

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1128.19, RESPONSE TO RESISTANCE AND APPREHENSION
TECHNIQUES

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POLICY:

The primary duty of all employees of the Orlando Police Department is to preserve human life. Only the amount of force necessary to protect life or to effect an arrest should be used by an employee, who should do so consistent with the US Constitution, state and federal laws, and Department policy, and use only the degree of force necessary to affect lawful objectives. De-escalation Techniques should be utilized whenever possible. **Excessive force will not be tolerated.**

PROCEDURES:

1. DEFINITIONS

Active Resistance: The subject's actions are intended to facilitate an escape or prevent an arrest. The action is **not** likely to cause injury.

Aggressive Resistance: The subject has battered or is about to batter a person/employee and the subject's action is likely to cause injury.

Approved Weapons and Equipment: Any Department-issued weapons or equipment or personally-owned weapons or equipment approved by the appropriate Departmental authority.

Area Treatment: The delivery of a chemical agent to an area, directly or indirectly, to cause people to leave the area or deny access to an area. This delivery method does not include delivery directed at a specific subject.

Chokehold: Any technique used to restrain an individual which restricts the flow of air by compressing the windpipe or occludes both carotid blood vessels simultaneously.

Deadly Force: Any action, by a subject or an employee, that is likely to cause death or great bodily harm.

Deadly Force Resistance: The subject's actions are likely to cause imminent danger of death or great bodily harm to the employee or another person.

De-escalation Techniques: Techniques utilized to avoid or reduce the intensity of a conflict or potentially violent situation using the least amount of force necessary, including where appropriate, slowing the momentum, communicating calmly and clearly with the individual and reducing the immediacy of any threat so that more time, options and resources are available to the officer to resolve the situation with the least amount of force possible.

Direct Application: The delivery of a chemical agent to a specific person or persons to modify their behavior.

Employee: Any employee of the City of Orlando Police Department (sworn/non-sworn) who has been trained by the Department with any approved weapon or equipment, is authorized to carry such approved weapon or equipment, and is authorized to use force subject to this policy.

Force: As it relates to this policy, the tactics and/or techniques utilized by an employee to control or regain control of a subject, in self-defense, in the defense of others, to counter resistance by a subject, or when objectively reasonable.

Forcible Felony: Murder, armed robbery, armed sexual battery, arson or use of explosive devices to a structure occupied or presumed to be occupied, kidnapping, burglary armed with a firearm, and any felony that involves the threat of or the use of deadly force against an individual.

Great Bodily Harm: Permanent disfigurement, serious bodily injury, or death.

Hard Control: The employee applies techniques that could result in greater injury to the subject should the subject resist their application by the employee.

Imminent Danger: Imminent threat of great bodily harm.

Intensified Techniques: Those techniques necessary to overcome the actions of the subject, short of deadly force. If the subject resists or continues to resist these techniques, there is a strong probability of injury being incurred by the subject.

Member: Any duly-appointed police officer in the Department.

Objective Reasonableness: The constitutional standard for using any force based upon the totality of circumstances (from the perspective of a reasonable officer on the scene) known to or considered by the employee at the moment force is used.

Passive Resistance: The subject fails to obey verbal direction, preventing the employee from taking lawful action.

Soft Control: The employee applies techniques that have a minimal potential for injury to the subject should the subject resist the technique.

The "Response to Resistance Continuum" (Appendix A): A training guide to assist employees in determining the force that may be objectively reasonable. It takes into consideration the resistance that may be encountered, responsive techniques, and other factors or special circumstances.

Totality of Circumstances: The various factors known to or considered by an employee at the time law enforcement action was taken.

2. RESPONSE TO RESISTANCE

An employee who must respond to resistance by using some form of force shall use objective reasonableness in determining the amount of force to use to effectively control the subject(s) during a lawful seizure or arrest. Objective reasonableness is based upon the totality of circumstances known to or considered by the employee at the moment force was used and may include, but is not limited to, severity of crime; whether the subject is an immediate threat to the safety of the employee or any individual; whether the subject is resisting arrest or attempting to evade arrest by flight; the number of subjects and employees involved; the size, age, and condition of employees and subjects; the duration of the police action; injury; known violent history of any subject; known or suspected use of intoxicants by subject; known or apparent mental or psychological condition(s); environmental factors; and any other factor or circumstances that may be relevant to the response to resistance that is known to or considered by the employee at the time such force is applied (refer to Appendix A "Response to Resistance Continuum").

Though many employees may be at the scene of an incident where force is being used, some employees may not be directly involved in taking police action. As employees, there is an obligation to protect the public and other employees. Therefore, it shall be the duty of every employee present at any scene where force is being applied, to either stop or attempt to stop another employee when force is inappropriately used and/or no longer required. Officers who witness inappropriate or excessive force or force that otherwise may be in violation of policy or training have a duty to report violations immediately to a supervisor or Internal Affairs.

The “Response to Resistance Continuum Guideline” provides a training guide to assist employees in determining their response to meet the resistance encountered by a subject. This “Response to Resistance Continuum” is a guideline only; every response to resistance is unique to its own circumstances. The Continuum Guideline shall not limit the employee’s response or permit greater response than objectively reasonable under the totality of circumstances.

All non-sworn employees who must use some form of force shall do so for self-defense purposes only. The non-sworn employee(s) shall immediately call for additional members and shall not attempt to effect an arrest. When possible, the non-sworn employee will leave the area and allow responding members to effect the arrest.

