



SOUTH DAYTONA POLICE DEPARTMENT POLICY AND PROCEDURE DIRECTIVE

USE OF FORCE 401

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CFA STANDARD 5.0: (2.07M), (4.01M-A, B, C, D), (4.02M), (4.04M), (4.05M-A, B, C), (4.06M-A-E),
(4.07M-A-C), (4.08M), (4.09M-A-C), (4.10M), (15.15M-A-C), (15.21M)

APPENDIXES: A

PURPOSE

The purpose of this Directive is to establish guidelines for the Use of Force by sworn police officers of the South Daytona Police Department.

DEFINITIONS

Approved Weapon - As used in this Directive, approved weapon shall mean any weapon to include firearms, impact weapons, EMD devices or chemical agent weapons that have been approved for use or issued by the Department via approval of the Chief of Police.

Chokeholds - The intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents the intake of air. The term does not include any hold involving contact with another person's neck that is not intended to prevent the intake of air. **(CFA 4.10M-A)**

Deadly Force - [Florida Statute 776.06 \(1ab\) \(2ab\)](#), as used in this Directive, deadly force is defined as that force which is intended or likely to cause death or great bodily harm and includes, but is not limited to: **(CFA 4.01M-A)**

- **776.06 (1a)** The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm;
- **(1b)** The firing of a firearm at a vehicle in which the person to be arrested is riding;
- **776.06 (2a)** Deadly force does not include the discharge of a firearm by a police officer during and within the scope of their duties, loaded with a non/less lethal munition. As used in this subsection, the term non/less lethal means a projectile that is designed to stun, temporarily incapacitate, or cause temporarily discomfort to a person without penetrating the person's body;
- **(2b)** A police officer is not liable in any civil or criminal action arising out of the use of any non/less lethal munition in good faith during and within the scope of their duties.

Deadly Force/Lethal Force - The terms deadly force and lethal force are considered synonymous and may be used interchangeably to meet the intent of this Directive.

De-Escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Duty to Intervene - An attempt to prevent or stop the use of excessive force by another officer when it is *objectively* reasonable to do so.

Excessive Use of Force - Use of force that exceeds the degree of force permitted by law, policy, or the observing officer's employing agency.

Great/Serious Bodily Harm - A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, results in long-term loss or the impairment of the functioning of any bodily member or organ.

Imminent Threat - An imminent threat to the life and/or safety of the police officer or another human being(s).

Last Resort - When all practical means (verbal direction and non/less lethal force) have been exhausted to avoid using deadly force.

Medical Treatment - As used in this Directive, medical treatment shall be afforded to any person to whom force, whether non-lethal, less than lethal or deadly force, is used by a police officer of this Department. **(CFA 4.08M)**

Non-Deadly Force - Less than lethal force. A quality or quantity of force which is neither likely nor intended to cause death or serious physical injury. Non-deadly force normally includes the use of physical control or skill, chemical agents, Electronic Control Devices (ECD's), or incapacitating control.

Objectively Reasonable - The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Reasonable - Facts that would cause a reasonable person in the same situation to conclude that the point at issue is probably true.

Restraint Devices - To be used as physical control tools, on the same level (Level 3) as Passive Physical on the Use of Force/Levels of Resistance Matrix. Restraint devices are defined as mechanical tools which are used to restrict a subject's movement and facilitate searching. They include, but are not limited to: handcuffs, flex cuffs, leg restraints, hobbles, belly chains and optional nylon restraining devices.

Serious Physical Injury - Bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

Vascular Neck Restraints - A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

POLICY

401.1 It shall be the policy of this Department that police officers shall follow current Florida law and will use force which he or she believes necessary to perform official duties and to achieve safe control over a subject and to affect lawful objectives. All officers have a duty to intervene if they anticipate or observe the unreasonable, unnecessary, or disproportionate use of force. **(CFA 4.01M-D)**

401.2 Prior to a use of force, officers shall attempt the use of de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force. De-escalation techniques shall only be used when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime. An officer shall allow an individual time and opportunity to submit to verbal commands before force is used. Responsibilities of police officers following all Use of Force encounters include: **(CFA 4.01M-B, 4.05M-A, B)**

- Notifying the Shift Supervisor of any injury to officers, suspects or citizens.
- Notifying the Shift Supervisor of the use of any weapon.
- Notifying the Shift Supervisor of the use of any chemical agent.
- Notifying the Shift Supervisor of the use of handcuffs or other restraints in which the device is either applied against actual physical resistance or to any area of the body other than the wrists.
- Notifying the Shift Supervisor of the use of any Electronic Control Device (Taser), or the pointing of a Taser at a person.
- Providing any medical attention as required.
- Completing a detailed Incident Report.
- Ensuring that any secondary or back-up officer that was present when the resistance occurred completes a supplemental report.

