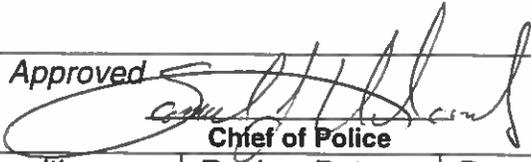


**LANCASTER POLICE DEPARTMENT  
GENERAL ORDERS MANUAL**

<i>Effective Date</i> September 16, 2015		<i>Amended Date</i> June 18, 2020		<i>Directive</i> 6.01.1	
<i>Subject</i> Use of Force					
<i>Reference</i>			<i>Approved</i>  Chief of Police		
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 6.01; 6.02; 6.03; 6.06; 6.07; 6.08; 6.09; 6.10		<i>Review Date</i>  <i>Pages</i> 15	

This Operations Directive 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 a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

**SECTION 1 PURPOSE**

The purpose of this policy is to provide officers of the department with uniform guidelines for the use of deadly and non-deadly force in response to the resistance of another person.

**SECTION 2 POLICY**

**A. VALUES**

1. It is the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer and others. When safe, officers are expected to use de-escalation techniques to reduce threats, gain the voluntary compliance of persons, and safely resolve a situation when feasible, reducing the need for force. This allows officers to secure their own safety as well as the safety of the public.
  - The Department recognizes that officers will face unique and challenging circumstances not specifically addressed in this policy. Officers are expected to apply the following principles reasonably in unanticipated situations.
  - Officers shall make every effort to preserve human life in all situations.
  - Officers shall recognize that all human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.
  - Officers shall attempt to seek peaceful resolutions and avoid the use of force unless it is not possible to do so.
  - Officers shall use de-escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the use of force, or with the lowest level of force possible.
  - Officers shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.

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- Officers shall continuously assess each situation and modify their response as the circumstances change. Officers may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the use of force.
- Officers shall use only the force that is reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
- Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the use of force by the end of their tour of duty.

As the use of force must be objective and reasonable, and only the force that a reasonably prudent officer would use under the same or similar circumstances may be used, the standard used for judging reasonableness will be this policy and the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 286 (1989). An officer's use of force will be considered from the perspective of a reasonable officer on-scene and other requirements consistent with this policy. (Officers' actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.)

Officers are prohibited from using any force as a means of punishment or in the process of an interrogation.

#### B. DUTY TO INTERVENE

1. It shall be the duty of every employee, regardless of rank, tenure or level of training, who is present at a scene where physical force is being applied, to either stop, or attempt to stop, another employee when the force being applied is inappropriate or the force is no longer required. The force will immediately be reported to a supervisor. (TPCA 2.25)

### SECTION 3 PROCEDURES

#### A. DEFINITIONS

1. **Bodily Injury:** means physical pain, illness or any impairment of physical condition.
2. **Conducted Electrical Device:** is a device that uses propelled wires or direct contact to conduct energy, to affect the sensory and motor functions of the nervous system.
3. **Deadly Force:** means 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. Texas Penal Code § 9.01(3), as amended.
4. **Deadly Weapon:** means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. Texas Penal Code §1.07(17), as amended.

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5. **De-escalation:** is the strategic slowing down of an incident in a manner that allows officers more time, distance, space and tactical flexibility during dynamic situations on the street. [DOJ]
6. **Excessive Force:** force is excessive when its application is unreasonable and unnecessary under the circumstances, resulting in *any* injury, serious bodily injury or death to an actor. The U.S. Supreme Court, in *Graham v. Connor*, 490 U.S. 386 (1989), established guidelines for determining whether force has been excessively applied, where the primary concern is the reasonableness of the application of force, as judged by the on-scene officer.
7. **Excited Delirium:** also referred to as “in custody death syndrome”, is a state of extreme mental and physiological excitement, characterized by extreme agitation, hypothermia, hostility, exceptional strength and endurance without apparent fatigue. [Morrison & Sadler, Medical Science and Law 2001; 41(1): 46]
8. **Firearm:** is any weapon from which a projectile is forcibly ejected by an explosive or burning propellant.
9. **Force:** is that amount of “active power, strength or energy” which is necessary to overcome a suspect’s physical resistance. State law provides that in making an arrest, all reasonable means are permitted to be used in effecting that arrest; however, no greater force shall be resorted to than is reasonable and necessary to secure the arrest and detention of the accused. Texas Code of Criminal Procedure, Art. 15.24, as amended.
10. **Impact Weapon:** is any object, regardless of its original manufactured purpose, which can be utilized to strike a person with sufficient force so as to cause bodily injury, serious bodily injury or death.
11. **Less Lethal Force:** is a concept of planning and force application which promotes operational objectives with less potential for causing death or serious physical injury than lethal force police tactics.
12. **Non-Deadly Force:** is any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
13. **Objectively Reasonable:** the reasonableness of an officer’s use of force is based upon the totality of the circumstances known by the officer at the moment the force is used, and the officer’s recovery time based on the suspect’s action(s). Officers will consider the severity of the crime an issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to flee. This standard is based on what a reasonable officer would do under similar circumstances.
14. **Positional asphyxia:** is an insufficient intake of oxygen as a result of body position that interferes with one’s ability to breathe (Mohr & Mohr, 2000, p. 289; National Institute of Justice Program [NIJP], 1995, p. 1).

