
Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident where a member of this Department either uses an application of force, or commits another action, in which the result is a death or substantial risk of death to a person. This shall include, but is not limited to, incidents involving officer-involved shootings, in-custody deaths, and traffic collisions.

305.2 POLICY

This policy is to ensure that such incidents be investigated in a thorough, fair and impartial manner. In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This Department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police, or designee.
- A criminal investigation of the involved officer's actions conducted by an outside agency.
- A civil investigation to determine potential liability conducted by the involved officer's agency.
- An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Department policy.

305.4 CONTROL OF INVESTIGATIONS (JURISDICTION)

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 SANTA MONICA POLICE OFFICER WITHIN THIS JURISDICTION

The Santa Monica Police Department is responsible for the criminal investigation of the suspect's actions and the officer's actions. This Police Department is also responsible for conducting a comprehensive administrative investigation. The administrative investigation will identify any violations of Department policy, training issues, or other factors.

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The California Attorney General will investigate all officer-involved shootings involving unarmed persons (see § 305.6.1).

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305.4.2 SANTA MONICA POLICE OFFICER IN ANOTHER JURISDICTION

The agency where the initial criminal incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the suspect(s) of the incident. The agency may relinquish its criminal investigation of the suspect(s) to the Santa Monica Police Department or another agency. The Santa Monica Police Department is responsible for conducting the administrative investigation of the involved officer(s) and will complete the investigation in a timely matter.

305.4.3 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Santa Monica Police Department is responsible for the criminal investigation of the suspect's and officer's actions. At the discretion of the Chief of Police, the Santa Monica Police Department may relinquish its criminal investigation of the suspect(s) and/or officer to the involved officer's employing agency. The criminal investigation of the officer-involved shooting will also be conducted by the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

305.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings and critical incidents:

| | Criminal Investigation of Suspect(s) | Criminal Investigation of Officer(s) | Civil Investigation | Administrative Investigation |
|--|---|---|-------------------------------------|---|
| SMPD Officer in this Jurisdiction | SMPD Investigators | SMPD Investigators/ District Attorney's Office | Santa Monica City Attorney's Office | SMPD Professional Standards - Internal Affairs Unit |
| Outside Agency Officer in this Jurisdiction | SMPD Investigators or outside jurisdiction | SMPD Investigators/ District Attorney's Office | Involved Officer(s) Department | Involved Officer(s) Department |
| SMPD Officer in Another Jurisdiction | Decision made by agency where incident occurred | Decision made by agency where incident occurred | Santa Monica City Attorney's Office | SMPD Professional Standards - Internal Affairs Unit |

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death resulting from police action.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved SMPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Prioritize life and safety, secure the scene, and identify and eliminate hazards for all those involved.

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- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved Santa Monica Police Department supervisor should:

- (a) Secure the scene and ensure the tactical stability of the incident.
- (b) Take all reasonable steps to obtain emergency medical attention for all injured individuals.
- (c) If necessary, a supervisor may issue an administrative order directing any Santa Monica Police Department officer to immediately provide public safety information needed to secure the scene, identify involved parties, and pursue suspects (See Policy § 305.5.3 PUBLIC SAFETY STATEMENT).
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (d) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event there are no uninvolved officers who can supply an adequate overview, the supervisor should attempt to obtain a brief overview from one involved officer.
- (e) Provide all available information to the Watch Commander and Public Safety Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional Santa Monica Police Department members until properly relieved by a Criminal Investigations Supervisor, Robbery/Homicide Detective, or other assigned personnel.
- (g) As soon as practicable, ensure the involved officer's clothing and equipment is collected by investigators or Forensics lab personnel.
- (h) As soon as practicable, collect and dock the involved officer's body-worn camera.
- (i) As soon as practicable, ensure that each involved officer is transported separately to the station or designated facility and remain separated until further direction.
 - (a) Each involved Santa Monica Police Department officer shall be given an administrative order not to discuss the incident with other involved officers or Santa Monica Police Department members pending further direction from a superior officer.

