

DATE ISSUED: September 17, 2003 REPORT NO. 03-193  
ATTENTION: Public Safety and Neighborhood Services Committee  
Agenda of September 24, 2003  
SUBJECT: Officer Involved Shootings and Less Than Lethal Force Options  
REFERENCE: N/A

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE CITY COUNCIL.

BACKGROUND

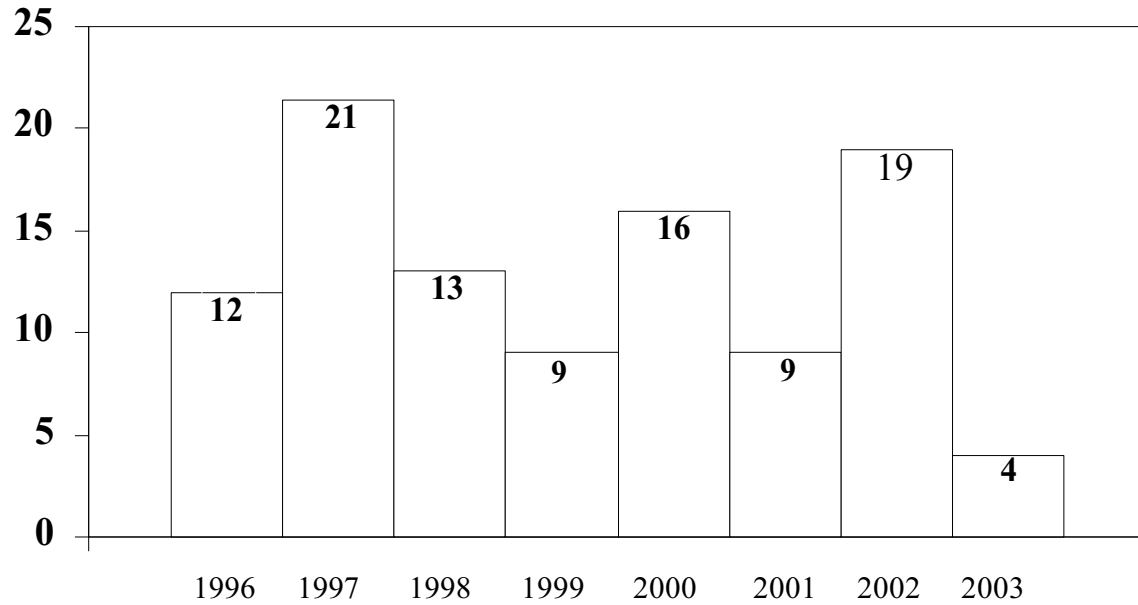
The Use of Force Task Force, created in May 2000 was comprised of 71 community members and 66 Department members. After studying the issue for a year, the Task Force made 100 recommendations to address the concerns related to the use of force. Thirty-Five recommendations have been implemented and Forty-Two are scheduled for implementation in the next fiscal year.

As part of our continued effort to address use of force concerns, the San Diego Police Department, in June 2002, conducted a review of Officer Involved Shootings (OIS) and the process for handling and investigating these incidents. Officer-involved shootings include those incidents where an officer discharges his/her firearm at another individual. There had been thirteen officer-involved shootings to that point, far exceeding the nine for the previous year in 2001. There would eventually be nineteen officer-involved shootings during 2002. The review entailed; an analysis of previous officer involved shootings, a comparison with other cities, as to the manner in which incidents are investigated, less than lethal force options, and discussions among department experts and management. Recommendations were made and are being implemented. They are being evaluated at this time.

