



**SACRAMENTO POLICE DEPARTMENT
OFFICE OF INVESTIGATIONS**



**570.03
INVESTIGATING OFFICER INVOLVED INCIDENTS
5-4-21**

PURPOSE

The purpose of this order is to establish procedures for the investigation of officer involved shootings and in-custody deaths.

POLICY

It shall be the policy of the Sacramento Police Department that the Homicide Unit conduct a thorough, fair and impartial investigation on all incidents resulting in the intentional discharge of a firearm at a subject by Department employees or outside agencies or where a citizen dies while in police custody.

PROCEDURE

A. DEFINITIONS

1. OFFICER-INVOLVED INCIDENTS – An incident in which a peace officer, acting under the color of authority, is directly involved in one of the following:
 - a. Any discharge of a firearm which proximately causes the death of, or an injury to another
 - b. Any intentional discharge of a firearm at a person where the officer missed their intended target and no physical injury occurred
 - c. Any intentional act or use of force which proximately causes the death of, or an injury likely to produce death to another
2. DEATH IN CUSTODY – A subject who dies while in the custody and control of the Sacramento Police Department (e.g., in a holding room, in the back of a patrol car, or during police contact where a physical detention has occurred, etc.). This order also applies to outside agencies conducting police business within the city's jurisdiction.

B. GENERAL

1. The Homicide Unit will respond to the scene of and assume investigative responsibility for all officer-involved incidents to include: shootings, in-custody deaths and or any use of force incident that caused death.
2. The Homicide Unit will respond to any officer-involved shooting where the discharge of their firearm resulted in an injury to a person, whether it was intentional or not.
3. Nothing in this order shall prevent Captains and/or Watch Commanders from requesting a Homicide Team response when their investigative expertise is needed to properly and thoroughly investigate a high liability or high-profile case for the City of Sacramento.
4. The Homicide Unit shall assign the appropriate amount of staffing based on the facts of the individual case. This shall minimally consist of at least one (1) sergeant and two (2) detectives.
5. To maintain the integrity of the investigation in incidents involving more than one officer, the involved officers, or percipient witness officers, will be separated from each other until formal interviews are obtained.
6. The District Attorney's Office is responsible for the review of a criminal investigation into the circumstances of any officer-involved shooting or in-custody death. The District Attorney's Office will be notified as soon as practical of any officer-involved shooting or in-custody death. The District Attorney's Office shall be permitted to monitor the progress of the criminal investigation.
7. If there is an in-custody death, the intentional discharge of a firearm at a subject or the unintentional discharge of a firearm resulting in an injury by another law enforcement agency, the Homicide Unit shall be notified to handle the investigation.
 - a. The outside agency shall be notified immediately so they may monitor the investigation



SACRAMENTO POLICE DEPARTMENT

OFFICE OF INVESTIGATIONS



[GO 560.01 (Arrest and Investigation by Allied Agencies)].

- b. When officers from outside agencies are involved, the Homicide Unit should solicit the cooperation of their ranking officer/supervisor to maintain the integrity of the crime scene and investigation.

C. HOMICIDE UNIT: LEAD SERGEANT'S RESPONSIBILITIES

The Lead Homicide Sergeant shall:

1. ensure all the proper response notifications have been made via the Communications Center.
2. contact the field supervisor on the scene, and after being sufficiently briefed, accept command of the scene and investigation.
3. immediately assess the scene and to the extent possible, determine the location and condition of officers, suspect(s), all injured persons, and the location of all known witnesses
4. ensure the witnesses and involved officers are separated to protect the integrity of the investigation.
5. ascertain from the Incident Commander the location of the involved officer(s), their weapon(s) and how the officer(s) will be transported to the Hall of Justice (HOJ) or an appropriate location for an interview.
6. request that weapons of officers suspected of not being fired, but present at the time of the shooting be inspected by the Incident Commander, or designee, for recent use.
 - a. The inspection shall provide information necessary to prove/disprove any future allegations that officers fired their weapons.
 - b. The weapon inspection for non-involved officers shall be conducted in a private area outside the view of the public or the media. (Refer to Section I-Weapons Inspection Process For Involved Officers)
 - c. The inspection shall be noted in the Incident Commander's or his/her designee's report. The Homicide Supervisor shall be advised of the results.
7. evaluate the crime scene and determine the need for:
 - a. extended or special crime scene protection to include privacy screens.
 - b. a criminalist, Crime Scene Investigator (CSI), or pathologist.
 - c. notification of the Coroner's Office.
 - d. processing the suspect's hands for gun shot residue (GSR) and/or DNA evidence.
 - e. media information dissemination regarding any outstanding suspect(s) or vehicles.
 - f. the need for a Mincey search warrant if there is no legal access to the scene.
8. review all reports submitted by field personnel.
9. when necessary, contact officers for additional information or clarification of reports.
10. respond to the Office of Investigations (OOI) or the location where the interviews will be conducted and monitor the progress of the investigation and interviews when field/scene duties are complete or turned over to a Scene Sergeant.

