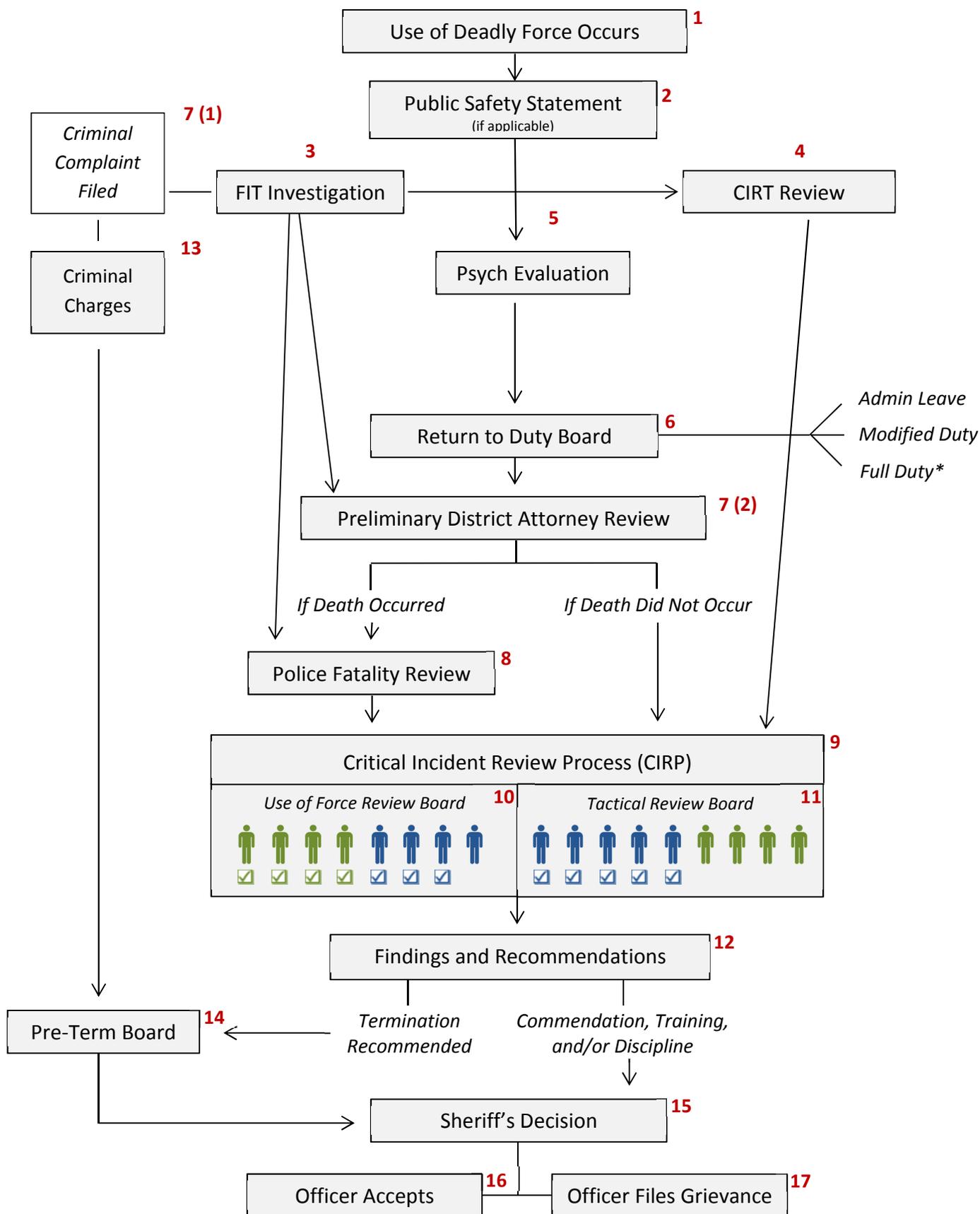


Las Vegas Metropolitan Police Department Use of Deadly Force Review Process

Draft - Updated: 09/03/14



KEY

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| * Undersheriff Approval Required | Civilian Member | Commissioned Member | or Voting Member |
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Las Vegas Metropolitan Police Department
Use of Deadly Force Review Process

