



# TALLAHASSEE POLICE DEPARTMENT

## GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b> <p style="text-align: center;">Officer-Involved Action Resulting in Serious Injury or Death</p>	 Nationally Accredited 1986	
<b>CHIEF OF POLICE</b>  <i>Signature on File</i>			
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### AUTHORITY/RELATED REFERENCES

FS 112.532, Law Enforcement Officers' Rights  
 FS Chapter 776, Justifiable Use of Force  
 COT Administrative Policy 705.06, Post-Accident Procedures/Testing  
 General Order 18, Criminal Investigations  
 General Order 26, High-Risk Incidents  
 General Order 27, Vehicle Pursuits  
 General Order 29, The Internal Affairs Unit and Administrative Investigations  
 General Order 42, Impounding and Controlling of Property and Evidence  
 General Order 54, Stress Management  
 General Order 60, Response to Resistance  
 General Order 67, Victim Advocacy  
 General Order 70, Firearms/Less-lethal Firearms  
 CIRC 2.13 (Officer-Involved Action with Serious Injury or Death)  
 CIRC 2.14 (Officer-Involved Traffic Crash Response)  
 CDA Policy 630, Tactical Dispatch Plan

### ACCREDITATION REFERENCES

CALEA Chapters 1, 4, 11

### KEY WORD INDEX

<b>Administrative Reassignment of an Involved Officer</b>	Procedure X
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### POLICY

When an officer discharges a firearm at a person, or the response to resistance or other action by an officer results in serious injury or death to any person, members will make every reasonable effort to preserve human life, conduct a thorough investigation, and preserve the physical and emotional wellbeing of the officer directly involved.

### DEFINITIONS

**Accompanying Officer:** The officer assigned to accompany an involved officer until relieved by Violent Crimes Unit or Traffic Homicide Unit investigators.

**AVR:** Digital Audio and Video Recording System.

**Formal Statement:** An official statement provided during a recorded interview with members of the Criminal Investigations Bureau, Special Operations Bureau or Internal Affairs Unit.

**Incident Commander:** The highest-ranking sworn member (typically the Watch Commander) who has assumed command at the incident scene.

**Incident Scene:** The primary location as established by the inner perimeter boundaries, where access is limited to members and other personnel essential to the investigation of the incident.

**Involved Officer:** The officer whose response to resistance or other action (e.g., traffic crash) results in serious injury to, or the death of, another person, and any officer who discharges their firearm at a person (intentional or unintentional), regardless of injury or death.

**Primary Investigator:** The investigator identified by the Violent Crimes Unit or Traffic Homicide Unit to coordinate the activities related to the investigation.

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**Proffered Statement:** A voluntary statement occurring contemporaneous to an officer-involved action resulting in serious injury or death, provided by an attorney representing an involved officer. The statement itself cannot be used against the officer, but can be used to assist the investigation, develop leads or find evidence.

**Serious Injury:** For the purpose of this written directive, an injury to a person which creates a substantial risk of death, causes serious permanent disfigurement, or results in permanent loss or impairment of the function of any body appendage or organ.

**Traffic Crash:** Any unintentional crash involving a motor vehicle in transport (in motion, in readiness for motion, or on a highway), including on public or private property, that results in death, injury, or property damage.

### PROCEDURES

#### I. GENERAL INFORMATION

- A. The protocols in this written directive are applicable when the situation is under Department control and not (or no longer considered) a high-risk incident. If the situation is considered a high-risk incident, members shall adhere to the protocols in General Order 26 (High-Risk Incidents) to first quell the situation.
- B. In situations where an involved officer is incapacitated and unable to complete the required tasks of this written directive, the involved supervisors and commanders are responsible for making prudent and reasonable adjustments to the process steps to ensure the policy mandates are completed.
- C. Critical Incident Response Checklist 2.13 (Officer-Involved Action with Serious Injury or Death) contains information which may assist officers and supervisors in managing situations described in this written directive.
- D. Critical Incident Response Checklist 2.14 (Officer-Involved Traffic Crash Response) contains information which may assist officers and supervisors in managing situations where an officer's traffic crash has resulted in serious injury or death.