The employee must monitor the affected subject for breathing irregularities and level of consciousness. The employee must call OFD if there is any sign or reason to believe that a subject’s condition is deteriorating and will provide aid until relieved by medical authorities. If multiple employees used force on a subject, then one employee shall be designated to monitor the subject until medical personnel arrive.

3. DEADLY FORCE

An employee is justified in the use of deadly force only when he or she reasonably believes such force is necessary to prevent imminent danger of death or great bodily harm to the employee or any individual; or when the employee has probable cause to believe a subject is committing or has committed a forcible felony (as outlined in this directive) and the subject’s actions, to include escape, pose imminent danger to any individual if apprehension is delayed. Any non-deadly force alternative that can safely resolve the situation should be utilized before deadly force is authorized.

Deadly force shall not be used when there is a likelihood of serious injury being inflicted upon persons other than the individual against whom the member is authorized to use deadly force. The safeguarding of other human lives shall outweigh all other considerations.

Any employee whose actions result in death or serious bodily injury to another person will be temporarily relieved from duty until a preliminary administrative review is conducted. Upon clearance from EAP, the employee’s division commander may grant additional time off in a relief of duty status for reasons related to the death or serious bodily injury of another person caused by the employee. Refer to the current issue of P&P 1604, Discipline, and the current issue of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty, for additional information.

4. RESTRAINING TOOLS AND TECHNIQUES

Only restraining tools and techniques meeting Agency approval are to be used in the performance of an employee’s duty (both on and off duty). Subjects shall be restrained in a manner so as not to injure themselves or any individual.

4.1 HANDCUFFS

Members responsible for the custody and safe handling and transporting of subjects are strongly urged to utilize their Department-issued handcuffs as a primary restraining device. Subjects should be handcuffed to ensure the security of and prevent injury to the subject. The handcuffs should be double-locked, behind the subject’s back. Consideration may be given to a subject’s age, physical condition or disability, and mental capacity with regard to the decision to utilize handcuffs. In the event the decision is made not to handcuff a subject, another member should be assigned to assist in transporting the subject to the final destination.

When dealing with handcuffed detainees/prisoners, prudence and discretion should be used in deciding to use elevated levels of force. This may be in the form of any of the taught hard-control techniques in response to active

resistance by the detainee/arrestee. Physical response to resistance from a handcuffed detainee/arrestee should be reserved for extreme situations and circumstances where injury to the officer, innocent party, or the detainee/arrestee is prevented or minimized by taking the prescribed action. When this action is taken, it must provide specific reasons that delineate that the action was necessary. As in all cases, officers should be as detailed as possible as to the facts of the case, noting comments, resistive actions, and known experiences that provide insight into the decision-making process to take action. In this manner, the officer and the Department are offered a level of protection in carrying out the law enforcement function. Members shall maintain physical control over any handcuffed subject to ensure the safety of the subject and other individuals, including the member. Non-compliance of a handcuffed subject shall be handled in a manner that is objectively reasonable under the circumstances.

Subjects may only be handcuffed to a fixed object designed for temporary restraint when it is necessary to protect any individual from harm or in completion of the member's duties (i.e., booking procedures, medical).

4.2 FLEXCUFFS

Members may use flexcuffs in lieu of handcuffs when appropriate. Subjects should be flexcuffed in such a manner as to ensure the security of and prevent injury to the subject. Flexcuffs shall be removed using flexcuff cutters, which are available in the Quartermaster Unit, CID, patrol cars, and the Patrol off-going squad room. In cases of emergency only, flexcuffs may be removed with other cutting instruments. When using other cutting instruments, extra care should be given to removal of the flexcuffs to ensure that injury does not occur to the subject during the removal process.

4.3 RIPP-HOBBLE

Members may use a Ripp-Hobble as an additional restraining tool. Most often the Ripp-Hobble will be utilized in applying a four-point restraint. Subjects should be Ripp-Hobbled in such a manner as to ensure security of and prevent injury to the subject. Ripp-Hobbles are available in patrol vehicles for members' use.

4.4 FOUR-POINT RESTRAINT

When a subject resists and creates an imminent danger to the subject, member, or any individual, members may utilize a four-point restraint. A four-point restraint is the securing of the subject's feet to his or her hands from the rear, using handcuffs, flexcuff, and/or a Ripp-Hobble.

When it is necessary to utilize a four-point restraint on a subject, members shall not "cinch" down the handcuffs, flexcuffs, or Ripp-Hobble. The feet should not be brought past a 90-degree angle to the body. This ensures the safest method of utilizing this restraint technique.

Two members should transport a four-point-restrained subject for member and subject safety, whenever possible. The member shall monitor the subject at all times while in a four-point restraint.

4.5 CHOKEHOLDS

Chokeholds may not be utilized except in situations where deadly force is authorized.

5. WEAPONS

Only weapons (lethal and less-lethal) and ammunition meeting Agency approval are to be used in the performance of an employee's duty (both on and off duty). Employees are restricted from carrying any weapon (lethal and non-lethal) for which they have not proven proficiency. A record on each approved firearm, Department or personally owned, will be maintained by the Training Unit. Furthermore, Department employees shall not carry any weapons (lethal or less-lethal) that have not been authorized, reviewed, inspected, and approved by proper authority. The Department Range Master will review, inspect and approve all firearms. If a Department firearm is deemed unsafe by the Range Master, he or she will ensure that the firearm is repaired or properly disposed/destroyed. The Department Range Master will maintain a list of all approved firearms and ammunition (both on and off duty). A record on each approved firearm, Department or personally owned, will be maintained by the Training Unit. All employees who carry lethal or less-lethal weapons will be issued copies of, and be instructed on, the Agency's Response to Resistance policy before they are assigned and authorized to carry the weapon. A list of approved non-lethal weapons may be obtained from the Training Section commander. Supervisors will inspect and document, on a yearly basis, the condition of all non-lethal weapons carried by their employees and ensure that expiration dates are not exceeded. Each employee should also ensure that the expiration dates of their non-lethal weapons are not exceeded. NOTE: A common pocket knife is not considered a weapon for purposes of this policy.

