



VOLUSIA COUNTY SHERIFF'S OFFICE
Sheriff Ben F. Johnson

Departmental Standards Directive

TITLE:	USE OF DEADLY FORCE
CODIFIED:	1.1
EFFECTIVE:	06/2010
RESCINDS/AMENDS:	1.1/06-2009
ATTACHMENTS:	0

PURPOSE

The purpose of this Directive is to establish guidelines for the use of deadly force by sworn members of the Department.

DISCUSSION

This Directive is intended to apply to all applications of deadly force including, but not limited to, the use of firearms. It supplements (but does not supersede) existing procedures, directives, or training bulletins governing the use of firearms, vehicles, and/or other law enforcement equipment.

The most important principle of law enforcement is the **PROTECTION OF HUMAN LIFE**. In order to be consistent with this belief, use of deadly force must be limited to situations of a strong and compelling need as necessary for the protection of human life.

POLICY

It shall be the policy of the Department to use only that degree of force that is necessary to perform official duties. The use of deadly force is authorized when there is reasonable belief that such force is necessary to:

- Prevent imminent death or great bodily harm to the Deputy.
- Prevent imminent death or great bodily harm to another human being.
- Apprehend the perpetrator of a felony that involves the use or threatened use of deadly force and the individual who is sought poses an immediate threat to the life and/or safety of the Deputy or another human being[s] and, where feasible, a warning is given.

All sworn personnel shall be issued copies of and be instructed in this policy.

DEFINITIONS

Reasonable Belief: The facts or circumstances the Deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Florida Statute

§776.06. Deadly Force.

- (1) The term "deadly force" means force that is likely to cause death or great bodily harm and includes, but is not limited to:
- (a) 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
 - (b) The firing of a firearm at a vehicle in which the person to be arrested is riding.

Deadly Force/Lethal Force: The terms deadly force and lethal force are considered synonymous and may be used interchangeably to meet the intent of these directives.

Imminent Death: An imminent (impending; immediate potential) threat to the life and/or safety of the Deputy or another human being(s).

Great/Serious Bodily Harm: A bodily injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or the impairment of the functioning of any bodily member or organ.

PROCEDURE

RESTRICTIONS ON THE USE OF DEADLY FORCE

1.1.1 As a general rule, Deputies shall not draw their weapons unless there is sufficient justification. In effecting the arrest of potentially dangerous suspects or in high hazard situations, Deputies may display a firearm for the purpose of obtaining and maintaining control of the situation.

1.1.2 Warning shots are prohibited. The discharge of firearms for warning shots constitutes deadly force. When the use of deadly force is warranted, Deputies shall fire for effect and not for warning.

1.1.3 Shooting at or from a moving vehicle is a dangerous and generally ineffective practice and is not authorized unless the use of deadly force is in accordance with this directive.

SHOTS TO DESTROY ANIMALS

1.1.4 The killing of an animal is justified:

- For self defense
- To prevent substantial harm to another, or
- When the animal is so badly injured that humanity requires its relief from further suffering.

1.1.5 A seriously wounded or injured animal may be destroyed only after:

- An attempt is made to contact the owner of the animal, and if contacted, permission is received to destroy the animal, and/or
- A supervisor is notified and gives his/her permission.

NON-DISCIPLINARY RELIEF FROM DUTY

1.1.6 In every instance in which a Deputy's actions or use of deadly force results in death or serious bodily injury to any person, the Deputy shall be relieved of normal duty. This shall follow the initial on scene investigation.

1.1.7 Assignment to a relieved-of-duty status shall be non-disciplinary, with no loss of pay or benefits. The intended purpose of this relief from duty serves two purposes:

- To address the emotional and personal needs of the Deputy involved in the use of deadly force.
- To assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.

1.1.8 The Deputy shall be available during normal business hours for Internal Affairs and other Administrative interviews and statements regarding the case and shall remain subject to recall to duty at any reasonable time while on administrative leave.

1.1.9 Prior to returning to duty, the involved Deputy shall be required to see a Department furnished Psychologist.

REPORTING THE USE OF DEADLY FORCE

1.1.10 The use of deadly force shall be immediately reported to the Communications Center for notification of proper authority.

