

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

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SUBJECT: USE OF FORCE POLICY		Reviewing Authority: Legal
Distribution: ALL SWORN PERSONNEL	CALEA Standards: 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12, 1.3.13 CFA Standards:	

This order consists of the following:

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

1. **Purpose**

To establish guidelines for the appropriate use of force and for proper training in defensive weapons.

2. **Policy**

This policy establishes guidelines for OCSO personnel regarding use of force and reflects agency philosophy and established professional and legal standards. It is the policy of the agency that personnel only use that level of force objectively reasonable to perform their official duties.

Deputies shall not strike or use physical force against any person except when necessary in self defense, in defense of another, to overcome physical resistance to lawful commands, or to prevent the escape of an arrested person. When deadly force is justified, it shall be considered a last resort and be employed for effect and not for warning.

3. **Definitions**

- A. Approved Expandable Baton - An expandable baton approved by the agency referred to hereafter as the "expandable baton".
- B. Chemical Agent IPD (Individual Protection Device) - An aerosol spray agent approved by the agency for carry and use.
- C. Electronic Control Device (ECD) – A device designed to disrupt a subject's sensory nervous and motor nervous systems by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses. This does not include the Electronic Restraint System (ERS) (General Order 8.1.8 covers agency policy regarding ECD's).

- D. Use of Force Matrix – The Use of Force Matrix is a set of guidelines established to assist agency personnel in their decision-making process regarding the appropriate use of force.
 - E. Slight Physical Harm – An injury NOT prohibiting normal duties or activities (e.g. bruise, redness, slight strain).
 - F. Moderate Physical Harm - Can NOT perform normal duties, medical treatment necessary (e.g., strains and sprains).
 - G. Great Bodily Harm - Harm to the body which involves a risk of death, serious permanent disfigurement, loss of or impairment of a bodily function or bodily organ.
 - H. Imminent Danger – In relation to homicide in self-defense, this term means immediate danger, such as must be instantly met, such as cannot be guarded against by calling for assistance of others or the protection of the law. Or, as otherwise defined, such as an appearance of threatened and impending injury as would put a reasonable and prudent man to his instant defense.
 - I. In-Custody Deaths – A death, or the onset of a physiological condition resulting in death, that occurs while a subject is in law enforcement custody, or while an attempt is being made to take a subject into custody. The death may or may not involve the application of force. Deaths that occur as the result of vehicle crashes are not included.
 - J. Deadly Force – A force that 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; and
 - 2. The firing of a firearm at a vehicle in which the person to be arrested is riding (FS 776.06).
 - 3. The term “deadly force” does not include the discharge of a firearm by a law enforcement officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this sub-section the term “less-lethal munition” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.
- Deadly force includes discharging a firearm, or the use of an instrument like a knife, club, baton (side handle baton, expandable baton, etc), or any use of force in a manner likely to cause death, great bodily injury, permanent disability or permanent disfigurement.
- K. Objectively Reasonable Standard – In Graham v. Connor, 490 U.S. 386 (1989), the U.S. Supreme Court ruled the “reasonableness” standard of the Fourth Amendment applies to law enforcement officers using force in the course of an investigatory stop, arrest, or other “seizure” of a person. In other words, an officer’s use of force

must be reasonable in the totality of the circumstances. The officer's intent or motivation is immaterial. Instead, the key is what force, if any, a reasonable law enforcement officer in those circumstances might use. In *Graham*, the Court noted the objectively reasonable standard is not precise or mechanical, and close attention must be paid to the totality of circumstances, specifically including the following factors: (a) the severity of the alleged crime at issue; (b) whether the person poses an immediate threat to the safety of the officers or others; and (c) whether the person is actively resisting arrest or attempting to evade arrest by flight. In judging the reasonableness of a particular use of force, courts look at the circumstances from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. They take into consideration that officers are often forced to make split-second judgments in tense, uncertain, and rapidly evolving circumstances."

4. **Procedures**

A. Use of Force Matrix.

1. The Use of Force Matrix is meant to be used as a guideline for a deputy to select effective, reasonable, and legal force options in a verbal or physical encounter. The Use of Force Matrix is comprised of Subject resistance Levels and Officer Response Levels which incorporate the following:

a. Subject Resistance Levels:

1. Presence – no physical harm: A subject is there, on the scene, with accompanying suspicious activity.
2. Verbal Resistance – no physical harm: A subject may verbally refuse to comply with a deputy's requests or attempts to control the situation. The subject may threaten the deputy with further resistance. Or, the subject may not verbally respond to the deputy.
3. Passive Physical Resistance – slight physical harm: A subject physically refuses to comply or respond to a deputy's command. He/she does not make any attempt to physically defeat the actions of the deputy but forces the deputy to employ physical maneuvers, chemical agent to establish control.
4. Active Physical Resistance – slight to moderate physical harm: A subject makes physically evasive movements to defeat a deputy's attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the deputy to get close to him/her.
5. Aggressive Physical Resistance – moderate physical harm: A subject make overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the deputy or others.
6. Aggravated Physical Resistance – a great bodily harm: A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability to cause death or great bodily harm to the deputy or others.

