

Approved Date: April 24 2008

By: Wayne Ringer  
Office of the City Attorney



**City of  
Norfolk**

Prescribed Date: 5/8/09

By: John H. Williams  
City Manager/Director of Public Safety

Departmental General Order OPR-410  
Norfolk Police Department

Subject: Deadly Force Incidents

Office of Preparation: Strategic Management Division

Supersedes:

1. G.O. 08-002, dated May 29, 2008
2. Any previously issued directive conflicting with this order

Related Documents:

1. G.O. OPR-110: Firearms
2. G.O. OPR-120: Use of Force
3. G.O. OPR-140: Special Incident Reports (SI)
4. G.O. OPR-750: Field Command

Order contents:

- I. Immediate Notification
- II. Death or Injury Incidents – Within City of Norfolk Jurisdiction
- III. Death or Injury Incidents – Outside City of Norfolk Jurisdiction
- IV. Death or Injury of a Norfolk Police Officer
- V. Accidental Firearm Discharge – Within City of Norfolk Jurisdiction
- VI. Accidental Firearm Discharge – Outside City of Norfolk Jurisdiction
- VII. On-Duty Death of a Police K-9
- VIII. Officer-Involved Animal Fatalities
- IX. Commonwealth Attorney Review
- X. Work Status of Involved Officer
- XI. Evaluation of Departmental Policy Compliance
- XII. The Police Firearms Review Panel

A handwritten signature in black ink, appearing to read "B. Marquis".

Bruce P. Marquis  
Chief of Police

BPM/sm

## Purpose

To provide procedural guidelines for investigation into incidents involving life threatening injuries or death of a person which may have occurred as a result of police activities.

## Policy

Before resorting to the use of deadly force in the performance of their duties, City of Norfolk police officers will exhaust every reasonable alternative course of action. Officers are authorized to use deadly force only as outlined in G.O. OPR-120: Use of Force, Section I and G.O. OPR-110: Firearms, Section I.

All officer involved deadly force incidents will be investigated thoroughly with professionalism and impartiality to determine whether the officer's actions conformed to Municipal, State and Federal laws and to the City of Norfolk Police Department's policies and training on use of deadly force.

The Chief of Police may turn any critical incident involving deadly force over to an independent outside investigative agency.

## Definitions

Reasonable force: Reasonable force as defined in G.O. OPR-120: Use of Force and OPR-110: Firearms, is only that force reasonably necessary to successfully accomplish legitimate police functions.

Deadly force: Deadly force is the application of such reasonable force which is likely to cause death or serious physical injury.

### I. Immediate Notification

To ensure the integrity of the investigation involving the use of deadly force that occur within the City of Norfolk, the following notifications shall be made immediately:

- A. Telecommunicator: The involved and/or senior assisting officer will notify the telecommunicator, who will:
  - 1. Dispatch appropriate police and fire-rescue units.
  - 2. Notify the Field Commander and appropriate street supervisor.
- B. Street Supervisor: The on scene senior officer will ensure that the telecommunicator has notified the street supervisor to respond to the scene.
- C. Field Commander: The street supervisor will ensure the Field Commander is notified.

- D. The Field Commander will ensure that the following are notified:
1. Homicide supervisors and investigators if the incident involves death or injury.
  2. Chief of Police or designee.
  3. Commanding Officer of the Office of Professional Standards (OPS).
  4. Commanding officer of involved officer(s).
  5. Public Information Officer.

II. Death or Injury Incidents – Within City of Norfolk Jurisdiction

The senior first responding officer will take charge of securing the scene until the arrival of a supervisor.

- A. Responsibilities of involved officer(s):
1. Ensure the safety of officer(s) and others in the vicinity.
  2. Separate and secure suspects and/or witnesses.
  3. As circumstances require, immediately notify the telecommunicator to do the following:
    - a. Broadcast information and descriptions of any at-large suspect(s).
    - b. Request Fire-Rescue services and render first aid.
    - c. Request a supervisor's response.
    - d. Request additional units to ensure crime scene preservation, officer safety, suspect apprehension, etc.
  4. Ensure the crime scene is protected and not disturbed.
  5. If used, holster any involved handguns, secure long guns, and maintain weapons until they can be turned over to the Homicide and/or Forensic Section supervisors. Involved weapons will not be unloaded or tampered with unless necessary for tactical reasons.
  6. If able, prior to the arrival of assistance, attempt to identify potential witnesses in the immediate area and obtain their personal information.

