



# The Aberdeen Police Department Policies & Procedures Manual Chapter Contents



## Chapter 20 Use of Force

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Section 01 Force and Deadly Force

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GO 22-002, 06/15/2022  
Supersedes GO 20-014

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## A. Policy

1. An officer may only use force when, under the totality of the circumstances, the force is necessary, reasonable, and proportional to prevent imminent threat of physical injury to a person or to effectuate a legitimate law enforcement objective. (4.1.1)
2. This policy is for Department use only and does not apply in any criminal or civil proceeding.
3. The use of excessive force, regardless of the provocation or action of the offender, shall result in certain and severe disciplinary action and may result in criminal prosecution.
4. The policies regarding use of force may not cover every situation.
  - a. At the discretion of the Chief of Police, any deviation from these policies will be evaluated on a case-by-case basis.

## B. Definitions

1. **Force** – The amount of effort required by police to compel compliance by an unwilling subject.
2. **De-Escalation techniques** - actions used by officers, when safe and feasible without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
3. **Deadly force** – Any force that is likely to cause death or serious physical injury; is intended to cause death or grave injury; or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.
4. **Less-Lethal force** – Physical force which is intended to be less likely to cause death or grave injury.
5. **Medical Aid (Appropriate Medical Aid)** – May include increased observation to detect obvious changes in condition; flushing chemical agents from the eyes; applying first aid; evaluation by paramedics; or for more serious or life threatening incidents, immediate aid by medical professionals.
6. **Neck Hold or Choke Hold** – Prohibited unless deadly force is authorized: (4.1.7) (4.1.6)
  - a. Carotid restraint hold;
  - b. Lateral vascular neck constraint; or
  - c. Hold with a knee or other object to a subject's neck; or
  - d. Any technique that would restrict the subject's ability to breathe.
7. **Physical Injury** – impairment of physical condition or substantial pain.
8. **Reasonable Force** -- Under the totality of the circumstances, the force necessary and proportional to prevent imminent threat of physical injury to a person or to effectuate a legitimate law enforcement objective. (4.1.1) (1070AG033, 2/2022)
9. **Serious physical injury** – Physical injury that causes serious or permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb and that creates a reasonable risk of death.



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10. **Reasonable belief** – The facts or circumstances the officer knows, or should know, are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. The proper application requires careful attention to the fact and circumstances of each case, including:
  - a. The severity of the crime at issue,
  - b. Whether the suspect poses an immediate threat to the safety of the officers or others, and
  - c. Whether he is actively resisting arrest or attempting to evade arrest by flight.
11. **Physical Techniques** – Actions using body movement and strength to defend against or control a resisting subject.

### C. Sanctity of Life Pledge

1. Every police officer shall sign and date Form 219 – Sanctity of Life Pledge which states that the officer shall respect every human life and act with compassion toward others.
  - a. Every current officer shall sign and date this pledge promptly after being requested to do so.
  - b. Every new officer shall sign and date this pledge upon entering the Department.
  - c. The pledge shall be retained in the employee's personnel file.

### D. De-Escalation (4.1.1)

1. When time, circumstances, and safety permit, officers shall take steps to gain compliance and control a situation without using physical force.
2. Officers shall use de-escalation techniques to prevent or reduce the need for force when safe and feasible to do so based on the totality of the circumstances including:
  - a. Continually assessing the situation and modifying the use of force as circumstances change, consistent with officer safety; and
  - b. Stopping the use of force when it is no longer necessary;
3. Examples of de-escalation techniques include but are not limited to:
  - a. Using verbal skills and providing a warning prior to the use of force;
  - b. Determining whether the officer may be able to stabilize the situation through the:
    - 1) Use of time, distance, or positioning to isolate and contain a subject; and/or
    - 2) Request of additional personnel to respond or make use of specialized units or equipment and alternate resources including crisis intervention-team trained officers.
4. Officers may encounter a situation that requires immediate action where time does not allow for de-escalation techniques in this policy.
5. Officers may act to de-escalate an incident which may delay taking a subject into custody while keeping the public and officers safe.



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### **E. Less-Lethal Force (4.1.4)**

1. Physical Techniques
  - a. When physical force is necessary and justified, officers may use physical techniques.
  - b. Officers shall be trained to use only that force necessary to accomplish their lawful duties. (4.3.3b)
2. Less-Lethal Weapons
  - a. Officers shall not use less lethal weapons when lesser force will accomplish the task.
  - b. Authorized less lethal weapons include intermediate weapons and chemical agents. (See Weapons policy for approved weapons and chemical agents.)
  - c. When physical force is necessary and justified, officers may use non-lethal issue weapons:
    - 1) To defend against violent attack when the use of firearms would not be appropriate or advisable;
    - 2) To overcome the violent resistance of a subject when making an arrest;
    - 3) To subdue or incapacitate a subject to prevent imminent physical harm to the officer or another person;
    - 4) To restrain or take a suspect into custody; and/or
    - 5) To bring an unlawful situation safely and effectively under control.
3. Officers shall document their use, except in training situations, of physical techniques and less-lethal weapons on the Incident Report and on the Use of Force Report form.

### **F. Use of Less Lethal Weapons (4.1.4)**

1. Officers shall not use less lethal weapons when lesser force will accomplish the task.
2. Authorized less lethal weapons include intermediate weapons and chemical agents. (See Weapons policy for approved weapons and chemical agents.)
3. When physical force is necessary and justified, officers may use non-lethal issue weapons:
  - a. To defend against violent attack when the use of firearms would not be appropriate or advisable;
  - b. To overcome the violent resistance of a subject when making an arrest;
  - c. To subdue or incapacitate a subject to prevent imminent physical harm to the officer or another person;
  - d. To restrain or take a suspect into custody; and/or
  - e. To bring an unlawful situation safely and effectively under control.
4. Officers shall document their use of physical techniques and less-lethal weapons, except in training situations, on the Incident Report and on the Use of Force Report form.

