


CHAPTER 6 RESPONSE TO RESISTANCE

	ARGYLE POLICE DEPARTMENT	
	Policy 6.1 Response To Resistance	
	Effective Date: 21 APR 21	Replaces: 18 JUN 20
	Approved: _____ <div style="text-align: center;"><i>E. R. [Signature]</i> Chief of Police</div>	
	Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.	

I. POLICY

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. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer could use under the same or similar circumstances. The officer's 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. Where there is no apparent need to take a suspect into immediate physical custody, officers should utilize tactics designed to de-escalate the situation and facilitate a safer resolution whenever reasonably possible. Given no policy can predict every possible situation, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident.

II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force.

III. DEFINITIONS

- A. Control: The force an officer uses to influence or neutralize a non-compliant subject.
- B. Objectively Reasonable
 1. 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, and the danger to themselves and the community.
 2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, other training

and experience, state of health including level of exhaustion, the number of officers opposing the number of suspects or other exigent circumstances. “Reasonableness” is subject to review and determination by the chain of command.

- C. Reasonable Alternative: An action that may be taken by the officer that may allow the officer to avoid the use of deadly force.
- D. Resistance: A subject’s non-compliance to the officer. The amount and type of resistance varies based on a number of factors.
- E. Response Continuum:
 - 1. Is a concept used in incident handling that simultaneously recognizes the level of subject resistance encountered and the level of control required for the situation.
 - 2. Is an overview that does not direct an officer on how much control to use in a particular situation.
 - 3. Gives direction in the escalation and de-escalation of resistance and the escalation and de-escalation of control necessary in police incidents.
 - 4. Explains that many variables are involved in situations where an officer must control a subject.
- F. Serious Bodily Injury: Bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

IV. LEVELS OF SUBJECT RESISTANCE

- A. Psychological Intimidation: Non-verbal clues indicating the subject’s attitude, appearance, and physical readiness.
- B. Resistive Dialogue: Verbal responses indicating unwillingness to comply with the officer’s commands, or threats by the individual.
- C. Passive Resistance: Physical actions that do not attempt to defeat the officer’s attempt to control. The subject will not voluntarily comply with verbal and physical attempts of control.
- D. Defensive Resistance: Physical actions to impede arrest by attempting to prevent the officer’s control but does not involve attempts to harm the officer. This means there has been physical contact between the officer(s) and subject. Simply running from officers who have not made any previous physical contact with the subject does not constitute defensive resistance.

- E. Active Aggression: Physical actions of assault toward the officer. This includes a subject who attempts to attack, or who grabs, punches, kicks, and/or wrestles with the officer, or a subject who displays an obvious imminent intent to attack, grab, punch, kick, and/or wrestle with the officer.
- F. Aggravated Aggression: Force which in the manner of its use or attempted use reasonably creates a substantial risk of death or serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

V. LEVELS OF CONTROL

- A. Officer Presence: Bearing, confidence, poise, and perceivable effectiveness assisting the officer in incident interaction. Officer presence includes two essential elements which are implemented to control the situation from the onset:
 - 1. Cognitive Skills: Information, such as law and procedures, which gives the officer a foundation of preparation for incident interaction.
 - 2. Tactical Control: Use of skills and techniques, such as tactical approach, to avoid confrontation and minimize risk; use of cover support; tactical disengagement, and tactical withdrawal.
- B. Verbal Control: Communication skills used by an officer to enhance de-escalation of the incident during interaction with the individual (Ex. Commands of direction, control, or arrest).
- C. Empty Hand Control: Empty hand control techniques depend upon the level of subject resistance. The categories of empty hand control are:
 - 1. Soft empty hand control (Techniques with a low probability of injury): Joint Locks, Pressure Points, Handcuffing. Note: If handcuffing is used as a control technique and the subject is subsequently not taken into custody, an incident report, titled "Field Release", must be completed and forwarded through the chain of command.
 - 2. Hard Empty Hand Control (Techniques with a probability of injury): Defensive Counterstrikes, Takedowns, Brachial Stuns, and the use of personal weapons, i.e.: hands, feet, etc.
 - a. Oleoresin Capsicum (OC) Spray
 - b. Conducted Energy Weapon (CEW)
- D. Intermediate Weapons: Use of intermediate weapons is justified for situations when the officer believes empty hand control shall be ineffective, inappropriate, or when empty hand control has already failed. Department authorized batons are considered intermediate weapons.
- E. Less-Lethal Force: Force employed which is neither likely, nor intended, to cause serious bodily injury or death. Deployment of the less-lethal shotgun would fall at this level of control.
- F. Deadly Force: The use of physical control that creates a substantial risk of causing death or serious bodily injury.

