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Discharged Firearms		

Cross Reference: 2.01, 2.03, 2.06, 4.02, 4.08, 7.04, 8.06
Rule of Conduct: 1.19, 1.20, 1.21, 1.46

I. Introduction

This directive establishes procedures for all sworn personnel involved in incidents of discharged firearms while on or off duty.

II. Policy Statements

A. Sworn personnel shall report all incidents of discharged firearms, whether on or off duty, other than those done in the course of training, testing, or legal recreational purposes.

B. Scene Security

Sworn personnel shall protect the scene as any other serious crime scene in accordance with the "Serious Crime Scenes, Threatened Officer Protection, and Guard Duty" directive. Only personnel assigned to investigate a police-involved shooting shall be permitted within the protected area of the shooting scene. The exception will be the Chairperson or the responding member of the Firearms/Police-Involved Death Review Board or his or her designee, who shall be shown the scene at the first reasonable opportunity.

C. ***The Chief of Police will request an independent agency to conduct a criminal investigation of*** the following incidents:

1. The discharge of a firearm by sworn personnel or Columbus Division of Fire (CFD) ***personnel duly authorized to carry a firearm*** that results in human injury or death, excluding the unintentional discharge by sworn personnel in which non-life threatening injury is caused to said personnel.
2. Any use of force resulting in ***the*** death of a human ***or injuries likely to cause the death of a human***.
3. The death of ***or life-threatening injury to*** a person while being taken into custody, while in custody, or while being detained by sworn personnel ***or an authorized Division of Fire investigator***.
4. The use or attempted use of a stopping tactic, or a police-involved vehicular pursuit, which results in a fatality or injuries likely to cause death.

D. Critical Incident Response Team (CIRT) should investigate the following incidents:

1. The intended discharge of a firearm by sworn personnel or CFD Fire Investigator(s) ***that does not strike any person*** when the discharge:

a. Was intentionally directed at a person, or

b. While not intentionally directed at a person, could be reasonably construed as such.

2. The unintentional discharge of a firearm by sworn personnel or CFD Fire Investigator(s) ***that does not strike any person*** when the discharge occurred during a confrontation with a suspect and could be reasonably construed as being directed at the suspect.

3. Any incident in which sworn personnel sustain serious physical harm or death at the hands of another.

4. The use of a firearm within the City limits by a law enforcement officer from a foreign agency.

5. The use or attempted use of a stopping tactic or a police-involved vehicular pursuit ***by a foreign agency*** which results in a fatality or injuries likely to cause death, ***provided no Division personnel were actively engaged in the stopping tactic or pursuit.***

6. Any other incidents as ordered by the Major Crimes Bureau Commander, the Criminal Investigations Subdivision Deputy Chief, or the Chief of Police.

E. A member of the Firearms/Police-Involved Death Review Board shall respond to any police action resulting in death***,*** when CIRT has been activated***, or an independent agency has been requested.***

F. For incidents involving serious physical harm or death outside the City of Columbus, the law enforcement agency in whose jurisdiction the incident occurred shall conduct the criminal investigation and their individual policies shall dictate any subsequent review, unless other arrangements are made between the other jurisdiction ***and an independent agency*** at the time of the incident.

G. If CIRT conducts a criminal investigation involving a fatality or if criminal charges will be filed, the investigative packet shall be forwarded to the county prosecutor in the county in which the incident occurred. That prosecutor shall determine if the case will be presented to a Grand Jury.

H. When CIRT is conducting a criminal investigation concerning personnel involved in a use of firearms incident, and evidence exists that personnel are under the influence of alcohol or drugs, the CIRT supervisor shall request consent to retrieve body fluids for laboratory analysis or shall obtain a search warrant if probable cause exists.

I. When reasonable suspicion is present that personnel involved in a non-criminal use of firearms incident may be under the influence of alcohol or drugs, the investigating supervisor shall contact the Human Resources Manager or his or her designee to proceed with reasonable suspicion testing as outlined in the applicable collective bargaining agreement.

