

<b>OFFICE OF THE SHERIFF</b> CONSOLIDATED CITY OF JACKSONVILLE, FLORIDA		<b>OPERATIONAL ORDER</b>		
<b>DEPARTMENT OF CORRECTIONS</b>		<b>OP 10.6.11 (Police 6.1.22)</b>		
<b>RESCINDS:</b>	<b>OP 10.6.10</b>	<b>EFFECTIVE DATE:</b>	<b>05/30/2008</b>	
<b>SUBJECT:</b>	<b>RESPONSE TO RESISTANCE</b>			
<b>ACCREDITATION STANDARDS:</b>	<b>4-ALDF-2B-01M</b>	<b>4-ALDF-2B-02</b>	<b>4-ALDF-2B-03M</b>	
<b>4-ALDF-2B-04</b>	<b>4-ALDF-2B-05</b>	<b>4-ALDF-2B-06</b>	<b>4-ALDF-2B-07</b>	<b>4-ALDF-2B-08M</b>
<b>FCAC 5.06</b>	<b>FCAC 5.07</b>	<b>FCAC 6.10</b>	<b>FCAC 6.11</b>	

The Jacksonville Sheriff's Office recognizes the necessity of keeping its Response to Resistance policy consistent throughout the agency. Therefore, this policy will serve as both the Law Enforcement and Corrections policies with respect to response to resistance. Any additional related information specific to Law Enforcement or Corrections will appear in an appropriate Order for them.

The purpose of this Order is to establish policy regarding the response to resistance (deadly and non-deadly) by employees of the Sheriff's Office authorized by Florida State Law and the Sheriff's Office to use such force, the use of physical restraints, and the use of approved weapons and ammunition. This Order supports the Sheriff's Office Core Values of "Worthy of Trust" and "Community Focused."

This order consists of the following numbered articles:

- I. Policy**
- II. Disclaimer**
- III. Definitions**
- IV. Supervisory Responsibilities**
- V. Storage of Weapons**
- VI. Physical Restraints**
- VII. Intermediate Weapons (Batons and Flashlights)**
- VIII. Chemical Weapons**
- IX. Specialty Impact Weapons**
- X. Tactical Neck Restraint**
- XI. Electronic Control Device – (TASER®) Overview**
- XII. ECD Maintenance and Accountability**
- XIII. ECD Deployment Situation Factors and Assessment**
- XIV. ECD Deployment Parameters**
- XV. ECD Post Deployment Procedures**
- XVI. Firearms Policy**
- XVII. Deadly Force Policy**
- XVIII. Response to Aggressive Animals**
- XIX. Response to Response to Officer Involved Shootings and Deadly Force Incidents**

## I. Policy

- A. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. There are situations when an officer must make a decision of whether or not to use deadly or non-deadly force. Recognizing the agency cannot make the decision, the agency must provide guidance and training to aid officers in the exercise of that decision.
- B. It is the policy of the Jacksonville Sheriff's Office to allow officers to use only that degree of force which is reasonable and necessary to affect an arrest or to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to use force at any level must be based upon state and federal laws and the circumstances that the officers reasonably believed to exist at that time. Agency members shall complete a Response to Resistance (P-288) report each time physical force is used on a person which results in an injury that requires medical attention, including situations in which the Jacksonville Fire Department/CMSP is called for the person but does not transport them.
- C. Prior to being approved for use, all weapons (issued and non-issued) will be tested and/or inspected by a qualified weapons instructor or armorer. A weapon will be approved for use only after it has been determined that the weapon is functioning properly. Any weapon found to be unsafe or malfunctioning will be removed from service.
- D. Officers may receive information about another person or observe behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. If this occurs, officers shall notify the Communications Center using the 10-69 radio signal and attempt to contain this individual until additional police and Fire Rescue personnel are available. These types of observed behaviors may be indicators of a **serious medical condition** and should be handled as a **medical emergency**.
- E. All discharge of firearm incidents (outside of training) will be reviewed by the Response to Resistance Board's Chairperson to determine if the full Board will review the incident (some incidents may be exempted from review such as; shooting injured animals, or S.W.A.T. incidents). The Response to Resistance Board shall review any incident where response to resistance upon any individual results in death or great bodily harm. Upon recommendation of any Chief or Director, the Undersheriff, or Sheriff, the Response to Resistance Board may review other incidents where other types of force were used. A report of the Board's findings (including all relevant facts, circumstances, and a conclusion as to whether the response to resistance violates any agency directive) will be forwarded to the Sheriff.

**NOTE:** All S.W.A.T. response to resistance incidents will be documented using the S.W.A.T. Intelligence Report (P-081) and the Non-Lethal Munitions Report (P-318). Upon completion, copies of the P-081 and the P-318 will be forwarded to the Accreditation Unit. S.W.A.T. members shall not be required to fill out the Response to Resistance report (P-0440) while acting in an official S.W.A.T. capacity. Members that use S.W.A.T. weapons during an individual incident shall fill out a Response to Resistance Report (P-0440). Any force used by members of this agency shall be subject to review by the Response to Resistance Review Board.

- F. The Blocking and Precision Immobilization Technique (P.I.T.) is considered an application of force. The proper utilization and documentation of these techniques is addressed in the Vehicle Pursuits Operational Order 04.01. Any P.I.T. usage that appears to be improper will be forwarded via the Professional Standards Division to the Director of Investigations and Homeland Security to determine if the incident should be reviewed by the Response to Resistance Board.
- G. Medical Evaluation - Officers and supervisors will be required to obtain medical evaluations (JFRD, nurse at PDF, etc.) as soon as possible or practical, for individuals:
  - 1. Who show signs of any injury as a result of any use of force being applied;
  - 2. Who complain about any injury as a result of force being applied;
  - 3. Who become unconscious either during or following the application of any force; or
  - 4. When the officer or supervisor reasonably believes an individual is in need of a medical evaluation as a result of the application of force.

**NOTE:** Officers shall continually monitor prisoners for symptoms of medical distress, such as: behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; those exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. Additionally, prisoners who have exhibited these symptoms may fall “asleep” while in custody, even accompanied by loud snoring and may be difficult to wake up. If these symptoms are detected this should be considered a MEDICAL EMERGENCY and rescue/medical assistance will be sought immediately.

- H. Non-deadly force may be used to effect arrests or to protect officers or others from personal attack, physical resistance, or injury, provided the force chosen is reasonable based upon the immediate circumstances of the confrontation. Non-deadly force may also be deployed against a subject who is attempting to flee and avoid capture from a lawful arrest. Non-deadly force may involve physical control, intermediate weapons and/or incapacitation techniques. The selection of non-deadly options does not preclude an officer from using an object or instrument to protect the officer or others in which the instrument or object is not necessarily designed for such use or one with which the officer may not have been trained or certified to use, as long as the object or instrument is used in accordance with the limitation on force contained within the Response to Resistance policies. Non-deadly force should only be used when absolutely necessary and only to the degree needed to overcome resistance, affect a lawful arrest, or protect the officer or another person from bodily harm, and in doing so the officer must consider all factors, including severity of the crime/ situation at issue, whether the person is actively resisting the officer's attempt to place them in custody or attempting to evade the officer by flight, and whether the person poses an imminent threat to the safety of the officer(s) or others. The degree of force shall be consistent with training and the aforementioned factors.

**NOTE: If physical force is applied which causes an injury, which does or does not require medical attention; the officer will document the injury in the appropriate report for the offense/incident being investigated (e.g. General Report, Supplement Report, Arrest and Booking Report, etc.)**

- I. Standard 11.09 of the Florida Model Jail Standards specifically prohibits the introduction of firearms, ammunition, chemical agents, or electric weapons into any state, county, or municipal detention facility unless it is authorized by the policy and procedure directives of the facility. The chemical agent O.C. and ECD's are authorized by the Director of Corrections to be carried inside the detention facility only by certified officers trained in their use.

## **II. Disclaimer**

The Response to Resistance Directive is for agency use only. This agency policy should not be construed as creation of higher legal standards of care in an evidentiary sense with respect to third party claims. Violations of this directive will form the basis for agency administrative sanctions.

## **III. Definitions – The following definitions apply to all Response to Resistance policies.**

- A. *Non-deadly Force*: Force which is not likely to cause death or great bodily harm.
- B. *Deadly Force*: Force which is intended to, or likely to, cause death or great bodily harm. Deadly force will only be used in accordance with the procedures described in Article XVII of this order.
- C. *Probable Cause/Reasonable Belief* are the facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

- D. *Great Bodily Harm* is a bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in the long-term loss or impairment of the functioning of any bodily member or organ.
- E. *Imminent Danger* is an impending peril caused by a previously demonstrated threat to or wanton disregard for human life.
- F. *Passive Physical Resistance* - A subject physically refuses to comply or respond. He does not make an attempt physically to defeat the actions of the officer but forces the officer to employ physical maneuvers to establish control (e.g., A subject may be involved in a demonstration. The subject ignores an officer's requests to move, and the officer must use physical strength to move the subject).
- G. *Active Physical Resistance* - A subject makes physically evasive movements to defeat an officer's attempt at control. This may take the form of bracing or tensing, attempts to push/pull away not allowing the officer to get close to him (e.g. A subject braces against a table or chair or grabs a doorway; or pushes the officer's hands away. Other examples would be if the subject runs away or if a subject takes a fighting stance).
- H. *Physical Control* - There are six classifications of physical control:
  - 1. Restraint Devices - Mechanical tools used to restrict a subject's movement and facilitate searching, such as handcuffs, flex cuffs, leg irons, belly chains, or nylon restraints.
  - 2. Transporters - Techniques used to control and/or move a subject from one location to another with minimum effort by the officer in order to gain and retain control over the subject.
  - 3. Pain Compliance – Hand-held aerosol chemical munitions (Defense Technology MK-3) or techniques that force a subject to comply with an officer as a result of the officer deploying the chemical munitions or inflicting controlled pain upon specific points on the subject's body, such as pressure point techniques (e.g., Subject refuses to move, so the officer has the option of applying gradual fingertip pressure to a nerve in order to gain compliance).
  - 4. Electronic Control Device [ECD] (TASER®) - Weapons designed to disrupt a subject's motor and sensory nervous systems by means of deploying battery powered energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses, thus allowing an officer to capture the person who is resisting being taken into custody (e.g. A subject is notified by the officer that they are under arrest and the subject flees or attempts to strike the officer in an attempt to avoid being taken into custody. The officer deploys an ECD and takes the person into custody).
  - 5. Takedowns - Techniques that redirect a subject to the ground in a controlled manner in order to limit his physical resistance and to facilitate the application of a restraint device.

6. Counter Moves - Techniques that impede a subject's movement toward an officer or other individual, such as blocking, striking, distracting, kicking, dodging, weaving, redirecting, and/or avoiding, followed by appropriate controlling techniques (e.g., A subject is approaching the officer in a threatening manner, the officer uses a vertical punch to back the subject away. The subject then becomes aggressive and throws a punch at the officer, which the officer blocks.)
- I. *Intermediate Weapons* - Weapons that are primarily used to control a subject, such as a baton or specialty impact weapons.

#### **IV. Supervisory Responsibilities**

- A. First line supervisors are responsible for ensuring officers properly document qualifying incident(s), when deploying non-deadly force.
- B. The on-scene and/or the officer's immediate supervisor will review all incidents in which there is an application of non-deadly force.

#### **V. Storage of Weapons**

- A. The Agency recognizes that the use of weapons by unauthorized or untrained individuals constitutes an extreme safety hazard. It is therefore imperative that unauthorized persons not have access to agency-issued ECD's, non-deadly and intermediate weapons, and firearms. F.S.S. 790.174 (a person who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law shall securely store the firearms from access by persons under the age of 16). Members will be familiar with and abide by the provisions of this statute.
- B. The Agency recognizes the right of private citizens to keep and maintain firearms and does not intend to infringe on the rights of its employees by mandating the storage of personally owned firearms in the home. The Agency does, however, have a vested interest in the safe storage of agency-owned and issued weapons. Agency-issued weapons that are not under the member's immediate control shall be safely stored so as to prevent unauthorized access.
- C. When off-duty, all weapons will be stored in the vehicle's locked trunk, secured by an issued cable lock, or secured inside the member's residence. No firearm will be left in the passenger compartment of the vehicle. When on-duty, the cable lock may be unlocked from the patrol rifle so that it will be available for immediate use, as long as the vehicle remains locked or is not left unattended. Any time the vehicle is left unattended, the vehicle alarm will be activated. When utilizing a pool vehicle that does not have an alarm, the officer shall store the patrol rifle at his residence.
- D. Safe storage techniques include gun safes, trigger locks, trigger cables, locked gun cases, and other locked containers. Members may use one of these safe storage techniques to store agency-issued weapons safely.

