



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Officer Involved Shooting			Article: 1709
APPROVED: William Dickinson, Chief Probation Officer			
EFFECTIVE: January 2017	REVIEWED: August 2018	REVISED: September 2024	UPDATED: January 2017

POLICY

In addition to the requirements listed elsewhere in this Article, the following actions are to be taken whenever there is a shooting incident involving a sworn probation employee and another human being.

I. GUIDELINES:

- A. Initial actions to be taken when there is a probation officer involved in a shooting.
 - 1. The first priority is the safety of the officer(s) and the public.
 - 2. Actions to be taken by the officer involved in the shooting, or if incapacitated, by the partner.
 - a. Immediately notify the dispatcher of the shooting and any need for medical attention. (Code 998).
 - b. If the subject of the shooting was involved in a law or probation violation, standard arrest procedures shall be followed as appropriate.
 - c. Make a determination of area safety concerns, make code 999 call (officer needs emergency assistance) if needed.
 - d. When conditions are safe, holster your firearm. The officer should retain his weapon and magazines until he is asked to surrender them to a Kern County Sheriff's Investigator. The officer will be provided a replacement firearm at the same time by the Range Master or designee. The original firearm will be reissued as soon as appropriate.
 - e. Render any necessary first aid based on training and qualifications.

- f. Attempt to protect and preserve the crime scene and all evidence as much as possible and attempt to obtain identities of any potential witnesses.
 - g. Stand by for support units. There may be situations where officers not involved in the incident may be called back on duty to assist with the investigation.
 - h. It is preferable officers not give multiple statements. With this in mind, with the exception of information relevant to officer safety, officers should limit their comments.
 - i. In some instances, if suspects are outstanding or evidence may be destroyed, it is necessary and appropriate for the involved officer(s) to give superiors or Investigators the information which will assist them with the apprehension of the suspects or preclude destruction of evidence.
- 3. Control 1 dispatch:
 - a. Control 1 will notify law enforcement of jurisdiction, the Kern County Sheriff's Office personnel on call, and dispatch emergency medical assistance, as needed.
- 4. Actions to be taken by the officer's partner as conditions allow:
 - a. Take responsibility for the prisoner, if any.
 - b. Do not interview the officer involved except to inquire of his/her condition or need for assistance.
 - c. Render any necessary first aid based on experience and qualifications.
 - d. Except to provide information relevant to officer safety, statements about the incident should be limited.
- 5. Actions to be taken by the first Probation unit to respond to the scene providing that unit arrived in advance of the Kern County Sheriff's Office:
 - a. The Chief Probation Officer or designee shall be notified as soon as possible through Juvenile Intake (phone number 868-4313)

- b. All media inquiries will be directed to the Chief Probation Officer or designee.
 - c. Assume the role of partner.
 - d. Use barrier tape to mark off the area; if possible, establish a single-entry point for necessary medical and Law enforcement personnel.
 - i. Barrier tape will be kept in each county vehicle.
 - ii. The boundary of the shooting area should be as large as possible to include any potential evidence.
 - iii. If possible, use barrier tape to make a larger, secondary boundary.
 - e. Until the arrival of the law enforcement agency personnel, keep all persons, including other Probation personnel, out of the scene unless they are rendering medical aid.
 - f. Maintain a written record of individuals entering the scene as well as the reason for the entry until Kern County Sheriff's personnel arrive and assume this duty.
 - g. Be responsible for the scene security until relieved by the Kern County Sheriff's Office.
6. Actions by the supervisor on the scene:
- a. As soon as practical, ask the Kern County Sheriff's lead detective when a non-involved officer should take the involved officer(s) to the Kern County Sheriff's Office Headquarters.
 - b. The officer should be offered the chance to call a union representative, attorney, chaplain, or counselor and his/her family as soon as he/she arrives at the Kern County Sheriff's Office Headquarters. Gov. Code 3300, et seq. is not applicable to interviews with Public Safety Officers who are being interviewed by staff of an agency other than the employing agency.
 - c. The officer should not be left alone while he/she is waiting.
 - d. If more than one officer is involved, they should be kept in separate rooms or in the presence of an uninvolved

supervisor or officer with instructions to the officers not to discuss the incident among themselves.

- e. On arrival, the Kern County Sheriff's Investigators will assume primary investigative responsibility for the incident, however, Probation personnel may be requested to participate in all or select phases of the investigation. At a minimum, Probation will furnish a liaison officer to work with the Kern County Sheriffs Investigator(s) throughout the investigation or until no longer required.
- f. In the absence of a supervisor, the senior ranking officer present should assume the aforementioned duties.

7. Responsibilities of Field Services Deputy Chief Probation Officer or designee:

Maintain ultimate control over situation for Probation Department.

8. Responsibilities and jurisdiction of other agencies:

- a. The Kern County Sheriff's Office will investigate the shooting incident and present the case to the Probation Department Shooting Review Board.
- b. The District Attorney's Office will participate in the investigation and conduct an independent review of all officer-involved shooting incidents that result in injury or death and will only address whether the officers involved committed any violations of criminal law (see attached MOU with Kern County District Attorney).

