




# Cocoa Beach Police Department

## Standard Operating Procedure



<b>Effective Date:</b> July 31, 2024	<b>Replaces:</b> <b>Amends:</b> September 28, 2023	<b>Number:</b> 240.20
<b>Subject:</b> Response to Resistance	<b>Re-Evaluation:</b> 2026	
<b>Distribution:</b> All Members	<b>Related CFA Standards:</b> 4.01M, 4.02M, 4.03M, 4.04M, 4.05M, 4.06M, 4.07M, 4.08M, 4.09M, 4.10M, 10.04M, 10.10M, 15.21M	
<b>Approving Authority:</b> Chief of Police Wes Mullins		
<b>Approval Date:</b> July 17, 2024		

### 1. PURPOSE

The purpose of this standard operating procedure is to establish procedures, guidelines and reporting requirements for police officer response to resistance. This also includes the carry and use of weapons and defensive equipment.

### 2. SCOPE

This standard operating procedure shall apply to all members of the Cocoa Beach Police Department.

### 3. POLICY

It shall be the policy of the Cocoa Beach Police Department that officers will use only the force necessary to effect lawful objectives pursuant to all applicable federal, state and local laws. (CFA 4.01M)

### 4. DEFINITION(S)

- A. ACTIVE RESISTANCE- A subject makes physically threatening or evasive movements to defeat an officer attempting to gain control during a custodial situation or when being placed under arrest. This may be in the form of bracing, tensing or the subject attempts to push/pull away with the intent to flee or escape or does not allow the officer to get close to him or her.
- B. AGGRESSIVE RESISTANCE- The hostile, attacking movements that may cause injury, but not likely to cause death or great bodily harm to the officer or others.
- C. ANNUAL REVIEW - A documented review of an incident or occurrence prepared by or for the Chief or designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed.
- D. APPROVED FIREARM- Any Department-issued firearm or personally owned firearm approved by the Department Range Master and Chief of Police.
- E. BALLISTIC SHIELD- Protective devices designed to stop or deflect bullets fired at their carrier. Ballistic shields will also protect from less serious threats such as thrown items, though they are typically used in situations where riot shields would not offer adequate protection. The department-authorized shields are rated threat-level IIIA. The shields are capable of stopping most handgun rounds and “00” buckshot. Level IIIA equipment does not protect from rifle fire or metal piercing bullets.
- F. CHEMICAL AGENT- A device that propels a liquid chemical agent such as oleoresin capsicum which is used as a pain compliance tool to subdue persons or animals
- G. CHOKEHOLDS – The intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents the intake of air. The term does not include any hold involving contact with another person’s neck that is not intended to prevent the intake of air. Chokeholds are *prohibited except when deadly force is authorized by this policy.* (CFA 4.10M)

- H. DE-ESCALATION TECHNIQUES - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.
- I. DEADLY FORCE- Any use of force that creates a substantial risk of causing death or great bodily harm.
- J. DEFENSIVE EQUIPMENT- Defensive equipment includes Department-issued and/or approved restraint devices, chemical agent, electronic control device, impact weapon, firearm and ammunition.
- K. DEPARTMENT- Refers to the Cocoa Beach Police Department.
- L. DEPARTMENT APPROVED TRAINING OR INSTRUCTION- Includes training received at any State of Florida Criminal Justice Standards and Training Commission (CJSTC) approved Criminal Justice Academy, any CJSTC Criminal Justice Comparative Compliance course of instruction or any other advanced or in-service training or instruction approved by the Chief of Police or designee.
- M. DUTY TO INTERVENE - An attempt to prevent or stop the use of excessive force by another officer when it is objectively reasonable to do so.
- N. ELECTRONIC CONTROL DEVICE (ECD) - Less than lethal electro-muscular disruption device which is capable of firing two probes a distance up to 35 feet from a replacement cartridge. When the probes make contact with the subject, the ECD transmits electrical pulses along the wires and into the subject's body temporarily overriding the subject's central nervous system and directly controlling the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the ECD to physically immobilize the subject regardless of pain tolerance or mental focus.
- O. EXCESSIVE USE OF FORCE – Use of force that exceeds the degree of force permitted by law, policy, or the observing officer's employing agency.
- P. EXCITED DELIRIUM- A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength and endurance without apparent fatigue, that when left untreated can lead to death. Those individuals exhibiting these symptoms require emergency medical treatment as soon as possible.
- Q. IMPACT WEAPON - Any object used for striking. The most common impact weapon is the baton.
- R. NON-DEADLY FORCE- Force which is not likely to cause death or great bodily harm. The terms nondeadly force, less-than-lethal force and less lethal force are considered synonymous and may be used interchangeably to meet the standards of this policy.
- S. OBJECTIVELY REASONABLE - The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.
- T. PASSIVE RESISTANCE- A subject physically refuses to comply or respond to an officer's command. He/she does not make any attempt to physically defeat the actions of the officer but forces the officer to employ physical maneuvers to establish control.
- U. PHYSICAL FORCE- Force in excess of the mere touching or grabbing of an individual. This may be in the form of takedowns, control holds, transporters, distraction techniques and chemical agent. Taser or pain compliance techniques to overcome resistance are included in this definition.
- V. PRELIMINARY ADMINISTRATIVE REVIEW- Is a review of an incident or occurrence, generally handled as a responsibility of supervisors, or Command Staff, prepared for the Chief of Police or designee. The review should indicate whether policy, training, equipment or disciplinary action should be addressed.
- W. RANGE MASTER- Department member who has successfully completed the prerequisite course of instruction and is a State of Florida certified law enforcement Firearms Instructor. The Range Master is appointed by the Chief of Police and operates under the direction and authority of the Deputy Chief or designee.

