

SUBJECT: USE OF FORCE			
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DISCUSSION:

The purpose of this order is to define appropriate employee conduct and establish guidelines for the use of force when encountering resistance to lawful commands, detainment and/or arrest, and to establish guidelines in reporting requirements for the use of force by PBSO employees.

The most important purpose of law enforcement is the protection of human life. In order to be consistent with that purpose, the use of force must be limited to situations involving resistance to arrest, defense against physical assault, or force necessary to perform official duties and/or self-defense or in the defense of others. Sworn employees are prohibited, while exercising law enforcement authority, from carrying weapons with which they have not proven proficiency.

Any deputy present and observing another deputy using force that is clearly beyond what is objectively reasonable under the circumstances, or suspects that another employee is about to use unnecessary force, shall safely intervene to prevent the use of such excessive force.

This order will apply to all PBSO employees.

DEFINITION:

DEADLY FORCE – Force which is likely to cause death or great bodily harm.

GREAT BODILY HARM - Bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of function of any part or organ of the body.

FACTORS USED TO DETERMINE REASONABLENESS - In determining the appropriate level of force, employees shall evaluate the totality of the facts and circumstances presented to them at the time the use of force was used. Those factors may include, but are not limited to:

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- The seriousness of the crime or offense.
- The level of threat or resistance presented by the subject.
- Whether the subject was posing an imminent threat to employees or a danger to the community.
- The potential for injury to citizens, employees or subjects.
- The risk or apparent attempt by the subject to escape.
- The conduct of the subject being confronted (as reasonably perceived by the employee at the time).
- The time available to an employee to make a decision.
- The availability of other resources.
- The training and experience of the employee.
- The proximity or access of weapons by the subject.
- Employee versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of employees versus subjects.
- The environmental factors and/or other exigent circumstances.

USE OF FORCE INCIDENTS – Include the use of any hand or leg technique, weapon of opportunity, lethal or less-lethal weapon, or an action that results in injury or complaint of injury.

PROCEDURES:

I. USE OF FORCE

- A. All employees will act in good faith when using force and will conform to the provisions of Florida State Statutes and this general order.
 1. Employees will only use the amount of force reasonably and necessary to effect lawful objectives.
 2. Once a subject has been properly restrained and is no longer resistant, de-escalation of force will occur.
- B. Only agency issued or approved weapons are authorized for on or off-duty use.
- C. Absent exigent circumstances, employees are required to utilize weapons systems and/or weaponless control techniques which have been issued or authorized by PBSO and which the employee has received official training or certification to deploy.
 1. Nothing in this order will restrict an authorized employee from utilizing any readily available object as a substitute weapon during an emergency.

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2. The lateral vascular neck restraint can be utilized only when deadly force is authorized and all other reasonable means of defense have been exhausted.
- D. Employees will be provided with a copy of and instructed in the agency's use of force policy before they are authorized to carry a weapon.
- E. Employees are authorized to use deadly force when there is reasonable belief that such force is necessary to:
1. Prevent imminent death or great bodily harm to the employee or another individual; or
 2. Apprehend the perpetrator of a felony, which involved the use or threatened use of deadly force, and the individual who is sought poses an immediate danger to the life of an employee or another individual(s).
- F. A verbal warning should be given before deadly force is used, if feasible.
- G. In effecting the arrest of potentially dangerous suspects or in dangerous situations, deputies may display a firearm for the purpose of obtaining and maintaining control of the situation and ensuring the safety of self and others.
- H. Restrictions on the use of deadly force:
1. Warning shots are prohibited.
 2. Firing a weapon at a moving vehicle is prohibited, unless the occupant of a vehicle is using or threatening to use deadly force by means other than the vehicle itself, and the employee reasonably believes there is an imminent threat to life.
 3. An employee will not create circumstances where the use of deadly force becomes necessary by intentionally standing and/or stepping into the path of a suspect's vehicle.
 4. An employee will not create circumstances where the use of deadly force becomes necessary by intentionally placing his vehicle in the path of a suspect's moving vehicle, absent exigent circumstances.
 5. Sworn members in specialty units (SWAT, Tactical Unit, Narcotics, South Florida Task Force, Gang, and Warrants) who are trained in vehicle suppression techniques approved by the Training Division are authorized

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to utilize those techniques with the approval of a supervisor from the specialty unit.

6. Employees will not use deadly force to apprehend perpetrators of non-violent crimes against property.
7. Employees will not use deadly force to apprehend persons suspected of having committed a forcible felony unless there is an imminent threat of death or great bodily harm to themselves or others.

