

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 7: Force, Detention, and Arrest
Topic: DEADLY FORCE GUIDELINES
AND INVESTIGATIONS

Order Number: 720
Issued by: Chief of Police

Approved: 12/12/23
Review: Annually in September by Professional Services Commander
Supersedes: G.O. 720 dated 03/28/23

.01 PURPOSE:

To set guidelines for the use of deadly force by sworn personnel and to specify procedures for incidents in which deadly force was used or attempted, and incidents in which sworn personnel have discharged their firearms.

.02 CROSS-REF:

G.O. [705](#), "Use of Force"
G.O. [710](#), "Less-Lethal Force – Chemical Agent Weapons"
G.O. 850 "Employee Involved Death Investigations"
G.O. [965](#), "Vehicles: Pursuits"
G.O. [962](#), "Vehicles: Emergency Operation"
G.O. [920](#), "Firearms Regulations"
G.O. [1732](#), "Firearms Qualification"
Form CID-007, Preliminary Report of Investigation
"Notification Protocols for the Independent Investigations Division" (Attachment A)
"Media Response Procedures for the Independent Investigations Division" (Attachment B)
"Evidence Collection, Storage, and Analysis Protocols for the Independent Investigations Division" (Attachment C)

.03 DISCUSSION:

The value of human life is immeasurable in our society. The manner in which the police officer uses force may have a bearing upon the ability of the Department to effectively achieve its mission. The decision to employ deadly force is the most difficult choice a police officer may ever make and therefore must occupy a primary place in a police department's policies, training, and practices.

While the use of deadly force is most commonly associated with the discharge of a firearm, it is not limited to such weapons, but may also include other "less than lethal" protection instruments issued by the Department, such as the expandable baton, or any other means used by an officer.

.04 POLICY:

It is the policy of the Frederick Police Department that officers use prudence and restraint in exercising their authority to use deadly force and will do so only when necessary to accomplish lawful objectives. Officers should discharge their firearm or use or attempt to use deadly force only when it is necessary to protect life or when it is the only effective means to apprehend an individual who poses a significant threat of death or serious bodily injury to officers or citizens.

The Department will ensure that a neutral, impartial and thorough investigation of deadly force incidents is conducted. Such investigation will be conducted in all incidents in which an officer discharges a firearm (except under the exclusions listed in Section .50.3) and in all incidents involving the actual or attempted use of deadly force, regardless of the weapon(s) used. The purpose of this investigation will be to determine whether there are legal, policy, training, weapon/equipment, or discipline issues that need to be addressed.

At the same time the Department will be supportive of each officer involved in the critical incident by acknowledging the trauma related to the incident and responding positively to the stress with which

the officer will need to cope with throughout the investigation. Any officer involved in a use of force or whose actions result in death or serious physical injury will be removed from active duty and placed in an administrative position or on "Administrative Leave" in order to cope with the situation as deemed appropriate by the Office of the Chief.

While some of the verbiage of this order addresses the use of firearms, there may be occasions where deadly force may be applied or attempted through the use of other weapons or means. The allowances and prohibitions for the use of firearms in this order, as well as investigative procedures and requirements, apply to other weapons or methods used to apply or attempt to apply deadly force as well.

.05 DEFINITIONS:

DEADLY FORCE: Physical force which by its application causes death or has a high probability of causing death or serious physical injury.

SERIOUS PHYSICAL INJURY: An injury that causes major disfigurement, severe tissue damage, broken bones, internal organ injury or permanent paralysis.

.10 LEGAL STANDARD:

This order is for departmental use only and shall not alter any criminal or civil standard of care. The Department's policy and procedures should not be construed as a creation of a greater or higher legal standard of safety or duty of care in an evidentiary sense with respect to third party claims. Violations of this Order will only form the basis for departmental administrative sanctions.

