



Public Safety Committee Report

Date: September 21, 2009
To: Public Safety Committee
Through: Christopher J. Brady, City Manager
From: Vicki Myers, Police Chief
Subject: Use of Force Review Board
Citywide

Strategic Initiatives



Purpose and Recommendation

The purpose of this report is to provide the Mesa City Council Public Safety Committee with an update on the Mesa Police Department's (MPD) Use of Force Review Board.

Background

Since 2005 citizens have been participating in the MPD's Use of Force Review Board.

It has been the practice of the MPD to convene the Use of Force Review Board whenever there is an officer involved shooting that result in death or serious injury requiring hospitalization, anytime a person dies while in the custody of MPD or as the Chief of Police deems necessary.

Citizen participation is limited to discussion as the citizens do not have the authority to vote because of the City Charter's restriction on their level of involvement.

Citizen involvement in the Use of Force Review Board has been invaluable. It has provided the MPD with an opportunity to educate the public on issues concerning use of force as well as an opportunity to work together with citizens of our community to promote both understanding and accountability.

Discussion

Citizen Membership: The City Manager's Office selects citizens to serve on the Use of Force Review Board. Citizens must have graduated from Mesa Citizens Police Academy (CPA) to qualify for the board and be willing to serve on the board for two years. The City Manager's Office maintains a list of citizens who have attended and graduated from the CPA with the list expiring every two (2) years. Currently, there are fourteen (14) citizens listed as potential candidates for the Use of Force Review Board. The City Manager's Office is in the process of updating the list and soliciting new members for the board.

Board Compilation: Although the policy is currently under revision to include operating guidelines and procedures, at this time when the Use of Force Review Board is convened, membership includes:

- Three (3) commanders appointed by the Chief of Police
- MPD's staff attorney
- MPD representatives from the Policy Unit, Training, and Internal Affairs
- Representatives for any other technical assistance that may be needed

Convening the Board: MPD convenes the Use of Force Review Board whenever:

- There is an officer involved shooting that results in death or serious injury requiring hospitalization
- A person dies while in the custody of MPD
- As deemed necessary by the Chief of Police

Review Process: The Use of Force Review Board examines all related documentation surrounding the incident including Department Reports, Executive Summaries, policies and procedures.

Board Recommendations: The Use of Force Review Board is responsible for making a written recommendation to the Chief of Police. The recommendation typically involves a finding of whether the incident was within or outside of department policy. If the finding is that the incident was outside of department policy, the case is referred to Internal Affairs for further investigation. The recommendation can also include a proposal to amend any department practice, policy, training technique, etc.

Scheduling Cases: Cases are generally scheduled before the Use of Force Review Board after they have been reviewed by the Maricopa County Attorney's Office. Also, on occasion, the cases are scheduled after any pending civil litigation has been resolved. Currently, there are six (6) cases pending review.

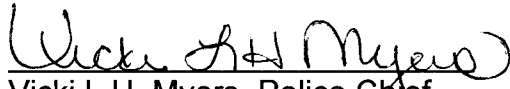
Since its inception in 2005, the Board has reviewed ten (10) cases. The Board last convened on April 7-8, 2008 and heard four (4) cases. Two (2) citizens participated on the board for these cases. Currently, there are six (6) cases awaiting review by the Board.


Alternatives

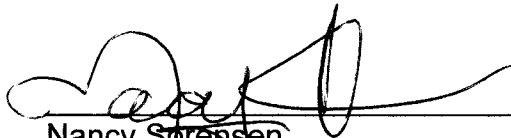
Continue with the Use of Force Review Board with citizen participation to promote both understanding and accountability.

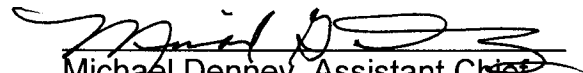
Fiscal Impact

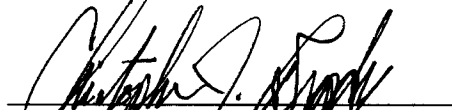
There is no fiscal impact.


Vicki L.H. Myers, Police Chief


John Meza, Assistant Chief
Office of Operations


Nancy Sorensen
Staff Attorney


Michael Denney, Assistant Chief
Chief of Staff


Chris Brady, City Manager

USE OF FORCE REVIEW BOARD

***Public Safety Committee
September 21, 2009***

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Purpose

- **MPD convenes the Use of Force Review Board whenever:**
 - There is an officer involved shooting that results in death or serious injury requiring hospitalization
 - A person dies while in the custody of MPD
 - As deemed necessary by the Chief of Police

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Board Compilation

- **When the Use of Force Review Board is convened, membership includes:**
 - Three (3) commanders appointed by the Chief of Police
 - MPD's staff attorney
 - Two (2) citizens
 - MPD representatives from the Policy Unit, Training, and Internal Affairs
 - Representatives for any other technical assistance that may be needed

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Citizen Membership

- Citizens must have graduated from Mesa Citizens Police Academy (CPA) to qualify for the board and be willing to serve on the board for two years
- The City Manager's Office maintains a list of citizens who have attended and graduated from the CPA
- Currently we are in the process of updating the list and soliciting new members for the board.

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Board Recommendations

- The Use of Force Review Board makes written recommendations to the Chief of Police
- The recommendation typically involves a finding of whether the incident was within or outside of department policy

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Board Recommendations

- If the finding is that the incident was outside of department policy, the case is referred to Internal Affairs for further investigation
- The recommendation can also include a proposal to amend any department practice, policy, training technique, etc.

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Scheduling Cases

- The Use of Force Review Board typically sees cases after they have been reviewed by the Maricopa County Attorney's Office
- Also, on occasion, the cases are scheduled after any pending civil litigation has been resolved

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Scheduling Cases

- Since its inception in 2005, the Board has reviewed ten (10) cases
- The Board last convened on April 7-8, 2008 and heard four (4) cases
- Currently, there are six (6) cases pending review by the Board

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Conclusion

- Citizen involvement in the Use of Force Review Board has been invaluable
- It has provided the MPD with an opportunity to educate the public on issues concerning use of force as well as an opportunity to work together with citizens of our community to promote both understanding and accountability