



# Office of the Director of Police The University of Texas System Policy and Procedure Manual



Subject			Policy Number
<b>USE OF FORCE</b>			<b>601</b>
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2017 and 2020 revision of the National Consensus Policy including Commission on Accreditation for Law Enforcement Agencies, International Association of Chiefs of Police, International Association of Directors of Law Enforcement Standards and Training, National Organization of Black Law Enforcement Executives (2017); Police Executive Research Forum "30 Guiding Principles on Use of Force" (2016); Police Foundation "Use of Force Infographic" (2016); Force Science Institute; Police Executive Research Forum Critical Issues Report, June 9, 2020 (Duty to Intervene)			

## I. PURPOSE

The purpose of this policy is to provide guidance to University of Texas System Police Department (UTSP) officers regarding the use of lethal and less lethal force. The University of Texas System Police recognizes and respects the sanctity of life. Accordingly, it shall be the policy of this Agency to value and preserve human life. These fundamental values shall be reflected in all instruction and training doctrine provided by the UT System Police Academy.

## II. POLICY

UTSP officers will only use reasonable force to accomplish lawful objectives and apply de-escalation techniques when possible to effectively bring an incident under control while protecting the lives of the officer and others. A use of force must be objectively reasonable. The officer must use only that force which a reasonably prudent officer would use under the same or similar circumstances. The unnecessary use of force is prohibited.

The determination to use force is the product of a critical decision-making process and "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."

In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officer's actions are 'objectively reasonable' in light of the facts and circumstance confronting them." (Graham v. Connor, 490 U.S. 386 (1989))

This policy is to be reviewed annually and any questions or concerns should be addressed to an immediate supervisor for clarification. The definitions of conditional terms that follow below shall be included and reviewed during departmental in-service training.

### III. DEFINITIONS

Force – The extent of physical effort required by police to compel compliance by an unwilling subject.

Lethal Force/Deadly Force – Force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing death or serious bodily injury.

Imminent or Immediate Threat--Danger from an individual whose apparent intent is to inflict serious bodily injury or death and the individual has the ability and opportunity to realize this intention.

Less Lethal Force – Any use of force other than what is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

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.

Reasonable Belief – A belief based on facts, circumstances, and information trustworthy enough to make a person of ordinary intelligence and caution believe something is the case, commonly used when deciding to arrest someone or conduct a search and seizure without a warrant.

Serious Physical/Bodily Injury – Injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

De-escalation – Taking action or communicating verbally or non-verbally 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 officer presence, advisements, warnings, verbal persuasion, tactical repositioning, and negotiation. A key element of appropriate and successful de-escalation is effective communication.

Response to Resistance – The application by an officer of de-escalation techniques and/or use of a force options in response to the level of resistance from an individual.

Exigent Circumstances – Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Excessive force – Application of force by an officer that is unlawful, not required, no longer required, prohibited by policy, or knowingly exceeds a degree of force that reasonably appeared necessary based on a specific situation, i.e., the level of force exceeds what is necessary to control a subject.

Vascular Neck Restraint – A technique used to incapacitate individuals by restricting the flow of blood to their brain.

Choke Hold – A physical maneuver or technique used to restrict an individual's ability to breath for the purposes of gaining control by incapacitation.

Warning Shot – Discharge of a firearm for the purpose of compelling compliance from an individual, but not intending to cause physical injury.

#### **IV. USE OF FORCE OPTIONS OR FORCE MODELS**

Force options or models presented through this policy provide guidance regarding alternatives that an officer may exercise in response to a subject's resistance. Officers are expected to respond to the subject's resistance with de-escalation techniques and/or an appropriate level of force. These expectations rest on the premise that as officers react, they should escalate and/or de-escalate their level of force in response to the subject's actions/resistance. The force models provide a variety of available options to officers allowing them to choose a level of force that is based on legal principles while allowing the ability to adjust the level of force as the subject's behavior changes. Officers are expected to employ only a degree of force that is objectively reasonable to gain control of an incident and compliance of subjects.

