



# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

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## Deputy Involved Shootings

<b>Distribution:</b>	<b>All Sworn Employees</b>	<b>Index:</b>	<b>OPS 1223</b>
<b>Responsible Unit:</b>	<b>Criminal Investigations Division</b>	<b>Rescinds:</b>	
<b>DLI Program:</b>		<b>MD Code:</b>	

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### 1. Purpose

To establish procedures for the investigation of a deputy involved shooting and to ensure that such incidents are investigated in a fair and impartial manner.

### 2. Policy

While these procedures are designed to be used by Harford County Sheriff's Office (HCSO) members while involved in the investigation of a deputy involved shooting, they may be adopted by members of the HCSO investigating a shooting in Harford County by a police officer other than an HCSO deputy.

### 3. Definitions

**DEPUTY INVOLVED SHOOTING:** whenever a deputy discharges a firearm during an application of force against one or more individuals in the performance of his duties or under the authority granted to him as a deputy. In this policy the use of the word deputy will refer to any HCSO deputy or any other agency's officers, federal agents, peace officers, and special police.

**FATAL/IMMINENTLY FATAL SHOOTING:** when an individual shot by a deputy has expired or is imminently going to expire, the procedures in [OPS 0104](#) Response to Police-Involved Deaths will also be followed.

**INVOLVED DEPUTY:** any deputy who discharged a firearm during the incident including a deputy who may be unsure whether he discharged a firearm.

**LETTER OF DECLINATION:** a written communication signed by the Primary State's Attorney or his designee documenting the review of evidence and thereafter declining to formally charge a deputy with a crime.

**PUBLIC SAFETY STATEMENT:** information deemed reasonably necessary to aid in identifying and apprehending suspect(s) at large, identifying witnesses, identifying the parameters of the scene, aid in locating evidence, and determining if individuals were injured in the incident.

**SWORN WITNESS:** any sworn officer at the scene of the incident who did not discharge a firearm.

### 4. References

COBR: Correctional Officers' Bill of Rights

[OPS 0103](#) Body-Worn Cameras

[OPS 0104](#) Response to Police-Involved Deaths

## 5. Procedures

- A. Deputy involved shootings will be investigated by two separate groups of investigators.
  - 1. A criminal investigation to gather evidence to submit to prosecutors who will determine whether the shooting was appropriate under criminal law.
    - a. When a deputy involved shooting occurs in Harford County, generally, investigators from the HCSO Criminal Investigations Division (CID) will handle the criminal investigation.
    - b. In extreme circumstances, the Sheriff may authorize investigators from outside the HCSO to conduct a criminal investigation of a deputy involved shooting which occurred in Harford County.
    - c. When a deputy involved shooting occurs outside of Harford County, the law enforcement agency with the primary law enforcement authority in that jurisdiction generally conducts the criminal investigation.
  - 2. Investigators from the Office of Professional Standards (OPS) will gather information about the deputy involved shooting and determine whether the deputy(s) involved in the shooting adhered to Agency policies.
- B. Duties of Initial On-Scene Supervisor
  - 1. Upon arrival at the scene of a deputy involved shooting, the first uninvolved supervisor will take all reasonable steps to obtain emergency medical attention for all injured individuals.
  - 2. When applicable, obtain a brief public safety statement from any involved deputy(s).
    - a. Absent a voluntary statement from a deputy, the initial on-scene supervisor will not attempt to order any deputy to provide information about the shooting beyond a public safety statement.
  - 3. Provide the Watch Commander/Duty Officer with all pertinent information concerning the shooting.
    - a. If feasible, sensitive information should be communicated over a secure network.
  - 4. Take command of and secure the incident scene with additional personnel until relieved by a CID investigator who will control the investigation.
    - a. Once the scene is determined to be safe by the on-scene commander, CID personnel assume command of the crime scene.
    - b. Involved deputies and witnesses will not be released from the scene without approval from a CID supervisor.
  - 5. As soon as practical, ensure that involved deputies are given an order to not discuss the incident with any other involved deputy until the order is rescinded by a Division Commander or higher.

6. Will follow the protocols regarding body-worn cameras as detailed in OPS 0103 Body-Worn Cameras.
7. With concurrence from a CID supervisor, as soon as practical have the involved deputy(s) directly transported separately to the nearest precinct, or other location as directed by the on-scene commander, unless extreme circumstances dictate otherwise.
  - a. On-scene supervisors will not allow involved deputies to transport themselves to the secure facility.
  - b. Ensure that a supervisor (preferably from the chain of command of the involved deputy(s)) meets the deputy(s) at the NP, SP, or CID.

C. Duties of the Supervisor at the Involved Deputy's Location

1. A supervisor will stay with the involved deputy(s) and will:
  - a. Once at the nearest police facility, provide the deputy with a medical assessment by a trained medical professional, if requested;
    - i. If a deputy is transported to a medical facility, the supervisor will ensure his weapon is secured at the scene and prior to arrival at a medical facility.
  - b. Act as a liaison between the involved deputy(s) and other individuals or groups involved in the investigation of the incident;
  - c. To the extent possible, ensure that any needs of the involved deputy(s) are met;
  - d. Notify any Agency members meeting with the involved deputy(s) that they are not to discuss the facts of the shooting with the deputy(s);
    - i. This does not apply to Agency members involved in the investigation of the incident.
  - e. Ensure that the firearm(s) used by the involved deputy(s) is surrendered to a supervisor or an investigator with the Forensic Services Unit (FSU) at the scene; and
    - i. As soon as possible and upon approval of the respective Division Commander or Bureau Chief, an involved deputy's primary duty weapon will be replaced.
  - f. Ensure that any evidence that might be on or in the possession of the involved deputy(s) is preserved pending collection by CID.
    - i. Any item that a CID investigator deems to be part of the incident, on or with the involved deputy, is subject to surrender to the FSU.

D. Preliminary Scene Commander Duties

1. Upon learning of a deputy involved shooting, the preliminary scene commander will be responsible for coordinating all aspects of the incident until relieved by chain of command.

E. Notifications

1. The on-scene supervisor will notify his chain of command and the on-call member of the Public Information Office (PIO) as soon as practical.
2. The Duty Officer/Watch Commander will notify the respective Division Commander of the precinct in which the shooting occurred.
3. The Division Commander will ensure that the following are notified:
  - a. Bureau Chief of the involved deputy who in turn will notify the Chief Deputy and the Sheriff;
  - b. Division Commander of the involved deputy;
  - c. CID Division Commander;
  - d. OPS;
  - e. Deputy Representative (if requested); and
  - f. Union Representative (if a member).
4. All outside inquiries regarding support for the incident will be directed to the Incident Commander.

F. Media Relations

1. Media releases will follow the procedures contained in OPS 0104 Response to Police-Involved Deaths.

G. Involved Deputies

1. Deputies involved in the incident may expect the following:
  - a. Any request for legal representation will be accommodated.
    - i. Discussions between the involved deputy and his attorney will be considered privileged communications.
2. Consultation with a mental health professional will be provided by the Agency to each involved deputy and any other deputy upon request.
  - a. Interviews with a licensed mental health professional will be considered privileged communications to the extent that, considering the circumstances, they qualify as such under the law.
  - b. The Agency's expectation will be that the mental health professional contracted by the Agency will provide the Agency with his assessment of the involved deputy's fitness to return to duty.
  - c. When practical, and at the request of the involved deputy, an interview or session with a licensed mental health professional may take place prior to the involved deputy providing a formal interview or report.

3. Agency issued equipment may be collected and processed to include the Agency vehicle.
  - a. Personal items in the Agency vehicle or on the person of the involved deputy may also be collected.
  - b. Every effort will be made to return all personal items determined to be of no evidentiary value in a reasonable amount of time.
  - c. Computer Support will provide the involved deputy with a replacement cell phone for any Agency issued cell phone taken as part of the investigation of the incident.
4. Investigators and Division Commanders will make reasonable accommodations regarding the deputy's physical and emotional needs.
5. Each deputy who discharged a firearm will be given paid administrative leave for a minimum of three working days following a deputy involved shooting.
  - a. Following the minimum allotted administrative leave days, the deputy(s) involved in the shooting will not return to full duty status until the HCSO has received the Letter of Declination from the State's Attorney's Office.
  - b. Between the conclusion of the administrative leave, and the return to full duty, the Sheriff will determine the deputy's operational status.
  - c. The involved deputy's Division Commander will ensure schedules are adjusted to accommodate the administrative leave and/or any other status as determined by the Sheriff.
6. If the deputy's firearm is seized, a supervisor will ensure the deputy receives a replacement from the Range Master.

H. Statements Given by Involved Deputy(s)

1. Subsequent to a law enforcement deputy being involved in a shooting, the involved deputy will be afforded a minimum of five days before being asked to make a voluntary written or oral statement detailing his knowledge of the facts of the shooting.
2. Subsequent to a correctional deputy being involved in a shooting, the involved deputy will be afforded a minimum of ten days before being asked to make a voluntary written or oral statement detailing his knowledge of the facts of the shooting (COBR §11-1005).

I. Reports by Involved Deputies

1. Unless directed by CID, involved deputies and witnesses will not write a report or supplement concerning the incident.
2. Statements given to criminal investigators will suffice for the deputy's account of the incident.
3. An uninvolved patrol deputy will be assigned to collect basic information and complete an initial report.

4. A criminal investigator will be assigned to gather information necessary to charge any suspect(s) in the incident.
5. When applicable, the criminal investigator will complete any charging documents against the suspect.

Approved  
  
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SHERIFF  
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