

TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Use of Force		
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1102.03.01 Purpose and Statement of Philosophy

- A. **Purpose.** The purpose of this directive is to provide guidelines on the use of non-deadly and deadly force and procedures for reporting and investigating such uses.
- B. **Policy Statement.** Although use of force is permitted by law under specified circumstances and a police officer is required to exercise force under certain circumstances, the unnecessary use of force is contrary to law. It places the representative government agency in a position of civil liability and the officer in jeopardy of civil and criminal liability. Under no circumstances will the force used (in any situation and specifically including against any individuals engaged in nonviolent civil rights demonstrations) be greater than necessary to achieve lawful objectives. Deadly force will not be used unless an officer reasonably believes it is necessary to protect the officer or another person from immediate danger of death or serious bodily injury.

The guidelines set forth in this policy are recognized by the International Association of Chiefs of Police (IACP) and are approved by Arkansas Law Enforcement Accreditation Program (ALEAP).

C. Definitions

Deadly force: force that is intended to cause death or serious bodily injury or that a reasonable and prudent person would consider likely to cause death or serious bodily injury.

Immediate: instantaneous; not deferred by any interval of time.

Immediately necessary: that which is required at the point in time of the use of force.

Reasonable belief: facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent police officer to act or think in a similar way under similar

Page 1 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

circumstances. "Reasonableness" is subject to review and determination by the chain of command.

Reckless: with respect to circumstances surrounding the officer's conduct or the result of the officer's conduct, when the officer is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist, or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary and prudent police officer would exercise under all the circumstances as viewed from the officer's standpoint.

Physical passive resistive actions: Physical actions of the subject that do not prevent the officer's attempt of control.

Defensive resistive actions: Physical actions which attempt to prevent the officer's control, but never attempt to harm the officer.

Aggressive resistive actions: Actions indicating to cause harm, physical assault or the use of deadly force on an officer.

- D. **Deadly Force Philosophy Statement.** The use of deadly force is probably the most serious act a police employee will ever perform. Use of deadly force is contrary to the reverence for human life exhibited by police officers who often risk their lives to save others. The consequences of the use of deadly force are the most far reaching for all parties involved, even when death does not result. The physical and mental well-being of police officers requires that they have a firm understanding of those circumstances in which they are authorized to use deadly force.
- E. **Duty to Intervene.** Officers have a duty to intervene to prevent the use of excessive force. Any officer, regardless of rank, present and observing another officer using force that is clearly unreasonable under the circumstances shall, when in a position to do so safely, intervene to prevent the use of excessive force. Officers shall promptly report any excessive or unreasonable force to a supervisor. Supervisors shall respond and document the incident accordingly.
- F. **Administrative Sanctions Only.** This directive is for department use only and does not apply in any external criminal or civil proceeding. The department policy should not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to claims. Violations of this directive will only form the basis for department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

1102.03.02 Limitations and Qualifications

A. **Circumstances to be Considered.** The amount and degree of force that may be used 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 against whom force is to be used, i.e., verbal dialogue, physical resistive actions, aggressive acts.
3. physical condition; and
4. the feasibility or availability of alternative actions.

Page 2 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

B. **Escalation.** Where the circumstances permit, it is an officer's responsibility to first exhaust every reasonable means of employing the minimum amount of force, including the police officer's physical presence and verbal skills, before escalating to a more severe application of force. Under normal circumstances, only the methods or instrumentalities listed below may be used to apply force. These methods are listed in ascending order from the least severe to the most extreme:

- Officer **presence**: uniform, badge, patrol car, physical bearing;
- Verbal **direction**: verbal communication, voice commands, negotiation skills;
- Passive **guidance/control**: hands-on escorting, picking up body weight, pushing pulling gently;
- **Oleoresin-Capsicum** spray, including the JPX-450;
- **Empty hand control / Soft Hands Techniques**: soft (fingertip pressure applied to pressure points) or hard (striking non-lethal areas with hands/feet);
- **Intermediate weapons**: soft (wrist locks using impact weapon) or hard (striking non-lethal areas with impact weapon), expandable ASP Baton, Riot Baton, 12 gauge and 37mm and hand deployed specialty impact munitions;
- Approved **Firearms** and ammunition

C. **Defensive Tactics Annual Qualification.** Each commissioned officer must qualify annually in the department-approved defensive tactics program. Failure to demonstrate qualification standards in practical examinations will result in scheduling of remedial training with a defensive tactics instructor, after which a retest will be given. Failure to respond to remedial training may result in disciplinary action.

