



SHERIFF'S POLICY MANUAL

6.1 USE OF FORCE

- A. The use of force is governed both by case law interpreting the U.S. Constitution and Chapter 776 of the Florida Statutes. Deputies are faced with use of force decisions in three main circumstances:
 - 1. The arrest or detention of a suspect
 - 2. To prevent escape or return an individual to custody
 - 3. To defend oneself or another
- B. Chapter 776 of the Florida Statutes governs use of force. The statute refers to "law enforcement officers." The guidelines regarding use of force apply equally to deputy sheriffs and detention deputies.
- C. It is the policy of the Broward Sheriff's Office that the use of force shall adhere to all applicable federal, state, and local laws.
- D. Definitions:
 - 1. Objective Reasonableness
 - a. It is the duty of the individual deputy to determine the appropriate use of force based upon the facts and circumstances of each situation. In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that law enforcement use of force cases are to be judged by an *objective reasonableness* standard based upon the Fourth Amendment. The use of force is to be judged from the perspective of a reasonable deputy under the same circumstances without the benefit of hindsight. The Court clearly considered that deputies are often required to make split-second, sometimes deadly decisions, in circumstances that are "tense, uncertain, and rapidly evolving."
 - b. Objective reasonableness requires the deputy's action to be reasonable and necessary. The Court concluded that the objective reasonableness test is not a precise or clear rule



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but requires careful review of the facts and circumstances of each case, including:

- i. The severity of the crime.
 - ii. Whether the suspect posed an immediate threat to the safety of deputies or others.
 - iii. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.
2. Chokeholds - The intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents the intake of air. The term does not include any hold involving contact with another person's neck that is not intended to prevent the intake of air. [CFA 4.10]
 3. De-escalation Techniques - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. [CFA 4.01 B]
 4. Escort - A technique used to move a subject from one point to another without using pain compliance. It provides minimal control of the subject through leverage.
 5. Resistance – A subject's attempt to prevent a deputy from exercising lawful control over him/her. This can be non-verbal, verbal, or physical in nature.
 6. Subject Control – A technique used to maintain control of a compliant subject (i.e., escorts, handcuffing, custodial touch). Maintaining subject control on a **compliant** subject will not require a BlueTeam entry. At any time the subject becomes non-compliant and use of force techniques are utilized by the deputy, use of force guidelines will apply.



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7. Use of Force - A defensive or controlling response by a deputy to overcome a person's threatened or actual resistance to the deputy's legal performance of duty; to protect a deputy or another person from physical resistance or acts of aggression that are likely to cause harm. This shall include deadly force.
8. Vascular Neck Restraint – A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

E. Levels of Force

1. Force decisions may escalate and de-escalate rapidly in relation to the perceived threat. A deputy's goal is to achieve subject compliance. Compliance is the verbal and/or physical yielding to a deputy's authority without apparent threat of resistance or violence.
2. Deputies are permitted to escalate their use of force as the subject escalates his or her level of resistance. The deputy's choices are determined by the totality of circumstances. Once the deputy achieves control or compliance, the use of force must de-escalate.
3. Deputies need not desist from making lawful arrests or maintaining control of a suspect or inmate if resistance is met. Deputies will only use the force needed based on the totality of circumstances.
4. Deputies will only use objectively reasonable force when necessary to accomplish lawful objectives.

F. Force Guidelines:

1. The Florida Criminal Justice Standards and Training Commission's Force Guidelines provide a framework for making decisions involving the reasonable use of force. The structure of the Force Guidelines is based on constitutional considerations/case law and describes appropriate decision making in a fluid and dynamic situation. The Guidelines consider the relationship between subject resistance and various situational factors in determining the deputy's response options.



