

# Osceola County Sheriff's Office

## Policy and Procedure

**Number:** 470.0

**Subject:** Response to Resistance and Aggression

**Effective Date:** 06/07/11

**P.R.C. Review:** 12/06/10

**Rescinds:** 4/25/08

**Amends:**

This order consists of the following:

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

1. **Purpose**

To establish guidelines and procedures for the response by Sheriff's Office members to resistance and aggression by subjects.

2. **Policy**

This policy establishes Response to Resistance and Aggression guidelines for sworn and authorized civilian members, which reflects agency philosophy, professionalism in law enforcement, and established standards. It shall be the policy of the Sheriff's Office to use the minimal amount of force necessary to perform official duties.

Sworn and authorized civilian members shall not use force against any person except when necessary in self defense, defense of another, to overcome physical resistance to a lawful duty, to prevent the imminent commission of a forcible felony, to arrest felons fleeing from justice who pose a credible threat to public safety, or to prevent the escape of an arrested person.

The type and degree of force or weapons used will be based on the totality of the circumstances and a reasonable belief of the need for such use of force in order to accomplish a lawful objective. When deadly force is justified, it shall be considered a last resort and be employed for effect and not for warning.

Civilian members that are authorized to carry any type of weapon must comply with the applicable section of this and any other applicable policy.

3. **Definitions**

A. **Chemical Agents**

1. **Chemical Agent Individual Protection Device CS/OC Spray** - An aerosol spray agent such as Oleoresin Capsicum (OC) and/or Ortho-Chlorobenzylidene-malononitrile (CS), or any other formulation of chemical agent approved by the agency, that is used to subdue a subject.
2. **Chemical Dispersion Grenades** – Deployable pyrotechnic or aerosol chemical dispersment devices, used for control and disbursement of crowds, or securing of

- a confined area (e.g. hand propelled grenades; 40mm shoulder fired grenades, etc.).
3. MK-46V Vertical Aerosol Projector - Large capacity pressurized chemical agent projector, used to produce extended range, high-volume streams of Chemical Agent as a crowd control management option.
- B. Countermoves - Techniques that impede a subject's movement toward a member or others such as, but not limited to, blocking, striking, distracting, kicking, parrying, dodging, weaving, redirecting or avoiding, followed by appropriate controlling techniques.
- C. Deadly Force - Force which is likely to cause death or great bodily harm, permanent disability or permanent disfigurement and includes, but is not limited to:
1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm.
  2. The firing of a firearm at a vehicle in which the person to be arrested is riding (F.S.S. 776.06).
  3. The use of an approved weapon, or other weapon of opportunity, used in a manner likely to cause death, great bodily injury, permanent disability or permanent disfigurement.
- D. Electronic Control Device (ECD) – An electro muscular disruption weapon (E.M.D.) that usually produces immediate and overwhelming, but not permanent effects, on the central nervous system.
- E. Great Bodily Harm - Harm to the body which involves a risk of death, serious permanent disfigurement, permanent loss of or impairment of a bodily function or bodily organ.
- F. Imminent Threat - Circumstances that leads a person to believe that harm is about to occur leaving no choice of means and no moment for deliberation.
- G. Impact Weapon - Devices used for striking, which may disable or cause temporary motor dysfunction; such as an expandable or straight baton approved by the agency. These devices are not fundamentally designed to cause death or great bodily harm.
- H. LEO Alert - Notification system managed by FDLE, capable of broadcasting critical suspect information through the dynamic highway message signs and other appropriate notification methods, to increase the chances of capturing suspect(s) responsible for injuring or killing law enforcement officers
- I. Moderate Physical Harm - An injury where medical treatment is necessary; (e.g. strains and sprains).
- J. Non-Lethal Force - Force which, when properly used, is unlikely to result in serious physical injury or death.

- K. Objective Reasonableness - The reasonableness of a particular response to resistance or aggression must be judged from the perspective of how a reasonable officer on the scene would respond, rather than from the 20/20 perspective of hindsight. To determine if an officer's actions were objectively reasonable, the courts look at the facts and circumstances the officer knew when the incident occurred. These include but are not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether they are actively resisting arrest or attempting to evade arrest by flight. Courts recognize criminal justice officers must make split-second judgments about the amount of force needed in a particular situation under circumstances that are tense, uncertain, and rapidly evolving.
- L. Pain Compliance - Techniques used to gain a subject's compliance as a result of the member administering controlled pressure upon specific points in the subject's body.
- M. PepperBall Launcher - A mechanical launching system that uses high-pressure air to propel PepperBall Projectiles. The Launcher utilizing the PAVA powder and/or noise from the launcher may be used to saturate an area around uncooperative subjects in order to gain compliance. The launcher shall be classified as an impact weapon if a subject is struck with a direct application of a projectile.
- N. PepperBall Launcher Projectile – A plastic sphere projectile that breaks upon impact, which contains a five percent concentration of oleoresin capsicum (OC), an inert powder, or a colored dye marker. Authorized munitions include the PAVA (capsaicin II) pepper, glass break, training clear, training powder, and marking rounds.
- O. Physical Control - Achieving control over a subject, who is resisting either actively or passively, through the use of empty hand or leverage techniques including, but not limited to, pain compliance; transporters, law enforcement restraint devices, takedowns, striking techniques; and/or other "hands on" maneuvers/techniques.
- P. Reasonable Belief - The facts or circumstances one knows, or should know, which cause an ordinary and prudent law enforcement officer to act in a particular manner.
- Q. Restraint Devices - Mechanical tools used to restrict a subject's movement and facilitate searching such as, handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices, etc.
- R. Slight Physical Harm - An injury NOT impacting normal duties or activities where medical treatment may not be necessary (e.g. bruise, redness, slight strain).
- S. Stun Cuff – An electro-muscular disruption device (EMD) secured on a prisoner's ankle or arm to produce immediate and overwhelming, but not permanent effects on the central nervous system.
- T. Takedowns - Techniques that take a subject to the ground to stop physical resistance, obtain control, and facilitate the application of a restraint device, or to redirect a subject to another location or position.
- U. TASER XREP Projectile - A self-contained, wireless electronic control device (ECD),

