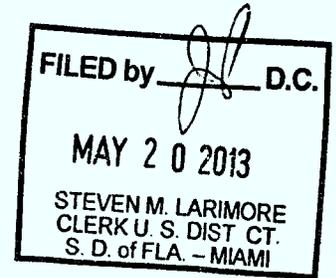


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PALM BEACH DIVISION
CASE NO. 12:80648-CIV-MARRA
MAGISTRATE JUDGE P.A. WHITE**



ATHONY GEORGE EVANS,
Plaintiff,

Vs

DAVID STEED, et. al.
Defendants.

REQUEST FOR ADMISSIONS

Plaintiff, **ATHONY GEORGE EVANS**, requests pursuant to Federal R. Civ. P. 36, that you, **MICHAEL MOSCHETTE**, before date within 30 days if the request is made on a party other than a defendant or, if request served on a defendant, make the following admissions for the purpose of this action only, and subject to all pertinent objections as to the admissibility of such admissions that may be interposed at the trial:

1. Each of the following documents, copies of which are attached to this request, is genuine:

[description of each document].

a. Attached Delray Beach Police Department General Order 2120 dated January 16th, 2004, as Amended March 6th, 2004, as Amended November 30th, 2005, as amended May 8th, 2006 consisting of 29 pages.

2. Each of the following statements are true:

- a. Delray Beach Police Officer David Steed and his supervisor Lieutenant Michael Moschette committed an act of unnecessary violence and employed unneeded and malicious excessive force while taking the Plaintiff into custody.
- b. The officer and his supervisor battered the Plaintiff causing him to require medical treatment and injuring him for no proper purpose.
- c. Both the officer and the lieutenant violated the provision of General Order 2120 dealing with the use of force, when apprehending the Plaintiff.
- d. General Order 2120 was in effect on January 26th, 2012.
- e. The actions giving rise to the complaint occurred on January 26th, 2012 as the Plaintiff was exiting his yard.
- f. In direct violation of Police Department Operating Procedure, no Use of Force report was ever filed.

Dated: May 15, 2013

Anthony Evans
ANTHONY EVANS

DC# 187491

Lawtey CI

7819 NW 228th Street

Raiford, Florida 32026

Enclosures

a. **Exhibit 1** Attached Delray Beach Police Department General Order 2120 dated January 16th, 2004, as Amended March 6th, 2004, as Amended November 30th, 2005, as amended May 8th, 2006 consisting of 29 pages

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was provided to

P. Thomas, Legal Mail Officer, Lawtey CI, 7819 NW 228th Street, Raiford, Florida 32026 for delivery by first class US mail to Catherine M. Kozol, Esquire, Delray Beach Police Department, 300 West Atlantic Avenue, Delray Beach, Florida 33344 and the Clerk of the Court, United States District Court for the Southern District of Florida, 400 North Miami Avenue, 8th Floor, Miami, Florida 33128 this 15 day of May, 2013.

Anthony Evans
ANTHONY EVANS
DC# 187491
Lawtey CI
7819 NW 228th Street
Raiford, Florida 32026

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

USE OF FORCE

Original Issue: 09/16/1994
Effective: 03/06/2004
Revision Number: 14
Distribution: Sworn
CFA Standards: *4.01M; *4.02M; *4.03M;
4.04M; *4.08M; *4.09M;
4.10M; 4.12M

program and/or has received instruction from the Delray Beach Training Section;

I. POLICY

Police officers shall use only force that is reasonably necessary to affect lawful objectives, to effectively bring an incident under control, and to protect the life of the officer or others.

1.2 Demonstrated proficiency in the use of any authorized weapons and all use of force techniques by achieving a passing score on the training course;

1.3 Received training and demonstrated knowledge of the laws and agency policy concerning the use of force, all authorized weapons, and rendering first aid procedures after use;

1.4 Received a copy of this general order.

II. DEFINITIONS

No Force - When control is obtained with minimal physical contact through the positioning, or enhancement of command presence. (Examples: Interview Stance, dialogue, Verbal Direction, and Touch

2.0 Only agency issued or approved weapons, ammunition and firearms are authorized for use both on and off duty.

Ordinary Force - Control is obtained through physical means. The defensive discipline used would limit the chance of injury to the subject and would not by design cause bodily harm. (Examples: OC spray, Take Downs, M26 Advanced Taser, or compliance techniques).

3.0 The Training Section will:

3.1 Maintain written specifications for all weapons and ammunition authorized for use;

3.2 Ensure that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance.

Moderate Force - Control is obtained by physical means that may cause injury, but would be neither severe nor debilitating. (Examples: Use of A.S.P./PR-24 in striking method; hard hand techniques applied to a vital area; less lethal munitions).

3.3 Schedule and ensure attendance of all sworn members for annual in-service Use of Force training.

Deadly Force - Control is obtained by physical means that would cause great bodily harm and/or death. (Examples: Firearms fired or impact weapons applied to vital areas).

3.4 Schedule and ensure attendance of all sworn members, who are approved and qualified to use less lethal for annual qualification and in-service training.

III. THE ORDER

3.5 Supply related legal updates.

1.0 No officer will be allowed to make an arrest or carry a weapon or firearm until he or she has:

4.0 Parameters for use of Ordinary Force and Moderate Force

1.1 Successfully completed the required state certification

4.1 Police officers are authorized to use department approved, less-than-lethal techniques and

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

issued equipment to resolve incidents, as follows:

- a. To protect themselves or others from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

5.0 Parameters for use of Deadly Force

5.1 Police officers are authorized to use deadly force on persons and/or animals in order to:

- a. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm.
- b. Prevent the escape of a fleeing felon if the officer has probable cause to believe the fleeing felon would cause great bodily harm or death to another should escape occur.

5.2 A police officer may also discharge a firearm under the following circumstances:

- a. During range practice or competitive shooting.
- b. Officers are permitted to shoot and destroy a domestic animal that is imminently near death. An officer encountering such a situation will:

- 1. Will make every effort to contact the owner of the animal, or Animal Control before destroying the animal.
- 2. Notify a supervisor before the destruction of the animal.

3. Document the incident on an incident report.

5.3 Police officers shall adhere to the following restrictions when their firearm is exhibited:

- a. Police officers may draw or exhibit their weapon for maintenance and training,
- b. Officers may un-holster and exhibit their firearm when the officer perceives the possibility of danger exists to the officer or another person.
- c. Police officers shall not fire from a moving vehicle.
- d. Warning shots are prohibited

5.4 To minimize the potential for having to utilize deadly force, officers approaching a vehicle will do so from a safe direction and provide themselves an opportunity to move to an area of safety, if possible.

a. When approaching a vehicle, officers will use appropriate safety measures and will not place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

b. Officers shall not fire at a moving vehicle unless they reasonably believe that this action is necessary to defend themselves or another from death or serious injury.

6.0 Whenever an officer discharges a firearm on or off duty, other than for training or recreational purposes, *even if no injuries occur*, the officer will notify a supervisor of the incident. This will include all incidents involving intentional, accidental or unintentional

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

discharge of any firearm or police rifle. A supervisor will respond to the scene of the incident.

be reported and reviewed as Moderate Force.

6.1 All actions resulting in the deployment of deadly force, will be reported and investigated in accordance with G.O. #404 Deadly Force Incident Review.

9.3 Any member, whose actions result in death or serious bodily injury will be removed from the line of duty until a preliminary administrative review, is conducted.

7.0 When an officer uses any type of force on an individual, i.e. lethal, less-lethal, or other use of force as defined by the agency), and the individual sustains or complains of an injury, the officer will render first aid and/or request medical assistance.

9.4 All reported uses of force will be reviewed by the employee's district/division commander to determine whether:

7.1 Whenever force is used that results in the injury or death of a person, the officer using the force will immediately, or immediately after the situation or person is brought under control, notify a supervisor who shall respond to the scene.

a. Departmental rules, policies or procedures were followed.

b. The relevant policy was clearly understandable and effective to cover the situation.

c. Department training is current and adequate

8.0 Reporting uses of force

9.5 All findings of violations of policy, procedures, or training inadequacies shall be reported, via the chain-of-command, for resolution and/or discipline.

8.1 **Ordinary force** will be reported to the officer's first line supervisor and will be detailed in the officer's police report. The only exception is when an officer uses their Taser.

9.6 Routing of the Defensive Tactics Report will be as follows:

a. Anytime an officer deploys their Taser the use will be reported as outlined in G.O. #2003; TASERS.

a. Officer's immediate supervisor to Shift Lieutenant.

8.2 **Moderate force** will be reported to the officer's first line supervisor as soon as practical. The officer will complete a "Defensive Tactics Report."

b. Shift Lieutenant to Division/District Commander

9.0 Administrative review of use of force incidents:

c. Division/District Commander to Training Section

9.1 **Deadly force** - will be reported and investigated in accordance with G.O. #404; Deadly Force Incident Review Procedures.

d. Training Section to the Deputy Chief of Police

9.2 Incidents involving the use of deadly force on an animal will

e. The Deputy Chief to the Chief of Police.