B. The Chief Probation Officer will convene a four person Shooting Review Board for the purpose of reviewing the Sheriff Investigation Report to determine if the shooting incident occurred within the Department's policy guidelines.

1. The Board shall be composed of:

- a. Three Probation Administrative representatives designated by the Chief Probation Officer
- b. One Kern County Sheriff's Office Representative (non-voting)

2. No person may serve on the Board who is involved in the shooting incident, any subsequent investigation or who supervises the officer who is the subject of the investigation.
3. The Board will submit a written report of their findings, signed by each member, to the Chief Probation Officer which shall contain:
 - a. A brief summary of the incident.
 - b. The majority opinion of the Board as to which, if any, Department policies were violated.
 - c. Any minority opinion of the Board.

C. **Departmental Actions**

1. In an effort to lessen the traumatic impact on the officer(s) and to aid in the objective resolution of the incident, any officer(s) involved in a shooting shall be placed on paid administrative leave until the review by the Chief Probation Officer of the Shooting Review Board's findings.
2. The involved officer(s) shall be referred to E.A.P. for critical incident counseling. Depending upon the circumstances of the event and the number of Department personnel involved, it may be appropriate to contact E.A.P. and ask that a counselor respond immediately.
3. The Administrative Services Probation Division Director shall schedule an appointment with the county designated psychologist for a Post Shooting Psychological Screening for the involved officer(s). This is a mandatory appointment and shall be scheduled at the earliest possible time.

II. MEDIA INQUIRIES

- A. Only the Chief Probation Officer or designee will respond to media inquiries.

III. DEPARTMENTAL INVESTIGATION OF FIREARM DISCHARGE

- A. Upon learning any Probation firearm has been discharged negligently or for purposes other than shooting range practice, the Chief Probation Officer will assign officers to conduct an investigation of the incident.
1. Unintentional discharges of firearms

- a. If the discharge occurs on the shooting range, is negligent and does not involve another human being, the Chief Probation Officer may appoint the Range Master to conduct the investigation. The Range Master will forward a copy of the report to the Chief Probation Officer via the chain of command.
 - b. If the weapon discharge prompts an investigation by a law enforcement agency, Administrative Investigators may begin their internal inquiries if deemed necessary.
 - c. If no law enforcement agency is involved, the Field Bureau Deputy Chief Probation Officer will determine the scope of the investigation and initiate the appropriate level of investigation.
- 2. Upon learning any Probation firearm has been discharged at an animal, the Chief Probation Officer or his/her designee will assign a Probation Supervisor or Deputy Probation Officer III to initiate the field investigation.
 - a. An officer who shoots at an animal will:
 - i. Immediately notify the dispatcher of the shooting and any need for medical attention (Code 998 K-9).
 - ii. Check for injured persons and/or damage;
 - iii. When conditions are safe, holster your firearm.
 - iv. Notify an on-duty Supervisor (Or a DPO III in a Supervisors' absence);
 - v. Preserve the scene.
 - vi. Request for dispatch of Animal Control
 - b. The Supervisor or DPO III will:
 - i. Ensure the scene is preserved and there is enough personnel to ensure scene integrity;
 - ii. Cause the notification of the Division Director or in their absence the Deputy Chief of Field Services who will evaluate the incident and determine the appropriate level of investigation, i.e.: field level, administrative investigation, criminal investigation;

- iii. Complete the investigation, if determined to be a field level investigation, and complete a "PR" incident report.
 - c. The PR for this purpose will follow the following format:
 - i. BACKGROUND
 - ii. INVESTIGATION
 - iii. STATEMENTS
 - iv. SUPPORTING INFORMATION (photos, measurements, etc.)
 - d. Upon completion, the PR report will be sent to the Probation Division Director.
 - e. The Chief Probation Officer of Field Services will convene a three person Shooting Review Board for the purpose of reviewing the investigation report to determine if the shooting incident occurred within the Department's policy guidelines.
- 3. The Board shall be composed of:
 - a. Three Probation Administrative representatives designated by the Chief Probation Officer.
- 4. No person may serve on the Board who is involved in the shooting incident, any subsequent investigation or who supervises the subject officer.
- 5. The Probation Division Director over the division in which the incident occurred will present the information from the Investigation and report to the Shooting Review Board.
- 6. The Board will submit a written report of their findings, signed by each member, to the Chief Probation Officer which shall contain:
 - a. Date of incident review;
 - b. A brief summary of the incident;
 - c. The names/ranks of the personnel on the Board;
 - d. Findings - majority/minority opinion of the Board.
 - e. Was/was not within Department policy

- B. The Administrative Services Probation Division Director may schedule an appointment with the county designated psychologist for a Post Shooting Psychological Screening for the involved officer(s) as deemed necessary by the Chief Probation Officer. If scheduled, this is a mandatory appointment and shall be scheduled at the earliest possible time.

Information in the MOU for Investigations of OIS between the Kern County Probation Department and the Kern County Sheriff's Office which follows is for reference only. The MOU with the Kern County District Attorney's Office is attached for review.