

# ORANGE COUNTY SHERIFF'S OFFICE



## GENERAL ORDER

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<b>Distribution:</b> All Personnel	<b>Review Month:</b> August	<b>Reviewing Authority:</b> HRD / Training
<b>Subject:</b> Use of Force		
<b>CALEA Standards:</b> 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13		
<b>CFA Standards:</b> <a href="#">4.01</a> , <a href="#">4.02</a> , <a href="#">4.04</a> , <a href="#">4.06</a> , <a href="#">4.07</a> , <a href="#">4.08</a> , <a href="#">4.09</a>		

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

### 1. Purpose

To establish guidelines for the appropriate use of force and for proper training in defensive weapons.

### 2. Policy

This policy establishes guidelines for OCSO personnel regarding use of force and reflects agency philosophy and established professional and legal standards. It is the policy of the agency that personnel only use that level of force objectively reasonable to perform their official duties.

Deputies shall not strike or use physical force against any person except when necessary in self defense, in defense of another, to overcome physical resistance to lawful commands, or to prevent the escape of an arrested person. When deadly force is justified, it will be considered a last resort and be employed for effect and not for warning.

Deputies have a duty to intervene if they anticipate or observe the unreasonable, unnecessary or disproportionate use of force.

### 3. Definitions

- A. Approved Expandable Baton - An expandable baton approved by the agency referred to hereafter as the "expandable baton".
- B. Chemical Agent Individual Protection Device (IPD) - An aerosol spray agent approved by the agency for carry and use.

- C. Deadly Force – A force that is likely to cause death or great bodily harm, permanent disability or permanent disfigurement 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 (FS [776.06](#)).
  3. The term “deadly force” does not include the discharge of a firearm by a law enforcement officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this sub-section the term “less-lethal munition” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.

Deadly force includes discharging a firearm, or the use of an instrument like a knife, club, baton (side handle baton, expandable baton, etc), or any use of force in a manner likely to cause death, great bodily injury, permanent disability or permanent disfigurement.

- D. Electronic Control Device (ECD) – A device designed to disrupt a subject’s sensory nervous and motor nervous systems by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses. This does not include the Electronic Restraint System (ERS) (GO [8.1.8](#) covers agency policy regarding ECD’s).
- E. Electronic Restraint System (ERS) - An electronic device, such as a restraint belt system or ankle cuff, which is designed to deliver a controlled amount of electrical current to control a subject.
- F. Great Bodily Harm - Harm to the body which involves a risk of death, serious permanent disfigurement, loss of or impairment of a bodily function or bodily organ.
- G. Imminent Danger – In relation to homicide in self-defense, this term means immediate danger, such as must be instantly met, such as cannot be guarded against by calling for assistance of others or the protection of the law. Or, as otherwise defined, such as an appearance of threatened and impending injury as would put a reasonable and prudent man to his instant defense.
- H. In-Custody Deaths – A death, or the onset of a physiological condition resulting in death, that occurs while a subject is in law enforcement custody, or while an attempt is being made to take a subject into custody. The death may or may not involve the application of force. Deaths that occur as the

result of vehicle crashes are not included.

- I. Moderate Physical Harm - Can NOT perform normal duties, medical treatment necessary (e.g., strains and sprains).
  - J. Objectively Reasonable Standard – In [Graham v. Connor, 490 U.S. 386 \(1989\)](#), the U.S. Supreme Court ruled the “reasonableness” standard of the Fourth Amendment applies to law enforcement officers using force in the course of an investigatory stop, arrest, or other “seizure” of a person. In other words, an officer’s use of force must be reasonable in the totality of the circumstances. The key is what force, if any, a reasonable law enforcement officer in those circumstances might use. In Graham, the Court noted the objectively reasonable standard is not precise or mechanical, and close attention must be paid to the totality of circumstances, specifically including the following factors: (a) the severity of the alleged crime at issue; (b) whether the person poses an immediate threat to the safety of the officers or others; and (c) whether the person is actively resisting arrest or attempting to evade arrest by flight. In judging the reasonableness of a particular use of force, courts look at the circumstances from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. They take into consideration that officers are often forced to make split-second judgments in tense, uncertain, and rapidly evolving circumstances.
  - K. Slight Physical Harm – An injury NOT prohibiting normal duties or activities (e.g. bruise, redness, slight strain).
  - L. Use of Force Matrix – The Use of Force Matrix is a set of guidelines established to assist agency personnel in their decision-making process regarding the appropriate use of force.
4. **Procedures**
- A. Use of Force Matrix.
    - 1. The Use of Force Matrix is meant to be used as a guideline for a deputy to select effective, reasonable, and legal force options in a verbal or physical encounter. The Use of Force Matrix is comprised of Subject resistance Levels and Officer Response Levels which incorporate the following:
      - a. Subject Resistance Levels:
        - 1. Presence – no physical harm: A subject is there, on the scene, with accompanying suspicious activity.
        - 2. Verbal Resistance – no physical harm: A subject may verbally refuse to comply with a deputy’s requests or attempts to control the situation. The subject may threaten the deputy with further resistance. Or, the subject may not verbally respond to the deputy.
        - 3. Passive Physical Resistance – slight physical harm: A subject physically refuses to comply or respond to a

