

Officer-Involved Shooting Review

Analysis of Cases Reviewed by the San Diego
County District Attorney's Office

1993 – 2012



December 2014

BACKGROUND

Officer Involved Shootings are among the most thoroughly reviewed incidents in law enforcement. This report was prepared by the San Diego County District Attorney's Office (SDCDA) in order to assist law enforcement and the community in examining the statistics to better understand the dynamics of officer-involved shootings in San Diego County.

Previously, the SDCDA's Office collected and analyzed 11 years of data. That study was released in 2007 and included data from 1996 through 2006. The current report covers a 20 year period from 1993-2012 and a total of 358 Officer-Involved Shooting events. The majority of the information comes from reports compiled by law enforcement investigators, forensic analysts, and medical examiners. Some of the information is contained in the letters sent to law enforcement agencies by the SDCDA summarizing the facts and legal analysis of shootings. Some additional information was obtained from the various law enforcement agencies, in particular the San Diego Police Department's officer-involved shooting database.

Officer-Involved Shooting Reviews

The SDCDA has conducted reviews of all state and local officer involved shootings (OIS) in the line of duty by San Diego County peace officers since the mid-1970's. The role of the District Attorney's Office is to provide an independent review of all shootings and other use of deadly force, fatal and non-fatal, to determine if there is criminal liability. This review does not examine such issues as compliance with the policies and procedures of any law enforcement agency, ways to improve training, or any issues related to civil liability.

Upon completion of the SDCDA's review, where there is a determination the use of deadly force was justified, a letter summarizing the evidence, including statements of the deputy or officer and other witnesses, is written and delivered to the respective Police Chief or Sheriff. The time it takes for receipt of investigative materials, completion of the review, and issuance of the letter varies based on the complexity of the case, the forensic work necessary, and the length of time before the jurisdictional law enforcement agency completes its investigation and presents the case to the SDCDA. On average, for the 20 year period, the letter was sent 66 days after the incident occurred. The range of time from the OIS event until the completion of the SDCDA letter was from a low of 3 days to a high of 18 months.

Current SDCDA Protocol

The "Protocol for Investigation and Review of Officer Involved Shootings and Other Uses of Force Resulting in Death" memorializes the general protocol for the investigation of Officer Involved Shootings in San Diego County. It is signed by the District Attorney, the San Diego County Sheriff, the Police Chiefs and other leaders of law enforcement in San Diego County.

The Protocol focuses on the following areas:

- The jurisdictional agency immediately notifies the designated representative of the SDCDA.
- The SDCDA Investigator responds and contacts the supervisor in charge of the incident scene to receive a briefing and view the scene.
- The jurisdictional agency conducts the primary investigation of the incident.
- The jurisdictional agency provides a verbal briefing to the SDCDA within 3 days of the incident (if fatal).
- Upon completion of the investigation, the jurisdictional agency submits the entire case to the SDCDA for independent review.
- The SDCDA conducts the independent assessment and writes a letter summarizing the facts and legal conclusion.

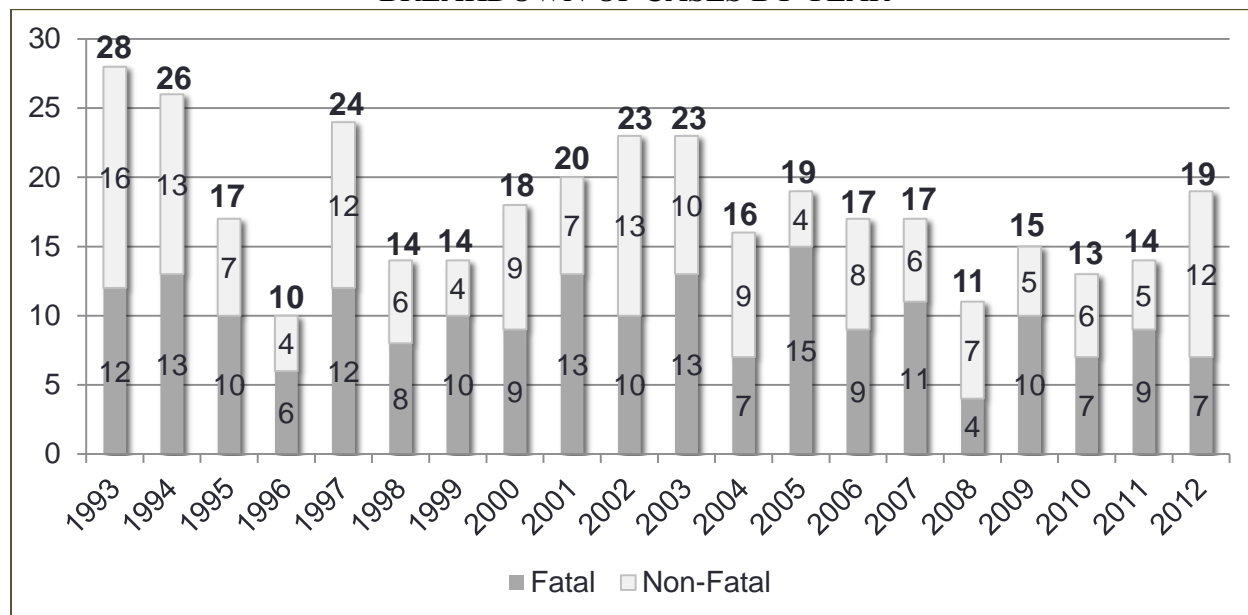
OVERVIEW OF THE DATA

From 1993 through 2012, the SDCDA investigated 358 OIS cases with 367 subjects shot.¹ Of the total shootings, 54% were fatal. The percentage of shootings in a given year that were fatal ranged from a low of 36% (2008) to a high of 79% (2005).

WHEN DID THE SHOOTINGS OCCUR?

Total cases per year ranged from a low of 10 in 1996 to a high of 28 in 1993, with an average of just under 18 per year.