1.1.11 All incidents involving the use of deadly force or where a Deputy takes an action that results in, or is alleged to have resulted in the great bodily injury or death of another person will be documented by a written report. The report will provide the preliminary information necessary to capture the basic elements of the encounter, but will not require specific details until such time that assigned investigators can properly determine such details during the ensuing investigation.

1.1.12 Due to the complexities involved in scenarios that lead to the use of deadly force, the action/reaction of the deputy, and the physiological responses resulting from life and death scenarios, specific details are more accurately captured during follow-up investigation by the assigned investigator(s).

1.1.13 When the use of deadly force results in personal injury or death, the Sheriff shall notify the County Manager. In the absence of the Sheriff, or as designated, the Division Commander will notify the County Manager.

REPORTING THE DISCHARGE OF FIREARM

1.1.14 Whenever a Deputy discharges a firearm, while on duty or off-duty, for any reason other than training or recreation, he/she shall immediately report the incident to a supervisor.

1.1.15 The supervisor will notify the appropriate authority and the Internal Affairs Unit.

1.1.16 An incident report will be prepared containing the pertinent facts.

INVOLVED DEPUTY

1.1.17 Whenever a Deputy discharges a firearm, either accidentally or officially, he/she shall immediately:

Notify the dispatcher of the incident and location.

- Determine the physical condition of any injured person and render first aid when appropriate.
- Request necessary emergency medical aid.
- Remain at the scene (unless injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the Deputy at the scene might cause a more hazardous situation to develop, the ranking commanding officer at the scene shall have the discretion to instruct the Deputy to move to another, more appropriate location.
- Protect his/her weapon for examination and submit said weapon to the appropriate investigator. The Deputy will be issued a replacement weapon until examination is complete.
- Cooperate with the first supervisor arriving at the scene by relating as much basic information as possible.

1.1.18 The involved Deputy is not to be continually questioned at the scene. All information may be ascertained from the initial supervisor, or in later interviews as governed by law, department policy, and in accordance with the Florida Law Enforcement Officer's Bill of Rights.

1.1.19 If advised of Miranda warnings, he/she will have the right to have an attorney present before any statements or interviews are taken.

1.1.20 The Supervisor of the involved Deputy will prepare the preliminary report based on available information at the time. This information should be from all available sources without detailed questioning of the involved Deputy. The report shall be immediately submitted to the Sheriff, via the Watch Commander, in original form.

1.1.21 The Deputy shall not discuss the case with anyone except:

- Supervisory and investigative personnel
- The Deputy's privately retained or Teamsters attorney

1.1.22 At the scene, a Critical Stress Team member will be assigned to assist the involved Deputy or other members.

DISPATCHER RESPONSIBILITIES

1.23 The notified dispatcher shall:

A. Dispatch requested medical aid including Air One, if necessary.

B. Notify the following:

- The involved Deputy's immediate supervisor
- The on-duty Watch Commander
- The Sheriff
- The Chief Deputy
- The involved Deputy's Division Commander
- The LES Division Commander
- The Commander of the District in which the incident occurred
- The Communications Center Commander
- The Department's Legal Advisor
- The Public Information Officer
- Internal Affairs
- Major Case (Major Case to make notification to FDLE.)
- The Critical Stress Team

WATCH COMMANDER RESPONSIBILITIES

1.1.24 The Watch Commander shall:

- A. Assign personnel to assist the involved Deputy(s)
- B. Proceed immediately to the scene
- C. Ensure the scene is secured
- D. Conduct a preliminary field investigation

- E. Forward copies of a detailed written report of the results of the preliminary field investigation to:
- The Sheriff;
 - The Chief Deputy;
 - The assigned investigator(s);
- F. Ensure that the Sheriff, Chief Deputy, Division Commander, District Commander, Legal Advisor, and all other appropriate persons have been notified.
- G. Render assistance to the assigned investigator(s) until Command Staff arrives.
- H. Relieve the Deputy from normal duty following the initial on-scene investigation, pending administrative review, when a Deputy uses deadly force and where such force results in death or serious bodily injury to any person.

