



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 580.03 DISCHARGE OF FIREARM 05-16-17

### PURPOSE

The purpose of this order is to establish procedures regarding the discharge of a firearm by Department employees.

### PREAMBLE

The Sacramento Police Department values the sanctity of human life and the freedoms guaranteed by the United States and California Constitutions.

### POLICY

It shall be the policy of the Sacramento Police Department that officers continually evaluate all reasonable and readily available force options to apprehend or subdue an individual before resorting to the use of greater physical and/or deadly force. A thorough investigation will be conducted on all incidents resulting in firearm discharges by Department employees.

### PROCEDURE

#### A. GENERAL

1. Officers may discharge a firearm in the performance of their official duty
  - a. In the necessary defense of themselves or in the defense of another person when the officer reasonably believes that an imminent danger of death or serious bodily injury exists.
  - b. To affect an arrest, prevent an escape, or recapture an escapee when the officer reasonably believes the suspect to be arrested poses an immediate threat to cause death or serious bodily injury if apprehension is delayed.
  - c. To stop a dangerous animal that poses an imminent risk of death or serious bodily injury to a person.
  - d. At a firing range, pursuant to all safety rules and regulations.
2. Firearms shall not be discharged as a warning.
3. A verbal warning should precede the use of deadly force where feasible and when it will not increase the risk of harm to officers or others.
4. Justification for the use of deadly force shall be limited to what reasonably appears to be the facts known or perceived by the officer at the time. Facts unknown to an officer shall not be considered in later determining whether the shooting was justified.
5. Nothing in any firearms procedure shall preclude the drawing of the officer's firearm during the course of an arrest or investigation or when an officer reasonably believes it necessary for the safety of the officer or the safety of another.
6. When an employee discharges or attempts to discharge a firearm while on or off duty, intentionally or accidentally, the employee shall immediately notify the on-duty watch commander. This does not include intentional discharges at a range or recreational (e.g., hunting, private target practice, or other similar activities).
7. Refer to GO 522.02 Emergency Care for Individuals Under Police Care or Control when rendering emergency medical treatment or summoning medical assistance.

#### B. MOVING VEHICLES

1. Officers should make every effort to move out of the path of an approaching vehicle instead of discharging their firearms at the vehicle or its occupants.
2. Firearms should not be discharged at a moving or fleeing vehicle unless one of the following circumstances exists:



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- a. Deadly force, or the threat of deadly force, is being used against a police officer or another person by means other than the moving vehicle
- b. The driver has used or is attempting to use the vehicle as a means to cause injury or death to the officer or another person.

## C. DUTIES OF INITIAL ON-SCENE SUPERVISOR

In any officer-involved shooting incident, the district sergeant shall

1. Respond immediately, take charge, and ensure the watch commander has been notified of the incident.
2. Stabilize the situation and establish protection of the crime scene. All personnel desiring to gain access to the scene shall be referred to the crime scene recorder.
3. Obtain a brief overview of the situation from any non-shooter officer(s). If there are no non-shooter officers, the supervisor should obtain a Public Safety Statement from at least one shooter officer. The initial on-scene supervisor shall ensure that multiple supervisors not request the same brief narrative from the involved officers but rather limit it to one central point of contact.
4. If necessary, administratively order any officer from this Department to immediately provide limited public safety information necessary to secure the scene and pursue suspect(s), to include
  - a. Outstanding suspect(s) information.
  - b. Number and direction of shots fired.
  - c. Parameters of the incident scene.
  - d. Identity of any known witnesses.
5. Give consideration toward GO 570.03 (Post-Trauma Response) and offer the employee(s) peer support as outlined in GO 570.04 (Peer Support Program).

