

GEORGIA BUREAU OF INVESTIGATION



LAW ENFORCEMENT USE OF FORCE

INVESTIGATIONS MANUAL

GEORGIA BUREAU OF INVESTIGATION

LAW ENFORCEMENT USE OF FORCE INVESTIGATIONS MANUAL

TABLE OF CONTENTS

| | | |
|-----------|--|-----------|
| A. | Agent Receiving Request for GBI Assistance | 1 |
| B. | SAC or ASAC Responsibilities | 1 |
| C. | Inspector Responsibilities | 3 |
| D. | First Agent on the Scene | 3 |
| E. | Initial Contact with Involved Officer | 3 |
| F. | Case Agent Responsibilities | 4 |
| G. | Relatives of Subject and Officer | 6 |
| H. | Crime Scene Search | 6 |
| I. | Officer's Weapon | 8 |
| J. | Subject Interview | 8 |
| K. | Witness Interviews | 9 |
| L. | Law Enforcement Witnesses | 10 |
| M. | Involved Officer Interview | 11 |
| N. | EMS/Ambulance/Rescue/Fire Personnel | 13 |
| O. | Medical Personnel | 13 |
| P. | Laboratory Submission of Physical Evidence | 14 |
| Q. | Autopsy | 17 |
| R. | Records | 18 |
| S. | Peace Officer Standards and Training Records | 18 |
| T. | Communications | 19 |
| U. | Internal Affairs and/or Personnel Files | 19 |
| V. | Involved Department's Policies and Procedures | 19 |
| W. | Case Report | 20 |
| X. | Dissemination | 20 |

LAW ENFORCEMENT USE OF FORCE INVESTIGATIONS MANUAL

This Manual is a guide for investigating the use of force by a law enforcement officer. When a law enforcement officer must use force and a citizen dies or is seriously injured, the public expects a thorough investigation regarding the circumstances of the use of force. At all times during the investigation, the agent will utilize their discretion in determining whether investigative acts described in this Manual are needed depending upon the facts and circumstances of each case. Additionally, the prosecutor may expand or limit the scope of the investigation as appropriate.

It is important to understand that these investigations are criminal in nature and not administrative inquiries. The purpose of the investigation is to determine whether any criminal laws have been violated that resulted in death or injury to the person, arrestee or detainee. The person who was injured or died may have also committed crimes, such as aggravated assault or aggravated assault upon a peace officer. Consequently, the terms suspect and victim do not apply for these types of investigations, as the officer and the person may be both a suspect and a victim. Additionally, the person also may be deceased. For simplicity, this Manual will use the terms "Officer" when referring to the officer using force or having custody of the person, and "Subject" when referring to the person, arrestee or detainee upon whom force was used by the Officer.

A. AGENT RECEIVING REQUEST FOR GBI ASSISTANCE

1. Obtain basic facts from the requestor on what has occurred and attempt to determine the scope and parameters of the investigation. Attempt to determine the number of witnesses and/or leads that have to be pursued. If possible, obtain name, race, and age of subject and officer. Ensure the requestor understands that the GBI will conduct a criminal investigation and advise the requestor that the Case Agent, SAC or ASAC will follow-up with them.
2. Determine from the requesting agency if the criminal investigation will focus on the officer(s) actions or the subject(s) actions which led to the police encounter and resulting use of force. If the requesting agency wants a criminal investigation of both, separate cases should be opened. The office supervisors will determine the necessity for opening separate cases and assigning different agents to conduct the two cases.
3. Immediately notify SAC or ASAC of the regional office.

B. SAC OR ASAC RESPONSIBILITIES

1. Notify appropriate Inspector.
2. SAC / ASAC or designee will respond to the scene and create an incident command for on scene supervisor support.
3. Ensure the requesting agency understands the GBI will conduct a criminal investigation independent of their department, that it will not be an internal