1.1.25 The Sheriff will direct investigations of incidents involving the use of deadly force.

INTERNAL AFFAIRS UNIT

1.1.26 The Internal Affairs Unit shall investigate every incident involving the use of deadly force or discharge of a firearm and shall present investigative findings to the Command Staff for review.

ADMINISTRATIVE REVIEW OF FORCE

1.1.27 All use of force reports shall be administratively reviewed by the respective supervisor(s) and forwarded to the Sheriff via chain of command to include, when necessary, the Sheriff's Command Staff review. All completed reviews will be forwarded to the Internal Affairs Section for inclusion in the AIMS data base as part of the agency's administrative review tracking and analysis process and Personnel Early Warning System.

1.1.28 The Command Staff Review will include the following members of the Sheriff's Staff:

- Sheriff's Command Staff (Chief Deputy, Division Commanders)
- Internal Affairs Supervisor
- Director of Administrative Services
- Director of Special Projects
- Director of Professional Standards
- Sheriff's Office Legal Advisor.

1.1.29 The Command Staff may call investigators, specialists or technicians required to present evidence and facts concerning any shooting incident.

1.1.30 The Command Staff shall review any facts and pertinent testimony, and forward findings and recommendations to the Sheriff for final disposition. The report shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force violates department directives.

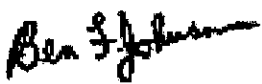
1.1.31 In those incidents resulting from the exercise of poor judgment, where no violations of law or policy or procedures are involved, Staff may note the exercise of poor judgment and make recommendations for remedial training or corrective action.

1.1.32 In those instances where exceptional judgment and exemplary action is involved, Staff may recommend a commendation be issued.

1.1.33 The Professional Standards Section shall complete an annual analysis of all use of force reports to include use of deadly force and less than lethal force (non-deadly). This analysis shall be used to address training deficiencies, use of force trends among Deputies, and for protection of the Deputy, the Sheriff's Office, and citizens.

Revised by: 6760
Revised on: 06-2010

Approved:



Ben F. Johnson
Sheriff, Volusia County



VOLUSIA COUNTY SHERIFF'S OFFICE

Sheriff Ben F. Johnson

Departmental Standards Directive

TITLE: USE OF NON-DEADLY FORCE
CODIFIED: 1.3
EFFECTIVE: 09-2011
RESCINDS/AMENDS: 1.3/06-2010
ATTACHMENTS: 1

PURPOSE

The purpose of this Directive is to establish guidelines for the use of non-deadly force.

DISCUSSION

Florida Statute 776 states when the use of force is justified for both civilian and law enforcement personnel. It is extremely important that all personnel know and understand the provisions of these statutes as well as Sections 241 and 242 of Title 18, U.S. Code, and Sections 1983 and 1985 of Title 42, U.S. Code. These statutes and titles will be placed in the policy section of this Directive.

Discussed in this Directive will be the type of impact weapons that are authorized by the Volusia County Sheriff's Office.

POLICY

It shall be the policy of the Department to use only that degree of force necessary to perform official duties, and not strike or use physical force against any person except when necessary in self-defense, in defense of another, to overcome physical resistance to arrest, or to prevent the escape of an arrested person.

Upon the use of any force in which injuries occur, it shall be the policy of the Volusia County Sheriff's Office to:

- Ensure first aid treatment is received
- Seek medical assistance for treatment beyond Deputies abilities

It shall further be the policy of the department that all sworn personnel be issued a copy of and be instructed on this policy.

PROCEDURE

1.3.1 A supervisor shall be informed immediately of each incident involving the use of non-deadly force by Deputies.

1.3.2 A written report shall be submitted whenever a Deputy takes an action that results in, or is alleged to have resulted in the injury of another person.

1.3.3 When force is used to restrain a subject, charging the defendant and reporting the incident shall be left to the discretion of the arresting Deputy and supervisor.

1.3.4 If a subject is placed on his stomach for handcuffing, turn him on his side or place him in a seated position as soon as he is handcuffed.

