

## 3-10/140.00 - Executive Force Review Committee

The Executive Force Review Committee (EFRC) is comprised of three area commanders, one of whom shall be designated as the chairperson by the Professional Standards Division chief.

The EFRC shall evaluate every shooting and force incident wherein the activation of an Internal Affairs Bureau (IAB) Force/Shooting Response Team is required pursuant to section 3-10/130.00, Activation of IAB Force/Shooting Response Team. Incidents occurring within Custody Division that require the activation and response of the IAB Force/Shooting Response Team shall be evaluated by the Custody Force Review Committee (CFRC). The CFRC will recommend the level of discipline for each employee deemed to have violated Department policy, except for shootings, off-duty incidents, and incidents that occur away from custody facilities involving non-inmates. The evaluations for these exceptions shall remain with the EFRC.

The EFRC shall meet regularly to review and evaluate all cases enumerated above. In addition to the concerned employee's unit commander, meeting participants shall include the Internal Affairs Bureau investigator, as well as representatives from the Training Bureau, Advocacy Unit, and Risk Management Bureau.

The members of the EFRC shall be provided copies of the IAB Force/Shooting Response Team's investigations prior to each meeting. In addition, documents may be provided by the Training Bureau, Risk Management Bureau, or any other relevant/appropriate Department bureau or unit. Based on these reports, the members of the EFRC shall evaluate each incident and determine if the conduct of Department personnel was within established policies and/or consistent with established procedures. The EFRC members shall also evaluate the tactics of the personnel involved, whether the actions of Department personnel were consistent with Department training, and whether Department members used/deployed proper safety equipment. EFRC members shall set forth their analysis in writing when deciding on whether a force incident was within policy.

After their initial review of the incident, the members of the EFRC may 1) make a finding and recommend the level of discipline if the EFRC determines that the investigation has revealed that an employee violated Department policy or 2) return the case for additional investigation and direct that the case be re-presented to the EFRC for disposition.

**NOTE:** An administrative or criminal investigation may be opened at any time during the force/shooting investigation if warranted (refer to MPP section 3-10/130.00, Activation of IAB Force/Shooting Response Teams).

The EFRC chairperson shall report the findings of the EFRC to the concerned employee's unit commander via memorandum, detailing the factual basis for all findings that actions and tactics were within or out of policy. If the employee's conduct is determined to be in violation of established Department policy, the specific Manual of Policy and Procedures section(s) shall be cited. Exemplary performance or conduct will also be acknowledged, and appropriate commendations recommended. Similarly, recommendations to debrief involved and/or uninvolved personnel, provide additional training, or conduct counseling also are included in the final memorandum. Issues concerning tactics, training, and/or policy revisions shall be cited, and a memorandum forwarded to the appropriate Department unit/bureau for consideration.

**NOTE:** In cases where the EFRC fails to reach a unanimous decision, the matter will be referred to the chief of the Professional Standards Division for review and resolution before the case is adjudicated and/or any

findings are published. If a unanimous decision still cannot be reached, the chief shall be responsible for arranging a presentation of the case facts to the Undersheriff for a final decision.

The findings of the EFRC shall be forwarded to the concerned employee's unit commander. Within thirty (30) business days, the concerned unit commander shall evaluate the EFRC's findings, act on their recommendation(s), document his/her actions, and return the documents, through channels, to the EFRC chairperson. If the EFRC has determined that a violation of an established policy occurred, the EFRC shall identify the policy violation(s) and determine the appropriate level of discipline for each employee deemed to have violated Department policy.

In the event the concerned unit commander disagrees with the findings and/or recommendations of the EFRC, the dissent must be articulated in a memorandum to the concerned division chief or division director, detailing the factual basis for disputing the findings that the actions were within or out of policy. The unit commander shall also consult with a Constitutional Policing Advisor designated by the Director of the Office of Constitutional Policing before forwarding the memorandum to his or her division chief or division director. The division chief or division director shall present the matter to the chief of the Professional Standards division for review and concurrence before the case is adjudicated and/or any findings are published. If a concurrence cannot be reached, the Professional Standards Division chief shall be responsible for arranging a presentation of the case facts to the Undersheriff for a final decision.

Division chiefs or division directors who seek to modify discipline or findings agreed upon during the EFRC process shall author a memorandum to the Undersheriff describing any information to be considered as a reason to modify the panel's findings and recommendations.

The concerned unit commander is responsible for ensuring adherence to any recommendations by the EFRC. Any action taken shall be documented by the concerned unit commander on the "Unit Commander Response" and returned to the EFRC chairperson.

The entire IAB Force/Shooting Response Team case file, including all reports and documents describing the EFRC's findings and recommendations, the concerned unit commander's response, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets, shall be maintained by the EFRC staff. All appropriate databases shall be updated by EFRC staff based upon the information contained within the IAB Force/Shooting Response Team case file.

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