

# **TENNESSEE BUREAU OF INVESTIGATION**

## *Forensic Services Division*

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### **Violent Crime Response Team Standard Operating Procedures Law Enforcement Use of Force & In-Custody Death Investigations**

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## **1.8 Law Enforcement Use of Force and In-Custody Death Investigations**

### **1.8.1 Scope**

The purpose of this policy is to provide guidance when responding to scenes involving law enforcement use of force and/or in-custody death investigations. This procedure may not reflect all the combinations of circumstances that will be encountered by the Violent Crime Response Team (VCRT); therefore, consideration must be given to processing the pertinent elements of each scene.

### **1.8.2 Overview**

It is important to understand that use of force or in-custody death investigations are not administrative inquiries or internal affairs investigations. The purpose of the investigation is to determine the facts of the incident and provide those facts to the appropriate District Attorney General.

### **1.8.3 Scene Security and Privacy**

**1.8.3.1** When requested by the local District Attorney General, law enforcement use of force and in-custody death investigations are TBI investigations. Therefore, local law enforcement agencies or other officials are not permitted to enter the scene perimeter unless specifically approved by TBI personnel. Any entry into the scene will be documented by the VCRT.

**1.8.3.2** Scenes of law enforcement use of force and/or in-custody death are often the source of media and public attention. Upon arrival on scene, the VCRT Leader and/or designee(s) should meet with the TBI Criminal Investigator(s) on scene to brief the VCRT on case facts.

**1.8.3.3** The VCRT should assess the security and privacy of the scene, ensuring that a wide perimeter is established to provide security and privacy to the scene. If a wide perimeter cannot be established, then the VCRT should employ privacy barrier equipment to provide additional privacy and security to the scene and/or deceased.

**1.8.3.4** Any media inquiries shall be deferred to the Director of Communications or designated Public Information Officer, or if unavailable, the appropriate TBI Special Agent Criminal Investigator.

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#### **1.8.4 Scene Processing**

**1.8.4.1** Law enforcement use of force and/or in-custody death scenes may differ with regard to establishment and documentation of known circumstances preceding the use of force. Therefore, the VCRT should consult with investigators on scene to determine points not in question and the subsequent scope of the VCRT's role in scene processing.

**1.8.4.2** The focus of investigation should begin with the primary scene involving use of force, placing emphasis upon removing the body as soon as practicable. Markers may be used to indicate the location of the head, hands, and/or feet of the body to facilitate documentation after body removal; however, care should always be taken to ensure that probative forensic evidence is never compromised for the sake of removing a body quickly.

**1.8.4.3** Processing secondary scenes may follow the primary scene, or may be omitted based upon established and documented points not in question.

#### **1.8.5 Vehicles**

Vehicles may be worked on-scene; however, consideration should be given to moving the vehicle to a secure, indoor location or Regional Crime Laboratory for processing in a controlled environment.

#### **1.8.6 Firearms**

**1.8.6.1** Safety is always the first consideration when handling firearms, and when encountered, firearms should first be documented as found.

**1.8.6.2** When collecting firearms, they should be safely collected with minimum interaction with the muzzle always pointed in a safe direction. See VCRT 10.1 for additional information.

**1.8.6.3** Documentation of law enforcement firearms should include a count of any cartridges remaining in the magazine and/or chamber.

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**1.8.7 Law Enforcement Use of Force Report and Distribution of Work Product**

**1.8.7.1** The Law Enforcement Use of Force report will be the responsibility of the VCRT Leader and every effort will be made to complete this report as quickly as is practicable.

**1.8.7.1.1** This report shall be completed within 30 calendar days after the scene has been processed.

**1.8.7.1.2** If this report cannot be completed within 30 calendar days, the VCRT Leader shall contact the investigating TBI Criminal Investigator or other submitting agency to inform of the delay. This shall be documented in the case file as well as the reason for the delay.

**1.8.7.2** VCRT personnel shall only release case information (e.g. photographs, videos, notes, final reports, etc.) to TBI personnel or to the appropriate District Attorney General's Office.