

**CITY OF OCONOMOWOC POLICE DEPARTMENT  
POLICIES & PROCEDURES**

DATE: September 7, 2020

HISTORY: February 21, 2018

SUBJECT: Officer Involved Shooting

POLICY NUMBER: 18-065

**I. PURPOSE**

This directive provides guidelines on the proper investigation of an officer involved shooting or an incident in which a person dies as a result of an officer's actions.

**II. POLICY**

It is the policy of the Oconomowoc Police Department to investigate any officer involved shooting, whether or not that shooting results in any injury or death to another person. At least two investigators, one of whom is the lead investigator, will conduct the investigation and neither is employed by the Oconomowoc Police Department.

If a person dies in a traffic crash as a result of an officer's actions, the crash investigation will be conducted by a reconstruction unit from the Waukesha County Sheriff's Department (WSD) or the Wisconsin State Patrol (WSP) if WSD is unavailable.

**III. DEFINITIONS**

- A. Lead Investigator: The lead investigator is the person in charge of the investigation, who plays a principal, guiding role with hands-on leadership of investigation activities. The lead investigator should, for example and without limit:
1. Direct the overall investigation and activities of others involved in the officer involved shooting.
  2. Coordinate with the lead officer/agency conducting an underlying criminal investigation of the event, or events, which led to the officer involved shooting.
  3. Take possession of, or direct the collection of, all evidence, take or direct the taking of statements of witnesses or interviews of police officers.
  4. Act as the primary (but not exclusive) contact for prosecutors.
- B. Officer Involved Death: A death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty, but performing activities that are within the scope of his or her law enforcement duties.
- C. Support Officer: An officer selected by and assigned to the involved officer to provide emotional support and assistance following a critical incident, such as an officer involved shooting. The selected officer may be another officer who has had a similar experience, a close friend, or both.

**IV. OFFICER INVOLVED SHOOTING**

- A. Responsibilities
1. Involved Officer

- a. Treat injuries to the level of training. Life saving efforts must continue until the suspect is turned over to another officer or emergency medical services (EMS).
- b. If the involved officer is injured, he/she should render self-aid.
- c. Determine if there are any other threats to citizens and/or officers.
- d. When tactically feasible, transmit a call for assistance and provide information in accordance with the officer's training.
- e. When the scene is stabilized, provide a brief, minimal statement to the supervisor as to what occurred in order to address medical needs, public safety concerns and to focus the investigation. The minimal statement should include:
  - 1) type of force used
  - 2) direction of shots fired by suspect(s) and officer(s)
  - 3) necessary medical attention
  - 4) suspect(s) at large, known weapons and direction of flight
  - 5) location of suspect, victim, witness, and evidence
  - 6) other dangers to the public
- f. Request his/her chosen support officer to assist in the aftermath.
  - 1) if the requested support officer is not on scene, another officer should be assigned to remain with the involved officer until the arrival of the support officer
  - 2) once the support officer is on scene, the involved officer shall stay with and not go anywhere without the support officer. The involved officer should advise the support officer of any needs that he/she may have
- g. When an officer is involved in a shooting, the officer will be issued a replacement weapon.
- h. Unless unconscious, the involved officer, or his designee, should notify the officer's family that he/she was involved in the incident and advise his/her current medical condition.
- i. If the involved officer is a supervisor, he/she will designate an incident commander. If this is not possible, another officer not involved in the deadly force incident will assume incident command until another supervisor arrives.

## 2. Initial Responding Officers

The initial responding officer(s) will be responsible for stabilizing the scene, ensuring the safety of those on scene, and preserving any evidence. Initial responding officers should:

- a. Ensure any remaining threats have been addressed, call incident command, and broadcast the status of the scene.
- b. Direct other responding squads to the scene via a safe route.
- c. Ensure a staging area has been established for responding units & EMS.
- d. Assist in securing the suspect(s) and treat injuries to level of training.

