

FORT MYERS POLICE DEPARTMENT

GENERAL ORDER 6.1

TITLE: Use of Force & Response to Resistance

INDEXING: Deadly Force, Non-Deadly Force, Situational Response Model, Special Considerations, Behavioral Cues, U.O.F. Reporting, Restraints, Shoot Team

ISSUED: 09/01/95

REVISED: 02/10/2025

RESCINDS: 12/07/2022

C.A.L.E.A. STANDARDS: 4, 11, 33, 70, 71

PAGES: 25

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PURPOSE

The purpose of this general order is to provide members of this agency with guidelines for the use of deadly and non-deadly force, and for the use of approved weapons and ammunition.

SCOPE

These procedures shall apply to all Fort Myers Police Department personnel.

SECTION I: DEFINITIONS

- A. **Non-Deadly Force:** A quality or quantity of force, which is neither likely nor intended to cause death. Non-deadly force includes any physical effort used to control or restrain another or to overcome the resistance of another.
- B. **Deadly Force:** A quality or quantity of force that is reasonably likely to cause death or serious physical injury. The term "Deadly Force" does not include the discharge of a firearm that is loaded with "less lethal munitions" by a law enforcement officer during or within the scope of his or her official duties. As used in this subsection, the term "less lethal munitions" refers to chemical munitions (and less lethal "ammunition") (Sec III E) and extended range impact devices (Sec III F). As used in this subsection, the term "less lethal weapons" refers to those weapons described and set out in Section III E (below). **(CALEA 4.1.2)**
- C. **Serious Physical Injury:** Serious physical injury includes, but is not limited to, harm to the body, which involves a risk of death, serious permanent disfigurement, loss of or impairment of a bodily function or bodily organ.
- D. **Objectively Reasonable:** This term means that in determining the necessity for force and the appropriate level of force, Officers shall evaluate each situation in light of the totality of facts and

circumstances confronting them, and (in each instance) judged from the perspective of a reasonable officer confronted with the same or similar circumstances, rather than with the 20/20 vision of hindsight. **(CALEA 4.1.1)**

- E. Show of Force: The agency acknowledges that officers, in an effort to de-escalate resistance presented by a subject, may use a show of force to bring an incident under control. A show of force is defined as the use of the “arc” display on the CEW to gain control of a situation. Simply drawing the CEW from its holster would not constitute a show of force. A show of force will be documented in Blue Team. **(CALEA 4.1.1)**
- F. Reasonable Belief: A state of mind supported by circumstances strong enough to warrant a cautious and prudent officer to make a similar judgment. The elements of reasonable belief include the Officer's own experience and training, as well as the facts of the situation known to the Officer at the time force was used.
- G. Imminent Danger: Means that an action is near at hand and pending. Imminent does not mean “immediate” or “instantaneous”. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at the Officer.
- H. Threat: Capability to do harm joined by hostile intent.
- I. Probable Cause: A law enforcement officer has probable cause to arrest a suspect if the facts and circumstances within the Officer's knowledge, of which he or she has reasonably trustworthy information, would cause a prudent person to believe under the circumstances shown, that the suspect has committed, is committing, or is about to commit an offense. (Von Stein v. Brescher, 904 F.2d 572, 578 (11th Cir.1990) / Williamson v. Mills, 65 F.3d 155, 158 (11th Cir. 1995).
- I. Spark Test: An activation (conducted outside of public view) to ensure the Conducted Electronic Weapon C.E.W. is operating properly.
- J. Member: A sworn or civilian employee of the Fort Myers Police Department who is trained authorized and issued lethal and/or less-lethal weapons.

SECTION II: LEGALITIES

F.S.S. 776.05: An Officer need not retreat or desist from efforts to make a lawful arrest because of active, threatened, or passive resistance. Officers must remain cognizant that a primary law enforcement responsibility is to protect life and property. An Officer shall use only the force necessary that is objectively reasonable to effectively bring an incident under control, while protecting the lives and property of the Officer or another. **(C.A.L.E.A. 4.1.1)**

- A. An Officer is justified in using deadly force under the following circumstances: (C.A.L.E.A. 4.1.2)
 - 1. Defense of self and others: Officers may use deadly force to protect themselves or others from what is reasonably believed to be an immediate threat of serious physical injury or imminent peril of death, and the Officer reasonably believes that deadly force is immediately necessary to defend himself/herself or another from imminent death or serious physical injury.
 - 2. Fleeing Felons: An Officer is authorized to use deadly force when such force is necessary to prevent an arrest from being defeated by resistance or escape, and the subject was warned, if feasible. Also, one or more of the following conditions must exist:

- a. The Officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the Officer or others; or
- b. The Officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

B. Deadly Force Restrictions: (C.A.L.E.A. 4.1.2)

1. Discharging a firearm at or from a moving vehicle, except in self-defense when the suspect is using deadly force, or in defense of another person when the suspect is using deadly force and no other reasonable alternative was available.
2. Discharging weapons at or from a moving vehicle is generally discouraged and is only permitted under extreme circumstances where the Officer or another is under immediate threat of deadly force, and all other reasonable alternatives have been exhausted.
3. Officers are reminded that they should approach vehicles from a safe direction and provide themselves an opportunity to move to an area of safety if / when necessary.

- C. Drawing Firearms: The Ft. Myers Police Department acknowledges the practical need for Officers to un-holster or draw their firearms in certain situations requiring caution for the Officer's safety, and/or in preparation of an anticipated need for deadly force. In those situations, requiring reasonable caution, in the absence of justification for the use of lethal force, the Officer must be cognizant of the risks involved in drawing a firearm. All weapons shall be handled in a manner consistent with department firearms training and safety procedures. When the handgun is used to cover an unsecured suspect or during a search for a suspect, the handgun will not be manually cocked.