D. HOMICIDE UNIT: SCENE SERGEANT/LEAD SCENE DETECTIVE RESPONSIBILITIES

The OOI Sergeant assigned to the crime scene shall ensure:

1. care is taken to preserve the integrity of any physical evidence present on the involved officer(s), their equipment and/or clothing (e.g. blood, fingerprints, etc.) until investigators or CSI can properly retrieve it.
2. the scene is secured with a perimeter established by Operations personnel and a Crime Scene Log is set up documenting anyone entering the scene.
3. evidence collection will minimally consist of:
 - a. retrieving and booking any personal or department equipment, expended cartridges, bullets, shotgun casings or pellets, along with all live ammunition pertinent to the incident.
 - b. diagramming of the crime scene, including positions of persons, objects and the trajectories of expended shots.



SACRAMENTO POLICE DEPARTMENT OFFICE OF INVESTIGATIONS



- c. producing adequate pictorial sketches and photographs, including the use of a video camera (if necessary), aerial photographs, 3D scanner and or similar technology.
 - d. determining factors of probable cause, if present, that contributed to the officers' decision in discharging a weapon or using force.
 - e. noting the condition of City equipment that may be associated with the weapon discharge and removing from service for later inspection all such equipment that remotely could be attributed to the discharge of the weapon or may have been damaged. For example:
 - (1) If a weapon discharged due to being caught on the officer's gun belt or clothing, book all such articles.
 - (2) If the discharge was the result of a vehicle door closing on an officer with the weapon drawn, remove the vehicle from service.
4. coordinate a canvass of the area for surveillance footage, witnesses and obtain audio/video recorded statements if possible.

E. HOMICIDE DETECTIVES' RESPONSIBILITIES

Homicide detectives shall be aware that any officer involved incident may have a traumatic effect upon involved and uninvolved officers. Detectives shall conduct their investigation in a professional manner as to not add unnecessary trauma to the situation.

1. Detectives shall:
 - a. inspect the crime scene with a CSI unit(s).
 - b. canvass for witnesses.
 - c. canvass the area for surveillance cameras and available video footage.
 - d. interview any witness in the field and record their statement on body-worn camera if they will not respond to the OOI.
 - e. interview officers, witnesses and suspects in the OOI or other appropriate facility.
 - f. attempt to account for all shots fired by officers or suspects.
 - g. determine the location of any injured victims, witnesses or suspects who have left the scene, and contact them for statements or physical evidence.
 - g. obtain a recording of all radio transmissions within ten (10) days, or as soon as available, from the SPD Communications Center, Regional Fire Dispatch Center and/or the California Highway Patrol Dispatch Center (CHP) or other involved agency.
2. Prior to the interview of an involved officer, detectives should review all available audio/video recordings from police in-car cameras, body-worn cameras, and/or third party or independent video sources.
 - a. Detectives should arrange to have the involved officer review pertinent video(s) prior to obtaining an oral statement.
 - b. Involved officer(s) and their representatives will have access to their In-Car Camera (ICC) and Body Worn Camera (BWC) recordings and/or other reasonably available recordings of the incident that depicts the involved officer or the perspective of the involved officer at the time of the incident. However, if such a recording also contains significant content outside these parameters, the Chief of Police, or designee, may redact or withhold the portions of the video containing the content. The officer and their representative shall be notified of any redactions or withholdings. An officer should 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 an oral or written statement.

F. HOMICIDE LIEUTENANT RESPONSIBILITIES

1. The Homicide Lieutenant shall ensure the Lead Homicide Sergeant forwards a copy of the report(s) to:
 - a. the Professional Standards Unit (PSU) for the final policy review and departmental



SACRAMENTO POLICE DEPARTMENT

OFFICE OF INVESTIGATIONS



retention.

