

General Order

Houston Police Department



ISSUE DATE:

March 4, 2022

NO.

600-20

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-20, dated June 19, 2020

SUBJECT: USE OF FORCE REPORTING

POLICY

In order to ensure transparency and accountability, this directive sets forth procedures for responding to, reporting, and reviewing incidents involving HPD employees using force for a law enforcement purpose. The specific required response, reporting, and review regarding these incidents is determined by the force level as outlined in this General Order. Employees shall truthfully and completely report and document all reportable force.

This General Order applies to all employees.

DEFINITIONS

Involved Officer. An officer (regardless of rank) who used reportable force.

Long Form. Documentation collected by the *Use of Force Data Collector* that requires completion of all fields for submission, as established by the Office of Planning & Data Governance.

Reportable Force (RF). Force that requires specific notification and documentation.

Short Form. Documentation collected by the *Use of Force Data Collector* that requires completion of fewer fields for submission than the Long Form, as established by the Office of Planning & Data Governance.

Officers shall refer to General Order 600-17, **Use of Force**, for additional definitions.

1 REPORTABLE FORCE

Reportable force does not include mere police presence, including the presence of a K-9, verbal commands, handcuffing or escorting without resistance, drawing or displaying a weapon without pointing it at a person, or when an oleoresin capsicum (OC) spray device is pointed at a person.

Short Form

RF requiring the Short Form includes the use of any of the following:

- a. Conducted energy device (CED) when pointed at a person without being discharged.
- b. Soft-impact weapon or 40mm launcher when pointed at a person without being discharged.
- c. Firearm when pointed at a person without being discharged.

- d. Forced handcuffing (e.g., grabbing and pulling a resistant suspect's hands, wrists, or arms when handcuffing) when there is no visible injury and no person loses consciousness or complains of bodily injury.

Long Form

RF requiring the Long Form includes, but is not limited to, the use of any of the following:

- a. Forced handcuffing when there is visible injury or a person loses consciousness or complains of bodily injury.
- b. Empty hand tactics (e.g., shoving, pushing, pressure points, forcing arms from front to back, taking suspect to the ground, leg sweeps).
- c. Strikes (e.g., punches, kicks, knee or elbow strikes).
- d. Baton when a person is struck.
- e. OC spray when:
 - 1. Intentionally sprayed in the direction of a person, whether contact is made or not.
 - 2. Unintentionally sprayed, if it results in bodily injury to any person.
- f. Conducted energy device (CED) when:
 - 1. Intentionally discharged and directed at a person, whether contact is made or not.
 - 2. Used in a drive stun manner.
 - 3. Unintentionally discharged, if it results in bodily injury to any person.
- g. Soft-impact weapon or 40mm launcher when:
 - 1. Intentionally discharged, except when the discharge is directed toward an animal and it does not result in bodily injury to any person.
 - 2. Unintentionally discharged, if it results in bodily injury to any person.
- h. Firearm when:
 - 1. Intentionally discharged, except when the discharge is directed toward an animal and it does not result in bodily injury to any person.
 - 2. Unintentionally discharged, if it results in bodily injury to any person.
- i. K-9 contact.
- j. Interlocking by handcuffing the wrists and ankles together behind the back or by wrapping the person within a device intended to immobilize the person (e.g., the WRAP).

- k. Spit cover when used on a person.
- l. Remote restraint device, if it results in bodily injury to any person.

2 ON-DUTY USE OF FORCE

Officer's Responsibilities

If RF occurs when the involved officer is on-duty, whether inside or outside the city of Houston, the involved officer shall immediately notify an on-duty supervisor assigned to the involved officer's division. The involved officer shall choose the best method of notifying an on-duty supervisor (e.g., via the dispatcher, radio, mobile computing device). If no on-duty supervisor assigned to the involved officer's division is available, the involved officer shall notify the dispatcher. The dispatcher shall assign an on-duty supervisor as required by Section 4, *Emergency Communications Division's Responsibilities*.

If the involved officer is unable to make immediate notification to an on-duty supervisor or dispatcher, the most senior officer at the scene shall make the notification. If the involved officer is a supervisor, the involved officer shall notify a supervisor of equal or higher rank.

