



PROCEDURAL DIRECTIVE

Training Review Boards

Originated: 02/27/02
Revised: 00/00/00
Log: 00-00

INDEX: X-XX

- I. **POLICY:** It shall be the policy of the Fremont Police Department to review incidents for training purposes as outlined in this directive. The Policy of the Department includes that all findings from a Training Review Board process will be purged from the employees file after one year from the conclusion of the Training Review. Any and all comments/actions that result from the Review Board process will be maintained in the Police Department Administrative Files only.

- II. **PURPOSE:** The purpose of this order is to establish policy and guidelines for review of the actions of employees involved in traffic accidents, firearm discharge, pursuits, other use of force, or any incident deemed appropriate for such review by the Chief of Police.

The purpose of this policy is to lead to the improvement of our training programs, and it is not for the purpose of administrative review leading to punitive action for the employee's actions with respect to the organization's policies regarding traffic accidents, firearm discharges, use of force, pursuits, or other incidents.

If suspected violations of law, rules, policies or procedures are discovered, the Review Board shall immediately cease its inquiry and refer the matter to Internal Affairs after advising the Chief of Police and affected Division Commander. No statements used in the Review Board process shall be used for an Internal Affairs investigation or serve as the basis for punitive action.

III **DEFINITIONS:**

1. Traffic accidents subject to review, for training purposes, are defined as any accident involving:
 - a. Any person operating a City-owned or other vehicle held by the City.

- b. On duty personnel driving any vehicle whether City-owned, rented or seized.
2. Shooting incidents subject to review, for training purposes, are defined as any shooting incident involving:
 - a. Departmental employees.
 - b. Discharging a firearm.
 - c. On or off duty.
 - d. At an approved range or other appropriate facility/location where there is an accidental discharge or injuries.
 3. Issues of other use of force subject to review, for training purposes, are defined as any use of force involving:
 - a. Departmental employees.
 - b. On or off duty.
 - c. Using force in a manner or to a degree that, in the opinion of the Chief of Police, requires review.
 4. Incidents involving a vehicle pursuit subject to review, for training purposes, are defined as any pursuit involving:
 - a. Department employees.
 - b. Driving a marked or unmarked City vehicle.

VI. **PROCEDURES**

1. Initiation:
 - a. Any employee may recommend to the Division Commander a review be conducted. Authority to initiate the review rests with the Division Commander.
2. Notification
 - a. Incidents subject to review, for training purposes, shall be reported to the Chief of Police via the Chain of Command as soon as possible but in no case more than 10 days after the incident. Any incident, which includes a

vehicle accident, discharge of a firearm, pursuit or use of force, shall be documented in an official police report.

- b. In the event the involved employee is unable to so notify the Chief of Police, the employee's supervisor shall make such notification as soon as possible considering the circumstances of the incident.
- c. The Chief of Police retains the right to refer a situation that comes to his attention to a training committee.

3. Documentation

- a. Appropriate documentation of the incident shall be prepared under the direction of the Division Commander, Watch Commander or other supervisory/command officer.
- b. Documentation may be in the following form as appropriate:
 - 1) Arrest Report
 - 2) Crime Report
 - 3) Traffic Collision Report
 - 4) Miscellaneous Incident Report
 - 5) Written Statement

4. Format

- a. The Training Unit will design a form and format to be used by all Review Board so that reports have a standard format.

5. Alternatives

- a. Upon learning of any of these incidents, the employee's Division Commander, in conjunction with the Training Unit, may choose to handle the matter directly. If the Division Commander chooses to use the Training Review Board, then the Division Commander may not instigate an Internal Affairs investigation or recommend punitive action as choices to handle the matter directly.
 - 1. If a Division commander chooses to handle the matter directly, the Division Commander shall prepare a report as described in this directive.

- b. If the employee is dissatisfied with the findings and recommendations of the Division Commander, the employee may request that the matter be referred to the appropriate training review board.
 - c. Such request shall be made in writing to the Chief of Police via the Chain of Command.
 - d. The Chief of Police may choose to refer the incident to a training review board.
6. Composition of Training Review Boards
- a. The Training Review Board shall be called together by the Division Commander of the involved employee. The Division Commander will oversee the Review Board and review the Board's recommendations.
 - b. Training review boards will consist of four to five members. No member of the Board shall have been directly involved in the incident.
 - c. Traffic – Training Review boards shall consist of:
 - 1) A Traffic Supervisor.
 - 2) A traffic officer agreed to by the employee and Traffic Supervisor. In the event that the parties are unable to agree, the Chief of Police shall select such traffic officer.
 - 3) Another employee chosen by the involved employee.
 - 4) The Training Sergeant.
 - 5) A subject matter expert such as a vehicle pursuit instructor, motorcycle instructor or bicycle instructor depending on the type of vehicle being driving/ridden and involved in the accident.
 - d. Shooting - Training Review boards shall consist of:
 - 1) The Investigative Services Division Commander.
 - 2) A Range Master, agreed to by the employee and Investigative Services Division Commander. In the event that the parties are unable to agree, the Chief of Police shall select such Range Master.
 - 3) Another employee chosen by the involved employee.

- 4) The Training Sergeant.
- e. Force Incident - Training Review boards shall consist of:
- 1) The Investigative Services Division Commander.
 - 2) An Officer Safety Tactics Instructor agreed to by the employee and the Investigative Services Division Commander. In the event that the parties are unable to agree, the Chief of Police shall select such instructor.
 - 3) Another employee chosen by the involved employee.
 - 4) The Training Sergeant.
 - 5) In the case of a canine use of force the canine coordinating Sergeant may also be asked to participate as a member of the Board.
- f. Pursuit - Training Review boards shall consist of:
- 1) The Patrol Services Division Commander.
 - 2) A pursuit-driving Instructor, agreed to by the employee and the Patrol Services Division Commander. In the event that the parties are unable to agree, the Chief of Police shall select such instructor.
 - 3) Another employee chosen by the involved employee.
 - 4) The Training Sergeant.
7. Role of the Review Boards
- a. Review boards shall be formed upon the occurrence of a traffic accident, shooting incident, or other use of force. Review Boards for other incidents may be formed at the discretion of the Chief of Police.
 - b. Review boards should be established and begin the review of the incident from a training perspective no longer than fifteen (15) days after the reported incident has occurred.
 - c. Review boards are only constituted to review incidents from a training perspective.
 - d. The ranking member of the board will act as the Chairperson.

- e. Review boards may choose to review documents, examine evidence interview police witnesses or the officer involved, and interview subject matter experts.
 - f. Upon completion of the review, the Board will submit in writing its findings and training recommendations, as appropriate, to the Chief of Police. A minority opinion and training recommendations may also be submitted. The full report shall be completed within ten (10) working days after the board is convened.
 - 1) Findings may only be classified as training issues.
 - 2) Recommendations may or may not be appropriate. They are limited to the following:
 - a) Remedial training.
 - i) Individual
 - ii) Group
 - b) Review and rewriting of training policy or procedure.
 - g. The Division Commander shall forward to the Chief of Police all review board reports. Reports will be maintained in the Police Department Administrative File per the policy statement of this directive.
 - h. Upon receipt of the review board's findings and training recommendations, the Chief of Police may direct such action as may be appropriate for training or policy review.
7. This procedure will remain in effect until 1/1/2004 when members of the FPA JLMC will review it. There will be a review in six months, for purposes of determining the effectiveness of the procedure in improving the Department's training programs. This review will also consider revisions, additions, deletions or rescinding of this procedure.

CRAIG T. STECKLER
CHIEF OF POLICE

- END OF DIRECTIVE -