Officer-Involved Shootings

A Guide for Law Enforcement Leaders

COPS
Community Oriented Policing Services
U.S. Department of Justice

International Association of Chiefs of Police
Since 1893

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Introduction

Though few officers will be directly involved in a hostile shooting situation during their careers, many more may experience the impact of one; the effects of such events touch not only the officer involved, but the department and the community as well. Because of the gravity of officer-involved shootings, it is vitally important to ensure that the agency and its officers are prepared in advance for such an event. This guide is intended to provide guidance for preparing officers and departments prior to an officer-involved shooting, suggested incident scene actions and procedures, recommended procedures for conducting criminal and administrative investigations, suggestions for working with the media, and mental health and wellness considerations and procedures.

I. Pre-Incident Preparations

Officer-involved shootings (OIS) are emotionally charged events. These incidents require rapid response, leaving little time for deliberation. Therefore, it is important for a law enforcement agency (LEA) to prepare police officers in advance for the physical and emotional reactions they may experience in such an incident, so that they will be better prepared to handle the situation. Officers should also be familiar with standard post-shooting investigative protocols so that they will be equipped to assist in these efforts.

In addition to training individual officers, LEAs should also be prepared at an agency level to address community inquiries and potential concerns that may arise following OIS events. Such preparations should ensure the agency's transparency during the investigation and demonstrate its commitment to conduct and report, in a timely manner, the outcome of a complete and professionally conducted inquiry.

Policies, procedures, and training

LEAs can design policies, procedures, and training to ensure that personnel know exactly how to respond when a shooting incident occurs. Clear and concise policies and procedures relating to the use of force, officer-involved shootings, video evidence, post-incident leave, and mental health and wellness, among other issues, should be documented, updated regularly, and presented to all officers through recruit and in-service training. LEAs should fully train all staff on the contents of these policies and procedures to ensure they understand what is required of them and the steps that the department will take. On-scene checklists are particularly helpful for those responding to officer-involved shootings. These same policies should be made available to the public, to the degree reasonably possible, as part of the department's efforts to promote transparency of departmental operations within the community.

Prepare officers

Officers should be familiar not only with agency policies and procedures, but with their individual rights, including the Law Enforcement Officers' Bill of Rights (if applicable) and departmental rights and privileges that may be conferred. It is also important that officers understand the differences between criminal and administrative investigations and their rights during each of these processes.

The LEA should maintain an up-to-date list of the names and contact information of family members and significant others who should be notified in the event of an on-duty injury or other emergency. Officers should also identify, in order of preference, two or three fellow officers whom they would like contacted to assist their family or significant others, in the event they are unable to do so themselves.

Appoint response teams

Officer-involved shootings require rapid department response and thorough investigation. These undertakings can be complex, and accurate and complete investigations require agency planning and following established protocols. The first step in the planning process is the designation of an investigative team. The team may be comprised of officers from units such as Internal Affairs, Homicide, Special Investigations units, Force Investigation units, or other entities. Once the team is identified, all members must be fully trained and prepared to handle multiple scene requirements, including those at the shooting site, the department, and potentially at an emergency medical care facility. The investigative

team should also receive additional training in the science of human performance factors that influence all human behavior during high-stress, time-pressured deadly force confrontations. A designated and trained agency response team can conduct the investigation both thoroughly and promptly, which benefits both the community and those involved in the incident.

In some cases, particularly in smaller departments with limited personnel, organizational leaders may call upon outside LEAs or state investigative agencies to investigate shootings, particularly those that cause death or serious bodily harm or that garner broad media and community attention. Agencies must make these arrangements in advance to ensure that all parties agree to established protocols and responsibilities.

If the department wants to develop peer support counselors to assist involved officers, it should organize these individuals and train them in crisis intervention and the rules of confidentiality.

Develop relationships with appropriate agencies

Many outside agencies can play a role in addressing officer-involved shootings and assisting the LEA in investigating the event. It is advantageous to formulate relationships with potential support groups and other criminal justice agencies, which can help ensure a smooth, thorough, unbiased, and impartial investigation.

It is also important to establish a relationship with one or more qualified, licensed mental health professionals, experienced with law enforcement culture and critical incident debriefings. These individuals are indispensable in helping involved officers work through the emotions and potential trauma associated with shooting incidents.

Mental health

Personnel should be aware of specific mental health and wellness services that are available to them following an incident. The department should train its members in the residual emotional, psychological, and behavioral effects often associated with officer-involved shootings and other potentially distressing critical incidents. Agencies are encouraged to train all personnel in both normal and problematic post-traumatic reactions and in appropriate responses to employees who have been involved in a shooting or other traumatic incident. See Section IV on page 23 for a detailed discussion of mental health and wellness.

Media

A public information officer (PIO) or other designated staff should be prepared to address critical incidents involving the department. Staff assigned to this role should be aware of the considerable sensitivities surrounding an officer-involved shooting and be prepared to provide consistent messaging throughout the incident and in its aftermath. See Section III on page 15 for a detailed discussion of media considerations.

Small agency options

The International Association of Chiefs of Police (IACP) and the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), are sensitive to the needs of small agencies and those working with budget constraints. It is important to know that the best practices outlined in this guide are applicable to all departments, although small agencies may achieve them differently. To ensure thorough, complete, and unbiased investigations, small agencies may benefit from partnerships with larger agencies, including, as appropriate, sheriffs' departments, state police, and state criminal investigative agencies. Agencies can formalize these partnerships through memoranda of understanding that outline the ways in which the agencies will work together and share resources. These partnerships are consistent with the findings of the Presidents' Task Force on 21st Century Policing (the Task Force), which recommends the use of outside investigative agencies "in cases of police use of force resulting in injury or death, or in-custody deaths."[1] It should be mentioned that the use of outside agencies to conduct or assist in OIS investigations is not limited to smaller LEAs. To ensure and demonstrate an LEA's commitment to a fair and impartial investigation, some medium and larger sized agencies call upon others to conduct or assist in investigations to help demonstrate integrity and impartiality.

1. President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington DC: COPS Office, 2015). http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

II. Incident Scene Procedures

Use of deadly force

A 2011 Bureau of Justice Statistics study estimated that police in the United States make 63 million face-to-face contacts with the public annually.[2] Only one percent of these citizens report that the police subjected them to the threat or use of force, and the majority of those cases involve levels of force at the lower end of the spectrum.

Officers need to be provided with the training and equipment that will allow them to choose from response options, rather than having to resort to higher levels of force. Officers who use command presence, verbal direction, and persuasion, and whom agencies train in de-escalation techniques, are better prepared and equipped to avoid the use of higher level of force. To determine the most appropriate policies, equipment, and training on use of force for a given LEA and its community, the LEA can benefit from a comprehensive review and analysis of each use of force incident. Such a review may illuminate patterns in these incidents, or reveal officer behaviors that have important implications for the development or refinement of policies, procedures, and training to reduce or mitigate use of force incidents.

While police use of deadly force is a relatively infrequent occurrence, its impact in some situations resonates throughout the community. If managed improperly, the post-event investigation can even exacerbate officer trauma and misinformation. Aside from the possible physical and emotional ramifications of the police shooting itself, a police officer who improperly or excessively employed force also faces the prospect of criminal liability. Family members, as well as some community groups, may challenge the officer's decision to use deadly force, and in some cases may initiate civil litigation directed at the officer, LEA, governing jurisdiction, or all of these entities. Therefore, it is imperative that officers thoroughly understand their responsibilities, rights, and limitations regarding the use of force. The department should review these issues with each officer in conjunction with scheduled firearms qualifications, or at another appropriate juncture, at least annually.

When an incident of deadly force occurs, civil disturbance or unrest is possible, especially when there is a perception of excessive use of force or injustice. The incident itself and the events that follow can form a continuum of potential flash points or triggering incidents that may lead to civil unrest or disorder. These flash points include the incident itself, the investigation, the release of the investigation results, decisions of grand juries or courts, and overall reaction of LEAs to civil disorder. LEAs should release timely updates regarding active investigations, as long as releasing the information is legally permissible. In doing so, LEAs can help dispel misinformation and potentially mitigate unrest.

Several variables may influence the type or degree of public response, including the following:

- Pre-existing conditions: the overall quality of police-community relations, including those of trust and LEA transparency
- The nature of the incident itself: the type and nature of force used, especially if it was deadly force or was excessive by community standards

2. Office of Justice Programs. Bureau of Justice Statistics, *Police Behavior During Traffic and Street Stops*. (Washington, DC: Office of Justice Programs, 2011). http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4779.