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

- f. The Chief of Police will review and determine the following:
 - 1. If additional investigation is warranted, the Chief of Police will assign the investigation as prescribed in G.O. #335(2.3); Citizen Complaints
 - 2. If there is no definable act of misconduct, the original report will be filed in the Internal Affairs Section under "Defensive Tactics Reports."
 - 3. A copy of the report will be sent by Internal Affairs to the Legal Advisor.
- 3. Force through the use of lethal or less-lethal weapons; or
- 4. Weaponless physical force that resulted in injury.

9.7 In the event of a police K-9 bite, the K-9 Supervisor will be included in the chain of review.

9.8 Annual Administrative Review

- a. An annual administrative review and analysis of the department's use of force reports will be done by the Internal Affairs Lieutenant and Training Officer to ascertain training and policy needs. The review and analysis will include:
 - 1. Discharges of a firearm, for other than training or recreational purposes;
 - 2. Actions that results in, or are alleged to have resulted in, injury or death of another person;



JOSEPH L. SCHROEDER
CHIEF OF POLICE

Reference:
Replaces G.O. 2120 dated 01/16/2004

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

USE OF FORCE

Original Issue: 09/16/1994
Effective: 01/16/2004
Revision Number: 13
Distribution: Sworn
CFA Standards: *4.01M; *4.02M; *4.03M;
4.04M; *4.08M; *4.09M;
4.10M; 4.12M

program and/or has received instruction from the Delray Beach Training Section;

1.2 Demonstrated proficiency in the use of any authorized weapons and all use of force techniques by achieving a passing score on the training course;

1.3 Received training and demonstrated knowledge of the laws and agency policy concerning the use of force, all authorized weapons, and rendering first aid procedures after use;

1.4 Received a copy of this general order.

2.0 Only agency issued or approved weapons, ammunition and firearms are authorized for use both on and off duty.

3.0 The Training Section will:

3.1 Maintain written specifications for all weapons and ammunition authorized for use;

3.2 Ensure that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance.

3.3 Schedule and ensure attendance of all sworn members for annual in-service Use of Force training.

3.4 Schedule and ensure attendance of all sworn members, who are approved and qualified to use less lethal for annual qualification and in-service training.

3.5 Supply related legal updates.

4.0 Parameters for use of Ordinary Force and Moderate Force

4.1 Police officers are authorized to use department approved, less-than-lethal techniques and

I. POLICY

Police officers shall use only force that is reasonably necessary to affect lawful objectives, to effectively bring an incident under control, and to protect the life of the officer or others.

II. DEFINITIONS

No Force - When control is obtained with minimal physical contact through the positioning, or enhancement of command presence. (Examples: Interview Stance, dialogue, Verbal Direction, and Touch

Ordinary Force - Control is obtained through physical means. The defensive discipline used would limit the chance of injury to the subject and would not by design cause bodily harm. (Examples: OC spray, Take Downs, M26 Advanced Taser, or compliance techniques).

Moderate Force - Control is obtained by physical means that may cause injury, but would be neither severe nor debilitating. (Examples: Use of A.S.P./PR-24 in striking method; hard hand techniques applied to a vital area; less lethal munitions).

Deadly Force - Control is obtained by physical means that would cause great bodily harm and/or death. (Examples: Firearms fired or impact weapons applied to vital areas).

III. THE ORDER

1.0 No officer will be allowed to make an arrest or carry a weapon or firearm until he or she has:

1.1 Successfully completed the required state certification

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

issued equipment to resolve incidents, as follows:

- a. To protect themselves or others from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

5.0 Parameters for use of Deadly Force

5.1 Police officers are authorized to use deadly force on persons and/or animals in order to:

- a. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm.
- b. Prevent the escape of a fleeing felon if the officer has probable cause to believe the fleeing felon would cause great bodily harm or death to another should escape occur.

5.2 A police officer may also discharge a firearm under the following circumstances:

- a. During range practice or competitive shooting.
- b. Officers are permitted to shoot and destroy a domestic animal that is imminently near death. An officer encountering such a situation will:

1. Will make every effort to contact the owner of the animal, or Animal Control before destroying the animal.
2. Notify a supervisor before the destruction of the animal.

3. Document the incident on an incident report.

5.3 Police officers shall adhere to the following restrictions when their firearm is exhibited:

- a. Police officers may draw or exhibit their weapon for maintenance and training,
- b. Officers may un-holster and exhibit their firearm when the officer perceives the possibility of danger exists to the officer or another person.
- c. Police officers shall not fire from a moving vehicle.
- d. Warning shots are prohibited

5.4 To minimize the potential for having to utilize deadly force, officers approaching a vehicle will do so from a safe direction and provide themselves an opportunity to move to an area of safety, if possible.

a. When approaching a vehicle, officers will use appropriate safety measures and will not place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

b. Officers shall not fire at a moving vehicle unless they reasonably believe that this action is necessary to defend themselves or another from death or serious injury.

6.0 Whenever an officer discharges a firearm on or off duty, other than for training or recreational purposes, *even if no injuries occur*, the officer will notify a supervisor of the incident. This will include all incidents involving intentional, accidental or unintentional

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

discharge of any firearm or police rifle. A supervisor will respond to the scene of the incident.

be reported and reviewed as Moderate Force.

6.1 All actions resulting in the deployment of deadly force, will be reported and investigated in accordance with G.O. #450; Deadly Force Incident Review.

9.3 Any member, whose actions result in death or serious bodily injury will be removed from the line of duty until a preliminary administrative review, is conducted.

7.0 When an officer uses any type of force on an individual, i.e. lethal, less-lethal, or other use of force as defined by the agency), and the individual sustains or complains of an injury, the officer will render first aid and/or request medical assistance.

9.4 All reported uses of force will be reviewed by the employee's district/division commander to determine whether:

7.1 Whenever force is used that results in the injury or death of a person, the officer using the force will immediately, or immediately after the situation or person is brought under control, notify a supervisor who shall respond to the scene.

a. Departmental rules, policies or procedures were followed.

b. The relevant policy was clearly understandable and effective to cover the situation.

c. Department training is current and adequate

8.0 Reporting uses of force

9.5 All findings of violations of policy, procedures, or training inadequacies shall be reported, via the chain-of-command, for resolution and/or discipline.

8.1 **Ordinary force** will be reported to the officer's first line supervisor and will be detailed in the officer's police report. The only exception is when an officer uses their Taser.

9.6 Routing of the Defensive Tactics Report will be as follows:

a. Anytime an officer deploys their Taser the use will be reported as outlined in G.O. #2003; TASERS.

a. Officer's immediate supervisor to Shift Lieutenant.

8.2 **Moderate force** will be reported to the officer's first line supervisor as soon as practical. The officer will complete a "Defensive Tactics Report."

b. Shift Lieutenant to Division/District Commander

9.0 Administrative review of use of force incidents:

c. Division/District Commander to Training Section

9.1 **Deadly force** - will be reported and investigated in accordance with G.O. #405; Deadly Force Incident Review Procedures.

d. Training Section to the Deputy Chief of Police

9.2 Incidents involving the use of deadly force on an animal will

e. The Deputy Chief to the Chief of Police.

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

- f. The Chief of Police will review and determine the following:
 - 1. If additional investigation is warranted, the Chief of Police will assign the investigation as prescribed in G.O. #335(2.3); Citizen Complaints
 - 2. If there is no definable act of misconduct, the original report will be filed in the Internal Affairs Section under "Defensive Tactics Reports."
 - 3. A copy of the report will be sent by Internal Affairs to the Legal Advisor.
- 3. Force through the use of lethal or less-lethal weapons; or
- 4. Weaponless physical force that resulted in injury.

9.7 In the event of a police K-9 bite, the K-9 Supervisor will be included in the chain of review.

9.8 Annual Administrative Review

- a. An annual administrative review and analysis of the department's use of force reports will be done by the Internal Affairs Lieutenant and Training Officer to ascertain training and policy needs. The review and analysis will include:
 - 1. Discharges of a firearm, for other than training or recreational purposes;
 - 2. Actions that results in, or are alleged to have resulted in, injury or death of another person;



JOSEPH L. SCHROEDER
CHIEF OF POLICE

Reference:
Replaces G.O. 2120 dated 05/15/2002

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

USE OF FORCE

Original Issue: 09/16/1994
Effective: 11/30/2005
Revision Number: 16
Distribution: Sworn
CFA Standards: *4.01M; *4.02M; *4.03M;
4.04M; *4.07M; *4.08M;
*4.09M; 4.10M; 4.12M;
*5.05M; 32.02

Munitions to vital areas or impact weapons applied to vital areas or head).

