
Investigation of Officer-Involved Shootings

Concepts and Issues Paper

August, 1999

I. INTRODUCTION

A. Purpose of Document

This paper was designed to accompany the *Model Policy on Investigation of Officer-Involved Shootings* established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their community and their law enforcement agency.

B. Background

Statistically, few officers become involved in hostile shooting situations. But all officers should have an understanding of steps that must be taken in such an event. The initial response of involved officers and the steps taken thereafter by first responders, supervisory and investigative personnel often determine whether an accurate and complete investigation can be conducted. The accuracy and professionalism of such investigations can have significant impact on involved officers.

Other than in training exercises or similar agency-authorized actions, discharges of firearms by police officers, whether on or off duty, should be the subject of departmental investigation. The extent of the investigation should depend largely upon the real or potential impact of the shooting. Shootings that take place under hostile circumstances and, in particular, those in which injuries or fatalities have occurred, are situations that require more intensive investigation and involve a broader range of potential information requirements. The present discussion is focused primarily on this latter type of hostile-shooting investigation. However, the discussion is also suitable as guidance for other shooting investigations.

The seriousness of officer-involved shootings cannot be overstated. The reputation and often the career of involved officers often depends upon whether a full and accurate determination can be made of the circumstances that precipitated the event and the manner in which it unfolded. The critical nature of these investigations is also underscored by the frequency with which these incidents result in civil litigation.

From a broader perspective, a law enforcement agency's reputation within the community and the credibility of its personnel are also largely dependent upon the degree of professionalism and impartiality that the agency can bring to such investigations. Superficial or cursory investigations of officer-involved shootings in general and particularly in instances where citizens are wounded or killed can have a devastating impact on the professional integrity and credibility of an entire law enforcement agency. An accurate and complete investigation of these deadly force incidents requires agency planning and the establishment of protocols that must be followed in such instances. It also depends largely upon the prudence of decisions made and steps taken immediately following shootings by the officers involved, supervisory personnel and criminal investigators. Failure to take appropriate measures can lead to the loss of indispensable evidence, inaccurate investigative findings, inappropriate assignment of responsibility or culpability for wrongdoing, and even the filing of criminal charges against involved officers.

Many agencies, because of their limited resources and expertise in these matters, may rely in all or in part on the investigative resources and expertise of a state police agency, sheriff's department or other law enforcement authority with appropriate jurisdiction. But these investigations cannot be turned over completely to others. For example, most of the burden for evidence preservation and protection of the crime and/or incident scene is the responsibility of involved officers and first responders. Therefore, it is essential that all officers have an understanding of the significance and importance of the proper initial officer responses and appropriate investigative measures required to conduct a professional officer-involved shooting investigation.

II. PROCEDURES

A. Involved Officer Responsibilities

As indicated in the model policy, for officers involved in a hostile-shooting situation there are four general areas of concern that should be addressed after the initial confrontation has been quelled: (1) the welfare of officers and others at the scene (2) apprehension of suspects (3) preservation of evidence and (4) the identification of witnesses.

The safety and well-being of the officer(s) and any innocent

bystanders is the first priority. Initially, the officer should ensure that the threat from the suspect has been terminated. This includes but is not limited to handcuffing or otherwise securing the suspect. Should firearms or other weapons be available to or in the vicinity of the suspect, they should be confiscated and secured. All suspects should be handcuffed unless emergency life saving activities being employed at the time would be hindered by these actions. If not handcuffed or otherwise secured during the application of emergency first aid, an unencumbered armed officer must be present at all times to oversee security of the suspect and safety of emergency service providers. One should never assume that because a suspect has been shot or otherwise incapacitated that he is unable to take aggressive action.

The agency's communication center should also be provided with information on any suspects or suspicious persons who may have left the area, to include their physical description, mode and direction of travel and whether the suspects are armed. A decision to pursue suspects will generally be based on a wide array of factors. However, the most important of these generally involves the ability of officer(s) at the scene to conduct a pursuit, the potential for apprehension of suspects and the need to provide assistance to injured parties at the scene.

