



DAYTONA BEACH POLICE DEPARTMENT
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Departmental Standards Directive

USE OF FORCE

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PURPOSE

The purpose of this Directive is to establish guidelines for the use of force by sworn personnel of the Daytona Beach Police Department.

DISCUSSION

The value of human life is immeasurable in our society. In order to be consistent with that purpose, the use of force must be limited to situations involving resistance to arrest, defense against physical assault, or force necessary to perform official duties. When an action results in, or is alleged to have resulted in, injury or death of another person; it will be thoroughly investigated. In no way does the procedure reduce an officer's latitude in self-defense.

POLICY

It shall be the policy of the Daytona Beach Police Department to use only that amount of force that appears reasonable, given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement objective.

The reasonableness of force will be "assessed in conjunction with the officer's perception [of the threat] at the moment force was used" and "within the totality of circumstances," as prescribed by the Graham v Connor holding. The use of deadly force is authorized when there is reasonable belief that such force is necessary to:

- Prevent imminent death or great bodily harm to the officer;
- Prevent imminent death or great bodily harm to another human being;

- Apprehend the perpetrator of a felony that 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(s) and, where feasible, a warning is given.

Officers of the Department shall at all times follow current state law.

It shall further be the policy of the Department that all sworn personnel are issued a copy of and be instructed in this use of force policy and be trained in the Florida Department of Law Enforcement Use of Force Guidelines before they are authorized to carry lethal or less-lethal weapons.

PROCEDURE

The procedure of this Directive establishes steps in a definite order of guidelines, rules and regulations to perform and to comply with the policy of this Directive.

DEFINITIONS

APPROVED NON-LETHAL WEAPON: An approved non-lethal weapon is a weapon that is not fundamentally designed to cause death or great bodily harm that has been approved for use and issued by the Training Unit via approval of the Chief of Police.

APPROVED WEAPON: As used in this directive, approved weapon shall mean: any weapon to include firearms, impact weapons and chemical agent weapons that have been approved by the Training Unit via approval of the Chief of Police.

ACCOMPANYING OFFICER: The officer that is assigned by the on-scene supervisor: to accompany the involved Officer until they are relieved by Shooting Team investigators.

RESPONSE TO RESISTANCE/BLUE TEAM REPORT: A web based software program that allows supervisors to enter use of force incidents. Incidents are then routed through the chain of command for review and approval. Once a Response to Resistance/Blue Team Report is approved by command staff, the report is transferred to the IAPro database.

CRIME/INCIDENT SCENE: The primary location(s) as established by the inner perimeter boundaries where access is limited to essential personnel.

DEADLY FORCE: As used in this directive, deadly force is defined as that force which is intended or likely to cause death or great bodily harm as defined in Florida State Statute 776.06.

FORMAL STATEMENT: For the purposes of this policy, an official statement provided during a recorded interview with members FDLE, Shooting Team and/or Criminal Investigations Division.

GREAT BODILY HARM: A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or the impairment of the functioning of any bodily member or organ.

IAPRO: a software database that is managed by the Office of Professional Standards. The database is used to manage, store and track certain police incidents.

INCIDENT COMMAND SYSTEM (ICS): A standardized, on-scene, all-hazard incident management concept allowing its users to adopt an integrated organizational structure to match the complexities and demands of single or multiple incidents.

INVOLVED OFFICER: The officer whose response to resistance or other action results in the death or great bodily harm to another person or persons, and any officer who discharges a firearm at a suspect or detainee, regardless of injury or Death.

NON-LETHAL FORCE: As used in this directive, non-lethal force is defined as the use of force, which is neither intended, nor, likely to cause death or great bodily harm.

ON-SCENE SUPERVISOR: The ranking supervisor who takes charge of the incident scene prior to the arrival of the Shooting Team and/or Criminal Investigation Division.

PRECIPITATING EVENT: For the purposes of this policy, the “Initial Incident” (e.g., a call for service, citizen flag down, or self-initiated activity) that leads to an officer’s use of force.

PHYSICAL FORCE: As used in this directive, physical force is defined as the necessary employment of physical holds and/or other force not utilizing weapons but employed in self-defense, the defense of others, to gain control of a subject under arrest or to restrain a subject already in custody.

PRIMARY INVESTIGATOR: The investigator identified by the Shooting Team supervisor to coordinate the activities related to the investigation.

SHOOTING TEAM: Is composed of one CID Supervisor and two CID Detectives. The CID Captain will appoint the Shooting Team at their discretion.

VOLUNTARY STATEMENT: For the purposes of this policy, a voluntary statement provided by the officer or an attorney representing an involved officer. The statement itself cannot be used against the officer, but can be used to assist the investigation to develop leads and find evidence.

USE OF FORCE GUIDELINES

FLORIDA STATUTES GOVERNING THE USE OF FORCE

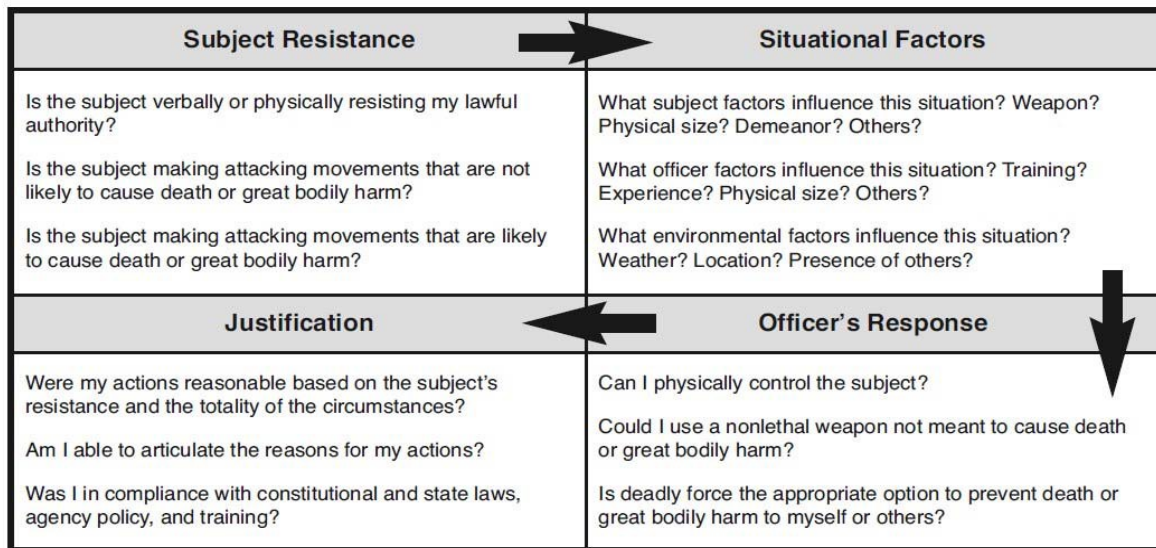
1006.1 Police officers receive legal authority to use force, to include deadly force, from the following State Statutes:

- **FSS 776.012** Use or threatened use of force in defense of person.
 - (1) A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.
 - (2) A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.
- **FSS 776.05** Law enforcement officers; use of force in making an arrest. A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

- Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;
- When necessarily committed in retaking felons who have escaped; or
- When necessarily committed in arresting felons fleeing from justice. However, this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and:
 - The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or
 - 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.

