



Audit of TPD General Order 60 *Response to Resistance*

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City of Tallahassee

Office of the Inspector General

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Audit of TPD General Order 60 - *Response to Resistance*

Why We Did This Audit

In recent years, many high-profile events across the nation have raised concerns about the use of force by law enforcement agencies. These events have highlighted the importance of accountability and sound policy in law enforcement.

In response, the City Commission directed the Inspector General to evaluate the Tallahassee Police Department's (TPD) policy and procedure related to use of force, titled General Order 60 – *Response to Resistance* (GO-60).

We conducted this audit to assess TPD's use of force policy to ensure it promotes public and police officer safety and maintains public trust.

What We Did

The purpose of this audit was to evaluate TPD's use of force policy (General Order 60 - *Response to Resistance*) dated June 17, 2020.

The audit's objective was to determine if GO-60 is consistent with modern policing standards and best practices.

To achieve this objective, we identified and reviewed best practices from several sources, such as professional law enforcement associations, civic groups, and other law enforcement agencies and publications. We compared TPD's policy to those best practices and identified areas for enhancement.

What We Found

We concluded that GO-60 aligns with best practices and promotes the safety of the public and police officers. TPD's efforts that contribute to effective policy development include external oversight, community involvement, and maintaining law enforcement accreditation.

While GO-60 is consistent with modern policing standards and incorporates best practices, we did identify where GO-60 could be enhanced. Specifically, GO-60 could be improved by:

- Providing direction to police officers to reduce the risks of positional asphyxia,
- Prohibiting retaliation against officers who report excessive use of force, and
- Requiring the publication of the annual use of force analysis report.

Background

The Tallahassee Police Department provides law enforcement services to the estimated 197,000 residents of Tallahassee. To provide those services, TPD employs approximately 370 sworn officers.

General Orders

TPD established a formal written directives system (policies) for the operation of the agency and to provide officers with a clear understanding of the constraints and expectations related to the performance of their duties; those directives are known as general orders. TPD has made the majority of its general orders publicly available online to promote transparency. The general orders help ensure consistent and appropriate officer conduct.

General Order 60 (see Exhibit A-audit based on policy dated June 17, 2020) is titled *Response to Resistance* and provides the guidance officers need when they encounter an individual who fails to comply with or resists a lawful order. Response to resistance is commonly known as “use of force” and encompasses everything from verbal commands to the use of deadly force. A well-crafted use of force general order typically includes decision-making criteria and guidelines to help officers determine the appropriate level of force and promote safety and accountability.

Continuous Improvement

To promote TPD’s continuous improvement in policing and GO-60, TPD has implemented the following:

Accreditation – Accreditation is a rigorous process that requires the TPD to meet established and generally accepted standards for law enforcement practices. TPD has received national and state accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA) and the Commission for Florida Law Enforcement Accreditation (CFA). There are specific standards related to the use of force by law enforcement officers to overcome resistance to lawful orders. To maintain its accreditation, TPD must comply with all mandatory standards and 80% of non-mandatory standards. These accreditations enhance TPD’s ability to maintain effective use of force policies that help ensure public safety and promote responsible actions by officers.



Community Engagement – Citizens can offer law enforcement agencies insight into a community’s culture and needs, which can help law enforcement improve its policies and lead to a more cooperative relationship. In 2020, the TPD established the Citizens Advisory Council (CAC) to foster a positive relationship between residents and the police department. The CAC consists of 26 residents from various communities and parts of the City and serves as a link between TPD and the community to help maintain open communication about measures to improve services and prevent crime.

External Oversight – The Tallahassee City Commission created the Citizens Police Review Board (CPRB). The Board's mission is to enhance transparency, communication, and trust between the TPD and the community. The Board reviews internal affairs reports on officer use of force and other related community issues, offering recommendations for improving TPD policies and practices.

Observations and Recommendations

Our review of General Order 60 – *Response to Resistance* showed TPD’s policy on using force meets professional standards and incorporates best practices expected from a modern police force. Our first observation summarizes, at a high level, the best practices incorporated into the policy. To help enhance the policy, we have also made three observations which relate to 1) reducing risks related to positional asphyxia, 2) prohibiting retaliation against those who intervene or report excessive use of force, and 3) annual reporting on use of force incidents.

TALLAHASSEE POLICE DEPARTMENT
GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Response to Resistance		 Nationally Accredited 1986
	CHIEF OF POLICE Signature on File		
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Observation 1

Best Practices in TPD's *Response to Resistance* (GO-60)

Our review of General Order 60 – *Response to Resistance* (GO-60) identified policy provisions that improve accountability, transparency, and community trust in relation to police officers using force to overcome resistance to lawful orders. The following sections highlight best practices included in GO-60 that positively impact the use of force policies and procedures for the TPD.

Best Practices in Policy – Based on our review of GO-60, we noted that TPD's use of force policy incorporates best practices as put forth by professional associations and civic groups. These best practices demonstrate TPD's dedication to maintaining high policing standards as well as effective and responsible law enforcement procedures. Notable best practices include:

- The Sanctity of Life – The U.S. Conference of Mayors, in their 2020 report *Police Reform and Racial Justice*, recommends law enforcement agencies emphasize the sanctity of life in all use of force policies, ensuring that preserving life remains the primary focus during use of force incidents.

TPD's use of force policy incorporates best practices as put forth by professional associations and civic groups.

TPD's GO-60 highlights and emphasizes the sanctity of life. For example, the procedure states: "When officers are engaged in any response to resistance encounter, they are responsible for making the preservation of human life their first priority...". Additionally, GO-60 requires officers to limit their use of force to only that which is objectively reasonable to bring an incident under control.

- Responsibility to Render Aid – Best practices recommend that officers render first aid to individuals injured due to police actions and quickly request medical help.

