

	CLERMONT POLICE DEPARTMENT	
	GENERAL ORDER	
	TITLE:	USE OF FORCE
	GENERAL ORDER:	4
	EFFECTIVE:	July 1, 2021
	RESCINDS:	September 6, 2020
PAGES:	18	

4.1 PURPOSE: To establish guidelines and procedures for the use of deadly and non-deadly force by members authorized to carry weapons in their official capacity.

4.2 SCOPE: This order applies to all reserve and full time officers.

4.3 POLICY: All members will act in good faith when using force and conform to the provisions of Florida Statutes, Federal laws, and this general order. Members will use only the amount of force reasonably necessary to affect lawful objectives. This applies to both deadly and non-deadly force. [CFA 4.01]

This directive is predicated on routine, day-to-day operational procedures in the law enforcement profession. It is not intended to restrict members from defending themselves or others from death and/or serious injury as exigent circumstances may dictate.

When possible, all members should attempt to use de-escalation techniques so that more time, options and resources are available for incident resolution. De-escalation techniques may not be appropriate when its use would be unsafe or present a tactical disadvantage.

Force decisions may escalate and de-escalate rapidly in relation to the perceived threat. A member's goal is to achieve subject compliance. Compliance is the verbal and/or physical yielding to a member's authority without apparent threat of resistance or violence. Members are permitted to escalate their use of force as the subject escalates his or her level of resistance. Once the member achieves control or compliance, the use of force must de-escalate.

Force Guidelines Flowchart - There is an acknowledged response to force required by officers in order to perform their duties while encountering a resistant subject. This amount of force is directly proportionate to the amount of resistance to the lawful demands of the officer employed by the suspect. The "Force Guidelines Flowchart" (Appendix A) is the model developed by the Florida Department of Law Enforcement, Criminal Justice Standards and Training Commission (CJSTC) and is the illustration and policy of this department concerning the use of force. All sworn personnel will be trained in and receive a copy of the "Force Guidelines Flowchart."

The force flowchart is intended to be used as a guideline for officers in selecting effective, reasonable, and legally defensive actions in verbal and physical encounters. As an individual increases the resistance level from verbal to physical, the officer may have to increase the level of response until the resistance ceases and the officer is able to gain control of the subject. As soon as the point of subject compliance is reached, the officer must de-escalate to the minimum force necessary to control the subject. The officer will strive at all times to use the minimal amount of force necessary to effect control over a subject.

4.4 PROCEDURE:

4.4.1 GENERAL: No reserve or full time officer will be allowed to make an arrest or carry a weapon or firearm until he or she has:

4.4.1.1.1 Successfully completed the required law enforcement or correctional state certification program; [CFA 4.03]

4.4.1.1.2 Demonstrated proficiency in its use as determined by a qualified instructor, or by achieving minimum scores on the training course; [CFA 4.07]

4.4.1.1.3 Received training in the laws and department policy concerning their use, the use of force, and first aid procedures; and [CFA 4.02]

4.4.1.1.4 Received a copy of this general order. [CFA 4.02]

4.4.1.2 Only department approved firearms, and issued ammunition are authorized for on duty use. Only approved firearms and ammunition are authorized for use off duty. Nothing in this procedure will restrict an authorized member from utilizing any readily available object as a substitute weapon during an emergency. [CFA 4.05]

4.4.1.3 The Training Division will:

4.4.1.3.1 Maintain written specifications for all weapons, firearms, and ammunition authorized for use both off and on duty. [CFA 4.06 D]

4.4.1.3.2 Ensure that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance, or authorizing use. Before any annual lethal or less-lethal training is preformed, all weapons, (i.e., OC spray, impact weapons, etc.) are inspected by the certified instructor and to ensure expiration dates are not exceeded. [CFA 4.06 E]

4.4.1.3.3 Should an officer's weapon or firearm discovered to be unsafe or malfunctioning they shall notify their immediate supervisor who will contact the department's armorer for a replacement weapon so it can be removed from service immediately and repaired.

4.4.1.4 Department approved or issued less-lethal weapons, including OC spray, ASP baton, and Conducted Electrical Weapons are permitted to be carried on duty as permitted by department directives. Members may also carry OC, Taser, or ASP Batons while off duty, concealed, in a department approved holster, case, or method and while in compliance with all applicable department directives. Less-lethal munitions are not approved for off duty use. [CFA 4.06 B]

4.4.1.5 Approval Process: Any new less-lethal weapon must be approved prior to use or carry by department members in performance of their duties.