FORCE GUIDELINES

1006.2 Provide a framework for making decisions involving the reasonable use of force by criminal justice officers. The structure of the Force Guidelines is based on constitutional considerations and case law and describes appropriate decision making in a fluid and dynamic situation. The Guidelines consider the relationship between subject resistance and various situational factors in determining the officer's response options. (See the following diagram below).



Force guidelines–The decision making process

Figure 4-2

SUBJECT RESISTANCE ACTIONS

1006.3 All of the following actions that are encountered should be documented, thoroughly, in the Incident Report, Response to Resistance Report/Blue Team Report and documented or described during the formal statement by the officers involved in deadly force incidents:

- **PASSIVE RESISTANCE:** Is a subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officer to use physical techniques to establish control. Some examples of passive resistance include the following:
 - The subject refuses to move at the officer's direction.
 - Non-violent protesters on private property refuse to leave the property upon notice of trespass.
 - The subject refuses to take his hands out of his pockets or from behind his back.
- **ACTIVE RESISTANCE:** Is a subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, or pulling to prevent the officer from establishing control over the subject. Some examples of active resistance include the following:
 - The subject physically anchors themselves to a person or object to prevent him/her from being removed.
 - The subject braces or pulls away from the officer when the officer grips the subject's arm.
 - The subject attempts to run when the officer touches or attempts to grab the subject's arm.
- **AGGRESSIVE RESISTANCE:** Is a subject's attacking movements toward an officer that may cause injury but are not likely to cause death or great bodily harm to the officer or others. Some examples of aggressive resistance include the following:
 - The subject balls up his fist and approaches the officer.
 - The subject pushes the officer back as the officer tries to take the subject into custody.
 - The subject grabs any part of the officer's body.
- **DEADLY FORCE RESISTANCE:** Is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause and has the capability of causing death or great bodily harm to the officer or others.

OFFICER RESPONSE OPTIONS

1006.4 The following officer response options that are utilized should be documented, thoroughly, in the Incident Report, Response to Resistance Report/Blue Team Report and documented or described during the formal statement by the officers involved in deadly force incidents:

- **OFFICER PRESENCE**
 - **Arrival (Presence):** Arrival the officer is there, on the scene, in full uniform displaying proper authority as given by this Department and the State of Florida as a law enforcement official. This includes proper voice, additional identification, as applicable, body language and awareness by the subject that they are dealing with a law enforcement officer.
 - **Interview Stance:** The officer adopts a stance outside of his/her "danger zone" that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, the firearm or "strong side" leg is back; the non-firearm

or “support” leg is forward; the feet are about shoulder width apart; the knees are slightly bent giving balance, control, and a lower body center of gravity; body weight is equally distributed; hands are in the up position for a guarding posture.

- **COMMUNICATION**

- **Dialogue:** A two-way, controlled, non-emotional communication between an officer and a subject, aimed at problem identification and/or resolution.
- **Verbal Direction:** An officer tells or commands a subject to engage in, or refrain from, a specific action or non-action.
- **Touch:** An officer employs a soft, assisting touch to comfort, console, or obtain the attention of a subject or citizen in a non-confronting situation.

- **PHYSICAL CONTROL**

- **Transporters:** Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer in order to gain and retain control over the subject.
- **Pain Compliance:** Techniques that force a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points of the subject’s body, such as pressure point techniques.
- **Takedowns:** Techniques that redirect, a subject to the ground in a controlled manner, in order to facilitate the application of approved restraint devices.
- **Restraint Devices:** Mechanical tools used to restrict a subject’s movements and facilitate searching such as handcuff’s leg irons, belly chains, hobble, etc.
- **Counter Moves:** Techniques that impede a subject’s movement toward an officer or others, such as blocking, striking, kicking, distracting, parrying, dodging, weaving, re-directing, or avoiding, followed by appropriate control techniques.

- **NON-LETHAL WEAPONS**

- **Chemical Agents:** Chemical agents are chemical compounds that temporarily disable subjects due to their noxious contamination of skin, eyes, mucous membrane and respiratory tract. Chemical agents are intended to temporarily immobilize a subject with a minimal potential for causing death or serious physical injury, causing death or serious physical injury, permanent, disability or permanent disfigurement.
- **Conducted Energy Weapon (CEW) (Taser):** A conducted energy device which projects two darts or acts as a drive stun device and delivers an electrical signal to cause muscle, motor, and sensory skill dysfunction. Conducted Energy Weapons are intended to temporarily immobilize a subject with a minimal potential for causing death or serious physical injury, causing death or serious physical injury, permanent, disability or permanent disfigurement.
- **Impact Weapons:** An impact weapon is any object used for striking. Impact weapons that are primarily used to strike and control a subject such as an expandable baton (ASP or Peacekeepers).
- **Impact Munitions:** are munitions, used with a dedicated non-lethal impact device, used with the intent to cause pain, and at times sufficient blunt trauma to disorient or incapacitate an individual. As such, some degree of injury is expected. This is necessary to achieve compliance or a momentary degree of incapacitation.

- **DEADLY FORCE:** Techniques used as a last resort, which may result in imminent death, great bodily harm, or permanent disfigurement, such as the use of a firearm or impact weapon strikes to the head.

UNAUTHORIZED ACTIONS

1006.5 The Daytona Beach Police Department realizes and acknowledges that intense, uncertain, and/or rapidly evolving confrontations, an officer may have to:

- Reasonably use techniques, weapons, and/or improvised weapons that are not part of the agency's formal training program, or are not specifically covered in this policy;
- Use a technique or a weapon that is not in conformity to current training;
- Use a technique or weapon that due to the suspect's actions has an unintentional impact point, or an outcome that is not part of the agency's training curriculum.