II. REPORTING USE OF FORCE/DISCHARGING OF FIREARMS

- A. Employees who use deadly force, or accidentally discharge a firearm whether or not personal injury, death or property damage occurred, while on or off-duty, shall immediately report the incident to an on-duty supervisor.
 1. The supervisor will make notifications to the proper authorities, to include Communications.
 2. The supervisor will complete a Blue Team Use of Control Report and promptly report ALL incidents involving the discharge of a firearm to the Commanders of the Internal Affairs Division, the Department of Legal Affairs, and the Training Division. Exceptions to this requirement shall include employees actively engaged in sanctioned training exercises, or an accidental discharge resulting in no injury or property damage, or incidents which involve the use of a firearm to euthanize an animal.
 3. Investigations of incidents involving the use of deadly force or accidental discharge of a firearm, resulting in or alleged to have resulted in personal injury or death shall be directed by the Violent Crimes Division Commander who shall assign a Critical Incident Team to conduct the investigation in accordance with GO 522.00 Critical Incident Investigations. Notification shall be made in accordance with call-out procedures as outlined in GO 429.01 Staff Notification.
- B. Deputies are authorized to use deadly force against an animal under the following circumstances:
 1. Aggressive Animals – Deputies may use deadly force on an aggressive animal that is a threat to deputies and/or others.
 2. Euthanasia
 - a. Sick or Injured animals: Whenever any animal is so injured or diseased, suffering, and imminently near death, and the deputy has

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made a reasonable and concerted, but unsuccessful effort to locate the owner, the owner's agent, or contact Animal Control, then the deputy, acting in good faith and upon reasonable belief, may, with the authorization of a supervisor, immediately destroy such animal utilizing the following procedure:

- b. For small animals the deputy will shoot the animal with his authorized handgun in the middle of the forehead for maximum effect.
 - c. For larger animals the deputy will shoot the animal using his authorized shotgun with a slug round in the middle of the forehead for maximum effect.
3. A supervisor shall complete a Blue Team Citizen Contact noting the deputy(s) involvement as well as all information concerning the firearm utilized (i.e., make, model, serial number, number of rounds fired, number of rounds that impacted the animal). The deputy(s) shall complete an offense report. All completed reports shall be forwarded through the supervisor's administrative chain-of-command for review.

III. EMPLOYEE'S RESPONSIBILITY

- A. Should a person subjected to any use of force complain of any injury, any injury is observed or there is any indication of injury, EMS will be immediately requested.
- B. After a deputy has used deadly force on an individual resulting in injury, the deputy will administer first aid to the injured and EMS will be immediately requested.
- C. Employees will immediately inform the on-duty supervisor of each incident involving the use of force and document the incident and any medical response in the offense report.
- D. Simply applying the use of restraints does not warrant the completion of the Blue Team Use of Control Report, unless such use results in any visible injury or the complaint of injury to the individual.
- E. The primary employee assigned to the incident will complete an offense report prior to the end of his shift.

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- F. Each employee assisting in an arrest or incident requiring force will submit an offense report supplement describing the incident prior to the end of his shift.

IV. SUPERVISOR'S RESPONSIBILITY

- A. Respond to the scene, investigate, and photograph all use of control incidents involving an employee.
- B. Ensure that medical attention has been requested when necessary. Staff notifications will be made by Communications in accordance with GO 429.01 Staff Notifications.
- C. A supervisor's Blue Team Use of Control Report is required if the subject's behavior causes an employee to use force resulting in injury, complaint of injury, or significant likelihood of injury.
- D. Corrections supervisors must complete a Blue Team Use of Control Report whenever a leather body strap and/or a restraint chair are used on a person.
- E. Prior to the supervisor's end of shift, the Blue Team Use of Control Report will be forwarded through the operational chain-of-command.

V. INTERNAL AFFAIRS' RESPONSIBILITY

- A. Review the incident to determine if the force applied was within agency guidelines. After completion of the review, the Internal Affairs Commander may request additional information.
- B. Provide the Sheriff with a quarterly and a yearly review and analysis, documenting the Blue Team Use of Control Reports that were filed during that time period.

VI. ADMINISTRATIVE LEAVE (NON-DISCIPLINARY)

- A. In every instance in which an employee's action results in, or is alleged to have resulted in death or great bodily harm to another person, the employee will be immediately relieved of normal duties pending internal review.
- B. Employees involved in a shooting incident where no individual was hit or injured may be placed on administrative leave at the discretion of the Internal Affairs Commander with approval of the Sheriff or his designee, pending internal review.
- C. Assignment to administrative leave status shall be non-disciplinary with no loss of pay or benefits.

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- D. Employees relieved from duty shall remain on an administrative leave status during the initial 24-hour period following the incident, after which the employee may be reassigned to duty status at the discretion of the Internal Affairs Commander with approval of the Sheriff or his designee.
- E. Employees relieved from duty shall ensure their availability to PBSO investigators until the incident investigation is concluded.

VII. TRAINING DIVISION'S RESPONSIBILITY

- A. The Training Division will review the findings of the Internal Affairs reports and evaluate all training methods and procedures. The Training Division will determine and document if any revisions or corrective actions need to be taken.
- B. The Training Division will maintain a record of all agency approved weapons and restraints.