

MOUNT DORA POLICE

Weapons, Police Identification, and Use of Force Operational Policy # 01

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John O'Grady
Chief of Police

preservation of human life and require its members to exercise utmost care and good judgment in carrying out their obligations. Therefore, members shall at all times exhaust every other reasonable means of apprehension before resorting to the use of force. The use of force may appear legally justified in some instances, but members' actions must also stand the test of moral and practical considerations.

PURPOSE: It is the purpose of this policy to establish guidelines in the use of force tactics by:

- a. Establishing policy governing the use of force.
- b. Establishing policy governing the use of chemical agents, handcuffs, and other issued equipment.
- c. Providing instructions for the completion of the *Defensive Tactics Form*.
- d. Establishing policy for the appropriate off-duty use of weapons and police identification.

1. DEFINITIONS

1.1 DEADLY FORCE

The use of force that is likely to cause death or great bodily harm. It is not only determined by the type of weapon used, but also by the method and circumstances under which it is used.

1.2 NON-DEADLY FORCE

The use of force that is neither likely nor intended to cause death or great bodily harm.

1.3 PHYSICAL FORCE

The use of weaponless tactics, restraint holds, and or controlling techniques.

1.4 APPROVED FIREARM

Any department issued, or personally owned, firearm that is approved by appropriate departmental authority.

1.5 FORCIBLE FELONY

For the purpose of this policy a forcible felony is defined as murder; manslaughter; sexual battery; carjacking; home-invasion robbery; arson; kidnapping; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of deadly force against any individual.

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POLICY: It is the policy of the Mount Dora Police Department to place emphasis and value upon the

SPECIAL NOTE: For the purposes of this policy, *forcible felony* is more narrowly defined than in Florida State Statute.

1.6 THE USE OF FORCE GUIDELINES (Attachment C)
A guideline that shows the various levels of force that are authorized to subdue subjects who resist arrest. In practice, the *USE OF FORCE GUIDELINES* is a graduated, but not necessarily progressive, process that is based on the utilization of only the force necessary to counter and/or subdue the physical actions of an arrestee. The utilization of any technique shall be predicated on the physical actions of the arrestee with due consideration to the prevailing circumstances and the size and physical skill of the arrestee and the member(s) involved. The *USE OF FORCE GUIDELINES* should be used in conjunction with Attachment D: *THE DECISION MAKING PROCESS*.

Deviations from the *USE OF FORCE GUIDELINES* shall be clearly articulated in the *Defensive Tactics Form* and must be justifiable. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely, members should continually assess the situations where force is warranted.

1.7 LESS LETHAL WEAPONS

The Mount Dora Police Department has adopted the following less lethal weapons for use.

- a. Tasers
- b. **Aerosol spray agent**

1.8 LESS LETHAL FORCE

Force that is intended to incapacitate a subject with a minimal possibility of causing great bodily harm or death.

1.9 FOUNDED SUSPICION/REASONABLE BELIEF

A founded suspicion/reasonable belief is based on existing facts and circumstances interpreted in light of the member's knowledge and experience. Mere suspicion, guesswork, or hunches never constitute a founded suspicion/reasonable belief because no objective, factual justification exists.

1.10 PRINCIPAL MEMBER

For the purpose of this policy, any member who encounters physical resistance from a subject and must use greater force than controlling techniques or restraint holds to overcome it.

1.11 ASSISTING MEMBER

For the purpose of this policy, a member using controlling techniques or restraint holds while assisting the principal member.

2. USE OF FORCE

2.1 AUTHORIZED LEVEL OF FORCE

Any level of force used by a member must be within the guidelines of current state law and the written directives of the Mount Dora Police Department. Members must use only the force necessary to affect lawful objectives. Members should consider what is an objectively reasonable use of force in each individual situation.

2.2 STATE CERTIFICATION

All sworn members must successfully complete the Florida Basic Recruit Training Program, or its equivalent, prior to assignment in any capacity in which the sworn member is allowed to carry a firearm or is in any position to make an arrest.

2.3 USE OF RESTRAINT TECHNIQUES

Proper use of neck restraints, and/or similar weaponless control techniques, that have a potential for serious injury shall be reviewed on an annual basis during in-service training concerning the use of force.

2.4 MEDICAL ATTENTION REQUIRED

Anytime a member uses force in the performance of duty, appropriate medical aid shall be administered to anyone involved that is injured or that claims injury.

- a. The member shall, as necessary, administer medical assistance to the level of their specific training.
- b. The member shall notify the Communications Unit of the injury and the need of medical aid.
- c. The Communications Unit will forward the request to the appropriate medical agency.
- d. The responding medical agency will treat the injured person and advise if further medical assistance is recommended.
- e. The member will follow the advice of the responding medical agency concerning further treatment of the injured person.

2.5 USE OF FORCE TRAINING

Use of force training shall be held, at a minimum, on an annual basis.

3. USE OF DEADLY FORCE

3.1 ORIENTATION

Every sworn member shall be issued a copy of, and receive instruction concerning, the use of force policy of the Mount Dora Police Department. This shall be done before the member is authorized to carry a weapon or is placed into a position where deadly force may be used.

3.2 AUTHORIZED USES OF DEADLY FORCE

a. IMMEDIATE PROTECTION FROM GREAT BODILY HARM OR DEATH

Deadly force may be used in situations where it is immediately necessary to protect human life from death or great bodily harm.

b. PREVENTION OF AN ESCAPE OF A FORCIBLE FELONY SUSPECT

Deadly force may be used when necessary, and no other reasonable means exists, to affect the arrest or prevent the escape of a suspect that the member has actually witnessed commit a forcible felony as defined in this policy. If practical, a verbal warning shall be given.

3.3 UNAUTHORIZED USES OF DEADLY FORCE

a. BASED ON CHARGES OR CONVICTIONS

Members may not use deadly force to apprehend escapees or other wanted individuals based solely on the individual's original charges or convictions.

b. ENDANGERING THE PUBLIC AT LARGE

A member shall not use deadly force if there is a likelihood of serious injury being inflicted on anyone other than the targeted individual. The use of deadly force is not condoned if the consequences would be likely to outweigh the police purpose served. The safeguarding of human life shall outweigh all other considerations.

3.4 ADMINISTRATIVE REVIEW

Any member whose actions result in death or serious bodily injury shall be removed from the line of duty until a preliminary administrative review is finished. This is not meant to restrict the member from completing any necessary reports or participating in any ensuing investigations related to the action.

