

GENERAL ORDER

G.O. 1-018

SUBJECT: OFFICER INVOLVED SHOOTING



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- I. **PURPOSE:** To set policy and establish guidelines for the investigation of officer-involved shootings. The General Order also provides guidance for investigation of in-custody deaths and other serious use of force events.
- II. **POLICY:** It is the policy of the Monroe Police Department that an officer-involved shooting, whether on or off duty, be investigated with the utmost thoroughness, professionalism, and impartiality so as to determine whether the officer's actions conform with applicable law and this department's policy, procedures, rules and regulations and training. This policy may also apply to the investigation of situations in which a person dies while in police custody, or while an officer is attempting to effect custody, and other serious uses of force.

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III. DEFINITIONS:

- A. COMPANION OFFICER: An officer assigned to another officer to provide emotional support and assistance following a critical incident, such as an officer-involved shooting. The assigned officer is normally a member of the department's peer support program but may also be another officer who has had a similar experience, a close friend or both.
- B. CRITICAL INCIDENT: An incident that is unusual, violent and involves perceived threat to, or actual loss of human life.
- C. CRITICAL FIREARM DISCHARGE: A discharge of a firearm by a Monroe Police Officer. Firearms range shooting training discharges and discharges at animals are not included under this General Order.
- D. DEADLY FORCE: Any physical force that can reasonably be expected to cause death or serious physical injury.
- E. IN-CUSTODY DEATH: The death of an individual while in custody or while an attempt to effect custody is being made.
- F. INVOLVED OFFICERS: Unless otherwise indicated, refers to those sworn personnel in on-duty or off-duty status who discharge their firearm in a hostile situation, by accident during an arrest or in the process of arresting an individual who subsequently dies, or are engaged in other serious uses of force, or are a direct witness to such events.
- G. OFFICER: Sworn law enforcement personnel employed by the Monroe Police Department.
- H. OFFICER-INVOLVED SHOOTING: A discharge of a service weapon by an officer during a hostile encounter or an accidental discharge, while on-duty or off-duty, irrespective of injuries to suspects, officers or third parties.
- I. SERIOUS USE OF FORCE: Any action by an officer that involves: (1) the use of deadly force, including all critical firearms discharges; and/or (2) a use of force in which the person suffers serious physical injury.

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IV. **PROCEDURES:**

- A. OFFICER ON-SCENE RESPONSIBILITIES: Officers involved at the scene of a shooting incident shall take all measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation. This includes the following actions undertaken in the order deemed appropriate:
1. Identify any remaining threats and take necessary action;
 2. Secure and separate suspects;
 3. Notify the Monroe Communications Center of the incident and location;
 4. Relay information on fleeing suspects to communications and other field units and work with them to establish a containment area;
 5. Request a supervisor and additional backup, emergency medical services, if necessary, and any other assistance required immediately;
 6. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g. crowd violence), the shift supervisor at the scene shall have the authority to instruct the officer to move to another more appropriate location;
 7. If injured, administer emergency first aid to oneself first if possible;
 8. Determine the physical condition of any injured person and administer medical aid to the officer's level of training, as necessary, pending arrival of emergency medical assistance;

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9. Secure long guns and handguns in place as evidence. Do not open, reload, remove shell casings or in any other manner, tamper with involved firearms;
10. Take note of the time and survey the entire area for relevant facts, individuals who are present and those who departed the scene, witnesses, potential suspects and suspect vehicles;
11. As time and capabilities permit, before supervisory and other assistance arrives:
 - a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting or assist the injured;
 - b. Protect evidence from loss, destruction or damage that is likely to occur before assistance 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;
 - c. 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 in order to make a brief statement, whether or not they say they saw the incident.

B. INITIAL SUPERVISOR RESPONSE/INCIDENT COMMAND RESPONSIBILITIES:

1. Upon notification of the incident, the shift supervisor shall proceed immediately to the scene.
2. The senior officer at the scene shall take control of the scene and serve as Incident Commander (IC). As additional ranking officers and investigators respond to the scene, and the officer is relieved of this responsibility, he/she shall brief the ranking officer(s) on investigation status when

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turning over IC responsibility.

