

“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1309.9, OFFICER-INVOLVED SHOOTINGS, DEATHS
(OR LIFE-THREATENING INJURIES) AND IN-CUSTODY DEATHS**

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REVIEW RESPONSIBILITY:	VIOLENT CRIMES SECTION COMMANDER
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CHIEF OF POLICE:	ORLANDO ROLÓN

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POLICY:

It is the policy of the Orlando Police Department to provide a fair and impartial investigative review of Officer-Involved Shootings, Deaths (or serious injury likely to cause death), and In-Custody Deaths. Refer to current issue of P&P 1604, Discipline, for information on the handling of officer-involved shootings in which animals are injured or killed.

The incident will be investigated and facts collected to allow a legally-established body to determine whether criminal laws of the state of Florida have been violated. All officer-involved shootings and in-custody deaths will be referred to the Florida Department of Law Enforcement (FDLE) for independent investigation.

Any employee significantly involved in an incident in which death or serious bodily injury occurred shall be temporarily removed from duty, served with a Relief of Duty Form, and shall not be returned to duty until the completion of a preliminary administrative review. If there is any doubt whether an employee was “significantly involved,” for the protection of the employee and the agency, the employee should be relieved of duty.

PROCEDURES:

1. RESPONSIBILITIES

The following sections define the responsibilities of individuals, teams, and/or sections involved in the investigative process.

1.1 EMPLOYEES INVOLVED

- a. Notify Communications immediately and request appropriate emergency medical services and a supervisor.
- b. Request assistance and secure the scene.
- c. Cooperate fully with the investigative team reviewing the incident.

1.2 SUPERVISOR ON SCENE

- a. Complete tasks outlined in Officer-Involved Shooting On-Scene Task Checklist (Attachment A).
- b. If a sworn officer is involved, complete Patrol Supervisor’s Officer-Involved Death/Life-Threatening Injury Checklist (Attachment B).
- c. Ensure that the employee is provided an opportunity to contact legal representative and an opportunity to consult with that representative.

1.3 WATCH COMMANDER ON SCENE

- a. Complete tasks outlined in Officer-Involved Shooting On-Scene Task Checklist (Attachment A).
- b. If a sworn officer is involved, complete Watch Commander/Communications' Officer-Involved Death/Life-Threatening Injury Checklist (Attachment C).
- c. If an employee was significantly involved in an incident in which death or serious bodily injury occurred, the employee shall be temporarily removed from duty, served with a Relief of Duty Form, and shall not be returned to duty until the completion of a preliminary administrative review. If there is any doubt whether the employee was "significantly involved," for the protection of the employee and the agency, the employee should be relieved of duty. Refer to the current issue of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty, for appropriate procedures and forms.

1.3.1 COMMUNICATIONS

The on-scene watch commander will contact the Orlando Police Department Communications supervisor to ensure that proper notifications are made to all appropriate personnel listed on the checklists on Attachments A and C.

1.4 CRIMINAL INVESTIGATIONS DIVISION (CID)

1.4.1 VIOLENT CRIMES SECTION COMMANDER

- a. Respond to the scene.
- b. Obtain briefing from the watch commander.
- c. Coordinate crime scene security needs with the appropriate patrol manager.
- d. Notify the Investigative Services Bureau chain of command.
- e. Assume quality-control responsibility for the entire criminal investigative process.
- f. Serve as the liaison between the Chief's staff and the homicide team.
- g. Contact the Media Relations Unit to schedule a conference within the first 24 hours of the investigation with the Chief of Police and others at the Chief's discretion.

1.4.2 HOMICIDE UNIT SUPERVISOR

- a. Assign a homicide team to respond.
- b. Respond to the scene.
- c. Obtain briefing at scene.
- d. Request the Crime Scene shift supervisor and a crime scene investigator.
- e. Contact the State Attorney's Office.
- f. Serve as the investigative coordinator and oversee all aspects of the investigation.

1.4.3 HOMICIDE INVESTIGATIVE TEAM

- a. Respond to the scene and obtain briefing.
- b. Direct assisting personnel as necessary.
- c. Interview all involved parties, including witnesses.
- d. Notify the medical examiner (if appropriate).

