



December 4, 2019

ICMS #: 2019-0924

Complaint:

The complainant, [REDACTED], stated while he was waiting in his car to pick his girlfriend up from work, an unmarked car pulled up behind him and an officer told him he “thinks” he has warrants. Mr. [REDACTED] alleges that one of the officers hit him in the “left side of his face/jaw.” Mr. [REDACTED] alleges that the officer(s) used excessive force for a traffic ticket warrant and he was assaulted by the officer who “punched him in the face/ jaw.”

Additional information:

Officer [REDACTED] and Officer [REDACTED] documented the Response to Resistance and Corporal [REDACTED] was the responding Supervisor.

Administrative Policy to Review:

200.3.2 USE OF FORCE TO AFFECT A DETENTION, AN ARREST OR TO CONDUCT A SEARCH

An officer is justified in using reasonable force when the officer reasonably believes the use of such force is immediately necessary (Tex. Penal Code § 9.51(a)):

- (a) To make or assist in a detention or an arrest, or to conduct a search that the officer reasonably believes is lawful;
- (b) To prevent or assist in preventing escape after an arrest, provided the officer reasonably believes the arrest or search is lawful; or
- (c) To make an arrest or conduct a search under a warrant that the officer reasonably believes is valid.

206.6 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has an objectively reasonable belief that the use of such a technique appears necessary to further a legitimate law enforcement purpose.

- (a) Officers should consider the following when using pain compliance techniques:



1. The potential for injury to the officers or others if the technique is not used.
2. The potential for serious injury to the individual being controlled.
3. Whether the pain compliance technique is effective in achieving an appropriate level of control.
4. The nature of the offense involved.
5. The level of resistance of the individual(s) involved.
6. The need for prompt resolution of the situation.
7. If time permits (e.g., passive demonstrators), other reasonable alternatives.

- (b) The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved or other more appropriate alternatives can reasonably be utilized.

Recommended Classification: *The OPO is permitted to make a preliminary recommendation on the classification of [REDACTED] administrative [REDACTED]*

The OPO recommends that this allegation receive a B classification.

