



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

USE OF FORCE, RESPONSE TO RESISTANCE, TRANSPORTING PRISONERS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
05	June 09, 2020	October 25, 2017	All Sworn Members and Duty Officers

References

Ch. 776 and S. 901.211 and 943.1717, F.S.; GO 12, 15, 16 and 41

CFA 2.01M, 2.07, 4.01M, 4.02M, 4.03M, 4.04M, 4.05M, 4.06M, 4.07M, 4.08M, 15.15M, 21.01M, 21.02M, 21.03M, 21.04M, 21.05, 21.06M, 21.07M, 21.08M, 25.09M

1 POLICY

A Force Guidelines

- (1) It is the policy of the Division to provide its sworn members with direction on the use of deadly and non-deadly force to protect members of the Division, the public, and suspects.
- (2) It is the policy of the Division to ensure that members of the Division employ the amount of force that is necessary and reasonable to prevent escape, overcome resistance or effect arrests during the performance of their official duties, as per Chapter 776, Florida Statutes, current case law and the Florida Department of Law Enforcement Use of Force Guidelines.
- (3) The Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement sworn members are granted authority to employ control techniques, including the use of force likely to cause death or great bodily harm, in the performance of their official duties in accordance with the provisions of Chapter 776, Florida Statutes and this policy.
- (4) When the use of force is necessary, members shall use only the amount of force that is:
 - (a) Necessary to affect lawful objectives, and
 - (b) Reasonable and necessary to gain and maintain control of the situation.
- (5) Members of the Division shall only use the necessary amount of control required to successfully overcome physical resistance, prevent escapes or effect arrests. However, that objective must be tempered by the need to preserve the safety of the Division's officers. Members need not wait for injury to occur to them or to another before taking appropriate action to prevent it. The decision to use force must be based upon the totality of circumstances known or reasonably believed by the member at the time such force is used. When danger threatens or when resistance is encountered, sworn members shall initiate action which is reasonable and necessary.

- (6) The use of force by a member shall be determined by the suspect's resistance coupled with the totality of the circumstances. When practical, members shall issue loud verbal commands in an attempt to gain voluntary compliance.
- (7) It is the policy of the Division to protect the rights and well-being of those individuals arrested or detained as prescribed by law and Division policy.
- (8) All Sworn Members shall be issued copies of and receive instructions on the Use of Force policy before they are authorized to carry a weapon.
- (9) All sworn personnel must successfully complete at a minimum the state law enforcement certification program and complete the Division's firearms and defensive tactics high liability check-off prior to any assignment in any capacity in which the member is allowed to carry a firearm, or is in any position to make an arrest.
- (10) Sworn members shall receive training and demonstrate proficiency in the use of all Division authorized weapons before being allowed to carry or use them.
- (11) Sworn Members shall carry only approved weapons for which they have received up to date training. Sworn Members may use Division authorized lethal and non-lethal weapons both on and off duty. Sworn Members must demonstrate proficiency with any lethal or non-lethal weapons prior to issuance or carrying the weapon in any capacity.
- (12) When in uniform, sworn members shall carry an issued firearm, Oleoresin Capsicum (OC) spray and an expandable baton. If a member is authorized to carry the Conducted Electrical Weapon (CEW), the member shall carry a firearm, the CEW, and either the OC spray or the expandable baton, but may carry all three non-lethal weapons on their duty belt if space is available.
- (13) Sworn members are authorized to draw their weapon from the holster, or display a shoulder weapon, when they reasonably believe they are approaching a situation which may present an imminent threat in order to maintain a position of advantage.
- (14) Warning shots are prohibited.

B Deadly Force

- (1) Chapter 776, Florida Statutes, has set forth the following laws governing the use of control:

Section 776.05, Florida Statutes, "Law enforcement officers; use of force in making an arrest."
- A law enforcement officer, or any person whom he or she has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He or she is justified in the use of any force:

 - (a) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest; or
 - (b) When necessarily committed in retaking felons who have escaped; or
 - (c) When necessarily committed in arresting felons fleeing from justice. When the use of deadly force is necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning is given, and:
 - (d) The sworn member reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the sworn member or others; or
 - (e) The sworn member reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.
- (2) Whenever practical, a sworn member should give a verbal warning prior to using deadly force.
- (3) In deadly force situations, a sworn member may use any weapon or resource at his or her disposal.

