



EDGEWATER POLICE DEPARTMENT  
EDGEWATER, FLORIDA

POLICY AND PROCEDURE DIRECTIVE

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**TITLE:** USE OF FORCE

**NUMBER:** 2-1

**EFFECTIVE:** 03/2021

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**ATTACHMENTS:** A: SUBJECT RESISTANCE REPORT

**CFA STANDARDS 5.0:** 4.01M A-D; 4.02M; 4.06M-A thru E; 4.07M-A thru C; 4.08M; 4.09M; 4.10M; 15.15M-A thru C

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**DISCLAIMER**

*This policy is for internal use only and does not increase an employee's civil liability in any manner. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only be the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.*

**PURPOSE**

The purpose of this directive is to establish guidelines for the use of force by sworn police officers of the Edgewater Police Department.

**DISCUSSION**

Florida State Statute 776 governs when the use of force can be used by both civilian and law enforcement personnel. It is extremely important that all personnel know and understand the provisions of the statute.

This directive is intended to apply to all applications of force including, but not limited to, the use of firearms. It supplements, but does not supersede, existing procedures, directives, and training bulletins governing the use of firearms, vehicles, and/or other law enforcement equipment.

The most important principle of law enforcement is the **PROTECTION OF HUMAN LIFE**. The use of deadly force must be limited to situations of a strong and compelling need to protect human life and to be consistent with this purpose.

**POLICY**

It shall be the policy of the Edgewater Police Department to use only that degree of force necessary to perform official duties. Law enforcement officers are authorized to carry lethal and less lethal weapons in the performance of their official duties. Officers are authorized to carry lethal and less lethal weapons while on duty or off-duty (F.S.S. 943.10, 790.052).

The decision to use force rests with each police officer. During each use of force encounter the officer must articulate the totality of the circumstances known at the time the force is used in order to justify that force. While there is no exact duration or circumstances in which force may be reasonably applied, each police officer is expected to use this policy as a guideline to make decisions in a professional manner.

Any police officer who fails to comply with the Criminal Justice Standards Training Commission (CJSTC) Use of Force training requirements within the prescribed time frame shall be removed from sworn duty and may have their employment terminated and their certification made inactive.

## DEFINITIONS

**Non-Deadly Force** - Less than lethal force. A quality or quantity of force which is neither likely nor intended to cause death or serious physical injury. Non-deadly force normally includes the use of physical control or skill, chemical agents, Electronic Control Devices (ECD's), or incapacitating control. Deadly force does not include:

- **776.06 (2a)** the discharge of a firearm by a police officer during and within the scope of their duties, loaded with a non/less lethal munition. As used in this subsection, the term non/less lethal means a projectile that is designed to stun, temporarily incapacitate, or cause temporarily discomfort to a person without penetrating the person's body
- **(2b)** A police officer is not liable in any civil or criminal action arising out of the use of any non/less lethal munition in good faith during and within the scope of their duties

**Last Resort** - When all practical means (verbal direction and non/less lethal force) have been exhausted to avoid using deadly force.

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

**Great/Serious Bodily Harm** - A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, results in long-term loss or the impairment of the functioning of any bodily member or organ. Serious physical injury includes, but is not limited to, an injury which creates a substantial risk of death or serious personal disfigurement, disability, or protracted loss or impairment of the functioning of any organ or part of the body.

**Deadly Force - Florida Statute 776.06 (1ab) (2ab)**, as used in this directive, deadly force is defined as that force which is intended or likely to cause death or great bodily harm and includes, but is not limited to:

- **776.06 (1a)** The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm.
- **(1b)** The firing of a firearm at a vehicle in which the person to be arrested is riding

**Deadly Force/Lethal Force** - The terms deadly force and lethal force are considered synonymous and may be used interchangeably to meet the intent of this directive.

**Imminent Threat** - An imminent threat to the life and/or safety of the police officer or another human being(s).

**Approved Weapon** - As used in this directive, approved weapon shall mean any weapon to include firearms, impact weapons, ECD devices or chemical agent weapons that have been approved for use or issued by the department and authorized by the Chief of Police.

**Medical Treatment** - As used in this directive, medical treatment shall be afforded to any person to whom force, whether non-lethal, less than lethal or deadly force, is used by a police officer of this department.

**Restraint Devices** - To be used as physical control tools to gain compliance. Restraint devices are defined as mechanical tools which are used to restrict a subject's movement and facilitate searching. They include, but are not limited to: handcuffs, flex cuffs, leg irons, hobbles, belly chains and optional nylon restraining devices

**Neck Hold/Choke Hold** - One of the following types of holds: (1) a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck. A neck hold is considered lethal force and *is prohibited except when deadly force is authorized.* (CFA 4.01M-A; 4.10M)

