

306 **INVESTIGATIONS REQUIRED BY POLICY**

- I. DISCUSSION: The department recognizes that incidents during which the police discharge their firearms or are fired upon are of great concern and interest to the public as well as this department. Therefore, it is imperative that these incidents be investigated expeditiously in a thorough and professional manner.

The Homicide Squad Shooting Team and the Internal Affairs Unit (IAU) will jointly investigate all police shootings in which an officer fires at a person or a person is injured by police gunfire. The IAU will investigate unintentional discharges resulting in no injury and shootings of dangerous or badly injured animals. Incidents, in which an officer is fired upon, but does not return fire, will be investigated by the Homicide Squad Shooting Team. IAU will investigate all in-custody deaths, police pursuits involving crashes that result in life threatening injury or death, and any other action by an officer that results in the serious injury or death of another person. A written report will be submitted and a documented review will be conducted by members of the Homicide Squad and the IAU whenever any officers' actions result in the death or serious injury to another person. The officer(s) will be placed on administrative duty until a preliminary administrative review and fitness for duty evaluation has been conducted.

II. PROCEDURE:

- A. The personnel involved in the incident will notify the Communications Section of:
1. Their unit number;
 2. Their location;
 3. Whether the shots resulted in the death of, or injury to, any person;
 4. Any medical attention required;
 5. Shots fired by civilian or police; and
 6. Description and direction of flight of any wanted person.
- B. Any officer(s) who uses deadly force will take only such emergency action as:
1. Render first aid;
 2. Protect the crime scene;
 3. Detain witnesses;
 4. Arrest suspects; or
 5. Any other emergency action necessary, relevant to the situation.

They will be relieved of all duties upon the arrival of other police units and they will not be assigned any tasks pertaining to the preliminary or latent investigation of the incident. They will, however, still be expected to provide information as to their involvement in the incident.

- C. Uniform officers arriving on the scene will set up a perimeter, secure the scene, preserve all evidence, and detain any witnesses and suspects until arrival of latent investigators.
- D. It shall be the responsibility of the Communications Bureau supervisor, upon receipt of information that a police officer is involved in the discharge of a firearm, pursuit, or in custody death, to immediately notify the affected shift commander, ensure that all pertinent information is entered into the CAD event, and that all radio and/or telephone transmissions are tagged with the event number so they can be easily located at a later time.
- E. A shift commander will respond to the scene and then ensure that a sergeant is dispatched to the scene. The shift commander will notify Communications to contact and confirm notifications to the division/district commander, the Criminal Investigations Division captain, the Professional Standards Bureau captain, the public information coordinator, the department's legal advisor, the PBA, and the CISM Team.

In the event of injury to any person, the Criminal Investigations Division captain will notify the State Attorney's Office and, if a fatality is involved, the medical examiner.

- F. The supervisor on scene shall set up a check-in post immediately adjacent to, but outside the perimeter of, the crime scene. The purpose of this check-in post is to ensure that the crime scene is not disturbed any more than is absolutely necessary. Each person reporting to the crime scene will report to the check-in post and will not enter the crime scene unless assigned a specific task that takes him or her into the area. The check-in post will maintain a log of all personnel who enter the perimeter of the scene. This log will indicate the person's name, address or agency, time in, time out, and reason for entering the scene. This log will be retained as part of the investigation.
- G. The Criminal Investigations Division captain will report to the scene after ensuring that the Homicide sergeant and sufficient detectives have been notified and are enroute to the scene.
- H. Upon arrival at the scene, the Criminal Investigations Division captain will assume responsibility for the overall investigation. The Professional Standards Bureau captain will assume responsibility for the administrative investigation.
- I. Upon request, the affected personnel will surrender any weapons fired in this incident to the investigating bureau personnel. The weapon will not be surrendered until a replacement firearm is provided unless the officer is being arrested or is deemed unfit to have a weapon. In cases where the

IAU assumes responsibility for the investigation, the weapon will be surrendered to the assigned investigator.

- J. During the investigation of an incident where the officer is suspected of committing a criminal violation, the officer will be advised of his or her constitutional rights (Miranda warnings) prior to any questioning.
- K. In the event the discharge of a firearm occurred outside the city, a shift commander will ensure that the agency having jurisdiction has been notified. In addition, the shift commander will notify the Criminal Investigations Division and Professional Standards Bureau captain and others as noted in paragraph II. E. as necessary.
- L. After completion of the shooting team investigation, the Homicide Sergeant will submit all material relevant to the investigation to the State Attorney's Office for their initial role in determining compliance with state law. The administrative investigation conducted by the IAU, which incorporates the shooting team investigation, will be submitted through the subject officer's chain of command to the chief of police, for determination of compliance with department policy.
- M. In the event of an unintentional discharge of a firearm with no injuries, or an officer discharges his or her firearm against a dangerous or badly injured animal a supervisor shall be dispatched to the scene to evaluate the incident and initiate appropriate action. The Professional Standards Bureau Captain will be immediately notified and an IAU investigator shall respond to conduct an on scene investigation.

/Supersedes SOP 306, dated 7/17.