

	Richland Hills Police Department		
	Subject: Response to Resistance		Number: 600.1
	Category: Use of Force		
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	Issuing Authority: Kimberly L. Sylvester, Chief of Police		
	Signature of Issuing Authority:		
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NOTE: This General Order is for internal use only and does not enhance an Officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

I. POLICY

The Richland Hills Police Department recognizes and values the protection and sanctity of each human life. Investing police employees with the lawful authority to use force to protect the public requires a careful balance and consideration of all human interests. Therefore, it is the policy of the Richland Hills Police Department that persons authorized to use force in response to resistance, in conjunction with their assigned duties, shall use only that force that is objectively reasonable to effectively bring an incident under control, while protecting the lives of the employee or another. Officers are prohibited from using any force unreasonably or as a means of punishment or interrogation.

II. PURPOSE

The purpose of this General Order is to provide Law Enforcement Officers of this agency with guidelines for the use of deadly and non-deadly force. Nothing in this General Order is intended to create any benefit for third parties, nor does this General Order set forth a higher standard of care with respect to third party claims.

III. DEFINITIONS

- A. CEW – An electro-muscular disruption device that disrupts the body’s ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject.

- B. Command Staff – Members of the Department holding the rank of Chief of Police, Captain, Lieutenant, and anyone else as designated by the Chief of Police.
- C. 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 (Chapter 9 Sec. 9.01 [3], Texas Code of Criminal Procedure).
- D. Firearm – Any weapon from which a projectile is forcibly ejected by an explosive.
- E. Impact Weapon – Any object, regardless of its original manufactures purpose, which can be utilized to strike a person with sufficient force so as to cause bodily injury, serious bodily injury or death.
- F. Less Lethal Force – Force employed which is neither likely, nor intended to cause serious bodily injury or death.
- G. Less-Lethal Weapon – Weapons (or any devices used as weapons) that are intended to be less likely to kill a living target than are traditional weapons.
- H. Non-deadly Force – Any response to resistance other than that which is considered deadly force. Non-deadly force includes, but is not limited to: handcuffing and any physical force, effort or technique used against another.
- I. Objectively Reasonable – This term means that, in determining the necessity for force and the appropriate level of force, Officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, the danger to themselves and the community, as well as:
 - 1. Age;
 - 2. Physical size;
 - 3. Strength;
 - 4. Skill level;
 - 5. Training;
 - 6. Proximity of weapons;
 - 7. Risk of escape;
 - 8. State of health;
 - 9. Fatigue;

10. Number of Officers as opposed to the number of actors;
 11. Influence of drugs/alcohol;
 12. Mental capacity;
 13. The degree to which the subject has been effectively restrained and his ability to resist despite restraint;
 14. Time and circumstances permitting and the availability of other options (what resources are available to the Officer under the circumstances);
 15. Potential for injury to subjects;
 16. Other exigent circumstances; and/or
 17. The availability of other actions.
- J. Office of the Chief of Police (OOCOP) - Consists of command staff members who are given specified tasks as designated by the Chief of Police.
- K. Response to Resistance – The amount of effort required by an Officer to compel compliance by an unwilling subject.
- L. Serious Bodily Injury – Bodily 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.
- M. Texas Code of Criminal Procedure, Article 15.24, WHAT FORCE MAY BE USED - In making an arrest, all reasonable means are permitted to be used in effecting that arrest. No greater force, however, shall be resorted to than necessary to secure the arrest and detention of the accused.
- N. Use of Police Vehicles – The use of a police vehicle to force a fleeing subject to stop or use of a police vehicle as deadly force shall only be utilized if it does not create an unreasonable risk of serious bodily injury or death to uninvolved parties.
- O. Verbal Commands – Telling or commanding a subject to engage in, or refrain from, a specific action or non-action.

