

## Boynton Beach Police Department

# RESPONSE TO RESISTANCE



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<b>Scope:</b>	All Sworn Members
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<b>Joseph DeGiulio Chief of Police</b>	
	The original signed copy of this directive is on file in the Professional Standards Office



**Related References/Accreditation Standards:** 4.01M, 4.02M, 4.04M, 4.06M, 4.07M, 4.08M, 4.10M, and 15.15M,  
**Related Policies/Procedures:** IC 402, IC 406, TB 2024-02

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## I. PURPOSE

The purpose of this directive is to define appropriate employee conduct and establish guidelines for the use of force when encountering resistance to lawful commands, detainment, and/or arrest, and to establish guidelines in reporting requirements for the use of force by the Boynton Beach Police Department Members.

## II. SCOPE

This directive will apply to all Boynton Beach Police Department Sworn Members.

## III. AUTHORITY

Department members derive their authority to respond to resistance, lethal, and less lethal, in the lawful performance of their duties, from Chapter 776, Florida Statutes. (CFA 4.01)

#### IV. POLICY

- A. **Preservation of Life** – The preservation of life should guide all law enforcement actions. Where necessary to use force against a member of the community, the force should be objectively reasonable, proportional, and necessary in defense of an officer, another, or in pursuit of a lawful objective.
- B. **Communication by Officers** – Many incidents involving the use of force may be eliminated or mitigated by thoughtful, clear, continuous, and calm communications when possible. In every encounter with the community, officers should strive to thoughtfully communicate as a reasonably prudent officer would and to use force only when all reasonable efforts to communicate without the use of force are unsuccessful or impracticable.
- C. All members shall be issued and provided training in the agency's Response to Resistance policy before being authorized to carry a weapon. Members shall not be allowed to carry or use agency authorized weapons (lethal or less lethal), on or off-duty, until they have been properly instructed and have demonstrated proficiency, if applicable, with the weapon(s). (CFA 4.01, 4.02, 4.06)
- D. An Officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.
- E. An officer shall have a Duty to Intervene. Any officers present and observing another officer using force that is clearly beyond what is objectively reasonable under the circumstances, or suspects that another employee is about to use unnecessary force, shall safely intervene to prevent the use of such force. The intervention shall be reported to a supervisor.
- F. The officer shall summon and/or administer medical attention in accordance with his/her capability and training.

#### V. DEFINITIONS

- A. **Deadly Force:** Any action, by a subject or a member, that is likely to cause death or great bodily injury.
- B. **De-escalation Tactics:** An effort to attempt to calm a situation or prevent a situation from escalating into a physical confrontation or injury by using verbal and non-verbal techniques to include active listening skills, tone of voice, warnings, shows of force, body posture, personal space, eye contact, empathy, concern for the individual so as to promote officer safety.
- C. **Defensive Weapon:** The agency approved or authorized firearms and less lethal weapons.
- D. **Defensive Force:** Physical battery with hands, fists, or defensive equipment to overcome violent resistance or to protect self or others from assault or injury.
- E. **Electronic Control Weapon:** A less lethal defensive weapon that uses propelled wires to conduct energy to a remote target, thereby controlling and overriding the central nervous system of the body.
- F. **Empty Hand Takedown:** Technique used to forcibly maneuver an individual to the ground. Soft techniques include grabs, holds, and joint locks. Hard techniques include punches and kicks without the use of an impact weapon.
- G. **Empty Hand Technique:** Force used by an officer to gain control of an individual through the manipulation of their joints, limbs, extremities, and pressure points.
- H. **Escort Technique:** The physical guiding or directing of an individual that is not intended to cause pain, but can allow an officer to transition into the use of force.
- I. **Expandable Baton:** Impact weapon with a telescopic locking shaft.
- J. **Feasible:** Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