I. POLICY

Police officers shall use only force that is reasonably necessary to affect lawful objectives, to effectively halt aggressive actions and/or to overcome specific resistance by a subject and/or to protect the life of the officer or others.

All decisions will be made in accordance with the Delray Beach Police Department's belief that the sanctity of life and the safety of the public are of paramount importance.

II. DEFINITIONS

No Force - When control is obtained with minimal physical contact through the positioning, or enhancement of command presence. (Examples: Interview Stance, dialogue, Verbal Direction, and Touch

Ordinary Force - Control is obtained through physical means. The defensive discipline used would limit the chance of injury to the subject and would not by design cause bodily harm. (Examples: Display of a firearm to prevent further resistance, OC spray, Take Downs, M26 Advanced Taser, or compliance techniques).

Moderate Force - Control is obtained by physical means that may cause injury, but would be neither severe nor debilitating. (Examples: Use of A.S.P./PR-24 in striking method; hard hand techniques applied to a vital area; less lethal munitions).

Deadly Force - Control is obtained by physical means that would cause great bodily harm and/or death. (Examples: Firearms fired, Less Lethal

III. THE ORDER

1.0 No officer will be allowed to make an arrest or carry a weapon or firearm until he or she has:

1.1 Successfully completed the required state certification program and/or has received instruction from the Delray Beach Training Section;

1.2 Demonstrated proficiency in the use of any authorized weapons and all use of force techniques by achieving a passing score on the training course;

1.3 Received training and demonstrated knowledge of the laws and agency policy concerning the use of force, all authorized weapons, and rendering first aid procedures after use;

1.4 Received a copy of this general order.

2.0 Only agency issued or approved weapons, ammunition and firearms are authorized for use both on and off duty.

3.0 The Training Section will:

3.1 Maintain written specifications for all weapons and ammunition authorized for use;

3.2 Ensure that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance.

3.3 Schedule and ensure attendance of all sworn members for annual in-service Use of Force training.

3.4 Schedule and ensure attendance of all sworn members, who are approved and qualified to use less lethal

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

for annual qualification and in-service training.

3.5 Supply related legal updates to all sworn employees as provided by the Legal Advisor.

4.0 The Legal Advisor will:

4.1 Review current court rulings and case law related to all police uses of force and provide Legal Updates to the Training Section.

4.2 As soon as practical, alert the Chief of Police to any court rulings or case law relevant to police use of force that should be included in the use of force policy.

4.3 Provide proposed changes to the Chief of Police that ensures the use of force by sworn personnel remains current and up-to-date with changes in Federal and State laws and emerging case law.

5.0 Parameters for use of Ordinary Force and Moderate Force

5.1 Police officers are authorized to use department approved, less-than-lethal techniques and issued equipment to resolve incidents, as follows:

- a. To protect themselves or others from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

5.2 In cases when an officer feels threatened and the suspect poses an imminent threat to the officer's or another's safety an officer may draw and point their weapon to deter the suspect's actions.

- a. When an officer draws and exhibits their weapon, with

the exception of those circumstances listed in section 6.6 of this order, they shall document their actions in an Officer's Response to Resistance Report.

6.0 Parameters for use of Deadly Force

6.1 The decision to use deadly force must be based on facts and circumstances known to the individual police officer using the force at the time the decision is made.

6.2 The value of all human life should be appropriately weighed in the decision process.

6.3 Before using Deadly Force officers must consider:

- a. The subject is physically capable of carrying out said threat.
- b. The subject has the means to carry out said threat, i.e. Accessibility to firearm or other weapon.
- c. The safety of persons in the vicinity and unless in immediate peril, the officer must ensure a clear line of sight and fire to and behind the subject.

6.4 The use of deadly force cannot be used against a felon simply because of the crime committed.

6.5 Police officers are authorized to use deadly force on persons and/or animals in order to:

- a. Protect themselves or others from what is reasonably believed to be an **imminent** threat of death or serious bodily harm.
- b. Prevent the escape of a fleeing felon if the officer has probable cause to believe the fleeing felon's

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

escape would imminently result in great bodily harm or death to another.

6.6 A police officer may also discharge a firearm under the following circumstances:

- a. During range practice or competitive shooting.
- b. Officers are permitted to shoot and destroy a domestic animal that is imminently near death. An officer encountering such a situation will:
 - 1. Will make every effort to contact the owner of the animal, or Animal Control before destroying the animal.
 - 2. Notify a supervisor before the destruction of the animal.
 - 3. Document the incident on an incident report.

6.7 Police officers shall adhere to the following restrictions when their firearm is exhibited:

- a. Police officers may draw or exhibit their weapon for maintenance and training,
- b. Officers may un-holster and exhibit their firearm when the officer perceives the possibility of danger exists to the officer or another person.
- c. Police officers **shall not** fire from a moving vehicle.
- d. Warning shots are prohibited

6.8 Shooting at a Moving Vehicle

- a. The use of deadly force on a subject in a vehicle may not eliminate the threat or danger posed by a moving vehicle.

b. A moving vehicle itself **shall not presumptively** constitute a threat that justifies an officer's use of deadly force.

- 1. When dealing with subjects in vehicles, officers have a duty to stay out of the path of the vehicle.
- 2. Officers shall employ all reasonable means available to move to an area of safety if the vehicle becomes a threat, including retreating from the threat if practical.

c. To minimize the potential for having to utilize deadly force, officers approaching a vehicle will do so from a safe direction and provide themselves an opportunity to move to an area of safety, if possible.

d. When approaching a vehicle, officers will use appropriate safety measures and will not intentionally place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

e. Firearms shall not be discharged at a moving vehicle unless:

- 1. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.

- 2. The officer or another person is in immediate danger and the failure to act would imminently result in the great bodily harm or death of the

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

e. The Deputy Chief to the Chief of Police.

f. The Chief of Police will review and determine the following:

1. If additional investigation is warranted, the Chief of Police will assign the investigation as prescribed in G.O. #335(2.3); Citizen Complaints

2. If further investigation is not warranted, the original report will be filed in the Internal Affairs Section under "Officer Response to Resistance Form."

a. A copy of the report will be sent by Internal Affairs to the Legal Advisor.

4. Weaponless physical force that resulted in injury.

10.8 In the event of a police K-9 bite, the K-9 Supervisor will be included in the chain of review.

10.9 Annual Administrative Review

a. An annual administrative review and analysis of the department's use of force reports will be done by the Internal Affairs Lieutenant and Training Officer to ascertain training and policy needs. The review and analysis will include:

1. Discharges of a firearm, for other than training or recreational purposes;

2. Actions that results in, or are alleged to have resulted in, injury or death of another person;

3. Force through the use of lethal or less-lethal weapons; or



JOSEPH L. SCHROEDER
CHIEF OF POLICE

Reference:
Replaces G.O. 2120 dated 05/31/04

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

USE OF FORCE

Original Issue: 09/16/1994
Effective: 12/20/2007
Revision Number: 20
Distribution: Sworn
CFA Standards: *4.01M; *4.02M; *4.03M;
4.04M; *4.05M; *4.06M;
*4.08M; 4.09M; 4.10M;
*4.11M; *5.05M; 27.03;
32.02

(Examples: Firearms fired, Less Lethal Munitions to vital areas or impact weapons applied to vital areas or head).

III. THE ORDER

I. POLICY

Police officers shall use only force that is reasonably necessary to affect lawful objectives, to effectively halt aggressive actions and/or to overcome specific resistance by a subject and/or to protect the life of the officer or others.

All decisions will be made in accordance with the Delray Beach Police Department's belief that the sanctity of life and the safety of the public are of paramount importance.

II. DEFINITIONS

No Force - When control is obtained with minimal physical contact through the positioning, or enhancement of command presence. (Examples: Interview Stance, dialogue, Verbal Direction, and Touch

Ordinary Force - Control is obtained through physical means. The defensive discipline used would limit the chance of injury to the subject and would not by design cause bodily harm. (Examples: Display of a firearm to prevent further resistance, OC spray, Take Downs, M26 Advanced Taser, or compliance techniques).

Moderate Force - Control is obtained by physical means that may cause injury, but would be neither severe nor debilitating. (Examples: Use of A.S.P./PR-24 in striking method; hard hand techniques applied to a vital area; less lethal munitions).

Deadly Force - Control is obtained by physical means that would cause great bodily harm and/or death.

1.0 No officer will be allowed to make an arrest or carry a weapon or firearm until he or she has:

1.1 Successfully completed the required state certification program and/or has received instruction from the Delray Beach Training Section;

1.2 Demonstrated proficiency in the use of any authorized weapons and all use of force techniques by achieving a passing score on the training course;

1.3 Received training and demonstrated knowledge of the laws and agency policy concerning the use of force, all authorized weapons, and rendering first aid procedures after use;

1.4 Received a copy of this general order.

2.0 Only agency issued or approved weapons, ammunition and firearms are authorized for use both on and off duty.

3.0 The Training Section will:

3.1 Maintain written specifications for all weapons and ammunition authorized for use;

3.2 Ensure that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance.

3.3 Schedule and ensure attendance of all sworn members for annual in-service Use of Force training.

3.4 Schedule and ensure attendance of all sworn

DELRAY BEACH POLICE DEPARTMENT

General Order 2120

members, who are approved and qualified to use less lethal for annual qualification and in-service training.