- investigation, and that all written reports will be submitted to the appropriate prosecutor and department head.
4. Notify Deputy Director for Investigations of the request either directly or through the appropriate Inspector or the chain of command. Assign appropriate number of regional agents to include Crime Scene Specialist to respond to the scene and provide investigative assistance.
 5. In use of force cases, the SAC/ASAC will facilitate any needs of the agents assigned, including personnel assistance from adjoining regions.
 6. Law enforcement shootings in which no one was injured will normally be handled by regional agents but conducted and reported in accordance with the use of force criteria in this manual.
 7. In use of force investigations, which result in death or serious injury to the subject of the investigation, SAC'S / ASAC'S, in coordination with the Case Agent, will attempt to establish contact with the family of the subject as soon as possible. At a minimum, the family will be briefed on the status of the investigation. The SAC or ASAC will also update the family as appropriate during the course of the investigation. The requesting agency head will be advised of the family contact and given the opportunity to participate if they so desire. If the family retains an attorney to act as their contact, the SAC or ASAC will consult with GBI Legal Services on interaction with the family attorney.
 8. SAC/ASAC will coordinate news releases with requesting agency head and/or head of political subdivision as per GBI Policy 1020. The primary focus will remain the integrity of the investigation but as much information as possible will be released to the media regarding the circumstances of the incident and the status of the investigation. In the case of use of force investigations which result in death or serious bodily injury, the SAC / ASAC will consult with the Command Staff / PAO to prepare appropriate media releases. The Case Agent should be consulted to ensure updated and timely information is released. If future press releases are warranted, consultation with the Prosecutor and requesting agency should be attempted.
 9. If the use of force involves a GBI Agent, a decision will be made per GBI Directive 10-2 as to who will conduct the investigation. Advise Regional Agents on the scene of the out of Region Agents who will be responding to scene.
 10. When an agent is involved in the use of force that results in death or serious bodily injury, the agent's work unit SAC/ASAC will ensure that a Use of Force Report is completed and forwarded through the chain of command within five working days of the event. The statement of the agent(s) involved will serve as the narrative on the GBI Use of Force Report. The agent may review the statement and provide supplemental information via a memorandum which will be attached to the Use of Force Report and added to the case file.

C. INSPECTOR RESPONSIBILITIES

1. In the event of a use of force resulting in the death or an in-custody death involving a GBI Agent as the officer who used the force, an Investigative Division Inspector will respond to the scene.
2. The Inspector will assume full responsibility for investigations involving a GBI Agent as the officer in the investigation.
3. In any use of force investigation which has resulted in the death or serious injury of a subject, the Inspector will be responsible for administrative oversight along with the SAC or ASAC. Inspectors will evaluate the initially reported circumstances of each case to determine if they need to respond to the scene of the incident and provide on scene command level support.
4. The Inspector will evaluate the need for additional Agents or CSS resources with the goal being to complete the initial crime scene

D. FIRST AGENT ON THE SCENE

1. Contact person in charge at the scene and obtain briefing.
2. Establish safety at the scene, if applicable.
3. Provide medical assistance, if applicable.
4. Establish protection of crime scene.
5. Identify all witnesses and leads to include:
 - a. Crime scene and search
 - b. Officer witnesses
 - c. Civilian witnesses
 - d. EMS, ambulance, fire, and other emergency personnel
 - e. Ensure a log of all individuals that have entered the scene to include those still present and coordinate scene access through a single point of entry.
 - f. Identify an individual within the requesting agency to determine if officers were equipped with either dash cameras or body cameras. The cameras should be turned off and the process for downloading and collecting video evidence should be initiated.
6. Brief case agent upon his/her arrival at the scene
7. If First Agent on Scene is Case Agent, assume those responsibilities.

E. INITIAL CONTACT WITH INVOLVED OFFICER

The initial contact with the involved officer should occur as soon as possible. The officer should be advised about the course of the investigation. The collection of the officer's weapon will be detailed in a subsequent section of this manual. If feasible, a public safety statement should be obtained from the officer.

Public Safety Statement:

The officer should be advised that these questions are in the interest of public safety. The officer's response to these questions is voluntary and the officer will not be required to answer these questions. The purpose of these questions is to determine the safety and wellbeing of the officer and the general public.

Prior to the following questions the officer should be advised:

This investigation is to determine whether any criminal laws have been violated during the use of force incident. It is not an administrative or disciplinary inquiry. You are not being compelled to give any statement or answer any questions. Your cooperation in this investigation is voluntary.

1. Are you injured or are you aware of anyone else who is injured and in need of immediate medical attention? If so, where are they located?
2. Are you aware of the location(s) of any weapons or other hazards which are in need of being secured?
3. Are there any outstanding suspects? If so, what is the description, direction and mode of travel? How long have they been gone? What crime(s) are they wanted for? What weapons are they armed with?
4. Are you aware of other witnesses / participants? If so, what is their location?
5. In what approximate location was any person who discharged a firearm? In what direction was the weapon fired? Approximately how many shots were fired from each location?
6. Can you identify and describe the scope (size and location) of the involved scene?

The documentation of this contact should be described as a public safety statement from the officer.

The officer should be advised that this is not an exhaustive summary of the actual event. Merely, a brief preliminary statement. Also, this statement is not the department's public safety statement that may be required from the involved officer's department under Garrity vs. NJ.

F. CASE AGENT RESPONSIBILITIES

1. Obtain briefing from agent on scene or officer in charge.
2. Establish safety at the scene, if applicable.
3. Provide medical assistance, if applicable.
4. Attempt to establish a liaison with the requesting agency.
5. Establish protection of the scene.
6. Obtain and/or ensure the issuance of a search warrant or consent to search the scene when applicable.

