

## Use of Force Review Board

**AUTHORITY:** Administrative Directive

**RESCINDS:** Procedure Manual Item 1-4-108, dated 02/14/23

**FORMS:** None

**PURPOSE:** To establish a standardized procedure for reviewing UOF incidents involving discharge of a departmentally authorized firearm, discharge of a departmentally authorized TASER, use of a departmentally authorized expandable baton, and use of physical force incidents causing injury occurring within the scope of field services and the discharge of OC Spray and use of physical force incidents causing injury occurring in the scope of duty in facilities.

### I. PROCEDURE

- A. The intent of the Use of Force (UOF) Review Board is to make a collective assessment if the UOF was within departmental policy and procedure. Additional recommendations may include suggested changes to training, policies/procedures, and/or equipment. **The UOF Review Board is not designed or intended to serve as a mechanism for determining disciplinary action against staff.**
- B. Members
  1. The UOF Review Board shall be composed of the following individuals:
    - a. A Probation Division Director (DD) **and alternate**, designated by the Chief Probation Officer (CPO) or designee, who shall act as the Chairperson.
    - b. A Supervising Probation Officer (SPO) and alternate, designated by the CPO or designee.
    - c. A Deputy Probation Officer (DPO) and alternate, designated by the CPO or designee.
    - d. A Supervising **Probation** Correctional Officer (**SPCO**) and alternate, designated by the CPO or designee.
    - e. A Deputy **Probation** Correctional Officer (**DPCO**) and alternate, designated by the CPO or designee.
    - f. A subject matter expert based on the type of force under review (e.g. Field Defense and Control Techniques instructor, Facility Defense and Control Techniques instructor, Taser/Conducted

Energy Weapon instructor, Baton instructor, and/or Range Master) designated by the CPO or designee.

- g. Any additional individual whose expertise is required for purposes of providing additional information. This individual will be designated by the CPO, or designee.
2. The UOF Review Board requires a minimum of four (4) members to review each qualified incident.
    - a. Incidents that occur in the field, require the designated DD, SPO, DPO, and **a designated and certified** UOF instructor to review.
    - b. Incidents that occur in the facilities, require the designated DD, **SPCO, DPCO**, and **a designated and certified** UOF instructor to review.
  3. The UOF Review Board members will rotate annually, or as approved by the Chief, or designee. **The UOF instructors will rotate as needed or when necessary.**
  4. At least one member of the Board, required to review field UOF incidents, shall be armed and remain quarterly qualified.
  5. UOF Review Board members shall not hear UOF events that occurred within their chain of command.
  6. UOF Review Board members, and alternates, are selected every January to serve for the calendar year.

C. Function

1. The UOF Review Board shall convene subsequent to the following events:
  - a. Any time a firearm, TASER, baton, or Oleoresin Capsicum (OC) Spray is discharged/used by a Department member within the scope of duty (excluding training and qualification).
  - b. Any physical UOF causing injury (visible or complaint)
  - c. Any UOF resulting in serious bodily injury or death.
  - d. Any UOF not resulting in injury or complaint can be referred to the UOF Review Board by administration through the Professional Standards Division DD.
2. If any law enforcement agency is investigating the same UOF incident, the UOF Review Board will review any available information (e.g. police reports, interviews, body camera footage, etc.) generated/collected by the law enforcement agency.
3. The board shall convene within forty-five (45) days of the incident unless there are articulated circumstances (e.g. criminal investigation, referral to

the Professional Standards Division) that delay or prevent the review from occurring.

4. The UOF Review Board meetings can be held in-person or virtually.
5. The UOF Review Board Chair will receive the request to convene a UOF Review Board from the Professional Standards Division DD. Reports and other documentation needed for the review may be provided by the Professional Standards Division DD and the DD assigned to the division where the UOF incident occurred.
  - a. **If upon review of the reports and documentation, the UOF Review Board Chair has concerns about an incident prior to it being reviewed by the UOF Review Board, their review should cease and the incident should be promptly routed to PSD for their review and investigative determination.**
6. The UOF Review Board chair will disseminate the documentation and other items available to the board members. Each member shall review all available reports and information including social and digital media.
  - a. Documentation refers to the UOF SIRs, medical reports, social and digital media related to the UOF event, information generated/collected by police including but not limited to police reports, interview statements, and body **worn** camera footage.
  - b. Documents generated by the Professional Standards Division as part of an Internal Affairs investigation will not be shared or distributed to UOF Review Board members as part of the UOF Review Board process.
  - c. **The UOF Review Board Chair will also verify, through training records from the Training Division, that the staff involved in the incident has an updated certification for the specific use of force option applied (e.g., OC Spray, TASER, DCT).**
7. The UOF Review Board will consider available information and make a collective assessment about whether the use of force was consistent with department policy.
  - a. The assessment should be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight and the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
  - b. The UOF Review Board shall also consider whether the incident raises issues which could be addressed through additional staff training, policy changes or different equipment.

c. The UOF Review Board shall not make any judgements about whether the matter should be referred to PSD for a personnel investigation.

8. Within thirty (30) days of the board convening, the chairperson of the UOF Review Board shall prepare a written report for the respective CDPO containing a brief summary of the incident and the board's collective assessment about whether the UOF was consistent with department policy, as well as any recommendations related to training, policy changes or equipment.

## II. DISPOSITION

- A. The CDPO, or designee, has the right to accept or reject the findings of the board.
- B. The CDPO, or designee, shall make the final decision regarding policy compliance in all UOF incidents reviewed by the board.
- C. Where appropriate, the CDPO, or designee, will refer the matter to PSD for a personnel investigation.
- D. UOF incidents can also be referred to PSD during the initial review/approval through the chain-of-command by the SPCOs, ADDs, or DDs.**

### REFERENCES:

Procedures:	1-4-105	UOF (Field Services)
	1-4-106	Oleoresin Capsicum (OC) Spray – Field Services
	1-4-107	Authorization to Carry Firearms
	1-4-121	Expandable Baton – Field Services
	3-6-001	UOF – Facilities
	3-6-003	Oleoresin Capsicum (OC) Spray – Facilities
Policies:	D-8	Firearms
	D-9	Tear Gas

M. Redwood

### APPROVED BY: