

Initial Effective Date: May 1, 2014	Section 120
Subject: USE OF FORCE, WEAPONS, AND FIREARMS BY POLICE OFFICERS	No. Pages: 29
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1. PURPOSE

The purpose of this section is to provide members with guidelines on the use of deadly and non-deadly force and to aid in understanding what is expected of them pertaining to the use or discharge of firearms.

2. POLICY

This department recognizes and respects the value and special integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. The discharge of a firearm in the line of duty is an irreversible action and one of the most critical decisions a police officer can make. The department has attempted to provide officers with a set or realistic guideline to address situations where an officer may have to discharge a firearm. The department cannot, however, address every possible situation an officer may encounter and officers must exercise good judgment in these situations and be prepared to justify the decision to discharge a firearm. Officers must understand that situations may occur in which the escalation and or de-escalation of resistance or aggression is sudden. Consequently, an officer's response may appropriately occur anywhere along the force model, as long as the force is an objectively reasonable response to the actual, or reasonably perceived, threat being presented by the subject. Officers will be held accountable for their actions, as well as inaction when using physical force in the execution of their duties. Officers are expected and required to comply with all legal and department standards. Officers are required by this department to intervene in the use of force by another member of this agency or another agency in the jurisdiction of the City of Blountstown that is perceived by a member to be using a higher degree of force than is reasonably necessary, regardless of rank of either member, to control a subject. Therefore, it is the policy of this department that police officers shall use only that force that appears reasonably necessary to effectively bring an incident under control while protecting the lives of the officer, and shall exhaust every other reasonable means in their own defense, the defense of others, or in the apprehension of felons before resorting to the use of deadly force.

### 3. RULES

#### **A. Firearms Authorization**

1. All officers shall be armed at all times while on duty with department issued firearms and ammunition. In the event the department does not issue a firearm to a member due to a lack of firearms the Chief may approve a firearm of the same caliber currently used by the Blountstown Police Department for use by the member until such time as a firearm is provided by the Blountstown Police Department.
2. An officer may carry a firearm while off duty, however it is not required. Officers electing to carry a firearm off duty shall have met department qualifications with the firearm.
3. Firearms carried while on duty will be loaded with department approved factory ammunition, which shall not have been modified in any way.
4. Department issued firearms will not be modified or equipped with an additional equipment or accessories not provided by the Blountstown Police Department in any manner unless approved by the Chief of Police and by an armorer chosen by the Chief of Police.

#### **A. B. Authorized Use of Deadly Force**

- i) The most important purpose of law enforcement is the protection of human life. In order to be consistent with that purpose, the use of lethal force must be limited to situations involving the protection of human life.
- ii) A member shall not draw or display the firearm except for a legal use or for official inspection.
- iii) An officer is authorized to use deadly force, including the use of firearms in connection with the performance of official police duty when the officer reasonably believes:
  - (1) That such force is necessary to defend himself/herself or another from death or great bodily harm.
  - (2) That such force is needed to arrest the perpetrator of a felony which involved the use or threatened use of deadly force and the individual who is sought poses a threat of immediate death or great bodily harm to the officer or another person. The use of deadly force in this case is used in order to prevent the flight of this person only after some warning has been given,

when feasible. (Note: See also F.S.S. 776.)

iv) Other circumstances when an officer may use his firearm

(1) To kill a seriously wounded or dangerous animal when other disposition is impractical. If time permits, the officer must obtain approval from a supervisor. The Florida Fish and Wildlife Conservation Commission (FWC) will be notified prior to the humane destruction of any animal determined to be on the endangered species list. The Commission will advise if an officer or designee will respond to assess the situation. The BPD member will document notifications to his/her immediate supervisor and to FWC if necessary. Documentation will include the name and identification number of the FWC personnel if available.

(2) At the pistol range for target practice or when authorized for training purposes.

**B. C. Unauthorized Use**

v) Officers will not draw their weapons unless there is sufficient justification. Firing warning shots constitutes a use of force and are prohibited. When use of deadly force is warranted, officers will fire for effect and not for warning. Officers will not use deadly force to apprehend perpetrators of nonviolent crimes.

vi) A member shall not fire upon, as a warning, a person who has been ordered to halt because of a mere suspicion and who, without making any resistance, simply flees to avoid arrest.

vii) A member shall not discharge a firearm to render an arrest or to stop the flight of a person who has committed a misdemeanor or a felony against property.

viii) A member shall not fire at a moving vehicle, unless there are no other options to avoid injury or death to the officer or civilians. Officers **shall not** fire from a moving vehicle.

**C. D. Reporting Discharge and Use of Firearms of Deadly Force – All incidents of a member initiating any action that could be considered a form of deadly force, accidental or intentional discharge of firearms, while on duty or off duty, except for training practice at the range or as the result of recreational activity, will be reported in writing to the Chief of Police on a Use of Force Report.**

ix) An officer who uses an force which could be considered lethal force, such as discharging a firearm, will notify, as soon as practical and/or possible, the

Blountstown Police Department communications center of the use of lethal force and request that the relevant on duty, or on call, supervisor respond to the location that force was used immediately. If the supervisor responding to the scene is already at the scene or on the way to the scene, the officer will make direct contact with the supervisor to notify him or her of the incident.

