RICHARDSON, TX POLICE DEPARTMENT	GENERAL ORDER 102 Use of Force	Issued by: Gary L. Tittle Chief of Police Richardson Police Department Effective: July 31, 1986 Revised: May 17, 2024

I. PURPOSE:

The purpose of this Order is to establish policy regarding the use and/or show of force.

II. POLICY:

A. Under no circumstances will the level of force utilized be greater than necessary to accomplish a lawful conclusion to a police incident.

B. It is the policy of the Richardson Police Department that the use of force will be categorized as either:

1. non-lethal force

2. less-lethal force

3. deadly force

C. The Department respects the value of every human life. The application of deadly force will only be utilized in response to the immediate threat of serious bodily injury or death to any person(s).

D. An objectively reasonable amount of non-lethal or less-lethal force may be utilized when:

1. necessary to preserve the peace, prevent the commission of an offense, or prevent suicide or self-inflicted injury;

2. making lawful arrests and searches, overcoming resistance to lawful arrests or searches, and preventing escapes from custody;

3. in self-defense, or defense of another against unlawful violence to their person or their property; or

4. preventing or interrupting an intrusion on or interference with the lawful possession of property.

E. Medical aid will be summoned for persons against whom less-lethal force or deadly force has been applied. Officers will render emergency first aid consistent with their training until medical personnel arrive.

1. Medical aid will not be denied to a person who requests it.

2. If the subject is combative or other exigent circumstances exist, a supervisor may authorize immediate transportation to the Detention Facility or a hospital for examination.

3. Subjects who physically resist officers resulting in the application of any, or a combination of non-lethal and/or less-lethal force techniques listed in this order, will be placed in an upright position or on their side as soon as practical after control of the subject is obtained.

III. PROCEDURE:

A. Definitions

1. Active Aggression: Includes physical actions / assaults against the officer or any another person with less than deadly force (e.g. advancing and displaying the intent to fight or resist, punching, kicking, grabbing, wrestling, etc.)

2. Approved Weapon: Department approved weapon and ammunition.

3. Conducted Electrical Weapon (CEW): Device which disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skills dysfunction to a subject.

4. De-Escalation: Talking during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, warnings, verbal persuasion, and tactical repositioning.

5. Deadly Force: That level of force capable of or intended to inflict serious bodily injury or death.

6. Excited Delirium: A psychosis where subjects often exhibit behaviors such as hallucinations, sensitivity to light, acute paranoia, unusual strength, high body temperature, destructive acts (often involving glass), self-inflicted injury and partial or full nudity.

7. Lawful Force: An assertive act committed by a police officer in the performance of duty when necessary to accomplish any of the objectives listed in Section II. D of this Order.

8. Less-Lethal Force: The application/use of any tool or weapon that is not part of the human body to control resistance or an assault, with the intent to temporarily disable the subject and never with the intent to cause serious bodily injury or death. Less-lethal options include baton, CEW, less-lethal munitions, and police canine.

9. Less-Lethal Munitions: Impact immobilization device, flexible or nonflexible, which is intended to incapacitate a subject with minimal potential for causing serious bodily injury or death when compared to conventional projectiles or firearms.

10. Neutralizing Agent: A Department approved chemical spray also known as OC (oleoresin capsicum) or pepper spray used as a non-lethal tool for the purpose of incapacitating and redirecting violent or threatening subjects.

11. Non-Lethal Force: The use of non-lethal tools and control techniques designed to gain compliance. Non-lethal options include physical strength and skills, OC spray and Pepperball launcher system.

12. Normal Circumstances: Circumstances in which the officer has not been deprived of their ability to employ approved methods or weapons.

13. Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

14. Passive Resistance: Any type of resistance where the subject does not attempt to defeat the officers attempt to touch or control them but will not voluntarily comply with verbal and physical attempts of control (e.g. dead weight, locking of the arms in front).

15. Physical Strength or Skill: Holding, restraining, throwing, pushing, pulling, striking, without the use of any weapon or device, but including special skills such as karate, judo, etc., by an officer.

16. Reasonable Grounds: Facts or circumstances based on reliable information, personal knowledge, or observation, by an officer which reasonably shows and would warrant an ordinary, prudent person to believe that a crime has been committed and/or that a particular person has committed or is about to commit some offense against the law.

17. Show of Force: For the purpose of tracking/reporting requirements when a tool/weapon is readied, displayed or pointed at a person to gain compliance or control.