3. In addition to the IC/Supervisor's responsibilities, the following actions shall be taken:
 - a. Identify any remaining threats and take necessary action;
 - b. Determine the physical condition of officers, suspects, and third parties, provide emergency first aid if necessary and ensure that emergency medical assistance has been summoned;
 - c. Ensure that a brief public safety statement is collected individually from the involved officer(s), covering only information necessary to focus initial police response and direct the preliminary investigation. This includes information on the following:
 - (1) Type of force used;
 - (2) Direction and approximate number of shots fired by officers and suspects;
 - (3) The number of suspects involved;
 - (4) Location of injured persons;
 - (5) Description of at-large suspects and their direction of travel and time elapsed since the suspects were last seen, and any suspect weapons;
 - (6) Description and location of any known victims or witnesses;
 - (7) Description and location of any known evidence;
 - (8) Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

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- (9) Complete a Monroe Police Department Public Safety Statement Form (MPD-88c), which is attached to this General Order, for all involved officers.
4. Ensure the adequacy of the inner perimeter. Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform;
5. Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the perimeter;
6. Locate and secure, or secure in place, the officer's weapon(s), mark expended ammunition casings and physically check the firearm and other weapons of all officers who were present during the incident for evidence of discharge. Weapons that were fired shall be secured as evidence, and primary service firearms shall be replaced by similar firearms as soon as reasonably possible;
7. Locate and secure in place weapons, ammunition and expended cartridges used by the suspect;
8. Collect information available about the suspect from anyone at the scene;
9. Ensure that all potential witnesses have been identified and separated, and ask that they remain on scene to provide a statement. If witnesses wish to leave, obtain their contact information for future communications;
10. Locate and secure as evidence any clothing or other personal items that may have been discarded or removed from the suspect(s) or officer(s) by medical personnel;
11. Determine and mark the position(s) of the officer(s) and suspect(s) at the time of the shooting;
12. Secure, separate and remove all involved officers from the immediate scene. If possible, assign a companion officer to each;

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13. Direct all involved officers not to discuss any aspects of the shooting among themselves or with others, with the exception of their attorney, a qualified mental health professional or authorized investigative personnel;
14. If an officer is transported to the hospital, ensure that the companion officer accompanies or meets him or her there. The companion officer shall not discuss the specifics of the incident with the officer:
 - a. The companion officer should provide all reasonable support to the involved officer and act as liaison between the officer and the hospital;
 - b. If the officer is incapable of calling, the companion officer shall notify, or ensure that another department member notifies his or her immediate family as soon as possible and in person, whenever reasonably possible. The notification shall provide the family members with basic information on the status of the officer and when and where they will be able to see him or her. At this time the companion officer shall arrange for their transportation to the hospital or other location, as required. In the case of serious injury or death, notifications shall be conducted in conformance with the department's Death Notification Policy contained in General Order 6-551 Section V.B.7.
15. Whenever possible, photograph the officer(s) as he or she appears at the scene, to include any injuries sustained;
16. The companion officer will support the involved officer's family for security, support and management of media inquiries and visitors;
17. Ensure all necessary department notifications have been made, such as the following:
 - a. Chief of Police;
 - b. Patrol Commander;

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- c. Clergy members, qualified mental health professional or peer support program coordinator;
 - d. Detective Commander;
 - e. State's Attorney and/or Inspector;
 - f. Public Information Officer;
 - g. Medical Examiner.
- 18. Establish a command post when it appears that an extended on-site investigation will be necessary;
 - 19. Appoint an officer to serve as a "recorder" with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene and actions taken by police, Emergency Medical Services or other personnel;
 - 20. If equipment is available, ensure that video recordings are made of the entire scene and those present, including witnesses and bystanders. Document if video recordings were made by body cameras, in-car cameras or surveillance cameras, and secure them as evidence as soon as reasonably possible;
 - 21. Ensure that a media staging area is established beyond the outer perimeter and that it is appropriately staffed;
 - 22. Ensure all officers complete necessary reports;
 - 23. Place officers who discharged their weapons on mandatory leave;
 - 24. The agency shall facilitate contact, and involved officers will make themselves available to meet, with the department's designated Employee Assistance Program within 24 hours of the incident.