#### II. NOTIFICATION PROCESS AND RESPONSE GUIDELINES

Notifications –

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- A. An on-duty officer or supervisor aware of an officer discharging a firearm at a person, or a response to resistance or other action by an officer resulting in serious injury or death is responsible for promptly notifying the CDA.
- B. Notification to the CDA does not preclude any needed or directed notification to an on-duty supervisor or the Watch Commander.
- C. As directed in CDA Policy 630 (Tactical Dispatch Plan), the CDA is responsible promptly notifying the Watch Commander upon notification of an officer discharging a firearm at a person, or a response to resistance or other action by an officer (e.g., traffic crash) resulting in serious injury or death.
- D. Upon being aware of an officer discharging a firearm at a person, or a response to resistance or other action by an officer resulting in serious injury or death, the Watch Commander, or designee, shall utilize the Everbridge system to notify the following:
  - 1. Violent Crimes Unit (VCU) or Traffic Homicide Unit (THU), as appropriate,
  - 2. Forensic Unit,
  - 3. Public Information Officer,
  - 4. Internal Affairs Unit (IAU),
  - 5. Legal Advisor, and
  - 6. Patrol Operations Bureau Commander.
- E. Upon notification, the Patrol Operations Bureau Commander, or designee, shall notify the following members:
  - 1. Other Bureau Commander(s) affected by the incident,
  - 2. Deputy Chief, and
  - 3. Chief of Police.
- F. As directed in CDA Policy 630, if the involved officer's on-duty supervisor is not aware of the incident, the CDA is responsible for making that notification.

Response –

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- G. Only members and other personnel essential to the investigation should respond to the incident scene, to include:
1. Primary investigator(s) and supervisor(s) from the VCU or THU,
  2. Watch Commander,
  3. Involved officer's on-duty supervisor,
  4. Forensic Specialist(s),
  5. Criminal Investigations Bureau (CIB) or Special Operations Bureau (SOB) Commander, as appropriate,
  6. Bureau Commander of involved officer,
  7. Legal Advisor,
  8. IAU investigator(s),
  9. Public Information Officer,
  10. Designated personnel of the State Attorney's Office (SAO), and
  11. Other members and personnel as requested by the Incident Commander, an on-scene supervisor, or VCU or THU investigators or supervisor.

### **III. INCIDENT SCENE CONTROL PROCEDURES**

- A. In response to the incident, the first officer(s) or supervisor(s) on scene are responsible for establishing Incident Command (IC) and:
1. Assessing the situation (e.g., injuries, at-large suspects, locations, egress/ingress concerns) through interview or observation, and promptly relaying the information over the police radio,
  2. Ensuring medical aid is rendered as needed,
  3. Announcing the establishment of IC over the police radio, and
  4. In adherence to the crime scene protocols of General Order 18 (Criminal Investigations), establishing an:

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- a. Inner perimeter,
  - b. Outer perimeter, and
  - c. Access point for the inner perimeter,
- B. In response to the incident, the first supervisor on scene is responsible for:
1. Prioritizing duties of the officers on scene and allocating available resources as necessary,
  2. Questioning the officer(s) directly involved in the incident to determine only the information needed to ensure the security/integrity of the incident scene and the safety of individuals present (refer to subsection IV A below),
  3. Assigning an officer to the inner perimeter access point with directions to:
    - a. Limit access to members and other personnel who are assigned an active role in the investigation,
    - b. Direct members and other personnel without an active role in the investigation (e.g., Command Staff members, SAO representatives) to the command post or staging area, and
    - c. Record the names of all members and other personnel entering the inner perimeter.
  4. Establishing a command post (CP), if needed, at a location close to the incident scene, but away from the immediate area of intense activity (i.e., not in the inner perimeter), and:
    - a. Ensuring the CP location is reasonably safe based upon the known circumstances of the incident,
    - b. Announcing the CP location (and, if needed, a safe route of response) over the police radio,
    - c. If needed, assigning officers as command post and/or vehicle security, and
    - d. If needed, requesting the Special Incident Response Vehicle (SIRV) for use as the command post (factors to consider for requesting the