## PROEDURE

- 2.1.1 Police officers shall follow current Florida law and will use only the minimum degree of force necessary to perform official duties, achieve safe control over a subject and to affect lawful objectives. Responsibilities of police officers following all use of force encounters include: (CFA 4.01M)
- Notifying the shift supervisor of any injury to officers, suspects or citizens
  - Notifying the shift supervisor of the use of any weapon
  - Notifying the shift supervisor of the use of any chemical agent
  - Notifying the shift supervisor of the use of handcuffs or other restraints in which the device is either applied against actual physical resistance or to any area of the body other than the wrists
  - Notifying the shift supervisor of the use of any ECD (Taser), or the pointing of a Taser at a person
  - Providing any medical attention as required
  - Completing a detailed incident report
  - Ensuring that any secondary or backup officer that was present when the resistance occurred completes a supplemental report
- 2.1.2 All police officers shall be issued copies of and be instructed in this Use of Force Directive, as well as **Firearms Directive 2-2**, prior to carrying a firearm, or any weapon (lethal or non-lethal) or being placed into any position which could result in the use of deadly force. (CFA 4.02M)

## RESPONSE TO RESISTANCE

- 2.1.3 The Use of Force/Levels of Resistance used by the officer will be determined on the actions of the subject. Officers may be required to escalate and de-escalate the level of force being used. More or less force is acceptable, depending upon the subject/officer factors. *De-escalation techniques are required whenever possible.* (CFA 4.01M-B)

## RESONABLE FORCE

- 2.1.4 Reasonable force may be utilized in situations which cannot be controlled otherwise. Reasonable alternatives should be exhausted or clearly be ineffective prior to the application of force.
- 2.1.5 An officer need not retreat or desist from efforts to make a lawful arrest because of active, threatened, or passive resistance. Officers must remain cognizant that a primary law enforcement responsibility is to protect life.
- 2.1.6 There are occasions in the course of police action when a law enforcement officer must utilize force to execute legal authority. Any application of force may result in injury, complaint of injury, or complaint that unnecessary or excessive force was used. Judicial reviews have held officers and their employers liable for misuse of force or weapons, including firearms, regardless of the officer's on-duty or off-duty status.
- 2.1.7 **Excessive Force Resulting in Injury** - Officers shall not use excessive force resulting in injury to another.
- 2.1.8 Officers have a duty to intervene if they observe the unreasonable, unnecessary, or disproportionate use of force.
- 2.1.9 **Passive Resistance Demonstrations:** Officers shall not use force to overcome passively resistant demonstrators, except that physically moving a subject is permitted when it is necessary and objectively reasonable. The decision to deploy use of force on passively resistant crowd control/demonstrators shall be determined by the Chief of Police or Captain.

## ECD (TASER)

- 2.1.10** Each officer is also expected to be familiar with the below listed Florida State Statute 943.1717(1)(a)(b) dealing with use of dart firing stun guns, also known as Electronic Control Devices (ECD's) or Tasers.
- 2.1.11** FSS 943.1717 Use of dart-firing stun guns:
- (1) A decision by a law enforcement officer to use a dart-firing stun gun must involve an arrest or a custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance and the person:
    - (a) Has the apparent ability to physically threaten the officer or others
    - (b) Is preparing or attempting to flee or escape
- 2.1.12** CJSTC has mandated that Use of Force training is required for every police officer. The training shall be completed every year at a minimum, and must be reported to CJSTC.
- 2.1.13** Officers must be familiar with the Taser Policy Directives outlined in **Directive 2-3**.

## IMPACT WEAPONS

- 2.1.14** The ASP is the only authorized impact weapon to be used by department personnel. The ASP shall be issued, worn and used only by those officers trained in the use of the weapon. Officers will be required to satisfactorily demonstrate proficiency with the ASP. Officers shall use the ASP in accordance with the training provided by the department.
- 2.1.15** Intentional strikes to the head, face, and neck are prohibited.
- 2.1.16** Techniques and dialog taught in ASP training make the impact weapon a very forceful tool. There are four levels of force when using an impact weapon:
- **A hand on weapon** - Displays the willingness to use the weapon
  - **Present the weapon** - Shows the willingness to use the weapon, the weapon will be presented only when it is fully intended to be used
  - **Load or ready the weapon** - When the weapon is loaded, heavy control dialogue will indicate that a strike is imminent
  - **Strike with weapon** - Using the weapon is the last step in the use of non-deadly force. If this point is reached, the suspect should have seen the weapon and understood the officer's willingness to use it. (Rapid progression of a situation may prevent one or more of the steps from being followed.)
- 2.1.17** The ASP shall be utilized by members to protect themselves or others from potential or actual bodily harm in the course of their assigned duties.
- 2.1.18** The ASP shall be used to persuade, gain compliance, impede and stop.
- 2.1.19** Good judgment, discretion and the proper application of established techniques shall be exercised by all officers employing the ASP.
- 2.1.20** Officers should not attempt to handle an aggressive suspect on a hand-to-hand basis when aerosol restraint spray, taser, or the ASP can be used.
- 2.1.21** The purpose of the ASP is to minimize assault and exposure time, thereby decreasing the potential for injury to the officer as well as the subject.

- 2.1.22** Considerations for the use of the ASP would include aggressive actions by a subject, threats accompanied by an aggressive act, or general circumstances threatening officer safety.
- 2.1.23** The use of the ASP to the spine, solar plexus and areas above the shoulders is prohibited except in incidents that would warrant the use of deadly force.