Given the diminished physical and mental condition of many officers following a shooting incident, it is better for these officers to stay at the scene. In so doing, they may be able to assist the injured, protect evidence, identify witnesses, provide dispatch with suspect information and assist in establishing a containment area to aid in the apprehension of escaping suspects. Obviously, if the officer is injured, he/she should request emergency medical assistance as soon as possible. But, in the interim, the officer should administer emergency first aid to himself/herself to the degree possible.¹ Where reasonably possible, officers should then administer first aid to other injured parties pending the arrival of emergency medical service providers.

Assuming that one or more of the involved officers is physically capable of taking action following the incident, there are several other concerns that should be addressed immediately. For example, officers should request the presence of a supervisory officer as well as required back-up. Depending upon the circumstances, back-up assistance may involve a number of the agency's specialized units in addition to patrol units for traffic control, protection of evidence and related matters. These may include command-level officers, a hostage negotiator, SWAT, K-9, crime scene technicians and a public information officer among other possibilities.

Immediately following hostile-shooting incidents, many officers are emotionally and physically disoriented. The ability of an officer to recognize and understand these problems is important in the officer's efforts to regain a degree of control over the situation and take appropriate measures. But this is often a difficult undertaking. Officers who have been involved in shootings often experience a number of immediate and involuntary physical and emotional reactions that may interfere with their ability to react effectively.

Emotional and physical reactions vary according to many factors involved in the shooting incident. These include the officer's perceived vulnerability during the incident, the amount of control he/she had over the situation and his/her ability to react effectively. It also includes such factors as how close the officer was to the victim, how bloody the incident may have been and the nature or character of the suspect. In this latter issue for example, an incident involving a hardened and notorious killer

can have different effect on an officer than one which involved a scared teenager. Similarly, shooting a person who used the officer to commit suicide may evoke an angry response while other situations may produce far different feelings.

A variety of traumatic reactions caused by a shooting incident may interfere with an officer's ability to cope and react effectively and appropriately. For example, it is quite common for an officer involved in a hostile-shooting incident to experience perceptual distortions of various types. Some may experience time distortion in which events appear to occur in slow motion. For others, time may seem to accelerate. Auditory distortions are also common among officers involved in shootings. For most, sound diminishes and gunshots, shouts, or other sounds may be muffled or unheard. An officer may not hear all the shots being fired and may not be able to relate this type of information accurately if questioned at a later date. Involved officers should be aware of the possibility that their recall is impaired in one or more of these ways and investigative officers should keep these and related factors in mind when conducting shooting investigations.

For example, it is not advisable to conduct in-depth investigative interviews with officers immediately following their involvement in a shooting if they are experiencing such reactions. By the same token, in many situations, officers cannot provide basic or detailed information concerning the shooting. Officers should not be self critical because of this nor should investigators assume that this is necessarily an indication that the officers are purposefully withholding information. It is reasonable to entertain the possibility that these lapses are the result of trauma associated with the incident. Interviews conducted at a later time after the officer has had the opportunity to regain his/her composure may be more productive.

A complete discussion of the symptoms and effects of post-traumatic stress is beyond the scope and purpose of this paper. However, for purpose of the present discussion, it may be sufficient to recognize that such emotional and psychological phenomena are relatively common. As such, officers should be aware of these possibilities and recognize first, that they are natural responses to traumatic and unusual events and second, that the officers are not "going crazy" or responding in bizarre and irrational ways. In fact, they are exhibiting natural adaptive reactions to highly unusual life threatening situations.

Given the above context, it is often unrealistic for involved officers to perform many of the first aid and post-shooting actions that have been identified thus far and many of those that will be discussed. But officers must attempt to muster as much self-composure as possible in order to protect themselves and be cognizant of events around them. Understanding that they are experiencing one or more of these emotional or psychological reactions may assist officers in their attempts to regain their composure immediately following a shooting incident.

