



FLAGLER COUNTY SHERIFF'S OFFICE

GENERAL ORDER

Effective Date: June 15, 2021	<input type="checkbox"/> New <input type="checkbox"/> Rescinds: <input checked="" type="checkbox"/> Amends: GO# 022 dated 06/11/20	Number: 022
Subject: Response to Resistance / De-escalation Techniques		
Distribution: All Employees	CFA Standards: 4.01M; 4.04M; 4.07M A-C, 4.08M; 15.15M A-C FLA-TAC Standards: FCAC Standards:	

I. Scope and Purpose: This General Order (GO) applies to all Flagler County Sheriff's Office (FCSO) sworn law enforcement, certified detention employees and civilian employees acting within the scope of their employment and lawful authority, both while on-duty and off-duty. It establishes policy, definitions and guidelines pertaining to the Response to Resistance by FCSO employees. For deployment procedures and training associated with all Less-Lethal/ Non-Lethal weapons see FCSO GO #024.

II. Policy:

- A. This GO establishes guidelines for sworn personnel concerning an FCSO response to resistance and the application of de-escalation techniques that reflects Agency philosophy, professional law enforcement, and established state and judicial standards. It is the policy of the Agency that personnel only use the proper response to resistance that is objectively and reasonable to perform their official duties.
- B. This response to resistance shall be in accordance with state law. Courts examine the factors announced by the U.S. Supreme Court in *Graham v. Conner* to determine whether the response was objectively reasonable. A Deputy must consider the following factors when using physical force: (a) the severity of the alleged crime; (b) whether the suspect poses an immediate threat to the safety of the officers or others; and (c) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- C. Deputies shall not strike or use physical force against any person except when necessary in self-defense, in defense of another, to overcome physical resistance to lawful commands, or to prevent the escape of an arrested person. When deadly force is justified, it shall be considered a last resort and be employed for effect and not for warning. All employees using any type of force shall do so in accordance with Florida law and shall only use the force necessary to effect lawful objectives. [CFA 4.01 M]
- D. Deputies must show proficiency before carrying any FCSO issued weapon. [CFA 4.06 M C]
- E. Anytime an employee's actions, whether accidental or deliberate, results in a death or serious bodily injury, both on and off-duty while performing a law enforcement function, a written report will be completed and submitted through the chain-of-command to the Sheriff or designee for review and approval. This report will be written within five (5) working days of the incident, if not sooner. This is an exception to the FCSO GO concerning the mandated reporting of any use of force by the end of the employee's tour of duty. [CFA 15.15M A]

- F. The employee will be temporarily reassigned to non-enforcement administrative related duty for a minimum of one week, pending a preliminary administrative review of the incident. The Sheriff reserves the right to deviate from the above. [CFA 15.15M C]
- G. Duty to Intercede: Any Deputy present and observing another Deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force. Every Deputy must intervene if they observe another Deputy using excessive force. This shall include the immediate notification of a Supervisor and completing a memorandum to the Sheriff via the chain-of-command. Civilian employees are also required to immediately notify a Supervisor and complete a memorandum as is stated above to the Sheriff via the chain-of-command. Failure to adhere to this policy will result in discipline.

III. Forms:

- Response to Resistance (RTR) FCSO Form # PATL-004
- Supervisors Report of Injury/Illness FCSO Form # HR-174