### **G. Department-Authorized Less Lethal Weapons**

1. ASP Expandable Baton
  - a. May be deployed in these circumstances including, but not limited to:



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- 1) Subject who is violently resisting arrest;
  - 2) Subject is actively fighting or injuring another officer or citizen; or
  - 3) Lesser force would not complete an arrest or stop an active assault.
- b. Would not normally be deployed under these circumstances:
- 1) Against a handgun or other firearm;
  - 2) Against a knife; or
  - 3) Against a person already handcuffed.
2. Oleoresin Capsicum (OC) Spray
- a. May be deployed in these circumstances including, but not limited to:
- 1) When necessary to defend the officer or others; or
  - 2) To prevent the commission of a crime.
- b. After deploying the Spray, officers shall: (4.1.5)
- 1) Make every effort to relieve the subject's discomfort after exposure.
    - a) Provide contaminated subjects with fresh air and water.
    - b) Provide all subjects a short decontamination period prior to transport, only when practical.
  - 2) Request emergency medical assistance when an exposed person:
    - a) Stops breathing or shows any signs of breathing distress or impairment;
    - b) Hyperventilates;
    - c) Loses consciousness;
    - d) Suddenly becomes incoherent; or
    - e) Turns pale.
3. Conducted Electrical Weapon (CEW)
- a. May be deployed in these circumstances only:
- 1) The subject is exhibiting assaultive behavior; or
  - 2) The circumstances support a reasonable belief that the subject poses a risk of immediate danger to the officer or others that could be mitigated by use of the CEW; or
  - 3) There is a reasonable and articulable expectation that it would be unsafe to achieve contact range, and attempts to control the suspect using other tactics would be unsafe, inappropriate, or ineffective; or
  - 4) The subject is fleeing from a crime in which they caused or threatened injuries or serious bodily harm; or
  - 5) Allowing the subject to flee would likely result in them causing injuries or serious bodily harm to another.
- b. See *Chapter 22.05 Conducted Electrical Weapons* for deployment procedures.



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### **H. Deadly Force – Permitted (4.1.2)**

1. An officer may use deadly force or a lethal weapon only when the officer reasonably believes that the action is:
  - a. In defense of human life, including the officer's own life; or
  - b. In defense of any person in imminent danger of serious, life-threatening physical injury.
2. An officer may not use deadly force or a lethal weapon unless the officer reasonably believes that no type or amount of lesser force or less lethal weapon will accomplish the authorized objectives in this policy.

### **I. Firearms Use (Other than Deadly Force) – Permitted**

1. A police employee of the Department may discharge a firearm:
  - a. To kill a dangerous animal that is jeopardizing the safety of the public or the police employee;
  - b. To kill an injured animal to relieve its suffering;
  - c. To give an alarm or to call assistance when no other means is available and such action will not endanger or threaten the public; or
  - d. When used in practice on a firing range.

### **J. Firearms Use Outside of Maryland**

1. The authority of a police employee of the Department to use a firearm during fresh pursuit outside of Maryland is identical to the authority to use a firearm within Maryland.
2. The use of deadly force during fresh pursuit outside of Maryland must be justified to authorities within the foreign jurisdiction.
3. Justification will be based upon the employee's strict adherence to Aberdeen Police Department policy.

### **K. Firearm Use – Prohibited**

1. An officer shall not discharge a firearm:
  - a. As a warning; (4.1.3)
  - b. At or from a moving vehicle except:
    - (1) as a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle;
    - (2) when a vehicle is driven in a manner deliberately intended to kill or severely injure a police employee or citizen who is on foot; or
  - c. In any attempt to apprehend a misdemeanor.

### **L. Officer's Responsibilities After Using Force**

1. The officer involved shall:
  - a. Ensure the scene is safe;
  - b. Check subject for injuries: (4.1.5)
    - 1) Offer appropriate medical aid to any injured parties;



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- 2) Call medical assistance if necessary;
  - c. Notify immediate supervisor; and
  - d. Complete a Use of Force Report (see Chapter on Reporting Use of Force) and other required documents.
4. After using deadly force, the officer involved shall not discuss the incident with anyone other than:
- a. The supervisor;
  - b. The investigators assigned to conduct the criminal or administrative investigation; and
  - c. Selected legal counsel.
5. The officer involved shall remain at the scene of the incident pending the arrival of a supervisor.

### **M. Supervisor's Response**

1. A supervisor on duty shall respond to the scene of any incident during which an officer used physical force and caused serious physical injury.
2. Upon arrival at the scene, the supervisor shall ensure:
  - a. Protection of the scene and all evidence;
  - b. Assignment of necessary personnel;
  - c. Separation of witnesses, including officers; and
  - d. Notification of the officer's family, if appropriate.
3. The supervisor shall leave weapons, magazines, spent casings, and other potential items of evidence in place and secure the scene.
4. The supervisor shall not:
  - a. Handle weapons and magazines, spent casings, and other potential items of evidence;
  - b. Clear live rounds from chamber; or
  - c. Count rounds in remaining magazines.
5. The supervisor may remove the officer involved in the incident to a more appropriate location if the supervisor determines such relocation is in the best interest of the officer, affected citizens, or to facilitate the completion of the investigation of the incident.
6. The supervisor shall notify the chain of command.
7. The supervisor shall remain in charge of the scene until relieved by a superior, specialized unit, or authorized officers.

### **N. Administrative Leave (See Chapter 20.04, Section E)**

1. The Chief of Police or designee shall remove from enforcement duty assignment and place on administrative leave any employee whose action(s) or use of force in an official capacity resulted in death or serious physical injury: (4.2.3)
  - a. Pending the results of an administrative review by the Chief of Police; and
  - b. Pending a determination by the appropriate psychological services as to duty status.



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2. Command Staff shall:
  - a. Afford the officer involved all rights as provided by law; and
  - b. Ensure that the officer involved is allowed to obtain legal representation.