7. Stay on scene with a supervisor or investigator until the arrival of the Homicide Section supervisor.
8. As soon as practical or possible, make mental and written notes of the events leading up to and during the deadly force incident.
9. Involved officers may be required to do a “walk through” with the investigating supervisor and Forensics personnel.
10. Involved officers will be required to submit a blood and/or urine sample for analysis.

B. Responsibilities of on-scene supervisor:

1. Take command and control of the incident.
  - a. Assume role of Incident Commander until properly relieved as set forth in G.O. OPR-610: Incident Command System (ICS).
  - b. Determine the existing danger level.
  - c. Initiate actions necessary to render the scene safe and secure.
  - d. Notify the Field Commander.
  - e. Ensure medical attention is provided for injured persons.
  - f. Coordinate efforts to locate and apprehend any at-large suspects.
  - g. Assign scribe to maintain an objectives list and log of actions taken during the incident.
  - h. Ensure Homicide supervisors and investigators have been notified to respond.
  - i. Request any additional resources that may be needed.
  - j. Limit further communication about details of the incident to telephones or other secure communication channels.
2. Complete the following with involved officers:
  - a. Obtain preliminary account of the incident and actions taken, but only to the extent necessary to ensure safety, crime scene preservation, and suspect apprehension.

- b. Check officer to determine whether he or she is in need of medical attention.
  - c. Instruct the officer(s) not to discuss the incident with anyone not involved in the investigation.
  - d. If used in the incident, unless there are exigent circumstances, ensure involved officer maintains weapon until it can be turned over to the Homicide Section and Forensic Section supervisors. Do not allow it to be tampered with or unloaded.
  - e. Have an investigator or companion officer stay with the involved officer until relieved by the Homicide supervisor. Advise the companion officer not to discuss the incident with the involved officer.
  - f. Move involved officer from the center of activity. Unless circumstances dictate otherwise, involved officers will remain in the area for investigative purposes.
3. Scene responsibilities:
- a. Secure the incident location.
  - b. Contain the immediate and surrounding area as soon as it can safely be done using crime scene tape and/or officers to limit access to authorized personnel.
  - c. If suspect(s) is present, assign officers as needed to take and maintain custody. Do not interview or interrogate suspects. If a suspect is injured, ensure that medical care is provided.
  - d. If suspect(s) is transported to the hospital, assign two officers to carry out the following activities. If transported by ambulance, one officer will accompany the suspect, the other will follow in a separate vehicle.
    - (1) Remain with the suspect and record spontaneous statements and/or dying declaration.
    - (2) Receive, maintain, and preserve suspect's clothing unless relieved by investigators of this responsibility.
    - (3) Ensure suspect does not receive any visitors unless approved by the Field Commander.

- e. Establish a Command Post in the outer perimeter according to Incident Command System recommendations.
- f. Protect evidence and ensure that chain of custody requirements are met for evidence moved prior to arrival of forensic investigators.
- g. Locate, identify, and isolate witnesses.
- h. Maintain staffing of the crime scene perimeter until it can be reduced and/or is released by investigative personnel.

C. Responsibilities of Field Commander:

- 1. Ensure that a blood and/or urine sample is taken from involved officers for analysis in accordance with G.O. OPR-750: Field Command.
- 2. Confirm that all notifications have taken place and that scene control proceeds as outlined in this general order.

D. Responsibilities of the Detective Division:

The Commanding Officer of the Detective Division has the authority to take charge of investigations within the City of Norfolk of any use of deadly force incident involving a police officer which may have criminal aspects. Any time an officer discharges a firearm at a person, whether or not the person was hit, the Detective Division will investigate the incident. The following procedures will be implemented.