.20 USE OF FIREARMS:

1. Officers will be ever mindful of their duty to perform their police mission, using only that force necessary to carry out their responsibilities effectively and safely. **Officers may only justify use of a firearm by facts known at the time a decision to use a firearm is made.** Facts unknown, no matter how compelling, cannot be considered later when determining if the use of a firearm was justified.
2. All reasonable considerations must be given to prevent inadvertent injury to innocent bystanders.
3. Officers will communicate to a suspect their identity, purpose, and intention to fire, unless circumstances are such that the suspect already knows their identity, or due to special tactical considerations where the announcement of identity jeopardizes the safety of the officer or citizen. Officers in plain clothes and/or off-duty are not as recognizable as those officers in uniform; therefore, they should make every **reasonable** attempt to identify themselves prior to using deadly force.

.25 USE OF DEADLY FORCE:

An officer may discharge a firearm or use or attempt to use deadly force in the performance of his police duties, either on- or off-duty, **ONLY** in the following circumstances:

1. In self defense from death or serious bodily injury when nothing less than deadly force is adequate to ensure his safety.
2. In defense of another person from death or serious bodily injury when nothing less than deadly force is adequate to ensure his safety.
3. To apprehend or prevent the escape of a suspected felon, **only** if the officer has probable cause to **believe** that if not immediately apprehended the suspect poses a significant threat of death or serious bodily injury to any person.

4. To kill a dangerous animal, or to humanely destroy a badly injured animal to relieve it from further suffering, when no other appropriate means exist.
5. To call for assistance or to sound an alarm only in an extreme emergency, and when no other appropriate means exist.
6. During qualification and/or training at the Department's or any other approved range, and under the supervision of a firearms instructor or line safety officer. This applies to Department-issued firearms only.

.30 FLEEING FELON GUIDELINES:

Prior to using deadly force against a fleeing felon, **ALL SIX (6) CONSIDERATIONS MUST BE MET:**

1. All other reasonable means to apprehend or prevent the escape of the felon have been exhausted;
2. The suspect is a known felon or there is probable cause to believe a felony was committed;
3. Deadly force was used or threatened to be used during the commission of the crime;
4. The officer believes that deadly force would be used again if the suspect is not immediately apprehended;
5. Every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders; AND
6. Where feasible/reasonable, a warning has been given as to the officer's intent, and the felon refuses to stop.

.40 WHEN FIREARMS/DEADLY FORCE WILL NOT BE USED:

Firearms will not be discharged and deadly force will not be used under circumstances not in compliance with this Order and the law. Examples of prohibited discharge of firearms are, but are not necessarily limited to, the following:

1. An officer will never fire at any person who is attempting to avoid apprehension for committing a misdemeanor.
2. An officer will not fire a warning shot at any time or under any circumstances.
3. An officer will not fire from a moving vehicle, while riding on a bicycle, or while running on foot. This does not prohibit controlled firing while moving tactically.
4. An officer will not fire at a moving vehicle unless it is self defense or defense of another person, as defined in Section .25.1 and .25.2 of this order, or unless directly authorized by a supervisor or command officer.

.50 INVESTIGATION REQUIRED:

1. All firearms discharges and uses or attempted uses of deadly force must be reported, investigated, reviewed, and forwarded to the Chief of Police in accordance with this Order, regardless of location or duty status. The initial report will be submitted prior to the end of the tour of duty in which the discharge occurred (see Section .60.2I of this order).
2. Deadly force incidents are most commonly associated with the use of firearms; however,

officers may, as a last resort, utilize some other means which they intend as deadly force in self defense or defense of another. These incidents require the same type of investigation and reporting as those that involve firearms discharges.

3. EXCEPTIONS:

- A. Shots discharged by accident, *which are not an attempted use of deadly force and do not result in injury*, will be investigated and documented by the officer's supervisor. The supervisor will notify the Commander of Professional Services, who will evaluate a course of action. The supervisor's report will be submitted through the chain of command to the Deputy Chief with a copy to PSD. After evaluation, the incident may be investigated further.
- B. Shots fired in the necessary dispatch of a dangerous or injured animal (Refer to Section .80 of this order).
- C. Where no injury, death, or complaint of property damage results during:
 - (1) an authorized training session;
 - (2) lawful hunting with off-duty firearm while off-duty; or,
 - (3) target practice with a personally owned firearm while off-duty.

