



## **3200 CRITICAL INCIDENT REVIEW** (Revised September 21, 2020)

A critical incident is any actual or alleged event or situation that creates a significant risk of harm, or actual harm, to the physical or mental health of an individual, or otherwise jeopardizes the safety of the community. The critical incident review processes detailed in this chapter utilize department and community members to identify opportunities to improve practice, policy, and training; mitigate bad outcomes; and increase accountability to and access for the public we serve.

### **3210 SENTINEL EVENT REVIEW BOARD** (Revised September 21, 2020)

The Chief of Police may convene a Sentinel Event Review Board (SERB) to conduct a review of a critical incident or other matter of heightened community interest. SERB promotes trust and legitimacy with the public by including community members as part of the review process, increases transparency of department actions, improves police services, and provides an additional forum for department accountability.

#### **3211 Authority and Responsibility**

##### **3211.1 Authority**

The SERB receives its authority from the Chief of Police. SERB shall not conduct criminal investigations and shall not impede or interfere with a criminal investigation. SERB will not conduct administrative investigations into the actions of individual department members for the purpose of determining policy violations or assigning discipline.

##### **3211.2 Powers**

The SERB may interview witnesses and members regarding the matter under consideration, and shall review documents, reports, files, audio and/or video recordings, or any other items/evidence pertaining to actions or issues under review. The SERB may request the appearance of, and feedback from, department members or members of the public with expertise or experience beneficial to the review process.

##### **3211.3 Duties**

Unless otherwise directed by the Chief of Police, the SERB shall:

- Review and evaluate all pertinent facts and information, including all reports, statements, documents, and evidence;
- Review all applicable policies, procedures, and directives for adequacy, completeness, and relevancy;
- Ensure that training is adequate and identify areas for improvement;
- Review all patrol and investigative methods;
- Review and assess whether actions taken throughout the event were based upon appropriate critical decision-making;
- Provide recommendations when appropriate; and



- Prepare a written report to the Chief of Police.

### 3212 **Convening a sentinel event review Board**

A SERB may be convened at the direction of the Chief of Police after the conclusion of administrative investigations against individual members. While a SERB may convene prior to the conclusion of disciplinary processes, the SERB chair shall insure the observance of contractual and statutory rights of individual department members.

### 3213 **Board Membership and responsibilities**

SERB membership will vary by incident in order to accommodate subject matter experts from relevant fields or representatives from important constituency groups. Community member participation shall be coordinated with an emphasis on diversity, equity, and including members from underserved communities. The following is a list of the general board membership as well as their roles and responsibilities on the board. Unless otherwise noted, positions are considered voting members on formal recommendations.

#### 3213.1 **Deputy Chief of Police or Designee (Non-Voting Member, Chairperson)**

The Deputy Chief or designee will manage and direct the review process, ensure the timely completion of SERB review, and the submission of the final report to the Chief of Police.

Once the Chief of Police has reviewed the SERB's findings and recommendations, a closure form noting the chief's agreement, disagreement, and any additional action items will be completed and incorporated into the SERB report. In cases where department policies and practices are found to be deficient, the Deputy Chief, or designee, will forward the results to the appropriate area within the department for review and implementation.

The Deputy Chief is responsible for ensuring the involved member(s) are notified of the SERB outcome.

#### 3213.2 **Department First Line Supervisor and Commander Representation**

First-line supervisors and commanders assigned to a SERB will provide context as subject matter experts (SME) on current police practices and tactics, as well as answer questions from board members. They will provide input regarding discussions surrounding police response as needed.

#### 3213.3 **City Attorney's Office**

Incidents reviewed by SERB may also present liability concerns and involve potential litigation for the City. Accordingly, a representative of the City Attorney's Office will serve on the SERB.



#### 3213.4 Independent Police Auditor (IPA)

The IPA works directly for the City Manager and provides critical oversight and transparency of police investigations. The IPA ensures investigations and reviews of critical police incidents are thorough, complete, and impartial.

#### 3213.5 Community Representatives

Community representatives provide a community perspective and add a layer of transparency, and accountability in the review of police operations through the SERB review. Selection of the community representatives will be made through the Office of the Chief of Police in consultation with leaders from various relevant community groups/organizations, elected officials as appropriate, and the Chief's Advisory Council when appropriate.