##### **DE-ESCALATION TECHNIQUES INCLUDE:**

- A. Officer Presence - the identification of a police officer's authority, by the uniformed presence of the officer, the display of the officer's badge of authority or the officer's verbally identifying himself/herself as a police officer.
  - 1. The mere presence of a uniformed law enforcement officer in combination with a marked police unit works to deter crime or diffuse a situation.
  - 2. Officers' attitudes are to be professional, non-provocative, and presented/displayed/communicated through the use of body language, speech and gestures.
- B. Verbal Communication/Direction – Commands of direction or arrest.
  - 1. Officers shall issue calm, clear and nonthreatening commands, such as "Let me see your identification and registration."
  - 2. Officers may increase their volume and shorten commands in an attempt to gain compliance. Short commands may include "Stop," or "Don't move."
  - 3. The appropriate combination of commands with officer presence can de-escalate a tense or volatile situation and potentially prevent the employment of further force options.

**FORCE OPTIONS OR MODELS INCLUDE:**

- C. Empty-Hand Control – Officers use physical strength or bodily force to gain control of a situation.
1. Soft Empty Hand Control – designed to control passive or defensive resistance. Used when presence, verbal direction/commands are not effective and there is noncompliance with lawful orders. Officers use strength, escorts, grabs, holds, pressure point compliance techniques, handcuffing or joint locks to control, guide or restrain an individual. Soft Empty Hand Control techniques have little or no potential for injury to the subject.
  2. Hard Empty Hand Control – designed to control active aggression but can be used to control defensive resistance when lower forms of control have failed or when the officer believes lower forms of control will fail and/or are not applicable. Officers use distraction techniques through kicks, punches or other striking techniques to distract and/or restrain an individual. Hard Empty Hand Control techniques have a moderate potential for injury to the suspect and may include strikes to target areas of the brachial plexus nerve (network of nerves between the neck and shoulder extending to the arm, forearm, hand) or the common peroneal nerve (in lower leg).
- D. Handcuffs and Restraints – Handcuffing and/or restraining a subject is a use of force option subject to the objectively reasonable standard. The use of handcuffs as a form of restraint is often necessary to secure a subject arrested or the subject of an investigatory stop, for the protection of the officer or others, particularly when the individual has resisted the arrest or investigation or is otherwise actively non-compliant. The utilization of handcuffs serves only as a temporary method for restraint. Proper application of handcuffs can cause the subject discomfort or pain but the potential for injury is low.
- E. Less Lethal Force – Use of Less Lethal Force includes any use of force, other than what is considered deadly force, that has a desired outcome of controlling a resisting, combative, or assaultive subject. The use of Less-Lethal Force for control is justified when lower forms of empty hand control have failed or when the officer believes that an empty hand control will be insufficient, and the use of deadly force is not justified. Less-Lethal force is used only with the intent to gain compliance of a person and never with the intent to cause permanent injury.

These options include any of the UTSP approved forms of chemical spray, an authorized expandable baton, Specialty Impact Munitions, or electronic control devices (ECD) conductive energy weapons (CEW) commonly referred to as Taser. Less Lethal Control techniques have a low to moderate potential for injury to the suspect.

1. Blunt Impact. Officers may use an authorized baton or projectile to immobilize a combative person. When using an impact weapon to control resistance the officer should attempt to target motor points first, joints and skeletal areas second, and avoid striking the head, neck, throat or clavicle unless the officer is justified in using deadly force.

2. Chemical. Officers may use authorized chemical sprays or projectiles embedded with chemicals to restrain an individual (pepper spray, capsicum spray, other similar lachrymator agent or other capsicum derivative).
  3. Conducted Energy Weapon (CEW). Officers may use authorized CEWs to immobilize an individual. CEWs discharge a high-voltage, low-amperage jolt of electricity at a distance and are not considered an alternative to deadly force; this category of weapon is also referred as electronic control device or Taser.
- F. Lethal Force – Lethal/Deadly Force means force that is intended or known by the officer to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.
1. Officers use lethal weapons in defense of life and to prevent serious bodily injury and use deadly weapons, such as firearms, to stop the imminent threat shown/demonstrated through the actions of the suspect.
  2. Chokeholds, vascular neck restraints, or similar techniques are prohibited.