discharged from a 12-gauge shotgun, which can be delivered to a maximum effective range of 100 feet, delivering Neuro Muscular Incapacitation (NMI) bio-effect, similar to a handheld ECD, coupled with blunt impact force.

- V. Totality of Circumstances – All facts and circumstances known to the member at the time or reasonably perceived by the member as the basis for a response to aggression, resistance or violence, which includes consideration of the subject's form of resistance, pre-attack indicators, and all other reasonably perceived factors that may have an effect on the situation and the response options available to the member.
- W. Transporters - Techniques used to control and/or move a subject from point A to point B and to gain or regain control.
- X. Use of Force – Physical force used to overcome a person's physical resistance and aggression to the performance of a legal duty, protect the member or another person from physical harm, or apprehend a fleeing criminal suspect.

#### 4. Procedure

##### A. General

1. All sworn and authorized civilian members will have instruction in this policy and current case law relating to the Objective Reasonableness concept as it relates to the application of force.
2. No changes, alterations modifications or substitutions shall be made to any authorized lethal or non-lethal weapon by any member. Repairs, modifications and/or substitutions to all weapons, accessories or devices shall only be completed and/or approved by authorized personnel.
3. Excluding a common pocket knife with a blade length of four (4) inches or less; sworn and authorized civilian members will only be authorized to carry and/or deploy any agency approved weapon or device (lethal or non-lethal), after:
  - a. Being issued copies of and instructed in this policy, and
  - b. Successful completion of training provided or approved by the Sheriff's Office.
4. The agency acknowledges in tense, uncertain and/or rapidly-evolving confrontations, a member may have to reasonably use techniques, or weapons that:
  - a. Are not part of the agency's formal training program.
  - b. Are not covered in this policy.
  - c. May cause the member to use a technique or weapon in a manner that is not in conformance with training.
5. A member's actions, if determined to be reasonable by the Sheriff, will be treated as within policy, even if the specific action is not specifically covered in policy.
6. Sworn members:
  - a. Will not be authorized to carry a firearm or be placed into a position where they may use deadly force until they have been issued copies of, and

- instructed in this policy.
- b. Are required to successfully complete Florida Basic Recruit Training or its equivalent, prior to being allowed to carry a firearm or be in any position to make an arrest; except if participating in a formal field training program under a Temporary Employment Authorization (TEA).
  - c. While exercising law enforcement authority, may not carry any weapon or device described in this policy (lethal or non-lethal), with which they have not been trained and proven proficiency, in its proper carrying and use;
  - d. Are prohibited from using excessive force against individuals engaged in a nonviolent civil rights demonstration and shall comply with applicable laws against the physical barring of an entrance to or exit from a facility or location which is the location of any such demonstration.
  - e. Must, when safely possible, intercede to stop the use of excessive force when witnessed.
7. Approved personally owned firearms, agency issued firearms, and ammunition are authorized for use, both on and off duty, subject to the provisions of policy 472.0, Firearms.
  8. Any use of authorized weapons in off duty incidents will be consistent with Sheriff's Office policy, procedure, and training.
  9. The Training Unit supervisor or designee shall:
    - a. Ensure a qualified weapons instructor inspects and approves non-lethal weapons and a qualified armorer inspects and approves firearms before issuance. The approving member shall document the inspection in the weapon's Spillman record.{CFA 4.06, 4.07}
    - b. Maintain written specifications and a current list of all weapons and ammunition authorized for both on and off duty use.{CFA 4.06}
    - c. Ensure any issued unsafe or inoperable weapon is removed from service.{CFA 4.06}
    - d. Complete and forward a documented annual review to the Sheriff or designee and Quality Assurance and Accreditation Sergeant, of :
      - (1). All firearms and ammunition approved for carry.
      - (2). All non-lethal weapons including a current list of all non-lethal munitions approved for use(s) {CFA.4.07}.
    - e. Prior to approval, review all proposed new weapons (including non-lethal) and/or requested equipment changes to currently issued weapons. The review shall be summarized in a report, forwarded for final approval, through the chain of command to the Sheriff or designee and the Quality Assurance and Accreditation Sergeant that includes at a minimum:
      - (1). Legal issues
      - (2). Durability
      - (3). Effectiveness comparisons with similar weapons
      - (4). Simple cost analysis
      - (5). Any required additional training
    - f. Ensure sworn and applicable non-sworn members, receive use of force or response to resistance training as outlined within policy 250.0.
    - g. Conduct an annual review of use of force incidents with the results

incorporated into training as needed.

