

Deadly Force Review Board

Index Code: 407

Effective Date: 10/01/02 (Revised 1/17/17)

I. Purpose

A. The Deadly Force Review Board provides a critique to the Sheriff of any incident involving the use of deadly force or actions that resulted in death or serious physical injury to a person by a member of the Office of the Sheriff. The purpose of this critique is to:

1. Evaluate the factors that led to the use of deadly force or the actions that caused death or serious physical injury, and the events that occurred before, during and after the use of deadly force or those actions.
2. Evaluate the adequacy of policies and procedures on the use of force.
3. If appropriate, recommend changes in training, tactics, supervision, investigative procedures or policy in order to prevent or avoid a similar incident in the future.

B. It is not the purpose of the Board to gather evidence for criminal or administrative prosecution of individual deputies, or to duplicate previous investigations or reviews of the incident.

II. Membership and Composition

The Sheriff will appoint members to the Deadly Force Review Board, who will convene for each incident of deadly force. Membership will consist of:

1. The Chief Deputy or his designee
2. A Lieutenant
3. The Lead Firearms Instructor
4. The involved deputy's immediate supervisor
5. A deputy of the same rank as the affected deputy

III. Procedures

A. The Board will meet at the time, location, and date established by the Chairperson.

B. A member of the Criminal Investigations Team that investigated the incident will present the case before the Board.

C. At the Chairperson's discretion, the Board may hear testimony from the involved deputies, witnesses, and/or investigators.

D. Because the Board is performing an administrative function, sworn personnel whose testimony is required will appear before the Board in accordance with their requirement to obey lawful orders. In cases where the testimony of an individual who is not an employee is needed, compliance with the request to testify will be on a voluntary basis.

E. Members of the Board will not discuss the case under review with any person not authorized by the chairperson to have knowledge of the case.

IV. Chairperson's Responsibilities

A. Schedule Board meetings to take place after any criminal and/or administrative charges have been resolved. If no charges are anticipated the chairperson will convene the Board at the earliest practical date.

B. Notify Board members and the Criminal Investigations Unit Commander of the date, time, and location that the Board will convene.

C. Summon witnesses, and acquaint witnesses with the purpose and function of the Board.

D. Instruct Board members as to the confidentiality of the material to which they will have access, their duties and responsibilities, and the procedures that will be followed.

E. The Chairperson will allow discussion of issues and details of the case with any person he or she deems necessary, in order that the Board is fully and completely apprised of all circumstances bearing on the case.

F. The Chairperson will take reasonable steps to ensure that outside parties, such as expert witnesses, who are consulted on matters under review, do not divulge confidential information.

G. The Chairperson will function as a working member of the Board during its deliberations, conclusions, and final recommendations. The Chairperson's input will have the same value as that of any other Board member.

V. Findings and Recommendations

A. The Board will come to a determination and comment on the following facets of the incident under review:

1. Current deadly force policies
2. Tactical considerations
3. Training considerations
4. Quality of post incident investigations and reviews
5. Quality of supervision

B. The Board Chairperson will prepare and submit the written findings and recommendations to the Sheriff within fifteen (15) working days from the time the Board concludes its deliberations.

C. The Chairperson will review the Board's recommendations with the Sheriff, and implement the final recommendations approved by the Sheriff.

VI. Review by the Sheriff

The Sheriff will review the report of the Deadly Force Review Board, and determine whether the Sheriff's Office should modify or refine any aspects of training, tactics, supervision, investigative procedures or written policy in order to prevent or avoid a similar incident of the use deadly force in the future.

VII. CALEA Reference: 1.3.7

VIII. Proponent Unit: Administrative Services Division

IX. Cancellation: Directive dated 11/15/09

Sheriff Gary Hofmann