

CHAPTER 301 USE OF FORCE

301.010 INTENT OF THIS CHAPTER

The Department policies established in this chapter are not intended, and should not be construed, to be used as evidence of the existence of any higher duty of safety or care than is otherwise provided by law. Rather, violations of this chapter are to be used solely to form the basis for departmental administrative action.

301.020 USE OF FORCE AND DEADLY FORCE

A. Definitions. As used in this chapter,

1. "Force" means any deliberate bodily impact or restraint for the purpose of gaining control of a person, or the use of explosives and distraction devices even if not directed toward a person; "force" includes use of OC, chemical agents, electronic weapons, and deadly force.
2. "Deadly Force" means force used with the intent of causing, or knowing that there is a substantial risk of causing, death or serious physical injury; "deadly force" may include the use of a motor vehicle or vessel to collide with an occupied motor vehicle or vessel.
3. "Excessive Force" Force is excessive when its application is inappropriate to the circumstances, The Alaska Supreme Court in *Sheldon v. City of Ambler* set forth guidelines for determining whether force has been excessively applied: the primary concern is reasonableness in its application, as judged by an on-scene officer.
4. "Reasonably Necessary" Force may be used only to accomplish lawful objectives and only to the extent reasonably necessary considering the circumstances.
5. "Serious Physical Injury" [Ref. AS 11.81.900 (51)] physical injury caused by an act performed under circumstances that create a substantial risk of death; or a physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy.
6. "Passive Resistance" Subject is uncooperative with officer's attempts to restrain him/her but he/she is not assaulting the officer or trying to escape (example: going limp).
7. "Active Resistance" Resistance exhibited by a suspect that is between Passive Resistance and Active Aggression (examples: attempting to leave the scene, flee, hide from detection and/or pull away from officer's grasp. Verbal statements, bracing and/or tensing alone do not constitute as active resistance).
8. "Totality of Circumstances" Those circumstances that would lead and objectively reasonable officer to believe that he/she is encountering a situation that may require the use of force on a subject based on combination of many factors. Circumstances to consider may include the nature of the offense, seriousness of the offense, size and strength of the subject, number of subjects, availability of weapons, mental instability of the subject, availability of other force options, training and experience of the officer and subject, size, sex, training, immediate physical condition (injuries, exhaustion); and the surrounding physical and social environment and availability of back up officer(s). This is not meant to be exhaustive.
9. "Firearms Instructor" means a person who has successfully completed a Department approved firearm instructor course for the type of weapons to be fired.
10. "Authorized Electronic Weapon" means an M26 Advanced Taser or subsequent model of electronic weapon having similar characteristics and operation.
11. "Air Powered OC Projectile Delivery System" means a Jaycor Tactical Systems air powered launcher, designated models SA200, A85 or AM10 or subsequent model having similar characteristics and operation.

B. Using force: general.

1. Officers may use force only in accordance with the policies set out in this chapter, and may not ever use force as punishment or in retaliation. Excessive force will not be tolerated by the department.

2. Officers may use force only to the extent that it is reasonably necessary in any given situation to accomplish the officer's lawful objectives, such as making an arrest, preventing an escape, in defense of the officer or another person, or other situations where physical control of another person is necessary. The force used should be the minimum reasonably necessary to accomplish a legal purpose.

3. When feasible, a verbal warning should be given before using force, to communicate that force will be used if the officer's orders are not obeyed.

4. Proper officer response can be thought of as a continuum that includes several stages (from lowest to highest): officer presence, verbal persuasion, directions, and commands; "soft" empty hand control and OC spray; OC projectiles; "hard" empty hand control, electronic weapons and batons; and deadly force. The appropriate amount of force must be based upon the totality of circumstances.

5. Officers shall modify their level of force in relation to the amount of resistance offered by the subject. As the subject offers less resistance, the officer shall lower the amount and/or type of force used. Conversely, if resistance escalates, officers are authorized to respond in kind with those techniques and/or weapons at their disposal to gain control of the subject.

6. The authorized use of physical force ends when resistance ceases and/or the Officer has accomplished the purpose necessitating the use of force.

7. Verbal de-escalation is a critical component of the force continuum. De-escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation. When time and circumstances reasonably permit, an officer shall consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:

- a. Medical conditions
- b. Mental impairment
- c. Developmental disability
- d. Physical limitation
- e. Language barrier
- f. Drug interaction
- g. Behavioral crisis

An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution.

