Jacksonville Sheriff's Office **ORDER**			
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I. Purpose of the Policy

A. Policy

1. It is the policy of the Jacksonville Sheriff's Office (JSO) to allow officers to use only a degree of force which is objectively reasonable and necessary to effect an arrest or to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to use force at any level must be based upon state and federal laws and the circumstances that the officers reasonably believed to exist at that time. Prior to any use of force de-escalation techniques should be applied when reasonable. Any application of force not covered in training and/or policy will subject the incident to further review based on the reasonableness of the actions taken by the officer. [CALEA 4.1.1; CFA 4.01; FCAC 9.16; FMJS 5.3]

2. All personnel shall be issued a copy of and be instructed in the Response to Resistance (RTR) policies before being authorized to carry any issued weapons or placed in a position where force may be used. [CALEA 4.3.4; CFA 4.02; FCAC 9.03; FMJS 5.3]

3. When the situation allows, supervisors and officers shall ensure a plan is developed and discussed prior to officers taking any action that could lead to a response to resistance.

4. Any officer who observes another officer, to include those from other agencies, using force that is beyond that which is objectively reasonable under the circumstances shall safely intervene, within his scope of authority and training, to prevent the further use of such unnecessary force. These observations shall promptly be reported to a supervisor or the Internal Affairs Unit. [CALEA 1.2.10; CFA 4.01; FCAC 9.16]

5. Based on the guidelines established in Order 572 (Professional Oversight), all RTR incidents are reviewed by the Professional Oversight Unit and are subject to further review by the Director of Personnel & Professional Standards, the RTR Review Board, and/or the Internal Affairs Unit, to ensure compliance with JSO policy and training. [CALEA 4.2.2; CFA 4.07; FCAC 9.18]

6. Medical Evaluation – Officers and supervisors shall be required to obtain medical evaluations from the Jacksonville Fire and Rescue Department (JFRD) or a nurse at any detention facility, as soon as possible or practical, for individuals: [CALEA 4.1.5; CFA 4.08]

    a. Who show signs of any injury as a result of any use of force being applied;

    b. Who complain about any injury as a result of force being applied;

    c. Who become unconscious either during or following the application of any force; or

    d. When the officer or supervisor reasonably believes an individual needs a medical evaluation as a result of the application of force.

B. **Disclaimer**

1. This order is for JSO use only. This JSO policy should not be construed as creation of higher legal standards of care in an evidentiary sense with respect to third party claims.

2. Violations of this directive shall form the basis for JSO administrative sanctions.

II. Procedures

A. Definitions – The following definitions apply to all RTR policies.

1. Active Physical Resistance – Physically evasive movements used by a subject to defeat an officer's attempt to control him/her. Active physical resistance, which is more than simply refusing to obey verbal commands, may be demonstrated by one or more of the following acts by the person who is being taken into custody or is already lawfully confined in a Department of Corrections (DOC) Facility:

    a. Becoming increasingly more animated/exaggerated in his/her movement and/or increasing his/her muscular tension (e.g., jaw clenches, neck muscles tighten, etc.);

b. "Blading" the body and/or moving the feet into a balanced or fighting stance;

c. Circling the officer;

d. Forming a fist;

e. Rolling up sleeves or removal of clothing or valuables;

f. Verbalization of aggressive intent; and/or

g. Any other behavior that indicates a likelihood or expectation of violence towards the officers, himself/herself, or others.

2. Band Control Officer – This term is used to describe the bailiff or officer whose sole responsibility is to observe the prisoner and his/her actions. This control officer is also the one in possession of the remote activation button. The band control officer shall be an officer who has been trained and successfully completed certification in the operation of the remote electronic band.

3. Choke Hold –Any hold or contact with the neck that restricts the intake of oxygen. [CALEA 4.1.7]

4. Deadly Force – Force which is intended to, or likely to, cause death or great bodily harm. Deadly force shall only be used in accordance with the procedures described in this order. [CALEA 4.1.2]

5. Great Bodily Harm – Bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in the long-term loss or impairment of the functioning of any bodily member or organ. [CALEA 4.1.2]

6. Intermediate Weapons – Weapons primarily used to control a subject, such as a baton or specialty impact weapons.

7. Less-lethal Force – Force that is not likely to cause death or great bodily harm.

8. Objectively Reasonable (and Objective Reasonableness) – The legal standard established in Graham v. Connor, 490 U.S. 386 (1989), to evaluate whether law enforcement's use of force violates an individual's Fourth Amendment rights. The standard states "the reasonableness of a particular use of force must be judged by the totality of the circumstances known to the officer at the time force was used from the perspective of a reasonable officer on the scene without 20/20 hindsight and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation." This standard assesses actions from the perspective of a reasonable officer on scene and does not focus on hindsight, intent, or motivation.

9. Passive Resistance – A subject's refusal to comply with or respond to verbal commands. He/she does not attempt to physically defeat the actions of the officer but forces the officer

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

10. Physical Control – There are six classifications of physical control:

    a. Conducted Energy Weapon (CEW) – Weapons designed to disrupt a subject's motor and sensory nervous systems by means of deploying battery powered energy sufficient to cause neuromuscular incapacitation (NMI) and override an individual's voluntary motor responses, thus allowing an officer to capture the person who is resisting being taken into custody (e.g., a subject is notified by the officer that he/she is under arrest and the subject flees or engages in active physical resistance towards the officer in an attempt to avoid being taken into custody. The officer deploys a CEW and takes the person into custody);

    b. Counter Moves – Techniques that impede a subject's movement toward an officer or other individual, such as blocking, striking, distracting, kicking, dodging, weaving, redirecting, and/or avoiding, followed by appropriate controlling techniques (e.g., a subject is approaching the officer in a threatening manner and the officer uses a vertical punch to back the subject away. The subject becomes aggressive and throws a punch at the officer that the officer blocks);

    c. Pain Compliance – Handheld aerosol chemical munitions (Defense Technology MK-3) or techniques that force a subject to comply with an officer as a result of the officer deploying the chemical munitions or inflicting controlled pain upon specific points on the subject's body, such as pressure point techniques (e.g., subject refuses to move, so the officer has the option of applying gradual fingertip pressure to a nerve in order to gain compliance);

    d. Restraint Devices – Mechanical tools used to restrict a subject's movement and facilitate searching, such as handcuffs, flex cuffs, leg irons, belly chains, or nylon restraints;

    e. Takedowns – Techniques that redirect a subject to the ground in a controlled manner in order to limit his/her physical resistance and to facilitate the application of a restraint device; and

    f. Transporters – Techniques used to control and/or move a subject from one location to another with minimum effort by the officer in order to gain and retain control over the subject.

11. Remote Electronic Band – A device that works by causing electro-muscular incapacitation on the appendage to which it is applied. This device is activated by remote control.

