



# GENERAL ORDER

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## 1. CONVENING A BOARD OF REVIEW

### 1.1 Use of Force Resulting in Injury

In any case involving the use of force by a member of the department, the concerned deputy chief may make recommendations to the executive deputy chief regarding the convening of a Board of Review. Such recommendations must be made within 24 hours after the incident.

The executive deputy chief may, at his discretion, direct that a Board of Review be convened in any case involving the use of force by a member of the department to ascertain the facts and make recommendations, based upon their determination, as to the propriety of the officer's action.

### 1.2 Use of Force Resulting in Death.

In all cases in which a death has occurred as a result of the use of a weapon or force by a member of the department in the performance of police duties, the executive deputy chief shall convene a Board of Review to ascertain the facts and make recommendations, based on their determination, as to the propriety of the officer's actions.

The executive deputy chief may, at his discretion, direct that a Board of Review be convened in any case involving the use of force by a member of the department to ascertain the facts and make recommendations, based upon their determination, as to the propriety of the officer's actions.

The board shall, when it finds any violations of department rules and regulations, recommend appropriate disciplinary action.

### \* 1.3 Death of Sworn Member.

The executive deputy chief may, at his discretion, direct that a Board of Review be convened in any case involving the death of a sworn member of this department to ascertain the facts and make appropriate recommendations. This shall also include deaths by suicide.

## 2. DUTIES OF SUPERVISORS AT SCENE

In all cases of police shootings resulting in injury or fatality, and/or where other critical injuries are inflicted by members

of the department, a supervisor from the precinct in which the incident occurs and at least one other supervisor shall be dispatched to the scene.

\* 2.1 First Supervisor at the Scene.

The first supervisor appearing on the scene, whether dispatched or not, shall perform the following functions:

- a. Notify Communications Operations Section that he is at the scene and has taken charge.
- b. Ascertain the basic facts of the incident by interviewing witnesses, including the members who were involved.
- c. Secure the scene, allowing nothing to be moved or tampered with, pending arrival of the investigating officers.
- d. Secure all evidence weapons.  
EXCEPTION: In hostile situations, i.e., where there exists reasonable cause to believe that the safety of the involved member is in jeopardy, a member who is principally involved in a shooting as a result of taking police action shall not be relieved of his weapon until such time as he has been conveyed away from the scene.
- e. Notify the lieutenant in charge of the Homicide Unit of the basic facts, as known to him at the time, including:
  1. Who fired, how many shots, with what type and caliber of weapon?
  2. Why?
  3. Who was shot, if known?
  4. How severe was the injury?
  5. Conditions at scene (such as crowd or other circumstances which might affect his ability to preserve the scene intact).
- f. Be advised by the lieutenant in charge of the Homicide Unit as to the disposition of witnesses.

- g. Remain in charge of the scene until relieved by the Homicide Unit investigators.
- h. After being relieved by the Homicide Unit investigators, respond to the Homicide Unit and complete the necessary reports.

\* 2.2 Second Supervisor at the Scene.

The second supervisor appearing on the scene, whether dispatched or not, shall convey involved members to the Homicide Unit as directed by the lieutenant in charge of that unit; or the investigator from the Homicide Unit, Special Assignment Squad, in charge at the scene. If it is believed that a hostile situation exists or is imminent, the second supervisor shall convey the principally involved members away from the scene as soon as possible and be further advised by the lieutenant in charge of the Homicide Unit.

\* 3. SPECIAL ASSIGNMENT SQUAD OF THE HOMICIDE UNIT

3.1 Special Assignment Squad.

The Special Assignment Squad (SAS) within the Homicide Unit shall investigate all police involved fatal or critical shootings and all fatal or critical injuries sustained as a result of police action (except traffic).

3.2 Responsibilities of the Special Assignment Squad.

The Special Assignment Squad shall be responsible to the Board of Review, as well as the commanding officer of the Homicide Unit, and shall be responsible for:

- a. The submission of a complete report of the entire investigation to the Board of Review.
- b. The investigation, preparation and presentation of the case to the prosecutor's office. The report of investigation shall be reviewed and approved by the Board of Review prior to its submission to the prosecutor's office.
- c. All court work resulting from these assignments.
- d. Conducting related follow-up investigations as directed by the Board of Review.
- e. Keeping the Board of Review currently informed of the progress of their investigations.

4. HOMICIDE UNIT

Upon notification from a supervisor of a police shooting resulting in an injury or fatality or a critical injury otherwise inflicted by a member of the department, the Homicide lieutenant shall immediately notify the Special Assignment Squad to respond to the scene and initiate its investigation.

Any member of the Homicide Unit is in charge of the scene of all homicides and serious assaults likely to result in death. The first officer from that unit to arrive on the scene is in full charge, regardless of the rank of officers present from other commands of the department.

5. COMPOSITION AND DUTIES OF THE BOARD OF REVIEW

5.1 Composition.

The Board of Review shall consist of three executive members of the department. Two executive members of the board shall hold the rank of inspector or above and one executive member of the board shall hold the rank of commander or above. The highest ranking member shall act as chairman of the board. No member of the board shall be attached to the command to which the officer involved is assigned.

5.2 Duties.

- a. Upon notification that an officer has been involved in a shooting which resulted in an injury or fatality, or where a member has otherwise inflicted critical injuries, the Board of Review shall be responsible for coordinating a prompt and thorough investigation of the assigned case by the Special Assignment Squad.
  1. The Board of Review shall review the Special Assignment Squad investigation for its adequacy and objectivity. They shall also ensure that an impartial, objective and complete investigation was conducted and determine that existing

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statutes, ordinances and department procedures have been adhered to.

