

**WINTER PARK POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Title:	Use of Force	SOP #: 222
Rescinds:	SOP #: 272, Dated 02-28-00	Amends:
Effective:	October 6, 2015	Pages: (20)
Attachments:	“A” Use of Force Form “B” Use of Force/Levels of Resistance Matrix “C” Display/Show of Force Report Form	

222-1 PURPOSE:

The purpose of this policy is to establish guidelines to govern the use of force, including deadly force, by members of the Winter Park Police Department and to define procedures for reporting and notification in incidents regarding the use of force.

222-2 POLICY:

- A. It is the policy of the Winter Park Police Department that all sworn personnel be given a copy of and instructed on the policy entitled, Use of Force and the current law regarding the use of force. This instruction shall occur before the member is authorized to carry a firearm or is placed in a position where they may use deadly force. This training shall be conducted in the orientation phase of the Field Training process and their respective Field Training Officer shall document the training.
- B. Officers of the Winter Park Police Department, while engaged in the lawful execution of a legal duty, will use only the least amount of force reasonably necessary to affect their objective. The use of necessary force is permitted only after other reasonable means of effecting compliance have failed. Unnecessary or excessive force shall not be tolerated.
- C. Officers shall carry only those weapons authorized by the Chief of Police through the policies of the department. Members are prohibited, while exercising law enforcement authority, from carrying Department approved weapons (lethal and non-lethal) with which they have not proven proficiency.

222-3 DEFINITIONS:

- A. Deadly Force – Force which is likely to cause death or great bodily harm.
- B. Non-deadly Force – Force which is not likely to cause death or great bodily harm.
- C. Lateral Vascular Neck Restraints (LVNR) – A neck hold in which air flow or blood flow to the brain is restricted. This type of physical force is NOT authorized by the department.
- D. Less Lethal Launcher – A device which expels a projectile(s) which is intended to incapacitate a subject(s) without causing death or serious bodily injury.
- G. Physical Force - The physical (weaponless) power used to overcome another person's resistance and gain compliance, which is not likely to cause death or great bodily harm. This does NOT include the drawing of a weapon (e.g. firearm, OC Spray, baton, Taser, etc.) without its discharge or use.
- H. Conducted Electrical Weapon (Taser) - A device designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
- I. Warning Shot – The intentional discharge of a firearm in an attempt to warn or frighten a suspect in some action or inaction. The use of warning shots is strictly prohibited.
- J. Hog Tying- Securing the feet to handcuffed hands behind a person's back. Hog tying is prohibited by the Department.
- K. Hobble- A device that prevents or limits the locomotion of a human, by tethering one or more legs.

222-4 GENERAL PROCEDURES:

- A. In all situations members will use only that force which they reasonably believe to be necessary to make an arrest or effect lawful objectives.
- B. Officers need not retreat or desist from efforts to make a lawful arrest because of the resistance or threatened resistance to the arrest. Officers may use reasonable force in the performance of their duties. Officers may use any reasonable force to gain compliance in the following circumstances:

1. When the member reasonably believes that such force is necessary to defend themselves or another from bodily harm while making an arrest.
 2. To prevent a person from injuring the officer(s), another person, or themselves.
 3. When necessary in retaking felons fleeing from justice and the officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officers or others; or the officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.
- C. When using force, the member should consider:
1. What is the severity of the crime that the subject has or is committing?
 2. Does the subject pose an immediate threat to the safety of officers or others?
 3. Is the subject actively resisting, aggressively resisting or using deadly force resistance?
 4. Is it feasible to give a warning prior to the use of force without compromising safety?
- D. The Department Force Guideline Flowchart shall be applied in all situations.
- E. In all instances where lethal or less-lethal was used by an officer, and there is an injury, suspected injury, or complaint of injury the officer shall, initiate first aid or summon EMS personnel to assess and aid the injured party, unless doing so is not practical or compromises the officer's safety.