IV. Definitions:

- A. Aerosol Subject Restraint (ASR): An aerosol device which propels a liquid chemical agent.
- B. Impact Weapons - Instruments or devices primarily designed for use by law enforcement to deliver non-lethal striking or leverage control techniques.
- C. Defensive Weapon: Any readily available object or instrument used by a Deputy in a reasonable manner to defend against a violent attack in order to avoid being seriously injured or killed, and when other conventional weapons or response to resistance alternatives are not readily available under the exigent circumstances. (Examples would be use of the issued flashlight, a stick or clipboard as an Impact Weapon, the use of a knife or sharp object or the use of a chair to keep someone at bay, etc.)
- D. Dart Firing Stun Gun (DFSG): A weapon which, through high voltage and low amperage, overrides a person's or animal's sensory and motor nervous system and takes direct control of skeletal muscles via muscular contractions. DFSG include hand-held units, Taser X-26 and X-2.
- E. Non-Lethal Weapons: Instruments/devices designed for use by law enforcement to overcome subject resistance and which can be used in conjunction with, or in lieu of, empty hand control measures. Examples include: Aerosol Subject Restraint (ASR), DFSG, Impact Weapons such as expandable batons and straight batons, etc.
- F. Less-Lethal Weapons/Specialty Impact Munitions: Less-Lethal Specialty Munitions fired from a Less-Lethal Weapon that is designed to deliver a controlled amount of kinetic energy to specific non-vital areas of the body at specified ranges for the purpose of incapacitating the individual while not penetrating the body or doing any permanent damage.
- G. Chemical Agent: A non-lethal substance or a combination of substances which by itself form a reaction.
- H. Response to Resistance Matrix: The Response to Resistance Matrix is a set of guidelines established to assist Deputy Sheriffs in their decision-making process regarding the appropriate use of force. See FDLE Response to Resistance Matrix.
- I. Imminent Danger: Danger which is reasonably believed to be based on a present and impending threat to cause death or serious bodily/physical harm to a Deputy, Detention Deputy, or other person which requires immediate action to avert or neutralize the threat.
- J. In-Custody Deaths: A death, or the onset of a physiological condition resulting in death, that

occurs while a subject is in law enforcement custody, or while an attempt is being made to take a subject into custody. The death may or may not involve the application of force. Deaths that occur as the result of vehicle crashes are not included.

K. **Deadly Force:** The FCSO respects the value of every human life and the application of deadly force is a measure to be employed in the most extreme circumstances. Deadly Force is likely to cause death or great bodily harm, permanent disability or permanent disfigurement and includes, but is not limited to:

1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm.
2. The firing of a firearm at a vehicle in which the person to be arrested is riding. Florida State Statute (FSS) 776.06.
3. The term “deadly force” does not include the discharge of a firearm by a law enforcement officer during and within the scope of his/her official duties which is loaded with a less-lethal munition. As used in this sub-section the term “less-lethal munition” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body. Deadly force includes discharging a firearm, or the use of an instrument like a knife, club, baton (side handle baton, expandable baton, etc.), or any use of force in a manner likely to cause death, great bodily injury, permanent disability or permanent disfigurement.

V. Procedures:

A. Tactics Response to Resistance Matrix:

1. The Response to Resistance Matrix is meant to be used as a guideline for a Deputy to select the effective, reasonable, and legal force options in a verbal or physical encounter. The Response to Resistance Matrix is comprised of Subject Resistance Levels and Deputy Response Levels which incorporate the following:

a. Subject Resistance Levels:

- i. **Presence:** No physical harm: A subject is present and on the scene.
- ii. **Verbal Resistance:** No physical harm. A subject may verbally refuse to comply with a Deputy’s requests or attempts to control the situation. The subject may threaten the Deputy with further resistance or the subject may not verbally respond to the Deputy.
- iii. **Passive Physical Resistance:** A subject’s verbal and or physical refusal to comply with an officer’s lawful direction. He/she does not make any attempt to physically defeat the actions of the Deputy but forces the Deputy to employ physical maneuvers or a chemical agent to establish control.
- iv. **Active Physical Resistance:** A subject makes physically evasive movements to defeat a Deputy’s attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the Deputy to get close to him/her.
- v. **Aggressive Physical Resistance:** A subject makes overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the Deputy or others.
- vi. **Aggravated Physical Resistance:** Great bodily harm. A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability

to cause death or great bodily harm to the Deputy or others.

b. Officer Response Levels:

i. Command Presence:

(A.) Presence: The Deputy is on the scene with the subject. This includes proper voice and/or other identification, body language, and awareness by the subject that he/she is dealing with a Deputy.

ii. Communication:

(A.) Dialogue: A two-way, controlled, non-emotional communication between the Deputy and subject, aimed at problem identification and/or resolution.