8. After the application of any type of force, officers shall evaluate the person on which the force was applied. Officers shall request medical evaluation for the person for injuries by Fire/EMS in all circumstances where an injury is readily apparent and provide the necessary first aid, including life-saving treatment (i.e. CPR). This includes injuries sustained during apprehension of the suspect. Officers shall monitor, evaluate, request Fire/EMS, and apply life-saving medical treatment (when necessary), to subjects suspected of experiencing the following:

- a. Excited delirium

- b. Extreme drug/alcohol intoxication
- c. Extreme hyperactivity or similar uncontrolled behaviors
- d. Breathing difficulty

C. Duty to Intervene Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in position to do so, safely intervene to end and prevent the further use of excessive force. It is the duty of a police officer to stop another police officer from using excessive force. The officer witnessing the excessive force under this section shall immediately report the incident to his or her supervisor.

D. Strangle, choke or carotid control holds and other similar holds which choke or restrict the ability to breath or restrict the flow of blood to the brain are prohibited except where the officer reasonably believes that there is an imminent threat of death or serious physical injury to the officer or a third party if the officer does not do so and that it is the only reasonable means of protecting the officer and/or a third party.

E. Head blows with impact weapons are prohibited except when the officer reasonably believes there is an imminent threat of death or serious physical injury to the officer or a third party if the officer does not do so and that is the only reasonable means of protecting the officer and/or a third party. Depending on the method of use and other circumstances, a flashlight, gun, baton, or similar object used as a club to strike a head blow could be considered use of deadly force.

F. Tasers. An authorized electronic weapon (taser) may only be used when the circumstances present a risk of immediate danger or actively resisting arrest that could be mitigated by the use of force. Tasers are not permitted when a subject is passively resisting.

G. Display and brandishing of weapons. Officers shall not display or brandish any weapon unless it is reasonably necessary to do so in order to prevent, or attempt to prevent, an attack on the other officer or a third party. This statement should not be construed to limit an officer's ability to defend himself or others. It should, instead, make the officer aware that he/she may have to verbally defend any decision to display or brandish the weapon.

H. Weapons and devices permitted. Officers may carry and use only those weapons and control devices which have been issued by the Department or which have specifically been approved of in writing by the Chief of Police.

I. Additional requirement for use of deadly force. The Department, recognizing the integrity of human life, authorizes officers to use deadly force against another person only when, in addition to complying with the general policies regarding use of force, the officer has no other reasonable and practical alternative, and reasonably believes deadly force is necessary to make the arrest or terminate the escape or attempted escape from custody of a person the officer reasonably believes:

- (1) has committed or attempted to commit a felony which involved the use of force against a person;
- (2) has escaped or is attempting to escape from custody while in possession of a firearm on or about the person; or
- (3) may otherwise endanger life or inflict serious physical injury unless arrested without delay.

J. Warning shots. Warning shots will not be fired.

K. Firing at a moving vehicle is prohibited, except where the officer reasonably believes that there is an imminent threat of death or serious physical injury to the officer or a third party if the officer does not do so and that is the only reasonable means of protecting the officer and/or third party. A moving vehicle shall not presumptively constitute a threat justifying use of deadly force.

L. Firing from Moving Vehicles. Firing from a moving vehicle is prohibited, except in exigent circumstances and in the immediate defense of life.

M. Firing into crowds. Firing into crowds is prohibited.

N. Firing into buildings. Officers shall not fire into a building or through doors when the person fired at is not clearly visible.

O. Other discharges of firearms. The Department recognizes that there may exist special circumstances which justify the discharge of a firearm not at a person, animal, or on a firing range. Every shot fired poses a risk of injury and no firearm should be discharged without due regard for the consequences of that action.

P. Negligent discharges of firearms. The Department recognizes that every shot, even an inadvertent one, poses a risk of injury. Every inadvertent or negligent discharge of a firearm must be reported as provided in section 301.030 and may subject the officer to discipline.

301.030 AFTER FORCE IS USED OR A FIREARM IS DISCHARGED

A. *Use of force must be justified.* The Department recognizes that an officer's decision to use force must often be made in a split second and based on the minimal information then available. However, the officer's decision must be reasonable under the circumstances known at the time and are subject to review by the department, other agencies, the courts, or the public.

