

GENERAL ORDER

April 2013

Immediately

II-42

Distribution: All Employees

Subject: **USE OF FORCE**

Index as:	Discharge of Firearms Firearms	Force Guidelines Force, Use of	Use of Firearms Use of Force	Vehicular Force Weapons Use
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Accreditation Standards: 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13, 33.4.1
 Cross Reference: G.O. III-15, High Risk Situations

G.O. III-17, Pursuits
 G.O. III-18, Civil Disturbances
 G.O. II-20, Weapons Qualifications
 I.O. V.5:1, Persons **Suffering from Mental Illness**
 I.O. V.5:20, Critical Incident Stress Debriefing

Replaces: §394.463(d), §776.012, .05, .06, §790.01, .052, .053, 174 and §943.10(6), F.S.S.
 G.O. II-42, Use of Force (April 25, 2013)
 Chief Interim Change Memo 13-109 (December 17, 2013)

All employees shall be issued a copy of General Order II-42, Use of Force. Prior to being permitted to carry any weapon or assigned any duties which require the possession of a weapon, officers shall be instructed about state law and the policies of this agency regarding the use of force and the use of authorized weapons

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Legal Considerations
- IV. Authorized Use of Force
- V. Unauthorized Use of Force
- VI. Medical Response
- VII. Investigating and Reporting the Use of Force Not Involving a Firearm
- VIII. Use of Force Reports

aggressive actions and/or to overcome specific resistance by the subject in order to accomplish a lawful objective.

C. It is also the policy of the St. Petersburg Police Department that officers shall exhaust all other reasonable means of apprehension, or defense of themselves or another, before resorting to the use of deadly force.

D. The Department recognizes that bullets do not immobilize moving motor vehicles. Incapacitating drivers of motor vehicles does not eliminate the threat or danger posed by the moving motor vehicle.

E. The possession and/or handling of firearms by employees of this Department are a regular part of the duties of a police officer and a small number of civilian employees; i.e., the armorer, forensic technicians and property clerks. Firearms are inherently dangerous devices which require extra caution to ensure they are handled safely, and access to them is strictly controlled.

F. It is the policy of the St. Petersburg Police Department that all firearms owned by, or in the

I. POLICY

A. It is recognized that officers may encounter situations where force may be necessary to overcome resistance in order to achieve a specific law enforcement objective. The force applied by an officer in any situation may range from verbal direction to the use of deadly force, if confronted with a situation where the officer or some other person is threatened with serious physical injury or death.

B. It is the policy of the St. Petersburg Police Department that the use of force in any situation shall be limited to the force which is needed to halt

possession of, employees of this Department shall be handled safely and be properly secured when not in use.

G. It is the policy of the St. Petersburg Police Department that employees shall report the loss or theft of all firearms, owned by or in the possession of the employee.

H. Officers are expected to comply with all the provisions of this Order regarding the carrying or employment of off-duty firearms; however, those choosing to exercise any rights provided to them under federal or state law, not in accord with this policy, may be considered as acting outside the scope of their employment.

II. DEFINITIONS

A. ASP - An impact weapon manufactured by Armament Systems and Procedures, Inc.

B. Active Resistance - A subject's use of physically evasive movements directed toward the officer such as bracing, pushing, or pulling to prevent the officer from establishing control over the subject.

C. Aggressive Resistance - A subject's attacking movements toward an officer that may cause injury, but are not likely to cause death or serious physical injury to the officer or others.

D. Aerosol Subject Restraint (ASR) - A pressurized chemical spray; e.g., OC spray.

E. Certified Reserve Officer - A part-time law enforcement officer employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and to make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state [§943.10(6), F.S.S.].

F. Compliance - The verbal and/or physical yielding to an officer's authority without apparent threat of resistance or violence.

G. Deadly Force - Intentional discharge of an authorized firearm at an individual, intentional contact or attempted contact by the use of an employee's motor vehicle (except as outlined in G.O. II-2), or any other force which is likely to cause death or serious physical injury.

