HIALEAH POLICE DEPARTMENT

General Order 4.0
Response to Resistance/Aggression

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NEW ( ) RESCINDS (X)

AMENDS ( ) OTHER ( )

By Order Of:

Mark N. Overton, CHIEF OF POLICE


SCOPE: All departmental personnel.

PURPOSE: Pursuant to Federal and State Laws, Court decisions, and qualified instructors, this comprehensive General Order (G.O.) has been developed. This G.O. will guide Members through their decision-making process involving levels of resistance and the appropriate application of force.

POLICY: This policy establishes general guidelines for the use of deadly and non-deadly force. These procedures shall be utilized when officers have to resort to physical force and/or use a lethal or non-lethal weapon in the performance of their duties. Members are prohibited, while exercising law enforcement authority, from carrying Department approved weapons (lethal, less-lethal and non-lethal) with which they have not proven proficiency.

Members of the Hialeah Police Department shall abide by Florida State Statutes and will only use the force that is essential to accomplish lawful objectives.

[CFA 4.01M]
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ACTION:

A. Definitions

A.C.T.R. (Applied Carotid Triangular Restraint): A vascular type neck restraint involving the application of pressure to the lateral sides of the neck and the carotid triangle.

C.R.M.I.P.T. (Control Response Medium Impact Tool): A control tool that is designed to be used in the open or closed positions with a patented “puzzle lock”. The puzzle lock is designed to allow the tool to be used in the open position for grappling, grabbing, and or striking. The Control Response Medium Impact Tool has a blue handle. It has two raised dots located to the left side of the tool to help distinguish it from the Training Drone and or LLC. The CRMIPT has a G-10 non-cutting blade with grabbing ridges, sharp horns on the handle, designed for impact, and is not designed to be used to train with.

Custodial: In the custody of law enforcement officers or otherwise deprived of freedom of action in any significant way.

Deadly Force: Force that is likely to cause death or great bodily harm. Deadly force includes, but is not limited to, the discharge of a firearm in the direction of the person to be arrested even though no intent exists to kill or inflict great bodily harm.

Department-Issued Firearm: A Primary Firearm belonging to the Police Department that is issued as a temporary assistance for a Member who has suffered a loss of their personal firearm, subject to availability and the requirements of this Order.
Department Issued "Special Assignment" Handgun: A Primary Firearm belonging to the Police Department that may be exempt from the normal firearm requirements, that is issued for specific cause to specific specialty Members, subject to the requirements of this Order.

Disposition: The final status of a case and/or the final lawful disposal of evidence or property.

Evidence: Those items impounded and placed on hold relevant to the investigation/prosecution of a case.

F.S.S. 790.051: Exemption from licensing requirements; law enforcement officers: Law enforcement officers are exempt from the licensing and penal provisions of this chapter when acting at anytime within the scope or course of their official duties or when acting at any time in the line of or performance of duty.

F.S.S. 790.052: Carrying concealed firearms; off-duty law enforcement officers: (1) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9) shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations. However, nothing in this subsection shall be construed to limit the right of a law enforcement officer, correctional officer, or correctional probation officer to carry a concealed firearm off duty as a private citizen under the exemption provided in s. 790.06 that allows a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to carry a concealed firearm without a concealed weapon or firearm license. The appointing or employing agency or department of an officer carrying a concealed firearm as a private citizen under s. 790.06 shall not be liable for the use of the firearm in such capacity. Nothing herein limits the authority of the appointing or employing agency or department from establishing policies limiting law enforcement officers or correctional officers from carrying concealed firearms during off-duty hours in their capacity as appointees or employees of the agency or department.

(2) The superior officer of any police department or sheriff’s office or the Florida Highway Patrol, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, shall file a statement with the governing body of such department of his or her instructions and requirements relating to the carrying of said firearms.

Fail: The failure to achieve the required overall minimum score of eighty (80) percent during a qualification course of fire.
**Felon:** A suspect who the officer has probable cause to believe has committed, or is committing, a crime that is punishable under Florida Law by death or imprisonment in excess of one year in the State Penitentiary.

**Firearms Training Staff:** Department Personnel assigned to the specific function of training, qualifying and qualification program designed for Member firearms skills maintenance and documentation. [CFA 14.02]

**Impoundment:** Those items seized lawfully and held for future disposition.

**Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles which are intended to incapacitate a subject with minimal, if any, potential for causing death or serious physical injury when compared to conventional projectiles.

**Last Resort:** All practical means available to the officer to avoid using deadly force have been exhausted. Depending on the situation, these means may include verbal commands, foot pursuit, or using a lesser essential force when these means can be accomplished without endangering the officer or any other person.

**Less-Lethal Force:** Any force used to require another person to comply with a lawful order which is not reasonably expected to cause death or serious physical injury.

**Member:** Each Sworn Officer of the Hialeah Police Department, regardless of their assignment, and/or rank.

**Non-Lethal Weapon/Technique:** A weapon or technique that is not fundamentally designed to cause death or great bodily harm. Such weapons or techniques are law enforcement tools that are intended to prevent injury to both officers and subjects.

**Off Duty:** That period of time that the Member is not scheduled to report for assigned duties.

**Off Duty Firearms:** The firearm of Member choice, subject to the requirements of this Order, to be carried concealed while off duty.

**On Duty:** That period of time that the Member is scheduled to report for assigned duties.

**Pass:** The achievement of a required minimum eighty (80) per cent total score in qualification firing.

**Pre-existing Injury:** Any physical pain, illness, or physical impairment/condition which existed prior to the individual being engaged in a police custodial situation.

**Primary Firearm:** The Members handgun of choice, subject to the requirements of this Order, for on duty use.
Qualification: The required process of demonstrating firearm proficiency, applicable to all firearms to be employed by the Member for Police purposes.

Reasonable Belief: Facts that could cause a reasonable person in the same situation to conclude that the point at issue is probably true.

Remedial Training: Assistance training provided to Members who fail firearm minimum qualification standards.

Re-Qualification: The required periodic Member proficiency and firearm safety demonstration, subject to successful completion of all Standards and Requirements of this Order.

Requirements: Mandated non-discretionary employee tasks and/or firearm features.

Secondary Handgun: Firearms used for secondary and/or off duty use, subject to the requirements of this Order.

Serious Physical Injury: Serious physical injury includes, but is not limited to, an injury which creates a substantial risk of death or serious personal disfigurement, disability or protracted loss or impairment of the functioning of any organ or part of the body.

Specifications: Mandated firearm requirements.

Standards: Mandated requirements for Members.

