



LEVELS OF RESISTANCE			1000.00	
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## PURPOSE

The purpose of this standard operating procedure is to provide members with guidelines on the use of deadly and non-deadly force.

## SCOPE

This procedure shall apply to all Punta Gorda Police Department personnel.

## DISCUSSION

It is the policy of the Punta Gorda Police Department to provide and maintain procedures to follow when an officer is confronted with situations where force is deemed necessary to execute their legal authority. Attempts will be made to achieve control through advice, warnings, and persuasion. However, in situations where resistance to an arrest, or non-compliance to a lawful order, or a threat to life is encountered and reasonable alternatives have been exhausted or would clearly be ineffective, physical force may be used.

## CORE PRINCIPLES

1. **Sanctity of Human Life:** Law Enforcement Officers shall make every effort to preserve human life in all situations.

2. **Value and Worth of All Persons:** All human beings have equal value and worth, and members shall respect and uphold the value and dignity of all persons at all times.
3. **Peaceful Resolutions:** Law enforcement officers shall avoid the use of force unless it is not possible to do so.
4. **Use of Force: Reasonable, Necessary, and Proportional:** Law enforcement officers shall use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
5. **Avoiding Escalation:** Law enforcement officers shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
6. **De-Escalation:** Law enforcement officers shall use De-Escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the use of force or with the lowest level of force possible.
7. **Assessment:** Law enforcement officers shall continuously assess each situation and change the Law enforcement officer's response as the circumstances change. Law enforcement officers may be justified in using force in one instance but not justified in using force an instant later.
8. **Reporting Use of Force:** Each Law enforcement officer who uses force, or observes another Law enforcement officer or Law enforcement officers use force, shall immediately notify their supervisor, and will accurately and completely report the use of force by the end of their tour of duty.
9. **Duty to Intervene:** Law enforcement officers shall intervene to prevent the abusive conduct or the use of excessive force by another Law enforcement officer.
10. **Duty to Provide Medical Assistance:** After any use of force incident, Law enforcement officers shall immediately render aid to any injured person consistent with the Law enforcement officer's training and request medical assistance. If restrained, persons are not to be positioned face down as it may cause Positional Asphyxia, and placing restrained persons on their back may lead to radial nerve damage to the wrists and forearms. Restrained persons are to be placed in a seated position or on their sides.
11. **Accountability:** Law enforcement officers shall be held accountable for uses of force that violate law or policy.
12. **Retaliatory Force:** Law enforcement officers are prohibited from using force against persons engaged in First Amendment protected activities or to punish persons for fleeing, resisting arrest or assaulting a member, or for any other reason.

## DEFINITIONS

1. **Chemical Force:** Use of Subject Control Spray to compel compliance.
2. **Custody:** Taking control of another individual through some action on the employee's part.
3. **Deadly Force:** Force which is likely to cause death or great bodily harm.
4. **Taser:** A device designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.
5. **Specialty Impact Munitions System:** A system in which a projectile is deployed that is not fundamentally designed to cause serious bodily injury or death.
6. **Hospitalization:** The admittance of an individual to a hospital for treatment due to injuries incurred by the member's actions.
7. **Injury:** The individual complains of an injury or there is apparent injury.
8. **Member:** Refers to all employees, reserves and volunteers that are under the direction of the Chief of Police.
9. **Non-Deadly Force:** Necessary force which is not likely to cause death or great bodily harm.
10. **Non-Hospitalization:** The treatment of an individual by a paramedic or treatment in an emergency room (but no admission).
11. **Non-Injurious:** The individual does not complain of an injury; nor is an injury apparent.
12. **Objective Reasonableness Standard:** In *Graham v. Connor* the Supreme Court defined the "objective reasonableness" standard as a balance between the constitutional rights of an individual and the government interests that allow the use of force. When determining whether a use of force is objectively reasonable an officer should consider whether the force is necessary under the circumstances and proportional to the threat or resistance of the subject. An officer should take into consideration all information known regarding the subject and circumstances, including the seriousness of the crime or suspected offense, the level of threat or resistance presented by the subject, and whether the subject is posing an immediate threat to officers or others.
13. **Sworn Officer:** Those employees who are certified by CJSTC as Law Enforcement Officers and who possess arrest powers.
14. **Physical Force:** Force in excess of the mere touching of an individual.
15. **Totality of the Circumstances:** All facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a use of force decision. The courts will look at the totality of the circumstances in determining whether the decision was objectively reasonable and, therefore, legally justified. The totality of circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors may have an effect on the situation, and the response options available to the officer.

