


POLICY 119.0	USE OF FORCE-DEFINING, REPORTING, EVALUATING, and TRACKING	
	REVISED: 01/23, 06/23, 03/24	RELATED POLICIES: 119.4 RESCINDED POLICIES: 119.1 & 119.3
	CFA STANDARDS: CHAPTERS 4 AND 15	REVIEWED: AS NEEDED THIS VERSION EFFECTIVE DATE: MARCH 27, 2024

A. PURPOSE

The purpose of this policy is to establish and maintain guidelines for the use of non-deadly and deadly force by members of the Fort Lauderdale Police Department.

It is also the purpose of this policy that any uses of force by Department members shall be reported in a timely, complete, and accurate manner and subject to a thorough and objective investigatory review process to ensure compliance with state law and department policy.

B. POLICY

1. This policy sets forth the guidelines for defining, reporting, evaluating, and tracking of all uses of force by all Department members.
2. It is the policy of the Department to value and preserve human life. Officers shall use the force that is objectively reasonable to effectively bring an incident under control while protecting the safety of the officer and others. Officers shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.
3. The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.”¹
4. The force used by members of the Department must be objectively reasonable to overcome the level of resistance encountered. In addition, “the ‘reasonableness’ of a particular use of force must be judged from a perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers’ actions are ‘objectively reasonable’ in the light of the facts and circumstances confronting them.”²
5. Officers, or any person an officer has summoned or directed to assist, need not retreat, or desist from efforts to make a lawful arrest because of resistance or threat

¹ *Graham v. Connor*, 490 U.S. 386 (1989).

² *Graham v. Connor*, 490 U.S. 386 (1989).

of resistance to a lawful arrest. Members are justified in their use of any force that is objectively reasonable to effect a lawful arrest or to defend the member or other persons from bodily harm.³

6. While officers have no legal requirement to retreat in the face of resistance, they should consider that disengagement may be a reasonable and tactically sound initial response to resistance to gain time, distance, or options prior to the use of force.
7. Any deviation from the provisions of this policy shall place the burden of justification on the member involved. Failure to meet this burden may result in disciplinary action, termination of employment, civil liability, and/or criminal charges.

C. DEFINITIONS

1. **Chokeholds** – The intentional application of force to the throat, windpipe or airway of another person that prevents the intake of air. The term does not include any hold involving contact with another person’s neck that is not intended to prevent the intake of air.
2. **Compliance** – The verbal and/or physical yielding to an officer’s authority without apparent threat of resistance or violence.
3. **De-Escalation** – Techniques utilized to avoid or reduce the intensity of a conflict or potentially violent situation, including where appropriate, slowing the momentum, communicating calmly and clearly with the individual and thereby reducing the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation with the least amount of force possible. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.
4. **De Minimis Force**: Controlling measures and/or techniques utilized to restrain, separate, and/or guide, not intended to cause pain, and have minimal probability of causing injury.
5. **Duty to Intervene** – The duty to attempt to prevent or stop the use of excessive force by another officer when it is safe, objectively feasible and reasonable to do so.
6. **Excessive Force** – Any use of force that exceeds the degree of force permitted by law, policy, or the officer’s employing agency.⁴

³ Fla. Stat § 776.05.

⁴ Fla. Stat § 943.1735 1 (b).

7. **Lateral Vascular Neck Restraint** – A technique used to incapacitate individuals by restricting the flow of blood to the brain. A lateral vascular neck restraint is distinct from a chokehold.
8. **Less Lethal Weapon** – A weapon that is not fundamentally designed to cause death or great bodily harm.
9. **Objectively Reasonable Force** – Where the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and what a reasonable, prudent officer would use under the same or similar situations.
10. **Probable Cause** - A reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person is guilty of the offense charged.⁵
11. **Resistance** – A subject's attempt to prevent an officer from exercising control over him/her. Resistance can be non-verbal, verbal, or physical in nature.
12. **Serious Bodily Injury** – Bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.⁶
13. **Show of Force** - Where an officer draws, displays, or points any tool or weapons system in potentially high risk or unknown risk situations. Drawing a tool from a duty belt, retrieving a weapon from a Department vehicle, or displaying a weapon does not constitute a use of force.
14. **Totality of Circumstances** – All facts and circumstance known to the officer at the time or reasonably perceived by the officer as the basis for a use of force decision.
15. **Use of Force** –The use of any form of physical force that goes beyond the mere grasping of a subject's arms, hands, wrist, or placing an individual in handcuffs. A defensive or controlling physical response by an officer to overcome a person's threatened or actual physical resistance to an officer's performance of a legal duty.

