

**Consolidated City of Jacksonville**  
**OFFICE OF THE SHERIFF**

**GENERAL ORDER LXXII.6 (72)**

**SUBJECT: RESPONSE TO RESISTANCE**

**RESCINDS: LXXII.5 (01-23-14)**

**SCOPE: CPRS/2**

**EFFECTIVE DATE: 10-30-2014**

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

This order consists of the following numbered articles:

- I. **Policy**
- II. **Disclaimer**
- III. **Definitions**
- IV. **Non-Deadly Force Policy**
- V. **Deadly Force Policy**
- VI. **Supervisory Responsibilities**
- VII. **Tactical Neck Restraint**
- VIII. **Remote Electronically Activated Control Technology Device (R-E-A-C-T Band-IT)**
- IX. **Intermediate Weapons (Batons and Flashlights)**
- X. **Chemical Weapons**
- XI. **Specialty Impact Weapons**
- ▷ XII. **Conducted Electrical Weapon (CEW) Deployment Situational Factors and Assessment**
- XIII. **Conducted Electrical Weapon (CEW) Deployment Parameters**
- XIV. **Conducted Electrical Weapon (CEW) Post Deployment Procedures**
- XV. **Firearms Policy**
- XVI. **Accidental Discharge**
- XVII. **Response to Aggressive Animals**
- XVIII. **Response to Officer Involved Shootings and Deadly Force Incidents**
- XIX. **The Florida Law Enforcement Officer Blue Alert Plan**
- XX. **Administrative Procedures Related to Duty Status for Officer Involved Shootings and Deadly Force Incidents**
- XXI. **Response to Resistance Report (RTR)**

**I. Policy**

- A. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. There

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are situations when an officer must make a decision of whether or not to use deadly or non-deadly force. Recognizing the agency cannot make the decision, the agency must provide guidance and training to aid officers in the exercise of that decision.

- B. It is the policy of the Jacksonville Sheriff's Office (JSO) to allow officers to use only that degree of force which is reasonable and necessary to effect an arrest or to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to use force at any level must be based upon state and federal laws and the circumstances that the officers reasonably believed to exist at that time.
- C. All personnel shall be issued a copy of and instructed in the RTR policies before being authorized to carry any issued weapons or placed in a position where force may be used.
- D. Officers may receive information about another person or observe behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. If this occurs, officers shall notify the Communications Center using the 10-69 radio signal and attempt to contain this individual until additional police and Fire Rescue personnel are available. These types of observed behaviors may be indicators of a **serious medical condition** and should be handled as a **medical emergency**.
- E. All discharge of firearm incidents (outside of training) will be reviewed by the RTR Board's Chairperson to determine if the full Board will review the incident (some incidents may be exempted from review such as shooting injured animals.) The RTR Board Chairman shall review any incident where response to resistance upon any individual results in death or great bodily harm or anytime a JSO member discharges their firearm, as part of their official duties, at another person; whether or not the person was struck by the gunfire. Upon recommendation of any Sheriff's Staff member or the Sheriff, the RTR Board Chairman may review other incidents where other types of force were used. A report of the Board's findings, along with any recommendations for further administrative review will be forwarded to the Sheriff. If the Board believes an officer may have violated JSO policy by their actions or inaction, the Board will recommend to the Sheriff that the incident be administratively investigated by the Internal Affairs Unit.
- F. The Blocking and Precision Immobilization Technique (PIT) is considered an application of force. The proper utilization and documentation of these techniques is addressed in the [Operational Order 04.01, Vehicle Pursuits](#). Any PIT usage will be forwarded from the Staff Inspections Unit to the RTR Board Chairman to determine if the incident should be reviewed by the RTR Board.
- G. Medical Evaluation - Officers and supervisors will be required to obtain medical evaluations from the Jacksonville Fire and Rescue Department (JFRD), nurse at the Pretrial Detention Facility (PDF), as soon as possible or practical, for individuals:

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1. Who show signs of any injury as a result of any use of force being applied;
2. Who complain about any injury as a result of force being applied;
3. Who become unconscious either during or following the application of any force; or
4. When the officer or supervisor reasonably believes an individual is in need of a medical evaluation as a result of the application of force.

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

**II. Disclaimer**

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

**III. Definitions – The following definitions apply to all RTR policies.**

- A. *Non-deadly Force:* Force which is not likely to cause death or great bodily harm.
- B. *Deadly Force:* Force which is intended to, or likely to, cause death or great bodily harm. Deadly force will only be used in accordance with the procedures described in Article V of this order.
- C. *Probable Cause:* Exists where the facts and circumstances within the officers’ knowledge are sufficient to warrant a reasonable officer to believe that an offense has been or is being committed by a particular individual or individuals.
- D. *Reasonable Belief:* Exists where the facts or circumstances the officer knows or believes to exist are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- E. *Great Bodily Harm:* Bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in the long-term loss or impairment of the functioning of any bodily member or organ.
- F. *Passive Resistance:* A subject refuses to comply or respond. He does not make an attempt physically to defeat the actions of the officer but forces the officer to employ

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physical maneuvers to establish control (e.g., A subject may be involved in a demonstration. The subject ignores an officer's requests to move, and the officer must use physical strength to move the subject.)

G. *Active Physical Resistance:* A subject makes physically evasive movements to defeat an officer's attempt at control. Active physical resistance (taken in the totality of the situation) may be demonstrated by one or more of the following acts by the person subject to being taken into custody:

1. Circling the officer;
2. Forming a fist;
3. Verbalization of aggressive intent;
4. Becoming increasingly more animated/exaggerated in his movement and/or increasing his muscular tension (e.g., jaw clenches, neck muscles tighten, etc.);
5. "Blading" the body and/or moving their feet into a balanced or fighting stance;
6. Rolling up sleeves or removal of clothing or valuables; and/or
7. Any other behavior that indicates a likelihood or expectation of violence towards the officers, themselves, or others.

**NOTE: Failure to obey verbal commands is not considered active physical resistance.**

H. *Physical Control* - There are six classifications of physical control:

1. Restraint Devices - Mechanical tools used to restrict a subject's movement and facilitate searching, such as handcuffs, flex cuffs, leg irons, belly chains, or nylon restraints.
2. Transporters - Techniques used to control and/or move a subject from one location to another with minimum effort by the officer in order to gain and retain control over the subject.
3. Pain Compliance – Hand-held aerosol chemical munitions (Defense Technology MK-3) or techniques that force a subject to comply with an officer as a result of the officer deploying the chemical munitions or inflicting controlled pain upon specific points on the subject's body, such as pressure point techniques (e.g., Subject refuses to move, so the officer has the option of applying gradual fingertip pressure to a nerve in order to gain compliance).
4. Conducted Electrical Weapon [CEW] (TASER®) - Weapons designed to disrupt a subject's motor and sensory nervous systems by means of

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deploying battery powered energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses, thus allowing an officer to capture the person who is resisting being taken into custody (e.g., A subject is notified by the officer that they are under arrest and the subject flees or engages in active physical resistance towards the officer in an attempt to avoid being taken into custody. The officer deploys a CEW and takes the person into custody).