12. Reasonableness – Graham v. Connor, 490 U.S. 386 (1989), The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Factors for determining when an officer's use of force is objectively reasonable include: "the severity of the crime at issue," "whether the suspect poses an immediate threat to the safety of the

officers or others," and "whether he is actively resisting arrest or attempting to evade arrest by flight." [CALEA 4.1.2, 4.1.6, 4.1.7]

13. Vascular Neck Restraint – Any hold or contact with the neck that restricts blood flow to the brain by compressing the blood vessels in the neck. [CALEA 4.1.6; FCAC 9.16, 9.17]

B. **Less-Lethal Force Policy** [CALEA 4.1.4; FCAC 9.01]

1. Less-lethal force may be used to effect arrests or to protect officers or others from personal attack, physical resistance, or injury, provided the force chosen is objectively reasonable based upon the immediate circumstances of the confrontation. [CFA 4.01]

2. Less-lethal force shall not be used when the only basis is to recover or protect evidence when there is a reasonable belief a suspect is actively ingesting or has recently ingested illegal drugs. In these situations, the JFRD shall be requested to respond and provide emergency medical assistance. The use of less-lethal force may be appropriate prior to the evidence entering a suspect's mouth depending upon the totality of the circumstances.

3. Less-lethal force may also be deployed against a subject who is attempting to flee and avoid capture from a lawful arrest. In a corrections environment, less-lethal force may be used against a person who is passively resisting a lawful command that may affect the safety of members and inmates and/or to maintain or restore control and order in a correctional facility. [CALEA 4.1.1; CFA 4.01]

4. Less-lethal force may involve physical control, intermediate weapons, and/or incapacitation techniques. In order to protect the officer or others, an instrument or object that is not necessarily designed for such use or one with which the officer may not have been trained or certified to use, may be used as long as it is used in accordance with the limitation on force contained within this policy.

5. Less-lethal force should only be used when absolutely necessary and only to the degree needed to effect a lawful arrest, overcome resistance, maintain order within the corrections setting, or protect the officer or another person from bodily harm. In doing so, the officer must consider all factors: [CALEA 4.1.1; CFA 4.01]

    a. Severity of the crime/situation;

    b. Whether the person is resisting the officer's attempt to place him/her in custody, or attempting to evade an officer by flight;

    c. Whether the person poses an imminent threat to the safety of the officer(s) or others; or

    d. Whether an inmate is attempting to disrupt the care, custody, and control of a correctional facility.

6. When a subject is secured in restraint devices, an officer shall not intentionally strike the subject in the head or neck area unless the subject is an imminent threat to the safety of the

officer(s) or others, and an objectively reasonable degree of force is necessary to protect officer(s) or others from the imminent threat. A subject may present the ability to be an imminent threat while secured in restraint devices through various actions, to include kicking, headbutting, elbowing, and spitting at the face of another. The examples cited are not intended to be all inclusive.

7. When a subject is secured in restraint devices and the resistance of the subject necessitates the officer(s) to perform a takedown of the subject, it is foreseeable that the subject may not be able to support himself/herself when redirected to the ground. Reasonable care should be taken to prevent unnecessary injury to the subject. It is recognized that factors such as the level of resistance from the subject, the number of subjects and officers present, and the incident location (asphalt parking lot, confined space, etc.) may limit the ability to prevent injury to the subject. If an injury to the subject occurs, officers shall document the contributing factors in the RTR Report.

8. Officers are not authorized to use either the choke hold or vascular neck restraint unless deadly force is justified. [CALEA 4.1.6, 4.1.7; CFA 4.01, 4.10; FCAC 9.16, 9.17]

9. The degree of force shall be consistent with training and the aforementioned factors. [FMJS 5.3]

C. **Deadly Force Policy** [CALEA 4.1.2; CFA 4.01, 4.10]

1. Deadly force is only permitted when de-escalation techniques or less-lethal force options would not be reasonable. The objective reasonableness of an officer's decision to use deadly force shall be evaluated based on the facts and circumstances confronting the officer at that time. [CALEA 4.1.6, 4.1.7; FCAC 9.16]

2. The use of deadly force is acceptable only under the following circumstances:

   a. Deadly force actions of an officer are authorized when it is objectively reasonable and necessary to prevent imminent death or great bodily harm to themselves or another person, as outlined in Graham v. Connor, 490 U.S. 386 (1989);

   b. Officers may use deadly force to apprehend a fleeing felon only when:

      (1) There is probable cause to believe the person fleeing committed a violent felony, which involved the infliction or threatened infliction of great bodily harm or death, or the person fleeing escaped while being held in custody as a suspect or prisoner for a violent felony that involved the infliction or threatened infliction of great bodily harm or death;

      (2) The officer reasonably believes the use of deadly force is necessary to prevent escape; and

(3) The officer has an objectively reasonable belief that failure to immediately apprehend the fleeing person will place the officer, another law enforcement officer, or any other person in imminent danger of death or great bodily harm.

c. The officer's decision to use deadly force against a fleeing felon shall be judged from the perspective of a reasonable officer on the scene under the facts and circumstances known to the officer at the time the force was deployed; and

d. If feasible, prior to the use of deadly force, officers shall give some warning of the possible use of deadly force, unless to do so would jeopardize the safety of the officer or any other person. [CALEA 4.1.2; CFA 4.01]

3. Officers shall not needlessly place themselves in, or remain in, situations of great danger and use this as justification for the use of deadly force (e.g., if confronted by a moving vehicle, officers shall move out of its path, if possible, rather than shooting at the vehicle).

4. The law, or mutual aid agreements when in place, allows an officer to use deadly force outside of Duval County to defend the officer or another person when it is objectively reasonable and necessary to prevent imminent death or great bodily harm to himself or another person.

D. **Chain of Command Responsibilities for RTR Incidents**

1. When the situation allows, supervisors shall ensure a plan is developed and discussed prior to officers taking any action that could lead to a response to resistance. If a supervisor is at the scene when a response to resistance is required, he shall be held accountable for controlling the actions of the officers engaged in the application of force.

2. When an officer uses any force that requires the completion of an RTR Report, he shall request a supervisor to respond to the scene. All RTR Reports shall be submitted to the responding supervisor. [CALEA 4.2.2]

3. The responding supervisor shall: [CALEA 4.2.2]

a. Ensure a RTR Report is completed by any member who used force during the incident;

b. Use all available resources (e.g., statements from witness officers, body-worn camera recordings, surveillance video, etc.) to ensure the RTR incident is documented properly and all potential violations of policy are handled appropriately; and

c. Notify the involved officer's chain of command of all training opportunities and/or minor misconduct identified on-scene.

4. The involved officer's supervisor shall notify the Professional Oversight Unit of notable training opportunities and/or minor misconduct prior to forwarding the RTR Report for Professional Oversight Unit review. The supervisor shall also notify the Professional Oversight Unit of any corrective action(s) taken in accordance with Orders 501 (Code of Conduct) and 502 (Direction and Supervision). [CALEA 4.2.2]

5. The involved officer's lieutenant shall:

   a. Use all available resources (e.g., statements from witness officers, body-worn camera recordings, surveillance video, etc.) to ensure the RTR incident is documented properly and all potential violations of policy are handled appropriately; and

   b. Notify his section commander of any noteworthy aspects of the RTR incident.

