



Independence Police

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GENERAL ORDER	No. 2004-007	Page 1 of 6
SUBJECT: Serious Physical Injury or Fatal Response to Force Incidents	EFFECTIVE DATE: 2004	
	REVIEW/REVISION DATE : September 24, 2015	
	REFERENCE: Garrity v. New Jersey, 385 U.S. 493 (1967), Spevack v Klein, 385 U.S. 551 (1956). FOP Work Agreement. State Cert. Standards 9.5, 9.6.	

PURPOSE

To establish departmental procedures and guidelines for the Independence Police Department regarding the investigation and processing of use of force incidents resulting in serious physical injury or death. Serious physical injury or fatal use of force incidents is not limited to the use of firearms.

POLICY

The Independence Police Department recognizes and respects the value and special integrity of human life. Due to the inherent hazardous nature of law enforcement, it is recognized that occasionally the use of force may result in death or serious physical injury. The Independence Police Department recognizes the gravity and seriousness of such events, and will work to assure that they are investigated thoroughly.

PROCEDURE

- When an officer of the department is involved in any incident that results in, or is alleged to have resulted in, serious physical injury or death to any person, the following duties will be performed:
 - When the situation has been stabilized, all involved weapons will be protected as evidence and secured in place. Such weapons will only be moved or recovered by the involved officers when they pose a hazard to public or officer safety
 - The scene will not be considered as stabilized when suspects are present in the immediate area and not in custody
 - If applicable to the circumstances, first aid will be rendered and an ambulance ordered

- A supervisor will immediately respond to the scene. If supervision is not present the senior officer at the scene will take charge
- The agency with jurisdiction will conduct the criminal investigation
- In the event a serious physical or fatal injury is inflicted upon member(s) of the Police department, Patrol Division Supervision shall immediately implement the Line-of-Duty Death Policy, 1994-012. The identity of involved police department member(s) will not be broadcast on any police radio frequency and notification of family members will be conducted within the provisions of the Line-of-Duty Death Policy
- When pickup information for at-large suspects is known, it will be issued as soon as possible.
- All persons not necessary to secure the scene or actively involved in the investigation will be cleared from the scene. Included are suspects, witnesses, media, and non-essential police personnel. The crime scene will be under the control of the investigating agency.
- The scene will remain secured until released by the Chief of Police or a designee.
- All witnesses will be located and identified.
- If the incident occurred within the geographical boundaries of Independence, Missouri, the Investigations Unit and Crime Scene Unit will be notified and will respond to the scene or alternate location as applicable.
- As soon as practical, a supervisor will complete a Response to Force form and deliver it to the Chief of Police via the chain of command.

Initial Command Duties at Serious Injury and Lethal Force Incidents

- Until relieved by a supervisor from the Investigations Unit, a Patrol Division Supervisor will take charge and remain in charge of all serious injury and lethal force incident scenes.
- If the scene is under the command of an outside jurisdiction, a supervisor from this agency will act as a liaison to the investigating jurisdiction until relieved by a CIU supervisor
- The designated commander of the scene is strongly encouraged to consider the use of a Mobile Command Post for the following reasons:
 - Provides privacy for the officers involved in the incident until that officer is cleared to be transported to police headquarters

- Provides for discreet quarters for interviewing and evidence processing (such as the clearing and transfer of involved police weapons)
- Provides for shelter for incident commander(s), investigators, crime scene personnel, prosecutors, and employee representatives
- Prior to being required to give a statement, any officer requiring medical attention will receive such medical attention.
- As soon as practical, police personnel directly involved will be relieved of their duties at the scene and transported to police headquarters.
- At the direction of the Investigations Unit supervisor, Crime Scene Technicians will recover all involved police weapons as evidence and for ballistics testing.
- In the event it becomes necessary for a Crime Scene Technician to recover as evidence an officer's weapon at the scene, that officer will be given an escort to police headquarters or to the hospital by a supervisor. As soon as practical, except when deemed inappropriate to do so by the Chief of Police or his designee, the officer will be issued a replacement weapon. At the time of issuance, the officer will not be required to qualify with the weapon.
- Officers directly involved in or who witness a shooting or lethal force incident will be segregated from non-investigative police personnel so they do not feel pressured to discuss the incident.
- Unless specifically approved by an Investigations Unit Supervisor, officers who directly participated in the response to force resulting in a serious injury or fatality will be driven to headquarters from the scene, and will subsequently not be left alone.
- The Staff Duty Officer will be notified and will respond to the scene. The duties of the Staff Duty Officer include:
 - Coordinating initial press releases; arranging and/or conducting news conferences related to the incident
 - Providing administrative support and authorization for decisions required to maintain emergency police services and assist in the investigation
 - Coordinating required notifications to the Chief of Police, family members, the Internal Affairs Officer, etc
 - Upon complaint or reasonable suspicion, the Staff Duty Officer may order drug tests and blood alcohol tests to be performed on the involved employee(s)