<p>1. Use of Deadly Force Occurs:</p>	<p>This flow chart explains the process when an officer is involved in a use of deadly force incident. All officers directly involved in the use of deadly force are immediately placed on administrative leave with pay, until a Return to Duty Board is convened and a decision is made to return the officer back to work.</p>
<p>2. Public Safety Statement:</p>	<p>One of the first arriving supervisors will obtain a public safety statement from the involved employee(s), <i>if applicable (if suspect or officer fires a firearm)</i>. Supervisors will ask a set of predetermined questions from a department provided card (LVMPD 613), and write down the officer's responses. The purpose of the public safety statement is to quickly identify immediate safety concerns following an incident, which may present hazards to the public or responding officers.</p>
<p>3. FIT Investigation:</p>	<p>The Force Investigation Team (FIT) is comprised of detectives and a sergeant, all of who are responsible for conducting a criminal investigation, which will determine whether the use of force was legally justified under criminal law. This includes identifying and evaluating the officer's actions as well as the person who was acted upon. The FIT team will collect facts and create a report that is shared with the District Attorney's Office. Involved officers have the opportunity to give a voluntary statement to FIT investigators 48 hours after the incident. Witness officers shall provide a walkthrough and an audio recorded statement as needed and directed by FIT. All officers may have a representative as allowed by NRS 289.080. FIT will share all information and provide copies of all reports to CIRT as they become available.</p>
<p>4. CIRT Review:</p>	<p>The Critical Incident Review Team (CIRT) is comprised of detectives and a sergeant, all of who are responsible for conducting the administrative review of the incident. The purpose of the review is to improve both individual and agency performance by examining what happened prior to the incident, why it happened, and what can be done differently to improve performance. When CIRT responds to the scene of the incident they will not speak with involved employees regarding the incident at this time. They may however give the employee a 48 hour notification of an administrative interview. All officers may have a representative of choice, as allowed by NRS 289.080. Even though FIT provides all information to CIRT; all statements provided to CIRT are considered compelled statements and therefore, CIRT may not share information with FIT.</p>
<p>5. Psych Evaluation:</p>	<p>Involved officers will generally meet with a designated psychologist within 48 hours of the incident. The number of visits is unique to each event and each officer. PEAP coordinates the visits with the psychologist.</p>
<p>6. Return to Duty Board:</p>	<p>The Return To Duty Board is convened when the department authorized psychologist has recommended the member return to duty. The board is comprised of the Office of Internal Oversight Bureau Commander, FIT lieutenant, CIRT lieutenant, ODB Lieutenant, IAB Lieutenant, PEAP representative, Bureau Commander of the involved member, or designee's and a union representative. After receiving preliminary results of the FIT investigation and CIRT review, the board may recommend to: 1) extend the involved officer's initial administrative leave, 2) return the officer to work in a modified duty position, or 3) return the officer to work full duty. The board will also recommend what training the officer should attend prior to returning to duty. The Undersheriff will concur, disagree or modify the recommendation.</p>
<p>7. District Attorney Review:</p>	<p>After reviewing the FIT report, the District Attorney makes the decision to: 1) file criminal charges against the officer or convenes a grand jury or 2) The officer's actions were not criminal and do not intend to pursue criminal charges at this time. If death occurs, a letter of declination indicating the officer's actions were not criminal may be provided to the county manager. At the conclusion of the Police Fatality Public Fact Finding Review the District Attorney provides a final review articulating the facts of the case.</p>

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<p>8. Police Fatality Review:</p>	<p>The Police Fatality Public Fact Finding Review is scheduled and coordinated through the County Manager's office. The review is convened when a death occurs as a result of an officer's involvement. Involved officers are not required to provide testimony at this review. Other witnesses may be called upon as needed. A FIT investigator presents the findings of the criminal investigation. The District Attorney and the assigned Ombudsman may direct specific questions to the investigator and other witnesses. Members of the decedent's family and the public may be present and direct specific questions through the assigned Ombudsman. The purpose of the review is to provide transparency to the public regarding an officer's actions and does not result in further follow-up or provide recommendations.</p>
<p>9. Critical Incident Review Process:</p>	<p>The Critical Incident Review Process (CIRP) is comprised of two separate boards: the Use of Force Review Board and the Tactical Review Board. Involved officers, as well as witness officers and investigators, may be called upon to provide statements and answer questions. This administrative process provides an opportunity for the department to evaluate the details related to a use of deadly force incident, and determine whether the officer's actions were appropriate and within policy. It also gives involved officers the opportunity to clearly articulate their perceptions at the time of the incident and the specific actions they took.</p>
<p>10. Use of Force Review Board:</p>	<p>The Use of Force Review Board is comprised of seven voting members: four of which are non-department members from within the community and three department members: a peer, the training Captain, and a Deputy Chief. It is chaired by an Assistant Sheriff who is a non-voting department member. Officer participation is mandatory and therefore, all statements are made under Garrity. The officer has the right to have representation present at this hearing as allowed by NRS 289.080.</p>
<p>11. Tactical Review Board:</p>	<p>The Tactical Review Board convenes immediately following the Use of Force Board to review the officer's actions on the specific police tactics that were employed. CIRT investigators present the facts of the investigation, make conclusions and are available to answer any of the board's questions. The Tactical Review Board consists of five voting members: a peer, a Deputy Chief, Training Captain, Training Lieutenant, and the Assistant Sheriff serving as the chairperson. The citizen members from the Use of Force Board are non-voting observers. Like the Use of Force Board, the involved officer(s) has the opportunity to address the board and their statements are made under Garrity.</p>
<p>12. Findings and Recommendations for the Use of Force Board and Tactical Review Board:</p>	<p>The Use of Force Board selects from four possible findings: Administrative Approval, Tactics/Decision Making, Policy/Training Failure and Administrative Disapproval. The Board does not make recommendations for discipline. The Tactical Review Board may validate, overturn or modify CIRT conclusions. The Tactical Review Board does not overturn the Use of Force Boards findings. This board may make specific recommendations to the Sheriff, which may range from an award to remedial training or discipline up to termination. The Board Chairperson, who chairs both boards, briefs the Sheriff reference the board's decisions and recommendations. The Sheriff will agree, modify, or reverse the decision of the board and notify the Board Chairman.</p>
<p>13. Criminal Charges:</p>	<p>In the event a criminal complaint is filed against the officer, the officer will be placed on leave without pay. Internal Affairs will prepare and submit a case reference the officers' conduct to the Pre-Term Board.</p>
<p>14. Pre-Term Board:</p>	<p>A Pre-Term Board will be convened: 1) following an Internal Affairs investigation due to a felony criminal complaint being filed against the officer, or 2) based upon the recommendation from the Tactical Review Board to terminate the officer. The Pre-Term Board will forward their recommendation to the Sheriff.</p>
<p>15. Sheriff's Decision:</p>	<p>The Sheriff will make the final decision regarding recommendations from the Use of Force Board, Tactical Review Board and the Pre-Term Board.</p>
<p>16. Officer Accepts:</p>	<p>The officer may accept the Sheriff's decision which completes the process.</p>
<p>17. Officer Files Grievance:</p>	<p>The officer may choose to grieve the Sheriff's decision at which point the appropriate grievance process is initiated.</p>