

# **New College of Florida Police Department**

## **GENERAL ORDER**



---

**TITLE:** USE OF FORCE

**GENERAL ORDER:** III - 121

**EFFECTIVE:** August 11, 2021

**RESCINDS:** September 14, 2020

**PAGES:** 10

---

**CONTENTS:** This order consists of the following sections:

- A. AUTHORIZED USE OF FORCE
- B. DEADLY FORCE
- C. USE OF FORCE / LEVELS OF RESISTANCE AND RESPONSE
- D. USE OF FORCE TRAINING
- E. FIREARMS
- F. LESS LETHAL WEAPONS
- G. REPORTING USE OF FORCE
- H. GLOSSARY

**PURPOSE:** The purpose of this general order is to provide law enforcement officers with guidelines and direction on the proper/appropriate use of deadly and non-deadly force.

**SCOPE:** This order applies to all sworn members of the New College of Florida Police Department (NCFPD).

**DISCUSSION:** This agency recognizes and respects the value of all persons and the sanctity of each human life. This general order will specify when and to what degree deadly and non-deadly force can be used. The policy adopts the standards established by the Criminal Justice Standards and Training Commission and is predicated on lawful objectives. The policy is not intended to restrict members from defending themselves or others from death and/or serious injury as exigent circumstances may dictate.

The use of force is one of the most vital issues that police officers face in the performance of their duty. Officers are charged with making split-second decisions regarding the reasonable use of force during circumstances which are tense, uncertain, and rapidly evolving. The essence of reasonableness is whether the officer who used force reasonably perceived a threat at the time they used force and whether the force used was a response that an objectively reasonable officer might have selected. This takes into account the effect of adrenal stress, which is an involuntary reaction with substantial psychological and physiological results, which significantly affect a person's capacity to react, perceive information and recall details. The United States Supreme Court held in *Graham vs. Connor*, (109 S. Ct. 1865 [1989]) that, "The reasonableness of a particular use-of-force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight".

Officers of the New College of Florida Police Department are expected to utilize, without hesitation, reasonable force to protect themselves and others from the threat of physical harm. The authority to use force, including deadly force, is held in public trust and such use of authority carries with it the responsibility to ensure that reason prevails in the use of force during the performance of lawful police duties. An officer whose actions reasonably fall within the policy guidelines established by the department concerning the use of force shall receive the support of the department following such action.

All members have a duty to intervene, to prevent, or to stop the use of excessive force by another member which occurs in their presence when it is safe and reasonable to do so. All members will immediately report excessive force to a supervisor. All supervisors have a duty to make prompt notification through the chain of command and make a written report before the end of their shift. This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

**POLICY:** It is the policy of NCFPD that officers shall use only that degree of force which is necessary to halt aggressive actions and/or to overcome specific resistance in order to achieve a lawful objective. When not confronted with an imminent threat, officers should gather additional information and consider other resources and options. De-escalation is the preferred, tactically sound approach in situations where time and circumstances permit an alternative to the use of force. In certain instances, the use of deadly force is unavoidable to prevent death or great bodily harm to members of the community and officers. Under such circumstances, deadly force may be an officer's first and only response to a perceived threat and officers are not required to exhaust or continue attempting de-escalation techniques or other non-force alternatives. However, it is with great restraint that deadly force will be used to effect lawful objectives. NCFPD places a greater value on the preservation of life than the protection of property. NCFPD officers will act in good faith when using force and will conform to the provisions of Florida State Statutes and this general order. All members are expected to comply with all the provisions of this General Order. Those choosing to exercise any rights provided to them under federal or state law, not in accord with this policy, may be considered acting outside the scope of their employment.

## **PROCEDURE:**

### **A. AUTHORIZED USE OF FORCE**

1. Officers should attempt to de-escalate confrontations with the goal of resolving encounters respectfully and without force whenever feasible.
2. Officers are justified in the use of any non-deadly force which is reasonably necessary to affect lawful objectives including making an arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending themselves or others from physical harm. Officers need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to arrest.
3. The type and degree of force or weapons used will be based on the totality of the circumstances and a reasonable belief of the need for such use of force in order to accomplish a lawful objective.
4. When physical force must be used, officers have a duty to provide or summon prompt medical care. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, officers shall request medical aid, such as by contacting emergency medical services, and provide appropriate medical care consistent with the officer's training, such as providing first aid. Officers shall closely monitor persons against whom force was used for signs that they require medical assistance. Officers should pay particular attention to persons believed to be pregnant, children, the elderly, and physically frail individuals.
5. If officers witness force which violates applicable law and/or this general order, they have a duty to intervene and report it to a supervisor immediately.
6. Officers shall not draw their firearm solely for the purpose of utilizing the firearm-mounted flashlight.