1006.6 All actions that are deemed reasonable in retrospect will not subject the officer to disciplinary action, even though the specific action and/or operation are not specifically addressed in this policy.

TOTALITY OF CIRCUMSTANCES

1006.7 The totality of circumstances and actions of the subject will determine the amount of force necessary to gain control of the subject and deescalate their actions.

1006.8 Situational Factors to Consider:

- **SUBJECT FACTORS**
 - Seriousness of the crime committed by the subject.
 - Immediacy of the threat
 - Size, age, weight, behavior or demeanor.
 - Apparent or stated physical ability.
 - Number of people involved or who may become involved.
 - Weapons possessed, available or believed to be possessed.
 - Known history of violence.
 - Whether physical evidence is likely to be destroyed.
 - Presence of innocent victims.
 - Subject's failure to comply with verbal commands.
 - Subject's combative actions and abilities.
 - Innocent bystanders who could be harmed
 - Duration of the confrontation
- **OFFICER FACTORS**
 - Size, physical ability, and defensive tactics expertise.
 - Number of members present or available to assist.
 - Immediate reactive response to sudden attack.

- Weapons or restraint devices available.
- Legal requirements.
- Department SOP Guidelines.
- **MISCELLANEOUS FACTORS**
 - Environmental factors, such as physical terrain, weather conditions, etc.
 - Presence of other persons.
 - Proximity of subject to Officer and others.
 - Non-criminal nature of incident (Baker Act, Marchman Act, or mentally handicapped individual)

INCIDENT REPORT

1006.9 A detailed incident report will be completed by the primary (arresting) officer (unless injured) and submitted before the end of their tour of duty. The report shall include:

- The number of subjects and officers involved;
- Names and statements made by those involved;
- The specific tactics used by the officer(s) and to what part of the body these tactics were applied;
- The names, addresses and telephone numbers of witnesses not involved in the incident;
- Photographs and/or video of the officer(s) involved if the incident resulted in injury to the officer or damage to the officer's uniform;
- Photographs of any injuries sustained by the subject;
- Whether the subject intentionally inflicted the injury to the self, others or, officer;
- Age, sex and physical size of the suspect(s) involved;
- Suspect(s) proximity to weapons if applicable;
- Knowledge of recent alcohol, prescription drug or illegal drug use by the subject;
- Medical treatment required for officers or subjects, or the offer/refusal of medical treatment;
- Nature of post arrest restraint procedures. Type of restraint, position of subject and how long was subject restrained;
- Method and circumstances of transportation, including the subject's position.

1006.10 Each officer present or assisting in the arrest or incident requiring force shall submit a supplement incident report describing the entire incident before their tour of duty ends.

APPROVED NON-LETHAL DEVICES

1006.11 The following are a list of approved non-lethal weapons and impact munitions approved for use by the Department:

- Oleoresin Capsicum solution is a chemical agent which is applied through spraying. It shall be non-alcohol based and issued by the Training Unit only;

- The ASP and Peacekeeper expandable batons are authorized for Department personnel;
- X-26 (E&P) Conducted Energy Weapon (Advanced Taser) device is an electronic defensive device issued to sworn, trained personnel, for the purpose of subduing a violent, non-complaint, or combative subject;
- Pepper ball Launching System (PLS) is a unique non-lethal chemical agent delivery system that uses high pressure air launchers to deliver projectiles from a distance.
- Non-Lethal Impact Munitions: 12 Gauge Bean Bag Rounds, 12 Gauge Rubber Pellet Rounds, 40mm Sponge Rounds which may or may not carry OC or CS payloads, 40mm Wooden Baton Rounds and 40mm Rubber Pellet Rounds.
- 12 gauge non-lethal shotgun and the 40mm Launcher.
- Or other items which may, in an emergency situation be at hand and not used or intended to be used to inflict great bodily harm or death. The intent being solely for self-defense of another.

NON-LETHAL FORCE: INVOLVED OFFICER RESPONSIBILITIES

1006.12 Whenever a sworn member engages in the use of non-lethal force or bodily harm (including the use of non-lethal weapons), either accidentally or in the performance of official duties, he or she shall take the following action:

- Notify the Communications Center and the on-duty supervisor immediately of the situation and location;
- Secure the scene and any evidence and coordinate pursuit of suspects.
- Request emergency/medical personnel for any injured subjects;
- If another human being is injured, determine the physical condition of the subject and assist if necessary;
- Remain at the scene (unless injured or pursuing suspects) until the arrival of the appropriate supervisory and designated investigative personnel, unless the need exists to move to a safe location.

1006.13 Involved officers shall provide to the requesting on scene supervisor information needed to ensure the integrity and the security of the incident scene, and the safety of individuals present. This information shall include the following, but not be limited to:

- Type of force used and type of non-lethal weapon used;
- Location of any injured persons;
- Description of any at-large Suspects and the direction of travel, time elapsed since they were last seen, and any suspect weapons;
- Description and location of any known victims or witnesses;
- Description and location of any known evidence;
- Other information as necessary to ensure officer and public safety and assist in the apprehension of any at-large suspects.

NON-LETHAL FORCE: INCIDENT SCENE CONTROL

1006.14 Upon arrival at the scene of a police officer-involved non-lethal weapon usage, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor and shall:

- Confirm emergency medical personnel are enroute for injured persons, if necessary;
- Notify the supervisor of the severity of the involved officer's injuries, if applicable;
- Obtain suspect information and provide it to responding units;
- Secure the immediate area to prevent contamination of the incident scene and evidence, if possible.

1006.15 As other responding officers arrive, an appropriate number of officers shall be strategically posted along the outer perimeter if necessary.

NON-LETHAL FORCE: SUPERVISOR RESPONSIBILITIES

1006.16 The Supervisor shall be immediately notified of each incident involving the use of non-lethal force by an officer when the use of force results in:

- Any injury to an officer.
- Any injury to a suspect, whether evident or claimed.
- Any injury to a citizen.
- The use of any weapon.
- The use of a chemical agent.