- X. REASONABLE BELIEF- When facts or circumstances known to the officer are likely to cause an ordinary and prudent person to act or think in a similar way in similar circumstances. “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with 20/20 vision of hindsight.”- [\*Graham v. Connor, \(1989\)\*](#). “Reasonableness must embody allowance for the fact that police officers are often forced to make split second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.”
- Y. SENSITIVE BODY AREA- Areas of the body which are particularly sensitive to injury. These areas include the neck, face, groin, genitals and female breasts.
- Z. UNIFORMED FIRST RESPONSE PERSONNEL – Sworn members of the Cocoa Beach Police Department uniformed patrol who respond to calls for service.
- AA. VASCULAR NECK RESTRAINTS – A technique, prohibited except when deadly force is authorized by this policy, that can be used to incapacitate individuals by restricting the flow of blood to their brain. (CFA 4.01MA)
- BB. WEAPON OF OPPORTUNITY- Is an object that is not designed as a weapon, but because of circumstances, is utilized as such in instances where the officer cannot readily access an authorized defensive weapon.

## 5. PROCEDURES

### A. RESPONSE TO RESISTANCE GUIDELINES AND REQUIREMENTS

1. Neither an officer’s position nor authority gives him/her a right to prosecute the violator or to administer punishment for the offense.
2. This policy will prohibit the use of excessive force by the Department against individuals engaged in non-violent civil rights demonstrations.
3. This policy will prohibit physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations.
4. The offender’s race, color, ethnicity, sex, sexual orientation, religion, socioeconomic status or other belief system is not criteria to be used when making a response to resistance decision.
5. Officers shall have a duty to intervene to prevent or stop another officer’s use of excessive force. (CFA 4.01MD)
6. Reasonable force responses are authorized in the following circumstances:
  - a. When necessary to gain control or stop a violator’s aggression
  - b. In self-defense
  - c. In defense of another
  - d. To overcome active, aggressive, or passive resistance to lawful arrest
  - e. To take an individual into protective custody
  - f. To prevent escape of an arrested person
7. ***Whenever possible***, de-escalation techniques shall be required. (CFA 4.01MB)
8. When considering a deadly force response pursuant to [\*Tennessee v. Garner \(1985\)\*](#), the following requirements shall be met:
  - a. The officer is threatened with a weapon or the life of another is so endangered; or
  - b. The officer has probable cause to believe that the subject has committed a crime which involved the infliction of or threatened infliction of serious physical harm, and deadly force is necessary to prevent the offender’s escape, and
  - c. Where appropriate, the officer gives some verbal warning (CFA 4.01MC)
9. Once control or compliance has been achieved, the application of force must de-escalate to the amount of force needed to maintain control. The officers’ response to resistance will be based upon his/her perception of the level of resistance.
10. In properly determining a reasonable response to a subject’s resistance, several factors must be evaluated by an officer. Formulating a valid response requires continual assessment as the situation changes. It

must be remembered that by law, an officer need not retreat in his/her efforts to lawfully control a subject but may utilize the amount of force necessary to accomplish his/her task.

11. Officers must always bear in mind the use of deadly force shall be limited to situations of a strong and compelling need involving the PROTECTION OF HUMAN LIFE. The decision to use deadly force must be based on the facts and circumstances known to the officer at the time the decision is made. When making the decision to use deadly force, members shall consider the risk to innocent persons and, when appropriate, provide a verbal warning prior to the use of force. When dealing with people in vehicles, officers should attempt to stay out of the path of the vehicle. Officers shall employ all reasonable means available to move to an area of safety if the vehicle becomes a threat.
12. When faced with being disarmed or other exigent circumstances that would require him or her to do so, nothing in this policy shall prevent an officer from utilizing any readily available object to substitute as a defensive weapon.
13. Less-lethal weapons should not be used on the operator of a motor vehicle unless exigent circumstances exist. M. If subject displays any indicators linked with “Sudden Death Syndrome” (i.e., excited delirium, positional asphyxia, and drug induced psychosis) during an incident involving a response to resistance, contact Emergency Medical Services (EMS) immediately and have them prepared to stage at a nearby location. EMS personnel should not be called to scene to treat a subject until he/she is properly restrained. Safety of the officers, EMS and the arrestee shall be paramount in all instances. The subjects are to be brought, by EMS, directly to a medical facility for treatment and evaluation prior to custody consideration. (CFA 4.08M)
14. **The Fourth Amendment Standard:** The constitutional standard for using any force, whether deadly or not, is the Fourth Amendment Standard of “objective reasonableness.” In Graham v. Connor (1989), the Supreme Court made clear that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. The Court recognized that the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, so proper application requires careful attention to the facts and circumstances of each particular case.
  - a. In Graham, the Supreme Court emphasized four key factors that courts will examine when determining what level of force is justified in a response to resistance encounter. Officers are directed to evaluate these factors when deciding on what level of force to employ to overcome a subject’s resistance. These include:
    - (i) Severity of the crime
    - (ii) Whether the suspect is an immediate threat to the safety of the officer or others.
    - (iii) Whether the suspect is actively resisting arrest, or
    - (iv) Is attempting to evade arrest by flight
  - b. Additional factors that courts have used to determine whether a response to resistance is reasonable in a particular incident includes:
    - (i) Subject Factors:
      1. Seriousness of the crime committed
      2. Size, age and weight of the subject
      3. Apparent physical ability of subject
      4. Number of subjects present who are involved or may become involved
      5. Weapons possessed by or available to the subject
      6. Known history of violence by subject
      7. Presence of innocent or potential victims in the area
      8. Whether the subject can be recaptured at a later time
      9. Whether evidence is likely to be destroyed

