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| SUNRISE POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL CHAPTER 35 RESPONSE TO RESISTANCE | Effective Date | 05/01/87 |
| | Revision Date | 06/15/21 |
| | Revision No. | 1.9 |
| | Page No. | 1 of 16 |
| | Approval: | |

35. PURPOSE

This policy establishes guidelines for the response to resistance by members of the Department.

35.1. REVISION HISTORY

| <u>Date</u> | <u>Rev. No.</u> | <u>Change</u> | <u>Reference Section</u> |
|-------------|-----------------|--|---|
| 05/01/87 | 1.0 | New Policy | N/A |
| 08/19/96 | 1.1 | Add O.C. Spray | 35.11.3. |
| 07/25/01 | 1.2 | New Format, Use of Force Matrix, Scene Mgmt. | 35.6.1.1., 35.6.9. |
| 07/11/05 | 1.3 | Change Shift Commander to District Commander, Update Post-Incident Procedures | 35.6.10. |
| 11/01/06 | 1.4 | Revised Matrix, weaponless tactics | 35.6.1.1.; 6.8.1.6. |
| 02/01/08 | 1.5 | Add TASER, Use of Force Review – Supplement, Custodial Death Report | 35.4.7.11., 35.6.8.3.4., 35.6.11.; 35.6.8.1.6. |
| 01/20/14 | 1.6 | Revised Entire Policy | All |
| 06/17/15 | 1.7 | Deleted whether injury is Apparent or claimed, Changed aggressive Resistance to deadly force | 35.6.10.1.1., 35.6.5.1.3. |
| 08/21/15 | 1.8 | Removed Shooting Review Committee | 35.6.14. |
| 06/15/21 | 1.9 | Added de-escalation, Added not surrendering Weapon, Changed to refusing To vacate after lawful orders, Added prohibition of restricting Blood and air flow | Policy Statement, 35.4.6.4., 35.4.6.2.1.1.2., 35.4.6.3.7.3.3. |

35.2. PERSONS AFFECTED

All Police Personnel

35.3. POLICY

It is the policy of the Sunrise Police Department that the response to resistance, as designated herein, shall be reported in a timely, complete, and accurate manner by the involved officer(s) and that officers use only the response to resistance that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officers and others. During any interactions with subjects, officers should try to utilize de-escalation tactics if the opportunity to do such presents itself. If an officer perceives that de-escalation tactics are not possible, the officer shall utilize the necessary and reasonable force in order to resolve the situation, based on the level of resistance encountered. (CFA: 4.01)

35.4. DEFINITIONS

35.4.1. Force – The force used in response to resistance is the amount of effort required by the police to compel compliance from a person. This includes any physical response to resistance occurring while the officer is acting in an official law enforcement capacity, including all specialized assignments, special details, reserve officers, and action taken when an officer is off-duty. (CFA: 4.01)

35.4.2. Probable Cause/Reasonable Belief – A set of facts and circumstances within the officer’s knowledge that is sufficient to warrant a reasonable person to believe that a threat is real. (CFA: 4.01)

35.4.3. Great Bodily Injury – An injury or potential injury of a graver and more serious character than ordinary battery. (CFA: 4.01)

35.4.4. Excessive Force – That amount of force which is beyond the need and circumstances of the particular event or which is not justified in light of all the circumstances.

35.4.5. Appropriate Medical Aid – May include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life-threatening incidents, immediate aid by medical professionals. (CFA: 4.09)

35.4.6. Force Guidelines:

35.4.6.1. The Force Guidelines provide a framework for making decisions involving the reasonable use of force by criminal justice officers. 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 Guidelines consider the relationship between subject resistance and various situational factors in determining the officer's response options.

35.4.6.2. Subject Resistance Levels:

35.4.6.2.1. Passive Resistance is a subject's verbal and/or physical refusal to comply with an officer's lawful direction causing the officer to use physical techniques to establish control.