Every officer using force or discharging a firearm must be able to articulate the circumstances known at the time of the incident that justified the amount and nature of force used, or the discharge of the firearm.

B. *After force is used.* Each officer must complete a Use of Force Report prior to going off duty if, in the performance of duty, an officer deliberately takes any of the actions listed in paragraph 1 except during training or while participating in a group operation reportable under paragraph C.

1. An individual report must be completed if an officer:

- a. uses more force than is normal and incidental to handcuffing;
- b. struggles with a person;
- c. uses a pain compliance hold;
- d. strikes a person with a part of the officer's body or with any object;
- e. uses, prepares to use, or threatens to use OC (spray or OC projectile);
- f. uses, prepares to use, or threatens to use an authorized electronic weapon;
- g. uses, prepares to use, or threatens to use a baton or another object as an impact weapon;
- h. uses an explosive or distraction device, other than for animal or avalanche control;
- i. intentionally collides with an occupied vehicle or vessel; or
- j. uses, prepares to use, or threatens to use a firearm or other deadly force.

2. In this section, the phrase "prepares to use" includes unholstering a weapon (gun, baton, OC spray, etc.) with the intention of preparing to use it against a specific individual or group. Unholstering a weapon and directing it towards a specific person or group, even if a person is not aware of this action, requires a Use of Force Report. However, conducting a building search or similar operation with an unholstered weapon where no person or group is encountered, would not be reportable (except for group operations reportable under paragraph C). It is not the mere unholstering of a weapon that triggers the reporting requirement, but preparing to use the weapon against a person or group.

C. *Group operations require a Use of Force Report.* Operations, raids or other similar group activities where firearms are unholstered require the completion of the Use of Force Report. The officer supervising the operation shall file a single report listing the names of all participating officers. If an officer involved in a group operation uses (but not threatens or prepares to use) force that would be reportable under paragraph B 1, then that officer must complete an individual report documenting those actions.

D. *Completion of Use of Force Report form by a supervisor.* The supervisor shall complete a Use of Force report as soon as practical for an officer when:

1. the officer is unable to complete the report due to injury; or
2. the officer used a firearm or other deadly force.

E. *Submission and Retention of Use of Force Report forms.* Only one copy of a Use of force form is to be completed. No additional copies or duplication is permitted. The original will be submitted to the officer's supervisor or the Chief of Police in conformance with the chain of command.

1. Officers are not authorized to retain copies of Use of Force Report forms. These forms are designed solely for administrative review of force incidents.
2. Use of Force Report forms will not be included as part of the incident report or referenced in the incident report.

F. Documentation also required in case reports. If a case report is prepared covering an incident in which force was used it must include the facts that made force necessary and shall explain in detail the nature and amount of force used. It is the responsibility of the supervisor reviewing the report to ensure that thorough and accurate documentation is provided.

G. After discharge of firearm or use of deadly force.

1. Officers who, in the performance of their duty, have deliberately or accidentally discharged a firearm or used any form of deadly force, except while training or shooting an animal that has been injured on the highway or under similar circumstances, will immediately report the incident to their supervisor.
2. Investigations and review of incidents in which deadly force was used or where a firearm was accidentally or intentionally discharged will be conducted in accordance with OPM Chapter 302 - Use of Deadly Force Investigation and Review.
3. When notified of an incident involving the use of deadly force, a supervisor shall immediately notify the Chief of Police.
4. When notified of an incident involving the use of deadly force, the Chief's Office~~;~~ will immediately select, directly or by delegation, an investigation team, headed by the ranking officer. The Chief will notify the officer who discharged the firearm or used deadly force, and the officer's supervisor, of the name and rank of the person in charge of the investigation. This team will be charged with the administrative investigation and will coordinate with the criminal investigative agency. The chief may designate one or more individuals to assist in the criminal investigation, but those individuals will not work on both administrative and criminal investigations.
5. An incident involving the use of deadly force involving death or injury will require the criminal investigation to be conducted by the Alaska State Troopers to ensure the public that a fair/independent investigation will be made.
5. The selection of an investigation team does not relieve first responders of their responsibility to take initial investigative steps as set out in OPM Chapter 302 and to protect the scene and witnesses until the arrival of the investigative team.
6. Investigations into the use of deadly force will be conducted as a bifurcated investigation; criminal and administrative investigation. Investigators shall comply with all Departmental policies and procedures while conducting the investigation. The administrative investigation may utilize findings in the criminal investigation to decide if use of force was within policy; however, information obtained through the administrative investigation will not be shared with the criminal investigation in order to protect the rights of those involved.