1006.17 Upon notification of the use of non-lethal force the Supervisor shall:

- Immediately respond to the scene and investigate the incident;
- Ensure that medical assistance is provided if needed;
- Notify the on-duty Lieutenant, and explain the severity of the involved officer's injuries or subjects injuries, if applicable;
- Obtain suspect information and provide it to responding units;
- Secure the immediate area to prevent contamination of the incident scene, if possible. Ensure all video, documents, evidence is maintained and submitted.
- Review all video, documents, and evidence before submitting an incident report before the end of their tour of duty;
- Complete the Response to Resistance/Blue Team Report as soon as possible or within 72 hours of the incident, if there is video or documents that are reviewed or corrected and completely, and accurately explain the need to use non-lethal force, or deadly force and specify what type of force was used.
- The supervisor shall ensure that medical treatment is made available if necessary or, if offered and refused, the supervisor shall document said refusal on the Response to Resistance/Blue Team Report and ensure the refusal is indicated on the incident report.

1006.18 The on-duty Lieutenant shall:

- Review any video, documents, evidence and Response to Resistance/Blue Team Report
- Notify the chain of command.

NON-LETHAL FORCE: PROCEDURES FOR MEDICAL AID

1006.19 Whenever an officer or civilian is injured due to the use of a non-lethal weapon, the officer shall be required to complete the following:

- Call for immediate appropriate medical assistance if needed;
- Notify their supervisor;
- Complete the proper incident report.

1006.20 Once a subject has been sprayed with a chemical agent and successfully restrained then, the subject's medical condition will be closely monitored.

1006.21 The breathing and consciousness of the subject should be closely observed. If significant difficulty in breathing develops, the subject appears to lose consciousness, or any other significant physical distress occurs then, the officer shall immediately arrange for emergency medical treatment and notify the supervisor.

1006.22 If the subject's condition requires transport to a hospital then, the hospital shall be notified prior to arrival to ascertain if the hospital personnel want to decontaminate the subject prior to bringing them into the hospital.

1006.23 Unless absolutely necessary (hostile crowds, violent situations), officers should not transport a subject who was sprayed with a chemical agent in a car or transport van for fifteen to twenty minutes after spraying. (This time will give the chemical time to dissipate and not affect the transporting officer).

USE OF DEADLY FORCE

RESTRICTIONS ON THE USE OF DEADLY FORCE

1006.24 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 officers may display a firearm for the purpose of obtaining and maintaining control of a situation.

1006.25 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.

1006.26 Shooting at or from a moving vehicle is a dangerous and generally ineffective practice. Officers threatened by oncoming vehicles should make every attempt to move from the vehicle's path. Firearms shall only be fired at a moving vehicle when a person in the vehicle is immediately threatening the officer or another person with death or great bodily harm.

- Officers shall not discharge their firearms from a moving vehicle, except in exigent circumstances and in immediate defense of life.

Note: It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to articulate clearly the use of deadly force. Factors that may be considered include whether the

officer's life or the life's of others were in immediate peril and there is no reasonable or apparent means of escape.

UNAUTHORIZED USE OF DEADLY FORCE

1006.27 Police officers will not discharge their weapons when doing so will unnecessarily endanger innocent people.

- Police officers shall not discharge their firearms in defense of property;
- Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions.
- Retreating or repositioning is not a sign of weakness or cowardice by an Officer; it is often a tactically superior police procedure rather than the immediate use of force.
- Police officers shall not discharge their firearms to subdue a fleeing individual who presents **NO** threat of imminent death or serious physical injury to themselves or another person present, unless exigent circumstances arise during the course of the fleeing.

1006.28 The following practices are forbidden:

- Firing into crowds.
- Firing over the heads of crowds.
- Firing warning shots.
- Firing at escaping prisoners, regardless of pending charges or convictions and who do not pose an imminent threat of death or great bodily harm.
- Firing into buildings, enclosures or through doors when a threat is not visible.
- Firing at vehicles when the vehicle is used as a weapon in an aggravated assault, once any immediate danger has passed.
- Using deadly force when circumstances do not provide a high probability of striking the intended target, or when there is substantial risk to the safety of innocent bystanders or police officers.

1006.29 Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat. (See shots to destroy animals below).

REPORTING THE ACCIDENTAL DISCHARGE OF A FIREARM

1006.30 Whenever an officer accidentally discharges a Department issued firearm, or Department approved firearm, while on or off-duty, for any reason other than training or recreation, they shall immediately report the incident to the on-duty supervisor.

- This notification shall pertain to Department issued firearms and firearms approved by the Department for back-up/off-duty carry.

1006.31 The on-duty supervisor will ensure the Office of Professional Standards is notified.

1006.32 Professional Standards detectives will respond to the scene for investigation. This investigation shall include, but not be limited to:

- Circumstances involved in the accidental discharge;
- Potential directives violations;
- The level of officer negligence involved in the discharge (i.e.: failing to have the firearm secured in a holster).

1006.33 Whether the accidental discharge occurred on or off-duty, the on-duty supervisor will complete an incident report documenting the circumstances of the discharge, before the end of their tour of duty.

1006.34 The on-duty supervisor shall complete a Response to Resistance/Blue Team Report as soon as possible or within seventy-two (72) hours depending on if there is video or documents that are reviewed or corrected in all accidental discharge incidents.

SHOTS TO DESTROY ANIMALS

1006.35 The use of deadly force on an animal is justified under the following conditions:

- When the animal is so badly injured, that humanity requires it be relieved from further suffering.
- The animal is determined to be vicious at which time it should be destroyed in accordance with the same rules set forth for self-defense and the defense and safety of others.
- The officers K-9 animal(s) are in jeopardy of being attacked by another animal.

1006.36 A seriously injured animal may be destroyed only after:

- An attempt is made to contact the owner of the animal, (situation permitting) and if contacted, permission is received to destroy the animal. If the owner is not contacted then supervisor permission is required when feasible.
- Every attempt must be made to request assistance from the agency or personnel responsible for the disposal or control of animals, such as: the Humane Society, Animal Control, and the Florida Fish, and Wildlife Commission. Northeast Region Office # (352) 732-1225.

1006.37 Officers shall perform the following whenever an animal is destroyed in conformance with Florida State Statute:

- Ensure that the discharge of a firearm will not endanger the public or property;
- Make every effort to accomplish this outside the view of the public;
- The officer will arrange for the pickup and disposal of the carcass;
- The officer will prepare a report that documents the incident;
- 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;
- There is no requirement to file a Subject Resistance Report.

1006.38 Only persons under contract with the Florida Game and Fish Commission as nuisance alligator trappers or their agents and assistants, who have been approved by the executive director or his/her designee, and licensed in accordance with FSS 379.3751, shall take possession and kill nuisance alligators as authorized by permit.

Thus, when time permits and no life is in danger, and an animal needs to be destroyed, a supervisor shall be contacted and a shift Lieutenant notified and shall give consent only after contacting Florida Game and fish if it is deemed a wild animal, endangered or protected.

