

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Lacey 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, [substantial bodily harm, or great bodily harm as defined by RCW 9A.04.110](#):

["Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;](#)

["Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ; \(2021 Legislation HB1267\)](#)

301.2 POLICY

The Lacey 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.

[Supervisory Reviews](#)

[The supervisor of an employee that used force, was involved in a collision, or unintentionally discharged a firearm is authorized to review all reports, obtain facts from the involved employee\(s\) and speak to any witnesses necessary to obtain facts. Supplemental reports may be requested at the discretion of the supervisor. Any notifications and provisions in current labor agreements will be followed.](#)

[Use of Force](#)

[Supervisory reviews will be conducted on all force used by officers beginning with Level 1 control tactics through impact weapons. The supervisor of the involved employee will review the use of force form with the employee and then will report their findings via their chain of command utilizing the Use of Force Reporting Form located on the H: drive in the policy file, accompanied by the police report from the incident.](#)

[In cases where substantial bodily harm or death is sustained by the suspect a review board will be held.](#)

[Collisions](#)

[Supervisory reviews will be conducted when an employee is involved in a collision with a city vehicle when there is less than \\$5000 in property damage or injury less than substantial bodily harm. The supervisor of the involved employee will review the collision and report findings in](#)

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a memo accompanied by the collision investigation and/or city collision form via their chain of command.

Firearms Discharge (Unintentional with no Injury or Death)

Supervisory reviews will be conducted when an officer has an unintentional discharge of their firearm. An on duty supervisor will investigate the circumstances pertaining to each unintentional discharge of a firearm by a department member on or off duty. The supervisor of the involved employee will review the discharge and report their findings via their chain of command utilizing the Use of Force Reporting Form located on the H: drive policy file.

Supervisors are expected to complete the appropriate supervisor use of force review, supervisor collision review, or supervisor firearms discharge review and form an opinion if the incident appears to be within policy or outside of policy. After the supervisor completes their portion of the form, the involved employee(s) will be advised of their supervisor's findings before it is routed up the chain of command.

Incomplete or inadequate administrative reviews may be returned to the supervisor for correction and/or additional investigation. If the use of force, collision, or firearms discharge appears to be outside of policy the routing may be stopped and an internal investigation may be initiated. At the completion of the IA, the routing of the supervisor review (accompanied by the completed IA) will continue to the Deputy Chief. Additionally, at any point along the chain of command a supervisor may request additional training or counseling of the employee once the routing is complete regardless of whether the actions in question have been determined to be within policy or not.

Reporting of Supervisory Reviews

All supervisors who conduct supervisory reviews will report their findings via their chain of command within their division. All supervisory reviews will be reviewed by the Deputy Chief and finalized by the Chief of Police.

Supervisors Involved in a Use of Force

If the shift supervisor is involved in a use of force, and there is not another supervisor on duty on a shift overlap, the involved shift supervisor will complete the Use of Force Review form themselves, but will not make an "in" or "out of" policy recommendation. The involved shift supervisor will then route the form to the oncoming shift supervisor who will render an opinion if the use of force appears to be within or out of policy.

If there is another supervisor on duty on a shift overlap during the use of force incident, the non-involved supervisor will complete the form and render the policy recommendation.

(Existing Policy 9.6)

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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 very serious injury to another, 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 BOARDS

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The Use of Force Review Board will be convened when the use of force by a member results in ~~very serious- injury~~ serious bodily injury, great bodily harm or death to another.

The Use of Force Review Board will also investigate and 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 [Deputy Chief or designee](#) will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the [Deputy Chief or designee](#) of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

[Collision Review Board](#)

[The responsibility of the board in police vehicle collisions with more than \\$5,000 in damage and/or substantial bodily injury or death will be to investigate and review the circumstances pertaining to the collision. The board is authorized to review all reports concerning the collision and call any witnesses necessary to obtain all the facts.](#)

[After completing its investigation, the collision review board will provide a written recommendation to the Chief of police findings from one of the below options:](#)

- [1. NON-PREVENTABLE. This means that the actions of the employee were proper and there was nothing that they could have reasonably done to prevent the collision.](#)
- [2. PREVENTABLE. This means that, either by omission or commission, the employee failed to comply with traffic laws or department policies, the result of which either directly or indirectly led to the collision.](#)

[A Collision Review Board need not convene if in a signed memo the employee requests to forgo the review board process, accepts responsibility for their actions, and agrees that the accident was preventable. Employees should realize that a level of progressive discipline will most likely occur under these circumstances. \(Existing Policy 9.6\)](#)

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301.4.1 COMPOSITION OF THE BOARDS

The [Deputy Chief or designee](#) should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- [Supervisory Commanding](#) officer in the involved member's chain of command
- Personnel and Training Sergeant
- **Non-administrative**
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used
- 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 procedure.
- (b) The employee's actions were in violation of department policy and procedure.

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