

TAB #10



BCSO Annual Training: 2018

Use of Force





FDLE Training Requirements:

- Scenario-based firearms training – Conducted at the range
- Physiological response dynamics training – Covered here
- Less-lethal force options available within the agency – Covered here
- Agency use of force policies – Covered here
- Legal aspects regarding use-of-force – Covered here

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

The Four Choices

Many of you have heard that our reaction to fear related stress is a choice between fight and flight. Those who have been faced with, or have witnessed someone under fear related stress realize that there are other choices. The four choices we have are:

- Fight
- Flight
- Posture
- Submit

It becomes obvious in law enforcement that not everyone we deal with in a stressful situation fights or flees. Some decide to do what we tell them (submit). Some act verbally and physically as if they may resist (posture) until the moment of truth. Then they submit, fight, or flee. Posturing takes place in the animal world everyday. An example would be a dog that barks and bares his teeth at another dog until the stronger dog gets closer and calls the dog's bluff. The first dog then rolls over and exposes his underbelly in a submissive posture showing the stronger dog that it is submitting and does not want to fight. This sometimes takes place in the human arena. An example would be:

You tell a subject he is under arrest and he expands his chest and begins to speak so loudly he is almost shouting "You ain't takin' me to jail today!" He then begins to strike his chest with his open hands while stepping back and forth and side to side as he yells the same words over and over. Once you display a weapon, or backup arrives, or both, and he is told to comply or face the consequences of his resistance, he backs down and follows your verbal directions and no force is used.

This is posturing. It may be a precursor to the fight, or he may be preparing to run. The option to submit is also still available, especially if he realizes his posturing is not making you rethink your decision to arrest.

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

Survival Stress

The effects of Survival Stress have been well documented. When you are in a physically or emotionally threatening situation, your body adapts to help you react more effectively to meet the threat. Once the situational demands are such that this type of stress is present we need to know some of the things that will happen. Knowing what to expect can help us be better prepared and therefore increases our ability to properly respond and perform the necessary tasks to survive a potentially violent encounter. The following are things to expect:

PHYSIOLOGICAL CHANGES

- Increased heart rate
- Increased respiration
- Vascular flow moves away from the extremities (The body pulls the blood away from the arms and legs into the torso. This keeps it near our organs in case of emergency. This also protects the arms and legs (our weapons) from losing too much blood during the battle, in the event they are damaged. Since the blood has been pulled into the torso there is less blood in the extremities and the capillaries are contracted, restricting the available blood flow.)
- Auditory exclusion (hearing is diminished)

MOTOR PERFORMANCE CHANGES

- Loss of fine motor skills at a heart rate of 115 beats per minute
- Loss of complex motor skills at a heart rate of 145 beats per minute
- Gross motor skills are enhanced as working heart rate exceeds 150 beats per minute
- Increase in strength (For a short period of time.)
- Increase in speed (For a short period of time.)
- Heart rate will sometimes spike during a violent encounter to well over 200 beats per minute

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

Survival Stress (continued)

VISUAL PERFORMANCE CHANGES

- Binocular vision is dominant (Both eyes remain open. Very difficult to close just one eye.)
- Loss of peripheral vision and depth perception (Tunnel vision.)
- Loss of near vision (This is one reason that most officers involved in shootings never see the sights of their firearms. Physiologically it is nearly impossible to focus.)

COGNITIVE FUNCTIONS

- The cognitive brain, the part that logically thinks and plans, begins to shut down at 145 beats per minute.
- Horizontal decision making is inhibited (The more choices we have the slower we are to make a decision.)
- Reaction time increases (This may be because of too much stimuli to process quickly or because of denial that a violent encounter is actually happening.)

In general the things we can expect when the body has high levels of adrenaline, caused by fear-induced stress, are:

- extreme strength
- an increase in speed
- a gross decrease in fine motor skills
- increased ability to ignore pain

In other words strength goes way up and dexterity/coordination goes way down.

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

Survival Stress (continued)

Another physiological aspect to consider would be that of "critical incident amnesia."

Officers who encounter an extremely stressful situation will consistently exhibit difficulty in transferring information into long-term memory. Particular memory related phenomenon in traumatic situations include:

- During the actual incident there is usually a "sensory overload" combined with a "fixation" on some particular aspect of the critical incident, often to the exclusion of all else.
- Immediately after the incident, "post-incident amnesia" will often result in a failure to remember the majority of the information observed in the incident.
- After a healthy night's sleep there is usually a "memory recovery" which will result in remembering the majority of what occurred, and this memory is probably the most "pure."
- Within 72 hours the final and most complete form of memory will occur, but it will be at least partially "reconstructed" (and therefore somewhat "contaminated") after the inevitable process of integrating available information from all other sources (media).

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

What Can You Do?

The things we can do to survive the effects of fear-induced stress are:

- pre-planning
- be physically fit
- know what to expect during times of high stress
- rely on gross motor movements over fine and complex motor skills
- expect resistance every time we deal with a subject

Pre-Planning:

The time to figure out what to do is before the confrontation begins, because during the confrontation our heart rate will consistently be well over 145 bpm and our cognitive brain has all but shut down. What we operate on is what is stored in our midbrain. Here is where we store our training and our emotions. Our emotions will be present. We may experience fear, anger, panic, anxiety or any combination thereof. If we have trained enough we can call upon responses supplanted in our midbrain prior to the encounter and our chances of surviving the violence greatly improves. In the absence of a prepared response, we can expect denial, panic, and anything from shutdown and submission to extreme uncontrolled violence that could enter the realm of excessive force. The desired outcome is a pre-planned controlled violent response.

Be Physically Fit:

The more physically fit we are going into a situation where we know our minds and bodies will be tested the better outcome we can expect. Hopefully injury is avoided but if injury is sustained a fit person will be able to fight through the pain more predictably than a non-fit person and recovery should be speedier.

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

What Can You Do? (continued)

Know What to Expect During Times of High Stress - Rely on Gross Motor Movements:

Since we know that during times of elevated heart rate our gross motor skills are enhanced and our fine and complex motor skills degrade, our tactics should prepare us to capitalize on these facts. Choose gross motor moves for Defensive Tactics whenever possible and develop these skills through static, fluid, and finally dynamic training drills. Confidence in a technique, or system, combined with your ability to perform lowers the heart rate and decreases the panic response.

Expect Resistance Every Time:

Last, but certainly not least, is to expect resistance every time you contact a subject. Most times there will be compliance, but these are not the times we get hurt and/or killed. We get hurt and/or killed by resisting subjects and we only know which subjects will resist when they begin their resistance. Since this is the case we must learn how to prepare for everyone to resist us so that when the attack happens we won't be caught in denial, which slows our reaction time. We will be rewarded for our diligence by surviving the violent encounter that otherwise may have taken our life. These are learned skills that without constant practice and use will degrade. They are not like riding a bike. If you do not use them you will lose them.

To overcome safety hazards officers must use the training they received and expect the unexpected. They must be observant and careful. Errors and fatal confrontations happen most often during patrols. In fact, the majority of officer deaths occur during regular work-related activities. This underscores the fact that every facet of police work is inherently dangerous.

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

Awareness Spectrum

Condition White - This is a state of environmental unawareness. You are oblivious to what's going on around you because you are daydreaming, tired, preoccupied, or assuming there is no possibility of trouble and no cause for alarm. As one trooper puts it, "Your thinker is out of gear, even though your patrol car is not." In this mental state you are not ready to confront a threat.

Condition Yellow - You are relaxed but alert, cautious but not tense. You maintain an easy but steady 360-degree surveillance of the people, places, things, and action around you. You are not specifically expecting a hostile act, but you know that aggression is possible. Because you are constantly perceiving and evaluating your environment, you are attuned to any signal that may suggest a threat. Your alertness is a preliminary step to action.

Condition Orange - You are in a state of alarm. There is trouble and you are concentrating on evaluating it further and resolving it. Based on your training, experience, education, and common sense, you have a tactical plan that you begin to follow. Your plan includes calling for backup, using cover, and identifying an adversary who may present a threat. There's reason to believe that a confrontation is likely. You are cognizant of provocations that demand you use deadly force. The situation is volatile; you guard against overreacting. However, you do think about controlling a threat with gunfire if necessary. Being surprised is now impossible.

Condition Red - What looks wrong is wrong. Instant reaction is mandatory. You focus in on the threat and act to control it with verbal commands, physical control, or deadly force, as circumstances warrant. All systems are GO. You are totally committed to defending yourself or others. Despite the urgency, your decisions are not knee-jerk reactions but rational and based on the threat.

Condition Black - Panic... misdirected frenzy... paralysis. It's called black because your mind blacks out and because it symbolizes the ultimate black moment: Lights out for you.

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE



Listen to FDLE's Training Podcast by clicking the link:

[Physiological Response Dynamics Training](http://www.fdle.state.fl.us/FCJEL/Online-Training/Physiological-Response-Dynamics-Training)



OR copy and past the URL below into your internet browser:

<http://www.fdle.state.fl.us/FCJEL/Online-Training/Physiological-Response-Dynamics-Training>

LESS-LETHAL FORCE OPTIONS AVAILABLE

Covered in BCSO Policy 500.77 Weapons

The Sheriff or designee shall be the authorizer of any new less lethal weapon after review by the supervisor commanding the Career Development Unit.

Agency approved and authorized less lethal weapons are:

- CS/OC spray
- Expandable baton
- 12 gauge shotgun, used with less lethal impact munitions
- Multi-round 37mm launcher
- Single shot 40 mm launcher
- Conducted Electrical Weapon (CEW)

*Authorized munitions – munitions approved for use in less lethal force delivery systems and approved by this agency.

Deployment of less lethal weapons will be consistent with Procedure 500.76: Response to Resistance.

Less Lethal Weapons Training Information:

- All law enforcement, reserve/auxiliary and corrections deputies, before being authorized to carry a less lethal weapon, and prior to use on duty, will be issued copies of and instructed in the agency use of force policy (Procedure 500.76: Response to Resistance) and successfully complete an agency approved familiarization and orientation course with said weapon. As a part of the familiarization/orientation course, the deputy must demonstrate proficiency with the less lethal weapon. All proficiency exams must be in accordance with the current agency training programs. All less lethal weapons related training will be conducted by agency authorized weapons instructors.
- All law enforcement, reserve/auxiliary and corrections deputies will be trained biennially in the use of less lethal weapons (except CEW, which is conducted annually).



AGENCY USE-OF-FORCE POLICIES

Click the link to review the policy that relates to you:

Law Enforcement

[500.76 Response to Resistance](#)

Corrections

[600.071 Use of Force](#)

LEGAL ASPECTS REGARDING USE OF FORCE

DEFINITIONS

PROBABLE CAUSE - Facts and circumstances within a sworn member's knowledge on which he or she has reasonably relied, sufficient to warrant a person of reasonable caution to believe that the facts are true."

SUBSTANTIAL THREAT - An immediate danger of death or serious physical injury to any person, or a previously demonstrated danger to or wanton disregard for human life.

DEADLY FORCE - Death or Serious Injury Likely.

Includes:

- Shooting at a person.
- Shooting at an occupied vehicle.
- Deadly use of impact weapon or other tool/technique.
- (But, does not include less lethal weapons, such as bean bag rounds)

NON-DEADLY FORCE - Any force other than deadly.

Includes:

- Appropriate use of physical strength or skill
- Appropriate use of impact weapon
- Oleoresin capicum (OC) aerosol
- Taser

FLEEING FELON RULE - Deadly Force Under *Tennessee v. Garner*

- Probable cause to believe that the suspect has committed a crime involving the infliction/threat of serious bodily harm
- Deadly force is necessary to prevent the suspect's escape
- A warning is given, if feasible
- Probable cause to believe that the fleeing felon poses a substantial threat of death/serious bodily harm to officer or others if not immediately arrested

LEGAL ASPECTS REGARDING USE OF FORCE

FLORIDA STATUTES CHAPTER 776: JUSTIFIABLE USE OF FORCE*

Police have no duty to retreat because of actual or threatened resistance to arrest

Three Justifications for Use-of-Force:

1. **To Apprehend a Suspect and Effect an Arrest** - May use reasonable level of force necessary to overcome resistance to arrest. Only use minimum amount of force necessary to affect arrest and overcome any resistance.
2. **Self Defense or Defense of Others** - May use reasonable level of force necessary in self defense or defense of others. Deadly Force is justified if there is an imminent threat of death or great bodily harm.
3. **To Prevent the Commission of a Forcible Felony** - May use deadly force when an officer reasonably believes it is necessary to prevent the imminent commission of a forcible felony that is likely to result in immediate death or serious injury.
 - Per F.S. 776.08, a "forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

Determination Factors for the Reasonable Level of Force Used:

Deadly Force in Making Apprehension/Arrest:

Must have probable cause of felony, attempted felony involving use/threat of deadly force, plus reasonable belief that:

- Deadly force necessary to prevent escape.
- Suspect poses substantial threat (deadly or serious harm) if not immediately arrested.
- Verbal warning, if feasible, given

Other Limits on Deadly Force

- Deadly Force may never be based on mere suspicion of a crime, no matter how serious.
 - Deadly Force may never be used to apprehend a misdemeanor.
- Use extreme caution if innocents endangered by an officer's use of deadly force.

*To read the entire Chapter, click this link: [Florida Statutes Chapter 776](#)

LEGAL ASPECTS REGARDING USE OF FORCE

Violations of Federal Civil Rights:

- A civil rights violation is interference with the civil rights of a person under United States Constitution, including the right to be free from unreasonable searches and seizures, the right to due process, and the right to equal protection under the law.
- The Fourth Amendment's guarantee against unreasonable searches and seizures includes the right to be free from the use of excessive force in the course of an arrest.

Excessive Force Readings:

[Legal Eagle August 2016](#) – “K-9 Force”, “Excessive Force”, & “Reasonable Force”

[Legal Eagle May 2016](#) – “Taser as Excessive Force” (pg. 4)

[Legal Eagle December 2015](#) – “Various: Use of Force Cases”

[Legal Eagle October 2015](#) – “Excessive Force to Effect Arrest” (pg. 8)

“We have repeatedly ruled that a police officer violates the Fourth Amendment, and is denied qualified immunity, if he or she uses gratuitous and excessive force against a suspect who is under control, not resisting, and obeying commands.

-11th Circuit Court of Appeals

PHYSIOLOGICAL RESPONSE TO USE-OF-FORCE

THE FOUR CHOICES

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SURVIVAL STRESS

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WHAT CAN YOU DO?

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Last, but certainly not least, is to expect resistance every time you contact a subject. Most times there will be compliance but these are not the times we get hurt and/or killed. We get hurt and/or killed by resisting subjects and we only know which subjects will resist when they begin their resistance. Since this is the case we must learn how to prepare for everyone to resist us so that when the attack happens we won't be caught in denial, which slows our reaction time, but we will be rewarded for our diligence by surviving the violent encounter that otherwise may have taken our life. These are learned skills that without constant practice and use will degrade. They are not like riding a bike. If you do not use them you will lose them.

To overcome safety hazards officers must use the training they received and expect the unexpected. They must be observant and careful. Errors and fatal confrontations happen most often during patrols. In fact, the majority of officer deaths occur during regular work-related activities. This underscores the fact that every facet of police work is inherently dangerous.

AWARENESS SPECTRUM

CONDITION WHITE

This is a state of *environmental unawareness*. You are oblivious to what's going on around you because you are daydreaming, tired, preoccupied, or assuming there is no possibility of trouble and no cause for alarm. As one trooper puts it, "Your thinker is out of gear, even though your patrol car is not." In this mental state you are not ready to confront a threat.

CONDITION YELLOW

You are *relaxed but alert*, cautious but not tense. You maintain an easy but steady 360-degree surveillance of the people, places, things, and action around you. You are not specifically expecting a hostile act, but you know that aggression is possible. Because you are constantly perceiving and evaluating your environment, you are attuned to any signal that may suggest a threat. Your alertness is a preliminary step to action.

CONDITION ORANGE

You are in a state of *alarm*. There is trouble and you are concentrating on evaluating it further and resolving it. Based on your training, experience, education, and common sense, you have a tactical plan that you begin to follow. Your plan includes calling for backup, using cover, and identifying an adversary who may present a threat. There's reason to believe that a confrontation is likely. You are cognizant of provocations that demand you use deadly force. The situation is volatile; you guard against overreacting. However, you do think about controlling a threat with gunfire if necessary. Being surprised is now impossible.

CONDITION RED

What looks wrong is wrong. Instant reaction is mandatory. You *focus in on the threat* and act to control it with verbal commands, physical control, or deadly force, as circumstances warrant. All systems are GO. You are totally committed to defending yourself or others. Despite the urgency, your decisions are not knee-jerk reactions but *rational* and based on the threat.

CONDITION BLACK

Panic... misdirected frenzy... paralysis. It's called black because your mind *blacks out* and because it symbolizes the ultimate black moment: *Lights out for you*.

BCSO RESPONSE TO RESISTANCE

As a person increases his/her resistance level from verbal to physical, a deputy may have to increase the level of his/her response until the resistance ceases and the deputy is able to gain control of the person. As soon as the point of the person's compliance is reached, the deputy must de-escalate his/her response level to the minimum force necessary to control the person and accomplish the law enforcement objective. The level of force applied must be objectively reasonable based on the totality of circumstances (articulable facts) surrounding the immediate situation. The deputy need only select a response that is within the range of 'objectively reasonable' options. Deputies must rely on their training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

Totality of the Circumstances

The deputy's use of force will be based on the totality of the circumstances known to the deputy at the time of the incident. There are several factors used in determining the totality of the circumstances. These include but are not limited to:

- Severity of the crime
- Subject is an immediate threat
- Subject's mental or psychiatric history, if known to the deputy
- Subject's violent history, if known to the deputy
- Subject's combative skills
- Subject's access to weapons
- Innocent bystanders who could be harmed
- Number of subjects versus number of deputies
- Duration of confrontation
- Subject's size, age, weight, and physical condition
- Deputy's size, age, weight, physical condition, and defensive tactics expertise
- Environmental factors, such as physical terrain, weather conditions, etc.

RESISTANCE LEVELS

Passive Resistance

A subject's verbal and/or physical refusal to comply with a deputy's lawful direction that causes the deputy to use physical techniques to establish control; non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat. Examples of passive resistance:

- The subject refuses to move at the deputy's direction
- Clenching and unclenching hands
- Stretching motions and looking around the area
- The subject peacefully protests at a political event in a public location
- The subject refuses to take his hands out of his pockets or from behind his back

Active Resistance

A subject's use of physically evasive movements directed toward the deputy such as bracing, tensing, pushing, or pulling to prevent the deputy from establishing control over the subject. Subject is evading control without trying to injure the deputy. Examples of active resistance:

- The subject physically anchors himself/herself to a person or object to prevent himself/herself from being removed.
- The subject braces or pulls away from the deputy when the deputy grips the subject's arm.

- The subject attempts to run when the deputy touches or attempts to gain control of the subject's arm or shoulder.

Aggressive Resistance

A subject's attacking movements toward a deputy that may cause injury but are not likely to cause death or great bodily harm to the deputy or others. Examples of aggressive resistance:

- The subject balls up his fist and approaches the deputy.
- The subject takes a bladed stance while threatening the deputy.
- The subject pushes the deputy back as the deputy tries to take the subject into custody.
- The subject grabs any part of the deputy's body.

Deadly Force

A subject's hostile, attacking movements, with or without a weapons, that create a reasonable perception by the deputy that the subject intends to cause and has the capability of causing death or great bodily harm to the deputy or others. Examples of deadly force resistance:

- A subject shoots or points a gun at a deputy or other person.
- A subject refuses to drop a knife when ordered to by the deputy and moves toward the deputy.
- A subject tries to run a deputy down in a vehicle.
- A subject attacks a deputy, either standing or on the ground, and the deputy reasonably believes their life is endangered.

DEPUTY RESPONSE OPTIONS

Command presence and verbal communication often will defuse many volatile situations. Sometimes, however, these are not enough or the deputy may not have an opportunity to use them. A deputy may have to use physical force to gain control of the situation. Physical force includes physical control, the use of non-lethal weapons, and deadly force. Deputies need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, deputies need to respond with all the force reasonably necessary for the circumstances in each specific situation.

Physical Control

Achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, lateral vascular neck restraint, and striking techniques.

Non-lethal Weapon

A non-lethal weapon is not fundamentally designed to cause death or great bodily harm. Some examples of non-lethal weapons include electronic control devices (ECDs), expandable batons, flashlights, chemical agent sprays, or other weapons of opportunity.

Deadly Force

Deadly force means force that is like to cause death or great bodily harm.

LEGAL ASPECT OF THE USE-OF-FORCE GUIDELINES

DEFINITIONS

PROBABLE CAUSE

Facts and circumstances within a sworn member's knowledge on which he or she has reasonably relied, sufficient to warrant a person of reasonable caution to believe that the facts are true."

SUBSTANTIAL THREAT

"An immediate danger of death or serious physical injury to any person, or a previously demonstrated danger to or wanton disregard for human life."

DEADLY FORCE

Death or Serious Injury Likely.

Includes:

- Shooting at a person.
- Shooting at an occupied vehicle.
- Deadly use of impact weapon or other tool/technique.
- (But, does not include less lethal weapons, such as bean bag rounds)

NON-DEADLY FORCE

Any force other than deadly.

Includes:

- Appropriate use of physical strength or skill
- Appropriate use of impact weapon
- Oleoresin capicum (OC) aerosol
- Taser

FLEEING FELON RULE

Deadly Force Under *Tennessee v. Garner*

- Probable cause to believe that the suspect has committed a crime involving the infliction/threat of serious bodily harm
- Deadly force is necessary to prevent the suspect's escape
- A warning is given, if feasible
- Probable cause to believe that the fleeing felon poses a substantial threat of death/serious bodily harm to officer or others if not immediately arrested

**USE-OF-FORCE BY LAW
ENFORCEMENT OFFICERS
UNDER CHAPTER 776,F.S.**

Police have no duty to retreat because of actual or threatened resistance to arrest.