- K. **Force:** The tactics and/or techniques utilized by a member to control or regain control of a subject in self-defense, the defense of others, or to counter resistance by a subject.
- L. **Force Array:** A team tactic that provides sworn personnel with a range of force options (empty hand, less-lethal, lethal) that allows the team to escalate or de-escalate their force response when necessary to a wide variety of scenarios.
- M. **Force – Reasonable:** Is the amount of force reasonably necessary to make an arrest. This is called “objective reasonableness.” As described in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force will be judged from the perspective of how a reasonable officer on the scene would respond, rather than from the 20/20 perspective of hindsight. The Response to Resistance review will consider the facts and circumstances, at the time the incident occurred to determine if an officer’s actions were that of a reasonable and prudent officer, presented with similar circumstances. Command review also considers officers must make split-second judgments about the amount of force needed in a particular situation under circumstances that are tense, uncertain, and rapidly evolving.
- N. **Force – Unreasonable:** Is force that is gratuitous or used to punish rather than to achieve legitimate law enforcement results or force used when there is no legal authority to detain a subject.
- O. **Imminent Threat/Danger:** A dangerous or threatening situation which is about to occur or take place and is perceived to be unfolding.
- P. **Lawful Objective:** A purpose permitted by law to include, the arrest or detention of an individual, preventing harm to others, preventing or terminating the commission of a crime, intervening in a suicide or self-inflicted injury.
- Q. **Less- Lethal Force:** Force, which is not likely to cause death or great bodily harm.
- R. **Less-Lethal Impact Launcher:** An intermediate less-lethal weapon system designed to deliver a sponge impact round from a 40 mm impact launcher.
- S. **Low-Level Control Tactic:** Physical interaction used to move, guide or stop an individual that does not cause pain, is not reasonably likely to cause pain or injury, and does not cause a complaint of an injury. This include escort techniques, incidental touching, holding, or handcuffing where there is no or passive resistance and not reasonably likely to cause pain. Low-level control does not constitute a use of force.
- T. **Low Ready:** A position of preparedness with a firearm, Taser, 40 mm impact launcher or beanbag shotgun in which the muzzle of the weapon is not covering or aimed at an individual. This is not a reportable use of force.
- U. **Oleoresin Capsicum (OC):** A chemical compound consisting of pepper extract or synthetics that temporarily causes involuntary closing of the eyes, respiratory distress, an acute burning sensation on exposed skin, and loss of motor control when sprayed about the face of a person or animal.
- V. **Ordered Force:** A directive from a supervisor to any sworn member, to use force against an individual. Ordering force is the equivalent of using force for the purposes of force reporting.
- W. **Physical Force:** Force in excess of the mere touching or grabbing of an individual. Pain inflicting submission restraints to overcome resistance to arrest are included in this definition.
- X. **Proportionality:** Officers should only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of resistance.
- Y. **Serious Physical Injury:** A bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss, or impairment of a bodily function. The phrases “Serious Physical Injury” and “Great Bodily Harm” are considered synonymous.
- Z. **Show of Force:** The display (aiming, painting, pointing) of a Taser, 40 mm, bean bag shotgun, or firearm at another with the intent of gaining compliance.

## VI. PROCEDURES

Guidelines cannot be written to encompass every possible application for the use of any weapon. However, as with any use of force, it must not be used indiscriminately or without just cause.

Nothing in this directive is intended to discourage members from using a higher level of force whenever such force is necessary and can be justified. Members should keep in mind that they must be able to articulate the actions taken by the individual who caused them to reasonably believe the situation escalated to the degree that force was necessary.

Physical force may only be used when the alternatives of advice, warning and persuasion have been exhausted or are inappropriate under the circumstances.

- A. **Justification of the Use of Force:** *Totality of circumstances* is a term the court uses to refer to all the facts and circumstances known to the officer at the time or reasonably believed by the officer as the basis for a use of force decision. The use of force review will consider the totality of circumstances in determining whether the decision was objectively reasonable and, therefore, legally justified. The totality of circumstances includes consideration of the subject's form of resistance, all reasonably perceived factors that may have an effect on the situation, and the response options available to the member.

Some situational factors to consider when evaluating the totality of the circumstances are:

1. Severity of the crime;
2. Subject is an immediate threat;
3. Subject's mental or psychiatric history, if known to the member;
4. Subject's violent history, if known to the member;
5. Subject's combative skills;
6. Subject's access to weapons;
7. Innocent bystanders who could be harmed;
8. Number of subjects versus number of members/officers;
9. Durations of confrontation;
10. Subject's size, age, weight and physical condition;
11. Member's size, age, weight, physical condition and defensive tactics expertise; and
12. Environmental factors, such as physical terrain, weather conditions, etc.

- B. **Force Guidelines:** These guidelines recognize that a member's response to resistance is based on the totality of circumstances at the time of the incident. These circumstances are fluid and often rapidly evolving. Formulating a valid response requires continual assessment as the situation changes.

Force Guidelines provide a framework for making decisions involving the reasonable responses to resistance by members. The structure of the Force Guidelines is based on Constitutional considerations and case law, and describes appropriate decision-making in a fluid and dynamic situation. The Force Guidelines consider the relationship between subject's resisting and various situational factors in determining the member's response options.

**NOTE:** In all situations members will use only the force necessary to make an arrest or effect lawful objectives. Without a lawful objective, force is not justified.

- C. Members of the Department shall have a legal objective and use reasonable force in the performance of their duties in the following circumstances:
1. To prevent a breach of the peace or other unlawful act;
  2. To prevent a person from injuring himself/herself;
  3. To affect the lawful arrest/detainment of persons resisting arrest/detainment or attempting to flee from custody.
  4. In defense of self or another person.
  5. Conducting a lawful search.

