	STANDARD OPERATING PROCEDURE	SOP #017
	USE OF FORCE	
	CALEA Standard(s): 1.2.2; 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6a,b,c,d; 1.3.7; 1.3.8; 1.3.9a,c,d,e; 1.3.10; 1.3.11a,b; 1.3.12; 1.3.13; 16.3.3; 16.3.6; 26.1.1; 33.4.1	

PURPOSE: To establish guidelines and procedures for the use of deadly and non-deadly force.

SCOPE: This Standard Operating Procedures (SOP) applies to all sworn law enforcement, Auxiliary and/or Reserve Police Officers, Detention Officers, Public Safety Specialists (PSS) and Crime Scene Squad (CSS) employees.

POLICY: It is the policy of the Department that the use of force, both deadly and non-deadly, is justified when officers reasonably believe it to be necessary to affect an arrest or to defend themselves or another from bodily harm. A law enforcement officer need not retreat or desist from efforts to make a lawful arrest because of resistance to the arrest. The decision to resort to force, and the degree of force to be used, shall be based on fact or what reasonably appears to be fact to the officer at the time the action is taken. The appropriate force is the amount of force reasonably necessary to make the arrest. The use of force by Department employees shall be investigated and documented as appropriate. [1.2.2][1.3.1][26.1.1]

PROCEDURE:

I. General

A. Florida Statute (FS) 943.10 defines law enforcement officer, correction officer and auxiliary/reserve officer as follows:

1. Law enforcement officer means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state; [1.2.2]
2. Correctional and/or detention officer means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel;
3. Auxiliary and/or reserve law enforcement officer means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions.

B. Officers shall not be allowed to make an arrest, carry a weapon or firearm until they have: [16.3.3] [16.3.6]

1. Successfully completed the required Florida Department Law Enforcement (FDLE) Certification Program; [33.4.1]

2. Demonstrated proficiency in its use by achieving at least minimum passing scores on the training course as instructed and documented by an instructor certified by FDLE; [1.3.11a,b]
 3. Received training and demonstrated knowledge of the laws and the Department's policy concerning their use; [1.3.12]
 4. Received a copy of this Standard Operating Procedure (SOP) and signed a receipt or electronic receipt for same. [1.3.12]
- C.** CSS and PSS employees shall be authorized to carry and utilize Aerosol Deterrent Spray (ADS) upon completion of the procedures set forth in section III. C. 4. a. 3). [1.3.12]
- D.** At least annually, all employees authorized to carry weapons shall receive documented training on the Use of Force policy. [1.3.11]
- E.** The Training Section shall be responsible for maintaining documentation of all initial, refresher and remedial weapons training. [1.3.11b]

II. Subject Resistance

A. Subject resistance levels

1. Passive – The subject verbally or physically refuses to comply with an officer's lawful command causing the officer to use physical contact to establish control.
2. Active – The subject uses physically evasive movements towards the officer such as bracing, tensing, pushing and/or pulling in an effort to prevent the officer from taking control.
3. Aggressive – The subject makes 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.
4. Aggravated – The subject makes 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.

B. The circumstances surrounding an incident where an officer is compelled to use force can be uncertain, rapidly evolving and dynamic. Many factors shall be evaluated by an officer when determining the appropriate response to a subject's resistance. The decision to use force is based upon objective reasonableness which includes the totality of the circumstances.

1. The following factors should be considered when making use of force decisions:
 - a. Subject factors;
 - 1) Seriousness of the crime committed;
 - 2) Size, age and weight;
 - 3) Apparent physical ability;
 - 4) Weapons possessed by or available;
 - 5) Known history of violence;
 - 6) Medical condition, mental state and influence of alcohol or drugs;
 - 7) Number of subjects present who are involved or who may become involved.
 - b. Situational factors;
 - 1) Size, physical ability and defensive tactics expertise of the officer;
 - 2) Number of officers present or available;
 - 3) Presence of innocent or potential victims in the area;
 - 4) Weapons or restraint devices available to the officer;
 - 5) Whether the subject can be captured later;

- 6) Environmental factors;
- 7) Whether evidence is likely to be destroyed.
- c. Other factors;
 - 1) Legal requirements;
 - 2) Department policy.

III. Officer Response Options

A. Officer response options (Refer to Appendix A)

1. Physical Control (Non-Deadly Force) – Achieving compliance or custody through the use of empty hand control such as transporters, pain compliance, takedowns, striking and restraint devices.
2. Non-Lethal Weapons (Non-Deadly Force) – A weapon that is not fundamentally designed to cause death or great bodily harm, such as dart firing stun guns, expandable batons, flashlights, chemical sprays and the use of K-9.
3. Deadly Force – An application of force, with or without a weapon that is likely to cause death or great bodily harm such as the use of a firearm, eye gouges, empty hand strikes to the throat and impact weapon strikes to the head, neck or groin.

B. Physical control (Non-Deadly Force)

1. Physical control techniques include many different methods of subject control including but not limited to:
 - a. Gently guiding a subject's movements to an escort hold;
 - b. Joint locks;
 - c. Pressure point control method;
 - d. Hand strikes and kicks;
 - e. Use of restraint devices;
 - f. Applied Carotid Triangular Restraint (ACTR).
 - 1) Prior to using the ACTR, officers shall attend an initial eight (8) hour training course which shall include both classroom and hands-on training. A one hour refresher course shall be required on an annual basis.

C. Non-Lethal Weapons (Non-Deadly Force)

1. A qualified weapons instructor shall review, inspect and approve all weapons prior to issuance. [1.3.9c]
2. The Property and Evidence Unit (PEU) shall maintain a record of every weapon assigned to the employee. [1.3.9e]
3. Any weapon found to be unsafe shall be immediately removed from service and placed in the PEU for repair or replacement. [1.3.9d]
4. Only the following Department authorized and issued non-lethal weapons shall be carried or used by employees: [1.3.4] [1.3.9a]
 - a. Aerosol Deterrent Spray (ADS). [1.3.9a]
 - 1) ADS shall be used when:
 - a) The subject is not in the physical control of the employee yet poses a threat;
 - b) The employee, based on objective reasonableness, perceives an imminent threat of physical force against himself, other persons, property or self-inflicted injury;

- c) An animal poses an immediate threat to the employee or another person.
- 2) ADS shall not be discharged:
- a) Into an enclosed area unless the employee can justify its use and has the means to make entry and remove incapacitated persons;
 - b) On a handcuffed prisoner unless the employee can justify its use;
 - c) On any person in control of a motor vehicle.
- 3) Authorized possession of ADS [1.3.10]
- a) Employees shall complete an ADS training program.
 - (1) Training shall consist of an initial four (4) hour training course which shall include both classroom and hands-on training. A one hour refresher course shall be required on a biennial basis. [1.3.11]
 - (a) Employees who fail to demonstrate proficiency in either the initial or refresher courses shall surrender their ADS and be scheduled for the first available remedial training date.
 - (b) Upon successful completion of remedial training the employee will be issued ADS. [1.3.11c]
 - (2) As part of the initial training course, the employee shall be required to pass a practical hands-on exercise.
 - (a) Only employees who demonstrate proficiency and successfully pass the courses shall be permitted to carry ADS. [1.3.10]
 - (b) Employees who fail to attend the initial course or any refresher course thereafter shall not be permitted to carry ADS.
 - b) Supervisors shall relieve any employee of their ADS if the supervisor discovers the employee using the ADS in an unacceptable manner. The incident shall be documented on an **“Allegation of Employee Misconduct”** form and shall be investigated in accordance with **SOP# 010 – Internal Affairs Investigations, Counseling and the Discipline Process.**
- 4) Deploying ADS [1.3.4]
- a) The distance to the target should be such that the employee is not affected by the spray but close enough that the spray contacts the subject.
 - b) Verbal warnings shall be issued to all persons that may be affected before the discharge of ADS to allow the subject the opportunity to comply with the officer’s commands, unless the warning would provide a tactical advantage to the subject being taken into custody.
 - c) Employees shall aim for the subject’s face and eyes and use the fewest number of bursts necessary. Use of ADS shall be discontinued once compliance is achieved.
 - d) After a subject has been sprayed, the employee making contact shall:
 - (1) Allow time for the chemical to take effect;
 - (2) Verbally direct the subject;
 - (3) Control and handcuff the subject.
- 5) Decontamination and Employee Responsibilities [1.3.5]
- a) After achieving compliance:
 - (1) When practical, afford the subject an opportunity to wash the contaminated