### **B. DEADLY FORCE**

1. Deadly force may be an officer's first and only appropriate response to a perceived threat. However, when feasible, all alternatives to deadly force should be exhausted. Officers must have an objectively reasonable belief that deadly force is necessary only under the following circumstances:
  - a. To defend themselves or another person from death or great bodily harm.
  - b. To prevent the imminent commission of a forcible felony.
  - c. When retaking felons who have escaped or felons fleeing from justice as follows:
    - 1) When reasonably necessary to prevent the arrest from being defeated by such flight; AND
    - 2) The fleeing felon poses a threat of death or serious bodily harm to them or others; OR
    - 3) The fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.
2. When necessary, the firearm shall be fired for effect and shall cease firing when it is reasonably believed the threat no longer exists.
3. The firearm shall not be fired to wound or to warn.
4. Officers will not discharge a firearm at or from a moving vehicle or vessel, unless all other reasonable means have been exhausted and the officer has a reasonable belief that the subject poses a significant threat of death or serious physical harm to the officer or another person.
5. Chokeholds and strangleholds are considered deadly force and shall be avoided except when all other means to protect life have been exhausted.

### **C. USE OF FORCE/LEVELS OF RESISTANCE AND RESPONSE**

This section is meant to be used as a guideline for officers to select effective, reasonable, and legal options in verbal and physical encounters and to assist them in articulating the levels of resistance and response. The level of resistance encountered, along with the subject factors and officer factors, are used to determine the officer's response to the resistance. While levels of subject resistance and officer response are arranged in a hierarchical manner, officers need not apply force in gradually increasing steps to justify physical control or even deadly force. Officers need to respond with the force reasonably necessary for the unique circumstances in each specific situation. As soon as subject compliance is reached, officers must de-escalate their response level to the minimum force necessary to control the subject. Officers must consider whether a person's failure to comply with an officer's command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, officers should consider whether specific techniques or resources would help resolve the situation without

force. The following definitions were developed by the Florida Department of Law Enforcement (FDLE) for each of the levels of resistance and officer response. They begin at the lowest level and progress to the highest level.

1. **Subject Resistance Levels:**

- a. Passive Resistance: A subject's verbal and/or physical refusal to comply with an officer's lawful direction, such as refusing to move at the officer's direction, refusing to take hands out of pockets.
- b. Active Resistance: A subject's use of physically evasive movements to defeat an officer's attempt to establish control, such as bracing, tensing, pushing/pulling, attempting to run, anchoring.
- c. Aggressive Resistance: A subject's attacking movements toward an officer which may cause injury, but are not likely to cause death or great bodily harm to the officer or others, such as balling up fists, grabbing the officer's body.
- d. Lethal force Resistance: A subject's, hostile, attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others.

2. **Officer Response Levels:**

- a. Level One - Officer Presence – projecting a confident, professional and non-threatening image through posture and alertness to surroundings may often deter crime or diffuse a situation. No force is used.
- b. Level Two – Verbalization – Communicating information and issuing calm commands to gain compliance. Not physical.
- c. Level Three – Empty hand control – Officers use force, such as grabs, holds, joint locks, punches, and kicks to restrain a subject and gain control of a situation
- d. Level Four – Less-lethal methods using intermediate weapons, such as OC spray or the expandable baton to immobilize or restrain a subject
- e. Level Five – Lethal force - Techniques that may result in death, great bodily harm or permanent disfigurement, such as impact weapon strikes to the head or use of firearms. Deadly force techniques are a last resort. When feasible, a verbal warning should be given prior to using deadly force.

By law, officers need not retreat in their efforts to lawfully control a subject, but may utilize the amount of force necessary to accomplish this task. If encountered with overwhelming odds, however, a tactical retreat may be a wise choice. The following factors must be considered when making use of force decisions, to include the following:

**Subject Factors:**

- 1) Seriousness of crime committed by subject.
- 2) Size, age, and weight of subject.
- 3) Apparent physical ability of subject.
- 4) Number of subjects present who are involved may become involved.
- 5) Weapons possessed by or available to the subject.
- 6) Known history of violence by subject.
- 7) Presence of innocents or potential victims in the area.
- 8) Whether the subject can be recaptured at a later time.
- 9) Whether evidence is likely to be destroyed.

**Officer Factors:**

- 1) Size, physical ability, and defensive tactics expertise of the officer.
- 2) Number of officers present or available.
- 3) Immediate reaction in the case of sudden attack.
- 4) Weapons or restraint devices available to the officer.
- 5) Legal requirements.
- 6) Department policy.
- 7) Environment.

**D. USE OF FORCE TRAINING**

Use of force training will take place a minimum of once a year.

**E. FIREARMS**

1. **Authorization to Carry Firearms:**

- a. Sworn members shall be issued copies of and instructed in the deadly force and fleeing felon policy before they are authorized to carry a firearm or are placed into a position where they may use deadly force.
- b. Sworn members must successfully complete the appropriate minimum state certification program prior to assignment in any capacity in which the member is allowed to carry a firearm or is in any position to make an arrest, except as part of a formal field-training program.
- c. Sworn members will be authorized to carry only those firearms with which they have proven proficiency, by successfully completing a firearms qualification course of fire under the supervision of an NCFPD firearms instructor. Only agency-issued or approved firearms and ammunition may be used in the performance of duty (See Attachment B). Officers may carry a privately owned AR-15 carbine or rifle on duty, but only in a manner compliant with this General Order.
- d. The following are the only firearms issued by the department for duty use:
  - 1) .40 caliber Sig Sauer P229DAK semi-automatic pistol;
  - 2) 9mm Sig Sauer P365 semi-automatic pistol.
  - 3) 9mm Sig Sauer P320

- 4) .223/5.56mm Bushmaster XM15-E2S carbine. '
- 5) Officers shall immediately report any lost or stolen firearms to the agency with jurisdiction and a department administrator. The officer will report to NCFPD as soon as possible and complete an NCFPD Incident Report.

