
ROCHESTER POLICE DEPARTMENT MANUAL

OPERATIONS SECTION
Volume Five - Code Of Conduct And Use Of Force
Chapter 5-300 Use Of Force

May 1, 1996
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5-301 Legal Disclaimer

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

5-302 Definitions

DEADLY FORCE: Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm.

NON-DEADLY FORCE: Force which is neither likely nor intended to cause death or great bodily harm.

REASONABLE BELIEF: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

5-303 Knowledge of Statutes/ Policies

Revised May 1, 1996

The State of Minnesota has, by statute, limited the use of force by peace officers. Officers shall be intimately familiar with MSS 609.06 (Authorized Use of Force), MSS 609.065 (Justifiable Taking of Life), MSS 609.066 (Authorized Use of Deadly Force by Peace Officers) and these Departmental policies which are based on State Statutes.

5-304 Use of Force Policy

Revised January 1, 1995

The Rochester Police Department recognizes and respects the value and dignity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

Officers shall use the least amount of force reasonably necessary to effectively bring an incident under control while protecting the lives of the officer or others. This provision shall not be construed, however, to require officers to first attempt degrees of force which reasonably appear to be inadequate to accomplish the intended objective.

5-305 Use of Non-Deadly Force

Revised May 1, 1996

Law enforcement officers are authorized by Minnesota State Statute 609.06 to use force toward another person:

- in effecting a lawful arrest
- in the execution of legal process
- in enforcing an order of the court
- in executing any other duty imposed upon the public officer by law
- in protection of oneself or another

The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances. Officers should assess the incident in order to determine which non-deadly technique or weapon will best de-escalate and bring the incident under control in a safe manner. In making this assessment, the officer should consider:

- the severity of the crime at issue (e.g. was force or the threatened use of force involved, was injury inflicted, was the victim in fear of bodily harm, etc.)
- whether the suspect poses an immediate threat to the safety of the officer or others
- whether the suspect is actively resisting arrest or attempting to evade arrest by flight
- the totality of circumstances involved including officer-subject factors and special circumstances as shown in the Confrontational Continuum (Chapter 5-305.07)

The officer may resort to an increased level of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

5-305 Use of Non-Deadly Force (continued)

Non-Deadly force options fall on a use of force continuum. From the lowest level of force, the continuum includes:

- Officer Presence
- Verbal Direction
- Soft Empty Hand Techniques (escort techniques, pain compliance techniques)
- Hard Empty Hand Techniques (strikes, punches and kicks)
- Intermediate Weapons (Baton strikes and blocks)

The use of force beyond Soft Empty Hand Techniques requires the filing of a use of force report and event report.

When an officer has clearly articulated his/her authority and intend to arrest a subject, and the subject by words or gestures indicates to the officer that he/she will physically resist the arrest, and the officer believes that a Soft Empty Hand Technique would be ineffective or expose the officer to unnecessary danger, then the officer may use a chemical aerosol or TASER® to control the subject.

All officers shall carry and use only approved weapons, unless circumstances exist which pose an imminent threat to the safety of the officer or the public requiring the immediate use of a non-approved weapon to counter such a threat. This provision shall not be construed as authorizing officers to use a non-approved weapon where, under the circumstances, it would be feasible to procure approval for the use of a particular weapon prior to its use.

5-305.01 Neck Restraints
Revised October, 2000

The lateral vascular neck restraint (LVNR) and the shoulder pin technique as taught in the PPCT Defensive Tactics Curriculum may be used by officers that have received training in the proper use of these techniques. These techniques are to be used to control high levels of resistive behavior. They are categorized on the Use of Force Continuum at the Hard Empty Hand level. Neither of these techniques places direct pressure on the trachea of the resistive subject.

The use of any other type of neck restraint such as an arm-bar technique, which places direct pressure on the trachea of the subject, are reserved for use only in a deadly force situation.

Whenever a neck restraint is used the officer will closely monitor the subject until the subject is released to medical or other law enforcement personnel. Those personnel shall be informed that a neck restraint was used. The use of a neck restraint requires the filing of a use of force

and event report.