**B. Recommended Response to Resistance and Aggression Guidelines**

1. Many factors must be evaluated by a member when determining the appropriate response to a subject's resistance and aggression. For instance, an unarmed, small framed person may be displaying aggressive resistance and may only require physical control by the average member. On the other hand, a member's response to a large and obviously strong person demonstrating even mild resistance may be escalated in order to gain control.
  - a. As a subject increases his/her resistance and aggression level, a member may have to increase the level of his/her response, up to and including deadly force, until the resistance ceases and/or the member can gain control of the subject.
  - b. As soon as subject compliance is reached, the member must de-escalate his/her response level to the minimum response necessary to control the subject.
  - c. It must be remembered that a member need not retreat to lawfully control a subject, but may utilize the amount of force necessary to accomplish his/her lawful task. This is not to say a tactical retreat, in the face of overwhelming odds, may not be a wise choice.
  
2. Members should attempt to achieve control through verbal commands. However, members need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, members need to respond with all the force reasonably necessary for the circumstances in each specific situation. Members may use only that level of force necessary to gain control when compliance cannot be achieved through verbal commands and there is:
  - a. Resistance to the member's performance of a lawful duty;
  - b. A threat to the safety of the member or another person; or
  - c. A reasonable belief there are no alternatives or they would clearly be ineffective.
  
3. Additional factors that must be considered, properly articulated and documented by members in the Totality of Circumstances when responding to resistance and aggression decisions include, but are not limited to:
  - a. SUBJECT FACTORS:
    - (1). Seriousness of crime committed by the subject.
    - (2). Pre-attack indicators.
    - (3). Size, age, or weight of the subject.
    - (4). Apparent physical ability of the subject.
    - (5). Apparent mental state of the subject.
    - (6). Number of subjects present who are, or who may become involved.
    - (7). Weapons possessed by or available to the subject.
    - (8). Known history of violence by the subject.
    - (9). Presence of innocents or potential victims in the area.
    - (10). Whether the subject can be recaptured later.
    - (11). Whether evidence is likely to be destroyed.
  - b. MEMBER FACTORS:
    - (1). Size, physical ability or defensive tactics expertise of the member.

- (2). Number of members present or available.
  - (3). Immediate reactive response to sudden attack.
  - (4). Weapons or restraint devices available to the member.
  - (5). Environment.
4. Levels of Subject Resistance and Aggression:
- a. Passive Resistance (None to slight physical harm): The subject physically refuses to comply or respond. He/she does not attempt to defeat the actions of the member but forces the member to employ physical control techniques and/or chemical agent(s) to establish control.
  - b. Active Resistance (Slight to moderate physical harm): The subject makes physically evasive movements to defeat a member's attempt at control. This may be in the form of bracing, tensing, attempting to push/pull away, not allowing the member to get close to him/her, or exhibits other pre-attack indicators.
  - c. Aggressive Resistance (Moderate physical harm): The subject makes overt, hostile, attacking movements that may cause injury, but are not likely to cause death or great bodily harm to the member or others.
  - d. Deadly Force Resistance (Great bodily harm): The subject makes overt, hostile, attacking movements with or without a weapon with the apparent intent and apparent ability to cause death or great bodily harm to the member or others.
5. Member Responses to Resistance and Aggression:
- a. Physical Control (Slight Potential for Physical Harm)  
The use of techniques or devices to control a subject's movement freedom or ability to harm themselves or others. Examples include but are not limited to:
    - (1). Restraint Devices
    - (2). Chemical Agent Individual Protection Device
    - (3). PepperBall Launcher: the PepperBall may be used to saturate an area around uncooperative subjects in order to gain compliance utilizing only the PAVA powder and/or noise from the launcher.
    - (4). Transporters
    - (5). Takedowns
    - (6). Pain Compliance
    - (7). Countermoves
  - b. Non-Lethal Weapons (Slight to Moderate Potential for Physical Harm)  
Devices fundamentally designed to be non-lethal, used to control a subject. These devices include, but are not limited to:
    - (1). Baton
    - (2). Expandable baton
    - (3). K-9
    - (4). Stun-Cuff
    - (5). ECD
    - (6). PepperBall Launcher
    - (7). See policy 417.0, Less-lethal Extended Range Devices.
    - (8). Other weapons and/or devices approved by the Sheriff or designee.
  - c. Deadly Force (High Potential for Great Bodily Harm or Death)

Techniques and/or devices likely to result in death or great bodily harm, such as impact weapon strikes to the head and/or the use of firearms. Deadly force techniques are to be used only as a last resort.

