

General Order

Houston Police Department



ISSUE DATE:

April 5, 2023

NO.

600-18

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-18, dated March 13, 2019

SUBJECT: FIREARM, SOFT-IMPACT WEAPON, AND 40MM LAUNCHER DISCHARGES

POLICY

All firearm, soft-impact weapon, and 40mm launcher discharges by an officer, excluding training or lawful recreation, shall be immediately reported and investigated. In addition to the requirements of this General Order, employees shall comply with all applicable requirements contained in [General Orders 600-17, Use of Force](#), and [600-20, Use of Force Reporting](#).

This General Order applies to all employees.

DEFINITIONS

40mm Launcher. An intermediate weapon that is a break-open munition launcher capable of discharging less-lethal impact rounds, oleoresin capsicum (OC) rounds, flash-bang rounds, and other munitions.

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

Weapon Discharge Incident. Any incident when an officer discharges a firearm, soft-impact weapon, or 40mm launcher, excluding training or lawful recreation, whether intentional or unintentional.

Officers shall refer to [General Orders 600-17, Use of Force](#), and [600-20, Use of Force Reporting](#) for additional definitions.

1 SCENE INTEGRITY

Officers may carry and/or secure their own weapon in their holster, but shall not otherwise intentionally touch, handle, or disturb any evidence and/or weapon that is part of a scene involving a weapon discharge incident without the express consent of Homicide Division's Special Investigations Unit (SIU), or unless one of the following exceptions applies:

- a. There is no other way to preserve the item from loss or destruction.
- b. The item poses an immediate and articulable threat to the officer or public safety and there is no other way to secure the item (e.g., a hostile scene where others have uncontrolled access).
- c. SIU is not required to respond to the incident, as described by Section 4, *Incident Investigation*, and the item is being collected by the scene supervisor in accordance with the *Supervisor Investigation Procedures for Weapon Discharge Incidents*.

2 OFFICER'S RESPONSIBILITIES

The officer(s) involved in the weapon discharge incident shall complete all of the following tasks as soon as practical under the circumstances:

- a. Immediately request emergency medical services to the scene anytime a person is struck by a munition, regardless of if there is a complaint of injury. While awaiting emergency medical services, officers shall provide first aid as required by [General Order 600-17, Use of Force](#).
- b. Follow the notification procedures for involved officers as detailed in [General Order 600-20, Use of Force Reporting](#), regardless of whether the incident is considered reportable force. If the incident is not considered reportable force (e.g., an intentional discharge towards an animal that does not result in bodily injury to any person), the involved officer shall complete all documentation other than the *Use of Force* form.
- c. Take steps to secure witnesses and preserve the integrity of the scene and remain in charge until relieved by an on-duty supervisor or the law enforcement agency having jurisdiction.
- d. Deactivate their body worn camera (BWC) pursuant to the provisions of [General Order 400-28, Body Worn Cameras](#).
- e. Upon arrival of the scene supervisor, notify the supervisor in person about the officer's involvement and give that supervisor their BWC.
- f. If the incident occurred outside the city limits of Houston and was investigated by another law enforcement agency, submit correspondence detailing the incident with a copy of any report generated (obtained by the involved officer) through the chain of command to the officer's assistant chief.
- g. Comply with Section 7, *Weapon Testing*, if applicable.

If the officer involved in the weapon discharge incident is unable to perform the tasks noted in items (a) through (e) above, the most senior officer at the scene shall perform such tasks. To the extent possible under the circumstances, officers not involved in the weapon discharge incident shall conduct all law enforcement activities related to the scene.

3 SUPERVISOR'S INITIAL RESPONSE AND RESPONSIBILITIES

Pursuant to [General Order 600-20, Use of Force Reporting](#), upon receiving notification of a weapon discharge incident inside the city limits of Houston, the notified on-duty supervisor shall immediately respond and proceed to the scene.