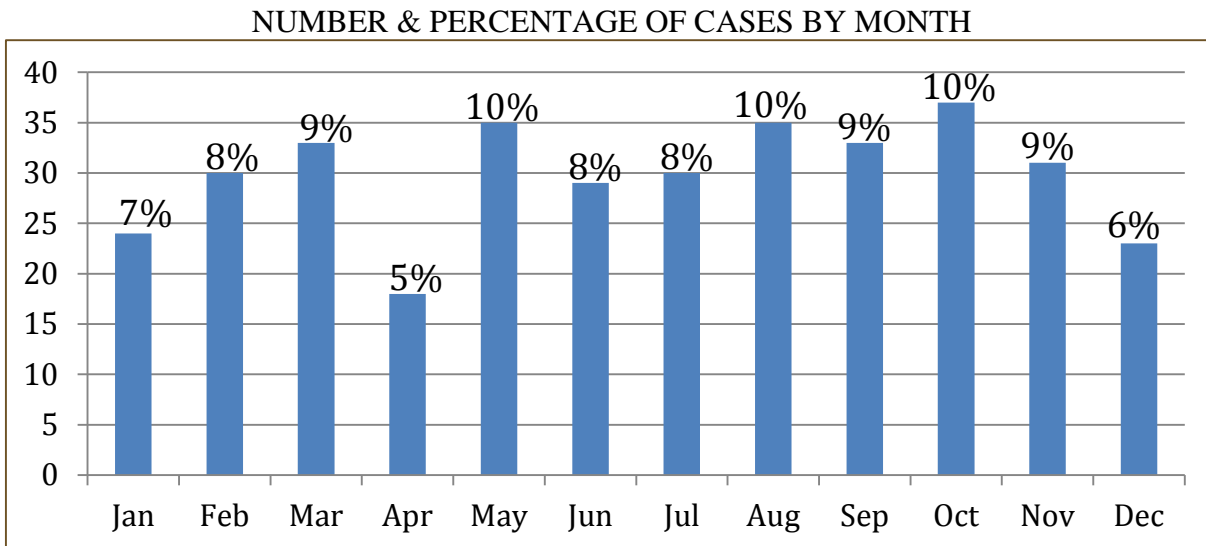
BREAKDOWN OF CASES BY YEAR



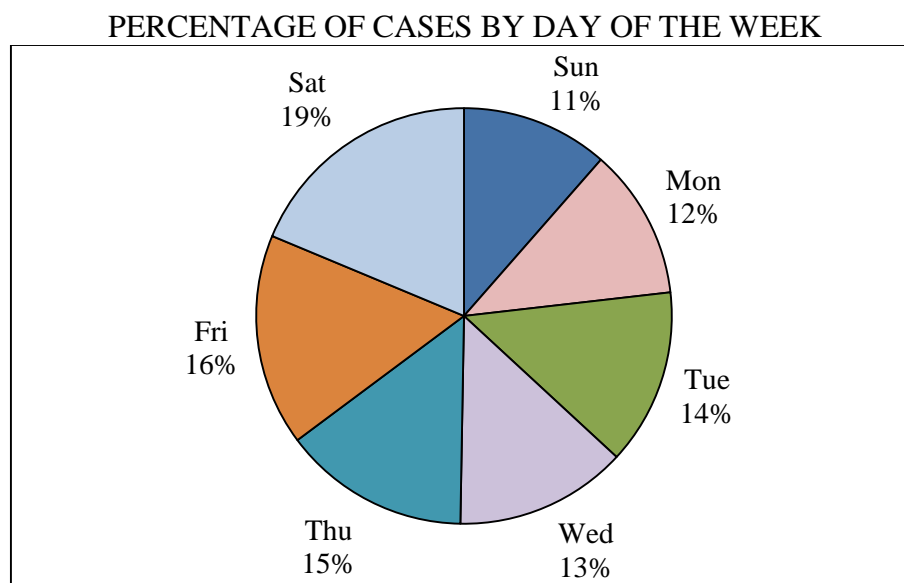
The number of cases *per month* also varied over the 20 year period, with a low of 18 (April) to a high of 37 (October) as shown in the graph below. The average number of cases per individual

¹ In 348 cases, there was 1 subject shot and in 10 cases, there were 2 subjects shot. A case was counted as fatal if one subject was killed. Of the 358 incidents, five cases had one subject killed as well as at least one other injured.

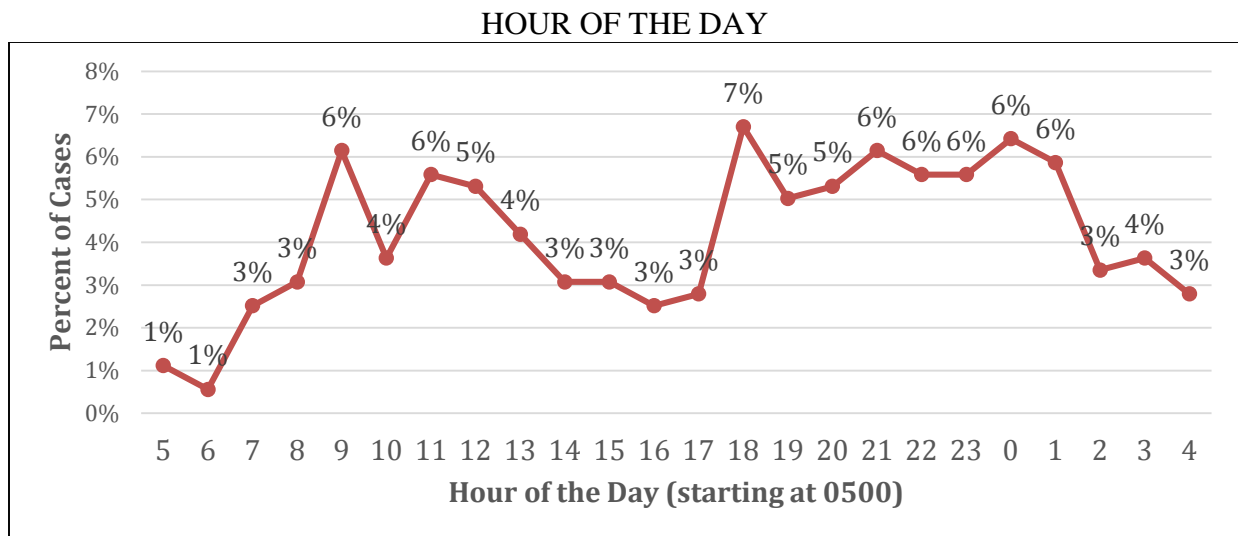
month was 1.5, with the highest month having seven (May 2002), and 58 of the 240 months (24%) having zero incidents.