401.3 CJSTC mandates that Use of Force training for every police officer. The training shall be completed every year and must be reported to CJSTC. Any police officer who fails to comply with CJSTC Use of Force training requirements within the prescribed time frame shall be removed from sworn duty. **(CFA 10.10M-B)**

401.4 All police officers shall be issued copies of and be instructed in this Use of Force Directive, as well as Firearms Directive 402, prior to carrying a firearm or any weapon (lethal or non-lethal) or being placed into any position which could result in the use of deadly force. Police officers will not carry any weapon (lethal or non-lethal) for which they have not proven proficiency. **(CFA 4.02M, 4.05M-C)**

401.5 Whenever an officer takes an action that results in, or is alleged to have resulted in, injury or death of another person, or a member uses or is alleged to have used any lethal, less than lethal, or physical (weaponless) force against any individual which results in, or is alleged to have resulted in, death, injury or complaint of injury, an Incident Report shall be completed at the direction of the Shift Supervisor. Whenever an officer is a principal participant in a Use of Force encounter involving death or serious bodily injury, the involved officer will prepare only a supplemental report, while the Incident Report will be completed by another officer or the Shift Supervisor. (Deadly force investigations are discussed elsewhere in this Directive.) All written reports shall include the causes for the actions taken including all reasonable suspicion and probable cause; any statements by subjects, officers or other involved persons which outline the contributing factors; and the totality of circumstances. **(CFA 4.07M-A-C)**

401.6 For the purposes of documentation, a Use of Force Report is to be completed regarding any response to resistance. This is explained as physical resistance from a subject, which requires the police officer to use greater force than controlling holds or restraint devices (also leg restraints) to overcome the resistance. Responsibilities of Shift Supervisors following all Use of Force encounters include:

- Responding to the scene of any Use of Force situation.
- Investigating any incident of Use of Force.
- Ensuring an accurate report is completed.
- Offering medical treatment when required.
- Completing the Use of Force Report.
- Photographing all injuries of officers and injuries and non-injuries of suspects.

401.7 A copy of the completed Incident Report and the original Use of Force Report will be forwarded to the Patrol Commander by the Shift Supervisor that approves these reports. The Patrol Commander will coordinate a command staff review of the incident, including written analysis and conclusions. Each January, an annual administrative review will be completed by the Patrol Commander to analyze all Use of Force Reports. All reviews shall be in written form and upon review of the Chief of Police, forwarded to the Administrative Assistant for proper filing and storage.

401.8 It shall be the policy of this Department that medical treatment shall be afforded to any person to whom force, whether physical, non-lethal, less than lethal or deadly force is used by a police officer of this Department. As soon as requested or obvious by the nature of force used, the officer shall immediately arrange for emergency medical treatment and notify the Shift Supervisor. **(CFA 4.08M)**

REASONABLE FORCE

401.9 Reasonable force may be utilized in situations which cannot be controlled otherwise. Reasonable alternatives shall be exhausted or clearly be ineffective prior to the application of force.

401.10 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.

401.11 There are occasions in the course of police action when a law enforcement officer must utilize force to execute legal authority. Any application of force may result in injury, complaint of injury, or complaint that unnecessary or excessive force was used. Judicial reviews have held officers and their employers liable for misuse of force or weapons, including firearms, regardless of the officer's on-duty or off-duty status. **(CFA 4.06M-B)**

RESPONSE TO RESISTANCE

401.12 The Use of Force/Levels of Resistance Matrix shall be used as a guideline for the officer's actions. Depending on the actions of the subject, officers may be required to escalate and de-escalate the level of force being used. The Matrix is provided only as a **starting** point for the amount of force that should be used to attempt to control a subject. More or less force is acceptable, depending upon the subject/officer factors. Florida Statutes allows officers to use the force that he or she reasonably believes to be necessary to control the subject. Attachment 401-A illustrates the subject resistance levels on the left side of the matrix and the officer's response at the bottom of the matrix. The checked areas represent the recommended starting levels of response to the corresponding level of resistance. The following is a basic explanation of the Use of Force/Levels of Resistance Matrix, beginning with the subject's resistance levels:

Subject Resistance Levels

- Presence - Subject presence is referred to as psychological intimidation. Example: An agitated pacing person.
- Verbal Non-Compliance - Referred to as verbal resistance, which is when a subject verbally threatens resistance or refuses to comply with an officer's requests. In other words, the subject attempts to control the situation. Example: The officer tells a subject to sit down. The subject replies, "NO!"
- Passive Physical - Referred to as passive physical resistance, which is when a subject physically refuses to comply or respond to an officer's request. There is no attempt to physically defeat the action of the officer but forces the officer to employ physical maneuvers to establish control. Example: A sit-in or a person who will not release a steering wheel.
- Active Physical - Referred to as active physical resistance, which is when a subject makes overt actions, which may be in the form of bracing, tensing, pushing/pulling, or not allowing an officer to get close to him/her. This action may cause injury to an officer. It is also referred to as defensive resistance. Example: An officer puts hands on a subject and the subject pulls or runs away.
- Aggressive Physical - Referred to as aggressive physical resistance, which is when a subject makes overt, hostile, attacking movements, which may cause injury, but not likely to cause death or great bodily harm to the officer or others. Example: A subject punches or kicks an officer.
- Aggravated Physical - Referred to as aggravated physical resistance, which is when a subject exhibits overt, hostile, attacking movements, with a weapon, with the intent and apparent ability to cause death or great bodily injury to an officer or others. Example: A subject pulls a weapon on an officer.

Officer Levels of Response

- Officer Presence/Verbal Direction - Verbal direction is the simple use of dialogue. Talking a subject into compliance is the most fundamental means of persuading an individual to comply. Tell the subject what you want them to do. If the subject refuses to comply or verbally threatens resistance, then the subject has escalated to passive physical resistance. There is no attempt to physically defeat the action of the officer, but this may force the officer to employ chemical agents or physical maneuvers to establish control. Other examples of passive physical resistance are a sit-in or a person who will not release a steering wheel.
- Chemical Agent - Aerosol Subject Restraint (ASR) - Pepper Spray shall be issued and carried by officers. It will be at the discretion of the officer to initiate the use of pepper spray prior to physical control if the officer does not feel they can successfully control the subject. This practice will not require an officer to chance physical injury to affect control of the resisting subject. Recommended use, according to the Matrix, starts at a passive physical level of resistance.
- ECD Device - Electronic Control Device (TASER) - The TASER is a defensive weapon that is programmed to give a 5-second "electrical current" which can override the central nervous system and control the skeletal muscles. Recommended use, according to the Matrix, starts at an active physical level of resistance.
- Physical Control Measure - On the same level as chemical agents and ECD's, physical control measures include the escort transporter hold (grasping the subject by the upper arm and physically directing them to another point or location), which is probably the most commonly employed technique used by law enforcement personnel. In addition to transporter holds, physical control may also include takedowns and strikes/kicks. Recommended use, according to the Matrix, starts at a passive physical resistance.

- Incapacitating Control (With or Without Impact Weapons) - Physical force delivered with or without an impact weapon, chemical agents, or other non/less lethal tools. It is a technique intended to allow the officer to gain control of the subject. Examples include, but are not limited to, strikes to the side of the neck and kicks/ knee strikes to the outside of the leg. Impact weapons may also be used to include the ASP and, in extreme circumstances, flashlights. Recommended use, according to the Matrix, starts at an aggressive physical resistance.
- Deadly Force (Firearms) - Action in which death or serious injury becomes likely, such as shooting at a person, an occupied vehicle or deadly use of an impact weapon or other tool/technique. Recommended use, according to the matrix, is only at an aggravated physical resistance. The issued service weapon or other approved firearm shall be worn at all times while on duty except when such wearing is unsafe because of emergency conditions, or if it becomes a hindrance to the performance of duty. (Firearms are addressed in complete detail in [Policy and Procedure Directive 402, Firearms.](#))

AUTHORIZED LESS-LETHAL WEAPONS

401.13 The Department shall issue less-lethal weapons to police officers and authorized employees trained in their use. Less-lethal weapons shall be reviewed annually to ensure that proper product performance and expiration dates are not exceeded. **(CFA 4.06M-C, E)**

401.14 The Department shall issue less-lethal weapons. Law enforcement officers are authorized to carry less lethal weapons in the performance of their official duties, on or off-duty. Only those listed in this Directive shall be carried or otherwise used and shall include the following: **(CFA 4.05M-A, B, 4.06M-A, B)**

