

## Use of Force Review

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Port Orchard Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 301.2 POLICY

The Port Orchard Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

#### 301.2.1 CHAIN OF COMMAND REVIEW

- (a) A use of force review will be conducted by an employee's chain of command any time an employee uses force which does not involve serious injury, death or the discharge of a firearm. The designated sergeant will conduct the review for policy compliance and forward it to the Deputy Chief. If it is determined that a use of force may not have been in compliance with department policy, the Chief of Police will be advised.
- (b) Upon initial review, the Chief of Police may:
  1. Find the employee acted within Department use of force guidelines.
  2. Find the employee requires additional training.
  3. Require a Review Board to be convened.
  4. Initiate a criminal or internal administrative investigation; and/or,
  5. Initiate an outside investigation or review.

An annual review and analysis of all use of force will be conducted and presented to the Chief of Police.

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### 301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

# Port Orchard Police Department

## Policy Manual

### *Use of Force Review*

---

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Use of Force Review Board will review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police will convene the Use of Force Review Board as necessary. It will be the responsibility of the Deputy Chief or supervisor of the involved employee to notify the Chief of Police of any incidents requiring board review. The Deputy Chief will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1 COMPOSITION OF THE BOARD

The Deputy Chief should select three to five Use of Force Review Board members from the department or outside agency, as appropriate. At least one of the members should be an instructor for the type of weapon, device, or technique used.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police 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.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to

# Port Orchard Police Department

## Policy Manual

### *Use of Force Review*

---

consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the Deputy Chief for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.