

FLORENCE POLICE DEPARTMENT GENERAL ORDER

Subject: <p style="text-align: center;">USE OF FORCE</p>	Procedure: General Order 1.3.1 CALEA 4	Total Pages: 13
Authorizing Signature: Original with Authorizing Signature on File	Effective: 7/1/2020 <input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	

I. POLICY

It is the policy of this Department that sworn personnel will use only the degree of force that is objectively reasonable and necessary to accomplish lawful objectives and bring an incident/person under control. Nothing in this written directive will constitute justification for reckless or criminally negligent behavior amounting to an offense against persons. Intentional misuse of the authority granted under this policy is grounds for disciplinary action.

II. PURPOSE

This written order establishes guidelines and procedures regarding the use of force by sworn personnel.

III. SCOPE

This written order is applicable to all sworn personnel.

IV. RESPONSIBILITY

It shall be the responsibility of all sworn employees to adhere to department approved procedures, training, and tactics related to use of force. All sworn supervisory personnel will be responsible for ensuring their subordinates understand this policy and these regulations.

V. DEFINITIONS

A. AUTHORIZED WEAPONS AND AMMUNITION: Weapons and ammunitions that have been officially approved by the department for use by sworn personnel during the performance of their duties.

B. CRITICAL INCIDENT AMNESIA: A form of temporary amnesia subsequent to a SNS mass discharge (*The sympathetic nervous system, SNS, is activated anytime the brain perceives a threat to survival, resulting in an immediate discharge of stress hormones, which is designed to prepare the body for what has been recognized as the "fight or flight response." The activation of the SNS is automatic and virtually uncontrollable. Once the SNS is activated, the visual system goes through a series of automatic changes.*), which includes the release of the stress hormone cortisol. This temporary amnesia will affect both the officer's memory and the officer's ability to write an incident report.

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- C. CS/OC: (CS - orthochlorobenzalmalononitrile, OC - oleoresin capsicum) Chemical compounds authorized for official use, consisting of pepper extract or synthetics which, when deployed, temporarily involves involuntary closing of the eyes, respiratory distress, an acute burning sensation on exposed skin; and temporary loss of motor control when sprayed about the face of a person or animal.
- D. DEADLY FORCE: Force which is likely to cause death or serious physical injury, or which creates a substantial risk of causing death or serious physical injury.
- E. FORCE CONTINUUM: A progression of force based on the concept of increasing the police officer's level of control in response to the level of resistance offered by a suspect. As the suspect increases his level of resistance or threat to the officer or others, or a lower level of force has failed, the officer is justified in increasing his level of control while still using the minimum amount of force necessary. It is **not** necessary for an officer to progress sequentially from one level of control to the next until control is gained.
- F. IMPACT WEAPONS: Authorized department equipment for which the officer has received training in techniques, including strikes, for use against an aggressive violator. Impact weapons include PR-24s and expandable batons.
- G. INJURY: Any manifestation or complaint of physical damage to a person which requires medical attention.
- H. LESS LETHAL FORCE: Any use of force that by its very nature is not intended to, nor is it likely to cause death; however, death may result depending on its use.
- I. NON-DEADLY FORCE: Any physical force used to control, restrain, or to overcome the resistance of another; it is neither likely nor intended to cause death or serious physical injury. It is any use of force other than that which is considered deadly force.
- J. OBJECTIVELY REASONABLE: In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the facts and circumstances he/she perceives at the time of the incident, which would likely cause a reasonable officer to act or think in a similar way under similar circumstances. The calculus of reasonableness must embody an allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. The appropriateness of an officer's decision to use force will be based upon the totality of the circumstances as perceived by the officer in the moment the force was used. Totality of circumstances includes, but is not limited to; the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the

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officer or others, and whether the offender is actively resisting arrest or attempting to evade arrest by flight.