35.4.6.2.1.1. Some examples of passive resistance include the following:

35.4.6.2.1.1.1. The subject refuses to move at the officer's direction.

35.4.6.2.1.1.2. The subject is determined to be participating in an unlawful assembly and refuses to vacate after lawful orders.

35.4.6.2.1.1.3. The subject refuses to take his hands out of his pockets or from behind his back.

35.4.6.2.2. Active Resistance is a subject's use of physically evasive movements directed toward the officer such as bracing, tensing, pushing or pulling to prevent the officer from establishing control over the subject.

35.4.6.2.2.1. Some examples of active resistance include the following:

35.4.6.2.2.1.1. The subject physically anchors himself to a person or object to prevent himself from being removed.

35.4.6.2.2.1.2. The subject braces or pulls away from the officer when the officer grips the subject's arm.

35.4.6.2.2.1.3. The subject attempts to run when the officer touches or attempts to grab the subject's arm or shoulder.

35.4.6.2.3. Aggressive Resistance is a subject's 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.

35.4.6.2.3.1. Some examples of aggressive resistance include the following:

35.4.6.2.3.1.1. The subject balls up his fist and approaches the officer.

35.4.6.2.3.1.2. The subject pushes the officer back as the officer tries to take the subject into custody.

35.4.6.2.3.1.3. The subject grabs at any part of the officer's body.

35.4.6.2.4. Deadly Force Resistance is a subject's 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.

35.4.6.2.4.1. Some examples of deadly force resistance include the following:

35.4.6.2.4.1.1. A subject refuses to drop a knife when ordered to by the officer and moves toward the officer.

35.4.6.2.4.1.2. A subject shoots or points a gun at an officer or other person.

35.4.6.2.4.1.3. A subject tries to run an officer down in a vehicle.

35.4.6.3. Officer Response Options:

35.4.6.3.1. Officers should always try to resolve a situation with the least amount of force necessary.

35.4.6.3.2. Command presence and verbal communication often will defuse many volatile situations. Sometimes, however, these are not enough or officers may not have an opportunity to use them. An officer may have to use physical force to gain control of the situation.

35.4.6.3.3. Physical force includes physical control, nonlethal weapons and deadly force.

35.4.6.3.4. Officers need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, officers need to respond with all the force reasonably necessary for the circumstances in each specific situation.

35.4.6.3.5. Physical Control is achieving compliance or custody through the use of empty-hand or leverage enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns and striking techniques.

35.4.6.3.6. Nonlethal weapon is a weapon that is not fundamentally designed to cause death or great bodily harm.

35.4.6.3.6.1. Some examples of nonlethal weapons include Conducted Electrical Weapon (CEW); dart-firing stun guns, such as Taser; expandable batons; and chemical agent sprays.

35.4.6.3.7. Deadly Force is force that is likely to cause death or great bodily harm.

35.4.6.3.7.1. Some examples of deadly force include:

Use of a firearm

Eye gouges

Empty-hand strikes to the throat

Impact weapon strikes to the side of the neck.

35.4.6.3.7.2. Use of deadly force may be an officer's first and only appropriate response to a perceived threat.

35.4.6.3.7.3. Deadly force does not necessarily mean that someone died from the force used. It can cause great bodily harm or no harm at all.

35.4.6.3.7.3.1. For example, returning fire is deadly force even if the officer misses the target.

35.4.6.3.7.3.2. The officer must base his or her decision to use deadly force as a defensive tactic on a clear, reasonable belief that he or she, a fellow officer, or another person, faces imminent danger of death or great bodily harm.

35.4.6.3.7.3.3. Unless deadly force is justified, an officer is prohibited from employing a physical technique that is intentionally done to impede the blood flow or air flow in the area of a subject's neck. (CFA: 4.01)

35.4.6.4. Officers may be confronted by an armed person who has the tactical advantage. An officer giving up their lethal weapon(s) upon demand does not reduce the danger of this situation. Surrendering a lethal weapon may mean giving away the only survival chance the officer has. Officers should use every tactical tool they have in order to avoid surrendering their lethal weapon(s).