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Section 02 Reporting Use of Force

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### A. Policy

1. Whenever an officer is involved in a use of force incident, the incident will be thoroughly documented, administratively reviewed, and investigated.

### B. Use of Force Report – One Officer Used Force

1. The officer shall complete and submit a Benchmark Program Use of Force Report whenever the officer:
  - a. Discharges a Department firearm, for other than training or to kill an injured animal; (4.2.1a)
  - b. Takes any action that results in injury or death of another person; (4.2.1b)
  - c. Takes any action that results in injury to himself/herself;
  - d. Applies force through the use of lethal or less-lethal weapons; or (4.2.1c)
  - e. Applies physical force; (4.2.1d)
  - f. Uses a CEW; (4.2.1c) or
  - g. Points a firearm at another person. (4.2.1c)
2. If the officer is injured, incapacitated or otherwise unable to prepare a detailed report:
  - a. The supervisor shall:
    - 1) Interview the officer as soon as possible and witnesses; and
    - 2) Document the facts and circumstances obtained from the interviews.
  - b. The injured officer shall, when capable, submit the required detailed report or sign a transcript of verbal information.

### C. Use of Force Report – More than One Officer Used Force

1. The supervisor—*not* the officers—shall complete and submit *one* Benchmark Use of Force Report, regardless of whether the supervisor used any force.
2. All involved officers shall complete and submit to the supervisor Form 05 Use of Force Narrative, printed out and signed, describing all details of the incident including but not limited to:
  - a. The actions of the subject that elicited the use of force: and
  - b. The subsequent use of force sequence performed by the officer.
3. The supervisor shall receive all Use of Force Narratives and combine them into one report including but not limited to:
  - a. The actions of the subject that elicited the use of force;
  - b. The subsequent use of force sequence from all of the officers involved.
4. The supervisor shall then attach all officers' narratives to the Use of Force Report in the *Additional Evidence* section of the report.



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### **D. Administrative Review (4.2.2)**

1. The Use of Force Report shall be administratively reviewed, signed, and submitted through the designated chain of command to the Chief of Police.
2. Each officer in the chain of command shall:
  - a. Study the circumstances of the incident that prompted the use of force;
  - b. Determine (yes or no) whether any of the following should be addressed:
    - 1) Policy;
    - 2) Training;
    - 3) Equipment; or
    - 4) Disciplinary Issues;
  - c. Write any comments or recommendations;
  - d. Sign and date the report; and
  - e. Submit the report to the next officer in the chain of command.
3. The Chief of Police shall:
  - a. Review the report and recommendations;
  - b. Study the circumstances of the incident that prompted the use of force;
  - c. Determine (yes or no) whether any of the following should be addressed:
    - 1) Policy;
    - 2) Training;
    - 3) Equipment; or
    - 4) Disciplinary Issues;
  - d. Write any appropriate comments or recommendations;
  - e. Assign a manager or supervisor to address the recommendations, if any;
  - f. Sign and date the report;
  - g. Forward a copy of the report to the investigating officer;
  - h. Submit the completed and reviewed report to the Administrative Supervisor who shall maintain all Use of Force Reports; and
  - i. Appoint the appropriate officer:
    - 1) To investigate the circumstances of the incident that prompted the use of deadly force; and
    - 2) Report the findings to the Chief of Police.

### **E. Annual Analysis (4.2.4)**

1. The Deputy Chief annually shall conduct an analysis of use of force reports, activities, policies and practices, and report findings to the Chief of Police. The analysis should identify:
  - a. Date and time of incidents; (4.2.4a)



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- b. Types of encounters resulting in use of force; (4.2.4b)
- c. Trends or patterns related to race, age, and gender of subjects involved; (4.2.4c)
- d. Trends or patterns resulting in injury to any person including employees; (4.2.4d) and
- e. Impact of findings on policies, practices, equipment, and training.



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Chapter 20 Use of Force  
Section 03 Weapons Qualifications

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### A. Policy

1. All sworn officers shall qualify with all Department-Approved weapons, issued and non-issued, prior to use.
2. Retired officers of the Department who meet LEOSA eligibility criteria of *18 USC §926C(c)* may qualify, upon request, with personal weapons, after approval by the Chief of Police. (See *Policy 06.10 Firing Range*)
3. The firearms instructor shall maintain records of training and proficiency. (4.3.3b)

### B. Proficiency with Weapons (4.3.2)

1. Only Department officers demonstrating proficiency in the use of Department-Approved weapons shall be approved to carry and use such weapons.
2. Training shall include the Department's Use of Force Policies before officers are authorized to carry a weapon. (4.3.4)
  - a. After instruction of Use of Force Policies, officers shall sign for the policies in PowerDMS.
3. Lethal Weapons
  - a. Officers are required to successfully complete firearms training proficiency requirements:
    - 1) Handguns – Daylight Annually, Low-light Annually;
    - 2) Rifles – Semi-Annually; and
    - 3) Shotguns – Annually.
4. Less Lethal Weapons
  - a. Officers who are issued less lethal weapons are required to successfully complete training proficiency requirements:
    - 1) TASER – Annually; (4.3.2)
    - 2) Expandable Baton – Every two years;
    - 3) Oleoresin Capsicum (OC) Spray – Every two years; and
    - 4) Less Lethal Shotguns – Annually.
5. During the training, officers shall:
  - a. Demonstrate the ability to achieve minimum efficiency scores;
  - b. Demonstrate knowledge of weapons laws and Department Use of Force policies; and
  - c. Demonstrate safe handling techniques for all Department weapons.
6. A certified firearms instructor shall supervise all training and qualification tests. (4.3.3a)
7. Any officer who is unable to demonstrate acceptable proficiency with less lethal weapons or personally owned weapons shall not carry the weapon(s) until remedial training can be completed and acceptable proficiency can be demonstrated. (4.3.3c)



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### C. Personally-Owned Weapons

1. Officers shall qualify annually with all approved secondary and off-duty weapons, even if the make and model are identical to the primary weapon.
2. The ammunition used for personally owned weapons must be supplied by the employee, and approved by the Certified Firearms Instructor for the initial proficiency demonstration and annual qualification tests.
3. Re-qualification is not required if the sworn officer is issued a weapon of identical make and model because the weapon with which the officer qualified is being repaired, replaced, or required for an internal investigation.
4. Officers shall fire the approved training program and pass an approved qualification test with a score of at least 70%.

