



# Waco Police Department General Order



**Title: OFFICER'S RESPONSE TO  
AGGRESSIVE, RESISTANT OR  
UNCOOPERATIVE PERSONS  
TCPA 3.02**

**Number: 31.02**

**Effective Date: 06/14/2020**

**Cancel: 31.02**

**Issued: 06/22/2018**

**Approved:**

Chief of Police

## **31.02.01 POLICY**

Officers are authorized to use force and/or deadly force in response to any person's aggression or resistance when reasonable to gain control or compliance from a person, to protect themselves or others from harm, or to bring an incident or situation under control. Training on this policy will be conducted annually during firearms qualifications/training.

### **PENAL CODE DEFINITIONS**

**Deadly Force:** Force that is intended or known by the actor to cause or in the manner of its use or intended is capable of causing serious bodily injury or death to another person.

**Force:** Physical contact made with a subject to compel the subject to submit to authority for a search, detainment, arrest, or to defend a person from an illegal act. This physical contact may be made with a bodily contact alone or assisted by a device.

### **GENERAL PROCEDURES**

#### **31.02.02 Use of Force and Deadly Force**

A. A peace officer is justified in using force against another when and to the degree the peace officer reasonably believes the force is needed to make or assist in making an arrest or search, or to prevent or assist in preventing escape after arrest, if:

1. The officer reasonably believes the arrest or search is lawful or, if the arrest or search is made under a warrant, the officer reasonably believes the warrant is valid; and
2. Before using force, the officers manifest their purpose to arrest or search, and identify themselves as peace officer, unless the officers reasonably believe their purpose and identity are already known by or cannot reasonably be made known to the person to be searched or arrested.
3. Officers shall use de-escalation techniques to gain voluntary compliance whenever practical. De-escalation techniques shall be continuously developed, updated and made part of the continuing training delivered to all police officers by the Department.

- B. A peace officer is justified in using deadly force against another when and to the degree the peace officer reasonably believes the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if the use of force would have been justified under Subsection A. above and:
1. The officer reasonably believes the offense for which arrest is authorized included the use or attempted use of deadly force; or
  2. The officer reasonably believes there is a substantial risk that the person to be arrested will cause death or serious bodily injury to the officer or another if the arrest is delayed.
- C. Commissioned personnel may use force or deadly force according to the guidelines found in this policy when defending themselves or another person from the threat of harm or injury.

### 31.02.03 General Guidelines

- A. Officers may use any equipment or tactic approved or authorized by Departmental policies, procedures or training. An exception may be made due to the rise of exigent circumstances that make the use of a non-approved device more effective than an approved device.
- B. The use of tactics or techniques that cause strangulation or asphyxiation are not authorized except when deadly force is authorized above.
- C. Particular care should be given to the use of force against vulnerable populations – including children, elderly persons, obviously pregnant women, and people with physical and mental disabilities and only to the degree that the officer reasonably believes is required given the circumstances of the encounter.
- D. Officers shall not direct their gunfire at a suspect inside a moving vehicle unless needed to eliminate the suspect's attempt to cause serious bodily injury or death to anyone. Officers shall not place themselves in danger by moving into the path of a moving vehicle.
- E. Officers will not fire warning shots.
- F. A supervisor may authorize the use of deadly force according to the guidelines found in this policy.
- G. Any Department owned or approved firearm, device or piece of equipment which may have caused serious bodily injury or death to any person must be tagged as evidence into the Property Room:
1. The tagged items are kept a minimum of three (3) years from the date of the incident. However, if the recipient of force was a juvenile, the items must be kept three (3) years past the juvenile's 18<sup>th</sup> birthday.
  2. The Special Crimes supervisor may return an officer's firearm at the completion of the investigation.
- H. Personnel who are involved in the use of deadly force will be:

1. Placed in an alternate assignment pending completion of the administrative and/or criminal Use of Force investigation;
2. Scheduled for mandatory evaluation with a designated psychologist or psychiatrist; and
3. Scheduled to attend a Critical Incident Stress Debriefing session. The CISD is coordinated by the Peer Support Team and is usually scheduled within 72 hours after an incident. Personnel who are the subject of an investigation as a result of the use of deadly force may opt out of the CISD, but are required to participate in the evaluation as outlined in 31.02.03 (F)2.