- x) Unless otherwise indicated by the initiation of a criminal investigation, the supervisor will, as soon as is practical and/or possible, take custody of the weapon used. The weapon and completed property receipt will be placed in an available property/evidence storage location. A replacement weapon and ammunition will be issued by the Chief of Police as necessary.
- xi) An officer involved in a use of force to include a lethal/deadly force, will complete an incident report detailing the pertinent facts concerning the use of deadly force as well as a Use of Force Form.
- xii) When off duty and acting in the capacity of a police officer while outside the jurisdiction of the City of Blountstown, an officer involved in a use of force will notify the appropriate law enforcement authority. As soon as possible he or she will then notify or cause to be notified the Blountstown Police Department. The location, investigating agency, location, agency phone number, and investigating officer's name will be included in the notification.
- xiii) The accidental discharge of an authorized or unauthorized service weapon, whether on or off duty, shall be reported to the officer's immediate supervisor or on call supervisor. In the event the accidental discharge causes injury or property damage the immediate supervisor will determine if an investigation should be initiated and what, if any, further actions or notifications need to be made.

**D. a) Dry Firing and Display – Members shall not dry fire or clean their firearms in any public place. Members shall not un-holster, show, or display their firearms in any part of the police building open to the public.**

**E. Repairs or Adjustments – Firearms in need of repair or adjustment will be turned in to the Chief of Police who will designate an instructor/armorer who will make any necessary repairs or arrange to have the weapon shipped to the manufacturer for repair. No other person will be allowed to make any repairs or adjustments on any firearms equipment without authorization of the Chief of Police.**

**F. Care of Firearms – Approved and departmental firearms shall be kept clean and in serviceable condition, subject to inspection by commanding officers. Firearms shall not be left where they may fall into the hands of unauthorized persons. Weapons shall not be left in**

**unattended vehicles unless the doors are locked. Unsecured weapons left in a locked/secured vehicle are encouraged to be hidden from view.**

- G. Carrying a Second Firearm – Members shall not carry firearms not issued to them unless they have shown proficiency with the weapon to the departmental firearm’s instructor.**
- H. Security of Weapons and Firearms – Members shall be responsible for the safe storage of all weapons and firearms issued or approved by the department for use. When off duty, issued or approved shall be secured in accordance with the provisions of F.S.S. 784.05 and 790.174.**

#### 4. PROCEDURE

##### **I. Parameters for Use of Deadly Force**

The following rules of the Blountstown Police Department, in addition to Florida State Statutes, govern the use of deadly force by department members.

- i. Except for maintenance, during training, for official inspection, or for a legal use, a member shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the firearm in conformance with this policy.
- ii. Members are authorized to use deadly force in accordance with the conditions outlined in Section 120, III, B, 2.
- iii. When possible, before using a firearm, members shall identify themselves and state their intent to shoot.
- iv. No distinction shall be made concerning the age, race, color, creed, or sexual orientation, or gender of the intended target of deadly force. Self-defense and imminent threat shall be the only policy guidelines for employing deadly force.
- v. A member SHALL NOT use deadly force upon or as a warning to any person who has been ordered to halt because of mere suspicion without making any resistance and simply flees to avoid arrest.
- vi. A member SHALL NOT use deadly force or discharge a firearm to affect an arrest or to stop the flight of a person

who has committed a misdemeanor or a felony against property, except as stated under Authorized Use of Deadly Force (III, B, above).

#### **J. Parameters for Use of Non-deadly Force**

- vii. Where deadly force is not authorized, members should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate the incident and bring it under control in a safe manner.
- viii. Members are authorized to use department approved non-deadly force techniques and issued equipment for resolution of incidents as follows:
  - 1. To protect themselves or another from physical harm
  - 2. To restrain or subdue a resistant individual
  - 3. To bring an unlawful situation safely and effectively under control
  - 4. The department does not authorize the use of neck restraints, to include chokeholds, or physical force that restricts or obstructs another's airway, or throat.

#### **K. Only Duty Weapon and Ammunition**

- 1. While on duty, members will carry only Police Department authorized weapons and firearms. Members may carry a common pocketknife and flashlight. Officers acting under color of law enforcement will not carry or use any firearm or weapon with which they have not demonstrated proficiency through departmental or departmentally sponsored training.
- 2. Authorized weapons are those weapons, including firearms, which are registered with the department, unaltered, and comply with departmental specifications, with which the member has received departmental approved training in proper and safe usage. The weapons may be privately owned or departmentally issued but must be approved for use by the Chief of Police. In addition, members must satisfactorily qualify or demonstrate proficiency in the proper use of the weapons prior to carrying them on duty, and continue to exhibit proficiency and qualify

as directed by departmental training schedules. These weapons include, but are not limited to:

- a. Batons (straight, sidearm, collapsible)
- b. Oleoresin Capsicum (O.C.) Spray
- c. Less Than Lethal Shotgun
- d. Firearm
- e. Techniques (weapons retention, take-downs, come-alongs, etc.)

