

RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Michael Poehlman /s/		
Approving Deputy Chief:		
General Order No: E-170-04	Issued: January 24, 2009	Supersedes: 2/100.000
General Order Title: EMPLOYEE- INVOLVED SHOOTINGS AND INCIDENTS RESULTING IN SUBSTANTIAL BODILY HARM OR DEATH		

POLICY

The Reno Police Department conducts investigations when off-duty or on-duty employees intentionally or accidentally discharge a firearm or become involved in incidents that result in the death or substantial bodily harm of an individual. Firearm discharges occurring during department training sessions or during legally authorized off-duty sporting events are generally excluded unless injury or unauthorized property damage occurs.

DEFINITIONS

Criminal Investigation

A criminal investigation is conducted to determine if a crime has occurred, who committed it, to make arrests where applicable and to prepare a report for the District Attorney's office. It is the first investigation to be completed and takes precedence over the administrative investigation.

Administrative Investigation

The Internal Affairs Unit will conduct a separate investigation to determine if departmental policy, rules, and procedures were followed. This inquiry is broadly-based and encompasses the entire incident, including actions of department personnel before, during, and after the incident.

Risk Management Appraisal

The Internal Affairs Unit will conduct a risk management appraisal to assess potential liability for the incident and, if necessary, assist the City Attorney's office with litigation related to the incident.

PROCEDURES

Employee Procedures

Employees who accidentally or intentionally discharge a weapon (except as directed at the range or during legal sporting events where there are no injuries) or who are involved in an incident resulting in death or substantial bodily harm will:

1. Determine the physical condition of any injured person(s), render first aid, and request medical assistance when appropriate.
2. Notify communications immediately and request a field supervisor respond to the scene.
3. Not discuss the case with anyone except the supervisor(s) in charge of the scene, detectives assigned to the investigation, Internal Affairs representative, and/or a legal representative.

Supervisor Procedures

Upon notification, two (2) supervisors will immediately be dispatched to the scene and assume responsibility for command and control of the incident. If there are not two supervisors on duty, then dispatch will call the on-duty watch commander from either the Washoe County Sheriff's Office and/or the Sparks Police Department and request a supervisor from their agency. The supervisors will determine if the Washoe County Officer Involved Shooting Protocol applies. If the situation warrants the protocol, or there is a question about whether or not the situation warrants the protocol, the on-call Robbery/Homicide supervisor will be notified immediately for consultation, and if necessary, implementation of the protocol or other investigative actions. In cases where the protocol does not apply and/or will not be employed, the following actions should occur:

On-Scene Sergeant/Lieutenant Responsibilities

- Ensure that the crime scene is secured until detectives arrive, or in the event detectives are not responding, ensure that the scene is processed in accordance with RPD G.O. D-110-04, Crime Scene Investigations,
- Follow the "Employee Involved Shootings and Incidents Resulting In Substantial Bodily Harm Or Death Checklist" (Appendix A).
- Immediately separate involved employees until they can be interviewed by investigators or the reviewing supervisors and assign an uninvolved officer to each involved employee for assistance and preservation of evidence upon the involved employee. To protect the integrity of the involved employee(s) statements, the chain of evidence, and the investigation, the supervisor will instruct the assigned officers to maintain close proximity with the involved employee to ensure the involved employee talks only to the individuals delineated under Item 3, above. Each assigned employee will complete a follow-up

report.

- If circumstances warrant, provide the employee with the "Field Admonition" as outlined in the Internal Affairs GO, and obtain information critical to the preservation of evidence and to officer and public safety.
- Assign officers to follow up on information provided by the involved employee(s), including attempts to locate outstanding suspects and other possibly injured parties.
- Assign officers to locate and protect evidence until it can be properly collected.
- The supervisor providing the field admonition has no other duties once the exigent circumstances are identified and follow up assigned, except to write a report of his/her involvement.
- If the first supervisor provided a field admonition due to exigent circumstances, the second supervisor arriving on the scene will take over functional supervision of the remainder of the incident.
- The first supervisor, if no admonishment is given, or in the event one is given by the second supervisor, will ensure officers involved complete timely reports documenting their involvement.
- In the event of any firearm discharge, whether accidental or deliberate, the involved employee will not become involved in the investigative process, including, but not limited to, the collection of evidence, interviewing of witnesses or the completion of an investigative report. This will not preclude the involved employee from completing those duties and responsibilities delineated elsewhere in this general order.
- Investigators, or supervisors if no investigators are used, will document physical observations of the involved employee(s) concerning use of narcotics or alcohol. If use of either alcohol or narcotics is suspected, then further investigation/tests will be conducted in compliance with RPD G.O. P-340-05, Code of Conduct and Values and Ethics.

Management Responsibilities

- If an employee, suspect, or citizen is substantially injured or is killed, the Detective Division deputy chief/designee will respond to the scene
- If the incident involves substantial injury or death, including RPD employees, the involved employee(s) will be placed on administrative leave with pay pending a mandatory fitness for duty evaluation and report with a Department-approved psychologist. Psychological evaluation/counseling is not restricted to those incidents that result in injury or death. The commander or the employee may request evaluation/counseling after other incidents.

Criminal Investigation Procedures

In cases involving an on-duty officer who has discharged their firearm and one or more bullets make contact, however slight, with a human being, the Washoe County Officer Involved Shooting Protocol will be followed. In all other cases, a determination will be made upon consultation with a commander, as to who will conduct the criminal investigation. If the commander chooses to have our agency handle the investigation, the Detective Division will conduct the criminal investigation in the same manner as an incident not involving an employee. As with non-employee-involved investigations, the goal is to determine whether a crime has been committed, identify the person(s) responsible, and prepare an investigation of the incident

for review by the District Attorney. The criminal investigation is normally completed before the other types of administrative investigations and its result is available for use in the administrative investigations.