E. **Remote Electronic Band Applications**

1. Transportation/Fugitive Unit

   a. Remote electronic bands shall be utilized only with the approval of the Lieutenant of Fugitive Unit or higher authority.

      (1) Only band control officers are authorized to inspect, apply, and/or use the device.

      (2) The band is comprised of a universal strap which is placed either on the inmate's leg or arm with a radio frequency (RF) transmitter held by the control officer. The band function is to incapacitate the inmate's muscles to allow an officer to gain control of inmates who display any of the following behaviors:

         (a) An action deemed as a threat to self or others;

         (b) An attempt to tamper with the electronic immobilization system; and/or

         (c) An attempt to escape custody.

      (3) The band can be remotely activated up to 150 feet away from the inmate (with clear line of sight).

      (4) Band control officers shall undergo a refresher/remedial class or in-service training every other year to ensure they are familiar with current training procedures for the device and its applications.

      (5) Only properly functioning and charged bands shall be used or applied.

      (6) Each band must be inspected for proper functions before use.

      (7) Whenever the band is applied, two officers shall be present with the inmate at all times.

   b. Prior to use of the band, a band control officer shall inspect the device for proper operation.

(1) Band control officers shall ensure the band is fully charged and both charging cables and two magnetic keys are in the carrier. If the control officer discovers any items are damaged, the damage must be reported to the Lieutenant of Fugitive Unit or a higher authority and the device shall be immediately removed from service.

(2) Each activation of the band, due to a response to resistance, including accidental activation, shall be reviewed by the Lieutenant of Fugitive Unit and documented by the activating officer.

(3) Form P-0781 (Remote Electronic Band - Inmate Notification Form) shall be reviewed with the inmate and signed by the inmate prior to band application. If the inmate refuses to sign the form, two officers shall sign the form acknowledging the inmate's refusal.

c. Application and Use of the Remote Electronic Band

(1) The application of the band must be approved by the Lieutenant of Fugitive Unit, or his designee, prior to any transport.

(2) The control officer shall apply the device to the inmate's ankle or forearm using the straps provided.

(3) The control officer shall ensure the contact circles of the device are flush against the inmate's body and shall not be over clothing (the band must touch the inmate's skin) to provide maximum effectiveness for activation.

(4) The straps shall be secured utilizing a locking mechanism attached to the band.

(5) Once the band is placed on the inmate being transported, the device will not be removed until the inmate is in a secure location or removal is approved by the Lieutenant of Fugitive Unit or higher authority.

d. When it is determined the band must be activated, the band control officer shall broadcast a verbal warning, when feasible. The band control officer shall:

(1) Immediately notify his supervisor;

(2) Summon JFRD to evaluate the prisoner;

(3) Complete, at a minimum, the RTR Report in the Agency Records Management System (ARMS) and any other applicable reports(s). Any applicable RTR Reports shall be completed using the originating Central Communication Report (CCR) number; and

(4) Check back on the call for service using the disposition code "RTR" in the primary disposition block and any other applicable codes in the subsequent disposition blocks.

e. Courthouse Security

A remote electronic band may be used in court and activated when lesser force options are ineffective or likely to be ineffective because:

(a) The prisoner poses a threat, and officers or others are at risk of injury if attempts are made by the prisoner to become increasingly more animated or exaggerated in his/her movement;

(b) The prisoner is punching or kicking or threatening to punch or kick;

(c) The prisoner poses a threat, attempts an escape, or takes any aggressive action;

(d) The prisoner attempts to disrupt proceedings by threats to do violence to others or self and takes some action towards completing those acts; and/or

(e) The prisoner makes any attempt to remove or tamper with the remote electronic band.

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

1. Consistent with training, officers shall not intentionally strike anyone with an intermediate weapon on the head, neck, or groin unless the circumstance justifies the use of deadly force.

2. Officers shall not strike an individual with anything other than an approved intermediate weapon except in extreme circumstances, and officers must justify their actions as outlined in this order.

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

4. When an officer uses an intermediate weapon on or against an individual, he shall check back on the original call for service using the disposition code "RTR" in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The officer shall complete an RTR Report in ARMS and submit it to the responding supervisor.

G. **Chemical Weapons**

1. Prior to a member's decision to deploy the chemical munitions, the following conditions must be met: [CALEA 4.1.1, 4.1.4; CFA 4.01; FCAC 9.01]

   a. An officer must have legal authority to take the person into custody, or the person is already lawfully confined in a DOC facility;

   b. An officer (e.g., police, corrections, auxiliary, community service officer [CSO], or civilian security officer) is justified in the use of less-lethal force to this degree as set forth in this order; and

c. A CSO or Crime Scene Technician (CST) must have received the required training in accordance with Order 561 (Training Academy) and must:

(1) Reasonably perceive he is in imminent bodily harm and has no way to avoid the threat; or

(2) Be given an order by a police officer, or higher authority, to use oleoresin capsicum (OC) spray.

2. Immediately following the use of OC spray by a CSO or CST, the member shall notify the district Police Dispatcher to request a police officer respond to the scene. The CSO or CST shall adhere to the RTR reporting requirements outlined in this order.

3. Chemical munitions shall not be used on individuals under the following conditions:

a. In a punitive manner;

b. On a person secured by handcuffs or other restraint devices, absent active physical resistance; or

c. On an inmate who is fully secured in a restraint safety chair, unless the inmate is an imminent threat to the safety of self or others, and when circumstances permit, other means of control have been exhausted. Other means of control include the following options:

(1) Repositioning the restraint safety chair in a direction that minimizes the inmate's ability to batter an officer; or

(2) Applying a disposable spit mask to an inmate who has threatened (either audibly or verbally) to spit on an officer.

4. Only under extreme conditions should a handheld aerosol chemical munition be used at less than three feet for the "First Defense" or "Sabre Red Gel" MK-3 and six feet for the MK-9.

5. Anytime a person is exposed to a chemical agent, as soon as practical, the person must be: [CALEA 4.1.5; CFA 4.08]

a. Escorted to an uncontaminated environment;

b. Exposed to fresh air; and

c. Allowed to flush contaminated body areas with water.

6. A person who has been contaminated by a chemical agent shall be monitored by JSO personnel throughout the decontamination period. Personnel utilizing a handheld aerosol

chemical munition shall notify their immediate or on-duty area supervisor as soon as it is safe to do so. [CALEA 4.1.5; CFA 4.08]

7. When an officer uses a chemical agent on a person or animal, he shall check back on the original call for service using the disposition code "RTR" in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The officer shall complete an RTR Report in ARMS and submit it to the responding supervisor.

8. In cases when chemical agents have been used on an inmate or on a person arrested, the details of the circumstances surrounding the use of a chemical agent, including the time of exposure, and if the contaminated body areas have been flushed with water, shall be included in the narrative of the Arrest & Booking Report and the RTR Report. Personnel at the Pretrial Detention Facility (PDF) shall be advised in every instance when a chemical agent has been used on an arrestee/inmate in order to allow the arrestee/inmate to shower if so desired.