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SIRV include investigation duration and unfavorable weather conditions),

5. Assessing the need for additional officers, equipment, and other resources,
  6. Briefing the Watch Commander of the situation and the need for any additional officers, equipment, or other resources,
  7. If needed, establishing a staging area (away from the command post if possible) for the assembly and deployment of personnel and equipment, and
  8. Unless circumstances require otherwise, advising responding members to report to either the command post or staging area for assignment and briefing prior to deployment.
- C. In response to the incident, the Watch Commander is responsible for promptly responding to the incident scene and adhering to the following protocols:
1. Ensuring the duties of the on-scene officers and the supervisor(s) are completed or are being completed in adherence to established procedures,
  2. Obtaining an up-to-date briefing from the on-scene supervisor to determine if operational revisions are needed,
  3. Providing up-to-date information to Command Staff members,
  4. Assuming IC as the Incident Commander, and coordinating operational efforts with the responding investigative unit (VCU or THU).
    - a. The Incident Commander will direct the actions of non-investigative members in support of the overall mission.
    - b. The CIB or SOB Commander, or designee, will direct the actions of the VCU or THU members in support of the overall mission.

#### **IV. SECURITY/INTEGRITY OF THE INCIDENT SCENE**

- A. The first supervisor arriving on scene shall question the officer(s) directly involved in the incident to determine only the information needed to ensure the security/integrity of the incident scene and the safety of individuals present. Such information includes:

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1. Type of force used,
  2. Location of any injured persons,
  3. Description of any at-large suspect and their direction of travel, time elapsed since they were last seen, and any suspect weapons,
  4. Description and location of any known victims or witnesses, to include the first responding officers,
  5. Description and location of any known evidence, and
  6. Other information as necessary to ensure officer and public safety, and assist in the apprehension of any at-large suspect.
- B. In order to maintain the integrity of the investigation, the on-scene supervisor shall assign an officer not directly involved in the incident to accompany the involved officer until relieved by investigators of the VCU or THU.
- C. If the response to resistance incident involves multiple officers (e.g., officer-involved shooting), the on-scene supervisor shall identify the involved officers and assign each an accompanying officer.
- D. The on-scene supervisor shall direct each accompanying officer to:
1. Not discuss the details of the incident with the involved officer,
  2. Regard any involved weapon, firearm, vehicle, as well as the involved officer, as evidence (e.g., blood spatter on clothing),
  3. Not impound any item unless directed to do so by the Incident Commander, on-scene supervisor, or a member of the VCU or THU, and
  4. Complete and submit a supplemental offense report about their actions.
- E. As soon as practical, the on-scene supervisor should ensure the involved officer is escorted to a vehicle or other nearby location away from the immediate area of intense activity.
- F. The on-scene supervisor shall ensure crucial witnesses (including officers) are separated and remain on scene, but removed from the area of intense activity.



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- G. The on-scene supervisor is responsible for assigning an officer or officers to stay with the witnesses until relieved by the VCU or THU.

### **V. REMOVAL OF INVOLVED OFFICER FROM THE INCIDENT SCENE**

- A. Only the VCU or THU investigators/supervisor may authorize the removal of the involved officer(s) from the incident scene.
- B. A member of Command Staff or the Incident Commander may also authorize the removal of the involved officer(s) from the incident scene, after consultation with the VCU or THU primary investigator/supervisor.
- C. Under circumstances where the safety of the involved officer(s) is considered to be in jeopardy, the on-scene supervisor or Incident Commander may authorize the removal of the involved officer(s) from the incident scene by the accompanying officer(s) without VCU/THU consultation.