After reviewing TPD's *Response to Resistance* policy, we noted that GO-60 explicitly requires officers to provide appropriate medical aid and summon emergency medical services following an encounter as necessary.

8 Can't Wait Initiative – We examined best practices from multiple civic groups and organizations that aim to enhance police use of force policies. One notable group, Campaign Zero, gained national recognition after developing the *8 Can't Wait* initiative. *8 Can't Wait* consists of eight policy recommendations that were developed in collaboration with legal experts, police accountability advocates, and academics with expertise in law enforcement use of force.

Campaign Zero reports that these eight policy recommendations are based on data-driven research with the goal of creating more accountable, transparent, and effective law enforcement agencies. A 2016 study by Campaign Zero found that the average police department included only three of the eight policy recommendations after examining 91 of America's 100 largest cities. Moreover, the study concluded that police departments implementing their policy recommendations were associated with fewer police use of force related fatalities.

As a part of our audit, we compared GO-60 with Campaign Zero's *8 Can't Wait* policy recommendations. Based on that comparison, we concluded GO-60 incorporates all eight of the policy recommendations put forth by Campaign Zero in its *8 Can't Wait* initiative. Table 1 illustrates the eight specific policy recommendations and descriptions of GO-60 policy language that addresses those recommendations.

GO-60 incorporates all eight of the policy recommendations put forth by Campaign Zero in its "8 Can't Wait" initiative.



TABLE 1
Comparison of 8 Can't Wait Policy Recommendations
and TPD's Response to Resistance Policy

8 Can't Wait Policies	TPD's Response to Resistance Policy
 <p>REQUIRE OFFICERS TO DE-ESCALATE SITUATIONS, when possible, before using force.</p>	 <p>“Based on the totality of the circumstances, officers, when practical, should attempt to gain control of a response to resistance encounter by using verbal de-escalation techniques.” (Procedure I.A)</p>
 <p>USE A FORCE CONTINUUM OR MATRIX that define/limit the types of force and/or weapons that can be used to respond to specific types of resistance.</p>	 <p>Procedures describe a continuum of force usage and include guidelines that outline the types of force options available based on various resistance levels encountered. (Procedure V)</p>
 <p>RESTRICT CHOKEHOLDS AND STRANGLEHOLDS (including carotid restraints) to situations where deadly force is authorized or prohibiting them altogether.</p>	 <p>On November 9, 2020, the audit staff met with TPD management to discuss procedures concerning the use of chokeholds. Subsequently, by December 16, 2020, TPD revised its use of force policy, prohibiting chokeholds except when the law permits using deadly force to protect lives and prevent injury. (added as Procedure III.E)</p>
 <p>REQUIRE OFFICERS TO GIVE A VERBAL WARNING, when possible, before using deadly force.</p>	 <p>“When feasible, before discharging a firearm, officers should identify themselves and the intent to shoot.” Procedures describe verbal commands and directions as part of low-level control options. (Procedure III.B)</p>
 <p>PROHIBIT OFFICERS FROM SHOOTING AT PEOPLE IN MOVING VEHICLES unless the person poses a deadly threat by means other than the vehicle (for example, shooting at people from the vehicle).</p>	 <p>“Officers are strongly discouraged from discharging a firearm at or from a moving vehicle.” Officers can only employ deadly force when it is objectively reasonable to defend life or prevent severe injury. (Procedure III.C)</p>
 <p>REQUIRE OFFICERS TO EXHAUST ALL OTHER REASONABLE ALTERNATIVES before resorting to using deadly force.</p>	 <p>The procedure details de-escalation methods and lower-level control options. Procedures require officers to adjust their responses based on resistance levels to manage situations effectively. The procedure authorizes deadly force only when objectively reasonable and allowed by law. (Procedure III.A)</p>
 <p>REQUIRE OFFICERS TO INTERVENE to stop another officer from using excessive force.</p>	 <p>Officers must intervene when witnessing another officer using excessive force and immediately report the incident to their supervisor. (Procedure I.D)</p>
 <p>REQUIRE COMPREHENSIVE REPORTING that includes both uses of force and threats of force (for example, reporting instances where an officer threatens a civilian with a firearm).</p>	 <p>“A Response to Resistance report shall be completed.” Procedures detail when a report is due and who must review it, which includes any time an officer points a firearm at a person during a response incident. TPD's policy requires report analyses to identify if the officer's actions were objectively reasonable. (Procedure VIII)</p>

Source: Campaign Zero, *Police Use of Force Policy Analysis*, 2016; and TPD General Order-60, *Response to Resistance Policy*.

Observation 2

Breathing Complications During Police Encounters

In recent years, law enforcement agencies use of certain restraint techniques have garnered national attention. This concern is particularly true for high-profile cases where people have died after being restrained in a manner that restricted their breathing. Our audit evaluated the TPD's use of force procedures and assessed the direction provided to officers for such incidents.

Positional Asphyxia

Positional asphyxia occurs when a person's body position restricts breathing. It can occur in various settings, including during law enforcement encounters. According to the U.S. Department of Justice (DOJ), the basic physiology of a law enforcement struggle may include labored breathing. For example, as illustrated below, breathing may be restricted when a person is restrained in a prone (face-down) position. Additionally, when weight is applied to a person's back to inhibit resistance (typically when applying cuffs or waiting for assistance), the person's ability to breathe may be further compromised.

The prone restraint technique increases the risk of in-custody positional asphyxia.

Illustration 1
Prone Position



Source: CalibrePress.com

The referenced DOJ bulletin explains that a person's natural reaction to oxygen deficiency is to struggle more violently, thereby causing an officer to apply more compression to subdue the individual and further impair the person's ability to breathe. The prone restraint technique increases the risk of in-custody positional asphyxia.