- Chemical Agent - Aerosol Subject Restraint (ASR) - Pepper spray (OC) manufactured by AERKO International called PUNCH II.
- Impact Weapon - Expandable baton commonly known and under the brand name ASP. On rare occasions and extreme circumstances, a flashlight may be authorized.
- SWAT Team Chemical Agents - Include products manufactured by Defense Technologies (DEF-TEC) and include:
 - OC hand grenades
 - OC 37mm ferret rounds
 - 37mm stinger pellets
 - CN 37mm ferret rounds
 - OC 12-gauge ferret rounds
 - Rubber pellet 12-gauge rounds
- SWAT Team Detraction Devices - Commonly known as flash bangs, the current model in use is the brand name DEF-TEC, by Defense Technologies.
- ECD's - Commonly known as Electronic Control Devices, the current model in use is the brand name TASER. The TASER is a defensive weapon that is programmed to give a 5-second "electrical current" which can override the central nervous system and control the skeletal muscles.

ANNUAL INSPECTION LESS - LETHAL WEAPONS

401.15 All less-lethal weapons shall be inspected by a Department armorer or designee at least annually, to ensure that the items have not reached the manufacturer's expiration date and shall forward a copy of the inspection to the Professional Standards Commander. Expired or damaged items will be removed from service and replaced as required or needed. **(CFA 4.06M-D, E)**

CHEMICAL AGENTS METHOD OF USE

401.16 The use of chemical agents is authorized after verbal dialogue has failed and the only alternative is to attempt to physically take a suspect into custody. This includes suspects that are resisting passively and/or restrained yet are combative and pose a threat to themselves or others. Prior to deploying a chemical agent on a suspect, the officer intending to use the chemical agent will verbalize loudly, "O.C. or GAS." Any officers struggling with the suspect will then disengage with the suspect to minimize possible contact with the chemical agent.

- The preferred method of dispersal is to use a four (4) finger hold on the canister with the thumb on the discharging mechanism;
- The specific situation and circumstances will dictate the exact method in which the chemical agent will be deployed.
- The chemical agent should be deployed at the suspect's face in a circular, crisscross or serpentine motion.
- Every reasonable effort will be made to ensure that innocent bystanders are not in the path of the discharging chemical agent.

401.17 Caution shall be exercised to avoid deploying the chemical agent into a strong wind, which would cause the chemical agent to drift back to the deploying officer(s) or others.

TREATMENT OF A SPRAYED SUSPECT (CFA 4.08M)

401.18 Once a suspect has been sprayed and successfully restrained, the suspect's medical condition must be closely monitored. The arresting police officer shall advise EMS personnel to respond to check on the subject's condition and provide treatment.

401.19 Approved treatment of an exposed subject is flushing of the eyes, face and affected area with fresh water. This can be made available in a variety of venues to include a sink with running water, pouring the water from a bottle, or even using running water from a common water hose.

401.20 The breathing and level of consciousness (LOC) of the suspect shall be closely observed. If significant difficulty in breathing develops, the suspect appears to lose consciousness, or any other significant physical distress occurs, the officer shall immediately arrange for emergency medical treatment and notify the Shift Supervisor.

401.21 If the suspect's condition requires transport to a hospital, the hospital shall be notified prior to arrival to ascertain if the hospital personnel want to decontaminate the suspect prior to bringing them into the hospital.

401.22 Unless absolutely necessary (hostile crowds or violent situations) officers should not transport a suspect who was sprayed with a chemical agent in a car or transport van for fifteen to twenty minutes after spraying. (This will give the chemical time to dissipate and not affect the transporting officer.)

IMPACT WEAPONS

401.23 By definition on this Directive, impact weapons shall include the ASP and, under rare circumstances, a flashlight. **(CFA 4.06M-D)**

401.24 The ASP shall be issued, worn and used only by those personnel properly trained in the use of said weapon. **(CFA 4.06M-A, B)**

401.25 Officers shall use said weapons in accordance with provided response to resistance training.

401.26 Intentional strikes to the head, face and neck are considered deadly force and shall be used only under those circumstances where deadly force is applicable.