areas;

- (2) Allow the subject to remove any clothing that may have become saturated with the spray, if such action is necessary and feasible;
 - (3) Ascertain from the subject if he suffers from any respiratory problems. If acknowledged, notify Fire Rescue to respond to monitor the subject. Medical attention should be given to individuals sprayed if the symptoms have not disappeared within one hour;
 - (4) When booking the subject into a detention facility, the arresting employee shall advise the intake employee that ADS was used on the subject.
 - b) Bystanders who are inadvertently contaminated with ADS shall be assisted with the decontamination process;
 - c) When ADS is used inside a vehicle or building, the opening of all windows to allow the free flow of air shall suffice in decontaminating the area;
 - d) Officers shall request a supervisor respond to the scene of all incidents involving the use of ADS;
 - e) Photographs of the subject shall be taken by the CSS in all instances where ADS is deployed;
 - f) The arresting employee shall note on the back of the MDPD Records copy (yellow copy) of the "**Complaint/Arrest Affidavit**" form that ADS was used on the subject.
- b. Electronic Control Device (ECD). The Department approved ECD is the "X26 Taser." [1.3.4] [1.3.9a]
 - 1) The ECD shall be used when:
 - a) The subject is not in the physical control of the officer yet poses a threat;
 - b) The officer, based on objective reasonableness, perceives an imminent threat of physical force against himself, other persons, property or self-inflicted injury;
 - c) An animal poses an immediate threat to the officer or another person.
 - 2) The ECD shall:
 - a) Not be used when the subject is at an elevated location which poses a risk of great bodily harm or death to the subject should he fall;
 - b) Not be used when flammable gases or liquids are in close proximity to the subject or officer;
 - c) Not be used when the subject is known or appears to be;
 - (1) A pregnant woman (unless the use of deadly force is justified);
 - (2) A child under the age of 13 (unless the use of deadly force is justified);
 - (3) An elderly person (unless the use of deadly force is justified);
 - d) Not be used when the person is in control of a motor vehicle;
 - e) Not be used when on a handcuffed prisoner unless the officer can justify its use;
 - f) Not be discharged intentionally at the eyes, groin or face of a subject.
 - 3) Authorized possession of the ECD
 - a) Officers shall complete the ECD training program.
 - (1) Training shall consist of an initial six (6) hour training course which shall include both classroom and hands-on training. A one hour refresher course shall be

required on an annual basis. [1.3.11]