5.1 CHEMICAL AGENTS

Department-issued chemical agents may be used when necessary to stop passive or greater resistance. The purpose of the chemical agent is to minimize the potential threat of resistance by the subject. Chemical agents will cause burning and tearing of the eyes, heavy discharge from the nose, difficulty in breathing, disorientation, panic, and uncontrollable sneezing. The effects of the chemical agent alone does not classify as an injury. The appropriate use of a chemical agent without injury and when spray is the sole tactic used will require an incident report and/or charging affidavit and completion of a Response to Resistance report.

Chemical agents should only be used in a direct application in those situations in which an arrest is likely. If an arrest is not made, the watch commander shall be notified as soon as possible, and an Incident Report shall be completed concerning the incident.

Authorized employees will be trained in the use of chemical agents prior to its issuance. The Training Section will be required to maintain proficiency training records.

All employees in uniform authorized to carry an approved chemical agent shall carry that agent while performing on-duty or extra-duty work assignments. Members who wear plain clothes and members in limited-duty status shall carry their approved chemical agent, concealed, while performing their assigned duties. Members may carry their chemical agent in an off-duty status. Non-sworn employees shall not carry their chemical agent in an off-duty status.

5.1.1 CLEAR OUT

“Clear Out” is a non-lethal, non-flame-creating chemical irritant that is contained in an aerosol canister and has the same effects as chemical agents. Clear Out is designed to force a subject from a confined area or to disperse large crowds. It is to be used when verbal methods of persuasion have failed and there is an anticipated danger to members if Clear Out is not used to extract the person(s). The authorization to use Clear Out shall be given by a watch commander, incident commander, or higher authority.

The decision to use Clear Out may be based on the physical sighting of a subject in a structure, on eyewitness statements to the fact that a subject was sighted in the structure, or any other information that establishes a high degree of likelihood that a subject is inside, e.g., Sonitrol. The subject must be offered an exit, not “locked” in a structure. It may be necessary to utilize two or more cans in a structure. Allow sufficient time (at least five minutes) for the gas to expand throughout the structure. If the subject has not exited the structure, the watch commander will determine how to secure the structure.

Clear Out may also be used in accordance to P&P 1302, Civil Disturbances.

5.1.2 PYROTECHNIC GRENADES

A pyrotechnic grenade is a device that releases a chemical agent into the atmosphere through the burning of a chemical compound. The types of chemical agents available are smoke (HC) and CS (Orthochloro-benzalmalononitrile). The grenade burns at 750-800 degrees Fahrenheit and is specially designed for outdoor use in crowd control situations only. Pyrotechnic grenades shall not be deployed onto rooftops, into crawl spaces, or indoors due to its fire-producing capability. The grenades shall be used primarily for the purpose of dispersing illegally-assembled crowds or to protect lives and property when the circumstances indicate that the uses of these chemical or pyrotechnic agents are the most effective manner of accomplishing the objective. Smoke grenades may be used to determine wind direction, as a carrier agent for CS munitions, or to conceal the movements of mobile field force personnel.

The use of pyrotechnic grenades will only be done with the authorization of the incident commander, watch commander, or higher authority. The incident or watch commander will establish the protocol or parameters in advance concerning the extraordinary use of chemical agents in accordance with a Level 1 Mobile Field Force event in the Department’s current issue of P&P 1302, Civil Disturbances.

Only those members who have completed the Department-approved training will be permitted to deploy pyrotechnic grenades. The incident or watch commander should have Communications check all channels for any on-duty ERT Chemical Team grenadier(s) to respond since they have specialized training and may have a variety of chemical munitions readily available.

Chemical munitions packs are located in the Quartermaster vault at OPH and SECPO. These packs must be signed out with the approval of the watch commander. The Patrol Services Bureau commander or designee will be responsible for chemical munitions packs.

5.2 EXPLOSIVE DEVICES

Explosive devices include distraction devices and other similar devices using a small explosive content.

5.2.1 TRAINING

SWAT officers shall complete the department-approved training for distraction devices, chemical munitions and less-lethal impact munitions before they are authorized to utilize munitions and distraction devices. SWAT officers will train under the direction of the SWAT Commander, or designee. Periodic in-service training will be conducted to ensure thorough familiarization and competency in the use of specialized munitions and distraction devices.

5.2.2 CRITERIA FOR USE

Each situation shall be evaluated on a case by case basis. The use of specialized munitions and/or distraction devices may be effective in high risk incidents, entry operations and other critical incidents for the peaceful resolution of a situation.

5.2.3 RESTRICTIONS

Only qualified SWAT personnel will be authorized to deploy specialized munitions and distraction devices. Specialized munitions or distraction devices shall not be used in areas with high fire potential. Distraction devices should only be deployed in areas that have been visually observed to be clear of potential hazards. The department safety priorities are paramount in any tactical situation.

5.2.4 TRANSPORT

All specialized munitions and/or distraction devices shall be securely stored in a department vehicle prior to transport. With the exception of the SWAT team's Armored Personal Carriers (APC), only department vehicles with alarm systems will be used for transport. All vehicles transporting munitions and/or distraction devices shall have their alarm system activated if left unattended.

