

# OFFICER INVOLVED SHOOTINGS and the IMPLICATIONS of VIDEO EVIDENCE



**Major Cities Chiefs Association**

**and the**

**Federal Bureau of Investigation National  
Executive Institute Association**

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## FOREWORD

The policing profession in the United States has experienced several controversial use-of-force related events that have received national and international attention. Obviously the judgment about whether the shooting was justified catches the most attention. However, throughout these events much debate has centered on administrative matters which relate to human resource laws, rules, policies, and practices across the various events in many different jurisdictions. In the U.S., police agencies are authorized to protect and serve their communities based on the public's trust in them. That authority requires the law enforcement profession to balance transparency with maintaining the integrity of active criminal and administrative investigations related to an officer's deployment of deadly force. Seminal events that moved us toward this study were the prevalence of videos of Officer Involved Shootings that are instantly available around the world via various forms of media. Current research indicates that the law enforcement profession in the United States does not have standardized best practice policies in handling the release of information when an officer deploys deadly force. This information includes the involved officer's name release (timing, to release, or to withhold), release of related video (in-car, body worn, or volunteered by public), police report release, internal affairs report release, criminal investigation report release, personnel records release, and departmental history database of Officer-involved Shootings (OIS). We also found there is no standard model policy on the use of video footage to assist officers and witnesses subjected to criminal and administrative investigations.

Within these categories that are generally managed in human resource information, there are many challenges that each jurisdiction must consider. These challenges include prevailing laws, freedom of information policies, HIPAA compliance, and how much and what types of information should be released to safeguard the affected law enforcement officers' personal information and the privacy of their families.

The reporting of incidents of OIS is being standardized through ongoing efforts of the Federal Bureau Investigation (FBI) and Bureau of Justice Standards (BJS) on the collection of data. The assembling of data is being improved by transitioning from the Summary Reporting System to the National Incident-Based Reporting System (NIBRS) of the FBI Uniform Crime Reporting Program (UCR). A focus group met at the FBI Criminal Justice Information Systems Division (CJIS) in 2015 and recently published a summary that includes a recommended definition of OIS, examples of information to be reported monthly, and examples of information to be provided once the incident is finalized.

It was decided by the authors that our writing would not be an attempt to cover every aspect of OIS, but to be as comprehensive in topics covered as prudent in

order to not only better understand its issues, but also to aid those agencies that would use this study in writing new policy and procedure on OIS and the use of video recordings specifically in OIS investigations. While it is not exhaustive, this study will explore topical areas for best practice recommendations in developing guidelines. These guidelines will facilitate law enforcement leaders to make well informed decisions, to achieve transparency, to increase public trust, and to consider the psychological well-being of our law enforcement officers and their families.

In order to strengthen the science, provide data for policy considerations, and to promote the health and wellness of our officers, it would be beneficial to know something of the art and science of our brain. To that end this study starts with a section of Psychological considerations. We believe it will help executives, IA investigators, EAP counselors, officers, and any others involved in OIS incidents to consider how we perceive events, how memory of that event is captured/stored, and how to protect the officer who is involved. We want to understand, monitor, and protect the officer and the investigation, while we obtain the details of the event needed to legally/criminally bring the incident and the aftermath to its proper conclusion. A thread throughout this study is the intention of focusing on the well being of police officers and their families in these new areas being developed either proactively or by mandate.

We also attempt to keep recommendations general, in order to be respectful of each department's statutory, political or financial constraints. This will allow for the greatest degree of customization, which should facilitate the implementation for these recommendations. Topical recommendations may include suggested minimum implementation levels and recommended optimal service levels.

While the MCCA and the FBINEIA do not specifically endorse every conclusion or recommendation of this report, they use its information to generate discussion and reasonable debate during their meetings and seminar sessions. The result is better informed Chief Executive Officers who will continue to lead policy changes that will improve law enforcement services.

Companies or individuals identified or cited in this project are not endorsed by the MCCA or the FBINEIA, and they are provided for information purposes only.

## Acknowledgements

The Human Resources and Emerging Issues Committee (HREIC) of the Major Cities Chiefs Association (MCCA) thank Mike Harrigan, Gail Pennybacker, Ken White, and the staff of the FBI Academy for providing meeting facilities, classroom presentations, and administrative help as we kicked off this study. We also thank Beverly Foster, Kathryn Jeffries, and Cindy Lent for their help in editing our writing.

Recognition is given to the committee members who spent valuable time in travel, research, discussion, writing and editing of this report. While the entire Committee contributed to the project, the following list of HREIC members and contributors either attended the sessions or specifically worked on the completion of this publication:

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This publication is available online at the Major Cities Chiefs Association website: <https://www.majorcitieschiefs.com> and the National Executive Institute's website: [www.neiassociates.org](http://www.neiassociates.org)

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## **Introduction**

### **DARREL STEPHENS, Executive Director, Major Cities Chiefs Association (MCCA)**

Officer involved shootings (OIS) in the United States have been under intense scrutiny by the public since the death of Michael Brown in Ferguson, MO (August 2014) and subsequent civil unrest. The Brown shooting was closely followed by the deaths of Tamir Rice in Cleveland (November 2014), Antonio Zambrano-Montes in Pasco, WA (February 2015), and Walter Scott in North Charleston, SC (April 2015). There have been other more recent controversial officer involved shootings. Many of the shootings have been captured on video and were widely shared prompting protests from the community and others concerned about police officer shootings. The North Charleston video has been viewed over 1.3 million times on YouTube. The officer in that case was charged with murder, while there have been no charges filed in the other cases mentioned above. In more recent incidents both Milwaukee (August 2016) and Charlotte (September 2016), protests became violent – property was destroyed and some looting took place. In Charlotte a protester was shot and killed by another protester during the demonstrations. And protests in response to the OIS incidents are not confined to the city where the shooting took place – police must deal with protests in cities across the country.

Among the challenges in dealing with OIS, the incidents were not being accurately tracked on a national basis. The Bureau of Justice Statistics is responsible for collecting data on in-custody deaths and the Federal Bureau of Investigation collected data as well. Until recently these programs were voluntary – now Congress has required the states to report in custody deaths. In the absence of official data that would provide a better understanding, the news media has stepped in to collect data on their own. In order to be able to track OIS, the FBI convened a task force in 2016 to make recommendations on the development of a national database on serious uses of force. Submitting the data will be voluntary. However, given the intense interest, it is anticipated that most police agencies will comply. The program is expected to begin collecting data in 2017.

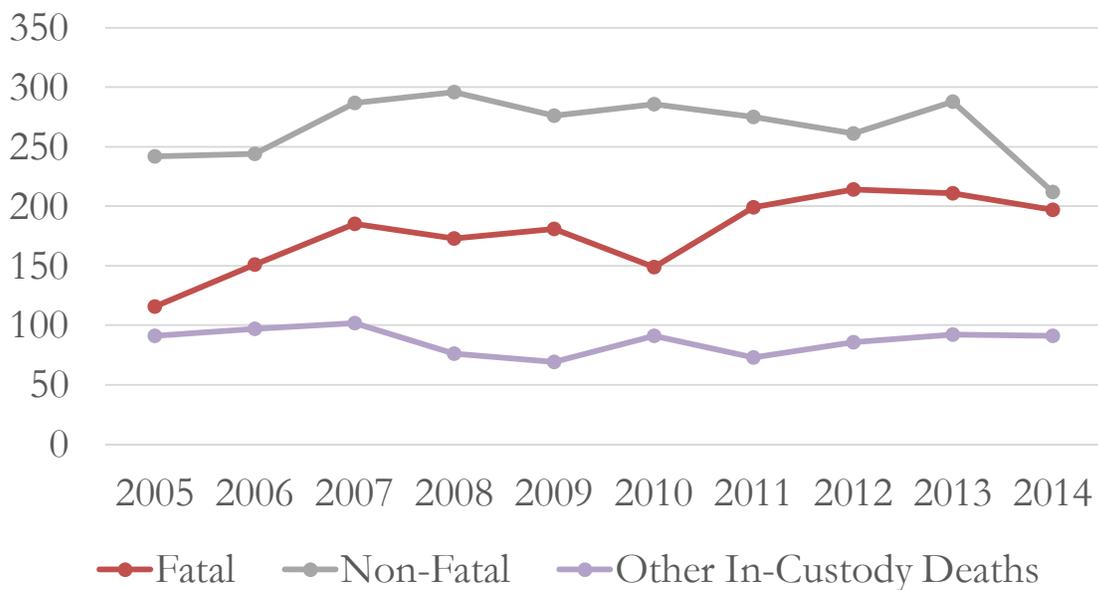
The Washington Post and the Guardian began collecting data in 2015 on deaths from officer-involved shootings. The Post recorded 990 officer-involved shootings in 2015 (Washington Post 2016). The Post data provided the first broad understanding of the number of shootings that take place in the US and provided basic information about them. The MCCA and all of LE are attentive that African American men losing their lives at the hands of police is a major concern. In 2015 258 Black men representing 26% of the total were shot and killed by police, while African Americans represent 14% of the population. In 38 (15%) of those encounters with police they were unarmed as compared to 93

(9.4%) of the entire 990 shootings. As of September 27, 2016, there have been a total of 714 OIS with 174 (24%) African Americans. In 15 (8.6%) of the African American cases, the person was not armed compared with 42 (6%) of the entire sample. These data help both the police and public to have a better understanding of these interactions.

As stated above, OIS has been a significant concern for MCCA members. MCCA has taken several steps to help members deal with these challenges.

**Data Collection.** MCCA has been involved with two efforts to collect data on OIS. The first one was initiated in 2015 and asked member departments to submit information on fatal and nonfatal officer involved shootings and on other in custody deaths over the 10-year period 2005-2014. Forty-six departments responded (41 US, 5 Canada) to the survey. The charts below provide a summary of the totals from the US departments and the distribution over the 10-year period.

	Total Incidents	Number of Departments	Average Per Department
Midwest	544	6	90
Northeast	937	3	312
South	2028	20	101
West	1802	16	113



MCCA entered into a partnership with the Police Foundation in 2016 to collect more detailed data about OIS. This initiative involves an in-depth data collection process that was designed to not only collect all salient facts regarding the incident, but to collect data that has been demonstrated through research as related to potential causes or correlates in officer use of force and officer-involved shootings. Participating agencies are submitting data on cases from 2014, 2015 and 2016. About 50 agencies have submitted data on close to 500 cases so far.

MCCA has included presentations and discussions on OIS as a regular part of its meeting agendas for the past few years. In addition to presentations on the data collection initiatives, one meeting included a presentation on the analysis of the Washington Post data.

Finally, the MCCA Human Resources and Emerging Issues Committee selected OIS as their project for 2016 and produced this study on a variety of policy issues on this topic.

This volume is an in depth exploration of a number of important aspects of officer involved shooting. Body worn cameras are discussed from several different perspectives – as an investigative tool, whether officers should be allowed to review the tapes before giving a statement, the psychological impact on officers of public release of the footage, and other areas. Public demand for release of body and car camera video is intense following a shooting. Chiefs must balance the need for transparency with the protection of the integrity of the investigation.

The volume also devotes considerable space to the media – both news and social. Effective communications are always important for the police and even more so in a crisis such as an officer involved shooting. The complexity of communications has increased substantially as the methods change and the avenues increase. Police departments clearly need to devote the time and energy to the development of a communications strategy.

When police officers make the decision to use deadly force they are exercising the greatest level of authority granted a public servant by the state. Unlike any time in history the decision to use that authority is subjected to intense scrutiny and review. This work by the MCCA Human Resources and Emerging Issues Committee will help improve the way police respond to officer involved shootings.

## References

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**Transparency - Increasing Public Trust & Confidence in the Law  
Enforcement Profession  
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The law enforcement profession serves every community in the United States, and successes in effective service delivery must have a foundation of great community trust and confidence in the law enforcement professionals who protect them. Our profession must constantly meet the expectations of community members by continually reengineering both administrative and operational changes that respect the sanctity of life for all and we must hold ourselves accountable by maximizing our transparency while balancing the integrity of the investigations at both the criminal and administrative levels.

There are several key transparency areas for law enforcement leaders to consider increasing the public's trust and confidence in their agencies and our profession. The following are suggestions for provoking thought in law enforcement leaders to challenge our profession in maximizing our potential to increase public trust and confidence:

- General Policies for the Release of Public Information
- Leveraging Social Media
- Leadership Responses to Officer Involved Shootings and other Critical Events
- Subjecting Your Agency to Public Reviews

**General Policies for the Release of Public Information**

The communities we serve demand detailed information about who, what, when, where, and why for events that affect public safety. Law enforcement agencies must embrace a culture that delivers upon the concept of maximum disclosure with minimum delay. Through greater openness and transparency, we will better inform our communities. This can be accomplished by our profession through a predisposition to disclose public information and records and to share timely information and updates regularly with the public, especially on officer involved shootings and other critical events.

An officer involved shooting and/or a critical event involving officers such as an in-custody death creates a great threat to each law enforcement agency that can also be used to build upon the public's trust and confidence. In events such as these, the agency leader should be the person to get to the podium within hours of the event to update the community with the best available information at the time. Although agencies must be careful not to jeopardize either the criminal and/or administrative investigations, a balance must be achieved in maximizing transparency and keeping the public informed. And as additional information is developed, the community should be updated. When there are no new developments during the stages of the investigations, at a minimum, the community should have a follow up briefing within thirty days of the last update until the matter has reach its final disposition both criminally and administratively.

## **Leveraging Social Media**

Websites and applications that enable users to create and share content or to participate in social networking are critical for law enforcement (LE) leaders to possess as they enable the chief to lead with the news and get the accurate and factual story out to the community. In other words, the chief can provide the news, engage the community with the news, and increase transparency on many levels by sharing the news first. Many departments are creating the news story as soon as personnel are dispatched to events and as the event unfolds. These efforts then lead up to the agency head holding a news briefing with the media. When the predisposition to disclose information as discussed above has been maximized, then the briefing becomes an event of updating what has already been released, making the event and law enforcement's efforts more understandable for the public.

As a profession LE can no longer take a position of silence, to wait and see if there is media interest. In this mode, by the time the media makes an inquiry, the silence will be perceived as a negative action. Lack of information erodes public trust and confidence and conspiracy theories grow. Therefore, LE must lead with the news, and social media is a key conduit for information to improve public trust and confidence in our profession.

### **Leadership Responses to Officer Involved Shootings and other Critical Events**

What is the leadership role in responding to officer involved shootings and other critical events while embracing a culture of maximum disclosure with minimum delay? What is the chief's responsibility of leveraging social media, and delivering the news as it unfolds based upon the concepts discussed above? Leaders must embrace an attitude of full disclosure as we navigate these critical events. Although we must safeguard the integrity of each criminal and administrative investigation for these events, there is information we are able to disclose in order to keep our communities informed. Below is a brief discussion of key information release items for consideration in achieving a balance of maximum transparency.

#### **Name Releases**

This study found that the LE profession has yet to develop a best-practices model for releasing officers' names involved in the deployment of deadly force, fatal crashes involving employees, in-custody death events, or many critical events where the death of another occurs. It is proposed that absent any valid credible threat, the agency should provide an initial release. The statement could provide the following basic descriptors of the involved officer(s) when briefing the community on the best known available facts regarding the event:

- Tenure with agency
- Divisional assignment

Most agencies conduct a rigorous and thorough threat assessment immediately for all of the involved employees, as well as their families, prior to any name release. Leaders should ensure their employees and loved ones are fully protected with appropriate preparations needed to educate them on threat mitigation and what to do if confronted by the media. The chief should inform the media that names will not be released until a thorough assessment is completed. If a credible threat is developed, the agency head should not release the name until the threat is mitigated. The leader should also inform the public when a name will not be released because a credible threat exists and attempt to set an expectation of when and if the name will be released.

LE leaders must realize that many plaintiffs' attorneys are filing civil suits immediately after an OIS. Often through the discovery process, if the judges are not sealing files, the names of officers become public. This may present a challenge in threat mitigation efforts and can potentially erode public trust when an agency will not release a name, but the name is either leaked or made known through open discovery files. It is recommended that agencies attempt to mitigate all threats and take the lead in releasing names versus other processes and thereby increase public trust and confidence. If the leader develops sound policies and strategies on name releases, the publication of their name should not be the main story. Rather, the facts of the unfolding investigation should be the lead story during the process, and reaching an endpoint in the justice system.

### **Video Releases**

Within the next section police psychologists discuss considerations about the use of videos for investigative purposes as related to recall and psychological impacts upon employees. These are considerations for LE leaders, but they must also balance that impact with investigatory and legal effects of their decisions in order to decide whether to release or hold video footage. These considerations include the following:

- Is the video footage a crucial piece of evidence that if released prior to the completion of an investigation may negatively erode the integrity of the investigation (i.e. perception that witnesses and/or involved officers can change their story to fill in the gaps with untruthful statements)?
- Is the video footage of such a graphic nature that steps should be taken to prepare all involved (victims, witnesses, and involved officers) for the potential trauma it may cause by becoming part of the public domain?
- Should an agreement be made with the victim(s) and/or their attorney's to redact certain portions of the graphic nature of the video to protect the dignity of the victim (i.e. lifesaving efforts after the event ended)?
- Should the law enforcement leader release the video through a media briefing or just post it for release?
- Would release of the video assist in identifying suspects and/or gain more witnesses and not hinder the integrity of the investigations?

These are a few critical decision-making considerations that affect the evaluations where the law enforcement leader has discretion to make a release or not release choice. Since the release decision is so critical, and to emphasize the difficulty of determining what is the best alternative, it is restated; careful decision-making processes are essential in order to protect the integrity of all active investigative efforts, protect the dignity of victims, and making certain a balance of transparency for the public is achieved in deciding whether to release the video. Eventually the criminal, administrative, and civil processes will be adjudicated and the investigative constraints will end. For those jurisdictions that do not have sunshine laws, the decision may be made not to release the video. In those instances, the LE leader will probably need to articulate to the community they serve, the credible legal reason to withhold the video.

### **Subjecting Your Agency to Public Reviews**

The final report of the President's Task Force on 21<sup>st</sup> Century Policing ([http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)[http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)) gives several pillars for LE agencies. The report includes recommendations on building trust and legitimacy in policing, and on policy and oversight. With regards to policy and oversight; law enforcement leaders should hold their agencies accountable to the communities they serve in the area of OIS by review processes and sharing OIS data. In addition to collaborating between law enforcement agencies for oversight of policies, procedures, training, and investigations of OIS matters, locally sharing data should be a priority for all law enforcement leaders.

The Federal Bureau of Investigations (FBI), Criminal Justice Information Services (CJIS) division has been developing a database for collecting nationwide OIS data from all LE agencies in the United States in order to share the data for public review. Although the submission to the CJIS database will be voluntary, this endeavor will help all LE leaders create higher levels of engagement with the communities they serve by reviewing the data together. The FBI has set a "go-live" date January 1, 2017, for the CJIS OIS database. Based on discussions at the Major Cities Chiefs Association meetings, we anticipate that all MCCA members will contribute to this critical transparency effort. The MCCA wants to improve the public's trust and confidence in our profession and the database will provide factual narrative of the actions taken in each OIS case. Many law enforcement agencies have already established OIS databases while the FBI CJIS develops a national model. Click here for one example of an OIS database: <http://www.fairfaxcounty.gov/police/inside-fcpd/063015ois.htm><http://www.fairfaxcounty.gov/police/inside-fcpd/063015ois.htm>

### **Final Considerations for Achieving Transparency in the Law Enforcement Profession**

There are over 18,000 law enforcement agencies in the United States of America that employ over 900,000 sworn officers or deputies. As LE leaders, we must increase the public's trust and confidence in all we do. We can collectively

achieve this goal by engaging our communities and through practicing greater transparency in all we do. One of the most important recommendations of this study is the maximizing of transparency for critical events such as OIS cases and other critical life-threatening events. We propose that this effort needs reengineering nationwide. Through robust and proactive media policies and practices, oversight engagement, and related data sharing we can increase the public's trust and confidence. All 18,000 leaders in our profession must work together to achieve this noble goal.

### **Editor's Note:**

*As this OIS and video evidence study began, the intention of the authors of the Psychological section was to survey the existing body of knowledge and to explain the likely effects of officers reviewing video evidence, such as from body-worn cameras. Several psychologists and practitioners from different agencies reviewed the research literature, only to find that little research exists. During our writing process at least two points of view evolved. If we enlisted input from others we are sure we could find even more educated and informed opinions.*

*Rather than reconcile the two perspectives, the committee decided to present both points of view in their entirety. We believe the following two portions of this study reflect the current state of the literature. And we suggest that there is not yet enough research evidence to yield clearer conclusions.*

*Despite the limited set of evidence, the two perspectives provided many points of agreement. Chief among them is the urgent need for more (and more rigorous) research, to offer higher confidence from police psychologists in their guidance to agencies as the departments embrace new policies and technologies. We strongly suggest each agency consult with their own psychological professionals for determining their own policy and procedures as the evolving research is in progress.*

*Below are a few examples of where the two perspectives disagree:*

- *Whether or not to allow two sleep cycles before doing an in-depth interview (and showing video). All authors agree that there should be some form of interview right away. However, they disagree on exactly what the literature says regarding which details might be retained or lost over the timespan of two days. They also all agree that sleep helps memories consolidate or "gel" in the brain.*
- *Research support for various points using "trauma films" as evidence in regards to assessing the involved officer's psychological well-being: In a few instances, psychologists argue that watching a "trauma film" (video of a disturbing event that you had no part in) is sufficient evidence to make conclusions about what it is like to watch video of the officer's own incident. Other psychologists disagree and think that a "trauma film" is not a close-enough comparison to enable that analysis.*
- *There is debate over whether watching the video could cause emotional reactions (e.g., increase the chances of psychological harm) over and above any reactions from the critical incident itself. Some psychologists think the literature says yes, it increases the chance of psychological harm. Other psychologists say that psychological harm would probably only happen at the moment of the event itself. Some of our psychologists opine that the literature is consistent that what occurs at the time of the incident and subsequent to the event are the most significant predictors of trauma reactions and PTSD.*

- *The last point from this editor's note is about whether we can rely on anecdotal evidence for this paper. Our large police departments' knowledge and practice is respected, and their teams have a wealth of experience, but some of our authors would rather report only on the literature, even though it is not extensive and comprehensive. The latter group's position is not to rely on and include anecdotal evidence for this work.*

*There are more differences that could be cited, but we limited this summary to these examples, and encourage our readers to reach out to the authors for more conversation.*

*Another aspect of this section includes describing the mechanics of memory. Also in this section is a discussion of Post Traumatic Stress Syndrome (PTSD). The extent of the concern about PTSD informs several conclusions drawn and recommendations given. It is also proposed that LE employ an educational aspect of increasing awareness and informing our officers, their families, the community, and the media about PTSD. This discussion continues with an echo and re-emphasis of the previous section by Chief Roessler on transparency and information sharing regarding PTSD and its effects on officers. This is done through educating the officers' families, the victims, their families, and the community and media. Also in this section we can draw inferences about the training component on how memory is acquired, stored, and recalled, and the impact of these aspects of memory. Our agencies should consider those memory implications for training our officers regarding investigations, prosecutions, and testifying, including cross examination. This training and education perspective is not only for our officers, but may include defense attorneys, jurors, and the judiciary, ultimately informing the criminal justice system.*

*Our intent with this editorial note is to give some context to what is included and the considerations that went into the writing. Ultimately, our attempt is to help law enforcement to continue the pursuit of writing and implementing policy and procedures that are generally acceptable for a national model, but also to allow for particular experiences for individual agencies.*

## **Officer Involved Shootings, Video, and the Psychological Well-Being of Our Law Enforcement Officers and Their Families**

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### **Introduction**

Recorded interactions between police officers and community members are now circulated through social media at unprecedented levels and have created disarray in many communities across the country. Police Body-Worn-Cameras (BWC) have proliferated as one way to meet these challenges. Beyond recorded video footage of high profile incidents, they are seen as enhancing transparency and accountability while also building community trust through education, engagement, and a level of self-examination not previously seen.

Both social media and BWCs are becoming transformational developments in the world of policing. They are characteristic of the digital age and, as such, they present challenges to police chiefs nationwide. Consequently, the operational issues associated with implementing this new technology, particularly the BWCs, take on critical significance and are capturing the attention of police chiefs. More recently, body cameras were prominently featured in discussions and recommendations emanating from The President's Task Force on 21<sup>st</sup> Century Policing (President's Task Force).

From an operational perspective, we know that police chiefs are examining the implementation of clear-cut and effective policies to govern the use of the BWCs and video retention. Program management procedures are also a focus including: data storage issues such as fidelity of tapes, time line for storage, and storage costs; data collection processes to show impact on use of force and complaints of misconduct; privacy related issues, particularly the public's privacy rights; and guidance and training required for appropriate use of BWCs. What seems to have gotten less attention is the impact on officers when they review the tapes, particularly when the officer's actions in a critical incident or violent encounter are the subject matter of the recording. While collective bargaining agreements or state laws may govern when an officer can view the tape, they often vary by state and generally do not focus on the psychological impact on officers involved in critical incidents. Consequently, advocacy for maintaining officer health and wellness, particularly when faced with video review of critical incidents, becomes all the more important.

Given what we do know about officer reactions to critical incidents, serious attention needs to be devoted to how video review will be managed and how it will affect all officers. Accordingly, we encourage all chiefs to give serious thought to the impact on all officers when viewing BWC tapes, to seek guidance from their mental health service

providers, and to advocate for a research agenda that will study these impacts. The following discussion supports our recommendations.

### **Contextual Discussion**

Reviewing video footage of one's own critical incident, although a seemingly simple act, is quite complex from a psychological perspective. The officer's experience of the critical incident, and his memory afterward, are complex themselves. Reviewing video footage adds complexity, as the officer's brain incorporates new information about the event. This added complexity might have any number of different effects on the officer's understanding of the event and on his reactions to what transpired. As departments around the United States are racing to embrace body cameras, knowledge and policy must keep pace with the explosive growth in their use.

To understand the psychological effects of video review, we need answers to at least two general questions: what are the *cognitive effects* (e.g., memory) and what are the potential *emotional effects* on officers? More specific questions include: How will the memory of watching video footage interact with the officer's original memory for the incident? Will video evidence aid recall or contaminate it? Does the timing of video review alter its effects on an officer's memory? In terms of emotional impact, what are the likely effects of reviewing video footage of a critical incident that may have provoked powerful emotions in the officer? Is there potential to traumatize or re-traumatize an officer? If so, are there reliable methods to decrease that risk?

After a thorough review of the existing research literature, it appears that there is little or no direct evidence to answer these questions. Although many bodies of research offer indirect evidence that suggests answers, only one study (see "Memory", below) has directly addressed the psychological effects on officers of reviewing video footage. No studies yet exist that directly address the emotional impact of video review on officers. Therefore, the recommendations are tentative because the research evidence for them is in most respects circumstantial.

What follows is an outline of the psychological issues that pertain to the likely cognitive and emotional effects of video review. The authors review general concepts and summarize findings from the research literature. We also draw upon research to discuss the issue of officer wellness within the context of video review. From there, we suggest psychological principles for departments to consider as they write policy regarding video review. The section concludes with tentative recommendations for best practices, and an acknowledgement of the limitations to the existing body of knowledge.

### **Memory and other Cognitive Aspects of Video Review**

#### *Overview of Memory and Cognition: Basic Principles*

In considering the effects of video review on memory, it is important to begin with a brief overview of how memory operates, including some of the variables that determine whether information will even be stored in memory. A common assumption is that

human memory works like a computer's hard drive, or a camera's memory card: every bit of information is "written" or stored in such a way that it should be recalled on command and with nearly perfect accuracy. Despite our own personal experience that our memories do not work this way, the assumption persists. Unfortunately, the comparison to digital memory is flawed in virtually every regard.

A more accurate metaphor for human memory is storytelling. This leads to the first important principle of memory: *we remember the gist of an event—the main meaning—better than the details*. Think of the last time you tried to repeat a joke or story you'd heard: did you faithfully repeat every word and detail exactly as you'd heard it, or was it slightly different in some way? Anyone who has ever played the party game "Telephone" has seen this process at work: even a simple sentence changes in the retelling, because we miss details as the sentence is relayed from one person to the next.

A second principle is that human memory is *constructive in nature*. Unlike a camera or hard drive, we automatically *interpret* what we see in real time so that we can understand what is happening to us. That interpretation is stored along with the information from our senses such that it colors and changes our memory of what happened. The brain also automatically "repairs" memories: when important information cannot be recalled, either because we forgot it or because it never entered memory to begin with, the brain automatically fills the gaps. In an automatic and instantaneous way, our brains fill gaps in what we see and what we remember (de Brigard, 2012; Schacter et al., 2011). This "backfill" information may be based on other details of the same event, or on our expectations for what typically happens in such an event. This ability may be critical to an officer's survival in the moment but can lead to errors in memory later.

Memory is also *dependent on other processes*, including attention and perception. In order to recall an event from memory, that event must first have been stored into memory—which cannot occur if we never saw or paid attention to it in the first place. There is often a substantial gap between what was *possible* to perceive and what the officer actually *did* perceive. The U.S. Supreme Court acknowledged this gap in the "objective reasonableness" standard of *Graham v. Connor*: judgments about an officer's actions must be tempered by an understanding of what a reasonable officer could have seen (or done). For example, limits on our vision--field of vision, the narrow angles within which we can see clearly--mean that an officer will often see less than a camera will.

A closely related principle has to do with the process of remembering information: even under ideal circumstances, *the process by which the brain stores information is both complex and imperfect*. In order to recall a detail about an event, we must first *perceive* it (at a bare minimum—we are much more likely to retain information if we both perceive it and are paying active *attention* to it). The next stage is *encoding*, the process by which information from our senses is "saved" to memory. Unlike a camera, which perfectly stores all the information it receives, the human brain may lose or change

some of the information—in essence, our “saving” process is prone to errors (Preston & Eichenbaum, 2013). Finally, we must *retrieve* it from memory (if the information made it there to begin with)—and the retrieval process itself is susceptible to multiple influences.

In fact, as a general principle, *all stages of memory are susceptible to other influences*. Our memories are subject to myriad influences, from the moment of their creation to our attempts to recall them later. One influence is context: research has demonstrated that both the context in which we experience an event, and the context in which we try to remember it, can influence the accuracy of memory. The manner in which we are asked to remember something also influences what we recall and how accurately we recall it. For example, the brain is usually more accurate at recognizing information (“yes, that’s the man who was shooting at me”) than recalling it, possibly because recognition offers cues that recall does not. Again, the courtroom acknowledges this tendency by setting strict rules about leading questions and suspect identification.

One particular influence is our assumptions: *memory for an event is influenced by our mental “script” for how such an event is supposed to unfold*. These mental scripts, called schema, are formed by experience and training. We tend to recall an event more easily (and respond to it more successfully in the moment) when it proceeds as expected (Preston & Eichenbaum, 2013).

Finally, there is also a consensus from the research that *stress has an adverse impact on memory*. After physically and mentally stressful training scenarios, officers’ recall for events is less accurate and more likely to include false recall (e.g., seeing a gun when none was present) (Morgan et al., 2004; Hope, Blocksidge et al., 2015). To the extent that a critical incident is stressful<sup>1</sup> for an officer, we would expect impaired recall.

### *Memory for Critical Incidents*

Like untrained civilians, police officers are prone to error when they recall shootings and other critical incidents (Stanny & Johnson, 2000; Artwohl, 2002). The events of a critical incident unfold in a rapid, fluid, and fragmented manner. Furthermore, the brain of even an experienced officer is quite naturally focused on any perceived threats to survival. The brain automatically disregards any information that does not seem directly threat-related, meaning that much of a critical incident unfolds outside of the officer’s narrow focus of awareness. This is neither conscious nor controlled; it is an instant, automatic response to the perception of a critical threat. The consequences for one’s memory of the event are clear: the brain cannot recall information that was never received or retained in the first place.

This automatic process may help to explain why two officers involved in the same critical incident will remember it quite differently. Not only is each officer perceiving the events from a different viewpoint (which has clear implications for body-camera

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<sup>1</sup> We define “stressful” in terms of the immediate impact on an officer during the event, which for many reasons is often very different from the amount of stress to which he or she might later admit to feeling.

footage), the brain of each officer is automatically filtering the experience through its own subjective definition of what is considered “threat-relevant”. Information that is relevant to survival or other biological imperatives commands more attention and is remembered more easily and accurately later (Sakaki, Niki, & Mather, 2012).

In addition, each officer involved in a critical incident will likely have missed some relevant information due to natural and expected sensory distortions. More than 50% of officers report distortions such as “tunnel vision”, distorted hearing, or a distorted sense of time during a critical incident (Artwohl, 2002; Miller, 2007). This is frequently true of even highly trained and experienced officers, including SWAT operators. As noted earlier, information that never entered into an officer’s awareness cannot be recalled later.

It is now perhaps more clear why officers might fail to recall information from a critical incident, but why might they recall information that was not present? The phenomenon of “false memory” may come from a variety of sources. First, the *sensory distortions* noted above do not only exclude information: they also distort perceptions (so that, for instance, a dark handheld object such as a cellphone might look like a gun). The *mental scripts* discussed earlier, our automatic assumptions about what is supposed to happen in a situation, may also influence how we process or try to understand what we see and hear. Also, remember that memory is *constructive* in nature—the brain will sometimes “fill in” missing gaps, and this process is an imperfect one. Finally, false memory can be an artifact of the interview itself: leading or misleading questions can influence an officer’s recall.

### *Video Review and Memory*

Although the general principles of memory are well established, and there is a growing body of research regarding memory for critical incidents, there is virtually no research regarding the effects of video review on an officer’s memory for a critical incident. Research from other areas suggests that body-worn cameras help people recall events from their own lives: however, this research focuses on individuals with memory impairment caused by brain injury or other medical conditions (e.g., Hodges, Berry, & Wood, 2011), and the events being recalled are mundane rather than critical. We might speculate that an officer’s memory would be aided by reviewing his or her own video footage, but even this is uncertain due to the significant differences between what a camera sees and what the human eye sees (e.g., Geis & Blake, 2016). The uncertainty is compounded when considering that video footage might also come from a bystander, another officer, or a security camera, all of which would have entirely different vantage points on the event and potentially see details that the officer could not (and vice versa).

A survey of the research literature yielded only one study that directly examined aspects of this issue. Eleven law enforcement officers participated in use-of-force training scenarios, while wearing head-mounted body cameras, and later wrote a report about one of the scenarios. After writing the report, they reviewed the camera footage, and

then wrote a second report. Review of video evidence allowed the officers to correct, on average, nine errors of memory (Dawes et al., 2015). This study is notable not for its rigor--there were only eleven participants, and the study was funded by a maker of body cameras--but for the fact that it is the only direct research evidence regarding the use of video footage to aid recall of use-of-force encounters. Although these were not critical incidents, the study does suggest that video review might enhance accurate recall for such incidents<sup>2</sup>.

### *Timing of the Interview and Review of Video Footage*

In any attempt to recall details of a critical incident, the timing of the interview is vital. Following a critical incident, commanders must balance a number of competing needs, including the agency's need to rapidly acquire information, the amount and accuracy of that information, and the welfare of the involved officers. Some agencies conduct a full interview immediately following the incident, in order to capture information while it is still "fresh in the officer's mind". Other agencies conduct a brief interview following the incident, then conduct the full interview two days later.

Within an interview, the timing of when to show video evidence may also be important. Some investigators begin with an initial phase of "free recall", in which the officer is allowed to relate the account in his own words and with minimal interruptions, before asking detailed questions about the incident. One example of this method is the Cognitive Interview (Geiselman, 1984), a method which appears to help mine the memory of an officer or other witness for the maximum amount of accurate information. Within this context, it seems beneficial to show the video evidence between the two phases: after free recall, but before asking detailed follow-up questions. In reality, however, the timing of when an investigator introduces video evidence will probably depend more on practical variables (e.g., when the video is made available for review, law, and policy) than psychological ones.

Sleep is a crucial variable: it is during sleep that the brain appears to consolidate or "gel" a complex event into memory (Inostroza & Born, 2013; Payne & Kensinger, 2010). During REM and other types of sleep, the brain preserves an incident in long-term memory, and also continues to process the event to understand it more thoroughly (Walker & Stickgold, 2010). Sleep may also strengthen the ability to access information in memory (Nagel, Hupbach, Gomez, & Newman-Smith, 2012). The role of sleep appears to be even more pronounced when an event was highly emotional (Payne & Kensinger, 2010). Although it seems counterintuitive, allowing an officer to get some sleep before undergoing a detailed interview may actually yield more (and more accurate) information. As a general rule, allowing an officer *a minimum of two sleep cycles* before the full interview should yield a greater amount and accuracy of recall.

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<sup>2</sup> This review concerns the scientific merits of this article and in no way constitutes an endorsement of any company or product.

However, it is not clear from the research whether an experienced officer would need the same amount of time (or sleep) as a new officer.

To balance the immediate need for information with the desire to obtain the most accurate and thorough account of the event, some experts suggest conducting two interviews (Artwohl, 2002). Investigators would conduct a brief interview with the involved officer after the incident, followed by a more full and detailed interview after two sleep cycles.

#### *Conclusions: Video Review and Memory*

The existing evidence suggests (but does not prove) that reviewing video evidence can be expected to increase the amount and accuracy of information that an officer can recall from an incident. Given the brain's natural limitations, however, an expectation of complete and full accuracy is unrealistic: even a review of video evidence will not allow an officer to recall details that he never received or retained. In a critical incident, as noted earlier, attention and awareness constrict even further to a narrow focus on survival-related information. Allowing an officer to review video evidence is best thought of as another tool which may aid in the investigation.

### **Potential Emotional and Trauma Elements of Reviewing Video**

#### *An Officer-Involved-Shooting is a Potentially Traumatic Event. Does Viewing Video Footage Add Additional Stress?*

It is not uncommon for officers to have emotional and physiological reactions, at least briefly, after being involved in a critical incident such as the life and death experience of an officer-involved-shooting (OIS). Although not every officer struggles after a critical incident, it is well-documented in the research literature that such events may be a *potentially traumatic event*, meaning that for some officers it may put them at an increased risk of developing posttraumatic stress symptoms. The important question at this time, that research has not addressed, is if viewing one's own body-worn camera (BWC) footage or other video has the *potential* to add to the officer's stress reactions.

Given the rate of Posttraumatic Stress Disorder (PTSD) in law enforcement and the potential for added stress, the studies on trauma and early interventions for trauma were reviewed to identify possible risk factors, as well as protective factors that may also mitigate the risk and guide interventions. These factors may inform policy or recommendations regarding the review of OIS video footage.

#### *Police Work: Demanding, Difficult, and Dangerous*

Police work is recognized as one of the most difficult, dangerous, stressful and demanding jobs. Officers are recognized as a particularly resilient group which may be explained by the fact that they self-select for the job, the screening process to get the job, and because of the preparation for the work during academy training. Over time, though, the inherent stress of the job, the work environment, shift-work, and chronic

exposure to critical incidents takes a toll on officers' health (Violanti, et al., 2013). Involvement in an OIS is seen as one of the most stressful critical incidents that have the potential to be traumatic. The impact of taking another's life or seriously injuring someone is a significant predictor of PTSD, which is further complicated by what happens in the aftermath--media and citizen scrutiny, and internal and criminal investigations (Komarovskaya et al., 2011).

At such a critical moment as an OIS, which demands split-second decisions, officers are understandably concerned with doing their job well and can have heightened physical and emotional reactions. Some research has estimated that 35% of officers involved in a shooting will leave the force or leave patrol within a year (Trompetter, Corey, Schmidt, & Tracy, 2011), with others finding even higher rates. Yet, Klinger (2006) found that although some officers are distressed in the early days and weeks, most adjust within three months. The disparate results may be explained by officers' tendencies to want to appear well and underestimate their stress reactions (Colwell, Lyons, Bruce, Garner, & Miller, 2011).

#### *Incidence of Posttraumatic Stress Disorder*

Fortunately, most people exposed to a potentially traumatic event will not develop PTSD or other significant mental health problems (Bonanno, 2004), but law enforcement officers are at a higher risk because of the nature of their work. In the general population, the chance is 50-60% that one will be exposed to a potentially traumatic event in their lifetime, with an estimated 7-8% at risk of developing PTSD (National Center for PTSD, n.d.). It is normal to have reactions to critical incidents, including symptoms that might later be diagnosed as PTSD if they persisted, from which one naturally recovers over a few weeks to months.

In contrast to the general population, those whose jobs put them at a higher risk for traumatic exposure have higher rates of PTSD (Austin-Ketch, et al., 2012; American Psychiatric Association, 2013). For example, Hartley, Violanti, Sarkisian, Andrew, and Burchfield (2013) found that approximately 15% of male officers and 18% of female officers will develop PTSD. In the Buffalo Cardio-Metabolic Occupational Police Stress Study (Austin-Ketch et al., 2012), the overall Post Traumatic Stress (PTS) prevalence rates were 35% with 10% reporting severe PTS symptomatology. Another study found that 7% of traumatized officers had PTSD and 34% had posttraumatic stress symptoms or sub-threshold PTSD (Carlier, Lamberts, & Gersons, 1997).

#### *What Predicts PTSD: The Role of Critical Incidents*

Research has identified the significant role that critical incidents play in the development of PTSD in police officers (Carlier et al., 1997) with incidents perceived as highly threatening increasing the level of distress (McCaslin et al., 2006). Other factors that also influence the impact are the magnitude of the incident, a host of pre-incident factors ranging from genetics to prior trauma exposure, factors occurring at the time of

the event (peritraumatic), and with some of the most influential factors occurring post-incident (posttraumatic).

Obviously some of the factors that increase the chance of a critical incident being a *potentially traumatic event* resulting in PTSD are not amenable to interventions at the time of or after the event. Such factors as history and genetics cannot be altered, nor can the nature of the event. Of course police departments can offer various skills, stress management, resilience and inoculation trainings that may better prepare officers for critical events, as well as foster a compassionate and supportive work environment which may be a protective factor before and post-incident. But there are other risk factors that may be mitigated by interventions that police departments can provide at the time of and after a critical incident. Identified peritraumatic and posttraumatic risk factors that may predict increased risk of developing stress reactions or PTSD can guide interventions that decrease the chance of developing posttraumatic stress symptoms or PTSD. These same risk factors may also be important for informing recommendations about BWC video review.

Peritraumatic and posttraumatic risk factors include physiological, emotional and psychological responses, as well as support after the event. Many studies have found that physiological hyperarousal (increased heart rate) can predict posttraumatic stress symptoms and development of PTSD (Bardeen, Fergus, & Wu, 2012; Bryant, Guthrie, Moulds, & Harvey, 2000; Peleg & Shalev, 2006; Shalev et al., 1998; Zoladz & Diamond, 2013).

