



ALACHUA COUNTY SHERIFF'S OFFICE

802 – Force Guidelines: Non-Deadly and Deadly Force

PUB: 09/16/19
STATUS: Current

- I. **EFFECTIVE DATE:** January 03, 2019
RESCINDS: ACSO 802 of September 29, 2015
- II. **SCOPE AND PURPOSE** – This directive applies to all Alachua County Sheriff's Office (ACSO) sworn law enforcement and certified detention employees; to include all Deputies, Detention Deputies, Detention Officers and Reserve Deputies (sometimes referred to herein as Deputies and Detention Officers, or as employees) acting within the scope of their employment and lawful authority, both while on-duty and off-duty; and establishes policy, definitions, and guidelines pertaining to the Use of Force by ACSO employees.
- III. **DISCUSSION** – Our society places a supreme value on human life and individual rights, both of which the law enforcement profession has a solemn obligation to protect. This is an obligation the ACSO takes very seriously and which extends to the citizens we serve, to persons being detained and/or arrested, and to the employees of the Alachua County Sheriff's Office.

Though the Sheriff would prefer that Deputies and Detention Officers never have to resort to the use of force, the Sheriff recognizes, as do the courts and the legislature, that they will be confronted with situations that require them to use force to overcome resistance to arrest or detainment, and/or to defend themselves or someone else. It is also recognized that Deputies and Detention Officers are often forced to make split second "use of force" judgments in circumstances that are tense, uncertain and rapidly evolving and they must do so based on their reasonable perception at the time of a threat or danger. It is from this Court-recognized perspective that the actions of Deputies and Detention Officers will be judged by the ACSO for propriety.

Deadly Force Discussion – Deputies and Detention Officers are reminded that the use of *Deadly Force* represents the ultimate action that a government can take against its citizens and is among the most serious decisions an individual Deputy or Detention Officer may have to make in his or her career. The decision by employees to use deadly force must be carefully weighed against other reasonably available alternatives that time and circumstances permit. On the other hand, employees are reminded that fractions of seconds can make the difference between life and death for themselves and/or other innocent persons if they delay in the use of deadly force when it is clearly required.

In other words, Deputies and Detention Officers are tasked with the difficult challenge of balancing the legal and moral obligation to show maximum restraint in the use of deadly force with the equally important tactical necessity to use immediate and decisive deadly force where it is clearly justified and required to protect themselves or others.

IV. POLICY

- A. **Use of Force Authorization** – The Sheriff authorizes Deputies, Detention Deputies, Detention Officers and Reserve Deputies to use that amount of force that is reasonable and necessary under the circumstances to protect themselves or others while performing their lawful duties. [CFA 4.01M]
1. When feasible and practical, employees shall attempt to resolve potential use of force situations with non-physical force alternatives, such as the use of advice, persuasion or verbal warning prior to resorting to the use of force.
 2. The use of force by employees shall be in compliance with the guidelines set forth in Florida Statutes and ACSO Directives.
- B. **Use Of Force Reporting Requirement** – Every instance involving the use of force by ACSO employees, as defined by ACSO directives, shall be: [CFA 4.07M A, B & C]
1. Reported to an on-duty supervisor as soon as practical for a documented review;
 2. Documented by Deputies using the Subject Resistance Module with the ACSO Reporting System, and other appropriate agency reports using the guidelines set forth in this directive;
 3. Documented by Detention Officers and Detention Deputies using the Subject Resistance Report, ACSO 02-23, and other appropriate agency reports using the guidelines set forth in this directive;
 4. During the following exceptions, the paper version of the Subject Resistance Report may be used by Deputies:
 - a. Group Tactics
 - b. Category 2 use of force against dangerous animals
 - c. Any other time as specifically approved by the employee's Division Commander

V. FORMS

[Crime Scene Security Log](#), ACSO 83-02
[Subject Resistance Report](#), ACSO 02-23
[Supervisor's Report of Injury/Illness](#), ACSO 93-07
[UCR: Law Enforcement Officer Killed or Assaulted](#), ACSO 09-24
[Category 1 Deadly Force Incident Guidelines](#), ACSO 14-04
[Category 1 Deadly Force Incident Handout: "What to Expect"](#), ACSO 14-05

VI. DEFINITIONS – NOTE: These definitions also apply to [ACSO 803](#).

- A. **Aerosol Subject Restraint** – An aerosol device which propels a liquid chemical agent such as Oleoresin Capsicum (OC Spray).
- B. **Deadly Force** – Any force which is likely to cause immediate death or serious bodily/physical harm including, but not limited to:
1. The use of any weapon or other force in a manner which is likely to cause death or serious bodily/physical harm.
 2. Discharge of a firearm in the direction of the person to be arrested, even if no intent exists to kill or inflict great bodily harm.
 3. The discharge of a firearm at a vehicle in which the person to be arrested is riding.

- C. **Defensive Weapon** – Any readily available object or instrument used by a Deputy or Detention Officer in a reasonable manner to defend against a violent attack in order to avoid being seriously injured or killed, and when other conventional weapons or use of force alternatives are not readily available under the exigent circumstances. (Examples would be use of the issued large flashlight, a stick or board as an Impact Weapon, use of a chair to keep someone at bay, etc.)
- D. **Conducted Electrical Weapon (CEW) Taser** – An advanced conducted energy weapon that, through high voltage and low watts, overrides a person's or animal's central nervous system and takes direct control of skeletal muscles via muscular contractions. Conducted Electrical Weapons (CEWs) include hand-held units (Tasers), electronic shields, and electronic security belts.
- E. **Empty Hand Control Measures** – Physical control techniques and maneuvers that involve only the body of the Deputy or Detention Officer, such as use of the hands, fists, elbows, knees, feet, etc., and do not involve the use of any weapons, devices, firearms, etc.
- F. **General Rule** – The concept that the stated procedure or prohibition in place is the normally expected policy to follow in a given situation. However, employees are authorized in limited, exigent circumstances to deviate from the stated procedure or prohibition, if the employee's actions can be reasonably defended.
- NOTE: The burden in such cases will be on the Deputy or Detention Officer to defend his or her actions that went against the "general rule."
- G. **Great Bodily/Physical 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 function of any bodily member or organ.
- H. **Imminent Danger** – Danger which is reasonably believed to be based on a present and impending threat to cause death or serious bodily/physical harm to a Deputy, Detention Officer or other person which requires immediate action to avert or neutralize the threat.
- NOTE: A reasonable presumption can generally be made that an **Imminent Danger** exists when a subject: (1) is displaying a deadly force intent, OR is fleeing from a scene where he or she used or threatened to use deadly force, (2) and is reasonably believed by the Deputy or Detention Officer to have a weapon or apparent capability to inflict death or great bodily/physical harm, and (3) has a realistic opportunity to carry out the deadly force intent. (FDLE Force Guidelines; 2008)
- I. **Impact Weapons** – Instruments or devices primarily designed for use by law enforcement to deliver non-lethal striking or leverage control techniques.
- J. **Inmate** – A subject who is in the custody of a state or local correctional system/facility serving time as a result of a conviction.
- K. **Less-Lethal Weapons** (FS 776.06 in part:) – Specialty Impact Munitions/Projectiles used by law enforcement and detention personnel that are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.
- L. **Non-Deadly Force** – Force that is not likely to cause death or great bodily/physical harm to another. Examples range from escort holds to incapacitation techniques and include the use of Non-Lethal Weapons.