Shootings were relatively evenly spread throughout the days of the week - the exception being Saturdays when nearly one-fifth (19%) of the shootings occurred. By contrast, the lowest day of the week was Sunday at 11%.



While shooting incidents occurred during all times of the day and night, over half occurred within an eight-hour block of night into early morning (from 5pm to 3am). Every hour from 9 pm through 2am had at least 20 incidents.



WHO WERE THE AGENCIES AND OFFICERS INVOLVED?

The San Diego Police Department (SDPD) was involved in just under half (48 %) of the cases, with the Sheriff's Department (SDSO) involved in 20%.² The following chart shows a breakdown of the number of cases for all agencies. The total does not add up to 358 because there were several cases with multiple agencies involved in the same shooting. The federal agencies listed below are included because they were involved with a local or state agency but were not the primary agency. OIS incidents that are solely federal law enforcement are not reviewed by the SDCDA's Office.

Agency	Cases	Agency	Cases
San Diego PD	184	CA DOJ BNE	2
San Diego Sheriff	75	DA's Office	2
El Cajon PD	20	Harbor PD	2
CHP	17	Coronado PD	1
Oceanside PD	16	San Diego Marshal	1
Escondido PD	15	San Diego Probation	1
National City PD	11	Costa Mesa PD	1
Chula Vista PD	10	Riverside Sheriff	1
La Mesa PD	7	UCSD PD	1
CDCR	5	U.S. Marine Corp	1
Carlsbad PD	3	U.S. NCIS	1
State Parks	3		

² SDPD and SDSO serve about 42% and 27% respectively of the County's population. (www.sandag.org)

Number of Officers Involved

Between 1993 through 2012, there were a total of 606 shooting officers. In 63% (224) of the cases, there was one officer who fired. There were two shooting officers in 22% (80) of the cases; three shooting officers in 8% (30) cases; and four shooting officers in 3% (12) of the cases. Of the remaining 12 cases, there were 3 cases with 5 officers, 4 cases with 6 officers, 2 cases with 7 officers and 1 case each with 9, 10 and 12 officers who shot.

Analyzing the number of officers present compared to the number of officers who shot and struck the subject, revealed that 24% of the time, the shooting officer was the only officer present. Further analysis is below:

	Number of Officers Shooting					
No. of Officers Present	1	2	3	4	5 or more	TOTAL
1	24% (85)					85
2	22% (77)	11% (39)				116
3	6% (22)	6% (20)	4% (13)			55
4	3% (11)	<1% (1)	1% (4)	2% (6)		22
5	2% (6)	1% (3)	1% (3)	1% (2)	1% (2)	16
6	1% (3)	1% (3)	<1% (1)	1% (2)	1% (3)	12
7	<1% (1)		1% (2)		1% (2)	5
8	1% (3)	<1% (1)	1% (2)			6
9				<1% (1)	<1% (1)	2
10 or more	1% (2)	1% (3)	<1% (1)		<1% (1)	7
UNK	4% (13)	3% (11)	1% (4)	<1% (1)	1% (3)	32
TOTAL	224	80	30	12	12	358

Officers and Civilians Injured/Killed

There was an officer killed or injured in 10% (36) of the incidents. Most of these were one officer killed/injured, but in three incidents, two officers were injured. In 5% (18) of the shootings, a civilian that was not the subject was shot and injured during the incident, and in 3% (11) of the incidents, a police canine was injured or killed.

Officer and Subject Demographics

In terms of the officers' assignments, the vast majority (87%) were patrol/uniformed officers.³ The remainder were split between tactical operations (e.g. SWAT) which had 5%, plain clothes with 4%, and off-duty accounting for 1% (with 2% unknown).

The age of the shooting officers involved in OIS was known for 274 officers. The age ranged from 21 to 63, with the average age being 35. The number of years on the force was known for

³ At the time of the study, the assignments were known for 595 of the 606 officers involved.

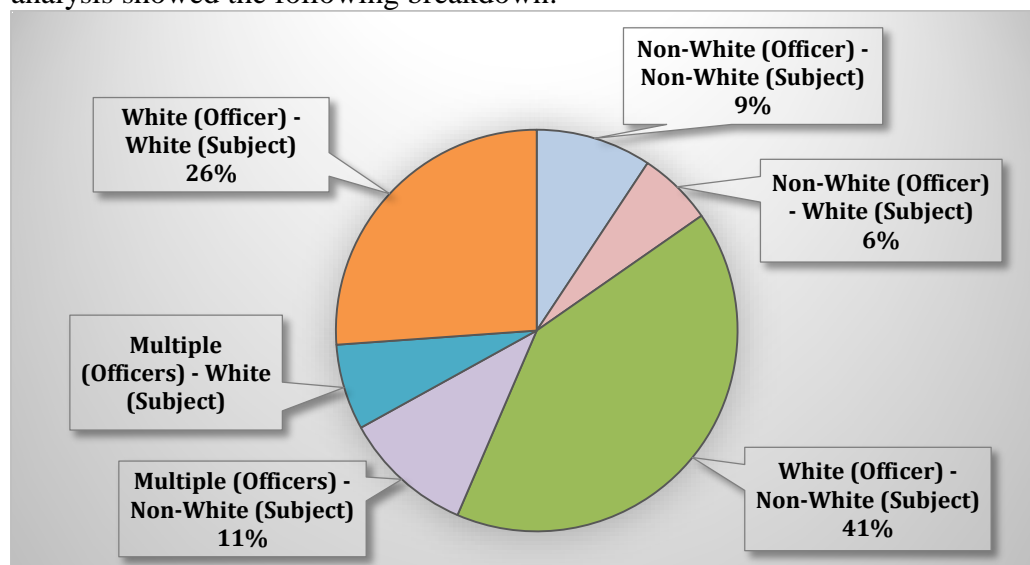
313 officers; ranging from less than one year to 41 years, with 9.4 years being the average amount of time on the force.

