

# **Internal Affairs Policy Review of the Palm Beach County Sheriff's Office**

**March 2016**

*Police Executive Research Forum  
1120 Connecticut Avenue NW, Suite 930  
Washington, DC 20036*



## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>SUMMARY OF RECOMMENDATIONS.....</b>	<b>7</b>
USE OF FORCE (GENERAL ORDER 500.00).....	8
DISCIPLINE PROCEDURES (GENERAL ORDER 202.00) .....	9
LINE INSPECTIONS (GENERAL ORDER 222.02) .....	10
DIVISION OF INTERNAL AFFAIRS (GENERAL ORDER 222.03) .....	10
CRITICAL INCIDENT INVESTIGATIONS (GENERAL ORDER 522.00).....	11
AUTHORIZED WEAPONS AND AMMUNITION (GENERAL ORDER 551.00) .....	12
EARLY INTERVENTION SYSTEM .....	13
DEPARTMENT-WIDE TRAINING.....	14
ANALYSIS OF INTERNAL AFFAIRS DIVISION'S REVIEW OF DEPUTY-INVOLVED SHOOTINGS .....	15
<b>INTRODUCTION .....</b>	<b>17</b>
<b>ABOUT THE PBSO .....</b>	<b>18</b>
<b>PBSO PROMISING PRACTICES.....</b>	<b>21</b>
TACTICAL PAUSE .....	21
DOCUMENTING THE DISPLAY OF FIREARMS .....	22
CRITICAL INCIDENT INVESTIGATIVE TEAM (CIIT) .....	22
BEHAVIORAL SERVICES UNIT (BSU) .....	23
IMPROVEMENTS TO PBSO EARLY INTERVENTION SYSTEM AND DOCUMENTATION PROCESS .....	23
<b>INTERNAL AFFAIRS AND ACCOUNTABILITY POLICY REVIEW .....</b>	<b>25</b>
<b>GENERAL ORDER 202.00 DISCIPLINE PROCEDURES .....</b>	<b>25</b>
INFORMAL ACTION .....	26
FORMAL ACTION REPORT FORM.....	26
ADMINISTRATIVE ACTION.....	26
FORMAL DISCIPLINARY ACTION.....	27
PRE-DISCIPLINARY MEETING .....	27
<b>GENERAL ORDER 218.00 RECORDS SECURITY .....</b>	<b>27</b>
<b>GENERAL ORDER 222.02 LINE INSPECTIONS .....</b>	<b>27</b>
RESPONSIBILITY FOR LINE INSPECTIONS .....	28
PROCEDURES FOR CONDUCTING LINE INSPECTIONS.....	28
WEAPONS INSPECTIONS.....	28
INSPECTION REPORTS.....	29
<b>GENERAL ORDER 222.03 DIVISION OF INTERNAL AFFAIRS .....</b>	<b>29</b>
DEFINITIONS .....	29
INVESTIGATION OF COMPLAINTS OR ALLEGATIONS OF MISCONDUCT.....	30

<b>GENERAL ORDER 500.00 USE OF FORCE .....</b>	<b>31</b>
DE-ESCALATION.....	32
DUTY TO INTERVENE.....	34
DEFINITIONS.....	34
USE-OF-FORCE REPORTING.....	37
SHOOTING AT VEHICLES.....	38
DEADLY FORCE INVESTIGATIONS.....	39
USE OF FORCE AGAINST AN ANIMAL.....	39
RENDERING FIRST AID AND CONTACTING EMS AFTER USE OF FORCE.....	40
ADMINISTRATIVE LEAVE (NON-DISCIPLINARY).....	41
<b>GENERAL ORDER 522.00 CRITICAL INCIDENT INVESTIGATIONS.....</b>	<b>41</b>
CRITICAL INCIDENT INVESTIGATION TEAM.....	41
POST CRITICAL INCIDENT ASSESSMENT TEAM.....	42
OTHER GENERAL ORDER 522.00 POLICY FINDINGS AND RECOMMENDATIONS.....	44
<b>GENERAL ORDER 551.00 AUTHORIZED WEAPONS AND AMMUNITION.....</b>	<b>45</b>
POLICY.....	46
DEFINITIONS.....	46
<b>PBSO COMPLAINT PROCESS .....</b>	<b>52</b>
<b>COMPLAINT RECEPTION.....</b>	<b>52</b>
TYPES OF COMPLAINTS.....	52
INTERNAL AFFAIRS SECTION OF THE PBSO WEBSITE.....	54
<b>COMPLAINTS PROCESSED BY THE INTERNAL AFFAIRS DIVISION.....</b>	<b>56</b>
INVESTIGATIVE PROCESS.....	56
IAD INVESTIGATOR TRAINING.....	56
QUALITY CONTROL.....	57
CASE MANAGEMENT.....	57
<b>COMPLAINTS PROCESSED BY LAW ENFORCEMENT AND CORRECTIONS OPERATIONS.....</b>	<b>57</b>
INVESTIGATIVE PROCESS.....	58
TRAINING.....	58
<b>COMPLAINT CONCLUSIONS AND ADJUDICATION.....</b>	<b>59</b>
<b>PARTNERSHIP WITH THE PALM BEACH COUNTY STATE ATTORNEY'S OFFICE.....</b>	<b>60</b>
<b>ANALYSIS OF INTERNAL AFFAIRS DIVISION'S REVIEW OF DEPUTY-INVOLVED SHOOTINGS.....</b>	<b>61</b>
<b>DEPUTY-INVOLVED SHOOTINGS.....</b>	<b>61</b>
TOTAL DEPUTY-INVOLVED SHOOTINGS PER YEAR.....	61
DEPUTY-INVOLVED SHOOTING OUTCOMES, 2010-2014.....	63
SUSPECT WEAPON TYPE IN DEPUTY-INVOLVED SHOOTINGS, 2010-2014.....	64

Internal Affairs Policy Review of the Palm Beach County Sheriff's Office

SUSPECT RACE IN DEPUTY-INVOLVED SHOOTINGS, 2010-2014.....	65
EMOTIONALLY DISTURBED SUBJECTS IN DEPUTY-INVOLVED SHOOTINGS, 2010-2014.....	66
CRITICAL INCIDENT INVESTIGATION OUTCOMES AND DECLINATION LETTER RECEIPT.....	67
INCIDENT CHARACTERISTICS BY WEAPON TYPE .....	68
INCIDENT CHARACTERISTICS BY SHOOTING OUTCOMES.....	68
INVESTIGATIVE CLOSURE TIME BY RACE AND INCIDENT CHARACTERISTICS .....	68
<b>DISCUSSION OF 2015 DEPUTY-INVOLVED SHOOTING CASES.....</b>	<b>70</b>
<b>DISCUSSION OF DEPUTY-INVOLVED SHOOTING DATA ANALYSIS .....</b>	<b>71</b>
<b>ADOPTION OF A CRITICAL DECISION-MAKING MODEL.....</b>	<b>75</b>
<b>EARLY INTERVENTION SYSTEM (EIS).....</b>	<b>78</b>
<b>EARLY INTERVENTION SYSTEM INDICATORS.....</b>	<b>79</b>
<b>SUPERVISOR ACCESS TO EMPLOYEES' EIS RECORDS.....</b>	<b>80</b>
<b>PURSUIITS AND EIS ALERTS .....</b>	<b>82</b>
<b>CUMULATIVE ANALYSIS OF EIS TRIGGERS.....</b>	<b>82</b>
<b>CASE AUDITS.....</b>	<b>83</b>
<b>FOCUS GROUP INTERVIEWS .....</b>	<b>84</b>
<b>LAW ENFORCEMENT OPERATIONS .....</b>	<b>84</b>
<b>CORRECTIONS OPERATIONS .....</b>	<b>85</b>
<b>CIVILIAN PERSONNEL.....</b>	<b>87</b>
<b>PBSO REGIONAL ADVISORY BOARD.....</b>	<b>87</b>
<b>CONCLUSION.....</b>	<b>88</b>
<b>APPENDIX A: EXPLANATION OF STATISTICAL METHODS.....</b>	<b>92</b>
<b>APPENDIX B: DETAILED STATISTICAL TABLES.....</b>	<b>93</b>

## EXECUTIVE SUMMARY

In May 2015, the Palm Beach County Sheriff's Office (PBSO) engaged the Police Executive Research Forum to examine the policies and procedures of the agency's Internal Affairs Division (IAD) and to offer recommendations for improving IAD policy, training, complaint procedures, investigations, quality control, and reporting. Like many law enforcement agencies across the country, the PBSO has recently begun to review its handling of allegations of officer misconduct and police use-of-force incidents. This review followed three consecutive years in which the PBSO had nine deputy-involved shooting incidents a year. The PBSO asked for PERF's help in identifying areas where further reforms could be implemented and making specific recommendations for improvement. This report documents PERF's analysis of the PBSO's internal affairs function and offers approximately 70 recommendations covering the entire range of IAD operations and use of force.

While the original scope of PERF's analysis was to focus on IAD policies, procedures, and operations, PERF and the PBSO felt that any such examination had to include an analysis of particular use-of-force incidents. Therefore, in addition to its policy focus, PERF conducted a statistical analysis of all 41 deputy-involved shooting incidents that occurred between 2010 and 2014, with a focus on any common factors or trends. (The three deputy-involved shootings that occurred in 2015 were discussed with IAD commanders and described later in the report, but were not included in the analysis since two of the cases are still pending review by the Palm Beach State Attorney's Office.) In addition, PERF examined the thoroughness and completeness of deputy-involved shooting IAD investigations conducted by the PBSO, in cooperation with the Palm Beach State Attorney's Office. Because the PBSO serves such a large, diverse, urban community, this type of analysis was critically important and timely, in light of recent high-profile officer-involved shootings across the country that have sparked protests in some communities and resulted in intensive self-examination by police agencies.

This report comes at a critical time for the policing profession as a whole, as it grapples with the fallout from numerous high-profile officer-involved shootings over the past two years. In many communities, these incidents and the demonstrations that followed have strained relationships and trust between residents and police. To help restore trust, PERF has spent the last 18 months studying police use of force from a national perspective. In January 2016, PERF released 30

Guiding Principles<sup>1</sup> that will dramatically enhance agencies' policies, training, tactics, and equipment regarding police use of force.

To its credit, as this report documents, the PBSO has already implemented some of PERF's Guiding Principles into its own policies and training. In addition, the PBSO sent three representatives—its IAD captain and Training captain and lieutenant—to PERF's January 29 conference in Washington, D.C., where the Guiding Principles were unveiled and discussed. Many of the recommendations in this report follow from the PERF Guiding Principles. It is encouraging that the PBSO has already been engaged in and understands the use-of-force reform process from the national perspective. This can serve to bolster their efforts locally.

## IAD Policy Analysis

Overall, PERF found that in many areas the PBSO's use-of-force policies and practices and IAD procedures are effective and in line with nationally accepted progressive practices. For example, the PBSO's use-of-force policy contains a strong statement about the sanctity of all human life, and it requires a vigorous supervisory response to all use-of-control (the agency's term for use of force) incidents. In a number of areas, PBSO's *practices* reflect progressive policy, such as the process to report use-of-force incidents; however, this practice should also be captured in department *policy*. Other areas for improvement can be found in the recommendations contained in this report.

PERF was also encouraged by a number of reforms that were recently implemented (or are in the process of being implemented), independently of the current study. **Of particular note was the adoption in early 2014 of a concept the PBSO has called "tactical pause." This is a PBSO approach that provides time for supervisors and deputies to pause, assess, and plan before engaging certain potentially threatening subjects.** While tactical pause is largely a training and operational tool, it appears to be sparking a larger cultural change within the PBSO: personnel are approaching situations with a different mindset that focuses on up-front

---

<sup>1</sup>See <http://www.policeforum.org/assets/30%20guiding%20principles.pdf> and <https://perf.memberclicks.net/how-perf-s-use-of-force-guiding-principles-were-developed>.

information gathering, planning, teamwork, and sound tactics. Agency officials informed PERF staff that there have been several situations in which supervisors and deputies literally huddled before executing their plan of action. And early figures suggest this new approach may be having a positive impact on the overall number of deputy-involved shootings, which declined from nine per year in 2012-2014 to three in 2015.

Other recent reforms adopted by the PBSO include the following:

- **Formation of the Critical Incident Investigative Team (CIIT)**, a special unit of experienced PBSO personnel who investigate all deputy-involved shootings, in-custody deaths, and other critical incidents.
- **Creation of a new Behavioral Services Unit (BSU) to provide a specialized response to individuals with mental illness or substance abuse issues.** In addition to responding to incidents where their specialized training may be needed, BSU members meet regularly with county mental health professionals to discuss cases and engage in proactive outreach to some individuals with mental health issues.
- **Improvements to the PBSO's Early Intervention System (EIS)**, including the expanded use of technology to document use-of-force incidents and police pursuits and to provide early intervention alert capabilities.

These and other PBSO policies and practices are encouraging. They demonstrate a commitment by the leaders of the PBSO to consider new ideas and implement new approaches. That bodes well for the agency as it considers the specific recommendations that make up the bulk of this report.

## Summary of Recommendations

The recommendations contained in this report—approximately 70 in all—cover a wide range of policies and practices related to internal affairs and police use of force. While some of the recommendations are relatively minor or technical in nature, there are others that call for significant changes in policies or operations. Together, they offer a detailed blueprint for the PBSO for continuing and accelerating its reform efforts.

The recommendations are organized around each major policy area that PERF examined. While this Executive Summary does not touch on every recommendation in every policy area, it does

highlight key recommendations in all areas, with the most significant recommendations described first.

### ***Use of Force (General Order 500.00)***

Although PERF's scope of work for this project centered on the Internal Affairs Division's policy and process, a complete review could not be accomplished without also examining PBSO's use-of-force policy. General Order 500.00 was adopted in June 2012, combining two previously separate policies, one specific to deadly force and one specific to less-lethal force. PERF agrees that a single use-of-force policy is more effective than two separate policies. But PERF found that the PBSO's current policy does not provide enough detail regarding the use of less-lethal force.

Following are some of PERF's key recommendations regarding use of force (for a summary analysis of deputy-involved shootings and IAD review, see page 59):

**De-escalation:** While the PBSO's recent implementation of the "tactical pause" concept into its critical incident response is a significant step in de-escalating some police incidents, the importance of de-escalation should be clearly reflected in General Order 500.00.

**Duty to intervene:** PBSO policy should clearly state that deputies have a positive duty to act if they see a fellow deputy use force, or are about to use force, that is unnecessary or clearly outside PBSO policy.

**Shooting at vehicles:** General Order 500.00 should include an absolute prohibition on shooting at or from a moving vehicle when the vehicle itself is the only "weapon" being used against officers.

**Moving Beyond Objective Reasonableness:** PBSO General Order 500.00 lists several factors to determine reasonableness in the use of force under the definition "Factors Used to Determine Reasonableness," under the Supreme Court's 1989 ruling in *Graham v. Connor*, which provides that police use of force must be "objectively reasonable" from the perspective of a reasonable officer at the scene. The PBSO policy should go farther to state that deputies should use only the necessary amount force to mitigate the threat, and that the use of force be lawful, ethical, and



proportional to the threat<sup>2</sup>. Additionally PBSO should add language to policy stating that, as long as no immediate threat to the deputy or a member of the public exists, deputies will take steps to establish communication with the subject and de-escalate the situation, will utilize distance and cover to create additional time to assess the situation and summon additional resources, and will consider other options, resources, and contingencies using a critical decision-making model to minimize the need for force. (See page 76 for additional information on PERF's Critical Decision-Making Model.)

**Use-of-force reporting:** While current PBSO *practice* is to document any use of force (hand or leg technique, use of a deadly or less-lethal weapon, or any instance where injury is observed or complained of), General Order 500.00 requires reporting only the use of deadly force and discharging a firearm. PERF recommends that the PBSO bring its policy language in line with its practices in this area.

**Rendering first aid to the subject of a use of force:** PBSO policy currently states that, after a deputy has used deadly force on an individual, deputies are to administer first aid to the injured and call EMS to respond. This is a recommended policy. PBSO's policy can be further enhanced by stating that deputies are responsible to administer first aid to the injured and notify EMS after *any* use of force resulting in injury (to include less-lethal force).

**Deadly force investigations:** PBSO policy should clearly state that *any* use of deadly force will be investigated in the same rigorous manner, both criminally and administratively, regardless of whether the suspect was killed, wounded, or was not struck.

**Administrative leave:** PBSO should clarify its policy to indicate that deputies involved in shootings where no one was hit by a bullet are to be put on administrative leave pending internal review; this is the practice for deputies who shoot and strike a suspect.

### ***Discipline Procedures (General Order 202.00)***

General Order 202.00 governs the PBSO's discipline procedures for both formal actions (punitive measures that include dismissal, demotion, or suspension from duty) and informal actions (non-punitive measures that include retraining, counseling, verbal reprimands, re-

---

<sup>2</sup> Proportionality refers to the force that is necessary and appropriate based on the severity of the threat and the totality of the circumstances surrounding that threat.

assignment, or transfers). PERF makes five recommendations in this area, primarily to formalize and improve record-keeping. For example, PERF recommends that formal action reports and disciplinary actions, as well as administrative actions (such as relieving a deputy from duty), be entered into PBSO's Early Intervention System (EIS), and that informal actions be consistently recorded in employees' computerized files and readily accessible to supervisors. These steps will ensure that complete information about employee performance is maintained and available to supervisors in the EIS in order to identify employees who may need some type of help or intervention.

### ***Line Inspections (General Order 222.02)***

General Order 222.02 establishes guidelines for maintaining discipline and control within the PBSO through field, line, or roll call inspections. Field inspections are observations of employees in their work environments. Line inspections are observations and evaluations of activities, events, equipment or personnel within the direct chain of command of the inspecting supervisor. Roll call inspections are opportunities to evaluate and observe employee appearance, attire, fitness, and punctuality. These inspections are conducted to ensure employees' actions are in line with agency policy and training. For example, PSBO policy directs supervisors to follow up with individuals who requested police service, but the General Order provides little guidance to supervisors on how to conduct the follow-up contacts. PERF recommends that the policy be updated to provide guidance on both conducting and documenting supervisory inspections, including noting any deficiencies on the part of responding personnel in a computerized records system. In addition, PERF recommends that all weapons a deputy is assigned—including firearms, electronic control weapons, and pepper spray—be regularly inspected by supervisors. Inspections in general are an important accountability tool for all levels of supervisors, and PERF recommends ways to strengthen the inspection process.

### ***Division of Internal Affairs (General Order 222.03)***

General Order 222.03 prescribes the organization and operation of the PBSO's Internal Affairs Division and governs the conduct of internal administrative investigations. This policy is critical for ensuring that any misconduct complaints against members of the PBSO are accepted, assigned, and investigated in a fair and thorough manner. Some of PERF's recommendations in this section are largely administrative tasks, such as deleting references to outdated terms, more clearly defining other terms, and ensuring that complete investigative files are maintained in appropriate PBSO automated systems. Other recommendations in this area are intended to clarify

existing policy and practice. For example, PBSO policy should be clear that incidents of possible misconduct discovered during the course of an investigation, but which were not alleged in the original complaint, should still be investigated thoroughly. In addition, this General Order should make it clear that the Sheriff is the final authority for making decisions about the disposition of complaints against agency personnel.

PERF notes that, in general, PBSO policy and practices in this area are effective. For example, the agency investigates all complaints, including anonymous complaints, and it accepts complaints in multiple formats, including online, telephone, mail, fax, and in person. These progressive practices demonstrate that the PBSO takes this function seriously, which helps to build community confidence in the agency.

To further enhance community outreach efforts, especially with Palm Beach County's Hispanic and Latino populations, PERF recommends changes to the complaint filing process. The PBSO should add a prominent button to the home page of its website, in both English and Spanish, that directs users who wish to file a complaint about a member of the agency. The Internal Affairs page of the website should have clear and understandable instructions and Frequently Asked Questions (FAQs) in both English and professionally translated Spanish. Finally, the PBSO also should add a "Compliment a Deputy" form in a downloadable version (there is an online option already in place on the IAD's web page), to the agency's website, with a prominent link from the home page.

### ***Critical Incident Investigations (General Order 522.00)***

In recent years, the PBSO established both the Critical Incident Investigation Team (CIIT), a specialized unit that responds to and investigates all critical police incidents including deputy-involved shootings and in-custody deaths, and the Post Critical Incident Assessment Team (PCIAT), which conducts a critical incident tactical analysis once an investigation is completed and closed. Both teams are considered progressive practices in policing, and PERF's recommendations in the area are designed to strengthen these functions.

For example, PERF recommends that the PBSO's CIIT and IAD units should investigate all deputy-involved shootings with the same thoroughness and rigor, regardless of whether or not the suspect was struck by a bullet (non-contact). Although the agency does use the CIIT to investigate the case, it does not currently present the case to the Palm Beach State Attorney's Office for review. **In "non-contact" cases, the PBSO should brief the Palm Beach State**

**Attorney's Office (SAO) of its investigative findings, and the SAO should review the case to determine whether there was any criminal responsibility.**

Regarding the PCIAT, PERF recognizes that the agency is conducting an effective post-incident review of deputy-involved-shootings, but its current practice is not identified in the department's General Orders. PERF recommends that the titles of the agency members who serve on the team should be specified in General Order 522.00 and that General Orders state the PCIAT should conduct its review of critical incident cases as quickly as possible upon closure of the investigation (and no later than the team's next quarterly meeting). In addition, PERF recommends that General Order 522.00 state the scope of PCIAT reviews be expanded beyond tactical decision-making to include adherence to policies and procedures, training issues, quality of supervision during the incident, and quality of all investigations related to the incident, as is currently the department's practice.