VI. PROCEDURES

A. Use of Physical Control Techniques

1. The use of physical control techniques must be examined from two perspectives: resistance (Subject) and control (Officer). Both resistance and control can be in the form of verbal directives or physical action.
2. Where deadly force is not authorized, officers may use only a level of force which is objectively reasonable to bring an incident under control. (TBP: 6.01)
3. Officers are authorized to use department-approved control 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 or subdue a resistant individual.
 - c. To bring an unlawful situation safely and effectively under control.

B. Use of Deadly Force

Law enforcement officers are authorized to use deadly force when one or both of the following apply:

1. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm. (TBP: 6.02)
2. 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. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

C. Deadly Force Restrictions

1. Warning shots shall not be fired. (TBP: 6.09)
2. Because of the low probability of penetrating a vehicle with a handgun, firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. If an officer reasonably believes 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. Officers will not voluntarily place themselves in a position in front of an oncoming vehicle where deadly force is a probable outcome.
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 deadly force can be used without harm to the officer or others. In these circumstances, a supervisor should be contacted prior to the use of deadly force if time permits.
5. At the point when an officer should reasonably perceive the potential exists that deadly force may be an outcome of the situation, the officer must use reasonable alternatives if time and opportunity permits. The reasonableness

of the action is based upon the time available, the opportunity of performing the action, and the facts apparent to the officer prior to and during the incident.

VII. LIMITATIONS ON FORCE

The following acts associated with the use of force are prohibited.

- A. Application of choke hold or carotid control holds, 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.
 - 1. Any officer using such force will cease immediately upon control of the subject (normally when the person has been handcuffed or is no longer actively resisting).
 - 2. Officers will, upon the subject being subdued, immediately:
 - a. Place the individual in a position to facilitate breathing and blood flow; and
 - b. Request medical personnel to respond to the location. Officers will render appropriate life sustaining aid until the arrival of medical personnel.
 - 3. Officers shall promptly notify a supervisor and document the use of the choke hold or carotid control hold in both a Response to Resistance supplement and an incident or arrest report.
- B. Use of Streamlites or Kel-lites or other flashlights as batons. 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.

VIII. TRAINING

- A. All officers shall receive training in the use of their firearms, all non-lethal weapons, authorized by the department, hands-on arrest and defensive tactics, as well as the Response to resistance policy 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 policy 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 non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years with the exception of a Conducted Energy Weapon (CEW) and the less-lethal shotgun in which annual certification is required.
- F. Officers are exempt from training for non-lethal weapons they do not carry. However, officers shall not carry any non-lethal weapon for which they have not been trained in its use. (TBP: 3.04)
- G. All Response to Resistance training shall, at a minimum, comply with the standards established by Texas Commission on Law Enforcement.

IX. REPORTING USE OF FORCE (TBP: 6.03, 6.06)

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations or recreational activities.
- B. If officers have employed any use of physical control (other than the use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then:
 - 1. Immediately notify your supervisor of any use of force or discharge of a weapon. The supervisor shall determine if an immediate investigation is required.
 - 2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.
 - 3. Submit a Response to Resistance supplement to the Chief of Police via the chain of command 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 any other required reports.

X. DUTY TO INTERVENE

- A. Any employee, sworn or non-sworn, present and observing any employee, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, by verbal and/or physical means, safely intervene to prevent the use of excessive force. Examples of force that would require an officer's intervention may include, but are not limited to:
 - 1. Use of choke holds [in any situation where deadly force would not be authorized]

2. Using force against a handcuffed or otherwise restrained or subdued suspect
 3. Leaving a secured suspect in a prone position in any fashion that restricts breathing or blood flow; or
 4. Any use of force in violation of this department's policy.
- B. Employees shall promptly report observed instances of objectively unreasonable force to a supervisor. The obligation to report remains in place even if the officer is successful in intervening in the use of excessive force.
- C. Employees, regardless of the employee's tenure, rank, or position, shall NOT face ridicule, retribution, discipline, or other punitive action as a result of their reporting objectively unreasonable force.
- D. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline.