SECTION III: LESS LETHAL WEAPONS (C.A.L.E.A. 4.1.4)

- A. Members of this Department on duty will carry only those less lethal weapons that are issued by the Ft. Myers Police Department **(C.A.L.E.A. 4.3.1)**. Less lethal weapons shall only be carried and deployed by those personnel who have completed approved training in their use. **(C.A.L.E.A. 4.3.2)** Less lethal weapons include:

1. Aerosol Defense Sprays (A.D.S.) / O.C. Oleoresin & Pepper Spray
2. Conducted Electronic Weapon C.E.W.
3. All chemical and non-chemical extended range impact devices (E.R.I.D.)
 - a. 12-gauge (drag stabilized) flexible baton Super Sock round
 - b. 12-gauge rubber pellet round
 - c. 40 mm rubber round
 - d. 40 mm foam baton round
 - e. 40 mm wood baton round
 - f. 40 mm exact impact round
 - g. 40 mm pellet (stinger) round
 - h. Pepper ball projectile (Pava live, Pava liveX, Inert, Marking, Glass Breaker)

4. Batons (PR24 & Expandable)
5. The ONLY authorized less lethal weapons and ammunition are those outlined in this procedure. The Training Division will maintain the list of all Department approved less lethal weapons. **(Special Note:** It should be noted that in rapidly evolving circumstances, where necessary and reasonable, it is recognized that, in the defense of Officers and/or others, any implement or tool, within an Officer's environment *could* be used by an Officer as a lethal or less lethal weapon. This section specifically addresses those tools and weapons that an Officer is normally authorized to carry upon his/her body.)
6. The Command Staff and/or designees will review the types of less lethal weapons that are used by members and review other products that are available on an annual basis.

B. Aerosol Defense Spray (A.D.S.) / (O.C.): Provides Officers and Community Service Aides (C.S.A.) an alternative less lethal weapon that has proven to minimize the use of force and to maximize officer safety. The use of an aerosol defense spray falls under the definition of non-deadly force. It is used as a physical control/compliance technique intended to stop a continuing escalation of resistance or violence, to minimize injury, and to bring an incident under control in a safe manner. Aerosol defense spray shall be carried whenever Officers are working in uniform. Exception: Detectives & Administrative Personnel see Sec. III [G]. Plain Clothes SED Detectives as designated by the Chief of Police.

All personnel authorized to carry or deploy aerosol defense spray shall receive annual in-service training on the use of force policies and demonstrate proficiency in its use on a biennial basis. **(C.A.L.E.A. 4.3.2)**

1. Weapon Readiness: The O.C. shall be carried in a secured approved holster and in a manner consistent with established uniform standards.
2. Deployment & Restrictions:
 - a. The decision to use and the subsequent application of the O.C. shall be in accordance with this use of force policy.
 - b. The O.C. shall not be used to elicit information from a person, as retaliation for verbal or physical abuse, nor be used under any circumstances that create unreasonable danger to the subject (i.e.: operator of a moving vehicle, near a flame or smoking).
3. Aftercare: After an application of O.C., Officers/C.S.A.'s shall take the appropriate steps to accelerate recovery time and to contact medical personnel if the subject is not responding/recovering in a manner consistent with what has been taught during training. **(C.A.L.E.A. 4.1.5)**
4. Reporting:
 - a. The use of O.C. shall be documented as described in this policy.

C. Conducted Electronic Weapon C.E.W.: Provides Officers with an alternative less lethal weapon that has proven to minimize the use of force and to maximize officer safety. The use of the C.E.W. falls under the definition of non-deadly force. It is used as a physical control/compliance technique

intended to stop a continuing escalation of resistance or violence, to minimize injury, and to bring an incident under control in a safe manner.

All Officers authorized to carry and deploy (C.E.W.'s) shall demonstrate proficiency in their use on an annual basis. The proficiency demonstration shall also include a review of use of force policies and the selection of impact areas for potential trauma. **(C.A.L.E.A. 4.3.2)**

1. Weapon Readiness:

- a. Officers shall conduct a spark test before the beginning of their tour of duty and prior to performing any police function or action. (i.e., Details, Overtime, etc.)
 1. The spark test shall be completed in accordance with C.E.W. training provided by the Training Division.
- b. The C.E.W. will be carried in an approved holster on the side of the body opposite the service handgun.
- c. Officers who are issued and trained in the use of the C.E.W. shall wear the C.E.W. while wearing the Class B or Class C uniform. The only exceptions to this requirement are the SWAT uniform, Training uniform, Honor Guard uniform, or as approved by the Chief of Police or designee.
- d. The C.E.W. shall be fully loaded when carried, with the safety on, in preparation for use in appropriate circumstances.
- e. The C.E.W. shall be pointed in a safe direction with the safety on during loading, unloading, or other necessary handling outside an operational deployment.
- f. Officers will be issued two cartridges for the C.E.W., with replacement cartridges available from their supervisor. For general carry, the first bay (left side) should contain the close quarters (C.Q.) cartridge designed for distance from 4' – 12', while the second bay (right side) should contain the stand-off (S.O.) cartridge designed for distances in excess of 12'. However, cartridges may be interchanged in accordance with tactical considerations to improve effectiveness, along with officer/citizen safety.
- g. Battery Life – The TASER battery shall be replaced with a fully charged battery when the charge of the existing battery is less than 20%, 30 days after the last battery change, or after each CEW deployment.
- h. Only agency approved battery power sources shall be used in the C.E.W.

2. Deployment & Restrictions:

- a. The decision to use and the subsequent application of the C.E.W. shall be in accordance with this use of force policy.
- b. An Officer's decision to deploy the C.E.W. shall involve an arrest or custodial situation wherein the subject is escalating resistance from passive resistance (refusing to comply or respond to the Officer), towards active resistance (actively taking the position to offensively or defensively

resist or flee an Officer's authority and direction) and has the apparent ability to physically threaten the Officer or others. (Ref. F.S.S. 943-1717)

- c. The primary purpose in the decision to deploy the C.E.W. is to prevent a continuing escalation of resistance or violence and to minimize injury to both the Officer(s) and subject(s).
- d. The C.E.W. can produce an auditory and visible "arcing" without discharging a C.E.W. probe. "Arcing" shall be utilized as an alternative to a full deployment, (only when a full deployment would be authorized), as a means to deescalate and facilitate the surrender of the individual without the utilization of any force, and only in circumstances where the "arcing" displays itself does not compromise officer and/or citizen safety. In such circumstances, a Blue Team Show of Force report shall be completed. (CALEA 4.1.1)
- e. Unless it would endanger officer safety or is otherwise impractical, a verbal announcement of TASER shall precede its use, to include when an "arc warning" is utilized or probes are about to be discharged in an attempt to:
 - 1. Provide the targeted subject with a reasonable opportunity to voluntarily comply with officer directives.
 - 2. Warn additional officers on the scene that a C.E.W is being deployed, in an effort to reduce the chance of the C.E.W discharge being mistaken for the firing of lethal rounds.
- f. The C.E.W. shall not be used in a punitive or otherwise unjustified manner. Additionally, the C.E.W. is prohibited from being used:
 - 1. On a handcuffed/secured prisoner absent overtly assaultive behavior that cannot be reasonably addressed in a less intrusive fashion.
 - 2. To awaken unconscious or intoxicated individuals, or as a means to get an individual up from a prone position.
 - 3. In any environment where an Officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to O.C. spray with volatile propellant, gasoline, natural gas, or propane).
 - 4. In any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure) unless deadly force is the only reasonable option.
 - 5. On subject(s) in physical control of a motor vehicle while the engine is running.
 - 6. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when using an C.E.W. against children, the elderly, persons of small stature irrespective of age, or those who the Officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.