6. Members, if possible and feasible, shall inform the person to be arrested of their authority and the cause of arrest except when such person flees or forcibly resists before the member has an opportunity to convey the information or when the giving of such information would imperil the arrest. When the person is captured or the danger no longer exists, the member will notify the person of the cause for the arrest.
7. All members approved to carry an agency authorized weapon or firearm may only utilize or discharge it under the following circumstances:
  - a. When conducting authorized ballistics tests.
  - b. When engaged in sporting activities or exhibitions as an agency representative.
  - c. At a target range for practice or training purposes.
  - d. To kill a seriously wounded or dangerous animal when necessary.
  - e. To defend themselves or other persons against unlawful force when they reasonably believe such conduct is necessary to prevent imminent death or great bodily harm to themselves or others.
  - f. To apprehend a fleeing felony suspect (which includes escapees) when the officer reasonably believes:
    - (1). The use of deadly force is necessary to prevent the arrest from being defeated by such flight and the officer reasonably believes the felon poses an immediate threat of death or serious physical injury to either the member or another person or
    - (2). The officer reasonably believes the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.
    - (3). If possible, a verbal warning should be given prior to utilizing deadly force.
8. Agency members are NOT authorized to:
  - a. Fire warning shots. {CFA 4.04}
  - b. Draw or display a firearm unless there is a fear for their personal safety or the safety of others. (Personal safety concerns include, but are not limited to, the search of a structure for a suspect). The intent of this provision is to permit members to protect their person and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the purpose.
  - c. Use a firearm to arrest or prevent the flight of a person who has committed a misdemeanor or traffic violation.
  - d. Discharge their weapons at a moving vehicle unless it is deemed necessary to do so to protect against an imminent threat to the life of the member or others.
  - e. Intentionally place themselves in an oncoming vehicle's path and attempt to disable the vehicle by discharging their firearm(s).



9. Member Surrendering Weapon  
Surrendering a weapon may mean giving away your only chance of survival. Members should use every tactical tool and opportunity at their disposal to avoid surrendering their weapon. Experience has shown the danger to a member is not necessarily reduced by giving up the weapon upon demand.

C. Chemical Agents and Munitions

1. General

- a. Chemical Agents and Munitions may be used, when possible, before "hands on" techniques or the use of impact weapons (Batons, ECD, etc.).
- b. In every circumstance, the mere saturation of an area surrounding a subject with any approved chemical agent or munitions, regardless of its deployment method, will only occur when a suspect is exhibiting passive resistance or higher.
- c. With the exception of the Chemical Agent Individual Protection Device (CS/OC) Spray; any deployment method involving the actual impacting of a subject with a chemical agent or munitions will only occur when the subject is exhibiting active resistance or higher.

2. Chemical Agent Individual Protection Device (CS/OC) Spray

- a. Sworn members and other authorized civilians shall carry Chemical Agent Individual Protection Device (CS/OC) Spray, when engaged in any uniform assignment.
- b. All sworn members, while engaged in non-uniform assignments, are encouraged to carry Chemical Agent Individual Protection Device (CS/OC) Spray.
- c. Chemical Agent Individual Protection Device (CS/OC) Spray shall be carried and/or utilized only as authorized.
- d. When possible, Chemical Agent Individual Protection Device (CS/OC) Spray should not be sprayed directly at a subject's eyes at distances of less than three (3) feet.

3. Alternate Deployment Methods

- a. The PepperBall Launcher, MK-46V Vertical Aerosol Projector, chemical dispersion grenades and similar devices approved by the Sheriff or designee, are approved deployment devices. Their discharge constitutes a use of force by Sheriff's Office guidelines and shall comply with this policy.
- b. Members may use approved Chemical Agents, Munitions and Deployment Methods when they are:
  - (1). Authorized to use force for protection from attack.
  - (2). Taking a person into custody.
  - (3). In crowd control situations.
  - (4). Preventing animal attacks.
- c. The PepperBall Launcher, MK-46V Vertical Aerosol Projector, chemical dispersion grenades and similar devices may be used for passive resistance or higher by saturating an area around uncooperative subject(s) in order to gain compliance utilizing:
  - (1). Approved chemical agent dispersment tactics utilizing the above

- devices or
- (2). The PAVA powder and/or noise from the PepperBall Launcher.
  - (3). As an impact weapon through direct application of a PepperBall Projectile onto a subject who exhibits an active or higher level of resistance or aggression.
    - (a). This method of application couples the PAVA powder, kinetic impact, and noise to gain compliance and
    - (b). Shall be used in accordance with policy 417.0, Less-lethal Extended Range Devices.
4. Confronting Persons Armed with Chemical munitions
    - a. Members should be aware chemical sprays to the face can be immediately incapacitating and they should attempt to place themselves at a safe distance from subjects armed with chemical spray and/or munitions, to avoid being hit by its discharge.
    - b. Members must evaluate all known factors to determine the appropriate response to gain control of the situation; this may include the use of deadly force.
  5. Inspections and Replenishment
    - a. The training unit is responsible for maintaining a list of all approved Chemical Devices and munitions.
    - b. Members shall replace their issued chemical munitions on or before the expiration date, or five (5) years after the date of manufacture if expiration date cannot be found.
    - c. Authorized personnel will make annual documented inspections to ensure functionality and that expiration dates have not passed.
    - d. When the issued Chemical Agent Individual Protection Device CS/OC spray has been depleted, replacement canisters shall be obtained from Purchasing and Supply.
- D. Non-lethal Weapons
1. These weapons provide a method for controlling a subject when deadly force is not justified and when empty hand control techniques and/or chemical agent saturation are not sufficient to effect control.
  2. When a non-lethal weapon is used for control, it should be with the intent to temporarily disable a subject and not with the intent of causing injury. Non-lethal weapons include but are not limited to; impact weapons ECDs, K-9, and/or direct application of a PepperBall Projectile.
  3. Impact Weapons (Expandable/Straight Batons and/or Other Approved Devices)
    - a. The issued expandable baton shall be carried and utilized only as authorized.
    - b. Unless exempt; sworn uniform members shall carry the issued expandable baton when engaged in any uniformed assignment.
    - c. Members who are issued ECDs have the option of not carrying their expandable batons.
    - d. Members assigned to Specialty Units may only carry their alternate