D. **Patrol Rifles (M-4 Carbines).** The Texarkana Police Department authorizes the field deployment of patrol rifles. Patrol rifles must be zeroed to an individual, officers may only carry the weapon with which they have qualified, and the weapon may not be deployed by another unless exigent circumstances exist.

1. When not being carried on duty, department-issued patrol rifles will be secured and stored in the following manner; Patrol rifles will be stored with the (1) selector set to safe (2) bolt forward on an empty chamber (3) magazine removed (4) dust cover closed.
2. Officers transporting authorized patrol rifles to and from work will store the weapon in a protective case in the trunk or the most secure area on their vehicle, otherwise patrol rifles should be stored in the assigned officer's residence while not on duty.

E. **Training. (ALEAP 3.01, 3.02, 3.04, 3.06)** It is imperative that a police officer act within the boundaries of law, professional ethics, good judgment, and accepted practices. An officer must be prepared by training, leadership, and direction to act wisely when using a firearm in the course of official activity. For these reasons, each commissioned officer must be given a copy of this directive and trained in the department's policy on use of force before being authorized to carry a firearm.

All officers shall receive training in the use of all department issued firearms and all non-lethal weapons authorized by the department, hands-on arrest and defensive tactics as well as training on the comprehensive "Use of Force" policy prior to performing any law enforcement duties.

All officers shall be trained and qualified with their firearms at least annually.

Page 3 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

1. All officers shall receive training in the department's "Use of Force" policy at least annually.
2. All officers shall receive hands-on arrest and defensive tactics training at least annually.
3. All officers shall receive a minimum of two (2) firearms training sessions per year, one of which must be an approved CLEST qualification course led by a CLEST certified instructor for all departmentally authorized firearms utilized by the officer.
4. Officers shall receive training in all less-lethal weapons issued or used by the department and demonstrate proficiency with those weapons annually.

1102.03.03 Non-Deadly Use of Force

A. Authorization. (ALEAP 6.01) Non-deadly force may be used:

1. when a police officer reasonably believes it is immediately necessary to take physical action to:
 - a. preserve the peace, prevent commission of offenses, or prevent suicide or serious bodily injury;
 - b. make lawful arrests and/or search, overcome resistance to same, and/or prevent escape from custody;
 - c. defend the officer or another person against unlawful violence to a person or property; or
 - d. Police Officers are authorized to utilize only the level and degree of physical force that is reasonable to achieve the desired legal objective.

B. Instruments

1. **Oleoresin-Capsicum (OC) Device.** Personnel certified through annual in-service department approved training and authorized to use non-deadly force in A. above are permitted to use oleoresin-capsicum (OC) spray issued to them by the department:

2. In addition, the Department has also issued a **JPX-450 O.C. Delivery Device** to officers who have successfully completed the required training. The deployment of an O.C. based weapon is not a replacement or substitute for otherwise less-lethal devices or tactics and therefore should only be used when it is determined to be the best available enforcement tool or tactic under the given circumstances. Similarly, the deployment of an O.C. based weapon is not an alternative to the use of deadly force when such force is clearly authorized and necessary as described in this policy.

- a. Uniformed officers shall carry Department issued O.C. while on duty. Canisters shall be inspected periodically during roll call inspections.
- b. O.C. spray-based weapons may be used during instances in which the use of force becomes necessary and verbal direction is ineffective or inappropriate or whenever the officer reasonably believes he/she will become engaged in a fight with a suspect. The effects of O.C. spray vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed.

Page 4 of 13		Effective Date: February 15, 2008
Subject: Use of Force	Number: 1102.03	Revision Date: June 16, 2020

c. O.C. spray may also be used to affect the removal of a person from an automobile or from an enclosed area when it becomes apparent that physical force will be necessary to otherwise accomplish the person's removal.