5-305.02 Chemical Munitions

Chemical munitions (grenades or projectiles) shall only be used by trained emergency response personnel on the orders of the ERU commander.

When they are used, the Fire Department and an ambulance will be on standby at a safe distance near the target area. After the scene is secured, ERU members shall remove and dispose of any chemical munitions debris.

5-305.03 Chemical Aerosols

Chemical aerosols are classified as protective weapons, and their use considered non-deadly force. Aerosols may only be used in situations where the rule of law allows the use of force. Only Department issued chemical aerosols may be used. The use of a chemical aerosol requires the filing of a use of force report and event report.

When chemical aerosols are used, the subject shall be administered first aid as soon as possible. Flushing the affected area with large amounts of cool water shall be considered adequate first aid. If first aid does not provide adequate relief, professional medical treatment is required.

5-305.04 Stun Guns

PROPOSED ADDITION

The Rochester Police Department currently authorizes only the AIR TASER® for use by Police Personnel. Only those officers properly trained and certified by Staff Development shall use the TASER®.

The TASER® is a defensive weapon listed on the force continuum at the same level as chemical aerosol. It is located between soft empty hand and hard empty hand techniques (Unless the officer believes that the codicil above in section 5-305 applies).

The decision to use the TASER® is the same as the decision to use chemical spray or a baton. An officer justified in using chemical spray and or a baton is justified in using the TASER®. The use of the TASER® will depend on the subject's actions and the distance of the subject from the officer.

The TASER® is an effective weapon to resolve standoff situations quickly; and in a method less likely to result in injury to the officer and the subject.

The TASER® is not a replacement for the firearm and should not be used without firearm

back-up; in those situations where there is a real threat towards the officers involved in the situation.

Because the TASER® emits an electrical charge, it should not be used in areas that are potentially flammable.

If the TASER® is used to gain control of a subject, and the TASER® barbs become imbedded (maximum penetration is ¼ of an inch) in the subject, then Gold Cross Ambulance shall be called to transport the subject to Saint Mary's Emergency for treatment and barb removal. At no time will a police officer attempt to remove imbedded barbs from a subject.

When a TASER® is used on a subject the following procedure shall be followed:

- The on-duty supervisor shall be notified.
- The subject's injuries shall be photographed and the film secured as evidence.
- The expended barbs and cartridge shall be recovered and placed into Evidence. The barbs should be treated as "sharps" and bio-hazard protocol should be followed.
- A use of force report shall be completed.
- An event report shall be completed.
- A copy of the event report shall be forwarded to Staff Development for review and record keeping.

Prior to the use of the TASER® an officer at the scene shall broadcast a "CODE TASER" announcement on RPD radio channel 1. Dispatch will acknowledge this broadcast and repeat the announcement. This is to alert other officers that the TASER® is being deployed and so that officers do not mistake the "pop" of the TASER® for a gunshot.

5-305.05 Saps, Sap Gloves, Nightsticks, Nunchucks, and Brass Knuckles

The carrying or use of saps, sap gloves, nightsticks, nunchucks, and brass knuckles is prohibited.

5-305.06 Batons

Revised January 1, 1995

The ASP Tactical Baton, the PPCT Telescopic Baton, and the riot batons are approved impact weapons. All officers that carry on their person a baton, must also carry an approved chemical aerosol weapon. The use of a baton requires the filing of a use of force report and event report.