4. USE OF WEAPONS

4.1 REQUIRED TRAINING

Members shall only carry, or use, weapons (lethal, and/or less-lethal) for which the member has the required

certification and has proven proficiency under the direction of a departmental approved instructor.

- a. Firearms proficiency demonstrations and training will be done at least on an annual basis with each weapon the member is authorized to carry.
- b. Less-lethal weapons training shall be held at least on a biennial basis.

4.2 DEPARTMENTAL APPROVAL

The command staff shall be responsible for the initial selection or all weapons (lethal and less-lethal) as well as any subsequent changes of equipment. The review concerning selection or changes in weapons shall be made in any command staff meeting. Only weapons and ammunition approved by the Mount Dora Police Department shall be used in the performance of duty. This includes any off-duty, or extra duty, use when acting in a law enforcement capacity. The following restrictions shall apply to all weapons used by members.

- a. All weapons must be approved, reviewed, and inspected by a department-approved armorer or weapons instructor prior to carrying.
- b. Any member may request an exam of a weapon that the member considers to be malfunctioning. Any weapon deemed unsafe by the approved armorer or weapons instructor shall be removed from service according to the following procedures.
 1. A *field stripped exam* shall be conducted on each weapon prior to any firearms training class, and/or proficiency test, with the weapon. The exam shall be conducted under the direction of a department-approved armorer or weapons instructor.
 2. An exam shall be conducted if an unexplainable or consistent malfunction occurs that would indicate the cause is related to the mechanical workings of the weapon, or if the weapon is exposed to any extreme condition that the armorer could reasonably expect to affect the safe, mechanical operation of the weapon.
 3. Any department weapon that is deemed unsafe by the armorer or

instructor shall be rendered inoperable with a locking device.

4. The armorer or instructor shall secure the unsafe department weapon in the department armory as soon as practical.
 5. A department armorer, with approval of command staff, shall arrange for the repair of the weapon.
 6. The armorer or instructor shall send a memo to the Deputy Chief, through the chain of command, with information (including the serial number, defect, and repair cost) about the unsafe weapon. A copy of any memos concerning the weapon shall also be sent to the lead department armorer.
 7. The armorer or instructor shall inform the member of any member-owned weapon that is deemed unsafe. The weapon shall be returned to the member with instructions not to use the weapon until it is properly repaired. No member is authorized to carry any weapon deemed unsafe by a department armorer or instructor.
- c. A record of each weapon approved for use shall be kept by the lead department armorer.

4.3 WRITTEN REPORT REQUIRED

In the following circumstances, the involved member is required to submit a written report. The report may include the *Defensive Tactics Form* or an Internal Inquiry, whichever is appropriate for the situation. All such reports shall be reviewed by the member's **bureau commander**, the Deputy Chief, and the Chief of Police.

- a. If a member discharges a firearm for other than training or recreation purposes.
- b. If a member takes an action that results in, or is alleged to have resulted in, injury or death of another person.
- c. If a member applies force through the use of lethal or less-lethal weapons.
- d. If a member applies weaponless physical force to an active level of force as dictated by this policy.
- e. If a supervisor feels that a written report is required due to extenuating circumstances.

4.4 OTHER AUTHORIZED USES OF FIREARMS

Members of the department may discharge an approved firearm only under the following circumstances.

- a. FIREARM PRACTICE
- b. ALARM OR CALL FOR ASSISTANCE
To give an alarm, or to call for assistance, for an important purpose when no other means is

possible and the round may be fired safely into the ground.

- c. EUTHANASIA OF AN ANIMAL
To kill a dangerous animal, or one that humane consideration requires release from further suffering, when no other means of disposition is available. When practical, a supervisor shall be notified prior to use of a firearm for this purpose.
- 4.5 UNAUTHORIZED USE OF FIREARMS
- a. Firing into crowds.
 - b. Firing over the heads of crowds.
 - c. Firing warning shots.
 - d. Firing at escaping prisoners who are handcuffed, regardless of pending charges or convictions.
 - e. Firing into buildings, enclosures or through doors when a suspect is not visible, except when approved by a command member.
 - f. Knowingly firing at juveniles except in the immediate defense of human life.
 - g. Firing at persons or vehicles while seeking to apprehend misdemeanants or subjects who have not committed a forcible felony as defined in this policy.
 - h. Firing at vehicles, used in aggravated assaults with a vehicle, once any immediate danger has passed.
 - i. Cocking the hammer of a weapon except to improve aim immediately prior to firing.

5. HANDGUNS

5.1 PROPERLY HOLSTERED

The handgun, when not in use, shall remain inside the holster and completely secured (snapped in). When the member perceives potential danger, the handgun may be removed from the holster.

5.2 TACTICAL READY

When the handgun is outside the holster in a tactical situation, the weapon shall be pointed down at a 45-degree angle (*tactical ready* position) until there is a need to fire or the member is at risk. The member's trigger finger shall remain outside of the trigger guard until the member intends to discharge the weapon.

5.3 ADDITIONAL SAFETY CONSIDERATIONS

The handgun shall be made safe as soon as practical. In no-threat situations when the handgun is outside the holster, the handgun shall be pointed in a safe direction.

5.4 BACK-UP FIREARMS

Back-up firearms shall be allowed, but not required, by the department. The following restrictions apply to the carrying, and use, of back-up firearms.

- a. It must be concealed at all times, except in use.
- b. It must not be used at any time that the primary handgun could have been used.
- c. The make, model, and serial number must be registered with the department armorer.
- d. It must be kept in a safe, workable condition,
- e. The member must prove proficiency with it, under the supervision of a departmentally approved firearm instructor, before it is carried.
- f. It must be kept securely, in a departmentally approved holster, to prevent loss during strenuous activity.

6. SHOTGUN

6.1 SHOULDER WEAPON USE

Any shoulder weapon is to be considered as a supplemental weapon and shall be carried only in those cases where the member's sidearm would be impractical or ineffective. The shoulder weapon shall be primarily used as a perimeter weapon to avoid operational difficulties presented in confronting suspects at close quarters, negotiating obstacles, or giving chase. The shoulder weapon shall never be displayed as an *intimidator* and members must be able to articulate that its deployment was in keeping with good police practice.

6.2 SHOTGUN USES

The shotgun is the primary perimeter weapon and shall be used only by members who have qualified with this weapon during required qualifications. Use of the shotgun shall be acceptable in the following circumstances:

- a. Perimeter or stakeout purposes.
- b. Situations involving poor lighting where aiming would prove difficult.
- c. Situations where suspects have superior firepower over the member's sidearm.
- d. Tactical situations where suspects are known or suspected to have committed a forcible felony as defined in this policy.