H. **Specialty Impact Weapons**

1. Use of specialty impact weapons may occur after other options to control or apprehend a suspect have been exhausted and the suspect has resisted at a minimum with active physical resistance. Specialty impact weapons may be utilized to neutralize a significant immediate threat, which may otherwise justify the use of deadly force. Also, based on the totality of circumstances, specialty impact munitions may be utilized by SWAT Unit members as directed by their supervisor and/or part of an apprehension plan.

2. The employment and the use of specialty impact weapons are aggressive and decisive actions, which may assist in achieving the goal of protection of life and property and/or restoring order. They may be considered whenever the use of less-lethal options would assist in enabling an arrest, restoring order, and/or reducing the risk of more serious injury. Circumstances justifying the use of specialty impact weapons include, but are not limited to:

   a. Restoration or maintenance of order during jail or civil disturbance;

   b. Safely overcoming violent prisoners;

   c. Subduing vicious animals; and

   d. Situations wherein the authorizing person believes deadly force would be otherwise justified in the absence of a less-lethal option (e.g., in the face of imminent death or grievous bodily harm to self or others).

3. Only in extreme circumstances shall any officer deploy specialty impact weapons without cover officers and a tactical cover plan in place.

4. Officers deploying specialty weapons shall not intentionally target a subject's head or neck, unless the circumstances justify the use of deadly force.

5. Photographs shall be taken by the Crime Scene Unit (CSU) detective or on-duty supervisor of all injuries to persons struck by specialty impact munitions.

6. Qualified medical personnel shall inspect all persons struck by specialty impact munitions for injury. Those persons not transported by JFRD shall be transported to UF Health Jacksonville by the reporting officer to be examined by emergency room personnel. [CALEA 4.1.5; CFA 4.08]

7. When an officer uses a specialty impact weapon, other than for training purposes, he shall check back on the original call for service using the disposition code "RTR" in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The officer shall complete an RTR Report in ARMS and submit it to the responding supervisor.

I. **Conducted Energy Weapon (CEW) Deployment Situational Factors and Assessment**

1. CEW deployment/use must be consistent with applicable federal and/or state laws and JSO policy dealing with RTR. JSO members shall not use CEWs when such use would violate applicable federal and/or state laws or JSO policies and is not consistent with an officer's training. Officers may utilize a CEW in the following ways:

   a. CEW Displayed – The CEW is withdrawn from the holster and visible to the suspect/inmate. The suspect/inmate complies without further use of the CEW;

   b. CEW Laser Painted (Red Dot Compliance) – The CEW is armed, and the laser is activated and pointed in the direction of the suspect. In response to the laser painting, the suspect complies without further use of the CEW;

   c. CEW Arc Warning – The Taser 7 CEW is armed and the arc switch is pressed to audibly and visually display energy conducted at the front of the weapon. Arc warning(s) with the X26P CEW remain prohibited; or

   d. CEW Deployed – The CEW probes contact the suspect's/inmate's body or clothing and/or a touch stun is used to attempt to gain compliance and/or control of the suspect/inmate who is resisting. The two deployment modes are:

      (1) Probe Deployment or Probe mode; or

      (2) Touch Stun or Drive Stun mode.

2. Prior to the deployment of a CEW, the officer deploying the CEW has the responsibility to reasonably visually and physically confirm that the response to resistance tool selected is in fact a CEW and not a firearm in order to avoid confusion about which weapon he intends to deploy. Officers shall not arm themselves with a firearm and a CEW simultaneously.

3. The CEW, in Probe Deployment mode, provides a response to resistance option which aids officers in maintaining distance from perceived threats and provides a means for responding to resistance from individuals being taken into custody or the lawful commands of a

corrections officer. The use of CEWs in either mode may also prevent officers and subject injuries caused by the subject's resistance or non-compliance. Using CEWs may reduce the need for other types of physical force by JSO members which could foreseeably result in potentially more serious or deadly injuries to the subject, JSO members, and/or others.

4. Officers' decisions to deploy the CEW are subject to the criteria for the use of less-lethal force stated in this order and are dependent upon both the officers' reasonable belief of the actions of the subject(s) or threat(s) facing the officers and the totality of the circumstances surrounding the incident. Prior to an officer's decision to deploy the CEW; the following conditions must be met: [CALEA 4.1.1; CFA 4.01]

    a. The officer must have legal authority to take the person into custody or the person is already lawfully confined in a DOC facility; and

    b. The person is, at a minimum, exhibiting active physical resistance; or

    c. The subject is an immediate threat to the officer or others; or

    d. The person is preparing or attempting to flee in order to resist/avoid being taken into or remaining in lawful custody; or

    e. Also, based on the totality of circumstances, the CEW may be utilized by SWAT Unit members as directed by their supervisor and/or part of an apprehension plan.

5. Other factors to consider when deploying the CEW (Probe Deployment) include:

    a. Potential for Injury – CEWs are less-lethal capture devices. However, CEWs, like any RTR tool or technique, can foreseeably create physical and/or muscle stress and/or exertion or other unexpected, unforeseen, or unanticipated primary and secondary injuries;

    b. Subject Warning of CEW Application – When reasonable to do so, an officer may give a warning of the imminent application of CEW in an attempt to cause the subject to comply with officer's lawful orders. However, if the officer reasonably believes the giving of such warning may escalate the risk and/or danger of the incident or diminish the officer's or others' safety, then the officer is not required to give a warning. It is foreseeable the officer's announcement of imminent CEW deployment may cause the subject to attack the officer, flee, inflict self-injury, attempt to injure others, etc.; [CALEA 4.1.1]

    c. Notification of CEW Imminent Use – Notifying Other On-Scene Officers – The CEW deploying officer may notify any on-scene, assisting officers he intends to deploy a CEW. Prior to deploying a CEW, the deploying officer should consider announcing, if reasonably safe and feasible, "TASER! TASER! TASER!" The announcement should be made only if it would not reasonably further endanger any officers, other persons, or the suspect (e.g., a knife-wielding person heard the word "TASER" and immediately charged and attacked the officer);

d. CEW Target – Because of the larger muscle groups, the preferred target zone is on the back beginning just below the neck and extending all the way down the legs. When targeting the front, aim for the lower torso; this increases the dart to heart safety margin and also increases the potential for NMI by splitting the hemispheres. Officers encountering subjects wearing heavy or loose clothing on the upper body may consider targeting the legs. The head, face, genitals, and female's breasts must not be intentionally targeted unless absolutely necessary and there is no other reasonable alternative and this elevated level of force can be legally justified under the totality of the circumstances reasonably known to the officers at the time the CEW is deployed;

e. CEW Distance; and

(1) The X26P CEW in Probe Deployment mode has a normal effective range of 19 feet with a 21-foot cartridge and 21 feet with a 25-foot cartridge; however, optimal range is seven to 10 feet from the tip of the CEW cartridge.

(2) The Taser 7 CEW in probe deployment mode has an effective range of up to 22 feet with the 12-degree cartridge (close-quarter battle [CQB]) and 24 feet with the 3.5-degree cartridge (stand-off); however, optimal ranges are 4 to 10 feet and 10 to 20 feet respectively from the tip of the CEW.

