SOUTH TEXAS COLLEGE POLICE DEPARTMENT

Procedure for Use of Force

"The mission of the South Texas College Police Department is to provide a safe educational environment for students, faculty, staff, and campus visitors".

Revised 10/10/14 by Chief Paul Varville

The South Texas College Police Department strives to provide the upmost in safety for students, faculty, staff, and employees. The department's procedures are designed to ensure a safe and secure educational environment.

When college police officers are confronted with situations requiring the use of force to affect an arrest or ensure public safety, the amount of force used is dependent upon the facts and circumstances surrounding the situation the officer faces.

All police officers of the South Texas College Police Department shall use only force that is proper, reasonable, and necessary for the incident they are faced with. Members of the Department may carry only those weapons authorized by the Chief.

No procedure for deadly or less-than-deadly force can possibly cover every situation. Officers of the South Texas College Police Department are expected to respond to all emergencies decisively, using the highest level of good judgment, restraint, and professional competence, whatever the level of necessary force.

Before an officer is authorized to carry department weapons, he/she will receive instructions in the department procedures concerning the use of force. They shall use only those techniques and skills approved by the Chief.

DEFINITIONS: For these procedures the following definitions will apply:

DEADLY FORCE: Is that degree of force likely to result in death or serious physical injury. The discharge of a firearm toward a person is an example of the use of deadly force.

LESS LETHAL FORCE: Is the force that is neither likely nor intended to cause serious physical harm or death. This includes the use of approved defensive/physical tactics, an Electronic Control Weapon (ECW), and the authorized baton (ASP).

MINIMUM AMOUNT OF FORCE: The minimum amount of force is the least amount of force that is proper, reasonable, and necessary to achieve a lawful objective.

REASONABLE BELIEF: Known facts and circumstances that would cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of a body member or organ.

ELECTRONIC CONTROL WEAPON: Weapons designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

PROCEDURE:

1. AMOUNT AND DEGREE OF FORCE: The amount of force used shall be no greater than is proper, reasonable, and necessary in a given situation. The amount and degree of force which may be employed will be determined by the facts and the surrounding circumstances, including, but not limited to:

A. The nature of the offense.

B. The behavior of the subject(s).

C. Actions by third parties who may be present.

D. Physical odds against the officer.

E. The feasibility or availability of alternative actions.

2. CALL FOR ASSISTANCE WHEN POSSIBLE: An officer acting alone may be required to resort to a much greater degree of force than would be necessary if another officer or officers are present. Therefore, unless immediate action is required, an officer should call and wait for assistance whenever possible and appropriate.

3. USE OF FORCE IN ASCENDING ORDER: The use of force continuum is described below in ascending order from the least severe to the most severe measures. Whenever possible, an officer should exhaust every reasonable means of employing the minimum amount of force before escalating to a more severe level of force, except where the officer reasonably believes that lesser means would not be adequate in a particular situation and the use of force is necessary to accomplish his lawful objective or to protect himself or another from serious physical injury or death. Conversely, officers must never overlook the possibility of force de-escalation when appropriate.

A. (LESS LETHAL) FORCE:

1. Presence/Appearance: The image that an officer conveys can in many cases influence the outcome of the situation. The officer should be neat and well groomed, always mindful of body language and maintaining the highest level of vigilance.

2. Verbal Communication: Effective verbal communication can many times reduce or manage anxious, aggressive, or violent behavior. The appropriate use of verbal persuasion can in some cases prevent and or minimize the need for physical force.

3. Initial (Light) Physical Tactics: This application is appropriate when the subjects physical resistance is minor, not hazardous, and can be easily controlled. Examples of this are guiding a cooperative subject into a handcuffing position, out of a vehicle, or into another room.

4. Defensive/Physical Tactics: This is the use of appropriate physical strength or hand control normally required to overcome passive or defensive resistance that is not intended as an act of overt aggression toward the officer when an individual refuses to comply with verbal instructions.

5. Electronic Control Weapons (TASER): A less lethal weapon that as a compliance technique may be used as a means to counter the subject's enhanced degree of resistance. These tactics could include the Control and Restraint techniques, Takedowns, Pressure Points and Distraction Techniques. A less lethal weapon as a defensive tactic may be used as a countermeasure designed to respond to the subject's perceived non-lethal assault on the officer or others, regain control, and assure continued compliance. When firing the TASER, it would be considered a Defensive Tactics tool with the goal of stopping an Assaultive (Bodily Harm) Subject. This may only be used in accordance with department approved training.