- (ii) Officer Factors:
    1. Size, physical ability and defensive tactics expertise of the officer
    2. Number of officers present
    3. Immediate reaction in case of sudden attack
    4. Weapons or restraint devices available to the officer
    5. Legal requirements
    6. Department policy
    7. Environmental conditions
  - (iii) Officers are encouraged to carefully evaluate a subject's verbal communication and non-verbal actions in confrontational situations. The early application of reasonable force may result in less overall force used, fewer injuries to suspects and fewer injuries to officers. Verbal communications such as threats to do violence and taunts should be taken seriously. Non-verbal actions or "threatening body language" can influence an officer's decision on how to approach a subject or what type of force to use if a subject starts to resist. Threatening body language to consider may include, but is not limited to:
    1. Clenching of fists
    2. Gritting teeth
    3. Clenching of the jaw
    4. Bowing of the chest
    5. Widening of foot stance
    6. Circling an officer's position
    7. Stepping up to an officer's personal space
    8. Blank expression that may warn an officer of their emotional state
  - (iv) An officer who reads these signals and believes that physical control is necessary to prevent a subject from injuring themselves, others, or the officer, may initiate action before overt moves are made by the subject.
15. Response to Resistance Training
- a. Officers shall participate annually in departmentally approved Response to Resistance training which may include: (CFA 10.10MB)
    - (i) Scenario based firearms training
    - (ii) Physiological response dynamic training
    - (iii) A review of less-lethal force options
    - (iv) A review of departmental force policy
    - (v) A review of any applicable legal updates
- B. REPORTING AND REVIEW (CFA 4.07MABC)
1. Officers shall report all force used to overcome subject resistance on a [Response to Resistance Report](#).
    - a. Non-deadly Force - Force which is not likely to cause death or serious bodily injury.
      - (i) If non-deadly force is used:
        1. Make notification via radio, handcuff the subject involved and summon emergency medical services for any injuries sustained, if applicable. (CFA 4.08M)
        2. Sworn personnel shall, as soon as practical, notify On-Duty Shift Supervisor of any incident involving a response to resistance.
        3. If On-Duty Shift Supervisor is involved, the Lieutenant or higher authority will be notified at the time of the incident.
        4. If the Lieutenant is involved, the Major or higher authority will be notified at the time of the incident.
      - (ii) Reporting requirements include:

1. Complete [Response to Resistance Report](#) anytime force is used.
  2. Officers who witness the use of force, but were not directly involved, shall give sworn statements.
  3. Photographs of all obvious injuries shall be taken and attached to [Response to Resistance Report](#). If arrestee or others complain of an injury, then a photograph of the subject and the alleged injury shall be taken as soon as appropriate. If there are no photographs taken, the On-Duty Shift Supervisor will provide an explanation in his/her Supervisory Inquiry section (i.e. arrestee extremely violent, arrestee refuses to cooperate, etc).
  4. [Response to Resistance Reports](#) shall contain one of the following recommendations:
    - a. No further follow-up. Response to Resistance was within Department guidelines.
    - b. [Preliminary Report of Alleged Misconduct \(PRAM\)](#) attached.
- b. **Deadly Force** - Force that is likely to cause death or great bodily harm. Applies to all applications of deadly force including, but not limited to, use of firearms and defensive weapons. Warning shots are prohibited. (CFA 4.04M)
- (i) If deadly force is used:
    1. As soon as practical, officers involved in deadly force incidents should immediately make notification via radio, handcuff the subject involved and summon emergency medical services for any injuries sustained.
    2. As soon as practical, an involved or witness officer will be relieved of any responsibility for scene management.
    3. Investigations of use of deadly force will be conducted by the Florida Department of Law Enforcement and/or other agencies as requested by Chief of Police. The investigating agency will complete an independent report, which will be submitted to the Office of the State Attorney for review. (CFA 15.21M)
    4. A designated member of the Command Staff will coordinate with appropriate investigative agencies in all investigations involving use of deadly force. Periodic status reports will be made directly to the Chief of Police.
    5. Chief of Police will review final report of investigating agency and determine if any further action needs to be taken regarding the incident.
2. **On-Duty Shift Supervisor Responsibilities**
- a. On-duty Shift Supervisors are required to respond to the scene to investigate all officer response to resistance incidents unless circumstances dictate otherwise.
  - b. Interview officer and subject involved to obtain a synopsis of the incident unless circumstances dictate otherwise.
  - c. Obtain written statements from witnesses and review evidence involved in the officer's decision to use force to include photographing of injuries and scene if necessary.
  - d. Ensure [Response to Resistance Report](#) is accurately completed by the officer and signed.
  - e. Based upon the circumstances, On-Duty Shift Supervisor is to determine if the response to resistance was consistent with Standard Operating Procedures.
  - f. Document the supervisory review of the officer's use of force in the Supervisory Inquiry section of the [Response to Resistance Report](#). (CFA 4.07M)
  - g. Completed [Response to Resistance Reports](#) shall be submitted up the chain of command for review. (CFA 4.07M) If excessive force is determined or alleged or if any serious injury is sustained by any subject or officer associated with use of force, On-Duty Shift Supervisor is responsible for timely notification of the Lieutenant or higher authority.
3. **Administrative Review and Analysis**

