

JOHNSON COUNTY
MULTI-JURISDICTIONAL

OFFICER-INVOLVED CRITICAL INCIDENT
INVESTIGATION TEAM



Protocol and Procedure Manual

Revised February 2023

CONTENTS

Purpose Statement.....	2
Definitions.....	3
OICIIT Defined.....	4
<u>Team Administrative Guidelines</u>	
Membership.....	4
Quarters & Support.....	4
Activation.....	4
Length of Investigation.....	5
Expenses.....	5
<u>Team Composition</u>	
Police Chief Liaisons.....	5
OICIIT Responsibilities.....	6
Team Commander.....	6
Lead Supervisor.....	7
Investigator.....	9
Scene Investigator.....	9
Report Officer.....	9
Crime Scene Investigators.....	10
Criminalistics Support.....	10
Administrative Support.....	10
Reports.....	10
Release of Information to the Public.....	10
Completion of Investigation.....	11

PURPOSE STATEMENT

The purpose of the Johnson County Officer Involved Critical Incident Investigation Team (OICIIT) is to utilize best practices to assure a thorough and complete investigation is conducted with transparency, and impartiality in the criminal investigation of an officer involved critical incident. As a matter of general protocol, critical incidents that involve police officers from a Johnson County law enforcement agency are investigated by OICIIT. OICIIT is a group comprised of well-trained, professional investigators from law enforcement agencies across Johnson County. OICIIT also provides additional resources afforded by combining investigation capabilities from the participating agencies.

The role of OICIIT is to fully investigate the use of deadly force, typically through the discharge of a firearm by an officer(s), resulting in injury or death. At the request of the involved agency's Chief Law Enforcement Officer, the OICIIT may investigate other use of force situations resulting in deaths, in-custody deaths or other non-traffic situations involving injury or death where an outside investigation may assist in protecting the integrity of the case.

The OICIIT investigation is not intended to take the place of the involved agency's internal administrative investigation. Both investigations can run simultaneously, but it is not the responsibility of the OICIIT team to review compliance with departmental policies.

After the investigation is completed, the OICIIT report will be submitted to the Johnson County District Attorney's Office for their review. Ultimately, it is the District Attorney that makes the determination as to whether the actions of the officer(s) was legally justified.

The protocols and procedures cannot anticipate every possible circumstance that might occur. However, every effort will be made to utilize industry best practices which is intended to create an independent, transparent, and objective process from which meaningful and valuable conclusions can be drawn. The OICIIT is for the community, its citizens, the agencies who serve them, and the police officers within the agencies. Each deserves the best investigation, and this standard of practice strives to achieve this idea.

DEFINITIONS

Crime Lab: The Johnson County Criminalistics Laboratory.

Crime Analyst: Person chosen from the OICIIT roster to assist in an analyst role.

District Attorney: The District Attorney of Johnson County.

Employer Agency: The agency employing an officer involved in an OICI. Also referred to as the “involved” agency.

First Assisting Officer: The first non-involved and non-witness officer present at the scene.

Incident Commander: The on-site commander for the involved agency.

Investigator: Person chosen from the OICIIT roster to assist in investigative assignments.

Involved Officer: The officer involved either as an actor or victim (or both) in an OICI.

Medical Examiner Office (MEO): The Johnson County Medical Examiner’s Office.

Officer: Commissioned employee of a law enforcement agency.

Officer-Involved Critical Incident (OICI): See below.

Officer-Involved Critical Incident Investigation Team (OICIIT): Multi-jurisdictional team directed to investigate officer-involved critical incidents and present that investigation to the District Attorney.

OICIIT Commander: Person chosen from the OICIIT roster to command an OICI investigation; maintains overall investigative supervision.

OICIIT Lead Supervisor: Person chosen from the OICIIT roster to supervise an OICI investigation; maintains specific incident and investigative supervision.

On-Site Supervisor: Involved agency supervisor responding to an OICI scene.

Public Information Officer (PIO): Person chosen by the Employer Agency to serve as PIO. Typically, a law enforcement officer from the Employer Agency.

Police Chief Liaisons: Two Police Chiefs assigned from the Johnson County Police Chiefs and Sheriffs Association (JCPCSA) that provide administrative support to the OICIIT.

OFFICER-INVOLVED CRITICAL INCIDENT (OICI) DEFINED

The intentional or unintentional use of force by an officer, either as actor or victim, in which a person is injured or killed, or the potential exists for criminal charges to be filed as a result of the use of deadly force. This includes incidents in which the involved officer takes police action while off duty. This does not include intentional or unintentional discharges in which no one is injured or there is no foreseeable possibility of a criminal charge.

TEAM ADMINISTRATIVE GUIDELINES

MEMBERSHIP

Membership is predicated on a work history of investigative accomplishments and knowledge of major/violent crime investigative techniques. Members will use discretion and practice confidentiality. No active investigation shall be discussed outside of OICIIT (with the exception of the team member's home agency Chief Executive Officer) without the approval of the assigned OICIIT Commander.

Membership on OICIIT will occur through submission of the officer's resume to the Johnson County Chiefs and Sheriffs Association (JCPCSA). All law enforcement personnel are selected as team members by majority vote of the members of the JCPCSA.