B. De-escalation

1. An officer shall use de-escalation techniques consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

2. De-escalation techniques will be utilized unless an officer believes it would be unsafe, unrealistic or impractical to do so. Any justification for not doing so because it was unsafe, unrealistic or impractical is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

C. Response to Unreasonable Force – Duty to Intervene

1. Employees, regardless of rank, have a duty to intervene to prevent or stop the use of excessive force by another employee when it is safe and reasonable to do so.

2. Employees, regardless of rank, shall immediately report the use of excessive force, to a supervisor and subsequently submit a written memorandum via chain of command to the Chief of Police.

3. Any intervening employee will not be punished, targeted, or otherwise retaliated against as a consequence of their intervention.

4. Any apparent instance of failure to intervene, will be thoroughly investigated in accordance with the Internal Discipline (GO 211) policy.

D. Methods/Instruments Utilized to Apply Force

1. The Use of Force Continuum is not designed to be a step-by-step progression. Therefore, the response by the officer is not necessarily sequential.

2. Under normal circumstances, only the methods, instruments or force options listed below may be utilized to apply force. The level of control must be based on the current level of resistance when the control is applied. The following is only a representation of how to apply force and is not meant to be adhered to in any specific order:

   a. Professional Presence/Verbal Commands

   b. Physical Strength and Skill

   c. Non-Lethal Force

   d. Less-Lethal Force

   e. Deadly Force

3. Employees of the Department are prohibited from using neck restraints, chokeholds, or strangleholds (including the Lateral Vascular Neck Restraint), unless the use of deadly force is justified by Department policy.

E. Non-Lethal and Less-Lethal Force

1. Non-lethal or less-lethal force may be utilized in situations where the officer must take physical action as indicated in Section II.D. of this Order and shall be the objectively reasonable amount of force necessary to resolve the situation.

2. An officer working in a uniformed assignment, including uniformed off-duty employment, is required to carry on their duty belt two of the following non-lethal/less-lethal options: approved neutralizing agent, approved police baton, or CEW.

3. Medical assistance will be summoned to the scene anytime an officer believes a subject has exhibited the behaviors of excited delirium.

4. The non-lethal and less-lethal force techniques listed below are not meant to be employed in any specific order or in a step-by-step manner. Officers will have discretion to use techniques they deem appropriate for the incident they are involved in or based on the suspect's actions.

   a. Professional presence, verbal skills, and de-escalation techniques

b. Physical skills including pressure point control tactics, defensive tactics, all hand strikes, elbow strikes, kicks, knee strikes, take-downs, and shoulder pin restraint

c. Neutralizing agents.

1) Only sworn officers, public safety officers (PSOs) and detention officers may be authorized to use a neutralizing agent when physical force is required, either to protect oneself or another from assault, prevent self-inflicting injury, or to subdue a subject engaged in unlawful activities or active aggression.

a) Completion of training and certification is required to obtain authorization to carry a neutralizing agent.

b) Only issued neutralizing agents may be carried.

2) Neutralizing agents shall not be used in civil protests or demonstrations unless exigent circumstances exist.

3) Neutralizing agents may be used to protect oneself or any person against an attack by any animal.

4) No officer shall carry or deploy a neutralizing agent unless certified through the Department's training program. When in uniform, officers will only utilize an approved holder on the equipment belt.

5) Detention officers will only carry the neutralizing agent while on duty within the Detention Facility.

6) Canisters of neutralizing agents will not be left in City vehicles or exposed to extreme temperatures that could cause the canister to rupture.

7) Only the approved neutralizing agent for the Detention Facility will be carried within the facility.

8) Arresting officers will remain in the Detention Facility during the initial decontamination of a subject sprayed with a neutralizing agent by a sworn officer. Detention officers will be responsible for decontamination of prisoners sprayed with a neutralizing agent within the Detention Facility. Decontamination shall occur as soon as possible upon prisoner compliance.

9) Normal prisoner transport procedures will apply to those persons exposed to a neutralizing agent.

10) Any canister used will be replaced after use. The neutralizing agent will also be replaced upon the manufacturer's expiration date.

d. Use of Departmental Approved CEW

1) Only sworn and detention officers may be authorized to use a CEW when physical force is necessary, either to protect oneself or another from assault, prevent self-inflicting injury, or against active aggression. The CEW shall not be used when only passive resistance is displayed unless hands on techniques have failed.

a) Completion of training and certification is required to carry the CEW.

b) Only the Department issued CEW is authorized for carry and deployment.