- The circumstances surrounding the incident: the age and mental condition of the victim, the race of the officer and the victim, and the reaction of witnesses
- The concurrent police action: the actions of the other police officers at the scene and the actions taken or statements made by the department
- The accuracy of media reporting on the incident
- City leadership actions: what the elected officials and other community leaders say or do
- Initial community response: whether there is an immediate community reaction or escalating racial tensions

Members of the community, including the media, can benefit from information regarding police procedures, protocols, and human performance factors related to police use of force, especially OIS encounters. However, disseminating this information cannot wait until a high-profile incident occurs; rather, it should be part of an ongoing program of LEA transparency through police-community interaction and communication. Such a program should provide, at minimum, information about officer safety issues, citizens' rights, relevant laws, and police policies and procedures, through a variety of mediums such as community meetings, civic associations, citizen advisory groups, citizens police academies, community newsletters, local government access cable television programming, websites, bulletin boards, social media, and LEA webpages. Further, the Task Force report recommends that LEAs make OIS and the use of deadly force incident data available to the public on a routine basis.

Following an incident, it is important that LEAs provide the community with as much information as possible on a timely basis. The LEAs spokesperson must ensure that information released by the agency is factual and will not serve to jeopardize the investigation or provide the basis for establishment of premature conclusions. LEAs should not feel compelled to dispel every rumor that may arise within the community, but should ensure that enough information is available to overcome untruths, exaggerations, and stories that are known to be factually incorrect. Developing a strong working relationship with the media, community leaders, and other prominent agencies before an incident is vital to this effort.

Involved officer responsibilities

The initial responses of involved officers at the scene, and the steps taken and decisions made thereafter by first responders, supervisors, and investigative personnel, often determine whether an accurate and complete investigation occurs. As such, it is critical to have protocols in place that agencies can immediately activate should an OIS, other deadly force, or in-custody death incident occur.

Despite the incredibly stressful nature of an officer-involved shooting event, it is important for officers involved to take initial steps to protect their safety and the safety of others, preserve evidence, and when possible, to perform those actions that will help the investigation of the incident. If the officer is physically capable and circumstances permit, there are four areas of concern which require immediate attention after the confrontation has ended.

Welfare of the officers and others at the scene

The safety and well-being of the involved officer(s) and innocent bystanders is the first priority. On-scene personnel should ensure that the subject is not a threat, to include disarming, handcuffing, or otherwise securing the person. An officer should never assume that because a subject has been shot or otherwise incapacitated, he or she is unable to take aggressive action. Officers should render medical aid as circumstances allow and to the degree reasonably possible, pending the arrival of trained medical personnel. Officers should handcuff all suspects, unless doing so would hinder the performing of emergency life-saving activities; in this event, an armed officer must be present at all times. Officers must secure in place all firearms and other weapons in the vicinity. If an officer must physically secure a weapon, its exact position should be marked. Officers must secure in place all firearms and other weapons in the vicinity, marking their exact positions.

If the primary officer has not already done so, on-scene personnel should summon emergency service providers, regardless of whether or not any officer or subject is injured. Injuries may not always be apparent, and the rush of adrenaline under these circumstances can mask them. Additionally, the stress of such an incident creates severe elevations in blood pressure, pulse rate, respiration, and body temperature, all of which can be dangerous.

Apprehension of suspects

In general, it is better for the officer to remain at the incident scene than leave it to pursue suspects, unless the officer can apprehend the subject readily. Even if the officer was not injured, actions such as foot pursuits are taxing and inherently dangerous, especially when compounded by the stress of the incident. By remaining at the scene, the officer can summon backup, await emergency medical assistance, assist the injured, protect evidence, and identify witnesses. Instead of pursuing the subject, the officer should provide the agency's communication center with information on any subject or suspicious persons who may have left the area, including their physical description, mode and direction of travel, and whether they were armed.

Preservation of evidence and protection of the incident scene

After an incident, many, if not most officers, will experience a period of mental confusion and disorientation. Under such conditions, it is often unreasonable to expect an officer to perform all but the most essential of duties required. Therefore, to the degree reasonably possible and appropriate, the officer should attempt to focus on just a few key matters. For example, he or she should note immediate surroundings and conditions, such as lighting; persons and vehicles present or recently departed from the scene; potential witnesses, suspects, or accomplices; and other factors. When possible, the involved officer should protect the scene from incursion by bystanders and secure in place or mentally note items of evidentiary value. The involved officer should also be aware of emergency medical personnel and firefighters as they arrive, as they who may unknowingly move or even inadvertently destroy evidence while performing their duties.

Principal among evidentiary items are firearms. The officer should ensure the safety and securing of his or her firearm until investigators examine it. The firearm should not be moved if dropped, nor removed if holstered, nor opened, reloaded, or tampered with in any manner. Ideally, officers should ensure that all weapons and expended cartridge casings remain in place undisturbed.

Identification of witnesses

When possible, the officer should identify potential eyewitnesses, separate them, and ask them to remain present to provide a brief statement. If a witness wishes to leave, the officer should obtain contact information for future communications, or provide their supervisor's contact information and request that they contact him or her. If capable of doing so, assisting officers may use photographic or video recordings to document any onlookers present for possible future identification and questioning, should they leave the incident scene.

Incident command responsibilities

If capable, the officer involved in the shooting should assume the responsibility of incident commander (IC) until relieved by a senior officer at the scene or a senior responding officer, supervisor, or investigator. The ICs job is to initiate the incident command system, a strategy employed to deal with situations requiring performance of multiple and often simultaneous tasks. Where necessary, the IC should assign individual responsibility for the completion of tasks.

The involved officer, acting as the IC, should, where possible, begin taking actions outlined below. Upon arrival of a senior officer or ranking supervisor, the officer will turn over IC responsibilities to that individual, who will take responsibility for performing or assigning responsibilities for these actions. The first task of the IC is to assess the situation and ensure the safety and security of officers and others at the scene. The IC must eliminate potential threats from assailants, ensure the arrest or detention of suspects, and secure identified evidence. If not already done, the IC should summon emergency personnel and necessary backup and equipment.

It is the responsibility of the IC to complete the tasks not handled by other officers and to ensure that actions taken prior to his or her arrival were adequately completed. The IC is also accountable for ensuring that all necessary department notifications occur. These may typically include some or all of the following depending on the significance of the shooting: the chief of police or sheriff, watch commander, patrol commander, homicide shooting team, internal affairs, evidence technicians, public information officer, coroner or medical examiner, police legal advisor, assistant district attorney, department chaplain, police union representative, and peer support program coordinator.

Securing the scene

The IC should take measures to secure the incident scene and maintain its integrity until the investigation team arrives. As personnel arrive and the IC makes assignments, the perimeter should be clearly marked and protected. Senior command staff and other officers who are concerned or have self-initiated a response will often arrive at such critical incidents. The response of some officers may be important or even essential, but the IC should direct these personnel to the command post for

assignment of a specific duty or task, rather than allowing them unrestricted entry to the crime scene. The IC should assign available officers to control the perimeter and record the identities of all officer(s) and other emergency responders who enter. This should be accompanied by assignment of an event recorder who is responsible for documentation of actions taken at the crime or incident scene. This can be difficult in situations where the crime scene is not contained to a singular or small area. However, on-scene personnel should make every effort to safeguard potential evidence and actions taken by responsible personnel. For example, in the event that emergency fire or medical responders need to move persons or items in order to administer medical assistance or perform other emergency functions, the original position and condition of evidence should be marked and recorded.

To assist with evidence preservation and crime scene reconstruction, when time permits and whenever possible, the IC should ensure that the crime scene is photographed and videotaped. As noted, photography or videotaping of any onlookers may also be valuable in later identification of witnesses or possible accomplices. Additionally, it can help to capture other factors such as the weather, lighting, and related conditions and surroundings. Finally, it is important to take complete color photographs of the involved officer, including physical appearance, wounds, and injuries, if he or she is still at the scene. These photographs provide evidence of the nature and impact of the incident, and may prove useful at a future juncture. If not done at the scene, investigators should take photographs at the hospital or other emergency medical facility.