(B.) Verbal Direction: A Deputy tells or commands a subject to engage in or refrain from a specific action or non-action.

(C.) Touch: A touch used to comfort or console a distraught individual. A Deputy may use a soft assisting touch when guiding, directing or obtaining the attention of a subject, or a firm, strong touch prior to escalating to a higher level of force.

iii. Physical Control:

(A.) Restraint devices: Mechanical tools used to restrict a subject's movement and facilitate searching; such as handcuffs, flex cuffs, leg irons, belly chains, optional nylon restraining devices. Refer to the CSDS GO concerning the use of the restraint chair.

(B.) ASR: As governed in FCSO GO # 024.

(C.) Chemical Agents: As governed in FCSO GO # 024.

(D.) Transporters: Techniques used to control and/or move a subject from point A to point B with minimum effort by the Deputy in order to gain and retain control over the subject.

(E.) Take Downs: Techniques that redirect, in a controlled manner, a subject to the ground in order to limit his/her physical resistance and to facilitate the application of a restraint device.

(F.) Pain Compliance: Techniques that force a subject to comply with a Deputy as a result of the Deputy inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.

(G.) Electronic Restraint System (ERS): For prisoner control.

(H.) Counter Moves: Techniques that impede a subject's movement, such as blocking, striking, distracting, kicking, parrying, dodging, weaving, re-directing, or avoiding, followed by appropriate controlling techniques.

iv. Intermediate Weapons:

(A.) Impact Weapons: Primarily used to control a subject such as an expandable baton or side handle baton.

(B.) Defensive Weapons: Including flashlight, clipboard or any other item used as a weapon of opportunity. The above weapons should not be used to strike

the head or neck area unless the use of deadly force is authorized.

(C.) DFSG: as governed in General Order #024.

(D.) Less-Lethal Weapons/Specialty Impact Munitions: Delivered by trained Agency employees.

v. Incapacitation:

(A.) Excluding less-lethal impact projectiles and a DFSG, techniques that are intended to stun or render a subject temporarily unconscious or unable to resist. These techniques may be delivered with or without an impact weapon, such as a strike to a major nerve area.

(B.) The use of neck restraints are prohibited.

vi. Deadly Force:

(A.) Techniques that are likely to cause death, great bodily injury, permanent disability or permanent disfigurement, such as impact weapon strikes to the head, neck, throat, groin and spine, or use of firearms as defined in FSS 776.06. Deadly force techniques are a last resort.

2. Totality of the Circumstances: Is a term the court uses to refer to all the facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a response to resistance decision. The courts will look at the totality of the circumstances in determining whether the decision was objectively reasonable and, therefore, legally justified. The totality of the circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the officer.
3. As a subject increases his/her resistance level from verbal to physical, a Deputy may have to increase the level of his/her response until the resistance ceases and the Deputy is able to gain control of the subject. As soon as the subject compliance is reached, the Deputy must de-escalate his/her response level to the minimum necessary to control the subject.
4. It must be remembered that by law, a Deputy need not retreat in his/her efforts to lawfully control a subject, but may utilize the amount of response necessary to accomplish his/her task. This is not to say that a tactical retreat in the face of overwhelming odds may not be a wise choice.
5. When determining what level of response to use, Deputies shall consider the risk to the public, including but not limited to, whether the Deputy's response to resistance creates a substantial risk to the safety of the public, exceeding the danger to Deputies or the public created by allowing the suspect to remain at large.
6. Additional factors that must be considered when making a response to resistance decisions include:
 - a. Subject Factors:
 - i. Seriousness of crime committed by the subject.
 - ii. Size, age, and weight of subject.
 - iii. Apparent physical ability and training of subject.
 - iv. Number of subjects present who are involved, or who may become involved.
 - v. Weapons possessed by or available to the subject.
 - vi. Known history of violence by or mental instability of subject.