5.2.5 DEPLOYMENT DOCUMENTATION

Specialized munitions and distraction devices may be issued to SWAT personnel trained in the use of that equipment, at the discretion of the SWAT Team Commander. A current listing of the type and location of equipment will be maintained by a designee of the SWAT Team Commander.

Log books are maintained in the SWAT vault located at the Primrose Office. The SWAT officer who deploys a distraction device will be responsible for logging the information into the correct log book.

5.2.6 INVENTORIES

SWAT personnel will conduct annual inventories of specialized munitions, distraction devices and related items, and will submit requests for replacement of used or outdated stock.

5.2.7 SECURE STORAGE

All specialized munitions and distraction devices shall be stored and maintained in an agency approved secure location. Access shall be limited to the SWAT team members trained in the use of specialized munitions and distraction devices. All specialized munitions and distraction devices shall be secured by a double redundancy of lock and key (door and padlocked gate).

5.3 CONDUCTED ENERGY WEAPON (CEW)

ACEW is an electronic device that transmits electrical impulses to override the central nervous system that controls the skeletal muscles. It is designed to incapacitate a target from a distance.. The TASER 7 and Taser X2 manufactured by Axon Enterprises are the Conducted Energy Weapons approved by the Department.

Members may not carry a CEW unless it has first been reviewed, inspected, and approved by the Department's lead CEW instructor. Members shall complete the Department's training course and demonstrate proficiency prior to carrying the CEW. Members shall carry the CEW on the "support side" of their gun belt, utilizing an "off-hand" draw, where the handle of the CEW faces to the rear of the member's belt. Members may carry their assigned CEW while off duty. While

off duty, the CEW must be concealed and carried in an approved holster. Non-sworn employees are not authorized to carry the CEW.

The CEW is a less-lethal weapon and is not intended to replace the firearm as the primary tool used when there is a potential for the use of deadly force. The CEW may only be used to respond to active or greater resistance CEW. The CEW probes shall not be intentionally aimed at a person's head, neck, chest (above the nipples), or groin unless intensified techniques or deadly force is warranted. The CEW "drive stun" technique shall not be intentionally delivered toward a person's head, neck, or groin unless deadly force is warranted. The CEW shall not be used on a subject who is holding illegal drugs in his/her mouth when the sole method of their resistance is the refusal to spit the illegal drugs out of their mouth. The CEW shall not be used on subjects operating bicycles or motor vehicles except in cases of aggressive resistance.

In cases where a subject is struck with a probe in the face, throat, groin, female breast, or male nipple area, OFD must respond to the scene to treat the injury. However, OFD will not be responsible for removing probes. The subject, when struck in any of these areas, must be transported to a hospital for probe removal. Only members certified to use a CEW are authorized to remove probes that have struck the subject in any area other than those listed above. CEW probes should be removed as soon as the member determines the potential for further resistance has subsided. Since the CEW probes are a biohazard, they must be treated as such. Consequently, latex gloves must be used when removing CEW probes. The probes must be packaged as evidence in accordance with the current issue of P&P 1301, Significant Exposure and Control Plan.

Digital photographs will be taken of the location where the CEW probes struck the body. Employees taking photographs of subjects must do so out of public view if the probes strike private areas of the subject's body.

The air cartridge number used will be entered on the Response to Resistance report in the appropriate block and the spent air cartridge will be submitted into evidence. Managers approving replacement cartridges must ensure that the circumstances surrounding the discharging of a CEW are properly documented. Replacement air cartridges, for used or damaged air cartridges, will be issued by the Quartermaster Unit with a requisition signed by a member with the rank of Lieutenant or above.

No changes, alterations, modifications, or substitutions shall be made to the CEW. An authorized vendor shall make all repairs to the CEW. Any CEW that is not functioning properly shall be deadlined in the Quartermaster Unit.

Section Commanders will ensure that CEW data downloads are conducted by members monthly. Section Commanders will coordinate supply of spare CEW batteries with the department's lead CEW Instructor. The Training Section will audit download compliance annually. In the event of a questionable discharge, or one that leads to serious injury or death, the CEW's data information will be downloaded as soon as possible.

In the event of an accidental discharge where there are no reported injuries, a Response to Resistance report will not be needed; however, a supervisor must be notified of an accidental discharge and ensure that the Incident Report is completed. The spent air cartridge will be placed into Property and Evidence. The supervisor will forward a copy of the Incident Report to the Internal Affairs Unit where it will be retained on file.

5.4 IMPACT WEAPONS

5.4.1 BATON

The baton is the primary police impact weapon. Members shall complete the Department's training course and demonstrate proficiency prior to carrying the baton. The Department-approved baton shall be carried by members on their person while in uniform. Members in plain clothes may carry their batons concealed when working on duty, extra-duty, or when off duty.

The purpose of using the baton is to stop active resistance or when it is an objectively reasonable and necessary option under the circumstances. Using the baton to target the shaded areas (Appendix B) below the shoulders shall be in response to aggressive resistance or deadly force. Using the baton to target the head or neck shall be in response to deadly force resistance only.

The flashlight is designed to be used as an illumination device. Its use as a defensive impact instrument shall be prohibited except in cases of aggressive resistance when the baton is not practical. If the flashlight is used as an

impact instrument, the same techniques set forth in this policy with respect to the use of the baton shall apply.