Witness statements

It is important for the IC to be mindful of potential witnesses. When possible, the IC, in conjunction with the officer involved, should identify persons who may have been at or within close proximity to the incident scene. The IC should facilitate the separation of potential witnesses, so that statements obtained regarding their personal perceptions do not influence the opinions and observations of others. The IC should, where possible, ensure collection of the names, addresses, and phone numbers of witnesses and others who may have been in the vicinity at the time of the shooting. Investigators should collect this information from those at the scene even if they claim that they did not see anything. Investigators should ask witnesses to remain on hand until they provide a preliminary statement. Investigators should record all interviews whenever reasonably possible. In addition, some witnesses may not want to provide statements in a public space for fear of retribution or the perception that they are collaborating with the police. In these instances, investigators should contact these persons following the incident to get a statement.

Public safety statement

If the law, collective bargaining agreement, or agency policy do not prohibit it, the officer involved should provide a brief *public safety statement* to the officer in charge at the incident scene. The public safety statement is intended to establish the level of danger that may still exist, aid the initial operational response to locate suspects, and focus the initial stage of the investigation. If allowed, and if the officer is still on the scene and is physically and emotionally capable of providing it, investigators

should collect this information as soon as possible. If the officer has been removed from the scene due to injury or related reasons, other officers or witnesses who were present may be able to provide some or all of the pertinent public safety statement information. Questions to elicit this information should be straightforward and limited to details of the incident, including:

- The type of force used by the officer and threat presented by other involved parties
- The direction and number of shots fired by involved parties
- The location of any unsecured weapons
- The location of injured persons
- A description of at-large suspects and their mode and direction of travel, time elapsed since they fled, and weapons that were available to them
- A description and location of known victims or witnesses
- Any information that would help ensure officer and public safety and assist in the apprehension of suspects.

Incident scene walkthrough

Again, depending on the officer's physical and emotional condition, the IC should ensure that a preliminary basic walkthrough of the incident scene is conducted with the involved officer to help gather the foregoing information, if not prohibited by law, collective bargaining agreement, or department policy. As soon as possible, the lead criminal investigator should replace the patrol supervisor or other officer as the IC. From that point on, all police personnel at the scene, including supervisory officers, should answer to the lead investigator/scene IC. The role of the criminal investigator is to determine ultimately whether the actions of the involved officer(s) were in compliance with the law.

The initial walkthrough should normally be conducted by criminal investigative personnel (who, depending upon the completion of other incident scene tasks, may assume the role of the IC) to collect very basic information. Investigators should not confuse this with information solicited later in a formal statement of the incident. If a walkthrough is conducted with the involved officer, he or she may be accompanied by a union representative or an attorney, depending on local law, agreements, or agency policy. Investigators should not solicit or record any formal statement from the involved officer at this point of the investigation. Agencies should exercise caution in reference to videotaping or audio recording initial walkthroughs, as the physical or emotional status of the officer may not be optimal; at this stage, the officer may be unable to recall events fully or accurately. In addition, if investigators videotape the walkthrough, the recording is discoverable at trial and could be introduced and used to impeach officer testimony, formal reports, statements or depositions. As the officer's memory becomes clearer and more detailed, information provided during the initial walkthrough may conflict with recollections documented in later statements.

Medical evaluation

Where available, a trained peer counselor should be summoned to the scene to provide the involved officer with emotional support. If multiple officers were involved, they should be separated, and a companion or peer counselor should be assigned to each. Agencies should direct all involved officers not to discuss any aspects of the shooting with fellow officers, their peer counselor, or anyone other than their attorney, qualified mental health professionals, or authorized investigative personnel. When the involved officer has provided responders or investigators with a public safety statement and any other relevant information, he or she should be taken to a hospital or other emergency care facility and accompanied by the peer counselor where available. Peer support should be ancillary to and not used in place of a qualified mental health provider.

Even if the involved officer does not have obvious injuries, it is good practice to transport any involved officer to an emergency medical facility. Medical personnel can then evaluate and monitor the officer(s) for delayed physical or emotional reactions that may require medical attention. At the same time, investigators should ensure that testing is performed to document whether alcohol or drugs are in the officer's system, if such testing is not prohibited by law or union contract. Some agencies do not require testing for drugs or alcohol without reasonable suspicion; some contend this is an overt or subjectively accusatory action, which conveys the agency's lack of trust in in the officer or suspicion of wrongdoing. These are legitimate concerns. However, medical personnel can perform tests for alcohol and drugs easily, and these tests are a part of any thorough investigation of an officer-involved shooting. Additionally, the results can serve to counter any contention that such substances impaired the officer's judgment.

At the hospital, the companion officer should provide all reasonable support to the involved officer and act as a liaison between the officer and the hospital. If the officer is injured and not capable of contacting his or her family, the IC should assign this responsibility to the individual the officer has designated; if the officer has not made such a designation, the officer's supervisor should find the best person to perform this duty.

The individual contacting the family should provide them with information on the officer's status and well-being. Even if the officer is uninjured, a designated person should contact family members to alleviate their concerns. If the officer has sustained an injury or has been taken to the hospital for medical examination and testing, the IC should designate an officer who was not involved in the shooting to transport immediate family members to the hospital. In the event of an officer's injury, the officer's supervisor may provide the family with this information. In the case of an officer's death, the chief, sheriff, or in their absence another police executive, should make contact with the family in person. Death notifications by officers in these situations are often best delivered with additional support as appropriate from clergy, an officer who is close to the family, or other support personnel. Any notifications should conform to the department's death notification policy. In the event the involved officer is injured or killed, an officer or peer support counselor should also be assigned to the officer's family to provide security, emotional support, and assistance in handling visitors, media inquiries, and steps that need to be taken both in preparation for and following a funeral.

Other duties

For agencies that have not adopted and implemented the Incident Command System (ICS), the foregoing and the following activities and tasks must still be undertaken. Use of ICS provides agencies with a full array of necessary steps, systematically organized and managed, to address a wide array of critical incidents and enhances their ability to manage officer-involved shootings efficiently comprehensively. For example, when it appears that on-scene investigative activities will take an extended period of time, it may be necessary to establish a command center to better coordinate the personnel involved. For events of this complexity, it is a good idea to appoint an on-scene recorder—someone who will document the event and maintain a chronological record of activities and actions taken. If significant media attention is expected, it is also advisable for the IC to designate a staging area. In most cases however, the IC should postpone statements to the media until investigators have verified the facts surrounding the shooting and prepared properly for release of this information. Sometimes it is sufficient to indicate simply that the incident is under investigation and that investigators will provide details as soon as possible. This publication includes additional media procedures and considerations in a later section.

III. Post-Incident Investigation

Investigations of officer-involved shootings are critically important; the results affect not only the involved officers, but also the department and the community. The findings of the investigation inform any criminal charges or administrative discipline that may ensue, as well as liability that may attach to the officers, the department, or the parent jurisdiction. Ultimately, the impact of the investigation extends well beyond the single incident, affecting department-wide risk management strategies.

The persons responsible for investigations of officer-involved shootings vary by department. If department capability permits, investigations may occur internally. As previously noted, teams may comprise officers from Homicide, Internal Affairs, Special Investigations, or other divisions or units. Veteran homicide detectives make ideal investigators for officer-involved shootings, as their experience allows them to skillfully identify, organize, and evaluate relevant details. Regardless of their primary assignment, the department must designate and specially train investigators in advance of an incident.

If needed, it is appropriate to elicit the assistance of, or turn the investigation over to, an outside agency, such as the state police, state criminal investigation authority, or county sheriff's department. Some departments also conduct investigations in cooperation with the local prosecutor's office. It is important to note that regardless of who conducts the investigation, the initial burden for evidence preservation and protection of the incident scene is the responsibility of the involved officer, the IC, and the first responders. Therefore, it is essential that all officers understand the importance of taking appropriate initial actions.

Incident scene responsibilities of the criminal investigator

Accurate and complete OIS investigations require agencies to follow established protocols when an incident occurs. The careful collection and examination of evidence, in conjunction with witness statements, will help piece together the full picture.

The investigator should be briefed and then ensure that all previously mentioned on-scene tasks have been or are being completed and that all essential details of the shooting have been or are being documented, including the following:

- the nature of the call to which the officer responded;
- the time it was received and dispatched, the time of arrival, and the times of dispatch and arrival of backup officers;
- whether the officers were in uniform or, if in plainclothes, whether they were identifiable as police officers at the time of the shooting;
- the general circumstances in which the subjects were encountered, including the time of day of the incident and the weather and lighting conditions;
- the full identities and assignments of all involved officers;

- the identities of all persons who had access to the shooting scene, including emergency medical services (EMS) personnel and firefighters;
- the types of vehicles on the scene, including those of officers and suspects;
- the identities and backgrounds of all suspects, witnesses, and others involved in the shooting if available.