XI. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisor(s) and the Chief of Police shall review all reported uses of force to determine whether:
 - a. Departmental orders were violated.
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
 - d. Departmental equipment operated properly.
2. At least annually, the Chief of Police or his designee, shall conduct an analysis of use-of force incidents to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10)

B. Internal investigations


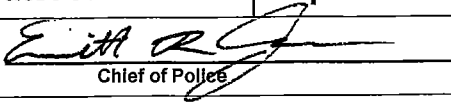
1. An internal investigation will be conducted on any firearms discharge (other than training or the authorized destruction of an animal). An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted in any firearms discharge or other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. 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.

2. Procedures for Officer Involved Shooting Investigations are covered in Policy 6.4.

C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use of force or vehicle accident, shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)

	ARGYLE POLICE DEPARTMENT	
	Policy 6.2 Firearms and Qualification	
	Effective Date: 7DEC20	Replaces: 2May12
	Approved:  <small>Chief of Police</small>	
Reference: 3.01, 3.02, 3.03, and 6.04.		

I. POLICY

The department's policy is to ensure that members are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in their safety and maintenance, regarding both on and off-duty weapons. Supervisors and the department armorer shall rigorously enforce departmental firearms standards. All personnel shall qualify at least annually with his or her sidearm and those used or carried both on and off-duty.

II. PURPOSE

To establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

III. WEAPONS SAFETY

Officer shall abide by the following basic safety rules at all times when handling a firearm of any type:

- A. Treat all firearms as if they are loaded
- B. Be sure of your target and background
- C. Keep you finger off the trigger, and outside of the trigger guard, until you are on target and prepared to fire
- D. Keep the weapon pointed in a safe direction at all times when it is deployed, and you are not actively engaging a threat. A "safe direction" is defined as one where, should you have an accidental discharge, no human injury and only minimal property damage would occur

IV. PROCEDURES

- A. Authority

1. Sworn police officers who have the authority to make arrests and maintain the peace, are authorized to carry and use firearms as necessary in the performance of their duty, subject to the restrictions and guidelines of this order, the department's use of force policy, and state and federal law.
2. Off duty, sworn officers of this department are encouraged to carry firearms, subject to the guidelines of this order, to protect themselves or another from imminent death or serious bodily injury in the event they must intervene in an incident off-duty before the arrival of on-duty officers.

B. On-Duty Weapons, Issuance and Use (TBP: 6.04)

1. Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty. The department currently issues the Glock 17 chambered in 9mm as the standard duty firearm for officers. Other weapons that are approved for on-duty, off-duty or back-up use are listed on a document maintained by the armorer as approved by the Chief of Police.
2. The departmental armorer or firearms instructor shall issue departmental weapons to authorized personnel.
3. Department firearms and ammunition are determined by the Chief of Police based on the needs of the agency.

C. Shotguns

Shotguns are available to patrol cars and individual officers as appropriate.

1. All shotguns shall be carried with the magazine fully loaded with approved ammunition and the chamber empty.
2. All shotguns left at the police department shall be left in an unloaded condition and stored in gun vault or other designated location.

D. Patrol Rifles

Patrol rifles, e.g. AR-15, may be issued or used by officers and supervisors who have received appropriate training and have maintained their required qualifications.

1. All patrol rifles shall be carried with the magazine fully loaded with approved ammunition and the chamber empty.
2. All rifles left at the police department shall be left in an unloaded condition and stored in gun vault or other designated location.

E. Off-duty or secondary weapons

1. Off-duty or secondary weapons of a reliable make and at a minimum of .380 caliber may be carried by members of this department. Ammunition is purchased at the officer's expense. The armorer shall inspect and certify the off-duty or secondary weapon before it may be carried.
 - a. Officers shall qualify with the off-duty or secondary weapon at the annual qualification.
 - b. The armorer shall maintain a record of all weapons used by each officer.
2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense, subject to this policy.
3. Officers should not carry weapons when consuming alcoholic beverages.
4. Off-duty weapons shall be carried safely and concealed from public view.
5. Officers shall carry the departmental badge and identification if carrying an off-duty weapon.