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- (b) Under most circumstances, when an officer's handgun was discharged in an officer-involved shooting, it will be retained by the involved officer until the Department Rangemaster collects it as evidence. This collection of evidence shall occur in the presence of the Robbery Homicide Unit (RHU) Supervisor, or their designee, who will document the exchange. The officer will be provided with a comparable replacement weapon as soon as practical.
- (c) As soon as feasible, an uninvolved supervisor or designee shall accompany the involved officer(s) to assist with the officer's basic needs. No discussions regarding the incident are to occur.
- (j) Confirm any long gun discharged in an officer-involved shooting is retained by the involved officer until the Department Rangemaster collects it as evidence.
 - 1. In the event the officer cannot or should not retain the rifle, the supervisor shall direct an uninvolved officer to retain the rifle. The rifle should be secured in a supervisor's vehicle and remain on scene until it can be collected by the Department Rangemaster.
 - 2. The collection of the rifle shall occur in the presence of the Robbery-Homicide Unit (RHU) Supervisor, or their designee, who will document the exchange.
- (k) Confirm whether any other instrument or improvised weapon(s) were used in the incident by an involved officer and are retained by that officer until it can be collected as evidence.
- (l) Safeguard any vehicle at the scene of an officer-involved shooting in which any involved officer was the driver or passenger. Ensure it is left at the scene, intact, until the RHU Supervisor or his/her designee determines its disposition.

305.5.3 PUBLIC SAFETY STATEMENT

The initial on-scene supervisor may, if necessary, administratively order any member from this Department to immediately provide public safety information necessary to secure the scene and pursue suspects. Public safety information shall be limited to such things as outstanding suspect information, involved and outstanding weapons, number and direction of shots fired, parameters of the incident scene, identity of known witnesses, and similar information.

The supervisor requiring the public safety statement may state something along the following to the involved personnel:

"I am ordering you to provide me with critical information to assist me in providing for the safety and welfare of the public and fellow law enforcement personnel. This information will be used to pursue and capture any outstanding suspect(s), locate and provide medical care to anyone injured, and otherwise assist the law enforcement response to this incident."

Due to the need to take immediate action, the involved member is not entitled to await representation before answering. Some relevant questions could include:

- 1. Were you involved in an officer-involved shooting?
- 2. Approximately how many rounds did you fire? If so, what direction?

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3. Do you know if any other officers fired rounds?
4. Did the suspect fire any rounds? If so, from what direction?
5. Was anyone injured? If so, where are they?
6. What crime is this suspect wanted for?
7. Are you aware of any witnesses? If so, where are they?
8. Approximately where were you when you fired the rounds?
9. Are there any outstanding suspects? (Description, Direction, Mode of Travel)
10. What crime(s) are any outstanding suspect(s) wanted for?
11. Are there any weapons or evidence that needs to be protected? (Locations)

After obtaining the Public Safety Statement, the supervisor will remain on-scene to provide CID personnel the safety statement(s) given.

305.5.4 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Deputy Chief of Police or a Division Commander.

All non-media related, outside inquiries about the incident shall be directed to the Watch Commander. Media based inquiries will be routed to the Press Information Officer.

305.5.5 NOTIFICATIONS

The Watch Commander shall notify the following person(s) as soon as practicable:

- A supervisor to the scene (or, assign one to respond)
- Duty Commander M-F (POD Commander)/ F-M (Weekend Duty Commander)
- Deputy Chief of Police or designee
- Chief of Police
- Criminal Investigations Commander
- Special Operations Commander (traffic-related death)
- Forensic Supervisor (consultation)
- Psychological/Peer Support Supervisor (Lt./Sgt.)
- Peer Counselor (if requested by involved officer)
- Outside agency investigator (if appropriate)
- Rangemaster (officer-involved shooting)
- Press Information Officer
- Chaplain (if requested by involved officer)

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- Any other personnel as required by the Department's Notification Matrix

The Robbery Homicide (RHU) Lieutenant, or designee, will be responsible for the following notifications:

- The Chief or their designee will notify the City Attorney's Office
- Risk Management
- District Attorney Response Team (DART)
- Attorney General's Office (as required by policy section 305.6.1)
- Coroner

305.5.6 INVOLVED MEMBER(S)

The following shall be considered for the involved member(s):

- (a) Any request for legal or union representation will be accommodated.
 - i. The involved officer and his/her attorney will be provided an opportunity to review any recording (video or audio) of the incident prior to making a statement.
 - ii. Involved member(s) shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - iii. Requests from involved non-SMPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (d) A licensed psychotherapist shall be provided by the Department to each involved SMPD officer. A licensed psychotherapist may also be provided to any other affected SMPD members, upon request.
 - i. Interviews with a licensed psychotherapist will be considered privileged.
 - ii. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - iii. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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At the discretion of the Chief of Police or their designee, each involved SMPD member shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Division Commander or designee to make schedule adjustments to accommodate such leave.

305.5.7 STATEMENTS GIVEN BY INVOLVED OFFICERS

Subsequent to a member being involved in a shooting or death, and notwithstanding any extenuating circumstances, the involved member may provide a voluntary statement, subject to questioning by investigators, regarding the member's involvement in the shooting or death as soon as practicable. For purposes of this section, a statement is voluntary when made by a person exercising their free will. A statement made in response to threat of discipline is not voluntary.