- E. Agency issued weapons, including handguns, rifles, shotguns, ECD's, and chemical munitions that are not under the member's immediate control shall be safely stored so as to prevent unauthorized access.

**NOTE: Knives carried or used by officers (or reserve members) are not intended to be used as weapons.**

## **VI. Physical Restraints**

- A. The primary purpose in using handcuffs and other restraints is to:
  - 1. Maintain control of the arrestee/inmate;
  - 2. Provide safety for the officer, the arrestee/inmate, and general public; and
  - 3. Minimize the possibility of the situation escalating.
- B. Authorized restraints issued by the Sheriff's Office consist of:
  - 1. Double locking handcuffs;
  - 2. The "Hobble Restraint" device;
  - 3. Plastic handcuffs; and
  - 4. Spit Masks.
- C. Other types of restraints are authorized for use; however, primarily the Fugitive Section, Court Section, and the Department of Corrections who constantly move prisoners utilize these devices. Members must not hesitate to use these more secure devices to supplement handcuffs if it is felt that handcuffs alone are not sufficient. These devices include:
  - 1. Leather body straps;
  - 2. Belly chains;
  - 3. Lead chains;
  - 4. Leg braces;
  - 5. Leg irons;
  - 6. Ankle chains;
  - 7. Restraint chairs; or
  - 8. One piece restraint.

- D. Double-locking handcuffs and case, as issued by the Sheriff's Office, shall be carried by all sworn, reserve, uniformed security guards, and corrections personnel in uniform.
1. Sworn personnel in plain-clothes assignments (Detectives, etc.) who handle prisoners will also carry handcuffs.
  2. All handcuffs used shall be Peerless or Smith and Wesson hinged or chain steel cuffs and shall fit the same key as that issued by the Sheriff's Office.
  3. All members will be responsible for the efficient operation of their handcuffs. Handcuffs must be checked frequently, cleaned, and lubricated to prevent any malfunction in times of emergency.
- E. Handcuffs will be used in *ALL* physical arrests both misdemeanor and felony (male and female) and during the handling and transporting of all prisoners already in custody. In addition to arrest situations, members should use handcuffs in any case when the member has reason to believe handcuffs are needed. It is the member's responsibility to protect oneself, the public, and the prisoner. A member's judgment should not be swayed by the prisoner's apparent cooperativeness.
1. Handcuffs shall be used when prisoners or in-custody suspects are within the Police Memorial Building (P.M.B.). Handcuffs may be removed during a prior-to-booking interview *only* while the suspect remains in the presence of an officer. Any other time handcuffs are removed (i.e. for fingerprinting, lineups, etc.) within the P.M.B., the suspect/prisoner must remain in the presence of an officer.
  2. When handcuffs are utilized, they will be placed on the suspects/inmates as soon as the suspects/inmates are under control. Handcuffs shall be securely locked (double locked) *behind the prisoner's back* with the prisoner's palms turned outward to minimize the potential of harm or escape. A check should be made to determine that the handcuffs are not placed so tightly on the person's wrists to cause physical harm. Handcuffs will remain on until the prisoner is delivered *inside* the PDF or place of confinement. When possible, handcuffs should be passed through the prisoner's belt to prevent stepping through their arms and bringing the handcuffs in front of them.
  3. When only handcuffs are used, members shall maintain physical control over the handcuffed prisoners by securely holding onto the prisoners while escorting them on foot.
  4. The current handcuffing technique (speedcuffing) taught by the Training Academy is designed for the safety of both the officer and the prisoner. When the situation allows, this technique shall be the appropriate technique to use.
  5. The two methods of speedcuffing (standing and kneeling) will be utilized when appropriate.

- a. Standing techniques are used for *low risk, compliant* subjects.
  - b. Kneeling techniques are used for *unknown risk situations* or when space is limited.
6. "Prone" handcuffing techniques are used for *high risk and/or non-compliant* subjects. Officers must remember to *handcuff then search*, being ever mindful of officer safety.

**NOTE:** Any person, particularly those who are obese, who is subjected to a restraint technique where the person is placed in restraint(s) while in a prone position, may be at risk of injury or medical issues. Only the minimum amount of officers necessary to achieve the desired restraint shall apply weight to the subject's back while the person is in the prone position. Once the subject is in restraints (T.A.R., handcuffs, etc), the restrained person shall be placed on their side, back, or in a seated position as soon as practical. Individuals will not be left in a prone restraint position any longer than necessary for officer safety.

7. When using these techniques and the prisoner is stabilized, the handcuffs will be double-locked and checked for fit to avoid injury to the prisoner.
8. If prisoners are sick, injured, or physically handicapped and handcuffs are impractical due to the condition of the prisoners, alternate restraining devices should be utilized unless the condition of the prisoners renders them harmless. Officers shall also follow the procedures outlined in General Order LXII, Providing Services to Persons with Disabilities.
  - a. Extreme care must be taken to ensure that the use of the restraining devices will not worsen the condition or injury of the prisoners.
  - b. Anytime prisoners become sick or injured, their condition must be checked by medical personnel (doctor, E.M.T., PDF nurse, etc.) as soon as it is safe and practical.

**NOTE:** Officers shall continually monitor prisoners for symptoms of medical distress, such as: behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; those exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. Additionally, prisoners who have exhibited these symptoms may fall "asleep" while in custody, even accompanied by loud snoring and may be difficult to wake up. If these symptoms are detected this should be considered a **MEDICAL EMERGENCY** and rescue/medical assistance will be sought immediately.

9. All prisoners will be handcuffed or otherwise restrained during transport. Under no circumstances will a prisoner be handcuffed or manacled to the inside of a vehicle.

10. When it becomes necessary to handcuff two prisoners with one pair of handcuffs, the procedure used will be as follows:
  - a. Place the right hand of one prisoner behind the back and attach a handcuff; and
  - b. Slide the free end of the handcuffs through the prisoner's belt and attach that handcuff to the right hand of second prisoner.
  
- F. The accepted leg restraint device approved by the Sheriff's Office is the "Hobble Restraint."
  1. The "Hobble Restraint" will be used on prisoners whose violent behavior is likely to cause injury to themselves, others, or property damage (i.e., kicking at persons, vehicle windows, etc.) if not properly restrained.
  2. The "Hobble Restraint" shall be applied to a prisoner who is already handcuffed (hands behind the back). Once applied, the prisoner shall be placed inside the patrol vehicle in a seated position and transported in like manner.
  3. The "Hobble Restraint" may be applied in two manners:
    - a. The first application described will be used when a suspect is walked to the back door of the Patrol unit (in handcuffs) and displays violent, kicking behavior prior to being placed inside the unit;
      - (1) The officer shall open the rear door of the vehicle, placing the prisoner in a seated position (legs and feet outside),
      - (2) In a swift movement the officer shall grasp the prisoner's ankles bringing them up and under the officer's strong arm. This will force the prisoner off balance and on their back,
      - (3) While holding the prisoner's ankles, place the "Hobble Restraint" over the feet and cinch it tight. Quickly place the prisoner's feet inside the car (on the floor bringing the prisoner to a seated position),
      - (4) Drop the loose end (long portion) of the restraint to the ground so that it is in the threshold of the car door and close the door,
      - (5) The officer shall then quickly grab the portion of the restraint that has been closed in the rear door and pull it tight. This will cause the prisoner's feet to be drawn to the side of the car against the door,

- (6) The officer shall then bring the loose end of the restraint inside the driver door threshold while entering the driver seat. Hold onto the restraint and close the driver door with this remaining portion of the device in the closed driver door threshold. The prisoner's feet are thus immobilized and the prisoner can be transported in a seated position, and
  - (7) Upon arriving at the point of release (PDF, Hospital, etc.), the hobble may easily be slid up around prisoners' knees and tightened prior to taking them from the vehicle. This will continue to render the prisoner incapable of violent kicking action while enabling them to walk.
- b. Another application of the "Hobble Restraint" may be used when a prisoner becomes violent and kicking, etc. prior to being taken to the police unit;
- (1) The handcuffed prisoner will be positioned chest down. The restraint will be applied over both legs of the prisoner and slid up to be positioned around the knees,
  - (2) Cinch the restraint tightly around the knee area to allow the prisoner to walk (hobble) back to the patrol unit while the officer holds onto the long end of the restraint and the prisoner to maintain control, and
  - (3) The prisoner may then be placed in the rear seat of the vehicle and the hobble restraint brought down around the ankles to secure the feet as described above.
4. If the prisoners are in the seated position in a one-officer vehicle, the officer shall place the prisoners behind the driver where they can be easily evacuated in an emergency and also monitored through the driver's rear view mirror.

**NOTE: Officers shall continually monitor prisoners for symptoms of medical distress, such as: behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; those exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. Additionally, prisoners who have exhibited these symptoms may fall "asleep" while in custody, even accompanied by loud snoring and may be difficult to wake up. If these symptoms are detected this should be considered a MEDICAL EMERGENCY and rescue/medical assistance will be sought immediately.**

- G. In the event a prisoner has been immobilized by utilization of the "Hobble Restraint" and violent behavior continues (i.e., prisoner beating their head on the window or cage) further restraint may be necessary. The officer shall:
1. Lie the prisoner back on the seat (chest up); and

2. Place the seat belt around the upper chest area (passing the seat belt under the prisoner's arms)
  - a. In *extreme* cases when this system proves to be ineffective and *only as a last resort*, the leg restraint (hobble) may be used to join the prisoner's feet to the handcuffs for a *TOTAL APPENDAGE RESTRAINT (T.A.R.)* If this method is used, officers must notify their supervisor.
  - b. Upon application of this method, the prisoner will be,
    - (1) Positioned chest-up or on their side, whenever possible, to alleviate the possibility of injury to the subject, and
    - (2) Taken immediately to the point of release (PDF or hospital). Upon arrival at the PDF, the transporting officer will cause the facility nurse on-duty to be notified of the prisoner's violent behavior, and an evaluation will be requested.

**NOTE:** Any person, particularly those who are obese, who is subjected to a restraint technique where the person is placed in restraint(s) while in a prone position, may be at risk of injury or medical issues. Only the minimum amount of officers necessary to achieve the desired restraint shall apply weight to the subject's back while the person is in the prone position. Once the subject is in restraints (T.A.R., handcuffs, etc), the restrained person shall be placed on their side, back, or in a seated position as soon as practical. Individuals will not be left in a prone restraint position any longer than necessary for officer safety.

- H. The spit mask shall be used as a restraint to prevent suspects/prisoners from spitting on officers. The spit mask will be applied in accordance with manufacturer's instructions and agency training.

**NOTE:** The application of a spit mask may compound medical issues affecting a person. If a person appears to be having difficulty breathing, a spit mask should not be applied, and rescue/medical assistance should be immediately sought.

## VII. Intermediate Weapons (Batons and Flashlights)

**NOTE:** All personnel will be issued copies of and instructed in the Response to Resistance policies before being authorized to carry non deadly weapons.

- A. The expandable baton authorized for use by police officers employed by the Sheriff's Office, is the Monadnock 22" or 26" expandable baton. Proficiency training for the Monadnock must be completed prior to an officer carrying the baton.
- B. Field Force Officers may be issued a 36" straight Monadnock baton for use ONLY in riot or crowd control.

**NOTE: The flashlight is not intended to replace the baton as an intermediate weapon. If it is necessary to use the flashlight as an intermediate weapon, its use will be consistent with training and this policy.**

- C. The Monadnock batons are the only batons officers are authorized to carry and use without prior approval from their department's Director or higher authority.
- D. Consistent with training, officers will not intentionally strike anyone with an intermediate weapon on the head, neck, and clavicle unless the circumstance justified the use of deadly force.
- E. Officers will not strike an individual with anything other than an approved intermediate weapon except in extreme circumstances, and then officers must justify their actions.
- F. Anytime an officer uses an intermediate weapon on or against an individual, a Response to Resistance Report, P-288, must be completed. This form shall be routed through the chain of command and the Copy Center shall forward a copy to the **Accreditation Unit**.

**NOTE: Officers that successfully complete training and are issued an ECD, may elect not to carry their intermediate weapon on their duty belt. If an officer decides not to carry their intermediate weapon on their duty belt, they must have the intermediate weapon in their assigned vehicle in an easily accessible area. Officers must continue to train according to prescribed training schedules with their intermediate weapon, even if it is not worn on the duty belt.**

#### **VIII. Chemical Weapons**

- A. Chemical agents carried or inventoried for Sheriff's Office use must be authorized by the Undersheriff or his designee.

**NOTE: *Personnel will not substitute any other hand held aerosol chemical munitions.***

- B. The authorized hand held aerosol chemical munition for use by individual Sheriff's Office personnel is the "Defense Technology MK-3."
- C. After receiving the appropriate training, Patrol Supervisors (Sergeants and Lieutenants) are, additionally, authorized to carry the "Defense Technology MK-9." Supervisors are authorized to use this chemical munition, in accordance with their training to control civil unrest (i.e. large crowds, etc)
- D. The Sheriff's Office authorized hand held chemical munition will be utilized only by personnel who have been properly trained in its application.
- E. While in uniform or Battle Dress Uniform (BDU), each agency member will carry the authorized handheld chemical munition on his duty belt.
- F. Prior to a member's decision to deploy the chemical munitions the following conditions must be met:

1. The officer must have legal authority to take the person into custody or the person is already lawfully confined in a Department of Corrections facility and;
2. The officer is justified in the use of force to this degree as set forth in this order.

**NOTE: Only under extreme conditions should a hand held aerosol chemical munition be used at a distance of less than (3) three feet for the MK-3 and (6) six feet for the MK-9.**

- G. Chemical munitions WILL NOT be used on individuals under the following conditions:
1. In a punitive or coercive manner.
  2. On a person secured by handcuffs or other restraint devices, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- H. Anytime a person is exposed to a chemical agent, as soon as practical, that person must be:
1. Escorted to an uncontaminated environment;
  2. Exposed to fresh air; and
  3. Allowed to flush contaminated body areas with water.
- I. A person who has been contaminated by a chemical agent will be attended by Sheriff's Office personnel *throughout* the contamination period.

**NOTE: Officers shall continually monitor prisoners for symptoms of medical distress, such as: behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; those exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. Additionally, prisoners who have exhibited these symptoms may fall "asleep" while in custody, even accompanied by loud snoring and may be difficult to wake up. If these symptoms are detected this should be considered a MEDICAL EMERGENCY and rescue/medical assistance will be sought immediately.**

- J. Personnel utilizing a hand held aerosol chemical munition will notify their immediate supervisors as soon as possible.

- K. All incidents involving exposure to a chemical agent (person or animal) will be documented on a Response to Resistance Report and a General Offense/Incident Report (Including the Animal Investigation Report for animal attacks) and/or Arrest and Booking Report, when applicable. The Response to Resistance Form shall be routed through the chain of command, and the Copy Center shall forward a copy to the Professional Standards Division.
- L. In cases when chemical agents have been used on an inmate or on a person that has been arrested, the details of the circumstances surrounding the use of a chemical agent, including the time of exposure, and if the contaminated body areas have been flushed with water, shall be included in the narrative of the Arrest and Booking Report (or Corrections Incident Report). Corrections officers will secure the inmate and follow through with the Physical Restraint Equipment procedures as outlined in Corrections Operational Order 10.17. Personnel at the PDF will be advised in every instance when a chemical agent has been used on an arrestee/inmate in order to allow the arrestee/inmate to shower if so desired.
- M. Gas weapons (37mm, hand held dispersion device, etc) shall be used only by a skilled officer trained in their use and with the prior approval of the S.W.A.T. Commander, Field Force Commander, Patrol Watch Commander, or higher authority.

#### **IX. Specialty Impact Weapons**

- A. Specialty impact weapons are those munitions assigned to SWAT or Field Force, which are fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without a significant likelihood of causing death. Only the S.W.A.T. Commander, Field Force Commander, or S.W.A.T. team leaders may authorize the use of specialty impact weapons assigned to S.W.A.T. or Field Force. Examples of specialty impact weapons include beanbag projectiles; launchable wooden, foam, or rubber batons; and pellets.
- B. Use of specialty impact weapons may occur after other options to control or apprehend a suspect have been exhausted and the suspect has resisted at a minimum with active physical resistance. Specialty impact weapons may be utilized to neutralize a significant immediate threat, which may otherwise justify the use of deadly force.
- C. The employment and the use of specialty impact weapons are aggressive and decisive actions, which may assist in achieving the goal of protection of life and property and/or restoring order. They may be considered whenever the use of non-deadly options would assist in enabling an arrest, restoring order, and/or reducing the risk of more serious injury. Circumstances justifying the use of specialty impact weapons include, but are not limited to:
  - 1. Restoration or maintenance of order during jail or civil disturbance;
  - 2. Safely overcoming violent prisoners;
  - 3. Subduing vicious animals; and

4. Situations wherein the authorizing person believes that deadly force would be otherwise justified in the absence of a non-deadly option, e.g., in the face of imminent death or grievous bodily harm to self or others.
- D. Only personnel who have successfully completed an agency approved training course in the proper use and deployment of specialty impact weapons will be authorized to use them during actual operations. In order to remain current in the use of these munitions and retain the authorization to deploy them, personnel authorized in the use of these munitions shall complete a refresher course and qualify once every twelve months. Documentation reflecting this training shall be maintained by the Training Academy.
- E. Only factory-loaded specialty impact munitions are to be utilized during actual operations and each round visually inspected by the individual operator during the loading process.
- F. In order to prevent loading of lethal ammunition into a non-deadly designated firearm, each firearm designated to be a specialty impact weapons firearm will be conspicuously marked.
- G. Only in extreme circumstances, will any officer deploy specialty impact weapons without cover officers and a tactical cover plan in place.
- H. Officers deploying specialty weapons shall not intentionally target a subject's head or neck, unless the circumstances justify the use of deadly force.
- I. Photographs will be taken of all injuries to persons struck by specialty impact munitions.
- J. Qualified medical personnel will inspect all persons struck by specialty impact weapons for injury. Those persons not transported by rescue will be transported to Shands Jacksonville by the reporting officer to be examined by emergency room personnel.
- K. Anytime a specialty impact weapons firearm is discharged, other than for training purposes, a Response to Resistance report (P-288) must be completed. This form shall be routed through the chain of command, and the Copy Center shall forward a copy to the Accreditation Unit.

**NOTE:** All S.W.A.T. response to resistance incidents shall be documented using the S.W.A.T. Intelligence Report (P-081) and the Non-lethal Munitions Report (P-318). Upon completion, copies of the P-081 and the P-318 will be forwarded to the Accreditation Unit. S.W.A.T. members shall not be required to fill out the Response to Resistance report (P-0440) while acting in an official S.W.A.T. capacity. Field Force units shall complete a Response to Resistance Report (P-0440). Any force used by this agency shall be subject to review by the Response to Resistance Review Board.

**X. Tactical Neck Restraint**

The use of the *Tactical Neck Restraint* is prohibited.

## **XI. Electronic Control Device– (TASER®) Overview**

A. Electronic Control Device (ECD) is a conducted energy device. The weapon is designed to disrupt a subject's motor and sensory nervous systems by means of deploying battery-powered energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses, thus allowing an officer to control the person who is resisting. The only ECD that agency members may carry after receiving agency training is the M26 and the X26 Advanced TASER® issued by the agency. The ECD is a hand-held unit that can be used in two (2) modes:

1. "Probe Deployment" or "Probe Mode" – Utilizing compressed nitrogen gas to propel two (2) darts on wires from a cartridge a maximum of thirty-five (35) feet (depending on the type of cartridge) The ECD sends an electrical signal to the probes, via small wires, which can disrupt the subject's body's ability to communicate messages from the brain to the muscles and likely (depending upon many factors, including the distance between the probes, probe placement, the depth of clothing on the person, etc.) causes motor-skill dysfunction.
2. Touch Stun (aka "drive stun") - Acting as a touch-stun system when the ECD is brought into immediate, or close proximity, contact with a subject's body, or clothing. "Touch stun" only creates discomfort due to the narrow spread of the ECD probes. Touch-stun applications will likely not create motor-skill dysfunction.

B. The ECD deployment/use must be consistent with applicable federal and/or state laws and agency orders dealing with response to resistance. Agency members shall not use ECD's when such use would violate applicable federal and/or state laws, or JSO policies and is not consistent with an officer's training. Officers may deploy an ECD in the following ways:

1. ECD Displayed – The ECD is withdrawn from the holster and visible to the suspect/inmate. The suspect/inmate complies without further use of the ECD.
2. ECD Laser Painted (red dot compliance) – The ECD's is armed, and the laser is activated and pointed in the direction of the suspect. In response to the laser painting, the suspect complies without further use of the ECD.
3. "ECD Deployed:" - The ECD probes contact the suspect's/inmate's body or clothing and/or a touch stun is used to attempt to gain compliance and/or control of the suspect/inmate that is resisting.
  - a. Probe Deployment, or Probe Mode
  - b. Touch Stun or Drive Stun Mode

## **XII. ECD Maintenance and Accountability**

- A. Members may only carry and use appropriate TASER® manufactured cartridges. A record of ECD cartridge serial numbers will be maintained by the agency. Agency members authorized to use the device shall be issued one additional cartridge in case of cartridge failure, the need for redeployment, or in case the leads from the first cartridge break during engagement. The additional cartridge shall be stored and carried in a manner consistent with training.
- B. In the event that an ECD is returned for repairs or is no longer utilized for Agency use, the use history of that particular ECD will be downloaded using the data port access and appropriate software. The use history will be maintained by the Agency for a period of time that complies with Public Record Laws, from the date the ECD was taken out of service. The officer who had the above-described ECD assigned to them will be provided a copy of the ECD download by the person who receives the ECD and downloads the information (Supply or Training Academy).
- C. No changes, alterations, modifications or substitutions shall be made to the ECD or the cartridges. All repairs to ECD's or accessories shall be completed by an Agency authorized armorer or vendor. ECD repairs shall be documented and the records shall be maintained by the ECD records custodian assigned to the Academy with a copy forwarded to the Supply Unit.
- D. ECD Use Histories – ECD downloads include the date, time and duration of use. ECD use histories will be downloaded on each ECD as necessary. Necessary ECD use history reports include:
  - 1. Following claims of excessive force by an ECD application,
  - 2. Hospitalization of the person subjected to an ECD application,
  - 3. Death following ECD application, and
  - 4. Claims of excessive numbers of ECD discharges.
- E. Reasonable ECD Protection - The ECD is a battery-operated electronic **device** and care should be taken not to expose the weapon to a high volume of any liquid. As it relates to this exposure, treat the ECD as you would any portable electronic device (e.g. laptop, cell phone, pager, etc.) Therefore, agency members shall reasonably protect the ECD's and the cartridges from:
  - 1. Water, rain, etc.
  - 2. Temperature extremes. Cold temperatures can negatively affect battery life, usability, and effectiveness. Officers should reasonably insulate ECD's and cartridges from being unnecessarily exposed to cold conditions.
  - 3. Unreasonable exposure to dust, dirt, mud, etc.
  - 4. Unreasonable risk of theft.
  - 5. Unreasonable exposure to inclement ECD storage conditions.