F. Departmental Ammunition (TBP: 6.04)

1. Only factory ammunition manufactured by will be used in departmental or personal weapons for on or off-duty use. No reloaded ammunition will be used. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms. Officers are responsible for the purchase of ammunition for their off-duty and backup weapon. The list of authorized ammunition is maintained by the armorer.

G. Security of weapons

1. Officers are responsible for the care, cleaning, and security of departmental weapons issued to them, whether on or off duty. Officers shall report any weapon malfunction to the Chief of Police via the armorer.
2. Officers are responsible for the safe and secure storage of issued weapons when off-duty in a manner that prevents theft or unauthorized access or use.

H. Department Firearms Proficiency Officer and Armorer

The Chief of Police shall appoint at least one sworn member of the department to be the departmental Firearms Proficiency Officer. Additionally, at least one sworn member of the department will be appointed as the armorer.

1. The duties are as follows:
 - a. Schedule, supervise and maintain records on all firearms qualifications required by the department.

- b. Maintain non-issued departmental weapons and associated equipment.
 - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
 - d. Repair or submit to a qualified gunsmith for repair all departmentally owned malfunctioning weapons.
 - e. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on-duty.
 - f. Issue departmental ammunition.
 - g. Annually inspect and certify as serviceable both departmental and personally-owned firearms that are authorized for on and off-duty use.
2. The armorer shall maintain a record of all firearms which have been certified as safe and with which officers have qualified. This record shall include the following:
- a. Officer's name and identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.

I. Modification of weapons

- 1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police except as outlined.
- 2. Flashlights designed to be mounted on firearms by the use of rails without any further modification are authorized.
 - a. Officers should familiarize themselves during qualification of any effects this modification may have in the way the pistol or rifle handles.
 - b. Officers choosing to mount a weapon light on their duty pistol or rifle must complete a qualification course, and must demonstrate their ability to manipulate the light without using their trigger finger, prior to utilizing the weapon light on duty.
- 3. Substitution of grips

- a. Hogue or similar style grips may be fitted over the standard Glock grip.
- b. Target-style grips or any grips which interfere with the operation of the weapon are not authorized.

J. Firearms inspections

1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.(TBP: 3.03)
2. Supervisors shall also inspect subordinate officers' issued firearms quarterly to ensure that they are maintained in a clean and serviceable condition.
 - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
 - b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.
 - c. Upon completion of quarterly inspections, the supervisor shall forward a memorandum to the Chief of Police that documents the following information:
 - i. The date the inspection was held.
 - ii. The name of each officer inspected.
 - iii. The findings of the inspection.

V. QUALIFICATION

A. Qualification rules

1. Officers must qualify with any weapon they carry or use on-duty at least annually or when they change or modify weapons. (TBP: 3.01)
2. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification.
3. Only weapons and ammunition issued by the department shall be used during qualifications, except for officers who use their own weapons while on duty or if qualifying with off-duty weapons.
4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement.

5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination. (TBP: 3.01)
6. The firearms proficiency officer will maintain records of each officer's firearms qualifications including:
 - a. The officer's name and Identification Number
 - b. The date of qualification
 - c. The weapons(s) used during qualification
 - d. A description of the course of fire and whether the officer passed or failed.
7. The armorer or firearms instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

B. Shotgun

1. Every officer must pass the shotgun qualification course before carrying a department-issued shotgun.
2. The qualification course shall include:
 - a. Knowing how to load and unload the shotgun combat style.
 - b. Firing at least 5 rounds of duty ammunition from a range of at least 15 yards.
3. Officers who desire to carry a shotgun shall qualify at least annually.

C. Patrol Rifle


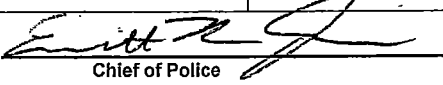
Officers who are trained and authorized to use the patrol rifles must qualify at least annually with the rifle on a TCOLE approved course of fire.

