

General Order

Houston Police Department



ISSUE DATE:

June 19, 2020

NO.

600-20

REFERENCE: This newly created General Order supersedes all prior conflicting Circulars, Directives, and General Orders

SUBJECT: RESPONSE TO RESISTANCE REPORTING

POLICY

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.

In order to ensure transparency and accountability, this directive sets forth procedures for responding to, reporting, and reviewing incidents of Response to Resistance (R2R) involving HPD personnel. The specific required response, reporting, and review of these incidents is determined by the force level as defined in this General Order.

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.

Discharge of a Conducted Energy Device (CED). For purposes of this General Order, the firing of a CED, whether intentional or unintentional unless specified otherwise. This term includes using a CED in a *drive stun* manner.

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)

Involved Officer. An officer (regardless of rank) who used *reportable response to resistance*.

Reportable Response to Resistance. Use of *force* that requires specific notification and documentation of the R2R 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 disfiguration, 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 REPORTABLE RESPONSE TO RESISTANCE (R2R)

Reportable R2R does *not* include mere police presence, including the presence of a K-9, verbal commands, handcuffing, or escorting without resistance, or when an Oleoresin capsicum (OC) spray device is pointed at a person.

Reportable R2R includes, but is not limited to, the use of any of the following:

- a. Empty hand tactics (e.g., grabbing, pushing, pressure points, forcing arms behind back, taking suspect to the ground, leg sweeps).
- b. Baton when a person is struck.
- c. OC spray when any of the following occurs:
 1. Intentionally sprayed in the direction of a person whether contact is made or not.
 2. Unintentionally sprayed and there is contact with a person.
- d. Conducted energy device (CED) when any of the following occurs:
 1. It is pointed at a person.
 2. Intentionally discharged and directed at a person whether contact is made or not.
 3. Unintentionally discharged and a person is struck.
- e. Soft-impact weapon when any of the following occurs:
 1. It is pointed at a person.

2. Intentionally discharged, except when the discharge is directed toward an animal and it does not result in bodily injury to any person.
 3. Unintentionally discharged and it results in bodily injury to any person.
- f. Firearm when any one of the following occurs:
1. It is pointed at a person.
 2. Intentionally discharged, except when the discharge is directed toward an animal and it does not result in bodily injury to any person.
 3. Unintentionally discharged and it results in bodily injury to any person.
- g. K-9 when injuries are sustained as a result of K-9 bites.
- h. *Interlocking* by handcuffing the wrists and ankles together behind the back.
- i. Spit Cover when used on an individual.
- j. Remote restraint device when injuries are sustained as a result of the deployment of such device.

2 ON DUTY RESPONSE TO RESISTANCE

Officer's Responsibilities

If reportable R2R 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*. The involved officer shall choose the best method of requesting an on-duty supervisor to respond to the scene (e.g., via the dispatcher, radio, mobile computing device [MCD]). If the involved officer is unable to make immediate notification to an on-duty supervisor, the most senior officer at the scene shall make the notification.

Documentation:

Each involved officer that uses reportable R2R shall do all of the following:

- a. Complete an original or supplement incident report, as applicable.
- b. Complete the appropriate *R2R* form via the *R2R Entry System* on the department's Intranet Portal.
- c. Thoroughly document the suspect's actions and the officer's response (*See also "Details in the Incident Report" later in this subsection*).

The incident report and *R2R* form shall be completed prior to the end of the involved officer's shift.

Pointed Weapons Exception to Completing an Incident Report and Response to Resistance Form

Pointed Weapons Exception exists when the reportable R2R *solely* involves pointing a CED, soft-impact weapon, and/or firearm at a single person or multiple persons *and* there are *multiple involved officers* on the same call. This reportable R2R may be documented in one incident report and one R2R form by the primary officer or one of the involved officers. When the Pointed Weapons exception applies and one officer completes the documentation, this officer shall complete both the standard R2R form and the *Multi-Weapons Drawn* form.