- vii. Presence of innocent or potential victims in the area.
- viii. Whether the subject can be recaptured at a later time.
- ix. Whether evidence is likely to be destroyed.
- x. Indicators of attack exhibited by the subject such as but not limited to verbalization of a hostile/aggressive intent, hostile/aggressive posturing, muscular tensing of the body, etc.

b. Deputy Factors:

- i. Size, physical ability, and defensive tactics expertise of the Deputy.
- ii. Number of Deputies present or available.
- iii. Ability for immediate reaction in the case of a sudden attack.
- iv. Weapons or restraint devices available to the Deputy.
- v. Legal requirements.
- vi. Agency policy.
- vii. Environment.

c. The above listed subject and Deputy factors are not all inclusive. Any and all determining factors must be properly articulated by the Deputy(s) employing a response to resistance.

- i. Any time a response to resistance (with or without a weapon) is utilized by a Deputy; the Deputy shall document the incident in an incident report. The following matrix will be used to determine if a Response to Resistance Report (RTR) will be completed. Only one RTR will be completed per incident. All RTR's will be reviewed by a Supervisor. The video shall be downloaded before the end of the employee's tour of duty. [CFA 4.07M C]

(A.)

Response Level – As listed in A.1.b above:	Response To Resistance Completed	Incident Report Completed
i- Command Presence	No	No
ii-Communication: -Dialogue -Verbal Direction -Touch	No	No
iii-Physical Control: Restraint Devices ASR Chemical Agents Transporters Take Downs Pain Compliance Electronic Restraint (ERS) - Counter Moves	No* Yes Yes No* No* No* Yes No*	Yes Yes Yes Yes Yes Yes Yes Yes
iv- Intermediate Weapons: Impact Weapons Defensive Weapons	Yes	Yes

Dart Firing Stun Gun (DFSG) Less-Lethal Weapons - Specialty Munitions		
v- Incapacitation	Yes	Yes
vi- Deadly Force	Yes	Yes

*Yes if injuries are known or suspected.

- B. All devices described in this policy will be used only after successful completion of a course in the proper use and carrying of the device.
- C. When any weapon is used, to include discharging a firearm for other than training or recreational purposes, the on-duty Supervisor shall respond to every use of force incident to include a K-9 apprehension with a bite. The on duty Supervisor shall conduct a review of the use of force incident to ensure compliance with Agency GO and shall ensure the completion of a Response to Resistance Report form is properly completed. [CFA 4.07M A, B]

1. The Supervisory review shall include:
 - a. Speaking with the involved Deputy.
 - b. Speaking with the suspect.
 - c. Ensuring witness statements (verbal or written) are obtained and/or reviewed.
 - d. Ensuring photographs are taken, if possible, of significant injuries and/or impact points. Probe or contact locations if DFSG was deployed. (Refer to General Order #024 regarding Less Lethal/Non-Lethal weapons and other responsibilities).
 - e. All reported or suspected injuries shall be documented in the Supervisor's Report of Injury/Illness.
 - f. Any video or digital documentation.
2. If, due to exigent circumstances, a Supervisor is not available to respond to the scene, or concludes that personnel should leave the scene due to operational or safety concerns, the Supervisor must articulate those reasons in the comments section of the Response to Resistance Report Form and General Incident Report.
3. If the Supervisor has reason to believe a violation of Agency policy has occurred that could result in discipline, the Supervisor shall adhere to General Order #020.
4. The responding Supervisor shall ensure the Response to Resistance Report Form, including all documentation obtained during the Supervisor's review, is completed and forwarded through the Deputy's chain-of-command for review up to and including the Sheriff or designee. At each level of supervision the reviewing Supervisor must thoroughly review the Deputy's action and determine in their professional opinion if the response to resistance was within policy. After final review by the Sheriff or designee, the Response to Resistance Report Form including all documents, shall be forwarded to the Professional Standards Unit (PSU) and a copy sent to Training.
5. An incident involving a K-9 apprehension does not require the Special Operations Commander Response, but will require their notification. The on-duty CPD Commander or designee will investigate all K-9 apprehensions and will utilize all applicable forms.
6. After force is utilized and an RTR is completed, the video (if applicable) shall be downloaded before the end of the employee's tour of duty.

D. Civil Disorder:

1. When dealing with civil disorder situations where no arrest is possible if less-lethal force is utilized, the Incident Commander or designee is responsible for the completion of the Response to Resistance Form. Refer to General Order 24 on the deployment of Non-Lethal/Less-lethal weapons.
 - a. If an arrest is made, the Deputy who used the less-lethal force is responsible for completing the Response to Resistance Report Form.
 - b. When tactically safe, Deputies shall use reasonable means to apprehend a suspect, prior to the suspect's entry into a motor vehicle or other conveyance.

E. Analysis and Reporting:

1. The Training Unit shall prepare an annual report related to the response to resistance. The report will encompass at a minimum:
 - a. Discharges of firearms investigated by the Shooting Team as outlined in this GO.
 - b. Actions that result in, or alleged to result in injury or death of another person.
 - c. The application of deadly or non-deadly force as defined by Agency GO.
 2. Response to Resistance Analysis – By January 15th of each year, the Training Unit Supervisor or designee will submit via the chain-of-command to the Sheriff an analysis of all response to resistance incidents for the previous calendar year for the purpose of identifying any training deficiencies and/or policy or procedure recommendations. Training shall conduct an annual analysis recommending training needs, equipment upgrades, and/or policy modifications related to the response to resistance. [CFA 4.09M A-C]
- F. Any Deputy involved in an incident that requires the use of deadly or non-deadly force shall, when necessary, advise Communications to notify the appropriate emergency services and render medical aid within the scope of his or her training. Supervisors shall document all injuries to arrestees/detainees and employees on the Supervisors Report of Illness/injury. [CFA 4.08M]
- G. All personnel approved to carry an Agency authorized/issued weapon or firearm may utilize or discharge it on or off-duty only under the following circumstances:
1. When conducting authorized ballistics tests.
 2. When engaged in sporting activities or shooting exhibitions as a representative of the Agency.
 3. At an authorized target range for practice or training purposes.
 4. To kill a seriously wounded or dangerous animal when necessary. See GO #469.
 5. To defend themselves or other persons against unlawful force when they reasonably believe that such conduct is necessary to prevent imminent death or great bodily harm to themselves or others.
 6. To apprehend a fleeing felony suspect (which includes escapees) only when such force is necessary and probable cause exists to believe the suspect poses an immediate threat of death or serious physical injury to either the Deputy or another person. If possible, a verbal warning must be given prior to utilizing deadly force.
 7. When the Deputy is able to independently due to the totality of available information as well as experience-based knowledge and training, articulate that the response to resistance is necessary to prevent imminent death or great bodily harm to themselves or others.

- H. Deputies shall inform persons to be arrested of their authority and the cause of arrest, if possible and feasible, except when such person flees or forcibly resists before the Deputy has an opportunity to inform him, or when the giving of such information would imperil the arrest.
- I. Employees of the Agency are not authorized to:

1. Fire warning shots. [CFA 4.04 M]
2. Draw or display a firearm unless there is a fear for their own personal safety or the safety of others. (Personal safety includes, but is not limited to the search of a structure for a suspected felon). The intent of this provision is to permit Deputies to protect their person and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the purpose.
3. Use a firearm to arrest or prevent the flight of a person who has committed a misdemeanor or traffic violation.
4. Discharge their weapons at or into a moving vehicle unless it is absolutely necessary to do so to protect against an imminent danger of death or serious bodily harm to the Deputy or others. Shooting at or into a moving vehicle can be ineffective and should only be considered as a last resort to protect the Deputy or another from an imminent danger of death or serious bodily harm. Deadly force may be justified when a suspect rams, attempts to ram or uses a vehicle to engage in conduct that poses an imminent danger of death or serious bodily harm to the Deputy or others. A Deputy must be able to articulate that an imminent danger exists and that the suspects' actions did not result in incidental or accidental contact between vehicles.
5. Intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms.