If someone on-scene has not already done so, the IC should ensure collection and replacement of the firearm of the officer involved. In some cases however, it may not be advisable to replace the officer's firearm, particularly if the officer is injured and transported to an emergency room, or is of such an emotional or physical state that it would not be safe to rearm the officer at that time. Investigators should inspect the primary and backup firearms of all officers at the scene during the incident to determine whether they have been discharged. When appropriate, investigators should record the serial number, make, model, and caliber of all officer and suspect weapons found at the scene.

The IC should ensure full recording and documentation of the shooting scene and the surrounding area. Investigators should manually diagram or map the entire scene using surveying or mapping equipment, indicating the location and relative distances between key points and items of evidence. After the manual diagram is completed, investigators should photograph and, where possible, make a video recording of the scene and all evidence. It is important to record both video and still images, because video evidence provides added perspective and dimension that photographs cannot capture. The IC or a designated individual should also determine if video recordings were made by in-car cameras, electronic control weapons, public or private surveillance cameras, or body-worn cameras, and, if so, secure them as evidence as soon as reasonably possible.

The investigator should ensure the collection of the clothing worn by persons shot, including officers. Clothing can often provide critical information about the shooting, and preservation is important. Often the shooting victim's clothes can provide evidence of the shooter's proximity to the victim, the position of the victim's arms (either up or down), the distance and trajectory of the shots fired, or the entrance and exit points.

Administrative investigations

Unlike a criminal investigation, an administrative investigation intends to determine whether the involved officer's actions were justified, in accordance with agency policy, procedures, rules, and training. Investigators or a force review board may use this information to make recommendations for changes in these areas. While an administrative investigation may lead to disciplinary charges based on breaches of LEA policies, it does not intend to delve into potential criminal behavior. Questions in an administrative investigation are specifically addressed to an officer's actions or inactions based on the agency's administrative rules and regulations.

The rights of officers subject to an administrative investigation may vary according to state and local law, or the terms of a collective bargaining agreement. Several states have also enacted legislation known as the Law Enforcement Officers' Bill of Rights (LEOBR), enumerating the rights guaranteed to law enforcement officers during their employment, including while under investigation. These statutes may provide, for example, a right to counsel during questioning. Given the variability among states, agencies should consult with local counsel for details.

During an administrative investigation, the department may grant an officer *Garrity* use immunity rights.[3] Though officers have protections during an administrative investigation, the ultimate goal is to uncover the truth of what happened. As such, departments retain the right to question employees about matters relating to possible misconduct while on duty.[4] Law enforcement officers are required to answer such questions when they are germane to an administrative investigation. However, in answering these questions, officers may make statements or admissions that could result in termination of their employment. Using such compelled testimony in a criminal investigation is a violation of the Fifth Amendment. By conferring *Garrity* rights, the agency can compel the officer to truthfully answer questions, so long as they are specifically, directly, and narrowly tailored to the performance of his or her duties.

The officer's statement is a critical component of an OIS investigation, but, by conferring immunity from self-incrimination, a department that provides *Garrity* rights becomes unable to use any evidence from that statement during a subsequent criminal investigation. However, granting use immunity under *Garrity* is not required, and departments should offer it on a case-by-case basis, and only after deliberating with the prosecuting attorney.

Agencies need not grant *Garrity* use immunity automatically, since responding to questions and providing any statement are part of an officer's routine job duties, just as is the filing of an incident, arrest, or other report. In addition, whether verbal or written, there is a presumption of voluntariness and truthfulness associated with officer statements. If it is demonstrated during the investigation that statements were not truthful, an officer is subject to discipline up to and including termination. The intent of an administrative investigation does not relate to gathering evidence of criminal acts. Therefore, automatic invocation of *Garrity* warnings is not necessary in many cases. Criminal prosecutions of officers for actions taken during shooting incidents are not a commonly anticipated outcome, and automatic provision of *Garrity* rights may not be needed.

Departments must ensure that administrative and criminal investigations occur separately from each other. The internal affairs authority normally conducts the administrative investigation, while criminal investigators conduct the criminal investigation; the investigations are not comingled.

The complexity of OIS incidents dictates, to some degree, the length for completion of the investigations. Some agencies place time limits on these investigations, but such restrictions can potentially impose an obstacle to completion of a full and accurate investigation.

3. *Garrity* v. *New Jersey*, 385 U.S. 493 (1967).
4. Kruger, Karen J., "When Public Duty and Individual Rights Collide in Use-of-Force Cases," *The Police Chief*, vol. LXXVI, no. 2, February 2009 citing *Aguilera* v. *Baca*, 210 F. 3d 1161 (9th Cir. 2007).

Investigator's responsibilities during criminal investigations

The investigator's responsibilities begin at the scene and continue until the investigation of officers involved in the OIS is complete. There is considerable information beyond the physical evidence that can inform the investigation.

Law enforcement officers subject to criminal investigation have the same legal protections as persons who are not in law enforcement. These protections, provided by the U.S. Constitution, include provisions of the Fourth Amendment (addressing unreasonable search and seizure), the Fifth Amendment (protecting against compelled self-incrimination), the Sixth Amendment (providing the right to counsel), and the Fourteenth Amendment (ensuring procedural due process). Unlike its administrative counterpart, in a criminal investigation, investigators should precede all officer questioning by *Miranda* rights. Officers invoking those rights may not be disciplined for doing so. Upon completion of the criminal investigation, investigators should submit findings to the department's chief executive officers and, subsequently, to the office of the prosecuting attorney or similar agency.

Voice transmissions can provide important information and potentially serve as evidence. Investigators should secure and review all data and voice transmissions associated with the incident, including logs or information from mobile data terminals and video and audio recordings captured by in-car cameras, electronic control weapons, body-worn cameras, and commercial or governmental surveillance cameras.

Witness interviews are a key way to obtain information regarding the shooting. The investigator should contact the individuals identified on-scene in an attempt to uncover as much information as possible about the incident. Interviews should be audio and video recorded where possible. Investigators should, however, be mindful that memory and perception are fragile and may be influenced, particularly if witnesses have had an opportunity to confer with each other about the incident. As a result, eyewitness accounts may be inaccurate or contradictory. Though lying is one potential cause, it is important for investigators to be aware that myriad factors can color and influence perception and memory, including an individual's background, experiences, and predispositions, as well as the turmoil and emotional impact of a shooting incident. There is ample research demonstrating the contribution of all these factors to the unreliability of eyewitness accounts. To avoid influencing eyewitness accounts, investigators must remain completely neutral and impartial during interviews and focus on gathering, verifying, and corroborating eyewitness statements. Investigators should never share their opinions or disclose investigative information in an effort to elicit responses or statements from witnesses.

When obtaining statements during the course of the investigation, investigators should identify and interview the complaint taker and dispatcher if there is reason to believe that they can share important information. Investigators should also solicit information and observations made by emergency medical personnel. Often, these individuals are the first responders to the scene and deal directly with the officers and other involved parties immediately following the shooting. Their initial impressions concerning the circumstances of the incident upon their arrival, what those involved may have said, actions taken at the scene, and other matters, can be valuable to the investigation.

When time permits, investigators should follow up on leads and additional points of contact. Investigators should obtain all information relevant to all involved parties, including prior criminal records and parole or probation history. Investigators should obtain search warrants for suspect residences, vehicles, containers, or any other areas potentially housing evidence.

In the event of the death of a suspect, bystander, or officer, it is important to work closely with the coroner or medical examiner's office, including attending autopsies. During the autopsy, investigators can make several important determinations, such as entrance and exit wounds, estimates of shooter positions, and the presence of controlled substances in the decedent's blood.

As soon as the preliminary results of the investigation are established, the lead investigator should brief the agency chief executive. With the chief executive's approval, the investigator should then prepare a staff memorandum that provides the general facts of the incident. The department should post or distribute this memo to all personnel as soon as possible; as long as it will not jeopardize the investigation, it should also provide this information to the media. In this way, the department can keep staff rumors to a minimum, resolve concerns over unknown circumstances of the event before speculation supplants fact, and provide the public with the knowledge that the agency is actively pursuing the investigation and is forthcoming about what it has found.

In addition to the agency's chief executive, investigators should brief the prosecutor's office in a timely manner following the incident. In some instances, a member of the prosecutor's office will respond to an officer-involved shooting as a matter of policy. The police agency should continue to work closely with that office throughout the investigation.