- M. **Non-Lethal Weapons** – Instruments/devices designed for use by law enforcement and detention personnel to overcome subject resistance and which can be used in conjunction with, or in lieu of, empty hand control measures. Examples include: chemical agent sprays (O.C. Spray), Conducted Electrical Weapon (CEW), dart firing stun guns (Tasers), Impact Weapons such as expandable batons and straight batons, etc.
- N. **Non-Physical Force Response** – Those response options available to law enforcement and detention personnel that only involve communication/verbal directions, and/or a soft assisting touch to communicate the Deputy's or Detention Officer's intentions, such as guiding a cooperating subject's hands behind his or her back to be handcuffed. NOTE: As a general rule, a Subject Resistance Report is not required to document these Non-Physical Force Response options.
- O. **Physical Control Force** – The use of empty-hand techniques to achieve compliance or control, such as pain compliance, transporters, restraint devices, takedowns and non-deadly force striking techniques. NOTE: For ACSO purposes the mere touching or grasping of a compliant person's hand or arm to place on handcuffs DOES NOT constitute a use of Physical Control Force requiring the completion of a Subject Resistance Report.
- P. **Powder Ball Projectile** – Plastic spheres filled with a powdered chemical agent such as Oleoresin Capsicum that is propelled by a compressed air-powered launching device that burst on impact releasing the Oleoresin Capsicum.
- Q. **Pre-First Appearance Detainees** – An arrestee confined to a local or municipal correctional facility who is awaiting first appearance.
- R. **Pre-Sentence Detainees** – Subjects detained at the DOJ who are either waiting to go to trial or who are waiting to be sentenced by the courts.
- S. **Proficiency** – Achieving at least a passing score (as determined by ACSO instructors) on a written exam, if one is given, and/or demonstrate to an ACSO certified instructor the ability to perform each technique in a satisfactory manner during practical exercises.
- T. **Reasonable Belief** – A logical conclusion by a Deputy or Detention Officer based on the apparent facts and circumstances of a situation which are known or perceived by the Deputy or Detention Officer at the time of the incident; combined with his or her own experiences and/or training.
- U. **Restraint Chair** – A special use restraint device consisting of a specially designed chair mounted on a frame used to significantly restrict the movements of an inmate or detainee who is deemed to be threat to themselves or others. NOTE: A Subject Resistance Report is required to document the use of the Restraint Chair.
- V. **Specialty Impact Munitions** – Less-Lethal Specialty Munitions fired from a Less Lethal Weapon that is designed to deliver a controlled amount of kinetic energy to specific non-vital areas of the body at specified ranges for the purpose of incapacitating the individual while not penetrating the body or doing any permanent damage.
- W. **Use of Force** – The use of any form of physical force that goes beyond the mere grasping of a subject's arms, hands, or wrists to place handcuffs on the individual. Use of force shall also include the pointing of a firearm, taser, or other use of force

weapon or device at a specific subject in an intimidating fashion for the purpose of taking a person into custody or achieving control.

VII. FLORIDA LAW

A. FS 776.05 – Law enforcement officers; use of force in making an arrest authorizes the use of force in making an arrest and states

“A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

(1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;

(2) When necessarily committed in retaking felons who have escaped; or

(3) When necessarily committed in arresting felons fleeing from justice. However, this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and:

(a) The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or

(b) 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.”

B. FS 776.06 – Deadly Force

“(1) The term ‘deadly force’ means force that is likely to cause death or great bodily harm and includes but is not limited to:

(a) 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

(b) The firing of a firearm at a vehicle in which the person to be arrested is riding.

(2)(a) The term “deadly force” does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this subsection, the term “less-lethal munition” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.

(b) A law enforcement officer or a correctional officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of his or her official duties.”

VIII. AGENCY USE OF FORCE TRAINING

A. Newly-hired Deputies, Detention Deputies, Detention Officers and Reserve Deputies may be provided with copies of the ACSO Force Guidelines Directive during new-hire training and will have computer access to all ACSO Directives/policies upon employment via the Directive Management System. All newly-hired Deputies and Detention Officers will receive training in applicable “use of force” policy and

procedures prior to being authorized to carry any approved Non-Lethal weapon, Less-Lethal Weapon, or firearm. [CFA 4.02M]

- B. All Deputies and Detention Officers will be required to demonstrate proficiency with each of their issued and approved weapons and firearms prior to carrying same in an official capacity. Refer to [ACSO 602](#) for Firearms, to [ACSO 803](#) for Non-Lethal and Less-Lethal Weapons and [ACSO 614](#) for Vehicle Tactics.
- C. Any Deputy or Officer who fails to demonstrate proficiency with a particular weapon or firearm at time of issue, or during annual re-qualification, will be required to complete remedial training with it prior to assuming or resuming official duties with said weapon or firearm. Refer to ACSO 602 for Remedial Training Requirements for Firearms, ACSO 803 for Remedial Training for all Non-Lethal and Less-Lethal Weapons and ACSO 614 for Vehicle Tactics.
- D. Deputies and Detention Officers will also receive instruction on the agency's "use of force" policy and guidelines annually during in-service training. [CFA 10.10M B]

IX. INCIDENT DOCUMENTATION – Each "use of force" incident as defined by ACSO Directive will be documented by involved employees. This includes the pointing of any firearm, Taser, display of K-9 or other weapon directly at another person(s) as a show of force with the express purpose of establishing control and/or detaining or arresting the subject.

- A. A separate Subject Resistance Report is to be completed for each subject that force was specifically used against; such as when overcoming resistance or that is justified to safely detain or arrest an individual.
- B. An ACSO Incident Report OR DOJ Information Incident Report, as applicable, will be completed for every incident that involved the "use of force" by a Deputy and/or Detention Officer. A complete and detailed accounting of the events surrounding the use of force will be provided in the report.
- C. Group Tactic Uses of Force – An alternative method to the above documentation procedures may be utilized for incidents where multiple employees use force as part of a coordinated group tactic, such as pointing firearms and/or Tasers to detain and control one or more subjects, **no resistance is encountered, no one is injured, and no physical force was utilized** as a result of the incident.
 - 1. Examples include, but are not limited to, when
 - a. The SWAT team serves a search or arrest warrant or otherwise enters a building and downs and detains everyone in a building or at the location to establish initial control of the scene.
 - b. A Warrants Bureau Investigative Team has to forcefully enter a residence to serve an arrest warrant and detains the occupants at gunpoint or Taser point in order to identify the wanted subject.
 - c. Field Units conduct a felony stop of vehicle and remove the occupants and detains them at gunpoint to identify them and conduct the investigation.
 - 2. When there is no other official reason to complete a formal Incident Report related to the incident, documentation for "group tactics" uses of force can consist of:
 - a. Completing a single Subject Resistance Report with the phrase "group tactics - several subjects" in the subject line of the report.