222-5 REASONABLE FORCE:

Police officers must frequently employ force to affect an arrest and ensure public safety. It is not intended that a suspect ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that a member is required to engage in hand to hand combat (with all its risks) before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control. Members must use appropriate force and need not retreat or desist when physical force is necessary to affect an arrest, prevent an escape, gain compliance or overcome resistance.

Justification for the use of force is limited to what is reasonably known by the officer at the time of its use. The escalating scale of options does not change the standards that guide the use of discretion in the field. Options range from verbal persuasion to the use of the firearm or other deadly force.

222-6 LEVELS OF FORCE:

The Winter Park Police Department has adopted the recommended Use of Force/Levels established by the Florida Department of Law Enforcement.

A. SUBJECT RESISTANCE LEVELS:

1. **Passive resistance** is a subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officer to use physical techniques to establish control.

Some examples of passive resistance include the following:

- The subject refuses to move at the officer's direction.
- The subject peacefully protests at a political event in a public location.
- The subject refuses to take his hands out of his pockets or from behind his back.

2. **Active resistance** is a subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, or pulling to prevent the officer from establishing control over the subject.

Some examples of active resistance include the following:

- The subject physically anchors himself to a person or object to prevent himself from being removed.
- The subject braces or pulls away from the officer when the officer grips the subject's arm.
- The subject attempts to run when the officer touches or attempts to grab the subject's arm or shoulder.

3. **Aggressive resistance** is a subject's attacking movements toward an officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others.

Some examples of aggressive physical resistance include the following:

- The subject balls up his fists and approaches the officer.
- The subject pushes the officer back as the officer tries to take the subject into custody.
- The subject grabs any part of the officer's body.

4. **Deadly force resistance** is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others.

Some examples of deadly force resistance include the following:

- A subject refuses to drop a knife when ordered to by the officer and moves toward the officer.
- A subject shoots or points a gun at an officer or other person.
- A subject tries to disarm the officer by taking his/her firearm.

B. OFFICER RESPONSE OPTIONS:

Officers should always try to resolve a situation with the least amount of force necessary. Command presence and verbal communication often will defuse many volatile situations. Sometimes these are not enough or officers may not have the opportunity to use them. Officers need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, officers need to respond with all the force reasonably necessary for the circumstances in each specific situation.

1. **Physical control** is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
2. **Nonlethal weapon** is a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of nonlethal weapons include Conducted Electrical Weapons (CEW), such as a TASER, expandable batons, and chemical agent sprays.
3. **Deadly force** is force that is likely to cause death or great bodily harm. Some examples of deadly force include: The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; or the firing of a firearm at a vehicle in which the person to be arrested is riding.

Note: Use of deadly force may be an officer's first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone died from the force used. It can cause great bodily harm or no harm at all. For example, returning fire is deadly force even if the officer misses the target. The officer must base his or her decision to use deadly force as a defensive tactic on a clear, reasonable belief that he or she, a fellow officer, or another person, faces an immediate threat of death or great bodily harm.

C. DEADLY FORCE:

Officers may only use deadly force when they reasonably believe that it is necessary to:

1. Defend themselves from an immediate threat of death or great bodily harm.
2. Defend another person from an immediate threat of death or great bodily harm.
3. When the officer reasonably believes such force is necessary to defend themselves or another from bodily harm while making an arrest.
4. When necessary in retaking felons who have escaped, and the felon poses an immediate threat of infliction or threatened infliction of serious physical harm to another.
5. When necessary in arresting felons fleeing from justice, and the member reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or the member reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

Note: Use of a motor vehicle as a weapon constitutes the use of deadly force. A motor vehicle shall only be used if it meets the guidelines above.

D. FACTORS FOR DECIDING THE USE OF DEADLY FORCE:

Officers use three criteria for making deadly force decisions: ability, opportunity, and intent.

Ability:

Refers to the subject having the means to carry out his or her intent to cause death or great bodily harm. An officer must determine whether the subject has the necessary means to cause death or great bodily harm to the officer or others. A weapon is not required; a subject must only have the apparent ability to carry out his or her intention. If the subject seems physically able to cause death or great bodily harm, then he has the ability. For example, a 6'4", 250-lb. muscular man threatening to do bodily harm to an officer does not necessarily need a weapon. By virtue of his/her size and physical condition, he/she has the apparent ability.