#### **USE OF FLASHLIGHT**

- 2.1.24** The Department issued flashlight is designed to be used as an illumination device. Its use as a defensive impact instrument shall be in accordance with ASP training.
- 2.1.25** Flashlights are not to be used as an impact weapon of choice except in emergency situations in place of the department issued ASP.
- 2.1.26** The flashlight will be used within the guidelines of this directive. In the event a flashlight is utilized as a defensive impact instrument, the spine, solar plexus and areas above the shoulders shall be avoided.

#### **DEADLY FORCE**

- 2.1.27** The use of “DEADLY FORCE” is authorized when there is a belief that such force is necessary to:
- Prevent imminent death or great bodily harm to an officer
  - Prevent imminent death or great bodily harm to another human being
- 2.1.28** The use of Deadly Force can be used to apprehend a perpetrator of a felony which involves the use or threatened use of deadly force, and the individual who is sought poses an immediate threat to the life and/or safety of the officer or another. Additional factors include:
- The officer must reasonably believe that a felony has been committed, or is being committed, and reasonably believes that the person he/she is about to arrest or apprehend is the person who has committed the felony
  - The officer must inform the person to be arrested of his authority and cause of arrest except when the person flees or forcibly resists before the officer has an opportunity to inform him/her or when the giving of the information will subject the officer to serious injury
  - The officer shall exert no more force than is reasonably necessary to apprehend the fleeing felon, and use deadly force only as a last resort, subject to the limits in this directive

#### **INVOLVED OFFICER**

- 2.1.29** Whenever a police officer uses deadly force, either accidentally or in the performance of official duties, they shall notify the central dispatch and the Shift Supervisor immediately of the situation and location.
- 2.1.30** In the event that a police officer uses deadly force in the performance of official duties in an armed conflict, care should be used when approaching the suspect. Efforts should be made to protect the police officer and the public from possible harm by disarming and handcuffing the suspect, and locating and securing the suspect’s weapon. This may be accomplished by the police officer involved or a back-up officer.
- 2.1.31** Request emergency/medical personnel for the injured subject.
- 2.1.32** If another person is injured, determine the physical condition of the person and render the appropriate first aid.
- 2.1.33** Remain at the scene (unless injured) until the arrival of appropriate supervisory and designated investigative personnel. If circumstances are such that the continued presence of the police officer at the scene might cause a more hazardous situation to develop, then the police officer shall move to a safe location and immediately notify the central dispatch and shift supervisor.

- 2.1.34 In the event the police officer is forced to move to a safe location, every effort should be made to secure any weapons (officer and/or suspects) involved in the incident prior to leaving the scene.
- 2.1.35 Safety of the police officer and the public will take precedence over securing the scene and weapons.
- 2.1.36 Protect the police officer's weapon (if applicable) and submit it to the designated investigative personnel. If the designated investigative personnel are not on the scene, the weapon will be immediately tagged and secured in the property and evidence area by the shift supervisor.
- 2.1.37 If a firearm is taken into custody, the police officer will be issued a replacement firearm when appropriate. If the incident occurs at a time when equipment personnel are not on duty, one may be called out to replace the firearm prior to the involved officer's end of shift.
- 2.1.38 Advise the on-scene supervisor of the details relating to the incident, leading up to and including the use of deadly force.
- 2.1.39 The involved police officer shall not be continually questioned at the scene. Information may be ascertained from the initial/on-scene supervisor or in later interviews as governed by law, departmental directives or specific collective bargaining agreements.
- 2.1.40 The involved police officer shall prepare a detailed supplemental report of the incident and have it reviewed prior to submission. Due to the time of the event, on advice from counsel, or other extenuating circumstance, the supplemental report submission may be delayed for 24 hours.
- 2.1.41 The involved police officer will not discuss the incident with anyone except:
  - On scene supervisory and designated investigative personnel
  - An attorney retained by the involved officer(s)

**NON-DISCIPLINARY RELIEF OF DUTY**

- 2.1.42 Any member, either sworn or non-sworn, whose actions result in death or serious bodily injury to any person, either accidental or deliberate, shall be relieved of normal duty and assigned to an administrative duty status, until a preliminary administrative review is conducted. This shall immediately follow the incident and initial on-scene investigation, which shall be documented in a written report. (CFA 15.15M-C)
- 2.1.43 In every instance in which an officer uses deadly force and where such force results in death or serious bodily injury to any person, the officer shall be relieved of normal duty. This shall follow the initial on scene investigation.
- 2.1.44 Assignment to a relieved-of-duty status shall be non-disciplinary with no loss of pay or benefits. The intended purpose of this relief from duty is to:
  - Address the emotional and personal needs of the officer involved in the use of deadly force
  - Assure that verification of all the facts surrounding such incidents are fully and professionally explored
- 2.1.45 The officer shall be available during normal business hours for Internal Affairs and other administrative interviews and statements regarding the case, and shall remain subject to recall to duty at any reasonable time while on relief-of-duty status.
- 2.1.46 Prior to returning to duty the involved officer may, at the discretion of the Chief of Police, be required to see a department approved and supplied psychologist.