The issue of when to release the name of the officer(s) involved in a shooting has been widely debated without providing a definitive answer. It is clear however, that a police shooting, particularly when the death of a civilian or officer is involved, garners intense interest and scrutiny among the media and the public. In addition, the longer the law enforcement agency withholds this information, the greater the appearance that the agency is protecting its own personnel at the expense of transparency within the community. Some departments have come under serious criticism for failure to release the names of officers in OIS incidents. Other agencies have implemented standard release policies, such as 48 hours following the incident—sufficient time to notify the shooting subject's next of kin, and allow officers enough time to notify their families and make arrangements for secure accommodations if they fear threats or retaliation.[5] Failure to release officer names risks criticism and public dissent. At the same time, release of an officer's name in this time of heightened police scrutiny and public dissent has also become a matter of greater concern for officer safety.[6]

While the law enforcement community has not reached consensus on this issue, the timely release of an officer's name following an OIS incident serves to enhance public trust in the investigative process, and adds to the transparency and perceived integrity of the investigation. Nevertheless, the agency

5. Drew J. Tracy, "Handling Officer-Involved Shootings," *The Police Chief* 77, no 10 (2010). http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2213&issue_id=102010.
6. Tristan Hallman, "Dallas Police Association wants department to stop releasing officers' names after shootings," *Dallas Morning News*, September 8, 2015, http://crimeblog.dallasnews.com/2015/09/dallas-police-association-wants-department-to-stop-releasing-officers-names-after-shootings.html/.

must weigh this decision on a case-by-case basis against the need to shield involved officers and their families from dangers of threats and reprisals. Officers' names will become public eventually, so it is a matter of when, not if, an agency should release officer names.

Interviewing officers who were at the scene

Interviews with other officers who were at the shooting incident but who may not have discharged their firearms are integral to both the administrative and criminal investigations. At a point following the incident, investigators should conduct an interview with each involved officer. Some LEAs require these interviews to be conducted as soon as is practical. The IACP Police Psychological Services Section recommends delaying personal interviews from 48 to 72 hours in order to provide the officer with sufficient recovery time to help enhance recall. This interval is particularly recommended for officers who were directly involved in the shooting, but it may also be necessary for officers who witnessed the incident but did not discharge their firearms.

It is important to obtain individual statements as opposed to group interviews. Group dynamics may negatively influence individual recall and judgment. Individual officers may also not be inclined to offer opinions that differ from the majority of the officers present.

Upon providing a statement, each involved officer must file a use of force report detailing the incident. The investigator should then prepare a separate overall use of force report, which, along with the individual reports, will be part of the investigative report provided to the agency's chief executive.

More than one investigator may conduct administrative interviews, but interviewers should designate one person as the lead; this person will conduct the questioning, while the other is primarily responsible for note-taking. Although some departments permit questioning by more than one investigator, this practice risks taking on the appearance of an adversarial interrogation, rather than a non-confrontational effort to elicit the facts surrounding the shooting.

The department should allow an officer to bring a personal representative into an administrative interview, subject to state law and any union contract that addresses the issue. The personal representative may be an attorney, union representative, supervisor, or other person chosen by the officer, as long as the person has no connection with the incident under investigation in any way. The role of the interviewee's representative is that of observer; the interviewer should advise the observer not to intervene unless the interviewer or employee requests them to, or if the interview leads to issues of criminal activity. Legal representation of officers during the criminal investigation is essential. For the record, all persons present during questioning should be documented.

All interviews, whether administrative or criminal, should be audio, and when possible, video recorded in their entirety. If there is a break taken during the interview, the interviewer should make a notation, including the time of the break, who requested it, and the time at which the interview resumed.

The issue of whether to permit officers to view videotape of shooting incidents, and if so, whether this should occur before or after providing a verbal statement or filing a report, remains unresolved. Some argue that allowing an officer to view a videotape *before* making a statement may allow him or her to adjust the statement to conform to the video. Others contend that this process enhances an officer's memory and allows the officer to better recall actions or events that took place. Agencies that allow

viewing prior to making a statement may make exceptions in some circumstances. For example, if a video indicates that an officer appeared to commit a violation of department policy or law knowingly and willingly, the department should provide the video following the statement, in order to solicit a response or clarification from the officer.

Videotapes shown following a statement or report, avoid to some degree, the perception that the officer adjusted his or her statement to fit the video recording. An officer who has already given a statement can use the video to clarify discrepancies and to elaborate, where necessary, on actions taken and recorded. Departments should also remember that video recordings have inherent limitations. They generally have a narrow field of view and may vary in quality. In addition, a video recording cannot capture all of the events, actions, and surrounding circumstances of which an officer may have been aware; they cannot record all that an officer knew, or reasonably believed, at the time of the shooting. The department should apply any legal analysis or assessment of an officer's actions under this "reasonableness" standard enunciated by the U.S. Supreme Court in *Graham* v. *Connor*,[7] in which the court made it clear that judgment of the reasonableness of a particular use of force must rely on the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. Further, they stated that "the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation." Situational factors, as discussed in the following section, enter into the judgment of what was reasonable or unreasonable when investigators are comparing officer statements with video recordings or similar evidence and making conclusions about officer actions.

Appropriateness of the use of force

As noted above, in determining the appropriateness of a shooting, both criminal and administrative investigations should explore situational factors. These factors may include the following:

- The conduct and behavior of the subject at the time of the incident
- The relative age, size, strength, and physical capability of the officer compared to the subject
- Any opportunities for, and attempts by, the officer to de-escalate the situation
- Force options available to the officer
- The experience of the involved officer, including years of service, types of assignments, and training
- Number of officers present
- Presence (or likely presence) of drugs or alcohol used by the subject
- Mental status of the subject if known or if probable
- Weapons in possession, or within reach of the subject, and threats of violence (if any) made by the subject
- Seriousness of crimes suspected to have been committed by the subject
- Subject's criminal history if known

7. *Graham* v. *Connor*, 490 U.S. 386 (1989).

- Whether it was reasonable to believe that the subject was, or would present, a danger to the public if he or she escaped, and the risk of escape
- Manner and degree in which the subject resisted arrest or otherwise used force against the officer
- Types of restraints used on the subject

Force review

Once the investigation is complete, some agencies present the results to a Force Review Committee, Shooting Review Committee, Board of Inquiry, or similar entity that convenes on an ad hoc basis to review such findings. This approach is strongly recommended, as it adds an additional level of review. The committee should be comprised of command-level officers, personnel at the supervisory level who were not involved in the incident or investigation, and any other agency specialists who can provide insight. Some LEAs also include citizen representation on these review boards. These forums intend to bring together all elements of the investigation in a risk management context to determine whether they have potential implications for the department's training, policies, and procedures. Their ultimate aim is to improve the agency's response to such critical incidents and to make any corrections needed in the agency's policies, procedures, training, supervision, and discipline that will help avoid identified problems in the future.

IV. Officer Mental Health and Wellness

An officer-involved shooting is perhaps the most traumatic event an officer will encounter during service. Such incidents trigger complex psychological and emotional effects; all too often, the normal coping strategies employed by individuals are inadequate for such an extreme event. Law enforcement officers are human, and react to such traumatic events in different ways. A simple formula cannot express the impact of circumstances on a specific individual. Accordingly, in helping officers navigate this incredibly difficult time, it is critically important that staff, especially supervisors, understand and recognize possible reactions, and that they are prepared to refer officers to the appropriate assistance. This section describes some common responses to critical incident; however, supervisors and other personnel must realize that each individual manifests stress differently. There is no one right way to react.

Officer reactions to the incident

An officer-involved shooting affects many people beyond the officer directly involved. Agencies should be mindful that officers who were at the scene and did not or could not fire their weapon are often strongly impacted and may experience intense emotional reactions. Additionally, personnel not at the scene, such as dispatchers or investigators, may be affected to some degree.

