GENERAL ORDER

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EFFECTIVE: 1 January 2011

REVISED: 20 June 2011

SUBJECT: Officer Involved Shootings/Lethal Incident Investigations

ISSUED BY: Fernando Solorzano

I. PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shootings or incidents resulting in the death or serious injury of persons possibly resulting from police actions.

II. POLICY

It is the policy of the CSU Long Beach Police Department that officer-involved shootings and incidents resulting in serious injury or death be investigated with the utmost thoroughness, professionalism, and impartiality to determine if officer actions conform with the law as well as Departmental policy.

III. PROCEDURES

A. Involved Officer(s)

(a) The officer(s) involved shall take all necessary steps to minimize personal danger and danger to the public.

(b) As soon as safety permits the officer(s) shall notify Communications of the nature of the incident and the location.

(c) As soon as safety permits officer(s) shall assure that medical aid is requested for injured individuals.

(d) Witnesses and involved parties are to be advised to remain at the scene and refrain from discussion of the incident until investigators arrive to conduct interviews. Integrity of the crime scene and evidence shall be maintained.

(e) Brief the on-duty supervisor as to the circumstances of the incident.

(f) As soon after the incident as possible, officer(s) involved shall prepare a written report, fully explaining the circumstances of the incident. The report may be supplemented to a "Criminal Report" or placed on a "Non-Criminal" report form if no reportable criminal act occurred in our jurisdiction. The reports shall be turned over to the Officer-In-Charge of the investigation.

The report shall be completed in the following sequence and contain the following information:

(1) Name and badge number(s) of the officer(s) directly involved in the incident.
(2) Date and time of occurrence.
(3) Location of occurrence.
(4) Type, caliber, and serial number of firearm(s) discharged.
(5) Type and caliber of ammunition fired.
(6) Number and direction of shots fired.
(7) Description of object fired at. (If a person, give name, race, sex, DOB, etc., if known).
(8) Whether or not the object fired at was moving, standing, or barricaded and direction of travel if in a vehicle.
(9) Whether or not the officer was moving in a vehicle, standing, running, barricaded, etc.
(10) Results of the shot(s) fired (extent of wounds, other objects stuck, etc.).
(11) Names of supervisor, commanders, and investigative personnel responding to the scene.
(12) Other pertinent information concerning the incident written in narrative form; to be included are the reasons for the use of the firearm, etc.

(g) Officer(s) involved shall be available for official interviews regarding the incident, and shall be subject to reasonable recall to duty at any time.

B. On Duty Supervisor

The on-duty Watch Commander is to:

(a) Immediately respond to the scene of the incident and determine the welfare of all involved parties.

(b) Be responsible for command at the scene and protection of the scene evidence until arrival of the Officer-In-Charge of the investigation.

(c) Establish a command post to coordinate the investigation.

(d) Authorize the dispatcher to begin notification of:

(1) Investigative Services Unit
(2) Chief of Police
(3) Field Services Division Commander
(4) Support Services Division Commander

(e) Cordon off area, if possible.

(f) Remove all unauthorized persons, obtaining names, if appropriate.

(g) Assure all involved officers retain their weapons secured into their holsters when safe to do so. The Officer-In-Charge of the investigation will take custody of weapons involved, preferably once back at the station. No officer(s) will be rendered unarmed because of the preservation of evidence unless conditions warrant, and only when the officer(s) are provided a security detail. The Chief of Police shall decide if the involved officer(s) may be issued replacement weapons immediately, or in later stages of the investigation. If the weapon used is a Departmental long gun, the shift supervisor will immediately take the weapon into custody

(h) Assure all involved persons and witnesses are identified.

(i) Brief upon their arrival or request:
(1) The Officer-in-Charge of the incident investigation team, if assignment has been made.
(2) Any additional police administrator or police command rank officer requiring information on the incident.

(j) Unnecessary interrogation of the officer(s) shall be avoided, except for a public safety statement.

(k) Determine if additional officers are required to adequately respond to normal police calls for service.

(l) Prepare the detailed report in cases in which the involved officer sustained an injury in the incident that prevent the officer from completing the report.

(m) Complete a written report to document supervisory action. If the circumstances are such that the continued presence of the involved officer(s) at the scene might cause a more hazardous situation (i.e. crowd gathering, extreme stress on involved officer) the ranking officer on the scene shall have the discretion of transferring involved parties to Department facilities. The responding investigators and administrators shall be notified.

C. Incident Investigator (Investigative Services Unit)

Following appointment by the ranking Police Administrator on scene the Investigator will:

(a) When notified of incident and call-out respond quickly to the scene and take control of the investigation.

(b) Request/assign other officers as necessary to assist in the completion of the investigation.

(c) Take control of evidence at the scene

(d) Follow up on the initial report(s) filed by officers at the scene.

(e) Follow up on interviews of involved parties and witnesses.

(f) Coordinate with the Los Angeles County District Attorney's Office and/or Long Beach Police Department in support of their investigation in the matter.

(g) Maintain all written statements and/or reports in a single case file.

(h) Prepare and maintain a final written report on the investigation.

(i) Deliver a final copy of the written report as well as copies of any supporting documents and report to the Chairperson of the Incident Board of Inquiry.

D. Police Administrator

The highest command rank officer responding will:

(a) Respond promptly to the scene of the incident and obtain briefing information from the supervisor.