- K. PHYSICAL FORCE: The application of a technique, action, or device to compel a change in the actions of another person; usually compliance with a desired behavior, submission to authority, or to de-escalate a threatening behavior.
- L. POSITIONAL ASPHYXIA: The positioning of a persons' body that can produce unconsciousness or death caused by a lack of oxygen or an increase of carbon dioxide in the blood.
- M. REASONABLE BELIEF: The facts or circumstances the employee knows, or should know; and is such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. It refers to facts and circumstances that would lead a reasonable person to believe that force is necessary.
- N. RESISTANCE: Any behavior, actually occurring or reasonably perceived will occur, based on the officer's training and experience, that attempts to overcome, thwart, and/or evade an officer's lawful ability to perform his/her duties. A subject's actions may be defined in broad categories including: full compliance to commands, verbal uncooperativeness, passive resistance, active resistance, active aggression, and aggravated active aggression (deadly force).
- O. SERIOUS PHYSICAL/BODILY INJURY: Physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.
- P. SIMPLE FIRST AID: Any treatment performed by a first responder or equivalent to that which would be performed by a first responder.
- Q. STRIKE: The deliverance of a blow or thrust (as with a hand, knee, fist or weapon).
- R. INTERVENE: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

VI. FORCE CONTINUUM

The Force Continuum is to serve as a guideline for officers in assessing which level of control may be appropriate when confronted with resistance. Officers may rule out lower control options if they believe the selected level of force would be ineffective, or inappropriate for the circumstances. Based on their training, experience and perception, officers may be required and fully justified in using force that falls at any point on the continuum based on the circumstances.

Circumstances impacting the officer's decision may include, but are not limited to, the following:

1. The nature of the offense;

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2. The behavior of the subject against who force is to be used;
3. Physical size and conditioning of the suspect and officer;
4. The skill level of the suspect and officer;
5. The feasibility or availability of alternative actions;
6. Location;
7. The suspect's proximity to weapons; and
8. The availability of additional officers.

Stages of the Force Continuum are as follows:

- A. USE OF FORCE: OFFICER'S PRESENCE
 1. The minimum level of force an officer can apply is mere presence.
 2. For presence to be an effective force, an officer's uniform and bearing should command respect.
- B. USE OF FORCE: VERBAL COMMANDS/DE-ESCALATION TECHNIQUES
 1. Communication skills, when properly utilized, may defuse potentially violent encounters.
 2. It is preferable that all encounters between police and the public are resolved without the need to apply any physical force.
- C. USE OF FORCE: SOFT EMPTY HAND CONTROL
 1. Open hand control; grip control;
 2. Physical arrest and control tactics - non-striking techniques.
 3. Noise/Flash Diversion Devices may also be used at this stage for distraction purposes.
- D. USE OF FORCE: LESS LETHAL WEAPONS
 1. The department may issue or make available less lethal devices (i.e. chemical agents, impact weapons, Tasers, etc.) to authorized employees who have successfully completed specialized training and/or qualification in the operation and use of these devices.
 2. The utilization of CS/OC chemical sprays, Taser, or baton restraint techniques are restricted to officers who have successfully completed a certified training course.
 3. The use of a baton at this level is limited to use as a restraint tool. For example, baton restraint techniques may be used when force is necessary to effect the movement of an uncooperative suspect in custody.
- E. USE OF FORCE: HARD EMPTY HAND CONTROL

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1. Hand strikes; punching movements or other arrest and control tactics that utilize striking techniques.
2. Handcuffing techniques where injury is caused due to handcuffing. (The simple act of applying handcuffs to a prisoner does not constitute a use of force.)

