



KANSAS CITY, MO. POLICE DEPARTMENT
PROCEDURAL INSTRUCTION

DATE OF ISSUE
11/30/2022

EFFECTIVE DATE
11/30/2022

NO.
22-12

SUBJECT

Outside Agency Investigation of Police Involved Incidents

AMENDS

REFERENCE

P.I. Police Involved Incident Response
S.O.: Member's Investigation, Discipline, and Appeals
Collective Bargaining Agreements (CBA) between the Board of
Police Commissioners and the Fraternal Order of Police, Lodges 99
and 102
Revised Statute of Missouri (RSMo.) 566.061

RESCINDS

I. INTRODUCTION

This written directive establishes guidelines for the investigation of police involved incidents by an outside agency. An outside agency or other investigator will perform the investigation at the designation of the Chief of Police or their designee.

II. TERMINOLOGY

- A. **Outside Agency** - A law enforcement agency outside of the Department with extensive death investigative experience that, after consulting with the Chief of Police or their designee, agrees to investigate the incident.
- B. **Police Involved Incident** - May include, but not limited to, any incident that involves a member discharging their official duties resulting in any of the following:
 - 1. Any force, to include the discharge of a firearm, to any person by a member involving death or serious bodily injury.
 - 2. Any complex incident deemed appropriate for investigation as determined by the Chief of Police or designee.
- C. **Serious Bodily Injury** - Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body (RSMo. 556.061).
- D. **Team** – Group of Department investigators as determined by the Chief of Police or their designee with investigative experience in particular investigations.

III. GUIDELINES

- A. The Chief of Police or their designee will determine if an outside agency or the Team will be leading the investigation.
- B. The Team will respond to all incidents investigated by outside agencies and act as a liaison at the direction of the outside agency.
- C. In the event of an incident involving the discharge of a firearm by a member resulting in the death or serious bodily injury of a citizen, the Chief of Police or their designee will request an outside agency to investigate the incident.
- D. An outside agency may also be called upon to investigate or assist on investigations of other criminal matters in circumstances where the Chief of Police or designee deem necessary in the interest of transparency and public trust.
- E. In the event that an outside agency is not available to the Department within a reasonable period of time, the Chief of Police or their designee will direct the Team to conduct the investigation. For further information, refer to the current written directive entitled, "Police Involved Incident Response."
- F. A copy of the completed investigation will be forwarded to the IAU.
- G. The Crime Scene
 - 1. The Crime Scene Unit will:
 - a. Respond when requested to incidents investigated by an outside agency.
 - b. Process the crime scene the direction of the outside agency.
 - 2. All aspects of the current written directive entitled, "Patrol Procedures," regarding crime scene responsibilities will apply in investigations of police involved incidents.
 - 3. Vehicle accidents involving bodily injury and/or fatality are considered crime scenes and will be treated as such.
 - a. Vehicle parts, debris, contents of the vehicle, etc., are considered evidence and will be protected.
 - b. Refer to current written directive entitled, "Police Vehicular Reporting."

4. Once a crime scene has been secured, only authorized members will be permitted to avoid contamination or alteration by their presence.
5. Efforts may be made to have all involved members relocated to the secondary (outer) crime scene or other secure location as soon as possible to eliminate the need for the member's representative or attorney to enter the secured crime scene.
6. The member's firearm, ammunition, and any equipment related to the incident will be handled as evidence when the discharge of a member's firearm results in the injury or death of a person, or other incidents where the investigating element considers it necessary to protect the integrity of an investigation.

IV. PROCEDURES

A. Member Responsibilities

1. The member(s) involved will ensure their safety and the safety of others to the best of their abilities.
2. When circumstances allow, the involved member(s) will:
 - a. Notify the Communications Unit of the incident and of any medical treatment needed for either the member(s) or the subject(s).
 - b. Notify a supervisor.
 - c. Establish a crime scene and staging area until relieved.
 - d. Remain at the scene or at a nearby secured location until released by the investigative supervisor and be available for official interviews and statements regarding the incident.
 - e. Members will be subject to a callback to duty at any time.
 - f. Permission must be obtained from the Chief of Police or designee prior to taking part in travel or activities for an extended length of time.

3. The member's supervisor or the first supervisor on the scene will:
 - a. Absent any exigent circumstances, ensure the scene is stable and secured.
 - (1) Provide for the safety of the member(s) and the public.
 - (2) Consider the preservation of evidence as secondary to the safety of the public and Department members.
 - (3) Only ask their involved member(s) the agreed-upon public safety questions from the Post Incident Reference Guide, Form 24 P.D.
 - b. Be responsible for the security of evidence at the scene until the arrival of the supervisor of the investigative element (outside agency or Team), who will assume control of the scene and the investigation.
 - c. Ensure the involved member(s) leaves the firearm, ammunition, and any other equipment in the condition outlined below:
 - (1) Handguns should be returned to the holster, the safety on long guns should be placed in the "safe" position, and spent casings and magazines should remain in place until recovered and/or examined by the appropriate investigative agency or element.
 - (2) The appropriate investigative agency will be responsible for the recovery and security of the member's firearm in accordance of their protocols.
4. Notifications
 - a. Notification will be made based on the Chief of Police or their designees' determination of investigation by an outside agency.
 - b. Once determined, the Communications Unit may be requested to make the notifications immediately.
 - c. It will be the responsibility of the outside agency to contact the appropriate prosecuting attorney for notification and any further requests.

5. Members of the Media Unit and the Office of the General Counsel may also respond as needed.

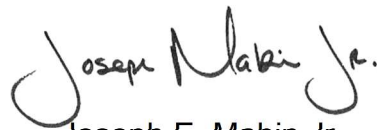
B. Team Responsibilities

1. Relinquish command of the investigation to the outside agency on their arrival to the scene and act as liaison.
2. At the direction of the outside agency, the actions of the Team will be limited to:
 - a. Facilitating the identification of and securing of victims, suspects, and witnesses.
 - b. Securing the crime scene and preventing the loss or contamination of physical evidence.
 - c. Any other actions specifically directed by the investigating outside agency.

C. Statements

1. Members involved in a police involved incident will be afforded their 5th and 6th Amendment Constitutional Rights.
 - a. With regard to reviewing incident related video prior to providing a statement, members will refer to the directive entitled, "Member's Investigation, Discipline, and Appeals Collective Bargaining Agreement (CBA) between the Board of Police Commissioners and the Fraternal Order of Police, Lodges 99 and 102."
 - b. Any conflicts in protocol or process with the outside agency will be addressed and mitigated by the Team Supervisor with the outside agency.
2. The member will be provided a reasonable amount of time to secure representation prior to a statement being given.
 - a. The member may choose to forgo representation and provide a statement.
 - b. If representation is requested, no questions will be asked until the member's representative or attorney is present.

- c. For the purpose of filing charges and/or maintaining a subject in custody and a statement (charging affidavit) is requested of the member, the member may choose to provide a statement to the Team.
- D. Members will refer to the current written directive entitled, "Police Involved Incident Response," regarding the internal incident review.



Joseph E. Mabin Jr.
Chief of Police

Adopted by the Board of Police Commissioners this 15 day of November, 2022.



Mark C. Tolbert
Board President

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