D. DE-ESCALATION AND DUTY TO INTERVENE

1. Officers shall use de-escalation techniques, whenever safe, possible and appropriate, before resorting to force and to reduce the need for force. When feasible, an officer should allow an individual time and opportunity to submit to verbal commands before force is used provided such delay will not compromise the

⁵ FSC Schmitt v. State 590 So.2d 404, 409

⁶ Title 18 U.S. Code 2246 (4)

safety of the officer or another and will not result in the destruction of evidence, escape of a subject or commission of a crime.

2. When it is safe and reasonable to do so, any officer present has a duty to physically and/or verbally intervene whenever another officer overcoming resistance does not cease the technique being utilized or deescalate once the subject complies and is no longer a threat. Officers have a duty to report any excessive use of force to a supervisor.

E. DUTY TO RENDER AID

1. Once a scene is safe and as soon as practical, officers shall provide appropriate medical care consistent with training or policy to any individual who has visible injuries, complains of injury, or requests medical attention following any use of force.
2. The duty to render aid may include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.
3. If a detained subject is prone and when it is safe to do so, the officer should move the subject into a recovery or upright seated position, assess the subject for injury, and render aid if necessary.

F. USE OF FORCE GUIDELINES

While acting in the capacity of a police officer, it may be necessary to use some level of control to successfully perform one's lawful duty. In many situations, control may be achieved without the use of physical contact. In other instances, based on the resistance encountered, it may be necessary to use varying levels of physical force to control a subject's actions.

An officer may use techniques that escalate to a level of control that is intended to influence behavior through pain compliance. These techniques may consist of Non-Deadly Force, Less Lethal Weapons, and Extended Range Impact Weapons.

The following response guideline is a framework for making decisions involving the reasonable force used by officers. These guidelines are based on constitutional considerations and case law and describe appropriate decision-making. The guidelines consider the relationship between subject resistance, nature of the offense, and various situational factors in determining the officer's response options.

It is important to note that each officer's perception of the danger and the level of resistance perceived will be based upon past training, experience, and knowledge of physical control techniques.

G. RESISTANCE LEVELS

1. **Psychological Intimidation** - Non-verbal cues indicating a subject's attitude, appearance, and physical readiness.
2. **Verbal Non-Compliance** - Verbal responses indicating unwillingness or threats.
3. **Passive Resistance** - Verbal and/or physical refusal to comply with an officer's lawful direction, justifying the officer to use physical techniques to establish control. Examples of passive resistance include, but are not limited to:
 - a. The subject refuses to move at the officer's lawful direction.
 - b. The subject refuses to take his or her hands out of their pockets, from behind their back, or from a place of visual concealment.
 - c. The subject refuses to leave a vehicle when ordered to do so.
4. **Active Resistance** - A subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, or pulling, to prevent the officer from establishing control. Examples of active resistance include but are not limited to:
 - a. The subject physically anchors themselves to a person or object to prevent from being moved.
 - b. The subject attempts to flee/run when the officer touches or attempts to grab the subject.
 - c. The subject braces or pulls away from the officer when grabbed.
5. **Aggressive Resistance** – A subject's attacking movements directed toward an officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others. Examples of aggressive resistance include, but are not limited to:
 - a. Overt hostile action towards officer or another.
 - b. Pushing the officer.
 - c. Taking a fighting stance.
 - d. The subject balls his/her fist and approaches the officer or a person.
 - e. Subject grabs or strikes any part of the officer's body.
6. **Deadly Force Resistance** - A subject's hostile attacking movements, with or without a weapon, that create a reasonable belief and/or perception by the officer that the subject intends and has the capability of causing death or great bodily harm

to the officer or others. Some examples of deadly force resistance include the following:

- a. A subject refuses to drop a knife when ordered to by the officer and moves towards the officer.
- b. A subject shoots or points a gun at an officer or other person.
- c. A subject tries to use a vehicle to run down an officer, with the exception of an officer created jeopardy.

H. FORCE LEVELS

Officers need not apply force in gradually increasing steps to justify physical control or even deadly force. Once an officer determines that the use force is necessary, the level of force to be used will be based on the totality of the known circumstances.

Response decisions may escalate and de-escalate rapidly in relation to the perceived threat. An officer's goal is to achieve compliance. Once compliance is gained, any use of force technique being utilized shall cease or be deescalated to the least amount of force required to maintain control of the subject or scene.

