



POLICY AND PROCEDURE NO. 501

Officer Involved Shootings, In-Custody Deaths and Serious Uses of Force

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8 Pages

I. PURPOSE

It is the purpose of this policy to provide guidelines for the response to, and the investigation of officer-involved shootings, in-custody deaths, or other serious uses of force which may require an investigation. “Officer- involved shootings (OIS) are emotionally charged events. These incidents require rapid response, leaving little time for deliberation. It is important for a law enforcement agency to prepare police officers in advance for the physical and emotional reactions they may experience in such an incident.” (IACP, 2016, Officer-Involved Shootings: A Guide for Law Enforcement Leaders, Washington, DC: Office of Community Oriented Policing Services.)

“An officer- involved shooting is perhaps the most traumatic event an officer will encounter during service. Such incidents trigger complex psychological and emotional effects; all too often, the normal coping strategies employed by individuals are inadequate for such an extreme event. Law enforcement officers are HUMAN and react to such traumatic events in different ways. A simple formula cannot express the impact of circumstances on a specific individual.” (IACP, 2016.)

A critical incident is one in which an officer’s use of force tactic causes death or serious physical injury, or an officer discharges a firearm during the course of duty (or off-duty in an official capacity.) The incident is a significant emotional event that breaks through an individual’s normal coping mechanisms and may cause extreme psychological distress. It is the department’s goal to assist officers in coping with their distress and returning to duty.

II. POLICY

It is the policy of this department that officer-involved shootings, whether on or off duty, be investigated to determine whether officer actions conform with law and this department’s policy, procedures, rules, and training. This policy shall 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 or other serious uses of force which may require an investigation. “Officers responding to a location where there is/ are person(s) engaged in aggressive deadly behavior will strive to save lives by immediately, using any legal means at their disposal, make contact with and engage the person(s) engaged in aggressive behavior.” (Cambridge Police Department, 2002, Aggressive Deadly Behavior Policy.)

III. DEFINITIONS

Critical Incident: An officer’s use of force tactic causes death or serious physical injury; An officer discharges a firearm during the course of duty (or off-duty in an official capacity.) The

incident is a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.

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 Companion Officer shall remain with the Involved Officer until officially relieved of this assignment.

In-Custody Death: The death of an individual while in custody or while attempts to effect custody are being made.

Involved Officers: Unless otherwise indicated, refers to those sworn personnel in on-duty or off duty status who discharge their firearm in an incident intentionally (not to include euthanizing an animal) or unintentionally; arrest or are in the process of arresting an individual who subsequently dies; engages in the use of force that results in serious bodily injury; or are present and participate in a critical incident in a meaningful degree.

Meaningful Degree: The officer was able to view the action that caused the individual to have serious bodily injury; the officer was able to view the action that caused the individual to become deceased; or a supervisor determines that the officer was present and in significantly close proximity to the event that could break through an individual's normal coping mechanism that could in turn cause extreme psychological distress.

Officer-Involved Shooting: A discharge of a firearm by an officer during an incident or unintentional discharge while on duty or off- duty, irrespective of injuries to suspects, officers, or third parties.

Public Safety Statement: A brief statement that is collected individually from the involved officer(s), covering only information necessary to focus initial police response and direct the preliminary investigation. This statement will equate to a verbal notification of Use of Force per policy 400 section 11-C. This questionnaire can be found on page 7.

IV. PROCEDURES

- A. Initial Response/Primary Considerations
- B. Follow-up/Secondary Considerations
- C. After Action

A. Initial Response/Primary Considerations

1. Typically, these types of incidents will be responded to by many different divisions within the police department. For that reason, it is essential that each unit knows exactly what the responsibility is upon arrival.
2. On arrival, Highest ranking officer/ official shall assume incident command and notify dispatch.
3. Crime Scene shall be secured (inner perimeter for scene and outer perimeter for buffer).
4. Medical attention shall be administered to injured parties as necessary.
5. Assign officers to locate and identify potential witnesses.
6. Notify Detective Bureau/ Investigative Services and Crime Scene Unit.

7. Highest Ranking Official will determine/ identify Involved Officers and assign Companion Officers.
8. Highest Ranking Official will obtain Public Safety Statement from involved officers – This statement may be taken at the direction of the Incident Command Official or designee in situations where there are several involved officers. Involved officer(s) will be subjected to only one Public Safety Statement at the scene. Assigned investigators from the Detective Bureau will conduct follow-up interviews.
9. Make appropriate notifications through the Chain of Command.
10. Companion Officers:
 - a. Shall initially assist at the scene by giving assistance and emotional support to the Involved Officer.
 - b. Shall accompany the Involved Officer to the Hospital. “Injuries may not always be apparent, and the rush of adrenaline under these circumstances can mask them. Additionally, the stress of such an incident often creates severe elevations in blood pressure, pulse rate, respiration, and body temperature, all of which can be dangerous.” (IACP, 2016.)
 - c. Shall act as a custodian of all evidence on or carried by the Involved Officer and will be responsible for maintaining integrity of the Chain of Custody for the evidence taken from the officer. If clothing or equipment are collected at any time (hospital, scene, etc.) the companion officer should be sure to give the items to a member of the Crime Scene Unit.
 - d. Will be responsible for notifying the Union Representative, the Stress Unit/ Peer Counseling Representative, and any family members at the direction of the Involved Officer. NOTE: Involved Officers should be reminded “not to discuss details of the incident with fellow officers, their peer counselor, or anyone other than their attorney, qualified mental health professionals, or authorized investigative personnel.” (IACP, 2016.)
 - e. Role may shift into assistance with notifying the family in the event of an Officer’s Death. Family notifications should be performed by a support group of people including a Companion Officer designated by the Chief to be a liaison to the family and assist with media inquiries, visitors, funeral preparation, etc.
11. Ensure all involved officers receive medical treatment if necessary.
12. Assist in providing scene security for the duration of the incident.