.60 INVESTIGATIVE PROCEDURES- GENERAL

1. OFFICER USING OR ATTEMPTING TO USE DEADLY FORCE WILL:

- A. Notify his supervisor or the On-Duty Supervisor immediately.
NOTE: If the officer using or attempting to use deadly force is a supervisor, he will relinquish control of the scene upon the arrival of another supervisor on the scene, regardless of rank and even if inferior in rank to the involved supervisor.
- B. Notify Communications to dispatch medical personnel.
- C. Submit any weapons used, including ammunition, to the criminal investigator of the agency assigned to conduct the investigation, the Independent Investigative Division (IID) investigator, or PSD investigator upon request.
- D. Not discuss the incident, except to provide a supervisor with a brief account of what occurred, write any statements, or complete any administrative reports until after having a discussion with the criminal investigator and/or the criminal investigation is completed.

2. OFFICER'S SUPERVISOR OR ON-DUTY PATROL SUPERVISOR WILL:

- A. Report to and ensure the scene is secure; evidence (including police vehicle and equipment) is preserved in its original position/condition; and witnesses are available for interviews by investigators. If necessary, provide emotional support and physical first aid.
- B. Advise Communications to make the following notifications:
 - (1) Chief of Police;
 - (2) Deputy Chief;

- (3) Division Commander;
 - (4) CID, to include the CID Commander;
 - (5) PSD Commander;
 - (6) On-Call Crime Scene Unit member;
- C. Ascertain a brief account of what occurred from the officer(s) involved. The supervisor will **not** conduct any formal administrative interviews of the officer(s) involved. An overview of what occurred will allow the supervisor to brief others, i.e., command personnel, arriving at the scene and ensure appropriate crime scene processing.
 - D. Arrange for a prompt escort to headquarters for those officers involved. If more than one officer is involved, they will be separated but not isolated. The escort officer should not be involved in the incident and he will not question the involved officer(s). He will remain with the involved officer(s) to provide support as needed until relieved by a CID or PSD investigator.
 - E. Notify promptly and personally, or permit the involved officer(s) to contact, his or her family prior to any media release or coverage. The Departmental Chaplain will be made available to any involved officer(s) or their families. A member of the Executive Board of the Fraternal Order of Police, FSK Lodge #91, will be notified of the incident as soon as possible.
 - F. The involved officer's unit supervisor or on-duty patrol sergeant or corporal will complete the initial ILeads and Blueteam UOF report, provided neither was involved in the incident.
 - G. Advise the involved officer(s) that he may experience the symptoms of post shooting trauma and that the Department will be making arrangements for him to meet with appropriate professional personnel. The supervisor may also encourage the officer to seek consultation with the Employee Assistance Program or another professional person of the officer's choosing.
 - H. Ensure the Issuance of a replacement firearm as appropriate, in conjunction with the CID/PSD investigators.
3. CRIMINAL INVESTIGATIONS DIVISION and PROFESSIONAL SERVICES DIVISION WILL:
- A. **As soon as possible a member of the Criminal Investigations Division will notify the Independent Investigative Unit within the Office of the Attorney General regarding the incident.** The Commanders of the Criminal Investigations Division and the Professional Services Division will cooperate and receive direction from the Independent Investigative Unit within the Office of the Attorney General before proceeding. Refer to the following attachments to this order:
 - (1) Notification Protocols for the Independent Investigations Division,
 - (2) Media Response Procedures for the Independent Investigations Division, and

(3) Evidence Collection, Storage, and Analysis Protocols for the Independent Investigations Division.