- e. Treat any injuries of the involved officer(s) and activate EMS if not already done.
- f. Remain with the involved officer or assign another officer until a support officer arrives.
- g. Act as incident command until relieved, making sure the following is done:
  - 1) establish scene security, including establishing a perimeter
  - 2) coordinate pursuit of additional suspects
  - 3) identify witnesses and separate
  - 4) protect evidence from loss or damage
    - i. ensure evidentiary items are not moved and, if moved for safety or other reasons, note the original location
    - ii. evidence moved for any reason should not be placed back in the original position
  - 5) brief the initial responding supervisor

### 3. Supervisors

The initial responding supervisor should:

- a. Ensure the incident command system has been established.
- b. Ensure the scene is stabilized and establish scene security.
- c. Obtain briefing from the initial responding officer(s) on scene. Determine the condition of the involved officer(s), suspect(s), and third parties. Ensure officers are treating injuries to their level of training until the arrival of EMS.
- d. Assign officer(s) to escort injured officer(s) and suspect(s) to a medical facility and provide security.
- e. Ensure witnesses have been separated.
- f. Ensure the preservation of evidence.
- g. Assign a scene recorder to chronologically document the names of those who enter/exit the scene and their efforts.
- h. A brief, minimal statement should be obtained from the involved officer(s). The following information should be obtained:
  - 1) type of force used
  - 2) direction of shots fired by suspect(s) and officer(s)
  - 3) necessary medical attention
  - 4) suspect(s) at large, known weapons and direction of flight
  - 5) location of suspects, victims, witnesses, and evidence
  - 6) other dangers to the public
  - 7) provide this information to the Lead Investigator once he/she arrives on scene
- i. Instruct involved officer(s) not to discuss aspects of the shooting amongst themselves or with others with the exception of their attorney, a qualified mental health professional or authorized investigative personnel.
- j. Place the involved officer(s) on administrative leave and refrain from assigning additional duties.

- k. Assign a support officer to remain with the involved officer(s). Instruct the support officer not to discuss incident.
  - l. Request a supervisor and detective all-call.
  - m. Contact the following:
    - 1) shift/division commander of the involved officer
    - 2) an uninvolved department firearms instructor (even if off duty)
    - 3) union president or representative to come to the scene and/or to contact the union's legal resources
  - n. Establish a media staging area.
  - o. If the suspect is transported to a medical facility, ensure there are at least two (2) officers to accompany him/her to the hospital and remain as security.
  - p. Have the involved officer(s) transported to Oconomowoc Memorial Hospital. If not injured, the support officer may transport the officer. Ensure the involved officer(s) alcohol/drug toxicology testing is completed in a timely manner.
  - q. Ensure the involved officer(s) are accompanied by a support officer.
  - r. Assign an officer or representative to assist the family of the involved officer(s) until no longer needed.
  - s. Do not release the name of the involved officer(s).
4. Support Officer
- The support officers can be any officer of the department requested by the involved officer(s). If the support officer was also involved in the incident, another support officer should be chosen. The support officer should:
- a. Not discuss the specific details of the incident with the involved officer.
  - b. Stay with the involved officer and assist with initial needs.
  - c. If the involved officer does not appear in distress and requests privacy at any point following the incident, give the officer space, but maintain security and availability to the involved officer.
  - d. Serve as a liaison between the involved officer and the incident commander.
  - e. Assist the involved officer in contacting necessary people, such as family members.
  - f. Make arrangements for a change of clothes for the involved officer if the involved officer's clothes are collected as evidence.
  - g. Escort the involved officer to assigned locations he/she may be asked to go.
  - h. Drive the involved officer to and from home until no longer needed.
  - i. Remain with the officer as long as needed.

- j. Encourage the officer to avoid consuming stimulants, alcohol, etc.
  - k. Remind the officer to refrain from watching or reading the media.
  - l. Report any signs of psychological, stress-related actions so the officer can receive the necessary help.
  - m. Deter open conversations about the incident amongst others to ensure the proper facts are found in the investigation.
5. Employee Assistance Program (EAP):  
All police union employees are currently eligible for employee assistance through the department's long-term disability insurance. Officers can contact EAP at 888-293-6948, 24 hours a day, 7 days a week. Also, currently Western Lakes Fire District offers EAP benefits to the employees of the municipalities it serves.
6. Police Officer Support Team (POST):  
At the discretion of the Chief of Police, or his/her designee, the POST team may be requested to do a post incident debrief. POST serves all members of the law enforcement community and their families, regardless of jurisdiction or department.