ELECTRONIC CONTROL DEVICE / TASER

401.27 It is important to remember that the ECD Electronic Control Device, also known as the Taser or “dart firing stun gun” is **NOT** on the same level as chemical agents on the “Use of Force/Levels of Resistance Matrix.” Chemical agents begin at the passive physical level of resistance, while use of the Taser begins at the active physical level of resistance. The guidelines governing the authorized use of and deployment of the Taser are addressed in Policy and Procedures Directive 403, Taser. The Taser policy also coincides with [Florida State Statute 943.1717\(1\)\(a\)\(b\)](#), which is addressed in the discussion area at the front of this Directive.

COMMON POCKET KNIVES

401.28 This Directive authorizes each officer to possess and use a pocketknife, both on and off-duty. It is recognized that police officers may have many needs for a folding pocketknife, including general work and for limited defensive purposes. **(CFA 4.06M-A, D)**

401.29 While not considered to be a primary weapon of choice in a defense-of-life situation, police officers may under extraordinary circumstances use a folding pocketknife in defense of their life and the lives of others

401.30 Nothing in this Directive requires any police officer to carry any knife. This Directive is intended to aid the officer, should the officer choose to carry a knife.

401.31 The carrying and use of any folding pocketknife by police officers shall be done as unobtrusively as possible, so as not to alarm any bystander. The police officer shall take care not to exhibit or handle the knife in a careless manner.

401.32 It is the individual police officer’s responsibility to use the folding pocketknife as a tool in a safe and responsible manner, and exercise reasonable care in the general use of the knife as a tool to prevent injury to the officer and others, and to prevent damage to property.

401.33 Any use of a knife in defense of their life and the lives of others shall constitute a use of deadly force, and the situation must justify the action.

401.34 Any use of a knife as a weapon by any police officer of this agency shall be documented in an appropriate report and reviewed as a deadly force action. **(CFA 4.07M-B)**

DEADLY FORCE

401.35 The use of “DEADLY FORCE” is authorized when there is a belief that such force is necessary to:

- Prevent imminent death or great bodily harm to an officer.
- Prevent imminent death or great bodily harm to another human being.
- Apprehend the perpetrator of a felony which involves the use of, or threatened use of, deadly force and the individual who is sought poses an immediate threat to the life and/or safety of the officer or another human being, and, where feasible, a warning is given. **(CFA 4.01M-C)**

401.36 The use of deadly force can be used to apprehend a perpetrator of a felony which involves the use or threatened use of deadly force, and the individual who is sought poses an immediate threat to the life and/or safety of the officer or another human being. Additional factors include:

- The officer must reasonably believe that a felony has been committed, or is being committed, and reasonably believes that the person he/she is about to arrest or apprehend is the person who has committed the felony.
- The officer must inform the person to be arrested of his authority and cause of arrest except when the person flees or forcibly resists before the officer has an opportunity to inform him or when the giving of the information will subject the officer to serious injury.
- The officer shall exert no more force than is reasonably necessary to apprehend the fleeing felon, and use deadly force only as a last resort, subject to the limits in this Directive. **(CFA 4.10M)**

DRAWING A FIREARM

401.37 The decision to draw or direct a firearm at an individual shall be based on the tactical situation and reasonable belief by the officer that there is a substantial and imminent risk that the situation may escalate to a point where deadly force may be justified.

401.38 The Department acknowledges that officers must draw a firearm in certain situations; however, unnecessary or premature drawing of a firearm limits the alternatives to control a situation, unnecessarily intimidates citizens and may result in an unjustified or accidental discharge of the firearm. The drawing of a firearm and pointing it at an individual is considered to be a Use of Force encounter which requires reporting for review purposes, as addressed in the Policy section of this Directive.

401.39 As a general rule, officers shall not draw their weapons unless there is sufficient justification. In effecting the arrest of potentially dangerous suspects or in high hazard situations, where there exists a potential for the use of deadly force, officers may display a firearm for the purpose of obtaining and maintaining control of a situation. The simple display of a firearm which is not pointed at an individual is not considered to be a Use of Force encounter. However, officers may encounter situations requiring the Use of Force, both non-deadly and deadly, to effect arrest or to protect public safety.

401.40 Police officers may use deadly force to protect themselves from what they reasonably believe to be an immediate threat of death (or near death) or great bodily harm.

401.41 An officer may use deadly force to effect capture or prevent escape, if the officer reasonably believes that the suspect has committed a forcible felony involving the use or threatened use of deadly force, and the officer has probable cause to believe that the suspect poses an immediate threat of death or serious physical injury to the officer or other human beings.

401.42 No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat of death or great bodily harm shall be the only policy guidelines for employing deadly force.

