04 05 20)
  - b. Unless removed from the scene for medical treatment, remain at the scene until the Critical Incident Scene Coordinator (CISC) arrives. If the involved employee's presence might cause a more hazardous situation to develop, (violent crowd for example) the ranking employee at the scene may instruct the employee and the employee's assigned Overwatch Officer to relocate to a more appropriate location before the CISC arrives with an assigned Overwatch Officer. (Revised 04 05 20)
  - c. If reasonably possible, take steps to protect his or her safety and to preserve any evidence at the location, including, protect any weapon that may need forensic examination, if applicable. (Revised 04 05 20)
  - d. Prepare written reports of the incident in a timely manner as directed by supervisors. If the involved employee is the subject of a criminal investigation, the employee may decline to prepare a written report based on the employee's constitutionally protected rights. (Revised 04 05 20)

2. **Responding Supervisor.** The responding supervisor on scene will assume the role of incident commander and remain in that position until relieved. Where multiple supervisors are present, the ranking supervisor should take command and shall:
    - a. Ensure that medical attention is being provided to anyone in need; (Revised 04 05 20)
    - b. Separate and isolate involved employee(s); consider removal from scene if needed; (Revised 04 05 20)
    - c. obtain public safety information from involved employee(s) in accordance with Section 501.01 (Public Safety Information) of the Use of Force Investigations SOP; (Revised 04 05 20)
    - d. Assign an Overwatch Officer to each involved employee. Involved employees shall be isolated from witness employees and any other involved employee(s) until the involved employee has been interviewed by investigator; (Revised 04 05 20)
    - e. Separate and isolate involved witness(s); consider removal from scene if needed. Witness employees shall be separated from one another; (Revised 04 05 20)
    - f. If any employee is removed from the scene, notify the CISC; (Revised 04 05 20)
    - g. Secure the scene and ensure that crime scene perimeters are established. Once established, employees shall leave the crime scene unless they are assigned a specific function within the crime scene; (Revised 04 05 20)
    - h. If a fatality occurs, ensure the body is concealed from public view in accordance with G.O. 410.03; (Revised 04 05 20)
    - i. If involved officer(s) are removed from the incident scene, ensure BWC and DVR systems are immediately stopped. (Revised 04 05 20)
    - j. Once the dynamic incident scene is secured and transitioned to an investigative scene, ensure all BWC and DVR systems are stopped. (Revised 04 05 20)
    - k. Locate and identify non-employee witnesses; (Revised 04 05 20)
    - l. Assign an officer to be responsible for the crime scene log; (Revised 04 05 20)
    - m. If BWC or DVR recordings captured the critical incident, notify personnel from Research & Development and request response to the scene to assist with the preservation and recovering of said recordings; (Revised 04 05 20)
    - n. Notify investigative and administrative personnel. If appropriate, the supervisor shall relay the involved employee's request for an attorney, one support person or association representative, and a CISM response member; and (Revised 04 05 20)
    - o. Afford the opportunity for involved or witness employees to call a family member. The supervisor shall identify a secured area to ensure the employee has privacy without any recording devices in the area; (Revised 04 05 20)
    - p. Initiate a command page with all relevant information available at the time.
  3. **Overwatch Officer**
    - a. Maintains the integrity of the evidence on each involved employee(s). (Revised 04 05 20)
    - b. Maintain sufficient view of the involved employee at all times. (Revised 04 05 20)
    - c. Shall permit confidential conversations between the involved employee and the employee's attorney. The Overwatch officer shall step away during any confidential conversations. (Revised 04 05 20)
    - d. Shall not discuss the incident with the involved employee. (Revised 04 05 20)
    - e. Shall not be a part of the responding CISM Team. (Revised 04 05 20)
  4. **Critical Incident Scene Coordinator**
    - a. Contacts the incident commander to determine resources needed, including utilizing additional resources to adequately conduct the investigation. (Revised 04 05 20)
    - b. Responds to the scene and coordinate the investigative response. (Revised 04 05 20)
    - c. Coordinates with the Crime Scene Unit to ensure the timely evidence processing of the employee. (Revised 04 05 20)
    - d. Coordinates with the Training Center for weapon replacement if needed. (Revised 04 05 20)
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- e. Ensures that notifications have been completed to CISM, the appropriate police association if applicable, and the employee's legal representative. (Revised 04 05 20)
- f. Coordinates with the media office regarding public statements. (Revised 04 05 20)
- g. Coordinates the safe transportation of the involved employee away from the scene as soon as the employee's presence is no longer needed. (Revised 04 05 20)
- h. Coordinates department contact with the family of the deceased/injured person as soon as the identity of that person is established, and family can be found to ensure the family that an unbiased, detailed, and thorough investigation will be conducted. (Revised 04 05 20)
- i. The CISC is not the Incident Commander (IC), although CISC will work collaboratively with the IC. (Revised 04 05 20)

