



University of Central Florida Police Department  
General Order-4000  
Response to Resistance



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**4000.1 Purpose:** The purpose of this policy is to provide law enforcement officers with guidelines for the use of less-lethal and deadly force.

**4000.2 Discussion:** All members shall act in good faith when using force and conform to the provisions of Florida Statutes and this General Order. Section 776 of the Florida Statute, defines and authorizes law enforcement officers in the justifiable response to resistance. An officer may use reasonable force when he or she reasonably believes it's necessary to defend himself or herself or another from bodily harm while making the arrest; when necessarily committed in retaking felons who have escaped; or, when necessarily committed in arresting felons fleeing from justice. The officer may use reasonable force if he or she believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

**4000.3 Policy:** It is the policy of the Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officers and others. Officers may use that amount of force which is reasonably necessary to affect lawful objectives. When determining a reasonable amount of force, officers should evaluate the totality of the circumstances. Members acting as law enforcement officers are justified in the use of any force which he or she reasonably believes to be necessary to defend himself or herself or another against such other's imminent use of unlawful force; to defend themselves or another from bodily harm while making an arrest; or when retaking felons who have escaped.

**4000.4 Procedure:**

**A. General Provisions**

1. Use of physical force shall be discontinued when resistance ceases or when the incident is under control.
2. Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
3. Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid, requesting emergency medical services, and /or arranging for transportation to an emergency medical facility.
4. All uses of force shall be documented on the Response to Resistance form (unless the use of force involves an officer involved shooting), incident reports, and investigated pursuant to this department policy.
5. Prior to carrying lethal or less-lethal weapons, employees shall be instructed in the department response to resistance policy and illustrate proficiency of such weapons.
6. Medical assistance shall be summoned for any person affected by a use of force.

**B. Force Guidelines**

1. Force guidelines provide a framework for making decisions involving the reasonable response to resistance by officers.
2. The following factors shall be considered prior to each use of force (See *Graham v. Connor*, 409 U.S. 386 (US1989))
  - a. What is the severity of the offense?
  - b. Is the subject an immediate threat?
  - c. Is the subject actively or passively resisting?
  - d. Was a warning given with a chance for the subject to comply?
3. The guidelines consider additional situational factors in determining the officer's response options. They include, but are not limited to:
  - a. Subject's mental or psychiatric history, if known to the officer;



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- b. Subject's apparent combative skills;
  - c. Subject's access to weapons;
  - d. Subject is located above ground where a hard landing is likely (i.e.: in a tree)
  - e. Subject displays a disability or appears to be pregnant
  - f. Innocent bystanders who could be harmed;
  - g. Number of subjects versus number of officers;
  - h. Duration of confrontation;
  - i. Subject's size, age, weight, and physical condition;
  - j. Officer's size, age, weight, physical condition and defensive tactics expertise; or,
  - k. Environmental factors, such as physical terrain, weather conditions, etc.
4. Each application of force shall be considered a new use of force and analysis should occur.

**C. Officer Response Options**

- 1. Employees shall respond to resistance in a manner that is reasonably necessary to effectively bring an incident under control.
- 2. Based on the resistance of the subject, an officer may respond in several ways to include:
  - a. Arrival (Presence) – The officer is present on the scene. This includes proper voice and/or other identification, body language and awareness by the subject that he is interacting with a police officer.
  - b. Interview Stance – The officer adopts a stance outside their danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.
  - c. Dialogue – A two-way, controlled, non-emotional communication between the police officer and the subject aimed at problem identification and/or resolution.
  - d. Verbal Direction – The officer instructs or commands a subject to engage in, or refrain from engaging in, a specific action or non-action.
  - e. Touch – The officer employs a soft assisting touch when directing or a firm, strong touch before escalating to a higher level of force.
  - f. Restraint Devices – Mechanical tools used to restrict a subject's movement and facilitate searching such as handcuffs, flex cuffs, leg irons, belly chains, hobble device, etc. Hog tying an individual is strictly prohibited.
  - g. Chemical Agent – Aerosol spray agent used to subdue a subject.
  - h. Transporters – Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer to gain and retain control over the subject.
  - i. Pain Compliance – Techniques that compels a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific point in the subject's body such as pressure points techniques.
  - j. Takedown – Techniques that redirects a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of restraint devices.
  - k. Countermoves – Techniques that impede a subject's movement toward an officer or others such as blocking, striking, distracting, kicking, parrying, dodging, weaving, redirecting or avoiding followed by appropriate controlling techniques.
  - l. Intermediate Weapons – Weapons that are primarily used to control a subject such as an expandable baton, a CEW, Less-Lethal Launchers, or canine.
  - m. Incapacitation – Techniques intended to stun or render a subject temporarily unconscious, delivered with or without an impact weapon, such as a strike to a major nerve area. The use of neck holds/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 officer or others.
  - n. Neck Hold (Choke Hold) – This term refers to the following types of holds: a carotid restraint hold; a vascular neck restraint; a chokehold that inhibits breathing by compression of the airway in the neck; or a hold with a knee or other object to the back of a prone subject's neck. A neck hold is considered deadly force for purposes of the Department's response to resistance policy. Mere incidental contact, pressure point contact, touching, guiding, or controlling the back of the neck to not constitute a neck hold.



