

General Order

Houston Police Department



ISSUE DATE:

March 4, 2022

NO.

600-17

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-17, dated June 19, 2020

SUBJECT: USE OF FORCE

POLICY

The Houston Police Department places the highest value on the sanctity of life for both its employees and members of the community. The department recognizes and respects the value of all human life and dignity without prejudice to anyone. The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied encounters; when warranted, officers may exercise control over another in carrying out their duties. Vesting officers with the authority to use lawful and objectively reasonable force to protect the public welfare requires a careful balancing of all public interests.

Officers are authorized by law to use force to protect themselves or others, to effect an arrest, to bring an incident under control, or to maintain custody of those arrested. Officers shall only use force for a lawful purpose and not to punish or retaliate against any person. Officers shall use only the amount of objectively reasonable force necessary to successfully achieve the authorized purpose, even if under the circumstances the law would allow the use of greater force.

Use of force must be objectively reasonable based on the totality of the circumstances. An officer's decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense and the reasonably perceived level of actual or threatened resistance. It is the duty of all officers to constantly assess the situation, adjust their use of force accordingly, and intervene if witnessing another officer use excessive force.

Whenever practical, officers shall use de-escalation techniques to gain voluntary compliance and to seek to avoid or minimize use of physical force. When safe and feasible, officers shall attempt to slow down or stabilize the situation so that more time, options, and resources are available. Time, distance, numbers, cover, and concealment are key elements to reduce the risks associated with scene management, de-escalation, and use of force.

This General Order applies to all employees.

DEFINITIONS

Bodily Injury. An injury causing physical pain, illness, or any impairment of the function of any bodily member or organ.

Chokehold. A neck restraint that includes any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

Deadly Force. Force intended or known to cause or in the manner of its use or intended use is capable of causing death or serious bodily injury.

De-escalation. Using 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 individual. The goal of de-escalation is to gain the voluntary compliance of individuals, when feasible, thereby eliminating the need to use force in response to resistance.

De-escalation Techniques. Techniques intended to reduce the likelihood of a situation where the use of force is necessary, including but not limited to:

- a. Reducing exposure to a potential threat using time, distance, numbers, cover, and/or concealment.
- b. Containing a threat and establishing communication from a safe position intended to gain the individual's compliance, using verbal persuasion, advisements, and/or warnings.
- c. Calling additional resources to assist, including more officers, a supervisor, crisis intervention trained (CIT) officers, and/or officers equipped with less-lethal tools.
- d. Requesting a Crisis Intervention Response Team (CIRT) unit.

Firearm. Any handgun, rifle, or shotgun that is not an intermediate weapon.

Force. Pointing a firearm, conducted energy device (CED), soft-impact weapon, or 40mm launcher at a person, or any physical contact with a person by an officer using the body or any object, device, or weapon, excluding unresisted escorting or handcuffing.

Indexing. The placement of an officer's trigger finger along the frame of the firearm, conducted energy device, soft-impact weapon, or 40mm launcher, and outside of the trigger guard.

Intermediate Weapons. Tools not fundamentally designed to cause deadly force with conventional use. Intermediate weapons include:

- a. Batons.
- b. Oleoresin capsicum (OC) spray.
- c. Soft-impact weapons (e.g., beanbag shotgun).
- d. Conducted energy devices (CED).
- e. 40mm launchers.

Objectively Reasonable. In accordance with an objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight, and within the limitations of the totality of the circumstances present at the time of the incident.

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

Vascular Neck Restraint. A neck restraint that applies pressure to the carotid artery or arteries, which may restrict blood flow to the brain and cause loss of consciousness. Also known as a sleeper hold.

1 USE OF DEADLY FORCE AND FIREARMS

It is the policy of this law enforcement agency to value and preserve human life. The use of deadly force shall be limited to those circumstances in which officers have an objectively reasonable belief that deadly force is necessary to protect themselves or others from the imminent threat of serious bodily injury or death. Officers shall not use deadly force against a person who is a threat only to themselves or to property. Officers shall exhaust all reasonably available alternatives, such as, without limitation, issuing a verbal warning when possible prior to the use of deadly force. Officers shall consider their immediate surroundings and the safety of uninvolved persons before using deadly force.

