
Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of a critical incident that occurs in the City of Redding involving a Redding Police Department employee where great bodily injury or a fatality occurs, or any incident declared by the Chief of Police as critical. In general, critical incidents do not include fatal or major injury vehicular accidents involving off-duty personnel, not performing a law enforcement function.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

It is the policy of the Redding Police Department to accomplish the police mission with the highest regard for the well-being of its officers and the people of the community it serves. It is understood that a shooting or critical incident is a traumatic event and often results from unpredictable and spontaneous incidents. Officers involved often are required to make instant decisions under difficult circumstances which will be subject to careful and thorough examination by the Department, the community, and other concerned citizens or agencies.

The provisions of this policy and use of the Multi-Agency Officer Involved Critical Incident (OICI) Protocol generally apply to all shooting incidents resulting in injury, suspected injury, or death, but may also be applied to any critical incident deemed appropriate by the Chief of Police or appropriate division commander.

Use of the OICI Team for weapons discharge not involving injury, suspected injury, or death will be at the discretion of a watch commander, division commander, or the Chief of Police, depending on the severity and circumstances of the incident.

304.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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Law enforcement agencies in Shasta County have a Memorandum of Understanding regarding Officer Involved Critical Incidents. The Shasta County Multi-Agency Officer Involved Critical Incident Protocol (see attached) shall be referred to in each of these instances.

304.5 INVESTIGATION PROCESS

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

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved RPD officer will be the officer-in-charge and should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

The Field Operations supervisor shall respond to all incidents of an officer-involved shooting, establish a command post, and ensure total containment of the immediate and surrounding area of the shooting scene as soon as it is tactically possible. The Field Operations supervisor shall:

- (a) Ensure that medical assistance has been summoned when necessary.
- (b) Secure the inner perimeter with crime scene tape or barricades whenever practical.
- (c) Establish an outer perimeter, when necessary.
- (d) Reassess and confirm the containment area.
- (e) Assign personnel to control entry and maintain a log. Any personnel entering the scene will write a formal supplemental report.
- (f) Ensure that no disruption of any evidence is permitted; i.e., weapons involved, ammunition, shell casings, police equipment, vehicles.
- (g) Have an officer make a listing of all vehicles in the area of the incident.
- (h) As soon as tactically possible, locate, identify, and isolate civilian witnesses.
- (i) Initiate a neighborhood canvass.
- (j) Identify all on-scene emergency personnel; i.e., fire, paramedics, medical and ambulance personnel, or other persons who have had access to the scene.
- (k) Assign an officer to be with the criminal suspect until relieved by an investigator.
- (l) Shall order the shooting officer to answer questions related to "Public Safety Scene Management." Questions such as the following are examples:

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1. How many shots were fired in what direction, and
 2. Are there any other suspect/outstanding weapons? If so, describe, and
 3. What direction of travel did the suspects flee? Vehicle description?
- (m) Obtain a general account of the incident and actions taken to brief responding investigators and watch commanders. This information should be obtained from non-involved witness officers or any non-shooting involved officers. This information should not be obtained from any involved shooting officer.
- (n) In the absence of the watch commander, establish a temporary Press Information Officer. All press information will be coordinated with the Press Information Officer at the press information center outside the outer perimeter.
- (o) Brief the watch commander or O.I.C.I. Team leader upon arrival.

304.5.3 WATCH COMMANDER RESPONSIBILITIES

A watch commander will respond to all officer involved shootings and ensure coordination of on-scene activities until the situation has stabilized and the O.I.C.I. Team is initiated.

304.5.4 O.I.C.I. TEAM RESPONSIBILITIES

- (a) To provide the Chief of Police and command staff a briefing on the circumstances surrounding the incident as soon as sufficient details are known or as directed.
- (b) To conduct a complete criminal investigation.
- (c) In cases of death, notify the coroner pursuant to Death Investigations Policy
- (d) To notify the District Attorney.

304.5.5 NOTIFICATIONS

The following Departmental notifications will be made in all instances of intentional/accidental weapon discharge involving an injury, suspected injury, or death. The on-duty watch commander or ranking supervisor shall ensure the following notifications are made:

- (a) The Chief of Police;
- (b) The Division Commander of the involved officer;
- (c) The Investigations Division Commander;
- (d) The Departmental Officer Involved Critical Incident Team (O.I.C.I.) consisting of one police lieutenant, one sergeant, and support personnel as needed.

304.5.6 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - (a) Requests from involved non-RPD officers should be referred to their employing agency.

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- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved RPD officer. A licensed psychotherapist may also be provided to any other affected RPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

In cases involving injured officers, a non-involved police officer will be assigned by the Field Operations supervisor to accompany any injured officer(s) to the hospital. The accompanying officer is not to conduct an investigation by questioning but merely be available for moral support and assist the shooting officer in attending to personal needs.

