



3200 BOARDS OF INQUIRY

Boards of Inquiry (BOI) are convened as per policy or at the direction of the Chief of Police to conduct administrative reviews of the circumstances surrounding any Department operation, police response or actions of a Department member.

3210 AUTHORITY AND RESPONSIBILITY

3211 General Authority

Boards receive their authority from the Chief of Police. Boards do not conduct criminal investigations and shall not take actions that would in any way impede or interfere with a criminal investigation.

3212 Powers of a Board of Inquiry

Department boards shall have the authority to interview all witnesses and members involved in the matter under consideration and shall have the authority to review any documents, reports, files, tapes, or any other items pertaining to the incident. In matters involving the use of deadly force by a member, the board shall interview all police personnel who the board determines were in a position to witness the use of deadly force.

A BOI also has the authority to request the appearance of any non-department person they deem beneficial to the review. The Board shall have the authority to enlist the assistance of OIA in conducting interviews on matters before it as may be necessary. The Board has no subpoena power.

3213 Duties of a Board of Inquiry

In completing an administrative review, a BOI, unless specifically directed otherwise by the Chief of Police, shall:

- Review and evaluate all pertinent facts and information, including all reports, statements, documents, and evidence.
- If necessary request additional investigation
- Review all applicable procedures and directives.
- Consider all aspects of training.
- Review all patrol and investigative methods.
- Prepare a written report to the Chief of Police.

BOIs are not designed to review compensation, assignments, discipline, grievances, or other matters covered by other review mechanisms or by the chain of command unless specifically authorized or directed by the Chief of Police.



3220 CONVENING BOARDS OF INQUIRY [CALEA 1.3.6 a, b]

A BOI may be convened at any time at the direction of the Chief of Police. Any Commander may request to the Chief of Police that a BOI be convened to investigate a matter within their chain of command. Boards shall be convened as soon as practicable after an incident.

Unless otherwise directed by the Chief of Police or designee, a BOI shall automatically be convened for any of the following reasons:

- Any death or serious injury that results from, or occurs during the course of, a Department operation, enforcement action or situation involving a member exercising police authority.
- Matters of an unusually serious nature involving members
- When a member(s) discharges a firearm at other than an approved firearms range or for testing by the Crime Laboratory
- In cases involving an accidental discharge, or the dispatch of a vicious dog or other animal, the Incident commander shall contact the Chief of Staff who, after consulting with the Deputy Chief of Police, shall determine if a Board of Inquiry is required or if the incident should be referred to the member's chain of command for review and recommendations.

The on-scene Incident Commander shall notify the Chief of Staff or designee immediately should any of the above-listed events occur. The Chief of Staff or designee shall determine if a criminal investigation regarding any member's conduct or involvement is warranted and initiate appropriate callout procedures to include the OIA Commander.

3230 BOARD MEMBERSHIP

Except as may be otherwise directed by the Chief of Police, the following points shall govern the membership of Boards of Inquiry.

- Generally, Boards shall have a minimum of three (3) members. Given the nature of the incident under review, a Board may consist of fewer members at the discretion of the Chief of Staff with concurrence of the Chief of Police.
- A Police Commander will serve as the Board's Chairperson.
- Boards of Inquiry examining a firearm discharge shall include an attorney from the City Attorney's staff and a representative from the Independent Police Auditor's Office who will act as Participating Observers. The City Council Member representing the Ward, within which the incident occurred, at the Council Member's discretion, may also act as a Participating Observer.
- A member of the Office of Internal Affairs shall be assigned to assist the BOI as may be necessary.
- A member who is the subject of review or consideration by a BOI shall not sit on the Board, nor shall any member of his/her chain of command sit on the Board.

A member of the same rank as the member involved in the incident may be included on the Board. Such members will have the same rights, obligations and responsibilities as the other



Board members and will be chosen from a list of interested members who meet minimum standards as established by OIA. The Chief of Police may name the Board members or may have them assigned from the rotation list in OIA. In addition, the OIA Commander shall assign an OIA member to each BOI.

3240 OFFICE OF INTERNAL AFFAIRS DUTIES

3241 Notification of the Office of Internal Affairs

The Chief of Staff or designee shall notify the OIA Commander immediately of any situation in which a death results from or occurs during the course of a Department operation, enforcement action or situation involving a member exercising police authority. The OIA Commander shall be immediately notified by the Chief of Staff or designee of any firearm discharge other than for normal training or for testing by the Crime Laboratory. An OIA member shall respond to the scene of these situations to assist in coordination of the investigation.