## 2. Qualification

- a. Sworn members must qualify annually with the firearms they are authorized to use. Only officers with documented medical conditions will be excused. Excused officers must qualify in the next scheduled qualification period.
- b. Officers will have at least two attempts to qualify with their issued firearm on the date they are assigned to go to the range. Officers who fail to qualify with their issued firearm during their scheduled range date will be immediately assigned to a function that does not require them to be armed. They will remain in such an assignment until they have qualified.
  - 1) A specific training course to assist the officer in qualifying will be prescribed by a firearms instructor and reviewed by a department administrator. The officer who has not qualified will have the remaining scheduled firearms qualification dates in which to qualify. If an officer's scheduled range date is the last date of the qualification period, and the officer fails to qualify, one additional range date will be scheduled to afford the officer an opportunity to re-qualify.
  - 2) Any officer failing to successfully qualify during the scheduled dates for firearms qualification will be reviewed for the purpose of determining their continued employment in their current position.

## 3. Care and Maintenance

- a. At all times, firearms will be treated as if they are loaded. Officers will never assume that any firearm is unloaded.
- b. Firearms are to be kept clean and in good working order at all times. Officers who fail to properly clean and maintain their equipment are subject to disciplinary action. Any malfunctions or mechanical problems shall be reported to the department administrator immediately.
- c. Firearms shall not be left unattended or unsecured in any vehicle, office, desk, or other location. For security purposes, during all shifts, the department-issued carbine will be stored in a patrol vehicle that is actively being utilized. While it is preferred that the carbine be carried in the vehicle trunk of a qualified operator, these weapons will never be secured in any vehicle that is not being utilized for active patrol, regardless of an officer's qualification status. Violation of this directive will result in disciplinary action.
- d. Officers shall load and unload firearms only after ensuring that the area is safe and that no danger is presented to the public or other agency members.
- e. Firearms are subject to inspection by NCFPD supervisors and firearms instructors without prior notice, provided such an inspection can be accomplished without hazard. Supervisors are responsible for ensuring that their subordinates are properly equipped and ready for duty. Supervisors and NCFPD firearms instructors will periodically inspect duty shotgun and carbines to ensure they are being stored and maintained as directed. Routine maintenance and cleaning of the shotgun and carbines will be coordinated by the firearms instructors.
- f. Modifications to any issued/approved firearm require the approval of a department administrator (this includes, but is not limited to modifications involving grips, sights, etc.).

## 4. On-Duty Firearms

- a. Officers shall carry only issued or approved firearms in the performance of their law enforcement duties. Officers are authorized to utilize and deploy department-approved, privately owned AR-15 carbines and rifles.
- b. Back-up firearms are strictly prohibited.
- c. Officers assigned to uniform positions will be issued .40 caliber Sig P229 DAK pistols or 9mm Sig Sauer P320 semi-automatic pistols.
- d. Officers assigned to administrative or other positions as directed by the Chief of Police, may also be issued a .40 caliber SIG P239 DAK or 9mm Sig Sauer P365 semi-automatic pistols.
- e. Officers must successfully qualify with all issued firearms annually.
- f. The department patrol carbine will be secured at all times either within the trunk or a secured mounting fixture of a patrol vehicle that is actively being utilized. If secured in a mount within the passenger compartment, the weapon will be properly locked within the mount unless it is being deployed, inspected, or being moved to another vehicle. The weapon will be stored with the chamber empty and safety engaged (cruiser ready) with 6 rounds of buckshot loaded in the magazine, and 3 rounds of buckshot and three rifled slugs stored in the "side saddle" shell holder attached to the weapon. All officers will ensure that the shotgun is being stored securely during their shift. Failure to do so may result disciplinary action.
- g. The department patrol carbine(s) will be secured at all times within the trunk or a secured mounting fixture of a patrol vehicle that is actively being utilized. If stored in a case in the trunk, the weapon will be stored with the chamber empty, bolt closed, loaded magazine out of the weapon, and safety engaged. If secured in a mount within the passenger compartment, the weapon will be properly locked within the mount with the bolt closed on an empty chamber, safety engaged, and a loaded magazine inserted in the magazine well. All officers will ensure that the department patrol carbine(s) is/are being stored securely during their shift. Weapons are not to be left within vehicles that are not being actively used for patrol. Failure to do so may result in disciplinary action.
- h. Privately owned AR-15 rifles that have been authorized for duty use may be stored in the individual officer's SECURED locker when not being used on duty. These rifles will be stored unloaded. Under no circumstances will privately owned AR-15 rifles be stored inside an officer's privately-owned vehicle for extended periods of time. Both issued and privately-owned weapons authorized for duty will be properly secured at all times.