DEADLY FORCE: INVOLVED OFFICER RESPONSIBILITIES

1006.39 Whenever a sworn member engages in the use of deadly force or force that results in bodily harm (including the use of firearms or non-lethal weapons), either accidentally or in the performance of official duties, he or she shall take the following action:

- Notify the Communications Center and the on-duty Supervisor immediately of the situation and location;
- Secure the scene and any evidence, and coordinate pursuit of suspects.
- Request emergency/medical personnel for any injured subject;
- If another human being is injured, determine the physical condition of the subject and assist if necessary;
- 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 member at the scene might cause a more hazardous situation to develop, the member shall move to a safe location and immediately notify the Communications Center and supervisor. In the event the officer is forced to move to a safe location every effort should be made to secure any weapon(s) involved in the incident prior to leaving the scene.

1006.40 Involved Officers shall provide to the requesting on-scene Supervisor information needed to ensure the integrity and security of the incident scene, and the safety of individuals present. This information shall include the following, but not be limited to:

- Type of force used;
- Location of any injured persons;
- Description of any at-large suspects and the direction of travel, time elapsed since they were last seen, and any suspect weapons;
- Description and location of any known victims or witnesses;
- Description and location of any known evidence;
- Other information as necessary to ensure Officer and public safety and assist in the apprehension of any at-large suspects;
- Safety of the officer will take precedence over securing the scene and weapons. Once the scene is secured and first aid is rendered, personnel on the scene shall establish both an inner perimeter and outer perimeter following the requirements of C.I.D;
- The involved member is not to be continually questioned at the scene. After initial information is ascertained from the initial on-scene supervisor, additional information may be obtained in later interviews as governed by law, Departmental directive and specific collective bargaining agreements.

1006.41 While on scene, the involved officer will not discuss the incident with anyone except:

- On scene supervisory and designated investigative personnel;
- An attorney retained by the involved officer/s;
- Their union representative;
- The officer may give a voluntary statement to assist the investigation.

1006.42 Involved officer formal statements:

- The Shooting Team shall request a formal statement by the involved officer within seventy-two (72) hours of the incident.

1006.43 Prior to making any formal statement to the Shooting Team, the involved officer may participate in a walk-through of the incident scene.

DEADLY FORCE: INCIDENT SCENE CONTROL

1006.44 Upon arrival at the scene of a police officer-involved shooting, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor and shall:

- Confirm emergency medical personnel are enroute for injured persons, if necessary;
- Notify the supervisor of the severity of the involved officer's injuries, if applicable;
- Obtain suspect information and provide it to responding units;
- Secure the immediate area to prevent contamination of the incident scene, and evidence if possible.

1006.45 As other responding officers arrive, an appropriate number of officers shall be strategically posted along the outer perimeter.

1006.46 The first officer or supervisor arriving on scene shall establish Incident Command, using the ICS and secure the area to prevent contamination of the incident scene. This shall include, but is not limited to:

- Controlling entry into the inner perimeter by establishing a designated entry control point;
- Establishing a command post at the outer perimeter and near the entry control point location of the outer perimeter. The Mobile Command Post may be utilized for this location if necessary.
 - All law enforcement personnel, media representatives, State Attorney's Office representatives, and others responding to the crime scene shall be directed to the designated command post;
 - The on-scene supervisor, or designee, shall communicate to all responding personnel a safe route into the incident scene, including the location of the entry control point(s), and command post location;
- The officer posted at the entrance shall record the names of all personnel entering the inner perimeter;
 - Entry into the inner perimeter is limited to those persons who are assigned an active role in the investigation;
 - Law enforcement personnel who enter the inner perimeter shall submit incident reports to the Shooting Team Supervisor within 24 hours

- The on-scene supervisor or designee shall be responsible for coordinating all activities occurring within the incident scene until relieved by the Shooting Team Supervisor;
- Ensure initial photographs of the involved officer's uniform are taken for evidentiary purposes. If the officer's firearm is still in the gun belt, photograph it as well.
- Protect the member's weapon (if applicable) and submit it to the designated investigative personnel. **DO NOT** relieve the involved officer(s) of their firearm(s) unless directed to do so by a shooting team member.
- If a firearm is taken into custody, the sworn member will be issued a replacement firearm without delay. If the incident occurs at a time when equipment personnel are not on duty, one shall be called out to replace the firearm prior to the involved officer's end of shift.
 - The on-duty District Captain or designee, in conjunction with the Shooting Team Supervisor in charge of the investigation, is responsible for ensuring the replacement weapon/firearm is provided to the involved officer by the Training Division.

DEADLY FORCE: SUPERVISOR RESPONSIBILITY

1006.47 The shift supervisor or the on-scene supervisor or designee shall:

- Proceed immediately to the scene and assign personnel to assist the involved officer;
 - In order to maintain the integrity of the investigation, the on-scene Supervisor shall assign an officer not directly involved in the incident to accompany the involved officer until relieved by investigators of the Shooting Team.
 - If there are multiple involved officers, they shall be separated and assigned accompanying officers. The on-scene supervisor shall direct each accompanying officer to:
 - Refrain from discussing the details of the incident with the involved officer, and ensure medical aid is rendered.
 - Assist officer(s) in notifying family members.
 - Regard the involved officer(s), weapon or firearm(s), and his/her uniform as evidence (e.g., blood spatter on clothing). **DO NOT** relieve officer(s) of their weapon(s).
 - Do not impound any item unless directed to do so by the Shooting Team Supervisor or Shooting Team Investigator.
 - Ensure all video, documents, evidence is maintained and submitted. Review all video, documents, or other evidence before a report submission;
 - The Sergeant or designee shall submit an incident report before their tour of duty ends; and
 - Submit or allow a designee to submit a supplemental report (via the current report writing electronic software) about their actions as soon as possible or within seventy-two (72) hours depending on if there is video or documents that are reviewed or corrected.

- As soon as practical, the on-scene supervisor should ensure the involved officer is escorted to a vehicle or other nearby location away from the immediate area of intense activity. (See removal of an officer below).
- The on-scene supervisor, or designee, is responsible for briefing the Shooting Team Supervisor upon arrival.
- The on-scene supervisor shall ensure crucial witnesses (including officers) are separated and remain on scene, but removed from the area of intense activity.

