

USE OF FORCE**Original Issue:** 09/16/1994**Effective:** 06/21/2022**Revision Number:** 32**Distribution:** Sworn/Community Service Officers**CFA Standards:** 4.01M; 4.02M; 4.03M; 4.04M; 4.07M; 4.08M; 4.10M**I. POLICY**

Members shall use only force that is reasonably necessary to affect lawful objectives, to effectively halt aggressive actions, to overcome specific resistance by a subject, or to protect one's own life or others. All decisions will be made in accordance with the Delray Beach Police Department's belief that the sanctity of life and the safety of the public are of paramount importance. Unless otherwise specified in this Order, the terms "members" and "employees" shall include Community Service Officers solely for the purpose of their being authorized to carry only OC spray after receiving approved Department training.

II. DEFINITIONS

No Force – When control is obtained with minimal physical contact through the positioning, or enhancement of command presence. (Examples: Interview Stance, dialogue, Verbal Direction, and Touch)

Ordinary Force – Control is obtained through physical means. The defensive discipline used would limit the chance of injury to the subject and would not by design cause bodily harm. (Examples: Display of a firearm to prevent further resistance, OC spray, Take Downs, X26P Advanced Taser, or compliance techniques).

Moderate Force – Control is obtained by physical means that may cause injury but would be neither severe nor debilitating. (Examples: Use of A.S.P./PR-24 in striking method; hard hand techniques applied to a vital area; less lethal munitions).

Deadly Force – Control is obtained by physical means that would cause great bodily harm and/or death. (Examples: firearms fired, less-lethal munitions deployed to vital areas or impact weapons applied to vital areas or head, chokeholds, vascular neck restraints).

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

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

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

De-Escalation Techniques – Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

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

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

Blue Team – A web-based program utilized in the field to upload complaints, use of force reports, tire deflations, firearm display or discharges, Department vehicle accidents, or any other reportable incident. Additionally, Supervisors will be able to initiate, track, and manage the complaint process.

IA Pro – Software used to store, manage, and track complaints, tire deflations, Department vehicle accidents, use of force and firearm display or discharges and perform investigations in Internal Affairs.

Exigent Circumstances – Those circumstances that would cause a reasonable officer to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

III. THE ORDER

1.0 Authorization to Use Force

- 1.1 No member will be allowed to make an arrest or carry a weapon or firearm until he or she has complied with the following:
 - a. Successfully completed the required state certification program and has received instruction from the Delray Beach Training Unit.
 - b. Demonstrated proficiency in the use of any authorized weapons and all use of force techniques by achieving a passing score on the training course.
 - c. Received training and demonstrated knowledge of the laws and agency policy concerning the use of force, all authorized weapons, and rendering first aid procedures after use.
 - d. Received a copy of this General Order.
- 1.2 Only agency-issued or approved weapons, ammunition and firearms are authorized for use both on and off duty, except for Community Service Officers who are only approved to carry their agency-issued OC spray while on duty.
- 1.3 Officers are permitted to use force during qualifications/training and competitions as directed by the supervising authority.
- 1.4 Prior to using force, Officers are required to attempt to utilize de-escalation techniques whenever possible.

- 1.5 All actions resulting in the deployment of deadly force will be reported and investigated in accordance with [G.O. 404 Deadly Force Incident Review Procedures](#).

2.0 Training Unit Responsibilities

- 2.1 The Training Unit's responsibilities shall include, but are not limited to the following:
 - a. Maintaining written specifications for all weapons and ammunition authorized for use.
 - b. Ensuring that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance.
 - c. Scheduling and ensuring attendance of all sworn and Community Service Officers for annual in-service Use of Force training.
 - d. Scheduling and ensuring attendance of all sworn and Community Service Officers who are approved and qualified to use less lethal for annual qualification and in-service training.
 - e. Supply related legal updates to all sworn employees as provided by the Department's Legal Advisor, or other legal authority.

3.0 Legal Advisor's Responsibilities

- 3.1 The Legal Advisor's responsibilities shall include, but are not limited to the following:
 - a. Review current court rulings and case law related to all police uses of force and provide legal updates to the Training Unit.
 - b. As soon as practical, alert the Chief of Police to any court rulings or case law relevant to police use of force that should be included in the use of force policy.
 - c. Provide proposed changes to the Chief of Police that ensures the use of force by sworn personnel remains current and up to date with changes in Federal and State laws and emerging case law.

4.0 Employee Responsibilities (Sworn and Community Service Officers)

4.1 Sworn and Community Service Officers

- a. All uses of force will be reported to the employee's first-line supervisor.
- b. When an employee uses any type of force on an individual (i.e. lethal, less-lethal, or other use of force as defined by the agency), and the individual sustains or complains of an injury, the employee will either render first aid or request medical assistance.

- c. Whenever force is used whether or not it results in the injury or death of a person, the employee using the force will, immediately, or immediately after the situation or the person is brought under control, notify a supervisor who shall respond to the scene.

