

**WINTER PARK POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE**

<b>Title:</b>	<b>Use of Force</b>	<b>SOP #: 222</b>
<b>Rescinds:</b>	SOP #: 272, Dated 02-28-2000	<b>Amends:</b>
<b>Effective:</b>	August 4, 2020	<b>Pages:</b> (18)
<b>Attachments:</b>	"A" Use of Force Form	

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**222-1 PURPOSE:**

This policy establishes guidelines to govern the use of force, including deadly force, by members of the Winter Park Police Department and defines procedures for reporting and notification in incidents involving the use of force.

**222-2 POLICY:**

- A. Members shall be given a copy of and instructed on this policy and the current law regarding the use of force before the member is authorized to carry a department issued weapon or firearm. This training for officers shall be conducted in the orientation phase of the field training program and their respective field training officer shall document the training. Non-sworn members shall receive this training prior to the issuance or carrying of any department weapon.
- B. Officers of the Winter Park Police Department, while engaged in the lawful execution of a legal duty, will use the least amount of force reasonably necessary to accomplish their objective. All prisoners and suspects will be treated in a fair and humane manner.
- C. All members shall carry only those weapons authorized by the Chief of Police through the policies of the department. Members must show proficiency using Department approved weapons (both lethal and less than-lethal) before carrying or using those weapons while exercising law enforcement authority.

**222-3 DEFINITIONS:**

- A. **Deadly Force – Force that is likely to cause death or great bodily harm.**
- B. Less Than Lethal Force – Force that is not likely to cause death or great bodily harm.
- C. Unnecessary Force – Force that has no lawful justification.
- D. Excessive Force – Force that exceeds authorized force justified by Florida State Statute and policy in subduing and/or taking control of a suspect.
- E. Less Than Lethal Weapon – a device that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without causing death or great bodily harm.

- F. Less Than Lethal Launcher – A device which expels a projectile(s) that is intended to incapacitate a subject without causing death or serious bodily injury.
- G. Lateral Vascular Neck Restraint (LVNR) – A neck hold or chokehold in which air flow to the lungs or blood flow to the brain is restricted. This type of physical force is not authorized by the department except in those situations where the use of deadly force is allowed by law.
- H. De-escalation Techniques – Taking actions to stabilize a situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain voluntary compliance of a subject and thereby reduce or eliminate the necessity to use force.
- I. Physical Force – The physical (weaponless) power used to overcome another person’s resistance and gain compliance, which is not likely to cause death or great bodily harm. This does NOT include the drawing of a weapon without its discharge or use.
- J. Conducted Electrical Weapon (Taser) – A device designed to disrupt a subject’s central nervous system by deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses (neuro muscular incapacitation).
- K. Warning Shot – The intentional discharge of a firearm in an attempt to warn or frighten a suspect in some action or inaction. The use of warning shots is strictly prohibited.
- L. Hobble – A device that prevents or limits the movement of a person by tethering one or more legs.

**222-4 GENERAL PROCEDURES:**

- A. In all situations, members will use only that force which they reasonably believe to be necessary to make an arrest or achieve lawful objectives.
- B. All officers shall be trained in the use of de-escalation techniques to help reduce or eliminate the need for any force. Officers shall receive initial training during their orientation phase of the field training program, and all officers shall receive annual continuing training in de-escalation techniques.
- C. Officers need not retreat or desist from efforts to make a lawful arrest because of the resistance or threatened resistance to the arrest. Officers may use reasonable force in the performance of their duties. Officers may use any reasonable force to gain compliance in the following circumstances:
  1. When the officer reasonably believes that such force is necessary to defend themselves or another from bodily harm while making an arrest.
  2. To prevent a person from injuring the officer(s), another person, or themselves.

