CIRT comprises nine staff members: a lieutenant, a sergeant, four detectives, and three administrative personnel. It has recently come under the umbrella of the newly developed Office of Internal Oversight (OIO). LVMPD established OIO in February 2012; it reports directly to the sheriff on issues of use of deadly force in the department.

CIRT detectives are required to undergo 48 hours of training, which covers the CIRT's mission, investigative techniques, and the UoFRB.\(^{117}\) Additionally, CIRT detectives are encouraged to attend other voluntary courses related to deadly-force case studies and investigative techniques.

### Use of force review board

LVMPD's UoFRB was born out of controversy. On July 31, 1990, three plainclothes officers entered the motel room of Charles Bush, unannounced and without a warrant. In the ensuing fight, Charles Bush was choked to death.\(^{118}\) The subsequent acquittal of the involved officers sparked outrage in the community, prompting then-Sheriff John Moran to create an internal review process for OIs. Thus, the UoFRB was established, with the expressed purpose of examining the actions of all officers involved in all shootings in light of LVMPD standard operating procedures, training, and supervision.

It is important to note here that the UoFRB is an administrative hearing. Since its establishment, LVMPD's UoFRB has convened for any incident in which an officer has discharged his or her weapon or taken any action that could have or in fact resulted in death, excluding traffic accidents. According to LVMPD's Policy Manual, incidents which may be examined by the UoFRB include:

1. Incidents when a person is seriously injured or killed by a department member using any type of force, except traffic accidents.
2. Actions by a member that could have resulted in death or injury.
3. Deliberate shootings by a member at another human being, regardless of injury or damage.

The composition of the board has changed since its inception. Today, the board is composed of a mix of citizens and department personnel. The chairperson is a non-voting member and is appointed by the sheriff from the ranks of assistant sheriffs. Voting members include one member of the department with the rank of captain or above; the commander of LVMPD's Organizational Development Bureau; one peer member who has the same rank as the involved officer(s); and four resident citizens.

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\(^{117}\) LVMPD, "Critical Incident Review Team (CIRT) Investigator's Course," LVMPD Standardized Lesson Plan (no date).

Peer members serve on a voluntary basis for a period of three years. For each case, a peer member is randomly selected using a computerized process. Citizen members are self-nominated to the department’s Fiscal Affairs Committee, which, in turn, appoints members for a term of two years, for a period not to exceed two consecutive terms. Citizen members must complete orientation/indoctrination training and stay current with department rules and regulations through additional training, as necessary. In sum, there are seven voting members: four citizens and three LVMPD personnel, which is an uncommon asymmetry in favor of citizen members. In addition to the board members, also attending the hearing are the involved officer, any witness officers, their supervisors, and a police association representative.

The practice of reviewing use of force incidents in a formalized manner such as a use of force board has been advocated as a promising practice for promoting police integrity and improving police operations. However, little is known about the effectiveness of these boards or standards for their practices and composition. Our review of the research literature found zero evaluations of such police department functions.

**The UoFRB process**

**Prior to the UoFRB**

Prior to holding a UoFRB, LVMPD provides and encourages each board member to review the FIT Officer’s Report, CIRT Administrative Report, and member statements provided to CIRT. UoFRBs are typically held about eight weeks after an incident, providing there are not contingencies in the investigations.

Based on the investigation conducted by the LVMPD Division’s FIT, CIRT, and compelled interviews with the CIRT as stipulated under *Garrity*, CIRT completes an administrative and tactical review that is the basis for the presentation made by the CIRT primary case investigator.

If CIRT identifies a training deficiency during its investigation and review, this information is forwarded to the OIO, who then facilitates the completion of training, of the officer involved, prior to the UoFRB. Any training provided is documented in OIO’s Informal Training Accountability Protocol (ITAP) Matrix, which is a spreadsheet that tracks the completion of UoFRB recommendations.