(3) Probe deployment ranges of less than three feet or point-blank probe deployment may not provide adequate distribution of the probes to allow the CEW to function to its full effectiveness of incapacitating the subject without drive stun follow up; however, it does not create an unreasonable additional risk of injury to the subject with either cartridge.

f. The application of a CEW causes physical exertion, and each successive CEW applications/discharges will likely continue to cause physical exertion. If an officer discharges a CEW several times, the officer needs to be aware of, and monitor, the subject's condition for signs of severe physical distress.

J. **Conducted Energy Weapon (CEW) Deployment Parameters**

1. When it is necessary to gain control of an arrestee/inmate/prisoner, voluntary compliance by the arrestee/inmate/prisoner is the optimal desired outcome. Officers may "paint" an arrestee/inmate/prisoner with the CEW's laser in an attempt to gain voluntary compliance where active physical resistance, assault, and/or violence is reasonably anticipated (e.g., an officer tells a subject he/she is under arrest, and the subject takes a fighting stance or an officer needs to facilitate a physical search of a resisting inmate/prisoner). Officers must meet the criteria described in this order prior to deploying the CEW.

2. When feasible, an officer deploying a CEW against a subject should have backup officers attempt to restrain the subject while he/she is under power on the initial deployment. If this is not practical or possible, the officer should, while deploying the CEW, reasonably direct (order) the suspect as the incident mandates. Such verbal commands may include: "Stop resisting," "Lie flat," "Put your hands behind your back," etc.

3. If the subject of a CEW application continues actively resisting, the officer may reapply (discharge) the CEW. Each reapplication of the CEW must be in response to active physical resistance and justification must be communicated in the RTR Report specifically as the cause for its continual use. Officers equipped with a Taser 7 CEW can re-energize a deployed cartridge or deploy a second cartridge. Deployment of a second cartridge is reasonable and applicable if:

    a. The officer reasonably believes there is a lack of connection with either of the first two probes;

    b. The distance between the first two probes is too close to achieve NMI ; or

    c. In circumstances which the use of a second probe set would increase the likelihood of successful reapplication.

4. If an officer is alone and submission/compliance cannot be achieved through a minimal number of activation cycles, the officer shall attempt to secure the non-compliant person using an escalation of force consistent with federal and/or state laws, JSO policy, and the officer's training. If after three attempted applications of the CEW, the officer does not gain the needed compliance, the officer should consider the following:

    a. Whether the CEW is functioning properly;

    b. Whether the suspect/inmate/prisoner is exhibiting behaviors associated with an extreme medical condition; and

    c. Whether other responses would be appropriate.

5. Officers shall use a CEW the least number of application cycles and for the shortest duration of time necessary to end the resistance and gain compliance from a person who meets the criteria as outlined in this order. Once the subject of the CEW application is restrained and/or controlled, the CEW shall be turned off.

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

7. Absent exigent circumstances, simultaneous CEW deployments on a single suspect/inmate/prisoner by multiple officers should be avoided.

8. A CEW shall only be used against an animal during preplanned tactical situations, as outlined in this order.

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

    a. Presence of flammable liquids/fumes or explosive environments;

    b. Under some circumstances, the discharge of a CEW may ignite flammable liquids/fumes. A CEW deployed at subjects who are reasonably perceived by the officers to have recently come into contact with flammable liquids/fumes, or in environments where flammable liquids/fumes are known to be present, may result in secondary injuries/burns. Officers should be especially aware of this potential flammability issue when present in known methamphetamine lab environments;

    c. Though a person who has come into contact with a flammable liquid creates a higher degree of potential risk, the totality of the circumstances may indicate the subject could still be subjected to a CEW. The fact the subject may have flammable liquid on his/her person does not create an absolute bar to the use of the CEW;

    d. Elevated Positions – Reasonable considerations and care need to be taken when deploying a CEW on a subject who is in or on an elevated position, or in circumstances where a fall resulting from the CEW application may reasonably and foreseeably cause substantial injury or death. Obviously, the higher the elevation or the more foreseeable the secondary injury from falling, the greater justification for the CEW application shall be required of the officers;

    e. Person Operating Moving Vehicle or Machinery – The use of a CEW on a person operating a moving vehicle or machinery could result in severe secondary consequences. Therefore, any application of a CEW on a person operating a moving vehicle or machinery shall foreseeably require greater justification(s) for the CEW use;

    f. Person Running (Fleeing) – A subject who is exposed to a CEW while running may foreseeably fall as a result of the CEW exposure combined with the running. Since this fall will foreseeably be dynamic, the risks of secondary injuries (from the running momentum) will likely result in greater risks of injury. Therefore, greater justification shall be required for a CEW deployment on a running subject;

    g. Pregnant Female – Use of a CEW on a pregnant female may be alleged to cause injury to the woman and/or fetus. Also, should a pregnant female fall during the CEW application, there is an enhanced risk of secondary injuries. Therefore, where officers deploying a CEW reasonably believe the female subject to be pregnant, greater justification for the CEW application shall be required. Officers are not prohibited from using a CEW on a pregnant female in all possible circumstances. As an example, officers encounter an unstable, violent, and obviously pregnant female who appears to be under the influence of illegal drugs. This female is threatening to plunge a large butcher knife into her abdomen (and fetus). The officers facing this imminent threat may reasonably believe the use of the CEW

on this person may be a reasonable choice to attempt to save the lives of the fetus and the mother;

h. Swimming Pool or Other Body of Water – If a person could reasonably and foreseeably fall into a swimming pool or body of water due to application of a CEW, the officers shall need to have greater justification for the CEW application use due to the foreseeable consequences of use of the CEW on the subject under these circumstances. The elevated risk here is the risk the subject may not be able to prevent drowning;

i. Frail or Infirm Individual – If an officer uses a CEW on an obviously frail or infirm person, greater justification shall be required from the officer. This greater justification is necessary due to the elevated risk of injury from the muscle contractions and/or fall created by using the CEW;

j. There are some groups of people the public may assume are less capable of being an imminent threat of death and/or serious bodily harm to themselves or others. The realities are individuals from each of these groups do commit violent crimes, can be an imminent threat of death and/or serious bodily harm to officers, others, and themselves, can be so resistive the use of CEW is justified, etc. However, officers using a CEW on one of these individuals will foreseeably be placed under heightened scrutiny and may be required to provide greater justification for the use of the CEW. These groups include:

   (1) Children – When officers apply a CEW to a child, the younger the child, the greater the justification required for the officers' application of the CEW. In past incidents, these children have been armed with edged weapons and have threatened imminent use. Just because a subject is a "child," does not automatically provide the person is not an imminent threat or danger to himself/herself, others, or officers. Also, in some situations, the utilization of a CEW is less potentially injurious to the child than other force tools and/or techniques. In such cases, a CEW may be a better force choice;

   (2) Restrained Subjects – If subjects are no longer a threat, restrained, subdued, and compliant, a CEW shall not be used. However, just because subjects are restrained (by handcuffs or other means) does not necessarily mean they are subdued or no longer a serious threat to officers, others, and/or themselves. If subjects continue to be active physical threats to officers, others, and/or themselves, officers may utilize a CEW; and

   (3) Senior Citizens – Senior citizens are often not seen as serious threats. However, there are many instances where senior citizens are substantial threats to officers, others, family members, and/or themselves. As circumstances reasonably permit, officers shall consider a subject's frailties or obvious vulnerabilities or conditions.

k. For subjects exhibiting extreme behavior, refer to Order 213 (Mentally Ill and Intoxicated Subjects).