35.5. RESPONSIBILITIES

All Police Personnel are responsible for complying with this policy. Supervisory Personnel are responsible for the enforcement of this policy. Unjustified violations may result in disciplinary action up to and including termination.

35.6. PROCEDURES

35.6.1. Factors for Deciding the Use of Force in Situations Not Involving Escape:

35.6.1.1. Officers use three (3) criteria for making deadly force decisions based upon the ability, opportunity, and intent of the subject.

35.6.1.1.1. Ability refers to the subject having the means to carry out his or her intent to cause death or great bodily harm.

35.6.1.1.1.1. An officer must determine whether the subject has the necessary means to cause death or great bodily harm to the officer or others. A weapon is not required; a subject must only have the apparent ability to carry out his or her intention. If the subject seems physically able to cause death or great bodily harm, then he has the ability.

35.6.1.1.2. Opportunity means the subject is capable of carrying out an intention to cause death or great bodily harm to the officer or others. The subject's weapons often determines opportunity.

35.6.1.1.3. Intent is a reasonably perceived imminent threat to an officer or another person based on the subject's actions. It is a perception derived from the totality of the circumstances.

35.6.1.1.3.1. Officers should use the amount of force necessary and reasonable for the situation.

35.6.1.1.3.2. If the subject has the ability, opportunity and intent to cause death or great bodily harm and the officer cannot control the threat using lesser means, then deadly force is justified.

35.6.1.1.3.3. When resistance de-escalates, so must the officer's response.

35.6.2. Objective Reasonableness:

35.6.2.1. Totality of Circumstances is a term the courts use to refer to all facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a use of force decision.

35.6.2.1.1. The courts will look at the totality of circumstances in determining whether the decision was objectively reasonable and therefore, legally justified.

35.6.2.1.2. 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 officer.

35.6.2.2. Some situational factors may include but are not limited to:

35.6.2.2.1. severity of the crime;

35.6.2.2.2. subject is an immediate threat;

35.6.2.2.3. subject's mental or psychiatric history, if known to the officer;

35.6.2.2.4. subject's violent history, if known to the officer;

35.6.2.2.5. subject's combative skills;

- 35.6.2.2.6. subject's access to weapons;
- 35.6.2.2.7. innocent bystanders who could be harmed;
- 35.6.2.2.8. number of subjects versus number of officers;
- 35.6.2.2.9. duration of confrontation;
- 35.6.2.2.10. subject's size, age, weight and physical condition;
- 35.6.2.2.11. officer's size, age, weight, physical condition and defensive tactics expertise;
- 35.6.2.2.12. environmental factors, such as physical terrain, weather conditions, etc.
- 35.6.2.3. The Force Guidelines recognize that officers make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic.
- 35.6.2.4. Formulating a valid response requires continual assessment as the situation changes.
- 36.6.3. Use of Force Reporting:
 - 36.6.3.1. Officers shall clearly articulate the specific basis for their decisions regarding the use of force.
 - 36.6.3.2. For example, if deadly force was used, the officer should state exactly what the subject did that created the perception of the subject's ability, opportunity and intent to cause death or great bodily harm. Simply stating, "The suspect threatened me," is not sufficient.
 - 36.6.3.3. Officers should be careful to include every factor used in their use of force decision.
- 35.6.4. Use of Deadly Force:
 - 35.6.4.1. Officers of the Sunrise Police Department will abide by all sections of Chapter 776, Florida Statutes, concerning the use of deadly force and other types of justifiable use of force.
 - 35.6.4.2. Officers may use deadly force if they reasonably believe oneself or another person is in threat of imminent death or great bodily injury. (CFA: 4.01)
 - 35.6.4.3. Officers may use deadly force against a fleeing violent felon only when needed to prevent escape and officers have probable cause to believe that the suspect poses a significant

threat of death or great bodily injury to officers and/or others.

