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CHAPTER 31 - PART 1 - USE OF FORCE AND WEAPONS

SECTION 1 - GENERAL

I. BASIS FOR USE OF FORCE:

There are occasions in the course of police action which demand that a law enforcement officer utilize force to execute legal authority. Any application of force may result in injury, complaint of injury, or complaint that unnecessary or excessive force was used. Court decisions have held officers and their employers liable for misuse of authority or weapons, including firearms, regardless of the officer's duty status.

Officers may encounter situations requiring the use of force, both non-deadly and deadly, to control situations, to effect arrest or to protect public safety. Control may be achieved through advice, warning, persuasion, or by physical force. The decision to resort to force and the degree of force to be used must be based on the totality of the circumstances confronting the officer at the time, judged from the perspective of what actions would be taken by a reasonable officer on the scene faced with similar facts, or what reasonably appears to be fact, to the officer at the time the action is taken. An officer may use that force which he reasonably believes is necessary to prevent serious physical harm, either to the officer or to others. [CALEA 26.1.1]

II. NECESSITY THAT OFFICERS BE ARMED:

As long as members of the public are victims of violent crimes and officers in the performance of duty are confronted with deadly force, it will remain necessary for police officers to be properly armed. All sworn personnel will be issued copies of, and be instructed in, the departmental use of force policy before being authorized to carry and utilize nonlethal weapons and firearms. [CALEA 1.3.12]

SECTION 2 - USE OF FORCE [CALEA 1.3.2 - 1.3.13; 26.1.1]

I. GENERAL:

The Miami-Dade Police Department (MDPD) recognizes the value of human life and is committed to respecting the dignity of every individual. Accordingly, the sanctity of human life is central to the Department's mission, policies, training and tactics. When reviewing police use of force situations, the MDPD assesses whether the force in any given situation is not only legal, but also necessary, proportional, and ethical.

Florida law governing the justifiable use of force can be found in Florida Statutes, Chapter 776 and referenced via the website, Online Sunshine at <http://www.leg.state.fl.us/>. It must be noted, however, that MDPD policy described herein is more restrictive than state and federal law, and employees are required to comply with this policy.

In order to achieve safe control over a subject, Miami-Dade Police Department (MDPD) officers may use the force necessary to affect lawful objectives. [CALEA 1.3.1] When the scene is safe based upon the totality of the circumstances, and when the time and circumstances permit, officers will identify themselves as law enforcement officers and use de-escalation tactics in a reasonable manner in efforts to reduce the need for force.

A. Definitions:

1. Chemical agents: Disorder control agents composed of local irritants which in low concentration act primarily on the eyes, such as Ortho-chlorobenzylmalononitrile (CS) Gas or Oleoresin Capsicum (OC) Spray.
2. Contact shooting: A shooting in which an MDPD officer shoots any person, including himself/herself, intentionally or accidentally, on duty or off duty, or when an MDPD officer is shot by any person; or when a person is struck by a projectile, or a secondary projectile, such as glass, wood, concrete, etc.
3. Deadly force: Force that is likely to cause death or serious physical injury.

4. De-escalation: The strategic slowing down of an incident in a manner that allows officers more time, distance, space and tactical flexibility in which to assess the unpredictable, dynamic nature of a police scene. Applying de-escalation skills increases the potential for resolving the situation with minimal force or no force at all, reducing the likelihood of injury to the public, increasing officer safety, and mitigating the immediacy of potential or ongoing threats. Some examples of de-escalation strategies include proportionality, using distance and cover, tactical repositioning, slowing down situations that do not pose an immediate threat (tactical pause), engaging communication, subject containment, and calling for supervisory and other resources(i.e., backup officers, crisis managers, family members, clergy, etc.).
5. Electronic Control Weapon (ECW): A non-lethal Conducted Energy Device designed to conduct and deliver battery-powered energy of which when deployed upon an individual causes Neuromuscular Incapacitation to a person's sensory and motor functions within the central nervous system.
6. ECW-user certified: Personnel who have satisfactorily completed the Department's 8-hour training course and are authorized to carry and utilize the ECW. Authorized personnel shall complete a prescribed departmental annual refresher course.
7. Imminent: Impending, or about to occur.
8. Necessary: Alternative steps are not likely to lead to safe control of the subject.
9. Non-contact shooting: A shooting in which an MDPD officer discharges a firearm (except during training, practice, or personal recreational activities) and no person is struck by the projectile. Animal shootings are considered non-contact shootings for the purposes of this directive.
10. Less lethal force: A type or quantity of force which is neither likely nor intended to cause death or serious physical injury. Such force normally includes, but is not limited to, the use of physical strength or skill, chemical agents, the defensive police baton, Applied Carotid Triangle Restraint (ACTR), ECWs, or any other departmentally-approved less lethal tool or technique.
11. Proportionality: Using only the level of force necessary to mitigate the threat and safely achieve lawful objectives. Officers should consider the nature and severity of the underlying event and individual(s) involved, and consider whether other reasonable options exist to safely control the situation.
12. Reasonable belief: Facts that would cause a reasonable officer in the same situation to conclude that the point at issue is probably true.
13. Serious physical injury: Includes, but is not limited to, an injury which creates a substantial risk of death or serious personal disfigurement, disability, or protracted loss or impairment of the functioning of any organ or part of the body.
14. Threat: An expression of intention to inflict injury, damage, or reckless behavior.

B. Use of Force:

A description of all situations wherein the use of force, whether less lethal or deadly force, would be justified is not feasible. The standard used by courts to determine whether or not the use of force is justifiable was outlined in *Graham v. Connor*, 490 U.S. 386 (1989), where the Court explained:

In determining whether force used in a particular arrest, investigatory stop, or other seizure is reasonable, the inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

In *Graham*, the Supreme Court emphasized facts and circumstances that courts will examine in determining the reasonableness of the use of force; the severity of the crime at issue; whether the suspect poses an immediate threat to the safety of officers or others; and whether the offender is actively resisting arrest or attempting to evade arrest by flight. Additional variables exist, but the most important factor continues to be the need to prevent serious physical harm either to the officer or to others. (See Annex A, Legal Aspects of Use of Force, for additional factors.)

C. Reasonable Force:

Pursuant to Florida law, a law enforcement officer, or any person whom the officer has summoned for assistance, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest, and may use reasonable force to complete the arrest. Force can be used against another when and to the extent that the person reasonably believes that force is necessary to defend one's self or others from the imminent use or threat of unlawful force.

Protecting the safety of both officers and citizens is the most important factor for officers to consider. Officers shall only use such force as is reasonably necessary and authorized to effect an arrest or defend themselves or others. Officers shall use the minimal amount of force that is necessary to effect an arrest apprehension, or physically control a violent or resisting person.

When time and circumstances permit, officers shall use de-escalation techniques to reduce the amount of force needed, if any. Officers shall continually assess the situation; consider the seriousness of the underlying offense, if any; consider options for de-escalation, and bring in additional resources.

D. Use of Deadly Force: [1.3.2]

The use of deadly force is the most serious action in which a police officer may engage. The authority to carry and use firearms in the course of public service is an enormous responsibility. Respect for human life requires that, in all cases, deadly force be used only as a last resort. Above all, the safety of the public and officers must be the overriding concern whenever the use of deadly force is considered.

1. Deadly force shall only be used to protect an officer or another person from imminent danger of death or serious physical injury. [CALEA 1.3.2]
2. When the decision is made to use deadly force, officers must cease its application when the threat no longer exists and there is reasonable belief that they or another person are no longer in imminent danger of death or serious physical injury.
3. Officers may use only the minimal amount of force necessary to protect human life.
4. In all cases where officers use deadly force, they shall attend a mandatory training program at the Miami-Dade Public Safety Training Institute immediately, or as soon as practicable, following the application of such force.

