


AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.06	Title: OFFICER INVOLVED SHOOTINGS	
	Approved By: Vanessa Wilson, Chief of Police	
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	Associated Policy: DM 05.04; 08.10; 10.2; 14.05, APD Forms 226, 227	
	References: CRS 16-2.5-301	
Review: Compliance and Professional Standards Division, Division Chief		Duty Honor Integrity
		Page 1 of 8

5.6 OFFICER INVOLVED SHOOTINGS

This directive outlines the procedure to be followed in the event sworn and non-sworn personnel, who are authorized to carry weapons, are involved in a shooting. The non-sworn member authorized to carry a weapon involved in the shooting will assume the role and responsibilities of the "officer involved" in this directive. In accordance with CRS 16-2.5-301, the Aurora Police Department has partnered with the Denver Police Department to investigate Officer Involved Shootings.

5.6.1 Discharge of a Firearm

Whenever a member discharges a firearm while on duty or acting under the color of authority in an off-duty capacity, regardless of the member's intent, the incident will be handled as an officer involved shooting (OIS). Three exceptions to this standard exist:

- a. During training exercises, approved qualification courses or authorized firearms practice sessions conducted by the Aurora Police Department unless injury occurs.
- b. Unintentional/Negligent discharges, outside of item "a" above, where only City property, or no property was damaged, will be investigated in accordance with directive 10.2.
- c. Intentional discharges for the purpose of destroying a critically injured or vicious animal. These situations will be handled in accordance with current directives.

When injuries related to any discharge are involved or a person is placed in an unreasonable likelihood of harm, the incident will be treated as an officer involved shooting and handled by the Major Crimes Homicide Unit. If the incident occurs outside of Aurora, the agency with jurisdictional authority will be notified and they will handle according to their policy. However, an unintentional/negligent discharge outside of item "a" and "b" above, where only property damage occurs, may, at the Duty Captain's discretion, be investigated by detectives. The Duty Captain will also

have the discretion to have detectives investigate the firearms discharge if unusual circumstances exist.

5.6.2 Officer Involved

For purposes of this specific directive, “involved officer” refers only to the officer(s) who actually discharged their firearm during the course of the event under investigation.

Other officers identified as having been impacted by the event under investigation to such a degree that assistance is required shall be provided that assistance.

Any officer involved in a shooting must immediately notify a supervisory officer of the incident and location. This notification should be done through the Public Safety Communications Department. A delay in the required notification is allowed, if necessary, to render first aid, maintain an arrest or prevent an escape of a subject, protect a crime scene or when the officer is incapacitated.

Until relieved by the next arriving officer, the involved member will remain responsible for protecting the crime scene, rendering first aid and requesting necessary emergency medical aid. An exception will be made if the officer is physically unable to fulfill these duties.

It is suggested the officer involved advise the relieving officer, supervisor and the Major Crime Homicide Unit (MCHU) detective of the location of occurrence, witnesses, suspects and evidence. Although it is requested that the officer involved provide this information, he/she is not compelled to provide it.

The officer involved is required to protect his/her firearm for examination. When the scene is secured and safe, officers will keep their firearms in their holsters until they are transported to headquarters and met by a member of MCHU or CSI. The involved officer(s) is to keep his/her firearm in the condition that it was in at the conclusion of the incident. No unloading of weapons will be done until directed by a member of the MCHU. The firearm will be safely unloaded in an interview room and video/audio recorded. Still photographs will be taken by CSI.

In circumstances where the involved member is incapacitated and transported to a medical facility or otherwise unable to respond directly to headquarters, the scene supervisor will be responsible for ensuring that all of the involved officer’s firearms still on his/her person be removed. The firearm will remain in the condition in which it was received until transferred to the control of a member of MCHU or CSI for processing and safekeeping.

The involved officer will not access media in any form until after his/her interview with MCHU detectives or when advised by a command officer from the Investigations Bureau.

5.6.3 On-Scene Supervisors

The patrol supervisor on the scene will ensure that all responding patrol officers complete their responsibilities with regard to reports, evidence and the crime scene.

The on-scene supervisor will have the officer involved transported to the waiting area in the Investigations Bureau at headquarters as soon as he/she is no longer needed at the scene. The shooting should not be discussed between the person assigned to transport the officer and the officer involved.

5.6.4 Personnel Assigned to Transport the Officer Involved

- a. The officer involved will be transported to the Investigations Bureau and taken to a private room. The Major Crime Homicide Unit detectives will be advised of the officer's location.
- b. The officer involved should not be allowed to wash his/her hands. If an officer has biohazards on his/her person, he/she may be allowed to de-contaminate themselves for safety reasons. Any other evidence that is observed or suspected will be preserved.
- c. The officer involved should be provided with an Involved Officer Resource Advisement form (APD # 226) and a Trauma Response Team Packet.
- d. Visitation to the involved officer(s) will be limited to an attorney and/or any member outlined in the Involved Officer Resource Advisement form approved by the involved officer(s). All other individuals requesting visitation with an involved officer will first receive authorization from the responding Investigations Bureau Command Officer, the Major Investigations Section Lieutenant or a Major Crime Homicide Unit Sergeant. The transport officer will remain in the room with the involved officer(s) at all times except when the officer's attorney, peer support, and psychological services personnel are with the member with prior approval.
- e. All movement of the involved officer(s) or visitors to the officer(s) will be noted by the transporting officer in his/her supplemental report.
- f. In the event that the involved officer is injured and transported to a medical facility, the transporting officer will control access to the involved officer in the same manner as listed above until relieved by Major Crime Homicide Unit personnel.
- g. The transporting officer will advise the relieving officer of the status of the above and ensure that the relieving officer is provided with the Critical Incident (OIS) – Transport Officer Responsibilities form (APD #227).

5.6.5 Restricted Access to Investigative Areas

- a. During Officer Involved Shooting investigations, designated areas of the Investigations Bureau will be off limits to all personnel not directly involved in the investigation. Signs will be posted at specific entrances and offices indicating the area to be Off Limits.
- b. Only those individuals who have a desk or function in given areas will be allowed inside the restricted area. The ONLY other personnel allowed to enter the restricted area are: the Chief of Police, Deputy Chief of Police, Division Chiefs, Duty Executive Officer, Investigative Bureau Command Officer, Major Investigations Section Lieutenant, Major Crime Homicide Unit Sergeant and Major Crime Homicide Unit Detectives, the On-call District Attorney, Crime Laboratory Command Officer, CSI personnel, Peer Support, Psychological Services, and the attorney approved by the involved member(s).
- c. The Investigations Bureau Commander, Major Investigations Section Lieutenant or the Chief of Police must approve all other personnel for entry to the restricted area, including all Fraternal Order of Police or Aurora Police Association board members or their designees.
- d. All other personnel who have an immediate need to be near the proceedings may wait in the Headquarters break room, or front lobby.
- e. If conflicts arise for use of designated areas, the Major Crime Homicide Unit will have priority over other needs and the Investigations Bureau Commander will resolve conflicts.

5.6.6 Officer Involved Shooting Investigative Team (OISIT)

The Investigations Bureau Commander, the Major Investigations Section Executive Officer, Major Crime Homicide Unit Sergeants and Detectives, as well as the Crime Laboratory Section Lieutenant, Crime Scene Investigators, the On-call District Attorney; and a Command Officer, Supervisor and Detectives from the Denver Police Department Major Crimes Division, comprise the Officer Involved Shooting Investigative Team (OISIT). Only members of the OISIT, assigned personnel, and persons designated by the Investigations Bureau Commander or Duty Chief will respond to the scene.

5.6.7 Initial Procedures

The primary responsibility of the OISIT is to ensure a thorough and impartial investigation of the incident. Additionally, the welfare of the officer(s) involved in the incident is a critical consideration.

In an effort to ensure the officer(s) involved in the shooting are in the best position to provide an accurate and consistent interview, a recovery period of not less than 48 hours (two sleep cycles) shall be strongly recommended before a detailed interview will take place between the involved officer(s) and OISIT detectives.

Prior to the involved officer being released from duty, the following steps shall occur:

- a. The involved officer(s) shall provide a urine sample to Internal Affairs as mandated under Directive 14.5.8: Critical Incident Drug/Alcohol Testing.
- b. All weapons used or on the person of the involved officer(s) at the time of the shooting will be recovered at the direction of OISIT and an ammunition count will be conducted. Such activity shall be documented by a member of CSI. Any weapons determined not to be involved in the shooting will be returned to the officer(s) as soon as feasible as mandated in this Directive under 5.6.2.
- c. A member of CSI shall document the condition of the officer(s) by taking still photographs and/or video of the officer(s).
- d. The Chief of Police or designee will advise the member of his/her regular duty status being changed to administrative leave.
- e. A preliminary date and time for the officer(s) to return to work to complete an interview with OISIT shall be set.

OISIT detectives shall initiate all other investigative responsibilities immediately upon notification of the incident, regardless of the status of the involved officer(s).

5.6.8 Notifications

The on-scene patrol supervisor will notify the Patrol Lieutenant. All available information will be relayed via telephone or in person, if possible, rather than using a police radio.

After obtaining information from on-scene personnel, the Patrol Lieutenant will notify the persons listed below. Many of those contacted will also have notification responsibilities.

- (a) On-call Investigations Bureau Command Officer shall notify the on-call Major Crime Homicide Sergeant(s) and the Denver Police Department Major Crimes Commander.
- (b) Duty Captain notifies:

1. Internal Affairs Commander
2. Deputy Chief or designee
3. Duty Chief
4. Division Chief of the involved member
5. Crime Laboratory Section Lieutenant
6. Aurora Police Association Board of Directors Member or a Board Member from the Fraternal Order of Police – The involved member should be asked for clarification regarding his/her affiliation so that appropriate notifications can be made. The board member may arrange for an attorney for the involved member(s).
7. Public Information Officer
8. The Psychological Services Unit only after coordination with the Major Crime Homicide Unit and the Investigations Bureau Commander.

