



**CITY OF AKRON, OHIO**  
**POLICE DIVISION**  
**STEPHEN L. MYLETT, CHIEF OF POLICE**

<b>NUMBER</b> P-2023-068	<b>EFFECTIVE DATE</b> October 16, 2023	<b>RESCINDS</b> P-20-068 Issued 2-28-20
<b>SUBJECT</b> In-Custody Death or Serious Injury Investigation Procedure		<b>ISSUING AUTHORITY</b> Chief Stephen L. Mylett

**I. POLICY**

The Bureau of Criminal Identification is the preferred agency responsible for the prompt and thorough investigation of incidents involving Akron police officers acting under color of law who use force that causes serious injury to any person or have a person in custody who dies. This policy covers these incidents whether they are accidental, intentional, on duty, off duty, or criminal; however, it is not meant to cover unintentional traffic crashes and may be modified based upon the circumstances and investigative needs determined by a Subdivision Commander or the Chief of Police.

**II. PROCEDURE**

**A. RESPONDING TO A SCENE**

**1. Initial Patrol Bureau Responsibilities:**

- a. Officers shall render the scene safe and account for all possible suspects and victims, including having the involved officers check themselves for injuries. After the suspects are secured or known to have left the scene, render first aid / request medical assistance as needed and notify a supervisor.
- b. Officers shall promptly obtain public safety information from the officer(s) involved in the incident. The public safety interview shall be limited to obtaining outstanding suspect information, flight path, direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and identity of injured parties, and any other pertinent information. If practicable, the officer conducting the public safety interview shall record the information obtained in writing while the interview is occurring.
- c. Officers shall immediately act on public safety information to render aid as needed and secure evidence, suspects, and witnesses.
- d. Officers shall establish inner and outer crime scene perimeters, initiate the crime scene log, limit entry into the inner perimeter to those responsible for providing first aid and to the investigators assigned to the case, and provide the initial assessment to responding officers, supervisors, and detectives. Error on the side of expanding the

inner perimeter. No other persons shall be permitted into the crime scene area with the exception when a walk through is done at the direction of the investigating detective.

- e. Should an officer require transport for treatment, they should be accompanied by another officer. Suspects and witnesses transported for medical treatment should be accompanied by officers, if available, or met at the hospital as soon as possible.
- f. All involved or witness officers will have the opportunity to be interviewed by the investigating agency. Officers that were not involved nor witnessed the incident are required to submit reports to aid in the investigation. Reports will be submitted to the investigating detective by the end of the officer's shift unless permission is granted by that same detective.

## 2. Patrol Bureau Supervisor Responsibilities:

- a. After the public safety questions have been asked, the officer in-charge shall separate the involved officers if there are more than one, direct the officer(s) to a nearby sequestered location away from public and media view, and issue the following or like directive:

*I advise you to not discuss this incident with anyone, including your supervisors and other officers, prior to the arrival of investigators, with the exception of your legal representative, spouse, clergy, or medical professional.*

One officer or supervisor should be sequestered with only one other officer. A union representative should be used if one is present. If not, assign an available officer. It is preferred that the assigned officer / supervisor not be an involved officer or was present or has knowledge of the incident. The job of this assigned officer is to be present, provide aid to the officer involved, and ensure that the involved officer does not discuss the case with anyone except those individuals identified above. This officer will also observe the weapon involved and ensure the condition of the weapon remains the same until an official exchange occurs.

- b. Make an initial determination on the size and number of crime scenes. Ensure crime scene security is established by taping off the area, limiting access to investigators only, and ensuring that a crime scene log is being kept. Review and adjust as needed. Ensure the perimeter is adequately staffed. Provide traffic control if necessary.
- c. Once the scene is safe and secure, the supervisor on scene shall direct officers involved in the incident and those managing the scene to turn off their body worn cameras (BWC's) unless attempting to record statements of the subject of the deadly force, other suspects, or eyewitnesses. Officers actively engaged in conflict with non-police personnel on the scene may activate their BWC's for that limited purpose. The first supervisor assuming control of the scene shall collect body worn cameras worn by involved officers and those present during the incident unless the officers are

engaged in the above duties. If so, the BWCs should be collected as soon as the officers are relieved. All BWCs shall be turned over to Crime Scene Unit personnel who will promptly secure them in the Crime Scene Unit until they can be docked, and the footage restricted by the BWC unit.