The officer completing the documentation (i.e., incident report and R2R forms) shall do all of the following:

- a. List identifying information of one person (e.g., suspect) on the *Multi-Weapons Drawn* form.
- b. Document the other persons' (e.g., suspects) identifying information in the narrative of the incident report.
- c. Thoroughly document the suspect's actions and officers' response
- d. List all officers, including payroll number and division assigned, who used this type of reportable R2R on the *Multi-Weapons Drawn* form.
- e. List the on duty supervisor notified of the reportable R2R.

Short Form Criteria for Pointed Weapons

The *Short Form* in the R2R Entry System shall be utilized when a reportable R2R incident involves an officer pointing a CED, soft-impact weapon, or firearm at a single person. The *Short Form* requires minimal information, but can only be utilized when the employee's involvement is limited to pointing a weapon (firearm, CED, Soft-Impact weapon) at a person. If an officer points his weapon at multiple persons then a *Short Form* may still be utilized although the officer must complete separate forms for each individual that he pointed his weapon at.

The *Short Form* shall not be utilized when multiple officers on the scene point their weapon (CED, soft-impact weapon, or firearm) at a single person or at multiple persons.

If necessary, the officer shall also complete an incident report in addition to the *Short Form* (see General Order 800-07, **Criteria for Submitting Incident Reports**).

The *Short Form* will not require a supervisor review or a R2R After-Action Report to be completed.

Details in the Incident Report

Incident reports involving reportable R2R shall contain the following information:

- a. The name and employee numbers of:
 1. All employees on the scene at any time during the R2R incident.

2. The on-duty supervisor who responded to the reportable R2R incident or the on-duty supervisor who was notified when an on-scene response was not required.
 3. The supervisor in the lockup or detention facility where the prisoner was booked.
- b. The unit number of responding medical personnel, if applicable.
 - c. The employee's specific reasons for using force. The documentation shall thoroughly explain what force was used and why it was used. This 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 report shall not be simplified to conclusory statements (e.g., the suspect was acting crazy, resisting, combative, making a furtive gesture). Rather, a detailed description of the suspect's specific action(s) that led to the amount of force used shall be included (e.g., the suspect was punching, kicking, pushing, twisting/pulling away, spitting).
 - d. The part of the person's body receiving the strike, hit, spray, injury, or other reportable R2R.
 - e. Location on the person's body of any known injury, even if the injury was not obtained as part of the incident.
 - f. Any other pertinent information related to any offense committed.

Supplemental Incident Report

Each officer who used force shall write his own supplemental incident report to the primary officer's original incident report unless the Pointed Weapons exception applies. The supplement report shall include, but is not limited to:

- a. The specific reason(s) for using force as described directly above in item (c).
- b. The part of the person's body receiving the strike, hit, spray, injury, or other reportable R2R.

In addition to the above specifications, involved officers shall comply with all applicable documentation requirements contained in General Orders 400-26, **Conducted Energy Devices** and 600-18, **Firearm and Soft-Impact Weapon Discharges**.

Delayed Report of Injury:

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

Supervisor's Responsibilities

Response Requirements:

Upon receiving notification of a reportable R2R incident, the on-duty supervisor shall respond and proceed immediately to the scene unless one of the exceptions delineated below applies. Immediately upon arrival, the supervisor shall determine if anyone is injured and shall ensure 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 the interlocking technique is used.

An on-duty supervisor is not required to respond to the scene in any of the following circumstances:

