

### Course Outline

**COURSE:** JLE 205                      **DIVISION:** 50                      **ALSO LISTED AS:**

**TERM EFFECTIVE:** Spring 2021                      **CURRICULUM APPROVAL DATE:** 12/8/2020

**SHORT TITLE:** OFFICER INVOLVED SHOOTING

**LONG TITLE:** Officer Involved Shooting and Death Investigation

<u>Units</u>	<u>Number of Weeks</u>	<u>Type</u>	<u>Contact Hours/Week</u>	<u>Total Contact Hours</u>
1	18	Lecture:	.5	9
		Lab:	1.73	31.14
		Other:	0	0
		<b>Total:</b>	<b>2.23</b>	<b>40.14</b>
		<b>Total Learning Hrs:</b>	<b>58.14</b>	

**COURSE DESCRIPTION:**

This course is designed for students who are assigned to investigate law enforcement involved critical incidents including officer-involved shootings, use of force incidents and in custody deaths. Topics covered throughout this course include understanding stakeholders, lawful and unlawful force, physiological and psychological changes (human factors), administrative and criminal investigations, legal considerations and courtroom testimony, crime scene reconstruction, video forensics, taser incidents, excited delirium related deaths, and contemporary critical incident case studies. **PREREQUISITE:** POST Basic Certificate or Equivalent; JLE 100

**PREREQUISITES:**

Completion of JLE 100, as UG, with a grade of C or better.

**COREQUISITES:**

**CREDIT STATUS:** C - Credit - Degree Non Applicable

**GRADING MODES**

L - Standard Letter Grade

P - Pass/No Pass

**REPEATABILITY:** N - Course may not be repeated

## SCHEDULE TYPES:

- 02 - Lecture and/or discussion
- 03 - Lecture/Laboratory
- 04 - Laboratory/Studio/Activity

## STUDENT LEARNING OUTCOMES:

By the end of this course, a student should:

1. Demonstrate effective crime scene management by collecting and documenting the involved officer's statement, physical evidence through photographs, scene sketches, written notes, and other weapon-specific information such as make, model, contents, and magazine count, while utilizing Peer Officers and performing a scene walk-through according to agency guidelines during class exercise.
2. Demonstrate techniques for effectively interviewing witnesses, suspects and officers involved in a shooting both at the crime scene and at the station.

## CONTENT, STUDENT PERFORMANCE OBJECTIVES, OUT-OF-CLASS ASSIGNMENTS

Curriculum Approval Date: 12/8/2020

### **LECTURE CONTENT:**

Content:

- I. Understanding Stakeholders (1 hour)
  - A. People with a stake in the investigations
    1. Involved agency
    2. Government Officials of the policing agency
    3. Media
    4. Police oversight groups
    5. Public
    6. Officer's family
    7. Other involved party (suspect)
    8. Other involved party's family
    9. Influences on stakeholders
    10. Political Issues
    11. Criminal
    12. Liability
  - B. Effect on investigation
    1. Strategies for management
    2. Strategies for media
    3. Strategies for District Attorney
    4. Strategies for agency officers
    5. Strategies for outside (victim officer) agency personnel
    6. Strategies for crime scene response
- V. Lawful Force (3.5 hours)
  - A. Investigator Background
    1. Appropriate force
    2. Objective investigations
  - B. Force Law Terminology
    1. Threshold Event
    2. Precipitous
    3. Perception

