



MEETING AGENDA
SESSION OF THE CIVILIAN POLICE OVERSIGHT BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
THURSDAY, APRIL 16, 2026 AT 6:00 PM

- 1. MEETING CALLED TO ORDER**
- 2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
- 3. MINUTES**
 - 3.a Approval of the Civilian Police Oversight Board Minutes from January 15, 2026, Meeting
- 4. PUBLIC COMMENT**
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
 - 6.a Review of General Order 524 — Immigration Enforcement Assistance
 - 6.b Review of General Order 401 - Response To Resistance
- 7. ADJOURNMENT**

In accordance with Florida Statutes 286.105: Any person wishing to appeal any decision made by the Civilian Police Oversight Board with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

ITEM 3.a

Approval of the Civilian Police Oversight Board Minutes from January 15, 2026, Meeting

Item Information

Approval of the Civilian Police Oversight Board Minutes from January 15, 2026, Meeting



MEETING MINUTES
SESSION OF THE CIVILIAN POLICE OVERSIGHT BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
THURSDAY, JANUARY 15, 2026 AT 6:00 PM

1. MEETING CALLED TO ORDER

Members Present: Chairperson Manuel Ortega, Board Member Amber Craft, Board Member Angel Ramos, Board Member Michele Lebron, Board Member Norisbet Rodriguez, Board Member Verian Jeffers

Staff Present: Police Chief Charles Broadway, Assistant Chief Kevin McGinley, Deputy Chief Christopher Succi, Assistant City Attorney Curtis McGehee, Internal Affairs Manager Carlos Espinosa, Board Clerk Vanessa Nunez

Members Absent: Board Member R. LeWayne Johnson

The meeting was called to order at 06:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Chairperson Ortega led the audience in the Pledge of Allegiance.

3. MINUTES

Approval of November 13, 2025 Civilian Police Oversight Board minutes.

- 3.a Approval of the Civilian Police Oversight Board Minutes from November 13, 2025 Meeting
 Approval of November 13, 2025 Civilian Police Oversight Board meeting minutes.

4. PUBLIC COMMENT

5. OLD BUSINESS

6. NEW BUSINESS

- 6.a Review General Order 120

Assistant City Attorney McGehee presented General Order 120 and further reviewed the duties and responsibilities of board members.

- 6.b Review General Order 202

Internal Affairs Manager Carlos Espinosa presented a PowerPoint overview of General Order 202 and answered questions presented by board members.

7. ADJOURNMENT

Chairperson Ortega opened the floor for board members to make brief statements prior to the meeting being adjourned.

There being no further business to come before the Civilian Police Oversight Board, Chairperson Ortega adjourned the meeting at 6.41 p.m.

Board Chairperson

ATTEST:

Board Clerk

ITEM 6.a**Review of General Order 524 — Immigration Enforcement Assistance****Item Information**

Chief Charles Broadway, will provide a review of General Order 524 — Immigration Enforcement Assistance to the board members.

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GENERAL ORDER

	TITLE: IMMIGRATION ENFORCEMENT ASSISTANCE	524
EFFECTIVE: 10/07/2025	REVISED: 01/21/2026	SCOPE: ALL EMPLOYEES
REVIEW AUTHORITY: OFFICE OF THE CHIEF		
CFA STANDARDS: N/A		

524.01 Definitions

524.04 Documentation

524.02 Specific Procedures

524.05 Limited English Proficiency

524.03 Prohibited Practices

Policy: Pursuant to Florida Statute Chapter 908, *Federal Immigration Enforcement*, it is the policy of the Kissimmee Police Department to assist our federal law enforcement partners with immigration enforcement. The 2025 Florida Legislature amended Florida Statute Chapter 908, and created the State Immigration Enforcement Council, FS 908.1032. The legislature also requires state and local law enforcement agencies and any official responsible for directing or supervising such agency to use best efforts to support the enforcement of federal immigration law. The United States Immigration and Customs Enforcement (ICE) issues two (2) types of administrative warrants that are relevant: (1) I-205 – Warrant of Removal and (2) I-200 – Warrant for Arrest (this warrant is not entered into NCIC). The Kissimmee Police Department has entered into a section 287(g) agreement with ICE. As part of the agreement, ICE has conveyed Designated Immigration Officer (DIO) status to numerous Kissimmee Police Officers. The DIOs can effect civil arrests for violations of federal immigration law.

524.01 Definitions:

- a. ***Designated Immigration Officer (DIO)*** – A local law enforcement officer that has been nominated, trained, certified, and authorized enforcement authority by United States Immigration and Customs Enforcement (ICE) pursuant to section 287(g) of the Immigration and Nationality Act.
- b. ***Florida ICE Response Center (FIRC)*** – The Florida office of ICE responsible for handling administrative warrants (305) 207-2187, (305) 207-5126, (305) 222-5424.
- c. ***ICE Law Enforcement Service Center (LESC)*** – The designated point of contact for confirmation of immigration warrants via NCIC (877) 999-5372, (802) 872-6020.
- d. ***National Crime Information Center (NCIC)*** – A computerized index of missing persons and criminal information and is designed for the rapid exchange of information between criminal justice agencies.

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- e. ***Orlando ICE Response Center (OIRC)*** – The Orlando office of ICE responsible for handling administrative warrants (407) 440-5142, (407) 44-5222, (407) 440-5145, (305) 207-2187 (Miami IRC).
- f. ***Supervisory Detention and Deportation Officer (SDDO)*** – A law enforcement supervisor with ICE who manages the detention and removal aspects of immigration enforcement, ensuring the safe and secure environment for those in ICE custody, and overseeing the enforcement of immigration laws.
- g. ***Unauthorized Alien*** – A person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act.
- h. ***United States Immigration and Customs Enforcement (ICE)*** – A division of the federal Department of Homeland Security responsible for enforcing federal laws governing customs, trade, and immigration.

524.02 Specific Procedures: If the officer believes they have encountered a person in violation of federal immigration law, the officer must assess whether the person is potentially in the United States illegally. The following factors may lead to this determination:

- a. Statements by the person indicating they are in the United States illegally;
- b. Failure to produce a standard form of identification (e.g. driver's license, state-issued ID card, or any other form of common government issued identifiers);
- c. Contradictory statement about the person's identity or reason for being in the United States, which suggest the person is not legally residing in the country; and/or
- d. When conducting a query of the person through the National Crime Information Center (NCIC) or other law enforcement databases, the person is listed as an alien who is illegally present in the United States, or is documented to have previous violations of immigration law.

During their encounter, the officer should focus on obtaining the following information about the person for citizenship determination and documentation purposes:

- a. Full Name;
- b. Date of Birth;
- c. Gender;
- d. Country of Citizenship;
- e. Alien Registration Number;

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- f. Current Address;
- g. Current Phone Number; and
- h. Current Employer and Employer's Address.

Officers are likely to encounter a myriad of unique factual circumstances in the field. Below are some of the examples that officers are most likely to encounter.

