

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Lorain 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 Lorain 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 very serious injury to another, that employee may at the discretion of the Chief of Police be placed in a temporary administrative assignment pending an administrative review.

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury 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 Use of Force Review Board Chairman will convene the Use of Force Review Board on a monthly basis or as necessary. It will be the responsibility of the Operations Division commander or supervisor of the involved employee to notify the Review Board Chairman 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.

301.4.1 COMPOSITION OF THE BOARD

The Chief of Police should select five Use of Force Review Board members.

The senior ranking command representative will serve as chairperson. The Use of Force Board Chairman may request additional attendees to assist in a review dependent upon the needs of the board.

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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.

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.

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301.5 COMMUNITY USE OF FORCE ADVISORY TO THE CHIEF

The Lorain Police Department is committed to establishing close ties with the community by being receptive and responsive to the community's needs. The Chief of Police has adopted a Community Use of Force Advisory, which will be convened to review all use of force incidents.

301.5.1 COMPOSITION OF COMMUNITY USE OF FORCE ADVISORY

The Community Liaison Unit Supervisor will be responsible for the selection of the members of the Community Use of Force Advisory, with the approval of the Chief of Police. Members will be Community Leaders who have expressed a willingness to better relations between the Lorain Police Department and the community. Additionally, the board will represent the diverse demographic in the City of Lorain. Although members will be provided with training in police procedures, and their opinions are valued, the Lorain Police Department recognizes that members are not legal experts and their determination on an incident is made in direct correlation to their training.

301.5.2 RESPONSIBILITIES OF THE BOARD

The Community Use of Force Advisory is empowered to conduct an administrative review of all Use of Force encounters. Recommendations for additional training by the Advisory may be made to the Chief of Police.

301.5.3 ARBITRARY REVIEW COMMITTEE

Incidents coming before the Advisory that are deemed out of policy, and or contradict the endorsement of the Lorain Police Use of Force Review Board, will be reviewed by a special Arbitrary Review Committee consisting of all three Division Captain's, the Chief of Police, the Law Director or his/her designee, and the Chairman of the Community Advisory or his/her designee. The decision of this Arbitrary Review Committee will be the basis for any discipline or investigation.