



# KENOSHA POLICE DEPARTMENT

## POLICY AND PROCEDURE

### 53.4 Firearms Discharge and Other Use of Force Investigations

<b>Effective Date:</b>	4/25/2005	<b>Revision Date:</b>	10/8/2015
<b>Action:</b>		<b>Number of pages:</b>	3

#### I. PURPOSE:

To establish procedures governing investigation of incidents of firearm discharges and other use of force by sworn employees.

#### II. PROCEDURE:

- A. The following procedures will be used to investigate incidents of firearms discharge by a police officer, excluding the use of firearms during authorized training, the destruction of an injured or dangerous animal, or the firing of a weapon by a police armorer. In addition, these procedures will also be used to investigate other uses of force by officers in the performance of their duties.
  1. Whenever an officer discharges his/her firearm either intentionally or unintentionally, and that discharge does not result in death or injury, the officer shall as soon as possible:
    - a. Notify the on-duty supervisor and communications center of the incident and location.
    - b. The on-duty supervisor or designee shall investigate the incident and forward the result of that investigation to the Chief of Police.
    - c. The Chief of Police may request that the Firearms/Deadly Force Review Board review the circumstances of the incident. The Firearms/Deadly Force Review Board will evaluate, in a fact-finding fashion, each aspect of the firearms discharge.
  2. The officer will remain at the scene, unless injured or if his or her safety is in jeopardy, until the arrival of a supervisor.
    - a. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop, i.e. a violent crowd, the supervisor responding or on the scene shall have the discretion to instruct the officer to respond to another more appropriate location.
    - b. As soon as the officer's presence is no longer required at the scene, the officer will be removed to the department, or other approved location by a supervisor or officer assigned by a supervisor. .
    - c. If at the scene the officer is exhibiting signs of emotional stress and remaining at the scene appears to be harmful to the officer's psychological well-being, the on-scene supervisor may direct that the officer be removed from the scene. An attempt to obtain a public safety statement from the officer should be made, however; this is contingent upon the condition of the officer.

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3. The officer will protect his/her weapon for examination and submit the weapon to the appropriate authority if needed. Upon submission of his or her weapon, the officer will be issued another weapon, unless issuing another weapon would create unsafe conditions.
4. A complete, detailed statement /report shall be taken/completed by the officer(s) involved as soon as practicable. . Depending upon the circumstances surrounding the incident, this statement may be put off to a later time.
  - a. In the event the officer is hospitalized or otherwise incapable of completing a statement as required, the on-scene supervisor will prepare as complete a report as possible containing the officer's verbal statements, the reason the officer could not complete the report and other officers' or witnesses' statements.
- B. Any officer directly involved in a deadly force incident which results in injury or death shall be placed on leave. This leave will commence at the direction of the Chief of police. This leave shall be with pay and benefits, pending the results of the initial investigation.
  - a. The assignment of leave is in the best interest of the officer and shall not imply or indicate the officer has acted improperly, or is being punished.
  - b. While on leave, and unless determined unable to work by a psychologist or physician, the officer shall be subject to recall to duty at any time.
5. At the direction of the Chief of Police and as soon as practical, the Firearms/Deadly Force Review Board shall convene to review circumstances surrounding each discharge of a firearm by an officer other than for excluded purposes listed in Section II, paragraph (A) and paragraph (A) (1) a-c. The Chief of Police shall convene this Board to review other incidents involving the use of deadly force by officers of the Department.
  - a. The Firearms/Deadly Force Review Board will consist of the following members, unless a member is involved in the incident or subsequent investigation, in which case an alternate Captain, Employee's Immediate Supervisor or person of equal rank will be appointed at the discretion of the Chief of Police.
    - i. Captain of Planning, Training and Research..
    - ii. Sergeant, Training Division.
    - iii. The employee's immediate supervisor, unless involved in the incident, at which time an alternate first-line supervisor will be appointed.
    - iv. The departmental firearms instructor.
    - v. A Defense and Arrest Tactics instructor.
  - b. The Firearms/Deadly Force Review Board will evaluate, in a fact-finding fashion, each aspect of an officer-involved use of deadly force. Such an evaluation shall include but is not limited to:
    - i. A thorough review of the investigation reports.
    - ii. Information from officers and witnesses, if necessary.
    - iii. An examination of physical evidence.

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6. The Firearms/Deadly Force Review Board will develop findings and make recommendations to the Chief of Police in the following area:
  - a. Whether the use of force was within policy, outside of policy or accidental.
  - b. Tactical and training considerations.
  - c. The quality of supervision prior to, during and after the use of force incident.
  - d. Potential disciplinary considerations.
  - e. The quality of the post-use of force investigative process.
7. The Department will not conduct an administrative investigation, unless the Firearms/Deadly Force Review Board or the Chief of Police determines that Departmental policy has been violated. If any violation of Department policy has taken place, the purpose of the administrative investigation will be to determine the facts of the use of deadly force as they relate to departmental policy and procedure.
8. In all cases where any person has been injured or killed as a result of firearm discharge or other use of deadly force by a police officer, all officers closely involved or affected will be required to undergo a debriefing with a recognized counselor provided by the department as soon as possible. Members of the Peer Support Team will be allowed to assist involved officers through this process. An officer directly involved in the incident should meet alone with the counselor and then may meet with other officers in a group setting if they are able or choose to.
  - a. The purpose of this debriefing will be to allow an officer to express their feelings and to deal with the moral, ethical and/or psychological after-effects of the incident.
  - b. Upon returning to duty, the officer may be assigned to administrative duty for a period of time as deemed appropriate by the Chief of Police.
9. In an instance where an officer has discharged their weapon at a dangerous or seriously injured animal, they will complete a thorough report.
  - a. The Officer's immediate supervisor will review the reports and may also submit appropriate administrative reports addressing issues such as policy or safety issues if necessary.