Opportunity:

Means the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others. The subject's weapon often determines opportunity. For example, a suspect armed with a knife may not be an immediate threat to an officer

standing far away. However, the same person standing closer or carrying a firearm certainly has the opportunity to carry out his intent to cause death or great bodily harm.

Intent:

Is a reasonably perceived, immediate threat to an officer or another person based on the subject's actions, behaviors, words, or other indicators? It is a perception derived from the totality of the circumstances. Officers should use the amount of force necessary and reasonable for the situation. If the ability, opportunity, and intent are present and the officer cannot control the threat using lesser means, then deadly force is justified. Remember that when resistance deescalates, so must your response.

E. OBJECTIVE REASONABLENESS:

Totality of circumstances

Is a term the court uses to refer to all facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a use of force decision. The courts will look at the totality of the circumstances in determining whether the decision was objectively reasonable and legally justified. The totality of circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer.

Some situational factors may include the following:

- Severity of the crime
- Subject is an immediate threat
- Subject's mental or psychiatric history, if known to the officer
- Subject's combative skills
- Subject's access to weapons
- Innocent bystanders who could be harmed
- Number of subjects versus number of officers
- Duration of confrontation
- Subject's size, age, weight, and physical condition
- Officer's size, age, weight, physical condition and defensive tactics expertise

- Environmental factors, such as physical terrain, weather conditions, etc.
- If tactically feasible, has a warning been given.

FORCE GUIDELINE FLOWCHART

The Force Guidelines recognizes that officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic.

Subject Resistance	Situational Factors
<ul style="list-style-type: none"> • Is the subject verbally or physically resisting my lawful authority? • Is the subject making attacking movements that are not likely to cause death or great bodily harm? • Is the subject making attacking movements that are likely to cause death or great bodily harm? 	<ul style="list-style-type: none"> • What subject factors influence this situation? Weapons? Physical size? Demeanor? Others? • What officer factors influence this situation? Training? Experience? Physical size? Others? • What environmental factors influence this situation? Weather? Location? Presence of others?
Justification	Officer's Response
<ul style="list-style-type: none"> • Were my actions reasonable based on the subject's resistance and the totality of the circumstances? • Am I able to articulate the reasons for my actions? • Was I in compliance with constitutional and state laws, agency policy, and training? 	<ul style="list-style-type: none"> • Can I physically control the subject? • Could I use a non-lethal weapon not meant to cause death or great bodily harm? • Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?

222-7 UNNECESSARY FORCE:

Unnecessary force is that force which has no lawful justification for any use of force.

Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. All prisoners and suspects will be treated in a fair and humane manner.

Unnecessary force, force utilized as punishment or for vengeance, is clearly improper and unlawful. Such actions may cause the member to face civil and criminal liability. Such actions **will** cause the member to face departmental disciplinary action, which may result in the termination of the member.

222-8 EXCESSIVE USE OF FORCE

Excessive force is that force that exceeds authorized force justified by Florida State Statute and policy in subduing and/or taking into custody a subject(s).

222-9 RENDERING MEDICAL ASSISTANCE:

Officers are responsible for rendering medical assistance at incidents where serious or life-threatening injuries are sustained by individuals.

- A. Officers will render medical assistance within the limit and scope of their training.
- B. Officers will immediately summon and direct emergency medical assistance to the scene of an incident through Communications.
- C. Officers will attempt to protect injured persons from further injury.

222-10 USE OF NON-LETHAL WEAPONS:

(TASER, IMPACT WEAPON, LESS LETHAL PROJECTILE WEAPON, CHEMICAL SPRAY AND PHYSICAL FORCE)

- A. **Conducted Electrical Weapon** – see S.O.P. #: 216, Conducted Electrical Weapon for additional policy and procedures.
 - 1. Tasers issued by the Winter Park Police Department, are the only Conducted Electrical Weapon authorized for use.
 - 2. All uniform officers that have been issued a Conducted Electrical Weapon shall carry the electronic control device while on duty and in uniform.