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15. **Restraint asphyxia:** is a form of positional asphyxia that occurs during the process of subduing and restraining an individual in a manner causing ventilation compromise (Stratton, Rogers, Brickett & Gruzinski, 2001, p. 190).
16. **Reasonable Belief:** when facts or circumstances the officer knows or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
17. **Reasonable Force:** the amount of force deemed necessary by the officer to overcome resistance, effect a lawful arrest or any other lawful objective.
18. **Recovery:** is the amount of time it takes to respond to change.
19. **Serious Bodily Injury:** means 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. Texas Penal Code §1.07(46), as amended.

**B. FORCE DE-ESCALATION**

1. De-escalation tactics and techniques are those actions undertaken by members to avoid physical confrontations, unless immediately necessary to protect someone or to stop dangerous behavior, while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-Escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation.
2. It is the policy of this Department that when all of the reasonably known circumstances indicate it is safe, prudent, and feasible to do so, officers shall attempt to slow down, reduce the intensity, or stabilize the situation so that more time, options and/or resources may become available for incident resolution.
3. Officers shall use de-escalation techniques whenever possible and appropriate before resorting to force and to reduce the need for force.

**C. NON-DEADLY FORCE**

1. Officers are authorized to use necessary force when they reasonably believe that force is justified to maintain the safety and security of the suspect, the officers or the public. (TPCA 6.01)
2. Officers shall not unreasonably endanger the public or themselves when applying the guidelines set forth in this directive.
3. Use of Non-Deadly Force
  - a. Non-Deadly Force is not designed to cause death or serious bodily injury. Deadly Force would not typically be included in those situations where only a slight degree of force is necessary to handcuff a person or conduct a search. When deadly force is not authorized by this directive, officers may use only that level of force that is objectively reasonable to bring the incident under control.

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- b. Officers are authorized to use departmentally-approved, non-deadly force techniques and issued equipment to:
  - i. preserve the peace or to prevent the commission of offenses, suicide or serious bodily injury;
  - ii. to make a lawful arrest and/or search, or overcome resistance to a lawful arrest and/or search, and/or prevent an escape from custody;
  - iii. to defend the public or another officer against the unlawful violence to his/her person or property; and/or
  - iv. bring an unlawful situation safely and effectively under control

**D. DEADLY FORCE**

**1. Use of Deadly Force**

- a. Police officers are authorized to use deadly force to protect the public, other officers, and themselves in situations where the officer has an objectively reasonable belief that there exists an immediate threat of death or serious bodily injury (TPCA 6.02); or
- b. To prevent the escape of a fleeing violent felon who the officer has a reasonable belief, based upon the totality of the facts and circumstances readily apparent to him at the time the deadly force is used, will pose a significant threat of death or serious bodily injury to the officer or others, if allowed to escape. No presumption will be made that a fleeing felon poses an immediate threat in the absence of a previously demonstrated threat to or disregard for human life. This determination will be made in accordance with the standards set forth in this directive and according to the requirements of Texas Penal Code, § 9.51, as amended.
- c. The use of deadly force is not authorized to make an arrest for any misdemeanor offense or to protect property interests.