All involved members shall be separately interviewed and the interviews should be recorded. Prior to the interviews, all involved members should be kept apart to maintain the integrity of their individual statements.

Voluntary statements will generally be obtained by members of the Criminal Investigative Unit. Involuntary statements will generally be obtained by members of the Internal Affairs Unit, or designee of the Chief of the Police. The involved officer is required to make their decision as to which statement they will elect to make, voluntary or involuntary, within seven (7) calendar days of the incident and report their decision upon request.

The scheduling of voluntary statements will be coordinated between the Robbery – Homicide Unit supervisor and the involved officer, or their elected representative. Interviews should be completed within a reasonable period of time, based on the nature of the investigation and mutually agreed upon scheduling.

The scheduling of involuntary statements will be coordinated between the Internal Affairs Unit and the involved officer, or their elected representative. If necessary, a compelled statement generally will not be ordered within the first seven (7) days of the incident or upon notification from the involved officer of their decision to not give a voluntary statement (pursuant to the Public Safety Officers Procedural Bill of Rights Act, Government Code 3300 et seq.).

Nothing in this policy shall prevent Internal Affairs from requiring an officer to provide a compelled statement at any time. The content of the compelled statement shall not be disclosed to any criminal investigative agency.

305.5.8 MANDATORY PSYCHOLOGICAL EVALUATION

It is mandatory that any officer whose actions may have contributed to the death or grave bodily injury to another while the officer was acting in the course of their duties, have a counseling session with the Departmental psychologist prior to returning to regular duty and no later than 72 hours following the incident. The list of Department-approved psychologists is in the Watch Commander's Office and the Professional Standards Section. The involved employee or supervisor may schedule the appointment.

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All counseling sessions are protected by psychotherapist/patient privilege unless the employee grants permission to release information or the employee presents a concern that the Departmental psychologist deems a public safety issue. The Department psychologist shall be provided the name of the employee's Division Commander so notification can be made that the appointment was completed.

Subsequent quarterly appointments with the Departmental psychologist are mandatory for one year following the incident. The Division Commander shall ensure the employee is scheduled for and completes the follow-up appointments with the Departmental psychologist.

305.5.9 INVOLVED OFFICERS- RETURN TO REGULAR DUTY

In addition to completing the initial appointment with the Departmental psychologist, an officer may be temporarily reassigned to station duties for a minimum of three (3) working days. The temporary reassignment shall not reflect upon the propriety of the officer's action and is not imposed as punishment.

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The California Attorney General will investigate all officer-involved shootings involving unarmed persons (see § 305.6.1).

If available, investigative personnel from this Department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. A walkthrough may take place at the scene to aid the member in recalling and explaining the exact locations of the parties and the events that took place. The following shall be considered for the involved officer:

- (a) Department supervisors and Department administrative investigator(s) should not participate directly in any voluntary interview of involved officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

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- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 NOTIFICATION TO DEPARTMENT OF JUSTICE

In accordance with Government Code § 12525.3, any officer-involved shooting resulting in the death of an unarmed civilian will be investigated by the California Department of Justice (DOJ). The CID Lieutenant, or designee, should promptly notify the DOJ through LA CLEAR in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed. The state prosecutor is authorized to do the following (Government Code § 12525.3):

- (a) Investigate and gather facts
- (b) Prepare a written report containing a statement of the facts, a detailed analysis and conclusion for each investigatory issue, recommendations to modify the policies and practices of the law enforcement agency, as applicable.
- (c) If criminal charges against the involved officer(s) are found to be warranted, the state prosecutor will initiate and prosecute criminal action against the officer(s).

An unarmed civilian is defined as anyone who is **NOT** in possession of a deadly weapon (Government Code § 12525.3(2)). A "deadly weapon," includes, but is not limited to any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic or metal knuckle (Government Code § 12525.3(a)(1)).

The Department will maintain control of the scene and should wait a reasonable amount of time for the DOJ response team to arrive before initiating the criminal investigation. If there are extended delays, then investigators should continue with their investigation. The DOJ investigation is not in lieu of the department's criminal and administrative investigation, but rather in addition to. Department personnel must still abide by the investigation guidelines of this policy.

For officer-involved shooting incidents involving an unarmed civilian that are determined to be under the purview of the DOJ, the District Attorney's Response Team (DART) will not respond to the scene. Nonetheless, the DART team shall be notified of any officer-involved shooting where a person was struck or resulted in the death of a person.

