




Clayton County Police Department

PROCEDURES

Subject POST-INCIDENT REVIEW BOARD (PIRB)		Procedure # B23	
Authorizing Signature 	Effective 06-22-2022	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 6

I. PURPOSE

The Clayton County Police Department's Post-Incident Review Board (PIRB) will conduct administrative reviews on specific law enforcement-related incidents, as outlined in this policy. In addition to reviewing these types of incidents for adherence to departmental policies and procedures, the PIRB may recommend changes in policy, procedure, training and/or equipment.

The PIRB does not review previously sustained violations of rules or procedures resulting from completed internal investigations, though the findings of the PIRB could reflect such violations. The PIRB does not serve the same purpose as the Conduct Review Board (CRB).

II. POLICY

It is the policy of this Department that specific law enforcement-related incidents will be reviewed by the PIRB, either by referral during chain of command reviews, or automatically by designation.

III. ROLE OF THE POST INCIDENT REVIEW BOARD (PIRB)

A. The PIRB was established under the direction of the Chief of Police for the purpose of reviewing specific law enforcement-related incidents that include, but are not limited to:

1. Officer-involved shootings;
2. Other intentional firearm discharges, to include deadly force, destruction of vicious animals or warning shots, but excluding training and destruction of sick or injured animals pursuant to Departmental policy;
3. Motor vehicle pursuits;
4. Motor vehicle accidents occurring during emergency vehicle operations and resulting in serious injury or death;
5. Motor vehicle accidents, which according to the *Preventable/At-Fault Motor Vehicle Accident Guide*, could result in adverse discipline, with the exception of a Minor Accident (no injury), repair costs \$1500 or less, Disciplinary Action - 1st Accident within twenty-four (24) preceding months.

For further information on the *Preventable/At-Fault Motor Vehicle Accident Guide* refer to Department policy *B22, Department Vehicle Accidents & Investigations*.

6. Other high risk and/or critical incidents, such as the application of force, utilization of specific force implements, application of criminal or legal procedures, etc., as referred by a formal administrative review process; and
7. Incidents referred by the Chief of Police.

B. The PIRB only exists to assist the Chief of Police and serves in a fact-finding and recommendation role. The PIRB will determine compliance with policy, best practices and training. When applicable, the PIRB will make recommendations for policy amendments and/or the need to implement new procedures. Training and/or equipment issues may also be identified by the PIRB and referred to the Career Development Division.

IV. COMPOSITION OF THE POST INCIDENT REVIEW BOARD (PIRB)

A. The PIRB will consist of personnel appointed by the Chief of Police. The Chief of Police will also appoint alternate members who will serve, as needed.

- B. Typically, the PIRB will consist of five (5) members, including but not limited to:
1. The Assistant Chief, or Deputy Chief will serve as the Chairman.
 2. One (1) Division Commander.
 3. One (1) Lieutenant or higher ranking supervisor from the Career Development Division.
 4. One (1) Sergeant.
 5. One (1) Field Training Officer (FTO).

The Chief of Police may designate additional PIRB members, temporarily or permanently, or on a case-by-case basis. Additional members could be subject-matter experts or personnel trained on a specific topic being reviewed.

- C. The OPS Commander, or designee, will function as the liaison for the PIRB, and is responsible for coordinating PIRB hearings, subpoenaing employees, and presenting all pertinent evidence, reports and facts, and providing information, as requested by PIRB members.

V. PROCEDURES OF THE POST INCIDENT REVIEW BOARD (PIRB)

A. PIRB Subpoenas

1. Employees who have received a *Post-Incident Review Board Subpoena* are ordered to appear at the date, time and location stated on the subpoena. Any employee who fails to appear will be subject to disciplinary action.

Subpoenaed employees typically do not have an option to waive an appearance before the PIRB.

However, when an employee receives a "*Post-Incident Review Board Subpoena for Preventable Accident*" they have the following options:

- a. The employee agrees to attend the PIRB;
- b. The employee waives the hearing, agrees to a **summary resolution** with recommended discipline from OPS to the Chief of Police in accordance with the schedule of discipline; or
- c. The employee waives the hearing, and agrees to an **administrative hearing** which the PIRB determines the employee's responsibility for the alleged violations in lieu of the employee's presence. The PIRB will make the recommended discipline to the Chief of Police in accordance with the schedule of discipline.

