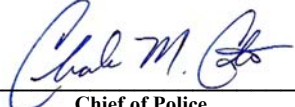
	MESQUITE POLICE DEPARTMENT
	213.00 USE OF LESS-LETHAL AND LETHAL FORCE
	Effective Date: July, 2020
	Approved: _____  Chief of Police

I. Policy Statement

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. This policy does not set forth a higher standard of care with respect to third party claims.

The Mesquite Police Department values the protection and sanctity of human life. It is therefore the policy of this department for officers to 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 and proportional to the circumstance at hand. The reasonableness of a particular use of force will be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. It will also consider that officers are often forced to make split second judgements about the amount of force that is necessary under circumstances that are tense, uncertain, and rapidly evolving.

The policy of this department permits less lethal and deadly force where such force is in accordance with this directive and current law. In reference to officers deciding to use force, officers should always adhere to the standard of:

- I had to do it
- I had to do it now
- Nothing less would do

II. Definitions

A. Deadly Force

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.

B. Less-lethal Force

Non-deadly Force: Any use of force other than deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

C. 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 level of threat or resistance exhibited by the subject and the danger presented to themselves and the community.
2. When evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers in relation to the number of suspects.

III. Duty to Intervene

Any officer that observes another employee using force that is clearly beyond what is objectively reasonable and necessary has a duty to intervene by verbal and/or physical means, and to immediately report the inappropriate use of force to a supervisor. This same standard applies even if the employee using force is a supervisor.

IV. Prohibited Force

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

- A. Using any force as a means of punishment or interrogation.

- B. The use of lethal force to protect property interests alone, regardless of value. This does not apply to officers acting off-duty to protect their own property.
 - C. Firing warning shots.
- V. Force Option limitation
 - A. The "bar arm" neck restraint technique or pressure stopping air flow to a person is lethal force. Pressure against a suspect's trachea is to be considered lethal force and acceptable only in immediate defense of life.
 - B. The "carotid restraint," where pressure is applied to the carotid artery rather than to the trachea or windpipe, is not an acceptable police procedure to affect the arrest or detention of a suspect. An officer may use a carotid restraint only to defend himself or herself or another from imminent serious bodily injury or death and only if departmentally sanctioned methods are not available or are impractical. The use of a carotid restraint under such circumstances, depending on the manner of use, may be deemed an application of deadly force.
 - C. Adapted impact weapon- 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 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.
 - D. Intentional kicks to the abdomen, chest, or head is not an acceptable police procedure to affect the arrest or detention of a suspect, except in immediate defense of a life where no reasonable alternative is available.
- VI. Training
 - A. All officers shall receive training in the use of their firearms, all less-lethal weapons authorized by the department, hands-on arrest and defensive tactics, as well as the Use of Force policy prior to performing any law enforcement duties.
 - B. All officers shall be trained and qualified with their firearms according to General Order 403.00
 - C. All officers shall receive training in the department's Use of Force policy annually.
 - D. All officers shall receive training in dealing with mentally unstable persons and in de-escalation techniques. Officers will also receive training in critical decision making. See attached decision making model (Exhibit 200-8).
 - E. All officers shall receive hands-on arrest and defensive tactics training every two years. The Chief of Police may approve a less intensive defensive tactics training class for administrative positions.
 - F. Officers authorized to carry Taser and/or Sage Less-Lethal weapons shall receive training on these weapons and demonstrate proficiency according to manufacturer policy or every two years.
 - G. All Use of Force training shall, at a minimum, comply with the standards established by TCOLE and State law.
- VII. Procedures
 - A. Use of Less-lethal Force
 - 1. Where deadly force is not authorized, officers may use only the level of force that is objectively reasonable and necessary to bring an incident under control or affect the arrest. Sometimes waiting to use force is the best option.
 - 2. Officers are authorized to use department-approved less-lethal force techniques and issued equipment when one or more of the following apply:

1. To protect the officer or others from physical harm.
 2. To lawfully restrain or subdue a resistant individual.
 3. To bring an unlawful situation safely and effectively under control.
- B. Less-lethal force options
1. Police Baton
 - a. The police baton may be used in accordance with generally accepted police procedures and training to affect the arrest of a violent suspect, or for the self-defense of the officer or another person.
 - b. Deliberate blows to the head are prohibited. Strikes to the head are to be considered lethal force and acceptable only in immediate defense of life.
 - c. The police baton shall not be utilized by personnel who have not been certified for the use of the device through a departmentally sanctioned training program.
 - d. The police baton should not be used on a properly restrained prisoner unless the prisoner is presenting an immediate danger to himself or others, and no reasonable alternative is available.
 2. Less Lethal extended range baton. (Sage Less Lethal)
 - a. This less lethal option follows the guidelines of the baton listed above.
 - b. The extended range baton shall not be utilized by personnel who have not been certified for the use of the device through a departmentally sanctioned training program.
 - c. The extended range baton may be used in accordance with generally accepted police procedures and training to affect the arrest of a violent suspect, or for the self-defense of the officer or another.
 - d. Deliberate shots to the head are prohibited. Strikes to the head are to be considered lethal force, acceptable only in immediate defense of life where no reasonable alternative exists.
 3. Empty Hand Control
 - a. Empty hand control techniques may be used in accordance with generally accepted police procedures and training to affect the arrest of a suspect, or for the self-defense of the officer or another person.
 - b. Intentional kicks to the abdomen, chest, or head are prohibited, except in immediate defense of life where no reasonable alternative is available.
 - c. Strikes should not be used on a properly restrained prisoner unless the prisoner is presenting an immediate danger to himself or others, and no reasonable alternative is available.
 4. Chemical Agents
 - a. Chemical agents shall not be utilized by personnel who have not been certified for use of the chemical agent through a departmentally sanctioned training program.
 - b. Chemical agents may be used in accordance with generally accepted police procedures and training to affect the arrest of a resisting suspect. It will generally be used after verbal commands have failed.
 - c. Chemical agents should not be used on a properly restrained prisoner unless the prisoner is presenting an immediate danger to himself or others, and no reasonable alternative is available.
 - d. Any arrestee that has been sprayed with a chemical agent must be observed continually and transported immediately to the jail or to an appropriate medical facility. The arrestee, once properly restrained, shall not be placed in a prone position. If at any time the arrestee's reactions

are unusual according to the training and experience of the arresting officer or detention officer, a Mesquite Fire Department ambulance should be called to examine the arrestee. *Examples:* Extended or abnormal difficulty breathing; unconsciousness; excessive complaint of eye, skin or throat irritation; or other characteristics covered in training.

- e. Upon arrival to the booking area the station sergeant and detention officer shall be notified by the arresting officer that chemical agent was used on the arrestee.

5. Conducted Electrical Weapons (CEW)

- a. Conducted Electrical Weapons shall not be utilized by personnel who have not been certified for use of the device through a departmentally sanctioned training program. Annual update training will be required by all CEW users.
- b. Officers will only carry the Department issued CEW and cartridges, unless specifically approved by the Chief of Police. Only approved and certified CEW armorers may tamper with or alter the department issued CEW or cartridges.
- c. Authorized personnel may use the CEW when circumstances known to the individual officer at the time indicate that such application of the CEW is reasonable to control a person in any of the following circumstances:
 - i. The subject is violent or physically resisting.
 - ii. A subject who, by words or action, has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm officers, him/herself or others.
 - iii. Absent meeting the conditions set forth in (a) or (b) above, or a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officers shall not serve as good cause for the use of the CEW to apprehend an individual.
- d. Conducted Electrical Weapons shall never be used as punishment under any circumstances. Each trigger pull of the CEW must be independently justified under the MPD Use of Force policy.
- e. Conducted Electrical Weapons shall be worn in a holster on the officer's support side to avoid accidental drawing or firing of an officer's sidearm.
- f. Conducted Electrical Weapons should not be used on a properly restrained prisoner unless the prisoner is presenting an immediate danger to himself or others, and no reasonable alternative is available.
- g. Conducted Electrical Weapons cause temporary incapacitation. They should not be used on people who are positioned on elevated surfaces where their incapacitation could cause serious injury due to their inability to break their fall (such as on top of a fence, balcony, bridge, etc.) or in water. They should not be used on obviously pregnant females, young children, elderly persons, or visibly frail persons unless exigent circumstances exist. CEWs should not be used around flammable liquids, vapors or sensitive explosives.
- h. Any suspect that has been exposed to a CEW (probe or drive-stun mode) must be observed continually and transported immediately to the jail or