### D. Lethal Weapons Retraining Requirements (4.3.3c)

1. If a sworn officer fails to pass the qualification test with his or her primary weapon, the firearms instructor shall report this to the Chief of Police.
2. If a sworn officer demonstrates poor performance with his or her primary weapon during a training session, the firearms instructor shall report such fact to the Chief of Police.
  - a. The sworn officer shall be scheduled for remedial firearms training to be completed within fifteen (15) days of the sworn officer's last training session.
3. At the conclusion of the remedial training, the sworn officer shall be given the approved qualification test.
4. If, following remedial training, the sworn officer passes the Department-Approved firearms qualification test, no further training shall be required for that period.
5. The sworn officer shall be permitted to use the weapon for training purposes while under the supervision of the firearms instructor.
6. A sworn officer's failure to qualify and/or poor performance shall be documented by the firearms instructor on a Form 37.
  - a. One copy shall be immediately forwarded to the sworn officer's supervisor. The original shall be maintained by the firearms instructor.
  - b. When the sworn officer successfully completes the remedial training, the firearms instructor shall indicate it on the original form and immediately forward it to the sworn officer's supervisor.
  - c. The supervisor shall take the appropriate action concerning the sworn officer and forward the original report to the Chief of Police to be placed in the sworn officer's personnel file.
7. Upon notification of a sworn officer's failure to pass the qualification test following any remedial training, the Chief of Police shall:
  - a. Immediately reassign the sworn officer to non-enforcement duty in civilian dress;
  - b. Immediately schedule the sworn officer for additional remedial firearms training;
  - c. Immediately prohibit the sworn officer's use of Departmental vehicles;



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- d. Immediately prohibit the sworn officer from wearing or utilizing the weapon for which he failed to qualify; and
  - e. Maintain the sworn officer in this status until notification by the firearms instructor of a qualifying score.
8. Continued inability to qualify will be regarded as the failure to meet necessary requirements and may lead to dismissal.



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Section 04 Officer-Involved Shootings & Serious Uses of Force

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## A. Policy

1. Officer-involved shootings, whether on- or off-duty, and police action deaths shall be investigated to determine whether officer actions conform to the law and this Department's policy, procedures, and training.

## B. Definitions

1. Companion Officer – An officer assigned to another officer to provide emotional support and assistance following a critical incident, such as an officer-involved shooting.
2. Critical Incident – An incident that is unusual, violent, and involves perceived threat to, or actual loss of, human life. It is a significant emotional event that may cause extreme psychological distress.
3. In-Custody Death – Death of an individual while in custody or during attempts to effect custody.
4. Officer-Involved Shooting – A discharge of service weapon by an officer during a hostile encounter, or an accidental discharge, while on- or off-duty, regardless of injuries to suspects, officers, or third parties.
5. Serious Use of Force – Any use of force that results, or is reasonably likely to result, in death, permanent or substantial injury, loss of any body part or function, or permanent disfigurement.
  - a. Includes situations, resulting from police use of force, when a person is admitted to a medical facility for treatment.

## C. Procedure

1. An Officer involved in a shooting incident shall, to the degree reasonably possible, take initial steps to protect his/her own safety and the public's safety, and to preserve evidence.
2. The involved officers, facilitated by the Department, shall make themselves available to meet with the Department's designated qualified mental health provider as soon as practicable.
3. Involved officers shall complete appropriate Use of Force reports according to *Chapter 20.02 Reporting Use of Force*.

## D. Duty to Intervene (1.2.10)

1. Employees shall intervene within their scope of authority and training and shall promptly notify to a supervisor if they:
  - a. Observe another Department employee or public safety associate engage in any unreasonable use of force; or
  - b. Becomes aware of any violation of Department policy, state/provincial or federal law, or local ordinance.
2. When in a position to do so, officers shall intervene when they know or have reason to know, that another officer is about to use, or is using, unnecessary force.
3. Officers shall promptly report to a supervisor any use of unnecessary force and the officers' efforts to intervene.



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## **E. Duty to Notify the Attorney General<sup>1</sup> in Police-Involved Death of Civilian (11.3.4c)**

1. The supervisor shall notify the Independent Investigative Unit within the Office of the Attorney General of any alleged or potential police-involved death of a civilian as soon as the Department becomes aware of the incident.
2. Department officers and detectives shall cooperate with the Independent Investigative Unit in connection with the investigation of a police-involved death of a civilian.

## **F. Investigative Process**

1. Two separate, simultaneous investigations of officer-involved shootings and other police action deaths shall be conducted.
  - a. Criminal Investigation (11.3.4a)
    - 1) The lead homicide investigator shall manage the criminal investigation unless the Chief of Police requests the assistance of another investigative authority.
    - 2) Upon completion of the criminal investigation, the findings, indicating whether officer actions conformed to the law, shall be submitted to the Chief of Police.
    - 3) The Chief of Police shall have the findings forwarded to the State's Attorney's office, or other appropriate prosecuting agency. (11.3.4c)
  - b. Administrative Investigation (11.3.4b)
    - 1) The Internal affairs investigator will manage the administrative investigation unless the Chief of Police requests the assistance of another investigative authority.
    - 2) This investigation shall determine whether violations of Department policy and procedures or training have occurred.
    - 3) Upon completion of the administrative investigation, the findings, indicating whether disciplinary action or modifications to policy and procedures or training should be recommended, shall be submitted to the Chief of Police.