7. Intentional C.E.W. shots to the face, throat, or groin area are strictly prohibited, unless the situation has escalated to a deadly force level and, the C.E.W. is the most readily available weapon. Pursuant to the recent recommendations of Axon, (manufacturer of the Department issued C.E.W. / "Taser") Officers should avoid chest/breast shots with C.E.W.'s, whenever possible.
8. Upon firing the device, the Officers shall energize the subject the least number of cycles to accomplish the legitimate operational objective and is consistent with C.E.W. training (field applications).
- g. The C.E.W. cycle should be used as a "window of opportunity" for Officers to secure the disabled subject. The subject should be secured as soon as practical while disabled by C.E.W. power to minimize the number of deployment cycles. In determining the need for additional energy cycles, Officers should be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
- h. The device may also be used in a close quarters deployment when the officer is physically engaged with a subject and needs to break contact and create distance. This involves the officer pressing the unit against an appropriate area of the body and discharging one or both cartridges.
- i. Officers are cautioned that use of C.E.W.'s on animals varies depending upon the specific circumstances. If an emergency situation occurs and the C.E.W. is used on an animal, caution should be used by Officers since certain animals, namely dogs, reportedly recover from the effects of C.E.W.'s more quickly than do human beings.

3. Aftercare: (C.A.L.E.A. 4.1.5)

- a. Whenever there is use of less lethal weapons, Officers shall take appropriate steps to inspect the area of impact for injury.
- b. The following persons shall be transported to a medical facility following exposure to an C.E.W. Any person who:
 1. Requests medical attention.
 2. Is hit in a sensitive area (face, head, neck, female breasts, and groin).
 3. Officers having difficulty removing the probes.
 4. When the subject does not appear to be recovering properly after being energized (i.e., responding / recovering in a manner not consistent with what has been taught to Officers during training).
 5. Has been energized three or more times.
 6. Is in a potentially susceptible population category as defined under "C.E.W. DEPLOYMENT" of this policy and is consistent with C.E.W. training regarding field applications.

7. Has had more than one C.E.W. effectively used against him / her in any given incident, regardless of the number of cycles.
8. Has been subjected to a continuous energy cycle of 15 seconds or more.
9. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to C.E.W. exposure.

10. ALL JUVENILES.

- c. The C.E.W. darts may be removed from the subject after the subject is restrained following procedures outlined in training.
- d. Whenever the C.E.W. is utilized, the Officer will collect the cartridge, wire leads and probes and will treat them as biohazard material. The probes will be inserted point first back into the ports of the air cartridge. The cartridge ports will then be sealed with tape and placed in a biohazard container located in the Sergeant's offices. The cartridge serial number will be documented in the report.

4. Reporting:

- a. The use of the C.E.W. shall be documented and reported as described in Use of Force Reporting.
- b. Investigative entities that determine expended C.E.W. cartridges or probes are of evidentiary value shall follow procedures outlined in the Property & Evidence Control G.O.

D. Batons: The expandable baton provides Officers an alternative non-deadly force option that has proven to minimize the use of force and to maximize officer safety. The use of the baton falls under the definition of non-deadly force, (less lethal intermediate weapon). It is intended to stop a continuing escalation of resistance or violence, minimize injury, and bring an incident under control in a safe manner. Additionally, intermediate weapons are those that can provide a means by which an Officer can defend himself / herself or another from injury when facing aggressive physical resistance. Batons shall be carried whenever Officers are working in uniform. Exception: Detectives & Administrative Personnel see Sec. III [G]. Plain Clothes SED Detectives as designated by the Chief of Police.

1. Weapon Readiness:

- a. The expandable baton shall be secured in a Departmentally approved holster and in a manner consistent with established uniform standards.
- b. Officers who are issued a C.E.W. have the option to carry the expandable baton on their duty belt. Officers opting not to carry the baton on their duty belt, shall have the expandable baton readily available in their police vehicle.
- c. The decision to use and the subsequent application of the baton shall be in accordance with this use of force policy.

2. Deployment:

- a. The use of the baton shall be documented and reported as described in Use of Force Reporting.
- b. The side handle baton, (PR24) is only authorized during special unit application.
- c. Department issued batons are the only authorized impact weapons. Flashlights, radios, firearms, and other items are not recommended as impact weapons. However, the Department recognizes that emergency self-defense situations involving other objects and instruments may be the most immediate means for Officers defending themselves. Additionally, they shall be documented and reported as described in Use of Force Reporting.
- d. All Officers authorized to carry police batons shall demonstrate proficiency in their use on a biennial basis. The proficiency demonstration shall also include a review of use of force policies, and the selection of target impact areas for potential trauma (See Baton Chart). **(C.A.L.E.A. 4.3.2)**

3. Aftercare: (C.A.L.E.A. 4.1.5)

- a. Whenever there is use of a less lethal weapon, Officers shall take appropriate steps to inspect the area of impact for injury. When it is apparent that an injury does exist or there is a complaint of injury, Officers will obtain medical aid from qualified medical personnel.
- b. The following persons shall be transported to a medical facility following the utilization of an impact weapon. Any person who:
 - 1. Requests medical attention.
 - 2. Is hit in a sensitive area (face, head, neck, female breasts, and groin).
 - 3. Does not appear to be recovering properly after being hit (in accordance with Departmental training).

4. Reporting:

- a. The use of an impact weapon shall be documented and reported as described in Use of Force Reporting.

E. Chemical Munitions/Pepper Ball: The use of chemical munitions falls under the definition of non-deadly force. The field Supervisor has the responsibility for determining the need for the use of chemical munitions and the authority to direct its deployment. Actual deployment shall be by a member trained in its use and deployment.

1. Weapon Readiness:

- a. All Department chemical munitions inventories, for both the S.W.A.T. Team and Patrol and related riot equipment, will be maintained and evaluated on a continuing basis by the S.W.A.T. team Commander or designee and the

Mobile Field Force Team Commander or designee. This will ensure that the proper amounts, types, and expiration dates of chemical munitions and equipment are being maintained.