6. Unreasonable accessibility to people other than members of this Agency.
- F. The ECD must be properly maintained to be effective. The following responsibilities apply to personnel assigned an ECD:
1. Members shall not alter and/or modify their issued ECD or ECD holsters.
  2. Personnel equipped with the ECD shall ensure proper operation by testing the ECD with the air cartridge DETACHED at the beginning of each shift.
    - a. Prior to members (carrying ECD's) commencing their shifts (including secondary employment), or at least, once every five days if officers are on days off, the members shall:
      - (1) Remove the cartridge from the ECD and arc test the ECD in a safe manner for a full five-second cycle to determine if the cycle is proper and the device's capacitor is charged. Failure to properly spark test the ECD may result in a deployment delay when officers attempt to use the ECD. This will verify the current battery condition and the fact the weapon is working properly.
      - (2) If during the Spark Test, officers detect an irregular pulse or a delay before the pulse begins, officers must allow the ECD to cycle for the entire five seconds, turn the device to "safe," turn it back on, and spark test it once again for the entire five seconds. If the delay or irregular pulse continues on the second test, return the ECD to Supply as defective and get a replacement. If the second pulse is proper, retain the ECD, but retest it four or five hours later. The second test is to determine if the capacitor is losing power during the shift. If on the second test a delay or irregular pulse occurs, return the ECD to Supply and get a replacement.
      - (3) Visually inspect the ECD and the cartridges for noticeable wear or damage.
    - b. Officers who have a battery that shows only 20% or less power level shall take the battery to the Supply Unit for replacement.
    - c. Those batteries collected by the Supply Unit that have 20% or less power level will be sent to the Training Academy for training use.
  3. Only JSO issued ECD batteries will be used.
  4. The ECD's laser shall not be intentionally shined into the eyes or face of any person.
  5. The ECD data port cover, if applicable, will not be removed unless the ECD is being charged or downloaded for information.

- G. In order to carry an ECD, all officers must successfully complete mandatory training sessions taught by a certified electronic control **device** instructor. Only ECD's issued by JSO are authorized for use by JSO members.

**NOTE: In order to maintain proficiency and understanding of the application of the ECD, officers will be required to receive annual training.**

- H. While in uniform or BDU, sworn officers who have successfully completed the mandatory training are required to carry the ECD. Members with the rank of lieutenant or above have the option of wearing their assigned ECD while on-duty.
- I. The ECD shall be worn on the officer's duty belt or issued tactical vest on the weak side in a cross-draw (non-dominant) position. The weapon's safety shall be engaged except when preparing to deploy the weapon.
- J. Officers will use extreme care to not touch the ECD's energized wires or touch between the probes of the person being subjected to the ECD's deployment.

**NOTE: Prior to the deployment of an ECD, the officer deploying the ECD has the responsibility to reasonably visually and physically confirm that the response to resistance tool selected is in fact an ECD and not a firearm in order to avoid officers' confusion about which weapon they intend to deploy. Officers will not arm themselves with a firearm and an ECD simultaneously.**

- K. Standard 11.09 of the Florida Model Jail Standards specifically prohibits the introduction of firearms, ammunition, chemical agents, or electric weapons into any state, county or municipal detention facility, unless authorized by the Officer-in-Charge. The chemical agent O.C. and ECD's are authorized by the Director of Corrections to be carried inside the detention facility by certified officers trained in their use.
- L. Officers trained in the use of the ECD and authorized to carry the ECD on-duty, may carry the ECD while off-duty in civilian clothing and operating a JSO vehicle. The policy as it relates to ECD use on-duty applies to officers while off-duty.

### **XIII. ECD Deployment Situation Factors and Assessment**

- A. The ECD, in probe deployment mode, provides a response to resistance option which aids officers in maintaining distance from perceived threats and provides a means for responding to resistance from individuals being taken into custody or the lawful commands of a Corrections Officer. The use of ECD's in either mode may also prevent officers and subject injuries caused by subject resistance or non-compliance. Using ECD's may reduce the need for other types of physical force by the agency members which could foreseeably result in potentially more serious or deadly injuries to the subject, agency members, and/or others.

- B. Officers' decisions to deploy ECD's are subject to the criteria for the use of non deadly force (also see note XIV.G.8.a) stated in this order and are dependent upon the officer's reasonable belief that the actions of the subject(s) or threat(s) facing the officers, and the totality of the circumstances surrounding the incident. Prior to an officer's decision to deploy the ECD; the following conditions must be met:
1. The officer must have legal authority to take the person into custody or the person is already lawfully confined in a Department of Corrections facility and;
  2. The person is, at a minimum, exhibiting active physical resistance; and
  3. The person has the apparent ability to be a physical threat to the officer; or
  4. The person is preparing or attempting to flee in order to resist/avoid being taken into or remaining in lawful custody.

**NOTE: Active physical resistance (taken in the totality of the situation) may be demonstrated by one or more of the following acts by the person subject to being taken into custody:**

- a. **Circling the officer,**
- b. **Forming a fist,**
- c. **Verbalization of aggressive intent,**
- d. **Becoming increasingly more animated/exaggerated in his movement and/or increasing his muscular tension (e.g. jaw clenches, neck muscles tighten, etc.),**
- e. **“Blading” the body and/or moving their feet into a balanced or fighting stance,**
- f. **Rolling up sleeves or removal of clothing or valuables, and/or**
- g. **Any other behavior that indicates a likelihood or expectation of violence towards the officers, themselves, or others.**

- C. Other factors to consider when deploying the ECD (Probe Deployment) include:
1. Potential for Injury - ECD's are non-deadly capture devices. However, ECD's, just like any response to resistance tool or technique, can foreseeably create physical and/or muscle stress and/or exertion or other unexpected, unforeseen or unanticipated primary and secondary injuries.

2. Subject Warning of ECD Application - Where the totality of reasonably perceived (to the officers) circumstances permits officers to give a warning of the imminent application of ECD's in an attempt to cause the subject to comply with officers' lawful orders, officers may give the subject a warning and an opportunity to voluntarily comply. However, if officers reasonably believe that the giving of such warning may escalate the risk and/or danger of the incident or diminish the officers' or others' safety, then officers are not required to give a warning. It is foreseeable that officers' announcement of imminent ECD deployment may cause the subject to attack the officers, flee, inflict self-injury, attempt to injure others, etc.
3. Notification of ECD Imminent Use - Notifying Other On-Scene Officers - The ECD deploying officers may reasonably notify any on-scene, assisting officers that they intend to deploy an ECD. Prior to deploying ECD's the deploying officers should consider announcing, if reasonably safe and feasible, "TASER! TASER! TASER!" The announcement should be made only if it would not reasonably further endanger any officers, other persons, or the suspect. (Example: a knife wielding person heard the word "TASER" and immediately charged and attacked the officers. This attack resulted in the person being shot with a firearm.)
4. ECD Target - Center mass of the body should usually be the target area when discharging ECD's, particularly the center mass of the subject's back; as clothing tends to be tighter on this part of the body. Officers encountering subjects wearing heavy or loose clothing on the upper body may consider targeting the legs. The head, face, genitals, and female's breasts must not be intentionally targeted unless absolutely necessary and there is no other reasonable alternative and this elevated level of force can be legally justified under the totality of the circumstances reasonably known to the officers at the time the ECD's are deployed.
5. ECD Distance - The ECD in probe deployment mode has a normal effective range of nineteen (19) feet with a twenty-one (21) foot cartridge and twenty-one (21) feet with a twenty-five (25) foot cartridge. Ranges less than three (3) feet may not provide adequate distribution of the probes to allow the ECD to function to its full effectiveness at incapacitating the subject. However, discharging the ECD at a subject at a range closer than three (3) feet is usually not an escalated danger to the subject. Also, point blank probe deployments have been demonstrated to not create any unreasonable additional risk of injury to the subject.

**Note:** The application of an ECD causes physical exertion, and each successive ECD applications/discharges will likely continue to cause physical exertion. If officers discharge an ECD several times the officers need to be aware of, and monitor, the subject's condition for signs of severe physical distress.

#### **XIV. ECD Deployment Parameters**

- A. When it is necessary to gain control of an arrestee or inmate/prisoner, voluntary compliance by the arrestee or inmate/prisoner is the optimal desired outcome. Officers may “paint” a suspect/inmate/prisoner with the ECD’s laser in an attempt to gain voluntary compliance where resistance, assault, and/or violence is reasonably anticipated (Examples: An officer tells a subject they are under arrest, and the subject takes a fighting stance or an officer needs to facilitate a physical search of a resisting inmate/prisoner). Officers must meet the criteria described in XIII.B. prior to actually deploying the ECD.
- B. When feasible, officers deploying an ECD against a subject should have backup officers attempt to restrain the subject while they are under power on the initial deployment. If this is not practical or possible, officers should, while deploying the ECD, reasonably direct (order) the suspect as the incident mandates. Such verbal commands may include, “Stop resisting;” “Lie flat;” “Put your hands behind your back,” etc.
- C. If the subject of an ECD application continues fighting, resisting, threatening or continues to resist officers’ actions, the officers may reapply (discharge) the ECD. Each reapplication of the ECD must be as justified as the cause for its initial use.
- D. If an officer is alone and submission/compliance cannot be achieved through a minimal number of activation cycles, officers shall attempt to secure the non-compliant person using an escalation of force that is consistent with federal and/or state laws, JSO policy, and the officers’ training.
- E. Officers will use an ECD the least number of application cycles and for the shortest duration of time necessary to end the resistance and gain compliance from a person who meets the criteria as stated in section XIII.B. Once the subject of the ECD application is restrained and/or controlled the ECD is to be turned off.

**NOTE:** Repeated, prolonged, and/or continuous exposure(s) to the ECD energy discharge may cause strong muscle contractions which may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm. Officers must avoid prolonged or extended uninterrupted discharges or extensive multiple discharges in order to minimize the potential for overexertion of the subject and to guard against the potential impairment of the full ability to breathe over a protracted exposure time period.

- F. Due to the cost of ECD air cartridges, other non-deadly options available, and the minimal chance of striking a fast charging, small target with both ECD probes, the ECD will NOT be deployed against domestic animals except as noted below.

**NOTE:** An ECD may be used on an animal only during preplanned tactical situations where a *confined* animal (e.g. an aggressive dog in a fenced back yard, etc.) poses a danger to officers, a Lieutenant or higher approves the tactic, and a method to secure the animal safely is used to limit the energy exposure the animal will endure. A Response to Resistance Form (P-0440) and Animal Investigation Report (via COPS-MORE) shall be completed.

- G. Elevated ECD Application Risk Factors – The following factors, where apparent to involved officers, require elevated justification of ECD application. Under the following conditions the risks of foreseeable direct or secondary injuries are foreseeably elevated, thus officers' justification(s) for ECD application are also elevated. These elevated risk factors can only be given consideration when the factors are reasonably perceived by the officers:
1. Presence of flammable liquids/fumes or explosive environments.
    - a. Under some circumstances, the discharge of ECD's may ignite flammable liquids/fumes. ECD's deployed at subjects who are reasonably perceived by the officers to have recently come into contact with flammable liquids/fumes, or in environments where flammable liquids/fumes are known to be present, may result in secondary injuries/burns. Officers should be especially aware of this potential flammability issue when present in known methamphetamine lab environments.
    - b. However, even though a person who has come into contact with a flammable liquid creates a higher degree of potential risk, the totality of the circumstances may indicate that the subject may still be subjected to an ECD. As an example, a person is flailing a knife approximately twenty (20) feet from officers. The officers know that the person has come into contact with lighter fluid and still has the fluid on his clothing. The person now starts aggressively walking toward the officers. Even though the officers have lethal (firearm) cover, the officers may still reasonably decide to try to stop this subject's aggression with the ECD. And, the fact that the subject may have flammable liquid on his person does not create an absolute bar to the use of the ECD.
  2. Elevated positions - Reasonable considerations and care need to be taken when deploying an ECD on a subject who is in or on an elevated position or in circumstances where a fall resulting from the ECD application may reasonably and foreseeably cause substantial injury or death. Obviously, the higher the elevation or the more foreseeable the secondary injury from falling, the greater the justification for the ECD application that will be required of the officers.
  3. Person operating moving vehicle or machinery - The use of an ECD on a person operating a moving vehicle or machinery could result in severe secondary consequences. Therefore, any application of an ECD on a person operating a moving vehicle or machinery will foreseeably require elevated justification(s) for the ECD use.
  4. Person running (fleeing) - A subject who is exposed to an ECD while running may foreseeably fall as a result of the ECD exposure combined by the running. Since this fall will foreseeably be dynamic the risks of secondary injuries (from the running momentum) will likely result in greater risks of injury. Therefore, elevated justification will be required for an ECD deployment on a running subject.