Three Justifications for Use-of-Force:

1. To Apprehend a Suspect and Effect an Arrest
 - May use reasonable level of force necessary to overcome resistance to arrest. Only use minimum amount of force necessary to affect arrest and overcome any resistance.
2. Self Defense or Defense of Others
 - May use reasonable level of force necessary in self defense or defense of others. Deadly Force is justified if there is an imminent threat of death or great bodily harm
3. To Prevent the Commission of a Forcible Felony
 - May use deadly force when an officer reasonably believes it is necessary to prevent the imminent commission of a forcible felony that is likely to result in immediate death or serious injury.
 - A "forcible felony" is any felony, which involves the use or threat of physical force or violence against any individual that is likely to result in immediate death or serious injury.

**DETERMINATION FACTORS FOR
THE REASONABLENESS OF
AMOUNT OF FORCE USED**

Deadly Force in Making Apprehension/Arrest:

Must have probable cause of felony, attempted felony involving use/threat of deadly force, plus reasonable belief that:

- Deadly force necessary to prevent escape.
- Suspect poses substantial threat (deadly or serious harm) if not immediately arrested.
- Verbal warning, if feasible, given

Other Limits on Deadly Force

- Deadly Force may never be based on mere suspicion of a crime, no matter how serious.
- Deadly Force may never be used to apprehend a misdemeanor.
- Use extreme caution if innocents endangered by an officer's use of deadly force.

Violations of Federal Civil Rights

- A civil rights violation is interference with the civil rights of a person under United States Constitution, including the right to be free from unreasonable searches and seizures, the right to due process, and the right to equal protection under the law.



**Brevard County
Sheriff's Office**

POLICY/PROCEDURE

600.07I (Response to Resistance) Use of Force

Number Series: 600-Jail Policy/Procedure

Sheriff's Approval: Digital

Approved Date: January 25, 2007

Revision Log: December 14, 2018: Section C 1 f addition.

December 29, 2017: No Revision.

November 30, 2016- No Revision.

Review Due Date: December 31, 2019

Review Frequency: Annual

POLICY

Only the minimal amount of force necessary shall be used to control an inmate or situation within the facility; i.e., no employee shall apply physical force to the person of an inmate except and only to the degree that it is reasonably necessary in self-defense, to prevent injury to a person or property, to prevent escape, to quell a riot or disturbance, to overcome physical resistance to a lawful command, and then only as a last resort and in accordance with appropriate statutory authority. The level of force applied must be objectively reasonable based on the totality of circumstances (articulable facts) surrounding the immediate situation. Response levels shall be in compliance with BCSO Policy and Procedure 500.76.

PROCEDURE

A. Physical Force (Non-Deadly Force)

1. Physical force shall be applied to the person of an inmate only to the degree that is reasonably necessary in justifiable self-defense, the protection of others, the protection of property, the prevention of escapes, or when an inmate exercises resistance to a lawful command.
2. Chemical agents (Oleoresin Capsicum) that have been designated and authorized by the Facility Command Staff may be used by trained personnel against violent, non-compliant inmates after all reasonable alternatives (i.e., verbal persuasion, warning or show of force) have been exhausted or are considered inappropriate, and will not be used as punishment.
3. Physical restraints shall be used only as a last resort when it becomes necessary to control inmates, and only after all reasonable alternatives (i.e., verbal persuasion, warning or show of force, or chemical agents) have been exhausted or are considered inappropriate.
4. Mechanical restraints shall be used only when necessary to prevent inmate self-inflicted injury, injury to others, damage to property, or escape.
5. Restraints shall not be placed on an inmate in such a manner as to cause injury nor shall the restraints remain on the inmate longer than necessary.

6. Physical force applied with intermediate weapons such as an electronic stunning device shall only be applied by Deputies who have been trained in their use and/or as designated and authorized by the Facility Command Staff.
7. When practical, prior authorization for the use of force should be obtained from the Shift Commander. In an emergency or urgent situation where it is not possible or practical to seek authorization, personnel shall use appropriate force and later, shall be required to justify that action.
8. All use of force shall be necessary and shall be consistent with policy and procedures. Force shall be used ONLY to gain control and is NEVER used in retaliation or as punishment.

B. Levels of Control

1. The first level of control, when practical, should be a verbal attempt to rectify the situation.
2. If verbal commands fail or are not practical for the situation, the Deputy may then escalate to a higher level of control – physical handling or touching of the inmate. This shall be accomplished using physical holds, or physical maneuvers, only to the degree that is reasonably necessary to subdue or control an unruly inmate. Department issued chemical agent should be used prior to the application of physical force when practical.
3. All personnel when possible or practical shall refrain from one-on-one confrontations with inmates, which may subsequently lead to a physical confrontation. A call for “back-up” should be made so that sufficient manpower (warning, show of force, chemical agents, mechanical restraints, or intermediate weapons) are available as appropriate.
4. All control force must cease when control has been affected.

C. Procedures following Use of Force

1. After each use of force, the following actions will be taken:
 - a. The inmate will be examined by a member of the medical staff who will, provide treatment if necessary, and enter the results in the inmate’s medical file. A notation shall be made in the Incident Report, by the reporting Deputy, that medical staff has responded.
 - b. If the inmate refuses the medical examination and/or treatment they must do so in the presence of the medical staff and Deputies. The refusal must be entered in the inmate’s medical file and in the Incident Report.
 - c. When physical force is applied in the form of:
 - 1) Chemical Agents (Oleoresin Capsicum) – The inmate shall be examined and treated by medical personnel and a Use of Force Report completed.
 - 2) Mechanical Restraints – The inmate shall be placed on a 15-minute observation watch until such restraints are removed.
 - 3) Intermediate Weapons – The inmate shall be placed on a 15-minute medical observation watch until deemed unnecessary by the appropriate medical staff.
 - d. When necessary, the inmate will be relocated to another housing unit as directed by the Shift Supervisor.
 - e. Photographs will be taken of each inmate involved in the use of force, to include physical areas on the body, regardless of whether an injury is reported. A ruler may be used as a scale to reference size for each area of concern. All photographs will be attached to the original Use of Force Incident Report and labeled with the Incident number as well as the inmate’s last name and first. Once the photograph is printed

and attached to the Incident Report, the digital photograph may be deleted from the camera.

f. When a use of force event, or an alleged use of force event is reported, in addition to reviewing reports and all other supporting documentation (photographs, physical evidence, verbal/written statements, etc.), the supervisor assigned to conduct the investigation will also review all applicable digital video footage surrounding the event from the Jail Security Surveillance System prior to rendering a final disposition. This digital media will be attached to the Use of Force Report in the Jail Management System.

D. Incident Reports and Use of Force Reports

1. Deputies shall immediately inform a supervisor of every incident involving the use of non-deadly force.
2. All events involving physical non-deadly force as outlined in this section shall be reported on an Incident Report and Use of Force Report.
 - a. Unless otherwise ordered by the supervisor, the primary Deputy involved in the incident shall be responsible for initiating the Incident Report and the Use of Force Report. Any assisting Deputy may supplement the Incident Report with his/her statements.
 - b. The reporting Deputy and each assisting Deputy will initiate comments on their involvement, and the type of force used, in the Use of Force Report.
 - c. Medical staff must report the results of their examination and treatment, and any other involvement or witness to the incident in the inmate's medical file.
3. The Incident Report, Supplemental Reports, and Use of Force Reports shall be forwarded to the Shift Supervisor or Shift Commander for review and investigation.
 - a. The Shift Supervisor and/or designee shall review and conduct an investigation into any incident requiring a Use of Force Report.
 - b. The investigation shall be to the extent necessary to determine if Facility rules and regulations were complied with and that only that force necessary to gain control of the inmate/situation was used.
 - c. The investigating Deputy shall document their findings on the Use of Force Report.
 - d. The Shift Commander, or Acting Shift Commander, shall approve all Use of Force Investigations and all Use of Force Reports.
4. A copy of all Use of Force Reports and Incident Reports shall be forwarded to the Command Staff for final approval.
 - a. The Use of Force Report must be signed by all Deputies and nurses involved, the investigating Deputy, and Shift/Acting Commander prior to forwarding to the Operations Commander for signature. A copy of the use of force will then be forwarded to Professional Standards.

E. Deadly Force

Deadly Force shall be in compliance with BCSO Response to Resistance Policy and Procedure.

F. Training

Use of Force refresher training shall be conducted annually for all sworn Correction Deputies.

DEFINITIONS

DEADLY FORCE – Force, which is likely to cause death or great bodily harm. Use of deadly force must be based on the deputy's reasonable belief that all other response to resistance options are not feasible or have been exhausted and his/her life, the life of a fellow deputy, or other innocent person is in imminent danger of death or great bodily harm.

INCIDENT REPORTS – Printout from computer aided dispatch (CAD), which gives basic information of call such as date, time, location, and comments.

LESS LETHAL FORCE – A concept of planning and force application, which meets objectives, with less potential for causing death or serious physical injury than conventional tactics.

NON-DEADLY FORCE – Force, which is neither likely nor intended to cause death or serious injury.

PHYSICAL FORCE – Use of control holds and/or other force necessary to affect an arrest without the use of weapons.

USE OF FORCE (JAIL) – is defined as the use of assertive physical force/tactics, such as:

- Physical compliance or transport techniques;
- Any physical strike;
- Use of chemical agent;
- Use of weapons.

The mere touching of an individual (who is not offering physical resistance) in order to guide or direct their activities shall not be considered Use of Force.

REFERENCES

State/Federal Regulations:

- FDLE: Mandatory Training Requirement Matrix
- FMJS: Chapters 11, 13

CFA/FCAC:

- FCAC: Chapter 10, 11, 13

Forms:

- BCSO Incident Report
- Use of Force Report

Other Policy/Procedure References:

- 600.05A: Training (Career Development)
- 600.06G: Electronic Control Devices
- 600.06N: Jail Complex Security Surveillance Camera System
- 600.07J: Physical Restraints
- 600.07K: Restraint Chair
- 500.76: Response to Resistance

LEGAL EAGLE



A Newsletter for the Criminal Justice Community

August 2016

Arrest Warrant

In this issue:

- ❖ **Motel Room Rights**
- ❖ **Obstructing**
- ❖ **Conspiracy**
- ❖ **Bailiff's Liability**

Arrest Warrant Execution in Third Party's Residence

Officers, armed with an arrest warrant, initially planned to arrest Jonathan Bohannon at 103 Crestview Drive, his personal residence. Sometime between 5:00 and 5:30 a.m. the lead investigator concluded that Bohannon was not at his home; rather, it was believed that Bohannon was at Shonsai Dickson's 34 Morgan Avenue apartment, approximately two miles away. This belief was based on information provided to him by fellow officers that morning, viewed in light of the totality of information gathered in the overall investigation.

Based on the totality of this information, Agent re-directed the Bohannon arrest team from 103 Crestview Drive to 34 Morgan Avenue. *At the time, agents possessed an arrest warrant for Bohannon, but no arrest warrant for Dickson or search warrant authorizing entry into her apartment.* Nevertheless, agents proceeded to enter Dickson's apartment through an unlocked back door and, upon finding Bohannon in Dickson's bedroom, placed him under arrest.

Simultaneously, members of the arrest team conducted a security sweep of the bedroom. During this search, authorities seized the bags of crack cocaine earlier seen under the

bed; money also found under the bed; additional crack, money, and a scale found in a dresser; and three firearms and ammunition found in a closet. A fourth firearm was seized from Dickson's car. As the drugs were being removed from under the bed and taken out of the bedroom, Bohannon shouted, "it is all mine, don't worry about it."

Bohannon was charged with multiple drug and gun charges. Pre-trial he filed a motion to suppress the evidence seized from Dickson's apartment and car as the fruit of an illegal entry and an invalid consent. In arguing illegal entry, he advanced two arguments. First, while acknowledging that *Steagald v. United States*, (S.Ct.1981), provides that an arrest warrant carries with it the authority to enter the home of the warrant subject, Bohannon maintained that execution of such a warrant in a third party's home required the further entry authorization of a search warrant, which was plainly lacking here. Second, Bohannon maintained that the entry and ensuing arrest and search in Dickson's apartment were unlawful under *Payton v. New York*, (S.Ct.1980), because authorities lacked the requisite reason to believe that he was in those premises at the time of entry. On appeal to the U.S. Court of Appeals, his motion was

LEGAL EAGLE

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denied.

Issue:

Where the police have a valid arrest warrant, and the arrest subject is found in a third party's home, does the third party's Fourth Amendment right to have a search warrant to authorize entry into her home, as required by *Steagald v. United States*, (1981), extend to the subject of the arrest warrant? No.

The Payton and Steagald Rules for Executing Arrest Warrants at Residences:

The Fourth Amendment recognizes "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Where, as here, authorities have a valid warrant for a person's arrest, the Supreme Court has deemed it "constitutionally reasonable" to require the warrant subject "to open his doors to the officers of the law." Thus, the Court ruled in *Peyton v. New York*, (1980), that "an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within." Thus, in those circumstances a lawful entry does not require the further authorization of a search warrant.

Within a year of deciding *Payton*, the Supreme Court clarified that the same rule does not apply to an individual who is charged with a crime based upon evidence seized from his home during execution of an arrest warrant for another person thought to be in the premises. See, *Steagald v. United States*, (1981). The Supreme Court noted that two distinct Fourth Amendment interests are implicated when law enforcement officers enter

a third party's residence to execute an arrest warrant for a non-resident: (1) the subject of the arrest warrant has an "interest in being free from an unreasonable seizure,"; and (2) the third-party resident has an "interest in being free from an unreasonable search of his home." Addressing itself only to the latter interest and, specifically, to "the narrow issue" of "whether an arrest warrant—as opposed to a search warrant—is adequate to protect the Fourth Amendment interests of [a home owner] not named in the [arrest] warrant," the Supreme Court concluded that an arrest warrant was not adequate to protect such a person from an unreasonable search. As to that third-party resident, the Fourth Amendment requires the entry in to his home to be authorized by a search warrant.

In the present case there was no dispute that the officers entered Dickson's residence without a search warrant, and as such that entry was unlawful as to her in light of the Court's ruling in *Steagald*. Interestingly, it was not Dickson invoking *Steagald*, but rather Bohannon who invoked *Steagald* to argue that his Fourth Amendment rights were violated because Dickson's home was entered without a search warrant. However, *Steagald* does not afford him such a claim. The Supreme Court there made clear that it was recognizing only the third-party resident's right to a search warrant and expressly leaving open the question of "whether the subject of an arrest warrant can object to the absence of a search warrant when he is apprehended in another person's home." In fact, the question remains unanswered by the Supreme Court to this

day.

Court's Ruling:

"We conclude that where, as here, the subject of an arrest warrant is apprehended in a third party's residence where he is a guest, the subject's Fourth Amendment privacy rights with respect to entry of that residence are no greater than the privacy rights he would have had if apprehended in his own home and, thus, are delineated by *Payton*, not *Steagald*. We further conclude that the totality of circumstances here satisfied *Payton*'s requirement that, at the time of entry, law enforcement officers have reason to believe that the subject of the arrest warrant is within the entered premises."

“

Thus, if, at the time of entry, law enforcement officers possessed a valid warrant for the subject's arrest and reason to believe that he was then in the premises entered, the subject of the arrest warrant will not be heard to complain that entry was not authorized by a search warrant.”

The Court of Appeals went further, and decided the question whether, "police may enter a dwelling to execute an arrest warrant for a person other than its owner or tenant where there exists reasonable belief that the party sought will be found therein."

"In now answering that question, we begin by noting that eight of our sister circuits have concluded that the subject of an arrest warrant, apprehended in a third party's residence, may not invoke *Steagald* to claim that his Fourth Amendment rights were violated because entry into the residence was not authorized by a search warrant."

"The rationale for this conclusion, ... is that (a) Fourth Amendment rights are personal and cannot be asserted vicariously, and (b) requiring police who already hold an arrest warrant for a suspect to obtain a search warrant before they can pursue that suspect in a third party's home would grant the suspect broader rights in the third party's home than he would have in his own home under *Payton*." The court thus found that that it would be "illogical" to extend to the subject of an arrest warrant "greater rights of privacy in the ... home of his girlfriend than he would have been afforded in his residence of record under *Payton*."

"Thus, if, at the time of entry, law enforcement officers possessed a valid warrant for the subject's arrest and reason to believe that he was then in the premises entered, the subject of the arrest warrant will not be heard to complain that entry was not authorized by a search warrant."

Lessons Learned:

Keep in mind, however, that entry into the third party's residence without a search warrant, as required by *Steagald*, can subject the officers to civil liability for violation of the homeowner's Fourth Amendment rights.

United States v. Bohannon
U.S. Court of Appeals, 2nd Cir.
(May 31, 2016)

(Continued from page 10)

Bailiff Liability

rejecting absolute immunity in a case like *Bailiff's* does not create any incentive for him to hesitate when told to do something; it merely incentivizes him to stay within the bounds of his orders."

"Brooks alleges that Bailiff employed excessive force by shoving him through the courtroom's double doors. On the merits, such excessive force claims are governed by an objective reasonableness standard derived from the Fourth Amendment. *Graham v. Connor*, (S.Ct.1989). To determine whether state officials used excessive force, courts balance the nature and quality of the intrusion on the individual's Fourth Amendment interests' against the countervailing governmental interests at stake. Courts must examine the 'facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.' Courts 'also consider, under the totality of the circumstances, the quantum of force used to arrest the plaintiff, the availability of alternative methods of capturing or detaining the suspect, and the plaintiff's mental and emotional state.' "

"Brooks' complaint states merely that '[Bailiff] forcefully shoved [him] through double-doors of a courtroom injuring [his] back.' Moreover, the transcript of proceedings in front of Judge Lippis demonstrates that before Bailiff shoved Brooks, Brooks had at least twice defied the judge's order to leave; had

continued to resist Bailiff's verbal instructions to leave; and that two of Brooks's compatriots had similarly disrupted the court, harassing and intimidating two women in the courtroom, all in defiance of Judge Lippis's orders. Given the chaos in the courtroom and the undisputed evidence that Brooks was intent on disobeying the court's instructions—and given his extremely vague and insubstantial allegations about his injury—it is simply not beyond debate that Bailiff employed an unreasonable amount of force."

"Indeed, the Supreme Court has stated more than once that, on the merits, '*not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers, violates the Fourth Amendment.*' Similarly, the Court has instructed that 'if an officer reasonably, but mistakenly, believed that a suspect was likely to fight back, for instance, the officer would be justified in using more force than in fact was needed.' The events here fit that description. And just as important, Brooks has cited nothing at all to establish that existing precedent silences all debate about whether Bailiff's shove violated the Fourth Amendment."

"For the foregoing reasons, we AFFIRM the district court's denial of Bailiff's absolute immunity defense and REVERSE the district court's denial of his qualified immunity defense."

Brooks v. Clark County
U.S. Court of Appeals - 9th Cir.
(July 7, 2016)



Recent Case Law

Motel Room Rights

Two armed robberies of convenience stores in two different small, rural, cities occurred within four days; both captured by surveillance cameras. The police issued a BOLO generated from evidence collected in both robberies. The BOLO included the following evidence: a still-frame from an in-store surveillance video, showing the face of a woman holding a firearm pointed at the clerk; a possible tag number of the vehicle; and a picture of a maroon Ford Taurus, similar to the vehicle used in both robberies.

One week after the first robbery, and three days after the second robbery, a deputy sheriff discovered a vehicle at a motel closely matching the description of the vehicle in the BOLO. Approximately ten officers assembled at the motel. The car was parked directly in front of a motel room. Two officers knocked on the motel room door. Stacey McRae answered the door and Lt. Daffin recognized her as the suspect in the surveillance photo holding the firearm. *Officers grabbed McRae and removed her from the room.* Officers next conducted a *protective sweep* (not a search) of the room for other occupants, as they were unable to see behind the bed or the bathroom area. After the protective sweep, officers brought McRae back into the room and gave her *Miranda* warnings. McRae gave a post-*Miranda* statement to police in which she admitted involvement in the armed robbery.

When asked if there were any weapons in the room, McRae responded that there was a revolver in the nightstand, which an officer retrieved.

McRae filed a motion to suppress her statements to police and all physical items seized from her motel room and vehicle. The trial court granted the suppression motion, on appeal the 1st D.C.A. disagreed and reversed the court's order.

Issue:

Under the totality of the circumstances, did the warrantless seizure of the defendant from the motel room violate Fourth Amendment protections? **No.** The D.C.A. succinctly stated, "Each of the steps taken by law enforcement leading to McRae's statements was lawful. The knock at the door, the seizure of McRae, the sweep of the motel room, and the questioning of McRae were all permissible."

Knock and Announce:

A private home (including a motel room) "is an area where a person enjoys the highest reasonable expectation of privacy under the Fourth Amendment." *Turner v. State*, (Fla.1994) (stating that for purposes of Fourth Amendment protections, "a motel room is considered a private dwelling if the occupant is there legally, has paid or arranged to pay, and has not been asked to leave"). Even so, police, like any other citizen, may approach a residence and knock, hoping that the occupant will open the door. This investigative technique—known as a "knock and

talk"—*does not require reasonable suspicion or probable cause.*

Jardines v. State, (Fla.2011), (noting that "police generally may initiate a 'knock and talk' encounter at the front door of a private residence without any prior showing of wrongdoing"); *State v. Morsman*, (Fla.1981) ("Under Florida law it is clear that one does not harbor an expectation of privacy on a front porch where salesmen or visitors may appear at any time.").

The D.C.A. found that once McRae answered the door and Lt. Daffin recognized her as the robber, police had probable cause for her arrest without a warrant. See, 901.15 (2), F.S. (providing instances when an arrest without a warrant is lawful). Once probable cause was established, officers could remove McRae from the room's threshold. See *United States v. Crasper*, (9th Cir.2007) (holding that "when a suspect voluntarily opens the door of his residence in response to a non-coercive 'knock and talk' request, the police may temporarily seize the suspect outside the home (or at the threshold) provided that they have reasonable suspicion of criminal activity").

McRae's possession of a firearm during the robbery and her presence in the motel room created a reasonable concern for officer safety. "Warrants are generally required to search a person's home or his person unless 'the exigencies of the situation' make the needs of law enforcement so compelling that the warrantless search is objectively reasonable

under the Fourth Amendment.” *Mincey v. Arizona*, (S.Ct.1978). The need for a legitimate protective sweep constitutes an exigent circumstance permitting entry into an area protected by the Fourth Amendment. *Maryland v. Buie*, (S.Ct.1990). “The Fourth Amendment permits a properly limited protective sweep in conjunction with an in-home arrest when the searching officer possesses a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene.” Likewise, it follows that “if, during the course of a legitimate knock and talk, a suspect’s actions create exigent circumstances, officers may abandon their knock and talk and perform a warrantless entry and a protective sweep.” *United States v. Jones*, (5th Cir.2001). Officer safety has long been recognized as an exigent circumstance justifying warrantless entry of a residence.