1006.48 The Shift Supervisor or designee and/or the on-scene supervisor designee shall:

- Ensure the scene is secured.
- Gather information for a preliminary/review investigation, such as:
 - Type of force used;
 - Location of any injured persons;
 - Description of any at-large suspects and the direction of travel, time elapsed since the suspect was last seen, and any suspect weapons;
 - Description and location of any known victims or witnesses, to include the first responding officers;
 - Description and location, preservation of any known evidence;
 - Other information as necessary to ensure officer and public safety and assist in the apprehension of any at-large suspects;
 - Only essential personnel and supervisors(s) will be allowed on scene. These include the involved officer, involved officer's supervisor, Lieutenants, Captains, Deputy Chief, Chief of Police, Shooting Team Members/CID, Professional Standards Members, P.I.O., Assistant State Attorney/Investigators, or other personnel as requested by the on scene supervisors;
 - The decision to utilize a Crime Scene Technician for incidents involving the discharge of a firearm and/or use of deadly force shall rest with FDLE or CID. The detective(s) assigned to the respective investigating agency charged with the investigation shall be responsible for all evidence collection decisions at such scenes.

1006.49 The Shift Supervisor or designee will ensure that a detailed written incident report of the incident is completed and copies forwarded to the following personnel before their tour of duty ends, after reviewing all video footage, documents or evidence:

- Captains;
- Chief of Police;
- Deputy Chief of Police;
- Public Information Officer;
- Designated Investigative Personnel.

1006.50 In incidents involving an officer's intentional firearm discharge, or use of force or other action resulting in death or great bodily harm, the following documentation protocols shall be adhered to:

- The on-scene supervisor or designee shall ensure the documentation (incident report) of the precipitating event leading to an officer's response to resistance or other action causing death or great bodily harm, or an intentional firearm discharge at a suspect or detainee, is completed by an officer not directly responsible for the use of force or action before their tour of duty ends, after reviewing all video footage, documents or other evidence.
- Officers who witness the precipitating event, the intentional firearm discharge, or the response to resistance or action resulting in death or great bodily harm and who did not have a significant role in the response to resistance or action causing the death or great bodily harm shall complete an appropriate supplemental incident report documenting their observations and submit it before the end of their tour of duty.
- The Sergeant or designee shall complete an electronic report as soon as possible after reviewing any video, documents, or other evidence within 72 hours if there is video or documents that are reviewed or corrected.
- With the exception of a required Response to Resistance/Blue Team Report, an involved officer's formal statement to either Shooting Team Investigators, or Internal Affairs Investigators, may suffice for documentation of their observations and actions in the incident.

NOTIFICATIONS FOR DEADLY FORCE

1006.51 The on-duty supervisor will ensure the on-duty shift Lieutenant is notified. The Lieutenant shall respond to the scene and will notify the following personnel:

- The Chief of Police;
- Deputy Chief of Police;
- Office of Professional Standards;
- The appropriate Captain(s) including the Criminal Investigations Division Captain or designee;
- The CID Captain or designee will notify the Shooting Team;
- The CID Captain or designee will notify; the Crime Scene Unit
- Public Information Officer;
- Victim Advocate;
- Critical Incident Stress Management Team;
- Police Legal Advisor, and
- State Attorney's office.

REMOVAL OF THE INVOLVED OFFICER FROM THE INCIDENT SCENE

1006.52 Only the on-scene supervisor, Lieutenant, Captain, Shooting Team Supervisor, Professional Standards Member, Deputy Chief, or Chief of Police may authorize the removal of the involved officer(s) from the incident scene;

1006.53 Under circumstances where the safety of the involved officers may be in jeopardy due to a hostile crowd, the on-scene supervisor, Shooting Team Supervisor, or command staff member may authorize the removal of the involved officer(s) from the incident scene by the accompanying officers.

SHOOTING TEAM RESPONSIBILITIES

1006.54 The Shooting Team Supervisor or designee shall notify the Communications Center, via radio, when incident command changes from the on-scene supervisor to the Shooting Team Supervisor.

1006.55 The Shooting Team Supervisor shall notify the District Captain or designee in the involved officer's Chain of Command.

1006.56 The primary investigator from the Shooting Team or designee, as appropriate, shall conduct the on-scene investigation and:

- Be responsible for advising the involved officer of the procedures to be followed.
- May provide an opportunity for the involved officer to conduct a walk-through of the scene prior to giving a formal statement.
- Secure, as evidence, any firearm or weapon used by an involved Officer during any incident resulting in death or injury to another person. This should be completed at the Department unless circumstances dictate otherwise.

1006.57 Participants in Shooting Team interviews of the involved officer(s) shall be limited to:

- Shooting Team Investigators
- Representative of the Involved Officer, if requested

1006.58 As soon as practical, the Shooting Team Supervisor or designee and the lead investigator or designee shall provide the Deputy Chief, Chief of Police and appropriate Captains with the preliminary/review findings.

1006.59 The Shooting Team is responsible for the completion of the criminal Investigation report documenting the intentional firearm discharge (regardless of injury), or use of force resulting in death or great bodily harm.

SUPPORT SERVICES FOR THE INVOLVED OFFICERS

1006.60 The appropriate Training Unit supervisor shall serve as the point of contact for the involved officer regarding the investigative and administrative protocols and shall coordinate the Support Division to ensure the scheduling of any appointments the involved officer(s) is required to attend.

1006.61 The Department encourages family members of the involved officer to also take advantage of counseling services offered by the City of Daytona Beach Employee Assistance Program (EAP) or other service providers of their choosing.

1006.62 Critical incident stress debriefing for members involved shall be provided.

VICTIM ADVOCATE UNIT RESPONSIBILITIES

1006.63 A Supervisor may call out the Victim Advocate.

1006.64 Victim advocate responsibilities include:

- The Victim Advocate Unit shall ensure appropriate support services are promptly available for the involved officer and shall coordinate the following services, as needed:
- Emotional support, including follow-up support, for the following persons:
 - Involved officer
 - Involved officer's family Members
 - Citizens directly Involved in the Incident
 - Other officers Involved in the Incident

RESPONSE TO RESISTANCE/BLUE TEAM REPORT

1006.65 A Response to Resistance/Blue Team Report shall be completed by the on-scene supervisor or designee as soon as possible or within 72 hours if there is video or documents that are reviewed or corrected of the incident. The Response to Resistance/Blue Team Report shall be completed anytime an officer takes an action that results in, or is alleged to have resulted in:

- A officer used or is alleged to have used any force against any individual which results in, or is alleged to have resulted in injury or complaint of injury;

1006.66 While Takedowns, Pain Compliance and/or Restraint Devices do not require a Response to Resistance/Blue Team Report, these instances will need to be clearly documented in the officer's incident report/affidavit to include photos as appropriate.

