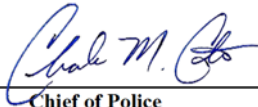
	MESQUITE POLICE DEPARTMENT
	114.00 INVESTIGATION OF POLICE RELATED DEATH OR SERIOUS INJURY
	Effective Date: September, 2019
	Approved: _____  Chief of Police

PHILOSOPHY:

There are few instances in law enforcement that creates greater anxiety for a peace officer than the use of lethal force. The State of Texas empowers peace officers with its legitimate use, which is defined in the Texas Penal Code. A complete, thorough and unbiased investigation is necessary to protect the professional ethics and integrity of the Mesquite Police Department. This order applies to those situations where the loss or attempted loss of human life may result from the actions of any Mesquite police officer. Compliance with the provisions of this order will contribute to the maintenance of public confidence in the Mesquite Police Department.

I. Overall Responsibility

- A. The Major Crimes Section of the Criminal Investigations Bureau has the responsibility for investigating incidents when the injury or death of another person results from a lethal police action. This includes all officer involved shootings, the intentional use of a motor vehicle as deadly weapon, and other means that may cause death of serious bodily injury.
- B. If necessary, a lieutenant or above may authorize deviation from steps listed in this order. However, such deviation will be based upon careful consideration of all the facts and the totality of the circumstances known at the time.

II. Investigative Designation

- A. Generally, there will be two investigations: A criminal investigation and an administrative investigation. The criminal investigation will be conducted by the Major Crimes section of the Criminal Investigations Bureau. The administrative investigation is normally conducted by Internal Affairs or another representative specifically designated by the Chief of Police.
- B. The responsibilities of the first supervisor to arrive at the scene include, but are not limited to:
 1. Check for any injured persons and ensure the proper medical response.
 2. Secure the incident scene. Designate the inner perimeter with crime scene tape and designate an outer perimeter.
 3. Locate the Body Worn Cameras and Mobile Video Camera Systems from all involved officers and ensure they are no longer recording. Make sure the recordings are saved.
 4. Locate and identify witnesses.
 5. Ensure that uninjured officer(s) involved in the incident are segregated from the inner perimeter as soon as possible. The involved officer should not leave the outer perimeter without the supervisor's consent.
 6. Allow the involved officer(s) to choose a companion officer - the companion officer will not be an officer involved in the incident. The companion officer may assist with notification of a legal representative. However, he/she should not provide legal advice, will not participate in the walk through and will not be allowed inside the inner perimeter.
 7. Companion officers should not discuss the specific detail of the incident with the involved officer or they may be required to submit an affidavit regarding the discussion.
 8. Ensure that involved officers are afforded an early opportunity to communicate with family members and contact a legal representative. If necessary, the

companion officer may coordinate needed transportation or other arrangements for family members. However, family members will not be brought to the scene of the incident.

- C. The responsibilities of the on duty Watch Commander include, but are not limited to:
 - 1. Provide details to ranking officers who require administrative information.
 - 2. Make the proper notifications as warranted (i.e. Bureau Commander, Crime Scene Investigation (CSI) and Major Crimes Section of the Criminal Investigations Bureau, the Public Information Officer (PIO), and the Internal Affairs Investigator).
- D. The Major Crimes Section Response
 - 1. Generally, a CID lieutenant, the Major Crimes Sergeant, at least Major Crimes Investigators, the CSI sergeant and two CSI investigators will respond.
 - 2. The Officer in Charge (OIC)
Generally, the officer in charge of the investigation is the Major Crimes Sergeant. The OIC is responsible for the investigation, the incident scene and will coordinate all the investigative efforts. The CSI sergeant is responsible for the inner perimeter until his/her investigation is completed. The lieutenant will assume responsibility for the entire event and ensure the Major Crimes section has all the equipment, material, manpower and other resources necessary to perform their investigation. The lieutenant will also keep the chain of command informed with accurate and updated information throughout the investigation.
 - 3. Types of incidents investigated by the Major Crimes section include, but are not limited to:
 - a) Police involved shootings resulting in serious bodily injury or death to an officer or citizen.
 - b) Police incidents resulting in serious bodily injury or death to an officer or person except motor vehicle accidents.
 - c) When a person dies or is seriously injured while in police custody. This includes incidents that occur in the jail.
 - d) When a police officer intentionally discharges a firearm (excluding approved firearms training and shooting at an animal).
 - e) Any incident as directed by the Chief of Police or his designee.
- E. Animal Shootings:
When an officer discharges a firearm at an animal and no person is injured, the incident will be thoroughly investigated by the Major Crimes section. The on-duty Watch Commander will notify the on-call CID supervisor. Generally an on-duty Crime Scene Tech will be sufficient for the crime scene investigation.

III. Investigative Procedures

- A. The Major Crimes section will utilize procedures and protocols established by the Criminal Investigations Bureau. The CSI section will conduct the crime scene investigation and recover physical evidence. This includes the retrieval of the involved officer's weapon utilizing procedures and protocols specific to that section.
- B. Officer's Right to Counsel
During the course of the criminal investigation, the involved officer(s) are entitled to have access to legal representation (at his/her own expense) beginning at the scene and continuing throughout the investigation. Officers who are witnesses to the incident (and not subject to a criminal investigation) are not entitled to legal representation.
 - 1. During the walk through the officer's attorney may accompany him/her if the attorney can be present at the scene of the walk through within a reasonable time. The attorney will not be allowed inside the inner perimeter unescorted.

2. During a criminal investigation while being interviewed and preparing a written statement an involved officer may have his/her attorney present. The involved officer and his/her attorney will be permitted to review recordings of the incident created by that officer prior to submitting a statement. Involved officers will be allowed to review other officers' recordings.
 3. Attorneys will not be allowed to have a group meeting with the involved officers while at the crime scene or in the Criminal Investigations offices. Nor will attorneys be allowed to interview witness officers at the scene or in the Criminal Investigations offices.
- C. The Division Assistant Chief will place the involved officer on special assignment until a preliminary administrative review can be conducted . If necessary, the Division Assistant Chief may schedule additional special assignment time. The officer's Bureau Commander will determine the type of assignment.
 - D. The Division Assistant Chief will arrange for a psychological resource person to contact the involved officer within 24 hours of the incident.
 - E. The OIC will make a recommendation through the lieutenant whether criminal charges should be filed. Unless directed otherwise, the OIC is responsible for initiating a Grand Jury referral of the incident.
 - F. The OIC or the lieutenant will keep the involved officer's Bureau Commander informed on the condition of any injured persons and on the status of the Grand Jury hearing. The involved officer's Bureau Commander will ensure that he/she is kept fully informed on the status of the case.

EFFECTIVE: April, 1985; REVISED: September, 1990; FORMERLY: B/85-60; REVISED: January, 1992; REVISED: August, 2003; REVISED: March, 2004; REVISED: October, 2006; REVISED: August, 2011; REVISED: July, 2017; REVISED: September, 2019

