



## LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



### **3-10/200.00 USE OF FIREARMS AND DEADLY FORCE**

The Department's policy on use of firearms and deadly force is:

- discharging a firearm at another human being is an application of deadly force and must, therefore, be objectively reasonable. Each Department member discharging a firearm must establish independent reasoning for using deadly force. The fact that other law enforcement personnel discharge firearms is not by itself sufficient to justify the decision by a Department member to shoot;
- Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others;
- Department members may use deadly force to effect the arrest or prevent the escape of a fleeing felon only when they have probable cause to believe that the suspect represents a significant threat of death or serious physical injury to the member or other person(s). If feasible, members shall identify themselves and state their intention to shoot before firing at a fleeing felon;
- the firing of warning shots is inherently dangerous. They should not be fired except under the most compelling circumstances. Warning shots may be fired in an effort to stop a person only when the Department member is authorized to use deadly force, and if the member reasonably believes a warning shot can be fired safely in light of all the circumstances of the encounter; and
- cover fire is defined as target specific controlled fire which is directed at an adversary who poses an immediate and on-going lethal threat. This tactic shall only be utilized when the use of deadly force is legally justified. Target acquisition and communication are key elements in the successful use of this tactic. Department members employing cover fire must establish their reason(s) for utilizing this tactic.

### **3-10/210.00 USE OF FIREARMS ON ANIMALS**

The shooting of animals that are not a threat of serious bodily injury to a person has proved to be inherently dangerous to bystanders as well as Deputy personnel. Therefore, Department members shall not use firearms to shoot animals fighting with other animals (e.g., dogs).

If it becomes necessary to destroy an injured (euthanasia) by use of a firearm and the conditions are such that there is an extended or inappropriate response time by the

animal control agency, authorization to use a firearm on an animal must be obtained from an on-scene supervisor.

Personnel may use firearms to employ deadly force when dealing with animals when they reasonably believe that death or serious physical injury is about to be inflicted upon themselves or others.

### **3-10/220.00 USE OF FIREARMS AGAINST VEHICLES AND/OR OCCUPANTS OF VEHICLES**

This section reinforces the Department's Core Values and underscores the reverence for human life.

The use of firearms against motor vehicles is inherently dangerous and almost always ineffective.

For the purposes of this section, an assaultive motor vehicle shall not presumptively justify a Department member's use of deadly force. A Department member threatened by a motor vehicle shall move out of its path instead of discharging a firearm at it or its occupant(s), allow the vehicle to pass, and utilize other tactical or investigative means to apprehend the suspect. If Department members decide to engage the vehicle in a pursuit, that pursuit shall be governed by the Department's pursuit policy (section [5-09/210.00](#) et seq.).

When on foot, Department members, except as required for fixed-point traffic control, shall not position themselves or remain in the path of a motor vehicle. Additionally, they shall not stop in a position directly in front of or behind a driver-occupied, stationary motor vehicle. Such positions are inherently unsafe.

The primary tactical consideration shall be for Department personnel to move out of the path of a vehicle.

A Department member shall not discharge a firearm at a motor vehicle or its occupant(s) in response to a threat posed solely by the vehicle unless the member has an objectively reasonable belief that:

- the vehicle or suspect poses an immediate threat of death or serious physical injury to the Department member or another person; and
- the Department member has no reasonable alternative course of action to prevent death or serious physical injury.

"Immediate threat of death or serious physical injury" as stated above is to be limited to an articulable threat to Department members or identifiable persons on scene. The possibility that a vehicle may cause harm to others if it were able to leave the immediate scene does not in itself justify discharging a firearm at a vehicle or its occupant(s).

In the extraordinary instance that a Department member feels compelled to fire at a motor vehicle or its occupant(s), the conduct of the involved personnel shall be evaluated in accordance with sound tactical principles including the following:

- cover and/or tactical relocation;
- safe distance;
- incident command and tactical leadership;
- coordinated personnel placement;
- tactical approach;
- regard for viable target acquisition;
- due regard for background, including the location, other traffic, and innocent persons;
- due regard for crossfire; and
- controlled fire and management of ammunition.