- b. S.W.A.T. and Mobile Field Force Team personnel will conduct annual inspections of the conditions and inventory of chemical munitions and related items and will submit the necessary orders for replacement of used or outdated stock through the proper administrative channels.
- c. The use of chemical munitions by S.W.A.T. personnel will be under the direction of the S.W.A.T. Supervisor.
- d. An Officer of the rank of Lieutenant (or a Supervisor acting in that capacity) must authorize any use of chemical munitions for crowd control.

2. Deployment:

- a. Prior to, during, and post deployment of chemical munitions, due regard shall be exercised for the safety of the subject, police officers, and innocent citizens. Proper scene cordon and evacuation techniques shall be utilized.
- b. Consideration of a fire hazard shall be undertaken with fire department personnel on scene, prior to the deployment of chemical munitions whenever possible.

3. Aftercare: (C.A.L.E.A. 4.1.5)

- a. When chemical munitions are deployed, due regard shall be exercised for the safety of the subject, police officers, and innocent citizens.

4. Reporting:

- a. The Operations Bureau Commander will maintain a current listing of the amounts, types, and location of all chemical munitions, to include the detailed method of access and distribution process. This information will be accessible to all patrol lieutenants (shift commanders).
- b. A list of Officers trained in chemical munitions will be maintained by the Training Division.
- c. All Officers authorized to carry or deploy chemical munitions shall demonstrate proficiency in their use on a biennial basis. The proficiency demonstration shall also include a review of use of force policies.
- d. The use of chemical munitions shall be documented and reported as described in Use of Force Reporting.

F. Use of Extended Range Impact Devices/Pepper Ball: The Police Department recognizes that combative, non-compliant, armed and / or violent unarmed subjects cause handling and control problems that require special training and equipment. Extended Range Impact Devices (E.R.I.D.) are those that are fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without a significant likelihood of causing death. E.R.I.D. devices fall into the category of intermediate weapons, which can provide

a means by which an Officer can defend himself / herself or another from injury when facing aggressive, physical resistance. The use of Extended Range Impact Devices falls under the definition of Non-Deadly Force.

The primary types of E.R.I.D. projectiles / munitions authorized by the Department are described in Section III (A) (3) of this policy, Less Lethal Weapons.

1. Weapon Readiness:

- a. The use of E.R.I.D.'s may be authorized by the field Supervisor, S.W.A.T. Commander, Field Force Commander, or member of command staff.
- b. All Departmental E.R.I.D. inventories, for both the S.W.A.T. team and Patrol will be maintained and evaluated on a continuing basis by the S.W.A.T. team Commander or designee and the Mobile Field Force Team Commander or designee. This will ensure that the proper amounts and types of Extended Range Impact Devices and equipment are being maintained.

2. Deployment:

- a. The decision to use and the subsequent application of E.R.I.D. shall be in accordance with this use of force policy.
- b. Prior to the utilization of E.R.I.D. the Supervisor/Officer will visually and physically inspect the chamber and magazine to ensure that no lethal ammunition has been placed in the weapon. (The 40 mm/Pepper Ball Launchers and Less Lethal Shotgun will be inspected in the same fashion).
- c. The Supervisor/Officer will then load the E.R.I.D. rounds into the weapon ensuring that each round is a specialty impact weapon.

3. Aftercare: (C.A.L.E.A. 4.1.5)

- a. Fire/EMS personnel or other qualified medical personnel will examine and treat, (if necessary) all persons struck by Extended Ranger Impact Devices.

4. Reporting:

- a. The use of Extended Range Impact Devices shall be documented and reported as described in Use of Force Reporting.
- b. All Officers authorized to carry and deploy Extended Range Impact Devices shall demonstrate proficiency in their use on a biennial basis. The proficiency demonstration shall also include a review of use of force policies and the selection of impact areas for potential trauma (See Extended Range Impact Chart).

G. Plain Clothes Detectives/Administrative Personnel: All Detectives working (on-duty status) shall be equipped with the Department issued firearm, one extra magazine, handcuffs. When working in the field, they shall have their Department issued radio, O.C. spray, C.E.W. and/or impact weapon readily accessible.

SECTION IV: RENDERING MEDICAL AID (C.A.L.E.A. 4.1.5) (CFA 4.09M)

Whenever there is any use of force that causes injury or complaints of injury, personnel shall take the appropriate steps to obtain medical aid. This includes any injury or complaint of injury during arrest or custodial detention. If at any time, an Officer has indications a subject is possibly suffering a medical episode, as soon as reasonable and with officer safety in mind, the Officer will place the subject in a recovery position, roll the patient, preferable onto the left side, with knees slightly bent, to help maintain an open airway and may prevent positional asphyxia.

SECTION V: PROFICIENCY DEMONSTRATION

All Officers authorized to carry firearms and electronic control devices C.E.W. shall demonstrate proficiency in their use on an annual basis. All Officers authorized to carry less lethal weapons shall demonstrate their proficiency in their use on a biennial basis. The qualification course for firearms shall be the mandated course as determined by the Florida Department of Law Enforcement. The proficiency demonstration shall also include members receiving copies of and reviewing the use of force policies, significant legal updates (if applicable), and the selection of impact areas for potential trauma. The issuance and instruction shall be documented. **(C.A.L.E.A. 11.3.4f, 33.5.1)** Officers will only be authorized to carry firearms and less lethal weapons after demonstrating their proficiency and reviewing the policies. **(C.A.L.E.A. 4.3.2, 4.3.3b, 4.3.4)** (See G.O. 6.2 Authorized Firearms & Weapons)

SECTION VI: FORCE FACTORS AND SPECIAL CONSIDERATIONS

When determining whether or not to apply any level of force and when evaluating whether an Officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- A. The conduct of the individual being confronted (as reasonably perceived by the Officer at the time).
- B. Officer / subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers vs. subjects).
- C. Influence of drugs/alcohol (mental capacity).
- D. Proximity of weapons.
- E. Availability of other options (what resources are reasonably available to the Officer under the circumstances).
- F. Seriousness of the suspected offense or reason for contact with the individual.
- G. Training and experience of the Officer.
- H. Potential for injury to citizens, Officers, and suspects.
- I. Risk of escape.
- J. Other exigent circumstances.

