

NEW CANAAN POLICE DEPARTMENT

**SUBJECT: INVESTIGATION OF
DISCHARGED FIREARMS**

GENERAL ORDER NUMBER: 89-6-59

FILE: SRVS 7, ROLE & RESPONSIBILITY

I PURPOSE/POLICY

The purpose of this general order is to establish policy and procedures for the investigation of incidents whereby officers of the New Canaan Police Department discharge a firearm, on or off duty, or are victims of firearms assaults while in the lawful performance of their duties, and when members of other law enforcement agencies discharge a firearm within the limits of this department's jurisdiction.

II RESPONSIBILITY

It is the responsibility of all department personnel to adhere to this general order. It is the additional responsibility for all supervisory, investigative and command staff to insure compliance.

III PROCEDURES (FUNCTIONS)

A Police Officers involved in a firearms discharge incident other than in training or for recreational purposes shall:

1. Immediately notify his/her shift supervisor.
2. Complete a written report describing the circumstances surrounding the incident.
 - a. The case report will be submitted within such time limits as established by the commander conducting the investigation.

B Shift Supervisors, when notified of a firearms discharge incident as defined in this order shall:

1. Insure that the Command Staff is notified in accordance with General Order 87-7-42, Notification.
2. Assume command and conduct a thorough investigation of the criminal incident, excluding the actual firearms discharge, for incidents in which there is no personal injury or death.
3. Take command of the investigation of any incident involving personal injury or death until the investigative commander or investigator on call assumes control of the investigation of the firearms discharge. (Re: General Order 87-4-39, Internal Affairs Section 52.2.1).

- C** The Commander of the Investigative Section, or Investigator On Call, when notified of a shooting incident that requires a separate internal affairs investigation, shall:
1. Assume command of the investigation and assign sufficient investigative personnel to the scene.
 2. Notify outside agencies, as necessary, which could assist in the investigation and/or collection of evidence.
 3. Insure that the investigation is thorough, accurate and includes all necessary written documentation.
- D** The Commander of the Operations Division shall:
1. Assume direct responsibility for the criminal investigation of incidents, excluding internal affairs investigations, specified in Section IV, A and B of this general order.
 2. Monitor such investigations to their completion.
- E** The Commander of the Staff Services Division shall:
1. Assume direct responsibility for all internal affairs investigations.
 2. Monitor such investigations to their completion.

IV **PROCEDURES (INVESTIGATIVE)**

- A** Shooting incidents not involving death or injury
1. All firearms accidentally discharged by officers, where no personal injury or death occurs and all incidents involving officers who are fired at but not struck by gunfire, will be investigated by the shift supervisor.
 - a. Incidents of this nature would not normally require an internal investigation, however, such incidents may be investigated as an internal affairs investigation by the Investigative Section or outside agency, as directed by the Chief of Police or designee.
 2. Incidents that involve the discharge of firearms by members of other law enforcement agencies during the performance of their duty shall be investigated as directed by the Chief of Police.
 3. Written reports of the incident shall be submitted by all persons involved in the incident including the shift supervisor, officer(s) and investigator if conducting the investigation.
- B** Shooting incidents involving death or injury
1. For all firearms-discharge incidents, in which an officer is struck by gunfire and all incidents wherein a police officer injures or kills another person, an investigator shall be immediately dispatched to the scene.

2. The ranking officer responding to the shooting incident will be responsible for the control of the situation and should isolate the officer(s) involved as soon as practicable. The officer(s) involved are prohibited from discussing the incident with anyone during the initial investigation/interview except, investigators assigned to the case, shift supervisor or investigative commander or a mental health professional.
 - a. All officers who are involved in a discharge of firearms incident are mandated to meet with a professional counselor as soon as arrangements may be made after such discharge.

- C** The ranking officer is also responsible for the protocol and procedure for the investigation of the use of deadly physical force pursuant to Connecticut General State Statute 51-277a. The protocol as it applies, adopted by the State Division of Criminal Justice is:
 1. Whenever a Peace Officer during the performance of his or her duties, uses deadly physical force upon another person and such person dies as a result, such protocol should also be utilized where death appears likely but has not yet occurred.

- D** Any officer that discharges his/her firearm and whose actions result in death or serious physical injury shall be assigned administrative duty, pending an administrative review.
 1. In addition, if death or serious physical injury has occurred as a result of the actions of any department personnel, those individuals whose actions directly resulted in or contributed to, the serious physical injury or death shall also be removed from duty and placed on administrative duty pending the outcome of an administrative review of the incident. (Refer to General Order 89-17-70, USE OF FORCE).

- E** All firearms used in incidents specified under sections IV, A and IV, B of this general order shall be retained as evidence and processed accordingly.
 1. In the event that the spent round(s) cannot be located, such firearms shall be retained and processed as evidence in case damage done by such round(s) is discovered at a later date.

- F** The Commander of Internal Affairs shall conduct an investigation for firearms discharge incidents which occur off duty, as directed by the Chief of Police.

- G** The commander responsible for the investigation of incidents covered by this general order will be responsible for insuring the completion of all required reports.

- H** Any information to be provided to the news media shall be in accordance with the General Order #88-8-52, PUBLIC INFORMATION.

- I** Shooting incident involving the destruction of an animal.
 1. The shooting of an animal is permissible only for:
 - a. Self defense
 - b. To prevent substantial harm to the officer or other persons.
 - c. When the animal is so badly injured that humanity requires its relief from further suffering. Whenever possible, an attempt to contact the Connecticut Humane Society should be made to determine if their assistance is available prior to destroying the animal.

2. Unless extenuating circumstances prevail, an investigation is not necessary for this type of shooting. However, the officer(s) involved shall submit a detailed report on the incident.
3. The shift supervisor may, when appropriate, request that an additional investigation be conducted.

V PROCEDURES (FIREARMS REVIEW BOARD)

- A** All incidents involving the discharge of a firearm, while on-duty, shall be reviewed by a Firearms Review Board. The review board will be responsible for reviewing each case.
1. Upon completion of the review, the board shall submit a written report to the Chief of Police concerning their findings to include:
 - a. The relevant facts and circumstances surrounding the incident.
 - b. Conclusion as to whether the discharge violates departmental policies and procedures.
 2. The Firearms Review Board will consist of the following departmental personnel:
 - a. Commander of the Operations Division
 - b. Commander of the Investigations Section
 - c. Training Officer
 - d. A Department Firearms Instructor
 - e. Other Officer(s) as directed by the Chief of Police.
 3. When directed by the Chief of Police, the Commander of Internal Affairs shall conduct an investigation into any firearms discharge incident, which occur while an officer is off-duty.
 - a. The Firearms Review Board shall review the results of the investigation upon its completion.
 4. The Firearms Review Board will not concern itself with discharge incidents as a result of:
 - a. Firearms Training
 - b. Hunting
 - c. Participation in legitimate firearm events
 5. All copies of firearms discharge incidents are to be designated **CONFIDENTIAL** and must be properly secured. Their contents may not be discussed except as authorized by the designated commanders and only in conjunction with the investigation. Copies shall not be reproduced for any individual including the officer(s) involved, attorney, union, etc. without the authorization of the Chief of Police.

VI DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

VII EFFECTIVE DATE

This general order was approved by the Police Commission on April 19, 1989, and is effective April 27, 1989.

Revised December 1990.

Revised May 2000

Per Order

Edward J. Nadriczny
Chief of Police