### **VI. VCU AND THU RESPONSIBILITIES**

- A. The VCU or THU supervisor is responsible for notifying the CDA via police radio when IC changes from patrol operations to the VCU or THU.
- B. The primary investigator from the VCU or THU, as appropriate, shall conduct the on-scene investigation and:
  - 1. Is responsible for advising each involved officer of the procedures to be followed,
  - 2. May provide an opportunity for an involved officer to conduct a walk-through of the incident scene prior to giving a formal statement,
  - 3. Shall provide an opportunity for an involved officer to review any available AVR recordings of the incident prior to giving a formal statement to the VCU or THU, and
  - 4. As needed, shall ensure Miranda warnings are provided to the involved officer.
- C. As further described in section XI below, VCU investigators shall ensure any firearm or weapon used by an involved officer during an incident resulting in serious injury or death to another person or where the officer discharged the firearm at a person is secured as evidence.

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- D. In traffic crash investigations, THU investigators shall impound all involved vehicles and related evidentiary property and facilitate the involved officer's compliance with post-accident drug and alcohol testing requirements.
- E. Participants in VCU or THU interviews of the involved officer(s) shall be limited to:
  - 1. The involved officer,
  - 2. VCU or THU investigators, and
  - 3. If requested, a representative of the involved officer.
- F. The VCU or THU shall not observe the interviews conducted by the IAU and shall not have access to any written transcripts of such interviews.
- G. As soon as practical, the VCU supervisor shall provide the CIB Commander with the preliminary findings of the investigation.
- H. As soon as practical, the THU supervisor shall provide the SOB Commander with the preliminary findings of the investigation.
- I. When appropriate, the VCU or THU supervisor shall function as a liaison with a representative from the SAO and provide information related to the investigation.

### **VII. DOCUMENTATION RESPONSIBILITIES**

In incidents involving an officer's firearm discharge at another person, or response to resistance or other action resulting in serious injury or death, the following documentation protocols shall be adhered to:

- A. The on-scene supervisor shall ensure the documentation of the precipitating event (e.g., call for service, self-initiated activity) leading to an officer's response to resistance or other action causing serious injury or death, or a firearm discharge at a person, is completed by an officer not directly responsible for the response to resistance or action. Such documentation would include, but not be limited to, the following reports:
  - 1. Original offense,
  - 2. Traffic crash,
  - 3. Vehicle pursuit,

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4. Supplemental/written statement, and
  5. Property receipt.
- B. An officer responsible for any response to resistance or other action resulting in serious injury or death, or any firearm discharge at a person, is not required to complete any of the reports listed in subsection A above.
- C. An officer responsible for any response to resistance resulting in serious injury or death, or any firearm discharge at a person, is required to complete a Response to Resistance Report after being given the opportunity to provide a formal statement to VCU investigators; however, the involved officer:
1. Is not required to complete the narrative summary in the Response to Resistance Report, and
  2. May reference the formal statement given to investigators in place of a written summary.
- D. With the exception of a required Response to Resistance Report, the formal statement to either VCU or IAU investigators by an officer responsible for any response to resistance resulting in serious injury or death, or any firearm discharge at a person, may suffice for documentation of their observations and actions in the incident.
- E. The formal statement to either THU or IAU investigators by an officer responsible for a traffic crash resulting in serious injury or death, may suffice for documentation of their observations and actions in the incident.
- F. The VCU is responsible for the completion of the criminal investigation report documenting the firearm discharge (regardless of injury), or response to resistance resulting in serious injury or death.
- G. The THU is responsible for the completion of the investigative report documenting the traffic crash resulting in serious injury or death.
- H. Officers who witness the precipitating event, the firearm discharge, or the response to resistance or other action resulting in serious injury or death – and who did not have a significant role in the response to resistance or action causing the serious injury or death – shall complete an appropriate supplemental report documenting their observations and actions.

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- I. Officers who enter the inner perimeter shall complete and submit a supplemental offense report detailing their activities within the inner perimeter, except under the circumstances listed below:
  1. Writing the report would conflict with the mandate of subsection B above.
  2. Supervisors with a direct leadership role in the inner perimeter (unless they possess information critical to the investigation).

