

## Officer Involved Incident Investigations

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

8 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 responding to and managing the scene of an officer involved shooting and investigative process.
2. Demonstrate an understand how to operate/handle the scene and aftermath of an officer involved shooting including:
  - 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. Investigation
  - c. Interview Techniques

***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.***

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### **EXPANDED COURSE OUTLINE**

#### **I. Introduction/Orientation (0800-0830)**

##### 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. Mental Health

#### **II. Response (0830-0900)**

##### A. Severity of the Crime

1. Do we have a Crime?
2. What is the Crime?
3. Is this a Police Matter?

##### B. Responding to a Call for Service

1. What do you know?
2. What do you need to know?
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

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(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.)

### III. Scene Management(0900-1100)

#### A. Officer's Responsibility

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

#### B. Supervisor's Responsibility

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

#### C. Involved Officers

1. Representation
2. Don't tell anyone what happened or why you shot

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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

(Small group exercise: Students will be tasked with discussing their experiences as it relates to supervisor responsibilities at the scene of an OIS and how these mistakes can be avoided. Groups will share their findings with the class, and the instructor will provide feedback.)

## IV. Investigative Process (1100-1200) \*Lunch\* (Cont. 1300-1330)

### 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
  - b. District Attorney's Office
6. Scene Walk Through
  - a. Do's & Don'ts

### B. Administrative Investigation

1. Conducted by Internal Affairs

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- 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

### V. Laws/Policies (1330-1400)

#### A. Case Laws

1. Graham V Connor
  - a. "Necessary" Force
2. Tennessee V Garner
  - a. How this applies in California
3. Hayes V San Diego

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- a. Totality of Circumstances
- b. Final Frame Analysis
- c. Planning
- d. Resources

### B. State Laws

#### 1. 835a PC

- a. When Deadly Force can be Used
- b. “Necessary”
- c. Means
- d. Opportunity
- e. Apparent Intent
- f. “Fear”

### C. Liability

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

## **VI. Interview** (1400-1530)

### 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

- a. Industry standard (2-3 sleep cycles)

#### 3. Obtaining a Statement before or after BWC is Reviewed

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- a. Force Science “Corrupt Mind”
  - b. Pure Statements vs Contaminated
  - c. Pros and Cons to each
4. What Questions Should be Asked?
- a. Agency Policy
  - b. 835a PC
  - c. Clarifying questions from previous criminal interview (if applicable)

### B. Interview Preparation for Involved Members

1. “Involved” Members
2. “Witness” Members
3. Benefits of Voluntary vs Compelled Interviews
  - a. Voluntary: Officer is in charge
  - b. Compelled: IA is in charge
4. How to Prepare
5. Representation
6. What to Say vs What not to Say

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

## VII. Critical/Covered/Categorical Use of Force Incidents (1530-1600)

### 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

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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
- F. What Happens if this Turns Out not to be a Critical Incident
  1. Officer completes UOF Report as outline in policy
  2. Notifications

(Small group exercise 1: Students will be tasked with comparing and contrasting the pros and cons of reviewing BWC prior to interviews.)

(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.)

### **VIII. Mental Health and Debriefs (1600-1630)**

- A. Buddy Officer/Monitor Officer
- B. Debriefs
  1. Peer Support Debriefs
  2. Tactical Debriefs

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3. Legal Protections

4. Legal Challenges

C. Class Debrief

1. Personal experiences (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.)

### IX. **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