

MEDINA POLICE DEPARTMENT GENERAL ORDER

ORDER NO: 2017-031

SUBJECT: Handling Deadly Physical
Force Incidents

EFFECTIVE DATE: December 11, 2017 **RESCINDS ORDER NO:** 98-10-07

DISTRIBUTION: All Department Personnel

I. PURPOSE: The purpose of this General Order is to establish and describe policies and procedures to be followed by Department personnel in managing, investigating, and reviewing deadly physical force incidents.

II. POLICY

It is the policy of The Medina Police Department to provide an immediate and professional response to all situations in which an action by Department personnel results in serious physical injury or death. This response will focus on:

- A. Providing both the officer(s) and other individuals involved with medical care, support, and other attention as necessary;
- B. Ensuring that all steps are taken to preserve items of evidence and identify possible witnesses; and
- C. Conducting a complete investigation and review of the incident.

III. PROCEDURES FOR DEADLY PHYSICAL FORCE INCIDENTS

- A. These procedures will be followed as applicable in all deadly physical force incidents as described below:
 - 1. Officer-involved shooting incidents regardless of whether any person is injured or killed, including every intentional discharge of a firearm except those done for the purpose of destroying an animal in accordance with department policy or done for authorized department training;
 - 2. Any accidental discharge of a firearm that results in injury to any person or damage to any property or premises; and

3. Any police-involved death or serious physical injury, including cases in which a subject is killed or seriously injured by the police, dies or sustains serious physical injury in police custody, or dies or receives serious physical injury fleeing from the police.
- B. These procedures will commence as soon as feasible once the situation has been brought under sufficient control to ensure the safety of all persons involved.
- C. These procedures will be followed in all on-duty deadly physical force incidents and all off-duty deadly physical force incidents in which the officer was acting pursuant to his or her authority as a Medina Police Officer.
 1. If an Officer is involved in an off duty deadly force incident, including discharging his/her firearm at someone, the Officer will immediately notify the Chief of Police.
- D. In the event that a Medina Police Officer is involved in a shooting or other deadly physical force incident outside the Village of Medina these procedures will be followed to the greatest extent feasible in coordination and cooperation with the responsible investigating jurisdiction.

IV. INITIAL RESPONSE

A. First Responder Procedures

1. Officers will notify dispatch of the situation and request any necessary emergency medical assistance.
2. Officers will obtain and broadcast the description of any suspect/s who are not yet in custody.
3. Any uninjured suspect/s will be taken into custody and removed to Police Station or Orleans County Jail as soon as possible. Injured suspect/s will be transported to a medical facility under the guard of an officer. The officer should be alert to secure any items of potential evidentiary value and to note any statements made by the suspect.
4. A SGT/OIC will respond to the scene as quickly as possible. The SGT/OIC will have dispatch notify the Lieutenant and Chief of Police, who will respond to the scene if available. The on-duty supervisor will assess the situation and request such other assistance and personnel as are required under the particular circumstances. The on duty supervisor will ensure that all officers and other persons receive any needed medical assistance.

5. Officers will secure the scene as quickly and effectively as possible consistent with safety needs and the need for medical treatment of any victims. Any on-duty and available Evidence Technicians will respond to the scene to take responsibility for this.
6. If feasible, officers will photograph the scene before anything is moved.
7. Officers will attempt to identify and secure any witnesses to the incident. As soon as possible, the witnesses will be separated and not allowed to discuss the incident.
8. In the event any officer/s or other person/s are injured and are transported for medical treatment, officers will be assigned to accompany them to the medical facility. If officers are not immediately available the OIC will make arrangements to secure additional officers for this duty as soon as possible.
 - a. In the event that officers are not immediately available to accompany injured persons to the medical facility the OIC will ensure that ambulance personnel, EMTs, and other medical personnel are interviewed regarding any statements overheard or other observations of potential evidentiary value.
9. The SGT/OIC will initiate and coordinate a preliminary investigation of the incident, prior to response of off duty personnel. A Firearms Incident Report has been provided to all officers to guide Officers/Supervisors with the immediate actions and information that needs to be obtained in a deadly force situation.
10. The SGT/OIC will brief other Command Officers of the situation.
11. The SGT/OIC will ensure that all officers with involvement or knowledge of the incident are identified and that the necessary reports are completed.
12. If appropriate under the circumstances the SGT/OIC will commence to establish a Command Post.

