

Review Boards

301.1 GENERAL

At times, Department members are confronted with situations in which varying degrees of force or actions are used to protect life and property, affect an arrest, or discharging firearms in the performance of their duties. Department Members are also involved in incidents where their actions cause great concern to the Department and general public.

The Santa Monica Police Department utilizes many different methods in our efforts to continually improve ourselves and the systems we work within every day. However, there are times when more formal, critical analysis of our operations is necessary. Therefore, in the interest of public safety and the safety of Department Members, the Santa Monica Police Department shall review critical incidents to ensure best practices are being utilized in policies, procedures, tactics, and training.

301.2 INCIDENT REVIEW BOARD

301.2.1 PURPOSE AND SCOPE

The focus of the Incident Review Board (IRB) process is to identify areas for agency, unit, or individual improvement. The goal is to consistently increase the Department's ability to recommend necessary changes to policies, procedures, tactics, and training.

The review process conducted by the IRB shall be independent of any other review or investigation by Internal Affairs, the Criminal Investigative Division, or any outside agency having jurisdiction over the investigation or evaluation of an incident involving a Santa Monica Police Department employee.

The IRB does not have the authority to recommend discipline. Before an incident can be referred to the IRB, any personnel complaints should have already been initiated by the employee's supervisor, Lieutenant or administrator. However, in the event the IRB finds a potential policy violation that has not already been initiated, documented, or investigated, it shall be referred to the Division Commander for further review.

The convening of a board may be tolled for an administrative investigation, criminal investigation or by order of the Chief of Police.

Additionally, members who exhibited acts of bravery, courage, and/or exceptional performance shall be discussed and recommendation for the appropriate Department commendation shall be considered.

301.2.2 BOARD COMPOSITION

The Deputy Chief's Executive Officer will be the Incident Review Board Chairperson and ensure that no members of the IRB have a conflict that would impact their objectivity or review of the incident. The responsibility of the Chairperson may rotate at the discretion of the Deputy Chief. The IRB composition shall consist of the following members:

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- The Deputy Chief's Executive Officer, or Deputy Chief's designee, will serve as the Chairperson.
- Member of equal job classification
 - In a case involving a sworn member, the SMPOA shall appoint the Board member of equal rank.
 - In a case involving a civilian member, the Board member shall be appointed by the Chairperson.
- Union board member
 - In a case involving a sworn member, the SMPOA Board member will be appointed by the SMPOA Board of Directors.
 - In a case involving a civilian member, a representative from the concerned employee's labor union or association shall be appointed by the Chairperson.
- Subject Matter Expert, depending on the type of IRB convening
 - Persons identified who exhibit an advanced level of expertise in performing and/or explaining a specific duty assignment, task, or skill will be considered as, "Subject Matter Experts."
 - This position will be appointed by the Chairperson.
- Personnel and Training Sergeant, or designee.

In a case involving a civilian member, an Incident Review Board shall consist of a member of similar classification within the police department and a representative from the concerned employee's labor union or association, both shall be appointed by the Chairperson.

For a more comprehensive and complete review of the incident, additional members and/or persons may be invited to attend by the Chairperson. For the purpose of the review, they shall be referred to as "Attendees" and shall be able to provide recommendations and/or comments to the Board, but they are non-voting members. Incident-specific members could include the following:

- Training Division Representative
- Special Weapons and Tactics team representative
- Range Master
- External law enforcement agency subject matter expert
- External non-law enforcement subject matter expert

301.2.3 RESPONSIBILITIES OF THE BOARD

The IRB is empowered to conduct an administrative review and inquiry into the circumstances of an incident. Members will review the material, discuss the incident, and identify any areas for improvement with specific proposals for addressing the issue if possible. Discussions shall focus on policies, procedures, tactics, training, equipment, use of force, and updates to best practices. Emphasis should be placed on identifying areas for improvement.

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Specific subjects for review and recommendation include, but are not limited to, the following:

- Training
- Equipment and technology
- Communications
- Decision-making
- Supervision
- Policy, laws, or other departmental directives
- Tactical deployment and teamwork
- Award or commendation consideration (IRB may nominate a member for an award or commendation for further review by the awards committee)
- Any issues that could improve the overall efficiency of the organization

301.2.4 SELECTION OF INCIDENTS FOR REVIEW

An IRB may be initiated by the Division Commander on those incidents which are deemed by the Chief, Chief's designee, or the review process as significant enough to warrant a further review of the incident and Members.

The incidents subject to review by the Board, shall include, but are not limited to, the following:

- Use of force involving serious bodily injury or death
 - Serious bodily injury - A serious impairment of physical condition, including, but not limited to, loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. See Penal Code § 243(f)(4).
- Control devices including OPN/Baton, OC spray, tear gas, kinetic energy device, pepper projectile system
- TASER/CED deployments
- Lethal force
- An IRB will review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.
- Canine contacts
- Vehicle pursuits
- Exemplary performance
- Significant utilization of Department resources (e.g., natural disasters and civil unrest)
- The Chief of Police may request an IRB to investigate the circumstances surrounding any incident.