5. Takedowns - Techniques that redirect a subject to the ground in a controlled manner in order to limit his physical resistance and to facilitate the application of a restraint device.
  6. Counter Moves - Techniques that impede a subject's movement toward an officer or other individual, such as blocking, striking, distracting, kicking, dodging, weaving, redirecting, and/or avoiding, followed by appropriate controlling techniques (e.g., A subject is approaching the officer in a threatening manner, and the officer uses a vertical punch to back the subject away. The subject becomes aggressive and throws a punch at the officer, which the officer blocks).
- I. *Intermediate Weapons*: Weapons that are primarily used to control a subject, such as a baton or specialty impact weapons.
  - J. *R-E-A-C-T BAND-IT: Remote Electronically Activated Control Technology* - The device works by causing electro-muscular incapacitation on the appendage it is applied to. This device is activated by remote control.
  - K. *R-E-A-C-T BAND-IT CONTROL OFFICER*: This term is used to describe the officer whose sole responsibility is to observe the prisoner and his actions. This officer is also the one in possession of the remote activation button. The Control Officer shall be an officer who has been trained and successfully completed certification in the operation of the device.

**IV. Non-Deadly Force Policy**

- A. Non-deadly force may be used to effect arrests or to protect officers or others from personal attack, physical resistance, or injury, provided the force chosen is reasonable based upon the immediate circumstances of the confrontation.
- B. Non-deadly force may also be deployed against a subject who is attempting to flee and avoid capture from a lawful arrest. In a corrections environment, non-deadly force may be used against a person who is passively resisting a lawful command that may affect the safety of members and inmates and/or to maintain or restore control and order in a correctional facility.
- C. Non-deadly force may involve physical control, intermediate weapons and/or incapacitation techniques. In order to protect the officer or others, an instrument or object that is not necessarily designed for such use or one with which the officer may not have been trained or certified to use, may be used as long as it is used in accordance with the limitation on force contained within the RTR policies.

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- D. Non-deadly force should only be used when absolutely necessary and only to the degree needed to affect a lawful arrest, overcome resistance, maintain order within the corrections setting, or protect the officer or another person from bodily harm. In doing so, the officer must consider all factors:
1. Severity of the crime/situation at issue;
  2. Whether the person is resisting the officer's attempt to place him in custody, or attempting to evade an officer by flight;
  3. Whether the person poses an imminent threat to the safety of the officer(s) or others; or
  4. An inmate is attempting to disrupt the care, custody, and control of a correctional facility.
- E. The degree of force shall be consistent with training and the aforementioned factors.

**V. Deadly Force Policy**

- A. Deadly Force – the use of deadly force is acceptable only under the following circumstances:
1. Officers may use deadly force when the officer reasonably believes that such force is necessary to prevent imminent death or great bodily harm to themselves or another person;
  2. Officers may use deadly force to apprehend a fleeing felon **only** when:
    - a. There is probable cause to believe the person fleeing committed a violent felony which involved the infliction or threatened infliction of great bodily harm or death, **or** the person fleeing escaped while being held in custody as a suspect or prisoner for a violent felony which involved the infliction or threatened infliction of great bodily harm or death; **and**
    - b. The officer reasonably believes that the use of deadly force is necessary to prevent escape; **and**
    - c. The officer reasonably believes the failure to immediately apprehend the fleeing person will place the officer, another law enforcement officer, or any other person in imminent danger of death or great bodily harm.

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

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**NOTE:** If feasible, prior to the use of deadly force, officers shall, give some warning of the possible use of deadly force, unless to do so would jeopardize the safety of the officer or any other person.

- B. The following additional restrictions apply to the use of deadly force:
1. Moving Vehicles - Firearms shall *NOT* be discharged from or at a moving vehicle except under the following conditions;
    - a. As a last resort when all other opportunities have been exhausted, to prevent death or great bodily harm to the officer or another person, **or**
    - b. As a last resort to prevent the escape of a fleeing felon who poses an imminent threat of death or great bodily harm to the officer or another person, **or**
    - c. When authorized by a Watch Commander or higher authority.
  2. The firing of warning shots is absolutely prohibited;
  3. Officers will not needlessly place themselves or remain in situations of great danger and use this as justification for the use of deadly force. For example, if confronted by a moving vehicle, officers will move out of its path, if possible, rather than firing at the vehicle;
  4. When discharging a firearm for any reason, officers must exercise caution in order to avoid unnecessarily endangering the lives of bystanders. Unless there are extenuating circumstances, officers shall give consideration to the backdrop, bystanders, and location;
  5. Except when authorized by law or mutual aid agreement, an officer may use deadly force outside of Duval County to defend the officer or another person from what he reasonably believes is necessary to prevent imminent death or great bodily harm to himself or another person;
  6. Firearms may be drawn whenever officers have reason to fear for their safety or the safety of others (i.e., Felony take downs, building searches, unknown risk traffic stops); or
  7. When engaged in the application of deadly force involving the use of a firearm, members shall handle the firearm with strict regard to the techniques taught by certified firearms training personnel assigned to the Training Academy and Firing Range, and as outlined in Article XV of this order.
- C. Should an officer take an action that results in, or is alleged to have resulted in, serious injury or death of another person, the officer and responding supervisors will not complete the reports directly involved with the incident, however, they may be required to complete Supplemental Reports as necessary. Incidents

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involving these types of injuries or death will be investigated and reported by the JSO Homicide/Cold Case team.

**VI. Supervisory Responsibilities**

- A. First line supervisors are responsible for ensuring officers properly document qualifying incidents when deploying non-deadly force.
- B. The on-scene and/or the officer's immediate supervisor will review all incidents in which there is an application of non-deadly force.
- C. When the situation allows, supervisors will ensure a plan of action is developed and discussed prior to taking action that may require a possible response to resistance.
- D. If the supervisor is at the scene when a response to resistance is required, they will be held accountable for controlling the actions of the officers engaged in the application of force.