- (a) Only officers who demonstrate proficiency and successfully pass the courses shall be permitted to carry the ECD. [1.3.10]
 - (b) As part of the initial training course, the officer shall be required to pass a practical hands-on portion which shall include firing the ECD at a target.
 - (c) Any officer who fails to attend the initial class or any refresher course thereafter shall not be permitted to carry the ECD.
 - (d) Employees who fail to demonstrate proficiency in either the initial or refresher courses shall surrender their ECD and be scheduled for the first available remedial training date.
 - (e) Upon successful completion of remedial training the employee will be issued ECD. [1.3.11c]
- b) Supervisors shall relieve any officer of his ECD if the supervisor discovers the officer using the ECD in an unacceptable manner. The incident shall be documented on an **“Allegation of Employee Misconduct”** form and shall be investigated in accordance with **SOP# 010 – Internal Affairs Investigations, Counseling and the Discipline Process.**
- 4) Deploying the ECD
- a) The ECD can be utilized by deploying the probes or using the drive stun.
 - b) Verbal warnings shall be issued to the subject prior to deploying the ECD to allow him the opportunity to comply with the officer’s commands, unless the warning would provide a tactical advantage to the subject being taken into custody.
 - (1) In addition to the verbal warnings to the subject, the deploying officer shall announce:
 - (a) “Taser” to alert others of the impending use of the ECD;
 - (b) “Clear” shall be announced after deactivation of the ECD and prior to affecting the arrest.
 - c) After deployment of the ECD, the officer making contact shall:
 - (1) Verbally direct the subject;
 - (2) Control and handcuff the subject.
 - d) Use of the ECD shall be discontinued once compliance is achieved.
- 5) Removal of Probes and Officer Responsibilities
- a) After achieving compliance the officer shall:
 - (1) Have the ECD probes removed as soon as possible by trained employees wearing protective gloves;
 - (a) Fire Rescue employees or trained medical professionals shall remove probes that have struck a subject’s head, throat, groin or any other sensitive area.
 - (2) Request Fire Rescue to respond to incidents where the subject complains of being injured by the ECD or injuries sustained prior to or subsequent to the deployment of the ECD;
 - (3) Collect the ECD cartridge from the scene, wrap the wires around the cartridge and invert the probes into the portals they were originally deployed from;
 - (a) The ECD probes that have penetrated a person’s skin shall be considered a

biological hazard and shall be handled as such;

(b) Tape shall be placed over the portals to secure the probes. If practical, the coded material shall also be collected from the scene and impounded.

- b) Officers shall impound the ECD cartridge along with copies of the Offense Incident Report (OIR), “**Complaint/Arrest Affidavit**” form and “**Supervisor’s Report of Control of Persons**” form into the Property and Evidence Unit (PEU);
- c) Officers shall request a supervisor respond to the scene of all incidents involving the use of the ECD;
- d) Photographs of the subject shall be taken by the CSS in all instances where the ECD is deployed;
- e) The arresting officer shall note on the back of the MDPD Records copy (yellow copy) of the “**Complaint/Arrest Affidavit**” form that the ECD was used on the subject;
- f) A medical clearance from Ward-D is required prior to booking the subject at a detention facility other than Department headquarters building (Headquarters);
- g) In situations requiring multiple discharges of the ECD on the same subject, the officer shall articulate to the supervisor the circumstances leading to the need for each discharge. This justification shall be documented on the “**Supervisor’s Report of Control of Persons**” form.

6) ECD Maintenance

- a) Officers shall replace the cartridges prior to their expiration date. Expired cartridges shall be returned to the PEU to be used for training purposes only.
- b) Officers shall be issued three (3) cartridges. It shall be the officer’s responsibility to replace any discharged cartridges as soon as practical. Replacement cartridges can be obtained from the PEU.
- c) Officers shall check the batteries of their ECD and the expiration date of their cartridges on a regular basis.
- d) It is the responsibility of the user to immediately report any malfunction or operation failure to their supervisor.
- e) No alterations, changes, modifications or substitutions shall be made to the ECD. No officer shall be permitted to carry any cartridges that have not been authorized by the Department. All repairs shall be coordinated through the PEU.

7) Carrying, safety and security of the ECD

- a) Officers shall carry the ECD in the Department issued cross-draw holster.
 - (1) With Division Commander approval, officers working in a plain clothes capacity may carry their ECD in a Department approved cross-draw holster.
- b) ECDs shall be handled using the same precautions and security used for firearms.
- c) Officers shall ensure their ECD is locked and secured while off-duty.

c. Expandable Baton is the Department approved impact weapon. [1.3.9a]

1) The Expandable Baton shall be:

- a) Used when it is necessary to gain control of a subject offering resistance;
- b) Used when the intent is to disable a subject temporarily;
- c) Targeted to major muscle areas and muscle structures such as the forearms, thighs or calves. Strikes to these areas reduce the risk of permanent injury to a subject.