After the protective sweep, officers brought McRae back into the room. While the officers could have questioned McRae outside of the motel room, the court noted that McRae testified she was wearing only underwear and a tank top, so she needed to dress prior to transport to police department. See *Illinois v. McArthur*, (S.Ct.2001) (holding that it is reasonable for an officer to condition reentry into dwelling on the condition that the officers accompany the suspect); *United States v. DeBuse*, (8th Cir.2002) (holding officers were legally entitled to enter the defendant’s home following his arrest outside his home where the defendant was barefoot and requested permission to reenter to retrieve his shoes, keys, and wallet). It was then,

after *Miranda* warnings, that McRae made incriminating statements and indicated that a revolver was in the nightstand. Because all of the events leading to her arrest and questioning were lawful the D.C.A. ruled that the trial court erred in suppressing her statements.

Court’s Ruling:

The D.C.A. reviewed each of the issues discussed above making the following rulings: “The trial court order stated, ‘according to LT. Jason Daffin, members of law enforcement knocked on the motel door, which was answered by [McRae].’ While officers certainly had reason to suspect that the robbers might be in the motel room, they were permitted to knock on the motel room door without any particular level of suspicion. Thus, police acted lawfully in knocking on McRae’s motel room door.”

“Once McRae answered the door and Lt. Daffin recognized her as the robber, police had probable cause for her arrest without a warrant.”

“The circumstances here justified a protective sweep of the room. Officers did not know who was in the room until McRae answered; believed that McRae was accompanied by at least one, if not two, accomplices; and *knew that the perpetrators were armed*. Police were already visible to McRae and whoever might have been in the room when she opened the door; therefore, turning away and leaving to seek an arrest or search warrant would have been unreasonable in light of the officers’ knowledge that the perpetrators were armed. Given these circumstances, the officers’ fear for their safety was reasonable. Because police had probable cause that McRae had committed an armed robbery and because

exigent circumstances (i.e. officer safety) existed, police acted lawfully in removing McRae from the threshold of her motel room and conducting a protective sweep.”

Giving credit where credit is due, the D.C.A. went on to observe, “It is noteworthy that the officers *did not attempt to search the room under the guise of a protective sweep*. Instead, they simply confirmed that the room was secure. Even if the protective sweep were impermissible, it does not appear that any evidence was seized from the room as a result.”

Lastly, as to the defendant’s incriminating statements the D.C.A. simply stated, “After *Miranda* warnings, McRae made incriminating statements and indicated that a revolver was in the nightstand. Because all of the events leading to her arrest and questioning were lawful, the court erred in suppressing her statements.”

Lessons Learned:

It is obvious that the legality of the “knock-and-talk” is the factor that permitted the D.C.A. to rule the police action lawful. It is important to keep in mind that a knock-and-talk is nothing more than a consensual encounter. And a consensual encounter means exactly that, the citizen is engaged in conversation with the police officer solely because he agrees to stay and talk. Any action on the part of the police officer that tips the balance of power away from the citizen towards the officer by any show of authority converts the “encounter” into a “stop” and constitutional protections are invoked.

There are limitations to this tactic. In *Calloway v. State*, (5DCA 2013), the court stated, “A ‘knock and talk’ is only justified as a *consensual en-*

counter during which officers are authorized to 'approach a dwelling on a defined path, knock on the front door, briefly await an answer, and either engage in a consensual encounter with the resident or immediately depart.' *Given the consensual nature of the contact, of course, a resident is supposed to have the option of refusing to open the door.* *Kentucky v. King*, (S.Ct.2011) (whether knock is by 'police officer or a private citizen, the occupant has no obligation to open the door or to speak.'). Allowing police to use a resident's reaction to their presence at the home and contemporaneous clear expression of unwillingness to engage with the officers as 'reasonable suspicion' to justify hauling the resident out of the home for a forced encounter would obviously render the consensual nature of the encounter illusory."

"For these reasons, we hold that *Illinois v. Wardlow*, (S.Ct.2000), does not apply to these facts. Accordingly, even in a high crime area, police conducting a 'knock and talk' are not authorized to order the resident from the home or detain him, even if he opens the door and steps out briefly, but then retreats into the home upon seeing the police."

State v. McRae
1st D.C.A.
(June 21, 2016)

Obstructing Without Violence

A Tampa police officer was dispatched to respond to a disturbance. When he arrived, he saw several teenagers outside yelling profanities. Defendant D.L.S. was part of this group. The officer's intent was to

disperse the crowd. D.L.S. interfered by telling the crowd that they did not have to comply with the officer's commands. Upon hearing this, the officer summoned D.L.S. to come to him. D.L.S. ignored the order and walked away. The officer then continued to tell D.L.S. to stop. When he continued to ignore him the officer pursued D.L.S. and detained him a few blocks away.

After trial, the defendant moved to dismiss the charges. The trial court denied the motion. On appeal, the 2nd D.C.A. agreed that the State had not established the elements of Obstructing.

Obstructing Without Violence:

Section 843.02, F.S. provides in part that "whoever shall resist, obstruct, or oppose any officer ... *in the lawful execution of any legal duty*, without offering or doing violence to the person of the officer, shall be guilty of a misdemeanor of the first degree." Thus the crime of obstructing or opposing an officer without violence requires a showing that the officer was engaged in the lawful execution of any legal duty. If the duty being performed by the officer is an investigatory stop, as in this case, the lawfulness of the stop is an essential element of the offense.

The State must prove: (1) the officer was engaged in the lawful execution of a legal duty and (2) the defendant's action constituted obstruction or resistance of that lawful duty, to establish the crime of resisting an officer without violence. To conduct an investigatory stop, a law enforcement officer must have a reasonable suspicion that the person has committed, is committing, or is about to commit a crime.

Protected Speech:

The evidence was that D.L.S. merely addressed the group of teenagers that they were not required to obey the officers. In short, his conduct and speech fell within the protections afforded by the First Amendment. Obstructive *conduct* rather than offensive *words* are normally required to support a conviction under this statute. "Conduct involving only verbal challenge of an officer's authority or criticism of his actions... operates, of course, to impair the working efficiency of governments agents... Yet the countervailing danger that would lie in the stifling of all individual power to resist the danger of an omnipotent, unquestionable officialdom demands some sacrifice of efficiency." *S.D. v. State*, (3DCA 1993).

C.E.L. v. State:

The Florida Supreme Court, in *C.E.L. v. State*, (Fla.2009), analyzed flight as obstruction. The Court tied the act of flight to the statute: "Therefore, the act of flight alone is not a criminal offense. To be guilty of unlawfully resisting an officer, an individual who flees must *know* of the officer's intent to detain him, and the officer must be *justified* in making the stop *at the point when the command to stop is issued*. A stop is justified when an officer observes facts giving rise to a reasonable and well-founded suspicion that criminal activity has occurred or is about to." "Although the mere act of running from the police was not an offense under section 843.02, once a lawful command to stop had been issued by an officer, knowing defiance of that command was such an offense."

Court's Ruling:

"No one disputes that the officer was

responding to a disturbance. He testified, however, that **he was not detaining anybody** when he summoned D.L.S. to stop. He was not executing process, nor was he seeking assistance with an ongoing emergency. Under those circumstances, we are hard pressed to conclude that D.L.S.'s words obstructed the officer."

"To the extent that the State argues that the officer wanted to detain D.L.S. for investigatory purposes, 'the State is required to show that the officer had a reasonable suspicion that the detainee was committing a crime.' 'The State must establish that the defendant fled from the officer with knowledge of the officer's intent to detain him and that the officer was justified in making the detention based on a founded suspicion that the defendant was engaged in criminal activity.' Even if the officer was engaged in the lawful performance of a legal duty—dispersing a crowd—he had no founded suspicion to stop or arrest D.L.S. Thus, because 'the arrest itself was unlawful, a prosecution for resisting arrest without violence under section 843.02, must also fail.' See, *Jay v. State*, (4DCA 1999) (holding that the attempted arrest was illegal so the defendant was free to resist such an arrest without violence).

"D.L.S. was not committing a crime by telling the crowd that they could ignore the officer. There is no evidence that D.L.S.'s comments instigated any reaction by the crowd [i.e. incited a riot]. 'When an individual runs away from officers who lack the authority to stop and detain him, that individual is not unlawfully opposing or obstructing officers in the lawful execution of a legal duty.'"

"The trial court's denial of D.L.S.'s motion for dismissal was error. Although D.L.S.'s 'conduct was the type of verbal harassment that, while understandably annoying to any reasonable police officer, does not rise to the level of obstruction necessary to permit a conviction that is not violative of First Amendment principles. Reversed..."

Lessons Learned:

The key to the court's finding here was the officer's testimony that he did not intend to detain anyone, rather to just disperse the crowd. The Florida Supreme Court's ruling in *C.E.L.* favored the police action because the officer testified they intended to conduct an investigative detention at the time the defendant ran from them, despite their orders to halt.

D.L.S. v. State
2nd D.C.A.
(June 10, 2016)

"Buyer-Seller" Criminal Conspiracy

The government charged twelve defendants with conspiracy to possess with intent to distribute methamphetamine. The evidence showed that the lead defendant, Jesus Sanchez, imported about two pounds of methamphetamine per month, which he bought for \$10,000 a pound. He and his co-conspirators resold the methamphetamine to a number of buyers, typically in one- or two-ounce lots, for about \$1,200 per ounce. At Loveland's jury trial, three of the coconspirators testified to repeated sales to Loveland of two ounces at a time, each time for \$2,400. And each time, Loveland paid cash on delivery. There was testimony that the quanti-

ties he bought were too much for a person to consume himself without getting sick, so the jury could reasonably infer that Loveland bought the meth partly or entirely for resale.

While Sanchez sometimes "fronted" the methamphetamine, for Loveland it was strictly cash up-front every time—no discounts, no credit, and *no agreement about what he would do with the drugs*. Loveland would call when he wanted a delivery, and the conspirators would deliver the usual two one-ounce bags to his house and collect the usual \$2,400. The testimony put the number of deliveries to Loveland somewhere between twelve and twenty. Of note, *there was no testimony supporting or implying any involvement by anyone in the Sanchez group with whatever reselling Loveland might have been doing*.

At trial, Loveland moved unsuccessfully for judgment of acquittal based on insufficient evidence of conspiracy, which was denied. On appeal the U.S. Court of Appeals agreed with Loveland that despite the substantial evidence of Loveland's possession for purposes of resale, there was insufficient evidence for a jury to conclude that he tacitly or explicitly made the requisite agreement with the Sanchez group. Despite his apparent criminality, the court ruled, "we are compelled ... to vacate his conviction."

Issue:

Is the mere proof of a "buyer-seller" relationship sufficient to prove a criminal conspiracy beyond a reasonable doubt? **No.**

Conspiracy:

Florida recognizes what are known as inchoate offences. Crimes not yet fully formed, including attempts,

solicitation, and conspiracy.

F.S. 777.04, defines the crime of conspiracy as, “(3) A person who agrees, conspires, combines, or confederates with another person or persons to commit any offense commits the offense of criminal conspiracy, ...”

The important aspect of this crime is that “Conspiracy” is a substantive crime that is separate and distinct from the offense which underlies it. Thus, merely entering into a buyer-seller relationship will not support the separate crime of conspiracy. The Florida Jury Instructions are particularly helpful here:

“To prove the crime of Criminal Conspiracy, the State must prove the following two elements beyond a reasonable doubt: 1. the intent of Defendant was that the offense of (object of conspiracy) would be committed. 2. In order to carry out the intent Defendant [agreed] [conspired] [combined] [confederated] with [others] to cause (object of conspiracy) to be committed either by them, or one of them, or by some other person.”

“It is not necessary that the [agreement] [conspiracy] [combination] [confederation] to commit (object of conspiracy) be expressed in any particular words or that words pass between the conspirators. *It is not necessary that the defendant do any act in furtherance of the offense conspired.*”

Here, the Court of Appeals set out the elements necessary to prove the separate crime of conspiracy plainly, “Conspiracy is an agreement to commit a crime, and the intent to commit the underlying offense. We assume for purposes of decision that Loveland intended to commit the crime of

possession of methamphetamine for purpose of distribution. And we assume for purposes of decision that the Sanchez group knew Loveland was probably reselling the methamphetamine they sold to him, because the quantity exceeded what he could use himself. But Loveland’s intent to possess for purpose of distribution and the Sanchez group’s sales to him do not add up to conspiracy. *The Sanchez group has to have agreed with Loveland, expressly or tacitly, that Loveland should resell the methamphetamine in order for them to have conspired together.*”

In an earlier case, *U.S. v. Lennick*, (9th Cir. 1994), the court explained, “To show a conspiracy, the government must show not only that Lennick gave drugs to other people knowing that they would further distribute them, but also that he had an agreement with these individuals to so further distribute the drugs.” Thus, a “buyer-seller” relationship, in-and-of itself, is insufficient to prove a criminal conspiracy beyond a reasonable doubt.

Court’s Ruling:

The Court of Appeals emphasized that the relationship between Loveland and the Sanchez group was strictly “cash on the barrelhead every time—no discounts, no credit, and no agreement about what he would do with the drugs.”

“Conspiracy requires proof of an agreement to commit a crime other than the crime that consists of the sale itself,” and “the government must show that the buyer and seller had an agreement to further distribute the drug in question.”

“Distribution is a different crime from conspiracy to distribute. For the seller to be conspiring with the buyer

to redistribute there has to be an agreement, not just surmise or knowledge, between the seller and buyer for the buyer to redistribute. The agreement is an element of the crime, and has to be proved.” Here it was not.

“We held in *United States v. Mincoff*, (9th Cir. 2009), that ‘fronting,’ which means providing the inventory to the buyer on credit, to be paid after he resells it, could support proof of a conspiracy between the seller and the buyer for the buyer to resell to a third party. Mincoff, the buyer, ordered very large quantities of cocaine, and Mincoff’s seller knew that Mincoff was purchasing ‘on behalf of [Mincoff’s] buyer.’ The extension of credit to Mincoff in these circumstances helped to show a conspiracy between the seller and the buyer for the buyer to resell. After all, it is hard to imagine how Mincoff could have paid his supplier without first selling the inventory bought on credit. ...*These facts showed a ‘shared stake’ in the buyer’s reselling enterprise amounting to a conspiracy between the seller and the intermediate buyer for the buyer to resell.*” Here, Loveland’s strictly cash relationship with the Sanchez group contradicted any proof of an agreement to resell. Consequently, the Court of Appeals found substantial evidence of criminality, but not of the crime charged.

“The totality of the circumstances here does not suggest an agreement. Rather, the *quantities and repeated sales to Loveland would support an inference that the Sanchez group knew that it was probably selling drugs to a reseller. But ... that is not sufficient evidence to prove that the Sanchez group agreed with Loveland*

that he was to redistribute drugs.”

“Despite the substantial evidence of Loveland’s possession for purposes of sale, there was insufficient evidence for a jury to conclude that he tacitly or explicitly made the requisite agreement. Despite his apparent criminality, we are compelled under circuit precedent to vacate his conviction.”

Lessons Learned:

The 4th D.C.A. in *Schlicher v. State*, (4DCA 2009), made an interesting observation. “Conspiracy requires proof of an agreement to commit a crime other than the crime that consists of the sale itself,” and “the government must show that the buyer and seller had an agreement to further distribute the drug in question.” “Distribution is a different crime from conspiracy to distribute. For the seller to be conspiring with the buyer to redistribute there has to be an agreement, not just surmise or knowledge, between the seller and buyer for the buyer to redistribute. The agreement is an element of the crime, and has to be proved.”

“Logic demands that the agreement that constitutes the conspiracy must be an agreement to commit the same criminal offense. In a buy-sell transaction, that agreement usually does not exist because the buyer and seller each intend to commit a different criminal offense. As a result, there is no criminal conspiracy to pursue a *common goal*. Such is the case here, where Schlicher and Jose were on opposite sides of the drug transactions. Accordingly, there was no evidence of an express or implied agreement between Schlicher and Jose to commit the common criminal offense of purchase of cocaine.”

The State will very often rely on

co-conspirator statements to prove the meeting of the minds to accomplish a criminal enterprise. However, “hearsay statements made by one member of a conspiracy are admissible against another member of the conspiracy when it is shown: (1) that both the person making the statement and the person against whom it is offered are members of a conspiracy; (2) that the statement was made during the course of the conspiracy; and (3) that the statement was made in furtherance of the conspiracy. The requirement that the co-conspirator’s statement be made during the course of the conspiracy means that the statement must be made while the conspiracy is in existence and before it is terminated.”

“To determine whether an adequate foundation has been laid, the court must consider evidence other than the co-conspirator admission itself. The court must rely upon *independent evidence of the existence of the conspiracy and each member’s participation in it*. The co-conspirator’s statement **may not be considered** in determining whether these foundation facts have been proved. ...” Ehrhardt’s Florida Evidence, § 803.18f (2016 ed.)

United States v. Loveland
U.S. Court of Appeals - 9th Cir.
(June 3, 2016)

Bailiff Liability

Adam Brooks was a bail enforcement agent who owned a bail enforcement agency licensed in Nevada. Brooks and two fellow bail agents—John Kevin Smith and Matthew Penny—arrived at the courthouse in Las Vegas. They were in

pursuit of two women charged with conspiracy to make a bomb threat who were then appearing in the Justice Court, in the courtroom of Judge Deborah Lippis.

Brooks and his two compatriots were intent on taking the women into custody because the ladies had failed to keep the bail bond company apprised of their whereabouts. Judge Lippis was having none of it; although she refused to exonerate the ladies’ bonds, she told Smith flatly that “these ladies aren’t fugitives” and “are not to be taken into custody” until the bond insurance company had filed a proper motion with the district court.

At this point Brooks became loud and disruptive. The judge told him to leave her courtroom, he refused and continued to disrupt the court’s business. At which point the judge directed her bailiff, “please escort this nice gentleman out of the courtroom.” Still refusing to cooperate, Brooks declared that he was a “retired police officer.” “I don’t care who you are,” the bailiff replied, “let’s go.” According to Brooks’ complaint, the bailiff then “shoved” him through the courtroom’s double doors, “injuring [his] back.” Brooks further alleged that he was taken to a hospital for treatment. He does not allege any details about whatever injuries he allegedly sustained. Bailiff moved to dismiss the civil rights lawsuit arguing he was entitled to absolute immunity for acting on the judge’s orders, or at least qualified immunity. The trial court denied the dismissal request.

Issue:

Did the trial court err by refusing to dismiss Brooks’s claim that Bailiff used excessive force, in violation of

the Fourth Amendment, when he removed Brooks from Judge Lippis's courtroom? Yes.

Court's Order:

Bailiff first argued that he should be absolutely immune from having to pay damages for the way in which he carried out Judge Lippis's instruction to escort Brooks out of her courtroom. The Court of Appeals noted, however, "*We have never held that courtroom officials—bailiffs, marshals, and the like—receive absolute immunity whenever they act pursuant to a judge's order, regardless of whether they execute such order in a way that deviates from what the judge commanded.*"

"Absolute immunity is an extraordinary attribute. Those who act while clad in its armor cannot be held liable for damages under any circumstances, even if they violate clearly established federal rights, and even if they do so intentionally or maliciously. Absolute immunity means such officials never have to justify their actions; it all but guarantees swift dismissals ..., thereby sparing its beneficiaries the many different costs (pecuniary and otherwise) that litigation entails. The upside is that officials acting with absolute immunity may discharge their duties with undampened ardor, and all of us—not only, or even primarily, the officials—are better off as a result. The most obvious downside is that 'it would be monstrous to deny recovery' in cases where an official 'is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good.' "

"Judges are among those officials who 'have long enjoyed a comparatively sweeping form of immunity,'

which has been justified on the theory that it helps 'protect judicial independence by insulating judges from vexatious actions prosecuted by disgruntled litigants.' The need to 'free the judicial process of harassment or intimidation' has led courts to extend absolute judicial immunity beyond the judges themselves, including 'to Executive Branch officials who perform quasi-judicial functions.' In all cases, the Supreme Court has emphasized that 'immunity is justified and defined by the *functions* it protects and serves, not by the *person* to whom it attaches.' "

"The Supreme Court has also made clear that the proponent of a claim to absolute immunity bears the burden of establishing the justification for such immunity. The justification must take care to explain why the official hoping to secure absolute immunity would not be sufficiently shielded by qualified immunity, which already affords officials considerable leeway to perform their jobs without fear of personal liability. Indeed, as the Court has explained, '*the presumption is that qualified rather than absolute immunity is sufficient to protect government officials in the exercise of their duties.*' We have been quite sparing in our recognition of absolute immunity, and have refused to extend it any further than its justification would warrant. Against the backdrop of qualified immunity, the question in any given context is always what marginal costs and benefits society would stand to incur by outfitting the particular official with an additional layer of protection."

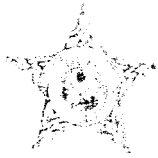
"In this case, Brooks has alleged that Bailiff violated his Fourth Amendment rights by using exces-

sive force to remove him from Judge Lippis's courtroom. And the allegation is quite clear that Judge Lippis did not order Bailiff to use excessive force; instead, the allegation is that Bailiff acted beyond the scope of Judge Lippis's express and implied instructions. When judicial immunity is extended to officials other than judges, it is because their judgments are 'functionally comparable' to those of judges. Such terms cannot be used to describe the function Bailiff was performing when he removed Brooks from Judge Lippis's courtroom. He makes no effort to argue that when a courtroom marshal seizes an unruly litigant or spectator, the marshal is performing a task comparable to that of a judge, and it is clear to us that he is not."