5. Pregnant female - Use of an ECD on a pregnant female may be alleged to cause injury to the woman and/or fetus. Also, should a pregnant female fall onto her stomach during the ECD application there is an enhanced risk of secondary injuries. Therefore, where officers deploying ECD's reasonably believe the female subject to be pregnant, greater justification for the ECD application will be required. Officers are not prohibited from using an ECD on a pregnant female in all possible circumstances. As an example, officers encounter a crazed violent obviously pregnant female who appears to be under the influence of illegal drugs. This female is threatening to plunge a large butcher knife into her abdomen [and her baby]. The officers facing this imminent threat may reasonably believe that the use of the ECD on this person may be a reasonable choice to attempt to save the lives of the fetus and the mother.
6. Swimming pool or other body of water - If a person could reasonably foreseeably fall into a swimming pool or body of water due to application of an ECD, the officers will need to have elevated justification for the ECD application use due to the foreseeable consequences of use of the ECD on the subject under these circumstances. The elevated risk here is the risk that the subject may not be able to prevent himself from drowning.
7. Frail or infirm individual - If an officer uses an ECD on an obviously frail or infirm person greater justification will be required from the officer. This greater justification is necessary due to the elevated risk of injury from the muscle contractions and/or fall created by the use of the ECD.
8. There are some groups of people the public may assume are less capable of being an imminent threat of death and/or serious bodily harm to themselves or others. The realities are that individuals from each of these groups do commit violent crimes, can be an imminent threat of death and/or serious bodily harm to officers, others, and themselves, can be so resistive that the use of ECD's is justified, etc.. However, officers using an ECD on one of these individuals will foreseeably be placed under heightened scrutiny and may be required to provide greater justification for the use of the ECD. These groups include:
  - a. Children - When officers apply an ECD to a child, the younger the child the greater the justification that will be required for the officers' application of the ECD. In past incidents, these children have been armed with edged weapons and have threatened imminent use. Just because a subject is a "child," does not automatically provide that the person is not an imminent threat or danger to himself, others, or the officers. Also, in some situations, the utilization of an ECD is less potentially injurious to the child than other force tools and/or techniques. In such cases, an ECD may be a better force choice.

**Note:**

**Officers who respond to calls for service inside of a school building during regular school hours are authorized to deploy their ECD against a person known or reasonably believed to be a student only under circumstances in which an officer is justified to use deadly force as described in Article XVI of this order. The restrictions in this section of policy do not apply at school extracurricular events (sports events, school dances) nor when the incident occurs on the school's parking lot or other property surrounding the school.**

- b. Restrained subjects - If subjects are no longer a threat, restrained, subdued, and compliant an ECD shall not be used. However, just because subjects are restrained (by handcuffs or other means) does not necessarily mean that they are subdued, or no longer a serious threat to officers, others, and/or themselves. If subjects continue to be threats to officers, others, and/or themselves, then officers may utilize an ECD.
  - c. Passive subjects who are being arrested or are already an inmate/prisoner of a correctional facility - A "passive subject is one who is to be arrested because legal justification exists to arrest the subject and officers are attempting to place the person under arrest and the person is passively resisting the arrest or, the person is already an inmate/prisoner of a correctional facility and is not complying with verbal commands. Such situations may include a suspect/inmate refusing to come out of a cell/vehicle or a protester passively refusing to move. When it does not jeopardize officer safety, officers should verify the subject/inmate does not have a disability or physical condition preventing them from complying with verbal commands and submit to arrest or physical control. A "passive resisting" subject does not include a subject who is exhibiting active resistance (e.g. flailing, jerking, etc.) or where officers can articulate a threat of active resistance. **The use of an ECD is not allowed on passive subjects.**
  - d. Senior Citizens – Senior Citizens are often not seen as serious threats. However, there are many instances where senior citizens are substantial threats to officers, others, family members, and/or themselves. As circumstances reasonably permit, officers shall take into account a subject's frailties or obvious vulnerabilities or conditions.
9. Officers may receive information about another person or observe behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. If this occurs, officers should notify the Communications Center via 10-69 and attempt to contain this individual until additional police and Fire Rescue personnel are available. These types of observed behaviors may be indicators of a serious medical condition and should be handled as a MEDICAL emergency.

- H. Touch-Stun Mode - The use of an ECD in “touch-stun” mode will not reliably or foreseeably incapacitate the subject. Therefore, when an ECD is used in touch-stun mode it will only foreseeably cause discomfort.
1. Officers will not use ECD’s in touch-stun mode if the officer reasonably believes that discomfort will not cause the subject to be compliant with the officer. (e.g., on a drug induced highly pain resistant subject)
  2. The ECD shall **not** be used in the Touch-Stun Mode:
    - a. Punitively.
    - b. As a prod or escort device.
    - c. To force an inmate into the ProStraint chair.
    - d. To rouse unconscious, impaired, or intoxicated individuals.
    - e. In any unprofessional manner.
    - f. To experiment on a person or allow a person to experience the ECD, even if the person requests it, when the ECD’s use would not otherwise be allowed by this policy. This ECD experience does not apply to voluntary ECD training exposures or ECD demonstrations as authorized by the Agency.
    - g. For illegal purposes of coercion.

#### **XV. ECD Post-Deployment Procedures**

After an officer has deployed the ECD, the following procedures will apply:

- A. Once the person who has been impacted by the ECD is handcuffed and in custody, officers will advise their immediate supervisor, or an on-duty supervisor, who will respond to the scene.
1. Officers shall, as soon as practical, notify HQ and/or a supervisor of all instances when a person has been impacted by the ECD probes. Officers will request Rescue/CMSP to respond to the scene. If safety circumstances reasonably dictate moving the suspect to another location, officers may arrange to have emergency medical personnel/CMSP meet the officers and the suspect/inmate at another location to assess the suspect/inmate and render care. Medical treatment will not be refused for anyone who requests it.
  2. The supervisor shall respond and review with the officer(s) the circumstances under which the ECD was used.

3. The supervisor shall review the officer's response to resistance report and ensure it is promptly routed through the chain of command prior to the end of the officer's shift, unless exigent circumstances exist and are also documented on the response to resistance report.
4. A person that has been impacted by the ECD shall not be left unattended by Sheriff's Office personnel until the person is released to appropriate medical personnel or accepted by personnel at the PDF.
5. Officers shall address the following concerns when transporting a suspect/inmate who has been subjected to an ECD deployment:
  - a. Avoid Face Down Transport – Officers should avoid transporting any suspect, who has been controlled by the use of an ECD (or any suspect) face down.
  - b. Avoid Transporting on Probes – If the probes are still in the suspect, avoid transporting the suspect in a position that would foreseeably further embed the probes in the suspect.
6. Personnel at the PDF shall be notified of the ECD's use on an arrestee/inmate.

**NOTE: Officers shall continually monitor prisoners for symptoms of medical distress, such as: behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; those exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. Additionally, prisoners who have exhibited these symptoms may fall "asleep" while in custody, even accompanied by loud snoring and may be difficult to wake up. If these symptoms are detected this should be considered a MEDICAL EMERGENCY and rescue/medical assistance will be sought immediately.**

- B. The following procedures shall apply for documenting the deployment of the ECD.
  1. All incidents involving the ECD (probe deployment, touch stun or where the ECD was displayed for deployment and the person voluntarily complied due to the imminent use of the ECD) shall be documented on a Response to Resistance Report (P-288) which shall be routed through the chain of command, and the Copy Center shall forward a copy to the Professional Standards Division. It will also be noted on a General Offense Report, Arrest and Booking Report, and any other appropriate report.
  2. Anytime a person is impacted by an ECD, which results in an injury requiring transportation to a medical facility, the on-scene supervisor shall photograph the person and the injuries and complete an Evidence Report.
- C. Probe Removal and Cartridge Replacement

1. Some probes will simply fall out. If a subject, who has a probe embedded in their body, requests that the probe be removed by medical personnel, then the officers shall arrange for medical personnel to remove the probes.
2. Medical personnel shall remove probes located in sensitive areas such as the face, neck, groin, female's breast, and tops of the hands and feet.
3. Removal of probes in non-sensitive areas may be done by officers. Officers or other trained personnel will provide first aid following removal of the probes by applying iodine or alcohol wipes, and band-aids to the probe sites as needed. Officers should inspect the probes after removal to see that the entire probe and probe barb has been removed. In the event that a probe, or probe barb, has broken off and it is still embedded in a subject's skin; the subject shall be provided appropriate medical attention to facilitate the removal of the object.
4. The used probes and safety gloves will be treated as biohazard material. The probe(s) will be inserted point first back into the ports of the air cartridge. The cartridge will then be sealed by covering it with the safety glove, per training, and both will be placed in a biohazard bag. The biohazard bag will be disposed of in accordance with Operational Order 11.01, Hazardous Materials.

NOTE:

**If the incident is non-routine, or if a serious injury is alleged, then the probes and the expended air cartridge(s), as well as the AFIDs (“Anti-Felon Identification Devices”) if possible to collect them, shall be maintained as evidence appropriately secured and marked as biohazard and placed in the Property and Evidence Facility.**

5. Officers deploying an ECD air cartridge(s), intentionally or accidentally, whether or not the intended target is struck by the ECD probes, shall be required to complete the Response to Resistance Form (P-288) or a Form P-004. Officers needing to replace an air cartridge due to damage or malfunction will document this on a Form P-004. Officers may use a copy of a Response to Resistance report, a COPS-MORE Arrest and Booking report that documents an ECD deployment, or a Form P-004 documenting an accidental discharge or damaged/malfunctioning air cartridges, signed by their supervisor, to the Supply Unit to justify the issue of replacement ECD air cartridges.
6. In those instances when the Supply Unit is closed, officers needing replacement ECD air cartridge(s) will obtain them from the Property and Evidence Facility by submitting a copy of the reports/memo mentioned above (XV.C.5) to the on-duty Property and Evidence Facility intake clerk and signing the appropriate property log book.

7. Property Room personnel will forward the report/memo provided by the officer as justification for ECD air cartridge replacement with the newly issued cartridge serial number noted to Supply Unit personnel who will enter the transaction into the Supply Unit's computer file.
8. Prior to issuing a replacement TASER®, Supply Personnel will download the TASER® data and upload it to a website designated by the Professional Standards Division via a designated web page.
  - a. If the TASER® was received at the Property and Evidence Facility, the Property and Evidence Supervisor or designee will forward the received TASER® to Supply the next business day for the TASER® data to be downloaded.
  - b. When downloading the TASER® data, the file should be saved in the following naming format: officer initials, id number, a "." then the date (four digit year, two digit month, and two digit day (e.g. 20050101 for January 1, 2005), in front of the pre-inserted TASER® serial number to resemble the naming convention (example: 5828ACF.20051116.X00-042043.x26)
  - c. The officer will also receive a copy of the TASER® data.
9. Officers needing replacement ECD batteries will go to the Supply Unit during regular hours. If the Supply Unit is closed, officers will go to the Property and Evidence Facility for issuance of replacement ECD batteries.
10. Officers that experience an ECD malfunction will prepare an Interagency Correspondence (Form P-004) to the Supply Unit indicating the ECD's model, serial number, and how the ECD is malfunctioning. **The officer will immediately remove the ECD from service and not attempt to utilize the ECD.** This information will be necessary to ensure proper repairs are made. Officers will take the ECD and Form P-004 to the Supply Unit for exchange. Should the Supply Unit be closed, the procedure as outlined for after hour battery and air cartridge issuance will be in effect for issuing a replacement ECD.
11. Supply/Property and Evidence Facility personnel will download and print the information contained on the computer chip of the officer's malfunctioning ECD following the procedures outlined in XV C. 8. of this order. This information and a copy of the officer's Form P-004 will be forwarded to the Professional Standards Division for record keeping purposes. Officers may request a copy of the downloaded information from the Supply/Property and Evidence Facility personnel.