Upon receiving notification of a weapon discharge incident outside the city limits of Houston, the notified on-duty supervisor shall respond as instructed by a classified supervisor in the Command Center. If instructed to respond, the on-duty supervisor shall immediately respond and proceed to the scene and cooperate with the law enforcement agency having jurisdiction.

Once the incident is under control, the supervisor shall immediately contact the Command Center to provide an update.

Scene Management

As applicable, upon arriving at the scene, the responding on-duty supervisor shall:

- a. Ensure injured persons are treated, witnesses are secured, and the scene is preserved.
- b. Check the safety and well-being of any officers involved.
- c. Collect the body worn camera (BWC) worn by any officer involved in the incident, turn it off, secure it, and give it to SIU personnel upon their arrival. If SIU does not respond to the scene, maintain custody of the BWC and upload the BWC footage as soon as practical.
- d. Work to preserve the integrity of the investigation by coordinating and limiting contacts with the officer(s) prior to the arrival of SIU personnel and legal counsel for the officer(s).
- e. Separate all witnesses and involved officers to prevent them from discussing the incident with each other while at the scene.
- f. Prevent anyone from entering the secured area until SIU personnel arrive at the scene.
- g. Ensure that an officer is assigned to document the name, unit number, and payroll number of all involved officers and any other persons at the scene.
- h. Remain at the scene until relieved by IAD and/or SIU personnel.
- i. Complete any documentation required by [General Order 600-20, Use of Force Reporting](#), regardless of whether the incident is considered reportable force.

Public Safety Statement

Responding supervisors may only ask specific and limited questions after a weapon discharge incident to secure the scene, establish appropriate perimeters, locate and preserve evidence, and identify witnesses. These questions include and are limited to:

- a. Is there anyone injured? If so, where are they located, what caused the injury, and have medical personnel been requested?
- b. Where did the incident(s) take place?
- c. What type of force was used against the suspect(s)? If a firearm was used, was anyone hit and what directions were shots fired?
- d. Did the suspect(s) use a firearm? If a firearm was used, was anyone hit and what directions were shots fired?
- e. Are all weapons believed to have been involved in this incident currently in police custody? If not, where are they located?

- f. Are all suspects believed to have been involved in this incident currently in custody? If not, what is their description, direction, mode of travel, potential offense, weapon, and time last seen?
- g. Where is the crime scene(s) and evidence that needs to be secured?
- h. Are there any witnesses and where are they located?
- i. Do you have any knowledge of any other facts related to this incident that could present an immediate danger to responding officers or the public?

The responding supervisor shall use the *Public Safety Statement* document, available on the department's Intranet Portal, to admonish the officer prior to ordering the officer to answer any of the above questions. The involved officer(s) shall answer these questions if ordered.

Supervisors shall ensure that persons on the scene, other than authorized investigators acting in accordance with established investigative procedures, do not attempt to elicit details of the incident beyond the above questions, including but not limited to elaboration on the use of force and justification for using force. The involved officer(s) may contact family members and/or legal counsel.

4 INCIDENT INVESTIGATION

Internal Affairs Division and Homicide Division

IAD and SIU personnel shall immediately respond to the scene when any of the following occur inside the city limits of Houston:

- a. An officer intentionally discharges a firearm (except when the discharge is directed toward an animal and does not result in any bodily injury or serious bodily injury to any person).
- b. An officer unintentionally discharges a firearm and it results in bodily injury or serious bodily injury to a person.
- c. An officer discharges a soft-impact weapon or a 40mm launcher, whether intentionally or unintentionally, and it results in serious bodily injury to a person.

IAD and SIU personnel shall determine whether to respond to a weapon discharge incident outside the city limits of Houston, taking into consideration the severity of any injuries and the distance of the scene from the city limits of Houston.