## **V. INVESTIGATION**

The criminal investigation will be conducted by the Wisconsin Division of Criminal Investigation (DCI), or Waukesha County Sheriff's Department (WSD) if DCI is unavailable. The lead investigator will be from the agency conducting the criminal investigation. The lead investigator will be responsible for the following:

- A. Contacting the Waukesha County District Attorney.
- B. Obtain the involved officer(s) minimal statement from the initial supervisor so that the investigation can begin.
- C. If the involved officer(s) is able, conduct a brief walk-through of the scene. The walk-through should be conducted when the scene is still in the original condition; but, lighting conditions should be consistent with the time of the incident. The walk-through with the officer(s) should not be videotaped as part of the investigation.
- D. All witnesses present at the time of the incident will be interviewed. Interviews shall be recorded. The witnesses positioning at the time of the incident should be documented in the crime scene reconstruction.
- E. Assign a unit leader to photograph and collect evidence.
- F. Conduct a thorough canvass of the area to ensure all persons in the area at the time of the incident are identified and interviewed.
- G. Check local businesses and residences for security cameras, which may have captured the incident.
- H. Ensuring the officer is photographed as attired during the incident.
- I. Obtain scaled photographs of suspect and involved officer's injuries.

- J. When suspect(s) and/or victim(s) are transported to hospitals, ensure evidence at these secondary scenes is photographed and collected.
- K. Ensure that the involved officer's firearm is recovered and a replacement is provided to the officer.
- L. Obtain a copy of the call and radio traffic and place on inventory.
- M. The lead investigator has the authority to release the involved officer from the scene. Prior to releasing the involved officer, the Chief of Police or his/her designee will advise the involved officer(s) that he/she is being placed on administrative leave until the formal interview has taken place or longer if necessary.

#### **VI. INTERVIEW OF INVOLVED OFFICER(S)**

The lead investigator will ensure that the involved officer(s) is interviewed when appropriate.

- A. Interviews will not be conducted in an interrogation room.
- B. Involved officer(s) are to be interviewed as victims and/or witnesses.
- C. Involved officer(s) and legal representation should not be allowed to review available video recordings prior to the interview.

#### **VII. DOCUMENTATION**

- A. The lead investigator will be responsible for filing the main police report.
- B. Involved officer(s) will not be compelled to file a report, but the involved officer will have the opportunity to review the lead investigator's account of the interview.
- C. At the discretion of the involved officer(s), he/she may prepare his/her own use of force report.
- D. A department firearms instructor will be made available to assist the officer.

#### **VIII. HEALTH OF INVOLVED OFFICER(S)**

With a shooting incident, the potential for exposure to biohazards is great. The officer(s) involved will not only experience the stress of the shooting, but also face significant stress due to the exposure. If exposed to bodily fluids, the involved officer(s) shall be conveyed to the hospital for significant exposure treatment and receive a change of clothes as soon as possible.

- A. If an officer(s) is injured and the injuries rise to the level of great bodily harm:
  - 1. The officer should be asked if they want a family member contacted.
  - 2. If the officer is unconscious or unable to respond, the officer's Injury and Line of Duty Death Notification packet should be opened so that notification can be made as requested. The requested personnel will make contact with the family and transport them to the medical facility.
  - 3. An officer will escort the injured officer to the hospital.
- B. If the officer(s) is fatally injured in the incident:
  - 1. The officer's Injury and Line of Duty Death Notification packet should be opened so their wishes can be followed.

2. Personal notification should be made to the deceased officer's family with the requested personnel.
  3. An officer will be assigned to stay as requested with the family for security, support, transportation and other related matters.
- C. Long term follow up:
1. Supervisors and fellow officers should monitor the involved officer(s) for any stress related changes in behavior. Any officer that notices indications that an involved officer(s) needs assistance or counseling should inform their immediate supervisor.
  2. The supervisor will notify the Chief of Police through the chain of command. The Chief of Police may then offer additional counseling or medical services available to the involved officer(s).
  3. Department members are encouraged to show the involved officer(s) their concern. They are not permitted to speak with the media or public about the incident of the officer.

