

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER MULTI BUREAU</b>	<b>DATE OF ISSUE NOVEMBER 11, 2024</b>	<b>EFFECTIVE DATE NOVEMBER 11, 2024</b>	<b>NO. 110-24</b>
<b>SUBJECT: GENERAL ORDER Investigative and Administrative Response to Law Enforcement Incidents Resulting in Serious Physical Injury or Death</b>		<b>DISTRIBUTION  All personnel</b>	<b>AMENDS</b>
<b>REFERENCE: NYSLEAP 4.1, 9.1, 28.1, 40.2, 40.3, 43.8 &amp; 50.1; NYSSA (JAIL) 26, 34, 43, 78, 79, 80, 88 &amp; 90</b>			<b>RESCINDS</b>

**Purpose:** To inform MCSO employees of the proper procedure for handling the investigative and administrative response to law enforcement related incidents which result in serious physical injury or death. This policy will outline the responsibilities expected of the members of this agency following an event of this nature.

**Policy:** The Monroe County Sheriff's Office seeks to authorize and provide guidelines regarding proper procedure following a law enforcement related incident resulting in serious physical injury or death.

**I. Definitions:**

- A. Officer Involved Shooting- A situation in which the use of a firearm by a law enforcement officer in the course of their duties results in death or serious physical injury of another person.
- B. Critical Incident – Used to refer to any of the following:
  - 1. The use of deadly physical force that results in death or serious physical injury by a law enforcement officer or other official in the course of their duties.
  - 2. Any incident in which a law enforcement officer is seriously injured or killed at the hands of another (including friendly fire situations)
  - 3. Any incident in which the use of force by a law enforcement officer against another person appears to result in serious physical injury.
  - 4. Any in-custody death
  - 5. Any pursuit that results in death or serious physical injury to anyone involved, including bystanders and otherwise uninvolved persons.
  - 6. Any incident in which a law enforcement member is involved that results in the serious physical injury or death of another person.
- C. In Custody Death – Refers to the death of a subject while in the legal custody of law enforcement, or when a subject in a correctional facility dies while in custody absent of any physical force.
- D. Involved Member (s) - The sworn member(s) who was involved in the incident that

resulted in the serious physical injury or death of another person.

- E. Assist or Witness Member- an individual who witnesses or assists with the incident that resulted in the serious physical injury or death of another person.
- F. Public Safety Statement (PB 353) – Compelled oral statements provided by members who are involved in, have witnessed, or have knowledge of elements of the incident that are necessary to assist law enforcement with addressing imminent public safety concerns. Specific questions asked by a supervisor that will help to expedite the location of potentially injured persons, outstanding suspects, location of witnesses and potential evidence.

## II. Procedures:

### A. Public Safety Response, Scene Preservation and Investigative Procedure

1. When a member is involved in an incident which results in death, serious physical injury, or when a person was placed in immediate danger by a member's firearm being discharged, CIS – Major Crimes Unit (MCU) is responsible for the investigation into the incident. They are to also ensure that all existing reports, documentation, and statements are forwarded through the proper chain of custody channels.
2. A thorough, accurate, and factual investigation must be conducted into the incident. The CIS Captain will lead the investigative efforts and must also take into consideration the psychological, physiological, and legal ramifications that such incidents have upon those involved, as well as their families and the community.
3. Involved members shall expect immediate requests for information pertaining to the incident at hand. These essential questions are contained in PB-353 Public Safety Statement to include:
  - a. Information shall be limited to such things as at large suspect information, number and direction of any shots fired, perimeter of the incident scene(s), type of incident the deputy was investigating, identity of known or potential witnesses and any other pertinent information regarding the apprehension of a suspect, public safety or scope of the incident.
  - b. The Public Safety Statement shall be given to one of the first supervisors arriving on scene and then conveyed to CIS upon arrival.
  - c. The involved member is expected to provide the responses to the Public Safety statement upon request of a supervisor. There is no expectation of union or legal representation prior to responding to these questions.
  - d. In situations where the incident may have taken place in another law enforcement agencies jurisdiction the responses to these questions will be provided to that LE agency immediately upon request.
  - e. Supervisors or Command Officers asking the Public Safety Statement questions may also ask clarifying questions that are not spelled out on the form. An example of a clarifying question would be: "*Do you mean that house right there?*" Clarifying questions must be pertinent to a potential public safety threat and correlated to a specific question on the Public Safety Statement.
4. Prior to obtaining the Public Safety Statement, supervisors or Command Officers will

direct the member(s) to shut off their Body Worn Cameras.

