

DEADLY FORCE INCIDENT REVIEW PROCEDURES**Original Issue: 09/01/1994****Effective: 10/14/2020****Revision Number: 8****Distribution: Sworn****CFA Standards: 15.15M**

I. POLICY

In order to minimize the effects of emotional trauma on personnel involved during deadly force incidents, the Department shall ensure a timely, impartial investigation while maintaining transparency and public trust. All deadly force incidents shall be investigated.

II. DEFINITION

Deadly Force – Any use of force by an employee of this department, on or off-duty, that would cause great bodily harm, and/or death.

Deadly Force Incident – An incident in which a death or injury has occurred as the result of an employee deploying deadly force.

III. THE ORDER**1.0 Deadly Force, not resulting in injury**

1.1 For those actions resulting in the deployment of deadly force, but where no injury occurred (i.e. accidental, unintentional or intentional discharge wherein no one was hit), the following actions will take place:

- a. Employees will immediately notify the Communications Section of the incident and location.
- b. The Shift Commander shall:
 1. Respond to the scene without delay and assume command until relieved by a higher authority.
 2. Notify the on-call commander.
 3. Obtain an overview of the incident from the involved officer(s).
 4. Immediately initiate a cursory, written report for the purpose of identifying witnesses, suspects and protecting the crime scene (if applicable).
 5. Observe involved personnel for signs of emotional trauma and offer access to professional counseling when deemed necessary.

1.2 Deadly Force incidents that do not result in death or injury to a human being shall be investigated by the Internal Affairs Section as outlined in [G.O. 915 Internal Affairs](#).

1.3 Any hearsay event involving deadly force shall be turned over to the Internal Affairs Section for a preliminary investigation.

2.0 Deadly Force, resulting in injury or death

2.1 For those actions resulting in the deployment of deadly force wherein injury or death did occur, the following actions will take place by the involved officer(s):

- a. Immediately notify the Communications Section of the incident and location.

- b. Determine the physical condition of any injured person and render first aid and life saving measures.
- c. Request necessary emergency medical aid.
- d. Remain at the scene (unless injured or directed to another location by a supervisor) until the arrival of the Florida Department of Law Enforcement's (FDLE) Critical Incident Team.
- e. Remain in possession of their holstered firearm and duty belt until FDLE Investigators arrive.
- f. Remain in possession of their body worn camera (BWC) as worn at the time of the incident until arrival of and custody transfer to FDLE Investigators.
- g. The involved officer(s) vehicle(s) will be secured and held for FDLE investigators. The MDR will be uploaded upon their request if video is applicable.
- h. In accordance with [FSS 943.1718\(d\)](#), and in order to ensure the safety of Law Enforcement personnel, first responders and the public, the involved officer(s) shall answer questions limited to only public safety and crime scene preservation when asked by the on-scene supervisor.
- i. The involved officer(s) will be given an early opportunity to talk with a family member or Chaplain if desired.
- j. The involved officer(s) shall not discuss the case with anyone except:
 - 1. Supervisory and investigative personnel; limiting discussion to public safety and crime scene preservation only.
 - 2. The officer's PBA attorney or representative.
- k. The involved officer will be afforded all protections of the Police Officer Bill of Rights, [FSS 112.532](#), and the current contract between the City of Delray Beach and the PBA.
- l. Involved police officers, witness officers, detectives, Community Service Officers, and SWAT operators will be afforded an opportunity to review the recordings prior to participating in a walk-through per [FS 943.1718\(d\)](#).

2.2 Shift Commander Responsibilities:

- a. Respond to the scene without delay and assume command, until relieved by a higher authority.
- b. In all cases involving injury or death, contact the Florida Department of Law Enforcement (FDLE) at their West Palm Beach Field Office, or after hours at their on-call number.
- c. Establish a command post and deploy the Mobile Command Center.
- d. Obtain an overview of the incident from the involved officer(s). Only questions pertaining to public safety and crime scene preservation will be asked.
- e. The officer involved should provide a brief public safety statement to the officer in charge at the incident scene. The public safety statement is intended to establish the level of danger that may still exist, aid the initial operational response to locate any

suspects, and focus the initial stage of the investigation. If the officer is still on scene, and is physically and emotionally capable of providing it, a public safety statement should be collected as soon as possible. If the officer has been removed from the scene due to injury or related reasons, other officers or witnesses who were present may be able to provide some or all of the pertinent public safety statement information.

