



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy Deputy -Involved Death Incident - Investigation	Related Policies: Internal Affairs
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	

- I. **Policy:** It is the policy of The Pawnee County Sheriff's Office to establish procedures for conducting investigations into an deputy -involved death incident involving members of The Pawnee County Sheriff's Office while the deputy is on duty, or otherwise acting within the scope of his or her employment, or while the deputy is off duty, but performing activities that are within the scope of his or her law enforcement duties.

- II. **Purpose:** In all cases, the Sheriff or their designee shall consider whether it is in the agency's best interest to utilize the services of an outside agency to conduct the major crimes investigation that accompanies any law enforcement critical incident which involves serious bodily injury or death. In cases where it is determined that The Pawnee County Sheriff's Office lacks the resources to conduct a complete and thorough investigation of the event, an outside agency shall be notified for assistance as soon as possible. The purpose of this policy is to ensure an accurate, thorough, fair and impartial investigation of an deputy -involved death incident and to establish protocols regarding the lead investigators assigned from outside agencies.

- III. **Definitions:**
 - A. **Law Enforcement Agency** means: an agency of this State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

 - B. **Law Enforcement Deputy or Deputy** means: any person employed by a State, county, or municipality as a policeman, peace deputy, deputy sheriff or in some like position involving the enforcement of the law and protection of public interest at the risk of the person's life.

 - C. **Deputy -Involved Death** means: any death of an individual that results directly from an action of a law enforcement deputy while the deputy is on duty, or otherwise acting

within the scope of his or her employment, or while the deputy is off duty, but performing activities that are within the scope of his or her law enforcement duties. "Deputy -involved death" includes any death resulting from a motor vehicle accident, if the law enforcement deputy was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.

IV. Types of Investigations that can result from a deputy -involved death incident:

- A. A criminal investigation** of the incident.
- B. A civil investigation** to determine potential liability of the involved law enforcement deputies and agency.
- C. An administrative investigation** conducted by this agency, to determine if the actions of the deputies were in or out of compliance with this agency's policies and procedures.

V. Procedures:

- A. Duties of First Responding Deputy:** Upon arrival at the scene of an deputy -involved death incident, the first uninvolved deputy will be the deputy -in-charge and assume the duties of a supervisor until relieved by the responding supervisor and should:
 - a.** Secure the scene and coordinate pursuit of any suspects.
 - b.** Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- B. On Scene Supervisor Responsibilities:** Upon arrival at the scene of an deputy -involved death incident the first responding supervisor should:
 - a.** Ensure the scene is secure and as safe as possible for other responders.
 - b.** Manage pursuit of suspects if any.
 - c.** Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
 - d.** Attempt to obtain a brief overview of the situation from any involved deputies.
 - e.** Because potential witnesses to a deputy -involved death incident or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to identify all persons present at the scene and in the immediate area.
 - f.** Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, the supervisor should attempt to identify the witness prior to his/her departure.
 - g.** Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by agency personnel.
 - h.** Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.

- i. Take command of and secure the incident scene with additional personnel until relieved by a detective or other assigned personnel.
- C. Notifications:** The following notifications will be made as soon as practicable:
- a. Sheriff
 - b. Chief Deputy
 - c. Investigators
 - d. Assisting Law Enforcement Agency
 - e. Oklahoma State Bureau of Investigations
 - f. Psychological/Peer support personnel
 - g. Involved deputy 's representative (if requested)
- D.** In the event of a deputy -involved death incident involving a member of The Pawnee County Sheriff's Office the investigation shall be conducted by an outside state agency.
- E.** The assisting Pawnee County investigators assisting in the investigation shall, in an expeditious manner, provide a complete report to the State's Attorney of the county in which the deputy -involved death incident occurred.
- F. Administrative Investigation:** In addition to all other investigations associated with an deputy -involved death incident The Pawnee County Sheriff's Office will conduct an internal administrative investigation to determine conformance with agency policy. This investigation will be conducted under the supervision of the Professional Standards Unit / Internal Affairs and will be considered a confidential personnel file.