4.4.1.5.1 The department lead instructor for the weapon in question or member of the Training Division shall prepare a memorandum outlining the rationale for approval,

such as financial prudence, improvement over the current weapon, or obsolescence of the current weapon.

4.4.1.5.2 The memorandum shall be routed to the Training Division for review, then to the Support Services Bureau Commander, then Chief of Police for final approval.

4.4.2 DEADLY FORCE: The most important principle of law enforcement is the PROTECTION OF HUMAN LIFE. In order to be consistent with this belief, the use of deadly force must be limited to situations of a strong compelling need as necessary for the protection of human life.

4.4.2.1 Deadly force may be used when an officer reasonably believes that the action is in defense of human life. Deadly force may also be used against a fleeing felon when necessary to prevent the escape of the felon and the officer reasonably believes that the suspect poses an immediate significant threat of death or serious physical harm to the officer or others; or, the officer reasonably believes that the fleeing felon committed a crime involving the infliction or threatened infliction of serious physical harm to another person. Verbal warnings will be announced to the subject when reasonable and issuance of the warning will not compromise officer safety. This is not intended to restrict members from defending themselves or others from death and/or serious injury as exigent circumstances may dictate. [CFA 4.01]

4.4.2.1.1 RESTRICTIONS: Upon the authorized use of lethal force:

4.4.2.1.1.1 An officer will not unholster or display any weapon to threaten or intimidate any person not constituting an immediate threat of death or great bodily harm, or in a careless or indiscriminate manner, or in any way that would jeopardize the safety of another person.

4.4.2.1.1.2 Members shall not fire warning shots. [CFA 4.04]

4.4.2.1.1.3 Unless otherwise justified by unusual or exigent circumstances, shooting from a moving vehicle will be avoided.

4.4.2.1.1.4 A member shall not fire at a moving vehicle unless other reasonable means to avoid the danger have failed, and the member reasonably believes that this action is necessary to defend oneself or another from death or serious physical injury.

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

4.4.2.1.1.6 Members will not use deadly force to apprehend perpetrators of nonviolent crimes.

4.4.3 NON-DEADLY FORCE: Officers will use only the force and weapons necessary to affect lawful objectives and achieve control when executing their legal authority. Non-deadly

force may be used when control cannot be achieved through verbal commands and there is: (a) physical or nonphysical resistance to an arrest; (b) a threat to life or to the safety of the officer or another person, but deadly force would be inappropriate; or, (c) a reasonable belief that alternatives have been exhausted, or would be ineffective. The type and degree of force or weapons used will be based on the totality of the circumstances of each situation encountered. [CFA 4.01]

4.4.3.1 Oleoresin Capsicum (OC) Spray: OC spray is an approved restraint device and constitutes a use of force by department guidelines on non-deadly force. The use of OC Spray is considered a means of physical control as defined in this order. [CFA 4.01, 4.05, 4.06 A]

4.4.3.1.1 Authorized Possession:

4.4.3.1.1.1 Members must complete the appropriate approved training program and demonstrate proficiency prior to carrying OC spray. [CFA 4.06 C]

4.4.3.1.1.2 Bureau commanders will designate which members/positions are authorized to carry OC spray.

4.4.3.1.1.3 Only department approved OC Blend spray will be issued to members and carried on or off duty. A list of approved OC Spray may be obtained from the Training Division. [CFA 4.06 A]

4.4.3.1.2 Discharging OC Spray: [CFA 4.01]

4.4.3.1.2.1 Members will use OC spray in the performance of official duties only under the following conditions:

4.4.3.1.2.1.1 To restrain or immobilize a person, who is about to be taken into custody that physically resists or demonstrates the intent and capability to physically resist;

4.4.3.1.2.1.2 To defend the member, or another person, from the imminent use of physical force against persons or property;

4.4.3.1.2.1.3 To prevent self-inflicted injury; or

4.4.3.1.2.1.4 To stop an immediate threat from an animal.

4.4.3.1.2.2 A verbal warning will be issued to all persons before OC is deployed, unless the warning would provide a tactical advantage to the person(s) being taken into custody.

4.4.3.1.2.3 Bursts of one to two seconds or less, and the fewest number of bursts necessary, will be used to effect temporary immobilization of the individual being sprayed. Spraying will be discontinued once compliance is achieved.

4.4.3.1.3 Confronting Persons Armed with OC Spray:

4.4.3.1.3.1 Members should be aware that sprays of OC to the face can be immediately incapacitating. They should attempt to place themselves at a safe distance from the individual to avoid being sprayed.

