

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: 09/05/2014

NUMBER: 1.43 – ADMINISTRATION

SUBJECT: OFFICER-INVOLVED SHOOTING INVESTIGATION PROCEDURES

RELATED POLICY: 1.04, 1.05

ORIGINATING DIVISION: INTERNAL AFFAIRS

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: 02/11/2011

I. PURPOSE

This Department procedure establishes guidelines for the investigation of officer-involved shootings.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

- A. The San Diego Police Department recognizes and respects the value of human life and the dignity of every individual. It further recognizes that the primary duty of our officers is to preserve human life.
- B. The decision to use deadly force in response to an immediate threat of death or serious bodily injury to the officer or another person is one of the most critical decisions an officer will ever be called upon to make. The Department deeply values community trust, and knows that this trust in law enforcement must be based on the community's belief that officers will act fairly.

- C. An officer's use of deadly force will be evaluated and reviewed in accordance with criteria contained in the law and Department policies.

IV. SAN DIEGO COUNTYWIDE PROCEDURES FOR POLICE-INVOLVED SHOOTING INCIDENTS

- A. When an officer of any local, state or federal law enforcement agency becomes involved in a shooting incident, wherein injury or death results, an investigation shall be conducted by, and under the control of, the agency within whose jurisdiction the shooting occurred. Within the City of San Diego, the San Diego Police Department Homicide Unit will have the responsibility of conducting these investigations.
- B. The agency that employs the officer involved in the shooting may participate in the investigation of the shooting. This investigation may be conducted jointly with full participation by designated investigators from the agencies involved.
- C. The agency in whose jurisdiction the shooting occurred shall have the responsibility for presenting the facts of the case to the District Attorney or any other appropriate prosecutorial agency for evaluation. Any information or reports developed by an investigator shall be made available to all concerned agencies in accordance with Constitutional and contractual guarantees.
- D. Upon approval of the Homicide Unit supervisor in charge of the scene, risk management personnel from the involved agency may be permitted access to the scene of a shooting incident and be provided with the information necessary to fulfill their responsibility.

V. NOTIFICATION AND PROCESSING OF POLICE-INVOLVED SHOOTING INCIDENTS

Officers who discharge a firearm on-duty, except at a target range, or discharge a firearm off-duty causing potential or actual injury to a person or property damage shall immediately notify the Watch Commander directly or via Communications Division. The Watch Commander shall initiate any required investigation.

- A. If the discharge of the firearm was on-duty, not directed at a person, and did not result in death or injury, the Watch Commander shall ensure that a supervisor responds to the scene to conduct an investigation. The supervisor shall prepare an Officer Involved Shooting report and a Shooting Incident Report (PD-128), which are available on the F: drive at F:\Templates\Internal Affairs.

B. If the discharge of a firearm was within the guidelines of Department Procedure 6.09, Handling of Injured Animals, a Shooting Incident Report – Euthanasia (PD-128D) shall be prepared by a supervisor who responds to the scene.

1. The commanding officer of the Department member involved will review the report for compliance with Department procedures. If no discrepancy is found, the original report will be sent to Internal Affairs and copies of the report will be sent to the Assistant Chief within the Department member's chain of command and the Commanding Officer of the Training Division. No other review will be conducted by Internal Affairs.
2. If a discrepancy is found, the commanding officer will order a Supervisor's Investigative Report to be completed to document the discrepancy. The Supervisor's Investigative Report will be routed as in Section IV., B., 1. of this procedure.

C. Under circumstances when the shooting was intentionally directed at a person or resulted in death or injury, the Watch Commander will make the appropriate notifications to investigative and command staff personnel. The Watch Commander shall immediately notify the following personnel:

1. The on-call Homicide Lieutenant;
 - a. In incidents in which an officer's use of force causes death to any person, other than traffic collisions, the Homicide Lieutenant shall immediately notify the District Attorney's Office.
 - b. The Homicide team sergeant is responsible for preparing and routing the Shooting Incident Report (PD-128).
2. The Chief of Police; the Executive Assistant Chief and the Assistant Chiefs.
3. The on-call Internal Affairs Lieutenant;
4. The captain responsible for the area where the incident occurred. If the area command captain is unavailable, the duty captain shall be notified;
5. The commanding officer of the officer involved;
6. The on-call POA attorney or legal representative;
7. The district City Council member, the Mayor (via the Chief's Office during business hours, or the duty chief outside of business hours);
8. Peer support (via the Medical Assistance Unit);

9. The service area lieutenant responsible for the area where the incident occurred;
10. The lieutenant of the officer involved in the shooting; and,
11. The on-call Psychological Services staff member.

D. The ranking supervisor responding to the shooting incident shall be responsible for controlling the scene and ensuring the following:

1. The officer involved should be isolated as soon as possible. When more than one officer is involved, they should be isolated from one another as soon as possible. A peer support officer should be assigned to accompany each officer involved.
2. Officers involved in a shooting incident shall not discuss the situation at the scene with anyone other than the first arriving supervisor, Homicide investigators, Internal Affairs investigators or the officer's legal representative.
3. When interviewing the involved officer(s), the first arriving supervisor will be responsible for developing sufficient information to ensure public safety for a tactical response and provide investigators with an overview of the incident. All inquiries concerning the involved officer's actions are subject to the Police Officers Bill of Rights.
4. Only Homicide and/or Internal Affairs investigators, whichever is appropriate under the circumstances, will conduct in-depth interviews of involved officers. All inquiries concerning the involved officer's actions are subject to the Police Officers Bill of Rights.
5. The Investigations II Captain or a Homicide Lieutenant shall coordinate the release of information or statements regarding the incident.