- 5. **Authorized Use of Firearms:** NCFPD acknowledges the practical need for personnel to un-holster or draw their firearms in certain situations that require caution for the officer's safety (i.e., building searches for burglary subjects, checking suspicious

vehicles, etc.). The following NCFPD rules, as well as to Florida State Statutes, govern the use of firearms by agency members.

- a. Officers shall not draw or display a firearm except for legal use or official inspection. Officers shall never draw a firearm unless they are prepared to use it. When it is necessary to fire a firearm, it shall be fired for effect. Shoulder-fired weapons will remain in the designated vehicle storage location unless circumstances indicate that a potential deadly force threat is imminent, or when otherwise authorized by a department administrator. Only those officers who have qualified with the carbine may deploy that weapon.
- b. Officers shall not draw their firearm solely for the purpose of utilizing the firearm-mounted flashlight.
- c. When a firearm is drawn, the trigger finger will be kept outside the trigger guard and parallel to the frame until the firearm clears the holster. When deploying the carbine, personnel will not chamber a round from the magazine unless the threat of a deadly force encounter is imminent. The weapons safety will not be placed in the fire mode until the weapon is about to be discharged.
- d. Officers will keep their trigger finger outside the trigger guard and parallel to the frame of all weapons at all times, unless immediately preparing to discharge the When deploying the carbine, personnel will not chamber a round from the magazine unless the threat of a deadly force encounter is imminent. The weapons safety will not be placed in the weapon. The only exception will be when repairing, cleaning, or otherwise maintaining an unloaded weapon.
- e. An officer may discharge issued/approved firearms in connection with the performance of official police duty for the following reasons:
  - 1) For target practice at an approved range or when authorized for training purposes.
  - 2) To destroy a dangerous animal or one that compassion requires must be relieved from suffering and when disposition is impractical [FSS 828.05]. If at all practical, shift supervisor approval shall be obtained prior to an officer destroying the animal.
  - 3) When all other means of defense have failed or the officer reasonably believes that this action is necessary to prevent death or great bodily harm to the officer.
  - 4) When all other means of defense have failed or the officer reasonably believes that this action is necessary to defend another person from death or great bodily harm.
  - 5) To prevent the escape of a fleeing felon who would pose a real threat of death or great bodily harm to members of the community or other officers if allowed to escape. Numerous factors contribute to the determination that a fleeing felon would be a real threat of death or great bodily harm to members of the community or other officers. Such factors include, but may not be limited to, the officer having a reasonable belief that the following factors exist:
    - a) The subject is armed and/or dangerous.
    - b) The subject was armed and/or dangerous during the commission of the felony that caused the apprehension effort.
    - c) The subject committed a felony resulting in death or great bodily harm to another person.
    - d) The officer must have probable cause at the time of the application of deadly force that:
      - (1) A felony has occurred; **AND**
      - (2) The person whom the officer is attempting to apprehend is the person who committed the felony; **AND**
      - (3) The nature of the felony committed and information available to the officer when making a decision to use deadly force can provide the officer with grounds for reasonably believing that the subject, if permitted to escape, would pose a threat of death or great bodily harm to members of the community or other law enforcement officers.
    - e) When all other means have failed or are inappropriate and the officer reasonably believes that this action is necessary to apprehend a person who the officer reasonably believes has committed a violent crime involving the use or threatened use of deadly force, and who during apprehension continues to demonstrate a wanton and reckless disregard for human life. Under this situation, such action shall be in defense of human life (including the officer's own life) or in defense against immediate danger of great bodily harm. Where tactically feasible, officers shall identify themselves as police and give some warning to halt.

#### 6. Unauthorized Use of Firearms

- a. Warning shots fired intentionally into the air or ground pose a danger to the officer and innocent persons. Therefore, firing warning shots is prohibited under any circumstances.
- b. Deadly force shall not be used against misdemeanants and traffic violators. (**NOTE:** This does not exclude the use of deadly force in those instances in which the situation escalates to the level that deadly force is justified.)
- c. It is prohibited to use deadly force when there is substantial risk to the safety of innocent bystanders who would be jeopardized by the officer's actions.
- d. It is prohibited to use deadly force when circumstances do not provide a high probability of striking the intended target.
- e. Shooting at moving motor vehicles or attempting to incapacitate drivers does not necessarily eliminate the threat or danger posed by the moving vehicle. Therefore, shooting at or from a moving vehicle is prohibited, except where there is clear and sufficient reason to believe that the person against whom the firearm is to be used is attempting to kill or grievously injure an officer or another person. As with all use of deadly force, officers must have an objectively reasonable belief that deadly force is necessary and other less lethal methods would be ineffective.
- f. Officers shall not dry fire, practice quick draw, show, or display their firearms in an unauthorized area of the police department or in public except for inspection and official use.
- g. No agency-issued firearm shall be used for any purpose not described in this general order.