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2. The Force Guidelines recognize that deputies make use of force decisions based on the totality of circumstances at the time of the incident. Circumstances are fluid and dynamic ranging from escalation, de-escalation, to disengagement. Formulating a valid response requires continual assessment as the situation changes.
3. Totality of circumstances refers to all facts and circumstances reasonably perceived by the deputy as the basis for a use of force decision. The totality of circumstances includes subject factors, deputy factors, and environmental factors.
 - a. Subject Factors may include:
 - i. Known mental or psychiatric history.
 - ii. Known history of violence or resistance.
 - iii. Apparent physical abilities.
 - iv. Armed with weapons present or available.
 - v. Size, age, physical ability.
 - vi. Number of subjects involved or who could become involved.
 - vii. Whether the subject poses an immediate threat to the safety of the deputies or others.
 - viii. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
 - b. Deputy Factors may include:
 - i. Size, age, physical ability.
 - ii. Defensive tactics skill level.
 - iii. Number of deputies present or available.



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- iv. Weapons or restraint devices available.
- c. Situational Factors may include:
 - i. Severity of the crime or offense.
 - ii. Presence of innocents or potential victims.
 - iii. Number of subjects versus number of deputies.
 - iv. Duration of confrontation.
 - v. Physical terrain.
 - vi. Mobility restrictions/access.
 - vii. Weather.
 - viii. Whether other dangerous or exigent circumstances existed at the time of arrest.
 - ix. The availability of alternative methods of capturing or subduing a suspect.
 - x. Whether a warrant was issued for the arrest of the subject.
- 4. Under the totality of circumstances, deputies will attempt to use de-escalation techniques whenever possible so that more time, options and resources are available for incident resolution. De-escalation techniques may not be appropriate when its use would be unsafe or compromise law enforcement priorities. [CFA 4.01 B]

G. Subject Resistance Levels:

- 1, Passive Resistance is a subject's verbal and/or physical refusal to comply with a deputy's lawful direction causing the deputy to use physical techniques to establish control.



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2. Active Resistance is a subject's use of physically evasive movements directed toward the deputy such as preparing to or attempting to flee, bracing, tensing, pushing, or pulling to prevent the deputy from establishing control over the subject.
3. Aggressive Resistance is a subject's pre-attack posture and/or attacking movements toward a deputy that may cause injury but are not likely to cause death or great bodily harm to the deputy or others.
4. Deadly Force Resistance is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the deputy that the subject intends to cause and has the capability of causing death or great bodily harm to the deputy or others.

H. Deputy Response Options:

1. Deputies need not apply force in gradually increasing steps in order to justify physical control or even deadly force. Instead, deputies should respond with the force objectively reasonable for the circumstances in each specific situation. Case law has further established that a deputy is not required to use alternative methods short of deadly force to resolve a deadly force situation.
 - a. Physical Control is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
 - b. Less-Lethal Weapon is a weapon that is not designed fundamentally to cause death or great bodily harm. Some examples of less-lethal weapons include Taser Energy Weapon, batons, flashlights, oleoresin capsicum (OC) spray, impact munitions, and chemical agents.
 - c. Deadly Force is force that is likely to cause death or great bodily harm. Some examples of deadly force include use of a firearm, eye gouges, empty-hand strikes to the throat, and impact-weapon strikes to the head/neck. The deputy must



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

- i. Use of Force, F.S. §776.05 - The statute explains the three circumstances when a deputy is justified in the use of any force:
 - (1) When he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;
 - (2) When necessarily committed in retaking felons who have escaped; or
 - (3) When necessarily committed in arresting fleeing felons from justice.
- ii. In order to use this statute as a defense in civil litigation arising from the use of deadly force in arresting fleeing felons, it must be shown that:
 - (1) The use of deadly force was necessary to prevent the arrest from being defeated by such flight and;
 - (2) When feasible, some warning had been given, and
 - (3) The deputy reasonably believed that the fleeing felon posed a threat of death or serious bodily harm to the deputy or others: or
 - (4) The deputy reasonably believed that the fleeing felon committed a crime involving the infliction or threatened infliction of serious physical harm to another person.