- a. ***Officer Arrests a Person for State/Local Criminal Charge*** – The officer shall query the suspect for warrants and determine if there is an active ICE administrative warrant for the person. Upon confirmation of the warrant, the officer should transport the person to the Orange County Jail and advise jail personnel of the ICE detainer and notify FIRC at (305) 207-2187, (305) 207-5126, or (305) 222-5424 of the arrest on a state/local criminal charges.
- b. ***Officer does NOT have Probable Cause to Arrest for Criminal Charges*** –
 - 1. ***Non-DIO Officers:*** If an officer detains or encounters someone who has an administrative arrest warrant in NCIC, but the officer does not have probable cause to arrest the individual for a state or local criminal charge, the officer does not have the legal authority to arrest and transport to jail solely on the ICE administrative arrest warrant. Officers who are not DIOs cannot serve, or arrest anyone based solely on these administrative warrants.
 - 2. ***DIO Officer Available:*** Non-DIO officers will contact the KPD Communications Center to request an on-duty Kissimmee Police DIO be dispatched to their location to take over the investigation.
 - i. The officer may detain the person for a reasonable amount of time while waiting for the DIO (i.e. within the time it takes to accomplish the original purpose of the stop).
 - ii. If the person meets ICE detention criteria, the DIO will transport the person to the Orange County Jail and inform FIRC and the Warrant Service Officer at the Booking and Release Center that the person has been transported to that location.
 - iii. If a DIO fails to arrive on the scene within a reasonable period of time, officers should try to collect as much information from the person as possible so that they can be apprehended at a later time, but must release the individual at the end of the stop/encounter. Officers shall not prolong a detention solely for a DIO to respond, unless the individual is lawfully detained on other grounds.

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3. ***No DIO Officer Available:*** Officers can, with Watch Commander approval, contact the Florida Highway Patrol (FHP), Osceola County Sheriff's Office (OCSO) or other nearby municipality to request a DIO to respond to the scene. Officers may detain the person for a reasonable amount of time while waiting for the DIO (i.e. within the time it takes to accomplish the original purpose of the stop). Upon arrival of the responding DIO, the officer shall turn over custody of the detainee to the DIO, and the responding DIO will handle the arrest according to their respective policy. The officer shall complete an incident report documenting the transfer of the arrest.
 - i. If FHP, OCSO or other nearby municipality does not have an available DIO, the officer may request that an ICE agent respond to the scene by contacting the ICE Law Enforcement Service Center. The ICE LESC shall ask for the date and time of the stop, the reason for the stop, and whether there are any local criminal charges. The LESC shall then contact a local ICE office to request an agent respond to the scene.
 - ii. If a DIO or an ICE agent fails to arrive on the scene within a reasonable period of time (i.e. within the time it takes to accomplish the original purpose of the stop), officers should try to collect as much information from the person as possible so that they can be apprehended at a later time, but must release the individual at the end of the stop/encounter. Officers shall not prolong a detention solely for ICE or a DIO to respond, unless the individual is lawfully detained on other grounds.
 - iii. If the subject is released at the end of the stop/encounter without an ICE response, officers will contact the ICE Law Enforcement Service Center (LESC) at the number provided in the NCIC hit [(877) 999-5372] or at (802) 872-6020 or via NLETS Administrative Message (AM) to VTICE0900. Officers can also call the Florida ICE Response Center at (305) 207-2187, (305) 207-5126, or (305) 222-5424.
 - iv. If confirmation is done via telephone, officers shall verbally confirm the name and contact information for the ICE representative who provided the Hit Confirmation and will document that information in their incident report.
4. ***DIO Credentialed Officers:*** Officers who are credentialed 287(g) Task Force Model Deputized Immigration Officers may proceed in accordance with the direction provided by their assigned ICE supervisor.
 - i. DIOs shall not transport or arrest an individual solely on the basis of a civil immigration detainer without being explicitly instructed to do so by an ICE representative.

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- ii. DIOs are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE.
- c. ***Officer or DIO Encounters an Unauthorized Alien who is a Victim or Witness*** – Pursuant to FS 908.104(7), an officer or DIO is not required to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if:
 - 1. The victim or witness is necessary to the investigation or prosecution of a crime, and such crime occurred in the United States; and
 - 2. The victim or witness timely and in good faith responds to the Kissimmee Police Department's request for information and cooperates in the investigation or prosecution of such offense.

An officer shall seek permission from a Watch Commander before withholding immigration information of a victim or witness, pursuant to FS 908.104(7). The officer shall document the victim's or witness's cooperation in their incident report.

- d. ***DIO Suspects that a Person is an Unauthorized Alien*** – If a DIO encounters a person who does not have an active ICE administrative warrant but still believes that the person is an unauthorized alien, the officer should notify FIRC. The Supervisory Detention and Deportation Officer (SDDO) may provide permission to arrest the person and seek issuance of an administrative warrant. Prior to contacting the FIRC, KPD Legal shall be consulted on the situation.

This situation is only likely to occur in rare cases. For example, a DIO may encounter someone as a result of a traffic stop or other law enforcement activity. The DIO may interview that person and during the interview determine that the person is not a United States citizen, is not legally in the country, and meets ICE criteria for arrest and removability.

It is important to remember:

- 1. Until DIOs receive authorized direct access to ICE databases, they must consult with FIRC or an ICE officer with database access to properly confirm positive identification of the person, determine alienage, and removability.
 - 2. A DIO cannot arrest a person without the permission of the SDDO having issued the administrative warrant. The SDDO shall inform the DIO that they have issued the warrant and approved the arrest, and the DIO shall then make the arrest. The DIO shall not physically have a copy of the warrant when they make an arrest
- e. ***Claims of U.S. Citizenship by Individuals Held on ICE Detainers*** – It is the policy of the Kissimmee Police Department to ensure that no individual is unlawfully detained in violation of their constitutional or legal rights. In accordance with applicable law, officers

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shall make reasonable efforts to address claims of United States citizenship made by individuals held in custody pursuant to an immigration detainer issued by ICE.

1. ***Claims of Citizenship:*** When an individual in agency custody subject to an ICE detainer claims to be a United States citizen, either verbally or in writing, the officer shall document the claim and notify the Watch Commander without delay. The agency shall not disregard credible information indicating that an individual may be a U.S. citizen.
2. ***Initial Review of Available Records:*** The Watch Commander shall immediately review all records readily accessible in the ordinary course of business (e.g. inmate management systems, booking information, identification records) for any indication of U.S. citizenship or lawful presence. The Watch Command may request assistance from the Intel / Crime Analysis Unit to conduct further research in applicable databases that would indicate U.S. citizenship or lawful presence. The results of such research must be documented by the Watch Commander or designee.
3. ***Referral to ICE:*** If the claim is not resolved by local records, or if any uncertainty exists, the Watch Commander shall notify ICE of the individual's assertion of citizenship and request clarification or cancellation of the detainer. The notification shall be documented.
4. ***Release Obligation:*** If, after a reasonable inquiry, the agency possesses information indicating that the individual is a U.S. citizen, and such information is not undermined by further investigation by ICE or the agency, and the individual would otherwise be entitled to release under state or local law, the individual shall not continue to be detained solely on the basis of an ICE detainer.
5. ***Compliance with Law:*** Failure to take reasonable action in response to a credible claim of U.S. citizenship may constitute an unlawful seizure under the Fourth Amendment and give rise to liability for false imprisonment under Florida Law.

524.03 Prohibited Practices: Officers and DIOs shall treat individuals in a fair, impartial, bias-free, and objective manner, in accordance with *General Order 112 – Bias-Free Policing*.

524.04 Documentation: The Department is responsible for tracking and maintaining accurate data and statistical information, including any specific tracking data requested by ICE.

Internal Reporting:

- a. ***Cases Involving an Arrest on State/Local Charges (DIO or Non-DIO)*** – The officer must document the person's immigration status including the issuance of an ICE administrative warrant, in an incident report. The officer must also confirm that body worn camera (BWC) footage is properly tagged with the case number.

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- b. ***Cases Involving an Arrest on an ICE Administrative Warrant Only (DIO Only)*** – The DIO must document the person’s immigration status including the issuance of an ICE administrative warrant in an incident report. The officer must also confirm that BWC footage is properly tagged with the case number.
- c. ***Cases without an Arrest (DIO or Non-DIO)*** – The officer or DIO must document the person’s immigration status including the issuance of an ICE administrative warrant in an incident report. The report will include the reason why the subject was released. The officer must also include a clear and identifiable photo of the person from the neck up and confirm that BWC footage is properly tagged with the case number.