E. General Prohibitions Regarding the Use of Deadly Force:

1. Police Officers are prohibited from using deadly force against any person, including fleeing felons, except as necessary in self-defense or the defense of another person when those officers have reasonable belief that they or another person are in imminent danger of death or serious physical injury.
2. Police officers are prohibited from using deadly force in the defense of property.
3. Police officers are prohibited from firing warning shots. [CALEA 1.3.3]
4. Police officers are prohibited from using deadly force when circumstances do not provide a reasonable probability of striking the intended target.

5. Police officers are prohibited from using deadly force when there is a foreseeable risk to the safety of innocent bystanders or officers.
6. Police officers are prohibited from using deadly force against individuals who pose a danger only to themselves, and not to other members of the public or to officers. Officers shall consider the use of other available less-lethal options in these situations, and be prepared to exercise considerable discretion to wait as long as necessary to increase the probability of a peaceful resolution.

F. Prohibitions Regarding the Use of Deadly Force at or from Motor Vehicles:

1. Police officers are prohibited from discharging their firearms **at** a moving vehicle unless a person in the vehicle is imminently threatening the officer or another person with deadly force by a means **other** than the vehicle itself. The only exception is an apparent act of terrorism where the vehicle is being used as a weapon.
 - a. Police officers shall not intentionally place themselves in the path of a moving vehicle or remain in the path of a moving vehicle when attempting to approach, pursue, and/or stop a motor vehicle.
 - b. Physically being in the path of a moving vehicle shall not be justification for discharging a firearm at the vehicle or any of its occupants.
 - c. An officer in the path of an approaching vehicle shall move to a position of safety rather than discharging a firearm at the vehicle or at any of the occupants of the vehicle.
2. Police officers are prohibited from discharging their firearms from a moving vehicle unless exigent circumstances exist warranting the imminent defense of human life.

- G. Police officers are prohibited from discharging their firearms at a dog or other animal except to protect themselves or another person from imminent danger of death or serious physical injury, and there is no other reasonable means to eliminate the threat.

II. USE OF FORCE REPORTING: [CALEA 1.3.6]

A. Supervisor's Report of Response to Resistance (SRRR): (Annex C)

An SRRR form shall be prepared when an officer acts in an official capacity on or off duty, regardless of whether an arrest is made and whenever the following occurs: [CALEA 1.3.6a-d]:

1. A firearm is discharged resulting in a contact or non-contact shooting, except for training, practice, or recreational activities, in unincorporated Miami-Dade County, a municipality or outside Miami-Dade County. Whenever an officer discharges a firearm, an immediate investigation by the appropriate investigators will be conducted, independent from the SRRR.
2. A degree of force is applied or a struggle occurs which results in an injury or death to the subject, any other individuals, or is likely to cause injury.
3. A chemical agent is discharged in the direction of, or causes injury to a person.
4. An injury or a complaint of injury which results from the guiding, holding, directing, or handcuffing of a person who offers resistance.
5. The ACTR is utilized.
6. The side-handle or expandable defensive police baton is used as a striking instrument.

7. An ECW deployment results in the subject being impacted by probes, drive stunned, or stimulated by electrical energy.

When an officer is the only injured party during the course of an arrest, and the criteria listed above do not apply, the SRRR form is not required. All complaints of injuries, regardless of whether the above criteria are met, require documentation and supervisory notification as detailed in the Departmental Manual, Chapter 18 – Part 2 – Prisoner Related Activities, Section III. Procedures, N. Sick or Injured Prisoners. Additionally, a complaint of injury does not constitute the implementation of a SRRR if not related to an actual use of force incident.

B. Notification of Supervisor:

The involved officer(s) shall notify the dispatcher immediately and request that his supervisor respond. If the officer's immediate supervisor is not available, a supervisor from the officer's unit of assignment will be advised. If the involved officer's immediate supervisor or a supervisor from his unit of assignment is unable to respond within a reasonable period of time, a uniformed supervisor (sergeant or higher) from the affected district, or nearest district when the incident is in a municipality, will respond and prepare the SRRR form (Annex C) in compliance with the SRRR Instruction Sheet (Annex D). A case report will be prepared and include all pertinent details of the incident.

C. Preparation of SRRR:

1. Color photos will be taken of all subjects and employees who were directly involved in the original incident and were listed on the SRRR form. Color photos will also be taken of all injured parties; i.e., officers, subjects, and other individuals who are involved in the incident, except when the incident is a contact shooting investigated by the Homicide Bureau.
2. Close up photographs should depict all injuries sustained and the specific area of the body when there is a complaint of injury. All photographs and a copy of the case report will be attached to the original SRRR form.
3. All SRRR forms will be forwarded to the Professional Compliance Bureau (PCB), via the chain-of-command for review and storage. [CALEA 1.3.7]
4. The supervisor will not enter an opinion or conclusion when completing the Narrative Section of the form.
 - a. With the exception of shooting incidents, if the incident is going to be investigated by PCB, the preparing supervisor must include a short synopsis of the incident in the Narrative Section of the form. When a PCB investigator responds to the scene of an incident and initiates an investigation, the supervisor will not include comments relating to the PCB investigation in his report.
 - b. If the incident is to be investigated by a specialized unit, including non-contact and animal shootings investigated by the PCB, the preparing supervisor shall enter in the Narrative Section, SEE CASE REPORT PREPARED BY (enter specialized unit). Upon approval by the appropriate district/bureau commander, the signed original SRRR form will be forwarded promptly through the chain-of-command (concerned division chief, assistant director, or commander of an office reporting to the Director) to PCB, and a copy will be provided to the investigative unit.

D. Medical Attention: [CALEA 1.3.5]

In use of force incidents, both nonlethal and lethal, medical attention may be required. If a subject complains of pain or injury; is unconscious; or, in the opinion of the concerned officer or supervisor, has an obvious injury requiring medical attention beyond the capability afforded by training and issued first aid items, officers shall request a Miami-Dade Fire Rescue (MDFR) unit be dispatched to the scene to render first aid or transport the injured party to a medical facility.

E. Administrative Assignment: [CALEA 1.3.8]

Any employee, whose action(s) or use of force in an official capacity, results in death or serious injury, will be removed from line-duty assignment, pending an administrative review.

F. Relief From Duty:

It is the responsibility of the involved officer(s) chain-of-command to determine if it is necessary to relieve the officer(s) of duty in accordance with departmental guidelines and, if so, to complete that process.

III. DISCHARGE OF FIREARMS INVESTIGATIONS/REPORTS:

A. Notifications:

The involved officer shall immediately notify an on-duty supervisor who will contact the Communications Bureau Shift Commander. The Communications Bureau Shift Commander will promptly notify the Homicide Bureau (only on contact shootings), Crime Scene Investigations Section, Public Information and Education Bureau, PCB concerned division chief, Psychological Services Section, Miami-Dade Public Safety Training Institute (MDPSTI), and Police Legal Bureau.

B. Case Reports:

Case reports concerning other incidents associated with the use of force; e.g., robbery, burglary, will be the responsibility of the affected investigative element. Copies will be requested when case reports are prepared by other agencies.

C. Incidents Occurring Within Unincorporated Miami-Dade County:

1. General:

- a. A supervisor advised of such an incident will proceed immediately to the scene, evaluate the incident, and request assistance as warranted.
- b. An uninvolved uniformed unit will be dispatched to render assistance, secure the scene, initiate an investigation, and prepare initial case reports. Homicide and PCB investigators will respond and initiate follow-up action on all contact shootings. A Homicide Bureau investigator will be the primary (lead) investigator on all contact shootings. A PCB investigator will respond and conduct an investigation on all non-contact shootings. The PCB investigator will be the primary (lead) investigator for that part of the investigation involving the discharge of firearms.