- approved baton when engaged in training or on assignment.
- e. When utilizing approved impact weapons, all strikes will be targeted to major muscle areas such as the forearms, thighs or calves.
    - (1). Strikes to these areas reduce the risk of permanent injury to a subject.
    - (2). A subject's head, neck, throat, spine and clavicle will not be intentional targets for an impact weapon strike, unless the member is justified in using deadly force.
4. Electronic Control Device (ECD) (Taser X26 and/or Other Approved Devices)
- a. The ECD may be used when Active Resistance or a higher level of resistance or aggression is encountered.
  - b. Members shall be authorized to carry in an approved manner, an agency approved ECD on their non-dominant side. It is recommended, but not required, that the ECD be worn and drawn cross-draw, using the member's dominant hand.
  - c. The ECD shall not be intentionally aimed at a person's head, neck, or groin.
  - d. After a member successfully utilizes the ECD to take a subject into custody, he/she shall:
    - (1). Handcuff the subject to minimize the threat of injury to either the member or the subject.
    - (2). Remove or have removed the ECD's prongs at the earliest opportunity.
    - (3). The ECD prongs shall only be removed by members who have completed agency approved training in the use of the ECD and removal of the prongs.
  - e. Members issued an ECD shall conduct a function test on their first day back in service, not to exceed one test per week.
    - (1). This test shall be witnessed by the member's supervisor who will complete the Functions Log.
    - (2). A Function Log will be maintained at each Sheriff's Office facility where members are issued ECDs.
    - (3). The function test procedure shall be as follows, members shall:
      - (a). Form a single line.
      - (b). At the direction of the supervisor, one at a time remove the ECD from the holster.
      - (c). Remove the ECD cartridge from the muzzle/charging port.
      - (d). Point the ECD in a safe direction and conduct a safety test cycle.
      - (e). Deactivate the ECD.
      - (f). Return the cartridge to the muzzle/charging port and re-holster.
    - (4). Tests may be conducted individually at a supervisor's direction.
    - (5). Members may be issued a maximum of two (2) ECD cartridges at a time. When a member uses his/her ECD cartridge, they shall obtain a replacement cartridge from their Lieutenant during the shift being worked or, on the next business day from the Training Unit.
    - (6). Members will not use an ECD on subjects who are operating a

motor vehicle or unarmed subjects who:

- (a). Are known to the deputy to be or are obviously pregnant.
  - (b). Are known to be twelve (12) years of age or younger, unless exigent circumstances exist. The member(s) must document those circumstances in their report.
  - (c). Could possibly be seriously injured by secondary factors as a result of ECD activation (possibly drown in a body of water, fall from an elevated area, around flammable substances).
  - (d). Are known to the deputy to have an artificial pacemaker.
- (7). Any intentional or accidental discharge, other than training or function tests, shall necessitate the immediate notification of the member's immediate supervisor.
  - (8). If the ECD is equipped with a Digital Power Magazine, it shall be replaced by Training when its capacity drops to twenty percent (20%) or less. The expended Digital Power Magazine shall be assessed and disposed of by the Training Unit.
5. Stun Cuff
- a. The supervisor whose unit has been issued a Stun Cuff is responsible for keeping the device charged and ready for use.
  - b. Members shall conduct a function test on their first day back in service, not to exceed one test per week. This test shall be witnessed by the shift Sergeant who will complete and maintain a function log.
  - c. While a Stun Cuff is attached to a subject, the remote control shall be held in a discrete, non-intimidating manner.
  - d. The Stun Cuff may only be used on a subject's ankle or arm.
  - e. Stun Cuff may be used to cease or prevent a subject's Active or higher Level of Resistance. When possible, a loud verbal announcement shall precede any activation of the Stun Cuff.
  - f. The member who activates a Stun Cuff must notify the on-duty supervisor as soon as possible.
  - g. Deployment during a court proceeding shall be approved by a Judicial Services supervisor and the presiding Judge. However, this is not intended to limit the member's authority to activate the unit in compliance with this policy.
  - h. A Stun Cuff shall not be used on a female who is known by the deputy to be or is obviously pregnant.
6. Other Weapons
- a. Other non-lethal weapons may be authorized by the Sheriff or designee for specific applications.
  - b. Refer to Policy 417.0, Less-Lethal Extended Range Impact Devices, on the deployment of less-lethal weapons.
7. Flashlight and Other Weapons of Opportunity
- a. The flashlight should never be used as a weapon of choice; but in exigent circumstances, may be used as a weapon of opportunity. If the flashlight is used as a weapon of opportunity it will be considered an impact weapon and may only be used against a subject who provides Active Resistance