- h. No agency-issued firearm shall be transported outside of the State of Florida unless it is in conjunction with an authorized function of the agency. Officers are reminded that when they are off-duty, armed, and out of state, that they are solely responsible for their actions and CPD indemnification will not extend to the officer.
- i. Officers are specifically prohibited from having their trigger finger on the trigger during the following situations:
  - 1) Foot pursuit or running.
  - 2) When a potential for cross fire or other unsafe condition exists.
  - 3) During duties when reasonable caution exists, but deadly force confrontation is not imminent (i.e., alarm calls, suspicious calls, etc.).
- j. Officers shall not have their firearm un-holstered while actively handcuffing or searching a subject. When the firearm is holstered, retention devices shall be secured on the holster.
- k. A handgun muzzle will not be held in direct contact with an individual except as a last resort when the use of deadly force is justified and it is the only manner in which the firearm can be discharged without increasing the danger of death or serious bodily injury to the officer or other person.
- l. Officers will not routinely carry their firearms into mental health facilities. Prior to entering the facility, officers will secure their firearm in the trunk of the patrol vehicle. This action is required due to the possibility of a patient attempting to gain possession of the firearm and thereby endangering the officer, patient, or other persons present. If there are extenuating circumstances and the use of the firearm may be needed due to the situation, the sergeant may grant approval to an officer to enter the facility in an armed capacity. Wherever feasible, more than one officer will be assigned to such a call for service. The sergeant may designate one officer to enter in an armed capacity. That officer will avoid close contact with patients and shall act as a 'safety valve' for the situation. As soon as the danger has passed, the armed officer will leave the facility.

**7. Firearms Safety:**

- a. Firearms shall not be carried or in possession of off-duty officers at times when consuming alcoholic beverages.
- b. Officers shall report to their immediate supervisor any use of prescription drugs or other medication that they reasonably believe would impair their ability or judgment to use a firearm.
- c. All authorized firearms shall be carried in a safe and secure manner as authorized by the department.
- d. Removal of firearms from their holster or other carrying device for other than authorized purposes (such as tactical use, training, qualification, inspections, or cleaning and maintenance) is prohibited. Any careless, flippancy, or casual use or display of a firearm will constitute grounds for discipline.
- e. Home Security: Recognizing the potential for a tragic accident in the home, it is the department's policy to take proactive precautions with issued/approved firearms.
  - 1) Officers shall not store or leave a firearm(s) any place that is within the reach or easy access of a minor.
  - 2) Officers are to secure their firearm(s) when not in their possession.
- f. Carrying Firearms on Commercial Aircraft (requires FAA training course): When officers need to carry a firearm aboard a commercial airline for purposes of prisoner transportation or other on-duty reasons and with department approval, officers shall submit a draft letter on agency stationery addressed to the commercial airline carrier.

**8. Off-Duty Carrying of Firearms:** Pursuant to FSS 790.052, sworn members are permitted to carry their issued firearm while off-duty. Under departmental authority, only department-issued firearms are authorized to be carried off-duty, and only issued ammunition is authorized to be used in department weapons. However, nothing in this order shall be construed to limit the right of an officer to carry a concealed firearm off duty under the exemption provided in FSS. 790.06, which states officers may carry a concealed weapon without a concealed weapon or firearm license as private citizens. Per FSS 790.06, officers carrying any concealed weapon or firearm other than a department-issued firearm or weapon, in a manner not authorized by General Order, shall assume personal liability for use of that weapon in any capacity. Consistent with FSS 790.06, the Chief reserves the authority to establish rules and limits concerning officers carrying of any weapon in an official capacity as follows:

- a. Firearms shall be carried in a concealed, discreet manner so that they are not visible or openly displayed in view of the public.
- b. When carried, firearms shall be secured in either:
  - 1) A holster designed for that firearm, equipped with a strap that covers the hammer (metal, leather or Velcro), or;
  - 2) A carry bag that zips, snaps, or locks shut.
  - 3) A kydex holster with trigger guard retention device.
  - 4) A pocket holster.
- c. Officers shall have in their possession their issued law enforcement identification card and badge. If the firearm is carried in a concealed manner in which the firearm may inadvertently become visible, such as in/on the waistband area, the badge will be carried on a holder in close proximity to the weapon.
- d. Officers shall not be in possession of firearms when consuming alcoholic beverages or while under the influence of alcoholic beverages.
- e. While off-duty, officers shall not carry firearms into liquor establishments or any place prohibited by law [FSS 790.06 (12)] or department policy.
- f. While off-duty and within their jurisdiction, officers may take law enforcement actions if necessary, and use their firearms in a manner that they would reasonably be expected to do if they were on duty in a similar situation.
- g. NCFPD officers do not have law enforcement authority while off-duty and outside of their primary jurisdiction. Therefore, display or use of department-issued/approved firearms is strictly prohibited UNLESS:
  - 1) There is clear and sufficient reason to believe that the person against whom the firearm is to be used is attempting to kill or cause great bodily harm to the off-duty member or another person, or;

- 2) The officer is engaged in firearms practice/training at a range facility.
- h. Officers who elect to wear their uniform to or from their official work assignment are required to carry their department-issued firearm on their person during that time.

#### F. LESS-LETHAL WEAPONS

Campus Police Department recognizes that less-lethal force is a necessary and effective component in the performance of an officer's duties. This equipment is issued to protect sworn members and/or others from physical harm, to restrain or subdue a resistant individual, and/or to bring an unlawful situation safely and effectively under control. Sworn members shall carry and use only department-issued and approved equipment after training by a qualified instructor and demonstrated proficiency in accordance with department standards.