7. Direct and coordinate the investigation by assigning leads and interviews to include subject, civilian witnesses, officer witnesses, EMS, ambulance, fire, other emergency personnel to include attending physician(s) and nurse(s), and neighborhood canvass.
8. Debrief agents for results of leads and development of additional witnesses and leads. The case agent should not get tied up initially conducting interviews but should spend his/her time coordinating the investigation.
9. Assess investigative needs and request additional personnel/resources when necessary.
10. Ensure/coordinate communications between interviewing agents/investigators, crime scene personnel, and other requested services.
11. Identify involved officer(s) and remove from scene.
12. Identify all other involved officer(s).
13. Separate all witnesses to include involved officer(s) and witness officer(s), if possible.
14. Secure all weapons that were fired, remaining ammunition in weapons, and conduct weapons traces of subject's weapon through the Department of Justice (ATF) when applicable.
15. Encourage officer(s) involved in the incident to contact their spouse and/or family. If the officer(s) are unable to do so, facilitate this action through their department's representative, as long as such contact will not be to the detriment of the investigation.
16. Every effort should be made to ensure that any statements required from officers involved in the incident are given only after the officers have been afforded reasonable time to regain their composure.
17. Interviews should be conducted one-on-one. There is usually no need for two agents on an interview unless circumstances warrant otherwise.
18. Participate in briefings with other agents and supervisor(s).
19. Ensure that all evidence is entered into evidence room and/or submitted to lab.
20. Requirement: If death related incident, ensure that autopsy has been scheduled, attend autopsy or have a representative attend autopsy. Ensure that the Medical Examiner is briefed on all case facts.
21. Ensure completion of all reports. Review all laboratory and autopsy reports.
22. Prepare investigative summaries according to GBI Case Reporting Manual.
23. Obtain needed reports from other agencies.
24. Seek input from appropriate prosecutor and/or Legal Advisor, if needed,
25. Draft any appropriate charges against subject(s).
26. Keep GBI supervisor(s) informed of developments in the investigation.
27. Monitor news media accounts for additional witnesses.
28. Obtain and review any audio or video media from involved police officers' and vehicles. These video or audio media should be obtained as soon as

possible. Video and audio recording devices would include but not be limited to, dash cameras, body worn microphones, and body worn cameras.

29. In all GBI related uses of force cases, the case agent and the CSS will prepare a comprehensive post investigation briefing to the Investigative Division Command Staff prior to case submission to the District Attorney. Any documentation will be maintained in the case file.
30. Case agent shall ensure that the Crime Laboratory is advised that the evidence being submitted is in relation to an officer involved shooting. Doing so will expedite the processing of evidence.

G. RELATIVES OF SUBJECT AND OFFICER

1. Ensure that the subject's/officer's family is notified by an agency representative or by GBI Personnel. Notification should occur before media accounts appear.
2. Appropriate general information should be provided about the incident after being cleared with case agent and agency heads.
3. The regional supervisor should make the determination about the involvement of the prosecutor in this early stage of the investigation.

H. CRIME SCENE SEARCH

1. The crime scene search should be conducted by GBI personnel, preferably by a Crime Scene Specialist. The crime scene search will be conducted in accordance with specifications and guidelines outlined in the Crime Scene Specialist manual. If the crime scene search is conducted by another agency, an agent should be assigned to interview those individuals who conducted the crime scene search and to obtain copies of their reports, sketches, photographs and all pertinent information.
2. If the incident occurred on private property and involves more than an initial entry or providing of assistance to a subject, and/or if the officer has a reasonable expectation of privacy, a consent to search or a search warrant shall be obtained. (Case Agent Responsibility)
3. The Crime Scene Specialist should also consider the use of privacy screening in scenes where the public and media may view the deceased while the crime scene examination is in process. In these instances, the CSS should also prioritize the examination of the deceased on the scene for the purposes of expedient removal but not to the extent that it sacrifices a thorough examination of the scene.
4. Evidence collection will be the responsibility of the Crime Scene Specialist. Retention and submission of evidence will be the responsibility of the case agent. However, if agreeable, the Crime Scene Specialist may assume this responsibility.

