

10/25/06 - POLICE OFFICER INVOLVED SHOOTINGS

Bonnie: Hello, this is District Attorney Bonnie Dumanis and welcome to the DA podcast. With me today is Special Operations Division Chief Julie Korsmeyer.

Our topic today: The DA's role and function as it relates to Police Officer Involved Shootings.

Law enforcement officers have a dangerous job. Occasionally these officers are faced with situations where deadly force is required.

These shootings, especially the fatal ones, are sensitive and sometimes controversial.

By talking about the process in this podcast we are hoping you, the public, gain a better understanding of exactly what this office does and does not do in these cases.

Julie, let's talk about the Protocol. What is it?

Special Operations Division Chief Julie Korsmeyer:
The protocol is a memorandum of understanding. It's a protocol for the investigation and review of officer Involved shootings and other uses of force resulting in death. It's signed by all of the jurisdictional police agencies in the county and the District Attorney.

Bonnie: And I understand that protocol has been in effect for many years.

Julie: That's true.

Bonnie: Okay let's try to explain this, when an officer is involved in a shooting how does our office get involved? What is the DAI (District Attorney Investigator) looking for when he/she goes out to the scene?

Julie: Well first of all Bonnie, we are notified immediately when there is an officer involved in a shooting that results in death or serious bodily injury.

When we get notified, we immediately send out a DAI to the scene who is briefed by the jurisdictional agency there and sometimes participates in the investigation.

Bonnie: When you say jurisdictional agency, does that mean the police agency that is in that area?

Julie: That's true, it's not necessarily the agency where the police officer came from that did the shooting, but where the shooting occurred.

Bonnie: Would you explain how our office independently handles these cases for law enforcement when they're involved?

Julie: First of all, after we've gone to the scene, we have a three day briefing on all fatal shootings, which means that I and the DA investigator, who was at the scene, go to the jurisdictional agency and they brief us on the most important facts that occurred at the time. After the three day briefing, we wait until we get a thorough homicide investigation from the jurisdictional agency. After we receive that investigation, we may ask them to do further investigation or we may even do some investigating of our own.

Bonnie: I know one of the things the public doesn't always understand is what the goal of our investigation is. Can you explain that?

Julie: The goal of our investigation is one thing; is it or was it a crime when the officer used deadly force? We look to see whether the force was reasonable and necessary and therefore, legally justified. This has to do with the officer's subjective feeling at the time, whether he needed to use that force to overcome a threat to himself or others of serious bodily injury or death.

Bonnie: Is the standard different for police officers than it is for you and I or somebody in the public?

Julie: The police officers have a right to self defense just like you or I or the public.

Bonnie: What's the final result of what our office does?

Julie: When we get the thorough investigation into our office from the agency, that's when we go through it minutely and look at every different aspect of the incident. After we have done that and after we are satisfied the investigation is thorough and complete, we will write a letter to the agency where the officer was employed who did the deadly force and let them know whether we feel the shooting was justified.

Bonnie: And what would happen if we felt it was not justified, what would we do?

Julie: Then we would issue a case against that police officer for either murder or some sort of assault.

Bonnie: I just want to end with this; your district attorney's office is committed to providing a thorough and independent review of these sensitive and sometimes controversial cases.

We also believe these cases and the investigative outcomes are extremely critical in maintaining the public's trust in our integrity and ability to review each and every one independently.

Thank you Julie. Please join us again as we discuss the latest legal issues, advancing crime technology and prosecutorial excellence. I'm District Attorney Bonnie Dumanis and thank you for listening. For more information about the DA's office and the services we provide please visit our website at www.sandiegoda.com. Thank you and goodbye.