B. Notification Procedures

1. As soon as possible the following persons will be notified of a deadly physical force incident:
 - a. Chief of Police;
 - b. Lieutenant
 - c. PBA President or other PBA Representative.
2. Depending upon the circumstances the Supervisory Officers may also notify such other persons as deemed appropriate. These may include:

- a. District Attorney
- b. Medical Examiner
- c. Mayor
- d. Chaplin/Department Stress Counselors
- e. Victim Services Coordinator

C. Evidence Issues

1. Responding Officers and supervisors will take necessary steps to secure and protect the scene of the incident and all potential items of evidence. The area should be sealed off and civilians and non-essential personnel removed. This should be done as soon as possible.
 - a. Officers should bear in mind that it may be necessary to secure areas beyond the immediate scene. For example, if the incident involved a moving exchange of gunfire officers should attempt to secure the entire route of the incident.
2. Officers should not touch or move firearms or other weapons involved unless it is necessary to do so for safety reasons or to prevent their removal by unauthorized persons. Consider staging an officer with the weapon unit it can be properly documented, to include photographs with identifiable landmarks prior to securing the weapons.
3. The SGT/OIC will ensure that the instrument of deadly physical force (e.g., officer's firearm), all ammunition, and all related leather goods, and other uniform or equipment items that may constitute evidence, are secured by an Evidence Technician if available or a supervisor. This should be done as soon as feasible at the Police Station, On Scene, or at a Medical facility if the officer has been taken for treatment. If done on scene, it will be done in a discreet manner out of public view.
 - a. Any weapon or other equipment taken from an officer as evidence will be replaced as soon as possible unless otherwise ordered by the Chief.
4. Upon arrival, Crime Scene Technicians will assess the situation and assume responsibility for further processing of the scene.
5. All items of evidence associated with a deadly physical force incident must be held until all legal proceedings are complete, including any subsequent civil litigation.

D. Procedures for Officers Involved in Deadly Physical Force Incidents

1. Officers involved in the use of deadly physical force will remain at or near the scene pending the arrival of a supervisor unless injured, further pursuit of suspects is required, or removal from the scene is necessary for the officer/s' safety.
2. Involved officers will describe to a supervisor the basic facts and circumstances of the incident as soon as possible. Formal questioning and statements will be deferred until the officer has been given an opportunity to consult with legal counsel and/or PBA representatives.
3. If available, another officer should be assigned to accompany the involved officer for support and to attend to his or her immediate needs.
4. While near the scene the officer should be afforded privacy to the greatest extent possible under the circumstances. The involved officer/s shall remain near the scene so long as necessary to relate the basic facts and circumstances necessary to guide the preliminary stages of the investigation, the securing of the scene, and the location of witnesses and evidence.
5. The SGT/OIC will ensure that involved officer/s are provided appropriate assistance in contacting family members or other support persons.
6. In the event the involved officer/s are injured the following procedures will be followed:
 - a. Injured officers will be transported to the nearest appropriate medical facility for treatment.

Note: If an injured suspect will also be taken for medical treatment the officer should be taken to a different medical facility if doing so would not compromise the officer's condition or medical treatment. In the event both injured suspect/s and injured officer/s are taken to the same medical facility the SGT/OIC must be alert to the possibility that family members and friends of both parties may be in close proximity, leading to the possibility of a confrontation.

- b. The SGT/OIC will ensure that the officer's firearm and any other equipment of possible evidentiary value is secured as soon as feasible, if possible, prior to transport.

V. TRAUMA DEBRIEFING

- A. Trauma debriefing will be provided in all cases of use of deadly physical force as follows:
 - 1. On-scene, at Police Headquarters, and/or at the medical facility as soon as possible;
 - 2. 2-week follow-up;
 - 3. 6-month follow-up;
 - 4. 1-year follow-up;
- B. Other counseling will be provided as may be requested by the officer or directed by the Chief of Police.
- C. The Department will also make trauma debriefing available to the family members of involved officers.

VI. MEDIA

- A. In the event of a deadly physical force incident, information will only be disseminated to the media by the Chief of Police, or his Designee. Special care must be taken to ensure the privacy of involved officers and their family in such situations. For example, care must be taken to prevent release of the identities of involved officer/s prior to notification of their families.

VII. SPECIAL CONSIDERATIONS FOR REPORTS

- A. The reports relating to the discharge of a firearm or other use of deadly physical force will include but not be limited to the following:
 - 1. Nature of incident; how received and dispatched.
 - a. The investigating personnel will ensure that all pertinent communications center communications, both telephone and radio, are secured as evidence.
 - 2. Lighting and weather conditions.
 - 3. Whether the officer was on or off duty.
 - 4. Whether the officer was in uniform or in plainclothes.

