



DEPARTMENT NOTICE

22-031
04/04/22

Obtaining a Public Safety Statement at an OIS or OID (Re-issue DB 19-178)

A Public Safety Statement is information obtained by a supervisor using questions intended to determine existing threats to public safety and identify transitory evidence that must be preserved. The scope of this statement is limited to the collection of such critical and fleeting information in the immediate aftermath of these critical incidents. Due to the exigent nature of this information, the statement may be taken from the officer without the benefit of representation, and the Public Safety Statement is considered a compelled statement. This task should be handled by *an uninvolved supervisor*, barring exigent circumstances.

The strict purpose of the Public Safety Statement—which is compelled without representation and taken under duress—is only to gather time-sensitive information. It is *not* the responsibility of the field supervisor to conduct a comprehensive interview of the involved officer. SFPD Form 544 (attached to this bulletin) is a blue, pocket-sized card that provides guidelines for field supervisors in the collection of a Public Safety Statement at the scene of an Officer-Involved Shooting (OIS) or Officer-Involved Discharge (OID).

The field supervisor obtaining the Public Safety Statement shall not ask why the involved officer reacted to the incident. The collection of comprehensive statements from involved members is the responsibility of assigned criminal and administrative investigators, in accordance with applicable law and policy. The field supervisor shall direct the involved officer to answer limited questions of an exigent nature. These include, but are not limited to:

- Did you fire your weapon?
- Is anyone injured? Where are they?
- Are there any outstanding suspects? If so, can you provide a description, direction, mode of flight? How long ago did the outstanding suspect(s) flee?
- What weapons are they armed with?
- Did the suspect(s) fire at you? Where was the suspect? Where were you?
- Where were you when you fired at the suspect? Where was the suspect?
- Did you move during the encounter? From where to where?
- Are you aware of anyone else firing a weapon?
- Are you aware of weapons or evidence that needs to be secured? Where?
- Are you aware of any witnesses? Where are they?

Before taking a Public Safety Statement, the involved officer shall be separated from other members by the field supervisor. The field supervisor shall turn off and seize the involved

officer's Body Worn Camera (BWC) as evidence, and the field supervisor's BWC shall be deactivated during the Public Safety Statement. ***The supervisor will turn over the involved officer's BWC to SFPD criminal investigators after their arrival on scene. Supervisors shall write a statement regarding the chain of custody of the BWC's.*** If there are multiple involved officers, the field supervisor should obtain Public Safety Statements from each officer separately, if feasible.

Every officer-involved incident is unique, and there may be other appropriate and necessary Public Safety Statement questions that you need to ask that are not listed above or on the SFPD 544 form.

Once a Public Safety Statement has been satisfactorily obtained, the field supervisor should remind the involved officer not to discuss the incident further until he or she has conferred with his or her attorney. Each involved officer should be transported separately to an SFPD facility by a designated officer.

The field supervisor that obtains a Public Safety Statement should remain on-scene to confer with assigned investigators. If practical, the supervisor should notify Dispatch that he or she obtained the Public Safety Statement. Once released, the field supervisor shall prepare a statement, attached to the initial incident report, memorializing the Public Safety Statement and other actions taken at the scene.

Related Policy:

DGO 10.11, Body Worn Cameras



WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.

Public Safety Statement

To be taken by a supervisor; always begin with the italicized order:

I am ordering you to answer these Public Safety questions:

- Did you fire your weapon?
- Is anyone injured? Where are they?
- Are there any outstanding suspects? If so, can you provide a description, direction, mode of flight? How long ago?
- What weapons are they armed with?
- Did the suspect(s) fire at you? Where was the suspect? Where were you?
- Where were you when you fired at the suspect? Where was the suspect?
- Did you move during the encounter? From where to where?
- Are you aware of anyone else firing a weapon?
- Are you aware of weapons or evidence that needs to be secured? Where?
- Are you aware of any witnesses? Where are they?

Every officer-involved incident is unique, and there may be other appropriate and necessary Public Safety Statement questions that you need to ask that are not listed above.

SFPD 544 (Rev. 09/19)

Public Safety Statement Reminders

- The statement must be obtained by a supervisor at the scene.
- If feasible, speak to each involved officer separately.
- The field supervisor and the involved officer's BWC shall be deactivated prior to taking the Public Safety Statement.
- Collect the involved officer's BWC as evidence and give it to the responding criminal investigators at the scene.
- DO NOT ask the officer why he or she fired. DO NOT conduct a comprehensive interview of the involved officer. Assigned investigators will conduct a thorough interview.
- DO NOT seize an able-bodied officer's weapon; however, ensure the weapon is de-cocked and properly holstered.
- After the Public Safety Statement has been obtained:
 - Broadcast pertinent information obtained from the Public Safety Statement.
 - Complete any remaining on-scene actions that require the involved officer (i.e., cold shows) prior to the involved officer(s) being transported to a Department facility. Assign a monitor to stay with each involved officer and ensure they are separated.
 - Ensure C.I.R.T. is notified. The officer may contact family members but should be reminded not to discuss the incident before meeting with the attorney.
- Before EOW, the supervisor shall prepare a written statement documenting the Public Safety Statement and actions taken at the scene, including the BWC seizure and chain of custody.

