
	<b>Florida State University Police Department</b>	
<b>Less-Lethal Weapons (Excluding Tasers)</b>		
Revision Effective Date: 9/1/17	<b>General Order 603</b>	Attachments: None
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**Policy**

Less-Lethal Weapons (Excluding Tasers) Policy

It is the policy of the Florida State University Police Department that sworn members and authorized civilian employees shall be authorized to carry and use non-lethal weapons (excluding Tasers) upon successful completion of training requirements and proficiency standards. It is further the policy that sworn and non-sworn personnel shall only use force reasonable and necessary when resorting to the use of such weapons or force in the performance of their official duties. No sworn officer or civilian employee shall be authorized to carry and less-lethal weapon until he or she has received a copy of and have been instructed in the Department’s General Order titled, “Response to Resistance”.

**Procedure**

A. **Impact Weapons**

Although not considered as primary lethal weapons (i.e., firearms), the impact weapons discussed below may be considered as lethal weapons authorized for carrying and use by sworn officers.

1. Officers who have successfully completed a Department approved program in the proper use of the Department-issued Rapid Rotation Baton (RRB) or the Monadnock Expandable Baton (MEB) are authorized to carry and use such while on duty. The Chief of Police shall be responsible for reviewing and approving the carrying and use of all impact weapons. Departmental issued impact weapons are not to be used off duty.
2. Officers carrying impact weapons shall attend at a minimum, biennial refresher training in the use of such impact weapons.
3. An issued or authorized impact weapon shall be carried as an integral part of the police uniform when on duty in uniform.
4. An officer may draw or display, but not necessarily use, an impact weapon: However, the drawing or display of any impact weapon does require the completion and submission of a Response to Resistance Report.
  - a. In anticipation of using the impact weapon in defense of human life.

- b. To affect the arrest or prevent the escape of any person who has committed a criminal offense, or any person subject to arrest who is resisting or threatening to resist by response to resistance or a weapon.
  - c. To submit to an inspection of the impact weapon by a sergeant or above or a CJSTC certified defensive tactics instructor.
  - d. To participate in approved impact weapons training under the direct supervision of a CJSTC certified defensive tactics instructor.
5. An officer may employ or use an impact weapon:
- a. In any situation where the use of the firearm would be justified.
  - b. To counter an immediate threat of physical attack against the officer or another person.
  - c. To apply approved control techniques as taught in impact weapons training.
  - d. To participate in approved impact weapons training under the direct supervision of a CJSTC certified defensive tactics instructor.
6. The authorized use of any impact weapon must conform to the techniques taught in the approved training course.
- a. Impact weapons strikes, when necessitated by resistance using non-deadly force, shall be directed against major muscle mass and nerve areas with the intention of causing temporary disruption to an adversary's ability to further assault or resist the officer.
  - b. In any life-threatening situation, an officer is authorized to employ as an impact "weapon of necessity" any object which may be available, even if no training in the use of the particular object has been received.
  - c. An impact "weapon of necessity," such as a radio, flashlight, tree limb, rock, brick, pipe, etc., must be employed in substantial compliance with statutes, case law, policies and procedures governing the response to resistance as discussed throughout General Order titled, "Response to Resistance".

**B. Impact Weapons Training and Qualification**

All officers must successfully complete a Departmental approved training program on the proper use of impact weapons prior to being authorized to carry or use impact weapons on duty.

1. Failure by any officer to successfully complete a Department-approved training program in the proper use of an impact weapon will result in individual remedial impact weapon training under the auspices of a CJSTC-certified instructor until such time as the officer is either: able to qualify in accordance with Departmental and CJSTC standards; or the impact weapons instructor has determined the individual is unable to meet the standards. Remedial training shall be conducted in accordance with the provisions of General Order titled, "Remedial Training".
2. Failure to successfully complete impact weapon training may lead to reassignment, reclassification, or termination of employment.

C. **O.C. (Oleoresin Capsicum) Spray**

The authorized carrying, use, and proficiency requirements for O.C. Spray—a less lethal weapon—is discussed below

1. Employees who have successfully completed a Department approved training program in the proper use of O.C. spray (a/k/a/ pepper spray) and who have been issued the spray by the Department, are authorized to carry and use such spray within the guidelines established in this general order. The Chief of Police shall be responsible for reviewing and approving the carrying and use of O.C. spray.
2. O.C. spray shall be classified as a less-lethal weapon and used, when reasonably possible, subsequent to the use of verbal commands and prior to “empty-hand” control techniques and the use of impact weapons and firearms.
3. O.C. spray will be carried by uniformed officers and senior security officers on their duty belts in the issued canister while on duty.
2. O.C. spray issued by the Department is a “self defense chemical spray” under Section 790.001, F.S. All employees who are issued O.C. spray are therefore subject to the provisions of 790.06(5)(b), F.S., which provide that law enforcement officers may carry their issued O.C. spray in a concealed manner, on or off duty. Security Guards are prohibited from carrying O.C. spray issued by the Department while off duty.
3. An employee may draw or display their issue O.C. spray canister:
  - a. In anticipation of using the spray in defense of human life or to prevent a physical attack.
  - b. To submit to an inspection of the canister by a sergeant or above, or a CJSTC certified defensive tactics or instructor.
  - c. To participate in approved O.C. spray training under the direct supervision of a CJSTC certified defensive tactics instructor.
  - d. Whenever an officer draws or displays O.C. Spray, a Response to Resistance Report shall be completed.
4. An officer may employ or use O.C. spray:
  - a. In any situation where the use of another weapon would be justified.
  - b. To overcome passive resistance to the officer’s lawful performance of duty or to counter an immediate threat of physical attack against the officer or another person.
  - c. To participate in approved O.C. spray training under the direct supervision of a CJSTC certified defensive tactics or firearms instructor.
  - d. To comply with the direction of a supervisor.
5. The authorized use of O.C. spray shall conform to the techniques taught in the approved training course. The use of O.C. spray shall be reasonably necessary under the existing circumstances, and must be in response to a real or perceived physical threat to the safety of the officer or another person.