- C. Seizure of Persons
  - 1. Consensual Contacts
  - 2. Detentions
  - 3. Arrests
- D. Use of Force
  - 1. Use of Verbal Commands
  - 2. Use of Physical Force
  - 3. Use of Deadly Force
  - 4. Basis of Deadly Force
- E. Legal Standards
  - 1. Constitution
  - 2. Federal Law
  - 3. State Law
- F. Legal Standards
  - 1. Graham v. Connor, 490 US 386 (1989)
  - 2. Tennessee vs Garner (Deadly force)
  - 3. Forrett v. Richardson (9th Circuit 1997)
  - 4. Scott v Harris 550 US 2007
  - 5. Forrester v San Diego (9th Cir. 1994)
  - 6. Bryan vs McPherson (F3d, 2009 WL 5064477 (CA9) Dec 28,2009)
  - 7. Reynolds v County of San Diego (9th Cir 1996)
  - 8. Long Beach POA v City of Long Beach (CA Appeals, 2nd Dis 1976)
  - 9. Peterson v Long Beach (CA Sup 1979)
- G. Additional References - Supporting State Case Law Decisions
  - 1. Scott v Henrich (9th Cir 1994)
  - 2. Reed v Hoy (9th Cir 1989)
  - 3. Other Case Law
- H. Involved Officer Tactics
  - 1. Officer's State of Mind
  - 2. Investigation regarding tactics (questions)
- VII. Physiological and Psychological changes (2.5 hours)
  - A. Background
    - 1. Officers involved in shootings
    - 2. Physiological distortions affect all parties
  - B. Training
    - 1. Physical fitness
    - 2. Inoculation to stress- force on force training
    - 3. Amount of training
  - C. Effects of high stress survival events on the human body
    - 1. Increased Heart Rate
    - 2. Auditory Exclusion
    - 3. Visual Problems
    - 4. Increased reaction time
    - 5. Deterioration of motor skills
    - 6. Vasoconstrictions
    - 7. Endurance limitations
    - 8. Additional Effects

- D. Psychological effects
  - 1. After Shooting
  - 2. Post-shooting study
  - 3. Investigator issues
- XI. Guest Speaker (1 hour)
  - A. Investigative errors exploited in court
  - B. Investigative prowess thwarting an otherwise winnable case
  - C. General advice
  - D. Other legal issue
    - 1. Filing
    - 2. Evidence
    - 3. Statements
    - 4. Reporting
  - E. Case Examples
- XII. Creating Factual Presentations (1 hour)
  - A. Purpose
    - 1. Preliminary management review
    - 2. Use of force review board
    - 3. Miscellaneous
  - B. PowerPoint Presentations
    - 1. Getting Started
    - 2. Creating a presentation
    - 3. Formatting Text on Slide
    - 4. Adding Graphical Objects to a presentation
    - 5. Modifying objects
    - 6. Adding Tables to a presentation
    - 7. Inserting Charts in a presentation
    - 8. Inserting media files in a presentation
    - 9. Preparing to deliver a presentation

**LAB CONTENT:**

Because of the integrated nature of the lab/lecture method of instruction, the content for both lecture and lab are infused in all subjects.

- II. Simulations Scenario (2 hours)
  - A. Staff Responsibilities
    - 1. Stage and maintain equipment
    - 2. Role-play activity
    - 3. Dispatcher role-play
    - 4. Safety Monitor (Simulations Safety Officer)
    - 5. Detailed Safety Briefing
    - 6. Role-play as suspect
    - 7. Pre-brief Scenario

## B. Set-up

1. Scene set up
2. Murder Scene
3. Investigation Team
4. First responders
5. Witnesses

## C. Script

1. Pre-Shooting
2. Shooting
3. Post-Shooting

## III. Crime Scene Management (4 hours)

### A. Public Safety Statements

1. Right against self-incrimination
2. Shooting officer statement requirements
3. Ward v City of Portland, 857 F 2d 1373 (9th Cir 1988)

