

# Officer-Involved Shootings and Deaths-~~Council~~ ~~Action Approval Required~~

## 305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the investigation of incidents in which persons are injured as the result of an officer-involved shooting or die as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

## 305.2 POLICY

The policy of the Prescott Valley Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

## 305.3 TYPES OF INVESTIGATIONS

Investigations of officer-involved shootings and deaths may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation as to policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

## 305.4 CONTROL OF INVESTIGATIONS

Control of criminal investigations of Prescott Valley Police Department officers involved in shootings and deaths shall generally be by the Yavapai County Attorney's Office (YCAO). However, nothing shall preclude one or more investigators from the department participating in the investigation.

Jurisdiction over shootings or deaths within the limits of the Town of Prescott Valley shall be further determined as set forth in the following scenarios.

### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect shall be controlled by the department.

If multiple crimes have been committed in multiple jurisdictions, the investigation may be conducted by the agency in control of the criminal investigation of the involved officer (at the discretion of the Chief of Police and with concurrence from the other agency).

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#### 305.4.2 CRIMINAL INVESTIGATION OF OTHER AGENCY'S OFFICER ACTIONS

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

#### 305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

All administrative and civil investigation of involved officers shall be controlled by the department.

### **305.5 INVESTIGATION PROCESS**

The following procedures are guidelines used in the investigation of an officer-involved shooting or death:

#### 305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved PVPD officer shall be the officer-in-charge and shall assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

#### 305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved PVPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any PVPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
  2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information
- (c) Provide all available information to the Shift Supervisor and Regional Dispatch Center. If feasible, sensitive information should be communicated over secure networks.

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- (d) Take command of and secure the incident scene with additional PVPD members until properly relieved by another supervisor or other assigned personnel or investigator
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  - 1. Each involved PVPD officer should be given an administrative order not to discuss the incident with other involved officers or PVPD members pending further direction from a supervisor.
  - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

#### 305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Shift Supervisor.

#### 305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Commander
- Criminal Investigations Lieutenant
- Outside agency investigators (if appropriate)
- Town Manager
- Psychological/peer support personnel
- Town Attorney
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

#### 305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  - 1. Involved PVPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  - 2. Requests from involved non-PVPD officers should be referred to their employing agency.

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- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved PVPD officer. A licensed psychotherapist may also be provided to any other affected PVPD members, upon request (ARS § 38-673).
  - 1. Interviews with a licensed psychotherapist will be considered privileged.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved PVPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

#### **305.6 CRIMINAL INVESTIGATION**

If available, investigative personnel from this department may be assigned to partner with investigators from YCAO and other outside agencies in order to avoid duplicating efforts in related administrative investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall apply with regard to involved officers:

- (a) PVPD supervisors and appropriate Division Commander personnel should not participate directly in any voluntary interview of PVPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics 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 prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved-officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration shall be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation (including administrative investigations). However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

**305.6.1 REPORTS BY INVOLVED PVPD OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall require involved PVPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While involved PVPD officers may write the reports, it is generally recommended that such reports be completed by assigned investigators, who interview all 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 suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved PVPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects shall be processed according to normal procedures but shall also be included for reference in the investigation of the officer-involved shooting or death.

**305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to officer-involved shootings or deaths may become unavailable (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 law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Asking to meet with witnesses who are willing to provide a formal interview at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the department.

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1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### **305.6.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators shall be assigned to work with investigators from YCAO and may be assigned to separately handle the investigation of any related crimes not being investigated by YCAO.

All related department reports (except administrative and/or privileged reports), will be forwarded to the designated Criminal Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports shall be forwarded to the appropriate Division Commander.

#### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with officer-involved shootings or deaths, this department shall conduct an internal administrative investigation of the involved PVPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the appropriate Division Commander and will be considered a confidential officer personnel file until the investigation is complete or the investigation has been discontinued (ARS § 38-1109).

Interviews of members shall be subject to department policies and applicable laws (see Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) 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.
  1. 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 interviews.

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- (c) In the event that 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.
  - 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 an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  - 3. Administrative interviews shall be recorded by the investigator. The officer may also record the interview.
  - 4. The officer shall be informed of the nature of the investigation (ARS 38-1104). If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - 5. The appropriate Division Commander shall compile all relevant information and reports necessary for the department to determine compliance with applicable policies.
  - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board (which shall then restrict its findings to whether there was compliance with the Use of Force Policy).
  - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **305.8 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of legal counsel for representing the Town of Prescott Valley to assist in preparation of materials deemed necessary in anticipation of potential civil litigation.

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. However, persons preparing the response shall be given reasonable access to all other investigations.

#### **305.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports (see Personnel Complaints Policy).

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Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Town Attorney's Office, as appropriate.

#### **305.10 DEBRIEFING**

Following officer-involved shootings or deaths, the department shall conduct both a critical incident/stress debriefing and a tactical debriefing.

##### **305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Support Services Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (ARS § 38-1111).

Attendance at the debriefing shall only include those members of the department directly involved in the incident (including, but not limited to, dispatchers, and other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the department (including supervisory and appropriate Division Commander personnel).

##### **305.10.2 TACTICAL DEBRIEFING**

A tactical debriefing shall take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

#### **305.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases shall be made available to the Shift Supervisor, Criminal Investigations Division Commander, and Public Information Officer in the event of inquiries from the media.

No involved PVPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.



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Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and shall direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **305.12 REPORTING**

If the death of an individual occurs in the Prescott Valley Police Department jurisdiction and qualifies to be reported to the Department of Public Safety, the Field Services Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (ARS § 41-1750; AAC § R13-1-~~302~~ [301](#)).