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Destroying the Myths: Investigating Officer-Involved Shootings

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For many years, police managers and administrators have had to rely on standard (and what we think of as tried and true) investigative tools to address concerns surrounding shootings by their officers. Sadly, these tools do not always adequately explain all of the aspects of the critical incident, such as questionable shot placement, officer/suspect actions, or evidence found at the scene, just to name a few. As a result, an additional burden is placed upon the officer(s) involved, the agency, and the entire law enforcement community.

For those of you who have been involved in these situations, you know all too well that the costs can be prohibitively excessive—not just in financial judgments, but also in the public opinion arena, as well as the physical and emotional damage that is caused. Even today, in the height of the information age, it seems that many department heads and attorneys charged with protecting an agency's assets are not fully aware of what protections, information, and assistance may be available.

Enter the **Force Science Research Center (FSRC)** of the University of Minnesota – Mankato, and its founder and Executive Director, **Bill Lewinski, PhD**.

Launched in 2004, the non-profit center was established to conduct unique lethal-force experiments using sophisticated time/motion measurements to scientifically document critical hidden truths about the physical and mental dynamics of life threatening events—particularly officer-involved shootings. Since FSRC's inception, more researchers are devoting countless hours and resources to previously ignored, or inadequate, studies in search of the truth in police operations and tactics. Dr. Lewinski, FSRC, and several other researchers are now in demand as consultants worldwide and as expert witnesses to relate and testify to the startling findings that are having a profound effect on officer training, safety and liability—financially, physically, and emotionally—as well as the public's naive perceptions of split-second decisions faced by many officers.

We in law enforcement have long realized that Hollywood, television, and in some cases the news media, have presented an inaccurate depiction of our officers, their tactics, and our profession. The research, thus far, has destroyed some myths that have been perpetuated for so long—myths that have been accepted not only by the public, but also law enforcement itself. I am reminded of the words of John F. Kennedy when he said: *“Belief in myths allows the comfort of opinion without the discomfort of thought.”*

Lewinski has been able to attract a virtual “Who’s Who” in academia, training, and law enforcement to serve as Board members and technical advisors for the Force Science Research Center, which has resulted in additional research being conducted in other areas of concern for law enforcement.

For example, FSRC advisor Tom Aveni recently published research findings debunking the erroneous, but the public’s commonly held belief that too many officers have been identified as racist in their use of force against minorities—particularly lethal force. Aveni has been able to show that it is the subject’s behavior, not his or her race that prompts an officer to pull the trigger in circumstances that are rapidly evolving and uncertain. Aveni, along with being a technical advisor to FSRC, is the founder of The Police Policy Studies Council (PPSC), a consulting and training organization based in New Hampshire. His full report can be found in *“A Critical Analysis of Police Shootings Under Ambiguous Circumstances”* on the PPSC website.

Aveni found in his study that *“No significant correlation exists between the officers’ actions and the suspects’ race.”* Further, *“there was no significant correlation between what the officers did and their own gender, age, experience, or type of jurisdiction in which they worked”*—whether it was urban, suburban, or rural. The strongest correlation was found between the subjects’ actions and the officers’ decision to shoot. Aveni’s findings, in part, were supportive of research already conducted by FSRC that indicates time pressures and training make a difference in an officer’s

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reactions to critical decisions. These are issues that law enforcement administrators, managers, and officers have long believed, but now science has come forward to lend support, give credence and acceptance to those beliefs. In fact, during this study, Aveni has been able to pinpoint specific body-language cues that tend to be associated with an officer’s decision to shoot.

It is interesting to note that because of the current research being conducted specifically to law enforcement issues,

we are not only learning about critical incident dynamics, but also officer safety issues, off-duty behavior, firearms training issues, “stress inoculation” in training, and even department policy formulation.

Indeed, through research by both the Force Science and Police Policy groups, internal affairs investigators are being urged to revisit investigative, interview, and interrogation procedures that have been used by departments for years. Today, there are departments that continue to mandate immediate, formal statements by officers involved in shooting situations. Unfortunately, in many cases, officers are treated no differently than subjects who are considered suspects in homicide cases. The results,

many times, are initially inaccurate statements given by officers who are making honest efforts to being truthful and forthcoming.

We are learning that such practices and procedures are counterproductive to a sound investigation at best, and fraught with civil and criminal liability at worst. For example, we must understand that in shooting situations the involved officer needs time and rest before they are better able to remember and articulate what occurred during those critical and crucial moments before, during, and after the shooting.