deputy's command. He/she does not make any attempt to physically defeat the actions of the deputy but forces the deputy to employ physical maneuvers, chemical agent to establish control.

4. Active Physical Resistance – slight to moderate physical harm: A subject makes physically evasive movements to defeat a deputy's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the deputy to get close to him/her.
  5. Aggressive Physical Resistance – moderate physical harm: A subject make overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the deputy or others.
  6. Aggravated Physical Resistance – a great bodily harm: A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability to cause death or great bodily harm to the deputy or others.
- b. Officer Response Levels:
1. Command Presence - no potential for physical harm:
    - a. Presence: The deputy is there, on the scene, with the subject. This includes proper voice and/or other identification, body language, and awareness by the subject that he/she is dealing with a deputy.
    - b. Field Interview Stance: The deputy adopts a stance outside of his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, the firearm or strong side leg is back; the non-firearm or weak side leg is forward; the feet are about shoulder width apart; knees slightly bent giving balance, control and a lower body center of gravity; equally distributed body weight, and the hands are up for guarding the upper body.
  2. Communication – no potential for physical harm:
    - a. Dialogue: A two way, controlled, non-emotional communication between the deputy and subject, aimed at problem identification and/or resolution.
    - b. Verbal Direction: A deputy tells or commands a subject to engage in or refrain from a specific action or non-action.
    - c. Touch: A touch used to comfort or console a distraught individual. A deputy may use a soft

assisting touch when guiding, directing or obtaining the attention of a subject, or a firm, strong touch prior to escalating to a higher level of force.

3. Physical Control – slight potential for physical harm:
  - a. Restraint devices: Mechanical tools used to restrict a subject's movement and facilitate searching; such as handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices, etc.
  - b. Chemical Agent Individual Protection Device: Aerosol spray agent used to subdue a subject.
  - c. Transporters: Techniques used to control and/or move a subject from point A to point B with minimum effort by the deputy in order to gain and retain control over the subject.
  - d. Take Downs: Techniques that redirect, in a controlled manner, a subject to the ground in order to limit his/her physical resistance and to facilitate the application of a restraint device.
  - e. Pain Compliance: Techniques that force a subject to comply with a deputy as a result of the deputy inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.
  - f. Electronic Restraint System (ERS) for prisoner control.
  - g. Counter Moves: Techniques that impede a subject's movement, such as blocking, striking, distracting, kicking, parrying, dodging, weaving, re-directing, or avoiding, followed by appropriate controlling techniques.
4. Intermediate Weapons – slight to moderate potential for physical harm:
  - a. Impact Weapons that are primarily used to control a subject such as an expandable baton or side handle baton.
  - b. Flashlight, clipboard or any other item used as a weapon of opportunity.
  - c. Electronic Control Device (ECD) as governed in [GO 8.1.8](#).
5. Incapacitation – moderate potential for physical harm:
  - a. Excluding less-lethal impact projectiles and an ECD, techniques that are intended to stun or render a subject temporarily unconscious or unable to resist. These techniques may be delivered with or without an impact weapon,

