

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.4 Deadly Force – Incident Procedure

SUBJECT: Deadly Force – Incident Procedure		
4.4	EFFECTIVE: 12-19-2018	<i>William Cochran</i> William Cochran, Chief of Police
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4.4.1 PURPOSE

The purpose of this Order is to set forth the requirements for reporting and investigating an officer involved use of deadly force and to ensure that such incidents are thoroughly investigated in a fair and impartial manner.

4.4.2 POLICY

It is the policy of this Department that every use of deadly force involving an officer be reported accurately, completely and promptly. Every incident shall be investigated thoroughly with professionalism and impartiality to determine if the officer actions conforms to the laws, complies with Departmental policies and is consistent with Departmental training standards.

4.4.3 PROCEDURE

A. Officer-Involved Shooting / Deadly Force Incident Procedure

1. In the event of an officer-involved shooting, or other use of deadly force the following procedures will be followed by supervisors:
 - a. The officer(s) will be removed completely from the immediate scene and duty assignment as soon as reasonably possible;
 - b. If applicable the officer(s) will protect their weapons for examination. The officer will turn the weapon over to an investigator or supervisor. The armorer will issue a replacement weapon to the officer as soon as practical;
 - c. Proper chain of command notifications will be promptly made, including the Chief of Police;
 - d. A supervisor shall take custody of the officer's body worn camera (if equipped with one) and handle it according to proper procedures;
 - e. A supportive peer or supervisor should stay with the officer;
 - f. The officer will be returned to the scene only if deemed necessary and reasonable under the circumstances;
 - g. Prior to the administrative interview or administrative review, the applicable administrative processes shall be explained to the officer;

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.4 Deadly Force – Incident Procedure

- h. If possible, the officer should be given some recovery time of two sleep cycles before detailed interviewing begins. The officer may be required to give a brief descriptive account of the event to investigators or supervisors immediately following the incident for public safety and/or proper crime scene management. Detailed departmental questioning shall be completed as quickly as possible following the recovery period;
 - i. If the officer is not injured, the officer, or if need be another Department representative, shall contact his or her family. Information will be provided to let the family know the basics of what happened.
 - j. If the officer is injured, appropriate emergency care will be rendered. The officer's family shall be contacted and a Department member will drive the family member(s), to the hospital;
 - k. Other officers at the scene shall be interviewed for signs of emotional trauma; and
 - l. A critical incident stress debriefing with a department psychologist is mandatory 24-48 hours after any officer provides a statement to outside agency investigator and, under the following circumstances:
 - a. Deadly force is used;
 - b. Any case involving serious bodily injury; or
 - c. When the Chief determines the incident requires the debriefing.
2. When an officer uses force that results in death or serious bodily injury or discharges his/her firearm at a person, the Kansas Bureau of Investigation (KBI) will conduct an investigation. If the KBI is not available, the investigation will be conducted by an outside agency as determined by the Chief of Police or designee. A department liaison, selected by the Chief of Police or designee, will be assigned to assist the investigating agency as needed.
 3. A designee by the Chief of Police will be assigned as a point of contact for the family of the deceased or injured to facilitate communication.
 4. A designee by the Chief of Police will be assigned to complete the Critical Incident Checklist, to ensure consistency in the departmental administrative processes related to the incident.

B. Report Documentation-Officer

1. When an officer uses deadly force, the officer shall file a written report detailing the incident. The following information shall be contained in the statement:
 - a. A detailed description of the words, actions and/or threat posed by the suspect warranting the need for force;
 - b. A description of the force used; and
 - c. Any subsequent actions taken by the officer.

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.4 Deadly Force – Incident Procedure

2. Any officer involved in a deadly force incident may be requested, as part of the criminal and/or administrative investigation, to submit to analysis of their blood or urine.

C. Day of the event

1. The supervisor on scene will advise dispatch to send command page to include the FOP President and Peer Support Program Manager.
2. Each officer involved in the critical incident will be assigned an officer on the scene. These officers are responsible for transporting the officer, one to a car, from the scene to the Law Enforcement Center and remain with them until relieved.
3. Officer(s) involved will be placed in a room that is not recorded or monitored.
4. While at the Law Enforcement Center an assistance employee, of their choice, will be made available to them.
5. The Topeka Fire Department and/or AMR may be called to the LEC to preliminarily check the general health/wellness of the officer(s) involved.
6. The employee shall complete his/her shift and may remain on-duty in an overtime status as long as necessary to facilitate investigation of the incident;
7. Affected officer(s) will be relieved of their assignments except those related to the incident. They will be placed on Administrative Leave/Duty until such time they are returned to full duty, administrative duty or, in some cases, light duty.
8. A critical incident debriefing session involving the affected officer(s) and a City of Topeka approved psychologist will be scheduled no later than **24-48** hours following the officer providing a statement to the criminal investigation.
 - a. The officer(s) spouse or immediate family should be involved if possible.
 - b. The session affords the member the opportunity to address immediate psychological concerns he/she may be experiencing and will allow the department to make the member aware of available resources to assist him/her.
9. The affected officer(s) will be given an explanation of the Stress Evaluation Process by the Bureau Commander which will be arranged for him/her. The Peer Support Team member can assist in the explanation process when requested by the Bureau Commander or his/her designee.

D. Days following the incident

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.4 Deadly Force – Incident Procedure

1. In an effort to enhance a safe return to full duty, the affected employee shall participate in a series of steps to ensure he/she is ready and confident to return to his/her regular duty assignment. After the traumatic or significant event, Department employees may be assigned a peer support team member to help assist in these processes.

2. If the affected employee is on administrative leave or duty he/she in some circumstances may be assigned to a limited duty assignment in the following days as determined by the Chief.

E. Six months following the incident:

1. The Bureau Commander will be responsible for ensuring there is contact through phone or physical visits between the affected officer(s) involved and a professional psychological service for further evaluation.

F. One year following the incident:

1. The Bureau Commander shall continue to work with the officer(s) involved and the Department psychologist if additional services/evaluations are needed.

C. Administrative Leave/Duty and Assistance Services

1. When an officer is involved in a deadly force incident causing death or serious bodily harm, they will be placed on administrative leave/duty or as determined by the Chief of Police.

- a. Assignment to administrative leave/duty will be automatic in every incident and does not imply that the employee has acted improperly.
- b. The officer(s) may return to full duty only after the Department's psychologist has determined that the employee is ready to return to duty and is approved by the Chief of Police.
- c. The involved officer(s) shall have various services available to them, including the Employee Assistance Program, Peer Support Program and Department Chaplains. The assistance from the professionals involved in these programs will be independent of internal or criminal investigations and will be appropriately confidential.
- d. The Department encourages the involved officer's family to take advantage of counseling services through the City's Employee Assistance Program.
- e. While on administrative leave/duty, the officer shall remain available for official departmental interviews and statements regarding the incident, and shall be subject to recall to duty.

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

4.4 Deadly Force – Incident Procedure

2. In the event of an officer's line of duty death, the officer's family will have the support of the Department.
 - a. Family members shall have the opportunity to talk to the Department Chaplains.
 - b. A Department member shall be designated a family liaison and will coordinate family needs with a designated Department supervisor(s).
3. Each supervisor is responsible for monitoring his/her officers for signs or symptoms of post-traumatic stress. These signs or symptoms may not be noted immediately after the incident and supervisors should take care to check on officers. It is also important to be cognizant of incidents or conversations that may contribute to the stigma of an officer seeking help.