The use of batons is force, and therefore must be legally justifiable and within Department guidelines. Officers are expected to know that a blow to certain parts of the human body can cause death or grievous injury that can lead to a permanent physical or mental incapacity or eventual death. Unless deadly force is justified, officers shall avoid intentionally striking the:

- head
- neck
- throat
- heart area of chest, or
- armpit

Striking a suspect in the following areas is likely to cause only temporary incapacity and is considered non-deadly force:

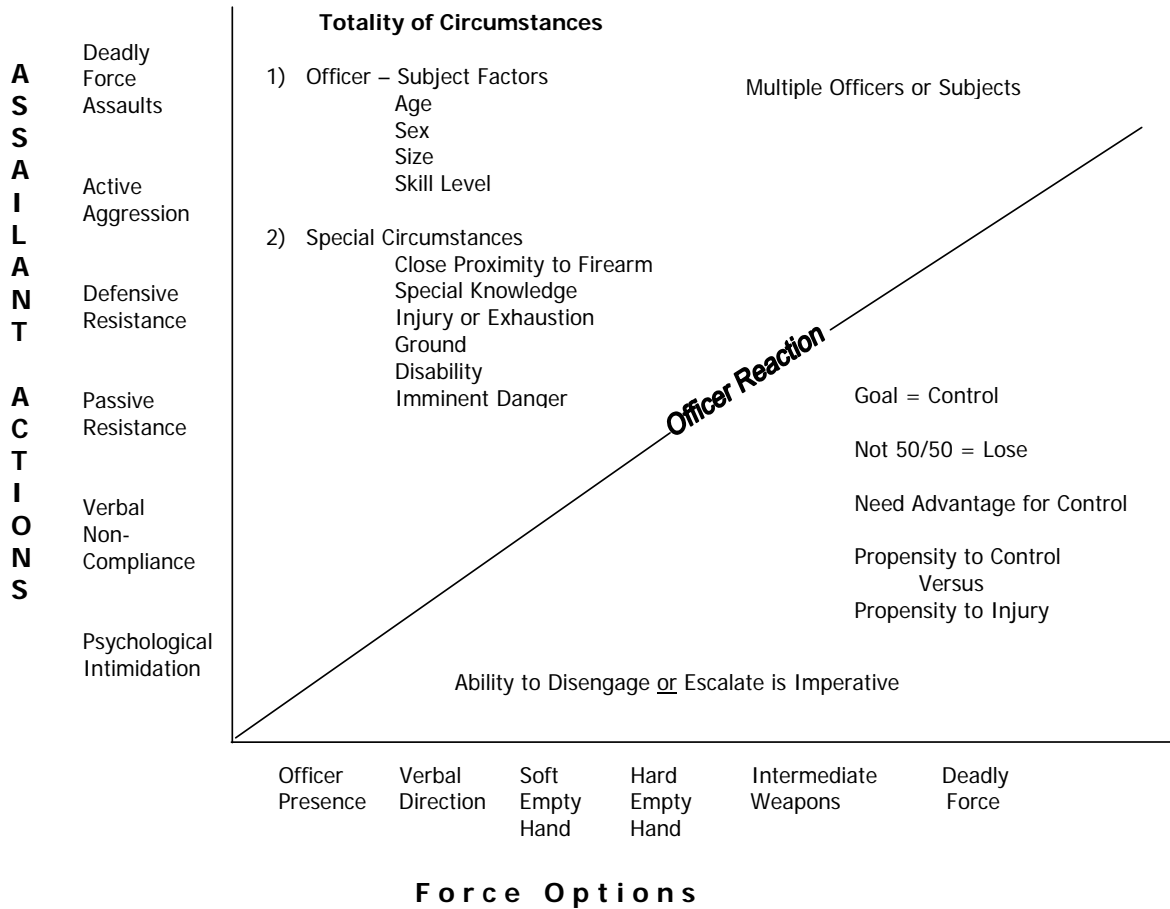
- arms
- legs
- abdomen

5-305.07 The Confrontational Continuum
 Updated October, 2000

PROPOSED ADDITION

Comment [COMMENT1]: Insert diagram here.

THE CONFRONTATIONAL CONTINUUM



5-305.08 Specialty Impact/Less Than Lethal Munitions

Added June 1, 1998

Recognizing the responsibility of the Rochester Police Department to use force wisely and judiciously, it is this department's policy that specialty impact/less than lethal munitions will only be used when reasonably necessary in the performance of an officer's duty to carry out lawful objectives.