## V. PROCEDURES

### A. GENERAL PROVISIONS

1. Use of physical force should be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against persons in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, the use of force should follow the policy standards for that which is objectively reasonable.
3. Once the scene is secure and safe, and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
4. Medical Aid Following the Use of Force – To ensure appropriate medical aid is rendered as quickly as reasonably possible following any law enforcement action in which injuries have been sustained; and activating the emergency medical system when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious, the officer will do the following (also see Paragraph VII, Duty to Intervene, Duty to Report, Duty to Render First Aid):
  - a) Request Emergency Medical Service at the scene if injuries are serious enough to warrant immediate attention (e.g., severe bleeding, unconsciousness, or other severe trauma), and immediately render the appropriate first aid; or

- b) Transport the subject expeditiously to the nearest medical facility if the subject appears to be in acute distress. Officers should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation is advisable.
  - c) After application of a CEW, the subject shall be treated and evaluated by appropriate medical personnel including those defined in UTSP Policy 604.
  - d) After application of a CEW, probes should be removed only by medical personnel as necessary. The policy of the local receiving detention facility regarding prisoners who have experienced a CEW should also be considered. The subject needs to be observed for at least two hours beginning at the time of the CEW application. Once the subject is cleared by medical personnel, the officer should coordinate with department personnel, including jail staff, to ensure monitoring during this time period.
- 5. An officer has a responsibility to intervene to prevent or stop the use of excessive - force by another officer when it is safe and reasonable to do so (also see Paragraph VII., Duty To Intervene, Duty To Report, Duty To Render First Aid).
  - 6. All uses of force shall be reported, documented and reviewed pursuant to UTSP policies.
  - 7. Handling/Display of Weapons - Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.

An officer shall not use or handle firearms in a careless or imprudent manner. Officers shall handle firearms in accordance with state law and established University of Texas System Police policy/procedures.

#### B. DE-ESCALATION

- 1. In an effort to reduce the need for force, an officer should use de-escalation techniques and other alternatives to higher levels of force consistent with his/her training when possible and appropriate, before resorting to force.
- 2. Factors to Consider in Employing Force
  - a) Subject Factors
    - (1) Seriousness of the offense committed by the subject
    - (2) Size, age and weight of the subject
    - (3) Apparent physical ability of the subject
    - (4) Subject's medical conditions, mental state and influence of alcohol or drugs
    - (5) Number of subjects present who are involved, or who may become involved
    - (6) Weapons possessed by or available to the subject
    - (7) Known history of violence by the subject; demonstration/display of violence by the subject
    - (8) Presence of innocent or potential victims in the area
    - (9) Whether the subject can be recaptured at a later time
    - (10) Whether evidence is likely to be destroyed

b) Officer Factors

- (1) Size, physical ability and defensive tactics expertise of the officer
- (2) Number of officers present or available
- (3) The necessity for immediate action in the case of sudden attack
- (4) Weapons or restraint devices available to the officer
- (5) Legal requirements
- (6) Agency policy

3. 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 should allow an individual time and opportunity to submit to verbal commands before force is employed.

C. USE OF LESS LETHAL FORCE

When de-escalation techniques or empty hand control techniques are not effective or appropriate, officers may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use department-approved, less lethal force techniques and issued equipment with which the officer has been trained. Those circumstances may include, but not be limited to:

1. to protect the officer or others from physical harm; or
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.

D. USE OF LETHAL FORCE

1. Police officers are authorized to use lethal force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious bodily injury or death. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
  - a) to protect the officer or others from what is reasonably believed to be an immediate threat of serious bodily injury or death.
  - b) to prevent the escape of a fleeing subject when the officer has probable cause to believe that 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 imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended. (Tennessee vs Garner 471 U.S. 1 (1985))
2. Whenever feasible an officer shall identify themselves as a law enforcement officer, warn the subject of their intent to use deadly force, and demand the subject stop. If issuing a verbal warning presents a heightened risk to the safety of the officer or another person, the officer may employ deadly force without delay.

