


| | | |
|---|--|--------------------------------|
| POLICY 119.3 | RESPONSE TO RESISTANCE- REPORTING, EVALUATION AND INVESTIGATION | |
|  | REVISED: 12/97, 05/00, 01/02, 10/02, 05/08, 01/09, 10/09, 01/14, 06/15, 06/16, 1/17, 06/17, 08/17 | RELATED POLICIES: 119.1 |
| | CFA STANDARDS: | REVIEWED: AS NEEDED |

A. POLICY

This policy sets forth the guidelines for the reporting, evaluation and investigation of all responses to resistance by all Fort Lauderdale department members.

B. PURPOSE

It is the purpose of this policy that any response to resistance by Department members shall be accurately reported and subject to a thorough and objective investigation.

C. FORCE CLASSIFICATIONS

1. Class 1 - Intentional use of deadly force. This includes:
 - a. Intentionally discharging a firearm, regardless of intent,
 - b. Intentional use of baton, motor vehicle, fists or other weapon, which results in great bodily harm or death.

Note: Any use of deadly force on an animal refer to policy 203.3, Animals (Use of Deadly Force)

2. Class 2 - Intentional use of non-deadly force is not likely to cause great bodily harm or death. This includes any use of baton, conducted energy device (Taser), fists, chemical munitions or any other non-lethal weapon which does or does not result in injury.

D. PROCEDURES

The following procedure applies anytime a response to resistance occurs, even if no arrest is made.

1. Class 1 - Intentional use of deadly force.

In circumstances when an officer intentionally uses deadly force, the Chief of Police has determined that, for greater transparency and increased public trust in the agency, the Florida Department of Law Enforcement shall be the lead agency investigating the use of deadly force.

The following procedure shall be adhered to.

- a. The officer shall immediately summon and render first aid, and notify a supervisor of such response to resistance. The notified supervisor will respond and take charge of the scene.
- b. The Shift/Duty Lieutenant shall ensure the following personnel are immediately notified:
 - (1). Chief of Police
 - (2). Florida Department of Law Enforcement (FDLE) (Fusion Center 850-410-7645)
 - (3). Assistant Chiefs of Police
 - (4). Majors
 - (5). Internal Affairs Commander
 - (6). Criminal Investigations Captain
 - (7). Homicide Sergeant
 - (8). Public Information Office
 - (9). Critical Incident Stress Debriefing (CISD) Team Coordinator
 - (10). Police Chaplain
 - (11). Support Services Facilities Captain
 - (12). The Fraternal Order of Police
- c. Supervisor's responsibilities:
 - (1). Ensure that necessary medical aid is provided to injured persons. Any police officer complaining of injury shall be sent to a medical facility for treatment as soon as possible and shall be accompanied by a member of the Department.
 - (2). Secure the scene.
 - (3). Assign a member of the Department to:
 - (a). Maintain a log of persons entering or leaving the crime scene. Only persons, having an investigative purpose, shall enter the crime scene. Ideally, this should be limited to investigating and crime scene detectives.
 - (b). Detail the use of deadly force in an offense report and that a copy of the report is routed to Internal Affairs.

- (4). Attempt to detain any persons considered to be possible witnesses. If unable to detain witnesses, attempt to obtain personal and/or vehicle identification.
 - (5). Any officer that witnessed the incident, handled evidence or obtained information will remain on scene until released by FDLE.
 - d. Police officer(s) involved in the actual use of deadly force shall keep custody of their weapon(s) until ordered to surrender them. Weapons shall not be unloaded or otherwise tampered with prior to their surrender.
 - e. Police officer(s) involved are to be removed from the scene as soon as possible at the direction of the lead investigator.
 - f. All information disseminated to the public will be conducted by the Fort Lauderdale Police Department's Public Information Office (after consultation with FDLE if they are investigating).
 - g. Inquiries from non-police personnel, civilians, attorneys, news media, or family members of injured or deceased individuals shall be referred to Fort Lauderdale Police Department's Public Information Office. Every effort will be made to provide the family members with information that will be contained in a press release prior to its dissemination to the media.
 - h. If FDLE is responsible for conducting the investigation.
 - (1). The Fort Lauderdale Police Department Homicide Sergeant or designee shall act as the liaison between the Fort Lauderdale Police Department and FDLE for the duration of the investigation.
 - (2). FDLE will be responsible for next of kin notifications
 - i. Any officer whose actions result in death or serious bodily injury shall be removed from the line of duty and placed on administrative leave. Upon completion of a fit for duty evaluation, the Chief of Police or his/her designee will give final authorization for the officer involved to return to duty.
 - j. Any officer whose actions do not result in serious injury or death may be relieved from the line of duty and/or sent for a fit for duty evaluation by the Chief of Police.
2. Class 2 - Intentional use of non-deadly force. Whether or not there is visible injury or whether or not a subject complains of injury:

- a. The officer shall, if necessary, immediately summon and render first aid. Immediately after the occurrence, the officer shall notify a supervisor of such use of force as defined in Policy 119.1 C. 11.
- b. When the supervisor is notified they shall ascertain what occurred, ensure medical aid is provided to all injured persons and determine if further investigation is necessary. If the supervisor determines further investigation is necessary, the supervisor shall:
 - (1). Respond to the scene to further the investigation.
 - (a). Unless the scene requires expediting the removal of the subject from the scene, the member and supervisor shall meet at a safe location as near the scene as practical.
 - (2). Examine the injured.
 - (3). Attempt to identify witnesses and ensure their information is documented in the offense report.
 - (4). Photograph all of the subject's and officer's injuries and areas of complaint of injury, regardless of visible or non-visible injuries.
- c. The supervisor shall respond to the scene under the following situations:
 - (1). If requested by the arresting officer.
 - (2). Injury requiring medical clearance.
 - (3). Complaint of Injury, whether visible or non-visible.
 - (4). Jail refusal of admittance due to injury.
 - (5). BSO Medical advises FLPD of prisoner's complaint of injury.

No Notice to Appear (NTA) shall be issued if any of the above applies, until a supervisor responds and approves the issuance of the NTA, in lieu of medical clearance. The supervisor will initial the corner of the NTA.
- d. The Department member shall detail the response to resistance in an offense report and route a copy of the report to Internal Affairs.
- e. The responding supervisor shall review the offense report, ensure the response to resistance is explained in detail, confirm that a copy of the report is routed to Internal Affairs and all photographs are placed into evidence.

E. RESPONSE TO RESISTANCE REVIEW

The Internal Affairs Unit shall review all reports involving the response to resistance, discharges of firearms and actions of members that result in, or is alleged to result in, injury or death to another, to determine whether or not it is consistent with Department policies and professional law enforcement standards. The Office of Internal Affairs shall conduct an annual administrative review and analysis of such reports, and shall forward the report to the Chief of Police.

F. RECOMMENDATION FOR REMEDIAL TRAINING

Pursuant to any response to resistance, any reviewing Department supervisor may recommend appropriate remedial training for the indicated Department member.