The race and gender breakdowns for officers (1st table) and subjects (2nd table) are listed below. There was one officer with unknown gender and race. Percentages may not add up to 100 due to rounding.

OFFICER RACE	Male	Female	Total
Asian/Filipino	3% (16)	4.5% (1)	3% (17)
Black	5% (31)	4.5% (1)	5% (32)
Hispanic	12% (71)	9% (2)	12% (73)
Pacific Islander	1% (3)	4.5% (1)	1% (4)
White	72% (418)	73% (16)	72% (434)
UNKNOWN	8% (44)	4.5% (1)	7% (45)
Grand Total	583	22	605

SUBJECT RACE	Male	Female	Total
Asian/Filipino	4% (13)	4% (1)	4% (14)
Black	20% (67)	8% (2)	19% (69)
Hispanic	37% (128)	21% (5)	36% (133)
Pacific Islander	1% (3)		1% (3)
White	35% (119)	67% (16)	37% (135)
Other/Unknown	4% (13)		4% (13)
Grand Total	343	24	367

Of the 335 shootings in which we know the race of both the officer(s) and the subject(s), the analysis showed the following breakdown: ⁴

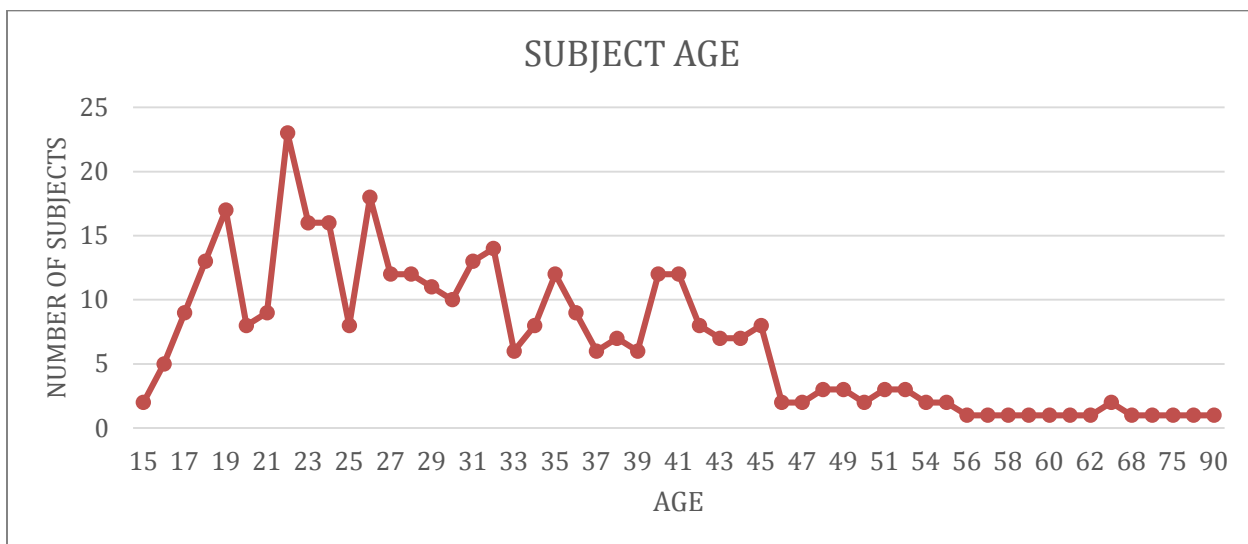


⁴ “Multiple” means there were multiple officers, and at least one was non-white. There were two cases with multiple non-white subjects, one with white officers and one with multiple-race, non-white officers.

Drawing conclusions from the above analysis is very difficult because of the lack of data about the demographics of the areas/subject population as well as demographics of the officers working in those areas. Additionally, the demographics of San Diego County as well as the demographics of law enforcement have changed over the 20 year study period.

Age of Subjects

Age was known for 360 subjects, 336 male and 24 female. The average age of all subjects involved in OIS was just under 32 years old, ranging from 15 to 90. Male subjects ranged in age from 15 to 90 with an average age also of just under 32. Female subjects ranged from 16 to 51 with an average age of 34. Over half (56%) of all subjects were between the ages of 18 to 32. The age distribution is shown in the chart below.