CHAPTER 302 USE OF DEADLY FORCE INVESTIGATION AND REVIEW

302.010 INTRODUCTION

Investigations of officer-involved use of deadly force incidents are frequently more complex and demanding than similar investigations that do not involve police officers. The potential social, civil, administrative, and criminal consequences of the act are profound, and may affect many parties. Both the Department and the involved officer will benefit by ensuring that a complete and thorough investigation is conducted which considers the welfare of the involved officer and the sensitivity of the situation. To assure that the investigation is complete, and that the legal rights of all parties are observed, all use of deadly force investigations are treated as "criminal" cases.

Officer-involved use of deadly force incidents draw considerable media and public attention. Following comprehensive, pre-established investigative procedures specifically designed for these occurrences may relieve some community concerns about the Department's ability and objectivity associated with the investigation.

One of the principal objectives of the investigation conducted into any use of deadly force by a Department member is to document and preserve all evidence and witness recollections of the incident. This careful documentation is essential to a fair and just outcome from any criminal, administrative, or civil actions resulting from the incident. The investigation should not stop if criminal culpability is eliminated, as the Department still carries the obligation to investigate cause, mode and manner of injury or death for other than criminal purposes; including civil litigation, insurance concerns, and to support policy and training review.

Whenever an officer uses deadly force or uses force that results in serious injury to a person the circumstances surrounding the use of deadly force will be thoroughly investigated as required by OPM.

302.020 PROCEDURES FOR USE OF DEADLY FORCE INVESTIGATIONS

These guidelines shall be followed by officers charged with the investigation of the use of deadly force, and of managers having oversight of such investigations. Deviations from these investigative guidelines, where dictated by the circumstances of the incident or where required for the orderly operation of the Department, must be justified.

A. Immediate action upon notification of incident. An officer or supervisor who becomes aware of an incident involving the use of deadly force by a member of the Department shall assure that the following actions are immediately taken:

1. Evaluate and ensure scene security.
2. Summon necessary medical assistance.
3. Evaluate and coordinate additional personnel and special equipment if needed.
4. Locate and identify witnesses.
5. Provide for the safety and security of the subject and the officer.
6. Ensure appropriate Department supervisor notifications.
7. If the officer discharged a weapon, seize and replace it with another weapon after the scene is secured. Maintain custody of this weapon in the condition seized and protect for fingerprints and its forensic value.
8. Detain and separate witnesses, including police officers.

9. Unless instructed to the contrary, the on-scene commander will carry out the above steps and assure scene security and witness separation until the designated investigator arrives, is briefed, and takes command.

10. Contact the Division of Alaska State Troopers to conduct a criminal investigation at the request of the Chief of Police.

B. *Scene investigation procedures.*

The Alaska State Troopers will conduct the criminal investigation but will require assistance of the Nome Police Department. The following scene procedures are a guide and may need to be performed before Troopers take over an investigation to ensure timely safeguarding of evidence.

Some of the investigative steps in this section may require waivers or search warrants to assure the legal admissibility of any evidence obtained. If the investigator has any questions concerning the search and seizure implications of an investigative step the Department of Law should be contacted for advice before proceeding.

1. Ensure adequate number of investigative personnel are at scene or are responding.
2. Ensure District Attorney informed of the incident.
3. Ensure State Medical Examiner's Office is advised if required.
4. Ensure notification of next of kin.
5. Ensure legality of scene search by written waiver or search warrants.
6. If a suspect or victim is shot or injured, have an officer respond to the medical facility with the suspect/victim and seize the suspect/victim's clothing.
7. If applicable, ensure the suspect/victim has blood and urine drawn either through medical procedures, written waiver or search warrant for blood alcohol and toxicological screen.
8. Photograph injuries sustained by victim(s) and/or suspect(s).
9. Ensure the scene is photographed.
10. Ensure the scene is video recorded.
11. Complete witness interviews at the scene, if possible.
12. Ensure any vehicles involved are seized and secured.
13. Insure immediate area canvas.
14. Conduct neighborhood canvas.
15. Ensure physical evidence at the scene is identified and collected.
16. Ensure a chain of custody of evidence is maintained.
17. Ensure original Dispatch recording and Dispatch logs are seized and secured.
18. Have copies of all original Dispatch recording(s) made and transcribed.
19. Ensure original 911 recording and 911 logs are seized and secured.