For example, officers need to be aware of their surroundings following a shooting and take note of important facts such as the time of day, lighting conditions, persons present, those who may have departed the scene, witnesses or potential witnesses, possible suspects or accomplices, and suspect vehicles, to name only a few. In some cases, emergency medical personnel and/or fire fighters may be on hand prior to the arrival of back-up police personnel. Officers at the scene should make note of this with the understanding that these personnel may unknowingly move, misplace or even inadvertently destroy evidence in the course of performing their duties. For example, it is not uncommon for such persons to remove (even ultimately discard) items of cloth-

ing from the suspect or others who have been wounded. Such items of clothing are often invaluable in attempts to establish the position, location and distance of involved individuals in a shooting exchange.

Other items of potential evidentiary value should be of particular concern. One of the principal evidentiary items among these is firearms. In this regard, officers should ensure that their firearm is secured safely and that it is not handled in any manner until it can be examined by investigators or other designated police personnel. The firearm should not be removed if it is holstered. Nor should it be opened, reloaded, or tampered with in any other manner. In some instances the officer's or suspect's firearm may have been dropped at the scene. In such cases it should be left in place if this can be done safely. If safety precludes this, officers may mark the location and position of the firearm and secure it in their holster or in another acceptable manner. However, the preferred procedure is that weapons, expended cartridge casings, brass, speed loaders, magazines and related items be left in place undisturbed.

Before back-up officers and supervisory personnel arrive, involved officers should begin to secure the area to the degree that time, resources, and individual capabilities permit. Often this is no more than securing parts of the scene that may be destroyed or damaged during the first few moments of the incident, such as evidence blowing away or being washed away by rain. If possible, the perimeter should be secured with crime scene tape or by other appropriate means, and all non-essential personnel should be precluded from entering the area. Any items of potential evidentiary value therein should be protected and back-up officers should be used wherever possible in this capacity. In some cases, emergency fire or medical personnel will need to move persons or items in order to provide medical assistance. Where this is the case, officers should note their original position and condition and provide this information to investigative officers.

Where possible, officers should also identify potential witnesses to the shooting. These individuals should be separated so that their personal perceptions can be obtained without the potential influence of opinions and observations gleaned from others. The name, address and phone number of witnesses and other persons in the general vicinity of the shooting should be recorded. In some cases these persons will claim that they did not see anything in order not to become involved. Nevertheless, officers should attempt to collect identifying information from them so that it will be possible to contact them at a later date. Any witnesses or potential witnesses who have been identified should be asked to remain on hand until a statement has been taken from them.

Beyond performing these basic responses where possible, officers involved in a hostile-shooting incident where injury or death has occurred should prepare themselves for an extended period of sitting, waiting and interviewing with agency investigators. Officers should not be insulted by tough questions asked by investigators following such incidents. Only by asking the tough questions can all of the facts and circumstances surrounding the shooting event be compiled.

B. Supervisory Responsibilities at the Scene

The first supervisor to arrive at the scene of an officer-involved shooting should be designated as the officer-in-charge (OIC) until such time as he/she is relieved from this responsibility by an investigator or other appropriate senior officer. The

supervisor's first responsibility is to ensure that the safety and security of officers has been adequately addressed. The potential threat from assailants should be eliminated first and any suspects at the scene should be detained or arrested. Following this, emergency medical providers should be summoned if necessary and emergency first aid provided if needed in the interim.

The supervisor should ensure that the crime scene has been protected and, to the degree possible, that it is kept intact and undisturbed until criminal investigators arrive. Supervisory officers should then deal with those issues discussed in the foregoing section of this paper if officers at the scene were not able to do so. That is, supervisors may need to broadcast lookouts for suspects, request backup and related support services, secure the scene and protect any items of evidentiary value, identify persons who may have been at or within close proximity to the scene of the incident, as well as identify witnesses and request their cooperation. It is preferable to transport eyewitnesses to the station where they can be interviewed by investigators. Normally, detailed interviews with witnesses should not be conducted by supervisory personnel at the scene. If witnesses are unwilling or unable to go to the station to make a statement, the general scope of their knowledge of the incident should be established and recorded together with a record of their identification for future contact by investigators.