## D. INVESTIGATION

1. Care should be taken to preserve the integrity of any physical evidence present on the involved officer(s) and the officer(s)' equipment and/or clothing (e.g. blood, fingerprints, etc.) until investigators or Crime Scene Investigators (CSI) can properly retrieve it.
2. Evidence collection shall minimally consist of
  - a. Retrieval and booking of any expended cartridges, bullets, and shotgun casings or pellets, along with all live ammunition pertinent to the incident.
  - b. Diagramming of the crime scene, including positions of persons and objects and the trajectories of expended shots.
  - c. Producing adequate pictorial sketches and photographs, including the use of a video camera if necessary, of damaged property.
  - d. Obtaining a recording of all radio transmissions within ten (10) days or as soon as available.
  - e. Obtaining copies of the officer(s)' firearm training records.
  - f. Determining factors of probable cause, if present, that contributed to the officer(s)' decision in discharging a weapon.
  - g. Ensuring all items of evidence related to the shooting are collected and booked.
  - h. Noting the condition of city equipment that may be associated with the weapon discharge. Remove from service for later inspection all such equipment that remotely could be attributed to or may have been damaged, for example.
    - (1) If a weapon discharged due to being caught on the officer's gun belt or clothing, then book all such articles.
    - (2) If the discharge was the result of a vehicle door closing on an officer with the weapon drawn, then remove the vehicle from service.
3. Obtain statements from all persons present.
4. Have the area canvassed for witnesses and obtain statements.



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## E. WATCH LEVEL INVESTIGATION

1. The following shooting incidents shall be investigated at the watch level:
  - a. Shooting of an animal.
  - b. Accidental discharge without injury.
  - c. Attempted discharge (e.g. weapons malfunction).
2. The on-duty watch commander shall
  - a. Initiate an administrative investigation involving the discharge of firearms, except accidental discharges at the range. The investigation shall be documented in a memorandum and sent through the chain of command to the appropriate office chief. The report shall then be forwarded to the Professional Standards Unit (PSU), where the report shall be kept on file.
  - b. Designate a sergeant as the principal investigating supervisor.
3. If, in the watch commander's opinion, a more thorough investigation is necessary, a homicide callout may be initiated.

## F. HOMICIDE UNIT INVESTIGATION

1. The following shooting incidents shall be investigated by the Homicide Unit:
  - a. Intentional discharge at a person.
  - b. Discharge resulting in injury to a person.
2. After the scene has been stabilized and immediate threats of hostility neutralized, command of the scene shall be relinquished to the Homicide Unit supervisor
3. Homicide detectives shall be aware that any shooting may have a traumatic effect upon involved and uninvolved officers. Detectives shall conduct their investigation in a professional manner that shall not add unnecessary trauma to the situation.
4. The Office of Investigations Captain or his/her designee shall contact the Coroner's Office as soon as practical in an attempt to identify and notify the next of kin of any subject who dies in our custody or who is killed by police action.
5. The Office of Investigations Captain or his/her designee shall identify an investigative sergeant to serve as an information liaison between the deceased subject's next of kin and the Department. Investigative updates shall be provided to the next of kin as needed or requested.
6. District Attorney's Office (DA) and Office of Public Safety Accountability (OPSA) Notification
  - a. The DA and OPSA, or their designees, shall be notified to respond to all officer-involved shootings that result in injury to another person.
  - b. The DA and OPSA shall be permitted access to the incident scene to the extent possible without contaminating evidence or otherwise disturbing the scene. Their presence is to merely observe and familiarize themselves with the situation.
  - c. The DA shall conduct an independent assessment of the circumstances and will issue written findings.

## G. SURRENDER/INSPECTION OF WEAPONS

1. Officers shall be allowed to retain a handgun while at the scene. Firearms other than the involved officer(s)' handgun (e.g. shotguns, rifles, etc.) that have been discharged shall be secured by the watch commander after the situation has been stabilized. Officers may be required to surrender their handguns at the scene if a replacement weapon is immediately available. If this occurs, it shall be accomplished in a private area outside the view of the public or the media.
2. The officer(s)' weapon(s) shall be inspected by an investigator and documented as follows:
  - a. The magazine shall be removed.
  - b. The chamber shall be checked and cleared and its condition noted.
  - c. All live rounds shall be counted or the cylinder be opened and the number and location of spent and live rounds described and diagrammed (if necessary).
  - d. The serial number shall be recorded.



