Use of Force Review Process

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Fargo Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 SUPERVISOR RESPONSIBILITIES

The Fargo Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

The on-duty supervisor responding to or made aware of a use of force incident shall be responsible for preparing a preliminary investigative report to include all witness, suspect and officer statements, along with any other information relative to the use of force incident within the Smart Force database. If a video of the incident is downloaded and readily available, the supervisor shall review it. If unable to view the video, the supervisor shall document the location of the video evidence so it can be viewed by the Professional Accountability Unit (PAU). Upon completion, all reports shall be forwarded to the PAU. Supervisors shall keep the Shift Commander appraised of any use of force investigations they are conducting and the associated case report number.

301.3 SHIFT COMMANDER RESPONSIBILTIES

Shift Commanders shall ensure that use of force investigations and reports are completed expeditiously. This includes the decision to approve necessary overtime or assign any incomplete interviews to a supervisor on a succeeding shift.

The supervisor's investigation and written report should be completed and forwarded directly to the PAU within 24 hours unless an extension has been authorized by the Shift Commander who shall notify the Professional Standards Division commander, explaining the circumstances requiring an extension.

301.4 PROFESSIONAL ACCOUNTABILITY UNIT (PAU) RESPONSIBILITIES

The PAU shall conduct a thorough review and evaluate all use of force incidents, to include assessing and evaluating the actions taken by all of the officers directly involved or otherwise present during the incident, the tactics used by the officers, and the actions taken by the officers immediately following the incident. This review will be conducted in concert with the Training and Development Unit (TDU) to identify any potential training issues or policy gaps. If a training or policy issue is identified, the TDU shall ensure department-wide training occurs that sufficiently addresses the training need and/or policy change. Unless the Department receives or initiates a

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personnel complaint, the PAU should notify involved members within 96 hours whether or not the use of force is within policy.

If an officer utilizes deadly force, or less-lethal force which results in the death or serious bodily injury to any person, regardless of the officer's assignment, the Department's Professional Accountability Unit (PAU) shall be responsible for preparing a written review and evaluation of the incident and submitting it directly to the Chief of Police.

A copy of all use of force incident reports, as well as the written review and evaluation associated with the incident, shall be retained by the PAU.

301.5 ADMINISTRATIVE ASSIGNMENT OR LEAVE

Whenever a member's actions or use of force while acting in an official capacity or while using department equipment results in death or serious bodily injury to another, the member may be placed in a temporary administrative assignment or on administrative leave pending the results of the associated investigation in accordance with the Officer-Involved Shootings and Deaths policy (305) or within the discretion of the Chief of Police based on the circumstances.

301.6 REVISION DATE 10/15/2024

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