According to a bulletin from the Federal Bureau of Investigations, to minimize the potential for injury or death, police officers should move restrained individuals off their stomachs as soon as possible. Additionally, officers should attempt to determine whether individuals have used drugs or suffer from cardiac or respiratory diseases, which could further increase the risk of positional asphyxia.

Because of these potentially fatal risks, law enforcement agencies must provide policies and procedures to ensure officers are aware of and cautious about the amount and duration of any weight they place on a restrained subject. The DOJ bulletin on positional asphyxia advises law enforcement agencies to avoid prone restraint techniques whenever possible and, if they must use them, to monitor individuals closely and continuously for signs of distress. The bulletin also states that procedural protocols are necessary to guide officers on the indicators and warning signs that could result in use of force deaths associated with positional asphyxia.

During our review of GO-60, we noted officers are required to assess the breathing of individuals and place them in a recovery position after these individuals sustain or complain of injuries in a law enforcement encounter. Additionally, if officers use pepper spray, the department's procedures instruct them to ask the person if they have a history of medical problems associated with breathing and to monitor them for signs of a medical emergency. We also noted General Order 59 – *Transporting and Booking Procedures* mentions restraining individuals in custody but does not specifically address the risks associated with the prone position and positional asphyxia.

Procedures should be in place to limit and safely manage the restraint of individuals in prone positions.

GO-60 has not established use of force procedures to limit and safely manage the restraint of individuals in prone positions.

We recommend TPD consider adding a separate section to GO-60 that specifically addresses restraining individuals resisting lawful orders. We recognize this subject is somewhat addressed in other general orders; however, we believe it warrants emphasis in GO-60 due to its importance. We further recommend the new section related to restraining individuals include the following points:

1. Define “positional asphyxia,” addressing its associated risks, warning signs, and preventive measures.
2. Emphasize and require officers to be aware of the risks associated with actions that may result in breathing difficulty, such as sitting, kneeling, or placing weight on a subject's neck, chest, or back.

3. Instruct officers to avoid prone restraint techniques whenever possible, use such techniques only when objectively reasonable, and to continually monitor the individual's breathing when they use these techniques.
4. Establish protocols and directives for officers to transition individuals held down or in a prone restraint into a safer position, such as the recovery position, as soon as feasible and safe.
5. Develop a requirement for promptly responding to complaints of breathing difficulty from restrained individuals. These procedural requirements should underscore the urgency of breathing complaints and direct officers to reassess the reasonableness of any pressure applied to a restrained person. Additionally, they should facilitate a medical assessment when the individual is exhibiting signs of respiratory distress or severe oxygen deprivation.

Chokeholds

The U.S. Presidential Executive Order *Safe Policing for Safe Communities* and the aforementioned U.S. Conference of Mayors report recommend law enforcement agencies maintain policies prohibiting chokeholds, except when deadly force is legally authorized.

At the beginning of our audit, we met with the Chief of Police to discuss GO-60, which did not specifically address or ban chokeholds at that time. The Chief reported chokeholds were not allowed, and the subject was addressed in training rather than in policy. Subsequent to our meeting (less than a month), the general order was revised to prohibit chokeholds, except in situations where deadly force would be authorized, as provided for in best practices. We commend TPD for promptly and appropriately revising the general order.

Management's Action

Current policy (GO 59 & 60 - current revision date of 7/25/23) has already been updated to incorporate all of the above recommendations.

Note to Consider reference #3:

Officers are trained to restrain people in a prone position and there are a number of officer safety advantages to doing so. We have successfully done that for decades (i.e., Prone cuffing).

Observation 3 Retaliation Prevention Guidelines in Use of Force Policy

According to a report by the U.S. Conference of Mayors, officers who intervene to stop misconduct uphold the highest standards of policing. The report also states that departments should actively encourage such intervention, recognize officers who do intervene, and protect them from retaliation. Best practices establish the need for a use of force policy that addresses the potential for retaliation by fellow officers and law enforcement management against officers who report instances of excessive force.

Additionally, we noted the DOJ has a policy, *Affirmative Duty to Intervene*, which states law enforcement officers should intervene when they know or have reason to believe that another officer is about to use or is using unnecessary force. That policy also requires officers to report any excessive use of force and any efforts to intervene to a supervisor. CALEA standards indicate (*Standard 1.2.10 – Duty to Intervene*) departments should consider communicating to officers that protections provided by “Whistleblower” policies may be available to reinforce the importance of intervening or reporting excessive use of force incidents in applicable policies.

Best practices establish the need for a comprehensive use of force policy that addresses the issue of retaliation against officers who report excessive force incidents.

During our review of GO-60, we noted officers have an affirmative duty to intervene and report when they observe unnecessary or excessive force. This duty aligns with best practices and would be improved if language was added that explicitly prohibits officers from retaliating against those who intervene in or report instances they believe to be excessive use of force. Without clear and strong prohibitions against retaliation, officers may be reluctant to intervene or report instances of the use of excessive force.



We recommend TPD revise GO-60 to prohibit retaliation against individuals who intervene or report excessive force incidents. Specifically, the policy should clearly state that the department prohibits retaliation, harassment, or adverse treatment against an officer who intervenes or reports an excessive force incident.

Such changes should help improve the culture of trust and accountability within the department and encourage officers to intervene and report excessive force incidents without fear of retaliation.

Management's Action

Current policy (GO 46 - current revision date of 7/25/23) has already been updated to incorporate all of the above recommendations. Language was added that explicitly prohibits officers from retaliating against those who intervene in or report instances they believe to be excessive use of force.

