

FLAGLER COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: November 07, 2014	<input type="checkbox"/> New <input type="checkbox"/> Rescinds: <input checked="" type="checkbox"/> Amends: GO# 024 dated 05/23/14	Number: 024
Subject: Less Lethal Weapons and Dart Firing Stun Guns/CEW		
Distribution: All Sworn Employees and Specific Civilian Employees	CALEA Standards: CFA Standards: 4.01 M; 4.02 M; 4.07 A-F; 4.08 M B; 4.09 M; <u>14.05 M A-E</u> ; 4.12 M PSCAP Standards: FCAC Standards:	

I. Scope and Purpose: The purpose of this General Order (GO) is to establish guidelines for the Flagler County Sheriff's Office (FCSO) pertaining to the use of Less-Lethal Weapons. This GO shall apply to all FCSO sworn employees. Specific sections of this GO also apply to civilian employees who are issued Less-lethal chemical weapons.

II. Discussion: The FCSO Use of Force / Response to Resistance GO sets forth agency procedure regarding the full range of use of force options for all FCSO employees. This GO is designed to describe procedural guidelines for all FCSO approved Less-Lethal Weapons. The various agency-approved Less-Lethal Weapons provide employees who are faced with unlawful resistance with effective use of force options when empty hand control measures either fail or are deemed impractical and when deadly force options are not justified. The FCSO's use of force matrix and procedures comply with state law and employees shall only use the force necessary to effect lawful objectives. [CFA 4.01 M]

III. Forms:

- Response to Resistance Form. FCSO Form # PATL-004.
- Supervisors Report of Injury/Illness. FCSO Form #HR-174.
- Dart Firing Stun Gun Accidental Discharge Report. FCSO Form # TRNG-024.

IV. Procedures:

A. Agency Approved Less-Lethal Weapons and Devices:

1. The following is an approved list of Less-Lethal Weapons that have been reviewed by the Training Unit and/or Special Team Commander. These weapons and devices are authorized for issuance for on-duty and off-duty use in the performance of duty by Deputies and Detention Deputies who have successfully completed associated training. All issued employees

shall be issued copies of and instructed in the FCSO's authorized use of force GO's before being authorized to carry a weapon. [CFA 4.02 M; 4.07M A-E]

FCSO Agency Approved Less-Lethal Weapons and Devices		
TYPE	DESCRIPTION	CLASSIFICATION
Aerosol Subject Restraint(ASR)	Oleoresin Capsicum (OC) Chlorobenzalmalononitrile (CS)	Less-Lethal
Dart Firing Stun Gun (CEW)	X-26, X-2 and X-26 P	Less-Lethal
Bandit	Inmate Control Belt	Less-Lethal
Impact Weapons Or Intermediate Weapons	Straight Baton Expandable Baton Flashlight	Less-Lethal
Specialty Impact Munitions	12 Gauge Bean Bag Rounds 12 Gauge Rubber Pellet Rounds 12 Gauge Rubber Slug 12 Gauge Star Rounds 40 mm Bean Bag Rounds 40 mm Rubber Pellet Rounds 40 mm Rubber Baton Rounds 40 mm Rubber Projectile Rounds Multiple Projectile Distraction Device Fin Stabilize Projectiles	Less-Lethal
Chemical Munitions	40 mm Barricade Projectile Indoor/Outdoor Chemical Grenades	Less-Lethal

B. Supervisor Notification:

1. Employees involved in a use of force incident, to include the use of any Less-Lethal Weapon or device covered in this GO, shall immediately report the incident to an on-duty supervisor. The incident will be documented by the Deputy and all assisting deputies using the FCSO reporting system. This report will be completed before going off duty unless exigent circumstances exist and then only with supervisory approval. [CFA 4.08 M B]
2. Any injury or potential injury sustained to a deputy or citizen, to include an arrestee (whether visible or not) shall be investigated by the supervisor using the Supervisors Report of injury/Illness report.

