



Officer Involved Shooting (OIS)

Suggested Protocol and Policy

NATIONAL TACTICAL OFFICERS ASSOCIATION

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References

- Force Science® Certification Course (Force Science® Institute)
- Deadly Force Encounters: What Cops Need to Know to Mentally and Physically Prepare for and Survive a Gunfight. (Artwohl & Christensen)
- Into the Kill Zone: A Cop's Eye View of Deadly Force (Klinger)



What is law enforcement's end goal when responding to an Officer Involved Shooting?



End Goal

- To obtain the most thorough, accurate, factual, fair, unbiased, impartial and timely investigation possible for the good of the. . .



End Goal

- Officer
- Officer's Supervisor
- Chief of Police / Sheriff
- Agency/Organization
- Community



Reaching This Goal

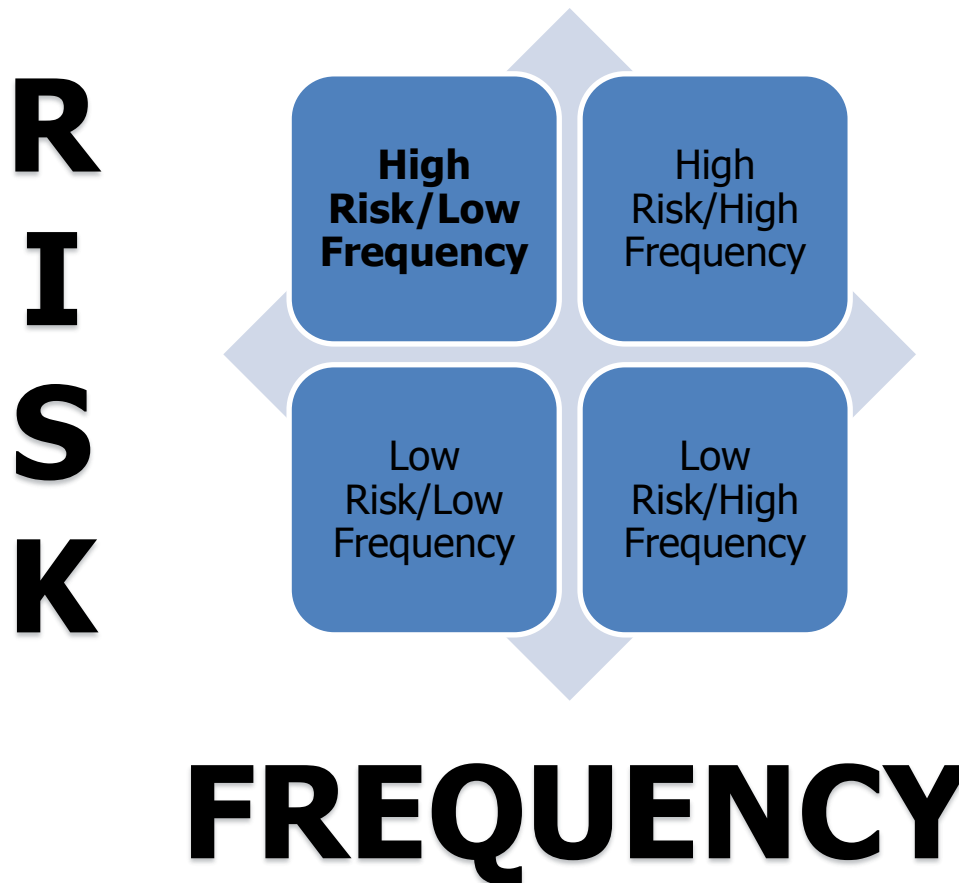
- In order to reach this goal, we need to be familiar with some risk management principles, and understanding of research related to behavioral sciences.





RISK

Analysis Chart



Low Risk / High Frequency

- If they go bad, consequences are relatively low.



High Risk / High Frequency

- If they go bad, consequences may be relatively high.



Low Risk / Low Frequency

- If they go bad, consequences are relatively low.



High Risk / Low Frequency

- **If they go bad, consequences can be bad.**



“High-risk, low-frequency events worry me in every occupation. Things that are very risky and done very rarely, the employee does not have the memory markers to deal with these. This is a universal concept.”

- Gordon Graham



High Risk / Low Frequency

- With **High Risk / Low Frequency** incidents, some tasks need to be done immediately and some give us time to think and assess.
- Incidents with no time to think (automatic response) involve:
 - Shoot/Don't Shoot
 - Pursue/Don't Pursue
 - Fighting, etc.



High Risk / Low Frequency

- When we are in the High Risk / Low Frequency immediate event arena, we must learn to deal with these by being able to ***recognize, prioritize*** and ***mobilize*** assets, manpower and other available resources.
- Implement Controls to minimize risk
- Supervise and Evaluate



Responding Appropriately

- As leaders, if we respond appropriately we will help preserve:
 - The officer's well-being (now and later).
 - The team's, unit, relief, squad well-being.
 - The department's well-being.
 - The community's well-being.