1. Detective Division Supervisors:

- a. Shall ensure scene investigation integrity and control until relieved by Homicide and Forensics supervisors.
  - (1) Ensure evidence is protected.
  - (2) Crime scene location is properly identified and secured with crime scene tape.
  - (3) Adequate personnel are assigned to protect the scene.
  - (4) Assign an officer to document the arrival of all individuals entering the scene.
- b. Ensure that Homicide and Forensic supervisors have been notified and that investigators are responding to investigate the incident.

- c. Ensure adequate investigative personnel respond to meet the needs of:
    - (1) Any necessary canvass for independent witnesses and information
    - (2) Securing witnesses for interviews
    - (3) Crime scene identification and preservation
    - (4) Forensic investigation
  - d. If necessary, ensure that an investigator responds to the hospital where the injured subject(s) and/or officer(s) are being transported.
2. Detective Division investigators, as directed by Detective Division supervisors, will:
- a. Respond to the scene unless otherwise advised by a Detective Division supervisor.
  - b. Assist with canvass.
  - c. Assist with separating witnesses and transporting them to the Police Operations Center.
  - d. Assist with line searches.
  - e. Assist as otherwise instructed.
  - f. If responding to the hospital, retrieve:
    - (1) Fire-Rescue information.
    - (2) Injured subjects' personal information, medical status and extent and location of injuries.
    - (3) Relevant clothing.
    - (4) Attending physician information.
    - (5) Prisoner Patient Form if applicable.

- (6) If death occurs:
  - (a) Obtain time of death and who pronounced it.
  - (b) Notify Homicide investigators.
  - (c) Tag the victim.
  - (d) Note extent and location of injuries.
- 3. Forensic Investigators:
  - a. Complete crime scene processing and documentation.
  - b. Take crime scene photographs.
  - c. Collect evidence including packaging and turning material over to the investigating supervisor.
  - d. Create Flight of Bullet Trace Diagram if firearms used.
  - e. Ensure notification of Forensic supervisor.
- 4. Forensic Supervisor:
  - a. Will supervise overall crime scene.
  - b. If used, ensure recovery of involved officer's firearm. This should be done in the presence of the investigating Homicide supervisor.
  - c. Prepare Firearms Recovery Form if firearm was used.
  - d. Consider implementation of video to process scene and crowd.
- 5. Homicide Investigators:
  - a. Ensure Homicide supervisors have been notified.
  - b. Assist Homicide supervisor with the investigation, to include:
    - (1) Taking control of crime scene until relieved by Homicide and/or Forensic supervisors.
    - (2) Carry out witness interviews.
    - (3) Complete vouchers.

- (4) Submit evidence to State Lab.
- (5) Notify Medical Examiner.
- (6) Notify Removal Service.
- (7) Ensure next of kin of injured or deceased person(s) are notified.
- (8) Investigate offenses committed by the suspect.
- (9) Assist as otherwise instructed by Homicide supervisors.
- (10) Attend autopsy to get information pertinent to the investigation.

6. Homicide Supervisors:

- a. Oversee and conduct the investigation into possible criminal aspects of the incident to determine what crimes may have been committed by suspects and/or involved officers.
- b. Report all findings directly to the Detective Division Commanding Officer and the Violent Crimes Unit Lieutenant.
- c. Interview and take statements from involved officers.
- d. Conduct a walk through with involved officers.
- e. Ensure that PD 539, Special Incident Report, is completed.
- f. Ensure that PD 529, Firearms Use Report, is completed.
- g. Prepare an incident package to include a copy of the entire investigation folder for dissemination to the Commonwealth Attorney and Office of Professional Standards.
- h. Present investigative findings to the Commonwealth Attorney for review.
- i. Ensure that the follow-up investigation required by the Commonwealth Attorney is completed.
- j. Present criminal investigation findings to the Firearms Review Panel.