3.5 Supply related legal updates to all sworn employees as provided by the Legal Advisor.

4.0 The Legal Advisor will:

4.1 Review current court rulings and case law related to all police uses of force and provide Legal Updates to the Training Section.

4.2 As soon as practical, alert the Chief of Police to any court rulings or case law relevant to police use of force that should be included in the use of force policy.

4.3 Provide proposed changes to the Chief of Police that ensures the use of force by sworn personnel remains current and up-to-date with changes in Federal and State laws and emerging case law.

5.0 Parameters for use of Ordinary Force and Moderate Force

5.1 Police officers are authorized to use department approved, less-than-lethal techniques and issued equipment to resolve incidents, as follows:

- a. To protect themselves or others from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

5.2 In cases when an officer feels threatened and the suspect poses an imminent threat to the officer's or another's safety an officer may draw and point their weapon to deter the suspect's actions.

- a. When an officer draws and exhibits their weapon, with the exception of those circumstances listed in section 6.6 of this order, they shall document their actions in an Officer's Response to Resistance Report.

6.0 Parameters for use of Deadly Force

6.1 The decision to use deadly force must be based on facts and circumstances known to the individual police officer using the force at the time the decision is made.

6.2 The value of all human life should be appropriately weighed in the decision process.

6.3 Before using Deadly Force officers must consider:

- a. The subject is physically capable of carrying out said threat.
- b. The subject has the means to carry out said threat, i.e. Accessibility to firearm or other weapon.
- c. The safety of persons in the vicinity and unless in immediate peril, the officer must ensure a clear line of sight and fire to and behind the subject.

6.4 The use of deadly force cannot be used against a felon simply because of the crime committed.

6.5 Police officers are authorized to use deadly force on persons and/or animals in order to:

- a. Protect themselves or others from what is reasonably believed to be an **imminent** threat of death or serious bodily harm.

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- b. Prevent the escape of a fleeing felon if the officer has probable cause to believe the fleeing felon's escape would imminently result in great bodily harm or death to another.
- 6.6 A police officer may also discharge a firearm under the following circumstances:
- a. During range practice or competitive shooting.
 - b. Officers are permitted to shoot and destroy a domestic animal that is imminently near death. An officer encountering such a situation will:
 - 1. Will make every effort to contact the owner of the animal, or Animal Control before destroying the animal.
 - 2. Notify a supervisor before the destruction of the animal.
 - 3. Document the incident on an incident report.
- 6.7 Police officers shall adhere to the following restrictions when their firearm is exhibited:
- a. Police officers may draw or exhibit their weapon for maintenance and training,
 - b. Officers may un-holster and exhibit their firearm when the officer perceives the possibility of danger exists to the officer or another person.
 - c. Police officers **shall not** fire from a moving vehicle.
 - d. Warning shots are prohibited
- 6.8 Shooting at a Moving Vehicle
- a. The use of deadly force on a subject in a vehicle may not eliminate the threat or danger posed by a moving vehicle.
 - b. A moving vehicle itself **shall not presumptively** constitute a threat that justifies an officer's use of deadly force.
 - 1. When dealing with subjects in vehicles, officers have a duty to stay out of the path of the vehicle.
 - 2. Officers shall employ all reasonable means available to move to an area of safety if the vehicle becomes a threat, including retreating from the threat if practical.
 - c. To minimize the potential for having to utilize deadly force, officers approaching a vehicle will do so from a safe direction and provide themselves an opportunity to move to an area of safety, if possible.
 - d. When approaching a vehicle, officers will use appropriate safety measures and will not intentionally place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.
 - e. Firearms shall not be discharged at a moving vehicle unless:

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1. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.
 2. The officer or another person is in immediate danger and the failure to act would imminently result in the great bodily harm or death of the officer or another person and all other reasonable means to avoid the danger have failed.
- 7.0 Whenever an officer discharges a firearm on or off duty, other than for training or recreational purposes, *even if no injuries occur*, the officer will notify a supervisor of the incident. This will include all incidents involving intentional, accidental or unintentional discharge of any firearm or police rifle. A supervisor will respond to the scene of the incident.
- 7.1 All actions resulting in the deployment of deadly force will be reported and investigated in accordance with G.O. #404; Deadly Force Incident Review.
- 8.0 When an officer uses any type of force on an individual, i.e. lethal, less-lethal, or other use of force as defined by the agency), and the individual sustains or complains of an injury, the officer will render first aid and/or request medical assistance.
- 8.1 Whenever force is used that results in the injury or death of a person, the officer using the force will, immediately, or immediately after the situation or the person is brought under control, notify a supervisor who shall respond to the scene.
- 9.0 Reporting uses of force
- 9.1 **All uses of force** will be reported to the officer's first line supervisor. The officer will complete an "Officer Response to Resistance Report."
- 10.0 Administrative review of use of force incidents:
- 10.1 **Deadly force** - will be reported and investigated in accordance with G.O. #404; Deadly Force Incident Review Procedures.
- 10.2 The Shift Commander will ensure that an "Officer Response to Resistance Report" is completed.
- 10.3 Incidents involving the use of deadly force on an animal will be reported and reviewed as Moderate Force.
- 10.4 Any member, whose actions result in death or serious bodily injury will be removed from the line of duty until a preliminary administrative review, is conducted.
- 10.5 All reported uses of force will be reviewed by the employee's district/division commander to determine whether:
- a. Departmental rules, policies or procedures were followed.
 - b. The relevant policy was clearly understandable and effective to cover the situation.
 - c. Department training is current and adequate
- 10.6 All findings of violations of policy, procedures, or training inadequacies shall be reported, via the chain-of-command, for resolution and/or discipline.

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USE OF FORCE

Original Issue: 09/16/1994
Effective: 05/08/2006
Revision Number: 18
Distribution: Sworn
CFA Standards: *4.01M; *4.02M; *4.03M;
4.04M; *4.07M; *4.08M;
*4.09M; 4.10M; 4.12M;
*5.05M; 32.02

Munitions to vital areas or impact weapons applied to vital areas or head).

III. THE ORDER

I. POLICY

Police officers shall use only force that is reasonably necessary to affect lawful objectives, to effectively halt aggressive actions and/or to overcome specific resistance by a subject and/or to protect the life of the officer or others.

All decisions will be made in accordance with the Delray Beach Police Department's belief that the sanctity of life and the safety of the public are of paramount importance.

II. DEFINITIONS

No Force - When control is obtained with minimal physical contact through the positioning, or enhancement of command presence. (Examples: Interview Stance, dialogue, Verbal Direction, and Touch

Ordinary Force - Control is obtained through physical means. The defensive discipline used would limit the chance of injury to the subject and would not by design cause bodily harm. (Examples: Display of a firearm to prevent further resistance, OC spray, Take Downs, M26 Advanced Taser, or compliance techniques).

Moderate Force - Control is obtained by physical means that may cause injury, but would be neither severe nor debilitating. (Examples: Use of A.S.P./PR-24 in striking method; hard hand techniques applied to a vital area; less lethal munitions).

Deadly Force - Control is obtained by physical means that would cause great bodily harm and/or death. (Examples: Firearms fired, Less Lethal

1.0 No officer will be allowed to make an arrest or carry a weapon or firearm until he or she has:

1.1 Successfully completed the required state certification program and/or has received instruction from the Delray Beach Training Section;

1.2 Demonstrated proficiency in the use of any authorized weapons and all use of force techniques by achieving a passing score on the training course;

1.3 Received training and demonstrated knowledge of the laws and agency policy concerning the use of force, all authorized weapons, and rendering first aid procedures after use;

1.4 Received a copy of this general order.

2.0 Only agency issued or approved weapons, ammunition and firearms are authorized for use both on and off duty.

3.0 The Training Section will:

3.1 Maintain written specifications for all weapons and ammunition authorized for use;

3.2 Ensure that a qualified weapons instructor or armorer reviews, inspects, and approves weapons and firearms before issuance.

3.3 Schedule and ensure attendance of all sworn members for annual in-service Use of Force training.

3.4 Schedule and ensure attendance of all sworn members, who are approved and qualified to use less lethal

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for annual qualification and in-service training.

3.5 Supply related legal updates to all sworn employees as provided by the Legal Advisor.

4.0 The Legal Advisor will:

4.1 Review current court rulings and case law related to all police uses of force and provide Legal Updates to the Training Section.