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- o. Deadly Force – Techniques that may result in death or great bodily harm. Deadly force techniques such as a neck hold, impact weapon strikes to the head, or use of firearms shall be considered a last resort.

**D. De-escalation**

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

**E. Use of Less-Lethal Force**

1. The following less-lethal force techniques, tools, or weapons shall be authorized for use by an employee when he or she is properly trained and has proven proficiency in their use:
  - a. Soft hands, defensive tactics;
  - b. Oleoresin Capsicum (OC) Spray;
  - c. Intermediate Weapons
    - (1) Expandable baton (ASP);
    - (2) CEW; and,
    - (3) Less-Lethal Launchers;
2. Less-Lethal weapons guidelines:
  - a. Employees shall maintain OC spray canisters and less-lethal weapons in an operational condition.
  - b. Replacements for damaged, inoperable or expended OC canisters, expandable batons, less-lethal weapons and less-lethal ammunition are the responsibility of the employee to whom they are issued.
  - c. Unexplained depletion of less-lethal ammunition shall require documentation in a memorandum to the Department Armorer via chain of command by the officer.
  - d. Inspections:
    - (1) First line supervisor shall conduct an annual inspection of weapons as defined in General Order 1018.
    - (2) Less-lethal weapons shall be inspected annually by the Armorer utilizing the Annual Weapons Inspection Form to confirm they are maintained in a clean and operational condition. These inspections shall also confirm that expiration dates are not exceeded on any of the weapons. Weapons Inspection form shall be retained by Armory in the agency approved document management program.
  - e. Off duty sworn employees shall not deploy or utilize department issued Less-Lethal weapons unless exigent circumstances arise as defined by law.
  - f. Oleoresin Capsicum (OC) Spray
    - (1) Sworn Officers are authorized to deploy department-issued OC spray when the subject exhibits passive resistance or greater.
    - (2) CSO's are only authorized to deploy OC spray to defend themselves or another.
    - (3) The purpose of the chemical agent is to minimize the potential threat of resistance by the subject.
    - (4) Whenever a subject is exhibiting passive resistance, OC spray may be deployed after a warning and chance to comply has been issued. In cases involving higher resistance, employees shall issue a verbal warning and chance to comply if tactically feasible.
    - (5) Officers in uniform shall carry the OC spray canisters on their duty belt.
    - (6) Supervisors may deploy crowd control canisters of OC spray in special circumstances.
    - (7) Effects of OC Spray and employee response
      - (a) An individual's reaction to OC spray may vary and employees should be prepared to employ alternative methods to control the subject to include other force options consistent with Department policy.
      - (b) Medical assistance shall be summoned for any person affected by OC spray.
      - (c) After a subject is exposed to OC spray, they shall not be left unattended while in police custody. Assistance shall be offered to any individuals accidentally exposed to OC spray.
  - g. Expandable baton (ASP)