- k. If necessary, attend autopsy with Homicide investigators to obtain information pertinent to the investigation.
  - l. Ensure through chain of command that the Public Information Officer receives basic information for the media in compliance with departmental policy as set forth in G.O. ADM-130: News Media Policy.
- E. Office of Professional Standards (OPS)
- 1. The on-call OPS investigator will:
    - a. Respond and receive a briefing on the investigation and a walk through of the crime scene by either the Homicide or Forensic supervisor.
    - b. Conduct a parallel administrative investigation of the use of deadly force which does not focus on the culpability of the officer, but will examine the officer's compliance with departmental policy, procedures, and standards according to Section VI of this general order. As prescribed in G.O. ADM-210: Internal Complaints, the administrative investigation may be temporarily halted if it is determined by the Commanding Officer of the Detective Division that to continue would interfere with the on-going criminal investigations.
    - c. Maintain a separate and independent investigation from the on-going criminal investigation as set forth in G.O. ADM-210: Internal Complaints.
  - 2. An OPS investigator will prepare all paperwork and notifications required for the Firearms Review Panel.
  - 3. Complete follow-up as outlined by OPS policy and procedures.
  - 4. Provide a copy of the investigation to the Office of the City Attorney.

### III. Death or Injury Incidents – Outside City of Norfolk Jurisdiction

For all incidents occurring outside the City of Norfolk jurisdiction, responding NPD personnel will not interfere with the investigation of the local law enforcement agency. When an incident occurs out of state or at a substantial distance from the City of Norfolk, the following procedures will be carried out as circumstances permit, under the direction of the Chief of Police or designee.

#### A. Responsibilities of involved officer:

1. Immediately notify local law enforcement agency of the incident to:
  - a. Request Fire-Rescue services.
  - b. Request a supervisor's response.
  - c. Advise the telecommunicator regarding the necessity of additional units for crime scene preservation, officer safety, etc.
2. If on duty, immediately request the Norfolk ECC telecommunicator to:
  - a. Notify the Field Commander, who will assign a supervisor to respond.
  - b. Request response of the Homicide supervisor who will act as the liaison with investigating agency.
3. Ensure the crime scene is secured and not disturbed until the arrival of local law enforcement agency personnel.
4. If used, maintain weapon until it can be turned over to the local law enforcement agency investigating the shooting. Involved firearms will not be unloaded or tampered with unless necessary for tactical reasons.
5. When practical, make mental and written notes of the events leading up to and during the use of deadly force.

#### B. Responsibilities of notified NPD supervisor:

1. Ensure notification is made to the Field Commander.
2. Ensure the Office of Professional Standards has been notified.
3. When a supervisor responds to the scene, he or she will stay with the officer or assign a companion officer to stay with the involved officer until

relieved by the Homicide supervisor or investigating local law enforcement agency.

4. Ensure Homicide Section supervisor has been notified to respond.

C. Responsibilities of the Homicide Supervisor:

1. Respond to the scene.
2. Coordinate with investigating agency to ensure findings may be shared with NPD.
3. Report all findings of the investigation that can be gathered from the investigating agency directly to the Detective Division Commanding Officer and Violent Crimes Unit Lieutenant.
4. If possible, retrieve copies of the investigating agency's investigation file. One copy will be disseminated to the Office of Professional Standards; another is to be maintained by the Detective Division.
5. Extend cooperation to the investigating agency by offering to assist with retrieval of any information that can be provided by the Norfolk Police Department.

IV. Death or Injury of a Norfolk Police Officer

In the event of the death or serious injury of a Norfolk Police officer, the Field Commander will enact the following procedures to ensure that the needs of the officer and family are met and that the integrity and security of the scene are maintained.

A. Death of a Police Officer:

1. If a police officer has died, the Commanding Officer of the Detective Division will oversee the investigation and ensure that all necessary investigative efforts are implemented.
2. The Field Commander will:
  - a. Immediately notify the Chief of Police or designee via chain of command.
  - b. Implement procedures as set out in G.O. OPR-620: Line of Duty Deaths.

B. Injured Officer:

1. In the event that an officer is seriously injured, the Field Commander will assign a companion officer who will do the following:
  - a. Assist the officer in notifying his or her family. If necessary, family members will be transported to the hospital by Departmental employees.
  - b. Accompany the injured officer to the hospital.
  - c. Maintain the officer's weapon and equipment until it can be released to an investigator or supervisor.
  - d. Receive, maintain, and preserve the officer's clothing unless relieved by investigators of this responsibility.
2. Ensure that the guidelines set forth in G.O. ADM-330: Workers' Compensation, are followed.