### ***Authorized Weapons and Ammunition (General Order 551.00)***

General Order 551.00 details PBSO policy on authorized weapons and ammunition. To provide clear guidance to employees on use-of-force issues, PERF recommends that the PBSO merge the information on weapons and ammunition contained in General Order 551.00 into the agency's existing use-of-force policy. Having one General Order that defines, controls, and describes the full range of use-of-force procedures, including weapons, would make it easier for deputies to readily access and review department policy and procedures in this critical area.

PERF makes a number of other policy recommendations regarding weapons and ammunition, including requirements that all sworn personnel receive proficiency training on their primary handgun *twice a year*, and that the instruction incorporate extensive use of scenario-based training in addition to any state-mandated firearms qualification courses. The PBSO is following many of these practices already, but they have not yet been included in the agency's General Orders. PERF recommends that PBSO policy should make it clear that sworn personnel are to maintain and demonstrate proper proficiency with both deadly and less-lethal weapons (current policy speaks to firearms proficiency only). PERF also recommends that PBSO drop the current requirement that a deputy be issued a patrol shotgun before being issued a patrol rifle. The agency should ensure that deputies issued either type of weapon have the training and demonstrated proficiency to use that particular weapon, and that one is not a prerequisite for the other.

The majority of PERF's recommendations in this area involved Electronic Control Weapons (ECWs), which current PBSO policy refers to as "Dart Firing Stun Guns." (PERF recommends that PBSO change that term to ECW in all of its policies and other materials.) The PBSO should strengthen its policy by reviewing the *2011 Electronic Control Weapons Guidelines* publication developed by PERF and the U.S. Department of Justice's Office of Community Oriented Policing Services,<sup>3</sup> and by adopting the guidelines in that report regarding policy, training, use, medical considerations, reporting and accountability, and public information and community relations.

### ***Early Intervention System***

PERF also examined the policies and procedures related to the PBSO Early Intervention System. The EIS is designed to help agency supervisors identify potential performance issues with individual employees, and develop a plan of correction, *before* those issues result in disciplinary action or harm to the employee's career or the agency's reputation. Currently, EIS reports are generated for each of five indicators: 1) The deputy was the subject of a complaint against a PBSO employee; 2) involvement in a use-of-control incident; 3) discharge of a firearm other than in training; 4) canine deputies who record a dog bite; and 5) involvement in vehicular pursuits. Once an employee meets the threshold for an alert, PERF found the agency has an effective practice of reviewing and reporting the findings of the alert through the deputy's chain of command back to Internal Affairs. Interviews indicated that any problems identified are addressed, such as re-training or counseling, and documented in the EIS.

Based on its review of current EIS policies and practices, PERF has several recommendations in this area. For example, recognizing that some assignments are more active than others, which increases the likelihood that deputies in those areas may be the subject of more EIS indicator events, the PBSO should consider further adjusting the thresholds that trigger an EIS report based upon the deputy's shift, geographic assignment, and assignment within the PBSO (such as Patrol, Corrections, etc.). In addition, when considering what triggers an EIS intervention, the PBSO should look at all EIS indicators as whole, as opposed to the current practice of examining

---

<sup>3</sup>[http://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf)

activity and generating EIS triggers only when a threshold is reached within an individual category. The PBSO should grant supervisors access to the agency's EIS for the employees directly reporting to the supervisor.

Finally, PERF recommends that the PBSO reconsider its current EIS threshold for vehicle pursuits. Specifically, PERF suggests that the PBSO review several years' worth of vehicle pursuit data to determine if the current EIS threshold of five pursuits in 24 months by a deputy is reasonable, especially considering that the agency has a strong pursuit policy that limits when deputies may engage in a pursuit. Reducing the threshold could help agency supervisors better identify deputies who may be prone to engaging in pursuits that are outside of policy.

### ***Department-Wide Training***

The recommendations in this report call for a number of significant changes to the PBSO's policies and practices. The recommendations address the need for more precise and enhanced policies and practices including Internal Affairs Division investigations and use-of-force policies. To be effective, these policy changes and training enhancements must be carried out in a comprehensive manner, as they affect all sworn personnel within the agency. Changes of this nature within a department's policies and practices, as this report recommends, should be presented and explained to all department personnel. PERF has found that simply changing policy is not enough to produce the changes in both practices and department *culture* that are needed for true reform. Departments must be prepared to invest the time and resources to explain the new policies to their personnel and to train them in how to effectively implement those policies.

PERF's final recommendation is that the PBSO conduct department-wide training for all sworn personnel regarding the changes to policies and practices implemented as a result of this review. This training must be comprehensive and should continue to stress de-escalation. It should include both scenario-based exercises and additional tactical and firearms training, and be designed to combine different topics in order to address, in a practical and holistic manner, the types of situations that deputies frequently encounter in the field. Incorporating a critical decision-making model into both training and practices will help deputies ensure they have considered all available options during a critical incident, while enhancing everyone's safety, including their own.

### ***Analysis of Internal Affairs Division's Review of Deputy-Involved Shootings***

As noted earlier, PERF expanded the initial scope of its review to include a statistical analysis based on the Internal Affairs Division's (IAD) case files of all PBSO deputy-involved shootings from 2010 through 2014—a total of 41 incidents. In addition, PERF reviewed the three deputy-involved shootings that occurred in 2015. Data were collected and analyzed to examine whether Internal Affairs case or investigative outcomes were related to several independent variables (suspect race, weapon type, case outcomes, etc.).

The data collection process itself shed light on the overall quality of IAD's critical incident investigative reports, revealing some inconsistencies in documentation of case characteristics and investigative findings. PERF recommends that the PBSO strive for consistency in documentation of case characteristics throughout IAD's critical incident reports (which contain the details of the IAD investigation). All critical incident reports should contain the same high level of detail, regardless of case or investigative outcomes. Ideally, this would include full medical reports and precise indication of suspect and deputy race/ethnicity, suspect mental health, deputy training, and whether a declination letter was received from the Palm Beach State Attorney's Office (SAO).

Regarding the deputy-involved shooting themselves, PERF found no significant statistical relationships in factors pertaining to IAD investigative or case outcomes. Investigation closure time appeared unaffected by suspect race, fatality status, and weapon type. In general, the PBSO closed investigations more quickly than other agencies that PERF has reviewed. This is beneficial for both the agency and the community. It shows the community that cases are resolved promptly, and ensures that deputies do not wait an excessive amount of time to find out the result of the investigation.

As discovered during the analysis, case files for "non-contact" shooting incidents (in which the suspect was not struck by a round) were significantly less likely to include a "declination letter" from the State Attorney's Office (SAO) stating that the prosecutor's office did not intend to bring charges against the deputy. PBSO personnel indicated that the reason for this is that it is generally not PBSO's practice to forward non-contact shooting cases to the prosecutor for review. PERF recommends that the PBSO should ensure that *all* critical incident investigations are reviewed by the SAO, regardless of any other case characteristics, including whether or not a suspect was struck.

PERF's analysis found that in 26 of the 41 deputy-involved shootings between 2010 and 2014 (63%), the deputy observed the suspect carrying a weapon—either a firearm (in 18 cases) or a knife or other weapon (8 cases). These “other weapons” included a screwdriver, rocks, a machete, a wine bottle, a steel pry bar, rubber mallet, and a baton taken from the deputy. In the remaining 15 cases (37%), the suspect either had no weapon, or (in two instances) the presence of a weapon could not be determined. **The finding that in more than one-half of the incidents, the suspect either did not have a weapon or had a weapon other than a firearm suggests that there are opportunities for the PBSO to approach some critical incidents differently, in ways that would both enhance officer safety and reduce the likelihood of deputy-involved shootings in some cases.**

The PBSO's adoption of a “tactical pause” approach is an important first step, and as noted earlier, anecdotal evidence suggests it may already be having an impact: the number of deputy-involved shootings declined from nine per year in 2012-2014 to three in 2015. **PERF recommends that the PBSO take this concept to the next level by adopting a more comprehensive critical decision-making model into all of its operations and tactics.** PERF recently released 30 Guiding Principles on use of force and is in the process of developing a training curriculum that will be anchored by such a critical thinking model. This model will be based on the National Decision Model currently used in the United Kingdom, which has been credited with helping police there successfully handle situations involving individuals armed with edged weapons, displaying mental illness issues, or in other crises—all without officers using firearms.

By adopting this recommendation and taking steps to implement a critical decision-making model throughout its agency, the PBSO would be among leading police agencies that are moving to enhance officer safety and further reduce use of force and deputy-involved shooting incidents. Ultimately, these steps will help build and reinforce trust with the community and make Palm Beach County safer.



## INTRODUCTION

For nearly two years, questions regarding police use of force and transparency and accountability in police internal investigations have shaken the policing profession in the United States.

Numerous high-profile use-of-force cases—including many captured on video—have received national media attention and have sparked protests across the country. As scrutiny of the policing profession has intensified, many agencies have undertaken intensive reviews and restructuring of their policies, practices, and training on use of force and internal investigations.

In many instances, these efforts have gone beyond the immediate imperative of strengthening policies, procedures, and training. In the current environment, many agencies are seeking to reduce tension and restore trust between the police and the community by demonstrating their commitment to the larger ideals of procedural justice and legitimacy. In general, **procedural justice** refers to fairness and transparency in the way law enforcement decisions are made. Police act in a “procedurally just” manner when they give community members an opportunity to voice their concerns or offer explanations, when police apply rules fairly and consistently, when they treat all people with respect and dignity, and when they demonstrate trustworthiness in their actions and words. When police demonstrate procedural justice, they increase perceptions within the community that the policing of their jurisdiction is **legitimate**—that police actions are morally justified and appropriate to the circumstances. As perceptions of police legitimacy increase, members of the community are more inclined to defer to and accept police authority, and the safety of both officers and the community is enhanced.<sup>4</sup>

In order to advance procedural justice, legitimacy, and police-community trust, the Palm Beach County Sheriff’s Office (PBSO) engaged the Police Executive Research Forum (PERF) to review and make recommendations to improve its policies, practices, and training in ways that would better serve the community.

---

<sup>4</sup> See “Legitimacy and Procedural Justice: A New Element of Police Leadership.” Police Executive Research Forum, 2014.

[http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf)

This study focused on PBSO's internal affairs policies and practices, with the goal of ensuring that effective accountability measures and processes are in place and practiced by the agency. PERF's review was wide-ranging. It included interviews with numerous stakeholders from the Sheriff's Office and the community, examination of internal affairs reports and investigations, and on-site observations. In addition, data were collected from case files and investigative reports for quantitative analysis.

## About the PBSO

Palm Beach County is a large, urban county located on the Atlantic coast of Florida. The county is roughly 2,000 square miles and as of 2014, had a population of 1,397,710.<sup>5</sup> In 2014, 76.1% of the county's residents were Caucasian, 18.8% were African American, and 5.1% were other races. In terms of ethnicity, 20.7% of the 2014 population identified as Hispanic or Latino.<sup>6</sup>

The Palm Beach County Sheriff's Office (PBSO) was established in 1909 and today is composed of 1,492 sworn law enforcement deputies, 699 sworn corrections deputies, 1,750 civilian support staff, and 2,700 volunteers. The county is divided into 15 patrol service districts.<sup>7</sup> In 2012, the population served by the PBSO patrol districts and patrolled by PBSO deputies was estimated at 763,981.<sup>8</sup> Several municipal police agencies are responsible for patrolling other areas of Palm Beach County. The agency's vision statement is "to become a world class Sheriff's Office committed to protecting the public, reducing the incidence and fear of crime, and enhancing the quality of life in our community." Furthermore, PBSO's mission is "to safeguard the lives and property of the people and community, to reduce crime, and to enhance public safety while working with our diverse communities to improve their quality of life." PBSO is accredited by the Florida Corrections Accreditation Commission, Inc.<sup>9</sup>

All PBSO training is conducted at the agency's primary training facility on Cherry Road in West Palm Beach. The department has two additional facilities to handle firearms and driver training. The Training Division is a multi-faceted component of the Sheriff's Office, responsible for Field

---

5 <http://quickfacts.census.gov/qfd/states/12/12099.html>

6 Ibid.

7 <http://www.pbso.org/>

8 Ibid.

9 <http://www.flaccreditation.org/>

Training programs, In-Service Training programs, and other specialized training programs. All classes are conducted internally and taught by selected deputies and civilian instructors. Deputies can attend several Florida criminal justice academies to obtain their initial police training.

### **Scope of Services**

The Police Executive Research Forum (PERF) examined policies, practices, and related processes within the Internal Affairs Division (IAD) of the Palm Beach County Sheriff's Office. PERF compared IAD policies, practices, and processes to established best practices, national standards, and community expectations.

PERF reviewed and audited PBSO internal policies, procedures, General Orders, rules, and regulations that guide the investigators assigned to conduct internal administrative investigations. In addition, the training of those involved in the internal administrative investigation process was reviewed. Specific areas reviewed include the following:

- Complaints: acceptance, processing, and resolution
- Investigative responsibilities
- Preparations made to conduct an investigation
- Interviews
- Evidence
- Report formats
- Conclusions and adjudications
- Corrective actions
- Record maintenance
- Quality control
- Use-of-force reports and reviews
- Early intervention systems
- Critical incident investigation (specifically deputy-involved shootings)

## **Methodology**

Three primary methodologies were used for this study: 1) policy and data collection, review, and analysis; 2) internal and external stakeholder interviews; and 3) personal on-site observations. PERF's analysis of information was both quantitative and qualitative. PERF identified current conditions and business practices and compared them to progressive practices in policing. Interviews conducted with stakeholders examined current agency practices, agency policy, and community views and expectations. PERF conducted a review of relevant General Orders and analyzed five-year trends in deputy-involved shootings.

## **PBSO PROMISING PRACTICES**

In its review, PERF uncovered many areas in which the PBSO is already meeting or exceeding nationally recognized progressive standards. These best practices were the result of changes that have occurred recently or are in the process of being implemented. These reforms were not related to or implemented as a result of the PERF study. In interviews with PERF, the Palm Beach County Sheriff and other senior department officials said they make a priority of understanding the emerging issues in law enforcement, monitoring national trends, reviewing DOJ consent decrees with local law enforcement agencies, participating in national policing conferences, and providing advanced education to senior law enforcement officials. The changes highlighted below have occurred as a result of PBSO initiative and are considered by PERF to be progressive policing practices.

### ***Tactical Pause***

In early 2014, Sheriff Ric Bradshaw began discussing with department commanders and supervisors the need to tactically “slow down” the PBSO’s response to certain types of critical incidents, including armed threats, mental health crises, and barricaded subjects. **The department defines this philosophy as a “tactical pause”—a time for supervisors and deputies to pause and consider their options before engaging a potentially threatening subject.** For example, on a suspicious person call where the caller indicates the subject is armed with a gun but no immediate threat is present, a sergeant may have deputies meet near the scene of the incident, but away from the subject. The sergeant and deputies would then discuss the information known and options available prior to confronting the armed subject.

Interviews with department staff of all ranks indicated that with the exception of responding to an active shooter or other scenarios that involve an imminent threat to life, where an immediate tactical response is necessary, the tactical pause concept has been adopted throughout the agency. The Sheriff initiated this process by discussing the philosophy in a group setting with all agency sergeants and above. A review of department training and interviews with department staff indicated that the agency continues to stress this approach through in-service and roll call training. PERF’s review of data since 2010 suggests that this concept may already have had the positive impact of helping to reduce the number of deputy-involved shootings in 2015. This topic will be discussed in detail later in the report.

### ***Documenting the Display of Firearms***

On April 29, 2015, the PBSO mandated the practice of requiring all sworn personnel to immediately notify an on-duty supervisor and document any time they point a firearm at a subject in the course of their duties. The mandate further requires that a supervisor respond to the scene, investigate the circumstances, and document his or her findings in the department's IAPro Blue Team software.<sup>10</sup> The documentation is then forwarded through the department's chain of command for review and awareness. **Pointing a firearm at a subject to gain compliance is a threat of lethal force, and holding officers accountable for that threat of lethal force by documenting and reviewing the incident is a recommended practice that the PBSO has implemented.**

### ***Critical Incident Investigative Team (CIIT)***

The Critical Incident Investigative Team (CIIT) is a special unit of experienced PBSO personnel who investigate all deputy-involved shootings, in-custody deaths, and any other critical incidents which the Sheriff deems necessary. CIIT personnel are responsible for conducting all aspects of the investigation and subsequent reporting.

As a result of prior practice and an informal cooperative agreement among the PBSO, the Palm Beach State Attorney's Office, and the PBSO Police Benevolent Association (PBA), PBSO deputies involved in a critical incident such as a deputy-involved shooting meet with investigators from the CIIT and the Palm Beach State Attorney's Office. The investigators conduct an audio- and video-recorded interview concerning the events that led to the critical incident. This is usually done within a few hours of the incident and after the involved deputy meets with PBA counsel. Internal Affairs personnel will "shadow" the investigation by following and observing the CIIT and the State Attorney's investigators while conducting their investigation, but will not interfere with the others' work. **The use of a special unit composed of experienced investigators to conduct a criminal investigation of all critical police**

---

<sup>10</sup> IAPro is a law enforcement software vendor that provides a software tool used to support and document internal investigations, document use of force and police pursuits, and provide early intervention alert capabilities. The PBSO uses IAPro and Blue Team as an accountability tool.

**incidents is a progressive policing practice.** This process is described in greater detail later in the report.

### ***Behavioral Services Unit (BSU)***

Approximately 1.5 years ago, the PBSO formed the Behavioral Services Unit (BSU) to provide a specialized response to individuals with mental health and substance abuse issues in Palm Beach County. While all PBSO deputies have received either an eight-hour block of “mental health first aid” training or a 40-hour course in crisis intervention training, all deputies in the BSU have received additional Crisis Intervention Team (CIT) training<sup>11</sup> and are paired with a mental health/substance abuse caseworker to provide 24/7 coverage to Palm Beach County. Currently, there are five deputy/caseworker teams that function on a reactive and proactive basis, paying special attention to subjects who are the subject of frequent PBSO calls for service. They are also available to respond on-scene to a deputy’s request for assistance.

BSU staff meet regularly to discuss cases and individuals in the county with mental health and substance abuse issues who have come to their attention through calls for service and tips from other sources. The BSU attempts to proactively address these individuals’ issues, for example, through self-initiated check-ins with mental health patients to ensure they are taking their medications and by making referrals to appropriate community-based resources.

To augment the work of the BSU, patrol deputies with exceptional interpersonal communication skills and interest in helping those in crisis have been identified in each patrol district to assist in handling calls involving mental health or serious drug and alcohol abuse issues.

### ***Improvements to PBSO Early Intervention System and Documentation Process***

The PBSO utilizes the software tool IAPro to capture all citizen and internal administrative complaints. In addition, the PBSO uses the software to provide the tools to document use-of-

---

<sup>11</sup> Crisis Intervention Team training, originally employed by the Memphis Police Department, is designed to provide first responding police officers with the skills, knowledge, and abilities to deal with individuals exhibiting behavioral health issues which are often the result of drug and substance abuse or temporary or long-term mental incapacitation.

force incidents and police pursuits, and to provide early intervention alert capabilities. In 2016, the PBSO plans to improve the early intervention alert system by adding additional alert indicators, adjusting the alert thresholds to deputies based on assignment, and examining methods to trigger an alert based on a cumulative analysis of multiple indicators, as opposed to triggering an alert for a single indicator in isolation. The Early Intervention System (EIS) and these changes are more thoroughly described later in this report.

In addition, the PBSO intends to test and implement the use of the MakeNOTE software throughout the agency. This software, currently being developed by CI Technologies (the makers of IAPro), will allow agency supervisors to enter both positive and negative information about employee performance, which will be accessible in a centralized database. The PBSO is a large law enforcement agency, and many employees change assignments and shifts multiple times over the course of their careers. Because the PBSO does not currently use a yearly performance evaluation system, supervisors can be unaware of performance issues regarding new deputies assigned to their units. The use of MakeNOTE will allow supervisors to enter and document employee performance, and when employees are transferred or re-assigned, their past performance information will be accessible for review by their new supervisors. Both positive and negative information, as well as information such as employee goals (and their progress toward them) could also be contained in the system to track employee growth.

First-line supervisors are critical to identifying potentially problematic behavior or performance issues among deputies. Supervisors are often responsible for identifying individual incidents of misconduct and patterns of problematic performance. As part of its ongoing reform efforts, the PBSO should consider requiring a monthly supervisory review of EIS and the MakeNOTE system once deployed, in order to identify problems requiring attention or intervention before an EIS alert. In addition, having first-line supervisors frequently review and discuss employee performance gives supervisors opportunities for frequent coaching and counseling, and makes officers aware that supervisors are routinely monitoring their performance. Recommendations regarding EIS and providing additional access to supervisors are discussed later in this report.