4.4.3.1.3.2 Members must evaluate all factors to determine the appropriate degree of force to gain control of the situation, which may include the use of deadly force.

4.4.3.2 Intermediate Weapons: Intermediate weapons provide a method for controlling a subject when deadly force is not justified and empty hand control techniques are not sufficient to effect control. When an intermediate weapon is used for control, it should be with the intent to temporarily disable a subject and never with the intent of creating an injury. [CFA 4.01, 4.05]

4.4.3.3 Impact Weapons: The department approved impact weapon will be the “ASP” type expandable baton, 26” in length. Strikes from the baton may be used to gain control of a subject offering active, aggressive physical, or deadly resistance. Members must complete the appropriate approved training program and show proficiency prior to carrying an impact weapon. [CFA 4.06 A, C]

4.4.3.3.1 All strikes with an impact weapon will be targeted to major muscle areas and muscle structures such as the forearms, thighs, or calves. Strikes to these areas reduce the risk of permanent injury to a subject.

4.4.3.3.2 A subject's head, neck, throat, spine, clavicle, and joints or bones such as elbows, wrists, and knees, will not be targets for an impact weapon strike unless the officer is justified in the use of deadly force. Strikes to these areas can produce great bodily harm, permanent injury, or death.

4.4.3.3.3 Uniformed officers will carry the expandable baton in a matching holder and attached to the issued belt. When carried by plainclothes officers, the expandable baton should be concealed.

4.4.3.3.4 Members will not brandish an impact weapon unless attempting to prevent the further escalation of resistance by a subject.

4.4.3.4 Conducted Electrical Weapon: Department approved CEWs are the Taser X26 and X26P. The proper use of the CEW is covered in G.O. 6 – Conducted Electrical Weapon.

4.4.3.5 Less-lethal munitions: Less-lethal munitions will be used with the intent to temporarily incapacitate and not to cause serious injury. They provide a method for controlling subjects when other intermediate weapons are ineffective. Officers shall have lethal cover available when deploying the less-lethal shotgun on a subject displaying a deadly threat.

4.4.3.5.1 Delivery Systems: Less-lethal munitions will be delivered with an approved munitions launcher, or designated shotgun for beanbags and rubber pellets.

4.4.3.5.2 Use: Less-lethal munitions may be used to gain control of a subject demonstrating aggressive or deadly force resistance.

4.4.3.5.3 Authorization: Only officers who have received training and shown proficiency in munitions launchers and/or shotgun deployment are authorized to use less-lethal munitions. An officer with such training may act as the deployment coordinator and advise an incident commander of all less-lethal options. The incident commander will make the final determination of the type of munitions to use. [CFA 4.06 C]

4.4.3.5.4 Warning: Officers using less-lethal munitions will give other officers a verbal warning stating the type of munitions being used prior to deployment, when feasible.

4.4.3.5.5 Notification: The Chief of Police will be notified through the chain of command when less-lethal munitions are deployed. Each deployment will be documented on a Use of Force Report. (The threat to use less-lethal munitions does not require a use of force report.) [CFA 4.05]

4.4.4 MEDICAL AID AFTER USE OF FORCE: In all cases of use of force, the officer will obtain or administer first aid as soon as possible. [CFA 4.08]

4.4.4.1 Medical treatment will be summoned immediately when a subject is injured or complains of an injury following the use of force. If a subject is exposed to CEW activation, the subject will be medically evaluated, either in the field or at a medical facility as described in G.O. 6 – Conducted Electrical Weapon.

4.4.4.1.1 When transportation to a medical facility is required, Emergency Medical personnel or Clermont Police Department may do so, as circumstances dictate, but Clermont Police Department personnel will accompany Emergency Medical personnel if the subject is under arrest.

4.4.4.1.2 The arresting officer will notify his or her supervisor when force was used to affect the arrest.

4.4.4.1.3 Individuals who have been sprayed with OC will be provided with the following relief measures, after the subject has complied with the officer:

4.4.4.1.3.1 Remove the subject from the exposure area and place him or her in the fresh air.

4.4.4.1.3.2 Reassure the subject that the effects of OC are temporary and that the discomfort will diminish.

4.4.4.1.3.3 Allow the subject to face the wind. If possible, flush the subject's face with water or apply a wet paper towel to expedite recovery.

4.4.4.1.3.4 Do not leave a subject unattended until he or she has completely recovered from the effects of OC.

4.4.4.1.3.5 Obtain medical attention immediately if the subject experiences breathing difficulty, nausea, or unconsciousness.

