

	ANDOVER POLICE DEPARTMENT GENERAL ORDER		Number: O2519
			Page: 1 of 6
			Distribution: All
Title: INVESTIGATION OF OFFICER'S USE OF DEADLY FORCE		Section: Investigations	
Issued: 09/15/2010	Effective: 09/22/2010	Revised: 04/22/2016	
Rescinds: All Previous		Amends:	
CALEA References: 1.3.5, 1.3.8, 52.2.7			
Review: Semi-Annual	Authority: Chief Michael A. Keller 		

I. Purpose

The purpose of this General Order is to provide guidelines for the investigation of an employee's use of **deadly force and guidelines that shall be uniformly applied following** any employee-involved use-of-force incident that has resulted in death or serious bodily injury in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

II. Policy

It is the policy of the Andover Police Department that incidents involving employee's use of deadly force be investigated with the utmost thoroughness, professionalism and impartiality to determine if employee actions conform with the law and this agency's policy on use of force.

Additionally, law enforcement duties can often expose employees and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that incidents involving an employee's use of **deadly force resulting in death or serious bodily injury** to a citizen or a fellow employee may precipitate such stress disorders. It is the responsibility of this agency to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this department to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

III. Definitions

- A. **Post-Traumatic Stress Disorder:** An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. **Employee-Involved Deadly Force Incident:** A line-of-duty incident where the action(s) or use of force of an employee in an official capacity results in death or serious physical injury of an employee or other person.
- C. **Administrative Leave:** Time off with pay pending a departmental administrative action.

	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: 02519
	Title: INVESTIGATION OF OFFICER'S USE OF DEADLY FORCE	Page: 2 of 6
		Section: Investigations

- D. **Administrative Duty:** A duty assignment without authority of arrest or other enforcement authority pending a departmental administrative action.
- E. **Line Duty:** A duty assignment with authority of arrest or other enforcement authority.

IV. Regulations

- A. No actions shall be taken by any member of the department to interfere with an investigation conducted by an outside agency [F].

V. Procedures

A. Employee On-Scene Responsibilities

1. Employees involved at the scene of an employee-involved deadly force incident shall take those measures that are reasonably possible and appropriate to protect their safety and preserve evidence essential to the investigation. This may include the following actions, undertaken in the order deemed appropriate:
 - a. Ensure that the threats to employee safety and the safety of others are over.
 - b. Secure and separate the suspects.
 - c. Relay information on fleeing suspects to Communications and other field units and work with them to establish a containment area.
 - d. Request a supervisor and additional backup, emergency medical services, if necessary, and any other assistance required immediately.
 - e. If injured, administer emergency first aid to oneself first if possible. Then administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance (1.3.5).
 - f. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.
 - g. As time and capabilities permit before supervisory and other assistance arrives:
 - i. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the incident and assist the injured.
 - ii. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.

	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: O2519
	Title: INVESTIGATION OF OFFICER'S USE OF DEADLY FORCE	Page: 3 of 6
		Section: Investigations

- iii. Record the names, addresses and phone numbers of all witnesses and other persons present at the incident scene and request they remain on hand in order to make a brief statement whether or not they say they saw the incident.
 2. The employee employing deadly force will remain at the scene of the incident until the arrival of a supervisor, unless the employee requires emergency medical care.
 3. The employee will answer the "Post Deadly-Force Public Safety Questions (APD FORM 49)," and will not make any other statements or discuss the incident with any other department personnel, including command officers, until the employee speaks with legal counsel.
 4. The employee will relinquish weapon(s) used in the process of employing deadly force when directed by a supervisor. When possible, this should be done in a discreet manner away from the scene.

B. Supervisory Responsibility at the Scene

1. Ensure the safety and determine the condition of the employee(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for employees, suspects and third parties.
2. If the employee has been shot or otherwise injured in the incident:
 - a. Ensure that an officer accompanies and remains with the employee at the hospital.
 - b. Ensure that the employee's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible.
 - c. Do not release the employee's name to the media or unauthorized parties prior to the family being notified.
 - d. Assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters.
 - e. Ensure that the clothing of employees and other injured persons is collected for potential evidentiary purposes and that related equipment of the employee's is safeguarded.
3. If the employee is not injured:
 - a. Ensure that a peer counselor or other supportive friend remains with the involved employee, but advise them not to discuss the incident.
 - b. Instruct and question the employee employing deadly force according to the "Post Deadly-Force Public Safety Questions (APD FORM 49)." Unless the supervisor determines clarification of an employee's response to the public safety questions is necessary, the supervisor will not ask the employee additional questions.

	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: O2519
	Title: INVESTIGATION OF OFFICER'S USE OF DEADLY FORCE	Page: 4 of 6
		Section: Investigations

- c. Ensure that the employee employing deadly force is transported to a hospital as soon as possible for a medical evaluation and quiet area away from the scene.
- d. Involved employees should be advised not to discuss the incident with anyone except a personal or agency attorney.
- e. Involved employees should notify their families about the incident as soon as possible and the department should arrange for their transportation to the hospital.
- f. The supervisor shall determine whether the circumstances of the incident require that the employee's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
 - i. Take custody of the employee's weapon in a discrete manner; and
 - ii. Replace it with another weapon, or advise the employee that it will be returned or replaced at a later time as appropriate.
- g. At all times, when at the scene of the incident, the supervisor should handle the employee and all involved personnel in a manner that acknowledges the stress caused by the incident.
4. Ensure that the immediate area is contained and secured, and detain any suspects therein.
5. Make notifications as appropriate, to include:
 - a. The Chief of Police and Investigations Commander;
 - b. The Kansas Bureau of Investigation;
 - c. Additional support agencies as necessary;
 - d. Legal advisor, if applicable;
 - e. Police Chaplain.
6. Establish a command post if necessary.
7. Establish a media staging area as time permits in compliance with General Order O2109.