2. Supervisory responsibility at contact shootings and in-custody deaths:

The on-scene uniformed supervisor is responsible for ensuring the following:

- a. The prompt security and integrity of the shooting scene by establishing two perimeters (an interior perimeter for concerned investigators, departmental command staff, and supervisors, and an exterior perimeter for media, members of the public, etc.). No other officer, regardless of rank, should enter the scene prior to the arrival of a Homicide investigator or supervisor.
- b. The Homicide Bureau is notified by telephone as soon as possible after the shooting by an on-scene supervisor. The notification should include the condition and/or location of any subject(s) involved in criminal activity, officer(s) who discharged their firearms, and the victim(s).
- c. All witness officers, involved officers, and civilian witnesses shall be separated to ensure statement integrity. Contact with the involved officer(s) should be kept to an absolute minimum.
- d. No firearms should be impounded, checked, or in any way disturbed by anyone other than MDPD Crime Scene Investigations Section personnel in the presence of a Homicide investigator or supervisor.
- e. The involved officer's firearm should be re-holstered or left where it was dropped. Shotguns

and/or rifles should remain exactly where they were left by the officer after the shooting.

- f. Where exigent circumstances may exist and there is a possibility of a firearm being removed prior to the scene being secured, the firearm should be secured by arriving officers or supervisors.
 - g. Arrange to supply officers who discharge their firearms with a replacement firearm for any firearm that is impounded by the Crime Scene Investigations Section.
3. Supervisory responsibility at non-contact shootings:
- a. The on-scene uniformed supervisor is responsible for ensuring the following:
 - (1) Prompt security and integrity of the shooting scene in the same manner as with contact shootings.
 - (2) Notifying Communications Bureau; requesting that PCB, Crime Scene Investigations Bureau, MDPSTI, and the appropriate investigative element respond.
 - (3) If the officer who discharged a firearm is injured and must leave the scene prior to the arrival of PCB, preserve the firearm at the scene as evidence. If the firearm was holstered, ensure it is left holstered and retain the entire gun belt or non-uniform holstered gun at the scene. The unarmed officer will be escorted by another armed officer. The identity and location of all involved persons shall be determined. All witness officers, involved officers, and civilian witnesses shall be separated to ensure statement integrity. Contact with the involved officers should be kept to an absolute minimum.
 - (4) Making basic inquiries to determine generally what occurred and briefing the PCB investigator(s). Witness officers are required to respond to supervisor's inquiries and write reports concerning the incident as directed. If the witness officer becomes an involved officer, the provisions of paragraph D.1., below, apply.
 - (5) Making arrangements to supply officers who discharge their firearms with a replacement for any firearm that is impounded by PCB.
 - (6) If necessary for the investigation, the officer will be advised to contact the Firearms Unit of the Forensic Services Bureau in order to schedule an appointment for a test firing of his weapon. The PCB investigator will be responsible for contacting the Firearms Section to provide information pertaining to the investigation and the reason that the test firing is being requested.

D. Incidents Occurring Within a Miami-Dade County Municipality:

1. The uniformed supervisor's responsibility upon learning of such a shooting is to ensure that appropriate notifications have been made. The supervisor of the involved officer may respond to the scene at the discretion of that supervisor's chain-of-command.
2. Homicide and PCB investigators will respond, conduct an investigation, and prepare appropriate case reports on all contact shootings. A PCB investigator will respond and conduct an investigation on all non-contact shootings (also refer to Section 2, Paragraph III, B. Case Reports, above).

E. Incidents Occurring Outside Miami-Dade County:

1. During normal business hours, the supervisor of the involved officer will cause the concerned chief, assistant director, or commander of an office reporting to the Director, to be notified to determine what, if any, support personnel should respond to the incident.
2. At all other times, the Communications Bureau Shift Commander will be notified. The Communications Bureau Shift Commander will notify the PCB Major.

3. If the incident occurred in Broward, Monroe, Palm Beach, or Collier Counties, a PCB investigator will respond.
4. Response of departmental personnel to incidents which occurred beyond adjacent counties will be evaluated on an individual basis, and appropriate personnel assigned by the, concerned chief, assistant director, or supervisor of an office reporting to the Director, as appropriate (also refer to Section 2, Paragraph III. B., Case Reports, above).

F. Replacement of an Impounded Firearm:

1. The supervisor shall ensure that the involved officer is not left unattended without a firearm.
2. Replacement firearms, of the same manufacturer and ammunition, are available at district stations and the MDPSTI armory.

G. Attorney or Psychotherapist/Client Privilege:

1. Involved officers: Officers who discharge their firearms are defined as involved officers in an administrative investigation. Involved officers should not be asked what happened. Attorneys or a representative of their choice, however, are permitted to talk to the involved officer(s). A representative, however, does not enjoy the attorney or psychotherapist/client privilege and could be compelled to give a statement concerning what the officer said.
2. Witnesses: There is no entitlement for a witness to speak to an attorney or representative of choice prior to responding to the inquiries of a supervisor or PCB investigator in an administrative investigation.

H. Administrative Investigative Review and Report of Findings:

1. Upon completion of the investigation, investigating elements will forward a copy of all case reports to the PCB.
2. In the event of a contact shooting, the investigative file will be forwarded to a disposition panel selected by PCB. Following review, the file and panel findings will be returned to the concerned division chief, assistant director, or the Director for an office reporting to the Director, for appropriate action.
3. In the event of a non-contact shooting, the investigative file will be forwarded to the supervisor of the major organizational element of the concerned officer. A Shooting Investigation Memorandum (Annex E), indicating review of the file and action taken, will be prepared by the concerned supervisor of the major organizational element and forwarded with the investigative file to the concerned division chief, assistant director, or the Director for an office reporting to the Director, for approval and forwarding as follows:
 - a. If disciplinary action is recommended, the completed case file will be routed for review as enumerated in **Complaint, Counseling, and Discipline**.
 - b. If discipline is not recommended, the completed case file will be forwarded, via PCB, to the Director for final review.
4. After review of the incident, and if the facts support a conclusion that the discharge was the result of officer negligence, the officer may be required to undergo firearms certification training.
5. At the conclusion of the shooting investigation, the PCB will forward a complete copy of the case file to the MDPSTI, Firearms Section, for review, evaluation, and research. The MDPSTI will utilize information gathered to improve methods, training, and tactics.

SECTION 3 - NONLETHAL WEAPONS AND PROCEDURES [CALEA 1.3.4]

I. GENERAL: [CALEA 1.3.9a; 1.3.11b; 1.3.12]

Agency personnel authorized to carry and/or use nonlethal weapons and techniques are issued a copy of the departmental use of force policy as described in this directive. Proficiency will be documented during annual qualification training, which will signify receipt of instruction. The following nonlethal weapons and procedures are authorized for use by departmental personnel:

A. Side-Handle and Expandable Police Batons:

Police batons will be carried only by personnel who have completed departmentally-approved training and have demonstrated proficiency annually in their use.

B. Applied Carotid Triangle Restraint (ACTR):

The ACTR will be utilized only by personnel who have completed approved training in its use. Personnel are required to demonstrate proficiency annually.