**5. Investigative Response Units**

- a. Homicide Unit – Will ensure the timely investigation of the criminal investigation in accordance with the unit's Standard Operating Procedures. (Revised 04 05 20)
- b. Crime Scene Unit – Will collect and process evidence related to the case in accordance with the unit's Standard Operating Procedure. Emphasis should be placed on the expedited processing of involved and/or witness employees(s). (Revised 04 05 20)
- c. Internal Affairs Unit – Will ensure the timely investigation of the administrative investigation in accordance with the unit's Standard Operating Procedures. (Revised 04 05 20) (Revised 06-09-20)

**6. Media Office**

- a. Shall provide a public information plan to include all involved organizations (Revised 04 05 20) (A 11.3.4d)
- b. Shall be responsible for the dissemination of information to the media and public in accordance with the unit's Standard Operating Procedures. (Revised 04 05 20) (A 11.3.4d)

**7. Body Worn Cameras**

- a. In accordance to this policy, the CISC or IC will order all cameras stopped and deactivate the geofence when the scene is secured and the incident has transitioned from an active scene to an investigative scene. This does not prevent officers from reactivating and deactivating BWC/DVR as necessary when any police action(s) is/are to be taken. (Revised 04 05 20)
- b. Refer to General Order 209.09 regarding use, access, activation and deactivation of audio and video function, and release of Body Worn Camera footage restrictions. (Revised 04 05 20)
- c. Before providing a walk-through statement in the field, employees have the right to conduct a review of video as specified in the policy on Body Worn Cameras (General Order 209.09) and as required by law. (Revised 04 05 20)
- d. The employee's legal counsel may view the video with the employee in the field. The inclusion of the employee's legal counsel to view the video in the field is a revocable courtesy that may not interfere with any ongoing police investigation(s) or the securing of the scene. (Revised 04 05 20)

**D. Release of Information.** The administrative and criminal investigations will be under the direction of the City Attorney's office and deemed confidential attorney work product, not to be disclosed except by express waiver of the Police Chief or by court order.

- a. Entities outside of the City, including but not limited to the Tarrant County District Attorney's Office or any federal agency conducting an investigation, requesting employee interviews or the release of any department documents, including training records, must be coordinated by the Police Chief or designee, prior to complying with the request.

**E. Deadly Force Review Board (DFRB).** Completed administrative and criminal investigations in cases of serious bodily injury or death of a person by uses of force other than a vehicle will be reviewed by a Deadly Force Review Board appointed by the Police Chief. The Police Chief may, but is not required to, appoint a DFRB in cases involving motor vehicle operation by an officer. (Revised 11-01-97)

1. Each Board will have two Lieutenants, a Sergeant, and two patrol-grade officers. Police personnel in the chain of command of the involved employee(s), those involved in the incident or the investigation, and those who were at the scene of the incident for any reason are ineligible to serve on the DFRB. The Police Legal Advisor and Training Commander will be ex officio members of the Board. The employee may select one member of the Board subject to the membership criteria stated in this provision. (Revised 06-04-04)
2. The Board will elect a presiding officer from among their members. The Chairperson presides at all meetings of the Board and votes only in case of a tie.
3. The Board will review reports and facts submitted by Internal Affairs and, if applicable, the appropriate other investigative section. The Board will not hear any direct testimony from involved personnel or witnesses. If additional information on the facts of the incident is needed, the Board will ask the investigative segment to conduct supplemental interviews. The Board will submit a written report indicating its concurrence or non-concurrence with the investigative segments report(s). The report will state specifically the reasons for the Board's conclusions. The DFRB report on an Internal Affairs investigation will be sent to the commander of the employee's Division. The DFRB report on a criminal or traffic investigation will be sent to the Police Chief. (Revised 11-01-97)
4. The Board will make a report to the Police Chief, evaluating the quality of supervision prior to, during, and after the incident and the quality of the post-shooting investigative process(es), and recommend establishment or revision of any training, policy, or procedure determined during its review to be necessary. (Renumbered 03-30-92)