##### 1. Expandable Batons:

- a. Officers will be issued an expandable baton and a nylon or hard plastic scabbard.
- b. The expandable baton may be carried while working in plain clothes as well as while working in uniform. Lost or stolen NCFPD issued batons shall be reported to the agency with jurisdiction and the NCFPD on-duty shift supervisor or a Department Administrator immediately. The officer shall complete a NCFPD Incident Report prior to the end of their shift.
  - 1) **Training Guidelines:**
    - a) All sworn personnel shall complete a department-approved basic training course prior to carrying the expandable baton. This training shall be conducted by a certified expandable baton instructor.
    - b) All sworn personnel will be required to attend an annual in-service refresher training course.
  - 2) **Guidelines for Carrying the Expandable Baton:**
    - a) In normal or routine patrol situations, the baton shall be kept in the scabbard. The scabbard will be attached to the duty belt in a position that is easily accessible to the officer. The baton shall not be extended until a potentially dangerous situation arises.
    - b) The baton will not be displayed or removed from the scabbard in a casual, reckless, or cavalier manner. Horseplay involving a baton is prohibited and may subject the officer to disciplinary action.
  - 3) **Use of the Expandable Baton:**
    - a) The baton shall be carried and/or utilized only as issued and/or authorized, and no changes, alterations, or modifications shall be made to the issued or approved baton.
    - b) The baton is a defensive weapon that will be used when the resistance offered by the subject represents sufficient risk to the officer or another person. Officers shall use only that degree of force which is necessary to protect civilians and law enforcement personnel from physical harm.
    - c) The only approved impact weapon is an expandable baton, except that a portable radio, flashlight, or any item within an officer's immediate grasp may be used under exigent circumstances as long as the strikes are directed to the principle target area approved for the baton.
  - 4) **Principal Target Areas:**
    - a) All strikes with an impact weapon will target the center mass of the subject's "weapon delivery system", i.e., legs, arms, and abdomen. These areas contain the major muscle structures and targeting these principal areas reduces the risk of permanent injury to the subject. In the dynamic reality of a physical confrontation, aiming at the center mass of any target greatly increases the probability that the strike will actually connect and therefore be effective. Targeting the structures that pose the greatest threat to the officer is the objective.
    - b) A subject's head, neck, throat, spine, or groin are **not** targets for an impact strike unless the officer is justified in the use of deadly force. Strikes to these areas can produce great bodily harm, permanent injury, or death. The major joints of the arms and legs, such as the wrist, elbow, and knee, are not primary target areas because striking these areas presents a greater possibility of injury to the subject. **NOTE:** Striking the areas listed in subsection b above can cause serious bodily injury or be lethal. However, in a dynamic situation, these areas could inadvertently be struck while attempting to direct a strike to the principal target areas. Nevertheless, they are never to be considered principal target areas.

##### 2. Oleoresin-Capsicum (OC) spray:

- a. **Issuance and Training:**
  - 1) Upon proving proficiency by successfully completing the training course, each sworn officer will be issued the standard duty canister, holder, and decontamination wipes. Only agency-issued OC spray may be used in the performance of duty. The OC canister may be carried while working in plain clothes as well as in uniform.
  - 2) All sworn members shall be required to attend annual in-service refresher training.
  - 1) Lost or stolen NCFPD OC canisters shall be reported to the agency with jurisdiction and the NCFPD on-duty shift supervisor or a Department Administrator immediately. Officers shall complete a NCFPD Incident Report prior to the end of their shift.
- b. **Guidelines for Carrying OC Spray:**
  - 1) In normal patrol situations, the OC spray is to be carried in the holder, attached to the duty belt in a position that is easily accessible to the officer.
  - 2) The OC canister shall remain in the holder until a situation arises where use is imminent and justified.
  - 3) Plain-clothes officers may carry the spray while on duty, in the holder, and attached to their belt
  - 4) OC spray will never be carried without being in the holder (i.e., in a pocket or backpack). The holder is the primary safety against accidental discharges.

