

**NEW HAVEN
DEPARTMENT OF POLICE SERVICE

GENERAL ORDERS**



GENERAL ORDER 6.12

EFFECTIVE DATE: October 17, 2016

OFFICER-INVOLVED SHOOTINGS

6.12.01 PURPOSE

The purpose of this General Order is to establish the investigative and reporting procedures in an officer-involved shooting.

6.12.02 POLICY

It is the policy of the New Haven Department of Police Service that all officer-involved shootings will be properly reported, documented, investigated, and reviewed. During this process, all involved officers will be treated with dignity and the officers, and their families, will be provided with the support needed to cope with the emotional, psychological, and behavioral effects often experienced after an officer-involved shooting. The Department maintains that both an awareness of and attempts to mitigate the potential effects of critical incident stress along with professionally accepted investigative procedures provide the best opportunity to establish an accurate record of events surrounding an officer-involved shooting.

6.12.03 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 another officer who has had a similar experience or a fellow officer.

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

CRITICAL FIREARM DISCHARGE: A discharge of a firearm by an officer. Range and training discharges, and discharges at animals, are not included under this policy.

USE OF DEADLY FORCE INVESTIGATIONS: The State's Attorney's Office is the lead agency in the criminal investigation of the use of deadly force by a police officer which results in serious physical injury or death to a person (Public Act 15-4).

INVOLVED OFFICERS: Unless otherwise indicated, refers to those sworn personnel, whether on-duty or off-duty, who discharge a firearm in a hostile situation or by accident, or who are direct witnesses to an event.

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.

6.12.04 PROCEDURES

INVOLVED OFFICERS

- Officers involved in a shooting incident shall, immediately, to the degree reasonably possible, take initial steps to protect their safety, request medical assistance, and to preserve evidence.
- Notify the Communications Center of the incident and location. Relay information on fleeing suspects to Communications and other units and work with them to establish a containment area.
- Officers involved in a shooting incident should provide preliminary investigative information to the first arriving supervisor. This should include, but may not be limited to those questions to which reference is made in the Public Safety Statement which is attached hereto in Appendix A:
 - Type of force used.
 - Direction and approximate number of any shots fired by the involved officer(s) and/or suspect(s), if applicable.

- Location of injured persons, including those in need of medical attention, if any.
 - Description of outstanding suspect(s) and their direction(s) of travel, time elapsed since the suspect was last seen, and any suspect weapon(s).
 - Identity, description and location of any known victims or witnesses.
 - Description and location of any known evidence.
 - Other information as necessary to ensure the safety of the officer and the public and assist in the apprehension of outstanding suspect(s).
- In order to maintain the integrity of the investigation, the involved officer(s) should not discuss a Reportable Deadly Force Incident with anyone other than the assigned investigator, supervisors, or with legal representation unless otherwise directed to do so by an Assistant Chief of Police or his/her designee. Involved officers are advised that any conversation with anyone other than those privileged by law will not be treated as confidential.
 - The officer may be required to take a urine and/or breathalyzer test in accordance with General Order 2.05, Alcohol and Drug Use Policy.
 - The officer will maintain custody of his/her firearm and ensure that his/her firearm remains holstered and secured until the Armorer and lead investigative agency arrives on scene. If the officer is injured and needs to be relieved of his or her firearm prior to receiving medical treatment, the supervisor on scene or, if the supervisor has yet to arrive, another non-involved officer, will take possession of the firearm and duty belt and will ensure that the firearm remains holstered and secured.
 - The Armorer will wait for the arrival of the lead investigating agency who will take custody of the firearm(s) in private, away from the immediate scene, and then the Armorer will provide the officer(s) with a replacement weapon(s).
 - The officer will refrain from driving a vehicle, unless instructed otherwise. If transportation is necessary the on-scene supervisor will assign someone to provide transportation.
 - All officers present at the time of the shooting of an individual will be sent for a debriefing by the Employee Assistance Program during their scheduled work hours. The services of the Employee Assistance Program (EAP) will also be made available to the family of the involved officer(s). The debriefing shall take place as soon as possible after the assigned investigator has interviewed the involved employee(s).

- If an arrest is to be made, the involved officer will complete a probable cause report. If the involved officer is unable to complete this report for any reason, it will become the responsibility of the supervisor to complete this report.