## **VII. SUBJECT RESISTANCE LEVELS**

- A. Passive Resistance is a subject's verbal and/or physical refusal to comply with a member's lawful direction, causing the member to use empty hand techniques to establish control. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance.
- B. Active Resistance is a subject's use of physically evasive movements directed toward the officer such as attempting to flee, pulling, pushing, twisting to prevent an officer from establishing control over a subject or escape. Tensing, bracing, a targeted stance and/or verbal statements alone do not constitute active resistance unless the individual poses an articulable threat of harm to the officer or another.
- C. Aggressive Resistance is a subject's pre-attack and/or attacking movement toward a member that may cause injury but not likely to cause great bodily harm to the member or others.
- D. Deadly Force Resistance is a subject's hostile, attacking movements with or without a weapon that creates a reasonable perception by the member that the subject intends to cause, and has the capability of causing death or great bodily harm to the member or others.

## **VIII. OFFICER RESPONSE OPTIONS**

### **A. Communication**

- 1. Announcement- An officer informing an individual that they are police officers with the Boynton Beach Police. This is to ensure the individual clearly understands they are interacting with sworn police officers engaged in a legitimate law enforcement purpose.
- 2. Dialogue- A two-way, controlled, non-emotional communication between the officer and subject, aimed at problem identification and/or resolution.
- 3. Verbal Direction – An officer providing clear commands to an individual to engage in or refrain from a specific action or non-action (e.g. raise your hands, don't put your hands in your pockets). Informing an individual that they are being detained or under arrest and not free to leave (e.g. stop, you are being detained, you are under arrest). After an order is given, if feasible, the individual should be given a reasonable amount of time to comply with the order before force is used.
- 4. Tactical Positioning or Relocation – An officer recognizes an officer safety threat or risk and positions themselves in an advantageous tactical location or safe zone to create time and distance between themselves and the threat/risk to summon and/or await additional resources (e.g. back up) and/or deploy de-escalation techniques. This may include using an obstacle to block the path to the officer.
- 5. Touch – A touch used to comfort or console a distraught individual. An officer may use a soft assisting touch when guiding, directing or obtaining the attention of a subject, or a firm strong touch prior to escalating to a higher level of force.

### **B. De-escalation**

It is the policy of the Department for sworn personnel to use de-escalation techniques when feasible before using force to reduce the intensity of the encounter, the potential need for force or to mitigate the use of higher levels of force. Officers need not engage in de-escalation tactics if doing so would place themselves or others in danger. Officers should document any attempts to de-escalate a situation that results in a use of force.

These techniques include:

- 1. Using time, distance, cover, and/or concealment to assess the situation and develop a plan.
- 2. Using intermediate barriers between officers and the individual.
- 3. The addition of additional resources or personnel.
- 4. The use of active listening skills to engage in a conversation with the individual.

Using verbal de-escalation, which may include:

1. Communicating in a conversational tone of voice.
2. Asking questions as opposed to immediately issuing orders.
3. Encouraging vocabulary compliance.
4. Use of warnings, advising that a failure to comply with orders or posing a threat to officers or others, may result in the need for force.
5. Commands or orders are not de-escalation techniques.

#### C. Physical Control

Physical Control is achieving compliance or custody through the use of low-level control, empty-hand or leverage-enhanced techniques – including but not limited to pain compliance, transporters, restraint devices, takedowns and striking techniques.

1. Escort/Low-level Control Techniques (Guiding motions without pain or a likelihood of injury)
2. Empty Hand Techniques (Soft, i.e. pain compliance, joint manipulation)
3. Empty Hand Techniques (Hard, i.e. strikes, kicks, takedowns, leg sweeps)

#### D. Less-Lethal Weapons

Less Lethal Weapons are weapons that are not designed fundamentally to cause death or great bodily harm. Some examples of less lethal weapons include, but are not limited to, conductive energy weapon (CEW) such as the Taser, expandable or straight batons, 40 mm impact launcher, or chemical agent sprays. For the issuance and training requirements of less-lethal weapons, see IC 402. Less-lethal weapons are not to be used on passive resisters and/or peaceful protestors.

##### 1. Chemical Agents and OC Spray

- a. Officers may use OC spray when it is reasonable and necessary in order to gain control of an actively resistant individual or to protect sworn personnel or others from a threat
- b. OC spray will only be directed at the individual causing the threat.
- c. Officers shall attempt to minimize exposure to others.
- d. Officers should use bursts of one or two seconds or less, and the fewest number of bursts necessary, to effect temporary immobilization of the individual being sprayed. Use of OC spray shall be discontinued once compliance is achieved.
- e. Officers may use OC spray on an animal to deter an attack or to prevent injury to themselves or another.
- f. The effected individual's breathing should be monitored and medical personnel should be summoned if appropriate once it is safe to do so.

