

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Red Bluff Police Department to review the use of deadly 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.

302.2 POLICY

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

302.3 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 may be placed in a temporary administrative assignment or on administrative leave 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.

302.4 ADMINISTRATIVE REVIEW

An Administrative Review will be conducted when the use of force by a member results in very serious injury or death to another. An Administrative Review will also be conducted subsequent to every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may initiate the Administrative Review process to examine the circumstances surrounding any use of force incident.

It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Chief of Police of any incidents requiring Administrative Review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the administrative team.

302.4.1 COMPOSITION OF THE ADMINISTRATIVE REVIEW TEAM

The Administrative Review team will consist of the following, as appropriate:

- Chief of Police
- Operations Division Commander
- Support / Special Services Division Commander
- And any other member or person deemed appropriate by the Chief of Police. Examples may include:

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- Investigating Officer
- Use of Force Instructor
- Other member or person with relevant information, experience, or expertise

302.4.2 RESPONSIBILITIES OF THE ADMINISTRATIVE REVIEW

The Internal Affairs Investigation will be conducted in compliance with Policy 1020. The Administrative Review will examine the internal affairs investigation, criminal investigation, and all other relevant facts, information, and investigative reports to determine the following:

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

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 Chief of Police will determine whether to delay 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 Chief of Police will seek all relevant available material from these proceedings for consideration.

The Chief of Police may request 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 Chief of Police shall 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.

At the conclusion of any additional reviews, copies of all relevant reports and information will be retained in compliance with department policy.