

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

STATEMENT OF PURPOSE:

The course will provide law enforcement officers, supervisors, and investigators with a thorough understanding of how to prepare for officer-involved incidents such as officer involved shootings. The course examines current California law including PC 835a and how such laws affect the use of force and conducting force investigations. Students will leave the course with an understanding of officer-involved incidents from incident to adjudication. Curriculum includes critical incident response, a checklist of what evidence to gather, obtaining Public Safety Statements, whether to allow the shooting officer to watch body-worn camera before giving a statement, case law decisions, and expert recommendations on how to conduct a use of force investigation efficiently and effectively. The course consists of facilitated discussion, case study analysis, and scenarios.

COURSE OBJECTIVES:

The students will:

1. Demonstrate knowledge of use of force laws and how they apply to use of force decision-making and investigations.
2. Demonstrate an understanding of force options and decision-making concepts to include:
 - a. Reverence for Human Life
 - b. De-Escalation and Verbal Commands
 - c. Rendering First-Aid
 - d. Investigative/Interviewing Techniques aligned with policy and state laws
3. Describe the essential elements of an officer-involved incident investigations including:
 - a. Scene management
 - b. Obtaining Statements
 - c. Administrative and Criminal investigations

Minimum standards of performance shall be tested by an instructor observing the trainee during their participation in facilitated discussions, case study analysis, and scenarios. If the trainee does not meet minimum standards, as established by the presenter, remediation will be provided until the standard is met.

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

EXPANDED COURSE OUTLINE

- I. **Introduction/Orientation** (0800-0900)
 - A. Introduction, Registration and Orientation
 - 1. Instructor's Introduction
 - 2. Registration/Rosters
 - B. Course Goals and Learning Objectives
 - 1. Proper Response to Officer Involved Incident (OII) or Officer Involved Shooting (OIS)
 - 2. Scene Management
 - 3. Investigative Process
 - 4. Interview/Interrogation
 - 5. Case Preparation/Presentation

- II. **Preventing an OII/OIS** (0900-1000)
 - A. Intel Gathering
 - 1. Planning
 - 2. Resources
 - 3. De-Escalation
 - 4. State Created Exigency
 - 5. Disengagement
 - 6. Lawful but Awful
 - a. Just because we can, should we?
 - B. Severity of the Crime
 - 1. Do we have a Crime?
 - 2. What is the Crime?
 - 3. Is this a Police Matter?
 - C. Responding to a Call for Service
 - 1. What do you know?
 - 2. What do you need to know?

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

3. How are you going to get the information?
4. What will you do with the information once you have it?
5. All Available Resources
6. Implementation of Resources
7. “I’ll advise”
8. Slowing the scene Down
9. Do we have to respond

III. Responding to an OII/OIS (1000-1100)

A. Officer’s Response

1. Identify injured parties
2. Render Aid
3. Locate Witnesses
4. Surveillance

B. Supervisor’s Response

1. Scene Management/Control
2. Public Safety Statement (PSS)
 - a. PSS Card and what questions not to ask
 - b. Relay information obtained

(Small group exercise: Pairs of students will practice giving and taking a Public Safety Statement)

3. Command Staff/Union Notifications
4. Report Writing
5. Body Worn Camera Issues
 - a. Collecting for evidence
 - b. When to deactivate
6. Assign Officer to Monitor Involved Members
7. Officer Wellness Checks
8. Debriefs

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

C. Involved Officers

1. Representation
2. Don't tell anyone what happened or why you shot
3. Do not write any incident report or statement
4. Should not be allowed to review BWC

D. Common Mistakes Made

1. What Questions Should/Should Not be Asked
2. Disarming the Officer
3. Officer's Rights/Representation
4. Re-victimization of Officer
5. Additional bills as published.

(Small group exercise: Students will create a list of the steps to be taken at the scene of an OIS and organize the steps in order or priority. Groups will share their findings with the class, and the instructor will provide feedback.)

IV. Investigative Process (1100-1200)

A. On-Scene Supervisor Responsibilities

1. Locate and identify involved members
 - a. Separate those involved
2. Locate and Identify Witnesses
3. Send Officer to Hospital with Injured Parties
 - a. Officer to protect injured officer
 - b. Officer to collect evidence
 - c. Dying declaration
4. Locate Surveillance
5. Notifications
 - a. Internal Affairs Division

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

b. District Attorney's Office

6. Scene Walk Through

a. Do's & Don'ts

B. Administrative Investigation

1. Conducted by Internal Affairs

a. Looking for administrative violations

2. Police Officer Bill of Rights

3. Case Law: Lybarger & Garrity

4. Interviews

a. Compelled vs Voluntary

5. Information Obtained is not to be Shared

6. Timelines

a. Tolling

b. Gov Code 3304(e)

C. Criminal Investigation

1. Who Does the Investigation?

a. District Attorney's Office

b. Major Crimes Unit

c. Other Jurisdiction

d. Homicide Unit

e. Department of Justice

2. Information obtained must be shared with Admin Investigators

3. Interviews

a. Voluntary

b. Miranda Warning

4. Timelines

5. Adjudication/DA Declination

V. Laws/Policies (1300-1600)

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

A. Case Laws

1. Graham V Connor
 - a. “Necessary” Force
2. Tennessee V Garner
 - a. How this applies in California
3. Forrett V Richardson
4. Hayes V San Diego
 - a. Totality of Circumstances
 - b. Final Frame Analysis
 - c. Planning
 - d. Resources
5. Scott V Harris

B. State Laws

1. 835a PC
 - a. When Deadly Force can be Used
 - b. “Necessary”
 - c. Means
 - d. Opportunity
 - e. Apparent Intent
 - f. “Fear”
2. Duty to Intercede

C. Agency Policy

1. Can you be held criminally liable for a violation of policy
2. Lexipol

D. Levels of Resistance

1. Compliant
2. Passive
3. Active
4. Assaultive

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

5. Deadly

E. Liability

1. Criminal
2. Administrative
3. Civil
4. Moral/Ethical

(Small group exercise: Students will be assigned a case law to research. They will then prepare a short teach back presentation and deliver that to the class. The instructor will provide feedback.)