## INTERNAL AFFAIRS AND ACCOUNTABILITY POLICY REVIEW

PERF examined Palm Beach County Sheriff's Office policies related to Internal Affairs processes for thoroughness and compliance with nationally recognized policing practices. Also reviewed were additional PBSO policies that were deemed related to accountability issues that could be the basis for Internal Affairs complaints and investigations. Specifically, PERF examined the following seven General Orders:

- G.O. 202.00 Discipline Procedures
- G.O. 218.00 Records Security
- G.O. 222.02 Line Inspections
- G.O. 222.03 Division of Internal Affairs
- G.O. 500.00 Use of Force
- G.O. 522.00 Critical Incident Investigations
- G.O. 551.00 Authorized Weapons and Ammunition

**General Recommendation:** *In multiple policies that PERF reviewed, members of the department were referred to solely by the masculine pronoun.* One example: "The primary employee assigned to the incident will complete an offense report prior to the end of *his* shift." **The PBSO should, as policies are updated, make all such references gender neutral.** The example above could be modified to read, "The primary employee assigned to the incident will complete an offense report prior to the end of the deputy's shift."

PERF's review, observations, and recommendations for policy and practice enhancement with respect to the seven General Orders are detailed below.

### General Order 202.00 Discipline Procedures

General Order 202.00 governs the PBSO's discipline procedures for both formal and informal actions. PBSO policy states that "Formal Action" is punitive in nature and can include dismissal, demotion, or suspension from duty. "Informal Action" is non-punitive in nature and can include re-training, counseling, verbal reprimands, re-assignment, and transfers.

### ***Informal Action***

General Order 202.00 Section III Subsection A addresses informal actions to correct or improve employee performance. As currently worded, policy states that supervisors “may document the need for informal action by making notes of verbal reprimands or corrections issued to subordinates. These notes may then be recalled to document violations that are repetitive in nature.” Such informal actions should be required, and should be included as part of the PBSO’s move to utilize the MakeNOTE or similar software tool, so that this documentation is readily available to supervisors. As employees are re-assigned to different shifts or units in the PBSO, documentation of informal actions needs to be available in a centralized location, enabling the deputy’s new supervisor to be fully informed of any performance or personnel issues.

**Recommendation:** *The PBSO should include records of all informal actions in individual employee files in MakeNOTE or a similar database, so that this information is accessible to supervisors. A lack of consistent supervision or awareness of employee performance or personnel issues that are left unchecked can lead to problematic behavior and employee misconduct.*

### ***Formal Action Report Form***

General Order 202.00 Section IV details use of the Formal Action Report Form. The Formal Action Report is to be used by supervisors as a form of discipline. However, it is not clear from a review of this section that the complaint is entered into the agency’s Early Intervention System. Although current practice would indicate that such complaints are entered into the EIS, it should be reflected in policy.

**Recommendation:** *The PBSO should ensure that Formal Action Reports are entered into the agency’s EIS and update General Order 202.00 to reflect the practice.*

### ***Administrative Action***

General Order 202.00 Section V details the PBSO’s policy for relieving employees from duty with pay when a determination has been made that the employee is unable to continue his or her duty assignment. However, there is no language mentioning an EIS reporting requirement for these administrative actions.

**Recommendation:** *The PBSO should amend General Order 202.00 Section V to require that an entry be created in PBSO's EIS when administrative action is taken.*

### **Formal Disciplinary Action**

General Order 202.00 Section VI governs the use of formal disciplinary action arising from complaints of employee misconduct or violations of PBSO rules and regulations. However, this section does not contain an EIS reporting requirement.

**Recommendation:** *The PBSO should amend General Order 202.00 Section VI to require that an entry is created in PBSO's EIS when formal disciplinary action is taken.*

### **Pre-Disciplinary Meeting**

General Order 202.00 Section VII addresses pre-disciplinary meetings between employees and their commanding officer. Language in Section VII Subsection A was found to contain redundant statements. These statements pertain to formal disciplinary action meetings.

**Recommendation:** *The PBSO should review and amend General Order 202.00 Section VII to add clarity and address language redundancy.*

### **General Order 218.00 Records Security**

General Order 218.00 contains the PBSO policy on records security. **PERF's review of General Order 218.00 indicates that current policy is satisfactory, and no recommendations for improvement are necessary.**

### **General Order 222.02 Line Inspections**

General Order 222.02 establishes guidelines for maintaining control within the PBSO through field, line, or roll call inspections. Field inspections are observations of employees in their work environments. Line inspections are observations and evaluations of activities, events, equipment, or personnel within the direct chain of command of the inspecting supervisor. Roll call inspections are opportunities to evaluate and observe employee appearance, attire, fitness, and punctuality. Inspections are an essential agency process that provides the Sheriff and senior deputies with a means of reviewing and assessing agency efficiency and effectiveness. Line inspections are conducted to ensure that employees' actions are in line with agency policy and training. The agency's inspection process ensures accountability for all levels of supervisors.

### ***Responsibility for Line Inspections***

Section I Subsection B2 of General Order 202.02 indicates that sergeants and supervisory personnel are responsible for contacting individuals who initiated a call for service to ensure that they received appropriate attention. This is a best practice in policing; however, as currently written, this section provides little guidance for supervisory personnel on how to conduct citizen satisfaction contacts.

**Recommendation:** *The PBSO should update Section I Subsection B2 to provide clear guidance to supervisors on how to conduct follow-up individual satisfaction contacts. At a minimum, topics that should be discussed include the deputy's level of professionalism and whether the caller was satisfied with the service provided.*

### ***Procedures for Conducting Line Inspections***

Section II Subsections A1 and A2 govern the procedures for field and line inspections. Subsection A1 states that supervisors are to conduct routine field inspections to observe personnel in their work environment interact with members of the community, either in person or via telephone and radio. It is unclear whether documentation by the supervisor is required to ensure that these inspections are occurring, and if so, what the outcomes are.

**Recommendation:** *The PBSO should modify Section II Subsection A1 to require the documentation of field inspections. This requirement will help ensure that supervisors are conducting field inspections on a regular basis (at a minimum on a quarterly basis) and that they are being reviewed with deputies. Documentation should be contained in MakeNOTE or some other centralized system for review by the deputy's supervisors.*

### ***Weapons Inspections***

Section II Subsections B1-3 governs the inspection of the deputy's primary handgun, an auto-loading pistol, during line inspections. However, it is unclear from policy whether other weapons (e.g., patrol carbines, shotguns, backup firearms, ECWs) are part of the agency's line inspections. Policy should require that these other weapons be inspected and the exact processes used to inspect them.

**Recommendation:** *The PBSO should modify Section II Subsections B1-3 to require that all weapons including firearms, ECWs, and pepper spray are subject to inspection and the exact processes used to inspect them.*

### **Inspection Reports**

Inspection reports are covered in Section III of General Order 222.02. Deficiencies noted by supervisors during line inspections are to be documented on the Vehicle and Personnel Line Inspection PBSO Form #0089. Section III Subsection B states that if a deficiency involves a weapon or other item related to officer safety or the safe completion of the deputy's duties, the noted deficiency is to be immediately corrected. However, policy does not state whether these specific deficiencies (or deficiencies in general) are to be captured in a centralized database for supervisory review.

**Recommendation:** *The PBSO should stipulate that deficiencies identified in inspection reports are required to be entered into MakeNOTE or other similar software for supervisory review. Documentation should include the deficiency, actions taken to address the deficiency, and when the deficiency was corrected.*

### **General Order 222.03 Division of Internal Affairs**

This section of the PERF report provides recommendations based on PERF's review of General Order 222.03 governing the conduct of internal administrative investigations. It should be noted that it is the PBSO policy and practice, as cited in this General Order, to investigate all complaints, including *anonymous* complaints and allegations of misconduct by a member of the PBSO. In addition, the PBSO receives complaints in multiple formats, including a PBSO complaint form, or via telephone, mail, fax, or the department's online complaint system. **These fundamental policies and procedures for accepting and investigating all complaints are considered progressive policing practices.**

### **Definitions**

Relevant terms are defined in the policy. The PBSO can strengthen General Order 222.03 by improving some definitions and by adding new ones.

**Recommendation:** *The PBSO should delete references to "Substantiated" and "Unsubstantiated" in the definitions section of the policy and replace them with*

*“Sustained” and “Not Sustained.”* These are the terms currently utilized in reports by the agency and most commonly used by law enforcement agencies in general when describing the disposition of an internal complaint.

During the course of the policy review, PERF observed the term “inquiry report” under Section I Internal Affairs Function, Subsection H1. This term was not identified in the definitions section.

**Recommendation:** *The PBSO should define the term “Inquiry Reports” which is found in Section I Internal Affairs Function Subsection H1. Other terms contained in this subsection are defined in the Definitions section.*

Section VI, Early Intervention System for Complaints and Control of Persons Reports, Subsection A1 uses the terms “Citizen Contact” and “Non-Complaint.” These terms are not explained in the Definitions section.

**Recommendation:** *In the Definitions section of this general order, the PBSO should define the terms “Citizen Contact” and “Non-Complaint” which are found in Section VI, Early Intervention System for Complaints and Control of Persons Reports, Subsection A1.*

### ***Investigation of Complaints or Allegations of Misconduct***

Procedures for the investigation of complaints and allegations of misconduct are contained in General Order 222.03 Section II.

#### ***Documentation***

Section II Subsection C3 governs the resolution of complaints. The policy does not define the requirement to include complaint resolution in the case. It should be added that documentation of the final complaint resolution should be captured on the face sheet of the IAD investigation packet and uploaded to IAPro, as is current agency practice.

**Recommendation:** *The PBSO should specifically indicate that all complaint resolutions be documented on both the face sheet of the IAD investigation packet and in IAPro.*

***Investigation of Possible Misconduct Not Originally Alleged***

General Order 222.03 Section II Subsection I3 states that “A complaint may consist of one or more allegations.” However, no mention is made regarding any obligation to investigate possible misconduct discovered in the course of an investigation that was not originally alleged. Policy should reflect that instances of possible misconduct not mentioned in the original allegation will still be investigated thoroughly.

**Recommendation:** *The PBSO should amend Section II Subsection I3 to state that incidents of possible misconduct discovered during an investigation, but which were not alleged in the original complaint, will be investigated thoroughly.*

***Investigation Review and Routing Process***

The investigation review and routing process is addressed in Section IV. However, it is unclear who is responsible for making decisions about the final outcome of investigations (exonerated, sustained, not sustained, or unfounded). This section should clarify who in the organization makes these decisions.

This section could be improved by adding verbiage that is found only in the Definitions section indicating that the Sheriff is the final complaint disposition authority (under Subsection A).

**Recommendation:** *The PBSO policy should specifically state that the Sheriff is responsible for making decisions about the final outcome of investigations involving complaints against personnel.*

**General Order 500.00 Use of Force**

Although the scope of work for this project centered on the Internal Affairs Division’s policy and process, a complete review could not be done without reviewing the PBSO’s use-of-force policy. This section provides recommendations based on PERF’s review of General Order 500.00, Use of Force. The agency’s current policy became effective in June 2012. At that time, the PBSO merged two separate policies, one specific to deadly force and one specific to less-lethal force, into a single policy. Having one policy is more effective than two separate policies. However, the agency’s current policy does not provide enough detail regarding the use of less-lethal force.

Recommendations in this section are based on PERF’s extensive work on use-of-force directives and on best practices in comparable progressive U.S. police agencies. Of note is the PBSO’s

clear statement at the beginning of its use-of-force policy that law enforcement's primary purpose to protect human life. A reverence and respect for the dignity of all persons and the sanctity of human life should guide all training, leadership, and procedures, as well as individual officers' actions, in the use of force.

As the PBSO continues to review and update its policies, including the recommendations described below, the agency would be well served to also review the policies of comparable police agencies, such as the Las Vegas Metropolitan Police Department. The LVMPD policy became effective in 2012 following an extensive collaborative reform effort with the U.S. Department of Justice's Office of Community Oriented Policing Services on use-of-force issues.<sup>12</sup> Valuable examples of use-of-force policy language can also be found in the policies of the Seattle, Minneapolis, Cincinnati, and Portland, Oregon police departments. These policies are easily available online by searching for the name of the city and "police use of force policy."

### ***De-escalation***

PERF's 2013 publication, *Civil Rights Investigations of Local Police: Lessons Learned*,<sup>13</sup> notes that police use of force has been one of the primary issues in U.S. Department of Justice (DOJ) investigations of local police departments for civil rights violations. One of the key aspects identified by the DOJ as it works with local police departments on use-of-force reform measures is the use of de-escalation techniques by officers in order to minimize uses of force. Written directives for the Minneapolis, Cincinnati, Seattle, and Las Vegas Metropolitan police departments address the importance of de-escalation as part of their use-of-force policies. In addition, the August 2012 agreement between the U.S. Department of Justice and the Portland, Oregon Police Bureau mandates language in Portland's policy requiring officers to use disengagement and de-escalation techniques where possible in order to reduce the need for force.<sup>14</sup>

---

12 The policy can be reviewed online at: <http://www.lvmpd.com/Portals/0/OIO/GO-021-12%20Use%20of%20Force%20Signed%20Copy.pdf>

13 *Civil Rights Investigations of Local Police: Lessons Learned*. Police Executive Research Forum, July 2013. [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf)

14 [http://www.justice.gov/crt/about/spl/documents/ppb\\_proposedsettle\\_12-17-12.pdf](http://www.justice.gov/crt/about/spl/documents/ppb_proposedsettle_12-17-12.pdf)



De-escalation techniques include the use of verbal skills to bring a peaceful conclusion to a potentially confrontational event. Such skills are critical when dealing with subjects exhibiting erratic or dangerous behavior due to medical impairment, mental illness or disability, or the influence of alcohol or drugs.

The PBSO's implementation of "tactical pause" into its response is a significant step in de-escalating police incidents. The importance of de-escalation concepts should be clearly reflected in policy.

**Recommendation:** *The PBSO should include language in General Order 500.00 that describes the importance of de-escalation.* In 2012, PERF hosted a Critical Issues in Policing conference on "An Integrated Approach to De-Escalation and Minimizing Use of Force."<sup>15</sup> Police executives, mental health experts, and others discussed best practices for de-escalation of encounters. The PBSO has already incorporated many of the ideas from this conference, including:

- "Slowing the situation down," which PBSO refers to as "tactical pause."
- Using Crisis Intervention Teams (CIT), in which police officers work with mental health experts to try to resolve situations and in some cases, to take proactive steps to help persons with mental illness obtain health care and other services. PBSO's Behavioral Services Unit is such a CIT.

These types of de-escalation strategies should be reflected in the PBSO's use-of-force policy.

---

<sup>15</sup> *An Integrated Approach to De-Escalation and Minimizing Use of Force.* Police Executive Research Forum, August 2012.

[http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/an%20integrated%20approach%20to%20de-escalation%20and%20minimizing%20use%20of%20force%202012.pdf)

### ***Duty to Intervene***

The PBSO policy should clearly indicate that deputies have a positive duty to act if they see a fellow officer use unnecessary force or sense that an officer is about to use unnecessary force.

**Recommendation:** *The PBSO should include language in the Discussion section of General Order 500.00 stating that any deputy present and observing another officer using force that is clearly beyond what is objectively reasonable under the circumstances, or sensing that another officer is about to use unnecessary force, shall safely intervene to prevent the use of such excessive force.*

### ***Definitions***

Relevant terms are defined in the policy. The PBSO can improve General Order 500.00 by expanding on current definitions and including new terms.

#### ***Less-Lethal Force***

General Order 500.00 currently defines force that is less lethal as “Non-Deadly/Less Lethal Force.” This term does not reflect current thinking or best practice on use of force.

**Recommendation:** *In the Definitions section of General Order 500.00, the PBSO should change the term “Non-Deadly/Less Lethal Force” to “Less-Lethal Force.” This definition reflects the fact that while some weapons are designed to be less lethal than firearms, they sometimes do result in death. Related agency policies should also be reviewed to ensure that all references to “Non-Deadly/Less Lethal Force” are changed accordingly.*

#### ***Moving Beyond “Objective Reasonableness”***

Many use-of-force policy reviews start by ensuring that the policies are guided by the “objective reasonableness” standard articulated by the U.S. Supreme Court in *Graham v. Connor* 490 U.S. 386 (1989). The PBSO discusses this concept under the Definitions section of policy, titled “Factors Used to Determine Reasonableness.” The Supreme Court’s statement in *Graham* that the test of reasonableness “is not capable of precise definition or mechanical application” suggests that use-of-force continuums should not be relied upon as a foundation for use-of-force policy, because continuums often are seen as a rather mechanical model for matching levels of

force by an officer with specific actions by a suspect. Instead, officers should have an understanding of the principles that underlie reasonableness.

In *Graham*, the Supreme Court stated, “[A]ll claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard, rather than under a ‘substantive due process’ approach. . . . Determining whether the force used to effect a particular seizure is ‘reasonable’ under the Fourth Amendment requires a careful balancing of the ‘nature and quality of the intrusion on the individual’s Fourth Amendment interests’ against the countervailing governmental interests at stake. . . . *Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, . . . its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.*” (Emphasis added.)

The Supreme Court added, “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the ‘20/20 vision of hindsight.’ ” And further, “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

Objective reasonableness represents the legal standard by which police use of force is judged by the courts, and it is essential that any use-of-force policy articulate that standard. However, most police agencies have many use-of-force policies, (such as strictly defined limits on police pursuits, use of Electronic Control Weapons, or shooting firearms at moving cars), that are not mentioned in or required by *Graham*. Furthermore, *Graham* emphasizes focuses on the need for officers to make “split-second judgments,” while progressive practices in the law enforcement profession increasingly consider the broader picture of how officers can often can “slow down” situations for the precise purpose of avoiding circumstances in which they must make split-second judgments. For example, police often are called to respond to incidents involving a person with a mental illness, drug addiction, or other condition that causes the person to behave erratically and dangerously. In such situations, particularly if the person is unarmed or is armed with a weapon other than a firearm, police increasingly are being trained to “slow the situation

down,” call in additional resources, summon a supervisor to the scene, use Crisis Intervention Team training and communication skills to calm the subject down, and generally work to avoid a confrontation that ends with deadly force. PBSO has initiated this process through “tactical pause.”

New concepts in use-of-force policy and practice, such as the “tactical pause,” often reflect the expectations of American communities about police use of force, particularly in assessing whether a use of force in a given situation is not only legal, but also is necessary, proportional, and ethical. Officers should ask themselves, “While I *can* legally use force in this situation, must I use force? Are there other options available?” Policy should direct officers to strive to de-escalate situations when possible to avoid the need for force, and if force must be used, to use the appropriate amount of force needed to safely address the threat. Decisions about force should be made in the context of proportionality to the entire incident. For example, officers should be taught not to escalate a situation that begins with a minor misdemeanor offense into a confrontation that ends with a significant use of force. Often, there are other options available. For example, if a suspect’s identity is known, it may be safer for the suspect, for the officer, and for the community if the deputy decides to arrest the suspect later at his or her home – or in some cases, to tactically withdraw from a minor confrontation.

**Recommendation:** PBSO General Order 500.00 lists several factors to determine reasonableness in the use of force under the definition “Factors Used to Determine Reasonableness.” This list describing reasonableness is extensive and further states that force must be reasonable and necessary; it is essential that all members of the PBSO be aware of and committed to meeting this legal standard. In addition, the policy of the department should go farther to state that deputies should use only the necessary amount of force to mitigate the threat, and that the use of force be lawful, ethical, moral, and proportional to the threat.<sup>16</sup>

Furthermore, PBSO should add language to policy stating that, as long as no immediate threat to the deputy or a member of the public exists, deputies will stress the sanctity of life and take steps to establish communication with the subject and de-escalate the

---

<sup>16</sup> Proportionality refers to the force that is necessary and appropriate based on the severity of the threat and the totality of the circumstances surrounding that threat.

situation, will utilize “distance and cover” tactics (e.g., tactical repositioning) to create additional time to assess the situation and summon additional resources, and will consider other options, resources, and contingencies to minimize the need for force. The PBSO should train all deputies to use a critical decision-making model, as described later in this report, as the tool to assist them in assessing situations and threats and taking action.

#### *Defining Use of Control*

General Order 500.00 Section IV Subsection A indicates that supervisors are responsible for responding to the scene and investigating all use-of-control incidents involving an employee. This is a PERF recommended practice. To further improve the policy, the PBSO should define and provide examples for “use of control incidents” within this policy.

**Recommendation:** *The PBSO should define and provide examples for the term “use of control incidents” (most commonly referred to as use-of-force incidents in other police agencies) in the Definitions section of General Order 500.00. Use of control incidents include the use of any hand or leg technique, weapon of opportunity, lethal or less-lethal weapon, or an action that results in injury or complaint of injury.*

#### ***Use-of-Force Reporting***

Use-of-force reviews by PERF and other organizations typically examine how use-of-force incidents are reported, reviewed, and investigated for appropriateness. Officers are now expected to be able to articulate the circumstances of a use of force without resorting to boilerplate language or commonly used phrases, so that reports are more precise. Officers should avoid language that provides conclusions instead of facts—for example, stating that the suspect was “combative,” instead of clearly articulating the facts of the situation, such as “the suspect adopted a boxer’s stance and said ‘Come and get me!’ ” Providing this type of detail and specificity in a use-of-force report is a best policing practice. **When officers are able to write accurate, fact-based reports, supervisors reviewing the use of force can have a clearer picture of the incident and whether the use of force was justified.**<sup>17</sup>

---

<sup>17</sup> “Use of Force Report Writing Guide.” <http://www.aele.org/uof-rep-guide.pdf>

Use-of-force investigations should be checked to make sure they are comprehensive and thorough at each supervisory and management level, and are not merely rubber-stamped. Many departments focus on ensuring that all use-of-deadly-force investigations receive the same rigorous reviews, regardless on their outcome (i.e., whether the subject was injured or killed or was not injured).