**DEADLY FORCE INVESTIGATIONS**

- 2.1.47 In order to maintain the trust of the public and ensure an impartial investigation, all incidents of deadly force resulting in serious injury or death will be investigated by the Florida Department of Law Enforcement (FDLE).
- 2.1.48 The official request for assistance from the FDLE will be made by the Chief of Police or at his direction. This will in no way preclude the Edgewater Police Department from conducting a parallel investigation.
- 2.1.49 In order to maintain the integrity of the investigation, police officers of the Edgewater Police Department will refrain from taking a role in the investigative process, unless specifically requested by FDLE investigators and approved by the Chief of Police.
- 2.1.50 All police officers of the Edgewater Police Department will cooperate with FDLE investigators, specialists or technicians completely.

**STATE ATTORNEY'S DEADLY FORCE REVIEW**

- 2.1.51 The State Attorney's Office shall review all uses of deadly force upon the completion of the investigation. The State Attorney's Office may call investigators, specialists or technicians required to present evidence and facts concerning any discharge of a firearm.
- 2.1.52 The State Attorney's Office shall review any facts and pertinent testimony and forward findings and recommendations to the Chief of Police for final disposition.
- 2.1.53 The report presented to the Chief of Police shall include relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force conforms to current Use of Force Directive.
- 2.1.54 In those incidents where the State Attorney's Office determines that poor judgment was exercised and where no violations of policy or law exist, they may recommend additional training for the involved officer.
- 2.1.55 In those incidents where the State Attorney's Office determines that exceptional judgment was exercised, they may recommend a commendation be issued.

**DISPLAYING FIREARM**

- 2.1.56 The decision to draw or direct a firearm at an individual should be based on the tactical situation and reasonable belief by the officer that there is a substantial and imminent risk that the situation may escalate to a point where deadly force may be justified.
- 2.1.57 The department acknowledges that officers must draw a firearm in certain situations; however, unnecessary or premature drawing of a firearm limits the alternatives to control a situation, unnecessarily intimidates citizens and may result in an unjustified or accidental discharge of the firearm.
- 2.1.58 As a general rule, officers shall not draw their weapons unless there is sufficient justification. In effecting the arrest of potentially dangerous suspects or in high hazard situations, where there exists a potential for the use of deadly force, officers may display a firearm for the purpose of obtaining and maintaining control of a situation. The simple display of a firearm is not considered to be a use of force encounter. Officers may encounter situations requiring the use of force, both non-deadly and deadly, to effect arrest or to protect public safety.
- 2.1.59 Police officers may use deadly force to protect themselves from what they reasonably believe to be an immediate threat of death (or near death) or great bodily harm.
- 2.1.60 An officer may use deadly force to effect capture or prevent escape, if the officer reasonably believes that the suspect has committed a forcible felony involving the use or threatened use of deadly force, and the officer has reason to believe that the suspect poses an immediate threat of death or serious physical injury to the officer or other human beings.
- 2.1.61 No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat of death or great bodily harm shall be the only policy guidelines for employing deadly force.

- 2.1.62 Warning shots are prohibited. The discharge of firearms for warning shots constitutes deadly force.
- 2.1.63 Shooting at or from a moving vehicle shall be considered the use of deadly force. It is authorized as a last resort to prevent serious bodily injury or death to human beings.
- 2.1.64 While use of force may be necessary, all reasonable alternatives should be exhausted or be inappropriate under the circumstances. The decision to resort to force and the degree of force to be used must be based only on fact, or what reasonably appears to be fact, to the officer at the time the action is taken. Where appropriate, officers should give verbal warning before discharging a firearm.
- 2.1.65 An officer may use that force which they reasonably believe is necessary to defend themselves or others from bodily harm. As long as police officers or the public are victims of violent crimes and officers in the performance of duty are confronted with deadly force, it will remain necessary for police officers to be properly armed.
- 2.1.66 The ~~shotgun or~~ rifle will be displayed or used only after all other available lesser means of force have been thoroughly considered. The ~~shotgun or~~ rifle will be used only by members who have qualified with this weapon during required qualifications. The ~~shotgun or~~ rifle may be utilized in situations where use of the service weapon would be impractical, some examples of which may be:
- The suspect(s) has superior firepower over the service handgun
  - Stake-outs involving the arrest of persons considered dangerous
  - Approaching a wanted felon
  - A hazardous vehicle stop
  - At the scene of a dangerous felony in progress
  - Any other situation where the risk of being shot or killed is high

#### REPORTING THE DISCHARGE OF A FIREARM

- 2.1.67 Any time an officer discharges a firearm or initiates any action that could be considered deadly force, while on duty or off-duty, for any reason other than training or recreation, the incident shall be fully documented in an incident report and Subject Resistance Report, and shall be investigated by Internal Affairs. (CFA 4.07M-A)
- 2.1.68 Whenever an officer discharges a firearm, while on or off-duty, for any reason other than training or recreation, they shall immediately report the incident to the shift supervisor.
- 2.1.69 The shift supervisor shall, when the situation allows, ensure that the appropriate command personnel have been notified, to include:
- Chief of Police
  - Captain
- 2.1.70 If the incident involved an on-duty officer, or an off-duty officer within the city limits of Edgewater, the shift supervisor will ensure an incident report is completed. If the incident involved an off duty officer outside the city limits, the involved officer shall report the incident to the law enforcement agency having jurisdiction and forward a memorandum to the shift supervisor. The shift supervisor will complete a memorandum documenting the circumstances of the discharge and forward it for review to the Chief of Police, through the chain of command.