J. Deputy Surrendering Weapon:

1. Surrendering the weapon may mean giving away the only chance for survival. A Deputy should use every tactical tool at his/her disposal to avoid surrendering the weapon. The danger to a Deputy is not necessarily reduced by giving up the weapon upon demand.

K. Accidental Discharge of Firearm without Injury (when there is no suspect-Deputy sheriff confrontation):

1. Agency member(s) accidentally discharging a firearm not resulting in an injury to a person will:
 - a. Re-holster the weapon.
 - b. Immediately notify their respective Supervisor.
 - c. Secure the scene and summon sufficient backup personnel, if necessary.
2. Immediate Supervisor will:
 - a. Respond to the scene without undue delay.
 - b. Immediately notify the on duty CPD Commander or designee.
 - c. Advise Communications to request a Crime Scene Investigator to respond, if deemed necessary.
 - d. Secure the firearm and leave it unaltered until a Crime Scene Investigator arrives to document the weapon's condition.

- e. Verify that the accidental discharge did not occur during a suspect-Deputy sheriff confrontation.
- f. The involved Deputy's Supervisor shall designate a non-involved Deputy to prepare a comprehensive written report of the incident in memorandum form, which must include, but not be limited to:
 - i. A chronological, detailed narrative of the incident, including all events prior to, during, and immediately after the shooting.
 - ii. The names and addresses of all civilian witnesses, if any, the names of other Agency employees present or involved, their rank, division and duty assignment.
 - iii. Whether Agency employees were involved, or present at the incident, and in uniform or civilian clothing.
 - iv. Whether vehicles were marked or unmarked, and vehicle numbers.
 - v. A description of the scene to include lighting, weather conditions, obstacles, wind, foliage, trees, furniture, type of ground cover or flooring, and any other natural or man-made element which could have a bearing on the incident.
 - vi. A description of injuries sustained by any person present at the time of the incident, which is not attributed to a police action.
 - vii. A list of other police, fire, and ambulance personnel present at the scene, including names when possible.
 - viii. A sketch of the scene.
 - ix. Written statements from all witnesses, including civilian and Agency employees.
 - x. Submit it to the Division Chief, via chain-of-command, along with a copy of the Incident Report.
 - xi. Prepare a Response to Resistance Form (the original must be forwarded to the PSU, via chain-of-command. A copy must be sent to Training and a copy included in the internal investigative file).
- g. File a report of the incident in the Commander's Report.

3. CPD Commander will:

- a. Respond to all weapons discharges.
- b. Immediately notify the involved Deputy's Division Chief or designee.
- c. Ensure the Deputy's immediate Supervisor has carried out all responsibilities.
- d. Notify Communications to make a recording of the incident.

L. In all other incidents where Agency employees discharge a firearm (except the killing of animals), they will:

- 1. Re-holster the weapon.
- 2. Immediately notify the appropriate emergency services, if necessary. [CFA 4.08M]
- 3. Immediately notify their respective Supervisor.
- 4. Secure the scene and summon sufficient backup personnel.
- 5. Obtain the names and addresses of all civilian witnesses, if any, and the names of other Agency employees present or involved, their rank, division, and duty assignment.
- 6. Immediate Supervisors will:
 - a. Respond to the scene immediately.