The use of these munitions give police officers an alternative to lethal force when involved in such cases as, but not limited to:

- civil disobedience
- civil riot
- correctional facility riot
- correctional facility disobedience
- disarming individuals armed with weapons i.e. knives, clubs or other items used in a threatening way
- violent subjects
- aggressive individuals not responding to verbal commands
- individuals that pose a threat to themselves or others
- breaking of windows for insertion of communications equipment, distraction devices and/or chemical agents
- aggressive animals

Specialty impact/less than lethal munitions are those munitions fired from either a 12 gauge shotgun or 37mm gas gun or are hand delivered and are designed to be non-lethal. These rounds may include:

- rubber pellets
- rubber balls
- shot filled bags
- foam baton rounds
- wooden baton rounds
- rubber sabot rounds
- chemical agent in addition to the round

Specialty impact/less than lethal munitions should only be deployed when a situation arises where the use of force exposes the officer, public, or the individual involved to unnecessary danger. The officer deploying a specialty impact/less than lethal munition shall have been trained in the use of such munitions.

5-305.08 Specialty Impact/Less Than Lethal Munitions (cont.)

Specialty impact/less than lethal munitions deliver approximately the same kinetic energy as a typical ASP tactical baton blow. These munitions fall in the same area in the force continuum as an ASP baton.

Specialty impact munitions/less than lethal should be directed at the following primary targets:

- arms
- legs
- buttocks
- center mass/abdomen

It is acknowledged that targets move and specialty impact/less than lethal munitions are not as accurate as lethal/deadly force. These munitions should be deployed with the following considerations:

- at distances of less than 10 feet specialty impact/less than lethal rounds have a high possibility of causing a fatal injury
- the head and throat are not an intentional target

All individuals who have had specialty impact/less than lethal munitions deployed on their person will be afforded medical attention at the earliest opportunity.

Any use of specialty impact/less than lethal munitions will be detailed in an event report. A use of force report will be filed.

SHOOT TO STOP

Officers may fire their weapons when necessary to incapacitate an assailant and stop him/her from completing a potentially deadly act as described in the following sections of this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should normally shoot at "center body mass." It is recognized that in some situations, it may be necessary to shoot at areas other than center body mass.

DEFENSE OF LIFE

An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes to be an immediate threat of death or great bodily harm.

SIGNIFICANT THREAT

An officer may use deadly force when necessary to effect the capture or prevent the escape of a person that the officer reasonably believes has committed a felony involving the use or threatened use of deadly force. The officer must have strong and articulable probable cause to believe that the suspect poses a significant threat of death or great bodily harm to the officer or others, making it necessary to prevent the escape. Before using a firearm, police officers shall, when feasible, identify themselves and state their intent to shoot.

JUVENILES

No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat shall be the only policy guideline for employing deadly force.

5-306 Use of Deadly Force (continued)

WARNING SHOTS

Officers are prohibited from firing warning shots.

RISK TO INNOCENT BYSTANDERS

Officers should consider any effective options to the discharge of firearms when it appears likely that an innocent person may be injured.

SHOOTING AT OR FROM MOVING VEHICLES

Officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force.

SAFE HANDLING OF FIREARMS

Except for general maintenance, storage or authorized training, officers shall not exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.

5-307 Reporting Use of Force

Revised September 15, 2000

A Use of Force/Non-Employee Injury Report form must be completed by the involved officers whenever:

- an officer discharges a firearm other than for recreation, animal destruction or firing range purposes,
- a use of force results in death or injury,
- any non-lethal weapon is used on a person,
- force is used beyond routine escort procedures to control a resisting combative subject,
- any department action results in a non-employee injury or death,
- a non-employee sustains an injury, including self-inflicted, during custody.

The employee shall contact his/her superior officer as soon as possible, and forward the report to his/her superior officer no later than the end of the tour in which the incident occurred.

No copy of the Use of Force/Non-Employee Injury Report form shall be included with the Event Report or other case history, the report is for internal use only.