## **G. Public Information (11.3.4d)**

1. The Public Information Officer will have a written public information plan that includes all involved organizations.

## **H. Administrative Leave (4.2.3)**

1. The Chief of Police or designee shall place on mandatory administrative leave with pay any officers who discharged their weapon *as defined in this chapter*.
2. The Chief of Police or designee shall direct the Sr. Administrative Specialist to publish a Personnel Order.

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<sup>1</sup> Md. Code, PS § 3-527. This procedure is repeated in Ch 20.01 Force and Deadly Force  
See Appendices A-B-C at the end of this Chapter for complete Procedures.





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a. The date and time of the administrative leave order shall be documented on a Personnel Order.

3. When the involved officer is directed to return to duty, the Sr. Administrative Specialist shall be notified to publish another Personnel Order.

a. The date and time the involved officer returned to duty shall be documented on a Personnel Order

### **I. Incident Command Responsibilities During the Incident**

1. The ranking officer at the scene shall serve as incident commander (IC) and brief superior officers of investigation status when turning over IC responsibility.

2. The IC shall assign responsibility for completion of tasks as appropriate and in the order considered necessary.

### **J. Tasks Assigned by Incident Commander**

1. Identify any remaining threats and take necessary action.

2. Determine the physical condition of officers, suspects, and third parties.

3. Provide emergency first aid if necessary.

4. Ensure that emergency medical assistance has been summoned.

5. Ensure that a brief public safety statement is collected individually from the involved officer(s), covering only information necessary to focus initial police response and to direct the preliminary investigation, including:

a. Type of force used;

b. Direction and approximate number of shots fired by officers and suspects;

c. Location of injured persons;

d. Description of at-large suspects and their direction of travel, time elapses since the suspects were last seen, and any suspect weapons;

e. Description and location of any known victims or witnesses;

f. Description and location of any known evidence; and

g. Any other information necessary to ensure officer and public safety and to assist with the apprehension of at-large suspects.

6. Ensure the adequacy of the inner perimeter.

7. Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform.

8. Ensure the names of all those who enter the perimeter are recorded.

9. Locate and secure—or secure in place—the officer's weapon(s) and mark expended ammunition casings.

10. Physically check the firearms and other weapons of all officers who were present during the incident for evidence of a discharge.

11. Secure as evidence all weapons that were fired.



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12. Locate and secure in place weapons, ammunition, and expended cartridges used by the suspect.
13. Collect information available about the suspect from anyone at the scene.
14. Ensure that all potential witnesses have been identified and separated and ask that they remain on hand to provide a statement.
15. If witnesses wish to leave, obtain their contact information for future communications.
16. Locate and secure as evidence any clothing or other personal items that may have been discarded or removed from suspects or officers by medical personnel.
17. Determine and mark the position(s) of the officers and the suspects at the time of the shooting.
18. Separate and removed all involved officers from the immediate scene.
19. Ensure that a companion officer is assigned to each involved officer.
20. Direct all involved officers not to discuss any aspects of the shooting among themselves or with others with the exception of their attorney, a qualified mental health professional, or authorized investigative personnel.
21. If an officer is transported to the hospital, ensure that the companion officer accompanies or meets him/her there.
22. Establish a command post when it appears that an extended on-site investigation will be necessary.
23. Appoint an officer to serve as a Recorder, with responsibility for writing a chronological record of activities at the scene, including all persons present and those who have been at the scene and actions taken by police, EMTs, and other personnel, and to record all other activities as appropriate.
24. If equipment is available, ensure that video recordings are made of the entire crime scene and those present, including witnesses and bystanders.
  - a. Determine if video recording were made by in-car cameras, electronic control weapons, surveillance cameras, or other electronic communications devices, and secure them as evidence as soon as reasonably possible.
25. Ensure that media staging area is established beyond the outer perimeter and that it is appropriately staffed.
26. Place officers who discharged their weapons on mandatory leave with pay.
27. Replace primary service firearms by a similar firearm as soon as reasonably possible.

### **K. Companion Officer**

1. The companion officer shall provide all reasonable support to the involved officer and act as liaison between the officer and the hospital.
2. Notification of family
  - a. If the involved officer is incapable of calling, the companion officer shall notify or ensure that another Department employee notifies the involved officer's immediate family as soon as possible and in person, whenever reasonably possible.



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- b. The family shall be provided with basic information on the status of the officer and when and where family will be able to see the officer.
  3. The companion officer shall arrange for family transportation to the hospital or other location as required.
  4. In the case of serious injury or death, notification shall be conducted according to the Death Notification Policy.

### **L. In-Custody Death Investigation**

1. Detectives shall gather information and take appropriate actions.
2. Detectives shall gather information noted by the police communications specialist (PCO) including:
  - a. Background noises during the call;
  - b. Information provided by the reporting party that may be related to the subject's behavior;
  - c. Use of drugs or alcohol;
  - d. Previous law enforcement encounters;
  - e. Presence of weapons; and
  - f. Mental health concerns.
3. Detectives shall gather officer observations of the subject's behavior in the course of making the arrest, for example, whether the person was:
  - a. Calm or emotionally charged;
  - b. Rational or confused;
  - c. Able to communicate or difficult to engage in conversation;
  - d. Experiencing hallucinations or delusions;
  - e. Perspiring heavily;
  - f. Wearing inappropriate clothing or in a state of undress;
  - g. Exhibiting a high tolerance for pain; or
  - h. Engaging in a protracted physical encounter with officers.
4. Detectives shall interview persons to gather such information as:
  - a. Whether family or friends indicate that the subject had been drinking heavily, using drugs, or both;
  - b. Whether the subject had been involved with the police on prior occasions;
  - c. Any other relevant information provided;
  - d. Whether the subject was threatening anyone or in possession of a weapon; and
  - e. Whether the subject was visibly injured in any way when the police arrived and what, if any, injuries were sustained prior to death.
5. Detectives shall gather information about measures the officer(s) took to gain control and custody, such as:



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- a. Attempting to calmly “talk the person down;”
  - b. Maintaining distance;
  - c. Reducing noise by turning off sirens;
  - d. Reassuring the subject;
  - e. Buying time;
  - f. Asking simple questions to determine the subject’s level of coherence;
  - g. Attempting to deescalate the situation or other actions; and
  - h. Directing others at the scene to move away.
6. Detectives shall gather information about:
- a. Whether custody was required;
  - b. The length of time it took to gain control of the subject;
  - c. Whether there was a protracted struggle, or the subject was subdued quickly;
  - d. The means used to restrain the subject;
  - e. When in custody, where and how the individual was situated (e.g., placed face down on the ground, in a seated position, in a police vehicle sitting or lying down);
  - f. The physical reactions of the subject once arrested;
    - 1) For example, if he/she became calm or continued to struggle and act physically and verbally combative;
  - g. Whether EMS was called, and at what point during the confrontation;
  - h. Whether the subject’s condition (such as breathing and consciousness) was monitored after arrest;
    - 1) Whether the subject became unresponsive;
    - 2) Who was present at the time; and
    - 3) What steps were taken by the officer(s);
  - i. When death was pronounced and by whom; and
  - j. The results of the autopsy.

### **M. Serious Injury**

1. Detectives shall gather information and take appropriate actions:
  - a. Conduct and behavior of the subject being confronted as perceived by the officer at the time of the incident;
  - b. Relative age, size, strength, and physical ability of the officer to the subject;
  - c. Experience of the officer;
  - d. Number of officers present;
  - e. Potential influence of alcohol or drugs;
  - f. Subject’s proximity to weapons;



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- g. Weapons used or threatened to be used by the subject;
  - h. Force options available to the officer;
  - i. Potential for injury to the public, officer, or subject;
  - j. Risk of escape;
  - k. Degree of subject resistance;
  - l. Use of restraints;
  - m. Other exigent circumstances;
  - n. The nature and severity of the injuries; and
  - o. Whether the injuries were consistent with the use of force described by the officer(s).
2. Detective's Responsibilities
- a. Detectives shall receive a briefing from the IC, including:
    - 1) details of the incident as available;
    - 2) a summary of all actions completed or in progress; and
    - 3) a walk-through of the incident scene.
  - b. Detectives shall ensure that all items of potential evidentiary value are identified and properly collected.
  - c. Detectives shall obtain audio-taped preliminary statements for suspects and witnesses.
  - d. Detectives shall ensure that efforts are underway to collect and compile information on the suspect(s).
  - e. Detectives shall consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy.
  - f. Detectives shall compile information as available:
    - 1) Entrance and exit wounds;
    - 2) Estimates of shooter's positions;
    - 3) The presence of alcohol or controlled substances in the suspect's body; and
    - 4) Any other facts that may be relevant.
  - g. Detectives shall canvas the immediate area for potential witnesses who have not come forth and obtain their information and statements.
  - h. Detectives shall obtain search warrants for any vehicles, containers, homes, or vehicles as determined necessary.
  - i. Detectives shall tape record interviews, when possible, with EMTs, Fire Department Personnel, and First Responding Officers, regarding conditions at the shooting scene when they arrived, any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.
  - j. Detectives shall develop a summary of preliminary information and submit it the Chief of Police.



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## **N. Training**

1. The Department shall provide process training for Department employees who are responsible for management of incidents involving use of force and other police actions that result in death or serious bodily injury. (11.3.4e)
2. The Department shall provide awareness training for all Department personnel potentially impacted by such incidents. (11.3.4f)



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## APPENDIX A – Notification Protocols

The Office of the Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the investigation of all alleged or potential officer-involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, § 6-106.2.

### I. Definitions

“Officer-Involved Death” means a death or potential death of an individual resulting from an action or an omission of a law-enforcement officer while the law-enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

The following are examples of, but not limited to, the types of incidents that IID and MSP should be notified about: shootings that are fatal or result in the likelihood of death, use of force incidents that are fatal or result in the likelihood of death, deaths occurring while an individual is in police custody, and vehicle pursuits by law enforcement that result in death or the likelihood of death.

### II. Notification

Immediately upon learning of an Officer-Involved Death or potential death, the local law enforcement agency (“LEA”) that employs the officer and/or the local LEA with primary jurisdiction over the location of the incident will notify the MSP Headquarters Duty Officer at

**(410) 653-4200**. The notifying local LEA will provide contact information for the on-scene commander with responsibility for the initial crime scene response.

If a local LEA is uncertain whether an incident qualifies as an Officer-Involved Death, the local LEA should contact MSP at the above number. The local LEA's on-scene commander will be contacted as quickly as possible by a member of the IID or MSP, who will provide a preliminary determination of whether the incident qualifies as an Officer-Involved Death.

During the initial contact, the local LEA’s on-scene commander should provide, to the best of their ability, the following preliminary information: the date and time of the incident; the location of the incident, of any other crime scenes, and of any other witnesses; the type of incident that led officers to the scene; the number of involved and witness officers; whether anyone is deceased or injured; and whether the media is on-scene. It is more important that the local LEA provide notification quickly than that they wait to obtain all of these pieces of information.

The local LEA will maintain control over the crime scene until the arrival of MSP. The IID has distributed protocols for evidence collection and media contacts, which should be followed prior to MSP’s arrival at the scene.

The local LEA will maintain scene security, including traffic control, until the on-scene investigation is complete, and the scene is released. The local LEA will provide security for any individuals in custody until either treated and booked, relieved by the Division of Corrections as a bedside commitment or transferred to the Office of the Chief Medical Examiner.

While initial notification should always go to MSP at **(410) 653-4200**, a local LEA may reach out with additional questions to the on-call IID investigator at (410) 576-7070.



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## APPENDIX B – Media Response

Effective October 1, 2021, the Office of Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the criminal investigation of police-involved fatalities as mandated by Maryland Annotated Code, State Government Article,

§ 6-106.2.

Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public’s desire for quick answers, the need for accuracy, and the need to convey the independence of the investigation. We understand that the public wants information soon after an event occurs, and that local Law Enforcement Agencies (“LEA”) will often be called on to provide some information before the IID and MSP have fully taken control of the investigation. We also understand that the legislature has assigned responsibility for these cases to the IID and MSP, and it is important to convey to the public that these investigations are in fact being handled independently. The policy below is an attempt to balance those goals.

### I. Initial media response

A local LEA may choose, at its discretion, to defer all public response to the IID. A member of the IID with responsibility for media response will respond to the scene as soon as is practical. Whether or not the local LEA plans to make a public statement, we ask that they make available to the IID a public information officer or an individual with similar responsibilities who can assist the IID in gathering information. That person should begin gathering preliminary information before the IID arrives.

A local LEA may also choose to make a public statement or release certain limited information in the immediate aftermath of an incident. To the extent possible, the local LEA will consult with IID prior to the release of this information. The local LEA may generally include the following information in its public statement:

- The date, time, and location of the incident.
- The type of call for service that led officers to the scene.
- Information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital.
- How many officers discharged their firearms.
- Whether a weapon was recovered or located on-scene.
- Basic information regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).
- Each police department will include in their remarks a statement confirming that the investigation into the officers’ conduct will be conducted by the Maryland Attorney General’s Office Independent Investigative Division, with assistance provided by his/her department as requested.

Notification of the release of this information should be provided to the IID investigative supervisor or media contact preferably prior to, or at least simultaneously with the public release.





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### II. Subsequent media response

Upon completion of the initial public/media notifications, the local LEA may continue to provide periodic updates involving an ongoing community threat, such as a continuing search for a suspect, or any road or business closures. If the local LEA wishes to release a written statement detailing the facts already released in the initial media response (see section 1, above), it should consult with the IID before doing so.

Otherwise, further comment or the release of additional information or materials that could be considered evidentiary or could impact the integrity or outcome of the investigation should come from the IID, not from the local LEA. This includes:

- body camera footage;
- in-car camera footage;
- surveillance footage;
- commercial or residential security camera footage;
- crime-scene or other photographs, other than photos related to a continuing search for a suspect;
- photographs or video footage taken by witnesses;
- detailed statements provided by officers/deputies involved;
- detailed statements provided by witnesses or suspects;
- test results of any kind;
- investigative reports;
- autopsy information, including cause/manner of death;
- legal conclusions about an officer's conduct;
- any information that could be considered investigative or evidentiary.

If the local LEA believes that the release of such information is necessary, it will consult with and obtain the approval of the IID, to avoid impacting the outcome of the investigation.

The IID will generally release the name of the involved officers within 48 hours of the incident, though that period may be extended if there is a specific reason to believe that an officer's safety is at risk. If the local LEA wishes to release the name of the officer itself prior to the IID doing so, it may, after consultation with the IID.

The IID will generally release body camera footage within 14 days of the incident. There may be situations where more than 14 days is necessary, including if investigators need more time to complete witness interviews, if there are technical delays caused by the need to redact the identities of civilian witnesses, or to allow family members to view the video before it is released to the public.



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### III. Completion of Investigation

Upon completion of the investigation and review by the Maryland Office of the Attorney General, the IID will release a statement confirming that it has completed the investigation and forwarded its report to the relevant State’s Attorney’s Office. The IID will notify the relevant local LEA when its investigation is complete. By statute, the report remains confidential until any prosecution is complete, and therefore the IID will not comment on the content of its report.

The IID will release the report, with appropriate redactions for confidentiality, within 30 days of a final judgment of all defendants in a prosecuted case, or within 30 days of a determination by the SAO or other relevant prosecutorial entity that they are declining to prosecute.



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## APPENDIX C – Evidence Collection, Storage, and Analysis

The Office of the Attorney General’s Independent Investigations Division (“IID”) and the Maryland State Police (“MSP”) will lead the investigation of all alleged or potential officer- involved deaths of civilians as mandated by Maryland Annotated Code, State Government Article, § 6-106.2. In this document, the “Independent Investigations Division” or “IID” refers to the entity created by that legislation, consisting of both AG and MSP personnel.

The following protocols are intended to govern the gathering and preservation of evidence at those scenes. Because no protocol can cover all situations, please call the MSP Headquarters Duty Officer at (410) 653-4200 or the on-call IID investigator at (410) 576-7070 with any questions that arise prior to IID’s arrival on scene.

### I. Collection of Physical Evidence at Scene

- A. Personnel from the MSP Forensic Sciences Division (“MSP-FSD”) and Criminal Enforcement Division will oversee the scene of potential IID investigations and will make every effort to arrive at the scenes of IID investigations within one to two hours from notification.
- B. Cases Where There is no Imminent Threat to Evidence
  - 1. In all cases in which there is no imminent threat to losing, damaging, or contaminating evidence, the evidence should be collected by personnel from the MSP-FSD.
  - 2. In these cases, personnel from the local law enforcement agency (“LEA”) will not collect evidence but will locate, identify and secure all crime scenes and evidence until MSP-FSD personnel arrive.
  - 3. If the local LEA has scanning devices, we encourage them to begin scanning the scene prior to the arrival of IID personnel, if feasible.
- C. Cases Where There is an Imminent Threat to Evidence
  - 1. An imminent threat to evidence is defined as a situation in which evidence will be lost, damaged, or contaminated if personnel on the scene do not take action. Examples include, but are not limited to, weather (rain, wind, flood, heat) and potential interference (civilian, medical personnel, animals) with evidence.
  - 2. If there is an imminent threat to any evidence and crime scene personnel from the local LEA are present, then the local crime scene personnel should document, photograph, and collect that evidence as per their own protocols prior to the arrival of MSP-FSD crime scene personnel. If the evidence must be processed in order to preserve it from threat, the local LEA may do so. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.



