

212 ~~Force Review Board~~R2R Audit Group

212.1 PURPOSE AND SCOPE

The Austin Police Department is charged with the important responsibility of objectively evaluating an ~~Officer's~~Officer's Response to Resistance. The ~~Force Review Board (FRB)~~R2R Audit Group shall identify any policy, training, tactical, equipment, or other improvements related to the force incident that may be needed. The ~~Board-group~~group shall also review the quality and timeliness of the response to resistance reporting, investigation, and ~~chain-of-command~~chain-of-command review, and take appropriate action. The Chief may direct the ~~Board-group~~group to review any Response to Resistance incident.

The ~~FRB-group~~group is empowered to conduct an administrative review of the following types of incidents:

(a) Level ~~1-2~~1-2 and Level ~~2-3~~2-3 force incidents.

~~(b) In-custody death.~~

~~(c) Vehicle pursuits resulting in the serious bodily injury or death to any person.~~

~~(d) Any incident causing serious injury or death as a result of an employee's actions.~~

~~(e) Any firearms discharge other than those in the course of authorized training, practice, legal recreational activities, during an organized competitive event, or the authorized discharge against an animal.~~

~~(f)~~(b) Any incident where an officer uses OC Spray, Taser, or weaponless strikes on a restrained subject.

(c) Any commander may request that an incident occurring within their area of responsibility be reviewed.

~~(g)~~(d) Any incident, regardless of level, as directed by the Chief of police or designee.

212.1.1 AUTHORITY OF ~~FORCE REVIEW BOARD~~R2R AUDIT GROUP

When ~~a FRB is convened, the Board may~~the R2R Audit Group is convened, the group may:

~~(a) Direct Department personnel to appear before the Board.~~

~~(b) Request any private person to appear as a witness.~~

~~(c)~~(e) Access all relevant documents, records, recordings, including any video, audio, text messages, and transcripts of interviews of all involved personnel, including non- departmental witnesses, as provided by law.

The ~~Board-group~~group shall make recommendations concerning any policy, training, tactical, equipment, or other improvements but does not have the authority to recommend discipline. Recommendations shall be determined by a majority vote of the ~~Board-group~~group. Any approved recommendations shall be referred to the Chief of Police or designee.

212.1.2 CONFIDENTIALITY OF INFORMATION

Documentation provided to the ~~FRB~~R2R Audit Group necessary to perform its function has the same legal character as documentation in the possession of Internal Affairs. No member of the ~~FRB-group~~group may release any information regarding its review of a specific incident to anyone not authorized to review the information without the authorization of the Chief or designee.

212.2 ~~FORCE REVIEW BOARD~~R2R AUDIT GROUP COMPOSITION

The ~~FRB~~R2R Audit Group will meet monthly. The group consists of Voting Members, Non-Voting Members and Presenters. Current ~~Board-group~~group membership shall be ~~outlined and updated in General Order 111 (APD Standing Committees and Boards)~~comprised of the Force Review Commander (Chairperson), a representative from City Legal, a monthly rotating panel of three (3) commanders, the Force Review Lieutenant, and the Learned Skills Unit Lieutenant. The Force Review Lieutenant and the Learned Skills Lieutenant are non-voting members. The Chief of Police may appoint other members to the group as needed.

212.2.1 ~~BOARD~~-MEMBER TRAINING

The ~~Training Division~~Force Review Commander shall ensure all ~~FRB~~ members receive continuing professional training in the following subjects:

- (a) Departmental force policies, force application, and practices including demonstrations of training techniques.
- (b) Departmental force investigation procedures.
- (c) Criminal and administrative investigation techniques, practices, and standards presented and/or coordinated by the Training Academy.
- (d) Legal updates on force case law presented by representatives from the City Law Department and/or the District Attorney's Office.
- ~~(e) Officer involved shootings, vehicle pursuit related matters, and in-custody death investigations.~~

212.3 ~~FORCE REVIEW BOARD~~R2R AUDIT GROUP INQUIRY PACKETS

212.3.1 INQUIRY PACKET PREPARATION

The R2R Audit Group will review a random sampling of 8 -10 cases for Level 2 R2R's, Level 3 R2R's, and all incidents where an officer uses OC Spray, Taser, or weaponless strikes on a restrained subject. The group shall not review any incident that is currently being investigated by Internal Affairs or the Special Investigations Unit.