3. When necessary in retaking felons fleeing from justice and the officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officers or others; or the officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.
- D. When using force, the officer should consider:
1. What is the severity of the crime that the subject has or is committing?
  2. Does the subject pose an immediate threat to the safety of officers or others?
  3. Is the subject actively resisting, aggressively resisting, or using deadly force resistance?
  4. Is it feasible to give a warning prior to the use of force without compromising safety?
- E. Unnecessary or excessive force is clearly improper and unlawful, and such force shall not be tolerated.
- F. The Department Force Guideline Flowchart shall be applied in all situations.
- G. Non-sworn members who are issued less than lethal weapons may only use those weapons for self defense or in defense of another, under the guidelines in Florida State Statute 776.012.
- H. Prior to using force with a weapon, the member should attempt to give a verbal warning if time allows and it does not jeopardize the safety of the member or another person.

**222-5 DUTY TO INTERVENE:**

- A. All members, both sworn and civilian, have a duty to report any act they witness or discover that involves the use of excessive or unnecessary force by another member. Members shall report any excessive or unnecessary use of force to their supervisor as soon as reasonable following the event.
- B. Additionally, every police officer has a duty to act and intervene if they observe another member using force which is objectively unreasonable. Officers shall intervene to either stop or attempt to stop the use of unreasonable force.

**222-6 REASONABLE FORCE:**

Police officers must frequently employ force to make an arrest and ensure public safety. It is not intended that a suspect ever be allowed to be the first to use force, thus gaining an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to engage in hand to hand combat (with all its risks) before resorting to the use of force that will more quickly, humanely, and safely bring an arrestee

under physical control. Officers must use appropriate force and need not retreat or desist when physical force is necessary to make an arrest, prevent an escape, gain compliance, or overcome resistance.

Justification for the use of force is limited to what is reasonably known by the officer at the time of its use. The escalating scale of options does not change the standards that guide the use of discretion in the field. Options range from verbal persuasion to the use of a firearm or other deadly force.

## **222-7 LEVELS OF FORCE:**

The Winter Park Police Department has adopted the recommended use of force/levels established by the Florida Department of Law Enforcement.

### **A. SUBJECT RESISTANCE LEVELS:**

1. **Passive resistance** is a subject's verbal and/or physical refusal to comply with an officer's lawful direction, causing the officer to use additional techniques to establish control.
2. **Active resistance** is 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.
3. **Aggressive resistance** is a subject's attacking movements toward the officer or another that may cause injury but are not likely to cause death or great bodily harm to the officer or others.
4. **Deadly force resistance** is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the officer that the subject has the capability and intent to cause death or great bodily harm to the officer or others. This includes actions by a subject that are likely to physically incapacitate the officer.

### **B. OFFICER RESPONSE OPTIONS:**

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 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.

1. **De-Escalation** is intended to gain voluntary compliance of subjects and thereby reduce or eliminate the necessity to use force. An officer shall use de-escalation techniques consistent with his/her training whenever possible and appropriate before resorting to force, and to reduce the need for force.

2. **Physical Control** is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
3. **Less Than lethal Weapon** is use of a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of less than lethal weapons include conducted electrical weapons (CEW) such as a Taser, expandable batons, and chemical agent sprays.
4. **Deadly Force** is force that is likely to cause death or great bodily harm and should only be used in the protection of life.

**NOTE:** 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/her decision to use deadly force on a clear, reasonable belief that he/she, a fellow officer, or another person faces an immediate threat of death or great bodily harm.

### **C. USE OF DEADLY FORCE:**

Officers may only use deadly force when they reasonably believe that it is necessary to:

1. Defend themselves from an immediate threat of death or great bodily harm.
2. Defend another person from an immediate threat of death or great bodily harm.
3. When the officer reasonably believes such force is necessary to defend themselves or another from bodily harm while making an arrest.
4. When necessary in retaking felons who have escaped, and the felon poses an immediate threat of infliction or threatened infliction of serious physical harm to another.
5. When necessary in arresting felons fleeing from justice, and the member reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or the member reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

**NOTE:** Use of a motor vehicle as a weapon constitutes the use of deadly force. A motor vehicle shall only be used if it meets the guidelines above.

