

OVERLAND PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



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TOPIC: OFFICER-INVOLVED CRITICAL INCIDENT INVESTIGATION
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SUPERCEDES: 02/16/2024

/s/ Doreen Jokerst
Chief of Police

/s/ Eric Houston
Deputy Chief

/s/ Eric Blevins
Public Safety Attorney

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I. PURPOSE

The Department's policy is to investigate officer-involved critical incidents by using a multi-jurisdictional team of experienced investigators, supervisors, and this protocol. The purpose of the Officer-Involved Critical Incident Team (OICIIT) is to gather and present evidence to the Johnson County District Attorney (JOCO DA), so he/she can determine whether anyone, officer or community member, committed a crime during events leading up to and including the critical incident.

II. PROCEDURE

A. OFFICER-INVOLVED CRITICAL INCIDENT TEAM

The OICIIT is a multi-jurisdictional team established to investigate the intentional or unintentional use of force involving an officer, either as an actor or victim, in which a person is injured or killed, or the potential exists for criminal charges to be filed as a result of the use of deadly force incidents in Johnson County. The results of their investigations are sent to the Johnson County District Attorney for review. The OICIIT will maintain a

protocol and procedure manual and make it available to each agency affiliated with the Johnson County Police Chief and Sheriffs Association (JPCSA).

B. OICIIT ACTIVATION FOR OPPD INCIDENTS

The OICIIT investigates incidents that typically include:

- Intentional or unintentional discharge of a firearm by an Overland Park Police Department (OPPD) officer that injures or kills a person.
- Incidents where the potential for criminal charges to be filed as a result of the discharge exists, such as aggravated assault, aggravated battery, etc.
- OPPD officers taking police action while off duty, and the police action qualifies as an OICIIT investigation outlined in Section II-A.
- Lethal force (other than a firearm) used by an OPPD officer.

OICIIT-investigated incidents typically do not include:

- Intentional or unintentional firearms discharge where no one is injured, or there is no foreseeable possibility of a criminal charge.
- An OPPD officer was shot, with no OPPD officer(s) returning fire.

If the incident does not rise to the level to be investigated by OICIIT, a Deputy Chief, as assigned by the Chief of Police, will:

- Direct the investigation to its conclusion or until relieved.
- Ensure a complete investigation of the incident and appropriate assignment of investigative responsibilities occur.

C. OPPD OICIIT MEMBERS

OPPD Members eligible for OICIIT assignments will be listed on the OICIIT call-out list, which is maintained by OICIIT commanders. Activation comes directly from the team commander assigned to lead the investigation.

OPPD Members assigned to an OICIIT activation must contact their OPPD supervisor regarding the assignment. During the investigation, the assigned OPPD Members will report to and follow the OICIIT supervisors' directions.

D. OICIIT ACTIVATION

Upon receiving notification of an Overland Park Police officer-involved critical incident, the Chief of Police or designee should contact an OICIIT Police Chief liaison as soon as possible to request activation of the OICIIT.

The OICIIT will work closely with OPPD to ensure cooperative management of the critical incident scene. Once on scene, the OICIIT commander or OICIIT lead supervisor will assume and maintain authority over all aspects of the investigation, including restricting scene access.

On-duty OPPD officers at the critical incident scene will assist the OICIIT by retaining responsibility for scene security and maintaining a perimeter as directed by the OICIIT.

Additional scenes may include a hospital room, vehicles, etc. OPPD will provide a log officer at all OICIIT scenes to record the name, rank, and agency of any person entering these scenes and may be directed to make related death notifications involving Members, suspects, witnesses, or victims.

E. INVOLVED & WITNESS OFFICERS' DUTIES

After an officer uses lethal force or discharges a firearm either intentionally or accidentally when the tactical situation permits and there is a reasonable belief it is safe to do so, the officer will comply with the requirements outlined in the Use of Deadly Force section in SOP 2330, Response to Resistance. All OPPD Members will maintain confidentiality regarding any officer-involved critical incident until the criminal and administrative investigations are completed. Involved and witness officers may take and maintain written and/or audio notes either on-site or after the fact.