The purpose of filling out the Use of Force/Non-Employee Injury Report form is for the immediate documentation of the force used so that should a complaint be filed, the pertinent facts would be readily available. The form will also be used to assist in identifying training and equipment needs. The mere existence of one or more Use of Force/Non-Employee Injury Report forms cannot be used in an officer's performance evaluation. Furthermore, since the form merely documents an event, the mere existence of one or more Use of Force/Non-Employee Injury Report forms cannot be the basis for discipline. Force which is justified is permissible, regardless of the number of usages.

Off-duty officers involved in use of force situations are subject to the same reporting procedures as on-duty officers. When an off-duty officer is involved in a use of force situation, he/she shall notify the Duty Commander immediately.

5-307.01 Written Report After the Discharge of a Firearm

An officer who discharges his/her departmentally sanctioned firearm accidentally or intentionally (except at a firearms range) shall make a verbal report to his/her on-duty Commander as soon as circumstances permit, but in no case later than the end of his/her tour of duty; and shall file an Event Report as soon as practical thereafter describing the circumstances in detail under which the firearm was discharged.

Off-duty personnel shall notify the on-duty Patrol Commander of any discharges of a firearm either accidentally or intentionally when acting under color of law. An Event Report will be filled out as soon as possible.

If the member who discharged his/her firearm is hospitalized during the tour of duty and is incapable of filing the required report, his/her supervisor is responsible for filing as complete a report as possible pending further departmental investigation.

5-308 Injury/ Medical Attention

If in an officer's opinion a prisoner needs medical attention, the officer shall contact his/her supervisor and arrange for qualified medical care.

The Chief of Police shall be notified by the Duty Commander immediately whenever injuries have been inflicted by or to a department employee sufficient to cause great bodily harm or death. See 2-405 Psychological Services Following Deadly Force Incident and 2-406 Department Support Following Death or Serious Injury of Officer.

If the force used is such that the officer or the affected individual requires hospitalization, the Chief of Police will be notified as soon as practical.

5-309 Assaults on Police /Obstructing Legal Process

Revised December 1, 1998

For the purposes of this section regarding reporting, an assault is defined as:

The intentional infliction or attempted infliction of serious bodily harm upon the officer, or the display of any sort of weapon with the intent of causing fear of great bodily harm to the officer.

An officer who is assaulted shall, as soon as possible:

- report the assault to his/her superior officer,
- file an Event Report, and
- complete a Law Enforcement Officers Killed or Assaulted report form (required for statistical reporting).

If the assault results in injury to the officer, he/she shall also file an Injury On Duty Report.

As with an Injury On Duty Report, if an officer is unable to complete the Law Enforcement Officers Killed or Assaulted report, his/her supervisor will complete that form.

Completed Law Enforcement Officers Killed or Assaulted reports will be forwarded to the Deputy Chief in charge of that bureau. The Deputy Chief will review the report and forward it to the Records Unit for processing.

If an officer is assaulted, including Fifth Degree Assault, or encounters a degree of resistance sufficient to justify a charge of obstructing legal process of law, the case will be referred to the proper prosecuting authority.

See also, **5-308 Injury / Medical Attention** above.

5-310 Investigation of Non-Deadly Use of Force

A superior officer shall investigate any use of force resulting in injury to the suspect or officer involved.

Absent the objection of the injured person, the investigating superior officer shall have photographs taken of the injuries. Officers with visible injuries shall be photographed. If consent for photographs cannot be obtained it shall be noted in the supervisor's report.

The involved officer's supervisor is responsible for the initial investigation of any alleged or actual unauthorized use of force incidents. Upon a complaint of unauthorized use of force, the superior officer shall complete the Personnel Complaint Form. See Chapter 2-100 Personnel Misconduct.

5-311 Departmental Investigative Response to Deadly Force Incidents

When any incident occurs involving the use of deadly force, the Department shall conduct a criminal investigation of the incident, and an administrative investigation regarding the use of deadly force. Each is conducted separately, guided by distinctly different procedures and rules. Specifically, the interviews of the involved officer are conducted independently, and each interview is controlled by a different set of procedural warnings. This separation is critical to ensure officer rights yet produce comprehensive investigations.