#### **31.02.04 Investigative and Notification Requirements**

- A. The Special Crimes Supervisor or their designee makes the primary offense report on all police related shootings and other incidences where an officer or other party is seriously injured as a result of police action occurring inside the Waco city limits. The investigation will be performed as a co-investigation with the Texas Rangers.
- B. The following persons are to be notified on incidents described in 31.02.04 A. above:
  1. Special Crimes Unit Supervisor or designee; and
  2. Crime Scene Supervisor or designee; and
  3. On-duty supervisor in Charge of the Department; and
  4. Officer's immediate supervisor; and
  5. Professional Standards and Conduct Supervisor; and
  6. Other personnel the on-duty supervisor deems necessary; and
  7. The Public Information Officer; and
  8. Supervisors in the officer's Chain of Command, up to the Chief (if they are off duty); and
  9. Attorney assigned to the Police Department or the on-call City Attorney; and
  10. Peer Support personnel; and the
  11. City of Waco Risk Manager.
- C. Personnel are required to immediately notify their supervisor;
  1. Anytime they discharge a firearm or cause serious bodily injury to any person in the performance of their duties, whether on-duty or off-duty, regardless of where the incident occurred; or
  2. When an officer, whether on duty or off duty, discharges a firearm and the discharge violates any law; or
  3. When an officer, whether on duty or off duty, discharges a firearm and the discharge was due to inattention or reckless behavior regardless where the incident occurs; or
  4. When any governmental entity or organization issues a citation to an officer or makes an incident report as a result of the officer's discharge of a firearm; and
  5. If the incident occurs inside the City of Waco, the ranking on-duty patrol supervisor is also immediately notified.

**31.02.05 Administrative Requirements**

- A. Employees must document the following on a non-lethal force administrative report form and on an offense or supplement police report.
1. When a subject receives an injury as a result of police action involving non-lethal use of force; or
  2. When an officer uses one of the following;
    - a) a strike; or
    - b) a chemical agent; or
    - c) an impact device; or
    - d) an EDC (including misses); or
    - e) a K9 bite.
- B. The completed Non-Lethal Force Administrative Report Form is attached to relevant offense reports and sent for review through the chain of command to the officer's Assistant Chief.
- C. Any corrective action or input from the officer's Chain of Command is documented on the Non-Lethal Force Administrative Report Form (or if necessary, on an attached Memorandum).
- D. Any Supervisor who receives a complaint regarding the officer's use of force or determines the officer's use of force violated Department policy completes a Personnel Complaint Form to begin the process for an internal investigation according to G.O. 45.01.
- E. Once all reviews are finished in the chain of command, the completed report is sent to the Professional Standards and Conduct supervisor, who ensures the use of force was within Department Policy and forwards the Report to the Chief for final review. When accompanied by a Personnel Complaint Form, the Non-Lethal Force Administrative Report Form is delivered to the Chief with the completed internal investigation.
- F. After the Chief's final review, completed reports are filed in the Professional Standards and Conduct Office by the PSAC supervisor, who also forwards a copy of all Non-Lethal Force Administrative Report Forms to the Training Unit. The Training Unit will review for any issues related to the training being provided to Department personnel.
- G. The officer's immediate Supervisor is responsible to ensure that any necessary training or other required action that was recommended above is actually completed.

**31.02.06 Injury or Destruction of Animals**

- A. If time allows, on-duty officers obtain approval from their supervisor before using their firearm to destroy any seriously ill, seriously injured or aggressive animal.
- B. When an on-duty officer discharges a firearm at an aggressive animal, the officer ensures that the incident is properly documented via the **Injured/Destruction of Animal Administrative Form** and photographs.

- C. Supervisors of employees who discharge a firearm at an animal as described above shall review the **Injured/Destruction of Animal Administrative Form**. The original form is sent through the Chain of Command to the Professional Standards and Conduct supervisor for review. A copy of the form is also sent to the Chief of Police (see attachment). Any concerns or problems are handled according to existing policies.
- D. The PSAC supervisor will forward a copy of the Injured/Destruction of Animal Administrative Form to the Training Unit for review.

END OF GENERAL ORDER

31.02