Management of Officer-Involved Shootings:
– Part Two –

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In the last issue of the CJI Management Quarterly, we discussed the first two responsibilities of managers as they respond to officer-involved shootings—Investigating the Crime Scene and Interviewing the Involved Officers and Witnesses. In this issue, we will examine three additional responsibilities—Addressing the Public and the Media; Presenting the Case to the Prosecutor; and Debriefing and Analyzing the Event for Training Purposes.

Addressing the Public and Media

Things have changed in the way we address officer-involved shootings. “Before, the police typically said, ‘No comment,’ and the case went to a Grand Jury. Today, the community does not accept that.” (Olson, 2007). As administrators, it is important that we strive to notify the public with general information regarding officer-involved shootings. This keeps the investigation open and up-front, instilling within the public a sense of trust towards the officers conducting the investigation.

During a deadly force encounter, high levels of stress and adrenaline can influence how a police officer reacts. Any time deadly force is required, it will cause an officer to make a series of choices, reactions, and movements. The public needs to be informed of the distortions that can occur. They also need to be made aware of the memory lapses and difficulty in recall that are produced by such high-stress situations (Alpert, G.P., 2009).

The department should demonstrate its willingness to cooperate with the media and the public. By displaying a working relationship with the media, the communication process with the public will remain a positive one. Otherwise, mistrust can develop. The time to prepare a press-release for officer-involved shootings is before one occurs. This is done by encouraging the media to print and air stories and responsibilities of officers, as well as the training they have received on past shootings and similar experiences (Bohrer, 2010). We should show the public that we are trained and working hard to do a better job when it involves the use of force.

Public perceptions of officer-involved shootings usually vary with the population. They can many times be directed by standing bias and lack of faith in the government. Oftentimes a law enforcement shooting does not produce the negative public opinion. Rather, it is produced by the approach that the involved agency displays in addressing the misperceptions (Bohrer, 2010).
**Presenting the Case to the Prosecutor**

Many times as administrators it is our responsibility to review the file before it is presented to the prosecuting attorney for review. It is our responsibility to ensure that the case has been properly documented and all the results of specialized testing and crime lab analysis are a part of the file. Through my years of experience, I have learned that the investigative case file should be prepared and submitted to the prosecutor for review as soon as possible. The prosecutor must have all the information possible in order to make a decision on the case.

As supervisors, we must know the law as it pertains to the use of deadly force. This will enable us to gather the right kinds of facts and evidence to prove the case. In the state of Arkansas the reviewing prosecutor will follow the guidelines of the following criminal statute:

5–2–607 “Use of deadly physical force in defense of a person:"

(a) A person is justified in using deadly physical force upon another person if the person reasonably believes that the other person is:

1. Committing or about to commit a felony involving force or violence;
2. Using or about to use unlawful deadly physical force; or
3. (A) Imminently endangering the person’s life or imminently about to victimize the person as described in statute 9-15-103 from the continuation of a pattern of domestic abuse.

(B) As used in this section, “domestic abuse” means the same as defined in 9-15-103.

(b) A person cannot use deadly physical force in self defense if he or she knows that he or she can avoid the necessity of using deadly physical force with complete safety:

1. (A) By retreating.
   
   (B) However, a person is not required to retreat if the person is:
      
      (i) In the person’s dwelling or on the curtilage surrounding the person’s dwelling and was not the original aggressor; or
      
      (ii) A law enforcement officer or a person assisting at the direction of a law enforcement officer; or

2. By surrendering possession of property to a person claiming a lawful right to possession of the property.

(c) As used in this section “curtilage” means the land adjoining a dwelling that is convenient for family purposes and habitually used for family purposes, but not necessarily enclosed, and includes an outbuilding that is directly and intimately connected with the dwelling and in close proximity to the dwelling” (Arkansas Criminal and Traffic Law Manual, 2009, pg. 28).

A thorough investigation will allow the law to be applied to the facts of the case enabling the prosecutor to make the best decision in the case.