F. FIRST-ASSISTING OPPD OFFICER'S DUTIES

The first OPPD officer to arrive on the scene will assume and maintain control of the scene until a supervisor arrives. Assuming control of the scene may include, but is not limited to:

- Protecting the incident scene and evidence, as well as providing safety for officers and community members.
- Requesting medical resources, supervisory personnel, and additional police resources as needed.
- Assisting the involved officer and any witness officers to comply with and complete their listed responsibilities.
- Document comments and statements made by the involved officer who is seriously injured.

G. ON-SCENE OPPD SUPERVISOR'S DUTIES

An OPPD supervisor will immediately respond to an officer-involved critical incident. On arrival, he/she will assume control and management of the scene until directed otherwise by an OPPD incident commander or OICIIT commander, to include but not limited to:

- Ensuring that additional resources needed have been summoned.
- Securing and protecting the scene with barrier tape as needed. Consider identifying an inner crime scene perimeter and an outer perimeter to control access.
- Identifying and securing any additional scenes, including any vehicles, medical facilities, and/or any other place where evidence may be located.
- Checking the scene and surrounding area(s) to ensure no additional persons have been injured.
- Ensure all duties by the involved officer, witness officers, and first assisting officer have been or are being completed.
- Establishing a log system to control access to the area. Although access decisions will ultimately be made by OICIIT personnel before OICIIT's arrival, access should be limited to:
 - Medical personnel
 - Incident Commander

- Chief of Police or designee
- Assigned District Attorney personnel
- Other persons approved by the Incident Commander, Chief of Police, or designee, and/or the JOCO DA.

The on-scene supervisor will ensure the protection, if possible, or collection, if necessary, of any evidence in imminent danger of being lost, destroyed, or contaminated.

Briefly conduct a public safety interview of the involved officer and witness officers to determine incident and scene issues such as:

- Injured persons, the degree of injury and medical attention required, and the physical and emotional conditions of the involved and witness officers.
- Suspects' identity and description, crimes committed, vehicle information, direction last seen, and level of danger they present to the public.
- Weapons-related information, including who fired, an approximate number of shots fired, the direction of fire, and the current location of involved weapons.
- Identities of involved participants, victims, and witnesses.
- Location and size of crime scene(s).
- Evidence-related concerns, including identity, location, and preservation-related issues.

Locate and identify witnesses as effectively as possible:

- When there are numerous witnesses, attempt prioritization by their potential investigative benefit.
- Instruct witnesses not to discuss the incident amongst themselves.
- Sequester significant witnesses until their transfer to OICIIT investigators.
- As soon as practical, arrange for any spectators or bystanders to be photographed or videoed as an aid to later witness identification.

After obtaining brief statements related to the incident and handling scene issues previously listed, sequester all involved and witness officers and direct them to only discuss the incident with:

- Assigned criminal and administrative investigators.
- District Attorney personnel.
- The Chief of Police or designee.
- Others as directed by the Chief of Police, or designee, or the Johnson County District Attorney.

Officers should be aware that, generally, conversations with their attorney, spouse, peer support, or clergy are protected. However, conversations with others, especially other law enforcement officers, may not be protected.

If practical, the involved and witness officers should be kept on-scene until the OICIIT lead supervisor arrives. The OICIIT supervisor and or investigator(s) may conduct some preliminary investigative activities and then likely request a non-involved officer, preferably a supervisor, to transport and sequester the involved officer to a designated police facility.

Escort Supervisor/Officer Duties:

- Will not discuss the critical incident with the involved officer.
- Should obtain a quiet, neutral, relatively isolated room or office for the involved officer and remain with the officer, not leaving him/her alone.
- Should provide companionship and emotional support.
- Should isolate and protect the involved officer from well-meaning but potentially harmful comments and questions from others.
- Should assist with personal needs for the involved officer, such as meals or access to a telephone; however, caffeine and other "stimulants" should be avoided.
- Should assist the involved officer in maintaining confidentiality.

If the involved officer requires medical attention, as soon as is practical, a non-involved OPPD officer, preferably a supervisor, will be assigned to escort the involved officer to the hospital. The escort officer/supervisor will not discuss the incident with the involved officer and should, as much as possible, handle the sequestering duties listed directly above.