4.2 As soon as practical, alert the Chief of Police to any court rulings or case law relevant to police use of force that should be included in the use of force policy.

4.3 Provide proposed changes to the Chief of Police that ensures the use of force by sworn personnel remains current and up-to-date with changes in Federal and State laws and emerging case law.

5.0 Parameters for use of Ordinary Force and Moderate Force

5.1 Police officers are authorized to use department approved, less-than-lethal techniques and issued equipment to resolve incidents, as follows:

- a. To protect themselves or others from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

5.2 In cases when an officer feels threatened and the suspect poses an imminent threat to the officer's or another's safety an officer may draw and point their weapon to deter the suspect's actions.

- a. When an officer draws and exhibits their weapon, with

the exception of those circumstances listed in section 6.6 of this order, they shall document their actions in an Officer's Response to Resistance Report.

6.0 Parameters for use of Deadly Force

6.1 The decision to use deadly force must be based on facts and circumstances known to the individual police officer using the force at the time the decision is made.

6.2 The value of all human life should be appropriately weighed in the decision process.

6.3 Before using Deadly Force officers must consider:

- a. The subject is physically capable of carrying out said threat.
- b. The subject has the means to carry out said threat, i.e. Accessibility to firearm or other weapon.
- c. The safety of persons in the vicinity and unless in immediate peril, the officer must ensure a clear line of sight and fire to and behind the subject.

6.4 The use of deadly force cannot be used against a felon simply because of the crime committed.

6.5 Police officers are authorized to use deadly force on persons and/or animals in order to:

- a. Protect themselves or others from what is reasonably believed to be an **imminent** threat of death or serious bodily harm.
- b. Prevent the escape of a fleeing felon if the officer has probable cause to believe the fleeing felon's

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escape would imminently result in great bodily harm or death to another.

6.6 A police officer may also discharge a firearm under the following circumstances:

a. During range practice or competitive shooting.

b. Officers are permitted to shoot and destroy a domestic animal that is imminently near death. An officer encountering such a situation will:

1. Will make every effort to contact the owner of the animal, or Animal Control before destroying the animal.

2. Notify a supervisor before the destruction of the animal.

3. Document the incident on an incident report.

6.7 Police officers shall adhere to the following restrictions when their firearm is exhibited:

a. Police officers may draw or exhibit their weapon for maintenance and training,

b. Officers may un-holster and exhibit their firearm when the officer perceives the possibility of danger exists to the officer or another person.

c. Police officers **shall not** fire from a moving vehicle.

d. Warning shots are prohibited

6.8 Shooting at a Moving Vehicle

a. The use of deadly force on a subject in a vehicle may not eliminate the threat or danger posed by a moving vehicle.

b. A moving vehicle itself **shall not presumptively** constitute a threat that justifies an officer's use of deadly force.

1. When dealing with subjects in vehicles, officers have a duty to stay out of the path of the vehicle.

2. Officers shall employ all reasonable means available to move to an area of safety if the vehicle becomes a threat, including retreating from the threat if practical.

c. To minimize the potential for having to utilize deadly force, officers approaching a vehicle will do so from a safe direction and provide themselves an opportunity to move to an area of safety, if possible.

d. When approaching a vehicle, officers will use appropriate safety measures and will not intentionally place themselves in harm's way by standing or moving in front of a vehicle, standing directly behind, or reaching inside an operating vehicle.

e. Firearms shall not be discharged at a moving vehicle unless:

1. A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.

2. The officer or another person is in immediate danger and the failure to act would imminently result in the great bodily harm or death of the

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- officer or another person and all other reasonable means to avoid the danger have failed.
- 7.0 Whenever an officer discharges a firearm on or off duty, other than for training or recreational purposes, *even if no injuries occur*, the officer will notify a supervisor of the incident. This will include all incidents involving intentional, accidental or unintentional discharge of any firearm or police rifle. A supervisor will respond to the scene of the incident.
- 7.1 All actions resulting in the deployment of deadly force will be reported and investigated in accordance with G.O. #404; Deadly Force Incident Review.
- 8.0 When an officer uses any type of force on an individual, i.e. lethal, less-lethal, or other use of force as defined by the agency), and the individual sustains or complains of an injury, the officer will render first aid and/or request medical assistance.
- 8.1 Whenever force is used that results in the injury or death of a person, the officer using the force will, immediately, or immediately after the situation or the person is brought under control, notify a supervisor who shall respond to the scene.
- 9.0 Reporting uses of force
- 9.1 **All uses of force** will be reported to the officer's first line supervisor. The officer will complete an "Officer Response to Resistance Report."
- 10.0 Administrative review of use of force incidents:
- 10.1 **Deadly force** - will be reported and investigated in accordance with G.O. #404; Deadly Force Incident Review Procedures.
- 10.2 The Shift Commander will ensure that an "Officer Response to Resistance Report" is completed.
- 10.3 Incidents involving the use of deadly force on an animal will be reported and reviewed as Moderate Force.
- 10.4 Any member, whose actions result in death or serious bodily injury will be removed from the line of duty until a preliminary administrative review, is conducted.
- 10.5 All reported uses of force will be reviewed by the employee's district/division commander to determine whether:
- Departmental rules, policies or procedures were followed.
 - The relevant policy was clearly understandable and effective to cover the situation.
 - Department training is current and adequate
- 10.6 All findings of violations of policy, procedures, or training inadequacies shall be reported, via the chain-of-command, for resolution and/or discipline.
- 10.7 Routing of the Officer Response to Resistance Report will be as follows:
- From the officer's immediate supervisor to the Shift Commander.
 - The Shift Commander will forward the original to the District / Division Commander, and a copy to the Deputy Chief of Police.
 - The District / Division Commander will forward

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the original to Training Section after review and sign-off.

training or recreational purposes;

d. The Training Section will forward the original to the Deputy Chief of Police after their review and sign-off.

2. Actions that results in, or are alleged to have resulted in, injury or death of another person;

e. The Deputy Chief will forward the original to the Chief of Police after his review and sign-off.

3. Force through the use of lethal or less-lethal weapons; or

f. The Chief of Police will review and determine the following:

4. Weaponless physical force that resulted in injury.

1. If additional investigation is warranted, the Chief of Police will assign the investigation as prescribed in G.O. #335(2.3); Citizen Complaints

2. If further investigation is not warranted, the original report will be filed in the Internal Affairs Section under "Officer Response to Resistance Report."

a. A copy of the report will be sent by Internal Affairs to the Legal Advisor.

10.8 In the event of a police K-9 bite, the K-9 Supervisor will be included in the chain of review.

10.9 Annual Administrative Review

a. An annual administrative review and analysis of the department's use of force reports will be done by the Internal Affairs Lieutenant and Training Officer to ascertain training and policy needs. The review and analysis will include:

1. Discharges of a firearm, for other than


JOSEPH L. SCHROEDER
CHIEF OF POLICE

Reference:
Replaces G.O. 2120 dated 03/21/2006
Copy to Sergeant's Training Manual

DELRAY BEACH POLICE DEPARTMENT

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ATTACHMENT "A"

DELRAY BEACH POLICE DEPARTMENT
RESPONSE TO RESISTANCE REPORT

D.B.P.D. CASE # _____ DATE _____ TIME _____ DISTRICT/SHIFT: _____
LOCATION: _____ TYPE OF INCIDENT: _____

TYPE OF FORCE USED:

ORDINARY FORCE MODERATE FORCE DEADLY FORCE

SUBJECT INFORMATION:
USE ADDITIONAL PAGES IF NECESSARY

LAST NAME: _____ FIRST NAME: _____ INITIAL: _____ A.K.A. _____
ADDRESS: _____ CITY: _____ STATE: _____ PHONE: _____
D.O.B. _____ SEX: _____ RACE: _____ HEIGHT: _____ WEIGHT: _____ BUILD: _____
Impaired by Drugs or Alcohol: Yes No Unable to determine

Describe subject's demeanor at time of contact:

Injury received: Yes No No Apparent Injury

If yes, describe in detail: _____

Medical Treatment-Paramedic: Yes No Paramedic #1 _____
Paramedic #2 _____

Medical Treatment-Hospital: Yes No Hospital _____
Physician's Name _____

Photographs Taken: Yes No Polaroid 35mm Digital

Photograph(s) Taken by: _____ Time: _____

Weapon involved: (suspect) Yes No Type: _____

Charges: RESISTING W/VIOLENCE RESISTING W/O VIOLENCE BATTERY ON OFFICER

Other Charges: _____

Photographs Taken: Yes No Polaroid 35mm Digital

Photograph(s) Taken by: _____ Time _____

ADDITIONAL

INFORMATION: _____

1/31/2006

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DELRAY BEACH POLICE DEPARTMENT
RESPONSE TO RESISTANCE REPORT
OFFICER INFORMATION:

DBPD CASE # _____

LAST NAME: _____ FIRST NAME: _____ INITIAL: _____ I.D. # _____

DUTY ASSIGNMENT: _____ On Duty Off Duty Detail

In Uniform: Yes No Description: _____

Officer Injury: Yes No Injury Report Completed? (If no, describe: i.e. minor scrapes, etc.) _____

Photographs Taken: Yes No Polaroid 35mm Digital

Photograph(s) Taken by: _____ Time: _____

ORDINARY FORCE

Chemical Agent

Type: _____

Decontamination method used: Water Quash

Other: _____

TASER [®]

Serial Number: _____

Cartridge(s): _____

Distance from subject: _____

Number of Applications: _____

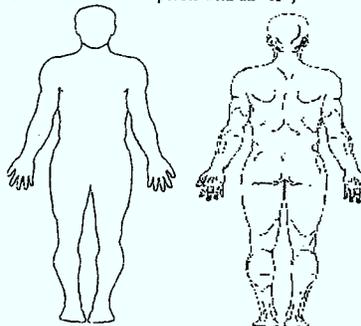
Drive Stun Contact: Yes No

Probe Contact: Yes No

Multiple TASERS Used: Yes No

List other Taser officers involved: _____

APPLICATION AREAS
(Indicate all contact points with an "X")



Complete for all levels of force

Describe application of force (i.e - strike to large muscle group, etc):

Did the method of force applied work effectively?
Yes No

If No, Describe: _____

Medical attention needed as a result of the force applied? Yes No

Photographs Taken: Yes No

Type: Polaroid 35 mm Digital

Photograph(s) Taken by: _____

Date: _____ Time: _____

Investigating Agency: _____

Lead Investigator: _____

MODERATE FORCE

Collapsible baton

Side Handle Baton

Hard Hand Techniques (applied to vital areas)

Canine (K-9) Name: _____

Less Lethal Munitions

Type: 12 gauge 37/40mm

DEADLY FORCE

Firearm:

Make: _____ Model: _____

Serial # _____ Caliber: _____

Rounds Expended _____

Ammunition: Duty Issue Other (Describe): _____

Other Method: (Describe): _____

USE ADDITIONAL PAGES IF NECESSARY

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DBPD CASE # _____

DELRAY BEACH POLICE DEPARTMENT
RESPONSE TO RESISTANCE REPORT

WITNESS INFORMATION:

USE ADDITIONAL PAGES IF NECESSARY

ON SCENE POLICE EMPLOYEE(S):

1. Name _____ ID # _____

Supplemental Report Completed: Yes No

(IF NO, REASON) _____

2. Name _____ ID # _____

Supplemental Report Completed: Yes No

(IF NO, REASON) _____

3. Name _____ ID # _____

Supplemental Report Completed: Yes No

(IF NO, REASON) _____

4. Name _____ ID # _____

Supplemental Report Completed: Yes No

(IF NO, REASON) _____

CIVILIAN WITNESSES:

1. Name _____
(Last) (First) (Middle)

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____ Alternate: _____

STATEMENT TAKEN: Yes No Type: Written Oral (recorded)

2. Name _____
(Last) (First) (Middle)

Address _____ City _____ State: _____ Zip: _____

Telephone Number: _____ Alternate: _____

STATEMENT TAKEN: Yes No Type: Written Oral (recorded)

1/31/2006

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DELRAY BEACH POLICE DEPARTMENT
RESPONSE TO RESISTANCE REPORT
ROUTING (Pursuant to G.O. 2120)

DBPD CASE # _____

ON DUTY SUPERVISOR: Name _____ Rank _____ Date _____

Comments _____

ON DUTY SHIFT COMMANDER: Name _____ Rank _____ Date _____

Comments _____

*Copy forwarded to Deputy Chief of Police: Yes No Date _____

If NO Reason: _____

DISTRICT/DIVISION COMMANDER: Name _____ Rank _____ Date _____

Comments _____

TRAINING SECTION: Name _____ Rank _____ Date _____

Comments _____

DEPUTY CHIEF OF POLICE: Name _____ Date _____

Comments _____

CHIEF OF POLICE: Name _____ Date _____

Comments _____

INOI FILE COPY TO LEGAL ADVISOR

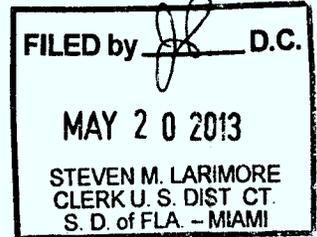
INTERNAL AFFAIRS COMMANDER: _____ Date _____

FILED COMPUTER ENTRY DATE _____ BY: _____

1/31/2006

PAGE _____ OF _____

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PALM BEACH DIVISION
CASE NO. 12:80648-CIV-MARRA
MAGISTRATE JUDGE P.A. WHITE**



ATHONY GEORGE EVANS,
Plaintiff,

Vs

DAVID STEED, et. al.
Defendants.

**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

The undersigned, having been duly sworn, deposes and says under oath:

1. I am the Plaintiff in the above styled lawsuit and have personal knowledge of the following facts:
2. From February 10th, 2010, to January 26th, 2012, Defendant, DAVID STEED, maliciously targeted, harassed and took actions to assassinate the Plaintiff's character and reputation as well as physically injure without cause the person of the Plaintiff within the inner city black community. Plaintiff submitted several complaints to the Police department regarding the malicious, aggressive and uncalled for actions of Defendant STEED. STEED would repeatedly approach owners of stores from which he saw Plaintiff exit and inform the owners that the Plaintiff was panhandling and soliciting store customers for money when the actions were not and did not occur.
3. STEED would solicit the store owners based upon his malicious and fraudulent character assassination to issue non-trespass orders to Plaintiff.
4. Despite the numerous complaints, the Administration and city officials of Delray Beach, Florida took no action to discipline Defendant, STEED. In fact the administration, with full knowledge of STEED's improper and malicious actions, encouraged STEED.

5. On numerous occasions STEED drew his weapon and verbally and physically threatened the Plaintiff.

6. On September 17th, 2010, the Plaintiff was threatened by STEED. STEED told the Plaintiff ***“You can file all the complaints you want motherfucker. My job is secure but your life is not. My goal is to kill you or send you to prison for a long time.”***

7. On February 10th, 2011, Plaintiff had surgery on his left foot and screw implants were inserted. On March 14th and 15th, 2011, STEED accosted Plaintiff in front of a store. STEED ordered Plaintiff to the ground. STEED grabbed me roughly and slammed me into the body of his police cruiser. He then kicked my legs apart roughly despite my protestations. I felt a popping sensation and heard a popping sound. Two days later in my podiatrist’s office x-rays confirmed that the screws were popped out of the bone. Emergency surgery had to be performed. Plaintiff filed a civil complaint with the help of Delray Beach law firm. The law firm dropped the case four months later. The firm told the Plaintiff that the law firm was losing clients because of representing Plaintiff. Before Plaintiff could hire a new attorney, he was arrested and savagely beaten on January 26th, 2012.

8. The Plaintiff was never informed of a reason for his arrest, did not resist, and there was no reason for the excessive force employed by STEED.

9. While STEED was beating the Plaintiff, Defendant, STEED, stated “motherfucker, I told you I would do this to you when I got the chance to do so. This is for all you’ve put me through filing those damn complaints and other bullshit!”

10. All of the injuries depicted in the photographs taken by the sheriff’s office were the result of STEED’s excessive force.

11. The Plaintiff never resisted Defendant, STEED, and the degree of force was unnecessary and uncalled for and done with malice in retaliation for the Plaintiff exercising his legal rights to sue the defendant.

12. at the same time of STEED’s malicious acts, Lieutenant Moschette blinded Plaintiff by spraying a full can of pepper spray gas from positively identifying any other potential witnesses.

13. Many of the blows administered to the Plaintiff were administered by STEED while the Plaintiff was already secure, placed on the ground, and securely in handcuffs.

14. Plaintiff’s injuries were sever and required medical treatment and will continue to cause the Plaintiff continued pain and suffering in the future.

15. The injuries have significantly limited Plaintiff's ability to perform normal life tasks and cause him continued pain.

Further Affiant Sayeth Naught:

I do hereby affirm that the information contained in this General Affidavit is true and correct.

Anthony Evans
ANTHONY EVANS
DC# 187491
Lawtey CI
7819 NW 228th Street
Raiford, Florida 32026

NOTARY PUBLIC CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BRADFORD)

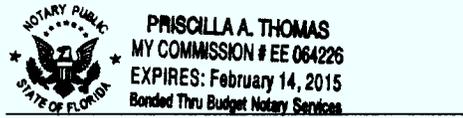
This General Affidavit was acknowledged before me on this 15 day of May, 2013 by

ANTHONY EVANS, who did produce valid State identification in the form of

State I.D.#, card number

187491. An oath was made that the contents of this General Affidavit

are true and correct.



