

**Appendix 2
Response to OLEO Use of Force Recommendations**

Recommendation	Sheriff's Office Response	Implementation Status	Sheriff's Office Steps Taken
<p>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.</p>	<p>Force reports are already reviewed by department management to determine conduct in alignment with policy. Proposed revisions assign FIT a "lessons learned" briefing to address observations on training, tactics, policy and procedure after a serious force incident.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>Agree that sergeants should send back reports that are not complete, including force details. Recommended policy revision to capture low level force and show of force (e.g. display without deployment of taser).</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>Agree that pointing/aiming is reportable force incident, reflected in temporary order. Recommendations pending do not include capturing force beyond show of force.</p>	<p>Temporary order requiring report of pointing/aiming, while overall force policy is revised.</p>	<p>All incidents are now treated as force. Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>Recommendation 4– To enhance transparency and build a shared understanding between Sheriff's Office 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.</p>	<p>Agree that policy should be easily available to public. Searchable GOM is located on public web page and revisions proposed by work group would help capture data to assist in public education.</p>	<p>Policy already published. Draft revisions to policy would capture additional data to assist with education. Services of outside vendor will further assist in public education.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff. Data to be provided by outside vendor is approved for 2019.</p>
<p>Recommendation 5- Develop and implement policy and 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.</p>	<p>Updated training will follow updated force policy; includes explanations of what is needed from sergeant review of reportable force incidents.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>

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<p>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.</p>	<p>Proposed policy revision requires attempt to obtain complainant statement. Agree that a reason for statement not taken should be included in the summary of the force incident.</p>	<p>Proposed revision to form would capture reasons for lack of complainant interview.</p>	
<p>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.</p>	<p>Agree that an officer statement is needed in all force incidents; proposed policy revisions anticipate that a supervisor will respond to the scene, should result in deputy statement and interview of all witnesses.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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</p>	<p>Substantial revisions by the work group, plus recent changes in state law impact this recommendation. Current MOA on all serious force incidents provides for clear separation between administrative and criminal investigation. Proposed policy revisions already make clear separation of administrative/criminal investigations.</p>	<p>MOA with SPD signed re serious force incidents divides criminal and administrative investigations with specific language. Work groups on serious force have developed SOPs to address criminal vs. administrative investigations</p>	<p>MOA complete on serious force incidents was entered into with SPD. Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>Recommendation 9- Convene a group of representatives across Sheriff's Office 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.</p>	<p>Significant policy updates are drafted and awaiting finalization. Retraining will follow final adoption of new force policy. Proposed forms include new Use of Force Report form.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>

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<p>Recommendation 10- Make clear to those responsible for filling out use of force review forms that they are mandatory.</p>	<p>Agree and included in draft policy revisions.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>Proposed policy revision and forms include information to evaluate whether force is within policy and require those reviewing to address this issue.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>Proposed Preliminary Complaint form contains this information.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>Recommendation 13- The IIU complaint face sheet should state the origin of the complaint, alongside the date the complaint was received by Sheriff's Office and IIU.</p>	<p>Proposed Preliminary Complaint form contains this information.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>Any complaint requires that the member involved be notified of the nature of the complaint and the conduct at issue; proper application of policy is consistent with recommendation.</p>	<p>See Sheriff's Office response.</p>	<p>none needed?</p>

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<p>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.</p>	<p>It is not the practice of IIU to look only at the allegation; if there is some violation of policy, other than force alleged, member is notified and it is investigated. Members are provided notice in a form A-150. No changes are recommended as practice and form already provide for notice.</p>	<p>See Sheriff's Office response.</p>	
<p>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.</p>	<p>Serious force incidents already result in significant review and recommendation which can lead to training/policy revisions; not practical for all incidents due to staffing levels.</p>	<p>See Sheriff's Office response.</p>	<p>???</p>
<p>Recommendation 17- Make explicit the qualifications necessary to become an internal expert in specific aspects of use of force policy, training, and tactics.</p>	<p>If it happens, such use is rare and will now be left to discretion of outside investigators of serious force incidents, currently SPD's FIT. Perhaps this recommendation should go to CJTC, for rules under development in serious force incidents.</p>	<p>See Sheriff's Office response.</p>	
<p>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.</p>	<p>The draft policy makes clear that ART or "FIT" performs a review that is separate and distinct from the Force Review Board.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>This is already Sheriff's Office's practice.</p>	<p>See Sheriff's Office response.</p>	

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<p>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.</p>	<p>Draft policy revisions do not contemplate using IRIS information as part of the force investigation.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>
<p>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.</p>	<p>This is more properly an issue for the person making findings, which is not IIU. The standards are found in GOM 3.03.180, and are part of the discussion in any advisory on serious misconduct. That discussion provides an opportunity to address any confusion on the application of these standards.</p>	<p>See Sheriff's Office response.</p>	<p>None needed?</p>
<p>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.</p>	<p>See previous response.</p>	<p>See Sheriff's Office response.</p>	<p>None needed?</p>
<p>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.</p>	<p>As delineated in GOM 3.03.185, the possible findings are considered appropriate, as they apply in different circumstances.</p>	<p>See Sheriff's Office response.</p>	
<p>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.</p>	<p>May be feasible in the future, but is not at this time due to case load and staffing levels. Public Disclosure is the best means of tracking flow of investigation information to complainants.</p>	<p>See Sheriff's Office response.</p>	

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<p>Recommendation 25- Address how credibility determinations can impact an investigation and ways to resolve credibility disputes in Sheriff's Office's SOPs.</p>	<p>Again, this is an issue that would be addressed in an advisory based on the facts and applicable standards--OR will be the subject of evaluation by an outside agency, due to changes in the</p>	<p>See Sheriff's Office response.</p>	
<p>Recommendation 26 -Provide training on how to make credibility determinations for IIU personnel and others who routinely investigate misconduct complaints.</p>	<p>IIU investigators are not asked to determine credibility; they gather facts so that command staff can make findings, which may require that person to make credibility assessments.</p>	<p>See Sheriff's Office response.</p>	
<p>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: where 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.</p>	<p>Sheriff's Office has conducted annual audits from 2015-present. Most recent evaluation is for 2018. Evaluation includes the subjects identified in this recommendation and is based on a review of each case in which a taser was deployed.</p>	<p>See Sheriff's Office response.</p>	
<p>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.</p>	<p>Agree, this is a good practice. Forms are currently being updated for Use of Force, including an inquiry into whether medical aid was offered.</p>	<p>Draft revisions pending.</p>	<p>Work groups have prepared recommendations that need to be presented to the Sheriff.</p>