2) CEW may be deployed to protect oneself or others against an attack by any animal.

3) CEWs shall be worn in a Department supplied holster on the opposite side of the officer's firearm. Detention officers can wear the CEW on either side.

4) CEW may be deployed on suicidal individuals who pose a threat to themselves, or others and the use of the CEW is likely to prevent or reduce injury to the suicidal subject or others.

5) Officers shall make every effort to place the subject into custody immediately after a CEW deployment.

6) Officers deploying the CEW will attempt to deploy the probes in a primary target area and avoid sensitive tissue areas such as the eyes, groin, face and/or chest/breast.

7) Prior to deploying, when practical, an officer shall give loud verbal commands in an attempt to gain compliance. Officers shall give the subject a reasonable opportunity to comply.

8) If circumstances allow, CEW will be deployed by one officer with a cover, backup, or arrest team on scene to assist in taking the subject into custody as soon as possible.

9) If a secondary exposure is justified, officers will again give the subject loud verbal commands and a reasonable opportunity to comply before deploying.

10) Officers will use the shortest duration of CEW exposure objectively reasonable to accomplish lawful objectives with a limit of five uninterrupted seconds and will reassess the subject's behavior before initiating or continuing any deployment. Officers will not exceed a total of 15 combined seconds of CEW exposure (multiple applications or continuous).

11) The CEW will not be deployed under the following circumstances:

a) when flammable liquids are present, or

b) on a subject who could fall from an elevated position.

12) The CEW shall not be used in the following situations unless exigent circumstances exist:

a) a subject is holding a firearm (CEW is not a substitute for Deadly Force),

b) the subject is obviously pregnant,

c) the subject is in restraints,

d) the subject is elderly,

e) the subject is a small child,

f) the subject is a visibly frail person,

g) the subject is fleeing,

h) the subject is in the operation of a moving motor vehicle, or the officer determines the vehicle is still in gear, or

i) in civil protests or demonstrations.

13) Maintenance of CEW

a) Officers will dock their CEW battery a minimum of every 30 days to recharge, update firmware, and download all user logs.

b) After an arc only display or deployment, the data from the CEW will be downloaded by placing the battery on the docking station for upload.

c) Any accidental discharges or malfunctions of a CEW outside of training shall be reported to the officer's supervisor or an on-duty supervisor (whichever is most readily available) as soon as practical for appropriate follow-up.

14) Obligations Following Deployment

a) Any deployment of the CEW will be documented in the BlueTeam database.

b) A supervisor shall be notified as soon as practical upon deployment of the CEW.

c) Only CEW trained personnel may remove the probes from subjects, unless the probes have struck a sensitive area such as the groin, throat, face, eyes, or breast.

d) If a sensitive area is struck or the probes cannot be removed safely, the officer shall request paramedics to remove the probes or have the subject transported to an appropriate medical facility for treatment.

e) Paramedics will be summoned to the scene to assess any person who was the subject of a CEW discharge. However, if the subject is combative or other exigent circumstances exist, a supervisor may authorize immediate transportation to the Detention Facility or a hospital for examination. The names of the paramedics will be included in the Report of Resistance.

f) Used probes shall be placed in a sharps container and disposed of as bio-hazard waste.

g) Officers deploying the CEW shall ensure photographs are taken of the probe impact or drive stun sites and any injuries sustained or reported by the subject. Photographs will be taken even if no injuries are visible to document the lack there of.

h) Transporting officers will advise Detention personnel when a subject has received a CEW application. All such persons will be monitored every 15 minutes for the first two hours while in police custody.

e. Deployment of Police Canines

The deployment of the police canine(s) for the non-compliance apprehension of a suspect is a less-lethal use of force (GO 409, Canine Operations) and will be documented on a Report of Resistance in the BlueTeam database.

f. Use of Police Baton

1) No officer shall carry or use a police baton unless certified in the Department's Baton Training Program, and officers are allowed to carry only approved batons as listed on Attachment A.

2) Under normal circumstances the baton will in no way take the place of a firearm in a deadly force situation.

3) The baton may be utilized to subdue a violently resisting subject or in self-defense or defense of a third person.

4) Officers will not intentionally strike the head, neck, throat, spine, kidneys, or the groin region. Officers should limit impact with the baton to areas of the arms, legs and torso.