C Non-lethal Weapons

- (1)** It is Division policy to provide sworn members direction on the weapons authorized for carry or use in the performance of lawfully authorized duties.
- (2)** OC spray shall **not** be carried aboard Division aircraft.
- (3)** The only non-lethal weapons authorized by the Division for carry or use, are OC spray, the Conducted Electrical Weapon (CEW), and the expandable baton.
- (4)** The use of OC spray may begin at passive resistance.
- (5)** The use of the expandable baton is warranted when active resistance is encountered.
- (6)** Sworn members may carry non-lethal weapons in a concealed manner while off-duty.
- (7)** The standard for use of a non-lethal weapon while off-duty shall be the same as while on-duty.
- (8)** The CEW is a diverse law enforcement response tool that may be utilized in two different modes:
 - (a)** Dart-Firing Stun Gun – The primary deployment method during which the probes are fired at a subject. The energy of the CEW affects the neuromuscular system, temporarily incapacitating the affected area on the targeted person. The incapacitating affects are proportionate to the spread of the probes and the targeted area of the body.
 - 1.** The CEW is programmed to give a 5-second “electrical current.” The sworn member can shorten or extend this time. Any extension of this time period shall be justified and documented appropriately.
 - (b)** Stun Gun – A secondary deployment method. The CEW is applied as a Touch Stun Device. The intended result is localized pain to the application site resulting in pain compliance.
 - (c)** The sworn member’s decision to apply the CEW shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the sworn member from passive resistance to active resistance and the subject:
 - 1.** Has the apparent ability to physically threaten the officer or others, or
 - 2.** Is preparing to, or is attempting to, flee.
 - (d)** In making the determination to deploy the CEW, sworn members shall consider factors such as age, size, weight, or the subject’s likelihood of physically harming themselves or others in assessing the subject’s apparent physical abilities.
 - (e)** When reasonable, a verbal warning should be given prior to applying the CEW to gain compliance.
 - (f)** When applying the CEW, it should be activated for one standard cycle. Should sworn members not be able to gain compliance, and the subject continues to fail to comply, additional activations are appropriate.
 - (g)** Only one CEW should be applied against a subject at a time. However, subsequent CEW applications are allowed if the initial application is ineffective.
 - (h)** Sworn members shall not target a subject’s head, face, neck, or groin.
 - (i)** CEWs should not be used on handcuffed subjects unless they are actively resisting or exhibiting aggressive resistance, or unless it is to prevent individuals from harming themselves or others.
 - (j)** Critical applications:
 - 1.** Driver of vehicle/vessel in motion – Sworn members shall not discharge CEW probes at a subject in physical control of a vehicle or vessel in motion unless exigent circumstances exist. In this context, active control implies the subject’s vehicle or

vessel is in motion, or the vehicle/vessel is running and he or she are attempting to place the vehicle/vessel in motion.

2. All attempts should be made to observe potential dangers that may occur after a subject has been affected by a CEW. Great consideration should be given in any environment where the subject's fall could result in death (i.e. in or beside a body of water, gunnels of a vessel, or on an elevated structure).
 3. Pregnant females – The CEW shall not be used on pregnant females, when their condition is known or apparent, unless deadly force is the only other option.
 4. The CEW should not be used on small children, the elderly, or persons with disability, unless exigent circumstances exist.
 5. Volatile environments – The CEW should not be used in the known presence of combustible vapors, liquids or other flammable substances.
- (k) After use, the CEW shall be turned in to the Training Section, or their regional designee, for information retrieval from the data port. Information retrieved from the data port shall be made a part of the case file. Data downloads shall be conducted:
1. Within 72 hours of all applications (intentional or unintentional),
 2. As a result of a complaint involving its use,
 3. During sworn members' annual retraining, and
 4. At the request of a supervisor.

D Weapons of Opportunity

- (1) It is the policy of the Division that sworn members may use weapons of opportunity to defend themselves in situations when deploying an issued non-lethal weapon is impractical or not feasible. Sworn members may use any object needed to stop an attack or to subdue an individual. When a weapon of opportunity is used in a non-lethal situation, it should be used in a manner and method consistent with this general order. For example, if the weapon of opportunity is used as an impact weapon, it should be deployed in a manner and method compatible with training on issued non-lethal weapons such as the expandable baton.
- (2) Weapons of opportunity may be used in any way when responding to deadly force threats.

E Searches, Transporting, and Handcuffing

- (1) It is the policy of the Division to establish procedures and provide direction to Division members for transporting prisoners/detainees.
 - (a) It is the policy of the Division to protect the rights and well-being of Division members, members of the public, and prisoners/detainees.
- (2) Sworn members are prohibited from conducting strip searches or body cavity searches as defined in section 901.211, Florida Statutes. However, sworn members are authorized to conduct pat-down searches.
- (3) Restraint devices authorized by the Division for carry and use are:
 - (a) Swivel chained handcuffs
 - (b) Flex cuffs
 - (c) Other restraint devices if issued by and training on their use is provided by the Division
- (4) Exigent circumstances allow for additional types of restraints when reasonable and necessary.
- (5) Aircraft, All Terrain Vehicles, or Personal Watercraft shall not be used to transport prisoner/detainees without the approval of the Division Director.

- (6) Members shall not transport prisoner/detainees outside of their jurisdiction without approval of a supervisor.

F Patrol Vehicle

- (1) Vehicles equipped with a prisoner/detainee safety barrier shall have the window operation locked so the window(s) behind the safety barrier cannot be opened by a prisoner/detainee. The rear door(s) shall have the child safety lock engaged so the door cannot be opened from the inside.
- (2) Prisoner/detainees shall not be handcuffed to fixed objects, vehicles or vessels, except under exigent circumstances.