3242 Duties of OIA in Convening Boards of Inquiry

The OIA Commander shall facilitate the convening of all Boards. The OIA Commander shall assign an OIA member to each BOI to assist with the Board's proceedings. In general, OIA shall be responsible for:

- Responding to the scene of all serious incidents for the purpose of assisting the Board of Inquiry.
- Compiling all necessary documents to be reviewed by the Board.
- Upon request of the Board Chairperson, conducting interviews or internal investigation as may be deemed necessary by the Board. The OIA Commander, acting for the Board, shall have the authority to call upon Division or Section Commanders for any assistance necessary to ensure that an appropriate investigation is conducted.

3243 Evidence Items for a Board of Inquiry

The OIA Commander shall have the authority to seize and impound any item of Department issue, written report, tape recording, or other material pertinent to the matter under review. This authority shall be exercised within the limits of the Constitution of the United States and the laws of search and seizure.

3244 Handling of Records of Boards of Inquiry

OIA shall ensure that all reports and materials needed by the BOI are assembled and distributed to the Board members in a timely manner. OIA shall monitor and track all Boards of Inquiry and all reports of firearms discharges whether handled by a BOI or the chain of command, insuring that all due dates are met. OIA shall also be responsible for assigning file numbers to Boards and for the filing and storage of all reports.



3250 GENERAL CONDUCT OF BOARDS OF INQUIRY

3251 Responsibilities of the Board Chairperson

The BOI Chairperson is responsible for setting the actual meeting date, time and location, and for notifying all affected personnel, observers and witnesses. The Board Chairperson shall convene the formal BOI within 20 days of receiving the package from OIA and shall make every effort to comply with the timeline and due dates established by the OIA. The Chief of Staff shall approve any extension of this date. All sworn members participating in a Board either as a member or a witness shall wear uniform attire including a long-sleeve shirt and tie.

The Board Chairperson shall appoint one of the sworn members as the recorder. The recorder will be responsible for preparing the Board's final report.

The Chairperson shall ensure that all reports of the Board are submitted to the Chief of Police, via OIA, by the prescribed due date, and in the currently acceptable format. Extensions to the assigned due dates must be approved by the Deputy Chief. All Board members, including the participating observers, shall sign the original copy of any reports (a format sample is available in the Office of Internal Affairs).

The Board Chairperson shall ensure that all reports, documents, and papers utilized or produced by Board members and participating observers are returned to OIA. The Board is not authorized to distribute any reports or materials on its own.

3252 Rights of Subject Member in Boards of Inquiry

Any member who is the subject of review (focus officer) by the Board does not have the right to legal counsel at any Board meeting, but may be accompanied by a representative of the bargaining unit. The bargaining unit representative may ask clarifying questions, but may not ask questions of an investigative nature. The BOI Chairperson shall determine what is clarifying versus investigative. The member, who is the subject of review, may also have a representative from the bargaining unit observe the formal meeting of the Board. This observer shall be separate from the focus officer's representative, may not ask questions or participate in any manner as a member of the Board, and shall be bound by the confidentiality requirements of the Board.

3253 General Conduct of Boards of Inquiry

If the Board determines that additional investigation or interviews are needed, they shall obtain assistance through the OIA member assigned to the BOI.

The formal BOI shall be recorded. Responsibility for recording the formal BOI rests with the OIA member assigned to the Board. The recording shall be included with the investigative package. Upon prior notice to the Board, the member who is the subject of the review may tape record their own interview, using personal equipment.



The OIA Commander will ensure the reports are hand delivered by messenger to any Participating Observers. At that time, the Participating Observers shall be advised that the reports are not to be reviewed by other than Board members and that the reports must be returned when the Board is concluded. They may elect to attend the meeting of the Board or they may decline; in either event, the Board shall convene. Participating Observers may participate in the discussions, ask questions, introduce items to be investigated, *etc.*

A member who is the subject of review by a Board will not be interviewed or questioned by a Board member about the matter under review unless the Board is in session.

The proceedings of a BOI are confidential and shall not be divulged to other parties without permission.

3254 Detection of Possible Criminal Conduct

In all instances, if any pertinent evidence of possible criminal conduct not initially investigated by police should arise, the BOI shall suspend its review and notify the Crimes Against Persons Division Commander and the OIA Commander. The BOI may reconvene at the direction of the Chief of Police upon completion of the criminal portion of the review.

3260 BOARDS OF INQUIRY REGARDING FIREARMS EVENTS

Due to the unique nature of incidents surrounding the discharge of Department firearms, additional procedures are set forth to assist Board members in their duties.

3261 Composition and Notification of Board Members for Firearms Incidents [CALEA 1.3.6 a]

The Chief of Staff is responsible for ensuring that the appropriate Bureau Commander is informed of any firearms incident; field personnel may also make this notification. In the event of an accidental discharge of a weapon or the shooting of an animal the Chief of Staff or designee, after consulting with the Deputy Chief, shall decide whether to refer the matter to the involved employee's chain of command or to have OIA initiate a Board of Inquiry.

