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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Response to Police-Involved Deaths

Distribution:	All Personnel	Index:	OPS 0104
Responsible Unit:	Investigative Services Bureau	Rescinds:	OPS 0104 dated 10/01/21
		Reference:	See Policy

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1. Purpose

To inform deputies and supervisors of the Harford County Sheriff's Office (HCSO or the Office) of their obligations when involved in or responding to Police-Involved Deaths (defined below) within Harford County or that involve HCSO Law Enforcement (LE) Deputies.

2. Policy

Harford County Sheriff's Office supervisors will respond to all Police-Involved Deaths in such a manner that, to the greatest extent possible, protects the health, safety, and dignity of all involved and will serve a vital role securing, and maintaining the scene. Supervisors will initiate through the Chain of Command notification to the Maryland Office of the Attorney General pursuant to law (Md. Public Safety Code Ann §3-507) and will cooperate with the independent investigation pursuant to law (Md. Code, State Government Article § 6-106.2).

The Harford County Sheriff's Office will conduct comprehensive criminal and administrative investigations of all Police-Involved Deaths resulting directly from an act or omission of a law enforcement deputy while the deputy is on duty.

3. Definitions

COOPERATE: means full transparency and access to crime scenes, interviews, collected evidence, video footage, personnel, policies, and reports associated with the HCSO response to Police-Involved Deaths.

INDEPENDENT INVESTIGATIVE DIVISION (IID): a Unit within the Maryland Office of the Attorney General that is charged with conducting independent investigations of Police-Involved Deaths (Md State Government Code Ann §6-106.2).

POLICE-INVOLVED DEATH: means any civilian death that is alleged to be or potentially is police-involved, which occurs while the law enforcement officer is on duty or while the officer is off duty but performing activities that are within the scope of the officer's official duties. (Md. Public Safety Code Ann §3-507).

PUBLIC SAFETY STATEMENT: a statement by an involved or witness deputy in response to a prepared list of questions regarding information necessary to protect public safety in the immediate aftermath of a Police-Involved Death, including the type of force used, the direction and approximate number of shots fired by the involved deputy(ies) and the subject(s), the location of an injured person, the time lapse since the subject was last seen, whether the subject is armed, and any other information necessary to ensure officer and public safety.

4. Procedures

- A. Deputies involved in Police-Involved Deaths must immediately notify the on-duty supervisor, who will immediately respond to the scene.
1. If the on-duty supervisor was involved or witnessed the incident resulting in a Police-Involved Death, another supervisor of equal or higher rank should respond to the scene.
 2. If there are no other supervisors of equal or higher rank who are immediately available to respond, the involved deputy(ies) or supervisor(s) will notify the Chief Deputy, who will determine the appropriate supervisor to respond and serve as the on-duty supervisor as discussed in this policy.
- B. The on-duty patrol supervisor will notify the Criminal Investigations Division (CID), and the on-duty/on-call CID supervisor will immediately notify Command via a bureau text. In an effort to ensure complete transparency and prompt cooperation, notification will also be made when death is believed to be imminent.
- C. Pursuant to Md. Public Safety Code Ann §3-523 regarding a Police-Involved Death, the CID supervisor will:
1. Notify the on-call IID at the primary phone number 410-576-7070;
 2. If no answer, leave a message and notify the IID supervisor at 410-369-6325;
 3. Initiate another bureau text to advise Command of the status of a response by the IID; and
 4. Maintain a log to include all calls made to the IID including the names of those they spoke with.
- D. HCSO CID will respond and conduct the criminal investigation into any Police-Involved Death involving an HCSO deputy. The HCSO will ensure that a parallel internal administrative investigation is initiated immediately. The deputy(ies) involved will be removed from operational assignments, pending the outcome of the administrative review.
1. The HCSO CID while conducting the investigation will fully cooperate with IID personnel during their legally mandated investigation.
- E. The on-duty patrol supervisor will be responsible for the following steps at the scene of the Police-Involved death:
1. Securing the scene and taking appropriate steps to protect the integrity of the resulting investigation;
 2. Minimizing injury and loss of life; and
 3. Ensuring that all required reports are completed to include an incident report and/or supplements in the Law Enforcement Records Management System (RMS) when notifications are made to the IID.
- F. Evidence Collection and Storage
1. Collection of physical evidence at scene.

- a. Personnel from the HCSO Forensic Services Unit (FSU) and CID will oversee the scene(s) and collection of all physical evidence.
 - b. All physical evidence collected will be shared in real time with the IID. If IID response is extended, evidence will be made available for review when practical.
2. Collection of other evidence
- a. HCSO video evidence
 - i. The HCSO will identify all personnel who are equipped with Body Worn Cameras (BWC) and/or Mobile Video Systems (MVS) that potentially captured any aspect of the incident, including footage from before and after the incident.
 - ii. Any BWC and/or MVS footage will be secured and shared with the IID.
 - b. Other video evidence
 - i. The HCSO will begin to identify all video surveillance evidence and secure the evidence.
 - ii. All collected video evidence will be shared with the IID.
 - c. The responding supervisor will gather and review all known video recordings to be shared with the IID personnel.
3. Involved and witness officers
- a. The HCSO will identify and separate all involved and witness deputies/officers.
 - b. If there is an imminent need to remove the involved or witness deputies/officers from the scene, FSU will photograph the officers on scene before transport.
 - c. If an officer must be transported from the scene, he should, if possible, be transported in a vehicle with an operating MVS and/or in the company of a deputy/officer wearing an operating BWC.
 - d. Nothing in this policy shall prohibit obtaining a Public Safety Statement.
4. Civilian witnesses
- a. The HCSO will identify, separate, and maintain all civilian witnesses, and the CID will conduct interviews of these witnesses.
 - b. The IID, if on scene, will be permitted to participate in these interviews, if practical and in the best interest of the investigation.
 - c. If a civilian witness is unwilling to wait on scene for the arrival of CID/IID personnel, the HCSO will attempt to conduct an interview with the individual to collect any evidence or statements they may have. HCSO personnel will obtain contact information for the witness to include name, date of birth, address, and a contact number, and if applicable, vehicle registration information. If possible,

any on scene interaction with a civilian witness should be recorded and documented.

G. Submission of Evidence

1. All evidence collected as part of a Police-Involved Death will be submitted to HCSO Property Management Unit (PMU) per HCSO policy.
2. The IID will have unfettered access to all evidence collected by HCSO personnel.
3. Requests for transfer of HCSO evidence
 - a. If the IID determines that it needs possession of HCSO collected evidence for its own investigation, the IID may make an official request for the transfer of the evidence.
 - b. The HCSO will cooperate with the transfer of evidence so long as that transfer does not hinder other HCSO investigations.
 - c. Every effort will be made to accommodate IID transfer requests so long as it does not prejudice an HCSO investigation or potential prosecution.
 - d. All transfers of HCSO evidence to the IID must be requested by the IID chief, in writing, and must be approved by the HCSO Chief, Investigative Services Bureau.

H. Analysis of Evidence

1. IID personnel may request the analysis and testing of evidence collected by HCSO for the IID investigation, as they deem appropriate.
2. The IID request for analysis of HCSO evidence will be accommodated as long as that request does not prejudice an HCSO investigation or potential prosecution.
3. Because IID investigations of LE personnel may impact investigations of criminal activity arising from the same general incident, HCSO personnel will collaborate with the IID to find solutions that allow for the proper investigation of both the HCSO investigation and the IID investigation without prejudicing either case.
4. Where the two investigations share witnesses, the HCSO will coordinate with IID to the extent possible prior to conducting interviews.
5. If HCSO personnel determine the evidence is not required for an HCSO investigation the IID may collect, store, and analyze the evidence according to their normal procedures.
6. The IID may also request that the HCSO FSU personnel collect that evidence at the scene and provide same to the IID for future analysis.

I. Death Notifications

1. Notifications related to an incident regarding a Police-Involved Death, will be made in cooperation with the IID.

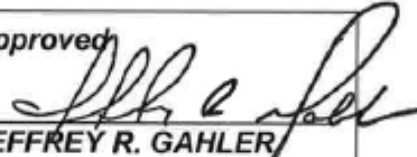
J. Media Response

1. Communication with the public and media in the wake of a fatal incident must balance the public's desire for quick answers, the need for accuracy, and the need for conducting a thorough investigation.
2. The HCSO will provide updates and media releases in as timely a manner as possible.
3. These media and public releases will be completed in consultation with the IID to ensure the integrity of all involved investigations.
4. Prior to the release of the following information, the HCSO will consult with the IID in an effort to avoid impacting the outcome of their investigation:
 - a. Body camera footage;
 - b. In-car camera footage;
 - c. Surveillance footage;
 - d. Commercial or residential security camera footage;
 - e. Crime-scene or other photographs, other than photos related to a continuing search for a suspect;
 - f. Photographs or video footage taken by witnesses;
 - g. Detailed statements provided by officers/deputies involved;
 - h. Detailed statements provided by witnesses or suspects;
 - i. Test results of any kind;
 - j. Investigative reports;
 - k. Autopsy information, including cause/manner of death;
 - l. Legal conclusions about an officer's conduct; and
 - m. Any information that could be considered investigative or evidentiary.
5. The HCSO will generally release the name of the involved deputies within 48 hours of the incident, though that period may be extended if there is a specific reason to believe that a deputy's safety is at risk.

K. Types of Incidents Requiring IID Notification include, but not limited to:

1. Officer involved vehicle crashes involving deaths;
2. Pursuits (vehicle and foot) that result in death;

3. Uses of force that result in death;
4. Suicides that occur when deputies are on scene;
5. In-custody deaths where the manner of death is medical or unknown; and
6. Deaths that occurred when medical interventions by deputies were unsuccessful or medical interventions did not occur (e.g., traffic crashes, overdoses, or other medical emergencies).

Approved

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SHERIFF
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