Observation 4

Public Reporting of Use of Force

Best practices call for law enforcement agencies to be transparent regarding use of force incidents by documenting, analyzing, reviewing, and reporting on use of force incidents. For example, CALEA standards require departments to annually evaluate and analyze their use of force activities, policies, and practices to help identify trends or patterns that could indicate training needs, equipment upgrades, and/or policy modifications. Additionally, we noted other law enforcement professional associations and research organizations recommend law enforcement agencies prepare annual reports on use of force incidents. Specifically, the International Association of Chiefs of Police recommends an annual summary of use of force incidents, including the basic details and findings or conclusions regarding those incidents, be provided to the public. The Police Executive Research Forum recommends agencies regularly provide reports involving officer-involved shootings, application of less lethal options (e.g., “Tasers” and chemical sprays), and application of canines.

Best practices recommend annual reports on use of force incidents.

Our review of GO-60 showed the policy includes detailed reporting requirements for each use of force incident. We noted TPD uses that information to prepare an internal report on officer use of force annually. When we reviewed the internal report, we noted it is prepared in a manner and with information to help the Chief and other senior TPD leadership proactively identify trends and areas where officer training should be enhanced or revised or where equipment changes are needed.

To help increase transparency regarding use of force by police officers, **we recommend** TPD annually prepare a report on use of force incidents that involve serious injury (to the individual resisting the police or a police officer), officer-involved shootings, application of less lethal options (e.g., “Tasers” and chemical sprays), or application of canines. The report should include the basic details and any findings or conclusions associated with the incidents. Additionally, to advance the City’s strategic objective of public trust (specifically in the area of the City’s public safety strategic objective), **we further recommend** the annual report be provided to the City’s Citizen Police Review Board.

Management’s Action

The City’s Citizen Police Review Board (CPRB) was established by the City Commission for the review of these very types of incidents. Any and all information requested by the CPRB on these incidents is provided to them by TPD. We support the Commission’s directions by providing information and details regarding all use of force incidents for CPRB review. The CPRB produces an annual report regarding these incidents. TPD supports the current process and approach.

Conclusion

The TPD does an excellent job of upholding professionalism, accountability, and transparency, as evidenced by its notable accreditations and the development of use of force procedures that align with numerous best practices. However, continuous improvement is crucial. The recommendations presented in this report aim to enhance the safety of the public and officers while strengthening public trust in the department and are not intended to indicate GO-60 does not incorporate modern policing standards and best practices.

Appointed Official's Response

I appreciate and applaud the hard work and commitment of Inspector General Sutton and his team on this audit. This audit confirms what we already know. The City of Tallahassee's Police Department is a national leader in the delivery of Law Enforcement services and incorporates best practices in every aspect of the department. We also clearly see where this critical policy is a benchmark for other Law Enforcement Agencies to strive for. I appreciate Inspector General Sutton and the Chief for their cooperation during this audit.

Acknowledgements

We would like to express our appreciation to TPD's management and staff for their cooperation and assistance during this audit.

Project Team

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Statement of Accordance




The Office of the Inspector General's mission is to advance integrity, accountability, transparency, and efficiency and effectiveness within City government by providing professional, independent, and objective audit and investigative services.

We conducted this audit in conformance with the Institute of Internal Auditors International Standards for the Professional Practice of Internal Auditing and Generally Accepted Government Auditing Standards. Those standards require we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our objectives.

Please address inquiries regarding this report to the Office of the Inspector General at (850) 891-8397 or inspector.general@talgov.com.

<http://www.talgov.com/transparency/inspectorgeneral.aspx>

**TALLAHASSEE POLICE DEPARTMENT
GENERAL ORDERS**

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AUTHORITY/RELATED REFERENCES

- FS Chapter 776, Justifiable Use of Force
- General Order 7, Conducted Energy Weapons
- General Order 11, Communicable Disease Control
- General Order 16, Digital Audio and Video Recording System
- General Order 19, Digital Evidence Capturing Devices
- General Order 29, The Internal Affairs Unit and Administrative Investigations
- General Order 61, Weapons, Firearms, and Less-lethal Firearms
- General Order 63, Officer-Involved Action Resulting in Serious Injury or Death
- General Order 88, PepperBall® Launcher Protocols

ACCREDITATION REFERENCES

- CALEA Chapters 4, 41
- CFA Chapters 4, 10

KEY WORD INDEX

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POLICY

The Department and its officers recognize the value of all human life. While the majority of officer/citizen interactions are peaceful, the Department recognizes there are limited circumstances when officers will face resistance to their lawful orders and efforts. When officers are engaged in any response to resistance encounter, they are responsible for making the preservation of human life their first priority and using only the amount of force objectively reasonable to effectively bring the incident under control.

DEFINITIONS

Active Resistance: Physically evasive movements, with or without verbal resistance, to defeat an officer's attempt at control, but not intended to harm the officer. Examples include, but are not limited to, linking arms with others, bracing or tensing, attempts to push or pull away, and walking or running away.

Aggravated Aggressive Resistance: Overt, hostile, attacking movements, with or without a weapon, likely to result in death or serious injury to any person (i.e., the officer, the person offering the resistance, others). Examples include, but are not limited to, the use of a firearm, use of blunt or bladed weapon, and extreme physical force.

Aggressive Resistance: Assaultive or attacking movements which present an imminent threat of physical harm (but not likely to cause death or serious injury) to any person (i.e., the officer, the person offering the resistance, others), and prevents the officer from placing the person under control and in custody. Examples include, but are not limited to, taking a fighting stance, punching, kicking, striking, biting, and attacking with weapons not likely to cause serious injury or death.

AVR: Digital Audio and Video Recording System.

Conducted Energy Weapon (CEW): A Department-issued conducted energy device designed to affect the sensory and motor functions of the central nervous system, which may be used in either drive stun applications or propelled probe applications.

Deadly Force: Any force likely to cause serious injury or death.

Deadly Force Situation: When an officer believes it is objectively reasonable to use deadly force to defend their life or the life of another person from an imminent threat of serious injury or death.

