

 <b>Kinston Police Department</b>	<b><u>POLICY: Officer Involved Shootings</u></b>						<b><u>POLICY #:</u></b> <b>200-15</b>
	<b><u>NCLEA Standards: 5.08;</u></b>						
	<b><u>CALEA Standards: 4.2.3</u></b>						
	<b><u>NCLM Standards: I. 2.; I.10.;</u></b>						
<b>Effective Date:</b> <b>07-01-2019</b>							
<input type="checkbox"/> <b>New</b> <input checked="" type="checkbox"/> <b>Revised</b>	<b>Revision Dates:</b>	01/01/21	02/05/25				
<b>Approval: Chief of Police</b>							

## I. PURPOSE

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer- involved shooting incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder. It is the policy of the Kinston Police Department to respond immediately and conduct a timely and complete investigation of all officer-involved shootings.

## I. DEFINITIONS

- A. **Officer-involved shooting:** An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an unintentional discharge.
- B. **Officer-involved discharge:** An officer's discharge of a firearm that does not cause injury or death to a person; shooting at, injuring, or killing animals also falls into this category, including accidental discharge without injury.

## II. POLICY

### A. Investigative Protocol

Officer-involved shootings that result in injury or death are investigated in three distinctly separate venues:

1. **Criminal Investigations /SBI:** Investigation to determine if there was criminal conduct on the part of the involved officer(s) is conducted separately by the SBI and the Office of the District Attorney.
2. **Criminal Investigation / KPD:** Investigation to determine if there was criminal conduct on the part of the suspect/victim is conducted separately by the Investigations Division and the Office of the District Attorney.

3. Administrative Investigation: Investigation to determine if the officer involved shooting was within Department policy are conducted separately by the Professional Standards Division and if and when initiated by a citizen complaint.
  - (a) Each involved Kinston Police officer may be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Supervisor to make schedule adjustments to accommodate such leave. Any employee, whose action(s) or use of force in an official capacity result in death or serious physical injury, will be removed from operational assignments, pending an administrative review. **(NCLEA 5.08) (CALEA 4.2.3)**

B. Officer involved shooting occurring within the City of Kinston and County of Lenoir.

As soon as practical after an officer involved shooting occurring the city limits and County of Lenoir, the following notifications shall be made:

1. If practical, the member (s) involved shall notify the Lenoir County Communications Center and his/her immediate supervisor, or the shift supervisor of the agency the incident occurred in.
2. The Shift Supervisor or Designee will notify the following:
  - (a) Chief of Police
  - (b) Investigations Division Supervisor
  - (c) Professional Standards Supervisor
  - (d) Patrol Division Supervisor
  - (e) NC. State Bureau of Investigations
  - (f) Peer Support Personnel (Chaplain, additional officers)
  - (g) Officer Legal Representative
  - (h) City Attorney
3. All outside inquiries about the incident shall be directed to the Shift Supervisor until a Public Information officer is designated.

C. Media Relations

1. A single press release shall be prepared with input and concurrence from the Investigation Division Supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Supervisor, Investigations Supervisor and the Public Information Officer.
2. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police.

3. Generally, in most incidents, the department will make every effort to shield the involved officer(s) from the media. However, depending on the totality of the circumstances, it may be necessary for the Department to release the names of the officer(s). If the names of the involved officer(s) are released to the media, it must be balanced between the best interest of the Department, the involved officer(s) and the public. The Department will make every effort to contact the officer(s) involved in the shooting prior to the release of their name(s) to the media.
4. Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

D. The Shooting Incident Criminal Investigation

1. Once notified of an officer involved shooting, it shall be the responsibility of the Investigations Supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigations from the SBI and may be assigned to separately handle the investigation of any related crimes not being investigated by the SBI.
2. All related departmental reports, except administrative/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Supervisor.
3. Criminal Investigation –
  - (a) It shall be the policy of this department to notify the State Bureau of Investigations to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

E. Witness Identification and Interviews

Because potential witnesses to an officer-involved shooting or other major incident may become unavailable, or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

1. Identify all persons present at the scene and in the immediate area.
  - (a) A recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - (b) Any potential witness who is unwilling or unable to remain on scene for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Officers should attempt to identify the witness prior to

his/her departure without detaining him/her for the sole purpose of obtaining identification and statements.

2. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses if willing may be transported by department personnel.
  - (a) A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
3. Assign available personnel to promptly contact the suspect's family and associates to obtain any available background information about the suspect's activities and state of mind prior to contact with officers.
4. Unless circumstances prevent otherwise, investigative interviews should be conducted face to-face under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.
  - (a) Face to face interview is impractical or cannot be conducted in person; such circumstances shall be documented in the investigative report.

#### F. Administrative Investigation

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of members to determine conformance with department policy and training. As part of this investigation, the Professional Standards Supervisor may respond to all officer-involved shootings where there is injury or death. The investigation will be interviews of members shall be subject to department policies and applicable laws.

1. Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
2. If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - (a) If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding subsequent interviews.

3. In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - (b) If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - (c) The interview must be recorded by the investigator.
  - (d) The officer shall be informed of the nature of the investigation and he/she shall be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - (e) The Professional Standards Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

#### G. Supervisors Responsibilities

1. Upon arrival at the scene, the first uninvolved KPD Supervisor should ensure completion of the duties as outlined above, plus:
  - (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
2. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
  - (a) If necessary, the Supervisor may administratively order any KPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
3. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

4. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
  - (a) Provide all available information to on-duty Shift Supervisor (Sergeant/Captain) and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
  - (b) Take command of and secure the incident scene with additional KPD members until properly relieved by another supervisor or other assigned personnel or investigator.
  - (c) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
5. Each involved KPD officer should be given an administrative order not to discuss the incident with other involved officers or KPD members pending further direction from a supervisor.
6. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), the department will arrange for a comparable replacement weapon to be provided to the officer.
7. Upon learning of an officer-involved shooting or death, the Shift Supervisor (Sergeant/Captain) shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or Designee.