**VII. Tactical Neck Restraint**

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

**VIII. Remote Electronically Activated Control Technology Device (R-E-A-C-T/ Band-IT)**

- A. The activation of the R-E-A-C-T/Band-It constitutes a response to resistance. If activated, the officer will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. If activated, an RTR Report will be completed by the Control Officer and any witness officer will complete an RTR Witness Report. Any and all applicable RTR reports will be completed using the originating Central Communication Report (CCR) number.
- B. The R-E-A-C-T/Band-It may be activated when lesser force options are ineffective or likely to be ineffective because:
  - 1. The prisoner poses a threat, and the officer or others are at risk of injury if attempts are made by the prisoner to becoming increasingly more animated/exaggerated in his movement towards the officer or others;
  - 2. The prisoner is punching or kicking or threatening to punch or kick;
  - 3. The officer reasonably believes the prisoner poses a threat, attempts an escape, or takes any aggressive action;
  - 4. The prisoner attempts to disrupt proceedings by threats to do violence to others or self and actually takes some action towards completing those acts; and/or
  - 5. The prisoner makes any attempt to remove or tamper with the Band-It.



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- C. Upon encountering a situation in which it is determined the R-E-A-C-T Band-It must be activated, the officer, when feasible, will broadcast a “Band-It” warning. The Control Officer will summon Fire/Rescue to evaluate the prisoner. The Control Officer will ensure that photographs are taken of any injuries once the prisoner is at a secure location. Immediately after activation of the R-E-A-C-T Band-It, the officer shall notify a Bailiff Sergeant and will check back on the original call for service using the disposition code ‘RTR’ in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The officer will complete at a minimum the RTR Report in ARMOR and any other applicable report(s). Any and all applicable RTR reports will be completed using the originating CCR number.

**IX. Intermediate Weapons (Batons and Flashlights)**

- A. Consistent with training, officers will not intentionally strike anyone with an intermediate weapon on the head, neck, and clavicle unless the circumstance justifies the use of deadly force.
- B. Officers will not strike an individual with anything other than an approved intermediate weapon except in extreme circumstances, and officers must justify their actions as outlined in Article IV.C of this order.

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

- C. Anytime an officer uses an intermediate weapon on or against an individual, the officer will check back on the original call for service using the disposition code ‘RTR’ in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The officer will complete an RTR Report in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number. This form shall be routed through the on-duty chain of command.
- D. Anytime an officer witnesses the use of an intermediate weapon on or against an individual, an RTR Witness Report must be completed in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number. Officers shall route the form through their on-duty chain of command.

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

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**X. Chemical Weapons**

- A. Prior to a member's decision to deploy the chemical munitions, the following conditions must be met:
1. The officer must have legal authority to take the person into custody or the person is already lawfully confined in a Department of Corrections facility; and
  2. The officer (e.g., sworn, corrections, bailiffs, or civilian security guard) is justified in the use of non-deadly force to this degree as set forth in this order.

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

- B. Chemical munitions WILL NOT be used on individuals under the following conditions:
1. In a punitive manner; or
  2. On a person secured by handcuffs or other restraint devices, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.
- C. Anytime a person is exposed to a chemical agent, as soon as practical, that person must be:
1. Escorted to an uncontaminated environment;
  2. Exposed to fresh air; and
  3. Allowed to flush contaminated body areas with water.
- D. A person who has been contaminated by a chemical agent will be monitored by Sheriff's Office personnel *throughout* the decontamination period. Personnel utilizing a hand held aerosol chemical munition will notify their immediate or on-duty area supervisor as soon as it is safe to do so.

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

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**symptoms are detected this should be considered a MEDICAL EMERGENCY and rescue/medical assistance will be sought immediately.**

- E. All incidents involving exposure to a chemical agent (person or animal) will be documented by checking back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The incident will be documented on an RTR Report and/or an RTR Witness Report in ARMOR and a General Offense/Incident Report (Including the Animal Investigation Report for animal attacks) and/or Arrest and Booking Report, when applicable. Any and all applicable RTR reports will be completed using the originating CCR number. The RTR Report shall be routed through the on-duty chain of command.
- F. Anytime an officer witnesses an exposure to a chemical agent (person or animal) they will document it on an RTR Witness Report in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number.
- G. In cases when chemical agents have been used on an inmate or on a person that has been arrested, the details of the circumstances surrounding the use of a chemical agent, including the time of exposure, and if the contaminated body areas have been flushed with water, shall be included in the narrative of the Arrest and Booking Report or Corrections Incident Report. Personnel at the PDF will be advised in every instance when a chemical agent has been used on an arrestee/inmate in order to allow the arrestee/inmate to shower if so desired.

**XI. Specialty Impact Weapons**

- A. Use of specialty impact weapons may occur after other options to control or apprehend a suspect have been exhausted and the suspect has resisted at a minimum with active physical resistance. Specialty impact weapons may be utilized to neutralize a significant immediate threat, which may otherwise justify the use of deadly force.
- B. The employment and the use of specialty impact weapons are aggressive and decisive actions, which may assist in achieving the goal of protection of life and property and/or restoring order. They may be considered whenever the use of non-deadly options would assist in enabling an arrest, restoring order, and/or reducing the risk of more serious injury. Circumstances justifying the use of specialty impact weapons include, but are not limited to:
  - 1. Restoration or maintenance of order during jail or civil disturbance;
  - 2. Safely overcoming violent prisoners;
  - 3. Subduing vicious animals; and
  - 4. Situations wherein the authorizing person believes that deadly force would be otherwise justified in the absence of a non-deadly option (e.g., in the face of imminent death or grievous bodily harm to self or others).

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- C. Only in extreme circumstances, will any officer deploy specialty impact weapons without cover officers and a tactical cover plan in place.
- D. Officers deploying specialty weapons shall not intentionally target a subject's head or neck, unless the circumstances justify the use of deadly force.
- E. Photographs will be taken by the Crime Scene Detective or on-duty supervisor of all injuries to persons struck by specialty impact munitions.
- F. Qualified medical personnel will inspect all persons struck by specialty impact munitions for injury. Those persons not transported by rescue will be transported to Shands Jacksonville by the reporting officer to be examined by emergency room personnel.
- G. Anytime a specialty impact weapons firearm is discharged, other than for training purposes, the officer will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. An RTR Report and/or an RTR Witness Report in ARMOR must be completed. Any and all applicable RTR reports will be completed using the originating CCR number. Officers shall route the form through their on-duty chain of command.
- H. Anytime an officer witnesses a specialty impact weapons firearm being discharged, other than for training purposes, an RTR Witness Report in ARMOR must be completed. Any and all applicable RTR reports will be completed using the originating CCR number. Officers shall route the form through their on-duty chain of command.

