



MANUAL ORDER

No. 405

Subject: Review of Firearms Use		Effective: 11/14/2022 Cancels: 03/18/2004
Issuing Authority: Chief of Police	NYS LEAP Standard: 21.1	Review Date: 10/03/2023

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 Officer

Whenever an officer is involved in an incident requiring a critical use of force investigation, the involved officer shall undertake the following actions, where feasible and appropriate under the following circumstances:

- a. Determine what actions need to be taken to render the scene safe;
- b. Once the scene is safe, immediately determine the physical condition of any injured person;
- c. Render first aid when appropriate;
- d. Request medical first responders (Rome Fire Rescue, AmCare);
- e. Notify E-911 of the incident and location;
- f. Notify and request a supervisor;
- g. Secure the incident scene, and if feasible, protect all physical evidence and identify all potential witnesses;
- h. Remain at the scene (unless injured) until the arrival of appropriate supervisory officers;

***NOTE:** If the circumstances are such that the officer's continued presence at the scene may cause the development of a more hazardous situation (i.e. dangerous crowd), the ranking commanding officer on the scene may, at the discretion, direct the officer(s) to respond to another location.*

- i. Provide a Public Safety statement to the on-scene supervisor;
- j. After completing the Public Safety statement and being cleared by the scene supervisor, the involved officer(s) will be transported to Rome Police Headquarters, unless medical attention is needed or requested;
- k. Upon arrival at Rome Police Headquarters, take direction from investigating detectives, if appropriate;
- l. The officer shall surrender their weapon to authorized personnel, if directed to do so; and
- m. The involved officer shall not discuss the incident with anyone, including the accompanying officer. However, the involved officer may discuss the incident with the following authorized personnel:
 - i. Authorized investigative personnel;
 - ii. Attorneys representing the involved officer;
 - iii. Qualified mental health professionals; or Union representatives
- n. Be available at all times for official interviews and statements regarding the case and shall be subject to recall to duty at any time.
- o. Submit to blood and urine tests.
- p. Prepare a Use of Force Report Form, as is required when they remove his/her 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 Training Division and the Record's Office. The Record's Office will forward a copy to the Deputy Chief.

B. Supervisor Procedure

When a supervisor is summoned to the scene of the incident requiring a critical use of force incident investigation, the supervisor shall undertake the following actions, where feasible and appropriate under the circumstances:

1. Determine the existing danger level on-scene;
2. Ensure that those that are injured receive medical attention;
3. Assume control and maintain the integrity of the scene until properly relieved;
4. Obtain a brief overview of the incident using the Public Safety Statement (Form 1038 as attached to this policy), relay pertinent public safety information immediately via radio to responding units as appropriate, and provide the completed Public Safety form to an investigating detective on scene. This statement will not be recorded and should be conducted in a location away from any recording devices;

NOTE: Because the Public Safety statement is a compelled statement, the involved officer should be directed to turn off their BWC prior to making the statement.

5. If the involved officer is equipped with BWC, obtain and secure the officer's BWC for the future review by the Detective Division;
6. Ensure that the involved officer(s) make no statements to unauthorized personnel;
7. Assign an uninvolved officer to accompany the involved officer to the Rome Police Headquarters as soon as practical. The accompanying officer shall remain with the involved officer but shall not discuss the incident with the involved officer;
8. Ensure that the following notifications have been made:
 - a. To an on-duty commanding officer;
 - b. To the Deputy Chief;
 - c. To the Detective Division Commander
9. Once relieved from the scene, respond to the Rome Police Headquarters and take direction from the Detective Commander, if appropriate.

III. THE INVESTIGATION

A. Command Officer

When a commanding officer is summoned to the scene of the incident requiring a critical use of force incident investigation, the commanding officer shall undertake the following actions, where feasible and appropriate under the circumstances:

1. Render command assistance and chain-of command support for all activities at the scene with investigating detectives;
2. Ensure that proper notifications as set forth in **Section 21.0 Subsection IV C-3(h)** have been made; ensure that an officer(s) not involved in the incident has been assigned to accompany the involved officer(s) to the Rome Police Headquarters.

B. Detective Division

1. The investigation of the incident will be under the direction of a detective, designated by the Detective Commander.
2. The Detective Division will respond to the scene of all incidents requiring a critical use of force investigation and will conduct investigative activities, including but not limited to the following, where feasible and appropriate under the circumstances:
 - a. Obtain a briefing on the incident;
 - b. Confirm that the public safety statement has been collected;
 - c. Ensure that the incident scene has been properly secured;
 - d. Attempt to locate witnesses;
 - e. Where possible, audio- or video-record interviews with emergency medical personnel, fire department personnel, and first responding officers regarding conditions at the incident scene when they arrived to include any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.
 - f. Conduct a preliminary canvass of the area;
 - g. Attempt to locate and secure surveillance videos;
 - h. Gather information regarding the response to the call, to include, where applicable:
 - i. The number of involved officer(s) present;

- ii.** Experience and training of the involved officer(s), to include training records;
- iii.** Force options available to the involved officer(s);
- iv.** Basis for subject contact, to include seriousness of offense, if any;
- v.** Degree and length of time of subject resistance;
- vi.** Means used to control or restrain subject;
- vii.** Legal basis for use of force or custody;
- viii.** The behaviors and reactions of the subject once detained or in custody;
- ix.** Whether emergency medical services were called and, if so, at what point;
- x.** If the subject was seriously injured or admitted to a medical facility:
 - 1.** What were the nature and severity of the injuries?
 - 2.** Were the injuries consistent with the incident as described by the involved officer(s)?
- i.** Obtain search warrants for any vehicles, containers, homes, or vehicles as may be necessary;
- j.** Ensure notification occurs to the Forensics Unit and/or Evidence Technician to respond to the scene of all critical use of force incidents to process the scene for evidence in compliance with standard investigative procedures;
- k.** Ensure that the involved officer is issued a replacement weapon by a designated Firearms Instructor, if appropriate;
- l.** Make any required next of kin notifications to the family members of the subject;
- m.** Determine and recommend to the Chief of Police whether any non-involved officers should also be placed on administrative leave as the result of the critical use of force incident;

- n. Establish and maintain a liaison with the District Attorney's Office and New York State Attorney General Investigator (O.S.I);
- o. Prepare a complete and accurate report regarding the incident for review by the District Attorney's Office;
- p. Prepare a summary report regarding the nature of the officer-involved shooting and include the involved officers' use-of-force reports, where applicable, for submission to the Chief of Police.
- q. Participate in the preparation of the After Action report, as directed by the Chief of Police.

C. Forensic Supervisor

- 1. Coordinate with the investigating supervisor with respect to documenting all evidence of the use of force incident; to include accidental discharge of a firearm.
- 2. Take photographs of the critical use of force incident and scene, including documenting the subject's injuries, the involved officer's injuries, and any observed evidence of the incident in question, the degree of force or resistance used, the evidence of a struggle, etc.
NOTE: A photograph showing an absence of injury is as important as one that shows injury. Photographs must be taken regardless of whether an injury exists.
- 3. Collect any relevant physical evidence.
- 4. Prepare a narrative report to document any additional relevant evidence not otherwise reflected in the photographs or collected as physical evidence.

D. Office of Professional Standards (OPS)

- 1. OPS will conduct a separate administrative investigation according to its own protocols and procedures.
- 2. OPS will coordinate with the Detective Commander of the Detective Division to ensure minimal interference with critical use of force incident investigation, until the review of said case by the District Attorney's office. The OPS investigation will determine whether the involved officer's conduct is consistent with the Departmental policies, procedures, and training.

IV. WARNING SHOTS

All law enforcement members of the Rome Police Department who are authorized to carry firearms are prohibited from using his/her firearm to fire a warning shot.