- 5) Officers may carry OC spray (in the issued holder) while off-duty for personal self-defense purposes only. This does not authorize off-duty officers to intervene in circumstances not outlined in section "F.2.1) and 2)" of this general order.
- c. **Guidelines for Use of OC Spray:**
- 1) OC spray shall be carried and utilized only as issued and authorized. No changes, alterations, modifications, or substitutions shall be made to the issued equipment.
  - 2) OC spray may be used by sworn members in situations where less-lethal force is necessary to prevent or minimize injury to themselves or others. This may include acts of passive, active, aggressive, or deadly force resistance. When possible, a verbal warning shall be given prior to use.
  - 3) OC spray may be used at any time upon aggressively approaching animals.
  - 4) The following represent areas in which use of the OC spray could create a problem for officers and innocent bystanders. Strong consideration should be given to **not** using the OC spray in any of the following areas:
  - 5) In a hospital – The spray could get into air conditioning return ducts and spread.
  - 6) Residence halls - Central air conditioning poses a problem; avoid use inside a residence hall, if possible.
  - 7) Auditorium - OC spray comes out of the canister as an expanding gas vapor. This may contaminate people other than your intended target.
  - 8) Any confined space - If an area is not easily ventilated, it will take longer for the OC spray to dissipate, thus increasing the likelihood of unintended contamination. Ventilate the area as soon as possible.
  - 9) When practical, create a safe distance of six to eight feet between the officer and the aggressor.
  - 10) The potential reaction of the subject should be considered prior to the use of OC spray. The subject may:
    - a) Run;
    - b) Continue to attack; or
    - c) Discontinue the attack.
  - 11) The OC spray should be directed at the face, especially the eyes, nose, and mouth of the aggressor. A single two-second burst will usually be sufficient to control the aggressor.
  - 12) An officer should make every attempt to be upwind of the aggressor, and not enter the spray area.
  - 13) The officer should issue a warning of "Spray" to alert other officers in the immediate area prior to spraying OC.
  - 14) Since OC spray affects the mucous membranes, the subject may experience any or all of these physical symptoms:
    - a) Temporary Blindness;
    - b) Respiratory distress;
    - c) Nasal discharge;
    - d) Burning sensation;
    - e) Nausea;
    - f) Disorientation or loss of balance; or
    - g) Psychological distress: anxiety/panic/fear/anger.
  - 15) The effectiveness of the spray varies among individuals. The subject should be placed in a secure position and handcuffed as soon as it is safe to do so.
- d. **After Use Guidelines:**
- 1) Subjects who are sprayed with OC should be physically restrained, monitored continuously until recovery, and verbally reassured that the effects are temporary and should subside within 45 minutes. Subjects who are sprayed with OC and no longer pose a threat, should be promptly moved to uncontaminated air and faced into the wind or in front of a fan, if possible. Advise them not to rub their face or eyes. Dabbing with a clean towel will lift the contamination away from the skin. The person should be encouraged to strobe their eyes (forcefully blink the eyes using all facial muscles to activate tear ducts and clear vision).
  - 2) Officers should make an effort to decontaminate a person who has been sprayed as soon as practical. Flushing their face and eyes with milk or using a decontamination wipe will help quicken recovery. If any subject sprayed with OC is wearing contact lenses, they should remove them. Ice packs can be used to reduce inflammation. If the arrestee is still wet with OC, they should be allowed to dry before transport when possible. This will normally take only a few minutes.
  - 3) Immediate medical attention should be provided to those who show unusual symptoms: unconsciousness, profuse sweating, chest pain, or slow/shallow breathing or those for whom symptoms persist beyond the 45-minute period without any relief to the eyes, skin, and respiratory system. (This does not mean that the officer cannot summon medical attention earlier.)
  - 4) A supervisor or Department Administrator will be notified as soon as possible after OC spray has been deployed.
  - 5) An NCFPD Incident Report and a Use of Force Report will be completed any time OC spray is used. In addition to the justification for the use of force, document the contamination and decontamination procedures taken.
- e. **Area Decontamination:** Normal ventilation should remove the OC spray from the environment within 45 minutes. No special equipment or washing is required. Officers who spray OC spray in a confined space should take means to ventilate the area by opening windows, doors, and operating a fan, if available.
- f. **Care Maintenance and Storage:**
- 1) The issued OC spray will not decompose, degenerate, or otherwise be altered by age. While the issued OC spray shelf life is about five years, it must be shaken at least once a month to prevent the active agents from separating.
  - 2) If not properly stored, the issued OC spray may lose its aerosol pressure. The canister should be stored at room temperature. It should not be stored near heat or open flame. Prolonged exposure to sunlight or temperatures



above 120F may cause the canister to rupture. Prolonged exposures to temperatures below 32F will result in slower discharge. Accordingly, officers will not store the issued OC canister in vehicles.

## G. REPORTING USE OF FORCE

An NCFPD Incident Report and a Use of Force Report is required any time force is used. Officers must promptly notify the dispatcher that force has been used so the dispatcher can assign and cross-index a Use of Force Report number. Both the Incident Report and Use of Force Report must be completed by the end of the shift. The report will be reviewed by the officer's chain of command and the Training Coordinator. Twice annually (January and July), the Training Coordinator will conduct a review and analyze all Use of Force Reports. This data will be shared on the Department's website. The Incident Report must contain the names of sworn members who were present; any de-escalation efforts that were attempted; verbal commands used; details as to the type of resistance encountered and force applied; any complaint of injuries to any person(s); and what medical attention was provided to the injured. In addition, an Early Intervention Program has been established to monitor and identify any patterns of repeated or problematic use of force within a set time frame. Refer to General Order III-156.