3. Officers may use deadly force to end the life of an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.

**E. DEADLY FORCE RESTRICTIONS**

1. Warning shots pose a danger to officers and citizens alike and are prohibited.
2. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
3. Firearms shall not be discharged at a moving vehicle unless:
  - a) a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle; or
  - b) when the vehicle is intentionally being used as a deadly weapon and all other reasonable means have been exhausted or are not present or practical, which includes moving out of the path of the vehicle.
4. Firearms shall not be discharged from a moving vehicle except when deadly force is authorized, and all other reasonable means have been exhausted or are not present or practical.

**VI. REPORTING AND INVESTIGATION OF USE OF FORCE**

**A. REPORTING OF USE OF FORCE**

1. When Written Report Required: The Use of Force form DP#54 will be submitted whenever an officer:
  - a) Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
  - b) Discharges a firearm for other than training, recreation purposes or in an authorized instance to end the life of an animal.
  - c) Exhibits a firearm as a show of force.
  - d) Applies physical force such as the following:
    - (1) Force greater than a standard handcuffing procedure during a lawful arrest involving a compliant subject. Force higher than the standard handcuffing procedure would include Soft empty hand techniques and Hard empty hands techniques as described earlier in this policy.
    - (2) The subject is hit or struck in any manner by the officer.
    - (3) The subject has visible injury from the use of force by an officer.
    - (4) The subject complains of an injury; and/or
    - (5) An officer applies force through use of lethal or less lethal weapons.

2. A Use of Force Report is not required:
  - a) For standard handcuffing techniques in situations where an officer uses only strength to restrain the individual's arms and does not use Hard Empty Hand Control, Joint Locks, and Pressure Points, Knee Strike/Distraction Techniques or takedowns.
  - b) When discharging a firearm during training or for recreational purposes.
  - c) When a de-escalation technique such as officer presence or verbal command/ directive are only used.
3. Calls Involving More than One Officer: an officer who uses force is responsible for completing the offense/incident report. Additionally, other involved officers will complete their own narrative supplement to any arrest or offense/ incident report to describe their actions.
4. Routing and Review: The Use of Force Report and any related reports will be submitted for administrative review and routed through the Chain of Command to the Institution Chief of Police. The review will include an evaluation to determine whether the actions taken by the officer were within UTSP policy. If it is determined during the chain of command review that improper procedure or error occurred, appropriate action will be initiated, to include an Internal Affairs investigation. After that review, the Institution Chief of Police will forward the Use of Force report and the Offense/Incident report to the Office of Director of Police.
5. Analysis and Review: Annually, the Office of Director of Police will conduct an analysis of the use of force activities, policies and practices within UTSP to identify trends, improve training and officer safety, provide timely information for our service communities and ensure lawful and appropriate conduct. The analysis shall identify:
  - a) Date and time of incident.
  - b) Types of encounters resulting in use of force.
  - c) Trends and patterns related to race, age, and gender of subjects involved.
  - d) Trends or patterns resulting in injury to any person including officers and impact of findings on policies, practices, equipment, and training.
6. As part of the annual UTSP Use of Force review, the Office of Director of Police shall conduct a review of all assaults on UTSP officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy and address training issues.

## B. INVESTIGATING USE OF FORCE

No Firearms and No Serious Bodily Injury: if firearms were not involved and injuries sustained were not serious bodily injuries, the use of force will be reported and reviewed through the chain of command.

1. Involved Officer Immediate Activities:
  - a) Whenever any force option (requiring a written report) is used on a subject the officer will notify his/her supervisor immediately.