##### 2. Conductive Energy Weapon (CEW) – Taser

- a. Purpose- to establish guidelines for the use of the CEW/Taser as a less-lethal method of controlling violent or potentially violent subjects and those who resist arrest or other lawful commands through active resistance. The Boynton Beach Police has authorized the use of a Conducted Energy Weapon (CEW) commonly known as the "Taser" as less-lethal means of controlling subjects who actively resist a member's attempt to lawfully seize them and preventing injury which may result the use of greater force – (CFA 4.07).
- b. The Taser should be deployed as an additional law enforcement tool and is not intended to replace the firearm or other self-defense/arrest techniques.
- c. Members should remain cognizant of the fact that mere display of the Taser is often a compelling motivation for subjects to comply with their lawful direction. When practical, members should provide subjects with the opportunity to comply by displaying their Taser and if feasible, warning of its use. A member is authorized to display their Taser whenever the member feels as though the resistance level is likely to escalate to active resistance.
- d. In accordance with Chapter 943.1717(1), F.S., the decision by a law enforcement officer to use a Taser must involve an arrest or a custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance and the person:



- i. Has the apparent ability to physically threaten the member or others; or
- ii. Is preparing or attempting to flee or escape.

**Note:** Mere flight upon seeing a law enforcement officer, or tensing, in and of itself, does not constitute active resistance.

- e. When feasible, issue a verbal warning to an individual and allow them a reasonable amount of time to comply with the warning prior to deployment (e.g., “Stop or you will be Tased”).
- f. When feasible, sworn personnel shall give a verbal announcement in order to notify on-scene personnel that a Taser/CEW is about to be deployed (e.g., “Taser, Taser, Taser”).
- g. Upon discharging the CEW, the officer shall discharge the CEW no longer than reasonably necessary to accomplish a lawful objective.
- h. Officers should independently justify the reasonableness of each CEW cycle and re-evaluate the situation to determine if subsequent cycles are necessary.

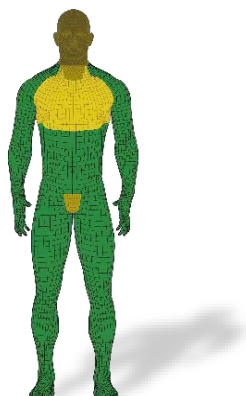
i. CEW Modes

- i. Show of Force: pointing a CEW or pointing an individual with the CEW laser or using the warning arc.
- ii. Drive Stun: a technique that involves pressing the CEW against the individual while it is energized without deploying the probes. This mode is used as a pain compliance tool and offers minimal or no neuromuscular incapacitation. This is solely a pain compliance technique.
- iii. Drive Stun Follow-up: a technique that is used as a follow-up to the discharge of the CEW probes in standoff mode. It can increase the effectiveness of the CEW by increasing the spread between connections or completing the circuit where only one probe has made connection with the individual.
- iv. Standoff Mode: discharging the CEW with a cartridge on the device, which propels the probes toward the individual and, upon effective contact, is intended to cause neuromuscular incapacitation.

j. CEW Deployment

As per the manufacturer’s recommendations, the following targeting guide will be use:

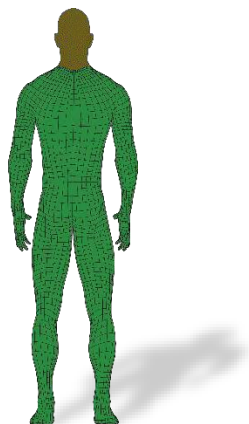
- i. Do not intentionally target head, eyes, throat, chest or genitals.
- ii. To reduce the risk of any cardiac related issues avoid targeting the chest, the heart region, and repeated continuous exposure.
- iii. Use Preferred Target Zones: Front (when practical)  
Lower torso (green zone below chest)-the CEW is more effective than



hitting the chest when larger muscles (legs) are targeted.

iv. Use Preferred Target Zones: Rear (when practical)

Below neck (green zone)-targeting large muscles while avoiding the head and neck.



- v. When it is safe to do so, assisting officers should attempt to handcuff the individual during the cycle to reduce the risk of injury to the individual and sworn personnel.

k. Taser/CEW Precautions

The intent of the precaution is not to imply that persons classified by one of the above categories are in any way exempt from a member's lawful employment of any use of force option; however, the use of a Taser may subject individuals classified above to additional complications and/or injury.