V. Accidental Firearm Discharge – Within City of Norfolk Jurisdiction

The following procedures apply to all accidental firearm discharge incidents by officers that do not involve injury or death, whether on or off-duty, and which occur within the jurisdiction of the City of Norfolk.

A. Responsibilities of involved officer:

1. Notify telecommunicator of the incident.
2. Notify supervisor.
3. Secure the scene.
4. Maintain weapon as is; do not tamper with, unload or clean.

B. Responsibilities of Street Supervisor:

1. Conduct investigation by seeking independent sources of information related to the incident such as witnesses, videos etc.
  - a. Interview involved officers.
  - b. Interview witnesses.
  - c. View in-car video if it was used.

- d. Check area for other potential video sources.
- 2. Ensure PD 539, Special Incident Report, is completed.
- 3. Ensure PD 529, Use of Firearms Report, is completed.
- 4. Ensure notification is made to the Field Commander.
- 5. Ensure Office of Professional Standards has been notified to respond if they deem it necessary.
- 6. Voucher evidence recovered by Forensics.
- 7. Prepare a shooting investigation file for dissemination to the Officer's Command and the Office of Professional Standards, to include:
  - a. PD 539, Special Incident Report.
  - b. PD 529, Firearms Use Report.
  - c. Forensics report and diagram.
  - d. Crime scene photos contact sheet obtained from Photo Lab.
  - e. Copies of vouchers.

C. Forensics Unit:

- 1. Process and document the scene.
- 2. Take photographs.
- 3. Collect evidence, including packaging and turning it over to investigating supervisor.

VI. Accidental Firearm Discharge – Outside City of Norfolk Jurisdiction

The following procedures apply to all accidental firearm discharge incidents by officers that do not involve injury or death, whether on or off-duty and which occur outside of the jurisdiction of the City of Norfolk.

A. Responsibilities of involved officer:

- 1. Immediately notify the local law enforcement agency of the incident.
- 2. Immediately notify Commanding Officer or Field Commander.

3. Protect scene.
  4. Maintain weapon as is; do not tamper with, unload or clean.
- B. A supervisor from the involved officer's command as designated by the Field Commander or the officer's Command staff will:
1. Coordinate with investigating agency to ensure findings may be made available to the investigators of the NPD Office of Professional Standards.
  2. Ensure PD 539, Special Incident Report, is completed.
  3. Ensure that the Office of Professional Standards has been notified to respond if they deem it necessary.

VII. On-Duty Death of a Police K-9

The death of a police canine will be handled as a use of force incident and treated accordingly.

- A. The on-duty K-9 supervisor will ensure that an investigation takes place appropriate to the circumstance.
- B. The Officer-in-Charge of the K-9 Unit will refer the officer, as soon as practical, for critical incident debriefing via the department's designated clinician and psychological counseling and/or treatment as needed.

VIII. Officer-Involved Animal Fatalities

Procedures for incidents involving the intentional shooting of an animal by officers while on or off-duty will follow those listed in this general order for accidental firearm discharge.

- A. Section VIII will apply to incidents which occurred within City of Norfolk jurisdiction. If the incident occurred within the City of Norfolk, the following procedures will be carried out:
1. The involved officer will notify the Animal Protection Unit.
  2. If an animal which was shot fled and evaded capture, the street supervisor will ensure a search for the animal has been conducted so that public safety is maintained.
- B. Section IX will apply to incidents which occurred outside City of Norfolk jurisdiction.

IX. Commonwealth Attorney Review

Whether or not the Detective Division initiates criminal charges, the Office of the Commonwealth Attorney will evaluate potential criminal aspects of all officer involved use of deadly force incidents involving death or injury and determine whether prosecutable crimes occurred and whether legal action will be taken.

X. Work Status of Involved Officer

A. Incidents resulting in death or injury:

The following duty restrictions will apply to officers directly involved in use of deadly force or any other police action resulting in death or injury of an officer or other person. The Commanding Officer will determine who are the directly involved officers, according to the totality of the circumstances.

