



GEORGETOWN POLICE DEPARTMENT POLICY MANUAL

305 OFFICER-INVOLVED SHOOTINGS & DEATHS

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the fair and impartial investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as the result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Best Practice Protocol for investigating officer-involved shootings.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- 1) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a Division Commander.
- 2) A criminal investigation of the involved officer(s) conducted by an outside agency.
- 3) A civil investigation to determine potential liability conducted by the involved officer's agency.
- 4) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

305.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

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305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Georgetown Police Department would control the investigation if the suspect's crime occurred in Georgetown.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death:

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved GPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- 1) Secure the scene and identify and eliminate hazards for all those involved.

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- 2) Take reasonable steps to obtain emergency medical attention for injured individuals.
- 3) Coordinate a perimeter or pursuit of suspects.
 - a) Establish a larger than necessary perimeter (take the entire street, alley, parking lot, park, etc.)
 - b) Allow no one into the crime scene except needed medical responders or officers assisting in establishing a secure crime scene pending the arrival of assigned investigators.
- 4) Request additional resources from the Department or other agencies.
- 5) Check for injured persons and evacuate as needed.
- 6) Maintaining radio discipline, initiate a broadcast for any outstanding suspects.
- 7) Locate and secure any suspects.
 - a) Assign an officer to accompany any suspects to the hospital, if necessary.
 - b) Do not Mirandize any downed or in-custody suspects. Ensure any attending officer's MAV equipment is functioning to record any spontaneous statements.
- 8) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved GPD supervisor should ensure completion of the duties as outlined above, plus:

- 1) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - a) 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.
- 2) If necessary, the supervisor may administratively order any GPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incidence scene, identity of known or potential witnesses and any other pertinent information.
 - b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- 3) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- 4) Take command of and secure the incident scene with additional GPD members until properly relieved by another supervisor or other assigned personnel or investigator.

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- 5) As soon as practicable after authorization by the Criminal Investigations Lieutenant or his designee, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - a) Each involved GPD officer should be given an administrative order not to discuss the incident with other involved officers or GPD members pending further direction from a supervisor.
 - b) Each involved GPD officer who fired a firearm should be given an administrative order not to handle or manipulate their firearm unless exigent circumstances arise, until it has been replaced by a comparable replacement weapon furnished by the Department.
 - c) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g. evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers as soon as practicable.
- 6) Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - a) Visually locate and protect without disturbing the location of the officer's weapon and shell casings.
 - b) Visually locate and protect without disturbing the location of the suspect weapon and shell casings.
 - c) Determine if any of the involved officers were carrying any other firearms other than their primary duty weapon during the incident. If so, these weapons should be visually located and protected from access pending the arrival of assigned investigators.
 - d) If the opportunity exists to collect information about the suspects without disturbing any evidence inside the crime scene, attempt to obtain the name, address, age, and DOB of any suspects and victims.
 - e) Locate and protect access to any clothing and equipment that may have been removed from the officer or suspects by medical personnel. Items should be left in place unless they are on-board departing ambulances or otherwise subject to loss from the scene.
 - f) Attempt to determine the original shooting positions of the suspect and officer(s).
 - g) Establish a command post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplemental report detailing their activities and observations. The original chronological record shall be submitted to Records for documentation.
 - h) Ensure all involved Mobile Audio Video (MAV) equipment (including patrol cars present during the incident) are stopped and secured to protect the recordings.
 - i) Provide the involved officer(s) opportunity to contact legal counsel.

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- j) Advise the involved officer(s) not to discuss the incident with anyone except their legal counsel or assigned investigators.

During any period where the involved officer(s) are required to remain on the scene, but have no immediate duties to fulfill, the officer(s) should be taken to a quiet area away from the scene of the incident. A Department member should remain with the officer(s) but should not discuss details of the incident. As soon as practicable, involved officers should be photographed. Absent exigent circumstances, involved officers will remain on-scene until a supervisor or other officer is directed by the Criminal Investigations Lieutenant or his designee to transport the involved officer(s) to the police station. If sufficient personnel are available, all involved officers should be transported separately.

Involved officers should notify their families about the incident as soon as practicable. When an officer is unable to do so, an agency official shall personally notify the officer's family and arrange for their transportation to the hospital, if needed. Family responding to the hospital shall be accompanied by an officer assigned for security, support, control of the media and visitors, and establishment of communications.

Upon arrival of the investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report and a supplement detailing their activities after being notified. The supervisor shall also complete a Use of Force Report for this incident.

305.5.3 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a designee.

All outside inquiries about the incident shall be directed to the Watch Commander or Public Information Officer.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Assistant Chief of Police
- Division Commanders

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- Criminal Investigations Lieutenant
- District Attorney's Office
- Outside/Allied agency investigators (if appropriate)
- Professional Standards Lieutenant
- Public Information Officer
- Victims Services/Chaplain
- Justice of the Peace (if necessary)
- Involved GPD officers' agency representative (if requested)

305.5.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the police station, the Watch Commander, or other supervisor in his/her absence, should admonish each officer that the incident shall not be discussed except with their legal counsel, their licensed psychotherapist, or assigned investigators. The following shall be considered for the involved officer:

- 1) Any request for legal or Police Association representation will be accommodated. However, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - a) Involved GPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - b) Requests from involved non-GPD officers should be referred to their employing agency.
- 2) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- 3) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- 4) A licensed psychotherapist shall be provided by the Department to each involved GPD officer. A licensed psychotherapist may also be provided to any other affected GPD members, upon request.
 - a) Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
 - b) An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy)

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- 5) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved GPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- 1) GPD supervisors and Professional Standards personnel should not participate directly in any voluntary interview of GPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- 2) If requested, prior to being interviewed, any individual involved officer will be afforded the opportunity to consult either privately or collectively in a group with their representative(s) or attorney(s), excluding any other involved officer(s).
- 3) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- 4) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED GPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved GPD officers to provide sufficient

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information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved GPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved GPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death 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 law enforcement personnel for the following:

- 1) Identification of all persons present at the scene and in the immediate area.
 - a) When feasible, 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 available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- 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 a member of the Department.
 - a) A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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- 3) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.7 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 involved GPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

- 1) Any officer involved in a shooting may be 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 with any subsequent interview.

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- 3) In the event that an involved officer has elected not to 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 uninvolvement 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 with other involved officers prior to being interviewed.
 - c) Administrative interview(s) shall be recorded by the investigator.
 - d) The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and, assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
 - e) The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - f) The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - g) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - h) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation; the person assigned to this task shall be given reasonable access to all other investigations.

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305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in shooting or death may be permitted to review available Mobile Audio Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation unless the Chief of Police determines that the release of the video would further a law enforcement purpose .

305.10 POST-INCIDENT PROCEDURES

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Involved personnel shall be removed from line duties pending evaluation, but shall remain available for any necessary investigations.

- 1) All officers directly involved in the shooting incident shall be required to consult with a Department designated psychotherapist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions(s), the psychotherapist shall advise the agency:
 - a) Whether it would be in the officer's best interest to be placed on administrative leave, continue on administrative leave, or work light duty, and for how long, or to return to full duty.
 - b) If necessary, the best-continued course of counseling. Families of involved officers may also be offered available counseling services.

Agency investigations of officer-involved shootings shall be conducted without unnecessary delay. Available information about the incident should be disseminated, as appropriate, to Department members to minimize misinformation.

Involved personnel are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to the designated public information officer unless otherwise authorized.