



Warning Bells

"Never send to know for
whom the bell tolls; it tolls for thee."

— John Donne

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Is the worm turning?

Every law enforcement agency's officer involved shooting protocol is not the same as ours. In fact, I would venture to say that no other agency has the same protocol that we do. Surviving the gunfight is less stressful than surviving the investigative protocol in many cases. How do other agencies handle their shootings?

Chicago P.D. has an Independent Police Review Authority (IPRA), comprised of civilians, that investigates all officer involved shootings. The IPRA decided that they had the right to order an officer to give a tape-recorded statement within two hours of a shooting, regardless of the officer's level of stress or sleep deprivation. Sound familiar?

The officers disagreed and took their department to arbitration. Their attorney told *Force Science News*: "We are not against an officer talking to the IPRA under *Garrity* protection. We just want him to be able to give an informed, thoughtful statement. Given how hectic and emotional a shooting situation is, we think the rest period is important."

There is a ton of medical material on how rest is important to allow the mind and body to process what happened in a high-stress situation. It is not a mystery; it has been mainstream knowledge for years. Additionally, studies have shown that a person who has been awake for 24 hours is as impaired as a drunk driver.

The Chicago officers won. The arbitrator ruled that the investigators must wait at least 24 hours after a shooting before a detailed interview can be done. Furthermore, that interview must be done between 0600 and 1800 hours. (Sleep deprivation affects attorneys, too.)

"This gives the officer a chance to rest through one sleep cycle, collect himself and consult with an attorney during reasonable hours in order to give an accurate account of what happened," the officer's attorney stated.

Like LAPD, Chicago officers have been under increased assault from criminals. By July of this year, they had been assaulted over 2,000 times, a number equal to the previous year's total assaults. Their shootings by July had also exceeded the previous year's total.

One Chicago officer, who had been in two shootings in two weeks, said: "The younger generation is brazen. They just don't care."

Their union spokesman agreed. "There's no fear of the police," he said.

Jacksonville, Florida, investigates officer involved shootings like this. The shooting officer gives a public safety statement at the scene and then consults with a union attorney. The union attorney decides if the investigators need more information to properly process the scene and conduct an investigation. The attorney does the talking, not the officer.

The officer is then assigned a "buddy officer" for companionship and support, and personnel trained in critical incident stress management confer with the officer on what to expect physiologically and emotionally in the next 24 to 48 hours.

The officer is then given administrative leave during which there is a mandatory visit with a psychologist. He meets with a union attorney and they prepare a brief (about one page) concerning the shooting, which is given to the department and the prosecutor.

Then everyone waits for the opinion of the prosecutor. Once the prosecutor decides that the shooting is legally justified, the department convenes a board to look at the officer's tactics and policy considerations.

They put the horse back in front of the cart. Isn't criminal liability the most important issue?

Finally, let's take a look at Santa Fe, New Mexico, where we learn that change is possible.

Santa Fe had an officer involved shooting protocol that made even LAPD look warm and fuzzy.

The catalyst for change was a young officer who vowed that what had happened to her would not happen to other officers on her department. She had shot a knife-wielding subject who had stabbed his girlfriend and was about to stab her. She was made to sit alone on an ice-cold curb at the scene for five hours. She requested a jacket and it had to go up the chain of command for fear that she was altering the crime scene. Her gun was taken from her while she had to remain in a hostile and dangerous neighborhood. When she requested a bathroom break, she was transported like a

suspect in a cage car. By the time of her interrogation (the most important interview of her life), she had been awake, except for a catnap, for 46 hours. It took a year before she was cleared.

Five years of fighting changed the protocol in Santa Fe. Now, officers are removed from the scene and taken to a comfortable location as soon as practicable. They can call their family immediately and can have an officer of their choice at their side for companionship and emotional support. The formal interview is delayed at least 48 hours to allow the officer to get some rest. A psychologist is available to them, and a long-term peer support team has also been formed to help officers.

So maybe it is time for us to re-examine some of the protocols imposed on our officers by the Police Commission, especially the interval between the use of force and the formal interview. Inaccurate statements do not help anyone. Well, not quite true. They help plaintiffs' attorneys when our officers are sued because every inaccurate statement can be portrayed as a lie in front of the jury.

When an officer uses deadly force, it will result in the most important interview of his/her life. The officer should be allowed to do everything possible to make it the most accurate and complete interview that can be given. That includes rest, consultation, review of audio and video tapes, reference of reports or whatever else can assist in explaining why the incident occurred in the way that it did. The politically easy thing is to cast officers out among the anti-police crowd with no protection. Both the League and the Department have an obligation to our officers to protect them as they protect us. Progress is being made, but a better job can be done. Let us re-examine the protocol and apply the science that is out there to help us get a more accurate picture of what occurred. It only makes sense.

This article depends heavily on the information gathered by the Force Science Institute. This organization studies the human dynamics in high-stress, rapidly unfolding force encounters. Their executive director is Dr. Bill Lewinski. Dr. Lewinski has testified as an expert several times for our officers and other officers across the nation. I highly recommend that you visit their website at www.forcescience.org. There are many scientific articles dealing with perception, sleep deprivation, memory studies and other subjects of vital interest to your understanding of what happens when that suspect points a gun at you and you take action. Hear warning bells and get prepared.

Be legally careful out there. ❖