**E. DEADLY FORCE RESTRICTIONS**

- 1. Warning shots shall not be fired. (TPCA 6.09)
- 2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
- 3. Firing at or from a moving vehicle, except:
  - a. when an occupant of the vehicle is using or attempting to use deadly force on an officer or other persons; or
  - b. as a last resort to prevent death or substantial harm to the officer or other person and/or at the direction of an on-duty supervisor who has been made aware of the situation

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4. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should 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.
5. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure if the animal is seriously injured and 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.

**F. FORCE SPECTRUM**

1. The term "force spectrum" represents a system of available options and tools an officer can use given the totality of circumstances that he or she is faced with at the given moment he or she decides to use force based on the officer's ability to respond to change as dictated by the suspect. An officer's response to a suspect's or suspects' actions are not limited to those articulated in this General Order.

**G. USE OF FORCE OPTIONS**

1. Physical Presence
  - a. Physical presence is the identification of authority.
  - b. It is accomplished through the officer's appearance at a situation. This may also include the presence of a back-up unit.
2. Verbal Persuasion
  - a. Verbal persuasion is verbal commands from an officer to a person to gain voluntary compliance.
  - b. It is accomplished through the officer's dialogue (talking) with a subject, resulting in the officer controlling the subject and/or the situation.
3. Hand Control Techniques:
  - a. When objectively reasonable, officers are authorized to use Hand Control Techniques.
  - b. Hand Control Techniques include, but are not limited to joint locks; pressure points; strikes/distraction techniques, as taught in accordance with recognized methods to gain compliance and control both combative and noncompliant people.
  - c. Suspects that have been subdued by hand control techniques will be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
4. Oleoresin Capsicum ("OC") Spray

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- a. When objectively reasonable, officers are authorized to use Oleoresin Capsicum ("OC") spray issued by the department.
  - b. Only officers completing an approved OC spray training curriculum will be allowed to carry and use this less-lethal option.
  - c. OC spray may be used when force is necessary to subdue individuals who are resistive to the officer's physical presence and verbal commands.
  - d. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC spray against a suspect
  - e. OC spray may be used for crowd control and/or riot situations.
  - f. The OC spray should not be used on a properly restrained prisoner unless the prisoner is presenting an immediate danger to himself or others.
  - g. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
  - h. All departmental OC sprays will be Conducted Electrical Device (CED) compatible.
  - i. The department shall conduct OC spray / Conducted Electrical Device compatibility test as needed and at the direction of the Chief of Police.
5. Conducted Electrical Device
- a. A Conducted Electrical Device is used to electrically disrupt muscular control and allow officers to quickly subdue a resisting subject without having to resort to the use of deadly force.
  - b. When objectively reasonable, officers are authorized to use department issued and approved Conducted Electrical Devices and related equipment.
  - c. Only officers completing approved Conducted Electrical Device training will be issued and allowed to carry Conducted Electrical Device and related equipment.
  - d. Officers are responsible for ensuring their assigned Conducted Electrical Device is in working order before use.
  - e. Whenever practical and reasonable, officers should issue a verbal warning prior to using a Conducted Electrical Device spray against a suspect, warnings may be in the form of verbalization, displaying the Conducted Electrical Device, laser painting, arcing or a combination of these tactics.
  - f. Conducted Electrical Devices should not be used on a properly restrained prisoner unless the prisoner is presenting an immediate danger to himself or others.
  - g. Conducted Electrical Devices should not be used when the only available target is the person's face, head, neck, groin, or breast (female), unless the threat level justifies striking these areas.

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- h. Conducted Electrical Devices should not be used when the subject:
    - i. is known to be or is obviously a pregnant female;
    - ii. has first been sprayed with an alcohol-based OC spray;
    - iii. is saturated with or is in the presence of highly flammable or combustible materials or liquids. The device should not be fired near flammable liquids or fumes or in highly flammable environments (e.g., meth labs). The device can ignite gasoline or other flammable item, including alcohol-based OC sprays;
    - iv. will likely receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge or high elevation;
    - v. is in control of a vehicle;
    - vi. is visibly confined to a wheelchair unless it is objectively clear to prevent serious injury to himself or herself and/or if deadly force is justified;
  - i. No more than one officer should activate a Conducted Electrical Device against a person at a time.
  - j. All persons who have subjected to Conducted Electrical Device activation should be monitored regularly while in police custody even if they received medical care. Anyone showing signs of physical distress shall be transported immediately to a medical facility.
6. Expandable Baton
- a. When objectively reasonable, officers are authorized to use a department issued and/or approved expandable baton.
  - b. Only officers completing departmentally-approved expandable baton training provided by a certified Texas Commission on Law Enforcement instructor will be allowed to carry and use this physical force option.
  - c. Officers will not intentionally strike the head, neck, sternum and/or spine which could cause severe injury unless deadly force is authorized by this directive.
  - d. Officers should avoid intentionally striking areas of the body, to include the groin, kidneys, elbows, and knees, where such impact could cause serious bodily injury unless the use of force by the subject justifies striking these areas.
  - e. Situations where a subject is exhibiting passive resistance, such as a prisoner refusing to enter a vehicle, holding room, etc., is not sufficient in itself to justify the use of an expandable baton.
  - f. The expandable baton should not be used to strike handcuffed individuals or to threaten or intimidate people.

