

23JD CIRT: INVOLVED OFFICER/DEPUTY VIDEO INTERVIEW

Date: _____ **Time:** _____ **CIRT Case #** _____

CIRT Interviewer (Name/Badge/Agency): _____

CIRT Interviewer (Name/Badge/Agency): _____

Location of Interview/Interview Room # _____

Involved Officer/Deputy (Name/Badge/Agency): _____

Atty Name/Registration # _____

Atty Name/Registration # _____

This interview concerns an incident occurring:

Location: _____

Date: _____ **Time:** _____

Involved Agency: _____ **Agency Case #** _____

OFFICER'S ADVISEMENT for VOLUNTARY STATEMENT IN CRITIAL INCIDENT

Prior to a statement/interview, an officer/deputy who is involved in a law enforcement action in which they discharged a firearm, or one in which a death or potentially life-threatening injury occurs, shall be informed of the following:

1. Your appearance here is voluntarily. You are not in custody and are free to leave.
2. You are not required to make a statement at this time but may do so. No one will order you to make a statement at this time.
3. No departmental disciplinary action will result from your desire not to make a statement at this time.
4. You may contact an attorney and have your attorney present during this interview. Your attorney's participation in this investigation is limited to providing you legal advice.
5. You or your attorney may request certain factual areas be covered or covered more thoroughly if already discussed. However, all questioning will be done by 23rd Judicial District CIRT Investigators.
6. You are free to stop your statement or take a break at any time and are free to leave at any time during the course of making this statement.
7. Have any promises or threats been made to you by me or anyone else to get you to provide this statement?
a. Answer:_____
8. Are you under the influence of any alcohol or drugs?
a. Answer:_____
9. Is your statement being made voluntarily?
a. Answer:_____
10. Do you understand this interview is being audio and video recorded?
a. Answer:_____

Overview of Interview Process-explain to involved officer.

- Administrative and background questions.
- Questions about and relevant history, training, and experience.
- Ask you to describe the incident in detail, follow up questions.
- If you don't understand a question, please ask me to clarify.
- If you don't recall an answer, please say so.
- I may ask you to estimate times or distances. If you are comfortable, please do so but you are not being asked to guess.
- (As Applicable) Photos are available for reference.

INTERVIEW

Admin/background question examples-Ensure the following are covered:

- How long with agency?
 - What is your current rank/title and assignment?
 - What assignments have you held?
- Do you have any specialized training/certifications/qualifications?
- Previous LE or public safety experience?
- Relevant non-LE experience/education?
- Military experience?
- What is your height and weight?
- Do you wear glasses or contacts?
- What was your assignment at the time of the incident?
- What was your radio call sign?
- Sleep cycle the night before?
- Meals before incident?
- Did you have a car partner or solo assignment?
 - If so: were you the driver or passenger?
- What was your vehicle (unit) assignment?
- What type of vehicle were you in? Describe markings.
- Dash/vehicle camera?
- Were you in uniform?
- Describe your uniform.

- What on your uniform identified you as LE?
- Were you wearing a body-worn camera?
- Have you viewed any footage of the incident?
- Describe duty belt equipment?
- Did you carry less lethal devices?
- What was your primary weapon?
- What type of holster do you use?
- Do you carry a backup weapon?
- Do you carry a long gun? (Where and how secured in car?)
- How were your guns loaded? (Chambered? Mags to capacity or light loaded?)
- Were you carrying the Department issued ammunition?
- Did you have an extra magazine(s)? (handgun/rifle?)
- Were the extra magazines fully loaded?
- When was your last firearms qualification?
 - With what firearms?

- Briefly describe your shift prior to the incident.
- Describe incident in detail. (Uninterrupted by investigators)
- Review incident with clarifying/detail questions
- Ask officer and attorney if there are any questions not asked that they would like asked, any areas not covered or areas to cover in greater depth?
- Take break, consult with interview monitoring investigators.
Any questions from Criminal Investigator?
- Conclude.