J. The Internal Affairs Bureau may be directed to open a concurrent administrative investigation of incidents involving the discharge of a firearm resulting in the injury or death of a human. Any statements or evidence obtained as a result of an order to comply with questioning during an administrative investigation shall not be shared with or used in any criminal investigation or proceeding involving the personnel ordered to answer questions.

K. When a firearm is unintentionally discharged on a Division of Police firing range and there are no resulting injuries, Ordnance Unit personnel shall determine the appropriate course of action.

L. Use of Firearm Against Dangerous Animals

1. ***Sworn personnel being threatened or attacked by a dangerous animal should attempt to use trained techniques and/or intermediate weapons before using a firearm to protect themselves or another person. If these attempts fail to halt the animal's attack, and when left with no alternative other than to use a firearm, sworn personnel should determine whether the backstop is able to control and contain any projectiles that may not find their intended mark or that may ricochet. Consider the presence of individuals and their actions relative to the proximity of the dangerous animal. Grassy and/or dirt areas are the preferred location for a backstop.***
2. ***Sworn personnel shall not fire or deploy a weapon at a dangerous animal unless the animal poses an imminent threat to personnel or others, use of the weapon is reasonable, and the risk to human life is minimized.***
3. ***Sworn personnel shall not use a firearm to prevent or disrupt an animal attacking another animal.***

Note: Pets are deemed to be property, and a firearm is not to be used to protect property.

III. Procedures

A. Discharged Firearm Resulting in No Injury/Death

1. Involved Personnel

   Immediately cause Communications Bureau personnel to be notified.

2. Communications Bureau Personnel

   a. Dispatch personnel to render assistance and/or to secure the scene as necessary.

b. Make notification as required by the Emergency Notification Guide.

B. Discharged Firearm for the Humane Destruction of a Seriously Injured Animal

1. Patrol Sergeant

a. Complete the Discharged Firearm Report, form S-70.100.

Note: For firearm discharges by supervisors, another patrol supervisor shall review and sign.

(1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.

(2) Route a copy through the chain of command to the involved personnel's commander.

b. Forward the investigation through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

2. Commander

Forward the Discharged Firearm Report to the ***Firearms Review Board Chairperson.***

C. Discharged Firearm Against a Dangerous Animal, Unintentional Discharge by Sworn Personnel Resulting in a Non-life Threatening Injury to Themselves, or Unintentional Discharges Not Investigated by CIRT

1. Investigating Lieutenant

Note: The lieutenant in the chain of command of the involved personnel shall investigate the firearm discharge. If the chain of command lieutenant is not on duty, a lieutenant from the involved bureau or a patrol zone lieutenant shall conduct the investigation.

a. Complete an administrative investigation.

b. Complete the Discharged Firearm Report.

(1) Email the form to DischargedFirearms@columbuspolice.org by the end of the tour of duty. This shall serve as notification of the incident.

(2) Include a copy in each investigative packet.

c. Forward the original investigative packet and three copies through the chain of command to the Firearms/Police-Involved Death Review Board Chairperson.

Note: The purpose of routing the investigative packet through the involved personnel's chain of command is to review the investigation for completeness. No recommendations should be made by the investigating supervisor or the chain of command until the incident has been reviewed by the Firearms/Police-Involved Death Review Board.

D. Discharged Firearm Resulting in Human Injury/Death

1. Involved Personnel

a. Immediately cause any needed medical aid to be rendered.

b. Immediately cause Communications Bureau personnel to be notified.

2. Communications Bureau Personnel
   a. Dispatch personnel to render assistance and/or to secure the scene as necessary.
   b. Make notification as required by the Emergency Notification Guide.
3. Officer Support Team
   a. Provide the involved personnel with any assistance, information, or other support as needed or requested.

   Note: Officer Support Team members are subject to being subpoenaed to attend legal proceedings and testify to what they are told by the involved personnel. Officer Support Team members are cautioned not to discuss the incident.
4. Critical Incident Response Team
   a. Conduct a criminal investigation ***when assigned.***

   Note: The involved personnel may invoke their constitutional rights at any time during the criminal investigation.

   b. Complete a Discharged Firearm Report.
   (1) Email the form to DischargedFirearms@columbuspolice.org.
   (2) Include a copy in each investigative packet.

   c. Forward the completed investigative packet as follows:
   (1) The original to the Homicide Unit
   (2) Three copies to the Firearms/Police-Involved Death Review Board Chairperson
   (3) One copy to the county prosecutor

   Note: If the suspect in a non-fatal case is not charged criminally, no copy will be sent; however, the case will be reviewed with the Legal Advisor and/or Prosecutor's Office.
5. Internal Affairs Bureau
   a. Conduct a concurrent administrative investigation when directed.

   Note: Personnel who are the focus of a criminal investigation may invoke their constitutional rights. This does not apply if the investigation is strictly administrative in nature.

   b. Forward a copy of the completed investigation to the involved personnel's deputy chief.

E. Post Investigation Review
1. Firearms/Police-Involved Death Review Board
   a. Review all information concerning the incident.
   b. Determine whether the discharge of the firearm was within Division policy. Render a finding in accordance with the Firearms/Police-Involved Death Review Board SOP.

c. Prepare and forward a summary of the findings together with the original investigative packet to the recording secretary, who will the forward the documentation through the involved personnel's chain of command to the commander or deputy chief.

Note: If there is a dissenting opinion between the Firearms/Police-Involved Death Review Board members, the dissenting member will include a letter of finding with the investigative packet and the majority finding and route it to the recording secretary, who will then forward the documentation through the involved personnel's chain of command to the Chief of Police.

2. Chain of Command

a. Review the investigative packet.

b. Render a finding of one of the following:

(1) Intentional and in violation of policy

(2) Intentional and not in violation of policy

(3) Unintentional and in violation of policy

(4) Unintentional and not in violation of policy

c. When appropriate, make recommendations regarding necessary corrective action.

3. Commander or Deputy Chief of Involved Personnel

a. Review the investigative packet and render a finding in accordance with III,E,2,b.

(1) Commanders: Investigations involving discharged firearm against a dangerous animal

(2) Deputy Chiefs: Investigations involving intentional discharge of a firearm, unintentional discharge by sworn personnel resulting in a non-life threatening injury to themselves, and unintentional discharge not investigated by CIRT

Note: If the recommendation of the commander or deputy chief is in disagreement with the finding of the Firearms/Police-Involved Death Review Board, forward the investigative packet to the Deputy Chief or Chief of Police as applicable.

b. If the discharge of the firearm was intentional and not in violation of policy, or unintentional and not in violation of policy:

(1) Cause the involved personnel to be notified of the final determination.

(2) Forward the packet through the Firearms/Police-Involved Death Review Board Chairperson to the Internal Affairs Bureau to be filed.

c. If the discharge of the firearm was intentional and in violation of policy, or unintentional and in violation of policy, determine if progressive discipline should be followed or if a deviation from progressive discipline is appropriate.

(1) If recommending deviation from progressive discipline, forward the packet to the Discipline/Grievance Section for review, then to the Chief of Police.

(2) If the discipline does not warrant deviation from progressive discipline, forward the packet through the involved personnel's chain of command for the issuance of discipline, then through the Firearms/Police-Involved Death Review Board Chairperson to the Human Resources Bureau for entry into the Discipline Tracking System and to the Internal Affairs Bureau for storage.

4. Deputy Chief or Chief of Police

a. Make a final determination if there is a dissenting opinion.

b. Make a final determination on any request to deviate from progressive discipline.

c. Cause the involved personnel to be notified of the final determination.