5.4.2 SAGE SL6

The SAGE SL6 is a secondary police impact weapon. Only members who have completed the Department-approved SAGE SL6 training class and demonstrated proficiency may utilize this weapon. Members trained/certified to carry and deploy the SAGE SL6 shall inspect their designated weapon prior to each tour of duty. SAGE SL6 shall not be used or carried in an off-duty status.

The purpose of using the SAGE SL6 is to stop active resistance or as objectively reasonable under the circumstances. Using the SAGE SL6 to target the shaded areas (Appendix B) below the shoulders shall be in response to aggressive resistance or deadly force. Using the SAGE SL6 to target the head or neck shall be in response to deadly force resistance only.

The SAGE SL6 may also be used in situations where the baton or other control techniques are impractical or unsafe. When practical, every effort will be made by members deploying the SAGE SL6 to inform other employees prior to firing.

The use of SAGE SL6 is authorized against animals that pose a threat to public or employee safety.

5.5 FIREARMS

Members of the Department may discharge an approved firearm only under the following circumstances:

- a. When the member reasonably believes the subject poses imminent danger of death or great bodily harm to an employee or any individual.
- b. When the member has probable cause to believe a subject is committing or has committed a forcible felony (as outlined in this directive) and the subject's actions pose imminent danger of death or great bodily harm if apprehension is delayed.
- c. For firearm practice at an approved gun range.
- d. For the purposes of test firing.
- e. To give an alarm or to call for assistance, for an important purpose when no other means is possible, and the round may be fired safely into the ground.
- f. To kill a dangerous animal or one that humane consideration requires release from further suffering, when no other means of disposition is available.
- g. For the purpose of this section, a moving vehicle alone does not constitute a threat that justifies a member's use of deadly or potentially deadly force, particularly if the sole objective of the driver is to evade capture. Members are **prohibited** from discharging their firearms at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.

A member shall not intentionally position himself/herself in the path of a moving vehicle, or approach in the vehicle's potential path of escape, either front or rear, creating circumstances where the use of deadly force is the probable outcome. A member in the path of an approaching vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any occupants of the vehicle.

The prohibitions regarding moving vehicles exist for the following reasons:

1. Moving to cover to gain and maintain a superior tactical advantage maximizes officer safety;
2. Bullets fired at moving vehicles are extremely unlikely to disable or stop a moving vehicle; and
3. Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other members or innocent citizens.

Members should always use extreme caution when attempting to apprehend the occupants of any vehicle and be cognizant of all other available options including dynamic vehicle takedowns (only by those members who are trained and authorized), GPS launcher (StarChase), and investigative resources.

It is understood that this policy may not cover every situation that may arise. Shooting at moving vehicles is highly discouraged and must be the only objectively reasonable and necessary option under the circumstances. If a member shoots at a moving vehicle, their actions will be examined rigorously on a case-by-case basis and subjected to strict scrutiny.

- h. Members may not use deadly force to apprehend escapees or other wanted individuals based solely on the

individual's original charges or convictions.

- i. Members shall identify themselves as police officers and issue a verbal warning prior to using deadly force, unless such identification and warning would jeopardize their safety or the safety of another person or is impractical under the circumstances.

5.5.1 PROHIBITIONS

The following practices are strictly forbidden:

- a. Firing into or over the heads of crowds.
- b. Firing warning shots.
- c. Firing into buildings, enclosures, or through doors when a subject is not visible.
- d. Firing at a moving vehicle solely to disable the vehicle unless authorized by a commander.
- e. Cocking the hammer of a weapon except to improve aim immediately prior to firing.

5.5.2 HANDGUNS

The Department-approved handgun may be utilized when a member perceives imminent danger to the member or any individual.

When the handgun is outside the holster in a tactical situation, the weapon shall be pointed down at a 45-degree angle (ready gun position) or indexed down with the muzzle pointed in a safe direction; trigger finger outside the trigger guard, until there is a need to fire or the member is at risk.

5.5.3 SHOULDER-FIRED WEAPONS

Shoulder-fired weapons are to be considered supplemental weapons and may be utilized in those situations where the trained/certified members deem such use necessary and prudent.

Some factors to be considered when deciding on the use or deployment of shoulder-fired weapons are:

- a. Whether deadly force is appropriate in the situation.
- b. Shoulder-fired weapons are, by design, more accurate than the handgun.
- c. Most shoulder-fired weapons have lights mounted on them for use in low-light areas.
- d. The probability of hitting an intended target is much higher when using a shoulder-fired weapon.

Some factors that might make carrying a shoulder-fired weapon impractical are:

- a. Foot pursuits.
- b. Close quarters where maneuvering with the weapon is a disadvantage.
- c. Climbing over obstacles where controlling the weapon may prove difficult.

Shoulder fired weapons shall not be placed in the vehicle weapon rack with a round in the chamber.

Only members who have completed Department-approved shoulder-fired weapon training classes and demonstrated proficiency may utilize these weapons. Members trained/certified to carry and deploy the shoulder-fired weapons shall inspect their designated weapons prior to each tour of duty. Shoulder-fired weapons shall not be used or carried in an off-duty status.

6. MAINTAINING PROFICIENCY

Employees shall maintain and demonstrate proficiency with Department-authorized techniques, restraining tools, and weapons as determined by the Training/Accreditation and Inspections Section commander. Less-lethal weapon training will be conducted annually on the following less-lethal weapons: ASP baton, chemical agent, Sage SL6.

Firearms training will be conducted at least twice annually subject to the terms of any applicable collective bargaining provision. The Training Unit shall be responsible for establishing standards of proficiency, ensuring compliance by all members, and maintaining proficiency records.

