

## Deadly Force Review

### 302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force, or potential deadly force, by employees of this department.

### 302.2 DEADLY FORCE REVIEW BOARD

The Barstow Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Use of Deadly Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training, recreational use, or the euthanizing of dangerous or wounded animals, unless circumstances warrant a review.

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

#### 302.2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons:

- Division Commander (as Chairperson)
- Detective or Training Sergeant (or any Department employee selected by the Chief of Police or his/her designee)
- Patrol Sergeant (or any Department employee selected by the Chief of Police or his/her designee)

If no Division Commander is available to sit on the board, the highest ranking official on the board will be deemed the chairperson. The board will consist of a minimum three (3) members. No board member will be an involved party to the incident.

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

#### 302.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The board members may request further investigation, call persons to present information, and may request that the involved employee appear before the

# Barstow Police Department

Barstow PD CA Policy Manual

## *Deadly Force Review*

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board. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303).

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

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, the board will conduct the interviews in accordance with department disciplinary procedures. The board does not have the authority to recommend discipline. The board shall make a finding and such finding will be limited to one of the following:

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

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Division Commander for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once the board has reached its specific finding a recommendation of additional Department training may be addressed to the Chief of Police or Division Commander as may be necessary through the findings of the board.