6.3 SHOTGUN PROCEDURES

Members shall adhere to the following shotgun procedures.

- a. The member may place a round in the chamber and place the safety in the *off* position at his/her discretion when circumstances indicate that danger may be imminent.

- b. The member's trigger finger shall remain outside of the trigger guard until the member intends to discharge the weapon.
- c. The shotgun shall be carried in either the *low ready* position (45 degree muzzle down and stock of weapon in shoulder) or port arms position while moving or until the member intends to discharge the weapon.
- d. The shotgun may be carried in a slinged position muzzle up or muzzle down. When this method is used, the weapon will be in a *cruiser ready* mode (no round in the chamber and with the safety in the *ON* position).
- e. The shotgun shall be made safe by engaging the safety and removing the shell from the chamber as soon as it is practical.
- f. The shotgun will not be placed in the vehicle weapon rack with a round in the chamber.

7. AR-15 RIFLE

7.1 AR-15 USES

Members, who have been trained and qualified, may deploy the AR-15 if circumstances warrant it. The use of the AR-15 shall be acceptable in the following instances:

- a. The suspect has shoulder weapons or superior weapons.
- b. There are multiple suspects with weapons.
- c. There are barricaded suspects.
- d. The use of a handgun would be impractical.
- e. There is need for improved aim and greater accuracy.

7.2 AR-15 PROCEDURES

Members shall adhere to the following AR-15 rifle procedures:

- a. The member may place a round in the chamber and place the safety in the *FIRE* position at his/her discretion when circumstances indicate that danger may be imminent.
- b. The member's trigger finger shall remain outside of the trigger guard until the member intends to discharge the weapon.

- c. The AR-15 shall be carried in either the *low ready* position (45 degree muzzle down and stock of weapon in shoulder) or port arms position while moving or until the member intends to discharge the weapon
- d. The AR-15 rifle may be carried in a slinged position muzzle up or muzzle down. When this method is used, the weapon will be in a *cruiser ready* mode (no rounds in the chamber with the selector switch in the *SAFE* position).
- e. The member will know and understand the nature of the .223 caliber ammunition that is being fired and will know its potential range and penetration capabilities as taught during department training.
- f. The AR-15 rifle shall be made safe by engaging the safety and removing the shell from the chamber as soon as it is practical.
- g. The AR-15 shall not be placed in the vehicle weapon rack with a round in the chamber.

detention. Additional use of the Taser is permitted on a tasered subject if he/she continues to resist or refuses to comply with lawful commands or attempts to remove the probes. Members must articulate reasons in the appropriate incident report for any additional use of the Taser beyond the initial use.

- c. The Taser is not intended to replace the firearm in deadly force situations.
- d. The Taser may be used to control a dangerous animal if attendant circumstances are appropriate and no other means are available.
- e. The preferred target areas for deploying the Taser include, but are not limited to, the torso (front and back), arms, legs, shoulders, and buttocks.
- f. The Taser shall not be aimed at the face, head, neck, or groin.

7.3 ADDITIONAL SECURITY

The security and safe keeping of issued weapons is of utmost importance.

The AR-15 and shotgun, if left in a vehicle while off-duty and unattended, shall be secured in the vehicle using all the applicable, listed security measures:

- Vehicle locked,
- Vehicle alarm activated,
- Weapon(s) secured in gun rack,
- Cable lock securely attached and locked.

While on-duty the AR-15 and shotgun must be secured in the gun rack when not in use. When leaving the vehicle unattended, for any period of time, the member must lock the vehicle and activate the vehicle alarm.

8.2 DEPLOYMENT

- a. Sworn members that have deployed their Taser must closely monitor the affected subject for medical conditions. The member shall immediately notify Mount Dora Fire Rescue if there is any doubt to the condition of the affected subject.
- b. Unless exigent circumstances exist, the minimum deployment distance for the Taser is three (3) feet.
- c. The Taser may be utilized in a “drive stun” manner as a secondary method of deployment should the probes not strike the intended target, or if necessary for the defense of the member or other persons.

8. LESS LETHAL--TASER

The Taser is a less-lethal conducted energy weapon that uses propelled wires to conduct energy to a remote target, thereby temporarily overriding the central nervous system of the body and causing uncontrollable contractions of the muscle tissue.

8.1 AUTHORIZED USE OF THE TASER

- a. Only sworn members trained in its use will be authorized to carry and use the Taser.
- b. The Taser may be used to control a suspect when the suspect has engaged in active resistance that requires hard control techniques by the officer to affect a lawful arrest or

8.3 TRAINING

- a. Members shall complete an approved training course and demonstrate proficiency prior to carrying the Taser.
- b. Members authorized to carry the Taser shall complete training annually for re-certification in accordance with Florida Statutes.
- c. Members classified as Taser instructors shall complete training bi-annually for re-certification.
- d. The Patrol **Bureau** Commander or designee will serve as the lead Taser instructor.

8.4 MAINTENANCE

- a. Members are not permitted to make changes, alterations, or substitutions to the Taser.
- b. Any repair to the Taser shall be performed by an authorized vendor.
- c. Members assigned the X26 Taser have an Extended Digital Power Magazine (XDPM) and do not need to recharge this power source. The XDPM shall not be removed from the weapon for any reason except by a certified instructor. The member will bring the weapon to a certified instructor for a replacement XDPM when the Central Information Display (CID) reads 20 percent.
- d. Members shall remove the air cartridge and perform a function test prior to each shift. Members must immediately notify their supervisor of any malfunctioning Taser. Supervisors shall check the operation of the Taser and determine if it is functioning properly or needs to be removed from service.
- e. At no time should the air cartridge be attached to the Taser during the function test.

8.5 UNAUTHORIZED USE OF THE TASER

- a. Members shall not use the Taser as a means to induce subjects to spit out illegal drugs from their mouth.
- b. Members shall not use the Taser on subjects operating bicycles or motor vehicles except in cases of aggressive resistance.
- c. Members SHALL NEVER display the Taser unnecessarily or draw it in any public place except for inspection or official use.
- d. Reckless, unnecessary, or careless display or use of the Taser is strictly prohibited. This includes but is not limited to the following:
 1. Placing the laser light/ flashlight on a subject unless there is a possibility of the deployment of the Taser
 2. Removing the cartridge, pointing the Taser at a subject, and activating it in the arc display mode unless for official police use.

8.6 PROBE REMOVAL

Only members trained in the use of the Taser are permitted to remove probes from a tasered subject.