"Unable to analogize the function he performed here with that of a judge, Bailiff instead emphasizes that marshals do indispensable work in helping to exert control over the courtroom. We readily agree, but that alone is not enough to win them a judge's immunity. ... Notwithstanding the importance of a given function to the administration of justice, the official engaged in it does not deserve absolute quasi-judicial immunity if 'by the very nature of his work [he] performs no judicial function.' "

"Nor do we perceive any danger that declining to give Bailiff absolute immunity will cause him to second guess the presiding judge or will otherwise erode the trust that exists, and must exist, between them. Bailiff is exposed to liability (but still protected by qualified immunity) only because he allegedly went beyond what the judge ordered. Thus,

(Continued on page 3)



**Brevard County
Sheriff's Office**

POLICY/PROCEDURE

500.76 Response to Resistance

Number Series: 500 -- Operational
Approved Date: February 21, 2006
Revision Log: May 23, 2016: Reviewed; no revision
September 3, 2013: Changes throughout
July 24, 2012: Paragraphs C(4), D(all) and E(2)-(4)
Review Due Date: May 23, 2019
Sheriff's Approval: Digital
Review Frequency: 3-Year

POLICY

Guidelines are established for all sworn personnel concerning response to resistance, reflecting agency philosophy and established Florida Department of Law Enforcement Standards. A deputy sheriff is expected to select effective, reasonable and legal force options in a verbal or physical encounter.

PROCEDURE

A. Response to Resistance

As a person increases his/her resistance level from verbal to physical, a deputy may have to increase the level of his/her response until the resistance ceases and the deputy is able to gain control of the person. As soon as the point of the person's compliance is reached, the deputy must de-escalate his/her response level to the minimum force necessary to control the person and accomplish the law enforcement objective. The level of force applied must be objectively reasonable based on the totality of circumstances (articulable facts) surrounding the immediate situation. The deputy need only select a response that is within the range of 'objectively reasonable' options. Deputies must rely on their training, experience and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed.

1. Totality of the Circumstances

The deputy's use of force will be based on the totality of the circumstances known to the deputy at the time of the incident. There are several factors used in determining the totality of the circumstances. These include but are not limited to:

- a. Severity of the crime
- b. Subject is an immediate threat
- c. Subject's mental or psychiatric history, if known to the deputy
- d. Subject's violent history, if known to the deputy
- e. Subject's combative skills
- f. Subject's access to weapons
- g. Innocent bystanders who could be harmed
- h. Number of subjects versus number of deputies
- i. Duration of confrontation
- j. Subject's size, age, weight, and physical condition

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Reviewed 05/23/2016; No Revision

- k. Deputy's size, age, weight, physical condition, and defensive tactics expertise
- l. Environmental factors, such as physical terrain, weather conditions, etc.

B. Resistance Levels

1. Passive Resistance

A subject's verbal and/or physical refusal to comply with a deputy's lawful direction that causes the deputy to use physical techniques to establish control; non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat. Examples of passive resistance:

- a. The subject refuses to move at the deputy's direction
- b. Clinching and unclenching hands
- c. Stretching motions and looking around the area
- d. The subject peacefully protests at a political event in a public location
- e. The subject refuses to take his hands out of his pockets or from behind his back

2. Active Resistance

A subject's use of physically evasive movements directed toward the deputy such as bracing, tensing, pushing, or pulling to prevent the deputy from establishing control over the subject. Subject is evading control without trying to injure the deputy.

Examples of active resistance:

- a. The subject physically anchors himself/herself to a person or object to prevent himself/herself from being removed.
- b. The subject braces or pulls away from the deputy when the deputy grips the subject's arm.
- c. The subject attempts to run when the deputy touches or attempts to gain control of the subject's arm or shoulder.

3. Aggressive Resistance

A subject's attacking movements toward a deputy that may cause injury but are not likely to cause death or great bodily harm to the deputy or others. Examples of aggressive resistance:

- a. The subject balls up his fist and approaches the deputy.
- b. The subject takes a bladed stance while threatening the deputy.
- c. The subject pushes the deputy back as the deputy tries to take the subject into custody.
- d. The subject grabs any part of the deputy's body.

4. Deadly Force

A subject's hostile, attacking movements, with or without a weapon, that create a reasonable perception by the deputy that the subject intends to cause and has the capability of causing death or great bodily harm to the deputy or others. Examples of deadly force resistance:

- a. A subject shoots or points a gun at a deputy or other person.
- b. A subject refuses to drop a knife when ordered to by the deputy and moves toward the deputy.
- c. A subject tries to run a deputy down in a vehicle.
- d. A subject attacks a deputy, either standing or on the ground, and the deputy reasonably believes their life is endangered.

C. Deputy Response Options

Command presence and verbal communication often will defuse many volatile situations. Sometimes, however, these are not enough or the deputy may not have an opportunity to use them. A deputy may have to use physical force to gain control of the situation. Physical force includes physical control, the use of non-lethal weapons, and deadly force.

Deputies need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, deputies need to respond with all the force reasonably necessary for the circumstances in each specific situation.

1. Physical Control

Achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, lateral vascular neck restraint, and striking techniques.

2. Non-lethal Weapon

A non-lethal weapon is not fundamentally designed to cause death or great bodily harm. Some examples of non-lethal weapons include conducted electrical weapons (CEWs), expandable batons, flashlights, chemical agent sprays, or other weapons of opportunity.

3. Deadly Force

Deadly force means force that is likely to cause death or great bodily harm.

4. Warning shots are not authorized.

5. Deputy/Law Enforcement Involved Shootings

a. **Law enforcement involved shootings defined:** Any shooting involving a law enforcement officer, on or off duty that was an attempt to utilize deadly force against a person. The shooting does not have to result in a person being injured or killed by the officer, or that the officer is injured or killed by a perpetrator during the lawful commission of his/her duties.

b. The Brevard County Sheriff's Office Homicide Unit is responsible for the investigation of all law enforcement shootings that occur in unincorporated Brevard County or involve a deputy sheriff in the performance of his/her duty. The Homicide Unit also investigates law enforcement shootings for municipal agencies within Brevard County whose agency representative makes a request and is authorized by a Chief Officer. Law enforcement employees are provided the rights set forth in their respective collective bargaining contracts and/or FS 112.532.

c. The Sheriff reserves the right to request that members of the Florida Department of Law Enforcement assume investigative responsibility for the law enforcement shooting or provide assistance as needed or requested to the Homicide Unit.

d. When a law enforcement involved shooting occurs, other involved divisions, units, or personnel will provide support and resources for the shooting investigation to ensure protection of the crime scene, collection of evidentiary items, and interview of witnesses.

e. The resulting investigative report is forwarded to the State Attorney for review and determination of statute compliance. Once the State Attorney's response is received, the final report package is forwarded to the Staff Services Unit.

D. Reporting

A Response to Resistance Form and case report are to be completed for the following use of force incidents and forwarded through the chain of command to Staff Services when a deputy:

1. Discharges a firearm that does not result in serious bodily injury or death.

Exceptions to this reporting requirement are for killing a seriously injured, wounded or dangerous animal when necessary (see E(1)(e) below) and training or recreational purposes.

2. Applies force on a person through the use of lethal or less-lethal weapons.

3. Applies weaponless physical force that results in actual or claimed injury whether evident or non-evident.

4. Whenever an action is taken by any employee that results in or is alleged to result in injuries causing death or bodily harm to another person.

E. Responsibilities

1. Deputy:

- a. Provide for appropriate medical aid to include emergency medical services response after:
 - 1) use of deadly force
 - 2) use of less lethal force, whether injury is actual or claimed
 - 3) use of the CEW in accordance with 500.08: Conducted Electrical Weapon
 - 4) the force used, in the deputy's opinion, was likely to cause injury, whether claimed or not.
- b. Providing medical aid depending on severity of the apparent or claimed injury, may consist of but is not limited to the following:
 - 1) increased observation of the suspect to detect changes in physical condition
 - 2) applying first aid in accordance with basic first aid practices and/or commensurate with the individual deputy's level of formal training, e.g. control bleeding, maintain airway, monitor heart beat.
 - 3) flushing chemical agents from the suspect's face using water or approved neutralization products
 - 4) evaluation by emergency medical personnel at the scene or in a suitable controlled environment
 - 5) in cases where the medical condition of a suspect is in doubt or undetermined, request emergency medical personnel to assess the suspect.
- c. Unless supervisory approval is granted, the deputy completes and submits a Response to Resistance Form and case report to his/her immediate supervisor prior to the end of the shift.
- d. Photographs will be taken of each suspect involved in the use of force, to include physical areas on the body, regardless of whether an injury is reported. A ruler may be used as a scale to reference size for each area of concern/injuries. Printed photographs will be attached to the original Response to Resistance form, with the digital images or film processed in accordance with Procedure 500.83: Digital Imaging/ Photographs/ Video Recording.
- e. When discharging a firearm for the purpose of killing a seriously injured, wounded or dangerous animal, the deputy will complete an "information only" case report detailing the circumstances surrounding the incident. The case report will be forwarded through that deputy's chain of command.

2. Immediate Supervisor:

- a. Ensure the Response to Resistance Form and all required written report(s) are properly completed and submitted by the deputy.
 - 1) Review documentation received from the deputy and complete the applicable portion of the Response to Resistance Form
 - 2) Complete a supervisor overview on any incident report involving discharging a firearm for the purpose of killing a seriously injured, wounded, or dangerous animal
 - 3) Submit all documentation to the Lieutenant for review
- b. Ensure an Employee Injury Report is completed and a separate CR# is obtained (if applicable).

3. Lieutenant:

- a. Review all documentation received from the immediate supervisor and complete the applicable portion of the Response to Resistance Form.

- b. Submit all documentation to the Precinct Commander for review.
- 4. Precinct Commander:
 - a. Review all documentation submitted under the requirements of this Procedure.
 - b. Request additional information if deemed necessary and appropriate.
 - c. Forward all documentation to Staff Services once review is complete. Staff Services will serve as central repository for these documents.
- 5. Staff Services:

Complete a documented annual analysis of all Response to Resistance Reports in January of each calendar year and submit to the Sheriff and Chief Deputy, pursuant to Procedure 200.02: Time Sensitive Activities. This documented analysis will provide the Sheriff with information to determine patterns/trends, training needs, equipment review and upgrade, and modifications to existing procedures.
- F. Administrative Assignment
 - 1. An employee is removed from their primary line duty assignment and placed on administrative duty or leave during the preliminary administrative review of the following incidents:
 - a. The employee's response to resistance action results in the death or serious physical injury of a person.
 - b. The employee is involved in a traffic crash that results in or is likely to result in a fatality.
 - c. An employee is involved in a critical or traumatic incident that may impair his/her ability to perform their duties. In these cases, the determination of administrative assignment is made by the Sheriff or Chief Officer after evaluating the nature and scope of the incident.
 - 2. The preliminary administrative review is completed by the Staff Services Unit and the findings provided to the Sheriff or designee.
 - 3. Once the preliminary administrative review is complete, the Sheriff or designee determines if, and when, the employee is placed on administrative duties or returned to full duty. When cleared for regular duty, the employee is given a return to duty notice in writing.

DEFINITIONS

DEADLY FORCE – Force that is likely to cause death or great bodily harm. Use of deadly force must be based on the deputy's reasonable belief that all other response to resistance options are not feasible or have been exhausted and his/her life, the life of a fellow deputy, or other innocent person is in imminent danger of death or great bodily harm.

DE-ESCALATION – Decreasing the use of force or resistance.

DISENGAGEMENT – Discontinuing a command or physical use of force.

ESCALATION – Increasing the use of force or resistance.

GREAT BODILY HARM – Any threat or action by its nature, that would likely cause permanent disfigurement and/or death.

LESS LETHAL FORCE – A concept of planning and force application, which meets objectives, with less potential for causing death or serious physical injury than conventional tactics.

LESS LETHAL WEAPON – A weapon used for the purpose of compliance, overcoming resistance or preventing serious injury without a significant likelihood of causing death.

NON-DEADLY FORCE – Force that is neither likely nor intended to cause death or serious injury.

PHYSICAL FORCE – Use of control holds and/or other force necessary to effect an arrest without the use of weapons.

REASONABLE BELIEF – Knowledge sufficient for an ordinary and prudent person under the circumstances, to believe criminal activity is at hand or that a certain condition exists.

RESPONSE TO RESISTANCE FORM – A form used to document details of any response to resistance.

REFERENCES

State/Federal Regulations:

FS 776.05: Law enforcement officers; use of force in making an arrest

CFA/FCAC:

CFA Standards 4.01, 4.02, 4.04, 4.07, and 15.15

Forms:

500.76(F): Response to Resistance

Other Policy/Procedure References:

500.08: Conducted Electrical Weapon

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LEGAL EAGLE



A Newsletter for the Criminal Justice Community

November 2017

Duty of Care

In this issue:

❖ Force and Excited Delirium

❖ No Soliciting

LEGAL EAGLE

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B. Krischer, Editor

Police officers responded to reports of an intoxicated woman in a department store. Officer Turner found the woman, later identified as Carol Lakes. Officer Turner noticed that Lakes' "balance was off, she was holding herself up by the buggy, she had trouble keeping her eyes open," and she was "nodding off." Officer Turner concluded that Lakes was "clearly under the influence," approached her, and "asked her if she was all right." Lakes told Officer Turner that she had been taking pain pills due to some back trouble.

Rather than arrest her the officer inquired if there was anyone to take her home. Lakes stated her boyfriend was waiting for her in the parking lot in his truck. "Well, we'll go see if your boyfriend's all right, talk to him and he can drive you out of here. You can go home." Lakes led him outside to her boyfriend's truck so that he could "check to make sure that he was all right to drive."

Lakes located the truck and the officer peered through the driver side door window and saw Ronald Lewis asleep on the passenger seat. The officer walked around the truck and opened the front passenger-side door, next to which Lewis was sitting. When the door opened, the interior dome light went on, enabling Officer Turner to see that Lewis had a clear

plastic baggie on his lap. Lewis tossed the baggie over the truck's console onto the back floorboard. The officer shined his flashlight onto the baggie on the back floorboard, and observed what he thought could be marijuana but might also be blue pills. *Officer Turner then opened the rear truck door, inspected the bag more closely, and saw that it did in fact contain pills.* When asked about the pills, Lewis "stated that he didn't know nothing about them, and that's all he would say." Lewis appeared to be "under the influence" as well, based on his slurred speech. Lewis and Lake were then both arrested. The bag of pills was tested and found to contain oxycodone and Xanax.

Lewis moved to suppress all evidence as the product of an illegal warrantless search. The trial court denied the motion. On appeal that ruling was sustained.

Issue:

Was a search warrant required for the police officer, not investigating criminal activity, to open the passenger door of a parked truck to ask whether the sleeping occupant of the truck would be able to drive the occupant's intoxicated girlfriend home? No.

Community Caretaking:

As a general matter, the Fourth Amendment requires police officers

was minimally intrusive, any failure to knock or attempt to speak does not make the officers' actions here unreasonable. AFFIRMED."

Lessons Learned:

The Court of Appeals noted that, "On this appeal, Lewis does not challenge the [trial] court's reasoning with respect to the actions of the police after they opened the door and saw Lewis toss the baggie onto the back floorboard." In fact, the U.S. Supreme Court's decision in *Arizona v. Gant*, (S.Ct.2009), stated, "Police may search a vehicle incident to a recent occupant's arrest only if the arrestee is *within reaching distance of the passenger compartment* at the time of the search or *it is reasonable to believe the vehicle contains evidence of the offense of arrest*. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies." Thus, the defendant's actions of tossing the baggie into the backseat and then denying any knowledge of the item, along with the intoxication of Lakes and Lewis, provided the officer reasonable belief that the baggie constituted evidence of a crime.

Duty of Care: While the Court of Appeals had no difficulty applying the community caretaking warrant exception to the facts of this case, another issue not addressed warrants attention. Ordinarily police officers are not liable for the safety of the public unless by their words or actions they create a special relationship, recognized by law. When addressing the issue of governmental liability under Florida law, the court must first determine whether the

governmental entity owed a duty of care to the plaintiff. A law enforcement officer's duty to enforce the law and protect the public safety is generally considered a matter discretionary behavior which does not create a common-law duty of care.

Thus, there is no governmental liability where an officer exercises his discretion not to make, for example, a DUI arrest. However, when an officer acts to enforce the law, "Florida law has consistently recognized that a special relationship may arise between an officer and a tort victim when the officer's conduct creates a foreseeable zone of risk to a determinate individual or group." See, *Kaisner v. Kolb*, (Fla.1989) (officer who detained motorist pursuant to traffic stop had duty to reasonably safeguard motorist's well-being).

"There may be no duty to take care of a man who is ill or intoxicated, and unable to look out for himself; but it is another thing entirely to eject him into the danger of a street or railroad yard; and if he is injured there will be liability. But further, if the defendant does attempt to aid him, and takes charge and control of the situation, he is regarded as entering voluntarily into a relation which is attended with responsibility." *Henderson v. Bowden*, (Fla. 1999).

Thus, once the officer decided not to arrest Carol Lakes, but rather to find her a "safe ride home," he created a special relationship, a duty of care, that required him to "check to make sure that [Lewis] was all right to drive," rather than simply releasing Lakes outside the store to fend for herself.

United States v. Lewis
U.S. Court of Appeals – 6th Cir.
(Aug. 25, 2017)

Police Deaths 2016

U.S. police deaths on duty spiked in 2016: FBI

WASHINGTON (Reuters) - Sixty-six police officers were killed on the job by felons in 2016, up about 61 percent from 41 deaths a year ago, the U.S. Federal Bureau of Investigation said on Monday.

The number was the second highest since 2011, when 72 officers were killed by felons, according to the FBI report.

U.S. Attorney General Jeff Sessions in a statement called the numbers "shocking" and "unacceptable," and said the Justice Department would work toward reducing violent crime.

The findings bolster the so-called Blue Lives Matter movement, which advocates tougher hate-crime sentences for the murder of police officers. It was launched in response to Black Lives Matter, a campaign against police brutality toward black men, and gained momentum last year after police officers were killed in both Dallas and Baton Rouge.

Forty-one officers killed last year were employed by city police departments, and 30 officers were located in the U.S. South, the annual data show.

The most common circumstances involved ambushes, followed by responses to disturbance calls. Accidental deaths of police officers in 2016 rose to 52 from 45 in 2015, mostly involving vehicles, the data show.

Excited Delirium and Reasonable Force

Gary Roell, who suffered from chronic mental illness, caused a disturbance at his neighbor's condominium while experiencing a condition known as excited delirium. After breaking property in his apartment Roell proceeded to a neighbor's condo smashing a glass slider. When police responded Roell was naked but for a t-shirt, holding a hose with a metal nozzle, uttering gibberish. The two deputies approached him and asked that he calm down, and "show us your hands." Roell then immediately charged at them still holding the hose with metal nozzle.

Civilian witness testified that he observed the deputies telling Roell to calm down, to stop resisting, to come over to them, and to drop whatever he had in his hands. Roell was facing the deputies swinging the hose "as if he was trying to hit somebody." Another witness confirmed that the deputies told Roell to calm down and that Roell was swinging the hose nozzle at the deputies.

As Roell approached the deputies, Deputy Huddleston told Roell to stop and to get on the ground or he would be Tased. Deputy Huddleston then unholstered his X2 Taser and arced it as a warning. Roell kept approaching the deputies. After arcing his Taser a second time to no avail, the deputy holstered the Taser and went hands-on with Roell. Deputy Huddleston, Deputy Alexander, and Roell all fell to the ground during their struggle. Roell was wet and slippery, either from sweat or water, and managed to break free from the deputies' grasp.

By that time, Deputy Dalid had arrived at the scene. All three deputies tried to restrain Roell's arms, but were unsuccessful because he was combative and thrashing around on the ground. Deputy Alexander testified that he was punched in the face by Roell at some point during the struggle.

After deploying the Taser in dart-mode and drive stun, all to no apparent effect, the deputies managed to get Roell to the ground and handcuffed. Because of Roell's continued resistance, the deputies had to restrain Roell's hands in front of his body by using two sets of handcuffs. Roell continued thrashing his legs, kicking Deputy Huddleston in the groin. Leg shackles were employed so that Roell's feet could also be restrained. Once the deputies shackled Roell's legs, they positioned him on his left side (NOT on his chest). Roell then went limp, woke up, went limp, and then was found to have no pulse and had stopped breathing.

Dr. Jennifer Schott, the deputy coroner, determined that the cause of Roell's death was "excited delirium due to schizoaffective disorder" and that the manner of his death was natural. Also noted were Roell's various abrasions and contusions, injuries from the Taser barbs, and four broken ribs. The report, however, did not find that any of these injuries contributed to Roell's death. In her affidavit, Dr. Schott stated that she performed a microscopic examination of Roell's barb wounds and found no evidence that the conducted

energy device used on Roell caused any electrical burns. Nor did she find any evidence that Roell had been asphyxiated, which was consistent with the absence of any evidence that the deputies applied compressive force in attempting to restrain Roell.

Roell's wife sued everyone and the jurisdiction for excessive force and failure to accommodate her husband's mental health disability under the ADA. The trial court dismissed the charges finding the use of force reasonable. The U.S. Court of Appeals affirmed that ruling.

Issue:

Under the totality of the circumstances was the use of force applied reasonable? **Yes.**

Did the fact that Roell's resistance was caused by his excited delirium preclude the deputies from using reasonable force to bring him under control? **No.**

Reasonable Force:

The Supreme Court has articulated three factors to consider in determining the objective reasonableness of a particular use of force. These factors are (1) "the severity of the crime at issue," (2) "whether the suspect poses an immediate threat to the safety of the officers or others," and (3) "whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham v. Connor*, (S.Ct. 1989). In evaluating these factors, courts are to be mindful that "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20

used. There are, however, cases which support the assertion that where deadly force is otherwise justified under the Constitution, there is no constitutional duty to use non-deadly alternatives first.” *Illinois v. Lafayette*, 462 U.S. 640 (1983).

The Supreme Court has also reiterated that claims that police used excessive force on a suspect are to be evaluated on the basis of the nature of the force used, not on whether the individual suffered any injury during the incident. *The issue is whether the force used was reasonable not the extent of the injuries.* See, *Wilkins v. Gaddy*, (S.Ct.2010).

Lastly, as to the wife’s claim that the police caused the death by not talking to the delirium subject into surrender, the courts have noted, “If the officer had decided to do nothing, then no force would have been used. In this sense, the police officer always causes the trouble. But it is trouble which the police officer is sworn to cause, which society pays him to cause and which, if kept within constitutional limits, society praises the officer for causing.”

“Reconsideration will nearly always reveal that something different could have been done if the officer knew the future before it occurred. This is what we mean when we say we refuse to second-guess the officer.” See, *Plakas v. Drinski*, 19 F.3d 1143 (7th Cir.), cert denied, 115 S.Ct. 81 (1994).