- such as a strike to a major nerve area.
- b. The use of neck restraints are prohibited, however empty hand techniques may be utilized in circumstances or situations where the actions of a subject constitute aggravated physical resistance which could result in great bodily harm, permanent disability, permanent disfigurement or death to the deputy or others.
6. Deadly Force – high potential for great bodily harm or death:  
Techniques that may result in death, great bodily injury, permanent disability or permanent disfigurement, such as impact weapon strikes to the head, or use of firearms as defined in FS [776.06](#). Deadly force techniques are a last resort.
2. As a subject increases his/her resistance level from verbal to physical, a deputy may have to increase the level of his/her response until the resistance ceases and the deputy is able to gain control of the subject. As soon as the point of subject compliance is reached, the deputy must de-escalate his/her response level to the minimum force necessary to control the subject.
  3. In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by a deputy. For instance, an unarmed, small framed female, juvenile subject may be displaying Level 5 resistance, but would probably only require a Level 3 response by the average deputy. On the other hand, a single deputy faced with a very large professional wrestler or football player may very well find that his/her response to even mild resistance must be escalated to a relatively high point on the matrix. It must be remembered that by law, a deputy need not retreat in his/her efforts to lawfully control a subject, but may utilize the amount of force necessary to accomplish his/her task. This is not to say that a tactical retreat in the face of overwhelming odds may not be a wise choice.
  4. When determining what level of force to use, deputies shall consider the risk to the public, including but not limited to, whether the deputy's use of force creates a substantial risk to the safety of the public, exceeding the danger to deputies or the public created by allowing the suspect to remain at large.
  5. Additional factors that must be considered when making use of force decisions include:
    - a. Subject Factors:
      1. Seriousness of crime committed by subject.
      2. Size, age, and weight of subject.

3. Apparent physical ability of subject.
  4. Number of subjects present who are involved, or who may become involved.
  5. Weapons possessed by or available to the subject.
  6. Known history of violence by subject.
  7. Presence of innocent or potential victims in the area.
  8. Whether the subject can be recaptured at a later time.
  9. Whether evidence is likely to be destroyed.
  10. Indicators of attack exhibited by the subject such as but not limited to; verbalization of a hostile/aggressive intent, hostile/aggressive posturing, muscular tensing of the body, etc.
- b. Deputy Factors:
1. Size, physical ability, and defensive tactics expertise of the deputy.
  2. Number of deputies present or available.
  3. Immediate reaction in the case of sudden attack.
  4. Weapons or restraint devices available to the deputy.
  5. Legal requirements.
  6. Agency policy.
  7. Environment.
- c. The above listed subject and deputy factors are not all inclusive. Any and all determining factors must be properly articulated by the deputy(s) employing physical force.
- B. All devices described in this policy will be used only after successful completion of a course in the proper use and carrying of the device. Reporting requirements for use of force described in this directive are listed in the attached matrix.
- C. An on-duty supervisor shall respond to every use of force incident which requires the completion of a [Use of Force Form](#) or [K-9 Apprehension Report](#), to include a K-9 apprehension if the K-9 supervisor is not available to conduct a review. The supervisor should conduct a review of the use of force incident to verify compliance with agency policy.
1. The supervisory review should include:
    - a. speaking with the involved deputy;
    - b. speaking with the suspect consistent with training;
    - c. confirming witness statements (verbal or written) are obtained and/or reviewed;
    - d. confirming photographs are taken, if possible, of significant injuries and/or impact points if an ECD was deployed. (Refer to GO [8.1.8](#) regarding ECD deployment and other responsibilities.)
  2. If, due to exigent circumstances, a supervisor is not available to respond to the scene, or concludes that personnel should leave the

scene due to operational or safety concerns, the supervisor must articulate those reasons in the comments section of the [Use of Force Form](#) / [K-9 Apprehension Report](#), or obtain witness statements.

3. If the supervisor has reason to believe a violation of agency policy has occurred that could result in discipline, the supervisor shall adhere to GO [5.1.2](#).
4. The responding supervisor shall verify the [Use of Force Form](#) / [K-9 Apprehension Report](#), including all documentation obtained during the supervisor's review, is completed and forwarded through the deputy's chain of command for review. The [Use of Force Form](#) / [K-9 Apprehension Report](#), including all documents, will be forwarded to Professional Standards and a copy sent to Training.
5. An incident involving a K-9 apprehension does not require a K-9 supervisor respond to the scene. However, the K-9 supervisor shall be responsible to conduct a thorough review of the incident to verify the K-9 apprehension was in compliance with agency policy. The [Use of Force Form](#) / [K-9 Apprehension Report](#), including all documentation obtained during either the on-duty supervisor's or K-9 supervisor's review, will be forwarded through the K-9 deputy's chain of command for review.

D. Side Handle Baton, Straight Baton or Expandable Baton

1. Deputies are authorized to carry an approved expandable baton only after successfully completing a course of instruction provided or approved by the Training staff. Carrying the issued expandable baton is optional when carrying an ECD. The issued expandable baton will be carried and utilized only as authorized and no changes, alterations, modifications, or substitutions will be made to the expandable baton without the prior written approval of the deputy's Division Commander via memorandum through the chain of command. The approved substitutions or modifications to the issued expandable baton are as follows:
  - a. Shorter or longer length.
  - b. Flashlight attachments.
  - c. Personalized end caps.
  - d. Magnetic tips.
2. When utilizing the expandable baton, deputies shall use only that degree of force to protect anyone from physical attack or to overcome actual physical resistance to arrest. The agency shall provide in-service training regarding the use of the expandable baton to all affected personnel.
3. Side handle or straight batons are only authorized by the Sheriff

during special unit applications.