### B. Peer Officers

1. Selection
2. Remain with shooting officer
3. Chain of custody of human evidence

### C. Scene walk-through

1. Personnel on walk through
2. Guidelines

### D. Involved officer statements

1. Purpose
2. Voluntary
3. Voluntary but inadequate
4. Refused/invokes

### E. Statement types

1. Written
2. Audio recorded
3. Audio and video recorded

### F. Interview Styles

1. Narrative
2. Questionnaire
3. Confrontational
4. Cognitive

### G. Interview Timing

1. Immediate
2. Sleep cycle research
3. Policy
4. Flexibility based upon circumstances
5. Chicago Police Union

### H. Video Viewing

1. To allow or not to allow
2. Don't show

## IV. Physical Evidence (4.5 hours)

### A. Basic Sketch

1. Label evidence

- 2. Label impacts/defects
- 3. Measurements
- B. Suspect firearm documentation
  - 1. Documentation
  - 2. Semi-automatic documentation
  - 3. Revolver documentation
  - 4. Render Safe
- C. Trajectory Analysis (Bullet Path Determination)
  - 1. Definition
  - 2. Limitations
  - 3. Tools & Methods
  - 4. Bullet Impacts/Holes
- D. Chemical Testing
  - 1. Dithiooxamide
  - 2. Sodium Rhodizonate
- E. Distance Determination
  - 1. Gunshot Residue
  - 2. Shot Pattern
  - 3. Tasers
- F. Ejection Pattern Analysis
  - 1. Definition & Methods
  - 2. Limitations
- G. Bloodstain Pattern Analysis
  - 1. Blood spatter patterns
  - 2. Experienced bloodstain examiner
  - 3. Void Pattern Analysis
- H. Locard's Exchange Principle
  - 1. Definition
  - 2. Application to OIS investigation
- I. Discovery
  - 1. Original notes
  - 2. Final report
  - 3. DA/ defense counsel will often want original notes and final report
- VI. Digital Forensics (4 hours)
  - A. Sources
    - 1. Civilians video recordings
    - 2. Police
    - 3. Private companies
  - B. Getting access
    - 1. Legality
  - C. Logistics and procedures
    - 1. Agency digital forensic personnel and contact information
    - 2. Standard operating procedure
    - 3. Priority-initial collection of evidence
    - 4. Aggressive follow up of potential perishable sources
    - 5. Grab whole unit
    - 6. Keep owner from keeping video file
    - 7. If owner is left with a copy of the video file

- 8. Retain video forensics resource
- 9. Investigator awareness
- D. Limitations
  - 1. Quality
  - 2. Frame Speed
  - 3. Perspective
  - 4. Case study
- E. Modifications
  - 1. Alterations
  - 2. Intentional/ Unintentional
  - 3. Re-Enactment
- F. Enhancements
  - 1. Avoid "compressed" files
  - 2. Capabilities
  - 3. Resources
- G. Examples of Advanced FVA Procedures
  - 1. Reverse Projection
  - 2. Comparative Analysis
  - 3. Image Comparison
  - 4. Headlight Spread Pattern Analysis
- VIII. Administrative Investigations (with scenario) (5 hours)
  - A. Administrative Investigators
    - 1. Bifurcated investigations
    - 2. Protocols (vary by agency-possible suggestions)
  - B. Compelled Statements
    - 1. Historical Background
    - 2. Garrity v New Jersey (1967) 385 US
    - 3. Gardner v Broderick (1968) 392
    - 4. Uniform Sanitation Men v New York (1968) 392 US 280
    - 5. United States v Indorato (1st Cir 1980) 628 F 2d 711
    - 6. Kastigar v United States (1972) 406 us 441
    - 7. Murphy v Waterfront Comm's (1964) 378 US 52,79 n 18
    - 8. United States V Koon (1994) 34 F 3d 1416
    - 9. Police Officer Bill of Rights
    - 10. Lybarger v City of Los Angeles (1985) 40 cal 3d 822
  - C. Beyond Lybarger
    - 1. People v Gwillim (1990) 223 Cal App 3d 1254
    - 2. Aguilera, et al v Baca (9th Cir 2007) 510 F 3d 1161
    - 3. Spielbauer v County of Santa Clara (2009) 45 Cal 4th 704
    - 4. Procedure
    - 5. People v. Singleton, (2010) 182Cal App 4th 1
- IX. District Attorney Roll-Out Procedures (3 hours)
  - A. Rollout team background
    - 1. Erosion of public confidence in law enforcement
    - 2. JSID provides independent legal evaluation
    - 3. Matters involving use of force
    - 4. What a DA Rollout Team does NOT do
  - B. DA responsibilities