See also, “PCP and Deadly Force,” *LEGAL EAGLE*, Dec. 2016; and “Taser and Baker Act,” *LEGAL EAGLE*, April, 2016.

Roell v. Hamilton County, Ohio
U.S. Court of Appeals – 6th Cir.
(Sept. 5, 2017)

“No Soliciting” Sign

Responding to an anonymous tip that Robert Crowley was growing and selling marijuana out of his home a detective approached the house to engage Crowley in a “knock and talk” contact. From the street outside in front of the home, the detective made an ordinary approach up the front walkway to the front door (there wasn’t any fence or gate), where he was confronted with a conspicuous “No Soliciting” sign mounted on the front door. The officer paid no attention to the sign and knocked on the door. Robert Crowley opened the door and spoke with the detective. Crowley did not order the officer to leave his property, and the officer proceeded to briefly ask Crowley about a supposed lost friend. At the same time, the officer smelled a strong marijuana odor coming out of the open door. After the conversation ended, the officer left and got a search warrant to search the home and later returned. The search revealed seventy-seven marijuana plants, drug paraphernalia, and a firearm.

After being charged, Crowley filed a motion to suppress the evidence seized from his home. He argued that the officers violated his Fourth Amendment rights by disregarding his “No Soliciting” sign and by gathering critical information at his front door to support the search warrant. The trial court agreed. It ruled that the sign invalidated the officer’s license to remain within the curtilage of the home: “Here, the posting of the ‘No Soliciting’ sign was all that was required for Mr. Crowley to negate the license an ordinary citizen would have to knock on his front

door without invitation.” On that basis alone, the trial court decided that the search warrant was invalid, and it suppressed the evidence. The State appealed. The 1st D.C.A. overturned the trial court’s ruling.

Issue:

Does the presence of a ‘No Soliciting’ sign negate the customary license of visitors and officers to knock at a home’s front door? No.

Primary Protection of the Home:

The Fourth Amendment establishes “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,” as does the Florida Constitution. This right in particular protects the home, which the United States Supreme Court has referred to as “first among equals.” *Florida v. Jardines*, (S.Ct.2013). “At the Amendment’s ‘very core’ stands ‘the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.’ ”

Falling within the ambit of this Fourth Amendment protection is a home’s curtilage, that part of the home “immediately surrounding and associated with the home . . . [which is regarded to be] part of the home itself for Fourth Amendment purposes.” *Oliver v. United States*, (S.Ct.1984).

A property’s front porch and door area generally fall within the constitutionally protected curtilage of the home. And so, persons entering someone else’s property to knock at the front door must have either express or implied approval to do so. In most cases, according to the United States Supreme Court, approaching a home’s front door is impliedly approved “from the habits of the country.” Visitors may approach the



**Brevard County
Sheriff's Office**

POLICY/PROCEDURE

600.07K Restraint Chair

Number Series: 600-Jail Policy/Procedure
Approved Date: January 26, 2007
Revision Log: December 26, 2018: Reviewed, no revisions.
December 27, 2017: Section B 1 a modification.
May 26, 2017- Paragraphs Policy introduction, A (1), (5), D (3) (a) modifications.
Review Due Date: December 31, 2019
Sheriff's Approval: Digital
Review Frequency: Annual

POLICY

The Emergency Restraint Chair (ERC) may be used when an inmate presents a threat to themselves, to Corrections Deputies, displays violent and uncontrollable behavior, or disrupts the general safety and security of the facility. The ERC shall only be used as a control measure and not as a form of punishment. The ERC should be used in lieu of placing an inmate in hard or leather/nylon restraints (full appendage restraints) for the criteria listed above. The Jail Complex Command Staff, Shift Commander or designee may authorize the use of the ERC.

PROCEDURE

A. General Guidelines

1. Only those staff trained in the proper use of the ERC may apply it (All staff shall be subject to placement in the chair as part of the required training). All newly hired Corrections Deputies will receive initial training in the FTO process and will receive annual refresher training thereafter.
2. A Supervisor, who also shall be trained in the proper use of the ERC, must be present when the inmate is placed into the chair. The Supervisor overseeing the use of the ERC shall be responsible for ensuring that a Use of Force Report is completed.
3. Personnel required for the proper and safe application of the chair shall include at a minimum:
 - a. Four Correctional Deputies and a Supervisor trained in ERC use;
 - b. Medical Personnel (in attendance, if time permits).
4. Inmates will be fully clothed in their designated uniform/suicide gown when placed in an ERC. All items that could cause harm shall be removed from the inmate.
5. The inmate shall have a mental health evaluation as soon as possible after being placed in the restraint chair.
6. A nurse shall examine the straps to ensure that they have been placed on the individual in a manner that blood circulation and breathing has not been restricted and shall document it in the inmate's Medical file.
7. The inmate will be given the opportunity to stretch and flex his/her muscles (for a five minute period) at intervals not to exceed two hours while restrained to the chair.

- a. The inmate's legs and arms should be freed and re-secured at the rate of one limb at a time to minimize the danger of an assault on the Deputies.
 - b. Inmates requesting freedom from restraints for meals shall be permitted partial freedom as determined by the Shift Supervisor.
 - 8. If the inmate is allowed out of the chair to use the restroom the Shift Supervisor must be present and approve the event.
 - a. A minimum of two Deputies shall be present when dealing with the inmate at all times.
 - 9. After each use, the ERC shall be sanitized (wiped down) and all buckles and straps on the chair shall be returned to the ready position in accordance with training. Restraint chairs shall be stored in the approved areas when not in use.
- B. Observations**
- 1. After the inmate has been placed in an ERC, a Deputy or Medical staff shall maintain continuous observation during the first 30 minutes to monitor the inmate and adjust the restraints as needed.
 - a. After the initial 30 minutes the inmate will be placed on a documented 15-minute watch (close observation), unless the inmate was on a Direct Watch status prior to the incident, whereby s/he will remain on the Direct Watch status.
 - b. If a lack of circulation is observed the discovering member shall notify the Shift Supervisor and assistance shall be mustered to adjust restraints. Medical personnel shall be notified of any circulation problems.
 - 2. Medical staff shall check the restrained inmate at the time of placement, at intervals not to exceed every two hours, and upon the removal of the inmate from the ERC. A flow chart shall be maintained by Medical in order to document the check for proper circulation.
 - a. If the inmate complains of injury or pain, which is beyond mere discomfort, the Deputy monitoring the inmate shall immediately notify the Shift Supervisor and Medical staff.
 - 3. Once placed in the ERC, an inmate shall be re-evaluated, within two hours for the possibility of removal from the restraint chair. The decision to continue placement in the chair shall be made by the Shift Commander or higher authority. The inmate will be re-evaluated by the Shift Commander at each subsequent two-hour interval. Inmates shall not be left in the ERC for more than ten (10) hours total unless approved by the Jail Complex Command Staff.
- C. Removal From Restraint Chair**
- 1. Removal of an inmate from the ERC shall be supervised by a Shift Supervisor or above and only after careful review of the original circumstances.
 - a. An entry shall be made on the Incident Report and Medical flow chart including the time of removal, reason for removal and the authorizing person.
- D. Application**
- 1. The following procedures are recommended when practical, for the placement of an inmate into the ERC:
 - a. Place the inmate in the prone position on the floor and apply handcuffs and shackles. All keyholes are to be facing out for easy access.
 - b. Corrections Deputies will escort the inmate to the ERC with each one of the inmate's arms and shoulders being controlled with a firm grip.
 - c. During restraint application one Deputy shall take a position behind the chair to control the inmate's head, one Deputy will stand on the right side and one will

- stand on the left side of the inmate to control his/her arms and shoulders. One Deputy shall stand ready to control the legs.
- d. The Supervisor or Shift Commander shall ask the inmate to be seated in the chair. If the inmate refuses the command to sit in the chair, then the attending Deputies shall place him/her in the chair.
 - e. One Deputy shall fasten the lap belt across the inmate's abdomen. The Deputy controlling the inmate's head shall pay special attention for any aggressive movements such as an attempt to bite or spit at a Deputy. If necessary, a protective helmet or mask may be applied to the inmate's head. The Deputy controlling the legs shall apply leg restraints, and the Deputies controlling the arms shall apply arm restraints. The arms shall be restrained in the front while in the ERC.
 - f. Once the inmate has been placed in the chair, check all restraints to ensure they are all secure.
2. Medical staff shall check to ensure that the inmate has proper circulation upon placement in the chair and at every two-hour interval.
 3. Once an inmate is deemed to be secure and has been checked by Medical, he/she shall be placed in the middle of a secured cell, isolated from other inmates.
 - a. Inmates placed in the restraint chair shall be housed alone, within a secured cell (preferably Medical).
 - b. All logs and reports related to the observation and documentation of any inmate placed in the ERC shall be started, completed, and maintained until the inmate is removed from the chair. Completed forms will be forwarded to the Administration for review, signed by a Major or above and shall be archived based on established record retention schedules.

DEFINITIONS

FULL APPENDAGE RESTRAINT - The use of a restraint device or devices to effectively secure the extremities of an inmate in such a manner so as to prevent the destruction of property, injury to themselves, or injury to a staff member. Application of restraints shall be in such a manner that blood circulation and breathing is not restricted.

INCIDENT REPORTS – Printout from computer aided dispatch (CAD), which gives basic information of call such as date, time, location, and comments.

RESTRAINT DEVICES - Handcuffs, Leg Irons, Waist Chains, Shackles (Transportation Set Ups), Leather Restraints, Emergency Restraint Chair (ERC) and/or other devices as approved by the Facility Administrator.

REFERENCES

State/Federal Regulations:
FMJS Chapter 11

CFA/FCAC:
FCAC: Chapter 10

Forms:
Incident Report
Use of Force Incident Report

Other Policy/Procedure References:

600.07I: Use of Force

600.07J: Physical Restraints



**Brevard County
Sheriff's Office**

POLICY/PROCEDURE

600.07J Physical Restraints

Number Series: 600-Jail Policy/Procedure

Sheriff's Approval: Digital

Approved Date: January 25, 2007

Revision Log: December 26, 2018: Reviewed, no revisions.

December 27, 2017: Section C 2 modification.

April 11, 2017- Paragraph B (4), C (1) additions.

Review Due Date: December 31, 2019

Review Frequency: Annual

POLICY

All restraint devices shall be applied in a humane manner, and shall remain only so long as necessary to accomplish the desired results. Restraint devices shall never be used as a form of punishment.

PROCEDURE

A. Location of Restraints

1. All Corrections Deputies within the Jail Complex will carry handcuffs. Handcuffs will be carried in departmental approved handcuff case and shall not be carried in a manner that allows inmates to easily access them.
2. Restraint devices shall be stored in the provided tool and equipment inventory boxes within the Jail Complex. Selected areas of the facility have a designated amount of handcuffs and leg irons assigned and shall be inventoried at the beginning and end of each shift.
3. The Transportation Unit has a specific number of restraints assigned and shall be utilized when transporting inmates inside and outside the facility. The Transportation Supervisor is responsible for the inventory of all restraints assigned to transportation and will conduct a quarterly inventory of all assigned restraints.

B. Use of Restraints

1. Handcuffs- Handcuffs may be applied either in front or behind the inmate, depending upon the security issues at hand. The application of handcuffs shall conform to approved training methods.
2. Leg irons- Leg irons shall be applied, as deemed necessary, based on security considerations.
3. Transportation Set Ups (Shackles)-Shackles shall be applied in the following manner. The Deputy shall position himself behind the inmate during the leg iron application. Once the leg iron has been applied the inmate will be ordered to face the Deputy and the handcuffs shall be applied with the keyhole facing the inmate's body.
4. Leather/Nylon Restraints- Leather/nylon restraints should only be applied with the full cooperation of a fully compliant inmate or after initial control has been achieved

by utilizing other restraints i.e. handcuffs and leg iron. When applying leather/nylon restraints insure the Wristlets are utilized on the wrist and the anklets are utilized on the ankles. The application of leather restraints shall be in accordance to approved training methods.

5. Restraints will not be used upon a pregnant inmate during labor, delivery and postpartum recovery unless a Corrections Deputy makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints. If restraints are used, the application of the restraint must be done in the least restrictive manner necessary. Under no circumstances shall leg, ankle or waist restraints be used on any pregnant inmate who is in the labor or delivery stage. Each incident requiring the use of restraints will be reported to a Shift Supervisor immediately and will be documented as soon as possible on an Incident Report. Reports concerning the use of restraints must be maintained for a period of (5) five years.

Postpartum recovery is a period up to 24 hours after delivery unless a physician recommends a longer period of time and consults with a representative from the Jail Complex Command Staff.

- C. Full Appendage Restraint (FAR): Full Appendage Restraint should be utilized when an inmate or prisoner presents a threat to themselves, to Deputies, displays violent and uncontrollable behavior, or disrupts the general safety and security of the Jail Complex and the use of an emergency restraint chair is not an option. When time permits the on-duty Shift Supervisor or Shift Commander will be notified and approve placement of an inmate in FAR and shall be present during the application process. In the event time does not permit prior notification the Shift Commander shall be notified as soon as possible after the event. A use of force report shall be generated on all inmates place in full appendage restraints.

1. The application of full appendage restraints shall be in accordance with approved training methods. Leather/nylon restraints shall be utilized after initial control has been achieved. Inmates placed in full appendage restraints shall be housed alone within a secured cell. At no time shall unrestrained inmates be placed with inmates who are restrained or in full appendage restraints.
2. Inmates placed in full appendage restraints shall be placed on a 15-minute close observation watch, unless the inmate was on a Direct Watch status prior to the incident, whereby s/he will remain on the Direct Watch status, and checked by medical staff at the time of placement and at intervals not to exceed every four hours.
 - a. Medical Staff and Deputies shall insure that the inmate or prisoner has been restrained in a manner that blood circulation and breathing has not been restricted. Medical Unit personnel will document it in the inmate's file.
 - b. Inmates placed in full appendage restraints shall be afforded the opportunity to stretch and use the restroom at intervals not to exceed every four hours. A notation shall be made on the inmate's JMS log indicating time and date the inmate was allowed to stretch and use the restroom.
 - 1) The Shift Supervisor shall be notified and with the minimum of two Deputies present, the inmate will be allowed to stretch and use the restroom. The inmate will remain in handcuffs and leg irons during this process.
 - c. If the inmate complains of injury or pain, which is beyond mere discomfort, the officer monitoring the inmate shall immediately notify the Shift Supervisor and medical staff.

- d. The maximum time an inmate is to be placed in full appendage restraints is eight hours, at which time the Jail Complex Command Staff, Shift Commander or designee shall evaluate the inmate restrained to determine if removal or continuation of full appendage restraints is necessary. A notation shall be made on the inmates contact card indicating whether full appendage restraints shall be continued or removed at every eight-hour interval.
 - e. The inmate shall be removed from full appendage restraints as soon as his or her behavior is under control. The removal of the restraints is to be authorized only by the on duty Shift Supervisor, Shift Commander or Jail Complex Command Staff.
 - 1) An entry shall be made in the JMS logbook and inmate's JMS log indicating the time the inmate was placed in, and removed from, full appendage restraints.
3. Handcuffs and Leg irons
- a. Handcuffs and leg irons shall be used to transport inmates within and outside the Jail Complex in accordance with corrections written directives and the inmate's security classification.
- D. Deputies will complete a Use of Force Report on all incidents where restraints were applied, or used for reasons other than the routine transportation of a prisoner, or when moving a high-risk inmate.

DEFINITIONS

DOUBLE RESTRAINT CLASSIFICATION - A status requiring inmates to be double restrained, at all times, when not in his/her assigned cell. DB status is assigned to inmates who have committed or threatened to commit violent acts against staff members or inmates. Two (2) certified officers must be present when dealing with or escorting DB classified inmates. The application of single restraints must be placed on the inmate prior to opening of the cell door, except under emergency circumstances. Once the inmate has been placed in the transportation set-up, handcuffs and leg irons connected by a length of chain, staff is permitted to remove one hand to allow inmate to bathe/shower. The removal of the one hand from the handcuff will be left up to the discretion of the Pod-OIC and should be based on the inmate's behavior.

EXTRAORDINARY CIRCUMSTANCE - means a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

INCIDENT REPORTS – Printout from computer aided dispatch (CAD), which gives basic information of call such as date, time, location, and comments.

RESTRAINT DEVICES - Handcuffs, Leg Irons, Waist Chains, Shackles (Transportation Set Ups), Leather/Nylon Restraints, Restraint Chair and/or other devices as approved by the Facility Administrator.

REFERENCES

State/Federal Regulations:
FMJS 11.14

Florida State Senate Bill 524 (7/12)

CFA/FCAC:

FCAC: 10.10M, 10.19M

Forms:

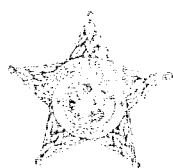
Incident Report

Use of Force Incident Report

Other Policy/Procedure References:

600.06A: Inmate Supervision and Control

600.06B: Inmate Movement



**Brevard County
Sheriff's Office**

POLICY/PROCEDURE

500.77 Weapons

Number Series: 500 -- Operational

Sheriff's Approval: Digital

Approved Date: February 22, 2006

Revision Log: June 21, 2018 Section C 4 addition.

May 8, 2018: Changes throughout.

February 9, 2015: Paragraph C (8)(b).

Review Due Date: June 21, 2021

Review Frequency: 3-Year

POLICY

Sworn law enforcement, reserve/auxiliary, and corrections deputies will be issued, carry, and use weapons in accordance with the established guidelines of the Brevard County Sheriff's Office.

PROCEDURE

- A. Weapons may be authorized for sworn law enforcement or corrections deputies only when the weapon to be carried meets the requirements set forth within this procedure and the officer has successfully completed all applicable training and demonstrated proficiency in the use of an agency authorized weapon.
- B. Authority to Carry Firearms
Law enforcement and corrections deputies of the Brevard County Sheriff's Office are authorized to carry firearms, as approved by the Sheriff, subject to the following guidelines:
 - 1. Full-time and part-time law enforcement and corrections deputies are authorized to carry firearms approved by the Sheriff, while on or off duty, in accordance with FS 790.051 and FS 790.052.
 - 2. Auxiliary deputies are authorized to carry firearms approved by the Sheriff only while on duty.
- C. Authorized Firearms and Accessories
 - 1. Primary Duty Weapon – only firearms, magazines and ammunition issued by the Brevard County Sheriff's Office will be carried on-duty. Employees on specific or special assignment, if authorized in writing by the Chief Deputy, are permitted to carry as their primary weapon firearms defined in Section C(3) – Secondary/Off-Duty Firearm. Prior to being authorized to carry an approved weapon, the agency range master/armorer must inspect and approve all firearms.
 - 2. The Sheriff's Central Logistics Unit will maintain records of all weapons issued to, or Carried, by all sworn full-time and reserve/auxiliary employees. The Career Development Unit will maintain all training and qualification records relating to firearms. Any change in weapons issued or carried by sworn employees will be reported in writing to both the Central Logistics Unit and Career Development Unit.

3. Secondary/Off-Duty Firearm – an agency issued or personally owned firearm inspected and approved for use by the agency range master/armorer that is carried concealed as a secondary duty or off-duty firearm.
 - a. An approved secondary/off-duty handgun may be carried in addition to the agency issued primary handgun. The handgun may be either a revolver or semi-automatic handgun with a caliber not less than .32 and not greater than .45.
 - b. Secondary/off-duty 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.
 - c. A deputy desiring to carry a secondary/off-duty firearm that is personally owned, must demonstrate his/her knowledge of the operation of the firearm and demonstrate qualification proficiency in the same course of fire as required for the primary weapon to an agency authorized firearms instructor prior to carrying on/off duty. An individual who fails to pass this proficiency, may not carry the weapon until a successful attempt has been completed.
 - d. Secondary/off-duty firearms must be completely secure to prevent loss or accidental discharge when carried on or about the deputy's person.
 - e. Employees carrying a secondary/off-duty firearm, with a caliber other than 9x19mm or .40 S&W must provide their own practice and duty ammunition.
4. Sworn Corrections personnel who are not issued an agency owned firearm may, while in uniform and going to and from work, carry a personally owned firearm in a holster on their duty belt, under the following conditions:
 - a. The handgun must be inspected and approved for use by the agency range master/armorer. The handgun may be either a revolver or semi-automatic handgun with a caliber not less than .32 and not greater than .45.
 - b. The Corrections Deputy must demonstrate his/her knowledge of the operation of the firearm and demonstrate qualification proficiency in the same course of fire as required for an agency issued weapon. An individual who fails to pass this proficiency, may not carry the weapon until a successful attempt has been completed.
 - c. All handguns must be carried securely in a holster approved for use by the Career Development Unit.
 - d. Employees carrying a firearm with a caliber other than 9x19mm or .40 S&W must provide their own practice and duty ammunition.
5. Shotguns
 - a. Shotguns of pump action or semi-automatic design and chambered for 12-gauge ammunition, are authorized to be carried on duty. All authorized duty shotguns will be issued by the agency.
 - b. The following shotgun accessories are authorized:
 - 1) Sling and swivels
 - 2) Spare ammunition carrier (sidesaddle or elastic)
 - 3) Flashlight attachment.
6. Rifles
 - a. Only Agency issued shoulder fired rifles are authorized for use while on duty.
 - 1) Only the Chief Deputy or his designee may individually authorize rifles for agency issue and use.
 - 2) All rifles approved for duty use must be of unmodified semi-automatic design and bear an original manufacturer's trademark. Fully automatic rifles will not be permitted, except as authorized by the Sheriff.