G Definitions

- (1) **Passive resistance** is a subject's verbal and/or physical refusal to comply with a sworn members lawful direction causing the sworn member to use physical techniques to establish control.
- (2) **Active resistance** is a subject's use of physically evasive movements directed toward the sworn member such as bracing, tensing, pushing, or pulling to prevent the sworn member from establishing control over the subject.
- (3) **Aggressive resistance** is a subject's attacking movements toward a sworn member that may cause injury but are not likely to cause death or great bodily harm to the sworn member or others.
- (4) **Deadly force resistance** is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the sworn member that the subject intends to cause and has the capability of causing death or great bodily harm to the sworn member or others.
- (5) **Physical control** is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
- (6) A **non-lethal weapon** is a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of nonlethal weapons include conducted electrical weapons (CEW), expandable batons, flashlights, and chemical agent sprays.
- (7) **Deadly force** is force that is likely to cause death or great bodily harm. Some examples of deadly force include use of a firearm, eye gouges, empty-hand strikes to the throat, and impact-weapon strikes to the side of the neck.
- (8) **Conducted Electrical Weapon (CEW)** – A Division-issued Axon X26 or X2, which may be used as a dart-firing stun gun (DFSG) or as a stun gun without launchable probes to apply directly to the subject. It uses propelled darts, connected by wires, to conduct energy that affects the sensory and motor functions of the central nervous system.
- (9) **Activations** – Anytime the trigger of a CEW is pulled, initiating a discharge of current to include a probe discharge, touch stun, or spark test.
- (10) **Air Cartridge** – A replaceable cartridge for the CEW, which uses compressed nitrogen to fire two barbed probes on thin connecting wires conducting energy into a subject.
- (11) **Application** – When a CEW is discharged on or fired at a subject.
- (12) **Deployment** – Anytime a CEW is drawn from the holster in a potential use of force situation.
- (13) **Touch Stun (Drive Stun)** – The application of the device to a subject by making direct contact with the body after the CEW air cartridge has been discharged or removed, or by depressing the arc switch.
- (14) **Internal Memory** – An internal memory feature that stores activation data.
- (15) **Probe** – A metal dart that is propelled from the air cartridge.

- (16) **Spark Test** – A test activation conducted, outside of public view, without an air cartridge installed on an X26 or by depressing the arc switch on an X2, to ensure the CEW is operable.
- (17) **Stun Gun** – A CEW without a live air cartridge installed.
- (18) **Trained Medical Provider** – A certified medical services provider employed by a licensed medical facility or contracted medical provider (i.e. EMS).
- (19) **Unintentional Discharge** – An unintentional probe deployment during a spark test or deployment.
- (20) **Weapons of Opportunity** – A weapon of opportunity is any object used spontaneously in a use of force situation instead of an issued weapon due to the critical nature of the given circumstances and the inability to access an issued weapon.

2 RESPONSIBILITIES

A Division Responsibilities

- (1) The Division's Training Section shall exercise responsibility for the administration of defensive tactics and firearms training programs in accordance with Chapter 776, Florida Statutes, current case law, and the FDLE Force Guidelines.
- (2) Academy staff must evaluate the content of such programs periodically in order to ensure compliance with current Florida Statutes, developments in case law and tactical considerations related to officer safety.
- (3) Annually, the Training Section shall conduct an analysis of all use of force situations involving sworn members and report to the Division Director any patterns or trends that may indicate training needs or policy modifications.
- (4) The Division's Training Section shall disseminate current applicable case law as provided by the Commission's Office of General Counsel to all sworn members.
- (5) The Division shall provide training to maintain proficiency in the use of non-lethal weapons during in-service training:
 - (a) At least every two years for OC spray and the expandable baton; and
 - (b) At least once a year for Conducted Electrical Weapons.

B Division Training staff shall inspect and document expiration dates on the OC spray and CEW cartridges of all sworn members at least one time annually during an in-service training event. Expired or unserviceable OC canisters and CEW cartridges shall be replaced by the Region.

C Administrative Review

- (1) The Division Director may convene a Use of Force Review Board, consisting of the Division's Professional Standards Liaison, and representatives of the Division Training section and Division Field Operations section to determine if the force used was reasonable, necessary and according to Division training policies/procedures and Florida Statutes.

D Member Responsibilities

- (1) It is the responsibility of each sworn member to remain proficient in the use of the non-lethal weapons that he or she are trained to use.
- (2) Sworn members are responsible for completing the Use of Force Report (FWC/DLE-100) when required in accordance with Section 3 (Procedures), Subsection I, *Use of Force Report* of this General Order.
- (3) Sworn members shall complete the Weapon Deployment Data Log (FWC/DLE-099) and submit within 72 hours:

- (a) Whenever the CEW is discharged unintentionally, or
 - (b) When the CEW is deployed on, or applied to a subject, or
 - (c) Whenever the sworn member believes that the presence of the CEW influenced the outcome of an incident. Example: A subject who, upon noticing the CEW on the member, states, "Don't tase me!" and proceeds to comply with the member's directions without the member having to resort to the use of force.
 - (d) Whenever the member points a firearm at any person, occupied vehicle, or vessel.
 - (e) Whenever a member unintentionally discharges a firearm, unless the unintentional discharge took place during a use of force incident, in which case the unintentional discharge shall be noted on the Use of Force Report (FWC/DLE-100).
- (4) Sworn members issued an CEW shall be responsible for the following:
- (a) Proper user maintenance, care, and storage of the CEW, air cartridges, battery/battery charger, and holster.
 - (b) Sworn members shall normally conduct a spark test before the beginning of their tour of duty to ensure the CEW is functioning properly. The spark test does not require the completion of a Use of Force Report or an entry on the Weapon Deployment Data Log.
 - (c) Any application or unintentional discharge requires notification of an on-duty supervisor.
- (5) Supervisors of sworn members issued a CEW shall be responsible for the following:
- (a) Ensuring all subjects exposed to a CEW application receive medical evaluation as needed.
 - (b) Ensuring any CEW application is properly documented and the chain of command is notified.

3 PROCEDURES

A Medical Assistance after Use of Force Incidents

- (1) After using force, and upon stabilizing the situation, the sworn member shall evaluate the need for medical attention or treatment for the subject, ask the subject if he or she has any injuries, and arrange for such treatment when:
 - (a) The subject has a visible injury or is unconscious.
 - (b) The subject requests medical attention.
 - (c) The subject complains of an injury or discomfort.
- (2) Sworn members injured during a use of force incident shall seek appropriate medical aid and shall be further directed by the responding supervisor should further medical attention be deemed appropriate.
- (3) Prisoner/detainees moved or taken to a medical facility may present a grave risk to the public, employees of the facility, and the member. Extreme caution shall be taken to ensure the prisoner/detainee is isolated from other patients and is not left without law enforcement security or unattended.
- (4) If the prisoner/detainee is admitted to a medical care facility, the arresting sworn member shall maintain custody of the subject until the subject is issued a notice to appear, arrested, booked into jail, or until custody is transferred to another law enforcement or correctional agency.
- (5) When non-deadly force is used, the sworn member shall notify his or her immediate supervisor as soon as practicable. When the immediate supervisor is not readily available the next level of supervision shall be notified.

- (6) If a subject appears to be or is known to be under the influence of alcohol or drugs during a use of force incident, this fact must be reported on the Use of Force Report (FWC/DLE-100).
- (7) If a subject or sworn member receives or refuses medical attention during a use of force incident, this fact must be reported on the Use of Force Report.
- (8) CEW Probe Removal and Medical Assistance:
 - (a) Sworn members may remove the probes on scene in accordance with training procedures. Rubber gloves shall be worn when removing probes from the skin. Probes should not be removed until the subject has been restrained or is otherwise under control.
 - (b) Expended air cartridges utilized on a subject shall be impounded by re-inserting the barbed ends of the probes into the air chambers. Sworn members shall also collect and impound some of the expended confetti. The air cartridge and probes used shall be logged into evidence. Air cartridges and probes removed from a subject shall be impounded as biohazard evidence.
 - (c) Probes embedded in sensitive tissue areas of the body shall be removed by medical personnel in accordance with their agency protocols. Sensitive tissue areas include the groin, eyes, female breast, face and neck. The deploying officer or any supervisor may opt for medical personnel assistance for probe removal after any deployment if deemed necessary.
 - (d) Photographs shall be taken of the probe impact or touch stun area and other related injuries.
 - (e) The probe wires may be cut/broken for subjects requiring transport for probe removal allowing for enhanced stability of the embedded probe.
 - (f) Probes removed by medical personnel shall be collected as soon as practical and impounded in accordance with General Order 16, *Collection, Preservation and Documentation of Property and Evidence*.
 - (g) Sworn members who have deployed CEWs on subjects with extreme, violent behavior and with signs of a state of excited delirium shall summon a trained medical provider to evaluate and/or clear the subject prior to transport to the receiving facility. The intent of requesting EMS is to ensure the subject's vital signs are within normal ranges per EMS protocols prior to transporting to a receiving facility. Further evaluation by hospital staff would be warranted for any areas of concerns such as abnormal vital signs or probes embedded within sensitive areas.
 - (h) Sworn members shall notify personnel at the receiving facility if a subject has been exposed to a CEW and convey the location of any known application site(s). The notification information should also be recorded in the arrest affidavit.

B Member Involved Shootings, Deaths, Life-threatening Injuries, and In-custody Deaths

- (1) **Members involved:** shall, as soon as safely practical:
 - (a) Notify the communication center.
 - (b) Secure the scene.
 - (c) Render aid as needed to injured persons when safe to do so.
 - (d) Provide a supervisor with information related to the crime scene, the number of involved parties, and the extent of injuries to involved parties. This information is not within the scope of the Law Enforcement Officers' Bill of Rights. Statements relating to the preservation of the crime scene, the identification of suspects and witnesses, and a brief explanation to assist in determining the appropriate course of conduct for the law enforcement investigation of the incident shall be critical. This information shall not be used against the sworn member in a disciplinary matter, unless such statements are later proven perjuries.