Example Questions: Ensure that the following, as relevant, are covered in the interview:

~Listed in no particular order~

- What brought you to the location of the incident?
- What route did you take?
- What additional information did you receive?
- What information did you have about the suspect prior to contact (from dispatch)?
- Knowledge of any suspect's use of drugs/alcohol?
- Knowledge of any suspect medical problems?
- Were you able to develop a plan prior to contacting the suspect? What was your direction of approach?
- How did you place your vehicle and why?
- What was your communication with your partner or cover officers when you arrived?
- Identification as Police/Sheriff/Law Enforcement?
- Did you verbally identify yourself as Law Enforcement?
- What communication, verbal/non-verbal, was exchanged between officers?
- How many officers responded? Who were they if you know?
- How did you identify the suspect as the suspect?
- Prior contact with or knowledge of suspect?
- Relative size/age/strength of suspect to officer?
- How did you contact the suspect?
- What was your reasonable suspicion/probable cause to contact/detain/arrest the suspect?
- What commands did you or your partner give the suspect?
- Did you or anyone else give a clear, verbal warning of your intent to use a firearm or deadly physical force? (If not, why not?)
 - IF NOT, ask the following:
 - Why did you not give the warning?
 - What did you think would occur if you gave this warning? (Statute talks about officer or others "unduly" being at risk of death or injury if warning was given)
- Was the suspect given sufficient time for the warning to be observed?
- Did he/she appear to understand the commands?

- Were the commands given in any language other than English?
- What was the suspect's response and/or action to those commands?
- Did the suspect make any statements/utterances/noises?
- What was the level of threat the suspect posed to the officer or another (Statute uses term “immediate threat”)
- Articulate suspect’s threatening actions/behaviors.
- Did the suspect make any threats or verbal forecasts of actions?
- Was the suspect armed? (how carried/displayed/used)
- What was the weapon?
- Was the weapon recovered? Who recovered it?
- Was the suspect's weapon moved after the incident?
- Who moved it?
- Where was it moved to?
- Did the suspect pose a danger to the public if they escaped?
- What additional resources/cover did you request?
- Did you broadcast any suspect description/information?
- During the incident, were you aware of your partner's actions?
- What was the lighting like? If it was dark, did you use a flashlight?
- What type of flashlight and how used (weapon-mounted? Steady-on/strobe/pulse?)
- What was available for cover/concealment?
- Did the suspect have cover/concealment? Did they use it? How?
- Did you draw your gun (primary duty weapon)? Why/Why not?
- Did you draw or use your back up weapon?
- Did you deploy or use a long gun?
- How did you hold the gun?
- When and why did you holster?
- Did you reload? Tactical/Speed?
- Did you reload after your final rounds?
- Why did you fire? (Who, what, when, where, why, how)
- How many rounds did you fire?
- What was your target?

- What was your direction of fire?
- What was your sequence of fire? (Fast, pairs, bursts, etc.)
- What was the background?
- Did you have cover?
- What was your shooting stance and position? (One-handed, two-handed, barricaded)
- Did you move between series of shots?
- Why did you move?
- Did the use of deadly force create any risk of injury to other persons? (Statute uses term “substantial risk”)
- Did you have any other alternatives or options?
- Less than lethal considerations?
- What less lethal options did you have available on your person or in your car?
- Did you consider using a lesser degree of force?
- Why did you believe a lesser degree of force would have been inadequate or ineffective? (Statute uses term “unreasonable given the circumstances”) What were the circumstances?
- What did you think would happen if you did not use deadly physical force?
- Who did you think would be hurt if you did not use deadly physical force? (Or were there other concerns?)
- What injuries did you think that you or another would sustain if you did not use deadly physical force? (statute uses terms “imminent danger of being killed or receiving SBI”).
- Did you see anyone else draw his/her gun?
- Did you see your partner use any type of force?
- Did you or your partner use any type of force other than what was reported?
- Who, if anyone, handcuffed/restrained the suspect?
- How was the suspect handcuffed/restrained? (In detail)
- Suspect position after restraint?
- Who removed the handcuffs and why?
- Did you or anyone else search the suspect?
- Was the suspect injured?
- Were any officers injured?
- Who made the request for an ambulance?
- How soon after the incident was under control was medical called?

- Who rode in the back of the ambulance?
- Did a supervisor respond?
- Did you or anyone else give the supervisor a public safety statement? (If you know, what was said?)