APPENDIX III

Use of Force Complaint Processing Recommendations

Recommendation 1 – Designate a commander outside of IIU responsible for reviewing use of force reports for quality assurance and for consideration as to whether any policy or training issues are identified that should be referred to IIU or elsewhere.

Recommendation 2 - Require more detailed documentation of uses of low-level force in arrest reports and supervisors should enforce the practice by sending reports back for more detail when necessary.

Recommendation 3 – Consider whether the threshold for reportable force should include control holds, a complaint of *pain* rather than *injury*, and drawing and pointing a firearm.

Recommendation 4 – To enhance transparency and build a shared understanding between KCSO and the community concerning use of force, provide more public information about use of force definitions, policies, tactics, usage rates, de-escalation efforts, and other issues related to force. Also, solicit input from the public to consider the need for changes in use of force policy and practices to ensure they conform to community values.

Recommendation 5 - Develop and implement policy ad training for Field Supervisors that will provide appropriate and consistent admonitions or explanations prior to subject/complainant interviews and help preserve the integrity of the complainant interview process.

Recommendation 6 – Policy should require that regardless of whether the Field Supervisor conducted an interview of the complainant during the use of force investigation, the IIU investigator should always attempt to conduct an in-person interview of the complainant, unless the complainant refuses or is not geographically accessible. If IIU does not interview the complainant, an explicit statement as to why the interview was not necessary or possible should be included in the file.

Recommendation 7 - IIU interviews of deputies for UOF complaint investigations should take place in person or, if necessary, by telephone. If an in person or telephonic interview is not conducted, an explicit statement of the reasons the deputy was not interviewed should be included in the file.

Recommendation 8 – Explicitly state in GOM 6.01.020 that the reason for keeping the Supervisor's Use of Force Investigation and Review separate from the original incident report is to not taint the criminal investigation, and should confirm that the Criminal Investigations Unit does not have access to supervisory investigation and review materials through IAPro or otherwise.

Recommendation 9 - Convene a group of representatives across KCSO to consider the utility of and need for changes with all UOF investigation and review template forms. Once the forms are updated, all supervisors and commanders should be retrained on completing the forms and a single entity should be responsible for ensuring quality control on the use of force review process overall.

Recommendation 10 - Make clear to those responsible for filling out use of force review forms that they are mandatory.

Recommendation 11 - Require that the supervisor investigating UOF and everyone in the chain of command reviewing the investigation make a specific finding as to whether the force was within policy, including whether it was necessary, proportional (not excessive), and took de-escalation obligations into account.

Recommendation 12 - Include a check box in the review forms or devise another approach for the Field Supervisor and chain of command to document that no follow-up is necessary or to list specific supplemental actions taken.

Recommendation 13 - The IIU complaint face sheet should state the origin of the complaint, alongside the date the complaint was received by KCSO and IIU.

Recommendation 14 - IIU complaint allegations involving use of force should state whether the misconduct involves alleged unnecessary use of force, excessive UOF, or both, with the behavior or conduct at issue specified.

Recommendation 15 - IIU complaint statements involving use of force should indicate whether only misuse of force is alleged or whether there are other allegations to be investigated.

Recommendation 16 – Establish a system to track whether changes in training or policy resulted from a complaint. Memorialize such changes in training or policy in a standard fashion and include the documentation in the IAPro file of the complaint.

Recommendation 17 – Make explicit the qualifications necessary to become an internal expert in specific aspects of use of force policy, training, and tactics.

Recommendation 18 - Review the purpose behind ART and the Use of Force Review Board to identify any unintended overlap of duties and provide clarification where needed.

Recommendation 19 - All IAPro use of force reports should contain references to reviews and recommendations made by ART or the Use of Force Review Board.

Recommendation 20 - IRIS information should not be considered or included in the complaint investigation file. Following a full investigation, if either the complainant's criminal or complaint filing history is considered relevant to the complaint at hand and facts investigated, the link should be clearly articulated.

Recommendation 21 – Standard Operating Procedures (SOPs) for the Internal Investigations Unit should include a discussion about the standard of proof in complaint misconduct investigations, with examples of when it is and is not met.

Recommendation 22 – IIU personnel and others who routinely investigate such complaints should receive training on the application of the standard of proof in misconduct investigations.

Recommendation 23 - Review the complaint disposition scheme to determine if there is a need for all six possible findings and, if so, to clarify the definition and applicability for each finding, particularly with regards to the findings of Exonerated, Unfounded, and Undetermined.

Recommendation 24 – Determine ways to provide complainants with more information concerning the disposition of their complaints, including details about steps taken in the investigation, whether policy or training changes resulted from the investigation, and the meaning of specific findings.

Recommendation 25 - Address how credibility determinations can impact an investigation and ways to resolve credibility disputes in KCSO's SOPs.

Recommendation 26 - Provide training on how to make credibility determinations for IIU personnel and others who routinely investigate misconduct complaints.

Recommendation 27 – Conduct an audit to provide a meaningful level of detail about Taser usage and evaluate compliance with policy and training. Examples of useful data to collect include, but are not limited to: when and where Tasers are used, circumstances and conditions resulting in Taser usage, whether Tasers were used in fired probe or contact-stun mode, the number of applications used, the parts of subjects' bodies on which Tasers were deployed, whether medical aid was called or subjects were taken to a medical facility, and whether and how Taser applications resolved incidents.

Recommendation 28 – When policy changes are made, update all forms to ensure that they are consistent with the relevant policies and that the forms contribute to an overall system for tracking questions such as whether medical aid was offered or summoned.
