

	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 21.4 Officer Involved Shooting Incidents	
	ISSUE: June 2, 2014	EFFECTIVE: June 2, 2014
	REVISED: June 22, 2020	RESCINDS:
<i>N.Y.S. Accreditation Ref: 21.4</i>	<i>Page 1 of 4</i>	Authority: Chief Robert J. Lucchesi

Officer Involved Shooting Incidents

PURPOSE

The purpose of this policy is to provide guidelines for the investigation of officer-involved shootings and other serious incidents, as defined herein, as well as minimizing the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

POLICY

It is the policy of the New Paltz Police Department that officer-involved shootings and other serious incidents be investigated to determine whether the actions of involved officers conform to applicable law and department rules, policies, procedures, and training.

It is also the policy of the New Paltz Police Department to take immediate action after such officer-involved shootings or other serious incidents in an effort to evaluate, identify and attempt to address any potential mental health issues of all involved personnel.

DEFINITIONS

- a. *Post-Traumatic Stress Disorder*: An anxiety disorder that can result from exposure to short term severe stress, or the long-term build-up of severe stress, or the long-term build-up of repetitive and prolonged milder stress.
- b. *Officer-Involved Shooting Incident*: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person
- c. *Serious Incident*: An incident that has or the potential to have caused a member(s) to have a normal reaction to an abnormal incident or event.
 - a. It may also be an incident where it is reasonably believed that there is potential that an officer who experienced a similar type of incident may suffer from the effects of post-traumatic stress disorder.

PROCEDURES

1. Members involved in an officer-involved shooting shall, to the degree reasonably possible, take initial steps to ensure that any threat from the subject has been addressed, protect the safety of themselves and others, render first aid where necessary, preserve evidence and immediately contact the on-duty supervisor. If there is no on-duty supervisor, the member shall contact the Lieutenant or Chief.



NEW PALTZ POLICE DEPARTMENT

Policy and Procedures

Subject

21.4 Officer Involved Shooting Incidents

ISSUE: June 2, 2014

EFFECTIVE: June 2, 2014

REVISED: June 22, 2020

RESCINDS:

N.Y.S. Accreditation Ref: 21.4

Page 2 of 4

Authority: *Chief Robert J. Lucchesi*

2. Supervisor Responsibilities

- a. The on-duty supervisor shall be responsible for ensuring that standard incident response protocols have been implemented and shall assume primary responsibility in caring for the personnel involved and securing the scene. In addition, the supervisor shall ensure that the following tasks are addressed, if not previously completed.
 - i. Any remaining threats are identified, and necessary action is taken.
 - ii. The physical condition of the involved officer(s), subject(s), and third parties is determined, emergency first aid is provided, if necessary, and emergency medical assistance is summoned.
 - iii. A brief public safety statement that should be recorded is taken individually from the involved officer(s), covering only information necessary to focus initial law enforcement response and direct the preliminary investigation into the officer-involved shooting. Information obtained should include, where appropriate,
 1. type of force and weapons used;
 2. direction and approximate number of shots fired by both the involved officer(s) and subjects;
 3. location of any injured persons or potentially injured persons;
 4. description of at-large subjects, their direction of travel, crime(s) committed, any weapons, and time elapsed since the subjects were last seen;
 5. description and location of any known victims or witnesses;
 6. description and location of any known evidence including in-car and body worn camera video; and
 7. any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large subjects.
 - iv. Notification to the Lieutenant and/or Chief of Police.
 - v. The on-duty supervisor should;
 1. Ensure no caffeine or other stimulants or depressants are given to the involved officer(s) unless administered by medical personnel.
 2. Advise officer(s) they may seek legal counsel prior to a more detailed debriefing.
 3. Ensure involved officer(s) are directed not to discuss any aspects of the shooting among themselves or with others, except their attorney, a qualified mental health professional, or authorized investigative personnel.
 - vi. The supervisor will ensure a peer counselor or fellow officer remains with the involved member but should be advised not to discuss the details of the incident. The supervisor



NEW PALTZ POLICE DEPARTMENT

Policy and Procedures

Subject

21.4 Officer Involved Shooting Incidents

ISSUE: June 2, 2014

EFFECTIVE: June 2, 2014

REVISED: June 22, 2020

RESCINDS:

N.Y.S. Accreditation Ref: 21.4

Page 3 of 4

Authority: Chief Robert J. Lucchesi

should arrange for the officers directly involved in the incident to leave the area as soon as possible and be taken to a quiet, secure setting or for a medical evaluation if applicable.

- vii. The supervisor shall determine whether the circumstances of the incident require the immediate need to secure the officer's duty gear, including weapon and ammunition. If so, the supervisor will take custody of these items in a discrete manner and make every effort to replace the officer's weapon with another. If the supervisor is unable to replace the weapon, they will advise the officer it will be replaced as soon as possible
 - viii. The supervisor shall ensure involved officers notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify the family and arrange for their transportation to the hospital.
 - ix. At all times, when at the scene of the incident, the supervisor should handle the officer(s) and involved personnel in a manner that acknowledges the stress caused by the incident.
 - x. In the event the member involved in the shooting is of the rank of sergeant, the lieutenant should handle the duties that normally are attended to by a sergeant.
- b. Until relieved by a higher rank the on-duty supervisor should also;
- i. Establish a crime scene with an adequate inner perimeter.
 - ii. Establish a crime scene with an outer perimeter to prevent anyone from entering except those whose entrance has been documented and have a specific function to perform.