- 2) The Expandable Baton shall:
 - a) Not be used to strike a subject's head, neck, throat, spine, clavicle or groin unless the officer is justified in the use of deadly force;
 - b) Not be brandished as an intimidation device unless attempting to prevent the further escalation of resistance by a subject.
- 3) Uniform officers shall carry the expandable baton in a Department issued scabbard attached to their issued belt.
- 4) Authorized possession of the Expandable Baton
 - a) Officers shall complete the Expandable Baton training program.
 - (1) Training shall consist of an initial four (4) hour training course which shall include both classroom and hands-on training. A one hour refresher course shall be required on a biennial basis.
 - (a) Only officers who demonstrate proficiency and successfully pass the courses shall be permitted to carry the Expandable Baton. [1.3.10]
 - (b) As part of the initial training course, the officer shall be required to pass a practical hands-on portion.
 - (c) Any officer who fails to attend the initial class or any refresher course thereafter shall not be permitted to carry the Expandable Baton.
 - (d) Employees who fail to demonstrate proficiency in either the initial or refresher courses shall surrender their Expandable Baton and be scheduled for the first available remedial training date.
 - (e) Upon successful completion of remedial training the employee will be issued an Expandable Baton. [1.3.11c]
 - b) Supervisors shall relieve any officer of their Expandable Baton if the supervisor discovers the officer using the Expandable Baton in an unacceptable manner. The incident shall be documented on an "**Allegation of Employee Misconduct**" form and shall be investigated in accordance with **SOP# 010 – Internal Affairs Investigations, Counseling and the Discipline Process**.

D. Deadly Force

1. Deadly force shall be used when an officer perceives, based on objective reasonableness, that the action is in defense of human life. This includes the officer's own life or in defense of any person in immediate danger of great bodily harm. An officer shall use the following criteria when making the decision to use deadly force: [1.3.2]
 - a. Ability – the subject has the means to carry out his intent to cause death or great bodily harm;
 - b. Opportunity – the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others;
 - c. Intent – reasonably perceived, imminent threat to an officer or another person based on the subject's actions, behaviors, words or other indicators.
2. An officer may utilize deadly force in self-defense or in the defense of others against the attack of any animal where there is a reasonable belief that such attack shall result in death or great bodily harm to any person. [26.1.1][1.3.2]
3. Officers shall not use deadly force in the following situations:
 - a. When circumstances do not provide a reasonable probability of striking the intended target or when there is substantial risk to the safety of innocent bystanders or officers;

- b. Against non-dangerous felony offenders; (fleeing or not)
 - c. Against misdemeanor and traffic offenders; (fleeing or not)
 - d. Against a moving vehicle unless the officer has exhausted all means possible to remove themselves from the path of the vehicle and the officer has determined that shooting the driver or occupant of the vehicle is the only action the officer can take to prevent the imminent danger of death or great bodily harm to the officer or another person.
4. Officers shall not discharge a firearm as a warning. [1.3.3]
 5. The discharge of impact munitions or breaching rounds resulting in the injury or death of any person shall be considered deadly force.