Investigative Services

1. Incident command shall be transferred to the ranking official from investigative Services once the scene is secure.
2. Obtain all information from the previous incident commander including content of all Public Safety Statements (see page 7).
3. Investigative Services shall respond and investigate the scene and all evidence in their normal manner, adapting their procedures and processes to the specifics of each individual incident.

4. Make appropriate notifications through the chain of command.
5. Notify the Medical Examiner's Office where applicable.
6. Notify the District Attorney's Office.

NOTE: Body Worn Camera evidence of an officer involved shooting shall be recovered by authorized Detective Bureau personnel. It will not be viewed until downloaded into the system.

Crime Scene Unit

1. The Crime Scene Unit shall respond and process and document the scene and all evidence in their normal manner, adapting their procedures and processes to the specifics of each individual incident.
2. Recover all evidence and potential evidence from scene and Involved Officer.
3. Collect any weapons or potential weapons from Involved Officers. NOTE: If there were four involved officers, but only one firearm was discharged, all firearms will be recovered. If two involved officers are present and only one deployed a baton, both officers' batons shall be recovered.
4. Document and photograph any injuries sustained by the officer(s), the suspect(s) and/or any other person involved with the incident.
5. CSU shall notify the Training Division Armorer which firearms/ weapons were recovered by CSU.

B. Follow-Up/Secondary Considerations

1. Initial Incident Command Official- shall prepare a report documenting the response to the scene and steps taken including but not limited to: observations, assignments given, the content of any public safety statements taken, identities of Companion Officers and the Involved Officers to which they were assigned.
2. Any officer directed to take a Public Safety Statement from an involved officer - shall prepare a report outlining the content of that statement.
3. Companion Officers – shall prepare a report narrowly limited to the chain of custody of any evidence.
4. Investigative Services - shall complete reports per the Unit's Policy with the Incident Overview to be completed by Investigative Services Official.
5. Crime Scene Unit- shall document the scene in their customary fashion.
6. Involved Officers - Use of Force Reports shall be completed and submitted within 72 hours of the incident.

C. After Action Involved Officers' Work Status

According to the Occupational Safety and Health Act (OSHA), workers responding to emergency events and/ or disasters will see and experience events that will strain their ability to function. These events, which include having to witness or experience tragedy, death, serious injuries and threatening situations are called "Critical Incidents". The physical and psychological well- being of those experiencing this stress, as well as their FUTURE ability to

function through a prolonged response will depend upon how they manage stress.” Post Traumatic Stress Disorder differs from Critical Incident Stress by lasting longer than four (4) weeks after the event triggering the emotional, mental, or physical response. Most instances of Critical Incident Stress last between two (2) days and four (4) weeks. Typically, within several days of the incident, the full emotional impact of the situation is realized, though this can be delayed by as much as six (6) months to a year or more. The signs of Critical Incident Stress are physical, cognitive, emotional, and behavioral. “It is very common, in fact, for people to experience emotional aftershocks when they have passed through a horrible event.” It is also important that officers understand the differences between criminal and administrative investigations and their rights during each of these processes.

1. Involved Officers shall be assigned to the Chief’s Office, placed on “Critical Incident Leave” with pay reporting to the Department’s Stress Officer or Peer Counseling Representative. District Attorney’s Office has the right to notify the Chief in the event Critical Incident Leave needs to be modified to Administrative Leave.
2. The Post Incident timeline of events will be as follows:
 - a. Immediately: the Involved Officer will be placed on “Critical Incident Leave” with all Department Issued equipment to be stored with the Training Division and submit to a fitness for duty evaluation as soon as reasonable following medical attention.
 - b. Two (2) Weeks Post Incident: Key Fob Meeting to include Chief, Involved Officer, and Stress Unit/ Peer Counselor will meet to decide if the Involved Officer’s Key Fob will be returned in order to facilitate Mental Wellness by utilizing the WPD Gym. The Key Fob return will be on a case-by-case basis at the Chief’s discretion. NOTE: Prior to returning the key fob, any visits to the department by the officer on Critical Incident Leave shall be accompanied by an official.
 - c. Four (4) Week Post Incident: The Involved Officer shall participate in a subsequent fitness for duty evaluation. The stress unit representative will inform the Chief of the results and schedule an in-person meeting with the Involved Officer. The officer must be evaluated and cleared for duty by the Department’s Mental Health Professional. The officer must qualify with a new department issued firearm prior to returning to duty.

Public Safety Questionnaire

Officer, department policy requires you to answer limited questions regarding the public’s safety.

This is not an administrative investigation. As such, these questions are not being asked of you as part of an administrative investigation and your answers will not be used against you as part of an administrative investigation.

1. Are you injured?
2. If you know of anyone who was injured, what is his/her location?
3. Did you discharge your firearm? If so, in which direction did you fire your weapon?
4. If any suspects are at large, what are their descriptions?
5. What was their direction of travel?

6. How long ago did they flee?
7. For what crimes are they suspected of committing?
8. Did you believe they were armed with a weapon?
9. Does any evidence need to be preserved?
10. Where is it located?
11. Did you observe any witnesses?
12. Where are they located?

Per:

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Chief of Police