SUPERVISOR RESPONSIBILITIES AT THE SCENE

- The Shift Commander, or in his/her absence, the ranking patrol supervisor on duty will respond to the incident scene and assume command insuring appropriate action is taken to:
 - Obtain first aid for the injured
 - Detain suspects
 - Identify witnesses
 - Secure evidence
- The supervisor will ensure the inner perimeter of the scene is secured, preserved and protected without the removal or relocation of evidentiary materials, including motor vehicles. The inner perimeter is the area(s) at the scene of the incident where physical evidence is likely to be recovered.
- Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform. The outer perimeter is the area surrounding and encompassing the inner perimeter where assigned personnel can be briefed and deployed.
- The supervisor will ensure that the involved officer(s) maintain custody of his/her firearm and that the firearm remains holstered and secured until the Armorer and lead investigative agency arrives on scene.
- In the event that the involved officer is injured and requires medical attention, the supervisor will take possession of the officer's firearm and duty belt, and will ensure that the firearm remains holstered and secured.
- Ensure that a media staging area is established beyond the outer perimeter. The location of the staging area will be relayed to the Public Information Officer.
- If the supervisor observes obvious signs of physical and/or emotional distress in the officer(s) involved, the supervisor will take appropriate action.
- During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the immediate scene of the incident.
- The supervisor should assign a companion officer to remain with the involved officer to provide emotional support and assistance. The companion officer will accompany the involved officer to the hospital. The companion officer can be a peer support team member, a fellow officer, or an officer that has been involved

in a shooting. The companion officer should be advised not to discuss details of the incident.

- The officers should be advised about standard investigative procedures that will occur.
- The supervisor shall briefly meet with the involved officers individually and obtain a Public Safety Statement (refer to attached Appendix A) from all involved officer(s).
- The supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as they provide the Public Safety Statement, and be taken to the Investigative Services Unit.
- Supervisors should be aware that officers may seek legal counsel or union representation prior to making a statement.
- The officers should be advised not to discuss the incident with anyone except a union representative or attorney or state's attorney or law enforcement investigator until the conclusion of the preliminary investigation. Involved officers are advised that any conversation with anyone other than those privileged by law will not be treated as confidential.
- If the mental or emotional state of the officer suggests the need for medical attention, the on-duty supervisor shall make such arrangements.
- If a suspect is transported to the hospital, the supervisor will ensure that officers respond to guard said subject and to perform crowd control.
- The Field Supervisor or Shift Commander will ensure all necessary department notifications have been made, including the following:
 - The Chief of Police
 - Assistant Chief of Professional Standards
 - The Assistant Chief of Police (Duty Chief)
 - Patrol Commander
 - Commanding Officer of Internal Affairs
 - Commanding Officer of the Investigative Services Division
 - Commanding Officer of Training
 - Media Relations Officer
 - Employee Assistance Program
- In the case of serious injury or death to an officer, notifications shall be conducted in conformance with the Department's General Order pertaining to On-Duty Death and Life Threatening Injuries Notification.

- If an arrest is to be made and the involved officer is unable to complete a probable cause report, the supervisor shall complete it.

ASSISTANT CHIEF OF POLICE (DUTY CHIEF)

- Shall immediately notify the Chief of Police.
- Approve any release of information regarding the incident to the media or to other individuals or agencies not involved in the investigation.

CHIEF OF POLICE

- Shall immediately notify:
 - The Mayor or Chief Administrative Officer
 - Corporation Counsel
 - Board of Police Commissioners Chair
- May extend the administrative leave period if appropriate or necessary.
- May order an involved employee who has been placed on administrative leave to return to regular duty, if the employee has cleared a fitness for duty examination, if applicable.
- The Chief of Police will initiate an Internal Affairs investigation and assign an investigator.
- Make the final determination regarding compliance with policy and procedures, and any appropriate corrective action, taking into consideration the findings of the Internal Investigation.

INVESTIGATIVE SERVICES BUREAU (ISU)

- The Commanding Officer of ISU will respond to the scene and ensure that the scene is "frozen." He/she will receive a briefing from the Shift Commander including details of the incident as available, a summary of all actions completed or in progress and conduct a walk-through of the incident scene.
- The Commanding Officer of ISU will immediately notify the State's Attorney's office and determine who will be the lead investigative agency.
- If the State's Attorney's Office or another agency will act as the lead investigators, the Commanding Officer of ISU will act as a liaison with that agency and ensure that the scene is maintained until the lead agency arrives.

- If the New Haven Department of Police Service will be the lead investigative agency, the Commanding Officer will assign investigators to conduct an investigation of the shooting incident including the facts and circumstances surrounding the shooting and perform other appropriate investigative activities as necessary.
- The lead investigative agency will coordinate with the Armorer to secure and replace the involved officer(s) weapon(s).

INVESTIGATIVE PROCESS

- The investigation of officer-involved shootings shall normally be conducted in two separate parts and by separate authorities—a criminal investigation and an administrative investigation. The criminal investigation is normally completed by homicide investigators prior to the administrative investigation, which is most often conducted by the department's Internal Affairs Unit, although the investigations may occur concurrently.