E. Any Department member who is fired upon, whether wounded or not, shall have a Supervisor's Injury/Assault Investigation Report (RM-1564) completed by the field supervisor in charge of the incident. This is in addition to any other required reports.

F. Officers involved in traumatic events, such as shootings or in-custody deaths, may need critical incident debriefing. Refer to Department Procedure 5.21, Critical Incident Debriefing Protocol, for the appropriate protocol.

G. Reports of police shooting incidents shall be routed as follows:

1. The Shooting Incident Report (PD-128) will be forwarded directly to the Assistant Chief of Neighborhood Policing and the Internal Affairs Unit.
2. A copy of all police shooting investigations conducted by field supervisors and the Homicide Unit will be routed to Internal Affairs via the appropriate commanding officer.

H. The involved officer(s) will be relieved of all field duties and given other assignments within their command pending an investigation. The officer(s) will remain in that status until notified by the Office of the Chief of Police to return to normal duty.

I. An incident involving the discharge of an Extended Range Impact Weapon System, within the guidelines of Department Procedure 1.38, Extended Range Impact Weapon System, is generally exempt from the investigation and reporting requirements outlined in this procedure, except in cases resulting in death.

VI. INVESTIGATION AND REVIEW OF POLICE-INVOLVED SHOOTING INCIDENTS

A. Homicide Unit

The Homicide Unit investigates when death or injury occurs as a result of an officer firing his/her weapon, or when an officer intentionally shoots at a person and misses. The role of the Homicide Unit is to investigate the incident for criminal violations.

1. These investigations will be assigned case numbers under the appropriate criminal offense or as “Special Investigations.”
2. The completed investigation will be submitted to the District Attorney’s Office for review and a copy will be forwarded to the Internal Affairs Unit.
3. The original reports will be filed in Records Division.

B. Internal Affairs

After the shooting incident investigation has been completed, the Office of the Chief of Police will direct the Internal Affairs Unit to conduct a review of all investigative reports to ensure that the investigation is sufficiently thorough and complete. The Internal Affairs Unit will make a determination as to whether Department policies and procedures were followed regarding the use of firearms.

1. After completing its review, the Internal Affairs Unit shall submit a written report of its findings to the Office of the Chief of Police.
2. In cases where a person is injured, killed, or fired upon by San Diego Police personnel, a copy of the Internal Affairs report will also be submitted to the Citizen's Review Board (CRB) for review.
3. The Office of the Chief of Police shall also direct Internal Affairs to do the following:
 - a. Assign a "shooting incident" number to the case;
 - b. Interview the officer(s) involved in the shooting, when necessary;
 - c. When necessary, return the investigation to the investigating unit/section for additional follow- up;
 - d. Forward the investigation (after having been reviewed by the CRB, when appropriate) to the assistant chief of the involved officer for review, who will forward copies to the involved officer's commanding officer;
 - e. Forward a copy of the investigation to the chairperson of the Shooting Review Board (SRB); and,
 - f. Retain copies of each incident.
4. The Internal Affairs Unit shall be the central repository for reports on all police shooting incidents and shall maintain appropriate statistical records.

C. Citizen's Review Board

The Citizen's Review Board (CRB) reviews officer- involved shooting incidents that result in bodily injury, death, or all instances in which an officer intentionally shoots at someone.

The CRB reviews incidents after the Internal Affairs Unit has determined whether the shooting incident was "within" or "not-within" policy.

1. The CRB prepares a written report regarding whether they agree or disagree with the findings of the Internal Affairs Unit. Refer to Department Procedure 1.10, Citizen Complaints, Officer-Involved Shootings and In-Custody Deaths; Reception, Investigation and Routing Procedures, for additional information concerning the functions and procedures of the Citizen's Review Board.

2. Once the CRB has completed its review, the findings of the Internal Affairs administrative investigation are forwarded to the involved command for review and, if appropriate, disciplinary action.

D. Police Shooting Review Board

The San Diego Police Department Shooting Review Board (SRB) shall, at the direction of the Chief of Police, review all incidents in which police officers discharge any firearm on- or off-duty. The purpose of this review is to determine if the tactics employed were appropriate, and to discover and advise the Chief of Police of any related training or equipment needs. The review will take place after criminal and administrative investigations have been concluded and any disciplinary actions, if appropriate, have already been determined.

1. The SRB shall consist of the Assistant Chief of Neighborhood Policing (or designee), the Department Rangemaster, and the Officer Safety Core Instructor.
2. Procedures for Police Shooting Review Board:
 - a. An assistant chief chairs the SRB and will be responsible for scheduling meetings.
 - b. The SRB will meet as necessary in order to thoroughly review all assigned incidents involving the discharge of firearms.
 - c. The SRB may interview officers and witnesses involved in any incidents, and may call additional witnesses, such as supervisory personnel, technical experts, or other persons necessary to make a proper review of the case.
 - d. The SRB, after completing its review, shall submit a written report commenting on the appropriateness of the tactics employed and whether or not any training needs were identified. The findings will be submitted to the Chief of Police and all appropriate commanding officers.