- B. Coordinate and conduct a thorough investigation of all incidents involving any officers where deadly force was attempted or applied in The City of Frederick. CID will generally be responsible for ensuring all aspects of a preliminary and follow-up investigation are handled to include the processing of the crime scene, interviewing of non-departmental witnesses, and placing of criminal charges if appropriate. PSD will interview all departmental witnesses and ensure that personnel involved followed departmental policies and procedures. Every reasonable attempt should be made to minimize the number of times the involved officer(s) is interviewed and is required to repeat his or her description of the incident. (In the case of incidents occurring outside of the City, PSD will conduct an internal investigation in conjunction with any criminal investigation being conducted by the governing jurisdiction.)
 - C. Explain to the officer(s) what will happen administratively. In the case of uses of force that result in injury or death or other appropriate circumstances, advise the officer(s) involved that they will be placed on administrative leave or assigned to administrative duties pending an administrative review of the incident. Officers will be advised that they are expected to cooperate fully with the investigation. Administrative leave is authorized at the direction of the Office of the Chief of Police, who will determine its duration in each case. An officer placed on Administrative Leave will be responsible for advising his Division Commander of his whereabouts so contact may be made when necessary. Administrative leave is not to be confused with suspension, as no punitive intent is involved.
 - D. Take custody of the firearm(s) from the involved officer(s), as well as ammunition in his or her possession, and explain that a replacement will be issued as soon as is practical. *At no time will the officer's firearm be taken in the presence of the suspect or news media. The firearm will be unloaded and rendered safe by or at the direction of the investigator.*
 - E. Review all written statements/reports by members and witnesses.
 - F. Initiate criminal charges, if warranted, after consultation with the State's Attorneys Office (CID).
 - G. Submit a complete administrative report of the investigation to the Chief of Police through proper channels (PSD).
 - H. CID will prepare a written notification to the Chief of Police, submitted via the chain of command, following the incident as directed by the CID Commander.
 - I. The CID and PSD Commanders will periodically apprise the Office of the Chief of the progress of all investigations (criminal and administrative) pertaining to the deadly force incident. Professional Services will conduct an administrative review of the circumstances of the incident and report its findings to the Chief of Police.
4. DIVISION COMMANDERS WILL:
- A. Brief, in cooperation with other Division Commanders, all other members of the Department about the incident. This will prevent the officer(s) from being bombarded with questions and rumors will be held in check.
 - B. Ensure that the on-call member of the States Attorney's Office, as well as the on-call

Department Chaplain, is notified as conditions of the incident warrant.

- C. Ensure that follow-up medical and emotional support to the involved officer(s) is provided.
 - D. Make arrangements, through the Personnel Unit, for the involved officer(s) to attend a meeting with a psychologist or psychiatrist selected by the Department prior to returning to his or her current assignment.
 - E. If necessary, locate, identify and inform the owner of any damaged property.
5. DEPUTY CHIEF WILL:
- A. Ensure that there is a determination of whether to place the officer(s) on administrative leave or in an administrative assignment.
 - B. After final submission of all investigative reports, make a determination if there are policy, training, weapon/equipment issues which should be addressed, and if appropriate, ensure that corrective action is instituted.

.70 INVESTIGATIVE PROCEDURE- UNINTENTIONAL DISCHARGES:

- 1. Follow previous applicable procedures as outlined in Section .60 of this Order.
- 2. OFFICER'S SUPERVISOR OR ON-DUTY PATROL SUPERVISOR:
 - A. Respond to the location where the discharge occurred if possible/feasible. Obtain the firearm in question and transport same to headquarters to be secured. If the discharge occurred in another state or outside the City, the jurisdiction conducting the investigation may take custody of the firearm as part of its investigation, depending on that agency's procedures.
 - B. Immediately instruct the officer involved that their departmental authority to carry that type of firearm (e.g., handgun, shotgun, etc.) is **suspended**. Firearms suspension will remain in effect until the firearm is determined to be functioning properly and the officer's knowledge of the firearm has been demonstrated.
 - C. Ensure the firearm is transported to the Firearms Range for examination by an armorer on the next regularly scheduled work day, provided the firearm is not in the custody of another agency.
 - D. Obtain dates and times from the firearms coordinator for the officer involved, only when a mechanical defect is not found, to report to the Firearms Range to receive remedial training and demonstrate their knowledge of safe weapon handling. In most cases, this should be the officer's next regularly scheduled work day.
 - E. Review the incident/administrative report submitted by the officer involved.