4.2 Sworn only

- a. Whenever sworn personnel discharge a firearm on- or off-duty, other than for training or authorized exceptions, **even if no injuries occur**, the officer will notify a supervisor of the incident.
 1. This includes all incidents involving intentional, accidental, or unintentional discharge of any firearm. A supervisor will respond to the scene of the incident.

4.3 Duty to Intervene

- a. Any officer present and observing another officer using force that is beyond what is objectively reasonable under the circumstances, or suspects that another officer is about to use unnecessary force, shall safely intervene to prevent or stop the use of such excessive force. All acts of excessive use of force shall be immediately reported to the Watch Commander, the Chief of Police, or designee. A failure to intervene or report such excessive force may subject an officer to disciplinary action, up to and including termination.

5.0 Supervisor Responsibilities

- 5.1 The employee's supervisor is required to respond to all incidents where use of force has been applied.
 - a. The Supervisor will complete a Use of Force Report in Blue Team, unless otherwise directed by this Order due to specific circumstances outlined herein.
 - b. The Supervisor will ensure that medical care is provided when necessary.
 - c. The Supervisor will ensure that photographs are taken.
 - d. The Supervisor will interview the involved subject (and any civilian witnesses) and note any complaint of injuries by the involved subject.
 - b. The Use of Force Report will be completed in Blue Team before the end of shift that the incident occurred on.
- 5.2 Whenever an officer discharges a firearm on or off duty, other than for training or authorized exceptions, even if no injuries occur, the officer will notify a supervisor of the incident.
 - a. This includes all incidents involving intentional, accidental, or unintentional discharge of any firearm. A supervisor will respond to the scene of the incident.

- b. The supervisor will complete a Use of Force Report as well as a Firearm Discharge Report in Blue Team.

6.0 Parameters for Uses of Force

6.1 Ordinary Force and Moderate Force

- a. Police officers are authorized to use Department-approved, less-than-lethal techniques and issued equipment to resolve incidents, as follows:
 - 1. To protect themselves or others from physical harm.
 - 2. To restrain or subdue a resistant individual.
 - 3. To bring an unlawful situation safely and effectively under control.
- b. Community Service Officers are only authorized to use Department-approved OC spray to protect themselves from physical harm.
- c. In cases when an officer feels threatened and the suspect poses an imminent threat to the officer's or another's safety an officer may draw and point their weapon to deter the suspect's actions.
 - 1. **When an officer draws and points their weapon, to gain compliance, they MUST notify their supervisor who will complete a Display of Firearm Report in Blue Team. This report must be routed through the chain-of-command to the Captain's level.**
 - 2. When a felony stop is conducted the responding supervisor will complete a Display of Firearm Report in Blue Team documenting all occupants of the suspect vehicle and all officers that pointed a firearm at an occupant during the stop. All officers will document their actions in a supplemental report.
- d. Officers who exhibit their weapon for an administrative reason (i.e. inspection, maintenance, qualifications, etc.) or have their weapon at "low ready" and do not point it at an individual to gain compliance (i.e. perimeter, or back-up officer) are performing "No Force" and a Display of Firearm Report should not be completed.
 - 1. Having a gun or rifle out of the holster or car does not, by itself, constitute Ordinary Force.

6.2 Deadly Force

- a. The decision to use Deadly Force must be based on facts and circumstances known to the individual police officer using the force at the time the decision is made and the value of all human life should be appropriately weighed in the decision process.
- b. Before using Deadly Force officers must consider:

1. If the subject is physically capable of carrying out said threat.
 2. If the subject has the means to carry out said threat (i.e., accessibility to firearm or other weapon).
 3. If the safety of persons in the vicinity and unless in immediate peril, the officer must ensure a clear line of sight and fire to and behind the subject.
 4. A verbal warning shall be issued before shooting where it is feasible.
- c. Police officers are authorized to use deadly force on persons and/or animals under the following circumstances:
1. To protect themselves or others from what is reasonably believed to be an **imminent** threat of death or serious bodily harm.
 2. To prevent the escape of a fleeing felon if the officer has probable cause to believe the fleeing felon's escape would imminently result in great bodily harm or death to another.
 3. To destroy a domestic animal that is imminently near death. Officers encountering such a situation will:
 - a) Make every effort to contact the owner of the animal, or Animal Control before destroying the animal.
 - b) Notify a supervisor before the destruction of the animal.
 - c) Document the incident on an incident report and have their supervisor complete a Firearm Discharge Report in Blue Team.
 4. In situations where an officer feels threatened by an aggressive animal, and the animal poses an imminent threat to the officer's or another's safety, officers who use deadly force against the animal will do the following regardless of whether or not it is injured or killed:
 - a) Make every effort to contact the owner of the animal if domestic, or Animal Control if ownership is unknown.
 - b) Notify a supervisor to respond to the scene.
 - c) Document the incident on an incident report and have the supervisor complete a Firearms Discharge Report in Blue Team.

7.0 Restrictions

7.1 When exhibiting their weapon, police officers may:

- a. Un-holster and exhibit their firearm when the officer perceives the possibility of danger exists to the officer or another person.

