
	<b><u>SUBJECT</u></b>  <b>DEADLY FORCE</b>		<b><u>NUMBER</u></b>  <b>402/14</b>
	<b>EFFECTIVE DATE:</b>  <b>08-25-09</b>	<b>AMENDS:</b>  <b>07-11-08</b>	<b>RESCINDS:</b>
<b>DISTRIBUTION: Administration, Patrol, CID, Communications, Clerical</b>		<b>REFERENCES:</b> <b>CALEA 1.3.2 – 1.3.8 / IACLEA 1.3.1 – 1.3.6</b> <b>TPCFA 3.02.1, 6.02.1</b> <b>Texas Penal Code Chpt. 9</b> <b>Tennessee v. Garner 471 U.S. 1 (1985)</b>	

- .10** A member's use of deadly force is governed by the [Texas Penal Code Chapter 9](#) and only in situations, which indicate that, he or another person may be seriously injured or killed if the deadly force is not used.
- A. Justification for the use of deadly force is limited to the facts known to the officer or perceived by the officer at the time deadly force is employed.
- .11** Deadly force against one who is fleeing from custody, or who is fleeing immediately after committing an offense, is prohibited unless the member has probable cause to believe that the suspect poses an imminent threat of death or serious bodily injury to the member or a third party (see [Tennessee v. Garner, 471 U.S. 1 \(1985\)](#) and [Graham v. Connor, 490 U.S. 386 \(1989\)](#))
- .20** Firearms are not discharged under the following circumstances:
- A. As a warning shot; or
- B. When it appears likely that an innocent bystander may be injured; or
- C. At or from a moving vehicle unless the member reasonably believes that deadly force is immediately necessary to protect his life or the life of another.
- .30** While this procedure addresses only deadly force as inflicted by firearms, it is intended to apply to all forms of deadly force. The weapons available to a member are intended to be used as defensive instruments.
- .40** An internal investigation will be separate and independent of a criminal investigation. Under the following situations, the Chief of Police, Deputy Chiefs of Police, Criminal Investigations Division, and the Patrol Division Lieutenant are to be notified immediately:
- A. When members discharge weapons under any circumstances on duty, except during firearms training sessions.
- B. In the event the use or attempted use of deadly force causes injury or death to any person as the result of police action or the conduct of a member whether on or off duty.

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- .41** Staff review may be held after an internal investigation to determine if incidents involving the use of deadly force and discharge of weapons conform to the guidelines set forth in the Operations Manual of the Police Department.
- .50** All instances of the use of force shall be documented in the officers report of the incident. Officers shall fully detail the facts and circumstances surrounding the use of force. Additionally, officers shall complete the "Type of Force Used by Law Enf. (if any):" drop down box field located under the Person's tab in Crimestar by activating the "Med" radio button and selecting one of the following categories:
- A. EC = Empty Hand Control
  - B. IW = Intermediate Weapons
  - C. LF = Lethal Force
  - D. OP = Officer Presence
  - E. VC = Verbal Control

The officer shall also complete the "Injuries Sustained" free text field by briefly describing the nature of the injuries sustained by the individual force was used against.