Absent exigent circumstances, members should not use their Taser against anyone whom the member reasonably believes is:

- i. Pregnant
- ii. 12 years of age or less
- iii. Elderly or disabled
- iv. Low body-mass index/very thin person
- v. In physical control of a motor vehicle
- vi. In physical control of a bicycle.

Officers shall not:

- i. Use a CEW where the use of the CEW could cause a secondary injury (elevated position or swimming pool).
- ii. Use multiple CEWs on an individual simultaneously.
- iii. Be discharged near known flammable liquids or fumes.

Exposure to multiple or continuous cycles of longer than fifteen (15) seconds may increase the risk of injury to an individual. Officers should use the shortest duration CEW exposure to accomplish lawful objectives. If a CEW deployment is ineffective in incapacitation or achieving compliance, consideration should be given to an alternative control measure.

3. Post Deployment Procedures

- a. All members are responsible for obtaining medical aid for individuals who complain of, or show signs of injury as a result of any use of force – (CFA 4.09).
- b. The member will request that Boynton Beach Fire Rescue (BBFR) respond to the scene and begin medical evaluation and care of such individuals as soon as practical. Fire Rescue emergency medical personnel at the scene of the incident will assess the need for further medical care beyond that provided at the scene.



- c. PBSO booking policy requires that all individual's subjected to a CEW deployment must be medically cleared at a hospital.
- d. Officers may remove Taser probes that are not deeply embedded in the subject's skin and easily removable without causing additional injury to the subject. Probes that have struck the head, neck, groin or female breast area will only be removed by Fire/Rescue or Hospital medical personnel (CFA 4.09). Taser probes that have struck the target's skin shall be considered a biological hazard and shall be handled appropriately.
- e. Photographs will be taken of the probe impact areas on the subject, whether injuries are visible or not. Additionally, photographs will be taken of any other injuries potentially caused by the use of the CEW or other force option.
- f. Spent probes shall be placed into evidence using the following procedure.
  - i. The probes are placed into the expended cartridge with the pointed end of the probes facing down, wrapping the wire around the cartridge.
  - ii. The entire cartridge will then be placed in evidence following the proper evidence protocol for sharps.
- g. An officer who transfers custody of a prisoner to either a medical or detention facility should advise the receiving person that a Taser was deployed when taking the prisoner into custody.
- h. The following is the responsibility of the officer, after a deployment and as soon as practical:
  - i. Remove and dock the battery.
  - ii. Insert a new fully charged battery from the docking station.
  - iii. Wait for the hourglass to disappear on the display.
  - iv. Insert new cartridge.
  - v. Conduct a function test.
- i. In the event that the reviewing supervisor has reason to believe that a Taser discharge was not reported, the applicable weapon will be confiscated by the supervisor and the battery will be docked for downloading.

#### 4. Impact Weapons

Sworn personnel may use the expandable baton when such force is reasonable and necessary to control an actively resistant individual who presents a perceived threat to the officer or another. When an impact weapon is used for control, it should be with the intent to gain control/compliance of a subject and not with the intent of creating an injury. When practical, members should consider using CEW or OC spray prior to utilizing impact weapons. Use of any impact weapon by a sworn member should be consistent with their training.

- a. Expandable Baton
  - i. All strikes with an impact weapon will be targeted in accordance with Department training and in response to active resistance individual who presents a threat to the officer or another.
  - ii. A subject's head, neck, throat, spine and clavicle may be targeted only during deadly force situations. Strikes to these areas can produce great bodily harm, permanent injury, or death.
  - iii. Joints such as elbows, wrists, and knees may be targeted during aggressive active resistance or with a combative individual.
  - iv. Uniformed officers must carry the expandable baton in a scabbard, matching and attached to the issued belt.
  - v. Members will not brandish or use an impact weapon as an intimidation device unless as a show of force where the officer is attempting to prevent the further escalation of resistance by a subject.

b. Beanbag Shotgun

A beanbag shotgun is a less-lethal impact weapon with an optimal range between twenty (20') and fifty (50') feet and a maximum effective range of seventy-five (75') feet. The effectiveness and accuracy of a beanbag shotgun may start to diminish at a distance after fifty (50'). Only shotguns plainly marked with a high visible orange stock and foregrip will be used to deploy a beanbag round.

