

PORTLAND POLICE BUREAU  
Professional Standards Division  
Standard Operating Procedure

<b>SOP #</b>	<b>7</b>
<b>Effective:</b>	<b>01/11/2018</b>
<b>Review:</b>	<b>07/11/2018</b>

**SUBJECT**

DEADLY FORCE AND IN-CUSTODY DEATH INVESTIGATIONS

**Refer:** Directive 1010.10 Post Deadly Force Procedures  
Directive 317.40, Authorized Use of Bureau Resources  
Directive 1245.00 Vehicles, Off-Duty Use by Authorized Members

**PURPOSE**

To provide procedures for case assignment, interview notifications, and interaction with the Detective Division in deadly force and in-custody death cases.

**POLICY**

Internal Affairs is tasked with conducting administrative investigations of all incidents in which deadly force is used by a Bureau member or an in-custody death occurs. For the purposes of this SOP, these events will be collectively referred to as an OIS. All actions during such incidents will be reviewed for policy compliance and adherence to training guidelines. This investigation is strictly separate from any criminal investigation conducted about the incident.

**PROCEDURE**

1. Upon notification of an OIS , the Professional Standards Division (PSD) Captain (or designee) will assist the IPR Director (or designee) with the following:
  - a. Notification of the location of the incident, and any circumstances known about the incident.
  - b. Notification of the date, time, and location of the Detective Division investigative briefing.
  - c. If the IPR Director (or designee) elects to respond to the scene, the PSD Captain (or designee) will accompany them at the scene and assist in gathering information from Detectives.
  
2. Initial response and interview notification
  - a. Upon notification of an OIS, the PSD Captain will notify the IA Lieutenant. The IA Lieutenant will ensure that the on call IA Sergeant and Investigator are notified in a timely manner.
  - b. Upon arrival at the scene, the IA Captain or Lieutenant will confer with detectives to determine who are the involved and witness members as defined in Directive 1010.10.
  - c. Involved members will be given an interview notice (see Appendix A). The interview will be scheduled within 48 hours of the event. Note that the notice for such incidents is different from the notice for routine IA

interviews. While on administrative leave, communication with the member will be through their attorney.

- d. IA interviews of witness members will take place when the IA case investigator determines they are necessary. Absent extenuating circumstances, the IA case investigator will interview all witnesses, including community members and witnesses from other police agencies. If any witnesses are not interviewed, the investigator will document the reasons in the investigation.
3. Information gathering prior to interviews
    - a. As soon as possible, the IA Sergeant will assign a lead investigator, according to the OIS list, along with as many secondary investigators as needed, to the case.
    - b. The lead investigator will attend the Detectives' briefing, typically held the day after the incident.
    - c. The lead investigator will obtain copies of all reports and other information about the incident from Detectives as soon as it is available.
    - d. The lead investigator will prepare for the interview in accordance with SOP 19.
  4. Designation of Involved and Reviewed Officers
    - a. Involved members will be listed in AIM as such.
    - b. All members who are integrally involved in either the tactical response leading to the use of deadly force or the response after the use of deadly force will be considered reviewed members for the purposes of determining whether their actions were within policy.
    - c. Reviewed members will be listed in AIM as witness members, with a note indicating their status as reviewed members.
  5. Interviews
    - a. Interviews will be held in the IA office. Exceptions may be granted by the IA Captain or Lieutenant.
    - b. Interviews will be conducted in accordance with SOP 19 and applicable Union contract provisions.
    - c. All involved and reviewed members will be interviewed by IA.
    - d. At the conclusion of the interview, the case investigator will preserve the recording for transcription after any Grand Jury or court review of the case is completed.
    - e. IA personnel will not share any information from the interview with Detectives, other non-IA personnel, or IA personnel without a need to know before any Grand Jury or court review of the case is completed.
    - f. IA personnel will not share any case information developed independently by IA with Detectives, other non-IA personnel, or other IA personnel without a need to know before any Grand Jury or court review of the case is completed.



- d. IA investigators will necessarily communicate with detectives to obtain information about the OIS gathered by detectives. During these communications, the IA investigators will not share any information derived directly or indirectly from compelled statements. IA investigators will document any and all communications with detectives in their chronological record.
9. **Lead Investigator Assignment**
    - a. The IA sergeant will maintain an ordered list of investigators to determine who will be the lead investigator for the next OIS.
    - b. Investigators will only be assigned as a lead investigator on an OIS if they have demonstrated proficiency in more common IA case assignments. It is preferred that any lead investigator has also been a secondary investigator on at least two prior OIS investigations.
  10. **On-Call Personnel**
    - a. The IA captain and lieutenant are on-call at all times for the purposes of responding to the scene of an OIS. Exceptions to this may be granted by the PSD commander.
    - b. An IA sergeant will be on-call at all times for the purposes of responding to the scene of an OIS. The IA sergeants will maintain an on-call schedule to ensure that one of them is always available.
    - c. The IA sergeant will maintain an on-call list with a schedule of investigators who are on-call for the purposes of being called out to the scene of an OIS during non-working hours.
    - d. Each on-call investigator will be on call for one pay period starting on the first Thursday of the pay period at 0700.
    - e. For the time they are on-call, the on-call investigator will be assigned a city owned vehicle and a Bureau-issued mobile phone.
    - f. In the event of a use of deadly force or an in-custody death, the IA captain or designee will call the on-call investigator on the Bureau-issued mobile phone, and the on-call investigator will be required to respond to the scene within 60 minutes.
    - g. If circumstances arise where an investigator will be unavailable during their scheduled on-call time, they will notify the on-call Sergeant, and the investigator will be responsible for finding another investigator to cover their unavailability.
    - h. If an on-call investigator responds to an OIS during non-working hours, they will be assigned as a secondary investigator to work with the lead investigator. It is especially important to have the responding investigator participate in the interviews of involved members.
    - i. If an on-call investigator responds to an OIS during non-working hours, the IA sergeant will arrange for another investigator to cover on-call responsibilities for the rest of the pay period.

- j. An on-call investigator responding to the scene of an OIS will check in with an IA supervisor. Prior to leaving the scene, the investigator will check in with an IA supervisor.

A handwritten signature in black ink, appearing to read "Jeffrey Bell". The signature is written in a cursive, somewhat stylized font.

Jeffrey Bell  
Captain  
Professional Standards Division