- a. Probes shall not be removed until the subject has complied with the member's commands, is no longer physically resisting, and has been properly secured using restraint devices.

- b. When removing probes, members shall treat the probes as a biohazard and adhere to OP 08 *Infectious Disease Exposure Control Plan*.
- c. Once removed the probes (with the wires still attached) will be placed in a single paper evidence bag or other appropriate container. The probes, wires, and cartridge will then be placed into evidence in accordance with OP-03 *Property and Evidence Procedures, Hazardous / Bio-Hazardous Material*. The serial number of the cartridge will be documented on the Property Receipt.
- d. In cases where a subject is struck with a probe in a sensitive, or soft tissue area (i.e. face, neck, groin, woman's breast), Mount Dora Fire/Rescue will respond to the scene to treat the injury. The subject will then be taken to the nearest hospital to have the probe removed by medical personnel.
- e. Whenever possible, the affected areas will be photographed and the photos will be included with the member's written report.

8.7 REPORTING

A supervisor shall complete a *Defensive Tactics Report* after deployment of a Taser. The report shall contain the serial number of the Taser, the serial number of the air cartridge used, the location of the probe strikes, and any injuries sustained other than those normally associated with Taser deployment.

- a. The Taser shall not be deployed or tested in any manner other than those described in this policy.
- b. In the event of accidental or unintended deployment of the Taser, the member shall immediately notify their on duty supervisor.
 1. If a person is struck by the Taser, an *Incident Report* shall be completed to include photographs of the areas struck. The spent cartridge and probes will be submitted to property and evidence in accordance with OP-03. A copy of the report shall be forwarded to the Chief of Police or designee before the end of the supervisor's shift.
 2. If no one is struck by the Taser a *City Property Loss or Damage* form

(Attachment D) shall be completed and forwarded to the Chief of Police or designee within 24 hours.

8.8 DATAPORT

It shall be the responsibility of the lead Taser instructor or designee to download Taser information when necessary. In the event of a deployment that leads to serious injury or death, the Taser's data port information will be downloaded as soon as possible.

8.9 CARTRIDGE INSPECTION

Cartridges shall be inspected on an annual basis (usually in conjunction with firearms training) to ensure that expiration dates have not been exceeded.

9. USE OF IMPACT WEAPONS

9.01 FLASHLIGHT

The flashlight is designed to be used as an illumination device. Its use as a defensive impact instrument shall be prohibited except in extreme cases when the Taser and/or chemical agent are not readily accessible. In the event a flashlight is utilized as a defensive impact instrument, the spine, solar plexus, and areas above the shoulders shall be avoided, except in those special circumstances that warrant the use of deadly force. The term special circumstances shall include conditions or situations normally regarded as exigent circumstances in a legal aspect. Special circumstances include, but are not limited to, the following.

- a. If there is imminent danger to a third party or another member.
- b. If the crime is of a violent nature.
- c. If the arrestee is armed.
- d. If there exists the imminent threat of the destruction of evidence.

10. AEROSOL SPRAY AGENTS

10.1 USE OF AEROSOL SPRAY AGENTS

Spray agents may be used only in accordance with the department's *USE OF FORCE GUIDELINES*. Good judgment and discretion and proper application of established techniques shall be exercised by members using chemical agents.

10.2 GUIDELINES FOR USE

- a. **MAINTAINING MINIMAL CONTACT**
Members should not attempt to handle a resistive suspect on a hand-to-hand basis when the Spray agent can be used. The purpose of the spray agent is to minimize assault and exposure time,

thereby decreasing the potential for injury to the member as well as the suspect.

- b. **INTENT TO ARREST**

Normally spray agents shall be used only where a member intends to, or has made, an arrest. This includes those subjects who either fail to obey the member's verbal command or who physically resist the member.

- c. **DISMISSAL OF CHARGES**

In situations where a member decides that prosecution is not needed, all departmental procedures on *dismissal of charges by members* shall be followed. Dismissal includes having the knowledge and consent of the member's **bureau** commander. Special circumstances may dictate an arrest not be made before notification of a command staff member (e.g., in a hostile crowd). In these cases notification shall be made as soon as possible.

- d. **REQUIREMENT TO CARRY**

The approved spray agent will be carried by all qualified members while performing their assigned duties.

- e. **REQUIREMENT TO INSPECT**

Aerosol Spray agents will be inspected at least annually (normally in conjunction with a firearms qualification) to ensure that expiration dates are not exceeded. Members carrying spray agent are encouraged to review the expiration date on a regular basis and report any expired chemical agent to the Patrol **Bureau** Commander for replacement.

10.3 USE FOR CROWD CONTROL

Spray agents may also be utilized to disperse or control crowds involved in civil disturbances. The decision to use Spray agents for crowd dispersal shall be made by a **bureau** commander. If, after due consideration, it is deemed that spray agents are necessary, they will be used in accordance with the specific chemical agent training. Considerations for use of spray agents for crowd dispersal shall include the following factors.

- a. Size of the crowd
- b. Amount and level of violence
- c. Location of the incident
- d. Known intelligence
- e. Tenor of the crowd

11. HANDCUFFS

11.1 GUIDELINES FOR USE

Members responsible for the custody and safe handling of prisoners are permitted discretion in the use of handcuffs.

- a. Flexcuffs may be used in lieu of handcuffs when appropriate. In the absence of an emergency, members will only remove flexcuffs by using cutters designed for this purpose.
- b. Prisoners shall never be handcuffed to any part of a vehicle.
- c. Only department authorized handcuffs or other restraining devices approved by the department will be used to secure prisoners' hands. Where members elect to carry a second set of personally owned handcuffs or restraining devices and the equipment is the same brand and model issued by the department, no formal approval is necessary.
- d. Handcuffs shall be used at all practical times when members are transporting arrested persons. Consideration may be given to the arrestee's age, physical condition or disability, and mental capacity with regard to the member's decision to utilize handcuffs.
- e. Handcuffs will be double-locked behind the prisoner's back regardless of charges. If an emergency exists, the member may transport the prisoner out of the immediate area without being double-locked. The handcuffs will be double-locked at the earliest safe time.
- f. The member must maintain physical control over the handcuffed prisoner to ensure the safety of the prisoner and other individuals.
- g. If a member elects to handcuff a prisoner in the front, the prisoner shall be both handcuffed and restrained by a departmental approved restraint device such as a waist restraint strap. Members may elect to use a combination of handcuff in front/with a restraining device for circumstances such as restroom use, Intoxilyzer test, age, physical conditions, etc.