- b. In lieu of completing an Agency Incident Report, either an after-action report/record can suffice, or comments can be entered into the CAD incident record.
 - i. When appropriate, the alternate report/documentation completed may include the names and personal information of subjects involved in the use of force incident.
 - 3. Exception to the Group Tactic Exception – If during the “group tactic” use of force someone is injured, OR someone resists the Deputies and/or Detention Officers AND specific use of force must be directed towards that individual(s), then the normal reporting and documentation procedures otherwise listed in this Directive will apply.
 - 4. If at any time a question arises as to whether the CTS or paper version of the Subject Resistance Form should be used, the employee’s Division Commander should be contacted for clarification.
- D. **UCR: Law Enforcement Officer Killed or Assaulted**, ACSO 09-24, is used any time a Deputy or Officer is the object (target) of deadly force intent by a suspect, with or without injury.
- 1. The Deputy or designee, appointed by the supervisor, should complete the UCR: Law Enforcement Officer Killed or Assaulted form.
 - 2. Once the form is completed, it should be forwarded to their supervisor who will then check it for accuracy.
 - 3. The supervisor will then forward the form to the ACSO Records Bureau.
 - 4. See [ACSO 804](#) – UCR: Law Enforcement Officer Killed or Assaulted Procedures for more specific information on completing the form.

X. NON-DEADLY FORCE PROCEDURES

A. Non-Deadly Force Authorization

- 1. Deputies, Detention Deputies, Detention Officers and Reserve Deputies are authorized to use any law enforcement **Non-Deadly Force** option listed in X.A.2 below which they reasonably believe is necessary to accomplish a lawful objective such as, but not limited to, the following:
 - a. Overcome resistance or threatened resistance to arrest, detainment or lawful commands.
 - b. Defend themselves or someone else against physical assault or endangerment.
 - c. Take a person into protective custody, such as for a Baker Act or Marchman Act.
 - d. Prevent the escape of an arrested person, inmate or prisoner.
 - e. Perform official duties requiring the controlling presence of a Deputy or Detention Officer, such as during a civil unrest incident or during an inmate disturbance.
 - f. Prevent criminal damage to property.

- g. Restrain an inmate, when ordered by a Detention Deputy or Detention Officer, to allow medical treatment at the direction of a physician, or by Court Order.
 - h. Protect an inmate or pre-first appearance detainee from self-inflicted injury or death.
 - i. Defend against animal attacks.
2. Authorized **Non-deadly Force** options include Physical Control Force (empty hand techniques), and/or any agency-approved Non-Lethal Weapons in which the employee is currently trained and certified to use; to include OC Spray, Conducted Electrical Weapons/Tasers, and batons (See [ACSO 803](#)).
 3. **Less-Lethal Force Authorization** – Employees who have been trained and demonstrated proficiency with Less-Lethal Weapons/Munitions are authorized to carry and/or use them to accomplish one or more of the lawful objectives in [X.A.1](#) above in response to subjects who are actively resisting, or threatening to actively resist, or who is otherwise a serious, credible threat to the employee or other person while refusing to obey lawful commands.

B. Non-Deadly Force Incident Responsibilities

1. The primary Deputy(ies) or Detention Officer(s) directly involved in the use of “Non-Deadly Force” will:
 - a. Promptly report the incident by contacting Communications (CCC) or the DOJ Command Center, as applicable, and
 - i. Advise his/her I.D. # and the nature and location of the incident.
 - ii. Request back-up units, as needed.
 - iii. Request Emergency Medical Services, as needed. [CFA 4.08M]
 - iv. Provide a description and direction of travel of any persons still wanted in the incident.
 - v. Request that an immediate supervisor or on-duty supervisor be notified.
 - b. Secure the incident scene.
 - i. Identify and interview witnesses to the incident.
 - ii. Collect and preserve any physical, photographic, video/digital or any other available evidence.
 - c. Document the incident.

Law Enforcement

- i. Deputy Sheriffs will complete the Subject Resistance Report in CTS and forward to the supervisor with the initial report.
- ii. The supervisor will approve the ENTIRE report in CTS to include the Subject Resistance Report. If any corrections need to be made, it needs to be done at this level. Once approved, the initial approving supervisor will create an email with the case number in the title. The email will then be sent, along with any comments, to the Shift Commander.
- iii. The Shift Commander will review the report in CTS and approve or disapprove, with comments, via email. Disapproved reports will be returned to the supervisor and initiating Deputy for follow-up. Approved

reports will be forwarded via email to the Division Commander or designee.

- iv. The Division Commander or designee will approve or disapprove with comments via email. Disapproved reports will be returned to the Shift Commander. Approved reports will be forwarded to #SubjectResistance email group which consists of:
 - (A) Administrative Specialist;
 - (B) Training Support Specialist; and
 - (C) JST Division Commander.

Department of the Jail

- i. Detention Officers or Detention Deputies will complete the Subject Resistance Report in DMS, print it out and attach it to the JMS report.
- ii. The Zone Sergeant will review the report/packet for accuracy and approves or disapprove the report in the supervisor's comment section. Approved reports are forwarded to the Shift Lieutenant.
- iii. The Shift Lieutenant will review the report/packet; and, if approved, write a comment that he/she either concurs or does not concur with the actions of the Detention Deputy/Officer. The Shift Lieutenant also reviews the incident on the Department of the Jail's camera system (if possible) and then adds a statement to the narrative that involves a brief summation of the incident. When completed, the Shift Lieutenant will have the Administrative Sergeant review the report for any discrepancies. If errors are found, the report will be returned to the shift for modifications. Once corrected, the report will be resubmitted through the chain for signatures and then forwarded to the Captain for approval.
- iv. After the Captain approves, the report will be forwarded to the Director for approval and signature. When complete, the packet will be forwarded as follows:
 - (A) Original to Training Bureau
 - (B) Copies to:
 - (1) DOJ Archives for storage
 - (1) OPS
 - (1) HRB Benefits/Risk Coordinator (if OC Spray Related)
 - (1) General Counsel
 - (1) JST Division Commander
- d. A separate Subject Resistance Report is completed **for each subject that force was used against**; such as when overcoming resistance, or is required to properly detain or arrest an individual.
- e. Complete all fields except the supervisor sections of the report.
- f. List all law enforcement and/or DOJ personnel present during the incident on the report, to include those from other agencies.
- g. Complete an ACSO Incident Report OR DOJ Information Incident Report, as applicable, for every incident that involved the "use of force" by a Deputy

and/or Detention Officer. Include a complete and detailed accounting of the events surrounding the use of force.

- h. Submit all Incident Reports to the immediate supervisor prior to the end of shift, unless approved by the supervisor to submit by the next working day.

2. Back-up Deputies and Detention Officers will

- a. Assist the primary Deputy or Detention Officer as requested or required.
- b. Take steps to apprehend any suspects still in the area.
- c. Assist as needed to preserve the incident scene.
- d. Assist identifying and interviewing any witnesses to the incident.
- e. Document their individual actions taken and/or observations on a supplement report.
- f. If the back-up Deputy or Detention Officer used force during the incident, then they will follow the procedures set forth in X.B.1.c above to document their use of force actions.
- g. Submit all completed reports to their immediate supervisor prior to the end of shift, unless approved by a supervisor to submit by the next working day.

3. The immediate supervisor will

- a. Respond to the scene if necessary or appropriate.
- b. Ensure that any physical, photographic, video/digital or any other available evidence is preserved, carefully collected and properly submitted to the Evidence Section using standard evidence collection procedures.
- c. Ensure that the incident is thoroughly documented by involved personnel, to include the taking of statements from any uninvolved witnesses to the incident. If the primary Deputy or Detention Officer is incapacitated or otherwise unable to complete the required Incident Reports, then designate a Deputy or Detention Officer to complete the reports.
- d. Review all submitted Incident Reports for completeness and thoroughness.
- e. Review all collected physical, photographic, video/digital or any other available evidence.
- f. Determine if the employee's actions were proper and within policy, and then sign off on the **supervisor's section** of the Subject Resistance Report and forward as listed in c. above.

C. **Procedures if a Subject/Arrestee Receives Non-life Threatening Injuries** – In addition to the procedures set forth in X.B above:

- 1. Deputies and Detention Officers shall ensure that prompt, appropriate medical attention is provided to and/or summoned for any injured citizen(s)/subject(s)/arrestee(s), who at any time:
 - a. Has a visible or reasonably suspected injury.
 - b. Complains of an injury even when none are visible.
 - c. Was subdued by either
 - i. OC spray.

- ii. Struck with an impact or defensive weapon.
 - iii. Struck with any less-lethal or specialty impact munitions.
 - iv. Apprehended by a K-9 bite.
 - d. Was rendered unconscious for any length of time.
 - e. Displays any signs of a medical stress condition, i.e., a heart condition, diabetes, respiratory difficulty, etc.
 - f. Appears to be under the extreme influence of drugs or alcohol.
 - g. Any other time good judgment indicates the subject should be medically checked out before proceeding with the arrest/booking process.
 - h. **NOTE:** Medical treatment is not normally required for subjects who are subdued by a Taser as the only expected injuries should be the small puncture marks created by the Taser probes. However, if the subject receives any additional injuries or fails to recover from being tased as normally expected, then medical treatment will be promptly provided.
2. The immediate supervisor will
- a. Notify the Shift Commander/Bureau Commander.
 - b. Respond to the scene or medical facility and interview and document the statements of the involved employee(s), witness(es), and subject(s).
 - c. Complete a Supervisor's Report of Injury/Illness.
 - i. All medical follow-up actions taken as the result of a use of force incident will be documented to include the following:
 - (A) Who received the medical attention?
 - (B) Where the medical attention was provided?
 - (C) Who provided the medical attention?
 - (D) Date and time provided.
 - (E) Brief description of injuries.
 - ii. Report Distribution
 - (A) The original and a copy of the Incident Report or Information/Incident Report and the Supervisor's Report of Injury/Illness are forwarded to the Benefits/Risk Coordinator.
 - (B) A copy of the completed Supervisor's Report of Injury/Illness and the Incident Report and/or Information/Incident Report, as applicable, will be forwarded to the Agency General Counsel.
 - d. Ensure injuries are photographed by a Deputy, Field Service Technician or Crime Scene Investigator.
 - e. If the arrestee/subject is to be admitted into the hospital, arrange through a DOJ shift supervisor for a Detention Officer to assume custody of the prisoner in accordance with Arrestee Handling Procedures. See [ACSO 825](#).
- D. DOJ Notifications** – Arresting deputies shall inform the DOJ booking-in staff if force was used to subdue an arrestee, if there were any injuries and what medical attention was provided.

E. Chain-of-Command Notifications

1. In cases of no injuries or only minor injuries to a subject/arrestee, the Shift Commander or Bureau Commander can generally notify the affected employee(s) Division Commander or designee via normal report distributions, e-mails or IOC's, unless in the judgment of the Shift Commander/Bureau Commander an immediate notification is prudent.
2. In cases of serious injury to a subject/arrestee and/or he or she is admitted to a hospital, then the Shift Commander or Bureau Commander shall inform the affected employee's Division Commander and Major, or the Director of the jail, as applicable, as soon as practical.
3. In cases where a subject/arrestee has sustained possible life threatening injury the Shift Commander or Bureau Commander shall inform the affected employee's entire chain-of-command up through the Sheriff.

F. **Life-Threatening Subject/Arrestee Injuries or Death Procedures** – A Category 1 Deadly Force Incident Investigation will be promptly initiated by the immediate supervisor, Shift Commander or Bureau Commander if it appears the subject/arrestee has:

1. Sustained a possible life-threatening injury, or
2. If the medical provider advises that the subject may have permanent disability or disfigurement as result of the use of force incident, or
3. Dies at some point after a non-deadly force incident investigation has begun.
4. NOTE: See Section [XI.C](#) of this Directive and [ACSO 123](#) – Use of Deadly Force Investigative Procedures.

G. **If an employee is injured or killed in the incident** – The applicable procedures set forth in [ACSO 142](#) – Employee Injury and Disability (Non-Job Related), and [ACSO 104](#) – Line of Duty Death/Serious Injury, will be followed. Additionally, the reporting procedures outlined below in this Directive for Category 1 Incidents, and set forth in [ACSO 123](#) – Use of Deadly Force Investigative Procedures, will be followed.

XI. DEADLY FORCE PROCEDURES

A. Deadly Force Authorization

1. Deputies, Detention Deputies, Detention Officers and Reserve Deputies are authorized to use **Deadly Force** only when they reasonably believe it is necessary to perform one or more of the following:
 - a. To *prevent imminent death or great bodily/physical harm* to a Deputy, Detention Officer, or other person(s).
 - b. To *prevent the escape* of a person arrested for a violent felony involving the use or threatened use of deadly force, and an imminent danger exists to the Deputy, Detention Officer or other person(s).
 - c. To *prevent the escape of an inmate* from a detention facility or during transport to or from a detention facility when the escapee poses an imminent danger to the Deputy, Detention Officer or other person(s).
 - d. To *apprehend a fleeing felon* who the Deputy or Detention Officer has probable cause to believe has committed a felony which involved the use or threatened use of deadly force, and an imminent danger exists to the Deputy,

Detention Officer, or other person(s); and when feasible a verbal warning is given to the fleeing subject prior to the use of deadly force.

2. Unless impractical under the circumstances, employees shall attempt to give a verbal warning prior to the use of deadly force.
3. Employees should take reasonable measures available under the circumstances to ensure the safety of bystanders when engaging in deadly force.
4. Deadly Force is also authorized to put down a dangerous animal(s) that poses an immediate threat of serious bodily/physical harm to a Deputy, Detention Officer or other person; but only when other reasonable alternatives are unavailable and only when deadly force can be used without jeopardizing bystanders.

