



Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



LORI LUHNOW, Chief of Police

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OIS/LEARDS

What Happens Next?

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The purpose of this training bulletin is not to supersede law or policy, nor to compromise officer safety. Follow law and policy first. Always practice officer safety. The purpose of this bulletin is to assist officers and their teammates in thinking through practical steps and procedures following an OIS, other use of deadly force, in custody death, or other such incidents.

Reminder: Utilize your MAV. Not only is MAV required by policy, but a complete MAV recording, including things like the first contact on a call for service, will likely capture evidence that can be utilized to clear an officer following a shooting. You cannot go back in time to record audio that isn't intentionally recorded when the incident first escalates.

What to expect at the scene:

There are a number of important duties to perform, work with your supervisor to manage the likely chaotic scene as best you can.

- Secure the scene
- Deal with outstanding suspects
- Medical needs (officer/suspect/victim)
- Dying declaration
- Ride with victim or suspect in ambulance
 - Record spontaneous statements (MAV will not work, use pocket recorder)
 - Interview if appropriate
- Separate the "involved" officers (who used force or directed use of force)

Public Safety Statement

This is a compelled statement for emergency purposes. The supervisor on scene will read the following when obtaining this brief information from involved officer(s).

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Directions to on scene supervisor:

This is a compelled statement. The supervisor compelling this statement:

- Will not deviate from its content.
- Will document the answers provided verbatim.
- Will disseminate public safety information immediately via radio or secure communications as appropriate.
- Will provide the answers given to the first arriving Detective Sgt or Lt.

“Officer __, I am directing you to give me a public safety statement. Due to the immediate need to take action, you are ordered to answer the following questions. If you refuse to answer these questions relating to the performance of your official duties, you will be subject to Department discipline, which could result in your dismissal from the Department.”

“At this time and to the best of your knowledge, please answer the following”:

1. From where and in what direction did you fire rounds?
2. From where and in what direction did the suspect(s) fire rounds?
3. If you know of anyone injured, what is her/his location?
4. If any suspects are outstanding, what are their descriptions?
Supervisors: If there are no outstanding suspects, proceed directly to question #5, otherwise ask questions #4 (a-d).
 - a. What was their direction of travel?
 - b. How long have they been gone?
 - c. With what weapons were they armed?
 - d. Are there any other safety risks known about the outstanding suspect(s)?
5. Does any evidence need protection?
6. Any known witnesses?
7. Where are they located?

“Officer __, in order to prevent the contamination of your statement, I order you not to discuss this incident with anyone, including your supervisors or staff officers, prior to the arrival of the assigned investigators, with the exception of your legal representation. Remain at the scene until directed otherwise.”

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Involved officers:

- Consider taking a look at the scene from where you are without disturbing anything to help with recollection for later interview
- Prepare yourself to only make statements when asked by a supervisor
- You can always ask questions about the process / procedures
- You will be transported back to station
- Whichever officer remains with you is there for emotional support, but the particulars of the incident should not be discussed
- You will be photographed in uniform
- Your firearm, and any backup firearms in your possession, will be inspected and collected
- Your ammunition will be counted
- You can contact your family to tell them you are working late, but don't discuss the case yet
- You are entitled to seek an attorney before you make statements (beyond the Public Safety Statement)
- The DA and federal investigators may arrive at the incident location to assist in the criminal investigation

Involved Officer Interview

- You are entitled to have an attorney present.
- You will have a walkthrough of the scene prior to interview, if practical.
- You will be allowed to review video recordings pertaining to the case prior to interview.

- If you give a voluntary statement, it can be used in criminal court, and you will be interviewed by detectives
- If you give only a compelled statement, for most purposes it will not be used in criminal court, and you will be interviewed by Internal Affairs

Witnessing Officers

- You may write your own reports, or you may be interviewed by detectives who will write reports

Supporting Officers (Neither involved nor witnesses):

- Primary duties are criminal investigation:
- Find witnesses, take recorded statements
 - Some of the most insightful statements might only be available to patrol
 - Consider interviewing family members of suspect(s) as soon as practical
 - Take every witness statement in as much detail as possible, whether they criticize your partner's actions or not
- Locate and secure evidence
- Preserve the scene
- Support your partners without questioning them

Aftermath / considerations:

- Internal affairs begins separate portion of investigation after involved officer chooses a compelled statement.
- A thorough, neutral investigation by detectives will likely support the involved officer and the involved officer's attorney further down the process.
- Officers involved will be placed on paid administrative leave. This is not discipline, it is paid leave during the initial investigation.
- Be prepared for press/media. Consider how you can prepare your family for media. Consider not reading comments on news articles, where writers will make inflammatory statements about you and the department.