D. Firearms and Use of Force Instruction

1. All department personnel shall, if duties require carrying firearms, receive familiarization instruction on their firearms before range qualification.
2. At least annually, personnel shall, if duties require carrying of a firearm, receive training in the mechanics of the weapon (stripping, lubricating,

nomenclature, troubleshooting, and misfires), sound safety practices, and departmental use of force policy. (TBP: 3.01)

3. Use of force and use of deadly force training will be conducted at least annually in conjunction with firearms use and firearms qualification. (TBP: 3.02)

	ARGYLE POLICE DEPARTMENT	
	Policy 6.3 Non-Lethal and Less-Lethal Weapons	
	Effective Date: 10JUL20	Replaces: 24FEB20
	Approved:  Chief of Police	
	Reference: 3.04	

I. POLICY

In the interest of public safety, the department provides officers with a range of non-lethal and less than lethal options. The department's policy ensures members are properly trained in the use of these tools and the circumstances of their use. Supervisors shall rigorously enforce departmental weapons standards.

All sworn personnel shall qualify at least annually with departmental non-lethal and less-than-lethal weapons. Officers shall not carry or use any non-lethal or less than lethal weapon where they have not received training and been qualified. (TBP: 3.04)

II. PURPOSE

To establish policy and procedures governing the issuance, training, care and maintenance, and qualification of non-lethal and less-lethal weapons.

III. GENERAL PROCEDURES

A. Approved Weapons

1. Non-lethal and less than lethal weapons currently approved by the department include:
 - a. Expandable Baton (Duty Issue)
 - b. Pepper Spray (Duty Issue)
 - c. Conducted Electrical Weapons (CEW) (Taser) (Duty Issue)
 - d. Less-Lethal Shotgun
2. Department non-lethal or less than lethal weapons are determined by the Chief of Police based on the needs of the agency. Officers will not carry or use any weapon for which they are not qualified by the department to use.
3. All non-lethal or less-lethal weapons shall be plainly distinguishable from lethal weapons.

B. Security of weapons

Officers are responsible for the care and security of departmental weapons issued to them. Officers shall report any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.

C. Modification and maintenance of weapons

1. Departmental weapons shall not be modified or altered without approval of the Chief of Police. Any modification or alteration shall be in accordance with the manufacturer's recommendation.
2. Officers are responsible for cleaning and maintenance of non-lethal or less-lethal weapons issued to them.

D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure they are in proper working order.
2. Supervisors shall inspect issued weapons at least quarterly and shall document the inspections in a memorandum to the Chief of Police if any deficiencies are found.

IV. QUALIFICATION REQUIREMENTS

A. Required instruction and qualification

1. Officers shall receive training in all non-lethal weapons and less-lethal weapons that they will carry, and will demonstrate proficiency with those weapons at least every two years with the exception of a Conducted Electrical Weapon (CEW) and Less-Lethal Shotgun in which annual certification is required. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use of force. Tactical considerations shall be a part of this training.
2. Officers are exempt from training for non-lethal weapons they do not carry. However, Officers shall not carry any non-lethal weapon for which they have not been trained and qualified in its use. (TBP: 3.04)

B. Qualification rules

1. The instructor or designated safety officer shall be in charge at all times when officers are qualifying with non-lethal or less-lethal weapons.

2. The firearms proficiency officer will maintain records of each officer's qualifications with non-lethal and less-lethal weapons including:
 - a. The officer's name and identification number
 - b. The date of qualification and weapon system qualified.

V. EXPANDABLE BATON

- A. The department authorizes the carrying and use of an expandable steel baton as the only striking weapon for officers. All other forms of striking or punching weapons are prohibited, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Flashlights, or other items, carried by officers are not to be used as striking instruments, except as a last resort to protect the officer from imminent serious bodily injury or death.
- B. Expandable batons are categorized as Intermediate Weapons.
- C. The expandable baton, when fully extended, shall be twenty-one inches (21") or twenty-six inches (26") in length.
- D. Officers who carry an expandable baton shall be trained and demonstrate proficiency in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.
 1. The baton should not be used to strike handcuffed individuals or to threaten or intimidate individuals.
 2. Officers shall not raise the baton above the head to strike a blow to a person's head except in situations which would justify the use of deadly force.
- E. All uses of the expandable baton, except for testing and training, will be documented in a Response to Resistance report.

VI. OLEORESIN CAPSICUM (OC) PEPPER SPRAY

- A. Authorization
 1. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
- B. Uniformed officers shall carry only departmentally issued and authorized OC canisters in the prescribed manner on the duty belt or load bearing vest. Non-uniformed officers may carry OC in alternative devices as authorized by the agency.