Failure of an employee to demonstrate and maintain acceptable standards of proficiency shall be cause for remedial

training. Remedial training shall be coordinated with the Training Unit and shall be completed within seven days. An employee's continued inability to maintain proficiency standards shall cause the employee to be placed on an alternative assignment pending a final determination as to their job fitness, in accordance with the current issue of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty.

Employees who are unable to participate in training and/or evaluation sessions that qualify them to carry weapons and employ force (e.g., during an extended leave of absence, physical disability, etc.) shall be restricted as to their use of police authority in accordance with the current issue of P&P 1619, Alternative Duty Assignments/No Duty Status, or the current issue of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty. Prior to resuming full duty status, employees must demonstrate proficiency in all areas, to the satisfaction of the Training Unit.

7. REPORTING REQUIREMENTS

Once a response to resistance has occurred, and it meets the criteria for the completion of a response to resistance investigation, the involved employee will notify his or her immediate supervisor as soon as possible. The use of a tactic or techniques not requiring notification will be documented in charging affidavits, incident reports, and/or supplemental reports by the involved employee. If it occurs during an extra-duty work assignment or off duty, an on-duty supervisor will be notified to conduct the investigation. In those instances where the involved employee is a supervisor, another uninvolved on-duty sergeant will be notified to conduct the investigation.

Once notified, the supervisor shall respond to the scene as soon as possible and interview all involved employees, witnesses, and subjects. The supervisor will be responsible for reviewing, approving, and obtaining copies of all reports, affidavits, witness statements, and available video and audio recordings for inclusion in the Response to Resistance report. The In-Service Training supervisor is responsible for maintaining the software.

Employees who have used a technique or weapon requiring a Response to Resistance investigation shall complete an Incident Report by the end of their tour of duty, except in misdemeanor cases where the use of chemical agent is the sole response to resistance and there are no injuries claimed or evident. Supervisors will ensure that these reports are completed within the prescribed timeframe. Supervisors will ensure that members involved in a response to resistance incident view video of the incident, if available, prior to the completion of reports. If video of the incident is known but not available in a timely manner, then the general account of the incident (elements of crimes, probable cause) shall be documented on charging affidavits and incident reports. Supplemental reports will be generated to supply greater details of the incident once video becomes available and has been viewed.

The supervisor shall notify the involved employee's section commander of the circumstances requiring the initiation of a Response to Resistance report. If the employee's section commander is not on duty and immediately available, the supervisor will notify the on-duty watch commander. Notifications shall be accomplished as soon as possible but no later than the end of their tour of duty, and the name of the manager notified shall be documented in the Response to Resistance report narrative.

7.1 RESPONSE TO RESISTANCE REPORTING

A supervisor shall complete a Response to Resistance investigation and complete a Response to Resistance report under the following circumstances:

(NOTE: A sworn supervisor shall complete Response to Resistance reports for CSOs and CSIs.)

- a. Use of chemical agent.
- b. Use of impact weapons (baton, SAGE SL6, etc.).
- c. K-9 dog bites, other than accidental.
- d. Use of Conducted Energy Weapon (TASER 7 & X2).
- e. Forearm/knee/open and closed hand strikes.
- f. Kicks.
- g. Use of a tactic and/or technique used on a handcuffed subject.
- h. Use of any technique or the application of any weapon that results in actual or claimed (evident or non-evident) injury.

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(NOTE: When a firearm is discharged, or an employee applies any technique or weapon that results in death, an Initial Notice of Inquiry shall be generated in lieu of the Response to Resistance report. The only exception is when an employee utilized deadly force in the killing of a dangerous animal or one that humane consideration requires release from further suffering, when no other means of disposition is available. In this case the employee shall complete an Incident Report in lieu of an Initial Notice of Inquiry or Response to Resistance report.)

The supervisor shall ensure that photographs are taken of any injury, actual or claimed, by either the subject or the employee, that result from an application of force by the employee in response to a subject's resistance. If available, a CSI or forensic photographer will take the photographs of all injuries requiring hospitalization and/or treatment at a medical facility. If no CSI or forensic photographer is available, a supervisor, with the permission of a watch commander, will take the photographs, which shall be maintained in accordance with standard policies regarding crime scene photos. In those instances where the assigned supervisor photographs the injury, the supervisor will only utilize a digital camera. The photographs will document the reported injury as well as the overall condition and/or appearance of the subject. All employees capturing digital images must adhere to the current issue of Departmental P&P 1902, Digital Cameras. Photographs that have been processed or archived through the Forensic Imaging Unit do not need to be attached to the Response to Resistance report.

A Department member who has been assigned a BWC (body-worn camera) device may review his or her own BWC recording. Refer to policy 1140 Mobile Video Recording Systems

The Chief of Police or one of his/her designees may authorize an investigator participating in an official Department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation access to review specific incidents contained on BWC recordings. Access for any other purpose shall require the express approval of the Chief of Police.

The Response to Resistance report is structured except for the narrative section. The supervisor shall separate the employees involved into two categories: Principal employees and assisting employees.

A principal employee is any employee who encounters physical resistance or force from a subject and must use a technique or weapon to overcome it.

Assisting employees shall be listed and are defined as those using controlling techniques or restraint holds while assisting the principal employee.

