



City Council Agenda Item Report

May 21st, 2013

Agenda Item No.

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SUBJECT: Deliberation and possible action on the approval three new chapters into the Operating Policy Manual for the Buda Police Department.

1. BACKGROUND/HISTORY

An essential component of any law enforcement agency is a sound operating policy manual that permits employees to understand their role and responsibilities within predefined limits. Three additional chapters have been drafted to enhance of operating policy manual. These chapters cover officer involved shootings, active shooter response, and firearms training and qualifications.

2. FINDINGS/CURRENT ACTIVITY

Copies of this manual have been submitted to the City Manager, City Attorney, for review prior to bringing it before Council. The policy manual has been accepted by the aforementioned parties in its current form, thus, needing only Council approval before being made part of the Buda Police Department Handbook.

3. FINANCIAL IMPACT

None

4. ACTION OPTIONS/RECOMMENDATION

Staff is requesting Council approve or give further direction on the Operating Policy Manual for the Buda Police Department.

CHAPTER 31

OFFICER INVOLVED SHOOTING

31.01. POLICY

An officer involved shooting is defined as a discharge of a weapon by an officer during a hostile encounter or a negligent discharge that results in injury.

It is the policy of the Buda Police Department that officer-involved shootings, whether on or off duty, be investigated so as to determine whether officer actions conform with the law and this Department's policy, procedures, rules, and training.

31.02. PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shootings.

31.03. PROCEDURES

A. **Notification-** Fire and EMS should be notified and requested to provide life-saving measures as appropriate. Additionally, the ranking supervisor or officer if necessary will notify the department's chain of command to include the Chief of Police or his/her designee of any officer involved shooting.

B. Officer(s) Responsibilities

1. Scene security should be a priority. All officers should ensure the scene is secure, including handcuffing persons responsible for the OIS. Responding officers should clearly establish from the involved officer(s) whether additional suspects are involved, and thereafter communicate any suspect descriptions and locations.
2. Once scene security is established, officers should provide medical attention to all injured persons until EMS arrives.
3. If one is not present, officers should request a supervisor respond to the scene.
4. If suspects are located, they should be secured and separated.
5. The involved officer should be removed from the immediacy of the incident scene, but not removed to a separate location.

6. Officers should secure the incident scene by marking it in accordance with evidence procedures. Officers shall protect evidence from loss, destruction or damage.
7. Unless safety issues warrant, officers shall not remove or alter any involved weapons used by either involved officer(s) or suspects.
8. Officers shall check for and identify all witnesses to the incident.
9. Officers shall not relay information to media.

C. Supervisor Responsibilities

1. The first responding supervisor should ensure the scene is secure and that the injured persons are receiving medical attention.
2. After medical attention is rendered and injured persons are transported, supervisor will ensure all recording devices stop recording, including dash-cam videos, and secured to ensure protection of any evidence contained therein.
3. Supervisor will contact the involved officer and ask public safety questions that will guide the follow-up investigation. This conversation should not be recorded. Information collected should help focus the initial police response and direct the preliminary investigation. This information can include:
 - 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 elapsed 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 in the apprehension of at-large suspects.

4. Supervisors should take a photograph of any officer(s) involved in a shooting dressed in the same manner as when the shooting occurred.
5. Supervisor should assign an officer of the same gender to the involved officer to serve as a companion/liaison. If multiple officers were involved, different officers will be assigned to each employee. The supervisor may ask the involved officer who he/she would like assigned to them and make reasonable effort to accommodate.
 - a. If an officer is transported to the hospital, ensure that the companion officer accompanies or meets him or her there.
 - b. The companion officer should provide all reasonable support to the involved officer and act as liaison between the officer and the hospital.
 - c. If the officer is incapable of calling, the companion officer shall notify or ensure that another department member notifies his or her immediate family as soon as possible and in person, whenever reasonably possible. The notification shall provide the family members with basic information on the status of the officer and when and where they will be able to see him or her. At this time the notifying officer or supervisor shall arrange for their transportation to the hospital or other location as required. In the case of serious injury or death, notifications shall be conducted in conformance with the department's death notification policy.
 - d. Companion officers should not relate details of previous officer involved shootings, even if they have personal knowledge. Companion officers are not tasked with explaining processes, procedures, or offering previous experiences. Instead, companion officers will act as liaisons between the involved officer and other members of the Department.
6. Supervisor shall secure all officer involved weapons and magazines. These weapons should remain in the condition that they were discovered by the supervisor/ responding officer(s). Weapon attachments should remain attached, pursuant to how the weapon was discovered. Weapons used by assailants should be left alone and handled by follow-up investigators in accordance with evidentiary best practices.
7. The Supervisor shall make arrangements to have another firearm issued to the involved officer to replace any seized weapon.
8. All seized weapons will be processed as evidence and will not be taken to the Range and fired to ensure functionality.
9. Supervisor will ensure the companion officer(s) accompanies the involved officer(s) to the law enforcement center.