### **VIII. INVOLVED OFFICER ON-SCENE STATEMENTS**

- A. Involved officers shall provide, to the requesting on-scene supervisor, information needed to ensure the integrity and security of the incident scene and the safety of individuals present. This information shall be limited to the following:
  1. Type of force used,
  2. Location of any injured persons,
  3. Description of any at-large suspect and their direction of travel, time elapsed since they were last seen, and any suspect weapons,
  4. Description and location of any known victims or witnesses,
  5. Description and location of any known evidence, and
  6. Other information as necessary to ensure officer and public safety, and assist in the apprehension of any at-large suspect.
- B. Through coordination and cooperation between an involved officer's legal representation and the Legal Advisor, if applicable, the officer may provide VCU or THU investigators with the following:
  1. On-scene clarifying information,
  2. Walk-through of the incident scene,
  3. Proffered statement, and
  4. Incident scene sketch or map.
- C. An on-scene statement by an involved officer shall not preclude:

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1. The VCU or THU offering the officer the opportunity to provide a formal statement about the incident, or
  2. The officer providing a formal statement to the IAU in the administrative investigation.
- D. If requested, an involved officer shall be afforded an opportunity to speak privately with their legal representative.

### **IX. INVOLVED OFFICER FORMAL STATEMENTS**

- A. The VCU or THU shall request a formal statement by an involved officer within 48 hours of the incident, and the interview should occur within 72 hours of the incident.
- B. Prior to making any formal statement to VCU or THU, an involved officer shall be allowed to view any available AVR recordings of the incident.
- C. Prior to making any formal statement to the VCU or THU, the involved officer(s) may participate in a walk-through of the incident scene.

### **X. ADMINISTRATIVE REASSIGNMENT OF AN INVOLVED OFFICER**

- A. Each involved officer shall initially be placed on administrative leave for a minimum of 72 hours, followed by an administrative assignment as directed by the Chief of Police or designee.
  1. The purpose of this action is to allow the involved officer adequate time to adjust emotionally and to ensure their availability for follow-up interviews.
  2. Any exception from the mandates of this subsection requires the approval of the Chief of Police.
- B. As further described in section XIV below, an involved officer shall not be re-assigned to regular duties until they have successfully completed the following:
  1. Initial counseling session with a contract service provider as directed by the Chief of Police or designee, and
  2. Post-incident assessment as directed by the Chief of Police or designee.

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### **XI. REPLACEMENT WEAPON/FIREARM**

- A. As soon as practical after an involved officer's weapon or firearm is seized as evidence, a replacement weapon/firearm shall be provided to the officer.
- B. If feasible, the seizure of the weapon/firearm and the issuance of replacement equipment shall occur at the Department.
- C. When the weapon/firearm is seized and replacement equipment is issued, the weapon/firearm shall be handled in a safe manner and in compliance with Department training and policies.
- D. When the weapon/firearm is taken, VCU investigators are responsible for ensuring proper evidentiary protocols are followed, to include:
  - 1. The weapon/firearm is handled to preserve potential evidence (e.g., blood spatter, touch DNA),
  - 2. Photographs are taken of the weapon/firearm and the involved officer, and
  - 3. The condition of the weapon/firearm is recorded (e.g., all remaining rounds are counted, CEW cartridge serial numbers are annotated, the officer's CEW data is downloaded).
- E. If available, a firearms instructor from the Training Section should physically handle the involved officer's firearm, and:
  - 1. Remove all remaining rounds from the firearm and count the number of rounds, and
  - 2. Obtain any additional rounds carried by the involved officer, and count those rounds.
- F. The VCU supervisor in charge of the investigation is responsible for ensuring a VCU investigator witnesses the round count process described in subsection E above.
- G. If a firearms instructor from the Training Section is not available, the VCU supervisor in charge of the investigation is responsible for assigning a member to complete the round count process described in subsection E above.