Supervisory personnel should be aware of the possibility that officers involved in the shooting may be suffering from post-traumatic shock as previously noted. If this is the case, they should be handled in a manner consistent with agency policy and professional practice.² For example, the officer(s) should be moved away from the immediate shooting scene and placed in the company of a fellow officer, preferably a peer counselor where these officers are available through the police agency.

If an officer has been shot, the OIC should ensure that another officer accompanies the injured officer to the hospital and remains with the officer until relieved. The accompanying officer should be responsible for ensuring that the clothing and other personal effects of the injured officer are not discarded but are preserved and turned over to the police department as evidence. The supervisor should ensure that the officer's family or next-of-kin is notified on a priority basis and in-person wherever possible. An in-person notification should always be made when a death has occurred. An officer should be assigned to transport immediate family members to the location where they are needed. Particular care should be taken to keep the name of the involved officer(s) from the media or other sources until the immediate family members of the officer have been notified.³ An officer should be assigned to the family of a wounded officer in order to provide them with security, emotional support, assistance in dealing with the press and related matters.

In addition to the notification of backup and specialized assistance previously mentioned, supervisory personnel should contact other necessary personnel in their agency at this stage depending upon the seriousness of the incident and the requirements of their agency policy. Such notifications may include the agency's internal investigative authority, homicide investigators, chief of police or sheriff, public information officer, patrol commander, legal advisor, coroner or chaplain.

Depending on the seriousness of the incident, it may also be necessary and prudent to establish a command post in order to better coordinate the many persons involved in the investigation. In this regard, it is also a good idea to appoint one officer as a "recorder" for the incident. The duties of a recorder are to docu-

ment the event and establish a chronological record of the activities at the scene. This record should include but need not be limited to: the identities of all persons present and those who entered the incident/crime scene including emergency medical and fire personnel, actions taken by police personnel, evidence processed and any other matters of significance.

It may also be necessary at this point to establish a media staging area. Police officer-involved shooting incidents invariably draw sizeable contingents of media representatives. If the agency has a public information officer (PIO), this individual may be used to control media representatives and provide them with information as available and appropriate. Should a PIO not be employed or readily available, the OIC will need to appoint an officer at the scene to control these individuals and to provide them with the basic details of the incident as they become available and as they are appropriate for release. Caution should be exercised in the release of any information at the scene prior to a full investigation of the incident.⁴

The supervisor should also begin collecting certain types of evidence. In some agencies, this is the responsibility of investigative officers and/or evidence technicians and, in such cases, it may be necessary to defer collection for their arrival. Irrespective of the organizational responsibilities involved, the supervisor should ensure that an appropriate crime scene perimeter has been established in order to protect evidence until collected. The pressures of time and unusual conditions at the scene of the incident may require alternative approaches to evidence collection. Bad weather, a physical location of the incident that threatens destruction or theft of evidence, the ability of officers to secure and contain the incident scene, lack of ready access to specialized personnel and related factors may necessitate immediate action to avoid the loss of evidence. Therefore, supervisory officers should be prepared to identify and gather essential components of evidence if required rather than risk their destruction or loss pending arrival of investigators. The same rationale holds true with the collection of information from bystanders, witnesses and suspects.

Therefore, as time permits, and within the parameters of the police agency's policy and procedures, supervisory personnel should begin to document the scene or ensure that this activity is undertaken by authorized agency personnel. The overall scene should be diagrammed manually, indicating the location and relative distances between key points and items of evidence. Then, photographs and, where possible, a videotape recording should be made of the overall scene and all key pieces of evidence. Videotaping is recommended wherever possible as it provides an added perspective and dimension that still photography can't always provide. The officers' and suspects' firearms and other weapons as well as expended cartridge casings should be located, safeguarded and photographed in place. They should normally be left in place for collection by evidence technicians unless circumstances or conditions at the scene threaten to contaminate or destroy them.

