

# **Officer Involved Shootings**

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# Definition

- An Officer Involved Shooting (OIS) is anytime an officer intentionally discharges a firearm at another person, whether they are injured or not
  - Homicide supervisor and detectives respond
- Firearms Discharge includes incidents where an officer discharges their firearm at an animal or in an unintentional manner
  - Homicide supervisor and patrol respond

# Investigations

- Each OIS triggers three investigations within LBPD
  - An investigation on the officers involved for submission to the DA for legal/criminal review
  - A separate criminal investigation of the suspect(s)
  - An administrative investigation against the officer(s) involved
- Independent District Attorney (DA) investigation on hit OIS incidents
- Independent Coroner investigation if the OIS results in a death

# Officer Involved Shooting Response

- An OIS creates a response from multiple areas of our department and other agencies depending on the circumstances

Patrol Response

Homicide Response

Command Staff Response

Forensic Science Services

PIO

District Attorney

Coroner

# Patrol Response

- After the OIS has occurred patrol officers will
  - Seek medical attention for anyone injured
  - Identify and arrest any suspects
  - Secure each crime scene to ensure evidence is not disturbed
  - Separate involved officers and assign a peer officer
    - Peer is an employee of equal rank who was NOT involved in the incident
  - Locate and interview victims and witnesses
  - Locate any video evidence

# Homicide Crime Scene Response

- Minimum of 2 detectives, a Sergeant and a Lieutenant
  - More detectives respond based on the complexity of the investigation and number of scenes or witnesses
- Homicide is in charge of all aspects of the investigation
  - Identifying evidence to be collected
  - Interviews
  - Crime scene management

## Command Staff Response

- The Watch Commander responds to each OIS
  - Ensures each involved shooting officer is separated and placed with a peer officer
- Senior Command Officer responds to the scene and oversees the event

# Forensic Science Services Division

- We only get ONE chance to document the original crime scene(s)
- Working in conjunction with Homicide, FSSD:
  - Photographs the scene
  - Collects evidence, which may include blood, fingerprints, DNA, etc
  - May utilize laser scanner and HDR 360 camera to document the scene
  - Conduct ballistic analysis

## District Attorney

- DA responds to all hit OIS incidents
- Conducts independent investigation, which provides oversight and accountability
- Allowed to walk through all crime scenes and view all evidence
- Conducts interviews of all civilian witnesses
- On a fatal OIS attends the autopsy
- LBPD turns over all police reports, audio, video to the DA
  - Conducts additional investigation if requested by the DA

## Coroner

- Responds on all fatal OIS – Conducts independent investigation surrounding the death of the individual
- Once someone dies, it is a crime to touch/move a body that falls under the jurisdiction of the coroner
- We do not cover a deceased person with a blanket or other objects which could introduce new evidence to a scene
  - We have new body barriers we can now use at a scene once homicide arrives and reviews potential evidence contamination concerns

## Coroner

- Responsible for determining cause of death
- Responsible for notifying the next of kin once identification has been confirmed
- Conducts a forensic autopsy of the deceased, including toxicology and wound trajectory
- Provides report to LBPD and DA which typically takes 4-8 months
- Once LBPD and DA have this report it can require additional investigation

## Coroner Security Hold

- Homicide may place a security hold on a case to prevent crucial information from being made public
  - Security holds help protect critical information that a suspect may know or a witness may have seen to prevent their statement from being influenced by media reports
  - The security hold is only placed on the case, not the body

## PIO

- Works with Homicide to obtain what facts can be presented to the public, keeping in mind future prosecution and employee rights at the time of the incident
- Prepares the final press release for approval by Homicide
- Competing interests are always present
  - Media/Publics' right to know
  - Influencing future witness/victim interviews
  - Future prosecution/influencing the jury pool

## Homicide – At the station

- Involved officer is photographed as they were at the time of the incident
- Their weapon is taken and tested at our crime lab
- Officers generally file a voluntary statement of the incident
- The reports are reviewed by Homicide Detectives, Sergeant and Lieutenant
- Involved officer is referred to a psychologist and provided information about their work assignment

# Homicide – The Day After

- Homicide Detectives continue the investigation which may include:
  - Searching for outstanding suspects
  - Returning to the crime scene
  - Searching for additional witnesses and video
  - Writing and serving search warrants
  - Preparing any criminal charges against a suspect and presenting them to the DA
  - Reviewing and approving reports
  - Submitting evidence for forensic analysis
  - Work with the PIO to release additional known facts that won't compromise the investigation

## Critical Incident Debrief (CID)

- CID is scheduled within the first week of the incident
- Homicide supervisor presents the facts to the Chief and command staff along with subject matter experts (SME)
- Homicide presents fact only, no opinions
- Chief reviews the preliminary facts including:
  - Tactics
  - Equipment
  - Department Policy

# Critical Incident Debrief (CID)

- Projects are issued
  - All officers are sent to the academy for a debrief where areas for improvement and lessons learned are identified
- Chief will determine whether the employee may return to field duty

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## Homicide – Weeks/Months after

- Review all video
- Review all evidence
- Evidence analysis reports will be completed and reviewed by detectives
  - Depending on the results it may require additional interviews or investigation
- On a Fatal OIS Coroner's report completed
  - Detectives review the autopsy, especially the forensic data such as bullet trajectory
  - Determine if any additional investigation is necessary

## Homicide – Weeks/Months after

- May create a scene recreation
- Serve search warrants
- Once all forensic, coroner, and investigative reports are completed, create a final investigative notebook
- On a hit shooting, send all reports, video, audio, photographs to the District Attorney for review
- Schedule a Shooting Review Board

# Shooting Review Board (SRB)

- Comprised of five voting members
  - Deputy Chief of Investigations
  - Chief of Police representative
  - Deputy Chief of the involved employee
  - Training representative
  - Peer member of equal rank to that of the involved employee
- Non Voting Members include our Tactical Operations Committee (TOC) who make recommendations to the Chief

# Shooting Review Board (SRB)

- Board members review reports, photos, video, audio of the incident
- Review of the incident includes Graham v Conner (US Supreme Court) analysis
- Board members vote on each individual employee and recommend whether the employee was in/out of policy
- Board members make additional recommendations related to:
  - The employee
  - The Department

## Policy and Case Law

- Board members review department policy and procedures which includes but is not limited to:
  - Use of force
  - Department shooting policy
  - Tactics
- Case law
  - Graham v Conner – U.S. Supreme court held that “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation”

## Policy and Case Law

- Graham v Conner – The US Supreme court also cautioned “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather with the 20/20 vision of hindsight”
- The courts ruling means we have to look at what the officer knew at the scene at that moment and not Monday morning quarterback based on all the facts that we know now

## Chief of Police Review

- The Chief receives the same presentation as the SRB, along with their recommendations
- The Chief makes a decision on policy and all recommendations
- Projects are issued to the department

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## Chief of Police Review

- If the Chief determines the officer may have violated policy, the case is referred to Internal Affairs
  - IA will conduct their investigation and take the case to the Chief and his executive team for a decision on whether the incident did in fact violate policy, and if so, what discipline will result

## Chief's Final Review

- Upon all projects related to an OIS being completed, Homicide audits them to ensure they are completed correctly
- Once that audit is completed, the case is taken to the Chief who reviews the case again and ensure all projects were completed to his satisfaction
- The case is then closed
- Each OIS is reviewed a minimum of four separate times before it can be closed



**Questions?**