Officers shall not justify the use of deadly force by intentionally placing themselves in imminent danger.

Firearm Usage

Officers may unholster or display their firearm as needed under the circumstances, but shall point a firearm at a person only when objectively reasonable under the totality of the circumstances. Prior to discharging a firearm, officers shall consider their surroundings and take reasonable precautions to avoid endangering bystanders.

Officers shall not use firearms in any of the following ways:

- a. Firing warning shots.
- b. Firing at fleeing suspects who do not represent an imminent threat to the life of the officer or another person.
- c. Firing at suspects whose actions are a threat to only themselves (e.g., attempted or threatened suicide) or to property.

2 DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

There are numerous factors an officer must take into consideration when determining whether to apply any level of force. Officers shall always consider time, distance, numbers, cover, and concealment. Officers shall also consider, without limitation, the following factors:

- a. The conduct of the individual being confronted.
- b. The age, size, relative strength, skill level, injury, and level of fatigue of the officer and the suspect.

- c. The number of officers available versus the number of suspects.
- d. Influence of drugs, alcohol, and/or mental capacity.
- e. Proximity to weapons.
- f. Time and circumstances permitting the availability of other options.
- g. Seriousness of the suspected offense or reason for contact with the individual.
- h. Potential for injury to citizens, officers, or suspects.
- i. Risk of escape.

3 DE-ESCALATION OF POTENTIAL FORCE ENCOUNTERS

When safe and reasonable under the totality of circumstances, officers shall use de-escalation techniques in an attempt to gain voluntary compliance and to reduce or eliminate the use of physical force. Recognizing that circumstances may rapidly change, officers may need to abandon de-escalation efforts after they have commenced.

Assessment

Whenever possible, at least two officers and a field supervisor shall respond to scenes involving individuals brandishing a weapon and/or exhibiting violent or irrational behavior or extreme agitation. In all high-risk situations, if time and other circumstances allow, the responding supervisor and officers shall assess the scene and develop a plan for approach. In cases of imminent danger, responding officers should not delay the approach to wait for back-up unit(s) or a supervisor.

As officers arrive on the scene, observe conditions, and interact with the persons present, they should continue to gather additional relevant information and facts. These assessments, along with reasonable inferences, help to develop an understanding of the totality of the circumstances of the incident. After an officer has gathered sufficient information to ascertain anticipated threats at the scene, the officer shall consider what police actions are appropriate.

Use of De-Escalation Techniques

Employing de-escalation techniques may involve securing additional resources, tactical repositioning, and employing verbal persuasion.

Verbal Persuasion:

If possible and reasonable under the totality of the circumstances, officers shall respectfully use one or more of the following verbal techniques to try to calm an agitated individual and promote rational decisions:

- a. Explain what the officer is doing, what the individual can do, and what needs to happen.

- b. Explain why the officer is taking a specific action, permitting the individual to respond and acknowledging the individual's perspective.
- c. Ask the individual about their needs and wishes in an effort to gain an alternate avenue to compliance.
- d. If possible, provide the individual with alternatives, even though those alternatives may be limited.
- e. Advise the individual of the consequences for noncompliance.
- f. Provide the individual with reasonably sufficient time within which to respond to directives.

Time, Distance, Numbers, Cover, and Concealment:

When safe and feasible under the totality of the circumstances, officers shall:

- a. Attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution.
- b. Increase distance from the suspect(s) to allow for greater reaction time.
- c. Use a team approach to de-escalation, considering officer training and skill level, the number of officers, and whether any officer has successfully established rapport with the individual. Each individual officer's actions shall complement the overall approach. When multiple officers are present, a single officer should take the lead role in communicating with the individual to avoid overwhelming the individual and exacerbating their potential confusion and/or agitation.
- d. Use cover and concealment for tactical advantage, such as placing barriers between an uncooperative individual and officers by using natural barriers in the immediate environment.

4 INTERMEDIATE WEAPONS

Before carrying or using an intermediate weapon, an officer shall be currently certified with the intermediate weapon by the Training Division. The Training Division is responsible for maintaining a list of approved intermediate weapons and carrying devices. Intermediate weapons shall be carried or used as issued or authorized by the department. No changes, alterations, or modifications are permitted.