Sworn members involved in deadly force incidents may only refuse to provide oral statements to division supervisors at the initial scene by exercising their protection against self-incrimination guaranteed by the Fifth Amendment.

- (e) Complete an Incident Summary Report and a Use of Force Report (FWC/DLE-100). The Incident Summary Report should include information regarding the incident or crime that precipitated the shooting, death, or life-threatening injury.
- (2) **Supervisor:** Shall go to the scene, take control and:
- (a) Ensure that the chain of command has been notified.
 - (b) Request necessary information from the officer to help protect the scene, identify any additional suspects and witnesses not already at the scene, and a brief explanation of the incident.
 - (c) Direct an officer to separate and obtain names and addresses of all civilian witnesses, including secondary points of contact, (e.g. family members not living in the same household).
 - (d) Activate the Critical Incident Stress Management Team in accordance with General Order 41, *Critical Incident Stress Management*.
 - (e) May assign another sworn member to assist the involved member and may remove the involved member from the immediate scene.
 - (f) Ensure the sworn member is provided an opportunity to contact a legal representative and/or their Law enforcement collective bargaining unit representative.
 - (g) Secure the weapon(s) used in the incident.
 - (h) Ensure that the primary investigative team (FDLE for other than federal or foreign properties) has been notified and coordinate activities with the investigative team.
 - (i) Complete a supplemental incident report documenting the involvement of the supervisor. The narrative shall identify the primary investigating agency.
- (3) **Regional Commander or Designee:** shall go to the scene and:
- (a) Ensure that the chain of command has been notified.
 - (b) Notify the Office of the Inspector General (OIG).
 - (c) Arrange for a replacement weapon.
 - (d) Make a supervisory referral to the Employee Assistance Program (EAP) for affected members. EAP must be notified of sworn member names and a brief description of the incident so they can anticipate the sworn members phone call. The contact information for EAP can be found on the Human Resources SharePoint page <http://portal2.fwc.state.fl.us/sites/HR/EAP%20Manager%20Referral%20Information/Form%20s/AllItems.aspx> , 24-hours a day, seven days a week. The Regional Commander or designee shall also inform EAP that the appropriate Deputy Director must be notified if the sworn member fails to attend scheduled sessions.
 - (e) Ensure the involved sworn members undergo a debriefing with an agency-provided psychologist as soon as practical. The debriefing shall not be related to any agency investigation of the incident and discussion during the debriefing shall not be used in violation of the privileged physician-patient relationship. This opportunity for the sworn member is so important that attendance shall be mandatory.
 - (f) The sworn member shall be placed on administrative leave as soon as practicable, if involved in a use of force incident in which death or serious bodily injury occurs. The Regional Commander or designee shall maintain contact with the sworn member during this time with information and updates as they become available.

- (4) **Division Director:** shall take the following actions:
- (a) Convene the Use of Force Review Board as described in Section 2 (Responsibilities), Subsection B, *Administrative Review* of this General Order to conduct a preliminary administrative review.
 - (b) Determine when the member shall return to duty, but not before the conclusion of the preliminary administrative review.

C Non-lethal Weapons

- (1) OC Spray: Due to the unique nature of OC spray, the following procedures shall be followed:
- (a) Sworn members are authorized to use OC spray both on and off duty. Sworn members must complete Division approved OC spray training, including exposure, and demonstrate proficiency prior to being authorized to carry OC spray in any capacity.
 - 1. Sworn members who choose to carry OC spray in an off-duty capacity shall carry their Division identification card and badge at all times. Off-duty members shall attempt to carry the OC spray in an inconspicuous manner.
 - (b) Whenever practical, the sworn member should give verbal commands and warnings that OC spray shall be used if the subject does not comply with lawful orders.
 - (c) Sworn members should use caution when deploying OC spray in the presence of innocent bystanders.
 - (d) Once the affected subject has been handcuffed and searched, decontamination procedures must be initiated as soon as possible.
 - (e) Medical clearance is not necessary unless the subject has not recovered within one hour or is known to be allergic to OC and/or pepper derivatives.
 - (f) Sworn members may use OC spray on animals for the purpose of public safety, officer safety, or animal control. Sworn members are not required to complete a Use of Force Report when OC spray has been used on animals only.
 - (g) When OC spray has been used, the Use of Force Report shall contain the following:
 - 1. Names of Persons affected by agent;
 - 2. Decontamination Process used;
 - 3. Recovery period characteristics; and
 - 4. Recovery period duration
- (2) Expandable Baton
- (a) Sworn members are authorized to use the Division-issued expandable baton both on and off-duty. Sworn members must complete Division-approved expandable baton training and demonstrate proficiency prior to being authorized to carry the baton in any capacity.
 - 1. Sworn members who choose to carry an expandable baton in an off-duty capacity shall carry their Division identification card and badge at all times. Off-duty sworn members shall attempt to carry the baton in an inconspicuous manner.
- (3) Conducted Electrical Weapon (CEW)
- (a) Before carrying a CEW, sworn members must successfully complete the CEW operator's initial training course coordinated by the Training Section. Members issued the CEW shall complete refresher training annually as defined in section 943.1717, Florida Statutes.