**NOTE: All Special Weapons and Tactics (SWAT) response to resistance incidents shall be documented in either an RTR Report (Firearm use or Restraint use) or in an SWAT After Action Report (Chemical Munitions, Distraction Device, CEW use or impact Munitions use) whichever is more appropriate in the Armor System. Any force used by members of this agency shall be subject to review by the RTR Review Board.**

**XII. Conducted Electrical Weapon (CEW) Deployment Situational Factors and Assessment**

- A. The CEW deployment/use must be consistent with applicable federal and/or state laws and agency orders dealing with response to resistance. Agency members shall not use CEW's when such use would violate applicable federal and/or state laws or JSO policies and is not consistent with an officer's training. Officers may utilize a CEW in the following ways:
  - 1. CEW Displayed – The CEW is withdrawn from the holster and visible to the suspect/inmate. The suspect/inmate complies without further use of the CEW. No RTR Report is required, but should be articulated in the narrative and appropriately checked on COPS-MORE reports.

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2. CEW Laser Painted (red dot compliance) – The CEW is armed, and the laser is activated and pointed in the direction of the suspect. In response to the laser painting, the suspect complies without further use of the CEW. No RTR Report is required, but should be articulated in narrative and appropriately checked on COPS-MORE reports.
3. CEW Deployed: - The CEW probes contact the suspect's/inmate's body or clothing and/or a touch stun is used to attempt to gain compliance and/or control of the suspect/inmate that is resisting. The two deployment modes are:
  - a. Probe Deployment or Probe Mode; or
  - b. Touch Stun or Drive Stun Mode.
- B. Prior to the deployment of a CEW, the officer deploying the CEW has the responsibility to reasonably visually and physically confirm that the response to resistance tool selected is in fact a CEW and not a firearm in order to avoid confusion about which weapon they intend to deploy. Officers will not arm themselves with a firearm and a CEW simultaneously.
- C. The CEW, in probe deployment mode, provides a response to resistance option which aids officers in maintaining distance from perceived threats and provides a means for responding to resistance from individuals being taken into custody or the lawful commands of a Corrections Officer. The use of CEW's in either mode may also prevent officers and subject injuries caused by subject resistance or non-compliance. Using CEW may reduce the need for other types of physical force by the agency members which could foreseeably result in potentially more serious or deadly injuries to the subject, agency members, and/or others.
- D. Officers' decisions to deploy the CEW are subject to the criteria for the use of non-deadly force (also see Article IV) stated in this order and are dependent upon both the officer's reasonable belief that the actions of the subject(s) or threat(s) facing the officers and the totality of the circumstances surrounding the incident. Prior to an officer's decision to deploy the CEW; the following conditions must be met:
  1. The officer must have legal authority to take the person into custody or the person is already lawfully confined in a Department of Corrections facility; **and**
  2. The person is, at a minimum, exhibiting active physical resistance; **and**
  3. The person has the apparent ability to be a physical threat to the officer, themselves, or others; **or**
  4. The person is preparing or attempting to flee in order to resist/avoid being taken into or remaining in lawful custody.
- E. Other factors to consider when deploying the CEW (Probe Deployment) include:

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1. Potential for Injury - CEW's are non-deadly capture devices. However, CEW's, just like any response to resistance tool or technique, can foreseeably create physical and/or muscle stress and/or exertion or other unexpected, unforeseen or unanticipated primary and secondary injuries;
2. Subject Warning of CEW Application - Where the totality of reasonably perceived (to the officers) circumstances permits officers to give a warning of the imminent application of CEW's in an attempt to cause the subject to comply with officers' lawful orders, officers may give the subject a warning and an opportunity to voluntarily comply. However, if officers reasonably believe that the giving of such warning may escalate the risk and/or danger of the incident or diminish the officers' or others' safety, then officers are not required to give a warning. It is foreseeable that officers' announcement of imminent CEW deployment may cause the subject to attack the officers, flee, inflict self-injury, attempt to injure others, etc.;
3. Notification of CEW Imminent Use - Notifying Other On-Scene Officers - The CEW deploying officers may reasonably notify any on-scene, assisting officers that they intend to deploy a CEW. Prior to deploying CEW's the deploying officers should consider announcing, if reasonably safe and feasible, "TASER! TASER! TASER!" The announcement should be made only if it would not reasonably further endanger any officers, other persons, or the suspect. (e.g., a knife-wielding person heard the word "TASER" and immediately charged and attacked the officers. This attack resulted in the person being shot with a firearm);
4. CEW Target – Because of the larger muscle groups, the preferred target zone is on the back beginning just below the neck and extending all the way down the legs. When targeting the front, aim for the lower torso; this increases the dart to heart safety margin and also increases the potential for Neuromuscular Incapacitation (NMI) by splitting the hemispheres. Officers encountering subjects wearing heavy or loose clothing on the upper body may consider targeting the legs. The head, face, genitals, and female's breasts must not be intentionally targeted unless absolutely necessary and there is no other reasonable alternative and this elevated level of force can be legally justified under the totality of the circumstances reasonably known to the officers at the time the CEWs are deployed;
5. CEW Distance - The CEW in probe deployment mode has a normal effective range of 19 feet with a 21 foot cartridge and 21 feet with a 25 foot cartridge, however optimal range is seven-ten feet from the tip of the CEW cartridge. Ranges less than three feet may not provide adequate distribution of the probes to allow the CEW to function to its full effectiveness at incapacitating the subject without drive stun follow up. However, discharging the CEW at a subject at a range closer than three feet is usually not an escalated danger to the subject. Also, point blank probe deployments have been demonstrated not to create any unreasonable additional risk of injury to the subject. Officers must account for arm length in close proximity deployment.

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

**XIII. Conducted Electrical Weapon (CEW) Deployment Parameters**

- A. When it is necessary to gain control of an arrestee or inmate/prisoner, voluntary compliance by the arrestee or inmate/prisoner is the optimal desired outcome. Officers may "paint" a suspect/inmate/prisoner with the CEW's laser in an attempt to gain voluntary compliance where active physical resistance, assault, and/or violence is reasonably anticipated (e.g., An officer tells a subject they are under arrest, and the subject takes a fighting stance or an officer needs to facilitate a physical search of a resisting inmate/prisoner). Officers must meet the criteria described in Article XII of this order prior to deploying the CEW.
- B. When feasible, officers deploying a CEW against a subject should have backup officers attempt to restrain the subject while they are under power on the initial deployment. If this is not practical or possible, officers should, while deploying the CEW, reasonably direct (order) the suspect as the incident mandates. Such verbal commands may include, "Stop resisting;" "Lie flat;" "Put your hands behind your back," etc.
- C. If the subject of a CEW application continues fighting, actively resisting, threatening or continues to actively resist officers' actions, the officers may reapply (discharge) the CEW. Each reapplication of the CEW must be in response to active physical resistance and justification must be communicated in the RTR Report specifically as the cause for its initial use.
- D. If an officer is alone and submission/compliance cannot be achieved through a minimal number of activation cycles, the officer shall attempt to secure the non-compliant person using an escalation of force that is consistent with federal and/or state laws, JSO policy, and the officer's training. If after two applications of the CEW, the officer does not gain the needed compliance, the officer should consider the following:
  - 1. Whether the CEW is functioning properly;
  - 2. Whether the suspect/inmate/prisoner is exhibiting behaviors associated with an extreme medical condition; and
  - 3. Whether other responses would be appropriate.
- E. Officers will use a CEW the least number of application cycles and for the shortest duration of time necessary to end the resistance and gain compliance from a person who meets the criteria as outlined in Article XIV in this order. Once the subject of the CEW application is restrained and/or controlled, the CEW is to be turned off.