#### 3213.6 Subject Matter Experts (SMEs)

SMEs may be drawn from department membership or the community to provide information related to their field of expertise. A subject matter expert employed in the field of topic under review may be assigned as a voting member of the SERB board. Subject matter experts brought in for a specific conversation topic under review will not be involved in determining formal recommendations made by the SERB.

#### 3213.7 Public Safety Communications Department Representative

Answering incoming 9-1-1 calls and dispatching police units are functions performed by the Public Safety Communications Department (PSCD). This representative will provide all relevant information possessed by and regarding the operations of PSCD.

#### 3213.8 Community Police Advisory Review Board (CPARB) Chair

CPARB members are appointed by the Mayor and City Council. The CPARB Chair representative provides another layer of transparency, accountability, and oversight.

#### 3213.9 Ward Office Representative

Ward office participation on the SERB is at the discretion of the City Council member where the matter being reviewed occurred. Ward participation provides another layer of transparency, accountability, and oversight.

#### 3213.10 Labor Representative

The labor representative will be a member of the contractual police labor organization recognized by the city. The member serving on the SERB will be selected by the police labor organization leadership.



**3213.11 Southern Arizona Law Enforcement Training Center (SALETC) Academy Captain (Non-Voting Member)**

The current SALETC Academy Captain will act as an ex-officio participant of the SERB. The Academy Captain's role is to provide information on current training practices. Additionally, the Academy Captain will ensure that identified training needs arising from the various inquiries are expeditiously incorporated into current basic and advanced officer training regimens.

**3213.12 Facilitator (Non-Voting Member)**

The facilitator will conduct SERB meetings and coordinate attendance of subject matter experts. The facilitator will work with the Deputy Chief of Police, or designee, to set agendas and ensure that material required for review is prepared and distributed to SERB members.

**3213.13 Scribe (Non-Voting Member)**

The scribe shall be responsible for capturing identified issues, discussion during meetings, and compilation of the final report. The scribe will also be responsible for the dissemination of materials to SERB members. More than one scribe may be assigned to an event review.

**3214 SERB Meetings**

The SERB will convene on an as-needed basis. Depending on the status of matters pending review, SERB may meet for the following purposes:

- Training;
- Dissemination of investigation materials;
- Discussion of the relevant issues
- Formal review; and
- Completion of reports.

**3214.1 Training**

Members will be provided with training on topics relevant to the review process, which may include: use of force, constitutional law, department *General Orders*, and other subjects as appropriate.

**3214.2 Dissemination of Investigative Materials**

After completion of the administrative investigation in the Office of Professional Standards (OPS), SERB members will receive electronic access to a complete case file for review. Until the SERB has concluded its review and issued a report, information and materials provided to members are considered confidential and must not be shared with anyone outside of SERB. SERB members shall be advised regarding the constitutional



requirements that necessitate a clear delineation of the criminal investigation from the administrative investigation. This includes the caveat that the administrative investigation may include and consider information obtained during the criminal investigation, but the criminal investigation must be bifurcated and cannot include information obtained in the administrative investigation.

Depending on legal requirements, members of the SERB may be required to sign a confidentiality agreement. The confidentiality of the process will ensure that all participants are comfortable sharing thoughts and viewpoints during the deliberation process. The confidentiality agreement will expire at the release of the formal report of the SERB.

#### 3214.3 Formal Review

The SERB shall convene after a review of investigation materials to begin identification of issues and concerns.

The facilitator shall coordinate and run the review process identifying scope, focus, and purpose. The Deputy Chief, or designee, may limit the responses to any question or discussion point if she/he feels it is inappropriate or outside the scope of the SERB.

Questions and discussion should be limited to factors believed to have influenced the outcome, especially as it relates to training, equipment, supervision, communication, tactics (including critical decision-making), and policy.

#### 3214.4 Completion of Report

The SERB shall produce a written report with findings and recommendations. The following is a list of potential areas of focus:

- Adequacy of policy;
- Use of force (reasonableness, necessity, proportionality, and circumstances leading up to the event/use of force);
- Tactics;
- Decision-making;
- Member actions;
- Communication, including de-escalation efforts;
- Supervision;
- Training issues and needs;
- Equipment;
- Constitutional issues;
- Sanctity of life issues;
- The role of other governmental or community service providers; and
- Other issues that played a role in the incident.