401.43 Warning shots are prohibited. The discharge of firearms for warning shots constitutes deadly force. **(CFA 4.04M)**

401.44 Shooting at or from a moving vehicle is dangerous and generally an ineffective practice; therefore, it is not authorized unless the use of deadly force is in compliance with or in other areas of this Directive.

401.45 While Use of Force may be necessary, all reasonable alternatives should be exhausted or be inappropriate under the circumstances. The decision to resort to force and the degree of force to be used must be based what reasonably appears to be fact to the officer at the time the action is taken.

401.46 An officer may use that force which they reasonably believe is necessary to defend themselves or others from bodily harm. As long as police officers or the public are victims of violent crimes and officers in the performance of duty are confronted with deadly force, it will remain necessary for police officers to be properly armed.

RETAINING YOUR FIREARM

401.47 A police officer may be confronted by an armed person who has the advantage, but the danger is not reduced by the officer giving up their firearm upon demand. Surrendering your firearm might mean giving away your only chance for survival. Therefore, a police officer shall use every tactical tool, thought or idea, to avoid surrendering their firearm. **Retaining your firearm may mean the difference between life and death of you and others.**

REPORTING THE USE OF DEADLY FORCE

401.48 The use of deadly force shall be immediately reported to the Communications Center for notification of the appropriate command personnel including, but not limited to, the Shift Supervisor, the Chief of Police, and the Division Commanders. The original written report of all incidents involving the use of deadly force or any action that could be considered a form of deadly force will be completed and submitted to Records with copies to the Professional Standards Lieutenant and Patrol Commander as per this Directive. **(CFA 4.07M-A-C, 15.15M-A)**

REPORTING THE DISCHARGE OF A FIREARM

401.49 Whenever an officer discharges a firearm, while on or off-duty, for any reason other than training or recreation, they shall immediately report the incident to the Shift Supervisor. **(CFA 4.05M-A, B, 4.07M-A)**

401.50 The Shift Supervisor shall, when the situation allows, ensure that the appropriate Division Commander has been notified. The Division Commander will then notify the appropriate Command Staff.

401.51 If the incident involved an on-duty officer, or an off-duty officer within the city limits of South Daytona, the Shift Supervisor will ensure an Incident Report is completed. If the incident involved an off-duty officer outside the city limits, the involved officer shall report the incident to the law enforcement agency having jurisdiction and forward a memorandum to the Shift Supervisor. The Shift Supervisor will complete a memorandum documenting the circumstances of the discharge and forward it for review to the Chief of Police, through the Chain of Command. **(CFA 4.07M-A)**

INVOLVED POLICE OFFICER RESPONSIBILITIES

401.52 Whenever a police officer uses deadly force, either accidentally or in the performance of official duties, they shall notify the Communications Center and the Shift Supervisor immediately of the situation and location.

401.53 In the event that a police officer uses deadly force in the performance of official duties in an armed conflict, care should be used when approaching the suspect. Efforts shall be made to protect the police officer and the public from possible harm by disarming and handcuffing the suspect and locating and securing the suspect's weapon. This may be accomplished by the police officer involved or a back-up police officer.

401.54 Request emergency/medical personnel for the injured subject. **(CFA 4.08M)**

401.55 If another person is injured, determine the physical condition of the person and render the appropriate first aid. **(CFA 4.08M)**

401.56 Remain at the scene (unless injured) until the arrival of appropriate supervisory and designated investigative personnel. However, if circumstances are such that the continued presence of the police officer at the scene might cause a more hazardous situation to develop, then the police officer shall move to a safe location and immediately notify the Communications Center and Shift Supervisor.

401.57 In the event the police officer is forced to move to a safe location, every effort shall be made to secure any weapon/s (officer and/or suspects) involved in the incident prior to leaving the scene.

401.58 Safety of the police officer and the public will take precedence over securing the scene and weapons.

401.59 Protect the police officer's weapon (if applicable) and submit it to the designated investigative personnel. If the designated investigative personnel are not on the scene, the weapon will be immediately tagged and secured in the property and evidence area by the Shift Supervisor.

401.60 If a firearm is taken into custody, the police officer will be issued a replacement firearm when appropriate. If the incident occurs at a time when equipment personnel are not on duty, one may be called out to replace the firearm prior to the involved officers' end of shift.

401.61 Advise the on-scene supervisor of the details relating to the incident, leading up to and including the use of deadly force.

