

PALM BEACH GARDENS POLICE DEPARTMENT		
RESPONSE TO RESISTANCE		
POLICY AND PROCEDURE 4.2.1.1		
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PURPOSE: To establish guidelines and procedures for the use of force, including deadly force, in response to resistance. Members of the Department are directed in the use and carrying of firearms and/or other weapons; providing proper documentation and investigation of incidents involving a response to resistance.

SCOPE: This policy and procedure applies to all officers. Procedures addressing less lethal force and weapons also apply to those non-sworn members who are authorized by the Chief of Police to carry defensive weapons.

REVIEW RESPONSIBILITY: Assistant Chiefs and Bureau Majors

POLICY: This Department recognizes that officers have the authority to use force when necessary in the performance of their duties and that all Department members have a right of self-defense. It is the policy of this Department that any force used by a member shall be in accordance with federal and state law, legal guidelines and this policy and procedure. Members may use only the amount of force that is reasonably necessary to accomplish lawful objectives, and the decision to use force must be based on facts known to the member at the time the decision is made. This directive is for internal use only and does not enlarge a member's civil or criminal liability in any way; it should not be construed as the creation of a higher standard of safety or care in an evidentiary sense concerning third party claims. Violations 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.

This policy is not intended to infringe upon a member's constitutional or statutory rights to bear arms for lawful self-defense. This policy is also not intended to interfere with a member's right as a citizen to carry concealed weapons or firearms lawfully while off duty, out of uniform, and when not acting under the color of authority of the Palm Beach Gardens Police Department.

PROCEDURES**1. AUTHORITY TO USE DEADLY FORCE**

- a. Officers may use deadly force only when the officer reasonably believes the action is in defense of human life or prevention of serious physical injury to the officer or another person or:
 - i. to prevent the escape of a fleeing felon when there is a reasonable belief that the use of such force is necessary to prevent the escape of the felon and when feasible, some warning had been given, and
 - ii. the officer reasonably believes the fleeing felon poses an immediate threat of death or serious physical injury to the officer or another person, or
 - iii. the officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of death or serious physical injury on another person, and
 - iv. if not captured, the felon poses an immediate danger to the community.
 - v. Any use of deadly force must be in compliance with FSS 776.05.[1.3.2]
- b. Officers need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest.
- c. The firing of warning shots is prohibited.[1.3.3]
- d. Officers shall not discharge a firearm from a moving vehicle except as an ultimate measure of self-defense or defense of another when a suspect is using deadly force and all other alternatives have been exhausted.
- e. Officers shall not discharge a firearm at a moving vehicle except as the ultimate measure of self-defense or defense of another when deadly force would be authorized. The discharge of a firearm at a vehicle, regardless of intent, is considered a use of deadly force. Officers should avoid placing themselves in the path of a fleeing vehicle whenever possible.
- f. Officers may use a firearm to destroy an animal for humane reasons in accordance with FSS 828.05 when such animal is so injured or diseased as to appear useless and is suffering.
 - i. For domesticated animals, the officer must first, when possible, make a reasonable attempt to contact the animal's owner, the owner's agent, or a veterinarian.
 - ii. Such use shall not be considered a use of force, but a supervisor must be notified and the incident documented via an Offense Incident Report.
 - iii. When possible approval from an on-duty supervisor should be requested prior to destroying the animal.

2. AUTHORITY TO USE LESS-LETHAL FORCE

- a. Officers are authorized to use less-lethal force when there is a reasonable belief that such force is necessary to defend themselves or another or to overcome resistance to lawful objectives.
 - i. Such use of force must comply with the provisions of FSS 776.05.[1.3.4]
- b. Officers need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest.
- c. Force shall not be used punitively and officers will always discontinue the use of force when the offender stops resisting.
- d. Non-sworn members authorized by the Chief of Police to carry issued defensive weapons (OC or ASP), e.g., Police Aides and Crime Scene Technicians, are authorized to use force only when objectively reasonable to defend themselves from an imminent use of unlawful force when there is no reasonable opportunity for withdrawal from the situation.
 - i. Such use must comply with the provisions of FSS 776.012.
 - ii. Non-sworn members may also use force to defend themselves or another from an animal attack. [1.3.4]

- e. Officers and non-sworn members may use only the amount of force objectively reasonable to accomplish their lawful objectives.[1.3.1]

3. AUTHORIZED FIREARMS AND AMMUNITIONS [1.3.9]

- a. Officers are authorized to carry firearms and other weapons under the authority of FSS 790.051. [1.2.2]
- b. The only handguns authorized for use by officers of this Department are those authorized by this policy and procedure.
 - i. The following handguns are issued and authorized as the primary weapon for use by all uniformed patrol and traffic officers:
 - 1. Glock models 22 or 23, .40 Caliber semi-automatic pistols.
 - a. These handguns may also be used by officers in non-uniformed assignments, as back-up weapons and/or off-duty weapons.
 - ii. The following handgun is authorized as a primary weapon for issue to officers in other than uniformed patrol and traffic:
 - 1. Glock model 27, .40 Caliber semi-automatic pistol.
 - a. Uniformed patrol officers may also, at their expense, use this handgun as a back-up weapon, and for off-duty carry.
 - iii. The Chief of Police may authorize an alternate weapon for officers having a valid reason to carry other makes, types, and calibers of firearms.
 - 1. An Authorization to Carry Privately Owned Firearm form must be completed, signed and kept on file;
 - 2. the officer must qualify with the firearm, and the firearm must be inspected by an instructor or armorer.
 - iv. Any officer carrying a back-up handgun shall ensure the handgun is carried out of sight and concealed from ordinary public view.
 - v. Officers are authorized to carry a Department approved handgun while off-duty in accordance with FSS 790.052.
 - 1. Any officer carrying an approved handgun while off-duty shall have their Department identification and badge with them and shall keep such handgun concealed from ordinary public view.
 - 2. Any use of the approved handgun while off-duty must be in accordance with federal and state law, and this policy and procedure.
 - 3. This authorization applies only in the State of Florida. Carrying a firearm in other states is subject to federal law and the laws of those other states.
 - vi. All handguns must be carried in an approved holster.
 - 1. A duty holster for uniform patrol wear, including traffic, must be a minimum of a "level two" black holster from a major manufacturer, and the wearer must qualify using the holster prior to wearing it on-duty.
 - 2. Holsters used for administrative, plainclothes, backup and off-duty use must have a hammer strap or internal locking mechanism to secure the handgun in the holster.
 - a. Holsters for back-up and off-duty use must be capable of being concealed.
 - 3. Shoulder holsters are prohibited.
 - 4. "Fanny packs" are authorized for off-duty use only.
 - 5. Holsters for tactical and special uses, including K-9, shall include a system for securing the handgun in the holster.
 - a. These holsters may be authorized on a case-by-case basis by the Bureau Major with responsibility for the specialty team or unit.