35.6.4.4. Where practicable prior to the discharge of a firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot. (CFA: 4.01)

35.6.5. Deadly Force Prohibitions:

35.6.5.1. Officers will not use deadly force under the following conditions:

35.6.5.1.1. Officers are prohibited from using deadly force against unarmed, non-dangerous, fleeing felons.

35.6.5.1.2. Officers are prohibited from using deadly force to effect an arrest or prevent escape of any person who the officer has a reasonable belief committed only a misdemeanor, traffic offense, or violation of a city /county ordinance.

35.6.5.1.3. At a moving vehicle except when needed to prevent death or great bodily injury against the officer or another person. (CFA: 4.01)

35.6.5.1.4. From a moving vehicle except when needed to prevent death or great bodily injury against the officer or another person. (CFA: 4.01)

35.6.6. Warning Shots:

35.6.6.1. Officers will not fire warning shots for any reason. (CFA: 4.04)

35.6.7. Use of Force – Non-sworn Personnel:

35.6.7.1. The use of any level of force by any non-sworn personnel is limited to that which is reasonably necessary for self-defense or to prevent injury or death to oneself or another.

35.6.8. Excessive Force:

35.6.8.1. Officers will not use excessive force to effect an arrest or control a prisoner or other person.

35.6.8.2. Officers will not mistreat persons in-custody. Prisoners will be handled in accordance with current procedures.

35.6.9. Destruction of Animals:

35.6.9.1. The killing of an animal is justified when such animal poses a threat of death or great bodily injury to the officer or another.

35.6.9.2. The killing of an animal is justified when an animal is so badly injured that it requires humane relief from further suffering.

35.6.9.3. In all cases, except imminent danger to the officer or others, a supervisor will be notified prior to the destruction of an animal.

35.6.10. Response to Resistance Report:

35.6.10.1. Officers will complete a Response to Resistance Report when any of the following circumstances occur:

35.6.10.1.1. When discharging a firearm to destroy an animal. (CFA: 4.08A)

35.6.10.1.2. When a firearm is accidentally discharged. (CFA: 4.08A)

35.6.10.1.3. When a firearm is intentionally discharged, but there is no injury or death as a result of the discharging of the firearm. (CFA: 4.08A,C)

35.6.10.1.4. Whenever an officer applies force through the use of a less-than-lethal weapon. (CFA: 4.08C)

35.6.10.1.5. Whenever an officer uses a weaponless striking technique to control an individual. (CFA: 4.08D)

35.6.10.2. Exceptions:

35.6.10.2.1. The lead investigator, rather than the officer(s) involved, will complete the Response to Resistance Report when:

35.6.10.2.2. The discharge of a firearm results in injury or death. (CFA: 4.08B)

35.6.10.2.3. The use of deadly force, a less-than-lethal weapon, or the use of weaponless physical force results in death. (CFA: 4.08B)

35.6.10.3. Response to Resistance Report – Officer Responsibility:

35.6.10.3.1. An officer, who has used force requiring a Response to Resistance Report, will notify his/her supervisor immediately.

35.6.10.3.2. The Response to Resistance Report will be completed as soon as possible after the incident, not to exceed forty-eight hours.

35.6.10.3.3. A Response to Resistance Report will be completed for each officer using force in the incident. (CFA: 4.08A,B,C,D)

35.6.10.3.4. An officer, who is only a witness, will complete a supplemental Offense/Incident Report. (CFA: 4.08A,B,C,D)

35.6.10.3.5. All Response to Resistance Reports, Offense/Incident Reports, and supplemental Offense/Incident Reports shall be forwarded to the shift supervisor for review. (CFA: 4.10)

35.6.10.4. Response to Resistance – Injury to Officer:

35.6.10.4.1. Any response to resistance resulting in personal injury to an officer shall be reported within that officer's Offense/Incident Report and Response to Resistance Report. If the officer is unable to complete these reports, a back-up officer will complete them upon investigating the circumstances. Treatment or transportation to a medical facility shall be noted in the reports.