Emotional and psychological predictors of developing posttraumatic symptoms and PTSD include dissociation (feeling confused, detached, as if they “are in a film” or “having an out of body experience,” or time distortion) (Marmar et al., 2006; Peleg & Shalev, 2006; Shalev, Peri, Canetti, & Schreiber, 1996). Another important factor is one’s cognitive appraisals: the thoughts and meanings one attaches to the event (Bovin & Marx, 2010).

The support that one receives after a potentially traumatic event is also extremely important in predicting PTSD. And again, this is an opportune time for interventions by police departments to lessen the impact of critical incidents on officers. Poor social support and a difficult work environment are factors that are strongly associated with PTSD symptoms (Shalev, n.d.; Marmar et al., 2006; Maguen et al., 2009; Wisco et al., 2014). Conversely, good social support and a compassionate and supportive work environment have been found to be protective factors in preventing PTSD. Maguen et al. (2009) reported the importance of the work environment as a highly influential resilience and protective factor. Work environment was found to have a role in the prevention of mental health problems and influenced the relationship between critical incident exposure and PTSD symptoms.

### *Development and Maintenance of PTSD: Does It Inform Video Review?*

Research that explains the development of trauma reactions and PTSD may explain how critical incidents impact officers. Can this research inform questions regarding officers viewing video footage? Again, most officers are resilient and adjust to the stressful event of an OIS, and if they experience distress, they usually have a natural recovery within a few weeks to months (Klinger, 2006). But what can the research tell of the impact of reviewing a video of a critical incident? Does it add to the existing “stress load” for the officer, potentially causing additive effects in the same way that repeated physical injuries can lead to cumulative damage, or derail the officer's natural recovery? And if so, what interventions help lessen the stress load?

Research that explains the development and maintenance of trauma can help to identify potential pitfalls for officers viewing video footage, and possible interventions to reduce the risk of harm. For example, Shalev (n.d.) said that learning theory “predicts the psychobiological responses to extreme threats will be re-experienced because associations are learned between the threatening event and cues present at the time of trauma” (p. 3). In other words, this may explain how one’s response to a critical incident—a pounding heartbeat, or thoughts and emotions--can “teach” the person that later if their heart pounds or they again have the same thoughts or emotions when they are exposed to reminders of the event, they are in danger. When exposed to reminders of the event, one can have the same reactions and feel re-traumatized as if the event were occurring again. Watching video footage could be re-exposure to a critical incident and evoke the same responses (or new responses depending upon information that may be learned from the video) as originally experienced and add to the officer’s stress reaction.

There is no known research on officers watching video footage of an OIS or critical event to draw from to learn the impact on officers, but research on viewing television (after disasters) or seeing traumatic-related pictures after exposure to a traumatic event can shed some light on stress reactions. For instance, some people who watched more media coverage of the 9/11 terrorist attacks had substantial stress reactions compared to others who watched less coverage (as cited in Hamblen, 2016). Similarly, it was found that survivors of trauma who later saw trauma-related pictures (unrelated to them) had greater heart-rate response that predicted PTSD severity (Suendermann, Ehlers, Boellinghaus, Gamer & Glucksman, 2010). Elsesser, Sartory and Tackenberg (2004) also showed trauma-related pictures to recent trauma victims and found they had increased heart rate. Although it is an inference, these studies raise the possibility that video review may affect officers and add to their stress load by evoking similar responses that they had at the time of incident, such as increased heart rate, which has been associated with increased risk in developing post-trauma symptoms or PTSD.

Other research may also inform the potential for added stress for officers re-experiencing the critical incident by video review. Lewinski (2006) examined a related phenomenon in law enforcement officers who participated in realistic scenarios but not

actual critical incidents. He measured the body-alarm reactions before and after a simulated armed encounter. During the post-incident interviews, officers' heart rates increased to 135 beats per minute, demonstrating that imagining and re-telling the event can elicit almost the same effect as the original encounter, "essentially a secondary stress assault" (p. 2), according to the authors of the study. The inference can be made that for some officers the second exposure engendered the same responses as the original event. Early and incomplete re-exposure while watching video footage, when emotions and physiological reactions mirror reactions at the time of the event, can cause added stress and may strengthen the stress response, thus further traumatizing or harming the officer. Again, the importance of this is shown in research that increased psychophysiological arousal is related to increased risk for chronic PTSD (Yehuda, McFarlane, & Shalev, 1998). This underscores the concern that reviewing body camera footage may evoke the same reactions as the original event.

As previously stated, there is no direct data to suggest what the impact will be on an officer watching their own video footage, but possibly inferences can be made from the above studies. Viewing footage may be a re-exposure to the original critical incident that has the potential for further stressing the officer. Unfortunately, in the case of an OIS, it is likely that this will be exacerbated by exposure to a host of additional concerns. Some of the potential added stressors that may increase the chance of PTSD include:

- a) the current law enforcement climate in which officers' behaviors are scrutinized
- b) the stigma attached to officers who struggle with emotional or physical reactions
- c) the concern and confusion an officer may experience when they feel they cannot trust their memory if the video shows details they did not remember
- d) the feeling officers frequently have of being treated like a criminal when undergoing an OIS investigation
- e) the officer's perception that video evidence is being used against him or her (a "gotcha" moment)
- f) the unknowns of how police commanders and the community will respond
- g) concerns for the safety of self and family.

#### *Early Interventions for Trauma Literature: Timing of Video Review*

In addition to research that explains trauma symptoms and development of PTSD, research on early interventions for trauma may also identify potential risk factors for viewing video footage. One factor is the timing of when officers are asked to review footage. The concern is that showing an officer video footage too soon after the OIS can be a potential for added stress and risk of developing PTSD. The literature on the timing of early interventions after potentially traumatic exposure is not definitive on how much time has to pass, but it indicates that the early days are vulnerable periods in which avoiding replaying of the event may be protective. The focus during that time period

should be more supportive and educational without a specific focus on the details of the event. Some people may need a break from thinking about the trauma to prevent potential harm and have a natural decompression. This waiting period is supported by the Stress First Aid and other literature (Nash & Watson, 2012; Watson, 2015) and by the outcome research on psychological debriefings.

Psychological debriefings are interventions that are usually held within a few days of a critical event, in which one has intense re-exposure to the event by re-telling the traumatic memory without resolution. Research has found that debriefings may be potentially harmful (Litz, Gray, Bryant, & Adler, 2002), may have potentially long-term negative effects (Shalev, n.d.; Shalev, 2002), and interfere with natural recovery (Shalev, 2002). There is still debate about the merits of debriefings, however, early recounting of the experience may be harmful and “may inhibit the distancing needed in the aftermath of traumatic disruption” (as cited in Gist & Woodall, 2012, p. 212). Similarly, Alpert, Rivera & Lott, (2012) found that when individuals are asked to recall details of a traumatic event immediately afterward, the risk of psychological injury increases.

These studies explain how it may be potentially re-traumatizing for some officers to view video footage, especially without help preparing for or processing their reactions. In other words, viewing video footage may be exposing the officer to further reminders of something that was potentially traumatic and therefore possibly increasing their chances for added stress reactions.

One point to clarify is regarding re-exposure to potentially traumatic events. Re-exposure to potentially traumatic events in the immediate aftermath can have deleterious effects in which the person is re-traumatized or the natural recovery is inhibited. However, evidence-based treatments use cognitive restructuring and exposure to the trauma for people to adjust and no longer have the same devastating emotional and physiological responses. But these treatments are usually timed somewhat later than a few days after the event, are provided in a controlled and systematic way until the person has processed and habituated to the incident, and are not one-time interventions (Rothbaum et al., 2012).

#### *Conclusions: Video Review and Potential Trauma*

Law enforcement is a resilient group, and most officers will naturally recover from exposure to a critical incident. However, given officers' greater exposure to critical incidents and the *potential for traumatic* responses, care must be taken to prevent the exacerbation of stress reactions. In light of this responsibility, the question was examined whether reviewing video evidence may aggravate psychological injury. No direct research on the topic was identified, but inferences have been drawn from the existing literature. Risk factors that increase chances for trauma, as well as protective factors, have been identified to guide interventions. Since no two officers will react in exactly the same way, support can be tailored to the officer's response and preferences

for support, and be guided by research to reduce the risk of harm and promote recovery. Based on this information, recommendations have been submitted for consideration after reviewing the literature and consulting with leaders in the field.

### **Video Review and Officer Wellness**

As discussed earlier, presenting an officer with video footage of his or her own critical incident is an additional stressor that has the potential to add to the considerable stress load already facing that officer. Therefore, it is important to consider steps to safeguard the officer's well-being. Much as the officer and the agency have measures in place to protect the officer's physical health, agencies must develop and promote strategies to protect the officer's psychological health. The promotion of officer wellness regarding video review is closely linked to officer wellness regarding the critical incident itself. This section offers recommendations for strategies to protect officers before, during, and after a critical incident.

**Pre-Incident Factors:** Education and training are crucial, both to alert officers and others to the issues and (through repeated discussions) to work these concepts into the agency's culture. With repeated trainings and discussions, knowledge of how to safeguard psychological wellness should become "common knowledge" and accepted practice within the agency. Ideally, education would begin with recruits, who would be given basic knowledge about the psychological aftermath of a critical incident. In order to truly raise awareness, however, such training cannot be of the "one and done" variety. Other ways to remind officers of these concepts throughout their careers include in-service training, training for supervisors and commanders, informational videos, and electronic bulletins posted on the agency's internal website. Education for spouses and family members is also important.

Education need not be limited to the officers and their families. If an agency can provide citizens and journalists with a greater understanding of the psychological factors during and after a shooting or other critical incident, the payoff may be substantial in terms of greater understanding in the community and even improved community relations. Since community relations and the agency's treatment in the media are both important factors in an officer's stress level, these are relevant to officer wellness as well as public relations.

**Immediate Aftermath of the Incident:** The two key elements for protecting an officer's psychological health following an incident are *support* and *awareness*. Broadly defined, support includes the responses from an officer's peers and commanders, as well as designated helpers such as Peer Support officers, chaplains, and police psychologists. What others communicate to the officer (both verbally and nonverbally) in the immediate wake of an incident have a profound impact on the officer's psychological health. The importance of providing supportive messages cannot be overstated. Commanders may struggle to provide supportive messages in some instances, such as following a questionable or controversial shooting. In such cases, it may help to focus on possible

lessons learned rather than mistakes, consider all aspects of the situation (including exhaustion and prior stressors), enlist help from other mentors and peers to provide supportive messages, and separate who the officer is from what he or she might have done.

Awareness refers to the officer's awareness of what he or she may encounter in the aftermath of the incident. Agencies may wish to develop a short handout to send home with involved officers that outlines the range of common reactions (cognitive, emotional, behavioral, and physical) after a shooting or other critical incident. Such a handout has the added benefit of educating spouses and loved ones as well, although agencies may prefer to create a separate handout for family members.

**Post-Incident:** Specific comments about video review are organized in this section, on the assumption that officers will typically be shown video in the days after the incident (rather than the same day). To promote officer wellness while also obtaining important information, investigators should introduce the video evidence within the proper context. Agencies may wish to develop a uniform statement to read or present to officers immediately before they review video. This statement would explain the reasons for reviewing video (ideally, to aid memory and not as a "gotcha"), that video evidence may provide new or contradictory information to the officer's genuine memory of the incident, and that viewing video evidence may in some cases be upsetting or disturbing. Before and/or after reviewing video evidence, investigators should remind the officer of all available resources for support (psychologists, Peer Support, chaplains, Employee Assistance Programs, or others) and how to contact them if desired.

In the days and weeks following the incident, and after a review of video evidence, supportive others must also remain aware of the involved officers and periodically check on them. Support providers such as peers, Peer Support officers, commanders, and family members will ideally remain aware of the officer's reactions and communicate any signs of difficulty as needed. Education plays a key role in these monitoring efforts, so that supportive individuals do not overreact to normal and expected reactions following the incident. Police psychologists must also remain aware of the involved officers and offer "wellness checks", although laws and rules regarding confidentiality may alter or limit their ability to coordinate with other support providers<sup>3</sup>.

**Final Note:** This section presents suggestions primarily from the perspective of what will be beneficial for the officer's wellness. Agencies will need to modify these suggestions based on state law, agency policies, collective bargaining agreements, and other practical considerations such as available resources.

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<sup>3</sup> In some jurisdictions, communications with other support providers such as Peer Support officers are also protected by confidentiality.

## Questions to Consider

The final portion of this section will offer concrete recommendations based upon the existing body of knowledge about video review. Because the knowledge base is still limited at this time, however, and because some agencies may wish to chart their own course, here are some general questions for you to consider as you write or review your policies:

**What reasonable steps will your agency take to ensure the psychological health of your officers?** There appears to be the potential, however large or small, that reviewing video footage of one's own critical incident may be difficult for an officer and even increase the risk of psychological injury or trauma. What steps can your agency take to reduce this risk? Do you have a strong relationship with a competent mental health professional—and what will that person's role be in your video review process, to help reduce potential impact and protect wellness? Regardless of the presence of video evidence, is your agency incorporating best practices in its immediate response to a critical incident? What training or education can you provide to officers and their families (and possibly the community as a whole), chaplains, Peer Support officers, and mental health professionals who work with your staff to raise awareness of the psychological factors involved in a critical incident?

**What is the investigative context in which the officer will be asked to review video?** The context of *how and why* an officer is asked to review video is just as important as whether or when the video is presented for review. As noted earlier, timing is an important factor. Another factor is the intent of presenting an officer with his or her own video evidence. Presenting it as a supplement to the officer's spontaneous recall is one thing; using the video to confront the officer with discrepancies in his story is another. Given the facts we now know about memory, it seems most appropriate from a psychological perspective to assume that any gaps in an officer's memory are derived from expected and automatic shortcomings or distortions, unless there is clear indication of intentional falsehood.

**What type of video is being reviewed?** From the psychological perspective, showing officers their own body-camera footage is very different from showing them video taken from other viewpoints (another officer's body camera, surveillance footage, etc.). There has been no research to explore these differences; however, viewing someone else's camera footage would seem to have greater potential for false memory or misinformation. In its construction of a memory, the brain might incorporate information from others' perspectives, leading to false recall. For this reason, it may also be advisable to educate officers not to watch news footage of a critical incident in which they were involved.

**If the officer will be asked to review video, when will this occur?** As noted above, the timing of when to show video depends in part upon the timing of the interview itself

and other practical considerations. How possible will it be to allow for sleep and memory consolidation prior to viewing the video?

**How will you educate your officers about the expected cognitive and emotional elements of a critical incident?** Officers who understand the natural biases and limitations of human memory, and who understand the expected emotional aftermath of a critical incident, will be better equipped to cope (and help fellow officers cope) after a critical incident. Also, providing basic education to the officer’s family members will help the families understand what to expect, to support the officer—and also to help the officer seek assistance if he or she is struggling to recover.

### **Video Review: Recommended Procedures**

Based upon the evidence and discussion above, we offer the following recommendations. As noted earlier, the research to date is limited, and future research findings may alter or challenge these recommendations.

1. Allow the officer a minimum of two sleep cycles before asking him or her to review video evidence.
2. Prior to reviewing video evidence, ask the officer for spontaneous or “free” recall of the event (consistent with the Cognitive Interview method).
3. We recommend that the best time to show video evidence is after the free-recall period, but before asking detailed questions about the incident (within the context of evidence-based interview methods like the Cognitive Interview).
4. Introduce the video evidence with a standard statement explaining the purpose of video review (e.g., as a memory aid and not as a “gotcha” confrontation). The statement should educate officers that the video may contain information he or she had not recalled, that it may be difficult to watch, and the available resources (such as a competent mental health professional) should the officer wish to use them.
5. In anticipation that, for some officers, the video may potentially trigger stress reactions related to the event, care should be taken to lessen the impact of this experience. We recommend access to trusted peers, mentors, chaplains, or competent mental health professionals who are familiar with the police culture, to offer support based on the early interventions for trauma research. To reduce the potential for re-traumatizing an officer, and to avoid impeding natural recovery, the officer should be offered:
  - a. Empathic, practical and tailored support based on individual needs.
  - b. Information on possible reactions and ways to actively cope with stress reactions.
  - c. Encouragement to talk with supportive others and access further help if needed.

In the early aftermath, it is expected that investigators will need to ask for specific details, but whenever possible, minimize pressing for specific details or retelling of the event. Also, it is important not to impose expectations about lack of distress or quick return to work upon an officer's natural recovery. Continued follow-up and brief check-ins are recommended over the weeks and months following a critical incident, particularly after more difficult events, or for officers who exhibit distress, reduced functioning, or other stressful life events during their recovery.

6. As noted earlier, there is almost no direct evidence regarding any psychological aspect of video review for critical incidents. Without evidence, agencies have no way to be certain whether their policies and procedures will be effective. We therefore recommend that the Major City Chiefs form a subcommittee to promote the gathering of such evidence. The subcommittee would include law enforcement psychologists, executives, and researchers to develop the following:
  - a. Tools for agencies to track outcomes of their critical incidents and video review
  - b. Collaborations with universities and federal research organizations to conduct and publish research on the effects (cognitive, emotional, etc.) of video review
  - c. Nationwide education about the importance of gathering such evidence.

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## **Post Use of Force Interviewing and Body Worn Video**

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### **Introduction**

Law enforcement agencies must always strive to conduct a thorough and accurate investigation of officer-involved-shootings (OIS) in order to serve the varying demands of the communities they serve, the organization and the law enforcement officers (LEO) involved, as well as any suspect or victim. Historically, those charged with investigating such incidents have often had to rely heavily on the self-reported recollection of involved officers and other witnesses to piece together as accurate an accounting of the incident as possible. This reliance on the memories of involved parties can be problematic for a multitude of reasons. The use of body-worn-video (BWV) provides an opportunity for agencies to add to their arsenal of investigative tools, as the BWV may prove to be helpful in enhancing an officer's accurate recollection of an event, as well as provide a perspective of the incident that might otherwise have gone unreported.

This brief treatise provides recommendations on the point at which body-worn-video should be shown to involved officers and incorporated into an agency's use-of-force investigation. It supplements, independent of their review, the submission by other members of the subcommittee tasked with addressing this matter from a memory / psychological perspective.

### **Memory**

The process of perceiving, encoding and subsequently retrieving information (simply put, 'memory') is an extremely complex neurocognitive process. Law enforcement agencies have grappled with this matter for decades as it applies to crime victim and eyewitness memory, both during the criminal investigation and subsequent prosecution. These same challenges are no less critical when the eyewitness is a law enforcement officer, and, arguably, a victim of a crime. The LEO is subject to the same multitude of physical, psychological and natural limitations of memory as any other individual exposed to a critical incident. There is a scarcity of empirical research specific to LEOs involved in an OIS pertaining to their memory and psychological wellbeing. At the moment, it appears the best we can do is utilize research into memory for critical incidents, autobiographical and eyewitness memory, and clinical research into critical incident stress and psychological consequences as proxies to assess the potential impact of an OIS on a law enforcement officer's memory and emotional wellbeing.

The process of encoding life experiences into memory is highly complex. In order to have a memory of a situation or experience, the individual must cognitively and emotionally process that experience and store it symbolically as a representation of complex nerve connections within the brain. Only a very small fraction of our daily experiences are stored and, even when this is accomplished, the extent to which any

significant amount of accurate detail is preserved can be questionable. Characteristics of an event can contribute to enhancing memory retrieval; these characteristics include: uniqueness, unexpectedness, interest and valence, heightened emotional response during the incident, and the perceived level of threat.<sup>22,29,30</sup> Which details of an incident are retrieved varies tremendously across involved parties.<sup>29</sup>

Memory of an actual event, the neurocognitive encoding and storage of information and its subsequent retrieval, is subject to multiple, sometimes very serious, impedances from the very onset to the time of the most controlled and facilitative recall.<sup>8,16</sup> This impedance ranges from the naturally occurring processes typically outside of conscious control (selective attention, sensory perception, schematic distortion), directed attention and behaviors which focus attention on some aspects of a situation (central events) while minimizing others (peripheral events), to the multitude of factors affecting memory consolidation (constructive memory function, working- and long-term memory interference).<sup>3,8,16,26,30</sup> Memory can be altered or impaired as a result of iatrogenic and external memory interference (interpersonal mood and affect, cognitive rehearsal, co-witness and third party reports, conformity expectations) and by the multitude of challenges involved in accurately recalling an event (reconstructive processes).<sup>18,26,30,34</sup>

The encoding of memory, as well as the subsequent accuracy of retrieval, can be affected by the level of psychological distress an individual experiences during memory encoding as well as during retrieval (i.e., interview). While there is extensive research on the effects psychological distress has on memory, it is far from conclusive about who is affected by what type of stressor under which conditions. In S. A. Christianson's critical review of memory and distress, one fairly consistent pattern is evident: high emotion situations appear to be associated with relatively accurate memory for central details of an event but relatively inaccurate memory for peripheral details.<sup>3</sup> There is evidence to suggest that negative affect states (including fear) may also contribute to increased attention to central event details which may aid in accurate memory retrieval specifically for an event's central details.<sup>30,35</sup> Finally, the "weapon focus effect," the idea that the presence of a weapon poses such a threat to life that the central focus of attention is the weapon at the cost of peripheral attention, may have to do more with novelty than actual threat.<sup>10,32</sup> If this were the case, we might expect that law enforcement officers, who have much greater familiarity and exposure to weapons, might not be impacted to the same degree. Irrespective of what might now sound like an inability to accurately remember anything whatsoever, our neurocognitive abilities and long-term memory for salient events and central components of an event can prove to be amazingly detailed and accurate.<sup>5</sup>

The question of *when* body worn video should be reviewed by involved law enforcement officers should be guided by the primary objectives of an OIS investigation, not the least of which is to obtain retrieval of the incident from the involved LEO. The following recommendations are proposed as a starting point that agencies might consider in adopting procedures for the use of body worn video.