This section of PBSO's use-of-force policy specifies the reporting of the use of deadly force and discharging a firearm only. The agency's current *practice* is to document any use of force that involves a hand or leg technique, the use of a deadly or less-lethal weapon, or any instance where injury is observed or alleged by the person. **This is a best practice. However, it is not described in current PBSO policy.** Although additional information regarding reporting the use of force is found in Section III, it is still not clearly defined when a deputy must report and document the use of force in the department's IAPro Blue Team software.

**Recommendation:** *The PBSO should update this section of the policy to clearly describe when a deputy must report and document the use of force.* The department's current practices of documenting a range of use-of-force incidents including the use of any hand or leg technique, weapon of opportunity, lethal or less-lethal weapon, or an action that results in injury or complaint of injury, are effective, **but those practices should be clearly documented in agency policy.**

### ***Shooting at Vehicles***

Use-of-force policies that absolutely prohibit shooting at or from a moving vehicle when the vehicle itself is the only "weapon" being used against the officer are a best practice in American policing. While current PBSO policy discourages shooting at vehicles, Section I Subsection H2b carves out exceptions that undermine the larger policy objective.

**Recommendation:** *General Order 500.00 should be modified to include an absolute prohibition on shooting at or from a moving vehicle when the vehicle itself is the only "weapon" being utilized against the officer. The PBSO should modify the current language in Section I Subsection H2b to say the following: "Employees shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present by means other than a moving vehicle."* This was enacted in the New York City Police Department's policy in

1972 and is currently the policy in other major city police agencies, including Chicago, Boston, Denver, Philadelphia, and Washington, DC.

Additionally, references to “absent exigent circumstances” in Section I Subsections H 3-5 should be removed. As currently written, the vague “absent exigent circumstances” language tends to defeat the intent of the policy.

### ***Deadly Force Investigations***

General Order 500.00 Section II, Reporting Use of Force/Discharge of Firearms, Subsection 3 addresses the investigation of incidents involving the use of deadly force or accidental discharge of a firearm that results in personal injury or death. The focus of PBSO’s policy must be on the officer’s *intent* to use deadly force, not on whether the officer’s actions had effect. PBSO policy should clearly state that *any* use of deadly force will be investigated in the same rigorous manner, both criminally and administratively, regardless of whether the suspect was killed or wounded or was not injured.

**Recommendation:** *The PBSO should update General Order 500.00 to ensure that every use-of-deadly-force incident, regardless of outcome, is thoroughly investigated. The investigatory focus should be on the deputy’s intent to use deadly force, and should not depend on the deputy’s marksmanship or random chance.*

### ***Use of Force Against an Animal***

General Order 500.00 Section II Subsection B stipulates the circumstances in which deputies are authorized to use deadly force against an animal. Subsection B should be broken down further, to separately address use of force against aggressive animals and euthanizing sick or injured animals. For use of force against an aggressive animal, a use-of-control report should be completed in the department’s IAPro Blue Team software system, and the incident should be investigated by the Critical Incident Investigation Team. In circumstances where a deputy euthanizes a sick or injured animal, current practice should remain in effect: The deputy’s supervisor completes a Blue Team Citizen Contact noting the deputy’s actions, as well as information concerning the firearm utilized. The deputy completes an offense report. Both reports are to be forwarded through the supervisor’s administrative chain of command for review.

Currently, reporting is mandated only when a deputy must euthanize an animal as per Section II Subsection A3. Additionally, Subsection C requires supervisors to make an IAPro Blue Team entry when a deputy is involved in a use-of-force incident against an animal. This requirement is out of place in Subsection C, and instead should be included in Subsection B, which governs use of force against animals.

**Recommendation:** *The PBSO should amend General Order 500.00 Section II Subsection B by separating uses of force against animals into two categories: aggressive animals and euthanasia.*

**Recommendation:** *The PBSO should require that when deputies use deadly force against an aggressive animal, a use-of-control form must be completed and the incident must be investigated by the Critical Incident Investigation Team. This investigation should include a review of the deputy's judgment behind the shooting, including the threat, the deputy's sight picture (background in case of a missed shot), and potential for bystander injury.*

**Recommendation:** *The PBSO should move Subsection C to the subsection on euthanasia to remain consistent with the agency's policy on using force against sick or injured animals.*

### ***Rendering First Aid and Contacting EMS After Use of Force***

General Order 500.00 Section III Subsection B states that "After a deputy has used deadly force on an individual, the deputy will administer First Aid to the injured and call EMS to respond." **This is a policing best practice.** The PBSO should expand this requirement to state that after *any* use of force that results in injury—including less-lethal force—the deputy should render first aid and notify EMS.

**Recommendation:** *The PBSO should further improve its policy by clarifying that deputies must administer first aid and notify EMS after any use of force that results in injury to the subject.*



### ***Administrative Leave (Non-Disciplinary)***

General Order 500.00 Section VI Subsection A requires that employees be relieved of normal duties in instances where their actions result in or are alleged to have resulted in death or great bodily harm to another person. It is unclear if administrative leave is to be used in shootings where no one was hit. Policy should be clarified to indicate that outcomes should not depend on an officer's marksmanship or chance.

**Recommendation:** *The PBSO should clarify General Order 500.00 Section VI Subsection A to indicate that deputies involved in shootings where no one was hit are to be put on administrative leave pending internal review.*

### **General Order 522.00 Critical Incident Investigations**

The following sections contain the findings and recommendations related to General Order 522.00 and the two key components identified in the policy: the Critical Incident Investigation Team and the Post Critical Incident Assessment Team.

#### ***Critical Incident Investigation Team***

General Order 522.00 describes the composition and responsibilities of the Critical Incident Investigation Team (CIIT). The use of a specialized investigative unit to respond to and investigate all critical police incidents, including officer-involved shootings and in-custody deaths, is a policing best practice. The CIIT is composed of experienced investigators from the PBSO's Violent Crimes Division. The Violent Crimes Division commander is responsible for all aspects of the investigation.

#### ***Responsibilities***

The responsibilities of the CIIT are described in Section II of General Order 522.00, Responsibilities of the CIIT Investigators. This section describes the on-scene walk-through of the critical police incident that the agency conducts with the involved deputies. This walk-through is usually done within a few hours of the incident and following the involved deputy's consultation with an attorney. An Internal Affairs Division (IAD) sergeant and an investigator from the Palm Beach State Attorney's Office (SAO) are typically present during the walk-through as well. Although the CIIT and SAO investigators ask numerous questions of the involved deputy during the walk-through interview, the IAD sergeant acts only as an observer. This is a PERF recommended practice to ensure a clear distinction between the administrative

(IAD) and criminal (CIIT) investigations. The walk-through interview is audio- and video-recorded. Following the walk-through interview, the CIIT supervisor briefs several senior-level commanders on the incident as described in policy.

Overall, current policy thoroughly describes how the PBSO will respond to and handle critical police incidents. Section III, Notifications, Subsection D further describes when CIIT and IAD will conduct these investigations. However, the policy is missing the requirement to utilize the CIIT unit to conduct investigations when the deputy discharges a firearm with the intent to strike a subject but misses. This type of incident should be investigated with the same rigor based on the deputy's intent, and not handled in a lesser manner due to marksmanship or chance.

**Recommendation:** *The PBSO's CIIT and IAD units should investigate all deputy-involved shootings with the same thoroughness and rigor, regardless of the deputy's marksmanship.* In situations where no one was struck, the PBSO should brief the State Attorney's Office on its investigative findings. The SAO should review the case and determine whether there was criminal responsibility. The PBSO should request the SAO's findings in writing in the same manner it does when a subject is struck during a deputy-involved shooting.

### ***Post Critical Incident Assessment Team***

The PBSO requires that all deputy-involved critical incidents be expeditiously and thoroughly investigated to establish the facts surrounding the incident. Once an investigation is completed and closed, a critical incident tactical analysis is conducted by a Post Critical Incident Assessment Team (PCIAT). The team is selected by the colonel of the Department of Legal Affairs, and its purpose is to conduct a risk assessment and evaluation regarding any systemic issues that may be identified. The Legal Affairs colonel also selects which cases are presented to the PCIAT. The meetings to conduct the assessment are convened quarterly, although some members of the department interviewed by PERF said these reviews can sometimes take up to a year to conduct after the closure of a critical incident investigation. Recommendations resulting from the assessment of the critical incident cases are prepared at the direction of Legal Affairs.

PBSO's General Order 522.00, Section V, Post Critical Incident Assessment Team (PCIAT) outlines the process to complete a post critical incident assessment. Section V, Subsection D states, "Members of the PCIAT will discuss circumstances known at the time of the incident and the tactical decision making of the deputies, supervisor and Communications personnel."

National progressive practices established by many police departments across the country emphasize the importance of reviewing not only tactical considerations, but also issues related to policies and procedures, training, supervision, and investigative quality. Interviews with PBSO personnel indicate these additional topics are evaluated and discussed during the PCIAT review, but are not currently captured in the agency's policy on the process.

PBSO's policy related to post critical incident assessment should be expanded to reflect this standard. The policy should also include the presentation of cases during the PCIAT review and properly documenting the entire assessment of a critical incident. Procedures for completing a final report should be clearly articulated in the policy. This includes requiring the author of the report to use plain language, rather than codes or acronyms frequently used by the PBSO.

In addition, to conduct the most thorough review of a critical incident and ensure that all categories—tactics, training, supervision, etc.—are discussed by subject matter experts and other important representatives of the agency, the policy should specify what positions in the agency will serve as members of the PCIAT. These positions should include a member of the executive command staff, supervisors from the Training Division, the commander of the Bureau of Patrol, a commander from the involved deputy's assignment (district, division, or section), and any other subject matter expert deemed necessary for a thorough review.

As part of the assessment, it is important to look at every aspect of what occurred before, during, and immediately after a critical incident to determine what changes to policy, training, and procedures need to be made (if any) to improve the PBSO's response to these incidents. The recommendations listed below will help strengthen the process of the post critical incident assessment conducted by the PBSO.

**Recommendation:** *The PBSO should update General Order 522 to broaden the areas reviewed during a post critical incident assessment.* In addition to tactical decision making, the following categories that are discussed in practice should be included in the policy:

- Adherence to policies and procedures
- Training issues
- Quality of supervision during the incident
- Quality of all investigations related to the incident.

**Recommendation:** *The PBSO should ensure that critical incident cases are reviewed by the PCIAT as expeditiously as possible upon closure of the investigation. Since meetings are scheduled quarterly, a case should be reviewed on the next scheduled quarterly meeting date following the investigation closure date, and in no instances should cases languish for up to a year.*

**Recommendation:** *The PBSO should add language to General Order 522, Section V to include both a format for the presentation of cases to the PCIAT and a format for the final report upon completion of the post critical incident assessment. Each category being reviewed should be summarized with recommendations. The report should be written in plain language and should not include codes or acronyms.*

**Recommendation:** *The PBSO should specify in General Order 522, Section V the titles of the agency members to serve on the PCIAT. At a minimum, the members assigned to the team should include the following:*

- A member of the executive command staff as designated by the Sheriff
- Commander of the Bureau of Patrol
- Commander of the Office of Professional Standards
- Commander or supervisor from the involved deputy's assignment at the time of the incident
- Commander or supervisor from the Training Division
- Supervisor from the Communications Section
- Any other subject matter expert deemed necessary for the review.

### ***Other General Order 522.00 Policy Findings and Recommendations***

In addition to the key aspects of General Order 522.00 described above, PERF noted a number of other related findings during policy review, interviews, and on-site observations. First, several sections of the policy, such as Section II, Subsections I-J, could be improved by converting them into an outline form. Those sections are very descriptive of actions to be taken, but unlike most other portions of the policy, they are currently described in lengthy paragraph form, which can make them difficult for department members to quickly grasp.

**Recommendation:** *The PBSO should review all sections of General Order 522.00, and specifically Section II Subsections I-J, to ensure each section is clearly defined and*

*presented. The agency should concentrate on presenting this material in easy-to-read outlines and avoid lengthy narratives in paragraph form.*

Section IV Subsection A of General Order 522.00 does require the deputy involved in a critical incident to be seen by a designated psychologist before returning to duty and also to be advised of the availability of the Employee Assistance Program. However, the policy does not indicate who will make these arrangements and in what time frame the appointment should be arranged.

**Recommendation:** *The PBSO should clarify Section IV Subsection A of General Order 522.00 by making the involved deputy's immediate supervisor responsible for arranging an appointment with a designated psychologist and, when possible, ensuring that the visit occurs within 72 hours following the critical incident.*

As a practice, commanders and supervisors from the CIIT and IAD units, immediately following a critical police incident, discuss the initial findings of the incident and necessary actions moving forward. If during these discussions an issue is discovered, such as the need for immediate policy changes or training changes, the issue is forwarded to the Sheriff for review and potential action.

Although this type of quick follow-up is the purpose of the PCIAT, which is tasked with conducting such a review, the PCIAT process can take upwards of six months to a year to complete, depending on the timeliness of the critical incident investigation. Critical issues identified cannot wait that long, and need to be addressed more immediately.

**Recommendation:** *The PBSO should add language to General Order 522.00 that creates a process to quickly review and address potentially significant and problematic agency practices identified during a critical police incident, especially matters related to policy, equipment, and training. Although this is being done, and was observed first-hand by PERF staff during a site visit, it should be identified in policy. And though this is the responsibility of the PCIAT, some matters may need to be handled more expeditiously to ensure that key improvements can be made promptly.*

## **General Order 551.00 Authorized Weapons and Ammunition**

It is not uncommon to have separate policies on use of force and the various deadly and less-lethal weapons that may be used, including electronic control weapons and pepper spray.

However, having one guideline that defines and controls the full range of procedures would make it easier for deputies to rapidly access and review department policy and procedures in this critical area. Although this approach can create a lengthy single policy, deputies can more readily obtain all necessary information regarding the use of force and authorized weapons in a single search.

**Recommendation:** *The PBSO should merge policy and procedures regarding use of force and the deadly and less-lethal weapons that the agency utilizes into one use-of-force policy.* The Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc.,<sup>18</sup> a national credentialing authority created in 1979 through the joint efforts of several major law enforcement executive associations, including PERF, states that an agency's policies and procedures should be rapidly available to officers for effective implementation. Combining all use-of-force-related directives, including tools such as ECW and pepper spray, into one policy allows deputies to access the information more efficiently.

### **Policy**

As written, the policy section of General Order 551.00 states that "The PBSO requires sworn personnel to maintain and demonstrate proper firearms proficiency." Other weapons systems, such as chemical munitions, are also detailed in General Order 551.00, but there is no similar statement about proficiency with these weapons.

**Recommendation:** *The PBSO should modify the policy statement for General Order 551.00 to state that sworn personnel are to maintain and demonstrate proper proficiency with both deadly and less-lethal weapons.*

### **Definitions**

The following recommendations relate to the Definitions section of General Order 551.00.

---

<sup>18</sup> <http://www.calea.org/>

***Electronic Control Weapons (ECWs)***

The PBSO makes reference to its TASER-style weapon as a “Dart Firing Stun Gun (DFSFG).” The PBSO should discontinue the use of this outdated term and replace it with the more descriptive and appropriate term, “Electronic Control Weapon (ECW).”

In 2011, PERF and the U.S. Department of Justice’s Office of Community Oriented Policing Services released the *2011 Electronic Control Weapons Guidelines* publication.<sup>19</sup> The report provides extensive guidelines for law enforcement agencies regarding policy, training, and use of ECWs; medical considerations; reporting and accountability; and public information and community relations. The publication specifies the change in terminology from “Conducted Energy Device” and other similar terms to “Electronic Control Weapon,” in order to “reflect the reality that these tools are less-lethal weapons that are meant to help control persons who are actively resisting authority or acting aggressively.”<sup>20</sup> Additional commentary and recommendations regarding ECWs are described later in this section.

**Recommendation:** *The PBSO should replace all references to “Dart Firing Stun Guns” with “Electronic Control Weapons (ECW),” both in General Order 551.00 and in all General Orders which reference such devices.*

***Annual Training***

General Order 551.00 Section I Subsection E states that sworn employees must show proficiency with assigned weapons on an annual basis. PERF recommends that proficiency training on most weapons should be conducted at least once per year, but training on the deputy’s primary handgun should be conducted *at least twice per year*. Moreover, this training should cover more than just demonstrating technical proficiency with the handgun, and should make extensive use of scenario-based training that covers decision-making in the types of situations that might end with a use of force.

---

<sup>19</sup>[http://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf)

<sup>20</sup> Ibid, p. 8.

Scenario-based tactical training has been well received by officers in many jurisdictions and is critical to ensuring that a department continually reviews its use-of-force policy and realistically prepares officers for critical incidents, including active shooter situations, potential cross-fire situations, and situations where de-escalation techniques and use of tactical re-positioning and concealment and cover are critical. Deputies should be taught that in many encounters, it is possible and preferable to de-escalate the situation and “slow it down” to allow time for deputies to assess the situation and the nature of any threats and evaluate their options, call additional resources and personnel to the scene, including a supervisor, and take other actions that reduce the chances that deadly force will be necessary. And in some minor, low-stakes encounters, the safest outcome may be for the officer to disengage and do nothing more, or to decide that further action at a later time or possibly with additional resources is a better option.

**Recommendation:** *The PBSO should increase the amount and sophistication of training provided to deputies both on their primary handgun and on less-lethal options. At a minimum, all sworn employees should receive proficiency training on their primary handgun twice per year, and the instruction should incorporate extensive use of scenario-based training, in addition to any state-mandated firearms qualification courses.*

Proficiency training on all other weapons should occur at least once per year and should also include scenario-based exercises. During scenario-based training, critical decision making and de-escalation strategies and tactics should be emphasized. The training scenarios should include a range of situations, including some where the use of de-escalation and communications tactics produce the most desirable outcome.

### ***Chemical Munitions (CM)***

General Order 551.00 Section II governs the use of chemical munitions, oleoresin capsicum aerosol projectors, and “aerosol subject restraints,” a broad term used to describe chemical aerosol sprays. Subsection C states that “when CM is utilized, an offense report must be completed.” Policy should be amended to ensure that CM use is captured in the agency’s IAPro Blue Team use-of-control report.



**Recommendation:** *The PBSO should amend General Order 551.00 Section II Subsection C to require the completion of a use-of-control report, in addition to an incident report, when chemical weapons are deployed, ensuring that the information is captured in the IAPro Blue Team system.*

***Dart Firing Stun Gun (DFSG)***

General Order 551.00 Section V addresses the use of a Dart Firing Stun Gun. The PBSO can greatly strengthen its policy by consulting the *2011 Electronic Control Weapons Guidelines* publication developed by PERF and the U.S. Department of Justice's Office of Community Oriented Policing Services.<sup>21</sup> This report provides extensive guidelines for all agencies regarding policy, training, and use of ECWs, medical considerations; reporting and accountability; and public information and community relations. In addition to the change in terminology described earlier, PERF recommends a number of operational reforms related to Electronic Control Weapons.

**Recommendation:** *PBSO should amend policy to state 1) that when personnel decide to fire an ECW, they should use it for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary, and 2) that personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury.*

**Recommendation:** *PBSO policy should discourage the use of the drive stun mode (where the ECW is applied directly against the subject without firing darts) as a pain compliance technique. The drive stun mode should be used only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between deputies and the subject so that deputies can consider another force option.*

**Recommendation:** *PBSO should amend policy to state deputies should not intentionally activate more than one ECW at a time against a single subject.*

---

<sup>21</sup>[http://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf)

**Recommendation:** *PBSO policy should state that ECWs should be used only against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the deputy's judgment, is likely to result in injuries to themselves or others. ECWs should not be used against a passive subject.*

**Recommendation:** *PBSO policy can be enhanced by adding that fleeing should not be the sole justification for using an ECW against a subject. Personnel should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing subject.*

**Recommendation:** *PBSO policy should state that ECWs should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control could have been ineffective.*

**Recommendation:** *PBSO policy should state that ECWs should not be used against subjects in physical control of a vehicle in motion (including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters).*

**Recommendation:** *PBSO policy should state deputies should be aware that there is a higher risk of sudden death when an ECW is used against subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium.*

**Recommendation:** *PBSO policy should state that emergency medical personnel should be notified when deputies respond to calls for service in which they anticipate an ECW application may be used against a subject.*

**Recommendation:** *PBSO policy should state that all subjects who have been exposed to ECW applications should receive a medical evaluation by emergency medical responders in the field or at a medical facility. Subjects who have been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Personnel conducting the medical evaluation should be made aware that the suspect has experienced ECW activation, so they can better evaluate any need for further medical treatment.*

**Recommendation:** *PBSO policy should state all subjects who have received an ECW application should be monitored regularly while in PBSO custody even if they received medical care. Documentation of the ECW exposure should accompany the subject when transferred to jail personnel or until the subject is released from PBSO custody.*

**Recommendation:** *PBSO policy should state that ECW probes should be treated as a biohazard. Personnel should not remove ECW probes that have penetrated a subject's skin unless they have been trained to do so. Only medical personnel should remove probes that have penetrated a subject's sensitive areas or are difficult to remove.*

**Recommendation:** *PBSO should re-evaluate the agency's ECW training and ensure it reflects the recommendations above. If training is not up to date, the PBSO should immediately re-train all personnel who are issued an ECW to ensure compliance with updated policies.*

### ***Long Guns***

Regulations governing the use of shotguns and patrol rifles are contained in General Order 551.00, Section VII Subsection B. Section VII Subsection B2 states that "An authorized employee must be issued a patrol shotgun prior to being issued a patrol rifle." Many police firearms experts do not believe that proficiency in one type of weapon necessarily translates to the other, because different techniques and training apply to each weapon.