- b) A supervisor will respond to the scene. The supervisor will conduct a preliminary investigation and ensure medical treatment is provided, if necessary.
  - c) Officers involved in the use of less lethal force will submit a Use of Force report detailing their actions before their end of tour unless an injury and/or mental health status of the officer and the overall circumstances of the incident dictate otherwise. The report should contain all available information to include, but not be limited to the following:
    - (1) Complete identification of the person(s) against whom force was used.
    - (2) Type of force and the justification for the use of force; complete description of the type of force, including the number of strikes, etc., and description of the method/weapon used.
    - (3) Detailed listing of the injuries to the person, if applicable, including exact locations of the injuries on the person's body.
    - (4) Photographs of all visible injuries.
    - (5) Information on medical treatment, if applicable, which will include the date, time, location of medical treatment, the attending medical personnel, and whether treatment or hospitalization was required.
    - (6) Existing injuries not caused by the use of force will be described, documented and explained as being present prior to the incident.
    - (7) A listing of criminal charges against the person; and
    - (8) A summary of the circumstances surrounding the use of force by the officer. This summary will identify all officers involved and witnesses to the incident.
2. The following procedures will be followed after every incident of firearms discharge (other than for training or recreation) by an officer and after every use of force that results or is likely to result in serious physical injury or death. In most instances, such occurrences will also activate the ODOP policy on administrative investigations of critical incidents (Policy 605, "Administrative Investigation of/Response to Critical Incidents Including Use of Deadly Force and Officer Involved Deaths"). In the event of a conflict between this policy and Policy 605, the requirements and procedures in Policy 605 will take precedent.
- a) Involved Officer – the involved officer will:
    - (1) Determine the physical condition of any injured person and render first aid where appropriate.
    - (2) Notify telecommunications giving the location of the incident and requesting medical aid, if necessary.
    - (3) The involved officer will remain at the scene (unless injured) until the arrival of a supervisor and/or investigator. If circumstances are such to cause a hazardous situation, the officer has the discretion to move to another, more appropriate location.

- (4) The officer will protect the weapon used or alleged to have been used to cause the serious injury or death; and submit said weapon to the appropriate supervisor or investigator for examination.
- (5) Involved officers will provide a brief public safety statement of the incident to the patrol supervisor on the scene or to the investigators who respond so that the involved investigators have sufficient basic information to begin an assessment of what has occurred and ensure there is no ongoing threat.

This includes the type of force used by the officer, threat presented by other involved parties, the direction of shots fired by involved parties, the location of any unsecured weapons, the location of injured persons, a description of at-large suspects and their mode and direction of travel, time elapsed since they fled, and weapons that were available to them, a description and location of known victims or witnesses. Involved officers will submit their Use of Force Report (Form DP#54) to the investigators upon completion of the administrative interview process.

- b) Supervisor – the notified supervisor shall accomplish the following:
  - (1) Proceed to the scene and conduct a preliminary field investigation to include photographs.
  - (2) Assist the involved officer(s).
  - (3) Render command assistance to the assigned investigator(s).
  - (4) Immediately arrange for a replacement weapon (approved Glock semi-automatic handgun) and holster, if necessary to accommodate the replacement weapon, in the event the officer's weapon is seized due to the investigation into the incident; whenever possible, the replacement weapon should be provided to the officer prior to the seizing of the officer's original weapon.
  - (5) Submit a detailed written report of the results of his preliminary investigation along with the Officer's Use of Force report form to the senior patrol supervisor.
  - (6) The initial supervisor's written report and Officer's Use of Force form submitted to the senior patrol supervisor should summarize the preliminary investigation only. The sections in the form for chain of command comments and action recommendations should not be completed until the complete administrative investigation has been finalized.
- c) Office of Director of Police – The Office shall conduct an administrative investigation of every incident of firearms discharge for law enforcement purposes. If so warranted by the Director of Police or if requested by the Institution Chief of Police, the Office shall conduct an administrative investigation of a referred incident involving an officer's use of force. Any investigation will be parallel to and independent of a concurrent criminal investigation. The investigation will determine the following:

- (1) Whether the incident/shooting was
  - (a) Within policy limits
  - (b) Outside policy limits
  - (c) Accidental or negligent
- (2) Training considerations
- (3) Implications for supervision
- (4) Review the circumstances for any equipment failure
- (5) Be responsible for all reporting requirements regarding an officer's use of force to the State Attorney General; and
- (6) Recommendations on corrective or related actions.

