

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 DAVIS COUNTY CRITICAL INCIDENT PROTOCOL

Best Practice **MODIFIED**

This department conforms to the Davis County Attorney's Critical Incident Protocol for investigating officer-involved shootings:

DAVIS COUNTY CRITICAL INCIDENT PROTOCOL

Revised 8/13/2015

I. DEFINITIONS

- A. Critical Incident Investigative Protocol: An agreement entered into with agencies in Davis County that provides uniform procedures and mutually agreed-upon guidelines for the investigation of Officer Involved Critical Incidents.
- B. Officer Involved Critical Incident: An incident involving any employee of a law enforcement agency occurring in Davis County including but not limited to the following:
 - 1. Any intentional or accidental shooting directed at a person, whether or not a fatality results.
 - 2. Any intentional or accidental use of any other weapon or force against another person, whether or not a fatality results.
 - 3. Any physical altercations, mutual combat, or domestic violence in which the police employee is acting in the capacity of a private citizen and occurs within the jurisdiction of his or her employer.
 - 4. Any fatal injury, whether intentionally or accidentally caused, which results from the use of a motor vehicle by an employee while on-duty or off-duty in a government vehicle.
 - 5. Any fatality of any person who is in police custody, excluding deaths that are the result of disease, natural causes, or conditions which have been diagnosed prior to death.
 - 6. Any fatality that results from the efforts of an employee attempting to affect an arrest or otherwise gain physical control of another.

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C. Law Enforcement Employee: This protocol applies to defined employees and to certain other people affiliated with law enforcement agencies, which are members of this protocol agreement as follows:

1. Full-time, part time, and hourly sworn officers; whether on or off-duty and acting for a law enforcement or a private purpose at the time of the incident.
2. Full-time, non-sworn employees on-duty at the time of the incident.
3. Part-time, non-sworn employees on-duty at the time of the incident.
4. Reserve law enforcement employees and law enforcement agency volunteers, whether paid or unpaid, on-duty at the time of the incident. This category includes informants when they are working under direct control and supervision of a peace officer.

D. Actor: A law enforcement employee who uses force.

E. Subject: The person (injured or not), whose conduct resulted in the law enforcement employee using deadly force, and who may or may not have criminal culpability related to the incident.

F. Law Enforcement Officers use of deadly force: As described in Utah Code 76-2-404.

G. Venue Agency: The agency or agencies, within whose geographical jurisdiction the incident occurs.

H. Employer Agency: The agency that the involved law enforcement employee is employed by or affiliated with. (The employer and venue agency may be one in the same.)

I. Criminal Investigators: Investigators from protocol members assigned by the Unified Command to conduct the investigation of the incident.

J. Administrative Investigators: Investigators assigned by the employer agency to conduct the administrative investigation.

K. Unified Command: The department head or designee of the venue agency, employer agency, and the Davis County Investigative Bureau Chief working in partnership to provide leadership and direction for the incident.

II. INVOCATION OF PROTOCOL

A. Automatic and immediate. Upon the use of deadly force by a law enforcement employee, the Critical Incident Investigative Protocol is automatically enacted. The venue agency is required to immediately contact the County Attorney's Office and affirmatively invoke the protocol.

B. Optional. Each member agency in the capacity of a venue agency or employer agency, may itself invoke the protocol upon occurrence of any critical incident involving a law enforcement employee, which may have possible criminal liability attached to the law enforcement employee. The County Attorney may decline to participate in optional invocations.

III. INVESTIGATIVE AGENCIES, FORMATS, AND RESPONSIBILITIES

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To properly recognize and accommodate the various interests and the various rules of law which may be involved in an incident, investigations of these matters may be performed under two separate investigative formats: the criminal investigation and the administrative employer agency.

A. Criminal Investigation

1. Designation of Investigators

- a. The criminal investigation that commences pursuant to the invocation of this protocol has priority over any parallel administrative investigation.
- b. Upon invocation of this protocol, members of the Unified Command will select an Operations Section Chief and Lead Investigator to manage the criminal investigation.
- c. The Operations Section Chief will be an Agent from the Davis County Attorney's Office, unless one is unavailable. In the event an Agent is unavailable, a selection from a list of prior Lead Investigators will be made by the Unified Command to establish an Operations Section Chief.
- d. The Lead Investigator will be from a non involved Agency and may be made without respect to the rank or title of the other investigators participating in the investigation. The Lead Investigator's Agency will be the official keeper of the record.
- e. The Operations Section Chief and Lead Investigator will be responsible for the first-line management of the criminal investigation including the assembly and assignment of Protocol Investigators.
- f. Upon request, member agencies should provide, if available investigators with experience and/or training in critical investigations.