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- e. The weapon shall then be reloaded and returned to the officer or booked at the discretion of the investigator.
  3. On an accidental discharge, the weapon shall be booked and referred to the Armorer for inspection.
  4. The officer's supervisor shall ensure that a replacement weapon is issued in a timely manner. Replacement weapons shall minimally be kept available at all substations and in the Detective Division.
  5. Any other weapon at the scene may be inspected by the investigating officers at their discretion.
- H. TRANSPORTATION FROM THE SCENE
1. After the walk-through and as soon as practical, the involved officer(s) shall be transported from the scene to a Department facility to await an interview by investigators. The officer(s) shall be secure from public confrontations (GO 570.04).
  2. Peer Support members shall not remove the involved officer(s) from the scene without approval of the Incident Commander (IC).
  3. An officer being transported to a police facility in a marked unit shall not be placed in the rear seat unless under arrest. Officers may be transported from the scene by their SPOA representative and/or their attorney, when appropriate.
- I. REPORTS
1. Every officer shall prepare a report of his/her activity and observations as soon as reasonably practical unless an oral statement is taken from detectives.
    - a. Those officers who complete oral interviews may be required to prepare a written report at a later time, in which case a transcript of their interview shall be provided.
    - b. Officers may be directed to prepare reports at the Detective Division at the discretion of the investigating supervisor or higher authority
  2. Injured officers are exempt from preparing a report until physically capable.
  3. Reports shall be submitted and approved prior to end of watch unless circumstances make the completion of a report unreasonable as determined by an appropriate supervisor.
  4. Outside agency personnel may use their own report forms. Copies of the reports may serve as SPD supplements.
  5. Officers shall not be advised of their Miranda rights unless
    - a. Under arrest.
    - b. Information available to the investigator(s) causes them to believe the officer is criminally responsible.
    - c. The officer makes incriminating statements during an oral interview.
  6. While an officer(s) is providing a voluntary oral interview for statement under Miranda, the following personnel may view the process:
    - a. Assigned detectives, supervisors, Internal Affairs Division (IAD) investigator, PSU representative, DA investigator, Office of Public Safety Accountability (OPSA) representative, and/or the officer's legal representative.
    - b. Except with the expressed authorization of the ranking detective or supervisor, no others shall be allowed to view the interview.
  7. When an oral interview is conducted, it shall be audio and video recorded, if possible. The officer(s) shall be informed that the interview is being recorded.
  8. No more than two (2) detectives shall be in the interview room with an officer. Officers may have representation present during any interview. The representative shall not obstruct or otherwise interfere with the investigative process. However, the representative may invoke Miranda to protect the officer from self-incrimination. Involved officers and their representatives will have access to In Car Camera (ICC), Body Worn Camera (BWC), or other Department



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recordings of the incident as is reasonably available and appropriate for the investigation.

