

Use of Force Review

303.1 PURPOSE AND SCOPE

This policy establishes a process for the Montgomery County Sheriff's Office to review the use of force by its members. This review is distinct and separate from any officer-involved shooting investigation or internal investigation.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

303.2 POLICY

The Montgomery County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

303.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using office equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment or designated leave status pending an administrative review. The Sheriff may exercise discretion in making the determination to place a member in an administrative assignment.

303.4 REVIEW BOARD

Use of Force Review Board may be convened by the Sheriff when the use of force by a member results in very serious injury or death to another.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, and the decision not to file criminal charges or any other action, such as internal disciplinary action. The board should be provided all relevant available material from these proceedings for its consideration.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

Montgomery County Sheriff's Office

Policy Manual

Use of Force Review Boards

303.4.1 COMPOSITION OF THE BOARD

The Sheriff's designee should staff the Use of Force Review Board with three individuals from any of the following, as appropriate:

- Representatives of each Division
- Command staff representative from the involved member's chain of command
- Training Officer
- Non-administrative supervisor
- A peer deputy
- A law enforcement officer from an outside law enforcement agency, as appropriate
- Office instructor for the type of weapon, device or technique used

The Sheriff's designee will serve as chairperson.

303.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, and the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, office policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Montgomery County Sheriff's Office disciplinary procedures, and the Personnel Complaints Policy.

The board shall make one of the following recommended findings:

- (a) The member's actions were within office policy and procedure.
- (b) The member's actions were in violation of office policy and procedure.

Montgomery County Sheriff's Office

Policy Manual

Use of Force Review Boards

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as training of the member, disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff. Should the board be unable to reach a unanimous decision the board shall submit the differing opinions in its recommendation.

The Sheriff shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and will determine whether any additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the Sheriff for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Sheriff. The report shall be titled "Use of Force Review" and appended with the date or other identifying information excluding the name of any involved member.