

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 3.06
		Issue Date: March 21, 2005
		Revision Date: April 22, 2014; July 23, 2014
CHAPTER: Organization, Management and Administration		Related Policy: G.O. 1.03 (General Rules Concerning Firearms), G.O. 1.04 (Firearms Proficiency), G.O. 1.05 (Authorized Weapons, Ammunition and Carrying Devices), G.O. 1.13, (Use of OC Agents), G.O. 1.14 (Conducted Electronic Weapons (CEW)), G.O. 1.15 (Employee Involved Homicide or Potential Homicide), G.O. 3.13 (Internal Investigations)
SUBJECT: Use of Force/Firearms Discharge Review		Related Laws: ORS 161.235 (Use of Physical Force), ORS 161.239 (Use of Deadly Physical Force), and ORS 161.245 (Reasonable Belief Defined)

POLICY: The Sheriff's Office will review the circumstances surrounding employee use of force and/or discharge of a firearm. Such review may be supervisor review via chain of command or a more formal review by an appointed Review Board.

RULE: None

PROCEDURE:

I Use of Force/Firearms Discharge - Review Board

- A. All reports, including the Use of Force After Action Report, involving an employee's use of force or discharge of a firearm shall be forwarded to the Office of the Chief Deputy.
 - 1. In the event the Chief Deputy determines further review should occur, he/she shall review the matter with the Sheriff
 - 2. The Sheriff may direct further supervisory internal investigation or appoint a Review Board to conduct further investigation. The Chief Deputy will be appointed to the Board and will serve as chairperson of the Board. In addition, the following Board Members will be appointed.
 - a. A Lieutenant (unless directly involved in the incident) from the involved employee's division.
 - b. The Sheriff's Office's primary Use of Force Instructor.

- c. Two other members appointed by the Sheriff.
- B. Review Board investigations shall be conducted in accordance with G.O. 3.13 (Internal Investigations).
- C. Scope of Review - The scope of the Board's examination shall be limited to the following:
- 1. Safety Factors.
 - 2. Statutory law and case decisions pertaining to powers of arrest, use of force, and use of firearms.
 - 3. Sheriff's Office General Orders and other applicable materials, such as training bulletins, etc.
 - 4. Reports, including internal investigation reports, when applicable, submitted in conjunction with the incident.
- D. Findings
- 1. Upon completion of its review, the Review Board shall adopt findings and develop recommendations.
 - 2. If the incident involves use of force or discharge of a firearm, the finding(s) shall be consistent with the below listed possible findings:

<u>Use of Force</u>	<u>Discharge of a firearm</u>
Justified	Justified
Unjustified	Unjustified
	Unintentional (mechanical or non-mechanical malfunction)
 - 3. The Review Board shall submit a memorandum with their finding(s) and recommendations to the Sheriff and employee's division commander.
 - a. If there is disagreement among Board members, each member shall submit a memorandum including their respective justification for their own findings and recommendations.
 - b. The Sheriff will make the final determination.
 - c. The Sheriff shall notify the involved member of the final disposition in writing.

II. Use of Force/Firearm Discharge Review - Supervisor

If the Sheriff does not require further supervisory internal investigation or appoint a Board of Review, the involved member's chain of command review conducted in accordance with G.O. 1.12, Section V shall stand as official review and findings.

III. Filing and Retention of Review Files

- A. The original file of internal review of use of force/firearms will be forwarded to the Office of the Chief Deputy for centralized filing.
- B. Internal review files shall be retained in accordance with law and the county schedule for retention of such files.