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- g. The use of a flashlight as a striking weapon is prohibited, except in those situations the officer reasonably believes its use is immediately necessary to protect the officer from injury or deadly force is authorized.
- h. Firearms will not be used as an impact weapon, unless deadly force is authorized.
- i. Use of an expandable baton or any other instrument in such a manner as would likely cause death or serious bodily injury is prohibited, except in cases where use of deadly force is authorized by this directive.

7. Firearms

- a. The policy of this department permits the drawing or displaying of firearms when:
  - i. An officer, in the exercise of sound judgment, has reason to fear for his or her own personal safety and/or the safety of others this includes, but is not limited to, the search of a building for a burglar, a robbery in progress, felony traffic stop; or
  - ii. The offender is suspected of having a deadly weapon in his possession and such suspicion is based upon facts and circumstances which would normally and reasonably lead one to suspect the offender has a deadly weapon. The intent of this provision is to permit the officers to protect themselves and others and to avoid the necessity of an officer actually having to use a firearm because the advantage rests with the officer holding his or her weapon.
- b. Whenever practical and reasonable, officers should issue a verbal warning prior to using a firearm against a subject.

8. PROHIBITION

- a. The use of any police defensive weapon not authorized in this directive is prohibited and will result in disciplinary action.
- b. Application of a chokehold or carotid-control holds are prohibited, except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized. (TCPA 6.11)
- c. Use of flashlights as a baton is prohibited. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself 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.

H. MITIGATING POSITIONAL ASPHYXIA (TCPA 6.11)

- 1. When feasible, officers should avoid the use of prone restraint techniques.

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2. Follow department guidelines and policy for situations involving physical restraint of individuals.
3. Once the suspect is handcuffed, get them off of the face-down position.
4. Inquire about the recent use of drugs or if the subject has a cardiac condition or any respiratory conditions or diseases.
5. Have someone monitor the subject.
6. Obtain medical evaluation and treatment if needed.
7. Pass on any information about drug or alcohol use and medical conditions to the personnel at the detention facility where the subject will be incarcerated.

**I. USE OF POLICE VEHICLE**

9. Officers shall not attempt to deliberately collide with, or pull in front of pursued vehicles. An exception to this provision occurs when an officer is in pursuit of a known and extremely dangerous fleeing felon(s) who, if allowed to escape, could create an immediate and substantial risk of serious bodily injury or death to any person.

**J. USE OF HANDCUFFS**

1. As a general rule, all prisoners should be handcuffed. There will of course, be exceptions to this rule (dependent children, females with small children, pregnant women, physical impairments, etc.) However, officers must keep in mind that all prisoners are potentially dangerous. The officer should first consider his/her own safety and the safety of others. The officer should also consider any unusual circumstances involved.
2. Officers are reminded that the use of handcuffs constitutes force. In all cases where handcuffs are used, the officer will double lock the handcuffs to prevent the handcuffs from tightening and causing injury to the prisoner's wrists. Officers will not handcuff prisoners to fixed object except for the safety of the officers or for the safety of the public.

**K. MEDICAL AID (TPCA 6 07)**

1. Officers shall summon the Lancaster Fire Department anytime the officer uses a less-than-lethal weapon (OC spray, Conducted Electrical Device, expandable baton, impact weapon) on a person, the officer uses any type of physical force on a person and there are visible injuries or a complaint of injuries or a person is struck with a lethal round, regardless of the apparent extent of injury.
2. Officers who use a Conducted Electrical Device where the probes are imbedded in a subject's skin shall have the Lancaster Fire Department or other medical personnel remove the probes. Conducted Electrical Device probes that have penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.

