

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Firearms Review Board		CHAPTER/SECTION NO.: 1.35,1.36	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: <u>**See Master File</u> Sheriff	
STANDARD NUMBER: 1.3.7			

1.35 Policy

- 1.35.1 The Shooting Review Board (SRB) is charged with the responsibility of examining each member discharge of a firearm, except those exempt in section 1.32.1.
- 1.35.2 The SRB will make written advisory findings and recommendations to the Bureau Commander of the Member involved.
- 1.35.3 The SRB shall consists of six Office members as designated by the Sheriff, with a Captain designated by the Sheriff to Chair the Board.

1.36 Procedure

- 1.36.1 The Review Board will meet as required by the Sheriff or within 5 working days of a shooting incident. In some cases it may be in the Sheriff's Office interest and the involved deputy's interest to allow a reasonable amount of time for reflection and stress reduction before convening the inquiry.
- 1.36.2 A majority will constitute a quorum for each board.
- 1.36.3 The Captain or highest ranking member of the board, in his absence, will only vote to break a tie.
- 1.36.4 Review Boards are investigatory and fact finding in purpose. Their recommendations are advisory in nature, suggesting to the

Sheriff and Chief Deputy the opinions agreed upon by its members.

- 1.36.5 In order to replace members who may not be impartial on a particular matter, the Sheriff may designate temporary members of any Review Board.
- 1.36.6 The Review Board Chairman will direct the hearing Proceedings. In the absence of the designated chairman, the senior ranking member will chair the Board.
- 1.36.7 A majority vote is required for findings and recommendation. Dissenting opinions may be submitted by members not in the majority. The majority report will specifically identify the reasoning leading to the findings and recommendation submitted.
- 1.36.8 A tape recording shall be made of all formal hearings.
- 1.36.9 Findings and recommendations will be submitted to the members Bureau Commander, in writing, within five calendar days after the hearing is completed.
- 1.36.10 Upon submitting its findings and recommendations, the Review Board will also submit all evidence presented, all reports and other documents and the tape of the proceedings to the Sheriff.
- 1.36.11 In order to sustain an allegation, the Review Board shall apply the test of "Substantial Evidence".
- 1.36.12 Review Boards conduct fact finding hearings to determine incident causes, members and participants actions, training needs or member misconduct, if any. The hearings are NOT interrogations and should be non-confrontational. Members whose conduct is under review must attend Shooting Review Board hearings.

Such members are entitled to:

- A. Written notification of the Review Board hearing five calendar days prior to its occurrence, and of the complainant or incident being reviewed.
- B. Be present during the hearing, but not during the deliberation or voting of the Board on its findings and recommendations.
- C. Be represented by counsel or other representative. (This shall not be construed as allowing any such representative to question or cross-examine witnesses or otherwise raise objections to the conduct of the Board's hearings, unless allowed by the Chairman).
- D. Upon request, receive a copy of the findings and recommendations and the rationale for the Board's decision which is transmitted to the Bureau Commander.

1.36.13 Report of Findings:

- A. Upon completion of the review process, the review board's findings will be submitted to the involved members Bureau Commander.
- B. The Bureau Commander will file with the Sheriff a separate report which will include comments, opinions, and general recommendations which are intended to assist the Sheriff in making his/her final decision on the matter. This report may be treated as confidential by the Sheriff at his/her option.
- C. If the findings indicate that a firearm's discharge was not justified, one of the following steps may be taken upon approval by the Sheriff:
 - 1. If a violation of law or Sheriff's Office rules or regulations is indicated, the matter shall be processed in accordance with the Sheriff's Office disciplinary procedures.

2. If an incident is due to improper training, the matter will be referred to the Commander of the Standards and Training bureau so that proper retraining can be provided for the Deputy.
3. If the discharge was accidental, a recommendation will be made as to whether or not discipline or corrective training is necessary.

1.36.14 The Standards and Training Bureau shall maintain a file for these cases. In addition, the Bureau commander or his/her designee shall be responsible for preparing and forwarding all written reports required by the Sheriff.