It is Aveni’s hope that his research may “radically alter the manner in which police use of deadly force is examined in the future” by review boards and in courts in many “contentious” shootings. If his research is accepted, and we have no reason to doubt that it will be, the entire law

enforcement community and the communities we serve will be the benefactors. We have already observed the research by FSRC being accepted by courts around the country. Their startling findings have educated investigators, administrators, attorneys, courts, and juries in seeking the truth in otherwise ambiguous deadly force incidents.

As mentioned earlier, Dr. Lewinski has taken results of FSRC research and testified as an expert witness on behalf of many officers charged with crimes following a deadly force situation. He is well prepared to describe the physical and mental dynamics involved in life threatening events and he has the force of science to support his conclusions. He is well prepared to visually walk a judge and jury through the sophisticated time/motion measurements that explain the dynamics of the threat and the officer's response to that threat. More than one officer and agency has been able to walk freely from many court battles because of Lewinski's findings and testimony.

Force Science Research and The Police Policies Studies Council are traveling the globe to educate officers and administrators of other countries and destroy the myths associated with effective and efficient law enforcement. Their presence and the presence of other like-minded researchers are showing resounding success in demystifying the dynamics of officer/offender confrontations and redesigning viable training options that will not only serve law enforcement and the criminal justice system but also the public that we serve.

For more information on this topic,
Visit the FSRC website at:

www.forcescience.org

Visit the PPSC website at:

www.ppsc.org

Take advantage of the following CJI course to learn more about Active Shooter incidents:

Patrol Response to **ACTIVE SHOOTER EVENTS**



August 15th, 2008

Arkadelphia Police Department

This six-hour course will assist the student in obtaining information necessary to implement a tactical entry plan in the event of an Active Shooter incident at a school, church, business, or other event where large groups of persons may be in attendance. Particular attention will be given to a review of recent court cases, the definition of an Active Shooter incident, and the identification of potential targets of an Active Shooter. These elements will assist the student in drawing up viable action plans for such events.

The course will be held from 9 a.m. to 4 p.m.

For more information, contact:

Kim Hendricks

(501) 570-8041

kdhendricks@cji.edu

For more information on Officer-Involved Shootings,
Check Out These Books and Videos
From the CJI Library...

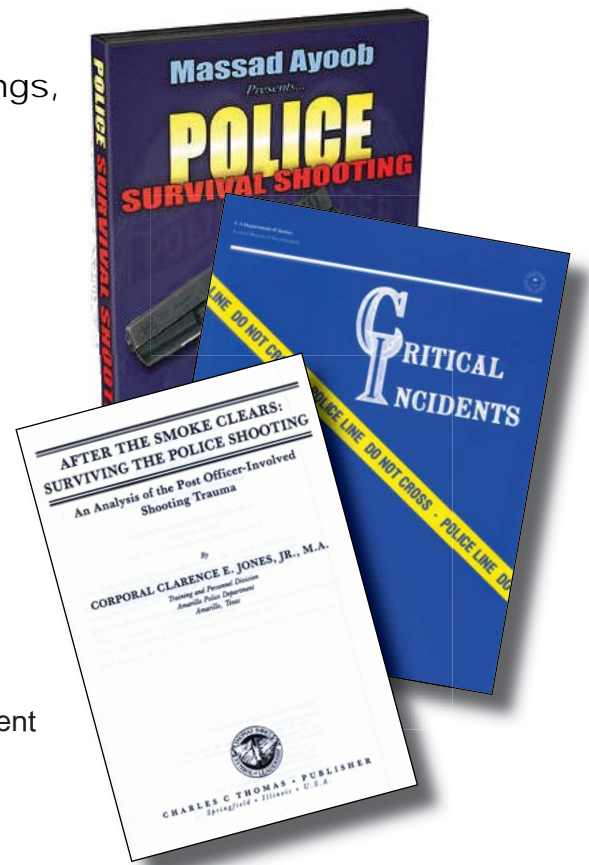
Books:

After the Smoke Clears: Surviving the Police Shooting/
An Analysis of the Post Officer-Involved Shooting Trauma
Critical Incidents in Policing

Videos:

Cops Under Fire
DeKalb County (TN) Deputy Shooting/Backup:
Simulation Training
Flea Market Shooting
Police Survival Shooting

For more information about these resources and other management
resources currently available in the CJI Library, contact Allison
Hoffman at amhoffman@cji.edu or (501) 570-8061.



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