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

- F. Absent exigent circumstances, simultaneous CEW deployments on a single suspect/inmate/prisoner by multiple officers should be avoided.
- G. Due to other non-deadly options available, and the minimal chance of striking a fast charging, small target with both CEW probes, the CEW will NOT be deployed against domestic animals except as noted below.

**NOTE:** A CEW may be used on an animal only during preplanned tactical situations where a *confined* animal (e.g., an aggressive dog in a fenced back yard, etc.) poses a danger to officers, a Lieutenant or higher approves the tactic, and a method to secure the animal safely is used to limit the energy exposure the animal will endure. The officer will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. An RTR Report, an RTR Witness Report (when applicable) and Animal Investigation Report shall be completed. Any and all applicable RTR reports will be completed using the originating CCR number.

- H. Elevated CEW Application Risk Factors – The following factors, where apparent to involved officers, require greater justification of CEW application. Under the following conditions, the risks of foreseeable direct or secondary injuries are greater, thus officers' justification(s) for CEW application are also elevated. These elevated risk factors can only be given consideration when the factors are reasonably perceived by the officers:

- 1. Presence of flammable liquids/fumes or explosive environments.
  - a. Under some circumstances, the discharge of a CEW may ignite flammable liquids/fumes. A CEW deployed at subjects who are reasonably perceived by the officers to have recently come into contact with flammable liquids/fumes, or in environments where flammable liquids/fumes are known to be present, may result in secondary injuries/burns. Officers should be especially aware of this potential flammability issue when present in known methamphetamine lab environments.
  - b. However, even though a person who has come into contact with a flammable liquid creates a higher degree of potential risk, the totality of the circumstances may indicate that the subject may still be subjected to a CEW. As an example, a person is flailing a knife



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approximately 20 feet from officers. The officers know that the person has come into contact with lighter fluid and still has the fluid on his clothing. The person now starts aggressively walking toward the officers. Even though the officers have lethal (firearm) cover, the officers may still reasonably decide to try to stop this subject's aggression with the CEW. And, the fact that the subject may have flammable liquid on his person does not create an absolute bar to the use of the CEW.

2. Elevated positions - Reasonable considerations and care need to be taken when deploying a CEW on a subject who is in or on an elevated position or in circumstances where a fall resulting from the CEW application may reasonably and foreseeably cause substantial injury or death. Obviously, the higher the elevation, or the more foreseeable the secondary injury from falling, greater justification for the CEW application will be required of the officers.
3. Person operating moving vehicle or machinery - The use of a CEW on a person operating a moving vehicle or machinery could result in severe secondary consequences. Therefore, any application of a CEW on a person operating a moving vehicle or machinery will foreseeably require greater justification(s) for the CEW use.
4. Person running (fleeing) - A subject who is exposed to a CEW while running may foreseeably fall as a result of the CEW exposure combined by the running. Since this fall will foreseeably be dynamic the risks of secondary injuries (from the running momentum) will likely result in greater risks of injury. Therefore, greater justification will be required for a CEW deployment on a running subject.
5. Pregnant female - Use of a CEW on a pregnant female may be alleged to cause injury to the woman and/or fetus. Also, should a pregnant female fall during the CEW application, there is an enhanced risk of secondary injuries. Therefore, where officers deploying a CEW reasonably believe the female subject to be pregnant, greater justification for the CEW application will be required. Officers are not prohibited from using a CEW on a pregnant female in all possible circumstances. As an example, officers encounter an unstable violent obviously pregnant female who appears to be under the influence of illegal drugs. This female is threatening to plunge a large butcher knife into her abdomen [and her baby]. The officers facing this imminent threat may reasonably believe that the use of the CEW on this person may be a reasonable choice to attempt to save the lives of the fetus and the mother.
6. Swimming pool or other body of water - If a person could reasonably foreseeably fall into a swimming pool or body of water due to application of a CEW, the officers will need to have greater justification for the CEW application use due to the foreseeable consequences of use of the CEW on the subject under these circumstances. The elevated risk here is the risk that the subject may not be able to prevent himself from drowning.

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7. Frail or infirm individual - If an officer uses a CEW on an obviously frail or infirm person greater justification will be required from the officer. This greater justification is necessary due to the elevated risk of injury from the muscle contractions and/or fall created by the use of the CEW.
8. There are some groups of people the public may assume are less capable of being an imminent threat of death and/or serious bodily harm to themselves or others. The realities are that individuals from each of these groups do commit violent crimes, can be an imminent threat of death and/or serious bodily harm to officers, others, and themselves, can be so resistive that the use of CEW s is justified, etc. However, officers using a CEW on one of these individuals will foreseeably be placed under heightened scrutiny and may be required to provide greater justification for the use of the CEW. These groups include:
  - a. Children - When officers apply a CEW to a child, the younger the child the greater the justification that will be required for the officers' application of the CEW. In past incidents, these children have been armed with edged weapons and have threatened imminent use. Just because a subject is a "child," does not automatically provide that the person is not an imminent threat or danger to himself, others, or the officers. Also, in some situations, the utilization of a CEW is less potentially injurious to the child than other force tools and/or techniques. In such cases, a CEW may be a better force choice.

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

- b. Restrained subjects - If subjects are no longer a threat, restrained, subdued, and compliant a CEW shall not be used. However, just because subjects are restrained (by handcuffs or other means) does not necessarily mean that they are subdued or no longer a serious threat to officers, others, and/or themselves. If subjects continue to be active physical threats to officers, others, and/or themselves, officers may utilize a CEW.
- c. Passive subjects who are being arrested or are already an inmate/prisoner of a correctional facility - A passive subject is one who is to be arrested because legal justification exists to arrest the subject and officers are attempting to place the person under arrest and the person is passively resisting the arrest or, the person is already an inmate/prisoner of a correctional facility and is not complying with verbal commands. Such situations may include a suspect/inmate refusing to come out of a cell/vehicle or a protester

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passively refusing to move. When it does not jeopardize officer safety, officers should verify the subject/inmate does not have a disability or physical condition preventing them from complying with verbal commands and submit to arrest or physical control. A passive resisting subject does not include a subject who is exhibiting active resistance (e.g., flailing, jerking, etc.) or where officers can articulate a threat of active resistance. **The use of a CEW is not allowed on subjects passively resisting.**

- d. Senior Citizens – Senior Citizens are often not seen as serious threats. However, there are many instances where senior citizens are substantial threats to officers, others, family members, and/or themselves. As circumstances reasonably permit, officers shall take into account a subject’s frailties or obvious vulnerabilities or conditions.
9. Officers may receive information about another person or observe behavior indicating the person is not in touch with reality (bizarre behavior/mental confusion) and may be extremely agitated or highly aggressive; exhibiting strength/endurance beyond what would be considered normal; profuse perspiration; and/or sudden obvious changes in their mental or physical condition. If this occurs, officers should notify the Communications Center via 10-69 and attempt to contain this individual until additional police and Fire Rescue personnel are available. These types of observed behaviors may be indicators of a serious medical condition and should be handled as a MEDICAL emergency.
- I. Touch-Stun Mode - The use of a CEW in “touch-stun” mode will not reliably or foreseeably incapacitate the subject. Therefore, when a CEW is used in touch-stun mode, it will only cause discomfort.
1. Officers will not use CEW’s in touch-stun mode if the officer reasonably believes that discomfort will not cause the subject to be compliant with the officer. (e.g., on a drug induced highly pain resistant subject).
  2. The CEW shall **not** be used in the Touch-Stun Mode:
    - a. Punitively;
    - b. As a prod or escort device;
    - c. To force a passive resistant inmate into the ProStrait chair;
    - d. To rouse unconscious, impaired, or intoxicated individuals;
    - e. In any unprofessional manner;
    - f. To experiment on a person or allow a person to experience the CEW, even if the person requests it, when use of the CEW would not otherwise be allowed by this policy. This CEW experience does

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not apply to voluntary CEW training exposures or CEW demonstrations as authorized by the Agency; or

- g. For illegal purposes of coercion.

**XIV. Conducted Electrical Weapon (CEW) Post-Deployment Procedures**

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

- A. Once the person who has been impacted by the CEW is handcuffed and in custody, officers will advise their immediate supervisor, or an on-duty supervisor, who will respond to the scene.
  - 1. Officers will request Rescue/Division of Health Services (DHS) to respond to the scene. If safety circumstances reasonably dictate moving the suspect to another location, officers may arrange to have emergency medical personnel/DHS meet the officers and the suspect/inmate at another location to assess the suspect/inmate and render care. Medical treatment will not be refused for anyone who requests it.
  - 2. The supervisor shall respond and review with the officer(s) the circumstances under which the CEW was used.
  - 3. A person that has been impacted by the CEW shall not be left unattended by Sheriff's Office personnel until the person is released to appropriate medical personnel or accepted by personnel at the PDF.
  - 4. Officers shall address the following concerns when transporting a suspect/inmate who has been subjected to a CEW deployment:
    - a. Avoid Face Down Transport – Officers should avoid transporting any suspect, who has been controlled by the use of a CEW (or any suspect) face down; and
    - b. Avoid Transporting on Probes – If the probes are still in the suspect, avoid transporting the suspect in a position that would foreseeably further embed the probes in the suspect.
  - 5. Personnel at the PDF shall be notified of the CEW's use on an arrestee/inmate.

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

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**symptoms are detected this should be considered a MEDICAL EMERGENCY and rescue/medical assistance will be sought immediately.**

**B. Probe Removal**

1. Some probes will simply fall out. If a subject, who has a probe embedded in their body, requests that the probe be removed by medical personnel, then the officers shall arrange for medical personnel to remove the probes.
2. Medical personnel shall remove probes located in sensitive areas such as the face, neck, groin, female's breast, and tops of the hands and feet.
3. Removal of probes in non-sensitive areas may be done by officers. Officers or other trained personnel will provide first aid following removal of the probes by applying iodine or alcohol wipes, and band-aids to the probe sites as needed. Officers should inspect the probes after removal to see that the entire probe and probe barb has been removed. In the event that a probe, or probe barb, has broken off and it is still embedded in a subject's skin; the subject shall be provided appropriate medical attention to facilitate the removal of the object.
4. The used probes and safety gloves will be treated as biohazard material. The probe(s) will be inserted point first back into the ports of the air cartridge. The cartridge will then be sealed by covering it with the safety glove, per training, and both will be placed in a biohazard bag. The biohazard bag will be disposed of in accordance with [Operational Order 11.11, Hazardous Materials](#) or [Corrections Operational Order 11.14, Infections Material/Communicable Disease Exposure Control](#).

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

5. Officers intentionally deploying a CEW air cartridge(s) at a person or animal, whether or not the intended target is struck by the CEW probes, will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks and be required to complete an RTR Report in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number. Officers accidentally deploying a CEW air cartridge that strikes a target, will also complete an RTR Report; however, if the CEW air cartridge does not strike a person or an animal, only an Intradepartmental Correspondence (Form P-0004) report will be submitted. Any and all applicable RTR reports will be completed using the originating CCR number.

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6. Anytime an officer witnesses the intentional deployment of a CEW air cartridge(s) at a person or animal, whether or not the intended target is struck by the CEW probes, they shall be required to complete an RTR Witness Report in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number.

**XV. Firearms Policy**

- A. Officers and authorized members may discharge firearms in the performance of their duties for the following:
  1. At the range for qualification in the use of firearms;
  2. To kill seriously injured or dangerous animals when other disposition is impractical or other means have failed. This requires a supervisor's approval, when practical; the approving supervisor shall respond to the scene and will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The approving supervisor will complete an RTR in ARMOR. This task will not be delegated to a lesser authority. Any and all applicable RTR reports will be completed using the originating CCR number. At a minimum, the following information will be detailed (no diagram is necessary):
    - a. The facts surrounding the shooting of the animal;
    - b. Description of property damaged (if any);
    - c. Witness information and statements from those without access to ARMOR; and
    - d. Issues related to training.

**NOTE:** The RTR will be forwarded for review in ARMOR to the Zone Commander (Assistant Chief) and the respective Division Chief. The officer shooting the animal will complete an RTR Supplemental Report in ARMOR. Any officers who witness the shooting will complete an RTR Witness Report in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number. The supervisor will ensure that NCIC is contacted in reference to notifying Animal Control for a dead animal pick up. No other reports are necessary and a Crime Scene Detective is not required.

3. As deadly force as outlined in Article V of this order; and
  4. When conducting ballistics tests in a laboratory environment or attempting to verify a weapon is in working order at an authorized firing range.
- B. Members shall not unnecessarily unholster or display their weapons.