Other Subject Information

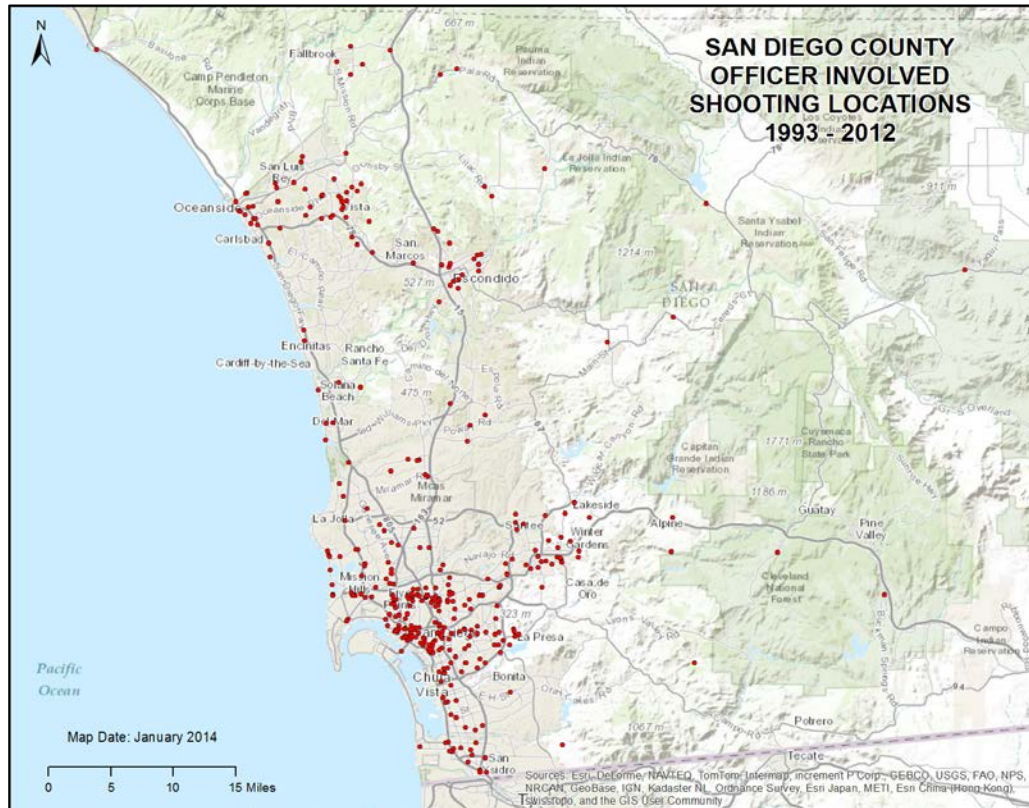
- Of the 304 subjects whose parole or probation status at the time of the shooting could be determined, 44% were either on probation or parole.
- The military status was known for 178 subjects. At the time of the incident, 89% were not in the military, 7% were former military, and 4% were currently in the military. Of the events involving subjects with previous military experience, 7 of the 13 incidents occurred prior to 2001.
- In 19% (67) of the incidents, the subject made statements or behaved in a way that was considered “suicide-by-cop” (meaning it appeared clear the subject wanted police to shoot him or her).

LOCATION OF INCIDENTS

While the shootings occurred all over San Diego County, just over half (54%) were in the City of San Diego. The remaining 164 included 48 (13%) in unincorporated County, 22 (6%) in Oceanside, 17 (5%) in Escondido, 15 each (4%) in Vista and El Cajon, and 11 (3%) in Chula Vista. The remaining cities each had less than 10. The specific cities and unincorporated communities are detailed below.

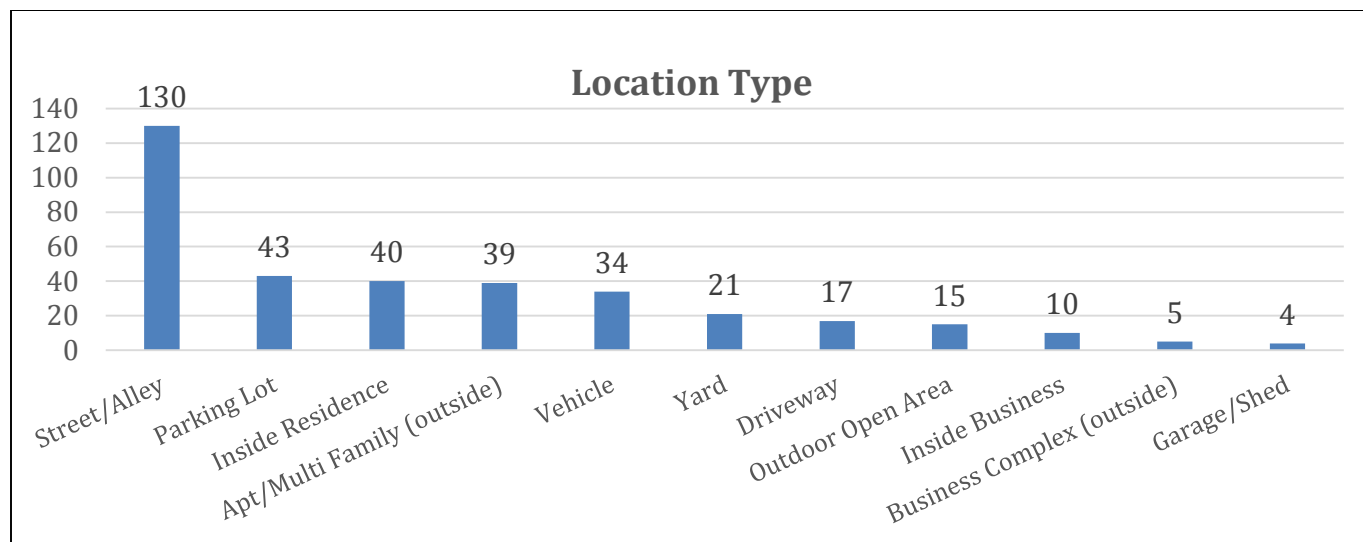
City/Community	Cases		City/Community	Cases
Alpine	2		Lakeside	5
Bonita	1		Lemon Grove	2
Bonsall	1		National City	9
Borrego Springs	1		Oceanside	22
Buckman Springs	1		Pala	2
Carlsbad	3		Pine Valley	1
Camp Pendleton	2		Poway	3
Chula Vista	11		Ramona	2
Descanso	1		Rancho Santa Fe	1
Dulzura	1		San Diego	194
El Cajon	15		San Marcos	2
El Cajon Unincorp	4		Santa Ysabel	1
Encinitas	2		Santee	5
Escondido	17		Solana Beach	2
Escondido Unincorp	2		Spring Valley	8
Fallbrook	5		Valley Center	3
Imperial Beach	1		Vista	15
La Mesa	7		Vista Unincorp	3
La Mesa Unincorp	1			

The following map depicts the specific locations of the shootings:



Nature of Incident Location

The nature of the location, meaning the physical setting where the OIS occurred, varied widely. Most were outdoors, with over one-third being in the street. In addition to the street, most other encounters occurred in public or open places as opposed to private locations.