10. Passive Subjects Who are Being Arrested or Who are Already an Inmate/Prisoner of a Correctional Facility – A passive subject is one who is to be arrested because legal justification

exists to arrest the subject and officers are attempting to place the person under arrest and the person is passively resisting the arrest or, the person is already an inmate/prisoner of a correctional facility and is not complying with verbal commands. Such situations may include a suspect/inmate refusing to come out of a cell/vehicle or a protester passively refusing to move. When it does not jeopardize officer safety, officers should verify the subject/inmate does not have a disability or physical condition preventing him/her from complying with verbal commands and submitting to arrest or physical control. A passive resisting subject does not include a subject who is exhibiting active resistance (e.g., flailing, jerking, etc.) or where officers can articulate a threat of active resistance. The use of a CEW is not allowed on subjects passively resisting.

11. Touch-Stun Mode – The use of a CEW in touch-stun mode will not reliably or foreseeably incapacitate the subject. Therefore, when a CEW is used in touch-stun mode, it will only cause discomfort.

    a. Officers shall not use CEWs in touch-stun mode if the officer reasonably believes discomfort will not cause the subject to be compliant with the officer (e.g., on a drug-induced highly pain resistant subject).

    b. The CEW shall not be used in the Touch-Stun mode:

        (1) Punitively;

        (2) As a prod or escort device;

        (3) To force a passive resistant inmate into the restraint safety chair;

        (4) To rouse unconscious, impaired, or intoxicated individuals;

        (5) In any unprofessional manner;

        (6) To experiment on a person or allow a person to experience the CEW, even if the person requests it, when use of the CEW would not otherwise be allowed by this policy. This CEW experience does not apply to voluntary CEW training exposures or CEW demonstrations as authorized by JSO; or

        (7) For illegal purposes of coercion.

K. **Conducted Energy Weapon (CEW) Post-Deployment Procedures**

1. After an officer has deployed the CEW, the following procedures shall apply:

    a. Once the person who has been impacted by the CEW is handcuffed and in custody, the officer shall advise his immediate supervisor, or an on-duty supervisor, who shall respond to the scene;

b. The officer shall request JFRD/ the DOC contracted health services provider (CHSP) to respond to the scene. If safety circumstances reasonably dictate moving the suspect to another location, the officer may arrange to have JFRD/CHSP meet the officer and the suspect/inmate at another location to assess the suspect/inmate and render care. Medical treatment shall not be refused for anyone who requests it; [CALEA 4.1.5; CFA 4.08]

c. The supervisor shall respond and review with the officer the circumstances under which the CEW was used;

d. A person impacted by the CEW shall not be left unattended by JSO personnel until the person is released to appropriate medical personnel or accepted by personnel at the PDF;

e. Officers shall address the following concerns when transporting a suspect/inmate who has been subjected to a CEW deployment:

(1) Avoid Face Down Transport – Officers should avoid transporting any suspect/inmate who has been controlled using a CEW face down; and

(2) Avoid Transporting on Probes – If the probes are still in the suspect, avoid transporting the suspect in a position that would foreseeably further embed the probes in the suspect.

f. Personnel at the PDF shall be notified of CEW use on an arrestee/inmate.

2. Probe Removal

a. Some probes will simply fall out. If a subject, who has a probe embedded in his/her body, requests the probe be removed by medical personnel, then the officer shall arrange for medical personnel to remove the probes. [CALEA 4.1.5; CFA 4.08]

b. Medical personnel shall remove probes located in sensitive areas such as the face, neck, groin, female's breast, and tops of the hands and feet. [CALEA 4.1.5; CFA 4.08]

c. Removal of probes in non-sensitive areas may be done by an officer. The officer or other trained personnel shall provide first aid following removal of the probes by applying iodine or alcohol wipes and bandages to the probe sites as needed. The officer should inspect the probes after removal to see the entire probe and probe barb has been removed. In the event a probe, or probe barb, has broken off and it is still embedded in a subject's skin, the subject shall be provided appropriate medical attention to facilitate the removal of the object. Officers equipped with a Taser 7 CEW shall utilize the probe removal tool in accordance with training to remove probes. Additional probe removal tools (cartridge shipping cases) are available in the Supply / Copy & Mail Services Unit. [CALEA 4.1.5; CFA 4.08]

d. The used probes and safety gloves shall be treated as biohazard material. Probes shall be inserted point first back into the ports of the air cartridge. The cartridge shall be sealed

by covering it with the safety gloves, per training, and both shall be placed in a biohazard bag.

e. If the incident is non-routine, or if a serious injury is alleged, the probes and the expended air cartridge(s), as well as the Anti-Felon Identification Devices (AFIDS) if possible to collect them, shall be maintained as evidence, appropriately secured, and marked as biohazard and placed in the Property & Evidence Facility. The Taser 7 CEW does not have physical AFIDS that expel from cartridges upon deployment.

3. Post-Deployment Reporting and Replacement Procedures

a. When an officer intentionally deploys a CEW air cartridge(s) at a person or animal, whether or not the intended target is struck by the CEW probes, he shall check back on the original call for service using the disposition code "RTR" in the primary disposition block and any other applicable codes in the subsequent disposition blocks. The officer shall complete an RTR Report in ARMS and submit it to the responding supervisor. If the CEW probes did not strike the intended target, the officer shall document in the appropriate fields, including the narrative of the RTR Report, any other object, person, or animal that was struck.

b. When an officer unintentionally deploys a CEW air cartridge outside of approved training, he shall notify his supervisor of the unintentional deployment.

(1) If the unintentional deployment occurred during an interaction with a citizen or if the unintentional deployment resulted in someone being struck by the CEW probes, the supervisor shall:

(a) Ensure the deploying officer follows the same checkback and reporting procedures used for an intentional discharge; and

(b) Handles all policy violations and training issues appropriately.

(2) For all other unintentional deployments outside of training, the officer's supervisor shall ensure the discharge is documented on a Form P-0004e (Intradepartmental Correspondence).

(3) An unintentional discharge of a CEW that occurs during approved training shall be handled by training personnel.

c. Officers shall obtain replacement CEW air cartridges in accordance with the procedures outlined in Order 552 (Weapons).

L. **Firearms Policy**

1. Officers and authorized members may only discharge their firearms:

a. When using deadly force as authorized by this order;

b. To kill seriously injured or dangerous animals when other less-lethal options are not feasible, as outlined in this order;

c. When participating in approved training or firearm qualification testing; or

d. When conducting ballistics tests in a laboratory environment or attempting to verify a weapon is in working order at an authorized gun range.

2. Members shall always handle firearms with strict adherence to the techniques taught by certified firearms training personnel assigned to the Training Academy and JSO Gun Range, and in accordance with the provisions outlined in this order.