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The UoFRB

Although the board is overseen by the chairman, who is also an assistant sheriff, the primary case investigator presents the incident facts and other pertinent information at the hearing.\textsuperscript{123} The primary case investigator is currently and purposely filled by a detective on the CIRT. The CIRT primary case investigator makes his or her presentation before the entire UoFRB. In our direct observation of six UoFRBs, this presentation included the following specific elements:\textsuperscript{124}

- Brief overview of the Graham v. Connor three-prong test
- A description of the location
- Chronology of actions leading up to the shooting incident
- Graphic simulation of the incident or video footage if available
- Portion of the radio transmissions from incident
- Officer statement
- Portion of the recording of officer interview
- Portion of the suspect’s statement (if suspect survived the incident)
- Suspect identity and criminal history (if adult)
- Photos of the officer(s)
- Crime scene photos

The primary case investigator’s presentation is followed by questions from the entire board—citizens and department members. These are mostly questions for clarification. After all the members have asked their questions, the board dismisses everyone in the room and convenes to make a determination.

The UoFRB voting members evaluate administrative issues, tactics, decision making, training recommendations, and departmental policy and practice. Until recently, the determination of the UoFRB members was limited to “Justified,” “Unjustified,” and “Justified with training violations.”

In an effort to address community concerns that LVMPD was not holding its police officers involved in shootings accountable, the department recently revised its determinations to the following:\textsuperscript{125}

- **Administrative approval:** No recommendations. Objectively reasonable force was used under the circumstances based on the information available to the officer at the time. This finding acknowledges that the use of force was justified and within LVMPD policy. There are no concerns surrounding the tactics employed, and there are no policy violations including those not relating to the application of force.
- **Tactics/Decision making:** This finding considers that the tactics and/or decision making employed were less than satisfactory. Specifically designed training will be prescribed to address deficiencies.

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123. As an assistant sheriff, he/she has direct communication with the sheriff and holds authority in ensuring that the recommendations and/or disciplinary action provided by the board and approved by the sheriff are followed through.

124. CNA observations.

125. CNA observations.
• **Policy violation not directly related to use of force:** This finding covers a range of policy violations including but not limited to failure to qualify with a firearm, use of unauthorized ammunition, failure to carry required equipment, etc. A policy violation was identified but was not connected to the use of force.

• **Policy/training failure:** An outcome was undesirable but did not stem from a violation of policy or failure to follow current training protocols. An LVMPD policy and/or specific training protocol is inadequate, ineffective, or deficient; the officer followed existing policy and/or training or there is no existing policy and/or training protocol that addresses the action taken or performance demonstrated. This finding reflects global policy or training deficiencies.

• **Administrative disapproval:** The UoFRB has concluded through this finding that the force used or action taken was not justified under the circumstances and violated LVMPD policy. This outcome is reserved for the most serious failures in adherence to policy, decision-making, and/or performance.

These new determinations broaden the scope of the findings beyond just what happened at the moment when an officer fired his/her weapon. Members now can review an officer’s actions prior to the use of deadly force.

Once all members have submitted their votes, the board provides a determination and finding. After the determinations and findings have been announced, the officer involved in the shooting then meets, in private, with the assistant sheriff, the deputy chief of patrol, and the head of OIO, to review the determination and next steps.

**Post UoFRB**

After the UoFRB, the deputy chief of patrol, in consultation with the chairman, produces a written document of the board’s recommendations. This document is then sent to the officer’s bureau commander. The bureau commander acknowledges receipt of the recommendation documentation, and a copy is provided to the OIO. It then becomes the responsibility of the bureau commander to facilitate the fulfillment of the UoFRB recommendations (OIO can assist if needed). Once the UoFRB’s recommendations have been fulfilled, the officer’s bureau commander notifies the deputy chief of patrol and provides details of fulfillment (e.g., dates, descriptions of training completed, comments from trainers, and discipline). This information is then forwarded to the OIO.

While the findings and recommendations are being carried out, the OIO produces a summary report, to be released to the public. This report provides a synopsis of the incident, the outcomes of the internal review, a summary of the FIT and DA’s investigation, and the conclusions reached by the LVMPD’s Use of Force Review Board.