C. Medical Attention Requirements:

1. Employees involved in a use of force incident, to include the use of any Less-Lethal Weapon/Device covered in this GO shall ensure that prompt, appropriate medical attention is provided to and/or summoned for any injured citizens/subjects/arrestees any time the subject: [CFA 4.09M]
 - a. Has a visible or reasonably suspected injury.
 - b. Complains of an injury even when none are visible.
 - c. Was subdued by either OC spray or apprehended by a K-9 bite.
 - d. Was rendered unconscious for any length of time.
 - e. Displays any signs of a medical stress condition; i.e., a heart condition, diabetes, respiratory difficulty, etc.
 - f. Appears to be under the extreme influence of drugs or alcohol.
 - g. Any other time good judgment indicates the subject should be medically checked out before proceeding with the arrest/booking process.
 - h. Medical treatment is not normally required for subjects who are subdued by a Dart Firing Stun Gun as the only expected injuries should be the small puncture marks created by the Dart Firing Stun Gun probes or marks from a touch contact use. However, if the subject receives any additional injuries or fails to recover from the DFSG, as normally expected, then medical treatment will be promptly provided.

D. Aerosol Subject Restraint (ASR)/ Oleoresin Capsicum (OC)/ Chlorobenzalmalononitrile (CS):

1. Authorized use of an ASR:
 - a. Sworn and certain civilian personnel who have been trained and demonstrated proficiency with an ASR are authorized to carry and use it to defend themselves or others in the performance of their duties or to accomplish other lawful objectives described in the Use of Force/Response to Resistance GO # 022. [CFA 4.07M C]
 - b. The Sheriff may authorize civilian positions to carry an ASR after satisfactorily completing the appropriate in-service training. The ASR will be provided to these employees to be used with discretion for protection while performing their assigned duties.
 - c. Uniformed deputies may carry ASR in an issued holder that is attached to the issued belt. Plainclothes employees when carrying ASR should carry it concealed unless a badge is worn in plain view.
 - d. Civilian personnel authorized to carry ASR will be issued a holder for their belt. Civilian personnel will not carry ASR containers that exceed two (2) ounces by weight

2. Deployment of an ASR:
 - a. ASR will be deployed consistent with the FCSO Response-To-Resistance and the Response-to-Resistance Matrix. See GO # 022.
 - b. ASR may be used for defense when civilian employees are subjected to levels of aggression, disturbances involving several subjects or for repelling animal attacks.
 - c. When possible, a verbal warning should be issued when ready to discharge.
 - d. The least number of bursts necessary to achieve the desired effect of temporarily immobilizing the individual being sprayed will be used. Direct bursts should be limited to approximately one to one-and-a-half seconds.
 - e. ASR marked “flammable” or known to be flammable will not be used at the same time as Dart Firing Stun Guns.
 - f. Sworn personnel should be prepared to restrain resisting subjects quickly. Civilian personnel will retreat and call for a law enforcement response.

3. Post Deployment and Medical Attention:
 - a. Emergency Medical Personnel (EMS) will be summoned and/or prompt medical attention provided for all subjects exposed to ASR.
 - b. Decontamination may be required for bystanders, law enforcement personnel, or other emergency workers that come into contact or are in close vicinity of ASR use.
 - c. Decontamination procedures should be followed after achieving control of the incident, after detainees have been secured, and it is safe to proceed. Decontamination procedures are listed below:
 - i. The contaminated subject will not be left unattended while effects of the ASR are evident.
 - ii. The subject will be removed from the contaminated area.
 - iii. Subjects exposed to ASR may blot the affected areas with a clean wet towel or disinfectant wipe to remove all chemical residue.
 - iv. Subjects will be allowed to face into the wind or placed in an area with constant air flow.

4. Booking or Hospitalization of Detainees:
 - a. Other persons receiving detainees exposed to ASR will be informed prior to their handling the subject.
 - b. ASR may be taken into the Detention Services Division (DSD) by agency personnel authorized to carry them.