VI. Day One Wrap Up (1600-1700)

- A. Questions
- B. Day Two Expectations

VII. Day Two Intro (0800-0830)

- A. Recap of Day One
- B. Questions/Comments from Day One

(Small group exercise: Students will be tasked with comparing and contrasting the pros and cons of reviewing BWC prior to interviews.)

VIII. Interview Preparation (0830-1100)

- A. Investigators Roles & Responsibilities
 1. Preparation
 - a. Review Voluntary Interview
 - b. CAD
 - c. 911 Calls
 - d. BWC
 - e. Lybarger/Garrity
 2. When to Conduct an Interview

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

- a. Industry standard (2-3 sleep cycles)
3. 2 Investigators in the room
4. Obtaining a Statement before or after BWC is Reviewed
 - a. Force Science “Corrupt Mind”
 - b. Pure Statements vs Contaminated
 - c. Pros and Cons to each
5. What Questions Should be Asked?
 - a. Agency Policy
 - b. 835a PC
 - c. Clarifying questions from previous criminal interviews (if applicable)

B. Interview Preparation for Involved Members

1. “Involved” Members
2. “Witness” Members
3. “Substantially Involved” Members
4. Benefits of Voluntary vs Compelled Interviews
 - a. Voluntary: Officer is in charge
 - b. Compelled: IA is in charge
5. What an Officer can Expect to be asked
 - a. 835a PC
 - b. 243(f)(4) PC – Serious Bodily Injury
 - c. Agency Policy
 - d. Tennessee V Garner
 - e. Graham V Connor
6. How to Prepare
7. Representation
8. What to Say vs What not to Say

(Small group exercise 1: Individually, students will be asked to read PC 835a. They will then be shown a video of an OIS. As a small group they

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

will then work together to design a set of questions that would be pertinent in an interview with the officer involved. Groups will share their findings with the class, and the instructor will provide feedback.)

(Small group exercise 2: Students will be presented with a use of force incident scenario. As a small group they will discuss how a supervisor should respond to the incident. Groups will share their findings with the class, and the instructor will provide feedback.)

IX. Critical/Covered/Categorical Use of Force Incidents (1100-1200) *Lunch* (Cont. 1300-1330)

A. What Constitutes a Critical Use of Force Incident

1. Class Discussion on when a UOF incident becomes Critical
2. How to Handle a Critical UOF Incident

B. Parallels Between OIS and UOF Incidents

1. Who will be Responding
2. Officer's Rights
3. Representation

C. Treatment at Hospital vs Admission into Hospital

1. What's the Difference?
2. What determines the threshold?
 - a. Serious Bodily Injury
 - b. Admission into Hospital

D. Responsibilities of Involved Officer

1. What to do while you wait
2. To write a report, or not to write a report
3. Self-incrimination
4. Overtime Issues

E. Body Worn Camera

1. Should an Officer be Allowed to Review BWC

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

F. What Happens if this Turns Out not to be a Critical Incident

1. Officer completes UOF Report as outline in policy
2. Notifications

X. Final Documentation & Presentation (1330-1500)

A. Documentation

1. Use Subject Matter Experts
2. Outside Resources
3. Training
4. Interviews
5. Video
6. Perception
7. Experience
8. Evidence Gathering vs Investigator Being the Evidence

B. Findings

1. Sustained
2. Not Sustained
3. Insufficient Evidence
4. Unfounded
5. Proper Conduct
6. Policy Violation
7. Demonstrably False

C. Levels of Concurrence

1. Chain of Command Review

D. Presentation

1. Chief Review Board
2. Discussion on Agency Protocol

XI. Department of Justice Qualified Event (1500-1600)

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

A. DOJ Response Protocol (AB 1506)

1. Unarmed subject
2. Deceased
3. Color of Authority

B. Definition of Unarmed

1. Unarmed
2. No Dominion over weapon
3. Airsoft vs Pellet Gun
4. Relevancy of Perception

C. DOJ Expectations

1. Blood Test
2. Same Day Interviews

D. Investigation Protocol

1. Contact information
2. When they respond

XII. **Mental Health and Debriefs** (1600-1630)

A. What the Involved Officer Can Expect After an OII/OIS

1. Lack of Sleep
2. Illness
3. Anxiety
4. Lack of hunger
5. Nightmares
6. Second Guessing

B. Investigators Role in not Revictimizing the Involved Member

1. Don't reinterview if voluntary is provided
2. Reasonable time for Interview
3. Shift Accommodation
4. Follow up with Member

Officer Involved Incident Investigations

Savage Training Group – 1345-22457 | POST Certification II | Reimbursable Plan NA |

16 Hours

5. Provide Resources for Member

C. Debriefs

1. Peer Support Debriefs
2. Tactical Debriefs
3. Legal Protections
4. Legal Challenges

(Optional large group exercise: The instructor will invite any student who has been involved in an OIS as an officer, supervisor, or investigator, who would like to share their experiences, to do so.)

XIII. **Course Conclusion/Student Evaluations** (1630-1700)

- A. Review learning lessons and create list of follow-up steps
- B. Dropbox
- C. Checklists
- D. Resources
- E. Evaluations