C. Usage Criteria

1. OC spray is considered a use of force and shall be employed in a manner consistent with this agency's Response to Resistance policy.
2. Use of OC is justified:
 - a. To control and physically resisting suspect.
 - b. To defend an officer or another person.
 - c. To protect a person from injuring themselves.
 - d. When lesser levels of control are ineffective.
 - e. When an individual has signaled his/her intention to actively resist the officer's efforts to make an arrest.
3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.
4. Once a suspect is incapacitated or restrained, use of OC is no longer justified. Officers should utilize soft empty hand control techniques such as joint locks or pressure points to control restrained suspects who are uncooperative.
5. OC shall not be used on subjects who are using techniques of passive resistance or subjects who are not posing a threat to persons or property.

D. Usage Procedures

1. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.
2. An officer should maintain a safe distance from the suspect of between two and 10 feet.
3. A single spray burst of between one and three seconds should be directed at the suspect's eyes, nose and mouth. Additional burst(s) may be used if the initial or subsequent bursts prove ineffective.
4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders or contaminate a public facility.

E. Effects of OC and Officer Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect—to include, if necessary, other force options consistent with agency policy—if he/she does not respond sufficiently to the spray and cannot otherwise be subdued.
3. Immediately after spraying a suspect, officers shall be alert to any indication the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing any of these or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.
4. Any time a resisting or combative subject is brought under control and handcuffed, they should be placed in an upright seated position if possible. Subjects may be placed on their side if it is impossible to keep them in an upright position. Subjects should not be placed in a prone position as it could result in positional asphyxia.
5. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
6. Juveniles who have been sprayed shall be provided medical attention by fire department personnel prior to field release or arrival at any detention facility.
7. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
8. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him/her by rinsing and drying the exposed area.
9. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent.

F. Reporting Procedures

1. Accidental discharges, as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
2. A Response to Resistance Report shall be completed following all discharges of OC spray except during testing, training, malfunction or accidental discharge.

G. Replacement

1. All OC spray devices shall be maintained in an operational and charged state. Officers shall report damaged, empty, or inoperable cannisters of OC to a supervisor so a replacement can be obtained.
2. OC canisters shall be inspected at the firing range during firearms qualification. A record of this fact shall be maintained by the appropriate agency authority.

VII. CONDUCTED ENERGY WEAPONS

A. Conducted Energy Weapons

1. A Conducted Energy Weapon (CEW) 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. The CEW is considered a less than lethal weapon.
2. There are precautions that must be observed as in the use of any weapon and it is our responsibility to monitor subjects who have been controlled with the CEW for any medical problems.
3. The use of the CEW affords officers the opportunity of controlling individuals who are actively resisting without endangering themselves, the suspect, or the public.
4. It shall be the responsibility of supervisors of officers issued the CEW to ensure proper supervision, managerial controls, and compliance with this order.
5. The only approved departmentally issued CEW is manufactured by Axon.

B. Training and Qualification Procedures

1. Only personnel, who successfully complete the department's training course and demonstrate the required proficiency in the use of the CEW, shall be certified and allowed to carry the CEW. All training and qualification for the CEW shall be conducted by certified instructors.
2. It shall be the responsibility of the designated instructor to train and certify all eligible officers on the proper techniques and use of the CEW. Additionally, the department shall be responsible for compiling and analyzing data from incidents involving the use of the CEW to identify training related needs and issues.
3. In order to maintain proficiency in the use of the CEW, all officers certified to carry the weapon shall receive mandatory in-service training at least annually.

C. Carrying the CEW.

1. Certified officers shall carry the CEW in the manner recommended by the manufacturer. The CEW shall never be left unsecured. Only issued holsters will be utilized.
2. Personnel issued the CEW shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life (not below 30%), wiping away dirt and dust, and ensuring the rubber stopper is secured on the data port.