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3. Officers who have had to subdue a subject after a struggle shall closely monitor the subject for signs of Excited Delirium, such as elevated body temperature, elevated heart rates, profuse sweating and breathing difficulties. Officers shall summon the Lancaster Fire Department to have the subject medically cleared if symptoms are present.

**L. SURRENDER OF WEAPON**

1. Officers are not to surrender their weapon to anyone who may be holding someone as a hostage or is a suspect in criminal activity. When requested by a supervising officer, officers will surrender their weapon for the purposes of inspection or as part of an administrative review of a Use of Force incident.

**M. NOTIFICATION OF SUPERVISOR REQUIRED AFTER FORCE OR INJURY**

1. The on-duty supervisor shall be notified without unnecessary delay when an injury or force that is required to be reported under this directive is used.
2. The on-duty supervisor if possible should respond to the scene when an injury or force that is required to be reported under this directive is used.
3. The on-duty supervisor shall be notified without unnecessary delay on any firearms discharge (other than training or recreational use.)
4. The on-duty supervisor shall notify the Division Commander and/or Assistant Chief of Police either in person or by telephone as soon as possible.
5. The Division Commander and/or Assistant Chief of Police will verbally notify the Chief of Police as soon as possible.

**N. REPORTING USE OF FORCE**

1. When Report is Required (TPCA 6.03)
  - a. When using any degree of force or physical restraint which, by the nature of its use, causes or has the likelihood to cause bodily injury, serious bodily injury, or death;
  - b. The officer purposely strikes with either a personal weapon or an impact weapon, uses OC spray, or Conducted Electrical Weapon during the performance of the officer's duties, regardless of whether on or off duty;
  - c. When an officer causes bodily injury or a complaint of bodily injury resulting from any type of police action involving a physical confrontation;
  - d. When an employee discharges a firearm for other than training or recreational purposes; (TPCA 6.06)
  - e. When the only force used was the threat of using deadly force (pointing a firearm at a person.)

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2. Report not Required
  - a. When no force is employed;
  - b. When no greater force other than mere guiding, holding or handcuffing is employed and the subject is not injured;
  - c. When the subject was injured prior to the arrest and/or confrontation and complains of an aggravation of a pre-existing injury resulting from the mere guiding, holding or handcuffing. These circumstances shall be fully explained in the arrest and incident reports;
  - d. When the subject is accidentally injured after the arrest or confrontation, i.e., trips, falls, etc. These circumstances shall be fully explained in the arrest and incident reports;
  - e. When the subject intentionally injures himself. The circumstances shall be fully explained in detail in the arrest and incident reports;
  - f. When a weapon is discharged to eliminate an animal. The circumstances shall be fully explained in the incident report;
  - g. When an employee discharges a firearm for training or recreational purposes.
3. If a question arises as to whether a Use-of-Force report should be completed, the final decision shall be made by the supervisor on duty.

**O. REVIEW OF USE OF FORCE (TPCA 6.03, 6.06)**

1. When a Use-of-Force report is required by this directive, the officer will complete the Use-of-Force Form and an incident report before the end of the shift, or at the discretion of the Chief of Police.
2. The officer will forward the Use-of-Force report and incident report to the on-duty supervisor for review.
3. The on-duty supervisor shall obtain a copy of the in-dash and body worn camera video from the officer(s) involved in the incident, if available.
4. The supervisor will review the incident, the review will be conducted to determine:
  - a. if the officer's response complied with Texas law and this directive;
  - b. if the officer's actions were reasonable and prudent given the totality of the circumstances;
  - c. if the officer's use of force indicates a need for special counseling and/or training; and
  - d. whether the situation requires further action

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5. The supervisor shall complete a memorandum to the assigned Assistant Chief of Police. The memorandum should document the supervisor's opinion about the incident and make recommendations if either the force was not justified and/or a procedure or policy was not followed.
6. After review by the supervisor, the supervisor will forward the memorandum, the Use-of-Force report, incident report and all videos obtained to their assigned Assistant Chief of Police for review.
7. The Assistant Chief of Police will review the incident as soon as practical after the incident. The review will be conducted to determine the same items as the supervisor.
8. The Assistant Chief of Police will then complete a memorandum to the Chief of Police documenting his or her opinion about the incident and make recommendations if either the force was not justified and/or procedure or policy was not followed. The memorandum will also recommend if he or she believes any type of additional investigation should be conducted.
9. The Assistant Chief of Police will forward all documents and videos to the Chief of Police as soon as possible.
10. All use of force incidents will be investigated (formally or informally) as required by the Lancaster Police Department General Orders Manual, Directive 2.04.1 "Internal Affairs."
11. All incidents where deadly force was utilized will be formally investigated, regardless if a death occurred.