- a. An annual Administrative Review and Analysis of all documented deadly and non-deadly [Response to Resistance Reports](#) will be conducted by the Training Coordinator, or designee. A report of the findings will be forwarded to the Chief of Police. (CFA 4.09M)
- C. RELIEF FROM DUTY
  1. In every instance in which an officer uses deadly force and where such force results in death or serious bodily injury to another person, whether intentional or not, the officer will be immediately relieved of normal duty.
    - a. Officer will be placed on administrative suspension with pay.
    - b. Officer will remain on administrative suspension with pay until otherwise directed by the Chief of Police.
    - c. Officers shall ensure availability to the Department during administrative suspension.
- D. DEFENSIVE EQUIPMENT
  1. The lethal and less-lethal weapons listed below are the only weapons authorized for use by the Department. While working in the capacity of uniformed first response personnel, Officers shall carry on their person at least two (2) less-lethal weapons, one being the Department-issued Taser and the other being the option of the expandable baton or chemical agent. Any modification or variation must be authorized by the Chief of Police. The Training Coordinator or designee will conduct a review of any newly proposed defensive equipment and make a recommendation to the Chief of Police as to whether it should be authorized for use. No officer shall be authorized to carry any department-issued lethal or less-lethal weapon without first having received a copy and instructed in the application of this policy. (CFA 4.02M) The Training Coordinator, or designee, shall oversee the inspection of all weapons on an annual basis to ensure expiration dates are not exceeded. (CFA 4.06ME) This policy shall serve as the list of each type of approved less-lethal weapon in service with the department. (CFA 4.06MD)
    - a. Restraining Tools:
      - (i) Handcuffs- Personnel will utilize Department-issued handcuffs as the primary restraining device to safely handle and transport subjects who are under arrest or the subject of lawful detainment. Subjects not under arrest will not be handcuffed unless the subject presents an immediate threat to themselves, the officer, or others. Handcuffs will be double locked behind the subject's back. If, on rare occasion, a subject cannot or should not be handcuffed in the proper manner because of the subject's age, physical condition, physical disability, and/or mental condition, a second officer will be dispatched to assist with handling and transport. Subjects shall not be handcuffed to any part of any object unless it is necessary to protect another from great bodily harm or death. Continued complaint from the subject shall require supervisor notification.
      - (ii) Flex-cuffs- Flex-cuffs will only be used when operational demands make it impractical to use regular handcuffs. Flex-cuffs will only be removed utilizing flex-cuff cutters. Supervisors will be issued a pair of cutters. Other cutting instruments may be used if exigent circumstances dictate.
      - (iii) Ripp-Hobble- For use when transporting detainees.
    - b. Chemical Agents:
      - (i) Training and Qualifications:
        1. All sworn personnel shall take part in an approved course of instruction and demonstrate proficiency in order to establish authorization to carry chemical agent. A chemical agent curriculum provided by the Florida Basic Recruit Training Program may be used to satisfy this requirement. (CFA 4.06MC)
        2. Refresher training shall be provided on a biennial basis. (CFA 10.10MD)



3. Officers who do not participate in biennial refresher training due to absence will not be permitted to carry chemical agent upon their return to duty until training has been completed. (CFA 10.04MD)
  4. Officers failing to demonstrate proficiency during recertification shall be given immediate remedial training. If the officer is unable to demonstrate proficiency through remediation, he/she will be prohibited from carrying the Department issued chemical agent but will be permitted to resume official duties. (CFA 10.04MA)
- (ii) Procedure: (CFA 4.06MA)
1. Department-issued individual chemical agent may be used by officers on-duty when the subject is exhibiting threatening body language associated with verbal threats or refusing to comply with an officer's instructions and the subject has the apparent ability to physically challenge the officer.
  2. Department-issued individual chemical agent may be used by officers on-duty when a subject demonstrates active resistance, aggressive resistance or to prevent a violent person from causing injury to themselves or others.
  3. Persons intentionally subjected to chemical agent should be taken into custody, if possible.
  4. On-duty officers are prohibited from carrying any chemical agent other than what is Department-issued.
  5. Department-issued chemical agent may be carried in an off-duty status and used for protection from physical assault. (CFA 4.06MB)
  6. Officers are authorized to deploy a chemical agent against aggressive or attacking animals if the opportunity presents itself as a reasonable course of action.
  7. A chemical agent fogger may be used at the discretion of the On-Duty Shift Supervisor for dispersing unlawful assemblies. When feasible, a declaration of unlawful assembly will be given and a warning of the impending use of force announced.
- (iii) Post Exposure Care
1. As soon as practical and without endangering arresting officer(s) or others, the arrested subject shall be allowed to cleanse contaminated area(s) with copious amounts of water.
  2. All Shift Supervisors will maintain a spray bottle filled with water in their assigned Department vehicle for use in post exposure care. A spray bottle filled with water shall be maintained in the Holding Facility as well.
  3. Officers shall monitor person(s) subjected to chemical agent until post exposure care decontamination is complete and effects of chemical agent have subsided. **Subjects shall not be restrained and placed face down in a prone position.**
  4. If any person complains of prolonged, intense effects that have not subsided forty-five (45) minutes after post exposure care decontamination, then that person shall be attended by Emergency Medical Services (EMS), and if necessary, transported to a medical facility for evaluation and treatment. (CFA 4.08M)
  5. Persons subjected to unintentional over spray, whenever possible, will be detained until such time as it can be determined that they may depart from scene in a safe manner. Post exposure care decontamination procedures will be followed, if necessary and possible.
  6. If transportation of arrestee(s) to Brevard County Jail or other currently designated holding facility is undertaken, then transporting officer shall notify the receiving officer of the arrestee's exposure to chemical agent.



- c. Electronic Control Device: The Department-issued electronic control device is the Taser manufactured by Axon. It is a less than lethal weapon and not intended to replace the firearm in deadly force situations. Only **one** Taser will be used against a single subject unless that Taser has obviously malfunctioned and /or the subject is obviously unaffected by its deployment /use.
- (i) Training and Qualifications:
    - 1. All officers shall initially receive four (4) hours of TASER training. Only officers demonstrating proficiency in the use of the Department-approved Taser will be approved to carry the weapon. (CFA 4.06MC)
    - 2. Annual Taser training will consist of at least one (1) hour per [F.S.S. 943.1717](#) and will include response to resistance policy review and proficiency demonstrations with the weapon. (CFA 10.10MC)
    - 3. Officers who do not participate in annual recertification due to absence will not be permitted to carry the Taser upon their return to duty until recertified. (CFA 10.04MD)
    - 4. Officers failing to demonstrate proficiency during recertification shall be given immediate remedial training of the course material by a certified TASER instructor. Officers failing to demonstrate proficiency during recertification shall be given immediate remedial training. If the officer is unable to demonstrate proficiency through remediation, he/she will be prohibited from carrying the Department-issued Taser but will be permitted to resume official duties. (CFA 10.04ME)
  - (ii) Procedure: No policy or guideline can anticipate every situation that an officer may encounter, but in general terms, the following deployment procedures are established. (CFA 4.06MA)
    - 1. Department-issued Taser may be used by officers on-duty when the subject demonstrating active resistance, aggressive resistance or may cause injury to themselves or others.
    - 2. Department-issued Taser may be carried in an off-duty status and used for protection from physical assault. (CFA 4.06MB)
  - (iii) Tasers will not be deployed under any circumstance where death or great bodily harm could be reasonably foreseen unless deadly force is authorized or unless there are compelling reasons to do so which are clearly articulated in Department reporting requirements. Some examples include but are not limited to the following:
    - 1. On an elevated apparatus
    - 2. In or near bodies of water that they could fall in
    - 3. Operating a motor vehicle or in situations near busy roadways where they could be struck by vehicle traffic
    - 4. Holding infants/small children that could be dropped or when a female is obviously pregnant
    - 5. That obviously appear to be at the extremes of age (young children and/or the elderly)
    - 6. That is apparently physically disabled
    - 7. While holding a firearm
    - 8. When deadly force is clearly justified unless another officer is present and capable of providing deadly force cover to protect officers and others present during Taser deployment.
    - 9. The Taser will not be deployed in close proximity to flammable solids, liquids or gases. For example, gas pumps at a service station or propane storage areas.
  - (iv) The above circumstances are not the only instances where discretion and judgment by the officer to deploy the Taser exist. Officers are expected to articulate that based on their