9. Officers shall be encouraged to recall the circumstances and provide a chronological outline of the incident. The officer(s) shall have the opportunity to talk to an SPOA representative or attorney prior to giving a statement.
  10. The interviewing detective shall be sensitive to the physical needs and emotional well-being of the officer. When appropriate, food and drink shall be provided. The detective shall
    - a. Ensure that the officer is able to move about the office without confronting suspects, witnesses, or the media.
    - b. Ask the officer(s) if they wish to talk with the police chaplain and/or a Peer Support member (GO 570.03).
  11. Officers who are eyewitnesses to a shooting shall
    - a. Respond to the Detective Division to complete a written report or oral interview.
    - b. Be directed to an available desk away from other officers or distractions.
    - c. Proceed with the preparation of a written report or make notes for the oral interview.
  12. If applicable, the investigating supervisor shall cause the completion of
    - a. An After-Action Report (SPD 005) per GO 532.13 (After Action/Debriefing Reports).
    - b. City of Sacramento Liability Loss Report Form RM-3 (red border) per GO 240.03 (Civil Liability).
- J. SHOOTING BY SPD OFFICERS OUTSIDE CITY JURISDICTION**
1. Whenever an officer by discharge of a firearm causes a death or injury outside the city jurisdiction, the officer shall notify the agency having jurisdiction and the SPD watch commander, who shall ensure IAD is notified and assigned to assist the agency conducting the investigation for purposes of coordination and keeping informed of the investigation.
  2. If the agency having jurisdiction does not have the resources available to conduct the investigation and requests the SPD conduct the investigation, the watch commander shall be notified. The watch commander shall assess whether our Department will conduct the investigation.
- K. SHOOTING BY OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY WITHIN CITY JURISDICTION**
- If death or injury is the result of a police shooting by another law enforcement agency, the Homicide Unit shall be notified to handle the investigation. The other agency shall be notified immediately so they may monitor the investigation. (GO 560.01).
- L. REFRESHER TRAINING**
- Any officer involved in an accidental or intentional firearms discharge shall undergo firearms refresher training prior to returning to full duty. Refresher training
1. Shall be in accordance with the module prepared by the Training Section.
  2. May include topics such as officer safety tactics, policy, and the law.
  3. Shall be conducted by an authorized range master who shall direct a memorandum to the Captain, PSD, or designee, indicating that the officer has received firearm refresher training.
  4. Shall be documented and submitted to the PSD to be placed in the officer's personnel file and a copy forwarded to PSU to be placed in the Department's critical incident file.
- M. RETURN TO DUTY**
- Return to duty for each employee involved in a fatal or injury shooting shall only occur after
1. Consideration has been given to GO 570.03 (Post Trauma Response).
  2. The COP, or designee, has notified the City Manager.
- N. ADMINISTRATION INVESTIGATION**
1. Internal Affairs Division
    - a. The IAD commander may direct IAD investigators or PSU representatives to respond as needed.



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- b. If an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned IAD investigator shall conduct an administrative interview to determine all relevant information.
2. Professional Standards Unit  
PSU shall
  - a. Have access to all reports and investigative materials regarding any officer shooting incident with the exception of IAD investigative files.
  - b. Keep and maintain completed officer involved shooting reports and related material indefinitely.
  - c. Contact the City of Sacramento Risk Manager by the next business day to discuss any potential civil liability issues.
  - d. Schedule and facilitate an officer involved shooting review by the investigating watch commander or Homicide Unit sergeant within 30 days of the shooting unless otherwise approved by the COP.
  - e. Prepare a memorandum to the COP detailing the findings and recommendations from the officer involved shooting review.
  - f. Prepare a memorandum to the involved officer(s) advising him or her of any justified shooting review disposition.
- O. OFFICER INVOLVED SHOOTING REVIEWS
  1. All officer involved shooting reviews shall be reviewed in an Officer Involved Shooting Review.
  2. The Officer Involved Shooting Review shall be chaired by the Deputy Chief, Office of Investigations, and minimally consist of
    - a. Captain(s) of the involved employee(s)
    - b. Lieutenant, Training Division
    - c. Watch Commander
    - d. Department Range Master
    - e. PSU
    - f. Risk Management
    - g. Office of Public Safety Accountability Director
    - h. SPOA President
  3. Sworn managers attending the shooting review shall recommend to the COP whether the circumstances of the shootings were within Department policy and justified.
  4. The investigating Watch Commander, Homicide Sergeant, or Range Master shall be prepared to fully explain the investigation during the Officer Involved Shooting Review.
  5. The Homicide Sergeant shall ensure that a copy of the District Attorney's review letter is forwarded to PSU for proper filing and distribution.