

GENERAL ORDER

April 2016

Immediately

II-42

Distribution: All Employees

Subject: USE OF FORCE

Index as:	Active Resistance	Firearms	Reporting Discharge of a Firearm
	Aerosol Subject Restraint (ASR)	Fire for Effect	Safety and Security of Firearms
	Aggressive Resistance	Force Guidelines	Serious Bodily Injury
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	ASR	Great Bodily Harm	Totality of Circumstances
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	Discharge of Firearms	Passive Resistance	Violent Felony
	Disengagement	Pepperball Projectile System	VNR
	Escalation	Physical Control	Weapons, Use of

Accreditation Standards: 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.3.1, 4.3.4, 35.1.9, 41.2.3, CFA 4.01, 4.02, 4.04, 4.07, 4.08, 4.10

Cross Reference:

- G.O. II-02 Motor Vehicle Crash Review Process
- G.O. III-10 Transporting and Booking Detainees
- G.O. III-15, High Risk Situations
- G.O. III-17, Pursuit of a Vehicle or Boat
- G.O. II-20, Weapons Qualifications
- G.O. II-43, Lethal and Less-Lethal Weapons
- G.O. II-44, Taser Energy Weapon
- G.O. III-23, Incident Reports
- G.O. III-42, Discharge of a Firearm, Police Action Death or Serious Bodily Injury Invest.
- I.O. V.5:20, Employee Support Services

Replaces: §394.463(d), §776.012, .05, .06, §790.01, .052, .053, 174 and §943.10(6), Florida Statutes
G.O. II-42, Use of Force (September 22, 2023)

Prior to being authorized to carry any weapon or assigned any duties which require the possession of a weapon, agency personnel will be issued a copy of, and receive training on, General Order II-42, Use of Force, be instructed about state law and Department policies regarding the use of authorized weapons, and demonstrate proficiency.

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Force Guidelines
- IV. Legal Considerations
- V. Authorized Use of Force
- VI. Unauthorized Use of Force

VII. Medical Response
 VIII. Investigating the Use of Deadly Force
 IX. Use of Force Reports

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. Officers will utilize all less-lethal weapons and firearms in the manner consistent with their training.
- C. It is the policy of the St. Petersburg Police Department that the use of force in any situation will follow applicable laws and is limited to the force which is needed to halt aggressive actions and/or to overcome specific resistance by the subject in order to accomplish a lawful objective.
- D. It is the policy of the St. Petersburg Police Department that de-escalation is the preferred, tactically sound approach in many critical incidents and used whenever possible.
- E. It is also the policy of the St. Petersburg Police Department that officers will exhaust all other reasonable means of apprehension, or defense of themselves or another, before resorting to the use of deadly force.
- F. The Department recognizes that bullets do not immobilize moving motor vehicles. Incapacitating drivers of motor vehicles does not necessarily eliminate the threat or danger posed by the moving motor vehicle.
- G. 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.
- H. It is the policy of the St. Petersburg Police Department that all approved firearms, owned by, or in the possession of, employees are inspected, and approved by a qualified firearms instructor or armorer, prior to carrying.
- I. It is the policy of the St. Petersburg Police Department that all firearms owned by, or in the possession of, employees of this Department will be handled safely and be properly secured when not in use.
- J. While off duty, neither the shotgun nor rifle will be stored in a Department vehicle. The shotgun and/or rifle will be properly secured as the personal equipment of the officer.
- K. 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 accordance 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, tensing, pushing, or pulling to prevent the officer from establishing control over the subject.
- C. Aggressive Resistance – A subject's hostile 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. Choke Holds – Any intentional and prolonged application of force to the throat, windpipe, or airway of another that prevents the intake of air for the purpose of gaining control of a subject.
- G. Compliance - The verbal and/or physical yielding to an officer's authority without apparent threat of resistance or violence.
- H. 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-02 Motor Vehicle Crash Review Process, or any other force which is likely to cause death or serious physical injury.
- I. 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.
- J. De-escalation – Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.
- K. Disengagement – Discontinuing a command or physical use of force.
- L. Escalation – Increasing the use of force or resistance.
- M. Fire for Effect – Shoot for center of mass.
- N. 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.)
- O. Great Bodily Harm (Synonymous with "Serious Bodily 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.
- P. Injury – A complaint of injury, whether visible or not.
- Q. Less-lethal Force – Force that is not likely to cause death or serious physical injury.
- R. Non-Deadly Force – Force which is neither likely nor intended to cause death or serious physical injury.
- S. Objective Reasonableness – The process for evaluating the appropriateness of an officer's response to a subject's resistance.
- T. 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.
- U. 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.
- V. 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.

- W. Serious Bodily Injury – See Great Bodily Harm
- X. 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.
- Y. Vascular Neck Restriction (VNR) – Any use of force application intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation.
- Z. 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.

IV. FORCE GUIDELINES

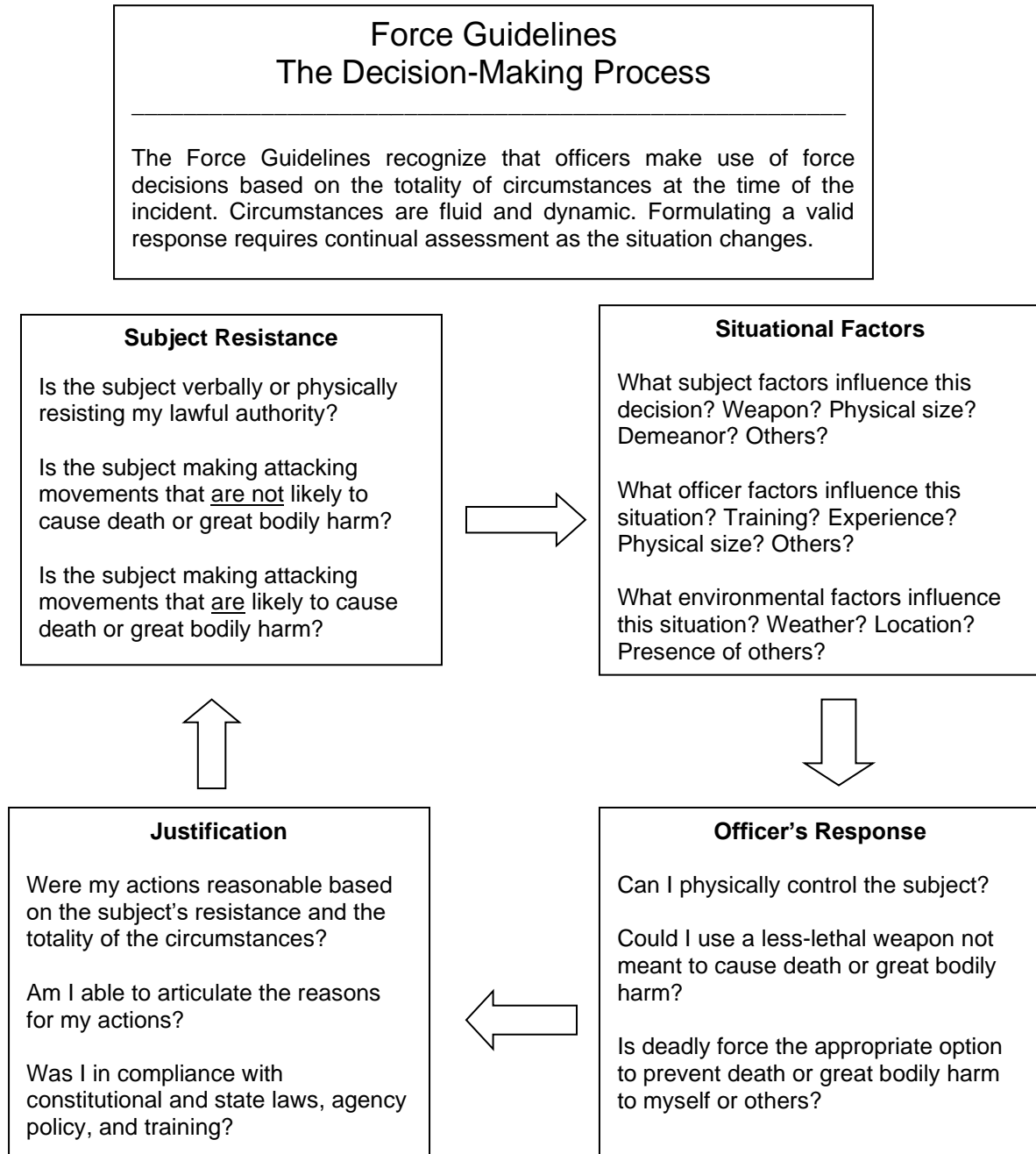


Figure 1

IV. 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 arrest must be lawful; and
 - 2. 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.

V. 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 will not draw or display a firearm except for official use as provided for in this Order.
3. Officers will never draw a firearm unless they reasonably anticipate a need to use it.
4. Officers will 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
 - 1) The officer has given a verbal warning where appropriate, and
 - 2) The officer reasonably believes this action is immediately necessary to defend oneself or another from death or serious physical injury.
 - 3) To apprehend a fleeing felon **ONLY** when:
 - a) Other reasonable means of apprehension have failed; and
 - b) 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 will be fired for effect. Unless under fire by an assailant, the officer will ascertain the target before discharging their firearm. The officer will cease firing when it is reasonably believed the threat no longer exists.
7. The firearm will not be fired to wound or to warn.
8. Officers may use any technique (chokeholds) that restricts the intake of oxygen for the purpose of gaining control of a subject only when deadly force would be considered reasonable, as defined in this Order.

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, when practical.
 - b. When required, officers will only use force which is reasonably believed to be 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, or 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, will 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.
4. 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.

C. Special Situations

1. K-9s – The use of canines is guided by the Uniform Services Bureau Standard Operating Procedures.
2. SWAT – Deployment of the SWAT team is guided by G.O. III-15, High Risk Situations.
3. Intentional ramming of a vehicle being pursued under the guidelines set forth in G.O. III-17, Pursuit of a Vehicle or Boat is considered an act of deadly force and will be investigated as described in this Order.

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

VI. UNAUTHORIZED USE OF FORCE

- A. Warning Shots – Officer(s) will 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 will use appropriate safety measures, and will 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 will 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 will not fire from a moving vehicle.

- C. Officers will not, at any time, use a force application (vascular neck restriction) intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation.

- D. Officers will not utilize firearms and/or less-lethal weapons in a manner inconsistent 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 will 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 will not employ any weapon not authorized by the Department nor any weapon for which they have not received training and demonstrated their proficiency.
- G. Officers will not employ strikes to the face or head as a preemptive measure to control a suspect. Strikes to the face or head will only be used as a defensive measure, with a combative suspect, and not as a technique to gain control of a non-combative suspect.
- H. Any violations of the above force prohibitions may be reviewed on a case-by-case basis by the Command Review Board to determine whether, under the circumstance, the actions were reasonable and justified. The Board may find that, under exigent or exceptional circumstances, the use of the prohibited action may have been justified.

VII. MEDICAL RESPONSE

- A. Officers will 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 will be summoned when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious. Persons in custody will be accompanied to the hospital as described in G.O. III-10, Transporting and Booking Detainees.
- 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, will 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 will 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 will be afforded assistance until they have recovered.
 - 2. Officers transporting a prisoner to the Detention Center will advise the intake officer if the subject has been sprayed with an ASR.

VIII. INVESTIGATING THE USE OF DEADLY FORCE

See G.O. III-42, Discharge of a Firearm, Police Action Death or Serious Bodily Injury Investigations

IX. USE OF FORCE REPORTS

- A. An officer using will complete and submit 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; Aiming a firearm or Taser Energy Weapon at an individual to gain compliance with verbal commands is considered a use of force.
 4. Accidentally discharges a firearm, an ASR, Pepperball Projectile System or Taser Energy Weapon. Officers may be required to complete a *Use of Force Report* for accidental discharges that occur during training based on the circumstances surrounding the incident.
 5. Applies weaponless physical force.
 - a. The ordinary use of handcuffs does not require a *Use of Force Report*. However, if injuries occur that require treatment, a *Use of Force Report* will be completed.
 - b. Reasonable physical force may be used to safely secure and transport a person in need of involuntary mental health services. If force other than the use of handcuffs is used or there is an injury, a *Use of Force Report* will be completed.
- B. If the officer is unable to complete the *Use of Force Report*, the immediate supervisor will prepare the report based on available information.
- C. In tactical situations, such as during the execution of a search warrant or during high-risk entries, a supervisor may elect to complete a *Use of Force Report*, or they may require each officer to submit an individual report, if the type of force differs among those using force.
- D. The supervisor approving the *Use of Force Report* will ensure the incident is fully documented in the incident report. before routed it through the officer's Chain of Command. An incident summary will not be completed in the *Use of Force Report* in Blue Team.
- E. The *Use of Force Report* will be sent electronically, via Blue Team. A documented administrative review will be conducted by the officer's Chain of Command through the rank of Major.
- F. Following the documented administrative review, the respective Major will electronically forward the *Use of Force Report* to the Office of Professional Standards via Blue Team.
1. The Office of Professional Standards will:
 - a. Enter the approved *Use of Force Report* into IAPro, and
 - b. Send a PDF version to the Records Division
 - c. If any report indicates additional training may be needed, the report will be forwarded to the Training Division for their review.
 2. Conduct a review of the *Use of Force Report* and report the findings to the Chief of Police.
- G. The *Use of Force Report* is required in addition to any reports required by G.O. III-23, Incident Reports.

H. The *Use of Force Report* will be used by the:

1. Training Division to:
 - a. Monitor use of force techniques and tactics, to determine effectiveness of intermediate weapons, and to identify equipment upgrades and training needs, and
 - b. Conduct a documented annual review and analysis of training needs, effectiveness of the weapons used, and a review of policies and practices for the Chief of Police.
 - c. Conduct a documented annual review of all assaults on Departmental law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues.
2. The Office of Professional Standards to:
 - a. Alert the Department of potential complaints of excessive force;
 - b. Monitor use of force incidents in order to identify officers who may need additional training in the use of force and the policies of the Department; and
 - c. Prepare the documented annual administrative review and analysis of the Department's use of force activities, policies and practices for the Chief of Police. The administrative review and analysis will include:
 - 1) Date and time of incidents,
 - 2) Types of encounters resulting in use of force,
 - 3) Trends or patterns related to race, age and gender of subjects involved,
 - 4) Trends or patterns resulting in injury to any person including employees, and
 - 5) Impact of findings on policies, practices, equipment and training.

Anthony Holloway
Chief of Police