- **CRIMINAL INVESTIGATION PHASE**

The lead homicide investigator shall manage the criminal investigation unless, by interagency agreement, the lead is passed to another investigative authority.

- All interviews will be recorded.
- The Internal Affairs Investigator may be present for all interviews except for the interviews of officer(s) subject to the criminal investigation.
- Upon completion of the criminal investigation, findings shall be submitted to the Chief of Police, the Assistant Chief of Professional Standards and the State's Attorney's Office.

- **ADMINISTRATIVE INVESTIGATION PHASE**

This investigation, undertaken by the department's Internal Affairs Unit, must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of departmental policy, procedures, rules, or training have occurred and, if so, whether disciplinary action should be recommended or modifications to policy, procedures, or training considered.

- Criminal investigators may not be present during Internal Affairs questioning of the officer(s) who is the subject of a criminal investigation nor may information gained as a result of administrative interviews be shared with criminal investigators.

- All interviews shall be recorded in order to provide evidentiary records of statements.
- The lead Internal Affairs investigator shall complete a report which details their findings and forward such report to the Assistant Chief of Professional Standards.

6.12.05 REASSIGNMENT

- Any officer directly involved in a shooting incident will be transferred immediately to an administrative assignment. The Department recognizes that in some instances a period of administrative leave will be appropriate, and the officer shall report to said assignment at such time that he or she is mentally and physically ready to return to work. The Department may require documentation from a certified medical professional if the administrative leave period becomes prolonged.
- After reporting to work, the officer will remain on administrative duty and during such time will be restricted from working extra duty and overtime, other than overtime which is available in the assigned administrative area.
- The Chief of Police will evaluate the following in determining whether and when to transfer the officer from an administrative assignment:
 - Post Critical Incident Meeting with EAP
 - Review of the investigation
- Notwithstanding the above protocol, the Chief has the discretion to retain an officer on administrative assignment when it is deemed in the best interest of the City and/or the Department and will notify the union in writing of said decision.

6.12.06 PEER ADVOCACY

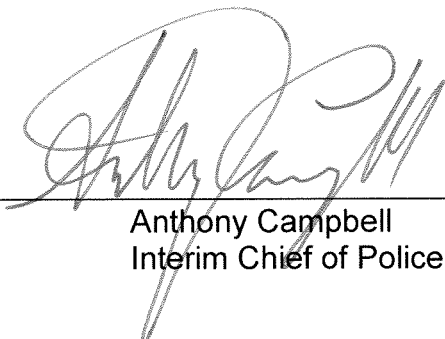
While waiting to be interviewed by the State's Attorney's investigators, an officer may have another officer of his/her choice, not involved in the shooting, present.

6.12.07 COUNSELING

A representative from Public Safety EAP may be assigned by the Chief of Police to make contact with the officer(s) as soon as practicable to see if the officer or his/her immediate family is in need of assistance. The counseling representative may ensure that the officer(s) seeks psychological review within a three (3) week period from the date of the shooting. The counseling representative may maintain contact with the Chief of Police

and the officer(s) involved concerning the need and coordination of any psychological counseling that may be necessary. The officer is free to refuse counseling but is encouraged to take advantage of it. If counseling for family members is requested it will also be provided.

This supersedes General Order 6.12 with effective date of January 13, 2016.



Anthony Campbell
Interim Chief of Police

10/17/2016
Date

Revised October 17th, 2016

Appendix A

PUBLIC SAFETY STATEMENT

The following is a list of questions that the supervisor may ask the involved officer(s) on scene. The officer(s) are not compelled to answer these questions on scene but should be encouraged to assist with the preliminary investigation. The purpose of these questions is to assist with evidence location, and identification of suspects, witnesses and injured parties.

- Are you injured or do you need medical attention?
- Were you involved in an officer-involved shooting?
- Approximately how many rounds did you fire and in what direction did you fire them?
- Do you know if any other officers fired any rounds?
- Is it possible the suspect fired rounds at you?
- Is anyone injured? If so, where are they located?
- Are you aware of any witnesses? If so, what is their location?
- Approximately where were you when you fired the rounds?
- Are there any outstanding suspects? If so, what is the description, direction, and mode of travel?
- How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
- Are there any weapons or evidence that need to be secured/protected? Where are they located?

Additionally, supervisors should obtain the public safety statements of all substantially involved personnel *before* they are transported from the scene. The supervisor, absent exigent circumstances, *shall remain* at the scene to provide the Public Safety Statement to responding investigators.

These questions should be followed by an order *not to discuss the incident with anyone*, prior to the arrival of the assigned investigators, with the exception of legal representatives.