- (b) The CEW is approved for use both on-duty and off-duty. Sworn members issued a CEW shall carry it in an approved holster while in uniform.

- 1. Sworn members who choose to carry the CEW in an off-duty capacity shall carry their Division identification card and badge at all times. Off-duty sworn members shall attempt to carry the CEW in an inconspicuous manner.

D Arrest and Transport of Prisoners/Detainees

- (1) Sworn members shall use care when assisting a prisoner/detainee into a vehicle or vessel.
- (2) Prior to transport and NCIC/ FCIC warrants check, all prisoner/detainees shall be thoroughly searched for any weapons, contraband, or tools of escape according to the procedures taught by the Division's Training Section.
 - (a) Whenever reasonable, all searches should be conducted by a law enforcement officer of the same sex as the prisoner/detainee.
 - (b) The transporting sworn member shall search the prisoner/detainee, unless a search was conducted in their presence.
- (3) Except as provided in this General Order, sworn members shall properly handcuff all prisoner/detainees being transported.
- (4) When transporting prisoners/detainees, the sworn member shall provide the communications center with the following information when possible:
 - (a) Identity and gender of the prisoner/detainee;
 - (b) Arrest location and destination of transport; and
 - (c) Mileage readings before and after transport.
- (5) Patrol vehicles and vessels shall be searched prior to and after transportation of a prisoner/detainee. The area to be searched may be limited to areas accessible to the prisoner/detainee.
- (6) If a sworn member believes a prisoner/detainee cannot be transported safely, the sworn member should remain at the scene until additional assistance arrives. Combative prisoner/detainees shall not be transported without a prisoner/detainee safety barrier.
- (7) The sworn member shall notify receiving personnel when an arrestee is a violent prisoner/detainee or is a possible security threat.
- (8) The sworn member shall notify receiving agency personnel of a prisoner/detainee's potential medical or security hazards.
- (9) The sworn member making an arrest shall maintain control of the prisoner/detainee until the prisoner/detainee has been turned over to another law enforcement officer, a correctional officer, jail or other detention facility, or is released.
- (10) Prisoner/detainee shall be transported to the appropriate detention facility as soon as possible after the arrest.
- (11) Sworn members shall follow all applicable rules and procedures of the detention facility when delivering and transferring prisoners/detainees. Sworn members shall be reasonably familiar with the applicable rules and procedures of detention facilities in their assigned region when delivering and transferring prisoners/ detainees. Specifically, sworn members shall follow the applicable rules and procedures concerning:
 - (a) Securing of firearms.
 - (b) Removing restraining devices.

- (c) Documentation delivered to the detention facility/receiving agency personnel.
 - (d) Documentation detailing the prisoner/detainee transfer.
- (12) In order to safely and securely transport sick, injured, or disabled prisoner/detainees the following procedures shall be followed:
- (a) Sworn members should make a reasonable effort to determine the nature of the illness, injury, and/or the extent of the disability and use discretion in arresting persons who are sick or injured.
 - (b) If the person is not an immediate threat or danger and immediate arrest is not crucial, the sworn member should consider obtaining a warrant to be served after the person has had an opportunity to seek medical attention.
- (13) If a person becomes sick or is injured incidental to an arrest, the transporting member shall ensure that the prisoner/detainee is transported to the appropriate medical facility, if conditions warrant it. If it becomes necessary to have a prisoner/detainee transported to a medical facility by ambulance, one of the following shall occur:
- (a) If only one sworn member is available during the transport, the sworn member shall follow directly behind the ambulance to the medical facility or secure the patrol vehicle/vessel and ride inside the ambulance.
 - (b) If more than one sworn member is available during transport, one of the sworn members shall ride inside the ambulance to the medical facility.
- (14) Prior to placing a prisoner/detainee in an ambulance, the prisoner/detainee shall be properly handcuffed and searched for weapons.
- (a) The sworn member shall ask for the assistance and guidance of medical personnel when searching or handcuffing a prisoner/ detainee to ensure that the sworn member's actions do not aggravate the detainee's medical condition.
 - (b) In situations in which a detainee's medical condition makes handcuffing impossible or is advised against by medical personnel, the sworn member shall take steps as appropriate to ensure the safety of members, medical personnel, the general public and the prisoner/detainee, during the transport by ambulance.
- (15) Whenever possible, and when necessary, the prisoner/detainee shall be transported directly to medical facilities equipped to receive a prisoner/detainee.
- (16) A sworn member shall notify a supervisor when transporting a prisoner/detainee to the hospital.
- (17) Mentally disturbed prisoner/detainees should be transported using restraints which prevent self-inflicting injuries, (i.e. handcuffs, safety barriers, etc.). Absent such devices, sworn members should take reasonable measures to safeguard against such injuries. If necessary, the appropriate health or emergency medical provider should be notified for assistance.
- (18) Violent prisoner/detainees should be secured with Flex-Cuffs or similar restraints, in addition to steel handcuffs if their actions indicate they may pose a threat to the transporting member or to the patrol vehicle, vessel or equipment.
- (19) If a juvenile commits a crime and transportation is necessary, the juvenile shall not be placed in a patrol vehicle which contains an adult under arrest unless the juvenile and adult participated in the same offense or incident. Refer to General Order 15, *Juvenile Operations* for further guidance on juvenile arrests.
- (20) When transporting a prisoner/detainee, the sworn member's primary duty is the safe delivery of the person in custody. Only under emergency circumstances, when the risk to third parties is both clear and grave, and the risk to the prisoner/detainee is minimal, should a member stop to render assistance.