- or higher.
  - b. Any other item (e.g. radio, clipboard, etc.) that is used as a weapon of opportunity will be considered an impact weapon and will be used in exigent circumstances, in response to Active Resistance or higher.
  - c. If the flashlight or any other object must be used as a weapon of opportunity, the strikes should only be directed at the same areas of the body and in the same manner as if utilizing an approved impact weapon.
  - d. In the event the flashlight, or other weapon of opportunity, is used as an impact weapon, the member should disengage as soon as the situation permits and transition to an approved impact weapon, chemical agent, or appropriate response to resistance and aggression technique.
  - e. Nothing in this order shall prevent a member from utilizing any readily available object or empty hand technique as a weapon in situations where the actions of a subject constitute place the member or another's life in imminent danger.
  
- E. Reporting and Investigating Response to Resistance and Aggression Incidents
  1. Anytime a Sheriff's Office member uses force or takes any action resulting in injury (real or alleged) or the likelihood of injury Members shall:
    - a. Immediately inform their supervisor or on-duty supervisor of the incident's circumstances. {CFA 4.08}
    - b. Photograph any visible injury to the suspect at or prior to the time medical attention is administered. {CFA 4.08}
    - c. Document the details of the incident in an Offense/Incident Report and a Subject Management Report and forward the reports to their supervisor. {CFA 4.08, 34.14}
  
  2. The Supervisor Shall:
    - a. Respond to the scene of all uses of force, resulting in injury. {CFA 17.03}
    - b. Notify the Platoon Lieutenant.
    - c. Review all related documentation for completeness in accordance with report writing guidelines.
    - d. Complete the supervisor's portion of the member's Subject Management Report notating their findings and conclusion(s).
    - e. Forward, via chain of command:
      - (1). The original Subject Management Report along with
      - (2). A copy of the Incident Report to the Major for review. The Major shall submit the reports to Internal Affairs.
    - f. In the event the member's immediate supervisor is not on duty, the on-duty sector supervisor will assume the responsibilities outlined in this section.
  
  3. The Lieutenant Shall:
    - a. Respond to the scene of all uses of force involving the use of a non-lethal response or above, if possible. {CFA 17.03}
    - b. Staff page the incident according to staff page guidelines.
    - c. Ensure the supervisor has forwarded the completed Subject Management Report and Incident Report up the Chain of Command.

4. The Internal Affairs Sergeant shall:
  - a. Review the reports to confirm conformance to agency policy. {CFA 4.08}
  - b. Follow Section G in deadly force incidents or firearms discharges.
  - c. Conduct inquiries and/or investigations as needed, per policy 325.0, Internal Affairs Investigations.
  - d. Maintain the Sheriff's Office Subject Management records.
  - e. Forward a copy of all Subject Management Reports to the Training Section. The Training Section is responsible for evaluating the data annually to determine training needs and/or recommendations for policy modifications.
  - f. Conduct and document an annual administrative review and analysis of all use of force reports. The report shall be forwarded to the Sheriff or designee and the Quality Assurance and Accreditation Sergeant.
  
5. Chemical Agent Deployment
 

In every circumstance when a member discharges any chemical agent or munitions (with or without injury); except for authorized testing or training, the following, in addition to the above, shall apply:

  - a. An incident report will be completed.
  - b. A subject management report is not required when any chemical agent or munitions are used against animals.
  
6. Electronic Control Devices (ECD)
  - a. When a member, intentionally or accidentally, uses the ECD on a suspect, even if they are not struck, the member shall prepare an Incident Report and Subject Management Report.
  - b. Accidental cartridge discharges during function tests, or training require only an Accident/Loss Report (form SO-03-01).
  - c. The data-port on the ECD stores the date, time and duration, the ECD was discharged and/or cycled.
    - (1). Within seventy two (72) hours after utilizing the ECD on a suspect, the responsible member will meet with the Internal Affairs Sergeant or designee, who will download the information from the data-port.
    - (2). No one other than the Internal Affairs Sergeant or designee is authorized to download information from the data-port.
  
7. Deadly Force Incidents
  - a. Any time a Sheriff's Office member discharges a firearm whether or not it resulted in an injury to a person, or takes any action that may cause great bodily harm and/or death, he/she shall:
    - (1). Re-holster his/her weapon (if applicable).
    - (2). Secure the scene and if necessary, summon sufficient backup personnel.
    - (3). Immediately notify his/her supervisor.
    - (4). If capable, with assistance from the supervisor or his/her designee, prepare a comprehensive written report including, but not limited to:
      - (a.) A detailed chronological, narrative of the incident, including all events prior to, during and immediately after the shooting.
      - (b.) The names and addresses of all civilian witnesses, if any,