**Recommendation:** *The PBSO should remove from its policy the requirement that a deputy be issued a patrol shotgun before being issued a patrol rifle. The agency should ensure that deputies issued either type of weapon have the training and demonstrated proficiency to use that particular weapon.*

## **PBSO COMPLAINT PROCESS**

This section discusses the PBSO's process for receiving and investigating complaints against agency personnel. The department's Internal Affairs Division is responsible for investigating the most serious complaints against personnel, including excessive use of force and criminal offenses. Less serious "administrative" offenses—for example, rudeness or failure to write a police report in a situation when it was required—are handled within the command of the employee against whom the complaint was made. For example, a less serious complaint against a patrol deputy assigned to District 1 would be handled by the deputy's supervisors in that district. The same process applies to both law enforcement and corrections personnel.

### **Complaint Reception**

The PBSO follows progressive policing practices for accepting complaints against agency personnel. The department accepts complaints in essentially any format, including in person, through the department's website, and via mail, telephone, or facsimile. In addition, the PBSO accepts anonymous complaints. Once a complaint is received by the department, it is forwarded to the Internal Affairs Division, discussed with the Sheriff, and assigned for review and investigation. Depending on the seriousness of the complaint, it can be investigated by Internal Affairs Division personnel or sent to the district or division captain. If handled in the field, the complaint is assigned to a district or division supervisor.

### ***Types of Complaints***

The PBSO divides complaints against personnel into four sections: Internal Affairs Investigations, Personnel Complaints, Incident Reviews, and Disciplinary Reviews. Having four different sections could be confusing to stakeholders and community members who wish to review overall complaints against PBSO personnel. However, the PBSO does a good job of clearly identifying and describing each type of complaint in the department's Internal Affairs Division Annual Report, which is published online. **In fact, the PBSO's annual report contains extensive information on complaints, use of force, and early intervention activities that is not provided by many other police agencies. The level of detail and transparency provided in this report is substantial and commendable.**

## PBSO Complaint Process

The four types of complaints and how they are investigated are discussed below. For specific information regarding 2014 complaints against PBSO employees, see the PBSO Internal Affairs Division 2014 Annual Report.<sup>22</sup> In 2014, the agency investigated a total of 1,090 complaints among the four categories defined below. Ninety percent of complaints were against PBSO employees assigned to Law Enforcement Operations. Fifty-five of the cases were handled by the Internal Affairs Division, with all others handled by the employee's chain of command in either Law Enforcement Operations or Corrections Operations.

### *Internal Affairs Investigations*

Internal Affairs investigations are those conducted by Internal Affairs personnel and result from allegations of violations of criminal law or major violations of PBSO rules, regulations, policies, and/or procedures. An example could include a deputy suspected of theft. These investigations are automatically triggered by critical incidents such as the use of deadly force by a deputy. When an Internal Affairs investigation is completed, it is forwarded to the Sheriff to determine the disposition of the allegations against the employee using the "preponderance of evidence" or "clear and convincing evidence" standards of proof.<sup>23</sup> In 2014, IAD investigated 55 Internal Affairs cases.

### *Personnel Complaints Investigations*

Personnel Complaints are investigations that result from allegations of violations of PBSO rules, regulations, policies, and/or procedures. An example could include deputies accused by a citizen of failing to perform their duty. These investigations are typically conducted at the division level by either a watch commander or field supervisor. All Personnel Complaints are reviewed by Internal Affairs before being submitted to the Sheriff for review. The Sheriff determines the disposition of the allegation using the "preponderance of evidence" or "clear and convincing evidence" standards of proof. In 2014, PBSO Law Enforcement and Corrections Operations commanders investigated 95 Personnel Complaints.

---

22 "Palm Beach County Sheriff's Office, Division of Internal Affairs: 2014 Annual Report."  
<http://www.pbsso.org/documents/2014AnnualReport.pdf>

23 The standard applied to Internal Affairs investigations is the preponderance of evidence. The standard applied to allegations of deputy untruthfulness during an internal administrative investigation is clear and convincing evidence, a higher legal standard.

*Incident Reviews*

Incident Reviews involve allegations of a minor nature against agency employees, or address issues that may affect the overall efficiency of the PBSO. An example could include a deputy accused of rudeness. Incident Reviews are assigned by the Sheriff or the Internal Affairs commander, and are typically conducted at the division level by a watch commander or field supervisor, but may also be conducted by an Internal Affairs investigator at the discretion of the Sheriff. If a policy violation is discovered during the review, the allegation is changed to an Internal Affairs investigation or Personnel Complaint investigation. Completed Incident Reviews are submitted to the Sheriff or his designee for review and approval. In 2014, PBSO Law Enforcement and Corrections Operations commanders processed 386 Incident Reviews.

*Disciplinary Review Requests*

Disciplinary Review requests involve allegations of a minor nature against PBSO employees. They are generated when a supervisor has sufficient evidence or information to show that an employee has violated a PBSO rule, regulation, or General Order but the situation does not require the supervisor to interview the employee. An example could include a deputy accused of being repeatedly tardy for work. Disciplinary Review requests are initiated by a PBSO supervisor and approved by a commanding officer. They are conducted at the division level by a field supervisor but may also be conducted by an Internal Affairs investigator. Completed Disciplinary Review requests are submitted to the Sheriff for final disposition and disciplinary recommendation. In 2014, PBSO Law Enforcement and Corrections Operations commanders processed 554 Disciplinary Review requests.

***Internal Affairs Section of the PBSO Website***

The Internal Affairs section of the PBSO's website (<http://www.pbso.org/index.cfm?fa=IAB>) allows members of the community to file a complaint online or to download a complaint form and fill it out by hand. However, the complainant must first navigate to the Internal Affairs page from the department's home page, first by clicking on the "Inside PBSO" tab, then by clicking on "Internal Affairs." The complaint process may not be intuitive for some people who are not familiar with how law enforcement agencies are structured and know that personnel investigations are a function of Internal Affairs. There should be a clearly identifiable button on

the PBSO's home page that allows individuals to easily access the complaint process information and form. This button should be in both English and Spanish, as more than 20 percent of county residents identify as Hispanic or Latino.<sup>24</sup>

In addition to the online and downloadable complaint forms, the Internal Affairs web page contains a Frequently Asked Questions (FAQ) section that details the reporting and investigation process. Both the online and downloadable form and the FAQ section should be available in English and Spanish. Currently, there is a drop-down menu on PBSO's web page that translates any page on the website into numerous languages. However, this appears to be the product of a computer program that may result in incomplete translations. Because of the large number of Hispanic and Latino residents in Palm Beach County, the complaint forms and FAQs should be translated by a native Spanish speaker to ensure the information is accurate and understandable.

Similarly, residents have the ability to submit a commendation about a deputy as well as file a complaint. However, as is the case with filing a complaint, one must first go to the Internal Affairs web page. There should be a clearly identifiable button on the PBSO's home page that allows individuals to easily file a commendation. Unlike the complaint form, there is currently no downloadable form to file a commendation. The PBSO should allow for a downloadable option, and these forms (both online and written) should be available in English and professionally translated Spanish.

**Recommendation:** *The PBSO should add a prominent button to the home page of its website, in both English and Spanish, that allows users to file a complaint against a member of the agency or submit a commendation. This button can redirect users to the Internal Affairs page, with clear and understandable instructions in English and professionally translated Spanish for both online and downloaded versions. As there is currently no option to download a commendation form, one should be added.*

**Recommendation:** *The PBSO should make the Frequently Asked Questions (FAQ) section of the Internal Affairs page available in English and professionally translated Spanish.*

---

<sup>24</sup> <http://quickfacts.census.gov/qfd/states/12/12099.html>

## **Complaints Processed by the Internal Affairs Division**

The Internal Affairs Division's 2014 Annual Report notes that, "The Palm Beach County Sheriff's Office's Division of Internal Affairs is charged with the receipt, processing and investigation of allegations made against members of the Sheriff's Office, whether sworn or civilian. Additionally, at the direction of the Sheriff, the Division of Internal Affairs conducts administrative investigations for other entities and agencies within the county."<sup>25</sup>

The Division of Internal Affairs is commanded by a captain who reports to the major of the Management Services Division, who in turn reports directly the Sheriff. The department uses personnel at the rank of sergeant to conduct all IAD investigations, as opposed to allowing deputies to investigate other deputies. Having supervisors conduct internal affairs investigations is a best practice in policing. IAD currently has approximately 12 sergeants to conduct investigations. Two lieutenants assigned to IAD assist the captain with daily administrative and investigative command responsibilities, including case review and staff oversight. The section has several civilian staff members to assist in administrative responsibilities and analysis.

### ***Investigative Process***

The general investigative process is described in both departmental policy (General Order 222.03) and in the PBSO Complaint and Discipline Process and Routing Handbook. PERF staff members who reviewed the process found it to be reflective of nationally progressive policing practices. **No changes are recommended to the investigative process.**

### ***IAD Investigator Training***

All Internal Affairs investigators receive state-mandated training from the Florida Department of Law Enforcement (FDLE), as well as elective classes to increase their investigative skills. Many of the classes can be up to 40 hours of specialized training. PERF was provided a list of classes taken by IAD personnel. These included interview and interrogation, handling officer-involved shootings, police internal affairs, handling discipline and internal investigations, and statement analysis. Agency records indicate that investigators receive continuing education in a variety of areas applicable to internal affairs investigations. Although sergeants newly assigned to the

---

<sup>25</sup> <http://www.pbsso.org/documents/2014AnnualReport.pdf>



division had little or no advanced training at the time of the review, interviews indicated that training opportunities would be provided as soon as classes became available. **No recommendations regarding training are necessary.**

### ***Quality Control***

Internal Affairs maintains custody of all investigative reports and any other documentation of evidence. Original audio and videotapes are secured within the Evidence Section of the PBSO. Responses to requests for copies of case files or inspection of records are overseen by the commander of Internal Affairs to ensure compliance with Florida public records laws. IAD is responsible for ensuring that all completed complaint investigations (by either IAD or district-level personnel) are conducted properly. Interviews with IAD personnel indicate there is often little time to audit PBSO's Law Enforcement and Corrections Operations completed cases to ensure quality control. Although time to review these cases may be limited, this is an important function to ensure that cases are investigated thoroughly with the correct case conclusion.

**Recommendation:** *The PBSO's IAD should conduct a thorough, random case review of completed complaint investigations.* This should be done on a monthly basis and include a random sample of completed cases reviewed each month. The responsibility to conduct these reviews should be shared between IAD's two lieutenants.

### ***Case Management***

The PBSO manages all complaints against personnel using the IAPro software database. IAPro is a commercially available software package that is specifically tailored for internal affairs/professional standards units. This database captures relevant case investigation information and also serves as the PBSO's Early Intervention System (EIS), which is designed to identify potential performance issues by individual deputies before they result in disciplinary action or further harm. Supervisors can quickly and easily generate investigation reports on individual deputies through IAPro. Recommendations regarding case management are made later in the report.

## **Complaints Processed by Law Enforcement and Corrections Operations**

Complaints, regardless of how they are received, are sent to Internal Affairs for review. If an IAD investigator determines that a complaint fits the criteria of a Personnel Complaint, the case

goes back to a commander in Law Enforcement or Corrections Operations (depending on the employee's assignment). The commander then assigns it to the employee's supervisor, who conducts the investigation. The supervisor will conduct interviews with deputies, witnesses, and the complainant, and then write findings and determine if there is preponderance of evidence or no preponderance of evidence that an infraction has occurred. The file is then forwarded through the deputy's chain of command to the division or district captain, who then forwards it to the major for review. Upon review, the major will forward the case back to IAD.

### ***Investigative Process***

The investigative processes for Incident Reviews, Personnel Complaints, and Disciplinary Review Requests are contained in the PBSO's Complaint and Discipline Process and Routing Handbook (a detailed handbook given to all new supervisors). The process was reviewed by PERF staff, who found it to be reflective of nationally recognized best policing practices. **No changes are recommended to the investigative processes for Incident Reviews, Personnel Complaints, and Disciplinary Review Requests.**

### ***Training***

All newly promoted sergeants receive instruction in conducting complaint investigations as part of their overall initial supervisory training. This initial training usually occurs within months of being promoted to sergeant. During the course of the instruction, new sergeants are provided with manuals explaining the complaint and discipline process, as well as the agency's Early Intervention System. In addition, new sergeants are advised to call the IAD with any questions they may have during the complaint investigation process. This was confirmed through PBSO staff interviews. Interviews with Corrections Operation sergeants revealed the need for additional training on how to specifically conduct an investigation, including interview techniques.

**Recommendation:** *The PBSO should review the training provided specifically to the Corrections Operations supervisors to ensure it contains adequate instruction on investigative techniques specifically designed for the types of investigations they will handle.*

## **Complaint Conclusions and Adjudication**

Complaints filed with the PBSO have one of four outcomes:

- Sustained: The allegation of the complaint was supported by sufficient evidence.
- Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
- Unfounded: The allegation was demonstrably false, or there was no credible evidence to support the complaint.
- Exonerated: An incident occurred, but the employee's actions were lawful and proper.

These are the current categorizations used by the PBSO. However, current policy makes reference to "Substantiated" and "Unsubstantiated" classifications. These classifications are no longer used by the PBSO, and recommendations are made in the relevant sections of this report to remove these references accordingly.

For all cases assigned to Internal Affairs for investigation, an IAD investigator completes the initial investigation and passes it along the chain of command, first to the lieutenant and then to the captain. For cases investigated by Field Operations, the case is passed along the involved deputy's chain of command from the captain to the major, and then finally to the IAD captain for review. The IAD captain discusses each case with the Sheriff, who ultimately decides on the adjudication of the case. Should the allegations of the case be found to be sustained, the case goes back to the deputy's chain of command for recommendations for discipline.

Overall, the PBSO's process for accepting, reviewing, and completing investigations by both the Internal Affairs Division and the Law Enforcement and Corrections Operations commanders is effective.

## **PARTNERSHIP WITH THE PALM BEACH COUNTY STATE ATTORNEY'S OFFICE**

In responding to critical police incidents, especially officer-involved shootings, relationships between police agencies and local prosecutors are critically important. Interviews with staff from the PBSO and Palm Beach State Attorney's Office (SAO) indicate they have developed an effective working relationship in responding to, investigating, and reviewing critical police incidents, including deputy-involved shootings. The interaction between the agencies and the initial response to a deputy-involved shooting were observed first-hand by PERF staff during a site visit.

It is the practice of the SAO to deploy a prosecutor and an investigator to the scene for any deputy-involved shooting where a subject is struck. Following the SAO's initial on-site and follow-up investigation, in consultation with the PBSO's Critical Incident Investigation Team's investigation, a determination is made regarding whether criminal charges will or will not be brought against the involved deputy. Alternatively, the SAO may elect to bring the case to a grand jury. If the SAO determines that no criminal charges are appropriate against the deputy, a letter is provided to the PBSO indicating the same (this is referred to as a "declination letter"). There is no set time for this determination; it depends on the factors of the case.

**Interviews and a review of deputy-involved shooting case files from 2010 to 2014 indicate that the SAO does not currently review cases where deputies fired their handgun, with the intent to strike a subject, but did not strike the target. The PBSO should ensure that all critical incident investigations are reviewed by the SAO, regardless of shooting outcome or other case characteristics.** Even if the shooting does not involve a subject being struck, the case should still be reviewed by the SAO to ensure that the deputy's actions were in compliance with the law. As discussed in the next section, there were many critical incident files where no declination letter was reported. This finding was especially true for the category of shooting incidents that did not result in the subject being struck.

**Recommendation:** *The PBSO should discuss all deputy-involved shootings with the Palm Beach State Attorney's Office to ensure that all of these cases, regardless of whether or not anyone is struck, are reviewed for possible criminal wrongdoing.*

## **ANALYSIS OF INTERNAL AFFAIRS DIVISION'S REVIEW OF DEPUTY-INVOLVED SHOOTINGS**

This report provides a review of Palm Beach County Sheriff's Office (PBSO) Internal Affairs policies and practices, with the goal of ensuring that effective accountability measures and processes are in place and are being practiced. **This section examines the Internal Affairs reports of deputy-involved-shooting investigations.** To provide context for this examination, PERF reviewed PBSO Internal Affairs annual reports from 2011 through 2014.<sup>26</sup> In addition, PERF conducted a quantitative analysis of case files and investigative reports to obtain data on deputy-involved shooting incidents that occurred in the county from 2010 through 2014. The methods and results of that analysis are discussed below. **PERF's detailed analysis of cases did not include the three deputy-involved-shootings from 2015, as two of those cases are still pending review by the Palm Beach State's Attorney's Office.** PERF does provide additional discussion of the three 2015 deputy-involved shooting cases at the end of this section.

**Overall, PERF's analysis did not reveal any statistically significant associations of case characteristics, including whether or not the subject was armed, with the outcome of IA investigations.**

### **Deputy-Involved Shootings**

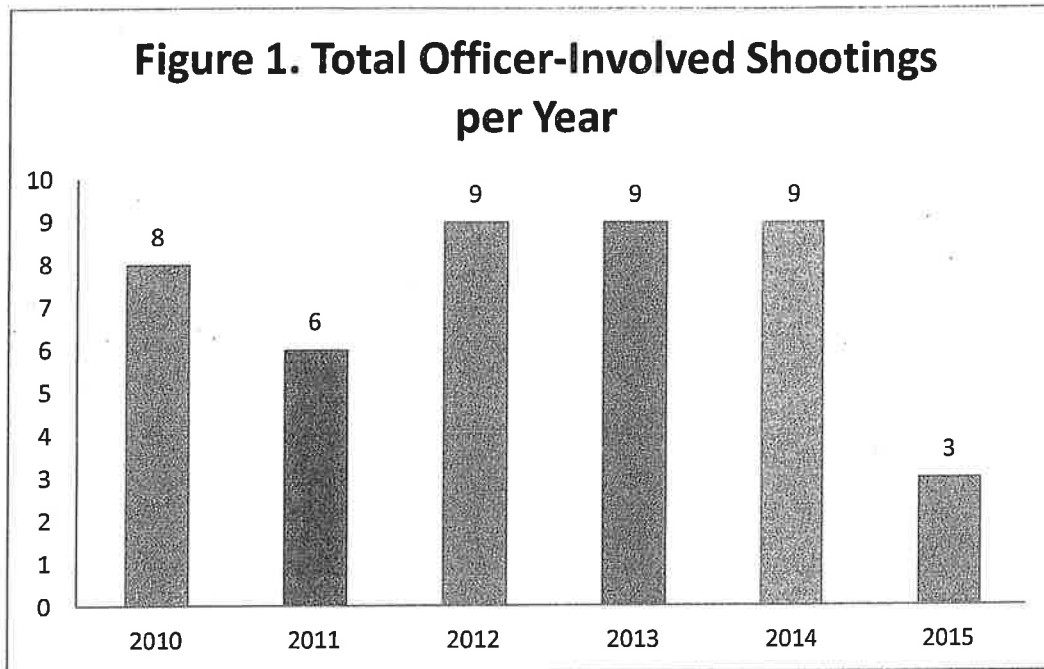
Deputy-involved shootings were analyzed using data from PBSO's Internal Affairs Division files and records. This in-depth review covered all 41 cases from 2010 through 2014.

#### ***Total Deputy-Involved Shootings per Year***

Figure 1 shows the number of deputy-involved shootings by year from 2010-2015. As noted above, PERF was unable to complete a thorough analysis of the 2015 cases, because two of the three cases are still being reviewed by the Palm Beach SAO. However, the 2015 total is included in Figure 1 to show overall trends in deputy-involved shootings by year, including the sharp decline from the 2012-2014 time period to 2015.