3. No officer shall carry the Conducted Electrical Weapon without proper training and certification.
4. The Conducted Electrical Weapon shall be used judiciously and properly in accordance with this policy and S.O.P. #: 216, Conducted Electrical Weapon.
5. When feasible, a warning should be given prior to use unless such warning would compromise safety.
6. Any deployment of the Conducted Electrical Weapon will be in accordance with department training and the manufacturer's recommended guidelines.
7. Any discharge of the Conducted Electrical Weapon, whether intentional or not, will necessitate the immediate notification of the on-duty supervisor and reporting as required in SOP #: 216-10 Reporting Requirements.

B. Chemical Agent

1. The chemical agent is to be used when all verbal persuasive measures have failed. The chemical agent's less than lethal effect makes its use more suitable in certain situations. Proper use will aid in effecting an arrest with minimum force.
2. All sworn members shall carry the issued chemical agent while in uniform. All non-uniform sworn members are encouraged to carry the chemical agent, but it is optional.
3. The chemical agent may be used when personnel are required to use physical force for protection from assault and to take a person into custody.
4. The chemical agent may also be used against attacking dogs or other aggressive animals.
5. The chemical agent should be used before the use of impact weapons (batons) when possible.
6. Only under extreme conditions shall the spray be used at a distance of less than three (3) feet. If the spray is dispensed closer than three (3) feet to the suspect, a detailed explanation shall be included in the narrative portion of the Use of Force Report.
7. After spraying the suspect with the chemical agent, the arresting officer will handcuff the individual to minimize the threat of injury to either the officer or the suspect. The officer will then expose the suspect to fresh air or clean water to allow for decontamination and if necessary provide emergency first aid.

8. Any intentional discharge of a chemical agent will necessitate the immediate notification of the member's on-duty supervisor.
9. Positional Asphyxia - Because of the danger of suffocation after the use of a chemical agent, officers shall not allow a suspect who has been sprayed to remain on the suspect's stomach while the suspect is in a restraint device.
10. When transporting prisoner to the jail, intake personnel will be notified if an arrestee was exposed to a chemical agent.
11. Use of the chemical agent will be in accordance with department training and the manufacturer's recommended guidelines.
12. If feasible, a warning should be given before use unless such warning would compromise safety.

C. Impact Weapon (Baton)

- i. The Department issues and authorizes the use of the expandable baton.
- ii. No officer shall carry the expandable baton without proper training and certification.
- iii. The expandable baton must be used properly and judiciously in accordance with this policy.
- iv. When properly used, the baton is capable of stunning and incapacitating an aggressive opponent. The baton is also capable of permanently disabling or killing an opponent.
- v. Intentionally striking the head, throat, side of the neck and groin is not authorized unless deadly force is warranted.
- vi. Officers shall carry only the issued batons and no changes or modifications shall be made without prior departmental approval through the Chain of Command.
- vii. Use of a baton, with contact, will necessitate the immediate notification of the member's on-duty supervisor.

- viii. An officer will use a baton in accordance with department training and the manufactures' recommended guidelines.
- ix. If feasible, a warning should be given prior to the use of force, unless a warning would compromise safety.

D. Less Lethal Launcher

1. No officer shall carry a less-lethal launcher without proper training and certification.
2. A less-lethal launcher must be used properly and judiciously in accordance with this policy.
3. Only Officers trained in the use a less lethal launcher for deploying gas or projectiles shall use the device.
4. Deployment of Less Lethal Launchers - Less lethal launchers may be used to de-escalate potentially deadly situations while reducing the likelihood of serious injury to all persons involved.
5. When properly used, a less lethal launcher may dispense a round capable of stunning and incapacitating an aggressive opponent. It may include round projectiles (e.g. sponge, bean bag, hard rubber projectile) or a gas round.
6. Intentionally firing the less lethal launcher at a suspect's head, throat, side of the neck or groin is not permitted unless deadly force is warranted.
7. The Chief of Police, or his designee, shall approve the issuance and use of less lethal projectiles.
8. Use of the less lethal launcher will be in accordance with training and the manufacturer's recommended guidelines.
9. If feasible, a warning should be given before use, without compromising safety.