## **1. Law enforcement officers involved in a use of force incident should be interviewed as soon as possible following the conclusion of the use of force.**

Memory for most details degrades very rapidly following an event. There is clear evidence that many central and peripheral details of an event are not encoded and therefore do not successfully transition from working (i.e. short term) memory into long term memory, at which time more permanent neurological connections are established in the brain. Studies spanning the early part of the 20<sup>th</sup> Century through the present have found that the inability to retrieve many details of an event decompose at an exponential, not arithmetic, rate with time.<sup>29</sup> People are often only able to recall half of information originally encoded just one to two hours later, even when cued recall is employed.<sup>8,11</sup> In addition to simply forgetting, memories routinely become distorted with time.<sup>26,34</sup> The passage of time affects accuracy for peripheral detail more than central detail memory.<sup>29</sup> Although many traumatic autobiographical or flashbulb memories are remembered with greater attention to central details, peripheral detail memory can be substantially impacted.<sup>1,26,29</sup> There is also evidence that the accuracy of emotional information (i.e., how someone felt in the moment) is altered.<sup>1,26</sup> With the passage of time, memories typically become less episodic (detailed and specific) and more semantic (broad and generalized), as the information is repeatedly retrieved and re-encoded in varying contexts.<sup>26</sup> There is evidence that the mere act of interviewing someone may alter their memory for an event, with repeated retrieval of accurate details reinforcing and enhancing memory, but not always.<sup>23,28</sup> Finally, it is well established that exposure to post-event information, especially when inaccurate, can have detrimental effects on memory accuracy.<sup>23</sup>

It is fairly evident that a strong protective factor in terms of accurate memory retrieval, is the early recall and reporting of the event.<sup>29</sup> The sooner a law enforcement officer is interviewed after the event (provided of course they are not physically injured or significantly emotionally distressed), the greater the likelihood that they will more accurately recall central and peripheral details of the event. While there is evidence to believe that additional central detail may be recalled at a later time, with the passage of time and repeated processing, there is a strong likelihood that many peripheral details will be lost. I would proffer that there are times when peripheral details are very salient in a law enforcement officer's decision to use deadly force. Peripheral details, which may still be processed during the incident and contribute to a LEO's decision making process, are still likely to be highly relevant in many instances and should be memorialized when possible (soon after incident interview).<sup>3,9,26</sup> Furthermore, it is often critical to capture not only an officer's recollection of incident details but also his/her cognitive and emotional processes at the time of incident – how they may have 'feared for [my] life and the citizens in the vicinity.' If memory for emotion and peripheral details becomes impaired, we might lose critical information that is germane in their decision to use force.

Although not inherently a focus of this paper, further attention should be given to the procedure and protocols used in interviewing an involved LEO, including clear articulation of the investigation process, the use of select cognitive interviewing techniques, reassuring the officer of the purpose of the interview and opportunity to be re-interviewed, a hierarchical use of interviewing<sup>16</sup> (free-recall → cued recall → cued recall with specific questions → recognition), and the availability of confidential psychological assistance.

NOTE: It bears mentioning that in the field of law enforcement, past practice and face validity are often important concepts to consider. When LEOs investigate a crime, they typically interview available witnesses as soon as possible in an effort to capture important memories of the event. Barring unusual circumstances, they don't wait until the following day to obtain a report.

**2. Body worn video<sup>4</sup> should be viewed by the involved law enforcement officer after initial questioning, and then interview should be continued.**

Studies of memory, including autobiographical and flashbulb memories, suggest that retrieval cueing, the use of some general stimulus to assist an individual's recollection of an event, can help accurately recall aspects of an event that may not have been recalled by way of free recall. There is evidence that suggests the accuracy of memory retrieval will be enhanced with repeated efforts to recall details of an event and in many cases, viewing video of a traumatic event may enhance accuracy of recall and decrease misinformation.<sup>21,33</sup> From a neurocognitive perspective, viewing BWV may help stimulate alternate neurological pathways to encoded memory for an event and enhance accurate retrieval. A review of the scholarly literature lends limited support to the hypothesis that repeated exposures to actual and true videos or photographs of a violent incident result in false or contaminated memories. However, as previously indicated, memory retrieval itself is prone to error and a reconstructive process. As a result, whatever happens in this event becomes associated not just with elements that are actually present but also with what we expect to be present based on our prior experiences and biases.<sup>30</sup> Therefore, this author would contend that it is critical to have interviewed the LEO prior to them viewing the BWV to decrease the likelihood that what is reported as a memory is not merely a new memory – of the video itself and not the incident.

While there is little question that exposure to misleading post-event information can and often does impair accuracy of memory for an event, the actual impact of viewing BWV on a law enforcement officer's memory is not certain. What is consistently found is that exposure to more information, irrespective of accuracy, often leads witnesses to feel more confident in the accuracy of their report, irrespective of the truth of the matter.<sup>23</sup>

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<sup>4</sup> This recommendation *might* apply to any law enforcement video (viz. in-car) or audio (radio call, etc.) recording that an agency may deem appropriate to helping cue the LEO's memory for the incident.

Agencies and investigators must guard against potentially erroneous thinking that confidence in one's memory retrieval is a guarantee of accuracy.

Knowledgeable law enforcement officials are well aware of the high levels of stress LEOs experience on a regular basis and must guard against even inadvertent acts which would subject them to serious long-term psychological consequences. When considering whether an involved law enforcement officer should view their body worn video, agencies must balance the probative value of viewing the video with these psychological risks. Empirical evidence tends to support the finding that, while watching a video of a traumatic event will not lead to long-term negative consequences in and of itself, viewing the video will likely result in temporal increases in negative mood states, including anxiety, arousal and avoidance.<sup>15,21</sup> There is some evidence to suggest that emotionally arousing images, both those positively and those negatively valenced, may enhance memory for central details of an event but impair memory for peripheral details.<sup>18</sup> Much of the scholarly research on stress and memory tends to suggest that the long-term consequences of a traumatic event occur at the point of time at which they are originally encoded into memory, not necessarily as a result of retrieval (i.e., interview) processes.<sup>25</sup>

In the course of the last two decades, Los Angeles Police Department (LAPD) psychologists have debriefed hundreds of officers involved in officer-involved-shootings. Many of these LEOs have viewed video (viz. in-car video, citizen or television reports) recordings of the incident, as well as having been exposed to various news reports. In our population, as a large metropolitan agency with extensive in-house psychological services, we have yet to see, to the best of our knowledge, one case in which being exposed to the video has resulted in serious long-term psychological consequences. At the same time, we are able to articulate those OIS conditions which are most likely to cause distress in an officer (i.e. young age of suspect, absence of actual perceived weapon, etc.), but these are independent of whether a video was viewed. Consideration should also be given to the fact that even though the likelihood of being involved in an OIS is less than 1% across their agency tenure, officers who are involved in OIS incidents often know or come to know someone who has been in an OIS who can provide peer support.

- 3a. Agencies should implement procedures which serve to reduce the risk of psychological distress and provide for the wellbeing of the involved law enforcement officers.**
- 3b. Law enforcement/public safety psychologists should be readily available to provide psychological assistance to the involved parties from the onset of the officer-involved-shooting incident throughout the investigative process.**

There are numerous measures law enforcement agencies can have in place and utilize following an officer-involved-shooting to help reduce the risk of short-term distress and

long-term negative psychological consequences in the involved officer. Although not a specific focus of this treatise, they are worth mentioning. Not neglecting the obvious need to attend to any medical emergency or possible blood borne pathogen exposure, providing LEOs with appropriate “psychological first aid” can help reduce both psychological and physiological distress. This includes securing their personal safety and reassuring them that they are safe from harm, providing basic necessities (i.e., water, bathroom), ensuring that they are not left alone, allowing them to have brief contact with close family members to reassure them of their safety, and providing some reasonable amount of time to decompress before being interviewed, to name but a few. There may be a yet not well understood benefit of psychological first aid and that is its impact on memory.

Physiological and psychological stressors typically result in the release of numerous hormones, glucocorticoids, catecholamines and neurotransmitters, some of which are known to interfere with hippocampal function and therefore encoding of memory. However, when this stress occurs under non-threatening training conditions, it may enhance memory. So the question is whether providing psychological first aid in the immediate aftermath of an OIS doesn't serve the added benefit of helping facilitate memory encoding and accurate subsequent retrieval. A less questionable procedure that has consistently been shown to improve accuracy of memory retrieval is ensuring that individuals have restorative sleep following exposure to an event.

Sleep deprivation has a deleterious effect on memory storage.<sup>12</sup> Restorative sleep helps solidify memory consolidation and the establishment of long term memories. There is strong evidence to suggest that the brain consolidates and organizes memory during sleep, helping with long term memory.<sup>12</sup> Although the vast majority of studies on sleep and memory do not involve an exposure to a critical incident, the lack of sleep has been shown to impair memory consolidation and increase false memories.<sup>12</sup>

Irrespective of the generally high levels of psychological resiliency found in LEOs, law enforcement/public safety psychologists should be readily available to provide confidential psychological assistance throughout the course of the OIS investigation. Law enforcement officers involved in OIS are often subject to the threat of death and violence, and then subject to an agency investigation that can, even in the cleanest of shootings, lead the LEO to feel their actions are suspect. When the subject of the use of force is a youth, has a mental or physical disability, or reminds the LEO of a close family member or friend, the incident can have a negative impact on the LEO's mood and wellbeing. Furthermore, in an effort to guard against any long-term negative psychological consequences of viewing BWV, psychological assistance can help mitigate this potential impact or address mood disturbance should it occur. The extent to which incidents impact LEOs is quite diverse and mediated by a host of pre-incident factors and post-OIS coping strategies.<sup>19</sup> Culturally knowledgeable psychologists can help LEOs effectively cope with these situations. Although exceptionally rare, acute stress reactions and post-traumatic stress disorder must be addressed by mental health

professionals should they develop. Although most people predict negative consequences as a result of exposure to critical incidents, there is in fact evidence that for many, significant interpersonal growth and greater resiliency can occur.<sup>6</sup> Finally, this author strongly recommends that all agencies ensure that any law enforcement officer involved in an OIS receive a formal, individual debriefing. This should take place no earlier than two complete sleep cycles following the incident, in order to allow the LEO's natural coping and resiliency to facilitate wellbeing and intrapsychic growth; the debriefing should be scheduled no later than seven days following the OIS.

#### **4. A follow-up interview should be conducted with involved law enforcement officers shortly after they have experienced two complete sleep cycles.**

Memory for certain aspects of an event may strengthen, and new accurate recollections of central details may occur, with the passage of time and repeated recall.<sup>29,33</sup> Law enforcement officers may recall aspects of an event they otherwise did not report during initial interview. Given the time to contemplate the incident, be previously interviewed and otherwise cognitively rehearse the event in their mind, it would not be surprising that some additional detail would be remembered.<sup>3,11,16</sup> Recalling (no pun intended) that memory retrieval is a *reconstructive process*, it is understandable how revisiting the event mentally could result in the retrieval of additional detail. This detail however is most likely to pertain to central aspects of the event and not peripheral details.<sup>3,16,28</sup> To the extent that it is germane to the investigation, a LEO may also be able to provide a broader or more holistic accounting of the incident that could have been lost during the first interview, which may have focused on more detailed aspects of an event.<sup>16</sup> The passage of time and restorative sleep typically allows the LEO's physiological stress response (i.e. stress hormones) to return to a position of less stressful homeostasis. To the extent that the stress response interfered with memory retrieval during the first interview on day one, this is generally less of an issue following two complete sleep schedules.<sup>3,16</sup>

Inaccuracies in memory retrieval are also subject to increase with greater time between an event and the reporting of the event. Law enforcement officers may have been exposed to inaccurate accounts of the OIS (viz., news reports) which could bias the accuracy of their subsequent memory retrieval. With time, the re-encoding of the event itself could cause iatrogenic distortions; during the reconstructive process, memory for similar but unrelated events could be incorporated into a LEO's report of events.<sup>26,30</sup> Taken together, there is clear support for agencies to conduct a subsequent interview of the involved LEO, with the understanding that the passage of time has the potential to both enhance some memories and distort others.

#### **Limitations**

There is a paucity of empirical research that specifically and systematically examines the effects of viewing body worn video on a law enforcement officer's memory and emotion. Although this is not likely to surprise the informed reader, the fact is that body worn video is a relatively new tool in agency investigations, and there is little tenure in

which to have studied BWV's impact. The recommendations in this treatise rely on sound research on memory and stress but under differing conditions and specifics. Therefore, these studies serve as proxies for our specific population of LEOs and the use of BWV and the generalizability of other findings to our population must be with caution.

The lack of research supports four, if not more, serious considerations: (1) law enforcement executives must exercise caution in implementing these recommendations; (2) sound protocols need to be in place to guide an agency's investigation, the form and format of interviewing, the viewing of BWV and the interpretation of findings; (3) psychological services need to be readily available for involved law enforcement officers; and (4) consideration should be given to conducting a nationwide, coordinated study across agency demographics on the impact of stress and viewing of body worn video on law enforcement officers memory.

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## **An Investigator's Perspective of the Use of Video in OIS**

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The purpose of this section is to provide guidance in regards to investigations of officer involved shooting (OIS) incidents. It is written from a perspective of gathering information for internal investigations. As the use of video recording technology by police departments has risen substantially in recent years, there is a need to develop standards as to the access and review of these recorded incidents.

There has been much debate recently regarding the timing of access and review of these videos. Officer access to video recordings, such as but not limited to body worn camera (BWC) footage, is a complex issue. A department's approach in determining when and under what circumstances an officer has authority to view recordings affects many stakeholders, including law enforcement personnel, external oversight bodies, and the public at large (Body-Worn Cameras in NYC, 2015).

Specifically, the integrity of the investigation of an OIS will depend on striking an appropriate balance between the use of video recordings to ensure the accuracy of officer reports and testimony and the need to preserve an officer's independent recollection of an incident when providing a statement.

Many departments point to the perceived benefit that review of recorded video of an incident is necessary in order to get the most accurate depiction of the event. Yet there is concern that allowing officers to review their recordings during active internal investigations, oversight proceedings, or inquiries into serious uses of force can impact investigative integrity (Body-Worn Cameras in NYC, 2015).

The American Civil Liberties Union (ACLU) has taken a position on Jan 13, 2015 in an article written by Jay Stanley and Peter Bibring that showing an officer a video before a statement "undermines the legitimacy of investigations. Because letting officers preview videos of an incident before giving a statement can allow them to lie, doing so undermines the credibility of officer statements and the integrity of investigations whether the officers actually lie or not. Such a policy will create an appearance of bias and therefore taint the integrity of investigations." (Stanley, 2015)

In contrast to this position, it is imperative in any investigation to determine the entire truth of what occurred with no preconceived bias or anticipated outcome. Since the goal of an investigation is to have all available information, allowing officers to view video of the incident is the only logical solution. Without a video review, the involved officer only has a part of the story. The video recording cannot be changed so the officer will always have to justify the actions taken.

Investigators have long used video evidence to assist with investigations. Officers are generally allowed to view video recordings in order to help with report writing and courtroom testimony. Video of events are often times shown to victims, witnesses, and even offenders to clarify the sequence of events, for identification of subjects, and to aid the investigator in determining the location and perspectives of individuals involved. Departments have historically allowed officers to refresh their independent recollection of events through reports or investigative notes.

It is recommended that there should be no hesitation in showing recordings of the event to the officers who participated in an officer involved shooting. "Reviewing footage will help officers remember the incident more clearly, which leads to more accurate documentation of events. The goal is to find the truth, which is facilitated by letting officers have all possible evidence of the event." (PERF, 2014)

In accordance with the United States Supreme Court Decision in *Graham v Connor*, all claims that law enforcement officials have used excessive force -- deadly or not -- in the course of an arrest, investigatory stop, or other "seizure" of a free citizen are properly analyzed under the Fourth Amendment's "objective reasonableness". The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, at the time the force was employed, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene (*Graham v. Connor*, 1989).

It is important during the course on an interview following an OIS to determine the facts and circumstances confronting the officer, at the time the force was employed, from the perspective of the officer. In a time where technology is omnipresent and law enforcement agencies are becoming more transparent, an investigator must take into account officer perception. To withhold a video from an officer that will be released to the public could have a serious detrimental effect on the entire department. "Officer perceptions are important, and viewing the video does not change those perceptions, whereas withholding a video from an officer will negatively affect the officer's perception of the fairness of the investigative process." (Meyer, 2012)

Agencies must be aware of the limitations of video recorded incidents. The video is a two dimensional representation of the event and should only be considered as another tool in getting the most accurate depiction of the events that occurred. It should be used to walk an officer involved through the recorded incident, but cannot show everything an officer observed or didn't observe. However, retired Colorado Chief Ed Shults, Ed.D, says to never write a report for prosecution without viewing any videos available (Shults, 2014). The video cannot be used as a stand-alone representation of the incident. Shults says that it is important that we understand the video is not a supplement to a report. The report is actually a supplement to the video evidence (Shults, 2014).

What the officer observed, felt, and reacted to must come from the officer and not the video itself. However, the recording of the event is a more accurate real-time depiction of the actual event. It is not affected by the stress of the situation and accurately reflects the duration and sequence of events. What cannot be gleaned from the video is the officer's perspective. Light, spacing, and visibility from a camera is limited to or enhanced by the technology used and will differ from the personal observations and opinions of the officer.

It is recommended that an officer involved in an OIS be permitted to review a relevant recording prior to any formal written or recorded statement. An initial on scene statement or public safety statement should be taken immediately to ensure the safety of all and to identify and preserve known evidence. Recordings are sometimes not immediately available and awaiting all video recovery could hamper the investigative process. A recording eligible for review would include any recording that captured the events in question from the officer's perspective. In most cases this would include recordings captured by the officer's assigned equipment such as a body-worn camera and/or in-car camera.

The initial preliminary statement will be the most accurate depiction of the officer's perspective. This informal statement will give the investigator an unabridged version of what the officer saw, how the officer felt, and the rationale behind the officer's actions. It is a good reflection of the officer's state of mind, but not a complete factual representation of what happened. It is the event as it unfolded in the officer's mind. The officer's statement combined with after review statements will allow for the complete documentation of the details of an incident recalled through the recording review (PERF, 2014).

It is recommended that an investigator take into account the effect of viewing the video will have on the officer. It is likely to cause some distress and may re-traumatize the officer. Precautions must be taken to ensure the well being of the officer. There are some incidents in which an officer may choose not to view the video for personal reasons or because the incident was too traumatic. In these incidents, it is recommended the officer not be forced to view the recordings. Any issues that need to be addressed can be addressed through comprehensive interviews.

It is recommended that this entire process be documented in the associated reports. This documentation should include the steps taken and timing of the video review. The involved officer should clearly distinguish between what the officer recalled independent of the video and what was recollected with aid of the video. The investigator should be prepared to explain any discrepancies between the officer's initial statement and the officer's statement after viewing the video. "Where discrepancies exist, investigators need to be knowledgeable and sensitive enough, in the absence of other incriminating evidence, to explain to the officer, the administration, and the public how an officer's perception of an incident can be vastly different from what's seen on a video recording and still be legitimate." (Remsberg, 2015)

It is recommended the officer's formal statement include everything recorded and not recorded in the video. It should include everything remembered before the audio or video began recording. Documentation of the series of events leading up to the recording is imperative. It should also include anything that happened off camera as well as provide explanation of any technical difficulties such as having the camera ripped from its original position, delay in activation, or failure to record. Because the video does not depict an officer's actual perspective, it should be documented what perspective the camera shows and how it differs from the officer's perspective.

It is recommended that agencies ensure a formalized process of viewing recordings is part of the agency's directives. This can be included as a step in the investigative process of officer involved shootings as well in the directives related to in-car or body worn cameras. These directives should establish written procedures regarding who has access to the recordings, storage, retention, and when these recordings can be viewed. It should also provide for the documentation of video review in reports associated with the incident.

Although the recommendation is for allowing video recording review for officers involved in shooting incidents, this topic also relates to allowing for video review by other officers at the scene of the event, other witnesses, the victims, and sometimes even offenders when that review would assist in determining the truth. Video can be shown to anyone to assist with recollection, but cannot act as the only representation of the OIS incident.

In conclusion, it is recommended that officers involved in OIS incidents be allowed to view video recordings of an incident prior to any formal written or recorded statement. We believe the intent of any investigation is to get the truth through a full accounting of events. The only way to accomplish this is to allow the involved officers to view video of the event.

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## **Education and Training Component**

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### **Preface**

It is a certainty that the following will continue to be reality: a segment of the population will commit crimes, weapons will be used in some of those crimes, and armed police will confront that segment and be required to use force, and in some cases deadly force.

Another certainty: Technology has afforded even the least among us with the opportunity to capture life as it happens through the lenses of camera enhanced cellular phones. Police have also taken advantage of technology and equipped themselves with video and voice capturing body worn cameras (BWCs).

Combining the aforementioned produces a captivating collection of newsworthy events that is at the fingertips of all Americans, making once localized events topics for national and international discussion and debate.

Now, more than ever, police must focus on training their ranks to become more disciplined and measured in their approach to use of force when dealing with the public in light of these new realities. New technologies beget training in order to use those technologies effectively.

Questions to be asked in the needs assessment and course development phases of such training include “What is the training designed to do?,” “What value, skill, or way of thinking should the training develop or reinforce?,” and “What do we want an officer to be able to do better, or what do we want them to know that they now do not?” What are the learning objectives or desired outcomes of such training?

The authors of this segment submit that the training considerations for officer deployment of force events should revolve around reinforcing a “sanctity of life” approach to police/civilian confrontations.