- a. All BWC(s) that may have footage related to the incident will be collected at the scene by a supervisor as directed by the Incident Commander.
  - b. Once collected BWC(S) will then be turned over to a representative of CIS who will secure them, dock them and download the footage into our current digital evidence manager and lock them to prevent unauthorized viewing. If technology allows this will be done at the scene.
  - c. BWC footage will be made available to Command Staff and select Major Crimes Unit staff inside the Command Post in order to ensure elements of the Public Safety Statement were not overlooked, and to assist in establishing the scope of the investigation.
  - d. Additional procedures regarding BWC footage will be followed as identified in the BWC General Order.
5. The involved member will be permitted to confer with union representatives and attorneys prior to being interviewed by criminal investigators or Internal Affairs, to include providing a written and/or recorded sworn statement.
- a. The sworn statement will generally be taken between 48 and 72 hours of the incident unless special circumstances make that time impractical or improper.
  - b. The sworn statement will be taken in conjunction with the New York State Attorney General's Office (NYSAG) if applicable.
  - c. The sworn statement will be video / audio recorded as well as written for the protection of the involved member and to ensure accuracy.
  - d. Involved members communication with union representation is not privileged communication. MCSO supervisors will be present for any communication regarding the incident not involving the member's attorney.
- B. Individual Member Responsibilities-** when an officer involved shooting or use of deadly physical force critical incident occurs, the involved member is expected to complete the following actions. Should the member be unable to complete these actions the assisting units will immediately accomplish them to the extent possible:
1. Determine and mitigate any existing danger level to the fullest extent possible
  2. Immediately determine the condition of any injured person(s) and render first aid when appropriate and safe to do so.
  3. Notify ECD of the incident.
  4. Request assistance and emergency medical services.
  5. Notify their immediate supervisor.
  6. Secure the incident scene, protect all physical evidence, and identify all potential witnesses.
  7. Remain at the scene, unless injured or unsafe to do so, until appropriate command

staff arrives. The ranking command officer or supervisor will then direct the involved member to provide a public safety statement.

8. Via public safety statement, provide critical information regarding the incident to supervisors. This provides a brief overview of what occurred, the location of injured persons, suspects, witness, and evidence, and well as any other information pertinent to officer and public safety
9. Protect their weapon for examination by authorized member of CIS or otherwise directed by CIS supervisor.
10. After providing public safety statement, refrain from discussing the incident with anyone except members of CIS through the formal investigative process, and the involved member's attorney.

C. Media Releases/Communications Response

1. The MCSO Communications Team will prepare all media release materials to include statements, photos and videos based on established procedures.
2. The name of the involved member and their years of service will not be released to the media prior to 24 hours after the incident. It is advised that the involved member notify those important to them prior to this media release. Exceptions to this must be approved by the Sheriff, or his designee, and communicated to the involved member prior to release.

D. **Witness Member/Assisting Member Responsibilities-** when an involved member is involved in an incident that results in the death or serious physical injury of another, the on-scene Witness member(s) and Assisting Member(s) will be responsible for the following:

1. Ensure there are no further safety threats.
2. Secure and separate suspects.
3. Request emergency medical service and provide first aid if necessary.
4. Relay critical information to ECD.
5. Secure the scene.
6. Locate, secure and separate witnesses.
7. Provide details of the incident, to include actions witnessed by that member and actions taken by that member, to CIS.
8. Prepare reports as required.
9. Remain at the scene until relieved by supervisory personnel.

