



PROCEDURE WHEN A FIREARM IS DISCHARGED
GENERAL ORDER #12.03

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Persons Affected: All sworn personnel

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IACLEA Standards: 7.1.6, 7.1.7

Revision History:

Replaces SUDPS General Order #12.03 (Dated: 3/13/18)

PURPOSE

The purpose of this general order is to outline the policy and procedure that shall occur when a firearm is discharged by a deputy of the Stanford University Department of Public Safety.

POLICY

It is the policy of the Stanford University Department of Public Safety (SUDPS) to jointly conduct a review with the Santa Clara County Sheriff's Office (SCCSO) in instances where a deputy intentionally or unintentionally discharges a firearm. An exception to the joint review process may involve when a deputy uses a firearm to dispatch a dangerous or badly injured animal when no other disposition is practical. In this particular case SUDPS may conduct its own review. This policy applies to all sworn staff of the SUDPS, and reference to "officer," "deputy" or "deputies" throughout this general order refers to all sworn staff.



PROCEDURE

A. PROCEDURE WHEN A FIREARM IS DISCHARGED (IACLEA 7.1.7)

1. Notification and report by employee involved
 - a. Whenever a *Stanford University Department of Public Safety deputy* intentionally discharges other than for practice, qualification or reasonable lawful recreational purposes, or accidentally discharges any firearm, the deputy shall, as soon as practical, notify the on-duty *Watch Commander/Shift Supervisor* stating the circumstances surrounding the incident. The on-duty *SUDPS Watch Commander/Shift Supervisor* shall, as soon as practical, notify the *Captain, the Stanford Director of Public Safety, and the Sheriff's Office-Stanford Liaison Captain.*
 - b. In all incidents, other than an officer-involved shooting incident as defined in General Order #12.06 – Post Shooting Incident Procedure, the deputy discharging the firearm shall, as soon as practical and prior to the end of the deputy's shift, complete a written report of the incident. If the incident is criminal in nature, he/she shall complete an Incident Report (IR). If the incident is not criminal in nature *or solely involves the dispatching of a dangerous or badly injured animal*, he/she shall complete a *Stanford Report (SR)*. The *Watch Commander/Shift Supervisor* receiving the *IR or SR report* from the deputy shall forward the report to the *Captain, who shall in turn provide copies to the Director of Public Safety and the Sheriff's Office-Stanford Liaison Captain.* After review by the *Sheriff's Office-Stanford Liaison Captain*, the report will be forwarded to the Assistant Sheriff.
 - c. If the deputy who discharges a firearm is hospitalized or fatally injured or is otherwise incapable of filing the required reports, the deputy's on-duty supervisor is responsible for filing as complete a report as possible pending further departmental investigation.
 - d. If the firearm's discharge occurs in a custody facility or facility operated by the *Santa Clara County Department of Correction (SCCDOC)*, in addition to the notification requirement by this Order, the deputy shall follow any notification procedure required by any *SCCSO Post Order* that applies to that facility.
 - e. *The deputy who discharged the firearm and any deputies present at the time of discharge shall comply with SUDPS General Order Section 10.06 by uploading the data from their body-worn camera before the end of their shift. If the deputy is unable to upload the data, the on-duty Watch Commander/Shift Coordinator will be responsible for arranging for the upload. Involved deputies will comply with the Santa Clara County Officer Involved Incident Protocol Section (I) (4) by refraining from viewing the data on the body-worn camera until after the initial investigative interview has been completed.*



- f. When a deputy discharges any firearm, other than for practice, qualification, reasonable and lawful recreational purposes, or to kill a dangerous animal or to kill an animal that is so badly injured that humanity requires its removal from further suffering, the weapon shall be held for inspection by the SCCSO Rangemaster and shall not be returned to use until deemed safe to do so. In the event the weapon is held as evidence, the SCCSO Rangemaster will conduct the inspection in the presence of the assigned investigator and the weapon will be made safe and held as evidence by the assigned investigator or CSI.
2. If injury or death results

If injury or death results from such discharge of a firearm, the following procedures shall be followed in addition to those in section A.1.