3261.1 Other Firearm Discharges

In cases involving the discharge of a firearm by a Department member at any other person, the Chief of Staff shall direct the convening of a BOI. The OIA is responsible for identifying the Board members from its rotation list.

In general, a BOI investigating a firearms incident will consist of a Police Captain as Chairperson and two Police Lieutenants and a BOI Peer Representative (normally, of the same rank as the involved member). The OIA Commander will brief the BOI Chairperson (Captain) on the information available regarding the incident in question. The Chairperson will then, as appropriate, contact and notify the remaining Board members, and coordinate their response. The Chairperson is further responsible for ensuring notification of the affected Council Member in whose Ward the incident in question has occurred.



3262 Special Considerations in Firearms Incidents

The BOI Chairperson will respond to the scene to evaluate and determine the level of response that is appropriate for other Board members. In most officer-involved shootings, the entire Board will respond to the scene. Through the Incident Commander, the Chairperson shall arrange for an inspection of the scene and all available evidence. The Chairperson shall also be responsible for notifying any appropriate Participating Observers as to the need to respond to the scene and the circumstances involved.

If the Board determines that there are issues to be addressed beyond the discharge of the weapon, they may elect to issue a preliminary report addressing only the discharge. This shall be incorporated into the final report of the Board when all matters have been thoroughly examined.

3270 REPORTING REQUIREMENTS AND DISPOSITIONS

3271 Final Report of the BOI [CALEA 1.3.6 a, b]

In all instances wherein a BOI is convened there shall be a final report prepared and submitted by the Board to the Chief of Police. Unless otherwise directed by the Chief of Police, the report shall be completed and submitted by the due date established by the Deputy Chief and OIA.

3271.1 Report Details

The final report shall include all of the Board's findings and recommendations, which may include recommendations concerning revisions in Department policies, training or procedure. In addition, the report may recommend monetary charges when members are found responsible for loss or damage to Department property and equipment. The final report shall also include and incorporate any preliminary reports issued by the Board. For complex matters that involve more than one employee or issue, the Board's report shall clearly delineate each with a separate determination.

The Board's report to the Chief of Police must be broadly focused and should thoroughly examine the following factors as they apply to each incident. Each of the following areas must be addressed within the final report as a sub-section:

- Policy
- Training
- Supervision
- Tactics
- Equipment

3271.2 Report Closures

After considering all the facts and circumstances surrounding the incident under review, the Board shall make a closing determination utilizing the following categories. Since some inquiries may involve multiple issues and employees, the Board, at its discretion



and as may be necessary, may elect to list its findings for each of several points or involved members.

The following closures are available to the Board:

Justified, Within Departmental Policy: A BOI found that the member's use of force or actions were justified. During the course of the incident, the subject officer did not violate any departmental policy.

Justified, Policy Violation: A BOI found that the member's actions were justified. However, during the course of the incident, the subject officer violated a department policy.

Justified, Tactical/Training Improvement Opportunity: A BOI has found that the member's actions were justified and during the course of the incident, no violations of departmental policy occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary, tactical or training improvement endeavors.

Not Justified, Not Within Departmental Policy: A BOI has found that the member's actions were not justified and during the course of the incident the subject officer violated a departmental policy.

When the circumstances have been reviewed and conclusions formulated, the recorder will present the conclusions and recommendations, if any, in the report. Should there be more than one opinion regarding conclusions and recommendations, each opinion shall be fully reported.

3271.3 Board Recommendations on Discipline or Corrective Action

The report from a BOI shall not make any recommendations on any proposed discipline or corrective action.

3272 Routing of BOI Reports

The Board shall forward its final report to OIA, which shall review the package and send it to the Chief of Police for review. The Chief may concur, not concur, or send the package back to the BOI for additional action. The package is then returned to OIA for processing. The Chief of Police shall be the final authority within the Department as to the disposition of each incident.

Once the final package is returned from the Chief of Police, OIA shall ensure that all members involved in the incident and their chains of command are notified of the disposition of the Board.

If the Board finds that an employee's actions were *Not Justified, Not Within Departmental Policy*, OIA shall distribute a suitable copy of the package to the involved employee's chain of command for disciplinary or corrective action recommendations. These



recommendations, and any subsequent action, shall be processed in the normal fashion by OIA.

3273 Follow-up Actions

If a BOI makes associated recommendations calling for action by a particular unit of the Department, it will be the responsibility of the BOI Chairperson to ensure that the recommendations of the Board are implemented. A report shall be returned to OIA outlining what was done to implement the recommendations. This report shall be included with the BOI investigative package. If the recommendations cannot be completed by the prescribed due date, the BOI Chairperson may request an extension from the Chief of Staff.

In the case of a BOI regarding the discharge of a firearm, OIA shall also ensure that the designated Assistant City Manager is provided a summary of the Board's findings.