401.62 The involved police officer is not to be continually questioned at the scene. Information may be ascertained from the initial/on-scene supervisor or in later interviews as governed by law, departmental directives or specific collective bargaining agreements.

401.63 The involved police officer shall prepare a detailed supplemental report of the incident and have it reviewed prior to submission. Due to the time of the event, on advice from counsel, or other extenuating circumstance, the supplemental report submission may be delayed.

401.64 The involved police officer will not discuss the incident with anyone except:

- On scene supervisory and designated investigative personnel.
- An attorney retained by the involved officer(s).

ON SCENE SUPERVISOR RESPONSIBILITIES

401.65 The Shift Supervisor shall report to the scene immediately and:

- Assign personnel to assist the involved officer.
- Ensure the scene is secured.
- Gather information for a preliminary investigation.
- Ensure that Medical Personnel have been summoned or are on the scene, as may be necessary.
(CFA 4.08M)

401.66 The Shift Supervisor will ensure that a detailed written report of the incident is completed, and copies forwarded to the Command Staff.

401.67 A completed Incident Report will be submitted to Records upon the completion of the investigation.

COMMUNICATIONS RESPONSIBILITIES

401.68 The communications personnel first notified of the deadly force incident shall immediately dispatch appropriate rescue personnel, if required in accordance with appropriate Communications Center directives.

401.69 The Shift Supervisor may request the Communications Center to notify the following personnel:

- The involved police officer's immediate on-duty supervisor.
- Command Staff.
- Public Information Officer.
- South Daytona Fire Rescue and EMS Ambulance as instructed by police officers or Supervisors at the scene.
- *If the use of deadly force results in serious bodily injury or death, the City Manager shall be notified by the Chief of Police, or in his absence, a Division Commander.*

DEADLY FORCE INVESTIGATION

401.70 In order to maintain the trust of the public and ensure an impartial, independent investigation, all incidents of deadly force shall be investigated by the Florida Department of Law Enforcement. At the conclusion of their investigation, the report shall be submitted to the state attorney for review.

401.71 The official request for assistance from the Florida Department of Law Enforcement (FDLE) and/or the State Attorney's Office will be made by the Chief of Police or at his direction. The South Daytona Police Department shall conduct a parallel investigation if circumstances dictate the need.

401.72 In order to maintain the integrity of the investigation, police officers of the South Daytona Police Department will refrain from taking a role in the Investigation, unless specifically requested by FDLE or State Attorney Investigators and approved by the Chief of Police.

401.73 All police officers of the South Daytona Police Department will thoroughly cooperate with investigators, specialists, and technicians.

SHIFT SUPERVISOR'S MEMORANDUM/REPORT

401.74 In every instance where deadly force is used, whether intentional or accidental, a copy of the completed report and Shift Supervisors memorandum shall be forwarded to the Command Staff by the Shift Supervisor that approves the Incident Report. **(CFA 4.07M-A-C)**

401.75 The following is a guideline of what the memorandum will include, but is not limited to:

- Specifically, what circumstances caused deadly force to be used and what techniques were employed.
- Specific resistance encountered.
- The type and extent of injuries and who incurred them.
- Whether the use of deadly force conforms to current directives.

401.76 The Shift Supervisor shall ensure that the memorandum is completed prior to the end of the tour of duty.

STATE ATTORNEY'S USE OF DEADLY FORCE REVIEW (CFA 4.07M-A-C, 15.21M)

401.77 The State Attorney's Office shall review all uses of deadly force upon the completion of the investigation by FDLE. The State Attorney's Office may call detectives, specialists or technicians required to present evidence and facts concerning any discharge of a firearm.

401.78 The State Attorney's Office shall review any facts and pertinent testimony contained within the FDLE Report, and forward findings and recommendations to the Chief of Police for final disposition.

401.79 The FDLE report presented to the Chief of Police shall include relevant facts and circumstances surrounding the incident and a conclusion as to whether the Use of Force conforms to the current Use of Force Directive.

NON-DISCIPLINARY RELIEF FROM DUTY

401.80 Any member, either sworn or non-sworn, whose actions result in death or serious bodily injury to any person, either accidental or deliberate, shall be relieved of normal duty and assigned to an administrative duty status, until a preliminary administrative review is conducted. This shall immediately follow the incident and initial on-scene investigation, which shall be documented in a written report. **(CFA 2.07M, 15.15M-C)**

401.81 Assignment to an administrative duty status shall be non-disciplinary, with no loss of pay or benefits. The intended purpose of this relief from regular duty serves two purposes:

- To address the emotional and personal needs of the member involved in the use of deadly force.
- To assure the community that verification of all the facts surrounding such incidents are thoroughly and professionally explored.