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3. If there is an imminent threat to any evidence and no crime scene personnel (MSP-FSD or local) are present, then the sworn personnel on-site should document, photograph, and collect that evidence rather than waiting for crime scene personnel to arrive. If time allows the sworn personnel from the local LEA should contact IID personnel for guidance prior to the collection of evidence. Evidence that is not subject to an imminent threat will be left for MSP-FSD crime scene personnel to process.
4. If personnel from the local LEA collects evidence, the name of the personnel collecting the evidence and the reason for collection should be documented and provided to the IID as soon as possible.
5. The guiding principle for when there is a threat to evidence is that it is always better to collect the evidence in some manner rather than losing the evidence or having it damaged or contaminated.

## II. Collection of Other Evidence at Scene

### A. Video Evidence

1. The local LEA should identify all personnel who are equipped with a Body Worn Camera (BWC) and/or Mobile Video System (MVS) that potentially captured any aspect of the encounter, including footage from before and after the incident. Any BWC and/or MVS footage should be secured and turned over to IID personnel.
2. The local LEA should begin to identify all video surveillance evidence prior to the arrival of IID personnel.

### B. Involved and Witness Officers

1. The local LEA should identify and separate all involved and witness officers. If possible, the local LEA should contact IID personnel prior to any removal of an involved or witness officer.
2. If there is an imminent need to remove the involved or witness officer from the scene, the local LEA should, if possible, photograph the officer while on scene and contact IID personnel prior to transport for further guidance. If an officer must be transported from the scene before being photographed or his or her firearm being recovered, he or she should, if possible, be transported in a car with an operating camera and/or in the company of an officer wearing an operating BWC.

### C. Civilian Witnesses

1. The local LEA should identify, separate, and maintain all possible civilian witnesses and ask them to remain present until IID personnel arrives to conduct interviews.
2. In cases where a civilian witness needs to be transported from a scene, the local LEA should, if possible, contact IID personnel prior to transport for further guidance.



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3. If a witness is unwilling to wait on scene for the arrival of IID personnel, the local LEA should attempt to conduct an interview of that individual, to collect any video or other evidence they might have, and to obtain the contact information for the witness to include his/her name, date of birth, address, phone number, and vehicle registration information.
4. If possible, any on-scene interaction with the civilian witnesses should be recorded and documented. These recordings and documentation should be maintained and will be collected by the arriving IID personnel.

### III. Death Notifications

- A. If there has been an “Officer-Involved Death” incident, IID personnel will make the next-of-kin notification to the family of the involved decedent. At the discretion of the IID, a representative from the local LEA may accompany IID personnel to the next-of-kin notification.
- B. If extenuating circumstances prevent the IID from making a timely notification, the local LEA can make the next-of-kin notification after consulting with the IID. During that notification, the local LEA will provide the family with contact information for the IID and will also provide the IID with the contact information of the involved family.
- C. Following the next-of-kin notification, and throughout the course of the investigation, the IID will be the primary point of contact with the decedent’s family.

### IV. Submission Of Evidence

- A. All evidence collected as part of an IID investigation should be submitted to the MSP-FSD regardless of who collects the evidence.
- B. If there is a dispute with a local LEA as to whether evidence is part of an IID investigation, IID personnel will make the final determination regarding the evidence.
- C. If potential IID evidence is submitted to a crime lab other than the MSP-FSD, the IID will request or subpoena the evidence so that it can be transferred to the MSP- FSD.
- D. Requests for Transfers of IID Evidence
  1. If a local LEA determines that it needs possession of evidence submitted to the MSP-FSD for its own investigation or prosecution, it may request the transfer of evidence.
  2. IID personnel will address evidence transfer requests on a case-by-case basis. Every effort will be made to accommodate transfer requests if they do not prejudice an IID investigation or potential prosecution.



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3. All transfers of IID evidence from the MSP-FSD to another LEA's accredited and licensed crime lab must be requested by that LEA's crime lab director and be approved by the director of the MSP-FSD, and the IID chief.

#### V. Analysis of Evidence

- A. IID personnel may request the analysis and testing of evidence collected for IID investigations that they deem appropriate.
- B. Because of the increased burden these cases will place on the MSP-FSD, the FSD Director may request that other accredited and licensed crime labs in the State perform the analysis. Insofar as practical, the MSP-FSD will not send any evidence related to the IID investigation to the crime lab in the same jurisdiction as the officer under investigation. The MSP-FSD will notify the IID if this transfer occurs.
- C. Local LEA requests for analysis of IID Evidence.
  1. If a local LEA determines that it would like evidence that has been submitted to the MSP-FSD to be analyzed, it may request that the MSP-FSD conduct the analysis.
  2. IID personnel will determine if the analysis should be done on a case-by-case basis depending on the request and the resources available at the time of the request.
  3. If a local LEA's request for analysis is denied, IID personnel will make every effort to transfer the evidence to another accredited and licensed crime lab as soon as practicable without prejudicing the IID investigation or potential prosecution.

#### VI. Collateral Criminal Investigations

- A. Because the IID solely investigates law-enforcement personnel, local LEAs may need to conduct criminal investigations and prosecutions of non-police criminal activity arising from the same general incident as IID investigations. IID personnel will collaborate with the local LEA in every case in which there is a collateral criminal investigation. All efforts will be made to find solutions that allow for the proper investigation and potential prosecution of both the IID case and the collateral criminal case without causing prejudice to either case.
- B. Where the two investigations share witnesses, the IID and local LEAs will coordinate, to the extent possible, prior to conducting interviews.
- C. Collection of Evidence for Collateral Investigations.
  1. If IID personnel determine that evidence is necessary for an IID investigation, the evidence will, barring, an imminent threat to the evidence, be collected by the MSP-FSD and submitted to the MSP-FSD. This will occur even if a local LEA believes the evidence is necessary for a collateral criminal investigation.



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2. If IID members determine that evidence is not required for an IID investigation, local LEA may collect, store and analyze the evidence according to their normal practices or procedures. The local LEA may also request that the MSP-FSD personnel collect that evidence at the scene and provide it to the local LEA for its own future analysis.