

537 **DEADLY FORCE**

- I. **PURPOSE:** The purpose of this policy is to establish guidelines for the use of deadly force by officers performing law enforcement duties, and to address the attendant status and administrative responsibilities of officers involved in deadly force situations resulting in injury or death.

- II. **SCOPE:** This policy shall apply to all police officers involved in the application of deadly force including, but not limited to, the use of firearms.

- III. **DISCUSSION:** The most important purpose of law enforcement is the protection of human life. To ensure consistency with that purpose, the use of deadly force must be limited to situations involving the protection of human life. There can be no justification for risking the lives of innocent persons merely for the purpose of apprehending a felon.

- IV. **DEFINITIONS:**
 - A. **Deadly Force:** Force, which is likely to cause death or great bodily harm.

 - B. **Immediate Death or Great Bodily Harm:** Imminent injury potential, foreseeably resulting in loss of life or likely to cause permanent impairment of an important bodily function.

 - C. **Threat:** An expression by word or action of hostile intent.

 - D. **Sufficient Justification:** Lawful reason.

 - E. **Reasonable Belief:** An opinion founded on facts and circumstances presently known, interpreted in the light of training and experience.

- V. **POLICY:**
 - A. Police officers are authorized to use deadly force when the officer reasonably believes that such force is necessary to:
 - 1. Prevent immediate death or great bodily harm to the police officer;

 - 2. Prevent immediate death or great bodily harm to another human being; or

 - 3. Apprehend the perpetrator of a felony, which involved the use or threatened use of deadly force and the individual who is sought, poses a threat of immediate death or great bodily harm to the police officer or another person.

- B. Restrictions upon the authorized use of deadly force:
1. As a general rule, officers shall not draw their weapons unless there is sufficient justification consistent with training. In effecting the arrest of potentially dangerous suspects, or in “high hazard” situations, police officers may display a firearm for the purpose of obtaining and maintaining control of the situation. With the exception of shotguns and rifles, which require “cocking” for a round to be chambered, weapons shall not be manually cocked.
 2. When use of deadly force is warranted, officers shall fire for effect and not for warning. Intentionally discharging a firearm constitutes deadly force.
 3. Shooting at or from a moving vehicle is prohibited in all instances except those which do not endanger innocent persons and are compelled by highly unusual or exigent circumstances such as where the subject is himself firing a gun from the vehicle or where the subject is using the vehicle in an offensive manner to strike persons or other vehicles and not simply using the vehicle to evade capture. See Legal Bulletin 2014-16. Officers may not shoot at a moving vehicle for the sole purpose of disabling it, and officers must make every reasonable attempt to move out of the path of the vehicle.
 4. Officers shall not use deadly force to apprehend perpetrators of non-violent crimes against property.
 5. Officers shall not use deadly force to apprehend persons suspected of having committed a forcible felony unless there is an immediate threat of death or serious bodily injury to themselves or others.
 6. Any doubt as to the justification for the use of deadly force must be resolved in favor of not using deadly force.
 7. Officers should consider the safety of persons in the line of fire before resorting to deadly force.
 8. When possible, officers will provide verbal warnings or direction to suspects before using deadly force. It is recognized that this may not be practical due to rapidly evolving circumstances, distance/locations, to maintain a tactical advantage or other, similar situations.
- C. Juveniles: The age of the suspect will not be a deciding reason for using or not using deadly force.
- D. Use of Impact Weapons: An officer’s use of impact weapons which is consistent with training is not intended or likely to result in death or great bodily harm and, accordingly, will not be considered using deadly force.

E. Destroying Animals:

1. An animal may be killed when it is necessary to prevent harm to the officer or another person.
2. Pursuant to F.S. §828.05 and §828.058, officers encountering diseased or severely injured animals should attempt to contact the animal's owner, if any, or a veterinarian. If neither can be readily contacted or if either recommends immediate euthanasia, officers are permitted to humanely terminate the animal's suffering by shooting. The officer carrying out the euthanasia will be guided by common rules of safety in the use of the firearm.

F. Officer's Duty Status – Injury or Death Incidents:

1. Immediately following the preliminary investigation, any officer directly involved in a deadly force incident which results in injury or death shall be relieved from duty, with pay (attendance code – RFD), pending a Fitness for Duty Evaluation.
2. During this absence, the officer shall remain available for departmental interviews, and is subject to recall to duty at any time.
3. The duration of absence shall be determined by the chief of police. When an officer returns to duty, he/she may be assigned to administrative duties for a length of time that the officer, psychologist and chief of police feel necessary.

While on administrative duty status, the officer shall not wear the police uniform nor work extra-duty assignments.

- G. Psychological Services: In addition to the Fitness for Duty Evaluation, the services of the police psychologist, police chaplains, and Critical Incident Stress Debriefing Team are available to the affected officer and family members.

VI. SUMMARY:

- A. The Tampa Police Department views the firearm as a defensive weapon. This defensive weapon is to be used to protect any person from death or great bodily harm threatened by another.
- B. Before resorting to the use of deadly force, an officer shall:
 1. Have reasonable belief that the situation falls within the deadly force policy;

2. Exercise every possible caution;
3. Exhaust all reasonable alternatives; and
4. Take all reasonable steps to protect the safety of all innocent bystanders.

Supersedes SOP 537, dated 6/20.