20. Have copies of all original 911 recording(s) made and transcribed.
21. Ensure the scene is completely measured and a diagram constructed.
22. Coordinate on-scene media relations. (Press Releases of information will be coordinated and approved by the Chief of Police before any releases are made).
23. Coordinate on-scene briefings and inform supervisors of case progress.

C. Involved officer interview/investigation procedures. All officers directly involved in a use of deadly force incident will be treated in the following manner:

1. After other officers secure the scene, the involved officer will be relieved from the scene to respond directly to an indicated location to provide further assistance to the investigators.
2. If officers with the Nome Police department conduct a recorded interview with the involved officer regarding the circumstances surrounding the use of deadly force, Miranda Warning will be issued, with written waiver completed, as well as providing the following advisement to the officer:

***"Do you understand that you are not in custody, and are free to discontinue this interview at any time?",
and***

"Do you understand you are not obligated to talk to me?"

The Officer will not be compelled to answer questions if they choose not to make a statement.

3. The involved officer will be photographed in the clothing attire worn during the use of deadly force.
4. Photograph any injuries to the involved officer.
5. Seize the involved officer's clothing, shoes, vest and leather gear, if deemed necessary for evidentiary value and retain until all litigation and personnel actions are completed.
6. Coordinate with involved officer and obtain a written waiver for the collection of blood and urine for blood alcohol and toxicological screen.

D. Employee support procedures.

1. A Department designated individual will be assigned to explain to the involved officer what will happen during the next few hours and why, so he does not take the investigation as a personal attack. The officer should remain with a supportive individual and have some recovery time before detailed interviewing begins. (To avoid legal complications, the situation should not be discussed prior to the preliminary interview.)
2. When death or injury results, the Department will assign the involved officer to "administrative" leave for a minimum of three days following the use of deadly force. The officer who used deadly force will be required to meet with a psychiatrist selected by the Department and receive a "fit for duty" evaluation prior to return to normal duty.
3. An involved officer's name will not normally be released to the media by the Department for a 24-hour period following the incident. After 24 hours the name of the involved officer(s) will be released by the Chief's office.
4. An officer involved in the use of deadly force may wish to meet with other individuals, counselors, chaplain, or stress debriefing groups; however, at no time shall such meetings interfere with the on-going investigation. No guarantee that such conversations will remain confidential can be made.

5. If the officer is not injured, either he or the Department should contact his family as soon as possible with a phone call or personal visit to let them know about the incident. If the officer is injured, a Department member known to the family should pick them up and drive them to the hospital. Call friends, chaplain, etc., to make sure they have support.

6. Personal concern and support for the officer involved in the shooting from the Chief of Police or high-ranking officer, communicated face to face, goes a long way toward alleviating future emotional problems. The administrator need not comment on the situation or make any premature statements regarding legal matters but can show concern and empathy for the officer during the very stressful experience.

7. All Department employees involved in the incident, either at the scene or in support roles (dispatchers, supervisors, etc.) should attend a critical incident stress debriefing as outlined in OPM Chapter 116 within 72 hours. While this can be a group session, the officer(s) who did the shooting may or may not want to be included in the group debriefing, as actually doing the shooting creates different emotional issues. Follow-up sessions for other personnel involved in the shooting may be appropriate.

302.030 FIREARMS AND DEADLY FORCE INCIDENT REVIEW BOARD

A. *Appointment of review board.* Following the investigation of an incident where, an officer has deliberately or accidentally discharged a firearm, or used any form of deadly force, on or off duty except while training or shooting an injured animal, the Chief of Police will appoint a three member review board, unless the Chief determines that a review board is not warranted, such as when:

1. Criminal charges will be filed against the officer;
2. There are other on-going investigations by other agencies, e.g., human rights investigations, civil rights investigations, federal investigations;
3. The officer has been exonerated at a death inquest or grand jury, and testimony showed no violation of Department policy.

B. *Selection of board members.* Board members shall be selected as follows, and will receive a memorandum of appointment from the Chief:

1. One member is the Chief of Police.
2. One member selected by the Chief of Police, who may be appointed chairman.
3. One member selected by the officer under review.