11.2 HANDCUFFED PRISONERS AND USE OF FORCE

Handcuffed prisoners are considered a special circumstance. The use of chemical agents (soft control technique), other hard control techniques, or intensified techniques shall generally not be used on handcuffed individuals who simply refuse to obey verbal commands. Once lower levels of force have been unsuccessful in gaining compliance, it may become necessary to escalate to higher levels. Nothing herein shall be interpreted to

prevent a member from using the appropriate techniques when the subject moves from the passive resistance stage to a higher level of resistance. In determining to use a higher level of control, the following shall be considered.

- a. The number of members present, size and physical ability of the resister
- b. The level of resistance
- c. The ability to control the subject until backup arrives
- d. The failed effectiveness of lesser means of force (e.g., pain compliance)
- e. Member safety issues (e.g., in a hostile crowd)

12. RESTRAINTS

12.1 DEFENSIVE TACTICS

Members shall use department-approved tactics that are appropriate for the situation and in accordance with the written directives of the Mount Dora Police Department and Florida statute.

12.2 COMPLIANCE TO RESTRAINT HOLDS

When the use of physical force is limited to restraint holds, as a method of controlling and/or cooling a hostile situation, and when that force is not resisted in any manner by the subject(s) involved, the option to not arrest shall be reviewed by a supervisor. However, the following procedures also shall apply.

- a. An appropriate police incident report shall be made to document the extent of physical contact and the precise means by which it was applied.
- b. Any injury evident to the member, and/or non-evident injury claimed by a citizen, shall be included in the report.
- c. The member shall notify the shift/field supervisor in situation where an actual or claimed injury, whether evident or non-evident, occurs.

12.3 NON-COMPLIANCE TO RESTRAINT HOLDS

Members shall adhere to the following guidelines in situations when the use of physical force by a member surpasses controlling restraint, and/or is physically opposed by the subject involved.

- a. An arrest shall be made for the violation of law that initiated the police action, and/or any other violation occurring in the member's presence.

- b. Prior to transporting the arrestee, the member shall notify his/her supervisor. The supervisor shall respond to the scene whenever possible.
- c. An appropriate police incident report shall be made.
- d. A charge and report of resisting arrest (with or without violence), or battery on a law enforcement officer or other appropriate offense, against an officer shall be made in accordance with state law.

12.4 HEAD RESTRAINT

A head restraint is used for control of the subject and is not intended to render the subject unconscious. It is a technique used to manage the subject by controlling the head and using verbal commands.

12.5 NECK RESTRAINT

The lateral vascular neck restraint (carotid restraint, chokehold) is a technique that may cause momentary unconsciousness by application of pressure to sides of the neck, thus restricting blood flow to the brain. The lateral vascular neck restraint shall only be utilized in situations warranting the use of deadly force. Its position on the *USE OF FORCE GUIDELINES* is at the deadly force level.

12.6 FOUR-POINT RESTRAINT

Some arrestees must be additionally restrained so as not to injure themselves or others. A number of in-custody deaths have resulted from positional asphyxia due to a four-point restraint that fastens the suspect's feet and hands together behind the body. Positional asphyxia occurs if the position of the body prohibits normal respiration. Typically these deaths occur when arrestees are placed on their stomach for an extended period of time in a police car. The pressure of the legs pulling back on the arms and chest, and the weight of the body on the chest, impedes the breathing process. The restrained person cannot breathe properly, or panics due to feeling that they cannot breathe properly. If such a restraint is necessary, the following procedures shall apply.

- a. Members shall not *cinch* down the flexcuffs or hobble in any manner that causes undue pressure on the chest.
- b. Members shall remove as much pressure from the chest as possible. The restrained person must be able to breathe freely.
- c. The restrained person's legs shall not be restricted tighter than 90 degrees to avoid placing undue pressure on the chest.
- d. Once the restrained person is controlled, members shall roll the person onto his/her side or into a sitting position as soon as possible.

- e. The restrained person shall be monitored by members at all times while in a four-point restraint.
- f. Transporting persons in a four-point restraint and prone position in the back of a police vehicle is prohibited (except in extreme situations where member/subject safety factors outweigh taking time to immediately readjust the person's restraints or positioning). The restrained person should be transported in a seated position with the seatbelt affixed.
- g. If there is any doubt concerning the restrained person's condition, members shall immediately call paramedics to the scene. The prisoner should be transported to the hospital by ambulance when needed. Whenever a maximally restrained prisoner is transported by ambulance, a member should ride in the ambulance. The Baker Act may be a viable option if the prisoner's behavior may be self-injurious.
- h. Transportation of four-point restrained individuals should be done by two members when possible. The passenger member should maintain observation of the prisoner, monitoring his/her color, breathing, and level of consciousness. During the hours of darkness, an internal light source (i.e., flashlight or dome light) should be used to provide a clear view of the prisoner when natural light sources are not sufficient.

13. DEFENSIVE TACTICS FORM

13.1 SITUATIONS REQUIRING TACTICS FORM

The assigned supervisor (Sergeant, A/Sergeant, or a **Bureau** Commander) shall respond to the scene in order to interview all members involved, any witnesses and the arrestee, and should normally complete a *Defensive Tactics Form* (Attachment B) for the following incidents. A *Defensive Tactics Form* may be completed even if an internal investigation will be initiated.

- a. **Use of aerosol spray agent.**
- b. K-9 dog bites other than accidental.
- c. Use of physical force that has been resisted.
- d. Use of physical force resulting in actual, claimed injury (evident or non-evident), or death. In cases where the use of force results in actual or claimed injury to the

suspect, the assigned supervisor will ensure that photographs are taken of the injury. Digital camera photographs will be sufficient. The photographs shall be forwarded with the *Defensive Tactics Form* to the **Bureau** Commander.

- e. Use of less lethal munitions.
- f. Any action that could be considered a form of deadly force.
- g. Any action that a member or supervisor feels should be documented.

13.2 SITUATIONS NOT NEEDING TACTICS FORM

When a firearm is discharged, an Internal Inquiry shall be generated in lieu of the *Defensive Tactics Form*. However, when a supervisor has authorized the killing of an animal for humane reasons neither an internal inquiry nor a *Defensive Tactics Form* needs to be completed.

13.3 THE SUPERVISOR'S NARRATIVE

The *Defensive Tactics Form* is structured except for the supervisor's narrative. The narrative shall include the following information.