All incidents should be cleared with applicable department dispositions.

External Reporting:

- a. ***FDLE Reporting*** – The Florida Department of Law Enforcement (FDLE) requires documentation anytime contact has been made with a suspected alien. Regardless of whether a suspect has been arrested on an ICE detainer with or without local charges, or the officer believes the person contacted is suspected of being an illegal alien and no arrest is made; if reasonable belief has been developed based on objective information available at the time of the interaction that a person is in the United States illegally, FDLE shall be notified.

1. ***Suspected Unauthorized Alien Contact Form:***

- Completed By: Kissimmee Police Department Officer who made contact with the suspected unauthorized alien in consult with a certified DIO.
- Supervisory Approval: Required (to be sent to KPDINTEL@kissimmee.gov).
- Due By: End of the officer’s shift.
- Link: <https://fdle.readyop-gov.com/fs/4ePK/6c8ad39e>

2. ***Law Enforcement Agency Immigration Monthly Summary Data Collection:***

- Completed By: Kissimmee Police Department’s Criminal Investigations Division Lieutenant or designee.
- Due By: On or before the 15th of each month and must reflect data from the previous calendar month.
- Link: <https://fdle.readyop-gov.com/fs/4ePM/1a3c7e52>

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- b. ***SAO Reporting*** – The officer must also notify the State Attorney’s Office for the Ninth Judicial District by sending an email to immigrationnotice@sao9.org of any arrests regarding an ICE detainer with or without local charges.

524.05 Limited English Proficiency: Reasonable attempts will be made to communicate with the subject in their native language regarding the ICE detainer. Refer to *Standard Operating Procedure 33 – Obtaining Translation Services*, for additional information.

APPROVED BY:

A handwritten signature in blue ink, appearing to read "Charles Broadway", is written over a horizontal line.

CHARLES BROADWAY, CHIEF OF POLICE
KISSIMMEE POLICE DEPARTMENT

ITEM 6.b**Review of General Order 401 - Response To Resistance****Item Information**

Lieutenant Charles Willdigg will provide a review of General Order 401 - Response To Resistance to the board members.

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	TITLE: RESPONSE TO RESISTANCE	401
EFFECTIVE: 07/01/2015	REVISED: 01/26/2026	SCOPE: ALL EMPLOYEES
REVIEW AUTHORITY: PATROL DIVISION CAPTAIN		
CFA STANDARDS: 4.01M (A-D), 4.02M (A-C), 4.03M, 4.04M, 4.06M (A-D), 4.07M (A-C), 4.08M, 4.09M (A-C), 4.10M, 4.11M (A-C), 4.12M (C, E, F, G), 10.20M		

<u>401.01</u> General Guidelines	<u>401.11</u> Less-Lethal Launcher
<u>401.02</u> Practical Application	<u>401.12</u> Expandable Baton
<u>401.03</u> Levels of Resistance	<u>401.13</u> Conducted Energy Weapon (CEW)
<u>401.04</u> Officer Response Levels	<u>401.14</u> Post Incident Actions Required
<u>401.05</u> Deadly Force	<u>401.15</u> Reporting Requirements
<u>401.06</u> Firearms	<u>401.16</u> Internal Affairs Responsibilities
<u>401.07</u> Unauthorized Use of Firearms	<u>401.17</u> Inspection and Replacement
<u>401.08</u> Authorized Firearms	<u>401.18</u> National Use-of-Force Data Collection
<u>401.09</u> Intermediate Weapons	<u>401.19</u> Training
<u>401.10</u> Oleoresin Capsicum (OC) Spray	<u>Response to Resistance Continuum Guideline</u>

Policy: Employees shall use only the force reasonably necessary to effectively bring an incident under control in accordance with the rights afforded by the United States Constitution and the constitution and laws of the State of Florida.

401.01 General Guidelines: Officers shall use sound judgment in weighing the totality of the circumstances to select the proper response within the response to resistance guidelines. Generally, employees should exercise persuasion, advice, and warning prior to engaging in the use of force unless it is not reasonable to do so under the circumstances.

Employees shall make a subjective, independent, and individual judgment regarding the necessity or appropriateness of the force to be used. Therefore, under no circumstances shall an employee use force solely because another employee is using force.

Employees are obligated to ensure compliance with all applicable laws and the written directives of the Department.

Employees have an affirmative duty to intercede to prevent the use of excessive force if the employee has reason to know excessive force is being used and there is a realistic opportunity to

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intervene to prevent harm. The action required by the employee shall depend on the circumstances of the incident. Appropriate action may include, but is not limited to [CFA 4.01M – D]:

- a. Verbal or physical intervention;
- b. Immediate notification to a supervisor; and/or
- c. A direct order by a supervisor to cease the use of the excessive force.

Please consult *General Order 437 – Duty to Intervene* for full policy.

401.02 Practical Application: Officers should respond to resistance in a manner that is reasonably necessary to effectively bring an incident under control. Officers are authorized to use the appropriate force based on the subject's actions and resistance by considering the totality of the circumstances. **As the level of resistance decreases, the officer shall deescalate their response level to the minimum force necessary to control the subject and gain compliance.** [CFA 4.01M – B]

An employee who must respond to resistance by using some form of force shall use objective reasonableness in determining the amount of force to use to effectively control the subject(s) during a lawful seizure or arrest. Objective reasonableness is based upon the totality of circumstances known to or considered by the employee at the moment force was used and may include, but is not limited to:

- a. Severity of crime;
- b. Whether the subject is an immediate threat to the safety of the employee or any individual;
- c. Whether the subject is resisting arrest or attempting to evade arrest by flight;
- d. The number of subjects and employees involved;
- e. The size, age, and condition of employees and subjects;
- f. The duration of the police action;
- g. Injury;
- h. Known violent history of a subject;
- i. Known or suspected use of intoxicants by subject;
- j. Known or apparent mental or psychological condition(s);
- k. Environmental factors; and

1. Any other factor or circumstances that may be relevant to the response to resistance that is known or considered by the employee at the time such force is applied (refer to *Response to Resistance Continuum Guideline*).

The “Response to Resistance Continuum Guideline” provides a training guide to assist employees in determining their response to meet the resistance encountered by a subject. This “Response to Resistance Continuum” is a guideline only; every response to resistance is unique to its own circumstances. The Continuum Guideline shall not limit the employee’s response or permit greater response than objectively reasonable under the totality of circumstances.

The response to resistance guidelines recognizes that officers make use of force decisions based on the totality of circumstances at the time of the incident. In most incidents, circumstances are fluid and dynamic. Formulating a valid response requires continual assessment as the situation changes.

The following considerations should assist an officer in making use of force decisions:

Subject Resistance –

- a. Is the subject verbally or physically resisting my lawful authority?
- b. Is the subject making attacking movements that are not likely to cause death or great bodily harm?
- c. Is the subject making attacking movements that are likely to cause death or great bodily harm?
- d. What is the seriousness of the crime?
- e. Known history of violence?
- f. Can the subject be recaptured later?
- g. Is evidence likely to be destroyed?

Situational Factors –

- a. What subject factors influence this situation? Weapon? Physical size? Demeanor? Others?
- b. What officer factors influence this situation? Training? Experience? Physical size? Others?
- c. What environmental factors influence this situation? Weather? Location? Presence of others?

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Officer's Response –

- a. Can I physically control the subject?
- b. Could I use a non-lethal weapon not meant to cause death or great bodily harm?
- c. What weapons or restraint devices are available to me?
- d. Is deadly force the appropriate option to prevent death or great bodily harm to myself or others?

