

**GENERAL ORDER**

March 2019

Immediately

**III-42**

Distribution: All Employees

Subject: **DISCHARGE OF A FIREARM, POLICE-ACTION DEATH, OR SERIOUS BODILY INJURY INVESTIGATIONS**

Index as: Accidental Discharge of a Firearm Discharge of a Firearm Discharge of a Firearm at an Animal Everbridge Alert Shooting Review Board Pinellas County Use of Deadly Force Investigative Task Force	Police-Action Death Investigations Return to Duty Assignment Serious Bodily Injury Special Investigations Intentionally Discharging a Firearm Use of Force
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Accreditation Standards: 4.2.1, 4.2.2, 4.2.3, 11.3.4, **CFA 15.21**

Cross Reference: G.O. I-03 Legal Authority of Police Officers  
 G.O. II-42 Use of Force  
 G.O. II-43 Lethal and Less-lethal Weapons  
 G.O. III-19 Death and Serious Injury Special Investigations  
 OPS SOP III-2 Firearms Investigations  
 USB SOP III-12 Death Investigations  
**§943.1740, FS**

Replaces: G.O. III.42, Discharge of a Firearm, Police-Action Death, and Serious Bodily Injury Investigations (December 20, 2020)

This Order establishes the criminal and administrative procedure for the investigations of a discharge of a firearm and the use of force and other police actions that result in death or serious bodily injury. It consists of:

- I. Policy
- II. Purpose
- III. Discharge of a Firearm Investigation
- IV. Police Action Death or Serious Bodily Injury Investigation
- V. Return to Duty Assignment
- VI. Training

## I. POLICY

A. The Department recognizes that the possession and/or handling of firearms by employees of this Department are a regular part of the duties of a Police Officer and a small number of civilian employees; i.e., the armorer, forensic technicians, and property/evidence clerks. It is the policy of the St. Petersburg Police Department that an Officer who discharges a firearm on or off duty, accidentally or intentionally, within or outside the City, except for training or practice at a range or while involved in a hunting or sporting event, shall make a report to the Department as detailed in this Order.

B. It is recognized that an Officer may encounter situations where force may be necessary to overcome resistance in order to achieve a specific law enforcement objective. The force applied by an Officer in any situation may range from verbal direction to the use of deadly force, if confronted with a situation where the Officer or some other person is threatened with serious physical injury or death. It is further recognized that other members of the police department may become involved

in police actions that result in the death or serious bodily injury of a person, and that these incidents also require criminal, administrative, and prosecutorial investigations.

C. It is the policy of the St. Petersburg Police Department that members of this agency shall immediately notify a Watch Commander of any police action that results in the loss of human life or serious bodily injury to a person. The Watch Commander shall notify the Chain of Command, the Investigative Services Bureau (ISB), the Office of Professional Standards, and request that an Everbridge alert be sent to notify the members of the Pinellas County Use of Deadly Force Investigative Task Force.

D. The Pinellas-Pasco State Attorney's Office, via the Pinellas County Use of Deadly Force Investigative Task Force, will be presented for review, the results of any criminal investigation involving death or serious bodily injury as a result of police action, or the intentional discharge of their firearm results in injury or death, and shall make a final determination as to what charges, if any, will be brought forth against any member of the St. Petersburg Police Department.

E. The Pinellas County Use of Deadly Force, Investigative Task Force, will conduct the criminal investigation of police action that has resulted in death or serious bodily injury.

## II. PURPOSE

A. The investigation of use of force and other police actions that result in death or serious bodily injury requires that specific procedures be followed to maintain public trust and ensure that a thorough investigation is conducted. This written directive:

1. Establishes procedures for reporting a discharge of a firearm;
2. Establishes procedures for investigating the discharge of a firearm;
3. Establishes procedures for the review of the discharge of a firearm;
4. Establishes the criminal investigative authority;
5. Establishes the administrative investigative authority;
6. Describes the role of the State Attorney's Office;
7. Establishes the role of the Public Information Office;
8. Establishes the role of the Training Division, and
9. Establishes awareness training for all personnel potentially impacted.

