

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the San Diego County Probation 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 San Diego County Probation Department will objectively evaluate the use of force by its employees to ensure that their authority is applied lawfully, appropriately and is consistent with training and department and administrative policy.

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 serious bodily injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer 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 an employee results in very serious injury or death to another.

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

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

The Assistant Chief Probation Officer will convene the Use of Force Review Board as necessary. It will be the responsibility of the Assistant Chief Probation Officer to notify the Administrative and involved employee's Deputy Chief Probation Officer of any incidents requiring board review. The involved employee's Deputy Chief Probation Officer 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 Assistant Chief Probation Officer should select five Use of Force Review Board employees from the following, as appropriate:

- Representatives of each division

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- Commanding officer in the involved employee's chain of command
- Training Supervisor
- Sworn supervisor
- A peer officer
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

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 Review Board findings are intended to be confidential and contain self-critical analysis aimed to improve our officers training and job performance.

The board employees may request further investigation, request reports be submitted for the board's review, and call persons to present information.

The board does not have the authority to recommend discipline.

The Chief Probation Officer 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.

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 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 Probation Officer through the Assistant Chief Probation Officer.

The Chief Probation Officer 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 Probation Officer's final findings will be forwarded to the involved employee's Deputy Chief Probation Officer for review and

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appropriate action. If the Chief Probation Officer 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 Probation Officer.