b. Officer Response Levels:

1. Command Presence - no potential for physical harm:

- a. Presence: The deputy is there, on the scene, with the subject. This includes proper voice and/or other identification, body language, and awareness by the subject that he/she is dealing with a deputy.
 - b. Field Interview Stance: The deputy adopts a stance outside of his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, the firearm or strong side leg is back; the non-firearm or weak side leg is forward; the feet are about shoulder width apart; knees slightly bent giving balance, control and a lower body center of gravity; equally distributed body weight, and the hands are up for guarding the upper body.
2. Communication – no potential for physical harm:
- a. Dialogue: A two way, controlled, non-emotional communication between the deputy and subject, aimed at problem identification and/or resolution.
 - b. Verbal Direction: A deputy tells or commands a subject to engage in or refrain from a specific action or non-action.
 - c. Touch: A touch used to comfort or console a distraught individual. A deputy may use a soft assisting touch when guiding, directing or obtaining the attention of a subject, or a firm, strong touch prior to escalating to a higher level of force.
3. Physical Control – slight potential for physical harm:
- a. 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.
 - b. Chemical Agent Individual Protection Device: Aerosol spray agent used to subdue a subject.
 - c. Transporters: Techniques used to control and/or move a subject from point A to point B with minimum effort by the deputy in order to gain and retain control over the subject.
 - d. Take Downs: Techniques that redirect, in a controlled manner, a subject to the ground in order to limit his/her physical resistance and to facilitate the application of a restraint device.
 - e. Pain Compliance: Techniques that force a subject to comply with a deputy as a result of the deputy inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.
 - f. Electronic Restraint System (ERS) for prisoner control.
 - g. Counter Moves: Techniques that impede a subject's movement, such as blocking, striking, distracting, kicking, parrying, dodging, weaving, re-directing, or avoiding, followed by appropriate controlling techniques.

4. Intermediate Weapons – slight to moderate potential for physical harm:
 - a. Impact Weapons that are primarily used to control a subject such as an expandable baton or side handle baton.
 - b. Flashlight, clipboard or any other item used as a weapon of opportunity.
 - c. Electronic Control Device (ECD) as governed in General Order 8.1.8.
 5. Incapacitation – moderate potential for physical harm:
 - a. Excluding less-lethal impact projectiles and an ECD, techniques that are intended to stun or render a subject temporarily unconscious or unable to resist. These techniques may be delivered with or without an impact weapon, such as a strike to a major nerve area.
 - b. The use of neck restraints are prohibited, however empty hand techniques may be utilized in circumstances or situations where the actions of a subject constitute aggravated physical resistance which could result in great bodily harm, permanent disability, permanent disfigurement or death to the deputy or others.
 6. Deadly Force – high potential for great bodily harm or death:
 - a. Techniques that may result in death, great bodily injury, permanent disability or permanent disfigurement, such as impact weapon strikes to the head, or use of firearms as defined in FS 776.06. Deadly force techniques are a last resort.
2. As a subject increases his/her resistance level from verbal to physical, a deputy may have to increase the level of his/her response until the resistance ceases and the deputy is able to gain control of the subject. As soon as the point of subject compliance is reached, the deputy must de-escalate his/her response level to the minimum force necessary to control the subject.
 3. In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by a deputy. For instance, an unarmed, small framed female, juvenile subject may be displaying Level 5 resistance, but would probably only require a Level 3 response by the average deputy. On the other hand, a single deputy faced with a very large professional wrestler or football player may very well find that his/her response to even mild resistance must be escalated to a relatively high point on the matrix. It must be remembered that by law, a deputy need not retreat in his/her efforts to lawfully control a subject, but may utilize the amount of force necessary to accomplish his/her task. This is not to say that a tactical retreat in the face of overwhelming odds may not be a wise choice.
 4. When determining what level of force to use, deputies shall consider the risk

to the public, including but not limited to, whether the deputy's use of force creates a substantial risk to the safety of the public, exceeding the danger to deputies or the public created by allowing the suspect to remain at large.

5. Additional factors that must be considered when making use of force decisions include:
 - a. Subject Factors:
 1. Seriousness of crime committed by subject.
 2. Size, age, and weight of subject.
 3. Apparent physical ability of subject.
 4. Number of subjects present who are involved, or who may become involved.
 5. Weapons possessed by or available to the subject.
 6. Known history of violence by subject.
 7. Presence of innocent or potential victims in the area.
 8. Whether the subject can be recaptured at a later time.
 9. Whether evidence is likely to be destroyed.
 10. Indicators of attack exhibited by the subject such as but not limited to; verbalization of a hostile/aggressive intent, hostile/aggressive posturing, muscular tensing of the body, etc.
 - b. Deputy Factors:
 1. Size, physical ability, and defensive tactics expertise of the deputy.
 2. Number of deputies present or available.
 3. Immediate reaction in the case of sudden attack.
 4. Weapons or restraint devices available to the deputy.
 5. Legal requirements.
 6. Agency policy.
 7. Environment.
 - c. The above listed subject and deputy factors are not all inclusive. Any and all determining factors must be properly articulated by the deputy(s) employing physical force.