5. The Crime Scene Specialist and the Case Agent should collect evidence following proper procedures of evidence collection for later consideration of potential DNA analysis (to include the possible presence of contact DNA).
6. The scene shall be thoroughly documented using detailed methods of note taking, photography and sketches. Photographs should be taken of the scene using a progression of overall, medium, and close-up views of the scene. Include a scale when photographing items for comparison or when size must be determined. Photograph all items of evidence in place before collection and packaging. Video recording is permissible and advantageous. Ensure video methods do not conflict with the rules of evidence. Video recording will not be used in lieu of still photography. These photographs can be used to brief the Medical Examiner (if death related) and can also be used during interviews with witnesses, officers, and subject. If the incident occurs at night, it may be necessary to photograph the scene during daylight hours as well. Aerial photographs may be taken if possible if they will aid in the investigation.
7. The CSS should deploy the Leica ScanStation to digitally record the scene if it will aid in the processing of the scene. Prior to deploying the Leica, the CSS and supervisor will determine if the scene is stabilized and safe for the investigative personnel to operate and continue the scene investigation. If the crime scene is located on a major highway, then through consultation with the Inspector, additional CSSs may be requested to expedite the processing of the crime scene. The same consideration should be given in deploying and utilizing a sUAS, (Small Unmanned Aerial Vehicle). **(sUAS is addressed in Directive 7-9)**
8. Generally, crime scene sketches should be done. When preparing a crime scene sketch, include measurements of and between pertinent objects, areas, and evidence. Also, the use of the LEICA Scanstation System and or the aUAS, may serve the purpose of the sketch. Sketches should be done in accordance with the GBI Crime Scene Processing Manual
9. Record weather conditions. Photograph string line, dowel rods or laser line of fire, if possible.
10. Photographs of officer in uniform or attire at the time incident occurred:
The officer(s) involved in the use of force should be thoroughly photographed by a CSS or the agent conducting the interview with the officer. General to specific photographs should be taken of the officer(s) uniform, dress attire and any injuries sustained by the officer(s). Agents should also consider collecting the uniform, clothing, duty gear of the officer(s) as evidence, especially in circumstances where evidence indicates close contact between the officer and subject occurred during the use of force.
11. Using a systematic search method, search bodies, buildings, outdoor areas, streets, vehicles, and/or other relevant places or objects for items of evidentiary value.

12. Evidence will be collected/processed giving priority to the most fragile or transient evidence. Properly collect, bag, mark, and label evidence as it applies to the investigation.

The documentation and recording of all evidence will be in accordance with the GBI Case Reporting Manual.

13. The Crime Scene Specialist and the case agent should continue communication throughout the process in order to keep both informed of any relevant findings or new leads.
14. If a death is involved, an evaluation should be made concerning the release of the crime scene prior to the performance of the autopsy.
15. The return of any evidence, to include involved weapons and vehicles, must be approved by the appropriate prosecutor. If the prosecutor directs the GBI to retain another department's property, the affected agency head will be advised of the prosecutor's decision.

I. OFFICER'S WEAPON

1. Obtain weapon, handle as evidence (taking care not to destroy contact DNA), and establish chain of custody.
2. Note make/model, serial number, and type of ammunition.
3. Note if weapon is department issued or personally owned. If personally owned, ensure consent is provided by the owner of the weapon or obtain a search warrant.
4. Verify if loaded or unloaded. If loaded, note number of fired and unfired rounds and position. Note position of hammer, safety, and/or slide. Note any weapon malfunction.
5. Weapon will be documented in accordance with GBI evidence procedures as outlined in the GBI Case Reporting Manual.
6. If the officer(s) used a Taser, then the Taser shall be downloaded by GBI personnel.
7. If applicable, conduct a round count of extra magazines carried by the involved officer.
8. Approval of the prosecutor with jurisdiction over the case shall be gained prior to returning the officer's weapon to the officer's department. If the prosecutor wishes for the weapon to be retained as possible evidence, the department head of the officer's agency will be informed.
9. If applicable, obtain a copy of the involved officer's agency inventory list of assigned weapons.

J. SUBJECT INTERVIEW

1. It is important to document if the subject answers a question in the negative or does not know the answer.

2. If the subject is an inpatient at the hospital, agents should obtain physician approval and list all drugs administered if applicable to determine whether the subject can freely, voluntarily consent to being interviewed.
3. Obtain complete identification (ID) data.
4. Normally, the subject that is not in custody will not be advised of their constitutional rights, as the objective of this type of investigation is to determine if there is any criminal conduct by an officer. If the subject is in custody, the subject should either be advised of their constitutional rights before being asked to give a statement or the district attorney should be consulted about taking a statement without advising the subject of their constitutional rights.
5. Note subject's education, mental state, or drug-alcohol influence to include prescribed medications.
6. Obtain complete description of events leading up to, during and after the incident, noting dates and times. Go back in time as far as necessary to get accurate sequence of events, leading up to the incident, noting any previous activity that could have bearing on the incident, including dates, times, locations, and names.
7. Describe available light and weather conditions at the time of incident.
8. **See Attachment A** with a list of relevant questions to assist with the interview of the subject.
9. At the conclusion of the interview, advise the case agent of any witnesses or leads developed as a result of the interview.

