



DAVIE POLICE DEPARTMENT

407

RESPONSE TO RESISTANCE

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Approved: 
Stephen Kinsey, Chief of Police

I. PURPOSE:

The purpose of this policy is to establish guidelines for the response to resistance by members of the Davie Police Department. All members will be issued copies of and be instructed on this policy prior to receiving equipment that could be used for lethal or less-lethal force and before they are authorized to carry a firearm, apprehend fleeing felons or be placed in a position where they may utilize control. [4.02]

II. POLICY:

The Davie Police Department's overriding principle, which governs all law enforcement actions, is the respect for and value of human life. Members are legally vested with the formidable responsibility to protect life and property and to apprehend any suspects that have violated the law. While carrying out their official responsibilities, members (both on and off-duty) may have to use varying degrees of control, both less-lethal and lethal. It is the policy of the Davie Police Department that members shall use only the level of force that is necessary to gain control and compliance while protecting their own safety and the safety of others. [4.01] Florida State Statute (FSS), Chapter 776, generally governs and directs policy and procedure relating to response to resistance. All department members shall become familiar with, and abide by, the provisions of FSS Chapter 776. [4.01] Moreover, it is the intention of the Davie Police Department, as a matter of internal administrative procedure and policy, to direct its members to abide by more restrictive guidelines than those provided in FSS Chapter 776, as contained herein. [4.01]

Any deviation from the provisions of this policy shall place a burden of justification on the member involved. Failure to meet this burden may result in disciplinary action, termination of employment and/or criminal charges.

III. DEFINITIONS:

- A. **Compliance** –the verbal and/or physical yielding to any member's authority without apparent threat of resistance or violence.
- B. **Deadly Force** – any force which is likely to cause death or great bodily harm.
- C. **De-escalation Tactics** – Communicating verbally, non-verbally, or if necessary, taking action during a potential response to resistance 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 response to resistance or with a reduction in the control necessary.
- D. **Excessive Force** – a level of control that a reasonable and prudent officer would believe to be greater than that necessary to overcome resistance in a similar incident under similar circumstances.

- E. **Felon** – a person who the officer has probable cause to believe has committed, or is committing a crime that is punishable under Florida State Law by death or imprisonment in excess of one year in a State Penitentiary.
- F. **Forcible Felony** – are defined as the following classifications: treason, murder, manslaughter, sexual battery, carjacking, home invasion, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy; unlawful throwing, placing or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against an individual.
- G. **Great Bodily Harm** – a bodily injury that creates a substantial risk of death, serious permanent disfigurement, or long term loss of impairment of the functioning of any bodily member or organ.
- H. **Less-lethal Force** – force which, when properly used, is less likely to result in serious physical injury or death.
- I. **Less-lethal Weapon** – a weapon that is not fundamentally designed to cause death or great bodily harm.
- J. **Objective Reasonableness** – the process for evaluating the appropriateness of a member’s response to a subject’s resistance.
- K. **Probable Cause** – circumstances within one’s own knowledge and experience that is rational, trustworthy and supported by articulated facts to lead a responsible and prudent person to conclude that the information is true.
- L. **Reasonable Belief** – a state of mind supported by circumstances that would lead a prudent and reasonable officer to reach a similar judgment. Elements of reasonable belief include the member’s experience, training, perception, and the factual circumstances known to the officer at the time.
- M. **Resistance** – defined as a subject’s attempt to prevent an officer from exercising control over him/her. Resistance can be non-verbal, verbal or physical in nature.
- N. **Serious Injury** – a physical injury that creates a substantial risk of death, causes potentially permanent disfigurement, or results in long term loss or impairment.
- O. **Totality of Circumstances** – all facts and circumstance known to the officer at the time or reasonably perceived by the officer as the basis for a response to resistance decision.
- P. **Response to Resistance** – a defensive or controlling response by an officer to overcome a person’s threatened or actual physical resistance to a member’s performance of legal duty; to protect an officer or another person from physical resistance or acts of aggression that are likely to cause harm. This includes the use of deadly force.