- a. What circumstances caused force to be used and what type of force and/or techniques were utilized.
- b. The extent of injuries incurred.
- c. If lateral vascular neck restraint was used, state if the subject was rendered unconscious.
- d. Who incurred and/or inflicted the injuries.
- e. Witness statements, if obtained.
- f. A statement by the supervisor concerning whether or not the amount of force used by the member was in keeping with department policy.

13.4 CATEGORIES OF MEMBERS INVOLVED

Supervisors shall separate the members involved into two categories.

- a. **PRINCIPAL MEMBERS**
Those who are the subject of the resisting arrest. They shall be listed in descending order of their degree of physical involvement.
- b. **ASSISTING MEMBERS**
Those who use controlling techniques or restraint holds while assisting the principal member.

13.5 SUPERVISOR RESPONSIBILITIES

The assigned supervisor should ensure that all reports and endorsements are completed and submitted prior to the end of the tour of duty. The *Defensive Tactics Form* and a copy of the offense report or arrest affidavit shall be forwarded by the supervisor to the **Bureau** Commander. The **Bureau** Commander shall evaluate the appropriateness of the techniques and tactics used. Upon

final review by the Deputy Chief, the *Defensive Tactics Form* shall be forwarded to the Chief of Police for review.

13.6 PURPOSE OF THE DEFENSIVE TACTICS FORM

The *Defensive Tactics Form* is for administrative review and training purposes only and shall be filed in the records unit. The *Defensive Tactics Form* is not a substitute for an internal investigation. If a supervisor determines that an inquiry is necessary, it is his/her responsibility to initiate their recommendation to the Chief of Police.

14. POLICE IDENTIFICATION

14.1 UNIFORM OPERATIONS

Each member shall carry his/her official department identification card and a valid Florida driver's license while in uniform.

14.2 PLAIN CLOTHES OPERATIONS

Each member **in plain clothes shall wear their police badge or police identification plainly visible in a department-approved case while on duty. The preferred method of display is on a lanyard or chain.** The member's official department identification card and a valid Florida driver's license **should also be carried** while working in plain-clothes operations.

14.3 UNDERCOVER OPERATIONS

In the event of a member working undercover, no part of this policy regarding weapons or police identification shall be interpreted in such a way as to limit the necessary precautions instituted to ensure the safety and/or anonymity of the member.

14.14 NON-SWORN MEMBER

Non-sworn members, not in uniform, shall wear a lanyard around their neck that plainly displays their department identification card.

15. OFF-DUTY WEAPONS AND LAW ENFORCEMENT ACTION

15.1 LEGAL AUTHORITY

Florida statute 790.052 empowers off-duty certified law enforcement officers the right to carry weapons while off-duty. Members carrying weapons off-duty shall adhere to all written directives of the Mount Dora Police Department governing such action.

Sworn members are allowed to carry any weapons off-duty for which they have the approval of a department armorer and the chain of command up to and including the Chief of Police. Non-sworn members shall not carry any weapons off-duty under the legal authority of the department. Prior to off-duty carry, the sworn member must prove proficiency with a firearm to a department firearms instructor. Ammo shall also be approved by a department armorer and the chain of command. For less-lethal weapons, the appropriate certification must be obtained and on file with the department. Any weapon carried off-duty shall be carried in a concealed manner except for legitimate law enforcement and/or legal purposes.

In addition sworn members are not restricted from the off-duty carry of any on-duty weapon for which the member has proven proficiency according to departmental written directives. Approved on-duty ammunition will be used with on-duty firearms carried off-duty. A suitable, substitute ammunition may be used for practice shooting. Approved on-duty cartridges will be used with Tasers carried off-duty. Chemical agent carry shall be limited to the chemical agent(s) approved by the department.

For a list of department-approved, on-duty weapons see Attachment F.

15.2 REQUIRED IDENTIFICATION

A member must have his/her police identification card and police badge in his/her immediate possession whenever carrying a departmentally approved weapon while off duty. These items are to be carried concealed and are never to be displayed for other than official action.

15.3 OFF-DUTY LAW ENFORCEMENT ACTION

The member will adhere to specific guidelines governing the display and use of the firearm, badge, and police identification while off duty.

- a. **INSTANCES PERMITTING ACTION**
When off duty, members will act only when serious misdemeanor or felony offenses occur. Members shall be accountable to exercise good judgment and discretion.
- b. **NOTIFICATION**
When an off-duty member is involved in any matter requiring the display of his/her weapon or police identification, or takes official action, the on-duty shift/field supervisor will be contacted immediately.
- c. **REVERSION TO ON-DUTY STATUS**
If an off-duty member takes police action, or makes an arrest, he/she will revert automatically

to an on-duty status and will report to the Mount Dora Police Department as soon as feasible to complete the required reports.

d. **DUTY TO REPORT VIOLATIONS**

If possible members who become aware of a violation of the law while either off duty, unarmed, or without police identification will summon an on-duty member to take appropriate action.

e. **SUPERVISORY NOTIFICATION**

Members will notify their supervisors of the incident and the amount of time spent in an on-duty status. Notification will be made no later than the member's next tour of duty. If a member is in a vacation status, notification shall be made within 72 hours of the incident.