K. WITNESS INTERVIEWS

1. Important to document if witness answers a question in the negative or does not know the answer.
2. Obtain complete identification (ID) data of witness.
3. Does the witness personally know the subject or officer? If so, what is their relationship?
4. Have witness describe events leading up to, during and after the incident, noting dates and times.
5. Describe available light and weather conditions at the time of incident.
6. Document direction, movements and dialogue of subject and officers prior to incident, during incident, and after incident.
7. Have witness sketch scene noting locations or positions, if applicable. Have witness describe/note his/her exact location. The case agent may want to revisit the scene to evaluate the witness' vantage point.
8. Witness' reason for being at scene.
9. Conduct a detailed interview with the witness. There are relevant questions to assist with the interview listed below:
10. Was subject armed and with what type weapon?
 - a. How many shots fired by subject

- b. Which hand was the weapon in
 - c. Distance between officer and subject
 - d. Elapsed time between shots
 - e. Commands or dialogue between subject and officer
 - f. Movements, directions or actions by the subject
 - g. Resistance by subject
11. Force and Weapons Used by Officer:
- a. Which hand was the weapon in
 - b. Distance between officer and subject when weapon used
 - c. Elapsed time between shots
 - d. Number of shots fired
 - e. Commands or dialogue by the officer
 - f. Movements, directions or actions by the officer
12. How was the officer dressed, identification displayed or given, vehicle and emergency warnings, if applicable?
13. Describe all force used by officer to include type, amount, and relevant weapons.
14. Did you observe aid rendered to the subject?
15. How was the subject handcuffed or restrained?
16. What position was the subject in when transported?
17. Did the subject advise the officer(s) of any medical problems or injuries, and if so, what was done?
18. Ask the witness if there is anything they were not asked about in this interview and if there is anything else they would like to say or provide. Note answer in investigative summary.
19. Are there any additional witnesses?
20. Did the witness video or photograph the incident and if so attempt to collect a copy?

L. LAW ENFORCEMENT WITNESSES

1. The officer will be advised of the following:

This investigation is to determine whether any criminal laws have been violated during the use of force incident. It is not an administrative or disciplinary inquiry. You are not being compelled to give any statement or answer any questions. Your cooperation in this investigation is voluntary.

- 2. Obtain the officer's law enforcement experience.
- 3. Provide a detailed account of the incident and how they became involved.

4. Describe what movements were made by both the involved officer and subject.
5. Did the officer identify themselves as law enforcement? If so, how was the identification made or did they witness the involved officer make identification?
6. If applicable, did the officer render aid or observe any other individuals render aid to the subject?
7. Did they draw or discharge their own weapon? If so, why or why not?
8. Did they take custody of the officer's weapon after the incident? If so, how was it loaded? Who did they give the weapon to?
9. If the subject was armed, did they or anyone other than the subject, come in contact with the weapon? If the officer did, will they be willing to submit to DNA testing (buccal swab) for elimination purposes?
10. All information obtained or made available at any briefing prior to incident:
 - a) Date, time and location of briefing
 - b) Who conducted briefing
 - c) Who was present at briefing
 - d) What assignments were made and by whom
 - e) What handouts or written information available or disseminated. Obtain copy.
 - f) Were warrants on file and what did those warrants charge
 - g) What were they told in briefing
 - h) Was the subject believed to be armed and dangerous
 - i) What was the plan of action and any alternate plan of action
 - j) Were there mental health concerns regarding the subject
11. If the witness officer was armed, describe weapon, ammunition and state whether the witness officer pulled and/or used his/her weapon in any manner or if he/she did not. If applicable, conduct a round count of weapon and photograph weapon with visible serial number.
12. Ask if the witnessing officer or their vehicle are equipped with any type of video or audio recording device. This would include, but not limited to; dash cameras, body worn cameras or any other recording.
13. Photographs of officer in uniform or attire at the time incident occurred.
14. Advise case agent of any witnesses or leads as a result of this interview.

M. INVOLVED OFFICER INTERVIEW

1. The officer will be advised of the following:

This investigation is to determine whether any criminal laws have been violated during the use of force incident. It is not an administrative or disciplinary inquiry. You are not being compelled

to give any statement or answer any questions. Your cooperation in this investigation is voluntary.

2. It is not mandatory that the officer be advised of his/her Miranda Rights unless the interview is custodial in nature.
3. If the subject of the investigation is a GBI employee, the GBI employee will also be advised of the following:

GBI employees who are subjects or witnesses in a criminal investigation are not required to answer any questions which may incriminate them and are not required to waive their Fifth Amendment right to remain silent unless such questioning is by the GBI Office of Professional Standards and the employees have been advised of their rights per Garrity v. New Jersey pursuant to GBI Policy 1046 XIII (C).