If the suspect is transported to the hospital, a non-involved officer will be assigned to accompany and detain the suspect. The assigned officer will not interview the suspect but will video and audio record and document any voluntary statements by the suspect. At the hospital, BWC will be activated while in the suspect's presence. The officer will maintain incident control at the hospital and will liaise with criminal and administrative investigators until otherwise directed or relieved by an OICIIT representative or OPPD Incident Commander.

H. OPPD INCIDENT COMMANDER'S DUTIES

At the discretion of the Chief of Police or designee, the same person may fill the Incident Commander and on-site supervisor positions.

The OPPD Incident Commander will ensure the following is accomplished after an officer-involved critical incident:

- Oversee protection of the incident scene.
- Coordinate with the on-site supervisor to ensure Members complete their post-critical incident responsibilities.
- Ensure relevant OPPD written directives are adhered to.
- Liaise with criminal and administrative investigators and assist outside agencies.
- An OICIIT's investigation may include any crimes that led up to the officer-involved critical incident, so the OPPD incident commander should communicate with the OICIIT commander early in the incident to identify the agency's investigative responsibilities and communicate this to the OPPD Chief of Police or designee.
- Handle public information requests until a PIO has been assigned.
- Determine, with input from an OICIIT representative, which Members (aside from involved or witness officers) should complete written reports.

- Witness officers will not immediately complete written OPPD reports, as OICIIT investigators will interview them.
- The OICIIT will generate reports from OICIIT interviews.
- Ensure that the officer(s) who had guns taken from them are issued a replacement gun, preferably before being allowed to leave the police facility. If there is a compelling reason for the officer(s) not to be reissued a weapon, the Chief of Police or designee should be consulted for the final determination.
- Arrange for the officer(s) to be qualified on the newly issued gun as soon as practical.

I. BLOOD AND URINE SCREENING

- The OPPD Incident Commander will notify the Professional Standards Captain to arrange for a detective assigned to Professional Standards to respond to take custody and submit the blood and urine sample as part of the administrative investigation process.
- The OPPD Incident Commander will arrange for a supervisor to transport the involved officer to a hospital for a urine screen and blood draw.
- **“Guardian”** is the company that will facilitate the urine capture.
 - **Guardian’s phone number is 1-800-582-8807 (option 1).**
 - A Guardian representative will provide the collection container.
 - Use the evidence form provided by the Johnson County Crime Lab.
 - Have the Guardian representative complete the evidence form and transfer the urine sample to the Professional Standards detective.
 - When completing the evidence form, choose “other” and write “OICIIT Investigation” in the space provided.
 - The Professional Standards detective will package and place the urine sample into property following the directions below.
- St. Luke's South Hospital will be used for the blood draws for BAC and drug analysis.
 - Use a blood tube from a blood tube kit provided by the Johnson County Crime Lab.
 - Have the person collecting the blood sample complete the evidence form provided in the blood tube kit and transfer the evidence to the Professional Standards detective.
 - When completing the evidence form, choose “other” and write “OICIIT Investigation” in the space provided.
 - The Professional Standards detective will package and place the blood sample into property following the directions below.
- The Professional Standards detective who takes custody of the urine and blood samples will place them in the evidence refrigerator at TRCC to be sent to the Johnson County Crime Lab for a drug/alcohol screening. The Professional Standards

detective will complete the JCCL PRELOG process and will transfer the blood and urine samples to the Johnson County Crime Lab for analysis.

- A Professional Standards detective will acquire a case number separate from the OICIIT investigation. The case number will be used to track the blood and urine samples collected from the involved officer(s) and the results. The Professional Standards Unit will be responsible for making sure the results of the blood and urine analysis are attached upon receipt from the Johnson County Crime Lab.
- Billing for the urine and blood samples will be sent to:
 - City of Overland Park
Human Resources
8500 Santa Fe Dr.
Overland Park, KS 66212
- Use the property sheet included in the blood tube kit provided by the Johnson County Crime Lab for both the blood and urine collection.
 - Lab results should be sent to:
Overland Park Police Department
Attention: Chief of Police
12400 Foster St.
Overland Park, KS 66213

J. OICIIT LIAISON

The Chief of Police or Deputy Chief will assign a supervisor to liaise with the JOCO OICIIT when an OPPD Member is being investigated. The OICIIT liaison will be responsible for attending OICIIT briefings and arranging for any personnel, video, or information needs from OPPD. The liaison will keep the OPPD Chief of Police, Deputy Chiefs, and OPPD Office of Professional Standards updated on investigative progress.