- b. Immediately notify the on duty CPD Commander or designee.
- c. Request the on-duty or on-call ISD Supervisor to respond to the scene of the incident.
- d. Request the PSU Supervisor or representative respond to the scene of the incident.
- e. Assign a non-involved Deputy (a Deputy who did not discharge their weapon) to complete the related Incident Report and the Response to Resistance Form.
- f. Review the Response to Resistance Report Form and submit the original copy to the PSU, via chain-of-command, along with a copy of the Incident Report. A copy must also be sent to Training.
- g. The on-scene Supervisor shall assign a non-involved Deputy Sheriff to remain with the Deputy involved in the shooting at all times. The on-scene Supervisor shall request personnel assigned to CSI to respond to the scene of the incident. The Crime Scene Investigator will take custody of the firearm for processing and the PSU will provide the Deputy with a replacement weapon. The Deputy involved shall not be left unattended or out of the view of the assigned Deputy Sheriff prior to the weapon exchange. If the involved Deputy's attorney wishes to have a confidential discussion with the Deputy involved in the shooting prior to the weapon exchange, it may take place within an area designated by the ISD Supervisor or designee at a location where the Deputy sheriff involved in the shooting can be observed at all times by the assigned Deputy sheriff.
- h. File a report of the incident in the Commander's Report.

7. CPD Commander will:

- a. Notify the involved Deputy's Division Chief or designee, who will make the appropriate administrative assignment for the Deputy.
- b. Ensure the Deputy's immediate Supervisor has carried out all responsibilities.
- c. Immediately notify the on-call Public Affairs Officer (PAO), who will coordinate with the Shooting Team.

8. The Division Chief/Director will:

- a. Ensure the employee(s) are evaluated by an Agency contracted Psychologist prior to releasing the employee(s) back to full duty.

9. When an animal is required to be put down, whether in distress or a dangerous animal, the employee shall complete a general incident report and the incident shall be investigated by the CPD Commander or designee. Refer to GO # 469 for more on animal incidents. [CFA 4.07M A]

M. Deputy Involved Shooting:

- 1. All Deputy involved shootings where a suspect has been shot (non-accidental and non-animal related) will be investigated by the Florida Department of Law Enforcement.
- 2. The Director of Human Resources or designee shall be notified of all Deputy involved shootings.
- 3. An employee assigned to PSU will respond to the scene as a member Sheriff's staff.
- 4. The ISD Commander or designee shall be the FCSO liaison for the FDLE investigation.

N. Deputy Involved Shooting Not Investigated by the FDLE:

1. The FCSO Shooting Team will be responsible for the investigation of all Deputy involved shootings not investigated by the Florida Department Law Enforcement. Accidental discharges not involving a Deputy/suspect confrontation or the putting down of an animal will not as a general rule be investigated by the FCSO Shooting Team.
2. The Shooting Team will be comprised of a minimum of the ISD Commander or designee, two (2) detectives and a member from the training unit.
3. CPD Commanders or the involved Deputy's chain-of-command may request the Shooting Team investigate any accidental discharge incident. The decision to call out the FCSO Shooting Team for this type of call will be made by the ISD Commander or designee, after being briefed by the CPD Commander or chain-of-command on the circumstances of the incident.
4. The Director of Human Resources or designee shall be notified of all Deputy involved shootings.
5. An employee of the PSU will respond to the scene as a member Sheriff's staff. The responding employee is not considered part of the Shooting Team.
6. If the Division Chief, or designee, of the Deputy involved in the shooting believes it necessary, he or she will notify the HR Director who will arrange for a contracted psychologist to respond where needed.
7. The employee's chain-of-command shall contact the Human Resources Director or designee to schedule a return-to-work evaluation by an Agency selected psychologist/psychiatrist for the employee prior to the employee being released back to full duty. The Agency selected Psychologist/Psychiatrist will forward his/her findings to the Director of Human Resources or designee who will forward these to the appropriate Division Chief or designee.
8. After the Shooting Team has conducted its preliminary on scene investigation, the ISD Commander or designee, as soon as practical, will schedule a meeting with the member of the PSU who responded to the scene. The ISD Commander or designee will verbally brief the PSU Supervisor on the current status of their investigation.
9. The PSU Supervisor or designee will verbally inform the Sheriff of the administrative status of the inquiry surrounding the shooting.