1. ACTR aftercare procedures:

These procedures will be followed by departmental personnel who utilize this defensive tactic in subduing a resisting subject:

- a. Any subject subdued by use of the ACTR should be handcuffed, whether conscious or unconscious, after being taken into custody.
- b. All clothing or other objects around the subject's neck should be loosened.
- c. If conscious, the subject shall be placed in either a sitting position or laying on his side. After any application of the ACTR, an MDFR unit shall be requested to the scene to examine the subject for any possible injury and advised that the ACTR was utilized.
- d. If the subject is unconscious, he shall be placed in a sitting position and revived utilizing the "back striking technique" as follows:
 - (1) Place the subject in a sitting position.
 - (2) Locate the shoulder blades.
 - (3) Cup hand with fingers pointed downward.
 - (4) Strike the subject's back briskly below the shoulder blades and above the kidney area.
- e. If the subject does not revive after 30 seconds and is not breathing, artificial respiration should be administered. If no pulse is found, cardiopulmonary resuscitation should be administered, and an MDFR unit shall be requested to the scene in an emergency mode. [CALEA 1.3.5]

2. Mandatory observation: [CALEA 1.3.5]

A two-hour mandatory visual observation of the subject, by the arresting officer, shall begin after application of the ACTR, regardless of whether the subject is rendered unconscious. If medical complications develop, they will usually occur within the two-hour observation period.

3. Transportation:

- a. Prior to being transported, the conscious subject shall be placed in a sitting position in the police vehicle.
- b. The subject shall be transported by two officers to a medical facility and examined prior to being incarcerated. During transportation, one officer will constantly monitor the subject.

4. Notifications:

- a. An officer who applies the ACTR will notify his supervisor that the ACTR was utilized on the subject, and an SRRR shall be prepared.
 - b. Supervisory personnel at the medical facility where the subject is examined will be specifically advised of the use of the ACTR on the subject, and their names will be recorded on the SRRR.
 - c. Detention personnel will be advised that the subject received medical clearance after the ACTR is applied.
5. Documentation and photographs:
- a. The officer shall document the incident, to include names and department titles of those persons who had contact with the subject after the ACTR was applied; i.e., the MDFR and medical personnel who examined the subject.
 - b. Photographs will be taken of the subject's neck to show that proper techniques were utilized and to document any other possible injury sites.

C. Chemical Agents:

To minimize injury to suspects, officers, and others, or to avoid property damage, use of a chemical agent may be necessary. Although police chemical agents are currently considered nonlethal, use of the individually-issued canisters must be carefully evaluated by the officer.

1. Approved chemical agents: Officers shall carry only chemical agents which have been approved by the Department.
2. Use of chemical agents: No tactical advantage is realized by indiscriminate use of chemical agents against non-combative persons. Chemical agents will not be used until all other reasonable efforts to control an incident have failed. Chemical agents will only be used by personnel who have completed departmentally-approved training and have demonstrated proficiency annually in its' use.
3. Authority to employ: During crowd control situations, or civil disturbances, the on-scene commander has responsibility for authorizing use of a chemical agent and for directing its application. Although smoke is not considered to be a chemical agent, smoke grenades may be employed to disperse a crowd.
4. Projectiles: Projectiles are designed to deliver chemical agents in containers that can be fired from gas guns or 12-gauge shotguns. The muzzle velocities of these projectiles enable them to penetrate windows, doors, and room partitions; therefore, chemical agent projectiles shall not be fired directly at any person.
5. Reports: Appropriate reports shall be completed whenever a chemical agent or weapon is employed.
6. Duration: The duration of application of chemical agents shall be limited to that required for effective control.
7. First aid: When a chemical agent has been applied, first aid shall be administered as soon as practicable. [CALEA 1.3.5]

D. Electronic Control Weapon (ECW):

1. ECWs are issued to officers for utilization to neutralize potentially combative subjects, as an alternative to physical control in arrest or custodial situations. Only those employees who have completed the approved ECW User Certification course may utilize an ECW.

Officers should only use that force which is necessary to control and seize an individual for the purpose of taking the person into custody or treatment. The ECW shall not be used as a tool of coercion to intimidate an individual into compliance with simple requests or directives by an officer. ECW use should not exceed an accumulative total of three cycles or deployments, regardless of the

number of officers deploying an ECW, unless tactically necessary to seize an individual. No policy or guidelines can anticipate every situation that officers might face, however, in general terms, the following guidelines are established:

- a. An officer's response level to subject resistance should always depend upon subject/officer factors such as age, size, weight, and the subject's apparent ability to physically challenge the officer or do harm to himself or others, balanced against the seriousness of the incident.
 - b. The primary purpose in the decision to deploy the ECW is to prevent continuing escalating subject resistance or violence and to minimize injury to both the officer(s) and subject(s).
 - c. Prior to deployment of the ECW, officers must take into consideration environmental factors which may contribute to serious injury; e.g., subjects standing on or near the edge of a roof, stairwell, window, or body of water.
 - d. ECW deployment is authorized during an arrest or custodial situation where the subject is exhibiting threatening body language associated with verbal threats, or the subject is refusing to comply with the officer's instructions and has the apparent ability to physically challenge the officer. Threatening body language by the subject includes, but is not limited to:
 - (1) Blading the body
 - (2) Assuming a "boxer stance"
 - (3) Circling the officer
 - (4) Moving hands from open to closed forming a fist, etc.
 - (5) Physically evasive movements to defeat an officer's attempt at control in the form of bracing or tensing the body, attempts to kick, push, or pull away from the officer, or prohibiting the officer from getting within close proximity of the subject, to include fleeing.
 - e. ECW deployment is authorized when the subject makes an overt, hostile attacking movement which may cause injury, but is not likely to cause death or great bodily harm to the officer or others.
 - f. ECW deployment is authorized when a subject makes overt, hostile, attacking movements with or without a weapon with the intent and apparent ability to cause death or great bodily harm to the officer or others. Deadly force is still an option.
 - g. ECW deployment is authorized when lesser use of force options are ineffective.
2. Fleeing subject:
- a. An officer's decision to deploy an ECW on fleeing felons and violent misdemeanants who are subject to arrest should be predicated upon the subject exhibiting physically evasive movements to defeat the officers attempt to control. A violent misdemeanor is someone who has inflicted or has threatened to inflict physical harm to another person.
 - b. An officer's decision to deploy an ECW on a fleeing subject who is being taken into custody, pursuant to the Mental Health Act, should be based upon the subject clearly exhibiting behavior that would cause harm to themselves or others and who have the apparent ability to carry out those intentions.
3. Repetitive cycle/multiple officer deployment:
- An officer's decision to deploy the ECW utilizing repetitive cycles shall be predicated upon any of the following factors:
- a. The subject continues to exhibit physically evasive movements to defeat the officers attempt to control.

- b. The subject refuses to follow the officer's command to stop resisting.
- c. A tactical method is not feasible or could place the officer in jeopardy.
- d. Notwithstanding the above, the attempt by the subject to defeat the ECW connection is sufficient justification for repetitive cycle deployment.
- e. Exigent circumstances:
 - (1) The duration of any deployment or cycle should not exceed 15 seconds, unless tactically necessary to seize an individual for custodial treatment purposes.
 - (2) The supervisor conducting the preliminary ECW investigation for the purpose of writing the SRRR shall notify the Communications Bureau Shift Commander and ask that PCB be notified on all ECW incidents involving a cumulative total of three or more cycles or deployments; regardless of the number of officers deploying an ECW, and/or any ECW deployments/cycles exceeding 15 seconds of duration. Separate from the SRRR, PCB shall start an inquiry regarding these ECW incidents and report their findings via memorandum to the Director and Assistant Director in the officer's chain-of-command. The PCB will also keep an accounting/log of all ECW incidents which involve three or more cycles/deployments and/or any ECW deployments/cycles exceeding 15 seconds of duration.

4. ECW deployment on animals:

An ECW can also be utilized to neutralize an attack by an animal. In the event an animal is struck with an ECW, the Miami-Dade Animal Services Department will be requested to respond to the scene. An SRRR is not necessary; however, the ECW Usage Report will be completed and forwarded to MDPSTI's Police Survival Unit.