1.3.5 If he continues to struggle, do not sit on his back. Hold his legs down or wrap his legs with a strap.

PHYSICAL AND DEFENSIVE FORCE

1.3.6 Each case involving the use of physical or defensive force or the use of Freeze + P, Advanced Taser, the ASP or other tool of convenience shall be documented in an incident report.

INCIDENT REPORT

1.3.7 The incident report shall be completed and delivered to the supervisor as soon as possible after the incident.

1.3.8 Each Deputy present or assisting in the arrest, or incident requiring force shall submit a report supplement describing the incident. When possible, the incident report will include:

- The number of subjects and Deputies involved
- Statements made by those involved
- The number of other persons at the scene, as well as their mood and any statements made
- The defensive tactics the Deputy used, and to what part of the body these tactics were applied
- The names, addresses and telephone numbers of witnesses not involved
- Photographs of the Deputy involved if the incident resulted in injury to the Deputy or damage to the uniform
- The age, sex and physical size of the suspect [s] involved
- The suspect's proximity to weapons
- Medical treatment required and the offer of medical treatment
- All injuries should be photographed if possible and described in the report.
- Nature of the post arrest restraint procedures. How long was the subject face down or restrained?
- How was the subject transported and in what position?
- In cases involving the use of an Advanced Taser, include the number of verbal "TASER" warnings issued prior to deployment/use.

SUPERVISOR RESPONSIBILITY FOR TRAINING

1.3.9 Upon notification of the use of restraining force by Deputies, a supervisor shall investigate the incident. When use of restraining force has been necessary by resistance without violence and when there are no significant injuries, reports of the use of restraining force shall not be required. The arrest incident and resisting arrest charges shall be left to the discretion of the arresting Deputy and supervisor.

PHYSICAL AND DEFENSIVE FORCE

1.3.10 Upon notification of the use of physical or defensive force by Deputies, a supervisor shall initiate an investigation into the incident.

1.3.11 The supervisor shall respond to the scene, conduct interviews and review the incident report describing the use of force.

1.3.12 The supervisor shall address a memorandum to the Sheriff advising of any facts not covered in the incident report.

1.3.13 In the absence of any discrepancies or additional facts, the supervisor's memo shall briefly advise that a supervisory investigation has been conducted and the facts are correct as stated in the report.

1.3.14 The memo (all copies) and a copy of the report will be forwarded to the Sheriff through the chain of command for review.

USE OF FORCE REQUIRING TREATMENT AT A MEDICAL FACILITY

1.3.15 Any non-deadly use of force that results in a subject requiring treatment at a medical facility shall be thoroughly investigated and documented.

1.3.16 When the incident occurs during daily business hours, the Assistant District Commander shall be notified and a non-involved supervisor shall respond to the scene of the incident to conduct an investigation.

1.3.17 When the incident occurs after normal business hours, the Watch Commander shall be notified and a non-involved supervisor shall respond to the scene of the incident to conduct an investigation.

1.3.18 It is essential that the supervisor conducting the investigation do a thorough job of collecting all pertinent information. This shall include the collection of sworn witness statements from non-departmental individuals. A

sworn statement shall also be taken from the individual(s) who were the subject(s) of the use of force. All departmental personnel shall complete a supplement report detailing their actions/observations.

ADMINISTRATIVE REVIEW

1.3.19 All use of force reports shall be administratively reviewed by the respective supervisor(s) and forwarded to the Sheriff via chain of command to include, when necessary, the Sheriff's Command Staff review. All completed reviews will be forwarded to the Internal Affairs Section for inclusion in the AIMS data base as part of the agency's administrative review tracking and analysis process and Personnel Early Warning System.

1.3.20 The Command Staff Review will include the following members of the Sheriff's Staff:

- Sheriff's Command Staff (Chief Deputy, Division Commanders)
- Internal Affairs Supervisor
- Director of Administrative Services
- Director of Special Projects
- Director of Professional Standards
- Sheriff's Office Legal Advisor.

1.3.21 The Command Staff may call investigators, specialists or technicians required to present evidence and facts concerning any shooting incident.