401.82 The member shall be available during normal business hours for matters directly pertaining to the Use of Force incident. The member shall remain subject to recall to duty at any reasonable time while on administrative duty status.

401.83 Prior to returning to full duty status, the member shall be required to consult with and be cleared by a psychologist furnished by the Department. A Command Staff review of the results will be conducted prior to reinstatement.

401.84 Members are required to obey all court subpoenas while on administrative duty status.

COMMAND STAFF REVIEW OF INCIDENTS OF USE OF FORCE (15.15M-B)

401.85 The Command Staff shall review the reports and incidents where police officers were required to use force to overcome resistance. The Command Staff shall review the appropriateness of techniques and tactics used and available reports. Command Staff shall approve the Use of Force, return it for additional information, or recommend further investigation and/or an internal investigation. The Chief of Police shall determine the final disposition of any Use of Force investigation.

401.86 Each month, the Patrol Commander will forward the following data to Records, who will submit the data to FDLE.

- When a fatality to a person occurs connected to use of force by a law enforcement officer.
- When there is serious bodily injury to a person connected to use of force by a law enforcement officer.
- In the absence of either death or serious bodily injury when a firearm is discharged by law enforcement at or in the direction of a person.

401.87 Each January an annual administrative review will be completed by the Patrol Commander to analyze all incidents of reported Use of Force. All reviews shall be in written form and upon review of the Chief of Police, forwarded to the Administrative Assistant for proper filing and storage. **(CFA 4.09M-A, B, C)**

OTHER ACTIONS

401.88 The South Daytona Police Department realizes and acknowledges that intense, uncertain, and /or rapidly evolving confrontations, a police officer may have to reasonably use techniques, weapons, and/or improvised weapons that:

- Are not part of the Agency's formal training program.
- Are not specifically covered in this Policy.
- Due to the suspect's action(s) the technique(s) or weapon(s) used by the police officer may have an unintentional impact point, or an outcome that is not part of the agency's training curriculum.
- This agency does not authorize the use of neck restraints (vascular restraints, chokeholds) or similar weaponless control techniques with a potential for serious injury unless applied in a deadly force situation. **(CFA 4.01M-A, 4.07M-C, 4.10M)**

401.89 All actions of police officers that are deemed reasonable in retrospect will be considered to be within policy, even though the specific action and/or operation is not specifically addressed in this policy.

SHOTS TO DESTROY ANIMALS

401.90 In conformance with [F.S.S 828.05](#), Police Officers are authorized to humanely destroy an injured or diseased animal.

401.91 If the owner/caretaker of the animal is not present on the scene, or cannot be immediately located, the responding officer shall request a supervisor to respond. Efforts to locate the animal's owner/caretaker should continue pending the arrival of a supervisor.

401.92 If the supervisor arrives on scene and determines that the animal needs to be destroyed in accordance with Florida Statute, and that the discharge of a firearm may be safely accomplished, the responding officer shall;

- Ensure that the discharge of a firearm will not endanger the public or property;
- Make every effort to be out of the public view;
- Arrange for the pickup and disposal of the carcass;
- Prepare a report that documents the incident;

401.93 The officer shall not be relieved of his firearm, nor is there any requirement to impound the weapon used by the officer if it was other than the officers issued sidearm.

401.94 There is no requirement to file a Use of Force Report.

APPROVED


MARK J. CHEATHAM, CHIEF OF POLICE

05/12/2022
DATE

ATTACHMENT 401-A

**RECOMMENDED
USE OF FORCE/LEVELS OF RESISTANCE MATRIX**

R E S I S T A N C E L E V E L S	AGGRAVATED PHYSICAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	AGGRESSIVE PHYSICAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ACTIVE PHYSICAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	PASSIVE PHYSICAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	VERBAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	PRESENCE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			O F F I C E R P R E S E N C E	V E R B A L D I R E C T I O N	C H E M I C A L A G E N T	P H Y S I C A L C O N T R O L	T A S E R E C D	I N C A P A C I T A T I N G C O N T R O L
	<p>MARKED AREAS REPRESENT SUGGESTED ACCEPTABLE RESPONSE LEVELS TO THE RESISTANCE ENCOUNTERED</p>							
		OFFICER ACTIONS						