- d. Establish a command post, announcing on the air its location, how it is identified and the preferred route to its location.
  - e. Establish a traffic management plan that helps control the scene while also minimizing the impact of street closures on the community.
  - f. Notify the shift commander.
  - g. Brief investigators as they arrive on scene.
3. Shift Commander's Responsibilities:
- a. Respond to the command post. It is recommended that signage is utilized, marking the post's location, and that responding resources are reminded of its position. The majority of the scene management should be completed and directed from the command post to centralize control and communications.
  - b. Ensure continued crime scene security and traffic control by Patrol Bureau personnel.
  - c. Coordinate the use and availability of Patrol Bureau personnel to assist the investigators.
  - d. As soon as a Patrol Bureau shift commander learns that an officer or subject has suffered or caused a potentially serious injury, the Uniform and Investigative Subdivision commanders are to be notified. One of the subdivision commanders will notify the Chief of Police as soon as possible. If an officer suffers an injury that requires treatment at a hospital, the shift commander will determine if the injured officer is able to notify their family. If the injured officer is unable to make the notification, the shift commander will cause the family to be notified and arrange for the transportation of a spouse, significant other, or family member to the hospital.
  - e. Once the scene is secure, the Shift Commander should move traffic related to the incident to a dedicated radio channel.

#### B. INVESTIGATIVE SUBDIVISIONS PERSONNEL RESPONSIBILITIES: BCI INVESTIGATING

1. The detective assigned to the desk will immediately notify the ranking detective supervisor on duty and brief him/her with the available information. The ranking detective supervisor will gather details on the incident including the number of officers involved, number and condition of suspects, and condition of the incident scene.

2. The supervisor will ensure that the commander and assistant commander of the Investigative Subdivision have been notified and briefed. Discuss any need for additional detective or crime scene personnel. If additional personnel are required, begin with on duty detectives assigned to other units such as Juvenile or Crimes Against Property Unit. A call-in may be necessary when the incident occurs during the evening or nighttime hours. In all cases, at least one detective assigned to the Crimes Against Persons Unit will be called to the scene. If more than one additional detective is needed, the call-in will begin with the detectives assigned to work the next scheduled shift.
3. The following notifications will be made immediately after the subdivision commanders are notified:
  - a. Police Legal Advisor in accordance with their notification roster.
  - b. President of the FOP or next available Executive Board Member.
4. The supervisor will phone the Ohio Bureau of Criminal Investigation (BCI), London Dispatch Center, notify them of the incident and circumstances, and request their response for the Special Investigation Unit and the BCI Crime Scene Unit or just the BCI Crime Scene Unit only
  - a. The supervisor will assign a Detective Bureau liaison to work with BCI and share the liaison's contact information with London Dispatch or the assigned BCI Investigator
  - b. The supervisor or liaison will ask for directions from the (BCI) investigator on what actions or assistance is needed from Akron officers.
5. Those in the next series of notifications:
  - a. Public Information Officer (Should handle establishment of a media staging area, if needed, and consult with the investigative supervisor about information that may be shared before addressing the media. The Investigative Subdivision Commander or their designee shall be given the opportunity to review any press releases prior to their distribution.)
  - b. Office of Professional Standards and Accountability
  - c. Training Bureau Commander
  - d. Independent Police Auditor
  - e. Victim Assistance
6. Akron detectives and officers will provide requested assistance to BCI investigators until relieved.

