



ROME POLICE DEPARTMENT
POLICY AND PROCEDURE

EFFECTIVE DATE: 6-16-03	SUBJECT: REVIEW OF FIREARMS USE
REVISED DATE: 3-18-04	
SUPERCEDES: All Previous Memos, Orders, and Policies & Procedures	DISTRIBUTION: All Personnel
BY ORDER OF : Merino J. Ciccone, Chief of Police	GENERAL ORDER #: 03-01
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REFERENCES: ACCREDITATION STANDARD 21.1	

21.1 REVIEW OF FIREARMS USE

I. POLICY

The following procedures will be used to investigate incidents of firearms discharge by a Department member that results in death or injury, has extenuating circumstances, or is deemed necessary by a Patrol Commander and/or the Chief of Police, except for target practice, hunting, ballistics examinations, and incidents involving the destroying of an animal.

II. PROCEDURE

A. Involved Officers

1. Whenever an Officer discharges his/her firearm, either unintentionally or officially, he/she shall immediately:
 - a. Determine the physical condition of any injured person and render first-aid when appropriate and possible with the safety of the officer and the third person considered.
 - b. Request necessary emergency medical aid.
 - c. Notify a Command Officer.
 - d. Notify the dispatcher of the incident and the location. The Officer will remain at the scene (unless he/she is injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the Officer(s) at the scene might cause a more hazardous situation to develop (violent crowd), the Officer in charge at the scene shall have the discretion to instruct the officer(s) to respond to another more appropriate location. Common sense and training will be our guide.
2. The Officer will protect his/her weapon for examination and submit said weapon to the appropriate Command Officer.
3. The Officer shall prepare a detailed report of the incident on an Inter-Departmental Memo. The investigating officer will complete the Investigation Report.
4. The Officer will not discuss the case with anyone except:
 - a. Assigned supervisory and internal investigative personnel;
 - b. The Corporation Counsel and District Attorney or an assigned Assistant District Attorney;
 - c. The Officer's privately retained attorney; psychologist, clergy, or his/her immediate family;
 - d. Other persons specifically authorized by law or contract;
 - e. Other persons specifically authorized by the Chief of Police.

5. The Officer(s) shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to duty at any time.
6. Submit to blood and urine testing at the direction of the Chief of Police or his designee command officer.
7. The Officer(s) shall prepare a Weapons Use Report (Form AUX 40), as is required when they remove their weapon from the holster in the line of duty. This report will be immediately forwarded to his/her Commanding Officer for review and then submitted to the Deputy Chief of Police prior to forwarding same to the Chief of Police.
See Section 20.1 Subdivision III-B.

B. Command Officer's Procedure

1. Proceed immediately to the incident scene and assume command.
2. Assist the involved Officer(s), ensuring that officers receive any necessary medical treatment and that any injuries are documented on police reports.
3. Secure the scene, and evaluate the incident and its causes.
4. Conduct preliminary field investigations and call for any additional specialized units or persons needed in the investigation.
5. Establish a time and place, with the Chief on the scene, for designated persons to meet to continue the investigation. The meeting will be held as soon as possible after such notifications are made to those required to attend.

CONSIDER THE FOLLOWING:

- A. Service Unit on Scene.
- B. *Forensic units. (Amended 3-18-04)*
- C. Evidence Technicians.
- D. District Attorneys office on scene.

III. THE INVESTIGATION

A. Command Officer

1. The investigation of the incident will be under the direction of a Command Officer designated by the Chief of Police.
2. The Commanding Officer shall investigate the circumstances of the fire-arms discharge and include in his/her report any observations or conclusions by him/her from the information obtained.

B. Department Investigation

1. The Department will conduct a thorough investigation of every shooting by a Police Officer, which results in injury or death. The investigation shall include the following minimum procedural standards:
 - a. Proceed to the scene immediately upon notification.
 - b. Secure the scene.
 - c. Examine the weapon(s) of all Officers present at the time the shots were fired and any weapon(s) in police vehicles.
 - d. Secure the weapon(s), which may have been fired.
 - e. Secure samples of unspent ammunition.
 - f. Separate, secure, and interview all on-scene witnesses.
 - g. Photograph and diagram the scene.
 - h. Secure all physical evidence; have proper medical authorities secure projectiles from victim's body.
 - i. Secure telecommunications tapes (immediate request).
 - j. Obtain any and all reports relating to the incident.
 - k. Check for video recordings that may be available (immediate request).

C. Internal Affairs Units Investigation

1. The Internal Affairs Unit function shall be under the direction of the Chief of Police and any others so designated.
2. The Chief of Police, when required, shall cause to be conducted an Administrative Investigation. The investigator(s) will conduct an investigation (separate from the criminal investigation) to determine whether the shooting was:
 - a. Within policy;
 - b. Out of policy; or
 - c. Unintentional.
 - d. The interviewed member shall, upon request, be provided a copy of any statement given by him.
 - e. The investigator(s) will prepare a detailed report of finding for the Chief of Police.