- B. All devices described in this policy will be used only after successful completion of a course in the proper use and carrying of the device. Reporting requirements for use of force described in this directive are listed in the attached matrix.

- C. An on-duty supervisor shall respond to every use of force incident which requires the completion of a Defensive Tactics/K-9 Report Form, to include a K-9 apprehension if the K-9 supervisor is not available to conduct a review. The supervisor should conduct a review of the use of force incident to verify compliance with agency policy.
 1. The supervisory review should include:
 - a. speaking with the involved deputy;
 - b. speaking with the suspect consistent with training;
 - c. ensuring witness statements (verbal or written) are obtained and/or reviewed;
 - d. ensuring photographs are taken, if possible, of significant injuries and/or impact points if an ECD was deployed. (Refer to General

Order 8.1.8 regarding ECD deployment and other responsibilities.)

2. If, due to exigent circumstances, a supervisor is not available to respond to the scene, or concludes that personnel should leave the scene due to operational or safety concerns, the supervisor must articulate those reasons in the comments section of the Defensive Tactics/K-9 Report Form, or obtain witness statements.
 3. If the supervisor has reason to believe a violation of agency policy has occurred that could result in discipline, the supervisor shall adhere to General Order 5.1.2.
 4. The responding supervisor shall verify the Defensive Tactics/K-9 Report Form, including all documentation obtained during the supervisor's review, is completed and forwarded through the deputy's chain of command for review. The Defensive Tactics/K-9 Report Form, including all documents, shall be forwarded to Professional Standards and a copy sent to Training.
 5. An incident involving a K-9 apprehension does not require a K-9 supervisor respond to the scene. However, the K-9 supervisor shall be responsible to conduct a thorough review of the incident to verify the K-9 apprehension was in compliance with agency policy. The Defensive Tactics/K-9 Report Form, including all documentation obtained during either the on-duty supervisor's or K-9 supervisor's review, will be forwarded through the K-9 deputy's chain of command for review.
- D. Side Handle Baton, Straight Baton or Expandable Baton
1. Deputies are authorized to carry an approved expandable baton only after successfully completing a course of instruction provided or approved by the Training staff. Carrying the issued expandable baton is optional when carrying an ECD. The issued expandable baton shall be carried and utilized only as authorized and no changes, alterations, modifications, or substitutions shall be made to the expandable baton without the prior written approval of the deputy's Division Commander via memorandum through the chain of command. The approved substitutions or modifications to the issued expandable baton are as follows:
 - a. Shorter or longer length.
 - b. Flashlight attachments.
 - c. Personalized end caps.
 - d. Magnetic tips.
 2. When utilizing the expandable baton, deputies shall use only that degree of force to protect anyone from physical attack or to overcome actual physical resistance to arrest. The agency shall provide in-service training regarding the use of the expandable baton to all affected personnel.
 3. Side handle or straight batons are only authorized by the Sheriff during special unit applications.

4. When an employee of the agency uses a baton, a Defensive Tactics/K-9 Report Form, must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor will investigate each incident and verify proper forms are submitted. A copy of the Defensive Tactics/K-9 Report Form shall be forwarded to Professional Standards.
- E. Use of Chemical Agent Individual Protection Device
1. An issued chemical agent, I.P.D. may be used when Level 3 or higher resistance is encountered. The chemical agent's physiological effects make its use more suitable in certain situations. Proper use will aid in making an arrest with minimum force.
 2. Deputies and non-sworn personnel authorized by the Sheriff shall be permitted to carry an approved chemical agent IPD only after successfully completing a course of instruction provided or approved by the Training staff. Uniform deputies shall carry the issued chemical agent IPD when engaged in any uniform assignment. All sworn personnel are encouraged to carry an approved chemical agent while engaged in non-uniform assignments. The issued chemical agent shall be carried and/or utilized only as issued and authorized. No changes, alterations, modifications, or substitutions shall be made to the issued chemical agent canister without the prior written approval of the deputy's Division Commander via memorandum through the chain of command. The approved substitutions to the issued chemical agent I.P.D. are as follows:
 - a. Key chain canisters.
 - b. Pen canisters.
 - c. Kubaton canisters.
 3. Prior to carrying an approved chemical agent I.P.D., personnel will be required to view the agency's training videotape on the use of chemical agents.
 4. When the issued chemical agent has been deployed, replacement canisters shall be obtained from Material Control/Supply. Personnel shall also replace their chemical agent canisters on or before the expiration date on the bottom of the canister or 5 years after the date of manufacture on the side of the can, dependant upon the brand carried.
 5. Replacement of non-issued chemical agent I.P.D.'s is at the expense of the individual deputy.
- F. Chemical Agent I.P.D. Procedures
1. Personnel may use an approved chemical agent I.P.D. when they are required to use physical force for protection from assault and/or to take a person into custody. The chemical agent I.P.D. may also be used against attacking dogs.
 2. The chemical agent should be used before "hands on" techniques or the use

of impact weapons (batons, etc.) when possible.