to an appropriate medical facility. If at any time the arrestee's reactions are unusual according to the training and experience of the arresting officer or detention officer, a Mesquite Fire Department ambulance should be called to examine the arrestee. Notification to a patrol supervisor should be made.

- i. Upon arrival to the booking area, the station sergeant and detention officer shall be notified by the arresting officer that a Conducted Electrical Weapon was used on the arrestee. The officer's supervisor shall download the CEW data and forward all applicable documentation through the officer's chain of command for review.
- j. This written directive does not replace the departmental training but instead shall supplement the training.

C. Use of Deadly Force

- 1. The safety of innocent bystanders shall always be a consideration in any decision to use lethal force. Law enforcement officers are authorized to use deadly force when one of the following applies:
 - a. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm.
 - b. To prevent the escape of a fleeing violent felon, who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others.

The threat of deadly force is not considered using deadly force, but is a force option for the officer.

D. Use of Deadly Force options

1. Firearms

- a. Officers are authorized to carry and deploy their firearms on or off-duty to protect the officer or someone else from serious bodily injury or death. Officers are not required to carry firearms off-duty.
- b. Officers who have not completed the Field Training Officer program are prohibited from carrying their city issued firearms and engaging in enforcement while off-duty. This policy does not prohibit these off-duty officers from carrying personally owned firearms in conjunction with state law, nor from protecting themselves or others according to state law, while off-duty.
- c. Weapons may be readied for use in situations where it is anticipated a weapon may actually be required.
- d. At no time should the finger touch the trigger until the officer makes the conscious decision to fire.
- e. Firearms shall not be discharged at or from a moving vehicle, except under exigent circumstances.
- f. Officers may use deadly force to destroy an animal that presents a threat to public safety when the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force, if time permits.

2. Other types of Deadly Force

- a. It is the policy of this department that officers do not use other devices or means of deadly force on a suspect, except under exigent circumstances where deadly force would be justified.

VIII. Reporting Uses of Force

A. Documentation process

1. Officers shall notify their immediate supervisor and complete the Use of Force Documentation form after a use of force identified below has occurred:
 - a. Empty hand control technique where the suspect is injured and requires treatment of more than first aid at the scene.
 - b. Carotid restraint.
 - c. Use of force where any officer involved is injured.
 - d. Chemical agent deployed.
 - e. Taser drive stun.
 - f. Taser probes deployed.
 - g. Impact weapon deployed.
 - h. Vehicle used as force option.
 - i. Firearm discharged.
2. The Use of Force form shall be in addition to any other required reports.

IX. Departmental review

A. Review

1. The officer's supervisors 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 be made available to the public and to determine if additional training, equipment, or policy modifications may be necessary.

X. Medical Treatment after Using Force

If a person is injured as a result of the use of force, the officers shall obtain first aid or medical treatment for that person as soon as possible.

EFFECTIVE: April, 1986/June, 1985; FORMERLY: C/86-69, C/85-59; REVISED: September, 1990; REVISED: January, 1992; REVISED: November, 1993; FORMERLY: 215.00; REVISED: January, 1996; REVISED: March, 1997; REVISED: July, 2000; REVISED: August, 2003; FORMERLY: 214.00; REVISED: August, 2011; REVISED: May, 2012; REVISED: March, 2013; REVISED: December, 2013; REVISED: June, 2015; REVISED: December, 2016; REVISED: July, 2017; REVISED: July, 2020.