10. Supervisor will remain on scene until investigative personnel arrive.

D. Administration Responsibilities

1. Administration shall respond to an OIS.
2. Administration shall make contact with the involved officer(s), either at the scene or the law enforcement center.
3. Administration will interview on-scene officers and supervisors (those not involved in the actual officer involved shooting) to ensure Administration has firm knowledge of the incident.
4. Administration will manage all media inquiries.
5. Administration will place the involved officer(s) on administrative leave pending investigation.
6. Administration will ensure a criminal investigation is conducted by an outside agency whenever possible.
7. Administration will ensure an internal investigation is conducted, either concurrent to the criminal investigation or following the criminal investigation.
8. Administration will ensure the involved officer(s) does not provide a statement to investigators for a minimum of 24 to 72 hours post-incident.
9. Administration will ensure the assigned companion officer remains an advocate for the involved officer and serves as a point of contact for those involved, in lieu of departmental employees directly contacting those involved in the OIS. Companion officers should also assist the officer's family and offer any means of support feasible.
10. Administration will ensure the involved officer(s) receives counseling prior to returning to duty.

E. Investigation

Trained personnel should be assigned to investigate officer involved shootings. Additionally, the Department will contact an outside agency (TX Rangers/DA's Office) to conduct an independent investigation.

CHAPTER 32

ACTIVE SHOOTER RESPONSE

32.01. POLICY

An active shooter is defined as one or more subjects who participate in a random or systematic homicidal spree by demonstrating their intent to continually harm others. The subjects overriding objective appears to be mass murder rather than other criminal conduct such as robbery or kidnapping.

It is policy of the Buda Police Department to respond, contain, and neutralize the threats and administer aid to the victims.

32.02. PURPOSE

To establish policy and procedures governing the response and activities associated with active shooter event which will mitigate any further risk of injury or death to civilian or law enforcement personnel.

32.03. PROCEDURES

A. Notification

The ranking supervisor or officer will notify the chain of command to include the Chief of Police or his/her designee of any active shooter event. Fire and EMS should be notified and requested to stand by in accordance with their protocols.

B. Mutual Aid

Upon arriving to the scene of an active shooter event and assessing the crime scene, the agency should implement their mutual aid agreements with other police agencies, and fire and rescue agencies. Additionally, it may be necessary after the incident to collaborate with recovery agencies to assist with the scene and any victims

C. Active Shooter Response

The first two to five officers should form a single team and enter the involved structure. A single officer entering a structure must understand the inherent risk assumed in taking such action. The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers should identify and communicate locations of victims needing medical attention. If practical, and absent continued shooting, officers should treat any massive hemorrhaging that may result in the immediate loss of life.

D. Concepts and Principles

Safe, effective responses to active shooters are designed around concepts and principles. The first responding officers should:

1. Stay together as much as possible and enter the involved structure quickly.
2. Maximize communication by staying in close contact with other first responders.
3. Maximize threat coverage by addressing all angles.
4. Visually search involved areas using 540 degrees of coverage around and above the team.
5. Evaluate rooms from the threshold.
6. Differentiate between deliberate and direct-to-threat speeds and use the appropriate speed for the circumstances.
7. Use cover-contact principles when taking suspects into custody.

E. Follow-On Responders

Follow-on responders should be directed to victim locations if there is no active threat. Guidelines for follow-on responders include:

1. Establish and maintain security in the area that follow-on responders occupy; consider the involved structure as unsearched.
2. Do not enter a hallway unannounced that is occupied by other officers.
3. Unless clear on what other officers want accomplished, move to them after notifications and conduct a face to face meeting.
4. Direct victims to safety by utilizing either shelter-in-place or evacuation. If evacuating, establish a cordon of first responders to the desired exit point to ensure safety of victims.
5. Establish a Casualty Collection Point (CCP) for injured persons. The CCP should be a room or open area (if outside of the structure) capable of holding all victims

with injuries that require medical treatment. A series of rooms next to each other can be considered if casualties exceed available space.