My Commission Expires

Priscilla A. Thomas
Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was provided to

P. Thomas, Legal Mail Officer, Lawtey CI, 7819 NW 228th Street,
Raiford, Florida 32026 for delivery by first class US mail to Catherine M. Kozol,
Esquire, Delray Beach Police Department, 300 West Atlantic Avenue, Delray
Beach, Florida 33344 and the Clerk of the Court, United States District Court for
the Southern District of Florida, 400 North Miami Avenue, 8th Floor, Miami,
Florida 33128 this 15th day of May, 2013.

Anthony Evans

ANTHONY EVANS
DC# 187491
Lawtey CI
7819 NW 228th Street
Raiford, Florida 32026

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:12-cv-80648-KAM

ANTHONY GEORGE EVANS,

Plaintiff,

vs.

DAVID STEED and MICHAEL
MOSCHETTE,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, the Defendants, David Steed and Michael Moschette, hereby respond to the Plaintiff's Motion for Summary Judgment.

1. Attached hereto and made a part hereof, is an affidavit from Lt. Michael Moschette. Also attached is the prior affidavit signed by Lt. Moschette dated May 8th, 2013 which was marked as Exhibit B to Defendants' Motion for Summary Judgment.

2. Attached hereto and made a part hereof, is an affidavit from Officer David Steed. Also attached is Officer Steed's probable cause affidavit which was marked as Exhibit A to Defendants' Motion for Summary Judgment.

3. As stated in all of the affidavits, Officer Steed did not punch, kick or attempt to put a baton in Mr. Evans mouth on January 26, 2012.

4. It should also be noted that the Plaintiff states he filed a verified Motion for Summary Judgment. However, the Plaintiff's Complaint was not notarized and thus not verified.

5. On May 20th, 2013, Defendants' counsel received Plaintiff's Affidavit in Support of his Motion for summary judgment. This affidavit should be stricken as it is well past the May 8th, 2013 deadline for filing summary judgment motions as ordered by this Court.

6. Inasmuch as this case involves genuine issues of material fact, the Plaintiff's Motion for Summary Judgment should be denied in its entirety.

DATED this 22nd day of May, 2013.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF DELRAY BEACH, FLORIDA

By: /s/ Catherine M. Kozol

Catherine M. Kozol, Esq. (831433)

Attorney email: kozol@mydelraybeach.com

Asst. City Attorney/Police Legal Advisor

300 W. Atlantic Avenue

Delray Beach, FL 33444

Telephone: 561-243-7823

Facsimile: 561-243-7815

and

Terrill C. Pyburn, Esq. (524646)

Attorney email: pyburn@mydelraybeach.com

Assistant City Attorney

200 N. W. 1st Avenue

Delray Beach, FL 33444

Telephone: 561-243-7090

Facsimile: 561-278-4755

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by United States first class mail to: Anthony George Evans, Century Correctional Institution, 400 Tedder Road, Century, FL 32535 on this 22nd day of May, 2013.

/s/ Catherine M. Kozol

Catherine M. Kozol, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:12-cv-80648-KAM

ANTHONY GEORGE EVANS,

Plaintiff,

vs.

DAVID STEED and MICHAEL
MOSCHETTE,

Defendants.

_____ /

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

MICHAEL A. MOSCHETTE, being duly sworn, deposes and says:

I am a Lieutenant with the Delray Beach Police Department. I have been with the Police Department for 18 years.

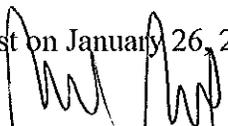
1. At no time during the incident involved in this action on January 26, 2012, did I punch or kick Mr. Evans.

2. At no time during the incident involved in this action on January 26, 2012, did I see Officer Steed punch Mr. Evans in the face or kick Mr. Evans.

3. At no time during this incident did I see Officer Steed put or attempt to put, a baton in Mr. Evans' mouth as stated by Mr. Evans.

4. Officer Steed did not use excessive force in effectuating the arrest of Mr. Evans.

5. Mr. Evans violently resisted arrest on January 26, 2012.



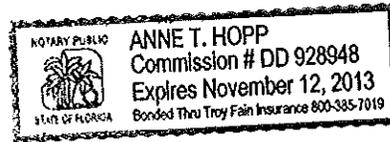
MICHAEL A. MOSCHETTE, ID #642

Sworn to before me this
21st day of May, 2013.

Personally known or
produced identification.



Notary Public



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:12-cv-80648-KAM

ANTHONY GEORGE EVANS,

Plaintiff,

vs.

DAVID STEED and MICHAEL
MOSCHETTE,

Defendants.

_____/
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

MICHAEL A. MOSCHETTE, being duly sworn, deposes and says:

I am a Lieutenant with the Delray Beach Police Department. I have been with the Police Department for 18 years.

On January 26, 2012, I was on duty at approximately 0036 hours in uniform and driving an unmarked Police vehicle.

On January 26, 2012, at approximately 0036 hours, I responded to 725 West Atlantic Avenue, Delray Beach, FL.

Officer David Steed saw Anthony Evans in the area and probable cause existed for two counts of sale of cocaine within 1000 feet of a church. Mr. Evans was observed walking on the sidewalk in front of the business (B P Gas Station) when Officer Steed approached him. Officer Steed attempted to place Mr. Evans into custody. Mr. Evans immediately began jerking away from Officer Steed in an attempt to get away. Officer Steed utilized an armbar technique to gain

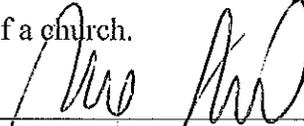
EXHIBIT B

control of Mr. Evans and take him to the ground. Officer Steed constantly told Mr. Evans to stop resisting that he was under arrest.

Mr. Evans was verbally abusive and continually tried to get up. Officer Steed gave Mr. Evans several commands to stop resisting and to place his hands behind his back. Mr. Evans did not comply. Mr. Evans began kicking his feet and arched his back in an attempt to throw Officer Steed off his back. Sgt. Griffith grabbed Mr. Evans right arm and began physically trying to pull his hand behind his back. Mr. Evans placed his right hand into his right pants pocket and pulled out a pack of cigarettes. He began manipulating the cigarette pack in an attempt to destroy its' contents. Sgt. Griffith was able to get Mr. Evans' right hand into a handcuff but not before Mr. Evans pulled the cap off a Krazy Glue container that was inside the cigarette pack. Several pieces of crack cocaine spilled out onto the pavement. We continually told Mr. Evans to stop resisting and he continued to resist violently.

I utilized my department issued OC spray and gave Mr. Evans two bursts to his facial area. The OC spray had no effect on Mr. Evans. He continued to try to overpower the officers by kicking his feet and bridging his back. I grabbed his left arm with both of my hands and had to forcefully pull his hand behind his back. We were finally able to get his left hand into the handcuff. Once in handcuffs, Mr. Evans still would not follow commands and continually tried to pull away from us. We had to physically lift Mr. Evans up from the ground and walk him to Officer Steed's vehicle. We had to physically put Mr. Evans into the vehicle. While at the Delray Beach Police Department, Mr. Evans complained of injury and was transported to the hospital.

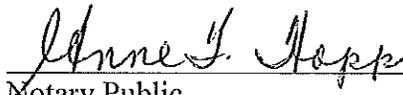
He was subsequently charged with resisting arrest with violence, possession of cocaine with intent to sell within 1000 feet of a convenience store, and the two active probable cause affidavits for the sales of cocaine within 1000 feet of a church.



MICHAEL A. MOSCHETTE, ID #642

Sworn to before me this
8th day of May, 2013.

Personally known or
produced identification.



Notary Public



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:12-cv-80648-KAM

ANTHONY GEORGE EVANS,

Plaintiff,

vs.

DAVID STEED and MICHAEL
MOSCHETTE,

Defendants.

_____/)
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

DAVID T. STEED, being duly sworn, deposes and says:

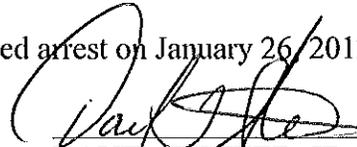
I am An Officer with the Delray Beach Police Department. I have been with the Police Department for 7 years.

1. At no time during the incident involved in this action on January 26, 2012, did I punch Mr. Evans in the face or kick Mr. Evans as he states.

2. At no time during this incident did I put or attempt to put, a baton in Mr. Evans' mouth as stated by Mr. Evans.

3. I did not use excessive force in effectuating the arrest of Mr. Evans.

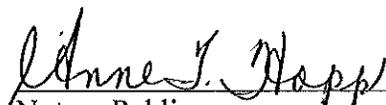
4. Mr. Evans violently resisted arrest on January 26, 2012.



DAVID T. STEED, ID #944

Sworn to before me this
21st day of May, 2013.

Personally known or
produced identification.