IV. PROCEDURES:

A. GENERAL GUIDELINES

1. Totality of Circumstances

- a. While acting in the capacity of a police officer, it may be necessary to use some level of control to successfully perform one's lawful duty. In many situations, control may be achieved without the use of physical contact. In other instances, based on the resistance encountered, it may be necessary to use varying levels of physical control to control a subject's actions.
- b. Depending on the level of resistance encountered, an officer may use techniques that escalate to a level of control that is intended to influence behavior through pain compliance. These techniques would consist of touch pressure, Oleoresin Capsicum (OC) Spray, Conducted Energy Weapon (CEW), empty hand control, impact weapons, or the use of firearms.
- c. While exercising law enforcement authority, sworn personnel shall carry only those department-approved weapons (both lethal and less-lethal) for which current qualification/certification and/or proficiency has been demonstrated.

2. Subject Resistance Levels

- a. Resistance is defined as a subject's attempt to evade an officer's attempts to control. For the purpose of this policy, the following levels of subject resistance are recognized:
 - 1) Passive resistance - 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.
 - The subject refuses to take his hands out of his pockets or from behind his back.
 - 2) Active resistance – a subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing, pulling, or fleeing to prevent the officer from establishing control over the subject. Some examples of active resistance include the following:
 - The subject physically anchors himself to a person or object to prevent himself from being removed.
 - The subject braces or pulls away from the officer when the officer grips the subject's arm.
 - The subject attempts to flee/run when the officer touches or attempts to grab the subject.
 - 3) Aggressive resistance – 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 their 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.
- 4) Deadly force resistance – 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. Some examples of deadly force resistance include the following:
- A subject refuses to drop a knife when ordered to by the officer and moves toward the officer.
 - A subject shoots or points a gun at an officer or other person.
 - A subject tries to use a vehicle to run down an officer.

3. Response to Subject Resistance Levels

- a. Whenever possible, an officer should allow an individual time and opportunity to submit to verbal commands before control is used provided such delay will not compromise the safety of the officer or another person and will not result in the destruction of evidence, escape of a suspect, or the commission of a crime.
- b. Officers should try to resolve a situation with the least amount of control necessary. Command presence and verbal communication can defuse many volatile situations. Sometimes, however, these are not enough or officers may not have an opportunity to use them. An officer may have to use physical force to gain control of the situation and/or protect themselves from injury. Physical force includes physical control, the use of less-lethal weapons, and deadly force. Officers need to respond with all the force reasonably necessary for the circumstances in each specific situation as demonstrated in the *Totality of Circumstances Use of Force Continuum*.
- 1) Physical force – achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
 - 2) Less-lethal weapon – a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of less-lethal weapons include Conducted Energy Weapons (CEW), Specialty Impact Weapons, and OC Spray.
 - 3) Deadly force – force that is likely to cause death or great bodily harm. Some examples of deadly force include use of a firearm, eye strike techniques, empty-hand strike to the throat, and impact-weapon strikes to the side of the neck.
- c. Department members SHALL NOT:
- 1) Use force to punish, retaliate or coerce a subject to make statements.
 - 2) Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs.
 - 3) Transport a subject facedown.
 - 4) Use control to prevent a subject from swallowing any substance, once a subject has placed the substance in his or her mouth, or forcibly attempt to remove a substance in any way. If the subject ingest any substance, the department member shall immediately request medical assistance for the subject.

B. RESPONSE TO RESISTANCE PROCEDURES

1. If control is necessary, the officer must decide which technique(s) or authorized equipment will best deescalate the incident and bring it to a conclusion in as safe a manner as is possible. Sworn personnel are authorized to use department-approved control techniques and/or authorized equipment in order to resolve incidents as set forth in the *Totality of Circumstances Use of Force Continuum*.
2. Variables that Affect the *Totality of Circumstances Use of Force Continuum*

The Control Guidelines recognize that officers make response to resistance decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic. Formulating a valid response requires continual assessment as the situation changes. The following variables should be considered when making a decision to escalate or de-escalate the level of control:

a. Officer Factors

- 1) Physical size
- 2) Training
- 3) Experience

b. Subject Factors

- 1) Physical Size
- 2) Demeanor
- 3) Weapons

c. Environmental Factors

- 1) Presence of others
- 2) Weather
- 3) Location

d. Other Factors

- 1) Is the subject resisting a lawful authority?
- 2) Is the subject making attacking movements NOT LIKELY to cause death or great bodily harm?
- 3) Is the subject making attacking movements LIKELY to cause death or great bodily harm?