- a. *Pointing/Empty Hand Exception*. This is when reportable R2R solely involves an officer:
 1. Pointing a CED, soft-impact weapon, and/or firearm at a single person or multiple persons and/or
 2. Using empty hand tactics and all of the following apply:
 - a) There is no visible injury.
 - b) The person does not lose consciousness.
 - c) The person does not complain of any bodily injury.
- b. *Extra Employment Exception*. This is when reportable R2R occurs while an involved officer is working extra employment and only if all of the following apply:
 1. A Houston Police Department supervisor is working extra employment at the same location.
 2. The involved officer immediately notifies that supervisor.
 3. That supervisor did not use reportable R2R.
 4. The reportable R2R does *not* involve the discharge of a firearm or soft-impact weapon, or result in *serious bodily injury* to any person.
- c. *Outside City of Houston Exception*. This is when a reportable R2R incident does not meet any of the previous exceptions, yet both of the following apply:
 1. The reportable R2R occurs *Outside the City of Houston*.
 2. A classified supervisor in the Crime Analysis and Command Center (hereinafter referred to as Command Center) has determined that an on-duty supervisor does not have to respond to the scene after giving consideration to the proximity of the reportable R2R incident to the city of Houston and the severity of injury.

If an on-duty supervisor is not required to make the scene of a reportable R2R incident as specifically provided in this General Order, yet an on-duty supervisor does respond, the on-duty supervisor is *not* required to complete a supplement to the original incident report.

Notification Responsibilities:

The supervisor shall *immediately* contact the Command Center when any one of the following occurs:

- a. A firearm is discharged.

- b. A soft-impact weapon is discharged.
- c. A CED is discharged.
- d. A person sustains *serious bodily injury*.
- e. A person is sprayed with OC.

Anytime the on-scene investigation reveals violations of department policy regarding R2R, the supervisor shall contact the Internal Affairs Division (IAD) and speak with an IAD lieutenant for direction. However, if it is after hours, the supervisor shall contact the Command Center.

Documentation:

When an on-duty supervisor is notified and required to respond to a reportable R2R incident as provided herein, the on-duty supervisor shall do all of the following:

- a. Review each involved officer's incident and/or supplement report.
- b. Review all applicable *R2R* form(s).
- c. Complete a supplement to the original incident report.
- d. Complete the *R2R After-Action Report*.
- e. Complete *Significant Event Notification* if applicable.

Details in the Supplemental Incident Report

The supervisor's supplement shall include whether or not the suspect has sustained any visible injuries, the identity 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.

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

Review and Completion of Reports

Within five *calendar* days after a reportable R2R incident, the supervisor, as indicated above shall:

- a. Review all applicable incident and/or supplement reports, Body Worn Camera videos, and *R2R* form(s) to ensure the incident was properly documented and in compliance with department policy.
- b. Complete a supplement, if required, and the *R2R After-Action Report*.

There are times when the BWC video is not available and may be delayed for several days. In those instance where the video is delayed, supervisors shall complete the administrative forms within 5 days of the videos being uploaded. In instances where the video is not available within

5 days, supervisors shall inform their supervisor of the delay. Upon completion of the above requirements, the supervisor shall forward the documentation through the supervisor's chain of command to his supervisor for review of the R2R documentation.

Response to Resistance After-Action Report

The supervisor responsible for completing the *After-Action Report* shall select one of the following:

- a. *Recommend Training Listed Below*. Provide specific training recommendations;
- b. *Officer's actions within policy* if the officer's actions did not violate policy; or
- c. *IAD made the scene or IAD is or will be investigating the incident*. When this check box is selected, the following statement will automatically populate in the comments section of the *After-Action Report*: "The incident is being investigated by IAD to determine compliance with departmental policy." The on-duty supervisor shall not make any comments on the *After-Action Report* as to whether the officer's actions were appropriate, whether there are any opportunities for improvement, or whether there are any policy or training implications.

After the first reviewer selects one of the above options, they shall then select *Submit to Next Level* so that the completed *After-Action Report* can be reviewed by the next highest ranking supervisor.

Second Reviewer's Responsibilities

Once the *After-Action Report* has been submitted to the next higher ranking supervisor, he shall complete one of the below options:

- a. Concur and select *Finalize Review*. Once finalized, the review is complete and the report shall not proceed any further up the chain of command.
- b. If the second reviewer wants to add additional training, the second reviewer shall select the *Recommend Training Listed Below* box and type in the additional training, and then select *Finalize Review*.
- c. If the second reviewer believes the incident requires additional review, the second reviewer shall select the *Submit up the Chain for Further Review* button to send the *After-Action Report* to the next higher ranking supervisor who shall determine the appropriate course of action.