## XVI. Firearms Policy

- A. Prior to being approved for use (issued and non-issued) all weapons will be tested and/or inspected by an agency-approved qualified weapons instructor or armorer. A weapon will be approved for use only after it has been determined that the weapon is functioning properly. Any weapon found to be unsafe or malfunctioning will be removed from service and repaired or replaced.
- B. Handling of Weapons - When engaged in the application of deadly force involving the use of a firearm, members shall handle the firearm with strict regard to the techniques taught by certified firearms training personnel assigned to the Training Academy and Firing Range. These techniques include, but are not limited to;
1. Consider all guns loaded,
    - a. Clear and verify is our method of making firearms as safe as possible, even though they are still considered to be loaded.
      - (1) For the Glock, or other semi-automatic handguns, remove the source of ammunition (magazine);
      - (2) Vigorously rack the slide and on the third rack, lock the slide to the rear using the slide stop lever;
      - (3) Visually and/or physically check the action, and the magazine well to ensure that it is not loaded; and
      - (4) Rack the slide, letting it go forward and handle the firearm safely.
    - b. Clear and verify for revolvers:
      - (1) Open the cylinder;
      - (2) Depress the star ejector to dump the rounds out;
      - (3) Count the rounds; and
      - (4) Count the empty cylinders.
    - c. Clear and verify for shoulder fired weapons:
      - (1) Make sure the safety is on;
      - (2) Remove the source of the ammunition (magazine) for rifles. For shotguns, use one of the safe techniques as taught by the Training Academy to remove the rounds from the magazine; do not rack them out through the action;
      - (3) Lock the action/bolt open; and
      - (4) Verify that there is nothing in the magazine well or action.

**NOTE:**

**CRUISER READY** is the required condition of storage of Sheriff's Office shoulder weapons in vehicles. The safety will be on. The bolt/actions will be forward and locked in position with the chamber empty. Magazines will be loaded. Rifle magazines will be inserted into the magazine wells and locked in place.

2. When not engaging a target, be conscious that the weapon is pointed in a safe direction. Point the muzzle at the intended target or keep it always pointed in a safe direction (also referred to as the Laser Rule) Keeping the firearm within the circle of safety is considered a safe direction.
3. Keep your finger indexed on the frame until you have acquired a target and are prepared to shoot. (Failure to do so may result in a unintentional discharge)
4. Ensure proper target acquisition including attention to back stop(s)

**C. SAFETY PROCEDURES FOR DRY FIRING**

1. **Dry firing is probably one of the easiest and best methods of practice. Agency members must take all steps necessary to ensure the safety of others.**
  - a. **Clear and verify; check it twice.**
  - b. **Move all ammunition away from the area you plan to practice in and do not put the firearm and ammunition together again until you are positive that you have finished practicing.**
  - c. **If possible pick a wall or location that provides the safest backstop should an accident occur. Brick walls or similar walls of solid materials are best.**
2. **Members should still treat the firearm as if it were loaded, in that no person should be in the vicinity of the muzzle during practice. Members should never practice drawing against another individual unless members are in a structured class, and the instructor has inserted a safety device in the firearm, rendering it unable to inflict death or great bodily harm.**
3. **Many members practice their draw technique before work. This type of practice without clearing and verifying the gun first shall not be performed as it is an unwise and unsafe procedure, even if members do not intend to pull the trigger.**

**D. Firearms Authorization**

1. All personnel will be issued copies of and instructed in the Response to Resistance policies before being authorized to carry a firearm. The following Jacksonville Sheriff's Office personnel are authorized to carry firearms:

- a. Sworn Police Officers;
- b. Special Deputy Sheriffs (including Sworn Bailiffs and Judicial Officers), in accordance with their appointments;
- c. Members of the Sheriff's Office Reserve units who are trained, certified, and re-qualify with their firearms with the same frequency as sworn officers;
- d. Corrections Officers; and
- e. Armed Security Officers.

**NOTE: The authority for Reserve Officers to carry an off-duty firearm is limited to Duval County, and a valid Sheriff's Office ID card must be carried any time an off-duty firearm is carried.**

- 2. The officially recognized handgun types of the Sheriff's Office are the:
  - a. Glock 9mm and .40 caliber semiautomatic handgun, with 8 lb. trigger pulls and with standard magazines; and
  - b. The .38 and .357 caliber revolvers approved by the Range Master.
  - c. Members carrying a Glock Model 22 shall load their magazine to full capacity (15 rounds) Members carrying a Glock Model 23 shall load their magazine to full capacity (13 rounds) Members carrying a Glock Model 27 shall load their magazine to full capacity (9 rounds) In addition, one round shall always be chambered in the weapon.
  - d. Members carrying an authorized alternate primary weapon shall load their magazine to full capacity. In addition, one round shall always be chambered in the weapon.
- 3. The Sheriff's Office authorized semiautomatic handgun is the Glock Model 22. The Glock model 22 is the primary handgun for on-duty use by all uniformed sworn Sheriff's Office employees. In addition to the Glock Model 22, the Glock Model 23, and the Glock Model 27 are authorized as a primary handgun for non-uniform sworn employees and staff.
- 4. All members shall carry a Sheriff's Office authorized handgun as their primary handgun while in uniform or in plain clothes unless otherwise approved by a Director or higher authority. Backup firearms may be carried in addition to the primary firearm when approved. Officers must have proven proficiency and qualify with any handgun type they carry.
- 5. Officers desiring to carry a non-issued Sheriff's Office, alternative primary firearm, backup handgun, rifle, or shotgun shall:

- a. Take a Firearms Authorization Form (P-027) and the desired firearm to the Range Master for inspection, certification, and documentation that the firearm is in compliance with Written Directives and functioning within the manufacturers guidelines;
- b. The officer shall successfully complete a firearms training course designed to develop and test their proficiency with the non-issued firearm. Officers desiring to carry a non-issued rifle must successfully complete this training and attach a copy of the certificate of completion to the Firearms Authorization Form (P-027);
- c. The Firearms Authorization Form will be forwarded through the officer's chain of command to their Division Chief, at a minimum, for approval. Additionally, officers requesting authorization to carry non-issued rifles must submit a Vehicle Modification Request Form (P-1693) requesting the installation of a vehicle alarm.

**NOTE: Rifles will only be stored in vehicles that are equipped with a vehicle alarm and a cable lock.**

- d. Copies of the Firearms Authorization Form will be routed to the Personnel Division and Training Academy to be placed in the Officer's personnel and training files.

**NOTE: Officers only need to re-qualify with each handgun type they are authorized to carry. It is no longer necessary to re-qualify with each specific handgun.**

- e. Officers shall qualify with their backup weapon types at least once annually. If officers will no longer be carrying their approved backup weapons, they shall cancel the previously approved authorization by completing the Personal Firearms Authorization Form (P-027), route it to the Personnel Division, and note on the form that authorization is canceled.
- f. All sworn personnel and correctional officers through the rank of captain, armed security guards, and reserve officers shall qualify with their issued firearms every six (6) months according to the schedule established by the Training Academy. All other personnel will qualify with their primary handgun, at least, annually. Each officer is credited with a qualifying score when successfully completing the firearms training course. Officers who fail to re-qualify with their assigned rifle or shotgun will have that weapon removed from them and the weapon stored at the Firing Range until such time as the officer can prove proficiency. Officers who fail to re-qualify with their assigned handgun will be immediately placed on a temporary limited duty status until they **successfully** re-qualify. This status will include:

- (1) Loss of the authority to carry his assigned weapons;
- (2) Loss of take-home vehicle privileges; and

- (3) Revocation of secondary employment privileges which involve the exercise of police authority (previously approved authorization for secondary employment will be immediately suspended);

**NOTE: If an officer fails to qualify during a training session and cannot re-qualify before the end of the session, the Range Officer shall notify the officer's supervisor. The officer's supervisor will ensure the officer is placed on a temporary limited duty status and the officer and his vehicle are taken to the officer's assigned duty station. The supervisor shall notify his commanding officer and the Chief of the Personnel Division of the officer's change of status.**

- g. Agency members who initially fail to successfully complete the re-qualification course with their assigned handgun but later successfully re-qualify, will be placed on a firearms proficiency plan to be determined by the Range Master and the member's supervisor.
- h. Officers failing to qualify with approved backup firearms will not be authorized to carry that weapon type on-duty or off-duty until the officers successfully re-qualify.
- i. When off-duty, all sworn officers will keep their Sheriff's Office issued or approved handguns available when,
  - (1) Operating their assigned Sheriff's Office vehicle while in civilian clothing, or
  - (2) As a passenger in a Sheriff's Office vehicle.

**NOTE: The decision to be armed is the officer's discretion when off-duty and not in uniform, or not in a Sheriff's Office vehicle.**

6. Police officers assigned to Narcotics, Vice, Intelligence, and Juvenile Intervention, Career Criminal, or Criminal Apprehension Units must follow the procedure outlined in XVI.5 to carry alternate handguns other than Sheriff's Office issued handguns. Any alternate primary handguns, which are carried by these police officers, must be approved by the Director of Investigations and Homeland Security or higher authority;
7. The official Sheriff's Office issued shotgun is the Remington 870, 12 gauge pump with an 18" to 21" barrel. If a member of the Sheriff's Office desires to carry a shotgun not issued by the Sheriff's Office, it must be approved and of the same barrel length, gauge, action, and make as the issued shotgun. The officer must follow the procedures outlined in XVI.5;

8. The official Sheriff's Office issued rifle is the AR-15, 5.56 mm caliber, with 16" barrel, adjustable stock, and a traditional straight or tactical sling. If a member of the Sheriff's Office desires to carry a rifle not issued by the Sheriff's Office, the officer must follow the procedures outlined in XVI. The Firing Range maintains a list of approved manufacturers and should be consulted prior to any weapon purchase for use on duty made by an agency member. Officers who are authorized to carry a rifle not issued by the Sheriff's Office will only use Sheriff's Office issued ammunition.
  - a. Rifles will be zeroed (sighted) to the assigned officer and the zero (sight) sheets will be kept by the Range Master. A copy will be provided for the officer.
  - b. A minimum of thirty-two (32) hours of rifle training is required before rifles will be issued and utilized on duty by an agency member.
  - c. Thirty (30) round magazines will be loaded with twenty-eight (28) rounds. Twenty (20) round magazines will be loaded with eighteen (18) rounds.
  - d. Automatic weapons, semi-automatic shotguns, and other rifles shall be used only by skilled officers trained in their use and with the prior approval of a Department Director, or higher authority.
9. Officers are authorized to carry a backup handgun while on-duty provided they have followed the procedures specified in XVI.5 of this order.
10. Ammunition used by authorized members of the Sheriff's Office, while on-duty or off-duty, shall consist of:
  - a. Only ammunition authorized by the Sheriff's Office Range Master will be authorized for all shoulder weapons (rifles and shotguns) approved for official use All rifle rounds above the initial issue must be purchased at the officer's expense;
    - i. All ammunition must be .223 Federal 55-grain Boat Tail Hollow Point (either T223E or P223E).
    - ii. All magazines must be from a reputable manufacture and approved by the Range Master.
  - b. Only ammunition provided by the Sheriff's Office for all .38 caliber, 9mm, and .40 caliber handguns issued by the Sheriff's Office;
  - c. For authorized non-issued handguns, only top quality, factory manufactured, hollow point ammunition for revolvers; and top quality, hollow point ammunition for semiautomatic handguns. All ammunition is to be the product of a major ammunition producer. Projectiles may not weigh less than 85 grains. Reloads of any type are absolutely prohibited;