5-311.01 Legal Representation

In accordance with MSS 471.44, the City will provide legal council to officers in all actions to recover damages for alleged false arrest or alleged injury to person, property or character when the officer acted in good faith within the scope of his/her employment. The City will provide private legal representation only when the officer has acted within the scope of his/her employment, and the city attorney's office has determined that the interests of the City and the officer are in conflict.

All communications between the officer and attorney are privileged and must remain confidential and undisclosed unless released by authority of the officer.

5-311.02 Administrative Leave / Limited Duty

Revised September 15, 2000

Any officer directly involved in a deadly force incident shall be placed on administrative leave directly upon completion of his/her reports of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply that the officer has acted improperly. See 2-403 Psychological Services Following Deadly Force Incident.

While on administrative leave, the officer shall remain available for official Departmental interviews and statements regarding the shooting incident. During the investigation of the incident, the facts of the case are regarded as confidential. Only public statements given or authorized by the Administration, or the City or County Attorney are allowed.

Upon returning to duty, the officer may be assigned to limited duty for a period of time as deemed appropriate by the officer, his/her psychologist and/or physician, and the Chief of Police.

5-312 Civil Rights Investigations

The Department will respect the authority of the Federal Government to conduct an independent investigation to identify any civil rights violations which may have occurred.

Under some circumstances, the Department may request the Federal Bureau of Investigations to conduct an independent investigation. That investigation may include potential violation of civil rights statutes.

5-313 Investigative Procedure of Deadly-Force Incidents

The following procedures will be used to investigate every incident of firearms discharge, or other use of deadly force, by a Department member except for target practice, hunting, ballistics examinations, and incidents involving the destroying of an animal.

5-313.01 Involved Officer Responsibilities

Whenever an officer discharges his/her firearm either accidentally or officially, or otherwise uses deadly force, he/she shall immediately:

- ensure that there are no additional threats to safety and secure his/her weapon
- determine the physical condition of any injured person and render first aid when appropriate
- request emergency medical aid
- notify the Communications Unit of the incident and location
- secure the scene

The officer will remain at the scene (unless injured) until the appropriate investigators arrive. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (violent crowd), the ranking commanding officer at the scene shall have the discretion to instruct the officer to move to another, more appropriate location.

5-313.01 Involved Officer Responsibilities (continued)

The involved officer:

- shall prepare in detail, all required reports of the incident. Where the officer is the subject of a criminal investigation such written reports cannot be compelled
- should not discuss the case with anyone except supervisory and investigative personnel, and the officer's private attorney
- shall be available at reasonable times for administrative (internal) interviews and statements regarding the case and shall remain subject to recall to duty at any reasonable time

5-313.02 Communications Unit Responsibilities

The Communications Unit personnel receiving the call shall:

- dispatch requested medical assistance
- dispatch requested back-up personnel
- notify the officer's superior officer
- notify the on-duty Patrol Commander

5-313.03 Patrol Division Superior Officer Responsibilities

A Patrol Division Superior Officer shall:

- proceed immediately to the scene
- assist the involved officer(s)
- secure the scene
- establish a command post if necessary
- identify an officer to document appropriate activities on a chronological record, if appropriate
- preserve the officer's weapon as evidence. (Note: at the time when the officer's weapon is seized for evidence, the superior officer should immediately issue a replacement weapon to the officer.)
- conduct a preliminary field investigation. Include information on:
 - officer's weapon, ammo, holster
 - suspect information: name, description, etc.
 - suspect's weapons
 - vehicles at the scene
 - all police personnel at the scene
 - all other participants, (ambulance crew, etc.)
 - witness information
- give command assistance to the assigned investigators
- submit a detailed written report of the results of the preliminary investigation

5-313.04 Patrol Division Duty Commander Responsibilities

Revised September 15, 2000

The on-duty Patrol Commander shall:

- confer with the supervisor in charge of the scene
- notify the Chief of Police, if appropriate
- notify the Deputy Chief, if appropriate
- notify the Investigative Division Commander, if appropriate
- in the case of a serious injury or death, place the officer on administrative leave, after he/she is finished with the investigators. There will be no loss of pay or benefits, pending the results of the investigations. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly.