35.6.10.5. Supervisory Responsibilities:

35.6.10.5.1. Whenever response to resistance is used at an incident, a supervisor will respond to the scene to assess the situation.

35.6.10.5.2. The supervisor who responded to the scene should review the Offense/Incident Report and the Response to Resistance Report.

35.6.10.5.3. The supervisor shall complete the appropriate section of the Response to Resistance Report indicating their comments regarding compliance or non-compliance with Department policy. The supervisor shall then immediately forward the reports through their Chain of Command for review and signatures, including the Chief of Police.

35.6.10.5.4. The Internal Affairs Unit shall maintain a file on all Response to Resistance Reports.

35.6.10.5.5. The Internal Affairs Unit shall conduct an annual analysis of all Response to Resistance Reports. The findings shall be submitted to the Chief of Police. (CFA: 4.12)

35.6.10.5.6. If, in the opinion of the Chief of Police or the Internal Affairs Unit, there is a need for training and/or policy review, that information shall be brought to the attention of the Administrative Services Division Commander for review and research. (CFA: 4.10)

35.6.11. Response to Resistance – Scene Management:

35.6.11.1. The investigative effort expended by the Department for response to resistance incidents resulting in death or great bodily injury should be equal to that of a homicide investigation as the professional reputation of the Department is at stake during each of these investigations.

35.6.11.2. Scene management involves four types of investigations:

35.6.11.2.1. The first type is the criminal aspect of the police response to resistance or conduct. It is essential for all members involved in the investigation of a police involved death or serious injury incident to realize that they may be investigating a homicide or other criminal incident.

35.6.11.2.2. The second type is the criminal conduct and/or crime committed by the subject. This can be either the crime the subject may have been committing when the officer came upon the subject or any crime that subject may have committed upon the officer(s).

35.6.11.2.3. The third type is the administrative investigation. This investigation extends beyond the response to resistance employed. It also has a different burden of proof and standards of evidence collection and use. This investigation identifies issues beyond the officer's conduct to include agency management, training, equipment and tactics.

35.6.11.2.3.1. The administrative investigation is generally conducted by the Internal Affairs Unit. The investigation must be conducted in a manner that ensures that the criminal aspect is kept separate and apart from the administrative aspect. Although Internal Affairs investigators may be present during the criminal investigation, it is best to wait until the primary criminal investigation is concluded to interview members for the administrative investigation.

35.6.11.2.4. The fourth type is the risk management investigation. The Department should anticipate that response to resistance incidents will most likely lead to some form of litigation, whether they materialize or not.

35.6.11.3. If the response to resistance by an officer results in death or great bodily injury, the officer(s) involved shall relay the following to the Communications Center:

35.6.11.3.1. Their designated call sign and location.

35.6.11.3.2. The type of incident.

35.6.11.3.3. Appropriate medical aid required. (CFA: 4.09)

35.6.11.3.4. Any shots fired and by whom.

35.6.11.3.5. Description and direction of flight for any wanted person, if applicable.

35.6.11.3.6. Request a supervisor and additional officers respond to the scene.

35.6.11.4. The officer(s) should then:

35.6.11.4.1. Administer appropriate medical aid to oneself, then the suspect(s) and others until

the arrival of medical services. (CFA: 4.09)

35.6.11.4.2. Secure the suspect(s).

35.6.11.4.3. Protect the crime scene. If firearms are involved, do not open, reload, remove shell casings or in any manner tamper with involved firearms. If other weapons are involved, ensure that they are kept in their resting state.

35.6.11.4.4. Take note of the time, survey the entire area for relevant facts, individuals who were present and departed the scene, and witnesses.

35.6.11.5. Officers arriving on the scene will set up a perimeter, secure the scene, preserve all evidence, detain any witnesses and/or suspects, and establish a command post until the arrival of a supervisor.

35.6.11.6. The first supervisor on scene shall:

35.6.11.6.1. Request that a Communications Unit supervisor or senior dispatcher secure all tapes of relevant radio and telephone transmissions and written dispatch notes on the incident for the investigator.