#### RETAINING YOUR FIREARM

- 2.1.71 A police officer may be confronted by an armed person who has the advantage, but the danger is not reduced by the officer giving up their firearm upon demand. Surrendering your firearm might mean giving away your only chance for survival. Therefore, a police officer should use every tactical tool, thought or idea, to avoid surrendering their firearm. Retaining your firearm may mean the difference between life and death of you and others.



## AUTHORIZED- LESS LETHAL WEAPONS

- 2.1.72** The department shall issue less-lethal weapons to police officers and authorized employees trained in their use. Officers will demonstrate proficiency prior to issuance. Less-lethal weapons shall be reviewed and documented annually to ensure that proper product performance and expiration dates are not exceeded. (CFA 4.06M-C,D,E)
- 2.1.73** The department shall issue less-lethal weapons for use by police officers, on or off-duty. Only those approved in this directive shall be carried or otherwise used, and shall include the following: (CFA 4.06M-A,B)
- Impact Weapon - Expandable baton commonly known under the brand name ASP
  - On rare occasions and extreme circumstances, a flashlight may be authorized as an impact weapon
  - ECD's - Commonly known as Electronic Control Devices, the current model in use is the brand name TASER. The TASER is a defensive weapon that is programmed to give a 5-second "electrical current" which can override the central nervous system and control the skeletal muscles
  - Police K9 - Certified K9 handler and approved K9
  - Specialty Impact Weapon – 40mm launcher and shotgun
  - Specialty Impact Munitions to include: 12 gauge bean bag rounds, 12 gauge rubber pellet rounds, 40mm exact impact rounds, 40mm bean bag rounds, 40mm rubber baton rounds, 40mm wood baton rounds, 40mm rubber projectile rounds
  - SWAT Team members issued equipment may include, but is not to limited to:
    - OC hand grenades
    - OC 37mm ferret rounds
    - 37mm stinger pellets
    - CN 37mm ferret rounds
    - OC 12 gauge ferret rounds
    - Rubber pellet 12 gauge rounds
    - Detraction Devices - Commonly known as flash bangs

## USE OF SPECIALTY IMPACT WEAPONS

- 2.1.74** Authorization to Use – Officers who have been trained and demonstrated proficiency with agency-approved Specialty Impact Munitions will be issued and/or authorized to carry and use them to defend themselves or others, on or off-duty, in the performance of their duties, or to accomplish other lawful objectives.
- 2.1.75** The use of Special Impact Munitions against persons shall be restricted to the following circumstances:
- Armed subjects who pose an immediate threat to themselves or others and refuse lawful orders
  - Subjects who imply they are armed and refuse lawful orders
  - Subjects who refuse to show their hands, when the totality of the circumstances leads an officer to believe the subject is a threat to themselves or others
- 2.1.76** It shall be noted discharging a Special Impact Munition from a distance less than ~~20 feet is considered deadly force and shall be reserved for deadly force resistance~~ the manufacturer's recommended distance is considered deadly force and shall be reserved for deadly force resistance.
- 2.1.77** Supervisor Notification – Employees involved in a use of force incident, to include the use of any Non-Lethal or Less-Lethal Weapons covered in this Directive shall report the incident to an on-duty supervisor as soon as practical. The incident will be documented by officers with a written report, a use of force report, photographs and all other applicable procedures.

**2.1.78** Classification – Specialty Impact Munitions are classified as a Less-Lethal Weapon.

**2.1.79** Currently Authorized Specialty Impact Munitions:

- 12 Gauge Bean Bag Rounds
- 12 Gauge Rubber Pellet Rounds
- 40 mm Exact Impact Rounds
- 40 mm Bean Bag Rounds
- 40 mm Rubber Baton Rounds
- 40 mm Wood Baton Rounds
- 40 mm Rubber Projectile Rounds

**2.1.80** Use of Specialty Impact Munitions – The use of Specialty Impact Munitions on designated areas of the body at a distance of 20 feet or more is considered a "Less-Lethal" force alternative.

**2.1.81** Intentionally discharging Specialty Impact Munitions at a person's head, neck or throat area or at a person's torso (excluding the arms) above the waist, less than 20 feet away, is considered deadly force application.

**2.1.82** Medical Attention After Use – Persons struck by Specialty Impact Munitions will be examined by Emergency Medical Services personnel at the scene.

**2.1.83** Any individual who is experiencing or complains of symptoms after the use of a Specialty Impact Muniton, or who does not show signs of recovering within five to 15 minutes, will be provided immediate follow-up medical attention. Unusual symptoms include but are not limited to: loss of consciousness, profuse sweating, chest pain, and slow, shallow breathing.

**2.1.84** Training – All personnel issued and/or designated to use Specialty Impact Munitions shall demonstrate proficiency prior to issue and carrying and/or using on duty, and annually thereafter during in-service training.

**2.1.85** Remedial Training – Any time an employee issued or designated to use Specialty Impact Munitions fails to demonstrate proficiency with the munitions, they will be collected by the training facilitator and not re-issued; or, if designated for special use, then the employee will be deemed not authorized to use them in an official capacity until the employee has successfully completed remedial training and demonstrated proficiency. A memorandum will be forwarded to the Captain as soon as reasonably possible, not to exceed 3 business days.