3. Officers must pass a qualification course once a year or more as required by the Chief of Police showing proficiency for any firearms with which they are authorized to use on the approved department course. Dates, times, and the method of qualifying and showing proficiency will be established by the training officer with the approval of the Chief of Police.

a. During firearms re-qualification, a member will be provided no more than two attempts to qualify with their assigned duty weapon per training day.

b. A member that fails to qualify will be removed from a sworn position and surrender their firearm and marked police vehicle (if assigned) until the following calendar day, where the member will be provided with two more attempts to qualify with their assigned firearm. If a member is scheduled to work as a sworn officer during this time, they will be placed on administrative leave with pay until the next attempt to qualify the following day.

c. If a member does not qualify with their assigned duty weapon on the fourth (4<sup>th</sup>) attempt to qualify, they will be placed on administrative leave without pay, unless the member uses accrued annual or compensatory time for one calendar week. The member will then be provided with two final attempts to qualify with their assigned duty weapon. If the member fails to qualify, the member will be subject to reassignment to a non sworn position or termination if no such position is available within the City of Blountstown.

d. any member that is transferred or terminated due to a failure to perform mandatory and necessary firearms qualifications will be eligible to reapply for a vacant sworn position. Successful completion of a firearms qualification will still be required during the application process.

4. While on duty, members will carry police department issued ammunition.

5. Weapons and firearms will be used in accordance with departmental policy and procedures and the qualification training and instruction received from departmentally sponsored or approved courses of instruction.

6. A quarterly inspection can be conducted by a firearm's instructor for all departmentally owned firearms.

7. Storage of weapons – Members shall store their weapons in accordance with Section 120, III, A.

8. Members required to carry a firearm will carry only a departmental issued firearm or firearm approved by the Chief of Police until such time as a department firearm becomes available and is issued to the member as the primary firearm.

9.. Handguns issued by the Department must meet following minimum specifications:

a..40 caliber

b. semi-automatic

10. authorized by the Chief to be issued a firearm which does not meet the above specifications. Officers so authorized may not carry the weapon under color of law enforcement until they qualify with the weapon.

11. Holsters will be issued by the department. Alternate holsters must be approved by the firearm's instructor.

12. Ammunition for primary weapons will be that issued by the department.

13. Shotguns may be carried by officers. Shotguns will be 12-gauge with a barrel length of 16" – 20".

14. Officers shall show proficiency annually with the shotgun.

15. Shotguns will be carried with the magazine loaded but the shotgun, the chamber is permitted to be loaded.



Shotguns will be unloaded prior to entry into the Police Department building.

16. Shotguns will be loaded only with department issued 00 buck ammunition when on duty.
17. issued the designated Less Than Lethal Shotgun SHALL ONLY be loaded with LESS THAN LETHAL AMMUNITION (BEAN BAG ROUND). AT NO TIME will any lethal rounds be loaded into the shotgun.
18. Officers electing to carry a backup on-duty weapon may do so. A member who wishes to carry a backup on duty will successfully qualify with the firearm. Backup firearms may be revolvers or semiautomatic pistols. Only department issued or approved ammunition will be carried or used. Ammunition to be used may be 9mm, .38 Special, .40 caliber, department issue or similar. Those calibers not in the department inventory will be ball, semi- or fully jacketed hollow point, or similar to department issue. The firearm must be:
  - a. fire at least five (5) rounds before requiring reloading
  - b. barrel length must be between 1-4 inches
  - c. of such a size as to be easily concealed
  - d. have a Caliber of 9mm, 22lr, .38 special, .40, .380 ACP
  - e. Failure to comply with the above listed requirements will result in disciplinary action.

#### **L. D. Off Duty Weapons**

1. While off duty, sworn personnel may carry a department issued handgun or an approved revolver or semiautomatic. The revolver must have the capability of firing double action and the semiautomatic of being able to fire either safe action, double action or single action. Members SHALL NOT BE REQUIRED to carry firearms while not on official duty.

2. A member who wishes to carry a departmentally approved firearm off-duty (other than the department issued duty firearm) will successfully qualify and show proficiency with the firearm.
3. Off duty firearms may be revolvers or semiautomatic pistols. They must be:
  - 4.. fire at least five (5) rounds before requiring reloading
  5. of such a size as to be easily concealed in clothing appropriate to the local climate
  - 6.. have a caliber of 9mm, 22lr, .38 special, .40, .380 ACP, or .45
  - 7.. department issued or approved ammunition will be carried or used. Ammunition to be used may be 9mm, .38, .40, .45, department issued or similar. Those calibers not in the department inventory will be ball, semi, or fully jacketed hollow point, or similar to department issue.
  - 8.. When carried, off duty firearms must be concealed.
  - 9.. The above listed off duty weapon requirements may be waived with the approval and at the discretion of the Chief of Police.
10. Carrying of off duty weapons – Members should refrain from carrying a firearm or weapon or from having a firearm or weapon within easy access when in a social setting where alcoholic beverages are being served and the member is drinking to the point of impairment. Firearms or weapons should be properly and safely stored in the trunk of a vehicle if necessary. Off duty members will not carry the weapon visible to the public.
11. Storage of weapons – Members shall store their weapons in accordance with III, I, above.
12. Failure to comply with the above listed requirements will result in disciplinary action.