1. The officer will be removed from street duty assignment as outlined in G.O. OPR-120: Use of Force.
2. The officer shall remain on administrative assignment until the following conditions have been met, as appropriate to the specific incident:
  - a. Incident has been reviewed by the Office of the Commonwealth Attorney and findings delivered to the Chief of Police.
  - b. Administrative review has been completed by the Chief of Police or designee. The Chief of Police may release an officer to full duty independent of the findings of the Commonwealth Attorney.
  - c. The officer has completed a critical incident debriefing.

B. Incidents which do not result in death or injury:

The following duty restrictions will apply to officers involved in use of deadly force or any other police actions which do not result in death or injury, as appropriate to the specific incident:

1. The officer may be removed from street duty at the discretion of the Chief of Police or designee, or the Commanding Officer of the Detective Division or his or her Commanding Officer.
2. If removed from street duty, the officer shall remain on administrative assignment until an administrative review has been completed by the Chief of Police or designee and a release to full duty has been ordered.

XI. Evaluation of Departmental Policy Compliance

- A. The Office of Professional Standards will provide briefings to appropriate command staff concerning the progress and results of the administrative investigation.
- B. Administrative review and determination as to compliance with departmental policy and procedures will be the responsibility of the Police Firearms Review Panel as outlined in Section XII, below.

XII. The Police Firearms Review Panel

The Police Firearms Review Panel will review the circumstances of all firearm discharges and all other officer-involved use of deadly force to determine whether the officer acted in accordance with departmental training and policies. Review procedures by the Panel will be as follows:

- A. Members of the panel will be designated by the Chief of Police as circumstances require. The Panel will be composed of Command Level officers of the Norfolk Police Department as well as other Department members with the required expertise to review particular incidents. Upon request by the Chief of Police, the City Manager or the City Attorney may delegate a person or persons from their departments to serve as members of the panel. The Chief of the Administrative Services Bureau will serve as Chairperson.
- B. The Office of Professional Standards provides assistance to the Police Firearms Review Panel for all incidents related to firearms discharges and/or officer-involved deadly use of force, as follows:
  - 1. Coordinates scheduling with the chairperson and prepares the necessary notification letters.
  - 2. Reviews each discharge of firearm incident brought before the Panel and ascertains the actions taken, if any, in similar incidents.
  - 3. For incidents involving deadly force, schedules those involved for interview before the Firearms Review Panel hearing.
  - 4. Prepares final letters of disposition for each reviewed incident as approved and directed by the Panel Chairman and Chief of Police.
- C. The chairperson is responsible for convening a meeting of the Panel as soon as practical following an incident involving the discharge of a firearm by an officer.

1. The Panel will normally be convened after any scheduled critical incident debriefing or review has been completed by the Commonwealth Attorney and City Attorney on potential criminal aspects of the incident.
2. While the City and Commonwealth Attorneys have sole jurisdiction to evaluate criminal aspects of an incident, for the administrative aspects of involved officers, the Chief of Police reserves the following rights:
  - a. If he deems it necessary for the needs of the department, the Chief of Police may refer any deadly force incident to the NPD Firearms Review Panel for assessment prior to the rendering of a decision by the Commonwealth Attorney. Panel determinations will be independent of the review conducted by the Office of the Commonwealth Attorney.
  - b. The Chief of Police may render a determination of whether actions followed departmental policies and procedures as separate and independent of the review conducted by the Commonwealth Attorney.
3. For officer-involved deadly force incidents, Panel determinations will include whether:
  - a. Use of deadly force was within departmental policies and procedures.
  - b. Use of deadly force was not within departmental policies and procedures. If this determination is reached, the Panel may recommend one or more courses of action to the Chief of Police, including but not limited to any disciplinary action, counseling, or retraining.
  - c. Aspects related to the incident need to be addressed and applied to future NPD training.
4. The findings and recommendations of the Panel will be submitted in writing to the Chief of Police who will make the final determination on submitted recommendations in keeping with and subject to the provisions of City Charter 63.