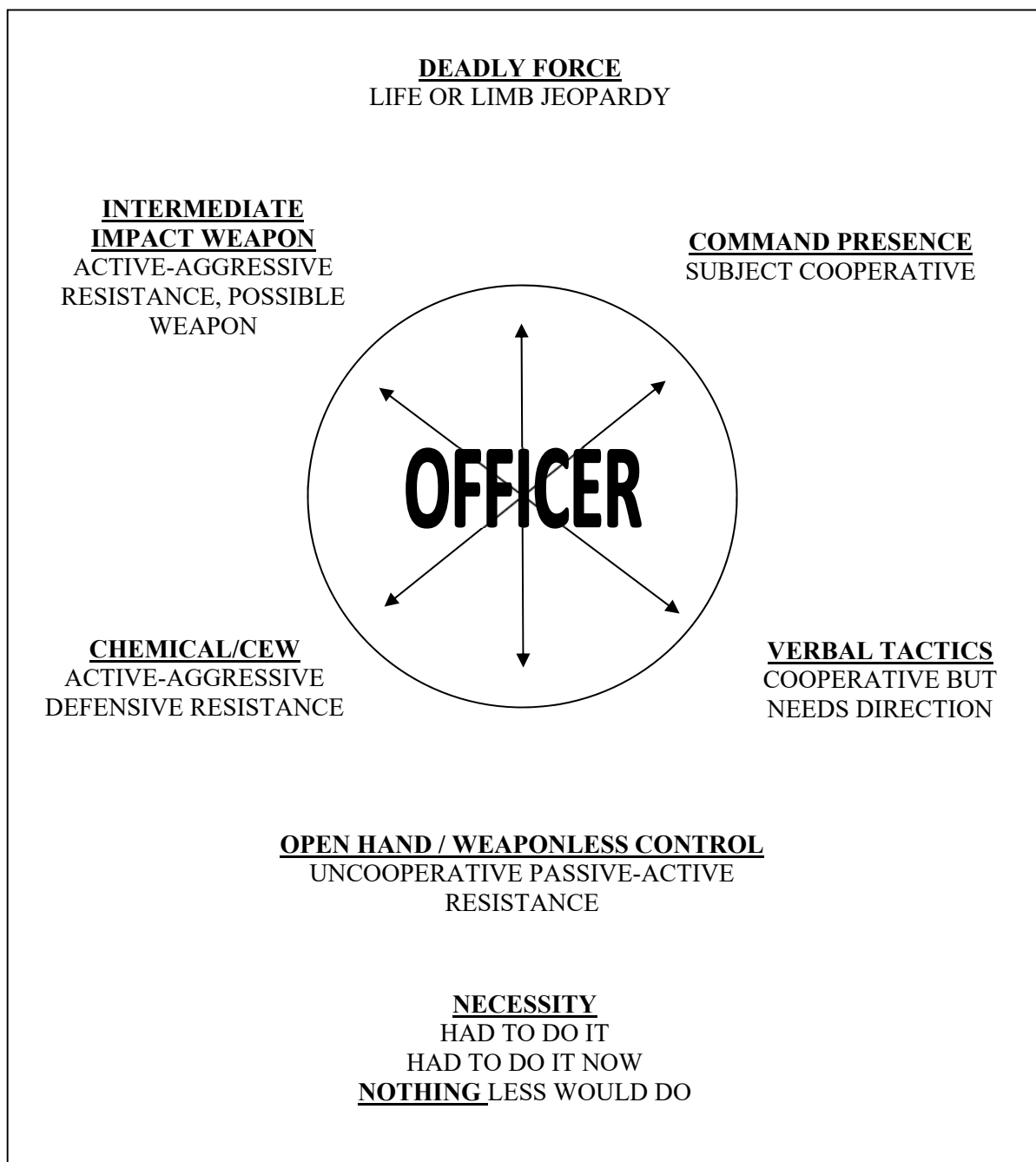


Exhibit No. 200-7 Deadly Force