- 3) The SWAT Team is authorized to carry other agency issued shoulder-fired rifles as authorized by the Chief Deputy or his designee.
 - b. The following accessories are authorized for use with approved rifles:
 - 1) Sling and swivel
 - 2) Night sights, including ambient light amplifiers
 - 3) Telescopic scope
 - 4) Bipod
 - 5) 32 round capacity magazine (maximum)
 - 6) Laser sights
 - 7) Flashlight
 - c. All weapons modifications/repairs to agency owned rifles will be made by an agency authorized armorer.
 - 7. Ammunition
 - a. Only agency issued ammunition is authorized when using firearms with a caliber of 9x19mm or .40 S&W.
 - b. Ammunition for secondary firearms with a caliber other than 9x19mm or .40 S&W must be provided by the employee and approved by the range master.
 - c. Only factory new ammunition will be used in any agency issued or approved firearm.
 - 8. Holsters
 - a. All agency authorized duty handguns must be carried securely in a holster approved for use by the Career Development Unit.
 - b. In order to carry a concealment holster in an undercover capacity, the employee must receive training provided by the Career Development Unit.
- D. Concealment
- While off-duty and not in uniform, all employees will ensure that their firearm is adequately secured and concealed from public view unless the deputy is actively engaged in an enforcement action.
- E. Training/Qualification
- 1. All sworn personnel (law enforcement, reserve/auxiliary and corrections deputies), prior to being authorized to carry a firearm, and before use on duty, will be issued copies of, and instructed in, the agency use of force policy (Procedure 500.76: Response to Resistance) and successfully complete an agency approved familiarization and orientation course with the firearm. As a part of the familiarization/orientation course, the deputy must demonstrate proficiency with the firearm. All proficiency exams must be in accordance with the current agency qualification course and any firearms related training will be documented and conducted by a certified agency authorized firearms instructor.
 - 2. The agency will conduct annual use of force training for all sworn personnel authorized to carry a firearm that meets CJSTC topic requirements (scenario-based firearms training, physiological response dynamics training, less-lethal force options available within the agency, agency policies on use-of-force training to include 500.76 Response to Resistance and legal aspects regarding use-of-force training).
 - 3. All sworn personnel will be required to attend an annual firearms training block. Additional firearms training/qualification sessions may be scheduled at the discretion of the Sheriff. Sworn personnel must qualify annually with each assigned or authorized personally owned firearm and will be evaluated on a pass/fail basis. Shooters failing to meet the minimum qualifying score on their first attempt will be required to pass in two consecutive courses of fire, in two consecutive attempts.

4. No shooter will be granted more than three attempts in a single day. Employees failing to meet the qualification standards as prescribed above will be dismissed from the range and notice of the failure will be made directly to the deputy's commanding officer. All employees failing to qualify as prescribed herein will immediately be administratively reassigned pending the first scheduled remedial training.
5. If an agency firearms instructor identifies a deputy demonstrating poor or improper tactics, the instructor should immediately attempt to correct the tactic(s) demonstrated. If the deputy continues to operate in an unsafe manner, the instructor should document his or her observations and notify the deputy's commander, via chain of command. Together the Career Development Unit and the deputy's chain of command shall develop a remedial training plan in an attempt to resolve the deficiency. If the remedial training does not bring the deputy to an acceptable level of performance, the deputy's commander will be noticed for further disciplinary action.
6. "Alibi" rounds will be approved only in the event of a malfunction of the weapon or ammunition, which was not within the control of the qualifying deputy. Improper position, insufficient number of rounds available, magazine not seated, no round in the firing chamber, difficulty drawing the weapon, less than the allowed number of rounds fired and other causes within the control of the deputy are not sufficient justification for approval of additional rounds for purposes of qualifying.
7. Sworn personnel who have suffered an illness or injury, which could affect his/her ability to use a weapon, will be required to re-qualify with their firearm prior to returning to duty.
8. Sworn personnel, who are on any type of extended leave and miss an annual firearms training block or an agency qualification will be required to re-qualify with their firearm prior to returning to duty in accordance with their applicable collective bargaining agreement.
9. All agency approved firearms training will be documented to reflect attendance, proficiency, serial number and model of firearm used, as well as any other information deemed appropriate by the Chief Deputy or his designee.
10. Employees firing the qualification course must wear eye and ear protection, a hat, and protective body armor.
11. The Career Development Unit shall be notified via email of any anticipated absences. Unexcused absences from an annual firearms training block or qualifications will be documented as a failure to qualify, excluding exigent circumstances.

F. Remedial Training

1. Employees assigned to remedial firearms training are not permitted to return to their normal duty assignment, except by order of the Sheriff, until they satisfactorily complete the requirements set forth by this procedure.
2. Employees required to attend remedial firearms training will be given a maximum of three remedial firearms training opportunities. At the conclusion of each, the shooter will be required to fire for qualification as described in F(3).
3. Remedial shooters are required to fire two consecutive passing scores in a maximum of two attempts.
4. Employees required to attend first remedial firearms training will be temporarily assigned at the range for that day.
5. Employees failing to qualify after the first remedial will have their agency issued identification, firearm, and vehicle removed from their possession, and will be placed on administrative suspension or temporarily assigned to a non-sworn position if available and qualified. A second remedial training will be scheduled.

6. Employees failing to qualify after the second remedial will remain suspended or temporarily assigned and afforded a third and final remedial training and qualification attempt.
7. Employees failing to qualify at the conclusion of the third remedial firearms training no longer meet the minimum qualifications as a deputy sheriff, and recommendation will be made to terminate employment as a sworn law enforcement officer with the Brevard County Sheriff's Office or permanent assignment in a non-sworn position they qualify for if one is available.

G. Remedial Shooter Mandatory Qualification

1. Employees who fail to qualify during an annual qualification and receive remedial firearms training will be required to attend training as prescribed by the Career Development Unit and qualify each month after remedial qualification.
2. The course of fire will be the same as the one he/she originally failed. This will be repeated for a period of six months.
3. This procedure will be strictly adhered to. Failure to comply with this procedure will result in disciplinary action up to and including termination.
4. Employees are limited to three remedial sessions (a session is defined as the opportunities presented in Section F: Remedial Training) within a five-year period. More than three may result in termination of employment.

H. Approved Weapon Handling

The following are agency approved weapon handling situations:

1. Law enforcement purposes
2. Official supervisory inspections, to include maintenance and/or cleaning during inspection
3. Pre-shift inspection of approved duty long guns
4. Firearms that are evidence associated with a case
5. Firearms qualification
6. Approved firearms training
7. Precinct/unit supervisory monitored in-service training
8. Handling associated with approved repair of the firearm
9. Approved recreational purposes outlined in Procedure 500.76: Response to Resistance

I. Accidental Discharge of a Firearm

1. Upon any unintentional discharge of any firearm, the following will occur:
 - a. A case report will be written by the involved employee
 - b. The immediate supervisor of the involved employee will conduct a preliminary investigation into the incident and provide a written overview through their chain of command to the Sheriff. The preliminary investigation will include:
 - 1) written and photographic documentation of the scene
 - 2) written and/or recorded statements from all witnesses and employees involved
 - 3) the immediate supervisor, based on his/her assessment of the scene may request additional agency employees to assist in the investigation
 - c. The immediate supervisor will notify the command-level supervisor of the incident.
 - d. The command-level supervisor will notify the Sheriff, Chief Deputy, and Staff Services of the incident.
 - e. The involved firearm may be confiscated during the course of the investigation.

2. Follow-up investigation – The responsibility for the follow-up investigation into an accidental discharge incident will be determined by the Chief Deputy or his designee.
3. In the event of any negligent or unintentional discharge of a firearm, the involved employee will be required to attend remedial training and re-qualify prior to returning to duty.
4. Based on the results of the investigation, involved employees may be subject to disciplinary action as deemed appropriate by the Sheriff.

J. Firearm Maintenance

1. All firearms will be kept clean, lubricated and in proper working order as recommended by the manufacturer.
2. Beyond what is necessary for routine cleaning and maintenance, only the armorer, range master or a manufacturer's authorized repair facility, may disassemble any issued or approved firearm.
3. In the absence or unavailability of the armorer or range master, authorization of emergency gunsmith repairs may be made by the deputy's commanding officer.
4. Authorized repairs will be specified in writing on a repair order submitted to the gunsmith.
5. No modifications or alterations may be made to any issued or approved firearm or ammunition without prior written approval from the armorer or range master.
6. The date and description of all repairs, modifications or alterations of issued or approved firearms and ammunition will be recorded in the respective firearm record maintained by the armorer.

K. Less Lethal Weapons

1. The Sheriff or designee shall be the authorizer of any new less lethal weapon after review by the supervisor commanding the Career Development Unit. Agency approved and authorized less lethal weapons are:
 - a. CS/OC spray
 - b. Expandable baton
 - c. 12 gauge shotgun, used with less lethal impact munitions
 - d. Single shot 37 mm or 40 mm launcher
 - e. Conducted Electrical Weapon (CEW)
2. Authorized munitions – munitions approved for use in less lethal force delivery systems and approved by this agency.
3. Training
 - a. All law enforcement, reserve/auxiliary and corrections deputies, before being authorized to carry a less lethal weapon, and prior to use on duty, will be issued copies of and instructed in the agency use of force policy (Procedure 500.76: Response to Resistance) and successfully complete an agency approved familiarization and orientation course with said weapon. As a part of the familiarization/orientation course, the deputy must demonstrate proficiency with the less lethal weapon. All proficiency exams must be in accordance with the current agency training programs. All less lethal weapons related training will be conducted by agency authorized weapons instructors.
 - b. All law enforcement, reserve/auxiliary and corrections deputies will be trained biennially in the use of less lethal weapons (except CEW).
 - c. Those persons authorized to carry the CEW must complete a minimum 1-hour refresher training course on an annual basis.
 - d. Training and proficiency must be documented.

5. Deployment of less lethal weapons will be consistent with Procedure 500.76: Response to Resistance.

L. Inspection of Weapons

1. Supervisors will conduct and document quarterly inspections of all weapons.
2. Firearm instructors will inspect all weapons and verify weapon serial numbers prior to weapons qualification.
3. Any duty weapon determined to be unsafe, or past expiration date, during an inspection conducted by a supervisor, firearm instructor, armorer, range master or the deputy to whom it is issued, will be immediately removed from service for repair or replacement.
4. The armorer or range master will be contacted as soon as practicable to schedule a date and time for official inspection, repair or replacement.
5. Any weapon removed from service will be replaced with a similar weapon with which the deputy will be required to qualify with or be trained prior to resuming official duties.
6. Only issued or approved weapons will be replaced by the armorer or range master.

M. Security of Weapons

1. Deputies shall maintain direct physical control of all issued firearms unless they are secured in a locked container, a designated locker, or in the trunk of an agency vehicle. When not in direct control of issued firearms, deputies shall be responsible for securing firearms in a safe place and taking all reasonable precautions against theft or availability to unauthorized persons. Issued firearms shall not be loaned to any unauthorized person. Employees shall be familiar with FS 790.174.
 - a. Weapons shall not be left in the passenger compartment of unattended vehicles except, that they may be carried in the passenger compartment of the vehicle secured in a fixed firearm locking device (electronic/manual) while the deputy is in "on-duty" status only.
 - b. For employees operating vehicles not equipped with a locking trunk area, weapons must be secured in an agency approved locked container or with an agency-approved locking device suitable for that vehicle. Furthermore, employees operating vehicles equipped with a locking trunk area must secure their weapons within the trunk in an agency approved locked container or with an agency-approved locking device.
 - c. Employees are prohibited from storing agency-owned weapons in a personally owned vehicle.
 - d. When a vehicle is to be serviced at any repair facility, including Fleet Maintenance, all weapons will be removed and secured appropriately.
 - e. While utilizing the Range Facility, no weapon will be left unattended. This includes deputies going forward to check their targets, leaving firearms and weapons unattended under the pavilion.
 - f. Personally owned firearms approved for secondary/off-duty use that are lost or stolen must be reported in accordance with Policy 200.15: Loss Control.
2. Prior to entering any secure facility that restricts weapons (e.g. Jail Complex, Juvenile Detention Center, etc.), deputies will secure all weapons, including ammunition and magazines, in either the facility's provided lockers or their vehicle trunk area.
 - a. Exceptions to the above provision may be made during an emergency situation involving hostages, barricaded suspects, or riot. Deputies should enter a secured

facility under emergency circumstances only upon the express approval of the commanding officer in charge of the incident.

N. Weapon Readiness Responsibilities

1. On duty weapon readiness responsibility of deputy sheriffs:
 - a. Weapon readiness – on duty: deputies are to carry weapons in applicable manner to include:
 - 1) cruiser ready shotguns, rifles (without a round in the chamber but, with a fully charged magazine);
 - 2) holstered firearms, batons, OC spray.
 - b. Weapon readiness – potential threat;
 - 1) When encountering a situation that may require the immediate use of force, a deputy may draw his/her weapon (firearm, shotgun, rifle, baton, OC spray, other approved weapon) in accordance with the “Response to Resistance” guidelines established in Procedure 500.76: Response to Resistance.
 - 2) A deputy may draw his/her firearm when encountering a situation that may require the immediate use of deadly force in situations to include, but not limited to:
 - a) felony stops
 - b) building searches
 - c) open doors
 - d) challenging an armed suspect
 - e) search of an area for a felony suspect
 - f) other life threatening situations
2. Deployment of shotguns and rifles:
 - a. When deployed outside the vehicle, all long guns will be carried in the low ready position or an approved sling carry. Upon exiting the vehicle a round may be chambered only with the safety in the “on” position. The safety should remain in the “on” position and all fingers will be kept outside of the trigger guard until the weapon is to be intentionally discharged.
 - b. While engaged in authorized SWAT operations, members of the Sheriff’s SWAT may be exempt from these deployment provisions.
3. Weapon readiness does not include finger on the trigger of the firearm, shotgun, rifle, or less lethal weapon, until the weapon is to be intentionally discharged.
4. Off duty weapon readiness responsibility of sworn employees:
 - a. Deputies are prohibited from carrying concealed weapons, except for authorized firearms, while in an off duty status.
 - b. The primary responsibility of off duty deputies is the protection of human life.
 - c. When off duty deputies witness criminal activity that is non-life threatening, their primary responsibility is to notify appropriate law enforcement employees and provide assistance and witness information.

DEFINITIONS

BARRICADE SITUATIONS - The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.

FIREARMS TRAINING – A course that includes weapons familiarization and mandatory firearms qualifications on an Agency approved course.

HOSTAGE SITUATIONS – The holding of any person(s) against their will by a suspect who, by either action or threat, places that person(s) in harms way.

LESS LETHAL WEAPON – A weapon used for the purpose of compliance, overcoming resistance or preventing serious injury without a significant likelihood of causing death.

M26 ADVANCED TASER- Less lethal weapon that uses propelled wires to conduct energy to a remote target, thereby controlling and affecting the central nervous system of the body.

M26 AND X26 ADVANCED TASER – is a conducted energy device designed to reduce officer and suspect injuries by stopping a threat at a safe distance. The device falls into the category of Less Lethal Force. It may be deployed to control a subject when there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

OPERATIONAL READINESS – Includes the care, cleaning, preventive maintenance, repair, workability and responsiveness of agency equipment rendering it available for immediate use.

RANGE MASTER – A deputy sheriff and F.D.L.E. certified firearms instructor with extensive expertise in firearms, firearms training, and related knowledge, responsible for safe operation.

REFERENCES

State/Federal Regulations:

CJSTC Rule 11B-27.00212: Maintenance of Officer Certification

FS 790.051: Exemption from licensing requirements; law enforcement officers

FS 790.052: Carrying concealed firearms; off-duty law enforcement officers

CFA/FCAC:

CFA Standards Chapters 4 and 10

Forms:

None

Other Policy/Procedure References:

500.08: Conducted Electrical Weapon

500.76: Response to Resistance

Deputy Allison Blazewicz



Brevard County Sheriff's Office
CAREER DEVELOPMENT
CLASS ROSTER



Course Title: Taser - New User

Course Date: 1/3/2017 Hours: 8 Course Times: 0600-1430

Location: Jail

(Instructors record name & number of hours)

Instructor: FTO Wyman #602

Instructor: _____

Instructor: _____

Instructor: _____

Instructor: _____

On-Duty	Flex Time	Overtime	Pct/Unit
		XX	Jail

***** YOU MUST SIGN IN AND OUT TO RECEIVE CREDIT *****

PLEASE PRINT LEGIBLY *****

	LAST NAME	FIRST NAME	ID	Pct/Unit	TIME IN	TIME OUT
1	Lopez	Jonathan	1925	BCJC	0600	1430
2	Foster	Daniel	1910	BCJC	0600	1430
3	Mick	William	1614	BCJC	0600	1430
4	BLAZEWICZ	ALISON	2080	BCJC	0600	1430
5	Oxreider	Travis	1360	BCJC	0600	1430
6	Awobusuyi	Ayokunle	1604	BCJC	0600	1430
7	Capriotto	Kelly	1463	BCJC	0600	1430
8	Dampman	William	1844	BCJC	0600	1430
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Instructor's Notes: _____

Time	Event	Source Username	Items Affected	Description
10/21/2016 11:38:46 PM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>500.76 - Response to Resistance ,</u> DocumentRevisionID: 3658	Load Document
10/8/2016 9:13:49 PM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>500.76 - Response to Resistance ,</u> DocumentRevisionID: 3658	Load Document
10/8/2016 8:12:36 PM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>500.76 - Response to Resistance ,</u> DocumentRevisionID: 3658	Load Document
10/5/2016 1:46:23 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>500.76 - Response to Resistance ,</u> DocumentRevisionID: 3658	Load Document

Time	Event	Source Username	Items Affected	Description
9/19/2018 10:35:08 AM	DocSign	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> DocumentRevisionID: 2030561	Sign Document
9/19/2018 10:24:52 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> DocumentRevisionID: 2030561	Load Document
9/19/2018 8:44:23 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> DocumentRevisionID: 2030561	Load Document
9/19/2018 6:47:25 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> DocumentRevisionID: 2030561	Load Document

Time	Event	Source Username	Items Affected	Description
6/19/2018 8:48:45 AM	DocSign	52080	<u>UserName: 52080 , DocumentName: 2018 Conducted Electrical Weapon (CEW) Annual Training , DocumentRevisionID: 1930682</u>	Sign Document
6/19/2018 8:39:56 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 Conducted Electrical Weapon (CEW) Annual Training , DocumentRevisionID: 1930682</u>	Load Document

Time	Event	Source Username	Items Affected	Description
5/12/2018 10:43:32 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document
1/8/2018 8:34:59 AM	DocSign	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Sign Document
1/8/2018 8:34:40 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document

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9/2018 5:16 AM	DocSign	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Sign Document	
9/2018 9:47 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document	
2018 7:04 PM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document	
2018 2:46 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document	

Corporal Brian Otto

Time	Event	Source Username	Items Affected	Description
3/17/2017 4:46:30 PM	DocLoad	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>500.76 - Response to Resistance ,</u> <u>DocumentRevisionID: 3658</u>	Load Document

Time	Event	Source Username	Items Affected	Description
1/29/2018 7:36:09 AM	DocSign	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Sign Document
1/29/2018 7:35:30 AM	DocLoad	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document

Time	Event	Source Username	Items Affected	Description
6/16/2018 11:27:14 PM	DocSign	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>2018 BCJC Annual Training: Restraint</u> <u>Devices , DocumentRevisionID: 1929812</u>	Sign Document
6/16/2018 11:27:03 PM	DocLoad	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>2018 BCJC Annual Training: Restraint</u> <u>Devices , DocumentRevisionID: 1929812</u>	Load Document

Time	Event	Source Username	Items Affected	Description
6/28/2018 10:40:57 AM	DocSign	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>2018 Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Sign Document
6/28/2018 10:40:37 AM	DocLoad	brian.otto	<u>UserName: brian.otto , DocumentName:</u> <u>2018 Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Load Document

Deputy Freddy Cedenno

Time	Event	Source Username	Items Affected	Description
1/30/2018 12:51:27 PM	DocSign	54314	<u>UserName: 54314 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Sign Document
1/30/2018 12:40:23 PM	DocLoad	54314	<u>UserName: 54314 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document

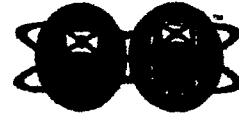
Time	Event	Source Username	Items Affected	Description
8/13/2018 10:46:40 AM	DocSign	54314	<u>UserName: 54314 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Sign Document
8/13/2018 10:35:22 AM	DocLoad	54314	<u>UserName: 54314 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document
8/5/2018 4:40:43 PM	DocLoad	54314	<u>UserName: 54314 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document
2/4/2018 5:28:03 PM	DocSign	54314	<u>UserName: 54314 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1638440</u>	Sign Document
2/4/2018 5:24:39 PM	DocLoad	54314	<u>UserName: 54314 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1638440</u>	Load Document

Time	Event	Source Username	Items Affected	Description
8/13/2018 1:18:54 PM	DocSign	54314	<u>UserName: 54314 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Sign Document
8/13/2018 12:25:24 PM	DocLoad	54314	<u>UserName: 54314 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Load Document

Deputy DaShawn Edward



Brevard County Sheriff's Office
CAREER DEVELOPMENT
CLASS ROSTER



Course Title: Weapons Qualification / Review of Policy 500.76 and 500.77

Course Date: 12/17/15 Hours: 4.0 Course Times: 0800 - 1200

Location: BCSO Range 2955 Pluckebaum Road, Cocoa

(Instructors record name & number of hours)

Instructor: Cpl. Adams

Instructor: _____

Instructor: _____

Instructor: _____

Instructor: _____

On-Duty	Flex Time	Overtime	Pct/Unit
<input checked="" type="checkbox"/>			<u>CBU</u>

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PLEASE PRINT LEGIBLY *****

	LAST NAME	FIRST NAME	ID	Pct/Unit	TIME IN	TIME OUT
1	<u>Dowding</u>	<u>Bethany</u>	<u>2174</u>	<u>West</u>	<u>800</u>	<u>1200</u>
2	<u>Balak</u>	<u>Michael</u>	<u>1858</u>	<u>West</u>	<u>800</u>	
3	<u>Nameth</u>	<u>Ben</u>	<u>2015</u>	<u>WEST</u>	<u>0800</u>	
4	<u>Jackson</u>	<u>Lance</u>	<u>1054</u>	<u>West</u>	<u>0800</u>	
5	<u>NEWE</u>	<u>BRAEDON</u>	<u>2171</u>	<u>WEST</u>	<u>0800</u>	
6	<u>LEBRON</u>	<u>Felicia</u>	<u>2200</u>	<u>West</u>	<u>0800</u>	
7	<u>JARVIS</u>	<u>JEFFREY</u>	<u>1529</u>	<u>JAN/Reserve</u>	<u>0800</u>	
8	<u>STREFF</u>	<u>CHRIS</u>	<u>2170</u>	<u>WEST</u>	<u>0800</u>	
9	<u>Rowell</u>	<u>Nathanael</u>	<u>2201</u>	<u>West</u>	<u>0800</u>	
10	<u>Brown</u>	<u>Benjamin</u>	<u>2203</u>	<u>West</u>	<u>0800</u>	
11	<u>Loucel</u>	<u>Michael</u>	<u>2202</u>	<u>West</u>	<u>0800</u>	
12	<u>Edward</u>	<u>Dashawn</u>	<u>2150</u>	<u>West</u>	<u>0800</u>	
13	<u>Sears</u>	<u>Joshua</u>	<u>3871</u>	<u>West</u>	<u>0800</u>	
14	<u>Ferreira</u>	<u>Zachary</u>	<u>3872</u>	<u>West</u>	<u>0800</u>	
15	<u>Santos</u>	<u>Joseph</u>	<u>3881</u>	<u>West</u>	<u>0800</u>	
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Instructor's Notes: Weapons qualification includes a review and distribution of
BCSO procedures 500.76 (Response to Resistance) and 500.77 (Weapons)