35.6.11.6.2. Ensure a scene perimeter is established and additional personnel or equipment are obtained.

35.6.11.6.3. Ensure the well being of all persons involved.

35.6.11.6.4. Ensure the scene and evidence is protected.

35.6.11.6.5. Ensure that the entrance to the scene is restricted to only necessary and authorized personnel. This will be accomplished by designating a member to log all persons present, leaving or entering the scene, including vehicle car numbers or tags and other law enforcement personnel.

35.6.11.6.6. Establish a staging area for news media pending the arrival of the Public Information Officer.

35.6.11.6.7. Relieve unnecessary police personnel at the scene as soon as practical.

35.6.11.6.8. Ensure the Uniform-Division Commander, Criminal Investigations Division Commander, Crime Scene Unit or Traffic Homicide Unit and Public Information Officer are notified.

35.6.11.7. The Uniform Division Commander or in their absence the senior Supervisor will be responsible for ensuring all necessary arrangements by the first supervisor on scene have been

accomplished and, in addition, initiate higher authority notification to include the Commander of the Uniform and Criminal Investigations Divisions and the Internal Affairs Unit.

35.6.11.7.1. The affected Division Commander may opt to notify the Deputy Chief and the Chief of Police or may defer this to the Uniform Division Commander.

35.6.11.8. The Criminal Investigations Division Supervisor at the scene will assume all responsibility for the overall investigation. They will ensure that there are a sufficient number of investigators at the scene.

35.6.11.8.1. The Criminal Investigations Division Supervisor will make the determination on the need for specialty units to include: Medical Examiner, State and/or City Attorney, Risk Manager, Victim Advocate or Chaplain.

35.6.11.9. If requested for forensic investigation, affected officers will surrender their weapons fired during the incident.

35.6.11.10. If the incident occurred outside the City of Sunrise or outside the county, the appropriate jurisdiction shall be notified.

35.6.12. Post Incident Procedures:

35.6.12.1 These procedures address the physical and emotional welfare of a Department member involved in an incident resulting in death, serious injury to another, or other traumatic incidents or observations that the member may be affiliated.

35.6.12.1.1. Supervisory personnel and other Department members at the scene of any shooting, critical or other traumatic incident should provide emotional first aid.

35.6.12.1.2. Create a psychological break; it is advisable to remove the member from the scene. The member should be shielded from the media and provided a supportive peer.

35.6.12.1.3. For officers involved in shootings or other incidents involving death or serious injury it is advisable for a Command Officer to explain future procedures to include, but not limited to: the entire process of the investigation, media interaction, grand jury review, and any other potential concerns that may be encountered.

35.6.12.1.4. If an officer's firearm must be taken for investigative purposes, arrangements should be made by a Supervisor to provide a suitable replacement, which the officer is qualified to use. These arrangements may be accomplished at a later time with the Training Unit.

35.6.12.1.5. If the member is not injured, they should be afforded the opportunity to contact their family. This may also be accomplished by another Department employee at the member's request.

35.6.12.1.5.1. If the member is injured, a Department employee should contact the family and arrange for their transportation.

35.6.12.1.5.2. The name of any member involved in a shooting, critical or other traumatic incident shall not be released until there has been a reasonable opportunity to notify immediate family members.

35.6.12.1.6. A high-ranking Department administrator should offer support to the member via face-to-face communications.

35.6.12.1.7. Supervisory personnel at the scene should take time to have any other members associated with the incident screened to determine their reactions and emotional well-being.

35.6.12.1.8. All involved personnel, except those directly involved, need to attend a debriefing after the incident, supervisors must ensure that all non-sworn personnel such as dispatchers are included in the debriefing.