5. Circumstances leading to the discharge of the firearm or other use of deadly physical force, reason/s for the use of deadly physical force, and any escalation of force, if applicable.
6. Number of rounds fired by the officer/s and suspect/s. If applicable, include succession of rounds fired.
7. Full description of firearm(s) used, if applicable, including:
 - a. whether or not authorized service weapon;
 - b. type (e.g., revolver, semi-automatic, shotgun, rifle, etc.);
 - c. make and model;
 - d. caliber;
 - e. serial number;
 - f. number of rounds (including capacity and number or rounds actually loaded and fired);
 - g. type of ammunition;
 - h. type of holster and whether City-issued or City-approved;
 - i. permit number, if applicable, and whether weapon was legally possessed.
8. A complete description of any weapon or instrument used by the officer/s and/or suspect/s if other than a firearm.
9. Witness contact data, including both daytime and evening contact information.
10. Name(s) of all officers present and/or involved with a statement as to their participation or involvement.
11. Background information on suspect/s including any information or knowledge of prior violent acts.

VIII. FOLLOW-UP INVESTIGATION

A. The Chief of Police or his Designee will be responsible for insuring a proper and thorough investigation on all deadly physical force incidents. This investigation will comply with Departmental policies and procedures.

B. The assistance of other law enforcement agencies may be requested by the Chief, or in his Designee, in cases where such assistance is deemed necessary or appropriate.

C. Involved officer/s will be given an opportunity to consult with legal counsel and/or PBA representatives prior to being subjected to formal interviews and statements.

D. The involved officer/s will be kept apprised of the status of the investigation to the extent that it does not compromise the investigation. In determining what information may be released to the involved officer/s the District Attorney's Office will be consulted.

E. All deadly physical force incidents will be referred to the District Attorney's Office for review and such further action as deemed appropriate by the District Attorney, e.g., presentation to Grand Jury. This will be a standard procedure.

Review by the District Attorney and any presentation to the Grand Jury will not imply misconduct by the involved officer/s.

IX. ADMINISTRATIVE LEAVE

A. When an officer is involved in a shooting or other deadly physical force Incident, he or she will be granted a minimum of three (3) administrative leave days off.

B. Additional administrative leave time off may be granted by the Chief on a case by case basis.

C. Any exceptions to this provision must be authorized by the Chief.

X. ASSIGNMENT TO ADMINISTRATIVE DUTY

A. When an officer is involved in a shooting or other deadly physical force incident, following any administrative leave, the Chief of Police will assign that officer to temporary administrative duty.

The temporary assignment to administrative duties does not imply any misconduct on the part of the officer. Such assignment is a standard procedure.

B. The nature of the administrative assignment will involve a low potential for arrest or other enforcement action or subsequent use-of-force incidents.

C. The work schedule of the administrative duty assignment will be set by the Chief, consistent with the best interests of the Department and the officer.

D. Officers assigned to administrative duty will:

1. refrain from routine exercise of police arrest and intervention duties except to the extent that such action is necessary to protect the officer or another person;
2. refrain from any public discussion of the circumstances of the incident or the administrative assignment;

3. retain all rights, privileges, and employee benefits;
 4. retain responsibility for compliance with all laws, Department Rules and Regulations, General Orders, policies and procedures, and directives governing Department personnel that are not specifically exempted by this order.
- E. The administrative duty assignment will continue at least until the completion of the internal investigation and final Grand Jury action if any. It may be continued longer on a case-by-case basis by the Chief of Police. Any such extension of the administrative duty assignment will not imply any misconduct on the part of the involved officer.

XI. DEADLY PHYSICAL FORCE REVIEW

- A. Upon completion of the investigations into a deadly physical force incident the Chief of Police will ensure a full internal review of the incident has been conducted.
- B. The review will be a collaborative effort and will likely include input from the Chief of Police, Supervisory Staff, Firearms Instructor, PBA, Investigating agency, DA's Office, or other person(s) designated by the Chief.
- C. While conducting this review, these individuals will conduct assessment on:
 1. Departmental Policies/Procedures
 2. Quality and effectiveness of Departmental Response and Investigation
 3. Quality and effectiveness of Supervision
 4. Training Issues
 5. Tactical Considerations
 6. Equipment Issues
- D. This report will be for internal departmental use only. Neither the report, nor any part thereof will be released without express written permission of the Chief of Police.

By Order Of:

Chad Kenward
Chief of Police