6. Physical Tactics/Impact Weapon (ASP): This is the impact weapon (expandable baton/ASP), which, after an evaluation of the circumstances, is used in self-defense or in defense of another. This should be used when the subject is assaultive and combative, and where other means or uses of force may not

work. The use of force continuum should be constantly evaluated. This may only be used in accordance with South Texas College approved police training.

7. Less lethal Weaponry (beanbag weapon): This weapon fires a drag stabilized beanbag round which, after an evaluation of the circumstances, is used in self-defense or in defense of another. This should be used when the subject is assaultive and combative, and where other means or uses of force may not work. The use of force continuum should be constantly evaluated. Generally, use of this weapon is justified at the same level as the baton or ASP. This may only be used in accordance with South Texas College approved police training.

B. FIREARMS/DEADLY FORCE: This is the use of issued and approved firearms and ammunition using approved training techniques. This will be done in compliance with criteria established by statute and case law. This may be used in self- defense or the defense of another.

4. CIRCUMSTANCES WARRANTING NON-DEADLY (LESS LETHAL) FORCE:

A. When necessary to preserve the peace, prevent the commission of crime, or prevent suicide or self-inflicted injury.

B. When necessary to overcome resistance to arrest, to conduct searches and seizures, and to prevent escape from custody.

C. When in self-defense, or in defense of another against unlawful violence to a person or property.

5. PROPER TRAINING: Officers shall not carry or use any weapon while on duty unless they have received proper training and authorization.

6. AUTHORITY TO CARRY AND / OR USE DEPARTMENT WEAPONS: Only those officers who have received specific training and demonstrated proficiency are authorized to use South Texas College police department approved weapons. These officers will have demonstrated proficiency by achieving minimum scores on a prescribed course, displaying knowledge of the laws concerning the use of the weapons, and are familiar with safe-handling procedures. South Texas College Weapons Instructors shall coordinate this necessary training. All weapons training shall be in accordance with the Texas Commission On Law Enforcement (TCOLE) rules.

7. SAFE HANDLING / SECURITY OF WEAPONS: All South Texas College police officers shall be responsible for the safe handling of their weapons at all times. They shall ensure the security of

their weapons at all times, both on-and off-duty. Weapons must be secured in such a manner as to prevent theft and unauthorized/accidental use.

8. WEAPONS TO BE CARRIED WHEN ON DUTY: South Texas College Police Officers shall carry the department issued handgun, Taser, ASP and ammunition whenever they are on-duty.

9. AUTHORIZATION TO CARRY FIREARMS OFF DUTY: Unless prohibited to do so by the Chief, South Texas College Police Officers are authorized to carry the department weapons while off duty. Officers are not authorized to carry department weapons when on off duty employment.

10. USE OF ALL FIREARMS OFF DUTY: The provisions contained in this procedure shall apply to the use of firearms regardless of the officer's duty status.

11. CARRYING WEAPONS WHILE IN PLAIN CLOTHES: No member of the department dressed in civilian clothing shall carry his firearm in such a manner that will attract attention or will be in open view, unless he is displaying his badge in close proximity to the firearm.

12. DRAWING/DISPLAY OF FIREARMS: Officers shall not draw or display their firearm, unless there is justification for its use to accomplish a proper police purpose. An officer may draw and display his firearm to affect an arrest or investigate a situation that he has reasonable cause to believe may develop into DANGER TO LIFE OR SERIOUS BODILY INJURY to himself or another.

13. USE OF FIREARMS/DEADLY FORCE:

A. Officers shall not use deadly force, except to protect themselves or another person from imminent death or serious bodily injury.

B. Officers may discharge their firearms only when so doing will not unreasonably endanger innocent persons.

C. Officers shall not use deadly force to apprehend a fleeing felon unless:

1. The felony involved the use of deadly force.

2. The escape would result in imminent death or serious bodily injury to the officer, or another, if apprehension is delayed.

3. The use of deadly force does not create substantial risk of injury to innocent persons.

D. Officers shall not discharge their firearms to threaten or subdue persons whose actions are destructive of property, or harmful only to themselves, unless such actions constitute an imminent threat of death or serious bodily injury to the officer or others.

E. Officers shall not discharge their firearms at a moving vehicle, unless there is an imminent threat of death or serious injury to the officer or others.

F. Officers shall not discharge their firearms from a moving vehicle.

G. Officers encountering a situation where the use of deadly force is necessary shall, if circumstances and safety considerations allow, issue a verbal warning first. The preferred verbal warning is POLICE - DROP THE WEAPON!

H. Officers approaching situations where they can anticipate a hostile, armed individual should attempt to first call for assistance, and then take a position of cover before encountering the individual.

14. WARNING SHOTS: Officers shall not fire warning shots or shoot to signal for help.

15. FIRST AID/MEDICAL TREATMENT: In an effort to minimize pain and suffering and further injuries, officers shall as soon as possible render first aid to individuals injured as a result of the use of force. Appropriate emergency medical transportation and treatment shall be obtained as necessary.

16. DUTY TO REPORT USE OF WEAPONS OR THE APPLICATION OF PHYSICAL FORCE: A written incident report, detailing the events of the incident, shall be submitted by an officer with a copy forwarded to the chief whenever:

A. An officer has used any authorized lethal or less lethal weapon or applied physical force as defined by the South Texas College Police Department.

B. An officer has taken action that results in or is alleged to result in an injury or death to another person(s).

C. An officer discharges a firearm, for other than training or recreational purposes.

17. REVIEW BY CHIEF: All reports referred to in Section 16 shall be forwarded to the Chief who will review the information to determine whether or not the use of force was consistent with the South Texas College Police Department procedure and training. The weapons instructor will conduct a documented annual review of all submitted reports, in order to determine if any training needs, procedural changes, or patterns need to be addressed. No reports shall be given to the media except as authorized by the Chief.

18. INVESTIGATION WHEN USE OF FORCE RESULTS IN A DEATH OR INJURY: Whenever an officer uses force that results in a death or an injury that may result in a death, the Chief will initiate an investigation. The weapon used shall be secured for examination by ballistic experts. When the

officer involved is required to turn the weapon in for examination, the supervisor receiving the weapon SHALL ensure that the transfer is done out of the public eye and that the officer is not seen in uniform without a weapon. When circumstances permit and under the direction of a supervisor, the officer handgun shall be replaced with a re-issued sidearm.

19. RE-ASSIGNMENT AFTER FORCE RESULTING IN DEATH OR INJURY: When an officer or employee has used force or whose actions has resulted in a death or serious injury, or when the discharge of the officers firearm has resulted in any injury, the officer will be immediately placed on administrative leave, with pay. This assignment shall remain in effect pending a review of the circumstances surrounding the incident. Said leave shall not be considered punishment or any indication of wrongdoing. During this time of administrative re-assignment, post incident debriefing and counseling for those involved will be administered.

20. AGENCY AUTHORIZED WEAPONS - RECORDS

A. The South Texas College Police Department utilizes the following weapons:

1. 40mm Glock model 22, 4th generation, semi-automatic sidearm
2. Remington 870p shot gun
3. ASP Expandable Baton
4. Colt M-4 Law Enforcement Carbine rifle
5. Taser X26

B. Ammunition issued by the department includes:

1. Federal Brand 40 Cal. Hollow point rounds
2. Federal Shot Gun Slugs
3. Armor Holdings #23 DS bean bag rounds
4. 5.56mm rounds
5. Taser 44200 Cartridges

C. The weapons instructor shall inspect all weapons (including less lethal weaponry). This will occur at the firing range during qualifications and/or prior to an officer being issued or carrying said weapon. This inspection will be documented on the training score sheet and in a memo to the Chief. An unsafe weapon will be properly stored in a locked

safe and notification shall be made to the weapons instructor. The officer, upon notification and permission, will obtain a replacement weapon. The replacement information will be recorded by the weapons instructor on the on the weapons log.

E. Officers will qualify bi-annually with their assigned handgun and bi-annually with the shotgun and M-4. Procedures associated with Use of Force will be reviewed at least annually. Officers will re-train with less lethal weaponry annually.

F. Officers shall check their assigned shot guns, rifles and less lethal weapons for safety, and shall remove an unsafe weapon, placing it in a locked safe for that purpose in the police department office.

G. Officers shall check their issued ASP expandable baton to ensure that it is working properly.

H. The weapons instructor will maintain records of training, inventory, and maintenance for each department weapon.

I. The weapons instructor will be responsible for the training and re-training of officers in the proficiency of the issued agency specific less-lethal weapons.

J. The weapons instructor will keep an inventory of all weapons owned by the South Texas College Police Department and a list of what weapons are issued.