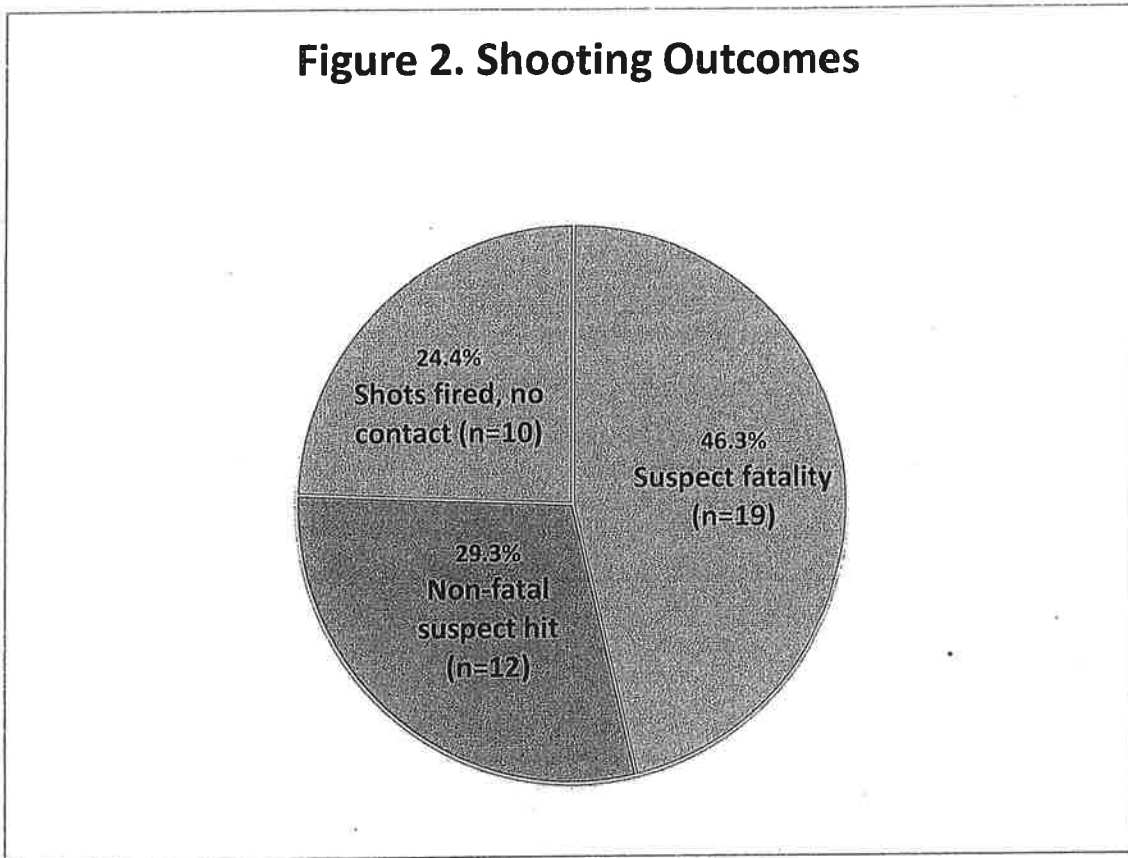
---

<sup>26</sup> PBSO's 2015 Internal Affairs Annual Report was not yet available at the time of this report.



Overall, the annual number of deputy-involved shootings had remained fairly consistent for years 2010-2014, with eight cases in 2010, six cases in 2011, and nine cases per year during 2012, 2013, and 2014. No significant monthly or yearly trends were found, although shootings tended to peak in the months of April and November. Of the total 41 shootings between 2010 and 2014, six shootings occurred in April, and another six occurred in November. The number of deputy-involved shootings dropped to three cases in 2015: one occurred in July, one in October, and the last in December.

**Deputy-Involved Shooting Outcomes, 2010-2014**



As shown in Figure 2, shooting outcomes from 2010-2014 cases are broken into three categories: fatal shootings, non-fatal shootings (suspect hit, but not killed), and non-contact shootings (shots fired, but no suspects hit). Of the 41 cases, 46.3% (19 cases) resulted in a suspect fatality, 29.3% (12 cases) resulted in a suspect hit but not killed, and 24.4% (10 cases) resulted in shots fired by deputies that did not hit a suspect.

From these cases, shots were fired at or from moving vehicles in four incidents, or 9.8% of the total. Of the incidents involving moving vehicles, three were non-contact shootings, while one was a non-fatal shooting. Earlier in this report, PERF recommended that PBSO change its policy to strictly prohibit shooting at or from moving vehicles.

**Suspect Weapon Type in Deputy-Involved Shootings, 2010-2014**

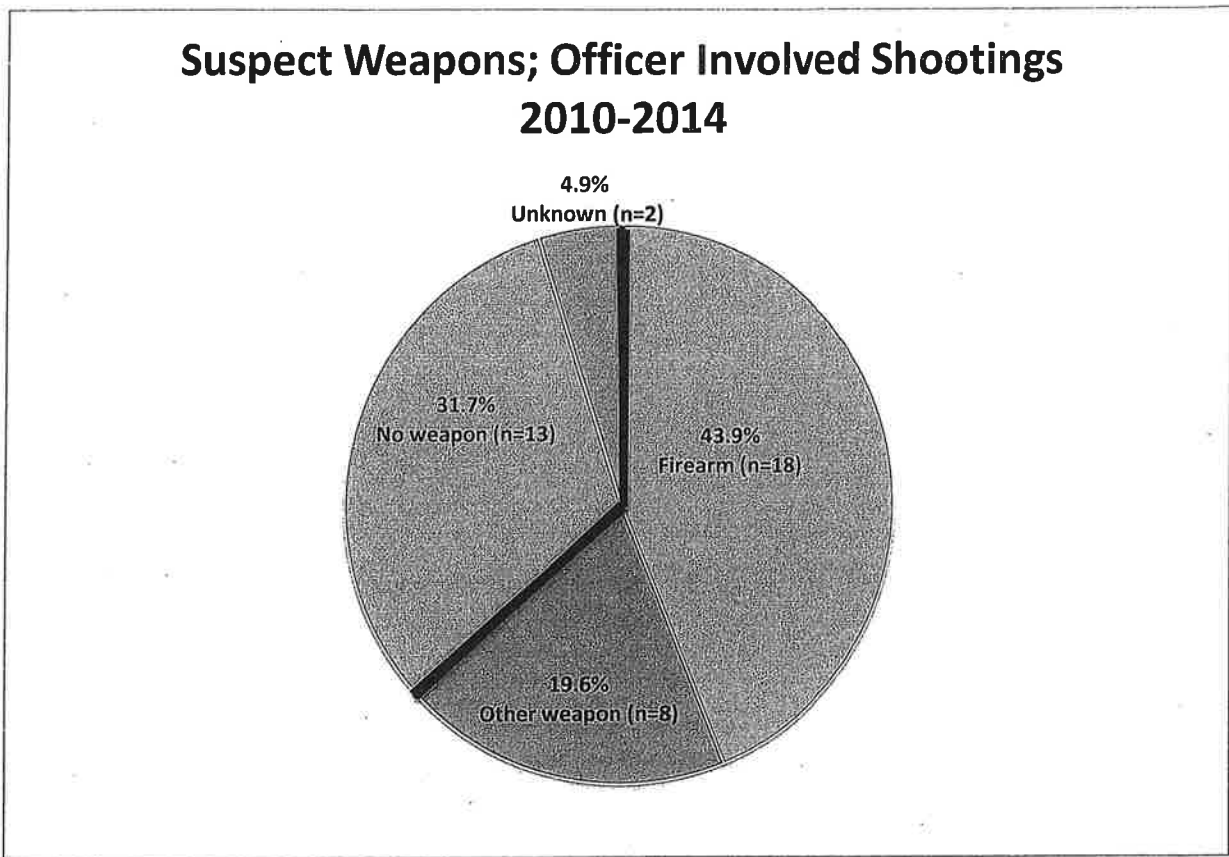


Figure 3 presents a breakdown of suspects' weapon types in deputy-involved shootings. In approximately 63% of incidents (26 cases), suspects were observed carrying *some* type of weapon. In 43.9% (18 cases), suspects were carrying firearms; in 19.6% (8 cases), they carried knives or other weapons. These "other weapons" included a screwdriver, rocks, a machete, a wine bottle, a steel pry bar, a rubber mallet, and a baton taken from the deputy.

Thirteen cases (31.7%) involved suspects who did not have weapons. Among the 13 suspects not carrying weapons, two had attempted to obtain an officer's weapon, seven either appeared to have a weapon or appeared to be reaching for one as described in the reports, three drove a vehicle toward an officer, and one attempted to physically assault the deputy, according to PERF's review of PBSO case files.



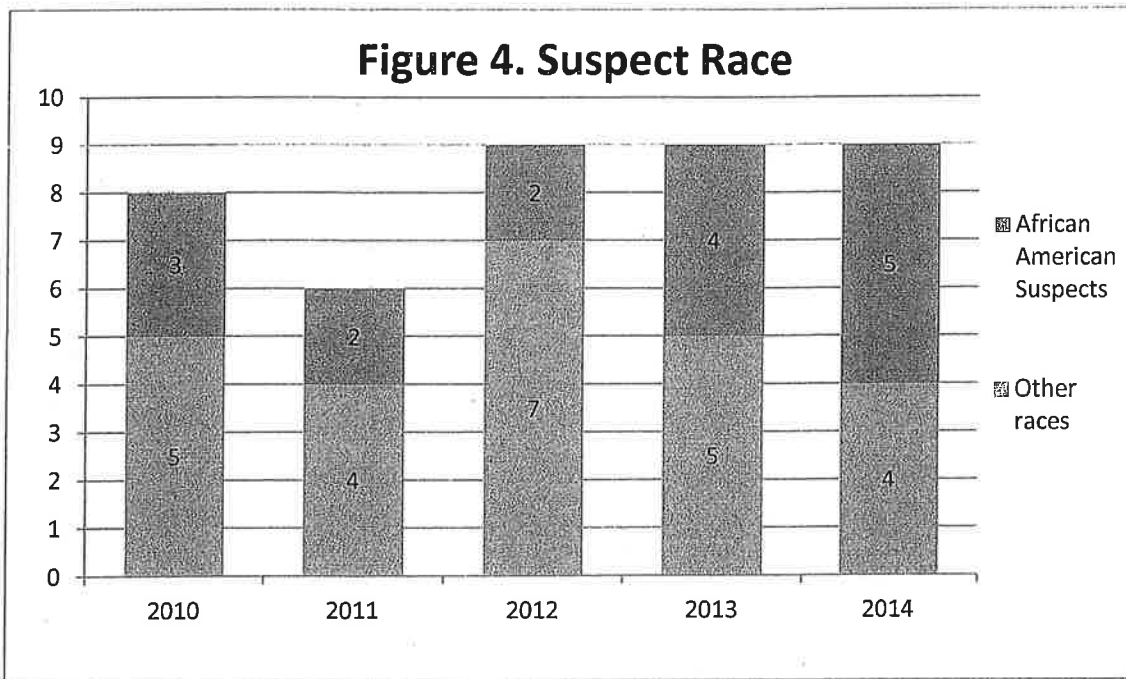
In two deputy-involved shootings, the suspect's possession of a weapon remains unknown. Specifically, one case file stated that a suspect appeared to be reaching for his waistband, but no further detail was given as to whether a weapon was actually found. In the other instance, a silhouette figure appeared to be carrying a gun, but this individual fled the scene and was never identified.

### ***Suspect Race in Deputy-Involved Shootings, 2010-2014***

The analysis revealed that 21 of the 41 incidents (51.2%) involved white suspects, while 16 cases (39%) involved African-American suspects (displayed in Figure 4), a pattern that differs from the demographics of Palm Beach County.<sup>27</sup> Factors that might account for such disparities are beyond the scope of this study. PBSO can further examine these data in the context of police-citizen interactions, as measured through calls for service, victimization, arrests, and other measures. The analysis in this report sought to explore whether various factors *impact the investigative process* in officer-involved shooting incidents. For additional information, see Appendices A and B.

---

<sup>27</sup> According to the U.S. Census estimates for 2014, Palm Beach County is 76.1% white and 18.8% African-American. Hispanic residents may be included in any race, and represent 20.7% of the county's population.

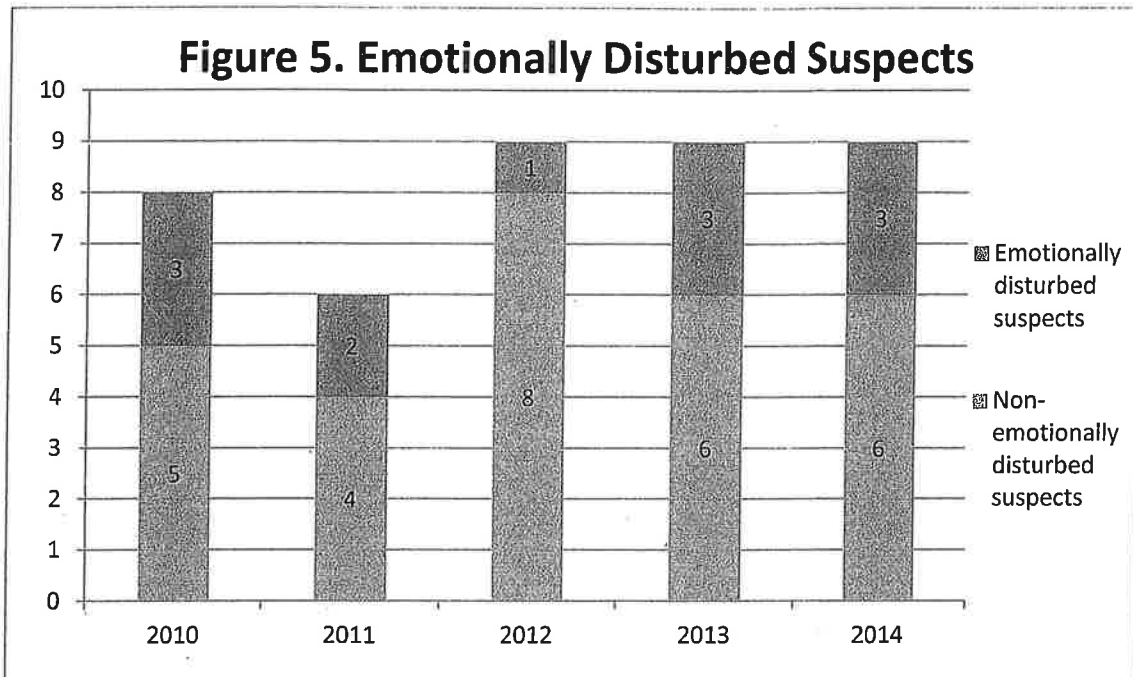


***Emotionally Disturbed Subjects in Deputy-Involved Shootings, 2010-2014***

12 of the 41 incidents (29.3%) involved emotionally disturbed persons (see Figure 5),<sup>28</sup> and three cases (7.3%) appeared to be “suicide by cop” scenarios. However, not all deputy-involved shooting investigations reported on the offender’s mental status, so it is possible that the count of emotionally disturbed persons is understated.

---

<sup>28</sup> Cases were cited as emotionally disturbed persons (mental health or drug/alcohol abuse induced crisis) based on PERF’s review and analysis of case information. A recommendation has been made to improve documentation of this issue.



***Critical Incident Investigation Outcomes and Declination Letter Receipt***

None of the 41 cases resulted in a criminal prosecution against the involved deputies. However, there were two incidents (4.9%) that resulted in disciplinary action due to PBSO policy violations.

Most, but not all (75.6%), of the case files included declination letters from the Palm Beach State Attorney's Office. Declination letters appeared to be missing for the majority (70%) of non-contact shootings, with only 3 of 10 reportedly receiving declination letters. Interviews with PBSO personnel revealed the reason for the absence of declination letters in these cases, namely, that it is currently not the PBSO's general practice to report non-contact cases to the SAO. As stated earlier in this report, PERF recommends that the PBSO should ensure that *all* critical incident investigations are reviewed by the SAO, regardless of any other case characteristics, including whether or not a suspect was struck.

Reported receipt of a declination letter also was associated with significantly longer investigative closure time, about 2.5 months longer than those not reporting any declination letter (see Appendix B, Table 4). This is not unexpected, because police may have kept cases open for some time as they waited to receive declination letters. For more information regarding the statistical methods, see Appendix A.

### ***Incident Characteristics by Weapon Type***

Comparisons were made between weapon types in relation to investigative closure time, fatality, suspect race, suspect mental health, and issuance of a declination letter. There were no statistically significant associations (see Appendix B, Table 2). Specifically, suspect weapon was not observably related to offender demographics, and fatalities occurred at approximately the same rate regardless of the offender's type of weapon. Similarly, investigative closure times and reported issuance of declination letters were not associated to weapon type. For a detailed description of the methodology, see Appendix A.

### ***Incident Characteristics by Shooting Outcomes***

Shooting outcomes refer to whether an incident resulted in a fatal shooting, a non-fatal shooting, or a non-contact shooting. Comparisons were made among shooting outcomes in regards to investigative closure time, suspect's weapon type, race, mental health, and whether a declination letter was reportedly issued (see Appendix B, Table 3). Findings revealed that fatalities occurred at approximately the same rate regardless of suspect's weapon or demographics.

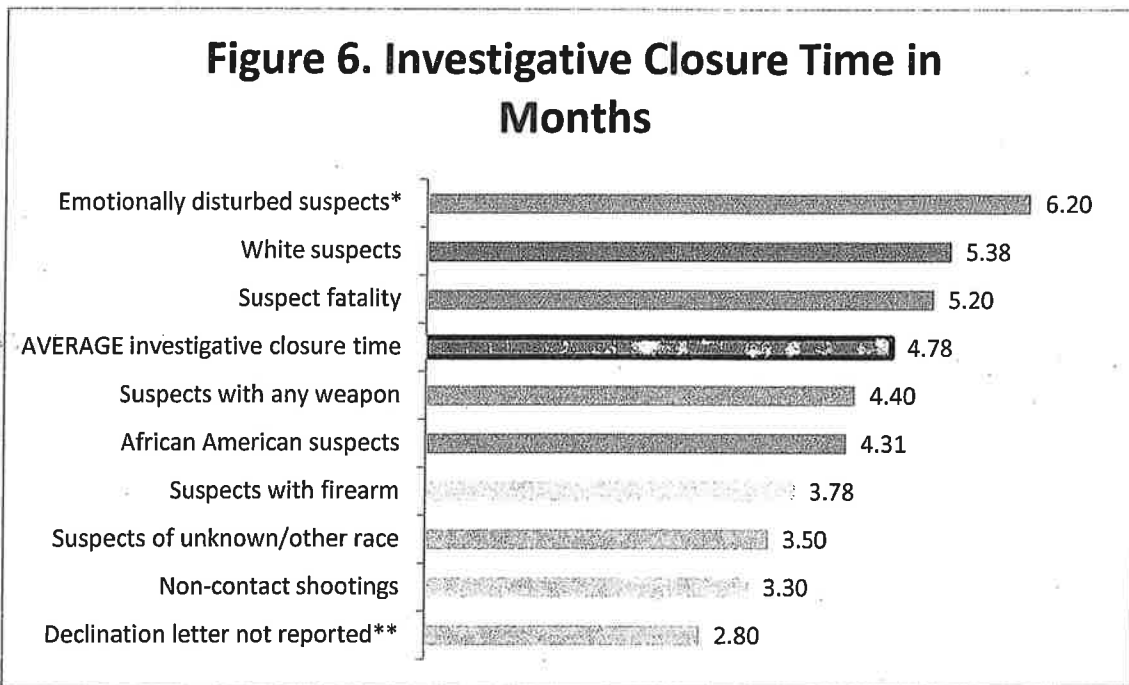
Investigative closure times were not affected by the shooting outcome. For more information on the statistical methods used, see Appendix A.

### ***Investigative Closure Time by Race and Incident Characteristics***

Of the 41 deputy-involved shootings cases reviewed, the shortest investigation lasted less than one month while the longest investigation lasted 12 months. Investigative closure times are displayed in Figure 6 below. On average, investigations took 4.8 months, with a standard deviation of 2.8 months (see Appendix B, Table 4). The standard deviation represents how concentrated the data are around the mean, indicating that investigative closure time for more than 68% of investigations is expected to fall within a range of 2.8 months above or below the

mean. **Simply put, approximately two-thirds of the investigations were completed within a range of about 2 to 8 months, averaging a total of approximately 5 months.**

Although average investigative closure time appears about one month longer for cases involving white suspects, analyses revealed that this difference was not statistically significant. In other words, there was no "real" observed statistical relationship between investigative closure time and suspect race, and the percentage difference is potentially coincidental.



\*Significant at the .05 level

\*\*Significant at the .01 level

Reported receipt of a declination letter was correlated with increased investigative closure time. This can be expected due to the additional review and determination of findings conducted by the SAO. On average, the investigations not receiving declination letters were resolved in less than 3 months. This is lower than the overall average resolution time (4.78 months) and average time for cases with a declination letter (5.5 months). The corresponding standard deviation was 3.1, showing that the majority of investigations that did not report a declination letter were resolved within 6 months (in comparison to the range of 2-8 months for all cases). This finding was statistically significant and indicates that investigation closure time was dramatically

decreased among cases where no declination letter was reported. For more information related to the statistical methods, see Appendix A.

**It is encouraging that investigation closure time was not affected by suspect race, fatality status, or weapon type. This finding suggests cases are given equal investigative attention across these factors. Additionally, investigation times were of reasonable length, based on PERF's work with other agencies.**

PERF considers it an important positive indicator that deputy-involved shooting cases dropped substantially (67%) from 2014 to 2015. This reduction occurred shortly after the implementation of the new "tactical pause" training mid-year in 2014. Although there is not enough data to show whether the decline is significantly related to the tactical pause training, this is a promising development for the PBSO. Future replication of this data analysis would be helpful to determine whether this training actually affected deputy-involved shooting counts.

