



EXECUTIVE ORDER POLICING REFORM: USE OF FORCE

EO No. EO 1-67

Effective Date: Upon Approval

1. AUTHORITY

Article VI, Section 7a, of the City Charter of the City of Houston.

2. PREFACE

It is the policy of the City of Houston (City) to value and preserve human life by carefully balancing all public interests in connection with vesting police officers with the authority to use lawful, objectively reasonable force to protect the public welfare.

3. SCOPE

This Executive Order is applicable to police officers in the Houston Police Department (HPD).

4. DEFINITIONS

Bodily Injury: An injury causing physical pain, illness, or any impairment of the function of any bodily member or organ.

Deadly Force: Force intended or known to cause, or in the manner of its use or intended uses is capable of causing, death or serious bodily injury.

Firearm: For purposes of this Executive Order, a firearm is any handgun, rifle, or shotgun, but excludes soft-impact weapons.

Force: Any physical contact between a person and a police officer using the body or any object, device, or weapon, but force does not mean unresisted escorting or handcuffing.

Independent Police Oversight Board (IPOB): The Board created pursuant to Executive Order 1-5, as may be amended from time to time, that is responsible for (1) reviewing internal police investigations or possible misconduct by employees of the Houston Police Department that involve allegations of excessive force, discharge of firearms, serious bodily injury or death, and all other Class I internal investigations, as well as Class II investigations involving mistreatment of citizens; (2) reviewing and making recommendations on recruitment, training and evaluation of police officers; and (3) considering community concerns regarding the Houston Police Department.

Police Officer or Officer: An employee of the City assigned to HPD who is a peace officer licensed by the Texas Commission on Law Enforcement, appointed as a police officer in substantial compliance with Texas Local Government Code Chapter 143, and who has been sworn in as a police officer of HPD or is an HPD Academy cadet.

Serious Bodily Injury: An injury that creates a substantial risk of death or that causes death, serious

Approved:

Date Approved:

06/10/2020

Page 1 of 3

permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

5. GENERAL PROVISIONS

5.1. RESPONSE TO RESISTANCE

5.1.1. Officers shall use only the amount of objectively reasonable force necessary to successfully protect themselves or others to effect an arrest or to bring an incident under control when dealing with members of the community, suspects, or prisoners, even if under the circumstances applicable law would allow the use of greater force.

5.2. DE-ESCALATION

5.2.1. Officers shall use de-escalation techniques to gain voluntary compliance and seek to avoid or minimize use of physical force whenever practical. De-escalation techniques shall be continuously developed, updated and made part of the continuing training delivered to all police officers by HPD.

5.2.2. Each officer should make clear the officer's intent to arrest or search a person and should identify himself or herself as a police officer before using force, unless the officer has an objectively reasonable belief that this information is already known by the subject or it is impracticable to do so.

5.3. USE OF DEADLY FORCE

5.3.1. Prior to the use of deadly force, all police officers shall:

5.3.1.1. Use appropriate de-escalation techniques that are reasonably likely to decrease the need for the police officer to use physical force.

5.3.1.2. Exhaust all other reasonably available alternatives, such as, without limitation, issuing a verbal warning when possible prior to the use of deadly force.

5.3.1.3. If de-escalation and all other reasonable means of reducing the conflict are not successful, the use of deadly force by means of a firearm is limited to those circumstances in which an officer has an objectively reasonable belief that the use of deadly force is necessary to protect the officer or others from imminent serious bodily injury or death. Police officers shall consider the immediate surroundings and the safety of uninvolved persons before using deadly force.

5.3.2. Shooting at a Moving Vehicle:

5.3.2.1. A police officer is prohibited from discharging a firearm or soft-impact weapon at a moving vehicle, unless it is objectively necessary to protect the officer or others from imminent serious bodily injury or death.

5.3.3. Notifications:

5.3.3.1. In addition to notification requirements required by HPD's General Orders, all uses of deadly force by police officers shall be reported to the Independent Police Oversight Board.

5.4. PROHIBITED TECHNIQUES

5.4.1. Police officers shall not use neck restraints or carotid artery holds, also known as choke holds, whether by using an object or a body part, unless the officer has an objectively reasonable belief that it is necessary to prevent imminent serious bodily injury or death to the officer or others. Officers shall not place their knee, foot, or body weight on the neck of a suspect to control or contain the suspect's movements.

5.5. NO KNOCK WARRANTS

5.5.1. Police officers are prohibited from executing a "no knock warrant" unless the warrant has been approved in writing by the HPD Chief of Police or his designee ("Chief of Police") and the warrant has been signed by a district court judge, in accordance with HPD policy and procedure.

5.5.2. Subject to the requirements of paragraph 5.5.1, any "no knock warrant" that may involve forcible entry of a building will be served by HPD's Special Weapons and Tactics Detail, unless otherwise directed by the Chief of Police in writing.

5.5.3. Body Worn Cameras (BWC) will be used by all officers who are members of the entry and perimeter team serving a "no knock warrant" or participating in the execution of any such authorized warrant.

5.6. DUTY TO INTERCEDE

5.6.1. Any police officer present and observing another police officer using force that is beyond that which is reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such force. Officers shall immediately report these observations to an on-duty supervisor.

5.7. IMPLEMENTATION

5.7.1. The Chief of Police shall develop policies and procedures to implement this Executive Order which shall be consistent with this Order.

5.8. CONFLICT

5.8.1. This Executive Order is cumulative of and in addition to all other General Orders and written directives of the Houston Police Department and Chief of Police. In the event of a conflict between this Executive Order and any federal or state law, statute, or regulation, the federal or state law, statute or regulation supersedes this Executive Order. In the event of a conflict between this Executive Order and any General Orders and written directives of the Houston Police Department and Chief of Police, this Executive Order supersedes such General Order or written directives of HPD or the Chief of Police.