With regard to a sanctity of life based approach to training along with education for law enforcement officers and the values associated therewith, we propose that any training in furtherance of those values be separated into three overall categories: policy, tactics, and attention to officers’ well being and safety with the need to respect the lives of others.

### **Policy**

Protocols and directives must be written and delivered to recognize a balance between restraint and de-escalation techniques and the unpleasant responsibility of using force to subdue those who refuse to comply by any other means. Policy training and education is best used as a means to prepare the officer BEFORE a decision on the appropriate use of force presents itself. There is no time to reference manuals or policy

guidelines when an officer is confronted with a dangerous subject. Departmental expectations and protocols must be fully embedded into the minds of officers *before* a confrontation necessitating the use of force occurs.

To facilitate adherence to policy and procedures, an agency's handbook must be readily accessible to and easy to navigate for the officers whose conduct it is intended to direct. Recently the Philadelphia Police Department addressed this issue for its own officers. For over half a century, the Department's 150 or so Police Directives were numbered sequentially without concern for subject matter. As a new directive was added, it would be given the next number in sequence or given the number of an old directive which had been removed as obsolete. For example, Directive 1 concerned Awards and Commendations, Directive 2, Crime Scene Investigation, Directive 3, Tow Trucks, Directive 4, Composing Official Memoranda, and so on. In 2015, the Department revamped their entire collection of police directives and codified them in much the same way a crimes code is organized. Now, directives and procedures governing Tactical Patrol Operations are found together under a single chapter, all rules governing officers' personal conduct have been grouped together, those covering administrative procedures have been unified under their own title, and so on. This will enable officers to get a better grasp on the grouping of interrelated rules and procedures and easily locate those they wish to access as well as more quickly reference directives which are closely related. While this may seem intuitive, reorganizing a collection of directives which had been accumulated over nearly a century is a massive task for any large department.

The accumulation of years of custom and tradition can sometimes interfere with efficient operation and application of policy and procedures. From time to time, there is value in taking a fresh look at the way policies and rules are published and distributed. A simple matter such as reorganizing policies and procedures or implementing a new form of technology in their distribution can translate to greater awareness and adherence.

### **Tactics**

A well-disciplined, well-trained, well-supervised police agency favors tactics aimed at de-escalation and building community support over the assertion of authority in order to coerce compliance even when such may be legally justified.

Tactical training concerns the DURING portion of police engagement. Tactics can be further separated into what training professionals refer to as "soft skills" and "hard skills." Soft skills are those skills which are more difficult to measure empirically. The ability of a Crisis Intervention Team to de-escalate a situation and spare injury or loss of life to others through the effective use of verbal communication can be categorized as a soft skill. Hard skills involve physical execution of tactics which reduce the need for lethal force, such as the proper use of an Electronic Control Device to subdue a subject. The ultimate objective in the use of soft skills or hard skills is to resolve a conflict in an

officer's favor by employing the minimum amount of physical force needed to bring a subject into compliance.

A key issue discussed at the conference of the Police Executive Research Forum in Chicago was the need to rethink the training that police officers receive on de-escalation strategies and tactics. "Looking back at the most controversial police shooting incidents of 2014 and 2015, we sometimes find that while the shooting or other use of force may be legally justified, there were missed opportunities to ratchet down the encounter, to slow things down, to call in additional resources, in the minutes before the shooting occurred."<sup>1</sup>

In recognition of this, many police departments have added official de-escalation and conflict resolution commendations as awards for exemplary achievement in these areas.

#### "A Deadly Weapon is a Deadly Weapon - Or Is It?"

In 2003, the Los Angeles Police Department published a training bulletin which made a critical distinction in the way in which it expected its officers to respond to persons armed with firearms and those armed with a weapon other than a firearm. We find the training bulletin to be so useful that we have embedded it, in part, at the end of this article. The bulletin further divides weapons other than firearms into two categories: edged weapons and blunt weapons, both of which pose a threat to the public and officers. Edged weapons include knives, straight razors, machetes, or hatchets. Although these are common types of edged weapons, broken bottles, sharpened tools, screwdrivers and any tool capable of cutting, slashing or stabbing can also be used with lethal results. A blunt weapon is any object that can be used to strike a person and inflict serious bodily injury or death. These include, but are not limited to, bats, poles, chairs, fireplace pokers, shovels, and 2 X 4 boards.<sup>2</sup>

While time may not be available to an officer when confronting a gunman on the offensive, time may be on the side of officers confronting a person armed with a weapon other than a firearm. In cases of the latter, an equation most likely to produce a positive outcome is **Distance + Cover = Time**. A barrier between officers and the suspect may give them additional time to handle the incident safely. If the suspect is contained and poses no immediate threat to the officers, the public or himself/herself, time should be used to help resolve the situation, rather than using force. Whether or not the situation necessitates the use of force, verbalization should be used in an attempt to stabilize the situation.<sup>3</sup>

The key here is to create a mindset among officers that retreating to cover, concealment and backing away is often a tactically superior option to standing fast and confronting an assailant. *Even when the subject is armed and the police action legally justified*, the public is not always accepting of an encounter which results in the death of an assailant when alternatives existed that would have resulted in subduing the adversary without harm or death to the assailant, officers, or others. It is incumbent upon officers to take

the option most likely to result in apprehension of an armed subject while causing the least harm to either party rather than taking an action which simply ends the threat in the most expeditious manner available without regard for the life of the aggressor.

This “do no harm” approach is clearly a paradigm shift in the way police respond to those who present a risk of physical harm to others. A thought process such as “If he didn’t want to get shot, he shouldn’t have pointed a knife at me” may have been palatable to the public in the past. In an age of enormous mental health complexities where even the psychologically strongest and decent among us may fall victim to breakdown and irrational behavior, a more enlightened approach is needed.

### **Well Being And Safety Concerns**

A concern for officers’ well-being and safety must permeate all phases of training: before, during and after a confrontation. Officers should receive special attention AFTER a crisis incident, such as when an officer is forced to take a life or when exposed to other violent encounters with armed adversaries. This may include counseling, the opportunity to vent, and the support of colleagues. As an example, the Philadelphia Police Department has an Employee Assistance Program (EAP) which not only services the needs of its employees but the family members of officers as well. The EAP is by design located in a facility geographically separate from any and all police operational facilities. The EAP unit is staffed by seasoned officers who have undergone intensive training in the area of peer counseling and have access to numerous resources to address an officer’s or family member’s unique issues, such as chemical dependency, marital tensions, or other work and non-work related challenges.

### **Delivery**

In late 2015, the Philadelphia Police Department created a Reality Based Training Unit (RBTU) whose personnel fall within the Training Bureau. The mission of the RBTU is to train police recruits and retrain in-service officers in the importance of de-escalation and minimizing deadly force encounters to the extent that can be influenced by the officer. The Department has mandated this training and the completion of the course is required by all patrol officers. Each recruit class, beginning with those graduating at the end of 2015 will graduate with 40 hours of de-escalation training, having been exposed to numerous shoot/don’t shoot scenarios and others which an officer may typically encounter on the street. In many of them, the scenario is scripted in such a way that an officer would be legally justified in using deadly force. However, the scenario actors, who are sworn police officers working in the training bureau, act in such a way as to also present the learner with non-lethal alternatives so as to potentially resolve the matter without resorting to deadly force. The outcome is carefully scripted to react to specific actions taken by the training subject which then trigger a specific response in the trainer/actor. This training is designed to reinforce a sanctity of life approach to street encounters: exhausting all reasonable alternatives before resorting to deadly force.

The training is conducted daily and officers are scheduled for participation in the same way they are scheduled to take state-mandated annual training, thereby providing the swiftest delivery with minimal disruption to patrol operations. Police must successfully participate in 40 hours of RBTU training while in-service personnel are given eight hours of training which calls on them to incorporate the benefit of years of experience into the training sessions. Those members of the department who were recently engaged in Officer Involved Shootings (OIS) are given priority in the training much as those officers involved in Traffic Accidents, preventable or non-preventable, are required to undergo advance driver retraining. This course is not meant to be construed as disciplinary in nature but instead serves as a refresher. It offers the learner an opportunity to both experience and talk through factors which lead to the accident or shooting, giving instructors valuable insight which can be incorporated into future training.

The 40-hour curriculum of the RBTU program designed for recruits encompasses both policy indoctrination and tactical execution. The first day is dedicated to classroom discussions and presentations surrounding policy while the remaining four days of instruction provide for hands-on activities in realistic scenarios. While a larger department such as the Philadelphia PD may have the resources and customer base to conduct in house training, smaller departments could work together to contribute resources to regional Reality Based Training programs.

### **Measurement**

Measurement of de-escalation training, which in substance is an exercise in soft-skills proficiency, is admittedly more difficult than measuring hard skills training, such as shooting at a target or the physical take-down and disarming of an adversary. In the latter two, the proximity of bullet holes to the center of the target make scoring easy. When an adversary is taken to the ground, immobilized, stripped of anything that could hurt the officer the exercise is deemed successful. How does one determine if a de-escalation skill is successfully learned and implemented? A useful framework is Kirkpatrick's Four-Level Training Evaluation Model. In it, Donald Kirkpatrick, outlined four stages or levels, which allow a trainer to gauge the effectiveness of any training program. This model is applicable for reality based de-escalation training programs. According to Kirkpatrick, the four stages of training evaluation are Reaction, Learning, Behavior, and Results.<sup>4</sup>

1) Reaction: Trainers should observe the reactions of trainees as they proceed through the training itself to get a sense of how the participants think and feel about the training. This is not difficult to determine among a group of police officers who generally are more than willing to express their feelings about the utility or futility of a given training when given the chance. Trainers should take care to adopt a totality approach to the feedback and not focus on any one single positive or negative reaction to the training which could be based on an implicit or explicit bias. Obviously, an agency wants trainees to feel that the training was a valuable experience and to feel good about the instructor(s), the topic, the material, its presentation, and the venue. It is important to

measure reaction, because it helps one understand how well the training was received by the audience. It also helps improve the training for future trainees, including identifying important areas or topics that are missing from the training.

2) Learning: What the participants now understand or know that they previously did not should be measured to the extent possible. When the training session was first designed, it should have started with a list of specific learning objectives. These should be the starting point for measurement. Learning can be measured in different ways depending on these objectives, and depending on whether there is interest in changes to knowledge, skills, or attitude. This can be done through focus group interviews, academically constructed written exams, and discussion or table top exercises. It is important to measure this, because knowing what the trainees are learning and what they aren't will help to improve future training.

3) Behavior: At this level, evaluate how much trainees have changed their behavior based on the training they received. Specifically, this looks at how trainees apply the principles of de-escalation and conflict resolution in their dealings with the public. It is important to realize that behavior can only change if conditions are favorable. For instance, imagine a measurement was skipped at the first two Kirkpatrick levels and, when looking at the officers' behavior, it is determined that no behavior change has taken place. As a result, it may be assumed that the trainees haven't learned anything and that the training was ineffective. However, just because behavior hasn't changed, it doesn't mean that trainees haven't learned anything. Perhaps supervisors or institutional constructs make it difficult to apply the training. Or, maybe participants learned everything taught, but they have no desire to apply the knowledge themselves due to morale or other issues. It requires an insightful 360 degree approach to identify and weed out any such barriers to actual application of de-escalation skills.

4) Results: The final step is analyzing the results of training. This includes outcomes that the department has determined to be safe for officers, good for the community, and bridges gaps between the police and the communities they serve. Results can come in measurable form such as decreased complaints against officers, decreased civil claims, increased favorable coverage by the media or a shift in the number of positive versus negative comments appearing in social media as recorded by members of the community at large. Most importantly, is a measurable decrease in the number of injuries sustained by both officers and members of the community, which is ultimately the crowning achievement of a sanctity of life approach to policing.

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# TRAINING BULLETIN

Los Angeles Police Department

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## WEAPONS OTHER THAN FIREARMS

Dangerous confrontations between suspects armed with weapons other than firearms and the police have become a recurring event and often result in serious bodily injury or death. Weapons other than firearms fall into two categories, edged weapons and blunt weapons, both of which pose a threat to the public and officers. Edged weapons include knives, straight razors, machetes, or hatchets. Although these are common types of edged weapons, broken bottles, sharpened tools, screwdrivers and any tool capable of cutting, slashing or stabbing can also be used with lethal results. A blunt weapon is any object that can be used to strike a person and inflict serious bodily injury or death. These include, but are not limited to, bats, poles, chairs, fireplace pokers, shovels, and 2 X 4 boards.

Several books and videos exist that discuss distances, such as “the 21-foot rule” for dealing with suspects armed with edged weapons, however distance is not the only factor that must be considered. When confronting a suspect armed with a weapon other than a firearm, officers must assess the type of weapon and determine the suspect’s ability to inflict serious bodily injury or death with that weapon.

The purpose of this Training Bulletin is to provide officers with options to deal safely with a suspect armed with a weapon other than a firearm. The goal of the Department in these situations is to resolve the incident using the minimum force necessary. Remember, a suspect who is armed with a weapon other than a firearm, who challenges several armed police officers, is not acting rationally and likely to be in crisis.

## INITIAL ASSESSMENT

Based upon the totality of the circumstances, every situation will be handled differently and there is no single solution. Officers should consider options and discuss tactics prior to an encounter with a suspect armed with a weapon other than a firearm.

Some factors to consider when assessing one of these situations are:

- The type of radio call or activity that brings the officers into the situation, e.g.,

emotionally charged incidents such as domestic violence, a person showing signs of impaired judgment, or a crime in progress

- Suspect's size, age and physical condition
- Danger signs, e.g., persons talking to themselves or unprovoked agitation
- The individual's state of mind, e.g., angry, confused, evasive, threatening
- The availability of cover and concealment or barriers
- The need to increase the distance from an individual with a weapon
- Access to places where dangerous objects could be concealed such as bags, pockets or bulky clothing
- Remember to always observe the individual's hands

### **DISTANCE + COVER = TIME**

There is an equation that saves lives, "Distance + Cover = Time." Time allows officers the opportunity to communicate with the suspect, plan tactics, and if necessary call for additional resources. Once the suspect is contained, time is on the side of the officers. Entering the suspect's space prematurely or forcing a suspect to take action may only escalate the situation.

The urgency for officers to create distance between themselves and a suspect armed with a weapon other than a firearm cannot be overstated, due to "lag time." Lag time is the time it takes a person to react to an action. Officers should not close the distance too quickly before they have assessed the situation or lag time could put them in danger. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer.

If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation. A Systemwide Mental Evaluation Assessment Response Team (SMART) can be requested through the Mental Evaluation Unit (MEU) if officers' assessment indicates an individual has a mental or developmental disability. If the suspect is barricaded or suicidal, the Crisis Negotiation Team can be requested through Metropolitan Division.

### **ESTABLISHING CONTROL**

A situation is more likely to have a positive outcome if officers are able to establish control of the situation. In order to do this, officers should establish a Combative Suspect Control Team and attempt to contain the individual. Remember that our first concern is the safety of the public, which must be balanced with officer safety. Officers should obtain information about the suspect, including the type of weapon involved and

anything that could help establish rapport, from family members, witnesses, or bystanders. These measures are crucial to ensure the safety of everyone at the scene.

Officers have several use of force options available if the suspect poses a direct threat to the public or officers. The force used must be appropriate for the actions displayed by the suspect. If a suspect armed with a weapon other than a firearm is contained and poses no immediate threat to himself/herself, the public or police officers, officers should attempt to resolve the situation by means of communication rather than immediately using force. Communication is a tactic that can be utilized to resolve situations without resorting to force, thus reducing the likelihood of injury to officers or suspects.

## **COMMUNICATIONS**

Effective communication throughout the incident is vital when dealing with a suspect armed with a weapon other than a firearm. Officers must be flexible in their communication, using the suspect's reactions to determine if the particular line of communication is working. Officers may have to give clear direct orders using command presence then switch to being a crisis negotiator, then back to using command presence as the situation evolves. Officers should establish a rapport by treating the individual with respect and using a low, soothing tone of voice. The contact officer should introduce himself/herself by name and ask what is troubling the person.

Open-ended questions should be used to get the person talking, such as "what happened today" or "why are you troubled" and "how can I help you?" Talking with a person may defuse the crisis or buy time, thus enabling a peaceful resolution. Listening skills are essential to identify the individual's problem and provide a possible solution. Repeat the individual's problem back to them and attempt to solve the problem by discussing solutions. Give the person hope that the problem can be solved. Often, using active listening skills, paraphrasing and allowing the suspect to vent frustrations can have a positive impact on the situation.

When dealing with a person who is mentally ill and armed with a weapon other than a firearm, communication can be an officer's best tool in resolving the situation. Although communication efforts may seem to be slow and tedious, they frequently result in the de-escalation of the situation without using force. Remember, when an armed individual is also a person with a mental illness, it is important to try to speak in a calm, firm voice. If possible, create a tranquil environment during the contact, speaking slowly can often help improve communications. Individuals who are mentally ill are easily overwhelmed or distressed by too many demands. When communicating, use short sentences and give one order at a time. Officers may have to repeat themselves numerous times before the person will respond. If tactics permit, give more than one option, instead of an ultimatum. It is important not to join in with the person's hallucinations by either agreeing or disagreeing with him/her. Good communication with the suspect can

prevent the incident from escalating to a use of force, thus reducing the threat of injury to the officers and the suspect.

### **SCENARIO #1**

Officers respond to a radio call of a man disturbing the peace. The officers immediately notice a man standing in the middle of the street wearing bulky clothing with an unkempt appearance yelling at himself. The officers approach and stand behind a parked car, placing a barrier between themselves and the man. When the man notices the officers, he draws a knife from his jacket and waves it frantically. One of the officers verbalizes with the man and attempts to establish a rapport with him. The man becomes angry and charges at the officers behind the parked car. Because the car is a barrier between the officers and the man, the officers do not fire their firearms and make one last attempt at stopping the man's actions using strong verbalization. The man stops and drops the knife, and the officers are able to take him into custody.

### **SCENARIO #2**

Officers respond to a radio call of domestic violence. The officers observe a car in the parking lot of a strip mall matching the description of the car in the comments of the call. The officers look inside the car and see a woman with several visible injuries, crying and yelling at a man she says is her husband. There is no one else in the area. The man becomes upset and pulls out a hunting knife from underneath the seat and threatens to kill himself if officers try to arrest him. The man and the woman get out of the car and the woman runs to the officers and is out of harm's way. The man stands by the car door with the knife in his hand. The officers back up behind a wall that is about three feet high creating distance between themselves and the man. The officers attempt to communicate with the man, request back-up units and formulate a tactical plan. Additional officers arrive including a Beanbag Shotgun equipped officer. The officers put together a Combative Suspect Control Team and after the man puts the knife to his wrist and starts to cut, an officer gives a verbal warning then shoots the man one time with a Beanbag Shotgun. The Beanbag round disables the man and allows officers to utilize a team take-down technique and take him into custody without any further injury.

Note: Officers shall not use deadly force to attempt to disable a suicidal individual who lacks the present ability to cause serious injury or death to anyone other than himself/herself. The use of firearms to attempt to disable a suicidal suspect are generally ineffective and are likely to increase the risk of serious bodily injury or death to the suspect.

### **SCENARIO #3**

Officers receive a radio call of a suicide in progress at a city park where the individual is armed with a ten-inch kitchen knife. At scene, officers observe a man alone inside a fenced baseball field with a knife to his throat. An officer verbalizes with the man and develops a rapport with him. The officer convinces the man to put the knife down. The man places the knife at his feet, but he refuses to step away from it. The officer continues to verbalize with the man, who is contained on all sides by a six-foot high

chain link fence. The officers elected not to deploy the beanbag shotgun because the man did not pose an immediate threat to the officers, the public or himself. After several hours of negotiation the man decides to step away from the knife and submit to arrest.

## **CONCLUSION**

Officers may come into contact with emotionally charged suspects in situations such as domestic violence, crimes in progress, and people in crisis. With the rise of incidents involving weapons other than firearms, the equation that is most likely to produce a positive outcome is Distance + Cover = Time. A barrier between officers and the suspect may give them additional time to handle the incident safely. If the suspect is contained and poses no immediate threat to the officers, the public or himself/herself, time should be used to help resolve the situation, rather than using force. Whether or not the situation necessitates the use of force, verbalization should be used in an attempt to stabilize the situation.

Field Training Services Unit

Continuing Education Division

## Building Community Support

### Major SEAN NAITO, Honolulu Police Department

While the challenges facing law enforcement across the United States today are great, unfortunately, the underlying issues are not new. Recent high profile use of force incidents by law enforcement have highlighted the rising tension between the police and the communities they serve. These incidents seem to indicate that many communities have lost trust, respect, and confidence in their police departments. Sir Robert Peel's philosophy of "the people are the police, and the police are the people" has never been so relevant. It serves as a reminder of the essence of community policing and the responsibility that is shared by all for public safety and the maintenance of order.

Police departments need to remind themselves to continuously evaluate their relationship with their local community as it is ever evolving. They should also commit to providing professional police service and never be complacent in their endeavor.