IV. PROCEDURES

In the course of official duty, it is imperative that a police employee act within the boundaries of law, professional ethics, good judgment, and accepted practices. It is equally important that the employee be prepared by training, leadership, and direction to act wisely when using a firearm or any other prescribed response to resistance/aggression. For these reasons, each commissioned employee must be given a copy of this General Order and properly trained in it before being authorized to carry a firearm or be placed in any situation that may result in the response to resistance/aggression by an Officer. Except under the most extreme circumstances, no employee shall use or attempt to use any technique, tactic or weapon for which he has not been fully trained. Training must have been accomplished in a manner approved by the Richland Hills Police Department.

A. Chemical Agent Weapons

1. Chemical agents are used to gain control while minimizing potential injuries to the Officers, offenders and other subjects.
2. Employees are not permitted to use a chemical agent weapon unless qualified in its proficient use as determined by training procedures.
3. Use of Chemical Agents must be supported by articulable facts detailing that it was used in an objectively reasonable manner.
4. The following are prohibited uses of chemical agents:
 - a. Horseplay or practical jokes.
 - b. Demonstrations without the permission of a supervisor.
 - c. While the subject is under physical restraint, unless the subject is still aggressively resisting and lesser means of control have failed.
5. The following chemical agent weapons are authorized:
 - a. Oleoresin Capsicum (OC) or Pepper Spray

B. Conducted Energy Weapons

1. Only personnel who are trained in the use of the CEW and are qualified in its proficiency may be issued a CEW.
 - a. CEW qualification is covered under General Order 600.3, Less-Lethal Weapons and Qualifications.

2. It shall be the responsibility of the employee receiving the training to ensure that a copy of all training documentation is forwarded to the Department Training Coordinator. The documentation shall be forwarded immediately following completion of any training class, and before the use of that particular level of force is employed.
3. The CEW may be deployed to protect the Officer or another person from a dangerous animal that poses a threat.
4. The CEW may be deployed on suicidal individuals who pose a threat to themselves or others if the use of the weapon is likely to prevent or reduce injury to the suicidal subject or others.
5. Officers should make every effort to place the subject into custody immediately after the CEW deployment. Repeated, lengthy, or simultaneous deployments from multiple Officers with the CEW are not allowed unless the Officers can articulate and justify the objective reasonableness of the actions.
 - a. Officers may handcuff subjects as they are being tased subjected to CEW deployment to facilitate the taking of the subject into custody and in keeping with recommendations from the CEW manufacturer Axon International, as long as such action is practicable and the risk to Officers is minimal.
6. Officers deploying the CEW should attempt to deploy the probes in a primary target area and avoid sensitive tissue areas such as the eye, groin, face and/or breast.
7. At all times when practical, an Officer should be issuing loud verbal commands in an attempt to gain voluntary compliance by the actor before deploying the CEW.
8. Use of the drive stun is discouraged except in situations where the probe deployment is not possible, and the immediate application of the drive stun will bring a subject displaying aggressive resistance safely under control. Multiple drive stuns are discouraged and must be justified and articulated. If the initial application is ineffective, the Officer will reassess the situation and consider other available options.
9. The CEW shall not be deployed under certain circumstances:
 - a. When flammable liquids are present;
 - b. For use as punitive measures; or
 - c. On a subject who could fall from an elevated position.

10. Unless objective reasonableness based on totality of the circumstances can be articulated, the CEW shall not be used under the following situation;
 - a. in response to passive resistance only;
 - b. while the subject is holding a firearm;
 - c. if the subject is obviously pregnant;
 - d. if the subject is handcuffed;
 - e. if the subject is in a wheelchair;
 - f. if the subject is elderly;
 - g. if the subject is a child;
 - h. against subjects who are actively running; or
 - i. while the subject is operating a motor vehicle.