Excessive Force: The application of more force than is objectively reasonable in situations where some force is necessary.

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Force: Any physical strike or instrumental contact with a person, or any significant physical contact that restricts the movement of a person. The term includes, but is not limited to, discharging a firearm at a person, the use of a CEW, OC Spray or other chemical sprays, beanbag shotgun, PepperBall® weapon system, or hard empty hands tactics, the taking of a person to the ground, or a canine application. The term does not include escorting or the utilization of handcuffs or other Department-approved restraint devices on a person offering no or minimal resistance.

Less-lethal Firearm: A Department-issued firearm utilizing less-lethal munitions (i.e., any projectile designed to stun, temporarily incapacitate or cause temporary discomfort to a person without penetrating their body).

Less-lethal Force: Any force other than deadly force which is neither likely to cause, nor intended to cause, death or serious injury.

Non-deadly Force Situation: A response to resistance encounter which is not considered a deadly force situation.

Objectively Reasonable: In the context of response to resistance encounters, officer's actions which are deemed appropriate in light of the facts and circumstances confronting them at the time. An officer's response to resistance actions are always analyzed from the perspective of a reasonable officer possessing the same information and facing the same circumstances as the officer who actually used force.

OC Spray: Oleoresin Capsicum Spray; an aerosol with small particles of crushed peppers suspended in a water-based solution.

Passive Resistance: Verbal and/or physical refusal to comply or cooperate with (or respond to) an officer's lawful directions, but taking no or only minimal physical action to prevent an officer from placing the person in custody and taking control. Examples include, but are not limited to, refusing to move or remaining stationary, and not moving when directed.

Physical Control: The use of empty-hand or leverage-enhanced techniques, including transporters, take-downs, pain compliance measures, OC Spray and other chemical agents, and/or various striking techniques. The term does not include the utilization of handcuffs or other Department-approved restraint devices on a person offering no or minimal resistance.

Serious Injury: An injury likely to result in permanent disability, protracted loss or impairment of function of any bodily member or organ, or significant disfigurement.

Unnecessary Force: The application of force where there is no justification or authority for its use.

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Verbal De-escalation: An officer's spoken communication with a person to gain control of a situation, provide the person the opportunity to comply with lawful directions or commands, or to distract the person from the focus of their anger. The goal of verbal de-escalation is the person's voluntary compliance.

Verbal Direction: Spoken communication of a lawful order for a person to perform a specific act.

PROCEDURES

I. GENERAL GUIDELINES

- A. Based on the totality of the circumstances officers, when practical, should attempt to gain control of a response to resistance encounter by using verbal de-escalation techniques. A person's voluntary compliance is the desired outcome of any officer-person encounter.
- B. In any response to resistance encounter, officers shall use only the amount of force objectively reasonable, based on the facts and circumstances known or perceived by the officer at the time force is employed, to overcome and control the actions of resistive persons.
 1. The reasonableness of the force employed must be judged from the perspective of a reasonable officer on the scene at the time of the incident and must allow for the fact police officers are often forced to make split-second judgments – in tense, uncertain and rapidly evolving circumstances – about the amount of force necessary in a particular situation.
 2. The test of reasonableness is not capable of precise definition or mechanical application.
- C. Officers shall only use Response to Resistance Options of Control/Force which are objectively reasonable to overcome resistance in order to accomplish lawful objectives, and officers are prohibited from using:
 1. Unnecessary force, or
 2. Excessive force.
- D. In response to resistance situations, officers have a duty to intervene if they observe:
 1. Another officer using unreasonable or excessive force, or

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2. Circumstances which, based upon their training and experience, cause them to reasonably believe the use unreasonable or excessive force is imminent.
- E. Officers are prohibited from applying any force against a compliant person (i.e., a person who is following lawful orders and offers no passive resistance, active resistance, aggressive resistance, or aggravated aggressive resistance).
- F. This written directive is a guide to officers for selecting reasonable and legal Response to Resistance Options of Control/Force during verbal or physical encounters.
1. As a person's resistance level increases, an officer may have to increase the response option until resistance ceases or the officer is able to gain control of the person.
 2. As soon as compliance is gained, officers must de-escalate their force response to an option objectively reasonable to maintain control of the person.
- G. The guidelines in this written directive are intended for internal Department use only, and:
1. Do not create a higher legal standard of safety or care with respect to third parties, and
 2. Are not to be applied in any civil or criminal proceeding.
- H. A violation of this written directive will be grounds for administrative discipline only, while a violation of the law may be the basis for civil or criminal penalties.
- I. The determination of whether or not an officer's response to resistance was objectively reasonable must be done on a case-by-case basis. Several considerations, including those outlined by the United States Supreme Court in the case of *Graham v. Connor* may be used in such a determination, including:
1. The type and severity of the incident or crime at issue,
 2. The person posing an immediate threat to the officer or others,
 3. The person's physical resistance to an arrest or other lawful detention,

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4. The person fleeing from an arrest or other lawful detention,
5. The size, age, relative strength, skill-level and physical condition (including injury or exhaustion) of the person and the officer,
6. The officer's level of training and experience,
7. The number of persons and/or number of officers on the scene,
8. The duration of the incident, specifically in relation to the physical resistance offered by the person,
9. The time available to an officer to make a decision to use response to resistance levels of control/force,
10. The person's proximity or access to weapons,
11. Environmental factors and other exigent circumstances, and
12. The officer's perceptions at the time the decision to use force was made.