1. The following are levels of response:
 - a. **Officer Presence** - Identification of authority.
 - b. **Verbal Direction** - Commands of direction or arrest.
 - c. **Show of Force** - Drawing, displaying, or pointing any tool or weapons system in potentially high risk or unknown risk situations.
 - d. **De Minimis Force** - Controlling measures and/or techniques utilized to restrain, separate, and/or guide which are not intended to cause pain and have minimal probability of causing injury. Examples are, but not limited to, escorts, handcuffing, and restraining force.
 - e. **Non-Deadly Force** - Any controlling measure and/or techniques intended to gain compliance and/or overcome resistance through the application of strikes and/or pain in a manner not likely to cause death or great bodily harm. Examples are, but not limited to, diversionary strikes, leg sweeps, takedowns, and pressure points.
 - f. **Less Lethal Weapon** - The use of intermediate weapons which are not fundamentally designed to cause death or great bodily harm. Examples are, but not limited to, subject control spray, conducted electronic weapons, and fixed and expandable batons.

- g. **Extended Range Impact Weapon** - Less lethal impact weapons are used as a method of controlling violent or potentially violent individuals. Example of less lethal weapons include, but are not limited to, 40 mm rounds and pepper balls.
- h. **Deadly Force** - Force likely to cause death or serious bodily injury.

I. USE OF FORCE CLASSIFICATIONS

Uses of force fall under three (3) classifications:

1. **Class 1** - Use of deadly force, which is defined as a level of force which is likely to cause death or great bodily injury. This includes:
 - a. Intentionally discharging a firearm, in the direction of a person, regardless of intent.
 - b. Intentional use of baton, motor vehicle, hands, or other weapon, which results in death or great bodily harm.

Note: Any use of deadly force on an animal refer to Policy 203.3, Animal (Use of Deadly Force)
2. **Class 2** - Intentional use of non-deadly force, a less lethal weapon, or an extended range impact weapon.
3. **Class 3** – The use of *de minimis* force that does not result in injury or a complaint of injury. In the event the subject sustains an injury or complains of injury, the use of force will be categorized as Class 2. A show of force shall be classified as a Class 3 use of force. The “Use of Force” box shall not be checked for Class 3.

J. DEADLY FORCE

The Department places a greater value on the preservation of life than on the protection of property. Before deadly force may be utilized, officers must balance the safety of the public, themselves and other officers with the subject’s constitutional rights and protections.

1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. The use of deadly force is justified when one or more of the following apply:
 - a. To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
 - b. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed or intends to commit a felony

involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.

- c. When practical and safe to do so, the officer shall identify himself/herself as a law enforcement officer and warn of his/her intent to use deadly force.⁷
- d. In making a decision about the use of deadly force, officers shall consider risks to innocent bystanders who may be placed in jeopardy by the officer's actions.

2. The following actions are prohibited.

- a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.
- b. Warning shots are prohibited.
- c. Lateral vascular neck restraints, chokeholds, and any maneuver or tactic that prevents breathing or obstructs an individual's airway are prohibited except in cases where deadly force is justifiable.
- d. Shooting at or from moving vehicles or vessels.
- e. While on foot or in their police vehicle or vessel, officers shall not intentionally place themselves in the path of an oncoming vehicle or vessel.
- f. Officers shall not discharge their firearm or any other weapon at or from a moving vehicle or vessel unless:
 - (1). A person in the vehicle or vessel is threatening the officer or another person with deadly force by means other than the vehicle or vessel.
 - (2). The vehicle or vessel is operated in a manner deliberately intended to strike an officer or another person and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle or vessel.

K. PROCEDURES

The following procedure applies any time a use of force occurs, even if no arrest is made.

1. CLASS 1 - USE OF DEADLY FORCE

⁷ *Tennessee v Garner*, 471 U.S. 1 (1985).

- a. For greater transparency and increased public trust in the agency, the Florida Department of Law Enforcement (FDLE) shall be the lead agency investigating the use of deadly force by Department members.