## PROCEDURE

### I. AUTHORIZED USE OF FORCE

- A. Officers may only use that degree of force necessary to effect lawful objectives.
  - B. As stated in [FS 776.05](#): An officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to arrest. The officer is justified in the use of any force:
    - 1. “Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;
    - 2. “When necessarily committed in retaking felons who have escaped; or
    - 3. “When necessarily committed in arresting felons fleeing from justice. However, this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and:
      - a. “The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or
      - b. “The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.”
  - C. An officer is permitted to use deadly force only under the following conditions:
    - 1. They reasonably believe that such force is necessary to prevent imminent death or great bodily harm to themselves or another person.
    - 2. They reasonably believe that such force is necessary to prevent the imminent commission of a forcible felony. Forcible felony means treason; murder; manslaughter; sexual battery; armed robbery; burglary of an occupied dwelling; arson of an occupied dwelling; kidnapping; aggravated assault; aggravated battery; aircraft piracy; unlawful throwing, placing or discharging of a destructive device or bomb; any other felony which involves the use or threat of physical force or violence against any individual and such threat of physical force or violence may result in death or great bodily harm.
    - 3. They are permitted to use deadly force when retaking felons who have escaped or felons fleeing from justice as follows:
      - a. The use of deadly force was reasonably necessary to prevent the arrest from being defeated by such flight;
- and**
- b. They reasonably believe that the fleeing felon poses a threat of death or serious physical harm to the member or others;

**or**

- c. They reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person;
- d. When feasible, verbal warning should be given to halt.

## **II. RESPONSE TO RESISTANCE REPORTING**

A. In any of the following situations, the reporting requirements in Section B (below) shall be met:

- 1. Any time an officer uses Physical take-downs, leg sweeps, or any technique which forcibly requires the subject to end up on the ground from means other than their own.
- 2. An application of Specialty Impact Munitions Systems or above;
- 3. An application of subject control spray;
- 4. Any time a member takes action that results in, or is alleged to have resulted in, the injury or death of another person;
- 5. Any time an officer discharges a firearm or Taser for other than training, recreational purposes, or accidental discharge of an Taser, or initiates any action that could be considered a form of deadly force; or
- 6. Any time a police canine bites or causes injury to a subject.

### **B. Reporting Requirements**

- 1. A supervisor shall be immediately informed of the incident and shall respond to the scene.
- 2. Any time a member uses deadly force which results in the injury or death of any person while in their official capacity, a member intentionally discharges a firearm that results in injury or death to any person while in their official capacity, or an in-custody death occurs, a member of the Command Staff shall immediately contact the State Attorney's Office (SAO) no later than one (1) hour after any such incident. Their investigative staff will determine if the SAO will respond to the scene and/or gather initial information. If the incident happens after hours the supervisor is required to use the after-hours number, [\(See Policy Appendix Section X\(A\)\(1\)\)](#). The supervisor is requested to provide the operator with the following information:
  - a. name;
  - b. agency;
  - c. county of the event;
  - d. call-back number; and