4.4.4.1.3.6 Obtain medical attention if the normal effects of O.C., i.e., eye/skin irritation, unsteadiness, disorientation, etc. have not disappeared within forty-five minutes. Evidence of respiratory distress requires immediate attention of medical personnel.

4.4.5 REPORTING AND INVESTIGATING USE OF FORCE INCIDENTS:

4.4.5.1 General: An Offense/Incident Report and a Use of Force Report are required any time a member uses force in his or her official capacity. The Office of Professional Standards will conduct an annual review and analysis of those reports. Multiple uses of force by one officer will be documented on a single use of force report when the force occurred during the same incident. Specific examples when a Use of Force Report must be completed include the following: [CFA 4.08 C, D, 4.09, 15.15 A]

4.4.5.1.1 Physical force is used to gain compliance with a lawful order. (Handcuffing a person who voluntarily submits is not considered using force. However, having to physically force a resisting person's hands behind his or her back to apply handcuffs is considered using force.) [CFA 4.07 C]

4.4.5.1.2 A firearm is used to gain compliance through the threat of deadly force. (Pointing a firearm at a person and ordering him or her to exit a vehicle is a threat of deadly force. However, drawing a firearm without pointing it at the subject is not.)

4.4.5.1.3 Incidents requiring the completion of a Use of Force Report shall be reviewed by the following levels of authority: [CFA 4.07, 15.15 B]

4.4.5.1.3.1 The member's supervisor

4.4.5.1.3.2 The Bureau Commander

4.4.5.2 Responsibilities:

4.4.5.2.1 Non-deadly Force: When a member uses non-deadly force, or uses a firearm to gain compliance through the threat of force, the following apply: [CFA 4.07 B]

4.4.5.2.1.1 Member:

4.4.5.2.1.1.1 Obtain medical attention for injured persons;

4.4.5.2.1.1.2 Immediately inform the on duty supervisor of the circumstances surrounding the incident;

4.4.5.2.1.1.3 Photograph any visible injuries to the suspect at the time medical attention is administered;

4.4.5.2.1.1.4 Photograph any visible injuries sustained by any officers, whenever practical.

4.4.5.2.1.1.5 Document details in both the offense/incident and use of force reports prior to the end of shift unless approved by a supervisor.

4.4.5.2.1.2 Immediate Supervisor:

4.4.5.2.1.2.1 Review all reports and related documentation in accordance with report writing guidelines and for conformance with department policy on the use of force.

4.4.5.2.1.2.2 Notify appropriate investigative units if further investigation is warranted.

4.4.5.2.1.2.3 Forward a copy of all documentation related to the incident to the Bureau Commander, via the chain of command.

4.4.5.2.1.3 Bureau Commander:

4.4.5.2.1.3.1 Review the reports to confirm conformance to department policies;

4.4.5.2.1.3.2 Forward a copy of the packet to the Chief of Police, if further investigation is warranted; and

4.4.5.2.1.3.3 File original and send one copy to the Training Division.

4.4.5.2.1.4 Training Division: The Training Division is responsible for analyzing the data to determine training and/or policy modification needs.

4.4.5.2.2 Use of Firearms/Deadly Force: After the use of deadly force, or the discharge of a firearm for other than training or recreational purposes, or when any officer's actions results in, or is alleged to have resulted in serious injury or death of another person, the following will apply: [CFA 4.07 A]

4.4.5.2.2.1 Member:

4.4.5.2.2.1.1 Obtain medical attention for injured persons; [CFA 4.09]

4.4.5.2.2.1.2 Notify the Communications Section of the incident and location, and request the appropriate supervisor to respond;

4.4.5.2.2.1.3 Secure the incident scene and summon backup personnel;

4.4.5.2.2.1.4 Remain at the incident scene until the arrival of the appropriate supervisor. The supervisor has the discretion to instruct the member to relocate to an alternate location;

4.4.5.2.2.1.5 When applicable, secure the firearm without unloading it, and turn it over to the supervisor, who will turn it over to the investigative unit/agency. The department armorer or person designated by the Chief of Police will respond and issue a replacement firearm to the member until the original firearm is released.