C. REMOVAL FROM OPERATIONAL ASSIGNMENT PENDING ADMINISTRATIVE REVIEW

1. In the event that an officer becomes involved in an incident which results in the death or serious physical injury of another person, the officer will be reassigned from operational assignments pending a documented administrative review of the incident. The Institution Chief of Police shall place the officer on temporary administrative duty or grant an administrative leave of absence.
2. Affected Officer's Responsibilities: officers removed from operational assignment shall not communicate with other persons about the incident, with the exception that the involved officer(s) will cooperate with the supervisor and investigator as directed, and may discuss the incident with the following:
  - a. District Attorney / Office of General Counsel
  - b. Psychologist
  - c. Employee's chosen clergy
  - d. Employee's privately retained attorney
  - e. Employee's immediate family
  - f. Other persons approved by the Director of Police

The involved officer(s) shall make themselves available to members of UTSP authorized to investigate the incident. Officer(s) shall cooperate with all personnel assigned to investigate the incident.

D. POST CRITICAL INCIDENT TRAUMA

Any officer who is involved in a shooting incident or other traumatic situation may, as a normal response to that incident, suffer some effects of what has been classified as post critical incident trauma or post trauma stress disorder (PTSD). Such trauma can be a normal human response and should be recognized as such by all persons. There are individuals who suffer no such trauma and this, too, can be a normal reaction. The guidance that follows is to establish the process by which the department will assist officers and their families who may be affected by post critical incident trauma or PTSD. This assistance is provided under the Employee Assistance Program (EAP) and is given to aid and support the officer and his/her family so the individual will remain a healthy and productive member of the department and the community.

1. The officer involved in an incident associated with the serious injury or death of another, in the line of duty, shall when possible, give an account of the incident to the supervisor so that appropriate notifications are made. The involved officer shall not be permitted to be interviewed by the media.
2. The officer involved in a serious injury or death of another person should, when practical and in the company of another officer, be moved away from the scene to await the arrival of investigators. The role of the companion officer is to provide support for the officer involved. If more than one officer is involved, they should be separated, and each shall have the company of a fellow officer.
3. As soon as practical after the critical incident, the involved officer may communicate with family.
4. If the affected officer requires immediate professional counseling assistance following the critical incident, the supervisor will ensure that those contracted to provide professional services for members of the department are notified and made available.
5. Following any critical incident, there may be other employees adversely affected (e.g., telecommunicators), who although not directly involved, may be emotionally impacted by the incident. All department supervisors must be aware of this phenomenon and monitor their employees' emotional condition and provide whatever support and counseling is necessary.
6. No later than 72 hours after a critical incident has occurred, the officers involved shall be required to meet with a psychologist or other mental health professional.
7. After administrative review and with advice of the consulted mental health professional (where applicable), the institution Chief of Police may return the officer to full duty.
8. A critical incident de-briefing shall be conducted as soon as practical by the institution Chief of Police or his/her designee.

E. TRAINING

1. It is imperative that a police officer act within the boundaries of the law, professional ethics, good judgment, and accepted practices. An officer must be prepared through training, leadership, and direction to act wisely when using a firearm in the course of his/her official duty. For these reasons, each commissioned officer shall be provided a copy of this directive and trained in UTSP policy on the use of force before being authorized to carry a firearm.

2. UTSP will provide annual in-service training to all officers authorized to carry weapons on the agency use of force policy.
3. Training shall be provided on a regular and periodic basis and designed to:
  - a. provide techniques, tactics and protocols for the use of and reinforce the importance of de-escalation.
  - b. simulate through training technology actual field situations encountered by officers and which require judgment decisions on escalation, de-escalation, use of force and use of force options.
  - c. enhance officer decision making and judgment in using less-lethal and deadly force in accordance with this policy.