H. Deadly Force Resistance - 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 serious physical injury to the officer or others.

I. De-escalation - Decreasing the use of force or resistance.

J. Disengagement - Discontinuing a command or physical use of force.

K. Escalation - Increasing the use of force or resistance.

L. Fire For Effect - Shoot for center of mass.

M. Force Guidelines - A framework for making decisions involving reasonable use of force by officers. The structure of the Force Guidelines is based on constitutional considerations and case law and describes appropriate decision-making in a fluid and dynamic situation. The Force Guidelines consider the totality of circumstances to include the relationship between 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. (See Figure 1.)

N. Injury - A complaint of injury, whether visible or not.

O. Less Lethal Force - Force that is not likely to cause death or serious physical injury.

P. Non-Deadly Force - Force which is neither likely nor intended to cause death or serious physical injury.

Q. Objective Reasonableness - The process for evaluating the appropriateness of an officer's response to a subject's resistance.

R. Officer - A sworn employee of the St. Petersburg Police Department, who is a certified police officer by the State of Florida and serves in that capacity, including certified reserve officers.

S. Passive Resistance - 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.

T. Physical Control - Used in achieving compliance or custody through the use of empty-handed or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.

U. Serious Physical Injury - A bodily injury that

creates a substantial risk of death, causes serious or permanent disfigurement, or results in a long-term loss or impairment of the functioning of any body extremity or organ.

V. Totality of Circumstances - All facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for the use of force decision.

W. Violent Felony - A felony involving the commission of a violent act, or when there is reasonable cause to believe that serious physical injury or death might be inflicted upon another person.

(Continued on next page)

Force Guidelines The Decision Making Process

The Force Guidelines recognize that officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic. Formulating a valid response requires continual assessment as the situation changes.

