

8.2.3 INTENTIONAL FIREARMS DISCHARGE AND IN-CUSTODY DEATH INVESTIGATIONS

Revised November 8, 2017

This section shall not apply to discharging a firearm for training or recreational purposes unless there is an injury to a person because of the firearm discharge.

8.2.3.1 OFFICER RESPONSIBILITIES

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If an **ON-DUTY** officer intentionally discharges a firearm at any person or is involved in an ICD, as soon as circumstances permit, they shall provide verbal notification to a field supervisor.

If an **OFF-DUTY** officer intentionally discharges a firearm at any person or is involved in an ICD, as soon as circumstances permit, they shall provide verbal notification to the Watch Commander.

Except under extraordinary circumstances, any officer involved in a shooting shall retain all equipment with them at the time of the incident; equipment is to remain secured on his or her person. The following shall apply:

- a) Rifles shall remain with the involved officer or shall be properly secured until relinquished to a Homicide Detective;
- b) Weapons, including less lethal weapons, shall not be opened, loaded, or unloaded prior to examination by a Homicide Detective.

8.2.3.2 MEDICAL AID

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As soon as the scene is safe, and out of reverence for life, the responding officer(s) shall request medical assistance for any injured person and render aid as required. If the subject is deceased, officers shall not cover the deceased unless Homicide approves.

The radio dispatcher or the communications supervisor shall immediately request paramedics if on scene personnel have not yet done so unless on scene personnel advise that paramedics are not needed.

8.2.3.3 IN-CUSTODY DEATH WITHIN A DETENTION FACILITY

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In the case of an ICD within a detention facility, the location of the incident shall be secured pending the arrival of the Homicide Detectives. On-duty detention officers will remain at the location. If, for security reasons, prisoners are relocated, the jail

staff will identify those inmates and provide that information to Homicide. Each inmate who witnesses an incident, and if practical, shall be separated from the others and placed into a secure area to ensure they do not communicate with other witnesses.

In the event a prisoner is transported from one of LBPD's detention facilities unconscious, the area will be secured and the Watch Commander will be notified. A patrol officer will be dispatched to the hospital with the prisoner and remain with the prisoner until relieved. The Watch Commander will ensure the Homicide Detail is notified.

8.2.3.4 FIELD SUPERVISOR RESPONSIBILITIES

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A field supervisor shall respond to every OIS or ICD. As soon as circumstances permit, the field supervisor shall provide verbal notification to the Watch Commander. The field supervisor will assume command of the scene until properly relieved. If the incident is outside the jurisdiction of the City of Long Beach, the field supervisor will notify the Watch Commander prior to responding to determine if additional personnel should be sent. If the incident is excessively far from the City, the Watch Commander will consult with the GVC Division Commander prior to sending any personnel.

8.2.3.5 REMOVAL FROM SCENE

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Officers involved in an OIS or ICD may only leave the immediate area with the consent of the Homicide Supervisor. Involved officers may only go to a location approved by the Homicide Supervisor. The Homicide Supervisor may designate another supervisor to accompany the officer and act as a liaison.

8.2.3.6 INVOLVED OFFICER STATEMENT

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Officers involved in shootings are required to provide a supervisor with a public safety statement (PSS) from the [Public Safety Statement card](#). The supervisor or officer who takes the PSS from the involved officer shall file a follow-up report in Homicide.

In general, Homicide Detectives do not interview officers involved in an OIS or ICD. If an officer is unable to write a report, the Homicide Supervisor or Homicide Detective will coordinate the filing of a report later.

If the incident occurs in another agency's jurisdiction and they are conducting the criminal investigation, the Homicide Supervisor will request the agency allow LBPD officers to file police reports instead of being interviewed by that agency. The Homicide Supervisor will ensure that the LBPD turns over all relevant police reports to the handling agency in a timely manner.

If the involved officer invokes his or her Miranda Rights or refuses to give a statement, the investigation will continue to a conclusion. The Homicide Supervisor will notify the designated Investigations Bureau Command Officer, or if unavailable, the Duty Chief who will determine if Internal Affairs should respond. The Homicide Supervisor will also advise the involved officer of the following:

- "We will conduct our investigation without your input. When completed, the available facts will be presented to the District Attorney's office for review and determination of criminal violations."
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The Homicide Supervisor or Homicide Detectives shall not, under any circumstances, offer the involved officer immunity through the Lybarger process.

In cases where the involved officer chooses not to make a voluntary statement, or chooses not to answer questions by Homicide Detectives, the officer can be compelled to answer questions by Internal Affairs Detectives, per LBPD Manual § [8.2.6 COMPELLED STATEMENTS](#). Compelled statements made to Internal Affairs will not be provided to Homicide Detectives.