Discharges of firearms to apply chemical agents and/or less than lethal munitions during tactical incidents at the direction of a command officer are not subject to criminal investigation unless substantial bodily injury or death occurs directly as a result of the application.

All criminal investigations involving employees will be submitted to the District Attorney's office for review, regardless of the presence or absence of physical evidence to support a crime or the classification potential of the crime (misdemeanor, gross misdemeanor or felony). The District Attorney's office may request additional investigation and has the authority to file criminal charges or determine other dispositions within its legal authority.

Administrative Investigation/Risk Management Appraisal Procedures

The Internal Affairs Unit (IA) will conduct an investigation which is separate and independent from the criminal investigation.

IA can review reports, documents, and evidence relating to the incident, upon request, to determine if departmental policy, rules, and procedures were followed by departmental personnel before, during, and after the shooting/incident.

IA will make a risk management appraisal to help assess the potential liability of each incident as well as to assist the City Attorney's office in its legal defense work.

IA will prepare a written report of their findings and forward it to the Chief of Police.

Employees are required to cooperate and answer questions regarding the administrative investigation. Refusal to cooperate will be dealt with as insubordination and can result in termination.

The Internal Affairs Division may:

- If necessary, contact and interview witnesses including police personnel and police investigators.
- When appropriate, examine the scene of the incident and examine physical evidence collected from the scene.
- Consider information related to drug/alcohol use by employees which will normally be available from the criminal investigation.
- Arrange for expert assistance as needed to conclude the investigation and to make the risk management assessment.

Venue Determination Procedures

Shooting/Incident Involving RPD Employee Outside of City Limits

When an employee is involved in an incident outside the city limits, the employee will notify the agency having jurisdiction and the RPD watch commander. A command officer or supervisor will

respond immediately to coordinate and assist the outside agency in its investigation, then complete an internal memo outlining the circumstances of the situation.

Internal Affairs will be assigned to assist the agency of jurisdiction for the purposes of coordination and to keep the Reno Police Department informed of the investigation.

In cases involving federal agencies, RPD, by agreement, will conduct a collateral investigation according to this General Order.

Shooting/incident by Outside Agency Employees within the Reno City Limits

Criminal investigations regarding OIS incidents will be conducted in accordance with the Washoe County Officer Involved Shooting Protocol if:

- The employee is a member of an agency participating in the protocol, or
- The Chief of Police/designee invokes the protocol

In all other cases, the Detective Division will conduct the criminal investigation and submit their reports to the District Attorney for review.

EMPLOYEE INVOLVED SHOOTING AND INCIDENTS
RESULTING IN SUBSTANTIAL BODILY HARM OR DEATH
SUPERVISOR'S CHECKLIST

- Ensure medical attention is being given to anyone injured, when safe to do so.
- Assess the situation and, if appropriate and necessary, provide the involved employee with the Field Admonition and obtain that information which is critical to the preservation of evidence and officer and public safety
- Establish a plan for the resolution of the incident/call to render the scene safe.
- Remove the supervisor who gave any Field Admonition from the criminal investigation once tasks related to the retrieved information have been assigned.
- Separate and monitor employees involved in the incident. Advise them to refrain from discussing the case among themselves.
- Assign a uniformed officer to each suspect and/or employee transported to hospital for treatment.
- Establish a command post and notify dispatch of the location and the cell phone number (if one is available) of commanding officer(s) at the command post.
- Notify the on-call Robbery/Homicide detective sergeant.
- Notify the Department Legal Advisor.
- Make physical observations of employees involved to determine if there is any indication of alcohol or narcotics use. This information must be provided to the arriving detective and detective supervisor. Detectives will make physical observations and determine if additional levels (DRE exam, breath test, chemical test) are necessary.
- Assign an officer to maintain a crime scene check list.
- Assign uniformed officers to begin a preliminary canvass for witnesses, evidence outside the core crime scene, related vehicles, suspects.
- Assign an officer (if staffing allows) to the media and maintain them at one location until the ranking on-scene officer is prepared to provide information. Allow media to remain as close to the scene as possible without jeopardizing the investigation or safety of anyone.
- Assign a supervisor (if staffing allows) to coordinate requests by detectives for assistance with the investigation (i.e., canvass, witness monitoring, evidence collection, etc)
- Notify the RPPA representative and give them a preliminary briefing. The RPPA

representative has access to the employees involved in the shooting to provide advice as long as it does not interfere with the criminal investigation.

- Coordinate notification of employee's family members as desired by the employee.
- The ranking on-scene command officer will advise each involved employee of the process to which the employee will be subjected. This will include:
 - An explanation of the four types of investigations to occur (criminal, internal affairs, use of force, risk management).
 - An explanation that the IA investigation will not occur until the criminal case is substantially complete.
 - An explanation that the psychological evaluation is mandatory of all employees directly involved in the incident.
 - An explanation that the employee has access to an RPPA representative during the criminal investigation if it does not interfere with the investigation
 - An explanation of the administrative leave with pay procedures.
- Employees placed on administrative leave with pay must be advised personally in writing. Their leave hours will be 0900-1700, Monday through Friday, and they must be available by phone or pager.
- Coordinate completion of reports including:
 - Follow-up by all employees involved in the call regardless of involvement
 - Crime-Scene Check list
 - Use of Force Report