- and the names of any other agency members present or involved, their rank, division and duty assignment.
- (c.) Whether agency members were involved or present at the incident and in uniform or civilian clothing.
  - (d.) Whether vehicles were marked or unmarked and vehicle numbers.
  - (e.) A description of the scene to include but not limited to, lighting, weather conditions, obstacles, wind, foliage, trees, furniture, type of ground cover or flooring, and any other natural or man-made element which could have a bearing on the incident.
  - (f.) A description of any injuries sustained by any person present at the time of the incident which is not attributed to a law enforcement action.
  - (g.) A description of the weapon or weapons used by all involved members or others present, ammunition discharged, number of rounds fired (if known), direction, approximate distance, weapon serial number, type of holster and any other pertinent information.
  - (h.) A list of other police, fire and ambulance personnel present at the scene, including names when possible.
  - (i.) Written statements from all witnesses, including civilian and agency members.
  - (j.) If necessary, all available information on the suspect(s).
- (5). In the event the involved member or members are unable to prepare a report of the incident, an alternate reporting member shall be designated by the responding supervisor. The involved member's account(s) can be added via a supplement at a later time.
- b. Immediate Supervisor shall:
- (1). Immediately notify the Lieutenant.
  - (2). Respond to the scene without undue delay.
  - (3). Advise the Communications Section to request a Forensic Technician to respond, if deemed necessary.
  - (4). Secure the firearm and leave it unaltered until a Forensic Technician arrives to document the weapon's condition. An exception would be a firearm that could be de-cocked for safety.
  - (5). Arrange for the member to have another firearm issued by an agency armorer or designee; unless the member is charged criminally.
  - (6). Ensure the involved member(s) is/are not unarmed while at the scene or in view of the public.
  - (7). If possible, ensure involved member(s) do not alter their appearance and/or clothing prior to being photographed.
- c. Lieutenant shall, in addition to ensuring the above is completed:
- (1). Immediately notify the involved member's Captain or designee.
  - (2). Respond to all firearms' discharges.
  - (3). Staff page the incident.
  - (4). File a report of the incident in the Significant Case Log.

- d. The Major shall notify the Chief Deputy or designee who shall decide, based upon the information known at that time, whether the Osceola County Sheriff's Office or the Florida Department of Law Enforcement should be the lead investigative agency. Once the lead investigative agency is determined, supervisors from that agency will deploy personnel as needed. The lead agency will be responsible for completing all reports and filing the applicable paperwork with the State Attorney's Office. In those cases where the Florida Department of Law Enforcement is determined to be the lead investigative agency, their detectives and forensic technicians will head the investigation with Osceola County Sheriff's Office detectives and forensic technicians "shadowing".
- e. In the event a law enforcement officer is seriously injured or killed by an offender(s), notify the Enforcement Bureau Major via chain of command to approve a LEO Alert be issued through the communications supervisor, if all of the following criteria exists:
  - (1). The investigating law enforcement agency has determined the offender(s) pose(s) a serious risk to the public.
  - (2). A detailed description of the offender's vehicle, including vehicle tag or partial tag, must be available for broadcast to the public.
  - (3). The local law enforcement agency with jurisdiction must recommend issuing the LEO Alert.

#### 8. Administrative Investigation

- a. Internal Affairs will direct the administrative investigation or review of an incident involving:
  - (1). An agency member whose deliberate or accidental actions caused the death or serious bodily injury of another person.
  - (2). Accidental discharge of a firearm resulting in serious injury or death.
- b. The administrative investigation may be conducted after or during any related Criminal Investigation Division investigation, or at the direction of the Sheriff or his designee.
- c. Internal Affairs will complete their investigation and forward a report to the Chief Deputy in a timely manner.
- d. The file containing the investigation will be retained in Internal Affairs.

#### F. Shooting of a Domestic or Agricultural Animal or Other Animal

Pursuant to F.S.S. 828.05, law enforcement officers are permitted to shoot and destroy a domestic and/or non-domestic animal that is posing an imminent threat to the member or others, is suffering from an incurable or un-treatable condition, or is imminently near death from injury, disease, or accident.

- 1. A member encountering such a situation involving domestic animals, will, if possible, make a reasonable effort to contact the owner of the animal, the owner's agent, or a veterinarian before destroying the animal.
- 2. If possible, a supervisor will be notified before the destruction of any animal or immediately thereafter.