- \* 2. The board, when it finds violations of department rules and regulations, shall recommend appropriate disciplinary action. They shall consult with the Disciplinary Administration Section in the drafting of appropriate charges and specifications and make immediate recommendations to the Chief of Police through official channels regarding suspensions and whether the suspension be with or without pay.
- 3. The Board of Review shall retain superintending control over all other commands charged with investigating any aspect of the case and may direct the investigative assistance of any command within the department.
- 4. The board may recommend the use of the Chief of Police's subpoena powers.
- b. In all cases where a Board of Review has been established, they shall promptly notify the Medical Unit to schedule a psychiatric evaluation for the officer whose actions are being investigated.
  - 1. The Board of Review may require all other officers involved in the case to undergo psychiatric evaluation by the Medical Unit if the board feels that medical assistance or evaluation is required.
  - 2. Pending the results of this evaluation, the officers concerned shall be assigned to appropriate non-street duty.
  - 3. If the board's investigation has progressed to the point where there is no longer a need for the officer being investigated to be assigned to the Board and/or other officers to be assigned

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to appropriate non-street duty, the chairman shall notify the Chief of Police and the deputy chief concerned.

- c. The Board of Review shall submit a final report of their findings and recommendations not later than 10 days after the incident occurred, unless the investigation should be extended with approval of the Chief of Police for cause.
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  - 1. The recommendations shall bear the signature of all members of the board, and the original and two copies shall be forwarded to the Deputy Chief, Headquarters Bureau who shall then forward the original and a copy to the executive deputy chief, along with his recommendations. The executive deputy chief shall affix his recommendations and forward the original to the Chief of Police. Additional copies shall also be forwarded by the board to the deputy chief of the involved member, the Deputy Chief of the Internal Controls Bureau, and the deputy chief of the precinct in which the incident occurred. These deputy chiefs shall also review the board's recommendations and forward their recommendations on Inter-Office Memorandum, D.P.D. 568, to the Chief of Police, through official channels.
  - 2. If the report and recommendation from the Medical Unit is received in time, it shall be included in the Board of Review's report. If it is not received in time, the Medical Unit shall make its report to the Chief of Police directly.
- d. The final report of the Board of Review shall contain conclusions regarding the legal and procedural propriety of the shooting or other use of deadly force, and specific recommendations as to the appropriate commendatory action, disciplinary action, or criminal action for the officer involved.

6. ASSIGNMENT OF INVOLVED OFFICERS

The officer whose actions are being investigated shall be relieved from regular duty, with pay and without prejudice, and assigned directly to the Board of Review or other appropriate non-street duty, as directed by the board.

In the absence of contrary orders by the board, any officer assigned to the Board of Review shall be required to take his scheduled leave and furlough days.

7. DUTIES OF THE MEDICAL UNIT

7.1 Notice to Officer.

Upon being notified by the Board of Review that an officer has been involved in a fatality and is to undergo psychiatric evaluation, the Medical Unit shall advise the officer concerned that an appointment will be made for him to be interviewed by the department psychiatrist.

- a. The Medical Unit shall coordinate the appointment date with both the Board of Review and the officer involved.
- b. The interview will normally take place within one week from the date the Medical Unit is notified.

7.2 Report to the Board of Review.

- a. The Medical Unit shall notify the Board of Review, by telephone, of the psychiatric findings immediately upon the receipt of same.
- b. This notice is to be followed up with a written report from the Medical Unit to the Board of Review, which shall include a recommendation as to whether or not the officer concerned is to be returned to regular duty.

- c. This report and recommendation shall be included in the Board of Review's report to the Chief of Police, if it is received in time. If not, the report shall be submitted to the Chief of Police, directly, with copies to the Board of Review.

7.3 Psychiatric Report.

- a. Following the interview, the department psychiatrist shall report his findings to the Medical Unit, by phone, and shall then submit a formal letter to the Medical Unit indicating the psychiatric prognosis.
- b. This letter shall be retained in the medical file of the officer concerned, where its confidentiality will be preserved.

8. OFFICER'S RETURN TO DUTY

3.1 Officers Directly Involved.

The officer whose actions are being reviewed shall not be returned to regular duty until such time as the Board of Review and the Medical Unit have recommended such action, and it has been approved by the Chief of Police.

- a. If the Board of Review's and the Medical Unit's reports and recommendations are submitted at the same time, the chairman of the board shall then notify the commanding officer of the command concerned that the officer being investigated is to be returned to regular duty.
- b. The chairman of the board shall then notify the officer involved.
- c. In the event the Board of Review has recommended that the officer be returned to regular duty, but the psychiatric evaluation has not been completed,



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the officer involved shall remain at his place of assignment on appropriate non-street duty until such time as the Medical Unit has submitted a report recommending that he be returned to regular duty and it has been approved by the Chief of Police. When this occurs, the above notification process shall be followed.

8.2 Other Officers.

- a. Other officers involved in the case who are directed by the Board of Review to undergo psychiatric evaluation shall remain at their place of assignment and be given appropriate non-street duties until such time as the Medical Unit has recommended that they be returned to regular duty and it has been approved by the Chief of Police.
- b. When approval has been granted, the notification process, as noted above, shall be followed.



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