NOTE: The putting down of an injured or sick animal by the use of a firearm does not normally constitute a use of force, nor requires a Subject Resistance Report.

- a. The employee should document the destruction with an incident report in the ACSO Reporting System. [CFA 4.07M A]
- b. The employee's supervisor should document the supervisor's review with an IOC to their Division Commander. [CFA 4.07M A]
- c. A copy of the IOC should be sent to the Training Bureau Lieutenant who will review all animal destructions on an annual basis and document the review in an IOC to the Sheriff. [CFA 4.09M]
- d. See [ACSO 705](#) – Animal Call Procedures for further directions related to destroying diseased or injured animals.

B. Deadly Force Incident Categories – The following categories have been established for the purpose of classifying and investigating use of deadly force incidents according to the consequences and/or intent of a Deputy's or Detention Officer's actions:

1. Category 1 Deadly Force Incidents (C1DFI) [CFA 4.07M]

- a. Death or serious body/physical harm to a person resulting directly from the actions of an employee while acting in the performance of official duty, (excluding by motor vehicle crash); or
- b. Intentional or unintentional injury caused by the discharge of a firearm or other deadly force while acting in the performance of official duty; or
- c. Intentional discharge of a firearm at a human being without injury while acting in the performance of official duty.

2. Category 2 Deadly Force Incidents [CFA 4.07M]

- a. Unintentional non-injurious discharge of a firearm, with or without property damage, while acting in the performance of official duty.
- b. Intentional discharge a firearm, with or without injury, towards a dangerous animal that poses an imminent threat of serious bodily/physical harm to an employee or other person(s).

3. Firearm Uses NOT Considered Deadly Force

- a. Discharging an issued or approved firearm for training or recreational purposes.

- b. Destroying an animal that is seriously injured, suffering and appears useless, does not constitute a Category 2 incident. Refer to [ACSO 705 – Animal Call Procedures](#), for directions related to destroying sick, diseased or injured animals.

C. Category 1 Deadly Force Incidents – Responsibilities and Procedures for Investigating and Documenting

1. The Primary Deputy(s) or Detention Officer(s), directly involved in or the target of deadly force, unless incapacitated, shall
 - a. Ensure that any subject(s) who was subdued or who initiated the C1DFI is adequately secured and searched as soon as it safe to do so.
 - b. Promptly report the incident by contacting CCC or the DOJ Command Center, as applicable, and:
 - i. Advise his/her I.D. # and the nature and location of the incident, and:
 - ii. Request back-up units as necessary.
 - iii. Provide first aid and/or Request Emergency Medical Services as needed. [CFA 4.08M]
 - iv. Provide a description and direction of travel of any persons wanted in the incident.
 - v. Request that an immediate supervisor or on-duty supervisor be notified immediately and dispatched to the scene.
 - c. Secure the incident scene and preserve physical evidence to the extent reasonably possible to include securing any weapon(s) the resisting subject was armed with at the time of the incident.
 - i. For crime scene purposes, it is preferred to not disturb the weapon(s) from its final position.
 - ii. However, if it is impossible to safely secure the weapon by posting another deputy or detention officer over the weapon, then it should be secured by safely recovering and storing it some place in a locked ACSO vehicle. If possible, first photograph the weapon where it was found and take careful note of the location and condition of the weapon at the time it was recovered. NOTE: If recovered in this way, remember to follow standard procedures for rendering firearms safe.
 - d. After the scene has been safely secured, the employee(s) directly involved with a serious injury or death of a subject will limit his/her immediate follow-up actions in the case to the following:
 - i. Arresting any suspects remaining on the scene
 - ii. Administering first aid to injured subjects.
 - iii. Detaining witnesses so they can be interviewed by investigators of the incident.
 - e. Employees directly involved in the use of deadly force will not complete the Offense Incident Report or DOJ Information/Incident Report, and Subject Resistance Reports, as they are considered subjects of the incident.

- f. Consistent with constitutional, state and agency legal restrictions, the deputy(s) or detention officers(s) involved in the incident will cooperate with investigating FDLE personnel/Detective(s) and/or Inspector(s).
NOTE: Employees who are members of one of the professional associations (such as the FOP, PBA, etc.) are encouraged to have their association's legal representative contacted and summoned to the scene as soon as practical.
2. Back-up Deputies or Detention Officers already on scene, or who respond afterwards, will
- a. Assist the primary Deputy or Detention Officer as requested or required.
 - b. Take steps to apprehend suspects still in the area.
 - c. Help establish perimeters and secure the incident scene.
 - d. Help preserve all physical, photographic, video/digital or any other available evidence related to the incident.
 - e. Detain witnesses for the FDLE investigators/Detective(s) and/or Inspector(s).
 - f. Assist the FDLE investigators/Detectives(s) and/or Inspector(s) as directed.
 - g. Document their individual actions taken and/or observations on a supplement report.
3. The immediate supervisor will
- a. Advise the Shift Commander or Bureau Commander of the incident.
 - b. Respond to the scene without delay and assume command, until relieved by a superior, or a member of the FDLE Critical Incident Team (or a member of the Deadly Force Incident Investigative Team, if the incident occurred at the jail).
 - c. Contact the Jacksonville Regional Operations Center at 1-800-226-6481 to request an FDLE Critical Incident Team pursuant to the MOU between the Sheriff and FDLE. If during working hours, ask for the ASAC or the Duty Special Agent Supervisor. If after hours, the call will be forwarded to the watch desk at the Fusion Center and the Duty SAS will be notified.
 - d. Check on the wellbeing of the employee(s) involved in the C1DFI. The immediate supervisor or designee shall also ensure:
 - i. The C1DFI Guidelines (ACSO 14-04) are followed; and
 - ii. The C1DFI Handout: "What to Expect" (ACSO 14-05) is given to the affected employee(s).
 - e. Take steps to ensure that all potential physical, photographic, video/digital or any other available evidence is preserved, carefully collected and properly submitted to the Evidence Section using standard evidence collection procedures.
 - f. Ensure that a check-in post outside the incident's inner perimeter has been established. A Deputy, Detention Officer or FST will be assigned to the check-in post to maintain a Crime Scene Security Log, ACSO 83-02, and will record:
 - i. All persons who report to the scene and who enters and exits the crime scene.