- d. ALL extra rounds of ammunition carried by an authorized member using a Sheriff's Office issued handgun shall be Sheriff's Office issued ammunition. Officers using approved alternate firearms will carry only the ammunition authorized by the Range Master as extra rounds;
- e. Only Sheriff's Office issued ammunition will be used in shotguns. Up to twelve (12) rounds of ammunition will be issued annually to officers having a Sheriff's Office issued shotgun. All rounds not used prior to this annual issuance must be used up at the next scheduled shotgun training session at the range. Replacement ammunition is available for all rounds expended in a substantiated incident involving the discharge of a Sheriff's Office issued shotgun; and
- f. Sheriff's Office ammunition standards for ammunition stocked and issued by the Office of the Sheriff for routine assignment will be;
  - (1) .40 caliber S & W, or Winchester 180 grain, Ranger SXT hollow point,
  - (2) 9mm - Winchester 115 grain, +P+ hollow point,
  - (3) .38 Special (+P) 158 grain, hollow point (for large frame weapons),
  - (4) .38 Special hollow point (for small frame and air weight weapons), and
  - (5) 12 gauge, 2 3/4 inch, Winchester 12 pellet, maximum load, 00 buckshot, Remington Reduced Recoil 9 pellet 00 buckshot, or the Federal Tactical 9-pellet, 00 buckshot for shotguns.
  - (6) .223 caliber Federal 55 grain, Boat Tail hollow point (T223E)

**NOTE:**

**Police officers who re-qualify with a personal firearm (.38 Special, approved backup weapon, etc.) or any firearm other than an issued one must provide their own ammunition.**

11. Firearm Accessories

- a. The following accessories are authorized as options to be added to the standard agency issued firearms. All accessory items will be purchased by the individual officer and will be considered an upgrade at the officer's expense. Officers who add accessories are responsible for the item's maintenance:
  - (1) Tactical Firearm Flashlight for Glock Pistols;

- (a) The approved tactical firearm flashlights for Glock pistols are the M3 type flashlights that attach to the factory rails on Glock pistols. Prior to being authorized to install these lights, officers must attend specific training in its' use
  - (b) An officer wishing to carry a tactical flashlight on the Glock must purchase an approved modified holster to accommodate the light
  - (c) The flashlight will be attached to the firearm at all times. Officers will not add or remove the flashlight from the weapon while on duty.
  - (d) These tactical lights are designed to be activated by the weak thumb and not the trigger finger. The trigger finger should be indexed on the frame unless shooting is required.
- (2) Tactical Firearm Flashlights for Shoulder Fired Firearms
- (a) M3 type of flashlights are also acceptable for long guns. They may be added or removed in the field, as they are not in proximity of the muzzle.
  - (b) There are many very effective lighting systems available from SureFire, LLC, and other sources. If any modification of the firearm is required other than the addition of a rail system, an agency armorer shall make the modification.

**NOTE: Tactical firearm flashlights are to be used only in cases where pointing the firearm at a person, object, or area would be consistent with the Response to Resistance policy and agency training. The tactical firearm flashlight will not be used for routine searching purposes. Officers shall use a handheld flashlight for these purposes or where the threatened use or actual use of deadly force would not be authorized.**

- (3) Magazine Extensions
- (a) Magazine extensions *are not* authorized for the Glock 22.
  - (b) Officers carrying a Glock 23 or 27 are authorized the addition of the magazine finger groove extension for grip purposes only.
  - (c) No magazine will be authorized which enables the firearm to carry more ammunition than the manufacturer intended.

- (4) Laser Aiming Devices for Firearms will not be authorized for normal patrol or investigative operations.
- (5) Slings/Straps for Shoulder Fired Firearms – There are various makes and types of sling/straps available. Officers wishing to purchase a sling/strap will consult with the Range Master for a list of approved slings/straps prior to making a purchase.
- (6) Optical Sighting Devices/Scopes for Rifles
  - (a) Many high quality sighting systems are available for use on the AR15 system. The JSO Range Master will maintain a list of approved optics which may be purchased at the officer's expense. The maintenance of these devices is the responsibility of the purchasing officer.
  - (b) Optics must be zeroed (sighted) with the range staff and recorded as required with the rifle's iron sights.
- b. All accessories must be submitted for approval on the Firearms Authorization Form (P-0027) Copies of the Firearms Authorization Form will be placed in the officer's Personnel and Academy File.
- 12. Members who utilize alternate carry holsters (ankle, belt slide, pancake, etc.) with approved primary, alternate, or backup weapons shall also qualify with these holsters in addition to qualifying with their issued duty retention holster. Alternate carry holsters shall be checked and approved by the Range Master or his designee prior to the qualification course of fire.
- 13. Officers and authorized members may discharge firearms in the performance of their duties for the following:
  - a. At the range for qualification in the use of firearms;
  - b. To kill seriously injured or dangerous animals when other disposition is impractical or other means have failed. This requires a supervisor's approval, when practical;
  - c. As deadly force as outlined in Article XVII of this order; and
  - d. When conducting ballistics tests in a laboratory environment or attempting to verify a weapon is in working order at an authorized firing range.

**NOTE: Members shall not unnecessarily unholster or display their weapons.**

14. Any time a member of the Office of the Sheriff discharges a firearm without causing personal injury while acting in the capacity of a Sheriff's Office employee or, if a member shoots a person or a member is shot, or otherwise inflicts a life threatening injury upon another person or is the victim of a life threatening injury inflicted by criminal means, except while firing at a firing range and shooting animals, the procedures outlined Section XIX of this order will apply.
15. Prior to returning to full duty status any officer who is issued a replacement service firearm due to their involvement in a response to resistance incident, will report to the firing range and attend a firearms qualifications session prior to returning to full duty status.

E. Weapons Carrying Restrictions - The following restrictions apply to the carrying of weapons:

1. In Circuit and County Courts, officers may wear their weapons unless;
  - a. The judge in a particular case rules that weapons shall not be worn. This order, if issued, would apply only to that particular trial,
  - b. The officer is a party or defendant in a case, and
  - c. If condition "a" applies, the officer shall leave their weapon(s) at the Court Liaison Office (lockboxes) before entering the courtroom. If condition b applies, the officer shall leave his weapon safely secured outside (vehicle trunk, home, etc.) of the courthouse.

**NOTE: Jacksonville Sheriff's Office police officers who are conducting *official business* in the Duval County Courthouse or its courts located elsewhere may carry weapons into the facilities. *Officers not on official business will not be allowed to be armed* and must proceed through the magnetometers, if applicable.**

2. No weapon shall be worn, carried, or displayed by any officer or authorized member while appearing inside the U.S. Federal Courthouse or other Federal judicial facilities. A Court Security Officer shall escort all law enforcement officers entering any of the above locations to an area where the officer's weapon(s) will be secured in a firearm locker. Once the officer's weapon(s) are secured, the officer will be escorted to the screening area where they must successfully pass through a magnetometer prior to being issued permission to enter the facility.
3. Standard 11.09 of the Florida Model Jail Standards specifically prohibits the introduction of firearms, ammunition, chemical agents, or electric weapons into any state, county, or municipal detention facility, unless authorized by the Officer-in-Charge;
  - a. The exception to this prohibition is an emergency situation and even then only when authorized by the Officer-in-Charge (or designee) of the detention facility,

- b. Personnel authorized to carry firearms whose official duties require that they enter any detention facility shall secure all firearms, including secondary firearms, according to the procedure established at the particular detention facility, and
  - c. The chemical agent O.C. and ECD's are authorized by the Director of Corrections to be carried inside the detention facility by certified officers trained in their use.
- 4. Florida Statute 394.458 specifically prohibits the introduction of firearms or deadly weapons into any mental health facility, which operates under supervision of the Department of Health and Rehabilitative Services, and any forensic facility such as the Northeast Florida State Hospital;
  - a. The exception to this prohibition is an emergency situation and even then only when authorized by the officer in charge of the hospital facility, and
  - b. Personnel authorized to carry firearms whose official duties require that they enter the secure areas of such hospitals or facilities shall abide by these restrictions and follow the procedure established by the particular hospital or facility where they seek entry.
- 5. Federal air regulations specify that the following restrictions apply to the carrying of firearms on any passenger aircraft, including those used by air travel clubs and air taxi operators;
  - a. Only officials or employees of the United States, a state or political subdivision of a state, a municipality, or persons authorized to do so by the air carrier involved and the Administrator of the Federal Aviation Administration may carry firearms on their persons on aircraft,
  - b. Before law enforcement officers or other authorized persons can carry a firearm or other weapon on an aircraft, they must have proof that they have successfully completed the approved class "Law Enforcement Flying Armed" and show a need for being armed during the flight. This proof can be accomplished via a letter on JSO letterhead, which states the need for an officer to be armed is in connection with the performance of their duty and also include the date the officer completed the approved class,
  - c. Officers shall present their law enforcement credentials along with the above mentioned letter to the carrier of the flight on which they intend to carry the weapon at least one hour in advance, or as soon as practicable in an emergency. Officers will receive a flying armed form from the airline representative,

- d. Officers will then proceed to the security checkpoint and present their law enforcement credentials and approved forms to the TSA officer, who will verify the information and have the flying officer sign in on the TSA Flying Armed sheet,
  - e. Alcoholic beverages shall not be served to any member allowed to carry a weapon on an aircraft,
  - f. Weapons transported in checked baggage must be unloaded, the baggage locked or carried in a locked box, and the carrier notified in advance that the baggage contains a weapon. The baggage must be carried in an area that is inaccessible to passengers,
  - g. Personnel whose duties routinely cause them to travel on commercial aircraft while transporting prisoners are authorized to carry firearms by the Sheriff's Office and will comply with this order, and
  - h. All other personnel, whether on-duty or off-duty, shall comply with this order.
6. When not involved in a police action, reserve officers shall not carry firearms into any establishment that serves alcoholic beverages as its main source of income;
7. Sheriff's Office employees are prohibited from carrying a firearm while consuming or under the influence of an alcoholic beverage, or under the influence of a drug or medication which impairs the employee's dexterity or judgment; and
8. Members of the Sheriff's Office whose certification or appointment imposes restrictions on the carrying of firearms shall be knowledgeable of and comply with all such restrictions (Ref. Identification Cards)
9. Sworn officers (including Sworn Bailiffs and Judicial Officers) who wish to carry a concealed firearm in any state without a concealed handgun permit, per the Federal Law Enforcement Officers Safety Act of 2004 (FLEOSA), shall follow the following procedures:
- a. Active Officers, to be "qualified" for this privilege, must meet the following qualifications:
    - (1) Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.
    - (2) Is authorized by the Sheriff's Office to carry a firearm.
    - (3) Is not the subject of any on-going disciplinary action by the agency.

- (4) Is qualified in the use of their assigned weapon.
  - (5) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (6) Is not prohibited by Federal law from receiving a firearm.
- b. Officers shall follow state restrictions or prohibitions of firearms on any state or local government property, installation, building, base, or park. Additionally, private persons or businesses are permitted to prohibit or restrict the possession of concealed firearms on their property.
  - c. Officers must have on their person their Sheriff's Office issued identification card.
  - d. Officers will also be required to comply with all agency directives concerning the qualification, carrying, and control of concealed firearms.
10. The Sheriff's Office will provide the firearms certification to retired officers, who are qualified per FLEOSA and meet the criteria for the following procedure:
- a. For a retired officer to be qualified, he must meet the following criteria:
    - (1) Be retired in good standing other than for reasons of instability;
    - (2) Prior to retirement, had full arrest powers;
    - (3) Had fifteen (15) or more years of employment as a law enforcement officer or retired due to a service-connected disability;
    - (4) Has a non-forfeitable (vested) right to retirement benefits with the Sheriff's Office;
    - (5) During the 12 months prior to retirement, met the FDLE firearm's qualifications; and
    - (6) Is not under the influence of alcohol or drugs.
  - b. Qualified retired officers who wish to participate must report to the JSO Gun Range and:
    - (1) Bring their own handgun, either a revolver or semi-automatic pistol no smaller than 9mm in caliber, capable of being loaded with no less than five (5) rounds;

- (2) Bring fifty (50) rounds of factory-manufactured ammunition for the weapon for qualification;
  - (3) Bring a serviceable and reliable alternative carry holster, but not a generic nylon (one size fits all pistol-type) holster. It must be attached to a belt sturdy enough to allow for safe and dependable drawing and holstering with one hand. There is also a required timed reload, so a dependable second magazine or speed loader, and a pouch are also required;
  - (4) Provide, no later than thirty (30) days prior to the scheduled qualification date, personal biographical information to the Academy Staff for the purpose of successfully passing a Jacksonville Sheriff's Office background check indicating that he is not prohibited by Federal law for receiving or possessing a firearm;
  - (5) Sign a Waiver of Liability; and
  - (6) Provide valid photo identification and a retired Jacksonville Sheriff's Office identification card.
- c. All handguns and holsters must pass inspection by the Range Master or his designee, whose determination will be final as to the issues of safety and equipment.
  - d. The qualification course will be held quarterly on the first Thursday of January, April, July, and October at 1100 at the Firing Range. Those retired officers who fail to qualify must seek outside remedial training before attempting to qualify again. After remedial training, the retired officer can attempt a second qualification at the next qualification date. Any further attempts at qualification will be determined by the Range Master or his designee.

