

Approved
10/23/15

POLICY 302- Use of Force and Deadly Force Administrative Review

302.1 POLICY

This policy establishes a process for the Spokane Police Department to provide an administrative review of incidents involving use of force and deadly force by its employees. The department shall utilize two boards to conduct reviews, the Use of Force Review Board (UOFRB) and the Deadly Force Review Board (DFRB). The Use of Force Review Board (UOFRB) is designated to review applications of non-deadly force. The Deadly Force Review Board (DFRB) will review applications of deadly force, whether injury or death occurs. A DFRB shall be convened when a commissioned member of the Spokane Police Department used deadly force while on-duty or off-duty either in an official capacity or while performing a legitimate law enforcement purpose; and/or in the instance where an in-custody death occurred and the Medical Examiner's Office determined the manner of death to be a homicide. In instances where the Medical Examiner's Office determines the manner of death to be other than a homicide (e.g., accidental), the in-custody deaths are investigated in accordance with the Fatal Incident Protocol but a DFRB is not convened.

302.2 USE OF FORCE REVIEW BOARD PURPOSE AND SCOPE

Use of force incidents are investigated and reviewed by the involved officer's chain of command. The Assistant Chief makes the final determination if the officer's actions were within policy. After the final determination by the Assistant Chief, the incident is evaluated and debriefed by the UOFRB to evaluate training, equipment needs, and policy and standard operating procedures (SOPs) in place or practiced department-wide. The UOFRB will not be utilized to recommend discipline or conduct investigations in unresolved use of force incidents.

Every incident involving a Level II Lateral Neck Restraint will be debriefed individually at the UOFRB meetings.

The UOFRB will also work with the Office of Professional Accountability on the development of annual and mid-year Use of Force Analysis reports.

302.3 UOFRB PROCESS

After a use of force incident receives a final determination by the Assistant Chief, the Office of Professional Accountability will forward the use of force report to the members of the UOFRB for review. The UOFRB will convene once per month.

The Training Director will serve as the UOFRB Chairperson. The Chairperson will determine the members of the UOFRB. Members may include, but not be limited to the following:

- A) Training Unit members
- B) Defensive Tactics instructors
- C) Department subject matter experts in the applicable fields of applied force, verbal de-escalation, patrol procedures, Office of Professional Accountability, and other related needs.

302.4 UOFRB REVIEW

While reviewing use of force incidents, the UOFRB will consider the totality of the circumstances which may include the following:

- A) Officers involved and their current assignments during use of force incidents
- B) The training, experience and ability of the involved officers
- C) The physical ability and potential impairment of the subject
- D) Incident threat factors
- E) Level of resistance by the subject
- F) Any attempt by the subject to evade detention by flight
- G) Severity of the crime or community caretaking situation
- H) Tense, uncertain, rapidly evolving situations
- I) Split-second decision making
- J) Involved weapons and proximity to potential weapons
- K) Environmental considerations
- L) The time of day that incidents took place and geographic locations of incidents
- M) The considered and/or chosen tactics of the involved officers and the results of the considered and/or chosen tactics
- N) Injuries to officers and/or involved subjects
- O) Number of officers and subjects present during the incident
- P) Availability of other force options during the incident, etc.
- Q) Prior knowledge and/or contacts with the subject
- R) Quality of supervision
- S) Early Intervention System (EIS) alerts
- T) Training considerations
- U) Police radio considerations
- V) Tactical considerations
- W) Patrol procedures considerations
- X) Equipment considerations
- Y) Documentation considerations
- Z) Policy considerations
- AA) Other relevant observations and recommendations

302.5 UOFRB OUTCOMES

The recommendations of the UOFRB, if any, will be compiled and reported through the chain of command by the UOFRB Chairperson, the Training Director. The Training Director will coordinate any approved training recommendations for individual officers recommended by the UOFRB for implementation. The Training Director will be responsible for coordinating departmental recommendations, such as those involving in-service training. The Office of Professional Accountability will document any recommendations and action taken involving individual officers.

