

# CPRC Officer-Involved Death (OID) Evaluation Process

**Approved November 9, 2011**

## Commencement of OID Process:

Once an Officer-Involved Death (OID) incident occurs, RPD Command Staff notifies the CPRC Manager as soon as possible after the event. The CPRC Manager will then notify the CPRC Commission members and the CPRC independent investigator, alerting them of the incident.

RPD Command Staff will provide an oral briefing to the CPRC Commission at the next regular meeting of the CPRC after the incident, unless there is limited time to do so between the incident and the CPRC meeting. The CPRC independent investigator will commence their investigation of the incident pursuant to the City Charter.

RPD will notify the CPRC Manager when the redacted Criminal Casebook has been posted in Laserfiche. It is subsequent to this action that the 7-Stage OID Evaluation process begins.

## Stage I – Commission Member Review

- a) Commission Members review - OID Investigation materials(s).
- b) Fact sheet provided to the commission by the CPRC Manager

**Timing** – Within 30 – 60 days after Criminal Investigation is provided to CPRC staff and Commission Members.

**STAFF:** Will notify Commissioners by e-mail that an OID Criminal Casebook is ready to view on Commission laptops after it has been released by the Police Department. The CPRC Manager will review the case and prepare a fact sheet for Commissioners to use.

## Stage II – Fact Finding, Request For Training & Investigation

- a) Commission meets to discuss the case solely for the purpose of identifying facts that are considered important for the review process. This gives commissioners the opportunity to have facts clarified and/or further investigation by RPD investigator or the CPRC investigator.
- b) Commission may consider a request for training and/or clarification on a certain policy, practice or procedure by RPD that is necessary to aid in the review process.

**Timing** – First regular meeting after the Commission's 30 – 60 day review period expires.

**STAFF:** CPRC Manager will obtain requests for additional training and/or follow-up requests by Commissioners.

- 1) CPRC Manager will provide a report to Commission on investigator's (RPD / CPRC) work product if this was requested.

- 2) CPRC Manager will present requested training and/or clarification on RPD Policy, Practice or Procedure.

**Timing** – Next regularly scheduled meeting, every 2 weeks.

**NOTE:** Stage II steps “a” and “b” continue to occur until all factual questions are answered or facts are identified as no longer available, or all means to gather that information has been exhausted. In addition, requested training completed.

**COMMISSION:** Commission consensus, or majority vote if necessary, to close the fact finding, training and additional investigation process.

**Timing** – After Staff notifies the Commission that all factual questions are answered or questioned facts are identified as no longer available or all reasonable means to gather that information has been exhausted. Training and additional investigation is complete.

**Goal** – Commission should strive to complete this Process within 60 days of receiving the criminal investigation from RPD.

### **Stage III – Policy and Procedure Process**

- a) Staff and Commission Members identify and present all existing RPD Policy & Procedures implicated under the OID fact pattern. Also, Staff identifies any other generally accepted law enforcement policies or procedures implicated under the OID fact pattern that are not existing RPD Policy & Procedures. The purpose is to identify areas that may give rise to policy recommendations

**COMMISSION:** Identify any new factual questions or factual issues raised through the review of policy, procedure, technical or tactical functions. If necessary, request follow-up response by Investigator to clarify new questions.

**Timing** – Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical or tactical issues.

**STAFF:** Follow up report by Staff to Commission on Investigator’s response on new, factual questions that needed to be clarified or investigated.

**Timing** – Next regularly scheduled meeting

**COMMISSION:** Commission consensus, or majority vote if necessary, to close policy evaluation process.

**Goal** – Commission should strive to complete the Policy & Procedure process within 60 days.

### **Stage IV – Deliberation and Finding Process**

- a) Chair gives notice to Commission that each Member is responsible to develop a rationale for

a finding on whether the lethal use of force was consistent with RPD policy. Every rationale should rely solely on the facts of the case, investigation and training.

Members are encouraged to be specific in reference to facts and policy as a basis for potential finding. Any rationale not adhering solely to such facts and policies must be rejected by the Commission.

**Timing** – Begin immediately upon completion of the Policy & Procedure process.

**COMMISSION:** Chair will call for any Member to publicly offer rationale and finding as starting point for discussion. Members are encouraged to consider all offered rationales, and to seek to identify and construct final Commission finding.

Commission Member(s) articulates and applies facts from Stage III and IV to RPD policies then in existence at the time of the OID and analyzes, through Commission discussion whether the action(s) taken by officer(s) leading up to the OID and actions causing the OID was / were within or outside RPD policy.