Resources that provide foundational guidance and support have recently been published and are available for law enforcement. Some of the more notable publications include:

- The President's Task Force on 21<sup>st</sup> Century Policing (2015)
- The IACP National Policy Summit on Community-Police Relations: **ADVANCING A CULTURE OF COHESION AND COMMUNITY TRUST** (2015)
- The Major Cities Chiefs Association, Major County Sheriffs Association, and Federal Bureau of Investigation National Executive Institute **Engagement-Based Policing: The What, How, and Why of Community Engagement (2015)**
- The Office of Community Oriented Policing Services, U.S. Department of Justice, and the Police Executive Research Forum *Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: AN EXECUTIVE GUIDEBOOK* (2015)

To effectively provide professional police service, police departments need to build and maintain strong community-police support and relationships. Strong support and relationships are built on **effective communication, collaborative partnerships, and trust.**

### Effective Communication

Effective communication is essential to establishing and maintaining strong community-police relationships. In our context, communication is most effective if it is open, honest, and consistent. Such communication promotes transparency, both internally and externally, which in turn engenders trust. Further, effective communication should be consistent in providing reliable and accurate information at all times and not just when

deemed convenient. The latter practice lends itself to the appearance of self-serving manipulation while the former practice promotes trust.

### **Internally**

Employees at all levels within an organization need an opportunity to participate in the decision making process and allow for proactive input to identify challenges and possible solutions. Clear expectations and examples of professional service need to be provided and reinforced to all employees.

### **Externally**

The community should be provided with information on how and why things are done via educational programs such as citizen academies. Information should be made readily available to the community via published department policies and procedures, crime statistics reports, use of force statistics reports, officer disciplinary reports, citizen advisory boards, community meetings, surveys/questionnaires, and use of social media.

### **Collaborative Partnerships**

Police departments need to establish collaborative partnerships with their communities to identify concerns and develop policies and strategies that effectively utilize resources to reduce crime.

### **Internally**

Effective partnerships begin internally within an organization. An organization should provide employees with the tools and resources needed to successfully perform their jobs. Training to promote treating people with dignity and respect through ethics, diversity, non-bias based policing, critical incident/crisis, leadership, and other service oriented training is critical. Incentives to encourage broader and diverse perspectives through higher education reimbursements for employees are also very important.

### **Externally**

Collaborative partnerships allow opportunities for the community to have input and a voice via regular community meetings and advisory boards. Educational programs such as citizen academies mentioned above, and crime fighting programs such as neighborhood security watch and Crime Stoppers tip lines allows direct participation with police departments. Police Activities League and DARE are other youth programs that help establish continued partnerships for the future.

### **Trust**

Peel's principles of policing emphasized the importance of crime prevention through the collaborative relationships established by trust between the police and the community. In an effort to gain public trust and confidence, Peel advocated for a clear distinction between the police and the military starting with the utilization of distinctly different uniforms by law enforcement. While comparisons between the two are unavoidable to a

certain extent, police should make a concerted effort to minimize similarities as much as possible in order to engender trust with the community it serves and protects.

In recent high profile events involving protesters and local law enforcement, communities have been concerned with images of police attired in riot gear alongside combat-like vehicles. Such colors, styles, designs, and overall appearances of police uniforms and equipment may adversely affect the public's perception of the police as well as how the police view themselves.

A 2009 United Kingdom survey found that some citizens had less confidence in the "professionalism and honesty" of the officers patrolling communities in what has been referred to as the "American SWAT" type of uniform versus the more traditional look that incorporated a shirt and tie (Tozer).

In the United States, citizen anxieties, regarding the perceived militarization of law enforcement resulted in the American Civil Liberties Union (ACLU) publishing a 90-page report in 2014 entitled "War Comes Home: The Excessive Militarization of American Policing" further complicating the trust relationship between police and communities (Johnson).

However, there are numerous steps law enforcement can take to cultivate trust in the community and to change public perception as it pertains to militarization. Law enforcement should take note that such changes need not be sweeping in order to influence perception. In fact, studies have shown that even small changes to uniforms, such as to color, can have a profound psychological impact on community perception.<sup>2</sup> Thus, it behooves police departments seeking to build community support to seriously evaluate the uniform and the emotion it may provoke in the local community. Again, communication and transparency during the process can only engender trust in the community and demonstrate law enforcement's openness and sensitivity to community input further fostering a healthy police-community relationship.

Ultimately, trust is the most essential element in establishing and maintaining a strong police-community relationship. Trust and legitimacy are built and fostered in a culture of transparency and accountability utilizing effective communication and collaborative partnerships. It is sustained by mutual respect and is ultimately measured by a community through the fair and equitable treatment by the police.

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## Community Input

### DEBORAH LANGFORD, Montgomery County Police Department

Community outreach and engagement sound simple, and until recently law enforcement (LE) agencies seemed to be making advances in both challenges. LE recognizes it is important for agencies to proactively engage diverse segments of the community. It not only builds trust and gains buy-in but provides contacts when tensions escalate and at that point information sharing is critical. In today's climate, agencies that do not see the need to take these steps are fooling themselves into a false sense of security.

Agencies should take steps to engage diverse members of their communities, especially with those critical of their actions, in order to explore issues of mutual concern. Neighborhood meetings, citizen academies, advisory groups from the multiplicity of community interests, and other outreach activities can effectively build relationships with the community. Targeted activities to increase interaction with neighborhood youth will go a long way to improving community relations. In 2014, a business owner in Saint Paul, Minnesota, organized a cookout for police and members of a "challenged" neighborhood so they could get to know each other. 'Safe Summer Nights' included volunteers who contributed the food and provided 10,000 meals at recreation centers and parks. Relationships were forged, crime was reduced, and its success resulted in the program expanding in 2015 (Safe Summer Nights).

LE knows the key to good police/community relations is to develop positive associations with community groups before any negative incidents occur. Establishing public trust will allow for open dialogue before heated feelings escalate a situation. Forming trusted alliances in the community does a number of things. It provides a direct connection to help communities understand the significance of incidents and events that occur. It taps into public thought on issues and demonstrates transparency by allowing for the sharing of information and partnering in order to solve problems of importance to everyone. It also provides a sounding board for LE to explore ideas and gain feedback regarding planned initiatives.

Building relationships with all minority and ethnic communities is vital. Relationships in the Muslim community are particularly important and have been difficult to achieve. This subject was addressed by Lieutenant Mark Stainbrook of the Los Angeles Police Department in his article "Policing with Muslim Communities in the Age of Terrorism" in Police Chief Magazine, January 2016 (Policing with Muslim Communities). Stainbrook writes about police forces in the United Kingdom who formed Neighborhood Policing Teams (NPTs) to protect and serve the Muslim community after the July 7, 2005, terrorist attack on the underground rail system and a double-decker bus in London left 52 dead. The NPTs were established so police could engage the complex, diverse community more fully, and this program is credited with reducing hate crimes against them.

Engagement and understanding the communities being served increases the chances of positively influencing them. While working with international neighborhoods police agencies must recognize how global events might impact the local communities. Communications technology and inexpensive air travel allow Muslim communities to stay connected to their homelands. LE should monitor media sources used by the community to provide insight into their local and world views. Learning about a community's history, country of origin, demographics, social structure, religious background, immigration pattern, cultural nuances, and its relationship to other communities is termed community mapping and is crucial to engagement and understanding. Academics study such concepts and dynamics and they can be excellent sources of information on how the community is organized and how it functions in the larger society.

Identifying people as resources to disseminate information is key, and it is important to find the community leaders who can be trusted as allies who are also trusted by their communities. Police agencies must build relationships with both young Muslim men and Muslim women as well. While some individuals are uncomfortable approaching police, faith-based and social service organizations may be able to better facilitate contact with members of the community.

In the event of a terrorist attack, it is beneficial to have a predetermined media crisis action plan to communicate in every available medium and every applicable language. Similarly, a community reassurance plan for all communities can mitigate negative effects. When a terrorist event occurs, the reassurance plan should include:

1. Briefing community leaders of the situation prior to briefing the media to reduce rumors and speculation
2. Providing extra patrols in the affected areas
3. Supplying police officers with information, including leaflets for distribution
4. Conducting a series of community forums to address fears and concerns
5. Continuously updating agency websites on the status of the investigation.

The reassurance plan should be as detailed and as well prepared as the operations plan, but should be coordinated so that no sensitive information that can compromise the investigation is leaked (Policing with Muslim Communities).

Today LE agencies are thinking of innovative ways to positively engage their communities so that enforcement is not their only contact. The Hawthorne, California, Police Department applied for the "Goals and Dreams" grant through the National Hockey League. In two years the program grew to 80 children on six teams. Chief Robert Fager stated,

"To think that societal relationships are a secondary priority in running a public safety organization is professional suicide. Law enforcement is built

upon the trust and needs of its community—and with the advent of social media and information access, that community can be national in scope. Our department’s contemporary philosophy integrates direct interaction with our citizenry through community forums, youth scholastic and sports partnerships, no-cost driver safety and basic first aid classes and our personal pride –Coffee with a Cop. In essence, create offerings that move or attract people, then invest your staff in it. Not only do you derive true-value feedback, but moreover, you literally reintroduce police officers and citizens to each other, with no overtone, and allow them to reinvigorate the common goal of a safer more enriched community.” (Ready, Set, Engage!)

Gaining trust of the Bristol, United Kingdom, Muslim community helped earn the police department a Police Review Diversity in Action Award. The money from that award was then put back into other initiatives in that same community. Funds were used to support victims of forced marriages (Sky Program). The finances were used to engage youth from 14–17 years old with discussion workshops looking at various issues affecting young Muslims in Britain (Somali Youth Forum). Resources were also used with the Bristol Somali Youth and Cultural Society providing a football league to Somali teenagers from 15 – 18 years of age. In addition, female officers were provided with multi-faith head coverings (head scarves) that can be used in any place of worship. These have had a positive reaction from both the Muslim community and the officers. The Bristol community engagement team meets with representatives from all of the mosques to discuss issues that affect Muslims in general. They are focused on giving local people the chance to influence the way their neighborhoods are policed (Different Strokes).

For those interested in a “how to” community engagement instruction, the “Community Outreach and Engagement Principles,” is a document written by the IACP Committee on Terrorism. This paper delineates levels of engagement with the community. For each level of engagement there is a description of the extent of engagement, guidance on how to reach the level, and criteria to measure success (Community Policing Principles).

Recognizing the adverse impact that mistaken involvement stops had on innocent citizens and police departments, the Northern Virginia Criminal Justice Academy and area law enforcement officials developed the “DEAL” Training Program. This four-step training, derived from interviews with individuals involved in such stops, demonstrated that often it is not the stop itself that is upsetting to the citizen but the actions of officers during resolution. The training aims to sensitize officers to perceptions of citizens. The four steps are:

De-escalate and Defuse – Once an officer begins to realize the person may not be involved in the criminal activity that precipitated

the stop steps should be taken to remove the confrontational aspect of the stop: additional units that may have stopped should return to patrol duties; conversation with the citizen should move to the sidewalk where it is less likely to look to passersby that the citizen did something wrong; weapons no longer need to be visible.

Explain and Empathize – Upon being stopped, citizens tend to be emotional. Immediate obedience can be replaced by anger, fear, or embarrassment. Officers should acknowledge this emotional reaction and offer a detailed explanation for the stop; possibly sharing with the citizen the information they have that precipitated the stop (e.g., asking the dispatcher to repeat the lookout).

Apologize – Many officers shy away from apologies, especially when they have not done anything wrong, but a sincere apology for the unintended consequences, tactfully and carefully phrased will go a long way to affirming the worth and dignity of the person stopped. For example, “Mr. Jones, I understand how frightening it is to have a gun pointed at you, and I’m sorry I had to do that. Most people would not have remained as calm.” Keeping the citizen informed of what is occurring, reinforcing positive behavior, and empathizing about the situation can help reduce conflict.

Leave Them in Control – Such stops strip the citizen of control, which is a source of trauma. A sense of control can be restored to the citizen before the person leaves the scene by presenting him or her with decisions posed as questions, such as “May I give you my card with my name and that of my supervisor?” or, “If you are late for an appointment, would you like me to contact someone to explain you’ve been delayed?” If a confrontation ensues, other officers trained in DEAL can remain neutral and serve as mediators. If a citizen insists on making a complaint, the officer or mediating officer should explain the process and offer reasonable assistance. The citizen should be assured the complaint will be taken seriously (Effective Management of Mistaken Involvement Stops).

A case study on this topic stems from 2006 in Spokane, Washington, when Otto Zehm died after an altercation with police. Zehm was unarmed at the time, and his death was ruled a homicide. Paired with a lack of transparency and accountability regarding the department’s investigation, this led to growing community unrest and distrust of the police department. In 2012 the new Mayor, David Condon, established the Spokane Use of Force Commission, which issued 26 recommendations, including conducting a cultural audit of the department; securing accreditation from the Washington

Association of Sheriffs and Police Chiefs; establishing a continuing crisis intervention training program; improving the investigation of use-of-force incidents; developing and deploying an early intervention system; equipping officers with body-worn cameras; and investing the Office of Police Ombudsman with authority and discretion to open and conduct independent investigations concerning the operations, actions, or omissions of the department.

The new Spokane Police Chief developed and executed a strategic plan to reduce crime that had increased during the previous six years, implement the Use of Force Commission's recommendations, and restore community trust. He requested assistance from the U.S. Dept. of Justice's Office of Community Oriented Policing Services (COPS Office). In 2011 COPS established the Collaborative Reform Initiative for Technical Assistance program (CRI-TA). Collaborative reform is a proactive, non-adversarial and cost effective form of technical assistance for agencies with significant law enforcement-related issues. CRI-TA provides a process to create department-wide reform and improve community trust without a formal Civil Rights Division investigation and monitoring under a consent decree (U.S. Department of Justice).

The 42 findings and recommendations that resulted from the CRI-TA's *COLLABORATIVE REFORM MODEL A Review of Use of Force Policies, Processes, and Practices in the Spokane Police Department* can be found at <http://ric-zai-inc.com/Publications/cops-w0751-pub.pdf>. The first presentation of the report was to the entire police department followed a few hours later by a press conference and community stakeholders meeting. A series of community town hall meetings were held to further engage the community and solicit comments. City leaders were briefed by COPS. The U.S. Attorney's Office continues to work closely with the COPS Office, the department, and the community to provide local Department of Justice oversight. The Spokane Police Guild (labor organization) and the Spokane County Lieutenants and Captains Association have assisted throughout, and the Police Advisory Board, community members, faith-based organizations, neighborhood and other groups continue to provide input and external review. The report concluded that Spokane officers did not routinely and deliberately engage in excessive use of force or deadly force, nor did they find a pattern of biased application of force. Spokane PD implemented a policy that all commissioned personnel will complete 40 hours of Crisis Intervention Training, and established an enhanced crisis intervention team with more than 100 hours of training. Additionally, by the end of 2015 all 180 uniformed police officers were equipped with body-worn cameras. Precinct-based youth/police dialogues and a summer sports

program are employed. The police advisory board was revitalized and the citizen's academy reestablished. Also an advisory board on minority concerns was established (Collaborative Reform in Spokane).

## **MCCA Agencies**

Many agencies now address the issue of community involvement on their websites. Toronto Police Department has gone a step further. In 2012 the Chief directed the Chief's Internal Organizational Review (CIOR) to examine all aspects of community engagement. The resulting Police and Community Engagement Review (PACER) report and 31 recommendations to be implemented by December 2016 are provided on their website ([www.torontopolice.on.ca/publications/files/reports/2013\\_pacerreport.pdf](http://www.torontopolice.on.ca/publications/files/reports/2013_pacerreport.pdf)).

In Phoenix, a Police Community Engagement and Outreach Task Force was formed to generate a report and recommendations. A Community Engagement and Outreach Implementation Team was also created to regularly review progress on implementation of those recommendations. Their report and recommendations can be viewed at ([www.phoenix.gov/police/neighborhood-resources/outreach-task-force](http://www.phoenix.gov/police/neighborhood-resources/outreach-task-force)).

Another resource that addresses the issues of this discussion is The Final Report of the President's Task Force on 21<sup>st</sup> Century Policing, May 2015. U.S. Department of Justice ([www.cops.usdoj.gov](http://www.cops.usdoj.gov)).

## **De-Escalation**

De-escalation is an important topic in the discussion on Community Input on OIS policy. Opinions on the use of force are at the heart of the controversy. An excellent resource on this topic is "Critical Issues in Policing Series – Re-Engineering Training on Police Use of Force, August 2015, put together by the Police Executive Research Forum (PERF). This informative document was compiled at a gathering of 300 US Police Chiefs, other law enforcement executives, also federal government officials, academics, and representatives of police agencies in the UK. Speaking candidly, they identified that managing use of force will require changes in policy and training, but that will not be enough. It will also require changing the police culture. Where in the past the main focus has been for officers to be concerned about getting home safely, now a broader concept of sanctity of all human life is emphasized. Incidents must be evaluated: the guidance is to slow things down, utilize "tactical disengagement," bring in additional resources and/or a supervisor to determine the level of threat and response needed. This procedure goes against previous training tailored to split-second decisions. There is a growing recognition that a review of an officers' use of force should not focus solely on the moment a gun was fired or force was used but should cover what led up to the incident. Now the officers may be held accountable if they fail to de-escalate the situation in order to avoid use of

force. A decision by a prosecutor or jury that use of force was not a crime does not address the community trust issue (Critical Issues in Policing Series).

Video recordings contribute to the shift in philosophy. Seeing troubling video footage of negative police encounters with the public has fueled the fires of discontent. Many officers viewing the videos are disturbed with what they see. The actions of a small number of officers has focused negative attention on all officers. Training in many jurisdictions is now aimed at slowing encounters between officers and the public. To change the thinking and the vernacular, formerly officers were painted as warriors in the community, but now they are referred to as guardians.

In an October 7, 2015, USA Today article, *In face of criticism, police officials preaching de-escalation tactics*, Kevin Johnson reported on the Leesburg, Virginia, Police Department five-hour training program that includes study of videos of negative police encounters with citizens in Charleston, Seattle, and Albuquerque. Officers watched, dissected, and critiqued the videos, in some cases over and over the same way sports teams prepare for matches. Watching the videos was very upsetting to some officers. Some were uncomfortable judging actions of others after the fact, but one officer interviewed indicated it made her want to change the image. Chief Joseph Price said, “We changed the terminology to ‘response to threats or resistance.’ Use of force sounded like officers were initiating the action. Sure it’s largely symbolic, but we wanted to stress at all levels that the change in title shows that action is only taken when an officer is forced to use it (In face of criticism).”

According to Chief Price, initial resistance among some officers, including combat veterans, was largely overcome during animated discussions that centered on the core mission of protection. The warrior-laden training has been replaced in the training academy with the new guardian training. According to Leesburg PD Sgt. Bob Thompson, in the old academy “you saw a lot of technology and equipment used in the military start to transform police policy. It was making us look more like the military. There was this focus on the warrior mindset, but it was leading us down the path of a siege mentality.” Vanita Gupta, head of the Justice Department’s Civil Rights Division said, “De-escalation training is “changing ‘use of force norms’ in police agencies across the country (In face of criticism).”

In his New York Times article, Timothy Williams reports police departments are rethinking longstanding ideas of how officers are trained and revising core training standards and tactics, reassessing when and how to make arrests and re-evaluating how officers approach and interact

with members of the public. Military style exercises may be credited with helping to reduce crime but may also impede officers' ability to win public cooperation and trust. In 2012 Seattle, developed new training as part of a consent decree after the Justice Department found that police engaged in a pattern of excessive force. Now officers are taught to ask open-ended questions, paraphrase what a person has just said to show they are listening, and make statements connoting empathy with the person's situation. There has been resistance from veteran officers, some of whom filed a lawsuit challenging use-of-force guidelines required by the Justice Department. Other officers have become hesitant to confront people acting suspiciously because the Justice Department now requires detailed reports when force is used or someone is questioned during a street stop. Officers contend police work is individualistic, when in fact the Department is trying to standardize their activities in order to reduce discriminatory policing and potential errors (Long Taught to Use Force).

Ernest Brown, Chief of the Darien, Illinois, Police Department, writing in Police Chief Magazine, states that following academy training, new officers are assigned to the busiest areas of the city. There they face a high volume of calls, and while they have a desire to impress peers and supervisors, they encounter negative information from incumbent officers that is not based on police science, rather it reinforces social profiling rather than criminal profiling. This often leads to fractured relationships with the public. He recommends developing academic blocks of instruction on criminal profiling and initially assigning officers to the slowest areas in order to become efficient crime fighters and community engagement specialists. A slower pace will allow them to become acclimated to varying needs and expectations of the public. This should result in better trained officers, better community relations, a decrease in complaints, an increase in those involved in criminal activity being stopped, detained, or arrested, and a more positive perception of the agency by the community. Officers who have mastered criminal profiling have very high arrest and conviction rates, very low to nonexistent complaint histories, and are highly respected by peers, superiors, and prosecutors because their cases result in quality prosecutions (Two-Step Solution).

De-escalation techniques for juveniles differ from those of adults. Adults have a greater ability to control their aggression. They most often display deliberate aggression, which is usually a criminal act with specific intent to do harm. Juveniles can exhibit deliberate aggression but also emotional aggression, which is usually an out-of-control act that is often annoying and loud, quickly ignited, and can occur repeatedly over a short time period. In his article, "De-escalating Juvenile Aggression" in Police Chief

Magazine, Jeffrey Golden provides a discussion of what causes juvenile aggression and provides step-by-step models for de-escalating deliberate juvenile aggression and emotional juvenile aggression. The techniques provided do not work on juveniles under the influence of drugs. Given that juvenile arrests for violent crime are predicted to increase rapidly in coming years, de-escalation tools for dealing with juvenile aggression should help keep juveniles, officers, and bystanders safer (De-escalating Juvenile Aggression).

De-escalation can be approached from a variety of ways. One strategy involves training officers to tactically evaluate the situation, slowing things down if possible, and moving back to properly assess the variables in play. Reviewing videos and identifying ways to handle incidents differently is an excellent teaching tool. Showing citizens videos so that they understand what officers see and deal with in the context of their policies and procedures as well as safety concerns can also be effective in building trust and acceptance for police actions. While de-escalation methods are discussed in more detail elsewhere in this paper, it is an important concept in building community relationships.