Shooting at tires of a vehicle is inherently dangerous and presents additional risk to Department members and others in the immediate area. If a Department member feels compelled to stop a vehicle, first consideration should always be placed on utilization of spike strips. In the rare instance when a Department member feels compelled to fire at the tires of a vehicle, the conduct of the involved personnel shall be evaluated in accordance with the tactical principles enumerated above as well as the potential dangers an out-of-control vehicle whose tires have been disabled poses to the Department member and the general public.

The policy is not to be compared to the use of spike strips, which is a sound tactical principle wherein air pressure is slowly released.

In the extraordinary instance that a Department member feels compelled to fire at a motor vehicle or its occupant(s), the conduct of the involved personnel shall be evaluated in accordance with sound tactical principles including the following:

- cover and/or tactical relocation;
- safe distance;
- incident command and tactical leadership;
- coordinated personnel placement;
- tactical approach;
- regard for viable target acquisition;
- due regard for background, including the location, other traffic, and innocent persons;
- due regard for crossfire; and
- controlled fire and management of ammunition.

### **3-10/130.00 ACTIVATION OF THE IAB FORCE/SHOOTING RESPONSE TEAMS**

Watch Commanders and Supervising Lieutenants are required to make immediate verbal notification to the on call IAB Lieutenant whenever any of the following occur:

- all shootings by any Department member, both on-duty and off-duty, including accidental discharges, warning shots, and shooting at animals;
- all incidents in which Deputy personnel are shot;
- hospitalizations due to injuries caused by any Department member;
- skeletal fractures caused by any Department member;
- Category 2 or 3 Force used by any Department member during or following a vehicular or foot pursuit;
- all large party situations where Category 2 or 3 Force is used;
- injury or complaint of injury to a person's head, or neck area resulting in medical evaluation and/or treatment, following contact with any Department member (This does not apply to contamination due to Oleoresin Capsicum spray, Freeze +P or Deep Freeze aerosols, or Pepperball projectile powder);
- all head strikes with impact weapons;
- kick(s) to an individual's head with a shod foot;
- knee strike(s) to an individual's head;
- any situation wherein a Department member pushes, shoves, takes down, or otherwise causes a person to hit their head against a hard object (e.g. roadway, driveway, concrete floor, wall, door jamb, jail bars, etc.);
- canine bites resulting in medical treatment;
- any death following a contact with any Department member;
- all inmate deaths;
- any of the above use of force witnessed by a Department member applied by personnel from another law enforcement agency involved in an operation with Department personnel; or
- at any scene where the Sheriff's Response Team (SRT) is deployed.

The on-call IAB Lieutenant shall evaluate the information and determine if an IAB Force/ Shooting Response Team activation is required. The on-call Lieutenant shall also

determine the appropriate make-up of each team and will cause the notification of those personnel.

The following types of incidents shall require mandatory activation of an IAB Force/Shooting Response Team by the on-call IAB Lieutenant:

Inmate deaths from other than obvious natural causes, including murders, suicides, overdoses, or accidents, and

The following Category 3 Force:

- all shootings in which a shot was intentionally fired at a person by a Department member;
- any type of shooting by a Department member which results in a person being hit,
- force resulting in admittance to a hospital;
- any death following a use of force by any Department member;
- all head strikes with impact weapons;
- kick(s), delivered from a standing position, to an individual's head with a shod foot while the individual is lying on the ground/floor;
- knee strike(s) to an individual's head deliberately or recklessly causing their head to strike the ground, floor, or other hard, fixed object;
- deliberately or recklessly striking an individual's head against a hard, fixed object; or
- skeletal fractures, with the exception of minor fractures of the nose, fingers or toes, caused by any Department member.