The assisting officer will ensure that evidence, such as torn clothing, etc., is properly preserved. If practical, the injured officer's weapon and leather equipment will be obtained from them prior to transportation to the hospital and secured for the Department's evidence technician.

- (a) The accompanying officer will remain with the shooting officer until relieved by a Department Peer Support officer.
- (b) Whenever possible, notification of family members will be done by the officer involved. The watch commander of injured officer(s) shall arrange for transportation of family members and other support services as necessary.
- (c) Upon release from the hospital, injured officer(s) will be issued a weapon and leather gear until their personal equipment is available for release.
- (d) Upon release of a non-injured officer from the scene by the O.I.C.I. Team, a Peer Support officer will be assigned to transport the officer(s) involved to the Police Department and stay with him/her until relieved.
- (e) The Peer Support officer is not to conduct an investigation by questioning but merely be available for moral support and assist the officer in attending to personal needs.
- (f) Upon arrival at the Police Department, the involved non-injured officer(s) will have their leather gear, weapon, and possibly uniform collected by an assigned I.D. Technician. The Peer Support officer is responsible for reissuing a replacement

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weapon and leather gear. The serial number of the replacement weapon should be reported in writing to the involved officer's division commander.

- (g) The Peer Support officer will make a telephone available to the involved officer for notifying family and/or contacting legal counsel.

Administrative leave, psychological or medical support services are to be provided consistent with the existing Memorandum of Understanding with the Peace Officers' Association, Police Managers Association, and other City policies. The Chief of Police will grant a minimum of three (3) days paid authorized leave of absence to the officer(s) who actually did the shooting when injury or death occurred. Paid leave may also be extended to other employees at the discretion of the Chief of Police depending upon the circumstances.

304.6 MULTI-AGENCY OFFICER INVOLVED CRITICAL INCIDENT TEAM

304.6.1 ACTIVATION PROCEDURES

- (a) The agencies participating on this team are Redding Police Department, Shasta County Sheriff's Office, Shasta County Marshal's Office, California Highway Patrol, Whiskeytown National Park Service, Anderson Police Department, Department of Fish & Game, Shasta County Probation Department, Redding Parole Unit, Bureau of Narcotic Enforcement, and the Shasta County District Attorney's Office.
- (b) When an incident occurs within the Redding Police Department's jurisdiction that is within the guidelines of the Critical Incident Protocol, the on-scene commander shall notify the watch commander and the Field Operations division commander as soon as possible. If the watch commander or division commander is unavailable, the on-scene commander may make the decision to activate the Multi-Agency Critical Incident Team.
- (c) Requests should be made through the Services Division for the number of personnel and specific specialties needed, as well as the agency the personnel is requested from, i.e., from Shasta County Sheriff's Office, two investigators, and one ID tech. Depending on the nature of the incident, the incident commander shall request only the number of personnel needed to supplement the Redding Police Department's investigative team.
- (d) When an incident occurs in another jurisdiction that is a participant of the Officer Involved Critical Incident Protocol, the outside participating agency may contact the Redding Police Department on-duty supervisor or watch commander with a request that the Redding Police Department Officer Involved Shooting Team participate in an inter-agency investigation. The on-duty supervisor will verify the number of Redding Police Department personnel needed and their specialties. The supervisor will then notify the watch commander and Field Operations division commander of the request. Approval of the request may be authorized by the on-duty supervisor if a superior officer cannot be contacted.
- (e) The Officer Involved Critical Incident Team members are entered in the computer system according to their team member specialties. Agency contact persons are indicated. These persons will be contacted by the Redding Police Department

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Services Division. The contact person will be responsible for calling out that agency's requested team members.

304.7 CRIMINAL INVESTIGATION

The Officer Involved Critical Incident Team is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews.

The following shall be considered for the involved officer:

- (a) RPD supervisors and Administration Division personnel should not participate directly in any voluntary interview of RPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)).
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.7.1 REPORTS BY INVOLVED RPD OFFICERS

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

While the involved officer 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 officer 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.

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304.7.2 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, officers 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.

304.8 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 RPD officers to determine conformance with Department Policy. The investigation will be conducted under the supervision of the Administration Division and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. For further see the City of Redding Substance Abuse Policy
- (b) If any officer 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 officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if

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any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

- (c) In the event that an involved officer 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 officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. (Government Code § 3303(i)).
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 4. The officer shall be informed of the nature of the investigation. If an officer 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 officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 5. The Administration Division 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 Chief of Police through the Division Commander.
 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.9 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.

304.10 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, 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

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to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

304.11 DEBRIEFING

Following an officer-involved shooting or death, the Redding Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

304.11.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Peer Support Program Manager or designee is responsible for organizing the debriefing. For further see the CISD policy.

304.11.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.12 REPORTING

If the death of an individual occurs in the Redding Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Field Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).