

Memorandum

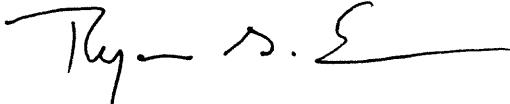


DATE: January 10, 2014

TO: Members of the Public Safety Committee

SUBJECT: **Use of Force Team Overview**

Attached is the briefing material on the “Use of Force Team Overview” to be presented to the Members of the Public Safety Committee on Monday, January 13, 2014.



Ryan S. Evans
Interim First Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the Dallas City Council
A.C. Gonzalez, Interim City Manager
Warren M. S. Ernst, City Attorney
Daniel F. Solis, Administrative Judge
Rosa A. Rios, City Secretary
Craig D. Kinton, City Auditor
Jill A. Jordan, P. E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council



Use of Force Team Overview

Public Safety Committee

January 13, 2014



www.dallaspolice.net

David O. Brown
Chief Of Police

The Purpose of this Briefing

- Provide an overview of the changes being made to Dallas Police Use of Force training program:
 - Staffing changes
 - Timeline for the expected changes
 - Comparison of current training to the new training regimen

Use of Force Team Staffing Changes

Current Staffing	New Staffing
Reality Based Training (RBT) – 8 Senior Corporals and 1 Sergeant	RBT change to 7 Sergeants
Defensive Tactics - 8 Senior Corporals and 1 Sergeant	Defensive Tactics – Staffing remains the same
Firearms – 16 Senior Corporals and 1 Sergeant	Firearms – One additional sergeant will be added to Staff These 3 teams overseen by 1 Lieutenant 1 Major being added to oversee transition

Use of Force Team Staffing Changes

- Adding more Sergeants to training:
 - Adds management insight and a fresh perspective to
 - Training tactics
 - Reasonable alternatives, de-escalation
 - Policy compliance in training
 - Use of force policy and philosophy
 - Deadly force policy and philosophy
 - Training evolution and development
 - Use of Force Training and Investigations
 - Lessens peer – to – peer critique

Use of Force Team Staffing Changes

- Major (Project Manager)
 - Coordinate and facilitate transition
- Lieutenant :
 - Ensures Use of Force training tactics are uniform
 - Oversee the development of the training
 - National Best Practices
 - Officers Input
 - Community Input
 - Policy Compliance

Timeline for Change

- Immediate Change
 - Implement communications plan to officers for buy-in and input
 - Begin training of specialized teams
 - Monthly training compared to annual training
 - Such as Metro Task Force and Crime Reduction Teams
 - New Sergeants in Use of Force Team
 - Begin observation and learning curriculum
 - Get community input

Timeline for Change

- January through April
 - Confer with and Evaluate
 - Best Practices in Use of Force
 - Training by Police Executive Research Forum (PERF) and Institute for Law Enforcement Administration (ILEA) and other entities
 - New Staff Completes Instructor Certifications
 - Texas Commission on Law Enforcement (TCOLE) Basic Instructor
 - Reality Based Training Instructor Certification

Timeline for Change

- April through October
 - Begin implementing curriculum changes
 - Use of Force training in areas of Reality Based Training, Defensive Tactics and Firearms
 - Re-emphasize our policies, philosophies, and expected actions through training for both supervisors and officers

Focus on Training

Additional Trainers will be added to implement

- Use of Force Policy
 - De-escalation
 - Reasonable alternatives
- Deadly Force Policy
- Procedural Justice
- Critical Incident Training (Mental Health)
- Building Searches
- Traffic Stops
- Felony Stops

Summary

- The changes to the Use of Force Team and Training will:
 - Improve officer and citizen safety
 - Improve the public's trust and confidence in the Department
 - Increase Management overview of use of force training and policy application
 - Enhance opportunity to develop better field practices
 - Increase officers' and supervisors' awareness and understanding



Questions?