At the same time, it is prudent to inspect the primary and back-up firearms of any ancillary officers who may have been at the scene during the incident to determine if their firearms have been fired recently. In so doing, one may be able to respond more accurately to potential allegations or concerns about additional shots fired by police personnel. One should also establish and mark the original position and any subsequent locations from which the officers and suspects fired.

If possible, it is also a good practice to videotape and/or pho-

tograph, in a general manner, any bystanders or onlookers who may be at the scene. Some of these individuals may be witnesses to the incident but may disperse before their identity can be determined. Some may fail to come forward as witnesses, fail to provide information if questioned or provide false identification. A visual image may assist investigators at a later time in identifying and locating these individuals, if necessary.

If the officer involved in the shooting is still at the scene of the incident and it is reasonably possible to do so, it is highly advisable to take color photographs of the officer's condition and any wounds or injuries that he/she has sustained. These photographs can provide graphic documentation regarding the extent of injuries and the actual physical condition of the officer at the scene and can provide compelling testimony to the nature and impact of the incident. Should this not be possible at the scene, such photographs should be taken with the permission of hospital emergency service providers.

C. Investigator's Responsibilities

Law enforcement agencies vary with regard to the unit assigned responsibility for the investigation of an officer-involved shooting. In some cases, this responsibility is assigned to internal affairs, officers assigned to person-to-person crime investigations in the detective division or homicide investigators. Depending on the seriousness of the shooting, the circumstances involved and the protocols of the specific agency, it may be appropriate to conduct parallel investigations of such shootings by both homicide investigators or criminal investigators and internal affairs officers. Frequently, agencies conduct concurrent criminal and administrative investigations of tactical shootings (e.g., where an officer and/or suspect is wounded or killed), the former to establish conformity with departmental policies and training and the latter to establish whether criminal conduct was involved.

Larger agencies utilize specially trained "shooting teams" to respond to such events. And, as previously mentioned, many agencies turn these investigations over to larger state or county police or sheriff's departments. The prudence of these arrangements is largely based on the experience and capabilities of the officers who staff these positions. However, as a general rule, trained and experienced homicide investigators are the best persons to conduct investigations of officer-involved shootings. Their experience generally allows them to more readily identify, organize and evaluate relevant details of a shooting situation and to establish the facts of the event such as is the case in homicide investigations.

Investigative officers assigned the lead role in an officer-involved shooting should assume control of the shooting scene and the investigation upon their arrival. Supervisory officers and other police personnel at the scene should, from that point on, answer to the investigative OIC. The investigator should determine the degree to which the foregoing tasks discussed in this document have been completed and, where deficiencies exist, ensure that these tasks are fully completed. In particular, the lead investigator should ensure that the overall scene has been properly secured, that all evidentiary items are diagrammed, photographed, videotaped, properly recorded, collected and stored, and that all persons present at the scene are also videotaped and/or photographed.

The next order of business is to receive a general briefing and walk-through of the scene by the initial supervisory officer or the most knowledgeable officer at the scene. A decision to include

officers involved in the shooting will depend upon the knowledge of the supervisor of all details of the shooting, and the physical and emotional state of the officer(s). Investigators should ensure that all essential details of the shooting have been or are being recorded. These include the nature of the call to which the officer was responding; the time it was received and dispatched; circumstances in which suspects were encountered; the time of day of the incident, weather and lighting conditions; the names and ranks of all officers involved together with their serial numbers and assignments; the identities of all persons who have had access to the shooting scene including emergency medical service personnel and firefighters; the time of dispatch and arrival of any back-up 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 types of vehicles involved by officers and suspects, if appropriate; and the identities and background of all suspects and others involved in the shooting.

