



**PROCEDURE WHEN A FIREARM IS DISCHARGED
GENERAL ORDER #12.03**

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POLICY

This policy applies to all sworn staff of the Sheriff's Office, and reference to "deputy" or "deputies" throughout this policy refers to all sworn staff.

PROCEDURE

A. PROCEDURE WHEN FIREARM IS DISCHARGED

1. Notification and report by employee involved
 - a. Whenever a deputy intentionally discharges, other than for practice, qualification, or reasonable and lawful recreational purposes, or accidentally discharges any firearm the deputy shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident. The on-duty supervisor shall, as soon as practical, notify the deputies' division/section captain.
 - b. In all incidents, other than an officer-involved shooting incident as defined in General Order #12.06 ("Post-Shooting Incident Procedure"), the deputy discharging the firearm shall, as soon as practical and prior to the end of the deputy's shift, complete a written report of the incident. If the incident is criminal in nature, he or she shall complete an Incident Report (IR) and a Blue Team Firearms Use Report. If the incident is not criminal in nature, he or she shall complete a Blue Team Firearms Use Report. The supervisor receiving the IR and Blue Team reports from the deputy shall forward them

to the involved deputy's division/section captain and to the Investigative Services Captain. After review by the division/section captain, the reports will be forwarded to the Assistant Sheriff in the involved deputy's chain of command.

- c. If the deputy who discharges a firearm is hospitalized or fatally injured or is otherwise incapable of filing the required reports, the deputy's on-duty supervisor is responsible for filing as complete a report as possible pending further departmental investigation.
- d. If the firearms discharge occurs in a custody facility or facility operated by the Department of Correction, in addition to the notification required by this Order, the deputy shall follow any notification procedure required by any Sheriff's Office Post Order that applies to that facility.
- e. When a deputy discharges any firearm, other than for practice, qualification, reasonable and lawful recreational purposes, or to kill a dangerous animal or to kill an animal that is so badly injured that humanity requires its removal from further suffering, the weapon shall be held for inspection by the rangemaster and shall not be returned to use until deemed safe to do so. In the event the weapon is held as evidence, the rangemaster will conduct the inspection in the presence of the assigned investigator and the weapon will be made safe and held as evidence by the assigned investigator or CSI.

2. If injury or death results

If injury or death results from such discharge of a firearm, the following procedures shall be followed in addition to those in section A.1.

- a. The involved deputy will make all reasonable efforts to preserve the scene until relieved.
- b. The first non-involved deputy at the scene will assume command, pending the arrival of superior officers.
- c. The supervisor who is responsible for the area where the incident occurred will respond and take command of the scene until relieved by the on-duty watch commander or the assigned detective from the Investigative Services Division. The supervisor will direct the Patrol Operations Desk to notify the Watch Commander as well as the responsible Division Captain and to make other notifications based on the notification list for major critical incidents.

- d. The supervisor, upon arrival at the scene, should ensure completion of the duties and notifications outlined above and implement the Post-Shooting Incident Procedure, as outlined in General Order #12.06 (“Post-Shooting Incident Procedure”) including obtaining a limited public safety statement.
- e. The patrol operations desk will immediately notify the:
 - 1. Investigative Services Division Captain.
 - 2. Assistant Sheriff of Field Enforcement Bureau and Support Services Bureau.
 - 3. The Undersheriff
 - 4. The Sheriff.
 - 5. Internal Affairs Unit supervisor.
- f. Other divisional personnel will be precluded from entering into any portion of the scene without the specific authorization of the Enforcement or Investigative Services command personnel present at the scene.
- g. The Investigative Services Division Captain will immediately assign an investigation team and will notify the Field Enforcement commander of their identities.
- h. The Investigative Services Division Captain may respond and assume command of the investigation.
- i. The Internal Affairs Unit will monitor and review all phases of the investigation and shall receive full cooperation from the command staff and from Sheriff’s Office personnel conducting the investigation.
- j. As soon as practical, the Investigative Services Captain will notify the District Attorney’s Office of the incident.
- k. As soon as circumstances allow, the deputy involved in the incident will report to the Personnel Division and will be placed on routine administrative status as determined by the Undersheriff and the Personnel Division Captain. The deputy shall remain available to personnel conducting the investigation and shall remain on administrative status until ordered back to normal duty by the Personnel Division Captain.

- 3. If injury or death does not result:

- a. In those cases where the Investigative Services Division does not conduct additional investigation, the Assistant Sheriff receiving the reports will forward them to the Undersheriff and Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.
 - b. In those cases where the Investigative Services Division conducts an investigation, the Investigative Services Division Captain will forward the reports of the completed investigation to the Assistant Sheriff in the involved deputy's chain of command as well as to the Undersheriff and the Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.
- 4. Investigative Services
 - a. The investigators assigned to the shooting incident shall conduct a thorough investigation and shall prepare a written report documenting their conclusions. The investigation shall receive a high priority and should be completed as soon as practical.
 - b. Upon completion of the investigation, the Investigative Services Division Captain shall submit the report to the Undersheriff and Sheriff so that a Shooting Review Board can be convened.

B. SHOOTING REVIEW BOARD

- 1. Membership of the board
 - a. The Shooting Review Board shall consist of the following members:
 - 1. The Undersheriff or an Assistant Sheriff, selected by the Sheriff, who shall serve as Chairperson.
 - 2. A representative as selected by the president of the involved individual's association.
 - 3. Personnel Division Captain.
 - 4. Range Master.
 - 5. Division Captain of the involved deputy.

- b. When a designated member is unable to attend a scheduled board meeting, the next person in the chain of command of that division will sit on the board and will assume the full authority of the absent member.

2. Meetings of the board

- a. A meeting of the board shall be called by the Chairperson within a reasonable time after the completed Investigative Services Division report is received by the Chairperson from the Sheriff.
- b. Review of shootings that do not result in injury or death and animal shootings will be at the discretion of the Chairperson.

3. Authority of the board

- a. The board is charged with the responsibility of reviewing all the circumstances surrounding the discharge of a firearm by a member of the Sheriff's Office. The board shall have access to all Sheriff's Office investigation reports relevant to the shooting, including reports of the Internal Affairs Unit.
- b. All employees **shall** cooperate with the Shooting Review Board.
- c. The board may call upon witnesses, including the involved deputy. Any interrogation of the involved deputy will be in compliance with the Public Safety Officers Procedural Bill of Rights Act.
- d. Members of the board shall maintain confidentiality of the information obtained through their investigation except as required to carry out their duties as members of the board or as otherwise directed by the Chairperson of the board.
- e. The board shall, after reviewing the facts, make a recommendation as to whether the shooting fell within the parameters of the Sheriff's Office's General Orders. This recommendation shall be made by a majority vote of the board.
- f. The findings of the board will be immediately forwarded to the Sheriff for review.
- g. The Sheriff will make the final decision as to whether disciplinary action is to be initiated against the deputy and the nature and extent of that action.

- h.** The board may make and/or receive recommendations for the modification of the Sheriff's Office's firearms use policy and may make recommendations concerning the training necessary for the effective implementation of such policy.

A handwritten signature in black ink, appearing to read "Laurie Smith". The signature is written in a cursive, flowing style.

**LAURIE SMITH
SHERIFF**