Dallas Police Department General Order

906.00 Use of Deadly Force

DAVID O. BROWN
CHIEF OF POLICE

Revised 06/19/09

906.00 USE OF DEADLY FORCE

906.01 Philosophy

- A. This philosophy is intended as a broad guide to the use of deadly force and as a moral and ethical approach to the use of deadly force policy. Although not intended as a strictly enforced set of rules, the philosophy statement describes the manner in which the procedures will be applied.
- B. Protection of human life is a primary goal of the Police Department; therefore, police officers have a responsibility to use only the degree of force necessary to protect and preserve life.
- C. Deadly force will be used with great restraint and as a last resort only when the level of resistance warrants the use of deadly force. The Dallas Police Department places a greater value on human life than on the protection of property; therefore, the use of deadly force is not allowed to protect property interests.

906.02 Use of Deadly Force Policy

- A. Justification for the Use of Deadly Force -In all situations, justification for the use of deadly force must be limited to the facts reasonably apparent to the officer at the time the officer decides to use the force.
- B. Definitions
 1. Reasonably Perceive - The facts or circumstances the employee knows, or should know, that would cause an ordinary and prudent peace officer to act or think in a similar way under similar circumstances.
 2. Reasonable Alternative - An action that may be taken by the officer that may allow the officer to avoid the use of deadly force.
 3. Reasonable Belief - A belief that would be held by an ordinary and prudent person in the same circumstances as the actor.
 4. Serious Bodily Injury - Bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.
- C. Avoiding the Use of Deadly Force
 1. At the point when an officer should reasonably perceive the potential exists that deadly force may be an outcome of any situation, the officer must use reasonable alternatives if time and opportunities permit. 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.
 2. Planned and supervised hazardous entry situations are recognized as meeting the requirements of reasonable alternatives above.
 3. Officers will not fire their weapons under conditions that would unnecessarily subject bystanders or hostages to death or possible injury except to preserve life or to prevent serious bodily injury.
- D. Authorization to Use Deadly Force -Officers will only use deadly force to protect themselves or another person from imminent death or serious bodily injury.
- E. Drawing or Displaying Firearms - Officers may draw or display firearms when there is a threat or reasonable belief that there is a threat to life or they have a reasonable fear for their own safety and/or the safety of others.
- F. Discharging Firearms at Moving Vehicles -
 1. Discharging firearms at a moving or fleeing vehicle is prohibited unless it is necessary to prevent imminent death or serious bodily injury to the officer or another person.
 2. Officers will not voluntarily place themselves in a position in front of an oncoming vehicle where deadly force is a probable outcome.
 3. When confronting an oncoming vehicle, officers will move out of its path, if possible, rather than fire at the vehicle.
- G. Officers will not fire warning shots.
- H. Policy Restrictions - The restrictions of this policy shall not apply if an off-duty officer acts within the provisions of current state statutes to protect the employee's personal property. In this case the officer is acting as a private citizen.



Dallas Police Department General Order

901.00 Response Continuum

DAVID O. BROWN
CHIEF OF POLICE

Revised 06/16/11

901.00 RESPONSE CONTINUUM

901.01 Response Continuum – Philosophy

- A. The 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 a particular officer on how much control to use in a particular situation.
 - 3. Gives direction in the escalation of resistance and the escalation of control necessary in police incidents.
 - 4. Explains that many variables are involved in situations where an officer must control a subject.
 - 5. The Dallas Police Department uses the Linear Response Continuum as its model. (see attached)
- B. Skillful use of the options identified in the Response Continuum decreases the necessity to respond with the use of force and increases the probability of bringing the incident to a successful conclusion. The amount of physical force used may range from the use of handcuffs in an arrest, strikes with an impact weapon, or the use of a firearm.
- C. In all cases the Dallas Police Department dictates that only *necessary* force is justified. Any force above that act would be unjustified and the goal of control violated.
- D. Officers will be in situations where the use of physical control techniques is necessary and justified. In all cases of physical control, the potential exists for injury to officers and subjects. Officers will ensure that as soon as subjects are brought under control, they are placed in an upright position (if possible) or on their side. Officers are responsible for rendering first aid to injured subjects. First aid will include:
 - 1. Monitoring the subject.
 - 2. Calming the subject through reassurance.
 - 3. Checking pulse and skin color.
 - 4. Checking for consciousness through the use of interviews.
 - 5. Applying direct pressure, if necessary.