2. Venue Determination

- a. When an incident occurs in part in two or more jurisdictions, each of those jurisdictions is a venue agency.
- b. When an incident occurs on the boundary of two jurisdictions, or under circumstances that make determination of the Venue Agency difficult or in dispute the County Attorney shall be the authority to resolve jurisdictional issues.
- c. If an in-custody death occurs, the Venue Agency is that agency within whose geographical jurisdiction the act occurred. If the death appears to be from disease, natural causes, or conditions that have been medically diagnosed prior to the person's death and there is no apparent intentional or accidental conduct involved in the cause of death as determined by the geographical jurisdictional agency, the Venue Agency becomes that agency having custody of the deceased person when the distress was first discovered.

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3. Scene Security

a. The Venue Agency has the initial responsibility for immediately securing the scene of an officer-involved incident. Once established, the Unified Command may change responsibility for scene security as necessary and assign a Protocol Investigator as Scene Command

b. An inner perimeter should be established as soon as possible

and only those persons with a bona fide investigative or medical service responsibility shall enter this area.

c. The following crime scene practices will be adhered to:

1. Emergency life-saving measures have first priority.
2. Control the scene to prevent further injury or criminal activity.
3. Identify, locate, preserve, and maintain chain of custody of physical evidence.
4. Ensure that no evidentiary items are removed from the scene or disturbed without the approval of the Operations Section Chief.
5. Loose weapons should be left in place, not altered, and guarded until the Operations Section Chief directs removal.
6. If exigent circumstances exist that make removing loose weapons from the scene necessary for public safety all efforts will be made to either photograph the weapon(s) in place and/or establish their location with reference to other fixed points.
7. Weapons discharged by an Officer in an Officer involved critical incident that are still in their possession shall be treated as evidence. The officer's weapon(s) should only be transferred to another person when it can be done without compromising officer safety, and the integrity of the weapon, as evidence, can be preserved. Unless necessary for safety, no attempt shall be made to change the condition of the weapon(s).
8. It is recommended that the involved officers be photographed as soon as practical to document their appearance at the time of the critical incident.
9. Additional evidence, witness interviews, and other investigative requirements will be conducted in accordance with standard investigative practices and protocols.

4. Notifications

The Venue Agency shall make the following notifications as soon as possible.

- a. Intra-department officers as required by the agency's procedures.
- b. The Employer Agency, if applicable and if not yet aware.

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- c. The Chief Deputy County Attorney or his designee.
- d. The Medical Examiner upon confirmation of a fatality consistent with the requirements of Utah Code Section 26 Chapter 4.

5. Transporting and Sequestering of Involved Officers

a. Officers who were present at the scene at the time of an Officer Involved Incident, will be relieved of their duties at the scene as soon as possible and removed to a location as directed by Unified Command. Officers from the Venue Agency not involved in the incident shall be assigned to accompany involved officer and remain with them to ensure their privacy, accommodate their needs, and preserve the integrity of each officer's statement.

b. Involved officers should not discuss the facts of the incident with any other involved party.

6. Involved Officer Interviews

a. Involved officers should be interviewed between 24 and 48 hours. At the request of the involved officer the interview may be held earlier. Employees have the same rights and privileges as citizens including the right to legal counsel prior to the interview and the right to have their lawyer present during the interview.

b.

Involved Officer's Interviews should be conducted outside the presence of the employing agency to avoid confusion of a compelled interview. If the Involved Officer wished to have a

support person, who is from the employer agency, that support person will define their role as such.

c. Public safety statements can be compelled without an attorney to determine if an immediate safety concern exists. The statement should be limited to information such as injuries, suspects, direction of travel, estimated number of rounds fired, and the direction they were fired, and any other essential information. Only one assigned officer should get a public safety statement from the officer involved in the incident.

d. Any corresponding administrative investigation shall be conducted by the employer agency.

7. Intoxicant Testing

a. Employees have the same rights and privileges as citizens regarding intoxicant testing.

b. If investigators determine that the employee's sobriety is relevant to the investigation they may obtain a sample through consent or a search warrant.

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- c. The Employer Agency may require the employee to submit to intoxicant testing in accordance with their specific City or Department policy. This should be conducted as part of the Administrative Investigation.
- d. The employee can voluntarily request to submit to testing.

8. Briefing and Reports

A briefing with involved agencies will be held within 10 business days with the County Attorneys office. Reports will be submitted in a reasonable time thereafter.

9. Evidence

- a. If the matter is concluded with the filing of criminal charges, all items of evidence shall be maintained by the Venue Agency and held in accordance with its procedures for disposing of evidence.
- b. If no criminal charges are filed, the evidence shall be released to the Employer Agency and maintained by it in accordance with its procedures for disposing of evidence.

