

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

OFFICER-INVOLVED SHOOTING/ SHOOTING REVIEW BOARD
SUBJECT

DATE: December 28, 2016

NO: Q-6

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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I. POLICY

- A. The Stockton Police Department will investigate all incidents within the city of Stockton involving the discharge of an officer's weapon on or off duty, accidentally or intentionally, except on a target range or while legally hunting.
- B. The Stockton Police Department will participate in the countywide critical incident protocol.
- C. It is the policy of the Stockton Police Department to convene a Shooting Review Board or Protocol Review Committee to examine incidents of accidental or deliberate discharge of a firearm, except for routine target shooting or hunting, by any member of the Department.

II. OFFICER-INVOLVED SHOOTINGS

- A. Officers shall not intentionally fire their weapons except as authorized by law or at a target range. Officers who discharge a weapon on or off-duty, accidentally or intentionally, except on target range, or legally hunting shall:
 - 1. Report it immediately to their supervisor or on-duty Watch Commander.
 - 2. As soon as practical, submit a written report to the Officer's Division/Section Commander via the Chain of Command on a Stockton Police Department memorandum. The report will describe the incident in detail, including names of persons involved and the officer's reasons for the action. (Exception: Protocols or when ordered not to do so.)
- B. Watch Commander - Report Responsibilities
 - 1. On all officer-involved shooting incidents, the on-duty Watch Commander shall make the notifications listed in Info-CAD and prepare a memorandum to the Deputy Chief of the bureau involved, with a cc: to the Field Operations Captain responsible for the Watch Commander's duties. This memorandum will be submitted to the Chief's Office no later than 0900 hours the next business day and shall contain the following information:
 - a. Date, time, and DR number of incident.
 - b. Name of lead Officer-Involved Shooting Investigator, name(s) of officer(s) involved.
 - c. Name of suspect(s) involved.
 - d. Extent of injuries/deaths.
 - e. Brief synopsis of incident.
 - f. Copies of any completed reports or memorandums available at this point.

2. The Chief's Office will then forward the initial Watch Commander's memorandum to the Professional Standards Section for filing. Shooting Review Board Finding Reports and Protocol Review Finding Reports will also ultimately be forwarded to the Chief's Office and then the Professional Standards Section for filing. The Professional Standards Section's duties relative to officer-involved shootings are for statistical and file purposes. Unless formal allegations of misconduct are filed, the Professional Standards Section will have no investigative responsibilities. The Professional Standards Section shall:
 - a. Assign an O.I.S. number for statistical purposes.
 - b. Enter the information into a database and statistically track the various stages of the investigation.
 - c. File and maintain all O.I.S. memorandums and crime report copies as a complete package to each incident.
- C. In cases of firearms use where the Countywide Critical Incident Protocol is not invoked, subsequent review and finding recommendations will be via a Shooting Review Board.
- D. In cases of firearms use where the Countywide Critical Incident Protocol is invoked, subsequent review and finding recommendations will be via a Protocol Review Committee.

III. SHOOTING INCIDENTS NOT INVOLVING DEATH OR INJURY

- A. When an officer has discharged a weapon and no gunshot wound is inflicted on any person, the involved officer's commander or on-duty Watch Commander shall, when practical, assign a supervisor to investigate the incident (under no circumstances will the officer(s) involved, investigate any part of the incident), and be responsible for the investigation report when:
 1. The incident occurred while the officer was on duty.
 2. The incident occurred within the county while the officer was off duty.
- B. Responsibility of Assigned Supervisor
 1. Conduct a complete investigation of the circumstances of the shooting incident.
 2. Submit a report of the investigation to the commanding officer as soon as possible.

IV. SHOOTING INCIDENTS INVOLVING DEATH OR INJURY

- A. In an incident in which an officer is wounded or wounds or kills any person by gunshot, in addition to dispatching a supervisor, the Watch Commander will immediately:
 1. Direct or make the notifications listed in the Records Management System (RMS) under INFO CRITICAL (Deputy Chief of Police, Deputy City Attorney, and Critical Incident Team, etc.)
 2. Invoke the countywide critical incident protocol, if applicable.

V. REPORTING AND INVESTIGATION OF OFFICER-INVOLVED SHOOTING

- A. After the discharge of a weapon by a Stockton Police Officer, (except for routine target shooting), or after a critical incident as defined in the San Joaquin County Officer-Involved Shooting/Critical Incident Protocol, any of the following three processes may take place:
 1. The officer may provide a voluntary statement.
 2. The officer may decline to provide a voluntary statement.
 3. The Department may compel the officer to provide a statement.

- B. In all three options, the officer shall be advised that the officer may contact his or her SPOA representative and/or counsel and have the opportunity to meet with said SPOA representative and/or counsel before processes 1, 2, or 3 take place.

Prior to providing a voluntary statement, officers may view any available video (body-worn camera video, City camera video, citizen-provided video, etc.) that depicts their actions during the incident.

- C. Regardless of 1, 2, or 3 above, the officer may be placed on paid administrative leave, sent for a critical incident debriefing, and/or be returned to duty only after clearance by a credentialed mental health professional selected by the Department. The Department will attempt to schedule the debriefing as soon as practicable after the incident.
- D. This General Order will be reviewed annually, during the month of February, at each roll call.

