



Las Cruces Police Department
GENERAL ORDERS
ADMINISTRATION VOLUME 1
GO-156 OFFICER INVOLVED SHOOTING (Most Critical)
Revised 12/31/2014

156 OFFICER INVOLVED SHOOTING

PURPOSE

The purpose of this General Order is to establish fair and impartial procedures for the investigation of officer involved shootings. It also outlines the assignment of a liaison officer to assist involved officer(s) through administrative and emotional support.

POLICY

The Las Cruces Police Department (LCPD) shall fairly and impartially investigate all on-duty or off-duty officer involved shootings. The department shall make a liaison officer available to any involved officer to assist with administrative and emotional support.

APPLICABILITY

This General Order applies to all commissioned employees. This General Order supersedes all previous versions.

REFERENCES

- CALEA 1.3
- NMML ADM.05.04
- City of Las Cruces Personnel Manual (PM)
- City Manager's Policies (CMP)
- Current contract between the City of Las Cruces (CLC) and the Las Cruces Police Officers' Association (LCPOA)
- Peace Officer's Employer-Employee Relations Act
- Las Cruces Officer Involved Incident Task Force Joint Powers Agreement

DEFINITIONS

Officer Involved Shooting – An officer involved shooting occurs when a commissioned officer discharges a firearm during the lawful discharge of his/her duty, whether or not the intended target was hit. An officer involved shooting may occur while an officer is off-duty depending on the circumstances and whether or not the officer was acting under color of law. An officer involved shooting is not when an officer negligently discharges a firearm or discharges a firearm while committing a crime.



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Las Cruces Officer Involved Incident Task Force (OITF) – The OITF is comprised of representatives from the New Mexico State Police (NMSP), Dona Ana County Sheriff's Office (DASO), New Mexico State University Police Department (NMSUPD), and the Las Cruces Police Department (LCPD). Established by the 2009 Joint Powers Agreement, investigation of Officer Involved Criminal Incidents, the OITF is the main investigatory body for officer involved shootings.

156.01 TYPES OF INVESTIGATIONS

Officer involved shootings require two separate investigations. They are:

- A. A criminal investigation of the incident by the OITF or other agency with jurisdiction.
- B. An administrative investigation conducted by the LCPD Internal Affairs Section (IA) to determine if there were any violations of General Orders, the PM, the CMP, or any other rules and regulations.

156.02 SUPERVISOR RESPONSIBILITIES

- A. Upon arrival at the scene of an officer involved shooting, the first uninvolved supervisor shall:
 - 1. Take all reasonable steps to obtain emergency medical aid for all injured persons.
 - 2. Take incident command and secure the scene of the incident with additional personnel until relieved by proper authority.
 - 3. Obtain an overview and/or public safety interview of the situation from any officer(s) who did not discharge their firearm.
 - a. If only the officer who discharged his/her firearm is available, the supervisor may ask for a voluntary statement concerning public safety information necessary to secure the scene and pursue suspects. If necessary, the supervisor may administratively order any LCPD officer to immediately provide public safety information necessary to secure the scene and protect the public. Public safety information shall be limited to:
 - 1) Outstanding suspects
 - 2) Suspect(s) descriptions



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- 3) Number and direction of shots fired
 - 4) Perimeters of the scene
 - 5) Identity of any known witness
 - 6) Other information necessary to safeguard the public
- b. The first responding supervisor shall not order or compel a statement from any officer involved other than to provide public safety information.
4. Make all necessary notifications of the incident as outlined in GO 156.03.
 5. Arrange for the officers who discharged a firearm to be transported to the LCPD station for further direction once the lead investigator has released the involved officers from the scene. If more than one officer is involved, each officer should be transported separately to protect the accuracy of each officer's statement.
 - a. Involved officer(s) shall not discuss the incident with other involved officers pending direction from a supervisor. Involved officers may discuss the incident with their attorney, LCPOA representative, and psychological counselor.
 6. Preserve the integrity of any physical evidence present on equipment, clothing, or the involved officer(s) until investigators can properly retrieve it.
 7. Secure the involved officer's firearm as evidence
 - a. When an officer is required to surrender his/her firearm as evidence, the officer shall be provided with a comparable replacement firearm or immediately transported to the LCPD station by another commissioned officer.

156.03 NOTIFICATIONS

- A. The Incident Commander shall ensure the following personnel are notified as soon as practical:
1. Chief of Police
 2. Deputy Chiefs of Police



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3. Patrol Lieutenant
4. CIS Lieutenant who will activate the OITF
5. Internal Affairs Lieutenant
6. LCPOA President or designee for represented employees
7. Psychological/Peer support personnel
8. City Risk Management

156.04 INVESTIGATION PROCEDURES

- A. The OITF shall investigate officer involved shootings. The OITF shall conduct a criminal investigation into the circumstances of an officer involved shooting, whether or not the intended target was struck or anyone was injured. The CIS supervisor shall assign personnel to the OITF as prescribed in the OITF Joint Powers Agreement.
- B. Once public safety issues have been addressed, the OITF will begin its investigation of the officer involved shooting. The OITF will have full access to the scene, evidence, and reports. The OITF shall interview and/or interrogate, victims, suspects, witnesses, and any officers involved in the incident.
 1. Interviews and/or interrogations of the officers shall be in accordance with the current contract between CLC and LCPOA.
 2. Any involved officer may request and be afforded the opportunity to consult with an attorney of his/her choosing prior to speaking with a criminal investigator.
 3. Voluntary statements provided by officers will be made available for inclusion in the administrative and/or other related investigations.
 4. Administratively compelled statements shall not be provided to any criminal investigators unless the officers' consents or the release is authorized by law.

156.05 INVOLVED OFFICER(S)

- A. Investigators shall make reasonable accommodations to the involved officer's physical and emotional needs.



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- B. Any officer who discharges a firearm at a person shall be placed on administrative leave with pay for at least three (3) days. When an officer discharges his/her firearm at an animal the officer may be placed on administrative leave with pay at the discretion of the Chief of Police. This is intended to provide time for the involved officers to recover from the physical, mental, and emotional stress of the incident.
1. Administrative leave may be extended based the totality of the circumstances, the best interests of the investigation, and the best interests of the involved officer.
 2. Should a large number of officers be involved in a shooting incident and placing them all on administrative leave prove to be impractical, the Chief of Police may allow the officers back to duty after each has met with a mental health professional. The Chief of Police may also temporarily reassign employees as needed to ensure proper staffing levels throughout the department.
- C. Involved officers shall not discuss the incident with other involved officers or coworkers and may receive further guidance from the OITF, supervisor, or IA. Involved officers should be cognizant that not all conversations are considered privileged and comments may be used against the officer.
- D. Employees shall not discuss or post comments concerning the incident on social media or social networks. (GO 158.02F)
- E. A mental health professional shall be provided by the department to each involved officer or any officer upon request.
1. Interviews and conversations with a licensed medical health professional are privileged and will not be disclosed except to the extent that the officer is or is not fit to return to duty.

156.06 ADMINISTRATIVE INVESTIGATION

- A. In addition to the criminal investigation, the LCPD shall conduct an administrative investigation to determine any policy violations, policy weaknesses, and/or training needs. Administrative investigations shall be conducted by IA. Administrative investigations shall commence at the conclusion of the criminal investigation to avoid contaminating the criminal investigation with protected disclosures made by involved officers.



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1. Any officer involved in an officer involved shooting shall be administratively compelled to submit to drug and/or alcohol screening in accordance to CMP 8.1, Substance Abuse/Detection Policy immediately after the incident.
2. The IA investigator shall review the criminal investigation in its entirety before proceeding with administrative investigation and any interviews of those involved.
3. All interviews conducted by IA shall conform to the guidelines set forth in the LCPOA contract and the Peace Officer's Employer-Employee Relations Act.
4. The Chief of Police or the Internal Affairs Lieutenant may request the assistance of appropriate subject matter experts to assist with the investigation and/or interviews.
5. IA shall compile all relevant information, reports, and findings for the Chief to determine compliance with General Orders and any other rules and regulations.

156.07 MEDIA RELATIONS

A media release shall be prepared regarding LCPD officer involved shootings in a reasonable time. Information released shall be approved by the Chief of Police, the OITF Commander, and the Public Information Office (PIO). The Chief of Police may also call a press conference to communicate the nature of the incident and ongoing investigative procedures.

156.08 REPORTING

- A. In the event that a suspect remains outstanding or subject to prosecution for related offenses, the department shall retain the authority to require the involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.
- B. Initial reports shall be completed by investigators who shall interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution of suspects, statements of involved officers should focus on evidence to establish the elements of any crime charged.
- C. Blue Team Use of Force reports shall be completed by the OITF with the assistance of the LCPD detective assigned and/or IA.
- D. Reports of employee injury shall be completed by the involved officer's supervisor.



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156.09 OFFICER INVOLVED SHOOTING LIAISON OFFICER

- A. The department shall make available a liaison officer to assist the officers involved in an officer involved shooting. The liaison officer shall be:
1. A commissioned officer in good standing with the department.
 2. An officer chosen with the assistance of the involved officer.
- B. The liaison officer shall be assigned as soon as practical by the Chief of Police or requested by the involved officer to assist and act as a secondary point of contact for the involved officer. Liaison officers may be temporarily reassigned from their regular duties at the discretion of the Chief of Police.
- C. After being assigned as a liaison officer, the liaison officer shall:
1. Attend a briefing about the incident by the Chief of Police or his/her designee
 2. Make reasonable attempts to contact and inform the involved officer of the assignment as liaison officer. The involved officer may waive the need for a liaison officer. The liaison officer shall inform the Chief of Police of the involved officer's refusal of a liaison officer, and resume his/her normal duties.
 3. If the involved officer chooses to accept the assistance of a liaison officer, the liaison officer shall:
 - a. Assist the involved officer in contacting legal representation.
 - b. Keep daily contact with the involved officer in order to check the welfare of the involved officer and his/her family.
 - c. Give regular feedback to the Chief of Police or designee as to the status of the involved officer.
 - d. Provide transportation to the involved officer for:
 - 1) Interviews
 - 2) Employee Assistance Program (EAP) meetings or other physical and/or mental health services



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- 3) Victims Assistance meetings
- 4) Any other official business as needed
4. Ensure regular communication between the involved officer(s) and the Chief of Police or his/her designee as to the status of the investigation.
5. The liaison officer shall not discuss the investigation, other than general status, with the involved officer. Conversations between the involved officer(s) and the liaison officer are not privileged communications.