~~A FRB shall not be convened if any Response to Resistance, In-Custody Death or Vehicle Pursuit incident is being investigated by IA until the internal investigation is completed. IA shall provide the completed investigative report packets to the FRB Chairperson. The FRB Chairperson shall convene a FRB within 30 days of receipt of the investigative files from IA.~~

~~For all in-custody deaths and officer involved shootings, IA shall present a detailed summary of the investigation to the FRB.~~

~~The FRB Chairperson may request additional information from Internal Affairs and/or the Vehicular Homicide Unit (if the incident is a pursuit resulting in serious bodily injury or death), as needed.~~

~~Inquiry Packets that are not subject to an IA investigation are forwarded to APD Training by the chain-of-command. APD Training shall prepare the Packets for presentation to the FRB.~~

212.3.2 INQUIRY PACKET DISTRIBUTION

The Chairperson shall ensure ~~FRB~~ participants are provided a list of all cases that will be reviewed, ~~as well as the Response to Resistance Inquiry Packet Control Sheet~~ and any supervisor memoranda, at least seven (7) calendar days prior to the FRB group meeting. The ~~FRB participants~~members may review the incident report, the IRP, and any case notes via Versadex.

All other ancillary documents, reports and recordings shall be made available at the FRB meeting, including:

- (a) Ancillary documents such as supplement reports and written statements.
- (b) Communications Division audiotapes, if necessary.
- (c) MAV media, if available.
- (d) CAD records.
- (e) Medical reports or summary of injuries, if available.
- (f) Digital Images or photographs.
- (g) Training and force incident records of involved personnel.
- (h) Applicable Department policies and procedures.

212.4 ~~FORCE REVIEW BOARD~~R2R AUDIT GROUP PROCEDURES AND RESPONSIBILITIES

The Chair of the ~~Force Review Board~~R2R Audit Group shall track the status of all ~~FRB's~~meetings to include:

- (a) Date of the Board meeting.
- (b) Date the ~~FRB~~R report is submitted to the affected commanders for corrections.

- (c) Findings and recommendations of the ~~Board~~ group.
- (d) Implementation of the approved recommendations in accordance with this order.
- (e) Date ~~F~~ final FRB-R2R Audit Group R report submitted to Chief or his designee.

~~214.1 CONVENING A FORCE REVIEW BOARD~~

~~The FRB Chairperson shall contact IA within twenty-four (24) hours of the scheduled Board to ascertain whether a force complaint is pending. If a complaint is pending relating to the incident, the FRB Chairperson shall notify the Chief of Police or designee and reschedule the Board after the completion of the internal investigation.~~

~~If no investigation is pending, the FRB Chairperson shall preside over the review of the incident to include, but not limited to, the following:~~

- ~~(a) A presentation and review of the Inquiry Packet and all relevant documents and materials.~~
- ~~(b) A discussion regarding:

 - ~~1. The quality and timeliness of the reporting, investigation, and chain-of-command review.~~
 - ~~2. Applicable general orders.~~
 - ~~3. Relevant tactics.~~
 - ~~4. Current practices and training.~~
 - ~~5. Any equipment issues.~~
 - ~~6. Additional follow-up by the supervisor conducting the inquiry, IA, and/or SIU.~~
 - ~~7. Questions from Board members.~~~~
- ~~(c) If additional inquiry or other follow-up is recommended, the FRB Chairperson shall advise the appropriate Commander that should address the specific issue and assign a due date not to exceed thirty (30) calendar days.~~
- ~~(d) Deliberate on the possible need for:

 - ~~1. General Orders revision or the promulgation of new directives.~~
 - ~~2. Changes in equipment.~~
 - ~~3. Changes in tactics.~~
 - ~~4. Changes in practices and training.~~
 - ~~5. Additional training:

 - ~~(a) Individual.~~
 - ~~(b) Specialized, including training for Response to Resistance investigators.~~
 - ~~(c) Department-wide.~~~~
 - ~~6. Improvements in the quality and timeliness of the reporting, investigation, and chain-of-command review of the force incident.~~~~

~~212.4.2 ATTENDANCE BY THE OFFICER(S) INVOLVED~~

~~For incidents involving the discharge of a firearm, the involved officer and their chain-of-command may be requested to appear before the Board.~~