The IAB Force/Shooting Response Team shall prepare an administrative review of each incident which shall be submitted to the Executive Force Review Committee, with an additional level of independent oversight. The Captain of Internal Affairs Bureau is responsible for establishing an incident file containing the IAB Force/Shooting Response Team's reports, and for ensuring that they are entered into the Personnel Performance Index (PPI).

If at any time the response team IAB Lieutenant determines that an administrative investigation is warranted, he or she shall brief the concerned Unit Commander and, with the concurrence of the concerned Division Chief or Division Director, shall direct the IAB investigators to commence an investigation. If it is determined that the conduct of any Department member may have been criminal in nature, the IAB Force/Shooting Response Team Lieutenant shall immediately notify the concerned Unit Commander, and with concurrence of the concerned Division Chief or Division Director, turn the investigation over to the Internal Criminal Investigations Bureau (ICIB).

### **3-10/300.00 DEPUTY-INVOLVED SHOOTINGS - GENERAL PROVISIONS**

#### Definitions:

Hit Shooting:	Department member intentionally shoots at a person and any person is hit. NOTE: Any type of shooting by a department member which results in a person being hit will be investigated and documented in the same manner as a "hit shooting." Exception: Incidents involving persons injured by gunfire at a Department range may or may not be handled according to the "hit shooting" protocol depending on the circumstances.
Non-Hit Shooting:	Department member intentionally shoots at a person and no one is hit.
Warning Shot:	Department member intentionally shoots as a warning, without intent to shoot at a person.
Animal Shootings:	Department member intentionally shoots at an animal, whether or not an animal is hit.
Accidental Discharge:	Department member accidentally discharges a firearm.
Shooting - Other:	Department member intentionally shoots at an object.

Immediate action shall be taken to care for the injured, to apprehend suspects and to protect the scene. Assisting personnel should attempt to locate and identify any witnesses to the incident. Deputies shall refrain from discussing the incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken.

The involved Deputies shall then be immediately transported, by a supervisor, if possible, or if not, by uninvolved Deputies, to the Station, Unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators, or in shootings where no one has been wounded or killed, until each has written a detailed report articulating the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made.

The Watch Commander or Supervising Lieutenant is responsible for making an immediate verbal notification to Homicide Bureau following any incident in which shots fired by a Deputy result in a person being hit, and in any incident in which a Deputy is shot. The Watch Commander or Supervising Lieutenant is also responsible for making

an immediate verbal notification to the IAB on-call Lieutenant following any Deputy-involved shooting, including those in which no one is hit, as well as accidental discharges, warning shots and shooting at animals. The Watch Commander shall make an immediate verbal notification to the Unit Commander anytime an IAB Force/Shooting Response Team is activated. The Watch Commander shall respond to the location. The involved employee's Unit Commander shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. The Station Unit Commander shall also respond to every hit and non-hit Deputy-involved shooting (on or off duty) within their Station jurisdiction regardless of the involved employee's Unit of assignment.

The Department Duty Commander or involved employee's Division Commander shall also be verbally notified and shall respond to the location (if within Los Angeles County) when the employee, on or off duty, intentionally discharges a firearm at a person, whether or not anyone is hit, as well as to any type of shooting by the employee which results in a person being hit. Exceptions must be approved by the involved employee's Division Chief or Division Director. If the location of the shooting is outside Los Angeles County, the involved employee's Division Commander shall evaluate the incident and determine whether their immediate response is necessary.

Except under exigent circumstances, a Deputy-involved shooting scene shall be kept intact and protected until the conclusion of Homicide Bureau's investigation and/or the IAB Force/Shooting Response Team review. Expended brass, cartridges, magazines, etc., shall be left undisturbed. Fired weapons should be holstered or secured, consistent with standard evidence retrieval and preservation methods. Once secured, weapons shall not be handled or examined, except by Homicide Bureau investigators or by the IAB Force/Shooting Response Team personnel. Should a weapon be discarded during an incident, it shall be left undisturbed if at all possible.

In any situation in which an IAB Force/Shooting Response Team responds and conducts a shooting review, the Watch Commander/Supervising Lieutenant shall cooperate with and assist team personnel in conducting the review; however, Unit level personnel will not produce a shots fired or incident review. The Watch Commander/Supervising Lieutenant shall be responsible for securing the incident scene and identifying and sequestering witnesses as appropriate. In Deputy-involved shooting incidents, witness interviews shall be conducted by Homicide investigators or, when no hit has occurred, by the IAB Force/Shooting Response Team members. The IAB Force/Shooting Response Team members may request Unit-level supervisors to assist with witness interviews in "non-hit" shooting incidents.

### **3-10/310.00 PRELIMINARY RESPONSIBILITIES**

Deputy-involved shootings are likely the most critical incidents in which Department personnel become involved; therefore, they appropriately warrant an in-depth and objective analysis. A central component in this process is the collection of statements

from every identifiable witness. The investigative process must be undertaken promptly and with the highest level of investigatory integrity, while at the same time, honoring the rights and needs of Department members.

The following investigative protocols have been established by the Department in order to ensure these objectives:

Personnel, either involved in, or a witness to, the event, shall not discuss the circumstances of the incident among themselves or with uninvolved persons prior to being interviewed by assigned Departmental investigators.

NOTE: The provisions of this policy regarding witness' statements shall not affect communications required for tactical needs or subsequent suspect apprehension.

Members who were either involved in or witnessed the incident may consult individually with legal counsel or labor representatives telephonically or in person before providing an interview with Departmental investigators. Members who were either involved in or witnessed the incident shall not consult with legal counsel and or labor representatives collectively or in groups (e.g. two or more members consulting at the same time with the same legal counsel/labor representative).

The Watch Commander and all supervisors shall take reasonable steps to ensure that the provisions of this policy are followed. Whenever practical, Watch Commanders or their designee shall attempt to have involved personnel and witness personnel gather in the company of a supervisor until they have provided a statement to Departmental investigators. This practice shall in no way interfere with the member's individual access to legal/labor counsel, spiritual counsel, or otherwise impede access or availability to family members.

### **3-10/400.00 DEPUTY - INVOLVED SHOOTINGS - PERSON HIT**

In any Deputy-involved shooting in which a person is hit, the following responsibilities shall be carried out by the members/Units designated.

### **3-10/410.00 DEPUTY RESPONSIBILITIES**

The Deputy assigned to write the first report (SH-R-49) shall provide details briefly describing the initial contact between Department personnel and the suspect. The report shall conclude by stating that a shooting occurred. No further details about the shooting or why it occurred shall be written. With the exception of those firing weapons or witnessing the shooting, supplemental reports shall be written by all personnel involved with the shooting incident/scene to document their observations and actions.

A canvass of the immediate area for witnesses shall be conducted without delay and area canvass cards (SH-R-471) shall be completed and given to Homicide



investigators. Deputies canvassing an area who submit supplemental reports need only write what area was canvassed and how many canvass cards were turned in to Homicide investigators.

Supplemental reports of civilian witness statements shall not be written by Field Deputies unless exigent circumstances exist. For example, if a witness refuses to stay at the scene, and a Deputy believes the witness' statement cannot be taken at a later time and must be taken immediately, the Deputy identifying the witness may interview the person and complete a supplemental report to document the interview. If possible, the interview should be recorded (audio or video).

### **3-10/420.00 SUPERVISOR'S RESPONSIBILITIES**

The first supervisor to arrive at the scene shall ensure that the injured have been cared for, suspects have been apprehended, and the scene has been protected. After obtaining a brief description of the circumstances from them, the supervisor shall ensure that involved personnel are transported to the Station, Unit of assignment, or other suitable location without delay by uninvolved Deputies.

The first supervisor at the scene shall ensure that all civilian witnesses have been identified and shall attempt to have the witnesses, except for immediate family members, transported to the Station to be interviewed by Homicide investigators. Immediate family members of the wounded or deceased person, who may be witnesses, shall also be identified. If possible, considering the emotional impact of the situation, brief facts should be obtained to determine the extent of their knowledge of the incident. This information shall be furnished to Homicide Bureau investigators, who have the responsibility of determining the need for interviewing family members.

Supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews involved personnel, except as set forth above, until the arrival of Homicide investigators, and that the witnesses are cared for and kept separated as space permits.

**ALTHOUGH DEPUTIES INVOLVED IN THE SHOOTING MUST BE SEQUESTERED, THOSE WHO HAVE WOUNDED OR KILLED SOMEONE SHALL HAVE A DEPARTMENT MEMBER REMAIN WITH THEM UNTIL HOMICIDE BUREAU CAN CONDUCT INTERVIEWS.**

Deputies who have sustained minor injuries, not requiring hospitalization, should remain in their current attire and postpone cleaning up until they have been photographed.

#### **Watch Commander Responsibilities**

The Watch Commander shall assign a Department member to provide aid and assistance as needed. That person shall avoid discussing the facts of the incident with personnel involved in the shooting. Numerous interviews of personnel involved in

shootings prior to the arrival of Homicide Bureau personnel can negatively affect the ability of some individuals to relate facts accurately to Homicide investigators. All mandated notifications which the Watch Commander makes shall be verbal. A Chief's Memo regarding the incident will not be written. No written notifications of the event shall be forwarded to the media, local dignitaries, or personnel of any rank. These notification procedures shall also apply to Deputy involved non-hit shootings as well.

#### Unit Commander Responsibilities

It shall be the responsibility of each Unit Commander to ensure that a sufficient supply of "Deputy Involved Shooting Information and Resources" pamphlets are maintained and available for distribution in the aftermath of a shooting incident or upon request.

#### Area Commander Responsibilities

It shall be the responsibility of the involved employee's Division Commander to complete the "Deputy Involved Shooting Commander's Checklist." For shootings which involve employees from different Divisions, the Commander responsible for completing the checklist will be decided upon mutual agreement by the involved employees' Division Commanders. It is critical that the Commander review each section of the checklist for applicability to the incident and implement the recommended actions as needed. The checklist shall be submitted to the involved employee's Division Chief or Division Director on the first business day following the incident. It shall be retained within the Division's shooting book.

The Commander will ensure that the "Deputy Involved Shooting Information and Resources" pamphlets are distributed to all concerned parties, as appropriate. The pamphlet is designed to provide information about what occurs in the aftermath of a Deputy-involved shooting incident.

The Commander shall be responsible for ensuring that the concerned investigative Units' needs are met, for arbitrating any conflicts between investigative Units, and for approving any deviation from the hit and non-hit shooting investigation protocols.

The on-scene Tactical Commander shall be responsible for handling all Commander level responsibilities associated with a Special Enforcement Bureau/SWT response.

### **3-10/440.00 HOMICIDE BUREAU'S RESPONSIBILITIES**

Homicide Bureau is responsible for conducting a thorough investigation into the incident. They are responsible for conducting the investigation of the scene and interviewing all concerned persons. Homicide Bureau investigators shall respond to the scene to conduct their investigation and then to the Station/Unit to interview the involved Deputies and other witnesses.

Homicide investigators shall interview all parties separately, and shall complete the detailed supplemental report of the actual shooting incident. The report shall include all witness statements. Department members' statements regarding the incident shall be tape-recorded.

The investigation conducted by Homicide Bureau investigators shall be submitted to the District Attorney's Special Investigations Division.

The Homicide Bureau Lieutenant shall interview the involved Deputies without delay. He shall fully inform the Unit Commander, as well as the IAB Force/Shooting Response Team, of the results of his preliminary interview and shall keep them fully informed of the significant developments of the investigation as they occur. As soon as practical, a Homicide Lieutenant will give concerned Department executives, IAB personnel, and District Attorney personnel a briefing of the incident and a walk-through of the shooting scene.

### **3-10/450.00 PROFESSIONAL STANDARDS DIVISION (PSD) RESPONSIBILITY**

The IAB Force/Shooting Response Team is responsible for conducting administrative reviews of shootings. In shooting situations where a person has been wounded or killed, team personnel shall cooperate with Homicide personnel and vice versa to gather the facts necessary for their review (see section [3-10/120.00](#)).

### **3-10/460.00 CRITICAL INCIDENT RESPONSE - DEPARTMENT PSYCHOLOGIST**

Personnel involved in shooting incidents or other life threatening events often experience significant trauma. Incidents that can result in trauma include: wounding or fatally shooting, firing or attempting to fire, being fired upon and other life threatening events such as struggling with an armed suspect who has a position of advantage. These circumstances have the potential to affect the performance and health of the employees involved. A debriefing conducted by a Department psychologist can assist in reducing potential problems.

The exact impact varies with each individual and is difficult to predict. In some cases, there is no change in the individual. In others, the change may occur immediately, several hours or even days, weeks, or months later.

It is the responsibility of the concerned Unit Commander to arrange a debriefing between a Department psychologist and all involved personnel in any incident described above, no later than five days following the incident. This is to provide each employee with the opportunity to discuss the incident in a confidential environment. Employees shall be required to attend the debriefing.

The Department psychologist will only confirm that this first appointment was kept, but will not provide any information on the content of the session unless the employee requests such disclosure.

Employee Support Services Bureau will conduct a follow up contact with each employee via e-mail or phone at two weeks and four months. Should a subsequent debriefing be indicated, or requested by the employee, that debriefing shall be compensated under the provisions of the employee's Memorandum of Understanding. Unit Commanders should encourage attendance at these confidential debriefings geared to preventing problems related to the shooting or life threatening incident. The employee may also request a confidential follow-up session at any time after the first session.

In all shootings involving death or serious injury, the employee who fired the weapon, or was fired upon should be given the option of three days leave, three to five days posting in an assignment where risk exposure is minimal, or a combination of the two. Such options allow an employee an opportunity to marshal their natural coping skills to deal with the emotional impact of the incident, prior to returning to their former assignment. For this type of incident, every effort should be made to schedule the debriefing with the Department psychologist during this three to five day time period.

There are times when entire Units may be adversely impacted by one or a series of shootings. A Department psychologist is available to conduct group debriefings upon request. When warranted, the psychologist may respond to the scene for an emergency debriefing/assessment.

In addition to the above, Unit Commanders should encourage, and/or at times require, those personnel involved in any event that has the potential to overwhelm their normal coping skills to attend a debriefing. Such events include traumatic traffic collisions, death of an infant or child during a rescue operation, career threatening injuries, death of a partner or colleague, and physical confrontation with a suspect or inmate which involves substantial danger to the employee.

### **3-10/500.00 DEPUTY-INVOLVED SHOOTINGS - NO ONE HIT**

In situations in which Deputy personnel fire at another person and no one is hit, the procedures previously outlined for scene preservation shall be adhered to. Involved Deputies shall be ordered into the Station, Unit of assignment, or other suitable location to complete a detailed report of the shooting. The report must make clear the circumstances leading to the encounter, the hazards/threats faced by Deputies or others and the reasons that the decision to use deadly force was made. After obtaining a brief description of the circumstances from involved personnel, supervisors, both at the scene and at the Station, shall ensure that no one questions or interviews them until this report is completed.

The IAB Force/Shooting Response Team shall conduct an administrative review of all situations in which Deputy personnel fire at another person and miss.

In situations involving accidental discharges or the shooting of animals, involved personnel and supervisors shall proceed according to the direction of the on-call IAB Lieutenant upon notification.