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- H. All weapons, firearms, ammunition, and other items of evidentiary value shall be turned over to the appropriate Forensic Specialist to be impounded.
- I. The VCU supervisor in charge of the investigation, in conjunction with the Watch Commander, is responsible for ensuring a replacement weapon/firearm is provided to each involved officer.
  - 1. If available, a firearms instructor from the Training Section should provide the replacement weapon/firearm and ammunition to the involved officer.
  - 2. If a firearms instructor from the Training Section is not available, the VCU supervisor or the Watch Commander will assign a member to provide a replacement weapon/firearm and ammunition to the involved officer.
- J. An officer who receives a replacement firearm shall successfully qualify with the firearm prior to returning to active duty.

### **XII. PRELIMINARY FINDINGS – CIB/SOB COMMANDER RESPONSIBILITIES**

Once briefed by the investigating unit supervisor, the CIB Commander or SOB Commander, as appropriate, shall provide the Chief of Police and appropriate Command Staff and SAO members with detailed information of the preliminary findings.

### **XIII. INTERNAL AFFAIRS UNIT RESPONSIBILITIES**

- A. IAU investigators shall respond to the incident scene and their role shall be limited to observation only in order to conduct an administrative investigation and other administrative reviews based upon the circumstances (e.g., response to resistance review, vehicle pursuit review).
- B. IAU investigators shall not be present during, or remotely monitor, any interview of an involved officer with the VCU or THU.
- C. IAU investigators shall have access to the written transcripts and recordings of the involved officer's interview with VCU or THU.
- D. Unless otherwise directed by the Chief of Police, the IAU shall conduct the administrative investigation after:
  - 1. The completion of the VCU or THU investigation, and

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2. The conclusion of any grand jury proceedings reviewing the incident.
- E. Unless otherwise directed by the Chief of Police, or as required by another policy, the administrative investigation shall be termed a special investigation, and IAU investigators shall adhere to established protocols, to include:
  1. Review of all documents, recordings, and videos related to the incident,
  2. Review of applicable policies and procedures, and
  3. Completion of an investigative report.

### **XIV. SUPPORT SERVICES FOR AN INVOLVED OFFICER**

- A. An involved officer shall attend an initial counseling session with the designated contract service provider within 72 hours after the incident.
- B. The Bureau Commander (or designee) of the involved officer(s) shall serve as the point of contact to assist each involved officer regarding:
  1. Investigative and administrative protocols,
  2. Coordination of appointment scheduling with Employee Resources, and
  3. Ensuring compliance with other requirements of General Order 54 (Stress Management).
- C. The Department encourages family members of an involved officer to take advantage of counseling services offered by the City of Tallahassee Employee Assistance Program or other service providers of their own choosing.
- D. At the direction of the Chief of Police, or designee, the appropriate Bureau Commander shall determine the need for critical incident stress debriefing for members involved in any action resulting in serious injury or death.

### **XV. VICTIM ADVOCATE UNIT RESPONSIBILITIES**

The Victim Advocate Unit shall ensure appropriate support services are promptly available for an involved officer and shall coordinate the following services, as needed:

- A. Notification of the incident and/or support services available to each officer's family members,



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- B. Transportation as appropriate, and
- C. Emotional support, including follow-up support, for the following persons:
  - 1. Involved officer,
  - 2. Involved officer's family members,
  - 3. Citizens directly involved in the incident, and
  - 4. Other officers involved in the incident.

### **XVI. TRAINING PROTOCOLS**

- A. Newly promoted sergeants and lieutenants shall receive training related to managing incidents described in this written directive (e.g., critical incident management training during promotee orientation).
- B. Testing associated with the issuance of revisions to this written directive will serve as awareness training for all officers.

### **XVII. PUBLIC INFORMATION PLAN**

Any public release of information concerning an officer discharging a firearm at a person, or a response to resistance or other action by an officer resulting in serious injury or death, shall adhere to the protocols of General Order 36 (News Media Relations), to include, as warranted, coordination with other involved entities (e.g., SAO).

History: previous title (*officer involved use of force resulting in death or serious injury*) – issued 08/22/1994, revised 04/29/1998, 10/29/2001, 05/15/2003, 03/10/2008, 04/13/2010 (*change of title – officer-involved action resulting in serious injury or death*), and 01/06/2016.