401.03 Levels of Resistance: There are several ways a subject may resist an officer's lawful authority. Possible resistance actions include:

- a. ***Presence*** – The subject is on the scene in attendance of suspicious activity.
- b. ***Verbal Resistance*** – The subject verbally refuses to comply with an officer's requests or attempts to control the situation. The subject threatens the officer with further resistance, or the subject does not respond to the officer.
- c. ***Passive Physical Resistance*** – The subject physically refuses to comply or respond. Subject does not attempt to defeat the actions of the police officer, but forces the police officer to employ physical maneuvers to establish control.
- d. ***Active Physical Resistance*** – The subject makes physically evasive movements to defeat a police officer's attempt at control. This may be in the form of bracing or tensing, attempting to push / pull away or not allowing the police officer to get close to them.
- e. ***Aggressive Physical Resistance*** – The subject makes overt, hostile, attacking movements that may cause injury, but are not likely to cause death or great bodily harm to the police officer or others to include the subject causing the threat.
- f. ***Aggravated Physical Resistance*** – The 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 police officer or others to include the subject causing the threat.

401.04 Officer Response Levels: Employees shall respond to resistance in a manner that is reasonably necessary to effectively bring an incident under control. Based on the resistance of the subject, an officer may respond in several ways to include:

- a. ***Arrival (Presence)*** – The officer is present on the scene. This includes proper voice and/or other identification, body language and awareness by the subject that they are interacting with a police officer.
- b. ***Interview Stance*** – The officer adopts a stance outside their danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked.

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- c. **Dialogue** – A two-way, controlled, non-emotional communication between the police officer and the subject aimed at problem identification and/or resolution.
- d. **Verbal Direction** – The officer tells or commands a subject to engage in, or refrain from engaging in, a specific action or non-action.
- e. **Touch** – The officer employs a soft assisting touch when directing or a firm, strong touch before escalating to a higher level of force.
- f. **Restraint Devices** – Mechanical tools used to restrict a subject's movement and facilitate searching such as handcuffs, flex cuffs, hobble device, WRAP restraint device, etc.
- g. **Transporters** – Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer to gain and retain control over the subject.
- h. **Pain Compliance** – Techniques that compels a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points in the subject's body such as pressure point techniques.
- i. **Takedown** – Techniques that redirect a subject to the ground in a controlled manner to limit physical resistance and to facilitate the application of restraint devices.
- j. **Countermoves** – Techniques that impede a subject's movement toward an officer or others such as blocking, striking, distracting, kicking, parrying, dodging, weaving, redirecting, or avoiding followed by appropriate controlling techniques.
- k. **Intermediate Weapons** – Weapons that are primarily used to control a subject such as an expandable baton, OC spray, a CEW and/or a canine.
- l. **Incapacitation** – Techniques intended to stun or render a subject temporarily unconscious, delivered with or without an impact weapon, such as a strike to a major nerve area.
- m. **Deadly Force** – Techniques that may result in death or great bodily harm. Deadly force techniques shall be considered a last resort.

401.05 Deadly Force: Prior to the use of deadly force, law enforcement officers shall identify themselves and provide a warning, if feasible. [CFA 4.01M – C]

Officers are authorized to use deadly force to:

- a. Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm;
- b. To prevent the escape of a fleeing violent felon whom the officer reasonably believes poses a threat of death or serious physical injury to the officer or others; and/or

- c. To destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, and the officer reasonably believes deadly force can be used without harm to the officer or others.

Deadly force shall not be used when there is a likelihood of serious bodily injury being inflicted upon persons other than the individual against whom the member is authorized to use deadly force. The safeguarding of other human lives shall outweigh all other considerations.

Any employee whose actions result in death or serious bodily injury to another person will be temporarily relieved from duty until a preliminary administrative review is conducted. Upon clearance from EAP, the employee's Division Captain may grant additional time off in a relief of duty status for reasons related to the death or serious bodily injury of another person caused by the employee. Refer to the current issue of *General Order 202 – Discipline* for additional information.

Motor Vehicle Assault – Unless it reasonably appears that it would endanger officers or the public; officers shall move out of the path of any approaching vehicle. This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

Chokeholds / Vascular Neck Restraints – Is any technique used to restrain an individual that may restrict the flow of air by compressing the windpipe or occludes both carotid blood vessels simultaneously. The use of chokeholds/vascular neck restraints are prohibited unless the use of deadly force is allowed by law. [CFA 4.01M – A, 4.10M]

Impact Weapon – Targeting the head or neck with the expandable baton or Less-lethal Launcher projectiles is prohibited unless the use of deadly force is allowed by law.

Empty Hand Strikes – (forearm, knee, hands/fist, or kicks) shall not be targeted above the shoulders, to the spine, groin or solar plexus, unless intensified techniques are appropriate or deadly force is allowed by law.

401.06 Firearms: All sworn officers shall successfully complete the minimum qualifications set forth by the Criminal Justice Standards and Training Commission (CJSTC), prior to being authorized to carry a firearm or to make an arrest. [CFA 4.03M]

Only authorized firearms shall be carried. An authorized firearm is any make, model or caliber of firearm approved by the Chief of Police to include all firearms issued by the Department and approved secondary firearms.

Refer to *General Order 421 – Firearms Policy* for additional information.

Varying types of firearms may be utilized by sworn personnel at different times, with specific purposes; but always in the performance of official law enforcement duties as governed by Department General Orders and applicable law. The categories are:

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- a. **Primary Service Handgun** – The Department issued handgun carried by sworn officers;
- b. **Secondary Handgun** – Any Department authorized handgun other than the primary service handgun that is carried while on-duty during the performance of law enforcement activities;
- c. **Shoulder Weapons** – Long guns to include shotguns and rifles; and
- d. **Less-Lethal Launcher** – A specific launcher designated by the Department Armorer for use with less-lethal munitions.

If an officer points an assigned firearm, at the high ready position, to gain compliance from a subject or suspect while performing their sworn law enforcement duties, the officer shall notify their immediate supervisor once the scene is safe. The term “firearm” will also include the officer’s assigned rifle.

401.07 Unauthorized Use of Firearms: An officer shall not draw a handgun or display a shoulder weapon except as authorized by *General Order 401 – Response to Resistance*. Discharging a firearm is prohibited if it presents an unreasonable risk to the officer or others. Based on the totality of the situation, and absent exigent circumstances, an unreasonable risk may include:

- a. Shooting into a crowd;
- b. Shooting through doors, through windows or into buildings without clear target identification;
- c. Shooting at subjects who only pose a threat to themselves such as suicidal subjects;
- d. Shooting from moving vehicles; and
- e. Shooting at moving vehicles (Unless it reasonably appears it would endanger officers or the public, officers shall move out of the path of any approaching vehicle. This is not intended to restrict an officer’s right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others).

The restrictions in this policy shall not cause officers to unreasonably endanger themselves or another person.

The firing of any warning shot is strictly prohibited. [CFA 4.04M]

401.08 Authorized Firearms: Only firearms approved by the Chief of Police shall be carried, on or off duty, while in the performance of law enforcement duties.

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The Training Unit shall maintain a record on each firearm approved by the agency for official use, and shall be responsible for the storage, maintenance, and issuance of all Department Firearms. [CFA 4.12M – E]

An inventory of all firearms owned by the Department shall be conducted annually by the Training Unit.

On-Duty Firearms – Officers in uniform shall carry the primary service handgun. Personally-owned firearms shall not be carried in place of a primary service handgun. When carried, handguns shall be fully loaded, including a round in the chamber of semiautomatic weapons.

Plainclothes officers shall carry the agency-issued primary service handgun, badge, and credentials. Officers shall prominently display their agency-issued badge in close proximity to the firearm and shall display the agency-issued photo ID where it is easily visible to the public if the handgun is not carried in a concealed manner.

