

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2563.18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND ("LETF") MONIES TO PROVIDE FOR ACQUISITION AND TRAINING OF TASER STUN GUNS PER COLLECTIVE BARGAINING AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires the approval of Law Enforcement Trust Fund ("LETF") monies to purchase Taser's for all Law Enforcement Officers; and

WHEREAS, it is requested the Town authorize the expenditure of LETF monies in the amount not to exceed \$50,241.00. Taser System for the amount of \$40,241.00 and \$10,000.00 for Less Lethal Taser Response Training; and

WHEREAS, the Town's LETF account includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and by the Federal Asset Forfeiture Statutes; and

WHEREAS, the Town Council desires to utilize LETF funds to pay for the purchase of the Taser System and Training; and

WHEREAS, the funds contained in the LETF are the result of seized assets from investigations by the Town's Police Department and joint investigations with other law enforcement agencies – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the \$50,241.00 be taken from the Town's LETF for "***the Taser System and Training***" specifically authorized by law; and

WHEREAS, the Chief of Police certifies that this expenditure complies with § 932.7055, Florida Statutes, and / or the Federal Seizure statutes in that the funds will be used for an appropriate law enforcement purpose; and

WHEREAS, the Chief of Police certifies that the Town's LETF is not being used as a normal source of revenue for the Town Police Department; and

WHEREAS, the Chief of Police certifies that the Town's LETF was not considered in the adoption and approval of the Police Department budget; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to proceed as indicated in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. The expenditure of authorized LETF funds. That the use of LETF funds for the purchase of Taser's for all Law Enforcement Officers is hereby authorized and approved.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing Resolution was offered by Councilmember Rojas, seconded by Councilmember Lusskin and on roll call the following vote ensued:

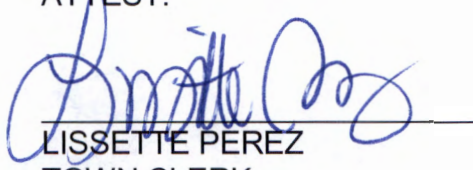
Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Jaime Mendal	<u>Absent</u>
Council member Judy Lusskin	<u>Aye</u>
Council member Amy Isackson-Rojas	<u>Aye</u>
Council member Kenneth Bernstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 21st day of August, 2018.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: August 21, 2018

Item Number:

To: Honorable Mayor Glenn Singer &
Town Council Members

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From: Alexander Diaz,
Town Manager

Subject: Resolution No. 2563.18 – Authorizing the Purchase of Twenty Five Taser's
from LETF

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2563.18 as presented.

Background:

The Town of Golden Beach Police Department is requesting to purchase twenty five Taser X26P for the Police Officers. These Taser's are part of the Collective Bargaining Agreement between the Town and its officers. The Taser's will be used as a less lethal tool in the event verbal commands are not complied with. The Golden Beach Police Officers will strictly have to follow the guidelines and policies set by the Golden Beach Police Department for use. The Chief of Police is requesting the approval of the Town of Golden Beach Council in order to proceed with the request for said purchase.

Financial Impact:

Taser's X26P for \$40,241.00 for 25 units and additional amount not exceed \$10,000 for Less Lethal Training



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

To: Alexander Diaz
Town Manager

August 14, 2018

From: Rudy Herbello
Chief of Police

A handwritten signature in black ink, appearing to read "Rudy Herbello", is written over the printed name of the Chief of Police.

Ref: Action Plan and Initiatives

Sir, as per the negotiated FOP contract, the Town of Golden Beach Police Department is in the preliminary phase of obtaining the Electronic Control Device (ECD/Black X26P-Taser) in order to equipped Golden Beach Police Officers with a less lethal device, that could be used in lieu of deadly force.

It is the policy of the Golden Beach Police Department to utilize the least force necessary when subduing or apprehending a subject. To that end, the Electronic Control Device (E.C.D.) will be another less than lethal alternative available to officers.

The E.C.D may be used to control a dangerous or violent subject when deadly force does not appear justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or will likely be ineffective in the situation at hand.

The E.C.D. may only be utilized in an arrest or a custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active/combatative physical resistance; also if the person;

- (a) is an emotionally disturbed person, a person suffering from the symptoms of Excited Delirium or a subject under the influence of a mind-altering drug,
- (b) has the apparent ability to physically threaten the officer or others; or
- (c) is preparing or attempting to escape and elude arrest.

As soon as this initiative is approved, the GBPD Staff will draft a comprehensive policy based on comparable Standard Operating Procedures from major police departments that are presently accredited by the Commission for Florida Law Enforcement agencies (CFA) in order to ensure compliance for the use of the "Electronic Control Devise".

The policy will include at minimum;

- Training and Qualification Procedures,
- In-Service Training Procedures,
- Certification policies,
- Authorized use of the E.C.D and/or deployment Guidelines,
- Removal of Probes,
- Officer's responsibilities and reporting requirements,
- Inspection,
- Maintenance and Care and
- First aid procedures and/or Rescue.

The training of our police officers will be done by a certified E.C.D instructor from an adjacent agency only after an approved policy has been drafted, approved and implemented. Officers will be afforded two consecutive attempts to pass the "ECD User Certification Training Course". If an Officer fails to demonstrate proficiency, a remedial practice and subsequent 3rd attempt will be afforded. **Only officers qualifying and/or completing the E.C.D training course will be allowed to carry the Electronic Control Device (E.C.D).**