

**Burleson Police Department
Administrative Policy and Procedures**

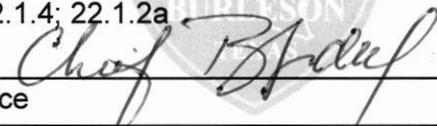
Policy Number: 04-003

Policy Title: Use of Force and Use of Less-Lethal Force

Effective Date: 09/21/2007

Revision Date: 07/07/2020

CALEA Standards Referenced: 1.2.2; 4.1.1; 4.1.2; 4.1.3; 4.1.4; 4.1.5; 4.2.1a-d; 4.2.2; 4.2.3; 4.2.4a-e; 17.5.2; 22.1.4; 22.1.2a

ISSUING AUTHORITY: 
Billy Cordell, Chief of Police

I. Policy:

The authority to bear firearms carries with it an obligation and responsibility to exercise discipline, restraint, and sound judgment in their use. Generally, when in the presence of the public, a handgun should be drawn only when the officer has sufficient cause to expect it will be used.

It is not intended that an officer take undue risk when danger threatens but they must exercise good judgment at all times and will be held strictly accountable for the unwarranted use of firearms. [1.2.2]

In no instance shall police officers of the department use force other than that which is necessary to lawfully and properly neutralize an unlawful act or that which is necessary to overcome resistance by a person being detained or taken into custody. [4.1.1]

II. Procedure:

Force options have been divided into the following types:

- A. Officer Presence refers to an officer's physical presence on the scene of an incident in which the officer clearly identifies they are a police officer and they assert their authority either by wearing a distinctive uniform or displaying a badge or identification.
- B. Verbal Commands refers to verbal communication directed toward a subject in an effort to gain control through voluntary compliance.
- C. Empty Hand Control consists of an officer's use of their hands to gain physical control of a subject. Given the significant number of techniques covered within this level of force, empty hand control has been further separated into Soft and Hard techniques.
 1. Soft techniques typically present a minimal risk for injury. Generally, these techniques are used to control passive resistance such as a subject refusing to present hands for handcuffing, sitting or lying down (dead weight), refusing to enter a transport vehicle, stiffening of legs, arms, or body and pulling away. Some examples of soft techniques are handcuffing, wristlocks, arm bars, joint controls and touch pressure points resulting in transient pain. In addition, leg restraints such as shackles and tethers, as well as the application of a spit hood and the non-forceful taking of a subject to the ground fall within soft empty hand control.
 2. Hard techniques consist of striking with hands, feet, knees and elbows and include the forceful taking of a subject to the ground. The nature of hard empty hand control techniques increase the potential risk of injury to the

subject and officer. Hard empty hand control is typically used to counter active aggression such as pushing, grabbing, pulling, punching, kicking, biting, and tripping of officers. However, it may be used to counter passive resistance when the strikes and, or “take down” are utilized in a manner consistent with officer training as viewed within the totality of the circumstances.

- D. Less lethal defensive weapons as well as documented training will be provided by the department, within means, and as necessary. All less lethal training will be conducted at least biennially with the exception of CEW, which is conducted within a calendar year. [4.1.4 / 4.3.2] Agency approved types of less lethal force include:

1. Oleoresin-Capsicum spray should be considered greater than soft empty hand control. O.C. may be used when a subject exhibits signs of physical aggression and/or physically resists lawful detention, arrest, or transport. [4.1.4] Only department issued O.C. spray is allowed. [4.3.1a/c]

NOTE: Once sprayed with O.C. aerosol and under control, subjects should, if reasonably possible, be taken into an environment of fresh air. Flushing the eyes with cool water will help wash O.C. from them. Contact lenses should also be removed as soon as possible for quicker recovery. Soap and water will remove the O.C. and reduce the burning sensation. Persistent complaints from persons who have been sprayed or any reasonable belief by an officer that an affected subject may need medical care will be acted upon immediately. [4.1.5] A Response to Resistance report will be completed if O.C. spray is deployed other than during training. [4.2.1c]

2. Conducted Electrical Weapon: (CEW)

Definition: 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. Officers certified through annual department approved training and authorized to use less-lethal force are permitted to use an approved CEW issued by the department as follows: [4.1.4 / 4.3.1c / 4.3.2]

- a. Deployment philosophy:

The decision to use the CEW is dependent on the resistive actions of the suspect. Factors such as the critical distance between the officer and the threat may justify use of the CEW. The CEW is deployed as an additional police tool and is not intended to replace firearms, OC, or defensive tactics techniques. The CEW may be used to control dangerous or violent suspects when deadly force does not appear to be justified and/or necessary, or attempts to subdue the suspect by other means have been ineffective; or there is reasonable expectation that it will be too unsafe for officers to approach within contact range of the suspect. [4.1.4]

- b. Recommended Target Areas: [4.1.4]

Officers should target the lower torso and legs or the back of a suspect. This recommendation should be viewed as best practice to mitigate risk management issues and resulting in deployment that is more effective. This maximizes safety considerations such as avoiding the non-target