7. If exigent circumstances determine that a delayed response by BCI will compromise the incident scene and investigation, the liaison will consult with the BCI investigator on these circumstances to determine what course of action should be taken.
8. The detective supervisor on scene will determine the firearm make and model of any officer's weapon fired and direct a CSU detective to bring matching weapons and ammunition to the scene to be exchanged for those fired. BCI personnel will take control of the fired weapon(s) and process them. The fired weapon(s) should not be manipulated by APD personnel prior to the exchange.
9. BCI will not investigate deadly force incidents that do not result in injury.

C. INVESTIGATIVE SUBDIVISION PERSONNEL RESPONSIBILITIES: DETECTIVE BUREAU INVESTIGATING

1. The detective assigned to the desk will immediately notify the ranking detective supervisor on duty and brief him/her with the available information. Once known, the desk officer will announce on the appropriate dispatch channel the detective or DB supervisor who will be managing the initial investigation.
2. The supervisor will send detectives to the scene of the incident and any other appropriate location, such as a hospital, and the ranking detective supervisor should go to the scene unless, in his/her judgement, the investigation would be better served by coordinating activities from the station.
3. The investigators should respond to the command post and receive a briefing from the ranking officer on the scene. They should continue to assess the situation to ensure that the scene is secured and reassess as further information is received or developed during the course of the investigation.
4. The detective supervisor on scene will determine the firearm make and model of any officer's weapon fired and direct a CSU detective to bring matching weapons and ammunition to the scene to be exchanged for those fired. The weapon exchange should preserve fingerprint and DNA evidence and should occur out of sight of the public if possible. Whenever possible the exchange and subsequent counting of ammunition should be made inside the CSU vehicle and recorded on BWC. The CSU detective will inspect and document the number of rounds in all magazines and the condition of the firearm from officers directly involved regardless of whether or not they fired their weapons.
5. In any incident where a firearm was discharged, and the involved officer believes that a malfunction of the weapon or its ammunition contributed to the discharge, the weapon and ammunition involved will be secured in its present condition. immediately following the discharge without any further functioning of the weapon or removal of ammunition. It should be treated as evidence and the secured weapon put in the sixth-floor vault at the earliest possible opportunity. Upon receipt of the weapon, a certified department armorer will examine the weapon to determine if any

malfunction exists. This step will be witnessed by another department authorized armorer. The weapon will be test fired before it is returned to the officer.

6. Assess the need for a search warrant to complete the processing of the scene.
7. The Akron Police Crime Scene Unit (CSU) will be called to process the scene. Determine if the original taped off area is adequate to ensure that evidence is not lost or contaminated and consider the need to tape off an adjacent area for media and officials.
8. Determine the officers involved. An involved officer is defined as: Any officer that used force or directed another to use force. Mere presence of an officer at a scene does not make them an involved party to the use of force.
9. Investigating detectives may conduct a voluntary walk-through with the officer(s) involved. This walk-through will be confined to a general briefing of what transpired prior to and during the incident. Detectives may ask questions, but more detailed questions will be reserved for the subsequent interview. One FOP representative and/or a FOP attorney shall be on scene to observe the walk-through. This is not meant to be an interrogation but rather an opportunity for the investigating detectives to more efficiently investigate and document the incident. Care should be taken not to cause undue stress to the involved officer(s) or to further contaminate the scene. Walk-throughs will not be recorded. Once the walk-through is completed, all non-assigned personnel shall vacate the crime scene until released by CSU.
10. Determine additional personnel requirements. Factors to consider include, but are not limited to:
  - a. The number of scenes to investigate and process.
  - b. The number of officers, suspects, and victims involved.
  - c. The number of witnesses to interview.
11. Ensure that the commander and assistant commander of the Investigative Subdivision have been notified and briefed. Discuss any need for additional detective or crime scene personnel. If additional personnel are required, begin with on duty detectives assigned to other units such as Juvenile or Crimes Against Property Unit. A call-in may be necessary when the incident occurs during the evening or nighttime hours. In all cases, at least one detective assigned to the Crimes Against Persons Unit will be called to the scene. If more than one additional detective is needed, the call-in will begin with the detectives assigned to work the next scheduled shift.
12. The following notifications will be made immediately after the subdivision commanders are notified:
  - a. Police Legal Advisor in accordance with their notification roster.
  - b. President of the FOP or next available Executive Board Member.