OTHER CHARACTERISTICS OF THE SHOOTINGS

Use of Less Lethal Force

Immediately prior to the OIS, some officers used a less than lethal (LTL) option in an attempt to subdue the subject. In 80% of the cases (286), no LTL force was used prior to the shooting. For purposes of the study, less lethal force includes the items listed below but does not include attempts at physical restraint, control holds, verbal commands, etc. The following is a breakdown of less than lethal force items used and the frequency:

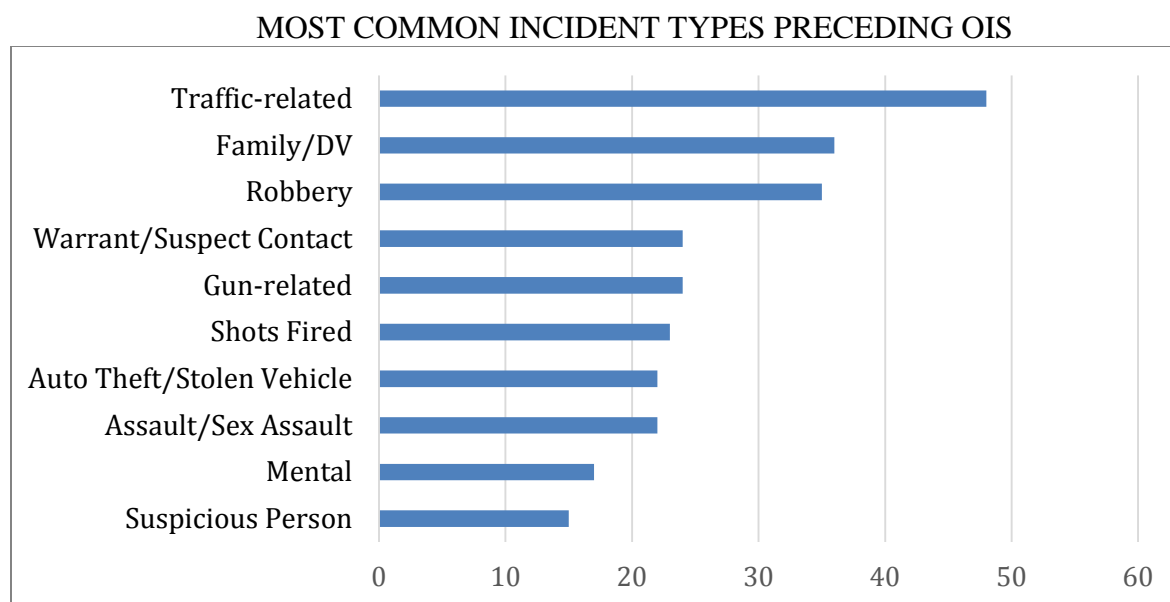
LESS THAN LETHAL USED	Total
Chemical Spray	24
K-9	17
Baton	10
LTL Shotgun	7
Taser	7
Baton & Chemical Spray	2
Baton, Taser & K-9	1
Baton, Chemical Spray, Taser, LTL Shotgun, Nunchakus	1
Chemical Spray & Nunchakus	1
Flashlight	1
Rubber Bullets & K9	1

Nature of the call

Family/domestic disturbance calls have long been among the most dangerous to law enforcement.⁵ Similarly, these calls are also one of the most frequent incident types that officers responded to just prior to an officer-involved shooting. However, the most common event preceding an OIS is traffic-related. Traffic-related includes traffic stops and other vehicle-related calls like drunk driving.

⁵ According to FBI statistics for Law Enforcement Officers Killed and Assaulted (<http://www.fbi.gov/about-us/cjis/ucr/leoka/2012>) in the State of California, approximately 8,000 officers were assaulted in 2012 and between 2 and 6 killed each year from 2003-2012. Domestic disturbance calls were the number one crime type for assaults on an officer. The three most common crime types preceding an officer being killed were traffic stops, domestic disturbances, and robberies.

The following chart depicts the 11 most common incident types (those with 15 or more incidents) preceding a shooting. “Gun-related” means the call was for someone displaying, brandishing, threatening with or shooting a gun.



