



KANSAS CITY MISSOURI POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

04-27-16

EFFECTIVE DATE

04-27-16

NO.

16-02

SUBJECT

Police Involved Incident Response

AMENDS

REFERENCE

PI Police Vehicular Reporting
Memorandum of Agreements between the Board of Police Commissioners
of Kansas City, Missouri and Fraternal Order of Police Lodges No. 99 & 102

RESCINDS

P.I. 10-5

I. INTRODUCTION

- A. This written directive establishes a process for handling police involved incidents.
- B. The objective is to ensure the fair and thorough investigation of any major incident involving a member of the Kansas City Missouri Police Department (Department) while taking the necessary precautions to identify and manage potential civil liability and other risks.

II. TERMINOLOGY

A. Notable Event Review Panel (Panel)

- 1. A panel that conducts a structured after-action process or de-brief to analyze any police involved incident, including what occurred, why the incident occurred, and what can be done to make improvements to assist the public and members involved in future incidents.
- 2. The Panel will identify any administrative, supervisory, training, tactical, or written directive issues that need to be addressed and make recommendations to the Chief of Police. The Chief of Police will present the recommendations to the Bureau Commanders.

B. Police Incident Team

- 1. The commander of the Homicide Unit will act as the overall incident commander and assign investigative personnel for police involved incidents, including member involved shootings.
- 2. The team will also be responsible for conducting any other investigation at the direction of the Violent Crimes Division (VCD) commander.
- 3. The team will include: the Firearms Section Supervisor, Internal Affairs Unit (IAU), Investigative Personnel from VCD, Office of the General Counsel (OGC), Regional Criminalistics Division (RCD), and the appropriate prosecuting attorney.

4. The supervisor of the Firearms Section will:
 - a. Be notified when members discharge their firearm, and
 - b. Assist the IAU in incidents involving unintentional discharge of firearms by members.
 5. The commander of the Traffic Investigations Unit (TIU) will work with the commander of the Homicide Unit and assume responsibility as the overall incident commander for any incident that involves a police vehicular accident.
- C. **Police Involved Incident** - Any incident that involves a member discharging their official duties and results in:
1. Death or serious bodily injury of any member.
 2. Death or serious bodily injury of any member of the public as a result of any encounter with a member.
 3. Death or serious bodily injury to any member or any person as a result of a vehicle accident where a member is operating a department vehicle as part of their assigned duty.
 4. Death or serious bodily injury of any member or any person as a result of a pursuit of a motor vehicle by a member.
 5. Any other serious or complex incident deemed appropriate for investigation by the Chief of Police and/or the appropriate investigating division commander.
- D. **Serious Bodily Injury** - Any injury where an injured person is transported from the scene of an incident to receive medical attention and the nature of the injuries indicate the injured person will likely be admitted to a hospital for treatment.

III. GUIDELINES

- A. Criminal investigations will take precedence over internal investigations and will typically be completed before an internal investigation begins.
- B. Police Incident Team Responsibilities
 1. The Police Incident Team will be the primary investigative element in the following circumstances:
 - a. Any discharge of a firearm resulting in injury or death of a person resulting in a criminal investigation.

- b. Use of force, on or off-duty, resulting in serious bodily injury or death.
 - c. Assaults against a member resulting in serious bodily injury or death.
 - d. Any intentional discharge of a firearm, excluding destroying or euthanizing an animal.
 - e. Any other investigation at the direction of the VCD commander.
 2. All completed criminal files will be forwarded to the prosecutor for review.
 3. The VCD will retain the original criminal investigative file.
 4. On submission of the investigation to the appropriate prosecutor, forward a copy of the criminal investigation file to the IAU and the supervisor of the Firearms Section.
- C. On incidents involving the disarming of a member, a copy of the VCD's criminal investigation file will be forwarded to the IAU.
- D. IAU Responsibilities
 1. IAU will be the primary investigative element on any incident that involves the unintentional discharge of a firearm which does not result in death or a criminal investigation or at the direction of the IAU commander.
 2. IAU investigation files will not be forwarded to the Police Incident Team.
 3. IAU will be the central repository for the case file which will include a copy of the criminal file and the original internal file.
- E. Crime Scene Responsibilities
 1. The investigative supervisor is in charge of the crime scene.
 2. Only authorized members will be permitted within a crime scene which should include the Police Incident Team and the involved member's representative and/or attorney.

