
Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

305.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Critical Incident Protocol Team for investigating officer-involved shootings.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Sheriff or a Division Commander
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

305.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

305.4.1 SHASTA COUNTY SHERIFF'S DEPUTY WITHIN THIS JURISDICTION

The Shasta County Sheriff's Office is responsible for the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by those designated under the inter agency critical incident protocol. If the protocol is not implemented then the investigation responsibility falls back on the Sheriff's Office.

305.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Shasta County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the Sheriff or the critical incident protocol team. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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305.4.3 SHASTA COUNTY SHERIFF'S DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Shasta County Sheriff's Office will conduct timely civil and/or administrative investigations.

305.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation of	Administrative Investigation
SCSO Deputy in This Jurisdiction	Critical Incident Protocol Team	Critical Incident Protocol Team	SCSO Administration	SCSO Administration
Allied Agency's Officer in This Jurisdiction	SCSO Investigators	SCSO or CIPT	Involved Officer's Department	Involved Officer's Department
SCSO Deputy in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	SCSO Civil Liability Team	SCSO Administration

305.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

305.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).
 1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide public **safety information necessary to secure the scene and pursue suspects**.
 1. **Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.**

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- (d) **Absent a voluntary statement from any deputy(s), the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.**
- (e) **Provide all available information to the Division Commander and SHASCOM. If feasible, sensitive information should be communicated over secure networks.**
- (f) **Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.**
- (g) **As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.**
 - 1. **Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.**
 - 2. **When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to the station by other deputies if necessary.**

305.5.2 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or a Division Commander.

305.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Sheriff
- Undersheriff
- Critical Incident Protocol Team
- Investigation Division Commander
- District Attorney
- Administrative Sergeant
- County Counsel
- Psychological/Peer support personnel
- Coroner (if necessary)
- Deputy representative (if requested)

All outside inquiries about the incident shall be directed to the Division Commander.

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305.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Division Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved deputies absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media (Government Code § 3303(e)) and no involved deputy shall make any comments to the press unless authorized by the Sheriff or a Division Commander.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.5.5 INVOLVED OFFICERS

Once the involved deputy(s) have arrived at the station, the Watch Commander should admonish each deputy that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved deputy:

- (a) Any request for department or legal representation will be accommodated, however, no involved deputy shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Department to each involved deputy, or any other deputy, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
 2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

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Care should be taken to preserve the integrity of any physical evidence present on the deputy's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Detectives shall make reasonable accommodations to the deputy's physical and emotional needs (Government Code § 3303(d)).

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the Critical Incident Protocol Team to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this department may be assigned to partner with investigators from the Critical Incident Protocol Team to act as liaisons and provide assistance.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved deputies in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved deputy:

- (a) The on scene Watch Commander and Administrative investigation personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

305.6.1 REPORTS BY INVOLVED SCSO DEPUTIES

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SCSO deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

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While the involved SCSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SCSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Major Crimes Unit supervisor to assign appropriate investigative personnel to handle

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the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Major Crimes Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of SCSO deputies to determine conformance with department policy. The investigation will be conducted under the supervision of the Administrative Sergeant and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview (Government Code § 3303(g)).

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4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Administrative Sergeant shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.7.1 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

305.8 AUDIO AND VIDEO RECORDINGS

Any deputy involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or County Counsel's Office as appropriate.