Page 1 of 1

Training Results in Performance
Sheriff Wayne Ivey

246-
2434

Time	Event	Source Username	Items Affected	Description
1/19/2018 3:13:38 PM	DocLoad	52150	<u>UserName: 52150 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> <u>DocumentRevisionID: 1755392</u>	Load Document
1/19/2018 2:11:22 PM	DocLoad	52150	<u>UserName: 52150 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> <u>DocumentRevisionID: 1755392</u>	Load Document

Time	Event	Source Username	Items Affected	Description
8/5/2018 6:12:34 AM	DocSign	52150	<u>UserName: 52150 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Sign Document
8/5/2018 6:10:49 AM	DocLoad	52150	<u>UserName: 52150 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Load Document
8/5/2018 6:05:29 AM	DocLoad	52150	<u>UserName: 52150 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Load Document

Trainee	Edward, Dashawn	Date	10/19/2016	DOR	52
Trainer	Jenkins, Carl (FTO)	Phase	Floor		

DOR - Corrections
 Division: Corrections

DOR Question	Results	Training Time
C01 Officer Safety	Below Standard (2)	10.0
Comments: CDT Edward put himself in risky situations when he allows inmates to walk behind him, losing sight of them. Also, CDT Edward left his radio behind while escorting and transferee to 100. Training Comments: I expressed to CDT Edward to escort the inmates instead of them escorting you.		
C02 Control Of Conflict	Not Observed (0)	
C03 Forms/Documents/Log Book	Acceptable (3)	
C04 Report Writing	Not Observed (0)	
C05 Field Performance: Problem Solving/Decision Making	Not Observed (0)	
C06 Multitasking	Acceptable (3)	
C07 Self Initiated Activity	Acceptable (3)	
C08 Interview/Interrogation Skills	Not Observed (0)	
C09 Field Performance: Post Assignments	Acceptable (3)	
C10 Radio Operation	Acceptable (3)	
C11 Communication Skills	Acceptable (3)	
C12 Computer/Technology Skills	Acceptable (3)	
C13 Knowledge of Inmate Rules and Regulations	Not Observed (0)	
C14 Knowledge of Agency/Jail Policy and Procedures	Acceptable (3)	
Comments: ERC		
C15 Acceptance of Feedback	Acceptable (4)	
C16 General Relations: Citizens/Inmates/Agency Members	Acceptable (3)	
C17 Appearance	Acceptable (3)	
C18 Attitude Toward Correctional Work	Acceptable (3)	
C19 Jail Security/Key Control	Not Observed (0)	
C20 Control Panel and Door Operations	Acceptable (3)	
C21 Observation Skills Positioning/Officer Movement	Below Standard (2)	10.0
Comments: CDT Edward allowed the inmate to walk behind him with a medal bar in his hand. Training Comments: I expressed to CDT Edward to not let inmates walk behind him, to let them go ahead of his person.		
C22 Vehicle Operations	Not Observed (0)	
C23 Most Satisfactory Performance of the Day	-	
C24 Least Satisfactory Performance of the Day	-	
C25 Narrative Comments	-	
Comments: It was CDT Edward 1st day as Medical Rover. Being CDT Edward 1st day as Medical Rover, I had to show him on the day to day activities. Count was performed by CDT Edward. CDT Edward was shown the operations of the controls panel for medical. He was shown what buttons open what doors and how to silence the alert alarm. CDT Edward was also shown the ERC and how to communicate with other officers when placing an inmate in the		

chair. CDT Edward read the DMS for the ERC and we went over it to see if any questions needed to be answered. CDT Edward worked with the doctor by taking inmates out of their cells that he needed to see, stood with the inmates as they were being seen by the doctor, performed medication pass for the morning and afternoon. CDT Edward performed the afternoon feeding. While escorting an transferee inmate to 100 pod, CDT Edward left his radio behind on the desk.

*bold denotes a comment for item above

Linehan, Jeanne

From: Teague, Joy
Sent: Wednesday, December 12, 2018 2:53 PM
To: Straight, Jennifer
Cc: Jarvis, Jeffrey
Subject: Restraint Policy Reports
Attachments: Allison.Blazewicz RC Policy.doc; Brian.Otto RC Policy.doc; DaShawn.Edward RC Policy.doc; Freddy. Cedeno RC Policy.doc; George.Fayson RC Policy.doc; Kelly.Haman RC Policy.doc; Richard.Zimmerman RC Policy.doc; Rob.Wagner RC Policy.doc

Hi Ma'am,

I have attached all 8 individuals DMS reports for the Restraint Chair Policy, 600.07K, reflecting back to 01/01/2018. Like I mentioned before, Deputy DaShawn Edward was not published the jail policies when he transitioned from the road to the jail, however it did show that he had viewed the policy two times. Please let me know if you have any questions! Thank you!

Joy A. Teague

Administrative Services Support Specialist
Brevard County Sheriff's Office
700 South Park Avenue
Titusville, FL 32780
joy.teague@bcso.us
Sheriff Complex: 321.264.7741



Linehan, Jeanne

From: Teague, Joy
Sent: Wednesday, December 12, 2018 2:47 PM
To: Straight, Jennifer
Cc: Jarvis, Jeffrey
Subject: Restraint Training Reports
Attachments: Allison.Blazewicz RC Trng.doc; Brian.Otto RC Trng.doc; Freddy.Cedeno RC Trng.doc; George.Fayson RC Trng.doc; Kelly.Haman RC Trng.doc; Richard.Zimmerman RC Trng.doc; Rob.Wagner RC Trng.doc; DaShawn.Edwards DOR.pdf

Good Afternoon Ma'am!

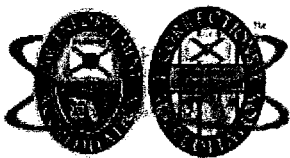
I have attached all 8 individuals DMS reports for the 2018 Restraint Devices Training, with the exception of Deputy DaShawn Edward. Deputy Edward transitioned from the road to corrections October 1, 2016, and somehow his DMS was not updated back then to reflect his new location at the jail, therefore he has not signed off on any jail policies or training in DMS. However, I have attached Deputy Edward's Daily Observation Report (DOR) that reflects his training during his time in the FTO Program at the jail. On the DOR, at the bottom of page 1, it reflects that Deputy Edwards received the Emergency Restraint Chair (ERC) training.

Please let me know if you have any questions!

Thank you!

Joy A. Teague

Administrative Services Support Specialist
Brevard County Sheriff's Office
700 South Park Avenue
Titusville, FL 32780
joy.teague@bcso.us
Sheriff Complex: 321.264.7741



Lieutenant George Fayson

Time	Event	Source Username	Items Affected	Description
3/2/2018 4:27:02 PM	DocSign	george.fayson	<u>UserName: george.fayson ,</u> <u>DocumentName: 600.07K - Restraint Chair</u> <u>, DocumentRevisionID: 1755392</u>	Sign Document
3/2/2018 4:25:56 PM	DocLoad	george.fayson	<u>UserName: george.fayson ,</u> <u>DocumentName: 600.07K - Restraint Chair</u> <u>, DocumentRevisionID: 1755392</u>	Load Document

Time	Event	Source Username	Items Affected	Description
8/3/2018 7:53:43 AM	DocSign	george.fayson	<u>UserName: george.fayson ,</u> <u>DocumentName: 2018 BCJC Annual</u> <u>Training: Restraint Devices ,</u> DocumentRevisionID: 1929812	Sign Document
8/3/2018 7:52:41 AM	DocLoad	george.fayson	<u>UserName: george.fayson ,</u> <u>DocumentName: 2018 BCJC Annual</u> <u>Training: Restraint Devices ,</u> DocumentRevisionID: 1929812	Load Document

Time	Event	Source Username	Items Affected	Description
8/3/2018 7:41:21 AM	DocSign	george.fayson	<u>UserName: george.fayson ,</u> <u>DocumentName: 2018 Use of Force</u> <u>Training Module</u> , DocumentRevisionID: 1948683	Sign Document
8/3/2018 7:34:50 AM	DocLoad	george.fayson	<u>UserName: george.fayson ,</u> <u>DocumentName: 2018 Use of Force</u> <u>Training Module</u> , DocumentRevisionID: 1948683	Load Document

Major Kelly Haman

Time	Event	Source Username	Items Affected	Description
1/8/2018 6:31:45 AM	DocSign	kelly.haman	<u>UserName: kelly.haman , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Sign Document
1/8/2018 6:31:17 AM	DocLoad	kelly.haman	<u>UserName: kelly.haman , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document

Time	Event	Source Username	Items Affected	Description
6/13/2018 9:28:20 PM	DocSign	kelly.haman	<u>UserName: kelly.haman , DocumentName:</u> <u>2018 BCJC Annual Training: Restraint</u> <u>Devices , DocumentRevisionID: 1929812</u>	Sign Document
6/13/2018 9:27:56 PM	DocLoad	kelly.haman	<u>UserName: kelly.haman , DocumentName:</u> <u>2018 BCJC Annual Training: Restraint</u> <u>Devices , DocumentRevisionID: 1929812</u>	Load Document

Time	Event	Source Username	Items Affected	Description
6/22/2018 7:14:53 PM	DocSign	kelly.haman	<u>UserName: kelly.haman , DocumentName:</u> <u>2018 Use of Force Training Module ,</u> <u>DocumentRevisionID: 1948683</u>	Sign Document
6/22/2018 7:13:54 PM	DocLoad	kelly.haman	<u>UserName: kelly.haman , DocumentName:</u> <u>2018 Use of Force Training Module ,</u> <u>DocumentRevisionID: 1948683</u>	Load Document

Deputy FTO Robert Wagner Jr.

Time	Event	Source Username	Items Affected	Description
1/5/2018 8:27:46 AM	DocSign	rob.wagner	<u>UserName: rob.wagner , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Sign Document
1/5/2018 8:27:01 AM	DocLoad	rob.wagner	<u>UserName: rob.wagner , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document

Time	Event	Source Username	Items Affected	Description
7/10/2018 4:10:45 AM	DocSign	rob.wagner	<u>UserName: rob.wagner , DocumentName:</u> <u>2018 BCJC Annual Training: Restraint</u> <u>Devices , DocumentRevisionID: 1929812</u>	Sign Document
7/10/2018 4:04:31 AM	DocLoad	rob.wagner	<u>UserName: rob.wagner , DocumentName:</u> <u>2018 BCJC Annual Training: Restraint</u> <u>Devices , DocumentRevisionID: 1929812</u>	Load Document

Time	Event	Source Username	Items Affected	Description
10/9/2018 8:25:47 AM	DocSign	rob.wagner	<u>UserName: rob.wagner , DocumentName:</u> <u>2018 Use of Force Training Module ,</u> <u>DocumentRevisionID: 1948683</u>	Sign Document
10/9/2018 8:21:17 AM	DocLoad	rob.wagner	<u>UserName: rob.wagner , DocumentName:</u> <u>2018 Use of Force Training Module ,</u> <u>DocumentRevisionID: 1948683</u>	Load Document

Sergeant Richard Zimmerman

Time	Event	Source Username	Items Affected	Description
1/7/2018 10:52:50 AM	DocSign	richard.zimmerman	<u>UserName: richard.zimmerman</u> , <u>DocumentName: 600.07K - Restraint</u> <u>Chair</u> , <u>DocumentRevisionID: 1755392</u>	Sign Document
1/7/2018 10:50:24 AM	DocLoad	richard.zimmerman	<u>UserName: richard.zimmerman</u> , <u>DocumentName: 600.07K - Restraint</u> <u>Chair</u> , <u>DocumentRevisionID: 1755392</u>	Load Document

Time	Event	Source Username	Items Affected	Description
6/14/2018 1:40:30 PM	DocSign	richard.zimmerman	<u>UserName: richard.zimmerman ,</u> <u>DocumentName: 2018 BCJC Annual</u> <u>Training: Restraint Devices ,</u> <u>DocumentRevisionID: 1929812</u>	Sign Document
6/14/2018 1:34:58 PM	DocLoad	richard.zimmerman	<u>UserName: richard.zimmerman ,</u> <u>DocumentName: 2018 BCJC Annual</u> <u>Training: Restraint Devices ,</u> <u>DocumentRevisionID: 1929812</u>	Load Document

Time	Event	Source Username	Items Affected	Description
7/17/2018 3:46:33 PM	DocSign	richard.zimmerman	<u>UserName: richard.zimmerman</u> , <u>DocumentName: 2018 Use of Force</u> <u>Training Module</u> , DocumentRevisionID: 1948683	Sign Document
7/17/2018 2:44:52 PM	DocLoad	richard.zimmerman	<u>UserName: richard.zimmerman</u> , <u>DocumentName: 2018 Use of Force</u> <u>Training Module</u> , DocumentRevisionID: 1948683	Load Document
7/17/2018 1:44:41 PM	DocLoad	richard.zimmerman	<u>UserName: richard.zimmerman</u> , <u>DocumentName: 2018 Use of Force</u> <u>Training Module</u> , DocumentRevisionID: 1948683	Load Document



TASER Information

Dept. Brevard County Sheriffs Office
Serial X00-243382
Model TASER X26
Firmware Version Rev. 24
Device Name Blazewicz

Report Generated by

Name Charest, Mike
Badge ID 214
Local Timezone Eastern Standard Time (UTC -0500)
Generated On 09 Dec 2018 18:10:56

Device (X26)

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	09 Jul 2013 16:01:36	Sync	09 Jul 2013 16:01:34 to 09 Jul 2013 16:01:36		
2	09 Jul 2013 16:01:38	Sync	09 Jul 2013 16:01:39 to 09 Jul 2013 16:01:38		
3	09 Jul 2013 16:02:19	Trigger	5	30	95
4	09 Jul 2013 16:02:25	Trigger	5	30	95
5	09 Jul 2013 16:02:31	Trigger	5	30	95
6	09 Jul 2013 16:02:37	Trigger	5	32	94
7	15 Jul 2013 11:43:02	Trigger	5	28	99
8	25 Jul 2013 08:18:16	Trigger	5	24	99
9	25 Jul 2013 18:38:01	Trigger	5	40	99
10	27 Jul 2013 18:45:37	Trigger	4	31	99
11	12 Aug 2013 18:55:25	Trigger	5	29	99
12	13 Aug 2013 16:56:40	Trigger	5	28	98
13	18 Aug 2013 18:47:30	Trigger	5	39	98
14	13 Sep 2013 18:45:22	Trigger	5	38	97
15	15 Sep 2013 05:42:23	Trigger	5	32	97
16	15 Sep 2013 18:48:55	Trigger	5	33	97
17	16 Sep 2013 17:59:07	Trigger	5	30	96
18	20 Sep 2013 17:06:01	Trigger	5	30	96
19	27 Sep 2013 19:00:26	Trigger	5	35	95
20	09 Oct 2013 19:02:43	Trigger	5	30	95
21	09 Oct 2013 19:02:55	Trigger	5	31	95
22	11 Oct 2013 18:46:03	Trigger	3	35	94
23	30 Oct 2013 06:52:17	Trigger	5	30	94
24	31 Oct 2013 18:43:37	Trigger	5	34	94
25	01 Nov 2013 22:03:07	Trigger	5	29	93
26	03 Nov 2013 09:58:31	Trigger	5	28	93
27	03 Nov 2013 09:58:46	Trigger	5	28	92
28	28 Nov 2013 19:34:21	Trigger	5	25	92
29	28 Nov 2013 19:34:43	Trigger	5	26	91
30	05 Dec 2013 16:45:14	Trigger	5	28	91

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
31	23 Dec 2013 11:00:11	Trigger	5	27	90
32	23 Dec 2013 11:00:18	Trigger	5	27	90
33	23 Dec 2013 17:23:36	Trigger	5	27	90
34	28 Dec 2013 14:40:43	Trigger	5	27	89
35	07 Jan 2014 17:28:44	Trigger	5	25	89
36	09 Jan 2014 18:45:10	Trigger	5	29	88
37	14 Jan 2014 10:45:09	Trigger	5	32	88
38	19 Jan 2014 18:19:01	Trigger	5	30	88
39	28 Jan 2014 20:18:01	Trigger	5	28	87
40	28 Jan 2014 20:18:09	Trigger	5	29	87
41	02 Feb 2014 05:47:24	Trigger	5	29	86
42	06 Feb 2014 18:48:12	Trigger	5	29	86
43	07 Feb 2014 18:08:45	Trigger	5	26	85
44	11 Feb 2014 16:27:53	Trigger	2	26	85
45	12 Feb 2014 14:51:46	Trigger	5	28	85
46	12 Feb 2014 14:51:51	Trigger	3	28	84
47	12 Feb 2014 14:52:37	Trigger	5	28	84
48	12 Feb 2014 15:36:00	Trigger	4	28	84
49	13 Feb 2014 09:27:03	Trigger	5	26	84
50	16 Feb 2014 05:43:39	Trigger	5	26	83
51	19 Feb 2014 13:04:56	Trigger	5	32	83
52	25 Feb 2014 05:39:36	Trigger	5	28	82
53	01 Mar 2014 18:46:52	Trigger	5	32	82
54	01 Mar 2014 18:46:58	Trigger	5	32	82
55	04 Mar 2014 16:21:46	Trigger	5	32	81
56	06 Mar 2014 18:55:47	Trigger	5	30	81
57	13 Mar 2014 19:25:44	Trigger	5	24	80
58	13 Mar 2014 19:26:30	Trigger	5	25	80
59	19 Mar 2014 18:48:31	Trigger	5	35	80
60	20 Mar 2014 18:30:39	Trigger	5	37	79
61	24 Mar 2014 13:44:14	Trigger	5	28	79
62	02 Apr 2014 05:42:49	Trigger	5	28	78
63	02 Apr 2014 19:24:38	Trigger	2	31	78
64	12 Apr 2014 05:44:27	Trigger	5	30	78
65	12 Apr 2014 18:16:40	Trigger	5	38	77
66	18 Apr 2014 14:33:12	Trigger	5	28	77
67	18 Apr 2014 14:33:56	Trigger	5	29	77
68	18 Apr 2014 14:35:31	Trigger	5	30	76
69	19 Apr 2014 17:27:52	Trigger	5	28	76
70	11 May 2014 18:47:34	Trigger	5	37	75
71	11 May 2014 18:47:40	Trigger	5	37	75
72	24 May 2014 05:44:11	Trigger	5	29	74
73	25 May 2014 18:45:58	Trigger	5	37	74
74	25 May 2014 20:20:52	Trigger	5	30	74
75	11 Jun 2014 05:43:56	Trigger	5	30	73

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
76	16 Jun 2014 05:48:03	Trigger	5	29	73
77	17 Jun 2014 18:37:34	Trigger	5	37	72
78	17 Jun 2014 18:37:40	Trigger	5	38	72
79	18 Jun 2014 18:45:31	Trigger	5	29	72
80	18 Jun 2014 18:45:37	Trigger	5	30	71
81	18 Jun 2014 18:46:29	Trigger	5	31	71
82	22 Jun 2014 18:56:22	Trigger	5	37	70
83	01 Jul 2014 19:11:37	Trigger	5	34	70
84	07 Jul 2014 12:55:59	Trigger	5	28	70
85	13 Jul 2014 17:22:14	Trigger	2	29	69
86	19 Jul 2014 18:18:11	Trigger	5	40	69
87	30 Jul 2014 23:07:47	Trigger	5	30	69
88	30 Jul 2014 23:07:59	Trigger	5	30	68
89	30 Jul 2014 23:08:20	Trigger	5	31	68
90	30 Jul 2014 23:09:18	Trigger	5	32	67
91	31 Jul 2014 01:16:06	Trigger	5	30	67
92	31 Jul 2014 01:16:16	Trigger	5	30	67
93	04 Aug 2014 19:47:44	Trigger	6	31	66
94	19 Aug 2014 15:58:23	Trigger	5	30	66
95	05 Sep 2014 17:52:41	Trigger	5	31	65
96	05 Sep 2014 17:52:52	Trigger	5	31	65
97	05 Sep 2014 17:53:09	Trigger	5	32	64
98	12 Sep 2014 22:26:22	Trigger	5	35	64
99	02 Oct 2014 05:44:01	Trigger	5	30	63
100	16 Oct 2014 15:49:32	Trigger	5	38	63
101	17 Oct 2014 10:55:34	Trigger	5	30	63
102	17 Oct 2014 10:56:12	Trigger	5	31	62
103	17 Oct 2014 10:56:38	Trigger	5	31	62
104	17 Oct 2014 10:56:56	Trigger	5	32	61
105	17 Oct 2014 11:08:17	Trigger	5	30	61
106	17 Oct 2014 11:08:24	Trigger	5	31	61
107	17 Oct 2014 11:09:01	Trigger	5	31	60
108	17 Oct 2014 11:09:09	Trigger	5	32	60
109	17 Oct 2014 11:10:43	Trigger	5	31	60
110	17 Oct 2014 11:11:05	Trigger	5	32	59
111	17 Oct 2014 11:14:11	Trigger	5	32	59
112	17 Oct 2014 11:14:43	Trigger	5	32	58
113	17 Oct 2014 11:18:45	Trigger	5	32	58
114	17 Oct 2014 11:18:51	Trigger	5	32	58
115	17 Oct 2014 11:19:06	Trigger	5	32	57
116	17 Oct 2014 11:19:12	Trigger	5	33	57
117	17 Oct 2014 11:26:54	Trigger	5	32	57
118	17 Oct 2014 11:27:06	Trigger	5	33	56
119	17 Oct 2014 11:27:37	Trigger	5	33	56
120	17 Oct 2014 11:27:50	Trigger	5	33	56