## II. DISCHARGE OF A FIREARM

### A. Reporting Discharge of a Firearm

1. An Officer discharging a firearm on or off duty, accidentally or intentionally, within or outside the City, except for training or practice at a range or while involved in a hunting or sporting event, shall make a report to the Emergency Communications Center as soon as circumstances permit.

2. The Emergency Communications Center shall notify the Watch Commander who shall go to the scene or contact the person who reported the discharge.

3. The Watch Commander shall notify the Major, Office of Professional Standards.

4. An Officer discharging a firearm under circumstances defined in this Order, in addition to verbally reporting the discharge to the Emergency Communications Center, shall complete a *Use of Force Report*, via Blue Team, and submit it to their Supervisor as soon as possible.

5. The Supervisor approving the *Use of Force Report* will ensure the Incident Summary portion is complete in the *Use of Force Report* before being routed through the Officer's Chain of Command.

6. The *Use of Force Report* shall be sent electronically, via Blue Team, to be administratively reviewed by the Officer's Chain of Command through the rank of Major.

7. Following the administrative review, the respective Major shall electronically forward the *Use of Force Report* to the Office of Professional Standards via Blue Team.

8. The Office of Professional Standards will:

- a. Enter the approved *Use of Force Report* into IAPro, and
- b. Send a PDF version to the Records and Identification Division
- c. If any report indicates additional training may be needed, the report will be forwarded to the Training Division for their review.

B. Investigating the Discharge of a Firearm

1. Incidents involving the discharge of a firearm at an animal, or including an accidental discharge, shall be investigated by the affected Officer's Supervisor, unless otherwise directed by the Office of Professional Standards.

2. All other firearms discharges will be investigated by the Office of Professional Standards.

3. If there has been injury or death of a person or a person has been exposed to danger from the accidental or intentional discharge of a firearm, the investigation will be conducted as detailed in this Order.

4. If the incident arises as a result of an accidental discharge, and no one has been injured or exposed to danger, or a firearm has been discharged at an animal, the Watch Commander shall ensure the following procedures are followed:

- a. The listed persons shall be notified immediately:
  - 1) The Chief of Police via the involved Officer's Chain of Command,
  - 2) The Major, Office of Professional Standards, and
  - 3) The Manager, Community Awareness (PIO);
- b. The involved Officer's firearm and gun belt, if necessary, shall be taken for investigative purposes by the Investigator in charge of the scene before it is unloaded or otherwise examined.
  - 1) The weapon will be inspected by a Department Armorer
  - 2) The firearm will be made safe only at Police Headquarters.
- c. Photographs shall be taken of the firearm and of conditions related to the event.
- d. Photographs will be taken of the scene.
- e. Scene diagram will be completed by a member of the Forensics Unit.
- f. Witnesses to the event will be interviewed.
- g. A neighborhood canvass will be conducted to locate witnesses or damage.
- h. A police report outlining the details of the event will be completed.
- i. A Use of Force form will be completed in Blue Team.
- j. All completed documents will be forwarded, via Chain of Command, to the Office of Professional Standards.
- k. An Officer relieved of their firearm for investigatory purposes shall be furnished with a replacement, unless their emotional state indicates they should be relieved of a firearm.
  - l. If a replacement firearm is issued, the Officer shall be offered the opportunity to become familiar with the newly issued firearm at the firing range.
  - m. The District Major, or designee, may reassign the Officer to inside duty, in coordination with the Operations Analyst, Fiscal Services, or place the Officer on administrative leave until the Department's investigation has been completed.
  - n. The involved Officer is authorized to carry a firearm, unless their emotional state indicates they should be relieved of the firearm.
  - o. The Watch Commander shall advise the Officer of the services of the Employee Assistance Program (EAP) Coordinator.