3. To prevent the hydraulic needle effect, when possible, the chemical agent I.P.D. should not be sprayed directly at a subject's eyes at distances of less than 3 feet.
 4. After spraying the suspect with the chemical agent, the arresting officer will then handcuff the individual to minimize the threat of injury to either the deputy or suspect. The deputy will then expose the suspect to fresh air or clean water to allow for decontamination.
 5. Any discharge, either intentional or accidental, will necessitate the immediate notification of the deputy's immediate supervisor.
 6. When an employee of the agency uses a chemical agent I.P.D., either intentionally (except for testing) or unintentionally, he or she must prepare a Defensive Tactics/K-9 Report Form, forward to the Division Commander, along with a copy of the Offense Report (if any). The immediate supervisor will investigate each incident and verify proper forms are submitted. Copies of the Defensive Tactics/K-9 Report Form shall be forwarded to Professional Standards and Training.
- G. Electronic Restraint System (ERS)
1. The Electronic Restraint System (ERS) is an electronic restraint belt system for inmate or defendant management control.
 2. This restraint system shall only be used for inmate control, prisoner extradition or transportation by personnel who are certified and as authorized by a supervisor.
 3. Only deputies trained and certified in the Electronic Restraint System (ERS) are authorized to use the Electronic Restraint System (ERS).
 4. The Electronic Restraint System (ERS) shall be used in accordance with the manufacturers' specification and training at all times.
 5. When an employee of the agency activates the Electronic Restraint System (ERS) and stuns an inmate or defendant, a Defensive Tactics/K-9 Report Form must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor will investigate each incident for compliance with agency policy and verify the proper forms are submitted. Copies of the Defensive Tactics/K-9 Report Form shall be forwarded to Professional Standards and Training.
- H. Other Weapons
- Other less-lethal weapons may be authorized by the Sheriff for special unit applications. Refer to General Order 8.1.1 on the deployment of less-lethal weapons.
1. When an employee of the agency uses a less-lethal weapon authorized by

GO 8.1.1, a Defensive Tactics/K-9 Report Form, must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor will investigate each incident and verify proper forms are submitted. Copies of the Defensive Tactics/K-9 Report Form shall be forwarded to Professional Standards and Training.

I. Civil Disorder

When dealing with civil disorder situations where no arrest is possible if less-lethal force is utilized, the Incident Commander or designee is responsible for the completion of the Defensive Tactics/K-9 Report Form. Refer to General Order 8.1.1 on the deployment of less-lethal weapons.

1. If an arrest is made, the deputy who used the less-lethal force is responsible for completing the Defensive Tactics/K-9 Report Form.

J. Flashlight and Other Weapons of Opportunity

1. The flashlight should never be used as a weapon of choice but rather as a weapon of opportunity. If the flashlight is used as a weapon of opportunity it will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.

2. 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 at a Level 4 or higher response on the Use of Force Matrix.

3. 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 (e.g., expandable baton, side handle baton, etc).

4. In the event that the flashlight, or other weapon of opportunity, is used as an impact weapon, the deputy should disengage as soon as the situation permits and transition to an approved impact weapon chemical agent or defensive tactic technique.

5. When an employee of the agency uses a flashlight or other weapon of opportunity as an impact weapon, a Defensive Tactics/K-9 Report Form, must be prepared and forwarded to the Division Commander, along with a copy of the Offense Report. The immediate supervisor will investigate each incident and verify proper forms are submitted. Copies of the Defensive Tactics/K-9 Report Form shall be forwarded to Professional Standards and Training.

- K. Nothing in this order shall prevent a deputy from utilizing any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a subject constitute Level 6 Resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the deputy or others.

- L. When tactically safe, deputies shall use reasonable means to apprehend a suspect,

prior to the suspect's entry into a motor vehicle or other conveyance.

M. Analysis and Reporting

1. Professional Standards shall prepare an annual report related to the use of force. The report will encompass:
 - a. Discharges of firearms investigated by the Shooting Team as outlined in this policy.
 - b. Actions that result in, or alleged to result in injury or death of another person.
 - c. The application of deadly or non-deadly force as defined by agency Written Directives.
2. Training shall conduct an annual analysis recommending training needs, equipment upgrades, and/or policy modifications related to the use of force.
3. Training shall on a continual basis review completed Defensive Tactics/K-9 Report Forms to evaluate the effectiveness of and need for training and product reliability.

N. Any deputy involved in an incident that requires the use of deadly or non-deadly force shall, when necessary, advise Communications to notify the appropriate emergency services and render medical aid within the scope of his or her training.