.80 DISCHARGE OF FIREARMS- ANIMAL CASES:

- 1. OFFICER:
 - A. In cases of an injured domestic animal, make reasonable attempts to contact the animal's owner or animal control before using the discretion to humanely destroy the animal to relieve its suffering.

- B. Weigh the totality of the circumstances against the potential hazards associated with a firearm discharge.
 - C. Advise their supervisor of all relevant factors known (e.g., lighting, traffic, background, etc.).
 - D. Obtain supervisory approval.
 - E. If practical, recover the spent casing(s) and dispose of it with supervisory approval after it is determined that it has no evidentiary value.
2. OFFICER'S SUPERVISOR OR ON-DUTY PATROL SUPERVISOR:
- A. When practical, respond to the scene prior to granting approval.
 - B. Review the report submitted by the officer.
 - C. Ensure the Issuance of a replacement round(s).

.85 POST-INCIDENT PROCEDURES:

The following events are to occur prior to the return of an involved officer to full duty after a use or attempted use of deadly force incident:

- 1. The officer will be required to participate in a post-incident psychoeducational wellness debriefing with the Department psychologist within 4 days of the incident, if possible. The Department psychologist will only report that the officer attended.
- 2. The Preliminary Report of Investigation will be submitted to the Chief of Police by the CID, with a preliminary conclusion that no criminal charges against the officer are anticipated; and
- 3. The Chief of Police approves the officer's return to full duty.

NOTIFICATION PROTOCOLS FOR THE INDEPENDENT INVESTIGATIONS mvβ10N

The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the primary investigation of all police-involved incidents that result in the death of a civilian or injuries likely to result in death ("qualifying incidents") as mandated by Maryland Code, State Government Article, 6-602.

I. Definitions

Qualifying incidents include any act or omission of a law-enforcement officer while the law-enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

The following are examples of, but not limited to, the types of incidents that IID and MSP should be notified about: shootings that are fatal or result in the likelihood of death, use of force incidents that are fatal or result in the likelihood of death, deaths occurring while an individual is in police custody, and vehicle pursuits by law enforcement that result in death or the likelihood of death.

The IID will determine whether an incident is police-involved and whether an injury is likely to result in death.

II. Notification

Immediately upon learning of a qualifying incident, the local law enforcement agency ("LEA") that employs the officer and/or the local LEA with primary jurisdiction over the location of the incident will notify the MSP Headquarters Duty Officer at (410) 653-4474. The notifying local LEA will provide contact information for the on-scene commander with responsibility for the initial crime scene response.

If a local LEA is uncertain whether an incident qualifies for notification, the local LEA should contact MSP at the above number. The local LENO on-scene commander will be contacted as quickly as possible by a member of the IID or MSP.

During the initial contact, the local LEA's on-scene commander should provide, to the best of their ability, the following preliminary information: the date and time of the incident; the location of the incident, of any other crime scenes, and of any other witnesses; the type of incident that led officers to the scene; the number of involved and witnessing officers; whether anyone is deceased or injured; and whether the media is on-scene. It is more important that the local LEA provide notification quickly than that they wait to obtain all of these pieces of information.

The local LEA will maintain control over the crime scene until the arrival of MSP. The IID has distributed protocols for evidence collection and media contacts, which should be followed prior to MSP's arrival at the scene.

The local LEA will maintain scene security, including traffic control, until the on-scene investigation is complete, and the scene is released. The local LEA will provide security for any individuals in custody until either treated and booked, relieved by the Division of Corrections as a bedside commitment or transferred to the Office of the Chief Medical Examiner.

Some special police officers employed by LEAs are covered by the legislation. If your agency has an incident involving a special police officer, please notify the IID, and we will determine whether it is a qualifying incident.

While initial notification should always go to MSP at (410) 653-4474, a local LEA may reach out with additional questions to the on-call IID investigator at (410) 576-7070.

MEDIA RESPONSE PROCEDURES FOR THE INDEPENDENT INVESTIGATIONS DIVISION

Pursuant to Maryland Code, State Government Article, 6-602, the Office of Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the primary criminal investigation of police-involved incidents that result in the death of a civilian or injuries likely to result in death.

Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public's desire for quick answers, the need for accuracy, and the need to convey the independence of the investigation. We understand that the public wants information soon after an event occurs, and that local Law Enforcement Agencies ("LEA") will often be called on to provide some information before the IID and MSP have fully taken control of the investigation. We also understand that the legislature has assigned responsibility for these cases to the IID and MSP, and it is important to convey to the public that these investigations are in fact being handled independently. The policy below is an attempt to balance those goals.

1. Initial media response

A local LEA may choose, at its discretion, to defer all public response to the IID. A member of the IID with responsibility for media response will respond to the scene as soon as is practical. Whether or not the local LEA plans to make a public statement, we ask that they make available to the IID a public information officer or an individual with similar responsibilities who can assist the IID in gathering information. That person should begin gathering preliminary information before the IID arrives.

A local LEA may also choose to make a public statement or release certain limited information in the immediate aftermath of an incident. To the extent possible, the local LEA will consult with IID prior to the release of this information. The local LEA may generally include the following information in its public statement:

- The date, time, and location of the incident.
- The type of call for service that led officers to the scene.
- Information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital.
- How many officers discharged their firearms.
- Whether a weapon was recovered or located on-scene.
- Basic information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).
- Each police department will include in their remarks a statement confirming that the investigation into the officers' conduct will be conducted by the Maryland Attorney General's Office Independent Investigative Division, with assistance provided by his/her department as requested.

Notification of the release of this information should be provided to the IID investigative supervisor or media contact preferably prior to, or at least simultaneously with the public release.

11. Subsequent media response

Upon completion of the initial public/media notifications, the local LEA may continue to provide periodic updates involving an ongoing community threat, such as a continuing search for a suspect, or any road or business closures. If the local LEA wishes to release a written statement detailing the facts already released in the initial media response (see section I, above), it should consult with the IID before doing so.

Otherwise, further comment or the release of additional information or materials that could be considered evidentiary or could impact the integrity or outcome of the investigation should come from the IID, not from the local LEA. This includes:

- body camera footage;
- in-car camera footage;
- surveillance footage;
- commercial or residential security camera footage;
- crime-scene or other photographs, other than photos related to a continuing search for a suspect;
- photographs or video footage taken by witnesses;
- detailed statements provided by officers/deputies involved;
- detailed statements provided by witnesses or suspects;
- test results of any kind;
- investigative reports;
- autopsy information, including cause/manner of death;
- legal conclusions about an officer's conduct;
- any information that could be considered investigative or evidentiary.

If the local LEA believes that the release of such information is necessary, it will consult with and obtain the approval of the IID, to avoid impacting the outcome of the investigation.

The IID will generally release the name of the involved officers within 48 hours of the incident, though that period may be extended if an officer is injured, or if there is a specific reason to believe that an officer's safety is at risk. If the local LEA wishes to release the name of the officer itself prior to the IID doing so, it may, after consultation with the IID).

The IID will generally release body camera footage within 14 days of the incident. There may be situations where more than 14 days is necessary, including if investigators need more time to complete witness interviews, if there are technical delays caused by the need to redact the identities of civilian witnesses, or to allow family members to view the video before it is released to the public.

III. Completion of Investigation

Upon completion of the investigation and review by the Maryland Office of the Attorney General, the IID will confirm on its website that it has completed the investigation and forwarded its report to the relevant State's Attorney's Office. The IID will notify the relevant local LEA when its investigation is complete. By statute, the report remains confidential until any prosecution is complete, and therefore the IID will not comment on the content of its report.

The IID will release the report, with appropriate redactions for confidentiality, within 30 days of a final judgment of all defendants in a prosecuted case, or within 30 days of a determination by the SAO or other relevant prosecutorial entity that they are declining to

prosecute.