4. When an employee of the agency uses a baton, a [Use of Force Form / K-9 Apprehension Report](#), must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor shall investigate each incident and verify proper forms are submitted. A copy of the [Use of Force Form / K-9 Apprehension Report](#) will be forwarded to Professional Standards.

E. Use of Chemical Agent Individual Protection Device (IPD)

1. An issued chemical agent, IPD may be used when Level 3 or higher resistance is encountered. The chemical agent's physiological effects make its use more suitable in certain situations. Proper use will aid in making an arrest with minimum force.
2. Deputies and non-sworn personnel authorized by the Sheriff shall be permitted to carry an approved chemical agent IPD only after successfully completing a course of instruction provided or approved by the Training staff. Uniform deputies shall carry the issued chemical agent IPD when engaged in any uniform assignment. All sworn personnel are encouraged to carry an approved chemical agent while engaged in non-uniform assignments. The issued chemical agent will be carried and/or utilized only as issued and authorized. No changes, alterations, modifications, or substitutions will be made to the issued chemical agent canister without the prior written approval of the deputy's Division Commander via memorandum through the chain of command. The approved substitutions to the issued chemical agent IPD are as follows:
  - a. Key chain canisters.
  - b. Pen canisters.
  - c. Kubaton canisters.
3. When the issued chemical agent has been deployed, replacement canisters will be obtained from Material Control/Supply. Personnel shall also replace their chemical agent canisters on or before the expiration date on the bottom of the canister or 5 years after the date of manufacture on the side of the can, dependant upon the brand carried.
4. Replacement of non-issued chemical agent IPD's is at the expense of the individual deputy.

F. Chemical Agent IPD Procedures

1. Personnel may use an approved chemical agent IPD when they are required to use physical force for protection from assault and/or to take a person into custody. The chemical agent IPD may also be used against attacking dogs.

2. The chemical agent should be used before "hands on" techniques or the use of impact weapons (batons, etc.) when possible.
  3. To prevent the hydraulic needle effect, when possible, the chemical agent IPD should not be sprayed directly at a subject's eyes at distances of less than 3 feet.
  4. After spraying the suspect with the chemical agent, the arresting officer shall then handcuff the individual to minimize the threat of injury to either the deputy or suspect. The deputy shall then expose the suspect to fresh air or clean water to allow for decontamination.
  5. Any discharge, either intentional or accidental, will necessitate the immediate notification of the deputy's immediate supervisor.
  6. When an employee of the agency uses a chemical agent IPD, either intentionally (except for testing) or unintentionally, he or she must prepare a [Use of Force Form](#) / [K-9 Apprehension Report](#), forward to the Division Commander, along with a copy of the Offense Report (if any). The immediate supervisor shall investigate each incident and verify proper forms are submitted. Copies of the [Use of Force Form](#) / [K-9 Apprehension Report](#) will be forwarded to Professional Standards and Training.
- G. Electronic Restraint System (ERS)
1. This system will only be used for inmate control, prisoner extradition or transportation by personnel who are certified and as authorized by a supervisor.
  2. Only deputies trained and certified in a specific ERS are authorized to use that ERS.
  3. The ERS will be used in accordance with the manufacturers' specification and training at all times.
  4. When an employee of the agency activates the ERS and stuns an inmate or defendant, a [Use of Force Form](#) / [K-9 Apprehension Report](#) will be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor shall investigate each incident for compliance with agency policy and verify the proper forms are submitted. Copies of the [Use of Force Form](#) / [K-9 Apprehension Report](#) will be forwarded to Professional Standards and Training.
- H. Other Weapons
- Other less-lethal weapons may be authorized by the Sheriff for special unit

applications. Refer to GO [8.1.1](#) on the deployment of less-lethal weapons.

**NOTE:** When an employee of the agency uses a less-lethal weapon authorized by GO [8.1.1](#), a [Use of Force Form](#) / [K-9 Apprehension Report](#), must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor shall investigate each incident and verify proper forms are submitted. Copies of the [Use of Force Form](#) / [K-9 Apprehension Report](#) will be forwarded to Professional Standards and Training.