Unless an officer has a reasonable belief that there is an imminent threat of serious bodily injury or death to the officer or another person, the officer shall not use weapons for which the officer has not received requisite training or provide weapons to others to use when such persons have not received requisite training.

Officers shall carry and use intermediate weapons in accordance with this section and Section 2, *Determining the Objective Reasonableness of Force*.

Batons

Officers shall carry a baton when responding to disturbance calls or working an event where there are a large number of persons. Supervisors responding to situations requiring a baton shall ensure that each officer at the scene complies with this policy.

Unless deadly force is warranted, officers shall deliver baton strikes only to areas of the body below the shoulders and only with the degree of force necessary to counter resistance or establish control of the suspect. Additionally, there are circumstances that occur in which flashlights may also be used as batons. Strikes made with flashlights shall be made in accordance with the same guidelines as those made with batons.

OC Spray

The department does not furnish officers with OC spray or related equipment. If an officer wants to carry OC spray on duty or while working extra employment, the officer shall obtain OC spray certification by Training Division personnel. The officer may carry only OC spray and related equipment that is approved by the Training Division. Uniformed officers carrying OC spray shall store the canisters on their duty belts in an appropriate case.

Except in exigent circumstances, officers shall not use OC spray at a person less than three feet or more than ten feet away. Officers shall not use OC spray on persons who appear to be younger than 17 or older than 65 years of age, any person known to have respiratory illnesses, or any person who appears to be pregnant.

In addition to the requirements of Section 10, *Requesting Medical Personnel and Providing First Aid*, an officer who uses OC spray on a person shall immediately begin decontamination procedures as soon as doing so is safe.

Soft-Impact Weapons and 40mm Launchers

On each shift, soft-impact weapons and 40mm launchers shall be assigned to and stored in designated patrol vehicles. An officer may check out a soft-impact weapon or a 40mm launcher if there is one available. Officers who choose to check out a soft-impact weapon or a 40mm launcher shall notify the dispatcher at the beginning of their shift.

Sergeants and officers who are assigned or who check out a soft-impact weapon or a 40mm launcher shall inspect such equipment prior to signing on duty. If the sergeant or officer observes any new damage, missing parts, or defective equipment, the sergeant or officer, as applicable, shall notify their supervisor before signing on duty.

Unless deadly force is warranted, officers shall not target a soft-impact weapon or a 40mm launcher for munition impacts at a person's chest, back, neck, or head. Officers may target the suspect's abdomen for munition impacts. Officers should target the suspect's buttocks or legs for munition impacts, but shall avoid intentionally striking the person's groin.

Officers shall not fire a 40mm launcher for munition impacts at a person less than five feet away. Officers assigned to the Special Response Group's Chemical Munitions Team may fire extended range munitions from a 40mm launcher, but shall not fire extended range munitions at a person less than 33 feet away.

Officers shall not fire a soft-impact weapon at a person less than 30 feet away.

When using a soft-impact weapon or 40mm launcher for munition impacts, officers should be part of an arrest team. Another officer should be present to protect the arrest team from deadly threats. Additional officers present should safely conduct the arrest of the target after the discharge of the soft-impact weapon or 40mm launcher.

When a division is assigned soft-impact weapons or 40mm launchers, the division commander is responsible for ensuring the weapons are properly maintained. Officers in specialized divisions needing a soft-impact weapon or a 40mm launcher shall coordinate with an appropriate district patrol supervisor.

Conducted Energy Devices

A CED is a non-lethal device used to gain control of a suspect. As with any intermediate or deadly weapon, officers shall always guard against having a device or weapon taken from them. The CED is capable of incapacitating the officer, leaving the officer's firearm accessible. In such situations, if a suspect gains control of a CED, officers should attempt to use de-escalation techniques as instructed by Section 3, *De-Escalation of Potential Force Encounters*, unless to do so would present a greater danger to the officers or the public.

For detailed information on the policies and procedures regarding CEDs, see General Order 400-26, **Conducted Energy Devices**.