training, experience and / or assessment of the circumstances, deployment of the Taser was determined to be a reasonable option to prevent potential violence and injury to the officer, the subject and / or innocent bystanders.

- (v) Officers are authorized to use only the number of Taser cycles necessary to safely subdue the subject.
- (vi) Prior to probe removal, medical gloves will be donned. Removal will be affected by placing a hand on the person's body approximately 2-3 inches from the probe itself grasping the probe tightly with the opposite hand. Probes will be removed by a sharp pull directly away from the site. A band-aid may be used to cover the site of probe removal when practical. (CFA 4.08M)
- (vii) Photographs shall be taken of the location where the probe struck the subject's body. The probes will be removed from the attached wire, placed back into the cartridge sharp ends down and taped closed with evidence tape. The cartridge will then be placed into evidence. Probes that pierce the skin will be labeled with a bio-hazard sticker. Bio-hazard handling protocols will be adhered to at all times.
- (viii) In the event a person is struck with a probe in the head, neck or groin, Emergency Medical Services (EMS) will be called to the scene to treat the injury. However, EMS will not be responsible for removing the probes. The probes, in this instance, will be removed by a physician. The officer who deployed the Taser will provide the physician with an example of an expended probe for reference. (CFA 4.08M)
- (ix) After Tasing a subject, an officer shall monitor the subject for breathing irregularities. Officer will also evaluate the subject for obvious signs of injury, drug/alcohol intoxication and physical signs of disorientation or confusion. If the subject has any indication of **the preceding**, Emergency Medical Services shall be notified immediately. (CFA 4.08M)
- (x) The officer deploying the Taser shall include the number of probes expended, the air cartridge number, whether the probe penetrated the subject's skin, special circumstances and if medical treatment was required on the Response to Resistance Report.
- (xi) Patrol officers are responsible for completing a functionality test with their Taser at the beginning of each tour of duty by utilizing the Taser clearing barrel. They will first remove the cartridge then pull the trigger allowing a full 5-second cycle. If the Taser exhibits reduced performance or provides a default code the officer shall promptly notify the On-Duty Shift Supervisor who will determine whether maintenance is required or if the unit's power supply is in need of replacement.
- (xii) Inventory: The Department's Range Master or designee is responsible for maintaining a complete and accurate inventory of all Department Tasers. Taser downloads will be performed annually at minimum or upon request from a Lieutenant or member of Command Staff.

d. Impact Weapons:

- (i) Training and Qualifications:
  - 1. All sworn personnel shall take part in an approved course of instruction and demonstrate proficiency in order to establish authorization to carry the Department-issued impact weapon. An impact weapon curriculum provided by the Florida Basic Recruit Training Program may be used to satisfy this requirement. (CFA 4.06MC)
  - 2. Refresher training shall be provided on a biennial basis (CFA 10.10MD)

3. Officers who do not participate in biennial refresher training due to absence will not be permitted to carry the expandable baton upon their return to duty until training has been completed. (CFA 10.04MD)
  4. Officers failing to demonstrate proficiency during recertification shall be given immediate remedial training. If the officer is unable to demonstrate proficiency through remediation, he/she will be prohibited from carrying the Department-issued impact weapon, but will be permitted to resume official duties. (CFA 10.04ME)
- (ii) Procedure: (CFA 4.06MA)
1. Department-issued expandable baton may be used by officers on-duty when the subject is exhibiting threatening active or aggressive resistance.
  2. Department-issued expandable baton may be carried in an off-duty status and used for protection from physical assault. (CFA 4.06MB)
  3. Straight expandable batons shall be carried and/or utilized only as issued and authorized, and no changes, alterations, modifications or substitutions shall be made to the impact weapon.
  4. Officers should avoid striking the head, neck, or groin unless deadly force is authorized.
  5. If officer strikes a person with a straight expandable baton or a weapon of opportunity, then that person shall be offered medical treatment, including but not limited to, transportation to a hospital. Emergency Medical Services will be obtained for persons with obvious injuries. (CFA 4.08M)
- e. Weapons of Opportunity / Knives:
- (i) In situations where officers are unable to utilize a departmentally approved defensive weapon, the use of unconventional tools/objects may be used in the defense of the officer or others. Examples include, but are not limited to: flashlight, clip board, ticket book, motor vehicle or knife.
  - (ii) Since knives provide a significant amount of general utility, they are not considered a primary form of defensive equipment and will not require prior training in use, demonstrations of proficiency or annual inspection.
  - (iii) Officers may carry privately-owned folding or fixed blade knives with a blade length no greater than four inches.
  - (iv) Use of weapons of opportunity as a form of response to resistance will require the same documentary procedure as use of departmentally issued defensive equipment.
- f. Firearms: This section applies to authorized firearms carried by officers both on and off duty. All firearms and weapons shall be carried in approved manner, which includes possession of the officer's police identification. Before a sworn member is assigned in any capacity to make an arrest or is allowed to carry a firearm, the officer must have successfully completed the Florida Basic Recruit Training Program or its equivalent. (CFA 4.03M) Officers are authorized, but not required, to carry a firearm while off-duty.
- (i) Training and Qualifications:
1. Authorized Service Firearms: Below is the list of Department-approved service firearms. Prior to placing a firearm into service, it shall be reviewed, inspected and approved by the Range Master. (CFA 4.05ME) The issuance of any other firearm for on-duty use shall only be authorized by the Chief of Police, or designee. The Range Master shall be responsible for maintaining a record of each firearm approved by the agency for official use. (CFA 4.05MG)
- a. Handgun:

- i. The Department-issued handgun is the Glock 9mm in model 17 and 26. (CFA 4.05MAB)
- ii. Officers will be issued a service handgun for carry only after passing the FDLE Firearms Qualification Standard/CJSTC 86A. (CFA 4.05MC)
- iii. Officers must pass the FDLE Firearms Qualification Standard annually. Failing to meet minimum requirements will result in suspension of authority to carry Department-issued firearm and any authorized off-duty firearm, if applicable. The officer may be placed on administrative leave with pay or be re-assigned as designated by the Chief of Police until qualification has been obtained. (CFA 10.04MDE, CFA 10.10MAE)
- iv. If an officer fails to qualify on his/her designated range day, the officer will be provided remedial training on an additional range day to re-qualify. This is to be held within ten (10) working days of first failure. (CFA 10.04MABC)
- v. Failure to qualify on a second day may result in disciplinary action. A third attempt to qualify will be conducted within ten (10) working days of second failure. Failure to qualify a third time will result in suspension with pay until such time as officer does qualify. Continued inability to qualify may result in officer being terminated from employment. (CFA 10.04MCE)
- b. Patrol Rifle:
  - i. The AR-15 platform is the Department issued patrol rifle in .223 caliber. (CFA 4.05MA)
  - ii. Officers may be issued the patrol rifle after demonstrating proficiency by successfully meeting the Department's patrol rifle evaluation standard. (CFA 4.05MC) Officers are required to demonstrate proficiency annually. Officers who cannot demonstrate proficiency will be provided immediate remedial training. Continued inability to demonstrate proficiency will preclude the officer from carrying the patrol rifle. (CFA 4.05MC, CFA 10.04MACDE, CFA 10.101MA)
  - iii. Department-issued patrol rifle may be carried off-duty for the sole purpose of transporting to and from a designated firearm range. (CFA 4.05B)
- 2. Personally Owned or Secondary Handgun: Officer may carry a personally owned handgun off-duty or on special assignment upon authority of the Chief of Police or designee when the following conditions are met: (CFA 4.05MB)
  - a. Handgun has been inspected and approved by the Range Master; Department approved calibers range from the .32 caliber to .45 caliber.
  - b. Officer passes department's secondary/off-duty firearm qualification. (CFA 4.05MC) This qualification is required to be repeated annually. (CFA 4.05MC, CFA 10.10MA)
  - c. Officers are required to demonstrate proficiency annually. Officers who cannot demonstrate proficiency will be provided immediate remedial training. Continued inability to demonstrate proficiency will preclude the officer from carrying the personally owned firearm. (CFA 4.05MC, CFA 10.04MACDE, CFA 10.101MA)
  - d. The Range Master signs the Secondary/ Special Assignment/ Off-Duty Firearms Approval Form.
  - e. A personally owned handgun that falls into disrepair will no longer be authorized for carry until such repairs have been made and officer re-qualifies

- on the handgun post repair. It shall be the officer's responsibility to notify the Department Range Master via email when their handgun is in disrepair.
- f. Officers must re-submit for approval any personally owned handgun that has been functionally modified to include, but not limited to: trigger weight and sight replacement. An aftermarket slip-on grip is not considered a functional modification and does not require Range Master approval.
  - g. Secondary firearms are authorized to be carried with the understanding that the handgun is to be used only in cases of a loss of the primary firearm, complete malfunction of the primary firearm, expenditure of carried ammunition for the primary firearm or other exigent circumstances to protect human life.
  - h. Secondary firearms must be completely secure to prevent loss or accidental discharge when carried on or about the officer's person. The Range Master or designee must approve all secondary holsters before they are carried on-duty and document on [Secondary/ Special Assignment/ Off-Duty Firearms Approval Form](#).
  - i. Personnel carrying a secondary firearm must utilize approved duty ammunition.
  - j. A personally owned handgun that falls into disrepair will no longer be authorized for carry until such repairs have been made and officer re-qualifies on the handgun post repair. It shall be the officer's responsibility to notify the Department Range Master via email when their handgun is in disrepair.
- (ii) Procedure: Needless or careless handling, to include unintentional discharging of firearms, may be subject to disciplinary action. Firearms shall be stored safely both on and off-duty in accordance with this policy and Florida State Statutes. Officers served with a permanent Domestic Violence Injunction shall not carry an agency issued or approved firearm off-duty. No alteration or modification will be made to Department-issued firearms without the express approval of the Chief of Police.
1. Weapon Specific
    - a. Handgun- No definite rules can be established as to the instant when an officer may unholster their firearms; however, the following situational examples, while not all inclusive, should serve as general guidelines:
      - i. An officer may unholster his/her firearm as a defensive measure when the possibility of death or great bodily harm exists to the officer or another person.
      - ii. When a person to be detained or investigated suddenly exhibits or is suspected of possessing a deadly weapon, or
      - iii. When investigating suspicious persons or investigating suspicious circumstances which present a potential danger to the officer, such as searching a building subsequent to an alarm call, or searching an area for suspicious person who has fled from officers, or
      - iv. Upon approaching a vehicle or apprehending its occupants after a vehicle apprehension.
      - v. In most cases, officers are prohibited from using deadly force to stop a fleeing felon; however, as a defensive measure for the officer's safety, the firearm may be unholstered when effecting a felony arrest until the suspect(s) is no longer a threat.
    - b. Patrol Rifle:

- i. It is the responsibility of the officer to ensure their Department-issued rifle is properly secured inside their patrol vehicle at all times by an approved locking device or in the trunk (if equipped with lock disabling feature or cable with lock). Any variation shall be approved by the Chief of Police or designee.
  - ii. If the rifle is secured in the trunk of the patrol vehicle using an installed cable with lock, the officer may remove the lock only while ON-DUTY.
  - iii. Patrol rifles shall be carried with a minimum of four magazines. Each magazine shall be loaded with Department-issued ammunition to the manufacturer recommended capacity.
  - iv. Do not store rifle with a chambered round.
- 2. Deployment of Patrol Rifle by Officers
  - a. All Department policies, federal, state and local laws governing the use of force and discharge of firearms shall also apply to the use of the patrol rifle.
  - b. The patrol rifle may be deployed from the vehicle in response to a suspect posing an immediate threat to officers or others.
  - c. No patrol rifle shall be fielded without an affixed sling enabling an officer to operate hands free if necessary.
  - d. When an officer is off-duty for a prolonged period or submits an assigned vehicle for maintenance, the officer shall remove the assigned shotgun/patrol rifle from the vehicle and facilitate it being stored securely.
- 3. Uniform/Plainclothes Carry of Firearm
  - a. If firearm is exposed to public view, then Department badge shall be visible. Concealed firearms (other than City-issued) carried on-duty must have written authorization from Chief of Police.
  - b. Officers may carry an issued firearm concealed while off-duty provided police identification indicates authorization to do so. The firearm must be carried concealed when not in uniform or at the range.
  - c. Uniformed patrol officers are directed to carry their handgun in the Department issued retention holster on the strong side of their duty belt.
  - d. Uniformed patrol officers shall maintain a fully loaded handgun with one round in the chamber and two (2) fully loaded spare magazines on their person in an approved method of carry authorized by the Chief or designee.
  - e. Plainclothes officers are directed to carry their Department-issued handgun in a Department issued holster suitable for plain clothes apparel. The holster and weapon are to remain on their person for the duration of their shift. Plainclothes officers are permitted to use a privately purchased holster approved by the Range Master only after demonstrating proficiency with it and their Department-issued handgun.
  - f. Plainclothes officers will maintain a fully loaded handgun with one round in the chamber.
  - g. Officers shall carry the Department-issued handgun at all times while on-duty unless otherwise authorized or directed by the Chief of Police.
  - h. Officers are prohibited from unnecessary loading or unloading of firearms while on-duty. Loading and unloading of firearms shall be done at a designated clearing barrel or at the range as instructed by a Range Instructor. This does not

preclude clearing and reloading of firearms under emergency field conditions when circumstances have dictated use of the firearm.

4. Firearms Maintenance

- a. All personnel are responsible for the proper care and maintenance of the weapon system and accessories.
- b. The On-Duty Shift Supervisor is authorized to conduct inspections of all firearms and their accessories.
- c. Range Officers are authorized to conduct inspections of all firearms during range exercises.
- d. All firearms shall be inspected by an armorer once per calendar year. The Range Master shall ensure proper weapon inspections are completed and maintenance records are maintained.
- e. Any firearms deemed unsafe by the armorer will be removed from service and a memorandum indicating why shall be forwarded to the Range Master. The Range Master shall then notify the Training Coordinator and the Logistics Manager. (CFA 4.05MF)

5. Surrendering of Firearms

- a. Officers shall not surrender their department issued firearms to another person unless ordered to do so by a Supervisory or Command Staff member of this department, except in the following instances:
  - i. An officer who is injured or ill and requires medical treatment may temporarily surrender his/her department issued firearm to another officer of this department for the purpose of weapon security.
  - ii. For the purposes of inspection or authorized repair
  - iii. Failure to qualify
  - iv. Officers placed on administrative leave or relieved from duty as a result of an officer-involved shooting must surrender the involved firearm(s) utilized in the shooting to supervisory and/or investigative personnel.
- b. Supervisory or Command Staff of this Department shall immediately take into their possession, for the purpose of weapons security and safety, all of the Department issued firearms of any officer who is found to be physically or mentally incapable of securing the firearms himself/herself or who is prohibited from possessing a firearm by court order or state or federal law.
- c. Officers shall secure their weapons (edged, firearms) prior to entering the Department holding facility or any of the various Brevard County detention facilities (adult or juvenile).
- d. Officers shall secure their weapons when entering a mental health facility, if there is a secure storage area. If there is no secure storage area, officers should use their discretion when deciding to secure their weapons.
- e. ANY employee taking possession of a permanently issued firearm of another employee or issuing a firearm to an employee will be required to make an immediate notification via email to the Range Master, Training Coordinator and the Logistics Manager if the possession extends past the employee's end of shift. The notification will include the following information:
  - i. The name of the employee who surrendered or received the firearm(s)
  - ii. Make, model and serial number of the firearm(s)
  - iii. Reason for taking possession of or issuing the firearm(s)



