



**COLLEGE STATION POLICE DEPARTMENT
POLICY MANUAL – CHAPTER 42**

USE OF FORCE

REVISION DATE: 02/25/2020

Law enforcement’s use of force is a paramount-concern to citizens, law enforcement employees, and police administrations. An employee’s use of force must always be objectively reasonable and necessary under the existing circumstances and should be necessary to end the threat or resistance. Split-second decision making and complex circumstances are part of each use of force situation.

PURPOSE:

This chapter will provide written procedures intended to provide rational and practical guidance in the use of force.

POLICY:

This department’s policy is to recognize, respect and value human life. Officers must only use objectively reasonable force to effectively end a law enforcement incident and protect the public and officers’ lives. Only the amount of force reasonable and necessary to accomplish the above stated purposes is to be used. The reasonableness of a particular incident must be judged from the perspective of a reasonable officer on the scene at the time of the incident rather than 20/20 vision of hindsight.

PROCEDURES:

1. Definitions **LE 4.1.2**

The following terms are defined for purposes of this policy;

- a. Authorized Weapon – An approved weapon meeting College Station Police Department specifications which an officer has qualified with (if firearm or Taser), received departmental or approved training on proper and safe usage, and has been registered (excluding batons and aerosol spray) with the department.
- b. Appropriate Medical Aid – May include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals.
- c. Compliance – Actions from a person who acknowledges direction or lawful orders given and offers no resistance agrees to a particular action or request without being forced.
- d. Dangerous Animal – Any animal that places a reasonable person in fear for their safety or the safety of others.
- e. De-escalation Tactics – Techniques used by officers seeking minimization of the likelihood for use force during an incident and increasing the likelihood of voluntary compliance only used when safe and without compromising officer safety or another’s safety or a law enforcement purpose.
- f. Force - Any physical strike or instrumental contact with a person, any intentional attempted physical strike or instrumental contact that does not take effect or any significant physical contact that restricts the movement of a person. Any physical coercion used to effect, influence or persuade an individual to comply with an order from an officer.
The term includes the discharge of a firearm, pointing a firearm in the direction of a human being, use of a Taser, use of less lethal, use of a baton, use of a chemical spray, chokeholds or hard hands; taking a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person with no resistance.
- g. Lateral Vascular Neck Restraint (LVNR) – Any choke, “sleeper”, or similar hold that is intended to disrupt the flow of blood or oxygen to the brain which could result in a temporary loss of consciousness.
- h. Serious Physical Injury - A bodily injury creating a substantial risk of death; causing serious permanent disfigurement; or resulting in long-term loss, impairment or function of body part or organ.



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- i. Objectively Reasonable -Police officers are often forced to make split-second judgments which are based on tense and uncertain circumstances. An officer’s determination 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. The determination is based upon what a reasonably prudent officer would use under the same or similar situations.

- 2. General Provisions
 - a. Employees shall only use the amount of force objectively reasonable to accomplish lawful objectives. The reasonableness of force depends on the totality of circumstances. Employees shall consider force mitigating circumstances when dealing with a person with known injuries and / or receiving medical care. Mitigating circumstances to consider may include the level of threat or danger, the immediacy of the threat, and the ability for the subject to carry out the threat and alternatives methods of force available.
LE 4.1.1 LE 4.1.4
 - b. Employees shall always attempt to minimize the pain and injury that may result from the use of force. When the use of force results in injury, complaint of injury, or after the use of lethal or less lethal weapons, the employee shall seek appropriate medical aid for the injured person as soon as practical once the scene is safe. When an employee uses force not requiring medical assistance, they shall monitor the person in order to detect any changes in condition and non-visible trauma. When the health or condition of the person declines or is uncertain, employees shall seek appropriate medical aid. LE 4.1.5
 - c. All personnel shall be provided a copy and receive instruction on the use of force policy before authorized to carry or use any lethal or less lethal weapon. The training unit shall document the instruction and policy receipt is documented in the PowerDMS system.
LE 4.3.4
 - d. Employees are responsible for their actions. [Chapter 9 of the Texas Penal Code](#) states that personal liability for actions is not abolished or impaired by the provisions of that chapter even when force is justified, if the use of that force causes injury to innocent third parties. Under such circumstances the employee can still be held liable.
 - e. Warning shots pose a danger to officers and citizens alike and shall not be used. LE 4.1.3
 - f. Shots fired at or from a moving vehicle are generally ineffective and are not to be fired unless in defense of human life.
 - g. Neck restraints, Lateral Vascular Neck Restraint (LVNR) or similar weaponless control techniques with a potential for serious injury or death shall not be used. LE 4.3.3.b

- 3. Force Options
 - a. Officer presence
 - b. Verbal direction
 - c. Empty hand controls
 - d. Intermediate weapons
 - (1) chemical irritant
 - (2) TASER
 - (3) baton
 - (4) less lethal weapons
 - e. Canine Deployment
 - f. Deadly force



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4. De-Escalation
 - a. An officer should use de-escalation techniques and other alternatives to higher levels of force consistent with training whenever possible, safe and appropriate before resorting to force and to reduce the need for force.
 - b. De-escalation should be used whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

5. Less-Lethal Force
 - a. When de-escalation techniques are not effective or appropriate, an officer may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques and issued equipment:
 - (1) to protect the officer or others from immediate physical harm,
 - (2) to restrain or subdue an individual who is actively resisting or evading arrest, or
 - (3) to bring an unlawful situation safely and effectively under control

6. Deadly Force LE 4.1.2
 - a. An officer may use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified:
 - (1) In defense of human life, including the officer's life from what is reasonably believed to be an immediate threat of death or serious bodily injury.
 - (2) To prevent the escape of a fleeing subject when the officer has probable cause to believing the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an immediate risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.
 - b. Deadly Force restrictions include:
 - (1) Deadly force should not be used against persons whose actions are threat only to themselves or property
 - (2) Firearms shall not be discharged at a moving vehicle unless:
 - (a) A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - (b) The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted, which includes moving out of the path of the vehicle.