Throughout the investigation, the OIC should play "devil's advocate" in weighing the value of the variety of information gathered in the investigation. This includes, in particular, the statements of suspects. For example, typical suspect claims include the following:

- "I shot the officer to defend myself."
- "I grabbed the officer's gun because he beat me."
- "It was an accident."
- "I didn't know he was a cop."
- "I don't remember anything."

These common claims and excuses are starting points for critical assessment of physical evidence and the statements of others.

The same holds true with witnesses and alleged witnesses to officer-involved shooting incidents. The problems associated with the reliability of eyewitnesses and the accuracy and validity of their accounts are legendary. Steps taken to separate such individuals at the scene of shootings in order to prevent the sharing of their accounts and feelings is one step among others that can and should be taken to help maintain the integrity of these accounts. But there are no guarantees that their accounts will be trustworthy. How, for example, do you explain a deadly force incident where one or more seemingly disinterested and independent witnesses describe the shooting of a suspect who was purportedly handcuffed on the ground, only to find that physical evidence precludes this from happening? Lying is one explanation but it is not the only explanation. It is possible and has been proven that individuals perception can be colored and influenced by their background, experiences and predispositions. While law enforcement officers are trained to be exacting in both observation and descriptions, they are also not immune to these same problems of perception. In addition, officer judgments and perceptions can be influenced by heightened levels of fear or anxiety when operating in dangerous environments not to mention the psychological trauma of the actual shooting as heretofore described. The vast majority of officer-involved shooting investigations reveal that actions taken by officers were warranted under the circumstances. But, for example, claims by an officer that he/she believed the suspect was armed, was in the process of drawing a firearm, was holding a firearm or was otherwise posing a threat of death or serious bodily harm cannot always be taken at face value.

Careful collection and examination of physical evidence in conjunction with witness statements will generally prove sufficient to support or refute these claims and thereby focus the investigation. Some agencies conduct a criminal investigation of

all tactical officer-involved shootings while others may conduct internal administrative investigations or even parallel administrative and criminal investigations. Whichever the case, the guidelines for *Miranda* warnings exist as in any other situation. But, questioning of involved officers should not normally include the issuance of *Miranda* warnings unless officers are criminal suspects. While an officer can be compelled administratively to respond to questioning or face departmental disciplinary action, any compelled testimony will be precluded from subsequent criminal proceedings. The complexity of these matters necessitates that where criminal charges appear forthcoming, the local prosecutor's office and the agency chief executive become involved before in-depth questioning of a criminal focus begins.⁵

With these issues in mind at the scene of an officer-involved shooting, investigative officers should ensure that all pertinent evidence has been or is in the process of being collected, in particular, the officer's firearm(s) and ammunition. The officer's firearm and any other firearm discharged during the incident should be taken into custody and handled as evidence.⁶ If the firearm is in the possession of the officer, it should be taken in a discrete manner and arrangements should be made to replace it with another firearm or return it to the officer as soon as possible. At an appropriate juncture, the serial number, make, model, and caliber of all officer and suspect weapons used at the scene should be recorded. Expended bullets and cartridge casings should be marked, photographed in place and eventually collected as evidence for forensic examination.

As previously noted, officer and suspect clothing can provide important (often the most important) information about the shooting and should be preserved. Often the suspect's clothes can prove the proximity of the officer(s) to the suspect; the position of the suspect's arms (either up or down); the distance and trajectory of shots that were fired; or entrance and exit points. Examination of the clothing can help prove or refute charges that the officer fired shots while the suspect was handcuffed, lying on the ground, standing with hands and arms raised, or when the suspect was not a threat to the officer. Therefore, investigators should ensure that arrangements have been made to secure this clothing before it is discarded by emergency service workers, hospital personnel or others.

Voice transmissions are also potentially important pieces of information or evidence. Therefore, arrangements should be made during the course of the investigation to identify and interview the complaint taker and dispatcher who handled the incident and to secure and review all recorded voice and data transmissions surrounding the incident, to include the logs of mobile data terminals (MDTs) where employed.

A complete description and diagram of the shooting scene should identify, to the degree possible, the location and movement of all officers involved as well as those of suspects and witnesses, and the paths of bullets fired.

Investigative officers should also concentrate on identifying possible witnesses and obtaining preliminary statements from those persons. All such statements from these individuals should be tape recorded, as should any statements made by officers and suspects involved in the shooting. The identity of persons within the general area should be obtained as should those of persons who claim not to have seen anything. Often such persons are reluctant to speak directly to police officers at the scene while later contact may prove beneficial.

In obtaining statements, investigators should not overlook

information and observations made by emergency service personnel such as paramedics and firefighters. Often, these are the first responders to the scene and have dealt directly with suspects and officers immediately following the shooting. Their initial impressions concerning the circumstances of the incident upon their arrival, what may have been said by those involved, actions taken at the scene and other matters can be of great value to the investigation.

Tape-recorded interviews should be conducted with each officer irrespective of statements made previously to supervisory personnel or fellow officers. Exceptions to this include situations where the officer has been hospitalized and is unable to respond to immediate questioning or is suffering from the effects of traumatic stress associated with the incident that is sufficient to interfere with accurate recall of events that took place. In the latter regard, investigators should be cognizant of symptoms such as time and space distortion, confusion, hearing and visual distortion and emotional impairment as mentioned previously in this paper. Interviews with involved officers and others at the scene should be conducted as soon as possible following the incident unless such symptoms exist. These interviews should be conducted in a private location away from sight and hearing of other agency members and persons who do not have a need and a right to the information solicited from the officers. It is generally wise to remove the officer from the scene of the incident to a neutral location.⁷ The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.

Once business at the shooting scene has been concluded, investigators may follow up on leads and additional points of contact. For example, all pertinent suspect information should be obtained, such as a complete description of the suspect, his prior criminal record to include any parole or probation history. Search warrants for suspect residences and any vehicles involved in the incident should be obtained and searches conducted where appropriate in a timely manner.

If officers have died in the shooting, investigators should ensure that appropriate steps have been taken by the agency in conformance with line-of-duty death policies and death notification procedures.⁸ In such instances and where suspects have died it is particularly important to work closely with the coroner's office, to include attending the autopsies of officers and suspects. Among issues of importance are those related to the determination of entrance and exit wounds,⁹ estimates of shooters' positions, the presence of any controlled substances in the decedents' blood and related matters.

The lead investigator should brief the agency chief executive once preliminary results of the investigation have been established.¹⁰ Normally, this should take place the day following the incident or as soon as possible. Following this, with approval of the agency chief executive or his/her designee, the investigative officer should prepare a staff memorandum that details the facts of the incident. This memorandum should be posted or distributed to all personnel as soon as possible following the shooting, preferably on the day following the incident. By doing this, staff rumors can be kept to a minimum and concerns over unknown circumstances of the event can be resolved before speculation supplants fact.

An additional briefing of the prosecutor's office is also necessary in a timely manner following the shooting incident. In some cases, a member of the prosecutor's office will respond to an offi-

cer-involved shooting as a matter of established protocol. Nonetheless, the police agency should make a preliminary statement of facts as soon as possible to the prosecutor's office and work with them closely throughout the investigation. A preliminary statement of facts may then be developed with the approval of the agency PIO and chief executive or other designated personnel for release to the press.

D. Force Review Committee

Once an investigation of the shooting incident is completed, some agencies bring these findings to a Force Review Committee, Shooting Review Committee or similar entity within the organization that sits on an ad hoc basis to review these findings. These inquiries should not be punitive in nature as matters of criminal or civil liability or administrative punishment for involved officers should be dealt with through other established agency procedures. Rather, the scope and intent of these forums is to assess such incidents to determine whether they have any implications for the department's training function, policies and procedures. These forums are an effort to bring together all elements of an investigation in a risk management context to improve the agency's response to these critical incidents and to make any corrections in agency practice or procedure that will help avoid identified problems in the future.