In addition to the requirements of this General Order, involved officers shall comply with all applicable documentation requirements contained in General Orders 400-26, **Conducted Energy Devices**, 400-31, **Remote Restraint Device**, and 600-18, **Firearm, Soft-Impact Weapon, and 40MM Launcher Discharges**.

Reporting Requirements:

Each involved officer who uses RF shall do all of the following:

- a. Complete an original or supplement incident report, as applicable.
- b. Complete a *Use of Force* form, via the *Use of Force Data Collector* on the department's Intranet Portal, for each person against whom the involved officer used RF.
- c. Thoroughly document the suspect's actions and the officer's response, unless instructed otherwise by Internal Affairs Division (IAD) and/or Homicide Division's Special Investigations Unit (SIU).

The involved officer(s) shall complete the incident report, supplement report(s), and *Use of Force* form(s) prior to the end of the shift, including when IAD and/or SIU investigate the incident. If an involved officer is unable to complete this documentation, the involved officer shall complete it as soon as they return to duty.

Incident Report:

The primary involved officer shall write an incident report that contains the following information:

- a. The name and employee numbers of:

1. All employees on the scene at any time during the RF incident.
 2. The on-duty supervisor who was notified and/or responded to the RF incident.
 3. The Joint Processing Center Unit or Juvenile Intake Unit supervisor notified by the officer, if notification is required by Section 7, *Booking Prisoners*.
- b. The unit number of responding medical personnel, if applicable.
 - c. The involved officer's force used and specific reason(s) for using RF. The documentation shall thoroughly explain what force was used and why it was used. Officers shall include a detailed description of all actions taken by the officer and by the person against whom the force was used. When describing the suspect's actions, the officer shall not make conclusory statements (e.g., "the suspect was acting crazy," "the suspect was resisting and combative," or "the suspect made a furtive gesture"). The officer shall include a detailed description of the suspect's specific action(s) that led to the decision to use force (e.g., "the suspect attempted to punch and kick me, then pushed me and twisted away from my grasp").
 - d. The name of the person receiving RF, if known, and the part of the person's body receiving the RF.
 - e. The location on the person's body of any known injury, even if the injury was not received as part of the incident.
 - f. Any other pertinent information related to any offense committed.

Supplement Report:

Each involved officer shall write their own supplement to the primary officer's original incident report. The supplement report shall include, but is not limited to:

- a. The force used and specific reason(s) for using force as described above.
- b. The name of the person receiving RF, if known, and the part of the person's body receiving the RF.

Use of Force Form:

The involved officer shall complete the incident or supplement report before completing the *Use of Force* form in order to import information from the report.

When entering the *Use of Force* form in the *Use of Force Data Collector*, the involved officer shall select the Short Form or Long Form as indicated in Section 1, *Reportable Force*. When completing the form, the involved officer shall select the notified on-duty supervisor, which will route the form to that supervisor for review.

The involved officer shall include the specific reason(s) for using RF in the *Use of Force* form.

Delayed Report of Injury:

If a suspect's injury is not apparent at the time of arrest and the arresting officer later discovers the injury, that officer shall immediately notify an on-duty supervisor. Furthermore, the officer shall complete a supplement detailing the delayed injury and the circumstances surrounding the discovery of the delayed report of injury.

Supervisor's Responsibilities

At all times, any notified or reviewing supervisor whose investigation reveals possible violations of department policy regarding use of force shall refer to General Order 200-03, **Investigation of Employee Misconduct**.

Response Requirements:

Upon receiving notification of an RF incident, the notified on-duty supervisor shall respond and proceed immediately to the scene unless one of the following circumstances applies:

- a. The RF requires the Short Form only.
- b. The RF involved empty hand tactics when there is no visible injury and no person loses consciousness or complains of bodily injury.
- c. The Crime Analysis & Command Center Division (Command Center) determines that an on-duty supervisor does not need to respond to a RF incident outside the city limits of Houston.

If a supervisor responds to the scene, the supervisor shall determine immediately upon arrival whether anyone is injured and ensure that the injured are treated.

In accordance with General Order 500-01, **Effecting Arrests and Searches**, an on-duty supervisor is always required to respond when an interlocking technique is used.