The narrative portion is to be completed by the supervisor and should include:

- a. A statement indicating a review of a charging affidavit and/or incident report for probable cause or reasonable suspicion.
- b. The specific resistance the employee encountered and the specific response of the employee.
- c. Employee/subject factors and special circumstances
- d. How the injuries were incurred and a description of the extent of the injuries. This includes both employees and subjects.
- e. Synopsis of witness and subject statements, if any.
- f. Statement indicating if video and/or audio was reviewed, saved as evidence, and is consistent with the statements made by involved employees and witnesses.
- g. A statement by the supervisor indicating whether the employee's response was in keeping with Department policy.

(NOTE: The Response to Resistance report is not a substitute for an internal investigation. An INOI shall be initiated for disapproved Response to Resistance reports. If anyone in the review chain of command determines that an inquiry is necessary, it is his or her responsibility to initiate the INOI.)

The reporting supervisor shall complete the first page of the Response to Resistance report by the end of their tour of duty. The reporting supervisor shall forward the completed Response to Resistance report to the notified commander within 72 hours, unless such time is extended by the notified commander. The notified commander will review and then forward the Response to Resistance report to the principal employee's division commander. If the notified commander is not the principal employee's section commander, then the notified commander will forward the Response to Resistance report to the principal employee's section commander. The section commander will review and forward the report to the

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principal employee's division commander. Each person in the chain of command who receives the Response to Resistance report shall review, evaluate, and either approve or disapprove the appropriateness of the techniques and tactics used, including whether or not appropriate De-escalation Techniques were utilized. Once finalized by the division commander, the Response to Resistance report is filed in the Internal Affairs software.

If any person disapproves the Response to Resistance report, they shall initiate an INOI and forward the Response to Resistance report to the In-Service Training Unit supervisor, notating that an INOI has been initiated.

If an INOI has been initiated by the investigating supervisor, a Response to Resistance report will be completed and forwarded to the In-Service Training Unit supervisor. The In-Service Training supervisor will document the techniques and tactics used to satisfy statistical data collection. The In-Service Training Unit supervisor will then forward the report to the Internal Affairs Section supervisor to be included with the INOI. Any recommendations by the Training Unit shall be forwarded to the affected division commander.

Supervisors shall review Response to Resistance files of their assigned employees as directed by Internal Affairs. Reviews will only be conducted of principal employees. Purging of these files is handled by Internal Affairs in accordance with current records retention laws. The Response to Resistance report shall be filed in the Internal Affairs Section. Upon request, Internal Affairs shall image and forward an electronic copy of the Response to Resistance report to the Criminal Intake Section, who will forward same to the Assistant State Attorney assigned to the criminal case.

At the conclusion of each calendar year, the In-Service Training Unit supervisor will prepare an annual analysis of all information collected from Response to Resistance reports and forward it to the Chief of Police for review.