3. Members in charge of crime scene preservation will prevent unauthorized persons from entering and contaminating or altering the scene, unless their entry is necessary for the preservation of life and safety of victims and first responders. If the member has a question about access, they should contact the investigative supervisor.

IV. PROCEDURES

- A. Incidents involving the discharge of a firearm resulting in the death or injury to a person.
 1. The member involved will ensure their safety and the safety of others to the best of their abilities. When circumstances allow, the involved member will:
 - a. Notify the Communications Unit of the incident and of any medical treatment needed for either the member or the subject(s).
 - b. Notify a supervisor.
 - c. Establish a crime scene and staging area until relieved.
 - d. Remain at or as close as possible to the scene until arrival of the appropriate investigative element(s) and be available for official interviews and statements regarding the incident.
 - (1) Members will be subject to a callback to duty at any time.
 - (2) Permission must be obtained from the Chief of Police or designee prior to leaving the city.
 2. The member's supervisor or the first supervisor on the scene will:
 - a. Absent any exigent circumstances, ensure the scene is stable.
 - (1) Supervisors will provide for the safety of their personnel and the public.
 - (2) Supervisors should consider the preservation of evidence as secondary to the safety of the public and department personnel.

- b. Be responsible for the control and protection of evidence at the scene until the arrival of the Police Incident Team supervisor, who will assume control of the scene and the investigation.
 - c. Ensure the involved member leaves the firearm, ammunition, and any other equipment in the condition outlined below:
 - (1) Handguns should be returned to the holster, the safety on long guns should be placed in the on position, and spent casings and magazines should remain in place until recovered and/or examined by the appropriate investigative element.
 - (2) In incidents involving the Police Incident Team, the team supervisor will assume responsibility for securing the member's firearm and ammunition.
3. In the event a member is involved in a critical incident and a statement is required to be given to detectives, the Department will endeavor to provide the member with a reasonable period of time, based on the circumstances, following the critical incident to provide a formal statement to the investigating element.
- a. Generally, the member will be permitted up to forty-eight (48) hours to complete such statement, except as otherwise provided herein.
 - b. The member may choose to give a statement sooner, but such decision shall be left to the individual member.
 - c. Should the need arise to obtain a formal statement sooner for purposes of filing charges and/or maintaining a subject who is in custody, the member shall make reasonable efforts to provide a statement to the Department within the timeframe necessary for filing charges.
 - d. Members will be given a reasonable amount of time to secure representation prior to the statement being given.
 - e. Should the member request representation, no questions shall be asked until the member's representative or attorney is present.
4. The member's firearm, ammunition, and any equipment related to the incident will be handled as evidence when the discharge of a member's firearm results in the injury or death of a person, or other incidents where the investigating element considers it necessary to protect the integrity of an investigation.

5. A commander will place the member on administrative leave and excuse them from duty with pay.
6. The Chief of Police will:
 - a. Determine when a member may be returned to active duty.
 - b. Reinstate a member to active duty prior to a determination by the prosecuting attorney or grand jury if the Chief of Police finds the member to be physically and mentally capable of being returned to duty, and finds the circumstances such that reinstatement to active duty is appropriate.
 - c. Suspend a member without pay pending the outcome of criminal charges if the prosecutor files criminal charges or the grand jury returns a "True Bill."