4.4.5.2.2.1.6 The member must report his or her involvement as soon as practical to his / her supervisor and a use of force report must be completed as assigned by the lead investigator of the deadly force incident. [CFA 4.07 A, 4.09]

4.4.5.2.2.2 Supervisor Responsibilities: The on duty patrol supervisor will:

4.4.5.2.2.2.1 Report to the scene and assume control until/unless relieved by the appropriate authority;

4.4.5.2.2.2.2 Notify the Bureau Commander of the incident;

4.4.5.2.2.2.3 Review reports to ensure that the incident is properly documented;

4.4.5.2.2.2.4 Contact the department armorer to issue a replacement firearm, unless circumstances dictate otherwise.

4.4.5.2.2.3 Internal Investigation: The member assigned by the Chief of Police will conduct the administrative investigation of all incidents involving the use of deadly force, members' actions resulting in death or serious bodily injury, and accidental discharge of a firearm. The administrative investigation may be conducted at the same time or at the conclusion of any related criminal investigation. [CFA 4.07]

4.4.5.2.2.3.1 The Investigating person will complete their investigation and forward a report to the Chief of Police.

4.4.5.2.2.3.2 The file will be retained with all internal investigative files.

4.4.5.2.2.4 Independent Investigation: An independent review shall be conducted when a member's use of force results in the death of any person or the intentional discharge of a firearm results in injury or death to any person.

4.4.5.2.2.4.1 An independent review shall be completed by:

4.4.5.2.2.4.1.1 A law enforcement agency that did not employ the law enforcement officer under investigation at the time of the use of force;

4.4.5.2.2.4.1.2 A law enforcement officer who is not employed by the same agency as the law enforcement officer under investigation; or

4.4.5.2.2.4.1.3 The state attorney of the judicial circuit in which the use of force occurred.

4.4.5.2.2.4.2 Upon completion of an independent review, the reviewing agency or officer shall submit a report to the state attorney of the judicial circuit in which the use of force occurred.

4.4.5.2.3 Relief from Duty (non-disciplinary); [CFA 15.15 C]

4.4.5.2.3.1 A member involved in an incident involving serious injury or death will be removed from line of duty immediately and may be placed on paid administrative leave until completion of the preliminary investigation.

4.4.5.2.3.2 The leave is not disciplinary and does not imply that the officer has acted improperly. The officer may be assigned to administrative duties, upon approval of the Chief of Police.

4.4.5.2.3.3 An officer on paid administrative leave will be available for department interviews and will be subject to recall.

4.4.5.2.3.4 The Bureau Commander is responsible for notifying the officer of his or her duty status.

4.4.6 USE OF FORCE/LEVELS OF RESISTANCE GUIDELINES - The Clermont Police Department has adopted the recommended Use of Force Guidelines established by the Florida Department of Law Enforcement and Criminal Justice Standards and Training Commission.

4.4.6.1 Objective Reasonableness - Totality of circumstances is a term the courts use to refer to all the facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a use of force decision. The courts will look at the totality of the circumstances in determining whether the decision was objectively reasonable and, therefore, legally justified. The totality of circumstances includes, but is not necessarily limited to, consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer. Some situational factors may include the following:

4.4.6.1.1 Severity of the crime;

4.4.6.1.2 Subject is an immediate threat;

4.4.6.1.3 Subject's mental or psychiatric history, if known to the officer;

4.4.6.1.4 Subject's violent history, if known to the officer;

4.4.6.1.5 Subject's combative skills;

- 4.4.6.1.6 Subject's access to weapons;
- 4.4.6.1.7 Any "Pre-Assault Indicators" exhibited by the subject;
- 4.4.6.1.8 Innocent bystanders who could be harmed;
- 4.4.6.1.9 Number of subjects versus number of officers;
- 4.4.6.1.10 Duration of confrontation;
- 4.4.6.1.11 Subject's size, age, weight, and physical condition;
- 4.4.6.1.12 Officer's size, age, weight, physical condition, and defensive tactics expertise; and
- 4.4.6.1.13 Environmental factors, such as physical terrain, weather conditions, etc.

4.4.6.2 Subject Resistance Levels

4.4.6.2.1 Passive Resistance - a subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officer to use physical techniques to establish control. Some examples of passive resistance include, but are not limited to, the following:

4.4.6.2.1.1 The subject refuses to move at the officer's direction.

4.4.6.2.1.2 The subject peacefully protests at a political event in a public location.

4.4.6.2.1.3 The subject refuses to take his hands out of his pockets or from behind his back.

4.4.6.2.2 Active Resistance - a subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, or pulling to prevent the officer from establishing control over the subject. Some examples of active resistance include, but are not limited to, the following:

4.4.6.2.2.1 The subject physically anchors himself to a person or object to prevent himself from being removed.

4.4.6.2.2.2 The subject braces or pulls away from the officer when the officer grips the subject.

4.4.6.2.2.3 The subject attempts to run when the officer touches or attempts to grab the subject.

4.4.6.2.3 Aggressive Resistance - a subject's attacking movements toward an officer that may cause injury but are not likely to cause death or great bodily harm to the

officer or others. Some examples of aggressive physical resistance include the following:

4.4.6.2.3.1 The subject balls up his fists and approaches the officer.

4.4.6.2.3.2 The subject pushes the officer back as the officer tries to take the subject into custody.

4.4.6.2.3.3 The subject grabs any part of the officer's body or otherwise strikes the officer.

4.4.6.2.4 Deadly Force Resistance - a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others. Some examples of deadly force resistance include the following:

4.4.6.2.4.1 A subject refuses to drop a knife when ordered to by the officer and moves toward the officer.

4.4.6.2.4.2 A subject shoots or points a gun at an officer or other person.

4.4.6.2.4.3 A subject tries to run an officer down in a vehicle.

4.4.6.3 Officer Response Options – The nature of the officer's response to a subject's resistance is determined by the subject's actions. Officers should always try to resolve a situation with the least amount of force necessary. Command presence and verbal communication often will defuse many volatile situations. Sometimes, however, these are not enough or officers may not have the opportunity to use them. Officers need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, officers need to respond with all the force reasonably necessary for the circumstances in each specific situation.

4.4.6.3.1 Physical Control - achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, OC Spray, and striking techniques.

4.4.6.3.2 Nonlethal Weapon - a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of nonlethal weapons include expandable batons, flashlights, and police canines. Officers are authorized to carry non-lethal weapons with them off-duty in a concealed manner in compliance with Florida State Statutes and any other Department General Order.

4.4.6.3.3 Deadly Force - Force that is likely to cause death or great bodily harm. Some examples of deadly force include use of a firearm, eye gouges, Lateral Vascular Neck Restraint, choke holds, empty-hand strikes to the throat, and impact weapon strikes to the side of the neck. F.S.S. 776.06 states: Deadly force means force that is likely to cause death or great bodily harm, and includes, but is not limited to:

4.4.6.3.3.1 The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding.

4.4.6.3.3.2 Use of deadly force may be an officer's first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone died from the force used. It can cause great bodily harm or no harm at all. For example, returning fire is deadly force even if the officer misses the target. The officer must base his decision to use deadly force as a defensive tactic on a clear, reasonable belief that he, a fellow officer, or another person faces imminent danger of death or great bodily harm.

4.4.6.4 Factors for Determining the Use of Deadly Force - Officers use three criteria for making deadly force decisions: ability, opportunity, and intent.

4.4.6.4.1 Ability - Refers to the subject having the means to carry out his or her intent to cause death or great bodily harm. An officer must determine whether the subject has the necessary means to cause death or great bodily harm to the officer or others. A weapon is not required; a subject must only have the apparent ability to carry out his or her intention. If the subject seems physically able to cause death or great bodily harm, then he/she has the ability. For example, a 6'4", 250-lb. muscular man threatening to do bodily harm to an officer does not necessarily need a weapon. By virtue of his size and physical condition, he has the apparent ability.

4.4.6.4.2 Opportunity - Means the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others. The subject's weapon often determines opportunity. For example, a suspect armed with a knife may not be an immediate threat to an officer standing far away. However, the same person standing closer or carrying a firearm certainly has the opportunity to carry out his intent to cause death or great bodily harm.

4.4.6.4.3 Intent - Is a reasonably perceived, imminent threat to an officer or another person based on the subject's actions, behaviors, words, or other indicators. It is a perception derived from the totality of the circumstances. Officers should use the amount of force necessary and reasonable for the situation. If the ability, opportunity, and intent are present and the officer cannot control the threat using lesser means, then deadly force is justified. Remember that when resistance deescalates, so must your response.

4.4.6.5 Empty Hand Control -- Empty hand control is a physical contact technique, which includes many different methods of subject control. Techniques that have minimal implications of injury are known as "soft" empty hand controls. Those techniques that have a higher probability of injuring a subject are known as "hard" empty hand controls:

4.4.6.5.1 "Soft" Empty Hand Controls: touching, escort holds, pressure point controls, etc., are appropriate for use against passive physical resistance and some forms of active physical resistance.

