

# TALLAHASSEE POLICE DEPARTMENT

## GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b>  Response to Resistance		 Nationally Accredited 1986
	<b>CHIEF OF POLICE</b>  <i>Signature on File</i>		
<b>NUMBER</b> 60	<b>ORIGINAL ISSUE</b> 07/28/1986	<b>CURRENT REVISION</b> 07/25/2023	<b>TOTAL PAGES</b> 20

### AUTHORITY/RELATED REFERENCES

Executive Order on Safe Policing for Safe Communities  
 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    1, 4, 41  
 CFA Chapters        4, 10

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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.

**Chokehold:** Any physical maneuver that intentionally restricts an individual's ability to breathe for the purposes of incapacitation.

**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.

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

**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.

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

**Vascular Neck Restraints:** A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

**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.

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- D. In response to resistance situations, officers have a duty to intervene and promptly notify their supervisor, or if appropriate, another supervisor if they observe:
1. Another member or public safety associate (i.e., sworn member from another agency) using unnecessary or excessive force, or
  2. Circumstances which, based upon their training and experience, cause them to reasonably believe the use of unnecessary or excessive force is imminent.
- E. Any review of an officer's decision to intervene will include a determination if the method of intervention was objectively reasonable to safely prevent or stop the use of unnecessary or excessive force as defined in this policy.
- F. 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).
- G. 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.
- H. 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.
- I. 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.

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- J. 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,
  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,

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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. The discharge of a firearm at an occupied vehicle is deadly force. Officers shall not discharge a firearm at a moving vehicle, or any occupant inside the vehicle, unless the officer reasonably believes one of the following is applicable:
1. The driver or any occupant of the vehicle is threatening a person or an officer with deadly force by means other than the vehicle,
  2. The driver or any occupant of the vehicle is intentionally threatening a person or an officer with the vehicle as a deadly weapon and there is no other immediate option to stop the threat,
  3. The escape of the person would create an imminent danger to the public and other methods to prevent escape would be ineffective or are not immediately available.
- D. Officers shall not discharge firearms from a moving vehicle except in exigent circumstances when it is objectively reasonable to do so, and officers should be aware of the backdrop and potential to endanger innocent persons when shooting from a vehicle.
- E. Officers should remember the use of deadly force on a subject in a vehicle may not eliminate the threat or danger posed by a moving vehicle.

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- F. Unless it is objectively reasonable, officers shall not intentionally place themselves in harm's way by standing, or moving, in front of or behind a vehicle or by reaching inside a vehicle operated by a person actively attempting to flee or avoid apprehension.
- G. Officers are prohibited from discharging a firearm as a warning shot.
- H. Officers are prohibited from using a chokehold or vascular neck restraints, except in those situations where the use of deadly force is allowed by law.

### **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.
- 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).

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D. Officers should consider the following options when feasible, appropriate for the situation, likely to be effective, and they can be achieved in a safe, prudent, and timely manner:

1. Using distance and cover,
2. Repositioning,
3. "Slowing Down," and
4. Calling for other resources.

E. 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

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- 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).
- 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.

F. 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.

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- 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

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).

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- 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.
  - 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,

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2. Rendering first aid as quickly as reasonably possible, and summoning emergency medical services (EMS) as necessary, and
  3. Summoning EMS is mandatory when:
    - a. Obvious severe injuries have occurred,
    - b. Medical distress is apparent, or
    - c. The individual is unconscious.
  4. Officers must be vigilant in monitoring a detainee's breathing and promptly responding to any distress signals. It is crucial to avoid prolonged or excessive pressure on a person's chest, neck, or back, as these actions can heighten the risk of positional asphyxia.
  5. 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.
- B. The procedures in subsection A 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,

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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 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

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- 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),
  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<sup>®</sup> 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.

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- B. Officers operating with other agencies (i.e., taskforces) should only complete Response to Resistance Reports when the actions, outlined in A, were performed by officers of the Department.
- C. 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.
- D. 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.
  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.
- E. 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

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- A. Each member involved in the chain of command review process shall fulfill their responsibilities in a timely manner and without unnecessary delay.
- B. If there is a delay in the review process that is more than 14 calendar days, the Bureau Commander (or designee) shall be notified of the delay.
- C. 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 that captured the specific use of force event (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. Making a preliminary determination if the officer's actions were objectively reasonable and if the actions were "in compliance with policy" or "not in compliance with policy" in the Response to Resistance Report comments section, and
  - 6. Forwarding the completed Response to Resistance Report to the lieutenant.
- D. 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. Make a preliminary determination if the officer's actions were objectively reasonable and if the actions were "in compliance with policy" or "not in compliance with policy" 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 (or designee).

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- b. Damage to property which may expose the City of Tallahassee to liability: to the Bureau Commander (or designee).
  - c. When situations described in subsections a and b above are not applicable: to the Internal Affairs Unit (IAU).
  - d. If there is a preliminary determination that the officer's actions were not objectively reasonable or not in compliance with policy, or both, the approving lieutenant shall forward the report to the IAU and notify the IAU Commander and their respective Bureau Commander.
- E. The Bureau Commander (or designee) is responsible for reviewing each forwarded Response to Resistance Report and, after the review, forwarding the report to the Legal Advisor.
- F. 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.
- 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.

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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 regard to a Response to Resistance Report, The Training Sergeant shall obtain all the pertinent information to review the incident.
- 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 regard 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.

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- 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).

History: previous title (*use of force*) – issued 07/28/1986, revised 03/01/1993, 07/01/1993, 01/12/1996, 04/15/1998, 01/19/1999, 10/29/2001, 10/01/2007, 09/30/2010 02/04/2016 (title change – *response to resistance*), 05/21/2018, 06/17/2020, 12/16/2020, 04/05/2022, and 05/24/2023.