**Timing** – To commence at first meeting after notice (“a” above).

- b) Commission Members discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. Commission Member(s) with dissenting point(s) of view, if any, articulate and discuss their specific areas of concern by identifying and applying facts from Stage III and IV to RPD policies then in existence at the time of the OID and analyzes, through Commission discussion whether actions(s) taken by officer(s) leading up to and / or causing the OID was/were within or outside RPD policy.

**Timing** – In concert with, or immediately following, “b” above.

- d) If any alternate or dissenting rationales are identified and developed, Commission must determine by consensus, or majority vote if necessary, whether to include such rationales in the Commission’s OID Report.

**Timing** – At the conclusion of all discussion on a possible finding, as determined by consensus, or if necessary by majority vote.

- e) Commission Member(s) makes motion as to whether action(s) taken by officer(s) leading up to and / or causing the OID was within or outside RPD policy, by concurrently articulating facts from Stage III and IV, and RPD policies then in existence at the time of the OID giving rise to their conclusion and motion.

**Timing** – Immediately upon completion of discussion, deliberation, and any necessary preceding votes.

**Goal** – Commission should strive to complete Deliberation and Finding Process within 60 days of completing Policy & Procedure Process.

**STAFF:** CPRC Manager will prepare the Public Report Rationale based upon the input provided by Commissioners during discussions and deliberations.

## **Stage V – Recommendation Process**

- a) Chair gives notice to Commission that any Member who has identified possible recommendations to policy, practice, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion.

**STAFF:** Will prepare any document(s) regarding recommendations in “a” above and present to Commissioners for review and any further discussion.

**Timing** – Immediately upon completion of Deliberation and Finding Process.

- b) After presentation of any recommendations, and subsequent discussion, if any, Commission Members decide whether to modify and or adopt the recommendations, either by consensus, or by majority vote if necessary.

**Timing** – Immediately following notice under “a” above when possible, and no later than the next following meeting.

**Goal** – Commission should strive to complete Recommendation Process within 30 days of completing Deliberation and Finding Process.

**STAFF:** Begin the process of writing the Written Public Report.

## **Stage VI – Written Public Report**

- a) Commission shall direct Staff on discussion and the Commission’s findings and what 1st draft of the Commission’s Public Report should look like utilizing facts and factual findings from Stages IV and V, along with fact and policy conclusions voted upon during Stage V. (i) If there are any dissenting points of view articulated during Stage V(f), Staff shall ensure each dissenter’s rationale is also accurately recorded in the Commission’s Public Report and presented after each corresponding policy conclusion voted upon during Stage V(e) under the heading “Dissenting Viewpoints”. (ii) If any two or more Commissioners express similar dissenting viewpoints during Stage V(f), Staff shall ensure this dissenting minority’s viewpoints are also accurately recorded and presented in the Commission’s Public Report in narrative form under the heading “Common Dissenting Points of View.” The dissenters in this category prepare and submit a “minority report” consensus for review by the remaining commissioners. However, if the dissenters in this category do choose to submit a draft rationale of their own, it may only use facts from Stages IV and V and may not be considered for inclusion until after a draft has been submitted to the entire Commission for its review and comment before Stage VI(e).

**STAFF:** Will complete the Written Public Report and present it to the Commissioners for review, discussion and approval.

- b) Chair to call for final review and approval of Commission Public Report.

**Timing** – Immediately upon completion of Recommendation Process, and after presentation to Commission of final draft report.

**Goal** – Staff should present final draft report to Commission within 30 days of completing the recommendation process.

**Final Goal** – 270 days, or 9 months.

### **Stage VII – Administrative Review and Report**

**COMMISSION:** Once the Public Review portion of an OID is complete, and the final report posted on the CPRC web site, the CPRC will begin the process of the Administrative Case Review conducted in closed session.

**STAFF:** Will have Internal Affairs place the Administrative Casebook and unredacted Criminal Casebook on Laserfiche, giving commissioners access to these casebooks to begin their administrative review. When the Commission is prepared to conduct the closed session review, Staff will place it on the agenda.

**COMMISSION:** Chair will open discussions in closed session. Since a finding of “within policy” or “not within policy” has already been determined in the open session and public report, the Commission may consider recommendations for training and / or policy and procedure as a result of the Administrative review. The Commission will decide what to place on the final administrative report for the City Manager and Chief of Police.

**STAFF:** Staff will complete the Administrative Case Review report and submit it to the City Manager for review. Final copy will be sent to the Chief of Police and involved officer(s).