SECTION VII: SUBJECT BEHAVIORAL CUES AND OFFICER RESPONSE OPTIONS

- A. Subject Behavioral Cues: As reasonably perceived by the Officer or based on the Officer's reasonable perception:
1. Perceived Compliance: The subject is cooperative and complies with all verbal commands or other directions.
 2. Passive Resistance: The subject does not comply with verbal commands but does nothing to defeat the Officer's attempt to control, such as going limp during a civil protest. Any other action, such as the use of a locking device, interlocking arms with others, or flight, elevates the action to Active Resistance.
 3. Active Resistance: Level of Resistance is Low to Moderate. Words or actions indicate a defensive position or posture by the subject, who ignores or resists an Officer's authority and direction. The subject's actions are aimed at defeating the Officer's attempt to control. This includes verbal or physical cues of noncompliance.
 4. Aggressive Resistance: Level of Resistance is Harmful. Words or actions indicate a reasonable belief that physical injury to Officer(s) or others is imminent and the capability of carrying out the threat is present. The subject is attacking or threatening to attack.
 5. Deadly Force Resistance: Level of Resistance Represents a Serious Danger. Words or actions indicate a reasonable belief that serious physical injury or death to Officer(s) or others is imminent, and the capability of carrying out the threat is present.
- B. Officer Response Options: These responses are dependent upon the situation (Force Factors and Special Considerations), and actions of the subject (Subject Behavioral Cues). They arise in response to an imminent threat of harm from a subject or to affect the seizure of a non-threatening subject who is resisting or attempting to escape.
1. Officer Presence: includes display of authority as a law enforcement officer and such non-verbal means of communication as body language, demeanor, and manner of approaching.
 2. Verbalization & Direction: involves the direction and commands given to the subject.
 3. Restraining and Detaining: includes an Officer laying hands on a subject with the intention of gaining control of the subject.
 - a. Examples include the use of a firm grip, escort position, or grappling types of techniques designed to hold a subject down by using the weight of an Officer's body. Also included in this level would be the application of temporary restraining devices such as handcuffs and leg restraints.
 4. Physical Control Techniques:
 - a. Joint Manipulations
 - b. Pressure Point Applications
 - c. Balance Displacement / Takedowns
 - d. Strikes with Hands, Fists, Feet, & Knee

5. Compliance Techniques:
 - a. Strikes with Hands, Fists, Feet, or Knee
 - b. Aerosol Sprays
 - c. C.E.W.
 - d. Pepper Ball
 - e. Chemical Munitions
6. Intermediate Weapons:
 - a. Expandable Baton
 - b. Extended Range Impact Weapons
 - c. Specialty Impact Munitions
7. Prohibitions: The use of any technique restricting the intake of oxygen for the purpose of gaining control of a subject i.e., Choke Holds are prohibited unless deadly force would be considered reasonable. **(CALEA 4.1.7)**
8. Deadly Force: Includes the use of a firearm or any other use of force that has a reasonable likelihood of causing serious physical injury or death.

C. Unauthorized/Illegal Force: Duty to Intervene: Any Officer witnessing another law enforcement officer or agency employee using unauthorized/illegal force will intervene to stop the unauthorized/illegal use of force. If necessary, the Officer witnessing the unauthorized/ illegal use of force will take custody of the prisoner or control of the scene. Any police department employee witnessing or becoming aware of a law enforcement officer or agency employee using unauthorized/illegal force will report the unauthorized/illegal force to their Supervisor, as soon as possible.

D. De-escalation of Force: refers to tactics and techniques used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

SECTION VIII: SITUATIONAL RESPONSE MODEL (SRM)

The Situational Response Model (SRM) indicates threat levels and is used as a guideline for Officers when determining response options. It is used as a guideline when determining the appropriate level of force application. The word “response” implies that something else is controlling an Officer’s actions. This is important because the utilization of objectively reasonable force depends on the resistance offered by the subject(s), his / her actions, their behaviors, subject factors, and the immediate threat being encountered by the Officer as they appear.

When evaluating the reasonableness of force used by law enforcement, the Supreme Court said in Graham v. Connor, 490 U.S. 386, 396 109 S. Ct. 1865, 1872, (1989): “The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application...However its proper application requires careful attention to the facts and circumstances of each particular case, including, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the Officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” The Supreme Court thus observed that the use of force by law enforcement could arise from two circumstances:

1. In response to an imminent threat of harm from a subject
2. To affect the seizure of a non-threatening subject who is resisting or attempting to escape.

The incorporation of threat assessment in the SRM reflects the importance of understanding and recognizing the distinction between the two situations, as well as the significance of an immediate threat.

The legal evaluation of whenever law enforcement officers use force will be whether they reasonably perceived a threat at the time they used force, and whether the force used was a response that an objectively reasonable law enforcement officer might have selected.

Through the application of threat assessment, Officers are trained to assess a threat, recognize when they (Officers or others) are facing an imminent threat, and then reasonably respond in a timely manner. It also addresses the ceasing of force/ De-escalation of Force options once an arrest is affected, or there is no longer an immediate threat or display of physical resistance. A threat is a capability to do harm, joined by hostile intent.

Officer Response Options: The legal evaluation (whenever law enforcement officers use force) will be whether they reasonably perceived a threat at the time they used force, and whether the force used was a response that an objectively reasonable law enforcement officer might have selected under the same circumstances.

Situational Resistance / Response Matrix

| | |
|----------------------------|---|
| HIGH RESISTANCE | Level of Resistance represents a Serious Danger. Words or actions indicate a reasonable belief that serious physical injury or death to officer(s) or others is imminent, and the capability of carrying out the threat is present. |
| RESPONSE | <p><u>Use of Deadly Force:</u></p> <ul style="list-style-type: none"> a. Any force intended to kill or cause great bodily injury <ul style="list-style-type: none"> • Any firearm • Vehicle <p><u>Intermediate Weapons:</u></p> <ul style="list-style-type: none"> a. Expandable Baton b. Extended Range Impact Weapons c. Specialty Impact Weapons <p><u>Compliance Techniques:</u></p> <ul style="list-style-type: none"> a. Strikes with hands, fists, knees, feet b. Aerosol sprays c. C.E.W. <p><u>Physical Control Techniques:</u></p> <ul style="list-style-type: none"> a. Strikes with hands, fists, knees, feet b. Pressure Point Applications c. Balance Displacement/Takedowns d. Joint Manipulation <p><u>Restraining/Detaining Techniques:</u></p> <ul style="list-style-type: none"> a. Firm Grip b. Grappling c. Escort Position d. Handcuffs e. Leg Restraints <p><u>Verbal Direction:</u></p> <ul style="list-style-type: none"> a. Lawful Verbal Orders b. Clear, Concise Verbal Commands |