Upon arrival, IAD and SIU investigators shall relieve the on-scene supervisor and take command of the scene. SIU shall lead the criminal investigation or conduct a parallel criminal investigation in coordination with the primary jurisdiction. IAD shall conduct a parallel administrative investigation. Both divisions shall conduct their investigations without interference. IAD and Homicide Division commanders may require other divisions to participate and submit progress reports regarding the investigation of a weapon discharge incident at any frequency required by the circumstances.

Homicide Division personnel shall make all notifications that are required by Texas law, including but not limited to the requirement to notify the Attorney General of death or injury caused by an officer-involved firearm discharge (Texas Code of Criminal Procedure, §2.139) or of a death of a person in police custody (Texas Code of Criminal Procedure §49.18). Homicide Division personnel shall also notify the Office of Community Affairs for possible compliance with [General Order 800-03, Critical Incident Video Public Release](#).

Employee's Division

A supervisor from the involved officer's division shall complete any review and documentation required by [General Order 600-20, Use of Force Reporting](#).

A supervisor assigned to the involved officer's division shall investigate the weapon discharge incident and complete an original or supplement report when any of the following occur:

- a. An officer intentionally discharges a firearm inside the city limits of Houston toward an animal that does not result in any bodily injury or serious bodily injury to any person.
- b. An officer unintentionally discharges a firearm inside the city limits of Houston and it does not result in bodily injury or serious bodily injury to a person.
- c. An officer discharges a soft-impact weapon or a 40mm launcher inside the city limits of Houston, whether intentionally or unintentionally, and it does not result in serious bodily injury to a person.
- d. An officer is involved in a weapon discharge incident outside the city limits of Houston and it is not investigated by IAD and/or SIU personnel.

The supervisor completing the investigation shall also complete each of the following tasks:

- e. Follow the guidelines outlined in the *Supervisor Investigation Procedures for Weapon Discharge Incidents* document, located on the department's Intranet Portal.
- f. Direct the officer to comply with Section 7, *Weapon Testing*, if applicable.
- g. Cease the investigation and notify IAD as soon as possible if the preliminary investigation shows that the weapon discharge incident may have violated any department policy. Otherwise, for above items (a), (b), or (d), the supervisor shall submit correspondence describing the incident and summarizing the findings of the investigation by using the *Weapon Discharge Incident Investigative Report* example correspondence, located on the department's Intranet Portal. This correspondence is not required for above item (c).

5 EMERGENCY COMMUNICATIONS DIVISION'S RESPONSIBILITIES

Upon receiving notification of a weapon discharge incident inside the city limits of Houston, the dispatcher shall immediately dispatch sufficient personnel to manage scene safety and security. The dispatcher shall also immediately notify an ECD supervisor, who shall immediately notify the Command Center.

The dispatcher shall ensure that notifications required by [General Order 600-20, Use of Force Reporting](#), have been completed, regardless of whether the incident is considered reportable force.

6 COMMAND CENTER'S RESPONSIBILITIES

The Command Center shall follow the notification requirements set forth in [General Orders 200-10, Emergency Management](#), and [600-20, Use of Force Reporting](#), including determination of whether an on-duty supervisor will respond to the scene. Additionally, the Command Center shall immediately notify IAD and SIU if they are required to respond under Section 4, *Incident Investigation*, and continually update the investigators until their arrival. If after hours, the Command Center shall notify the on-duty night commander, who may choose to travel to the scene to assist.

7 WEAPON TESTING

The officer or on-scene supervisor shall ensure any firearm, soft-impact weapon, or 40mm launcher that was unintentionally discharged due to a possible malfunction is immediately secured and removed from service. Officers shall not carry or use that weapon until it has been cleared by a functionality test performed by Academy range personnel.

For firearms, the officer(s) involved shall report to the Academy firearms range to have the test performed and/or comply with any direction given by IAD and SIU personnel. Officers who require the loan of a replacement primary weapon shall follow the procedures outlined in [General Order 400-05, Firearms Qualification and Control](#).



Troy Finner
Chief of Police