The occurrence of any of the following predicate events will initiate investigative and forensic involvement, assistance, or coordination by FDLE:

- (1). The shooting of a person by a Department member acting in the line of duty; or
 - (2). The death of an arrestee while in the care, custody, or control of a Department member, the death of an arrestee shortly after being in the care, custody, or control of a Department member or the death of an intended arrestee during an arrest attempt by a Department member.
- b. The following procedure shall be adhered to:
 - (1). The officer shall immediately summon and render first aid when it is safe to do so and notify a supervisor of the use of force. The notified supervisor will respond and take charge of the scene.
 - (2). Officer(s) involved in the actual use of deadly force shall retain custody of their weapon(s) until ordered to surrender them by the on-scene supervisor. Weapons shall not be unloaded or otherwise tampered with prior to their surrender.
- c. Supervisor's responsibilities:
 - (1). Ensure that necessary medical aid is provided to injured persons. Any police officer complaining of injury shall be sent to a medical facility for treatment as soon as possible and shall be accompanied by a member of the Department.
 - (2). Secure the scene, including obtaining the involved officer(s) weapon and any magazines if applicable.
 - (3). Assign a member of the Department to maintain a log of persons entering or leaving the crime scene. Only persons having an investigative purpose shall enter the crime scene. Ideally, this should be limited to investigating and crime scene detectives.
 - (4). Attempt to identify any persons considered to be possible witnesses and encourage them to remain on scene. If unable to keep witnesses on scene, the supervisor should attempt to obtain personal and/or vehicle identification for future follow-up.

- (5). Ensure that any officer who witnessed the incident, handled evidence, or obtained information shall remain on scene or be readily available until released by a supervisor or FDLE.
 - (6). Ensure that involved officers are removed from the scene as soon as possible at the direction of the lead investigator or a member of the Homicide Unit.
 - (7). Ensure the incident report and all supplements are completed and submitted by the end of the shift.
- d. The Shift/Duty Lieutenant shall contact a Teletype operator and request the operator notify the Officer Involved Shooting (OIS) team via Everbridge. The following individuals are included in the "OIS" team:
- (a). Chief of Police
 - (b). Florida Department of Law Enforcement (FDLE) (Fusion Center 850-410-7645)
 - (c). Assistant Chiefs of Police
 - (d). Majors
 - (e). Internal Affairs Commander
 - (f). Violent Crimes Division Captain
 - (g). Homicide Sergeant
 - (h). Media Relations Unit
 - (i). Police Psychologist
 - (j). Critical Incident Stress Debriefing (CISD) Team Coordinator
 - (k). Police Chaplain
 - (l). Staff Development Division Captain
 - (m). Training Unit Sergeant
 - (n). The Fraternal Order of Police
- e. The Media Relations Unit will be responsible for the following:

- (1). The Media Relations Unit, after consultation with FDLE if it is investigating, shall be responsible for disseminating information to the public about the use of deadly force.
 - (2). Inquiries from non-police personnel, civilians, attorneys, news media, or family members of injured or deceased individuals shall be referred to the Media Relations Unit. Every effort will be made to provide the family members with any information prior to its public dissemination.
- f. FDLE is responsible for conducting the investigation. If FDLE is not responding, then the Homicide Unit is responsible for conducting the investigation.
- (1). The Homicide Sergeant or designee shall act as the liaison between the Department and FDLE for the duration of the investigation.
 - (2). FDLE will be responsible for next-of-kin notifications.
 - (3). FDLE shall submit all final reports to the State Attorney for review, pursuant to the Memorandum of Understanding effective February 1, 2017.
- g. The Homicide Sergeant or designee shall complete the Death in Custody Questionnaire⁸, and a copy shall be forwarded to the Records Unit and emailed to: criminaljustice@fdle.state.fl.us
- h. Any member whose actions result in death or serious bodily injury shall be removed from the line of duty and placed on administrative leave. The Chief of Police or designee shall give final authorization for the member involved to return to duty.
- i. Any member whose actions do not result in serious injury or death may be relieved from the line of duty and placed on administrative leave at the sole discretion of the Chief of Police or designee.
- j. The Office of Internal Affairs shall conduct a preliminary administrative review of all incidents involving any member whose actions result in death or serious bodily injury.
- k. The Office of Internal Affairs will make entry of all relevant information involving Class 1 uses of force into IAPro for command review and for tracking purposes.

2. CLASS 2 - INTENTIONAL USE OF NON-DEADLY FORCE

⁸ *Death in Custody Reporting Act.*

- a. The member shall immediately notify a supervisor of the use of force and document the use of force in an offense report, which shall include the name and rank of the supervisor who was notified.
- b. If the subject of the use of force is injured or states that he/she is injured, the member shall immediately summon and render first aid as soon as it is safe to do so and shall notify a supervisor of the use of force, including the nature of any complained injury, and document the use of force in an offense report. The offense report shall include the name and rank of the supervisor who responded and reviewed the body-worn camera video of the incident.
- c. If an officer is injured as a result of a subject's resistance, the officer shall immediately determine if first aid is needed and notify a supervisor of the injuries and the circumstances. The officer shall document the incident in an offense report, which shall include the name and rank of the supervisor who responded to the scene.