### C. Review of the Discharge of a Firearm

1. Upon receipt and acceptance of the report prepared by the affected Officer's Chain of Command, following an accidental discharge with no injuries or any persons exposed to danger, or an intentional discharge at an animal, the Chief of Police will review the same for potential follow up by the Office of Professional Standards.

2. The Chief of Police retains the right to convene a Shooting Review Board as they may direct.

3. Upon receipt and acceptance of the report prepared by the Office of Professional Standards, following the discharge of a firearm with serious bodily injury or death of a person, or persons exposed to danger, the Chief of Police shall convene a Shooting Review Board to review the results of the investigation.

4. If, after a Shooting Review Board, the Chief of Police determines there was no violation of law, or of Department General Orders, City Rules and Regulations, or negligence involved, the Officer shall be notified in writing.

5. If, after a Shooting Review Board, the Chief of Police determines there was a violation of law, or of Department Rules and Regulations, or negligence has been proven, the Officer shall be notified of the decision at the conclusion of the Board. The appropriate disciplinary action shall be initiated at a later date.

6. No action taken by this Department shall preclude an independent investigation or any criminal prosecution which may be initiated by the State Attorney's Office.

### III. POLICE ACTION DEATH OR SERIOUS BODILY INJURIES INVESTIGATION

#### A. Criminal Investigation Authority and Responsibilities

##### 1. Discharge of a Firearm

a. If there has been serious bodily injury or death of a person or a person has been exposed to danger from the accidental or intentional discharge of a firearm, the Watch Commander shall ensure the following procedures are followed:

- 1) The listed persons shall be notified immediately:
  - a) The Chief of Police via the involved Officer's Chain of Command;
  - b) Major, Office of Professional Standards;
  - c) Manager, Community Awareness Division;
  - d) Crimes Against Persons Division Commander;
  - e) Employee Assistance Program, Outside Consultant;
  - f) The Watch Commander shall request that the Communications Center issue an Everbridge alert to members of the Pinellas County Use of Deadly Force Investigative Task Force.
- 2) If the incident results in a death, notification shall also be made to:
  - a) State Attorney's Office, and
  - b) Medical Examiner.
- 3) The first Supervisor arriving at the scene of a shooting incident will obtain a brief synopsis and provide updated information to Investigators as they arrive.
- 4) After obtaining the synopsis and assessing the scene, the Supervisor will remain with the involved Officer(s) until they are released to a member of the Pinellas County Use of Deadly Force Investigative Task Force.
- 5) If the Officer reports a malfunction of the firearm, the Armorer shall be called back to duty.
- 6) The Supervisor and Watch Commander will coordinate the provision of a replacement firearm and holster from the Equipment Room, unless the Officer's emotional state indicates they should be relieved of a firearm.
- 7) Once a decision has been made to issue a replacement firearm and the firearm is available, the sergeant will have the Officer remove their gun belt with holster, leaving the firearm in the holster.
- 8) The gun belt, with the firearm in the holster, shall be secured in the trunk of the Supervisor's vehicle.
  - a) The Supervisor shall release the firearm and gun belt to the investigating detective and/or Armorer, if applicable, upon their request.
  - b) If a malfunction was reported, the initial review of the firearm's condition shall be made by the Armorer in the presence of the investigating detective and a Forensic Technician.
  - c) Photographs shall be taken of the firearm and of the conditions found.

9) The Officers involved shall give a brief synopsis of the incident to assist in the investigation; however, they may elect to minimize their statement until speaking with a Union representative. The intention is to assist in the investigation without compromising any of the subject Officer's rights.

10) The scene shall be secured, and witnesses separated.

11) The second Supervisor arriving at the scene shall assume responsibility for the scene, until relieved by the investigating detectives.

12) Only those Officers directly involved in the investigation shall enter the scene.