E. **Supervisor Responsibilities-** When a member is involved in an incident that results in death or serious physical injury to another, the first uninvolved supervisor on scene is responsible for the following:

1. Ensure the essential Critical Tasks are completed

2. Ensure that the injured are receiving medical attention
3. Obtain a brief overview of the incident via the public safety statement (Attachment 1), and from the involved member, and ensure that they make no statements to unauthorized personnel.
4. Disseminate pertinent public safety information via radio as appropriate, such as the status of any remaining threats to public safety and status of any injured person(s).
5. Assign an uninvolved member, preferably a supervisor, to accompany the involved member until relieved by authorized personnel. This member/supervisor will be present and witness all communication, with the exception of attorney/client privileged communication.
6. Ensure appropriate notification have been made to ECD.
7. Locate, separate, and secure all witnesses to the incident until the arrival of CIS.
8. Once relieved from the scene, ensure all reports regarding the incident are completed by assigned members unless otherwise specified by command personnel or this policy.

**F. Incident Commander Responsibilities:**

1. The first MCSO Police Bureau Lieutenant or above to arrive on scene will receive a situational report from on scene supervisors, or members, in order to evaluate the scope of the incident.
2. As soon as practical they shall identify themselves on the radio as the Incident Commander and report their location.
3. Ensure the 7 essential tasks are completed and critical objectives are being met
4. Ensure notifications up the chain of command are in progress
5. If not already completed obtain the member(s) responses to the Public Safety Statement and ensure these responses are shared and available in the command post to help guide our efforts at mitigating any existing threats and rendering aid to any injured parties
6. Request appropriate resources such as the Command Truck or other similar assets such as additional manpower
7. Establish and maintain situational awareness of the Incident. Be prepared to share that awareness with others by use of a scribe, map, Modular Deployment Tracker and other appropriate resources.
8. Prepare for periodic and regular Incident Command Update Briefings in order to communicate our objectives, coordinate our response and evaluate our progress, making adjustments as necessary.
9. Provide for the care and wellness of those assigned to the incident by way of personal relief and necessary resources. Ensure that they are able to communicate with immediate family or if unable appropriate arrangements are put in place immediately to send representatives to the family (Per the member's Emergency

Notification Form)

- G. **CIS Responsibilities** - CIS is responsible for conducting all investigations of incidents in which a member of MCSO is involved that results in the serious physical injury or death of another person. When directed to by a supervisor, investigators assigned to CIS will immediately respond to their designated locations to conduct a thorough investigation and preserve all evidence and witness statements.
1. The ranking **CIS Command Officer or Supervisor** is expected to:
    - a. Obtain a briefing regarding the incident from the ranking member of the patrol.
    - b. Assume command of the criminal investigation.
    - c. Coordinate with the Incident Commander to ensure that resources are applied appropriately and that any conflicting priorities are addressed.
    - d. Provide the Incident Commander with situational awareness of the current tasks and efforts of CIS (Modular Deployment). Ensure the Incident Commander is aware of the scope of the investigation as it may relate to multiple scene locations.
    - e. Participate in periodic Incident Commander Update Briefings to executive and command staffs, specifically reporting on CIS efforts to include collection of evidence and witness statements.
    - f. Ensure that involved member is transported to CPSB – Mezzanine Conference Room as soon as practical and accompanied by a supervisor
    - g. Ensure proper TSU processing of crime scene(s) and all evidence is collected. To include all leather gear and firearm(s) of involved members as deemed necessary. If possible this collection will take place at HQ on the Mezzanine and under the supervision of a Command Staff member. All items collected will be inventoried, processed and stored in accordance with evidence collection procedures. Note: In the event that the firearm discharged was a long gun the member's handgun and leather gear will also be collected as evidence.
    - h. Assign additional investigators to assist in completing investigative tasks and request additional resources as needed.
    - i. Participate in discussions regarding when involved members will be allowed to view the BWC footage. This discussion should include Executive Staff, Command Staff, CIS Staff, Sheriff's Counsel, CBU leadership and CBU Counsel. An involved member's legal counsel will be allowed to view the relative BWC footage prior to that member making a sworn statement, with the exception of the initial Public Safety Statement.
    - j. Ensure reports and statements regarding the incident are complete.
    - k. Review and approve all submitted reports.
  2. The Major Crimes Unit Supervisor will:
    - a. Supervise Investigative resources as needed in order to conduct a thorough and accurate criminal investigation.