Members will seek to arrive at a consensus regarding the content and conclusion of the SERB report. In the event a consensus cannot be reached after extensive and thorough deliberations, a dissenting member may submit a written memorandum detailing the specific reasons for their dissenting opinion.

### 3220 FORCE REVIEW BOARD (Revised September 21, 2020)

The Force Review Board (FRB) will convene monthly to conduct an administrative review of any critical incident, officer-involved shooting, or collision resulting in death or serious injury to a person. The Chief of Police may convene FRB more frequently as circumstances dictate. FRB may also assist in reviewing additional types of use of force incidents (see *General Order 2000* for descriptions). All Type IV investigations will be reviewed by the FRB as directed by the Chief of Police. FRB promotes trust and legitimacy with the public by including community members as part of the review process, increases transparency of department actions, improves police services, and provides an additional forum for department accountability.

### 3221 AUTHORITY AND RESPONSIBILITY

#### 3221.1 Authority

FRB authority comes from the Chief of Police. The FRB shall not conduct criminal investigations and shall not impede or interfere with a criminal investigation. The FRB will not conduct administrative investigations into the actions of individual department members for the purpose of determining policy violations. Where the FRB has found a policy violation(s) unrelated to the incident under review, the matter will be referred back to OPS for disciplinary recommendations.

#### 3221.2 Powers

The FRB may interview witnesses and members regarding the matter under consideration, and shall review documents, reports, files, audio and/or video recordings, or any other items/evidence pertaining to actions or issues under review. The FRB may request the appearance of, and feedback from, department members or members of the public with expertise or experience beneficial to the review process.

#### 3221.3 Duties

Unless otherwise directed by the Chief of Police, the FRB shall:

- Review and evaluate all pertinent facts and information, including all reports, statements, documents, and evidence;
- Request additional investigation, if necessary;
- Review all applicable policies, procedures, and directives for adequacy, completeness, and relevancy;
- Ensure that training is adequate and identify areas for improvement;
- Review all patrol and investigative methods;



- Review and assess whether actions taken throughout the event were based upon appropriate critical decision-making;
- Render findings of compliance or noncompliance with department policies; and
- Prepare a written report to the Chief of Police.

#### 3221.4 Office of Professional Standards

The Office of Professional Standards (OPS) shall act as the investigative body for the FRB.

#### 3221.5 Confidentiality

Until issuance of the written report and findings, all information and material disclosed to FRB members in the course of FRB duties are confidential.

### 3222 CONVENING A FORCE REVIEW BOARD

Unless otherwise directed by the Chief of Police, a FRB shall convene for any of the following situations:

- Use of deadly force, regardless of whether the member's actions resulted in injury or death, except as provided below;
- Death or serious injury involving department member actions;
- Large-scale event response review (e.g., crowd event, demonstrations, etc.); and
- Matters of an unusually serious nature involving department members (e.g., accidental or unintentional discharge of a firearm, or, depending on the circumstances, dispatch of an animal).

#### 3222.1 Callout

FRB members may be requested to visit incident scenes to obtain a better understanding of the facts and physical circumstances under review. FRB members should avoid contact with department members conducting the criminal investigation and any focus or witness member(s) at the scene.

### 3223 BOARD MEMBERSHIP AND RESPONSIBILITIES

FRB membership may vary by incident in order to accommodate subject matter experts from relevant fields or representatives from important constituency groups. Community member participation shall be coordinated with an emphasis on diversity, equity, and including members from underserved communities. The following is a list of the general board membership as well as their roles and responsibilities on the board.

#### 3223.1 Chairperson, Southern Arizona Law Enforcement Training Center (SALETC) Advanced Training Lieutenant (Chairperson)



The current SALETC Advanced Training Lieutenant will act as the chairperson for the FRB and will manage and direct the review process, allowing or limiting the scope and questioning from FRB members and labor representatives. Upon receipt of a completed investigation, the chairperson will ensure the timely completion of FRB review and submission of the final report through the training bureau chain of command to the Deputy Chief of Police. Once the Deputy Chief of Police has reviewed the FRB's findings and recommendations, a closure form noting the agreement, disagreement, and any additional action items will be completed and incorporated into the FRB report. In cases where department policies and practices are found to be deficient, the Deputy Chief will forward the results to the appropriate area within the department for review and implementation.