II. LESS-LETHAL FORCE GUIDELINES

- A. When faced with a non-deadly force situation, officers shall assess the incident to determine which response they believe will best bring the incident under control in accordance with the Response to Resistance Options of Control/Force (see section V below).
- B. Officers are authorized to use Department-approved less-lethal force techniques, less-lethal weapons and less-lethal firearms to:
 1. Protect themselves and other persons from physical harm,
 2. Restrain or subdue a person who is resisting lawful detention or arrest,
 3. Bring an unlawful situation under control, and
 4. Make a lawful arrest or detention and prevent escape.
- C. Officers deploying a less-lethal firearm, when practical, shall notify their supervisor prior to deployment.
- D. Only officers who have successfully completed a less-lethal firearms training course and maintain current proficiency in its use are authorized to use a less-lethal firearm.

III. DEADLY FORCE GUIDELINES

- A. Officers may use deadly force only when they believe it is objectively reasonable to defend their life or the life of another person from an imminent threat of serious injury or death.
- B. When feasible, before discharging a firearm, officers should identify themselves and the intent to shoot.
- C. Because of the inherent risks of such action, officers are strongly discouraged from discharging a firearm at or from a moving vehicle.
- D. Officers are prohibited from discharging a firearm as a warning shot.

IV. SHOOTING AN ANIMAL

- A. Officers may utilize their firearm to shoot an animal which represents an imminent threat to the public safety or as a humane measure when the animal is seriously injured when each of the following requirements is met:
 - 1. Prior supervisory approval, unless the animal is an imminent threat to the officer or another person,
 - 2. Animal control officers are not available within a reasonable amount of time,
 - 3. The animal can be shot without risk to the public, and
 - 4. The officer is authorized to carry, and is currently qualified with, the firearm to be used.
- B. Whenever an officer takes actions as described above, the involved officer or their supervisor is responsible for promptly notifying the Watch Commander.

V. RESPONSE TO RESISTANCE – CONTROL/FORCE OPTIONS

- A. Officers may exercise a variety of Response to Resistance Control/Force Options (see subsection D below) during an encounter with a resistive person and may use any control/force option which is objectively reasonable to control a person or situation.
- B. Officers are responsible for modifying and controlling their responses in relation to the amount of resistance offered by a person.

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- C. Officers are responsible for being aware of the option to de-escalate to the point of disengaging contact with a person if circumstances indicate that such action is appropriate (e.g., when the officer has met a superior resistance and needs to await the arrival of backup officers).
- D. When response to resistance is necessary, officers shall assess each incident, based on policy, training and experience, to determine which response to resistance control/force option is believed to be appropriate for the situation and could bring it under control in a prudent manner. Response to resistance control/force options include:
1. Low Level Control Options
 - a. The level of control necessary to interact with a person who is displaying *passive resistance* (e.g., refusing to move under their own power) and in some cases, *active resistance* (e.g., bracing or tensing).
 - b. Certain control options do not involve the utilization of any force (e.g., officer's presence, verbal direction or verbal commands, guiding or assisting touches, and handcuffing or utilization of other Department-approved restraint devices).
 - c. Other control options involve the utilization of force, but are not intended to cause injury and have a low probability of causing injury, such as:
 - 1) The utilization of certain physical control techniques (i.e., transporters, take-downs) only when the officer believes it is objectively reasonable for the situation and could bring it under control in a prudent manner.
 - 2) The utilization of OC Spray only when the officer reasonably believes the use of transporters and take-downs would:
 - a) Be ineffective, or
 - b) Induce the person to resist more aggressively.
 2. Less-Lethal Force
 - a. The force options necessary to compel compliance by a person displaying *aggressive resistance* (e.g., punching) and in some cases, *active resistance* (e.g., walking or running away).

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- b. These force options are neither likely to cause death nor intended to cause death, but have the potential to result in physical harm.
- c. These force options include, but are not necessarily limited to, the utilization of physical control techniques, OC Spray, CEWs, less-lethal firearms, impact weapons/batons, canine apprehension, and the PepperBall® weapon system.

3. Deadly Force

- a. The force options necessary to combat a person's *aggravated aggressive resistance* which is likely to cause death or serious injury to the person.
- b. Deadly force can also result from a force option being improperly applied.
- c. These force options include, but are not necessarily limited to, discharging a firearm at a person or intentional strikes with an impact weapon delivered to the head, neck, spine, throat, or groin.

E. In addition to the response to resistance options of control/force protocols in subsection D above, the following weapon utilizations are applicable in response to resistance encounters:

1. Conducted Energy Weapons (CEW)

- a. Officers are prohibited from using a CEW to overcome *passive resistance*.
- b. Officers may use a CEW to overcome a person's *active resistance* in arrest, custodial, and detention situations, only when:
 - 1) The officer reasonably believes the person has the apparent ability to physically harm any person, or
 - 2) The person has taken some overt physical action in an attempt to flee or escape.
- c. Officers are responsible for adhering to the protocols in General Order 7 (Conducted Energy Weapons) in the utilization of a CEW.

2. OC Spray

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Officers shall not use OC Spray at a distance closer than three (3) feet unless it is necessary to defend an officer against an attack.

3. Impact Weapons/Batons

- a. Officers may use impact weapons/batons to strike large muscle groups (e.g., legs, buttocks, upper arms, forearms) to overcome *active resistance*, when the person is making an apparent effort to escape by pushing or pulling away, running away, or physically defeating an officer's attempts to get close.
- b. Officers should not use impact weapons/batons to strike a person when the *active resistance* consists only of bracing or tensing, unless they believe such use is objectively reasonable based upon the circumstances.
- c. Officers may use impact weapons/batons to thrust/jab a person in the hands, joints, abdomen, or muscular portions of the back to overcome *aggressive resistance*.

4. Canine Application

- a. A Department canine shall not be used to physically apprehend a person when the *active resistance* consists only of bracing or tensing.
- b. A Department canine may be used to physically apprehend a person engaged in, at a minimum, *active resistance* when the officer believes it is objectively reasonable (using the same considerations in subsection I I above).
- c. The mere presence of a Department canine (no bite or apprehension) is not less-lethal force.

