

DIRECTIVE 11.3 AUTHORITY AND RESPONSIBILITY

Issue Date: 04/23/2020	By Order of Chief of Police
Rescinds: (Issue 07/23/2008)	CALEA Standards
Pages: 5	Referenced: 11.3.1, 11.3.2; 11.3.3 & 11.3.4

This directive consists of the following sections:

- [11.3.1 Responsibility / Authority](#)
- [11.3.2 Supervisory Accountability](#)
- [11.3.3 Notify CEO of Incident With Liability](#)
- [11.3.4 Police Action Death Investigations](#)

POLICY & PROCEDURE

At every level within the department, personnel are given authority to make decisions necessary for the effective execution of their responsibilities. The department's delegation of authority will be consistent with the Department's Mission Statement and Organization Values.

[11.3.1 Responsibility / Authority](#)

Whenever responsibility for a task or function is designated to a particular employee, that employee is authorized to make decisions and take actions that are necessary for the effective execution of those responsibilities. The decisions and actions shall be consistent with the directives, policies and procedures of Miami Township and the Miami Township Police Department. Any employee who is delegated such authority, is responsible and fully accountable for the use of such delegated authority, as well as for the failure to use it, and shall be held accountable for their performance.

[11.3.2 Supervisory Accountability](#)

Supervisors will be held accountable for the performance of the employees under their immediate supervision. Supervisors may delegate tasks or functions to subordinates but remain responsible and accountable for the accomplishment of those delegated tasks.

Employee Accountability

To promote efficiency and responsibility, employees are accountable to only one supervisor at any given time. Each employee can identify one, and only one, supervisor to whom the employee is accountable.

11.3.3 Notification CEO of Incident with Liability

The Chief of Police shall be notified of events where there may be a question of agency liability or those events that may result in heightened community interest. Events listed in Directive 41.2.4, Notification Procedures, specify events that automatically require notification of the CEO. Should any event occur that is not listed in Directive 41.2.4 that an employee believes there may be liability or heightened interest, the employee with any doubt should resolve in favor of notification of the Chief of Police via the Chain of Command.

11.3.4 Police Action Death Investigations

It is the purpose of this section to provide guidelines for police officers and supervisors in the event of an officer-involved critical incident which results in the death or serious injury of a person. It is important to note that this policy is not designed to provide instruction on the investigation of, or a tactical response to, an officer-involved critical incident.

It is the policy of this department that an officer-involved critical incident, whether on duty or off, be investigated to determine whether the officers' actions conform to current laws, department policy, procedures, rules and training.

The preferred course of action, when a Miami Township Police Officer is involved in a critical incident is to request the incident be investigated by an outside law enforcement agency having legal jurisdiction.

- The Chief of Police may, at his or her discretion, request the assistance of an outside law enforcement entity.
- Miami Township Police Officers, Detectives, and Command Staff Officers will assist, as needed, with the investigation by the outside entity.

An investigation by this department will be initiated in the event a police officer from an outside agency is involved in a critical incident in Miami Township, unless otherwise directed by the Chief of Police. This investigation may run concurrently with a separate investigation conducted by the involved officer's department.

DEFINITIONS:

Companion Officer - An officer assigned to another officer to provide emotional support and assistance following a critical incident. The assigned officer may be an officer who has had a similar experience, a close friend or both.

Officer Involved Shooting - The discharge of a firearm by any officer while on-duty or off-duty, which results in the death or serious injury of any person.

Involved Officer - A sworn officer who, whether on-duty or off-duty, discharges a firearm which results in the death or serious injury of any person.

Witness Officer - Refers to personnel, sworn or non-sworn, on-duty or off-duty, who are direct witnesses to an officer involved critical incident, or who were present at the scene of such an event.

