PHILADELPHIA POLICE DEPARTMENT  DIRECTIVE 10.4

SUBJECT: USE OF FORCE REVIEW BOARD (UFRB)

1.  POLICY

A.  Strict standards in the application of force by police personnel are necessary to provide guidance and to safeguard the public from unnecessary or unreasonable force. However, police personnel may be confronted with circumstances that were unknown or unanticipated when Departmental standards were developed. Such circumstances may require extraordinary and unanticipated actions to be taken to protect police personnel or others, including suspects, from imminent serious bodily injury or death. In these extraordinary situations, written policies alone are often insufficient to properly evaluate the appropriateness or reasonableness of police personnel’s actions.

B.  To fairly review these cases, maintain Departmental integrity, and ensure the public is properly protected, the Use of Force Review Board (UFRB) will function as both an investigative and administrative tool to objectively review the appropriateness or reasonableness of force.

C.  Cases Subject to Review by the UFRB

1.  All police involved shootings shall be reviewed.

2.  Only those instances (other than police involved shootings) where it appears extraordinary and unanticipated actions were required to protect police personnel or others, including suspects, from imminent serious bodily injury or death, where written policies alone are insufficient to properly evaluate the appropriateness or reasonableness of Police personnel’s actions.

3.  The Use of Force Review Board will have the sole responsibility to recommend whether the actions of an officer in the use of force is eligible for commendation. This statement will be included in the notification from the chair of the UFRB to the Commanding Officer of the officer involved in the use of force.

D.  The UFRB will be comprised of:

1.  Voting Members

   a.  Deputy Commissioner, Organizational Services who will act as chairperson.
b. Deputy Commissioner, Office of Professional Responsibility.

c. Deputy Commissioner, Patrol Operations.


e. Executive Director of the Police Advisory Commission

2. Non-Voting Members

a. President of the Fraternal Order of Police (F.O.P) Lodge #5 or designee.

NOTE: All members (voting and non-voting) shall sign a confidentiality non-disclosure agreement. This agreement will prohibit observers from sharing any information, verbally or in writing, about the details of the case heard by the UFRB. Failure to abide by the agreement, may result in the removal of the agency from observing future UFRB reviews.

2. PROCEDURE

A. All completed police shooting investigations and appropriate Use of Force investigations will be referred to the UFRB. No final determination regarding the appropriateness of the force used will be made by the appropriate investigative unit(s). The reporting investigative unit shall impartially and objectively present the facts of the incident to the UFRB highlighting key points and any potential conflicts in the facts. The UFRB shall review the totality of the circumstances and issue a final determination of whether the force deployed was appropriate or the officer had an objectively reasonable belief that they must protect themselves or another person from death or serious bodily injury.

B. The Chairperson of the UFRB will receive and distribute copies to all members of the UFRB, the Internal Affairs shooting investigations, and/or Use of Force investigations that are referred to the UFRB. The UFRB shall have access to the entire investigative file, attachments, and assigned investigators to complete a thorough review.

C. The Chairperson will convene the UFRB, at least quarterly, for the purpose of reviewing the investigative reports on each case. The Chairperson may convene the UFRB as often as necessary.

D. The UFRB meeting will be audio recorded and kept in the assigned investigative file.

E. The UFRB may call witnesses and ask questions.
F. Voting members shall deliberate the case and issue a finding by a majority vote of the UFRB. Findings include:

1. **Administrative Approval**: The officer’s actions were in accordance with Departmental policy. PPD policy and training adequately addressed the situation. Commendations may be recommended if deemed appropriate. “Justified - Use of Force within Departmental Policy.”

2. **Improve Tactics and/or Decision Making**: The actions of the officer were in accordance with Departmental policy, but the officer’s tactics and/or decision making could be improved. The finding should state references to the exact areas in which the officer needs additional training or improved decision making. “Justified - Use of Force within Departmental Policy – Tactical/Decision Training Recommended.”

3. **No Use of Force Violations, but Other Departmental Violation Discovered**: The actions of the officer were in accordance with Departmental Use of Force policy or objectively reasonable under extraordinary circumstances, but other Departmental violations not related to the use of force are discovered. The review will be marked “Justified - Use of Force within Departmental Policy – Other Departmental Violations Discovered - Not within Departmental Policy.”

   NOTE: The Chairperson will notify the Police Commissioner in writing and forward the case to the charging unit for the appropriate disciplinary charges to be filed against the officer.

4. **Policy or Departmental Training Issues**: The finding should state the exact circumstances and identify any gap in policy or training. “Justified - Use of Force within Departmental Policy - Review of Departmental Policy or Training Recommended.”

   a. The Deputy Commissioner, Organizational Services, shall, no later than thirty (30) days from the receipt of the case from the UFRB, be responsible to present to the Police Commissioner a proposed Department wide policy and/or training curriculum to remedy the issue.

5. **Administrative Disapproval/Policy Violation**: The officer’s actions were not in accordance with Departmental policy or deemed unreasonable, unnecessary, or excessive, even under extraordinary circumstances, the case will be marked **Not** within Departmental Policy.

   NOTE: The Chairperson will notify the Police Commissioner in writing and forward the case to the Charging Unit for the appropriate disciplinary charges to be filed against the officer.