5. Issuance of ECW and cartridges:

The MDPSTI, Police Survival Unit, issues all assigned ECWs to departmental elements. All districts, bureaus, and sections listed on the Table of Organization that are assigned ECWs shall designate a station control officer/administrative officer to maintain ECWs assigned to certified personnel. Station control officers/administrative officers will issue ECW cartridges as needed and record the cartridge serial number in the Electronic Control Weapon Cartridge Log (Annex F). ECW cartridges shall be issued after supervisors submit completed ECW Usage Reports.

- a. ECWs assigned to officers will remain assigned to those officers even when transferred to other districts, bureaus, sections. Station control officers/administrative officers from the departing entity shall notify the MDPSTI ECW inventory coordinator of the transfer. Once this notification has been made, the station control officer/administrative officer will remove the transferred ECW from his inventory.
- b. Uniform district personnel are the MDPD's first priority when issuing ECWs. At the discretion of the MDPSTI, in concert with command staff of Investigative Services, ECWs will be collected from specialized units and re-issued to certified uniform personnel.
- c. ECW-certified personnel who are currently assigned ECWs will not relinquish the ECWs unless it is decided by the MDPSTI and the officer's chain-of-command that the officer is working in a capacity which is not likely to encounter violent individuals.

6. ECW aftercare procedures:

Departmental personnel will adhere to the following procedures when deployment of the ECW probes or drive stuns impact a subject:

- a. Once the subject is handcuffed and in custody, the officer(s) shall advise the police dispatcher that the subject has been probed or drive stunned by an ECW and request that a supervisor respond to the scene.

- b. Only ECW-user certified officers will remove the probes from the subject using departmentally-issued safety gloves. If needed, a Band-Aid will be applied to the affected area. An ECW-user certified female officer should be utilized to remove probes that strike a female whenever practicable. Any adult prisoner impacted by the ECW probes shall be transported to a detention facility via Ward D, when determined to be necessary.
- c. In the event an ECW probe strikes a subject's head, neck, or genital area, officers should not attempt to remove it, but have MDFR respond to remove it. After being treated by MDFR personnel, the subject will be transported to Ward D.
- d. Any juvenile impacted by an ECW shall be transported to a medical facility for evaluation. Upon written release from the medical facility, the juvenile prisoner shall be transported to the Juvenile Services Department.

7. MDFR notification/medical considerations:

Due to the seriousness and importance associated with ECW applications, and the recommendations of medical professionals and practitioners, MDPD personnel will notify MDFR under the following circumstances:

- a. When a probe is embedded in the head, neck, or genital area. Additionally, procedures discussed in Section 3, Paragraph I., subsection D. 7. c. above, shall be followed.
- b. When the person is unconscious even for a short period of time.
- c. When there is a visible seizure and the ECW is NOT firing.
- d. When the person is in an "excited delirium" state; displaying wildly agitated behavior, possibly hallucinating, or appears to be under the influence of a stimulant drug, especially urgent if the skin feels hot.
- e. There is obvious significant injury from a fall or take down.
- f. The person volunteers/states that they are having chest pain or trouble breathing.
- g. The person exhibits persistent confusion or altered mental status more than one minute after application of the ECW.
- h. If an ECW is used by a member of the public on an individual; i.e., non-police use.
- i. If the individual requests MDFR or medical assistance.
- j. If used on a juvenile (18 years of age or under) in an arrest or custodial situation.
- k. If there is any doubt as to the health of the person.

Continuous monitoring of the person must take place regardless of whether MDFR is called or not, especially within the first 60 minutes after an ECW application. Additionally, care must be taken to avoid positional asphyxia. No person should be restrained and left prone (face down) for an extended period of time.

8. Documentation and photographs:

- a. The supervisor shall document the ECW cartridge(s) serial number in the narrative of the SRRR. Subject or officer injury shall be photographed and attached to the SRRR.
- b. The supervisor shall ensure that a completed draft copy of the SRRR shall be faxed to PCB within 24 hours of the incident. The final SRRR shall be forwarded to the concerned Assistant Director for review within five days of the incident. The Assistant Director reviewing the final SRRR may forward a copy to the Director when deemed necessary.
- c. The supervisor shall complete an Electronic Control Weapon Usage Report (Annex G) and

include a detailed account of the circumstances surrounding the deployment and any additional cycle deployments from an ECW. A copy of the SRRR should be attached to the Electronic Control Weapon Usage Report and the original SRRR should be routed to PCB for review and storage.

- d. The officer shall treat the expended probes and used safety gloves as biohazard material. The probe(s) shall be inserted point first back into the ports of the air cartridge. The cartridge ports will then be sealed with tape and placed in a biohazard bag in accordance with procedures in **Communicable Diseases**.
- e. Investigative entities that determine expended ECW cartridge(s) or probe(s) are of evidentiary value shall follow procedures outlined in **Impounded Property**.
- f. Station control officer/administrative officer at the affected entities will be responsible for issuing replacement cartridges after ECW users submit completed Electronic Control Weapon Usage Reports, and shall forward copies of all Electronic Control Weapon Usage Reports to the MDPSTI, Police Survival Unit.
- g. In an arrest or custodial situation when only the ECW is drawn from the holster, and compliance is achieved, only an Electronic Control Weapon Usage Report shall be completed and forwarded to the MDPSTI, Police Survival Unit.

9. Records retention:

All entities that employ personnel equipped with an ECW shall maintain an assignment log to include ECW assignment cartridge assignment and transfers.

10. ECW-user responsibilities:

- a. All sworn personnel trained and issued an ECW are required to wear the ECW and have in their possession ECW accessories when working on duty or in an off-regular duty status in uniform. The Director reserves the right to exclude specific officers from the mandatory carrying of an ECW.
- b. Personnel equipped with an ECW will be responsible for ensuring proper operation of the ECW by removing the cartridge and conducting a spark test every working day. The spark test will be documented on the bottom of the Daily Activity Report, i.e., time of test, the word "Test", and the ECW serial number. For officer safety and equipment maintenance purposes, officers should not be limited to a single daily spark test; however, firings which appear to be unsystematic and/or reckless should be reviewed by a lieutenant or higher.
- c. Arrest or custodial situations that generate subject compliance utilizing the ECW by any means other than exposure to electrical stimulation or being impacted with a probe, will require an ECW Usage Report. The report will be forwarded to the MDPSTI, Police Survival Unit, no later than the conclusion of the officer's work shift.
- d. Personnel assigned the M-26 model ECW shall charge the batteries at least once a week.
- e. When circumstances permit and officer safety or the safety of others is not compromised, the officer will provide a verbal warning to the subject by announcing "ECW". This warning will also alert other officers that may be in the vicinity of the deployment.
- f. After deployment, an officer shall announce the code word "CLEAR" to alert other officers prior to approaching the subject to affect an arrest.
- g. ECW-certified personnel will maintain certification by attending the annual four hour recertification course whether or not they are currently assigned an ECW.

11. Supervisor's responsibilities:

- a. When an ECW is discharged in a manner that makes contact with an individual, in addition to

completion of the SRRR, the supervisor shall ensure that a download is conducted for comparison with information in the report. A supervisor in the rank of lieutenant or higher, shall review and initial the download, Electronic Control Weapon Usage Report, and SRRR, to ensure that all documentation is consistent and accurate.

- b. Supervisors are to review each Daily Activity Report to determine whether function checks are being conducted and to identify any unsystematic firings which appear to be reckless in manner. A supervisor in the rank of lieutenant or higher shall review all such cases. Any discrepancies which cannot be resolved at the element level shall be forwarded to PCB.