B. Vehicle Accidents

1. Vehicle accidents involving serious bodily injury and/or fatality are considered crime scenes.
2. Members should be mindful that if an accident is going to be investigated by Accident Investigation Section (AIS) personnel, the scene will be treated like any other crime scene.
3. Vehicle parts, debris, contents of the vehicle, etc., are considered evidence and will be protected.
4. Refer to current written directive entitled, "Police Vehicular Reporting."

C. Notifications

AIS, the Firearms Section supervisor, the Homicide Unit, IAU, OGC, and the appropriate prosecuting attorney's office shall be notified and the Police Incident Team Supervisor will determine the team's response. When appropriate, the Communications Unit personnel will immediately make these notifications.

D. Replacement Firearm

1. Supply Section Supervisor or designee:
 - a. During normal business hours, will be contacted and respond with a replacement gun and complete the Gun Issue Record Card, Form 111 P.D., for a replacement firearm, as soon as practical.

- b. After business hours will be notified by the Communication Unit and will respond to the Supply Section within one (1) hour to issue a replacement firearm to the member.
 2. Member's Responsibility
 - a. Prior to returning to duty, the member will respond to the Firearms Section and complete a return to duty qualification with the replacement gun.
 - b. The member will use the replacement firearm as the primary duty firearm until their firearm is returned.
 3. When available, a replacement personal patrol rifle and other equipment recovered as evidence will be issued by the Supply Section to a member until their weapon is released from evidence.
 4. The member's weapon will be returned to the member on authorization of General Counsel. A replacement weapon, meeting department specifications, may be provided.
- E. Notable Event Review Panel (Panel)
 1. The Panel is composed of the following:
 - a. Executive Officer of the Patrol Bureau (Chair).
 - b. Associate General Counsel.
 - c. Commander of the Violent Crimes Division.
 - d. Firearms Section and/or Training Supervisor.
 - e. IAU Representative.
 - f. Immediate commander and supervisor of the subject member at the time of the incident.
 - g. Current supervisor of the subject member (if different from above).
 - h. Regional Criminalistics Division Director or designee.
 - i. One sworn member currently in a field assignment appointed by the Chief of Police to serve for one calendar year.
 - j. Any other member at the discretion of the Panel Chair.

2. If a member of the Panel is away for an extended period of time (such as vacation, illness, or leave) and the Panel is to convene, the position will be filled through appointment by the Panel Chair. If possible, the replacement member will be selected from the same element as the absent member.
3. Panel Responsibilities:
 - a. On authorization for review, the Panel will convene within ten (10) days.
 - b. The Panel will review:
 - (1) All intentional discharge of firearms, except the destruction or euthanizing of an animal (those cases will be routed through the affected member's chain of command).
 - (2) Members shot by another individual.
 - (3) Any other serious or complex incident deemed appropriate at the discretion of the Chief of Police and/or a Bureau Commander.
 - (4) The event to include the actions and decisions that led to the incident. The Panel will identify any administrative, supervisory, training, tactical, or written directive issues that need to be addressed.
4. The scope of the review will generally be confined to the written record of the event. Witnesses will be called only when deemed necessary to clarify an issue and only at the discretion of the Panel Chair.
5. Patrol Bureau Office Responsibilities:
 - a. Notify each member of the Panel and provide them with a copy of the case file to be reviewed.
 - b. Have each member read and sign the Notable Event Review Panel Case File Accountability, Form 241 P.D.
 - c. Maintain the above listed form as a permanent record.
 - d. Be the repository for the original Panel file.

6. Members are subject to discipline for failure to keep the case files confidential.
7. The Panel Chair will make a report on the Panel's recommendations to the Chief of Police and the Bureau Commanders.
 - a. References to specific written directives, training, supplies/equipment or processes will form the basis for the recommendations.
 - b. The report will not replace or address any criminal investigation, IAU investigation, or disciplinary recommendations by the involved member's chain of command.

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 20 __.

Leland Shurin
Board Vice President

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