**VII. DUTY TO INTERVENE/DUTY TO REPORT/DUTY TO RENDER FIRST AID**

- A. It shall be the duty of every sworn officer, regardless of tenure or rank, who is present during the use of force by another sworn officer, to intervene and stop or attempt to stop that use of force when it is unlawful, not required, no longer required, unauthorized, prohibited or a violation of this policy.
- B. Non-sworn members of the UTSP do not have the same training or experience as sworn officers in the area of Use of Force. However, they do share a similar duty to value and preserve human life. As such, every non-sworn employee of UTSP, regardless of job title, who witnesses the use of force by an officer, will intervene and attempt to stop that use of force when it appears unlawful, not required, no longer required, unauthorized, prohibited. Such intervention will include verbally communicating concerns to the officer in a safe manner and calling a supervisor to the scene. A non-sworn employee is not required nor encouraged to physically intervene in these situations.
- C. All such circumstances as described above shall be reported immediately to their supervisor by the officer(s) who witnessed the use/application of force and attempted intervention at the time.
- D. Any time the use of force by a sworn officer results in the need for medical treatment for a person injured or wounded by that use of force, first aid shall be rendered by the officer's present and emergency medical services summoned as required.



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Michael J. Heidingsfield  
Director of Police

Changes/Amendments since last publication

**March 1, 2021**

The changes referenced below and reflected in the respective sections of this policy represent the collaboration between the institution Chiefs of Police and the Office of Director of Police, the updated elements of the National Consensus Policy on Use of Force (2020), the requirements of the Commission on Accreditation for Law Enforcement (CALEA) and the required annual review of this policy. Special thanks go to Chief William Adcox and Senior Police Inspector Charles Dunn, UT Houston PD, Chief Michael Parks, UT Health Science Center San Antonio Police Department and Assistant Chief Glenn Cole, UT Arlington PD for their leadership, consultation and research efforts that shaped this body of policy changes.

Revision of Paragraph II to specifically reference de-escalation techniques and to add language to mandate inclusion of definitions of conditional terms during in-service training.

Revision to Paragraph III to include definitions of Imminent or Immediate Threat, Less Lethal Force, Response to Resistance, Excessive Force, Vascular Neck Restraint, Choke Hold and Warning Shot.

Revision to Paragraph IV to outline expectations of use of de-escalation techniques and appropriate level of force and to identify de-escalation techniques and force options and models.

Paragraph IV. F.2 has been revised to add specific prohibition on use of vascular neck restraints to preexisting prohibition on chokeholds.

Paragraph V.A.4, Medical Aid Following Use of Force, has been added to the General Provisions.

Paragraph V.D.1 has been revised to specify a circumstance when use of deadly force would be authorized and Paragraph V.D.2 has been added which outlines the requirements for issuing a verbal warning of impending use of deadly force.

Paragraph V.E.3.b) that adds a condition under which firearms can be discharged at a moving vehicle has been added.

Paragraph V.E.4 has been added, to outline an exception to the prohibition against discharge of a firearm from a moving vehicle.

Paragraph VI.A.2c) adds the use of de-escalation techniques only to instances where the filing of a Use of Force is not required.

Paragraphs VI.A.5, Analysis and Review and 6, requiring ODOP review of assaults on UTSP Officers, have been added

Paragraph VI.B.2 has been removed and inserted in UTSP ODOP Policy 605 – Administrative Investigations and Response to Critical Incidents

Title - Removal from Operational Assignment Pending Administrative Review has been added to Paragraph VI.C.

Paragraph VII.B has been added which specifies requirements under which Non-Sworn members of the UTSP may be required to intervene and attempt to stop use of force.

**JUNE 10, 2020**

Revision of Paragraph IV.F is intended to clarify the agency position in regard to the techniques referenced (chokeholds, carotid artery restraints, lateral vascular restraints and similar applications of force) moving from a prohibition unless deadly force is authorized (previous policy) to a complete prohibition (current policy).

Addition of Paragraph VII (Duty To Intervene, Duty To Report, Duty To Render First Aid) is added with the intention of focusing additional emphasis on what is already in the existing policy and an expectation in practice regarding these obligations.

