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I. Policy

It is the policy of this Division to value the sanctity of life, the integrity of death investigations, and preserve the emotional well-being of all affected personnel. Therefore, any response to a deadly force and/or in-custody death incident will first prioritize utilizing all available means to deliver lifesaving measures to anyone affected when safe to do so. In addition, we will exercise objective best practices for scene preservation and evidence collection, while minimizing any additional physical or emotional trauma to both involved personnel, witness personnel (sworn and non-sworn), and the public.

To ensure consistency, public notification decisions will be a joint effort between the Park Police Chief, the Montgomery County Police (MCP) Major Crimes Division Director, as well as, Montgomery County Parks Director, Office of General Counsel, and Public Affairs and Community Partnerships (PACP) of the Maryland-National Capital Park and Planning Commission (here after referred to as Commission).

II. Initial Response

- A. Upon notice of an officer involved deadly force encounter or in-custody death incident, a squad supervisor and the watch commander will respond to the scene.
- B. Fire and Rescue Personnel will be immediately requested to respond to the scene but may stage nearby if the scene has not been stabilized to ensure their safety.
- C. If safe to do so, officers will provide lifesaving efforts until relieved by Fire and Rescue personnel.
- D. If Fire and Rescue personnel allow, a non-involved officer will be assigned to ride in the medical transport vehicle to provide support for any injured officer and/or maintain the chain of custody for any applicable evidence. The same applies for involved citizens and considered suspects. If officer is not allowed to ride in the medical transportation vehicle, an officer will follow the medical transportation vehicle to the hospital.
- E. Transport officers must also be prepared to record any dying declarations from injured officers or civilians should it become necessary.
- F. Establish a scene perimeter to include an inner and outer ring.
  - 1. The inner perimeter will consist of the primary incident scene and a reasonable distance beyond to preserve the evidence and protect others from potential harm.

2. This area will be restricted to investigative, forensic, and supervisory/managerial personnel only with a need to be present.
3. A scribe officer will be assigned to record anyone coming in ~~an~~ or out of the inner perimeter once established.
4. If officers experience hostile crowd members, consider requesting additional personnel to keep community members outside of the outer perimeter and to assist with de-escalation efforts.
5. Do not touch guns, tasers, body worn cameras, police cruiser computers, and other potential items of evidentiary value if there is no safety concern; this would include a deceased suspect's weapon.
6. Any potential evidentiary item will be protected from movement by on-scene officers until such officers are relieved by forensics technicians or FIRS Team investigators.
7. Any identified civilian witnesses will be asked to remain on scene to assist responding investigators. Officers will ensure the basic needs of ~~civil~~ civilian witnesses are met to include removing them from unfavorable weather conditions, allowing them to use nearby restroom facilities, providing for water, or seeking assistance to console those experiencing the negative effects of a traumatic incident.
8. A Force Investigations Response Specialist (FIRS)Team Supervisor from MCP Major Crimes Division will be consulted for advice when conversing with an uncooperative civilian witness.

### III. Notifications

- A. If an officer is seriously injured, the Watch Commander will request the Communications Section to provide him or her with the officer's listed emergency contact.
  1. Every effort will first be made to have the emergency contact notified in-person.
  2. When possible, the Watch Commander will also arrange for the emergency contact to be driven to the hospital or another designated location if the person desires.
  3. Police escorts of third parties will not be provided because we cannot be assured of their fitness to drive when in an emotional state.
- B. The Chief of Police and Investigative Branch Assistant Chief will be notified as soon as practical.
- C. A request will be made via the Montgomery County Emergency Communications Center to have the FIRS Team of MCP - Major Crimes Division respond. The FIRS Team will take the lead in the investigation and the assigned Park Police Investigator will assist as necessary.

- D. The Fraternal Order of Police Lodge 30 President will be notified.
  - 1. The Bargaining Unit President or their designee will be granted access to any involved or witness officer once appropriate scene preservation efforts have been completed.
  - 2. The highest-ranking Park Police scene executive will work with the Bargaining Unit President or their designee to manage the emotional support of the affected personnel while also respecting due process protocols afforded by existing collective bargaining agreements and the Maryland Law Enforcement Officers Bill of Rights.
- E. The Peer Support Coordinator will be notified.
  - 1. Peer Support Team members will not be granted access to the inner perimeter but are encouraged to reach out to affected personnel.
  - 2. Peer Support members may be needed at the transport hospital when applicable.
- F. An Internal Affairs Section member will be contacted and respond to the scene.
  - 1. In order to maintain separation between the criminal investigation and subsequent administrative investigation, the Internal Affairs Section member will not engage in the questioning of involved or witness officers.
  - 2. Instead, their primary purpose for the on-scene response will be to assess the scene and potential evidence to gain situational awareness.

IV. Involved Officer and Witness Officer Protocols

- A. The involved officer(s) will be isolated in a professional and caring manner. This may include placing him or her in a car or going inside a nearby facility.
- B. A non-involved officer or supervisor will remain with the involved officer(s) until told otherwise by the lead investigator.
  - 1. If keeping the involved officer on or near the scene will expose him or her to verbal or physical harm, he or she will be removed from the area to a location mutually agreed upon by the on-site Park Police scene executive and a FIRS Team member/supervisor.
  - 2. Absent the need for immediate medical treatment or other unavoidable extenuating circumstances, witness personnel will remain on the scene to be interviewed by designated detectives.
- C. Witness officers/personnel will assist investigative personnel as directed which may entail helping to identify key pieces of evidence, providing facts for warrant applications or other official documents, and assisting with the initial incident report.