Regardless of whether an employee decides to attend, the appropriate *Post-Incident Review Board Subpoena* will need to be completed and signed by the employee and returned to OPS.

See *Appendix A* of this procedure for the current *Post-Incident Review Board Subpoena*.

See *Appendix B* of this procedure for the current *Post-Incident Review Board Subpoena for Preventable Accident*.

2. If an employee has a previously planned conflict with the date and time stated in the subpoena, he/she will immediately notify the Office of Professional Standards (OPS) Commander, or designee, of the conflict. The conflict may need to be verified with the employee's chain of command before the related case may be considered for rescheduling.

An employee's assigned shift or off days will not be considered as scheduling conflicts. Employees who are subpoenaed and attend a PIRB hearing while off-duty will be paid in accordance with County, departmental policy and the Fair Labor Standards Act.

B. PIRB Hearings

The PIRB may conduct hearings both informally and formally. An informal PIRB does not require the appearance of concerned employees or witnesses. A formal PIRB requires the appearance of concerned employees or witnesses.

1. Prior to conducting a PIRB, the Chairman and OPS Commander, or designee, may review each case to be presented and determine the need for an informal or formal PIRB.

Should the Chief of Police specifically refer a case for review, the PIRB shall be formal.

2. The PIRB may initially conduct an informal hearing to review each case, determine findings and make recommendations, as necessary, without the appearance of any concerned employees or witnesses. During an informal hearing, the PIRB may determine the need for a formal hearing and require that certain employees appear before the Board.

The PIRB may conduct a formal hearing to review each case, determine findings and make recommendations, as necessary, with the required appearance of subpoenaed employees.

3. A representative of OPS will initially present evidence and facts of the incident under review, to include related recordings, photographs, and documentation. The PIRB or any subpoenaed employee may request the presentation of evidence not initially presented, when afforded the opportunity.

4. During the hearings, employees are required to answer questions asked by PIRB members. When questioning by the PIRB is completed, as indicated by the Chairman, an employee will be allowed to make statements, and present witnesses and/or evidence. It is each employee's responsibility to present his/her evidence and/or witnesses.
5. The Chairman will determine the need for any employee to be retained by the PIRB for further questioning or released. The Chairman will clearly inform the employee whether or not he/she is retained by or released from the PIRB.

C. PIRB Recommendations

1. The PIRB will consider all facts and make recommendations to the Chief of Police as to whether or not the concerned employee was in compliance with departmental policy, procedures and/or directives.
2. If the PIRB determines there was a violation of any rule(s) or procedure(s), or that departmental rule(s), procedure(s), practices or training require amending, updating or implementing, the PIRB may:
 - a. Recommend corrective measures and/or disciplinary action;
 - b. Recommend changes to rule(s) or procedure(s); and/or
 - c. Recommend specific training for designated employees or the entire Department.
3. The PIRB will document their findings and recommendations for the Chief of Police in writing.

D. Review and Action by the Chief of Police

All findings of the PIRB will be forwarded to the Chief of Police for review and consideration.

1. If the PIRB found no violation of policy, procedure(s) and/or directive(s), and determines no amendments or training are necessary, the case will be closed and filed.
2. If the PIRB recommends corrective and/or disciplinary action, specific training, and/or amendments to policy, procedure(s) and/or directive(s), the Chief of Police will consider the recommendation(s) during his/her review of the file.

The Chief of Police is not bound by the recommendation(s) of the PIRB.

VI. POST INCIDENT REVIEW BOARD (PIRB) FILE CONTROL & MAINTENANCE

All cases presented to the PIRB are assigned an Internal Affairs case number and shall be maintained with Internal Affairs case files by the OPS Commander, who serves as the Custodian of Records.

VII. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *B23: Post Incident Review Board (PIRB)*, dated May 31, 2022.