1. Unless exigent circumstances develop, deploying the JPX 450 device for the removal of a person from an automobile is not authorized under this policy, as the minimum distance for the safe and effective deployment of this unit is seven (7) feet.

d. O.C. based weapons will only be used as a control and compliance measure against individuals and shall never be used for retaliation or for any illicit or unlawful purposes.

e. Officers will use only the amount of O.C. spray reasonably necessary to achieve the desired enforcement results. Officers will discontinue the use of O.C. spray when it becomes apparent that a suspect may otherwise be taken into custody or whenever the O.C. spray appears to disable the suspect.

f. After control has been established and/or resistance has ceased, officers will make reasonable efforts to provide the person affected by the O.C., relief from the discomfort associated with the application of the O.C. Water and sufficient ventilation will reduce the effects of the O.C. The arresting officer shall note on the affected persons book in report the need for **decontamination** and shall verbally instruct the jail staff of the same.

g. Only officers who have completed the prescribed course of instruction on the use of O.C. aerosol spray are authorized to carry these canisters, and all officers will at all times conform to training provided by the Department in the use of O.C. aerosol spray. Officers will only carry and deploy the authorized O.C. aerosol spray which has been issued by the Department.

1. Currently, the Department only authorizes an O.C. aerosol spray manufactured by ALS Technologies, TOPCOP. All employees shall attend annual in-service training in the use of O.C. aerosol spray.

2. **Impact Weapon.** An officer may use the impact weapon the officer has been qualified to use to subdue a violently resisting subject or in self-defense or defense of a third party only if lesser methods have failed or if circumstances warrant the immediate use of the weapon. **Impact weapon strikes to the head, neck, throat, and clavicle will not be used unless Deadly Force is justified.**

3. **Police Canines.** The use of police canines to search for or apprehend a suspect is considered use of force under the General Order Manual if the patrol canine inflicts an injury to any person. Please refer to Texarkana Police [General Order 1108.01-Use of Police Canines](#) for additional information related to this force option.

C. **Medical Aid. (ALEAP 6.07)** After any use of non-deadly force, the person using the force shall summon emergency medical aid for transport to a local hospital, if necessary. Officers should be aware that the use of intermediate and less-lethal specialty impact weapons have in rare occasions caused death or serious bodily injury when used improperly. Physical bodily injury may not be readily apparent and that inquiry into the person's physical status and observation are advisable. Any officer who has used non-deadly physical force in the process of arrest shall notify a supervisor who will

Page 5 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

evaluate the circumstances and the need for a professional medical evaluation before the person arrested is transported to jail. [ALEAP 6.07](#)

1102.03.04 Deadly Force

- A. **Authorization. (ALEAP 6.01, 6.02)** Police officers may only use deadly force when they reasonably believe it is necessary to protect themselves or another person from immediate danger of death or serious bodily injury. Deadly force is authorized to effect an arrest or to prevent the escape from custody of an arrested person whom the officer reasonably believes has committed or attempted to commit a felony and is presently armed and dangerous.

- B. When during the course of a lawful felony arrest or protection of a third party against the use of deadly force, and the officers use of deadly force is necessary and justifiable, there are no limitations to the degree of force which may be used or the method in which the force is applied.
 - 1. Justification for use of deadly force is limited to the facts reasonably apparent to the officer at the time the officer decides to use the force.
 - 2. Police personnel will not place themselves in a position of exposure to immediate threat of death or serious bodily injury when there are reasonable alternative actions. These include:
 - a. available back-up officers subject to and consistent with the threat;
 - b. suitable cover;
 - c. securing the status quo pending additional resources and/or information; and
 - d. pre-planning response activity.
 - 3. When police personnel should reasonably perceive that the potential exists that deadly force may be an outcome of any situation, the employee must plan ahead and use reasonable alternatives if time and opportunities permit. "Reasonable alternatives" is defined as an action that may be taken by police personnel that may allow the officer to avoid the use of deadly force. The reasonableness of the action is based on the time available, the opportunity of performing the action, and the facts apparent to the officer before and during the incident. This includes the presence of innocent third persons. Planned and supervised hazardous entry situations are recognized as meeting the requirement of reasonable alternatives.
 - 4. Police Officers are authorized to utilize only the level of physical force that is reasonable to achieve the desired legal objective.

- B. **Limitations.** The authority to use deadly force is limited as follows:
 - 1. Deadly force will not be used against animals unless necessary for immediate self-defense or to prevent immediate substantial harm to the officer or another.
 - 2. An officer will not fire warning shots. [\(ALEAP 6.09\)](#)
 - 3. Officers will not discharge a firearm at or from a moving vehicle except when the suspect is using deadly force against the officer or others by means other than the vehicle or when all other reasonable means of defense have failed. Officers will not place themselves in a position in front of an oncoming vehicle where deadly force is a likely outcome.
 - 4. Officers will not discharge a firearm recklessly.

Page 6 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

5. Federal Executive Order prohibits the use of a Vascular Neck Restraints except when law enforcement officers are in life or death situations. Therefore, the use of a vascular neck restraint may only be used when deadly force would be authorized.

C. **Drawing Firearms.** Except for general maintenance, storage, or authorized training, officers will not draw or exhibit a firearm unless circumstances create reasonable cause to believe its use would be permitted under law and department regulations.

D. **Dangerous and Aggressive Animals**

1. In circumstances where officers encounter any animal which reasonably appears, under the circumstances, to pose an imminent threat of bodily injury to officers or others, officers are authorized to use reasonable force to stop the threat. This includes up to and including deadly force. Deadly force is authorized when it complies with G.O. 1102.03 A., Authorization of Deadly Force.

2. In circumstances in which officers have sufficient advanced notice that a potentially aggressive animal may be encountered, (e.g., serving of a search warrant; or when included in the call text while enroute to a call for service) officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, oleoresin capsicum (OC) spray, assistance of animal control). Nothing in this policy shall prohibit any officer from using deadly force to stop an aggressive animal if the contingency plan has failed and deadly force is authorized as prescribed in training and described in G.O. 1102.03 A., Authorization of Deadly Force.

3. In the event force is used against an animal by an officer and the animal is injured or there is a reasonable belief the animal is injured, regardless of whether visible injury exists, officers shall make a reasonable attempt to ensure the animal receives care for its injuries. This may include but is not limited to:

- contacting the owner to arrange private treatment in an appropriate time frame;
- contacting Animal Services for collection and treatment;

4. Whenever an officer involved shooting takes place, a crime scene shall be established to manage the collection of the evidence. Generally, the preservation of an animal shooting crime scene shall not supersede the welfare of an injured animal. When reasonable under the totality of the circumstances, the owner or caretaker of the animal or Animal Services should have sufficient access to the crime scene to either treat or transport the animal.

E. **Medical Aid. (ALEAP 6.07)** After any use of deadly force, the person using the force shall summon emergency medical aid for transport to a local hospital, if necessary. Employees should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation are advisable. [ALEAP 6.07](#)

F. **Immediate Report to Supervisor.** An officer will immediately report the use of deadly force to a supervisor.

Page 7 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

1102.03.05 REPORTING AND REVIEWING USES OF FORCE (ALEAP 6.03)

A. **When Written Report Required.** Unless injury prevents it, before the end of the employee's shift, a Use of Force report will be submitted when an officer:

1. takes an action that results in or is alleged to have resulted in injury or death of another person;
2. applies force through the use of:
 - empty hand control;
 - drawing a firearm in response to the presence of any subject unless the officer is acting in accordance with general maintenance, storage, or authorized training;
 - pointing a firearm at any subject;
 - chemical irritant (oleoresin-capsicum spray, JPX-450, CS or CN gas);
 - impact weapon;
 - discharge of firearm on or off-duty (training and recreation are exempted); (**ALEAP 6.06**)
 - diversionary device;
 - apprehension by police canine.

B. **Calls Involving More than One Officer.** A Use of Force Report form can document uses of force by up to four (4) officers. Involvement of more officers or subjects requires additional forms. Completion of the form on any dispatched call is the responsibility of the primary dispatched officer. In any other event, the first officer who uses force is responsible for completing the form. Each employee is responsible for assuring that their use of force has been correctly documented on a form. Each should complete their own narrative supplement to any arrest or offense report or an incident report to describe their actions.