1. Investigative and Prosecute Criminal Conduct
2. Statutory direction
3. Review
4. Detailed Factual & Legal Analysis
5. File and Prosecute Appropriate Cases
6. Recent historical data
- C. District Attorney's Office Protocol
  1. Agreement defining type of incident and role to be played
  2. DA levels of involvement
  3. DA Rollout Team logistics
  4. Roll Out Requirements- Officer Involved Shooting
  5. Roll Out Requirements
  6. Quick Response
- D. Investigator interaction with DART (District Attorney Roll Out Team)
  1. Conducting the investigation
  2. Independent Investigation
  3. Off duty cases
- E. Strategies for successful collaborative investigative effort
  1. Know the law that applies
  2. Benefits of DA Roll-Out
  3. At the Scene
- F. Conclusion
  1. Key takeaways
- X. Excited Delirium and Tasers (3.5 hours)
  - A. Death in Custody Reporting Act
    1. States to report to the Attorney General
    2. Study and report of information by the BJS (Bureau of Justice Statistics)
  - B. Excited Delirium defined
    1. State of extreme mental and physiological excitement
    2. Delirium syndrome if it results in sudden death
    3. Excited Delirium vs Agitated Chaotic Event "ACE"
  - C. Causes of Excited Delirium
    1. Metabolic
    2. Pharmacologic
    3. Infectious
    4. Psychological
  - D. Phases of Excited Delirium
    1. Hyperthermia
    2. Delirium with agitation
    3. Respiratory arrest
    4. Cardiac Arrest
  - E. Who is at risk
    1. Males
    2. 31-45 years of age
    3. Geographic locations
    4. Death follows bizarre behavior
  - F. Recognizing behaviors
    1. Sudden Death: Pre-disposing Factors



2. Excited- Agitated Delirium
- G. Investigator protocol: Excited Delirium & Sudden, In-Custody Death
  1. Pre-Incident Factors
  2. Custody Incident Factors
  3. Environmental Factors
  4. TASER
  5. Post- Incident Factors
- XIII. Case Studies (1 hour)
  - A. Actual California Officer Involved Shooting and In Custody Death Cases
  - B. Elements of regional case studies
    1. Multiple officer shooting
    2. Multiple officers injured
    3. Officers dead
    4. Multiple suspects
    5. Multiple agency coordination
    6. High-profile cases
    7. Cutting edge investigative technology
    8. Officer use of lethal force other than firearm
    9. Suicide by cop
- XIV. Scenario Factual Presentations (3 hours)
  - A. Questions common to investigator presentations
  - B. Questions by over aggressive stakeholders
  - C. Strategies for investigators
    1. Similar court testimony
    2. Remain objective
    3. Reserve opinions
    4. Prepare a comprehensive presentation

**METHODS OF INSTRUCTION:**

Skills Demonstration, Lecture, Scenario Training

**OUT OF CLASS ASSIGNMENTS:**

Required Outside Hours: 18

Assignment Description:

Read and review instructor handouts

Prepare a factual scenario presentation

**METHODS OF EVALUATION:**

Writing assignments

Percent of total grade: 25.00 %

Prepare a factual scenario presentation to be evaluated and graded by instructor.

Skill demonstrations

Percent of total grade: 50.00 %

Class scenarios and field training work to be evaluated and graded by POST instructor.

Objective examinations

Percent of total grade: 25.00 %

Written examination to be graded by POST instructor.

**REPRESENTATIVE TEXTBOOKS:**

Verified by: Doug Achterman. Instructor Handouts and Lab Manual . 2020.

Reading Level of Text, Grade: 12

Recommended Other Texts and Materials

Department Policy

## **ARTICULATION and CERTIFICATE INFORMATION**

Associate Degree:

CSU GE:

IGETC:

CSU TRANSFER:

Not Transferable

UC TRANSFER:

Not Transferable

## **SUPPLEMENTAL DATA:**

Basic Skills: N

Classification: Y

Noncredit Category: Y

Cooperative Education:

Program Status: 2 Stand-alone

Special Class Status: N

CAN:

CAN Sequence:

CSU Crosswalk Course Department:

CSU Crosswalk Course Number:

Prior to College Level: Y

Non Credit Enhanced Funding: N

Funding Agency Code: Y

In-Service: N

Occupational Course: C

Maximum Hours:

Minimum Hours:

Course Control Number: CCC000568915

Sports/Physical Education Course: N

Taxonomy of Program: 210550