#### **IX. POST INCIDENT PROCEDURES**

- A. The involved officer(s) will be placed on administrative leave as soon as possible after the incident has occurred. The involved officer(s) will remain on administrative leave until the formal interview has taken place or longer if necessary. The involved officer(s) will remain available during times specified by the Chief of Police.
- B. Involved officer(s) shall be required to undergo an evaluation by the agency's mental health specialist designated by the Chief of Police before returning to full duty. These results will be shared with the Chief of Police so that he/she can make a determination of the officer's duty status.
- C. Any counseling needs/desires by officers or other civilian employees shall be provided by the department at no expense to the employee. This information will not be shared with the Chief of Police, Oconomowoc Police Department, or city officials. This request can be made by the involved officer to any supervisor or their requested support officer.
- D. The family members of the involved officer(s) should be encouraged to attend the counseling sessions at no charge to them.
- E. If, after the involved officer(s) returns to his/her regular duties, the officer(s) find he/she is still suffering from the effects of post traumatic stress, the officer(s) should immediately report this to his/her supervisor. This could result in the officer being put on light duty or administrative duty until he/she is able to receive the necessary treatment.

#### **X. WAUKESHA COUNTY DISTRICT ATTORNEY'S OFFICE**

- A. If an inquest is conducted by the Waukesha County District Attorney's Office, the involved officer(s) will remain on administrative leave until completed. The inquest is an extremely stressful time for the involved officer(s) and the department should consider assigning a support officer.
- B. Officers involved in the incident, or those who have witnessed the incident, may be required to appear at the District Attorney's office during the review process.

- C. If the District Attorney determines there is no basis to prosecute involved officer(s), the investigators conducting the investigation shall release the report.

**XI. DEADLY FORCE REVIEW/INTERNAL INVESTIGATION**

- A. The State of Wisconsin allows for an internal investigation into the officer involved shooting as long as the internal investigation does not interfere with the criminal investigation.
- B. Department personnel conducting the internal will not be involved in the criminal investigation and will not discuss their findings with personnel involved with the criminal investigation.
- C. The Chief of Police may choose to conduct an internal investigation following the completion of the criminal investigation.

**XII. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE**

This policy is effective immediately  
and will supersede any directives or understandings in conflict



CITY OF OCONOMOWOC POLICE DEPARTMENT

DECEASED OFFICER WORKSHEET

❖ FULL NAME: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

DEPARTMENT ADDRESS: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

DATE OF HIRE: \_\_\_\_\_

DATE OF DEATH: \_\_\_\_\_

DATE OF INCIDENT (if different): \_\_\_\_\_

❖ SPOUSE/SIGNIFICANT OTHER:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

❖ FORMER SPOUSE or PARENT OF CHILD(REN) (if applicable):

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

❖ CHILD(REN):

(1) NAME: \_\_\_\_\_

DOB/AGE: \_\_\_\_\_

ADDRESS (if different): \_\_\_\_\_

PHONE (if different): \_\_\_\_\_

(2) NAME: \_\_\_\_\_

DOB/AGE: \_\_\_\_\_

ADDRESS (if different): \_\_\_\_\_

PHONE (if different): \_\_\_\_\_

(3) NAME: \_\_\_\_\_

DOB/AGE: \_\_\_\_\_

ADDRESS (if different): \_\_\_\_\_

PHONE (if different): \_\_\_\_\_

❖ PARENTS:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

❖ IN-LAWS:

NAME: \_\_\_\_\_

DOB/AGE: \_\_\_\_\_

ADDRESS (if different): \_\_\_\_\_

PHONE (if different): \_\_\_\_\_

❖ SIBLINGS:

(1) NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

(2) NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

❖ DEPARTMENT/FAMILY LIAISON:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

❖ OTHER DEPARTMENT CONTACTS:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_