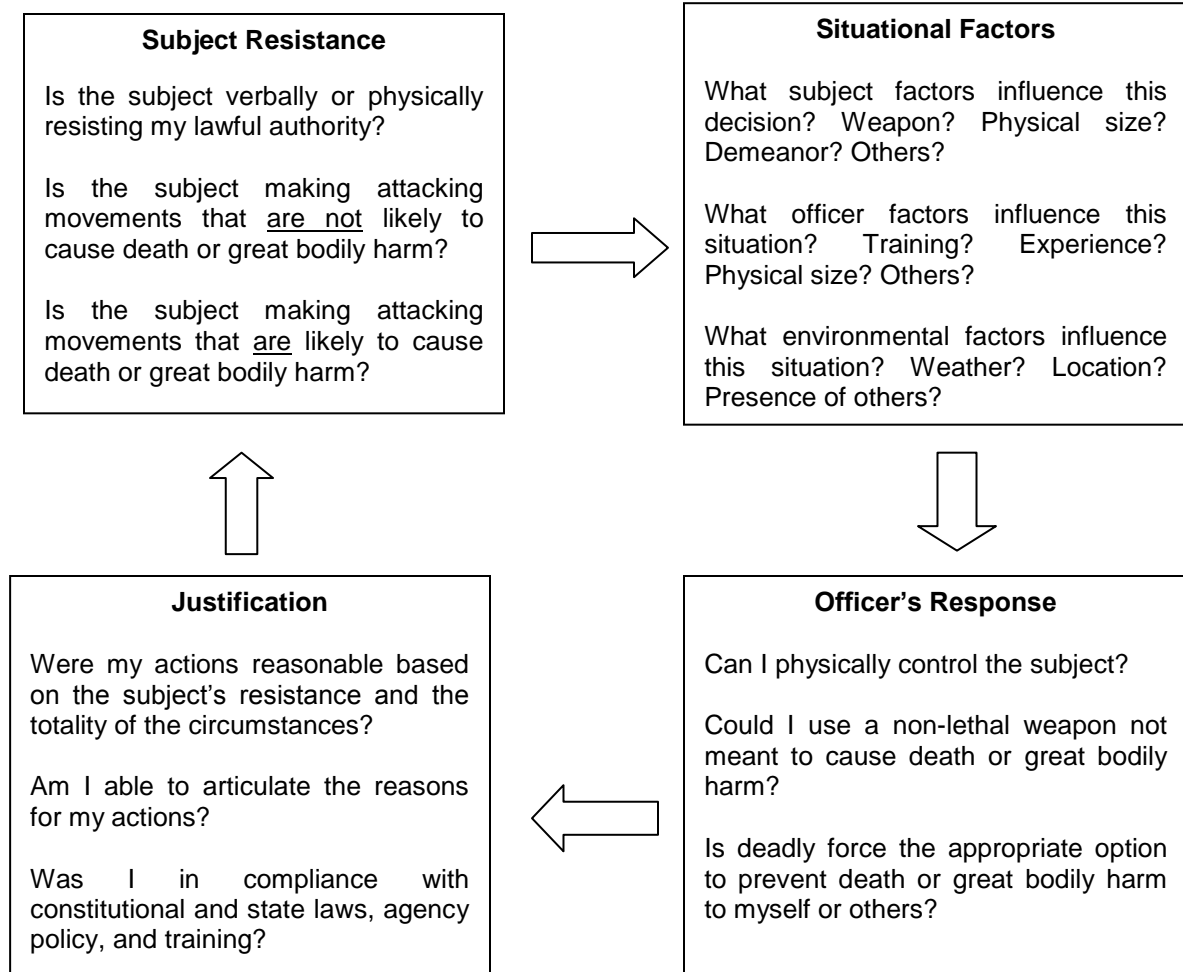


Figure 1

III. LEGAL CONSIDERATIONS

A. Florida Law provides that a law enforcement officer, or any person whom they have summoned or directed to assist, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which they reasonably believe to be necessary to defend themselves or another from bodily harm while making the arrest.

B. Florida law also provides that:

1. The subject must know, or have a reasonable belief, the person employing force is a law enforcement officer or someone assisting a law enforcement officer;

2. The arrest must be lawful; and

3. The employment of force beyond that which is necessary to control and apprehend the subject is unlawful, and subjects the Department and the officer to civil and/or criminal liability.

IV. AUTHORIZED USE OF FORCE

A. Deadly Force

1. Deadly force is force that is likely to cause death or serious physical injury. 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. The deadly force can cause serious physical injury or no harm at all. Deadly force is only permitted when other reasonable means to avoid danger have failed, or are impractical, and the officer reasonably believes that deadly force is immediately necessary to defend oneself or another from imminent danger of death or serious physical injury.

2. Officers shall not draw or display a firearm except for official use as provided for in this Order.

3. Officers shall never draw a firearm unless they reasonably anticipate a need to use it.

4. Officers shall not draw their firearm solely for the purpose of utilizing the firearm mounted flashlight, unless the circumstances would otherwise justify the use of the firearm.

5. Officers may discharge a firearm in connection with the performance of official police duties, for the following reasons:

a. For target practice at a range, when authorized for training purposes, or at an organized

match.

b. To kill a seriously injured or dangerous animal if it poses an imminent threat of death or great bodily harm to a person, when other means are impractical and then only with authorization from a supervisor, if time permits.

c. When other reasonable means to avoid the danger have failed, and the officer reasonably believes this action is immediately necessary to defend oneself or another from death or serious physical injury.

d. To apprehend a fleeing felon ONLY when:

1) Other reasonable means of apprehension have failed; and

2) Some warning, if feasible, has been given; and

3) The officer reasonably believes that the person fleeing has committed a VIOLENT FELONY involving the use or threatened use of deadly force, and the officer reasonably believes that the fleeing felon poses an immediate threat of death or serious physical injury to the officer or another.