(b) Meet with the involved officer(s) and express the Department's concern for their welfare.

(c) Be responsible for notification of the officer's family members the officer is either injured or killed. Wherever possible this notification will be made in person.

(d) Assure that accurate information concerning the incident is relayed to other Department officers. This shall be done in an effort to control rumors and incorrect information flow.

(e) Appoint an Officer-in-Charge to head the investigation of the incident.

E. Chief of Police

(a) The Chief of Police or designee will be the spokesperson for the Department for all information released to the media.

(b) Make a determination as to whether the officers involved in the incident resulting in the death or injury of another need to be:

(1) Placed on Administrative Leave With Pay
(2) Reassigned to administrative duties.
(3) Placing officer(s) on Administrative Leave or reassigning them of administrative duties is not intended to imply or indicate the officer(s) have acted improperly. Rather it is done solely at the discretion of the Chief with the best interests of the officers(s), the community, and the Department in mind.

(c) Review the incident case file and findings of the Incident Board of Inquiry.

(d) At the discretion of the Chief, assign additional investigation and review of the incident as needed.

(e) Render a final decision on whether the actions of the involved officer(s) were within established policy and the Rules and Regulations of the Department.

(1) If the case is determined to be within policy, the internal investigation will be closed.

(2) Cases in which the involved officers is found to have failed to comply with Department policy or Rules and Regulations, the Chief will determine and initiate appropriate disciplinary action.

(3) The Chief of Police will inform the involved officer(s) in writing of the final disposition of the investigation. Officer(s) who are subject to disciplinary action have the right to appeal as outlined in Section 800.5 of this manual

(f) The Chief may, at their personal discretion, have the case reviewed by another law enforcement agency and will review the case with the District Attorney.

F. Los Angeles County District Attorney's Office / Long Beach Police Department

The Los Angeles County District Attorney's Office and/or the Long Beach Police Department shall investigate officer involved shootings or in-custody deaths to determine whether any violation of criminal law may have occurred. This includes:

(a) An officer, on or off-duty, shoots and injures any person during the scope and course of employment;

(b) An individual dies while in the custody or control of an officer or the Department where the use of force may be approximate cause of death.

G. Incident Board of Inquiry

(a) To aid the continuing evaluation of policy, procedure, and training, the Board of Inquiry will review all incidents as directed by the Chief of Police.

(b) The Board of Inquiry should be convened within 5 working days following completion of the incident investigation. The Board of Inquiry should consist of:

(1) The Support Services Division Commander
(2) At least one Department Supervisor of the rank of Sergeant or above
(3) At least one member of the Department Range Staff.

(c) The Board shall direct its review toward the issues of proper police procedures, officer's judgment and other alternatives open to the involved officer(s).

(d) The Board will review all findings and documents for adherence to Department Rules and Regulations. After reviewing the entire case, the Board will make a determination falling within the following categories:

(1) **Within Policy** - The officer acted within the policies and procedures established by the Department.
(2) **Within Policy/Substandard Officer Performance** - This ruling indicates the officer was acting within policy, however, if proper procedures had been followed from the beginning of the incident, it would not have evolved to the point that the officer was injured or a firearm was discharged.
(3) **Out of Policy** - This ruling indicates an identifiable violation of Department policy and/or procedure occurred which resulted in the discharge of a firearm or injury and could or should have been avoided.

(e) The recommendation from the Board of Inquiry should be unanimous. When a unanimous decision can not be reached, a majority/minority decision will be forwarded.

(f) The chairperson of the Board will prepare a report on the Board's decision and forward it with the case file to the Field Services Division Commander.

(1) The report is to contain any recommendations for changing/updating the Department training available to the officers.

(g) The report shall be completed and submitted by the Field Services Division Commander within ten (10) business days of the incident, unless an extension is approved.

H. Field Services Division Commander

The Field Services Division Commander will be responsible for

(a) Initial review of the findings by the Incident Inquiry Board. The report and case file forwarded by the Board will be reviewed to determine if:
  (1) Department rules, policy or procedures were violated;
  (2) The relevant policy was clearly understandable and effective to cover the situation;
  (3) Department training is currently adequate.

(b) Create a written report on the findings of policy violations or training inadequacies.

  (1) The Field Services Division Commander should conduct a written, documented analysis of all use of force reports to determine patterns or trends that could indicate training needs, equipment upgrades and/or policy modifications.

(c) Forward the Inquiry Board report along with the review to the Chief of Police for final resolution and/or disciplinary action.

I. Post Shooting Stress

The nature of a shooting incident can cause a great amount of psychological stress. In an attempt to alleviate this stress, a psychologist approved by the Department, will be available to any member of the Department who has been involved in a shooting incident, as the victim of an assault with a firearm or as a witness. Officers involved in shootings will be permitted to use up to five (5) days administrative leave.

A psychological debriefing will be mandatory for any officer who:

(a) Discharges a firearm at another person, injuring or killing the person.
(b) Is injured as the result of being shot.

The Department shall make every reasonable attempt to reduce post shooting stress on involved officers.

All police officers must remember:

IF YOU ARE SHOT, YOU DO NOT HAVE TO DIE.

Officers must be mentally and emotionally prepared to cope with the aftermath of a shooting. Prepare yourself in advance to fight back and go on living in the event you are shot.

APPROVED