5. Beanbag Shotgun (a less-lethal firearm)

- a. Officers may use beanbag rounds on a person who is engaged in *active resistance* by fleeing, running away or taking measures to not allow the officer to get close. In such situations, the target areas on the person are the legs, buttocks and forearms (i.e., below the elbow).
- b. When a person is engaged in *active resistance* **and** possesses a dangerous weapon in their hand(s) or is attempting to retrieve a dangerous weapon, acceptable target areas include arms and hands in addition to areas listed in subsection a above.

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- c. Officers shall not use beanbag rounds to strike a person when the *active resistance* consists only of bracing or tensing.
 - d. Officers may use beanbag rounds on a person who is engaged in *aggressive resistance*. In such situations, the target areas on the person are the legs, buttocks, abdomen, hands, arms, shoulders and back (excluding the spine).
 - e. Officers may use beanbag rounds on a person who is engaged in *aggravated aggressive resistance*. In such situations, the target area on the person is the entire body, including the groin, spine, neck, and head as long as the use of deadly force is objectively reasonable.
6. Firearms
- a. Firearms may be drawn by officers when they reasonably believe it may be necessary to prevent serious injury to themselves or another person, or to defend their lives or the life of another person.
 - b. The pointing of a firearm at a person is not the application of deadly force and only becomes deadly force when the firearm is discharged.
7. PepperBall® Launcher

Officers are responsible for adhering to the protocols in General Order 88 (PepperBall® Launcher Protocols) in the utilization of a PepperBall® Launcher.

VI. MEDICAL AID PROTOCOLS

All Response to Resistance Applications –

- A. When an officer, the person upon whom force was used or another person is injured or complains of injury after a response to resistance encounter, officers shall provide appropriate medical aid to include:
- 1. A visual and verbal assessment of the person,
 - 2. Rendering first aid and/or summoning emergency medical services (EMS), and
 - 3. When needed based upon the person's physical condition (e.g., difficulty breathing, semi-conscious, unconscious), placing the person in a recovery position (left lateral recumbent position) to assist in keeping their airway open, while continuing to monitor the person's breathing and pulse.

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- B. The procedures in subsections A and B above are applicable even if the response to resistance encounter was not the cause of the need for medical aid.

Additional Protocols for OC Spray Applications –

- C. When a person sprayed with OC Spray is transported to a facility, the transporting officer is responsible for ensuring the facility personnel are informed the person has been contaminated with OC Spray.
- D. The protocols of General Order 11 (Communicable Disease Control) are applicable whenever a police vehicle is contaminated with body fluids from the mucus membranes of a person who was sprayed with OC Spray.
- E. Officers utilizing OC Spray on a person are responsible for the following:
1. Securing the person to minimize the risk of injury to the person, officers or bystanders,
 2. As soon as practical, offering the person relief by exposing them to fresh air and rinsing their face and other exposed areas with water unless the person is uncooperative or violent,
 3. Prior to rinsing the person with water as outlined in subsection 2 above, informing the person of the purpose of the rinsing (decontamination),
 4. Asking the person if they have a history of medical problems associated with breathing or high blood pressure and monitoring them for any signs of a medical emergency,
 5. If a medical emergency exists, summoning EMS and providing emergency care until relieved by EMS, and
 6. Assisting with the decontamination of, and providing information about OC Spray to, any citizen unintentionally sprayed during a response to resistance encounter.
 - a. If necessary, ensure additional medical treatment is provided as a result of the OC contamination.
 - b. In any response to resistance incident which is still volatile after the deployment of OC Spray, officers are not required to seek out and

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assist citizens who were unintentionally sprayed if doing so would endanger any person.

VII. REPORT OF INJURY PROTOCOLS

- A. If a response to resistance encounter involves an officer-involved shooting or other action resulting in death or serious injuries, the protocols of General Order 63 (Officer-Involved Action Resulting in Serious Injury or Death) are applicable.
- B. If a response to resistance encounter does not involve the implementation of General Order 63 protocols, but the person is injured or complains of injury, or an officer or another citizen is injured, or complains of injury, as a result of the encounter, the protocols listed below are applicable.
 - 1. The involved officer (or another officer if more appropriate) shall, without unnecessary delay, notify a supervisor of the situation.
 - 2. A supervisor aware of the situation shall, without unnecessary delay, respond to the incident scene (or other location if appropriate (e.g., hospital).
 - 3. The supervisor should:
 - a. Attempt to locate and interview any witnesses to the encounter, and
 - b. Determine if any non-Department video footage of the encounter exists and take lawful steps to obtain it.
 - 4. The supervisor shall ensure recordings or photographs are captured of the injury or area of impact via a body-worn camera and/or a Department-issued cellular telephone.
 - 5. These steps are considered part of a basic fact-finding investigation to provide the supervisor with all pertinent information necessary to review the Response to Resistance Report (see section IX below).

VIII. RESPONSE TO RESISTANCE REPORT

- A. A Response to Resistance Report shall be completed when officers:
 - 1. Apply any technique considered deadly force (e.g., strikes to the spine, throat or eyes),

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2. Respond to resistance through any technique or action that results in, is likely to result in, or is alleged to have resulted in, the injury or death of another person,
 3. Discharge a firearm or a less-lethal firearm other than on the firing line during Department sanctioned firearms training or recreational activities,
 4. Respond to resistance using any less-lethal weapon (e.g., impact weapon/baton, CEW, OC Spray or other chemical agent, PepperBall® Launcher, canine bite/apprehension),
 5. Respond to resistance using a physical control technique, or
 6. Remove their handgun from the holster, deploy their shoulder firearm, or deploy their less-lethal firearm for use, AND there is a subsequent encounter with a person involving one or more of the following:
 - a. The firearm is pointed at the person.
 - b. The firearm is visible to the person while an officer is giving verbal commands for compliance.
 - c. The muzzle of a firearm is knowingly “swept” across any person.
- B. The following guidelines apply when documenting injuries associated with the application of a CEW in the Response to Resistance Report:
1. Probe sites or drive-stun sites are not considered an injury.
 2. The term “injury” shall only apply to any subsequent harm or wound resulting from the application of a CEW.
- C. Regardless of how many officers are involved in a single response to resistance encounter, only one Response to Resistance Report will be completed, and the officer(s) involved shall adhere to the following:
1. One officer will be designated to complete the Response to Resistance Report, and the officer will:
 - a. Only complete the check-box and fill-in-the-blank portions of the report, and electronically sign it, and
 - b. Not complete the narrative section of the report, but instead write a short message referring to the offense report(s) for details of the incident.