12. ECW prohibitions:

Below is a list of prohibited ECW uses unless deadly force is encountered, alternative measures have been exhausted, or exigent circumstances exist:

- a. Officers shall not discharge an ECW near flammable liquids or fumes. An ECW shall not be discharged if self-defense spray has been deployed as the ECW can ignite when discharged near flammable liquids or fumes.
- b. An ECW shall not be deployed on subject(s) in physical control of a motor vehicle while the engine is running.
- c. An ECW shall not be used on women who are known to be pregnant and/or women who appear to be pregnant.
- d. An ECW shall not be intentionally aimed at the head, neck, or genital area.
- e. The ECW data port cover for the M26 model will not be removed unless the ECW is being charged or downloaded for information. The (X)DPM for the X26 model will not be removed unless it's being changed or downloaded for information. The ECW shall not be altered, i.e., engraved, taken apart, or repaired. Officers experiencing malfunctions with the ECW shall report to the MDPSTI, Police Survival Unit.
- f. Officers shall not utilize ECWs or ECW accessories not approved and issued by the MDPSTI.

13. ECW Removal:

- a. Entity commanders employing ECW-certified personnel shall consider, and have the authority, to remove and reassign an ECW when it has been determined by an element level or PCB investigation that an officer misused an ECW or failed to follow departmental guidelines in its use. An immediate supervisor may remove an ECW from a subordinate's possession pending final approval from the entity commander, when circumstances dictate.
- b. The MDPSTI, Police Survival Unit, may remove an ECW from an officer's possession if they fail to demonstrate proficiency.

14. ECW Holsters:

Uniformed personnel can wear the issued holster or any other approved holster as established by the MDPSTI.

SECTION 4 - FIREARMS

I. GENERAL: [CALEA 1.3.9a; 41.3.4]

Employees shall not carry or possess a firearm or weapon, concealed or unconcealed, while on duty or while in County premises, facilities, offices, or vehicles unless authorized by State law and the Director. Departmental employees may, as part of their official duties, handle, analyze or examine, transmit, store, or receive for the following purposes, any firearm or weapon that has been impounded by or submitted to the Department for analysis, examination, storage, and/or safekeeping.

Sworn personnel shall carry an authorized firearm on duty which meets departmental specifications (firearms utilized for licensed hunting or organized competitive shooting activities are excluded), unless exempted by

a supervisor. The on-duty carrying of shotguns or rifles is optional unless directed otherwise. Handguns approved as additional weapons and/or for non-uniformed assignment shall be carried in a concealed manner. The MDPSTI maintains a current list of departmentally-approved firearms, weapons, and ammunition.

A. Drawing a Firearm:

The decision to draw or direct a firearm at an individual should be based on the tactical situation and reasonable belief by the officer that there is a substantial and imminent risk that the situation may escalate to a point where deadly force may be justified. Officers should exercise discretion when drawing a firearm.

B. Surrendering a Firearm:

An officer may be confronted by an armed person who has the advantage, but the danger is not reduced by the officer giving up his firearm upon demand. Surrendering his firearm might mean giving away the only chance for survival, therefore, an officer should use every tactical tool to avoid surrendering his firearm.

C. Authorization to Carry Firearms: [CALEA 1.3.10; 1.3.12]

Sworn personnel will be authorized to carry only departmentally-authorized firearms, and only after receiving copies of, and instruction in, the Department's use of force policy as specified in this directive and demonstrating required proficiency as determined by the MDPSTI.

D. Supervisory Inspection: [CALEA 1.3.9c]

Supervisors shall routinely inspect firearms, ammunition, and reloading devices carried by subordinates. Personnel are responsible for proper care, cleaning, and treatment of firearms carried in the line of duty.

E. Handling Firearms:

Firearms will be handled in a safe and reasonable manner.

1. Prohibition on direct contact:

A handgun, rifle, or shotgun muzzle will not be held in direct contact with an individual except as a last resort when the use of deadly force is justified and it is the only manner in which the firearm can be discharged without increasing the danger of death or serious physical injury to the officer or another person.

2. Handguns:

- a. When a handgun is drawn, the trigger finger will be kept outside the trigger guard and parallel to the cylinder or frame until the weapon clears the holster.
- b. The hammer of a revolver will not be drawn back to the single-action firing position except when cleaning or disassembling the weapon.
- c. Handguns will be secured as soon as practicable after determining that use of deadly force is not necessary.

3. Shotguns:

- a. The trigger finger shall be kept outside the trigger guard unless deadly force becomes necessary.
- b. The safety button shall be engaged or disengaged only from outside of the trigger guard. The safety shall be disengaged only when deadly force may become necessary.
- c. The shotgun will be carried with the chamber closed and empty, the magazine filled, and the safety on.
- d. Officers carrying shotguns are discouraged from running or engaging in foot pursuits unless circumstances dictate otherwise.

e. Absent exigent circumstances:

- (1) Shotguns will be loaded and unloaded in a safe manner and location with the barrel pointing downward.
- (2) Routine loading and unloading will be into and from the magazine tube.
- (3) Shotguns will be transported in vehicles with an empty chamber, in battery (slide locked forward), and the safety on.
- (4) A round shall be chambered only when an officer determines that deadly force may be necessary. A chambered round will be removed directly from the chamber.
- (5) Shotguns will be secured as soon as practicable.

II. APPROVED ON-DUTY FIREARMS: [CALEA 1.3.9a,b; 41.3.4]

All firearms will be inspected by the firearms staff during annual qualification. Weapon condition will be documented on the Annual Firearm Qualification Record, and unsafe firearms removed from service until repaired. [CALEA 1.3.9d] Departmentally-approved firearms, as determined by the MDPSTI Police Survival Unit, shall be utilized for all approved on-duty and off-duty firearms; i.e., revolvers, semiautomatics, shotguns, rifles, and special purpose tactical firearms, and a list of authorized firearms is maintained by the Police Survival Unit. Questions regarding specific firearms approved by the Department should be directed to the Police Survival Unit.

A. Revolvers:

The weapon must be manufactured by Colt, Rugger, or Smith and Wesson, and meet the criteria specified for uniformed assignment.

1. Uniformed assignment: A departmentally-issued revolver chambered to accept six .38 special cartridges, with a barrel length of four inches. Uniformed personnel may elect to carry a personally-owned revolver in lieu of the departmental issue.
2. Non-uniformed and Special Response Team (SRT) assignments: Sworn personnel assigned to a non-uniformed assignment and SRT members engaged in a tactical operation may carry a revolver which:
 - a. Has a barrel length not exceeding four inches.
 - b. Is capable of holding a minimum of five cartridges.
 - c. Is not less than .38 special nor greater than .45 caliber.
 - d. Is approved by the Ordnance Technician as being a make and model which is functionally reliable and safe for carriage. [CALEA 1.3.9c]

B. Semiautomatics:

Sworn personnel, regardless of assignment, may carry any semiautomatic pistol approved by the Department after successfully completing the MDPSTI's semiautomatic transitional course, qualifying with the weapon, and the following criteria are met (Refer to Miami-Dade Police Department, MDPSTI, Authorized Weapons for Departmental Use Memorandum):

1. Minimum magazine capacity is eight rounds.
2. Semiautomatics will be carried with a round in the chamber, a full magazine, and the safety off.

C. Shotguns:

Officers may carry departmentally-issued or personally-owned shotguns meeting the following criteria:

1. Manufactured by Remington, Model 870, or Smith and Wesson, Model 3000; 18-20 inch barrel; 12-gauge; and blue, black, parkerized, or matte gray finish. Extended magazine tubes are authorized. All magazine tubes may be loaded to capacity.
2. Inspected by the Ordnance Technician and identifying information concerning the weapon and qualification recorded on the Firearms Qualification Record. [CALEA 1.3.9c]

D. Rifles:

Departmental rifles are provided to deliver additional safety to officers and the community during situations that involve a heightened probability of violence. Supervisors will take all appropriate measures to ensure that rifles are available and being carried by certified officers while on duty. Certified officers will carry departmentally issued or personally owned rifles when the following criteria are met:

1. Successful completion of the MDPSTI's 16-hour rifle training course.
2. Approved list of manufacturers is used.
3. Inspected by the Ordnance Technician and identifying information concerning the weapon recorded with the officer's assigned unit. [CALEA 1.3.9c]
4. The rifle will be carried with the chamber closed and empty, the magazine filled, and the safety on.
5. SRT members engaged in training or tactical operations may utilize any SRT approved rifle.