Officers involved in critical incidents, including shootings, may experience a multitude of physical, cognitive, emotional, and behavioral responses in the immediate aftermath and in the weeks and months to follow. The following information and recommendations are drawn from research compiled by medical and mental health practitioners of the IACP Police Psychological Services Section.[8]

Immediate reactions

Immediate responses to a critical incident are physiological, and may include muscle tremors, nausea, chills, vomiting, rapid heart rate, hyperventilation, faintness, crying, or sweating. All of these responses represent the body's attempt to mobilize for extreme stress. Physical reactions are the body's way of mitigating or coping with the stress triggered by a high-impact situation. These reactions are not a sign of weakness. If not acknowledged or dealt with in a healthy manner, these reactions can become problematic for the officer. Some physical reactions are delayed and may manifest in several days or sometimes even weeks following the incident. Delayed physical reactions may include increased thirst, fatigue, twitches, chest pains, dizziness, elevated blood pressure, profuse sweating, headaches, stomachaches, indigestion, diarrhea, sore muscles, and an increase in the occurrence of colds and flu.

Cognitive and emotional reactions

Initially, an involved officer may be dazed and upset and have feelings of disbelief. The officer may have difficulty comprehending the reality or significance of the critical incident. From a few hours to a few days later, he or she may show signs of depression, tension, agitation, irritability, and fatigue. This may cause the officer to sleep too much and have less energy; the officer may become withdrawn as a result.

8. "Officer-Involved Shooting Guidelines," IACP Police Psychological Services Section (Philadelphia, 2013). http://www.theiacp.org/portals/0/documents/pdfs/Psych-OfficerInvolvedShooting.pdf.

There is also a shock reaction period where the emotions concerning the incident become blunted. Psychological defenses, such as denial, automatically intervene to temporarily shield the individual from thoughts and feelings that might otherwise be overwhelming. The involved officer may feel emotionally detached and numb, but also experience occasional anxiety attacks. The officer may feel that he or she is just going through the motions. Additional emotional reactions may include confusion, impaired decision making, loss of judgment, and slowness of thought.

Typically within several days of the incident, the full emotional impact of the situation is realized, though this can be delayed by as much as six months to a year or more. The involved officer will typically experience an emotional and physical letdown. The individual may have feelings of vulnerability and helplessness stemming from a perceived lack of control over the incident. Generally, the more vulnerable the officer felt during the incident, the greater the emotional impact of the situation.

At this stage the involved officer may experience many kinds of cognitive or emotional reactions that, although normal human reactions, make him or her feel they are losing emotional control. Some of the more common reactions are fear, anxiety, anger, rage, or blaming those responsible for the outcome of the critical incident. There are also other ways the individual might signal he or she is having a difficult time processing the critical incident; for example, some may describe reliving the event over and over. It is not uncommon for an officer to feel sorrow, guilt or remorse if they know or believe their actions caused injury or death. Departmental training in this area will help personnel realize that these are normal reactions to an abnormal situation, not signs of mental illness.

Behavioral reactions

The involved officer may obsess about the shooting and seem to talk about nothing else. The officer may make poor decisions or show signs of inattention which were not previously exhibited. Supervisors may notice an increase in absenteeism or a drop in work productivity. It is not unusual for coworkers to notice increases in aggression in situations resembling the critical incident. Family or relationship problems may suddenly develop. Substance abuse problems are a clear sign of an officer in distress and need to be handled delicately and with compassion. Sleep difficulties—whether oversleeping or undersleeping—may begin when the individual attempts to avoid emotional reactions to the shooting. The officer may also exhibit restlessness, confusion, sudden changes in hobbies or activities, short-fused anger, and excessive behaviors.

These reactions usually last several days, but may last a week or longer depending upon the individual. For this reason, it is important to evaluate personnel in order to ensure that they can safely and effectively return to their typical work duties. Individuals determined to be experiencing extreme stress reactions should be placed on administrative leave and not be allowed to return directly to normal duty assignments, even if they express a desire to do so. An officer experiencing a denial of emotion should not be on active duty, particularly in a street enforcement capacity, during these periods.

Acceptance resolution

At some point an officer generally begins to understand, work through, and come to terms with the emotional impact of the incident. It may take longer depending on the incident, the legal or administrative aftermath, the amount of peer and family support, and the officer's coping skills. Once achieved, the officer understands and accepts what happened. Even after an officer has reached this point, it is normal to have the occasional nightmare, flashback, and anxiety attack, particularly when triggered by situational reminders.

Supervisors should also be aware that not all officers experience a serious or even moderate reaction following a shooting. This does not suggest that they are uncaring or insensitive.

Problematic recovery

All of the reactions described above are completely normal human responses for anyone who experiences a highly tramatic incident. In a normal recovery, the officer eventually returns to a healthy and balanced emotional state, understands the reactions he or she has been experiencing, and learns productive ways to handle them. However, some officers do not progress normally and become stuck in the process. Supervisors should be aware of the signs of stalled recovery, including the following:

- Continuation and intensification of post-incident symptoms
- Excessive stress and anxiety reactions
- Continued obsession with the incident
- Increased absenteeism, burnout, and decreased productivity
- Increased anger and irritability
- Underreaction
- Risk taking
- Increase in family/relationship problems
- Alcohol/drug abuse
- Inordinate amount of focus on critical comments made by coworkers
- Uncertainty, suspiciousness, and poor problem solving
- Poor attention

On becoming aware of these problems, a supervisor should refer the officer to an appropriate mental health provider.

Recommended responses following an officer-involved shooting

In order to reduce the likelihood of problematic recovery and debilitating long-term effects, departments should take immediate steps to ensure the well-being of the officer. Though this report previously noted some of the steps described below, here we revisit the concepts, with added explanation, from a mental health perspective.

At the scene and immediately following

Immediately following the incident, the department should provide physical and psychological first aid to involved personnel, including assignment of a companion officer or peer counselor. This focus of this support should be on calming stress and reinforcing the officers' sense of safety.

Upon providing a statement about potential outstanding threats, the department should transport officers directly involved to a safe and supportive environment along with the companion officer, chaplain, or a supportive peer; this ensures the officer is not isolated. Often the best support person is a fellow officer trained in peer support, or one who has also experienced an officer-involved shooting. If the involved officer needs to talk about the incident, he or she should be encouraged to do so only with individuals who have privileged communication, including attorneys, chaplains, licensed mental health providers, and, in some states, trained peer support personnel.

Officers may feel vulnerable if unarmed. Since the department must collect the officer's firearm as part of the investigation, the department should replace it promptly, as a sign of support, confidence, and trust. If there is an articulable basis for deviating from the procedure, the department may do so, but the department should provide security for the officer while on scene, and keep the officer informed as to when they will get their weapon, or a replacement weapon, back. In training, the department should inform officers that during an officer-involved shooting incident, their firearm becomes a piece of evidence, and will be taken as a matter of policy.

Officers involved in an OIS should have the opportunity to contact their families as soon as possible after the incident. This may reduce the likelihood of families receiving incomplete or inaccurate information from other sources, such as the media. The conversation should be limited to their well-being, and not the facts of the incident. If the officer cannot personally make the call, someone should do so on his or her behalf, preferably someone that knows the family, someone the officer previously chose, or someone serving as the companion officer.

The investigative process and potential consequences can be the most stressful aspects of the incident for involved officers, and the first few hours after an incident are often emotional and confusing. When practicable, the department should inform the officer of the investigation protocol and of any potential actions by the grand jury or review board, as well as potential media inquiries. Again, these aspects of an OIS or similar investigation should be part of officer training so that officers know in advance what to expect.

Following a shooting, it is helpful to provide officers and their significant others with written information that explains the physical and psychological reactions they may be experiencing. The materials should provide guidance on how to support each other, coping strategies, resiliency strategies, and whom to contact for further assistance.

Investigative period

In the immediate aftermath of a shooting, the department should place any involved officer on administrative leave pending counseling by an agency-designated mental health provider. This meeting and any subsequent meetings that may be deemed necessary are not an evaluation of fitness for duty, but a conversation regarding the officer's mental wellness. Agencies should have a policy addressing mandatory leave, crafted in a way that accounts for variation in officer reactions. While some officers

may need an extended period of leave, others will find it unnecessary or even counterproductive. Waiting for days to tell one's story of the shooting can be psychologically harmful for some officers. In such cases, agencies may want to make allowances in policy, whereby an officer may make a statement after he or she has consulted with and retained counsel. Agencies should also be mindful of officers who were at the scene but did not discharge their weapon. In some instances, the incident may emotionally affect these officers, and they may benefit from a period of administrative leave, particularly if they witnessed a serious injury or death. It is important for officers and the public to understand that administrative leave is a routine procedure and not a disciplinary action.

