PROCEDURE WHEN A FIREARM IS DISCHARGED
GENERAL ORDER #12.03

Adopted: 3/13/18                      Pages: 6

Persons Affected: All sworn personnel      Authority: Laura Wilson, Director

IACLEA Standards: 7.1.6, 7.1.7

Revision History:
Replaces SUDPS General Order #12.03 (Dated: 10/04/17)

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 (SUDPS).

POLICY

It is the policy of the Stanford University Department of Public Safety 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.
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 a firearm 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 SUDPS supervisor stating the circumstances surrounding the incident. The on-duty supervisor shall, as soon as practical, notify the SUDPS Field Operations Lieutenant, who shall in turn notify the SUDPS Captain, the Stanford Director of Public Safety, and the Sheriff’s Office-Stanford Liaison Captain.

   b. The SUDPS deputy discharging the firearm shall, as soon as practical and prior to the end of the SUDPS deputy’s shift, complete his or her written report of the incident. If the incident is criminal in nature, he or 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 or she shall complete a Stanford Report (SR). In addition to the IR or SR, the SUDPS deputy shall complete a Firearms Use Report form 550.10. The person receiving the reports from the deputy shall provide them to the SUDPS Field Operations Lieutenant, who shall in turn provide copies to the SUDPS Captain, the Director of Public Safety, and the Sheriff’s Office-Stanford Liaison Captain. After review by the Sheriff’s Office-Stanford Liaison Captain, the reports will be forwarded to the Sheriff’s Office Investigative Services Captain and the Field Enforcement Bureau Commander.

   c. If the SUDPS 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. The SUDPS deputy who discharged the firearm and any SUDPS 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 Patrol Sergeant or 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.

   e. When a firearm discharge occurs, 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 SUDPS 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 SUDPS Patrol Sergeant or Shift Coordinator will respond and take initial command of the scene and request the response of the Sheriff’s Office. The SUDPS Patrol Sergeant or Shift Coordinator will also notify the SUDPS Field Operations Lieutenant or direct Palo Alto dispatch to notify the Lieutenant. The Field Operations Lieutenant shall notify the SUDPS Captain, Director of Public Safety and Sheriff’s Office-Stanford Liaison Captain. The Field Operations Lieutenant will respond to the location of the incident to assist the on-scene supervisor and monitor the investigation.

d. The Sheriff’s Office patrol supervisor who is responsible for the area where the incident occurred will respond and take command of the scene until relieved by the on-duty Sheriff’s Office watch commander or the assigned deputy from the Investigative Services division. The Sheriff’s Office patrol supervisor will direct the Sheriff’s patrol operations desk to notify his or her watch commander as well as the patrol commander and to make other notifications based on the notification list for major critical incidents.

e. The Sheriff’s patrol operations desk will immediately notify the:

1) Sheriff’s Office Investigative Services Division Captain

2) Sheriff’s Office Assistant Sheriff of Field Enforcement Bureau and Services Bureau

3) The Undersheriff

4) The Sheriff

5) Sheriff’s Office 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 Sheriff’s Office Field Enforcement or Investigative Services command personnel present at the scene.

g. The Sheriff’s Office Investigative Services Division Captain will immediately assign an investigation team and will notify the Sheriff’s Office Field Enforcement commander of their identities.
**h.** The Sheriff’s Office Investigative Services Division Captain may respond and assume command of the investigation.

**i.** The Sheriff’s Office Internal Affairs Unit will monitor and review all phases of the investigation and shall receive full cooperation from the command staff and from Sheriff’s Office personnel conducting the investigation.

**j.** As soon as practical, the Sheriff’s Office Investigative Services Captain will notify the District Attorney’s Office of the incident.

**k.** As soon as circumstances allow, the SUDPS deputy involved in the incident will report to the Director of Public Safety and will be placed on routine administrative status/leave as determined by the Director of Public Safety in consultation with the Undersheriff and the Sheriff’s Office Administrative Services Division commander. The SUDPS deputy shall remain available to personnel conducting the investigation and shall remain on administrative status/leave until ordered back to normal duty by the Director of Public Safety.

3. **If injury or death does not result**

   **a.** In those cases where the Sheriff’s Office Investigative Services division does not conduct additional investigation, the Sheriff’s Office Field Enforcement Commander receiving the reports will forward them to the Undersheriff and Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.

   **b.** In those cases where the Sheriff’s Office Investigative Services Division conducts an investigation, the Sheriff’s Office Investigative Services Division Captain will forward the reports of the completed investigation to the Sheriff’s Office Field Enforcement Commander as well as to the Undersheriff and the Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.

   **c.** In those cases where a SUDPS deputy used a firearm to dispatch a dangerous or badly injured animal per G.O. 12.02 Section (B)(3) the report will be reviewed by the deputy’s sergeant or shift coordinator. Copies will be forwarded to the Field Operations Lieutenant, SUDPS Captain and Director of Public Safety for review and to determine if additional action will be taken.

4. **Sheriff’s Office Investigative Services**

   **a.** The Sheriff’s Office investigators assigned to the shooting incident shall conduct a thorough investigation and shall prepare a written report documenting their
conclusions. The investigation shall receive a high priority and should be completed as soon as practical.

b. Upon completion of the investigation, the Sheriff’s Office Investigative Services Division commander shall submit the report to the Stanford University Director of Public Safety, the Undersheriff, and the Sheriff so that a Shooting Review Board can be constituted.

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 union representative as selected by the president of the involved individual’s union *(SUDPS deputy rank only).*

   3) Sheriff’s Office Support Services Captain

   4) Sheriff’s Office Chief Rangemaster

   5) Division commander or section commander of deputy involved. *(Sheriff’s Office-Stanford Liaison Captain and/or SUDPS Field Operations Commander)*

   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 Sheriff’s Office 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 member of the Stanford University Department of Public Safety. The board shall have access to all Sheriff’s Office and
SUDPS investigation reports relevant to the shooting, including reports of the Sheriff’s Office Internal Affairs Unit.

b. All employees shall cooperate with the 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 SUDPS Deputy. Any interrogation of the involved deputy will be in compliance with the Sheriff’s Office processes for conducting investigations of Santa Clara County Reserve Deputy Sheriffs and, applicable sections of the labor agreement between the University and the Stanford Deputy Sheriffs’ Association.

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 Sheriff’s Office’s/Stanford University Department of Public Safety’s 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 or 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 Sheriff’s Office’s/Stanford University Department of Public Safety firearms use policy and may make recommendations concerning the training necessary for the effective implementation of such policy.