C. *Review of incidents involving multiple officers.* Incidents involving the use of deadly force by multiple officers may be reviewed by a single board, however, the board shall make separate findings of fact and conclusions for each officer involved.

D. *Board responsibilities.* The review board will determine if the officer discharged a weapon or deliberately used deadly force, and if that action was justifiable under this chapter. The board also shall review existing Department policies, procedures, and operations that may have affected the incident under review and shall make its conclusions known in its final report.

E. *Notices required prior to hearing.* The chairman shall promptly, and at least 48 hours before the time set for the board's hearing:

1. Notify the officer in writing of the circumstances to be investigated by the board,
2. Notify the officer of the name, rank, and command of the chairman and the board members; and
3. If it appears a criminal violation has occurred, advise the officer of his Miranda rights.

F. *Review Board hearing protocol.* The following rules will apply to hearings conducted by the Review Board:

1. All board proceedings, except the deliberations of the board, shall be recorded electronically.
2. The technical rules of evidence do not apply to board proceedings. However, the chairman shall rule on questions of evidence, and determine whether documents, testimony, or other evidence will be excluded because of lack of reliability, delay, waste of time, or because it is cumulative.
3. The chairman will read into the record:
 - a. the appropriate section(s) of the OPM and/or statutes that may apply to the circumstances;
 - b. each board member's memorandum of appointment; and
 - c. the name of each person present.

4. The officer under review may be present during the questioning of witnesses. The officer is also entitled to representation at the proceeding from one other person, either a representative of the officer's bargaining unit or the officer's attorney.

5. All witnesses:

- a. Will be required by the chairman to take an oath to swear or affirm that the testimony given in the proceeding is the truth;
- b. Sworn officers will receive a Garrity warning, when applicable.
- c. May be called by the chairman or the officer;
- d. May be questioned by members of the board;
- e. May be questioned by either the officer or the person representing the officer, but not both;
- f. May not be asked off-the-record questions;
- g. Except for the officer under review, will be excluded except while giving testimony;
- h. Shall remain available for recall; and
- i. Will normally be called to appear in person before the board, however the chairman may allow a witness, except the officer under review, to testify telephonically or by deposition to avoid delay or undue expense.

6. The officer may call any witnesses having pertinent information bearing on the incident. The chairman may ask the officer to provide a summary of the witness testimony to determine whether it will be pertinent. If the chairman decides not to consider the testimony of a witness, the officer will be given an opportunity to indicate for the record what the witness would have said if allowed to testify.

7. Following the proceeding, the officer under review will be given an exact copy of any recording, or a certified transcript, of the officer's testimony in the proceeding.

G. Review Board conclusion.

1. After hearing testimony and receiving evidence, the board will meet in closed session to discuss the evidence.

2. The chairman shall draft a memorandum containing the board's findings of fact, its conclusions as to compliance with policy for each officer involved, and an explanation of any aggravating or mitigating factors. Individual board members may draft memoranda containing findings of fact and conclusions if their opinions differ, provided the additional memoranda does not unduly delay the board's report to the Chief.

H. Review Board report. The chairman shall send to the Chief of Police a report containing:

- 1. The authority to convene the board;
- 2. A copy of all reports, photos, diagrams, and other documentary evidence considered by the board;
- 3. A transcribed copy or a complete tape recording of the board proceedings;
- 4. Individual board member's report on findings of fact and conclusions, if applicable; and

5. Any recommendations by the board to examine or change policy, procedure, or training.

I. Chief's actions following review of board report.

1. The Chief will review the board's report and will take appropriate action, either accepting or rejecting the board's conclusions, or the conclusions of one of the members, or sending the matter back to the board for further action. The Chief may take disciplinary action if warranted, in compliance with current bargaining unit contractual agreements. Any action by the Chief will be made in writing and will contain the reasons supporting the action.
2. The officer under review will be notified of the Chief's action by the most expeditious method available. If the original notification is other than written, a written communication will be provided by certified mail.
3. If the Chief finds that the officer's conduct was justified as being in compliance with Departmental policies and procedures, no material or report will be placed in the officer's personnel file.
4. The Chief will inform the City Manager of all findings and the action resulting from these findings.

302.040 ATTACHMENTS:

- A.** Use of Force Investigation Checklist
- B.** Use of Force Report
- C.** Incident Report