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| | |
|----------------------------------|--|
| AGGRESSIVE RESISTANCE | Level or Resistance is Harmful. Words or actions indicate a reasonable belief that physical injury to the officer(s) or others is imminent and the capability of carrying out the threat is present. The subject is attacking or threatening to attack. |
| RESPONSE | <p><u>Intermediate Weapons:</u></p> <ul style="list-style-type: none"> a. Expandable Baton b. Extended Range Impact Weapons c. Specialty Impact Weapons <p><u>Compliance Techniques:</u></p> <ul style="list-style-type: none"> a. Strikes with hands, fists, knees, feet b. Aerosol sprays c. C.E.W. d. <i>Pepper Ball</i> e. <i>Chemical Munitions</i> <p><u>Physical Control Techniques:</u></p> <ul style="list-style-type: none"> a. Strikes with hands, fists, knees, feet b. Pressure Point Applications c. Balance Displacement/Takedowns d. Joint Manipulation <p><u>Restraining/Detaining Techniques:</u></p> <ul style="list-style-type: none"> a. Firm Grip b. Grappling c. Escort Position d. Handcuffs e. Leg Restraints <p><u>Verbal Direction:</u></p> <ul style="list-style-type: none"> a. Lawful Verbal Orders b. Clear, Concise Verbal Commands |

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| | |
|---------------------------------|--|
| ACTIVE RESISTANCE | Level of Resistance is Low to Moderate. Words or actions indicate a defensive position or posture by the subject, who ignores or resists an officer's authority and direction. The subject's actions are aimed at defeating the officer's attempt to control. This includes verbal or physical cues of noncompliance. |
| RESPONSE | <u>Compliance Techniques:</u> <ul style="list-style-type: none"> a. Strikes with hands, fists, knees, feet b. Aerosol sprays c. C.E.W. d. <i>Pepper Ball</i> e. <i>Chemical Munitions</i> <u>Physical Control Techniques:</u> <ul style="list-style-type: none"> a. Strikes with hands, fists, knees, feet b. Pressure Point Applications c. Balance Displacement/Takedowns d. Joint Manipulation <u>Restraining/Detaining Techniques:</u> <ul style="list-style-type: none"> a. Firm Grip b. Grappling c. Escort Position d. Handcuffs e. Leg Restraints <u>Verbal Direction:</u> <ul style="list-style-type: none"> a. Lawful Verbal Orders b. Clear, Concise Verbal Commands |
| PASSIVE RESISTANCE | The subject does not comply with verbal commands but does nothing to defeat the officer's attempt to control, such as going limp during a civil protest. Any other action, such as the use of a locking device, interlocking arms with others, or flight, elevates the action to Active Resistance. |
| RESPONSE | <u>Restraining/Detaining Techniques:</u> <ul style="list-style-type: none"> a. Firm Grip b. Grappling c. Escort Position d. Handcuffs e. Leg Restraints <u>Verbal Direction:</u> <ul style="list-style-type: none"> a. Lawful Verbal Orders b. Clear, Concise Verbal Commands |
| PERCEIVED COMPLIANCE | The subject is cooperative and complies with all verbal commands or other directions. |
| RESPONSE | <u>Restraining/Detaining Techniques:</u> <ul style="list-style-type: none"> a. Escort Position b. Handcuffs c. Leg Restraints <u>Verbal Direction:</u> <ul style="list-style-type: none"> c. Lawful Verbal Orders d. Clear, Concise Verbal Commands |

| High Resistance | Aggressive Resistance | Active Resistance | Passive Resistance | Perceived Compliance |
|---|---|--|--|--|
| Sidearm Shotgun Rifle Vehicle | Expandable Baton Extended Range Impact Weapons Specialty Impact Weapons | Strikes w/ Hands, Fists, Knees, Feet Aerosol Sprays C.E.W. | Firm Grip Grappling Escort Position Handcuffs Leg Restraints | Escort Position Handcuffs Leg Restraints |
| Expandable Baton Extended Range Impact Weapons Specialty Impact Weapons | Strikes w/ Hands, Fists, Knees, Feet Aerosol Sprays C.E.W. | Strikes w/ Hands, Fists, Knees, Feet Pressure Point Applications Balance Displacement Takedowns Joint Manipulation | Lawful Verbal Orders Clear, Concise Verbal Commands | Lawful Verbal Orders Clear, Concise Verbal Commands |
| Strikes w/ Hands, Fists, Knees, Feet Aerosol Sprays C.E.W. | Strikes w/ Hands, Fists, Knees, Feet Pressure Point Applications Balance Displacement Takedowns Joint Manipulation | Firm Grip Grappling Escort Position Handcuffs Leg Restraints | | |
| Strikes w/ Hands, Fists, Knees, Feet Pressure Point Applications Balance Displacement Takedowns Joint Manipulation | Firm Grip Grappling Escort Position Handcuffs Leg Restraints | Lawful Verbal Orders Clear, Concise Verbal Commands | | |
| Firm Grip Grappling Escort Position Handcuffs Leg Restraints | Lawful Verbal Orders Clear, Concise Verbal Commands | | | |
| Lawful Verbal Orders Clear, Concise Verbal Commands | | | | |

SECTION X: HANDCUFFS & RESTRAINTS

A. Guidelines for Using Handcuffs: (CALEA 70.2.1, 71.3.1d)

1. Flexcuffs may be used in lieu of handcuffs when appropriate. In the absence of an emergency, members will only remove flexcuffs by using cutters designed for this purpose.
2. Prisoners shall never be handcuffed to any part of a vehicle or other fixed object.
3. Only Department authorized handcuffs or other restraining devices approved by the Department will be used to secure prisoners' hands. Where members elect to carry a second set of personally owned handcuffs or restraining devices and the equipment is the same brand and model issued by the Department, no formal approval is necessary.
4. Handcuffs shall be used on all arrested persons and will be double-locked behind the prisoner's back. Only under special circumstances will Officers be permitted discretion, with regard to the utilization and placement of handcuffs (i.e., age, physical condition or disability, and mental capacity). In the event such a "special circumstances" person is arrested, that prisoner shall be restrained in a manner, which restricts his/her ability to harm an Officer or others.
5. Prisoners who are to be transported over long distances require special restraint considerations. Their hands shall be handcuffed and double locked in front of them secured to the person's belt or a belt restraint. If the person's belt is used it shall be worn reversed with the buckle in the back. Shackles may be used on any prisoner that might be an escape risk.
6. At no time, will a prisoner or detainee, be transported or left for an extended period of time in the prone position (Face Down). This may cause death or serious physical injury due to "positional asphyxia."