- i. When feasible, a verbal warning shall be issued to an individual and they should be allowed a reasonable amount of time to comply with the warning prior to deployment (e.g., "Stop or you will be shot with a beanbag").
- ii. When feasible, sworn personnel shall give a verbal announcement in order to notify on-scene personnel that a beanbag shotgun is about to be deployed (e.g., "Beanbag, Beanbag, Beanbag").
- iii. Sworn personnel may deploy a beanbag shotgun when such force is reasonable and necessary to control an actively resistant individual who presents an imminent threat to an officer or another.
- iv. Absent deadly force situations, sworn personnel shall not intentionally target an individual's head, neck, throat, or groin.
- v. Sworn personnel should understand that there is an increased risk of serious physical injury to an individual when shot within five (5') feet. At close distances, sworn personnel should consider other force options.
- vi. Sworn personnel shall consider other available force options before shooting a beanbag shotgun at a higher-risk individual. Beanbag shotgun rounds should not generally be used against visibly pregnant women, elderly individuals, young children, or visibly frail individuals.
- vii. After the use of a beanbag shotgun and as soon as it is practical to do so, the member will request that Boynton Beach Fire Rescue (BBFR) respond to the scene and begin medical evaluation and care of such individuals as soon as practical. Fire Rescue emergency medical personnel at the scene of the incident will assess the need for further medical care, beyond what is provided at the scene.

c. 40-Millimeter Impact Launcher

The 40-millimeter impact launcher is a less-lethal impact weapon with an optimal energy range between five feet (5') to one-hundred twenty feet (120'). The effectiveness and accuracy of the 40-millimeter impact launcher starts to diminish at distances beyond one hundred and twenty feet (120'). The 40-millimeter impact launcher is plainly marked with high-visibility orange paint.

- i. When feasible, a verbal warning shall be issued to an individual and they should be allowed a reasonable amount of time to comply with the warning prior to deployment (e.g., "Stop or you will be shot with an impact round").
- ii. When feasible, sworn personnel shall give a verbal announcement in order to notify on-scene personnel that a 40-millimeter impact launcher is about to be deployed (e.g., "forty, forty, forty").
- iii. Sworn personnel may deploy a 40-millimeter impact launcher when such force is reasonable and necessary to control an actively resistant individual who presents an imminent threat to an officer or another.
- iv. Absent deadly force situations, sworn personnel shall not

intentionally target an individual's head, neck, throat, or groin.

- v. Sworn personnel should understand that there is an increased risk of serious physical injury to an individual when shot within five feet (5'). When an individual is closer than twenty feet (20'), sworn personnel shall consider transitioning to other force options.
- vi. Sworn personnel shall consider other available force options before shooting an impact round at a higher-risk individual. 40-millimeter impact sponge rounds should not generally be used against visibly pregnant women, elderly individuals, young children, or visibly frail individuals.
- vii. After the use of a 40-millimeter impact round and as soon as it is practical to do so, the member will request that Boynton Beach Fire Rescue (BBFR) respond to the scene and begin medical evaluation and care of such individuals as soon as practical. Fire Rescue emergency medical personnel at the scene of the incident will assess the need for further medical care beyond that provided at the scene.
- viii. 40-millimeter weapon systems may have additional approved uses by specialized units (SWAT) and shall be used in accordance with the Department policy and their unit's SOP's.

#### E. Deadly Force (Lethal Force)

A member may use lethal force to protect him/herself or others from what he/she reasonably believes to be an immediate threat of death or serious bodily harm. Considerations for the use of deadly force are as follows:

Section 776.06, F.S., states in part: Deadly force means force that is likely to cause death or great bodily harm, and includes, but is not limited to:

- 1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
- 2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
- 3. Empty hand strikes to the throat
- 4. Impact weapon strikes/deployments to the head, neck, throat, or groin.

Use of deadly force may be a member's first and only appropriate response to a perceived threat. Deadly force does not necessarily mean that someone dies from the force used. It can cause great bodily harm or no harm at all. For example, returning fire is deadly force even if the member misses the target.

The officer must base their decision to use deadly force as a defensive tactic on an objectively reasonable belief, based upon the totality of the circumstances known to the officer at the time, that they or another person, faces imminent danger of death or great bodily harm.

Consideration for deadly force:

- 1. Members shall use deadly force only when no reasonably effective alternative appears to exist and shall only use the level of force which a reasonably prudent officer would use under the same or similar circumstances. Lethal force may be used only as a last resort or in emergency situations where other means cannot be considered, consistent with Florida Law and department directives. Justification for using lethal force is those facts known or perceived by a member at the time lethal force is utilized.
- 2. A member may use lethal force to effect capture or prevent escape if the officer reasonably believes that the suspect has committed a felony involving the infliction or threatened infliction of serious physical harm to another person.
- 3. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.
- 4. Shooting at or from moving vehicles or vessels is prohibited unless:
  - i. A person in the vehicle is threatening the officer or another person with

deadly force by means other than the vehicle, or

- ii. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all or the reasonable means of defense have been exhausted, are not present, or are impractical, which includes moving out of the path of the vehicle.
  - iii. There is no reasonable alternative to apprehend a person who just committed a violent felony resulting in death or great bodily harm and it does not endanger others.
5. Members shall not intentionally place themselves in the path of an oncoming vehicle or vessel (while on foot or in their police vehicle or vessel.). When confronting an oncoming vehicle or vessel, officers shall make every attempt to move out of the vehicle or vessel's path, rather than discharge their firearm or any other weapon at oncoming vehicle or vessel.
  6. Warning shots are **prohibited**. A warning shot is defined as the discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.
  7. Deadly force shall not be used against any individual who is threatening suicide or self-injury when that individual does not pose an objectively reasonable threat of death or serious bodily harm to another.