5-313.05 Investigative Division Responsibilities

The Investigative Division will immediately conduct a thorough investigation of every use of force incident by a police officer which results in serious injury or death. The investigation shall include the following minimum procedural standards:

- proceed to the scene immediately upon notification
- secure the scene
- examine the weapons of all officers present at the time shots were fired including weapons in police vehicles
- seize the weapon(s) which may have been fired, at an appropriate time
- seize samples of unspent ammunition
- separate, secure and interview all on-scene witnesses
- photograph and diagram the scene
- secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body
- secure Communication Unit tapes of the incident
- obtain hospital, autopsy, lab and photographic report
- before interviewing or requesting written statements of the involved officer(s), the investigator shall advise the officer of his/her rights in a criminal investigation if the officer is under custodial arrest

The Investigative Division shall submit a detailed report of the investigation to:

- the Chief of Police
- the Deputy Chief
- the County Attorney

5-313.06 Administrative Investigator Responsibilities

The Commander of the Investigative Division shall conduct an administrative investigation of every incident of firearms discharge, or other use of deadly force, by a Department member except when such discharge was for firearms training, hunting, ballistic examinations, and incidents involving the destroying of an animal where no near miss or hit of a human resulted.

The administrative investigation will be conducted, subordinate to any criminal investigation, to determine:

- Whether the shooting was:
 - within policy
 - out of policy
 - accidental

- Training considerations regarding:
 - circumstances allowing the use of deadly force
 - drawing and exhibiting firearms
 - firing of weapon
 - tactics prior to drawing and discharging
 - tactics during and following discharge

- The quality of supervision prior to, during, and after the shooting incident.

5-313.06 Administrative Investigator Responsibilities (continued)

The taking of formal statements in an administrative investigation shall be done in accordance with Minn. Stat. Section 626.89. See 2-104.01 Formal Statements. Before interviewing or requesting written statements of the involved member(s), the Investigative Division Captain shall advise the officer of his/her rights in an administrative investigation. Those rights include:

- the right to be interviewed at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the accused officer
- the right of the investigation to be narrowly defined to the specific use of force incident
- the right to know the name of the officer in charge of the investigation and the name of the officer conducting the interview
- the right to receive a copy of a signed complaint and a summary of the allegations
- the right to have an attorney or union representative of the officer's choosing present during the session
- the right to know if he is suspected of misconduct which if sustained, could be grounds for disciplinary action including dismissal
- the right to refuse to answer any questions, but such refusal shall be grounds for disciplinary action including dismissal
- the right to be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline
- that the results of the internal investigation interview cannot be used against the officer in any subsequent criminal proceeding
- interviews will be held during the officer's on-duty hours unless off-duty interviews can be justified by the specific situation
- the interviewed officer shall, upon request, be provided a copy of any statement given by him/her

The Investigative Division Captain will prepare a detailed report of findings and forward to the Chief of Police, and the Deputy Chief.

5-314 Review of Deadly Force Incidents

Revised December 1, 1998

The Deputy Chief of Operations will evaluate, in explicit and fact-finding fashion, each aspect of an officer-involved use of deadly force. Such evaluation will include:

- a thorough review of the criminal investigation report
- a thorough review of the Internal Investigation Report
- hearing of direct testimony, if necessary, from employees and witnesses

The Deputy Chief of Operations will develop findings and make recommendations to the Chief of Police in the following areas:

- whether the shooting was within policy, out of policy, or accidental
- policy considerations
- tactical considerations
- training considerations
- quality of supervision
- discipline considerations
- the post-shooting investigative process and quality

The Chief of Police shall make the final decision whether disciplinary action is to be taken against the officer, and the nature and extent of the action.