3. Escalation and De-escalation of Force **[4.01B]**

Officers may escalate to the level of force that is reasonable and necessary to resolve the situation, based on the level of resistance encountered. As the subject begins to de-escalate or lessen the resistance offered, the officer should de-escalate in a similar manner. This is not meant to imply that an officer should ease all control. Control must be maintained, but the level of force used to maintain control should de-escalate to a level commensurate of the resistance encountered by the officer. Officers should consider, if time allows, creating distance, getting behind a barrier and/or cover and communicate in an effort to de-escalate and safely control the subject.

4. Medical Considerations [4.08]

Officers using any degree of control on a subject shall ensure appropriate medical aid is provided and available to a subject when:

- a. The subject complains of injury, requests medical treatment, and if an officer observes an injury on the suspect, regardless of the type of weapon or force used; or
- b. The subject does not substantially recover from the effects of OC spray within the reasonable and expected period of time; or
- c. When directed by a supervisor.

C. LESS-LETHAL FORCE

1. Members will use only the amount of control that is reasonably necessary to protect themselves or others from harm, to affect the lawful arrest of an individual, and/or to affect other lawful objectives.
2. In many cases some level of control will be necessary to effect an arrest or to protect the officer(s) and others from harm or danger. That amount of physical control may be as low as placing a hand on an individual's body and directing that individual to place their hands behind their back for handcuffing. Depending upon the level of resistance offered, the officer may use techniques that escalate the amount of control needed to gain compliance from an individual during the arrest process. Refer to General Order 430 – *Arrest Procedures*.
3. Members shall only use agency-authorized devices and less-lethal weapons as specified in department policies.
4. Nothing in this procedure shall prevent an officer from utilizing any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a subject constitute deadly force resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the officer or others.
5. Empty hand control techniques
 - a. Empty-hand control is a physical contact technique that includes many different methods of subject control. Examples include but are not limited to, escort holds, joint locks, pressure point control methods, hand strikes and kicks.
 - b. Soft empty hand controls are techniques that present a minimal probability of injury to the subject. Techniques considered as soft empty hand tactics include, but are not limited to, touching to guide a subject's movements, escort holds, pressure point controls, etc.
 - c. Hard empty hand controls are techniques that have a higher probability of creating soft or connective tissue damage, skin lacerations, or bone fractures which require medical attention. Techniques considered as hard empty hand tactics include stunning and striking actions delivered to the subject's body with the hands, fist, forearm, leg, or foot. The target for these tactics will be major muscle structures such as the legs, arms, shoulders, or side of the neck. Strikes delivered to such muscle structures will create muscle cramping, thus inhibiting muscle

action and allowing the officer to bring the subject under control. However, in extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is even greater.

- d. The use of neck restraints, chokeholds or similar techniques that rely on cutting off the flow of oxygen to the brain are prohibited unless deadly force is justified. [4.01A] [4.10]
6. Agency authorized less-lethal weapons
 - a. OC Spray
 - b. Conducted Energy Weapons (CEWs) - Requirements for the use of CEWs are uniquely covered under FSS 943.1717
 - c. Specialty Impact Weapons
 - d. Handcuffs and restraining devices
 - 1) The purpose of handcuffs, flexcuffs and transport cuffs is to restrain the movement of a subject in a manner that allows a safe means for transporting the subject. Restraining devices, however, also can be used to prevent further physical resistance or acts of aggression by a subject.
 - 2) Whatever the application, restraining devices should be considered temporary in nature and as a means for safely achieving other goals.
 7. Members will request the fire rescue department to respond for any injury or complaint of injury, and will provide first aid within the scope of their training until the arrival of fire rescue. [4.08]

D. LETHAL FORCE

The Davie Police Department places a greater value on the preservation of life than on the protection of property. It is in the best interest of the public, the Davie Police Department, and the members of the Davie Police Department that the use of deadly force by the police balances the safety of the community and its police with the constitutional rights of the individual.

1. Members use a four criteria continuum, *Totality of Circumstances Use of Force*, for making a decision to use deadly force: Subject Factors, Officer Factors, Environmental Factors, and Other Factors.
2. Factors for determining the use of deadly force – officers use three criteria for making deadly force decisions: ability, opportunity, and intent.
 - a. Ability – Refers to the subject having the means to carry out his or her intent to cause death or great bodily harm. An officer must determine whether the subject has the necessary means to cause death or great bodily harm to the officer or others. A weapon is not required; a subject must only have the apparent ability to carry out his or her intention. If the subject seems physically able to cause death or great bodily harm, then he/she has the ability.
 - b. Opportunity – Means the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others. The subject’s weapon often determines opportunity.