6. When necessary, the firearm shall be fired for effect. Unless under fire by an assailant, the officer will ascertain the target before discharging their firearm. The officer shall cease firing when it is reasonably believed the threat no longer exists.

7. The firearm shall not be fired to wound or to warn.

B. Non-deadly Force

1. Non-deadly force may be applied if circumstances dictate; however:

a. Officers will attempt to gain voluntary compliance through the use of verbal techniques, prior to employing physical force.

b. When required, officers shall use only objective reasonable force that is necessary to control the situation, based on the totality of the circumstances known to the officer at the time

2. Less lethal weapons issued by the Department may be employed when their use is dictated by the level of physical resistance encountered, and force is being used:

a. To halt or prevent use of force by another person upon themselves or another person, or

b. To deter an attack by an animal upon themselves or another person.

3. Articles or implements not designed as a weapon, nor issued for this purpose by the Department, shall not be utilized as a weapon unless no reasonable alternative exists, and the action is

clearly required to protect the officer or another from death or serious physical injury.

C. Officers confronted by a person armed with an ASR should attempt to place themselves beyond the effective range of the ASR. The mere possession by another of an ASR does not in itself create an imminent threat of serious physical injury; however, officers must consider the intentions and the ability of the subject to employ the ASR and the appropriate degree of force required to gain control of the situation.

D. Upon the lowering or elimination of resistance by the subject, officers shall similarly reduce their use of force while maintaining control of the subject.

V. UNAUTHORIZED USE OF FORCE

A. Warning Shots - Officer(s) shall not fire into the air or ground in an attempt to deter or halt a fleeing criminal. Therefore, no warning shots are permitted.

B. Firing at or from Vehicles

1. Officers approaching vehicles should do so from a safe direction and provide themselves an opportunity to move to an area of safety, if necessary.

2. When approaching a vehicle, officers shall use appropriate safety measures and shall not place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

3. Officers shall not fire at a moving vehicle or any occupant of a moving vehicle. The officer's use of deadly force may be justified if the occupant of a moving vehicle poses an immediate threat with a firearm or fires upon an officer or another, and all other reasonable means to avoid the danger have failed.

4. Officers shall not fire from a moving vehicle.

C. Officers shall not, at any time, obstruct the breathing or carotid blood flow of a person by applying any pressure, obstruction or chokehold.

D. Officers shall utilize all less-lethal weapons and firearms in the manner consistent with their training. Examples of prohibited use include, but are not limited to:

1. Head strikes with an impact weapon.
2. The ASP being used as a choking device.

E. An officer shall not kick or use a leg strike of any kind on anyone who is lying in a prone position or who has been placed in a position of disadvantage.

F. Officers shall not employ any weapon not authorized by the Department or any weapon for which they have not received training and demonstrated their proficiency.

G. Officers shall not employ strikes to the face or head as a preemptive measure to control a suspect. Strikes to the face or head shall only be used as a defensive measure with a combative suspect and not as a technique to gain control of a non-combative suspect.

VI. MEDICAL RESPONSE

A. Officers shall ensure first aid is promptly provided to individuals affected by the use of force, if necessary, when the situation is no longer a threat to the officer or any other person.

B. Emergency medical personnel shall be summoned, if necessary. Persons in custody shall be accompanied to the hospital as described in GO III-10, *Transporting and Booking Prisoners*.

C. Aerosol Subject Restraints (ASR)

1. Special attention is required to monitor the well-being of persons who have been exposed to an ASR.

a. Any person exposed to an ASR who experiences or complains of symptoms other than those normally associated with the use of an ASR, or does not show signs of recovery in the expected time, shall be provided immediate medical attention.

b. Unusual symptoms may include unconsciousness, profuse sweating, chest pain or slow, shallow breathing.

c. The results of ASR exposure may last approximately 30-45 minutes. Medical treatment is usually not required.

d. Persons who have been sprayed and who are restrained should be carefully monitored, and they shall be verbally reassured the ASR effects should subside in approximately 45 minutes.

e. If the person no longer is a threat to the officers, the natural decontamination process may be aided by water or wind/air movement.

f. Persons who may have been accidentally exposed to an ASR shall be afforded assistance until they have recovered.