## **M. E. Reporting of Use of Force**

1. In any action by an officer, which results in a use of force, other than mere presence, voice command, or normal handcuffing techniques, up to and including treatable injury or death, the officer shall submit a completed Use of Force Report. The report is to be submitted by the primary officer assigned to the case. Additionally, each backup officer who had to use any force other than verbal will submit a completed Use of Force Report.
2. Each Use of Force Report shall be reviewed in the context of the totality of the case.
3. The shift supervisor shall review each Use of Force Report and forward it to the Patrol Division Commander.
4. The Patrol Division Commander shall review, then forward each Use of Force Report and the pertinent case information to the Chief of Police.
5. If the Chief of Police requests further review to be completed, the Captain will conduct a review, considering the totality of the case. This review will advise if the use of force was within the guidelines of the law and this Section. Upon completion the report will be returned to the Chief Of Police who may sign off on the report.
6. The Chief of Police may convene a board of officers (Use of Force Board) to review the results of the investigation of any incident involving the discharge of a firearm for the purpose of determining if any negligence or violations of polices have occurred.
7. Disciplinary action may be initiated in cases where there are violations of law, departmental rules and regulations, or negligence on the part of the officer.
8. These procedures are independent of any criminal prosecution, which may be initiated by the State Attorney's Office if a violation of the law is involved.
9. Use of Force Review Board – The Use of Force Review Board shall consist of three (3) certified members. Two (2) members are appointed by the Chief of Police. The officer under investigation shall be able to choose one of the members of the board. The board chairperson shall be selected by the members. The board shall consist of one Supervisor, and two Patrolman,

10. The Use of Force Review Board shall:
- a. Meet upon the request of the Chief of Police for the purpose of reviewing investigative reports of weapon discharges and the use of deadly force by police department employees.
  - b. Review the investigation and make a written recommendation to the Chief of Police. The review shall be conducted to ascertain if violations of Rules, Policy, Procedure, or State Statutes have been committed.
  - c. The Chief of Police shall review the investigative report and the recommendation of the Review Board.
  - d. After the conclusion of the Review Board's investigation, if the review shows no violations or negligence on the part of the employee, notification, in writing, shall be made to the employee within 72 hours.
  - e. If the review shows a violation or negligence on the part of the employee, appropriate disciplinary action shall be decided upon and the employee notified. The notification, in writing, shall be made within 72 hours of the determination.
  - f. After the review of the Use of Force is concluded at any level, a copy of all reports shall be forwarded to the police Captain who will make the appropriate training available to the members of the department.
  - g. The Chief will conduct an annual administrative review and analysis on all Use of Force reports written for the following:
  - h. Discharging a firearm, for other than training or recreational purposes
    1. Takes an action that results in, or is alleged to have resulted in, injury or death of another person
    2. Applies force through the use of lethal or less-lethal weapons
    3. Applies weaponless physical force at a level as defined by the agency

#### **N. Discharge of a Firearm**

1. Guidelines – The discharge of a firearm is an irreversible action and, if possible, an officer should, prior to firing, evaluate the following:
  - a. Other methods of effecting the arrest and/or apprehension.
  - b. The gravity of the offense(s) committed.
  - c. Direction the firearm is to be discharged.
  4. Is the fleeing suspect in plain view? Extreme caution must be used at night as darkness will obscure the officer's vision.
  5. The danger of firing the firearm while running or jumping due to the possibility that other persons or property may be struck by the projectile(s).
  6. Proximity of innocent bystanders to the suspect or line of fire.
  7. Officers shall not “dry fire,” clean, load, or unload their firearms except on the target range or in a safe location other than the range.
2. An officer may discharge his or her firearm in connection with the performance of official duties, for the following reasons:
  - a. For target practice at the range, when authorized for training purposes or at an organized match.
  - b. Under the conditions outlined in Section 120, III, B, 2.
  - c. To kill an animal for self-defense, prevention of substantial harm to the officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering. The officer will notify his supervisor prior to killing an injured animal.
4. An officer SHALL NOT:
  - a. Fire into the air or ground in an attempt to halt a fleeing criminal. **NO WARNING SHOTS ARE PERMITTED.**
  - b. Discharge a firearm at or from a moving vehicle.

5. Department issued firearms or weapons SHALL NOT be used for any other purpose than those described in this Section.
6. An officer should resolve any doubt in his mind against the use of firearms prior to drawing the weapon. The firearm is NOT to be used as a bluff.
7. Every possible consideration should be taken prior to the use of a firearm. If an officer believes that under existing conditions, he or she should not use a firearm to apprehend a felon, he will not be criticized or disciplined for this decision.

#### **O. Discharge of Firearms Investigation**

1. Notifications
  - a. Whenever a firearm (including the designated Less Than Lethal Shotgun) is discharged, accidentally or intentionally, resulting in property damage, injury, or death the member shall notify his supervisor immediately. The notification shall continue up the chain of command to the Chief of Police. Should a member of the chain of command be absent, he will be skipped and the next in rank order shall be notified.
  - b. The supervisor will take the fired weapon and place it into evidence storage. The Chief of Police shall issue a new weapon of like style. In the event of an accidental discharge or discharge not involving property damage The fired weapon will be turned over to the Chief of Police in order that he/she may make arrangements to check the working condition of the gun and for a ballistics check as required or necessary.
  - c. Whenever a firearm is discharged or deadly force used, accidentally or intentionally, resulting in a death, the shift supervisor or on call supervisor shall be responsible for immediately notifying "1" through "2" below. All notifications shall be made from the scene, whenever possible, in the order which will best preserve evidence and facilitate the speedy investigation of the incident.
    - 1) Chief of Police
    - 2) Captain of Police