F. **Neck Restraints (chokeholds)** are an intentional physical application of pressure to the neck of a noncompliant person by restricting the blood flow to their brain, or choking to restrict oxygen to the brain, using any part of the officer's body or object, such as a strap, rope, baton or flashlight. The use of neck restraints is **prohibited**. Unless the use of deadly force is authorized.

G. Special Considerations

1. An action by any member acting in an official capacity that results, or is alleged to have resulted, in death or serious bodily injury, will result in the member being placed on Administrative Leave, with pay, pending the outcome of the criminal investigation, preliminary administrative review, or administrative investigation (CFA 15.15). A member may be transferred to Administrative Leave without pay upon a criminal indictment or criminal charges being filed on the member.
2. Hog-tying (arms and legs tethered together) is strictly forbidden under any circumstances. Arrested persons who remain violent after being restrained or confined may have their legs restrained, but not tethered to their hands.
3. OC spray should not be used against a restrained or confined person unless reasonably necessary to prevent physical injury to officers or third persons.

H. Weapons of Opportunity

While the department does recognize that equipment including a flashlight, clipboard, or radio may be used as a defensive weapon of opportunity, instruments that have not been departmentally approved should never be used as a weapon of choice. Officers will adhere to guidelines consistent with their training. In the event a weapon of opportunity is used as an impact weapon, the member should disengage as soon as the situation permits and transition to an approved less-lethal weapon, chemical agent or defensive tactic technique.

**IX. MEDICAL AID (CFA 4.08)**

All members are responsible for providing medical aid commensurate with their training and obtaining medical aid for individuals who complain of, or show signs of, injury or any medical complication while in police custody.

The member will request that Boynton Beach Fire Rescue (BBFR) respond to the scene and begin medical evaluation and care of such individuals as soon as practical. Fire Rescue emergency medical personnel at the scene of the incident will assess the need for further medical care beyond that provided at the scene.

**Note:** If a prisoner is placed in the prone position for any reason once secure, the prisoner shall be immediately placed in a sitting or standing position; to prevent injury or positional asphyxiation. A prisoner or handcuffed subject shall not be left unattended or unsupervised in a vehicle, at any time.

**X. REPORTING RESPONSES TO RESISTANCE (CFA 4.07)**

When a member responds to resistance as delineated by departmental directive, whether an injury occurs, the member shall immediately contact their supervisor and advise of the nature of the incident and forced employed.

All reported responses to resistance will be addressed at every level of the affected member's chain of command to determine whether:

- A. Departmental rules, regulations, policy or procedure were violated; and
- B. The relevant policy was clearly **understandable** and effective to cover the situation.
- C. The officer(s) may benefit from additional training to handle future events more effectively.

The below chart shall be utilized when determining the type of reporting method utilized for response to resistance incidents:

INCIDENT TYPE	RISK MANAGEMENT S.I.R.	BLUE TEAM ENTRY
Discharge of a firearm. <i>Other than for training or recreational purposes.</i>		✓
Discharge of a firearm. <i>Where there is injury or death of a person.</i>	✓	✓
Any response to resistance where there is alleged injury, whether visible or not visible or death of a person.	✓	✓
Any response to resistance where there is <i>no</i> report of injury or death of a person.		✓

**Note:** A Blue team Entry **DOES NOT** replace an Incident Report.

This Directive shall not preclude from completing a Blue Team Entry for extenuating circumstances or upon direction.

In any incident where force is used by a member in performance of their duties, such reports will be completed and forwarded through the chain of command in the following manner:

1. Offense/Incident Report shall be completed prior to the end of the member's tour of duty. If the member is incapacitated and is hospitalized due to a response to resistance incident, the supervisor shall assign another member to collect the relevant information and shall complete the Offense/ Incident Report on behalf of the hospitalized employee. (CFA 15.15)
2. The supervisor will complete a Blue Team and/or Risk Management Supervisor Incident Report as outlined in Training Bulletin 20-05 entitled Blue Team/ SIR Reporting Expectation. (CFA 15.15)

**Note:** If the response to resistance incident possibly **violated departmental policy** and/or may require administrative investigation, the **Chief of Police is to be notified of the incident immediately via chain of command**. Pursuant to any response to resistance, any reviewing department supervisor may recommend appropriate remedial training or can recommend an administrative investigation for the indicated department member.