Nature of the Initial Contact

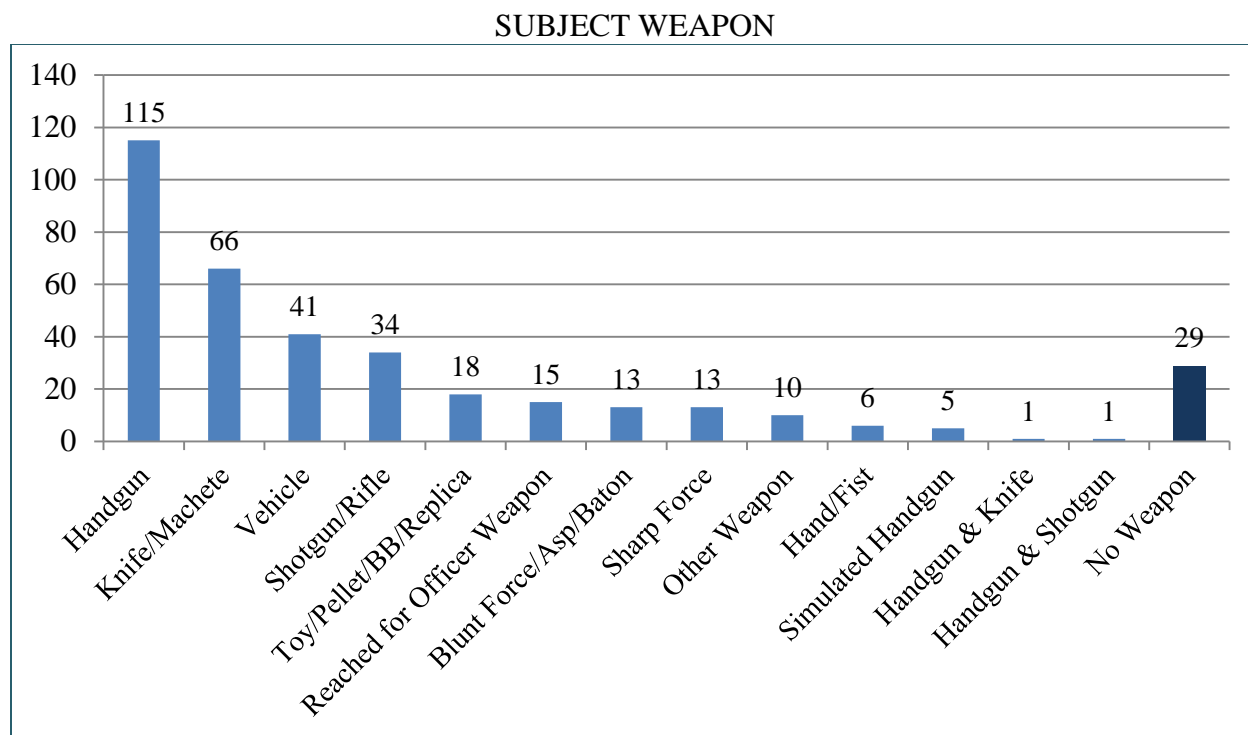
The “initial contact type” explains how/why the officer was at the scene. In just over half of the cases (58%), the source of the initial contact was a radio call. In other words, citizens were contacting the police via 911 or a non-emergency number (versus being self-generated contacts). An additional one-third were self-initiated by the officer which includes patrolling and making traffic and pedestrian stops. “Citizen Contact” is if a person contacted the officer directly.

INITIAL CONTACT TYPE	COUNT
Radio Call	209 (58%)
Self-Initiated	116 (32%)
Investigation	22 (6%)
Citizen Contact	9 (3%)
Other	2 (<1%)
Grand Total	358

Subject Weapon/Actions

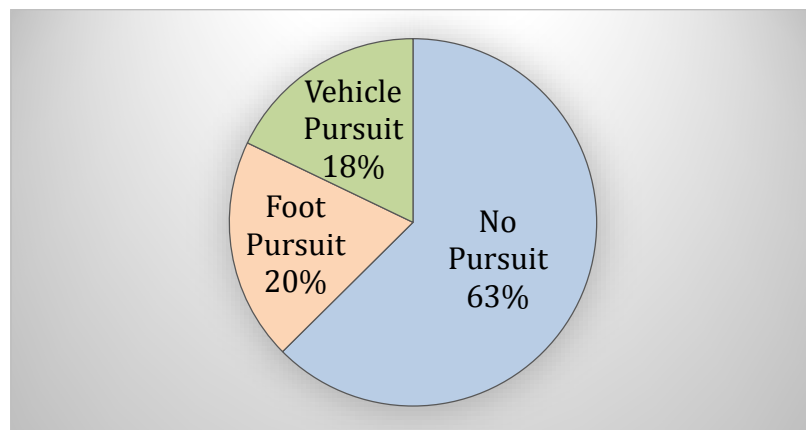
The type of weapon the subject possessed or the action by the subject preceding the shooting varied. Forty percent of the weapons were firearms, a majority of which were handguns. The weapons and/or force are in the chart below. Examples of weapons in the “Other” category include nunchakus, nail guns, tasers, woodworker files, and waist chains/padlocks. There were 29 cases where the subject did not have a weapon. Of those, 22 were the result of furtive

movement by the suspect; 5 were accidental discharges by the officer; 1 was a violent gang member running at another officer; and 1 was as a result of a prison inmate involved in a violent assault on another inmate.



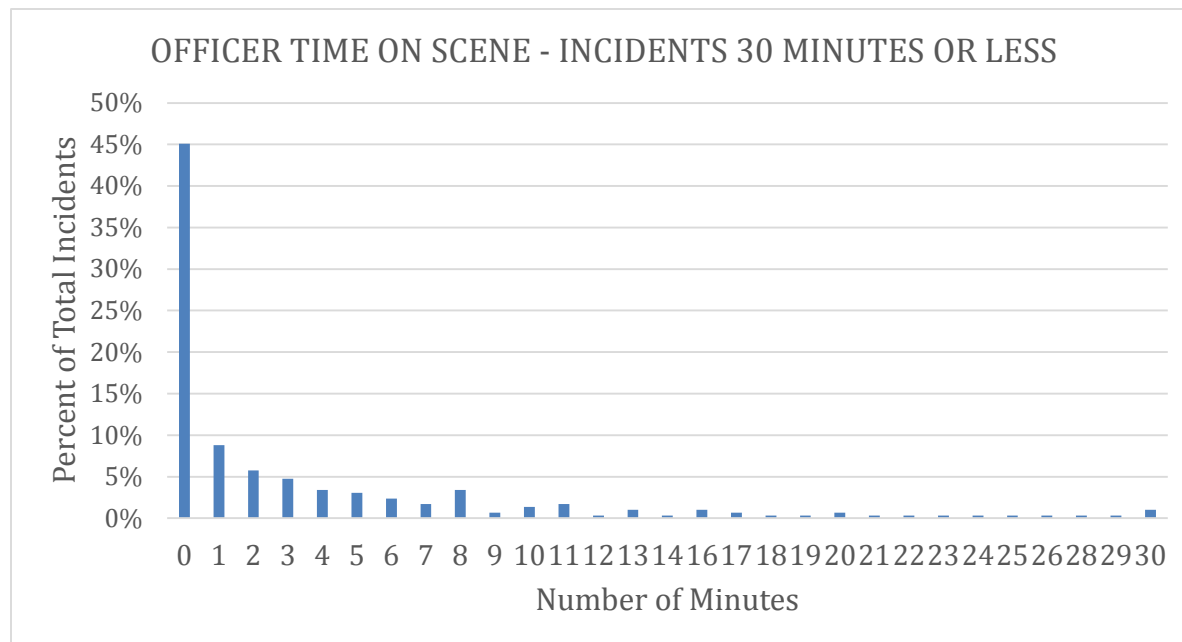
Pursuits

Over one-third of the cases (38%) involved a pursuit prior to the shooting. The breakdown of foot and vehicle is seen in the chart below. Several incidents involved both a vehicle and a foot pursuit and one vehicle pursuit where the subject and officer were on bicycles.