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
121	17 Oct 2014 11:30:27	Trigger	2	33	55
122	17 Oct 2014 11:30:38	Trigger	5	34	55
123	17 Oct 2014 11:30:58	Trigger	2	34	55
124	17 Oct 2014 11:31:08	Trigger	5	34	55
125	17 Oct 2014 11:32:05	Trigger	2	34	54
126	17 Oct 2014 11:32:15	Trigger	5	35	54
127	17 Oct 2014 11:34:41	Trigger	2	34	54
128	17 Oct 2014 11:34:50	Trigger	5	35	53
129	17 Oct 2014 13:49:33	Trigger	5	32	53
130	17 Oct 2014 13:57:31	Trigger	5	32	53
131	17 Oct 2014 13:57:44	Trigger	5	32	52
132	25 Oct 2014 18:57:19	Trigger	5	34	52
133	26 Oct 2014 19:01:48	Trigger	3	32	51
134	26 Oct 2014 19:05:24	Trigger	2	32	51
135	31 Oct 2014 18:35:53	Trigger	4	29	51
136	15 Nov 2014 15:13:18	Trigger	5	26	51
137	07 Dec 2014 20:23:21	Trigger	5	28	50
138	07 Dec 2014 20:23:33	Trigger	5	28	50
139	07 Dec 2014 20:23:55	Trigger	5	29	49
140	07 Dec 2014 20:24:09	Trigger	5	30	49
141	13 Dec 2014 11:10:05	Trigger	5	22	48
142	15 Dec 2014 10:01:31	Trigger	5	23	48
143	15 Dec 2014 10:01:37	Trigger	5	23	48
144	22 Dec 2014 10:17:40	Trigger	5	26	47
145	22 Dec 2014 11:33:00	Trigger	5	26	46
146	22 Dec 2014 11:37:23	Trigger	5	27	46
147	22 Dec 2014 11:41:36	Trigger	5	28	46
148	22 Dec 2014 11:47:46	Trigger	5	28	45
149	22 Dec 2014 11:57:40	Trigger	5	28	45
150	22 Dec 2014 11:59:39	Trigger	5	28	44
151	22 Dec 2014 12:06:05	Trigger	5	29	44
152	22 Dec 2014 13:34:49	Trigger	5	26	44
153	22 Dec 2014 14:40:50	Trigger	5	28	43
154	22 Dec 2014 14:41:47	Trigger	5	29	43
155	22 Dec 2014 14:42:28	Trigger	1	29	42
156	22 Dec 2014 14:42:34	Trigger	1	30	42
157	22 Dec 2014 14:50:44	Trigger	5	30	42
158	22 Dec 2014 14:50:59	Trigger	5	30	42
159	22 Dec 2014 14:51:19	Trigger	5	31	41
160	22 Dec 2014 14:51:31	Trigger	5	31	41
161	22 Dec 2014 14:51:46	Trigger	5	32	41
162	22 Dec 2014 14:52:02	Trigger	5	32	40
163	22 Dec 2014 15:03:15	Trigger	5	30	40
164	22 Dec 2014 15:11:31	Trigger	5	30	40
165	01 Jan 2015 23:26:13	Trigger	5	25	39

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
166	01 Jan 2015 23:26:29	Trigger	5	25	39
167	19 Jan 2015 17:15:59	Trigger	5	23	38
168	19 Jan 2015 17:16:24	Trigger	5	24	38
169	10 Feb 2015 18:48:42	Trigger	5	28	37
170	21 Feb 2015 18:53:23	Trigger	5	26	37
171	21 Feb 2015 18:53:29	Trigger	5	27	36
172	28 Feb 2015 19:01:20	Trigger	2	28	36
173	04 Mar 2015 17:13:01	Trigger	5	34	36
174	14 Mar 2015 05:51:33	Trigger	5	28	35
175	01 Apr 2015 05:52:45	Trigger	5	29	35
176	23 Apr 2015 08:54:12	Trigger	5	27	34
177	23 Apr 2015 08:54:23	Trigger	5	27	34
178	29 Apr 2015 16:46:39	Trigger	5	45	34
179	29 Apr 2015 17:05:24	Trigger	3	39	33
180	29 Apr 2015 17:05:39	Trigger	2	40	33
181	06 May 2015 09:44:29	Trigger	5	27	33
182	06 May 2015 10:52:07	Trigger	2	28	32
183	14 May 2015 18:57:32	Trigger	5	40	32
184	23 May 2015 05:56:29	Trigger	5	30	32
185	23 May 2015 18:32:39	Trigger	5	44	31
186	20 Oct 2015 07:33:11	Trigger	2	25	30
187	20 Oct 2015 07:33:54	Trigger	2	26	99
188	20 Oct 2015 07:36:38	Trigger	2	29	99
189	24 Oct 2015 05:16:26	Trigger	1	30	99
190	29 Oct 2015 15:07:17	Trigger	1	28	99
191	02 Nov 2015 17:05:10	Trigger	1	29	99
192	03 Nov 2015 17:09:28	Trigger	1	28	98
193	17 Nov 2015 16:57:46	Trigger	2	28	98
194	25 Nov 2015 18:00:10	Trigger	2	27	98
195	30 Nov 2015 17:00:01	Trigger	2	27	98
196	01 Dec 2015 17:01:06	Trigger	2	28	97
197	01 Dec 2015 17:01:33	Trigger	2	28	97
198	04 Dec 2015 18:42:57	Trigger	2	27	97
199	07 Dec 2015 05:31:03	Trigger	1	28	97
200	09 Dec 2015 18:11:45	Trigger	1	28	97
201	09 Dec 2015 18:11:55	Trigger	1	28	97
202	18 Dec 2015 19:15:55	Trigger	2	28	96
203	09 Jan 2016 16:49:32	Trigger	1	26	96
204	13 Jan 2016 17:20:16	Trigger	1	22	96
205	19 Jan 2016 17:07:41	Trigger	1	22	96
206	10 Feb 2016 17:16:48	Trigger	1	24	96
207	11 Feb 2016 17:11:41	Trigger	2	24	96
208	15 Feb 2016 17:16:29	Trigger	1	25	95
209	29 Feb 2016 17:09:50	Trigger	2	41	95
210	29 Feb 2016 17:10:11	Trigger	5	41	95

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
211	14 Mar 2016 17:22:16	Trigger	1	27	95
212	29 Mar 2016 19:29:39	Trigger	4	27	95
213	01 Apr 2016 17:16:46	Trigger	1	27	94
214	24 Apr 2016 19:56:50	Trigger	5	28	94
215	25 Apr 2016 16:57:58	Trigger	1	27	93
216	25 Apr 2016 21:48:52	Trigger	9	29	93
217	26 Apr 2016 11:57:08	Trigger	1	27	93
218	26 Apr 2016 11:59:40	Trigger	1	31	92
219	01 May 2016 00:43:56	Trigger	1	26	92
220	07 May 2016 08:54:15	Trigger	1	27	92
221	07 May 2016 08:55:09	Trigger	3	28	92
222	11 May 2016 03:43:46	Trigger	1	29	92
223	13 May 2016 19:23:14	Trigger	1	26	92
224	27 May 2016 18:59:42	Trigger	2	27	92
225	08 Jun 2016 01:10:57	Trigger	1	27	91
226	08 Jun 2016 18:57:30	Trigger	1	27	91
227	11 Jun 2016 04:35:42	Trigger	1	25	91
228	13 Jun 2016 15:35:41	Trigger	1	28	91
229	13 Jun 2016 15:35:45	Trigger	1	28	91
230	25 Jun 2016 17:11:46	Trigger	1	28	91
231	06 Jul 2016 06:41:11	Trigger	1	28	91
232	11 Jul 2016 04:31:49	Trigger	1	25	90
233	11 Jul 2016 04:58:19	Trigger	1	26	90
234	11 Jul 2016 04:58:37	Trigger	1	25	90
235	11 Jul 2016 04:59:12	Trigger	2	27	90
236	14 Jul 2016 03:25:38	Trigger	1	24	90
237	14 Jul 2016 17:48:16	Trigger	1	26	90
238	14 Jul 2016 17:48:26	Trigger	1	26	90
239	19 Jul 2016 19:38:50	Trigger	3	34	90
240	01 Aug 2016 17:09:51	Trigger	5	27	89
241	04 Aug 2016 03:40:28	Trigger	1	27	89
242	04 Aug 2016 03:40:47	Trigger	1	29	89
243	12 Aug 2016 06:06:43	Trigger	1	28	89
244	12 Aug 2016 06:07:01	Trigger	1	28	89
245	20 Aug 2016 00:01:23	Trigger	2	30	89
246	25 Aug 2016 02:15:06	Trigger	2	27	88
247	30 Aug 2016 17:31:01	Trigger	1	25	88
248	09 Sep 2016 00:48:32	Trigger	5	28	88
249	17 Sep 2016 04:41:21	Trigger	4	29	87
250	17 Sep 2016 22:43:10	Trigger	1	26	87
251	02 Oct 2016 04:50:39	Trigger	1	28	87
252	03 Oct 2016 03:17:48	Trigger	1	27	86
253	03 Oct 2016 03:18:14	Trigger	2	28	86
254	06 Oct 2016 18:11:29	Trigger	5	28	86
255	07 Oct 2016 13:24:55	Trigger	1	26	86

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
256	15 Oct 2016 18:01:31	Trigger	1	30	86
257	03 Nov 2016 02:51:21	Trigger	2	28	85
258	03 Nov 2016 02:51:45	Trigger	5	29	85
259	03 Nov 2016 17:46:41	Trigger	5	30	85
260	12 Nov 2016 18:07:59	Trigger	5	28	84
261	12 Nov 2016 18:08:26	Trigger	1	28	84
262	22 Nov 2016 18:06:29	Trigger	5	28	84
263	26 Nov 2016 17:56:30	Trigger	5	28	83
264	11 Dec 2016 01:40:06	Trigger	1	27	83
265	11 Dec 2016 01:40:48	Trigger	5	28	83
266	15 Dec 2016 17:53:19	Trigger	5	29	82
267	15 Dec 2016 23:58:08	Trigger	1	29	82
268	16 Dec 2016 00:31:30	Trigger	1	32	82
269	16 Dec 2016 01:07:16	Trigger	3	31	81
270	16 Dec 2016 05:33:51	Trigger	3	33	81
271	20 Dec 2016 17:28:05	Trigger	2	28	81
272	28 Dec 2016 16:50:07	Trigger	5	28	81
273	28 Dec 2016 16:50:17	Trigger	5	29	80
274	28 Dec 2016 18:57:11	Trigger	1	31	80
275	29 Dec 2016 17:39:59	Trigger	1	26	80
276	06 Jan 2017 16:42:31	Trigger	5	28	79
277	12 Jan 2017 23:07:41	Trigger	5	27	79
278	15 Jan 2017 16:31:50	Trigger	5	28	79
279	16 Jan 2017 16:43:47	Trigger	5	28	78
280	17 Jan 2017 03:12:25	Trigger	1	27	78
281	19 Jan 2017 17:36:06	Trigger	5	27	78
282	04 Feb 2017 03:46:02	Trigger	1	26	77
283	23 Feb 2017 01:03:15	Trigger	2	27	77
284	24 Feb 2017 03:30:18	Trigger	2	28	77
285	09 Mar 2017 18:00:41	Trigger	2	25	76
286	09 Mar 2017 18:00:58	Trigger	5	25	76
287	09 Mar 2017 22:57:26	Trigger	2	28	76
288	14 Mar 2017 18:02:20	Trigger	5	27	75
289	14 Mar 2017 18:02:32	Trigger	5	28	75
290	14 Mar 2017 18:02:47	Trigger	7	29	75
291	17 Mar 2017 16:50:50	Trigger	5	25	74
292	18 Mar 2017 17:57:30	Trigger	5	25	74
293	18 Mar 2017 17:57:40	Trigger	5	25	73
294	18 Mar 2017 23:45:15	Trigger	1	27	73
295	19 Mar 2017 00:18:32	Trigger	1	28	73
296	23 Mar 2017 17:34:33	Trigger	5	27	73
297	27 Mar 2017 17:24:26	Trigger	5	29	72
298	29 Mar 2017 04:01:24	Trigger	5	27	72
299	31 Mar 2017 11:34:46	Trigger	1	26	71
300	31 Mar 2017 11:35:02	Trigger	4	28	71

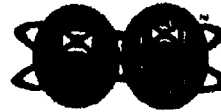
Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
301	31 Mar 2017 11:35:13	Trigger	1	28	71
302	17 Apr 2017 10:13:42	Trigger	1	23	71
303	18 Apr 2017 07:06:21	Trigger	5	26	99
304	18 Apr 2017 07:06:37	Trigger	2	25	99
305	19 Apr 2017 06:04:45	Trigger	5	26	99
306	20 Apr 2017 06:33:22	Trigger	5	23	99
307	26 Apr 2017 06:21:33	Trigger	5	26	98
308	28 Apr 2017 06:00:42	Trigger	5	26	98
309	29 Apr 2017 06:28:32	Trigger	5	25	97
310	30 Apr 2017 06:00:54	Trigger	5	26	97
311	02 May 2017 05:59:45	Trigger	5	26	97
312	03 May 2017 06:04:36	Trigger	5	26	96
313	04 May 2017 06:34:55	Trigger	5	25	96
314	08 May 2017 06:34:30	Trigger	5	23	95
315	09 May 2017 06:19:57	Trigger	5	21	95
316	12 May 2017 06:26:09	Trigger	5	23	95
317	13 May 2017 15:37:44	Trigger	5	28	94
318	14 May 2017 06:24:53	Trigger	5	23	94
319	17 May 2017 06:26:31	Trigger	5	25	93
320	18 May 2017 06:34:08	Trigger	5	28	93
321	19 May 2017 10:45:49	Trigger	5	26	92
322	22 May 2017 06:30:41	Trigger	5	23	92
323	23 May 2017 06:26:40	Trigger	5	28	91
324	26 May 2017 06:33:15	Trigger	5	20	91
325	28 May 2017 06:24:30	Trigger	5	25	91
326	30 May 2017 06:33:08	Trigger	5	23	90
327	31 May 2017 06:27:35	Trigger	5	26	90
328	01 Jun 2017 06:33:53	Trigger	5	28	89
329	05 Jun 2017 06:33:31	Trigger	5	23	89
330	06 Jun 2017 06:31:50	Trigger	5	27	89
331	09 Jun 2017 06:29:45	Trigger	5	21	88
332	10 Jun 2017 06:55:20	Trigger	5	23	88
333	11 Jun 2017 06:15:13	Trigger	5	26	87
334	14 Jun 2017 06:25:44	Trigger	5	28	87
335	15 Jun 2017 06:28:41	Trigger	5	25	87
336	23 Jun 2017 06:33:51	Trigger	5	25	86
337	24 Jun 2017 06:35:55	Trigger	5	29	86
338	26 Jun 2017 10:54:38	Trigger	5	25	85
339	28 Jun 2017 06:37:26	Trigger	5	27	85
340	29 Jun 2017 06:33:21	Trigger	5	23	85
341	03 Jul 2017 06:34:18	Trigger	5	22	84
342	07 Jul 2017 06:37:07	Trigger	5	21	84
343	08 Jul 2017 06:37:53	Trigger	5	23	83
344	12 Jul 2017 06:34:37	Trigger	5	24	83
345	13 Jul 2017 06:35:46	Trigger	5	29	83

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
346	17 Jul 2017 06:20:17	Trigger	5	25	82
347	18 Jul 2017 06:33:19	Trigger	5	23	82
348	21 Jul 2017 06:32:49	Trigger	5	23	81
349	22 Jul 2017 06:37:37	Trigger	5	23	81
350	23 Jul 2017 08:41:23	Trigger	5	24	81
351	26 Jul 2017 06:36:46	Trigger	5	25	80
352	31 Jul 2017 06:35:02	Trigger	5	23	80
353	04 Aug 2017 06:31:00	Trigger	5	25	79
354	13 Sep 2017 06:44:19	Trigger	5	25	79
355	03 Oct 2017 08:08:25	Trigger	5	27	78
356	16 Nov 2017 10:48:45	Sync	16 Nov 2017 11:42:06 to 16 Nov 2017 10:48:45		
357	16 Nov 2017 10:50:24	Trigger	5	28	78
358	18 Dec 2017 06:47:47	Trigger	5	26	77
359	12 Jan 2018 08:37:48	Trigger	5	25	77
360	15 Feb 2018 16:23:12	Trigger	5	29	76
361	20 Feb 2018 07:32:35	Trigger	5	27	76
362	22 Feb 2018 09:31:40	Trigger	5	31	75
363	12 May 2018 05:42:33	Trigger	5	27	74
364	13 May 2018 05:40:17	Trigger	5	28	74
365	16 May 2018 05:50:13	Trigger	5	28	74
366	17 May 2018 05:50:16	Trigger	5	27	73
367	21 May 2018 05:46:26	Trigger	5	28	73
368	22 May 2018 05:45:58	Trigger	5	28	72
369	25 May 2018 05:44:18	Trigger	5	28	72
370	29 May 2018 07:41:55	Trigger	5	28	72
371	31 May 2018 05:50:52	Trigger	5	28	71
372	04 Jun 2018 05:56:04	Trigger	5	30	71
373	08 Jun 2018 05:53:54	Trigger	5	26	71
374	09 Jun 2018 05:51:45	Trigger	5	26	70
375	10 Jun 2018 05:36:56	Trigger	5	29	70
376	13 Jun 2018 05:54:09	Trigger	5	29	69
377	18 Jun 2018 05:52:54	Trigger	5	30	69
378	02 Jul 2018 05:48:23	Trigger	5	29	68
379	16 Jul 2018 05:54:38	Trigger	5	30	68
380	26 Jul 2018 05:56:19	Trigger	5	27	68
381	08 Aug 2018 05:57:50	Trigger	5	31	67
382	13 Aug 2018 06:02:35	Trigger	5	25	67
383	21 Aug 2018 07:01:03	Trigger	5	30	66
384	27 Aug 2018 13:41:05	Trigger	5	28	66
385	28 Aug 2018 09:47:26	Sync	28 Aug 2018 09:57:10 to 28 Aug 2018 09:47:26		
386	28 Aug 2018 09:48:28	Trigger	5	29	65
387	04 Sep 2018 07:27:42	Trigger	5	30	65
388	06 Sep 2018 05:52:03	Trigger	5	25	65
389	16 Oct 2018 05:52:29	Trigger	5	27	64
390	18 Oct 2018 05:53:05	Trigger	5	30	64

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
391	09 Dec 2018 13:58:35	Trigger	10	25	63
392	09 Dec 2018 13:58:44	Trigger	5	25	62
393	09 Dec 2018 13:59:01	Trigger	11	26	62
394	09 Dec 2018 13:59:08	Trigger	5	26	61
395	09 Dec 2018 13:59:57	Trigger	13	27	61
396	09 Dec 2018 14:00:08	Trigger	5	28	60
397	09 Dec 2018 18:05:56	Sync	09 Dec 2018 18:09:27 to 09 Dec 2018 18:05:56		



Brevard County Sheriff's Office
CAREER DEVELOPMENT
CLASS ROSTER



Course Title: Taser - New User

Course Date: 1/3/2017 Hours: 8 Course Times: 0600-1430

Location: Jail

(Instructors record name & number of hours)

Instructor: FTO Wyman #602

Instructor: _____

Instructor: _____

Instructor: _____

Instructor: _____

On-Duty	Flex Time	Overtime	Pct/Unit
		XX	Jail

***** YOU MUST SIGN IN AND OUT TO RECEIVE CREDIT *****

PLEASE PRINT LEGIBLY *****

	LAST NAME	FIRST NAME	ID	Pct/Unit	TIME IN	TIME OUT
1	Lopez	Jonathan	1925	BCJC	0600	1430
2	Foster	Daniel	1910	BCJC	0600	1430
3	Mick	William	1614	BCJC	0600	1430
4	BLAZEWICZ	ALISON	2080	BCJC	0600	1430
5	Oxley	Travis	1360	BCJC	0600	1430
6	Andrews	Alexis	1604	BCJC	0600	1430
7	Carriazo	Kelly	1463	BCJC	0600	1430
8	Darmon	William	1844	BCJC	0600	1430
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Instructor's Notes: _____

Time	Event	Source Username	Items Affected	Description
6/19/2018 8:48:45 AM	DocSign	52080	<u>UserName: 52080 , DocumentName: 2018 Conducted Electrical Weapon (CEW) Annual Training , DocumentRevisionID: 1930682</u>	Sign Document
6/19/2018 8:39:56 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 Conducted Electrical Weapon (CEW) Annual Training , DocumentRevisionID: 1930682</u>	Load Document

Time	Event	Source Username	Items Affected	Description
5/12/2018 10:43:32 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document
1/8/2018 8:34:59 AM	DocSign	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Sign Document
1/8/2018 8:34:40 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.07K - Restraint Chair ,</u> DocumentRevisionID: 1755392	Load Document

Time	Event	Source Username	Items Affected	Description
6/23/2018 12:34:59 PM	DocSign	52080	<u>UserName: 52080 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Sign Document
6/23/2018 12:24:51 PM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018</u> <u>Use of Force Training Module ,</u> DocumentRevisionID: 1948683	Load Document

Time	Event	Source Username	Items Affected	Description
6/19/2018 8:36:16 AM	DocSign	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Sign Document
6/19/2018 8:19:47 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document
6/8/2018 5:47:04 PM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document
6/8/2018 7:42:46 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName: 2018 BCJC Annual Training: Restraint Devices , DocumentRevisionID: 1929812</u>	Load Document

Time	Event	Source Username	Items Affected	Description
9/19/2018 10:35:08 AM	DocSign	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> <u>DocumentRevisionID: 2030561</u>	Sign Document
9/19/2018 10:24:52 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> <u>DocumentRevisionID: 2030561</u>	Load Document
9/19/2018 8:44:23 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> <u>DocumentRevisionID: 2030561</u>	Load Document
9/19/2018 6:47:25 AM	DocLoad	52080	<u>UserName: 52080 , DocumentName:</u> <u>600.06G - Conducted Electrical Weapon ,</u> <u>DocumentRevisionID: 2030561</u>	Load Document