**2.1.86** Inspection – Specialty Impact Munitions will be inspected annually by a less lethal instructor during qualifications. Any expiration dates shall be noted on the inspection report by the instructor; or, in the case of non-issued items, the Range Master or less lethal instructor will conduct the annual inspection.

**2.1.87** The 40mm munitions launcher is only to be deployed in double action mode. To clarify, the hammer to the launcher is NOT to be pulled to the rear to be fired unless there is an articulable reason to do so

## USE OF HANDCUFFS

**2.1.88** For the protection and safety of the officer as well as the person in custody, arrestees will be handcuffed behind the back with the backs of the hands together with department issued handcuffs.

**2.1.89** The handcuffs will be double locked and checked for tightness. Officers are to ensure handcuffs have been properly applied.

**2.1.90** Any/all complaints of tightness or diminished loss of feeling by an arrestee shall be immediately investigated by officers to ensure that the handcuffs have been properly applied.

**2.1.91** All persons taken into custody charged with a felony or misdemeanor will be handcuffed. Persons who have resisted arrest, used or threatened violence may be secured with a hobble or leg irons if determined necessary. Flex cuffs and Velcro Ripp Restraints

may be used in lieu of handcuffs when appropriate.

### EXCEPTIONS TO HANDCUFFING

- 2.1.92 If a person is injured or handicapped and the use of handcuffs would further aggravate the injuries, handcuffs shall not be applied.
- 2.1.93 Handcuffing of juveniles under the age of 14 charged with non-violent misdemeanors will be left to the discretion of the officers.
- 2.1.94 There may not be the need to handcuff a person of advanced age or impaired physical condition.
- 2.1.95 Persons with arms that cannot be physically joined in the back shall be handcuffed in front of the body with the backs of the hands together. A prisoner security belt will be used locking the cuffs to the belt with the buckle to the rear, when necessary.

### RESTRAINT HOLDS

- 2.1.96 When the use of physical force is limited to restraint holds as a method of controlling and/or calming a hostile situation, and where that force is not resisted in any manner by the subject(s) involved, the option to arrest or not arrest shall be at the discretion of the officer.
- 2.1.97 Situations wherein the use of physical force by a police officer surpasses controlling restraint, and/or is violently opposed by the subject involved, will require that an arrest be made for the violation of law which initiated the police action, and/or any other violation for which probable cause can be established.
- 2.1.98 The officer will notify his supervisor prior to transporting the arrestee. The supervisor will respond to the scene when possible.
- 2.1.99 Any situation that results in actual or claimed injury, whether evident or non-evident, will require the officer to notify his supervisor and document the incident in a report. The report shall document the extent of physical contact and the precise means by which it was applied. Photographs shall be taken of the injury and submitted with the report.

### OTHER ACTIONS

- 2.1.100 The Edgewater Police Department realizes and acknowledges that intense, uncertain, and /or rapidly evolving confrontations, a police officer may have to reasonably use techniques, weapons, and/or improvised weapons that:
  - Are not part of the agency's formal training program
  - Are not specifically covered in this policy
  - Due to the suspect's action(s) the technique(s) or weapon(s) used by the police officer may have an unintentional impact point, or an outcome that is not part of the agency's training curriculum
- 2.1.101 All actions of police officers that are deemed reasonable in retrospect will be considered to be within policy, even though the specific action and/or operation is not specifically addressed in this policy.

### COMMON POCKET KNIVES

- 2.1.102 This directive authorizes each officer to possess and use a folding pocket knife, both on and off duty. It is recognized that police officers may have many needs for a folding pocket knife, including general work and for limited defensive purposes.
- 2.1.103 While not considered to be a primary weapon of choice in a defense-of-life situation, police officers may under extraordinary circumstances use a folding pocket knife in defense of their life and the lives of others.
- 2.1.104 Nothing in this policy requires any police officer to carry any knife. This policy is intended to aid the officer, should the officer choose to carry a knife.

- 2.1.105 The carrying and use of any folding pocket knife by police officers shall be done as unobtrusively as possible, so as not to alarm any bystander. The police officer shall take care not to exhibit or handle the knife in a careless manner.
- 2.1.106 It is the individual police officer's responsibility to use the folding pocket knife as a tool in a safe and responsible manner, and exercise reasonable care in the general use of the knife as a tool to prevent injury to the officer and others, and to prevent damage to property.
- 2.1.107 Any use of a knife in defense of their life and the lives of others shall constitute a use of deadly force, and the situation must justify the action.
- 2.1.108 Any use of a knife as a weapon by any police officer of this agency shall be documented in an appropriate report and reviewed as a deadly force action.
- 2.1.109 Medical assistance shall be obtained as soon as practical for subjects who sustain an injury involving a knife.

### MAINTAINING PROFICIENCY

- 2.1.110 Officers shall maintain proficiency with less lethal weapons and techniques which are primary to the performance of their assigned duties.
- 2.1.111 Failure of a member to demonstrate and maintain acceptable standards of performance will be cause for remedial training.
- 2.1.112 Continued inability to maintain performance standards will cause members to be relieved of their police authority pending a final determination as to their job fitness.
- 2.1.113 Members who are in an extended leave of absence capacity and/or do not participate in those training or evaluation sessions that qualify them to carry weapons and employ force shall be relieved of police authority.
- 2.1.114 The officer's gun, badge, and police identification shall be turned in until the Chief of Police chief authorizes re-issuance and reinstatement of police authority.