4. If the officer is agreeable to the interview but requests that his/her attorney be present, the agent will conduct the interview in the presence of the attorney.
5. When video of the use of force incident exists, the case agent shall use discretion when determining the appropriate utilization of the video during the officer interview. The case agent should attempt to conduct the interview prior to the involved officer watching the video. If the involved officer insists on watching the video prior to the interview, the case agent shall consult with the work unit supervisors, Command Staff and the District Attorney. The case agent will not allow the officer to view the video without prior approval from the Command Staff and District Attorney.
6. No law enforcement officer other than GBI agents will be present during the interview unless the officer specifically requests that another officer sit in as a witness only. If the officer requests that another officer be present during the interview, it is imperative that the agent establish and document the fact that the officer was not compelled by his/her department to have a witness present nor was the witness presence suggested by his/her department. If the other officer is a superior officer, the agent should further establish that the officer is not being compelled to answer questions by the presence of the superior officer.
7. It is important to document if the person answers a question in the negative or does not know the answer.
8. Obtain ID data on officer.
9. **See Attachment B** for a list of questions that may be asked during the interview.
10. If officer provides a written statement, review the officer's statement with the officer and note the review in the investigative summary.
11. Advise case agent of any witnesses or leads as a result of this interview.

N. EMS/AMBULANCE/RESCUE/FIRE PERSONNEL

1. Date and time of call and arrival.
2. Obtain identification (ID) data on each person.
3. Observations at the scene, to include additional witnesses and/or weapons.
4. Describe injuries to subject and/or officer.
5. Was subject restrained and how?
6. Statements made by subject.
7. Statements made by officer.
8. Establish chain of custody for body, clothing, and any evidence.
9. Treatment provided.
10. If they transported subject or officer, where to?
11. State whether or not any evidence was seized by them.
12. Obtain EMS or Rescue/Fire Reports.
13. Any sign of pepper spray.

O. MEDICAL PERSONNEL (ATTENDING PHYSICIANS, NURSES, RECEIPT OF EVIDENCE)

1. Name of patient and date, time and location of interview.
2. Description and extent of injuries and location of injuries on body.
3. Location of bullet entrance and exit wounds and how determined, and stippling.
4. Medication prescribed.
5. Permission to talk with patient.
6. Statements made by subject and/or officer.
7. Any sign of pepper spray.
8. State whether or not any evidence was seized.
9. ID Data, to include medical office location and/or medical practice address.
10. Collect physical evidence recovered by medical personnel;
 - a. Projectiles and wadding
 - b. Gunshot residue hand wipings
 - c. Blood samples
 - d. Clothing, valuables and personal effects
11. Photograph injuries.
12. Reports on blood alcohol and/or blood screen.
13. Obtain medical reports with patient release or court order.
14. Obtain mental health records with patient release or court order.

P. LABORATORY SUBMISSION OF PHYSICAL EVIDENCE

Submitting agent shall inform the Crime Laboratory that the evidence being submitted is in relation to an officer involved shooting. Doing so will expedite the processing of evidence. Due to the varying resources at Branch Laboratories, certain services requested may have to be performed at the Headquarters Lab. Below are some of the common services requested in use of force investigations. The services requested should be limited to those services which will further the investigation or potentially resolve an issue in dispute.

1. Firearms

1. Weapons, projectiles, wadding, cartridge casings, shell cases (shotgun), ammunition, and clothing (evidence of stippling) involved in the incident can be submitted for examination and comparison.
2. Weapons should be examined for function, alterations, and trigger pull.
3. Muzzle to target distance test.
4. Comparison of recovered projectiles to all weapons of the same caliber.
5. Comparison of recovered cartridge casings and/or shell cases (shotgun) of same caliber regarding firing pins and extractor marks.
6. If shotgun involved, request size determination of recovered pellets.

2. Latent Prints

1. This will determine who handled any weapons or other items of evidence.
2. Process evidentiary items for latent print development, when necessary. The Crime Scene Specialist should process evidence for latent print development and submit results to laboratory for comparison to subject, officer, and any other witnesses. The Crime Lab does offer processing services if needed.
3. Obtain and submit major case inked impressions of subject, officer, and witnesses for comparison/elimination purposes, when necessary.

3. Serological Evidence (blood)

1. The subject's and/or officer's clothing or other items of evidence can be submitted for analysis if blood is detected or suspected.
2. Items with known or suspected blood should be properly collected, completely air dried, and packaged in paper.
3. If blood is detected or suspected on evidence items, known standards of officer's and subject's DNA should be collected and submitted for comparison.

4. Buccal swabs: Collect buccal swabs as necessary. Contact DNA Testing

Contact DNA does not provide useful information in every case as is often portrayed in television dramas. In fact, the likelihood of obtaining DNA results in this type of testing is relatively low unless the individual exerted significant pressure on the item or the individual had repeated contact with the item over an extended period of time. The GBI Crime Lab will conduct testing for contact DNA where there is a significant question in the investigation that has the potential to be answered by the testing of any article of evidence, if the evidence is suitable for testing. Not every use of force incident will produce evidence suitable for DNA testing.

A request for contact DNA testing will be made in all cases if an article exists that may contain touch DNA. Discussions with lab personnel must take place prior to evidence submission to explain the significance of the request and determine the appropriateness and feasibility of DNA testing in a specific use of force investigation.

It should be determined during involved officer and law enforcement witness interviews if any other persons came in contact with the articles being submitted for touch DNA. If articles have been in contact with other persons, their DNA should potentially be collected for elimination purposes.