- b. the Sacramento County District Attorney's Office.
- c. the City Attorney's Office.
2. Pursuant to Government Code 12525, the Major Crimes Lieutenant, or his/her designee, shall complete and forward a Death in Custody form (SPD 920 / DOJ BCIA 713), California Department of Justice, Criminal Justice Statistics Center within ten (10) days of the incident.
3. If a subject dies while in a Department holding or detention facility, the Lead Homicide Sergeant shall forward a copy of the SPD 920 / DOJ BCIA 713 to the California Board of Corrections within ten (10) days of the incident.
4. SPD 920 shall become a permanent part of the Crime/Casualty report, and a copy shall be forwarded to PSU.

G. INTERNAL AFFAIRS DIVISION (IAD) / PROFESSIONAL STANDARD UNIT (PSU)

RESPONSIBILITIES

1. The IAD Division Manager and Professional Standards Manager shall direct IAD investigators and PSU personnel to:
 - a. respond to the scene to attend the investigative briefing, as needed.
 - b. assign (1) IAD Investigator and (1) Force Investigations Team (FIT) to attend the scene walk through with the involved officer(s).
 - c. monitor the involved officer(s) interviews.
 - d. monitor witness interviews.
2. If the involved officer elects not to provide criminal investigators with a voluntary statement, the assigned IAD investigator will conduct an administrative interview at the IAD facility to gather relevant information in accordance to RM 220.01, Internal Investigations Manual.
3. PSU personnel shall:
 - a. contact the City of Sacramento Risk Manager by the next business day to discuss any potential civil liability issues.
 - b. schedule and facilitate a preliminary administrative review as outlined in GO 580.02, Use of Force.

H. SCENE WALK-THROUGH

1. The scene walk-through may be conducted either inside or outside of the actual crime scene.
2. In extraordinary circumstances where the scene is not immediately secure, the involved officer(s) may be returned to conduct a walk-through at a later time.
3. The information provided and the questions asked during the walk-through should be limited to directions of travel, locations of physical evidence, and positions where the officer(s) and suspect(s) were when force was applied. This should include the number of rounds fired by both the officer(s) and/or suspect(s) and the direction in which shots were fired.
4. Involved officer(s) will not be questioned about their perceptions, intentions, or state of mind during the walk-through.
5. The initial walk-through will not be photographed, or audio/video recorded.
6. The following individuals can participate in an involved officer's walk-through:
 - a. Investigations supervisor
 - b. Lead investigator
 - c. Employee representative or attorney
 - d. Forensic Investigator
 - e. Internal Affairs investigator
 - g. FIT investigator
7. A secondary walk-through may be performed by the Investigations Supervisor for interested parties such as Internal Affairs, Office of Public Safety Accountability, District Attorney investigators, City Attorney's Office, etc. This secondary walk-through shall not include the involved officer(s).



**SACRAMENTO POLICE DEPARTMENT
OFFICE OF INVESTIGATIONS**



I. WEAPON(S) INSPECTION FOR INVOLVED OFFICERS

1. At the Hall of Justice, and prior to an officer's statement, the involved officers' weapon(s) shall be inspected by an OOI Supervisor. When possible, this inspection should be audio and/or visually recorded and be conducted in the presence of the involved officer. The inspection shall be documented as follows:
 - a. The magazine shall be removed.
 - b. The chamber shall be checked, cleared and its condition noted.
 - c. All live rounds in magazines 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.
 - e. The weapon shall then be reloaded and returned to the officer if it was not fired or booked if the weapon was fired.
2. A Forensic Investigator will respond to the Hall of Justice to obtain photographs of the involved officer(s) and to collect relevant evidence from him/her. All injuries and/or damaged equipment will be thoroughly documented.
3. All weapons that are fired should be booked for evidence and either/or:
 - a. sent to the Armorer for function testing.
 - b. sent to the Crime Lab to test fire the weapon and conduct any needed processing.