- vii. Only that ammunition issued or approved by the Department may be used or carried in any authorized handgun.
 - 1. The Department approved ammunition for duty handguns is
 - a. .40 caliber S&W jacketed or semi-jacketed hollow point commercially produced by a major manufacturer (manufacturer and specifications may vary depending on availability and state contract prices).
 - 2. Officers authorized to carry other than .40 caliber handguns will provide their own approved duty ammunition.
- viii. Practice ammunition for issued handguns may be of various manufacturers and types, depending on availability and state contract prices.
 - 1. Practice ammunition may not be carried or used on-duty, except in an emergency situation.
 - 2. Officers authorized to carry other than .40 caliber handguns will provide their own approved practice ammunition.
- ix. Armor piercing, tracer, or explosive rounds are prohibited, unless approved by the Chief of Police.[1.3.9]
- c. The following specialty firearms are authorized for use by officers of this Department:
 - i. The authorized patrol shotgun is the Remington 870 12-gauge pump or a shotgun of similar specifications.
 - ii. The authorized patrol rifle is the Colt AR-15, .223 semi-automatic rifle and its variants or models of the AR-15 produced by other manufacturers and meeting the same specifications as the Colt AR-15.
 - iii. In addition to the above firearms, the following firearms are authorized for use by the SWAT Team and its specially trained officers:
 - 1. H&K MP-5 sub-machinegun
 - 2. HK53 .223 Select Fire Rifle
 - 3. Remington Model 700 .308 caliber Rifle
 - 4. Benelli 12 gauge semi-automatic shotgun
 - 5. Colt M-16 or M-4 and variants
 - 6. 37mm or 40mm gas munition launchers
 - 7. Barrett 50 Caliber rifle
 - 8. Other specialty firearms upon approval by the Chief of Police.
 - iv. Only those SWAT team members trained and qualified in a SWAT specialty weapon and with the approval of the SWAT Commander and Chief of Police may carry that weapon in their assigned vehicle.
 - v. Only that ammunition or munitions issued by the Department may be used or carried in any specialty firearm. The following is the Department approved duty ammunition:
 - 1. 12 gauge: 00 buckshot (full or reduced recoil) and 1oz. Slugs commercially produced by a major manufacturer;
 - 2. 9mm: jacketed or semi-jacketed hollow point commercially produced by a major manufacturer;
 - 3. .308 and 50 caliber: due to the potential need for various types of specialty ammunition in this caliber (armor piercing, low deflection, hollow point, etc), the SWAT Commander is authorized to select the specific ammunition to be used; however, all duty ammunition must be commercially produced by a major manufacturer.
 - 4. .223: jacketed or semi-jacketed hollow point commercially produced by a major manufacturer.
 - vi. Practice ammunition for specialty weapons may be of various manufacturers and types.

1. Ammunition intended for practice may not be carried or used on-duty, except in an emergency situation.
- d. Unless approved in advance, officers are prohibited from making, or having made, unauthorized modifications or repairs to any Department issued or approved firearm (including personally owned weapons approved for Department use).
 - i. Examples include, but are not limited to: modification of grips, replacement of sights or triggers, addition of scopes, laser sights or flashlights, etc.
 - ii. Any such modifications must first be approved and then inspected by a firearms instructor or armorer prior to being placed in service in accordance with this policy and procedure.
 1. Unless otherwise approved, any such modifications shall be at the officer's expense.
- e. Prior to making any modification to a firearm, officers must submit a written request to a firearms instructor or armorer.
 - i. This request must list the firearm to be modified, describe the modification (including a specific description of parts to be added or replaced if applicable), and state who will do the actual modification.
 - ii. The instructor/armorer will make a recommendation on the request of approval or disapproval. The request will then be forwarded to the requester's Bureau Major and Assistant Chief for approval or disapproval.
 - iii. Upon approval or disapproval of the request by the requestor's Bureau Major and Assistant Chief, the request will be returned to the officer.
 - iv. If the modification has been approved, the officer may make, or have made, the modification.
 - v. Modifications to Department owned firearms may only be made by Department authorized armorers.
 - vi. When a modification is made to a personally owned firearm by anyone other than a Department armorer, the firearm must be inspected by a Department firearms instructor or armorer prior to being placed in service.
 - vii. After completing or inspecting the modification and approving the weapon for service, the instructor/armorer will indicate such by writing "Inspected and Approved for Service" on the request and signing and dating that statement. The request will then be forwarded to the Quartermaster who will attach that request to the record for that firearm.
 - viii. If an officer is requesting to carry a new personally owned firearm, the officer shall indicate on the request to carry personally owned firearm form any modifications of the firearm from its stock condition (e.g., the addition of different sights, a laser, etc.). Once the request to carry the firearm is approved, any modifications listed on the request will also be considered to be approved. Any subsequent modifications must be approved as described above.
 - ix. If a modification is approved for a department issued firearm, the firearm must be able to be returned to its originally issued configuration. Any original parts removed as part of the modification shall be saved by the officer for this purpose.
 - x. Any modifications from original issue condition for Department issued firearms or originally approved condition for personally owned firearms existing as of the date of this policy are not grandfathered. They must be inspected and approved in accordance with this policy and procedure unless the officer has already qualified with that weapon and the weapon was inspected during that qualification.
 - xi. This section does not apply to modifications to any department owned weapons on a large scale when such modifications have been approved by the Department, e.g., changing triggers on all Department issued handguns.
 - xii. This section does not apply to modifications to specialty or SWAT weapons when the modifications have been approved by the Special Operations Bureau Major and/or Field Operations Assistant Chief, e.g., adding scopes or lights to SWAT rifles.