- c. Intent – Is a reasonably perceived imminent threat/ability to an officer or another person based on the subject’s actions, behaviors, words, or other indicators. It is a perception derived from the totality of the circumstances. Officers should use the amount of control necessary and reasonable for the situation. If the ability, opportunity and intent are present and the officer cannot control the threat using lesser means, then deadly force is justified. Keep in mind that when resistance de-escalates, so must the response.
3. It is the policy of the Davie Police Department that members are authorized to use deadly force when it is both objectively reasonable and necessary. Examples include:
 - a. To prevent death or great bodily harm to the officer or another person;
 - b. To prevent the imminent commission of a forcible felony where there is a risk of death or great bodily harm; or
 - c. To prevent the escape of a fleeing felon whose actions provide probable cause for members to believe that a suspect poses an immediate threat of death or great bodily harm to the officer or another person.
4. Whenever feasible, authorized sworn department members shall identify himself/herself as an officer and give a verbal warning before lethal force is used.[4.01C]
5. Several factors contribute to the determination that a fleeing felon would be an immediate threat of death or great bodily harm to the officer or another person. Such factors are limited to the members having an objectively reasonable belief that:
 - a. The felon is armed and dangerous; or
 - b. The felon committed, or is committing, a felony where there is a risk of death or great bodily harm to the officer or another person.
6. Prohibited Actions: Warning shots are prohibited. [4.04]
7. Firearms shall not be discharged at a moving vehicle unless:
 - a. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle; or
 - b. A person in the vehicle is threatening the officer or another person with deadly force.
8. Firearms shall not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulable reason for this use of deadly force.

E. RESPONSE TO USE OF LETHAL FORCE PROCEDURES

1. Department Member's Responsibilities

- a. Request Fire-Rescue for any injury or complaint of injury and will provide first aid within the scope of their training until the arrival of the Fire-Rescue Department. **[4.08]** If the intended subject is the injured party, first aid shall commence only after the subject can be properly secured.
- b. Notify the on-duty supervisor. If out of jurisdiction notify the appropriate local authorities. Remain at the scene unless injured, until released from the scene by the incident commander or Criminal Investigations Division Commander.
- c. Protect items of evidentiary value, and have witnesses remain at the scene.
- d. Keep custody of their weapon(s) until directed by the Chief of Police or designee. Weapon(s) will not be tampered with or unloaded prior to surrendering them.
- e. Limit any discussion of the incident with anyone except the officer's representative, responding supervisor, and on-scene investigator, who may be given a preliminary account of the incident relative to who sustained injuries, possible witnesses, suspect information, perceived crime scene area boundaries, and items of possible evidentiary value. The involved members are to understand that a more detailed query will be conducted at a later time under the circumstances of a formal investigatory setting.

2. Supervisor's Responsibilities

a. Within Jurisdiction

- 1) Immediately respond to the scene of the incident and assume the role of scene commander for in jurisdiction incidents. He/she will maintain this role at the scene for the duration of the incident, or until directed by a ranking officer who may assume the scene responsibilities.
- 2) Make the initial scene assessment and determine the general circumstances surrounding the incident.
- 3) Will utilize the *Officer Involved Shooting On-Scene Questionnaire* for information gathering from any member that discharged their firearm.
- 4) Ensure the following department personnel are advised of the situation: Chief of Police, Assistant Chief, involved member(s) immediate supervisor, Division Commander, Criminal Investigations Division Commander and Internal Affairs investigator. A Police Chaplain may be contacted if requested by the officer.
- 5) Be responsible for preserving the integrity of the scene and directing officers to set up perimeter security measures as applicable.
- 6) Ensure the scene is not disturbed more than absolutely necessary. The supervisor will establish a controlled point of entry at a perimeter location, and post an officer at the location. The posted officer will keep a log of any person entering and leaving the scene. The log will contain the name, agency, identification number, time in/time out and purpose for entering the scene.
- 7) Designate an area away from the scene perimeter where media personnel can assemble, and where the Media Relations Unit can provide information. **[17.01]**