I. Civil Disorder

When dealing with civil disorder situations where no arrest is possible if less-lethal force is utilized, the Incident Commander or designee is responsible for the completion of the [Use of Force Form](#) / [K-9 Apprehension Report](#). Refer to GO [8.1.1](#) on the deployment of less-lethal weapons.

**NOTE:** If an arrest is made, the deputy who used the less-lethal force is responsible for completing the [Use of Force Form](#) / [K-9 Apprehension Report](#).

J. Flashlight and Other Weapons of Opportunity

1. The flashlight should never be used as a weapon of choice but rather as a weapon of opportunity. If the flashlight is used as a weapon of opportunity it will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.
2. Any other item (e.g., radio, clipboard, etc.) that is used as a weapon of opportunity will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.
3. If the flashlight or any other object must be used as a weapon of opportunity the strikes should only be directed at the same areas of the body and in the same manner as if utilizing an approved impact weapon (e.g., expandable baton, side handle baton, etc).
4. In the event that the flashlight, or other weapon of opportunity, is used as an impact weapon, the deputy should disengage as soon as the situation permits and transition to an approved impact weapon chemical agent or defensive tactic technique.
5. When an employee of the agency uses a flashlight or other weapon of opportunity as an impact weapon, a [Use of Force Form](#) / [K-9 Apprehension Report](#), must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor shall investigate each incident and verify proper

forms are submitted. Copies of the [Use of Force Form](#) / [K-9 Apprehension Report](#) will be forwarded to Professional Standards and Training.

- K. Nothing in this order will prevent a deputy from utilizing any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a subject constitute Level 6 Resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the deputy or others.
- L. When tactically safe, deputies shall use reasonable means to apprehend a suspect, prior to the suspect's entry into a motor vehicle or other conveyance.
- M. Analysis and Reporting
  - 1. Professional Standards shall prepare an annual report related to the use of force. The report will encompass:
    - a. Discharges of firearms investigated by the Shooting Team as outlined in this policy.
    - b. Actions that result in, or alleged to result in injury or death of another person.
    - c. The application of deadly or non-deadly force as defined by agency Written Directives.
  - 2. The Training Section shall conduct an annual analysis recommending training needs, equipment upgrades, and/or policy modifications related to the use of force.
  - 3. The Training Section shall on a continual basis review of completed [Use of Force Form](#) / [K-9 Apprehension Reports](#) to evaluate the effectiveness of and need for training and product reliability.
- N. Any deputy involved in an incident that requires the use of deadly or non-deadly force shall, when necessary, advise Communications to notify the appropriate emergency services and render medical aid within the scope of his or her training.
- O. All personnel approved to carry an agency authorized weapon or firearm may only utilize or discharge it under the following circumstances:
  - 1. When conducting authorized ballistics tests.
  - 2. When engaged in sporting activities or shooting exhibitions as a representative of the agency.
  - 3. At an authorized target range for practice or training purposes.
  - 4. To kill a seriously wounded or dangerous animal when necessary.

5. To defend themselves or other persons against unlawful force when they reasonably believe that such conduct is necessary to prevent imminent death or great bodily harm to themselves or others.
  6. To apprehend a fleeing felony suspect (which includes escapees) only when such force is necessary and probable cause exists to believe the suspect poses an immediate threat of death or serious physical injury to either the deputy or another person. If possible, a verbal warning must be given prior to utilizing deadly force.
  7. When the deputy is able to independently, due to the totality of available information as well as experience based knowledge and training, articulate that the use of force is necessary to prevent imminent death or great bodily harm to themselves or others.
  8. All agency issued firearms are authorized for use both on and off duty.
- P. Deputies shall inform persons to be arrested of their authority and the cause of arrest, if possible and feasible, except when such person flees or forcibly resists before the deputy has an opportunity to inform him, or when the giving of such information would imperil the arrest.
- Q. Members of the agency are not authorized to:
1. Fire warning shots
  2. Draw or display a firearm unless there is a fear for their own personal safety or the safety of others. (Personal safety includes, but is not limited to the search of a structure for a suspected felon).

**NOTE:** The intent of this provision is to permit deputies to protect their person and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the purpose.

3. Use a firearm to arrest or prevent the flight of a person who has committed a misdemeanor or traffic violation.
4. Discharge their weapons at or into a moving vehicle unless it is absolutely necessary to do so to protect against an imminent danger of death or serious bodily harm to the deputy or others.