- e. should the call be returned by the Assistant State Attorney or SAO investigator.
- 3. All investigative information, including but not limited to: offense-incident and supplemental reports, statements, all audio and video, biological/DNA, crime scene and other forensic reports shall be submitted to the SAO in a timely manner. (See attached reference list of documents requested by the SAO).
- 4. There shall be no public release of evidence or fruits of the investigation until such a time that the SAO has closed its investigation without first consulting with the SAO.
- 5. The incident shall be documented in a detailed incident report. Photographs of the individual force was used on shall also be submitted regardless of injury.
- 6. When any type of force is used, the primary officer shall complete a Response to Resistance Report via Blueteam. The primary officer shall include all other members who subsequently used force in the entry as an involved employee. Members who are present at the time of the use of force and are only witnesses to the use force shall complete a supplement concerning the incident. Backup officers who arrive on the scene after the use of force, or who do not witness the use force, do not have to be listed on the Response to Resistance Report or provide a supplement as they will be listed in the incident report in accordance with department policy.
  - a. Upon completion of the Blueteam entry, the primary officer shall forward the report to all other involved officers for their approval.
  - b. When all involved members have approved the entry, the Response to Resistance Report shall be submitted to the supervisor immediately after the incident for approval.
  - c. The supervisor shall review the incident, including any videos of the incident, and shall document their findings in the Response to Resistance Report. The Response to Resistance Report and all other pertinent documentation will then be forwarded to the Operations Division Commander and Chief of Police for approval.
  - d. Upon completion of the Chief's review, Professional Standards shall review the Response to Resistance Report and all accompanying documentation. Professional Standards shall release the Response to Resistance Report from BlueTeam into IAPRO with a security classification of 3 – Confidential.
- C. Any time an officer draws a firearm, Specialty Impact Munitions System, or Taser and points it at a suspect to gain suspect compliance:
  - 1. The primary officer shall complete a Subject Compliance Report via Blueteam. The primary officer shall include all other members who subsequently used a show of force in the entry as an involved employee.
  - 2. Upon completion of the Blueteam entry, the primary officer shall forward the report to all other involved officers for their approval.

3. When all involved members have approved the entry, the Subject Compliance Report shall be submitted to the supervisor for approval.
  4. The supervisor shall review the incident, including any videos of the incident, and shall document their findings in the Subject Compliance Report and forward it along with all other pertinent documentation to Operations Division Commander and Chief of Police for approval.
  5. Upon completion of the Chief's review, Professional Standards shall review the Subject Compliance Report and all accompanying documentation. Professional Standards shall release the Subject Compliance Report from BlueTeam into IAPRO with a security classification of 3 – Confidential.
- D. Any officer involved shooting, death of an arrestee while in the care, custody, or control of a officer, death of an arrestee shortly after being in the care, custody or control of an officer, or the death of an intended arrestee during an arrest attempted by an officer shall be immediately reported to the FDLE regional operations center to request the dispatch of an FDLE Critical Incident Team to initiate an investigation. FDLE will be the primary agency conducting the criminal investigation. The Criminal Investigations Section will also conduct a concurrent investigation.
- E. Any use of force incident involving death or the intentional discharge of a firearm that results in injury or death to any person shall be independently reviewed by another law enforcement agency, a law enforcement officer employed by another agency, or the state attorney. Such agency or officer to complete a report shall be provided to the state attorney.
- F. Use of force incidents that result in serious bodily injury, death, or the discharge of a firearm at a person shall be reported to the Florida Department of Law Enforcement (FDLE) on a quarterly basis.
- G. Annual Response to Resistance Analysis - Annually, the Professional Standards Section Supervisor shall prepare a Response to Resistance Analysis which shall be presented to the Command Staff for review.

### **III. ADMINISTRATIVE RELIEF FROM DUTY (NON-DISCIPLINARY)**

- A. In every instance in which a member's use of force results in death or serious bodily injury to another person, the member shall be immediately relieved of normal duties until a preliminary administrative review is conducted by the Chief of Police. If a weapon is involved, the member shall also be relieved of their weapon and another department weapon shall be issued.
- B. Assignment to a relieved-of-duty status shall be administrative (non-disciplinary) with no loss of pay or benefits.
- C. Relief from duty with full pay and benefits is intended to serve two purposes:
  1. To address the personal and emotional needs of a member involved in the use of deadly force, and