**EVIDENCE COLLECTION, STORAGE, AND ANALYSIS PROTOCOLS
FOR THE INDEPENDENT INVESTIGATIONS mvβ10N**

The Office of the Attorney General's Independent Investigations Division ("IID") and the Maryland State Police ("MSP") will lead the primary investigation of police-involved incidents that result in the death of a civilian or injuries likely to result in death as mandated by Maryland Code, State Government Article, 6-602. In this document, the "Independent Investigations Division" or "IID" refers to the entity created by that legislation, consisting of both AG and MSP personnel.

The following protocols are intended to govern the gathering and preservation of evidence at those scenes. Because no protocol can cover all situations, please call the MSP Headquarters Duty Officer at (410) 653-4474 or the on-call IID investigator at (410) 576-7070 with any questions that arise prior to IID's arrival on scene.

1. Collection of Physical Evidence at Scene
 - A. Personnel from the MSP Forensic Sciences Division ("MSP-FSD") and Criminal Enforcement Division will oversee the scene of IID investigations and will make every effort to arrive at the scenes of IID investigations within one to two hours from notification.
 - B. Cases Where There is no Imminent Threat to Evidence
 1. In all cases in which there is no imminent threat to losing, damaging, or contaminating evidence, the evidence should be collected by personnel from the MSP-FSD.
 2. In these cases, personnel from the local law enforcement agency ("LEA") will not collect evidence but will locate, identify and secure all crime scenes and evidence until MSP-FSD personnel arrive.
 3. If the local LEA has scanning devices, we encourage them to begin scanning the scene prior to the arrival of IID personnel, if feasible.
- c. Cases Where There is an Imminent Threat to Evidence
 1. An imminent threat to evidence is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not take action. Examples include, but are not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals) with evidence.
 2. If there is an imminent threat to any evidence and crime scene personnel from the local LEA are present, then the local crime scene personnel should document, photograph, and collect that evidence as per their own protocols prior to the arrival of MSP-FSD crime scene personnel. If the evidence must

be processed to preserve it from threat, the local LEA may do so. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.

3. If there is an imminent threat to any evidence and no crime scene personnel (MSP-FSD or local) are present, then the sworn personnel on-site should document, photograph, and collect that evidence rather than waiting for crime scene personnel to arrive. If time allows, the sworn personnel from the local LEA should contact IID personnel for guidance prior to the collection of evidence. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.
4. If personnel from the local LEA collects evidence, the name of the personnel collecting the evidence and the reason for collection should be documented and provided to the IID as soon as possible.
5. If personnel from the local LEA collects evidence, they should ask the IID whether to transfer the evidence to MSP-FSD or process it themselves.
6. The guiding principle for when there is a threat to evidence is that it is always better to collect the evidence in some manner rather than losing the evidence or having it damaged or contaminated.

11. Collection of Other Evidence at Scene

A. Video Evidence

1. The local LEA should identify all personnel who are equipped with a Body Worn Camera (B WC) and/or Mobile Video System (MVS) that potentially captured any aspect of the encounter, including footage from before and after the incident. Any B WC and/or MVS footage should be secured and turned over to IID personnel.
2. The local LEA should begin to identify all video surveillance evidence prior to the arrival of IID personnel.

B. Involved and Witness Officers

1. The local LEA should identify and separate all involved and witness officers. If possible, the local LEA should contact IID personnel prior to any removal of an involved or witness officer.
2. If there is an imminent need to remove the involved or witness officer from the scene, the local LEA should, if possible, photograph the officer while on scene and contact IID personnel prior to transport for further guidance. If an officer must be transported from the scene before being

photographed or his or her firearm being recovered, he or she should, if possible, be transported in

a car with an operating camera and/or in the company of an officer wearing an operating BWC.

c. Civilian Witnesses

1. The local LEA should identify, separate, and maintain all possible civilian witnesses and ask them to remain present until IID personnel arrives to conduct interviews.
2. In cases where a civilian witness needs to be transported from a scene, the local LEA should, if possible, contact IID personnel prior to transport for further guidance.
3. If a witness is unwilling to wait on scene for the arrival of IID personnel, the local LEA should attempt to conduct an interview of that individual, to collect any video or other evidence they might have, and to obtain the contact information for the witness to include his/her name, date of birth, address, phone number, and vehicle registration information.
4. If possible, any on-scene interaction with civilian witnesses should be recorded and documented. These recordings and documentation should be maintained and will be collected by the arriving IID personnel.

