

## **ARMING: INVESTIGATION OF SHOOTING**

### **AUTHORITY**

#### **California Code Section(s):**

California Penal Code (PC) Sections 196, 197, 830.5, 832, 25105, 26150  
California Government Code (GC) Section 3303

#### **Related Probation Department Policies:**

IV1 Policy, Procedure and the Law  
IV10 Employee Conduct  
IV23 Officer-Involved Critical Incident Protocol  
IV27 Peace Officer Authority

#### **Related Probation Officer Procedures:**

E3 Arrest of Juvenile and Adults  
F2 Continuum of Force  
F5 Arming: Authority, Safety and Scope of Employment  
F6 Arming: Request, Authorization and Training Procedures  
F7 Arming: Firearms/Ammunition Storage and Maintenance  
F8 Arming: Use of Firearms  
F11 Safety Equipment for Non-Armed Probation Officers

### **AUTHORITY OF THE SHOOTING INQUIRY BOARD**

All incidents involving the discharge of a firearm by a probation officer shall be investigated by the law enforcement agency having jurisdiction over the location of the incident. If the incident involved either injury or death, the department has the option of requesting the OFFICER-INVOLVED CRITICAL INCIDENT PROTOCOL. Various peace officer agencies within El Dorado County and the District Attorney's Office have joined together to provide mutual assistance for investigating peace officer involved shootings. Although this department is not a responding member of this protocol, the Probation Department can activate the OFFICER-INVOLVED CRITICAL INCIDENT PROTOCOL to investigate a shooting, when needed.

There shall also be an El Dorado County Probation Department Shooting Inquiry Board, which will convene for the purpose of determining the facts, in each instance of a firearm discharge as required to be reported by this procedure.

The Shooting Inquiry Board shall be composed of the following personnel:

1. The Assistant Chief Probation Officer (or designee of the Chief Probation Officer) who shall act as the Chairperson.
2. A Deputy Chief Probation Officer designated by the Chief Probation Officer.
3. A Supervising Deputy Probation Officer designated by the Chief Probation Officer.
4. The probation officer involved in the shooting may, if he/she chooses, designate any sworn member of the department to serve as an additional member. This officer shall serve as an impartial member of the Board and will not serve as an advocate for the officer involved. The member selected shall not be selected from persons who are involved in the shooting or any subsequent investigation, nor shall the additional member be the immediate supervisor of the officer involved.

5. At least one member of the Board, except the designee chosen by the officer, shall remain quarterly qualified for use of a department issued firearm.

It shall be the purpose of the Shooting Inquiry Board to review the investigation of the shooting and to determine the facts surrounding the incident. It may, upon the authority of the Chairperson, interview witnesses or investigators. At the conclusion of its review, the Board's actions and duties shall be restricted to the following:

- A brief summary of the incident, as determined by the facts presented to the Board.
- The Board's opinion of whether the discharge violated any department regulations.
- Whether or not the action of the officer was reasonable, safe and necessary.
- Any minority opinion of a member, in the event that the Board's opinion is not unanimous.
- The signature of each Board member.

The Chief Probation Officer shall accept or reject the findings of the Board.

#### RELINQUISHMENT OF A FIREARM

Whenever there is an intentional or negligent discharge of a firearm by a probation officer, his/her firearm will be immediately surrendered to the jurisdictional law enforcement agency or to a supervisor, manager, or the Chief Probation Officer, for the purpose of examination and/or for other investigative purposes. The department may request an inspection of the firearm by a person of competent authority to determine its mechanical and/or functional condition, in addition to any other physical examinations that may be necessary as part of the investigation.

The law enforcement agency having jurisdiction in the area of the discharge may need the firearm to complete their investigation. If the firearm is surrendered to the probation supervisor, manager, or the Chief Probation Officer, it may be immediately delivered to the appropriate law enforcement agency, to be handled in accordance with any necessary procedures to complete the investigation associated with the discharge. This will include completing a property and chain of custody form.

During the period of time an officer's firearm is being examined and/or tested, arrangements may be made for the temporary issuance of another firearm if authorized by the Chief Probation Officer or his/her designee. When testing of the officer's firearm is completed, it will be returned to the officer and the temporarily issued firearm shall be promptly returned to the department.