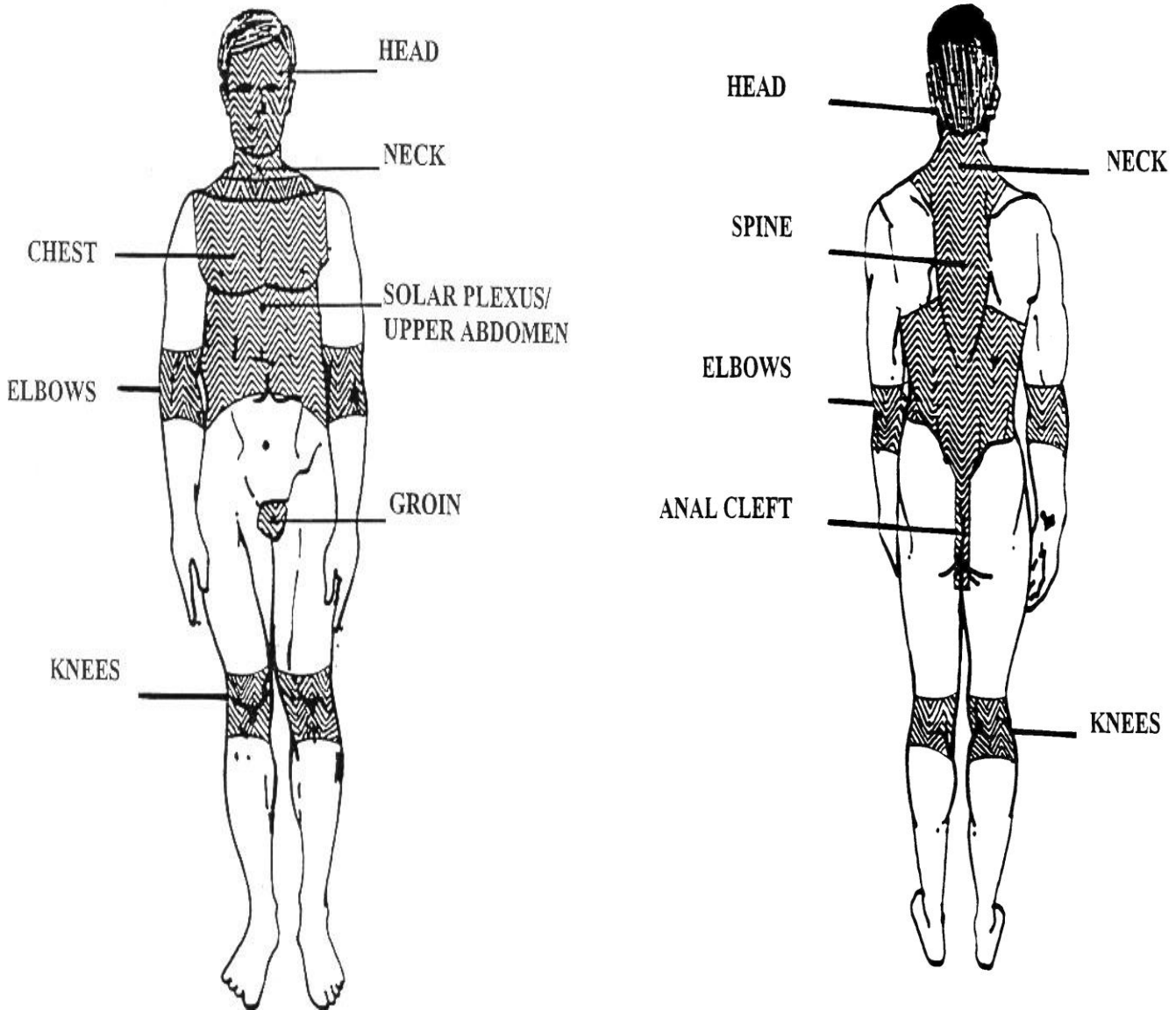
APPENDIX A

RESPONSE TO RESISTANCE CONTINUUM GUIDELINE <i>(TRAINING AND TECHNIQUE GUIDELINE ONLY; SHALL NOT LIMIT THE EMPLOYEE'S RESPONSE OR PERMIT GREATER RESPONSE THAN OBJECTIVELY REASONABLE UNDER THE TOTALITY OF CIRCUMSTANCES.)</i>		
EMPLOYEE/SUBJECT FACTORS TO BE CONSIDERED	ADDITIONAL FACTORS/SPECIAL CIRCUMSTANCES	
<ul style="list-style-type: none"> ➤ Severity of Crime ➤ Threat to the employee or any individual ➤ How subject is resisting arrest ➤ How subject was attempting to evade arrest by flight ➤ Age ➤ Sex ➤ Size ➤ Skill Level ➤ Multiple subjects or members 	<ul style="list-style-type: none"> ➤ Known or perceived physical abilities ➤ Known violent or mental history ➤ Known or perceived mental incapacity ➤ Close proximity/availability to firearms or weapons ➤ Special knowledge ➤ Injury or exhaustion (employee or subject) ➤ Known or perceived disability or special needs ➤ Imminent danger to employee or any individual ➤ Characteristics of being armed ➤ Subject's level of agitation ➤ Alcohol/drug influence ➤ Subject handcuffed ➤ Environmental factors 	
SUBJECT'S RESISTANCE	EMPLOYEE'S RESPONSE In every response, the employee should call for additional members	TECHNIQUES
<p style="text-align: center;">PASSIVE RESISTANCE</p> <p>The subject fails to obey verbal direction preventing the employee from taking lawful action</p>	<p style="text-align: center;">SOFT CONTROL</p> <p>The employee applies techniques that have a minimal potential for injury to the subject, if the subject resists the technique.</p>	<ul style="list-style-type: none"> • Pressure Points • Wrist Locks • Arm Bars • Compression Techniques • Chemical Agents • Diversionary Device
<p style="text-align: center;">ACTIVE RESISTANCE</p> <p>The subject's actions are intended to facilitate an escape or prevent an arrest. The action is <u>not</u> likely to cause injury.</p>	<p style="text-align: center;">HARD CONTROL</p> <p>The employee applies techniques that could result in greater injury to the subject, if the subject resists their application by the employee.</p>	<ul style="list-style-type: none"> • Forearm and knee strikes • Open and closed hand strikes • Baton strikes • Kicks • Takedowns • Impact Weapons • Conducted Energy Weapon (TASER 7 and X2) • K-9 Apprehension <p>*See Appendix B for Hard Control Techniques target areas.</p>
<p style="text-align: center;">AGGRESSIVE RESISTANCE</p> <p>The subject has battered or is about to batter a person/employee and the subject's action is likely to cause injury.</p>	<p style="text-align: center;">INTENSIFIED TECHNIQUES</p> <p>Those techniques necessary to overcome the actions of the subject, short of deadly force. If the subject resists or continues to resist these techniques, there is a strong probability of injury being incurred by the subject.</p>	<ul style="list-style-type: none"> • Techniques necessary to overcome actions of a subject short of deadly force. <p>* Intensified techniques may target shaded areas indicated in Appendix B.</p>
<p style="text-align: center;">DEADLY FORCE RESISTANCE</p> <p>The subject's actions are likely to cause imminent danger of death or great bodily harm to the employee or another person</p>	<p style="text-align: center;">DEADLY FORCE</p> <p>Employee's actions may result in death or great bodily harm to the subject.</p>	<ul style="list-style-type: none"> • The application of deadly force is not limited to the use of a firearm and may include application of other techniques and/or weapons

APPENDIX B

ANATOMICAL ILLUSTRATION

(FOR USE OF HARD CONTROL TECHNIQUES, INTENSIFIED TECHNIQUES, AND DEADLY FORCE)



IMPACT WEAPONS: Avoid indicated shaded areas unless intensified techniques or deadly force is warranted. Targeting the head or neck with the baton or SAGE SL6 projectiles is acceptable in deadly force situations only.

STRIKES (forearm, knee, hands/fist, or kicks) shall not be targeted above the shoulders, to the spine, groin or solar plexus unless intensified techniques or deadly force is warranted.

CEW's: A person's head, neck, chest (above nipples), or groin areas shall not be targeted with probes unless intensified techniques or deadly force is warranted.

"Drive Stun" techniques shall not be intentionally delivered toward a person's head, neck, or groin unless deadly force is warranted.