O. All personnel approved to carry an agency authorized weapon or firearm may only utilize or discharge it under the following circumstances:

1. When conducting authorized ballistics tests.
2. When engaged in sporting activities or shooting exhibitions as a representative of the agency.
3. At an authorized target range for practice or training purposes.
4. To kill a seriously wounded or dangerous animal when necessary.
5. To defend themselves or other persons against unlawful force when they reasonably believe that such conduct is necessary to prevent imminent death or great bodily harm to themselves or others.
6. To apprehend a fleeing felony suspect (which includes escapees) only when such force is necessary and probable cause exists to believe the suspect poses an immediate threat of death or serious physical injury to either the deputy or another person. If possible, a verbal warning must be given prior to utilizing deadly force.
7. When the deputy is able to independently, due to the totality of available information as well as experience based knowledge and training, articulate that the use of force is necessary to prevent imminent death or great bodily harm to themselves or others.
8. All agency issued firearms are authorized for use both on and off duty.

P. Deputies shall inform persons to be arrested of their authority and the cause of arrest, if possible and feasible, except when such person flees or forcibly resists before the deputy has an opportunity to inform him, or when the giving of such information would imperil the arrest.

Q. Members of the agency are not authorized to:

1. Fire warning shots
2. Draw or display a firearm unless there is a fear for their own personal safety or the safety of others. (Personal safety includes, but is not limited to the search of a structure for a suspected felon).
 - a. The intent of this provision is to permit deputies 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.
3. Use a firearm to arrest or prevent the flight of a person who has committed a misdemeanor or traffic violation.
4. Discharge their weapons at or into a moving vehicle unless it is absolutely necessary to do so to protect against an imminent danger of death or serious bodily harm to the deputy or others.

Shooting at or into a moving vehicle can be ineffective and should only be considered as a last resort to protect the deputy or another from an imminent danger of death or serious bodily harm.

Deadly force may be justified when a suspect rams, attempts to ram or uses a vehicle to engage in conduct that poses an imminent danger of death or serious bodily harm to the deputy or others. A deputy must be able to articulate that an imminent danger exists and that the suspects' actions did not result in incidental or accidental contact between vehicles.

5. Intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms.

R. Deputy Surrendering Weapon

Surrendering the weapon may mean giving away the only chance for survival. A deputy should use every tactical tool at his/her disposal to avoid surrendering the weapon. The danger to a deputy is not necessarily reduced by giving up the weapon upon demand.

S. Accidental Discharge of Firearm without Injury (when there is no suspect-deputy sheriff confrontation)

1. Agency member(s) accidentally discharging a firearm not resulting in an injury to a person will:
 - a. Re-holster the weapon.
 - b. Immediately notify their respective supervisor.
 - c. Secure the scene and summon sufficient backup personnel, if

necessary.

2. Immediate Supervisor will:
 - a. Respond to the scene without undue delay.
 - b. Immediately notify the Watch Commander or designee.
 - c. Advise Communications to request a Crime Scene investigator to respond, if deemed necessary.
 - d. Secure the firearm and leave it unaltered until a Crime Scene investigator arrives to document the weapon's condition. An exception would be a semi-auto that could be de-cocked for safety.
 - e. Verify that the accidental discharge did not occur during a suspect-deputy sheriff confrontation.
 - f. The involved deputy's supervisor shall designate a non-involved deputy to prepare a comprehensive written report of the incident in memorandum form, which must include, but not be limited to:
 1. A chronological, detailed narrative of the incident, including all events prior to, during, and immediately after the shooting.
 2. The names and addresses of all civilian witnesses, if any, the names of other agency members present or involved, their rank, division and duty assignment.
 3. Whether agency members were involved, or present at the incident, and in uniform or civilian clothing.
 4. Whether vehicles were marked or unmarked, and vehicle numbers.
 5. A description of the scene to include 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.
 6. A description of injuries sustained by any person present at the time of the incident, which is not attributed to a police action.
 7. A list of other police, fire, and ambulance personnel present at the scene, including names when possible.
 8. A sketch of the scene.
 9. Written statements from all witnesses, including civilian and agency members.
 10. Submit it to the Bureau Commander, via chain of command, along with a copy of the Incident Report.
 11. Prepare a Defensive Tactics/K-9 Report Form (the original must be forwarded to Professional Standards, via chain of command. A copy must be sent to Training and a copy included in the internal investigative file.)
 - g. Complete an initial complaint form, obtain a tracking number from Professional Standards, and initiate the investigative process in accordance with General Order 5.1.2.
 - h. File a report of the incident in the Commander's Report.
3. Watch Commander will:
 - a. Respond to all weapons discharges.
 - b. Immediately notify the involved deputy's Division Commander or