It can also be very helpful for an involved officer to speak with a trained peer counselor who has been through a similar experience. Often such individuals respond immediately to the scene to provide support and psychological first aid. Family members of involved officers, particularly those who have previously been involved in a shooting or other life-threatening event, may also benefit from contact with a mental health professional or peer support counselor. In high-profile shootings, the department should prepare officers for the possibility of inaccurate, negative or inflammatory comments in social or mass media, and from within the community. The department should establish peer support and outreach teams before an event occurs, especially since only those who have received specialized training in crisis intervention and the rules of confidentiality should fulfill this role.

High-ranking administrators can provide an extra measure of support to involved officers through timely conveyance of their personal concern via telephone or in person. A show of concern is the objective; it is not necessary to comment on the situation or departmental resolution of the investigation.

Post-shooting interventions

The initial post-shooting debriefing should occur within one week of the incident, with the initial goals of reducing stress, assessing and normalizing any problematic post-incident reactions, and providing education regarding the management of reactions. The debriefing should focus particular attention on maintaining healthy sleep habits, assessing social support, and avoiding excessive alcohol use.

Only qualified mental health professionals trained and experienced in working with law enforcement, and familiar with officer-involved shootings in particular, should conduct post-shooting psychological debriefings. In selecting such persons, the department should take care to ensure that the mental health professional is knowledgeable about the full range of human reactions to critical incidents and is competent in the treatment of trauma in a law enforcement environment.

Given the choice, some officers would opt out of participation in a post-shooting debriefing with a mental health professional. Some may be unaware of the potential impact of the shooting on their mental health, and some may be hesitant because of the potential stigma of such a meeting. However, in agencies that require such debriefings, many officers find them to be very helpful. As such, best practices suggest that officers be required to participate in one post-shooting debriefing with a qualified mental health professional. At the very least, this meeting will provide the officer with basic education and coping skills to better manage his or her reactions and help minimize worry, anxiety, and negative self-assessment. Any participation beyond the initial session, while encouraged, should be at the officer's discretion.

Because delayed reactions may occur, all officers receiving an initial post-shooting debriefing should receive follow-up contact from the mental health professional, via phone or email, within one month following the incident, and then again at four months. The mental health practitioner should make a third and final contact just prior to the one-year anniversary of the event.

The department should make it clear to the officer that the post-shooting debriefing is a confidential communication between the officer and the mental health professional. The mental health practitioner may not release any information about the content of these sessions without the written consent of the officer. Prior to the debriefing, the mental health provider should include an informed consent process that includes a description of the possible benefits and risks of counseling. In the case of an agency-required debriefing, the informed consent should include a limited release so that the mental health professional can verify the officer's attendance and confirm the officer's readiness for return to work.

Department members and leaders should not question an officer's fitness for duty solely on the basis of involvement in a shooting. Although the department may request a fitness-for-duty evaluation, based on an objective concern about an officer's ability to perform his or her duties, it is separate and distinct from any post-shooting interventions. In the event that the department requires a fitness-for-duty evaluation, the mental health professional who provided the post-shooting intervention should not conduct it.

A shooting incident has the potential to greatly impact not only the involved officer, but also his or her family and significant others. Since these individuals often provide valuable support following an incident, it can be beneficial to involve them in the intervention process. If these individuals are included, mental health professionals should be sensitive to the officer's concerns and preferences for individual or joint sessions.

Group psychological interventions may be beneficial following incidents involving multiple personnel, though all officers should still receive an initial individual session before the group is convened. Qualified mental health providers can jointly facilitate group sessions. Participation should be limited to those involved in the incident, and attendance should be encouraged, but voluntary. Agencies should also consider the impact of deadly force incidents on other involved emergency personnel, including dispatchers and first responders, and provide appropriate interventions if necessary. The department should ensure and respect the confidentiality of these group sessions. Some jurisdictions provide a degree of legal privilege to sanctioned peer support groups. Regardless of local laws, the risk of breach of confidentiality increases in a group setting.

V. Media Relations

It is vital for every law enforcement agency to have an established media-relations function and a written policy governing the agency's media relations. A written policy is critical to ensuring that all agency employees understand the importance of good media relations and the importance of the role they play. Effective media relations will help build positive community relations, which will translate into public support for the agency. The development and adoption of procedures for addressing an incident with the aid of the media cannot wait until an incident occurs that garners widespread public attention. The history of a law enforcement agency within the community will also determine, to a large degree, how the public reacts to a single incident. Mitigation of negative effects of an officer-involved shooting must begin far in advance of the incident by establishment of positive police-community relations in partnership with sources of community influence such as the media.

The media can be one of an agency's greatest assets, thanks to its ability to reach a large audience; for example, media coverage can increase a department's ability to solve crimes by publicizing information about suspects or other wanted persons. For media outlets, law enforcement agencies are important sources of news, and should expect to come under scrutiny. Positive media relations can help make reporting fairer and more accurate, and the media will be much more willing to help an agency when there is a history of cooperation and a positive relationship between them.

It is advisable for the agency and local news media to work together in advance of an incident, to create an agreement establishing voluntary guidelines for coverage of critical incidents. The agreement can stipulate, for example, that the media will refrain from showing live pictures and broadcasting certain information about these events when it is reasonable to assume that a suspect or suspects may have access to such coverage. In return, law enforcement can offer close access to the scene, taking into account the safety of all parties, and timely dissemination of information.

Multi-agency investigations can be a special challenge during officer-involved shootings. When multiple agencies are involved, they must speak with one voice. If this does not happen, the media will likely report the discrepancy, thus increasing the likelihood of premature release of information or misinformation that could compromise the investigation. Once the lead agency is determined, that agency should choose the spokesperson(s). Selection of a spokesperson does not preclude other agency heads from participating in news conferences or other media opportunities as long as they provide other involved LEAs the same courtesy. Likewise, PIOs from the other agencies can provide support.

Social media

Social media allows for valuable information to be shared directly and quickly between the police and citizens. During the chaos and terror of the Boston Marathon bombing event, the Boston Police Department used Twitter to provide citizens with accurate and up-to-date information. The citizens referred to the police department's tweets over the media's coverage of the event, as much of the media's information was inaccurate.[9] This shows the level of trust that can be attained between a police department and its community through effective use of social media. In the case of an officer-involved shooting incident, in order for social media to truly assist both the police and the public, it needs to be responsive and current. False or incorrect statements made via social media can be very damaging.[10] Departments should prohibit involved officers from referring to the incident on social media venues such as Facebook and Twitter while the investigation remains active and should ensure all information comes from the official spokesperson for the agency. The department should also remind officers of the potential risks of merely viewing social media, as there is likely to be negative commentary, which may complicate post-incident thoughts and emotions.

Post-incident media considerations

Given the amount of media attention an officer-involved shooting is likely to garner, it may be sensible to set up a media staging area at the scene. The agency's PIO should remain at the staging area to manage media representatives and provide them with information as available and appropriate. All information should flow from this person. If the agency does not have a PIO, the IC should designate an officer or spokesperson at the scene to fulfill this role. The department should provide basic information regarding the incident to the press as soon as practicable, assuming it will not inhibit or undermine the investigation. Doing so will discourage the press from speculation or uninformed commentary that could be detrimental to the involved officer and the agency alike. However, it is important to exercise caution in releasing any information at the scene prior to a full investigation.

9. Edward F. Davis III, Alejandro A. Alves, and David Alan Sklansky, *Social Media and Police Leadership: Lessons from Boston*, New Perspectives on Policing (Washington, DC: National Institute of Justice, 2014). http://www.hks.harvard.edu/content/download/67536/1242954/version/1/file/SocialMediaandPoliceLeadership-03-14.pdf.
10. President's Task Force on 21st Century Policing, *Final Report*.

IACP Resources

The IACP Police Psychological Services Section's 2013 *Officer-Involved Shooting Guidelines* are available at http://www.theiacp.org/portals/0/documents/pdfs/Psych-OfficerInvolvedShooting.pdf.

For more in-depth information on the topics discussed in this report, the IACP have compiled the following resources. IACP members may access these via the IACP website: http://www.iacp.org/Model-Policy-List.