- ii. All activities conducted at the scene, to include LEO personnel, EMS/Fire Rescue, Medical Examiner's Office, etc.
 - iii. NOTE: Each person reporting to the scene will check in but will not enter the scene's inner perimeter unless assigned a specific task by the FDLE Critical Incident Team.
- g. Assign one of the back-up Deputies or Detention Officers not directly involved in the use of deadly force to:
 - i. Complete the Offense Incident Report or DOJ Information/Incident Report, as applicable.
 - ii. Initiate a Subject Resistance Report **for each subject against whom deadly force was used.** The report will only include
 - (A) Date,
 - (B) Time,
 - (C) Location,
 - (D) Offense report number,
 - (E) Names of all involved parties, and
 - (F) The narrative will reflect "See Criminal Investigations Division report."
 - iii. These reports are to be submitted to the employee's immediate supervisor or an on-duty supervisor by the end of the employee's tour of duty, but no later than by the following day.
 - iv. Once FDLE/the Criminal Investigations Division and OPS have completed their investigations, the Division Commander will ensure the Subject Resistance Report is completed and distributed accordingly.
- h. The investigating supervisor will complete the Supervisor's Report of Injury/Illness for each subject who is injured or killed.
 - i. All medical follow-up actions taken as the result of a use of force incident will be documented to include the following:
 - (A) Who received the medical attention?
 - (B) Where the medical attention was provided.
 - (C) Who provided the medical attention?
 - (D) Date and time provided.
 - (E) Brief description of injuries.
 - ii. Report Distribution
 - (A) The original Supervisor's Report of Injury/Illness and a copy of the Offense Incident Report or DOJ Information/Incident Report are forwarded to the Benefits/Risk Coordinator.
 - (B) A copy of both reports will be forwarded to the Agency General Counsel.
- i. Assist FDLE/Detective(s) and Inspector(s) as directed.
- j. Inspect all incident paperwork for thoroughness and completeness and ensure other applicable reports are completed as much as possible and

submitted by the end of the supervisor's tour of duty and make proper distribution of all reports as required.

4. The Shift Commander or Bureau Commander will
 - a. Respond to the scene and provide leadership and direction, as necessary, to ensure that the procedures in this section are carried out.
 - b. Ensure that the involved employee's entire chain-of-command through the Sheriff is promptly notified.
 - c. Contact Communications (CCC) and request that CCC contact the following individuals OR designees IMMEDIATELY respond to the scene:
 - i. Chief Inspector and Inspectors of OPS.
 - ii. Forensics Unit Supervisor.
 - iii. Public Information Bureau representative.
 - iv. Training Bureau Commander and/or a law enforcement or DOJ member of the training staff, as applicable.
 - d. Ensure that the scene remains secured, that any physical, photographic, video/digital or any other available evidence is preserved and/or available for the FDLE Critical Incident Team to manage.
 - e. Help coordinate scene security and provide any assistance during the on-scene investigation of the incident as requested by the FDLE Critical Incident Team.
 - f. Ensure that all law enforcement and citizen witnesses are identified as separated pending initial interview by the FDLE Critical Incident Team.
 - g. In the event of a death, notify the Medical Examiner's Office.
 - h. If feasible, ensure that arrested persons at the scene are detained pending the arrival of the FDLE Critical Incident Team.
 - i. Provide assistance requested by FDLE after the on-scene investigation has been concluded, such as additional collection of evidence from suspects, vehicles, or involved ACSO law enforcement personnel, as well as the securing of other evidence.
5. A representative of the Public Information Office will respond and perform liaison duties between the ACSO and the media.
6. If requested by the affected employee(s), Communications will notify an ACSO Chaplain; and, if available, request that he/she respond to the scene. The employee(s) involved in the use of deadly force incident will be afforded the opportunity to confer with the Chaplain. Any conversation between the Chaplain and an employee(s) will be considered confidential and not available to the Detective(s) conducting an investigation or anyone else.
7. Any employee whose actions result in the death or serious bodily injury to another will be placed on **Administrative Leave** pending the outcome of an Administrative Investigation by the Office of Professional Standards, with a recommendation to, and approval from, the Sheriff. See [ACSO 123](#), VI.A.

D. Category 2 Deadly Force Incidents – Responsibilities and Procedures for Investigating and Documenting

1. The primary Deputy(ies) or Detention Officer(s) directly involved in the incident, unless incapacitated, will:
 - a. Contact Communications, and
 - i. Advise his/her I.D. # and the nature and location of the incident, and:
 - ii. Request back-up units and Emergency Medical Services as needed.
 - iii. Provide a description and direction of travel of any persons wanted in the incident.
 - iv. Request that an on-duty supervisor be notified immediately and dispatched to the scene.
 - b. Identify and detain witnesses to the incident to be interviewed by the Shift Commander, Bureau Commander or their designee.
 - c. Secure the incident scene and preserve physical, photographic, video/digital or any other available evidence is preserved, carefully collected and properly submitted to the Evidence Section using standard evidence collection procedures.
 - d. Document the incident in detail using the ACSO Incident Report, or the DOJ Information/Incident Report, as applicable.
 - i. A Subject Resistance Report will only be required if deadly force was used against a dangerous animal.
 - e. All law enforcement/detention personnel present during the incident will be identified in the reports, to include personnel from other agencies.
 - f. Submit all reports to the immediate supervisor prior to the end of shift, unless approved by a supervisor to submit by the next working day.
 - g. Consistent with constitutional, state and agency legal restrictions, the Deputies and Detention Officers involved in the incident will cooperate with the incident investigators.
2. Back-up Deputies or Detention Officers already on scene, or who respond afterwards, will
 - a. Assist the primary Deputy or Detention Officer as requested or required.
 - b. Take steps to apprehend any suspects still in the area.
 - c. Help establish perimeters and secure the incident scene.
 - d. Help preserve all physical, photographic, video/digital or any other available evidence related to the incident.
 - e. Detain witnesses for the Shift Commander or Bureau Commander to interview.
 - f. Document their individual actions taken and/or observations on a supplement report.
3. The immediate supervisor will
 - a. Notify the Shift Commander or Bureau Commander.
 - b. Respond to the scene as soon as practical.

- c. Assist with the investigation, as directed by the Shift Commander or Bureau Commander.
 - d. Ensure that any physical, photographic, video/digital or any other available evidence is preserved, carefully collected and properly submitted to the Evidence Section using standard evidence collection procedures.
 - e. Ensure that the incident is thoroughly documented by involved personnel. If the primary Deputy or Detention Officer is incapacitated or otherwise unable to complete the required reports, then designate another Deputy or Detention Officer to complete the reports.
 - f. Review all submitted Incident reports for completeness and thoroughness. Determine if the employee's actions were within policy, sign off on the supervisor's section of the Subject Resistance Report, if one was completed, per section [XI.D.1.d](#) above and forward the incident paperwork to the Shift Commander/Bureau Commander.
4. The Shift Commander/Bureau Commander will:
- a. Notify the affected employee's Division Commander.
 - b. As a general rule, the Shift Commander or Bureau Commander will be responsible for investigating Category 2 Deadly Force Incidents.
 - i. The Shift Commander/Bureau Commander may confer with the Chief Inspector or OPS designee to determine the best course of action for investigating the incident.
 - ii. If, after consulting with the Chief Inspector or designee, it is determined that the incident should be investigated by the Office of Professional Standards, the Chief Inspector or designee will assume investigative responsibility and have the incident investigated by the OPS.
 - c. If conducting the investigation, the Shift Commander/Bureau Commander will:
 - i. Interview all involved ACSO personnel and any witnesses to the incident.
 - ii. Review all physical, photographic, video/digital or any other available evidence.
 - iii. Review all Incident paperwork.
 - iv. Sign off on the employee's Subject Resistance Report, (if applicable) and forward to the affected employee's Division Commander for sign-off and distribution, as follows:
 - (A) The **original** gets forwarded up the chain through the Division Commander for review and sign-off, and then forwarded to the Training Bureau Commander.
 - (B) **Copies** of the signed-off original, along with a copy of the ACSO Incident Report or DOJ Information/Incident Reports and supplements, get forwarded to:
 - (1) The Office of Professional Standards.
 - (2) The General Counsel
 - (3) The JST Division Commander