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- (1) The use of the Department issued expandable baton as an impact weapon constitutes a use of less-lethal force.
  - (2) Officers in uniform shall carry the expandable baton on their duty belt.
  - (3) Prior to the use of the baton, if tactically feasible, a warning and chance to comply shall be given to the subject.
  - (4) When utilizing the expandable baton, all strikes shall be targeted depending on the resistance exhibited by the subject.
  - (5) Medical assistance shall be summoned or any person affected by an expandable baton.
- h. Conducted Energy Weapon (CEW)**
- (1) Officers issued a CEW shall carry the CEW on their duty belt, weak hand side (opposite side from their primary weapon).
  - (2) Only a CEW that is functioning properly shall be carried in the field.
  - (3) A CEW shall be spark tested at the beginning of each shift as follows:
    - (a) Spark testing shall only be conducted while aiming in a safe direction with a solid back drop such as a concrete floor, wall, or other solid structure; and,
    - (b) Employees assigned to specialty units that do not carry a CEW every shift shall conduct a spark test when they wear their uniform.
  - (4) Officers are authorized to deploy the CEW when a subject exhibits active physical resistance or higher.
  - (5) Each deployment of the CEW is considered a separate use of force.
  - (6) Whenever possible, officers should give verbal commands and point the laser aiming sight at the subject prior to deployment. If tactically feasible, the subject shall be given a warning and chance to comply prior to each deployment. If practical, other officers present shall be advised that the deployment of a CEW is imminent.
  - (7) If two deployments of the CEW are used on a subject, and the subject is still not compliant, another option should be considered.
  - (8) Officers shall not deploy the CEW on a subject more than three times unless in a deadly force situation.
  - (9) Once a suspect is incapacitated or compliant, the deployment of a CEW is no longer justified.
  - (10) Medical assistance shall be summoned if the CEW probes embed into subject.
- i. Less-Lethal Launcher**
- (1) Officers issued a less-lethal launcher shall secure this weapon.
  - (2) Only officers who have successfully completed the Department approved training course in the proper use and deployment of the less-lethal launcher shall be authorized to use them during actual operations.
  - (3) The less-lethal projectiles will be delivered to suspect target areas based on the circumstances, the established safety priorities, and the physical resistance. Target areas are as followed:
    - (a) Green Areas are the arm and leg areas will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response.
    - (b) Yellow Areas is the abdomen area This area will be considered when an escalation of force above the green area is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.
    - (c) Red Areas are the head, neck, chest, and groin areas. Intentional impacts to these areas will be avoided unless the use of deadly force is justified, necessary and appropriate.
  - (4) Medical assistance shall be summoned for any person struck with the impact round.
  - (5) Whenever tactically feasible, officers should give verbal commands and a chance to comply prior to deployment of the less-lethal impact round.

**F. Weapons of Opportunity**

1. Nothing in this General Order shall prevent an officer from utilizing any readily available object as a defensive/offensive weapon in circumstances or situations where the actions of a subject could result in injury or death.