11. Handling and Maintenance of the CEW and cartridges
 - a. Officers shall check the CEW in accordance with their training and recommendations from AXON International to ensure battery level of at least twenty (20) percent.
 - b. Officers shall carry the CEW in a Department-issued holster on their duty belt, on the opposite side of their duty handgun.
 - c. The CEW battery and data port protection device shall not be removed except by authorized personnel.
 - d. Any deployment of the CEW, either by probe or drive stun, will be documented in a Richland Hills Police Department Response to Resistance Report.
 - e. A supervisor shall be notified as soon as possible upon deployment of CEW, if they are not otherwise already on scene.
 - f. Only CEW trained personnel may remove the probes from subject, unless the probes have struck a sensitive area such as the groin, throat, face, eyes or breast. If a sensitive area is struck, emergency medical personnel shall be called to the scene to remove the probes.

- g. If a probe is positioned in a manner that cannot be safely removed by certified personnel or if the subject is displaying signs of physical or mental distress, emergency medical personnel shall be called to the scene.
- h. Used probes shall be placed in a protective packaging and stored as evidence, except when probes are deployed for training purposes. Probes used for training purposes will be discarded in an appropriate biohazard sharps container.

C. Impact Weapons

- 1. Employees are not permitted to use an impact weapon unless qualified in its proficient use and as determined by training and refresher procedures.
- 2. Employees shall avoid the intentional targeting of a subject's head, neck, clavicle, and groin area with impact weapons unless the use of deadly force is authorized.
- 3. The following less lethal weapons are authorized:
 - a. Expandable baton (21" or 26" extended length)
 - 1) Employees, at their discretion, may choose not to carry the expandable baton.
 - b. Less Lethal Impact Munition delivery systems (shotgun, PepperBall launcher, etc.)

D. Deadly Weapons

- 1. While on-duty, Officers shall only carry weapons and ammunition authorized by the Richland Hills Police Department.
- 2. Authorized weapons are those with which the Officer has qualified and received Departmental training on proper and safe usage and that are approved and comply with Departmental specification.
- 3. The Department shall schedule regular training and qualification sessions for the duty and specialized weapons. These sessions will be graded on the basis as described by the Range Master or Firearms Instructor.
- 4. Officers who fail to receive a passing score with their duty weapons, in accordance with the Department qualification procedures set forth in General Order 600.2, Firearms and Qualifications, shall be relieved of their Police powers and immediately assigned to non-enforcement duties.
- 5. An Officer shall not be permitted to carry any weapon with which he has not been able to qualify during the most recent qualification period.

6. Any Officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify, before returning to enforcement duties.

E. Use of Non-deadly Force

1. Where deadly force is not authorized, Officers may use only that level of force that is objectively reasonable and necessary to bring an incident under control. [TBP 6.01]
2. Officers are authorized to use Department-approved, non-deadly force techniques and issued equipment when one or more of the following apply:
 - a. To protect the Officer or others from physical harm;
 - b. To lawfully restrain a resistant individual; and/or
 - c. to bring an unlawful situation safely and effectively under control

F. Use of Deadly Force

1. Law Enforcement Officers are authorized to use deadly force when one or both of the following apply: [TBP 6.02]
 - a. To protect the Officer or others from what is reasonably believed to be a threat of death or serious bodily harm; and/or
 - b. To prevent the escape of a fleeing violent felon who the Officer has probable cause to believe will pose a significant threat of death or serious physical injury to the Officer or others if the fleeing violent felon escapes.
2. Where practicable, prior to discharge of a firearm, Officers shall identify themselves as Law Enforcement Officers and state their intent to shoot.

G. Deadly Force Restriction

1. Warning shots shall not be fired. [TBP 6.09]
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Officers threatened by an oncoming vehicle shall make a reasonable effort to attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an Officer reasonably believes that a person is immediately threatening the Officer or another person with deadly force by means of a vehicle, an Officer may use deadly force against the driver of the vehicle.