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- (5) Where appropriate, in deadly force situations that necessitate the use of a firearm, deputies should verbally warn the subject before shooting. [CFA 4.01 C]
- 2. Deadly Force Prohibitions - Deputies are prohibited from:
 - a. Using deadly force against unarmed, non-dangerous fleeing felons.
 - b. Using deadly force to effect an arrest or prevent escape of any person charged with or convicted of a misdemeanor, traffic offense, or violation of city or county ordinance.
 - c. Firing warning shots. [CFA 4.04]
- 3. Deputies may restrain or secure suspects or inmates in a face-down position only for a period of time necessary to restrain and secure the suspect or inmate. When a suspect or inmate is secured, the suspect or inmate will be placed in a position of recovery as soon as possible to minimize respiratory compromise. Wrists and ankles of suspects or inmates may be secured using approved restraining devices and techniques (e.g., handcuffs, leg irons, etc.). Deputies will maintain observation of secured or restrained suspects or inmates to ensure they can breathe freely.
- 4. Deputies are prohibited from the use of chokeholds and vascular neck restraints unless applied in a justified deadly force situation.
[CFA 4.10]
- 5. Shots at or From Motor Vehicle:
 - a. Deputies will not intentionally place themselves in the path of a moving vehicle or in a position where they are the sole obstruction to vehicle movement.
 - b. The moving vehicle itself shall not presumptively constitute a threat that justifies a deputy's use of deadly force.



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- c. When confronted by a moving vehicle, deputies will make every attempt to move out of the vehicle's path, rather than discharge their firearm or any other weapon at the oncoming vehicle.
 - d. Deputies will not discharge their firearm or any other weapon at a moving vehicle unless:
 - i. Vehicle's occupant is using deadly force against a deputy or another person.
 - ii. Needed to prevent death or serious bodily harm to a deputy or another person.
 - e. Deputies will not shoot from moving vehicles unless exigent circumstances exist.
6. Use of Force/Encounters with Dogs/Other Animals:
- a. Deputies may use any objectively reasonable force for self-defense or the protection of others when encountering an aggressive animal. Deputies should attempt to discern fearful behavior from threatening behavior and when possible take steps to defuse or mitigate encounters.
 - b. Deputies should consider tactical options and intermediate (less lethal) weapons when encountering an aggressive animal. The use of intermediate (less lethal) weapons should be considered as the primary option, if available when containment or redirection is not practical.
 - c. An Incident Report and Supervisor's Use of Force Review on the incident will be completed. A copy of the Incident Report and original Use of Force Report will be sent to Internal Affairs with the original Incident Report going to Records.
 - d. When Lethal Force is Necessary:
 - i. Killing of animals is justified under exigent circumstances in defense of oneself or others.



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- ii. Pursuant to FSS 828.05, "Whenever any domestic animal is so injured or diseased as to appear useless and is suffering and it reasonably appears to an officer that such animal is imminently near death or cannot be cured or rendered fit for service and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately destroy such animal by shooting the animal." Refer to statute for additional details.
- iii. The killing of animals for humanitarian reasons will only be justified if all attempted requests for Animal Control's response to the scene have failed and animals are so badly injured they require humane relief from further suffering. This will only be done after supervisor approval and with consideration of all possible risks to others.
- iv. If deputies discharge a firearm to kill a dangerous animal, their immediate supervisor will be dispatched to the scene to evaluate the incident and initiate applicable action.

7. Deadly Force from Aircraft

- a. Consistent with the other requirements of this policy, Deputies will not discharge their firearm or any other weapon from an aircraft, unless:
 - i. The suspect is using deadly force against a deputy or another person.
 - ii. Needed to prevent death or serious bodily harm to a deputy or another person.
- I. Medical Aid: Contact 911 or the appropriate EMS agency to render medical assistance after the use of lethal or less lethal weapons or other



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Use of Force incidents resulting in injury, or alleged injury. Medical assistance may include: [CFA 4.08]

1. Evaluation by paramedics and immediate aid by medical professionals (when necessary).
2. Increased observation of the suspect or inmate to detect obvious changes in physical condition.
3. Flushing chemical agents and/or OC pepper spray/foam from the eyes with copious amounts of water, preferably from an eye washing station if readily available.
4. Applying first aid.