- f. All firearms will be inspected when issued and annually during qualifications; however, if any officer at any time feels a firearm is unsafe, the officer should contact the appropriate instructor or armorer to have the firearm inspected.
 - i. Unsafe firearms will be removed from service and replaced or repaired.
- g. Every officer checking out a specialty weapon shall inspect the weapon to ensure it appears to be in proper working condition.

4. APPROVAL AND ISSUE OF FIREARMS

- a. Any firearm issued by the Department is an authorized firearm.
- b. The Quartermaster shall maintain a record of all Department owned firearms including who the firearm is issued to, or, in the case of specialty weapons, to which division\unit the weapons are assigned. [1.3.9e]
- c. The Quartermaster will maintain a record of all approved Authorization to Carry Privately Owned Firearm forms, and a copy will be placed in the officer's personnel file.
- d. The temporary initial issue of handguns to new officers for training purposes must be authorized by the Chief of Police using the Authorization to Issue Firearms form.
- e. The permanent issue of handguns to new officers will occur after the officer has been trained and qualified with the firearm, and must be approved by the Chief of Police using the Authorization to Issue Firearms form.
- f. Prior to any handgun being issued to an officer, either as an initial issue or as a replacement, or any specialty weapon being placed into service, it will be inspected by an instructor or armorer.
 - i. Unsafe weapons will not be placed into service until repaired.[1.3.9d]
- g. Officers are responsible for the safe and proper storage of agency authorized firearms in accordance with FSS 790.174.[1.3.9f]

5. FIREARMS TRAINING AND QUALIFICATION [1.3.11]

- a. All officers must successfully complete the appropriate minimum state certification program prior to being assigned in any capacity in which the officer is allowed to carry a firearm or is in a position to make an arrest.[CFA 4.03M]
- b. Prior to being authorized to carry a firearm, the officer shall receive a copy of and be instructed in this policy.
 - i. This instruction will occur during the new officer orientation.[1.3.12]
- c. Prior to being authorized to carry a firearm, the officer shall qualify with that firearm using the annual qualification course.
- d. All officers must qualify annually with any authorized firearm carried on or off duty.
- e. The annual qualification shall include proficiency training, documentation of proficiency, and remedial training if needed.
 - i. The annual firearms qualification will also include a review of and training on, the Department's response to resistance policy.
 - ii. Each handgun will be inspected by the instructors and any unsafe weapons will be removed from service for repair or replacement.
- f. Only those officers demonstrating proficiency in the use of a firearm will be allowed to carry/use that firearm.
 - i. This proficiency must be documented, normally through the use of a qualification score sheet indicating whether the employee passed or failed the qualification.[1.3.10] [1.3.11b]
- g. Firearms instruction and qualification will be provided by instructors who are currently Florida Criminal Justice Standards and Training Commission (CJSTC) approved Firearms Instructors. [1.3.11a]

- i. The qualification courses to be fired and required scores for each type of firearm carried by officers are established by the CJSTC.
- ii. The qualification course shall be conducted at a CJSTC certified:
 - 1. training school range,
 - 2. agency range,
 - 3. or a private range.
- h. Handgun qualification will be conducted using the officer's current duty ammunition.
 - i. Officers will be issued fresh duty ammunition after qualifying.
- i. Qualifications with personally owned weapons, other than .40 or .223 caliber, will be conducted using current approved ammunitions which shall be supplied and replenished annually by the qualifying officer.
- j. The qualification courses to be fired and required scores for each specialty firearm utilized by the SWAT team will be established by the SWAT Team Commander and Team Leader.
- k. If an officer fails to qualify with their duty handgun after a maximum of three attempts in one qualification day,
 - i. The officer will lose the authority to carry a firearm and will be placed on administrative duty and scheduled for remedial training of a type deemed appropriate by a firearms instructor.
 - 1. The officer's handgun will also be inspected and tested; including test firing, by an instructor or armorer to ensure it is functioning properly.
 - 2. The remedial training and second qualification attempt should occur within one week of the initial unsuccessful qualification attempt.
 - ii. If the officer fails to qualify after remedial training and a maximum of three attempts in that second qualification day,
 - 1. the officer will lose the authority to carry a firearm and
 - 2. will be reassigned to administrative duties pending further review of their qualification for continued employment, [1.3.11c]
- l. If an officer fails to qualify with a specialty weapon,
 - i. that officer may not carry/use the specialty weapon on duty until the officer does qualify with it.
 - ii. The Patrol Operations Bureau Major may require that officers assigned to Patrol Operations qualify with one or all patrol specialty weapons. [1.3.11c]
- m. As part of each qualification process, each firearm including specialty weapons and personally owned weapons will be inspected.
 - i. Any unsafe firearms will be removed from service for repair.
 - 1. If the weapon being removed is an issued handgun, the officer will be provided with a replacement of the same make and model.
 - 2. If the weapon being removed is a personally owned handgun, and the officer has an issued handgun, the officer may only carry the issued handgun until the personally owned handgun is repaired.
- n. Once an officer has qualified with a firearm, that firearm may be replaced with another of the same make and model, and the officer will not need to re-qualify due solely to that replacement.

6. DIVERSIONARY DEVICES

- a. The SWAT Team is authorized to use diversionary devices in the performance of its duties.
- b. The SWAT Team Commander is authorized to select and obtain appropriate diversionary devices.
- c. Diversionary devices may only be deployed by those trained in their use, and such deployment must be in accordance with that training.
- d. Except in an emergency, the use of diversionary devices must be approved in advance by the SWAT team Commander.

7. AUTHORIZED, LESS-LETHAL AND DEFENSIVE WEAPONS [1.3.4][1.3.9]

- a. The only less-lethal weapons authorized for use by officers and designated non-sworn members of this Department are those authorized by this policy and issued by the Department.
 - i. These authorized weapons include:
 - 1. chemical agents (OC spray and tear gas)
 - 2. impact weapons (ASP baton)
 - 3. Less-Lethal Kinetic Energy Impact Projectile Weapon System (SAGE)
 - 4. Dart Firing Stun Gun (DFSG).
- b. All less-lethal and defensive weapons will be inspected by the appropriate instructor at the time of initial training and regularly during qualifications; however, if any authorizer user feels a weapon is unsafe, the authorized user should contact the appropriate instructor to have the weapon inspected.
 - i. Unsafe weapons will be removed from service and repaired/replaced.
- c. The Quartermaster will maintain records of the issue of less-lethal and defensive weapons, whether to individuals or divisions/units.

8. CHEMICAL AGENTS [1.3.9]

- a. The only OC spray used by members of this Department shall be that issued by the Department, and only members trained in the use of OC spray in accordance with this policy may carry and use it.
- b. Other chemical agents (tear gas and related agents) may be used by the SWAT team.
 - i. Only those members specifically trained in their deployment and use may use these other chemical agents, and such use must be in accordance with that training.
 - ii. The selection of these agents and the decision to deploy these agents shall rest with the SWAT Commander.
- c. When reasonably possible, a member should attempt to gain compliance verbally prior to using force.
 - i. When verbal commands are not effective or not feasible, a member need not attempt empty-hand control or other force options before using OC spray.
 - ii. The member need only have a reasonable belief that verbal commands were not or would not be sufficient or practical to safely and effectively place an offender under control.
- d. Members who employ the use of OC spray should do so as a means of defense and it shall never be used for any other unlawful purpose, such as a means of dispensing punishment.
 - i. OC spray may also be used for crowd dispersal.
- e. Members should consider the following, in addition to specific member-subject factors, when deciding whether or not to use OC spray in a use of force situation:
 - i. Distance from the individual(s) to be sprayed (generally recommended to be between 3 and 12 feet);
 - ii. Environmental conditions (e.g., wind, rain, etc.);
 - iii. Potential hazards to the individual(s) after being sprayed with OC that could cause injury (e.g., walking into traffic, falling off elevated surfaces or stairs, etc.);
 - iv. The presence of infants (birth to two years of age).
 - 1. If infants are in the immediate area, the use of OC spray should be avoided if possible.
- f. Only that amount of OC spray reasonably needed to obtain control of an individual(s) should be used.
 - i. Once the desired results have been achieved, the officer will stop dispensing OC.
- g. Primary targets of OC spray are the face, eyes, nose and mouth.
- h. OC spray is generally useful against drug abusers, emotionally disturbed persons, intoxicated persons, violent individuals who have reduced sensitivity to pain, and animals.

- i. OC or other chemical agents may be used to effect the removal of a person who refuses to exit a vehicle when lawfully ordered to do so by an officer.
 - i. When using OC/chemical agents to extract a suspect from a motor vehicle, officers should consider the risk to the public if the suspect is able to drive off after being sprayed, e.g., if the vehicle is running or is capable of being started.
 - ii. Officers may consider utilizing police vehicles to physically block/stabilize the suspect's vehicle prior to deploying the spray.
 - iii. OC/chemical agents should not be used in a situation where the officer reasonably believes that the suspect would be able to flee in the vehicle after being sprayed; thus creating a danger to the public.
- j. OC or other chemical agents may be released into a building to effect the removal of a person who refuses to voluntarily exit the building.
- k. Members should avoid the use of OC spray or other chemical agents in situations where the use of OC could reasonably cause panic (e.g., hospitals, dark crowded theaters, etc.).
- l. After spraying an individual with OC, and control of that person has been obtained, members will make reasonable efforts to allow the individual relief from the discomfort associated with the application of OC.
 - i. Reasonable decontamination or relief efforts (as is practical under the circumstances of a situation) may include:
 - 1. Calming the individual;
 - 2. Removing the person from the affected area to an area of fresh air or other form of ventilation;
 - 3. Instructing the individual to blow their nose;
 - 4. Allowing the individual to flush affected areas with water;
 - 5. Allowing the individual to wash exposed skin with soap and water;
 - 6. Allowing the individual to remove contact lenses;
 - 7. Advising the individual not to rub affected areas or to apply any type of salve to affected areas;
 - 8. Summoning paramedics if the person complains of injury, or if the officer reasonably believes that the person needs medical attention.
- m. If a member is attacked by an offender who is using or threatening the use of OC spray (or any other chemical agent), the member should try to avoid being sprayed.
 - i. An officer may need to use force, up to and including deadly force, on an individual who is threatening the use of OC spray, such force should be objectively reasonable.
- n. If threatened with possible death or serious physical injury, non-sworn members should retreat to safety and call for assistance.
 - i. This statement does not forbid self-defense actions.
- o. Command Packs will be issued to Patrol Operations Sergeants.
 - i. These packs contain chemical agents for area denial and to remove a subject.

9. DART FIRING STUN GUN (DFSG)

The DFSG delivers an electrical pulse intended to temporarily override the target's central nervous systems control over the skeletal muscles, resulting in uncontrollable muscle contractions and temporarily disabling the individual. It is preprogrammed to deliver a five-second electrical burst. During an actual deployment, it is recommended that the full five-second cycle be used for maximum effectiveness of the weapon. The officer can shorten this automatic cycle by turning off the weapon. Additional bursts may be delivered if needed to gain compliance by the subject.

- a. The DFSG system is authorized as a less lethal weapon.

- i. The only DFSG system used by officers of this Department shall be that issued by the Department, and only officers trained in the use of the DFSG in accordance with this policy and procedure may carry and use it.
 - ii. All training for the use of DFSG must be consistent with standards set by the CJSTC.
- b. A shotgun style DFSG is authorized for issue to and deployment by Patrol Operations Sergeants and SWAT team members upon completion of their training in its use.
- c. Initial DFSG training shall consist of at least 4 hours of training and shall include training in retention techniques.
 - i. The training shall include certification guidelines recommended by the manufacturer, a written test, physical competency, and a review of this policy and procedure.
- d. Officers carrying the DFSG must be recertified in accordance with manufacturer recommendations; such recertification shall occur at least annually.
 - i. The recertification must be a minimum of one hour and should still address physical competency, retention, along with a review of this policy and procedure.
 - 1. Failure to recertify will result in remedial training and/or loss of authority to carry a DFSG until the officer is able to qualify.
- e. Patrol/traffic officers trained in the DFSG must carry the DFSG when assigned.
 - i. Officers must also carry at least one other less lethal force option (OC or ASP) on their duty belt.
 - ii. Officers, at their discretion, may carry all three less lethal force options (DFSG, ASP, and OC).
 - iii. Officers not carrying the ASP or OC on their person shall keep it available in their patrol vehicle.
 - iv. Officers performing uniformed patrol/traffic type activities or working uniformed off duty details and who have not been issued a DFSG must carry both the ASP and OC.
- f. An officer issued a DFSG will also be issued two cartridges.
 - i. The serial number of the DFSG and the cartridges will be recorded at the time of issue and maintained by the Quartermaster.
 - ii. Replacement cartridges will be available via the Patrol Sergeants. The issuing supervisor must provide the Quartermaster with the serial number of the new cartridge(s) and the name of the officer to whom it was issued.
- g. All DFSG should be maintained in ready-for-use condition by the officer.
 - i. Sergeants are to be advised of non-functional DFSG and will remove from service any unit in need of repair.
- h. The DFSG will be worn in the issued cross-draw holster opposite the firearm.
- i. The DFSG may be used on a subject when objectively reasonable to overcome active physical resistance to an officer's lawful objectives in an arrest or custodial situation when the subject is actively threatening the officer or others, or is preparing or attempting to flee or escape.
 - i. Examples include, but are not limited to, subjects using force or threatening the use of force, fleeing, grabbing a fixed object to prevent being taken into custody, etc.
- j. The DFSG may be used for self-defense or the defense of another as well as to prevent a subject from harming himself/herself.
 - i. Except in the case of preventing the subject from harming himself/herself or in cases of self-defense or defense of another, there should always have been some preceding criminal act necessitating that the subject be taken into custody.
- k. The DFSG should not be used in cases of passive resistance where the subject poses no threat to himself/herself or others.
- l. Use of the DFSG in the "drive-stun" mode is also authorized.

- m. When reasonably possible, an officer should attempt to gain compliance through the use of verbal commands prior to using force.
 - i. When verbal commands are not effective or not feasible, and the use of the DFSG is otherwise justified, an officer need not attempt empty-hand control or other force options before using the DFSG.
 - ii. The officer need only have a reasonable belief that verbal commands were not or would not be sufficient or practical to safely and effectively place an offender under control.
- n. Situations appropriate for DFSG deployment include, but are not limited to:
 - i. A subject threatening himself or others with physical force; when other means of controlling the subject are ineffective, unreasonable or could cause injury to the public, officer or subject.
 - ii. A subject who is actively resisting the lawful directions of the officer and other means of lesser force (e.g., verbal commands) has been ineffective.
- o. The DFSG may also be used for self-defense or defense of another when there is an imminent threat of attack by an aggressive animal.
 - i. When time allows and/or the DFSG is planned to be used on an animal, such as during a raid, there should be a plan in place to secure the animal before the DFSG discharge ends.
- p. Officers shall refrain from inappropriate uses of the DFSG, including, but not limited to:
 - i. Needless display of the DFSG.
 - ii. Careless or haphazard muzzle control.
 - iii. Use in a punitive manner.
 - iv. Use of or threat to use during interrogation.
 - v. Using the DFSG to awaken a person.
 - vi. Using the DFSG as a prod.
 - vii. Using the DFSG on a helpless or severely disabled person or on an elderly person who does not have the apparent ability to cause harm to him/her or others.
 - viii. Using the DFSG on a child who the officer reasonably believes to be 12 years of age or less absent exigent circumstances necessitating its use.
 - ix. Repeated discharges of the DFSG on the same person unless no other options for control of the person are available.
 - 1. Whenever possible, the officer should assess the suspect's compliance level and breathing before applying additional DFSG cycles.
 - 2. If the officer must use repeated discharges to gain or maintain control of the suspect, other force options may be considered as appropriate.
 - x. Multiple officers should not deploy DFSG on one subject unless justified by exigent circumstances.
- q. Officers shall not use the DFSG in the following situations:
 - i. In the known presence of combustible vapors and liquids, e.g., gasoline.
 - ii. On a known pregnant person.
 - iii. When there are potential hazards to the individual or others after the use of the DFSG that could cause injury (e.g., falling into traffic, falling off elevated surfaces or stairs, drowning, sitting in the driver's seat of a running vehicle that is in gear, holding a firearm that could inadvertently discharge, etc.), unless exigent, articulable circumstances necessitate its use and outweigh the risk to the subject or others.
 - iv. On a handcuffed subject unless there are specific articulable facts that necessitate the use of the DFSG to prevent personal injury or property damage caused by the subject and other methods of equal or lesser control are or would be ineffective or more likely to cause injury.
- r. Prior to deployment of the DFSG, the DFSG officer should obtain a cover officer whenever practical.

- i. The cover officer must be armed with an appropriate handgun or other approved firearm.
 - ii. This cover officer will provide lethal cover if needed.
- s. When feasible prior to discharging the DFSG, the operator will inform others at the scene by announcing "TASER," so as to provide warning to other officers to stay clear of the probes and intended target.
- t. When feasible, an arrest team utilizing no less than two officers is recommended when deploying the DFSG.
 - i. Whenever possible, the arrest team should be ready to take the suspect into custody during or immediately after use of the DFSG, in order to minimize the need for repeated discharge of the DFSG on the suspect.
- u. When an officer is attacked by an offender who is threatening the use of a DFSG, the officer may use force on the offender, and such force should be objectively reasonable.
 - i. Due to the disabling effect of the DFSG, deadly force may be needed for the officer to protect himself/herself from being placed at risk of death or serious physical injury if disabled by the offender's use of the DFSG.
- v. After utilizing the DFSG on a person and after control of the person has been obtained, the officer will obtain medical treatment for the individual when, in the officer's judgment, medical treatment is required or if requested by the person himself.
 - i. If the probes do not penetrate the subject's face, neck or groin region, or the breast area of a female subject, they may be removed in accordance with the operator's training and secured at the scene.
 - 1. Probes which penetrate the face, neck or groin region, or breast area of a female, must be removed by medical personnel.
 - ii. The probes of a shotgun style DFSG must be removed by medical personnel only.
 - iii. When a subject is brought into a hospital or jail, the facility should be advised that a DFSG was deployed on the subject.
- w. Anytime a DFSG is used on a subject, the on duty Sergeant will be notified. Photographs will be taken of the affected area and a Response to Resistance report completed.
- x. It is the responsibility of the initiating officer to collect the spent probes.
- y. Spent probes are considered to be a biohazard.
 - i. Appropriate personal protective equipment (gloves) should be worn when handling spent probes.
 - ii. The spent probes will be disposed of using the following procedure:
 - 1. The probes will be placed into the expended cartridge with the pointed end of the probe facing down, wrapping the wire around the cartridge.
 - 2. The cartridge holes and probes will be secured with tape, or by wrapping with a latex glove, or other appropriate method.
 - 3. The cartridge will be placed in an appropriate bio-hazard disposal container.
- z. The DFSG maintains a memory database of all usages, including date and time and length of discharge.
 - i. This data may be downloaded and viewed at any time by appropriate authority, including supervisors and Professional Standards.
 - ii. The Patrol Operations Bureau Major will conduct random audits of this data to ensure the DFSG are not being misused.

10. IMPACT WEAPONS

- a. Impact weapons are authorized as less lethal weapons.
 - i. The only impact weapons used by members of this Department shall be those issued by the Department, except as provided in 10-b., and only members trained in the use of impact weapons in accordance with this policy may carry and use them.
 - ii. The Department authorizes the use of the ASP expandable baton and PR-24 during field force situations.
- b. In an emergency, other objects or pieces of equipment may be used as an impact weapon "of necessity" (e.g. flashlights, portable radios, tree branches, metal or plastic pipes, or tubes).
 - i. When possible, such use shall be consistent with the member's training in the use of impact weapons.
- c. When reasonably possible, an officer should attempt to gain compliance verbally and then through other options prior to using an impact weapon.
 - i. When verbal commands or other force options are not effective or not feasible, an officer need not attempt empty-hand control or other force options before using an impact weapon.
 - ii. The officer need only have a reasonable belief that verbal commands or other force options were not or would not be sufficient or practical to safely and effectively place a suspect under control.
- d. Officers who employ an impact weapon should do so with the intent to temporarily disable an individual or gain pain compliance in order to obtain control of the individual.
 - i. An impact weapon shall never be used for any unlawful purpose, such as a means of dispensing punishment.
- e. Primary targets of a strike from an impact weapon should be an individual's major muscle groups, limbs and/or joints.
- f. Intentionally striking an individual with an impact weapon in the groin, any part of the body above the shoulders, or the back is permitted only in situations where deadly force would be justified.
- g. After striking an individual with an impact weapon and after control of the person has been obtained, the officer will obtain medical treatment for the individual when, in the officer's judgment, medical treatment is required or if requested by the person himself.
- h. Impact weapons may be used for other lawful purposes during an officer's duties (e.g., breaking a window to gain entry to vehicles, residences, etc.).

11. LESS-LETHAL KINETIC ENERGY IMPACT PROJECTILE WEAPONS

- a. Less-Lethal Kinetic Energy Impact Projectile Weapon launcher and munitions system is considered an extended range impact weapon.
 - i. It is an authorized less-lethal weapon that may be used only by officers who have been trained and qualified in its use.
 - ii. In accordance with FSS 776.06, the term Deadly Force does not include the discharge of a less-lethal munition such as a Less-Lethal Kinetic Energy Impact Projectile Weapon.
- b. The Less-Lethal Kinetic Energy Impact Projectiles may be used in situations where an impact weapon would be objectively reasonable. Examples include, but are not limited to, violent individuals posing a threat to officers or others and persons armed with non-firearm weapons posing a threat to themselves or others.
 - i. The availability of the Less-Lethal Kinetic Energy Impact Projectile Weapon does not preclude the use of deadly force when a person poses an immediate threat of death or serious physical injury to the officer or another person.
- c. This weapon will be available for use by Patrol Operations.
 - i. A shotgun style bean-bag launcher is authorized for issue and deployment by officers upon completion of their training in its use.