**Debriefing and Analyzing the Investigation**

At the completion of the investigation we as supervisors should hold a debriefing with all the investigating officers to determine the investigation is thorough and complete. It is also at this time that an evaluation of the affected officer(s) can be made in order to provide professional counseling service if necessary. As administrators, we can gain insight into the shooting incident from the debriefings. From the information that we receive we can make decisions and implement steps to correct any training problem that may have been identified.

In debriefing it should be our goal as administrators to minimize post-traumatic reactions from the involved officer(s). It is widely believed that talking in a structured and controlled environment helps to minimize post-traumatic reactions (Addis & Stephens, 2008). Research shows that individuals who experienced the debriefing process considered it very helpful. They said it provided them a safe environment to discuss shooting incidents, the affects that the incidents had on them as individuals, and the effects the incidents had on their family members. However, research also shows that the benefits of debriefing only have short-term impact and offer no help with the long-term affects of post-traumatic stress. In a study involving officers who were debriefed after the incident, the reports show that the debriefing experience had no positive affects in dealing with Post-Traumatic Stress Disorder five years after the incident. These outcomes point to the serious limitations of a one-time debriefing experience. We must find ways to allocate more resources to assist the affected officer(s) and his family (Addis, 2008).
After the debriefing, supervisors should make it a priority to provide long-term evaluations and assistance to the affected officer(s). Supervisors should always remain positive and should encourage the affected officer(s) in his/her road to recovery. By making long-term commitments to our officers, we are instilling their confidence in the agency’s support of them.

**Conclusion**

As police administrators, we must approach officer-involved shootings in a methodical, well-structured investigation. As supervisors, it will be our responsibility to oversee the investigation until it has been completed and to see that the affected officer(s) receive proper counseling. Our responsibility begins with the crime scene. We must make every effort to secure and investigate the crime scene in order that valuable evidence will be seized and a detailed investigation can be completed. Without a reasonable and reliable crime scene investigation process, the officer(s) may be subjected to unnecessary additional stress and may feel their legal rights have been violated. As administrators, we must ensure that the most highly trained and competent investigators conduct the investigation. We should use investigators that will approach the investigation displaying neutral attitudes. We have the responsibility to see that the affected officer(s) are kept well-informed throughout the investigation and that their personal needs are met.

When dealing with the involved officer(s) and witnesses, we have a responsibility to get as much information and details of the event to ensure a thorough investigation. We should treat the officer(s) as what they are—survivors of a critical incident.

It is recommended that the officer(s) should not be required to give a detailed statement for at least 24 to 48 hours after the event (Artwohl, 2002). There is much controversy as to when the officer(s) should be interviewed. There is supporting research that indicates the involved officer will have a greater ability to recall specific details of the event if he is given rest time. Some researchers have concluded that 40 percent of officers experience a return of lost details to their memories just by waiting (Force Science News, 2006 January 20). As administrators, we must ensure that the officer(s) is interviewed using the best technique possible. One such technique, cognitive interviewing, is used to invoke all of the officer’s senses in recreating a frame by frame picture of the event. It is best if the officer(s) is not forced to answer questions of which he/she is uncertain. Forcing officer(s) to answer questions they are uncertain about can inadvertently cause false information to be given.

We should demonstrate willingness to cooperate with the media and the public. By displaying a working relationship with the media, the communication process with the public will remain a positive one. We should encourage the media to print and air stories and responsibilities of officers and their training on past shooting experiences. It is not the police-involved shootings that generate negative consequences but how the involved agency handles the information about the shooting.

As supervisors, it is our ultimate responsibility to see that the case is thorough and complete. We are to be familiar with the laws governing the shooting incident. A thorough investigation will aid the prosecutor in arriving at a well-informed decision. We must see that the case is provided to the prosecutor in an expedient time frame. The agency and the affected officer(s) need to know the prosecutor’s decision as soon as possible.

Administrators should see that debriefing takes place soon after the incident. The debriefing will help identify problems that might arise in a future incident, as well as provide insight into additional training needs. It will allow us to see that the affected officer(s) receives needed counseling and support. These are the procedures we administrators must take in order to affect a positive outcome when dealing with officer-involved shootings.
References