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In addition to the above, any incident where the actions of Department Members in the performance of their duties, are likely to have a significant impact of the Department, community, citizens, or any other person should be cause for IRB consideration.

301.2.5 MEETING SCHEDULE

The Board will convene at least once a month on a date set by the Chair.

IRB members shall receive no fewer than three (3) business days advanced notice of a meeting. The IRB's meeting should be scheduled when most of the participating members are on-duty.

301.2.6 REVIEW PROCESS

The incident review process has three (3) phases:

PHASE 1 – INITIAL REVIEW OF THE INCIDENT

The initial review of an incident begins with the on-scene supervisor and/or supervisor reviewing the incident. The supervisor shall evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate. For further regarding the supervisor and Watch Commander responsibility, refer to Santa Monica Police Department Policy 300.15 and 300.15.1.

The unit lieutenant or administrator shall review each incident that may require an IRB by members within their command to become aware of any developing trends related to use of force with their personnel, address any relevant training issues, or issues related to equipment to give the department an opportunity to react quickly to changes that might need to be made. This also provides an opportunity to review incidents where it is determined that no critical issues exist. In these cases, an IRB may not be required.

Should the reviewing lieutenant or administrator identify an incident where an IRB is required or should be considered for an IRB, the lieutenant or administrator will send the incident to the Division Commander for review.

Should the incident involve a criminal or administrative investigation, the IRB should suspend convening until all criminal, civil, and any other investigation has been adjudicated unless the Chief of Police requests the IRB to convene.

PHASE 2 – INCIDENT REVIEW BOARD

The Chairperson of the Board's responsibility includes, but is not limited to the following:

- (a) Obtain and release relevant documents, records, and information for the review (police reports, videos, photos, dispatch audio, use of force reporting system, etc.) and make it available to the IRB members.
- (b) Ensure only essential members are present during the IRB.
- (c) Give opening remarks and set the rules or guidelines for the review to the Board and Attendees.

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- (d) Moderator for the review and assist in the transition from each topic of discussion to the next.

PHASE 3 – COMMAND REVIEW

The Division Commander will review and should forward the Board's findings to the Chief of Police. In this phase, the Command Review is responsible for determining specific actions to take in response to the IRB findings and recommended areas for improvement. The Division Commander is responsible for reviewing and sharing any appropriate information to the department.

301.3 TRAFFIC REVIEW BOARD

301.3.1 PURPOSE AND SCOPE

This policy establishes a process for the Santa Monica Police Department to review motor vehicle collisions involving Department Members driving Department vehicles, or other vehicles when the member is operating in an official capacity. This review process shall be in addition to any other review or investigation that may be conducted by Internal Affairs, the Criminal Investigative Division or any outside agency having jurisdiction over the accident investigation. Should the incident involve a criminal or administrative investigation, the Traffic Review Board may be tolled until all criminal, civil, and any other investigation has been adjudicated unless determined otherwise by the Chief.

301.3.2 BOARD COMPOSITION

The Traffic Division Lieutenant, or Deputy Chief's designee, will serve as Board Chairperson. The Chairperson will maintain oversight of the Traffic Review Board's (TRB) and ensure that no members of the TRB have a conflict that would impact their objectivity or review of the incident. The TRB composition shall consist of the following members:

- The Traffic Division Lieutenant, or Deputy Chief's designee, will serve as the Chairperson.
- Member of equal job classification
 - In a case involving a sworn member, the SMPOA shall appoint the Board member of equal rank.
 - In a case involving a civilian member, the Board member shall be appointed by the Chairperson.
- Union board member
 - In a case involving a sworn member, the SMPOA Board member will be appointed by the SMPOA Board of Directors.
 - In a case involving a civilian member, a representative from the concerned employee's labor union or association shall be appointed by the Chairperson.

For a more comprehensive and complete review of the incident, additional members and/ or persons may be invited to attend. For the purpose of the review, they shall be referred to as "Attendees" and shall be able to provide recommendations and/or comments to the Board, but they

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are non-voting members. Attendees will be invited by the Chairperson. Incident-specific members could include the following:

- Subject Matter Expert:
- Persons identified who exhibit an advanced level of expertise in performing and/or explaining a specific duty assignment, task, or skill will be considered as, "Subject Matter Experts."
- Training Division Representative
- Current or former Traffic Collision Investigator
- Emergency Vehicle Operator Course (EVOC) Instructor
- External law enforcement agency subject matter expert
- External non-law enforcement subject matter expert

301.3.3 SELECTION OF INCIDENTS FOR REVIEW

It will be the responsibility of the unit sergeant or supervisor of the involved employee to notify the Traffic Lieutenant of any traffic collisions involving their department personnel. The Traffic Lieutenant, or designee, shall receive copies of all traffic collision reports involving members of this department and compile, track, and log all incidents to be reviewed by the Board. The Traffic Lieutenant, or designee, will also ensure that all relevant reports, documents, and materials are available for consideration and review by TRB. The following types of incidents require a TRB:

- All traffic collisions involving a Department Member and a Department assigned motor vehicle; regardless of whether the vehicle is owned by the City or leased.
- In situations involving non-injury, minor traffic collision that qualifies for an internal document reporting (SMPD Form #1313), then the Division Commander of the involved employee(s), or his/her designee, will decide based upon, but not limited to, the property damage involved and/or other extenuating conditions, whether the incident warrants review by the Traffic Review Board.
- The Chief of Police may request an TRB to investigate the circumstances surrounding any traffic related incident.