C. **Routing and Review.** The Use of Force Report and any related reports will be routed through the chain of command to the Division Commander. If it is determined during the chain of command review that improper procedure or error occurred, appropriate action will be initiated. After the review, the Patrol Division Commander will document the use of force and will conduct an annual analysis of Use of Force Reports and provide an annual report to the Chief of Police. The Training Section will review the reports at the end of each year. This review will look at patterns or trends that may indicate training needs and /or policy modification. (**ALEAP 6.10**)

D. **Reporting.** Reports regarding the use of force, including resisting arrest, battery on employees and canine bites will be prepared as follows:

1. The initial supervisor evaluating the incident is responsible for ensuring that all the necessary documents are obtained, and properly placed in the file before routing it through the Chain of Command.
2. The file will be completed as follows:
 - a. Lieutenant's Evaluation report or recommendations;
 - b. Sergeant's Evaluation report or recommendations;
 - c. A completed Use of Force Report;

Page 8 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

- d. A copy of the Offense Report (if any);
- e. A copy of the Arrest Report;
- f. Property Record (if any);
- g. Medical treatment information and copies of medical forms authorizing treatment;
- h. Computer printout of the suspect's prior criminal history (if any); and
- i. Copies of workers compensation forms if an injury has occurred to an employee. **(ALEAP 6.03)**

E. **Reporting Exception.** Personnel assigned to a tactical operation who participated in both a pre-operation briefing and a post-operation debriefing or evaluation and whose actions were reviewed according to the procedures of the detailed operations plan are exempt from completing the Use of Force Report form.

1102.03.06 INVESTIGATING USES OF FORCE

A. **No Firearms and No Serious Injury.** If firearms were not involved and injuries sustained were not serious, the use of force will be reported and reviewed through the chain of command as specified in 1102.03.05 C. above.

B. **Firearms or Serious Bodily Injury or Death. (ALEAP 6.08)** The following procedures will be followed after every incident of firearms discharge (other than training or recreation) by an officer and after every use of force that results or is likely to result in serious bodily injury or death.

1. Involved Officer Immediate activities. The involved officer will:

- a. determine the physical condition of any injured person, render first aid when appropriate, notify Dispatch Services of the incident and location and request necessary emergency medical aid;
- b. unless removed from the scene for medical treatment, remain at the scene until the on-duty shift supervisor arrives.
- c. if applicable, protect any weapon used for examination.
- d. If the officer involved is not injured, the first supervisor on-scene should consider relocating the officer(s) involved some distance away to await the arrival of investigators from the Criminal Investigation Division, particularly if doing so might prevent a more hazardous situation from developing (violent crowd, for example). Another officer or supervisor of the same rank, who was not involved in the incident, should accompany the affected Officer(s). The companion's purpose is to serve in a supportive role, and because of this, the affected officer(s) should be afforded the opportunity to choose his/her companion. Once separated from the scene, both officers should be instructed not to discuss details of the incident.
- e. It is very important for officers involved in this type of incident to be afforded the opportunity to communicate with family members. The officer designated as a companion may assist the officer in making these notifications or telephone calls. The Criminal Investigation Division supervisor will make sure this is accomplished during the early stages of the investigation.

Page 9 of 13		Effective Date: February 15, 2008
Subject: Use of Force	Number: 1102.03	Revision Date: June 16, 2020

2. **Dispatch Services will** send requested medical aid and notify the shift supervisor.

3. **Preliminary Field Investigation**

- a. The supervisor will secure the scene and conduct a preliminary field investigation.
- b. The supervisor will relay the officer's request for a private attorney, clergy, and/or psychological counsel, but the officer must relate sufficient details of the incident, as the officer believes them to be, to allow the preliminary investigation to be conducted and a determination made of whether or not Internal Affairs, criminal investigations, or others are to be called to the scene without waiting for arrival of an attorney or other spiritual or psychological counsel.
- c. Dispatch Services or the on-scene supervisor will notify investigative and administrative personnel and, if applicable, other counsel as necessary.