When the *After-Action Report* is finalized by the last level of review, all R2R form activity for the incident shall be frozen. No previous saved R2R forms shall be modified or added unless approved by a supervisor that is one level higher in the chain of command than the person who last finalized the form.

3 EXTRA EMPLOYMENT RESPONSE TO RESISTANCE

Inside the City of Houston

Anytime an officer uses reportable R2R during extra employment, the officer shall immediately notify the Emergency Communications Division (ECD) and the Command Center. All other notification and reporting requirements are the same as the on duty R2R

requirements set forth in this General Order. The Extra Employment Exception may apply in some circumstances.

If the Pointing/Empty Hand exception applies, in addition to notifying the ECD dispatcher or Command Center, the involved officer shall *as soon as possible* notify an on-duty supervisor at the division where the involved officer is assigned. "*As soon as possible*" means at the earliest time during the operational hours of the involved officer's division when a supervisor is on duty.

Outside the City of Houston

If the reportable R2R occurs *outside the city of Houston* when the involved officer is off duty including extra employment, the involved officer shall do the following:

- a. Immediately contact the law enforcement agency having jurisdiction.
- b. Notify the Command Center.
- c. Obtain a copy of any report generated from the investigation and forward the copy through the chain of command to the officer's commander with a cover letter explaining the R2R incident.
- d. If no report is generated, the officer shall write a letter explaining the R2R incident and send it through the chain of command to the officer's commander.

The involved officer shall verify with a classified supervisor in the Command Center whether an on-duty supervisor will or will not be responding to the scene.

When the Extra Employment exception applies, the Command Center does not have to be notified; however, the involved officer shall immediately notify the Houston Police Department supervisor who is working at the same location of the reportable R2R incident.

When the Pointing/Empty Hand or Outside City of Houston exception applies, the involved officer shall, as soon as possible, notify an on-duty supervisor at the division where the officer is assigned.

Supervisor Working Extra Employment with an Involved Officer

When the Extra Employment exception applies, the Houston Police Department supervisor who is working extra employment with the involved officer and who is notified of the reportable R2R shall do all of the following:

- a. Review each involved officer's incident and/or supplement report.
- b. Review all applicable *R2R* form(s).
- c. Complete the *R2R After-Action Report*.
- d. Complete a supplement to the original incident report. However, a supplement report does not have to be completed by the supervisor if the reportable R2R solely involves:
 1. The involved officer pointing a CED, soft-impact weapon, and/or firearm at a single person or multiple persons *and/or*

2. The involved officer using empty hand tactics when all of the following apply:
 - a) There is no visible injury.
 - b) The person does not lose consciousness.
 - c) The person does not complain of any bodily injury.

4 OFF DUTY RESPONSE TO RESISTANCE

If a reportable R2R occurs inside the city 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.

If outside of the city of Houston, the involved officer shall also contact the law enforcement agency having jurisdiction.

5 EMERGENCY COMMUNICATIONS DIVISION'S (ECD) RESPONSIBILITIES

Notification to an On-Duty Supervisor:

Inside the City of Houston, On Duty

Upon receiving notification of a reportable R2R incident occurring inside the city of Houston when the involved officer is on duty, the ECD dispatcher shall immediately notify an on-duty supervisor assigned to patrol or investigations, as applicable.

Inside the City of Houston, Off Duty or Working Extra Employment

Upon receiving notification of a reportable R2R incident occurring inside the city of Houston when the involved officer is off duty or working extra employment, the ECD dispatcher shall immediately notify an on-duty supervisor assigned to patrol or investigations, as applicable, unless the Pointing/Empty Hand exception applies.