Critical Incident Stress Management: Concepts and Issues Paper

Investigation of Employee Misconduct: Concepts and Issues Paper

Officer-Involved Shootings, In-Custody Deaths, and Serious Uses of Force: Concepts and Issues Paper

Officer-Involved Shootings, In-Custody Deaths, and Serious Uses of Force: Model Policy

Police-Media Relations: Concepts and Issues Paper

Post-Shooting Personnel Support: Concepts and Issues Paper

Post-Shooting Personnel Support: Model Policy

Appendix. Community Resources

Acts of crime disrupt and destabilize life in communities daily. Just as law enforcement's role is to prevent crime, each community resident also has a responsibility to contribute to community safety. The community's role in crime prevention is enhanced by the development of trust between the community and law enforcement. Getting law enforcement organizations and community organizations to talk with each other is a good starting point, but the day-to-day relationships law enforcement forges in the field are among the most important factors for success. A cohesive community has healthy relationships with law enforcement based on individual interactions, be that officers talking with people on the streets, residents attending citizen police academies, or both groups coming together to celebrate National Night Out.

Consider the following questions when you think about your own community:

- What programs does the department have that assist officers in understanding the community and vice versa?
- Do officers engage in interactive meetings with community groups and leaders?
- Does each officer consider himself or herself responsible for building police-community trust?
- Are there existing mechanisms for "taking the pulse" of the community on key issues involving police-community relations?
- Does the department periodically schedule formal meetings with community groups and leaders to review the issue of police-community relations?

These questions can help identify areas or concerns that should be addressed in managing police-community relations and partnerships. The management of these partnerships will, to some extent, dictate the degree of success the police department can expect.

Here are some recommendations for being active partners with the community:

- Organize public meetings that include local community organizations, faith groups, businesses, and civic associations and discuss how law enforcement can work together with them. This allows community members to get to know their local officers and learn about problems facing their communities.
- Conduct information sharing sessions.
- Participate in local speaking opportunities—at the local school, at neighborhood association meetings, and allow time for questions and discussion from community members.
- Use social media as a tool to engage and inform the community.

Following are several examples of programs that bring law enforcement and community together.

Citizens police academies

The role of law enforcement has always been of interest to the average citizen. The television media has capitalized upon this curiosity with shows such as *Cops, CSI*, and *Law and Order*. Numerous police agencies have also benefited from the curiosity that citizens have about the police by forming Citizens Police Academies (CPA) as an expansion of their community-based efforts.

CPA programs open the lines of communication between the community and the police department. To the citizen, it may frequently appear that the police are not doing their job or are exceeding their boundaries. By allowing citizens a firsthand look at what rules, regulations, and policies the police follow, some of these misunderstandings may be alleviated.

The objective of the CPA is not to train individuals to be "reserve police officers" but to produce informed citizens. Citizens and police officers meet each other face-to-face in a neutral, friendly setting, and each becomes a person to the other. In the past, citizens have simply seen a uniform, but with CPAs they develop an understanding about the person behind the badge.

More information about CPAs is available from the National Citizens Police Academy Association, http://ncpaa.us/.

Citizen advisory groups

Members of the community selected to serve on Citizen Advisory Groups (CAGs) function as liaisons between the police department and community. The group mediates problems or conflicts and serves as an advocate for programs, ideas, and methods to improve the relationship between the police and community.

CAGs enhance communication between residents and the police department and offer residents a chance to talk with members of their local police departments. Community members are kept informed about significant safety matters in their neighborhoods and are encouraged to bring any issues or questions to the attention of local police commanders.

CAGs may do any of the following:

- Provide feedback regarding community interests and opinions
- Aid the staff on tasks and requests
- Serve as a positive representative for the department in community relations
- Make recommendations on public safety issues and delivery of service and provide feedback on whether the police department is meeting the community's expectations
- Serve as a community advocate for department outreach to all citizens
- Volunteer in a variety of different areas of expertise to assist in meeting the goal of exceeding community expectations
- Participate in specialized training

VIPS (Volunteers in Police Service)

Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase police responsiveness, service delivery, and information input, and they provide new program opportunities. In addition, volunteers can bring new skills and expertise to the job and prompt new enthusiasm. Police departments use qualified volunteers for specified tasks and duties in order to create efficiencies for the department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel.

Police volunteers perform services for the department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, and persons providing administrative support.

The Volunteers in Public Service program (VIPS) provides support to agencies and citizen interested in starting or maintaining police volunteer programs. It is jointly managed by the IACP and the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. More information can be found at the IACP website, www.theiacp.org/VIPS.

Business roundtables/coffee clubs

Coffee clubs are a great way for the citizens of the community to get to know local officers. Usually set in a casual environment, often with beverages and snacks provided, these gatherings encourage citizens to ask questions and become familiar with the officers who serve their community. Events can be held either monthly or weekly and are sponsored or hosted by local businesses.

Neighborhood Watch

Neighborhood Watch is one of the oldest and best-known crime prevention concepts in history. While the modern day concept of neighborhood watch came into prominence in the late 1960s, its roots in America can actually be traced all the way back to the days of colonial settlements when night watchmen patrolled the streets.

Since 1972, the Neighborhood Watch Programs have united law enforcement agencies, private organizations, and individual citizens in a nation-wide effort to reduce crime and improve local communities. Originally devoted to disseminating information on how to secure residential property and make it less vulnerable to break-ins, the program has evolved into promoting the establishment of ongoing local Neighborhood Watch groups where citizens work in conjunction with their law enforcement agencies in an effort to reduce burglaries and other neighborhood crimes. The success of the program has established Neighborhood Watch as the nation's premier crime prevention and community mobilization program. Visible signs of the program are seen throughout America in street signs, window decals, community block parties and service projects.

Through its website, Neighborhood Watch provides training, technical support and resources to local law enforcement agencies and the citizens they serve.

Faith-based organizations

Law enforcement agencies are now experienced in, or at least open to, working with faith-based organizations (FBO) and other groups to jointly address crime prevention and related issues. FBOs offer an anchoring community force, an extensive understanding of social issues that underlie crime, established infrastructure for addressing human needs, and a voice of moral and secular authority. Many faith leaders today can rally their congregations to work toward lasting solutions to problems related to crime and violence.

About the International Association of Chiefs of Police

The International Association of Chiefs of Police (IACP) is a nonprofit membership organization that supports law enforcement leaders around the world. With more than 25,000 members in over 120 countries, the IACP serves chief executives and law enforcement professionals of all ranks at the state, local, tribal, municipal, and federal level, as well as non-sworn leaders across the criminal justice system. As the largest and longest-standing law enforcement leadership association, IACP continues to launch historically acclaimed programs, conduct ground breaking research, and speak out on law enforcement issues.

Today, the IACP continues to be recognized as a leader in law enforcement program development through the efforts of its divisions, sections, committees, and professional staff. The IACP supports law enforcement through advocacy, training, research, and professional services, and enhances communication and collaboration through various specialized forums including the IACP Annual Conference and Exposition. By engaging in strategic partnerships across the public safety spectrum, the IACP provides members with the tools and resources they need to educate the public on the role of law enforcement and help build sustainable community relationships.

Learn more at www.theiacp.org.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem solving approaches based on collaboration. The COPS Office awards grants to hire community police and support the development and testing of innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement.

Another source of COPS Office assistance is the Collaborative Reform Initiative for Technical Assistance (CRI-TA). Developed to advance community policing and ensure constitutional practices, CRI-TA is an independent, objective process for organizational transformation. It provides recommendations based on expert analysis of policies, practices, traini xng, tactics, and accountability methods related to issues of concern.

Since 1994, the COPS Office has invested more than $14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.

- To date, the COPS Office has funded the hiring of approximately 127,000 additional officers by more than 13,000 of the nation's 18,000 law enforcement agencies in both small and large jurisdictions.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than eight million topic-specific publications, training curricula, white papers, and resource CDs.
- The COPS Office also sponsors conferences, roundtables, and other forums focused on issues critical to law enforcement.

The COPS Office information resources, covering a wide range of community policing topics—from school and campus safety to gang violence—can be downloaded at www.cops.usdoj.gov. This website is also the grant application portal, providing access to online application forms.

As the authors of this guide note, an Officer-Involved Shooting (OIS) is probably the most traumatic event a police officer will ever experience in his or her career. If the reaction to such an event is not handled properly, it can not only take an emotional toll on the individuals involved, but spark anger in the community and create negative fallout for the rest of the department.

To provide practical guidance for handling the wide range of challenges that follow an OIS, the International Association of Chiefs of Police (IACP) and the COPS Office collaborated to produce this detailed report. A must-read for all law enforcement agencies, it provides incident command and investigation procedures, guidance for selecting mental health professionals for post-shooting debriefings, suggestions for familiarizing officers with their rights, recommendations for working with the media, and expert advice in many other areas.

COPS
Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at **www.cops.usdoj.gov**.

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