3. When discharging a firearm for any reason, members must take all reasonable measures to avoid endangering the lives of bystanders. Members shall consider the backdrop, bystanders, and location when discharging a firearm.

4. Members shall not unnecessarily un-holster or display their weapons.

5. The firing of warning shots is absolutely prohibited. [CALEA 4.1.3; CFA 4.04]

6. Firearms may be drawn whenever members have an articulable reason to fear for their safety or the safety of others (i.e., felony take downs, building searches, high-risk traffic stops).

7. Firearms shall NOT be discharged from or at a moving vehicle except as a last resort, when all other opportunities have been exhausted:

a. To prevent death or great bodily harm to himself or others; or

b. To prevent the escape of a fleeing felon who poses an imminent threat of death or great bodily harm to the community.

8. Tactical firearm flashlights are to be used only in cases where pointing the firearm at a person, object, or area would be consistent with the RTR policy and JSO training. A tactical firearm flashlight shall not be used for routine illumination purposes.

M. **Officer-Involved Shootings, Deadly Force Incidents, and In-custody Deaths**

1. The Cold Case Unit is responsible for conducting a criminal investigation when any member, acting in his official JSO capacity: [CALEA 4.2.1, 11.3.4]

a. Intentionally discharges a firearm at a person;

b. Unintentionally discharges a firearm that results in a person being shot;

c. Takes any action against another person that results in the death or life-threatening injury of that person;

d. Intentionally takes any action against another person that constitutes deadly force, regardless of whether the person is subsequently injured;

e. Is involved in any in-custody death; or

f. Is killed, shot, or the victim of a life-threatening injury inflicted by criminal means (applies to JSO canines as well).

2. For RTR incidents requiring a criminal investigation by the Cold Case Unit:

a. The Patrol lieutenant shall:

(1) Ensure the Cold Case Unit has been notified of the incident via the Investigative Police Dispatcher;

(2) Manage the scene in the same manner as any other major case crime scene, which would include:

(a) Establishing an outer perimeter, an inner perimeter with an investigative staging area, and a media staging area;

(b) Ensuring witnesses are separated until they can be interviewed by the Cold Case Unit;

(c) Ensuring a neighborhood canvass is conducted outside the inner perimeter to identify any potential witnesses and locations with surveillance video; and

(d) Not disturbing the scene or handling any potential evidence without being directed to do so by the Cold Case Unit.

(3) Request information from the involved officer(s) that is specifically, narrowly, and directly related to:

(a) The officer's physical and mental condition, including the location of all injuries;

(b) All potential outstanding suspects, including their physical description and last known direction of travel; and

(c) The location of any evidence pertinent to the investigation so that it can be preserved.

(4) Collect the body-worn cameras (BWC) from all involved officers after gathering the information listed above, ensuring the BWCs are deactivated and placed in a secured area; and

(5) Assign a "buddy officer" to standby with each involved officer to monitor his wellbeing.

b. The Cold Case Unit shall: [CALEA 11.3.4; CFA 15.21]

(1) Ensure the on-call State Attorney's Office (SAO) Officer-Involved Critical Incident (OICI) Team is notified of all officer-involved shootings and RTR incidents that result in life-threatening injury or death so that they can respond to the scene to conduct their independent investigation and prepare an independent report that documents their findings;

(2) Coordinate with the SAO OICI Team when taking sworn statements from witnesses;

(3) Complete a separate Incident Report for the officer-involved shooting or deadly force incident;

(4) Obtain the statements of any officer directly involved in the incident;

(5) If, during the course of the investigation, it is determined criminal charges may be filed against an officer, advise the officer of his Miranda Warnings and complete a Form P-0378 (Constitutional Rights);

(6) Inspect all weapons used by officers during the incident and have a CSU detective take possession of those weapons for processing; and

(7) Place the disposition code "RTR" in the Mobile Computer Aided Dispatch (MCAD) primary disposition block and all other applicable disposition codes in the subsequent blocks.

c. The officer(s) who used deadly force shall:

(1) Be given the opportunity to request legal counsel or union representation prior to making any statement; and

(2) Upon request, be required to provide information specifically, narrowly, and directly related to his official duties, which might include identifying suspects, witnesses, evidence, and other individuals involved.

d. The Chief of Investigations or his designee shall: [CALEA 11.3.4]

(1) Coordinate with Strategic Communications to provide a public statement to the media at the scene; and

(2) In accordance with Order 513 (Compensation and Leave), ensure the members who used deadly force are placed on administrative leave pending a review by the Sheriff, or his designee, regarding their ability to safely and effectively return to their duty assignments. [CALEA 4.2.3]

e. All responding personnel (excluding any officer who used deadly force) shall, within no more than 24 hours of the incident, complete a major case addendum to document their involvement. The Cold Case Unit may extend this deadline for any officer based on his physical and/or mental condition following the incident.

3. Any weapon, including one that is personally owned, that was discharged during a deadly force incident shall be retained as evidence. [CALEA 11.3.4]

   a. Replacements for seized issued handguns shall be provided by the Cold Case Unit at the scene. Prior to returning to duty, the officer shall report to the JSO Gun Range to test fire the weapon.

   b. Replacements for seized issued rifles shall be provided by the JSO Gun Range. The officer is responsible for making arrangements to obtain a replacement rifle.

   c. Gun lights shall be removed from seized weapons and returned to officers at the scene.

   d. During the scheduled BWC review with the Cold Case Unit, the officer shall retrieve his original firearm and return the temporarily issued firearm to Cold Case Unit personnel. Further, the involved officer shall report to the JSO Gun Range and test fire his original firearm. Modifications to the firearm, if any, must be inspected and approved by Gun Range personnel and shall be consistent with JSO policy.

   e. At the discretion of the Commander of Specialized Investigations, specialty weapons may be returned prior to the conclusion of the investigation.

4. Once the Cold Case Unit and SAO OICI Team have concluded their criminal investigations, the Cold Case Unit shall notify the Professional Oversight Unit, who shall coordinate the administrative review of the incident, in accordance with Order 572 (Professional Oversight). [CALEA 11.3.4]

N. **Unintentional Firearm Discharges**

1. An unintentional discharge of a firearm that results in a person being shot shall be investigated as an officer-involved shooting, as outlined in this order.

2. An unintentional discharge of a firearm that occurs during approved training at the JSO Gun Range shall be handled by JSO Gun Range personnel.

3. All other unintentional discharges of firearms shall be investigated by the Professional Oversight Unit. The Supervisor of Professional Oversight Unit shall respond to the scene to conduct the administrative investigation.

O. **Animal RTR Incidents**

1. When handling an aggressive or dangerous animal, officers are required to use non-lethal options when feasible, including, but not limited to:

    a. Retreating from the animal;

    b. Obtaining assistance from the owner;

    c. Barricading the animal; and/or

    d. Using intermediate weapons or OC spray.