13) The criminal investigation shall be turned over to the lead agency of the Pinellas County Use of Deadly Force Investigative Task Force.

14) Efforts should be made to have the involved Officer remain at the scene until Detectives arrive. However, should the nature of the incident or location dictate the Officer leave the area, the Supervisor will drive the Officer to headquarters.

15) The interview of the witnesses and the involved Officer will be conducted by the Pinellas County Use of Deadly Force Investigative Task Force.

a) In cases of death or critical injury shootings where the State Attorneys' Office elects to respond to take sworn statements, they will be allowed to interview first.

b) The Office of Professional Standards may interview the involved Officer after the criminal investigation is complete.

16) The Officer shall not leave Police Headquarters without authorization from the Watch Commander.

a. Considering the potential emotional stress which may result from a shooting incident, the Supervisor shall accommodate the Officer's request(s) when possible.

17) Witness Officers may be interviewed by a detective in the Office of Professional Standards.

18) Involved Officer(s) will be scheduled for an interview at a later date.

19) The District Major, or designee, shall direct the involved Officer to meet with EAP.

20) The District Major, or designee, shall reassign the Officer to inside duty, in coordination with the Operations Analyst, Fiscal Services, or place the Officer on administrative leave until the Department's investigation has been completed.

21) If a replacement firearm is issued, the Officer shall be offered the opportunity to become familiar with the newly issued firearm at the firing range.

## 2. Other Police Actions

### a. Supervisor Responsibilities

1) When an Officer notifies their Supervisor of a police action that has resulted in the death or serious bodily injury of an offender, the patrol Supervisor shall:

a) Immediately notify the Supervisor, Investigative Services Bureau (ISB) as well as the appropriate Chain of Command.

b) Immediately notify the Office of Professional Standards (OPS).

c) Ensure that the scene has been secured.

d) Separate involved Officers, ensuring that the duty belt, cruiser, and uniform of the Officer is preserved for evidentiary purposes.

e) Identify witnesses.

### b. The Investigative Services Bureau Supervisor shall:

1) Immediately notify the Investigative Services Bureau (ISB) Chain of Command.

2) Ensure that the Office of Professional Standards has been notified.

3) Ensure that the scene has been secured.

4) Coordinate the Task Force response.

### c. Pinellas-Pasco State Attorney's Office

1) Any police action taken by members of the St. Petersburg Police Department that results in the death or serious bodily injury of an offender or witness shall be investigated, unless otherwise directed by the Chief of Police, by the Pinellas-Pasco State Attorney, or another higher authority.

## d. The Office of Professional Standards Responsibilities

1) Will conduct the Administrative Investigation, in compliance with [J:\Research\Standard Operating Procedures \(SOP\)\Office of Professional Standards\OPS SOP III-02 Firearms Investigations.pdf](J:\Research\Standard Operating Procedures (SOP)\Office of Professional Standards\OPS SOP III-02 Firearms Investigations.pdf).

## 2) Investigative Authority

a) Incidents involving death or serious bodily injury of a person which resulted by a police action, to include use of force or vehicle accident during a pursuit, are investigated by the Office of Professional Standards to assure compliance with state law and department policy.

b) Investigations involving death or serious bodily injury as a result of police action that also involves an investigation by the Pinellas County Use of Deadly Force Task Force are conducted in an atmosphere of cooperation to ensure that the needs of both investigations are met without hindering the effectiveness of the investigation.

i. Items or information obtained by the Pinellas County Use of Deadly Force Task Force can be shared with the OPS investigators, however OPS investigators cannot share information they may obtain.

c) Other incidents may be investigated by the Office of Professional Standards on a case-by-case basis to be determined in coordination with the Major, OPS, and the Chief of Police.

## 3) Investigative Procedures

## a) Notification

i. Upon notification of an incident requiring investigation, the Major, OPS will assign an Investigator(s).

ii. The primary Investigator has responsibility for the investigation.

iii. The Major, OPS may respond to the scene of the incident based on the severity of the situation.