1. **Deadly Force:** Any time a sworn member discharges a firearm or initiates any action that could be considered a form of deadly force (including pointing a firearm), other than for training purposes or, practice, the following procedure will be followed:
  - a. The officer shall immediately notify the shift supervisor who will in turn begin notification through the chain of command to the chief.
  - b. The first shift supervisor on scene shall impound the officer's entire gunbelt (or firearm and magazines, if in plain clothes) or other weapon/object, if applicable, if deadly force is involved or where force results in death or serious bodily injury to another person. The firearm or other weapon shall be handled and processed in a manner consistent with other evidence.
  - c. Any officer involved in the discharge of a firearm or who initiates any action that could be considered a form of deadly force, whether or not injury or death results, shall immediately report to NCFPD and shall prepare a detailed written report (including a Use of Force Report) concerning the circumstances surrounding the incident and submit it for immediate review. The member may notify the Police Benevolent Association or an attorney. The report shall be submitted to the chief immediately following the incident.
  - d. The Department Administrator will immediately notify the Chief of Police and the State Attorney's Office.
  - e. The Florida Department of Law Enforcement will be notified and requested to respond and investigate the use of deadly force resulting in death or serious bodily injury.
  - f. If an officer uses force that results in serious bodily injury or death, the officer will be removed from line of duty, and reassigned to a non-enforcement function or placed on administrative leave pending further review of the incident. A member appointed by the chief will conduct a preliminary administrative review regarding the incident. The administrative review report will be submitted to the chief immediately upon completion.
2. **Non-Deadly Force:** Any time a sworn member applies force beyond compliant handcuffing, such as applying physical control to achieve compliance or to take a subject into custody through the use of empty-handed or leverage-enhanced techniques, a Use of Force Report and an Incident Report shall be completed.

## H. GLOSSARY

**COMPLIANCE** – The verbal and/or physical yielding to an officer's authority without apparent threat of resistance or violence.

**DEADLY FORCE** – Force which is likely to cause death or great bodily harm; used interchangeably with lethal force. Officers use three criteria for making deadly force decisions: ability, opportunity, and intent. Ability refers to the subject having the means to carry out their intent to cause death or great bodily harm. Opportunity means the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others. Intent is a reasonably perceived, imminent threat to an officer or another person based on the subject's actions, behaviors, words, or other indicators; it is a perception derived from the totality of the circumstances.

**DE-ESCALATION** – Decreasing the use of force or resistance with verbal strategies and actions during an encounter to provide more time, options, and/or resources to reduce a threat and lessen or eliminate the use of force. Such techniques include command presence; verbal directions or warnings; repositioning; and other strategies to generate voluntary compliance.

**DEPLOYMENT**- The intentional discharge of an ECD at or towards a subject(s) using probes, drive (touch) stun mode, or a warning arc. Deployment does not include unintentional discharge, testing, training, un-holstering or display of an ECD without discharge.

**DISENGAGEMENT** – Discontinuing a command or physical use of force

**ESCALATION** – Increasing the use of force or resistance.

**EXPANDABLE BATON** – Department-issued collapsible baton used as an impact weapon to control resisting subjects.

**FIRE FOR EFFECT** – To shoot at the available center mass of the target at which you are aiming, thereby increasing the probability of a hit.

**FORCE** - Physical contact in excess of compliant handcuffing, such as applying physical control to achieve compliance or to take a subject into custody.

**FORCE GUIDELINES** – A framework for making decisions involving reasonable use of force by officers. The structure is based on constitutional considerations and case law. It describes appropriate decision-making in a fluid and dynamic situation.

**FORCIBLE FELONY** - Florida State Statute [FSS 776.08] defines a forcible felony as follows: treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary, kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use of threat of physical force or violence against any individual.

**GREAT BODILY HARM** – A bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any body extremity or organ. (synonymous with serious bodily injury).

**LESS-LETHAL FORCE** – Force which is not likely to cause death or great bodily harm.

**LETHAL FORCE** – Used interchangeably with deadly force.

**OBJECTIVE REASONABLENESS** - The legal standard used to determine the lawfulness of an officer's response to a subject's resistance. The response to resistance must be reasonable under the circumstances known to the officer at the time the force was used.

**OFFICER REASONABLY BELIEVES** – Means what a reasonable officer, with the same level of training, in the same or similar circumstances, would believe based upon his or her knowledge of the facts surrounding the event as they existed at the time of the event.

**OLEORESIN CAPSICUM (OC) SPRAY** – An organic extract of cayenne pepper, which acts as an inflammatory agent to the eyes and the mucous membranes, which is utilized as a chemical agent to control resisting subjects.

**POLICE ADMINISTRATOR** – Captain or chief

**TOTALITY OF CIRCUMSTANCES** – All facts and circumstances known to the officer at the time, or reasonably perceived by the officer, as the method for analysis and decision-making.

**INDEXING:**

EXPANDABLE BATON  
DEADLY FORCE  
FIREARM  
FORCE  
FORCE CONTINUUM  
GREAT BODILY HARM  
NON-DEADLY FORCE  
ORLORESIN CAPSICUM (OC) SPRAY  
PEPPER SPRAY  
TARGET AREAS  
USE OF FORCE  
USE OF FORCE/LEVELS OF RESISTANCE AND RESPONSE  
USE OF FORCE REPORT

---

**APPROVED:**

---

**MICHAEL A. KESSIE**  
**CHIEF OF POLICE     DATE: August 11, 2021**

**NEW COLLEGE OF FLORIDA**  
**POLICE DEPARTMENT**