- b. Establish and maintain communication, or designate a point of contact to do so, with District Attorney, County Attorney, and NYS Attorney General's office if applicable.
- c. Oversee the process of obtaining a mirandized statement from involved member(s) after they have consulted with union representative and/or attorney.
- d. CIS – MCU will assign a CIS member to respond to the designated reception area on the MEZZ at CPSB to:
  - i. Oversee the collection of involved member's firearm, duty belt and any other items of evidentiary value
  - ii. Collection of BWC – CIS will obtain BWC footage and any other readily available evidence and advise Command Staff when such evidence is available for review. Review of this evidence allows Command Staff to make better informed decisions as to the urgency of public messaging.
- e. The Technical Services Unit will
  - i. Photograph and collect weapon, duty belt and any other pertinent items of evidentiary value.
  - ii. Photograph the involved member(s) to include any injuries
  - iii. Conduct all necessary Technical Services processing of evidence and report such to the Major Crimes Unit Supervisor or their designee.

**H. Staff Services Commanding Officer Responsibilities**

Prepare and secure a reception area in the County Public Safety Building for the involved member(s) in order to attend to personal needs, make themselves and their assigned equipment available for evidence technicians, and to await further instruction. This area must allow for the appropriate segregation to preserve the integrity of the investigation, as well as provide for the comfort and well-being of the members involved. The Police Bureau Mezzanine is one example of an acceptable location.

- 1. Assign a Command Staff member who will be responsible for overseeing the designated area.
  - a. Limit access to authorized personnel only (authorized by CIS Captain)
  - b. Keeping involved members separated in order to preserve the integrity of the investigation and avoid any appearance of potential collusion.
  - c. Attend to the needs of involved member(s) ie. Food, water, clothing, etc.
  - d. Be present to witness any communications between involved members and any other person, with the exception of privileged communication involving the member's legal counsel or a certified wellness counselor.

2. Make the appropriate notify to the Wellness Unit and request representatives to respond to the Mezzanine for needs of members involved, to include individual, private counseling.
3. Initiate the process of issuing replacement equipment to involved member(s) as applicable.

**I. Internal Affairs Responsibilities**

1. An investigation will be conducted by the Internal Affairs Unit according to policy.
2. Internal Affairs Investigations are separate and independent of any criminal investigation.
3. Internal Affairs will exercise due care to not interfere or negatively impact a criminal investigation with compelled questioning.

**J. Collective Bargaining Unit (CBU) Responsibilities**

1. Sworn members who are in an 'on-duty' status that wish to be relieved of their sworn responsibilities so that they may attend to duties of the CBU, must first receive specific permission from their on duty supervisor in order to be released from their sworn responsibilities.
2. On-duty members who are also representatives of the CBU will not attempt to perform both duties at one time. Sworn responsibilities will always take priority.
3. The CBU will identify one point of contact at the scene who will coordinate directly with the Bureau Chief or their designee for the purpose of information exchange. This is to ensure that both parties are consistent with messaging and have the same common operating picture of the situation.

**III. Post Incident Administrative Responsibilities**

- A. Effective immediately following the incident, the involved member(s) will be assigned to report to their Bureau Chief for the next four working days in a paid status. The intent of these four days is to focus on Officer Wellness. However, during this time, the involved member is to complete necessary follow up with their attorney, Wellness, CIS, the courts, and any other parties. The involved member is not expected to report to the Chief's Office but should be available by phone for any needs regarding the incident. Members will follow the agency sick/injured General Order procedures should they need to take additional days off of work beyond the four wellness days.
- B. After completion of the initial temporary assignment, the involved member will be assigned to administrative duty until further notice. Additional information will be provided specifying exact duty status and work days. The involved member is expected to begin their administrative assignment on the date specified. This administrative assignment will likely last until there is a conclusive outcome of the agency internal investigation. The final decision on the member's Administrative Assignment will rest with the Sheriff or their designee.
- C. With the exception of required appearances at the court, CIS, or IA, there will be no restrictions placed on the involved member and their ability to take leave time while assigned to administrative duties. Requests for such are to go through the supervisor of your administrative duties. Any concerns are to go directly to the Bureau Chief.