111. Death Notifications

- A. If there has been a police-involved incident that results in the death of a civilian or injuries likely to result in death, IID personnel will make the next-of-kin notification to the family of the involved decedent. At the discretion of the IID, a representative from the local LEA may accompany IID personnel to the next-of-kin notification.
 - B. If extenuating circumstances prevent the IID from making a timely notification, the local LEA can make the next-of-kin notification after consulting with the IID. During that notification, the local LEA will provide the family with contact information for the IID and will also provide the IID with the contact information of the involved family.
- c. Following the next-of-kin notification, and throughout the course of the investigation, the IID will be the primary point of contact with the decedent's family.

IV. Submission Of Evidence

- A. All evidence collected as part of an IID investigation should be submitted to the MSP-FSD regardless of who collects the evidence.
- B. If there is a dispute with a local LEA as to whether evidence is part of an IID investigation, IID personnel will make the final determination regarding the evidence.
- c. If potential IID evidence is submitted to a crime lab other than the MSP-FSD, the IID will request the evidence so that it can be transferred to the MSP-FSD.
- D. Requests for Transfers of IID Evidence
 - 1. If a local LEA determines that it needs possession of evidence submitted to the MSP-FSD for its own investigation or prosecution, it may request the transfer of evidence.
 - 2. IID personnel will address evidence transfer requests on a case-by-case basis. Every effort will be made to accommodate transfer requests if they do not prejudice an IID investigation or potential prosecution.
 - 3. All transfers of IID evidence from the MSP-FSD to another LEA's accredited and licensed crime lab must be requested by that LEA's crime lab director and be approved by the director of the MSP-FSD, and the IID chief.

V. Analysis of Evidence

- A. IID personnel may request the analysis and testing of evidence collected for IID investigations that they deem appropriate.
- B. Because of the increased burden these cases will place on the MSP-FSD, the FSD Director may request that other accredited and licensed crime labs in the State perform the analysis. Insofar as practical, the MSP-FSD will not send any evidence related to the IID investigation to the crime lab in the same jurisdiction as the officer under investigation. The MSP-FSD will notify the IID if this transfer occurs.
- C. Local LEA requests for analysis of IID Evidence.
 - 1. If a local LEA determines that it would like evidence that has been submitted to the MSP-FSD to be analyzed, it may request that the MSP-FSD conduct the analysis.

2. IID personnel will determine if the analysis should be done on a case-by-case basis depending on the request and the resources available at the time of the request.
3. If a local LEA's request for analysis is denied, IID personnel will make every effort to transfer the evidence to another accredited and licensed crime lab as soon as practicable without prejudicing the IID investigation or potential prosecution.

VI. Collateral Criminal Investigations

- A. Because the IID solely investigates law-enforcement personnel, local LEAs may need to conduct criminal investigations and prosecutions of non-police criminal activity arising from the same general incident as IID investigations. IID personnel will collaborate with the local LEA in every case in which there is a collateral criminal investigation. All efforts will be made to find solutions that allow for the proper investigation and potential prosecution of both the IID case and the collateral criminal case without causing prejudice to either case.
- B. Where the two investigations share witnesses, the IID and local LEAs will coordinate, to the extent possible, prior to conducting interviews.
- c. Collection of Evidence for Collateral Investigations.
 1. If IID personnel determine that evidence is necessary for an IID investigation, the evidence will, baning an imminent threat to the evidence, be collected by the MSP-FSD and submitted to the MSP-FSD. This will occur even if a local LEA believes the evidence is necessary for a collateral criminal investigation.
 2. If IID members determine that evidence is not required for an IID investigation, local LEA may collect, store and analyze the evidence according to their normal practices or procedures. The local LEA may also request that the MSP-FSD personnel collect that evidence at the scene and provide it to the local LEA for its own future analysis.