#### **D. FACTORS FOR DECIDING THE USE OF DEADLY FORCE:**

1. Officers use three criteria for making deadly force decisions: ability, opportunity, and intent.
  - a. **Ability** refers to the subject having the means to carry out his/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/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/woman threatening to do bodily harm to an officer does not necessarily need a weapon. By virtue of his/her size and physical condition, he/she has the apparent ability.
  - b. **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 subject standing closer or carrying a firearm certainly has the opportunity to carry out his/her intent to cause death or great bodily harm.
  - c. **Intent** is a reasonably perceived, immediate 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.
2. 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.

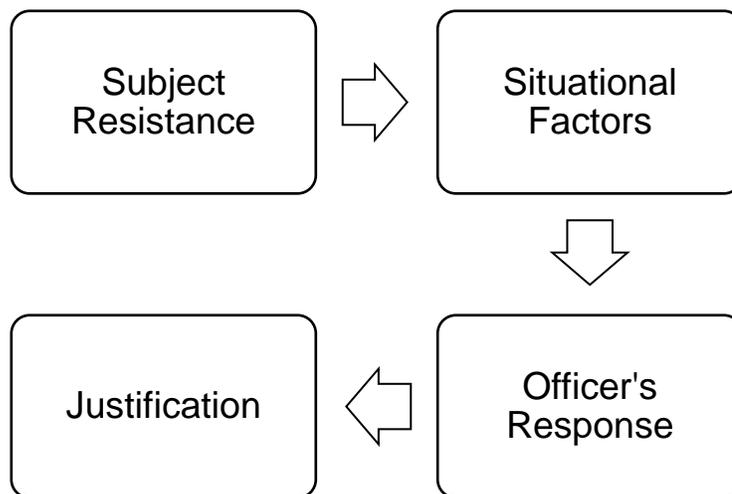
#### **E. OBJECTIVE REASONABLENESS IN USE OF FORCE DECISIONS:**

1. Totality of circumstances is a term the court uses to refer to all 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 legally justified. The totality of circumstances includes 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.
2. Some situational factors may include the following:
  - a. Severity of the crime
  - b. Subject is an immediate threat
  - c. Subject's mental or psychiatric history, if known to the officer

- d. Subject's combative skills
- e. Subject's access to weapons, to include the officer's weapons
- f. Innocent bystanders who could be harmed
- g. Number of subjects versus number of officers
- h. Duration of the confrontation
- i. Subject's size, age, weight, and physical condition
- j. Officer's size, age, weight, physical condition, and defensive tactics expertise
- k. Environmental factors, such as physical terrain, weather conditions, etc.
- l. If tactically feasible, whether a warning has been given

**222-8 FORCE GUIDELINE FLOWCHART:**

The Force Guideline Flowchart recognizes that officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic.



**A. Subject Resistance**

- 1. Is the subject verbally or physically resisting my lawful authority?
- 2. Is the subject making attacking movements that are not likely to cause death or great bodily harm?
- 3. Is the subject making attacking movements that are likely to cause death or great bodily harm?

**B. Situational Factors**

1. What subject factors influence this situation? Weapons? Physical size? Demeanor? Others?
2. What officer factors influence this situation? Training? Experience? Physical size? Others?
3. What environmental factors influence this situation? Weather? Location? Presence of others?

**C. Officer's Response**

1. Can I physically control the subject?
2. Could I use a less than lethal weapon not meant to cause death or great bodily harm?
3. Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?

**D. Justification**

1. Were my actions reasonable based on the subject's resistance and the totality of the circumstances?
2. Am I able to articulate the reasons for my actions?
3. Was I in compliance with constitutional and state laws, agency policy, and training?

**222-9 RENDERING MEDICAL ASSISTANCE:**

Officers are responsible for rendering medical assistance at incidents where serious or life-threatening injuries are sustained by individuals.

- A. Officers will attempt to protect injured persons from further injury.
- B. In all situations where force was used by a member and there is an injury, suspected injury, or complaint of injury, the member shall initiate first aid or summon EMS personnel to assess and aid the injured person, unless doing so would compromise the member's safety.
- C. Members will render medical assistance within the limit and scope of their training.