- 8) Direct the involved member(s) to be relocated from the scene as soon as practical and taken to a quiet location outside of the inner perimeter of the shooting scene. Member(s) should not be positioned in the rear seat of a transporting vehicle.
 - 9) Assign a companion or support member to escort and stay with the involved officer. An officer assigned this responsibility will:
 - i) Assist the involved member in notifying their family, and ascertain if transportation is needed. If the member is incapacitated, family notification will be made by command and supervisory personnel. The notification will not be made by telephone, but by physical presence. If the family is out of the tri-county area, the law enforcement agency of that jurisdiction will be contacted and requested to make family notification.
 - ii) Accompany any injured member(s) to the hospital, and remain with them until relieved.
 - iii) Secure the injured officer's weapon and equipment for safe keeping until directed to release it to an investigator, or directed otherwise by the investigator.
 - 10) If a suspect is transported to the hospital, a department member (other than the involved member) will be assigned to remain with him/her at all times to record any spontaneous statements or dying declarations, receive and preserve the suspect's clothing and preserve any other evidence.
 - 11) Direct a shift officer to complete an initial incident report and supplemental reports will be completed by all involved members.
- b. Outside Jurisdiction
- 1) Immediately ensure the following department personnel are advised of the situation: Chief of Police, Assistant Chief, Division Commander, Criminal Investigations Division Commander, Internal Affairs investigator, Media Relations Unit and union representative. A Police Chaplain may be contacted if requested by the officer.
 - 2) May respond to the scene if requested by the Chief of Police or designee.
3. Investigative Responsibilities
- a. The Chief of Police or designee will contact the Florida Department of Law Enforcement (FDLE) as soon as practical.
 - b. The Criminal Investigations Division Commander or designee will have designated detectives respond to the scene for any probable predicate criminal investigation.
 - c. The assigned Criminal Investigations Division supervisor will assume responsibility within the crime scene area and will coordinate and direct department members to:
 - 1) Ensure detectives initiate any predicate criminal investigation;
 - 2) Ensure the scene is properly documented and photographed/recorded;
 - 3) Ensure that evidence is properly collected and preserved; and
 - 4) Ensure full cooperation and coordination with Florida Department of Law Enforcement (FDLE) investigators as well as the department's Internal Affairs investigators.
 - d. Investigators may find it necessary to question members at the scene in order to establish the general circumstances of the incident and provide an effective and reasonable investigatory direction.

- e. The involved officer will be afforded all constitutional rights and FSS 112 rights (Officer's Bill of Rights) during the investigation.
- f. In the absence of a voluntary statement by the involved officer, an attempt shall be made by the lead investigator to obtain a proffer, which is a statement provided by the involved officer through their representative, concerning the incident. This allows the investigation to progress while affording the officer's constitutional rights.
- g. Any post incident information that is provided to the media will be done through the Media Relations Unit or the Chief of Police or designee. Prior to the dissemination of the information, the Investigations Division Commander will be consulted. Information planned for release should be of a nature that will not impede or compromise the investigation in any way, and will comply with current Florida State Statute governing disclosure.
- h. Marsy's Law considerations: Involved officers' information will not be released until the agency can confirm through the member and their representative that they are waiving the provisions of this law.

4. Internal Affairs Investigator's Responsibilities:

- a. An Internal Affairs investigator will respond to the scene whether or not the incident occurs within or outside the Town of Davie's jurisdiction at the direction of the Chief of Police.
- b. In instances where the event has occurred out of jurisdiction, the Internal Affairs investigator(s) will contact the respective criminal investigative unit to determine the involvement of department members and the circumstances of the incident.
- c. The Internal Affairs investigator(s) is responsible for monitoring the investigation and completing an administrative investigation.
- d. Pre-interview of involved members at the scene will be conducted by the investigators. Internal Affairs investigators may be present, but will not directly participate.
- e. A temporary replacement firearm will be provided to the involved member. The officer's Division Commander, or designee, will make said arrangements through the Internal Affairs Unit.

F. DUTY TO INTERVENE [4.01D]

Officers, while on duty, have an obligation to reasonably assess any situation in which force is being used or is imminent. Officers must assess the totality of facts and circumstances surrounding the use of force. If an officer has a reasonably objective belief that excessive force is being or is imminently about to be applied, the officer shall intervene to stop or prevent such excessive force if the intervention can be done in a reasonably safe manner for all parties involved. Officers shall forcefully announce their intention to intervene prior to or simultaneously with any action to intervene. An officer who intervenes in this manner shall immediately notify the on-duty supervisor of the action taken. The on-duty supervisor shall notify the Division Commander through the chain of command.