- d. Operators shall only deploy and use the Less-Lethal Kinetic Energy Impact Projectile in accordance with their training.
- e. The deployment techniques for the Less-Lethal Kinetic Energy Impact Projectile include:
 - i. Whenever the Less-Lethal Kinetic Energy Impact Projectile operator intends to use the projectile, the operator should advise other officers present, when possible, in order to negate any perception of gunfire.
 - ii. When the Less-Lethal Kinetic Energy Impact Projectile is deployed, and when possible, EMS will be notified and requested to stand-by.
 - iii. When possible, prior to the use of the Less-Lethal Kinetic Energy Impact Projectile, an arrest team of two officers will be selected to approach the subject to be prepared to take him/her into custody.
 - iv. Operators shall target areas of the offender's body in accordance with their training.
 - 1. The operator may intentionally target the offender's head and neck area only if deadly force would be authorized.
 - v. Any subject struck by a Less-Lethal Kinetic Energy Impact Projectile Weapon projectile will be medically cleared after the incident, as needed.
- f. Each Less-Lethal Kinetic Energy Impact Projectile Weapon operator, when checking out the weapon, will inspect the weapon to ensure it is in good condition.
- g. A certified Less-Lethal Kinetic Energy Impact Projectile Weapon instructor will inspect the weapon and replace the ammunition every six months.
 - i. The weapon will also be inspected during training and qualification times.
- h. A certified Less-Lethal Kinetic Energy Impact Projectile Weapon instructor will also inspect the weapon as soon as possible after it has been fired.
 - i. The weapon may remain in service pending this inspection.

12. LESS-LETHAL WEAPONS TRAINING AND QUALIFICATION

- a. Prior to being authorized to carry a less-lethal or defensive weapon, the officer shall receive a copy of and be instructed in this policy.
 - i. This instruction will be included in the new officer orientation.
- b. Prior to being authorized to carry a defensive weapon, all civilian members authorized to carry such a weapon shall receive a copy of and be instructed in this policy.
- c. Prior to being authorized to carry a less-lethal or defensive weapon, a new member shall qualify with that weapon using the same process and qualification procedures as for bi-annual qualifications.
- d. At the time of initial issue and training for these weapons, the instructor will inspect the weapons.
 - i. Unsafe weapons will be removed from service and repaired or replaced.
- e. All authorized members must qualify at least bi-annually with any less-lethal or defensive weapon carried on-duty or used by the person, unless the manufacturer of the weapon requires more frequent recertification.
 - i. The qualification will include proficiency training, and remedial training if needed.
 - ii. Each weapon will be inspected by the instructor(s) and any unsafe weapons will be removed from service and repaired or replaced.
- f. The bi-annual qualification will also include a review of, and training on, the Department's Response to Resistance and weapons policies.
- g. Only those members demonstrating proficiency in the use of a less-lethal or defensive weapon will be allowed to carry/use that weapon.
 - i. This proficiency must be documented, normally through the use of performance checklists, written tests, and similar methods.

- h. The training and qualification requirements for each type of less-lethal and defensive weapons carried by members will be established by the Training Unit in accordance with manufacturer recommendations and CJSTC.
- i. Instruction and qualification for less-lethal, defensive weapons and physical force will be provided by instructors who have completed, at a minimum, the CJSTC approved Defensive Tactics Instructor course, or, for specialty weapons, i.e., Less-Lethal Kinetic Energy Impact Projectile Weapon, DFSG, etc., by instructors who have received specific instructor training on the specialty weapon.
- j. If an officer or civilian member fails to qualify with a less-than-lethal, less-lethal or defensive weapon after three attempts in one qualification day, the member will be scheduled for remedial training of a type deemed appropriate by the instructor and an additional attempt to qualify.
 - i. If the member fails to qualify after remedial training and three attempts in that second qualification day, the member will lose the authority to carry that weapon until he/she does qualify.
 - ii. Any officer who loses authorization to carry any of the required weapons (ASP and OC spray) required in their assignment will be reassigned to administrative duties pending further review of his/her qualification for continued employment.
 - iii. This section does not apply to new officers, who will not be allowed to carry a weapon or assume police duties until qualified with the weapon.

13. RESPONSE TO RESISTANCE NOTIFICATIONS, REPORTS AND INVESTIGATION

- a. The involved officer or non-sworn member (when able) must notify the on-duty Sergeant as soon as possible and a Response to Resistance (RTR) report shall be completed whenever an officer (or non-sworn member in the case of defensive weapons):
 - i. intentionally discharges a firearm, other than in training, off-duty recreational use, or to humanely destroy an animal, [1.3.6a]
 - ii. applies force through the use of less-lethal weapons, [1.3.6c]
 - iii. uses physical force on an individual, or [1.3.6d]
 - iv. takes any action that results in, or is alleged to have resulted in, injury or death of a person, other than traffic accidents, [1.3.6b]
- b. Supervisory notification and the completion of an RTR report are also required in the case of a K-9 bite.
- c. The on-duty Sergeant shall immediately notify the appropriate Bureau Major of any RTR incident involving a discharge of a firearm or any action that results in or is alleged to have resulted in serious bodily harm or death of any person, including traffic crashes.
 - i. If the Bureau Major is not available, the Sergeant shall notify the appropriate Assistant Chief.
- d. The person notified by the Sergeant shall then notify the Chief of Police and other appropriate persons. The Chief of Police may then direct a criminal and/or administrative investigation be initiated, and the appropriate persons will be notified to respond.
- e. In RTR incidents involving the discharge of a firearm at a person or resulting in death or serious physical injury, the involved officer will be placed on Administrative Leave with pay in accordance with Policy and Procedure 4.3.2.[1.3.8]
- f. If the RTR involved the discharge of a firearm or resulted in serious bodily injury or death to a person, the responsible Sergeant shall complete the RTR report.
 - i. In all other cases, the involved officer shall complete the RTR report.
- g. Only those members actually involved in the RTR will be named on the RTR report, other than as witnesses.
- h. The RTR report will fully document the incident and be completed before the person responsible for the report goes off duty.