**G. Deadly Force**



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1. Prior to the use of deadly force, law enforcement officers shall identify themselves and provide a warning and a chance to comply if tactically feasible. Officers are authorized to use deadly force to:
    - a. Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm;
    - b. To prevent the escape of a fleeing violent felon whom the officer reasonably believes poses a threat of death or serious physical injury to the officer or others; and/or,
    - c. To destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured and the officer reasonably believes deadly force can be used without harm to the officer or others. (See General Order 4700)
  2. Deadly force shall not be used when there is a likelihood of serious bodily injury being inflicted upon persons other than the individual against whom the member is authorized to use deadly force. The safeguarding of other human lives shall outweigh all other considerations.
  3. Any employee whose actions result in death or serious bodily injury to another person will be temporarily relieved from duty until a preliminary administrative review is conducted.
  4. Discharging a firearm is prohibited if it presents an unreasonable risk to the officer or others. Based on the totality of the situation, and absent exigent circumstances, an unreasonable risk may include:
    - a. Shooting into a crowd,
    - b. Shooting through doors, windows or buildings without clear target identification,
    - c. Shooting at subjects who only pose a threat to themselves such as a suicidal subject,
    - d. Shooting from moving vehicles,
    - e. Shooting into moving vehicles
      - (1) Unless it reasonably appears that it would endanger officers or the public; officers shall move out of the path of any approaching vehicle. This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
    - f. The firing of any warning shots is strictly prohibited.
  5. Any time a response to resistance occurs that involves a use of deadly force on a person by an officer, or the death of an arrestee while in the care, custody or control of the Department, the ranking supervisor on duty shall contact the On-Call Commander, who will then contact the Chief or designee. Chief or designees shall:
    - a. Contact the Florida Department of Law Enforcement (FDLE) to conduct an investigation.
    - b. Initiate a "Staff Page" ensuring that all appropriate personnel are notified.
    - c. Notify Department Armorer, for purposes of coordinating the weapon(s) exchange.
    - d. Notify the agency Legal Advisor.
  6. The Department shall also submit all relevant statistical data related to incidents that result in the death or serious bodily injury of a person, as well as when an officer discharges a firearm at or in the direction of a person, to the FBI National Use-of-Force Data Collection reporting portal.
- H. Unnecessary Force and Duty to Intervene**
1. Unnecessary force is that force which has no lawful justification. Officers shall not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. All prisoners and suspects will be treated in a fair and humane manner. Unnecessary force utilized as punishment or for vengeance, is clearly improper and unlawful. Such actions may cause an employee to face civil and criminal liability, to include departmental disciplinary action, which may result in the termination of the member.
  2. Any officer witnessing another law enforcement officer using illegal force shall intervene and stop the illegal use of force as per General Order 4010 Duty to Intervene.
- I. Employee Reporting Requirements**
1. Employees who use force or are involved in a response to resistance incident shall report the response to resistance to their on-duty supervisor and complete a police incident report or supplement report prior to the end of their shift (unless the incident is being investigated by FDLE) when it involves the following:
    - (1) OC spray has been deployed;
    - (2) Less-lethal weapons have been discharged;
    - (3) An expandable baton has been used as an impact weapon;
    - (4) A CEW has been deployed;



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- (5) Discharge of firearm, for other than training or recreational purposes;
  - (6) A canine apprehension has occurred;
  - (7) Pain Compliance;
  - (8) Hard empty hand counter moves; and/or,
  - (9) There are injuries or a complaint of injury.
2. If an employee displays a weapon to achieve compliance, the employee shall complete the Display of Weapon Form (Form 177) and forward to the Professional Standards Division.
  3. If an employee becomes aware of a response to resistance incident that was not reported, they have a duty to promptly notify their Division Commander via the chain of command or make direct contact with the Professional Standards Commander.
  4. Following a deployment of a CEW, officers shall record the serial number of a CEW and the discharged cartridge in the police incident report. The supervisor shall download the CEW Deployment Report.
  5. When a subject is displaying resistance and an officer removes the CEW or firearm from the holster, and by its mere presence achieves compliance from a subject without deployment, the supervisor is not required to complete the response to resistance report, however; the officer shall document the compliance in the police incident report or supplemental report.
  6. A police incident report shall be completed to document all unintentional discharges of lethal or less-lethal weapons. Any unexplained activations or unintentional discharges of lethal or less-lethal weapons shall require an investigation by the officer's supervisor, with a written report forwarded to the Division Commander.
  7. If the use of force involves an Officer Involved Shooting or the officer's actions are otherwise being investigated by FDLE, the officer(s) who are the subject of the inquiry will not be required to provide any written statement. The FDLE investigation will be in lieu of these requirements.

**J. Sergeant/First Line Supervisor Responsibilities:**

1. A sergeant or first line supervisor not involved in the incident shall respond to scene and conduct a preliminary investigation for each incident where:
  - a. OC spray has been deployed;
  - b. Less-lethal weapons have been discharged;
  - c. An expandable baton has been used as an impact weapon;
  - d. A CEW has been deployed;
  - e. Discharge of firearm, for other than training or recreational purposes;
  - f. A canine apprehension has occurred;
  - g. Pain compliance;
  - h. Hard empty hand counter moves; and/or,
  - i. There are injuries or a complaint of injury.
  - j. Check for injuries and promptly seek medical assistance for subjects who require or request treatment.
2. Sergeants and first line supervisors not involved in the incident shall also complete an initial investigation to include:
  - a. Interview involved officer (If deadly force investigation, only public safety questions should be asked -See attached Appendix 1);
  - b. Interview suspect;
  - c. Interview witnesses;
  - d. Confirm any video evidence is obtained;
  - e. Document CEW serial numbers and cartridge numbers if a CEW was deployed;
  - f. Review CEW data when obtained;
  - g. Confirm photographs are taken, in addition to the body camera, to include:
    - (1) The overall appearance and condition of the subject (even if no reported or complained of injury, overall photographs shall be taken);
    - (2) Any actual injury or the location of a reported injury regardless if the injury is visible at the time;
    - (3) The contact area of less-lethal ammunition;
    - (4) The strike areas if an expandable baton was used; and/or,
    - (5) The CEW probe penetrations, contact sites and any secondary injuries.
3. During a special event/detail, the highest-ranking/senior supervisor shall conduct the Response to Resistance investigation and complete the report in Blue Team. If an event/detail has no supervisor