G. POINTING OF CHEMICAL AGENTS, LESS-LETHAL, AND LETHAL WEAPONS

1. All weapons shall be handled in a manner consistent with the Davie Police Department firearms training and safety procedures.
2. All chemical agents, less-lethal, and lethal weapons being **pointed at a subject** will require documentation in a *De-Escalation Form* to be submitted via BlueTeam, detailing the member's actions and circumstances for the action. An incident report may still be completed as needed or in accordance with regular investigative procedures. Simply drawing a firearm for safety reasons will not need to be documented in an incident report unless extenuating circumstances exist.

H. SHOOTING ANIMALS

1. In the instance of discharging a firearm at an animal the on-duty supervisor will respond to the scene and investigate the incident.
2. When a member of a specialized unit that has their supervisor on-scene with them, (e.g. the Special Response Team, Special Investigations Unit), discharges a firearm at an animal, the supervisor of the specialized unit will investigate the incident.
3. If the supervisor is the involved party they will notify their chain of command to assign an investigator.
4. A copy of the completed incident report will be forwarded to the Chief of Police or designee, who may authorize the Internal Affairs Unit to conduct an investigation.

I. TRAINING

1. All members of the Davie Police Department will receive annual training regarding this general order and the response to resistance. Training will consist of a review of this general order at the time an officer/member undergoes firearms qualification, defensive tactics instruction and less-lethal training/certification. Documentation of training will be maintained by the Training Unit in accordance with the procedures established by the Administrative Support Division.
2. All new members will receive a copy of this policy and be instructed on its contents after successful completion of the Florida Basic Recruit Training Program and prior to being authorized to carry a firearm or make an arrest. **[4.02 & 4.03]**
3. The Training Unit will be responsible for maintaining a current list of each type of department-approved lethal and less-lethal weapons. **[4.05G & 4.06D]**
4. The Training Unit will review all response to resistance incidents to determine patterns and trends, training needs, and/or necessary policy revisions. **[4.09 B, C]**

J. REPORTING

1. Reporting Procedures for Pointing of Chemical Agents, Less-lethal and Lethal Weapons

- a. All weapons shall be handled in a manner consistent with the Davie Police Department firearms training and safety procedures.
- b. All chemical agents, less-lethal, and lethal weapons being pointed at a subject will require documentation in a *De-escalation Form* to be submitted via BlueTeam, detailing the member's actions and circumstances for the action. An incident report may still be completed as needed or in accordance with regular investigative procedures.
- c. Simply drawing a firearm for safety reasons will not need to be documented in a *De-escalation Form* and/or incident report unless extenuating circumstances exist.
- d. The *electronic forms* will be reviewed (e.g. procedural conformance, training needs, etc.) and indexed within the Internal Affairs Unit.

2. Reporting Procedures for Use of Less-lethal Force

a. Member's Responsibilities

- 1) Members who use any less-lethal force while in the performance of their official duties (either on or off-duty) shall report the same to a supervisor.
- 2) In the event a member is off-duty and is involved in an incident where less-lethal force is used, the member will contact the Davie Police on-duty supervisor to report the incident. The member will also contact the agency where the incident occurred to initiate an incident report. The member will complete all necessary documentation including Davie's *Response to Resistance Report* and submit it to the Chief of Police via chain of command. The *Response to Resistance Report* is not required for the use of handcuffs unless an injury occurs.
- 3) All members who use less-lethal force shall document the incident completely in an incident or supplement report. Such documentation shall include relevant factors present that include but are not limited to, the threat posed, the resistance encountered, the force utilized, and the description of any injury to the member or suspect. Any visible signs of injury or complaint of injury by a subject as a result of the level of force used will also be included in the incident or supplement report along with the completion of a *Response to Resistance Report*.
- 4) Members shall ensure that all incident or supplement reports and any other relevant documentation (medical paperwork, video recordings, etc.) are completed and submitted along with the *Response to Resistance Report*.
- 5) Members at the scene of an incident may be required to write supplemental reports as directed by a supervisor, investigative personnel, or at the direction of the Chief of Police.
- 6) Less-lethal weapons: Members must report the deployment of OC Spray, chemical agent, specialty impact weapon, or CEW, whether on or off-duty, except those connected with agency training functions. All incidents of use of less-lethal weapons shall be reported on the *Response to Resistance Report*. The circumstances surrounding the deployment of any less-lethal weapon shall be documented in an incident or supplement report.