Officers assigned in an undercover capacity may be issued a compact firearm and holster that shall be carried in a concealed manner with a minimum Level I retention. Officers assigned to Task Force positions shall not be permitted to carry any handguns other than their primary service handgun without the written approval of the Chief of Police.

Officers are only authorized to carry Department-assigned firearms in Department-issued holsters.

Secondary Handguns – [CFA 4.12M – C] The Department may authorize a secondary handgun other than the primary service handgun to be carried while on-duty during the performance of law enforcement activities. Officers who have completed the Field Training Program may request to carry a secondary handgun by completing the *Secondary Handgun Request Authorization*. The officer must qualify with the secondary handgun. Once completed, the Training Unit will forward the form to the Chief of Police via the chain of command. The Training Unit shall maintain the Secondary Handgun Request Authorization Forms. Officers are authorized to carry a maximum of two (2) handguns. The handguns approved for use must have the following characteristics:

- a. Double action;
- b. External manual safety, where applicable "stock or factory" configuration;
- c. 380, 9mm, 40SW, or 45 acp. with a minimum barrel length of two (2) inches;
- d. Other caliber approval will depend upon the requirement of the situation; and
- e. Firing pin block mechanism.

401.09 Intermediate Weapons: Prior to selecting oleoresin capicum or OC spray; a less-lethal weapon; a conducted energy weapon (CEW); or an expandable baton for use in the performance of official duties; the Training Unit shall review current technology and make a recommendation

on the specific make and model to be selected. This review process shall be used during the initial selection and any subsequent changes.

Any recommendations made by the Training Unit shall be sent to the Chief of Police via the chain of command for review and approval.

Off duty employees shall not deploy or utilize Department issued OC spray, a CEW, an expandable baton or a less lethal launcher unless in the performance of law enforcement duties. [CFA 4.06M – B]

Employees shall not carry, deploy or utilize OC spray, a CEW, an expandable baton or a less lethal launcher until they have received Department approved training and demonstrated proficiency. [CFA 4.06M – D]

Officers shall not unreasonably endanger themselves or another person to conform to the restrictions of this General Order.

401.10 Oleoresin Capsicum (OC) Spray: [CFA 4.06M – A] The use of OC spray constitutes a use of less-lethal force as an intermediate weapon. Employees are authorized to deploy Department-issued OC spray when the subject exhibits passive resistance or greater. The purpose of the chemical agent is to minimize the potential threat of resistance by the subject. Chemical agents shall cause burning and tearing of the eyes, difficulty breathing, disorientation and panic.

Whenever a subject is exhibiting passive resistance, OC spray may be deployed after a warning has been issued.

In cases involving higher resistance, employees shall issue a verbal warning if practical. OC Spray may also be deployed when:

- a. A dangerous or violent subject is out of control and deadly force does not appear to be justified and/or necessary;
- b. Attempts to subdue the subject by other conventional tactics have been ineffective;
- c. There is a reasonable expectation it would be unsafe for officers to approach within contact range of the subject; and/or
- d. An animal poses an immediate threat to the employee or another person.

No changes, alterations, modifications, or substitutions shall be made to the OC spray.

Uniformed officers assigned to field duties shall carry OC spray canisters on their duty belt.

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Whenever possible, employees shall be upwind from the subject before using OC spray and avoid entering the spray area. An employee should maintain a safe distance from the subject. The OC canister shall be positioned no less than three feet (3') from the subject's eye(s) unless exigent circumstances exist. A single, one (1) to three (3) second burst should be directed at the subject's eyes. Additional bursts may be used if the initial or subsequent bursts prove to be ineffective.

If possible, the use of OC spray should be avoided under conditions where it may affect innocent bystanders. Supervisors may deploy crowd control canisters of OC spray in special circumstances.

Effects of OC Spray and Employee Response –

An individual's reaction to OC spray may vary and employees should be prepared to employ alternative methods to control the subject to include other force options consistent with Department policy.

After deploying OC spray, employees shall be alert to any indications that the subject requires medical attention and shall summon medical aid, if necessary. [CFA 4.08M] After a subject is exposed to OC spray, they shall not be left unattended while in police custody. Assistance shall be offered to any individuals accidentally exposed to OC spray.

Unintentional deployment of OC spray shall be reported to the employee's immediate supervisor as soon as possible and shall be documented in a *Police Incident Report*.

When the appropriate use of OC spray is the sole tactic utilized and there are no injuries, or a complaint of injury; only a *Police Incident Report* and a *Response to Resistance Chemical Agent Short Form* shall be required.

401.11 Less-Lethal Launcher: [CFA 4.06M – A] The use of the less-lethal launcher constitutes a use of less-lethal force as an intermediate weapon. Officers are authorized to use the less-lethal launcher when the subject exhibits aggressive physical resistance or higher or if identifiable exigent circumstances exist.

Less-Lethal Designated Launcher and Ammunition Requirements:

- a. Only Department approved 40 mm less-lethal ammunition will be deployed.
- b. No lethal ammunition shall be used in a less-lethal designated launcher.

Officers deploying less-lethal ammunition shall inform other involved officers that less-lethal ammunition is being used when practical. When a subject is struck by ammunition from a less-lethal designated launcher, medical assistance shall be summoned to examine the subject. [CFA 4.08M]

The less-lethal ammunition will be delivered to the suspect target areas based on the circumstances, the established safety priorities, and the physical resistance.

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The strike areas for the less-lethal launcher are as follows:

a. ***Legs, Forearm, and Abdomen –***

These areas are the preferred strike zones and will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response. Officers shall not target the joint areas during this level of response. When targeting the legs and lower arms, Officers should attempt to be a minimum distance of five (5) yards from the target. When targeting the abdomen, Officers should be at a minimum of ten (10) yards from the target, unless additional factors support deviation (i.e. subject's clothing, access to weapons, seriousness of the crime and/or exigent circumstances).

b. ***Upper Arms and Upper Back (Excluding the Spine) –***

These areas will be considered when an escalation of force above the preferred strike zone is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury. Officers shall avoid targeting the joint areas when practical. When targeting these areas, Officers should be at a minimum of ten (10) yards from the target, unless additional factors support deviation (i.e. subject's clothing, access to weapons, seriousness of the crime and/or exigent circumstances).

c. ***Head, Neck, Spine, Chest, Lower Back and Groin –***

Officers shall not target these areas unless the use of deadly force is justified, necessary and appropriate.

401.12 Expandable Baton: [CFA 4.06M – A] The use of the Department-issued expandable baton as an impact weapon constitutes a use of less-lethal force. The expandable baton is an intermediate weapon that provides a method of controlling a subject. Officers have the option to carry the expandable baton on their duty belt.

When utilizing the expandable baton, all strikes shall be targeted depending on the resistance exhibited by the subject. Target areas are as followed:

- a. ***Active Physical Resistance*** – Target areas to include major muscle groups such as the forearms, thighs and calves. Officers shall not target the joint areas.
- b. ***Aggressive Physical Resistance*** – Target areas to include abdomen, rib cage, knees, chest (collapsed baton only), and
- c. ***Aggravated Physical Resistance*** – Target areas to include head, neck, throat, spine or clavicle, but only when the officer is justified in the use of deadly force.

Medical assistance shall be summoned if the use of an expandable baton as an impact weapon results in an injury or a complaint of an injury. [CFA 4.08M]

- a. **CEW** – a handheld weapon that transmits a pulsating energy output which interferes with communication between the brain and the muscular system, resulting in loss of control referred to as Neuro-Muscular Incapacitation (NMI). The CEW is used as a less-lethal alternative to control violent or potentially violent suspects.
- b. **CEW Cartridge** – a one-time use item / component which utilizes a piston and primer to fire a probe connected to a wire to conduct energy into a subject. Each CEW cartridge is identified by a serial number.
- c. **Charging Dock** – the electronic dock that permits batteries to download CEW data.
- d. **Function Test** – is done to verify the energy weapon’s core electronics are working properly. A function test can be performed when the weapon is loaded.
- e. **Neuro-Muscular Incapacitation (NMI)** – is the effects of the CEW on the Sensory and Motor Nervous Systems, causing involuntary muscle contractions of the target individual.
- f. **Probe** – the three-barbed metal dart that is propelled from the CEW Cartridge.
- g. **Warning Alert** – a special feature of the CEW involving a loud sounding alert accompanied by a bright pulsing light.