The final aspect of this section pertains to changes in the relationship between LE and many communities because of video technology during OIS incidents coupled with activist interests in state legislatures. Citizens are recording encounters between police and communities, allowing lawmakers and courts to watch and judge officers' actions attentively. Accusations and questions by these observers are changing the landscape of law enforcement. This change is caused by new bills focused on charging officers in OIS that are being introduced at the State level. These bills are causing officers to reconsider how they engage the public because of the threat of prosecution, and because their agencies may not be able or willing to help them at that time. These aspects reinforce the above rationale for engaging with communities in order to establish partnerships to allow LE to protect and serve while building trust with communities in order to police with the assent of the citizens.

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## **Media and Community Messaging**

**Captain RYAN BUTLER, Charlotte-Mecklenburg Police Department**

**Captain JOHN MCMAHON, Los Angeles Police Department**

**Deputy Chief KENNETH LACK, Nassau County Police Department**

### **Introduction**

Many citizens desire to be informed on events that occur in their community. The events may be about non-crime happenings, minor crimes, major crimes, or may be about major events that can impact the wellbeing of the citizens. Although the focus of this paper primarily is for assisting agency leaders in dealing with Officer Involved Shootings (OIS), leaders may utilize the approach presented in this paper to address different events. Citizens should be informed, not only about negative events, but also about the occasions in which members of the police department serve the public in a positive way. Citizens want to be informed about the positive stories, lifesaving events, and those occasions in which the officer stops and shoots basketball hoops with the teenagers who live in the community. When significant or critical events happen, police departments need to understand their role in keeping the community informed in a “timely” manner. In doing so they are better able to provide “accurate” information and reduce many fears related to the major events that impact the community’s wellbeing.

“The success of a police force in the performance of its duties is largely measured by the degree of support and cooperation it receives from the people it serves. It is of paramount importance therefore, for any organization to secure the confidence, respect, and approbation of the public.”(LAPD Special Order 33)

By managing the delivery of information police departments are also better able to manage their image in the community they serve. This section of our work deals with managing the distribution of information – community messaging.

### **The Police Chief**

One of the most critical tasks for any Police Chief is to develop relationships with the community they serve. Most Major City Chiefs are experts in community policing and engagement. They have a Rolodex of business people, community leaders and clergy that they reach out to daily and during critical incidents. These individuals have been thoroughly trained and sometimes consulted for their expertise during the formation of policies or before new procedures go into effect. What police executives sometimes neglect is training the media; reporters, editorial boards and columnists about what we do and why we do it. We often ignore the very people that are going to write the story in the paper or comment on the nightly news. We want an educated journalist on television talking about controversial police interactions with the public, not someone who learned about policing from a Hollywood movie.

Chiefs may consider making it a priority to meet with all of the media at least twice a year for off the record “Meet and Greets” or “Coffee with the Commissioner or Chief”. These meetings could be informal, most likely in police headquarters or at the police academy. There are several benefits of these types of meetings. Most chiefs will quickly learn that the people charged with writing stories about their officers and agencies have an insufficient knowledge base regarding law enforcement or what it entails to police a major city. Journalists usually only have a general understanding of the state penal, criminal procedure law or important policies such as use of force and are unaware of the contractual obligations that Chiefs are beholden to work under.

During these meetings, Chiefs will have the unique opportunity to educate reporters about important issues. Chiefs will learn about the media outlets themselves and individual reporter’s personalities, such as who is pro law enforcement and who is not. This can be an important distinction in the future. It is imperative that the Chief meet editorial boards before critical issues arise. These boards and their articles can quickly shape the political atmosphere that often arises during a controversial police encounter. Chiefs should consider making all but the most sensitive policies available to the media. Editorials are usually abundantly more balanced when boards have enduring professional relationships and a thorough understanding of departmental strategies.

### **The Public Information Officer**

A high priority is utilizing a capable and active Public Information Officer (PIO) position within the department. In order to better manage the delivery of information to the citizens and the media, police departments should fully utilize a Public Information Officer. Some departments may utilize officers who will have other job duties. Regardless of the size of the department, there should be an officer trained on the importance of interaction with the citizens and the media. The PIO must have access to the organization’s leadership, have influence within the organization to get information quickly, and regularly serve as the department’s spokesperson, or conduit. This will promote consistent and accurate media messaging to the local media on all critical or high profile matters. The PIO is a go-to person for matters of “community messaging.” What the PIO is not is a substitute on matters that require a response from the police chief directly.

### **PIO Should also Educate the Media and the Citizens**

The PIO and the department should also work to educate the community and the media on city, state and federal laws. They should educate citizens and the reporters on department policies and the rationale for each policy. Often when there is a lack of knowledge on laws and policy, the void may be filled with misinformation, potentially harmful to the victim, the officer or the department. The department’s use of force policy is an example of very important rules and procedures the constituents should understand. Departments can deliver information through the use of a relatively recent forum, “YouTube.” With YouTube, departments can provide not only information on

laws and policy but they can educate by providing information and public safety tips, burglary prevention tips, or identity theft prevention tips. It is also a means to share positive stories about officers and their interaction with the citizens.

An effective working relationship with the media starts with establishing credibility. Police leaders' reputations for integrity are their most precious asset. Personal integrity includes the responsibility for telling the truth—that includes being truthful with reporters. Police leaders really can survive the media circus—even when they find themselves in the center ring (Surviving the Circus: How Effective Leaders Work Well with the Media).

### **Citizens Police Academy**

Almost every major police department, and many state and federal agencies, including the F.B.I., are now hosting Citizen Academies several times per year. It's very important to invite a cross section of the community including both supporters of the police department and critics. Members of the media should be invited as well as local and state, and perhaps federal legislators. Police departments function best when they partner with the entire community they serve. Rarely can law enforcement be successful without having the community they serve as a fully informed partner. One of the most important lessons that can be taught during this training is through role play. Putting these "recruits" through video simulations is crucial in dispelling myths about employing physical tactics, less lethal, and deadly force. This gives everyone a valuable perspective and reduces criticisms to constituencies who could employ the bully pulpit.

### **Use of Social Media**

With the advent of the smart phone, our society has begun to utilize social media as means of keeping informed. Facebook and Twitter are examples of the methods for keeping them up-to-date. It is recommended that police departments acquire their own Facebook and Twitter accounts, and assign personnel to manage these accounts. These accounts can be used to provide real time information, again in an effort to prevent the distribution of inaccurate or misinformation. By acquiring their own media accounts police departments are able to manage and provide accurate information, as well as making the delivery of the information timely.

Citizens desire to be informed when significant events are occurring. As events are unfolding, police departments may provide general information, such as the nature of the call and that members of the police department are responding. This lets the citizens know that the police are aware of the reported event and are responding. An example of the use of social media is by the San Bernardino Police Department in December 2015 during the mass shooting that occurred in California. They used Twitter to announce the dispatch of officers to the scene and continued communication as events unfolded.

During ongoing events it is recommended that each department's PIO should monitor the department dispatch offices as a source of information for his Tweets. This allows those in the community who are monitoring the department's Twitter account to be better informed with up to date Tweets as events unfold. The information delivered may include news obtained from responding scene officers, as long such information does not create the potential for other harm. The PIO should manage the distribution of information until the leadership of the organization arrives and provides an update. When the leadership briefing is complete, the PIO can continue to Tweet updates until calm is restored to the community.

### **Denver Police Department's Program**

(Five Social Media Lessons Brands Can Learn from the Denver Police Department)

The Denver Police Department (see the DPD write up directly after this section) began a new program in the use of social media several years ago. Their efforts to utilize media have moved them into having one of the top ten followings on social media among the largest law enforcement agencies around the world. They use social media to provide pictures of wanted suspects, to provide tips on crime prevention, and they inform the public on significant events when they occur. This provision of information includes civic events as well as critical or catastrophic events. They also share with the community the positive interactions they have with the citizens of Denver.

What has Denver learned in those recent years? Commander Matt Murray with the Denver Police Department provides five best practices for the use of social media. The first is "Breaking your own news." Agencies that break stories via Facebook and Twitter have what can be deemed "message control" as well as "timing." Messages can be informative or provide warnings purposed to protect the citizens. Second is "Play show and tell." This allows Commander Murray to share with other members of the department what is being done within the department and why it is important. He is able to show what is being communicated and how members of the community are responding to the communications. Third is, "Don't underestimate the power of *fluffy bunnies*." Citizens do not just want the significant crime stories; they want stories containing human interest, positive news. They need stories on relationship building. The fourth item is to not approach the event with fear. This goes to the aspect that most of these significant events are crises in uncharted territories, and there may be a hesitancy to jump in and manage the release of information. This may be the fear of making a mistake. However, mistakes will happen because we are all human. If a mistake is made, DPD says go back and correct it. During these times Murray advises to do the following:

- Always tell the truth
- Admit when you're wrong
- Say what you are going to do to fix it

Lastly, DPD measures their performance. Murray tracks every single social post for performance, and by tracking he is able to determine what works and what does not. This tracking aides the department to constantly move its resources to where they are best used.

One should also be aware, that even within all the efforts to provide information to the public, there will be those in the media that still publicly criticize the efforts being made. It is the culture of our media and society.

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**Editor's Note:** The authors of the OIS study were made aware of the Denver Police Department's (DPD) success in building a successful Media Relations Unit in the Public Affairs Division. Those working on this project researched and also reached out to DPD to determine how their program fit in this study. DPD wrote the below portion in order to help our MCCA member agencies in building policy and practices on how to handle community and media information demands, and in getting their message out. The request to DPD was to learn how they went about building the Public Affairs Division including not only its structure, but some of the obstacles they encountered, and how they overcame those difficulties.

### **The Denver Police Department Experience Building Their Media Relations Unit**

**DOUG SCHEPMAN  
Media Relations Unit**

#### ***Awards, Recognitions and data:***

- MCCA recognizes the Denver Police Department's social media strategy to be among the Best Practices in Communication
- The Denver Police Department was designated by the FBI in 2015 as the "Gold Standard of Law Enforcement Communication"
- The Denver Police Department's communications strategies were included in Harvard University's "Bright Ideas in Government" in 2015
- The Denver Police Department earned two Regional Emmy Awards and four Edward R. Murrow Awards for video content produced by the Media Relations Unit. DPD competed against broadcast media outlets and filmmakers in these competitions as a way of measuring the quality of its work

#### ***DPD Social Media annual metrics:***

##### Facebook

###### *Likes*

December 31, 2013: 5,509

December 31, 2014: 21,916

**298% increase.**

December 31, 2015: 50,789

**131.7% increase (from 2014)**

###### *Reach*

2013 Total Page Reach: 2,229,732

2014 Total Page Reach: 50,653,721

**2,172% Increase**

2015 Total Page Reach: 56,686,788

**12% Increase**

##### Twitter

###### *Followers*

December 31, 2013: 21,178

December 31, 2014: 39,391

**85% Increase**

December 31, 2015: 69,910

**77.4% Increase**

###### *Impressions*

2014: (roughly) 18,000,000

impressions

2015: 19,043,605 impressions

**5.7% Increase**

## **Preface**

Over the last decade, social media platforms have changed the way people connect, communicate and access news and information. Social media platforms have extensive reach and provide a tremendous opportunity for law enforcement agencies to connect with members of their community and to build an audience for its messages. For example, 72% of American adult internet users and 62% of the entire American adult population use Facebook, according to the Pew Research Center, and 70% of Facebook users in the U.S. access the site daily.

## **Strategy**

The Denver Police Department (DPD) believes proactive, thorough and consistent community engagement through social media channels is critical to its mission of preventing and solving crimes, providing timely public safety information and fostering positive, trusting relationships with the residents it serves. DPD's social media strategy also reflects the Department's goal of being transparent, accountable and accessible to the community.

## **History**

The Denver Police Department took its first step toward engaging the community via emerging social media platforms when it established a presence on Twitter in 2009 and later joined Facebook in 2012. In the early stages, Twitter was used to share breaking news – which is the primary content today – but was also used to share a broad range of topics. DPD's early Facebook content also covered a variety of topics, ranging from breaking news, promoting and sharing photos of events and community seminars involving DPD officers, sharing news articles about notable public safety stories, sharing condolences for fallen officers throughout the U.S., and even some internal communications directed toward DPD officers. The social media posts were handled by the public information officers and a volunteer, and were inconsistent in frequency – with several days sometimes passing between posts.

In 2013, DPD went all-in with social media when it began developing a comprehensive social media strategy and created a new position: Social Media Coordinator. The Social Media Coordinator's responsibilities include: creating and managing a social media calendar; posting incident information to Twitter; rapidly responding to citizen questions on Twitter and Facebook; identifying and writing daily Facebook content ranging from crime prevention and notable arrests to feature stories about officers' acts of compassion and generosity; and much more. An on-call Public Information Officer posts breaking news information and answers questions from the community afterhours and on weekends.

## **Growing an audience**

The Denver Police Department's commitment to engaging the community using social media has resulted in huge audiences for its public safety and departmental image messaging. At the outset of 2016, DPD had more than 50,000 likes on Facebook and 70,000 Twitter followers, and those numbers grow every day.

DPD reports its largest Twitter audience growth occurs when providing timely information about large-scale incidents, potential threats and road closures.

DPD has seen its greatest Facebook growth and engagement when the stories of officers' compassion, selflessness and courage goes viral and is shared organically nationwide, and sometimes even internationally. For example, a story about Officer Ambrose Slaughter, who paid for a motel room and meals for a recently-evicted elderly man who was living in his car, reached 10.6 million people and has more than half a million likes and comments combined.

The day-to-day work of establishing an audience and the agency's credibility as a source of timely, reliable information can pay its greatest dividends when a large-scale incident or officer-involved shooting occurs and far-reaching communication with the community is most beneficial and necessary.

## **Overcoming challenges**

The greatest challenges in executing a successful media relations strategy are being relevant, consistent and actually engaging an audience. The Denver Police Department has sought to overcome those challenges in the following ways for its Facebook audience:

- Providing daily content the audience can rely on
  - Regularly scheduled features include: Mug Shot Monday, Tip of the Hat Tuesday, Throwback Thursday, 'Furever' Home Friday (featuring an adoptable animal at the Denver Animal Shelter), and the Sunday Matinee – a weekly video feature.
- Creating content the audience enjoys:
  - Interesting content drives engagement – likes, shares and comments.
  - Stories with elements of emotion and compassion result in the highest levels of engagement.
  - Providing multimedia content (video feature stories about officers and operations, crime prevention videos, photo slideshows) provides the audience with variety and different ways to consume information.
  - DPD also publishes stories of the great work done by other law enforcement agencies, as this type of recognition is important for the entire profession.

- Just as a negative incident in one city can adversely impact the image of law enforcement agencies nationally, agencies can collectively lift up the profession through widespread sharing of positive stories.
- Relating to the audience in a conversational manner
  - Using a consistent, conversational voice on Facebook -- referring to the audience as “friends”, for example -- helps to make DPD relatable instead of a governmental organization lacking personality
  - Humor also resonates with the Facebook audience:
    - Uses of humor include clever headlines and stories that involve criminals’ actions that led to their own arrest
- Responding to citizen questions and concerns
  - DPD’s strategy requires that the Media Relations Unit respond to citizen questions within two hours, until 10pm every day.
    - Audiences are often very appreciative when the Department responds to questions they send via social media
  - This requires dedication and is managed afterhours and on weekends by the on-call public information officer

### **Integrating traditional media and social media strategies**

The Denver Police Department’s social media strategy complements its traditional media relations function in which Public Information Officers respond to media requests for information and interviews. Initial information and updates about incidents are shared with media outlets and the public through Twitter, questions are answered, media outlets are alerted via Twitter when a public information officer is responding to a scene, and press briefings are live-streamed for public viewing through the Periscope App.

Using Periscope affords DPD’s public audience the opportunity to view media briefings/press conferences in real time. The live-streamed video is unedited and allows the audience to hear all statements in context, which is not something afforded through news coverage.

Gone are the days when DPD relied solely upon traditional media outlets to tell its stories and disseminate information, though staging press events is still part of the Department’s strategy. Now, having built a large engaged audience, DPD shares its stories and safety messaging directly with the community through social media, and maintains full control over the message to ensure its integrity. Local media outlets monitor DPD’s Twitter feed for information on breaking news and check its Facebook page for interesting story ideas, increasing the impact, exposure and credibility of the messages.

For example, DPD produced the video feature *Tips from a Thief* prior to the 2015 holiday season in which a reformed thief demonstrated how quickly a smash-and-grab theft from a car can occur, and what thieves look for when choosing their targets. Two local television news stations picked up the story and used clips from the features in their own news stories. The video was viewed more than 4 million times and was shared by numerous police agencies around the country. Again, compelling multimedia content drives engagement.

A noteworthy media management practice adopted by DPD is videotaping potentially contentious interviews conducted by television media outlets. By creating its own unedited video record of the interview, the Department may hold media outlets accountable should reporters act in an unethical manner – taking quotes out of context, for example. This leverage is enhanced by the fact that DPD has a large audience with which to share the unedited record of the interview and call out unethical behavior on the part of reporters. To date, DPD has not had to release the raw video of an interview, but it has used an #AccuracyMatters hashtag on Twitter to call public attention to inaccurate reports.

### **Increasing access to content**

In 2016, the Denver Police Department launched its latest tool for increasing communication with the community -- the Denver Police News App.

The App provides easy access to breaking news, crime alerts, video features, podcasts, and all of DPD's social media content – in one place – and is a great way for people who don't have Twitter or Facebook accounts to access this information.

Additionally, the app provides links to report crime, graffiti and other issues, as well as to contact local District headquarters. The Denver Police News App is free and is available for iPhone and Android devices.

### **DPD's Media Relations team structure**

Clearly, resources are required to execute such an extensive social media strategy. The current makeup of the Denver Police Department's Media Relations Unit is a Director of Communications, three Public Information Officers (one sworn, two civilian), a Social Media Coordinator, and a Video Producer. A point of emphasis in hiring for this unit was selecting professionals with varied experiences and multiple skill sets. The multiple skill sets of the team members allow each to contribute towards generating the volume of content necessary to engage audiences every day – from written stories and photo slideshows to well-produced video features.

The goal in producing videos is to create features that are on par with, or are more compelling and visually creative than what audiences see on local news outlets – high-quality, interesting video stories are more likely to make an impact and foster engagement. The level of access afforded to an internal video producer is one notable

advantage law enforcement agencies have in telling compelling stories local media outlets cannot.

To address the challenge of producing high-quality video content that stands out, DPD hired a Communications Director, Video Producer, and a civilian Public Information Officer who have won multiple awards for their previous work in the fields of broadcast journalism and cable television network productions.

DPD's Media Relations Unit also creates content for internal communications. For example, a Public information Officer creates a monthly newsletter including a message from the Chief of Police, event information, and a few feature stories that were shared via Facebook. Also, the sworn Public Information Officer produces a Q&A podcast called "Ask Me Anything" in which the Chief answers questions submitted by officers.

### **Overview**

In summary, the Denver Police Department has demonstrated that by providing creative, engaging, timely and consistent information through social media platforms, a law enforcement agency can build a large audience for its public safety and image messages. That audience then allows the agency to interact with the community in a transparent, accessible manner, which builds the trust and relationships necessary to partner in preventing and solving crimes. Every agency and community is different, and DPD's allocation of resources to execute its strategy is not a one-size-fits-all model. However, the fundamental elements can be replicated and scaled to meet an agency's specific needs. Social media platforms are today's town hall meetings, providing even greater reach and opportunity for law enforcement agencies to engage their communities.

***Editor's note:** The Major Cities Chiefs appreciate the FBI Academy staff taking their time to address the OIS working group. While some of the material is covered in other places, the notes of their presentation are written in whole as it was given. Some of the message is foundational, but the review of this material is beneficial to all who have to face the cameras in order to communicate with law enforcement's (LE) constituencies. Those constituents include city hall, the economic sector, the citizens, the rank and file, and others.*

### **Media and the Leaders Approach**

**Sgt. STEPHEN MORRISON, Houston Police Department,**

**Captain JOHN MCMAHON, Los Angeles Police Department**

**Deputy Chief KENNETH LACK, Nassau County Police Department**

A training session was held at the FBI Academy on January 6, 2016 for the authors of this paper. The training session was given by communications instructors Gail Pennybacker and Ken White who provided the following information intended for LE leadership, including the Chief, the Public Information Officer (PIO), and the officers of an organization for providing the community and its citizens current event information.

When a major event occurs citizens want to see the leaders of the organization at front stage providing information. Leaders are seen as persons in authority, those having knowledge and control of the events that are occurring. Citizens look to the leader for guidance. When a leader declines to provide information, citizens will seek other sources. This can be a problem in that the other sources may not be reliable or may provide misguided information. One of the most problematic statements that a scene officer or leader can make is "no comment." It may be damaging to the image of the organization because citizens want to know that LE is responding and that the police are looking out for their wellbeing. The statement "no comment" does not provide any comfort and suggests that you may be hiding or withholding information.

Pennybacker and White provide four components of the message to deliver to the public: they are a "Policy Statement," "Public Safety Message," "a Call to Action," and "Kudos."