- a. The verbalized persuasion and a warning shall precede the use of O.C. spray when circumstances reasonably permit such efforts without undue risk to the safety of the officer or bystanders.
  - b. No such persuasion or warnings are required if the suspect has already actively resisted the officer.
6. O.C. Spray shall not be used, nor shall such be threatened:
- a. Against any person who complies with lawful commands during an arrest, a valid investigative stop, traffic stop, or while in lawful custody.
  - b. To retaliate against any person who had resisted or offered violence, but has since ceased resistance and submitted to custody.

**D. O.C. Spray Training and Qualification**

All sworn and other authorized employees must successfully complete a Departmental approved training program on the proper use of O.C. spray prior to being authorized to carry or use O.C. spray on or off duty.

- 1. Failure of any officer to complete a Department-approved training program will result in individual remedial O.C. spray training under the auspices of a CJSTC-certified instructor until such time as the officer is either: able to qualify in accordance with Departmental and CJSTC standards; or the OC spray instructor has determined the individual is unable to meet the standards. Remedial training shall be conducted in accordance with the provisions of General Order titled, "Remedial Training".
- 2. Failure to complete O.C. spray training may lead to reassignment, reclassification, or termination of employment.
- 3. Officers authorized to carry O.C. Spray shall attend at a minimum, biennial refresher training on the use of the spray.

**E. O.C. Pepperball System**

The authorized carrying, use, and proficiency requirements for the O.C. Pepperball System—a less lethal weapon—is discussed below.

- 1. The Chief of Police shall be responsible for reviewing and approving the carrying and use of the O.C. Pepperball System.
- 2. Sworn members trained and certified in the use of the O.C. Pepperball System are authorized to use such force as less-lethal force in the following situations:
  - a. When a suspect exhibits violent behavior that threatens the safety of others and attempts to subdue the subject by conventional means may not be reasonable.
  - b. When it is unsafe for a member to approach a suspect within contact range, or;
  - c. When higher response to resistance may be justified, but an opportunity exists for the use of the O.C. Pepperball System before these other options are employed, or;
  - d. To defend one' self or another from an aggressive and/or attacking animal, or;

- e. O.C. spray or O.C. Pepperball may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force, or;
- f. Members encountering a situation, which requires the use of the O.C. Pepperball System, shall immediately notify the Shift Supervisor. The member may retrieve and, if necessary, utilize the O.C. Pepperball System in accordance with the provisions of General Order titled, "Response to Resistance." The use or display of the O.C. Pepperball System requires the filing of a Response to Resistance Report.
- g. Only qualified, trained members shall be allowed to deploy and use the O.C. Pepperball System.

**F. O.C. Pepperball System Training and Qualifications**

- 1. All employees must successfully complete a Departmental approved training program on the proper use of the O.C. Pepperball System prior to being authorized to carry or use the O.C. Pepperball System while on duty.
- 2. Officers authorized to carry or use the O.C. Pepperball System shall attend at a minimum, biennial refresher training on the use of the O.C. Pepperball System.

**G. Electric, Chemical, and Edged Weapons**

Stun guns, stun batons, and other electric weapons and devices (other than the Taser discussed in General Order titled, "Tasers") are not authorized for official use—either on-duty or off-duty--by members of this Department.

- 1. Mace, CN and CS tear gas, and other chemical weapons and devices not issued are not authorized for official use—either on-duty or off-duty--by members of this Department.
- 3. Boot knives, switchblades, butterfly knives, dirks, throwing stars and other edged weapons and devices are not authorized for official use, either on-duty or off-duty-by members of this Department. The only exception to this prohibition is the boot knife authorized for motorcycle officers. However, the Chief of Police does approve the carrying of a folding blade pocket knife or utility knife with a blade length of less than 3.5 inches so long as it is carried in either a black covered case on the duty belt or in a pocket.

**H. Records for Less-Lethal Weapons**

The Training Coordinator or designee shall be responsible for maintaining hard-copy or computerized records regarding the issuance and/or replacement of each type of less-lethal weapon approved and issued by the Department, i.e., RRBs, O.C. Spray, O.C. Pepperball System (and Tasers as discussed in the General Order titled, "Tasers"). However, the Training Coordinator shall be responsible for downloading Taser data port information.

**I. Reporting Non-Training Use of Any Less-Lethal Weapon**

This issue is discussed fully in the General Order titled, "Response to Resistance."

J. **Inspection of Less-Lethal Weapons**

All less-lethal weapons with an expiration date shall be inspected annually to verify that they are inside the effective date range. Any less-lethal weapon within one year of its expiration date should be replaced as soon as practical.

***Glossary***

**Annual/Annually** – an event occurring once every 12 months.

**Biennial** – an event occurring once every 2 years.

**Deployment** – A deployment is anytime a less-lethal weapon is displayed or drawn from its holster in a force situation.

***Index***

Impact Weapons

Off-duty Weapon

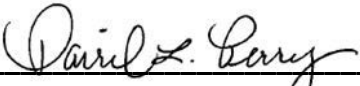
O.C. Pepperball System

O.C. Spray

Rapid Rotating Baton (RRB)

***Attachments***

None

MTC 08/27/17	Filed: General Order 603
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Approved: _____	
	<b>David L. Perry, Chief</b>
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