6. Communicate with all involved responders to ensure the area remains secure while facilitating victim treatment.

F. Post-Event

Responses to an active shooter event must include the aftermath of the incident. Officers should apply the SIM model (Security/ Immediate Action Plan/ Medical).

1. Security should take priority. Responding officers must ensure the immediate environment they are working in remains secure, in light of the fact that the active shooter event remains a continued threat.
2. After officers address known threats, they should formulate an immediate action plan as quickly as possible. This plan should be quick and simple and address: if/ then.
3. Responding officers should address medical issues as soon as they establish security and have an immediate action plan in place.

G. OIS Investigations

Should there be an exchange in gunfire, then the agency will implement its officer involved shooting policy and respond accordingly.

H. Media

All requests for information should be funneled through the Public Information Officer (PIO) or the Incident Commander (IC) for vetting and coordination. Consideration should be given to establishing a media staging location that is not within the immediate vicinity of the active shooter event.

CHAPTER 33

FIREARMS

33.01. POLICY

It is the policy of the Buda Police Department that officers will meet requirements set forth by both The Buda Police Department and TCLEOSE to include qualifications.

33.02. PURPOSE

To establish departmental policy regarding carry and use of on and off duty weapons by Buda Police Department Officers. Further, this chapter is to ensure that The Buda Police Department is in compliance with Texas Commission on Law Enforcement Officer Standards and Education mandates (hereinafter referred to as TCLEOSE).

33.03. DEFINITION

Firearms Cadre/ Instructor- A Sworn Peace Officer being an employee of The Buda Police Department or other department appointed by Buda Police Department to supervise or conduct firearms related training and evaluation. Buda PD Firearms Instructors are required to be certified to instruct firearms training by TCLEOSE.

33.04. PROCEDURES

- A. **Firearms Records-** The Department will maintain records of firearms qualifications for all sworn personal. The records will include the date of qualification, identification of the officer, firearm manufacturer, model, and results of the qualification as well as the course of fire. The records will be kept in a format readily accessible.
- B. **Qualification Requirements-** Officers will complete the approved firearms qualification within the calendar year in order to maintain their status as a Texas Peace Officer. Officers will be required to field strip each firearm they qualify with at the qualification. Weapons will be inspected by a firearms instructor during qualification.
- C. **Range Procedures-** Officers will qualify once per calendar year with every weapon carried. An approved qualification course will be used dependant on the use of the firearm (e.g. Patrol Rifle, Shotgun, Primary Handgun, Off Duty / Back up Handgun). Officers will follow range safety rules as prescribed by Firearms Cadre during any firearms training.
- D. **Use of a firearm-** Circumstances resulting in the use of a firearm as a use of force to include discharging of the firearm will be reported to the officer's direct

supervisor as soon as reasonably possible. A report will be made documenting the use of force. For further refer to Chapter 31, Officer Involved Shooting.

- E. **Approved Items** - This policy is in place noting that exigent circumstances may arise requiring an officer to use a weapon, equipment or ammunition not mentioned or approved in this policy at the time of its use. This policy reflects Chapter 11.
1. **Approved weapons/ ammo list**- Officers will only carry ammunition issued and or approved by the department while on duty. Officers will carry comparable or otherwise approved ammunition for off duty use. Firearms carried both on and off duty are to be inspected and approved by The Department unless use of an unapproved firearm or ammunition is due to exigent circumstances.
 2. **Approved gear / carrying**- Officers are required to carry their duty pistols in a departmentally approved holster when carrying a firearm in uniform. While in uniform, officers will carry their pistol in a holster with at least a level 2 retention design. While in uniform an officer will carry at least two additional magazines for their duty pistol. The magazines should be carried in a location readily accessible by the officer.
 3. **Plain Clothes/ Off Duty**- While in plain clothes, if an officer is carrying their weapon exposed, their badge will be worn exposed as well, easily identifying them as a Buda Police Department Police Officer. Officers will carry their credentials while carrying a firearm concealed off duty unless otherwise approved for circumstances such as under cover assignments.
 4. Officers are highly encouraged to carry a firearm off duty.
- F. **Security of Firearms**- Each employee will, by every practical means, secure all weapons from unauthorized access.