4.4.6.5.2 “Hard” Empty Hand Controls: techniques include stunning and striking actions delivered to a subject’s body with the hand, fist, forearm, leg, or foot. Preferably, the target for these tactics will be major muscle structures such as the legs, arms, or shoulders. Strikes delivered to such muscle structures will create muscle cramping, thus inhibiting muscle action, and allowing the officers to bring the subject under control. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater.

4.4.6.5.3 Handcuffs and Restraints -- The purpose of handcuffs, flexcuffs, and transport restraints is to restrain the movement of a subject in a manner that allows a safe means for transporting the subject. Restraining devices also can be used to prevent further physical resistance from a subject. Whatever the application, restraining devices will be considered temporary in nature and as a means for safely achieving other goals.

4.4.6.5.3.1 Transporting suspects in a four-point restraint and prone position in the back of a police vehicle is prohibited (except in extreme situations where officer/subject safety factors outweigh taking time to immediately re-adjust the suspect’s restraints or positioning). The suspect should be transported in a seated position with the seat belt affixed. Where the subject is too resistive to be transported seated, leg irons or flexcuffs should be used and the prisoner’s feet secured.

4.4.6.5.4 Firearms -- Firearms are considered lethal weapons and their use constitutes deadly force. The use of firearms to control the resistance of a subject will be limited to those situations in which deadly force is warranted. An officer’s decision to draw or exhibit a firearm will be based on the tactical situation and the officer’s reasonable suspicion there is a substantial risk that the situation may escalate to the point where lethal force may be justified.

4.4.6.5.4.1 When the officer has determined that the use of deadly force is not necessary, the officer will secure or holster the firearm as soon as practical.

4.4.6.5.4.2 An officer may display and/or use his authorized weapons in the performance of official duties only under the following circumstances:

4.4.6.5.4.2.1 The officer reasonably believes that the action is in defense of human life, including the officer’s own, or in defense of any person in immediate danger of death or serious physical injury. A previously demonstrated threat to human life or wanton disregard for human life may be considered as constituting a threat; however, such a threat must be immediate in nature with the potential and probability for immediate consequences. Long-term or long-range potential and the probability for threat are not considered “immediate.”

4.4.6.5.4.2.2 High-risk situations, such as “felony stops” and other enforcement actions known to pose significant dangers.

4.4.6.5.4.2.3 To submit for inspection to proper authority.

4.4.6.5.4.2.4 To engage in approved firearms training.

4.4.6.5.4.2.5 To destroy a severely sick or seriously injured animal where compassion requires the animal to be relieved of suffering, and only then when other disposition is impractical. A supervisor must give permission for such a discharge. The officer will complete and submit an Incident Report describing the incident in detail.

4.4.6.5.4.2.6 Any other appropriate circumstances as detailed in other department policies

4.5 GLOSSARY:

4.5.1 AGGRESSIVE ACTION - A physical assault against a member that could lead to physical injury.

4.5.2 CHOKE HOLD – A physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation. *This type of physical force is prohibited, unless the use of deadly force is justified.*

4.5.3 DEADLY FORCE - Force which may cause death or serious bodily harm.

4.5.4 DE-ESCALATION TECHNIQUES – Taking actions or communicating verbally or non-verbally during a potential use of force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

4.5.5 DESIGNATED SHOTGUN - A specific shotgun designated by the department armorer for use with less than lethal munitions. The shotgun is identified by a red stock with a “non-lethal munitions only” warning label affixed to the stock or bright orange stocks.

4.5.6 EXIGENT CIRCUMSTANCES - Something arising suddenly out of the current of events; any event or occasional combination of circumstances, calling for immediate action or remedy. A sudden, unexpected happening or an unforeseen occurrence or condition.

4.5.7 GREAT BODILY HARM - 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. The phrases “great bodily harm”, “serious physical injury” and “serious physical harm” are considered synonymous for purposes of this order.

4.5.8 INTERVIEW STANCE - In such a stance the firearm or strong side leg is back; the non-firearm or support side leg is forward; the feet are about shoulder width apart; knees slightly bent, giving balance, control, and a lower body center of gravity; equally distributed body weight; and the hands are up for guarding the upper body.

4.5.9 LATERAL VASCULAR NECK RESTRAINT (LVNR) – A technique that can be used to incapacitate individuals by restricting the blood flow to their brain, which results in temporary unconsciousness. When applied correctly, it is an effective technique, however, it carries with it a heightened risk of potentially serious injury. *This type of physical force is prohibited, unless the use of deadly force is justified.*

4.5.10 LESS-LETHAL MUNITIONS - Projectiles (stinger pellets, beanbags, and rubber pellets) that require a designated shotgun, launcher, or hand-thrown delivery system. The use of these projectiles is considered incapacitating force.