2. Discharge of firearms reporting – A member who discharges a firearm or uses deadly force on or off duty, within or outside their jurisdiction, accidentally or intentionally, except for training, practice at the range, or while involved in hunting/sporting events, shall make a written Use of Force report to their supervisor. The report will be completed in the following sequence and contain the following information:

- a. Name of officer who discharged the firearm(s).
- b. Date and time of occurrence.
- c. Location of occurrence.
- d. Type, caliber, and serial number of firearms discharged.
- e. Type and caliber of ammunition fired.
- f. Number of shots fired and direction shots were fired.
- g. Description of the object fired at. (If a person give name, race, sex, DOB, etc., if known. If an animal, give a brief description.)
- h. Whether or not the object fired: extent of wounds, other objects struck, etc.
- i. Results of the shot(s) fired: extent of wounds, other objects struck, etc..
- j. Name of supervisor responding to the scene.
- k. Other pertinent information concerning the incident written in narrative form. To be included are the reasons for the use of firearms, etc.

3. Accidental discharge of a firearm with no injuries

- a. The member's supervisor will make a complete investigation of all the circumstances of the incident and forward the written results of the investigation to the Chief of Police through the chain of command within 72 hours.
- b. Disciplinary action may be instituted in cases where there are violations of laws or rules and regulations, or negligence on the part of the employee.

4. An accidental discharge of a firearm resulting in injury or death.
  - a. The member's supervisor will make a complete investigation of all the circumstances of the incident and forward the written results of the investigation to the Chief of Police through the chain of command within 72 hours.
  - b. Disciplinary action may be instituted in cases where there are violations of laws or rules and regulations, or negligence on the part of the employee.
5. An intentional discharge of a firearm
  - a. This intentional discharge of a firearm with no resultant injury shall be investigated by the member's supervisor, or other supervisor assigned by the Chief of Police. A written investigation report shall be forwarded to the Chief of Police within 72 hours.
  - b. The intentional discharge of a firearm resulting in injury or death shall be jointly investigated by the member's supervisor and the Investigation Division Commander. A written investigative report shall be forwarded to the Chief of Police within 72 hours.
6. Duty status – A member who intentionally or accidentally discharges a firearm, with or without injury, may be placed on administrative assignment as described in Duty Status ("I", below) until the department investigation has been completed and the case disposition has been determined. If the incident results in injury or death, the member will be placed on administrative assignment until a preliminary administrative review is conducted.
7. The Chief of Police may convene a Use of Force Review Board as outlined in "F", above.

**J. Duty status**

1. Any member who uses force that results in injury to another person may be placed on administrative assignment until the completion of an investigation into the circumstances surrounding the incident.
2. Any member involved in an incident where the use of force, accidental or intentional, results in the death of another shall be placed on administrative assignment. This assignment shall be



without loss of pay or benefits, pending the results of the investigation. The administrative assignment shall not be interpreted to imply or indicate that the member has acted improperly.

3. The member shall remain available at all times for official departmental interviews and statements regarding the incident and shall be subject to recall to duty at any time.
4. The member shall not discuss the incident with anyone except departmental personnel assigned to the investigation, the member's private attorney, State Attorney's Office representative assigned to the investigation, any other investigator that may have jurisdiction, the member's psychologist, the members chosen clergy, or the member's immediate family.

#### **K. Definitions:**

##### **Aerosol Subject Restraint**

ASR is an issued, department authorized, self-defense spray device to be utilized in accordance with approved training and applicable policies.

##### **Control**

The method(s) a law enforcement officer uses to neutralize the actions of a subject, or to protect the subject from injuring him/her or others.

##### **Deadly Force**

See Lethal Force

##### **Decontamination**

The procedures used to relieve the effects of an ASR.

##### **Defensive Force**

Physical battery with hands, fists, or defensive equipment to overcome violent resistance or to protect self or others from assault or injury.

##### **Excessive Force**

Force is excessive when its application is inappropriate to the circumstances, which may result in physical injury or death of a suspect. No comprehensive objective definition of excessive force can be offered; each situation must be evaluated according to the particular circumstances unique to the event under review.

### **Force**

The attempt to establish control through physical means, in the presence of resistance. All force is a means of control; however, control can at times be achieved without the use of physical force.

### **Impact Weapon**

ASP baton, straight baton, and the like.

### **Less Than Lethal Force**

Force that is not likely to result in death or cause serious physical injury.

### **Lethal Force (Deadly Force)** [CFA4.01J

Force that is likely to cause death or serious physical injury to a human being. Florida Statute 776.06 defines deadly force as force that is likely to cause death or great bodily harm and includes, but is not limited to 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; and the firing of a firearm at a vehicle in which the person to be arrested is riding. The term deadly force does not include the discharge of a firearm by a law enforcement officer during and within the scope of official duties which is loaded with a less than lethal munition(s).

### **Oleoresin Capsicum (OC)**

The active ingredient in the approved/issued ASR; developed from chili pepper plants; ASR having an OC composition is commonly known as "pepper spray."

### **Physical Control**

Pain-inflicting submission restraint to overcome resistance to arrest. This is to exclude the carotid artery restraint, which is not permitted.

### **Probable Cause**

Facts and circumstances known to a reasonable and prudent officer that lead that officer to reasonably conclude that a crime has been committed and the suspect committed it. Probable cause exists when facts and circumstances within an officer's knowledge, and of which the officer has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution in believing that an offense has been, or is being committed. Probable cause is such belief as would appear reasonable to the ordinary and prudent officer of similar experience under like circumstances. Such belief is not reasonable if the officer is reckless or negligent in having such belief or acquiring or failing to acquire any knowledge or belief of fact or of law which is material to the justification of their use of force.