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

**XVI. Accidental Discharge**

- A. When an officer accidentally discharges a firearm (other than while training at a range) without causing injury to any person, the Zone Watch Commander where the incident occurred will respond to conduct the investigation and will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The Zone Watch Commander will complete an RTR Report in ARMOR. This task will not be delegated to a lesser authority. Any and all applicable RTR reports will be completed using the originating CCR number. At a minimum, the following information will be detailed (no diagram is necessary):
1. The facts surrounding the accidental discharge;
  2. Description of property damaged (if any);
  3. A statement from the involved officer;
  4. An RTR Witness Report from any witness officer;
  5. Witness information and statements from those without access to ARMOR; and
  6. Issues related to training.
- B. The RTR Report will be forwarded for review in ARMOR to the Zone Commander (Assistant Chief) and the respective Division Chief.
- C. Officers who accidentally discharged their firearm and member witnesses with access to ARMOR must complete an RTR Witness Report. Any and all applicable RTR reports will be completed using the originating CCR number.
- D. Accidental discharges with no personal injury that occurs while training (at a range) will be addressed by the range personnel. If a person is shot as a result of an accidental discharge (any location), the investigation will be conducted by the Cold Case Unit (see Article XX of this order).

**XVII. Response to Aggressive Animals**

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

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

- B. When an officer discharges a firearm at an animal, the Zone Watch Commander where the incident occurred will respond to conduct the investigation and will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The Zone Watch Commander will complete an RTR Report in ARMOR. Any and all applicable RTR reports will be completed using the originating CCR number. At a minimum, the following information will be detailed (no diagram is necessary):
  - 1. An RTR Witness Report from any witness officer and any other witness information;
  - 2. Description of the shooting backdrop; and
  - 3. Issues related to training.
- C. The RTR Report will be forwarded for review in ARMOR to the Zone Commander (Assistant Chief) and the respective Division Chief.
- D. Officers must thoroughly document on an ARMOR RTR Witness Report the reason for shooting the animal, including whether or not there was fear of personal injury or injury to someone else. Any and all applicable RTR reports will be completed using the originating CCR number. An Animal Investigation Report via COPS-MORE shall also be completed.
- E. A Crime Scene Detective will be notified to process the scene (e.g., photograph and sketch the scene, etc.).

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

- A. The Homicide/Cold Case Team shall respond and conduct a complete investigation for any of the following incidents:
  - 1. Any time a member of the Office of the Sheriff intentionally discharges a firearm at a person while acting in the capacity of a Sheriff's Office employee;
  - 2. Any time a member of the Office of the Sheriff accidentally discharges a firearm resulting in a person being shot;
  - 3. Any time a member of the Office of the Sheriff takes some action against another person that results in death or life threatening injuries while acting in the capacity of a Sheriff's Office employee; and



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4. Any time an officer is killed, shot, or is the victim of a life threatening injury inflicted by criminal means while acting in the capacity of a Sheriff's Office employee.

**NOTE: If any of the above incidents occur, the Patrol Watch Commander shall respond to the incident and ensure the scene is secured. The Patrol Watch Commander shall contact the Investigative Dispatcher, notify them of the situation, and request to have the Cold Case supervisor contact them via telephone. The Patrol Watch Commander shall not forward a report, complete a diagram of the crime scene, or take written statements unless directed by the Homicide Unit Commander or higher authority. All Patrol supervisors at the scene will be required to complete a Major Case Addendum.**

- B. It shall be the responsibility of the Cold Case supervisor or the Homicide Unit Commander to determine the detective division staffing needs and to coordinate the activities of the responding detectives.
  1. Detectives from the on-call Homicide team and detectives from other units may be utilized as needed at the discretion of the Homicide/Cold Case team supervisor, Homicide Unit Commander, or higher authority.
  2. Only detectives directly involved in the incident or assisting in the investigation will be at the incident or homicide scene.
- C. The original offense report will be prepared by the Homicide/Cold Case team or other designated Homicide team, at the direction of the Homicide Unit Commander.
  1. The Homicide/Cold Case team will obtain the primary officer's statement.
  2. The primary officer(s) involved may request legal counsel or Fraternal Order of Police (FOP) representation prior to making any statement. Notwithstanding the request for counsel, a primary officer is required to provide information specifically, narrowly, and directly related to their official duties. This may include identifying suspects, witnesses, evidence, or other officer(s) involved.
  3. In incidents involving an intentional discharge of a firearm, the Homicide/Cold Case team will check back on the original call for service using the disposition code 'RTR' in the primary disposition block and any other applicable codes in the subsequent disposition blocks.
  4. In incidents involving an intentional discharge of a firearm, the RTR Report in ARMOR will be prepared by the Homicide/Cold Case team or other designated Homicide team, at the direction of the Homicide Unit Commander. Any and all applicable RTR reports will be completed using the originating CCR number.
  5. RTR reports for incidents involving an accidental discharge of a firearm (other than while training at a range) without causing injury to any person

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will be completed by the Zone Watch Commander by the end of their shift as outlined in XVIII of this order.

6. Witness and responding officers shall complete Major Case Addendums (before the end of their shifts) to document their involvement in the incident.
  7. The witness officer's Major Case Addendum may be completed at a later date if the Homicide Unit Commander or the Cold Case supervisor determined that witness/responding officer's physical condition or mental state require additional time.
- D. The Homicide Unit Commander shall ensure that the Assistant Chief of Investigations, Chief of Investigations, Director of Investigations and Homeland Security, and the Communications Center Watch Supervisor are notified and kept informed of all officer involved shootings or critical injury incidents.
- E. The Homicide/Cold Case team supervisor will be responsible for requesting the on-call Homicide Assistant State Attorney to respond to officer involved shootings or incidents resulting in serious injury or death.
1. All sworn statements taken from witnesses shall be coordinated with the on-call Homicide Assistant State Attorney, prior to taking such statements; and
  2. The Homicide/Cold Case team supervisor will determine whether witnesses will be interviewed at the scene or transported to the Homicide office. If deemed necessary, additional interviews may be conducted at a later date.
- F. The Homicide/Cold Case team supervisor will be responsible for notifying the City's Deputy or Assistant General Counsel of incidents in which an officer takes some action against another person that results in death or life threatening injuries.
- G. Homicide/Cold Case detectives will inspect the weapon of the officer(s) involved for fired rounds and have a Crime Scene Detective take possession of the weapon(s) for processing.
- H. All weapons discharged in an Officer Involved Incident (hit or miss) will be retained as evidence. This includes all approved personal weapons. If a handgun is used by an officer, a temporary replacement handgun will be provided from the cold case inventory. If a rifle is used, the officer will be instructed to make arrangements with the JSO firing range for a temporary replacement.
- I. Prior to returning to full duty status, any officer who is issued a replacement service firearm due to his involvement in an RTR incident will report to the firing range to test fire the weapon. Upon being notified that the officer's service weapon can be returned, that officer will report to the range to retrieve his firearm. He will sign in and leave the cold case loaner firearm with range personnel. Range personnel will arrange for the officer to test fire the service firearm that was returned to the officer, prior to leaving the range.