2. Officers transporting a prisoner to the Detention Center shall advise the intake officer if the subject has been sprayed with an ASR.

VII. INVESTIGATING AND REPORTING THE USE OF FORCE NOT INVOLVING A FIREARM

A. Officers shall notify a supervisor whenever a less-lethal weapon is used in the course of apprehension, self-defense, or whenever anyone has been injured by the application of force. The supervisor shall determine the need for further notifications.

B. Whenever there has been injury or death of a person(s), or whenever any person is to be admitted to a hospital, or if death results from the use of force:

1. The Watch Commander shall ensure the following persons are immediately notified:

- a. The Chief of Police via the involved officer's chain of command,
- b. Office of Professional Standards Commander,
- c. Community Awareness Division Manager,
- d. Crimes Against Persons Division Commander,
- e. EAP Coordinator

2. If the incident results in a death, the following persons shall also be notified:

- a. State Attorney's Office, and
- b. Medical Examiner.

3. The Office of Professional Standards shall conduct an investigation and forward their completed report to the Chief of Police as soon as possible.

4. The Crimes Against Persons Division shall conduct an investigation in cases of injury or death, or as directed by the Chief of Police.

C. Whenever any person is hospitalized for a serious injury or death results due to the use of force by an officer:

1. The District Major, or their designee, shall reassign the officer to inside duty or place the officer on administrative leave until the Department's investigation has been completed.

2. The officer shall be afforded the opportunity to use the services of any component of the Employee Assistance Program which may be available.

D. An officer who uses force with a less-lethal weapon while off duty shall make a report to the Communications Center as soon as circumstances permit.

1. Communications shall notify the Watch Commander who will determine if an immediate internal investigation is necessary.

2. In addition to verbally reporting the use of force, the officer shall complete a *Use of Force Report* and submit it to their supervisor as soon as possible.

E. All accidental and intentional discharges of an ASR shall be reported on a *Use of Force Report*.

VIII. USE OF FORCE REPORTS

A. An officer using physical control or deadly force as defined in this Order shall complete and file a *Use of Force Report*, prior to going off duty, whenever an employee:

1. Discharges a firearm for other than training or recreational purposes;
2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. Applies force through the use of lethal or less lethal weapons; or
4. Applies weaponless physical force at a level as defined by the agency.

B. If the officer is unable to complete the *Use of Force Report*, the immediate supervisor shall prepare the report based on available information.

C. The entire (three part) *Use of Force Report*, along with a copy of the police report, shall be administratively reviewed by the officer's chain of command.

D. Following the administrative review, the entire (three part) *Use of Force Report*, along with a copy of the police report, shall be sent to the Office of Professional Standards.

1. The Office of Professional Standards will send the original to the Records and Identification Division, the yellow copy to the Training Division, and retain the pink copy.

2. The supervisor approving the original police report will ensure a copy of the report is attached to the *Use of Force Report* being routed to the Office of Professional Standards.

E. The *Use of Force Report* is a synopsis of the incident for statistical purposes and is in addition to any reports required by [K:\Research\GeneralOrders\III Operational General Orders\III-23 Incident Reports.pdf](#).

F. The *Use of Force Report* shall be used by the:

1. Training Division
 - a. To monitor use of force techniques and tactics, to determine effectiveness of intermediate weapons, and to identify training needs.
 - b. To conduct a documented annual analysis of reports required by **this Order** for the Chief of Police.

3. The **Office of Professional Standards**
 - a. To alert the Department of potential complaints of excessive force.
 - b. To monitor use of force incidents in order to identify officers who may be in need of additional training in the use of force and the policies of the Department.
 - c. To prepare the **Office of Professional Standards** Annual Report for the Chief of Police.

Anthony Holloway
Chief of Police