**222-10 USE OF LESS THAN LETHAL WEAPONS, WEAPONS OF OPPORTUNITY, AND PHYSICAL FORCE:**

- A. **Conducted Electrical Weapon** – See SOP #: 216, Conducted Electrical Weapon for additional policy and procedures.

1. Tasers issued by the Winter Park Police Department are the only conducted electrical weapon authorized for use.
2. All uniform officers who have been issued a conducted electrical weapon shall carry the electronic control device while on duty and in uniform.
3. No officer shall carry the conducted electrical weapon without proper training and certification.
4. The conducted electrical weapon shall be used judiciously and properly in accordance with this policy and SOP #: 216, Conducted Electrical Weapon.
5. Any deployment of the conducted electrical weapon will be in accordance with department training and the manufacturer's recommended guidelines.
6. Any discharge of the conducted electrical weapon, whether intentional or not, will necessitate the immediate notification of the on-duty supervisor and reporting as required in SOP #: 216 Reporting Requirements.

**B. Chemical Agent**

1. The chemical agent is to be used when verbal persuasive measures have failed. The chemical agent's less than lethal effect makes its use more suitable in certain situations. Proper use will aid in making an arrest with minimum force.
2. All officers shall carry the issued chemical agent while in uniform. All non-uniform officers are encouraged to carry the chemical agent, but it is optional.
3. The chemical agent may be used when personnel are required to use physical force for protection from assault and to take a person into custody.
4. The chemical agent may also be used against attacking dogs or other aggressive animals.
5. The chemical agent should be used before the use of impact weapons (batons) when possible.
6. Only under extreme conditions shall the spray be used at a distance of less than three feet. If the spray is dispensed closer than three feet to the suspect, a detailed explanation shall be included in the narrative portion of the Use of Force Report.
7. After spraying the suspect with the chemical agent, the arresting officer will handcuff the individual to minimize the threat of injury to either the officer or the suspect. The officer will then expose the suspect to fresh air or clean water to allow for decontamination and if necessary will provide emergency first aid.
8. Any intentional discharge of a chemical agent will necessitate the immediate notification of the member's on-duty supervisor.

9. Positional Asphyxia – Because of the danger of suffocation after the use of a chemical agent, officers shall not allow a suspect who has been sprayed to remain on the suspect's stomach while the suspect is in a restraint device.
10. When transporting a prisoner to the jail, intake personnel will be notified if an arrestee was exposed to a chemical agent.
11. Use of the chemical agent will be in accordance with department training and the manufacturer's recommended guidelines.

**C. Impact Weapon (Baton)**

1. The Department issues and authorizes the use of the expandable baton.
2. No officer shall carry the expandable baton without proper training and certification.
3. The expandable baton must be used properly and judiciously in accordance with this policy.
4. When properly used, the baton is capable of stunning and incapacitating an aggressive opponent. The baton is also capable of permanently disabling or killing an opponent.
5. Intentionally striking the head, throat, side of the neck, or groin is not authorized unless deadly force is warranted.
6. Officers shall carry only the issued batons, and no changes or modifications shall be made without prior departmental approval through the chain of command.
7. Use of a baton, with contact, will necessitate the immediate notification of the member's on-duty supervisor.
8. An officer will use a baton in accordance with department training and the manufacturer's recommended guidelines.

**D. Less Than Lethal Launcher**

1. No officer shall carry a less than lethal launcher without proper training and certification.
2. A less than lethal launcher must be used properly and judiciously in accordance with this policy.
3. Only officers trained in the use of a less than lethal launcher for deploying gas or projectiles shall use the device.

