



Lexington Police Department

Lexington, Kentucky

GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

G.O. 1983-03E Post Shooting Investigation & Crisis Readjustment Program

Rescinds: GO 1983-03D

References: CALEA Chapter(s)

Effective Date: 08/05/05

Distribution Code: B | All Department Employees

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I. PURPOSE

The purpose of this policy is to establish a procedure to assist sworn and civilian personnel who are involved in crisis situations. Furthermore, this policy will define the responsibilities of the supervisors, investigators, and counselors, which are unique in a crisis situation. A crisis situation exists when an employee is involved in a situation where a death or serious injury occurs as a result of police action, or when the officer or civilian staff member has a traumatic experience which the immediate supervisor feels is causing the employee difficulty.

II. POLICY

It shall be the policy of the Division of Police to mitigate the stressful effects of a post critical incident investigation by implementing procedures that are sensitive to the needs of the involved officer or civilian personnel. This policy shall also emphasize the needs of all personnel who have been involved in crisis situations. All involved personnel shall have the opportunity for an adjustment period immediately following the incident.

III. POST SHOOTING/DEADLY FORCE INCIDENT PROCEDURES

A. When an officer is involved in a deadly force incident that results in death or serious physical injury to another person, the following investigative teams may be activated by the Chief, Bureau Commander, or Duty Commander, based on the circumstances:

1. Investigative Team – is responsible for the criminal investigation of the actions leading to and including the use of deadly force by an officer. This team is lead by the commander of the Personal Crimes Section and includes a detective and sergeant assigned to the Personal Crime Section, a detective and sergeant/lieutenant assigned to the Forensic Services Unit, and additional investigators assigned at the discretion of the Commander of the Bureau of Investigation.
2. Police Officer Support Team (POST) – is activated through the Chaplain's Office for the purpose of providing support and managing trauma to all Division employees. This team is lead by the Police Chaplain. POST functions independent of the Investigative and Administrative teams and has no investigative responsibility in accordance with Special Order series 98-1.
3. Internal Affairs Team – is responsible for an administrative investigation of the incident, which parallels the Investigative Team. The Internal Affairs Team, lead by the

Commander of the Internal Affairs Section, shall act independent of the Investigative Team and POST. The function of the Internal Affairs Team is to ensure the integrity of the investigation and reviews the actions of involved Division of Police employees. The team, in reviewing the actions of any officer, would take into consideration current policy, current training techniques and the actual dynamics of the particular incident under investigation. The team can be expanded to include the expertise of personnel in the Training Section, Planning & Analysis Section, supervisor of the involved officer's duty assignment, or any additional personnel deemed necessary by the Commander of the Internal Affairs Section.

B. Crime Scene Control

1. The officer involved in the critical incident is responsible for scene control and preserving evidence until a supervisor arrives on the scene. The first supervisor on scene shall remain in charge of access to the scene until relieved by a Duty Commander, Sector Commander, Bureau Commander or a member of the Investigative Team. Each time scene control is transferred; documentation of transfer of scene control shall be maintained. In addition, the Communications Unit shall be notified so that a record is maintained. (KACP 17.5)

a. The supervisor will be responsible for crime scene control, which includes keeping all personnel not directly involved in the investigation out of the scene. Under no circumstance will a private attorney, media, or the public be allowed in the crime scene. The crime scene control supervisor will assign an officer to maintain a crime scene log.

b. The Investigative Team will be in charge of the scene upon arrival. Responsibility for the scene will lie with the Personal Crimes Section Commander until such time that evidence collection begins. At which time, the Forensic Services Unit will take control of the scene. The staff of the Fayette County Coroner's office will have full access to death scenes.

C. Administrative Determination of Incident

The Chief may consult with the Investigative Team, P.O.S.T. and Internal Affairs team in determining the appropriateness of the officer's actions in the incident. This determination can be made independent of or in conjunction with the findings of the Commonwealth's Attorney's Office. Determinations made prior to the Commonwealth Attorney's will be based on the nature of the incident and the amount of evidence and facts known to the Division.

D. Treatment of Sworn Personnel

1. Officers involved in a critical incident, especially a shooting incident, shall be removed from the scene by a supervisor not involved directly in the incident as soon as possible. Officers shall be transported in the front seat of the supervisor's vehicle to Division Headquarters, Bureau of Investigation. The officer shall be instructed to:

a. Keep their duty weapon holstered and secured,

- b. Discontinue handling any weapon that was utilized,
- c. Refrain from washing their hands, unless they are contaminated with blood or body fluids, and
- d. Contact family and close friends so that they are aware of the officer's circumstances and well being. The assigned supervisor shall ensure that the Lodge President or his/her designee is notified in accordance with the current legal agreement when the affected employee is incorporated under such agreement.

2. All sworn personnel are entitled to the same rights, treatment and privileges as any citizen, including the right to legal counsel.

3. The transporting supervisor is responsible for contacting the Division of Risk Management concerning the incident. In addition, the supervisor shall contact the Division of Human Resources Critical Incident Testing Coordinator at pager number 288-7715 and request that medical personnel performing testing report to Police Headquarters. Testing personnel will follow strict guidelines for conducting the test within Division facilities. If testing at headquarters is not possible, the officer shall be taken to a testing location prior to bringing them to Police Headquarters. Testing cannot be delayed more than 8 hours following the critical incident.