SECTION XI: USE OF FORCE REPORTING

- A. The proper completion of the Use of Force Report in Blue Team is required for protection of the Officer/C.S.A. and the Department. Early and complete reporting will facilitate identification of false allegations, as well as enhance the quality of subsequent investigations.
- B. Notification of Supervisor: Officers/C.S.A.'s will cause their immediate Supervisor or, in the event their immediate Supervisor is not available, an on-duty Supervisor, to be advised immediately of any incident that involves the use of force (as defined in **Section I** of this policy), injury or complaint of injury, the discharge of a firearm, or the use of a less lethal weapon (Baton, CEW, OC, ERID). An on-duty Supervisor shall respond to the scene, unless circumstances prevent, and prepare the Use of Force Report in Blue Team. The Show of Force Report in Blue Team will be completed by the officer themselves. This also applies to those Officers assigned to **or** assisting a State/Federal or local Task Force in any capacity. **(C.A.L.E.A. 4.2.1 a,b,c,d)**
- C. Use of Force Report: The Supervisor's evaluation of the incident shall be included in the remarks section of the form. If the incident is to be investigated by Internal Affairs, the preparing Supervisor must include a short synopsis of the incident. The Supervisor shall not include comments of a pending internal affairs investigation. In the event that the incident is being investigated by another agency, (State Attorney's Office), the preparing Supervisor shall enter in the remarks section, "SEE CASE REPORT PREPARED BY" (Agency conducting the investigation).

1. After the Use of Force Report has been completed in Blue Team, it shall be promptly routed for review through the member's current chain of command, beginning with their immediate supervisor and concluding with their respective Deputy Chief. **(C.A.L.E.A. 4.2.2)**
2. After the Use of Force Report is reviewed and completed, the member's Deputy Chief will then forward the report to Internal Affairs for final review. The Chief of Police will be notified of any use of force in which a subject is admitted to the hospital. All Use of Force Reports will be logged, filed, and stored in the Internal Affairs office.
3. The reporting Supervisor or shift commander shall have color photographs taken of all subjects listed on the Use of Force Report. Color photographs will also be taken of all injured parties, and any other individuals who are involved in the incident. Photographs should show all injuries sustained, and the specific area of the body where there is a complaint of injury. All photographs shall be downloaded into the Use of Force Report in Blue Team. A computerized printout of the incident from the CAD System will be attached to the report. In-Car or Body Cam video shall be retained if available. Any known witnesses shall be listed and interviewed if possible.
4. If the force used is such that the affected individual requires hospitalization admittance, the shift commander shall immediately notify their Bureau Commander and Internal Affairs.
5. When an Officer is on-duty or off-duty and acting in an official capacity, the occurrence of one of more of the following situations requires the preparation of a Use of Force Report, regardless of whether an arrest is made: **(C.A.L.E.A. 4.2.1)**
 - a. Whenever a degree of force is applied or a struggle occurs which results in an injury or death to the subject, any other individuals, or a complaint of injury. **(C.A.L.E.A. 4.2.1 b, d).**
 - b. Whenever a firearm is discharged, regardless of whether the discharge was inadvertent or intentional, except for training, practice, or personal recreational activities. **(C.A.L.E.A. 4.2.1a)**
 - c. Whenever a less lethal weapon (Baton, OC (ADS), CEW, ERID, Chemical munitions/*pepper ball*) is utilized. **(C.A.L.E.A. 4.2.1c)**
 - d. When an Officer is the only injured party during the course of an arrest, and the criteria in paragraph 5 above do not apply, the Use of Force Report is not required.
 - e. If the Supervisor determines that the use of force does not meet the criteria listed above for the preparation of a Use of Force Report, the Supervisor will ensure the Officer fully documents the use of force in their incident report, including the date, time and name of the Supervisor notified.
6. The Show of Force report in Blue Team will be completed by the officer. Once the Show of Force Report has been completed, it will be routed through the member's chain of command, to the member's Bureau Commander.

7. Annual Review of Use of Force Reports: Internal Affairs staff shall conduct an annual review of all Use of Force Reports to determine if there are any patterns or trends indicating the need for training or policy revision. The results of this review shall be provided to the Chief of Police, Deputy Chief's, and all Bureau Commanders in the form of an annual report. **(C.A.L.E.A. 4.2.4)**

SECTION XII: REVIEW COMMITTEE'S

A. *The purpose of the Use of Force Review Committee is to provide oversight of all Use of Force and Firearm Discharge incidents documented in IAPRO as required under Section XI of this General Order.*

1. ***A committee appointed by the Chief of Police, responsible for:***
 - a. ***Review all available information that is pertinent to each Use of Force Incident.***
 - b. ***Responsible for submitting a summary of incidents involving use of force and firearm discharges and, if appropriate, recommendations relevant to training, reporting procedures, and policy review to the Professional Standards Bureau Commander.***
 - c. ***Convene on a monthly basis or as needed upon completion of the Use of Force Report.***
2. ***The Committee is not a governing body to impose administrative sanctions against employees.***

B. *Committee Membership*

1. ***Chairperson: Patrol Operations Bureau Commander***
2. ***Staff Inspections Unit Lieutenant***
3. ***Training Lieutenant/Sergeant***
4. ***Patrol Lieutenant/Sergeant***
5. ***Sworn Officer/Defensive Tactics Instructor/ TASER Instructor/Firearms Instructor***
6. ***Patrol Operations Bureau Administrative Assistant***

SECTION XIII: RELIEF FROM DUTY / COUNSELING (C.A.L.E.A. 4.2.3)

A. Administrative Relief from Duty (Non-Disciplinary) for Use of Force Incidents:

1. In every instance in which an employee's use of force or actions in an official capacity, results in death or serious bodily injury to another person, the employee shall be immediately relieved of normal duties until the Department conducts an administrative review of the incident. If a weapon is involved, the Officer shall also be relieved of his / her weapon and another Department weapon shall be issued.