7. Emergency Situations

Nothing in this policy should be construed as to prohibit any deadly force application or using whatever means are necessary, including use of weapons or objects not on the Approved Weapons List to protect the life of an officer or other person

8. Training LE 4.3.3.b
 - a. All employees shall demonstrate proficiency in the use of department authorized weapons according to department standards, before they are allowed to carry or use any approved weapon whether personal or department issued. See [Chapter 49 – Weapons](#) for additional information on department authorized weapons.
 - b. Due to the serious nature of using any degree of force including deadly force, employees shall receive annual training on the use of force policy and the authority to use force



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provided in the [Texas Penal Code](#). Employees will receive use of force policy and legal updates on the use of force as changes occur.

- c. Additional training will be provided on a regular and periodic basis designed to
 - (1) provide techniques for the use of and reinforce the importance of de-escalation
 - (2) simulate actual shooting situations and conditions, and
 - (3) enhance officers' discretion and judgement in using less-lethal and deadly force in accordance with this policy.
- d. All training will be documented

9. Use of Force Report:

- a. A Use of Force Report is required to be completed before the end of the employee's shift, or as soon as possible if the employee is injured, when an employee:
 - (1) Takes any action that results in or is alleged to have resulted in injury or death of another person [LE 4.2.1.b](#)
 - (2) Uses Hard Empty Hand Control [LE 4.2.1.d](#)
 - (3) Points a firearm or TASER at any person.
 - (4) Uses a Chemical irritant (oleoresin-capsicum spray, CS or CN gas); [LE 4.2.1.c](#)
 - (5) Uses an Impact Weapon [LE 4.2.1.c](#)
 - (6) Discharges a firearm or TASER [LE 4.2.1.c](#)
 - (7) Uses a Diversionary device; [LE 4.2.1.d](#)
 - (8) Canine deployment
- b. Calls Involving More than One Employee:

A Use of Force Report form can be used to document use of force applied to one subject by up to three (3) employees. Involvement of more employees or subjects requires additional forms. Completion of the form on any dispatched call is the responsibility of the primary dispatched employee.

In any other event, the first employee who uses force is responsible for completing the form. Each employee is responsible for assuring that their use of force has been correctly documented on a form. Each should complete their own narrative supplement to any arrest or offense report or an incident report to describe their actions.
- c. Routing and Review:

The Use of Force Report and any related reports will be routed through the chain of command to the Bureau Chief. If it is determined during the chain of command review that improper procedure or error occurred, appropriate action will be initiated. After the review, the Bureau Chief will forward the Report and any related reports to Internal Affairs. [LE 4.2.2](#)
- d. Reporting Exception:
 - (1) Personnel assigned to a tactical operation who participated in both a pre-operation briefing and a post-operation debriefing or evaluation and whose actions were reviewed according to the procedures outlined in the Tactical Operations chapter.
 - (2) Actions described above that are part of training or recreational activity. [LE 4.2.1.a](#)

10. Investigations & Notifications

- a. Anytime an employee's use of force causes death or results in injuries likely to cause death the following shall be notified:
 - (1) Chief of Police
 - (2) Command Staff
 - (3) Internal Affairs Commander
 - (4) Criminal Investigations supervisor



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- b. The CID and I/A sections shall conduct separate investigations of the incident and make reports to the chief for his review. The chief may refer the findings of these investigations to a review board for review and/or recommendations.
11. Death or Serious Physical Injury Caused by Employees LE 4.2.3
Anytime an employee’s actions or use of force causes the death or serious physical injury of an individual, that employee shall be reassigned and relieved of any line-duty assignment, or placed on Administrative Leave pending an administrative review of the incident. This action is to allow the employee time to adjust to the psychological effects of the incident and in no way implies any wrong doing on the part of the employee
12. Shooting Report
- a. Any officer who discharges a firearm whether accidentally or intentionally shall complete a Shooting Report form in addition to all other required paperwork. Exceptions to this requirement are firearm discharges that occurs off-duty for recreational purposes or during department training. LE 4.2.1.a
 - b. The officer shall complete the report as soon as practical after the incident and submit the report to his supervisor who shall review the report and forward the report to the Chief for his review.
 - c. The Chief may refer the report to a review board for their review and recommendations. LE 4.2.2
13. Records
Copies of all use of force reports and shooting reports shall be kept in a secure file controlled by the Professional Standards Commander for statistical and control purposes.
- a. An analysis will be conducted each year of all Use of Force Reports for the previous calendar year to determine if there are any patterns or trends that suggest training needs, equipment upgrades and/or policy modifications. The analysis should identify:
 - (1) date and time of incidents; LE 4.2.4.a
 - (2) types of encounters resulting in use of force; LE 4.2.4.b
 - (3) trends or patterns related to race, age and gender of subjects involved; LE 4.2.4.c
 - (4) trends or patterns resulting in injury to any person including employees; and LE 4.2.4.d
 - (5) impact of findings on policies, practices, equipment and training. LE 4.2.4.e
 - b. A copy of this analysis will be forwarded to the Chief of Police.