 - a. The involved deputy will make all reasonable efforts to preserve the scene until relieved.
 - b. The first non-involved deputy at the scene will assume command, pending the arrival of superior officers.
 - c. *The on-duty Watch Commander/Shift Coordinator will respond and take command of the scene and request the response of the Sheriff's Office. The SUDPS Watch Commander/Shift Coordinator will also notify the Captain or direct Palo Alto dispatch to notify the Captain. The Captain will respond to the location of the incident to assist the on-scene supervisor and monitor the investigation, if possible. The Captain shall notify the Director of Public Safety and Sheriff's Office-Stanford Liaison Captain of the incident.*
 - d. The *Watch Commander/Shift Coordinator*, upon arrival at the scene, should ensure completion of the duties and notifications outlined above and implement the Post Shooting Incident Procedures, as outlined in General Order 12.06 – Post Shooting Incident Procedure, including obtaining a limited public safety statement.
 - e. The SCCSO patrol operations desk will immediately notify the:
 - 1) SCCSO Investigative Services Division Captain
 - 2) Assistant Sheriff of Field Enforcement Bureau and Support Services Bureau
 - 3) The Undersheriff
 - 4) The Sheriff
 - 5) SCCSO Internal Affairs Unit supervisor.
 - f. Other divisional personnel will be precluded from entering into any portion of the scene without the specific authorization of the SCCSO Enforcement or Investigative Services command personnel present at the scene.



- b. Upon completion of the investigation, the SCCSO Investigative Services Division Captain shall submit the report to the Undersheriff, and the Sheriff so that a Shooting Review Board can be convened.

B. SHOOTING REVIEW BOARD (IACLEA 7.1.6)

1. Membership of the board

- a. The Shooting Review Board shall consist of the following members:
 - 1) The Undersheriff or an Assistant Sheriff, selected by the Sheriff, who shall serve as Chairperson
 - 2) A representative as selected by the president of the involved individual's association
 - 3) SCCSO Personnel Division Captain
 - 4) SCCSO Rangemaster
 - 5) Division Captain of involved deputy (*Sheriff's Office-Stanford Liaison Captain and/or SUDPS Captain*)
- b. When a designated member is unable to attend a scheduled board meeting, the next person in the chain of command of that division will sit on the board and will assume the full authority of the absent member.

2. Meetings of the board

- a. A meeting of the board shall be called by the Chairperson within a reasonable time after the completed SCCSO Investigative Services Division report is received by the Chairperson from the Sheriff.
- b. Review of shootings that do not result in injury or death and animal shootings will be at the discretion of the Chairperson.

3. Authority of the board

- a. The board is charged with the responsibility of reviewing all the circumstances surrounding the discharge of a firearm by a *deputy* of the SUDPS. The board shall have access to all SCCSO and SUDPS investigation reports relevant to the shooting, including reports of the SCCSO Internal Affairs Unit.
- b. All employees **shall** cooperate with the SCCSO Shooting Review Board. *Any deputy refusing to respond to questions or submit to interrogation shall be informed that failure to answer questions directly related to the investigation or interrogation may result in disciplinary action.*



- c. The board may call upon witnesses, including the involved deputy. Any interrogation of the involved deputy *conducted by the SCCSO* will be in compliance with the *Sheriff's Office processes for conducting investigations of Santa Clara County Reserve Deputy Sheriffs*.
- d. Members of the board shall maintain confidentiality of the information obtained through their investigation except as required to carry out their duties as members of the board or as otherwise directed by the Chairperson of the board.
- e. The board shall, after reviewing the facts, make a recommendation as to whether the shooting fell within the parameters of the *SCCSO/SUDPS* General Orders. This recommendation shall be made by a majority vote of the board.
- f. The findings of the board will be immediately forwarded to the Sheriff for review. *Upon his/her concurrence with the Board's findings and recommendations, the Sheriff will forward a copy of the Board's report to the Stanford University Director of Public Safety for further action.*
- g. The *Sheriff and the Stanford University Director of Public Safety* will make the final decision as to whether disciplinary action is to be initiated against the deputy and the nature and extent of that action.
- h. The board may make and/or receive recommendations for the modification of the *SCCSO/SUDPS* firearms use policy and may make recommendations concerning the training necessary for the effective implementation of such policy.