



Officer-Involved Shooting: What Happens Next?

The purpose of this training bulletin is to inform department members of what they may expect as the officer-involved shooting investigation progresses. Most department members will go their entire career without having to fire their weapon outside of training. For those department members who need to resort to the use of deadly force in defense of themselves or others, the weeks and months after the incident can be a period of anxiety and uncertainty.

You are involved in a shooting:

When an OIS occurs, the following actions will take place:

- The scene will be secured
- Medical attention will be provided to anyone injured
- You will be asked for your "Public Safety Statement"

Public Safety Statement: As outlined in Section 51 of the Field Operations Manual, your sergeant will ask you questions pertaining to: how many rounds were fired, the direction of fire, the suspect's description, are there any outstanding suspects, are there any hazards, any other questions which may help in apprehending the suspect or ensuring the safety of department members and citizens. You will not be asked to explain your actions in deciding to fire your weapon.

The on-scene supervisor will contact the Department Commander, who will make notifications per protocol.

- The Department Commander will contact AOCDS and/or OCEA

You will be transported to a safe secondary location away from the shooting scene (Generally a sub-station or City Hall).

At the secondary location:

Your immediate needs will be addressed: food, drink, time to call your family, restroom, etc.

Your union representative will meet with you. Your representative will be acting on behalf of the attorney your union has on retainer for you. Any conversations you have with your representative are considered privileged communication.

A department contracted licensed mental health professional will meet with you to normalize reactions, set expectations, provide information, discuss healthy coping methods, and identify any additional support that may be needed.

The firearm used will be collected as part of the OIS investigation. A representative from the Training Division will provide you with a replacement handgun. If the firearm used was a rifle, you will be provided with a replacement rifle at the armory. Replacement weapons must be qualified with prior to use on duty.

Investigators will respond and schedule an interview with you (Generally three days after the shooting).

OCSD Peer Support will respond and offer their assistance, support and resources.

*Speaking with Peer Support is strictly voluntary. Though your communication with Peer Support Team Members is confidential, any conversations you have with them will **NOT** be considered privileged communication.





Who Responds to an Officer-Involved Shooting:

- OCSD Homicide
- OCDA Investigators
 - If the suspect is hit by gunfire, the OCDA's Office is the lead investigative agency. If the suspect is fired upon, but **NOT** hit, the entire OIS is handled by OCSD Homicide.
- OC Crime Lab
- OCSD SAFE Division Administrative Response Team (ART)
- OC Coroner (If suspect dies)
- OCSD Public Affairs & Community Engagement (PACE)
- Office of Independent Review (OIR)
- AOCDS and/or OCEA Representative
- Contracted Licensed Mental Health Professional
- OCSD Peer Support

What to expect in the days following the shooting:

- You will be off work for three days after the shooting.
- The investigative team will interview you. The investigation into the shooting is considered a criminal investigation and your constitutionally protected rights apply.
- You will meet with a mental health professional and barring any extraordinary circumstances; you will be cleared to return to work.
- OCSD Technical Investigations Unit investigators will meet with you and initiate a threat assessment for your safety.

The Role of OCSD Homicide and Internal Affairs after an Officer-Involved Shooting:

HOMICIDE: In all officer-involved shootings where the suspect is hit, OCSD Homicide investigators respond and initiate a separate and parallel investigation to that of the District Attorney's Office. The focus of Homicide's investigation is the criminal conduct of the involved suspect(s) that led to the shooting. If the suspect dies as a result of the shooting, Homicide will not conclude their investigation until the DA's Office has concluded theirs. If the suspect is shot but survives, then Homicide's investigation may be concluded before the DA's.

INTERNAL AFFAIRS: Most officer-involved shootings result in an examination by an Administrative Review Board (ARB) which could lead to a Personnel Investigation (PI). The focus of the ARB and PI are to verify that OCSD policy was adhered to during the shooting. These are administrative investigations, and you will be required to answer questions pursuant to *Lybarger v. City of Los Angeles* (40 CAL. 3d 822, 1985). However, the one-year time limit for the conclusion of internal affairs investigations outlined in the Peace Officer's Bill of Rights (POBR) is suspended for officer-involved shootings, while the criminal investigation is pending.

The Administrative Response Team (ART) are personnel of the SAFE Division who assemble and respond to Member-involved shootings and other significant incidents and events on behalf of the Sheriff and Executive Command to conduct administrative assessments based on the facts of the incident.

The ART may be comprised of Internal Affairs Bureau personnel. However, their response to an incident is in a separate capacity. They are not present to conduct a personnel investigation and/or related administrative interviews, unless otherwise directed by the Sheriff's Executive Staff.





The purpose of the ART is to evaluate significant incidents and events from an administrative perspective and identify possible policy-related concerns, risk management and liability issues, training concerns, force and force options, tactics, supervisory involvement/control, equipment issues and other administrative factors.

The Role of OCSB Special Investigations Bureau after an Officer-Involved Shooting:

The OCSB Special Investigations Bureau – Technical Investigations Unit is responsible for investigating threats against county employees and assessing their validity. After you are involved in a shooting, Technical Investigations Unit investigators will meet with you to discuss the potential for threats and provide recommendations to you regarding your general safety and use of social media. They will also check social media and open-source information for threats against you, your family, or other law enforcement officers. The Technical Investigations Unit's role is to keep you and your family safe. They are not involved in the investigation of the shooting and will not discuss the shooting with you.

In the days after an officer-involved shooting, the department can expect Public Records Act (PRA) requests for release of the name(s) of the department member(s) involved in the shooting. Absent a credible threat to your safety, the department will release your name to the media. Technical Investigations Unit investigators will continue to monitor the situation and investigate any threats made. If necessary, Technical Investigations Unit investigators will help facilitate moving you and your family to a safe location until the threat has been mitigated.

The Role and Responsibilities of a Supervisor after an Officer Involved Shooting:

- A supervisor will obtain a "Public Safety Statement" as soon as practicable.
- Identify personnel involved in OIS and arrange for them to be transported to a secondary safe location.
- Establish a crime scene and command post.
- Determine when to deactivate ICV and BWC at scene.
- Make announcements through Dispatch to memorialize pertinent events including time of deactivation.
- Delegate needed responsibilities as necessary (e.g., canvassing area for additional victims or evidence, securing crime scene, maintaining chain of custody of evidence)

Things to Remember:

An officer-involved shooting can be the most stressful event of a department member's career and the investigation that follows can be lengthy. Department members need to be aware of the fact that their actions prior to, during, and after a shooting will be scrutinized by the media and the public. Department members are reminded to respect the investigative process and are encouraged not to discuss the incident with uninvolved parties and use common sense when using social media.