The chairperson is responsible for ensuring that the involved member(s) are notified of the FRB outcome.

**3223.2 Assistant Chairperson, Advanced Training Unit Supervisor or Proficiency Unit Supervisor**

The current SALETC Advanced Training Supervisor will act as the assistant chairperson for FRB and will report directly to the chairperson in this capacity. In their absence, the Proficiency Unit Supervisor will assist in this role. The Advanced Training Supervisor is selected for this role in order to ensure that identified training needs arising from the various inquiries are expeditiously incorporated into current basic and advanced training regimens. Working closely with the chairperson and OPS, the assistant chairperson will convene the FRB at incident scenes when necessary, coordinate additional investigation, set the agenda for FRB meetings, and schedule members to appear before the FRB.

**3223.3 Patrol Services Bureau Lieutenants**

Most incidents that require FRB review will occur in the Patrol Services Bureau (PSB). To avoid the appearance of partiality, the FRB lieutenant assigned to the division where an incident occurred may be excused from review of that matter. The chairperson will assign responsibility for each matter to a lieutenant who will act as scribe during the formal board proceedings and draft the final report. FRB lieutenants are responsible for notifying the assistant chairperson of dates they are assigned but unavailable.

**3223.4 PSB Patrol Sergeants and Officers, Investigative Services Bureau Detectives**

Each member of the FRB is tasked with bringing forward points of view based upon their own training and experience. These perspectives help the FRB better understand the culture and viewpoints of those within various ranks and assignments of the department.

**3223.5 Peer Members**

The FRB shall include a peer member of equivalent rank to the focus member(s). A peer member's role is to provide the FRB with the unique perspective of their rank within the organization.



#### 3223.6 Department Legal Advisor

The Legal Advisor helps the FRB operate in a manner consistent with legal requirements, best practices, contractual obligations, department policies, and city directives.

#### 3223.7 Independent Police Auditor (IPA)

The IPA works directly for the City Manager and provides another layer of oversight, accountability, and transparency to police operations. The IPA ensures that Office of Professional Standards investigations are thorough, complete, and impartial.

#### 3223.8 Community Representatives

The community representatives add another layer of oversight, accountability, and transparency to police operations while providing a community perspective to the FRB. Selection of the community representatives will be made through the Office of the Chief of Police.

#### 3223.9 Subject Matter Experts (SMEs) (Non-Voting Member)

SMEs may be drawn from department membership or the community to provide information related to their field of expertise. Subject matter experts will not be involved in determining formal recommendations made by the FRB.

#### 3223.10 Office of Professional Standards (OPS) (Non-Voting Member)

OPS provides investigative support to the FRB. Completed OPS investigations are submitted to the FRB for pre-board analysis and formal board review. If necessary, the chairperson will direct further investigation from OPS. In cases where the FRB finds additional *General Order* violations, the chairperson will send the completed reports to OPS for follow-up. OPS will review and coordinate with the affected member's chain-of-command.

Occasionally, review of a critical incident may identify deficiencies in department policy, practices, training, or equipment. Recommendations in the final FRB report shall be coordinated and tracked by the Office of Professional Standards.

#### 3223.11 Labor Representative (Observer)

FRB review is administrative in nature, so a member whose actions are subject to FRB review is entitled to labor representation at formal board proceedings. Representation by legal counsel is not permitted. The labor representative may record member testimony and may ask clarifying, non-investigative questions at the conclusion of questioning by FRB members. The chairperson shall determine the scope of clarifying questions. Labor representation is not permitted at pre-board discussions or during FRB deliberations.

#### 3224 FRB MEETINGS



The FRB will convene on a monthly basis, or as needed, for the following purposes:

- Training;
- Dissemination of OPS administrative investigation materials;
- Pre-board discussion;
- Formal review; and
- Completion of reports.

In consultation with OPS personnel, the assistant chairperson will set the agenda for FRB meetings. To help facilitate the monthly FRB, OPS will provide the chairperson with investigative and administrative assistance.