301.3.4 MEETING SCHEDULE

The Board should convene once a quarter on a date set by the Chair. Multiple TRBs may be convened during that period depending on the type and number of incidents requiring a TRB.

TRB Board members shall receive no fewer than three (3) business days advanced notice of a meeting. The TRB's meeting should be scheduled when most of the participating members are on-duty.

301.3.5 REVIEW PROCESS

The traffic collision review process has three (3) phases:

PHASE 1 – INITIAL REVIEW OF THE INCIDENT

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The initial review of an incident begins with the on-scene supervisor and/or supervisor reviewing the incident. The supervisor shall evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate. For further regarding the supervisor and Watch Commander responsibility, refer to Santa Monica Police Department Policy 300.15 and 300.15.1.

The Traffic Investigator reviewing the Collision Report will notify the Traffic Lieutenant upon completion of his or her review.

PHASE 2 – TRAFFIC REVIEW BOARD

The Board shall determine if the accident was preventable, justifiable, non-preventable, or non-reviewable. For purposes of the Board, the following definitions shall apply:

- Preventable - Except for collisions involving mechanical failure not previously known by the operator the decision as to preventability of the collision is based on whether the driver exercised prudent and careful judgment in their attempt to avoid the collision, regardless of legal entitlements under the California Vehicle Code.
 - The Board will determine the appropriate preventable cause factors related to the incident.
 - The Chairperson may refer any preventable collision(s) to the Member's Commander based on the totality of the circumstances surrounding the collision (e.g., policy violations, multiple preventable collisions within a 12-month period, etc.).
- Non-Preventable - An occurrence in which the member was reasonably unable to control the events preceding the collision.
 - No further action will be taken.
- Justifiable - An occurrence may be deemed to be preventable but justifiable under certain emergency conditions if the member acts in a reasonable and prudent manner. The intent of this classification is to recognize that operating an emergency vehicle under emergency conditions presents unique hazards and responsibilities.
- Unknown - When damage to a vehicle occurs and responsibility cannot be determined, such collision shall be classified as unknown.

In making a decision, the Board shall consider the employee's actions and performance at the time of the collision and the facts and circumstances surrounding the collision.

The Board may also recommend additional investigations or reviews, such as training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The Board does not have the authority to recommend discipline.

The final recommendation will be reached by a majority vote of the Board. All copies of the Board's findings shall be prepared by the Chairperson (or other member at the Chairperson's direction), utilizing the designated form, and forwarded to the concerned Division Commander.

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The Chairperson of the Board shall ensure the findings of the Board and all recommendations are submitted, utilizing the designated form, to the Division Commander of the involved personnel within 45 days of concluding the review.

PHASE 3 – COMMAND REVIEW

The member's Division Commander shall review the recommendation of the Board, make a final determination as to whether the member's actions were within policy, and determine whether any additional actions, investigations or reviews are appropriate. If the member's Division Commander concludes the member is at fault, a disciplinary process may be initiated in accordance with the provisions in the Personnel Complaints Policy. Any disciplinary action recommended shall consider the employee's past driving history with the Department and the facts and circumstances of the collision. At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with Internal Affairs.

301.4 FINDINGS

After the IRB or TRB's final review, the Chairperson will complete the Review Board Findings form. The form shall be signed by each Board member and forwarded to the Division Commander.

The Review Board Findings form will include, at a minimum, the following information:

- Involved Employees
- Incident Summary
- Information the board relied on
- Findings
- Recommendations

The Chairperson of the Board shall ensure the findings of the Board and all recommendations are submitted, utilizing the designated form, to the Division Commander of the involved personnel within 45 days of concluding the review.

301.5 OUTCOME SUMMARY

Following the conclusion of the Command Review for both IRB and TRB, the involved employee(s) shall be notified of the outcome and any recommendations. Department Members have 60 days to complete any recommended action items. An extension may be granted at the discretion of the Division Commander.

Once the recommended action items have been completed, it will be the responsibility of the employee's Lieutenant to complete the Review Board Recommendation Log form and forward it to the Division Commander.

The Review Board Findings form and Review Board Recommendation Log form are to be retained in accordance with the established records retention schedule.

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Nothing in this policy precludes any Santa Monica Police Department unit from conducting informal after-action reviews of incidents or events.