**P. DEADLY FORCE REVIEW BOARD**

1. When the investigation reveals that deadly force was utilized, regardless if a death occurred, the Chief of Police shall empanel a Deadly Force Review Board to review the incident and make recommendations as to justification, policy review, disciplinary action or investigations. The committee shall consist of:
  - a. Assistant Chief of Police;
  - b. Two (2) Division Commanders;
  - c. Two (2) other persons assigned at the discretion of the Chief of Police.
2. Upon completion of the formal investigation, the investigator will prepare duplicate investigative files for all members of the board. The file shall contain all evidence related to the shooting or deadly force incident including employee statements, witness statements, Use of Force report, photographs, other supporting documents, and the investigators final report and findings.
3. The Deadly Force Review Board will convene and review the entire investigation. The board must consider the reasonableness of the response to resistance or aggression, related case precedents, all related statues, and all related department directives, policies and procedures.
4. The Deadly Force Review Board shall present their findings in writing to the Chief of Police indicating that the response to resistance or aggression was either justified or not justified and

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make recommendations regarding any disciplinary action or corrective action the board deems necessary.

5. The Deadly Force Review Board may also address problems or deficiencies that came to light during the investigation such as questionable tactics, training needs, ill-advised practices, or other issues of concern which may be unrelated to the lawfulness or reasonableness of the employee's response to resistance or aggression. These observations shall be communicated in a separate memorandum to the Chief of Police.
6. The Chief of Police will review the facts of the incident, the findings, and the recommendations of the Deadly Force Review Board.
7. If it is determined, by the Chief of Police, that a deadly force incident is not within policy, and disciplinary action is warranted, the Chief of Police may consider any disciplinary action recommended by the Deadly Force Review Board in determining a course of disciplinary action to be taken.

**Q. REMOVAL FROM LINE DUTY AFTER DEADLY FORCE (TPCA 6.08)**

1. Any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force, by accident involving a use-of-force weapon or action or a vehicle accident will be relieved from field duty, with pay, pending a full investigation into the incident by the department and/or District Attorney's Office.
2. Relief from duty can also occur after an officer has been involved in a critical incident. A critical incident is defined as an occurrence that brings an overwhelming emotional response from the officer(s) witnessing it, and whose emotional effect goes beyond the officer's normal coping abilities.
3. Examples of critical incidents include, but are not limited to:
  - a. large scale disasters with multiple deaths;
  - b. motor vehicle crashes in which the victim(s) are mutilated;
  - c. incidents involving the death of children
4. The City of Lancaster provides counseling services for employees and their immediate family through the Employee Assistance Program. This confidential service is free of charge to the member. Use of this counseling service may be required by the Chief of Police.

**R. ANNUAL USE OF FORCE REPORT (TPCA 6.10)**

1. At the end of the calendar year, the Chief of Police will prepare a report summarizing the use of force incidents for the year.
2. The report is an analysis and not merely a statistical count of the events. The report leads to conclusions about the agency's use of force and whether any:

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- a. policies need to be revised;
  - b. additional training is needed;
  - c. changes are needed in equipment, methods of operation, or response
3. The police chief determines what information is reported, but the report minimally includes:
- a. incident types;
  - b. type of force initially used and whether it was effective;
  - c. if the initial force was not effective, what other level(s) of force were used and at which level was the force effective;
  - d. the number of officers involved in applying force for each incident;
  - e. the numbers and types of injuries inflicted to actors, officers, and others
4. Prior to the report being published, the department's use-of-force-related instructor(s) review the draft report to:
- a. determine training needs;
  - b. identify the need for policy and/or practice revisions;
  - c. analyze the need for alternative or additional tactics and/or weapons;
  - d. identify abuses or patterns of abuse

**S. SCOPE OF RESPONSIBILITY**

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.