For further guidelines, refer to the [Procedure Manual](#).

305.6.2 REPORTS BY INVOLVED SMPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved SMPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

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While the involved SMPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SMPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.3 REPORTS BY UNINVOLVED SMPD OFFICERS

Officers present at the scene of an officer-involved shooting or critical incident, but who did not discharge their weapon and/or whose actions did not contribute to the cause of death or serious bodily injury, are considered uninvolved. Uninvolved officers shall complete a report and/or be subject to an interview by personnel from CID. Any required report by the uninvolved officer shall be completed in a timely manner in accordance with SMPD Policy § 323. If an uninvolved officer believes their actions during the incident could result in discipline, nothing in this section shall be construed to deprive them of the right to consult with legal counsel before completing any such criminal report or interview.

305.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, the on-scene supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to their departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

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1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.5 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related Department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, or death, this Department will conduct an internal administrative investigation of involved Santa Monica Police Department officers. The Internal Affairs Lieutenant shall be responsible for conducting the administrative investigation. All relevant material, including evidence from the criminal investigation, shall be thoroughly reviewed to determine compliance with department policy. A memorandum outlining the details of the administrative investigation will be completed by the Internal Affairs Lieutenant and forwarded to the involved officer's Division Commander for review. If the investigation reveals a potential policy violation(s) occurred, the alleged policy violation will be included in the memorandum. The involved officer's Division Commander, or their designee, shall be responsible for authoring the personnel complaint and referring the complaint back to the Internal Affairs Unit for additional investigation. Administrative investigation files will be retained by the Internal Affairs Unit in accordance with established document retention schedules and applicable law. Administrative investigation files will be considered a confidential officer personnel file for the duration of the investigation.

Interviews of members shall be subject to Department policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any officer involved in a shooting or death, whether on-duty or off-duty, may be requested or administratively compelled to provide a blood sample for alcohol/drug screening provided there is reasonable cause for such testing. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 - 4. The officer shall be informed of all constitutional Miranda rights (Government Code 3303(h)) and, assuming no voluntary waiver of their right's, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).
 - 5.
 - 6. Any indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death will be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

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Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the Criminal Investigation Division's Captain/Commander, the prosecuting attorney or City Attorney's Office, as appropriate.

305.9 CIVIL LIABILITY RESPONSE

A member of this Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Santa Monica Police Department shall conduct both a critical incident/stress debriefing and an administrative debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Deputy Chief, or designee, is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian member personnel, other first responders from law enforcement or fire services). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

305.10.2 ADMINISTRATIVE DEBRIEFING

If deemed necessary, an administrative debriefing may take place to review workflow processes between Department entities to ensure best practices resulting in efficient and thorough investigations are being followed. The administrative debriefing does not take the place of an Incident Review Board. to identify any training or areas of policy that need improvement. The Deputy Chief of Police, or their designee, should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

An administrative debriefing should include the following personnel:

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1. Deputy Chief of Police
2. Criminal Investigations Division Commander
3. Patrol Operations Division Commander
4. Professional Services Division Commander
5. Special Operations Division Commander
6. Robbery-Homicide Unit Supervisor
7. Robbery-Homicide Unit Investigator(s)
8. Department approved subject matter expert(s)
9. City Attorney
10. Any other personnel deemed necessary by the Deputy Chief of Police

305.11 MEDIA RELATIONS

All information intended to be released to the media shall be prepared and released by the Office of the Chief of Police via the Public Information Officer. When applicable, and depending on the type of investigation, personnel from the appropriate division/unit (e.g. Criminal Investigation Division, Internal Affairs, etc.) shall be consulted prior to any information release. Releases will be available to the Watch Commander, Criminal Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

The identities of officers involved in shootings or other major incidents may only be released in accordance with existing law. Video or audio recordings of critical incidents shall generally be released within 45 days of the incident, unless release would interfere with an ongoing criminal or administrative investigation, in which case release may be delayed up to one year, subject to periodic review (Government Code § 6254(4)). Investigative records concerning an officer involved in a shooting shall generally be released within 45 days of a public records request, unless a criminal or administrative investigation justifies a delay of up to 60 to 180 days or until the conclusion of a related criminal case (CA Penal Code 832.7).

The Department shall not subject any involved Santa Monica Police Department officer to visits by the media (Government Code § 3303(e)). No Santa Monica Police Department employee shall make any comment to the media including social media platforms (Twitter, Facebook, Instagram, etc.), unless he/she is authorized by the Chief of Police or designee. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual occurs in the Santa Monica Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Criminal

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Investigations Division Commander will ensure that the Records Unit Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).