- f. Questions to elicit this information should be straightforward and limited to details of the incident, including:
 1. The type of force used by the officer and threat presented by other involved parties
 2. The directions and number of shots by the involved parties
 3. The location of any unsecured weapons
 4. The location of injured person(s)
 5. A description of at-large suspects and their mode and direction of travel, time elapsed since they fled, and weapons that were available to them
 6. A description and location of known victims or witnesses
 7. Any information that would help ensure officer and public safety, and assist in the apprehension of suspect(s)
- g. Ensure involved officer(s) remain separated from each other and other witnesses, including other witness officers, until individually interviewed by FDLE Investigators. If the circumstances are such that the continued presence of the involved officer(s) at the scene might cause a more hazardous/hostile situation to develop, the supervisor on scene shall have the discretion to move the involved officer(s) to another location.
- h. Immediately initiate a cursory, written report for the purpose of identifying witnesses, suspects and protecting the crime scene.
- i. Direct available personnel to secure the incident location as a crime scene and establish a check-in post with a major case log outside of the crime scene perimeter.
- j. Minimize scene access to mission-essential personnel only.
- k. Ensure the Officer Involved Shooting Procedures Call Out and Notification process is completed. Mandatory notifications include:
 1. FDLE Critical Incident Team
 2. On-Call Commander
 3. Investigative Lieutenant
 4. Legal Advisor
 5. Division Commander
 6. Field Operations and Special Services Bureau Assistant Chiefs
 7. Chief of Police
 8. Training Division Sergeant
 9. Public Information Officer
 10. State Attorney's Office
 11. Palm Beach County Critical Incident Stress Management Team
- l. Assign a companion officer to the involved officer(s). The companion officer may be a peer support team member or a fellow officer of the involved officer(s) choice.
- m. Arrange for a mandatory Critical Incident and Stress Management Team De-briefing as outlined in [G.O. 375 Critical Incident and Stress Management](#).
- n. If exigent circumstances exist, the Shift Commander (or on-scene supervisor in the absence of a Shift Commander) may deem it necessary to remove and secure the

involved officer's firearm and ammunition prior to the FDLE's arrival. Should this be required, the shift commander or supervisor will perform this task while wearing gloves to preserve evidence and activating their body worn camera (BWC).

- o. The involved officer(s) will be photographed prior to any equipment being removed; this will be done at the request of FDLE investigators.

2.3 Investigative Division Responsibilities:

- a. All Deadly Force incidents resulting in death or injury will be investigated by the Florida Department of Law Enforcement.
- b. Crimes Against Persons Unit will:
 1. Proceed to the scene immediately upon notification.
 2. Provide assistance to FDLE Investigators when requested.

2.4 The Internal Affairs Section Commander, or designee, will respond and observe the primary FDLE agent's investigation and begin a separate but parallel internal, non-criminal investigation into the deadly force incident.

2.5 Training Division Responsibilities:

- a. In the event an officer must submit his/her uniform as evidence, a replacement uniform will be provided.
 1. The training division supervisor or designee will issue the involved officer(s) a set of BDU pants and polo shirt.
 2. The training division supervisor or designee will issue the involved officer(s) a replacement department firearm and ammunition.

2.6 Companion Officer Responsibilities:

- a. Provide emotional support, including follow-up support for the involved officer(s) family members.
- b. Brief Senior Command Staff as to the well-being, and any needs the involved officer may request.
- c. Provide transportation when needed.
- d. Ensure the involved officer(s) is safeguarded from media and peer questioning.

2.7 If an employee is hospitalized due to a deadly force incident, the Shift Commander shall assign an officer to the hospital room until withdrawn by a higher authority.

2.8 The Delray Beach Police department encourages family members of the involved officer(s) to take advantage of counseling services provided by the City of Delray Beach Employee Assistance Program (EAP) or other service providers of their choosing.

3.0 Administrative Leave

- 3.1 All incidents involving an in-custody death or the use of deadly force, in which an officer(s) takes an action that results in, or is alleged to have resulted in, great/serious bodily harm, or death of a person, the officer(s) shall be relieved of normal operational duty and placed on administrative leave with pay. This shall follow the initial on scene investigation.

- a. The intended purpose of this relief from duty serves two purposes:
 1. To address the emotional and personal needs of the officer(s) involved in the use of deadly force; and
 2. To assure the community verification of all facts surrounding such incidents are fully and professionally investigated.
- b. Prior to returning to duty, the involved officer(s) shall receive a mandatory psychological evaluation by a Police Department furnished Psychiatrist. The evaluation shall take place within a reasonable time after the incident.
- c. Officers returned to duty following Administrative Leave with pay may be placed in a temporary assignment until completion of the FDLE Investigation, State's Attorney's Office review, Grand Jury findings, or Administrative Investigation.



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CHIEF OF POLICE

Replaces:

G.O. 404 dated 02/26/2020
Copy to Sergeant's Training Manual