1.5 CRIME SCENE SHIFT SUPERVISOR

- a. Respond to the scene and obtain briefing.
- b. Ensure that the incident scene is properly and thoroughly processed.

1.6 CRITICAL INCIDENT STRESS MANAGEMENT (CISM) TEAM COMMANDER

- a. Respond to the scene and obtain briefing.
- b. Initiate appropriate procedures as outlined in the current issue of P&P 1502, Critical Incident Stress Management Team.
- c. Coordinate all efforts with the Homicide Unit to avoid any impairment of the criminal investigation.

1.7 INTERNAL AFFAIRS

- a. Respond to the scene.
- b. Monitor the progress of the criminal investigation.
- c. Conduct the administrative investigation upon completion of the criminal investigation.

2. INVESTIGATIVE PROCEDURES

The following sections define investigative procedures for the Florida Department of Law Enforcement and the Orlando Police Department.

2.1 FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) INVESTIGATION

- a. The FDLE Critical Incident Team Supervisor will respond and establish contact with the on-scene watch commander and the Violent Crimes Section Commander.
- b. FDLE investigators and crime scene investigators will assume control of the investigation.
- c. OPD will complete an initial Incident Report indicating that the investigation has been turned over to FDLE.
- d. OPD will provide any assistance requested by FDLE.
- e. The Violent Crimes Section Commander will serve as a liaison between OPD and FDLE.

2.2 ORLANDO POLICE DEPARTMENT (OPD) INVESTIGATION

- a. The Homicide Unit will assume control of the investigation.
- b. No one, other than the homicide detectives, will interview involved officers or witnesses, unless directed to do so by the Commander of the Criminal Investigations Division or the lead detective or designee. Involved officers will not be ordered to provide statements or reports until approval is obtained from the lead detective or designee. This does not preclude the supervisor from asking basic questions in the interest of officer safety, suspect apprehension, or proper notification. Uninvolved officers who are witnesses will be required to provide necessary reports and statements.
- c. The physical and emotional condition of the involved officer will be taken into consideration when determining when and where to conduct his or her interview.
- d. The involved officer will be afforded all constitutional rights during the criminal investigation.
- e. In the absence of a voluntary statement by the involved officer, an attempt should be made by the lead detective to obtain a proffer, which is a statement provided by the involved officer through his or her representative, concerning the incident. This allows the investigation to progress while protecting the officer from self-incrimination.
- f. An area canvass will be initiated under the direction of the Homicide Unit to locate additional witnesses who may have pertinent information regarding the incident. All information shall be brought to the immediate attention of the lead detective. At the direction of the lead detective or designee, statements should be taken from all persons interviewed.
- g. A scene re-enactment may be conducted upon approval and under the direction of the State Attorney's Office or Federal Prosecutor and Police Legal Advisor.

3. REPORTING

3.1 INITIAL REPORT

The initial responding officers on the scene will complete an initial report on the incident or crime which precipitated the shooting, death, or life-threatening injury. Due to the nature of these incidents and investigation by an outside agency such as FDLE, the initial report should not identify the involved members. Primary responsibilities for the responding officers are:

- a. Secure the scene,
- b. Render first aid, and
- c. Gather witnesses.

Witnesses will be separated and an effort will be made to keep them from leaving before the Homicide Unit can conduct interviews. If a witness must leave, then the officer will get detailed information for future contact and a written statement as to the witness's knowledge of the incident.

3.2 DEATH/SERIOUS INJURY REPORT

The death/serious injury report will be under a separate case number and will be the responsibility of the Homicide Unit's lead detective. Copies of all reports relating to the incident will be forwarded to the Homicide Unit. The Homicide Unit will be the clearinghouse of all information involving the incident. All press releases shall be coordinated with the Homicide Unit and released through the Media Relations office.

The Homicide Unit report should include, but is not limited to, the following:

- a. A chronological narrative of the incident in detail, including all events prior to, during, and immediately after the incident.
- b. The names and addresses of all civilian witnesses (including secondary points of contact), if any, and the names of other Department officers present or involved.
- c. Whether other law enforcement agency members were involved or present at the incident, either in uniform or civilian clothing.
- d. Whether involved vehicles were marked or unmarked, and the vehicle numbers.
- e. A description of the scene, to include lighting, weather conditions, obstacles, wind, foliage, trees, furniture, type of ground cover or flooring, and any other natural or man-made element which could have a bearing on the incident.
- f. A description of injuries sustained by any person present at the time of the incident, whether attributed to a police action or not.
- g. A description of the officer's weapon, ammunition discharged, number of rounds fired, direction, approximate distance, weapon serial number, type of holster, and any other pertinent information.
- h. A description of weapons or firearms used by all those involved.
- i. A list of other police, fire, and ambulance personnel present at the scene, including names, when possible.
- j. All available information on the suspect.
- k. A detailed sketch of the scene.
- l. Written statements from all witnesses, including civilian and Department officers.
- m. Medical examiner's report.

4. RELIEF OF DUTY

If an employee, sworn or non-sworn, was significantly involved in an on-duty incident in which death or serious bodily injury occurred, both accidental and/or deliberate, the employee shall be temporarily removed from duty, served with a Relief of Duty Form, and shall not be returned to duty until the completion of a preliminary administrative review. If there is any doubt whether the employee was "significantly involved," for the protection of the employee and the agency, the employee should be relieved of duty. Refer to the current issue of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty, and P&P 1604, Discipline, for appropriate procedures and forms.

5. EMPLOYEE ASSISTANCE PROGRAM (EAP) REFERRAL

If a firearm is used in a deadly force situation by an employee, significant force is used against an employee, or the employee was significantly involved in an incident in which death or serious bodily injury occurred, the involved employee's section commander shall make a mandatory supervisory referral to the Employee Assistance Program (EAP) within 24 hours of the incident by contacting EAP to schedule the appointment for the employee. In the event the involved employee's section commander is unavailable, then the on-duty watch commander shall make a mandatory supervisory referral to the EAP within 24 hours of the incident. The section commander or on-duty watch commander will notify the employee of the date and time of the appointment on the Management EAP Referral Form (Attachment A in the current issue of P&P 2202). The form will be faxed to EAP immediately upon completion. If the section commander is unavailable, the on-duty watch commander will forward a copy to the section commander. The form will list the affected employee's bureau commander as the appropriate point of contact.

When making the EAP appointment, the section commander will request that EAP notify the employee's bureau commander when the employee has attended the EAP session.

The section commander or designee, or appropriate on-duty watch commander, will be responsible for verifying the employee's attendance at the mandatory EAP session.

When an employee is involved in incidents as outlined above, they may experience heightened physical and emotional reactions. The purpose of the EAP referral is for the employee to discuss any physical or psychological effects they are having as a result of the incident so that the counselor can make an educated evaluation on the employee's readiness to return to duty. Other than giving the title of the incident, such as officer-involved shooting or in-custody death, the employee is not required to discuss specifics of the incident that would either interfere with the investigative process or the employee's legal rights.

6. BUREAU COMMANDER RESPONSIBILITIES

6.1 BUREAU COMMANDER'S CHECKLIST

When an employee is significantly involved in an incident resulting in death or serious bodily injury, the affected employee's bureau commander will complete the Officer-Involved Death/Life-Threatening Injury Checklist (Attachment D).

6.2 ADMINISTRATIVE REVIEW

An administrative review is a documented assessment of the preliminary information regarding an incident or occurrence prepared by the employee's bureau commander. An administrative review is conducted when any employee is significantly involved in an incident resulting in death or serious bodily injury. The administrative review will be noted on the Return to Duty form, which can be found in the current version of P&P 1617, Relief of Duty, Alternative Duty, and Limited Duty.

6.3 EMPLOYEE'S RETURN TO DUTY

If an employee has been removed from duty due to significant involvement in an incident in which death or serious bodily injury occurred, the employee's bureau commander shall ensure that the following are completed:

- a. A preliminary administrative review is conducted.
- b. Based on the administrative review and recommendations from the mandatory EAP referral, the bureau commander will determine when the employee should be returned to full duty. The bureau commander will advise the Chief of Police prior to the employee being returned to full duty.
- c. A Return to Duty form will be directed to the employee's division commander indicating when the employee should be returned to full duty.
- d. Copies of the Return to Duty form will be distributed to the employee, Internal Affairs, and the Chief of Police.

7. IN-CUSTODY DEATHS

Deaths that occur in the “process of arrest,” whether by natural causes or homicide, include the following:

- a. Physical custody, physical restraint of law enforcement even if not formally arrested.
- b. Killed by any response to resistance by law enforcement officers prior to booking.
- c. At a crime/arrest scene or medical facility prior to booking.
- d. In transit to or from law enforcement facilities.
- e. Confined in lockups or booking centers.

When OPD members experience a death in custody in the process of arrest, the Homicide Unit sergeant will be immediately notified and will coordinate the investigation with FDLE. FDLE will report its findings to the State Attorney's Office.

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ATTACHMENT A

OPD OFFICER-INVOLVED SHOOTING ON-SCENE TASK CHECKLIST

SUPERVISOR ON SCENE

- Notify the Watch Commander immediately.
- Assign an officer to stand by with the involved employee until a CISM representative arrives.
- Have involved personnel removed from scene when practical.
- Ensure that the employee is provided the opportunity to contact legal representative.
- Provide involved personnel with opportunity to use phone.
- Direct an officer to separate and obtain names and addresses of all civilian witnesses, include secondary points of contact, e.g., family members not living in the same household.
- Notify the Homicide Unit Supervisor.
- Secure the Department (or personal) weapon used in the incident and leave said weapon unaltered until transferred to the assigned crime scene investigator. A pistol may be de-cocked for safety purposes.
- If sworn officer is the affected employee, complete the Patrol Supervisor's Officer-Involved Death/Life-Threatening Injury Checklist (Attachment B) and forward to the Homicide Unit at the scene.

NOTES:

WATCH COMMANDER ON SCENE

- Ensure that the immediate supervisor has carried out all responsibilities.
- Establish a command post or designated location for responding personnel.
- Notify Chief of Police via chain.
- Notify affected employee's Bureau Commander.
- Instruct Communications to notify:
 - Remaining bureau commanders
 - Chief's Staff Director
 - The affected employee's chain of command (other than Chief/Deputy Chief)
 - Internal Affairs
 - Mayor's Aide
 - The Police Legal Advisor
 - The CISM Team commander
 - The Public Information Officer (PIO)
 - The Police Chaplain
- Notify the Mayor.
- Arrange for a replacement weapon after clearance from EAP (if appropriate).
- If sworn officer is the affected employee, complete the Watch Commander's Officer-Involved Death/Life-Threatening Injury Checklist (Attachment B) and forward to the Homicide Unit at the scene.
- Ensure that evidence at the scene is protected. No processing of the scene should be initiated prior to the release of the scene to CID or FDLE, except for protection of evidence in exceptional circumstances (i.e., inclement weather, presence of crowd, etc.).
- Ensure that all witnesses to the incident, whether police personnel or citizens, are separated. Employees determined to be witnesses will respond to CID.
- Witnesses are to remain separated and will only be interviewed by OPD detectives or agents from FDLE. Questions about access to officers (who are clearly witnesses) by the union or attorney should be directed to the responding CID commander or Police Legal Advisor.
- Involved employees, CISM team members, union representatives, and the union attorney are to be directed to a designated location at OPH other than CID (i.e., conference room, classroom, etc.). Advise CID representatives of the locations of witnesses and involved employees upon CID's arrival at the scene.
- Make mandatory supervisory referral to EAP; notify employee of date/time/location of appointment; and verify attendance, per P&P 2202.

ATTACHMENT B

**ORLANDO POLICE DEPARTMENT
Officer-Involved Death/Life-Threatening Injury Checklist
Patrol Supervisor**

Affected Officer:			
Name: _____	Employee # _____	Date: _____	Case # _____
Officer Injured: Yes <input type="checkbox"/> No <input type="checkbox"/>	Civilian Injured: Yes <input type="checkbox"/> No <input type="checkbox"/>		

NOTIFICATIONS		
Medical	Watch Commander	Homicide Unit

ON-SCENE ACTIONS (check when accomplished)
<input type="checkbox"/> Assigned crime scene security responsibility. Officer Assigned: _____
<input type="checkbox"/> Assigned officer to transport the involved officer to Orlando Police Headquarters CID conference room and stay with Officer until investigative personnel dismiss the transporting officer. Officer Assigned: _____
<input type="checkbox"/> Assigned responsibility for locating and isolating witnesses. Officer Assigned: _____
<input type="checkbox"/> Assigned responsibility for detaining suspect (if at scene). Officer Assigned: _____
<input type="checkbox"/> Suspect (if at scene) turned over to detective. Officer Assigned: _____
<input type="checkbox"/> Assigned responsibility for victim security. Officer Assigned: _____
<input type="checkbox"/> Assigned responsibility for crime scene contamination sheet. Officer Assigned: _____
<input type="checkbox"/> Dispatched officer to contact next of kin (if officer is victim) Officer Assigned: _____
All statements to the media shall be made by Media Relations or CID Commander

Forward completed sheet to CID/Homicide Unit at the scene.

Sergeant: _____ Employee #: _____
Signature

ATTACHMENT C

**ORLANDO POLICE DEPARTMENT
Officer-Involved Death/Life-Threatening Injury Checklist
Watch Commander/Communications**

Affected Officer:

Name: _____ Employee # _____ Date: _____ Case # _____

WATCH COMMANDER NOTIFICATIONS

Chief of Police Bureau Commander Communications Mayor

COMMUNICATIONS INSTRUCTED TO NOTIFY:

- Remaining bureau commanders
- Chief's Staff Director
- Affected employee's chain of command (other than Chief and DC)
- Internal Affairs
- Mayor's Aide
- Police Legal Advisor
- CISM Team commander
- Public Information Officer
- Police Chaplain

**ON-SCENE RESPONSIBILITIES
(check when accomplished)**

- Review scene security.
- Establish command post or central meeting location.
- Ensure that next-of-kin (if officer is victim) is notified in person.
- If officer is victim, determine which hospital transported to.
- Ensure that the involved officer maintains the gun belt and firearm used until initial contact by the investigating agency.
- Arrange for replacement weapon (if appropriate).

All media briefings shall be made by Media Relations or CID Commander

**POST-INCIDENT RESPONSIBILITIES
(check when accomplished)**

- Contact EAP for Mandatory Referral (refer to P&P 2202 for assistance and form).
- Complete the Management Referral form, indicating appointment date, time, and location for employee. The form should advise EAP to contact the employee's bureau commander upon completion of the meeting.
- Fax the Management Referral form to EAP, provide a copy to the affected employee, and send a copy to the affected employee's bureau commander.

Forward completed sheet to CID/Homicide Unit at the scene.

Lieutenant: _____ Employee #: _____
Signature

ATTACHMENT D

**ORLANDO POLICE DEPARTMENT
Officer-Involved Death/Life-Threatening Injury Checklist
Bureau Commander**

Affected Officer:

Name: _____ Employee # _____ Date: _____ Case # _____

**POST-INCIDENT RESPONSIBILITIES
(check when accomplished)**

- Ensure that the affected employee was relieved of duty and served with Relief of Duty Notice.
- Ensure that the Mandatory EAP referral was initiated.
- After receiving phone call from EAP confirming employee's attendance, conduct preliminary administrative review of the incident.
- Determine appropriate date for employee's return to duty. Resources to assist with this decision include the Police Legal Advisor and the Chief of Police.
- Complete Return to Duty memorandum and direct it to the affected employee's division commander, with copies to the employee, Internal Affairs, and the Chief of Police.

All statements to the media shall be made by Media Relations or CID Commander

Forward completed sheet to CID/Homicide Unit.

Bureau Commander: _____ Employee #: _____
Signature