F. **Civil Rights Investigations.** The department will not order or request any of its members who may be suspects to confer with federal investigators without the advice of counsel. (See General Order 206.02). (Effective 12-31-87)

## 401.09 Aftereffects of Uses of Force

(Renumbered and Revised 04 05 20)

- A. **Mandatory Administrative Leave.** When an employee's use of force is likely to result in serious bodily injury or death, the employee shall be placed on administrative leave with pay for the rest of that tour of duty and regularly scheduled tours of duty the next seven days. (Revised 06-04-04) (Revised 04 05 20) (A 4.2.3)
1. As quickly as possible and no later than five days after the incident, the employee shall be sent to a department-furnished qualified mental health provider. The purpose of the consultation is to allow the employee to express feelings and to deal with the moral, ethical, and/or psychological aftereffects of the incident. It also allows the qualified mental health provider to have input into the assessment of the employee's wellbeing to return to duty. (Revised 06-04-04) (Revised 04 05 20)
  2. The consultation with the qualified mental health provider shall not be related to any department investigation of the incident. Nothing discussed in the consultation, except as it relates to the employee's wellbeing, will be reported to the department. The consultation session shall remain protected by the privileged Professional Psychologist Code of Ethics. (Revised 06-04-04) (Revised 04 05 20)
  3. The mandatory administrative leave may be extended for a period of time deemed appropriate by the Police Chief or the division Deputy Chief of the involved officer, with the input of the employee and qualified mental health provider. (Revised 06-04-04) (Revised 04 05 20) (Revised 06-09-20)
  4. When use of force has resulted in death, no employee will be returned to regular duty until an administrative review by the division Deputy Chief has been completed and a written report forwarded to the Police Chief for inclusion in the Internal Affairs file. (Revised 06-04-04) (Revised 04 05 20)

- a. The purpose of this review is to determine if it would be in the best interest of the department to return the involved employee to regular duty, reassign the involved employee to other duties, or relieve the involved employee of duty pending completion of the full investigation into the incident. (Revised 06-04-04) (Revised 04 05 20) (Revised 06-09-20)

**B. Discretionary Administrative Leave.**

1. No Serious Bodily Injury or Death While in Police Custody. An immediate supervisor has discretion to place an employee on administrative leave with pay for up to three shifts for exercising the use of force that results in less than serious bodily injury. (Revised 06-04-04) (Revised 04 05 20)
2. Use of Force by Officer Causing Serious Bodily Injury or Death While in Police Custody.
  - a. When an employee's exercise of police authority results or is likely to result in serious bodily injury or death, the involved employee will be placed on administrative leave with pay for seven days. The Police Chief or the division Deputy Chief of the involved officer can extend this leave. (Revised 04 05 20) (Revised 06-09-20)

- C. An employee on administrative leave must remain available at all times for official department interviews and statements regarding the incident. While on leave and after return to duty, the employee will not discuss the incident with anyone except assigned investigators, private attorney, qualified mental health provider, chosen clergy, spouse, or Critical Incident Management Team assigned member. (Employee's should note that immediate family members other than the spouse and members of the Critical Incident Management Team are not subject to the confidential communications privilege.) (Revised 06-04-04)

- D. **Counseling.** In addition to a consultation with the qualified mental health professional, the employee and members of the employee's immediate family may obtain assistance of the Critical Incident Stress Management Team and/or the department chaplain in dealing with the moral and ethical aftereffects of the incident. (Revised 06-04-04) (Revised 04 05 20)