13. Those in the next series of notifications will be granted access to the crime scene after CSU has finished processing the scene but before the scene perimeter is removed:
  - a. Public Information Officer (Should handle establishment of a media staging area, if needed, and consult with the investigative supervisor about information that may be shared before addressing the media. The Investigative Subdivision Commander or their designee shall be given the opportunity to review any press releases prior to their distribution.)
  - b. Office of Professional Standards and Accountability
  - c. Training Bureau Commander
  - d. Independent Police Auditor
  - e. Victim Assistance

#### 14. RESPONSIBILITY FOR THE CONTINUING INVESTIGATION

- a. The ranking on duty Detective Bureau supervisor: Will provide a smooth transition and liaison between shifts and ensure that the responding Crimes Against Persons Unit detectives participate in the investigation and are kept informed.
- b. Provide the supervisors from the next shift with a full briefing of the incident and status of the investigation.
- c. Provide a draft copy of the APD Case Report. All copies will be placed in the case file for the approval of the subdivision commander.

#### 15. Detective Bureau Commander:

- a. Coordinate and direct the continuing investigation and flow of information.
- b. Provide updated information to the chief, deputy chiefs, investigators on all shifts, and the Public Information Officer, as needed.
- c. Ensure the final case file is provided to the Ohio Attorney General's office for case review.
- d. Ensure that the involved officer's weapon(s) is returned/exchanged and that the Training Bureau Commander is notified.
- e. Ensure that a reasonable inventory of replacement weapons and ammunition is available in the DB vault.

#### D. LEAVE AND RETURN TO DUTY PROCEDURES - Officers will return to duty in accordance with the collective bargaining agreement with FOP 7.

- E. INVESTIGATION OF ANCILLARY INCIDENT CRIMES - Any ancillary crimes related to an in-custody death or serious injury incident will be investigated by Detective Bureau. If BCI is conducting the incident investigation, the investigating detectives will coordinate their efforts with BCI investigators.
- F. ADMINISTRATIVE INVESTIGATION - In addition to other investigations associated with an in-custody death or serious injury, the Office of Professional Standards (OPSA) will conduct an internal administrative investigation of involved APD officers to determine conformance with procedures, rules, and regulations.
1. OPSA incident response – OPSA personnel will respond to the incident command post and be briefed by the incident commander. OPSA personnel will not take any direct investigative actions and will only observe the scene and any investigative steps taken by BCI or DB.
  2. Voluntary Officer Interviews by BCI or DB Investigators – OPSA personnel will not participate in any voluntary interview conducted by investigators but may remotely observe the interview with the consent of the investigator.
  3. After reviewing the voluntary statement, OPSA personnel may conduct an administrative interview in the course of their administrative investigation in accordance with the collective bargaining agreement with FOP 7.
  4. OPSA shall forward their completed investigation to the Chief of Police who will determine compliance with policy.
- G. INVESTIGATION OF OFFICER INVOLVED INCIDENTS OCCURRING IN THE CITY OF AKRON BY OTHER LAW ENFORCEMENT AGENCIES
1. The on-duty shift commander will respond to the scene and notify the Investigative Subdivision commander or their designee.
  2. The outside agency shall be advised to contact BCI for an investigation.
  3. The Investigative Subdivision commander, or their designee, will determine if this procedure should be activated if BCI cannot or will not conduct the investigation.

By Order Of,

  
\_\_\_\_\_  
Stephen L. Mylett, Chief of Police

Date October 16, 2023