The deployment of a CEW constitutes a use of less-lethal force as an intermediate weapon and is designed to control a combative subject. The CEW has the capacity to hold up to ten (10) cartridges each of which contains one (1) probe connected to the weapon by a thin insulated copper wire. Each deployed cartridge / probe has up to a 45-foot range of contact. The CEW is equipped with a 1,000-lumen pulsing light, loud audible alerts, and laser painting to warn subjects to comply before deploying probes.

Officers issued a CEW shall carry the CEW on their duty belt (weak hand side) or outer vest carrier, oriented to force a cross draw with their dominant hand. Only a CEW that is charged and functioning properly shall be carried in the field. All sworn members under the rank of Captain will be issued and carry their CEW while wearing a gun belt or outer vest carrier.

A CEW shall be function tested at the beginning of each shift.

- a. Employees assigned to specialty units that do not carry a CEW every shift shall conduct a function test weekly and immediately prior to any situation/operation that would require them to carry/deploy their CEW.

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Officers are authorized to deploy the CEW when a subject exhibits active physical resistance or higher. Officers are also authorized to deploy a CEW when an animal poses an immediate threat to the officer or another person.

When deploying the CEW the officer will use the “Warning Alert” feature and laser to create a “window of opportunity” for the subject to comply before attempting to control the target under the power of the CEW.

After each deployment of the CEW or subsequent activation, the officer will always assess the targets ability to comply with orders.

The CEW shall not be deployed if apparent potentially flammable, volatile or explosive material (gasoline, natural gas, propane, etc.) is present; or if apparent flammable chemical spray has been deployed on the subject.

Unless officers can articulate exigent circumstances, which would make the deployment objectively reasonable, officers are **prohibited** from deploying a CEW in the following situations:

- a. On subjects in physical control of a motor vehicle, bicycle or moving conveyances except in cases of aggressive physical resistance;
- b. On females reasonably believed to be pregnant;
- c. On subjects with apparent physical disabilities impairing their mobility;
- d. On subjects who may fall and be seriously injured or killed (i.e. subject on an elevated location such as a rooftop or building ledge, climbing over a fence or wall);
- e. On a subject in standing water;
- f. On handcuffed or secured subjects unless the subject resists the officer with Aggressive Physical Resistance or Aggravated Physical Resistance;
- g. On handcuffed or secured subjects unless the subject has been able to move the restraints from behind their back and resists the officer with Active Physical Resistance, Aggressive Physical Resistance or Aggravated Physical Resistance; and/or
- h. On a child (to determine exigent circumstances, officers should consider, size, aggression and intent of the subject).

CEW Deployment –

Prior to deployment, officers will give verbal commands and point the laser aiming sight at the subject and activate the Warning Alert feature. If practical, other officers present shall be advised that the deployment of a CEW is imminent.

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Preferred Target Area: Officers shall target and split the subject's beltline.

- a. A person's head, neck, chest (above nipples), or groin areas shall not be targeted with probes unless intensified techniques or deadly force is warranted.

The CEW is equipped with one (1) laser.

- a. The laser should not be intentionally aimed at the face, neck, breasts of females, or groin area of males or females if practical and if non-lethal response is required.
- b. The recommended target areas should be considered during any deployment of the CEW. In any circumstance where the back of the subject is able to be targeted, the officer should target the back of the suspect.
- c. All possible efforts to avoid the area of the torso above the sternum line should be exercised by the operator when practical.

When the probes make contact with the suspect, the CEW will transmit an amount of electricity into the target causing possible NMI. One trigger activation will fire the selected cartridge of the CEW and deliver a single five (5) second cycle. The safety switch can be pressed up for five (5) seconds to deliver additional cycles, if warranted.

Once a suspect is incapacitated or compliant, the deployment of a CEW is no longer justified.

The probes and wires should not be touched as the officer shall receive the same pulse as the subject. Officers shall keep their hands away from the front of the CEW at all times.

All CEW activations during a continuous event are considered a response to resistance and must be justified. To minimize the number of standard five (5) second cycles, officers shall attempt to secure under power as soon as practical. Officers shall continually assess the objective reasonableness of using the CEW as well as the subject's submission / compliance and breathing capability before applying additional cycles of the CEW.

The CEW may be used to de-escalate potentially violent situations by laser painting the subject with the laser along with the Warning Alert feature. This will be accompanied by a verbal warning of the application of the CEW.

Subsequent to the deployment of a CEW, the following actions shall occur:

- a. The CEW probes shall be removed at the earliest opportunity in accordance with Department approved training:
 1. Probes which penetrate the face, neck, groin, genitalia, female breasts, or male nipple area must be removed by properly trained medical personnel which shall necessitate a transport to a medical facility. The probes will be recovered and stored in accordance with the removal procedure, as if removed by the officer.

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2. When the probes do not penetrate the subject's face, neck, groin, genitalia, female breasts, or male nipple area may be removed and secured at the scene by the officer.
- b. Medical assistance shall be summoned if there is an injury, a complaint of an injury, the probes cannot be removed or another medical necessity is identified; and [CFA 4.08M]
- c. The discharged cartridge, probes and wires shall be submitted into evidence. Removed probes shall be treated as biohazards and officers shall follow established packaging procedures for biohazards when submitting the probes into evidence.

Immediately following a deployment, employees shall first obtain a replacement cartridge from the Quartermaster and then exchange battery packs in order to capture information required during a *Response to Resistance Report*. If the Quartermaster is not available, officers shall obtain replacement cartridges from the Watch Commander.

Anytime a CEW deployment occurs during an incident that results in death or serious bodily harm to an officer or other person (Critical Incident) the Training Sergeant shall be notified immediately. The on-scene supervisor can begin completing AXON's "Critical Event TASER Energy Weapon Checklist / Analysis and Evidence Collection Checklist" (FORM175 in PowerDMS).

Officers will change out the rechargeable battery at a minimum of every thirty (30) days to ensure proper battery strength and any current updates are completed. Docking stations are located in off-going and CID.

401.14 Post Incident Actions Required: As soon as the scene is secure and it is safe to do so, officers shall notify Communications Unit when they respond to resistance using tactics higher than pain compliance. Communications Unit shall document the time of the notification in the CAD call narrative and dispatch the supervisor to the scene. Officers shall check for injuries and promptly seek medical assistance for subjects who require or request treatment.

When an officer indicates a response to resistance has occurred, a supervisor shall respond to the scene and confirm appropriate follow-up procedures are initiated. The supervisor shall review the facts and circumstances surrounding the response to resistance in order to make a determination regarding conformance with policy.

Any employee involved in a response to resistance resulting in death or serious bodily injury shall be placed on Administrative Leave (without loss of pay or benefits) until a preliminary review can be conducted.

401.15 Reporting Requirements: *Response to Resistance Reports* (completed via BlueTeam) should be completed prior to the conclusion of the tour of duty of the involved member whenever possible.

- a. The *Response to Resistance Report* shall be reviewed via the chain of command and forwarded to the Assistant Chief. Each supervisor shall review the report and indicate

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whether the response to resistance was within policy or not and provide a written explanation for their finding. [CFA 4.07M – A, B, C]

Discharge of a Firearm –

The discharge of a firearm, for other than training or recreational purposes, is deemed a response to resistance situation and shall be documented accordingly. [CFA 4.07M – A]

- a. The member shall thoroughly document the discharge / response to resistance in a *Police Incident Report* and a *Response to Resistance Report*.