E. Dart Firing Stun Gun (DFSG) or Conducted Electrical Weapon (CEW):

1. Authorized use of a DFSG:

- a. The DFSG shall be issued to and used only by deputies who have completed the Agency's approved DFSG training Program.
- c. It is the policy of this Agency that deputies will use only the force that is reasonably necessary to affect lawful objectives. Excessive or brutal use of a DFSG in subduing a subject is forbidden.
- d. Only properly functioning DFSG's shall be carried.
- e. Each discharge of a DFSG shall be reviewed, including accidental discharges. Accidental discharges shall be documented on the Accidental Discharge Report. Discharges under the following circumstances are exempt:
 - i. Daily spark test prior to the commencement of a duty shift or detail (See Section f. below).
 - ii. Sanctioned training event, exercise or Armorer maintenance.
 - iii. A live deployment during a response to resistance. Utilize Response to Resistance Report.
- f. At the beginning of each shift, each member equipped with a DFSG shall perform a "spark test", if possible in a private place so as not to cause unnecessary alarm, to ensure that the unit is functioning properly.
- g. DFSG's are equipped with a data-port used to collect user information.
- h. The DFSG is deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques. The DFSG may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been or will likely be ineffective in the situation or there is reasonable expectation that it will be unsafe for deputies to approach within physical contact range of the subject.
- i. Other special circumstances to be considered in the decision to deploy a DFSG are the age (i.e., juveniles and elderly), size, and potential physical capabilities of the suspect. As with any less lethal weapon, the physical environment, i.e., parks, schools, public events and other persons in the immediate area should also be taken into consideration. No two persons or situations are alike, so the decision of when to deploy a DFSG is, after consideration of the above-listed factors, at the discretion of the deputy.
- j. The DFSG shall only be used as a less-lethal method of controlling noncompliance of potentially violent subjects that resist arrest or other lawful commands. Any misuse of the DFSG, including

horseplay, may result in disciplinary action up to and including termination.

- k. A DFSG may be taken into the DSD by agency personnel authorized to carry them.

2. Deployment of DFSG:

- a. The DFSG is programmed to give a factory preset 5-second cycle. The operator can shorten this time by engaging the safety if needed. The probes or wires should not be touched during this time period, as you would receive the same electrical current. In addition, deputies should avoid stepping on or tripping over the wires.
- b. Employees shall not discharge their DFSG multiple times on a subject unless the subject is still actively resisting the member's effort to gain compliance.
- c. The DFSG shall not be deployed on a known apparent pregnant female unless all other less lethal options have been exhausted.
- d. Never aim the DFSG at the eyes or face.
- e. Always replace air cartridges by their expiration date.
- f. Expired air cartridges shall be returned to Training and can be used for training purposes only.
- g. Do not deploy the DFSG near flammable liquids and/or fumes as the DFSG can ignite gasoline or other flammables. Some self-defense sprays are flammable and would be extremely dangerous to use in conjunction with the DFSG. Do not deploy the DFSG in highly flammable meth-labs.
- h. When deploying the DFSG against a juvenile, use extreme discretion and when possible exhaust other less lethal options. As soon as practical a parent or guardian must be notified.

3. DFSG Procedures:

- a. Use verbal commands when tactically feasible; announce the command "Taser, Taser Taser" prior to discharging the device.
- b. Have a second air cartridge present or a second DFSG ready to fire in case probes miss the target or a malfunction occurs.
- c. Have a backup unit with lethal cover and an arrest team ready to go hands on to secure the subject. (depending on situation).
- d. The preferred target area for a front deployment is mid abdomen area and lower, being aware of the potential dart to heart caution. For a rear deployment the preferred target area includes the entire area from the shoulders down.
- e. Use cover and distance to ensure deputy safety.
- f. If the suspect runs the deputy must maintain the proper distance to prevent the probe wires from breaking.
- g. Do not use when the location of the subject has a high risk of falling

from an elevated location that would cause serious injury or death. This includes the possibility that a subject would fall into deep water.

- h. The device may also be used in certain circumstances in a “touch/stun” mode. This involves removing the cartridge and pressing the unit against an appropriate area of the body based on training. It is important to note that when the device is used in this manner it is:
 - i. Primarily a pain compliance tool due to a lack of probe spread.
 - ii. Minimally effective compared to conventional cartridge-type deployments.
 - iii. More likely to leave marks on the subject’s skin.
 - iv. Subject to the same deployment (use) guidelines and restrictions as those of the DFSG in cartridge deployments.
- i. Do not place air cartridges near static electricity as any electrical charge can cause the cartridge to deploy.
- j. Extreme caution shall be used when deploying a DFSG in connection with the deployment of a K-9. The result of an inadvertent K-9 contact with the wires or probes could cause a lasting affect on the K-9.