If the officer does not provide a voluntary statement, he or she will be placed into an administrative assignment and will not be permitted to work in a field assignment which would require contact with the public for law enforcement purposes until the Chief of Police reviews the incident and authorizes the employee to work in a field assignment.

8.2.3.7 HOMICIDE DETAIL RESPONSIBILITIES

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The Homicide Detail shall:

- 1) Assume command of the investigation;
- 2) Ensure officers are assigned to prepare reports, sketches, diagrams, etc.;
- 3) Coordinate with Forensic Science Services Division personnel;
- 4) Coordinate media releases with the Incident Commander and Public Information Officer;
- 5) Coordinate the walk-through with involved officers;
- 6) Notify the coroner, if required;
- 7) Notify the Department Psychologist, if required;

- 8) Notify the District Attorney Command Post, if required;
- 9) Prepare a Critical Incident Debrief per LBPD Manual § [7.5.2.5 CRITICAL INCIDENT DEBRIEF COMMITTEE](#).

If an officer involved in the incident used force other than a firearm, the Homicide Supervisor will ensure a Supervisor's Use of Force Report is completed and forwarded to Internal Affairs per LBPD Manual § [7.1.2.8 USE OF FORCE – SUPERVISOR RESPONSIBILITIES](#).

8.2.3.8 WATCH COMMANDER RESPONSIBILITIES

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The Watch Commander, or their designee, shall notify the on-call Homicide Supervisor regarding all OISs and ICDs. The Watch Commander, when feasible, will respond to all OISs and ICDs.

The Watch Commander, or their designee, shall complete an Unusual Occurrence Report whenever an OIS or ICD occurs, and deliver the report to the Homicide Supervisor for approval prior to distribution.

8.2.3.9 PEER OFFICER

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After an OIS scene is secure, the Incident Commander shall designate a peer officer to provide security for, and attend to the needs of, the involved officer. The peer officer shall remain with the involved officer throughout the entire investigation, including during the filing of reports, until relieved by Homicide. The peer officer shall not participate in the involved officer's report filing.

8.2.3.10 INTERNAL AFFAIRS

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The Deputy Chief of the Investigations Bureau shall be notified of all officer involved hit-shootings and ICDs. The Deputy Chief or their designated command officer shall respond to the scene and coordinate with the Incident Commander and Homicide Supervisor to determine any potential policy violations. Internal Affairs will only respond to an OIS or ICD investigation if approved by the Duty Chief, designated Investigations Bureau Command Officer, a Deputy Chief, or the Chief of Police. Internal Affairs shall not be contacted to respond until after the Investigations Bureau Command Officer and Homicide have first been consulted.

A response by Internal Affairs does not, in and of itself, initiate a formal Internal Affairs investigation. The Internal Affairs administrative investigation shall not interfere with the Homicide Detail's investigation.

8.2.3.11 DEPARTMENT PSYCHOLOGIST

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Homicide will notify the Department Psychologist of an OIS or ICD. The Homicide Supervisor shall not request the Department Psychologist to respond to the scene except under extenuating circumstances.

All officers involved in a hit shooting or an ICD will be required to meet with the Department Psychologist or their designee prior to returning to field duty.

Details of the conversation with the psychologist shall remain confidential. The Department Psychologist will report a recommendation as to the officer's work status to the officer's Division Commander or Deputy Chief. The GVC Division Commander or designee may direct other employees, such as witness employees and dispatchers to meet with the Department Psychologist.

8.2.3.12 EMPLOYEE ASSOCIATION REPRESENTATIVE OR ATTORNEY

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An officer involved in an OIS or ICD is entitled to have an association representative or attorney present prior to any statement beyond a public safety statement. The Homicide Supervisor or designated Homicide Detective will determine a reasonable amount of time for the officer's representative to arrive; however, undue delays will result in the detectives proceeding with the investigation.

If the involved officer agrees to speak with the Homicide Detectives, either the representative or attorney may be present with the involved officer during the consultation and walk-through of the scene.

The officer's attorney or representative shall not be present during the filing of relative police reports; however, the association representative may go to the station with the involved officer to provide for needs.

8.2.3.13 PUBLIC INFORMATION OFFICER (PIO)

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The on-scene Public Information Officer (PIO) may release the following:

- 1) An acknowledgement that an incident occurred and general dispatch information (i.e., time, location of incident, type of call, etc.);
- 2) Status of assigned Homicide Detectives (i.e., on scene or en route);

Additional information will not be disseminated without the approval of the Homicide Detail.