E. Weapons of Opportunity:

1. Nothing in this order shall prevent an officer from utilizing any readily available object as a defensive weapon in circumstances or situations where the actions of an assailant could result in injury or death.

2. The flashlight issued to Department officers is not designed for use as a weapon and no training is conducted for use as a weapon. A flashlight may only be used as described in the above-paragraph (1).
3. The carrying or use of any weapon not authorized by the Department is prohibited. Examples of unauthorized weapons include, but are not limited to: saps, blackjacks, sap gloves, nun chucks, hunting, butterfly or non-folding knives, brass knuckles and kubotans.
4. Folding pocket knives (with a blade of less than 4 inches) may be carried for utility purposes. No training is conducted for use as a weapon and may only be used as described in the above-paragraph (1).

F. **Physical Force**

1. While using physical force, officers shall make every reasonable effort to prevent injury to the person the force is being used against as well as the officer.
2. Hands on, weaponless physical force may include, but is not limited to, those tactical defensive maneuvers such as take downs, knee spikes, pressure points, etc.
3. Restraint holds which restrict air flow or blood flow to the brain (Lateral Vascular Neck Restraint) are not authorized by the department.
4. Officers should be aware of the potential for Positional Asphyxia after the use of physical force. Specifically:
 - a. Predisposing Factors to Asphyxia - Certain factors may render some individuals more susceptible to asphyxia following a violent struggle, particularly when prone in a face down position:
 - Obesity
 - Alcohol and high drug use
 - An enlarged heart (renders an individual more susceptible to a cardiac arrhythmia under conditions of low blood oxygen and stress.
 - Sprayed with OC spray
 - b. The risk of asphyxia is compounded when an individual with predisposing factors becomes involved in a violent struggle with an officer or officers, particularly when physical restraint includes use of behind-the-back handcuffing combined with placing the subject in a stomach-down position.

5. "Hog tying" is prohibited by the department.
6. Proper use of a hobble device is permitted if in accordance with department training.
7. An officer will apply and utilized physical force in accordance with department training.

222-11 USE OF FIREARM:

- A. Officers shall not be authorized or allowed to carry a firearm as a police officer for the City of Winter Park unless they have completed the minimum state required firearms certification training.
- B. Only firearms and ammunition meeting Department approval shall be used in the performance of law enforcement duties. For further guidance see SOP #: 166, Weapons Authorization.
- C. Sworn members who are authorized to carry a firearm must show proficiency, at least annually, with any firearms they are authorized to use. For further guidance see SOP #: 166, Weapons Authorization.

1. Use of Firearm:

- a. All officers approved to carry an agency issued firearm may only discharge the weapon under the following circumstances:
 - 1) When the use of deadly force is justified
 - 2) When conducting authorized ballistics tests.
 - 3) When engaged in sporting activities or shooting exhibitions as a representative of the agency.
 - 4) At an authorized target range for practice or training purposes.
 - 5) To kill a seriously injured or dangerous animal when necessary.

2. Prohibited Use of Firearms:

- a. Officers of the Department are **prohibited** from:
 - 1) Firing warning shots.

- 2) Drawing or displaying a firearm unless there is a fear for the member's personal safety or the safety of others. Personal safety includes, but is not limited to, the search of a building for a suspected felon, felony stops, etc.
- 3) Using the firearm to arrest or prevent the flight of a person who has only committed a misdemeanor or traffic violation.
- 4) Discharging a firearm at a moving vehicle unless it is absolutely necessary to protect the member or others from an immediate threat of death or great bodily harm.
- 5) Placing himself/herself in the path of an oncoming vehicle in an attempt to escalate the situation to justify the use of deadly force.
- 6) Surrendering his/her weapon. (Surrendering his/her weapon may mean giving away the only chance for survival)

222-12 POST ACTION PROCEDURES FOR ALL INCIDENTS:

- **ANY WEAPON USE WHICH CAUSES SERIOUS INJURY OR DEATH**
- **ACCIDENTAL DISCHARGE OF A FIREARM CAUSING INJURY OR DEATH**
- **INTENTIONAL DISCHARGE OF A FIREARM WITH NO INJURIES**

The following procedures will be used to investigate every incident where a member's application of a use of force resulted in; any force causing serious injury or death, an accidental discharge of a firearm resulting in injury or death to a person or an intentional discharge of a firearm which does not result in injuries.