4. Post Deployment and Medical Attention:

- a. The maximum effects of a properly applied DFSG last approximately five seconds. Advise the subject that the DFSG will not be used again if instructions are followed.
- b. Persons who have been exposed to a DFSG will be monitored and verbally reassured they will fully recover and the effects will subside in five minutes and that there are no lasting effects from the use of the DFSG.
- c. Inmates exposed to a DFSG will be examined by Detention Services Division (DSD) medical staff as soon as practical. If DSD medical staff are not available, EMS will be notified to respond. Their findings will be documented in the inmate's medical file. The inmate shall be placed on 15-minute documented check for a period of two hours.
- d. Medical treatment is not normally required for subjects who are subdued by a taser, as the only expected injuries should be the small puncture marks created by the taser probes. However, any individual who is experiencing or complains of symptoms other than those normally associated with the use of a DFSG; or, who does not show signs of recovering within five minutes, will be provided immediate medical attention. Unusual symptoms would

include loss of consciousness, profuse sweating, chest pain or slow, shallow breathing.

- e. Use universal precautions when removing DFSG probes from the subject, wiping the area with a disinfectant and placing a band-aid over the spot of entry. If the probes are embedded in soft tissue areas such as the face, neck, breast/areola and groin, only fire rescue or medical personnel may be utilized to remove the probes.

5. Evidence Submission:

- a. Complete a FCSO incident report and Response to Resistance Report.
- b. Photos of the subject obtained shall include full body and probe site prior to the removal of the probes and after the probes have been removed. The probes with barb and cartridge (with serial number) shall also be photographed prior to packaging and disposal. All photos taken will be submitted into the agency reporting system
- c. The recovered probes shall be inverted into the portals of the empty cartridge. Then place the cartridge into a bio-hazard bag and properly dispose. If the probes have blood on them (biohazard) deputies shall wear protective latex gloves when handling.
- d. If in the event the DFSG was used in “Stun” Mode, photos of the affected area will be submitted.
- e. After every deployment, the deputy shall take the DFSG to the Training Unit for an evidentiary download of the memory. This shall be done as soon as possible, but no longer than 72 hours.
- f. In cases where the DFSG was used during a deadly force encounter or the subject has sustained life threatening injuries, the DFSG shall be surrendered to the investigating supervisor and turned over to the Training Unit for an evidentiary download of the memory. The Employee shall be provided a replacement DFSG as soon as practical.
- g. All downloads will be placed into Evidence.com. A copy of the download will be placed into Employtrac under the use of force incident by the Training Unit.

F. Bandit: Please see DSD GO concerning the use of the Bandit.

G. Impact Weapons and Intermediate Weapons:

1. Authorized use of an Impact Weapon or Intermediate Weapon:

- a. Whenever a member uses an intermediate weapon for control it should be used with the intent to temporarily disable a subject and never with the intent of creating a permanent injury.
- b. The FCSO approved intermediate weapons are the straight baton,

the expandable baton or flashlight. Intermediate weapons also include chemical defense equipment, less lethal munitions, canine and posse.

- c. The expandable baton shall be between 16" and 31" in length when extended. Uniformed deputies may carry the expandable baton in an issued scabbard attached to the duty belt. When carried by plainclothes deputies the expandable baton shall be concealed.
- d. Employees shall not carry or use any intermediate weapon for which they have not received training and certification, if applicable.
- e. Employees shall complete required training and demonstrate proficiency with their respective intermediate weapon(s).

2. Deployment of Impact Weapons or Intermediate Weapons:

- a. Intermediate weapons shall be carried in a proper receptacle or in a low profile position when not in use. Employees shall not brandish or use an intermediate weapon as an intimidation device unless a member is attempting to prevent the further escalation of resistance by a subject.
- b. All strikes with an intermediate weapon shall be targeted at large muscle mass.
- c. A subject's head, neck, throat and spine shall not be used as targets for intermediate weapon strikes unless a member is justified in the use of deadly force. These target areas have high likelihood of injury resulting in death or great bodily harm.

H. Specialty Less Lethal Munitions:

1. Authorized use of a Specialty Impact Munitions:

- a. Deputies and Detention Deputies who have been trained and demonstrated proficiency with an agency-approved Specialty Impact Munitions will be issued and/or authorized to carry and use it to defend themselves or others in the performance of their duties, or to accomplish other lawful objectives.
- b. Munitions and shotguns/launcher delivery systems are issued only to trained employees who have been authorized to use them.

2. Deployment of Specialty Impact Munitions:

- a. The use of Specialty Impact Munitions on designated areas of the body is considered a "Less-Lethal" force alternative.
- b. Intentionally discharging a Specialty Impact Munitions at a person's head, neck or throat area, is considered a deadly force application.
- c. The Multiple Projectile Distraction Device is a special tool designed

to be used in a variety of situations. It may be applied at various levels of force and each usage should be determined to be reasonable for the threat level presented and knowledge of the situation at the time, prior to its use.

