



## ATHENS-CLARKE COUNTY POLICE DEPARTMENT

**Policy and Procedure General Order: 3.07**

**Order Title: Officer-Involved Shooting**

**Original Issue Date**

10/16/17

**Reissue / Effective Date**

10/22/18

**Compliance Standards:** CALEA Law Enforcement 4.1.5, 4.2.1, 4.2.3; State Certification 1.19, 1.21, 1.24.

**Rescinds:** A3/02/03 (Bullets F, G), B1/21/03 (Bullet C)

**Authorization**

Interim Police Chief Mike Hunsinger

*This General Order is for Departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for Departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

### I. PURPOSE

The purpose of this policy is to provide guidelines for the investigation of officer-involved shootings. This policy also provides guidance for investigation of in-custody deaths and other serious uses of force.

### II. POLICY

It is the policy of the Athens-Clarke County Department (hereafter referred to as "ACCPD" or "Department") that officer-involved shootings, whether on or off duty, be investigated with the utmost thoroughness, professionalism, and impartiality so as to determine whether the officer's actions conform with applicable law and this Department's policies, procedures, rules, and training. This policy will also apply to the investigation of situations in which a person dies while in police custody, while an officer is attempting to effect custody, and other serious injuries as a result of the use of force. The Department recognizes that an active criminal investigation will be conducted as a result of these types of incidents. As such, the Department acknowledges the Constitutional Rights of its officers, including their rights regarding statements and legal representation.

### III. DEFINITIONS

**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 assigned officer

is normally a member of the Department's peer support program but may also be an officer who has had a similar experience, a close friend, or both.

**Critical incident:** An incident that is unusual, violent, and involves a perceived threat to, or actual loss of, human life. The incident is a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.

**In-custody death:** The death of an individual while in custody or while an attempt to effect custody is being made.

**Involved officer:** Unless otherwise indicated, an involved officer is a sworn Department employee in on-duty or off-duty status who (a) discharges his or her firearm in a hostile situation or by accident; (b) arrests or is in the process of arresting an individual who subsequently dies; (c) engages in other serious uses of force; and / or (4) is a direct witness to such events.

**Officer-involved shooting:** A discharge of a service weapon by an officer during a hostile encounter or an accidental discharge, while on-duty or off-duty, irrespective of injuries to suspects, officers, or third parties.

**Serious use of force:** Any action by an officer that involves the use of deadly force and / or a use of force in which the person suffers serious physical injury.

## **IV. PROCEDURES**

### **A. Officer On-Scene Responsibilities**

Officers involved at the scene of a shooting incident will take all measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation.

This includes the following actions, undertaken in the order deemed appropriate:

1. Identify any remaining threats and take necessary action;
2. Secure and separate suspects, if possible;
3. Relay information on fleeing suspects to Central Communications and other field units, and work with them to establish a containment area;
4. Request a supervisor and additional backup, emergency medical services, if necessary, and any other assistance required immediately;
5. If injured, administer emergency first aid to oneself first if possible;
6. Determine the physical condition of any injured person and administer basic first aid, as necessary, pending arrival of emergency medical assistance;
7. Once the scene is secure, holster any involved handguns or secure them in place as evidence. Secure long guns;

8. If possible, take note of the time, and survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects, and suspect vehicles; and
9. As time and capabilities permit before supervisory and other assistance arrives:
  - a. Secure the area, establish a perimeter, and limit access to authorized persons necessary to investigate the shooting and assist the injured;
  - b. Protect evidence from loss, destruction, or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence; and
  - c. Record the names, addresses, and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they saw the incident.

## **B. Initial Supervisor Response / Incident Command Responsibilities**

1. Upon notification of the incident, a supervisor will proceed immediately to the scene.
2. The ranking officer at the scene will take control, secure the scene, and serve as Incident Commander (IC). The scene will remain secure until such time it is turned over to the Georgia Bureau of Investigation or other lead agency as designated by the Chief of Police or his designee for processing. As superior officers and investigators respond to the scene, and the initial IC is relieved of supervisory responsibilities, he or she will brief superior officers on the investigation status when turning over IC responsibility. The IC will assign responsibility for completion of the following tasks as appropriate and in the order deemed necessary:
  - a. Identify any remaining threats and take necessary action;
  - b. Determine the physical condition of officers, suspects, and third parties; provide emergency first aid if necessary; and ensure that emergency medical assistance has been summoned;
  - c. While ensuring the Constitutional Rights of the officers involved, attempt to gain the information that will be necessary to focus initial police response and direct the preliminary investigation. This includes information on:
    - (1) Type of force used;
    - (2) Direction and approximate number of shots fired by officers and suspects;
    - (3) The number of suspects involved;
    - (4) Location of injured persons;
    - (5) Description of at-large suspects and their direction of travel, time elapsed since the suspects were last seen, and any suspect weapons;

- (6) Description and location of any known victims or witnesses;
- (7) Description and location of any known evidence; and
- (8) Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects;