4. Equipment

- a. Weapon(s) – If a weapon must be collected as evidence, a Bureau Commander can authorize providing a temporary replacement weapon immediately. Temporary replacement weapons are available by calling the Property & Evidence Unit supervisor or Training Section Range Master.
- b. Uniform – The Forensic Services Unit will maintain a supply of temporary clothing for use when taking an officer's clothing for evidentiary purposes.
- c. Portable radios and other equipment issued by the Division shall remain with the officer, unless otherwise directed by a Bureau, Duty, Sector Commander, or if booked as evidence.
- d. If home fleet privileges are permitted, consideration may be made to provide an unmarked vehicle while assigned to administrative duty.

E. Supervisory Responsibility – Checklists

- 1. Supervisors shall utilize the Post Shooting Investigative Checklist (Appendix A) at every shooting/deadly force scene to ensure that critical aspects of officer treatment and investigation are conducted.
- 2. The attached checklist is meant as a tool to assist supervisors. Supervisors should be mindful that every incident is unique and not all items on the check-list will apply.

Every team leader and the officer's supervisor at the scene shall utilize the check-list and forward it to the Investigative Team Commander upon completion. A copy of the completed checklist shall be forwarded to the Planning and Analysis Section.

IV. GENERAL CRITICAL INCIDENT PROCEDURES

A. Employees involved in a crisis situation whose actions or use of force result in death or serious physical injury shall be assigned to administrative duties, pending administrative review. Administrative duty will preclude sworn personnel from using their police powers. The Chief of Police, or his designee, shall determine the assignment for administrative duty, based on the circumstance. Assignments include reassignment, administrative leave, and suspension with pay. Whenever possible, the officer will be provided several options for administrative duty in order to place the officer in an assignment that allows for professional development, growth, and contact with other personnel. When appropriate, personnel may be assigned to the Police Chaplain's office, under the Post Crisis Readjustment Program. While assigned to administrative duties, the employee may perform other duties, which are considered appropriate by the Bureau Commander and/or Police Chaplain. (CALEA 1.3.8)

B. Sworn personnel, safety officers, or civilian personnel shall remain in this assignment until the Bureau Commander and/or Chaplain has reason to believe that the employee is ready for reassignment.

C. If a supervisor has reason to believe that an officer, safety officer, or civilian personnel is having continued difficulty after being involved in a crisis situation, he/she should consult with the employee to determine if temporary reassignment would help with adjusting to the situation. A supervisor may recommend through the chain of command that the employee be temporarily transferred to administrative duties or the Chaplain's Office, under the Post Crisis Readjustment Program.

Distribution Code B – All Division Personnel

Appendix A – Supervisor's Post Shooting Checklist (CALEA 42.2.4)

- _____ 1. Determine if officers and other personnel are injured. If medical condition is uncertain, summon care.
- _____ 2. Direct uninvolved personnel to provide for the physical care of the suspect(s) until emergency medical care arrives. Search for additional weapons on the suspect. Securing the suspect's weapon may be necessary in order to render aid.
- _____ 3. Is the officer contaminated with body fluids? If so, decontaminate while preserving evidence.
- _____ 4. Secure the officer's weapon(s). The duty belt may be preserved for evidence as well. Advise the officer that if practical, another weapon will be furnished to replace the one in evidence.

____ 5. Locate officers involved in the incident as far away from the scene as possible. Never place an officer in the back seat of a police vehicle. Assign an uninvolved officer to remain with involved officer until P.O.S.T. personnel arrive.

____ 6. Assign officers to secure the scene perimeter and establish a scene log. Whenever possible, utilize officers not involved in the critical incident.

____ 7. Request Command Notification and also call out the Investigative Team, P.O.S.T. and Internal Affairs Team. Notification shall also be made to the Lodge President or designee pursuant to the current labor contract for the affected employee.

____ 8. Preserve evidence threatened by the environment or crowd.

____ 9. Assign officers to locate and record the names of witnesses. Ensure witnesses are kept separate until after statements have been taken.

____ 10. Update the Communications Unit supervisor on the status of officers at the scene. Provide frequent updates.

____ 11. Transport the officer to Police Headquarters as soon as possible. Transport the officer in the front seat.

____ 12. Do not put the officer in an interview room. Instead, use an office. Do not leave the officer alone.

____ 13. Assist the officer in contacting their family and friends.

____ 14. Notify the Division of Risk Management and the H.R. Critical Incident Testing Coordinator (288-7715). Request testing at Police Headquarters. If this is not feasible, transport the officer to the nearest testing location prior to transport to Police Headquarters.

____ 15. If the officer's clothing will be collected for evidence, suitable clothing shall be provided.

____ 16. Ensure that the officer's personal property remaining at the scene is secured.

____ 17. Explain to the officer that an Incident Report will be required prior to the end of the shift.

____ 18. Advise the officer of their right to legal counsel prior to and during investigative questioning.

____ 19. Explain administrative leave process

____ 20. Explain the Investigative Process (Investigative Team Commander)

____ 21. Determine if the officer would benefit from the presence of a close work associate. If so, the Bureau, Duty, or Sector Commander can approve calling out the employee to respond and render assistance.