5 PROHIBITED FORCE METHODS

Officers shall not use force against a person who is handcuffed or otherwise restrained except when necessary for a lawful purpose, to prevent injury to any person, or to prevent escape. Lawful purposes include, but are not limited to, escorting a resistant prisoner or placing a resistant prisoner in a vehicle.

Officers shall not use vascular neck restraints, chokeholds, or any similar neck restraint, whether by using an object or a body part, unless there is an objectively reasonable belief that it is necessary to prevent serious bodily injury or death to the officer or any other person. These techniques, which shall not be taught by the Training Division, are considered a use of deadly force.

Officers shall not place their knee, feet, or body weight on the neck of a suspect in order to control or contain the suspect's movements. Unless other options are not feasible, officers shall not take a suspect to the ground by the neck. When attempting to control a grounded suspect, officers shall place pressure only on the suspect's shoulders, chest, or the middle of the back. If an officer unintentionally places pressure on a suspect's neck during a struggle, the officer shall remove the pressure as soon as practical.

6 DUTY TO INTERVENE

An officer has a duty to intervene to stop or prevent another peace officer, regardless of rank, from using force against a suspect if the amount of force exceeds that which is reasonable under

the circumstances and the officer knows or should know that the other officer's use of force has one or more of the following characteristics:

- a. The force violates state or federal law.
- b. The force puts a person at risk of bodily injury and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person.
- c. The force is not required to apprehend the person suspected of committing an offense.

An officer who witnesses the use of excessive force by another officer shall promptly make a detailed written report of the incident and deliver the report to their own supervisor.

7 NOTICE OF AUTHORITY AND IDENTITY

Officers shall identify themselves as a peace officer and make clear their intent to arrest or search a person before using force, unless it is already reasonably known by the individual to be searched or arrested or it is not practical to do so.

8 SAFE HANDLING OF WEAPONS

Officers shall not display any intermediate weapon or firearm in an unprofessional or unsafe manner.

When an officer removes a firearm or CED from its holster or carries a soft-impact weapon or 40mm launcher, the officer shall use indexing to prevent an unintentional discharge. The officer shall continue indexing until the point in which the officer is prepared to fire at the threat and has made the conscious decision to fire at the threat. Officers shall, if possible, re-holster their firearm or CED before physically restraining a person.

9 MOVING OR FLEEING VEHICLE

Discharging a firearm, soft-impact weapon, or 40mm launcher at a moving vehicle is prohibited unless one of the following situations exists:

- a. A person in the vehicle is immediately threatening the officer or any other person with serious bodily injury or death by means other than the vehicle itself (e.g., driver firing at the officer with a firearm).
- b. The vehicle is operated in a manner deliberately intended to strike the officer or another person, and all other reasonable means of defense or avoidance have been exhausted or are not present or practical, including moving out of the path of the vehicle.

Officers shall not discharge a firearm, soft-impact weapon, or 40mm launcher from a moving vehicle unless there is an objectively reasonable belief that it is necessary to prevent serious bodily injury or death and no other reasonable alternative exists.

10 REQUESTING MEDICAL PERSONNEL AND PROVIDING FIRST AID

Any officer who encounters any injured person while discharging the officer's official duties, including but not limited to a person injured due to a use of force by any officer, shall immediately request emergency medical services as necessary.

While awaiting emergency medical services, officers shall provide first aid to their level of training without any unreasonable delay, taking into consideration that the first priority of all officers is scene safety. Mitigating any potential threats prior to providing first aid shall remain the most important task. Once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling or crouched and/or have their attention diverted during the assessment and rendering of first aid.

Upon notification of a use of force by an officer, the dispatcher and the notified supervisor shall remind the officer to immediately request emergency medical services as necessary and to provide first aid.

11 USE OF FORCE BY CIVILIAN EMPLOYEES

Civilian employees are not authorized to use force for law enforcement purposes. If a civilian employee is required by the circumstances to use force while on duty for their protection or the protection of a third party, the civilian employee shall use only objectively reasonable force.

12 REFERENCE MATERIAL

City of Houston Executive Order No. 1-67. To the extent there are any conflicts, the Executive Order supersedes this General Order.



**Troy Finner
Chief of Police**