

Inver Grove Heights Police Policy Manual		Subject: Officer Involved Shootings		
Effective: August 1, 2018	Policy Number: 18-02.05	Replaced Policy Number:	Page: 1	

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I. PURPOSE:

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. This policy intends to ensure that such incidents be investigated in a fair and impartial manner (MN Rule 6700.2200(B)).

II. INVESTIGATION RESPONSIBILITIES:

This department conforms to the Minnesota Bureau of Criminal Apprehension for investigating officer-involved shootings.

III. TYPES OF INVESTIGATION:

- A. Peace officer-involved shootings involve several separate investigations. The investigations may include:
1. A criminal investigation of the involved officer(s) conducted by an outside agency.
 2. A civil investigation to determine potential liability conducted by the involved officer's agency.
 3. An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of Department policy.
 4. A licensing investigation by POST to determine if grounds exist for disciplinary action against the officer's license to practice.

IV. JURISDICTION:

- A. Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

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B. Inver Grove Heights Officer within our jurisdiction

1. The Inver Grove Heights Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by an uninvolved outside law enforcement agency asked to conduct the investigation.

C. Outside Agency's Officer within our jurisdiction

1. The Inver Grove Heights Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by this department or an uninvolved outside agency. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

D. Inver Grove Heights Officer in another jurisdiction

1. The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Inver Grove Heights Police Department will conduct timely civil and/or administrative investigations of its personnel.

E. Post Administrative Investigations

1. The Minnesota POST Board may require an administrative investigation based on a complaint alleging a violation of a statute or rule that the board is empowered to enforce. An officer-involved shooting may result in such an allegation. Any such complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (MN Statute 214.10 Subd. 10).

V. THE INVESTIGATION PROCESS:

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

B. Duties of the Initial Officer Arriving On-Scene

1. Upon arrival at the scene of an officer-involved shooting, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor, and should:
 - a) Secure the scene, identify and eliminate hazards for all those involved.
 - b) Take all reasonable steps to obtain emergency medical attention for all injured individuals.
 - c) Coordinate a perimeter or pursuit of suspects as appropriate.
 - d) Request additional resources, units or agencies as appropriate.
 - e) Brief the supervisor upon arrival.

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C. Duties of the Initial On-Scene Supervisor

1. Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:
 - a) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
 - (1) If there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
 - b) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 - (1) Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired parameters of the incident scene, the identity of known witnesses and similar information.
2. Absent a voluntary statement from any officer(s); the initial on-scene supervisor should not attempt to order any officer to provide any information other than public safety information.
3. Take command of and secure the incident scene with additional personnel until relieved by an investigations supervisor or other assigned personnel.
4. As soon as practicable, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.
 - (1) Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 - (2) When an officer's weapon is taken or left at the scene (e.g., evidence), as soon as practical, the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

D. Shift Supervisors Duties

1. Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by a higher ranking member of the department.

E. Notifications

1. The following person(s) shall be notified as soon as practicable:
 - a) Chief of Police
 - b) Patrol Division Commander
 - c) Investigation Division Commander
 - d) Outside agency investigators
 - e) Psychological/peer support personnel

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- f) Medical Examiner (if necessary)
- g) Officer representative (if requested)

F. Media Relations

1. A single media release shall be prepared with input and concurrence from the supervisor and the agency representative responsible for each phase of the investigation. This release will be available to the Shift Supervisor, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.
2. It is the policy of this Department to release the identities of involved officers when the release does not hinder a law enforcement purpose, does not reveal the identity of an undercover law enforcement officer and as otherwise required by law (MN Statute 13.82). No involved officer shall be subjected to contact from the media, and no involved officer shall make any comments to the press unless authorized by the Chief of Police.
3. Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

G. Involved Officers

1. Once the involved officers have arrived at the station, the Shift Supervisor should direct each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:
 - a) Any request for department or legal or union representation will be accommodated. However, no involved officers shall be permitted to meet collectively or in a group with an attorney or any representative before providing a formal interview or report.
 - b) Involved officers will be allowed a full rest cycle before being required to provide either a written report or formal statement.
 - c) Discussions with licensed attorneys will be considered privileged as an attorney-client communication.
 - d) Discussions with organization representatives (e.g., employee association) will be privileged only if otherwise protected by evidentiary privilege.
 - e) A psychologist or other psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
 - (1) Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.
 - (2) An interview or session with a licensed psychotherapist may take place before the involved officer providing a formal interview or report, but the

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involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist before providing a formal interview or report.

- f) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.
2. Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints until investigators or lab personnel can properly retrieve it.
3. Investigators shall make reasonable accommodations to the officer's physical and emotional needs.
4. Each involved officer shall be given reasonable paid administrative leave, as determined by the Chief of Police or designee, following an officer-involved shooting. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

VI. THE SHOOTING INCIDENT CRIMINAL INVESTIGATION:

A. Investigative Personnel

1. Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Division Commander to assign appropriate personnel to handle the investigation of related crimes. Investigators will be assigned to work with those from an outside agency should this investigation be assumed by another agency and may be assigned to separately handle the investigation of any related crimes that are not being investigated by the outside agency.
2. All related reports, except reports, deemed confidential and/or administrative, will be forwarded to the designated supervisor for approval. Confidential reports shall be maintained exclusively by personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

B. Criminal Investigation

1. This department may utilize an outside agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.
2. If available, investigations personnel from this department may be assigned to partner with investigators from the outside agency to avoid duplicate efforts in related criminal investigations.
3. Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

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- a) Supervisors and Internal Affairs Investigative personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring interviews or indirectly providing areas 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 before speaking with criminal investigators. However, to maintain the integrity of each officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups before being interviewed.
- c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- d) No administratively coerced statement(s) will be provided to any criminal investigators.

C. Reports by Involved Officers

- 1. In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.
- 2. While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview 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 involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.
- 3. Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel before completing any such criminal report.
- 4. 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.

VII. WITNESS IDENTIFICATION AND INTERVIEWS:

- A. Because potential witnesses to an officer-involved shooting or other major incident may be lost 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 personnel for the following:
 - 1. Identify all persons present at the scene and in the immediate area.
 - a) When feasible, a recorded statement should be obtained from persons who claim they did not witness the incident but were present at the time it occurred.

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- b) 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, officers should attempt to identify the witness before his/her departure.
- 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 Department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained before transporting a witness in any Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, before transportation.
- C. Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind before contact with officers.

VIII. ADMINISTRATIVE INVESTIGATION:

- A. In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation, pursuant to the Personnel Complaint and Administrative Investigation Procedure Policy, to determine conformance with Department policy. This investigation will be conducted under the supervision of a division commander and will be considered a confidential investigative file.
 - 1. Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines the Alcohol and Drug Use Policy adopted under the authority of Minn. Stat. § 181.950 to Minn. Stat. § 181.957. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
 - 2. 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.
 - a) 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 interview(s).
- B. If 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.

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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 two uninvolved representatives, which may include legal representation, to be present during the interview. However, to maintain the integrity of each officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups before being interviewed.
3. Administrative interview(s) should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be provided at least 48 hours notice and informed of the nature of the investigation, their *Garrity* and Peace Officer Bill of Rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
5. The administrative interview shall be considered part of the officer's administrative investigation file.
6. The investigating supervisor shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. 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.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

IX. AUDIO AND VIDEO RECORDINGS:

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

X. CIVIL LIABILITY:

- A. A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.
- B. All materials generated in this capacity shall be considered attorney work-product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.