

**BAY CITY DEPARTMENT OF PUBLIC SAFETY  
BAY CITY, MICHIGAN**

SECTION 3 - LAW ENFORCEMENT  
GENERAL ORDER

October 22, 2018  
INDEX NO. 3.11

**IN CUSTODY DEATHS**

**I. PURPOSE**

This General Order is to assist all sworn personnel of the Bay City Department of Public Safety in understanding their duties and responsibilities when responding to a custody related death incident.

**II. OBJECTIVE**

This General Order should be considered a guide and is not, nor should be considered all inclusive, some or portions of this order may not be applicable in all incidents.

**III. SCOPE**

This General Order is to be used to assist all sworn department personnel when responding to or investigating custody related deaths.

**IV. POLICY**

The following procedures shall be used when a member of this Department, whether on or off duty, uses, or attempts to use, deadly force through intentional or accidental use of a firearm or any other instrument in the performance of their duties or is otherwise involved as a principal in an incident where death or serious likelihood of death results. A member is considered a principal for purposes of this policy if they participate in and / or is otherwise physically involved in the incident. Such incidents include, but are not limited to:

- A. Intentional and accidental shootings;
- B. Intentional and accidental use of any other deadly or dangerous weapon;
- C. Attempts to effect an arrest or otherwise gain physical control over a person for a law enforcement purpose;
- D. Deaths of persons while in police custody or under police control following response to resistance; and,
- E. Officer involved fatal traffic crashes.

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**V. PROCEDURES**

- A. Whenever an employee of this Department uses, or attempts to use, deadly force through the intentional or accidental use of a firearm or any other instrument in the performance of their duties, or is otherwise involved in an incident where death or serious likelihood of death results as defined above, they shall immediately notify the on-duty Patrol Command Officer.
- B. The Patrol Command Officer shall notify the Patrol Operations Captain without unreasonable delay and report to the scene of the incident.
- C. The Patrol Operations Captain shall notify the Deputy Public Safety Director and the Support Operations Captain. The Patrol Operations Captain or the Support Operations Captain shall report to the scene without unreasonable delay to be briefed by the on-scene Patrol Command Officer.
- D. Once a Captain has been briefed by the on-duty Patrol Command Officer, they shall be responsible for briefing the Public Safety Director and Deputy Public Safety Director.
- E. The Public Safety Director or designee shall determine if the incident is to be investigated by an outside agency. If the incident is to be investigated by an outside agency, the Public Safety Director or designee shall request assistance from an outside agency.

**VI. RESPONSIBILITIES**

- A. Involved / Witnessing Officers
  1. Provide medical attention for all injured persons.
  2. Apprehend the offender(s).
  3. Secure the scene of the incident and protect it from alteration and contamination.
  4. Request the on-duty Patrol Command Officer and suitable assistance.
  5. Brief the responding Patrol Command Officer, providing information to assist in identifying and / or locating the suspect(s), number of rounds fired, trajectory of rounds fired, information necessary to protect the crime scene and information to protect the public and other officers from continuing harm of a fleeing suspect.

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6. Ensure witnesses and / or other involved persons (including officers) do not discuss the incident prior to being interviewed. Witnessing officers shall prepare an accurate and complete report of the incident and have it approved by a supervisor. The Support Operations Captain will determine when the report will be prepared or officers interviewed.

**B. Patrol Command Officer**

1. Provide medical aid to any injured parties.
2. Take immediate charge of the scene. Establish a crime scene perimeter with a single point of entry and exit. Assign an officer to restrict access only to necessary law enforcement and / or medical personnel and to maintain a log of persons entering and exiting the crime scene.
3. Ensure the preservation of the scene for investigators. Supervise patrol officers and ensure they carry out assigned duties.
4. Make immediate inquiry into issues of public safety and scene security; including number of rounds fired, trajectories of rounds after discharge, and the description, location, or direction of travel of any outstanding suspects.
5. Ensure that no items of evidence are handled or moved unless contamination or loss of evidence is likely, photographs must be taken of its location before it is moved.
6. Assign an officer to accompany any injured persons to the hospital to:
  - a. Recover and secure any item of physical evidence.
  - b. Place the suspect(s) in custody if appropriate.
  - c. Record any spontaneous or other unsolicited statements.
  - d. Record information regarding medical condition and personnel treating the injured person(s).
7. Notify the Patrol Operations Captain.
8. Establish a command post (if necessary).
9. Ensure that the involved weapon(s) are not handled by anyone at the scene. Safety is paramount. Upon arrival request the officer(s) to surrender their weapon(s). The weapon(s) should be handled as evidence and treated as such.
10. Transportation of the involved employee(s) from the scene to the Law Enforcement Center shall be arranged using uninvolved, on-duty personnel or officers from an assisting agency if available.
11. Assign an on-duty, non-involved officer to accompany the involved officer(s) at the Law Enforcement Center to ensure that they do not discuss the incident with other officers before being debriefed. At no time shall the involved officer(s) be left unattended.