2. To assure the community that verification of the facts surrounding such incidents are fully and professionally explored.
- D. Members so relieved from duty shall remain on a "Relieved-of-Duty" status until assessed by a post trauma counselor designated by the Punta Gorda Police Department, after which the member may be reassigned to duty status at the discretion of the Chief of Police. Members so relieved from duty shall ensure their availability to police investigators until investigation of the incident is concluded.
- IV. **AUTHORIZED WEAPONS:** While exercising law enforcement authority, officers shall carry only weapons (Taser, specialty impact munitions, firearms, etc.) with which they have proven proficiency.
- V. **USE OF FORCE/LEVELS OF RESISTANCE GUIDELINES:** The Punta Gorda Police Department has adopted the recommended Use of Force: Force Guidelines established by the Florida Department of Law Enforcement and implemented 4/1/08.
- A. Subject Resistance Levels
1. Passive Resistance - A subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officer to use physical techniques to establish control.
  2. 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 over the subject.
  3. Aggressive Resistance - A subject's attacking movements toward an officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others.
  4. Deadly Force Resistance - A subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others.
- B. Officer Response Options – The nature of the officer's response to a subject's resistance is determined by the subject's actions. Officers should always try to resolve a situation with the least amount of force necessary. Command presence and verbal communication often will defuse many volatile situations. Sometimes, however, these are not enough or officers may not have the opportunity to use them. Officers need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, officers need to respond with all the force reasonably necessary for the circumstances in each specific situation.
1. Physical Control - Achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.



- a. Officers are prohibited from using any choke hold or neck restraint techniques unless it becomes necessary in a deadly force situation.
2. Less Lethal Weapon - A weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of less-lethal weapons include Tasers, Subject Control Spray, specialty impact munitions, and police canines. Weapons of opportunity may be considered less-lethal weapons when they are used in a manner that is not likely to cause death or great bodily harm. Weapons of opportunity shall only be utilized in circumstances when other force options are unavailable or unreasonable.
3. Deadly Force
  - a. Force that is likely to cause death or great bodily harm. Some examples of deadly force include use of a firearm, eye gouges, empty-hand strikes to the throat, and impact weapon strikes to the side of the neck or any less-lethal weapon used in a manner that is likely to cause death or great bodily harm.
  - b. FS 776.06 states: “Deadly force means force that is likely to cause death or great bodily harm, and includes, but is not limited to:
    - 1) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
    - 2) The firing of a firearm at a vehicle in which the person to be arrested is riding.”
  - c. Use of deadly force may be an officer’s first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone died from the force used. It can cause great bodily harm or no harm at all. For example, returning fire is deadly force even if the officer misses the target. The officer must base their decision to use deadly force as a defensive tactic on a clear, reasonable belief that they, a fellow officer, or another person faces imminent danger of death or great bodily harm.
- C. Factors For Determining the Use of Deadly Force - Officers use three criteria for making deadly force decisions: ability, opportunity, and intent.
  1. Ability - Refers to the subject having the means to carry out his or her intent to cause death or great bodily harm. An officer must determine whether the subject has the necessary means to cause death or great bodily harm to the officer or others. A weapon is not required; a subject must only have the apparent ability to carry out his or her intention. If the subject seems physically able to cause death or great bodily harm, then they have the ability. For example, a 6’4”, 250-lb. muscular man threatening to do bodily harm to an officer does not necessarily need a weapon. By virtue of his size and physical condition, he has the apparent ability.

2. Opportunity - Means the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others. The subject's weapon often determines opportunity. For example, a suspect armed with a knife may not be an immediate threat to an officer standing far away. However, the same person standing closer or carrying a firearm certainly has the opportunity to carry out his intent to cause death or great bodily harm.
  3. Intent - Is a reasonably perceived, imminent threat to an officer or another person based on the subject's actions, behaviors, words, or other indicators. It is a perception derived from the totality of the circumstances. Officers should use the amount of force necessary and reasonable for the situation. If the ability, opportunity, and intent are present and the officer cannot control the threat using lesser means, then deadly force is justified. When resistance deescalates, the officer's response shall also deescalate to match that of the resistance level.
- D. Objective Reasonableness - *Totality of circumstances* is a term the courts use to refer to all the facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a use of force decision. The courts will look at the totality of the circumstances in determining whether the decision was objectively reasonable and, therefore, legally justified. The totality of circumstances includes, but is not necessarily limited to, consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer. Some situational factors may include the following:
1. Severity of the crime;
  2. Subject is an immediate threat;
  3. Subject's mental or psychiatric history, if known to the officer;
  4. Subject's violent history, if known to the officer;
  5. Subject's combative skills;
  6. Subject's access to weapons;
  7. Innocent bystanders who could be harmed;
  8. Number of subjects versus number of officers;
  9. Duration of confrontation;
  10. Subject's size, age, weight, and physical condition;
  11. Officer's size, age, weight, physical condition, and defensive tactics expertise; and
  12. Environmental factors, such as physical terrain, weather conditions, etc.