b. Supervisor's Responsibilities

- 1) In the event an involved member is unable to complete the *Response to Resistance Report*, the on-duty supervisor will be required to complete the *Report* and forward the report and any additional documents to the Chief of Police through the chain of command.
- 2) Submission of the reports will be timely and submitted as near to the conclusion of the event as practical, but no later than 72 hours after the incident, unless exigent circumstances prevent the member from completing any necessary reports or documents. The on-duty supervisor will be required to review the *Report*. Once reviewed, the supervisor will then forward the report and any additional documents to the Chief of Police through the chain of command.
- 3) Supervisors shall ensure that all incident or supplement reports and any other relevant documentation (medical paperwork, video recordings, etc.) are completed and submitted along with the *Response to Resistance Report*.
- 4) The on-duty supervisor shall ensure photographs of the subject and all contact areas are taken regardless of injury and submitted in accordance with General Order 105 – *Property and Evidence*. Additionally, the supervisor will attach copies of the photographs to the *Response to Resistance Report* prior to submission.
- 5) All *Response to Resistance Reports* and associated documentation (incident and supplemental reports, photos, etc.) will be submitted for review by the chain of command, including the Chief of Police or designee. Each level of authority will acknowledge review and receipt of the *Response to Resistance Report*. **[4.07B, C]**
- 6) Once approved by the Chief of Police or designee, the reporting forms and documentation will be forwarded to the Internal Affairs Unit for cataloging and storage. A copy will be forwarded to the Training Unit for review.

3. Reporting Procedures for Use of Lethal Weapon

- a. An incident report is required to be submitted whenever a department member discharges a firearm for other than training or recreational purposes. **[4.07A]**
- b. An incident report is required to be submitted, along with a completed *Response to Resistance Report* when a department member: **[4.07]**
 - 1) Takes an action that results in, or is alleged to have resulted in, injury or death of another person; **[4.12]**
 - 2) Applies control through the use of lethal or less-lethal weapons; or **[4.07B]**
 - 3) Applies weaponless physical force at a level as defined within this policy. **[4.07C]**
- c. The on-duty supervisor is required to submit the *Response to Resistance Report* on behalf of the involved member. The submission of the report and a copy of the incident report will be timely and submitted to the Chief of Police through the chain of command as near to the conclusion of the event as practical, but no later than 72 hours after the incident unless exigent circumstances prevent the submission of the documents.
- d. Members at the scene of an incident may be required to write supplemental reports as directed by a supervisor, investigative personnel, or at the direction of the Chief of Police.
- e. All *Response to Resistance Reports* and associated documentation (incident and supplemental reports, photos, etc.) will be submitted for review by the chain of command, including the Chief

of Police or designee. Each level of authority will acknowledge review and receipt of the *Response to Resistance Report*. [4.07B, C]

- f. Once approved by the Chief of Police or designee, the reporting forms and documentation will be forwarded to the Internal Affairs Unit for cataloging and storage. A copy will be forwarded to the Training Unit for review.

4. Annual Review

- a. Internal Affairs personnel or a designee of the Chief of Police will review all response to resistance incidents, including the discharging of a firearm, for other than training or recreational purposes [4.09A]; applying force through the use of lethal or less-lethal weapons [4.09B]; and applying of weaponless physical control at any level [4.09C]. The review will be conducted annually for the purposes of determining patterns and trends, training needs, and/or necessary policy revisions.
- b. Retention and purging of *Response to Resistance Reports* will be regulated by Florida Public Records Law.

K. EMPLOYEE ASSISTANCE [17.01E]

1. A Critical Incident Stress Debriefing (CISD) will be mandatory for any member of the department who:
 - a. Is involved in an incident that involved the use of deadly force;
 - b. Is seriously injured as a result of force used against him/her; or
 - c. Was closely involved in an incident as listed in above (a) and (b).
2. A psychologist, or qualified mental health practitioner, will be made available for initial counseling services.
3. The continuation of services after initial consultation(s) will fall under the Town's Employee Assistance Program.
4. The affected members and/or immediate family members will be scheduled for the aforementioned services by the appropriate Division Commander.
5. Any department member who uses lethal force or whose actions result in death or serious bodily injury against a subject will be excused from duty with pay during the preliminary administrative review. It is the intention of the department to return the officer to duty as quickly as possible if it is in the best interest of the member as determined by psychological services, and the Chief of Police.