- (21) Procedures for the Transport of Prisoners/Detainees of Opposite Sex:
- (a) If practical, prisoners/detainees shall be transported by sworn members of the same sex.
 - (b) Non-combative male and female prisoners may be transported in the same vehicle after being arrested as participants in the same offense.
 - (c) Non-combative male and female prisoners may be transported in the same vehicle following an arrest if they are married or if they are father, mother, brother or sister.

E Handcuff Use

- (1) All prisoner/detainees shall be handcuffed with hands behind the back and palms facing outward unless exigent circumstances exist.
- (2) Prisoner/detainees whose arms cannot be joined behind the back with one set of cuffs should be handcuffed behind the back using multiple sets of handcuffs. If a sworn member cannot successfully handcuff the subject behind the back with multiple sets of handcuffs, the prisoner/detainee shall be handcuffed in front with hands back to back.
- (3) When the hands and wrists are too small or too large for the cuffs, Flex-cuffs may be used.
- (4) Handcuffs shall be double-locked, and prisoner/detainees should remain handcuffed until released to the place of detention or incarceration.
- (5) All sworn members shall carry at least one handcuff key on their person while on duty.
- (6) Sworn members shall not leave restrained prisoner/detainees lying face down on their stomach, as this position may cause serious physical injury or death by positional asphyxiation.

F Patrol Vehicle

- (1) Prior to placing a prisoner/detainee in a patrol vehicle, the prisoner/detainee shall be properly handcuffed and searched for weapons.
- (2) Prisoner/detainees shall not be transported in the rear seat of a patrol vehicle unless a sworn member occupies the seat adjacent to the prisoner/detainee or the vehicle is equipped with a safety barrier.
- (3) Seat belts shall be placed on prisoner/detainees prior to transport.
- (4) Prisoner/detainees shall not be left in unattended vehicles except in emergencies.

G Patrol Vessel

- (1) Prior to transporting a prisoner/detainee in a patrol vessel, the prisoner/detainee shall be properly handcuffed, searched for weapons, and required to wear a Personal Flotation Device.
- (2) When a prisoner/detainee is to be transported, the prisoner/detainees shall be placed in position where his or her actions can be observed and movement restricted.
- (3) When transporting prisoner/detainee into or out of vessels, physical control shall be maintained to ensure safety.

H Prisoner/Detainee Escape

(1) Sworn Member Responsibilities

- (a) Following an escape of a prisoner/detainee in lawful custody, the custodial sworn member shall notify the Communications Center of the following:
 - 1. Location of incident
 - 2. Direction of travel of escapee
 - 3. Full description of escapee

4. Charges against escapee

- (b)** The custodial sworn member must try to immediately apprehend the escapee, unless there are other prisoner/detainees in custody. If the custodial sworn member is unable to apprehend the escapee, the custodial sworn member shall direct other sworn members and/or other law enforcement officers to establish an outer perimeter to contain the escapee.
- (c)** An Incident Summary Report shall be completed by the sworn member when an arrestee escapes during lawful custody.

(2) Communications Center Responsibilities

- (a)** Upon notification by a sworn member that a prisoner/detainee has escaped, the Duty Officer shall notify:
 - 1. All available units in the vicinity
 - 2. A sworn supervisor
 - 3. Other appropriate agencies, depending upon the location of the escape.

(3) Supervisor Responsibilities

- (a)** A sworn supervisor must immediately take charge of the incident and ensure all reasonable efforts to recapture the escapee and protect the public have been taken.

I Use of Force Report (FWC/DLE-100)

(1) Member Responsibilities

- (a)** The Use of Force Report shall be submitted whenever a member:
 - 1. Discharges a firearm during a use of force situation;
 - 2. Takes any action that results in, or is alleged to have resulted in injury (minor or serious) or death of another person;
 - 3. Applies a CEW on a subject intentionally or unintentionally.
 - 4. Applies weaponless physical force or force using a lethal or non-lethal weapon; or
 - 5. Is directed by a sworn supervisor.
- (b)** All sworn members present or witnessing a use of force incident shall complete and submit, within 72 hours, an Incident Summary Report.
- (c)** The normal use of handcuffs on a person shall not require a Use of Force Report. However, if the handcuffs become an instrument to exert pressure necessary to further control a person or the subject resists the application of handcuffs, a Use of Force Report shall be submitted.
- (d)** The Use of Force Report (FWC/DLE-100) shall be completed by the sworn member and submitted to the immediate supervisor within 72 hours any time the report is required. The Use of Force Report shall include information regarding:
 - 1. Officer Presence
 - 2. Verbal and non-verbal communication between the sworn member and subject
 - 3. Subject resistance level / action(s) [Passive Resistance, Active Resistance, Aggressive Resistance, Deadly Force Resistance]
 - 4. Techniques used to control or attempt to control subject's resistance
 - 5. Level of controlling force the sworn member used