Notary Public



ARREST / NOTICE TO APPEAR

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias **1** JUVENILE

ADMI NIST RATI ON	OBTS Number		Agency ORI Number 0500400		Agency Name Delray Beach Police Department		Agency Report Number (R.T.A.'s only) 4, 0 12-001148	
	Charge Type: Check as many as apply: <input checked="" type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type: Hands/feet/teeth	
DEFEN DANT	Location of Arrest (Including Name of District) 725 W. ATLANTIC AVE, DELRAY BEACH, FL 3				Location of Offense (Business Name, Address) 725 W ATLANTIC AVE, DELRAY BEACH, FL 33444			
	Date of Arrest 01/26/2012	Time of Arrest 00:36	Booking Date 01/26/2012	Booking Time 00:46	Jail Date	Jail Time	Location of Vehicle	
DEFEN DANT	Name (Last, First, Middle) EVANS, ANTHONY GEORGE				Alias (Name, DOB, Soc. Sec. #, Etc.)			
	Race W - White I - American Indian B - Black O - Oriental/Asian	Sex B	Date of Birth 03/14/1968	Height 6'03	Weight 170	Eye Color BROWN	Hair Color BLACK	Complexion DARK
DEFEN DANT	Local Address (Street, Apt. Number) 16 NW 8TH AVE, DELRAY BEACH, FL 33444				Permanent Address (Street, Apt. Number) 16 NW 8TH AVE, DELRAY BEACH, FL 33444			
	Business Address (Name, Street) 16 NW 8TH AVE, DELRAY BEACH, FL 33444				Occupation			
DEFEN DANT	DL Number, State E152-000-68-094-0 /		Sec. Sec. Number 264-49-1216		INS Number		Place of Birth (City, State) US	
	Co-Defendant Name (Last, First, Middle)		Place	Sex	Date of Birth		Citizenship <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile	
DEFEN DANT	Co-Defendant Name (Last, First, Middle)		Place	Sex	Date of Birth		Citizenship <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile	
	Name (Last, First, Middle)		Residence Phone		Business Phone		Occupation	
DEFEN DANT	Address (Street, Apt. Number) 16 NW 8TH AVE, DELRAY BEACH, FL 33444		City DELRAY BEACH		State FL		Zip 33444	
	Notified by: (Name)		Date	Time	JUVENILE DISPOSITION 1. Handled/processed within Department and Released 2. TOT JAC 3. Incarcerated		Grade	
DEFEN DANT	Released To: (Name)		Relationship		Date	Time	School Attended	
	The above address was provided by: <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.		Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description of Property		Value of Property	
DEFEN DANT	Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver E. Use	I. Dispense/ Distribute	M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamines
	B. Barbiturate C. Cocaine E. Heroin		J. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Pseudoephedrine/ Equipment S. Synthetic		U. Unknown Z. Other	
DEFEN DANT	Charge Description CONTROLLED SUBSTANCE WT 1000' OF WORSHIP SCH I, II				Statute Violation Number 893.13(1E1)		Violation of ORD #	
	Drug Activity D	Drug Type C	Amount / Unit 5.00 / GM	Offense # 12-001148	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number	Bond
DEFEN DANT	Charge Description RESIST OFFICER WITH VIOLENCE				Statute Violation Number 843.01		Violation of ORD #	
	Drug Activity N	Drug Type	Amount / Unit /	Offense # 12-001148	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number	Bond
DEFEN DANT	Charge Description				Statute Violation Number		Violation of ORD #	
	Drug Activity	Drug Type	Amount / Unit /	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number	Bond
DEFEN DANT	Health / Apparent Physical Condition of Defendant				Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries Explain:			
	Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> T.O.T. County Jail <input type="checkbox"/> Paced Bond <input type="checkbox"/> South County Mental Health		PROPERTY - Received By		Released By		Released To	
DEFEN DANT	Transported By		Date Transported // : :	Time Transported	Other			
	<input checked="" type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court <input type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.				Location (Court, Room)		Court Date and Time	
DEFEN DANT	I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.				Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed	
	HOLD for Other Agency		Signature of Arresting Officer 		Name Verification (Printed by Arrestee)		Name Verification (Printed by Arrestee)	
DEFEN DANT	<input type="checkbox"/> Dangerous <input type="checkbox"/> Restricted Arrest		Name of Arresting Officer (Print) STEED, DAVID		LD # 0944		PAGE 1 OF 1	
	<input type="checkbox"/> Suspect <input type="checkbox"/> Other		Transporting Officer STEED, DAVID		LD # 944		Agency DELR	
Witness here if subject signed with an 'X'.				EXHIBIT A				



PROBABLE CAUSE AFFIDAVIT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Copies **1** JUVENILE

Agency ORI Number: **FL 0500400** Agency Name: **DELRAY BEACH POLICE DEPARTMENT** Agency Report Number: **4 0 12-001148**

Charge Types: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

Name (Last, First, Middle): **EVANS, ANTHONY GEORGE** Alias: _____ Race: **B** Sex: **M** Date of Birth: **03/14/1968**

Charge Description: **893.13(1E1) CONTROLLED SUBSTANCE WI 1000` OF WORSH** Charge Description: **843.01 RESIST OFFICER WITH VIOLENCE**

Victim's Name (Last, First, Middle): **State Of Florida** Race: _____ Sex: _____ Date of Birth: _____

Local Address (Street, Apt. Number) (City) (State) (Zip) Phone Address Source

Business Address (Name, Street) (City) (State) (Zip) Phone Occupation

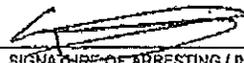
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody... committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

On the **26** day of **January**, **2012** at **00:46** (Specifically include facts constituting cause for arrest.)

The following incident occurred in the city of Delray Beach, Palm Beach County, Florida. While on Special Duty Assignment in my marked patrol car, I observed a black male subject previously known to me as Anthony George Evans. Evans is known to me to have two active Probable Cause Affidavits for his arrest, charging him with Sale of Cocaine within 1000 ft of a Church. (Case numbers 11-024727 and 12-00346). Lt. Moschette, Sgt. Griffith and I were on scene and made contact with Evans at the BP Gas Station located at 725 W. Atlantic Avenue. I approached Evans and told him that he was under arrest for Sale of Cocaine. He immediately began to back away from me and jerked his arm out of my grasp. I then yelled at him, "Stop Resisting" and again he jerked out of my grasp. I then applied a straight arm bar and took him to the ground. As he landed on the ground he placed his arms under his body and continued to disregard my commands to place his hands behind his back. Evans then began to reach for his right front pants pocket with his right hand. I grabbed his right arm and I attempted to pull his hand behind his back. As I pulled on his arm, I observed a pack of Newport cigarettes sticking out of his right front pants pocket. The pack of cigarette had a red cap sticking out of it. Evans managed to grab the red cap and pull it off of the Krazy Glue container that was stuffed inside the pack of NewPorts. Sgt. Griffith wrestled the pack of New Port cigarettes from Evans but not before several pieces of what appeared to be cocaine spilled out of the opened container and landed on the ground. During the violent struggle with Evans, I sustained abrasions on both knees and right wrist. After several seconds of wrestling with Evans, we were able to get him under control. He was subsequently arrested. I gathered up the suspect cocaine and transported him and the evidence to the Delray Beach Holding Facility for processing. Once at the Delray Beach Holding Facility, I field tested the white rock-like substance that was inside the Krazy Glue Container. The substance tested positive for Cocaine. Base on the amount and the way the Cocaine was packaged, I know this is to be consistent with street level sale of Narcotics. Evans was arrested approximately 25 ft. from the BP Gas Station on the southwest corner of the Business. Based on the above facts, I find Probable Cause to Charge, Anthony G. Evans with FSS

SWORN AND SUBSCRIBED BEFORE ME

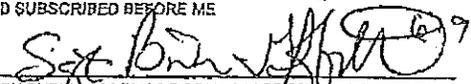
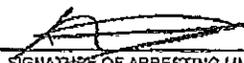
 NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)
 01/26/12
 DATE


 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
STEED, DAVID (0944)
 NAME OF OFFICER (PLEASE PRINT)
01/26/2012
 DATE

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Copies	1	JUVENILE
Agency ORI Number FL 0500400	Agency Name DELRAY BEACH POLICE DEPARTMENT	Agency Report Number 410 12-001148				
Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other						Special Notes:
Name (Last, First, Middle) EVANS, ANTHONY GEORGE				Race B	Sex M	Date of Birth 03/14/1968

893.13(1) (e) (1), Possession of Cocaine with intent to sale within 1000 ft. of a Convenience Business and FSS. 843.01, Resisting with Violence.

PROBABLE CAUSE STATEMENT

SWORN AND SUBSCRIBED BEFORE ME  NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 01/26/12 DATE	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER STEED, DAVID (0944) NAME OF OFFICER (PLEASE PRINT) 01/26/2012 DATE
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