J. Use of Force Incident Procedures:

1. Death or Critical Injury:
 - a. If the force used by deputies results in death or critical injury, involved deputies will immediately notify Communications of:
 - i. Their unit number.
 - ii. Their location.
 - iii. Any medical attention required.
 - iv. Shots fired by a civilian or deputy.
 - v. Description and direction of flight for any wanted person.
 - vi. Their request for a supervisor to respond to scene.
 - b. Deputies actually involved in the incident will only take emergency action when:
 - i. Administering first aid.



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- ii. Protecting the crime scene.
 - iii. Detaining witnesses.
 - iv. Arresting suspects.
- c. Deputies arriving on the scene will set up a perimeter, secure the scene, preserve all evidence, and detain any witnesses and/or suspects until arrival of criminal investigators. Department of Law Enforcement investigators are responsible for the primary investigation.
- d. Upon learning a deputy is involved in a death or critical injury incident, the Communications Duty Officer will immediately notify affected District Captain/Facility Commander and Regional Major. The Regional Major will continue notifications to the Department Executive Director. At the request of the investigative unit, all recordings of relevant radio/telephone transmissions and Computer Aided Dispatch (CAD) notes on the incident will be identified and preserved.
- e. The Criminal Investigations Homicide Unit Supervisor, the Crime Scene Unit, applicable outside agency criminal investigation agents, Internal Affairs Director, on-call Public Information Office staff, and appropriate union representative, if applicable, will be notified. Homicide investigators will contact the Medical Examiner if needed.
- f. The on-scene supervisor will set up an entry control point (ECP) immediately outside the scene's perimeter. The ECP's purpose is to ensure the scene is not disturbed more than absolutely needed. Each person reporting to the scene will check in, but not enter the scene unless assigned a specific task. Union representatives and union attorneys may not enter the active crime scene unless escorted by the lead investigator. The ECP Supervisor will maintain a log of all people entering the scene. The log will indicate the person's name, address or agency, time in, time out, and reasons for entering the scene.



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- g. The Homicide Supervisor will respond to the scene and coordinate agency assistance to the applicable outside investigating authority that will assume responsibility for the overall investigation.
- i. The investigating authority will complete an independent report that will be submitted to the state attorney of the judicial circuit in which the use of force occurred. [CFA 15.21]
- h. If requested for forensic investigation, affected deputies will surrender firearms discharged in the incident and any body worn camera (BWC). Crime Scene personnel are the only persons authorized to remove a BWC at the scene of a deputy-involved shooting, in-custody death, or serious bodily injury. ([See BWC Policy](#))
- i. If the investigation reveals an affected deputy may have committed a criminal violation, all applicable constitutional safeguards and Miranda warnings will be given before interrogation.
- j. If the incident occurred in a Broward city that does not use BSO for their primary law enforcement services, or outside the county, the appropriate jurisdiction will also be notified by the appropriate DLE representative.
- k. If a deputy's use of force results in death or critical injury of a human being, the deputy will be placed on administrative assignment by the deputy's commander for a minimum of 72 hours. A memo reflecting the deputy's administrative assignment will be sent by the deputy's commander to the deputy prior to the deputy's next shift. A copy of the memo will be sent to the deputy's current Executive Director and the Internal Affairs Director within 24 hours. The deputy will not be released to full duty until the completion of an administrative review and approved by the Undersheriff/designee.



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- l. An administrative assignment is not a judgment on the propriety of the deputy's actions but serves to protect the rights of all concerned until a judgment is made.
- m. Any employee directly involved in a contact shooting of a human being will undergo mandatory counseling/evaluation by a psychologist facilitated through EAP.
- n. Any employee directly involved in an incident resulting in death or serious bodily injury will undergo mandatory counseling/evaluation by a psychologist facilitated through EAP.
- o. Any employee involved in a contact or non-contact shooting may undergo an incident policy and procedure review provided by the Training Division.
- p. Consistent with constitutional rights and department procedures, all involved deputies are expected to cooperate with the incident's official investigation.
- q. The deputy's commander will be responsible for coordinating information about the deputy with the assigned Homicide and Internal Affairs detectives.
- r. Findings will be presented to the appropriate staff by the Homicide Supervisor.