4. Officers may use deadly force to destroy 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. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

V. FORCE CONSIDERATIONS

- A. In evaluating the reasonable application of force at any level, Officers may consider their age, size, strength, skill level with Department weapons, state of health and the number of Officers opposing a number of suspects. The amount and degree of force that may be used must be reasonably objective and will depend on the surrounding circumstances. This includes, but is not limited to:
 1. The nature of the offense;
 2. The behavior of the subject(s) against whom force is used;
 3. Size and physical condition of Officer and others;
 4. The feasibility or availability of alternative action; and
 5. The totality of the response as measured with the situation that has occurred.

- B. The goal of an Officer when responding to resistance/aggression is to achieve compliance from the subject. It shall be the Officer’s responsibility to apply the appropriate response to resistance/aggression in an objectively reasonable manner based on the totality of the circumstances known to the Officer at the time of resistance/aggression. Only the minimum amount of force needed to achieve a legitimate Law Enforcement objective shall ever be authorized for use.

- C. The Richland Hills Police Department provides Officers with various options to use in response to a subject’s resistance/aggression. While resistance/aggression situations are generally fluid and dynamic, the Officer’s level of response should be based on objective reasonableness rather than a continuum. The following, non-exclusive, response levels may be considered by the Officer when responding to resistance/aggression.
 1. Officer Presence
 2. Verbal Commands
 3. Passive Control (making physical contact for purposes of guiding and directing but not in a physical control manner)

4. Physical Control (contact with another person to direct that person; can include soft and hard empty hand contacts and physical contact to guide or force)
5. Less Lethal Force (includes CEW, baton, less lethal impact munitions, and OC spray)
6. Deadly Force (Department-approved firearms and ammunition or impact weapons or Officer-applied techniques when used in a manner likely to cause serious bodily injury or death)

VI. LIMITATIONS ON FORCE AND DUTY TO INTERVENE [TBP 2.25; 6.11]

A. The following acts associated with the response to resistance are prohibited:

1. The Richland Hills Police Department does not authorize the use of choke holds or carotid artery neck restraints. [TBP 6.11]
2. Use of flashlights as batons is generally prohibited. An Officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or another from imminent serious bodily injury or death, and then only if Departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

B. It is the duty of any Department employee, who observes another employee using force against any person that is clearly beyond what is reasonable and necessary, to intervene by verbal and/or physical means, to immediately report the observed use of excessive force to any available supervisor, and to provide written notification of the incident in the form of a memorandum submitted through the employee’s Chain of Command as soon as possible following the incident. This same standard applies even if the employee observed using excessive force is a supervisor. [TBP 2.25]

1. If an intervention as described is due to the actions of the on-duty supervisor, the intervening employee shall report their intervention as required to the next level of the Chain of Command.

VII. MEDICAL CONSIDERATIONS [TBP 6.07]

A. Medical assistance shall be requested for any of the following situations:

1. For any person against whom an impact weapon was used and who exhibits signs of physical distress, who has sustained visible injury, who expresses a complaint of injury or continuing pain, or who was rendered unconscious at any point as the result of police response to resistance;
2. After any use of deadly force in which any person was injured or possibly killed;

3. After any successful or partial deployment of a CEW against any person;
 4. For evaluation of persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength, beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple Officers to be brought under control; or
 - a. These individuals may be at an increased risk of sudden death - Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable.
 5. For any person against whom any kind of force was used and who so requests medical attention.
- B. Once a subject has been subdued and/or restrained by any means, that subject will be placed in a seated or upright position without undue delay. If that is impossible for any reasons, the subject will be placed on their side. In no instances will a subdued and restrained subject be placed or left in a prone position face down longer than may be immediately necessary to control an incident.
- C. Medical assistance may consist of examination by paramedics at the scene. Paramedics will determine whether the subject needs to be transported to a hospital. If any individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another Officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.
- D. The on-scene supervisor or transporting Officer shall ensure that any person providing medical care or receiving custody of a person following any response to resistance is informed that the person was subjected to force, and to what kind of force the person was subjected. This notification shall also include any other circumstances the Officer reasonably believes could potentially impact safety or increase medical risks to the subject (i.e., prolonged struggle, extreme agitation, impaired respiration).