Time on scene

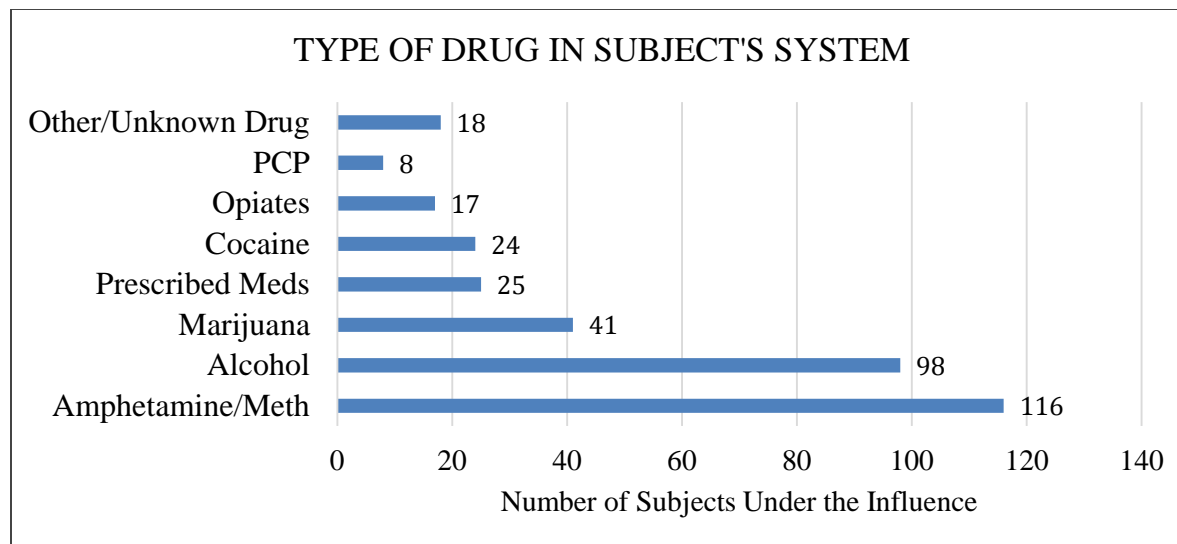
Analysis was completed for the time elapsed between when the first officer arrived on-scene and when the shooting occurred. This data existed for 295 incidents. Nearly half (45%) of the shootings took place immediately upon arrival on-scene (designated by 0 minutes in the chart below). Sixty-five percent of the incidents occurred within three minutes or less of arrival on-scene. The majority of the incidents (280) occurred within 2 hours of on-scene arrival, and the average time for these incidents was 6 minutes. The 15 incidents over 120 minutes range from 124 minutes to over 12 hours.



Drug/Alcohol Use and Mental Health factors

Drugs and/or mental health issues were very common in the subjects. Either some evidence of drug use and/or mental health concerns was present in 81% of the cases (290 of 358 total). Sixty-six percent (242) of the subjects had drugs in their systems, including many with multiple substances in their system (18 subjects being under the influence of three or more drugs). There was a total number of 346 drugs (including alcohol) found in the systems of the 242 subjects. Below is a breakdown by type of drug/substance. Methamphetamine/amphetamine was by far the predominant drug connected to the officer-involved shootings.

Fifty-two of the subjects had documented mental health issues, and sixty-two exhibited unstable behavior at the time of the incident. Nine subjects had both documented mental health issues *and* were exhibiting unstable behavior. One-third of the subjects had both mental health issues and under the influence of one or more drugs.



CONCLUSION

Analyzing officer-involved shooting cases allows for a more thorough examination of any trends and/or patterns. The data may be useful in ways to enhance officer safety practices and/or officer awareness. By building on the amount of data from the previous 11-year study, a number of facts were identified and/or confirmed through this 20-year study.

- Nearly two-thirds of the incidents occurred within three minutes or less of arrival on-scene with many almost immediately.
- A firearm was the most common (40%) type of weapon the subject possessed.
- Patrol (uniformed) officers are most at-risk for becoming involved in a shooting, and more than half the time, it was in response to a radio call.
- Nearly half (44%) of the subjects shot were on parole or probation at the time of the shooting.
- A pursuit (vehicle, foot or both) preceded the shooting in 38% of the incidents.
- Subjects are mostly male, age 18-32, and have mental issues and/or were under the influence of drugs, with methamphetamine/amphetamine being the most common.
- In nearly two-thirds of the incidents, only one officer fired his or her weapon. In just over one-quarter of the incidents, the shooting officer was the only officer present.
- The large majority of shootings did not involve less than lethal force prior to the shooting.
- The average age of the shooting officers was 35, with an average of 10 years of law enforcement experience.
- Incidents are more likely to occur in the evening or late at night, and over one-third (35%) of the incidents occurred on Friday or Saturday.

- Incidents are most likely to occur when there is a traffic incident or family/domestic disturbance call.
- Most incidents were outdoors, with over one-third being in the street.

The San Diego District Attorney's Office has created and maintains a case database for purposes of collecting statistical and other information related to Officer Involved Shootings. This report was completed and is being shared with law enforcement and the community in an effort for everyone to better understand the nature of these events.