

	DELMAR POLICE DEPARTMENT	
	Policy 6.4 Officer Involved Shooting Investigations	
	Effective Date: 07/01/14	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: N/A	

I. POLICY

It is the policy of this agency that officer-involved shooting incidents be thoroughly investigated with the utmost professionalism and impartiality to determine if an officer's actions conformed to the law and agency response to resistance policy.

II. PURPOSE

It is the purpose of this policy to provide guidelines for the effective investigation of officer-involved shooting incidents and to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

III. DEFINITIONS

- A. Officer-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.
- B. Shooting Investigation Team: Investigators assigned by the Chief of Police to officer - involved shooting incidents.
- C. Post-Traumatic Stress Disorder: An anxiety disorder that can develop after exposure to a terrifying event or ordeal in which grave physical harm occurred or was threatened.
- D. Supervisor: The shift Sergeant on duty at the time of the incident. If a Sergeant is not on duty or is directly involved in the shooting the shift Corporal will assume supervisory duties. If there is not a shift Sergeant or shift Corporal on duty or they are directly involved in the shooting the most Senior Officer will take over supervisory roles and responsibilities until relieved by a higher ranking authority.

IV. PROCEDURES

- A. Officer's Responsibility when involved in a Shooting Incident

1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve the scene and evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.
 - a. Ensure that the threats to officer safety and the safety of others have been eliminated or contained.
 - b. Notify Communications Operators of the shooting incident and request immediate assistance.
 - c. Secure and separate any suspects.
 - d. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area.
 - e. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately.
 - f. If injured, administer emergency first aid to self first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance if officer safety circumstances allow.
 - g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.
2. As time and capabilities permit before supervisory and other assistance arrives:
 - a. Always maintain the scene integrity. Secure the area, establish a perimeter with crime scene tape and limit access to **authorized essential persons** necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
 - b. Direct responding outside agencies not needed for immediate assistance to perimeter and traffic control.

- c. Witness identification: record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on scene and available in order to make a brief statement whether or not they say they saw the incident. Ensure witnesses are relocated outside of the scene perimeter in a location accessible to investigator(s).

B. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel until relieved.
2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
3. If the officer has been shot or otherwise injured in the shooting:
 - a. If possible ensure that a Delmar police officer accompanies and remains with the officer at the hospital.
 - b. Ensure the injured officer's name is not released prior to the family being notified.
 - c. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded.
4. The supervisor should contact Communications and advise them of the condition of the officers and suspects and the exact location of the incident and request they immediately contact:
 - a. The Chief of Police
 - b. The Patrol Division Commander
 - c. The Administrative Division Commander
 - d. The Criminal Investigation Division
 - e. The Communications Supervisor
 - f. Police Chaplain

5. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplement report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.
6. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).
 - a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:
 - i. If any other suspects are at large and any descriptions
 - ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)
7. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with the officer(s), but should be advised not to discuss details of the incident.
8. The officer(s) should be advised that they may seek legal counsel.
9. Any standard investigations that will occur concerning the incident should be discussed with the involved officers. The investigations shall include a criminal and internal investigation.
10. The officer(s) should be advised not to discuss the incident with anyone except a personal or agency attorney, or departmental investigator, until the conclusion of the preliminary investigation.
11. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
 - a. Take custody of the officer's weapon in a discrete manner; and
 - b. Replace it with another weapon.
12. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, the Chief of Police or his

designate shall personally notify the family, and arrange for their transportation to the hospital if needed.

13. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.

C. Handling of Suspects

1. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - a. Assign a Delmar police officer for suspect transport or accompaniment to hospital.
 - b. Locate and secure in place the officer's weapon and shell casings.
 - c. Locate and secure suspects weapon and shell casings.
 - d. Collect information about the suspect including name, address, age, and DOB.
 - e. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel.
 - f. Attempt to determine the original shooting positions of the suspect and officer(s).
2. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his or her activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

D. Investigation

1. Three different investigations may be conducted after an officer involved shooting incident.
 - a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.
 - b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.

- c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer is criminally culpable for his or her actions.
2. These investigations, if required, may run simultaneously, with the criminal investigation taking precedence.
3. The Chief of Police may request another agency conduct or assist in the investigation(s) if circumstances warrant.
4. Investigators will be well versed in the issues of Garrity v. NY to avoid improper contamination of the criminal investigation.
5. Upon arrival of investigators, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
 - a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:
 - i. The type of investigation being conducted
 - ii. The physical and mental state of the officer
 - iii. The availability of the officer's attorney
 - iv. The circumstances at the scene
 - b. Ensure that the overall scene and evidentiary items are photographed and video recorded. Video record all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken, to include any injuries sustained. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
 - c. Obtain recorded statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
 - d. Locate and identify witnesses and conduct initial recorded interviews.
 - e. Record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.

- f. Conduct separate recorded interviews with each officer involved.
 - g. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except a personal or agency attorney, or departmental investigator until the conclusion of the preliminary investigation.
 - h. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer recorded interviews if these symptoms are evident.) Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officers in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.
 - i. Contact the Medical Examiner and obtain autopsy of officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.
6. The results of any criminal investigation conducted will be presented to a Grand Jury for independent review.

E. Command Staff Responsibilities

1. The Chief of Police or his designate will be responsible for:
 - a. Ensuring that the officer's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible.
 - b. Assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters. (In the event of a line-of-duty death refer to DPD Policy 6.5)
 - c. Coordinate and assign PIO duties.

F. Post-Incident Procedures

1. Involved sworn personnel shall be removed from line duties and assigned to the administrative division pending evaluation but shall remain available for any necessary investigations.
2. All officers directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved communications personnel shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
 - a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;
 - b. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;
 - c. What will be the best continued course of counseling. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.
3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.
4. The agency should brief other agency members concerning the incident so that rumors are kept to a minimum.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Involved officers shall refer inquiries from the media to the designated agency Public Information Officer, unless otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
7. Officers directly involved in the shooting incident shall be required to re-qualify with agency duty weapon(s) as soon as practical.

G. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each officer, communications operator

and civilian staff and each supervisor sworn or civilian is responsible for monitoring the behavior of personnel for symptoms of the disorder.

2. If a supervisor believes that stress may be disrupting the employee's job performance or other life skills, the Chief of Police should be informed immediately. The Chief of Police may conduct or cause to be conducted a Behavioral Cause investigation or refer the employee back into counseling.