1.3.22 The Command Staff shall review any facts and pertinent testimony, and forward findings and recommendations to the Sheriff for final disposition. The report shall include the relevant facts and circumstances surrounding the incident and a conclusion as to whether the use of force violates Department Directives.

1.3.23 In those incidents resulting from the exercise of poor judgment, where no violations of law or policy or procedures are involved, Staff may note the exercise of poor judgment and make recommendations for remedial training or corrective action.

1.3.24 In those instances where exceptional judgment and exemplary action is involved, Staff may recommend a commendation be issued.

1.3.25 The Professional Standards Section shall complete an annual analysis of all use of force reports to include use of deadly force and less than lethal force (non-deadly). This analysis shall be used to address training deficiencies, potential policy modifications, use of force trends among Deputies, and for protection of the Deputy, the Sheriff's Office, and citizens.

FREEZE + P WEAPON

1.3.26 Freeze + P is the only authorized chemical agent to be used by Department personnel. It shall be issued, worn and used only by those Deputies trained in the use of said weapon.

1.3.27 The use of Freeze + P is authorized after verbal dialogue has failed and when the only other alternative is to physically attempt to take a combative suspect into custody.

1.3.28 Freeze + P may be utilized prior to the use of an impact weapon.

1.3.29 Freeze + P shall not be used on passively resistant suspects.

METHOD OF USE

1.3.30 The Freeze + P canister is held in the strong hand, with the index finger or thumb on the top push button and the weak/reaction arm crossed behind the strong hand.

1.3.31 When preparing to spray a suspect who is struggling with other Deputies, the Deputy with the Freeze + P will yell, "OC, OC!" then "Disengage!" Deputies struggling with the suspect shall immediately disengage.

1.3.32 Freeze + P should be sprayed at the suspect's face in a side to side motion above the eyebrows.

1.3.33 Deputies will take every precaution to ensure that innocent bystanders are not in the line of fire prior to discharge.

1.3.34 Deputies must be careful not to spray into a strong wind or breeze that would force the spray back onto them.

1.3.35 Unless absolutely necessary (hostile crowds, violent situations), Deputies should not transport a sprayed subject in a Sheriff's car or prisoner transport van for fifteen to twenty minutes after spraying, thus allowing the chemical time to dissipate. (The spray residue can affect the transporting Deputy, particularly in closed vehicles.)

RESTRAINTS AND SUBJECTS

1.3.36 Once a subject has been sprayed and successfully restrained, Deputies must closely monitor the medical condition of the arrested individual.

1.3.37 The Deputy must monitor the subject, paying close attention to the subject's breathing and consciousness. If significant difficulty in breathing develops, the prisoner appears to lose consciousness, or any other significant physical distress occurs, the Deputy shall immediately arrange for emergency medical treatment and notify his/her supervisor.

1.3.38 A subject who has been sprayed with Freeze + P shall be continuously attended by a Deputy and shall not be left alone while in Department custody.

1.3.39 When transporting an individual who has been sprayed with Freeze + P to a hospital, Deputies shall call ahead to the emergency room to see if the staff wants to decontaminate the individual prior to bringing them inside the emergency room.

IMPACT WEAPONS

1.3.40 The ASP is the only authorized impact weapon to be used by Department personnel. The ASP shall be issued, worn and used only by those Deputies trained by certified instructors in the use of said weapon. Training shall include the "USE OF FORCE CONTINUUM".

1.3.41 Deputies shall use said weapons in accordance with the training provided by the Department.

1.3.42 Intentional strikes to the head, face, and neck are prohibited.

1.3.43 Techniques taught in ASP training coupled with dialogue make the impact weapon a very forceful tool. There are four levels of force when using an impact weapon:

- **LEVEL I** - Hand on weapon. Displays the willingness to use the weapon.
- **LEVEL II** - Present the weapon. This further shows the willingness to use the weapon. Only present the weapon if you fully intend to use it.
- **LEVEL III** - Load or ready the weapon. When the weapon is loaded, heavy control dialogue should be clear that a strike is imminent.
- **LEVEL IV** - Strike with weapon. Using the weapon is the last step in the use of non-deadly force. If this point is reached, the suspect should have seen the weapon and understood your willingness to use it. (Rapid progression of a situation may prevent one or more of the steps from being followed.)