4. Deployment of Less Than Lethal Launchers – Less than lethal launchers may be used to de-escalate potentially deadly situations while reducing the likelihood of serious injury to all persons involved.
5. When properly used, a less than lethal launcher may dispense a round capable of stunning and incapacitating an aggressive opponent. It may include round projectiles (e.g. sponge, bean bag, hard rubber projectile) or a gas round.
6. Intentionally firing the less than lethal launcher at a suspect's head, throat, side of the neck, or groin is not permitted unless deadly force is warranted.
7. The Chief of Police, or his/her designee, shall approve the issuance and use of less than lethal projectiles.
8. Use of the less than lethal launcher will be in accordance with training and the manufacturer's recommended guidelines.

#### E. Weapons of Opportunity

1. Nothing in this policy shall prevent an officer from utilizing any readily available object as a defensive weapon in circumstances or situations where the actions of an assailant could result in injury or death.
2. The flashlight issued to Department officers is not designed for use as a weapon and no training is conducted for its use as a weapon. A flashlight may only be used as a weapon as described in the above-paragraph (1).
3. Folding pocket knives (with a blade of less than 4 inches) may be carried for utility purposes. No training is conducted for their use as a weapon, and knives may only be used as a weapon as described in the above-paragraph (1).
4. The carrying or use of any weapon not authorized by the Department is prohibited. Examples of unauthorized weapons include, but are not limited to: saps, blackjacks, sap gloves, nun chucks, hunting, butterfly, or non-folding knives, brass knuckles, and kubotans.

#### F. Physical Force

1. While using physical force, officers shall make every reasonable effort to prevent injury to the person the force is being used against as well as to the officer.
2. Hands on, weaponless physical force may include, but is not limited to, tactical defensive maneuvers such as take downs, knee spikes, pressure points, etc.
3. Officers shall not use the lateral vascular neck restraint (LVNR), a chokehold, or any other physical maneuver that restricts air flow to the lungs or blood flow to the brain, except in those situations where the use of deadly force is allowed by law.

4. Officers should be aware of the potential for positional asphyxia after the use of physical force. Specifically:
  - a. Predisposing Factors to Asphyxia – Certain factors may render some individuals more susceptible to asphyxia following a violent struggle, particularly when prone in a face down position:
    - 1) Obesity
    - 2) Alcohol and high drug use
    - 3) An enlarged heart (renders an individual more susceptible to a cardiac arrhythmia under conditions of low blood oxygen and stress)
    - 4) Sprayed with chemical/OC spray
  - b. The risk of asphyxia is compounded when an individual with predisposing factors becomes involved in a violent struggle with an officer or officers, particularly when physical restraint includes the use of behind-the-back handcuffing combined with placing the subject in a stomach-down position.
5. Officers will apply and utilize physical force in accordance with Department training.

#### **222-11 USE OF FIREARM:**

A. Officers shall not be authorized or allowed to carry a firearm as a police officer for the City of Winter Park unless they have completed the minimum state required firearms certification training.

B. Approved Use of Firearm:

Officers approved to carry a department issued firearm may only discharge the weapon under the following circumstances:

1. When the use of deadly force is justified.
2. When conducting authorized ballistics tests.
3. When engaged in sporting activities or shooting exhibitions as a representative of the department.
4. At an authorized target range for practice or training purposes.
5. To kill a seriously injured or dangerous animal when necessary.

C. Prohibited Use of Firearms:

Officers are **prohibited** from:

1. Firing warning shots.
2. Drawing or displaying a firearm unless there is a reasonable concern for the officer's personal safety or the safety of others. Personal safety includes, but is not limited to, the search of a building for a suspected felon, felony stops, etc.
3. Discharging a firearm at a moving vehicle unless it is absolutely necessary to protect the member or others from an immediate threat of death or great bodily harm.
4. Placing himself/herself in the path of an oncoming vehicle in an attempt to escalate the situation to justify the use of deadly force.
5. Surrendering his/her weapon. (Surrendering his/her weapon may mean giving away the only chance for survival)