Once the above is met, all personnel certified to carry a rifle are required to carry their rifle, whether departmentally issued or personally owned, in their vehicle when working on-duty or in a regular off-duty status, in uniform.

Personnel equipped with a rifle, whether departmentally issued or personally owned, will be responsible for ensuring proper maintenance and operation of the rifle.

E. Additional On-Duty Firearm:

Sworn personnel are authorized to carry an additional, personal revolver or semiautomatic pistol while on duty if the weapon meets the specifications for any on-duty firearm, regardless of uniformed or non-uniformed assignment.

F. Special-Purpose Tactical Firearms:

The Department will supply officers with special-purpose tactical firearms as necessary, including firearms with burst-firing or fully automatic capabilities. Comparable privately-owned firearms will be carried and used only upon written authorization of the Director. This authorization shall specify the unit or individuals approved to carry and use such firearms, and the duration of the approval. Special-purpose tactical firearms which are privately owned must be inspected and approved by the Ordnance Technician as being a make and model which is functionally reliable and safe for carriage.

III. APPROVED OFF-DUTY FIREARMS FOR NONUNIFORMED PERSONNEL: [CALEA 1.3.9a]

Sworn personnel, except police reserve officers, are required to have an authorized firearm and ammunition in their possession unless off-duty activity dictates otherwise, such as sports activities.

A. Revolvers:

Off-duty sworn personnel may carry any revolver which conforms to specifications for any on-duty firearm.

B. Semiautomatics:

Off-duty sworn personnel may carry any semiautomatic pistol approved by the Department after successfully completing the MDPSTI's semiautomatic transitional course and qualifying with the weapon.

IV. HOLSTERS:

A. Uniform Provisions:

Uniformed personnel can wear the issued holster or any of the other approved holsters as established by the MDPSTI. [CALEA 41.3.4] Personnel must demonstrate proficiency with any non-issued uniform holster prior to utilizing it on or off duty.

B. On-Duty Non-uniformed Personnel:

On-duty non-uniformed personnel shall carry handguns in holsters equipped with safety strap. Firearms carried in a purse must be holstered with safety strap or flap secured and in a separate compartment away from personal effects.

C. Other Holster Types:

Personnel utilizing an ankle or other special holster on duty will be required to demonstrate firing proficiency using that holster as normally worn, during departmental proficiency firing. Firearms Proficiency Record cards will indicate that proficiency was attained with the special holster. [CALEA 41.3.4]

V. OTHER ACCESSORIES: [CALEA 41.3.4]

A. Magazine Pouches:

Personnel approved to carry semiautomatics may carry either horizontal or vertical magazine pouches. Vertical pouches worn with the flap side down are prohibited.

B. Grips:

Grips shall be wood, rubber, or those supplied by the manufacturer of the weapon. Any other modifications must be approved by the MDPSTI's Police Survival Unit.

C. Trigger Shoes:

Trigger shoes are prohibited.

D. High-Capacity Magazines:

Sworn personnel may purchase high-capacity magazines (10 rounds or more) for their personally owned weapons.

VI. SECURITY OF FIREARMS: [CALEA 1.3.9f]

Firearms will not be left unprotected. Departmental personnel (both on duty and off duty) shall take the necessary steps to ensure that their firearms are secured at all times and not readily accessible to others. All firearms, including shotguns and rifles, not being personally carried or which are otherwise unattended, shall be secured as indicated below.

A. Vehicles:

Firearms may be secured in vehicles temporarily when a secure location inside a building is not available or is impractical. Firearms secured in a vehicle shall be locked in the trunk or in an interior locked compartment if the vehicle has no trunk. Storage in an unattended vehicle overnight or longer is prohibited.

B. Other:

Firearms will be secured in a locked cabinet, drawer, secure compartment, or as otherwise designated, when: [CALEA 73.3.1]

1. Unattended.

2. Non-uniformed personnel are in departmental facilities and the firearm is not concealed; e.g., when

jacket is removed.

3. Officers attend judicial proceedings when not on official duty. In this case, police officers will surrender their firearms for safekeeping at the designated security section of the courthouse.
4. An officer processes a subject; e.g., fingerprints, books, or performs driving under the influence (DUI) testing in a departmental facility.
5. An officer enters a governmental facility and does not intend to carry the weapon upon his person.
6. On-duty personnel are engaged in nontraditional police duties and carrying a firearm would not be practical, e.g., community policing officers, in departmentally-approved sport activities.

VII. DEPARTMENTALLY-APPROVED AMMUNITION: [CALEA 1.3.9b]

Departmentally-approved ammunition, as determined by the MDPSTI, Police Survival Unit, shall be utilized for all approved on-duty and off-duty firearms; i.e., revolvers, semiautomatics, shotguns, rifles, and special purpose tactical firearms. [CALEA 41.3.4] Ammunition undergoes continual testing and evaluation, and a list of authorized ammunition is maintained by the Police Survival Unit. Questions regarding specific ammunition approved by the Department should be directed to the Police Survival Unit.

A. Prohibited Ammunition:

The following handgun ammunition will not be carried or used without the authorization of the Director or his designee:

1. Explosive or combustible rounds.
2. Magnum or armor-piercing rounds to include rounds designed to penetrate armor plate, soft body armor, and bullet-resistant glass, plastic, or fibers.
3. Rounds containing multiple pellets or projectiles.

B. Duty Ammunition Supply:

1. Uniformed officers will carry sufficient ammunition to supply two complete reloads for the approved primary firearm.
2. Non-uniformed officers shall carry sufficient ammunition to supply a complete reload for the approved primary firearm. Dependent upon nature of assignment, the requirement may be waived by the respective district/bureau commander.
3. Officers needing replacement duty ammunition (.38 Special, 9 mm, .40 caliber, or .45 caliber cartridges; or 12-gauge shotgun shells) should contact the MDPSTI Police Survival Unit.

C. Spare and Training Ammunition:

Officers may, at their expense, carry departmentally-approved spare ammunition.

D. Ammunition Reliability:

1. To ensure cartridge reliability, officers shall fire their old service ammunition during annual proficiency firing and be issued new cartridges by the MDPSTI.
2. To ensure shot-shell reliability, officers shall fire their old service shotgun shells during annual proficiency firing and be issued five new shotgun shells by the MDPSTI.

SECTION 5 - OTHER

I. PROFICIENCY: [CALEA 1.3.10]

Certified weapons instructors will ensure that sworn personnel demonstrate proficiency annually with the approved firearm they carry. A minimum score of 80 per cent is required throughout the designated course. [CALEA 1.3.11a]

A. Criteria:

1. Personnel who demonstrate proficiency with an approved revolver will be considered proficient with any approved revolver of the same manufacturer, caliber, barrel length, frame size, and method of operation.
2. Personnel who demonstrate proficiency with an approved semiautomatic pistol will be considered proficient with any semiautomatic pistol of the same manufacturer, caliber, and method of operation.
3. Personnel authorized to use special-purpose tactical firearms are required to attend familiarization and proficiency training as prescribed by the MDPSTI and must demonstrate proficiency semiannually with each authorized firearm.

B. Personnel Failing Proficiency: [CALEA 1.3.11c; 33.1.5]

Personnel who fail to demonstrate proficiency during scheduled firearms qualification sessions will be required to achieve proficiency during a scheduled remedial session. Personnel who fail to demonstrate proficiency because of an injury, illness, or other disabling cause, or fail to attend scheduled firearms qualification will be required to demonstrate proficiency upon return to full duty or upon a rescheduled session. Remedial training will be tailored to individual needs based on MDPSTI recommendations, and will not exceed five consecutive days.