**NOTE:**                    **The JSO Range Master or his designee has the final authority when making a determination of whether a firearm presented for use is unsafe to operate or if a retiree is physically unable to safely carry and operate a firearm.**

**XVII. Deadly Force Policy**

- A. Deadly Force - An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of death or great bodily harm.
  1. Officers may use deadly force to apprehend a fleeing felon **only** when:

- a. There is probable cause to believe the crime committed was a violent felony which involved the infliction or threatened infliction of great bodily harm or death; **and**
- b. There is probable cause to believe the person fleeing committed the crime, or the person fleeing escaped while being held in custody as a suspect or prisoner for a violent felony which involved the infliction or threatened infliction of great bodily harm or death; **and**
- c. The officer reasonably believes the failure to apprehend the fleeing person immediately will place the officer, another law enforcement officer, or any person in imminent danger of death or great bodily harm.

**Note: The officer's decision to use deadly force against a fleeing felon will be judged by the reasonableness of the officer's actions based upon the facts and circumstances available to the officer at the time the force was deployed.**

- B. Prior to the use of deadly force officers should, if possible, identify themselves as a police officer and command the suspect to stop, unless to do so would jeopardize the safety of the officer or any other person.
- C. The following restrictions apply to the use of deadly force:
  - 1. Moving Vehicles - Firearms shall *NOT* be discharged from or at a moving vehicle except under the following conditions;
    - a. As a last resort when all other opportunities have been exhausted, to prevent death or great bodily harm to the officer or another person,
    - b. As a last resort, to prevent the escape of a fleeing felon who would pose an imminent threat of death or great bodily harm, and
    - c. When authorized by a Watch Commander or higher authority.
  - 2. The firing of warning shots is absolutely prohibited;
  - 3. Deadly force shall *NOT* be used against misdemeanor or traffic violators *except* when the situation escalates to the point that the officer(s) must defend themselves or another person from an imminent threat of death or great bodily harm;
  - 4. Officers will not needlessly place themselves, or remain in situations of great danger and use this as justification for the use of deadly force. If confronted by a moving vehicle, officers will move out of its path, if possible, rather than firing at the vehicle;
  - 5. When discharging a firearm for any reason, officers must exercise reasonable caution in order to avoid unnecessarily endangering the lives of bystanders. When possible, officers should give consideration to the backdrop, bystanders, and location;

6. An officer may use deadly force in foreign jurisdictions only to defend the officer or another person from what the officer has reasonable belief to perceive as an immediate threat of death or great bodily harm;
  7. Firearms may be drawn whenever officers have reason to fear for their safety or the safety of others (i.e., Felony take downs, building searches, unknown risk traffic stops);
  8. When engaged in the application of deadly force involving the use of a firearm, members shall handle the firearm with strict regard to the techniques taught by certified firearms training personnel assigned to the Training Academy and Firing Range, and as outlined in Article XV of this order.
- D. Should an officer(s) take an action that results in, or is alleged to have resulted in, serious injury or death of another person, officer(s) and responding supervisors will not complete the reports directly involved with the shooting, however they may be required to complete supplemental reports as necessary. Incidents involving these types of injuries or death will be investigated and reported by the JSO Homicide/Cold Case team.

#### **XVIII. Response to Aggressive Animals**

- A. Unless *aggravating* circumstances exist, agency members must use non-deadly options (e.g. retreat, get assistance from an owner, barricade the animal, or use of O.C. spray or other non-deadly weapons, etc.) prior to using deadly force, and document what non-deadly options were used and the effect on the animal.

**NOTE: Due to the extreme difficulty in hitting a small, fast moving target with both probes from an ECD, the ECD shall not be deployed against an aggressive animal except as noted in Article XIII of this order.**

1. When an animal is shot, the Watch commander will respond to conduct the investigation and complete a summation of the event on a Form P-004. At a minimum, the following information will be detailed (no diagram is necessary);
  - a. Witness information,
  - b. Description of the shooting backdrop, and
  - c. Issues related to training.
2. Forward the Form P-004 to their respective Division Chief. Once approved, the report will be forwarded to the Professional Standards Division.
3. Officers must thoroughly document on a Response to Resistance Report (Form P-288) the reason for shooting the animal, including whether or not there was fear of personal injury or injury to someone else. An Animal Investigation Report via COPS More shall also be completed.

4. An Evidence Technician will be notified to process the scene (e.g. photograph and sketch the scene, etc.)
- B. In cases, which involve sick, injured, or dangerous animals, permission to discharge a firearm should be obtained from a supervisor prior to the discharge, when possible.

**XIX. Response to Officer Involved Shootings and Deadly Force Incidents**

- A. The following procedure shall be followed any time a member of the Office of the Sheriff discharges a firearm without causing personal injury while acting in the capacity of a Sheriff's Office employee, except while firing at a firing range and shooting animals (see Article XVI and XVII of this order):
1. All officers and other authorized personnel shall complete a Response to Resistance Report (Form P-288) whenever a weapon is discharged; and
  2. Officers and other authorized personnel shall notify a street supervisor and the Patrol Watch Commander in the zone in which the discharge occurred immediately after (once it is safe to do so) the discharge has occurred;
- B. The Patrol Watch Commander for that zone where the shooting occurred shall *immediately* respond to the scene to conduct an investigation. If only property damage occurs, the Watch Commander shall ensure that an Evidence Technician responds. The Watch Commander shall forward a folder containing all pertinent reports (e.g., General Offense, Supplement Reports, Response to Resistance Report, Evidence Technician, and Agency Incident Review Form, etc.) along with the Watch Commander's report through the officers chain of command to the Division Chief and the Response to Resistance Review Board via the **Professional Standards Division** for administrative review. The Watch Commander's report should include:
1. The facts surrounding the shooting,
  2. Reports of all property damage,
  3. Statements of witnesses,
  4. A diagram of the crime scene, and
  5. A detailed description of the officer's backdrop at the time of the discharge of firearm.

- C. If an officer (including armed PMB security guards) shoots a person or an officer is shot or otherwise inflicts a life threatening injury upon another person through the use of force or is the victim of a life threatening injury inflicted by criminal means, Homicide/Cold Case detectives shall respond and conduct a complete criminal investigation. The investigation shall include the completion of the original General Offense/Incident Report. The State Attorney's Office and the City's Deputy or Assistant General Counsel shall be notified. In these instances, the Patrol Watch Commander shall not forward a report, complete a diagram of the crime scene nor take written statements from anyone, as this will be done by the Homicide detective(s) assigned.
1. In the event an officer is involved in a shooting or critical injury incident, at least one (1) Homicide/Cold Case team and the Homicide Unit Commander shall respond to conduct the investigation.
  2. The on-call Homicide team may also respond to assist the primary team.
    - a. On-duty detectives from other units may be utilized as needed at the discretion of the Homicide/Cold Case team supervisor, Homicide Unit commander, or higher authority.
    - b. Only detectives assisting in the investigation will be at the incident or homicide scene.
  3. It shall be the responsibility of the Homicide/Cold Case supervisor, designated Homicide supervisor, or Homicide Unit commander to determine the exact staffing needs and coordinate the activities of the responding detectives.
  4. The Homicide Unit Commander shall ensure that the Assistant Chief of Investigations, Chief of Investigations, Director of Investigations and Homeland Security, and the Communications Center Watch Supervisor are notified and kept informed of all officer involved shootings or critical injury incidents.
  5. The on-call Homicide Assistant State Attorney shall be requested to respond to all officer involved shootings or incidents where serious injury or death result. All sworn statements taken from witnesses shall be coordinated with the on-call Homicide Assistant State Attorney, prior to taking such statements.
  6. If after consultation by the Homicide Unit Commander, Homicide/Cold Case supervisor, or designated Homicide supervisor, it is determined, that due to the officer's physical condition or mental state, the officer's statement may be taken at a later date.

7. Whenever possible, witnesses will be transported to the Homicide office for interviews. Witnesses who are unable to be immediately transported to the Homicide office because of extenuating circumstances; e.g., small children alone at home, work, etc., may be interviewed at the scene. If deemed necessary, additional interviews may be conducted at the Homicide office at a later date.
8. Homicide/Cold Case detectives will inspect the weapon of the officer(s) involved for fired rounds and have an evidence technician (E.T.) take possession of the weapon for processing.
9. At the discretion of the Homicide/Cold Case supervisor, the weapon(s) of the officer(s) involved may be retained for further evidence processing. The officer(s) may then be issued another weapon from the Homicide/Cold Case supervisor or Homicide Unit Commander.
10. The original offense report, supplemental report documenting officer's statement, discharge of firearms report and any other report necessary, will be prepared by the Homicide/Cold Case team or other designated Homicide team, at the direction of the Homicide Unit Commander.
11. The Homicide supervisor shall, prior to the end of his tour of duty, ensure that a copy of all pertinent reports are compiled and placed in folders. Such reports shall include, but are not limited to:
  - a. The original offense report;
  - b. Patrol supplemental reports;
  - c. E.T. reports;
  - d. A copy of every arrest docket of all perpetrators involved;
  - e. Response to Resistance reports, if available; and
  - f. Any other report deemed significant.
12. The Homicide supervisor shall ensure that the folders containing all preliminary pertinent reports are distributed as follows within 24 hours:
  - a. Sheriff;
  - b. Undersheriff;
  - c. Director of the officer involved;
  - d. Director of Investigations and Homeland Security;
  - e. Division Chief of the officer involved;
  - f. Commanding Officer of the officer involved;

- g. Professional Standards Division Chief;
  - h. Investigations Division Chief.;
  - i. Commanding Officer for the Investigations Division, Crimes Against Persons section;
  - j. Commanding Officer of the Homicide Unit;
  - k. Professional Standards Response to Resistance Board Detective, and
- l File copy for the Homicide Unit files.
13. The Homicide/Cold Case supervisor or designated Homicide supervisor shall ensure that in situations in which an officer takes some action against another person that results in death or life threatening injuries, that the City's Deputy or Assistant General Counsel assigned as a police legal advisor will be notified.
  14. The Homicide/Cold Case supervisor will notify the Homicide Unit Commander when the case has been completed, including the review by the State Attorney's Office. The supervisor will notify the Professional Standards Division when the completed case is ready to be reviewed by the Response to Resistance Board.
  15. The officer involved may request legal counsel or F.O.P. representation prior to making any statement. Notwithstanding the request for counsel, an officer shall be required to provide information specifically, narrowly, and directly related to his official duties. This may include identifying suspects, witnesses, evidence, or other officer(s) involved.
  16. If during the course of the investigation it is determined the criminal charges may be filed against the officer, the officer will be advised of his Miranda Warnings, and a Rights Form (P-0378) will be completed.
  17. Any officer(s) whose response to resistance results in a death or great bodily harm and an investigation by the Homicide Unit is conducted, shall be placed on Administrative Leave.
  18. When an officer is seriously injured during a response to resistance incident, the officer will undergo a Return to Duty Assessment before being returned to a full duty status.

  
JOHN H. RUTHERFORD  
Sheriff

<b>INDEXED AS:</b>	Ammunition	Baton
	Chemical Agents	Deadly Force
	Force	Firearms
	Impact Weapons	Response to Resistance
<b>REFERENCE(S):</b>	Florida State Statute 776.08	
	Florida Model Jail Standards	

