

General Order

Houston Police Department



ISSUE DATE:

June 19, 2020

NO.

600-17

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-17, dated September 30, 2015

SUBJECT: RESPONSE TO RESISTANCE

PHILOSOPHY

The Houston Police Department places its highest value on the life and safety of its employees and members of the community. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and *objectively reasonable* force and to protect the public welfare requires a careful balancing of all public interests.

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 and when warranted, may exercise control over another in carrying out their duties.

POLICY

Employees are authorized by law to use force to protect themselves or others, to effect an arrest, or to maintain custody of those arrested. When dealing with members of the community, suspects, or prisoners, employees must use only the amount of *objectively reasonable* force necessary to successfully protect themselves or others, to effect an arrest, or to bring an incident under control, 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 he is actively resisting arrest or attempting to evade arrest by flight. It is the duty of all employees to constantly assess the situation and adjust the use of force accordingly.

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 severity and risk associated with scene management, *de-escalation*, and *response to resistance*.

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.

Crisis Intervention Response Team (CIRT). A team comprised of a uniformed CIT officer with a licensed mental health professional to respond to persons exhibiting mental health crisis.

Crisis Intervention Trained (CIT) Officer. An officer who has successfully completed the Texas Commission on Law Enforcement (TCOLE) 40-hour Mental Health Peace Officer/CIT course.

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. De-escalation techniques include, but are 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 CIRT unit.

Firearm. For purposes of this General Order, any handgun, rifle, or shotgun (not including soft-impact weapon).

Force. Any physical contact with a person by an employee using the body or any object, device, or weapon, not including unresisted escorting or handcuffing.

Intermediate Weapons. In the context of this General Order, intermediate weapons include:

- a. Baton
- b. Oleoresin capsicum (OC) spray
- c. *Soft-impact weapon* (i.e., beanbag shotgun)
- d. Conducted energy device (CED)
- e. Remote Restraint Device (e.g., Bola Wrap)

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.

Response to Resistance (R2R). Actions taken to compel a person to comply with law enforcement objectives. This includes *force* and other less physical actions such as command presence and verbal commands.

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.

Soft-Impact Weapon. An intermediate weapon, that is a distinctly marked shotgun designated for the exclusive use of soft-impact munitions.

1 USE OF DEADLY FORCE

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 an officer has an *objectively reasonable* belief deadly force is necessary to protect themselves or others from the imminent threat of *serious bodily injury* or death. 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.

Officers are prohibited from using *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 suicide).

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*. Factors that should always be considered are time, distance, numbers, cover, and concealment. Other factors to be considered include, but are not limited to:

- a. The conduct of the individual being confronted.
- b. The age, size, relative strength, skill level, injury, and level of exhaustion 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 to gain voluntary compliance and to reduce or minimize 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 exhibiting violent or irrational behavior, extreme agitation and/or brandishing a weapon. 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 backup unit(s) or a supervisor.

As officers arrive on the scene, observe conditions, and interact with the persons there, 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, they 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:

To the extent possible and reasonable under the totality of the circumstances, officers may 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, again permitting the individual to respond and acknowledging their perspective;
- c. If possible, provide the individual with alternatives, even though those alternatives may be limited;
- d. Advise the individual of the consequences for noncompliance; or

e. Provide the individual with reasonably sufficient time within which to respond to directives.

Time:

When safe and feasible under the totality of the circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

Distance:

Maximizing tactical advantage by increasing distance to allow for greater reaction time.

Numbers:

Team approaches to *de-escalation* are encouraged and should consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the individual. Where officers use a team approach to de-escalation, each individual officer's obligation to de-escalate will be satisfied as long as the officer's actions complement the overall approach.

Cover and Concealment:

Utilizing cover and concealment for tactical advantage, such as placing barriers between an uncooperative individual and officers 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 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.

Batons

Officers shall carry a baton when:

- a. Responding to disturbance calls.
- b. Working an event where there are a large number of persons.

Supervisors responding to situations requiring a baton are responsible for ensuring each officer at the scene complies with this policy.

Unless *deadly force* is warranted, baton strikes shall be made 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 must obtain OC spray certification by Academy personnel. The officer may only carry 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.

Soft-Impact Weapons

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

Sergeants and officers who are assigned or who check out a soft-impact weapon shall inspect the soft-impact weapon 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 his supervisor before signing on duty.

Unless *deadly force* is warranted, officers shall not target soft-impact weapons for munition impacts above a person's shoulders.

Officers in specialized divisions needing a *soft-impact weapon* shall coordinate with an appropriate district patrol sergeant.

When a division is assigned soft-impact weapons, the division commander is responsible for ensuring the weapons are properly maintained.

Conducted Energy Devices (CED)

Conducted Energy Devices (CED) are a non-lethal device used to gain control of a suspect. As with any intermediate or deadly weapon, officers must always guard against having a device or weapon taken from them. The CED is capable of incapacitating the officer, leaving the officer's deadly weapon accessible. In such situations, if a suspect gains control of a CED, officers should attempt to use the tenets of de-escalation – time, distance, numbers, cover, or concealment, 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**.

Remote Restraint Device

A *remote restraint device* is a non-lethal remote device used by officers, from a distance, to gain control of a suspect by strategically wrapping the suspect's torso or legs with a tether.

5 PROHIBITED CONTROL METHODS

Employees shall not use neck restraints or carotid artery holds, also known as choke holds, unless there is an *objectively reasonable* belief that it is necessary to prevent *serious bodily injury* or death.

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.

6 DUTY TO INTERCEDE

Any employee present and observing another employee using *force* that is beyond that which is reasonable under the circumstances shall, when in a position to do so, regardless of rank, safely intercede to prevent the use of such force. Employees shall immediately report these observations to an on-duty supervisor.

7 NOTICE OF AUTHORITY AND IDENTITY

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

8 SAFE HANDLING OF WEAPONS

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

9 MOVING OR FLEEING VEHICLE

Discharging a *firearm* or *soft-impact weapon* at a moving vehicle is prohibited unless:

- 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); or
- b. Vehicle is operated in a manner deliberately intended to strike officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of path of vehicle.

Officers shall not discharge a firearm or soft-impact weapon 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.

For additional information, see General Orders 600-04, **Motor Vehicle Pursuits** and 600-34, **High-Risk Vehicle Approaches**.

10 REQUESTING MEDICAL PERSONNEL AND PROVIDING FIRST AID

Any time force is used, whether on duty or off duty, including during extra employment, officers shall immediately request medical personnel to the scene when any of the following occurs:

- a. A person sustains any *bodily injury* from the discharge of a *firearm*.
- b. A person sustains *serious bodily injury*.
- c. A person is struck by a munition from a *soft-impact weapon*.
- d. A person is sprayed with OC.
- e. A person is darted by a CED in the head, neck, groin area, or breast (male or female) or the person sustains physical trauma indirectly associated with the CED use (e.g., injury from a fall).
- f. As otherwise needed.

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, because 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.

11 USE OF FORCE BY CIVILIAN EMPLOYEES

In incidents where civilian employees are authorized to use *force*, they are subject to the same policies and procedures as officers but the test of objective reasonableness is judged from the perspective of any *objectively reasonable* civilian employee.

Civilian employees are not permitted to carry an *intermediate weapon* or *firearm* in the performance of their duties.

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.



Art Acevedo
Chief of Police