Use of Lethal or Less-Lethal Weapons –

The application of force through the use of lethal or less-lethal weapons is a response to resistance situation and shall be documented accordingly. [CFA 4.07M – B]

- a. The member shall document the response to resistance (use of lethal or less-lethal weapons) in a *Police Incident Report* and a *Response to Resistance Report*.
- b. Following a deployment of a CEW, the officer shall record the serial number of a CEW and the serial number of discharged probes in the *Police Incident Report*.
 1. When a subject is displaying active, aggressive or aggravated physical resistance and an officer removes the CEW from the holster, and by its mere presence achieves compliance from a subject without deployment, a *Response to Resistance Report* is not required, however; the officer shall document the compliance in the *Police Incident Report*, supplemental report or in CAD.
 2. Documentation of the subject's compliance can be noted in the "Person" section of the Field Reporting System entitled, "CEW comply?"
 3. The report will include CEW data download and any video of the incident except for body worn camera video which can be directly viewed by the user.
 4. If a supplement report is not required, the primary officer can use their initial report to document officers who displayed a CEW to gain compliance during the same incident.

Members shall complete a *Police Incident Report* to document all unintentional discharges of OC spray, CEW or less-lethal launcher.

- a. Any unexplained activations or unintentional discharges of OC spray, CEW or less-lethal launcher shall require an investigation by the officer's supervisor, with a written report forwarded to the Division Captain.

- a. The member shall document the response to resistance (use of weaponless physical force) in a *Police Incident Report* and a *Response to Resistance Report*.

- a. The member shall document the use of a canine in a *Police Incident Report* and a *Response to Resistance Report*.
- b. Additionally, the Canine Handler shall complete a *Canine Usage Report* in PackTrack.
 1. Please refer to *General Order 503 – Canine* for additional information.

- a. The member’s supervisor shall complete a *Show of Force Form* (via BlueTeam) for forwarding to the Lieutenant for final review.
- b. After the Lieutenant has completed their review, the *Show of Force* form shall be forwarded to the Training Unit Sergeant for handling.

- a. If during handcuffing another tactic is utilized such as a takedown, pain compliance, or strikes a *Response to Resistance Report* will be completed by the member.
- b. If during handcuffing the subject complains of an injury, a *Response to Resistance* will be completed by the member.

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The use of a hobble alone does not constitute a response to resistance; however, if a hobble restraint is utilized, the member shall complete a *Police Incident Report* and a *Hobble No Injuries Report* (via BlueTeam) for review and approval by the member's supervisor.

The use of a WRAP alone does not constitute a response to resistance; however, if a WRAP restraint device is utilized, the member shall complete a *Police Incident Report* and a *WRAP No Injuries Report* (via BlueTeam) for review and approval by the member's supervisor.

Please refer to *General Order 408 – Handcuffs and Other Restraints* for additional information.

Supervisor Responsibilities –

Supervisors shall ensure each *Response to Resistance Report* is completed and submitted in a timely manner to avoid unnecessary delay in the review process.

As identified in the Reporting Requirements Chart, a *Response to Resistance Report* (via BlueTeam) shall be completed by the officer if the incident involved any of the following tactics:

- a. Takedown/COUNTERMOVES;
- b. Chemical agent involving an injury;
- c. Intermediate weapon;
- d. CEW;
- e. Canine;
- f. Incapacitation;
- g. Deadly force; and/or
- h. Any technique or the application of any weapon that results in actual or claimed (evident or non-evident) injury.

A *Response to Resistance Report* shall be completed for each reported incident.

- a. As a rule, the use of a chemical agent as the sole tactic responding to resistance will only require a *Response to Resistance Chemical Agent Short Form* unless there is a claimed or apparent injury.
- b. A *Response to Resistance Report* shall not be required for testing, training, malfunctions or unintentional discharges of OC spray, a CEW or a less-lethal launcher. Photographs shall be submitted in accordance with evidence submission procedures.

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If a supervisor identifies a training concern or a policy consideration, the supervisor shall submit a memorandum to the Deputy Chief via the chain of command to address the identified issue. The Deputy Chief shall forward the *Response to Resistance Report* to the Lieutenant of Professional Standards for processing.

If a response to resistance incident becomes a matter of media interest, the supervisor shall promptly notify their immediate supervisor or Division Captain.

The Professional Standards Lieutenant shall conduct an Annual Administrative Review and Analysis of the *Response to Resistance Reports* required when a member [CFA 4.09M – A, B, C]:

- a. Discharges a firearm, for other than training or recreational purposes;
- b. Applies force through the use of lethal or less-lethal weapons; and
- c. Applies weaponless physical force.

This report shall be submitted to the Deputy Chief for review and appropriate follow-up actions.

Sergeant / First Line Supervisor Responsibilities –

The sergeant or first line supervisor shall respond to scenes and investigate each incident where:

- a. OC spray has been deployed;
- b. Less-lethal weapons have been discharged;
- c. An expandable baton has been used as an impact weapon;
- d. A CEW has been deployed;
- e. A canine apprehension has occurred;
- f. A takedown or countermove was utilized; and/or
- g. There are injuries or a complaint of injury.
 - 1. Check for injuries and promptly seek medical assistance for subjects who require or request treatment. [CFA 4.08M]

Sergeants and first line supervisors shall also complete an initial investigation to include:

- a. Interview involved officer;
- b. Document all witnesses and obtain verbal or written statements as appropriate;

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- c. Confirm any video evidence is obtained;
- d. Document CEW serial numbers and cartridge numbers if a CEW was deployed;
- e. Review CEW data when obtained; and
- f. Confirm photographs are taken to include:
 - 1. The overall appearance and condition of the subject;
 - 2. Any actual injury or the location of a reported injury regardless if the injury is visible at the time;
 - 3. The contact area of less-lethal ammunition;
 - 4. The strike areas if an expandable baton was used; and/or
 - 5. The CEW probe penetrations, contact sites and any secondary injuries.

Sergeants and first line supervisors shall confirm a *Police Incident Report* and a *Response to Resistance Report* is completed and shall make a determination regarding whether the response to resistance was appropriate.

They shall also notify the Training Unit Supervisor via e-mail, when a CEW is submitted into evidence and they shall forward all documentation to the Lieutenant / Watch Commander for review.

If the sergeant or first line supervisor completing the initial review is not the involved officer's immediate supervisor, the completed investigation shall be forwarded to the involved officer's immediate supervisor. The involved officer's immediate supervisor shall complete the appropriate section in the *Response to Resistance Report* and add comments as necessary.

Lieutenant / Watch Commander Responsibilities –

The lieutenant or watch commander shall review the *Police Incident Report* and *Response to Resistance Report* to confirm the use was appropriate and consistent with Department policy. Afterward, they shall forward all documentation to the Division Captain for review.

Division Captain Responsibilities –

Review the *Police Incident Report* and *Response to Resistance Report* to confirm the use was appropriate and consistent with Department policy. Afterward, they shall forward all documentation to the Training Unit Sergeant for review.

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Training Unit Sergeant Responsibilities –

The Training Unit Sergeant shall review the *Police Incident Report* and *Response to Resistance Report* to confirm the use was appropriate and consistent with Department policy. They shall identify trends and training issues and forward all documentation to the Deputy Chief for review.

The Training Unit Sergeant shall confirm that a CEW is only issued to qualified personnel. They shall inspect each CEW prior to issuance to confirm it is functioning properly and download all CEW data prior to issuance.