1006.67 The supervisor in every instance where deadly or non-lethal force is used and anyone of the following situations result will ensure accuracy of the Response to Resistance/Blue Team Report, but not be limited to:

- Any injury to an officer;
- Any injury to a suspect whether evident or claimed;
- Any injury to a citizen;
- The use of any weapon;
- The use of a chemical agent;
- The suspect is being charged with resisting an officer with violence.

1006.68 The following information must be present on the Response to Resistance/Blue Team Report:

- The name of the officer(s) involved;
- The type of force used;
- Weapon serial numbers if applicable;
- Name of suspect(s)
- The causes for the actions taken including all reasonable suspicion and probable cause;
- Any statements made by the subjects, officers, or other involved persons which outline the contributing factors and the totality of circumstances.

1006.69 The Response to Resistance/Blue Team Report is structured and includes a supervisor's narrative. The narrative will include:

- Specifically what circumstances caused any deadly or non-lethal force to be used and what techniques were employed;
- Specific resistance encountered;
- The type and extent of injuries and who incurred them;
- Whether anyone involved received treatment.
- Specific training deficiencies identified and recommended corrective action.

1006.70 The immediate supervisor will complete the Response to Resistance/Blue Team Report as soon as possible and submit it with the original report within 72 hours depending on if there is video or documents that are reviewed or corrected ensuring the following:

- If there is a body camera video or other video, then the supervisor shall review it before creating the Response to Resistance/Blue Team Report.
- If there are documents or other evidence available the documents or evidence shall be reviewed prior to completing the Response to Resistance/Blue Team Report.

1006.71 In deadly force situations, the comment and narrative sections of the Response to Resistance/Blue Team Report shall reflect, "Investigation being conducted by: (FDLE, CID, and/or IA). Refer to final report for details and recommendations."

1006.72 The Response to Resistance/Blue Team Report will be forwarded/available electronically to the listed levels of authority for a documented review and (electronic)/signatures including the following sections/personnel beginning with:

- From the Supervising Sergeant to;
- The Shift Lieutenant or designee who will review, sign and forward it to the Captain within 24 hours;
- The appropriate District Captain or designee who will review, sign it (electronically with a check mark) within 24 hours and forward it to the Training Section, and the Office of Professional Standards and make it available to the Deputy Chief of Police and Chief of Police within 24 hours;
- The Use of Force Review Board, if great bodily harm or death is involved. shall receive a copy provided by Professional Standards.
- The Blue Team report will be available to the Deputy Chief and Chief of Police who is the defined level of authority within 24 hours of the Captain receiving it and either may review them.

1006.73 The Response to Resistance/Blue Team Report is to be used to identify areas where a need for additional training is observed: Training deficiencies observed during the Response to Resistance/Blue Team Report procedures should be documented in a memo and forwarded to the Support Services Training Unit Supervisor for further review and training coordination.

1006.74 The original incident police report will be processed and filed in the Records Section complete with all attachments. The Response to Resistance/Blue Team Report is for internal training use only. The form shall be stored in the Office of Professional Standards section and is not part of the incident report. The Response to Resistance/Blue Team Report shall not be admissible into any judicial proceeding, unless court ordered.

ADMINISTRATIVE REVIEW OF THE USE OF FORCE

1006.75 The Office of Professional Standards shall forward all Response to Resistance/Blue Team Reports to the Training Unit for a secondary review, after entry into the IAPro database for tracking and monitoring purposes. The parameters for tracking alert triggers of incidents involving an officer relative to the database shall be determined by the Office of the Chief of Police.

1006.76 In the event that the Professional Standards database alert is triggered on a particular officer, the Office of Professional Standards shall forward an alert review project to the affected Division.

- The affected Division shall conduct a review of each individual incident of the involved member, within the established parameters set.
- Any findings and/or recommendations pursuant to the alert reviews shall be documented in a memorandum and forwarded to the Office of the Chief of Police for review and approval.

1006.77 The Training Unit shall conduct an initial review and analyze each electronic report generated for content, policy violations, policy failures, and/or potential training issues, trends, techniques, weapons, locations, offenders, etc.

1006.78 Professional Standards alert reviews may address member involvement in multiple Incidents, including but not limited to, use of force, firearm discharges, citizen's complaints, administrative Investigations, vehicular crashes, and vehicle pursuits.

1006.79 The Department shall conduct a review and continuous analysis of all use of force applications and review for the following:

- Discharge of a firearm or use of a non-lethal weapon, for other than training or recreational purposes;
- Whenever a member takes action that results in, or alleged to have resulted in, injury or death to another person;
- Application of force via the use of lethal or less-than-lethal weapons;
- Application of weaponless physical force as defined by the agency.
- Any use of force application which results in injury, death, great bodily harm including accidental, whether the outcome was the intended or unintended result of the use of force incorporating or great bodily harm death resulting from non-deadly use of force applications.

1006.80 The Office of Professional Standards shall conduct an annual review and analyze each Response to Resistance/Blue Team Report generated for content, policy violations, policy failures, and/or potential training, issues, trends, techniques, weapons, locations, offenders, etc. The Professional Standards office will send the Accreditation Office a copy of their findings and recommendations for any policy changes annually or as needed.

1006.81 Professional Standards shall make the annual use of force review available to officers or supervisors who request to see it.

USE OF DEADLY FORCE INVESTIGATIONS

1006.82 In order to maintain the trust of the public and ensure an impartial investigation, the Florida Department of Law Enforcement may be requested to investigate all incidents of deadly force resulting in great bodily harm or death.

1006.83 In order to maintain the integrity of the investigation, members of the Daytona Beach Police Department will refrain from taking a role in the FDLE investigative process, unless specifically requested by FDLE Investigators and approved by the Chief of Police or designee. In the event FDLE declines the Department's request for assistance, the Criminal Investigation Division will take the lead role in the investigation.