- D. It is important to remember that other non-sworn Park Police agency members may be considered witnesses as well, whether they were on the scene or not such as police dispatchers.
  - E. In addition, witness volunteers and/or ride-along participants will also be accounted for in the investigative process.
  - F. If it is not clear if an officer was involved or just a witness, he or she will be treated as an involved officer for due process purposes until a FIRS Team investigator makes a final determination.
  - G. If it is anticipated that an involved officer's handgun will be seized for investigative purposes, the Park Police Range Master or his designee may respond to the scene with a replacement handgun of the same size, make, and model.
    - 1. Absent any extenuating circumstances, and for purposes of officer safety, the involved officer's gun will not be seized until the replacement handgun has arrived on the scene and the weapon in question can be immediately provided to a forensic crime scene technician or FIRS Team investigator to preserve the chain of custody.
    - 2. The gun believed to have been used in the incident will remain undisturbed until seized by the forensic technician or FIRS Team investigator.
      - a. This includes remaining in the holster if placed there immediately after use, not removing the magazine, nor ejecting any rounds in the chamber to "make it safe."
      - b. The same general principle of preserving evidence "as is" applies to other protective instruments utilized such as rifles, tasers, batons, etc.
- V. Providing Statements
- A. Deadly Force and In-Custody Deaths are first treated as criminal matters to protect the integrity of the investigation and afford all involved personnel constitutionally provided rights.
  - B. As such, supervisory and executive personnel must remain familiar with all applicable criminal rules of evidence and parameters set forth in the Maryland Law Enforcement Officers Bill of Rights.
  - C. It is generally accepted that when involved in a deadly encounter, the stress of the event may require 24-72 hours of reflection for involved personnel to collect themselves and give meaningful responses to investigators' questions.
  - D. The interview of involved officers should occur within 10 calendar days of the event.

- E. The exact interview date of an involved officer and the FIRS Team investigator(s) will be coordinated with MCP, Park Police Command Staff and Lodge 30.
- F. Involved officers must give a statement regarding their actions and the details of the events leading up to the use of force or action that resulted in the FIRS Team response.
- G. Witness officers may be compelled to provide full statements on the scene or shortly thereafter if necessary.

**VI. Duty Status**

- A. Any Park Police personnel whose actions cause the serious injury or death of another person, or the Park Police member who witnesses the serious injury or death of another, will be placed on administrative leave for a minimum of three (3) days.
  - 1. It is not a punitive action, but instead done to allow for the natural healing process after a traumatic incident and to remove the employee (sworn or non-sworn) from public contact as the matter is investigated.
  - 2. Prior to being cleared psychologically to return to a full duty status, the involved or witness member must visit with a Commission provided psychologist for at least one session.
  - 3. After conducting an evaluation for the psychological fitness for duty for an employee, the psychologist will provide the Chief of Police with their recommendation as it relates to the affected employee's suitability to return to a full duty status. This report will not violate doctor/client privacy rights, therefore, no details specific to diagnosis, treatment, etc. are to be provided in this report.
- B. Pending any on-going criminal and/or administrative processes, the Chief of Police may maintain or change the duty/work status of an involved employee beyond the psychological visit. Options may include:
  - 1. Return to full duty
  - 2. Return to full duty to a voluntary non-operational assignment
  - 3. Remain on administrative leave pending further investigation
  - 4. Suspend police powers

VII. Media and/or Public Inquiries

- A. Police Involved Deadly Force or In-Custody Death matters will naturally generate significant public inquiry. When this occurs, we must simultaneously be transparent with the public we serve, protect the privacy rights of involved personnel, and maintain the integrity of the investigation (criminal and/or administrative.)
- B. Upon initial notification of a Police Involved Death Force or In-Custody Death, the Chief of Park Police will gather preliminary facts through investigators and draft an initial press release.
  - 1. This draft press release will then be shared with the Director of Parks – Montgomery County Division, PACP, MCP Major Crimes Director, Commission General Counsel, and the MCP Police Information Officer to ensure concurrence on the scope and breadth of what is appropriate to release at that time.
  - 2. It will be the general practice of Park Police to delay providing the name(s) of the involved officer(s) for at least 24-hours from the incident. This is done to allow the involved officer(s) and family members enough time for important notifications they personally deem necessary and prepare for any increased level of inquiry.
- C. The Director of Parks, Park Police Chief, State’s Attorney’s Office, and General Counsel for the Commission will determine if or when any potential evidentiary aspects of the investigation will be released prior to adjudication such as body worn camera/in-car video footage or dispatch radio transmissions.

VII. Joint Investigative Procedures

- A. Consistent with the Memorandum of Understanding between the Montgomery County Government and the Commission dated May 1, 2007, the MCP will be the lead agency for the criminal death investigation. The Park Police Investigative Branch Assistant Chief will assign the Park Police Investigative Branch Commander to assist the MCP FIRS Team in the criminal investigation.
- B. Upon completion of the criminal investigation, the Park Police Internal Affairs Section will commence the administrative investigation in accordance with any applicable collective bargaining agreements and the Maryland State Law Enforcement Officers the Bill of Rights.

**By Authority of  
Chief Darryl W. McSwain  
Maryland-National Capital Park Police  
Montgomery County Division**

**Approved Park Police Document  
Signed Original on File**

**End of Directive**