The Training Unit Sergeant shall confirm all requisition forms contain the CEW serial number prior to issuance of any replacement CEW and schedule annual training in the use of the CEW to include:

- a. Manufacturer's recommendations on maintenance and function testing;
- b. Deployment and Department documentation;
- c. Response to Resistance "totality of circumstances" matrix and tactical options;
- d. CEW retention and transition drills;
- e. CEW training that is in compliance with Florida Statutes;
- f. Scenario based training; and
- g. Medical considerations.

The CEW data shall be maintained within evidence.com. All Department CEW's shall be downloaded at least once a year. The downloaded CEW data shall be noted whenever the CEW is deployed and/or requested by a supervisor.

Training Unit personnel shall download and review the data to confirm the device is working properly. Personnel shall identify activations that appear to be inconsistent with Department policy. Any deficiencies or discrepancies identified by the Training Unit shall be forwarded to the Professional Standards Lieutenant for follow-up as appropriate.

In addition, the Training Unit Sergeant shall file all CEW download information in a file identified by the serial number of the CEW and download all data from any CEW that is being sent out for repairs or has been received by the Department as a new / replacement CEW. They shall also perform random audits of CEW when directed to do so.

Deputy Chief Responsibilities –

The Deputy Chief shall review the *Police Incident Report* and *Response to Resistance Report* to confirm the use was consistent with Department policy and shall make a determination regarding

whether the use was appropriate. Afterward, they shall forward all documentation to the Training Unit for handling and retention in accordance with the Florida records retention schedule. They shall also forward a copy to the Internal Affairs Section for review.

Professional Standards Lieutenant Responsibilities –

The Professional Standards Lieutenant shall review and follow-up on any reports of deficiencies or discrepancies identified by the Training Unit. Additionally, the Professional Standards Lieutenant shall conduct the annual administrative review and analysis of the agency’s *Response to Resistance Reports*.

401.16 Internal Affairs Responsibilities: The Internal Affairs Unit shall conduct an annual audit of CEW data information. The Internal Affairs Unit shall randomly select 10% of the officers who are assigned a CEW. They shall then switch batteries to ensure the download goes into evidence.com. Upon completion of the download, the Internal Affairs Unit will inspect the data to confirm that:

- a. The CEW is properly synced to date and time; and
- b. Activations are consistent with daily function testing and *Response to Resistance Reports*.

Any deficiencies noted during the audit will be reported to the Division Captain for review and follow up.

401.17 Inspection and Replacement: First line supervisors shall conduct the following less-lethal weapon inspections to confirm operational status and note expiration dates:

- a. Quarterly inspection of assigned OC spray canisters;
- b. Quarterly inspection of assigned expandable batons; and
- c. Quarterly inspection of assigned CEWs and cartridges.

Employees shall maintain OC spray canisters and less-lethal weapons in an operational condition. Replacements for damaged, inoperable, or expended OC canisters, expandable batons, less-lethal weapons and less-lethal ammunition are the responsibility of the employee to whom they are issued.

Employees must complete a requisition form in order to be issued replacement OC spray canisters, less-lethal weapons and less-lethal ammunition. Unexplained depletion of less-lethal ammunition shall require an investigation and a *Police Incident Report* by the officer’s supervisor. The report shall be forwarded to the officer’s Division Captain.

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The Training Unit Sergeant shall maintain a list of authorized less-lethal weapons authorized for official duties to include [CFA 4.12M – F]:

- a. OC spray;
- b. Expandable baton;
- c. Less-lethal launcher; and
- d. CEW.

Less-lethal weapons shall be inspected annually by supervisors to confirm their member's assigned less-lethal weapons are maintained in a clean and operational condition. These inspections shall also confirm that expiration dates are not exceeded on any of the weapons or ammunition. [CFA 4.12M – G]

401.18 National Use-of-Force Data Collection: The National Use-of-Force Data Collection is a component of the Florida Incident Base Reporting Program that is used by law enforcement agencies to report use of force data to the Florida Department of Law Enforcement (FDLE) when a member uses force that results in serious bodily injury, death, or the discharge of a firearm at or in the direction of a person. [CFA 4.11M – A, B, C] The Support Services Division Captain or designee shall be responsible for submitting and verifying the monthly Use-of-Force data.

401.19 Training: [CFA 4.02M – A] During orientation, sworn and applicable civilian employees shall receive training on *General Order 401 – Response to Resistance* before they are permitted to carry any authorized weapons to include firearms and less-lethal weapons.

For sworn employees, the following requirements shall be completed:

- a. Receive training on this General Order;
- b. Complete the prescribed training course;
- c. Demonstrate proficiency in the use of the firearms; and
- d. Demonstrate proficiency in all less-lethal weapons.

Civilian employees issued OC Spray shall:

- a. Receive training on this General Order;
- b. Complete the prescribed training course; and
- c. Demonstrate proficiency in OC Spray.

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Re-training on this General Order shall be provided annually to sworn and applicable civilian employees. [CFA 4.02M – B]

Sworn and applicable civilian employees shall receive biennial (every other year) less-lethal weapon training for weapons other than the CEW (dart-firing stun gun) which requires annual training in accordance with Florida Statute 943.1717. [CFA 4.06M – C, 10.20M]

Officers shall complete Use-of-Force training in accordance with *CJSTC Rule 11B-27.00212 Maintenance of Officer Certification*. The Training Unit shall document the training in ATMS and on CJSTC Form 74. [CFA 4.02M – C]

APPROVED BY:



CHARLES BROADWAY, CHIEF OF POLICE
KISSIMMEE POLICE DEPARTMENT

KISSIMMEE POLICE DEPARTMENT

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RESPONSE TO RESISTANCE CONTINUUM GUIDELINE

(Training and technique guideline only; shall not limit the employee's response or permit greater response than objectively reasonable under the totality of circumstances.)

Employee / Subject Factors to be Considered		Additional Factors / Special Circumstances	
➤ Threat to the employee or any individual ➤ How subject was attempting to evade arrest by flight ➤ Age ➤ Sex ➤ Size ➤ Skill Level ➤ Multiple subjects or members		➤ Known or perceived physical abilities ➤ Known violent or mental history ➤ Known or perceived mental incapacity ➤ Close proximity/availability to firearms or weapons ➤ Special knowledge ➤ Injury or exhaustion (employee or subject) ➤ Known or perceived disability or special needs ➤ Imminent danger too employee or any individual ➤ Characteristics of being armed ➤ Subject's level of agitation ➤ Alcohol/drug influence ➤ Subject handcuffed ➤ Environmental factors	
SUBJECT'S RESISTANCE	EMPLOYEE'S RESPONSE (In Every Response, the Employee Should Call for Additional embers)	TECHNIQUES	
PASSIVE RESISTANCE The subject fails to obey verbal direction preventing the employee from taking lawful action.	SOFT CONTROL The employee applies techniques that have a minimal potential for injury to the subject, if the subject resists the technique.	• Pressure Points • Writs Locks • Arm Bars • Compression Techniques • Chemical Agents • Diversionary Device	
ACTIVE RESISTANCE The Subject's actions are intended to facilitate an escape or prevent an arrest. The action is not likely to cause injury.	HARD CONTROL The employee applies techniques that could result in greater injury to the subject, if the subject resists their application by the employee	• Forearm and Knee Strikes • Open and Closed Hand Strikes • Baton Strikes • Kicks • Takedowns • Impact Weapons • Electronic Control Devices • K-9 Apprehension	
AGGRESSIVE RESISTANCE The subject has battered, or is about to batter a person/employee and the subject's action is likely to cause injury.	INTENSIFIED TECHNIQUES Those techniques necessary to overcome the actions of the subject, short of deadly force. If the subject resists or continues to resist these techniques there is strong probability of injury being incurred by the subject.	• Techniques necessary to overcome actions of a subject short of deadly force.	