3. Post Deployment / Medical Attention for all Impact Weapons:
 - a. Persons struck by a Specialty Impact munition will be examined by Emergency Medical Services personnel at the scene or as soon as practical.
 - b. Any individual who is experiencing or complains of symptoms after use of an impact weapon, or who does not show signs of recovering within 5 to 15 minutes, will be provided immediate follow-up medical attention.
 - c. All affected areas of the person struck by the impact munition shall be photographed. All photos taken will be submitted into the agency reporting system.

I. Chemical Munitions:

1. Authorized use of a Chemical Munitions:
 - a. Care must be exercised before chemical agents are dispersed. Their use will be under the direction of the Special Weapons and Tactics Commander or the Incident Commander. Chemical agents are to be utilized when they offer a humane and effective method of reducing resistance and lessening the need for the application of more severe measures.
2. Deployment of Chemical Munitions:
 - a. Take steps to ensure uninvolved residents or subjects have been evacuated or are not in the immediate area of the deployment.
 - b. Check that there are not facilities housing large numbers of people or roadways in the area that can be affected by the dispersal of chemical agents. Examples include: hospitals, nursing homes, schools, major roadways, etc.
 - c. Ensure that FCSO Personnel are prepared for chemical agent deployment.
3. Post Deployment / Medical Attention:
 - a. Emergency Medical Personnel (EMS) will be summoned and/or prompt medical attention provided for all subjects exposed to chemical agents.
 - b. Decontamination may be required for bystanders, law enforcement

personnel or other emergency workers that come into contact or are in close vicinity of chemical agent use.

- c. Decontamination procedures should be followed after achieving control of the incident, after detainees have been secured and it is safe to proceed. Decontamination procedures are listed below:

- i. The contaminated subject will not be left unattended while effects of the chemical agent are evident.
- ii. The subject will be removed from the contaminated area.
- iii. Subjects will be allowed to face into the wind or placed in an area with constant air flow.

4. Booking or Hospitalization of Detainees:

- a. Other persons receiving detainees exposed to chemical agent will be informed prior to their handling of the subject. If transportation to the hospital is required, the hospital staff will be notified prior to arrival at the receiving facility. Any decontamination procedure required by that receiving facility will be adhered to.

J. Inspection - In accordance with FCSO GO's, issued less lethal, impact weapons, ASR and DFSG's will be inspected bi-annually by supervisors. Any expiration dates shall be noted on the Inspection Report by the inspecting supervisor; or, in the case of non-issued items, the Training Unit will conduct the annual inspection. [CFA 4.07M F]

K. Less-lethal Weapons and Munitions Report - By February 15th of each year, the Training Unit ~~Supervisor~~ ~~Manager~~ or designee will submit via the chain-of-command to the Sheriff any recommendations regarding the continued use, discontinuation of, or the addition of any new non-lethal and less-lethal weapons and munitions for use by the FCSO in general, and/or special teams from the previous year. This recommendation will be based on the results of the annual individual and special teams' inspections process of non-lethal and less-lethal weapons and munitions. [CFA 4.07M D; 4.12 M]

L. Failure to Qualify with an Authorized Weapon(s): [CFA 14.05 M A-E]

1. If a member fails to certify with any agency-issued weapon that is authorized for use or carry, the on-duty instructor shall notify the member to immediately turn in the agency-issued weapon to a Training Unit Supervisor for storage. Members failing to certify with the agency-issued weapon shall not be allowed to use that weapon again until they successfully complete remedial training and certify with said weapon. The Training Unit Supervisor shall immediately notify the member's Division Commander or designee of the failure to certify with an agency-issued weapon. The Training Unit shall also provide written notification of a member's failure to certify to the respective Division Commander. Remedial training will be offered when the training unit schedule permits.

2. The member shall be afforded an opportunity to receive up to four (4) hours of remedial training.
3. Should a member not achieve successful certification during the four (4) hours of remedial training, the member will not be allowed to carry the weapon and the member's supervisor will be notified in writing. Depending on the weapon, if any member is unable to certify after the remedial training, the member may be subjected to discipline up to and including termination.

JAMES L. MANFRE
Sheriff of Flagler County