- D. If the involved member is unable to come to work due to an illness or injury associated with the incident, they are to follow the procedures as outlined in MBGO 18 Sick Leave Procedures. Any requests for 207c status will be submitted by appropriate command officer through the chain of command to the Undersheriff for determination. The involved member will be placed on sick time until this claim is reviewed in accordance with the current procedure. As part of this claim, the involved member will be required to attend medical appointments with the appropriate medical provider to assess their claim. They must also meet with the medical providers prior to returning to full duty.
- E. Regardless of any medical claims made, the involved member will be required to meet with a department appointed Wellness clinician or equivalent prior to returning to full duty at the conclusion of the criminal and internal investigation.

#### **IV. Executive Staff Responsibilities**

- A. Responsibilities of the Office of Communications
  1. Prepare an immediate Public Information release that addresses any threat to Public Safety or lack thereof. Include appropriate information to avoid certain areas or where to go to check on status of family members who may be involved
  2. The Public Information Officer will respond to the Incident Command Post and obtain situational awareness. Establish Liaison with the Chief Deputy or ranking Police Bureau Command Officer.
  3. Obtain the names of members involved so that BWC and in car camera footage may be quickly identified and secured.
  4. Take initiative to prepare updates to initial messaging as appropriate.
  5. Prepare a formal written release that provides the scope of the incident and the efforts taken by MCSO both from a public safety standpoint as well as investigative measures.
  6. At the 24 hour mark be prepared to release involved members names and years of service as well as that of any suspect(s) and or involved persons. If injured be prepared to release status on health.
  7. In conjunction with CIS and IA prepare any photographic or video evidence for release as authorized by the Sheriff or their designee.
  8. Monitor and report on public sentiment regarding the incident to help address public misconceptions and or identify opportunities for transparency.
- B. **Responsibilities of the Chief Deputy, or their Designee:**
  1. Assume overall command of the entire MCSO criminal investigation and delegate appropriate assignments to CIS and other sections as necessary.
  2. If the incident involves members assigned to other bureaus the Chief Deputy will be the primary point of contact for the other Bureau Chief(s) and will assume the responsibility for keeping that Bureau Chief(s) completely appraised of the situation and progress of the investigation.
  3. Make the appropriate notify to Staff Services to prepare to receive members

involved in the incident at the CPSB and for Staff Services to alert the Wellness Team.

4. Maintain Situational Awareness of the overall incident and coordinate with involved adjacent agencies. Ensure appropriate notifications are made to the NYS Attorney General's Office Investigations Unit and record the assigned case number.
5. Participate in discussions regarding if and when involved members and/or the CBU attorney are allowed to view the BWC footage.
6. Make recommendations to coordinate the release of information to internal and external audiences.
7. Coordinate with the appropriate Bureau Chief to arrange for the Administrative Assignment of any member whose involvement requires such status pending the result of an internal investigation.
8. Make final recommendation to Sheriff of action(s) to be taken the conclusion of the departmental criminal investigation.
9. Arrange for Involved Member(s) to undergo debriefing with departmental Wellness Clinician.
10. Maintain open communication with the member and the CBU regarding officer wellness and the general progress of the investigation, within the allowable limits and without compromising the integrity of the investigation.

**C. Responsibilities of the Undersheriff, or their Designee:**

1. Assume overall command of the entire internal investigation and delegate appropriate assignments as necessary.
2. Coordinate the release of information to media outlets.
3. Make final recommendation to Sheriff of action(s) to be taken the conclusion of the departmental criminal investigation.

By Order of the Sheriff,



Todd K. Baxter