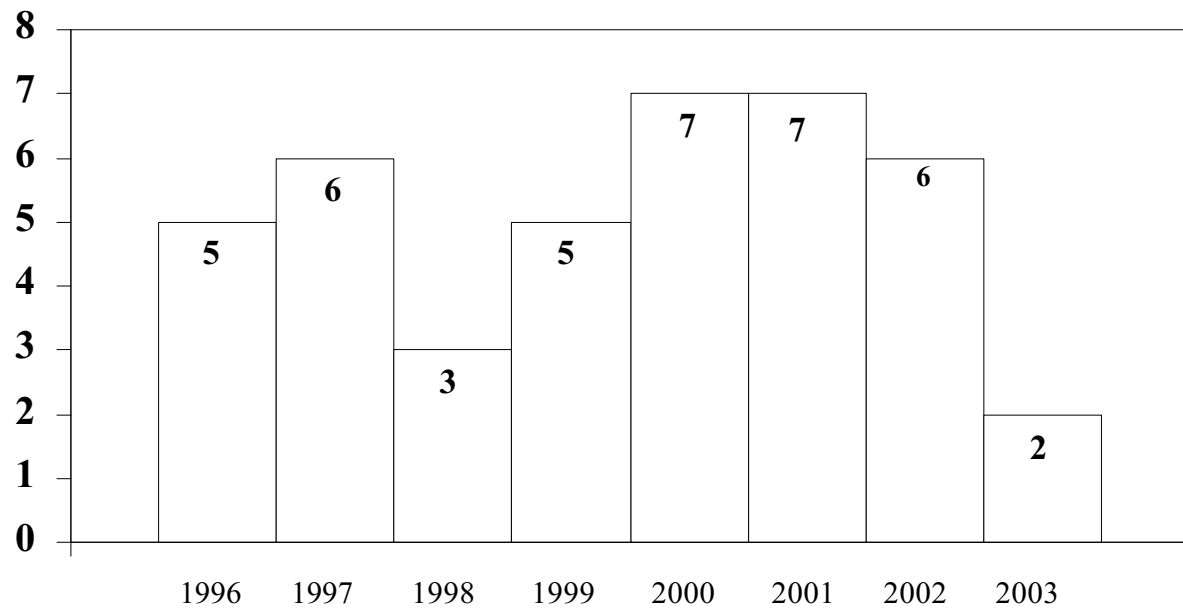
DISCUSSION

Officer involved shootings, where a police officer discharges a firearm at another individual, are divided into four categories: fatal, wounded, missed, and unintentional wounded (an accidental discharge of the weapon where an individual is hit). The number of officer involved shootings since 1996 are listed below:

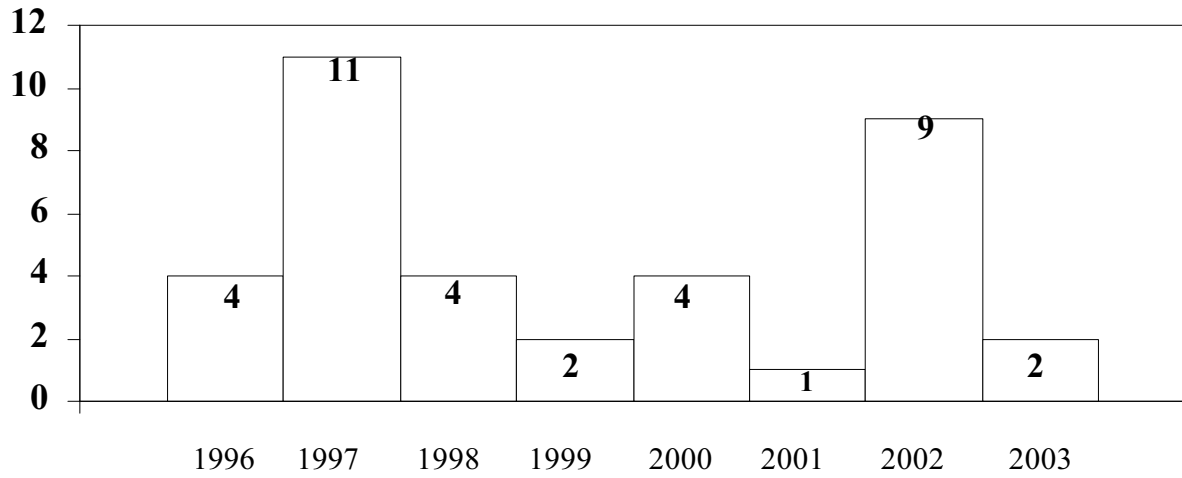
## Officer Involved Shootings (Total)