1. Handguns:

- a. Officers who fail to demonstrate proficiency during scheduled Annual Qualification will be required to achieve proficiency during a scheduled eight-hour Qualification Enhancement Course. Officers who fail to demonstrate proficiency in the Qualification Enhancement Course will be scheduled to attend a Remedial Qualification Session not to exceed five consecutive days. All scheduling will be done by memorandum, from the MDPSTI to the concerned officer's commander, indicating the type of training needed.
- b. Notice of failure to demonstrate proficiency:
 - (1) If an officer fails to demonstrate proficiency in the Remedial Qualification Session, the MDPSTI will notify the commander of the concerned officer by a memorandum entitled Notice of Failure to Demonstrate Proficiency.
 - (2) Upon receipt of a Notice of Failure to Demonstrate Proficiency, the officer shall be prohibited from carrying a firearm, assigned to administrative duties, and will be officially notified by a memorandum, entitled Notice of Failure to Demonstrate Proficiency, from the concerned commander. The concerned officer's supervisor will be present to witness and sign the memorandum. A copy will be placed in the officer's unit personnel file until proficiency is achieved.

2. Personnel failing proficiency with shotguns or rifles:

Officers who voluntarily carry a shotgun or rifle shall demonstrate proficiency annually by firing a minimum approved score throughout a designated course. Officers who fail to meet proficiency standards will be prohibited from carrying a shotgun or rifle until proficiency is achieved.

3. Reclassification or dismissal:

Inability to show proficiency after remedial firearms training will result in permanent reclassification to a non-sworn position or dismissal. Such reclassification or dismissal will be initiated by the commander of the concerned officer upon notification by the MDPSTI that the officer has failed to show proficiency after remedial training.

4. MDPSTI responsibilities:

The MDPSTI will conduct annual, make-up, specialized, and remedial firearms training sessions as required, and will maintain a record of departmental personnel who achieve proficiency, fail to achieve proficiency, or fail to attend. [CALEA 1.3.11b]

a. A record of firearms which the individual officer is considered proficient to carry will be maintained by the MDPSTI. [CALEA 1.3.11b]

b. The MDPSTI shall immediately notify concerned district/bureau commanders of departmental personnel who fail to demonstrate proficiency with an approved on-duty firearm.

Upon conclusion of scheduled make-up sessions, a memorandum will be forwarded to the Director, with a copy to appropriate commanders, listing employees and their units of assignment who failed to attend either scheduled or make-up sessions.

II. ARMAMENT REPAIRS AND SERVICEABILITY: [CALEA 1.3.9c,d]

The Ordnance Technicians assigned to the MDPSTI are responsible for inspection and repair of all departmentally-approved firearms.

A. Repairs:

While repairs are being made, the officer will be issued a serviceable loaner weapon by the Ordnance Technician.

B. Negligence:

When unserviceability of departmental armament is determined to have been caused by misuse, carelessness, or neglect, cost for repair or reconditioning may be charged to the responsible employee.

C. Alterations:

Departmental firearms shall not be altered. Repairs and installation of approved grips or sights on handguns, shotguns, and rifles, will be done by the Ordnance Technician assigned to MDPSTI.

D. Report of Alterations:

Any unauthorized alteration will be reported by the MDPSTI Director to the affected officer's commander for appropriate action.

E. Departmental Armament Maintenance:

Units in possession of departmental armament will perform preventive maintenance; i.e., cleaning, lubricating, and monthly inspections.

F. Inventory and Control of Departmental Firearms:

All firearms purchased or confiscated by MDPD or entities within the Department will be sent to the MDPSTI Police Survival Unit prior to being assigned to any section, bureau, district, or unit. The Police Survival Unit will inspect and inventory the firearms. The firearms will be recorded with the Internal Services Department by make, model, caliber, and serial number. Upon completion of this process, the firearms will be distributed as needed.

III. AIRPORT/AIR CARRIER RESTRICTIONS:

A. Carrying Firearms into Concourses of Miami International Airport (MIA):

On-duty personnel who wish to pass concourse screening points must display a badge and the approved MIA photo identification, even in uniform. Off-duty personnel who are armed must sign a log which is kept at each screening point. Personnel who are unarmed must pass through screening.

B. Transportation of Firearms on Air Carriers:

1. Personnel required to carry a firearm in the cabin compartment of commercial aircraft will:

- a. Respond to the Warrants Bureau, Extradition Supervisor, and request a National Law Enforcement Telecommunications System (NLETS) message be submitted to the Transportation Security Administration (TSA) via teletype. Annex H, Sample Employing Agency Message, provides the requester with a sample of the information that must be provided to TSA on the NLETS message. After automated validation of the NLETS message, a return message with a unique eight character alphanumeric identifier will be sent to the requesting agency indicating that the officer is approved to fly armed. A copy of the NLETS approval teletype should be presented to TSA by the officer on the day of travel and an additional copy should be maintained at the unit of assignment together with the other travel documents.
 - b. Successfully complete the federally mandated Law Enforcement Officers Flying Armed training program which is coordinated by the Warrants Bureau.
 - c. Present departmental badge and identification card and personally notify the concerned air carrier at least one hour prior to flight departure or, in an emergency, as soon as practicable.
2. Personnel shall not consume alcoholic beverages while carrying a firearm in the cabin compartment of commercial aircraft.
 3. Personnel traveling in an unofficial capacity will transport the weapon (unloaded) in locked baggage which is placed in a section of the aircraft inaccessible to passengers. The baggage will not be placed in the cabin area of the flight crew.
 - a. Before checking the baggage, notify the air carrier, either orally or in writing, that the baggage contains an unloaded firearm.
 - b. The baggage should be a hard-cased container which can be locked.
 - c. The key or combination to the locked baggage will be retained only by the concerned officer.

SECTION 6 - FIREARMS REGISTRATION

I. GENERAL:

A. Firearms Registration Files:

In accordance with Florida Statutes Section 790.335, MDPD is prohibited from maintaining any list, record, or registry of privately-owned firearms, or any list, record, or registry of the owners of firearms. Florida Statutes do allow law enforcement agencies to maintain records documenting firearms owned by its law enforcement officers, employees, or agents, if such firearms are used in the course of business performed on behalf of the employer.

B. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE)

1. Firearm Sales and Federal Firearms License Application Forms:

The Violent Crime Control and Law Enforcement Act of 1994 requires that a U.S., Department of Justice, BATFE, Report of Multiple Sale of Other Disposition of Pistols or Revolvers form be completed by federally-licensed firearms dealers, and forwarded to the local law enforcement agency. This form is for law enforcement use only, and is confidential. Departmental elements will forward any of these forms, or any other BATFE Federal firearms license application/firearms sales forms received, to the Police Legal Bureau. The Police Legal Bureau will process them in accordance with applicable laws as follows:

- a. Destroy the form and any record of the contents no more than 20 days from the date such form is received.
- b. Certify to the United States Attorney General, every six months, that none of the information on the form has been disclosed to any unauthorized person or entity and that any record of the contents has been destroyed.

ANNEXES

- A. **Legal Aspects of Use of Force**
- B. **Florida Statutes, Chapter 776, Justifiable Use of Force – partial listing**
- C. **Supervisor’s Report of Response to Resistance**
- D. **Supervisor’s Report of Response to Resistance Instruction Sheet**
- E. **Shooting Investigation Memorandum**
- F. **Electronic Control Weapon Cartridge Log**
- G. **Electronic Control Weapon Usage Report**
- H. **Sample Employing Agency Message**