B. Administrative Investigation

- 1. The initiation of an administrative investigation and the extent of that investigation is solely the responsibility of the Employer Agency.
- 2. If the Employer Agency assigns administrative investigators they should identify themselves to the Operations Section Chief as soon as possible.
- 3. In addition to gathering the information for the Employer Agency, administrative investigators should act as a liaison between the Operations Section Chief and the Employer Agency.
- 4. Compelled interview statements, physical evidence, toxicology test results, and investigative leads that are obtained by administrative investigators shall not be revealed to criminal investigators without the prior approval of the County Attorney following a determination of need and evaluation of the applicable law.
- 5. The Operations Section Chief will periodically brief the administrative investigators on the progress of the criminal investigations. They will have access to briefing, the incident scene, physical evidence, and witness statements and reports.
- 6. The County Attorney will provide the Employer Agency with the findings of fact as soon as possible.

IV. MEDIA RELATIONS

- A. The interests of the news media must be balanced with the requirements of the investigations and with the rights of the involved individuals.

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B. Any agency may make statements to the media about an incident, but the following guidelines are recommended:

C. The Department head or designee of the Venue Agency should be the single point of media information until the matter is referred to the County Attorney. Prior to any information being shared with the media, the Venue Agency shall consult with the County Attorney.

D. The Operations Section Chief will provide the Venue Agency with sufficient information to issue a press release.

E. Other participants in the investigation should refrain from making separate press releases or discussing the investigation with the press without coordinating with the Operations Section Chief and-or Unified Command.

305.3 TYPES OF INVESTIGATIONS

Best Practice

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Best Practice

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

Best Practice

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

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305.4.3 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

Best Practice

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Clearfield City Police Department would control the investigation if the suspect's crime occurred in Clearfield.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Best Practice

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

Best Practice

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Best Practice

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved CPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Discretionary

Upon arrival at the scene, the first uninvolved CPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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- (b) If necessary, the supervisor may administratively order any CPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Sergeant and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional CPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved CPD officer should be given an administrative order not to discuss the incident with other involved officers or CPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 NOTIFICATIONS

Discretionary MODIFIED

The following person(s) shall be notified as soon as practical:

- Office of Chief of Police (Chief, Assistant Chief, Lieutenant)
- Criminal Investigations Division Commander
- Davis County Attorney OIS Response Team
- Civil Liability Response Team
- Psychological/Peer support personnel
- Medical examiner (if necessary)
- Officer representative (if requested)
- City Attorney
- City Manager

All outside inquiries about the incident shall be directed to the Office of the Chief of Police.

305.5.4 INVOLVED OFFICERS

Best Practice

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The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved CPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-CPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved CPD officer. A licensed psychotherapist may also be provided to any other affected CPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with a peer support team member will be considered privileged to the extent provided in Utah Code 78B-5-903.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved CPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

Best Practice **MODIFIED**

The [District/County Attorney]'s Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the [District/County Attorney]'s Office to avoid duplicating efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) CPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of CPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED CPD OFFICERS

Best Practice

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved CPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved CPD officers may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved CPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Best Practice

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Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Best Practice

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the [District/County Attorney]'s Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the [District/County Attorney]'s Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.6.4 STATUTORY MANDATES RELATED TO CRIMINAL INVESTIGATIONS OF CRITICAL INCIDENTS

State

The Shift Sergeant shall notify the [District/County Attorney] as soon as practical if the following critical incidents occur within the jurisdiction of the Clearfield City Police Department, whether or not an involved law enforcement officer is a department member (Utah Code 76-2-408):

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- (a) Use of a firearm that caused an injury by a law enforcement officer or any other use of a weapon by a law enforcement officer in a manner that could have caused death or serious injury (e.g., a blow to the head of a person with a baton).
- (b) A fatal injury to any person that could have been caused by a law enforcement officer or while the person was in the custody of a law enforcement agency.

The Chief of Police or authorized designee and the [District/County Attorney] shall jointly designate an agency to criminally investigate the actions of a law enforcement officer involved in a critical incident, as appropriate, and may jointly designate a lead agency if more than one agency will be involved. An agency other than the Clearfield City Police Department will criminally investigate the actions of members who may have caused or contributed to a critical incident (Utah Code 76-2-408).

305.7 ADMINISTRATIVE INVESTIGATION

Best Practice

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation to determine conformance with all department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain

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the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

305.8 AUDIO AND VIDEO RECORDINGS

Best Practice MODIFIED

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office as appropriate.

305.9 AUDIO AND VIDEO RECORDINGS

Best Practice

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted

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to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.10 DEBRIEFING

Best Practice

Following an officer-involved shooting or death, the Clearfield City Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

Best Practice

A critical incident/stress debriefing should occur as soon as practicable. The Administration Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [dispatcher], other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

305.10.2 TACTICAL DEBRIEFING

Best Practice

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Best Practice

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Criminal Investigations Division Commander and Press Information Officer in the event of inquiries from the media.

No involved CPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

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Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.