- b. Draw or exhibit their weapon for maintenance and training, or as directed by a supervisor, Department firearms instructor, or Department Training Officer.

7.2 Prohibitions

- a. **NO** firing from a moving vehicle
- b. **NO** firing of warning shots
- c. Deadly force should not be used against persons whose actions are a threat only to themselves or property.

7.3 Shooting at a Moving Vehicle

- a. The use of deadly force on a subject in a vehicle may not eliminate the threat or danger posed by a moving vehicle.
- b. A moving vehicle itself **shall not presumptively** constitute a threat that justifies an officer's use of deadly force.
 - 1. When dealing with subjects in vehicles, officers have a duty to stay out of the path of the vehicle.
 - 2. Officers shall employ all reasonable means available to move to an area of safety if the vehicle becomes a threat, including retreating from the threat if practical.
- c. To minimize the potential for having to utilize deadly force, officers approaching a vehicle will do so from a safe direction and provide themselves an opportunity to move to an area of safety, if possible.
- d. When approaching a vehicle, officers will use appropriate safety measures and will not intentionally place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.
- e. Firearms shall not be discharged at a moving vehicle unless:
 - 1. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.
 - 2. The officer or another person is in immediate danger and the failure to act would imminently result in the great bodily harm or death of the officer or another person and all other reasonable means to avoid the danger have failed.
 - 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.

- 7.4 An officer shall not use vascular neck restraints or chokeholds, except in exigent circumstances where lethal force is objectively reasonable and justified.

8.0 Administrative Review/Routing of Use of Force Incidents

8.1 Any member, whose actions result in death or serious bodily injury will be removed from the line of duty until a preliminary administrative review is conducted, except in incidents involving the use of deadly force on an animal which will be reported and reviewed as Moderate Force.

8.2 All uses of deadly force will be reported and investigated in accordance with [G.O. 404 Deadly Force Incident Review Procedures](#).

a. The Watch Commander, or designee, will ensure that a Use of Force Report has been completed by the responding supervisor, and that all the necessary boxes on the report are completely filled-out to ensure pertinent statistics are captured for the Department's Annual Administrative Review (see Section 9.0 below).

8.3 Routing of Use of Force Reports for Ordinary Force

a. From the employee's immediate supervisor to the Watch Commander.

b. From the Watch Commander to the Division Commander.

1. All reported uses of force will be reviewed by the employee's Division Commander to determine whether:

a) Department rules, policies or procedures were followed.

b) The relevant policy was clearly understandable and effective to cover the situation.

c) Department training is current and adequate.

2. All findings of violations of policy, procedures, or training inadequacies shall be reported, via the chain-of-command, for resolution and/or discipline.

c. From the Division Commander to the Training Unit.

d. From the Training Unit to Internal Affairs where it is uploaded into IAPro Secure Server.

8.4 Routing of Use of Force Reports for Moderate Force and Above

a. From the employee's immediate supervisor to the Watch Commander.

b. From the Watch Commander to the Division Commander.

1. All reported uses of force will be reviewed by the employee's Division Commander to determine whether:

a) Department rules, policies, or procedures were followed.

b) The relevant policy was clearly understandable and effective to cover the situation.

- c) Department training is current and adequate.
2. All findings of violations of policy, procedures, or training inadequacies shall be reported, via the chain-of-command, for resolution and/or discipline.
- c. From the Division Commander to the Assistant Chief of Police who oversees the bureau of the involved employee.
 - d. If additional investigation is warranted, the Assistant Chief of Police will forward the original to the Chief of Police who will assign the investigation as prescribed in [G.O. 335 Complaint Process](#).
 - e. If further investigation is not warranted, the original digital report will be forwarded to the Training Unit.
 - f. From the Training Unit to Internal Affairs where it is uploaded into IAPro Secure Server.
- 8.5 In the event of a police K-9 bite, the K-9 Unit Commander will be included in the chain-of-review.
- 9.0 Annual Administrative Review and Analysis
- 9.1 An annual administrative review and analysis of the Department's use of force reports will be compiled and published by the Internal Affairs Commander and Department Training Officer to ascertain training and policy needs.
- a. The review and analysis will include:
 - 1. Discharges of a firearm, for other than training or recreational purposes.
 - 2. Actions that results in, or are alleged to have resulted in, injury or death of another person.
 - 3. Force through the use of lethal or less-lethal weapons.
 - 4. Weaponless physical force that resulted in injury.
- 9.2 The review will be completed within the first quarter of each calendar year and will include comparisons from previous years' data.
- a. A copy of each year's review and analysis will be submitted to the Accreditation Manager for CFA standard compliance documentation.



JAVARO A. SIMS
CHIEF OF POLICE

Replaces: G.O. 2120 dated 04/20/2022

Reference: [FS 776.05](#); [G.O. 335 Complaint Process](#); [G.O. 404 Deadly Force Incident Review Procedures](#)

Copies to: Sergeant's Training Manual; FTO Trainee's Manual