3. Administrative Responsibilities

a. The Lieutenant or Chief of Police will:

- i. Notify the Ulster County District Attorney's Office and request a member of the office to the scene
- ii. Notify the New York State Police and request FIU, Investigators and any other personnel required to investigate the shooting.
- iii. Notify the Office of the New York State Attorney General, Special Investigations and Prosecution Unit.
- iv. Establish a command post when it appears that an extended on-site investigation will be necessary
- v. Identify and establish a media staging area beyond the outer perimeter and that it is appropriately staffed.



NEW PALTZ POLICE DEPARTMENT

Policy and Procedures

Subject

21.4 Officer Involved Shooting Incidents

ISSUE: June 2, 2014

EFFECTIVE: June 2, 2014

REVISED: June 22, 2020

RESCINDS:

N.Y.S. Accreditation Ref: 21.4

Page 4 of 5

Authority: *Chief Robert J. Lucchesi*

- vi. Ensure someone is recording the chronological record of activities at the scene, to include persons present, those who have been at the scene, and actions taken by law enforcement or other official personnel.
- vii. Ensure that all personnel involved in the incident are referred to the Employee Assistance Program
- viii. Except for the officer(s) involved in the shooting, all personnel involved in the incident should be removed from the schedule for at least one tour when feasible and appropriate.
- ix. Ensure the officer(s) involved in the shooting are placed on paid administrative leave pending the department internal affairs investigation and a psychological evaluation.
- x. Commence a department internal affairs investigation to ensure the shooting complies with department rules, policies, procedure and training. The Lieutenant will be tasked with conducting the internal investigation. Should the Lieutenant be involved in the incident, the Chief of Police will conduct the internal investigation.

4. Investigation

- a. Pursuant to NYS Executive Law, the Office of the New York State Attorney General, Special Investigations and Prosecution Unit is tasked with investigating and, if warranted, prosecuting police officers who are involved in the death of an individual, whether or not they are in the officer's custody.
- b. The Attorney General of New York ("the Attorney General") is vested with investigative authority and criminal jurisdiction upon the death of a person referenced above. All jurisdiction over the prosecution of such incidents is vested with the Attorney General and supersedes the jurisdiction of the District Attorney of the county in which the incident occurred.
- c. The Attorney General then retains jurisdiction over the matter until such time as the Attorney General determines the matter does not meet the requirements listed within the description of the act. Should the Attorney General make such a determination, it will provide written notice of said determination to the Ulster County District Attorney's Office.
- d. The investigative responsibilities of the Attorney General include:
 - i. Conducting a full, reasoned, and independent investigation of the matter. This investigation must;
 - 1. Gather and analyze evidence;
 - 2. Conduct witness interviews;
 - 3. Commission and review any required scientific reports; and



NEW PALTZ POLICE DEPARTMENT

Policy and Procedures

Subject

21.4 Officer Involved Shooting Incidents

ISSUE: June 2, 2014

EFFECTIVE: June 2, 2014

REVISED: June 22, 2020

RESCINDS:

N.Y.S. Accreditation Ref: 21.4

Page 5 of 5

Authority: *Chief Robert J. Lucchesi*

4. Review audio and video recordings.

- ii. This Attorney General is empowered to issue subpoenas
- e. The Office of Special Investigations is empowered to issue a public report on its website regarding the investigation if the office declines to present evidence to a grand jury or the grand jury declines to return an indictment on any charge.
 - i. These reports must include the result of the investigation, an explanation as to its decision, and any recommendations for reforms arising from the investigation.
- f. Should the shooting result only in serious bodily injury, not death, the Ulster County District Attorney's Office will consult with the Attorney General's Office of Special Investigation to determine who will conduct the investigation.

POST INCIDENT

1. All personnel involved should be advised they are not permitted to speak with the media about the incident. Members will refer all inquiries to the Chief of Police or their designee.
2. Officers directly involved in the shooting incident may be required to re-qualify with their duty or department weapons after they are medically and legally cleared. These qualification(s) would be performed prior to the member(s) returning to full duty status.
3. Daily Stress Recognition
 - a. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of post-traumatic stress disorder. Additionally, fellow officers are encouraged to monitor officers involved as well and report any concerns to a supervisor
 - b. A supervisor should remind officers of the availability of assistance or counseling from EAP (Employee Assistance Program) or other mental health specialists upon reasonable belief that the stress may be disrupting the member's job performance and/or their personal life.
4. Training
 - a. The agency shall provide employees with training pertaining to post-traumatic stress disorder and the uniform procedures contained in this policy on a regular basis.
 - b. The agency will make information available and/or coordinate peer counseling group sessions and/or mental health services for members involved in the incident.