~~For all other incidents reviewed by the Board, the involved officer(s) and supervisor(s) may appear, or the Chairperson may order their appearance.~~

~~212.4.3 FORCE REVIEW BOARD REPORT~~

~~The Chairperson shall ensure a FRB Report is prepared. The original shall be sent electronically to the affected Commanders within five (5) calendar days after the Board adjourns. The FRB Report shall contain the following, as appropriate:~~

- ~~(a) A summary of the Board's deliberations.~~
- ~~(b) A draft Departmental publication identifying training or equipment issues (e.g. Officer Safety or Information Bulletin).~~
- ~~(c) Recommendations concerning equipment shall be sent to the Training Commander.~~
- ~~(d) Recommendations concerning tactics shall be sent to the Training Commander.~~
- ~~(e) Recommendations to develop or revise Departmental policy and procedures shall be sent to the Professional Standards Commander.~~

~~(f) Recommendations on the quality and timeliness of the reporting, investigation, and chain-of-command review shall be sent to the Commander who was involved in the Review of the Response to Resistance.~~

~~212.5 FORCE REVIEW BOARD RECOMMENDATIONS AND FOLLOW-UP~~

~~(a) Corrective Actions:~~

- ~~1. If the FRB R-report contains approved recommendations for corrective actions for specific personnel (e.g., training), the FRB Chairperson shall assign it to the appropriate Commander.~~
- ~~2. The assigned Commander shall ensure the approved recommendations are implemented.~~
 - ~~(a) Upon completion of the recommended corrective action(s), the assigned Commander shall prepare and forward a written response documenting the corrective action to the Force Review Board R2R Audit Group within twenty (20) calendar days of receipt, unless extended by an Assistant Chief.~~

~~(b) Department-Related Recommendations:~~

- ~~1. If the FRB-report contains Department-related recommendations (e.g., general order revision, equipment evaluation, tactical changes, Training Bulletins, or improvements in the quality and timeliness of the reporting, investigation, and chain-of-command review), the Chair of the FRB Chairperson shall assign the required tasks to the appropriate Commander.~~
- ~~2. The assigned Commander shall review the proposed recommendations/planned corrective action with their Assistant Chief and present a status update to Executive Staff.~~
- ~~3. The Chair of the FRB Chairperson shall monitor and document the implementation of Board recommendations and advise the Chief or his designee when:~~
 - ~~(a) Implementation is completed.~~
 - ~~(b) An extension has been requested and the reason for the extension request.~~
 - ~~(c) Implementation has not been completed within thirty (30) calendar days and no extension has been requested.~~
- ~~4. The chair of the FRB Chairperson shall prepare a final FRB-report which indicates how each issue or concern that was identified was handled. That report shall be sent to the Chief or his designee electronically within thirty (30) calendar days of the initial FRB-R2R Audit Group meeting.~~
- ~~5. After the completion of the final FRB memo, the FRB chair will update Command Staff on any changes that were identified.~~
- ~~6. The chair of the FRB will meet with Executive Staff to give an overview of the previous months FRB findings as they relate to general order revisions, equipment evaluations, tactical changes, or findings that result in an IAD/SIU investigation.~~

~~212.6 RECORDS RETENTION AND REPORTING~~

~~212.6.1 RECORDS RETENTION~~

~~The FRB Chairperson shall add the original FRB reports and any additional documents/material into the Inquiry Packet and forward it to IA.~~

~~IA shall serve as the custodian of records for Force Review Board Reports, Response to Resistance Inquiry Packets, In-Custody Death Inquiry Packets, and Vehicle Pursuit Report Packets if the pursuit resulted in serious bodily injury or death to any person. Records shall be retained consistent with IA's records retention general order.~~

~~212.6.2 ANNUAL REPORTING~~

~~The following annual reports shall be prepared and distributed by the end of the third quarter of the following year to the Chief.~~

~~(a) The commander over Internal Affairs shall prepare an annual Response to Resistance analysis report.~~

~~(b) The chairperson of the FRB shall prepare an annual analysis of all incidents examined by the FRB in the prior year to identify any patterns and practices that have policy, training, tactical, equipment, quality control, or other implications.~~