



Kern County Sheriff's Office

Policies and Procedures

TITLE: CRITICAL INCIDENT REVIEW PROCESS			NO: G-600
APPROVED: Donny Youngblood, Sheriff-Coroner			
REFERENCE: KCSOPPM G-300			
EFFECTIVE: August 1, 1990	REVIEWED: 02/24/2021	REVISED: 02/24/2021	UPDATED: 02/24/2021

POLICY

A Critical Incident Review shall be conducted for all uses of force where the suspect dies or receives serious injuries that may result in death as a result of the incident. Deadly force is any force that creates a substantial risk of causing death or serious bodily injury. This policy does not apply to an intended discharge of a firearm during training or to an unintentional discharge on the firing line at the Range, unless the unintentional discharge results in injury. Any incident involving the unintentional discharge of a firearm or the shooting of an animal will be investigated and reviewed in accordance with KCSOPPM G-300.

In all cases where deadly force has been used by a member of the Sheriff's Office, a Sheriff's Office Critical Incident Review will be conducted by specified Sheriff's Office management personnel to determine compliance with Sheriff's Office policy.

The Sheriff-Coroner may convene the Critical Incident Review Board to investigate the circumstances surrounding any use of force or in-custody death incident at his/her discretion.

DIRECTIVE 1 – BOARD MEMBERS

The Critical Incident Review Board members will consist of all Chief Deputies or their designee. The Critical Incident Review Board may elect to invite any affected personnel they deem appropriate to be present for the presentation.

DIRECTIVE 2 – DISTRICT ATTORNEY REVIEW

At any time, the Sheriff-Coroner may have the case referred to the District Attorney's Office for a determination as to whether the use of force was in compliance with law. In the event deadly force was used, the incident will be referred to the District Attorney's Office for review.

PROCEDURE A: CRITICAL INCIDENT REVIEW BOARD PROCESS

When the investigation, mandated by KCSOPPM G-300 is completed, the Investigations Division Commander will forward all reports to the Internal Affairs Section. The Internal Affairs Section Lieutenant will assign an investigator to begin preparing the case for presentation and

will arrange for the Critical Incident Review Board to convene within ten (10) days of receiving the reports for all deadly force reviews, or as soon as practical. All other critical incident reviews will be conducted as soon as practical, taking into consideration the caseload of the Internal Affairs Unit and the one-year statute of limitations [GC 3304(d)].

The Internal Affairs Lieutenant or their designee will be present during the Critical Incident Review Board in order to coordinate the process.

The assigned Internal Affairs Investigators will present the case to the Critical Incident Review Board.

- The Internal Affairs Lieutenant will ensure that an audio recording is made of the presentation.

After the case has been presented and each Board member has had the opportunity to ask any clarifying questions of the investigators, the Board members will deliberate the case and decide if the actions of the involved member(s) were within Sheriff's Office policy. Only those personnel that the Board members determine to be necessary for the deliberations will remain present while the Board members deliberate the case.

- The Board's deliberations will **not** be recorded.
- The recording of the presentation will remain with the case file. The recording may be examined by the Board and may be reviewed during the course of an internal affairs investigation; otherwise it shall remain confidential.
- If any recording is referenced during any internal affairs investigation, the recording, along with other Skelly materials, shall be provided to the involved officer as required by law.

The review board will submit its written recommendation as to whether the use of force was within Sheriff's Office policy to the Sheriff-Coroner within three (3) days. The Sheriff will consider the Board's decision and render the final decision as to whether or not the use of force was within Sheriff's Office policy.

- The involved officer(s) will be notified of the results of the review(s) as soon as practical.
- Members, whose use of force was determined to be within policy and have been cleared to return to work by the designated psychologist or psychiatrist, will be removed from administrative leave as soon as possible.

PROCEDURE B – OUT OF POLICY

When the Sheriff-Coroner rules a use of force to be outside of Sheriff's Office policy, the Internal Affairs Unit will prepare the case for presentation to the Disciplinary Review Board (DRB).

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The Internal Affairs Lieutenant will convene the DRB as soon as possible. The assigned Internal Affairs Investigators will present the case to the DRB and the appropriate discipline for the violation of Sheriff's Office Policy will be determined and imposed pursuant to the provisions of Procedure F of KCSOPPM D-300 (Employee Discipline-Misconduct).

PROCEDURE C – AFTER ACTION REPORT

The Professional Standards Section Commander, or their designee, will, with information provided by the board members, review not just the type of force used, but the entirety of the critical incident. This examination will cover, but is not limited to, tactics used or not used leading up to the use of force. After review, the Professional Standards Section Commander, or their designee, will identify and document any observations made by the Board and all recommendation for improvement in an after-action report. The recommendations for improvement may include training (both for the individual deputies involved and for the entire agency), policies, procedures, tactics, equipment, technology, organization, or any issues that could contribute to improving future individual or organizational performance.

The Professional Standards Section shall be responsible for conducting periodic reviews/audits of all recommendations made during a Critical Incident Review to support continuous improvements. An Executive Summary shall be completed after the review/audit and provided to the Undersheriff and all Chief Deputies.

Upon receiving an Executive Summary, the affected Bureau Chief will assign the report to a Division Commander, who will be responsible for ensuring any after-action issues or recommendations are handled. Any identified follow-up action will be completed, documented in memorandum format, and sent back to the Professional Standards Commander for archival.

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