### SUBJECT RESISTANCE REPORT

- 2.1.115 When an officer takes an action that results in, or is alleged to have resulted in, injury or death of another person, or an officer uses or is alleged to have used any lethal, less than lethal, or physical (weaponless) force against any individual which results in, or is alleged to have resulted in, death, injury or complaint of injury, an incident report shall be completed at the direction of the shift supervisor. **(CFA 4.07M-B,C)**
- 2.1.116 When an officer is a principal participant in a use of force encounter involving death or serious bodily injury, the involved officer will prepare only a supplemental report, while the incident report will be completed by another officer or the shift supervisor. All written reports shall include the causes for the actions taken including all reasonable suspicion and probable cause; any statements by subjects, officers or other involved persons which outline the contributing factors; and the totality of circumstances. **(CFA 15.15M-A)**
- 2.1.117 For the purposes of documentation, a Subject Resistance Report is to be completed regarding any response to resistance. This is explained as physical resistance from a subject, who requires the police officer to use greater force than controlling holds or restraint holds to overcome the resistance. Responsibilities of shift supervisors following all use of force encounters include:
  - Responding to the scene of any use of force situation
  - Investigating any incident of use of force
  - Ensuring an accurate report is completed
  - Offering medical treatment when required

- Completing a Subject Resistance Report
- Digital images of all injuries of officers and subjects

**2.1.118** A copy of all completed incident reports and the original subject resistance report will be forwarded to the Captain by the shift supervisor. The Captain will review the incident, including written analysis and conclusions. Annual administrative review will be completed by the Captain to analyze all subject resistance reports. All reviews shall be in written form and upon review of the Chief of Police, forwarded to the Executive Assistant for proper filing and storage. **(CFA 15.15M-B)**

**2.1.119** It shall be the policy of this department that medical treatment shall be provided to any person in which force, whether physical, non-lethal, less than lethal or deadly force is used by a police officer of this department. Medical treatment will be summoned as soon as requested or made obvious by the nature of force used; the officer shall immediately arrange for emergency medical treatment and notify the shift supervisor. **(CFA 4.08M)**

**2.1.120** A Subject Resistance Report shall be completed by a supervisor when force is used, including but not limited to, the use of:

- Deadly force as defined in this directive
- Aerosol restraint spray
- Impact weapon (ASP)
- Electronic Control Device (Taser)
- Physical force resulting in actual or claimed injury

**2.1.121** The Subject Resistance Report is structured with the exception of the supervisory narrative which will include:

- The specific circumstances which caused the force to be used
- Type of force and techniques utilized
- The specific resistance encountered
- The extent of each person(s) injuries
- Synopsis of witness statements, if obtained

**2.1.122** The immediate supervisor shall ensure that all reports and attachments are completed and submitted to the Captain prior to the end of the tour of duty to include:

- Subject Resistance Report
- CAD Report
- SA 707
- Statements
- Digital images

**2.1.123** The Chief of Police will make the final determination with one of the following recommendations:

- The appropriate level of force was used
- Remedial training is mandatory
- Referred to Internal Affairs
- Weapon/Equipment issue to be resolved

**2.1.124** The original offense report will be routinely processed and filed in the records section complete with all attachments.

<b>ANNUAL ADMINISTRATIVE REVIEW</b>
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**2.1.125** An annual administrative review and analysis will be completed on all use of force reports to include the following incidents:

- A firearm is discharged for other than training or recreational purposes **(CFA 4.09M-A)**
- Force is applied through the use of lethal or less-lethal weapons; and **(CFA 4.09M-B)**
- Weaponless physical force is used **(CFA 4.09M-C)**

## COMMUNICATIONS RESPONSIBILITIES


- 2.1.126** The use of deadly force shall be immediately reported to the central dispatch for notification of the appropriate command personnel including, but not limited to; the shift supervisor, the Chief of Police, and Captain. The original written report of all incidents involving the use of deadly force or any action that could be considered a form of deadly force will be completed and submitted to records with copies to the Captain.
- 2.1.127** The communications personnel first notified of the deadly force incident shall be requested immediately to dispatch appropriate rescue personnel, if required in accordance with appropriate communications center directives.
- 2.1.128** The shift supervisor may request the central dispatch to notify the following personnel:
- Captain
  - Criminal Investigations Sergeant
  - Public Information Officer
  - Edgewater Fire Rescue and EVAC Ambulance as instructed by police officers or supervisors at the scene.

## ON-SCENE SUPERVISOR RESPONSIBILITIES

- 2.1.129** The supervisor will respond to the scene, notify any other appropriate authority, and commence the preliminary investigation.
- 2.1.130** The supervisor shall assure the following:
- Assign personnel to assist the involved officer
  - Ensure the scene is secured
  - Gather information for a preliminary investigation
  - Ensure that medical personnel have been summoned or are on the scene, as may be necessary
- 2.1.131** Preliminary review is defined as that point in the investigation where a determination has been made as to whether violations of department policy and/or state law have occurred.