## 4) Investigation

a) The Investigator, Office of Professional Standards will respond to the scene and will be briefed by the Supervisor in charge of the scene.

b) The Investigator, OPS will not become involved in questioning Officers and/or witnesses until the Pinellas County Use of Deadly Force Task Force has completed the investigation or the Supervisor in charge of the investigation has given the approval for such questioning.

c) Upon approval to enter the scene, the Investigator, OPS will request the Criminal Investigator's Supervisor, or designee accompany them while viewing the scene.

i. The purpose of entering the scene is to review the evidence at the scene in as close to the original state as possible.

ii. The Investigator, OPS must ensure that photographs, videos, evidence, etc. have been obtained according to their needs.

d) The Investigator, OPS shall make immediate contact with the Supervisor of the employee involved, to find out what actions the Supervisor took concerning the employee.

e) The Investigator, OPS will make contact with the Forensic Technician assigned to determine:

i. What the Forensic Technician observed.

ii. What photographs of the scene, injuries, etc. have been obtained.

f) The Investigator, OPS shall insure the following procedures are completed and include the information in their report.

i. An examination of all evidence. This will include less lethal weapons(s) in possession of the Officer or in police vehicle(s).

ii. Secure weapon(s) which have been utilized, if needed.

iii. Secure all evidence as needed.

iv. Identify witnesses and after the Pinellas County Use of Deadly Force Task Force has completed taking their statements, and after State Attorney interviews, if applicable, interview the witnesses.

v. Conduct a neighborhood canvas as soon as possible. A second neighborhood canvas may be conducted the next day in an attempt to locate those witnesses that were not available for the first neighborhood.

vi. Obtain photographs and measurements of the scene as needed.

vii. Request the Emergency Communications Center to make a copy of the recording(s).

viii. Obtain a medical release/records of injured parties, all copies of Officer, Investigator, EMS.

Forensic Services reports.

ix. Obtain the CAD sheets from the Emergency Communications Center.

x. Obtain crime scene diagrams from involved personnel, if needed for clarity of the case.

xi. Obtain aerial photographs, if needed.

xii. Submit requests for photographs.

5) OPS Case Completion

- a) Cases will be completed within a time frame designated by the Chief of Police.
- b) All shooting investigations will be considered a high priority and will be conducted in an expeditious manner.

c) The primary Investigator is responsible for scheduling the Shooting Review Board and coordinating all activities to include notification to individuals.

e. Public Information Office Responsibilities

1) The Public Information Officer (PIO), at the direction of the Chief of Police, is the primary point of contact for providing media updates to the public regarding any police action death investigations.

2) The names of involved parties shall be released at the discretion of the Chief of Police and in accordance with state and federal guidelines.

3) The PIO shall ensure that the public is notified of any updates to the investigation in a timely manner and in coordination with the Pinellas County Use of Deadly Force Task Force, the Chief of Police, and the State Attorney's Office, if applicable.

IV. RETURN TO DUTY ASSIGNMENT

A. The Chief of Police may consider returning an Officer to their current duty assignment, prior to the completion of the internal investigation, if the following criteria are met:

- 1. No fatality is involved;
- 2. No injuries requiring admission into the hospital;
- 3. The criminal/SAO investigation is complete;
- 4. EAP requirements have been met; or
- 5. At the discretion of the Chief of Police, based on the totality of the circumstances.

VI. TRAINING

A. The Office of Professional Standards will forward to the Commander, Training Division, any use of force report and other police action report that results in death or serious bodily injury.

B. The Commander, Training Division, will review such reports to determine if there is a need for additional training for impacted personnel.

C. Any personnel responsible for managing such incidents shall be provided process training, as determined by the Chief of Police.

D. Awareness training will be provided to all personnel potentially impacted.

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