A. Officer involved responsibilities: He/she shall immediately:

1. Determine the physical condition of any injured person and render first aid when appropriate.
2. Request necessary emergency medical aid.
3. Notify communications of the incident and location.
4. The officer shall immediately report the incident to the on-duty supervisor for notification to the proper authority. If another member has contacted the on-duty supervisor, the member involved in the use of force or accidental discharge of a firearm resulting in personal injury will not be required to notify the on-duty supervisor again.

5. The officer should remain at the scene (unless he/she is injured) until the arrival of the appropriate investigator. The ranking Commanding Officer at the scene shall have the member move to a more appropriate location if feasible.
6. The officer will protect his/her firearm or other weapons used during the incident.
7. Unless there is a public safety necessity, no personnel shall discuss the incident with the officer who fired the weapon or engaged in the use of force which resulted in serious injury or death until the criminal investigation is over, or such communication is approved by the Chief of Police. Personnel may discuss the incident with the officer at the officer's request, if the personnel is the officer's spouse, attorney, clergy member or personal representative.

B. Communications Center Responsibilities: The notified dispatcher shall immediately:

1. Request medical aid.
2. Notify the Shift Supervisor.
3. Under the direction of the on-duty supervisor, in cases of injury or death, notify the Chief of Police through and including each member of the Chain of Command.

C. The on-duty supervisor shall:

1. Respond to the scene.
2. Ensure that the following occurs:
 - Medical attention is given to anyone in need
 - Verify that there is not an on-going public safety concern
 - Assign an officer to ride with the person injured (by the officer) to the hospital and document any spontaneous statements
 - Collect the names of all medical personnel transporting or treating the injured
 - Preserve the clothing from the injured
 - Preserve the scene(s) by putting up crime scene tape
 - Start a crime scene log
 - Collect witness names and information; however, statements should not be taken unless directed by FDLE or CID.
 - Separate witnesses to the best of ability

- The officer who used force, should be separated off-scene and driven back to the station when feasible.
- The officer's firearm/weapon will NOT be collected by the on-scene supervisor.
- The on-scene supervisor will NOT request a statement from the officer whose use of force application resulted in serious injury or death unless it is necessary for the public safety.
- Render command assistance to the assigned investigator.
- Assist the involved member(s).
- Submit any reports as necessary.

3. Brief command personnel through their chain of command.
4. Request the CID supervisor, if there is a parallel criminal investigation, as directed by the Chief of Police or his designee.

D. The Chief of Police, or his designee, will determine whether to contact the Florida Department of Law Enforcement to assume control over the investigation. If the Florida Department of Law Enforcement takes over the investigation, the scene(s) will be turned over to FDLE and/or CID.

E. Criminal Investigation Division Responsibility:

The Criminal Investigation Division will assist the investigating authority in conducting a thorough investigation.

F. Internal Affairs

The Chief of Police will assign a command staff member to conduct an internal investigation separate from and subordinate to any criminal investigation. The internal affairs investigation will not begin until after the conclusion of any criminal investigation.

222-13 POST ACTION PROCEDURES FOR:

- **UNINTENTIONAL DISCHARGE OF A FIREARM (WITHOUT INJURIES)**
- **INTENTIONAL DISCHARGE INVOLVING ANIMALS**

A. An officer who unintentionally discharges a Department authorized firearm on or off-duty which does not result in physical injury, within or outside his/her jurisdiction, except for formal training, recreation or practice at the range, shall make an oral report to the on-duty supervisor as soon as circumstances shall permit.