IV. Responsibilities in Use of Force Incidents

A. Non-Deadly force

1. Involved officer's responsibilities:
 - a. The officer shall obtain or administer first aid when safely possible; [1.3.5]
 - 1) Medical treatment shall be summoned immediately after a subject is injured, complains of injury or requests medical attention following the use of force.
 - b. Officers shall notify a supervisor via police radio immediately of any incident that involves the use of force;
 - c. Officers shall request the CSS to respond for photos of the subject;
 - d. Officers shall provide a detailed description of actions taken and the details of the incident will be documented in an OIR. [1.3.6c]
 - 1) A **"Complaint/Arrest Affidavit"** form shall be completed, if applicable.
2. Supervisor responsibilities:
 - a. Supervisors shall immediately respond to the scene when notified of a use of force incident and interview all witnesses to the incident including witness officers;
 - 1) Supervisors shall attempt to obtain a statement from the subject.
 - b. Supervisors shall document injuries on the **"Supervisor's Report of Control of Persons"** form;
 - c. Supervisors shall complete the **"Supervisor's Report of Control of Persons"** form prior to the end of their shift. If unable to complete prior to the end of their shift, they shall notify their supervisor of the reason for the delay and expected completed date. [1.3.6c]
 - 1) Supervisors shall request a Control of Person's (COP) tracking number from the Public Safety Communications Unit (PSCU) supervisor. The supervisor shall record the COP tracking number in the box located in the upper right hand corner of the **"Supervisor's Report of Control of Persons"** form.
 - 2) The supervisor's evaluation of the incident, prepared by a supervisor with a higher rank than the involved officer, shall be included in the "Supervisor's Summary of Findings" section of the form.
 - 3) In situations requiring multiple discharges of the ECD on the same subject, the supervisor shall document the circumstances leading to each discharge.
 - 4) Supervisors shall forward a copy of all reports related to the incident and the **"Supervisor's Report of Control of Persons"** form via the chain of command to the involved officer's Division Commander.
 - 5) The Division Commander shall review and forward the reports via the chain of command for the Chief of Police or his designee's review and signature prior to being forwarded to

the Internal Affairs Unit (IA). [1.3.7]

- a) IA shall maintain all files of “**Supervisor’s Report of Control of Persons**” forms and shall conduct a documented annual analysis of those reports to determine training needs, equipment upgrades and/or policy modifications. [1.3.13]

B. Deadly force

1. Involved officer's responsibilities shall be:

- a. To immediately notify the PSCU of the incident and location and request fire rescue and a supervisor to respond;
- b. To obtain and/or administer first aid when safely possible; [1.3.5]
- c. To secure the scene and request sufficient back-up employees if necessary;
- d. To remain at the scene (unless injured) until a supervisor arrives;
- e. To brief the supervisor and advise:
 - 1) If the officer, subject or any other person is injured;
 - 2) If there are any suspects at large;
 - 3) The extent of the scene.
- f. To limit his contact to:
 - 1) An attorney;
 - 2) An immediate family member;
 - 3) A member of the clergy or counselor.

2. Supervisor responsibilities:

- a. The on-duty supervisor shall immediately respond to the scene and be responsible for the following:
 - 1) Notifying the Criminal Investigations Unit (CIU) Homicide Squad, IA and the Staff Duty Officer;
 - 2) Ensuring the security and integrity of the scene by establishing two (2) perimeters;
 - a) An interior perimeter shall be established for employees necessary to conduct the investigation as authorized by the lead detective;
 - b) An exterior perimeter shall be established to prohibit access to the media and the public;
 - c) The supervisor shall assign officers to maintain the scene and an officer to document, on a “**Crime Scene Control Log**” form, those entering the scene, noting arrival and departure times.
 - 3) Ensuring the involved officer is not questioned as to his actions leading to the use of deadly force;
 - 4) Debriefing the officer and ascertaining:
 - a) If the officer, subject or any other person is injured;
 - b) If there are any suspects at large;
 - c) The extent of the scene.
 - 5) Ensuring the involved officer's weapon is re-holstered or left where it was dropped and that shotguns and/or rifles remain exactly where they were left by the officer after the incident;