Every consideration should be given to collecting any weapon that was allegedly used or possessed by the subject on whom force by a law enforcement officer was used. This would include weapons near the person or weapons discarded by the subject during pursuit. Contact DNA testing may also apply to situations where a subject struggles over an officer's weapon that resulted in a use of force incident. Due to the sensitive nature of contact DNA testing, extreme caution should be taken when handling or collecting such items to avoid the investigating officers leaving their DNA on the item(s).

5. Trace Evidence

Ensure that proper known standards are collected and submitted for comparison.

1. Hair and fiber evidence
2. Tool marks
3. Fracture matches
4. Paint analysis/comparison
5. Gunshot residue test (optional)
 - a. Utilize gunshot residue kit (optional)
 - b. Perform wiping of persons to be tested as soon as possible.
Due to time lapse, it is recommended that wiping be

performed on deceased subjects as soon as possible. Wiping can be collected by the Medical Examiner at the time of autopsy, however, the autopsy is normally performed at a much later time which decreases the accuracy of the test. If the test is to be conducted by the Medical Examiner, it is imperative that the hands of the subject be covered with paper bags as soon as possible.

5. Toxicology (if applicable)

1. In death cases, blood should be analyzed for blood alcohol content and presence of drugs.
2. If appropriate by facts and circumstances of investigation, in cases where the subject is living, in order to determine if the subject was under the influence of alcohol content or drugs, obtain consent to draw blood from the subject, ask consent or obtain a search warrant. Submit the blood sample to the GBI Crime Laboratory.
3. The GBI Lab routinely tests blood samples for the presence of:
 - a. Cannabinoids (marijuana);
 - b. Amphetamines;
 - c. Cocaine and cocaine metabolites;
 - d. Opiates;
 - e. Barbiturates;
 - f. Benzodiazepine (valium);

If any other drug is suspected, advise the laboratory, and tests will be conducted for specific drugs.

4. Consent by the person or a search warrant will be needed to obtain whole blood samples.
5. All whole blood samples should be collected using grey stopper test tubes and properly stored (preferably refrigerated) until submitted to the laboratory.

6. Tire/Foot/Shoe Impressions

1. Submit casts and/or photographs of questioned impressions along with the appropriate known standards for examination.

7. Pepper Spray

At the current time, the GBI Crime Laboratory is not performing examinations and tests related to pepper spray.

Q. AUTOPSY

The case agent or designee will attend the autopsy and will coordinate attendance with the Medical Examiner Investigator on duty. Although the investigation may be in the early stages, the agent attending the autopsy should be prepared to provide detailed information concerning what is known about the death to the Medical Examiner performing the autopsy examination. The agent, when possible and applicable, should obtain and bring to the postmortem examination death scene photographs; medical records, hospital admission blood; clothing or other personal articles that were removed at the scene or during the course of medical intervention; and instruments, weapons or tools that may have been utilized in producing injuries. The GBI Medical Examiner's Office will collect evidence and perform anatomic examinations predicated on the circumstances and nature of the death. The case agent should discuss all known details of the death and investigation with the GBI Medical Examiner to ensure that all relevant evidence is collected. At the completion of the autopsy, the agent may obtain a computer CD disk with all of the digital autopsy photographs from the Medical Examiner's Office photographer.

When dealing with a medical examiner system outside of the GBI system, the attending agent will ensure that related tasks are relayed to the medical examiner and are completed during the autopsy when applicable based upon the facts and circumstances of the investigation:

- a. Photography
- b. Inventory clothing collect if evidentiary in nature; valuables and other items removed from the body
- c. Obtain gunshot residue wipings, if applicable
- d. Obtain fingernail scrapings, if applicable
- e. Obtain appropriate hair samples, if applicable
- f. Collect hair, fibers, and/or other foreign material from the body noting locations where the material was obtained
- g. Note signs of pepper spray
- h. If projectiles or waddings are removed from the body by the Medical Examiner, ensure proper submission to the GBI DOFS for examination
- i. Blood specimens for toxicology and DNA
- j. Inked impressions of finger pads and palms

Upon completion of the autopsy the agent should review all of the findings with the Medical Examiner and discuss those findings within the overall context of the case. The agent may be requested to collect further information, documentation, or scene evidence by the Medical Examiner in order to clarify autopsy findings and the circumstances surrounding the death. This may include witness statements, surveillance video recordings, video recorded reconstructions, scene photographs or any other item dictated by the nature of the death in question. It is also important that the case agent continue to keep the Medical Examiner informed of all new and relevant information as the investigation evolves.

R. RECORDS

1. Obtain criminal history of subject.
2. Obtain criminal history of officer.
3. Obtain a copy of any mutual aid agreement, if applicable.
4. Obtain copies of applicable arrest warrants and/or search warrants involving the subject and/or officer related to the incident.
5. Obtain officer's latest firearm qualification record.
6. Obtain officer's training record.
7. Obtain copies of radio logs and CAD reports.
8. Obtain a list of assigned weapons for the involved officer.