#### **222-12 POST ACTION PROCEDURES:**

##### **A. Use of Force with Serious Injury or Death; Discharge of a Firearm:**

1. The following procedures will be used to investigate incidents involving any of the following:
  - a. Use of force resulting in serious injury or death;
  - b. An accidental discharge of a firearm resulting in injury or death to a person; or
  - c. An intentional discharge of a firearm which does not result in injuries or death to a person.
2. Involved officer responsibilities – The officer shall immediately:
  - a. Determine the physical condition of any injured person and render first aid when appropriate.
  - b. Request necessary emergency medical aid.
  - c. Notify Communications of the incident and location.
  - d. The officer shall immediately report the incident to the on-duty supervisor for notification to the proper authority. If another member has contacted the on-duty supervisor, the member involved in the use of force or accidental discharge of a firearm resulting in personal injury will not be required to notify the on-duty supervisor again.
  - e. The officer should remain at the scene (unless he/she is injured) until the arrival of the appropriate investigator. The ranking commanding officer at the scene shall have the member move to a more appropriate location if feasible.

- f. The officer will protect his/her firearm or other weapons used during the incident.
  - g. Unless there is a public safety necessity, no personnel shall discuss the incident with the officer who fired the weapon or engaged in the use of force which resulted in serious injury or death until the criminal investigation is over, or such communication is approved by the Chief of Police. Personnel may discuss the incident with the officer at the officer's request, if the personnel are the officer's spouse, attorney, clergy member, or personal representative.
3. Communication center responsibilities: The dispatcher shall immediately:
- a. Request medical aid.
  - b. Notify the shift supervisor.
  - c. Under the direction of the on-duty supervisor, in cases of injury or death, notify the Chief of Police through and including each member of the chain of command.
4. The on-duty supervisor shall:
- a. Respond to the scene.
  - b. Ensure that all the following occur:
    - 1) Medical attention is given to anyone in need
    - 2) Verify that there is not an ongoing public safety concern
    - 3) Assign an officer to ride with the person injured (by the officer) to the hospital and document any spontaneous statements
    - 4) Collect the names of all medical personnel transporting or treating the injured
    - 5) Preserve the clothing from the injured person
    - 6) Preserve the scene(s) by putting up crime scene tape
    - 7) Start a crime scene log
    - 8) Collect witness names and information; however, statements should not be taken unless directed by the investigating authority.
    - 9) Separate witnesses to the best of ability
    - 10) The officer who used force should be separated off-scene and driven back to the station when feasible.

- 11) The officer's firearm/weapon will NOT be collected by the on-scene supervisor.
  - 12) The on-scene supervisor will NOT request a statement from the officer whose use of force application resulted in serious injury or death unless it is necessary for the public safety.
  - 13) Render command assistance to the assigned investigator.
  - 14) Assist the involved member(s).
  - 15) Submit any reports as necessary.
- c. Brief command personnel through their chain of command.
  - d. Request the Criminal Investigations Unit (CID) supervisor, if there is a parallel criminal investigation, as directed by the Chief of Police or his/her designee.
5. The Chief of Police or his/her designee will determine whether to contact the Florida Department of Law Enforcement (FDLE) to assume control over the investigation. If FDLE takes over the investigation, the scene(s) will be turned over to FDLE and/or CID.
  6. Criminal Investigation Responsibility: The department Criminal Investigations Section will assist the investigating authority in conducting a thorough investigation.
  7. Administrative Review: After the criminal investigation is completed, the Professional Standards Section will conduct an administrative review of the use of force to identify any administrative, supervisory, training, tactical, or policy issues that need to be addressed. This review will include input from the Training Section. After the Professional Standards review is complete, the Chief of Police will review the findings with the Civil Service Board.

**B. Unintentional Discharge; Force Involving Animals:**

1. The following procedures will be used for every incident involving:
  - a. Unintentional discharge of a firearm without injuries; or
  - b. Intentional discharge of a firearm involving animals
2. An officer who unintentionally discharges a department authorized firearm on or off duty which does not result in physical injury, within or outside his/her jurisdiction, except for formal training, recreation, or practice at the range, shall make an oral report to the on-duty supervisor as soon as circumstances shall permit.