Shooting at or into a moving vehicle can be ineffective and should only be considered as a last resort to protect the deputy or another from an imminent danger of death or serious bodily harm. Deputies should consider all other reasonable means of defense to include but not limited to moving out of the path of a moving vehicle.

Deadly force may be justified when a suspect rams, attempts to ram or uses a vehicle to engage in conduct that poses an imminent danger of death or serious bodily harm to the deputy or others. A deputy must be able to articulate that an imminent danger exists and that the suspects' actions did not result in incidental or accidental contact between vehicles.

5. Intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms.
- R. Deputy Surrendering Weapon  
Surrendering the weapon may mean giving away the only chance for survival. A deputy should use every tactical tool at his/her disposal to avoid surrendering the weapon. The danger to a deputy is not necessarily reduced by giving up the weapon upon demand.
- S. Accidental Discharge of Firearm without Injury (when there is no suspect-deputy sheriff confrontation)
1. Agency member(s) accidentally discharging a firearm not resulting in an injury to a person will:
    - a. Re-holster the weapon.
    - b. Immediately notify their respective supervisor.
    - c. Secure the scene and summon sufficient backup personnel, if necessary.
  2. Immediate Supervisor will:
    - a. Respond to the scene without undue delay.
    - b. Immediately notify the Watch Commander or designee.
    - c. Advise Communications to request a Crime Scene investigator to respond, if deemed necessary.
    - d. Secure the firearm and leave it unaltered until a Crime Scene investigator arrives to document the weapon's condition. An exception would be a semi-auto that could be de-cocked for safety.
    - e. Verify that the accidental discharge did not occur during a suspect-deputy sheriff confrontation.
    - f. The involved deputy's supervisor shall designate a non-involved deputy to prepare a comprehensive written report of the incident in memorandum form, which must include, but not be limited to:
      1. A chronological, detailed narrative of the incident, including all events prior to, during, and immediately after the shooting.
      2. The names and addresses of all civilian witnesses, if any, the names of other agency members present or involved, their rank, division and duty assignment.

3. Whether agency members were involved, or present at the incident, and in uniform or civilian clothing.
  4. Whether vehicles were marked or unmarked, and vehicle numbers.
  5. A description of the scene to include lighting, weather conditions, obstacles, wind, foliage, trees, furniture, type of ground cover or flooring, and any other natural or man-made element which could have a bearing on the incident.
  6. A description of injuries sustained by any person present at the time of the incident, which is not attributed to a police action.
  7. A list of other police, fire, and ambulance personnel present at the scene, including names when possible.
  8. A sketch of the scene.
  9. Written statements from all witnesses, including civilian and agency members.
  10. Submit it to the Bureau Commander, via chain of command, along with a copy of the Incident Report.
  11. Prepare a [Use of Force Form](#) / [K-9 Apprehension Report](#) (the original must be forwarded to Professional Standards, via chain of command. A copy must be sent to Training and a copy included in the internal investigative file.)
    - g. Complete an [initial complaint form](#), obtain a tracking number from Professional Standards, and initiate the investigative process in accordance with GO [5.1.2](#).
3. Watch Commander will:
- a. Respond to all weapons discharges.
  - b. Immediately notify the involved deputy's Division Commander or designee.
  - c. Confirm the deputy's immediate supervisor has carried out all responsibilities.
  - d. Notify Communications to make a recording of the incident.
- T. In all other incidents where agency members discharge a firearm (except the killing of animals), they will:
1. Re-holster the weapon.
  2. Immediately notify the appropriate emergency services, if necessary.
  3. Immediately notify their respective supervisor.
  4. Secure the scene and summon sufficient backup personnel.
  5. Obtain the names and addresses of all civilian witnesses, if any, and

the names of other agency members present or involved, their rank, division, and duty assignment.