K. MEDIA RELATIONS

The Chief of Police, or designee, in conjunction with the JOCO DA, will decide whether OPPD or the Johnson County District Attorney's Office will handle Public Information Officer (PIO) duties.

The PIO will work closely with both OPPD and the JOCO DA's Office to determine what information may be released to the media.

OPPD Members should refer media inquiries to the OPPD Incident Commander. After a PIO has been assigned, the OPPD Incident Commander should refer subsequent media inquiries to the PIO.

L. CRIMINAL & ADMINISTRATIVE INVESTIGATIONS

Officer-involved critical incident investigations will usually result in at least two separate and distinct investigations: a criminal investigation, usually conducted by the OICIIT, and

an administrative investigation, usually conducted by detectives from the OPPD Office of Professional Standards.

The criminal and administrative investigations may parallel one another, but the criminal investigation will take priority and is usually completed first. The Chief of Police, or designee, will retain discretion regarding whether and when an administrative investigation is started.

The primary goal of the criminal investigation is to gather information and evidence so the JOCO DA can decide whether anyone committed a crime during the events leading up to and including the critical incident. Information developed during this investigation can be shared with OPPD Office of Professional Standards detectives.

Information developed during the administrative investigation will not be released to OICIIT criminal investigators.

OICIIT investigators will not be used to conduct the administrative investigation. Other agencies may be asked to provide non-OICIIT investigators to assist.

Unless otherwise directed by the Chief of Police or designee, the administrative investigation will be conducted by OPPD Office of Professional Standards detectives. The administrative investigation will be in accordance with established Department procedures, independent and separate from any criminal inquiry.

The administrative investigation will be reviewed according to the Board of Review section of SOP 2330, Response to Resistance. The Chief of Police will decide the final disposition of each incident and the amount of time an officer may spend on administrative leave.

M. POST-OFFICER INVOLVED CRITICAL INCIDENT ADMINISTRATIVE LEAVE [4.2.3](#)

The Chief of Police, or designee, will place the involved officer(s) on paid, administrative leave or assign him/her to other administrative duties pending the completion of the administrative investigation and/or the District Attorney's review and decision. If the officer is placed on administrative leave, the Chief of Police or designee should assign a Department representative to check the officer's welfare frequently and identify any needed assistance or resources.

N. POST-OFFICER INVOLVED CRITICAL INCIDENT STRESS MANAGEMENT

OPPD will provide involved Members the opportunity to meet with a mental health professional, Peer Support, and/or a Critical Incident Stress Debriefing (CISD) Team.

As soon as practical, after an officer-involved critical incident, a Peer Support or CISD Team member should meet with the involved officer(s) and explain critical incident stress, its manifestations, and services available for diagnosis and treatment. During this group meeting, Members who attend will not discuss the incident.

A CISD should be scheduled 24 to 72 hours after the officer-involved critical incident. Affected Members will be provided an opportunity to talk privately with a mental health professional to prevent or minimize the effects of critical incident stress.

To maintain confidentiality regarding the criminal and administrative investigations, debriefings will be conducted individually in non-group settings unless otherwise approved by the Chief of Police or designee.

The involved Member(s) should be encouraged to utilize Department-sponsored counseling services, as the individual Member deems necessary. The Department should also provide regular supervisory contact to ensure affected Members are coping with the incident, and assistance should be arranged for those who need assistance, whether requested or not.

O. STRESS & FIT-FOR-DUTY EVALUATIONS

An officer-involved critical incident will likely create emotional stress for the involved officer. Supervisors should encourage the involved officer to seek confidential, Department-funded counseling.

The involved officer's domestic partner should be made aware of Department-sponsored counseling programs available for family members, such as the Employee Assistance Program (EAP).

The Chief of Police or designee may require the involved officer to pass a "fit-for-duty" evaluation with a Department-contracted psychologist before returning to normal duty.

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[CALEA references:](#)
[4.2.3](#)