B. Training Requirements

1. Members of the Hialeah Police Department shall be issued a copy of this Response to Resistance/Aggression General Order along with the appropriate training before being authorized to carry a weapon. [CFA 4.02M]

2. Sworn members of the Hialeah Police Department shall successfully complete the Florida Basic Recruit Training Program, or its equivalent, prior to being assigned in any capacity in which a sworn member is allowed to carry a firearm or is in any position to make an arrest. [CFA 4.03M]

C. Use of Reasonable Force

1. Department members shall use force in compliance with applicable Federal and state law. Department members will only use the force that is reasonable necessary to accomplish a lawful objective, and such force will cease when the need for the application of force no longer exists. [CFA 4.01M]
a. Use of Excessive Force is defined as a “level of force” that exceeds what is reasonably necessary in relation to the circumstances present at the time of the incident. Hialeah Police Officers have an affirmative duty to refrain from using excessive force as well as to prevent others from using excessive force. [CFA 4.01M]

2. Departmental Personnel will not carry any firearms or weapons on or off duty until they have qualified on the required qualification course. [CFA 4.05ABM]

a. If an officer is returning from extended leave as a result of an illness or injury that could affect his/her ability in the use of firearms or weapons, the officer will re-qualify before carrying the firearm and/or weapon. [CFA 4.05BM]

3. The firing of warning shots is strictly prohibited. [CFA 4.04M]

D. General Guidelines for Use of Force

The Use of Force guidelines recognize that officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic. Formulating a valid response requires continuing re-assessment as the situation changes.

1. Chapter 776 of the Florida Statutes (F.S.) authorizes the use of force by law enforcement officers and specifies the conditions that justify its use. F.S. 776.05 addresses the issue of an officer using force to make an arrest.

2. A law enforcement officer’s use of force in making an arrest is established by the officer’s reasonable belief, as defined in Chapter 776 of the F.S., that a crime has been, is being, or is about to be committed. Absent this belief, a law enforcement officer’s authority to use force is limited to circumstances relative to the well being of the person (i.e. Baker Act, etc.).

3. Members of the Hialeah Police Department shall consider the totality of circumstances to ensure an objectively reasonable decision is made when employing the use of force. The Totality of Circumstances are all of the facts and circumstances known to the officer, or reasonably perceived by the officer, at the time of the incident as the basis for a use of force decision.

NOTE: An incidental physical contact with a person or the handcuffing of a subject where no injury, or complaint of injury, is incurred is not considered to be a use of force incident and does not require a Response to Resistance report.
E. **Types of Subject Resistance**

1. **Passive Resistance** is a subject’s verbal and/or physical refusal to comply with an officer’s lawful direction. Some examples of passive resistance include, but are not limited to, the following:

   a. The subject refuses to move at the officer’s direction; or

   b. The subject physically anchors himself/herself to a person or an object to prevent him/her from being removed; or

   c. The subject refuses to take his/her hands out of his/her pockets or from behind his/her back.

2. **Active Resistance** is a subject’s use of physically evasive movements directed toward the officer to prevent the officer from establishing control over the subject. Some examples of active resistance include, but are not limited to, the following:

   a. The subject braces or pulls away from the officer when the officer grips the subject’s arm; or

   b. The subject attempts to run when the officer touches or attempts to grab the subject’s arm or shoulder.

3. **Aggressive Resistance** is a subject’s attacking movements towards an officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others. In such instances, the officer perceives the subject’s actions as adverse. Some examples of aggressive resistance include, but are not limited to, the following:

   a. The subject balls his/her fist and approaches the officer; or

   b. The subject pushes the officer back as the officer tries to take the subject into custody; or

   c. The subject grabs any part of the officer’s body.

4. **Deadly Force Resistance** is a subject’s attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause and has the capability of causing imminent death or great bodily harm to the officer or to others. Some examples of deadly force resistance include, but are not limited to, the following:

   a. A subject fails to drop a knife when ordered to by the officer and moves towards the officer; or

   b. A subject shoots or points a firearm at an officer or other person; or
c. A subject tries to run an officer down using a vehicle.

F. Officer Response Options

Command presence and verbal communication can often defuse many volatile situations. Sometimes, however, these are not enough or departmental personnel may not have an opportunity to use them. Officers need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, officers need to respond with force that is reasonably necessary for the circumstances in each specific situation.

1. **Weaponless Tactics** is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques. Some examples of physical control include, but are not limited to, the following:

   a. Pain compliance.

   b. Transporters.

   c. Restraint devices.

      1. The following is a list of approved restraints authorized by the Hialeah Police Department;

         a. Handcuffs (only in stainless steel or blued/black finish)

         b. Flex-cuffs (Only to be used when the member is in possession of an approved cutting device) Members are prohibited from using any other improvised device for the removal of flex-cuffs (i.e., knife).

         c. Ripp-Hobble (Only after having successfully completed the departmentally approved training course) manufactured by Ripp-Restrains, Inc.

         d. Applied Carotid Triangle Restraint.

         e. Takedowns.

         f. Striking techniques.

Officers would not generally use striking techniques merely because a subject is refusing to comply with lawful verbal commands. Such instances would not meet the standard of objective reasonableness unless the totality of circumstances indicated otherwise. In the event the subject is actively trying to defeat the officer’s attempt to control or effect an arrest, the use of striking techniques would be reasonable. Although considered a Physical Control
Technique, the use of the “Applied Carotid Triangle Restraint” (ACTR) should be utilized only when a subject displays aggressive resistance. Exceptions would include the presence of exigent circumstances which would dictate the technique as being reasonable and necessary for the control of the subject.

2. A **non-lethal or less-lethal weapon** is a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples include, but are not limited to, the following:
   a. Taser.
   b. Expandable baton.
   c. Chemical agent sprays.
   d. Crimpt.

3. **Non-deadly Force**

   Non-deadly force is a quality or quantity of force which is neither likely nor intended to cause death or great bodily harm. Non-deadly force includes, but is not limited to, the use of physical strength or skill, the use of an approved less-lethal weapon, etc.

4. **Deadly Force** is force that is likely to cause death or great bodily harm. An officer must base his/her decision to use deadly force on a reasonable belief that he/she, a fellow officer, or another person faces imminent danger of death or great bodily harm.
   a. Officers shall use the following three criteria when making deadly force decisions:
      1) The subject is reasonably perceived to have the **ability** to cause death or great bodily harm to the officer or others.
      2) The subject is reasonably perceived to have the **opportunity** to cause death or great bodily harm to the officer and others.
      3) The officer knows, or reasonably perceives, that the subject has the **intent** to cause death or great bodily harm to the officer or others.

   b. Some examples of deadly force include, but are not limited to, the following:
      1) Use of a firearm.
      2) Eye gouges.
3) Empty-handed strikes to the throat.

4) Impact-weapon strikes to the head or side of the neck.

G. Weapons of Opportunity

Nothing in this order shall prevent an officer from utilizing any readily available object as a defensive weapon in circumstances or situations where the actions of an assailant could result in injury or death.

While folding knives may serve as one of many weapons of opportunity, the intent of authorizing an officer to carry one while on-duty is for utility purposes.

H. Firearms

1. Objectives

The objectives of this Section of this General Order shall be to:

a. Enable sworn members to lawfully carry specific firearms determined to be reliable, and applicable to the law enforcement needs of the community.

b. Enable sworn members to maintain proficient firearms skills to enhance their safety, and the safety of the community.

c. Provide for compliance with all Federal, State, and Departmental requirements of training relating to firearms.