QUARTERS & SUPPORT

Investigations shall typically be conducted from the assigned Team Commander's home agency. The Team Commander's home agency shall provide administrative support to the team.

ACTIVATION

An agency involved in an OICI should contact an OICIIT Police Chief Liaison as soon as possible to request activation of the OICIIT.

The Team Commander will assign a Lead Supervisor(s) from the roster. The Team Commander and Lead Supervisor will determine the resources needed. The Team Commander will make notification to the District Attorney.

OICIIT Investigators will not be assigned to incidents involving their home agency.

LENGTH OF INVESTIGATION

There are no fixed time lengths for OICI investigations. Investigations shall remain ongoing until the Team Commander determines the incident has been fully investigated after consulting with the District Attorney's Office.

EXPENSES

Personnel costs for OICIIT members, including overtime, shall be borne by the team members' respective home agencies.

Normal office expenses will be paid by the Team Commander's home agency. Unusual investigative expenses will be paid by the involved agency. The involved agency's Chief Executive Officer shall have the opportunity to approve or deny such expenses before they are incurred.

TEAM COMPOSITION

All law enforcement personnel are selected as team members by majority vote of the members of the JCPCSA. The OICIIT contains specific assignments that provide for a team approach to an OICI investigation. Since many of the duties may involve or impact more than one assignment, and since duties may be delegated as necessary, it's important for every team member to be familiar with each assignment and its corresponding duties and responsibilities.

POLICE CHIEF LIAISONS

Two Police Chiefs assigned from the Johnson County Police Chiefs and Sheriffs Association that provide administrative support to the OICIIT. Their duties include:

- Ensure that the procedure manual and rosters are kept up to date.
- Recommend initial and on-going training for team members.
- Provide administrative support to the Commander during an active investigation.
- The liaisons will not be actively involved in the investigation but will be available for administrative, technical, or investigative support, if necessary.
- Responsible for communication to the JCPCSA regarding the status of an active investigation.

- A Police Chief Liaison will keep an ongoing log of OICI investigations, which will be sequenced according to the year and number. For example, the first OICI of 2005 would be recorded as "05-01."

OICIIT RESPONSIBILITIES

The OICIIT Commander, Lead Supervisors, Investigators, and Crime Lab will employ investigative best practices to ensure a complete investigation occurs. They will be responsible for gathering all relevant evidence, including but not limited to interviewing witnesses, obtaining videos and audio recordings, scientific evidence, medical evidence, and using modern investigative tools deemed necessary to complete the investigation.

TEAM COMMANDER

The Team Commander will maintain overall team and investigative supervision. OICIIT members shall accept directives given by the Team Commander as though the directive were being issued from the member's home agency supervisor.

The Team Commander's responsibilities include:

- Assigning or delegating the assignment of the Lead Supervisor, investigators, and crime scene investigators once an OICI investigation has been activated.
- Responding to the OICI scene and overseeing the investigation, to include coordinating with the involved agency's on-site supervisor and/or Incident Commander.
- Arranging for office quarters and administrative support. (The site location will not be the agency/agencies involved.)
- Determining and obtaining the appropriate resources throughout the investigation.
- Managing and assisting with personnel issues and personal problems of OICIIT members.
- Establishing and maintaining liaison with involved support entities, such as the Crime Lab.
- Aiding in mobilizing personnel for press conferences or for other purpose.
- Keeping the District Attorney's Office apprised of the investigation status.

- Overseeing the completion and submission of the investigative case file to the District Attorney, to include drafting a cover report (Commander's Report) that includes summarized facts of the incident, a roster of participating OICIIT members and the total investigative hours.

LEAD SUPERVISOR

The Lead Supervisor will serve as the chief assistant to the Team Commander by taking direct supervisory responsibility of the OICI scene and all follow-up investigation.

Upon arrival at the OICI scene, the Lead Supervisor should contact the involved agency's Incident Commander and facilitate the timely transfer of investigative responsibilities to the OICIIT. OICIIT investigations are dynamic, and the Lead Supervisor should work to facilitate a partnership with the involved agency's personnel. Many of the initial duties of the Lead Supervisor may have been started or completed by the involved agency. The Lead Supervisor should expect this and be prepared to assume duties at any stage of completion.

The Lead Supervisor should:

- Determine what information on-site officers have obtained and what actions have been taken. This includes ensuring that the scene has been secured by "police line" barrier tape as needed. A double perimeter may be established, i.e.: a taped and secure inner scene and a much larger barricaded or taped outer area that will serve to keep the public, media, and nonessential personnel away from the investigation.
- Ensure that all scenes have been identified and secured, to include the original scene, any escape/chase route, the OICI scene, the involved officer's vehicle, the involved individual's vehicle, medical facilities, and any other place where evidence may be located. This includes ensuring the "field of fire" has been checked for additional injured persons.
- Determine the most effective way to sequester and interview involved officers, involved individuals, and witnesses. Audio and/or video recorded statements should be obtained from all witnesses, when possible. Video recorded statements should be obtained from all involved officers and involved individuals, when possible.
- Assign team personnel as dictated by the unfolding investigation. Scene assignments typically include but are not necessarily limited to:
 - ✓ OICIIT Scene Investigator.
 - ✓ Crime Scene Investigator(s).