NON-DISCIPLINARY RELIEF FROM DUTY

1006.84 In every instance in which a Sworn Officer is involved in an incident which causes great bodily harm, or uses deadly force, the member shall be removed from the line of duty and placed on administrative leave with pay and assigned to an Administrative Duty Status (see below), until a preliminary/review of the events and circumstances surrounding the incident are concluded. The preliminary/review shall immediately follow the incident and initial on-scene investigation to include but not be limited to the following:

- The involved officer shall initially be placed on administrative leave for a minimum of 72 hours followed by an administrative assignment or as directed by the Chief of Police or designee.
- The purpose of this action is to allow the involved officer adequate time to adjust emotionally, and to ensure their availability for follow-up interviews.
- Potential violations of Department directives;
- Potential violations of State Statute;
- Any other information learned during the initial on scene investigation;
- Any other action the Chief of Police deems necessary and applicable;
- Any exceptions to this subsection require the approval of the Chief of Police.

1006.85 Based on the preliminary/review, the Chief of Police may assign the officer to limited duty, not subject to performing a full range of certified law enforcement officer duties, and/or requiring satisfactory firearms qualification.

1006.86 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.

1006.87 The officer shall be available during normal business hours for Professional Standards and other matters directly pertaining to the use of force incident. The officer shall remain subject to recall to duty at any reasonable time while on Administrative Duty Status.

1006.88 Prior to returning to full duty status, the member shall be required to consult with and be cleared by a Department furnished psychologist. This appointment shall be made by the Training Unit Sergeant.

1006.89 If a firearm was used, the member will be required to requalify with their firearm before returning to duty.

1006.90 Officers are required to obey all court subpoenas while on Administrative Duty Status.

VIDEO FOOTAGE

1006.91 ALL video footage, from City owned cameras is property of the City of Daytona Beach and will **NOT** be altered in any way. Failure to comply with this may result in discipline up to and including termination.

1006.92 All video footage, from City owned cameras, pertaining to the interaction of the event will be provided to FDLE upon an investigation by them without hesitation. **NO** footage **WILL** be altered in any way to do so may result in discipline up to and including termination.

1006.93 Video footage is considered evidence and **WILL NOT** be viewed by anyone other than the officer (s) directly involved in the incident, the supervisor immediately involved in the incident and persons directly involved in the chain of command of the incident. Florida State Statute will be followed when any representative or legal counsel is requesting video or video footage. Failure to adhere to this direction will result in discipline.

OFFICE OF PROFESSIONAL STANDARDS RESPONSIBILITIES

1006.94 Professional Standards shall review every incident involving the discharge of a firearm and/ or the use of deadly force, including all use of force applications resulting in death or great bodily harm, whether accidental or not.

1006.95 The Office of Professional Standards shall investigate every incident involving the use of non-lethal force incidents.

1006.96 Assigned Professional Standards detectives shall respond to all scenes of incidents involving the discharge of a firearm and/or the use of deadly force, including all use of force applications resulting in death or great bodily harm, whether accidental or not.

1006.97 The Office of Professional Standards shall respond to the incident scene and their role shall be to conduct an administrative preliminary/review and use of force review.

- Professional Standards Investigators **SHALL NOT** be present during, or remotely monitor, any interview of an involved officer with the Shooting Team.
- Professional Standards Investigators shall have access to the written transcripts and recordings of the involved officer's interview with the Shooting Team.
- Unless otherwise directed by the Deputy Chief or Chief of Police, the Office of Professional Standards shall conduct an administrative investigation once the Shooting Team investigation is complete and after any grand jury proceedings have concluded (as appropriate).

1006.98 Unless otherwise directed by the Chief of Police or designee, or as required by other policy, the administrative investigation shall adhere to established protocols, to include:

- Review of all documents, recordings, and videos related to the incident.
- Review of applicable policies and procedures.
- Completion of an investigative report.

1006.99 An Administrative Leave/Relief of Duty form shall be completed.

1006.100 The preliminary/review shall be conducted as specified in the directive and a memorandum will be forwarded to the Chief of Police with the findings derived from the Professional Standards Review.

1006.101 As soon as possible after any shooting or in cases where non-lethal force is used and death occurs, a Professional Standards member shall escort the officer(s) to a certified medical facility to provide a urine sample (see Directive 1202 Controlled Substance policy). The Professional Standards preliminary/review shall be limited to violations of specific directives, policies and training bulletins.

- This preliminary/review is for internal use only and is not to be applied in any civil or criminal proceeding, unless court ordered. Under no circumstances does this preliminary/review supersede, circumvent, or replace the investigation conducted by the Florida Department of Law Enforcement or the Criminal Investigation Division.

USE OF FORCE REVIEW BOARD

1006.102 The Chief of Police shall establish and utilize a Use of Force Review Board for all incidents involving the use of deadly force and non-lethal force which result in great bodily harm or death (excluding animals) or at the direction of the Chief of Police.

1006.103 The Use of Force Review Board shall be appointed by the Chief of Police and shall, at a minimum, consist of the following:

- Sergeant in charge of Department Training and one Officer from the Training Unit.
- A Police Captain.
- An officer from the Daytona Beach Police Department (non-supervisory) to be appointed by the Chief of Police or his/her designee. This chosen officer shall be from the same division as the officer under review.
- The Lieutenant representing the division, which the officer under review is assigned, shall serve as Chairman of the board for the duration of the review process for the specific incident.
- No member of the Department who was involved in the reviewed incident shall be appointed to the Use of Force Review Board.

1006.104 The Use of Force Review Board may call investigators, specialists or technicians required to present evidence and facts concerning any use of force.

1006.105 The Use of Force Review Board shall review any facts and pertinent testimony and forward the findings and recommendations in writing to the Chief of Police for final disposition.

1006.106 The 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 Directives.

1006.107 In those incidents where the Use of Force Review Board determines that poor judgment was used, the board may recommend additional training.

1006.108 In those incidents where the Use of Force Review Board determines that exceptional judgment was exercised, the board may recommend a commendation be issued.

1006.109 The findings and recommendations of the Use of Force Review Board shall be based on internal policies, Florida State Statute and Florida Department of Law Enforcement guidelines.

1006.110 The Chief of Police shall be the designated defined level of authority to which all findings and recommendations will be submitted for review.

1006.111 Preliminary-Review: Professional Standards shall conduct a preliminary-review of all use of force applications, whether accidental or not and whether the outcome was the intended or unintended result of the use of force incorporating great bodily harm or death resulting from non-lethal use of force applications, until closed. Under no circumstances does this investigation supersede, circumvent, or replace the investigation conducted by the Florida Department of Law Enforcement. Officers shall cooperate with Professional Standards detectives and FDLE detectives as separate entities as these are parallel investigations into the same event if an investigation is done.

ATTACHMENTS

N/A

DRAFT: SW/8-18

REVISED: JMC/10-18

REVISED: JMC/7-19

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