- 6. Photographs documenting any visible injuries to the sworn member, subject or any victim.
- (e) If the sworn member has suffered an injury and is physically incapable of completing the Use of Force Report, the sworn member's immediate supervisor or designee shall complete the report. However, this shall not relieve the sworn member of the responsibility of completing a Use of Force Report upon the sworn member's first ability to do so.
- (f) The Use of Force Report (FWC/DLE-100) is not necessary when a sworn member discharges a firearm for training, to destroy injured or dangerous wildlife, or harmful exotic reptiles, or to deploy an aversive conditioning/hazing firearm.

(2) Supervisor Responsibilities

- (a) The sworn member's immediate supervisor, prior to submitting the Use of Force Report through the chain of command, shall contact a defensive tactics instructor from the Division's Training Section to confirm the correct use of terms and/or description of techniques as described in the report.
- (b) The Use of Force Report shall be reviewed by the appropriate Defensive Tactics Instructor, First Line supervisor, Area Captain, Regional Commander/Section Leader, and the Training Section director or designee to ensure the use of correct terminology in the Use of Force Report. Any necessary remedial training should also be noted. Upon completion of the review, the Training Section director or designee shall forward an electronic copy of the report to the Deputy Directors.
- (c) The original Use of Force Report shall be maintained in the Region and a copy shall be forwarded to the Training Section within 30 days of the member submitting the report to the immediate supervisor.
 - 1. Original Use of Force Reports filed by members assigned to Headquarters shall be maintained by the Training Section.
- (d) The Division's Use of Force Coordinator shall maintain the Division's Use of Force database and is responsible for conducting an annual administrative review and analysis of all Use of Force reports.

J Destroying Injured Animals, Dangerous Animals or Harmful Exotic Reptiles

- (1) Sworn members are permitted to use **issued** firearms to kill seriously injured or dangerous animals when other disposition is impractical and the discharge of a firearm shall not endanger persons, property or create a negative public image of the Commission.
 - (a) Member-provided firearms may be used if the firearm meets the requirements of General Order 12, *Carry and Display of Weapons*.
- (2) Sworn members are permitted to use issued firearms to kill exotic reptiles, specifically pythons, boa constrictors, anacondas, and iguanas, found on lands under the management or control of the Commission, on lands under the management or control of the South Florida Water Management District and land management areas partnered with FWC. Discharge of a firearm for this purpose is only allowed when it shall not endanger persons, property or create a negative public image of the Commission. In every instance an exotic reptile is killed on such lands, the sworn member shall record the following information: Time; date; latitude and longitude coordinates obtained by GPS; type of reptile; and estimated length of reptile. This information shall be provided to the Regional Wildlife Biologist
- (3) In each case in which a firearm is discharged in accordance with this subsection, an Incident Summary Report shall be transmitted by the member for review by his or her immediate supervisor within 72 hours, documenting all circumstances involving the action.

K Aversive Conditioning/Hazing Deployment Methods

- (1) Only those sworn members that have successfully completed an agency-approved black bear aversive conditioning course are authorized to apply aversive conditioning/hazing techniques.
- (2) Sworn members shall only use firearms that have specifically been issued to them for aversive conditioning or hazing of black bears.
- (3) All issued firearms for aversive conditioning/hazing shall have orange stocks so as to be readily identifiable as aversive conditioning/hazing firearms.
- (4) Sworn members shall only use firearms for aversive conditioning/hazing when the area within 100 yards behind the bear is free of persons and pets or has a barrier that shall stop the rounds.
- (5) Sworn members shall only use agency-approved, purchased and issued aversive conditioning/hazing ammunition.
- (6) At no time shall it be permissible for any other ammunition other than the approved and issued ammunition (e.g. bean bag, aero socks, cracker) to be loaded into the aversive conditioning/hazing firearm. The Division prohibits the use of rubber slugs for aversive conditioning/hazing of black bears.
- (7) The correct rounds shall be loaded to the capacity of the magazine, but a round is not to be chambered until the weapon is ready to be used.
- (8) The issued aversive conditioning/hazing firearm shall be kept, handled, and maintained at the same level as other issued and authorized firearms as outlined in General Order 12, *Carry and Display of Weapons*.
- (9) In each case in which an aversive conditioning/hazing firearm is discharged in accordance with this subsection, an Incident Summary Report shall be submitted by the sworn member through the chain of command to the Regional Commander or Section Leader within 72 hours, documenting all circumstances involving the action.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
	Incident Summary Report Narrative
FWC/DLE-099	Weapon Deployment Data Log
FWC/DLE-100	Use of Force Report