The Duty Chief or designee will determine what additional personnel, if any, need to be notified or are required to respond.

5.6.9 Major Crime Homicide Unit

The Major Crime Homicide Unit is responsible for the criminal investigation. When the investigation is complete, the Major Crime Homicide Unit will make all reports available to the Chief of Police or designee through the chain of command. The assigned investigator(s) will notify the Chief of Police or designee of any departmental violations discovered during the investigation. The Major Crime Homicide Unit's investigation will not focus on departmental violations that are not violations of law.

5.6.10 Psychological Services Unit

The Psychological Services Unit will contact all officer(s) involved in a shooting. Unless the officer(s) involved are in an immediate need of psychological counseling, the psychologist will meet with the officer in coordination with Major Crime Homicide Unit and/or the Investigations Bureau Commander. Only the Duty Executive Officer, Investigations Bureau Commander or designee will make the notification to the Department's Psychologist. If the psychologist is requested to respond to the location of the involved officer, unless there is a specific and immediate need, the psychologist's contact will occur after the MCHU interviews are completed.

5.6.11 Other Officers and Personnel Assigned

Responding patrol officers, Crime Scene Investigators, the Public Information Officer and the Public Safety Communications Department all play an important role in an officer involved shooting situation. They should perform their duties in a manner consistent with that of any major criminal investigation.

Officers and personnel that are not members of the Officer Involved Shooting Investigative Team should not discuss the shooting with the officer involved.

5.6.12 Completion of Reports

Only those officers who fired their weapons, or are specifically identified by detectives from MCHU, shall participate in an audio and/or video interview. Members who participate in audio and/or video interviews with detectives from MCHU shall not be required to complete a written report on the event. The final determination of who will be audio and/or video interviewed will rest with MCHU.

All other officers involved with the event under investigation shall complete written reports as required by Directive 8.10: Reports and Directive 5.4: Reporting and Investigating the Use of Tools, Weapons and Physical Force.

5.6.13 Other Applicable Policies

Members are reminded that Internal Affairs Notification & Response and Criminal Investigations Involving Members apply to officer involved shooting situations.

5.6.14 Administrative Review

Prior to the Chief approving the involved officer's return to any duty assignment, members from the MCHU, Employee Support and Wellness Unit and the Media Relations Unit will provide the Chief with an update on the incident. The first update will be scheduled at approximately the 30-day mark post incident.

At this meeting the following information will be provided:

- MCHU will provide a review and status of the investigation.
- Employee Support and Wellness will provide updates on the involved member's progress through post-critical incident care and the Reintegration Program.
- Media Relations will be responsible for providing an update on department messaging and analyses of community and media interest.

Upon completion of the 30-day review, the Chief, or designee will decide to either return the officer to his/her regular duty assignment, continue his/her administrative assignment, or reassign the officer to another non-regular duty assignment. If the decision by the Chief is to continue the administrative or non-regular duty assignment, a second review will be scheduled no later than 30 days from the initial review.

If it is determined during the second review that the administrative assignment will continue beyond the initial 60-day time frame post-incident, the Chief will have the option to defer further reviews until substantial updates occur in the investigation. If the review is deferred, the involved member should be contacted and advised of the reasons for the extended delay.

Each incident will be handled on a case-by-case basis, and the Chief's determination for any one incident, officer, or group of officers should not be construed to be a practice or policy for other officers.

5.6.15 Firearm Return Process

When a firearm(s) or other weapon(s) has been used in a Critical Incident and the district attorney has issued a declination letter and notified MCU, MCU will notify the Professional Standards Section and the Property and Evidence Unit (P&E Unit), at APDPropertySupv@auroragov.org, that the declination letter has been received and that the weapon(s) are available for department compliance testing.

The Property and Evidence Unit will make arrangements with the range, or the proper testing agency, for the release of the weapon/s for testing. After the testing has been completed, the weapon(s) will be returned to the P&E Unit and a report will be completed by the tester and attached as an exhibit to the appropriate Use of Force review case in the Administrative Investigations Management (AIM) software program.

After the FRB has completed the review and determined the weapon(s) can be released the training section representative on the board will notify the Internal Affairs Bureau (IAB), Major Crimes Unit (MCU) and the P&E Unit that the firearm(s) or other weapon(s) are available to be released back to the officer(s). The Property and Evidence Unit will make arrangements to release the firearm to the officer(s).

If the weapon is not a firearm, or there is a need for outside firearm testing, the lead MCU detective or sergeant will coordinate with the P&E Unit and the testing lab for the transportation to and from the lab. After the testing is completed the results will be shared with the FRB, MCU and IA prior to the authorization for the weapon to be released to the officer(s). This results from the outside testing lab will be attached to the appropriate AIM Use of Force case prior to the official FRB review.