D. Authorized Use of the CEW

1. The CEW may be utilized in the following instances:
 - a. In arrest situations when necessary to subdue a noncompliant subject when lesser means of control have not been successful, and the suspect is verbally threatening or physically resisting officers; or
 - b. Subjects who aggressively assault the officer in a less than deadly force manner (Active Aggression); or
 - c. Subjects who threaten an officer, themselves, or another with force which the officer believes could result in immediate bodily injury or death; or
 - d. Arrest situations involving defensive resistance.
2. The mere act of verbal non-compliance shall not justify the use of the CEW weapon

E. Usage Guidelines

1. Use of the CEW is strictly prohibited under the following circumstances:
 - a. When flammable gases, liquids or explosives are in close proximity to the subject.
 - b. On pregnant females, young children, the visibly frail, or elderly persons, unless deadly force is otherwise justified.
 - c. On handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist (such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable).
 - d. On a subject who is visibly confined to a wheelchair unless it is objectively clear to prevent serious injury to himself/herself and/or if deadly force is justified.
 - e. On individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy; or persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current or known to have heart conditions.
 - f. On individuals as a means of coercion.
 - g. As a means of escorting or prodding individuals.
 - h. As a means of waking unconscious or intoxicated individuals.
 - i. As a part of horseplay or practical jokes.
 - j. No more than one officer should activate a CEW against a person at a time.
2. When practicable, avoid using a CEW on a person in the following situations unless the situation justifies a higher risk (Objectively Reasonable Standard):
 - a. Could fall and suffer impact injury to the head or other area.
 - b. Could fall on a sharp object or surface (e.g., holding a knife, falling on glass).
 - c. Has impaired reflexes (e.g., from alcohol, drugs or certain medications).

- d. Is less able to catch or protect oneself in a fall (e.g., restrained, handcuffed, incapacitated, or immobilized).
- e. On a subject who is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery;
- f. On a subject that has been exposed to Oleoresin Capsicum (OC) spray (flammable or non-flammable versions).
- g. Is located in water, mud, or marsh environment if the ability to move is restricted; or
- h. Juvenile individuals.

F. Loading Cartridges into the CEW

1. The Argyle Police Department utilizes the Axon Taser 7 CEW. The Taser 7 can be loaded with the following two distinct cartridges:
 - a. The Close Quarter (CQ) cartridge which produces a 12° probe spread when deployed. The cartridge is black in color with a black tip. This cartridge is most effective in situations where the officer is in close proximity to the subject.
 - b. The Standoff (SO) cartridge which produces a 3.5° probe spread when deployed. The cartridge is grey in color with a black tip. This cartridge is most effective in situations where the officer is further away from the subject.
2. Officers should load their Taser 7 with the cartridges in the following order:
 - a. Bay 1 - CQ cartridge
 - b. Bay 2 - SO cartridge

G. CEW Deployment


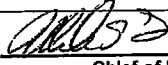
1. Prior to deploying the CEW, whenever reasonable and practical, verbal warnings shall be issued to the subject, to allow the subject the opportunity to comply with the officer's commands.
2. Prior to deploying the CEW, the deploying officer shall announce the words "taser deployed" to alert others of the impending use of the weapon.
3. When activating a CEW, the officers should announce the words "taser, taser" and use it for one standard cycle and stop to evaluate the situation (a

standard cycle is five seconds). If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used. Officers will be particularly alert for medical distress of the subject.

4. Officers should make every effort to avoid firing darts or directing the drive stun method at a subject's head, neck, front chest area or genitalia. Preferred targeting is the center mass of the subject's back. Where back targeting is not possible, officers should avoid chest shots unless deadly force would otherwise be justified.
5. The CEW direct drive stun method may be utilized as an alternative deployment method, when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be effective.

H. Post Deployment

1. Immediate Restraint. The subject will be restrained immediately to prevent additional resistance or injury. The subject should be placed in an upright seated position if possible. Subjects may be placed on their side if it is impossible to keep them in an upright position. Subjects should not be placed in a prone position as it could result in positional asphyxia.
2. If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.
3. Medical Monitoring. Emergency Medical Services shall be requested to respond to all instances where the CEW has been deployed. The requesting officer shall monitor the subject until EMS personnel have arrived. In situations where CEW use is a possibility, officers should consider requesting EMS before use.
4. Supervisor Response. The on-duty supervisor or Command Officer will immediately respond to the scene of any CEW use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.
5. Removal of Probes. CEW probes shall be removed as soon as possible. CEW probes that are imbedded in a subject's skin (as opposed to just clothing) shall only be removed by EMS personnel, other medical personnel, and police personnel who are trained in the removal of the probes. Police personnel shall not remove CEW probes that have struck a subject's head, throat, groin or any other sensitive area. CEW probes that have penetrated a person's skin shall be considered a biological hazard and shall use latex gloves when removing probes.