6. Immediate Supervisors will:
  - a. Respond to the scene immediately.
  - b. Immediately notify the Watch Commander.
  - c. Request the on-duty or on-call Homicide Team to respond to the scene of the incident.
  - d. Request a Professional Standards supervisor or representative respond to the scene of the incident. Professional Standards shall conduct an investigation when a subject dies or suffers serious bodily injury.
  - e. Assign a non-involved deputy (a deputy who did not discharge their weapon) to complete the related Incident Report and the [Use of Force Form / K-9 Apprehension Report](#). Only Part 1 and 2 of the [Use of Force Form / K-9 Apprehension Report](#) should be completed.
  - f. Review the [Use of Force Form / K-9 Apprehension Report](#) and submit the original copy to Professional Standards, via chain of command, along with a copy of the Incident Report. A copy must also be sent to Training.
  - g. The involved deputy/deputies should not be left alone. A fellow deputy, not involved in the incident, should stay to provide support. The involved deputy shall be taken to the nearest agency facility (e.g. Sector, Central Operations) as soon as practical.
  - h. The deputy involved shall not be left unattended or out of the view of the assigned deputy sheriff prior to the weapon exchange. If the involved deputy's attorney wishes to have a confidential discussion with the deputy involved in the shooting prior to the weapon exchange, it may take place within an area designated by the Violent Crimes Lieutenant or designee at a location where the deputy sheriff involved in the shooting can be observed at all times by the assigned deputy sheriff.
  - i. The on-scene supervisor shall request personnel assigned to Forensics to respond to the scene of the incident. The Crime Scene investigator shall take custody of the firearm for processing and provide the deputy with a replacement weapon.
  
7. Watch Commander shall:
  - a. Notify the involved deputy's Division Commander or designee, who shall make the appropriate administrative assignment for the deputy.
  - b. Confirm the deputy's immediate supervisor has carried out all responsibilities.
  - c. Immediately notify the on-call Public Information Officer, who

shall coordinate with the Shooting Team.

8. Division Commander will;  
Confirm the employee(s) are evaluated by an agency contracted Psychologist prior to releasing the employee(s) back to full duty.
- U. Reassignment Pending Preliminary Administrative Review  
The deputy or deputies involved in a shooting incident whether or not there is an injury, shall be temporarily reassigned to non-enforcement related duty for a minimum of one week, pending a preliminary administrative review of the shooting incident. The Sheriff reserves the right to deviate from the above. Notification of the reassignment will be made in writing by the investigating department's chain of command. Copies of this notification will be forwarded to Human Resources and Accreditation.
- V. Killing of a Seriously Wounded or Dangerous Animal When Necessary
1. A deputy may discharge his/her firearm to kill a seriously wounded or dangerous animal when all other disposition is impractical. If possible, the deputy shall follow the below listed procedures:
    - a. Contact sergeant and obtain approval.
    - b. Exhaust all efforts to notify the owner (if any) to obtain owner's permission to destroy animal.
  2. An Incident Report and a [Use of Force Form](#) / [K-9 Apprehension Report](#) will be completed detailing the circumstances. The supervisor shall notify the Watch Commander. Disposal of the carcass will be handled in accordance with agency policies concerning Animal Control Services.
- W. Retraining  
All agency personnel authorized to utilize a force option will be required to review the Use of Force policy in PowerDMS annually. Supervisors will confirm the course is completed when completing the employee's annual evaluation.

**USE OF FORCE MATRIX ON NEXT PAGE**



# USE OF FORCE MATRIX

## ORANGE COUNTY SHERIFF'S OFFICE

### Use of Force – Levels of Resistance

Resistance Levels

6 - Aggravated Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5 - Aggressive Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
4 - Active Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
3 - Passive Physical	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
2 - Verbal	✓	✓	✓	✓	✓										
1 - Presence	✓	✓	✓	✓	✓										
Checked areas represent suggested, acceptable, beginning response levels. Any response in an unchecked area required explanation. Refer to the definitions for each level of resistance, response and the determining factors when articulating the explanation.	Presence	Interview Stance	Dialogue	Verbal Direction	Touch	Restraint Devices	Chemical Agent	Transporters	Take Downs	Pain Compliance	ERS	Counter Moves	Intermediate Weapon / ECD	Incapacitation	Deadly
	<i>Command Presence</i>		<i>Communication</i>			<i>Physical Control</i>									
	<b>1</b>		<b>2</b>			<b>3</b>						<b>4</b>	<b>5</b>	<b>6</b>	

### Response Levels

USE OF FORCE REPORTING REQUIREMENTS		
Response Levels	Use of Defensive Tactics / K-9 / Firearm Form	Incident Report
1 Presence	No	No
2 Field Interview Stance	No	No
2 Dialogue	No	No
2 Verbal Direction	No	No
2 Touch	No	No
3 Transporters	No (Yes: If injuries - known or suspected)	Yes
3 Pain Compliance	No (Yes: If injuries - known or suspected)	Yes
3 Take Downs	No (Yes: If injuries - known or suspected)	Yes
3 Restraint Devices	No (Yes: If injuries - known or suspected)	Yes
3 Counter Moves	No (Yes: If injuries - known or suspected)	Yes
3 Chemical Agent / IPD	Yes	Yes
3 Electronic Restraint System (ERS)	Yes	Yes
4 Intermediate Weapon / ECD	Yes	Yes
5 Incapacitation	Yes	Yes
<b>6 DEADLY FORCE</b>	Yes	Yes

*The Use of Force Matrix is comprised of Subject Resistance Levels and Officer Response Levels which incorporate the following:*

### **Subject Resistance Levels**

*Presence* - no physical harm: A subject is there, on the scene, with accompanying suspicious activity.