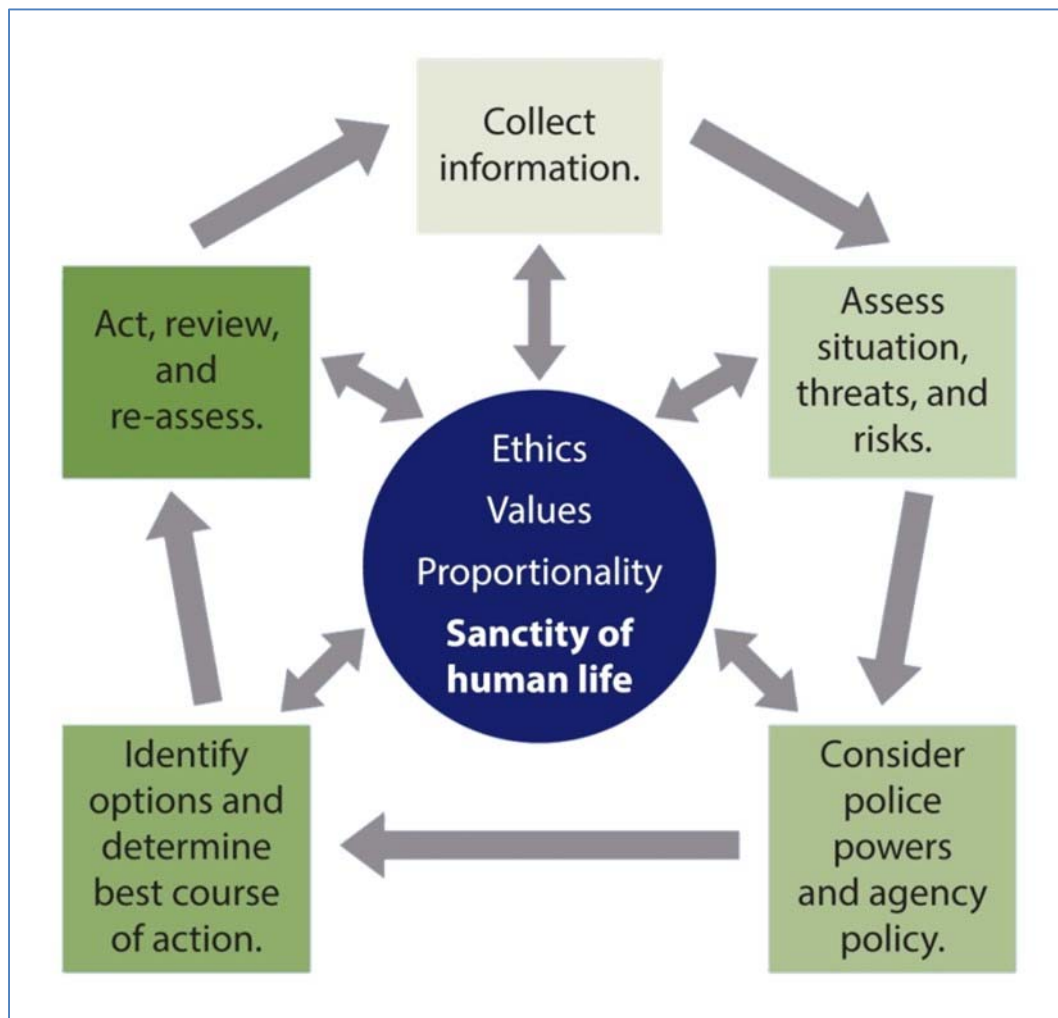


Exhibit No. 200-7.2 Critical Decision Making