- d. Ensure the adequacy of an inner perimeter to protect the crime scene. Direct that an outer perimeter be established to prevent unauthorized persons from entering into the secure area of the incident except those who have a specific function to perform;
- e. Assign someone to maintain a Crime Scene Security Log to record the time and identifying information of all persons entering and exiting the perimeter;
- f. Locate the officer's weapon(s) and mark expended ammunition casings or cartridges;
- g. Locate and secure in place weapons, ammunition, and expended casings or cartridges used by the suspect;
- h. Collect information available about the suspect from anyone at the scene;
- i. Ensure that all potential witnesses have been identified and separated, and ask that they remain on hand to provide a statement. If witnesses wish to leave, obtain their contact information for future communications;
- j. Locate and secure as evidence any clothing or other personal items that may have been discarded or removed from suspects or officers by medical personnel;
- k. As soon as is practical, remove all involved officers from the immediate scene. Ensure that a companion officer is assigned to each;
- l. If an officer is transported to the hospital, ensure that a companion officer accompanies or meets him or her there.
  - (1) A companion officer should provide all reasonable support to the involved officer and act as liaison between the officer and the hospital.
  - (2) If the officer is incapable of calling, a companion officer should ensure that a supervisor, or an officer that is close to the officer involved, notifies his or her immediate family as soon as possible and in person, whenever reasonably possible. The notification will provide the family members with basic information on the status of the officer and when and where they will be able to see him or her. At this time the companion officer will arrange for their transportation to the hospital or other location as required. In the case of serious injury or death, notifications will be conducted in conformance with General Order 6.14: Death Notifications;
- m. Ensure that the Duty Officer responds to the scene and / or Bureau Commander(s) are notified. The Duty Officer, in-turn, will notify the Chief of Police;

- n. Establish a command post if it appears that an extended on-site investigation will be necessary;
- o. Ensure that a media staging area is established beyond the outer perimeter and that it is appropriately staffed; and
- p. Ensure the Public Information Officer is notified and responds to the scene.

**C. Shift Supervisor / Bureau Commander / Deputy Chief Responsibilities**

1. At the scene, show concern. Give physical and emotional first aid to the involved officer.
2. Explain to the officer what will happen administratively during the next few hours and why. It is recommended that an administrator brief the officer again sometime in the following days regarding the entire process of the investigation, media interaction, grand jury, and any other potential concerns that might be encountered after a shooting.
3. When the officer's firearm is taken as evidence, replace it immediately or when appropriate (telling the officer it will be replaced). Officers, especially when in uniform, may feel extremely vulnerable if left unarmed. Immediate replacement of a firearm also communicates support for the officer, rather than miscommunicating that an administrative action is being taken. If, due to any exigent circumstances, the firearm must be removed at the scene and cannot be replaced, it is mandatory to assign an armed companion officer to stay with the involved officer.
4. If possible, the officer can benefit from some recovery time before detailed interviewing begins. This can range from a few hours to overnight, depending on the emotional state of the officer and the circumstances. Officers who have been afforded the opportunity to relax are likely to provide a more coherent and accurate statement. The Department acknowledges that most experts recommend 24-72 hours, with an emphasis on sleep cycles, to provide the most accurate recall of an incident, and will provide all officers with the necessary time prior to making any statements.
5. Totally isolating the officer breeds feelings of resentment and alienation. The officer may benefit from being with a supportive friend or peer who has been through a similar experience.
6. Personal concern and support for the officer involved in the shooting, communicated face-to-face from high-ranking administrators, go a long way toward alleviating future emotional problems. The administrator does not have to comment on the situation, or make further statements regarding legal or departmental resolution, but can show concern and empathy for the officer during this stressful experience.
7. The involved officer(s) will be placed on administrative leave to begin processing the emotional impact and to provide time for the initial investigation to take place. Leadership should make sure the officer understands this is an "administrative leave," not a "suspension with pay," and is, in no way, punitive.

8. Screen all emergency service personnel at the scene, including Central Communications personnel, for their reactions and grant administrative leave or the rest of the shift off, if necessary.
9. A mandatory, confidential debriefing with a licensed mental health professional will be scheduled for all involved personnel. Follow-up sessions for any personnel involved will be provided as well. These debriefings are separate and distinct from any fitness-for-duty assessment, administrative, or investigative procedures. It is extremely inappropriate to use information from a debriefing in any manner other than to help the individuals involved in the incident deal with psychological or emotional issues. As such, mandatory, confidential debriefing will be a protected communication.
10. Opportunities for family counseling and / or family group debriefings (e.g., spouse, children, significant others) will be made available.
11. If the officer has a published home telephone number, it may be advisable to have a friend or telephone answering machine screen telephone calls, since there are sometimes threats to the officer and his or her family. It is also advisable to disable social media accounts, at least temporarily.
12. When possible, an administrator should tell the rest of the Department, or at least the supervisors and the rest of the officer's team, what happened so the officer does not get bombarded with questions and rumors are held in check.
13. The option of talking to peers who have had a similar experience can be quite helpful to personnel at the scene. Peer counselors can also be an asset participating in group debriefings in conjunction with a mental health professional, and in providing follow-up support, and will be provided as needed.

#### **G. Responsibilities of the Chief of Police, or his / her Designee:**

1. Respond to the scene and, if necessary, take command of the incident.
2. Monitor the incident to ensure proper scene management and ensure the coordination of involved entities to provide an appropriate investigation to meet the needs of the personnel on scene, the Department, and the community.

#### **H. Investigative Process**

1. The investigation of officer-involved shootings, in-custody deaths and serious use of force incidents will be conducted in two separate and distinct investigations: a criminal investigation and an administrative investigation.
2. The criminal investigation will be completed by the Georgia Bureau of Investigation or other lead agency as designated by the Chief of Police or Deputy Chief of Police.
3. The administrative investigation will be conducted by the Department's Office of Professional Responsibilities and will be conducted concurrently with the criminal investigation.

- a. The administrative investigation must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of Department policy, procedures, rules, or training have occurred and, if so, whether disciplinary action should be recommended, or modifications to policy, procedures, or training be considered.
4. Criminal investigators will not be present during internal affairs questioning. No information gained as a result of any administrative interviews will be shared with criminal investigators.
5. Investigators will be cognizant of symptoms of post-traumatic stress during officer interviews, such as time and space distortions, confusion, hearing and visual distortions associated with recalling details of the incident, as well as emotional impairment during questioning.
6. The combination of external (criminal) and internal (administrative) investigative reports will serve as the overall use of force report narrative for submission to the Chief of Police.