
Administrative Investigation of Use of Force

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Edgewater Police Department to investigate and 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 Edgewater 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 will be placed in a temporary administrative assignment or on administrative leave 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 BOARD

Use of Force will be investigated in the same manner as other administrative investigations as outlined in Policy 341, Internal Investigations and Disciplinary Procedures.

Administrative investigations will be opened on every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request an administrative investigation into circumstances surrounding any use of force incident.

Board members will consist of the Chief of Police and the Police Commander.

301.4.1 RESPONSIBILITIES OF THE BOARD

The Chief of Police will determine whether the investigator should delay his / her administrative investigation 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 investigator should be provided all relevant available material from these proceedings for its consideration.

The investigation 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.

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Any questioning of the involved employee by the investigator will be in accordance with the department's disciplinary procedures, the Internal Affairs Policy, and any applicable state or federal law.

The investigation 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.

The investigator 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 investigator will submit the written recommendation to the Chief of Police.

The Board 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. If the Review Board 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.