

**EASTON POLICE DEPARTMENT
ADMINISTRATIVE ORDER
CHAPTER 5: COUNSELING AND DISCIPLINE**

	Title: Criminal Complaints and Use of Force Investigations		Number: 05-6
	Effective: December 29, 2011	Revised: Oct. 1, 2016	General Order #16-008
	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amends	Notes: Replaces Administrative Manual Chapter 5-6 (12-01)	
Authority: _____ <div style="text-align: center;">Chief of Police</div>			Total Pages: 3

5-6.0 PURPOSE

The purpose of this General Order is to establish guidelines for investigating all incidents involving a member accused of committing an unlawful act or an officer's use of force resulting in serious or life threatening injury or death.

5-6.1 DEFINITIONS/ABBREVIATIONS

IAU	Internal Affairs Unit
LEOBR	Law Enforcement Officers Bill of Rights

5-6.2 FORMS

Form 9	Property Record
Form 24	Complaint Against Personnel
Form 24A	Complaint of Brutality

5-6.3 POLICY

The Easton Police Department will conduct criminal and administrative investigations in all incidents when an officer is accused of violating criminal law or using force resulting in serious or life threatening injury or death. Investigations initiated under this general order shall be under the authority of the Deputy Chief of Police, and conducted in accordance with the LEOBR found in the Annotated Code of Maryland.

5-6.4 CRIMINAL COMPLAINT PROCEDURES

1. A member accused of a criminal act will be subject to a criminal investigation conducted by this Department or the police department investigating the case.
2. A member charged with a crime or violation, (e.g., arrested, and receives a criminal/civil summons or traffic citation for an arrestable offense) will immediately notify his/her commander.
3. Members charged with a non-arrestable traffic offense shall notify his/her supervisor at the beginning of his/her next tour of duty.

4. Department members must inform their commander of all trial dates and any changes to those dates.
5. The commander will notify the Special Operations Commander and the Deputy Chief as soon as it is alleged that a member has been involved in criminal activity.
6. The Deputy Chief and Special Operations Commander will determine what investigation resources are necessary.
7. A Criminal Investigator will be assigned to act as a liaison with other resources during the investigation.

5-6.5 SWORN MEMBERS ARRESTED AND CHARGED

1. Upon notification, the arrested member's commander will notify the Deputy Chief.
2. An IAU representative and the member's commander will respond to the location where the member is being detained. If a question arises regarding the impracticality of response, the arrested member's commander will decide after conferring with the IAU.
3. At the detention site, the commander will:
 - a. Gather information for a confidential summary to be forwarded, through channels, to the Deputy Chief. This summary shall include location, date, and time of trial, if known.
 - b. Be available to meet with the officer, or if present, the officer's family, to determine if there are any needs the commander may address.
 - c. Obtain copies of any reports.
 - d. Prepare a Form 24 and forward copies to the Deputy Chief.

5-6.6 USE OF FORCE INVESTIGATIONS

1. Use of Force Definitions:
 - a. Force – to overcome resistance or constrain a person by the execution of a physical act, whether it is with or without the use of a weapon or other equipment.
 - b. Unnecessary Force – force used when not required under existing circumstances, but is not excessive or brutal.
 - c. Excessive Force – force that is unreasonable in scope, duration, or severity under existing circumstances.
 - d. Brutal Force – force that, under the existing circumstances, is so severe and/or cruel in scope or duration, so as to shock the conscience.
2. Deputy Chief:
 - a. Maintains statistics on brutality allegations and use of force incidents.
 - b. Advises the Chief of Police of such occurrences on a regular basis.
 - c. Is authorized to initiate investigations into allegations concerning the use of force by Department members.
 - d. Reviews all complaints alleging unnecessary, excessive or brutal force, and all use of force incident reports.

5-6.7 USE OF FORCE INVESTIGATIVE PROCEDURES

1. Investigations may be initiated whenever any of the following occur:
 - a. Any serious or life threatening injury to a person by a Department member through the use of force.
 - b. Injuries to a person, through the use of force by a Department member that are inconsistent with the amount of force documented.

- c. Statements obtained through unbiased, independent witnesses indicating unnecessary, excessive or brutal force used by a Department member.
- 2. Brutality Complaints:
 - a. May include the use of unnecessary, excessive, or brutal force.
 - b. If the alleged victim is the complainant:
 - 1) Ensure prompt medical attention, if required.
 - 2) Attempt to identify any marks, cuts, scrapes, bruises or injuries related to the alleged use of force.
 - 3) Take photographs of any alleged injuries.
 - c. Issue the complainant a Form 24A, Complaint of Brutality.
 - d. Advise the complainant that the form must be:
 - 1) Prepared completely, answering all questions.
 - 2) Either typed or handwritten legibly in ink.
 - 3) Completed and the signed original returned within 366 days of the alleged incident.
 - 4) Advise the complainant that he/she may be held civilly and criminally responsible for any false statements made.
 - e. Notify the accused member's commander along with the Deputy Chief.
 - f. The Deputy Chief will assign the investigation to the Internal Affairs Unit and determine what investigative resources are necessary.
- 3. Use of Firearm:
 - a. If a member's firearm was used, the senior officer on the scene will secure the firearm, magazines and ammunition for safekeeping and investigative integrity. A Form 9, Property Record, will be completed and the firearm, magazines and ammunition will only be relinquished to a member of the investigation team.
 - b. The removal of a weapon should:
 - 1) Occur when the crime scene is safe.
 - 2) Be done so as to not cause additional stress to the member.
 - c. A replacement firearm, magazines and ammunition can be obtained by contacting a firearms instructor.
 - d. The senior officer on the scene will inspect the weapons of all officers present during the shooting noting the number of rounds in each weapon.

5-6.8 DEPUTY CHIEF OF POLICE

- 1. Reviews all information submitted and promptly orders one of the following:
 - a. The member shall continue to perform police duties.
 - b. The member's police powers shall be suspended, but the member is reassigned to restricted duties pending determination by a court of competent jurisdiction with respect to any criminal violation, or final determination by an Administrative Hearing Board as to any departmental violation.
 - c. The member shall remain on suspension.
- 2. Considers the best interests of the public, the Department, the criminal justice system and the member when choosing one of the alternatives.

5-6.9 STATE'S ATTORNEY LIAISON

- 1. The primary investigator will provide the local State's Attorney's Office with:
 - a. An investigative report for review; and/or
 - b. The presentation of evidence to a grand jury.