O. Documentation:

1. The initial responding Deputies on the scene will complete an initial incident report on the event or crime which precipitated the shooting incident. Example: burglary, vehicle pursuit, robbery, etc. Their primary responsibility reference the shooting investigation is:
 - a. To secure the scene.
 - b. Render first aid. [CFA 4.08M]
 - c. Gather witnesses. Witnesses should be separated and an effort made to keep them from leaving before the Shooting Team can conduct interviews. If a witness must leave, then the Deputy will get detailed information about the witness, as well as what the witness saw.
2. The report will be the responsibility of the Shooting Team's Lead detective. Copies of all reports from other units within the Sheriff's Office or other police agencies will be supplied to the Shooting Team. This is to help maintain continuity of the investigation. The Shooting Team will be the clearing house of all information involving the shooting incident.

If there are discrepancies, the Shooting Team will deal with them before the report is completed and information is released to the public. In those cases where the Florida Department of Law Enforcement is the lead Agency the timeframe at FCSO for all reports will stop. FDLE will be responsible for completing the official report of the incident and filing the applicable paperwork with the State Attorney's Office, as well as providing a complete copy of the report and attachments to the Flagler County Sheriff's Office. Upon completion of the FDLE investigation, the Shooting Team's lead detective will complete the Response to Resistance Report.

3. All media releases will be coordinated with the Shooting Team and released through the PAO's Office. Cases handled by the FDLE will be released by the FDLE in coordination with the FCSO PAO.
4. Upon completion, the report will be forwarded to the State Attorney's Office for review and to PSU. [CFA 15.15M B]

P. Reassignment Pending Preliminary Administrative Review: [CFA 15.15M C]

1. The Deputy or Deputies involved in a shooting incident whether or not there is an injury, will be temporarily reassigned to non-enforcement administrative related duty for a minimum of one week, pending a preliminary administrative review of the shooting incident. The Sheriff reserves the right to deviate from the above. Notification of the reassignment shall be made in writing by the investigating department's chain-of-command. Copies of this notification shall be forwarded to Human Resources.

Q. In-Custody Deaths:

1. In the event of an in-custody death, the following procedures will be followed:

a. Immediate Supervisors will:

- i. Respond to the scene immediately.
- ii. Immediately notify the on duty CPD Commander.
- iii. Request the on-duty or on-call ISD Supervisor respond to the scene of the incident.
- iv. Request an PSU Supervisor or representative respond to the scene of the incident. PSU shall conduct a separate investigation when a subject dies or suffers serious bodily injury.
- v. Assign a non-involved Deputy to complete an Incident Report and the Response to resistance Form.
- vi. Review the Response to Resistance Report Form and submit the original copy to the PSU, via the chain-of-command, along with a copy of the Incident Report. A copy must also be sent to Training.
- vii. File a report of the incident in the Commander's Report.

b. CPD Commanders will:

- i. Notify the involved Deputy's Division Chief.
- ii. Ensure the Deputy's immediate Supervisor has carried out all responsibilities.
- iii. Immediately notify the on-call PAO, who will coordinate with ISD.

2. ISD will be responsible for the investigation of all in-custody deaths.

3. Upon completion of ISD report, a copy will be forwarded to the PSU. The PSU will submit a final report plus conclusions to the Sheriff.
4. In-custody deaths will be reported to the Florida Department of Law Enforcement Statistical Analysis Center to facilitate the requirements of the Deaths in Custody Act of 2000.

R. Killing of a Seriously Wounded or Dangerous Animal When Necessary:

1. A Deputy may discharge his/her firearm to kill a seriously wounded or dangerous animal when all other disposition is impractical. If possible, the Deputy shall follow the below listed procedures:
 - a. Contact Supervisor and obtain approval.
 - b. Exhaust all efforts to notify the owner (if any) to obtain owner's permission to destroy animal.
2. An Incident Report shall be made detailing the circumstances. The sergeant shall log the incident on the Commander's Report and notify the on duty CPD Commander. Disposal of the carcass shall be handled in accordance with FCSO GO # 469.

S. Retraining:

1. Every calendar year, all sworn Flagler County Sheriff's Office personnel will read this GO during annual use of force training.


Rick Staly
Sheriff