- ✓ Witness interviews/canvas.
 - ✓ Involved officer contact.
 - ✓ Involved individual contact.
 - ✓ Background and intelligence.
- Manage initial OICIIT contact with the involved officer. Prior to being removed from the scene it is suggested that the involved officer provide OICIIT personnel (typically the Team Commander and Lead Supervisor) with a brief public safety statement if one has not been thoroughly provided to the involved agency's Incident Commander or On-Site Supervisor. The public safety statement should generally be limited to:
 - ✓ Injured persons, to include level of injury and medical attention needed.
 - ✓ Involved individuals, to include identity and description, crimes committed vehicle information, area and direction last seen, and level of danger/hazard to the public.
 - ✓ Involved weapons, to include direction of fire if applicable, and current location of weapons.
 - ✓ Identities of those involved: actors, victims, witnesses.
 - ✓ Crime scene(s), to include location and size, along with evidence—identity, location, preservation concerns.
 - ✓ Ensure that any audio and video recording equipment involved in the incident has been secured to include the public safety statement when applicable.
 - Facilitate with the involved agency coordinator which involved personnel will be interviewed by OICIIT investigators and which personnel will complete reports.
 - Work with Team Commander to facilitate the assigning of a case number in NICHE and having proper access granted to members of the team.
 - Coordinate (with the assigned Investigator or CSI) collection of the involved officer's discharged weapon or other applicable weapons.
 - Assign an OICIIT Investigator to be the involved officer's contact.
 - If the scene contains a deceased individual, the Lead Supervisor shall notify the Medical Examiner Office (MEO) to respond to the scene. The current MEO protocols should be followed in reference the body.

- Release of the deceased body following the autopsy must be approved by the Team Commander after consultation with the MEO.

The Lead Supervisor's OICIIT specific duties include but are not limited to:

- Keeping the Team Commander informed regarding the progress of the investigation, along with any issues or problems encountered or expected.
- Upon discovery of leads, assigning leads for investigation.
- Monitoring the activities of all team personnel, ensuring that team members report their progress for assigned tasks before following any new line of inquiry.
- Reviewing and approving reports and supporting evidence submitted by the team.

INVESTIGATOR

An OICIIT Investigator may be called upon to fill many roles during the scope of an investigation. The investigator will work diligently in a manner consistent with their training and experience to gather facts and evidence associated to the OICI. The Investigator should use the appropriate investigative tools and apply the modern best practices to determine the facts of the investigation.

SCENE INVESTIGATOR

The OICIIT Scene Investigator has the responsibility of overseeing and investigating as necessary the details of the OICI incident as it pertains to the scene(s) and the actions that took place. They will work closely with the Lead Supervisor and Crime Scene Investigators. Investigators may be responsible for obtaining search warrants, inquisitions or other legal/investigative tools related to the processing of the scene(s) or person(s) and evidence.

REPORT OFFICER

The Report Officer is responsible for receiving, reviewing, indexing, filing, and summarizing all investigative reports. He or she will work closely with administrative support personnel. This role may be filled by the Lead Supervisor or a second Lead Supervisor assigned to the investigation.

CRIME SCENE INVESTIGATORS

The Crime Scene Investigators will work in cooperation with the Lead Supervisor and OICIIT Investigators. They will coordinate with investigators to identify and gather all relevant evidence using current best practice methods.

CRIMINALISTICS SUPPORT

The Johnson County Sheriff's Criminalistics Laboratory may be called upon to assist with an OICI investigation.

After evidence has been collected, lab personnel may be called upon to test or examine the OICI evidence. Requests for tests or examinations will be made by the Team Commander to the Crime Lab Director.

ADMINISTRATIVE SUPPORT

Administrative support will generally be provided by the Team Commander's home agency.

REPORTS

The involved agency will document the event under an agency case number in NICHE and refer the document to the Niche case number assigned under the OICIIT special project area of the Niche RMS for further information. There will be a Niche case number assigned under the OICIIT special project area of the Niche RMS for investigations. OICIIT case reports may, if necessary, have additional tracking numbers assigned to them.

RELEASE OF INFORMATION TO THE PUBLIC

The OICIIT Commander, OICIIT PIO, involved agency Chief of Police or designee, and the District Attorney or designee shall consult with one another prior to release of any information regarding the incident.

Kansas Rule of Professional Conduct 3.6 and 3.8 shall guide the release of any information.

COMPLETION OF INVESTIGATION

Upon completion of the investigation, a copy of the original investigative case file will be provided to the involved agency's Chief Executive Officer or that person's designee and the District Attorney or that person's designee. All request for follow-up investigation by the District Attorney or his designee will be made to the OICIIT commander.

Upon final disposition of the case, the entire original investigative case file to include all evidence will be transferred to the involved agency's Chief Executive Officer or that person's designee to be stored at the involved agency as the holder of the permanent record of the event.