2. Contact and Noncontact Shootings:

- a. If an on-duty deputy in the performance of their duties intentionally or unintentionally discharges a firearm, except when attending authorized training, the deputy will immediately contact his or her supervisor.
- b. If an off-duty deputy intentionally or unintentionally discharges a firearm, except for personal recreational activities (e.g., hunting) or training practice (range), the deputy will immediately contact his or her supervisor. If



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unavailable, the deputy will contact the on-duty supervisor who will facilitate a police response.

- c. Supervisors will immediately contact their district/division commander and Internal Affairs. An Incident Report will be completed.
- d. If a deputy's use of force results in death or critical injury of a human being, the deputy will be placed on administrative assignment by the deputy's commander for a minimum of 72 hours. A memo reflecting the deputy's administrative assignment will be sent by the deputy's commander to the deputy prior to the deputy's next shift. A copy of the memo will be sent to the deputy's current Executive Director and the Internal Affairs Director within 24 hours. The deputy will not be released to full duty until the completion of an administrative review and approved by the Undersheriff/designee. This policy does not apply to Use of Force/Encounters with Dogs/Other Animals in subsection 6.1 H 6 of the Sheriff's Policy Manual.
- e. If an investigation reveals the involved deputy may have committed a criminal violation, all constitutional safeguards and Miranda warnings will be given before interrogation.

K. Use of Force Documentation: [CFA 4.07 A,B,C]

- 1. Deputies must immediately notify their supervisor of any use of force.
 - a. An Incident Report and/or Supplemental Incident Report will be written by all involved deputies who in the performance of their duties take action resulting in:
 - i. The use of force, with or without an intermediate weapon, to overcome a person's threatened or actual resistance. This includes but is not limited to: strikes, joint manipulation, takedowns, pain compliance, and balance displacement. This does not include simple touch for the purpose of guidance. [CFA 4.07 C]



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- ii. The deployment of OC spray/foam, unless for training purposes, including use upon animals. [CFA 4.07 B]
 - iii. The use of a Taser Energy Weapon on a subject for other than training purposes. [CFA 4.07 B]
 - iv. The discharge of a firearm, except where discharge results in a death or serious bodily injury, including unintentional for other than training purposes or recreational use. Involved deputies will be provided an opportunity to provide a statement to investigators.
[CFA 4.07 A]
 - v. The destruction of an animal.
 - b. The Deputy's Incident Report will indicate:
 - i. Details of the resistance encountered.
 - ii. De-escalation measures attempted, if applicable.
 - iii. The circumstances why the use of force was objectively reasonable.
 - iv. The type of force used.
 - v. The nature of any injury sustained and how the injury occurred.
 - vi. The names of the persons involved and any witnesses.
2. Supervisor's Use of Force Review:
- a. Supervisors will respond to the scene of all notified Uses of Force as soon as possible but no later than the end of their shift; if a supervisor uses force, or directly orders the specific use of force, and their command is not available, another on-duty supervisor from that command (or from another command) will respond.



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- b. Supervisors will:
 - i. Obtain any video/photographic evidence and ensure that photographs are taken of the subject involved in the use of force.
 - (1) Photographs shall be obtained of the subject's overall front and back view.
 - (2) If there are areas of injury/trauma or complaint, additional photographs shall be obtained of those areas.
 - (3) If any employees are injured during the incident, photographs of those injuries shall also be obtained.
 - ii. Complete the Supervisor's Use of Force Review.
 - iii. Send the report, along with any video evidence, photographs, and statements of all involved including witnesses, if any, to the reviewing authority within five days of the incident date. For video and photographic evidence already preserved online (Evidence.com), it is not necessary to forward this evidence with the report. The supervisor shall document their review of these items in the Supervisor's Use of Force Review narrative.
- c. The reviewing authority will send all original Use of Force Reports, photographs and, statements to Internal Affairs within five days of receipt from the supervisor.
- d. All original Supervisor's Use of Force Reviews from the Department of Detention will be sent to Internal



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Affairs within five days after review and approval by the Department of Detention's Compliance Unit.

- e. Exceptions: A Supervisor's Use of Force Review is not required when:
 - i. A suspect is injured prior to arrest, i.e., injury sustained while fleeing by jumping a fence or attempting to jump a fence.
 - ii. A suspect injures himself/herself i.e., falls, trips, or bangs his or her head against an object.