3. ON SCENE SUPERVISOR

When a supervisor is notified, there is an injury or complaint of injury from the use of non-deadly force, the supervisor shall ascertain what occurred, ensure medical aid is provided to all injured persons when it is safe to do so, and shall:

- a. Respond to the scene to further the investigation as soon as practical.
- b. If exigent circumstances require expediting the removal of the arrestee/detainee from the scene, the involved officer and supervisor shall meet at a safe location as near the scene as practical.
- c. Examine the injured.
- d. Ensure that photographs are taken and uploaded to Evidence.com of all of the subject's and member's injuries and areas of complaint of injury, regardless of whether the injuries are visible or non-visible.
- e. Review the body-worn camera video of the involved officer(s) and/or other officers on scene that sufficiently depicts the events preceding the actual use of force and any de-escalation techniques utilized. Any issues of concern shall be immediately referred to the shift/duty lieutenant who will make a determination if further action is warranted.

4. SUPERVISOR REVIEW

- a. After the body-worn camera video is uploaded to Evidence.com, the supervisor reviewing the incident report shall also review the video evidence of the events preceding the use of force, the actual use of force,

and any de-escalation techniques utilized. The supervisor shall note in the comments section of the viewed video the timeframe reviewed and one of the following statements must be entered:

- (1). Administrative review.
 - (2). Administrative review. Referred to lieutenant.
- b. The supervisor shall review the corresponding offense report to ensure that the use of force is explained in sufficient detail, confirm the “Use of Force” box is selected along with the appropriate “Type” and “Result”, and all photographs are uploaded into Evidence.com.
 - c. Additionally, the supervisor shall make entry of all relevant information involving Class 2 uses of force into IAPro Blue Team for chain of command review and tracking purposes.
 - (1). An initial entry into IAPro Blue Team must be done before the end of shift. The initial entry must include the location, case number, subject(s) involved, and the officer(s) involved.
 - (2). Supervisors have 30 days from the incident to have use of force Blue Team entries completed and reviewed by their chain of command up to their Captain.
 - d. In all incidents involving the apparent excessive or inappropriate application of force, the primary investigation shall be assigned to Internal Affairs and notification made immediately.
5. **CLASS 3 – CONTACT NOT RESULTING IN INJURY OR COMPLAINT OF INJURY.**

The “Use of Force” box shall not be selected. However, the actions of the officer shall be documented in an incident report with specific details describing the necessity for such actions.

L. NOTICE TO APPEAR

1. A Notice To Appear (NTA) shall NOT be issued if the injury is a direct result of the use of force and requires medical clearance.
 - a. The on-scene supervisor may approve the issuance of an NTA if no injury or complaint of injury resulted from the use of force. The officer shall indicate in their report the name and rank of the supervisor who responded to the scene.

M. INTERNAL AFFAIRS USE OF FORCE REVIEW

1. The Office of Internal Affairs shall conduct random reviews of Class 2 uses of force submitted by Command Staff to IAPro via Blue Team. These reviews will occur monthly and will consist of a review of all reports and any associated body worn camera footage involving the Class 2 use of force to determine whether or not the Department member's response is consistent with applicable law, Department policies, and professional law enforcement standards, regardless of whether a complaint is received or not.
2. The Office of Internal Affairs shall review all reports and any associated body worn camera footage involving the discharges of firearms and actions of members that result in, or is alleged to result in, injury or death to another, to determine whether or not the Department member's response is consistent with applicable law, Department policies, and professional law enforcement standards, regardless of whether a complaint is received or not.
3. The Office of Internal Affairs shall conduct an annual administrative review and analysis of such reports and shall forward the results of the administrative review (with proof of analysis and outcomes) to the Chief of Police.

N. TRAINING

1. All sworn and applicable non-sworn members shall receive copies of, and be instructed on, this Use of Force Policy before they are authorized to carry agency approved lethal, and/or less lethal weapons.
2. Annually, sworn, and applicable non-sworn members shall receive refresher training on this Use of Force policy.

O. RECOMMENDATION FOR REMEDIAL TRAINING

Any reviewing Department supervisor may recommend appropriate remedial training for the involved Department member.

P. LARGE SCALE EVENTS

During unusual or exigent circumstances such as civil unrest, body-worn camera video shall be reviewed by a supervisor as soon as practical.