35.6.12.1.9. All officers responding to resistance, which results in death or great bodily injury, or any Department member involved in an incident resulting in death, serious injury to another, or other traumatic incident or observation will be immediately placed on administrative leave for a period of time determined by the Chief of Police. (CFA: 4.11)

35.6.12.1.9.1. A memorandum outlining administrative leave status will be completed by the member's Division Commander. The memorandum will be provided to the Chief of Police, Internal Affairs Unit, Personnel Director, and the Department Court Liaison. (CFA: 4.11)

35.6.12.1.9.2. While on administrative leave, members shall remain available for Department interviews and statements regarding the incident and shall be subject to recall to duty at any time. (CFA: 4.11)

35.6.12.1.9.3. Members will not be authorized to work off-duty special details or outside employment during their period of administrative leave. (CFA: 4.11)

35.6.12.1.9.4. After the determined period of administrative leave has expired, the Chief of Police may authorize other administrative assignments for the member until their return to full duty. (CFA: 4.11)

35.6.12.1.9.4.1. Administrative assignment is not mandatory, unless the administrative leave period has expired and a preliminary administrative review of the incident has not yet been conducted, e.g., State Attorney or Grand Jury. (CFA: 4.11)

35.6.12.1.9.5. Should administrative duties be authorized, the member's Division Commander will complete a reassignment memorandum and provide copies to the Chief of

Police, Internal Affairs Unit, Personnel Director, and the Department Court Liaison. (CFA: 4.11)

35.6.12.1.9.6. The member's Division Commander will complete a memorandum to indicate the effective date of the member's return to full duty. (CFA: 4.11)

35.6.12.1.9.6.1. The return to full duty memorandum will be provided to the Chief of Police, Internal Affairs Unit, Personnel Director, and the Department Court Liaison upon the completion of administrative duties or administrative leave. (CFA: 4.11)

35.6.12.1.9.7. Administrative leave/duties are not a judgment on the appropriateness of the member's actions, but serves to protect the rights of all concerned parties pending the outcome of an administrative review and/or other action. (CFA: 4.11)

35.6.12.1.9.8. Consistent with Constitutional and Departmental rights and procedures, all involved officers are expected to cooperate with the incident's official investigation.

35.6.12.1.9.9. Officers involved in the response to resistance resulting in death or great bodily injury will not complete an Offense/Incident Report. The responding investigator shall treat the officer as a witness and complete the report.

35.6.12.1.9.10. Officers will be required to seek assistance via the Employee Assistance Program to attend psychological counseling.

35.6.13. Law Enforcement Custodial Death Report:

35.6.13.1. The Deaths in Custody Reporting Act requires that all state and local law enforcement agencies participate in the federal data collection requirements of reporting all in-custody deaths.

35.6.13.2. The Law Enforcement Custodial Death Report must be completed and submitted to the Florida Department of Law Enforcement (FDLE) in all cases where a death occurs in the process of an arrest. This includes those persons whose deaths occur:

35.6.13.2.1. In the physical custody or under physical restraint of law enforcement officers, even if the person was not formally under arrest.

35.6.13.2.2. From any response to resistance by law enforcement officers prior to booking.

35.6.13.2.3. At a crime/arrest scene or medical facility prior to booking.

35.6.13.2.4. In transit to or from law enforcement facilities.

35.6.13.2.5. In confined lockups or booking centers prior to arraignment.

35.6.13.3. The Department member assigned as the primary investigator of an in-custody death will be responsible for completing a Law Enforcement Custodial Death Report.

35.6.13.3.1. Reports can be obtained from the Records Unit within the Administrative Services Division.

35.6.13.3.2. The investigating officer's Supervisor will review the report and then forward it to the Records Unit via the chain of command.

35.6.13.3.3. Upon receipt, the Records Unit will send the original report to the FDLE Statistical Analysis Center. A copy of the report will be sent to the Research and Planning Unit for accreditation purposes and a copy will be filed within the Records Unit.

35.6.13.3.4. Should personnel from an outside agency be responsible for conducting an in-custody death investigation within our Department, the completion of the Law Enforcement Custodial Death Report will be accomplished as determined through consultation with the outside agency and Criminal Investigations Division Commander.