- iv. Current location of the firearm or the specific member of the department that the firearm was delivered to
- 6. Accessories
  - a. Approval for any accessory must be obtained from the Chief of Police or designee before it is affixed to the weapon.
  - b. It shall be the officer's responsibility to ensure all accessories are in proper working order.
  - c. Officers shall demonstrate proficiency with the requested accessory by meeting the Department's firearm evaluation standard with the device attached.
- 7. Discharge of Firearm (CFA 4.07M)
  - a. Intentional Discharge: Police Department personnel who discharge a firearm under any of the following conditions will submit a detailed written report of incident via chain of command when requested:
    - i. In the line of duty
    - ii. While acting in an official capacity while off-duty
    - iii. When firearm discharged is City issued or approved for off-duty or special assignment use (training or recreational purposes are exempt)
  - b. Unintentional Discharge Off-Duty: In the event of an unintentional discharge of a firearm off-duty, the following shall occur:
    - i. Immediately notify the On-Duty Shift Supervisor of the mishap and the officer shall issue a memorandum to the Chief of Police through his/her chain of command outlining the circumstances involving the mishap on the officer's next working day.
    - ii. If property damage or injury occurred as a result of the incident, the officer shall notify the law enforcement agency for the jurisdiction in which the incident occurred and EMS if necessary.
    - iii. The On-Duty Shift Supervisor shall notify the Lieutenant, who will in turn notify the appropriate Command Staff member.
  - c. Unintentional Discharge On-Duty: In the event of an unintentional discharge of a firearm on-duty, the following shall occur:
    - i. Immediately notify the On-Duty Shift Supervisor who shall conduct a preliminary investigation into the incident and generate a mishap report.
    - ii. The preliminary investigation shall include written documentation in the form of a Preliminary Report of Alleged Misconduct (PRAM), photographs of the scene, and written or recorded statements from all witnesses involved (refer to SOP 005.10 Internal Investigations).
    - iii. The On-Duty Shift Supervisor shall notify the Lieutenant, who will in turn notify the appropriate Command Staff member.
  - d. In all situations in which a firearm is discharged, other than for training or recreational purposes, the documented review of the incident shall be conducted by a Lieutenant or Command Staff member designated by the Chief of Police.  
(CFA 4.07MA)
- 8. Ammunition
  - a. Ammunition used by an officer for on-duty and off-duty carry shall be ammunition specified or approved by the Chief of Police or designee upon recommendation of the Range Master. Examples of ammunition that will not be

approved for carry include, but are not limited to; armor piercing, incendiary, reloads or tracer rounds. (CFA 4.05MD)

- b. Ammunition shall not be altered.

9. Converted Firearms

- a. The Range Master is authorized to report to the Property & Evidence Division on a periodic basis to review confiscated firearms for departmental conversion purposes.
- b. The firearm under consideration will be of an approved caliber and used for departmental issue only.
- c. Prior to submitting the firearm for conversion, the Chief of Police will review the conversion and if approved, will direct the Ranger Master or designee to arrange for the firearm to be inspected and test fired.
- d. Once the firearm has been cleared for conversion, the Evidence Clerk shall submit the firearm along with proper conversion request documentation to the Brevard County Sheriff's Office to complete the process before the firearm can be entered into departmental service.

10. Lost/Stolen Firearms

- a. The loss or theft of a Department issued firearm shall be immediately reported to the On-Duty Shift Supervisor who shall in turn notify the Chief of Police or designee.
- b. The officer whose firearm has been lost or stolen shall also notify the law enforcement agency with jurisdiction over where the loss or theft occurred.
- c. The On-Duty Shift Supervisor shall notify the Department's Range Master who shall be responsible for notifying the Bureau of Alcohol, Tobacco and Firearms if the firearm involved meets any of the definitions outlined in [F.S.S. 790.001](#).
- d. A lost or stolen firearm, as described above, will be entered as lost or stolen in the National Crime Information Center (NCIC).
- e. The On-Duty Shift Supervisor will be responsible for ensuring an informational statewide bulletin is issued. The Shift Supervisor will coordinate with the appropriate reporting agency to issue an informational BOLO in an attempt to recover the firearm.

E. **BALLISTIC SHIELD**

- 1. The Cocoa Beach Police Department authorizes the use of ballistic shields when noncompliant, violent, combative, and/or armed subjects are involved, or believed to be involved, in situations that may lead to potentially violent confrontations, and when department members believe the use of a ballistic shield is necessary to address an incident in a tactically sound manner. No member is authorized to utilize any ballistic shield other than those authorized/issued by the department. Sworn personnel shall receive departmental training prior to utilizing a department issued ballistic shield.

a. Ballistic Shield Storage and Accessibility

- (i) Ballistic shields are available for use in the Patrol Division and are secured in the police department armory when not deployed in the field or in use for training. The shift supervisor shall assign certified officers a ballistic shield, which is to be transported in the officer's vehicle throughout their shift, or the shift supervisor may carry the ballistic shield themselves if it is deemed more prudent.
- (ii) Ballistic Shields shall be inspected by the assigned officer prior to and after all deployments to ensure operational readiness.

- (iii) Any equipment deemed inoperable is to be removed from use and notification to the on-duty shift supervisor shall be made without unnecessary delay.
- (iv) If repairs are needed, the shield shall be delivered to the Range Master for inspection and/or repair without unnecessary delay.
- (v) The ballistic shield shall be returned to the shift supervisor at the end of each shift. 6) In the event only a single ballistic shield is available to patrol, it will be transferred from the outgoing shift supervisor to the oncoming shift supervisor.
- (vi) The shift supervisor shall ensure their assigned ballistic shield remains available to their squad every shift when considering leave and the potential for the assigned officer not to be present their next shift.

## **6. APPENDIX**

- A. [Cocoa Beach Police Department Weapon Inspection Form](#)
- B. [Cocoa Beach Police Department Weapons Log](#)

## **7. REFERENCES**

- A. [Reasonableness and Reaction Time, Police Quarterly. Vol. 14, No. 4 \(2011\)](#)
- B. [Federal Law Enforcement Training Center Journal Vol. 4, Issue 2. \(Fall 2006\)](#)
- C. [Focal Concerns and Police Use of Force: Examining the Factors Associated with Taser Use, Police Quarterly. Vol. 14, No. 4 \(2011\)](#)
- D. [Maintenance of Officer Certification, Florida Department of State \(2013\)](#)
- E. [Use of Force, Civil Litigation, and the Taser, FBI Law Enforcement Bulletin \(March 2005\)](#)
- F. [Use of Force Policies and Training: A Reasoned Approach, FBI Law Enforcement Bulletin \(October 2002\)](#)
- G. [National Consensus Policy and Discussion Paper on Use of Force, International Association of Chiefs of Police \(2020\)](#)
- H. [Use of Force, Expert Guidance for Decisive Force Response \(2003\)](#)
- I. [Force Continuums: Are They Still Needed? Police and Security News Vol. 22, Issue 1 \(Jan/Feb 2006\)](#)