S. PEACE OFFICER STANDARDS AND TRAINING RECORDS

Pursuant to O.C.G.A. § 35-8-21(a), Georgia law requires that every peace officer must complete 20 hours of training each calendar year. As part of the 20 hours of training, Georgia Peace Officer Standards and Training (P.O.S.T.) Council Rule 464-50.03.1 requires a minimum of two hours of training on the Constitutional and legal limitations on the use of deadly force and the agency's policies regarding the use of deadly force, as well as a demonstration of proficiency with the officer's firearm. If the officer does not complete the mandatory 20 hours of training to include the two hours of deadly force training and firearms qualification, Georgia law, as codified at O.C.G.A. § 35-8-21(d), states that the officer loses his/her power of arrest. If the officer does not complete the required training, the officer may petition for a waiver from the P.O.S.T. Council.

Contact a P.O.S.T. Investigator via email to request the officer's P.O.S.T. records and answers to the below listed questions. The requesting agent will copy and paste the below listed questions in the email. The requesting agent will receive a timely email from P.O.S.T. with each of the following questions answered. Both the request and results will be documented in an investigative summary with a full copy of the applicable email attached. If a reply is not received from P.O.S.T. within three (3) business days, the requesting agent will initiate a follow-up email.

- a. Does the officer possess a P.O.S.T. certification and what is the status of the certification?
- b. Has the officer completed the required training for each calendar year since completing the basic course?
- c. Does the officer have power of arrest?
- d. Does the officer's P.O.S.T. record show either the required training or a waiver issued for each required calendar year?
- e. If the officer's record does not show either the required training or a waiver issued for each required calendar year, has the officer submitted all required training to P.O.S.T. to be documented on their record?

- f. Are there or have there been any prior, pending, or active P.O.S.T. investigations or complaints concerning the officer?
- g. Are there any other P.O.S.T. issues concerning the officer not addressed in the above questions?

T. COMMUNICATIONS

1. Request that the department(s) keep the original communications until the case is closed. Agents should obtain copies of all communications of the incident.
2. Include time period leading up to the incident, during the incident, and a relevant time period after the incident.
3. Review audio, video, or communication recordings for clarity and understanding.
4. Review with the law enforcement agency to identify persons talking and an explanation of code (10-4, etc.).

U. INTERNAL AFFAIRS AND/OR PERSONNEL FILE

Review the officer's personnel and internal affairs files (preferably with officer's knowledge) for previous investigations, complaints and disciplinary action if it appears that the matter under current investigation may be a pattern of conduct. If investigation reflects information or evidence of the possible improper use of force by the officer in other cases, examine these incidents to determine if this is a pattern of conduct by the officer. If the case under investigation is likely to result in a criminal charge, the appropriate prosecutor should be consulted first to determine if he or she needs the records and the appropriate legal process.

Document the review of the officer's personnel and internal affairs files. The credibility of the officer and whether the officer has been found to be in violation of department policy, as it relates to use of force incidents, should be noted. No copies of either the personnel or internal affairs files should be placed in the case report.

The agent shall not review any officer's statements that were conducted under Garrity or currently opened internal affairs investigations.

V. INVOLVED DEPARTMENT'S POLICIES AND PROCEDURES

Obtain a copy of the department's policy and procedures relative to the type of incident involved, such as use of force, firing of duty weapon, etc.

Attach a copy of the policies collected to the case report.

W. CASE REPORT

The documentation of these type investigations will be in accordance with the GBI Case Reporting Manual.

When investigating Officer Involved Use of Force cases, the name of the involved officer(s) will be documented in the narrative section of the GBI Face Sheet. It is understood that investigations of this type may contain extenuating circumstances, that in the best interest of the officers involved and/or the investigation, may necessitate the need for this information to be delayed or possibly withheld. If circumstances of this nature exist, the work unit supervisor will notify the appropriate Inspector and Deputy Director for approval.

Absent exigent circumstances as described above, the work unit supervisor should recommend to the involved agency head that they release the officer(s) name to the media as soon as practical after the incident. The affected agency head should also be told that unless exigent circumstances exist and are approved by the appropriate Inspector and Deputy Director, the officer(s) names will be contained within the narrative section of the GBI Face Sheet and will be subject to Open Records.

The work unit supervisors shall be contacted and provide approval for the release of the GBI Face Sheet. This is to ensure the Face Sheet has been reviewed by the supervisor and approved.

X. DISSEMINATION

The case file shall be turned over to the prosecutor and requesting agency upon completion. Prior to the case file being turned over, the SAC of the office will review the case file in its entirety to ensure the case is both thorough and complete. A supervisor review form is attached to this manual and can be used for the review of the case file.