4.5.11 MUNITION LAUNCHER - A 37mm device which is used to propel munitions.

4.5.12 NONDEADLY FORCE - Force that is not likely or intended to cause death or serious physical injury.

4.5.13 PHYSICAL CONTROL- The necessary employment of law enforcement restraints and/or other use of force by a member without the use of intermediate or lethal weapons.

4.5.14 PHYSICAL RESISTANCE - A physical attempt to resist or elude control of a member.

4.5.15 PRE-ASSAULT INDICATORS – Verbal and non-verbal behaviors displayed by a subject prior to an attack on an officer. These include, but are not limited to:

4.5.15.1 Verbalized threats;

4.5.15.2 Tension and twitching in the face. The jaws and lips will tense into a biting position, as well as quiver, and mouth will frown and tighten over the teeth;

4.5.15.3 A bladed boxer's stance;

4.5.15.4 Hands pumped or clenched into a fist to the extent their knuckles will go white;

4.5.15.5 Deepened voice tones and increased volume;

4.5.15.6 Eyebrows lowered as if to shield the eyes;

4.5.15.7 Flared nostrils, rapid and deep breathing;

4.5.15.8 “Thousand-Yard Stare”: The individual will seem to be looking through you; their eyes become glazed over with an empty stare;

4.5.15.9 Beads of sweat forming on the forehead;

4.5.15.10 Eye blinking faster than normal;

4.5.15.11 Exaggerated movements such as pacing, finger pointing, and threatening fists with bent arms;

4.5.15.12 The shedding of clothing such as taking off their shirts or jackets, bending down to tighten their shoes, or removal of items of value such as watches and hats;

4.5.15.13 “Target Glancing”: The individual will start to look around to assess witnesses, back-up available, escape routes or will start to glance at the places they want to strike on your person.

4.5.16 REASONABLE BELIEF - The facts or circumstances a member knows, or should know, which are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

4.5.17 SERIOUS PHYSICAL INJURY - See definition of “Great Bodily Harm” above.

4.5.18 USE OF FORCE - The use of force in a defensive manner by a member to overcome a person's physical resistance to a member's performance of a legal duty, to protect a member or another person from physical resistance or acts of aggression that are likely to cause bodily harm, or is used to apprehend a fleeing criminal suspect.

4.5.19 VERBAL RESISTANCE - A refusal to comply with lawful orders or commands. Verbal threats or assaults are also considered verbal resistance.

4.5.20 CONDUCTED ELECTRICAL WEAPON – A less-than-lethal Conducted Energy Weapon that uses propelled wire to conduct energy to a remote target; thereby, controlling and affecting the central nervous system of the body.

DRAFTED: RAR/September 25, 2001/Filed: 01.03Use Force

REVISED: ELJ/October 10, 2006

REVISED: MES/January 17, 2008

REVISED: MES/July 30, 2010

REVISED: ARG/November 7, 2011

REVISED: ARG/February 3, 2012

REVISED: ARG/May 15, 2013

REVISED: SAB/August 22, 2013

REVISED: ARG/April 25, 2014

REVISED: ARG/March 27, 2017

REVISED: SSS/March 16, 2018

REVISED: SSS/April 11, 2018

REVISED: MD/June 12, 2020

REVISED: DM/June 18, 2021

APPROVED:

Signed and Dated Electronically

CHARLES BROADWAY DATE
CHIEF OF POLICE
CLERMONT FLORIDA

Force Guidelines Flowchart

SUBJECT RESISTANCE	SITUATIONAL FACTORS
<ul style="list-style-type: none"> • Is the subject verbally or physically resisting my lawful authority? • Is the subject making attacking movements that are not likely to cause death or great bodily harm? • Is the subject making attacking movements that are likely to cause death or great bodily harm? 	<ul style="list-style-type: none"> • What situational factors influence this situation? • Weapon? Physical size? Demeanor? Others? • What officer factors influence this situation? Training? Experience? Physical size? Others? • What environmental factors influence this situation? Weather? Location? Presence of others?
JUSTIFICATION	OFFICER RESPONSE
<ul style="list-style-type: none"> • Were my actions reasonable based on the subject's resistance and the totality of the circumstances? • Am I able to articulate the reasons for my actions? • Was I in compliance with constitutional and state Laws, agency policy and training? 	<ul style="list-style-type: none"> • Can I physically control the subject? • Could I use a nonlethal weapon not meant to cause death or great bodily harm? • Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?