4. **Involved employees will** prepare written and/or oral reports of the incident in a timely manner as directed by supervisors.

5. **Administrative and Criminal Investigations in Cases of Serious Bodily Injury or Death.** In cases of serious bodily injury or death or the likelihood of same, administrative and criminal investigations will be conducted, as follows:

- a. Investigative personnel will be called to the scene.
 - 1. **Administrative Investigation.** Internal investigators will be shown the scene and advised of the results of the preliminary investigation.
 - 2. **Criminal Investigation.** Traffic Section (in the case of a motor Vehicle Crash or pursuit involving a police officer acting in the scope of employment) or Crimes Against Persons investigators (in the case of a shooting or other exercise of official authority by a police officer) will conduct a thorough field investigation, collecting all evidence and interviewing all witnesses as would be done in any case that did not involve a police officer. In the case of a shooting, this shall include examining the weapon(s) (including secondary weapons and any weapons in police vehicles) of all officer's present at the time any shots were fired, seizing weapon(s) that may have been fired; and seizing samples of spent ammunition. In addition, investigators shall secure tapes of all police radio traffic and printouts of all MDC/MDT transactions relating to the incident.
- b. Before interviewing or obtaining written statements of the involved officer(s), the internal affairs investigator will advise officers of their rights in an internal investigation.
- c. A criminal investigation takes priority over an administrative investigation.
- d. Although an internal affairs investigation may be conducted concurrently with a criminal investigation, at no time shall information gathered by the internal affairs investigator be disseminated, published or forwarded to those personnel conducting the criminal investigation.
- e. The investigation's case file will be initiated and maintained in a manner consistent with all other criminal investigation and crime scene investigation files. The Criminal Investigations Division Commander will make sure all of the facts, circumstances and items

Page 10 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

of evidentiary value to the case are documented, maintained and incorporated into the case file. Upon completion of the investigation, the case file will be forwarded to the Prosecuting Attorney's Office for review.

6. Accidental Firearms Discharge. (ALEAP 6.06)

A. Accidental Discharge of Firearms by an officer involving no injuries or death

1. The following procedures shall be followed in response to all incidents involving an officer, whether on-duty or off-duty, who accidentally discharges a firearm which results in no injuries or death:

- a. Any officer who accidentally discharges a departmentally approved firearm for other than training or recreational purposes, will contact an on-duty police supervisor as soon as possible. The supervisor will initiate an investigation.
- b. The employee involved will complete a detailed memorandum documenting the incident. The supervisor will complete a report and submit it through his/her chain-of-command to his/her Division Commander.
- c. The Services Division Commander will review and maintain the files on all accidental weapons discharges. They will be assigned an internal affairs tracking case number.

B. Accidental Discharge of Firearms involving injury

1. The following procedures shall be followed in response to all incidents involving an officer, whether on-duty or off-duty, who accidentally discharges a firearm which results in injury or death:

- a. Any accidental discharge of a firearm by an officer resulting in death or physical injury will be fully investigated by the Criminal Investigation Division and Internal Affairs.
 - 1. The Internal Affairs Investigation shall at all times be considered by the Texarkana Police Department as an internal, administrative function that seeks to reconcile the merits of the incident with the General Orders Manual.
 - 2. Although the Internal Affairs Investigation may be conducted concurrently with a criminal investigation, at no time shall information gathered by the Internal Affairs Investigator be disseminated, published or forwarded to those personnel conducting the criminal investigation.
- b. Any officer that accidentally discharges a firearm resulting in injury or death will immediately contact an on-duty police supervisor who will respond to the scene and initiate an investigation.
- c. The supervisor will complete an internal report and make sure the involved officer(s) submits a detailed written report as soon as practical after the incident. The supervisor in charge should request an investigation by the Criminal Investigation Division.

Page 11 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020

- d. A crime scene investigator will be called to the scene to photograph and process the scene according to established protocol.
- e. The supervisor will notify the Division Commander, Internal Affairs Investigator and Chief of Police and brief them on the specific circumstances of the incident.