- c. designee.
 - c. Confirm the deputy's immediate supervisor has carried out all responsibilities.
 - d. Notify Communications to make a recording of the incident.
- T. In all other incidents where agency members discharge a firearm (except the killing of animals), they will:
1. Re-holster the weapon.
 2. Immediately notify the appropriate emergency services, if necessary.
 3. Immediately notify their respective supervisor.
 4. Secure the scene and summon sufficient backup personnel.
 5. Obtain the names and addresses of all civilian witnesses, if any, and the names of other agency members present or involved, their rank, division, and duty assignment.
 6. Immediate Supervisors will:
 - a. Respond to the scene immediately.
 - b. Immediately notify the Watch Commander.
 - c. Request the on-duty or on-call Major Case Shooting Team to respond to the scene of the incident.
 - d. Request Professional Standards supervisor or representative respond to the scene of the incident.
 - e. Assign a non-involved deputy (a deputy who did not discharge their weapon) to complete the related Incident Report and the Defensive Tactics/K-9 Report Form. Only Part 1 and 2 of the Defensive Tactics/K-9 Report Form should be completed.
 - f. Review the Defensive Tactics/K-9 Report Form and submit the original copy to Professional Standards, via chain of command, along with a copy of the Incident Report. A copy must also be sent to Training.
 - g. The on-scene supervisor shall assign a non-involved deputy sheriff to remain with the deputy involved in the shooting at all times. The on-scene supervisor shall request personnel assigned to Forensics to respond to the scene of the incident. The Crime Scene investigator will take custody of the firearm for processing and provide the deputy with a replacement weapon. The deputy involved shall not be left unattended or out of the view of the assigned deputy sheriff prior to the weapon exchange. If the involved deputy's attorney wishes to have a confidential discussion with the deputy involved in the shooting prior to the weapon exchange, it may take place within an area designated by the Violent Crimes Lieutenant or designee at a location where the deputy sheriff involved in the shooting can be observed at all times by the assigned deputy sheriff.
 - h. File a report of the incident in the Commander's Report.
 7. Watch Commander Will:

- a. Notify the involved deputy's Division Commander or designee, who will make the appropriate administrative assignment for the deputy.
 - b. Confirm the deputy's immediate supervisor has carried out all responsibilities.
 - c. Immediately notify the on-call Public Information Officer, who will coordinate with the Shooting Team.
8. Division Commander will;
- a. Confirm the employee(s) are evaluated by an agency contracted Psychologist prior to releasing the employee(s) back to full duty.
- U. The Deputy Involved Shooting Team
- 1. Homicide will be responsible for the Deputy Involved Shooting Team.
 - a. The Shooting Team will either investigate the incident or liaison with the Florida Department of Law Enforcement depending on the circumstances of the shooting. The determination will be made by the Criminal Investigations Division Commander or designee in concert with the Florida Department of Law Enforcement supervisor. If the Florida Department of Law Enforcement is determined to be the lead, the Orange County Sheriff's Office will assist as requested. If the Orange County Sheriff's Office is the lead then the Deputy Involved Shooting Team will conduct the investigation. The Shooting Team will be comprised of a minimum of one on-call Homicide Team, the Homicide supervisor, and two (2) detectives. A second, third, or fourth Homicide Team may be called if the Homicide supervisor feels it is necessary.
 - b. 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 investigators will head the investigation with Orange County Sheriff's Office detectives assisting as requested. The Florida Department of Law Enforcement Crime Scene Investigators or the Orange County Sheriff's Office Crime Scene Investigators may be utilized at the discretion of the lead investigative agency.

 - c. The lead detective of the Homicide Team will supervise all other detectives assigned to the case.
 - d. The Homicide supervisor or designee will act as the investigation coordinator and oversee all aspects of the investigation.
 - e. The Major Case Section Commander and/or Violent Crimes Lieutenant will act as a liaison between the Sheriff's Staff and the Shooting Team.
- V. Procedures at Deputy Shooting
- 1. The Shooting Team will be responsible for the investigation of deputy involved shootings not investigated by the Florida Department Law

Enforcement, with the exception of the killing of a wounded or dangerous animal and accidental discharges not resulting in an injury. Accidental discharges occurring when there is a suspect-deputy sheriff confrontation shall be investigated by the Shooting Team. Watch Commanders or the involved deputy's chain of command may request the Shooting Team investigate any accidental discharge incident. The decision to call out the Shooting Team to investigate will be made by the Violent Crimes Lieutenant or designee, after being briefed by the Watch Commander or chain of command on the circumstances of the incident.