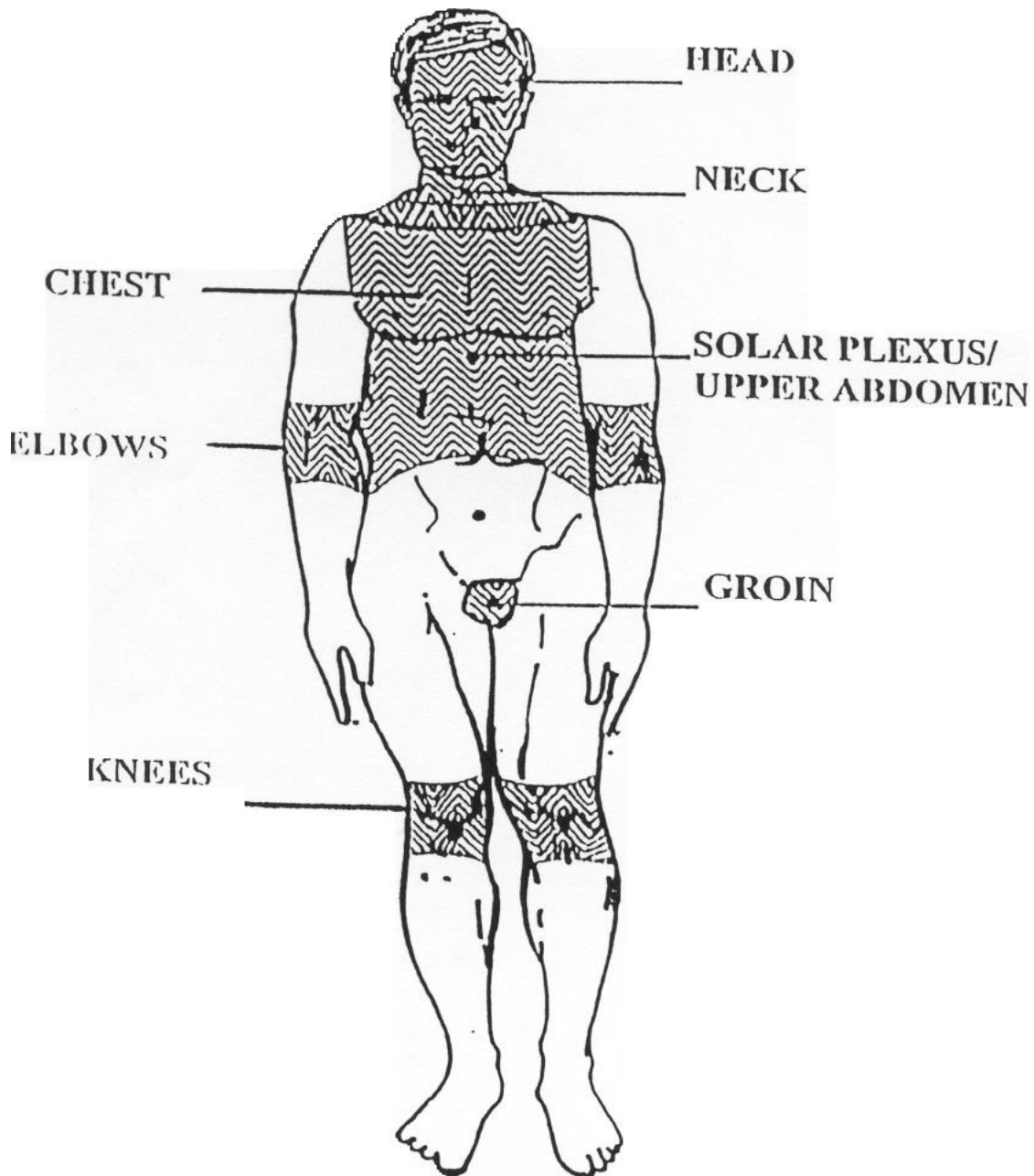
f. **UNPROFESSIONAL CONDUCT**

Reckless, careless, or unnecessary display and/or use of the firearms, handcuffs, other equipment, or identification is prohibited.

16. BODY ARMOR

Sworn members are required to wear the department issued body armor while engaging in patrol duties or other activities as defined in written directives. Detectives and administrative personnel are exempt from the mandatory wearing of body armor on a daily basis but the body armor shall be kept in a readily accessible location in the member's vehicle. Detectives and administrative personnel shall wear body armor when working patrol and as required by written directives in specific situations such as high risk incidents. Body armor is recommended, but not required, when working special events. Any deviation from this section must be approved by the Chief of Police or designee.

ATTACHMENT A



TARGETING THE HEAD OR NECK WITH IMPROVISED IMPACT WEAPONS IS ACCEPTABLE IN DEADLY FORCE SITUATIONS ONLY.

HARD SHOULDER TECHNIQUES SHALL NOT BE TARGETED TO THE SPINE, OR THE SOLAR PLEXUS.

DEFENSIVE TACTICS FORM
MOUNT DORA POLICE DEPARTMENT

NOTE: FOR ADMINISTRATIVE REVIEW AND TRAINING PURPOSES ONLY. THIS FORM SHALL BE FILED IN THE RECORDS UNIT.

TO: **CHIEF OF POLICE**
MOUNT DORA POLICE DEPARTMENT

Case #: _____

FROM: _____

Employee PIN #: _____

Note: Must be completed by a Sergeant or an A/ Sgt. appointed by the Chief of Police

1. Incident Location: _____ Date: _____ Time: _____

2. Time Supervisor Notified: _____ On Scene: _____ Other: _____

Type Incident: _____

3. Offense Charged: _____

A. Offender's Name: _____ Race: _____ Sex: _____ DOB: _____

B. Address _____ City: _____ State: _____

C. Physical condition prior to incident (i.e., intoxication, prior injuries):

D. Subsequent apparent injuries: _____

E. Photographs of injuries included in report: Yes ()

None taken () Why? _____

F. Medical treatment of offender: Yes _____ No _____ Refused _____

If Yes, where? _____ By Whom? _____

Date: _____ Time: _____

4. Members Involved: _____ # Battered: _____ # Injured: _____

List principal members in order of their degree of physical involvement:

Note: For the purposes of this policy and procedure, a principal member is: "Any member who encounters physical resistance from a subject and must use greater force than controlling techniques or restraint holds to overcome it."

	Name	DOB	Employee #
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____
D.	_____	_____	_____

5. Implements and physical techniques used by members:

	Spray agent	Taser	Hands	Other	Explain Members' Involvement
A.	_____	_____	_____	_____	_____
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____