### **Discussion of 2015 Deputy-Involved Shooting Cases**

Interviews with IAD commanders indicate that in 2015, PBSO deputies were involved in three separate deputy-involved shootings. Although two of those incidents are still under review with the Palm Beach State's Attorney's Office, PERF staff was able to discuss each of the incidents in general with IAD as part of this analysis. Following is a brief synopsis.

The first shooting occurred in July 2015 and involved two plainclothes deputies. The detectives stopped two subjects believed to be in a drug transaction. A male bystander was walking in the area and observed the interaction between the deputies and the subjects. The bystander mistakenly believed the deputies were robbing the two subjects they had stopped. The bystander approached one of the deputies while the deputy was leaning into his unmarked police vehicle and began assaulting him with a heavy book bag. After trying to unsuccessfully fend off the attack, the deputy shot the individual, ending the attack. Both deputies then immediately began first-aid efforts. The subject, a Hispanic male, survived the shooting.

This shooting occurred while PERF staff was in Palm Beach conducting the initial project site visit. Following the on-scene investigation, which included a prosecutor and an investigator from the Palm Beach State Attorney's Office (SAO), members of IAD and the Critical Incident Investigation Team conducted a debriefing in IAD's office approximately five hours after the

incident. Investigators discussed the shooting and any lessons learned that could be immediately addressed. Investigators believed current department policy could be improved regarding plainclothes deputies stopping and detaining subjects. As a result of that review, interviews indicated the PBSO updated its policy to provide direction to plainclothes deputies confronting suspects. Deputies in this July shooting were cleared of criminal wrongdoing by the SAO.

The second deputy-involved shooting occurred in October 2015. A neighbor dispute over a dog ended in a brutal attack that left one victim dead, one victim with serious injuries, and the suspect dead. Deputies arrived just after the assault occurred and confronted the suspect, a Hispanic male. Deputies shot and killed the individual as he charged at the deputies with a type of machete he had used on the other two victims. This shooting is still being reviewed by the Palm Beach SAO.

The last deputy-involved shooting in 2015 occurred in December. Deputies had been following a carjacking suspect wanted on outstanding robbery warrants. Before they could arrest the individual, the suspect carjacked another vehicle and led deputies to a nightclub parking lot. Interviews indicate the suspect, a white male, fled the stolen vehicle and charged at deputies holding a knife. Deputies shot and killed the suspect. This shooting is still being reviewed by the Palm Beach SAO.

### **Discussion of Deputy-Involved Shooting Data Analysis**

In the course of this analysis, PERF did note some data limitations. The files were inconsistent in supplying similar documentation. They lacked a table of contents which can serve as a checklist to ensure that investigators review each element typically involved in a shooting investigation. This level of detail and thoroughness is equally important regardless of whether or not the suspect was hit.

Cases reviewed in which a suspect was not hit ("non-contact" shootings) do not appear to be as thoroughly documented as cases involving a suspect who was hit. It was sometimes difficult for PERF researchers to immediately discern whether a suspect had been hit and not killed, or whether the shooting was non-contact. Most reports discussed the outcome in terms of fatality or no fatality, but it is important to clarify whether the shooting made contact to ensure a thorough investigation. In addition, it seems that medical reports appear inconsistently, and most often were only included for cases that involved a fatality.

In the investigation files, suspect ethnicity was often unclear. Most of the time, ethnicity was not mentioned at all, while other times it was reported in lieu of race. Therefore, it was not possible to determine whether there were any relationships between outcomes and suspect ethnicity. It is crucial that both suspect race *and* ethnicity are coded in a manner that is mutually exclusive to better understand whether a relationship exists between ethnicity and the use of force. This is especially important in states such as Florida, where the Hispanic population is high but residents may trace population ancestry to either white or black races.

Additionally, suspect mental illness/substance-induced crises were often prevalent case characteristics, yet they were not discussed in many case files. Mostly, the prevalence of these characteristics could be gauged from the case context, but it would be helpful if mental health crisis or drug/alcohol abuse could be explicitly noted in critical incident files.

Similarly, deputy race was reported for only approximately half of the cases, which prevented close examination of this variable. It would be helpful if the race of the deputy were denoted in every case file, so that relationships between deputy race and other incident characteristics could be assessed. Deputy training records were typically not included in the case or investigative files either. This information could be helpful when reviewing PBSO policies, because training nuances could impact how a deputy responds in a particular situation. Because this data was not reported, no relationships were examined between training records and investigation outcomes or case characteristics.

To summarize, some critical incident Internal Affairs investigation reports were more complete than others. In addition to the variables discussed above, some files included full victim and witness statements, while others simply reported a summary. Although the investigations themselves appear to be detailed, it would be ideal if the written reports consistently reflected the full wealth of information in any given case.

**As indicated in a previous recommendation, the PBSO should ensure that all critical incident investigations are reviewed by the Palm Beach State Attorney's Office, regardless of shooting outcome or other case characteristics. Even if the shooting is non-contact, the case should still be reviewed by the SAO to determine whether the action was in compliance with the law.** There were many critical incident files where no declination letter from the SAO was reported, and this finding was significantly correlated to non-contact shooting



incidents. At this time, it is unknown whether no declination letter was received or whether it was received and just not reported.

**Recommendation:** *The PBSO should maintain overarching thoroughness and consistency in documentation of case characteristics throughout critical incident investigations.*

- A table of contents should be provided to serve as a checklist to ensure that investigators review each element involved in a shooting investigation.
- Non-contact deputy-involved shooting cases should include the same level of detail as cases resulting in a suspect injury or fatality. Often, suspect fatalities and “hits” were explicitly discussed in the critical incident investigation files, while a non-contact shooting outcome was not always specifically noted.
- Medical reports should be reported consistently in critical incident investigation files, regardless of fatality, case outcome, or other characteristics.
- Suspect race and ethnicity should be coded in a manner that is mutually exclusive, so that both characteristics can be captured accurately and not in lieu of each other. This would be helpful to better understand whether a relationship exists between ethnicity and the use of force.
- Suspect mental health and substance abuse crises should be explicitly noted in the critical incident investigations and case files, so that relationships between mental health/substance abuse crises and other case factors can be assessed. Furthermore, the prevalence of mental illness in police use-of-force incidents may signal needs for additional deputy training in crisis intervention and de-escalation strategies.
- Deputy race should be noted in critical incident investigations and case files, so that relationships between deputy race and incident characteristics can be examined.
- Deputy training records should be reported in the critical incident investigation files because training nuances could impact how a deputy responds in a particular situation. While files did cite that deputy training records were reviewed as part of the investigation, they did not specify how recent the training was or what type of training the deputy had received. It

would be helpful if record-keeping included specific documentation of what kind of training the deputy received and how recent it was.

- Receipt of any declination letter from the Palm Beach SAO should be explicitly noted in the critical investigation file.

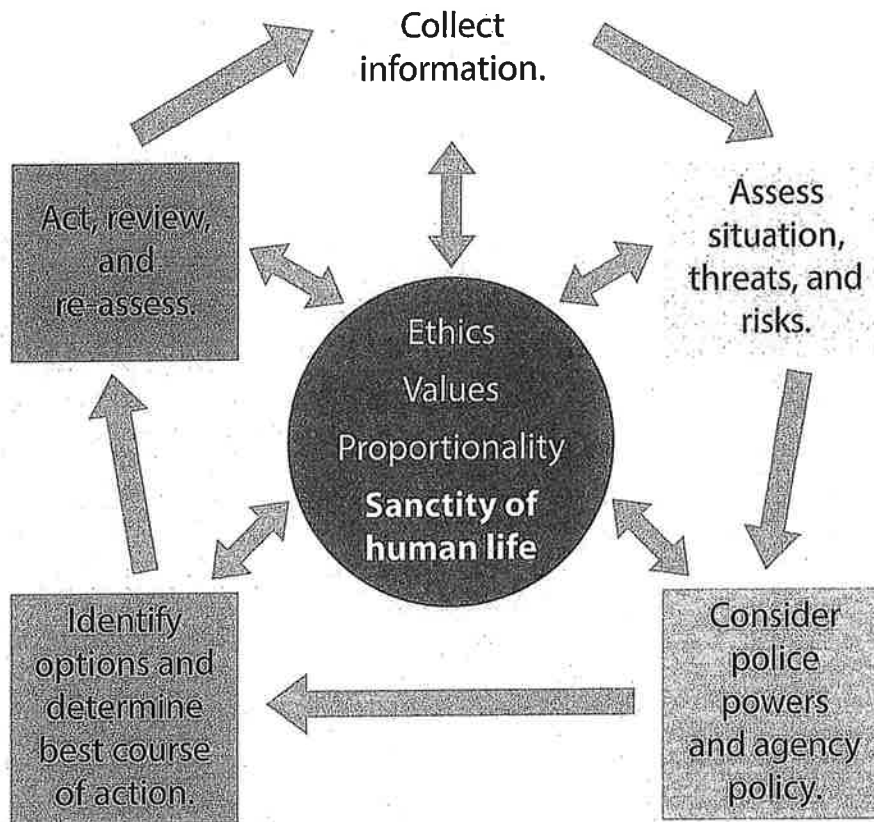
## **ADOPTION OF A CRITICAL DECISION-MAKING MODEL**

PERF's finding that in more than one-half of the 41 incidents reviewed, the suspect either did not have a weapon or had a weapon other than a firearm suggests that there may be opportunities for the PBSO to approach some critical incidents differently, in ways that would both enhance officer safety and reduce the likelihood of deputy-involved shootings in some cases.

The PBSO's adoption of the "tactical pause" approach is an important first step toward rethinking how deputies approach some critical incidents. **PERF believes that the PBSO could take this concept to the next level by adopting a more comprehensive critical thinking and decision-making model into all of its operations and tactics.** The PBSO should look to develop and adopt this type of model to guide deputies as they approach a variety of situations, in particular the difficult circumstances in which the use of force may be necessary – or may be avoided entirely.

In January 2016, PERF unveiled a Critical Decision-Making Model (CDM) for U.S. police agencies to adopt in their training and response to critical incidents. The CDM is based largely on the National Decision Model (NDM) that has been used by police in United Kingdom for several years. Like the NDM, the CDM is a logical, straightforward, and ethically based thought process that is intended to help U.S. police officers manage a wide range of incidents – not only use-of-force incidents – effectively and safely. While the CDM can be employed in just about any situation, such as police handling of major political demonstrations, or the response to a natural disaster, PERF believes it will be especially valuable in helping officers manage situations involving offenders with edged or other weapons other than firearms, as well as persons experiencing a mental health or substance abuse crisis. **In other words, the CDM, in conjunction with the tactical pause concept, could help the PBSO more effectively and safely resolve some types of cases that have resulted in deputy-involved shootings in the past.**

The CDM has six key elements:



- **CDM Core.** At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of that core are police ethics, agency values, the concept of proportionality, and the sanctity of all human life. Every step of the process is connected to this core, and the core informs and guides officers throughout the decision-making process.
- **Step 1: Collect Information.** The logical first step in the process is for officers to gather information and intelligence, a process that begins as officers are heading toward the incident. During this step, officers ask themselves a series of key questions (What do I know so far about this incident? What more do I need to know? What do my training and

experience tell me about this type of incident?), and they query others (especially their Dispatch center) for more information.

- **Step 2: Assess Situation, Threat and Risks.** This step typically begins as officers are responding to the incident. That is the time that officers should begin evaluating “what if?” scenarios in their minds. Assessment shifts into high gear as officers arrive on scene and can personally begin to gauge threats and risks. Here, officers ask whether they need to take immediate action, or whether they need additional information, resources, or support based on the threat and risks.
- **Step 3: Consider Police Powers and Agency Policy.** This step represents a quick but important self-check of officers’ authority to take action. In addition to considering their legal authority, officers must think about what their agencies’ policies say about the particular situation.
- **Step 4: Identify Options and Determine the Best Course of Action.** Using the information and assessment from earlier steps, officers now begin to narrow their options and develop the best course of action. Part of this step is to determine if the officers have enough information and resources, and a compelling interest, to act right away. Or should they hold off, possibly to obtain more information, call additional personnel and other resources to the scene, and buy time to de-escalate the situation? Officers select the best course of action, keeping in mind the greatest likelihood of success and the response that will cause the least harm; how proportional the response will be, given the risk/threats and totality of the circumstances, the safety of the public and the officer, and the sanctity of all life.
- **Step 5: Act, Review and Reassess.** Officers execute the plan, evaluate the impact, and determine what more, if anything, they need to do. If the incident is not resolved, then officers should work through the CDM again, starting with the collection of additional information.

**Recommendation:** *The PBSO should adopt and train all PBSO personnel in a decision-making model (such as the PERF Critical Decision-Making Model) to guide deputies as they approach a wide range of situations, in particular the difficult circumstances in which the use of force may be necessary – or may be avoided.* Decision-making models such as the CDM are designed to provide officers with both structure and flexibility in their decision making, with the overall priority being the safety of themselves, their colleagues, members of the public, and the subjects they are encountering.

## EARLY INTERVENTION SYSTEM (EIS)

PBSO's Early Intervention System (EIS) is currently maintained by Internal Affairs as stipulated in General Order 222.03 Section VI: Early Intervention System for Complaints and Control of Persons Reports. Currently, there are five categories of indicators as circumstances in which a Complaint Record will be established in the EIS:

1. Subject of a complaint about a PBSO employee
2. Involvement in a use-of-control (use-of-force) incident
3. Discharge of a firearm other than in training
4. Canine deputies who record a dog bite
5. Involvement in a vehicular pursuit.

When a threshold is reached in any one of these categories (for example, five involvements in a use-of-control incident within a six-month period), an alert is generated. Typically the involved deputy's lieutenant reviews the alert in order to advise the deputy's first-line supervisor and determine if, based on a review of previous incidents, an intervention (retraining, counseling, etc.) is warranted. Once the review is conducted by the deputy's chain of command, the results go back to Internal Affairs for documentation.

An agency's EIS should not be maintained by Internal Affairs; rather, PERF recommends an agency's EIS to be located in a unit outside the investigatory system. Because EIS is intended to intervene *before* problematic behaviors escalate to the point of misconduct, and because interventions are focused on employee development and are not punitive in nature, an agency's EIS should not be placed in the unit that actively investigates allegations of misconduct. As an example, the San Diego Police Department's EIS is located in its Wellness Unit. This placement reflects the fact that the department considers EIS a benefit to the overall health and wellness of its officers. Supervision of the EIS should, at a minimum, be at the sergeant level.

**Recommendation:** *The PBSO should remove EIS responsibilities from the Internal Affairs Division and house it in a separate unit, such as the Behavioral Services Unit or Staff Inspections. Either unit could be responsible for monitoring EIS alerts, forwarding alerts to the deputy's command, and ensuring that a review is completed and returned to the unit for documentation in the EIS software. The EIS would best be supervised by a sergeant or above.*

## Early Intervention System Indicators

The five categories of indicators for which the PBSO establishes a Complaint Record (see above) are very limited and should be expanded upon. Missed court appearances, excessive use of leave, unsatisfactory performance evaluations, and other factors can also be indicators of health and wellness issues among individual deputies and potential misconduct down the road; these types of factors should be recorded accordingly in the EIS. PERF's review of the PBSO Early Intervention System Supervisor's Manual contained a variety of risk indicators that are not currently utilized as indicators in the agency's EIS, such as civil litigation and attendance issues/failure to report.

As an example of a more comprehensive set of indicators, the San Diego Police Department currently monitors for 14 behaviors in its EIS:

1. Officer-involved shootings
2. Use of force
3. Officer activity
4. High-risk crime reports
5. Citizen-initiated complaints
6. Internal investigations
7. Criminal arrests
8. Missed scheduled firearms qualification or missed court appearances
9. Vehicle collisions
10. Elevated use of time off
11. Overtime usage
12. Work-related injuries
13. Public Service Inquiries calls/complaints<sup>29</sup>
14. Industrial (disability) leave

In addition to negative indicators, it is recommended that the PBSO also capture *positive performance indicators* in its EIS. Including such factors as satisfactory performance

---

<sup>29</sup> Public Service Inquiries were created by the San Diego Police Department to document and handle "informal" citizen complaints.

evaluations, awards, commendations, and citizen thank you/appreciation letters provides a more complete picture of an employee.

Additionally, there are several examples of indicators of job stress or other adverse job-related issues mentioned in PBSO's EIS policy (for example, "field performance by the employee which tends to indicate a propensity to use unnecessary or unreasonable force, personal techniques or habits which tend to exacerbate field contacts or arrest situations, over aggressiveness which causes unnecessary injuries or equipment abuse"). However, these indicators are not captured by the agency's EIS.

**Recommendation:** *The PBSO should update its EIS policy to capture additional types of incidents that could be precursors to troubling behavior that may require an intervention.* In addition, the PBSO should capture positive employee indicators, such as satisfactory performance evaluations, awards, commendations, and citizen thank you/appreciation letters, to give a full picture of its employees.

While the PBSO monitors canine dog bites as an EIS indicator, policy should clearly state that a trigger occurs if a canine deputy has a ratio of bites to apprehension that is more than 20 percent of the deputy's total K-9 deployments to track or apprehend a suspect in a given period of time.

**Recommendation:** *The PBSO should mandate review of a deputy's canine use of force if his or her ratio of bites to apprehension exceeds 20 percent.* (Additional information on the history of this recommendation may be found at *Kerr v. City of West Palm Beach*, 875 F.2d 1546 (11<sup>th</sup> Cir. 1989)).

## **Supervisor Access to Employees' EIS Records**

Currently, the PBSO does not conduct yearly performance evaluations of its employees. The PBSO is a large law enforcement agency, and consequently, many employees change assignments and shifts multiple times over the course of their careers. In the absence of yearly performance evaluations, supervisors are often unaware of any performance issues regarding new additions to their units, and cannot track their history. In 2016, the PBSO is set to acquire MakeNOTE, a software package that allows supervisors to document employee issues (good and bad) over time so that when an employee changes assignments, the new supervisor can review the employee's overall performance history accordingly.



Additionally, supervisors should be given greater access to employee EIS records for those employees *directly under their command at the platoon/unit level*. Currently, only IAD personnel have access to deputies' EIS records. The PBSO should consider requiring all supervisors to review EIS records for their employees on a quarterly basis and any time a supervisor is assigned a new employee. A quarterly review may identify problems indicating the need for an intervention before deputies reach an EIS threshold. Reviewing a newly assigned employee's EIS record will make supervisors aware of any potential concerns. In addition, this is a progressive practice that requires the first-line supervisor to frequently review and discuss employee performance.

Having access to this type of information and reviewing it on a regular basis provides supervisors with important information they can use to boost teamwork and individual performance. For example, it gives supervisors a broad view of the strengths and weaknesses of their teams, and can help them make adjustments to maximize overall performance and productivity. At the individual level, this type of information helps supervisors to monitor and manage the performance of their employees, and address issues before they grow and impact productivity. Finally, it gives supervisors the information they need to support regular and frequent coaching, mentoring, and counseling of employees. This, in turn, sends the message that supervisors are routinely monitoring performance.

Reviews of employee information on MakeNOTE and EIS should be conducted together on a quarterly basis and whenever an employee joins a new unit or moves to a different assignment.

**Recommendation:** *The PBSO should continue implementation of MakeNOTE so that, in the absence of regular performance evaluations, supervisors are able to document the performance of their employees.* Reviews should occur on a quarterly basis or whenever a new employee joins a unit. This will ensure that when an employee changes shifts or assignments, their new supervisors have access to the employee's performance history.

**Recommendation:** *The PBSO should grant supervisors access to the agency's EIS for the employees directly reporting to the supervisor.* Supervisors should review employee records on a quarterly basis and whenever a new employee joins their unit, so that they

have an awareness of each employee's performance. EIS reviews should occur in conjunction with MakeNOTE reviews.

### **Pursuits and EIS Alerts**

General Order 222.03, Section VI Subsection F2 provides a threshold of five or more vehicle pursuits for a trigger to occur in the EIS. A review of General Order 511.01 (Vehicle Pursuits) indicates that deputies are authorized to engage in pursuit driving if the deputy has a reasonable belief that the suspect engaged in "the commission of or attempted to commit a violent felony and related escapes" or during "extraordinary circumstances when authorized by the Watch Commander." In addition, "the Sheriff, or specifically identified designee, may authorize a vehicle pursuit for a crime not included in the above."

The PBSO's pursuit policy generally follows progressive police practices in that it strictly limits the circumstances under which a deputy may engage in a pursuit. The EIS threshold for an EIS alert is five pursuits by a deputy within 24 months.

**Recommendation:** *The PBSO should review several years' worth of vehicle pursuit data to determine if the current EIS threshold of five pursuits in 24 months by a deputy is reasonable.* Considering that PBSO has a generally progressive pursuit policy that limits when deputies may engage in a pursuit, the current EIS threshold may be too high.

### **Cumulative Analysis of EIS Triggers**

Currently, Early Intervention System triggers in the PBSO are self-contained (siloes) within each of the five reporting categories, and are examined and treated separately from the others. It does not appear, based on the wording of current policy, that there is any type of cumulative analysis across categories. For example, if a deputy has three vehicle pursuits and four use-of-control reports within an 18-month period, the EIS would not generate a trigger because the deputy did not reach the threshold in either category. However, the cumulative effect of the deputy's actions might indicate that a supervisory review and possible intervention are in order. PBSO policy should be changed to call for reviews *across all of the EIS categories* and not just within individual silos.