OIS/You are Involved

- Assume *you* are involved in a shooting or critical incident.
- **What do you expect of your leadership?**



OIS/Leadership

- In addition to treating an officer involved shooting or critical incident as a crime scene (foremost), **what should you do if your officer is involved in a shooting/critical incident?**



Additional Considerations for SWAT following an OIS

- Render Aid
 - Check on officer involved and assign a monitor
- *Hold what You Got*
- Provide incident overview to investigators and PIO
- Assign a TL to escort and advise investigator(s) around the scene



Additional Considerations for SWAT following an OIS

- Assign a TL to gather information for investigators
 - *Whiteboard*
 - *CP logs*
 - *Checklists*
 - *Pre-op intel & briefings*
 - *Ops Order*
- Check on your team / perimeter



Additional Considerations for SWAT following an OIS

- Have an experienced OIS attorney available
- Know your ammunition types and magazine loads
- Preliminarily evaluate the use of force



Use of Force

- When force can be used
 - Effect an Arrest
 - Self defense
 - Protect another
 - Prevent an escape



Use of Force

- **Graham v. Connor**
 - Objectively Reasonable considering the Totality of the Circumstances
 - “Graham Factors” to consider when evaluating use of force



Most Significant Changes to Standard Response

- Waiting period prior to obtaining complete statement from the officer involved (48-72 Hours).
- No Miranda warning read to the involved officer unless warranted based on available evidence.
- No audio or video recording of officer's statement.
- Ability for the officer(s) involved to review video prior to completing their statement.



Waiting Period

48 – 72 Hours

- “While officers may be asked to provide pertinent information soon after a shooting to aid the initial investigative process, whenever feasible, officers should have some recovery time before providing a full formal statement. Depending on the nature of the incident, the demands on the agency, and the emotional and physical status of the officers, this can range **from a few hours to several days. An officer’s memory will often benefit from at least one sleep cycle prior to being interviewed leading to more coherent and accurate statements.** Providing a secure setting, insulated from the press and curious coworkers, is important during the interview process.” – IACP Officer Involved Shooting Guidelines ratified by IACP Police Psychological Services Section (2013).



Waiting Period

48 – 72 Hours

Dr. Bill Lewinsky, *Force Science® Institute*:

- **Adrenalin Impact**

- “Takes time after an incident for the experience to become settled, deeply entrenched, and consolidated in the brain.”

- **Sleep**

- “Brain processes and consolidates day’s activities and embeds procedural and episodic memory. Procedural memory is memory for a skill or an automatic motor activity.”



Waiting Period

48 – 72 Hours

Dr. Bill Lewinsky, *Force Science® Institute*:

- **Emotional Decompression**
 - “Individuals who are distraught or fatigued have a diminished ability to understand the meaning and complexity of questions and to accurately and precisely express themselves.”



Waiting Period

48 – 72 Hours

- How do we best obtain memory following a critical incident?
 - Utilizing cognitive interview skills.



Public Safety Statement

- Type of force that was used.
- Direction and approximate number of shots fired by officer(s) and suspect(s).
- Location of injured persons, if any known.
- Description of at-large suspect(s), last known direction of travel, time elapsed since the suspect(s) last observed, and any known weapons.



Public Safety Statement

- Description and location of any known victims or witnesses.
- Description and location of any known evidence.
- Any other information necessary to ensure officer safety, safety of the public and to assist in the apprehension of any at-large suspects.



No Miranda

- Officer is not a suspect and a suspect is under no obligation to provide a statement.
- Officer is a cooperating witness.
- Officer is the victim of a crime.
- Officer is performing duties outlined in his/her job description.
 - Officer used deadly force because society trained and required the officer to do so as part of his job.



No Miranda

- Officer and the agency has a higher probability of becoming political targets.
- In short, the officer **should** be treated differently from suspects in a criminal homicide investigation.



No Audio/Video Recording

- You cannot predict whether officer will become emotional during the interview.
- The investigation, including audio/video, will become public records when complete and could end up on social media.
- A skilled investigator is able to provide a detailed report for officers approval.



Reviewing Video

- Officer's memory of what happened is likely to be fragmentary.
- Officer should be allowed to review video for memory recollection (to assist memory) only, but not utilized to author the report of the incident.
- Video recordings are never a completely accurate reproduction of any incident.



**BREAKING
NEWS**

A 3D rendered graphic featuring the words "BREAKING NEWS" in large, bold, white block letters with red outlines. The text is arranged in two lines: "BREAKING" on top and "NEWS" below it. The letters are set against a dark blue background with a grid of white lines that recede into the distance, creating a sense of depth. The entire scene is reflected on a glossy blue surface at the bottom.

Dealing With the Media

- Providing an on-scene statement recommended.
- Complete presentation provided as soon as able to determine solid information is recommended.
- Respond to media questions as practical. Include investigators if necessary.



CONCLUSION



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