**JANUARY 1, 2018**

Given the current national dialogue regarding law enforcement use of force and the recommendations produced through the National Consensus Policy on Use of Force, the Police Executive Research Forum, the Force Science Institute, CALEA, and the Police Foundation, a review of Policy 601 was considered timely and appropriate. During the course of that review 1) key terms used were updated and clarified 2) an expanded explanation was added regarding the employment of de-escalation tactics when appropriate 3) UTSP reporting processes regarding the use of force were clarified 4) unnecessary or redundant language was deleted 5) use of force simulation training was referenced (ARREST Program) 6) all revisions were reviewed by the University of Texas System Office of General Counsel. *There were no adjustments or modifications to the well-established bright line thresholds for the use of force reflected in Graham v. Connor, 490 U.S. 386 (1989), Garner v. Tennessee, 471 U.S. 1 (1985), et al.*

**MARCH 24, 2014**

Revision of language in paragraph V. B. 2 to ensure compliance with the IACLEA accreditation program. Addition of language to Paragraph V. F. 1. B. regarding an authorized instance of euthanasia of an animal.

Addition of language to Paragraph V. F. 3. requiring the inclusion of an evaluation to determine if actions were within policy and to require ODOP to identify trends, improve training and provide timely information.

Addition of Paragraph V. J. 2. requiring annual in-service training on this policy.

**MAY 14, 2013**

Section V F – added c. “Exhibits a firearm as show of force;”

Section V F 3. Wording changed to clarify that the Use of Force report AND the Offense/Incident report are to be forwarded to ODOP.

DP Form 54 – Use of Force Report revised to include Officer(s) Height and Weight and Subject(s) University Affiliation, Height and Weight.

DP Form 54 – Use of Force Report revised to include Firearm Exhibited and Firearm Used

**SEPTEMBER 11, 2012**

Section IV E – Conducted Energy Device was changed to Electronic Control Device to be consistent with Policy 604

Section IV F – Verbiage was changed to: Officers use lethal weapons in defense of life and to prevent serious bodily injury.

Section V F 1 – The requirement to have the DP 54 submitted by the end of shift was removed to be more in line with Policy 605

Section V F 1 c – The requirement to report the “pointing of a firearm in the view of the public” was removed

Section V F I e – The requirement to report handcuffing during detention was removed (previously rescinded by Director's Memo)

Section VG 2 c – The requirement regarding the submission of a Use of Force report involving the use of less lethal force was changed to be more in line with 605. Change: ... in a timeframe that is reasonable based on the injury and mental health status of the officer and the overall circumstances of the incident.

Section V G 3 – Added: In most instances, such occurrences will also activate the ODOP policy on administrative investigations of critical incidents (Policy 605). In the event of a conflict between this policy and Policy 605, the requirements and procedures in Policy 605 will take precedent.

Section VG 3 a 5 – Verbiage was changed to be more in line with Policy 605. Change: Involved officers will provide an oral account of the incident to the patrol supervisor on the scene or to the investigators who respond so that the involved investigators have sufficient basic information to begin an assessment of what has occurred. Involved officers will submit their Use of Force Report (Form DP#54) to the investigators upon completion of the administrative interview process.

Section VG 3 b 4 – Verbiage added: Immediately arrange for a replacement weapon (approved Glock pistol) and holster, if necessary to accommodate the replacement weapon, in the event the officer's weapon is seized due to the investigation into the incident; whenever possible, the replacement weapon should be provided to the officer prior to the seizing of the officer's original weapon

DP 54 revised as follows:

The check box for EDO/EAD was changed to: POEC/Emergency Detention Order Section covering Force Used by Each Officer Against Each Subject and Outcome

"Verbal Commands" added (Reminder: verbal commands alone do not need to be reported)

"Handcuffed subject w/o arrest" removed (previously rescinded by Director's Memo)

"Electronic Control Device Exhibited" removed to reflect changes to 601

"Firearm Exhibited" removed to reflect changes to 601 Chain of Command Comments:  
added a "Printed Name" line