2. Assignment to an administrative duty status shall be administrative (non-disciplinary) with no loss of pay or benefits. The assignment to administrative duties shall not be interpreted to imply or indicate that the employee has acted improperly. Administrative duty shall be approved by the Chief of Police.
3. Relief from normal duty with full pay and benefits is intended to serve two purposes:
 - a. To address the personal and emotional needs of an employee.
 - b. To assure the community that verification of the facts surrounding such incidents is fully and professionally explored.
4. Officers so relieved from normal duty shall remain on administrative duty status until assessed by a police psychologist designated by the Fort Myers Police Department, after which the Officer may be reassigned to full duty status at the discretion of the Chief of Police. Officers so relieved from normal duty shall ensure their availability to police investigators until the investigation of the incident is concluded.
5. The counseling / treatment shall not be related to any Department investigation of the incident, and nothing discussed in the session will be reported to the Department. The counseling / treatment session shall remain protected by the psychotherapist/patient privilege, to the extent allowed under Section 90.503, Florida Statutes.
6. In all cases where any person has been injured or killed as a result of a firearm discharge by a police officer, the involved Officer and his/her family shall have the services of the Department's Chaplain available to them.
7. Chaplain services shall remain protected by the clergyman privilege, to the extent allowed by Section 90.505, Florida Statutes.
8. The Critical Incident Stress Management Team shall be coordinated by the Victim Advocate with members from other local law enforcement agencies. Any member of the agency who witnessed the incident or may have been emotionally affected by the serious injury or death of another member will be encouraged and invited to attend.

SECTION XIV: SHOOTING INCIDENT RESPONSE, IN-CUSTODY DEATH INVESTIGATIONS, & INTERNAL AFFAIRS (CALEA 11.3.4 a-d)

- A. Officer Involved Shooting & In-Custody Death Investigations: An immediate investigation by the Florida Department of Law Enforcement will be made when an Officer of this agency, on duty, or off-duty and acting in an official capacity uses deadly force or critically injures any person, or if there is an in-custody death. In addition to notifying FDLE, the on-scene Supervisor or Detective Supervisor must notify the State's Attorney's Office within 1-hour of the incident by calling 239-533-1234. These notifications must be documented in the CAD incident notes and the initial police report. Assistance will be provided by the Fort Myers Police Department Detective Division as needed. **(CALEA 11.3.4 a, c)**
- B. Florida Department of Law Enforcement (F.D.L.E.) Response: The Florida Department of Law Enforcement shall conduct an investigation whenever a member of the agency discharges a firearm under the authority of his or her commission and strikes any person; there is an in-custody

death; or death results or appears to result from any use of force (Baton, CEW, etc.). **(CALEA 11.3.4a)**

1. The Police Department will fully cooperate with all investigations conducted by FDLE and the State's Attorney's Office and ensure a timely submission of all reports and evidence.
2. All requests for public release of information pertaining to an open investigation must be approved by the State's Attorney's Office. **(CALEA 11.3.4d)**
3. A public information plan will be developed by the Police Department PIO in conjunction with FDLE and the States Attorney's Office to ensure all agencies agree upon the appropriate information for release. All media/public releases should be delivered from a singular source to ensure consistent messaging. **(CALEA 11.3.4 d)**
4. Police Department civilian personnel (i.e., Communications, Crime Scene Unit, PIO, etc.) potentially impacted as a result of the incident/investigation, shall receive entry-level awareness training focused on their duties and responsibilities. **(CALEA 11.3.4 f)**
5. Results and Review: The results of the F.D.L.E. investigation shall be submitted to the State Attorney's Office for a review and determination.

C. Internal Affairs: Internal Affairs shall conduct an investigation of every incident of firearms discharge by a Department member. Exceptions: When such discharge was inadvertent and without injury, for firearms training, practice, the lawful dispatch of a severely wounded or dangerous animals or recreational activities and no near miss or hit of a human resulted. Internal Affairs shall prepare a detailed report of the findings for the Chief of Police: **(CALEA 11.3.4b)**

1. Internal Affairs shall investigate all uses of deadly force.
2. Internal Affairs shall conduct an investigation, secondary to any criminal investigation, to determine whether or not the shooting was within policy.

D. Duties of the Involved Officer(s):

1. Whenever Officers discharge firearms, either inadvertently or officially, they shall immediately:
 - a. Determine the physical condition of any injured person and render first aid when appropriate.
 - b. Request necessary emergency medical aid.
 - c. Notify the dispatcher of the incident and location.
 - d. Officers will remain at the scene, unless they are injured, until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the Officer at the scene may cause a more hazardous situation to develop (violent crowd), the ranking commanding officer at the scene shall have the discretion to instruct the Officer to respond to another, more appropriate location.

- e. Officers will protect their weapons for examination and submit said weapons to the appropriate investigator.
- f. The Officer should not discuss the case with anyone except Supervisory personnel, investigative personnel, the Officers privately retained or union attorney, Department psychologist, or clergy. Discussion with anyone else may jeopardize the impartiality of the investigation.
- g. The Officer shall be available at all times for Internal Affairs and other administrative interviews and statements regarding the case and shall remain subject to recall to duty at any reasonable time.

E. Duties of Communications Personnel:

- 1. Dispatch requested medical aid.
- 2. Notify the on-duty shift commander or sergeant
- 3. Notify the Detective Division.
- 4. Secure recordings of all radio transmissions

F. Duties of the On-Duty Shift Commander or Supervisor:

- 1. Proceed immediately to the scene.
- 2. Where injury resulted, shall ensure the following are notified:
 - a. Chief of Police
 - b. Internal Affairs Bureau Commander
 - c. Operations Bureau Commander
 - d. Detective Division Commander
 - e. Public Information Office
 - f. State's Attorney's office at 239-533-1234. (Notification must be made no later than 1-hour of the incident occurring.
- 3. Secure the scene and separate involved parties.
- 4. Render command assistance to the assigned investigator(s).
- 5. Assist the involved Officer(s).

References:

F.M.P.D. and the F.D.L.E. Memorandum of Understanding

Graham v. Connor, 490 U.S. 386, 396 109 S. Ct. 1865, 1872, (1989)

Von Stein v. Brescher, 904 F.2d 572, 578 (11th Cir.1990)

Williamson v. Mills, 65 F.3d 155, 158 (11th Cir. 1995)

F.S.S. 776.05 Justifiable Use of Force

F.S.S. 943.1717 Use of Dart Firing Stun Guns

F.S.S. 90.503 Psychotherapist-patient Privilege

F.S.S. 90.505 Privilege with Respect to Communications to Clergy

General Order 6.2 Authorized Firearms & Weapons, Proficiency & Qualification Standards

APPROVED:

[DIGITAL SIGNATURE ON FILE]

02/10/2025

**Jason Fields, Chief of Police
Fort Myers Police Department**

Date