

	STANDARD OPERATING PROCEDURE <small>State Form 39870 (R/S-06)</small>	Reference Number ENF-043
	Subject Police Action Review Board	
	Special Instructions New SOP	Effective Date May 31, 2018

I. PURPOSE

Establish the membership and procedures of the Police Action Review Board.

II. POLICY

The Police Action Review Board (Board) is created to review incidents as outlined in Section V. to determine if the action of the involved officer(s) were in or out of the applicable policy(s) of the Indiana State Police (Department). The Board is an administrative body of the Department and is independent from any determination made regarding criminal charges.

III. DEFINITIONS

A. Involved officer - An officer(s) who used or allegedly used deadly force or the officer who interacted with the subject immediately prior to the serious bodily injury or death. Involved officer does not include officers who may have witnessed the actions of another officer or civilian.

B. Police Action Review Board – An internal administrative Board created by the Department to determine if involved officer(s) actions are in or out of applicable Department policies.

IV. BOARD MEMBERSHIP and POLICY DETERMINATION

A. The Board shall consist of:

1. Permanent Voting Members:

- a. Assistant Chief of Staff Operations;
- b. Assistant Chief of Staff Investigations; and
- c. Commander of the Training Division.

2. The Assistant Chief of Staff Operations shall be the Chairperson of the Board.

3. The Board may, at the discretion of the Chairperson, add the following non-voting members to any Board review:

- a. Chief Legal Counsel or designee;

b. Training personnel, to include, but not limited to:

- (1). Control Tactics instructor;
- (2). Firearms instructor; and/or
- (3). Emergency Vehicle Operations instructor.

c. Investigation personnel, to include, but not limited to:

- (1). Area Investigative Commander;
- (2). District Investigative Commander;
- (3). Detective(s).

d. Crime Scene Investigator;

e. Fleet Safety Director;

f. Crash investigator or reconstructionist;

g. Any other Department personnel deemed necessary to assist in the review of incidents.

B. Policy Determination:

1. The determination of the Board will be specific to the incident and policy(s) in question.

EXAMPLE: A police action shooting will be reviewed to determine if the involved officer(s) actions were consistent with the Department's Use of Force policy.

2. Only permanent members as outlined by Section IV.A.1. shall vote to determine if the action of the involved officer(s) are in or out of applicable Department policy(s).

3. The policy determination shall be by majority vote and be:

a. The involved officer(s) actions were in policy with the Indiana State Police procedure related to the incident; or

b. The involved officer(s) actions were out of policy with the Indiana State Police procedures related to the incident.

4. The determination of the Board will be memorialized in a memorandum from the Chairperson to the Superintendent.

5. The Superintendent may in his/her discretion:

a. Request additional information;

b. Accept the determination of the Board by affixing his/her signature to the Board's written determination.

c. Reject the determination of the Board and direct further action as needed.

6. If the Board finding is accepted by the Superintendent, the Chairperson shall notify the involved officer(s) and District or Division Commander of the involved officer(s) of the determination.

7. If the actions are considered out-of-policy and accepted by the Superintendent, the matter shall be referred to the Internal Investigations Section for further proceedings.

V. INCIDENTS FOR REVIEW AND TIMELINE FOR REVIEW

A. The Chairperson shall convene the Police Action Review Board once every 90 days or as needed.

B. The Board shall review:

1. Firearm discharges that:

a. Result in any injury;

b. Death;

c. A discharge that was intended to strike a human being; or

d. Any other discharge recommended for Board review based on the facts.

2. Commission crashes that:

a. Result in serious bodily injury;

b. Death; or

c. Recommended for Board review based on the facts of the crash.

3. Any police actions, to include, but not limited to: pursuits, Taser deployment, chemical agent deployment, control tactics which:

a. Result in serious bodily injury;

b. Death; or

c. Recommended for Board review based on the facts of the police action.

C. Unless, otherwise ordered by the Superintendent, the Board will review incidents only when:

1. Completion of all criminal investigation(s), if applicable;

a. An investigation is considered completed only after all investigative leads have been exhausted; and

b. Prosecutorial review.

(1). If charges are filed against the involved employee after the completion of any prosecution and all appeals have been exhausted.

VI. DOCUMENTATION AND RETENTION

A. Documentation:

1. The Board shall review all documents or items deemed necessary to make a policy determination.

2. The Board will complete a summary of each meeting to include:

a. Date of meeting;

b. Members present;

c. Incidents for review;

d. Documents/items reviewed;

e. Any additional action needed;

f. Policy determination of each incident; and

g. List of documents created at the meeting;

B. Retention:

1. All documents related to the Board shall be provided to and retained by the Department's Legal Office.

2. The period for retention shall be:

a. Three (3) years; or

b. If a civil action is filed or until the conclusion of the action and all appeals, whichever is longer.

C. This procedure shall be used in conjunction with all relevant Department regulations, rules, policies and procedures.