2. Authority

a. The Chief of Police reserves sole authority for modification of, or exemption from, any element of this G.O. and/or the authorization of firearms and ammunition.

b. F.S. 790.051 enables Law Enforcement Officers to carry firearms in the performance of their lawful duties.

c. F.S. 790.052 enables Law Enforcement Officers to carry concealed firearms while off duty at the discretion of their superior officers.

d. H.R. 218, The Law Enforcement Officers Safety Act of 2004, enables an individual who is a qualified active or retired law enforcement officer and who is carrying the identification required by H.R. 218 Section 2(926b)(d) (current or retired I.D. Card and/or qualification card) to carry a concealed firearm that has been shipped or transported in interstate.
As used in H.R. 218 Section 2(926b), (e), a firearm **does not** include a machine gun, firearm silencer or destructive device. Active or reserve sworn members’ photographic agency credentials shall suffice to meet the requirements of HR 218. Retired members are required to carry an agency issued, retired law enforcement credential along with a State of Florida issued, CJSTC approved firearms qualification card. The qualification card shall match the serial number of the firearm being concealed by the retired member. When a retiree is encountered carrying a concealed firearm and relies upon HR 218 as the authority for carrying the gun, he or she must demonstrate that he or she has fired the required firearms course within the last twelve months. Retirees choosing to carry a concealed firearm under the authority of HR 218, must return to a range yearly and demonstrate firearms proficiency. Each time this is done, the retiree will receive an updated CJSTC qualification card.

e. Full time, reserve and retired members who choose to carry a concealed firearm while off duty, using a **State of Florida Concealed Weapons Permit** are required to abide by all of the same restrictions as any private citizen when carrying a firearm concealed on their person.

3. **Operations**

a. **Approved Firearms**

Only firearms and ammunition meeting the specifications of this Order are approved for use in the performance of official duty inclusive of both on-duty and off-duty. All other firearms and ammunition are prohibited from Police use. [CFA 4.06M]

Any member requesting the approval of a firearm or accessory that is not listed in this General Order shall do so in writing on a departmental Special Request to the Chief of Police through their respective chain of command and via the Training Commander.

**NOTE:** Sworn Departmental members hired after the effective date of this General Order shall be restricted to the primary handgun approval of a Glock Pistol chambered in 9mm or .45 calibers. This restriction shall be inclusive of primary and back-up handguns. Existing members shall be “grandfathered-in” with their existing approved firearms. Changes from the existing approved firearms shall be restricted to the Glock Pistol chambered in 9mm or .45 caliber. Pre-existing approved rifles shall remain.

Additionally, effective the revision date of this order any external cosmetic (i.e., engraving, laser etching, etc.) modifications to primary and secondary firearms shall be **prohibited.** Members in possession of primary and secondary firearms with external cosmetic modifications prior to the revision of this General Order shall be “grandfathered-in”.

Hialeah Police Department
Date of Issue: February 25th, 2010

General Order 4.0
Response to Resistance/Aggression
Effective the 2012 firearms qualification cycle all primary and secondary firearms shall be inspected and any external cosmetic modifications noted shall be documented.

1) Revolver – Primary Firearm

   Specifications:
   
a) Chambered for .38 caliber or .357 Magnum
   
b) Double action.
   
c) Barrel length four (4) inches.
   
d) Without modifications from manufacturers’ specifications.

   Manufactured by:
   
a) Smith & Wesson
   
b) Colt
   
c) Ruger

2) Semi-automatic Pistols – Primary Firearm

   Specifications:
   
a) Chambered in 9mm, .40 caliber, or .45 caliber.
   
b) Double action first round firing.
   
c) Must have a de-cocking lever/manual safety, if capable, of both double and single action firing.
   
d) Must have a safety feature when in the “on” or “safe” position of a Firing Pin Safety, and/or a Firing Pin Block, and/or a Trigger Safety.
   
e) Minimum barrel length of 3.5” and maximum of 5”.

   Manufactured by:
   
a) Smith & Wesson
   
b) Beretta
   
c) Sig Sauer
d) Glock

e) Ruger

f) Heckler & Koch

g) Walther

h) Springfield Armory

3) Police Rifles and Pistols Chambered in Approved Rifle Calibers

The approval of the Chief of Police must first be obtained by any Member desiring to carry or deploy a rifle or pistol chambered in a rifle caliber.

a) Eligibility

1. Sworn personnel who have successfully completed the Field Training Evaluation Program and have successfully completed a departmentally approved Basic Patrol Rifle Course and/or a Basic Special Weapons and Tactics Course.

2. Purchasing of an approved patrol rifle/pistol and associated equipment will be the sole responsibility of the member.

3. Pistols chambered in a rifle caliber must be pre-approved by the Training Commander or designee on a Special Request form.

4. The Special Request form shall then be forwarded through the chain of command to the Chief of Police for final approval. AR-15 Pistols are subject to the same training and qualification requirements as a departmentally approved patrol rifle.

5. Members currently qualified to deploy an approved patrol rifle chambered in 9 mm caliber shall be “grandfathered in” as long as their qualification status is maintained current.

b) Qualification Requirements

1. Eligible personnel shall successfully complete a departmentally approved Basic Patrol Rifle Course.

2. The weapon must be inspected and approved by the Rangemaster, or designee, to ensure it complies with departmental requirements.
3. Members will be required to renew their qualification permit semi-annually. Members failing to qualify during the semi-annual qualification periods will not be allowed to carry the patrol rifle/pistol and no remedial training will be offered. Authorization to carry the weapon will resume upon successful completion of a new semi-annual qualification cycle with the patrol rifle/pistol.

a. Patrol rifle re-qualifications are conducted during the months of April and November.

b. The April qualification cycle will consist of a Tactical Qualification Course of Fire a copy of which shall be maintained on file in the Rangemasters office once approved by the Training Commander or designee.

c. SWAT personnel are only required to qualify with an approved patrol rifle once per year.

d. All sworn members who have been approved to carry a AR-15 pistol via Special Request shall demonstrate proficiency with said pistol on a semi-annual basis, to include SWAT personnel.

e. The November qualification cycle shall consist of a Marksmanship Qualification Course of Fire. The course will consist of the following criteria;

   • (50) Fifty Round Course of Fire.
   • 80% minimum requirement.
   • Shooter MUST demonstrate proficiency in one out of three attempts.
   • The qualification course shall require the shooter to fire from the standing, kneeling, seated and prone positions.
   • (10) rounds are fired from the twenty five yard line.
   • (25) rounds are fired from the fifty yard line.
   • (15) rounds are fired from the one hundred yard line.

f. The member must secure a firearms qualification card issued by the Firearms Section. This card is to be carried at all times while the patrol rifle/pistol is carried on duty.

g. A copy of each qualification shall be maintained in the individual member’s firearms file located in the range office.
h. The qualification information shall be entered into the L.E.A. program and maintained current by clerical personnel assigned to training.

i. No patrol rifle/pistol will be carried or deployed unless the member has qualified with it.

c) Approved Rifle Types

1. The following is a list of approved rifles/pistols, by manufacturer, in 5.56mm / .223 caliber based on a AR-15 or CAR-15 platform, with a fixed and or collapsible stock or buffer tube:

   - Colt
   - Bushmaster
   - Armalite
   - Rock River Arms
   - DPMS
   - Olympic Arms
   - Other manufacturer’s brands are subject to inspection and approval by the Rangemaster, or designee.

2. Caliber

   - 5.56 mm or .223 caliber
   - 9 mm *(Only those members currently grandfathered in)*

3. Barrel Length

   - Minimum rifle of 16” or pistol 7” overall length to include flash suppressor or muzzle break.
   - Maximum 20” barrel length.

4. Magazine

   - Maximum 30 rounds capacity detachable box magazine.
   - Maximum of three (3) magazines.

5. Sights

Factory manufactured iron sights without modifications or iron flip up front and rear sights mounted on the upper receiver, gas block and/or Rail Interface System.
6. Passive or Electronic Sights

a. The following is a list of approved passive or electronic sights:
   - EoTech
   - Aimpoint
   - Trijicon Reflex
   - Meprolight Reflex
   - Trijicon ACOG 4x32 (Must be combined with a RMR C.Q.B. Sight)

b. Passive or Electronic Sights with magnification other than those identified in section 6 (a) are prohibited.

c. Members using Passive or Electronic Sights must have their iron sight co-witnessed while the Passive or Electronic Sights are mounted on the police rifle.

d. Passive or electronic sights shall be listed on the remarks section of the firearms qualification card on each qualification cycle.

7. Additional Equipment

a. All police rifles must include an adjustable single, two, or three point sling.

b. A Rail Interface System in place of factory hand guards may be installed by factory or a factory trained armorer.

c. Flashlight attached to Rail Interface System or fixed front sight base.

d. Vertical fore grip attached to factory hand guards or a Rail Interface System is approved for patrol rifles only. Members choosing to install a forward vertical grip on an approved pistol must comply with existing registration requirements with the B.A.T.F.

e. The Rangemaster must approve all aftermarket sights and/or additional equipment.

d) Ammunition

   1. Authorized members shall carry and only use ammunition approved by the department when acting within the scope of their authority.
e) **Weapons Storage**

1. Safety and security are of prime concern when a police rifle/pistol is not in use. *Qualified members do not have discretion as to the storage of patrol rifles.* While on duty, police rifles/pistols shall be stored:

a. Encased in the trunk or other secured compartment of the police vehicle.

b. With the magazine in the rifle.

c. With the chamber empty.

d. With the hammer in the “cocked” position.

e. With the “fire selector” in the safe position.

2. When police rifles/pistols are brought into any Police Department building, except during a tactical deployment, weapons shall have:

a. The magazine removed.

b. The chamber empty.

c. Bolt opened / locked to the rear.

d. Fire selector on safe.

f) **Police Rifle/Pistol Deployment**

1. The following situations are examples of appropriate police rifle/pistol deployment. However, proper and appropriate deployments are not limited to the following listed examples.

a. Active shooter response.

b. Hostage situations.

c. Barricaded subject(s).

d. Civil disturbance.

e. Perimeter where an armed subject(s) is sought.

f. Specific security assignments (i.e., narcotics transfer to the incinerator).
g. Assisting other agencies when armed resistance is anticipated.

h. Officer under fire; officer or citizen rescue from a field of fire.

i. Initial containment of a sniper pending deployment of S.W.A.T.

j. Other emergency situations where the member and/or performance of the mission are rendered ineffective due to the limited range of sidearms and/or shotguns.

g) Prohibitions

1. Fully automatic and/or select fire patrol rifles are only authorized for deployment by S.W.A.T. members.

2. Any alterations or modifications from the manufacturer’s specifications with prior approval and inspection of the Rangemaster, or designee.

3. Magazines with a capacity in excess of thirty (30) rounds.

4) Police Shotgun

Shotguns used for Police purposes, either department issued or personally owned, must comply with the Specification Standards of this General Order. Members shall qualify with approved shotguns on an annual basis. *Shotguns designated as less lethal launchers SHALL NOT be loaded with any lethal munitions.*

Specifications:

a) Restricted to 12 Gauge.

b) Slide action only.

c) Barrel length of 12 to 20 inches.

d) Spring loaded firing pin.

e) Stock:

- Standard shoulder stock.
- Factory pistol grip stock.
- Folding stocks are prohibited.
f) Without modification from manufacturers specifications.

Manufactured by:

a) Mossberg

b) Smith & Wesson

c) Remington

d) Winchester

5) Secondary Firearms:

Effective March 2011, sworn members will only be authorized to qualify two (2) handguns under the authority of F.S.S. 790.051, F.S.S. 790.052, and H. R. 218 as a member of the City of Hialeah Police Department. Members currently qualified with an approved .380 acp caliber secondary firearm will be allowed to continue to qualify with and carry a .380 acp caliber firearms with the following restrictions;

1. The member is responsible for supplying their own departmentally approved frangible ammunition to qualify with their .380 acp pistol.

2. The frangible ammunition must be approved and is subject to inspection by the Training Commander or designee prior to qualification.

3. The member is responsible for supplying departmentally approved ammunition to carry in the .380 acp pistol. The currently approved carry ammunition in .380 acp is the following;

   • Speer Gold Dot Hollow Point, 90 grain, .380 acp

4. The carry ammunition must be approved and is subject to inspection by the Training Commander or designee prior to authorization.

Includes all authorized Primary Firearms. Also approved are:

a) .38 caliber revolvers with:

   • Two to four inch barrel length.
   • Minimum of five shot capacity.
   • By Primary Manufacturers only.
b) Semi-automatic pistols which:

- Comply with Primary Specifications.
- And/or are by other than Primary Manufacturers subject to safety inspection and specification certification by the Range Training Staff. In addition to those firearms listed by approved Primary Manufacturers, the following manufacturers are approved as secondary firearms;
  
  o Kahr Arms
  o Kel-Tec
  o Walther PPS

6) Off-duty Firearms

Inclusive of all Primary and Secondary Firearms.

7) Special Firearms

Sworn Members on special assignment are entitled to carry Special Firearms authorized by the Chief of Police. Such firearms are prohibited from field deployment until the carrying Member has successfully completed the training and qualification requirements. Sworn members assigned to a “Special Assignment” requiring an exemption from qualification with only two (2) handguns while acting under the authority of a member of the City of Hialeah Police Department shall request such exemption via a Special Request to the Chief of Police, via the chain of command. The approval shall only be effective for the duration of the member’s “Special Assignment”.

4. Firearms Qualifications

All Sworn Members are required to achieve and maintain a Qualified Status with all firearms used for police purposes, both on-duty and off-duty. [CFA4.05M]

- Members are required to qualify on one out of three attempts with a primary or secondary firearm.

