

Calaveras County Probation Department

Deadly Force Review Policy

1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

2 REVIEW BOARD

The Calaveras County Probation Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Use of Deadly Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, excluding range training or recreational use.

The Chief Probation Officer may convene the Use of Deadly Force Review Board to investigate the circumstances surrounding any use of force incident.

2.1 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons:

- A Calaveras County probation officer, chosen by the Chief Probation Officer, who shall act as the chairperson
- Chief of Police, Angels Camp Police Department
- A Calaveras County Sheriff's Sergeant, selected by the Sheriff and the Chief Probation Officer

The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the Probation Unit Supervisor of the involved employee(s) to notify the Chief Probation Officer of any incidents requiring board review. The Probation Unit Supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

2.2 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The board members may request further investigation, call persons to present information, and may request that the involved employee appear before the board. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303).

The review shall be based upon those facts which were reasonably believed by the officer at the time of the incident, applying legal requirements, department policy and procedures, and approved training to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor call into question an officer's decision regarding use of force.

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, the board will conduct the interviews in accordance with

department disciplinary procedures and Government Code Section 3300 et seq. The board does not have the authority to recommend discipline. The board shall make a finding and such finding will be limited to one of the following:

- (a) The employee's actions were within department policy and procedures.
- (b) The employee's actions were in violation of department policy and procedures.

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Chief Probation Officer. After review by the Chief Probation Officer, a copy of the findings will be forwarded to the involved employee's supervisor for review and appropriate action.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief Probation Officer.