	ARGYLE POLICE DEPARTMENT	
	Policy 6.4 Officer Involved Shooting Investigations	
	Effective Date: 17Feb12	Replaces:
	Approved:  <small>Chief of Police</small>	
Reference:		

I. POLICY

It is the policy of this agency that officer-involved shooting incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if officer actions conform to the law and this agency's policy on use of force.

II. PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shooting incidents and to provide guidelines to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

III. DEFINITIONS

- A. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Officer-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

IV. PROCEDURES

A. Officer's Responsibility when involved in a Shooting Incident

1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.
 - a. Ensure that the threats to officer safety and the safety of others are over.

- b. Notify Communications of the shooting incident and request immediate assistance.
 - c. Secure and separate any suspects.
 - d. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area.
 - e. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately.
 - f. If injured, administer emergency first aid to oneself first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.
 - g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.
2. As time and capabilities permit before supervisory and other assistance arrives:
- a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
 - b. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

B. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.
2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
3. If the officer has been shot or otherwise injured in the shooting:
 - a. Ensure that an officer accompanies and remains with the officer at the hospital.

- b. Ensure that the officer's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible. Do not release the officer's name prior to the family's being notified.
 - c. If possible, assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters.
 - d. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded.
4. The supervisor should contact Communications and advise them of the condition of the officers and suspects and the exact location of the incident and request they immediately contact:
 - a. The Chief of Police
 - b. The Police Captain and other supervisory personnel.
 - c. Investigators
 - d. Crime Scene personnel
5. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplement report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.
6. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).
 - a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:
 - i. If any other suspects are at large and any descriptions
 - ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)
7. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with the officers, but should be advised not to discuss details of the incident.
8. The officers should be advised that they may seek legal counsel.

9. Any standard investigations that will occur concerning the incident should be discussed with the involved officers. The investigations shall include a criminal and internal investigation.
10. The officers should be advised not to discuss the incident with anyone except a personal or agency attorney or a departmental investigator, until the conclusion of the preliminary investigation.
11. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
 - a. Take custody of the officer's weapon in a discrete manner; and
 - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
12. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital if needed.
13. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
14. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - a. Locate and secure in place the officer's weapon and shell casings.
 - b. Locate and secure suspects weapon and shell casings.
 - c. Collect information about the suspect including name, address, age, and DOB.
 - d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel.
 - e. Attempt to determine the original shooting positions of the suspect and officer(s).
15. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report his or her activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

C. Investigation

1. Two different investigations may be conducted after an officer involved shooting incident.

- a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.
 - b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.
 - c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer is criminally culpable for his or her actions.
2. These investigations, if both are required, may run simultaneously, with the criminal investigation taking precedence.
3. The Chief of Police may request another agency conduct either investigation if circumstances warrant.
4. Investigators will be well versed in the issues of Garrity v. NY to avoid improper contamination of the criminal investigation.
5. Upon arrival of investigators, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
 - a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:
 - i. The type of investigation being conducted
 - ii. The physical and mental state of the officer
 - iii. The availability of the officer's attorney
 - iv. The circumstances at the scene
 - b. Ensure that the overall scene and evidentiary items are photographed and video recorded. Video record all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken, to include any injuries sustained.
 - c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
 - d. Obtain recorded statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
 - e. Locate and identify witnesses and conduct initial recorded interviews.

- f. Record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.
 - g. Conduct separate recorded interviews with each officer involved.
 - h. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except a personal or agency attorney, or departmental investigator until the conclusion of the preliminary investigation.
 - i. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer recorded interviews if these symptoms are evident.) Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officers in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.
 - j. Contact the coroner and obtain autopsy of officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.
6. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review.

D. Post-Incident Procedures

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All officers directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
 - a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;
 - b. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;
 - c. What will be the best continued course of counseling. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.

3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.
4. The agency should brief other agency members concerning the incident so that rumors are kept to a minimum.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
7. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

E. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. If a supervisor believes that stress may be disrupting the officer's job performance or other life skills, the Chief of Police should be informed immediately. The Chief of Police may inject the officer into a Behavioral Cause investigation or refer the officer back into counseling.