Additionally, PERF project staff members were informed that for purposes of the EIS, PBSO plans to break down the department into five sections—Corrections, Road Patrol, K-9 Patrol,

Courthouse, and Airport—and to establish reasonable EIS thresholds for each section. This is intended to promote consistency and fairness across agency functions. For example, given the nature of their work, Airport personnel are far less likely to encounter use-of-force situations or to reach the applicable EIS threshold than are Road Patrol deputies. Currently, however, both functions have the same threshold for the number of use-of-force incidents that would trigger an EIS alert.

The PBSO should extend this concept further and consider area and shift assignments when determining suitable EIS thresholds. For instance, a deputy working the night shift in a part of the county with significant crime activity can be expected to reach certain thresholds sooner than a deputy assigned to the day shift in a part of the county with less criminal activity. Yet they are both currently held to the same thresholds.

**Recommendation:** *The PBSO should further review its EIS by examining if adjusting thresholds based upon shift and geographic assignment in the county would be appropriate. Those deputies working more active beats are currently held to the same threshold levels as deputies in less active areas.*

## **Case Audits**

Currently, there is no mandated audit of EIS reviews to ensure consistency and thoroughness of the review process. Consideration should be given to conducting random audits of the EIS review to ensure that all relevant information was taken into consideration.

**Recommendation:** *The PBSO should have the unit that oversees the EIS function conduct a random review of cases to ensure that they were investigated thoroughly and that all applicable information was reviewed.*

## **FOCUS GROUP INTERVIEWS**

In order to obtain feedback from key stakeholders, PERF interviewed sworn and civilian members of the Palm Beach County Sheriff's Office (PBSO) and community members, either one-on-one or in focus groups. The purpose of these interviews was to determine their familiarity with the Internal Affairs Division (IAD), the complaint and investigation processes, the agency's Early Intervention System (EIS), and other related matters.

### **Law Enforcement Operations**

To gain insight into employee perspectives of the PBSO's Internal Affairs Division, PERF staff conducted multiple one-on-one and group interviews with sworn and civilian employees from all levels of the agency who are involved in law enforcement operations.

Overall, agency employees had a very strong knowledge of the reporting process (external and internal intake procedures, the investigation process, and resolutions to investigations). Several members interviewed said that Internal Affairs has an open-door policy, that someone is always available to answer any questions, and that IAD is good about providing training to supervisors. Interviewees generally expressed confidence in the Internal Affairs Division and noted that IAD does not suffer from a negative perception among deputies.

Employees were also familiar with the department's Early Intervention System (EIS). A frequent concern was that benchmarks are uniform across all employees, and the EIS does not take into account that some deputies may work certain shifts or parts of the county that are busier than others. Consequently, some deputies may be flagged by EIS more frequently because the system does not take into account that the deputy works a busier assignment or shift. This is a common perception in law enforcement agencies in general, and, as discussed in the EIS policy analysis section of this report, the PBSO is currently taking steps to address this issue.

Some employees PERF interviewed stated that interpretation of the use-of-force policy can vary among supervisors, and that a standard of what must be reported should be in policy. This concern has been addressed in a PERF recommendation under the use-of-force policy.

Some interviewees stated that while the PBSO generally keeps deputies informed of the status of allegations of serious policy violations against an employee, the agency could do a better job of notifying personnel who were the subject of lesser complaints that turned out to be unfounded

and required no interview with the subject deputy. Some stated that they felt “blindsided” to learn they had been the subject of an allegation of misconduct *after* the complaint had been lodged and was found to be not sustained by an internal review. Often, deputies said they learned about the allegations, which had been closed before the deputy had been interviewed for the complaint, through informal channels (typically, another deputy) after the fact and were never notified officially by agency staff.

Personnel were aware of the PBSO’s new requirement that pointing a firearm at a suspect was to be considered a use of force and documented accordingly.

Some deputies expressed concern that discipline is perceived to be linked to a deputy’s relationship with his or her supervisor. Because supervisors have a high level of discretion on disciplinary matters, there is a perceived lack of standardization and fairness across the board. This is an understandable perception and is common among many larger law enforcement organizations. However, PBSO tries to mitigate this concern by having individual commanders contact the agency’s Records Section to compare punishments for similar infractions to ensure they are in line with agency norms.

## **Corrections Operations**

PERF staff met with employees from the PBSO Department of Corrections (DOC) to document their perspectives on the Internal Affairs Division and the complaint investigation process. Interviews were conducted in groups and one-on-one with civilian staff, deputy sheriffs, sergeants, lieutenants, and captains. They were asked to explain the complaint process within the DOC and to provide input on improving the Internal Affairs investigative process.

DOC employees were familiar with the complaint investigation process. Most of the complaint investigations are initially handled at the sergeant level, and many employees thought this can be burdensome for sergeants who are also trying to manage day-to-day activities of their platoons. A common issue raised in these interviews was that when a complaint against a DOC employee is handled by Internal Affairs, the investigations tend to take longer than those involving PBSO Law Enforcement personnel. Interviewees said investigations of DOC personnel can take up to six months to complete, with some lasting as long as two years. Employees felt the delays were the result of Internal Affairs having only one investigator from the DOC assigned to handle all

DOC investigations. Many of the employees interviewed thought the Internal Affairs staff was very accessible and helpful when they had questions.

DOC employees also discussed the PBSO Early Invention System (EIS). Employees were generally aware of how the system functions. As with Law Enforcement deputies, a major concern expressed by many of the DOC employees interviewed was that the criteria for the activation of EIS are the same for all employees of the PBSO, regardless of assignment. There are no provisions in the EIS for deputies who work in areas of the department where the potential for use-of-force incidents may be greater than in other areas.

DOC employees pointed out that because their job responsibilities are different from those of deputies assigned to Law Enforcement Operations, the DOC employees are more likely to be required to write use-of-force reports, even sometimes for fairly routine activities. One example cited was when deputies have to secure a compliant inmate to a chair or bed, some supervisors require them to write a use-of-force report. As a result, they are more likely to be flagged by EIS before their counterparts assigned to other areas in the department. As discussed in the EIS policy analysis section of this report, the PBSO recognizes this issue and is working to address it. Additionally, PERF has recommended in this report when a use-of-control form should be completed.

Another common issue identified during the interviews was the need for additional training for supervisors in handling complaint investigations. Upon promotion, sergeants receive one day of training on the IAPro Blue Team system. According to employees interviewed, sergeants do not receive training on the techniques of how to conduct investigations. DOC employees suggested that Internal Affairs personnel provide training for all supervisors involved in complaint investigations. This issue has been addressed in a recommendation in the report.

Finally, there is a perception among the DOC employees interviewed that discipline is not always administered consistently. Some of those interviewed consider some discipline too severe when administered by DOC Command staff. Some employees suggested adding an education and training component to the resolution of some complaints, instead of punitive disciplinary actions, so personnel will better learn from their mistakes.

### ***Civilian Personnel***

PERF's interviews of Law Enforcement Operations and DOC personnel above included a separate civilian employee focus group; their overall comments are reflected in the previous sections. Like their sworn colleagues, PBSO civilian staff generally understood the complaint intake and IAD investigative processes, and they felt that Internal Affairs staff members are open and accessible. Civilian employees also expressed a perceived lack of standardization and fairness in some disciplinary matters. It is particularly important to note that civilian employees felt the PBSO fosters civilian buy-in and the employees felt respected by Internal Affairs personnel. This is not always the case in many other law enforcement agencies, where there can be friction between sworn and civilian employees.

### **PBSO Regional Advisory Board**

In September 2015, the PBSO created a community advisory group to facilitate communication and build better relationships between the department and the Palm Beach County community. The advisory group is composed of community, business, and religious leaders and is divided into four regional sections representing all areas of the county. The group, which is led by the agency's Chief Deputy, meets monthly to discuss issues pertinent to their communities.

As part of the project, PERF interviewed nearly a dozen advisory group members on October 21, 2015. The group consisted of community advocates and business leaders including representatives from the African-American, Latino, and Muslim communities. Although the advisory group had only been in existence for one month prior to the interview with PERF, members were very encouraged to be part of the effort and praised PBSO leaders for its creation. Group members provided several examples of positive interactions, follow up, and clarifications that were provided by the PBSO after members had questions about particular police incidents. Overall, the feeling from community representatives was positive and appreciative to have an organized mechanism to discuss challenges and create solutions with the department. The group, as a whole, recommended that PBSO increase its minority recruiting efforts to better reflect the community served.

## CONCLUSION

The Palm Beach County Sheriff's Office (PBSO), like many other law enforcement agencies, is committed to building stronger bonds of trust with the community it serves. Especially in the current, highly charged national policing environment, the PBSO has recognized that to build trust, it must be open, transparent, and dedicated to improving its operations. In no area is this commitment to self-examination and improvement more critical today than in how agencies handle complaints against their members and investigate instances in which officers use force, especially deadly force. Managing the internal affairs process effectively and fairly is essential not only to building trust with the community, but also to promoting high-quality service and morale within the agency itself.

This report is intended to help the PBSO with this self-examination and improvement process. PERF conducted a thorough and detailed review of PBSO policies and practices related to internal investigations, including police use-of-force incidents.

This report identified areas where the PBSO already meets national progressive police practices for use-of-force policy and internal affairs investigations. For example, PBSO policy contains a strong statement about the respect for and protection of all human life. PBSO also requires a strong supervisory response to all use-of-control incidents, and the agency accepts complaints about its members in a variety of formats as well as anonymously. These are among the best practices that PBSO was following well before the PERF study began.

In addition, this report documents a number of important reforms recently implemented by the PBSO, unrelated to specific recommendations from PERF. These include training deputies on a "tactical pause" in their response to certain types of critical incidents; creation of the specialized Critical Incident Investigative Team (CIIT) to investigate all deputy-involved shootings and in-custody deaths; and formation of the Behavioral Services Unit (BSU) to provide a specialized response to individuals with mental illness and substance abuse issues, including proactive outreach to some mental health patients. The tactical pause training may be especially important. After this training was implemented in mid-2014, the number of deputy-involved shooting cases dropped sharply from nine in 2014 to three in 2015; the PBSO should continue to monitor this trend.



The report offers approximately 70 recommendations for improvement. These recommendations cover a range of internal affairs operations, including IAD organization, disciplinary procedures, use-of-force policy, critical incident investigations, the citizen complaint process, and the PBSO Early Intervention System. Some of the recommendations are relatively minor or technical in nature, such as refining policy statements or definitions to bring them in line with existing agency procedures or national best practices. Other recommendations are more substantive and far-reaching, such as a strict prohibition on shooting at or from vehicles, and establishing in policy a duty for officers to intervene if they observe fellow deputies using excessive force. As a whole, PERF's recommendations provide a detailed blueprint for the PBSO to further refine and improve its internal affairs policies and practices.

Of significance is the policy recommendation for the PBSO to continue moving beyond the "objective reasonableness" standard set in *Graham v. Connor* to higher standards of performance and excellence. The department should go farther to state that deputies should use only the *necessary* amount of force to mitigate threats, and that the use of force be lawful, ethical, and proportional to the threat. Additionally, PBSO should add language to policy stating that, as long as no immediate threat to the deputy or a member of the public exists, deputies will take steps to establish communication with the subject and de-escalate the situation, will utilize distance and cover to create additional time to assess the situation and summon additional resources, and will consider other options, resources, and contingencies to minimize the need for force.

A special focus of this study was on deputy-involved shootings. To help PBSO leaders more fully understand members' use of deadly force and the investigations of those incidents, PERF researchers conducted a detailed statistical analysis of all 41 officer-involved shootings that occurred between 2010 and 2014. PERF researchers looked for any significant factors that might affect use-of-force incidents or the investigative process or outcomes.

In general, this analysis found that the policy governing the Critical Incident Investigation Team's (CIIT) criminal investigations of deputy-involved shootings is sound. There were no significant findings regarding disparities in case or investigation outcomes across different races, weapon type, or other incident characteristics. Similarly, the amount of time needed to complete investigations was not affected by suspect race, fatality status, or weapon type. Generally, investigative closure time was fairly speedy and efficient when compared to other agencies that

PERF has reviewed. Some variation existed among cases that involved emotionally disturbed suspects, which increased investigation time.

PERF did note that Internal Affairs critical incident reports on deputy-involved shootings were inconsistent in the level of detail they contained about some case characteristics and investigative findings. Some reports included medical reports and full victim/witness statements, while others had incomplete and missing information. Of particular importance was whether cases had been reviewed by the Palm Beach State Attorney's Office (SAO), especially in situations where a deputy fired but did not strike the suspect. In many of these non-contact cases, the investigative files did not include a declination letter from the SAO to document that there would be no criminal prosecution of officers. PERF strongly recommended that all instances in which a deputy fires a weapon—regardless of whether or not a suspect is hit—should be thoroughly investigated for possible criminal and policy violations. While PERF found the internal investigations of deputy-involved shootings to be generally thorough, this report made several policy recommendations that focus on ensuring appropriate and consistent documentation of the incidents and investigations.

**PERF's review of deputy-involved shooting cases did identify opportunities for improvement, particularly with regard to incidents where the suspect was not armed with a firearm. The PBSO has already taken steps to improve its response to these situations with the implementation of a "tactical pause" to allow deputies to assess a situation and formulate an appropriate response. The PBSO can build upon this by adopting a comprehensive critical-thinking and decision-making model into all of its operations and tactics. The PBSO should consider implementing a model such as PERF's Critical Decision-Making Model (CDM) to guide deputies as they approach a variety of situations, in particular the difficult circumstances in which the use of force may be necessary – or in some cases may be avoided.**

**PERF has developed and is in the process of finalizing 30 national use-of-force Guiding Principles on police use of force.<sup>30</sup> In addition, PERF plans to develop a training**

---

<sup>30</sup> Use of Force: 30 Guiding Principles. Police Executive Research Forum. January 2016.  
<http://www.policeforum.org/assets/30%20guiding%20principles.pdf>

**curriculum that will be anchored by the CDM. PERF is encouraged that the PBSO has already implemented some of PERF's Guiding Principles, and many of the recommendations in this report call for further implementation of them. The PBSO (as well as other law enforcement agencies) are encouraged to take full advantage of PERF's resources in this critical area.**

Finally, PERF is recommending that the PBSO undertake a comprehensive, agency-wide program to educate and train all of its personnel—sworn and civilian, in Law Enforcement Operations and Corrections—in the new policies and procedures that will be implemented as a result of this report. PERF has provided approximately six dozen recommendations covering a range of policies, procedures, and training enhancements. If the PBSO is to effectively implement these reforms, it must invest the time and resources to explain the new policies to its personnel and to train them in how to carry out these changes. Simply changing policies, without the training to back them up, is insufficient to produce lasting change not only in individual practices but also in department culture, both of which are critical for true and sustainable reform. As the PBSO evaluates and implements our recommendations, the agency should simultaneously prepare for and carry out a comprehensive training program.

Moving forward, it will be critical for the PBSO to maintain its commitment to continuous examination and improvement. Creating and sustaining change is not a one-time event that starts and ends with a report of this type. Rather, it is a process that requires constant attention, will, and imagination. Reviewing and implementing the specific recommendations contained in this report should not be viewed as the end of this process, but rather the beginning. The PBSO has strong leadership and a solid policy foundation upon which to build and grow.

## APPENDIX A: EXPLANATION OF STATISTICAL METHODS

In this report, inferential statistics are used to understand whether case or investigation outcomes are related to any of the independent variables, such as suspect race or weapon type. Inferential statistics, such as the bivariate analysis in this report, leverage the spread of data in a *sample* to draw conclusions about a *population*. For example, opinion surveys will ask a small, selected number of people (a sample) then draw conclusions about all people (population). However, in this report, one could argue that the 41 IA cases from 2010-2014 are not a sample but rather a population since they represent all IA cases during the time period. If the cases represent a population, the use of data spread may not be necessary and any percentage differences can be taken at face value.

We include the results of these significance tests based on the spread of data for two reasons: first, while the 41 cases are all deputy-involved shooting cases during that time, the formation of this population was likely subject to non-random selection effects from the larger population of police-citizen encounters such that a degree of statistical error may exist in the case population; second, the use of spread can help provide context to any observed differences. The conclusions of bivariate testing are conservative, especially given low counts, but an assessment of statistical significance is still warranted as it would detect large effects between variables. In this way, bivariate analysis can aid interpretation through flagging *statistical* significance, though any differences may have *policy* significance independent of statistical assessment.

Bivariate statistical techniques were used to examine relationships among all of the independent variables and outcome variables. Trends across years were also examined. Bivariate tests compare different categories of an independent variable in relation to an outcome measure, which determines whether certain outcomes are significantly correlated with one category more than another. If a “statistically significant” relationship is found between two variables, this means that the observed outcome will be correlated to the independent variable 95% of the time, with a 5% error rate. Bivariate results are reported in Appendix B, Tables 2-3; while descriptive statistics are presented in the main report as well as in Appendix B, Tables 1 and 4. Chi-square tests for independence and Fisher’s exact tests for independence were used to examine relationships between independent variables and dichotomous outcomes, while one-way ANOVA tests and t-tests were utilized with continuous (numerical) outcome measures.

## APPENDIX B: DETAILED STATISTICAL TABLES

<b>Table 1. Incident Characteristics by Year</b>							
<i>Year (Number of Shootings)</i>	<b>Total (41)</b>	2014 (9)	2013 (9)	2012 (9)	2011 (6)	2010 (8)	
<i>Shooting was fatal, Percent (N)</i>	<b>46.3% (19)</b>	33.3% (3)	44.4% (4)	66.7% (6)	33.3% (2)	50.0% (4)	
<i>Suspect had some type of weapon, Percent (N)</i>	<b>63.4% (26)</b>	55.6% (5)	66.7% (6)	66.7% (4)	66.7% (4)	62.5% (5)	
<i>Suspect had a firearm, Percent (N)</i>	<b>43.9% (18)</b>	22.2% (2)	44.4% (4)	55.6% (5)	50.0% (3)	50.0% (4)	
<i>Suspect was white, Percent (N)</i>	<b>51.2% (21)</b>	33.3% (3)	55.6% (5)	66.7% (6)	33.3% (2)	62.5% (5)	
<i>Suspect was African American, Percent (N)</i>	<b>39.0% (16)</b>	55.6% (5)	44.4% (4)	22.2% (2)	33.3% (2)	37.5% (3)	
<i>Suspect was emotionally disturbed, Percent (N)</i>	<b>29.3% (12)</b>	33.3% (3)	33.3% (3)	11.1% (1)	33.3% (2)	37.5% (3)	
<i>Declination letter reported, Percent (N)</i>	<b>75.6% (31)</b>	66.7% (6)	88.9% (8)	77.8% (7)	83.3% (5)	62.5% (5)	
<i>Investigative closure time in months, Mean (Standard Deviation)</i>	<b>4.78 (2.82)</b>	6.0 (3.32)	4.0 (1.73)	4.0 (2.65)	4.17 (2.32)	5.62 (3.58)	

**Table 2. Incident Characteristics by Weapon Type**

No statistically significant comparisons.

<i>Suspect Weapon Type (Number of cases)</i>	Unknown (2)	No Weapon (13)	Knife/Other Weapon (8)	Firearm (18)	Any Weapon (26)
<i>Shooting was fatal, Percent (N)</i>	50.0% (1)	38.5% (5)	75.0% (6)	38.9% (7)	50.0% (13)
<i>Suspect was white, Percent (N)</i>	0.0% (0)	61.5% (8)	50.0% (4)	50.0% (9)	50.0% (13)
<i>Suspect was emotionally disturbed, Percent (N)</i>	0.0% (0)	38.5% (5)	37.5% (3)	22.2% (4)	26.9% (7)
<i>Declination letter reported, Percent (N)</i>	50% (1)	84.6% (11)	100% (8)	61.1% (11)	73.1% (19)
<i>Investigative closure time in months, Mean (Standard deviation)</i>	4.5 (0.71)	5.62 (3.38)	5.75 (2.82)	3.78 (2.29)	4.38 (2.58)

**Table 3. Incident Characteristics by Shooting Outcomes**

\*\*\*Statistically significant at the .001 level

<i>Shooting Outcome (Number of cases)</i>	<i>Non-Contact Shooting (10)</i>	<i>Fatal Shooting (19)</i>	<i>Non-Fatal Shooting (12)</i>
<i>Suspect had any weapon, Percent (N)</i>	60.0% (6)	68.4% (13)	58.3% (7)
<i>Suspect had firearm, Percent (N)</i>	50.0% (5)	36.8% (7)	50.0% (6)
<i>Suspect was white, Percent (N)</i>	50.0% (5)	52.6% (10)	50.0% (6)
<i>Suspect was emotionally disturbed, Percent (N)</i>	10.0% (1)	42.1% (8)	25.0% (3)
<i>Declination Letter Reported, Percent (N)</i>	30.0% (3)***	94.7% (18)	83.3% (10)
<i>Investigative Closure Time in Months, Mean (Standard Deviation)</i>	3.3 (2.79)	5.21 (2.46)	5.34 (3.14)