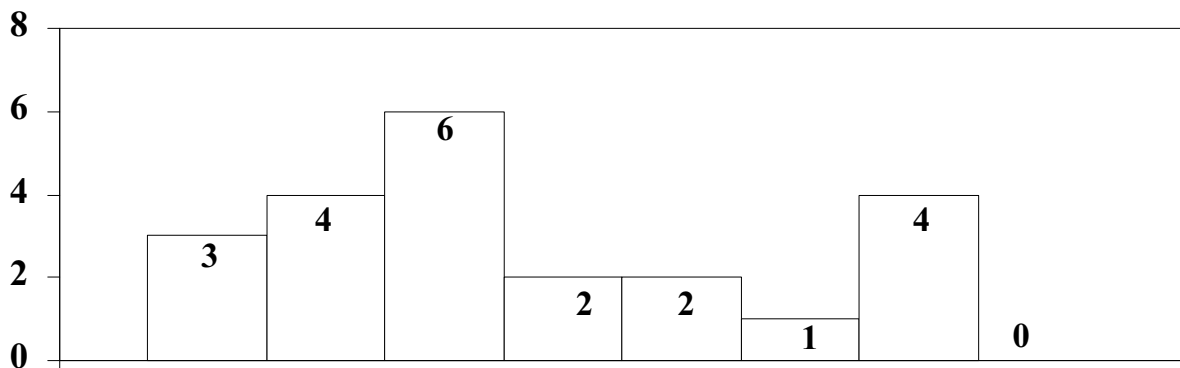
## Officer Involved Shootings (Fatal)



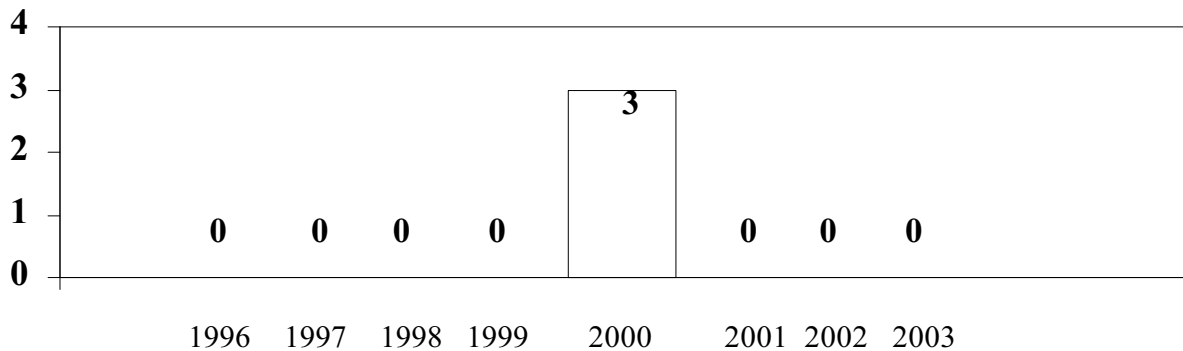
### Officer Involved Shootings (Wounded)



### Officer Involved Shootings (Missed)



## Officer Involved Shootings (Unintentional Wounded)



The OIS review conducted by the department last year included the following:

### **Detailed Analysis of OIS from the year 2000 to the present.**

Thirty-eight cases were analyzed for trends, training and tactics issues, and any other areas that could provide insight. The types of weapons used by the suspect, the environment, radio call, number of officers, history of the persons involved, whether alcohol or mental illness played a role, tactical decisions, less than lethal options, support systems in place for the officers, and other aspects of the cases were reviewed.

### **Research how other Departments respond to an Officer Involved Shooting (OIS).**

A telephone survey of other police departments was conducted to determine how they responded to an OIS. Anaheim, Oakland, San Jose, San Francisco, Los Angeles, Riverside, Santa Ana, Fresno, Long Beach, and Sacramento were contacted.

### **Research Less than Lethal options.**

A review of less than lethal options currently available to officers was conducted. A large sample of officers was surveyed on preferences and effectiveness of less than lethal equipment. This included different impact weapons (Orcutt Police Nanchukas or OPNs, expandable batons,

side handle batons or PR-24s), tasers, and beanbags. In addition, there were presentations to the Chief's Executive Committee of other less than lethal options.

## **Review of the OIS Investigation Protocol (as of June 2002).**

### **District Attorney's Office**

The District Attorney's Office sends an investigator to the incident scene to provide assistance to the Homicide Unit and continues to offer resources during the criminal investigation. After receiving the investigation from Homicide, the District Attorney prepares a legal finding on the shooting.

### **Homicide Unit**

The Homicide Unit is responsible for investigating all officer-involved shootings when a person is fatally or non-fatally wounded. After completing the criminal investigation, the Unit forwards it to the District Attorney's Office. The Homicide Unit also prepares criminal charges against the person shot by the police, if warranted.

### **Peer Support/Medical Assistance**

Immediately after an officer is involved in a shooting, a peer support officer is assigned to him/her. The role of the peer support officer is to provide assistance to the officer and answer any questions regarding the OIS investigative process. Peer officers do not provide any legal advice, as the Police Officer's Association sends an attorney to the scene to represent the officer. The Medical Assistance Unit, in partnership with the contract psychological services provider (FOCUS), holds debriefings with the officer and other involved personnel within two days of the shooting incident.