First-Line Supervisor Scene Responsibilities

- The ranking officer at the scene shall serve as the initial incident commander unless officially relieved.
- Identify any remaining threats and take necessary action.
- Determine the physical condition of the officer(s), suspect(s) and third parties. Provide emergency first-aid if necessary and ensure that emergency medical assistance has been summoned.
- Establish and secure the crime scene(s), protecting evidence and the safety of all persons. (Refer to MTPD Homicide Protocol if applicable; Standard 42.2)
- Gather information individually from the involved officer(s), witness officer(s), covering only information necessary to focus initial police response and to assist with the preliminary investigation. The initial information should cover items such as:
 - Type of force used.
 - Direction and approximate number of shots by officer(s) and suspect(s).
 - Location of injured or deceased person(s).
 - Description of at-large suspect(s), direction of travel, time since the suspect(s) were last seen and weapons they may still have in their possession.
 - Description and location of any known victim(s) or witnesses.
 - Description and location of known evidence.
 - Any other information to ensure public safety and to assist in the apprehension of any at-large suspects.

Command Staff Responsibilities

The Patrol Division Supervisor or designee will direct the officer involved care and companion officer responsibilities:

- Ensure notification of the involved officer(s) family, per officer critical incident notification form.
- Ensure contractual notifications are made per Miami Township CBA.
- If the officer(s) are hospitalized, ensure a liaison officer is assigned to the family and the officer.

The Patrol Division Supervisor or designee will ensure continuity of command, maintain communication with the Chief of Police and assist the Chief of Police with media relations.

The Chief of Police or designee will facilitate notification of the incident to the following entities:

- The Clermont County Prosecutors Office.
- The Miami Township Trustees/Miami Township Administrator.

Reporting

The agency investigating the officer-involved critical incident will coordinate with the Chief of Police and or his/her designee and prepare a final written report as prescribed by their department's protocol.

- An MTPD use of force report will be completed in accordance with MTPD Directive 4.2.1.
- While officers may be asked to provide pertinent information soon after a critical incident to aid the initial investigative process, it is recommended that all written and/or recorded interviews are conducted no sooner than twenty-four hours, preferably thirty-six hours after the incident unless otherwise directed by a medical professional.
- All interviews of involved officers shall be conducted with an officer's legal advisor or union representative present pursuant to the Miami Township CBA.
- The involved officer should anticipate collection of their weapon and uniform if involved in a critical incident which results in the death or serious injury of another.

Investigative Process

The investigation of officer-involved critical incidents shall be conducted in two separate parts and by separate authorities; a criminal investigation and an administrative investigation. The criminal investigation should be conducted by investigators of an outside agency in conjunction with the administrative investigation. The administrative investigation will be conducted by person or persons designated by the Chief of Police.

Criminal Investigation Phase

The lead investigator or his/her designee shall manage the criminal investigation unless, by interagency agreement, the lead is passed to another investigative authority. Parallel or sequential criminal investigations; one investigation related to state offenses and the other by federal authorities related to offenses under federal law, may be undertaken but is not typical. Upon completion of the criminal investigation, findings shall be submitted to the Chief of Police and the appropriate prosecuting attorney's office.

Administrative Investigation Phase

The administrative investigation will be undertaken by the Patrol/Investigations Supervisors or another investigative body determined by the Chief of Police. This investigation must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of departmental policies, procedures, rules, or training protocols have occurred and, if so, whether disciplinary action should be recommended or modifications to policy, procedure, or training should be considered.

- Criminal investigators will not be present during internal administrative questioning nor may information gained as a result of administrative interviews be shared with criminal investigators.
- Interviews will be audio and videotaped, if possible, to provide evidentiary record of statements.

Role of Prosecutor's Office

As in any other criminal offense, the Prosecutor's Office is responsible for reviewing detailed case information to determine the appropriateness of criminal charges.

Public Information Plan

The Chief of Police or designee will provide basic details of the event during an initial press briefing. If the incident is turned over to another agency for investigation, any subsequent press briefing will be conducted by that agency, unless otherwise requested by that agency and agreed to by all agencies involved.

Training for Agency Personnel

Upon promotion, supervisory personnel will be provided an instruction that covers the entire process for managing an incident involving a police action resulting in death or serious injury. Periodically, all supervisory personnel will participate in training on the process for handling these types of incidents via policy review.

Awareness Training for All Personnel

As part of the annual use of force training, sworn personnel will review the process for both criminal and administrative investigations involving departmental personnel. All other department personnel will be provided an awareness level training brief which documents the process for their knowledge.