

	STANDARD OPERATING PROCEDURE State Form 39870 (R/S-06)	Reference Number INV-027
	Subject Investigations of Police Actions Resulting in Serious Bodily Injury or Death	
	Special Instructions NEW SOP	Effective Date June 1, 2021

I. PURPOSE

Establishes guidelines for investigating police actions involving the use of deadly force or incidents that result in serious bodily injury or death.

II. POLICY

It is the policy of this law enforcement agency to thoroughly investigate any incident where a police action uses deadly force or an interaction results in serious bodily injury or death to any individual.

III. DEFINITIONS

A. **DEADLY FORCE (IC 35-31.5-2-85)** – Force which creates a substantial risk of serious bodily injury.

B. **FIRST RESPONDING OFFICER** – The first officer, regardless of rank, to arrive on scene when the police action has concluded, and the scene is secure.

C. **INVOLVED OFFICER(S)** - An officer(s) who used or allegedly used deadly force or the officer who interacted with the subject immediately prior to the serious bodily injury or death. “Involved” does not include officers who may have witnessed the actions of another officer or civilian.

D. **POLICE ACTION** – A physical action taken by an officer to control a situation. This definition includes any use of force such as, discharge of a firearm, discharge of a Conducted Electrical (Energy) Weapon (CEW), use of a chemical agent, any physical technique or physical tactics (control tactics) as well as utilization of PIT maneuver and deployment of stop sticks. This definition does not include an accidental crash.

E. **SERIOUS BODILY INJURY (IC 35-31.5-2-292)** – Bodily injury which creates a substantial risk of death or causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss, impairment of the function of a bodily member or organ or loss of a Fetus.

F. **USE OF FORCE** – The application of physical techniques or physical tactics, chemical agents, CEW, other weapons, K-9, or vehicle by an officer to another person or occupied vehicle in the performance of official duties. This definition does not include every instance where an officer may touch another person, such as touch to get one’s attention, a pat-down search, handcuffing without subject resistance, or escorting an individual without additional

force present. This definition does not include a pursuit unless intentional physical action is taken in an attempt to end the pursuit.

IV. PROCEDURE

A. Involved Officer(s):

1. Officers involved in police actions involving deadly force or an incident that results in serious bodily injury or death shall:

- a. Immediately notify the applicable Regional Dispatch Center (RDC) of the incident and location;
- b. As soon as safe and practical, provide appropriate medical aid (e.g. first aid, CPR, or activation of available EMS);
- d. Remain on scene until given further directive by an investigator/supervisor; and
- e. When required, turn over all evidence, including weapons, equipment and uniform items for examination to the detective or a supervisor upon request.
- f. An involved officer(s) that is equipped with a law enforcement recording device(s) shall continue the recording until the scene is secure and the first responding officer has arrived on-scene and conducted a public safety statement.

2. Involved officer(s) will be requested to complete a voluntary public safety statement to the first responding officer as outlined below. Involved officer(s) may refuse to give a public safety statement and will not be compelled to do so.

3. It is recommended the involved officer(s) not discuss the incident with anyone until the officer has provided a formal statement to the detectives or the employer or, if none was provided, until the conclusion of the investigation. Exceptions to this include:

- (1) The involved officer's spouse;
- (2) The involved officer's attorney or Department attorney;
- (3) A member of the clergy;
- (4) Health care provider;
- (5) CISM Team Member; or
- (6) Mental health care provider.

4. An involved officer may participate in a formal interview immediately or request that it be taken at a later time/date. No statement will be compelled.

5. An involved officer may seek legal counsel prior to completing a formal interview related to the incident.

6. Under Ind. Code 5-14-3-5.1, an involved officer depicted in a law enforcement recording, related to the incident, may review the recording(s) up to two times at any time (before or after the interview).

B. First Responding Officer:

1. Once the scene is secure, the first responding officer shall take a “Public Safety Statement” from the involved officer regarding general information about the incident, to include, but not limited to:

- (1) Information necessary to apprehend suspects;
- (2) Any immediate hazards to other responding personnel or the public;
- (3) Identity and/or location of any witnesses;
- (4) Location of any weapons;
- (5) Identity of all scenes that must be protected; and
- (6) Any other exigent information the involved officer believes to be relevant;

2. The first responding officer shall direct the involved officer(s) to turn off any law enforcement device following the public safety statement. If there is evidentiary value in the device(s) continued operation past the conclusion of the public safety statement, the first responding officer may order the device to remain activated until further directed.

B. Investigative Response and Responsibilities:

1. The Regional Dispatch Center (RDC) shall immediately notify the Area Investigative Commander (AIC) and District/Division Commander of any officer involved in a police action where deadly force was utilized or any police action that results in serious bodily injury or death.

2. The District/Division Commander shall notify the Area Commander and their Zone Legal Counsel of the incident.

3. The AIC shall implement an investigative response utilizing the District Investigative Coordinator (DIC) and out of district detectives. In district personnel may be utilized for initial scene security, processing, and evidence preservation if the delay in response from out of district investigative personnel would compromise the integrity of the investigation*.

*Note – For instance, in-district personnel may conduct initial interviews with witnesses if they are not willing to remain on-scene until out-of-district investigative personnel have arrived or if inclement weather would effect the integrity of the scene and evidence.

C. Investigation:

1. The investigation shall be conducted in accordance with the Law Enforcement Use of Force and Custodial Death Investigations Manual and shall be documented in accordance with the Incident Management System Manual.

2. It is not mandatory the involved officer(s) be advised of their Miranda Rights; unless the interview is custodial in nature.

3. The Warning and Assurance waiver shall be used when interviewing all involved officers.

4. If an administrative (internal or civil) investigation is required, in addition to the criminal investigation, it should be conducted as a separate follow-up investigation.

*Note: Administrative reports shall not be made part of the criminal incident report without approval of the ISP Legal Office.

5. All investigations shall be submitted to the prosecutor for review or for assignment to a special prosecutor for review.

D. This procedure shall be used in conjunction with all relevant Department regulations, rules, policies and procedures.