*Verbal Resistance* - no physical harm: A subject may verbally refuse to comply with a deputy's requests or attempts to control the situation. The subject may threaten the deputy with further resistance. Or, the subject may not verbally respond to the deputy.

*Passive Physical Resistance* – slight physical harm: A subject physically refuses to comply or respond to a deputy's command. He/she does not make any attempt to physically defeat the actions of the deputy but forces the deputy to employ physical maneuvers or the chemical agent to establish control.

*Active Physical Resistance* - slight to moderate physical harm: A subject make physically evasive movements to defeat a deputy's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the deputy to get close to him/ her.

*Aggressive Physical Resistance* - moderate physical harm: A subject makes overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the deputy or others.

*Aggravated Physical Resistance* - great bodily harm: A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability to cause death or great bodily harm to the deputy or others.

### **Officer Response Levels**

#### ***Command Presence (LEVEL 1) - no potential for physical harm***

*Presence:* The deputy is there, on the scene, with the subject. This includes proper voice and/or other identification, body language, and awareness by the subject that he/she is dealing with a deputy.

*Field Interview Stance:* The deputy adopts a stance outside of his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, the firearm or strong side leg is back; the non-firearm or weak side leg is forward; the feet are about shoulder width apart; knees slightly bent giving balance, control and a lower body center of gravity; equally distributed body weight, and the hands are up for guarding the upper body.

#### ***Communication (LEVEL 2) - no potential for physical harm***

*Dialogue:* A two-way, controlled, non-emotional communication between the deputy and subject, aimed at problem identification and/or resolution.

*Verbal Direction:* A deputy tells or commands a subject to engage in or refrain from a specific action or non-action.

*Touch:* A touch used to comfort or console a distraught individual. A deputy may use a soft assisting touch when guiding, directing or obtaining the attention of a subject, or a firm, strong touch prior to escalating to a higher level of force.

#### ***Physical Control (LEVEL 3) - slight potential for physical harm***

*Restraint Devices:* Mechanical tools used to restrict a subject's movement and facilitate searching; such as handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices, etc.

*Chemical Agent Individual Protection Device:* Aerosol spray agent used to subdue a subject.

*Transporters:* Techniques used to control and/or move a subject from point A to point B with minimum effort by the deputy in order to gain and retain control over the subject.

*Take Downs:* Techniques that redirect, in a controlled manner, a subject to the ground in order to limit his/her physical resistance and to facilitate the application of a restraint device.

*Pain Compliance:* Techniques that force a subject to comply with a deputy as a result of the deputy inflicting controlled pain upon specific joints in the subject's body, such as pressure point techniques.

*Electronic Restraint System (ERS):* an electronic device such as a restraint belt system or ankle cuff which is designed to deliver a controlled amount of electrical current to control a subject.

*Counter Moves:* Techniques that impede a subject's movement, such as blocking, striking, distracting, kicking, parrying, dodging, weaving, re-directing, or avoiding, followed by appropriate controlling techniques.

#### ***Intermediate Weapon / ECD (LEVEL 4) - slight to moderate potential for physical harm***

*Electronic Control Device (ECD)* – A device designed to disrupt a subject's sensory nervous and motor nervous systems by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

*Impact Weapons* that are primarily used to control a subject such as an expandable baton or side handle baton, flashlight, clipboard or any other item used as a weapon of opportunity.

#### ***Incapacitation (LEVEL 5) - moderate potential for physical harm***

Techniques that are intended to stun or render a subject temporarily unconscious or unable to resist. These techniques may be delivered with or without an impact weapon, such as a strike to a major nerve area.

#### ***Deadly Force (LEVEL 6) - high potential for great bodily harm or death***

Techniques that may result in death, great bodily injury, permanent disability or permanent disfigurement, such as impact weapon strikes to the head, or use of firearms as defined in FS 776.06. Deadly force techniques are a last resort.

*Additional factors that must be considered when making use of force decisions include:*

#### **Subject Factors -**

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

#### **Deputy Factors -**

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

The above listed subject and deputy factors are not at all inclusive. Any and all determining factors must be properly articulated by the deputy (ies) employing physical force.