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2. Each officer involved in the incident who used a level of control/force, including the officer designated to complete the Response to Resistance Report, is responsible for completing an offense report (original or supplement, as appropriate) addressing the person's resistance and their individual level of control/force.
- D. When required to complete a report as outlined in subsections A and C above, officers shall submit the report to their supervisor before the end of the tour of duty.
1. If the officer's supervisor is not available, the officer shall submit the Response to Resistance Report or offense report to another supervisor before the end of the tour of duty.
 2. If an officer involved in the incident is incapacitated due to injury, or otherwise cannot promptly complete the required report, this requirement shall be modified as determined by the officer's chain of command.

IX. CHAIN OF COMMAND REVIEW PROCEDURES

- A. Each member involved in the chain of command review process shall fulfill their responsibilities in a timely manner and without unnecessary delay.
- B. It is the supervisor's responsibility to investigate each documented response to resistance application, to include:
1. Reviewing the corresponding Response to Resistance Report and each related offense report,
 2. Linking each related offense report to the Response to Resistance Report,
 3. Reviewing all available photographs and recordings (to include AVR recordings and photographs/recordings captured with an officer's Department-issued cellular telephone),
 4. Documenting their review of the reports, photographs and recordings in the Response to Resistance Report comments section,
 5. Determining if the officer's actions were objectively reasonable and including the recommendation of "justified" or "not justified" in the Response to Resistance Report comments section, and
 6. Forwarding the completed Response to Resistance Report to the lieutenant.

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- C. In reviewing the Response to Resistance Report, lieutenants shall:
1. Document their review of any reports, photographs and recordings in the Response to Resistance Report comments section,
 2. Determine if the officer's actions were objectively reasonable and include the recommendation of "justified" or "not justified" in the Response to Resistance Report comments section, and
 3. Forward the completed Response to Resistance Report, as follows:
 - a. Reported injuries: to the Bureau Commander.
 - b. Damage to property which may expose the City of Tallahassee to liability: to the Bureau Commander.
 - c. When situations described in subsections a and b above are not applicable: to the Internal Affairs Unit (IAU).
- D. The Bureau Commander is responsible for reviewing each forwarded Response to Resistance Report and, after the review, forwarding the report to the Legal Advisor.
- E. The Legal Advisor is responsible for reviewing each forwarded Response to Resistance Report and, after the review, forwarding the report to the IAU.

X. INTERNAL AFFAIRS UNIT RESPONSIBILITIES

- A. The IAU is responsible for conducting a compliance review and/or an investigation of each response to resistance encounter to determine:
1. Compliance with Department policies and protocols,
 2. The clarity and effectiveness of applicable policies, and
 3. The adequacy of Department training to properly address the situation encountered.
- B. All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution or discipline.

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1. If the initial review of a Response to Resistance Report indicates the possibility of unnecessary force or excessive force, the IAU investigator reviewing the report shall promptly notify the IAU Commander, and:
 - a. The IAU Commander is responsible for promptly notifying the Chief of Police or designee and providing all pertinent information, and
 - b. The Chief of Police or designee shall make the decision if an investigation will be conducted by the IAU. Any such investigation will be conducted in compliance with IAU policies.
2. If the initial review of the Response to Resistance Report indicates the existence of a training inadequacy, the IAU investigator reviewing the report shall promptly notify the IAU Commander.
 - a. The IAU Commander shall promptly notify the Chief of Police.
 - b. The IAU Commander shall promptly inform the Training Sergeant, of the training deficiency, and provide all pertinent information to facilitate correction of the deficiency.
- C. The IAU Commander, in conjunction with the Training Sergeant, is responsible for producing a quarterly report for the Chief of Police on response to resistance encounters to ascertain policy compliance, policy and/or training needs, and to determine trends (resistance offered and officer responses).

XI. TRAINING SECTION RESPONSIBILITIES

- A. The Training Section is responsible for reviewing each response to resistance encounter to:
 1. Determine resistance offered, officer responses, and the results of the encounter, and
 2. When needed, modify response to resistance training to address changing resistance trends, and/or deficiencies in response techniques.
- B. The Training Section is responsible for providing on-going response to resistance training in the Department's annual in-service training program.
- C. When notified by the IAU Commander of the existence of a training inadequacy in regards to a Response to Resistance Report, The Training Sergeant shall obtain all the pertinent information to review the incident.

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- D. The Training Sergeant is responsible for determining if a training inadequacy exists.
1. If a training inadequacy exists, the Training Sergeant, through their chain of command, shall update the Chief of Police or designee in regards to the actions taken to correct the deficiency.
 2. If no training inadequacy exists, the Training Sergeant, through their chain of command, shall explain this determination to the Chief of Police or designee.
- E. The Training Sergeant, in conjunction with the IAU Commander, is responsible for producing a quarterly report for the Chief of Police on response to resistance encounters to ascertain policy compliance, policy and/or training needs, and to determine trends (resistance offered and officer responses).

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