

**THE UNIVERSITY OF TEXAS AT AUSTIN POLICE DEPARTMENT
POLICY A-12**

TITLE:	Operations / Policy A-12	Effective Date: 2-08-22
		Rescinds: 8-25-14
SUBJECT:	Use of Force	
PURPOSE:	To provide officers with guidelines on the use of deadly and less-lethal force.	
SCOPE:	This directive applies to commissioned officers.	
REFERENCE:	Penal Code Chapter 9, CCP 15.24 & 49.18	
CALEA:	Chapters 1 & 41	

This department recognizes and respects the value and sanctity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balance of all human interests is required. Therefore, it is the policy of this department that officers shall use reasonable force when force is used to accomplish lawful objectives.

A. Definitions:

1. Deadly force: (Penal Code Sec. 9.01): Force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.
2. Less-lethal force: Any use of force other than that which is considered deadly force.
3. Reasonable belief: (Penal Code Sec. 1.07): A belief that would be held by an ordinary and prudent man in the same circumstances as the actor.
4. Serious bodily injury: (Penal Code Sec. 1.07): Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

B. Parameters for Use of Deadly Force:

1. Officers may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
2. Officers are not authorized to fire their weapons in order to subdue an escaping suspect who presents no immediate threat of death or serious injury.
3. It is the responsibility of the arresting officer to identify themselves as a police officer and to state their purpose before effecting an arrest. The officer should communicate this in a clear, audible voice.
4. When practicable, before using a firearm, officers shall identify themselves and their intent to fire.
5. An officer may also use a firearm under the following circumstances:
 - a. During range practice and qualification or competitive sporting events.
 - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured. The officer will obtain a supervisor's permission before taking such action.
6. Officers shall adhere to the following restrictions when their weapon is exhibited:
 - a. Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
 - b. Warning shots are prohibited.
 - c. Officers shall not fire their weapons at or from a moving vehicle except in defense of life.
 - d. Firearms shall not be discharged when it appears that an innocent person may be injured.

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- C. Parameters for Use of Less-Lethal Force:
1. Where deadly force is not authorized, officers should assess the incident in order to determine which less-lethal technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
 2. Officers are authorized to use department approved less-lethal force techniques and issued equipment for resolution of incidents to protect themselves or another from physical harm, or bring an unlawful situation safely and effectively under control. Neck restraints or similar weaponless control techniques with a potential for serious injury or death shall not be used.
- D. Training and Qualifications:
1. Deadly weapons: Ref. UTPD Policy B-7
 2. Less-lethal force weapons: Ref. UTPD Policy A-13
- E. Reporting Uses of Force:
1. For the purpose of this policy, a weapon may include a firearm, TASER, A.S.P baton, PR-24 baton, OC spray, or any object used as an impact weapon.
 2. The department realizes that officers use force techniques to keep the peace and affect arrests on a daily basis, yet these techniques do not rise to the level which the department wants to consider them a "Use of Force" for the annual analysis. Whenever an officer uses techniques that are unlikely to cause injury on compliant or passively resistive persons, such as physical touching, gripping or holding, frisking, pain compliance measures or pressure point applications, come-alongs, and handcuffing, it is not necessary to denote it as a "Use of Force" by indicating force was used in the "Use of Force" box. The technique used shall be detailed in the narrative portion of the report. When a subject is actively resisting and the force used is escalated, or the application of these techniques causes an injury, then it will be deemed a "Use of Force" and the Use of Force shall be indicated in the "Use of Force" box, a supervisor notified, and a detailed description of the incident will be written in the narrative of the report
 3. Whenever an officer uses a weapon, has drawn and pointed a TASER at a person, has drawn a firearm in a display of deadly force, uses any degree of force or physical restraint which by the nature of its use, causes, or has the likelihood to cause bodily injury, serious bodily injury, or death, or discharges a firearm for other than training/qualification or recreational purposes, they shall immediately notify a supervisor who will report directly to the scene. The officer shall write a report documenting the use of force and indicate force was used in the "Use of Force" box in the Records Management System.
 4. The officer will complete a System Form DP #54 whenever an action results in, or is alleged to have resulted in, injury or death of a person; discharges a firearm, for other than training or recreational purposes; exhibits a firearm as a show of force; applies force through the use of lethal or less lethal weapons; applies weaponless physical force such as the following: physical strength and skill is used against the suspect, not to include standard handcuffing procedures during a lawful arrest; the suspect is hit or struck in any manner by the employee; the suspect has visible injury from the use of force by an employee; and/or the suspect complains of an injury.
 5. The supervisor shall promptly notify the Chief of Police for every instance of incidents described in Paragraph E.3or E4.
 6. The supervisor shall conduct a preliminary review of the incident with the affected officer(s), review body camera footage, and forward the findings to the Operations Executive Officer (XO) through the chain of command in a supplement to the officer's report.
 7. The Operations Executive Officer (XO) will review each reported use of force and make the decision if a review board will be convened. The board will interview the supervisor, officer involved, and any witnesses to determine if the force used was appropriate, within guidelines, and if any training issues need to be addressed.
 8. Use of Force reports will be subject to a documented annual analysis. The Operations Executive Officer (XO) shall be responsible for submitting the annual use of force analysis to the Chief of

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Police. The report shall include: number of incidents, level of force used, injuries reported, discernable trends or training needs, a summary of findings and recommendations for training, equipment, or corrective measures, and be compared to years past.