The recommendations resulting from the UOFRB will be submitted in a monthly report to the Chief of Police following each meeting. The Training Director will provide a copy of the report to the Office of Police Accountability for further distribution.

302.6 DEADLY FORCE REVIEW BOARD PURPOSE AND SCOPE

The DFRB is empowered to conduct an administrative review of an incident to make recommendations in such areas as tactics, training, supervision, equipment, and other relevant considerations. The DFRB's scope of review will include the totality of circumstances of the incident. While the DFRB examines the involved officers' actions, its purpose is to provide the department an overall review of the incident. It is not an investigation; the DFRB is the final review process of the already-adjudicated deadly force incident, taking place after any review or investigation that may be conducted by an outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force. The DFRB occurs after the departmental internal administrative review is completed. The DFRB does not have the authority to recommend discipline for individual officers, as it takes place after the Administrative Review Panel's recommendations and the Chief of Police's findings and determinations.

302.7 DFRB PROCESS

It will be the responsibility of the Office of Professional Accountability to notify the Chief of Police or designee of any incidents requiring DFRB review. After the Chief of Police issues a finding, the Chief will designate a Chairperson to lead the DFRB. The Chairperson should convene the DFRB within a reasonable amount of time, not to exceed 90 days, of the Chief's finding on the Administrative Review Panel's recommendation. The Chairperson shall also ensure that all relevant reports, documents, and materials are available for consideration and review by the DFRB.

The Chairperson will determine the members for the DFRB. Members should include, but not be limited to the following:

- A) City Attorney's Office to provide risk management services
- B) Executive staff members to provide comment

- C) The Training Lieutenant to report on training concerns and to provide comment
- D) A peer officer to represent the involved officer's concerns and provide comment
- E) Representative of the Office of Professional Accountability to provide comment
- F) The Police Ombudsman to ensure the process is timely, fair, and thorough and to provide comment
- G) A member of the involved officer(s)' bargaining unit to comment on contractual issues
- H) Departmental subject matter experts, as determined by the Chairperson, (e.g., firearms, Emergency Vehicle Operations), to provide comment
- I) Department supervisors, as determined by the Chairperson, to provide comment
- J) A member of the Peer Assistance Team to provide comment

302.8 INCIDENT PRESENTATION AND REVIEW

A Major Crimes investigator serving on the multi-agency Spokane Regional Investigative Response (SIRR) Team will present the incident to the DFRB members.

The presentation should include, but is not limited to, the following factors:

- A) Case summary
- B) Satellite view of the scene
- C) Timeline of incident
- D) Critical decision points
- E) Audio and video files associated with the incident, including radio traffic, 911 calls, and Mobile Audio Video recordings
- F) Crime scene photographs/video
- G) Injuries and/or fatalities associated with the incident
- H) Relevant forensics
- I) Officer and witness statements

The DFRB will review the incident and make recommendations as needed in the following areas:

- A) Risk management considerations
- B) Training considerations
- C) Policy considerations, including use of force and deadly force policy
- D) Tactical considerations and decision making
- E) Use of cover and concealment
- F) Verbal communication with subjects
- G) Tactical and verbal de-escalation
- H) Officer coordination
- I) Use of force options
- J) Availability of other options
- K) Equipment performance and considerations
- L) Radio considerations
- M) Quality of supervision
- N) Incident management

O) Crime scene investigation

302.9 DFRB OUTCOMES

After the DFRB has concluded, the Chairperson will document all recommendations from DFRB members and include them in a written report. The Chairperson will then submit the written report to the Chief of Police. After review by the Chief of Police, a copy of the report will be forwarded to the Office of Professional Accountability.

The Chairperson is responsible for coordinating the progress and documenting outcomes of all recommendations and action items from the DFRB. Within six months of the DFRB's conclusion, the Chairperson will provide documentation to the Office of Professional Accountability. Any recommendation that is not completed within the six-month timeframe becomes the responsibility of the Office of Professional Accountability. At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Office of Professional Accountability.