- 6) Ensuring the involved officer's firearm is preserved at the scene if the officer is injured or transported;
 - a) If the firearm is holstered, the firearm shall remain holstered and at the scene;
 - b) The disarmed officer shall be accompanied by an armed officer as necessary.
 - 7) Securing the weapon in cases where there is the possibility of a weapon disappearing prior to the remainder of the scene being secured;
 - 8) Ensuring the involved officer is isolated and insulated as much as possible;
 - 9) Ensuring that all witnesses, including the involved officer and witness officer, remain at the scene if possible and are kept separate to ensure statement integrity and remain available to CIU detectives.
3. Use of deadly force outside the jurisdiction of the City of Miami Beach:
- a. The involved officer shall immediately notify the police agency having jurisdiction;
 - b. The involved officer shall notify the PSCU;
 - 1) The PSCU supervisor shall notify the Shift Commander of the incident, location and officer involved.
 - a) The Shift Commander shall notify the Staff Duty Officer.
 - (1) The Staff Duty Officer shall notify:
 - (a) The Chief of Police;
 - (b) IA;
 - (c) CIU.
 - c. CIU shall respond only at the discretion of the Chief of Police;
 - d. IA shall investigate the administrative aspect of the incident and monitor the jurisdictional agency's investigation;
 - e. Incidents occurring outside of Miami-Dade, Broward and Palm Beach Counties:
 - 1) Response of departmental employees beyond the tri-county area shall be evaluated on an individual basis by the Chief of Police or his designee.

V. Reporting Use of Force Incidents

- A. The occurrence of one or more of the following situations requires preparation of a **"Supervisor's Report of Control of Persons"** form regardless of whether or not an arrest is made. This report shall be completed by an area supervisor of higher rank than the involved officer prior to the end of the shift in which the incident occurred. [1.3.6a,b,c,d]
 - 1. Whenever a degree of force is applied which: [1.3.6b]
 - a. Results in injury to the subject;
 - b. Is likely to cause injury to the subject;
 - c. Causes a complaint of injury by the subject.
 - 2. Whenever a firearm is discharged in the City of Miami Beach except: [1.3.6a]
 - a. In training situations;
 - b. In the event of an unintentional discharge where no person is injured or complaining of injuries.
 - 3. Whenever ADS and/or ECD is utilized except: [1.3.6c]
 - a. In training situations;

- b. In the event of an unintentional discharge where no person is injured or complaining of injuries.
 - 4. Whenever an impact weapon is used as a striking instrument except: [1.3.6c]
 - a. In training situations.
 - 5. Whenever the ACTR is utilized.
 - 6. Whenever there is an injury or a complaint of injury resulting from a Police K-9 apprehension. [1.3.6b]
- B. The mere drawing of a firearm does not constitute a use of force.

VI. Investigating Use of Force Incidents

- A. The initial investigation shall be conducted by an area supervisor of higher rank than the involved officer.
- B. Photos shall be taken by CSS of:
 - 1. All subjects listed on the “**Supervisor’s Report of Control of Persons**” form;
 - 2. All injured parties including officers;
 - 3. Photos should depict all injuries sustained and appropriate areas of the body when there is a complaint of injury. Photographs shall be developed when requested;
 - 4. Whenever possible, photos shall be taken prior to transporting the subjects to any outside facility.
- C. Should great bodily harm or death result, the Shift Commander shall be notified and CIU shall respond to assume responsibility for the investigation.
 - 1. The lead detective shall assume responsibility for scene security and coordinate same with the patrol supervisor.
 - 2. The lead detective shall authorize all entry into the scene.
 - a. Entry into the scene shall be limited to:
 - 1) CIU employees assigned to the investigation;
 - 2) CSS;
 - 3) State Attorney’s Office (SAO) employees;
 - 4) Medical Examiner’s Office employees;
 - 5) IA investigators;
 - 6) Other employees as deemed appropriate;
 - 7) Attorneys representing the officer when authorized and accompanied by the lead detective or his designee.
- D. In all instances where an officer has caused injury or death to another through the use of a firearm:
 - 1. The involved officer’s hands shall be swabbed in a discreet manner and location.
 - 2. If the officer has been wounded or has discharged his firearm, the outer garments shall be placed into the PEU for processing using a discreet location. Replacement clothing shall be afforded to the officer.
 - 3. The firearm shall be placed into the PEU. A replacement firearm may be issued by the PEU at the discretion of the Chief of Police.