#### G. Medical Aid after Use of Force



1. In all use of force cases, the member shall, when safely possible and if necessary, obtain or administer first aid within the scope of his/her training and make every effort to protect injured persons from further injury.
2. If necessary, Emergency Medical Services shall be summoned immediately via the Communications Section, or other persons, when a subject is injured or complains of an injury following the use of force.
3. When transportation to a medical facility is required, EMS will be the primary transporter.
  - a. Sheriff's Office members may do so when EMS transport is not available, the injury appears to be minor or if directed by a supervisor.
  - b. Sheriff's Office members must accompany EMS personnel. See policy 283.0, Arrestee Transport. The member will notify his/her supervisor.
4. Detained subjects who have been exposed to a chemical agent will when possible, be provided with the following relief measures, after the subject has complied with the member:
  - a. Remove the subject from exposure area and place him in the fresh air.
  - b. Reassure the subject the effects of CS/OC spray are temporary and discomfort will diminish.
  - c. Provided the person is passive, and conditions permit, subjects exposed to chemical agent should be allowed to face the wind. If possible, flush the subject's face with water or apply a wet paper towel to expedite recovery.
  - d. During transportation the subject should be monitored for breathing difficulty, nausea or unconsciousness.
  - e. The subject shall be closely monitored until they completely recover from the effects of the spray.
  - f. Breathing should return to normal within several minutes. If breathing problems persist, contact the appropriate emergency services.
5. Detained subjects exposed to an ECD
  - a. ECD prongs that have struck a person's body shall be considered a biological hazard and shall be handled in accordance with policy 390.0 Blood Borne Pathogens. Members shall visually examine the area struck to determine if an injury was sustained.
  - b. When a member removes prongs from a subject (no significant injury and no face, groin, or female breast injury) the prongs shall
    - (1). Be placed into the cartridge and placed into a bio-hazard container.
    - (2). The container shall be disposed of in accordance with current policy and procedures.
    - (3). Digital photographs will not be needed in these circumstances.
  - c. If significant injury occurs, or a prong is imbedded in the face, groin, or female breast, the probes shall be:
    - (1). Removed as outlined in G.5.d. below.
    - (2). The prongs shall be placed into the ECD cartridge.
    - (3). The ECD cartridge containing the probes shall be labeled bio-hazard and forwarded to the Evidence Unit in accordance with

- policy 390.0.
- d. ECD prongs and TASER XREP projectiles that have struck the face, groin, or female breasts shall only be removed by fire/rescue or medical personnel except as authorized below:
    - (1). ECD prongs that strike a woman's breast may be removed by a female member except when the probes are embedded in the nipple or areola.
    - (2). Members shall not remove the prongs if the person has had a breast augmentation and the member is aware of that fact. In such incidents the probes shall only be removed by fire/rescue or medical personnel.
6. Subjects exposed to the Stun Cuff  
Members shall when safely possible:
- a. Examine the subject for physical injury and
  - b. If necessary, obtain or administer first aid within the scope of his/her training.
- H. Relief from Duty (non-disciplinary) Psychological Support
1. Any member whose deliberate or accidental actions result in the death or serious bodily injury of another person will:
    - a. Be removed from duty.
    - b. May be placed on paid administrative leave until the completion of a preliminary review or investigation.
    - c. The leave does not imply the member has acted improperly and will not result in a loss of pay or benefits, pending the investigative results.
    - d. Upon approval of the Sheriff, the member may be assigned to administrative duties.
  2. In all cases where a person has been seriously injured or killed as a result of the application of deadly force by a member.
    - a. The member(s) directly involved in the incident will meet with an agency approved psychologist.
    - b. The psychologist will evaluate the employee who used deadly force before the employee returns to work.
    - c. The psychologist will forward his/her findings to the Chief Deputy or designee.
  3. The purpose of the evaluation and counseling is to aid the member in dealing with the psychological aftereffect of the incident. The Sheriff's Office will provide for such evaluation and counseling by a professional selected at the Sheriff's discretion.
    - a. The professional will advise the agency, via letter to the Chief Deputy or designee that the member has met with the psychologist and
    - b. A recommendation concerning the member's return to duty.
  4. While on administrative leave, the member must be available for agency interviews and will be subject to recall to duty at any time.

5. When the member is eligible to return to duty, the employee's Major or designee is responsible for notifying, via interoffice memorandum, the member and coordinating the member's return.
6. Upon returning to duty, the member may be assigned to administrative duties for a period deemed appropriate by a psychologist and the Sheriff.

I. In-Custody Deaths

1. The Bureau of Justice Statistics (BJS) within the U.S. Department of Justice (DOJ) issued guidelines for the collection of data regarding "*deaths in custody in the process of arrest.*"
  - a. The data collection applies to all deaths that occur in the process of arrest by local and state law enforcement agencies. This includes all deaths, regardless of cause.
  - b. The BJS defines deaths that occur "*in the process of arrest*" to include those persons who died:
    - (1). In the physical custody, or restraint, of law enforcement officers, even if the person was not formally under arrest.
    - (2). By any use of force by law enforcement officers or apparently by natural causes prior to booking.
    - (3). At a crime/arrest scene or medical facility prior to booking.
    - (4). In transit to or from law enforcement facilities.
    - (5). Confined in lock-up or booking centers (facilities from which arrestees are usually transferred within 72 hours and not held beyond arraignment).
2. When an in-custody death occurs, the assigned detective must complete the BJS Form, CJ-11A (Appendix A). A copy of the form shall then be forwarded to the Records Section and mailed or faxed to the Florida Department of Law Enforcement (FDLE) at the following address or fax number.

FDLE  
 Statistical Analysis Center  
 Post Office Box 1489  
 Tallahassee, Florida 32302  
 Fax: (850) 410 – 7150

The address and fax number are located on the CJ-11A Form. If there are questions regarding completion of the form, contact FDLE's Statistical Analysis Center at (850) 410 – 7140, or email: [fsac@fdle.state.fl.us](mailto:fsac@fdle.state.fl.us).

Approved by: Sheriff Robert E. Hansell