ATTACHMENT C

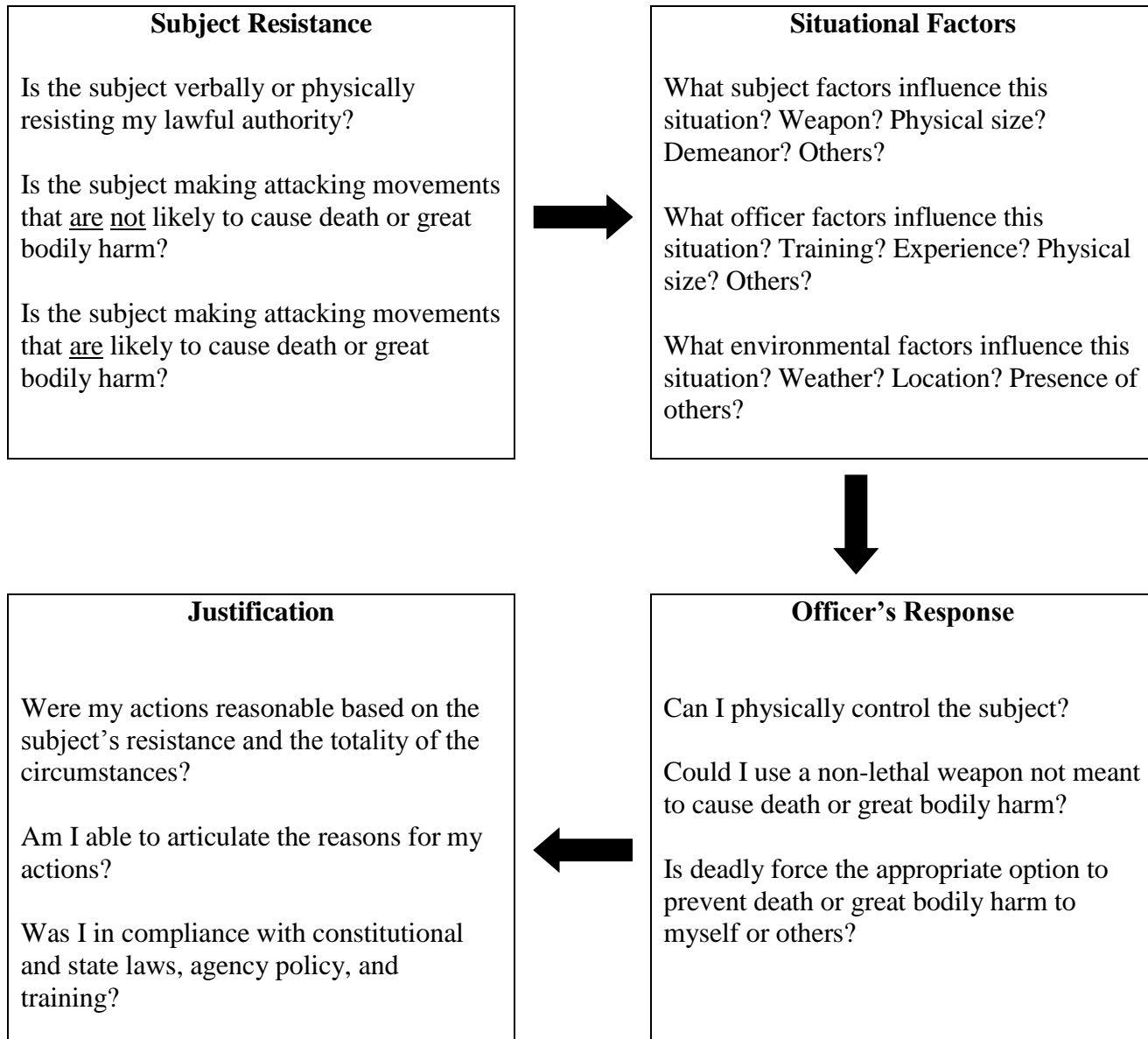
THE USE OF FORCE GUIDELINES

SUSPECT'S LEVEL OF RESISTANCE	MEMBER'S LEVEL OF CONTROL
PSYCHOLOGICAL INTIMIDATION Nonverbal cues indicating subject's attitude, appearance, and physical readiness	MEMBER'S PRESENCE - Identification of authority
VERBAL NONCOMPLIANCE Verbal responses indicating an unwillingness to cooperate	VERBAL DIRECTIONS - Notification of arrest - Commands of direction
PASSIVE RESISTANCE Arrestee is taking no action toward the member but the arrestee's position or failure to obey commands prevents the arrest (i.e., arrestee locks hands together under his/her body to prevent handcuffing).	SOFT CONTROL Techniques that have a minimum probability of injury: - Pressure points - Wrist locks - Arm bars - Pain compliance holds - Aerosol spray agents
ACTIVE RESISTANCE The arrestee's actions are intended to facilitate an escape or prevent an arrest. Actions are not intended to injure the member.	HARD CONTROL Techniques that have a higher probability of injury: - Forearm strikes - Knee strikes - Open or closed hand strikes - Kicks to legs (Hard control techniques shall not target above the shoulders on the spine or on the solar plexus.) - Approved takedowns - Taser (or other ECD's)
ACTIVE AGGRESSION When the arrestee has battered, or is about to batter, a person/member and where the arrestee's action is likely to cause injury to the person/member.	INTENSIFIED TECHNIQUES Those techniques necessary to overcome the force of the suspect short of deadly force, including the use of less-lethal weapons such as a Taser.
AGGRAVATED ACTIVE AGGRESSION Arrestee's force is likely to cause death or great bodily harm.	DEADLY FORCE Use of deadly force is necessary. Member must react immediately to protect human life from death or great bodily harm.

ATTACHMENT D

FDLE has adopted the following guidelines in determining the appropriate use of force. This model is taught during basic recruit classes.

THE DECISION MAKING PROCESS





CITY OF MOUNT DORA

ATTACHMENT E

Police Department
1300 N. Donnelly St.
Mount Dora, FL 32757
352-735-7130
Fax: 352-383-4623
E-mail:

DATE:

TO: John O'Grady
Chief of Police

FROM:

VIA: Chain of Command

RE: Supervisor's Report of City Vehicle Accident/Property Loss or Damage – Incident #

Officer's Name: Rank: Pin #

Assignment: Date of Accident/Damage: Time:

Location: Vehicle #: Year: Make:

Damage Estimate: Unit Status (Signal): Chase?: [Y] [N]

Equipment?: [Y] [N] If yes, what equipment:

How many hours has the officer worked prior to the accident/loss?:

Has the officer worked off-duty in the past 24 hours? If yes, comment:

I rate this accident/damage/loss: Preventable Non-Preventable

My recommendation for preventable is:

Attached: [N] [Y]

Explanation for Damage/Loss (If not a vehicle accident):

Approve Disapprove Reporting Supervisor: Date:

Approve Disapprove Bureau Commander: Date:

Approve Disapprove Deputy Chief: Date:

Approve Disapprove Chief of Police: Date:

ATTACHMENT F
APPROVED ON-DUTY WEAPONS AND SPECIFICATIONS

FIREARMS

Glock 21 45 caliber semi-automatic handgun
Barrel length 4.61 inches

Glock 30 semi-automatic handgun
Barrel length 3.77 inches

Remington 870 Shotgun
Barrel length of 18 inches, four-round magazine or optional six-round capacity extended magazine

Colt AR 15 gas operated rifle
Barrel length of 20 inches, minimum twenty-round capacity magazine

LESS LETHAL:

Taser International X26 Taser--Electronic Stun Gun

Chemical Agent

MUNITIONS*:

Handgun—45 gap ACP 230 grain Speer Gold Dot
Shotgun--Federal Tactical 1oz slug and/or Federal Tactical 000 Buck Shot
AR 15--Federal Tactical Bonded .223 55grain soft point

*MUNITIONS—approved munitions may change due to price, availability and/or other factors. Changes shall not be made without the approval of a command staff member.