- i. If a subject is injured as a result of the RTR, the RTR report should include photographs of any injuries, plus full front and rear views of the subject.
 - i. If the subject was not injured, the RTR reports should include photographs showing full front and rear views of the subject.
- j. In RTR incidents not involving the discharge of a firearm or death or serious physical injury, the RTR report will be forwarded via the chain of command to the involved member's Bureau Major.
 - i. Each supervisor in the chain shall review the report and include any relevant comments.
 - ii. The involved member's Bureau Major will review the report and forward it to the Division's Assistant Chief along with their evaluation of the appropriateness of the RTR, endorsement of action taken, and corrective action taken or recommendations, if any.
 - iii. After reviewing the report, the Assistant Chief will forward the report to the Chief of Police who will make a determination, if necessary, and forward the documentation to Internal Affairs authority for logging and filing.
 - 1. If warranted, the Chief of Police may initiate a criminal or administrative investigation of the RTR.
- k. In RTR incidents involving the discharge of a firearm or death or serious physical injury, the responsible Sergeant will forward the original RTR report directly to the Internal Affairs authority, with a copy provided to the Chief of Police via the chain of command.
 - i. These incidents, upon direction of the Chief of Police, will be investigated in accordance with policy and procedure by the Internal Affairs Function.
 - ii. The RTR report will be included in the internal investigative report of the incident for review and will also be logged.[1.3.7]
- l. The Internal Affairs authority will conduct an annual review of RTR reports.
 - i. The purpose of this review will be to identify any patterns or trends that could indicate training needs and/or procedural modifications.
 - 1. The results of this review will be provided in writing to the Chief of Police.
- m. Any accidental discharge of a firearm, DFSG, OC spray, other weapon, or significant use of physical force that does not result in serious personal injury will be documented in memorandum format by the involved officer and fully investigated by their Sergeant.
 - i. The officer's report should fully explain the circumstances surrounding the RTR, and the Sergeant's comments should include recommendations for disciplinary action or training.
 - ii. These reports will be forwarded to the Chief of Police via the chain of command.
 - 1. Each supervisor in the chain of command shall initial the report and include any appropriate comments.
 - iii. After review and action by the Chief of Police, the reports will be forwarded to Internal Affairs for logging and filing.[1.3.7]
- n. Whenever a member of the Department is involved in the RTR of any kind under color of law, on or off duty, including another jurisdiction, the member shall, as soon as possible, notify the on duty Sergeant with the details of the incident.
 - i. The Sergeant shall notify the involved member's Bureau Major.
 - ii. Any RTR under color of law occurring in another jurisdiction shall be handled administratively as if it occurred in the Department's jurisdiction, with the addition of any criminal or other investigation conducted by the authorities in that jurisdiction.
 - 1. The Sergeant receiving the notification shall ensure those authorities have been notified.

14. RENDERING APPROPRIATE MEDICAL AID

- a. After any RTR (lethal and/or non-lethal), to include firearms, less-lethal force and physical force, the officer(s) involved shall make an assessment of obvious injuries and the potential of non-visible trauma to determine whether appropriate medical aid is needed. [1.3.5]
- b. If appropriate medical aid is needed, as determined by the officer or requested by the subject, the officer will:
 - i. Request fire-rescue response.
 - ii. Notify the on-duty patrol supervisor.
 - iii. Render appropriate medical aid within the scope of first aid training the officer has received (if officer is physically able and defendant has been controlled). If circumstances allow, the officer (if able) will monitor, assist and protect the injured person(s) until rescue personnel arrive.

15. GLOSSARY

Deadly Force: Force that is likely to cause death or serious physical injury, including, but not limited to, the firing of a firearm at a person or the firing of a firearm at a vehicle in which a person is riding. Deadly force does not include the discharge of a firearm by an officer when the firearm is loaded with a less-lethal munition (e.g. Less-Lethal Kinetic Energy Impact Projectile Weapon) as defined in FSS 776.06.

Defensive Weapon: a weapon intended to be used solely as a means of self-defense by a non-sworn member. This includes OC spray and the ASP baton when issued to a non-sworn member.

Less-Lethal Force: force intended to subdue or incapacitate a subject with a lesser possibility of causing death or serious physical injury than a firearm or deadly force and applied through the use of a less-lethal weapon.

Less-Lethal Weapon: a weapon or round intended to subdue or incapacitate a subject with a lesser possibility of causing death or serious physical injury. Examples include the Less-Lethal Kinetic Energy Impact Projectile Weapon, and rubber rounds.

Objectively reasonable: whether an officers' action in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, that when judged from the perspective of a reasonable officer on the scene determines a particular use of force when allowing the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

Physical Force: force applied through the use of holds and techniques that employ only the user's body and body parts as the applicator of force. Includes punches, kicks, forceful takedowns, pain compliance holds, etc. Does not include applying handcuffs in a normal manner, guiding an individual with light contact (i.e., hand on a shoulder or arm without significant force), etc.

Reasonable Belief: The 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.

Reasonably necessary: an action taken in a set of circumstances that would cause a reasonable person in the same circumstances and with similar training and experience to the person taking action to believe the course of action was necessary, based on the information known to the actor at the time action was taken.

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

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