F. USE OF FORCE: INTERMEDIATE WEAPONS (LESS-LETHAL)

1. Impact Weapons- Anystrike, offensive and/or defensive in nature.
 - a. Impact Weapon strike techniques may be used when force is necessary and;
 - 1) The officer reasonably believes empty hand techniques will or has failed but an escalation to deadly force is not justified.
 - 2) As a repelling device in crowd control situations or to ward off blows from an assailant; or
 - 3) In a show of force within the ranks of a Mobile Field Force in crowd control situations.
2. Weapon delivered - including, but not limited to: Less lethal "extended range" impact devices such as foam and/or wooden batons, bean bag rounds, rubber "buckshot," OC/CS projectiles, and/or smoke may be used.
 - a. Less lethal delivery systems, such as shotguns, will be clearly marked for less lethal use only.
 - b. Lethal ammunition will not be deployed using weapons marked for less lethal use. Only department issued less lethal ammunition will be employed.
 - c. Each authorized officer will successfully complete certification training for each type of less lethal ammunition and deployment system not less than once per calendar year. Certification training dated more than one year previous to the current calendar year will be considered expired.
 - d. Each time less lethal impact munitions are employed against a person the officer will complete an "After Action Report," FPD Form 3. Further the officer's narrative report will indicate the number and type of less lethal rounds deployed, where on the person's body impact took place and whether the round(s) were effective.
 - e. People struck by impact munitions will be transported to a medical facility for examination.

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3. Hand delivered - including, but not limited to: OC/CS devices, Aerosol-type Clear Out "Freeze+", Sting ball devices. Distraction device "hand delivered." (Authorized for use by SWAT.)
4. EOD/Andros Robot - including, but not limited to: 12-gauge shotgun/Street sweeper- Bean bag rounds, OC/CS projectiles, and Taser capable. (Authorized for use by SWAT.)
5. Only those authorized employees who have successfully completed specialized training and/or qualification in the operation and use of less lethal devices may use such devices.

G. USE OF FORCE: DEADLY FORCE (CALEA 4.1.2)

1. An officer may use deadly force only when he/she reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. This may be done by means of:
 - a. Firearms;
 - b. Intermediate weapons applied as deadly force; and/or
 - c. Any other means available to the officer to stop the threat with due regard for the safety of innocent bystanders.
2. The use of deadly force against a fleeing suspect must meet the aforementioned statements, and;
 - a. An officer may use deadly force only when necessary to affect the capture or prevent the escape of a suspect if the officer reasonably believes the suspect poses a significant threat of death or serious physical injury to the officer or others.
 - b. If feasible, a verbal warning will be given before an officer utilizes deadly force against a fleeing suspect.
 - c. No person, regardless of the offense, will be presumed to pose an immediate threat to life in the absence of actions that would lead an ordinary and prudent person to believe such is the case.
 - d. Deadly force against a fleeing suspect who is both non-dangerous and unarmed is strictly forbidden.
3. The age or sex of the suspect will not be considered when determining whether deadly force is necessary.
4. Any discharge of a firearm by an officer other than for training or off-duty recreational purposes will be reported to a field supervisor immediately. The supervisor will respond to the scene and see that any subsequent necessary steps are taken.

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5. Officers should not discharge their firearm when the officer reasonably believes an innocent person will suffer serious injury by such discharge, unless, failure to use deadly force would likely present more danger to innocent persons than the use of deadly force.
6. **WARNING SHOTS:** Warning shots are generally prohibited. However, the rare occasion could occur where firing a warning shot is a viable alternative. Any use of warning shots should meet the following guidelines:
 - a. The use warning shots is strictly limited to situations where the officer or a third party is in serious imminent danger.
 - b. Warning shots should be fired in a safe direction so as not to cause any physical injury and/or to minimize any collateral damage.
 - c. As soon as practical and as circumstances allow, the warning shot will be reported to dispatch and to a field supervisor, then documented in an Incident/Offense report.
 - d. Each case is to be reviewed by a shooting review board who will examine the circumstances surrounding the warning shot.
7. It is further understood that in a worst-case scenario the use of tactical shots, to cover or suppress fire may be necessary to protect the life of officers or others. These tactics should be used when other options are not reasonable and only to stop serious physical harm assaults or prevent the offender(s) from initiating a serious physical harm assault.
8. Officers will not discharge a firearm at an occupant of or from a moving vehicle except when extreme circumstances require the immediate use of deadly force.

