

GENERAL ORDER, ADMINISTRATION, NUMBER 12
APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Shooting Review Board

B. PURPOSE:

To establish a Shooting Review Board, set guidelines and provide authority for the Board to function.

C. POLICY:

It is the policy of the Department that the Shooting Review Board shall be convened in all incidents when any officer intentionally or accidentally discharges a firearm resulting in death or injury to a person.

D. PROCEDURES:

1. Membership on the board will be based on assignment and will be an ex-officio duty as long as the position is held. The board will consist of four voting members and two non-voting members. Three of the voting members serve on the board by virtue of their assignment and one member is appointed by the Chief of Police.

a. Voting Members

1. Division Commander of officer involved.
2. Immediate Commander of officer involved.
3. Director of Training.
4. One Police Officer currently in a field assignment and not on the same watch as the officer involved to be appointed by the Chief of Police.

b. Non-Voting Members

1. Internal Affairs Investigator will function as the "Board Review Officer" and should be familiar with all aspects of the incident.
2. Representative from the City Attorney's office to act as legal advisor.

c. If a member of the board is away from the department for an extended period of time and the panel is to convene, that member's position will be filled through appointment by the chairperson of the board. If

possible, the member will be selected from the same element as the absent member.

2. Duties and Responsibilities of the Chairperson:
 - a. Set the date, time, and place the board convenes.
 - b. Notify, in writing, all witnesses if applicable, when their presence before the board is required.
 - c. Chair the Shooting Review Board and decide on any questions of procedure or acceptability of evidence.
 - d. Call witnesses, if necessary.
 - e. Examine witnesses and provide opportunity for board members to ask questions.
 - f. Prepare the ballots.
 - g. Prepare the decision of the board and forward the same to the Chief of Police.
3. Duties and Responsibilities of Internal Affairs:
 - a. Review all facts, circumstances and evidence related to the shooting incident and present the same to the Shooting Review Board.
 - b. Prepare an incident summary report for each board member to review
 - c. Assure that all reports, case files, tape recordings, videos, photographs, or any other pertinent documents are immediately available for the board to review.
 - d. Other duties as assigned by the Chairperson.
4. Rights of the officer involved:
 - a. If the employee involved is summoned to give evidence or testimony before the board, they shall have the right to be represented by an attorney of his/her choice or at his/her option, a representative of the Waterloo Police Protective Association, and
 - b. Shall be given a minimum of ten (10) days to prepare, and
 - c. Shall be given a meaningful opportunity to be heard.

5. The Board will convene as soon as possible following the completion of the Internal Affairs Unit's investigation.
 - a. If the officer involved is to give evidence or testimony before the board, the provision of D.4.b., herein shall be adhered to.
6. Proceedings of the board will be informal and directed toward the issues of proper police procedures, officer judgement, and other alternatives open to the officer involved.
 - a. All proceedings shall be audiotape-recorded at a minimum; videotaping is at the discretion of the chairperson.
 - b. All proceedings are confidential in nature.
7. The board shall have authority to call before them any department employee and request the appearance of any non-department person they deem beneficial to the review.
8. The Shooting Review Board shall thoroughly review and examine all reports, evidence, or witnesses, if necessary, and make a determination if the incident is in compliance with department policies and procedures.
9. Voting shall be by written ballot, signed, and dated by the voting member.
10. The decision of the Shooting Review Board shall be in writing, submitted to the Chief of Police, and, at a minimum, contain the following:
 - a. Findings of fact.
 - b. Issues considered by the board.
 - c. Conclusion and decision.
 - d. Recommendation.
11. If the decision of the board is not unanimous, the board shall prepare a majority-minority decision and submit it to the Chief of Police.
12. The Chief of Police will exercise final authority on the disposition of each shooting incident.
13. These procedures shall be independent of any criminal prosecution which may be initiated by the Black Hawk County Attorney's Office should a violation of law be involved.

By Order of:

Thomas J. Jennings
Chief of Police