- d. Prepare a formal report of the incident in an IOC format titled: “Category Two Deadly Force Incident Investigation.” The report should thoroughly detail the facts of the case and conclude whether the employee’s actions were proper and appropriate.
 - i. The report will be submitted, via chain-of-command, to the Sheriff within 72 hours of the incident, unless an extension is granted by the Sheriff.
 - ii. A copy of all Incident paperwork shall be attached to the report.
5. The affected Division Commander or designee will be responsible for notifying the affected employee’s chain-of-command through the Chief Deputy.
6. Aggressive Canines or Animals -- Unless a situation escalates where lethal force is necessary to protect the ACSO handler, when feasible and practical, the handler may try to deter an aggressive canine or animal with intermediate force such as:
 - a. OC Spray
 - b. Taser
 - c. Expandable Baton

E. Deadly Force Restrictions

1. **Moving Vehicles** – Shooting at or from a moving vehicle is a dangerous and generally ineffective practice with unpredictable results and is prohibited as a general rule, unless done in self-defense or defense of another person when the suspect represents a clear and present deadly force threat.
2. **Warning Shots** – The firing of warning shots is considered an act of deadly force by State Statute, even when no intention is made to injure another person. Firing warning shots is a dangerous practice with unpredictable results and is prohibited. [CFA 4.04M]
3. **Fleeing Felon Prohibition** – Deadly force should not be utilized to attempt the apprehension of a fleeing felon, where otherwise authorized under this directive, when there is a high probability of harming a person other than the fleeing felon. (Example: A felon fleeing into a crowd of people or towards other persons in the direct line of fire of the deputy or detention officer.)
4. **Misdemeanor, Traffic and other Minor Offenses** – Deadly force shall not be used against persons who have only committed minor offenses or non-violent felonies, except when a situation has escalated due to the actions of the offender to the point where the deputy, detention officer or other innocent person is in imminent danger of serious bodily/physical harm.
5. **Lateral Vascular Neck Restraint/Carotid Restraint** – The ACSO does not authorize the use of these neck restraints at this time.

- F. **Drawing/Displaying of Firearms** – Deputies, detention deputies, detention officers and reserve deputies are authorized to arm themselves with an issued or approved firearm during tactical situations when the circumstances indicate the employee should be prepared to immediately defend him/herself in a tactical situation; for example, while conducting a building search, a man-hunt in the woods, during a felony traffic stop, holding a perimeter position, etc.

1. Employees shall not, however, needlessly or recklessly draw or display any firearm in public or in the presence of others when there is no tactical necessity.
2. **NOTE:** The simple act of arming one's self while performing a tactical law enforcement task DOES NOT require in and of itself a Subject Resistance Report be completed. If, however, a firearm is specifically pointed at someone as a SHOW OF FORCE to gain control of a situation, even if not fired, a Subject Resistance Report is required.

XII. AGENCY REVIEW OF USE OF FORCE INCIDENTS – All incidents of use of force by ACSO Deputies, Detention Deputies, Detention Officers and Reserve Deputies shall be reviewed by ACSO to ensure that the actions of its employees were proper and within the guidelines of this and other applicable agency policies/directives, state statutes and case law.

- A. First line supervisors of the involved employee(s); or, if unavailable, then an on-duty Patrol Supervisor for law enforcement personnel, or DOJ Supervisor for Jail personnel, has the first supervisory level responsibility for:
 1. Reviewing all use of force incidents to ensure:
 - a. Thoroughness and accuracy of reporting.
 - b. Properness of employee actions.
 2. Completing the "Supervisor's Critique Summary" of the involved employee's Subject Resistance Report.
- B. Each supervisor in the involved employee's chain-of-command through the Division Commander level has the responsibility to:
 1. Review the Subject Resistance Report and other incident reports to determine if he or she agrees with the investigating supervisor's conclusion regarding the properness of the employee's actions.
 2. Sign off on the Subject Resistance Report on the applicable supervisor line and forwarding up the chain to the Division Commander level.
 3. The Division Commander or designee will distribute the paperwork as set forth in section X.B.1.c.iv. above.
- C. Justification for each use of force incident shall be based on the apparent facts and circumstances known, or reasonably perceived by the employee at the time of incident, combined with the experience and training of the involved employee(s) judged against current ACSO Directives.
- D. Excessive Force – Any use of force by an employee which goes beyond the guidelines set forth in this and related Directives may be deemed excessive force, and may subject the deputy or detention officer to disciplinary action.
 1. Allegations of "excessive force" by employees will normally be investigated by the Office of Professional Standards.
 2. Incidents of perceived excessive force that are witnessed by a supervisor may be documented and investigated by the witnessing supervisor.
 3. If, however, there are any concerns about the appropriateness of the witnessing supervisor conducting the investigation, then OPS will conduct the investigation.

- E. The Training Bureau receives a copy of every Subject Resistance Report. Training staff will review each report to:
1. Ensure compliance with use of force expectations as set forth by agency policy and Directives, and by ACSO use of force training procedures.
 2. Identify possible knowledge and/or skill areas related to any kind of use of force, defensive tactics, non-lethal or less-lethal weapons, and/or firearms that need to be addressed by the in-service training program.
- F. The Office of Professional Standards receives a copy of every Subject Resistance Report as an element of the agency's early warning system, as well as to ensure that all use of force actions are within the guidelines of ACSO Directives and Policy.

XIII. USE OF FORCE INCIDENT ANNUAL AGENCY REVIEW – The Training Bureau Commander is responsible for completing a Quarterly and an Annual Agency Use of Force Report at the end of each calendar year which reviews every instance of use of force by Deputies and Detention Officers. Use of Force Reports and the OPS Early Warning System Report will be the primary documents used for this analysis report.

- A. The Training Bureau Chief, Training Staff, and Commander of the Judicial Services and Training Division will review the results of the Annual Agency-wide Use of Force Report for the purpose of identifying deficiencies in training and/or making recommendations for policy or procedure changes. Any recommendations will be attached in writing to the Annual Agency Use of Force Report.
- B. The Use of Force Report and attached Training Staff recommendations will be presented to the ACSO Training Advisory Committee and the Sheriff annually. A copy will also be forwarded to the Policy and Accreditation Unit for their annual report to the Accreditation Commission.

