

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Santa Ana 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. The Santa Ana Police Department is charged with the responsibility of objectively evaluating the use of deadly force and other actions by its members that lead to death. This policy establishes a process for the Santa Ana Police Department to review actions by its employees that result in death to any individual, or incidents that have the potential for significant civil or criminal liability. The intention of this policy is to identify areas where organizational improvements can be made and to better prepare and equip employees to respond to the challenging circumstances they face in their duties through improved tactics, training, policies and equipment.

301.2 POLICY

The Santa Ana Police Department will objectively evaluate the use of force and other actions by its members to ensure their authority is used lawfully, appropriately and is consistent with training and policy. The Department will convene either the Use of Force Review Board or a Critical Incident Review Team (CIRT) whenever:

- (a) Deadly force is used
- (b) The actions of any employee(s) results in death to any person; or
- (c) The actions of any employee(s) results in substantial property damage

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

When an employee's actions or use of force in an official capacity, or while using department equipment, results in death to another, that employee, at the discretion of the Chief of Police may be placed in a temporary administrative assignment pending an administrative review.

301.4 CRITICAL INCIDENT REVIEW TEAM

The Chief of Police, or his/her designee, may convene a CIRT to review any significant incident with potential for liability or in which a review would benefit the Department. The CIRT should generally be convened as soon as practicable after the incident to ensure organizational, policy, training or equipment issues are identified and resolved in a timely manner.

301.4.1 COMPOSITION OF THE REVIEW TEAM

The Administration Bureau Commander is responsible for selecting personnel to serve on a CIRT. At a minimum, a CIRT should consist of the following:

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- The Incident Commander of the event being reviewed
- A Field Supervisor from the incident
- A peer supervisor
- The Training Sergeant
- Department instructors with expertise relevant to the incident being reviewed
- Any other person who the Administration Bureau Commander believes could provide additional perspective regarding the incident being reviewed

The Administration Bureau Commander will serve as the CIRT chair.

301.5 USE OF FORCE REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in death to another.

The Use of Force Review Board will also review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

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

The Training Division Commander will convene the Use of Force Review Board at the direction of the Chief of Police. It will be the responsibility of the Internal Affairs Commander to notify the Training Division Commander of any incidents requiring board review. The Internal Affairs Commander or supervisor will also ensure all relevant reports, documents and materials are available for consideration and review by the board.

301.5.1 COMPOSITION OF THE BOARD

The Administration Bureau Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each bureau
- Training Commander
- A peer officer
- Department instructor for the type of weapon, device or technique used
- Any other person who the Administration Bureau Commander believes could provide additional perspective regarding the incident being reviewed

The Training Commander will serve as chairperson.

301.5.2 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.

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The board members may request further investigation, request reports be submitted for the board's review, and call persons to present information.

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.

In cases involving a non-firearm involved use of force, the board shall make one of the following recommended findings:

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

In cases involving an officer-involved shooting, the board shall make one of the following recommended findings:

- (a) Justified
- (b) Not Justified
- (c) Accidental Discharge (mechanical failure of the firearm)
- (d) Negligent Discharge (officer error resulting in unintentional discharge)

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, training reviews to consider whether training should be developed or revised and policy reviews, as may be appropriate. The board chairperson will submit a memorandum with the recommendation(s) to the Police Legal Advisor, via the chain of command.

The Chief of Police shall review the memorandum, 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. 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 Internal Affairs Commander.