These reviews should be conducted by command level officers, personnel at the supervisory level who were involved in the incident and investigation, and any other agency specialists who can provide insight to the incident. The committee should review the reports and interview materials of involved officers, first responders, supervisors and investigators. On initial review of this material, additional clarification may be required by Internal Affairs personnel, tactical or specialist teams or others. Upon completion of this review, findings and recommendations may be made concerning modifications in established agency policy, training, supervision, equipment or related matters.

Endnotes

¹ Any officer who has been shot is at high risk of going into shock, irrespective of the severity of the wound. Self-administered first aid for persons in shock is limited and sometimes impossible. But, in some cases, there are simple steps that officers can take to minimize their chances of going into shock and maximize their chances of surviving such a critical incident. See, for example, "Emergency Care: Trauma," *Training Key #375*, International Association of Chiefs of Police, Alexandria, VA.

² A full discussion of the signs and symptoms of post-traumatic shock is beyond the scope of this paper. For a complete discussion of this topic, see the *Model Policy and Concepts and Issues Paper on Post-Shooting Incident Procedures*, International Association of Chiefs of Police, Alexandria, VA.

³ If the officer(s) has died, the agency should adhere to policy and procedures established for line-of-duty deaths. Agencies that do not have policies and procedures in effect for these contingencies are urged to establish them as soon as possible. Agencies that wish to develop, review and/or update such policies should contact the IACP National Law Enforcement Policy Center for a copy of the *Model Policy on Line-of-Duty Death* and its accompanying *Concepts and Issues Paper*. In addition, agencies may wish to refer to IACP *Training Key #358*, "Death Notification," for information and guidance on dealing with the task of informing survivors of the death of an officer or other person.

⁴ For a detailed discussion of information that may and may not be released at the scene of these and other incidents, see the *Model Policy and Concepts and Issues Paper on Police-Media Relations*, IACP National Law Enforcement Policy Center, Alexandria, VA.

⁵ For a detailed discussion of information concerning the rights and obligations of officers and investigators in internal administrative and criminal investigations, see: *Model Policy on Complaint Review*, IACP National Law Enforcement Policy Center, International Association of Chiefs of Police, Alexandria, VA.

⁶ The need to conduct forensic comparison of ballistic evidence in officer-involved shootings underscores the importance of obtaining ballistic samples from all officers' primary and back-up firearms as part of the agency's firearms authorization requirements. For example, officers should be authorized to carry only departmentally approved firearms and ammunition with specified loads. Ballistic samples of these firearms should be required as part of the authorization process.

⁷ While investigators may wish to request that the officer(s) "walk through" the incident, investigators should be aware of the impact that the shooting may have on clear recall of events by officers immediately following the incident. If a walk-through is deemed necessary,

it should not be videotaped. Should the officer be suffering from faulty recall or other emotional trauma, such recordings may prove unfair and prejudicial should they be subpoenaed and entered into evidence by the plaintiff in a later civil action.

⁸ *Op. Cite.*, footnote 3.

⁹ The importance of employing experienced officers who are completely familiar with shooting investigations cannot be overemphasized. For example, recent research has demonstrated that normal delays in reaction time of officers in hostile shooting encounters often explain unusual bullet entrance and exit wounds of suspects and others, to include seemingly unexplained and suspicious shots to the suspect/victim's back. The entrance wounds of bullets do not always provide a full explanation of the circumstances surrounding the shooting event. Only highly trained and experienced investigators can decipher the full range of potential evidence involved in a complex shooting investigation.

¹⁰ For a discussion of procedures to be used in the event that criminal or administrative charges are brought against an officer in the course of a shooting or other investigation, see for example, *Model Policy and Concepts and Issues Paper on Complaint Review*, National Law Enforcement Policy Center, International Association of Chiefs of Police, Alexandria, VA.

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Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.