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12. All witnesses should be located and identified, including hostile witnesses.
  13. Ensure that each officer present, with the exception of involved officer(s), completes a supplemental report by the time indicated by the Support Operations Captain.
  14. Administer a Preliminary Breath Test to officers involved in traffic related fatalities.
  15. For Taser related incidents, immediately obtain defibrillator download from paramedics or public safety AED.
  16. Prepare a station entry regarding the incident. Provide an initial press release if approved by the Public Safety Director or designee. The information released shall be brief and generalized and exclude names of persons involved.
- C. Patrol Operations Captain
1. Notify the Detective Bureau Sergeant.
  2. Notify the Support Operations Captain.
  3. Notify the Deputy Public Safety Director.
  4. Ensure the presence of sufficient personnel to control the scene and to allow adequate law enforcement services for the remainder of the city.
  5. Maintain or cause to be maintained an accurate account of law enforcement personnel involved in the incident and any officers called in to assist in providing basic law enforcement services.
  6. Unless directed otherwise, conduct a debriefing of the incident.
  7. Ensure that the involved employee(s) meet with the psychological services provider.
- D. Support Operations Captain
1. Notify the Prosecuting Attorney.
  2. Respond to the scene to assume command of the investigation and serve as a liaison with assisting agencies and the Prosecutor's Office.
  3. Take custody of weapon(s) from the Patrol Command Officer.
  4. Ensure involved employee(s) have replacement weapons.
  5. Ensure all reports have been written and submitted in a timely manner.
  6. Ensure the investigation is completed in a timely manner and submitted to the Prosecutor's Office for review.
  7. Notify and consult with the Prosecuting Attorney concerning legal issues connected with the investigation.

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8. Be responsible for the collection of all police reports and related documents. These documents will remain under their control until the investigation concludes and is submitted to the Deputy Public Safety Director.
  9. Schedule a debriefing at the conclusion of the initial investigation to ensure all aspects have been covered and to discuss considerations for improvement.
  10. Prior to the conclusion of the investigation; incident reports, photographs and other related documents will be released only with the approval of the Support Operations Captain.
- E. Detective Bureau Sergeant
1. Contact Michigan State Police Crime Lab, if necessary.
  2. Coordinate investigation with any outside investigating agencies.
  3. Assign Identification Officer(s) to document, photograph and collect all evidence at the scene.
  4. Assign detectives to interview all victims, witnesses or suspects. All interviews shall be recorded unless impractical or circumstances prevent it.
  5. Interviews or questioning of involved officers shall whenever possible take place in an office or room not regularly used to interview suspects or civilian witnesses. Officers shall not be interviewed in a suspect interview room or a room equipped to remotely monitor (audio and / or video) interviews. Injured officers shall not be interviewed at the hospital or medical care center unless circumstances require an emergency interview before the officer is released.
- F. Professional Standards Sergeant
1. Conduct an administrative investigation of the incident.
  2. Inform the Public Safety Director or their designee with regard to the information obtained in the course of their investigation.
  3. All administrative investigations shall be separate from any criminal investigations. Information obtained from any criminal investigation will be used to aid the administrative investigation. No information obtained during an administrative investigation will be used for any criminal investigation.

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4. Interviews with witnesses, suspect(s) or involved officer(s) will not be conducted until after they have been interviewed in regards to any criminal investigation, or a determination is made that the officer(s) will not be interviewed, or the officer(s) decline to make a voluntary statement.
- G. Chief Taser Instructor
1. Conduct a data download of the involved device(s).
  2. Provide a copy of the data download to the Detective Bureau Sergeant or outside investigating agency.
  3. Insist that the Medical Examiner do a Deborah Mash Miami brain test and hair test.
  4. Ensure that the defibrillator download from paramedics or public safety AED was obtained.
  5. Contact Axon Enterprise Inc.

By order of:

  
Michael J. Cecchini  
Public Safety Director