VIII. TRAINING

- A. All Officers shall receive training in the use of their firearms and all non-lethal weapons authorized by the Department, hands-on arrest and defensive tactics, as well as this General Order, prior to performing any Law Enforcement duties.
- B. All Officers shall be trained and qualified with their firearms at least annually. [TBP 3.01, 3.02]

- C. All Officers shall receive training in the Department’s Response to Resistance General Order and any other written directives related to response to resistance at least annually. [TBP 3.02]
- D. All Officers shall receive hands-on arrest and defensive tactics training at least every two years. [TBP 3.06]
- E. Officers shall receive training in all less lethal and non-lethal weapons issued, authorized, or used by the Department and demonstrate proficiency with those weapons at least every two years to be authorized to use those weapons. [TBP 3.04]
- F. All Response to resistance training shall, at a minimum, comply with the standards established by the Texas Commission on Law Enforcement (TCOLE) and this Department.
- G. Officers who have returned from an exceptionally extended absence, including absences resulting from illness or injury, may be requested to demonstrate continued proficiency with firearms and/or non-lethal weapons on a case-by-case basis and as determined by the Chief of Police.

IX. REPORTING RESPONSE TO RESISTANCE [TBP 6.06]

- A. Officers shall document any application of force except for those arising in training, Departmental demonstrations, or off-duty recreational activities on a Response to Resistance form through the LEFTA reporting software.
- B. If Officers have employed any use of physical force (other than the routine use of handcuffs or a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or discharged any firearm, they shall first provide for appropriate medical aid for the subject [TBP 6.07] and then complete the following:
 - 1. Immediately notify the on-duty supervisor or the Chain of Command (if the on-duty supervisor is unavailable) of any response to resistance or discharge of a weapon.
 - a. The Chief of Police shall be notified on any discharge of a weapon through the Chain of Command.
 - b. The Chief of Police shall determine if an immediate investigation is required.
 - 2. Photograph the subject as soon as possible after the response to resistance to document any injury or lack of injury.
 - 3. Complete and submit a Response to Resistance form prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Response to Resistance form shall be in addition to the Officer’s incident or offense report.

X. SHOW OF FORCE

- A. When any employee is on a call for service or involved in an incident where a lethal or less lethal weapon is displayed toward any person but not used, the incident shall be documented on the Response to Resistance Show of Force form in the LEFTA software system.
 - 1. The implementation of the Show of Force form is to create documentation of instances where Officers used a weapon as a show of force versus deploying weapons as a response to resistance. If an Officer is put in a situation where deadly force is the only option, this documentation would provide the statistics showing the difference in outcomes of non-deadly force versus deadly force. The other benefit is the availability of critical information for both public transparency purposes and court defense.
 - 2. When the Show of Force form is completed, it shall be submitted through the employee’s Chain of Command in the same manner as the Response to Resistance form.

XI. DEPARTMENTAL REVIEW

A. Review

- 1. The Officer’s Chain of Command, to include the Chief of Police, shall review and digitally sign the Response to Resistance form through the LEFTA reporting software to determine: [TBP 6.03]
 - a. Whether Departmental orders were violated;
 - b. If relevant Departmental policy was clearly understandable and effective to cover the situation;
 - c. If Departmental training was adequate; and/or
 - d. If Department equipment was used and operated properly.
- 2. At least annually, the Office of the Chief of Police shall conduct an analysis of use-of-force incidents to be made available to the public and to determine if additional training, equipment, or policy modifications may be necessary [TBP 6.10]. This analysis shall be forwarded to the Chief of Police for review prior to any release.
- 3. The Department shall comply with all state mandated reporting requirements.