Notification Responsibilities:

The responding supervisor shall immediately contact the Command Center when any of the following RF occurs:

- a. A firearm, soft-impact weapon, or 40 mm launcher is discharged.
- b. A CED is discharged.
- c. A person sustains serious bodily injury.
- d. A person is sprayed with OC.
- e. The RF occurred outside the city limits of Houston.

Documentation:

If the RF requires only the Short Form, no supervisory review or documentation is required. The notified supervisor shall do all of the following if the RF requires the Long Form:

- a. Complete a *Significant Event Notification*, if required by General Order 200-10, **Emergency Management**, as soon as possible.
- b. Review each involved officer's incident and/or supplement report within five calendar days.
- c. Review all applicable *Use of Force* forms and body worn camera (BWC) videos within five calendar days after the BWC video is available.
- d. Complete a supplement to the original incident report within five calendar days after the BWC video is available.

If the BWC video is not available within five calendar days of the RF incident due to a technical delay, the notified supervisor shall notify the shift commander of the delay and check each subsequent workday to determine if the BWC video is available.

Details in the Supplemental Incident Report

The supervisor's supplement shall include whether or not the suspect sustained any visible injuries, a description of such injuries, injuries complained of by the suspect that are not visible, whether or not the suspect refused medical transport, and any other relevant information, including whether the suspect had pre-existing injuries. The supervisor's supplement shall confirm that the supervisor completed all required supervisory reviews.

In addition to the above specifications, supervisors shall also comply with further documentation requirements contained in General Orders 400-26, **Conducted Energy Devices**, 400-31, **Remote Restraint Device**, and 600-18, **Firearm, Soft-Impact Weapon, and 40MM Launcher Discharges**.

Use of Force Review

When reviewing the *Use of Force* form, the notified supervisor shall indicate whether the officer had a BWC and select one of the following options as appropriate:

- a. *No Violations Noted*. The supervisor shall summarize the officer's actions and state that the officer's actions did not violate policy.
- b. *Violations Noted*. The supervisor shall make only the following comment: "The incident is being investigated to determine compliance with department policy." The supervisor shall make the notifications required by General Order 200-03, **Investigation of Employee Misconduct**, if the supervisor selects this option.

The notified supervisor shall then submit the *Use of Force* form to the shift commander. The shift commander shall review all applicable *Use of Force* forms, BWC videos, reports, and supplements. The shift commander shall include comments referencing the time on the BWC video for each use of RF and a statement approving or rejecting the supervisor's findings. The

shift commander shall submit the *Use of Force* form to the division commander for final approval or rejection.

3 OFF-DUTY USE OF FORCE

Extra Employment

If an officer uses RF during extra employment within the city limits of Houston, the involved officer shall complete all notifications and documentation required by Section 2, *On-Duty Use of Force*.

If an officer uses RF during extra employment while outside the city limits of Houston, the involved officer shall immediately notify the law enforcement agency having jurisdiction and the Command Center. The involved officer shall complete all documentation required by Section 2, *On-Duty Use of Force*. The involved officer shall obtain a copy of any report generated from the investigation, if any, and write a letter explaining the use of force incident through the chain of command to the involved officer's commander unless the incident is investigated by IAD. The involved officer shall verify with a classified supervisor in the Command Center whether an on-duty supervisor will respond to the scene.

In addition to the exceptions to an on-duty response contained in Section 2, *On-Duty Use of Force*, an on-duty supervisor is not required to respond if all of the following circumstances apply, whether inside or outside the city limits of Houston:

- a. The involved officer was working extra employment at the time of the RF.
- b. The involved officer did not discharge a firearm, soft-impact weapon, or 40mm launcher.
- c. An HPD supervisor who did not use RF is working extra employment at the same location.
- d. The RF did not result in serious bodily injury to any person.
- e. The involved officer reported the use of force to that supervisor immediately.

In such cases, the supervisor working extra employment at the location shall complete all review and documentation required of the on-duty notified supervisor by Section 2, *On-Duty Use of Force*.

If the above exception does not apply, the notified on-duty supervisor shall complete all review and documentation required by Section 2, *On-Duty Use of Force*.

Whether inside or outside the city limits of Houston, the involved officer shall also notify an on-duty supervisor at the division where the involved officer is assigned at the earliest time during the operational hours of the involved officer's division when a supervisor is on duty.

