



Recommendation Submission/Response Form

Referenced CASA area (A,B,C,D,E): _____

This response is in reference to recommendation #22-02 Discipline Process Review of Use of Force Cases / Northeast Area Command

Responsible SME: Acting Deputy Superintendent Z. Cottrell

Date received: 01/20/2022

Date returned: 01/20/222

RECOMMENDATION (Recommendation/Reasoning):

The NEPC would like to recommend the review of the disciplinary process regarding use of force investigations where officers are held to disciplinary actions that are not based on the policies at the time of the incident but at the time of the review. We would like to understand if this information is correct and want to know, if it is true, the justification of holding officers to policies that were not yet in effect at the time of the incident.

Reason for Recommendation:

NEPC has heard of an issue with the review of use of force cases. Given the backlog, some of these cases yet to be reviewed are several years old. Policies on use of force and other issues have been changed from when these use of force events occurred. Yet, we have heard that the review and any disciplinary actions are not based on the policies at the time of the incident but at the time of the review. If this is true, this seems inappropriate to us and not consistent with legal standards.

APD RESPONSE/REASONING:

In response to your recommendation concerning the review of cases, cases are reviewed under the policies that were in place at the time of the incident. This does include discipline. As cases go through the discipline review process, cases are reviewed under the guidance of the discipline policy that was in effect at the time of the incident.

Chief made aware of recommendation: Yes No

Recommendation Status: Approved Denied Needs more time