SFPD 544 (Rev. 09/19)

Side 1

Side 2



A
19-028
02/12/19

Obtaining a Public Safety Statement (Re-issue DB 17-012)

A Public Safety Statement is information obtained by a supervisor at an officer-involved shooting, using questions intended to determine existing threats to public safety and identify transitory evidence that must be preserved. The scope of this statement is limited to the collection of such critical, fleeting information in the immediate aftermath of these critical incidents. Due to the exigent nature of this information, the statement may be taken from the officer without the benefit of representation, and the Public Safety Statement is considered a compelled statement. This task should be handled by a supervisor, barring exigent circumstances.

The strict purpose of the Public Safety Statement—which is compelled without representation and taken under duress—is only to gather time-sensitive information. It is *not* the responsibility of the field supervisor to conduct a comprehensive interview of the involved officer. SFPD Form 544 (attached to this bulletin) is a blue, pocket-sized card that provides guidelines for field supervisors in the collection of a Public Safety Statement at the scene of an Officer-Involved Shooting (OIS), In-Custody Death (ICD), or Officer-Involved Discharge (OID).

The field supervisor obtaining the Public Safety Statement shall not ask *why* the involved officer reacted to the incident. Criminal investigators assigned to the case shall conduct a complete interview of involved officers, as well as any witness officers, at a later time. The field supervisor shall direct the involved officer to answer limited questions of an exigent nature. These include, but are not limited to:

- Have you been involved in an Officer-Involved Shooting?
- Is anyone injured? Where are they?
- Are there any outstanding suspects? If so, can you provide a description, direction, mode of flight? How long ago did the outstanding suspect(s) flee? What weapons are they armed with?
- Did the suspect(s) fire at you? Where was the suspect? Where were you?
- Where were you when you fired at the suspect? Where was the suspect?
- Did you move during the encounter? From where to where?
- Are you aware of weapons or evidence that needs to be secured or protected?
- Are you aware of any witnesses? Where are they?

Before taking a Public Safety Statement, the involved officer shall be separated from other members by the field supervisor. The field supervisor shall turn off and seize the involved officer's Body Worn Camera (BWC) as evidence, and the field supervisor's BWC shall be deactivated during the Public Safety Statement. The supervisor will turn over the involved officer's BWC to Crime Scene Investigations personnel after their arrival on scene. If there are multiple involved officers, the field supervisor should obtain Public Safety Statements from each officer separately, if feasible.

Every officer-involved incident is unique, and there may be other appropriate and necessary Public Safety Statement questions that you need to ask that are not listed above or on the SFPD 544 form.

Once a Public Safety Statement has been satisfactorily obtained, the field supervisor should remind the involved officer not to discuss the incident further until he or she has conferred with his or her attorney. Members shall not ask the involved officer further questions about the incident until he or she has conferred with the attorney. Each involved officer should be transported separately to an SFPD facility and monitored by a designated officer.

The field supervisor that obtains a Public Safety Statement should remain on-scene to confer with assigned investigators. If practical, the supervisor should notify Dispatch that he or she obtained the Public Safety Statement. Once released, the field supervisor shall prepare a statement, attached to the initial incident report, memorializing the Public Safety Statement and other actions taken at the scene.

Related Policy:

DGO 10.11, Body Worn Cameras


WILLIAM SCOTT
Chief of Police

Per DB 17-080, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.

Public Safety Statement

To be taken by a supervisor; always begin with the italicized order:

I am ordering you to answer these Public Safety questions:

- Did you fire your weapon?
- Is anyone injured? Where are they?
- Are there any outstanding suspects? If so, can you provide a description, direction, mode of flight? How long ago?
- What weapons are they armed with?
- Did the suspect(s) fire at you? Where was the suspect? Where were you?
- Where were you when you fired at the suspect? Where was the suspect?
- Did you move during the encounter? From where to where?
- Are you aware of anyone else firing a weapon?
- Are you aware of weapons or evidence that needs to be secured? Where?
- Are you aware of any witnesses? Where are they?

Side 1

Every officer-involved incident is unique, and there may be other appropriate and necessary Public Safety Statement questions that you need to ask that are not listed above.

SFPD 544 (Rev. 12/16)

Public Safety Statement Reminders

- The statement must be obtained by a supervisor at the scene. Broadcast that you have obtained the Public Safety Statement and remain on scene until relieved.
- If feasible, speak to each involved officer separately.
- DO NOT ask the officer why he or she fired a weapon or reacted to the incident.
- DO NOT conduct a comprehensive interview of the involved officer. Assigned investigators will conduct a thorough interview of involved officers.
- DO NOT seize and able bodied officers weapon; however, make sure that officer's weapon is de-cocked and properly holstered.
- Once the Public Safety Statement is obtained, remind the officer not to discuss the incident until he or she has met with an attorney.
- Assign a monitor officer and have the involved officer transported to a police facility after the Public Safety Statement is taken and other necessary duties (e.g., a cold show) completed.
- The involved officer may contact family members, but should be reminded not to discuss details of the incident.
- Ensure C.I.R.T. is notified and responding to the police facility.

Side 2

SFPD 544 (Rev. 12/16)