

WEST PALM BEACH POLICE DEPARTMENT

IV-5 INVESTIGATION OF CRITICAL INCIDENTS

EFFECTIVE: 01/01/2005

CALEA Standards: N/A

CFA Standards: N/A

I. POLICY: The West Palm Beach Police Department has established procedures to investigate any actions by its members which result in injury, alleged injury or death to include all critical incidents and any line of duty incidents which the Chief of Police deems necessary. The Department, in conjunction with the State Attorney's office, will investigate all such incidents expeditiously, thoroughly and professionally in order to establish what factually occurred.

II. DEFINITIONS:

A. Critical Incident- A line of duty incident that causes death or serious bodily harm to an officer or other person. The Chief of Police specifies that the Critical Incident Team will investigate the incident.

B. Critical Incident Team (C.I.T)- A team tasked with the responsibility of investigating critical incidents.

C. Criminal Investigation- An investigation to determine the compliance or noncompliance with Florida State Statutes conducted by the Critical Incident Team.

D. Administrative Investigation- An investigation conducted by the Internal Affairs Unit to determine compliance or noncompliance with Departmental Policies, Procedures, and/or Rules & Regulations.

III. THE COMPOSITION OF THE CRITICAL INCIDENT TEAM:

A. The team supervisor or leader will be of the rank of Lieutenant or above and will be assigned to the Criminal Investigations Division.

B. One or more detectives selected from members of the Criminal Investigations Division.

C. The Criminal Investigations Division Commander will act as the investigation coordinator and oversee all aspects of the criminal investigation.

D. The C.I.T. Team Supervisor will provide Dispatch Operations with a "Notification List for Critical Incidents" which will be kept on file in Dispatch Operations. The notification list will be periodically updated by the C.I.T. Team Supervisor.

IV. PROCEDURE:

A. When a shooting or critical incident occurs involving a member of the West Palm Beach Police Department or an officer or agent from another law enforcement agency, the Shift Commander and Field Supervisor will respond to the scene and be responsible for the following:

1. Ensure that the Dispatch Operations Supervisor follows the Notification List for Critical Incidents and immediately notifies the following personnel:

a. The C.I.T. Supervisor who will authorize further team personnel to be called out.

b. The Internal Affairs Commander.

c. The Crime Scene supervisor or a designee, will respond to the scene. Additional investigators may be called out to assist with the investigation.

d. The Assistant Chief of the Field Operations Bureau and the Criminal Investigations Division Commander.

e. The Assistant Chief of the Bureau and the Division Commander of the Division in which the involved member works.

f. The E.A.P. Coordinator:

1) E.A.P. Coordinator will request the Department Psychologist if necessary.

g. The Captain of the Criminal Investigations Division,

h. The Public Information Officer.

i. The Chief of Police.

2. Take command of the scene and protect the evidence until the arrival of the C.I.T. Team.

3. Secure the entire area with crime scene tape and remove all unauthorized persons, including police officers not required inside the crime scene. The scene will not be altered, leaving everything as it was found.

4. Assign an officer at the scene to keep a log. The log will contain the following information:

a. The names of officers assigned duties at the scene, and what those duties were.

b. The names of any persons who enter the scene, the time they enter the scene, their authority and reason for entering the scene and the time they left the scene.

5. Ensure that all witnesses, including police officers, remain at the scene and are placed in separate locations to assure witness credibility.

6. Briefly speak with the involved member in order to ascertain a basic understanding of what occurred and be able to brief the responding supervisory personnel.

7. Advise the member involved and all witnesses not to discuss the details of the incident with any other personnel, regardless of rank, until they have been interviewed by the C.I.T. This does not preclude questions regarding the condition of the witnesses or officers by a supervisor.

8. Provide a reasonable, safe environment for the involved member while waiting to be interviewed, i.e., SWAT Van.

9. Allow the involved member to confer with his or her attorney and the Department psychologist, if requested.

a. The attorney and Department psychologist will be granted confidentiality rights as provided by state statute.

10. Ensure that the needs of the involved members are being taken care of.

11. Immediately initiate an area canvass to locate and identify any additional witnesses who have information regarding the incident. Any witnesses should be brought to the immediate attention of the lead investigator.

12. Remain at the scene and take charge of the perimeter and security until no longer needed.

B. Criminal and administrative investigations will be conducted concurrently by the C.I.T. Team and the Internal Affairs Unit.

C. The C.I.T. and the Internal Affairs Unit will investigate the following critical incidents:

1. Any use of physical force resulting in death or life threatening injuries likely to cause death.

2. When a member of the West Palm Beach Police Department has shot and injured a person or is shot and injured and the incident occurred within the City limits.

3. When a member of the West Palm Beach Police Department suffers a self-inflicted firearm injury, accidentally or otherwise.

4. Any death of a person while in the custody of any member of the West Palm Beach Police Department.

5. Any incident which the Chief of Police deems necessary.

6. In the event any of the above critical incidents involving West Palm Beach Police Officers occur outside the city limits, the Shift Commander will respond to the scene and stand by to monitor the situation. The Shift Commander will also ensure that notification is made to the Assistant Chief of the Field Operations Bureau or the Commander of the Criminal Investigations Division for determination regarding C.I.T. response to monitor and/or assist the investigating agency (if requested). The Shift Commander will ensure that the Assistant Chief of the Bureau in which the involved officers are assigned and the Internal Affairs Unit are notified. The latter will respond to monitor the investigation.

a. The Shift Commander will brief the C.I.T. member(s) and Internal Affairs Unit of what has occurred to that point and then turn the investigation over to them.

b. Internal Affairs Investigators have the option of conducting the administrative review immediately following the outside agency's investigation, or at a later date.

D. The C.I.T. (only) will investigate the following critical incidents:

1. When an officer or agent from another law enforcement agency is involved in a critical incident within the City limits and the C.I.T. investigates the incident:

a. The C.I.T. will keep the other law enforcement agency apprised of the progress of the investigation.

b. If the other law enforcement agency has concurrent jurisdiction, the West Palm Beach C.I.T. Team may coordinate the investigation with the other agency or conduct the investigation independent of the other agency.

E. Internal Affairs Investigators will be present and, if necessary, will:

1. Conduct separate interviews with each member.

2. Member witnesses are required to cooperate in the investigation.

a. If a witness refuses to cooperate on the belief that he or she is a participant in the incident, the member will be treated as an involved party.

b. If a witness refuses to cooperate or be interviewed, the appropriate personnel, Assistant Chief of the officer's Bureau, or highest ranking supervisor present from that Bureau, will be advised immediately in order to ensure that a lawful order is issued to the member and disciplinary action taken if the member refuses the supervisor's order.

F. All media releases and information concerning the investigation will be cleared through the office of the Chief of Police and released by the P.I.O. only.

V. RESPONSIBILITY OF THE C.I.T. INVESTIGATORS:

A. If the incident involves a death, notify the medical examiner for him or her to respond to the scene after conferring with the Crime Scene Supervisor.

B. Notify the State Attorney's Office.

C. Preservation and collection of evidence in conjunction with the Crime Scene Unit, including the officer's weapon(s).

D. Oversee the processing and photographing of the scene with Crime Scene personnel.

E. Tape record interviews and statements given by witnesses.

F. Conduct an on-scene walk-through and interview with all witness members. The interview of witness members at the scene will be conducted by C.I.T. and Crime Scene members as a fact-finding mission.

1. Witness members will be advised by C.I.T. Investigators if an official police report must be completed prior to going off duty (in most cases the taped interview will serve as the members' official report).

G. Attempt to conduct an on-scene walk-through and interview with any civilian and/or co-defendant who are not compelled to give a statement.

H. When the Internal Affairs Investigators have concluded their interviews, the C.I.T. Supervisor will conduct an on-scene critique to discuss the facts and circumstances of the incident with the following personnel:

1. CIT Team members,
2. Assistant Chief Field Operations,
3. The Captain of the Criminal Investigation Division,
4. The Crime Scene supervisor or a designee,
5. Internal Affairs Unit,
6. State Attorney, and
7. Any other personnel deemed essential by the C.I.T. Supervisor.

8. Upon completion of this critique, it will be determined whether the "Miranda Warning@ will be issued to the involved member, prior to conducting an interview and/or walk-through by the C.I.T. Supervisor or a designee.

I. The involved member(s) will be interviewed by the C.I.T. who will conduct a walk-through interview. This interview will be tape recorded. The Internal Affairs Unit will not participate in the interviews or walk-through interview, but may monitor the process. This interview must be voluntary in order to assist in any criminal prosecutions of any defendants. Internal Affairs Investigators have the option of conducting the administrative review immediately after C.I.T. Investigators are finished or at a later time.

J. If a member refuses to cooperate, the C.I.T. Supervisor will then notify the Internal Affairs Unit. The I.A. Investigators will continue with their administrative investigation (only) and the member will be ordered to cooperate per judicial precedent established by Garrity vs. New Jersey (Any statement given to Internal Affairs under Garrity cannot be used in any criminal prosecution). If the member refuses to give a statement to Internal Affairs, he or she will be immediately relieved of duty and face disciplinary action.

K. The Commander of the Field Operations Bureau (or in his or her absence, the C.I.T. Supervisor or the Captain of the Criminal Investigations Division) will keep the Chief's office advised of all aspects of the investigation as it progresses.

L. All reports and statements pertaining to any investigation conducted by the C.I.T. will be prepared and submitted as soon as reasonably possible.

M. At the conclusion of the on-scene C.I.T. investigation, the involved member(s) division commander will meet with the member(s) and discuss any problems he or she might have. The member(s) will be placed on administrative leave and sent home, pending the conclusion of the criminal investigation and the administrative review.

N. The final report, which includes all police reports, all statements, and the investigation conducted by the C.I.T., will be submitted to the Chief of Police through the Assistant Chief of the Field Operations Bureau. Conclusions as to any violations of criminal law will be submitted to the Chief of Police through the Assistant Chief of the Field Operations Bureau as soon as practical.

O. The C.I.T. Supervisor will conduct a post incident critique with the C.I.T. members, Dispatch Operations Supervisor, Internal Affairs, Command Staff Officers and the State Attorney assigned to investigate the incident.

VI. FOLLOWING THE CRITICAL INCIDENT:

A. Prior to the member(s) returning to duty, he or she must have an interview with the Department Psychologist. The member(s) will also be advised of the availability of the City's Employee Assistance Program.

B. The member(s), while on administrative leave, will be available at all times for official interviews and statements regarding the incident and will be subject to recall at any reasonable time.

C. Member(s) are not to discuss the details of the investigation with anyone except the member(s) private attorney, the Department Psychologist, C.I.T. Investigators, or the Internal Affairs Investigators.

VII. REFERENCES:

- SOP # II-6 Employee Assistance Program.
- SOP # III-18 Supervisor Notification.
- SOP # IV-22 Internal Affairs Function.

Delsa R. Bush, Chief of Police

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Job Title Task Files: CID Commander, I.A. Commander, A/C Field Operations, Crime Scene Supervisor, Captain Patrol Division, Shift Commander, PIO, EAP Coordinator