### **Internal Affairs**

Internal Affairs conducts an administrative investigation to determine whether the shooting was within policy. After receiving the criminal investigation from Homicide, Internal Affairs reviews tapes, reports, diagrams, and may re-interview witnesses or the subject officer. Internal Affairs also is the lead investigative unit for those occasions when an officer discharges his/her firearm at someone and misses.

### **Citizen Review Board**

The Citizen Review Board reviews the Internal Affairs investigation of the shooting. The Board has access to all administrative and criminal investigative notes, tapes, diagrams, reports, and evidence. The Board discusses the case as a group and votes to agree with the Internal Affairs investigation, agree with comment, or disagree with comment.

## **Shooting Review Board**

The Shooting Review Board is comprised of an Assistant Chief, the Core Instructor from the San Diego Regional Academy in defensive tactics, and the Police Rangemaster. After receiving the case from Internal Affairs, the Board reviews the administrative shooting investigation to determine if there are any policy, tactics, and/or training issues. The Board solicits input from the officer's commanding officer and prepares a written report.

After the numerous discussions, surveys, reports and presentations, the Department agreed to a series of recommendations to improve the manner in which OIS are investigated. Training and equipment changes were also implemented. They include:

### **OIS Response Protocol (changes made as of July 2002)**

Homicide conducts all criminal investigations involving incidents when an officer discharges a firearm at a person, whether or not the person is fatally, non-fatally wounded or missed.

Internal Affairs determines whether a shooting is within policy (In the past, the Shooting Review Board also rendered a finding, occasionally creating a conflict).

The Shooting Review Board also looks at equipment issues, in addition to tactics and training. The Board prepares reports and recommends training to improve tactical decision-making.

## **Training**

In-Service Training has assigned two officers to conduct ongoing training in defensive tactics at area commands. The training includes role playing, familiarity with less than lethal and impact weapons, and defensive tactics. There will be a yearly qualifications test on defensive tactics for patrol personnel. This will help address deficiencies and measure the effectiveness of the defensive tactics training at the commands.

## **Equipment**

A pilot is currently being conducted to evaluate a feasibility of requiring officers to carry tasers on their person. Previously, tasers were carried in the trunk of the car. There are more than over sixty officers participating in the pilot.

The department is evaluating the feasibility of issuing expandable batons for patrol officers. Officers are currently assigned either an OPN (police nanchukas) or a PR-24 (side arm baton). They are allowed to purchase an expandable baton with their own money if they chose to carry that as an impact weapon. The study revealed over eighty five percent of officers preferred the expandable batons. Numerous officers that had been trained by the department in the use of the expandable baton preferred it as a primary impact weapon but did not carry it.

## **Use of Force Effective Form**

In July 2003, officers were required to complete a use of force effectiveness form whenever they used force on an individual. This was Use of Force Task Force recommendation number 4. The purpose of this form is to identify the effectiveness of our equipment (impact and less than lethal weapons) and defensive tactics. These forms will help guide future training and equipment needs.

There have been other organizational changes that will have a positive impact on force issues. One is the adoption of the Mediation Program in the calendar year 2002. This grant-funded program successfully resolved fourteen citizen complaints without a formal and lengthy personnel investigation through the use of an outside mediator. This was Use of Force recommendation number 45. In addition, we were recipients of a \$125,000 COPPS grant in fiscal year 2003 to develop an Early Identification and Intervention System. This software program will allow us to more effectively identify and correct behavior that could potentially jeopardize the officer's career and or create liability issues for the City. This was Use of Force Task Force recommendation number 71.

As we continue to make changes and implement recommendations, we are aware that one of the more critical issues facing the Department is our contact with the mentally ill. We have added training on the mentally ill to In-Service training and are partnering with the agencies that work with the mentally ill. The fiscal realities that have an impact on programs such as the Psychological Emergency Response Teams (PERT) and Homeless Outreach Teams (HOT) have created new challenges. We are confident that our work with the Use of Force Task Force and partner agencies will strengthen our resolve to find solutions to reduce those force incidents involving the mentally ill.

Respectfully submitted,

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William M. Lansdowne  
Chief of Police  
Police Department

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Approved: P. Lamont Ewell  
Assistant City Manager

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