Administrative Leave

Reviewed 09-24-15

- Upon completion of reports and statements concerning the criminal investigation, the appropriate Division Commander will place any officer who directly participated in a response to force, resulting in serious physical injury or death, on paid administrative leave.
- As soon as practicable, officers will receive formal notification of this process via a personnel action form
- The purpose of this requirement is two fold:
 - Shield officers who have not exceeded the scope of their authority from possible confrontations with the community
 - Protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force
- Officers placed on administrative leave will retain their badge, ID card, and replacement weapon (if issued) at the discretion of the Chief of Police or his designee.
- Officers will be contacted at home by their supervisor at regular intervals. The supervisor will check on the officer's status and offer appropriate assistance.
- After a serious physical injury or fatal response to force incident, officers on administrative leave will be prohibited from working off-duty secondary jobs without the approval of the Chief of Police.
- Officer(s) placed on administrative leave will remain on paid administrative leave until the incident has been disposed of through the County Prosecutor's Office or Grand Jury or the completion of the internal investigation but can be returned to full duty status earlier at the discretion of the Chief of Police.
- The officer placed on administrative leave due to his or her involvement in a serious physical injury or fatal response to force incident will be returned to full duty status by the Chief of Police under the following conditions:
 - When a ruling has been received from the County Prosecutor's Office or Grand Jury (a "No True Bill" finding is offered) that no criminal charges will result from the incident, and
 - When the Internal Affairs investigation has been favorably resolved
 - To determine emotional fitness before being returned to active duty the officer(s) may be required to be evaluated by a mental health professional

- As soon as practicable officer(s) will receive formal notification through a personnel action form of their return to active status
- If a True Bill is returned and until such time a judicial decision is rendered, the employee may be maintained on administrative leave.

Criminal Investigative Procedures

- The agency with geographical jurisdiction will conduct the criminal investigation of the incident unless the geographical jurisdiction requests that the Independence Police Department handle the incident and it is mutually agreed upon with Jackson County Prosecutor's Office.
- If the Independence Police Department conducts an investigation involving serious injury or fatality involving personnel from an outside agency, a representative of that agency will be identified and periodically informed of the progress of that investigation
- A Criminal Investigations Unit supervisor will be assigned to monitor the progress of any serious injury or fatality investigation conducted by an outside agency involving Independence Police Department personnel. This supervisor will report the findings to the Chief of Police or his designee through the Chain of Command
- If the incident occurs within the jurisdiction of the Independence Police Department, and unless the Chief of Police directs that an external agency conduct the investigation, the Criminal Investigations Unit will conduct a criminal investigation and forward it to the Jackson County Prosecutor's Office. This investigation will be conducted independent of the investigation of the Internal Affairs Unit.
- If the Chief of Police directs that an outside agency conduct the criminal investigation, a Criminal Investigations Unit supervisor will be assigned to act as a liaison for the outside agency to assure all evidence, reports, statements, and pertinent information is made available to that agency.
- Investigative procedures are detailed in the Criminal Investigations Unit duty manual.
- In all cases, the Jackson County Prosecutor's Office will be notified as soon as possible.
- A patrol officer not directly involved in the response to force resulting in a serious physical injury or death will be designated to take the initial police report.
- With the exception of any officer who **directly** participated in the response to force resulting in a serious injury or death, all involved officers, unless prevented by injuries, will be required to give an oral preliminary report to the designated report officer and patrol unit supervisor at the scene.

- Officers who were at the scene and were not involved in discharging their weapon or using force as part of the incident will report the facts, as they know them, to the designated report officer or an investigator from the Criminal Investigations Unit
- If a witness officer refuses to cooperate or be interviewed, the appropriate personnel will confer as to an appropriate course of action
- Regardless of jurisdictional boundaries, an officer who directly participated in the response to force resulting in a serious injury or death will be given an opportunity to consult with legal counsel or an FOP Lodge #1 representative.
- This officer will be guaranteed their rights under the fifth and fourteenth amendments of the U.S. Constitution
- The officer's statements will be taken in the Investigations Unit and will be recorded

Internal Affairs Unit Investigation

- Within the policies and procedures established in General Order 1994-027 (or any subsequent revisions), the Internal Affairs Unit will conduct an investigation of all police involved shootings and all serious physical injury and lethal force incidents separate from the criminal investigation to determine if department policies and procedures have been followed.
- No interview involving a review of professional standards of an officer involved in a shooting incident shall be conducted within twenty four (24) hours of the incident.
- The officer shall be required to offer a statement. Prior to the commencement of questioning, the officer will be advised of the protections provided under the doctrine set forth in Garrity vs. New Jersey, 385 U.S. 493 (1967) and Spevack vs. Klein, 385 U.S. 551(1956).

Post Incident Review

- The Chief of Police, at his discretion, may direct members of the Department Command Staff to review serious physical injury or fatal response to force incidents for the following:
 - To review the applicability of Departmental policies and procedures and suggest revisions as deemed appropriate
 - To identify any training issues that may have arisen from the incident
 - To identify any equipment issues that may have arisen from the incident

- The designated Command Staff members will report their findings to the Chief of Police via departmental memorandum.