7. **Deadly Force Review Board. (ALEAP 6.06)** Completed administrative and criminal investigations in cases of serious bodily injury or death of a person by uses of force other than a vehicle will be reviewed by a Deadly Force Review Board (DFRB) appointed by the Police Chief following the event in question. The Police Chief may but is not required to appoint a DFRB in cases involving motor vehicle operation by an officer.

- a. Each Board will have two Lieutenants, a Sergeant, and two patrol-grade officers. Police personnel in the chain of command of the involved officer(s), those involved in the incident or the investigation, and those who were at the scene of the incident for any reason are ineligible to serve on the DFRB. The City Attorney and a supervisor from the Services Division will be ex officio members of the Board. The officer involved may select one member of the Board subject to the membership criteria stated in this provision (excluding any member of the officer’s family).
- b. The Board will elect a presiding officer from among their members. The Chairperson presides at all meetings of the Board and votes only in case of a tie.
- c. The Board will review reports and facts submitted by Internal Affairs and, if applicable, the appropriate other investigative section. The Board will not hear any direct testimony from involved personnel or witnesses. If additional information on the facts of the incident is needed, the Board will ask the investigative segment to conduct supplemental interviews. The Board will submit a written report indicating its concurrence or non-concurrence with the investigative segments report(s). The report will state specifically the reasons for the Board’s conclusions. The DFRB report on an Internal Affairs investigation will be sent to the commander of the employee’s Division. The DFRB report on a criminal or traffic investigation will be sent to the Police Chief.
- d. The Board will make a report to the Police Chief, evaluating the quality of supervision prior to, during, and after the incident and the quality of the post-use of deadly force investigative process(es), and recommend establishment or revision of any training, policy, or procedure determined during its review to be necessary.

Page 12 of 13		Effective Date: February 15, 2008
Subject: Use of Force	Number: 1102.03	Revision Date: June 16, 2020

1002.03.07 DEALING WITH THE AFTER EFFECTS OF USES OF FORCE

A. **Mandatory Administrative Leave.** When an officer's exercise of police authority results or is likely to result in serious bodily injury or death, the officer will be placed on administrative leave with pay for the rest of that tour of duty and the next regularly scheduled tour of duty.

1. As quickly as possible and no later than five days after the incident, the officer will be sent to a department-furnished psychologist. The purpose of the consultation is to allow the officer to express feelings and to deal with the moral, ethical, and/or psychological aftereffects of the incident. It also allows the psychologist to have input into the assessment of the officer's fitness to return to duty.
2. The consultation with the psychologist will not be related to any department investigation of the incident. Nothing discussed in the consultation, except as it relates to the officer's fitness for duty, will be reported to the department. The consultation session will remain protected by the privileged Professional Psychologist Code of Ethics.
3. The mandatory administrative leave may be extended for a period of time deemed appropriate by the Police Chief, with the input of the officer and psychologist.
4. When use of force has resulted in death, no officer will be returned to regular duty until an administrative review by the Division Commander of the officer's Division or by the Police Chief, has been completed and forwarded for inclusion in the Internal Affairs file.

- a. The purpose of this review is to determine if it would be in the best interest of the department to return the officer to regular duty or to reassign the officer to other duties pending completion of the full investigation into the incident.
- b. The review must be in writing and indicate the specific findings and reasons for returning the officer to regular duty or reassigning the officer.
- c. In the case of reassignment, the written report will include either a proposed date of return or a specific date by which the incident will again be reviewed for return to duty determination.

B. **Discretionary Administrative Leave.** An immediate supervisor has discretion to place an officer on administrative leave with pay for the remainder of the officer's shift for exercise of use of force that results in less than serious bodily injury.

C. **Counseling.** In addition to psychological consultation, the officer and members of the officer's immediate family may obtain assistance of the department chaplain in dealing with the moral and ethical aftereffects of the incident.

D. An officer on administrative leave must remain available at all times for official department interviews and statements regarding the incident. While on leave and after return to duty, the officer will not discuss the incident with anyone except assigned investigators, private attorney, psychologist, chosen clergy, or spouse. (Officer's should note that immediate family members other than the spouse are not subject to the confidential communications privilege.)

Page 13 of 13	Effective Date: February 15, 2008
Subject: Use of Force Number: 1102.03	Revision Date: June 16, 2020