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Revised: SDB 03/2022 Filed: 03/2022

Approved:   
Chief Joseph Mahoney



# EDGEWATER POLICE DEPARTMENT

## Subject Resistance Report

<b>INCIDENT LOCATION</b>			<b>CASE NUMBER</b>
<input type="text"/>			<input type="text"/>
<b>DATE</b>	<b>TIME</b>	<b>PATROL ZONE</b>	<b>INCIDENT TYPE</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### SUSPECT INFORMATION

<b>SUSPECT NAME</b>	<b>RACE</b>	<b>SEX</b>	<b>DOB</b>	<b>HEIGHT</b>	<b>WEIGHT</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**OFFENSE(S) CHARGED**

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

<b>INJURIES REPORTED/SUSTAINED</b>	<b>TREATMENT PROVIDED</b>
<input type="text"/>	<input type="text"/>

### OFFICERS INVOLVED

	<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>ID NUMBER</b>	<b>ASSIGNMENT</b>
<b>PRIMARY</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>BACKUP 1</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>BACKUP 2</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>BACKUP 3</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>BACKUP 4</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>SUPERVISOR</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

<b>OFFICER</b>	<b>INVOLVEMENT</b>	<b>INJURIES REPORTED/SUSTAINED</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

### FORCE USED BY OFFICERS

<b>OFFICER</b>	<b>HANDS/FEET</b>	<b>ASP</b>	<b>TASER</b>	<b>CARTRIDGE #</b>	<b>40MM</b>	<b>SERIAL #</b>	<b>FIREARM</b>	<b>SERIAL #</b>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>

### K-9 UTILIZATION/MUTUAL AID

<b>OFFICER NAME</b>	<b>ID NUMBER</b>	<b>DEPARTMENT</b>	<b>CASE NUMBER</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**DOG BITE:**  YES  NO      **SUSPECT INJURY:** \_\_\_\_\_



# EDGEWATER POLICE DEPARTMENT

## Subject Resistance Report

### WITNESSES

NAME	ADDRESS	PHONE NUMBER

### RESISTANCE ENCOUNTERED & OFFICER(S) RESPONSE

#### RESISTANCE LEVEL DESCRIPTION OF RESISTANCE

1. Presence	
2. Verbal	
3. Passive Physical	
4. Active Physical	
5. Aggressive Physical	
6. Aggravated Physical	

#### RESPONSE LEVEL DESCRIPTION OR RESPONSE & RESULT

1. Presence	
2. Communication	
3. Physical Control	
4. Intermediate Weapons	
5. Incapacitating Control	
6. Deadly Force	

### SUBJECT FACTORS & SPECIAL CIRCUMSTANCES

FACTOR	DETAILS
<input type="checkbox"/> Age	
<input type="checkbox"/> Size	
<input type="checkbox"/> Gender	
<input type="checkbox"/> Skill Level	
<input type="checkbox"/> Fitness Level	
<input type="checkbox"/> Multiple Subjects	

CIRCUMSTANCE	DETAILS
<input type="checkbox"/> Drug/Alcohol Influence	
<input type="checkbox"/> Proximity to Weapon	
<input type="checkbox"/> Special Knowledge	
<input type="checkbox"/> Injury/Exhaustion	
<input type="checkbox"/> Imminent Danger	
<input type="checkbox"/> Ground Position	
<input type="checkbox"/> Disability	





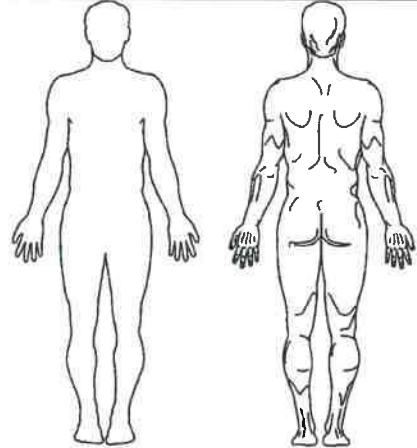
# EDGEWATER POLICE DEPARTMENT

## Subject Resistance Report

### USE OF FORCE APPLICATION AREAS

Place an "X" on the diagram(s) where force was applied. Check the type of force utilized. Place a "•" on areas of injury sustained/reported and describe the nature of the injury.

- ASP Tactical Baton
- X26 Advanced Taser
- X26P Advanced Taser
- 40MM Launcher
- Firearm
  
- Injury: \_\_\_\_\_



### SUPERVISOR'S NARRATIVE



# EDGEWATER POLICE DEPARTMENT

## Subject Resistance Report

### REPORT SUBMISSION & REVIEW

\_\_\_\_\_  
REPORTING SUPERVISOR

\_\_\_\_\_  
DATE

- The appropriate level of force was used
- Remedial training recommended

\_\_\_\_\_  
CAPTAIN

\_\_\_\_\_  
DATE

- The appropriate level of force was used
- Remedial training recommended
- Referred to Internal Affairs
- Policy issue to be addressed
- Weapon/equipment issue to be resolved

\_\_\_\_\_  
CHIEF OF POLICE

\_\_\_\_\_  
DATE

- Approved
- Not Approved