VII. TRAINING

- A. The Department will schedule at least annual training on departmental use of force policies and qualification sessions for all approved duty/off duty weapons, *electronic controlled weapons and other less lethal devices*. All officers are required to demonstrate proficiency by attaining a qualifying score, when applicable.
- B. No later than the FTO phase, new officers will receive certification in the use of any less lethal weapons they utilize while on duty. Only officers who have successfully completed training will carry less than lethal weapons.

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- C. In-service training for all less lethal weapons, **other than electronic controlled weapons**, and weaponless control techniques will occur at least biennially.
- D. All proficiency training must be monitored by a certified weapons or tactics instructor, and will be documented.
- E. No later than the FTO phase, all officers authorized to carry lethal and less lethal weapons will be issued copies of, and receive, instruction in the use of force policies contained herein. Instruction will include confirmation of each employee's understanding of the legal implications and requirements of use of force applications, weapon-specific care and operating procedures, documentation and reporting requirements following use of force application(s), and the obligations following the application of use of force(s). This instruction will be documented as part of the FTO training. See applicable FTO directives for additional information.
- F. During annual "use of force" in-service training, all officers will review copies of this use of force policy.
- G. All sworn personnel will receive initial Integrated Communications, Assessment, and Tactics (ICAT) de-escalation training, and will then receive annual refresher training.
- H. ICAT training will include proportionality, using distance and cover, tactical repositioning, "slowing down" if there is not an immediate threat, and utilizing supervisors and other resources when available.

VIII. PARAMETERS FOR NON-DEADLY FORCE:

- A. When the use of force is needed, if feasible, authorized employees will identify themselves and determine which options in the force continuum will best de-escalate the situation in the safest, most reasonable, and prudent manner possible.
- B. Officers are permitted to use department authorized non-deadly force techniques and equipment for resolution of incidents to:
 - 1. Protect themselves or another from bodily injury;
 - 2. Restrain or subdue a resistant person for whom there is probable cause to arrest or reasonable suspicion to stop;
 - 3. Prevent damage to property; and/or
 - 4. Bring an unlawful situation in which there is lawful authority for the employee to intervene, safely, and effectively under control.
- C. Officers may use department approved custodial restraint techniques on subjects who have been combative to reduce the likelihood of self-inflicted injury or to control further resistance while handcuffed. Employees are **not** permitted to use hobble restraints, leg shackles, plastic

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ties, or any other device to place any subject in a manner which is likely to produce positional asphyxia.

- D. Any use of force on subjects who are handcuffed or otherwise in custody is prohibited unless physical resistance must be overcome. Such uses of force must be specifically articulated with an emphasis on why a particular level of force used was necessary to obtain compliance.
- E. Officers are permitted to use only that force which is reasonable and necessary under the particular circumstances to protect themselves or others from bodily injury and only after other reasonable alternatives have been exhausted or it is determined that such alternative action(s) would be ineffective under the circumstances.
- F. Flight alone shall not justify the use of any level of force beyond official presence or verbal direction on a suspect. An officer must have reasonable suspicion or probable cause to believe that the suspect has committed or is about to commit a criminal offense before utilizing force greater than verbal direction.
- G. The use of vehicles, flashlights, radios, or any other unauthorized weapon as a means of force is generally prohibited, except where there is reason to believe that the imminent threat of serious bodily injury exists, and no other option is available.

IX. DEADLY FORCE AFTER ACTION PROCEDURES:

The use of deadly force by an employee that results in the injury or death of another person will necessitate the following procedures be implemented. This use of deadly force includes:

- A. Any discharge of firearm other than training, off-duty recreational purpose, or destruction of an injured animal as provided in this and other directives;
- B. Use of intermediate weapon applied as deadly force; or
- C. Any serious physical injury or death caused by an action taken by an employee (i.e., death resulting from an accident during a pursuit).

1. **EMPLOYEE INVOLVED - DEADLY FORCE EVENT**

- a. Handcuff or otherwise secure the suspect and any weapons that may be in the vicinity of the suspect, making sure the threat has been terminated. If it is safe to do so, the preferred method is to leave the suspect's weapon untouched.
- b. Notify Dispatch and give out any BOLOs and/or pertinent information.
- c. Notify supervisor immediately;
- d. If, and when the scene is secure, administer first aid and/or

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summon medical assistance, as necessary;

e. Secure scene and witnesses until arrival of another unit.

f. When the deadly force used is a firearm:

When it is safe to do so, the officer(s) will render the weapon safe and holster any handgun involved and/or secure long guns in the prescribed manner, where they will remain until retrieved by a crime scene technician or a supervisor.

1. BACKUP UNITS:

g. Upon the arrival of backup officers, the responsibility for the scene, suspect and witness security will be removed from the officer(s) involved in the incident.

h. If the suspect is transported to the hospital, an officer will follow the ambulance to the hospital and remain with the suspect until released by a supervisor or investigator.

i. Back up units will ensure the witnesses and/or suspects are separated until they can be interviewed.

2. FIRST SUPERVISOR ON SCENE

a. Ensure that the safety and security of officers and citizens has been adequately addressed and medical assistance has been provided where needed.

b. Determine if there are enough officers to secure the scene, suspects and witnesses.

c. Assign an officer to begin a log of all persons who are present at, and/or who enter and exit the crime scene.

d. The supervisor will ensure that no unauthorized personnel are allowed to interview the officer(s) involved.

e. Have the officer(s) involved escorted from the scene by a supervisor, and taken to a secure setting, until an investigator is ready to interview them.

f. Ensure the Shift Commander is notified.

g. If the officer is able to do so, he/she should be encouraged to notify his/her family as soon as possible and let them know that he/she is alright.

h. If the officer is transported to the hospital, ensure another officer accompanies and remains with him/her until relieved.

i. Any use of deadly force, that results in physical injury or

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death, which is believed to be accidental (i.e., accidental shooting or traffic accident) will require the officer(s) to undergo drug and alcohol testing per City of Florence personnel procedures. This should be done with careful consideration for the officer and the traumatic event he/she has just experienced.

- j. The senior or ranking supervisor will act as the shift commander during his/her absence or until relieved of command by a ranking officer.

3. THE SHIFT COMMANDER

- a. Shall respond to the scene.
- b. Shall notify the appropriate command staff.
- c. Shall establish a media staging area and handle the media until the arrival of a chief.
- d. Shall request an outside agency approved by the Chief of Police respond to the scene for investigation.

4. IF THE OFFICER INVOLVED IS CRITICALLY OR MORTALLY WOUNDED

- a. If the officer(s) involved are wounded and transported to the hospital, a supervisor, or the first officer on the scene, will make safe and secure the officer's weapon until retrieved by a criminal investigator.
- b. If the officer is mortally wounded, the officer's weapon should be guarded and left untouched if it can be done so safely, until an investigator responds and processes the scene.
- c. Notify the on-call Chaplain.
- d. If the officer is mortally wounded or unable to call, a supervisor and another officer (friend of the family, if possible) should respond, along with the chaplain, to advise the family and provide transportation to the hospital. It is recommended that the supervisor make the notification and the family friend be there for support. The supervisor should ensure an officer is assigned to the family for security, support, control of the press and visitors, establishment of communications and related matters.

5. REMOVAL FROM LINE DUTY:

- a. Any employee whose actions or use of force results in a death or serious physical injury will be placed on administrative leave pending an administrative review.
- b. Any employee whose use of force in an official capacity

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results in the death or serious physical injury of a person will not return to work until released to do so by the Chief of Police after an administrative review of the incident.

- c. The removal from line-duty assignments pending an administrative review is automatic and reflects the department's interest in protecting both the community and the employee.
6. **DELAY PRIOR TO TAKING STATEMENT - (*Critical Incident Amnesia*):** Anytime an officer is involved in a traumatic event, including "Officer Involved Shootings" the officer will have the option of giving a statement immediately, or may choose to wait up to 3 sleep cycles prior to giving a statement. There is some indication that individuals involved in traumatic events are better able to remember small details after having rested well as opposed to immediately after a traumatic event.
 7. **KILLING AN ANIMAL:** Killing an animal is justified when necessary for self-defense (i.e., to prevent substantial harm to the officer or another), or when the animal is so badly injured that humanity requires its relief from further suffering.
 - a. A seriously wounded or injured animal may be destroyed only with the approval of a supervisor. This type of incident will be recorded on an Incident Report utilizing the Spillman Reporting Module and an After Action Report utilizing the Spillman Reporting Module..
 - b. The destruction of vicious animals will be guided by the same rules set forth for self-defense and the defense and safety of others.
 8. **USE OF FORCE: POLICE CANINES**

This section only applies to police K9's use of force. See the policy regarding agency animals for further K9 regulations.

 - a. Police patrol dogs may be used:
 - 1) To defend the handler or other officers or third parties from assaults which could result in serious physical injury;
 - 2) To effect criminal apprehensions of those person(s) the handler has probable cause to believe committed a serious offense; and/or
 - 3) In circumstances when the use of a patrol dog would prevent escalation of force in apprehending a suspect during flight, escape, or concealment from police.

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- b. Police canines will be trained by U.S.P.C.A. guidelines and will be used for only the degree of force necessary to affect lawful objectives.

X. APPROPRIATE MEDICAL AID

- A. Whenever an officer is involved in a use of force incident in which a person sustains injuries or requests evaluation and/or treatment, the officers using force will ensure that appropriate, timely medical assistance is provided. If and when the scene is secure, the officer should ensure the assistance obtained will be appropriate to the severity of the injury and the type of force or weapon used. Medical aid could be administered either by the employee or others at the scene, by transporting the injured person to the hospital, and/or by having dispatch notify and request emergency medical personnel.
- B. All use of force by an officer, in an official capacity, will be documented on the after action form, which will reflect the degree and nature of medical care rendered.
- C. After any use of force upon an arrestee, the officer will notify intake personnel at the Lauderdale County Detention Center so that the detention officer may conduct an informed intake interview and assessment.

XI. DUTY TO INTERVENE

- A. All members must recognize and act upon the duty to Intervene to prevent or stop any member from conducting any act that is unethical, or that violates law or policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to Intervene may subject a member to disciplinary action.
- B. Intervention may be verbal and/or physical.
- C. Failure to intervene may subject a sworn member to disciplinary action, civil liability, and/or criminal prosecution.

REQUIRED ACTION

- 1- If aid is required by any individual, ensure that medical attention has been rendered.
- 2- Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct unethical or inappropriate behavior.
 - a- Examine the circumstances surrounding the incident to

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determine the appropriate form of intervention

- b- Intervene verbally or physically, depending on the circumstance.
 - c- All sworn member of the department have been trained in Integrating Communications, Assessment, and Tactics, of “ICAT,” which provides an “overall, integrated de-escalation strategy.” “Operational safety tactics” is a key component of this training, and emphasizes, in part, concepts such as the “tactical pause”; using time to continue communications, de-escalate heightened emotional responses, and bring additional resources to the scene; and teamwork.
- 3- Take an active approach to intervene to stop any unethical behavior or misconduct, when such conduct is being committed by another member.
- a- If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved.
- 4- Immediately notify a supervisor after conducting any type of intervention, when safe to do so.
- a- Under section VII (13) of General Order 13.1.4, a sworn member of the Florence Police Department shall, upon observing or otherwise becoming aware of a violation or of misconduct by another member of the agency, report such violation to his/her superior officer.
- 5- Consistent with this Use of Force Policy and with existing policies and procedures of this agency, the intervening officer and any other officers who may have been involved in or witnessed the incident which led to Intervention are required to submit a detailed report of the incident, documenting their involvement, the actions that were taken, their observations and all other relevant facts.

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.