- VI. **WEAPONS OF OPPORTUNITY:** Weapons of opportunity (any readily available object) shall only be utilized in circumstances when other force options are unavailable or unreasonable and in a manner consistent with the level of force required by the situation. Weapons of opportunity will be considered less-lethal weapons when they are utilized in a manner that is not likely to cause death or great bodily harm. Weapons of opportunity will be considered deadly force when they are utilized in a manner that is likely to cause death or great bodily harm.

VII. **AUTHORIZED LESS-LETHAL WEAPONS**

- A. The following is a list of approved less-lethal weapons that Punta Gorda Police Officers are authorized to carry.
1. Aerko Freeze +P, Subject Control Spray (SCS) (on-duty and off-duty);
  2. Clear Out and Clear Out Auto Ejector (on-duty);
  3. Taser (on-duty and off-duty); and
  4. Specialty Impact Munitions system (on-duty only).
- B. Detectives and plain-clothed officers are authorized to carry less-lethal weapons (Taser) and Aerko Freeze +P, Subject Control Spray) with them on-duty or off-duty in a concealed manner in compliance with Florida State Statutes.

VIII. **MEDICAL ASSISTANCE**

- A. Officers using any degree of force during a response to resistance by any subject shall ensure that medical assistance is provided when:
1. The subject complains of injury, requests medical treatment, and/or any member observes or suspects injury to the subject;
  2. When directed by a supervisor; or
  3. When an applicable Standard Operating Procedure (e.g. Taser) specifically requires such treatment due to the nature of the weapon used.
- B. When medical assistance is necessary:
1. The member shall request medical assistance response to the scene via the Communications Section to assess the subject's condition.
  2. If the responding medical professional determines the subject requires treatment in an emergency room, the officer shall stand by at the hospital until the subject has been medically cleared, unless otherwise directed by a Command Staff Officer.

3. Members shall not sign any medical treatment documentation pertaining to the suspect's injuries.
4. If the subject is in custody, and is subsequently transported to the jail, the booking officer shall be advised of the force applied and the resultant medical treatment and/or concerns.