#### 3224.1 Training

Members will be provided with training on topics relevant to the review process, which may include use of force, constitutional law, department *General Orders*, and other subjects as appropriate.

#### 3224.2 Dissemination of OPS Administrative Investigations

Ordinarily, investigators require several weeks, if not months, to complete the criminal and administrative investigations of a FRB matter. After completion of the OPS case, FRB members will receive access to a complete case file for review. Until the FRB has concluded its review and issued a report, information and materials provided to members are considered confidential and must not be shared with anyone outside of FRB or OPS. Materials will be collected at the conclusion of a formal review. FRB members shall be advised regarding the constitutional requirements that necessitate a clear delineation of the criminal investigation from the administrative investigation. This includes the caveat that the administrative investigation may include and consider information obtained during the criminal investigation, but the criminal investigation must be bifurcated and cannot include information obtained in the administrative investigation.

#### 3224.3 Pre-Board Investigation and Discussions

If a pre-board is needed, members will be prepared to discuss the details of the incident. This may be conducted virtually or in person as is practicable.

- The pre-board will determine whether additional investigation is necessary or desirable; and
- Identify issues to be covered during the formal board.

An outline of issues and other information relevant to the formal board shall be sent to FRB members in advance of the proceedings.

#### 3224.4 Formal Board

The chairperson will schedule the formal board. The chairperson or designee will provide all affected personnel, observers, witnesses, and labor representatives with the date and



time of the formal board. In situations where attendance by the focus member(s) is not required, an invitation will still be extended so that they can offer input to the FRB if they choose. A member who is the focus of a FRB review shall not be interviewed or questioned by a FRB member about a matter under review unless the FRB is in formal session. Until the FRB report is completed, information from the formal board is confidential and shall not be released or discussed without authorization from the Chief of Police, the FRB chairperson, or OPS.

All members coming before a FRB shall review the transcript of any recorded statement(s) they gave prior to giving testimony. They are also encouraged to listen to or view the audio or video recordings of the event under review.

The chairperson shall precede the questioning of any witness or focus member with a statement regarding the scope, focus, and purpose of their appearance before the FRB. Questions should be specific and relevant and should pertain to facts of the incident as well as any input they might have regarding training, equipment, supervision, tactics, and policy. The chairperson may limit the response to any follow up question if she/he feels the question is inappropriate or outside the scope of FRB.

A focus member is permitted to have a representative of the bargaining unit with them during the formal board. The representative may ask the FRB or the focus member clarifying questions. The chairperson shall determine if a question is an appropriate clarification and may limit advocacy or leading questions.

#### **3224.5 Completion of Reports**

The FRB will use a standardized format for its final report. The report contains findings and recommendations in the following areas:

- Policy, which includes findings of compliance or violations of department *General Orders*;
- Tactics;
- Decision-making;
- Communication, including de-escalation efforts;
- Supervision;
- Training; and
- Equipment.

#### **3225 FINDINGS AND RECOMMENDATIONS**

After considering all relevant facts and circumstances, the FRB shall produce a written report with findings and recommendations utilizing the following categories:

##### **3225.1 Within Departmental Policy**

The member's actions/use of force was consistent with department policy.



#### 3225.2 **Miscellaneous Policy Violation**

The member's use of force in this incident was found to be consistent with department policy. However, FRB identified a separate policy violation. In cases where FRB finds policy violation(s) unrelated to the use of force under review, the matter will be referred back to OPS for investigation, findings, or closure recommendations as appropriate.

#### 3225.3 **Tactical/Training Improvement Opportunity received**

The member's actions/use of force were consistent with department policy but revealed tactical errors that could be addressed through non-disciplinary supplementary training.

#### 3225.4 **Not Within Departmental Policy**

The member's actions/use of force were not consistent with department policy. This finding may be used regardless of a prosecuting authority's finding of justification.

#### 3225.5 **Prosecutorial Review**

Critical incidents are generally referred to a prosecuting authority, such as the City of Tucson Prosecutor's Office or the Pima County Attorney's Office, for review. Determination of justification is left to the appropriate prosecuting authority. Justification is a legal determination and does not determine policy-related findings.