VI. REPORTS OF SHOOTING INCIDENTS WILL BE ROUTED AS FOLLOWS:

- A. All investigative non-Protocol Investigation reports will be routed to the Commanding Officer (of the officer involved) or, in the Commanding Officer's absence, to the on-duty Watch Commander for review. If a Protocol Investigation is involved, or if the Investigations Division is otherwise conducting the investigation, the reports will be routed to the Investigations Lieutenant for review.
- B. The Commanding Officer will forward the reports to the involved Deputy Chief. The Deputy Chief will evaluate the need for further investigation and:
1. If further investigation is deemed necessary, the Deputy Chief will route the report back to the appropriate supervisor.
 2. If the Deputy Chief is satisfied that the investigation is complete, the reports will be routed to the Chair of the Shooting Review Board or Protocol Review Committee, with one copy routed to the Professional Standards Section (refer to Section V11-Shooting Review Board).
 - a. Note: The original crime report should be submitted to the Records Section in a timely manner so the VCR statistical reporting can be made and submitted to the Department of Justice.

VII. SHOOTING REVIEW BOARD

- A. The Board's purpose is to serve as an advisory unit to the Chief of Police. It is charged with the responsibility of examining all non-Protocol-investigated shooting incidents - on or off duty, intentional or accidental. The Board will constructively critique each shooting incident and make recommendations to the Chief of Police. These recommendations may include referral for further investigation by the Professional Standards Section should the Board believe disciplinary action may be warranted.
- B. The Board will consist of five sworn members of the Department. They will serve at the discretion of the Chief of Police. Board composition shall be as follows:
- Captain, involved division (Chair)
Lieutenant, Personnel and Training, or designee
Sergeant, Investigations Division, or designee
Police Officer, Traffic Section
Police Officer, Patrol Section
Legal Advisor – a representative from the City Attorney's office will attend in a non-voting capacity in order to provide any legal advice which may be requested by the Board.
- C. Should a Board member be absent when the Board convenes, the Chief of Police may appoint an alternate who will serve until that particular investigation is complete.
- D. Duties and Responsibilities of Shooting Review Board:

1. The Chair will convene the Board as soon as practical after receipt of all reports involving the incident and in no case later than five working days after the incident.
2. In order to notify all personnel involved, the Chair will issue a special order indicating the date, time, location, and members relating to the Shooting Review Board meeting.
3. The Board will utilize all available services and facilities necessary to conduct a complete examination of the circumstances surrounding the shooting incident.
4. The Board may order employees to appear and testify, take testimony from witnesses, and to direct supplemental investigations as necessary.
5. The findings of the Board will determine that the shooting was classified as one of the following:
 - Within Policy - Followed our policy.
 - Not within policy - Did not follow our policy.
 - Accidental- An accident, whether or not careless or negligent.
 - Exonerated - Not within our policy, but justified for the situation.
6. Findings and recommendations will be submitted in writing by the Chair to the Chief of Police at the conclusion of the hearing.
 - a. Once the Chief of Police has rendered his/her decision on the shooting incident, the Chief's Office will forward the Board's report to the Professional Standards Section where it will be maintained in a file under the name(s) of the involved officer(s).
 - b. These reports may be referred to during performance assessments completed on sworn personnel (i.e. Early Warning System), and/or as part of the consideration of the named officer(s) for promotion.
 - c. In cases where the Board has found the shooting to have been "not within policy," the matter shall be referred to the Professional Standards unit for further investigation and recommendations regarding corrective actions.

E. Protocol Review Committee

1. The Protocol Review Committee will examine all incidents where the Countywide Critical Incident Protocol has been involved to investigate a shooting or other incident (Refer to the Countywide Critical Incident Protocol MOU). The Protocol Review Committee will constructively critique each incident and make recommendations to the Chief of Police. These recommendations may include referral for further investigation by the Professional Standards Section should the Board believe disciplinary action may be warranted. The Investigations Division Lieutenant will ensure the Protocol Review Committee has the memorandum and investigative material within six months of the incident.
2. The Protocol Review Committee's composition shall be as follows:
 - Deputy Chief over the involved employee's division/section
 - Captain over the involved employee's division/section
 - Lieutenant of Personnel and Training
 - Legal Advisor— a representative from the City Attorney's office will attend in a non-voting capacity.
3. The Investigations Division Lieutenant will be responsible for reviewing the criminal investigation portion of the Protocol shooting, and will complete a factual summary memorandum of the investigative material, which will then be routed to the Protocol Review Committee.

4. Duties and Responsibilities of the Protocol Review Committee:

- a. The Committee will convene as soon as practical after receipt of all reports involving the incident, and no later than eight months after the incident.
- b. The Captain assigned to the Protocol Review Committee (or his/her designee) will be responsible for scheduling the Committee meeting, and to ensure all documents have been provided to each member.
- c. The Committee will utilize all available services and facilities necessary to conduct a complete examination of the circumstances surrounding the shooting incident.
- d. The findings of the Committee will determine that the shooting was classified as one of the following:
 - Within Policy - Followed our policy.
 - Not within policy - Did not follow our policy.
 - Accidental - An accident, whether or not careless or negligent.
 - Exonerated - Not within our policy, but justified for the situation.
- e. Committee findings and recommendations will be submitted in writing by the Committee Chair (or designee) to the Chief of Police at the conclusion of the committee meeting.
 - (1) Once the Chief of Police has rendered his/her decision on the shooting incident, the Chief's Office will forward the Committee's report to the Professional Standards Section where it will be maintained in a file under the name(s) of the involved officer(s).
 - (2) These reports may be referred to during performance assessments completed on sworn personnel (i.e. Early Warning System), and/or as part of the consideration of the named officer(s) for promotion.
 - (3) In cases where the Committee has found the shooting to have been "not within policy," the matter shall be referred to the Professional Standards unit for further investigation and recommendations regarding corrective actions.