

## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Olympia Police 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 Olympia Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately, and is consistent with training and 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 great bodily harm, that employee will be placed in a temporary administrative assignment 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.

### 301.4 REVIEW BOARD

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

Generally, the Use of Force Review Board should be convened when the use of force by a member results in great bodily harm or death to another.

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

The Chief of Police, or authorized designee will convene the Use of Force Review Board, as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Chief of Police or authorized designee through their chain of command of any incidents requiring board review.

#### 301.4.1 COMPOSITION OF THE BOARD

The Chief of Police or authorized designee should select seven Use of Force Review Board members from the following representatives, as appropriate:

- (a) Lieutenant in the involved member's chain of command
- (b) Training Sergeant
- (c) Patrol or Corrections Sergeant

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- (d) An officer
  1. The officer being evaluated will submit three names to the Deputy Chief in order of preference
  2. The Deputy Chief will choose one of the three officers to sit on the Review Board
  3. The Deputy Chief will provide an explanation to the officer under review if their choice is not consistent with the officer's order of preference
- (e) A sworn peace officer from an outside law enforcement agency
- (f) Department instructor for the type of weapon, device, or technique used
- (g) A community member

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 board members may request further investigation, request reports be submitted for the board's review, call persons to present information, and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police 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.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement, and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as training reviews to consider whether training should

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be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and training, and will determine whether any additional actions, investigations, or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Lieutenant for review and appropriate action. If the Chief of Police 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 of Police.