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- J. If during the course of the investigation it is determined that criminal charges may be filed against the officer, the officer will be advised of his Miranda Warnings, and a Constitutional Rights Form (P-0378) will be completed.
- K. The Homicide/Cold Case supervisor will notify the Homicide Unit Commander when the case has been completed, including the review by the State Attorney's Office. The supervisor will notify the Staff Inspections Unit when the completed case is ready to be reviewed by the RTR Board.

**XIX. The Florida Law Enforcement Officer Blue Alert Plan**

- A. The Florida Blue Alert Plan is a cooperative effort by the Florida Department Enforcement (FDLE), the Florida Department of Transportation (DOT), and the Highway Safety and Motor Vehicles' Florida Highway Patrol (FHP).

On October 1, 2011, an Executive Order was signed to establish the Florida Blue Alert Plan (Florida State Statue (F.S.S.) 784.071). The Blue Alert, which uses some of the technologies employed in an Amber or Silver Alert, was created in response to the increasing number of law enforcement officers in the state who were killed, injured or abducted in the line of duty. In some of these cases, the offenders used vehicles to flee and attempt to escape. Under this plan, when the criteria are met, FDLE, DOT, and FHP will activate dynamic highway message signs to immediately broadcast important information about the offender/vehicle involved in the incident.

- B. To Activate a Blue Alert, the following FOUR criteria must be met:
  - 1. A law enforcement officer must have been seriously injured or killed by an offender(s) or is missing while in the line of duty under circumstances evidencing concern for the law enforcement officer's safety;
  - 2. The investigating law enforcement agency must determine that the offender(s) poses a serious risk to the public or to other law enforcement officers and dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect;
  - 3. A detailed description of the offender's vehicle or other means of escape, including vehicle tag or partial tag, must be available for broadcast to the public; and
  - 4. The local law enforcement agency of jurisdiction must recommend issuing the Blue Alert.
- C. In addition to the criteria being met, the following steps must occur in order to activate a Blue Alert:
  - 1. The JSO Homicide Cold Case Sergeant or his designee calls FDLE's Florida Fusion Center (FFC) Watch Desk at (850) 410-7645 or (800) 342-0820, which is manned 24 hours a day, seven days a week; and

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2. FDLE's on-call supervisor will work with the investigating agency to offer assistance, ensure that the activation criterion have been met and determine if the alert will be displayed regionally or statewide.
- D. Any questions concerning Florida Blue Alert Plan or implementation thereof should be directed to the Cold Case Unit.

**XX. Administrative Procedures Related to Duty Status for Officer Involved Shootings and Deadly Force Incidents**

- A. The following administrative guidelines related to duty status will apply to incidents in which an officer takes some action against another person that results in death or life threatening injuries:
1. The officer will be placed on Administrative Leave for the rest of his work cycle.
  2. The officer will then be placed on Temporary Limited Duty status pending a review by the Sheriff or his designee of the officer's ability to safely and effectively return to line duty assignment.
  3. While on Temporary Limited Duty status, the officer shall not wear a uniform, drive a take home vehicle, perform secondary employment, or use any police powers. These restrictions shall remain in effect until the officer is returned to fully duty status.
  4. Prior to being permitted to return to full duty status, the officer shall undergo a "Return to Duty Assessment". The assessment will be scheduled through the JSO Personnel Division.
  5. The Sheriff or his designee will review the results of the "Return to Duty Assessment" along with pertinent investigative materials related to the incident. Upon completion of this review, a decision will be made regarding the officer's duty status.
- B. Only the Sheriff or his designee may decide to return the officer to full duty status. The officer will be notified of the decision through the officer's chain of command.

**XXI. Response to Resistance Report**

- A. Incidents requiring an RTR Report and/or RTR Witness Report are as follows:
1. Anytime a member uses an intermediate weapon on or against an individual;
  2. All incidents involving exposure to a chemical agent (person or animal);
  3. When a SWAT member uses a specialty weapon in a non-SWAT incident;
  4. When a CEW is used on an animal during a preplanned tactical situation;

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5. All incidents involving the deployment of a CEW (probe or touch stun). If the CEW was displayed for deployment and the person voluntarily complied due to the imminent use of the CEW, refer to Article XII, A.2 in this order;
6. Unintentional deployment of CEW at a subject not involving training;
7. Discharge of a firearm (other than training);
8. When physical force is used on a person that results or is alleged to have resulted in an injury, regardless of the severity JFRD/DHS is called for the person;
9. Upon observation of an injury pursuant to a Response to a Resistance incident;
10. Upon utilization of the PIT maneuver in a vehicle pursuit;
11. Ramming a suspect vehicle (see [Operational Order 04.01, Vehicle Pursuits](#));
12. When an arrestee is rejected admission to the PDF and directed to the hospital based on injuries sustained by the use of force by an officer;

**NOTE:** The PDF shall notify the approving supervisor listed on the Arrest and Booking Report if an arrestee is sent to the hospital after acceptance based on injuries allegedly received during interaction with police officers. The supervisor shall determine the appropriate documentation required by the arresting officer.

13. At the supervisor's discretion; and
14. Anytime an officer witnesses a response to resistance incident that requires an RTR Report, they must complete an RTR Witness Report.

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

- B. An ARMOR RTR Report and/or an RTR Witness Report will be routed through the on-duty chain of command and approved by a Sergeant, Lieutenant, and Assistant Chief. Ideally, this will be an officer's immediate chain of command, but this could be outside the officer's immediate chain when working in an off duty capacity or outside of his normal duty assignment. For instances outside of the officer's chain, the officer shall be required to send the report to an on-duty Sergeant, Lieutenant, and Assistant Chief of the affected area, (i.e., Zone 1 A/C, Montgomery Correctional Center (MCC) A/C, etc.).

**LXXII.6**  
**RESPONSE TO RESISTANCE**

- C. The supervisor shall review the officer's RTR Report and ensure it is promptly routed through the on-duty chain of command prior to the end of the officer's shift, unless exigent circumstances exist and are also documented in the RTR Report.
- D. Upon approval, the appropriate Assistant Chief will notify the Staff Inspections Unit.
- E. Technical assistance can be found by accessing the following link:  
[http://the.jaxsheriff.net/cid/ism/armor/Training%20Documents/ARMOR\\_User\\_Guide.pdf](http://the.jaxsheriff.net/cid/ism/armor/Training%20Documents/ARMOR_User_Guide.pdf)

  
JOHN H. RUTHERFORD  
Sheriff