Not Working Extra Employment

If an RF incident occurs inside the city limits of Houston when the involved officer is off duty and not working extra employment, the involved officer shall immediately notify the ECD dispatcher and the Command Center. The officer shall complete the documentation requirements required

by Section 2, *On-Duty Use of Force*. The notified on-duty supervisor shall complete all review and documentation required by Section 2, *On-Duty Use of Force*.

If an officer uses RF while off-duty and not working extra employment, while outside the city limits of Houston, the involved officer shall immediately notify the law enforcement agency having jurisdiction and the Command Center. The officer shall complete the documentation requirements required by Section 2, *On-Duty Use of Force*. The involved officer shall obtain a copy of any report generated from the investigation, if any, and write a letter explaining the use of force incident through the chain of command to the involved officer's commander, unless the incident is investigated by IAD. The notified on-duty supervisor shall complete all review and documentation required by Section 2, *On-Duty Use of Force*.

Whether inside or outside the city limits of Houston, the involved officer shall also notify an on-duty supervisor at the division where the involved officer is assigned at the earliest time during the operational hours of the involved officer's division when a supervisor is on duty.

4 EMERGENCY COMMUNICATIONS DIVISION'S RESPONSIBILITIES

Notification to an On-Duty Supervisor

Upon receiving notification of an RF incident occurring inside the city limits of Houston, the ECD dispatcher shall immediately verify that an on-duty supervisor assigned to the involved officer's division has been notified. If no supervisor from the involved officer's division is on duty, the dispatcher shall notify an on-duty supervisor assigned to the patrol division where the RF incident occurred.

Notification to the Command Center

The ECD dispatcher shall confirm that the notified on-duty supervisor completes the notifications required by Section 2, *On-Duty Use of Force*. If the RF occurred outside the city limits of Houston when the involved officer was on duty, the dispatcher shall immediately notify an ECD supervisor, who shall immediately notify the Command Center.

5 COMMAND CENTER'S RESPONSIBILITIES

Notification to Homicide Division and Internal Affairs Division

The Command Center shall immediately notify SIU and IAD of an RF incident when a person sustains serious bodily injury or death. Additionally, the Command Center shall follow notification procedures in General Order 600-18, **Firearm, Soft-Impact Weapon, and 40mm Launcher Discharges**.

IAD shall investigate all RF incidents involving serious bodily injury to any person.

Notification to an On-Duty Supervisor

Upon notification of an RF incident inside the city limits of Houston, a Command Center classified supervisor shall confirm that an on-duty supervisor has responded or will respond, if required by

this General Order, and notify the involved officer whether an on-duty supervisor will make the scene if necessary.

If the RF incident occurred outside the city limits of Houston, the Command Center supervisor shall determine whether an on-duty supervisor is required to make the scene, after giving consideration to the proximity of the RF incident to the city of Houston and the severity of the injury. The classified supervisor in the Command Center shall inform the involved officer whether an on-duty supervisor will respond to the scene.

6 USE OF FORCE MANAGEMENT REPORTS

Use of Force Management Reports, located within the *Use of Force Data Collector*, provide supervisors the ability to view a compilation of RF data and the approval status of the *Use of Force* forms. Supervisors shall regularly review information concerning their subordinates that is provided in the *Use of Force Management Reports*.

Additionally, on a monthly basis at minimum, division commanders shall review the compilation of RF data in the *Use of Force Management Reports* concerning their assigned division and review the approval status of *Use of Force* forms.

7 BOOKING PRISONERS

Officers shall notify an on-duty HPD Joint Processing Center Unit supervisor at the Joint Processing Center before booking a prisoner who has been struck, hit, or sprayed by any weapon, subjected to any other form of force causing bodily injury, or against whom a spit cover or interlocking device was used. Such prisoners shall not be booked into any jail unless approved by that supervisor.

Officers shall notify an on-duty Juvenile Intake Unit supervisor before booking a juvenile prisoner against whom any RF was used.

8 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 shall notify an on-duty classified supervisor assigned to their own division. If no on-duty classified supervisor assigned to the civilian employee's division is available, the civilian employee shall notify the Command Center. The Command Center shall assign an on-duty classified supervisor to respond to the scene. The notified supervisor shall document the incident in an incident report.



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