- Minimum qualification score shall be 80% of the qualification course of fire for primary and secondary firearms.
The handgun qualification shall consist of the following (C.J.S.T.C.) Commission approved course of fire:

<table>
<thead>
<tr>
<th>Stage 1</th>
<th>HIP POSITION FROM HOLSTER</th>
<th>Stage 2</th>
<th>TWO-HAND HIGH POINT FROM READY GUN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using single target from the 1 to 3-yard line shoot:</td>
<td></td>
<td></td>
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<tr>
<td>• 2 rounds in 4 seconds</td>
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<tr>
<td>• Repeat one time for a total of 4 rounds</td>
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<tr>
<td>Using single target from the 3-yard line shoot:</td>
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<tr>
<td>• 2 rounds in 1 second</td>
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<tr>
<td>• Repeat two times for a total of 6 rounds</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Stage 3</th>
<th>TWO-HAND HIGH POINT FROM HOLSTER</th>
<th>Stage 4</th>
<th>Two-hand high point from holster</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using single target from the 7-yard line shoot:</td>
<td></td>
<td></td>
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<tr>
<td>• 2 rounds in 4 seconds from the holster</td>
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<tr>
<td>• 2 rounds in 4 seconds from ready gun position</td>
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<tr>
<td>Using single target from the 7-yard line shoot:</td>
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<tr>
<td>• 3 rounds in 5 seconds.</td>
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<tr>
<td>• Repeat one time for a total of 6 rounds</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Stage 5</th>
<th>TWO-HAND HIGH POINT FROM HOLSTER</th>
<th>Stage 6</th>
<th>TWO-HAND HIGH POINT FROM HOLSTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Using single target from the 7-yard line shoot:</td>
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<tr>
<td>• 12 rounds in 45 seconds. (Mandatory Reload)</td>
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<tr>
<td>Using single target from the 15-yard line shoot:</td>
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<tr>
<td>• 6 rounds in 30 seconds.</td>
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</table>

Sworn Members shall be authorized to qualify annually with two (2) handguns from the list of approved Primary or Secondary firearms. S.W.A.T. members are exempt from this provision of the General Order and shall not be restricted to two (2) handguns. S.W.A.T. members shall demonstrate proficiency with each handgun that will be carried on or off duty in accordance with this order.

The Sub-Machine Gun (MP-5) qualification shall consist of the following approved course of fire. Only those members who have previously attended a departmentally approved sub-machine gun course and who have successfully qualified with the weapon are authorized to deploy the MP-5 sub-machine gun operationally;

**Qualification Course:**

- 3 yard line: Standing from hip one (1) round no time limit. Repeat three times for a total of three (3) rounds.

Standing from hip three (3) round burst no time limit. Repeat three times for a total of nine (9) rounds.
• 7 yard line: Standing ready to point shoulder position. Two (2) rounds no time limit. Repeat three (3) times for a total of six (6) rounds.

Standing ready position to point shoulder position fire three (3) round burst no time limit. Repeat three (3) times for a total of nine (9) rounds.

• 15 yard line: Five (5) rounds standing / reload / five (5) rounds kneeling in 20 seconds. Total of ten (10) rounds.

• 25 yard line: Standing position four (4) rounds no time limit.

Kneeling position four (4) rounds no time limit.

Total Rounds fired: 45 Minimum Qualifying Score: 36

a. Minimum Standard

Qualification is established by a Pass/Fail achievement of a minimum score of eighty (80) percent, regardless of firearm type, or use for on-duty or off-duty in at least one out of three attempts.

b. Qualification Goals

1. To enhance the safety of Officers and the citizenry.
2. To comply with legal requirements.
3. To reduce potential civil liabilities.

c. Responsibilities

1) Sworn Member

Each Sworn Member is required to:

a) Attend the Annual Qualification Session.

b) Make arrangements with the Firearms Training Staff to re-schedule their Qualification Session if the Member will not be available during the established session schedule due to vacation, extended training, etc.

c) Bring all firearms, including Primary, Secondary, and assigned shotguns along with extra magazines and/or speed-loaders to be used in police functions, to their scheduled qualification session.
d) Bring a secure hip holster for each handgun brought for qualification.

e) Bring all previously issued duty ammunition.

f) Obey all Range Safety Rules.

g) Obey all instructions of the Firearms Training Officer.

2) Firearms Training Officer

The Firearms Training Officer shall be required to:

a) Review and inspect each submitted firearm, prior to authorized use, to determine compliance with the specifications of this Order. [CFA 4.06AM]

b) Review and inspect each submitted firearm, prior to authorized use, to determine if it functions safely and reliably. [CFA 4.06AM]

c) Disallow qualification attempts with any firearm that fails to meet specifications or is unsafe.

d) Determine when a firearm is deemed as unsafe or inoperative. In such instances, the firearm shall be dead-lined for inspection and/or repair. A department owned firearm shall be issued, pursuant to the “Department Issued Handguns” section, to the employee until the firearm is repaired or replaced. Possession of a firearm issued by the department shall not exceed a four month time period. [CFA 4.06BM]

e) Immediately terminate any qualification or practice firing by any member who violates the Range Safety Rules.

f) Document, by standard form (Appendix A), information regarding each Member’s firearm(s), identity, Pass/Fail on qualifications and file a copy of each form in the respective member’s firearms training file. [CFA 4.05B, 4.06C]

g) Provide CJSTC Form 86 and 86A to designated clerical personnel assigned to training to input the qualification data into the L.E.A. Program.

h) A hard copy and electronic record shall be maintained by the departments training unit for all sworn members firearms qualifications, to include SWAT personnel.
i) Provide written notification of any Member’s failure to qualify within three attempts with their Primary firearm to the Chief of Police via the chain of command and the Extra-Duty Office.

j) Upon a Member’s failure to qualify with their Primary firearm, inform the member and notify his/her supervisor that the member:

1. Is not allowed to work in the field.
2. Is not allowed to work Extra-Duty.
3. Is not allowed to carry any firearm on-duty or off-duty.
4. Is prohibited from taking any type of police action.
5. Is not allowed to wear a police uniform or any other apparel identifying them as a police officer.
6. Should report to his/her regular assignment for instructions on non-field duty assignment.
7. The affected member’s police identification credentials and badge shall be immediately surrendered to their immediate supervisor.

k) Provide both eye and ear protection for the member’s safety.

l) Prohibit the use of cross-draw holsters, shoulder holsters, and/or ankle holsters in the gun range.

d. Qualification Retraining

Each Member who fails to achieve a Passing score in Primary Qualifications will be afforded the opportunity to re-qualify in accordance with the following restrictions and provisions:

1) After the third failure to qualify, the Member is eligible to receive an additional six hours of remedial training pursuant to the availability of the Firearms Training Staff.

2) The Member has the duty to schedule all remedial training, practice sessions and their next re-qualification effort, subject to availability of the Range and the Firearms Training Staff.

3) Subsequent to remedial training, each non-qualifying Member is required to conduct three (3) qualification attempts per day (unless a passing score is achieved sooner), not to exceed a total of six qualification attempts in a total of 2 days (whether consecutive or not), contingent upon Firearms Training Staff availability.

4) After a failure to qualify pursuant to the aforementioned re-qualification attempts, the Member shall be reviewed for possible suspension, dismissal and/or re-classification for lack of fitness to perform the Police function.
e. Firearms Storage

Firearm safety and security are of prime concern for the Member and the Department. Section 790.174, Florida Statutes, states: “A person who ... leaves, ... a loaded firearm ... and who knows or reasonably should know that a minor is likely to gain access to the firearm... shall keep the firearm in a securely locked box ... or shall secure it with a trigger lock.”

1) Member Responsibility

The Member has the sole responsibility for the safe keeping of their personal and Department issued firearms.

2) Action

a) Storage

1. All primary firearms shall be kept on the Members’ person, except when:

   a. Secured in a gun locker (i.e., when processing a prisoner, when using the gym, etc.).

   b. Surrendering the firearm upon the order of a superior officer or other authorized personnel (i.e., for inspection, for safety and specification compliance examination, for investigative purposes, etc.).