F. Medical Aid:

1. When officers use any form of force, deadly or less-lethal, appropriate medical assistance will be provided.
2. Emergency Medical Services shall be called to the scene in instances where someone has been injured as a result of the application of deadly force, the application of a baton or other impact weapons, the use of the TASER, or at the request of the suspect.

G. Departmental Response - Deadly Force or Critical Incident:

1. When an employee's actions or use of force causes death or serious bodily injury, a supervisor will respond immediately to the scene. The weapon, if used, will be handled as evidence. If the officer is not in need of medical attention due to injuries, then the officer should maintain control of the weapon, without manipulating it any further after the critical incident ends, until it can be placed into the evidence lockers by the officer. If the officer was injured and has to be transported to the hospital, then a supervisor should take control of the weapon, and place it in evidence. Once the weapon is ready to be placed in evidence, it shall be made safe by removing the magazine, ejecting any live round in the chamber, and locking the slide open. The weapon, magazine, and extra round are to be placed in evidence, noting in the report the original condition of the gun before making safe. Supervisors should ensure that a replacement weapon is immediately available to exchange and that the exchange takes place out of the public view. Replacement handguns for commissioned personnel are kept in the commander's gun vault at police headquarters.
2. With the exception of an officer involved shooting, the department shall conduct both an administrative and criminal investigation of the incident.
3. If the incident is an officer involved shooting, the department will conduct an administrative investigation which is parallel but independent of any criminal investigation being conducted.
4. If the incident is an officer involved shooting, the criminal investigation will be conducted by an outside agency. It is essential that this type of investigation be conducted by personnel who have received specific training and every effort should be made to ensure that a thorough and impartial criminal investigation of the incident is conducted. The preferable agency to conduct such an investigation is the Texas Ranger Division of the Texas Department of Public Safety. Other primary investigator agency options for an officer involved shooting are the local Office of the Attorney General or the most appropriate local jurisdiction investigative body, for example the Travis County Sheriff's Department or the Austin Police Department. The Chief of Police or his designee will contact the appropriate agency to arrange for that agency to conduct the criminal investigation of an officer involved shooting. The department will cooperate with the agency conducting the investigation and will assist as requested.
5. The employee shall be placed on administrative leave pending the investigation and evaluation by a mental health professional. If cleared to return to work by a mental health professional, the employee may be reassigned or remain on administrative leave until the investigations are complete.
6. Debriefing of any critical incident will be coordinated and documented by a supervisor.

H. Death in Custody:

1. Code of Criminal Procedure Article 49.18 (b) requires: If a person dies while in the custody of a peace officer or as a result of a peace officer's use of force or if a person incarcerated in a jail, correctional facility, or state juvenile facility dies, the director of the law enforcement agency of which the officer is a member or the facility in which the person was incarcerated shall investigate the death and file a written report of the cause of death with the attorney general no later than the 30th day after the date on which the person in custody or the incarcerated person

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died. The director shall make a good faith effort to obtain all facts relevant to the death and include those facts in the report.

2. "In the custody of a peace officer" means: Under arrest by a peace officer or under the physical control or restraint of a peace officer.
3. Blank copies of the "Custodial Death Report" are available from the Attorney General of Texas website.

APPROVED:

Chief of Police

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Changes:

02/08/2022

Introduction Paragraph – language change from “special integrity” to “sanctity”

E-1 – Addition of “baton” in description of PR-24

E-3,4 – Update of language to reflect current Records Management System and method of notating UoF

E-6 – Change in Supervisor initial review removing recommendations as to professional conduct and change in findings being sent to Executive Officer (XO) instead of Chief of Police

E-7 – Change from Captain of Field Operations to Operations Executive Officer

E-8 – Change from Captain fo Field Operations to Operations Executive Officer (XO)

F-2 – Clarification of any baton and not just ASP baton

08/25/2014

Header Reference - Removes reference to System ODOP policy that is no longer in effect.

A-4 – Addition of word “any” to match definition wording in Penal Code.

B-3 – Removes reference to System ODOP policy that is no longer in effect.

B-4 – Word change for clarification.

D-1 – Specifies UTPD policy in reference.

D-2 - Remove previous wording and reference policy A-13 to cover authorized less lethal weapons and training requirements.

E-1 – Adds PR-24 to list of weapons.

E-4 – Added System requirements of completing a DP54.

E-5 – Added reference to section E-4.

E-5-8 – Renumbered for continuity.

F-2 – Added wording “or at the request of the suspect” for requiring requests for EMS.

G-1 – Added procedures to keep the chain of evidence intact when handling weapons as evidence.

G-2 – Wording inserted to separate officer involved shooting from other types of critical incidents.

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G-3 – New section added to clarify UTPD does administrative investigation separate from criminal investigation.

G-4 - New section to address criminal investigation in an officer involved shooting. Criminal investigation conducted by an outside agency. Importance of specific training and thorough investigation. Preferred criminal investigator is DPS Texas Rangers. Additional investigator agency options are listed. Chief of Police or designee contacts outside agency to arrange criminal investigation. The department will cooperate with investigation and assist as requested.

G-5-6 – Renumbered for continuity.