Notification to the Command Center:

The ECD dispatcher shall immediately notify an ECD supervisor and the supervisor shall immediately notify the Command Center when any one of the following reportable R2R incidents occurs:

- a. A firearm is discharged.
- b. A soft-impact weapon is discharged.
- c. A CED is discharged as follows in any of the following manners:
 1. Intentionally discharged and directed at a person whether contact is made or not.
 2. Unintentionally discharged and a person is struck.

- d. A person sustains serious bodily injury.
- e. The reportable R2R occurs outside the city of Houston when the officer is on duty.

6 COMMAND CENTER'S RESPONSIBILITIES

Notification to Homicide Division and Internal Affairs Division:

The Command Center shall immediately notify the Homicide Division and Internal Affairs Division of a reportable R2R incident when any of the following occurs:

- a. A firearm is discharged in any of the following manners:
 - 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 and it results in bodily injury to any person.
- b. A soft-impact weapon is discharged and it causes serious bodily injury to a person.
- c. A person sustains serious bodily injury or death.

Involved Officer is On Duty:

Upon receiving notification of a reportable R2R incident occurring when the involved officer is on duty, whether inside or outside the city of Houston, the Command Center shall ensure an on-duty supervisor from patrol or investigations, as applicable, is immediately notified unless the Pointing/Empty Hand exception applies.

When the reportable R2R incident occurs outside the city of Houston and the Pointing/Empty Hand exception does not apply, a classified supervisor in the Command Center shall determine whether an on-duty patrol supervisor or on-duty supervisor from the involved officer's division shall respond to the scene after giving consideration to the proximity of the reportable R2R 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 or will not be responding to the scene.

Involved Officer is Off Duty or Working Extra Employment:

Inside the City of Houston

Upon receiving notification of a reportable R2R incident occurring inside the city of Houston when the involved officer is off duty or working extra employment, the Command Center shall ensure an on-duty supervisor is immediately notified of the reportable R2R incident unless the Pointing/Empty Hand or Extra Employment exception applies.

Outside the City of Houston

When the Pointing/Empty Hand or Extra Employment exception does not apply, a classified supervisor in the Command Center shall determine whether an on-duty patrol supervisor or on-duty supervisor from the involved officer's division shall respond to the scene after giving consideration to the proximity of the reportable R2R incident to the city of Houston and the severity of the injury.

The Command Center supervisor shall inform the involved officer whether an on-duty supervisor will or will not be responding to the scene.

7 RESPONSE TO RESISTANCE MANAGEMENT REPORTS

R2R *Management Reports*, located on the department's Intranet Portal provide supervisors the ability to view a compilation of reportable R2R data. Supervisors can also view the approval status of the *Response to Resistance* forms. Supervisors shall regularly review information concerning their subordinates that is provided in the *Response to Resistance Management Reports*.

Additionally, on a monthly basis at minimum, division commanders shall review the compilation of reportable R2R data in the *Response to Resistance Management Reports* concerning their assigned division and review the *R2R* forms Approval Status.

8 BOOKING AT THE JOINT PROCESSING CENTER OR DESIGNATED LOCKUP FACILITY

Officers shall notify an on-duty HPD supervisor at the Joint Processing Center before booking a prisoner who has been injured, struck, hit, or sprayed by any weapon or other form of force causing bodily injury. Such prisoners shall not be booked into any jail unless approved by that supervisor.

If a spit cover has been used on a suspect transported to jail, officers shall notify jail personnel.

9 USE OF FORCE BY CIVILIAN EMPLOYEES

If a civilian employee, while on duty, uses force against a person, the civilian employee shall immediately notify the civilian employee's supervisor or other divisional supervisor.

If the on-scene investigation reveals violations of department policy regarding the use of force the supervisor shall contact the Internal Affairs Division and speak with an IAD lieutenant for direction. However, if it is after hours, the supervisor shall contact the Command Center.

Civilian employees using any form of force shall document the incident according to divisional procedures. The on-duty supervisor notified of a use of force incident by a civilian employee shall ensure an incident report or other divisional documentation is completed as required.



Art Acevedo
Chief of Police