2. All secondary firearms shall be secured by concealment on the Member’s person. Firearms shall not be stored in a vehicle that is not in the immediate control of the member except when at a booking or mental health facility where the firearm(s) may be secured in the trunk of the police vehicle.

3. Shotguns

   a. Field Storage: The Member is enabled to have a police shotgun, subject to the specifications and requirements of this Order, in their immediate possession while in the field. However, the Member has the requirement to immobilize the shotgun for safe vehicle operation, and to secure it in the trunk of the police vehicle when left unattended. Shotguns are to be carried with:

      i. The chamber empty.

      ii. The action closed.
iii. The safety on.

iv. The ammunition tube filled to capacity with Department issued ammunition.

b. **While in a Police Facility:** Except when tactically deployed, shotguns brought into any police building shall be put into the following condition prior to entering:

i. The chamber empty.

ii. The action open.

iii. The safety on.

iv. The ammunition tube empty.

v. The barrel pointed downward at all times.

c. **Reserve Shotguns:** While held in a police facility awaiting distribution, Department shotguns shall be stored with:

i. The chamber empty.

ii. The action closed.

iii. The safety on.

iv. The ammunition tube empty.

v. The barrel pointed downward.

d. **Off-duty Firearm Storage:** *Firearms shall not be stored in a vehicle.* Said restriction includes both city-issued and personal vehicles. All firearms not in the immediate possession of, on the person of, or in the immediate reach of a Member must be stored in a safe condition. Such condition includes:

i. The cylinders, chambers, and magazines empty.

ii. All safeties on.

iii. Ammunition kept in a location isolated from the firearm.
iv. Firearms not needed for immediate access should be secured in a locked case, or secured with a locked trigger guard.

e. **Sanctions:** Members may be held criminally, civilly, and departmentally accountable for failure to act responsibly in the storage of firearms both on-duty and off-duty.

4. **Department Issued Handguns**

a. **Policy:** Department owned handguns shall be issued subject to availability to assist Members whose primary firearm has been lost, stolen, or is under repair.

b. **Procedure:** Members requesting a department issued primary handgun shall:

i. Submit a Special Request Form specifying the need, and/or Case Number documenting a loss, via the Chain-of-Command to the Chief of Police.

ii. Personally request issuance from the Training Commander or designee by providing a copy of said Special Request once approved by the Chief of Police.

iii. The Member must successfully qualify with the department issued handgun prior to deployment in the field.

c. **Sanctions:** Members in violation of this procedure and/or restrictions shall forfeit their use of department issued handguns.

d. **Member Responsibilities:**

i. To maintain the issued department primary firearm in a safe and serviceable condition.

ii. To purchase and qualify with a personally owned primary firearm as quickly as possible.

iii. To return the department owned primary firearm as quickly as possible. **In no case shall this time frame exceed four (4) months after issuance.**

iv. To immediately report the loss or theft of department issued firearms in their care.
e. **Training Commander or Designee Responsibilities:**

i. To only issue firearms which fully meet the primary firearm specifications.

ii. To maintain permanent and accurate records of issued firearms detailing the date, time, make, model, caliber, serial number, and member’s information it was issued to.

iii. To document the issuance of any department owned firearm by writing an information report with a Hialeah Police case number upon issuance of the firearm.

iv. To document the return of the issued firearm via a supplemental report to the original case number the firearms was issued under.

v. To ensure the safety and functioning of any department owned firearm has been inspected by a departmental armorer prior to issuance.

vi. To initiate disciplinary action on all Members who violate the provisions of this procedure.

5. **Department Issued “Special Assignment” Handguns**

a. **Policy:** Department owned handguns may be issued, subject to availability, to Members on Special Assignment and/or SWAT Team Members providing the Member can demonstrate a compelling need.

b. **Procedure:** The Member must submit a Special Request form justifying both the need and the time frame for which a “Special Assignment” exists.

c. **Restriction:** No “Special Assignment” firearm may be issued until:

i. Written approval is received by the Training Commander or designee from the Chief of Police.

ii. The Member qualifies with the firearm to be issued.
d. **Member Responsibilities**

   i. To clearly demonstrate a need.

   ii. To maintain any department issued firearm in a functional, clean state.

   iii. To successfully qualify with the firearm.

   iv. To return the department issued firearm immediately upon the end of the specified time, or immediately upon transfer form the special Assignment and/or SWAT Team, whichever occurs first.

   v. To return all department issued firearms upon separation from the Hialeah Police Department.

   e. **Training Commander or Designee Responsibilities**

   i. To ensure the inspection of each “Special Assignment” firearm for safety and serviceability prior to issuance.

   ii. To document all “Special Assignment” firearms issued by writing an information report with a Hialeah Police case number upon issuance of the firearm.

   iii. To maintain permanent and accurate records of issued firearms detailing the date, time, make, model, caliber, serial number, and member’s information it was issued to.

   iv. To document the return of the “Special Assignment” firearm via a supplemental report to the original case number the firearms was issued under.

   v. To review the assignment log and inspect all issued “Special Assignment” firearms.

   vi. To *ensure compliance by attendance* during the established Annual Qualification Session at the Training Center of each Member issued a department “Special Assignment” firearm.
vii. To initiate disciplinary action, in writing, of violations of this procedure.

I. On-Duty and Off-Duty Discharge of Firearm

The following section does not apply to firearm discharges in approved training and/or recreational use. [CFA 4.08AM]

When an officer, irrespective of rank, discharges a Department issued and/or approved firearm while on-duty or off-duty, intentional or unintentional, within the jurisdiction of the Hialeah Police Department, he/she shall, without undue delay, notify the on-duty District Commander, or Shift Commander, of the incident and provide as much information as possible. The respective District Commander, or Shift Commander, shall notify the Chief of Police, via established protocol, without undue delay. The Criminal Investigation Division and/or the Professional Compliance Bureau will conduct an investigation regardless of whether or not anyone is injured.

When an officer, irrespective of rank, discharges a Department issued and/or approved firearm while on-duty or off-duty, intentional or unintentional, outside of the jurisdiction of the Hialeah Police Department, the initial investigation will be conducted by the law enforcement agency of jurisdiction relative to the location of occurrence. The officer involved shall, without undue delay, notify the on-duty District Commander, or Shift Commander, of the incident and provide as much information as possible. The respective District Commander, or Shift Commander, shall notify the Chief of Police, via established protocol, without undue delay. The Chief of Police has the discretion to enlist the Professional Compliance Bureau to conduct an investigation regardless of whether or not anyone is injured.

All notifications involving the on or off duty discharge of a firearm shall be made in accordance with the requirements of General Order 51.01, Notification Protocol.