The PIO will prepare a press release and obtain final approval from the Homicide Supervisor or his or her designee prior to its release.

8.2.3.14 RELEASE OF OFFICERS' NAMES

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The Department will release the name(s) of an officer(s) involved in an OIS or ICD in conjunction with the California Supreme Court ruling (LA Times v City of Long Beach/LBPOA case #S200872) when the Department receives a formal Public Records Act (PRA) request.

In all cases, the Office of the Chief of Police will be notified of any PRA request to release the name of an officer. The request will be forwarded to the Homicide Detail who will determine if there are any known credible threats that have been or are being investigated in the case.

If a potential or actual threat has been determined, the Office of the Chief of Police shall be notified and the City Attorney's Office shall be consulted before a decision is made on the release of any name(s). The Chief of Police or his or her designee shall have final authority on whether to release any name(s).

In a case where there is no credible threat, a name will be released to the requestor unless otherwise directed by the Chief of Police or his or her designee.

8.2.3.15 PAID ADMINISTRATIVE LEAVE

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The GVC Division Commander, or designee, is responsible for determining how many days of paid administrative leave each officer will receive following an OIS or ICD; the GVC Division Commander may authorize up to four days unless otherwise approved by the Chief of Police.

Officers shall not work, including overtime, during those days off; however, they will still be required to attend all previously scheduled court appearances. During unusual circumstances where the involved officer cannot make a previously

scheduled court appearance, the Homicide Supervisor will contact the Court Affairs office to ensure the proper court authorities are notified.

The Homicide Supervisor will notify the following individuals of the number of days off an officer receives:

- 1) Deputy Chief of the officer;
- 2) Commander of the officer;
- 3) Deputy Chief of Investigations;
- 4) GVC Division Commander;
- 5) Personnel Administrator; and,
- 6) Department Psychologist.

8.2.3.16 POST-OIS SHOOTING COURSE

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Every officer who discharges his or her weapon at a person, whether the person is struck or not, is required to report to the Police Pistol Range and participate in a shooting course prior to being released back to field duty.

- A) Officer Responsibility
 - 1) The officer shall complete a post-OIS shooting course to reacquaint himself or herself with the emotions surrounding an OIS, in a controlled environment.
 - a) An officer involved in an OIS, involving a person, must report to the range as soon as practical and, if possible, should be done prior to seeing the Department Psychologist.
 - 2) Upon completing the shooting course, the officer shall schedule an appointment with the Department Psychologist.
- B) Rangemaster
 - 1) The Rangemaster is required to have a standard post-OIS range shooting course for each officer to complete.
 - a) This shooting course is not incident specific and is not considered retraining. The Rangemaster should only conduct retraining that would normally occur during a routine qualification if they observe a safety violation, or other firearms training that the officer needs.
 - b) The Rangemaster should not debrief or discuss the specifics of the OIS with the officer.
 - 2) The shooting course is not scored.
 - 3) Upon completion of the shooting course, the Rangemaster will notify the Department Psychologist and the officer's Division Commander.

Public Safety Statement

DO NOT ASK the officer why they discharged their firearm.

DO NOT ASK the officer any questions not related to officer/public safety.

DO ASK the following questions at every OIS/ICD (when applicable):

- **I need to know the following regarding your actions:**

- What was your approximate location when you fired?
- What direction did you fire?
- How many rounds did you fire from that location?
- Did you fire from more than one location? (if yes, repeat questions)

- **I need to know the following regarding the suspect's actions:**

- What was the suspect's approximate location when they fired?
- What direction did the suspect fire?
- How many rounds did the suspect fire?
- Did they fire from more than one location? (if yes, repeat questions)

- **I need to know the following regarding injured persons:**

- Are you aware of any location where there might be an injured person? If so, where?

- **I need to know the following about any outstanding suspect(s):**
 - What is the suspect's physical description or identifying information?
 - When and where was the suspect last seen?
 - How did the suspect flee? (mode of transportation)
 - Are there any accomplices who need to be immediately detained?
 - Does the suspect have a weapon? What? Description?
- **I need to know the following regarding the crime scene:**
 - What is the general location of any crime scene(s)?
 - Are there any witnesses who need to be contacted or identified?
 - Is there any evidence that needs to be secured and protected?

Ensure arriving officers check down range from each location where rounds were discharged (from both the suspect and the officer) for any injured persons or property damage.

File a follow-up report noting the answers the officer gave to the above listed questions. Also note the efforts you took or directed to ensure no one was struck by either the suspect or the officer's gunfire.