2. Due to the extreme difficulty in hitting a small, fast-moving target with both probes from a CEW, the CEW shall not be deployed against an animal, except during a preplanned tactical situation when:

    a. A confined animal poses a danger to officers (e.g., an aggressive dog in a fenced back yard);

    b. A lieutenant has approved the use of the CEW on the animal; and

    c. A plan to safely secure the animal has been established to limit the energy exposure to the animal.

3. Officers may use deadly force on an animal when defending themselves or others from an imminent animal attack and other non-lethal options have been ineffective or are not feasible.

4. Approval from a lieutenant is required before using deadly force on an animal when:

    a. An aggressive or dangerous animal is preventing the safe passage of a person(s) and, while being trapped by the animal, the person(s) has an urgent, time sensitive need (e.g., medication, unattended young child, etc.) and other non-lethal options must have been ineffective or not feasible;

    b. Euthanizing a seriously injured wild animal; or

    c. At the request of an animal owner, euthanizing a seriously injured animal of any domesticated species (e.g., dog, cat, horse, cow, pig, etc.).

5. After an officer uses deadly force on an animal, the lieutenant who authorized the use of deadly force or the most appropriate Patrol lieutenant shall immediately respond to the scene and conduct an administrative investigation. [CFA 4.07]

    a. The investigating lieutenant shall:

        (1) Ensure the scene is processed by a CSU detective, which shall include photographs being taken and a diagram being completed;

(2) If the animal's owner does not take possession of the dead animal, ensure the animal cremation contractor is notified, via the National Crime Information Center (NCIC) Police Dispatcher, to remove the dead animal and cremate the remains;

(3) Identify and review any video that potentially captured the incident, including BWC footage and surveillance footage from nearby locations;

(4) Interview all witnesses to the incident;

(5) Ensure an Animal Investigation Report is completed in ARMS; and

(6) Place the disposition code "RTR" in the MCAD primary disposition block and all other applicable disposition codes in the subsequent blocks.

b. After all evidence has been collected and all witnesses have been interviewed, the investigating lieutenant shall interview the involved officer in accordance with the provisions for administrative investigations outlined in Order 571 (Internal Affairs).

c. Using the original CCR number, within 30 days of the incident, the lieutenant shall complete an RTR Report and submit it to the appropriate commander. At a minimum, this initial RTR Report shall include: [CFA 4.07]

(1) The facts and circumstances surrounding the shooting of the animal;

(2) The danger the animal posed to officers and/or the community;

(3) Description of the shooting backdrop;

(4) Description of any damaged property;

(5) Descriptions of all video footage that captured the incident; and

(6) Statements of the witnesses and the involved officer(s).

P. **Reporting Requirements for RTR Incidents**

1. RTR Reports [CALEA 4.2.1, 82.2.1; CFA 4.07]

a. When a firearm is discharged, all witness statements shall be included in the RTR Report. The RTR Report for a firearm discharge shall be completed:

(1) For officer-involved shootings, by the Cold Case Unit, after the criminal case has been completed;

(2) For unintentional discharges outside of approved training at the JSO Gun Range, by the Professional Oversight Unit; and

(3) For animal shootings, by the investigating lieutenant, within 30 days of the incident.

b. Members are required to complete RTR Reports after engaging in any of the following RTRs: [CALEA 4.2.1; CFA 4.07]

(1) An intermediate weapon was used on or against an individual or animal;

(2) A person or animal was exposed to a chemical agent and the event is not part of a SWAT operation, Emergency Response Unit (ERU) deployment, or Strategic Response Team (SRT) deployment;

(3) A SWAT member used a specialty weapon in a non-SWAT incident;

(4) A CEW was intentionally deployed at a person or animal in Probe or Touch-Stun mode;

(5) A CEW was unintentionally deployed during an interaction with a citizen or resulted in someone being struck by the CEW probes;

(6) A REACT/Band-It device was activated;

(7) Physical force was used on a subject and the force resulted, or was alleged to have resulted, in any injury, regardless of the severity;

(8) An injury was observed on a subject following the use of any RTR, to include loss of consciousness;

(9) An arrestee was rejected admission to the PDF and directed to the hospital due to alleged injuries sustained from a member's RTR;

(10) After an arrestee was granted admission to the PDF, the arrestee alleged an injury was sustained from a member's RTR (in these cases, the PDF shall notify the approving supervisor listed on the Arrest & Booking Report about the allegation);

(11) An individual is struck in the head or neck with a Pepperball munition;

(12) An individual is struck with a 40mm munition;

(13) A subject who is secured in restraint devices is struck in the head or neck area; or

(14) A supervisor determines an RTR Report is appropriate.

c. Members shall submit all RTR Reports to the responding supervisor within 24 hours of the RTR incident.

d. RTR Reports are not intended to capture all the information from an incident or investigation. These reports should be used to document the details of all physical force (e.g., blocks, strikes, takedowns, etc.) applied during a member's RTR and the names of all members who witnessed the RTR. All other incident details should be articulated in the report being completed to document the incident (e.g., Incident Report, Supplemental Report, Arrest & Booking Report, etc.).

e. Except for officer-involved shootings and deadly force incidents, all RTR Reports shall be written using the CCR number of the incident which led to the use of force and routed through the on-scene supervisor's chain of command or designee. [CFA 4.07]

f. Members shall place the disposition code "RTR" in the MCAD primary disposition block and all other applicable disposition codes in the subsequent blocks.

2. Other Reporting Requirements [CALEA 4.2.1]

a. For RTR incidents, all involved members shall comply with docking requirements listed in Order 574 (Body Worn Camera).

b. In addition to being included in an RTR Report, any injury resulting from, or that was alleged to have resulted from, a JSO member must be included in the narrative of the report being used to document the incident.

c. When a CEW is used to gain compliance by activating the laser and pointing it in the direction of a subject, details of such compliance shall be articulated in the report being completed to document the incident.

d. Deployments of certain less lethal weapons by specialized teams and units will be documented as indicated on the chart below:

Specialty Team/Unit	Less lethal Option Utilized	Report to be Written
SWAT	Specialty chemical agents deployed during SWAT operation	SWAT After Action Report
SWAT	40mm munition deployed that does not result in an individual being struck by the munition	SWAT After Action Report
ERU	40mm munition deployed that does not result in an individual being struck by the munition	ERU After Action Report
ERU	Specialty chemical agent during ERU deployment	ERU After Action Report
ERU	Pepperball munitions to create an area of denial	ERU After Action Report
ERU	Pepperball munitions are deployed against an individual, but does not result in an injury, complaint of an injury, or strike the individual's neck or groin	ERU After Action Report
ERU	Pepperball munitions deployed against an individual who flees and escapes apprehension	ERU After Action Report

Specialty Team/Unit	Less lethal Option Utilized	Report to be Written
SRT	Pepperball munitions are deployed against an individual, but does not result in an injury, complaint of an injury, or strike the individual's neck or groin	Corrections Incident Report

3. As outlined in Order 572 (Professional Oversight), all finalized RTR Reports shall be reviewed by the Professional Oversight Unit for potential gaps in training and/or policy, as well as for violations of current policy. [CALEA 4.2.2, 82.2.1]



T. K. Waters, Sheriff
Jacksonville Sheriff's Office

References: