

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

- (a) The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting, dies as a result of other action of a deputy or dies while in the custody of the Sheriff's Office.
- (b) In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

For procedures related to Officer-Involved Shootings and Deaths, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Officer Involved Shootings and Deaths Incident](#).

304.2 POLICY

The policy of the St. Mary's County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 DEFINITIONS

- (a) **Involved Officer** - A sworn law enforcement officer whose actions are directly connected to an officer-involved shooting or death. This includes, but is not limited to, any officer who:
 1. discharged a firearm or applied force during the incident;
 2. used or attempted to use deadly force or force reasonably likely to result in death or serious bodily injury; or
 3. engaged in conduct that is a direct and proximate cause of the injury or death under investigation.

An officer shall be considered an Involved Officer regardless of whether the officer's actions were intentional, accidental, or alleged to be justified, and regardless of whether the officer is ultimately determined to have acted in compliance with law or policy.

- (a) **Witness Officer** - A sworn law enforcement officer who did not discharge a firearm or apply force contributing to the injury or death, but who:
 1. observed all or part of the officer-involved shooting or death;
 2. arrived contemporaneously with the incident and directly perceived relevant events; or
 3. possesses material information based on firsthand observation that is reasonably related to the incident under investigation.

A Witness Officer shall not be considered an Involved Officer solely by virtue of presence at the scene, participation in post-incident response, scene security, medical aid, or investigative or supervisory duties, unless their actions independently meet the definition of an Involved Officer.

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304.4 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the Involved Officer's actions.
- (c) An administrative investigation as to policy compliance by Involved deputies.
- (d) A civil investigation to determine potential liability.

A criminal investigation has priority over any parallel administrative investigation and will begin immediately following the incident for which this protocol is invoked.

304.5 CONTROL OF INVESTIGATIONS

- (a) Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.
- (b) Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following sections outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.5.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

- (a) The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, St. Mary's County Sheriff's Office would control the investigation if the suspect's crime occurred in St. Mary's.
- (b) If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be handled by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

304.5.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved involved officer's conduct during the incident will be in accordance with Md. Code, State Government Article § 6-106.2.

304.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.6 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

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304.6.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SMCSO deputy will be the deputy-in-charge and assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Sheriff's Office or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

For procedures related to Uninvolved Deputy Responsibilities, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Scene Security](#).

304.6.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SMCSO supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any witness officers. In the event that there are no witnessing officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any SMCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
- (c) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information. [397B Public Safety Statement](#)
- (d) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (e) Provide all available information to the Shift Supervisor and Emergency Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional SMCSO members until properly relieved by another supervisor, or other assigned personnel or investigator.
- (g) As soon as practicable, ensure that involved officers are sequestered separately from one another at or near the scene in a private location (if feasible) pending contact with the On-Call Commander and/or the Independent Investigative Division (IID) of the Maryland OAG.

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- (h) Each involved SMCSO deputy should be given an administrative order not to discuss the incident with other involved officers or SMCSO members pending further direction from a supervisor.
- (i) When an involved officer's weapon is taken or left at the scene for other than officer safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

For procedures related to Supervisor Responsibilities, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Scene Security](#) and [Transporting and Sequestering of Involved Officers/Witnesses](#).

304.6.3 SHIFT SUPERVISOR RESPONSIBILITIES

- (a) Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the on-call Commander.
- (b) All outside inquiries about the incident shall be directed to the Shift Supervisor.

304.6.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Assistant Sheriff
- On-Call Commander
- Criminal Investigation Division Captain
- Office of Professional Responsibilities supervisor
- Psychological/peer support personnel
- Chaplain
- Public Information Officer

The Shift Supervisor will contact the On-Call Commander, On-Call CID Supervisor and PIO. All other notifications will be made by the On-Call Commander and Assistant Sheriff.

304.6.5 INVOLVED OFFICERS

- (a) The following shall be considered for the involved officer.
 - 1. Any request for legal or union representation will be accommodated.
 - (a) Involved and witnessing SMCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - (b) Requests from involved non-SMCSO officers should be referred to their employing agency.