XIV. FDLE 2008 *FORCE GUIDELINES* (EXCERPTED IN LARGE PART FROM FDLE CMS FL BRT CURRICULUM, 2008)

- A. **Background** – After extensive analysis and review by a FDLE appointed statewide committee of Defensive Tactics Instructors and Use of Force experts, the former *FDLE Response to Resistance Matrix and Use of Force Guidelines* have been replaced with a new “use of force” model called the ***FDLE Force Guidelines***.
1. The *Force Guidelines* represent an easy to understand, and practical working guide for use of force responses by law enforcement and Detention Officers that is based upon current use of force case law; namely *Graham v. Conner* (Non-deadly force) and *Tennessee v. Garner* (Deadly Force).
 2. The current test for judging law enforcement use of force is the *Objective Reasonableness Test* based upon the Fourth Amendment, which basically asks *whether an objectively reasonable officer under similar conditions with similar training and background might have done the same thing*. Each incident is to be judged in light of the *Totality of the Circumstances*, and the facts and circumstances known and/or reasonably perceived by the officer at the time of the incident.
- B. The ***Force Guidelines Model*** – Similar to the former *Response to Resistance Matrix*, the new ***Force Guidelines*** consist of Subject Resistance Levels and corresponding Officer Response Levels; however, both categories have been streamlined to simplify the process of analyzing potential subject resistance levels and responding with an appropriate and reasonable use of force. Subject

Resistance now consists of four (4) levels and Officer Response now consists of three (3) levels.

1. Subject Resistance Levels

- a. **Passive Resistance** – A subject's verbal and/or physical refusal to comply with a Deputy's or Detention Officer's lawful direction causing the Deputy/Officer to use physical techniques to establish control. Examples include:
 - i. The subject refuses to move at the Deputy's or Detention Officer's direction.
 - ii. The subject peacefully protests at a political event at a public location.
 - iii. The subject refuses to take his hands out of his pockets or from behind his back.
- b. **Active Resistance** – A subject's use of physically evasive movements directed toward the Deputy or Detention Officer such as bracing, tensing, pushing, or pulling to prevent the Deputy or Detention Officer from establishing control over the subject. Examples include:
 - i. The subject physically anchors himself to a person or object to prevent from being removed.
 - ii. The subject braces or pulls away from the Deputy/Detention Officer when the Deputy/Detention Officer grips the subject's arm.
 - iii. The subject attempts to run when the Deputy/Detention Officer touches or attempts to grab the subject's arm or shoulder.
- c. **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 Deputy, Detention Officer or others. Examples include:
 - i. The subject balls up his fist and approaches the Deputy/Detention Officer.
 - ii. The subject pushes the Deputy or Detention Officer back as the Deputy or Detention Officer tries to take the subject into custody.
 - iii. The subject grabs any part of the Deputy's or Detention Officer's body.
 - iv. The subject takes a swing at the deputy or Detention Officer.
- d. **Deadly Force Resistance** – A subject's hostile, attacking movements, with or without a weapon, that cause a reasonable perception by the Deputy or Detention Officer that the subject intends to cause, and has the capability of causing, death or great bodily harm to the Deputy, Detention Officer or others.

2. Deputy or Detention Officer "Force" Response Options

- a. **Physical Control** – 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.
- b. **Non-Lethal Weapons** – Use of weapons that are not fundamentally designed to cause death or great bodily harm. Some examples include Conducted Electrical Weapon (CEW), dart firing stun guns (such as a TASER), expandable batons, flashlights, and chemical agent sprays (such as OC).

- c. **Deadly Force** – Force that is likely to cause death or great bodily harm. Some examples include use of a firearm, eye gouges, empty hand strikes to the throat, and Impact Weapon strikes to the head or side of the neck.
- 3. Situational Factors/Totality of the Circumstances – In addition to assessing a subject's resistance level, the process of determining the threat potential a Deputy or Detention Officer is facing also includes considering the following:
 - a. **Subject Factors**
 - i. Seriousness of the crime committed.
 - ii. Size, age and weight of the subject.
 - iii. Apparent physical ability/skill level of the subject.
 - iv. Number of persons present who are involved or who may become involved.
 - v. Weapons possessed by or readily available to the person.
 - vi. Known history of violence by the subject.
 - vii. Presence of innocent persons or potential victims in the area.
 - viii. Whether the subject can be captured at a later time.
 - ix. Whether evidence is likely to be destroyed.
 - b. **Deputy/Detention Officer Factors**
 - i. Size, physical ability and defensive tactics expertise of the Deputy(ies) or Detention Officer(s).
 - ii. Number of Deputies or Detention Officers present.
 - iii. Immediate reaction in the case of sudden attack.
 - iv. Weapons or restraint devices available to the Deputy/Detention Officer(s).
 - v. Legal Justification.
 - vi. Agency Policies and Procedures.
 - c. **Environmental Factors**
 - i. Physical location.
 - ii. General surroundings and the dynamics and dangers associated.
 - iii. Lighting conditions.
 - iv. Presence of other persons who may become involved as participants or victims.
 - v. Weather.
 - vi. Avenues of escape for the subject as well as for the Deputy/Detention Officer(s).
- 4. Applying the Force Guidelines Decision Making Model – The FDLE Force Guidelines recognizes that Deputies/Detention Officers are required to make use of force decisions based on the totality of the circumstances known or perceived by the Deputy or Detention Officer at the time of the incident.

- a. Since most situations are fluid and dynamic, formulating a reasonable and valid response requires constant threat assessment as the situation unfolds and changes.
- b. The above model does not require matching a subject's level of resistance with an exact level of response but rather gives Deputies and Detention Officers the latitude to pick a use of force response that he or she reasonably believes is appropriate based on an assessment of the totality of the circumstances the Deputy or Detention Officer is facing.

XV. REVIEW OF GENERAL USE OF FORCE GUIDELINES

- A. Establish Control – The primary purpose for the “use of force” by law enforcement and detention personnel is to overcome resistance and/or establish control over the subject(s) who is resisting or creating the threat of physical harm to the Detention Officer or another person.
- B. Escalation – In the process of responding with an appropriate level or type of force to overcome a resisting subject, or detain a subject when force is justified, it is not a requirement to go step-by-step through the levels of response. Deputies and Detention Officers are justified in responding with whatever level or type of force is deemed reasonable and necessary at the time to overcome resistance, defend against assault and/or achieve control.
- C. De-escalation of Force – Once control has been gained in a situation, Deputies and Detention Officers shall de-escalate their use of force as soon as practical to a point no greater than what can be reasonably expected to maintain control over the subject to accomplish lawful objectives.
- D. Decisive and Effective – As mentioned earlier, Deputies and Detention Officers shall attempt, where feasible and practical, to resolve all potential use of force incidents with non-physical measures. However, once it is apparent to a Deputy or Detention Officer that force is going to be required for the Deputy or Detention Officer to safely perform their duties, then the force that is reasonable and necessary **should be delivered in a decisive and effective manner**, followed up by appropriate controlling techniques in order to:
 1. End the confrontation as quickly as possible, thereby:
 - a. Reducing the risk of injury to all parties, and
 2. To prevent the situation from escalating to higher levels of resistance and response.