Note: All such injuries still require an Incident Report.

- 3. The report narratives must describe the totality of the circumstances as related to this event that led to the Use of Force. This will include the subject, deputy, environmental, and/or other relevant factors.
- 4. Law Enforcement Custodial Death Report (Department of Justice Form #CJ-11A):
 - a. Purpose: The Deaths in Custody Reporting Act of 2000 requires that all state and local law enforcement agencies participate in the federal data collection requirements of reporting all in-custody deaths.
 - b. General: The Law Enforcement Custodial Death Report must be completed and submitted to the Florida Department of Law Enforcement (FDLE) in all cases where a death occurs in the process of an arrest. This includes those persons whose deaths occur:
 - i. In the physical custody or under physical restraint of law enforcement deputy, even if the person was not formally under arrest.



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- ii. From any Use of Force by law enforcement prior to booking.
 - iii. At a crime/arrest scene or medical facility prior to booking.
 - iv. In transit to or from law enforcement facilities.
 - v. In confined lockups or booking centers prior to arraignment.
- c. Procedure:
 - i. The Law Enforcement Custodial Death Report will be completed by the assigned Homicide detective, in coordination with the deputy's command.
 - ii. After review by the deputy's supervisor, the Law Enforcement Custodial Death Report will be forwarded to Records.
 - iii. Records will then send the original Law Enforcement Custodial Death Report to the FDLE Statistical Analysis Center. A copy will be filed in Policy and Research.

L. Use of Force Training: [CFA 4.02]

- 1. The Broward Sheriff's Office Training Division will be responsible for instructing Use of Force tactics, techniques, and procedures annually during DOD/DLE in-service or at new hire orientation.
- 2. Deputies will be provided specific Use of Force training guidelines before being authorized to carry a firearm or other weapons.
- 3. All deputies will be instructed in current directives pertaining to Use of Force, through roll-call training, in-service training, or weapons training classes.

M. Shooting Review Board:



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1. General:
 - a. The Shooting Review Board's purpose is to evaluate employee compliance with policies and procedures regarding firearm discharge.
 - b. The board will review all duty-related incidents of firearm discharge with the exception of firearm qualifications or training applications.
 - c. The board will consider the actions by the employee(s) throughout the entire incident to reach its findings and recommendations.
 - d. It is not the board's intent to investigate any criminal violation resulting from the discharge of a firearm.
2. Board Members:
 - a. The Shooting Review Board is comprised of the following members approved by the Sheriff or the Department of Law Enforcement Executive Director.
 - i. Chair – The Director, Professional Standards Committee, shall serve as the Chairman of Shooting Review Board (nonvoting member).
 - ii. Training Division Director or designee and Range Master.
 - iii. Department of Detention Executive Director or designee.
 - iv. Two members with an equivalent rank of lieutenant or above who are not from the district/division of the reviewed deputy, selected by the Department of Law Enforcement Executive Director.
 - v. Risk Management Director or designee.



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- vi. Sworn employee's recognized bargaining unit representative assigned via mutual agreement.
- b. The Administrative Assistant for the Director, Professional Standards Committee, maintains the board's permanent records and assists when deemed necessary by the board.
- 3. Chair Responsibilities:
 - a. Set a date, time, and place for board hearings.
 - b. Notify all board members of hearing schedules.
 - c. Facilitate/preside over each board meeting.
 - d. Collect all records to be presented at the board meeting and distribute to board members.
 - e. Present the board's recommendation to the Executive Director of the Department of Professional Standards.
 - f. Forward a copy of the board's recommendation to the Internal Affairs Division for retention.
- 4. Board Decision: The board is responsible for conducting an inquiry into use of firearms by an employee in a firearms discharge incident. The board determines, by majority vote, if the response was:
 - a. Proper under applicable Florida Statutes.
 - b. In compliance with policies and procedures.
 - c. Objectively reasonable and appropriate under the given facts, circumstances, testimony, or evidence presented.
- 5. Board Recommendation:



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- a. Based on the board's findings, the chair will recommend, in writing, to the Executive Director of the Department of Professional Standards if:
 - i. Further action is warranted.
 - ii. Further internal investigation is recommended.
 - iii. No further action is needed.
 - iv. Training issue needs addressing.
- b. The Executive Director of the Department of Professional Standards will review and comment on the findings, if necessary. The results will be forwarded to the Shooting Review Board Chair for filing. A copy will be forwarded to the Internal Affairs Division.
- c. When the recommendation is "Further Action is Warranted" or "Further Internal Investigation is Recommended", the Chair will send the investigation to Internal Affairs or Criminal Investigations for completion of the required action and/or presentation to the Professional Standards Committee. Training issues will be forwarded to the Training Division Director.
- d. Internal Affairs will notify the employee of the outcome of the Shooting Review Board's findings.
- e. The Sheriff or Executive Director of the Department of Professional Standards may accept or modify any board recommendation or finding, and reserves the authority to request board reviews of other firearms cases, other than shootings.

N. Use of Force Review Board

Statement: The Broward Sheriff's Office will objectively review and evaluate any categorical uses of force by its employees to ensure that their authority is used lawfully, appropriately, and is consistent with training and policy. The Use of



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Force Review Board is an additional level of internal review of certain use of force incidents not otherwise being investigated by a prosecuting agency, e.g., the state attorney's office.

1. The Use of Force Review Board shall review Use of Force Incidents:
 - a. At the direction of the Sheriff.
 - b. At the request of a district command upon completion of their initial review when a concern arises.
 - c. At the direction of the Director of Internal Affairs or Executive Director of Professional Standards and Investigations.
 - d. That result in serious bodily injury, sutures, broken bones, or other significant injuries.
 - e. That involves use of force on a minor.

Exception: Cases that meet the criteria for the Use of Force Review Board, but are assigned to Criminal Investigations for investigation shall not be forwarded to the Use of Force Review Board unless authorized by the Sheriff, or his designee.

2. Board Composition
 - a. The Use of Force Review Board shall be facilitated by the non-voting PSC Director or designee and shall be a standing board consisting of the following five members:
 - i. A member of the Training Division Command Staff (major/captain/lieutenant).
 - ii. A sworn member of the Training Division deemed a Subject Matter Expert (SME) or equivalent on matters of DLE and DOD Use of Force.
 - iii. A command-level (major/captain) designee from the Department of Law Enforcement or the Department of Detention.



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- iv. A DLE Field Training Deputy.
 - v. A DOD Field Training Deputy.
 - b. Use of Force Review Board members will serve for a term of one year, or at the will of the Sheriff.
 - c. Alternate members, to be appointed when an assigned board member is unavailable, or a conflict exists preventing an assigned member from serving on the board.
 - d. All Use of Force Review Board members will attend appropriate Use of Force related training, determined by the Training Division.
- 3. Board Responsibilities
 - a. The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. Board members may request further investigation or request supplemental reports submitted for the board's review before making a recommendation.
 - b. The Sheriff or designee will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.
 - c. The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, witness and officer statements, video evidence, any legal requirements, agency policies, procedures, and approved training related to facts.
 - d. The review board can not recommend discipline.



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- e. The board shall make one of the following recommended actions specific to each employee involved in the use of force incident under review:
 - i. The use of force incident warrants further investigation by Internal Affairs. The board will identify the reason the incident is being referred to Internal Affairs for further investigation.
 - ii. The use of force was in compliance with Policy and Procedure.
 - iii. Additional training: The board will identify the specific training that is recommended.
 - f. The Sheriff or designee shall evaluate the recommendation and make a final determination as to whether or not to accept the board's recommendations. The Sheriff shall not be bound by the Use of Force Review Board recommendation.
4. The Chairperson of the Use of Force Review Board will conduct a semi-annual and annual analysis of the findings of the board. The Chairperson will review all incidents brought before the board to determine any patterns or trends, which indicate a need for training and/or policy modifications.

O. Duty to Intervene

- 1. Deputies have a duty to intervene; to prevent or stop another deputy's use of excessive force. [CFA 4.01 D]