901.02 Use of Force

- A. The Use of Force must be examined from two perspectives: resistance (Subject) and control (Officer). Both control and resistance can be in the form of verbal directives or physical action.
 - 1. Resistance - a subject's non-compliance to the officer. The amount and type of resistance varies based on a number of factors.
 - 2. Control - the force an officer uses to influence or neutralize a non-compliant subject. Officers are justified in using physical control methods in the following situations:
 - a. To protect the officer or another from injury or death.
 - b. To effect the lawful detention or arrest of a non-compliant subject.
 - c. To stop potentially dangerous and unlawful behavior.
 - d. To protect a subject from self-injury.
- B. The Dallas Police Department uses broad standards to measure the justification of an officer's use of force.
 - 1. The control methods used were initiated by a subject's resistance.
 - 2. The level of control used was necessary and reasonable considering the subject's resistance.
- C. A *Show of Control* (displaying tactical advantage to persuade the suspect to comply with verbal commands) is implemented to influence a subject to make positive decisions. A *Show of Control*:
 - 1. Reduces reaction time.
 - 2. Serves as a visual warning of potential use and imparts to a subject that resistance is futile.
 - 3. Adds intermediate steps to the DPD Response Continuum.
 - 4. Can be recalled or de-escalated to lower forms of control.
- D. *Use of Control* is an action that can result in tissue damage to a subject and when employed cannot be recalled, this is to include OC Spray.

901.03 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 or threats.
- 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 officer's control, but does not involve attempts to harm the officer. This means there has been physical contact between the officer(s) and suspect. Simply running from officers who have not made any previous physical contact with the suspect does not constitute defensive resistance.
- E. Active Aggression: Physical actions of assault toward officer. This includes a suspect who attempts to attack, grabs, punches, kicks, and/or wrestles with the officer.
- F. Deadly Force encounters.

Dallas Police Department General Order

901.00 Response Continuum

Revised 06/16/11

901.04 Levels of Control

- A. Officer Presence: Bearing, confidence, poise, and perceivable effectiveness assisting the officer in incident interaction. Officer presence includes two essential elements that 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 escalation prevention during incident interaction. (Commands of direction, control, or arrest.)
- C. Empty Hand Control: Empty hand control techniques depend upon the level of subject resistance. The three 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, a handwritten or MDT generated MIR must be completed.
 - 2. Oleoresin Capsicum (OC) Spray (Technique that can result in tissue damage, allergic reaction, or respiratory distress).
 - a. Hand held aerosols
 - b. PepperBall area saturation
 - 3. Hard Empty Hand Control (Techniques with a probability of injury): Defensive Counterstrikes, Iron Wrist Take-down, and Brachial Stuns (use of personal weapons, i.e.: hands, feet, etc.)
- D. Intermediate Weapons: Use of intermediate weapons is justified for situations when the officer believes empty hand control will be ineffective, inappropriate, or when empty hand control has already failed.
 - 1. The use of intermediate weapons is categorized as follows:
 - a. Soft Intermediate Weapon Control: Impact weapon, joint locks, come-a-longs and blocks.
 - b. PepperBall system-direct contact
 - c. Hard Intermediate Weapon Control: Impact weapon strikes, jabs, and chops.
 - 2. Departmentally authorized batons (refer to General Order 802.23).
 - 3. Electronic Control Weapon
- E. Deadly Force: The use of force that will cause death or serious bodily injury. Deadly Force will only be employed in accordance with the Department's Deadly Force Policy (refer to Section 906.00).

901.05 Variables that Impact the Response Continuum

- A. The Response Continuum emphasizes various levels of control exercised by an officer in response to the levels of resistance exhibited by a subject. The appropriate level of control response will be determined by the facts that are reasonably apparent to the officer at the time of an incident and at the moment that a level of control is initiated.
- B. Officers must take into consideration four variables that impact Response Continuum use:
 - 1. Officer(s)/Subject(s) size, gender, and age.
 - 2. Environmental conditions.
 - 3. Reaction time.
 - 4. Totality of circumstances.
- C. In all situations, officers will use only that force necessary to control the situation. The Response Continuum provides a probability and not a guarantee that the level of force will not escalate.

Linear Use-of-Force Response Continuum

DALLAS POLICE DEPARTMENT