**APPROVED**



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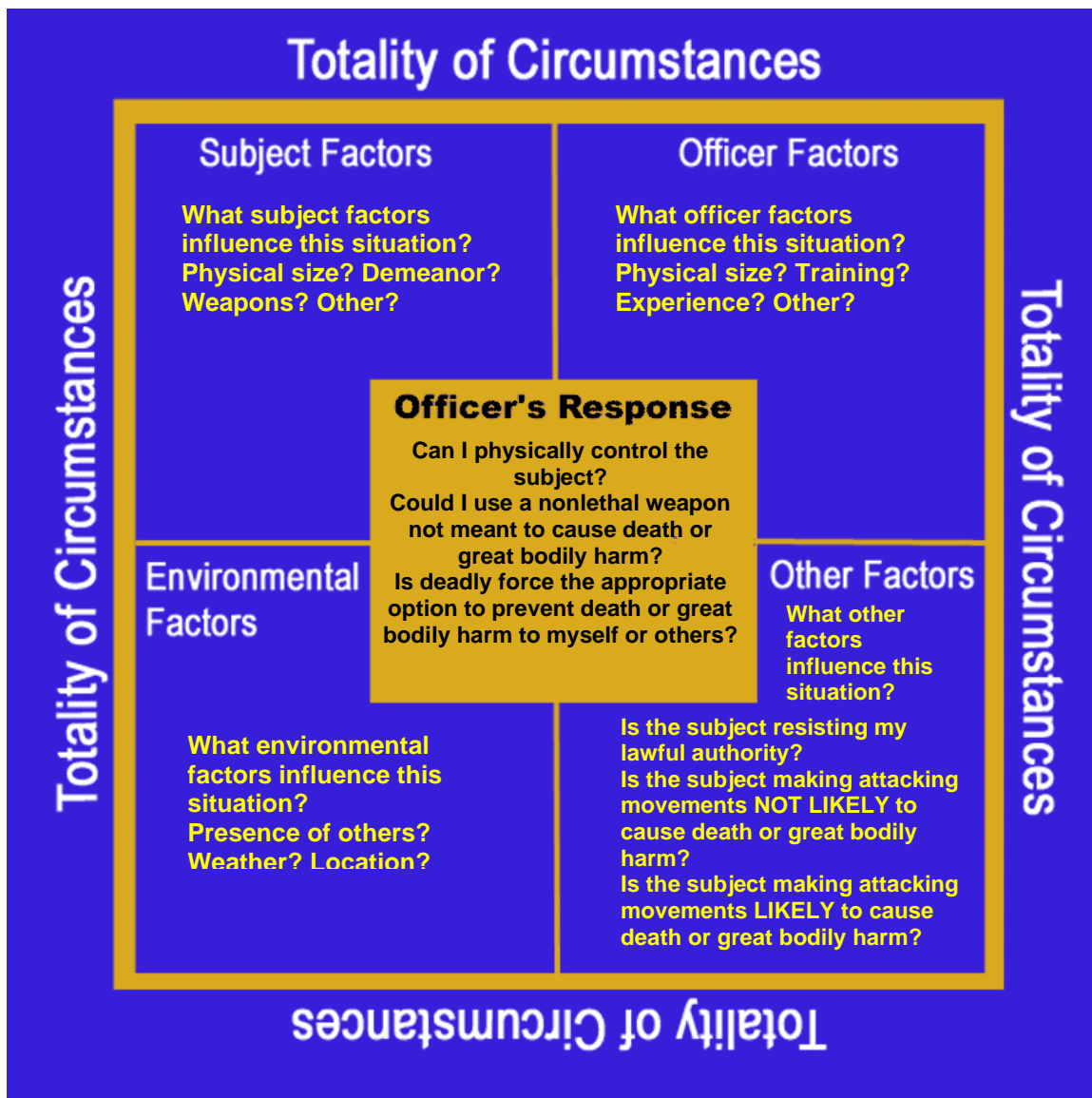
**PAMELA R. SMITH, CHIEF OF POLICE**

**STAFF REVIEW DATES:** 01-20-1998, 08-28-1998, 01-21-1998, 03-10-2000, 05-29-2002, 10-17-2003, 03-29-2006, 03-08-2007, 01-08-2009, 02-20-2009, 03-18-2010, 04-03-2012, 4-21-2014, 09-25-2018, 08-11-2020, 08-31-2023, 01-23-2025

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**Attachment:** Punta Gorda Police Department Response to Resistance Guidelines

Punta Gorda Police Department Response to Resistance Guidelines



# **O.I.S. Case File Documents**

The following is a list of minimum documents requested by the Office of State Attorney;

- Investigative Summary/Timeline
- Witness/Officers Interview Transcriptions
- All Witness and/or Officers Statements
- Evidentiary Exhibits List
- Contamination Witness List
- Crime Scene Reports
- Crime Scene Photos
- Crime Scene Diagram
- FARO footage (if applicable)
- Photos of Involved Officers (Head To Toe)
- Photos of Subjects In Custody (Head To Toe)
- Medical Examiner Report
- Hospital Medical Reports
- EMS Trip Sheets (As Well as Statements From Responding Personnel)
- Other Investigative Reports (Criminal Case Report Against Subject, GTA, Robbery Etc.)
- Lab Examination Reports i.e., Firearms, Ballistics, Latent Print Reports, DNA, etc.
- ATF Firearm Report (If Applicable For Suspect Weapons)
- Copies of all Digital Recordings
- Copies of all Related Radio Traffic
- Copies of 911 Call (If Applicable)
- Copies of All Video (Directly or Indirectly Involved Car-Cameras, Directly or Indirectly Involved Body Cameras, as well as any other identified Surveillance Footage)
- Reports of Video Captured
- Copies of Search Warrants (If Applicable)
- Copies of Arrest Warrants (If Applicable)
- Property Receipts
- Miranda Waiver (If Applicable)
- Training Report of Officer(S)
- Copy of Last Firearm(s) Qualification Report(s)
- ATMS Report Verifying Officer Status as Certified LEO