- B. The officer shall also complete a City Incident report and forward it to the on-duty supervisor prior to ending his/her tour of duty, or if the incident occurred off-duty, the on-duty supervisor to which the incident has been reported shall complete a City Incident report prior to ending his/her tour of duty.
- C. An officer who intentionally discharges their firearm to incapacitate or put down an animal shall make an oral report to the on-duty supervisor as soon as circumstances shall permit. In addition, the officer shall document the incident on the applicable form (e.g. if the action occurred during an arrest, the narrative portion of the incident report shall contain information/justification of the animal being shot; if the incident occurred without a concurrent incident, the shooting shall be recorded on a CJIS (Information) Report.
- D. The on-duty supervisor shall immediately notify the:
 - 1. Chain of Command
 - 2. Officer's immediate supervisor.
 - 3. Officer's division commander.

Note : A Use of Force form will not be completed for unintentional discharge of a firearm (no injuries) or for incidents in which the firearm was used on an animal.

222-15 POST ACTION PROCEDURES FOR WEAPONLESS NON-DEADLY USE OF FORCE INCIDENTS

- A. When an officer uses non-deadly physical (weaponless) force in the performance of their duty, they shall immediately take the following actions:
 - 1. Determine the condition of any injured person, render first aid, and summon medical assistance if appropriate.
 - 2. If the person is injured, transport them (or have them transported by rescue) to the nearest hospital emergency room.
 - 3. Notify their supervisor of the incident.

222-16 WRITTEN REPORT PROCEDURES:

- A. Use of Force Report form (Attachment A) will be submitted when an officer:
 - 1. Uses force against a person actively or passively resisting, which require the Officer to go beyond routine handcuffing in order to gain control of the

person. The use of force can occur within or outside of his/her jurisdiction, accidentally or intentionally, on or off duty. These incidents would include:

- a. Discharge of a firearm (other than for training purposes, recreational purposes or animal incapacitation);
- b. Discharge of a less lethal launcher (other than for training purposes);
- c. Use of chemical munitions (other than for training purposes or animal incapacitation);
- d. Deployment of a TASER (other than for training purposes or animal incapacitation);
- e. Use of any type of impact weapon, whether issued or not (other than for training purposes);
- f. Use of physical force beyond routine handcuffing (takedown, pressure points, knee spikes, etc.).

NOTE: If the officer uses force within or outside of his/her jurisdiction, and said force results in serious injury or death, or discharges their firearm in a use of force situation; a Use of Force form will NOT be completed, unless directed by the Chain of Command, after the Chief of Police, or his designee, determines whether the incident will be turned over to the Florida Department of Law Enforcement to investigate.

NOTE: The use of a hobble restraint without any other physical force (pressure points, knee spikes, etc.) does NOT require the completion of a Use of Force Report.

B. Weapon Display Report

1. Pointing or Displaying a Firearm or Taser to alter behavior and gain compliance during contact with subjects(s) will be documented on a Weapon Display Report form.

C. Written reports will be completed prior to the end of shift. If the responsible member is unable to complete the Use of Force Form or Weapon Display Report, it will become the responsibility of the on-duty supervisor to submit this report. Every Use of Force Form and/or weapon Display Report will be directed to the Chief of Police through the Chain of Command with all members of the Chain reviewing and approving the level of force used.

- D. If any staff member in the Chain of Command does not approve the level of force used by a member, the staff member shall prepare a memorandum addressing any inappropriate use of force. This memorandum shall be attached to the unsigned Use of Force Form to be forwarded to the Chief of Police through the Chain of Command.
- E. The Chief of Police, or his designee, will make a determination and may recommend retraining, request an internal investigation of the incident or determine the force was justified and fell within policy.
- F. The Community Services Division will maintain Use of Force Reports and related records in accordance with State records retention laws.
- G. The Deputy Chief shall ensure an annual report is completed analyzing use of force incidents which occurred during the preceding year. The Deputy Chief or designee shall review the information obtained from the analysis to determine if any pattern exists which would warrant further analysis and review or determine if any additional training or policy revision should be conducted in response the results.

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Chief of Police