- a. The Shooting Team will respond to the scene to assure proper crime scene preservation and maintain control of witnesses and subjects. The lead detective may direct assisting detectives to other locations, as he/she deems necessary. Responding Shooting Team detectives and crime scene investigator will monitor the Sheriff's Office channel of the sector where the incident occurred.
- b. All witnesses, including the subject deputy/deputies, will be separated to assure witness credibility. No one, other than the Shooting Team detectives, should interview witnesses. This does not preclude a supervisor asking basic questions in order to find out what has occurred so that proper informed notifications can be made. Care should be taken by the lead Shooting Team detective to fully explain the investigative process to the involved deputy/deputies. The involved deputy/deputies should not be left alone. A fellow deputy, not involved in the incident, should stay to provide support.
- c. The Major Case Section Commander and/or Violent Crimes Lieutenant will respond to all deputy involved shooting incidents and act as a liaison between the detectives and staff. The Homicide supervisor will keep the Major Case Section Commander and/or Violent Crimes Lieutenant fully informed as to the progress of the investigation.
- d. The Director of Human Resources or designee shall be notified of all Deputy involved shootings.
- e. An agent of Professional Standards will respond to the scene as a member of the Sheriff's staff. He/she shall verbally brief the Professional Standards Section Commander or designee on preliminary indications from the scene. The responding Professional Standards agent is not considered part of the Shooting Team.
- f. The Forensics supervisor and crime scene investigator will be responsible for ensuring the shooting scene is properly and thoroughly processed. The scene processing will include, but not be limited to, ground level photographs, aerial photographs, and detailed drawings/sketches with all relevant factors. The assigned crime scene investigator will receive all weapons involved in a shooting incident, carefully clearing and recording projectile quantity and location. All firearms involved may be submitted as is to the Florida Department of Law Enforcement or our forensic firearm examiner. A semi-automatic will be decocked before submission for safety purposes. The crime scene supervisor will issue temporary replacement firearms to deputies. Before responding to the shooting

- scene, the crime scene investigator and/or supervisor should determine what kind of firearm the deputy will need to replace his/her service weapon.
- g. If a death is involved, the Medical Examiner will be notified at the appropriate time by the Shooting Team lead detective or by one of his/her designees.
 - h. An area canvass will be initiated immediately to locate additional witnesses who have pertinent information regarding the shooting. Any witness information should be brought to the immediate attention of the lead detective. Statements should be taken from all persons interviewed whether or not they saw something.
 - i. Pre-interviews of witness deputies at the scene will be conducted by the Shooting Team as part of a fact finding mission.
 - j. Upon completion of the pre-interviews, the Shooting Team will conduct an on scene critique with the appropriate personnel to discuss the facts and circumstances of the case. A decision will be made whether or not to issue Miranda Warnings to subject deputy(s) prior to conducting a formal interview. Deputies involved are to be treated as any citizen involved in similar circumstances.
 - k. If Miranda Warnings are to be issued to the involved deputy(s), the lead detective will read the Miranda Warnings to the involved deputy(s) prior to obtaining a formal statement.
 - l. Once the investigation reverts to the formal interview stage, the Shooting Team detectives will take tape recorded formal statements from the shooters and taped or written statements from all other witnesses.
 - m. If the Division Commander, or designee, of the deputy involved in the shooting believes it necessary, he or she will notify the HRD Director who will arrange for a contracted psychologist to respond where needed.
 - n. The employee's chain of command shall contact the Human Resources Director or designee to schedule a return-to-work evaluation by an agency selected psychologist/psychiatrist for the employee prior to the employee being released back to full duty. The agency selected Psychologist/Psychiatrist will forward his/her findings to the Director of Human Resources or designee who will forward these to the appropriate Bureau Commander or designee and the employee's Division Commander or designee.
 - o. After the Shooting Team has conducted its preliminary on scene investigation, the Major Case Section Commander or designee, as soon as practical, will schedule a meeting with the member of Professional Standards who responded to the scene. The Major Case Section Commander or designee will verbally brief the Professional Standards member on the current status of their investigation.
 - p. The Professional Standards Section Commander or designee will verbally inform the Sheriff of the administrative status of the inquiry surrounding the shooting.
 - q. The Violent Crimes Lieutenant and Homicide supervisor if necessary

will schedule a critique with the Shooting Team, Crime Scene investigator and in some cases, the Medical Examiner and State Attorney's Office to discuss all aspects of the case.

W. Shooting Report

1. The initial responding deputies on the scene will complete an initial complaint report on the incident or crime which precipitated the shooting incident. Example: burglary, vehicle pursuit, robbery, etc. Their primary responsibility reference the shooting investigation is:
 - a. To secure the scene;
 - b. Render first aid; and
 - c. Gather witnesses.

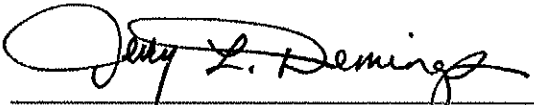
Witnesses should be separated and an effort made to keep them from leaving before the Shooting Team can conduct interviews. If a witness must leave, then the deputy will get detailed information about the witness, as well as what the witness saw.

2. The report, under a separate case number, will be responsibility of the Shooting Team's Lead detective. Copies of all reports from other units within the Sheriff's Office or other police agencies will be supplied to the Shooting Team. This is to help maintain continuity of the investigation. The Shooting Team will be the clearing house of all information involving the shooting incident. If there are discrepancies, the Shooting Team will deal with them before the report is completed and information is released to the public. In those cases where the Florida Department of Law Enforcement is the lead agency, that agency will be responsible for completing the official and only report of the incident and filing the applicable paperwork with the State Attorney's Office, as well as providing a complete copy of the report and attachments to the Orange County Sheriff's Office. All press releases should be coordinated with the Shooting Team and released through the P.I.O.'s Office.
3. The report of the incident should include, but is not limited to, the following:
 - a. A chronological narrative of the incident in detail, 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 other agency members present, or involved, their rank, division and duty assignments.
 - 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 the vehicle numbers.
 - e. A description of the scene to include 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 injuries sustained by any person present at the time of the incident, which is not attributed to a police action.