### **Progressive Force**

The escalation of force used by an officer in order to control a situation or the actions of persons, from minimal to maximum, for example, verbal force, empty-handed physical force, intermediate force, deadly force.

**Reasonable Belief**

When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

**Resistance**

The subject's attempt to evade an officer's attempt(s) to establish control.

**Restraining Control**

Control that is limited to holding and restraining persons.

**Serious Physical Injury**

A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in a long-term loss or impairment of the function of any bodily member or organ.

**Taser: Conducted Electrical Weapon**

Conducted Electrical Weapons (CEW) or Tasers are 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.

**L. USE OF CONTROL**

While acting in the capacity of a police officer, it may be necessary to use some level of control to successfully perform one's lawful duty. In many situations, control may be achieved without the use of physical contact. In other instances, based on the resistance offered, it may be necessary to use varying levels of physical force to control a subject's actions.

Depending on the level of resistance offered, an officer may use techniques that rise to a level of control that is intended to influence behavior through pain compliance. These techniques would consist of touch pressure, ASR's, TASER, empty hand control, impact weapons, or the use of firearms if justified by the resistance offered.

While exercising law enforcement authority, sworn personnel shall carry only those weapons (both lethal and non-lethal) for which current qualification and/or proficiency has been demonstrated.

## 1. Use of Force Training (CFA 4.02; 14.11]

a. Sworn personnel shall be issued copies of and instructed in the department's use of force policy before they are authorized to carry a weapon. Such training shall be documented prior to authorization or assignment. Requirements for use of force training topics are contained in CJSTC Rule 118 -27.00212. While the CJSTC Rule 118 -27 gives an outline of topics, it provides for such training within the officer's four-year re-training cycle.

## 2. Levels of Control

### 1. Resistance

a. Resistance is defined as the subject's attempt to evade the officers attempt to control. The amount and type of resistance will vary. For the purpose of this policy, the following levels of subject resistance are recognized:

- psychological intimidation
- verbal resistance (resistive dialogue)
- passive resistance
- defensive resistance
- active physical resistance
- aggravated physical resistance

### b. Control

1. Control is the method the officer uses to neutralize the unlawful actions of a subject, or to protect a subject from injuring himself or others. The type of control methods used will *vary* based on a variety of factors. For the purpose of this policy, the following levels of control are recognized:

- officer presence
- dialogue (verbal direction)

### 2. Taser; Conducted Electrical Weapons (CEW)

\*\*\*See BPD Section 189

### 3. Aerosol Subject Restraint (ASR)

a. may be implemented in place of empty hand or impact weapon control,

- b. when either of those levels of force have been attempted and failed to effect control
- c. empty hand control
- d. impact weapon control
- e. lethal force

### **3. Use of Control Procedures**

Assess the incident in order to determine the *level* of control that would be appropriate. When possible, attempt to gain control by means of verbal directives or commands. If verbal directives or commands are ineffective, or not feasible given the circumstances of the situation, control methods may be escalated. If control is necessary, the officer must decide which technique(s) or authorized equipment will best de escalate the incident and bring it to conclusion in as safe a manner as is possible. Sworn personnel are authorized to use department approved control techniques and/or authorized equipment for resolutions of incidents as follows:

- to stop potentially dangerous and unlawful behavior;
- to protect the officer or another from injury or death;
- to protect subjects from injuring themselves;
- in the process of effecting a lawful arrest when the subject offers resistance.

### **4. Variables that Affect the Control Continuum**

The following variables should be considered when making a decision to escalate or de-escalate the level of control:

- officer/subject size, physical abilities;
- environmental conditions such as close, confined areas;
- nature of contact;
- exigent conditions such as number of officers, number of subjects involved, availability of back up;
- reaction time: the officer must consider that action is faster than reaction, thus attention must be paid to the above factors when preparing for a course of action;

- safety zone or reactionary gap: officers should be cognizant of, and utilize a safety zone during all police contacts to afford the officer more time to react to aggression;
- average distance is 6 feet or more;
- varies with type of weapon subject may possess;
- the officer has two options to consider - to penetrate the gap to attempt control, or disengage to create distance

## **5. Escalation and De-escalation of Control [CFA 4.01]**

1. Officers may escalate to the level of control that is reasonable and necessary to resolve the situation, based on the level of resistance encountered. As the subject begins to de-escalate or lessen the resistance offered, the officer should de-escalate in a similar manner. This is not meant to imply that an officer should ease all control. Control must be maintained, but the level used to maintain control should de-escalate to a level commensurate to the level of resistance offered by the subject.

## **6. Medical Considerations**

1. Officers using any degree of force on a subject shall make medical attention available to that subject when:
  - the subject complains of injury, requests medical treatment, and any officer observes or suspects injury to the subject; or
  - the subject does not substantially recover from the effects of an Aerosol Subject Restraint (ASR) within the reasonable and expected period of time; or
  - when directed by a supervisor.