B. Internal Investigations

1. When a Response to Resistance investigation is assigned by the Chief of Police, the personnel assigned to the investigation shall:
 - a. determine if the Response to Resistance was within policy;
 - b. evaluate the quality of the supervision prior to, during and after the incident;
 - c. evaluate training related to drawing of the weapon, firing the weapon, and tactics; and
 - d. ensure that the criminal investigation is conducted thoroughly and objectively.
2. In addition to the internal investigation, a criminal investigation shall also be conducted of any incident involving the discharge of firearms or any other response to resistance incident where an Officer or other person is injured or killed and in any other circumstances where a violation of law is suspected.
 - a. The criminal investigation may be conducted by another Law Enforcement agency with concurrent jurisdiction, and the results may be presented to the grand jury for review.
3. The results of the investigation shall be submitted to the Tarrant County Criminal District Attorney's Office.
4. Procedures for Officer-involved shootings are covered in General Order 600.4, Officer Involved Shooting Investigations.

C. Criminal Investigations Unit

1. The Criminal Investigation Unit shall conduct an investigation independent of the internal investigation and shall adhere to the same thorough standards of procedure utilized in a major offense against a person.
2. In the event that any Response to Resistance results in the serious bodily injury or death to the actor, the criminal investigation may be conducted by another agency, at the discretion of the Chief of Police.
3. Personnel conducting the criminal investigation will coordinate with the District Attorney's Office to schedule a Grand Jury presentation, when appropriate. The Chief of Police will be kept informed as to the progress of the investigation.

D. Assignment

1. Pending administrative review, any Officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional response to resistance or by accident involving a use-of-force weapon or action or a vehicle accident, shall be removed from line-of-duty assignment and placed on paid administrative leave. This action protects both the Officer's and the community's interest until the situation is resolved. This re-assignment is not to be considered punitive in nature. [TBP 6.08]

XII. DE-ESCALATION

A. Definitions

1. Commitment Bias – A pattern of behavior in which an individual or group, rather than alter their course, persists in rationalizing decisions, actions, and investments despite being faced with increasingly negative outcomes or diminishing opportunity for successful resolution.
2. De-escalation – Behavior that is intended to deter the escalation of Commitment Bias; and actions that are intended to stabilize a situation and reduce the immediacy of a threat so that more time, options, and resources may be available to resolve the situation.
3. De-escalation Tactics – Tactics used by employees, when safe, to minimize the need to use force or take any other action that presents a risk to any person, while increasing the likelihood of gaining voluntary compliance and providing a resolution that is safe for all persons involved. De-escalation tactics include, but are not limited to:
 - a. The use of calm language;
 - b. Utilizing time and distance to mitigate the immediacy of a threat;
 - c. Recruiting adequate resources and support before making contact or taking action that can safely be delayed;
 - d. Breaking or delaying contact when circumstances do not require immediate action and a peaceful resolution would be possible under different circumstances; and
 - e. Terminating or reducing any pursuit when the risk to any person outweighs the immediate need for apprehension.

B. Application

1. The application of de-escalation tactics is not limited to encounters with individuals in a time of conflict. Instead, de-escalation tactics are to be utilized in a comprehensive manner in any situation where the subject or circumstances encountered might otherwise have the tendency to dictate the manner of an employee's response.
2. There is no duty, requirement, or expectation to utilize de-escalation tactics in any situation where other action is immediately necessary or required to ensure the safety of any person involved in an incident, to include Department employees.
3. Except as provided for in the previous paragraph, employees will utilize de-escalation tactics at the earliest possible moment and whenever possible and appropriate.
4. The availability and opportunity to utilize de-escalation tactics is to be considered from the perspective of a reasonable Officer and in consideration of the totality of the circumstances as known to the Officer at the time of the encounter. Officers should be mindful of commitment bias and be willing to change tactics if their de-escalation attempts are not productive.

C. Training

1. All Officers will receive de-escalation technique training and instruction as required by TCOLE and state statutes.