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assigned, the Response to Resistance investigation and the report in Blue Team shall be completed by the on-duty supervisor. In both incidents the on-duty commander shall be notified.

4. A response to resistance Blue Team report shall be completed by the supervisor for each reported incident.
  5. A response to resistance report shall not be required for testing, training, malfunctions or unintentional discharges. A response to resistance report is not required when humanely euthanizing an animal.
  6. Generally, all response to resistance reports shall be completed prior to the conclusion of the supervisor's tour of duty. Exceptions may be granted for extenuating circumstances by a Commander or higher authority.
  7. Each supervisor shall review the incident and provide a written explanation in Blue Team whether the response to resistance was appropriate, except incidents resulting in FDLE investigations.
  8. If a supervisor identifies a training concern or a policy consideration, the supervisor shall submit a memorandum to the Professional Standards Commander via the chain of command to address the identified issue.
  9. If a response to resistance incident becomes a matter of media interest, the supervisor shall promptly notify their Division Commander/Watch Commander.
  10. The Response to Resistance Report and all related documents shall be forwarded to the employee's Division Commander.
- K. Division Commander Responsibilities**
1. If the Sergeant/First Line Supervisor is directly involved in an incident which requires Response to Resistance reporting, the On-Duty Commander shall assume the role of the Sergeant/Line Supervisor in scene investigation and initial reporting requirements in BlueTeam.
  2. Review the police incident report and response to resistance report to confirm the response to resistance was consistent with department policy and shall make a determination regarding whether the response to resistance was appropriate.
  3. Afterward, they shall forward all documentation to the Training Section for review.
- L. Training Section Responsibilities**
1. The Training Section shall review the police incident report and response to resistance report to confirm the response to resistance was appropriate and consistent with Department policy and training.
  2. They shall identify any trends and document training issues and forward all documentation to the Professional Standards Division Commander for review.
- M. Professional Standards Division Commander Responsibilities**
1. The Professional Standards Division Commander shall review the police incident report and response to resistance report to confirm the response to resistance was appropriate and consistent with department policy.
  2. The Commander shall document violation of policy and forward all documentation to the appropriate Deputy Chief of Police for review.
- N. Deputy Chief Responsibilities**
1. The Deputy Chief shall review the police incident report and response to resistance report to confirm the use was consistent with department policy and shall make a determination regarding whether the use was appropriate.
  2. Afterward, the Deputy Chief shall forward all documentation to the Professional Standards Commander for retention in accordance with the Florida records retention schedule.
- O. Annual Administrative Review and Analysis**
1. The Professional Standards Division Commander shall conduct an annual administrative review and analysis of the Response to Resistance Reports to include
    - a. Discharges of a firearm, other than training or recreational purposes;
    - b. Application of force through the use of lethal or less-lethal weapons; and,
    - c. Application of weaponless physical force.
  2. This report shall be submitted to the Chief via the chain of command for review and appropriate follow-up actions.



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**P. Training**

1. All sworn officers and CSO's shall receive training, at least annually, on this department policy and related legal updates.
2. All sworn officers authorized to carry weapons shall receive annual in-service training to include:
  - a. Demonstration of proficiency with firearms they are authorized to carry;
  - b. CEW training; and,
  - c. Less-lethal weapon training.
3. In addition, training shall be provided on a regular and periodic basis and designed to
  - a. Provide techniques on de-escalation;
  - b. Simulate actual shooting situations and conditions; and
  - c. Enhance officer's discretion and judgment in using less lethal and deadly force in accordance with policy.
4. All CSO's shall be trained on the use and effects of OC spray annually.