4. The lead detective shall conduct an on-scene briefing to discuss the facts and circumstances of the case. Upon consultation with the SAO, a decision shall be made regarding issuing Miranda Warnings to the involved officer.
 - a. If Miranda Warnings are issued to the involved officer, the lead detective or designee shall read the Miranda Warnings.
5. Involved officers shall be treated the same as citizens involved in similar circumstances and within the guidelines of FS 112.532, "Law enforcement officers' and correctional officers' rights."
6. The involved officer shall be transported to the station by the lead detective or his designee.
7. All other Department employees on the scene shall prepare a Narrative Continuation Report (NCR) under the original case number detailing their activity at the scene and any relevant information they may possess.

E. Firearms

1. All involved firearms shall be inspected and certified in writing as "in compliance" with Department standards by the Range-Master or his designee prior to their release.
2. The firearm shall be returned to the involved officer after the completion of the investigation, or at the discretion of the Chief of Police.
3. After the completion of the investigation the involved officer shall meet with the Range-Master for a debriefing.

F. Internal Affairs

1. IA shall investigate the administrative aspect of incidents involving the use of deadly force. The administrative investigation shall be conducted at the conclusion of or concurrent to any CIU investigation, investigation by an outside agency (if applicable) or at the direction of the Chief of Police. [1.3.7]

VII. Relief From Duty and Mandatory Psychological Support [1.3.8]

- A. An officer who is involved in a deadly force incident, that results in great bodily harm or death shall be relieved of duty for a minimum of seventy-two (72) hours and shall be available to the CID Commander to assist in the investigation. The leave shall not be interpreted to imply that the officer has acted improperly. This leave shall be without loss of pay or benefits pending the results of the investigation.
- B. Mandatory psychological support for involved officers shall be conducted in accordance with **SOP# 043 – Critical Incident Debriefings**.
- C. Upon return to duty the officer shall be assigned to administrative duties. The duration of this assignment shall be at the discretion of the Chief of Police.

DEFINITIONS:

CHAIN OF COMMAND – Formal lines of communication going downward or upward within the organizational hierarchy through each successive level of command.

DEADLY FORCE – Force that is likely to cause death or great bodily harm as defined in FS 776.06

FELON – A subject who the officer reasonably believes has committed or is committing a crime that is punishable under Florida Law and/or the Laws of the United States by death or imprisonment in excess of one year.

FORCE - Any official action taken by a certified officer which results in the injury of another, excluding motor vehicles accidents.

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

NON-DEADLY FORCE – Force that is not likely or intended to cause death or great bodily harm.

OBJECTIVE REASONABLENESS – An equation of qualifiers to determine if a law enforcement officer's actions in a particular instance were reasonable based on the totality of the circumstances. Some specific factors to consider are the circumstances unique to the rapidly evolving incident, the severity of the crime, the subject's immediate apparent threat to the officer or others, the level of suspect's resistance, the officer's abilities and training and the facts or circumstances known to the officer at the time of the incident.

RESTRAINT DEVICES – Tools designed to temporarily restrain movements.

TOTALITY OF CIRCUMSTANCES – A term the court uses to refer to all facts and circumstances reasonably perceived by the officer as the basis for a use of force decision.


UNINTENTIONAL DISCHARGE – A discharge of a firearm, ADS and/or ECD in a non-use of force situation.

CN/RM/JB/GN/RC/OR

F:\poli\TECHSERV\PSUSOP\SOP\2009 SOP\SOP #017 - Use of Force.doc

FC:TS:PSU:SOP #017 REVISED

APPROVED BY:



Carlos Noriega
Chief of Police

References to Forms

Allegation of Employee Misconduct

Complaint/Arrest Affidavit

Crime Scene Control Log

Supervisor's Report of Control of Persons

Appendix A

Florida Department of Law Enforcement (FDLE) Use of Force Guidelines