4) Strikes delivered with a baton shall be delivered only to the appropriate target areas of the body that may render the subject temporarily incapacitated but are not intended to cause serious bodily injury.

6) When in uniform, officers carrying an expandable baton are required to utilize a baton case on their uniform belt.

g. Use of Less-Lethal Munitions

1) Less-lethal munitions may only be utilized by officers who have received specific training on the use and deployment of that munition/weapon.

2) Less-lethal munitions may only be utilized:

a) to stop active aggression which could result in serious bodily injury to any person, or

b) to prevent an imminent attempt of suicide when the person has the ability, means, and opportunity to carry out the act.

3) Less-lethal munitions shall not be utilized as a substitute weapon in any deadly force situation as described by this General Order.

5) Officers may utilize specialty impact weapons and/or munitions to protect oneself or any person against an attack by any animal.

6) Paramedics will assess any person who has been impacted by less-lethal munitions.

F. Deadly Force

1. Deadly force is only allowed and lawful when there is an immediate threat of serious bodily injury or death to any person.

2. The use of any instrument or method in a manner intended to and/or capable of causing serious bodily injury or death is deadly force.

3. The discharging of a firearm, with the exception of specialty impact weapons, in the direction of a person which is intended to cause serious bodily injury or death to prevent the same from occurring to the officer or another is deadly force.

a. Officers shall give a verbal command or warning, when possible, before discharging a firearm.

b. Firearms shall not be deployed or brandished as a threat unless its actual use in the situation would be proper.

c. Firearms may be readied for use in situations where it is anticipated they may be required.

d. Officers will not fire warning shots.

e. Officers will use tactical positioning of their vehicles and tactical approaches to minimize the danger presented by occupied vehicles.

f. Officers shall not discharge their weapons at or from a moving vehicle unless deadly force is authorized. Under no circumstances is a firearm to be used to disable or attempt to disable a vehicle. Officers will not deliberately place themselves in the path of a moving vehicle. When possible, an officer will move from the path of an oncoming motor vehicle instead of discharging a firearm at it or any occupants.

g. No officer is permitted to carry or utilize any firearm unless approved and properly trained on its use except in~~,~~ extraordinary circumstances.

h. No officer shall in any material way modify or alter an approved firearm without proper authorization as outlined in the Firearms Policy and Training, GO 105.

G. Documentation and Review of Show of Force, Non-Lethal Use of Force, Less-Lethal Use of Force

1. Personnel will complete a Show of Force form in the Blue Team database to document the readying and pointing any non-lethal, less-lethal or deadly force tools or weapons while in the presence of a person or group when the Officer's actions are focused on and in response to such a person or group.

a. When a target is in a group, identify the target in the Show of Force form as the suspect.

b. When the suspect is in a vehicle with other persons, list the target of the concern as a suspect in the Show of Force form.

c If all occupants are a concern, as in a high-risk traffic stop, list all the occupants of the vehicle as a suspect on the Show of Force form.

2. Personnel will complete a Report of Resistance in the BlueTeam database to document the use of the following:

a. Hand and elbow strikes,

b. Kicks and knee strikes (other than the approved PPCT Distraction Technique normally applied to the upper thigh),

c. Non-lethal force,

d. Less-lethal force, and

e. Deadly force.

3. The Report of Resistance form will be initiated by any employee(s) involved in a use of force incident prior to completing their shift unless extenuating circumstances exist. This report will be forwarded through BlueTeam via chain of command to the respective Bureau Assistant Chief.

4. The Show of Force form will be initiated by any employee(s) involved in a show of force prior to completing their shift unless extenuating circumstances exist. This report will be forwarded through BlueTeam via chain of command to the respective Division Captain.

5. Supervisors shall ensure a final review of the Report of Resistance is completed after the employee(s) has been allowed at least one sleep cycle and no later than 96 hours after the use of force incident.

    a. If the employee has no additional information to add to the report, it will be considered a final version.

    b. If the employee recalls additional information about the incident, it will be added to the original report and forwarded to their supervisor.

6. Internal Review of Show of Force or Report of Resistance

    a. The Show of Force will be reviewed by the respective Division Captain. The Captain will act as the initial Incident Inspector as outlined in Departmental Inspections, GO 205. If it is determined the Show of Force requires a more detailed inspection, the Show of Force form will be assigned to a Defensive Tactics Instructor for an Internal Incident Inspection. The Internal Affairs (IA) Lieutenant will forward the Report of Resistance (via BlueTeam) to an assigned Defensive Tactics Instructor.

    b. The Inspecting Officer will investigate the incident to ensure proper procedures were used and to identify any training or equipment needs or deficiencies.