3. The officer shall also complete a City Incident report and forward it to the on-duty supervisor prior to ending his/her tour of duty, or if the incident occurred off-duty, the on-duty supervisor to which the incident has been reported shall complete a City Incident report prior to ending his/her tour of duty.
4. An officer who intentionally discharges their firearm to incapacitate or put down an animal shall make an oral report to the on-duty supervisor as soon as circumstances shall permit. In addition, the officer shall document the incident on the applicable form (e.g. if the action occurred during an arrest, the narrative portion of the incident report shall contain information/justification of the animal being shot; if the incident occurred without a concurrent incident, the shooting shall be recorded on an information report.)
5. The on-duty supervisor shall immediately notify the:
  - a. Chain of command
  - b. Officer's immediate supervisor
  - c. Officer's division chief

**NOTE:** A Use of Force form will not be completed for unintentional discharge of a firearm (no injuries) or for incidents in which the firearm was used on an animal.

**C. Use of Physical Force Incidents:**

The following procedures will be used when an officer uses less than lethal physical (weaponless) force in the performance of their duty. They shall immediately take the following actions:

1. Determine the condition of any injured person, render first aid, and summon medical assistance if appropriate.
2. If the person is injured, transport them (or have them transported by rescue) to the nearest hospital emergency room.
3. Notify their supervisor of the incident.

**D. Professional Standards Investigations:**

Any member action that causes or results in serious injury or death shall be investigated according to the procedures in SOP #: 140, Professional Standards and Compliance.

**222-13 WRITTEN REPORT PROCEDURES:**

- A. An officer will not complete a Use of Force report if he/she is the subject of a criminal investigation involving:

1. Intentional discharge of a firearm either on duty or while acting in an official capacity off duty (other than for training purposes, recreational purposes, or to incapacitate an animal); or
  2. His/her actions or use of force that cause or result in serious injury or death
- B. An officer will not complete a Use of Force report if he/she uses a firearm or weapon for training purposes or to incapacitate an animal.
- C. Unless exempted above, a Use of Force report form (Attachment A) will be submitted when an officer uses force against a person actively or passively resisting, which requires the officer to go beyond routine handcuffing in order to gain control of the person. The use of force can occur within or outside of his/her jurisdiction, accidentally or intentionally, on or off duty. These incidents would include:
1. Discharge of a less than lethal launcher;
  2. Use of chemical spray/munitions;
  3. Deployment of a conducted electrical weapon;
  4. Use of any type of impact weapon, whether issued or not;
  5. Use of physical force beyond routine handcuffing (e.g. takedown, pressure points, knee spikes, etc.).
- NOTE:** The use of a hobble restraint without any other physical force (pressure points, knee spikes, etc.) does NOT require the completion of a Use of Force report.
- D. Written reports will be completed prior to the end of shift. If the responsible member is unable to complete the Use of Force form, it will become the responsibility of the on-duty supervisor to submit this report. Every Use of Force form will be directed to the Chief of Police through the chain of command, with all members of the chain reviewing and approving the level of force used.
- E. If any staff member in the chain of command does not approve the level of force used by a member, the staff member shall prepare a memorandum addressing any inappropriate use of force. This memorandum shall be attached to the unsigned Use of Force form to be forwarded to the Chief of Police through the chain of command.
- F. The Chief of Police or his/her designee will review all the materials and may recommend retraining, order an internal investigation of the incident, or determine that the force was justified and fell within policy.
- G. The Professional Standards Section will maintain Use of Force reports and related records in accordance with State records retention laws. The Professional Standards Section will ensure that complete use of force information is entered into the FBI national use of force database for any case involving either:

1. Use of force by an officer that results in serious bodily injury or death to a person
  2. An officer who discharges his/her firearm in the direction of a person
- H. The Administrative division chief shall ensure an annual administrative review and analysis of completed Use of Force reports, which occurred during the preceding year, is completed within the first quarter of the current year.

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Timothy Volkerson  
Chief of Police