**DIRECTIVE 10.4 - 3**
6. Any Departmental violations uncovered during the course of the Internal Affairs investigation will be forwarded to the appropriate authority for disciplinary action.

7. Nothing in this section shall be construed to abridge, restrict, or otherwise limit the Police Commissioner’s final authority relating to discipline in these matters, including the right to override the decision of the UFRB.

**RELATED PROCEDURES:**
- Directive 3.14, Hospital Cases
- Directive 6.15, Employee Assistance Program (EAP)
- Directive 10.1, Discharge of Firearms by Police Personnel
- Directive 10.2, Use of Force
- Directive 10.7, Barricaded Persons/Hostage Situations
- Directive 10.9, Emotionally Disturbed Persons
- Directive 10.10, Off Duty Police Actions
- Directive 12.14, Injuries on Duty & Other Service Connected Disabilities

**BY COMMAND OF THE POLICE COMMISSIONER**
SUBJECT: FINDINGS OF THE USE OF FORCE REVIEW BOARD

1. POLICY

   A. This appendix contains an example of the memoranda to be used regarding the Findings of the Use of Force Review Board to the District/Unit Commander and the Police Commissioner from Deputy Commissioner, Organizational Services.

2. MEMORANDUM TO DISTRICT/UNIT COMMANDER (EXAMPLE)

MEMORANDUM

POLICE
City of Philadelphia

DATE:

To: Commanding Officer, ** District

From: Deputy Commissioner, Organizational Services

SUBJECT: FINDINGS OF THE USE OF FORCE REVIEW BOARD

   1. The Use of Force Review Board met on **-**-****, regarding the below mentioned Use of Force:

      Incident Information:

      PS/IAD#
      District Control #:
      Date:
      Time:
      Location of Incident:
Involved Officer:

Last Name: 
First Name: 
Rank: 
Payroll: 
District/Unit: 

2. A review of the facts and circumstances of the case was conducted. As a result of the review, the Use of Force Review Board has issued the following finding(s):

- **Administrative Approval**
  Justified – Use of Force within Departmental Policy

- **Improve Tactics and/or Decision Making**
  Justified – Use of Force within Departmental Policy – Tactical/Decision Training Recommended

- **No Use of Force Violations; Other Departmental Violations**
  Justified – Use of Force within Departmental Policy – Other Departmental Violations Discovered

- **Policy or Departmental Training Issues**
  Justified – Use of Force within Departmental Policy
  Departmental Policy or Training Recommended

- **Administrative Disapproval/Policy Violation**
  Not within Departmental Policy – Referred to Charging Unit

3. As a result of the above findings, the Use of Force Review Board is making the following recommendations:

- Commanding Officer to consider submitting officer for Commendation.
- Additional Tactical or Decision Making Training Needed.
- Referred to Charging Unit for Departmental Violations.
- The Commanding Officer should review Departmental policy and training with the involved officer.
3. MEMORANDUM TO POLICE COMMISSIONER (EXAMPLE)

MEMORANDUM

POLICE
City of Philadelphia

DATE:

To: Police Commissioner

From: Deputy Commissioner, Organizational Services

Subject: FINDINGS OF THE USE OF FORCE REVIEW BOARD

Incident Information:

<table>
<thead>
<tr>
<th>PS/IAD #</th>
<th>District Control #:</th>
<th>Date:</th>
<th>Time:</th>
<th>Location of Incident:</th>
</tr>
</thead>
</table>

Involved Officer:

<table>
<thead>
<tr>
<th>Last Name:</th>
<th>First Name:</th>
<th>Rank:</th>
<th>Payroll:</th>
<th>District/Unit:</th>
</tr>
</thead>
</table>

Circumstances of Incident:

Use of Force Review Board Findings:

A review of the facts and circumstances of the case was made. Findings of this review were that:

☐ Administrative Approval (Justified – Use of Force within Departmental Policy)

Commendation Recommended: ☐ No ☐ Yes
☐ **Improve Tactics and/or Decision Making** (Justified – Use of Force within Departmental Policy – Tactical/Decision Training Recommended)

Additional Tactical or Decision Making Training needed (describe fully):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

☐ **No Use of Force Violations; Other Departmental Violations** (Justified – Use of Force within Departmental Policy – Other Departmental Violations Discovered)

Departmental Violations not related to the use of force (describe fully):

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

☐ **Policy or Departmental Training Issues** (Justified – Use of Force within Departmental Policy – Review of Departmental Policy or Training Recommended)

Policy/Training update due to Police Commissioner: __________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________
☐ Administrative Disapproval / Policy Violation (Not within Departmental Policy)

Departmental Violations related to the use of force (describe fully):

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Referred to the Police Board of Inquiry on: ____________________

Use of Force Board Endorsements:

| Chairperson:                         | Deputy Commissioner, Organizational Services |
| Members:                             | Deputy Commissioner, Office of Professional Responsibility |
|                                     | Deputy Commissioner, Patrol Operations       |
|                                     | Deputy Commissioner, Investigations and Homeland Security |
|                                     | Chairperson, Police Advisory Commission      |

BY COMMAND OF THE POLICE COMMISSIONER