3. The Watch Commander/Division Commander will review the Blue Team Entry, Offense/Incident Report and corresponding SIR. Once approved by the Watch Commander/Division Commander, all documentation relating to the use of force will be forwarded to the Division Commander

for review no later than **5 days (120 hours)** after the incident.

**Note:** In the event that any supervisor or Watch Commander/Division Commander is unable to meet the submission deadlines established in this directive, he/she must notify the Chief of Police in writing requesting an extension.

4. The Division Commander will conduct a preliminary administrative review on all incidents involving a member using force. Once approved by the Division Commander, all documentation relating to the use of force will be forwarded to the Office of Professional Standards for an Internal Affairs review no later than **7 days (168 hours)** after the incident.

**Note:** Officer-involved shooting incidents will fall under Index Code 2311, for time frames.

## **XI. REPORTING SHOW OF FORCE**

A show of force by itself is not considered a use of force by Department policy. All shows of force will be documented in the narrative of an incident report. The type of weapon used as a show of force will be specified (Taser or Firearm). A Blue Team report is not necessary for a show of force, provided there is no use of force.

## **XII. ANNUAL RESPONSE TO RESISTANCE REPORT**

The Professional Standards Section will ensure that an administrative review and analysis of Response to Resistance is conducted annually. A detailed report documenting the findings will be forwarded to the Chief of Police for review no later than March 1st of any calendar year.

## **XIII. NOTIFICATION REQUIREMENTS**

### **A. Intentional Discharges of Agency Firearms**

As soon as practical after a member intentionally discharges a firearm on duty, the ranking on-duty supervisor shall be responsible for ensuring the following members are notified of the incident:

1. Chief of Police
2. Deputy Chief of Police
3. Assistant Chief
4. Division Commander
5. Watch Commander
6. Criminal Investigations Section Captain
7. Office of Professional Standards Captain
8. Executive Captain
9. Public Information Officer

### **B. Unintentional Discharges of Agency Firearms**

An unintentional discharge is defined as the discharge of an agency firearm, back-up firearm, or a personal firearm loaded with agency ammunition, by the inadvertent act, omission, or negligence of an agency member or when there was no deliberate intent to discharge the weapon. Every unintentional discharge of an agency firearm will be investigated to ensure compliance with state law and agency policy. In all cases of unintentional discharge of agency firearms, regardless of the location of the discharge, the involved member will immediately report the unintentional discharge to an on-duty supervisor.



Unless completed by the agency having jurisdiction, the supervisor responding to the scene of an unintentional discharge of an agency firearm shall:

1. Assume command of the incident.
2. Ensure medical treatment is provided to any injured persons.
3. Establish the crime scene and take measures to protect the scene through the positioning of department vehicles, placement of the crime scene tape, or other necessary means.
4. Assign an officer to any injured persons for the purpose of protecting relevant evidence and obtaining investigative information.
5. Ensure that the involved officer who discharged the firearm is separated and the firearm is holstered or otherwise secured without unloading.
6. Identify and separate all potential civilian witnesses and other members who were involved in the incident or present at the scene.
7. Notify the appropriate supervisory personnel.
8. Maintain control of the scene until relieved by an appropriate authority.

The responding supervisor shall ensure the following members are notified of all unintentional discharges of agency firearms:

1. Chief of Police
2. Deputy Chief of Police
3. Assistant Chief
4. Division Commander
5. Watch Commander
6. Criminal Investigations Section Captain
7. Office of Professional Standards Captain
8. Public Information Officer

Unintentional discharges of agency firearms, which occur within the jurisdictional boundaries of the Boynton Beach Police Department, shall be documented in an offense or incident report.

#### **XIV. MEDIA RELATIONS**

The Chief of Police shall approve all media releases on member involved shootings or uses of deadly force. Media releases shall be prepared by the Public Information Officer and reviewed by the Criminal Investigations Division Commander and prior to submission to the Chief for his/her signature, and approval.

#### **XV. PSYCHOLOGICAL/PSYCHIATRIC (FITNESS FOR DUTY) EVALUATION**

Any member who discharges a firearm at any person or any officer who has been fired upon, shall be required to participate in a psychological/psychiatric, and/or other fitness for duty evaluation as deemed necessary by the City. Any members involved in the incident may voluntarily avail themselves to the Employee Assistance Referral Program.

Any member, who through a use of force causes the death or great bodily harm of another person shall be required to participate in a psychological/psychiatric and/or fitness for duty evaluation, as deemed necessary by the City.