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2. Discussions with licensed attorneys will be considered privileged as attorney-client communications.
3. Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.
4. A licensed psychotherapist shall be provided by the Office to each involved SMCSO deputy. A licensed psychotherapist may also be provided to any other affected SMCSO members, upon request.
 - (a) Interviews with a licensed psychotherapist will be considered privileged.
 - (b) An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved member shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
5. Communications between the involved deputy and a peer support member is addressed in the Wellness Program Policy.
 - (b) Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.
 - (c) Each involved SMCSO deputy shall be given reasonable paid administrative leave (as allowed by Md. Code PS § 3-107) following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

304.7 CRIMINAL INVESTIGATION

- (a) The St. Mary's County Sheriff's Office Criminal Investigation Division (CID) will conduct the criminal investigation into the involved officers' actions of any police-involved incidents that do not result in the death of civilians or injuries not likely to result in death.
- (b) The Office of the Attorney General's Independent Investigations Division ("IID") will conduct the criminal investigation into the involved officers' actions of any police-involved incidents that result in the death of civilians or injuries likely to result in death.
- (c) In both instances listed above, the St. Mary's County Sheriff's Office Criminal Investigation Division (CID) will conduct the criminal investigation into all other criminal matters associated with the incident, to include the suspect's actions.

For procedures related to Criminal Investigation, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Involved Officer Criminal Interview](#), [Administrative Investigation](#) and [States Attorney's Office](#).

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304.7.1 REPORTS BY INVOLVED SMCSO DEPUTIES

- (a) In the event suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved and witnessing SMCSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.
- (b) While the involved SMCSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports. These reports shall be submitted to CID as soon as possible, but no later than one day after an Officer-Involved Incident.
- (c) Nothing in this section shall be construed to deprive involved SMCSO deputies of the right to consult with legal counsel prior to completing any such criminal report.
- (d) Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

For procedures related to Reports by Involved Deputies, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Reports](#).

304.7.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Office. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

For procedures relating to Witness Identification and Interviews, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Civilian Witnesses](#) and [Incidents Witnessed by Prisoners](#).

For any police-involved incidents where the OAG Independent Investigative Division (IID) is the lead investigative unit, ensure the procedures are followed as outlined in the St. Mary's County Sheriff's Office LE Procedures Manual: [Office of the Attorney General \(OAG\) Independent Investigative Division \(IID\)](#)

304.7.3 INVESTIGATIVE PERSONNEL

- (a) Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations supervisor to assign appropriate investigation personnel to handle the investigation of related crimes. If the incident qualifies for the OAG IID to be the lead investigator, the SMCSO CID investigators will be assigned to work alongside investigators from the OAG IID to separately handle the investigation of any related crimes other than the involved officer's actions.
- (b) All related office reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Office of Professional Responsibilities (OPR) via Blue Team.

304.7.4 ATTORNEY GENERAL INVESTIGATION

- (a) The Office of the Attorney General's Independent Investigations Division ("IID") will lead the primary investigation of all police-involved incidents that result in the death of a civilian or injuries likely to result in death ("qualifying incidents") as mandated by Maryland Code, State Government Article, § 6-602.
- (b) The Sheriff or the authorized designee must notify the IID of any police-involved incident that results in the death of a civilian or injuries that are likely to result in the death of a civilian as soon as the office becomes aware of the incident. The Sheriff's Office must cooperate with and may not impede the IID in connection with the investigation of a police-involved death of a civilian. On request of the Attorney General or the Attorney General's designee, the Sheriff's Office must provide any requested evidence to IID.

For procedures related to the OAG Independent Investigative Division (IID), see the St. Mary's County Sheriff's Office LE Procedures Manual: [Office of the Attorney General \(OAG\) Independent Investigative Division \(IID\)](#).

304.8 ADMINISTRATIVE INVESTIGATION

- (a) In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved

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SMCSO deputies to determine conformance with office policy. This investigation will be conducted under the supervision of the Office of Professional Responsibilities.

- (b) Interviews of members shall be subject to Sheriff's Office policies and applicable laws.
 - 1. Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood or urine sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency (Md. Code PS § 3-107).
 - 2. If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of the deputy's prior statement before proceeding with any subsequent interviews.
 - 3. In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
 - (b) If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved and witnessing deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - (c) Administrative interviews shall be recorded by the investigator using a body worn camera and an audio recorder as a backup if necessary. The deputy may also record the interview.
 - (d) The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, the deputy should be given the deputy's *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - (e) The Office of Professional Responsibilities shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
 - (f) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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For procedures related to Administrative Investigation, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Administrative Investigation](#).

304.9 CIVIL LIABILITY RESPONSE

- (a) A member of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.
- (b) All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.10 AUDIO AND VIDEO RECORDINGS

- (a) No Involved Officer(s) or Witness Officer(s) in a law enforcement shooting or death shall be permitted to review any available Mobile/Video (MAV) recordings, body-worn camera recordings, or other audio or video evidence related to the incident, prior to providing a recorded statement to investigators or completing any required reports. Any authorized review of such digital media by any Involved or Witness Officers shall be coordinated by CID, IID, and OPR. Only the assigned CID investigators, OPR investigators, IID, and applicable Command personnel are permitted to review digital, audio, or surveillance recordings related to an officer-involved shooting or death.
- (b) Upon request, non-law enforcement witnesses who can verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video or other video or audio recordings with the approval of assigned investigators or a supervisor. Care will be given if and when to show such digital media to witnesses so as not to contaminate the witness recollection of the events. It is recommended the witness first provide a free memory recall of the events with follow-up questions from the investigator before any digital media is presented to him/her.
- (c) Any MAV, body-worn video and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting with the prosecuting attorney and the IID, as appropriate.

For procedures related to Audio and Video Recordings, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Recording Devices](#).

For any police-involved incidents where the OAG Independent Investigative Division (IID) is the lead investigative unit, ensure the procedures are followed as outlined in the St. Mary's County Sheriff's Office LE Procedures Manual: [Office of the Attorney General \(OAG\) Independent Investigative Division \(IID\)](#).

304.11 DEBRIEFING

Following an officer-involved shooting or death, the St. Mary's County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

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304.11.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved and/or witnessing members have provided recorded or formal statements to criminal and/or administrative investigators.

304.12 MEDIA RELATIONS

- (a) Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation.
- (b) No involved or witnessing SMCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or Assistant Sheriff.
- (c) Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to their supervisor or Public Information Officer (PIO).
- (d) For any police-involved incidents where the OAG Independent Investigative Division (IID) is the lead investigative unit, ensure the procedures are followed as outlined in the St. Mary's County Sheriff's Office LE Procedures Manual: [Office of the Attorney General \(OAG\) Independent Investigative Division \(IID\)](#).

Attachments

397B Public Safety Statement (Officer Involved Incident).pdf



OPR #: _____

Investigator: _____

Officer Interviewed: _____

PUBLIC SAFETY STATEMENT

Officer(s) Involved	Agency	On-Duty	In Uniform
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Event Precipitating the Use of Force

<input type="checkbox"/> Traffic Stop	<input type="checkbox"/> Warrant	<input type="checkbox"/> Domestic Violence
<input type="checkbox"/> Pursuit	<input type="checkbox"/> Agency Assist	<input type="checkbox"/> Other:

Non-Deadly Force Used	Displayed	Deployed
OC	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Impact	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Taser	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
K9	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Deadly Force Used

Handgun (Caliber:)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Shotgun	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Rifle (Caliber:)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Questions To Ask:

1. What was the type of force that was used?
2. What was the direction and approximate number of shots fired by officer(s) and suspect(s)?
3. What is the location of any injured persons?
4. What is the description of outstanding suspect(s); direction of travel, time last seen and known weapons?
5. What is the description, location of victims, witnesses, and evidence? (Have officer draw a diagram)
6. Is there any other information necessary to ensure officer / public safety?