- g. A description of the member's weapon, ammunition discharged, number of rounds fired, direction, approximate distance, weapon serial number, type of holster, and any other pertinent information.
 - h. A description of weapon or weapons used by all those involved.
 - i. A list of other police, fire and ambulance personnel present at the scene, including names, when possible.
 - j. All available information on the suspect.
 - k. A detailed sketch of the scene.
 - l. Written or transcribed recorded statements from all witnesses, including civilian and agency members.
4. Upon completion, the report will be forwarded to the State Attorneys' Office for review and to Professional Standards. Professional Standards will submit a final report plus conclusions to the Sheriff.
- X. **Reassignment Pending Preliminary Administrative Review**
The deputy or deputies involved in a shooting incident whether or not there is an injury, will be temporarily reassigned to non-enforcement related duty for a minimum of one week, pending a preliminary administrative review of the shooting incident. The Sheriff reserves the right to deviate from the above. Notification of the reassignment shall be made in writing by the investigating department's chain of command. Copies of this notification shall be forwarded to Human Resources and Accreditation.
- Y. **In-Custody Deaths**
In the event of an in-custody death, the following procedures will be followed:
- 1. Immediate Supervisors will:
 - a. Respond to the scene immediately.
 - b. Immediately notify the Watch Commander.
 - c. Request the on-duty or on-call Homicide detective respond to the scene of the incident.
 - d. Request a Professional Standards supervisor or representative respond to the scene of the incident. Professional Standards shall conduct an investigation when a subject dies or suffers serious bodily injury.
 - e. Assign a non-involved deputy to complete an Incident Report and the Defensive Tactics/K-9 Report Form. Only Part 1 and 2 of the Defensive Tactics/K-9 Report Form should be completed.
 - f. Review the Defensive Tactics/K-9 Report Form and submit the original copy to Professional Standards, via the chain of command, along with a copy of the Incident Report. A copy must also be sent to Training.
 - g. Request personnel assigned to Forensics respond to the scene of the incident.
 - h. File a report of the incident in the Commander's Report.
 - 2. Watch Commanders will:
 - a. Notify the involved deputy's Division Commander.
 - b. Confirm the deputy's immediate supervisor has carried out all responsibilities.

- c. Immediately notify the on-call Public Information Officer, who will coordinate with Homicide.
 3. Homicide will be responsible for the investigation of all in-custody deaths.
 4. Upon completion of Homicide report, a copy will be forwarded to Professional Standards. Professional Standards will submit a final report plus conclusions to the Sheriff.
 5. In-custody deaths will be reported to the Florida Department of Law Enforcement Statistical Analysis Center to facilitate the requirements of the Deaths in Custody Act of 2000.
- Z. Killing of a Seriously Wounded or Dangerous Animal When Necessary
 1. A deputy may discharge his/her firearm to kill a seriously wounded or dangerous animal when all other disposition is impractical. If possible, the deputy shall follow the below listed procedures:
 - a. Contact sergeant and obtain approval.
 - b. Exhaust all efforts to notify the owner (if any) to obtain owner's permission to destroy animal.
 2. An Incident Report shall be made detailing the circumstances. The sergeant shall log the incident on the Commander's Report and notify the Watch Commander. Disposal of the carcass shall be handled in accordance with agency policies concerning Animal Control Services.
- AA. Retraining

Every calendar year, all Orange County Sheriff's Office supervisory personnel will read orally the preceding Use of Force Policy to their subordinates. Upon completion of the reading of the Use of Force Policy, the supervisor will complete the appropriate documentation for inclusion in the deputy's personnel file.


SHERIFF JERRY L. DEMINGS

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USE OF FORCE REPORTING REQUIREMENTS

RESPONSE LEVELS	USE OF DEFENSIVE TACTICS / K-9 FORM	INCIDENT REPORT
1 Presence	No	No
2 Field Interview Stance	No	No
2 Dialogue	No	No
2 Verbal Direction	No	No
2 Touch	No	No
3 Transporters	No (Yes: If Injuries - Known or Suspected)	Yes
3 Pain Compliance	No (Yes: If Injuries - Known or Suspected)	Yes
3 Take Downs	No (Yes: If Injuries - Known or Suspected)	Yes
3 Restraint Devices	No (Yes: If Injuries - Known or Suspected)	Yes
3 Counter Moves	No (Yes: If Injuries - Known or Suspected)	Yes
3 Chemical Agent/IPD	Yes	Yes
3 ERS	Yes	Yes
4 Intermediate Weapons/ ECW	Yes	Yes
5 Incapacitation	Yes	Yes
6 Deadly Force	Yes	Yes