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C. Post-Incident Procedures

1. The assignment of an employee to an administrative leave of absence after a deadly force incident is made in the best interests of the employee to allow for counseling, statement preparation, and availability during the investigative process. An assignment to an administrative leave of absence or administrative duty is not to be interpreted to imply or indicate the employee acted improperly.
2. The Chief of Police will remove any employee from line-duty whose actions or use of force in an official capacity results in death or serious physical injury, and will place the employee on administrative leave or administrative duty pending an administrative review. Absence while on administrative leave will be without loss of pay or benefits (1.3.8, 52.2.7).
3. An employee assigned to an administrative leave of absence will:



ANDOVER POLICE DEPARTMENT
GENERAL ORDER

Title: INVESTIGATION OF OFFICER'S USE OF
DEADLY FORCE

Number: O2519

Page: 5 of 6

Section: Investigations

- a. Remain available for official investigative interviews and statements regarding the incident.
- b. Refrain from public discussion of the incident.
- c. Be subject to recall for duty at any time by the Chief of Police.
4. All employees directly involved in the deadly force incident will attend a trauma counseling session with a psychologist or psychiatrist selected by the Chief of Police. The initial counseling session will be as soon as practical after the event, preferably within 24 hours of the incident. After the counseling session(s), the psychologist or psychiatrist shall advise the agency:
 - a. Whether it would be in the employee's best interest to be remain on administrative leave or be put on administrative duty, and for how long;
 - b. Whether it is recommended the employee be permitted to carry a weapon;
 - c. What will be the best continued course of counseling.
5. The department strongly encourages the families of the involved employees to take advantage of available counseling services.
6. The department should brief other department members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved employees their concern but should not ask involved employees any details regarding the incident.
7. The department may schedule a Critical Incident Stress Debriefing (CISD) for all emergency workers involved in the incident or response to the incident if deemed appropriate or necessary.
8. All personnel involved in the deadly force incident should be advised that they are not permitted to speak with the media about the incident and should refer inquiries from the media to a designated spokesperson.
9. In order to protect against crank or abusive calls, employees should be advised to have phone calls answered by another person for several days if their names are publicized.
10. The department recognizes symptoms of post-traumatic stress may not become apparent until sometime after a traumatic incident. An employee involved in a deadly force incident will complete trauma counseling at six and 12 months after the incident with the psychologist or psychiatrist selected by the Chief of Police.
11. The Chief of Police may direct an employee involved in a deadly force incident for a fitness for duty evaluation if circumstances warrant.

D. Investigation of Deadly Force Incidents

1. Obtaining a complete statement from an employee involved in a deadly force incident is essential to determining whether the employee responded appropriately to a threat. The department recognizes scientific studies concluding how physiological responses in the body during a traumatic event

	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: O2519
	Title: INVESTIGATION OF OFFICER'S USE OF DEADLY FORCE	Page: 6 of 6
		Section: Investigations

lead to immediate recall issues, the effects of trauma on event recall, and the benefits of sleep to improving memory of a traumatic event. Therefore:

- a. Employees involved in a deadly force incident will not be interviewed until after experiencing a minimum of two sleep cycles, unless the employee's legal counsel determines the employee could provide a complete statement earlier.
 - b. The interviews of employees involved in deadly force incidents will serve as their statements and they will not be required to provide a written statement.
 - c. Employees involved in a deadly force incident will not discuss the deadly force incident with anyone other than a mental health professional or their legal counsel prior to their formal interview.
2. Administrative Investigation
- a. The Investigation Section Commander, or other member designated by the Chief of Police, will conduct an administrative investigation into the deadly force incident consistent with General Order M1107 Complaints and Internal Investigations, and will submit a report accordingly.
 - b. The Chief of Police may direct any employees involved in a deadly force incident to provide a statement during an administrative investigation into the use of deadly force.
 - c. The administrative investigation may not require the taking of statements from involved employees if the involved employee has provided a statement to investigators from the Kansas Bureau of Investigation.
3. An independent investigation will be conducted by the Kansas Bureau of Investigation (KBI).
- a. The department will provide all available resources requested by the KBI to assist with the investigation.
 - b. Employees will be made available to KBI investigators in accordance with the restrictions outlined above in D1. Employees do not give up their constitutional rights during the KBI investigation and may be represented by legal counsel during any interview.
 - c. The Investigation Section Commander will serve as the department's liaison with the KBI investigators.
 - d. No actions shall be taken by any member of the department to interfere with the investigation conducted by an outside agency.
 - e. The KBI will submit its findings to the prosecutor for consideration of criminal charges against the suspects, the employees or both as deemed necessary by the KBI.