J. REPLACEMENT WEAPONS

1. The Lead Homicide Sergeant shall ensure a replacement weapon is given to any officer whose handgun was booked for evidence at the earliest convenience.
2. If a suitable weapon is not located within the Homicide Gun Locker, the Lead Homicide Sergeant can utilize additional weapons at the Department's Armorer and/or at the station gun lockers after hours.
3. It shall be the responsibility of the outside agency to provide a replacement weapon to their involved employees who are involved in a shooting within the city jurisdiction.

K. INVOLVED OFFICER STATEMENTS AND REPORTS

1. Following the public safety statement and scene walk-through, involved officer(s) shall be given the opportunity to provide a voluntary oral or written statement. Officers who complete oral interviews are not required to prepare a written statement.
2. An officer may be directed to prepare reports at the Detective Division at the discretion of the investigating supervisor or higher authority.
3. If circumstances dictate, (e.g. the incident occurred near the end of shift or the officer has not slept for an extended period of time, etc.) the OOI Captain, or his/her designee in consultation with the officer and their representative have the discretion to delay an oral statement up to 48 hours.
4. When an oral interview is conducted, it shall be audio recorded at the Hall of Justice Detective Division if possible. The officer(s) shall be informed that the interview is being recorded. An involved officer's statement should be transcribed verbatim.
5. Detectives shall not advise involved officers of their Miranda rights unless:
 - a. they are 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 statement, the following personnel may view the process:
 - a. Assigned detectives, supervisors, IAD investigators, PSU representative, DA



SACRAMENTO POLICE DEPARTMENT OFFICE OF INVESTIGATIONS



representatives, OPSA representative, and/or the officer's legal representative.

- b. Except with the expressed authorization of the ranking supervisor, no others shall be allowed to view the interview.
7. No more than two (2) detectives shall be in the interview room with an officer at any given time. Officers may have representation present during any interview. The representative shall not obstruct or otherwise interfere with the investigative process. However, the representative may provide guidance or suggest that the officer invoke Miranda to protect himself or herself from self-incrimination.
8. If an involved officer has elected to not provide criminal investigators with a voluntary oral or written statement, an assigned IAD or PSU investigator shall conduct an administrative interview to determine all relevant information.
9. The interviewing detective(s) 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 encountering 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 (see GO 570.04). Peer Support members shall not remove the involved officer(s) from the scene without approval of the Incident Commander.

L. INTOXICANT TESTING

1. If the Lead Homicide Sergeant obtains information that the involved officer(s) state of sobriety is in question, he/she shall bring all relevant information to the Major Crimes Lieutenant for further action.
2. If the Major Crimes Lieutenant obtains information regarding the involved officer(s) state of sobriety, he/she shall bring this information through the chain of command to the Chief of Police.
3. With the approval of the Office of Investigations Captain, the Lead Homicide Sergeant shall obtain a blood and/or urine sample for alcohol and/or drug testing by one of the following options:
 - a. With the involved officer's valid consent; or
 - b. Incident to arrest for a specific crime; or
 - c. Pursuant to a search warrant

NOTE: Employees suspected of working under the influence can be given a direct order to comply with a medical examination (see G.O. 220.06 for more details). Any sample obtained via this avenue can only be used for the administrative investigation only.

M. ADMINISTRATIVE REVIEW AND FAMILY LIAISON

1. The Office of Investigations Captain, or his/her designee, shall:
 - a. contact the Coroner's Office as soon as practical in an attempt to identify the subject and coordinate with the Coroner's office to notify the next of kin of any subject who dies in police custody or who is killed by police action.
 - b. identify an OOI Sergeant and/or detective to serve as a Family Liaison between the deceased subject's next of kin and the Police Department. Investigative updates shall be provided to the next of kin as needed or requested.
2. If applicable, the Lead Homicide Sergeant 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).
3. The Major Crimes and PSU Lieutenants shall be prepared to give a synopsis of the applicable portions of the investigation during the Preliminary Review approximately (30) days after the incident.



SACRAMENTO POLICE DEPARTMENT OFFICE OF INVESTIGATIONS



4. The Lead Homicide Sergeant shall be prepared to fully explain the entire investigation during the Final Policy Review after the District Attorney has rendered an opinion on the use of force.
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 and that a copy is attached to the original report.

N. FINAL REPORT TO THE DISTRICT ATTORNEY'S OFFICE

1. The officer-involved incident investigation should be complete, and all reports submitted to the Sacramento County District Attorney's Office within 120 days of the incident, absent unusual circumstances.