        1) The Inspection Report will be forwarded to the initiating supervisor for review.

        2) Upon final disposition, the Inspection Report will be routed via the chain of command to the Chief of Police.

    c. It is not the responsibility of the Inspecting Officer to identify policy or rule violations. If, however, the Inspecting Officer discovers a policy or rule violation in the course of the Inspection, the immediate supervisor of the subject officer will be notified.

    d. It is the responsibility of the subject officer's immediate supervisor to identify and appropriately address any policy or rule violation with the officer whether discovered by the immediate supervisor or received through notification of the Inspecting Officer.

    e. Any supervisor can recommend IA conduct the Internal Incident Inspection when extenuating circumstances exist.

H. Documentation and Investigation of Deadly Use of Force

1. Processing Physical Evidence, Participants, and Witnesses

a. Officers involved in deadly force incidents will be:

1) placed on administrative leave with pay and relieved of their normal duties, and

2) allowed to make personal contacts as soon as reasonably possible.

b. IA will have unrestricted access to the incident scene and should coordinate such access with the Criminal Investigation Division Supervisor in charge at the scene.

c. The following guidelines will be adhered to regarding physical evidence, participants, and witnesses:

1) All physical evidence should be collected by the appropriate investigative team or medical examiner including:

a) Images and diagrams depicting the location of all physical evidence and persons involved in the incident.

b) All weapons and ammunition involved in the incident (if the weapon collected is the only duty weapon of the officer involved, the Department may provide a weapon until the investigation is completed).

c) All clothing worn by persons killed or wounded in the incident will be collected by the investigative team or the medical examiner.

2) Participants and witnesses will be detained until the interview process of such persons is completed or resolved when practical. As soon as possible, sworn statements from all participants and witnesses recounting the events they can attest to regarding the incident should be obtained.

2. Upon completion of the investigation, IA will upload a complete report in BlueTeam and forward to the Chief of Police. This report will include any factors which may have contributed to the incident along with any recommendations which may affect future incidents, training, or equipment.

3. The Internal Affairs Lieutenant will be responsible for submitting any required reports to the Texas Office of the Attorney General.

I. Threat Management/Use of Force Training

1. Certified Instructors will conduct annual training in the use of non-lethal, less lethal, and deadly force during In-Service and/or yearly firearms qualifications. These topics will be covered in each Mini-Academy class.

2. At all times, the issue of Threat Management will require primary attention and will precede all topics pertaining to the use of non-lethal, less lethal, and deadly force.

3. Training on threat management will include identification, assessment, and neutralization of the threat. Annual training shall contain scenarios and instruction emphasizing de-escalation.

4. Officers will be trained to assess each individual situation based on what they know or perceive at the time of the incident and respond with the appropriate de-escalation and/or use of force.

5. Defensive tactics training shall include:

   a. Specific training in the use of neutralizing agents will consist of four hours and include instruction on the effects of the agent and how to decontaminate persons exposed to the product. Skills will be maintained by biennial refresher course and subsequent testing.

   b. Specific training and certification in the use of a baton will consist of eight hours and competency demonstration by written and practical application tests. Skills will be maintained by biennial refresher courses and subsequent testing.

   c. Specific training in the use of the CEW will consist of eight hours and competency demonstration by written and practical application tests. Skills will be maintained by an annual refresher course and subsequent testing.

   d. Specialty impact weapons and/or munitions.

6. Less-lethal force will only be utilized by officers who have been properly trained in the use of such tools and weapons.

7. Deadly force training shall include:

   a. Proficiency in technical, mechanical, physical aspects on the use of the firearm, and

   b. The knowledge and understanding of the law, this order, and regulations regarding the use of the firearm.

J. An annual report, prepared by the IA Lieutenant and Police Planning and Research Supervisor, will be submitted to the Chief of Police. In addition to a statistical analysis, the report will annotate trends, identify opportunities for improvement and make recommendations concerning needed modifications to policy, equipment, or training.

ATTACHMENT:
A - Department Approved Batons

Attachment A

Department Approved Batons

ASP 26-inch black foam handle expandable baton.

ASP 22-inch expandable baton (for plainclothes use only).

Monadnock 23” expandable baton

Long baton as issued to Mobile Field Force or SWAT.