TOOLS OF CONVENIENCE

1.3.44 The Volusia County Sheriff's Office recognizes that deputies must sometimes make force decisions in situations that are tense, uncertain, and/or rapidly evolving. In such situations, the agency realizes that members may have to utilize tools of convenience to protect themselves or others.

1.3.45 In the hands of a professionally trained deputy and in keeping with the concepts and principles taught in training, readily available objects (e.g. flashlight, radio, clipboard, etc.) become tools of convenience.

1.3.46 These items should not be used as a tool of choice, but rather as a tool of convenience when exigent circumstances exist that make their use reasonably necessary for the protection of the Deputy and/or others.

1.3.47 If a tool of convenience is used in a less lethal situation, strikes or pressure should only be directed at the same areas of the body and in the same manner as taught in training. The deputy should transition to agency issued weapons and or restraints, as soon as the situation safely permits.

1.3.48 Nothing in this directive shall prevent a deputy from utilizing any and all readily available objects or techniques as a tool in situations that justify the use of lethal force.

QUALIFICATION AND TRAINING

1.3.49 All weapons qualification and training shall be monitored by an appropriately certified instructor.

1.3.50 All sworn personnel shall be issued and instructed in Sheriff's Office Directives related to the use of deadly and non-deadly force.

1.3.51 Deputies shall carry only those firearms and weapons authorized by the Sheriff's Office and for which documented Taser and firearms proficiency and competence have been demonstrated at least annually and less lethal weapons at a minimum biennially. A score of 80% or higher shall be considered demonstrated competence and proficiency.

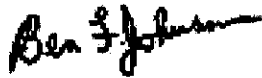
1.3.52 It is incumbent upon every sworn member of this department to maintain proficiency in the use of firearms/weapons.

ATTACHMENTS

Attachment A: USE OF FORCE CONTINUUM

Revised by: 6760
Revised on: 07-2011

Approved:



Ben F. Johnson
Sheriff, Volusia County

USE OF FORCE CONTINUUM

<p><u>LEVEL I</u> POLICE PRESENCE</p>	<p>ARRIVAL ON SCENE INTERVIEW STANCE READY STANCE OFFENSIVE READY STANCE</p>
<p><u>LEVEL II</u> VERBAL DIALOGUE</p>	<p>SEARCH TALK PERSUASION LIGHT CONTROL TALK HEAVY CONTROL TALK</p>
<p><u>LEVEL III</u> EMPTY-HAND CONTROLS OR EMERGENCY RESTRAINT CHAIR OR ADVANCED TASER OR R-E-A-C-T/BAND-IT</p>	<p>VERBAL * ESCORT HOLDS FREEZE + P (SEE 1.1.13 THRU 1.3.28) PAIN/PRESSURE COMPLIANCE MEASURES ACTIVE COUNTERMEASURES</p> <hr/> <p>VERBAL WARNINGS HAND ON TASER DRAW TASER POINT TASER DEPLOY PROBES or CONTACT STUN</p> <hr/> <p>VERBAL WARNINGS HAND ON ARMING DEVICE ACTIVATE SYSTEM</p>
<p><u>LEVEL IV</u> IMPACT WEAPON ASP OR 12-GA. DRAG STABILIZED MUNITION</p>	<p>VERBAL * HAND ON THE ASP PRESENT THE ASP LOAD OR READY THE ASP STRIKE WITH THE ASP</p> <hr/> <p>VERBAL WARNING PRESENT THE WEAPON LOAD OR READY THE WEAPON FIRE THE WEAPON</p>
<p><u>LEVEL V</u> FIREARM OR any action likely to cause great bodily harm OR death</p>	<p>VERBAL WARNINGS HAND ON FIREARM DRAW FIREARM POINT FIREARM SHOOT FIREARM</p>

* Verbal Warnings should always be given before force is used IF Feasible