J. Non-Lethal or Less-Lethal Weapons

1. Only approved non-lethal or less-lethal weapons shall be utilized in the performance of duty. [CFA 4.07M]

2. Review Process for Approved Non-Lethal or Less-Lethal Weapons
   [CFA 4.07AM]
Non-Lethal or Less-Lethal weapons are selected and evaluated based on the following criteria:

a. Safety

b. Effectiveness

c. Deliverability

d. Cost effectiveness

3. The following non-lethal or less-lethal devices/response are approved for possession and use by Sworn Personnel while on regular duty and on extra-duty details [CFA 4.07BM]:

a. Expandable Baton

b. 12 gauge less-lethal launcher

c. Sage SL-6 launcher

d. Def-Tec SL-8 launcher

e. Taser

f. Aerosol Deterrent Spray (ADS)

g. Jaycor Pepper Ball Launchers

h. Applied Carotid Triangle Restraint (ACTR)

i. Any other less-lethal device not defined in this section is prohibited without the prior written authorization of the Chief of Police, or designee.

4. Documented Annual Inspection of Less-Lethal Weapons

a. All less-lethal devices carried and used by sworn departmental personnel shall be equipped with all factory safeties and functional equipment and parts, unaltered and as installed at and by the manufacturer.

b. The Rangemaster, or a certified less-lethal instructor, shall inspect all less-lethal devices before issuance to sworn personnel.

c. All less-lethal devices will be inspected and documented on an annual basis by the Rangemaster, or designee, for cleanliness, serviceability, and to ensure expiration dates are not exceeded. [CFA 4.07CM]
• NOTE: the firearms Section may also conduct unannounced inspections as deemed necessary.

d. Unsafe, malfunctioning, or damaged non-lethal or less-lethal devices will be reported to the officer's immediate supervisor, who will tag the device as "Defective" and deadline it for service or repair. The assigned officer's name and the nature of the problem will be noted on the tag. The "Defective" device will be returned directly to the Firearms Section during normal business hours for repair or replacement.

5. Less-Lethal Extended Range Kinetic Energy Impact Devices

   a. There are many projectiles considered "less-lethal." The primary types used by the Hialeah Police Department are the:

      1) Flexible baton / sock round – 12 gauge

      2) Non-flexible – 37 mm

      3) Other less-lethal projectiles include 12 gauge rubber pellet projectiles, 37 mm stinger cartridges, stinger grenade. These are generally limited for use by S.W.A.T. and Mobile Field force personnel only.

6. Technical Description and Applications

   a. Flexible Baton / Sock Round – 12 gauge

      1) Due to technical limitations of certain 12 gauge weapons and safety issues, as this weapon can also fire shotgun ammunition, 12 gauge less-lethal deployment shall:

         a) Only be performed by certified less-lethal personnel; and

         b) Only be deployed by a Department-issued shotgun that is marked by red/orange tape on the barrel; and

         c) Only after an inspection of an unloaded weapon; and

         d) Verification by a second officer of less-lethal munitions being loaded.

      2) Only factory loaded, department issued/approved munitions are authorized for deployment.

7. Evaluation of Projectiles

   a. Extended Range Kinetic energy impact projectiles will be evaluated on the following criteria:
1) Accuracy

2) Effectiveness

3) Potential for causing death or serious physical injury.

b. Accuracy:

1) This is the primary consideration since proper shot placement greatly assists in controlling the other two evaluation criteria.

2) This will be evaluated based upon the anticipated ranges of deployment.

3) A minimal standard of accuracy for such rounds is a 12 inch group at 15 yards for qualifications purposes.

c. Effectiveness:

1) This is the potential of the round to cause incapacitation and reduce the subject's ability to continue his/her dangerous behavior.

2) The level of energy necessary to cause incapacitation creates the potential for injury with a low probability for causing serious physical injury or death when properly deployed.

3) Potential for causing death or serious physical injury:

   a) The potential for causing death or serious physical injury by such projectiles is a reality. This potential is greatly reduced when impacts to the head and neck are avoided and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury including such areas as the chest, back, thoracic and abdominal cavities and the groin.

   b) When engaging a target, the officer should evaluate the effectiveness of each round. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area considerations will be based upon the circumstances the officer is encountering and the established departmental safety priorities.

4) Deployment Areas – “Point of Aim, Point of Impact”

   Contact areas – each situation will dictate which criteria are to be used.

   a) Extremities.
b) Lower abdomen.

c) Neck, Sternum, Groin, Head, Spinal area — only if deadly force is necessary will any round be intentionally launched at these areas of the subject’s body.

8. Procedure

a. Deployment Techniques – 12 gauge

1) Authorized officers will carry the approved 12 gauge less-lethal launcher/shotgun upon assignment during a tour of duty. When the assignment of the 12 gauge less-lethal launcher/shotgun is effected, the assignment shall be reflected on the Daily Patrol Status Sheet by the supervisor.

2) An Oleoresin Capsicum Aerosol projector or electronic control device should also be available when utilizing less-lethal munitions.

3) Officers shall consider:

   a) The level of force being confronted.

   b) The proximity/access of subject to officers; and

   c) The departmental safety priorities.

4) Whenever possible, the less-lethal operator shall have lethal cover.

5) At all times, the intended use of less-lethal will be communicated to the other officers present by way of the police radio or by way of a loud verbal tone of voice, prior to deployment, to negate any perception of gunfire. Whenever possible, emergency medical personnel (Fire/Rescue and/or EMS) will be summoned to stand by at the scene prior to less-lethal force being deployed.

6) Whenever possible, a less-lethal team of at least four (4) officers shall approach and place the subject in custody.

b. Handling of Injured Suspects

Suspects who are impacted by a non-lethal weapon/response or less-lethal round shall be examined by Fire Rescue for evaluation of injury.

c. Reporting

1) The operational use of a kinetic energy impact projectile on a person will be documented in a Response to Resistance report.
2) A photograph of the contact point on the suspect will be included.

d. Training

Training in the use of extended-range kinetic energy impact projectiles will consist of the approved Department program to include classroom lecture, policy and procedure review, written exam, and practical qualification.

9. Taser

Refer to General Order 4.2 Electronic Control Devices

10. Aerosol Deterrent Spray (ADS)

The objective of the ADS section is to provide the Officers of the Hialeah Police Department with an effective alternate method of protecting themselves or others from assault and possible injury, and to overcome a resistant or combative person who is being taken into legal custody.

All sworn personnel must complete the ADS training unless they are medically exempt. Sworn members shall at all times carry at least (1) one intermediate weapon on the duty belt, while in Class B or Class C uniform, during operational assignments (i.e. patrol, extra-duty, hurricane activation, etc.) from the following list of approved intermediate weapons;

- Taser
- Expandable Baton
- Fox 5.3
- C.R.I.M.P.T.

This section is also intended to authorize and provide trained personnel from the Criminal Identification Section with an additional means of protecting themselves from assault and possible injury while in the performance of their duties.

a. Eligibility

All Sworn members after having completed the ADS qualification training unless they possess a medical exemption and Criminal Identification Section personnel who have completed the ADS qualification training.

b. Training

1) All sworn members and eligible Criminal Identification Section personnel shall undergo an initial four (4) hour training qualification course which will include classroom training, policy and procedure, reporting criteria, hands-on, and exposure.
2) Any member who fails to successfully complete the initial training is not permitted to carry the ADS.

3) All training shall be conducted by the Department’s Training Section and shall be product specific to the current ADS issued by the department.

c. Maintenance

1) Once the canister is issued to the qualified departmental member, it shall be the member’s responsibility to care for and maintain the equipment.