## **7. AEROSOL SUBJECT RESTRAINT (ASR)**

1. Officers must be provided with the discretion and capability to quickly and safely apply the appropriate level of control to meet situations involving arrest or officer self-defense. The Aerosol Subject Restraint (ASR) is an effective less-than-lethal tool that can provide for the instant, temporary incapacitation of a subject(s) as a means of control or as a means of defending oneself or another. Sworn authorized personnel that have satisfactorily completed the appropriate in-service training will be issued Aerosol Subject Restraint. Re-certification with ASR will consist of biennial training as scheduled and approved by

the department. Department issued ASR may be carried off-duty. The guidelines for on-duty use will apply.

2. ASR's may be employed by trained personnel in the following situations:
  - To effect custody during a lawful arrest of a subject(s) who physically resists, or threatens to physically resist.
  - With actively hostile individuals who have resisted verbal commands.
  - When officer injury is possible and/or anticipated.
  - To defend oneself , another officer, or a citizen from attack by a subject or an animal.
3. The ASR must be carried in a manner that provides for the adequate security and retention of the ASR when not in use. The ASR should never be displayed or pointed at another individual unless the situation warrants its intended use. When an ASR is used for controlling an offender, the application of the ASR will cease when the offender discontinues resistance or aggression. An immediate supervisor will be notified anytime an ASR is used for subject control. The use of ASR will be thoroughly documented in the incident report. In the event an officer is personally threatened with an ASR or other aerosol chemical agent, the officer may use that degree of force necessary to defend against the assault, based on the totality of the circumstances.

#### **4. Use Procedures**

The primary point of aim (target) is the face and eyes, forehead if the subject is wearing glasses. The ASR should be sprayed in short (½-1 second) bursts. Once the subject has been exposed to the ASR, the officer should:

- pause for 3-5 seconds before moving in to establish control, to ensure that the ASR has begun to produce the expected effect;
- approach the subject while issuing loud verbal commands: "Get to the ground! Hands away from the body!"

- provide verbal directions and positive reinforcement to reassure the subject that the level of discomfort being experienced is only temporary;
- handcuff.

(1) Take down techniques should be performed immediately upon recognition that verbal commands are not being followed.

## **5. After Use Procedures**

1. Aerosol Subject Restraint devices are irritating to the eyes, nose and skin. When ASR is used for the purposes of subject control, the subject should be monitored. Do not place, or permit the subject to place him(her)self, in a prone position prior to or during transport.

2. Prior to transport,

- determine if the subject suffers from respiratory disease (such as asthma, bronchitis, emphysema) which may be exacerbated by the ASR, indicating a need for medical attention.
- ask if the subject is wearing contact lenses; if so, have the subject remove them. If they are unable to remove them, have trained medical personnel remove them when feasible. Caution: Except under exigent circumstances, once a subject has been handcuffed or otherwise physically restrained, such restraints are not to be removed until the subject is delivered inside the jail or place of confinement.

3. Reassure the subject that the effects from ASR are temporary, and the discomfort will diminish in a short period of time. Persons who do not substantially recover from the effects of ASR after 45 minutes shall be transported to a medical facility for treatment. During transport to the jail, medical facility, or other location, carefully monitor the subject's activity and watch for signs of breathing difficulty, unconsciousness, nausea, and the like.

4. Jail personnel shall be advised of the subject's contact with ASR to avoid unnecessary contamination of other jail occupants or jail personnel.



5. Personnel who have come into physical contact with the subject should avoid touching their eyes, nose, mouth or other sensitive skin areas until they are able to wash their hands. Soap containing a degreasing agent will expedite removal of ASR from the skin.

## **8. IMPACT WEAPON**

Defensive batons (ASP and/or straight batons) are provided to officers as an alternative to the use of firearms or other such lethal force. The ASP is the only impact weapons issued for use by Blountstown Police Department officers. The Department issued ASP may be carried off-duty. The guidelines for on duty use will apply.

1. Uniformed patrol officers will carry the issued defensive baton as an essential part of the uniform when engaged in "on-street" patrol duties. The defensive baton will be carried and/or utilized only as issued and authorized and no changes, alterations, modifications, or substitutions will be made to the baton.

2. When utilizing the defensive baton, officers will use only that degree of control that is necessary to protect civilians and law enforcement personnel from physical attack or to overcome actual physical resistance to arrest.

## **9. HANDCUFFS**

All persons arrested or taken into custody by an officer will be handcuffed behind their backs to ensure the safety of the individual, the officer, and the general public. Exceptions may be made in cases where the individual is physically deformed or injured but extreme caution is still advised. When transporting subjects over long distances, other security devices may be used in conjunction with handcuffs such as waist chains for handcuffing in front.

### **1. Use of Handcuffs**

- (1) Handcuffs should be used when an arrest is made or when transporting a prisoner. Handcuffs shall be of a type issued by the police department. Double-locked by inserting the small tip at the top of the key into the small hole in the handcuff stem. Officers shall be responsible for the efficient operation of their handcuffs.
- (2) Handcuffs shall be checked frequently, cleaned, and lubricated to prevent malfunction. When in possession of handcuffs, the handcuff key shall be kept on the officer's person at all times.