**4000.5 Glossary:**

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury.

Conducted Energy Weapon - 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.

Less-lethal force - any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Soft Empty Hand Techniques – involve the use of bare hands to guide, hold, and restrain – applying pressure points, and take down techniques that have a minimal chance of injury.

Hard Empty Hand Techniques – involve the use of kicks, punches or other striking techniques such as the brachial stun or other strikes to key motor points that have a moderate chance of injury.

Objectively reasonable - The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Serious bodily injury - Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

De-escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Exigent circumstances - Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Warning shot - Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

Vascular Neck Restraint – the application of pressure to the carotid arteries and jugular veins at the sides of the neck, which results in diminished blood flow to the brain. When applied properly this diminished blood flow generally leads to unconsciousness. If applied improperly, the use of this technique could potentially result in death.





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This technique is also commonly referred to as the carotid neck restraint or lateral/enhanced vascular neck restraint (LVNR or EVNR).

Hog-tying – Involves placing the suspect in a prone position with his or her hands secured by handcuffs, and legs held together with restraints. The hand and leg restraints are then connected, resulting in the slight elevation of the suspect's upper and lower body.

*Carl A. Metzger*

Chief of Police



## **Appendix 1**

### **Supervisor's Public Safety Questions on Scene of a Deadly Force Incident**

Officer, we are required by policy to complete a public safety statement. Due to the immediate need to take action, you do not have the right to wait for legal or union representation before answering these limited questions.

1. Are you injured?
2. If you know of anyone who was injured, what is his or her location?
3. If any suspects are at large, what are their descriptions?
4. What was their direction of travel?
5. How long ago did they flee?
6. For what crimes are they wanted?
7. With what weapons are they armed?
8. While not required to provide incriminating evidence against you, is there any evidence that needs to be preserved as it relates to the other subjects' involvement?
9. Where is it located?
10. Did you observe any witness(es)?
11. Where are they?

Officer, in order to preserve the integrity of your statement, I order you not to discuss this incident with anyone, including other supervisors or staff officers. You are directed to speak to your legal representative prior to making any further statements regarding this incident. If you do not have a legal representative, you may decline to answer any questions regarding your actions asked during the criminal investigation.



## Appendix 2 USE OF FORCE MATRIX

		Use of Force-Levels of Resistance													
		Presence	Interview Stance	Dialogue	Verbal Direction	Touch	Restraint Devices	Chemical Agent	Transporters	Take Downs	Pain Compliance	Counter Moves	Intermediate Weapon / CEW	Incapacitation	Deadly
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.		<i>Command Presence</i>	<i>Communication</i>			<i>Physical Control</i>						<i>4</i>	<i>5</i>	<i>6</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	Yes	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	Yes	Yes
3 Chemical Agent	Yes	Yes
4 Intermediate Weapon / CEW	Yes	Yes
5 Incapacitation	Yes	Yes
<b>6 DEADLY FORCE</b>	Yes	Yes



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Response to Resistance



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 an officer's requests or attempts to control the situation. The subject may threaten the officer with further resistance. Or, the subject may not verbally respond to the officer.

*Passive Physical Resistance* – slight physical harm: A subject physically refuses to comply or respond to an officer's command. He/she does not make any attempt to physically defeat the actions of the officer but forces the officer 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 an officer's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the officer 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 officer 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 officer or others.

**Officer Response Levels**

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

**Presence:** The officer 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 an officer.

**Field Interview Stance:** The officer 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 officer and subject, aimed at problem identification and/or resolution.

Verbal Direction: A officer 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. An officer 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: 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 officer 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 an officer as a result of the officer inflicting controlled pain upon specific joints in the subject's body, such as pressure point techniques.

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 / CEW (LEVEL 4) - slight to moderate potential for physical harm

Conducted Energy Weapon (CEW) – 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.

Officer Factors -

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



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The above listed subject and officer factors are not at all inclusive. Any and all determining

factors must be properly articulated by the officer employing physical force.