2) The canister shall be vigorously shaken when first issued, and repeated on a monthly basis. The canister shall also be replaced in accordance with the manufacturer’s recommendation.

d. Use of the ADS

1) Qualified personnel shall carry the ADS canister in an approved holster on their duty belt.

2) The ADS will only be used by sworn personnel whenever other forms of non-physical force when affecting an arrest have been unsuccessful. One example would be when an Officer’s physical presence and communication with a suspect has failed and the person becomes abusive, threatening, displays a tendency to physically resist, or is becoming combative.

Criminal Identification Section personnel will only use the ADS for self defense when that course of action is absolutely necessary and appropriate under the circumstances.

3) The ADS may be used by sworn personnel when the suspect is not in physical custody, and poses a threat. An ADS is used to make it difficult or impossible for a suspect to physically resist an officer which decreases the likelihood of injury to the suspect and officer, and allows the officer to de-escalate the situation.

4) The ADS should not be discharged into an enclosed area unless the member has the justification and the means to make entry to remove persons incapacitated and unable to leave on their own. Special consideration should be given prior to utilizing an ADS in a Medical Treatment Center or Hospital. An ADS should not be used in a Critical Care area, Emergency Room, or in the vicinity of Trauma patients.
5) **Under no circumstances** shall a member of the Department use the ADS on the driver or occupants of a vehicle if the vehicle is being driven or capable of being driven.

   a) The on-duty supervisor shall relieve any officer of his/her ADS if the supervisor finds the officer using the ADS in an unacceptable or non-permitted manner. The ADS and a report of why it was taken away from the officer shall be forwarded to the Chief of Police, via the chain of command, and may result in disciplinary action. A copy of the report shall also be sent to the Training Section Commander.

6) When deploying an ADS, the following warnings shall be considered:

   a) Shout a warning to the other departmental members present with the word “CLEAR”.

   b) If feasible, a warning to the subject advising that non-compliance will result in being sprayed.

   c) Distance to the intended target should be within the range of 4 to 6 feet.

   d) Aim for the face, eyes, and mouth.

   e) Spray for a period of one second.

7) Officers making contact with an arrestee that has been exposed to an ADS shall:

   a) Allow time for the chemical to take effect.

   b) VERBALIZE what you want the subject to do.

   c) Direct arrestee to the ground or a control position.

   d) Handcuff the subject.

   e) Reassure the subject that the effects of the chemical agent are only temporary. The effect should wear off in approximately 20 to 45 minutes.

   f) Advise the personnel at the detention receiving facility that the subject has been sprayed with ADS.

8) When Criminal Identification Section personnel deploy the ADS at a subject(s), the concerned member shall:
a) Request assistance via the police radio and advise dispatch of the situation.

b) Notify the on-duty district Sergeant who will complete and submit the Response to Resistance report.

c) Allow time for the chemical to take effect.

d) VERBALIZE what you want the subject to do.

e) Reassure the subject that the effects of the chemical agent are only temporary. The effect should wear off in approximately 20 to 45 minutes.

f) Advise the responding officers and other responding Criminal Identification Section personnel that the subject has been sprayed with ADS.

e. Handcuffed Prisoners

It may be necessary to use the ADS on handcuffed prisoners. This General Order permits officers to spray handcuffed prisoners under certain conditions and circumstances.

**Handcuffed prisoners should only be sprayed as a last alternative.**

1) Verbal Warning

It is mandatory that all police officers, prior to spraying a handcuffed prisoner, give the prisoner(s) a verbal warning that he/she is going to use the ADS. The command must be loud, clear and repeated twice prior to spraying the subject.

If the subject has been advised and ordered to stop his prohibitive action, the officer will then state “CLEAR” and spray the handcuffed prisoner for one second in duration.

2) Rear of Police Vehicles

A prisoner who is handcuffed and has been placed in the rear of a police vehicle may be sprayed when the prisoner:

a) Is combative and is attacking the officer.

b) Is in the process of harming or injuring themselves.

c) Damaging the police vehicle (i.e., kicking the rear windows, etc.).

d) To prevent the subject from injuring another prisoner or person.
3) Holding Areas, Interview Rooms, Transportation, etc.

Handcuffed prisoners may be sprayed while being transported, interviewed, photographed or in any other area. It is important to note that spraying a subject inside a facility could contaminate the entire building if the duration of the spray is extending and the air conditioning system picks up the irritant in the air. Permitted incidents include if the subject is:

a) Trying to escape.

b) Destroying property.

c) In the process of harming or injuring themselves or others.

d) Combative and takes a defensive stance.

e) Physically resisting or threatens the officer.

4) After spraying the subject, the following procedure shall be followed:

a) Give the sprayed subject clear and explicit commands and instructions.

b) Monitor the subject’s body position.

c) If possible, have the subject remain in a seated position.

d) Use seat belts during transport.

e) Transporting officer will speak to and attempt to observe the subject whenever safe and possible.

f) The subject shall not be left unattended in a car or a room for any period of time.

g) Follow the Fire Rescue guidelines for prisoner safety.

f) Decontamination

1) Personnel using the ADS should not touch their face or eyes until they have had a chance to wash with soap and water so as to prevent the transfer of the chemical agent.

2) A sprayed subject shall be afforded the opportunity to wash the contaminated area and remove any contaminated clothing as soon as it is safe and practical to do so. An abundant amount of fresh air is the most effective method of decontamination.
3) Inadvertent bystander contamination shall be dealt with as soon as possible.

4) When an ADS is deployed inside a vehicle or a structure, all windows and doors shall be opened to allow the free flow of air. This will adequately decontaminate the area.

5) Fire Rescue shall be called whenever any of the following circumstances are present:
   a) The subject continues to complain of not being able to breathe.
   b) Any abnormal behavior is observed after spraying the subject (i.e., convulsions, vomiting, excessive sweating, etc.).
   c) Any sign of cardiac or respiratory distress.
   d) Shallow or restrained breathing.
   e) The subject specifically requests Fire Rescue.
   f) The subject loses consciousness or any other medical emergency.

6) Officers shall document on the A-Form that the subject was sprayed with an ADS.

7) Prior to being transported from Hialeah to another agency or to a detention center, the subject MUST be visually monitored for at least one hour after the exposure.

g. Reporting Procedure

1) The use of the ADS, both intentionally and unintentionally, shall be reported to the Chief of Police via chain of command on the Response to Resistance Report (RTR).

2) A copy of the RTR, along with copies of the Offense/Incident report, follow-up report(s) and A-Form(s), shall be submitted to the Training Section for evaluation of the effectiveness of the ADS.

3) Refer to General Order 4.3 Response to Resistance/Aggression Reporting.

h. Evaluation

The Training Section shall maintain all records, reports, and data associated with this program, and constantly review the continued use of the ADS.
### Hialeah Police Firearms Training Record (Fill Copy)

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<tr>
<th>Name of Course</th>
<th>Module 1</th>
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**Hialeah Police Firearms Qualification Card**

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</table>

*Retain card for proof of qualification exams.*
Good afternoon,

Please see attached.

Thank you,

Maruchy Chavez
Hialeah Police Department
Office of the Chief
Office: (305) 953-5300
Fax: (305) 953-5330