## **2. General Rules**

- A female prisoner shall not be handcuffed to a male prisoner except in an emergency.
- A juvenile shall not be handcuffed to an adult except in an emergency.
- Officers shall neither handcuff themselves to prisoners nor use a single cuff as a "come-along."
- Officers shall not handcuff prisoners to a fixed object except in an emergency.
- Prisoners shall remain handcuffed until delivered inside the jail or place of confinement.
- When interviewing a prisoner at the office, the decision to remove the handcuffs will be that of the officer in charge of the prisoner. Consideration will be given to the nature of the offense and the escape risk of the prisoner being interviewed.
- A prisoner shall not be physically secured to the interior of a vehicle or aircraft while in transit except when, in the judgment of the transporting officer, the prisoner represents a danger to himself or others. This is not to exclude the use of safety restraints.
- The policies of certain commercial airlines prohibit the handcuffing of prisoners during flight. However, transporting officers shall re-handcuff prisoners upon landing and prior to deplaning if this practice is not in conflict with airline policy. Otherwise, the prisoner shall be handcuffed immediately upon deplaning.
- Subjects that appear to be under the influence of either drugs or alcohol, have been exposed to the effects of ASR, or have a known medical vulnerability (such as bronchitis, coronary condition, obesity, and the like) should not be placed in a prone position for transport.

## **3. Maximum Safety Requirements**

- A prisoner is violent or gives an indication of belligerence.
- A prisoner may cause injury to himself or others.
- The officer has reason to believe the prisoner may pose a threat.

#### 1. Using Handcuffs for Maximum Safety

Prisoners shall be handcuffed with hands behind their back and palms outward before being searched. The handcuffs shall be double -locked and checked by pulling or pushing on the handcuff jaw. After handcuffing, the prisoner shall be thoroughly searched in a systematic manner. After handcuffing, prisoners shall be searched by officers of the same sex when at all possible. Officers of the opposite sex may search prisoners in exigent circumstances including, but not limited to, situations in which officers of the same sex are not readily available. For added security, handcuffs should be placed through the prisoner's belt, if one is worn. For multiple arrests where only one pair of handcuffs is available, cuff the right wrist of one prisoner behind his back, then pass the free end of the handcuffs through the prisoner's belt to the right wrist of the other prisoner with palms outward.

#### **4. Minimum Safety Requirements**

Handcuffs may or may not be used, when in the opinion of the officer, the age, disability or physical capacity of the individual justifies minimal security measures.

##### 1. Using Handcuffs for Minimum Safety

a. Prisoners suffering from a deformity or other disability, sickness, or injury, may be handcuffed with his/her

b. hands in front. In this situation it is advisable to place the handcuffs through the belt, after reversing the belt and buckling it from the rear. Prisoners with a physical handicap may be handcuffed at the discretion of the transporting officer after consideration has been given as to the nature of the offense and the escape risk of the prisoner being transported.

#### **5. OTHER PHYSICAL RESTRAINTS**

In some circumstances, as in the case of members assigned to the routine transporting and handling of prisoners, it may be necessary to utilize more secure types of restraining devices e.g. leather body straps, belly chains, lead chains, leg braces, leg irons, ankle chains, or box

chains. Officers shall not hesitate to use more secure devices to supplement handcuffs if it is felt that handcuffs alone are not sufficient. In those situations where mentally, disturbed prisoners are to be transported and properly equipped transport vehicles are unavailable, the selected restraining devices used should restrain the prisoner securely without causing injury. If available, strait jackets may be utilized to minimize danger to the transporting officer and trauma to the prisoner.

## **6. REPORTING REQUIREMENTS**

### **1. Notification of Supervisor**

- a. A supervisor will be immediately informed of each incident involving use of physical or defensive control.

### **2. Restraining Control**

1. A descriptive account of restraining control will be included in the incident report. The filing of charges will be left to the discretion of the investigating officer.

### **3 Physical and Defensive Control**

1. Each case involving the use of physical or defensive control, including the use of ASR, will be reported in an offense report. The incident report will be completed and delivered to a supervisor as soon as is possible after the incident. Each officer present or assisting in an arrest or incident requiring control other than officer presence, dialogue or empty hand techniques, will submit a report supplement describing the incident.

**P.**

### **Q. N. Treating Injured Suspects**

1. If a member uses force which results in injury to another person, the member should seek appropriate medical aid for the person as soon as possible. If the officer feels approaching the injured will jeopardize his or her safety, the member should not perform medical assistance as this might cause a situation to where the officer might have to utilize force a subsequent time. Medical aid should then be provided when the officer no longer feels threatened by the injured person.

- a. Medical aid can be defined as first responder

techniques utilized by the officer to render aid to an injured person.

b. Medical aid will include requesting medical assistance from either a fire rescue and/or Emergency Medical Services (EMS).

c. Medical aid will include the summoning of other persons qualified to render aid to an injured person. Such examples include, but are not limited to; doctors, nurses and CPR qualified persons.

2. In cases where the injured individual is transported to a medical facility, an officer will accompany the medical personnel to this facility.

3. When an injured person is cared for, the officer will notate such medical aid in his or her offense report. This information will also be included in the officer's "Use of Force" report. The officer will notify the shift supervisor or Captain immediately after the situation is under control.

4. All suspect injuries will be examined by the shift supervisor if available or officer if no supervisor is available. The shift supervisor or officer will photograph all injuries of the suspect and forward such photographs along with the "Use of Force" report to the Captain or his designee for review.

5. The Captain or his designee will submit his findings and recommendations to the Chief in order to determine justification of use of force in accordance with the provisions of this section.

Chief of Police: Mark C. Mallory	Date of Authorization:
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