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C. TREATMENT OF OFFICER:

1. In every instance in which an officer used deadly force where such use resulted in death or serious injury to another person, the officer will be immediately relieved of duty;
2. The officer shall be available at all times after the incident for official interviews and statements regarding the case. The officer shall be subject to recall to duty at any time after the preliminary investigation;
3. Assignment to a "relieved of duty" status shall be non-disciplinary with no loss of pay or benefits;
4. Relief from duty, during which the officer may be assigned administrative duties, serves two purposes as follows:
 - a. To address the personal and emotional needs of an officer involved in the use of deadly force in which injury or death occurs;
 - b. To assure the community that all facts surrounding such incidents are fully and professionally explored and verified.
5. If the preliminary investigation discloses a question about the officer's actions regarding the incident, then the appropriate guidelines concerning the rights of the officer will be followed.

D. POST-SHOOTING TRAUMA:

1. Supervisory, investigative and other sworn and non-sworn employees shall be familiar with and follow the provisions established by this General Order.
2. All personnel shall be familiar with the provisions of this department's Employee Assistance Program and should avail themselves of these services following officer-involved shooting incidents, where appropriate.

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- E. IN-CUSTODY DEATH INVESTIGATIONS: Facts that are germane to investigations of in-custody deaths include, but are not limited to, the following:
1. Information noted by the dispatcher from the background noises during the call, as well as information provided by the reporting party that may be related to the subject's behavior, use of drugs or alcohol, previous law enforcement encounters, presence of weapons and mental health concerns.
 2. Officer observations of the subject's behavior in the course of making the arrest; for example, was the person:
 - a. Calm or emotionally charged;
 - b. Rational or confused;
 - c. Able to communicate or difficult to engage in conversation;
 - d. Experiencing hallucinations or delusions;
 - e. Perspiring heavily;
 - f. Wearing inappropriate clothing or in a state of undress;
 - g. Exhibiting a high tolerance for pain;
 - h. Engaging in a protracted physical encounter with officers.
 3. Whether family or friends indicate that the subject had been:
 - a. Drinking heavily, using drugs, or both;
 - b. In possession of a weapon;
 - c. Threatening anyone;
 - d. Involved with the police on prior occasions;

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- e. The subject of any other relevant information.
- 4. Whether the subject was visibly injured in any way when the police arrived, and what, if any, injuries were sustained prior to death.
- 5. What measures the officer(s) took to gain control and custody, such as:
 - a. Attempting to calmly "talk the person down";
 - b. Maintaining distance;
 - c. Reducing noise by turning off sirens;
 - d. Reassuring the subject;
 - e. Buying time;
 - f. Asking simple questions to determine the subject's level of coherence;
 - g. Attempting to deescalate the situation or other actions;
 - h. Directing others at the scene to move away.
- 6. Whether custody was required.
- 7. The length of time it took to gain control of the subject and whether there was a protracted struggle or was the subject subdued quickly.
- 8. The means to restrain the subject.
- 9. When in custody, where and how the individual was situated (e.g. placed face down on the ground, in a seated position, in a police vehicle sitting or lying down).
- 10. The physical reactions of the subject once arrested. For example, did he

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or she become calm or continue to struggle and act physically and verbally combative.

11. Whether EMS was called and, if so, at what point during the confrontation.
12. Whether the subject's condition was monitored after arrest for breathing, responsiveness and consciousness and what, if any, steps were taken by the officer(s) identified as present at the time.
13. When death was pronounced, by whom and the results of the autopsy.
14. Require that the Medical Examiner's Office or responding medical officials take a core body temperature as soon as possible after the subject is confirmed deceased.
15. The information provided in the subject's medical history and lifestyle.
16. If the subject did not die but was seriously injured or admitted to a medical facility, discover the answers to these questions:
 - a. What were the nature and severity of the injuries?
 - b. Were the injuries consistent with the use of force described by the officer(s)?

F. **SERIOUS INJURY:** Where serious injury is reported, investigators shall gather relevant information and take action deemed appropriate from the foregoing section of this General Order. The following information will need to be collected to assist the supervisor in assessing the level of force used that resulted in the serious injury, to include:

1. Conduct and behavior of the subject being confronted as perceived by the officer at the time of the incident;
2. The relative age, size, strength and physical ability of the officer to the subject;

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3. Experience of the officer;
4. The number of officers present;
5. Potential influence of alcohol or drugs;
6. Subject's proximity to weapons;
7. Weapons used or threatened to be used by the subject;
8. Force options available to the officer;
9. Seriousness of the offense, basis for subject contact and information known about the subject by the officer;
10. Potential for injury to the public, officer or subject;
11. Risk of escape;
12. Degree of subject resistance;
13. Use of restraints;
14. Other exigent circumstances.

G. INVESTIGATOR'S RESPONSIBILITIES:

1. The Office of Chief State's Attorney Inspector General shall investigate any incident in which an officer uses deadly force or in which a death occurs as a result of any use of force, and shall direct the completion of reports as deemed necessary.
2. In cases where concurrent investigations are done by more than one law enforcement agency, investigative activities shall be coordinated under the direction of the Chief State's Attorney.
3. News releases by the agency having primary investigative jurisdiction

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should be authorized by the Chief State's Attorney.

- H. **INVESTIGATIVE PROCESS:** The investigation of officer-involved shootings shall normally be conducted in two separate parts and by separate authorities: (1) a criminal investigation and (2) an administrative investigation. The criminal investigation is normally completed by investigators prior to or concurrent with the administrative investigation, which is conducted by the department's internal affairs authority using the following guidelines:
1. **Criminal Investigative Phase:** The lead criminal investigator shall manage the criminal investigation, unless by interagency agreement, the lead is passed to another investigative authority. Parallel or sequential criminal investigations, one investigation related to state offenses and the other by federal authorities relating to offenses under federal law, may be undertaken but are not typical. Upon completion of the criminal investigation, findings shall be submitted to the department's Chief of Police and the Office of the State's Attorney or the appropriate prosecuting agency.
 2. **Administrative Investigation Process:** This investigation, undertaken by the department's internal affairs authority, must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of department policy, procedures, rules and regulations or training have occurred and if so, whether disciplinary action should be recommended or modifications to policy, procedures or training considered.
 3. Criminal investigators may not be present during internal affairs questioning, nor may information gained as a result of administrative interviews be shared with criminal investigators.
 4. All interviews shall be audio- and video-recorded in order to provide an evidentiary record of statements.
 5. Investigators shall be cognizant of symptoms of post traumatic stress during officer interviews, such as time and space distortions, confusion and hearing and visual distortions, associated with recalling details of the

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incident, as well as emotional impairment during questioning.

6. Officers shall file individual use of force reports. Their supervisor shall prepare a separate overall use of force report and attach the individual reports for submission to the Chief of Police and the Office of the State's Attorney.
- I. REPORTING TO THE U.S. DEPARTMENT OF JUSTICE: Reports of any officer-related shooting, whether fatal or nonfatal, as well as any in-custody deaths, shall be reported to the Bureau of Justice Statistics (BJS) and added into the arrest-related data collection. The reported data should include information on the circumstances of the use of force, as well as the race, gender and age of any involved individuals.

PUBLIC SAFETY STATEMENT

"Officer, I am ordering you to give me a Public Safety Statement. Due to the immediate need to take action, you do not have the right to wait for representation to answer these

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limited questions."

- Were you involved in an officer-involved shooting?
- Approximately how many rounds did you fire, and in what direction did you fire them?
- Do you know if any other officer(s) fired rounds?
- Is it possible the suspect fired any rounds at you?
- Is anyone injured ? If so where are they located?
- Are you aware of any witnesses? If so, what is their location?
- Approximately where were you when you fired the round(s)?
- Are there any outstanding suspects? If so, what is the description, direction, and mode of travel?
- How long have they been gone? What crime(s) are they wanted for? What weapon(s) are they armed with?
- Are there any weapons or evidence that need to be secured/protected? Where are they located?

Additionally, supervisors should obtain the public safety statements of all substantially involved personnel **before** they are transported from the scene. The supervisor, absent exigent circumstances, **shall remain** at the scene to provide the Public Safety Statement to responding investigators. The information shall be provided, either voluntarily or with representation, to the investigators upon their request. These questions should be followed by an order **not to discuss the incident with anyone** prior to arrival of the assigned investigators, with the exception of legal representatives.

(mpd-88c)