LE leaders begin with identifying themselves and indicating to the citizens that as the chief or designate, they are going to keep constituents informed on current incidents. However, there are some governing law, policies, and procedures that will be followed as set out by the legal system and operating within the confines of the LE organization. The purpose in the LE presence is to provide safety and security. In order to assure the public, the action must be conveyed as being immediate. The community needs to be informed that laws and policies may limit what is provided, but when that occurs that they will be advised of the limitations. This is called the "Policy Statement." The details of what has happened fall into second place compared to the need to know that LE is there to protect and serve and will operate within its guidelines (it is essentially the

department's mission statement). The spokesperson needs to indicate the purpose in being there and do so with compassion. An example of the need statement includes, "The department is present to investigate this horrible tragic loss of life. We know that it is a cause of grief (Humans are involved – not statistics). The chief or members of our department will keep our citizens updated on the progress of the investigation, doing so within the policies and laws that we are bound to follow."

The citizens also need a "Public Safety Message." The public safety statement provides the ability to highlight and direct attention to the mission of law enforcement. The public needs to know that LE is there to enforce the laws and purposed to return calm to the community. An example statement could be, "We are conducting extensive canvassing patrols of residences and businesses in the area to help identify witnesses and locate additional evidence that may be critical to this investigation." This statement lets the citizens know that officers are taking action.

The next step in the process is what is called the "Call to Action." This will be what law enforcement may need from specific groups in an effort to assist the public safety effort. An example is, "We know that our community has information that is critical to this investigation, and we ask them to come forward and help. The members of this community, the families impacted by this tragedy, and this department need this help." The "Call to Action" helps direct the public to do something, to take action and allows them to be a part of the public safety effort in their community.

Last principle is to give praise, "Kudos." Thank those particular groups or individuals who may be involved or impacted by an issue. If LE has received assistance from the fire department or another police agency or even the Red Cross, publicly praise them for providing the assistance.

If information is slow to arrive, inform the citizens that you will return with an update and give them a time. "In one hour I will return with updated information." It is important to be prompt upon the return for update.

Pennybacker and White also presented some leeway during the communications with the public.

- First find the "Feelings in the Facts." Identify with the grief, anger, etc.
- There is no requirement that you cover all four points during every information release.
- There is no order of delivery requirement.
- It may be good to combine some points.
- Strive for 7-10 second sound bites.
- Talk at an 8<sup>th</sup> Grade level.

## **Mental Health**

Another important aspect to keep in mind when communicating with the public is mental health. Today, we have come to understand that Post Traumatic Stress Disorder (PTSD) is not just something that occurs to soldiers in combat. Highly stressful events that can cause PTSD, can occur to members of the community and or the responding officers. It is important that departments have in place psychologists, counselors and or members of the clergy that can assist in addressing needs and mental health issues. Police leadership and the PIO should be aware that mental health should be considered during management of these critical events.

Pennybacker and White provided the following guidelines for assisting department leaders and PIOs who are presented with management of a critical event.

### **Communications Considerations in Response to Officer-Involved Shootings (OIS)**

The communities in which we live have become more attentive to OIS as a response to several highly publicized controversial shootings. Improper attention to these OIS by the leadership of any police agency may be detrimental to the image of the agency. A lack of immediate attention may also lead to communities filled with civil unrest, fear and destruction. It is important that leadership realizes that the agency may have the next OIS and leadership should be prepared to address it.

### **Go Public - Make Use Of Force Policy Public**

Law enforcement as a whole does a less than suitable job in educating the public on its individual use of force policies. Many agencies have policies that are more restrictive than what is required by federal, state, or local law. Posting policy on the Internet and educating the public at community meetings can go a long way to eliminate misunderstanding regarding what is or is not a permissible use of force. The often confused issues with respect to what is within policy versus what is within the law, can be addressed and may help clarify why an out of policy shooting is not necessarily a violation of law.

### **Timing**

Often because of agency size, Public Information Officers (PIO) are usually responsible for communicating details of OIS to the public. Although the duty has been delegated, leadership should review this policy. Executives should understand that due to the high degree of attention these events bring, communities are often looking to the leadership of the agency to step forward and provide information. High-ranking leaders are seen as having greater authority and the messages from higher leadership can have a greater calming effect. The right presence of leadership can create the best presentable image of the department in light of the OIS circumstances.

Long before any shooting event occurs, as a standard protocol, leadership and the PIO should interact with key leaders of the community. The interaction is purposed to

establish trust and credibility. This trust and credibility has a greater effect on the community relations when a significant event occurs and involves an officer, in particular, an OIS.

As a standard protocol, agency leadership and the PIO should develop relationships with ALL media organizations and deliver the information equally to the various media.

Prior to the occurrence of any OIS the leadership and the PIO should have produced a pre-established message. Preparation for a current specific event would be a fill in the blanks with particular occurrence details provided. The message should include the four bases that are discussed previously in this section. Leadership and the PIO should have reviewed the message to the point that it becomes second nature when delivered. As much as possible, leadership and the PIO should not read any pre-written message.

Recommendations also include that leadership and the PIO should have an established connection with Twitter and Facebook and have already established themselves as credible information sources. The citizens of the community should be made well aware of the use of Twitter and Facebook or any other social media source, long before any event occurs. The agency should have a 24/7 commitment to their use of social media.

The citizens should also have knowledge long before any event occurs that the social media is a place where they can go in search of department news. It should rise to the point of being a primary source of news for the community. Members of the public will want to join Facebook groups as a means of staying informed.

Another recommendation is to have the agency conduct a thorough review of officers' involved social media accounts that are available to the public. Negative comments will further harm the department's efforts at providing calm to the community.

The agency needs to have addressed the officers and members of their family in how they are to address media inquiries, and to understand these inquiries could occur at the officers' residence. It is possible that the media will knock on a door in an effort to further their story. Agencies should also have counselors and support available to respond to the officers' family when these events occur in an effort to provide information to the family first hand as well as assist them in whatever needs may arise.

When these events happen, internal leadership must be brought up to speed on what has occurred. Realizing that many facts and details are yet to be determined, the leadership may want to give brief statements from the scene (which are echoed on social media) without taking any questions. This should be followed up with the arrangement that shortly a news conference will take place containing greater detail as to what has occurred, while still following the law and policies on such releases of information.

On release of an officer(s) name(s), an evaluation should occur in regard to the lawfulness and organizational policy of such a release. For non-release an effort

should be made to indicate why the non-release has occurred. It should be followed with information on when the public and the media may be made aware. Optics, the way in which an event or course of action is perceived by the public, must be considered and addressed long before any critical event occurs.

As much as possible an agency should demonstrate unity or solidarity as it addresses investigations into OIS events. Agencies should also consider publicly known and trusted allies, like the mayor, the district attorney, other LE agency leaders, community stakeholders, or political overseers to speak to the public about these OIS incidents. In considering who needs attention, it is also important to communicate with the family of the victim(s).

### **General Review and Evaluation**

The manner of informing the media should be a process with constant evaluation. The following are points that should be evaluated:

What is the agency's level of engagement? Is it at the appropriate level and does it meet the expectations of the community?

The leadership or the PIO should also evaluate their level of engagement. Would it be better to engage the media from the scene, versus a more controlled or displaced setting (such as back at the station media briefing room)?

Leadership should evaluate their performance too. As much as possible, they should never sit when making a presentation to the media, and they should not "read" a script or message.

### **Questionable OIS events**

Keep in mind the visual context. Examples of things that impact on how the leadership or PIO is perceived by the public follow:

Pictures of officers suspected of misconduct and in uniform may undermine your agency image as well as internal morale. Weigh the merits of a booking photo to the media if criminal charges materialize.

Branding encompasses everything from uniforms to press conference backdrops. Management or control of these backdrops conveys a sense of control, decorum professionalism, ownership of the issue and the importance that is being placed on the issue by law enforcement.

When appropriate authorization is given, evidence, such as pictures or videos may offer broader context to more completely frame the public perception of the event or details of how the event occurred. This can be crime scene photos, dash cam video, body cam video or surveillance videos. These may be released, but only when the best interest of the criminal justice system is preserved.

Consider verbal context. Spoken words will impact on how you are perceived by the public and internally. Examples follow:

Leaders of the agency must act and speak in a manner that demonstrates that they care about the people they serve. The leaders approach must provide an emotional connection that indicates that care. There must be candor and compassion as leadership acknowledges the communities emotions due to the loss or harm that has occurred, to both their staff or to one of the members of the community. They should acknowledge the obvious community and media concerns even if preliminary, and then message appropriately.

Leaders need to express empathy for victims, families, the department, investigators and the community. They must express to the community and to the media that all should respect the privacy of the victim or officer and their related families.

Leadership should provide resolve and reassurance by expressing optimism and explaining there will be accountability, transparency, and respect for the law. It is also important to shore up morale, with a message on behalf of the professional members of the department. Members of the department also need to be informed.

If a member of the department is indicted for wrongdoing, it is important for leaders to communicate with the community when appropriate. The public respects those leaders who take ownership for successes and failures of members in the organization. However, admission of agency guilt or fault should normally be avoided since that may prejudice the judicial process or the rights of the accused.

### **Media Questions on OIS Events with Misconduct**

The last topic of this section is on common media questions and the recurring news angles that have emerged in the wake of recent OIS incidents. As a leader of an organization or a PIO, one should review and become familiar with potential questions. This will allow for the leader or the PIO to give a better and more accurate response as well as end the development of misinformation.

These are some examples of the questions that the media will ask.

- Was there any past evidence of misconduct or disciplinary proceedings?
- Are there previous related OIS incidents?
- Will the present incident jeopardize legal integrity of past or ongoing case and to what extent?
- What assurances can be made that there is not a double standard in the investigations?
- Will some other agency be conducting the investigation in order to secure integrity?

- Do you suspect there are others belonging to your agency who are involved?
- Is there a wider conspiracy or does it appear to be systemic misconduct beyond the known individuals that are involved?
- Were the officers who committed the misconduct on duty and or using department resources?
- Were any of the involved officers also supervisors?
- Does the misconduct call into question training or resource deficits?
- Why is the officer on paid status when suspected or charged with misconduct?
- Did the leader of your department/agency have a relationship of any sort that might cloud the process?
- What effect has the issues had on internal morale?
- How does the issue make you “feel?”
- What LE processes/protocols are called into question by the event and what is being done to prevent future occurrences?

### **Release of Names**

Last, the media seeks the names of those individuals involved. Departments should define within their policy when names may be released. There are occasions where the individuals involved may become subject to threats and or harm as a results of the release of names. Considerations should be made on how to provide protections to all individuals.

### **Conclusion**

Law enforcement faces innumerable challenges created by the current environment, particularly with regards to use of force. The public perception of the frequency and appropriateness of force used by the police is framed and influenced largely by the media depictions. Media have become saturated with unrealistic and outlandish representations of law enforcement and the policing profession. Nightly, police dramas and news programs depict officer-involved shootings, high speed chases, and trips to the morgue to recover microscopic evidence. Additionally, these myths are reinforced in popular books and film. Data produced regularly by government agencies and researchers who analyze the actions of law enforcement argue against this “made for television” or “ripped from the headlines” narrative that has skewed the public ideas of law enforcement. These reports describe a reality of law enforcement with regards to use of force that starkly contradicts the public perception. As a result of these isolated incidents the public has raised questions regarding police use of force practices. In turn, law enforcement has raised concerns about the public’s support of the public safety mission. (Emerging Use of Force Issues)

When events occur citizens want to be informed. The agency leader is looked to as the authority, the person in the know, the one who is going to manage the issue or crisis. The leader is looked to as the source of information. An informed and prepared leader will be better able to manage these critical events. Knowing the above aspects of leading during an OIS events, the agency leader is better prepared to fulfil the leadership role. It is imperative to study and train in order to better manage the situation, the organization, the various constituencies, and the image of the agency of the department they represent. Providing accurate and timely information is the best way to maintain the relationship between the police and the community they serve.

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EMERGING USE OF FORCE ISSUES: Balancing Public and Officer Safety

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## How to Best Utilize Videos to Protect Officers and Departments

**By Craig E. Ferrell, Jr. Assistant Professor Law & Criminal Justice Houston Baptist University, Houston, Texas; Deputy Director/General Counsel, Houston Police Department; Retired**

In this day and age it is not uncommon for a critical incident to be captured on a video of some sort. Maybe it is a citizens cell phone camera, dash-cam video, Taser mounted camera, news camera, and/or a body worn camera from a police officer. A few years ago I wrote an article for the IACP Police Chief magazine entitled “The Future Is Here: How Police Officer’s Videos Protect Officers and Departments” and this article will include most of what was said then. To see the article in its entirety please follow this link:

[http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=3139&issue\\_id=102013](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3139&issue_id=102013) I also suggest you review an article published in the March 2015 IACP Police Chief Magazine entitled: Chief’s Counsel: Showing Incident Video to Police Officers Under Investigation—A Best Practice Approach written by Doug LePard, Deputy Chief, Vancouver, British Columbia, Police Department, and John M. (Jack) Collins, General Counsel, Massachusetts Chiefs of Police Association. *Both articles will give any chief an excellent starting place when either crafting a Video Policy for their department and/or revising a current policy.*

The old adage that “seeing is believing” is truer now than ever before given the ability to record law enforcement encounters. Cameras are everywhere; the proliferation of smart phones, iPhones, mounts in stores, ATMs, and the many videos of law enforcement arrests and interactions with the public that are uploaded to You Tube on a daily basis underscore how important video evidence is to law enforcement. We live in a world of digital media, and cameras have become commonplace. Unfortunately, many of these videos are taken by the public at the point where force is being used on a resisting suspect with law enforcement being portrayed in an unfavorable light. They rarely record the incident that led up to and justified the use of force. This often leads to community and media outrage over legitimate and justified uses of force that are being negatively shown in partial video recordings and do not tell the whole story from the officers’ perspective.

Video evidence, also referred to as the “silent witness” has the ability to present unbiased facts. It is by its nature “extremely persuasive, vivid, and unforgettable.”<sup>1</sup> Video images have always been compelling when presented as evidence in court. Juries that are presented with video evidence will stay alert and will remember far more information than those who simply hear the words without having the advantage of the corresponding visual depiction that should have accompanied it.

In a study conducted by the International Association of Chiefs of Police, prosecutors were asked to rate the value or effectiveness of video evidence in court proceedings. They reported that the presence of video evidence enhances their ability to obtain

convictions and increases the number of guilty pleas prior to going to trial. Ninety-three percent reported that video evidence is an effective tool for prosecutors and the majority reported a reduction in the time they actually spent in court.<sup>2</sup>

In any litigation involving law enforcement action, whether civil or criminal, a big legal hurdle is overcoming the “he said, she said” dilemma. In civil rights cases involving claims of excessive use of force, this factual dispute will preclude the court from granting summary judgment in favor of the officer. The court must find that there is no dispute as to material facts before granting summary judgment. If there is a video recording of the event, the video speaks for itself as to what really happened. If the police officer and department have a complete video that shows the circumstances leading up to the use of force and captures the entire incident, oftentimes there will be no dispute as to material facts and the court is able to grant summary judgment, often saving significant time and expense for the law enforcement agency and officer, as well as avoiding the risk of a large award for damages.

The value of video evidence was emphasized by the U.S. Supreme Court in the case of **Scott v. Harris** where the court held that video recordings are more reliable than eyewitness testimony, which was later contradicted by the video of the incident.<sup>3</sup> The Court in its landmark 8 to 1 decision went on to say that when opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment. That was the case in Scott—and whether Scott was driving in such fashion as to endanger human life. Scott’s version of events was so utterly discredited by the record that no reasonable jury could have believed him. “The Court of Appeals should not have relied on such visible fiction; it should have viewed the facts in the light depicted by the videotape.”<sup>4</sup> **Wow! What a great decision for police officers and agencies alike.** That decision answers the question of whether to film or not to film; who would not want this added protection for their police officers and departments?

Another example of how video evidence can impact a civil case is the case of **Burton v. Taylor** where, an officer followed the driver of a car into a gas station following a high-speed chase and deployed a TASER on him a few times when he resisted being handcuffed.<sup>5</sup> Although the man’s story contradicted the officer’s, the video of the event fully credited the officer’s story and completely discredited the man’s version of events. Consequently, the officer was granted summary judgment following the roadmap laid out in the Scott decision by utilizing evidence that previously had not been allowed to be considered by a court until the time of trial.

Since video evidence is so compelling, courts have set high standards to ensure the integrity and admissibility of those images in their rules of civil procedure concerning the admissibility of video evidence.

In federal court the admissibility of video recordings as photographic evidence is governed by Rule 1001(2) of the Federal Rules of Evidence (Federal Rules) that establishes seven criteria to determine admissibility:

1. The recording device was capable of recording the activity.
2. The recording is authentic and correct.
3. No changes, additions, or deletions have been made to the recording.
4. The recording has been preserved in the manner shown to the court.
5. The operator was competent to operate the recording device.
6. The persons being recorded are identified.
7. The activity elicited was made voluntarily, in good faith, and with no inducements.

Most states have similar rules of evidence that vary by jurisdiction. The foundation for the admissibility of video recordings is generally laid through eyewitness testimony, usually the operator, establishing the video as an “accurate and faithful representation” of the scene or object depicted.

It should be noted that the first five of the above seven admissibility criteria from the Federal Rules are dependent on the ease of use, quality, reliability, security, and integrity of the recording device and the software storage and management system where the video recording is stored. It is critical therefore, that these factors are given serious consideration when evaluating an on-officer video camera and backend software storage and management systems.

### **An Added Benefit of Police Videos—Reduced Complaints and Improved Community Relations**

William Farrar, the police chief in Rialto, Calif., conducted a study that began in February 2012 to determine whether officers’ use of video cameras can improve relations between the police and citizens. Chief Farrar stated that “it wasn’t the easiest sell,” when he informed officers in Rialto of the introduction of the new, on-officer, miniaturized cameras, with some officers “questioning why ‘big brother’ should see everything they do.” He reminded them that citizens could use cellphones to record interactions, “so instead of relying on somebody else’s partial picture of what occurred, why not have your own?” he asked. “In this way, you have the real one.” Chief Farrar describes the before-and-after figures for complaints and uses of force as “simply amazing.”<sup>6</sup> Citizen Complaints: Citizen complaints about perceived officer misconduct or poor performance declined nearly 88 percent. In some cases, citizens decided not to file grievances after they were shown the video of their incident. Use of Force: Uses of force dropped 60 percent. The study found that “[s]hifts without cameras experienced twice as many incidents of use of force as shifts with cameras.”<sup>7</sup> In addition, the rate of use of force incidents per 1,000 contacts was reduced by 2.5 times compared to the 12

months prior to the study period. Change in Behavior: Chief Farrar stated that the study showed there was a change in behavior both by his officers and the public. He explained “I think it’s a mixture: Officers become more professional, and citizens tend to behave better.”<sup>8</sup>

### **Legal Considerations When Evaluating On-Officer Video Systems**

**Ease of Operation and Training:** One of the criteria under the Federal Rules for a video to be admitted as evidence is that the operator was competent to operate the recording device. Both ease of use of the recording system with safeguards, as well as good officer training in the operation of the camera are critical to meet this criterion. For example, the recorder should have a very simple, easy to use on/off switch that can be easily operated by dexterity alone without looking, with private audio signals to confirm when it is turned off and on, as well as safeguards to prevent accidentally turning it on or off. Video transfer from the recorder to a secure evidence database should be very simple and automatic with no room for error. Be sure to evaluate the manufacturer’s training program to ensure operator training to a competency level.

**Quality and Reliability:** Another requirement for admissibility under the Federal Rules is that the recording device be capable of recording the activity. To satisfy this requirement, the video recording system must have professional-grade quality, ruggedness, and reliability to work the first time, every time—and with extended battery life. In addition, the camera should have low-light capability to mirror the human eye. Many consumer grade cameras do not meet this standard. Also pre-buffering is an important feature where the camera continuously records and holds the most recent 30 seconds of video when the camera is off. With this feature, the initial activity that causes the officer to turn on the camera is likely to be captured automatically, thereby increasing the capability of recording the entire activity.

**Security, Anti-Tampering, and Audit Trail:** The Federal Rules also require that the recording be authentic and correct and that no changes, additions, or deletions were made to the recording for it to be admitted as evidence. To meet this requirement, the whole camera system, including the camera, the transfer of video from the camera to storage, and data storage system must be secure and tamper proof. The best systems are those with no human access to camera memory where the original video cannot be modified, only viewed. Also important are anti-deletion safeguards and permissions for viewing and copying. The worst systems are those that use an accessible SD card, which allows the security risks of either losing the SD card or tampering with the original video on the SD card. Best practices also require a time and date stamp, watermarks and hashing to ensure integrity, and safeguards to ensure that the camera cannot record over or delete video files. Another important security consideration is requiring permissions for viewing and copying a video file.

**Chain of Custody:** Because video tampering is possible, it is important to establish chain of custody or other evidence establishing that the content of the video has not

been altered from the original recording. The Federal Rules require proof that the recording was preserved in the manner shown to the court. This is best accomplished with an audit trail record and chain-of-custody report that lists all persons who had access and viewed or copied the video, the time and date of each event, and what action was performed. Software systems that preserve the original video file unaltered and track the audit trail and chain of evidence automatically with report writing capability are usually more accurate than an officer trying to keep manual track of removable SD cards and personal computer video files, documenting all people who had access to the video, and what action was taken.

**Officers' Perspectives:** In *Graham v. Connor*, the U.S. Supreme Court ruled that all excessive force claims against law enforcement are properly analyzed under the Fourth Amendment's "objective reasonableness" standard.<sup>9</sup> It held that the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Therefore, any camera system that best records the incident from the perspective of the officer at the scene would be best qualified to meet this evidentiary standard.

There are generally four types of video camera systems currently being used by law enforcement:

**1) In-Car Camera.** This type of camera records the perspective of the officer while in the car looking forward within the fixed field of view of the camera. It has been estimated that 90 percent of the officer's interaction takes place outside the field of view of the in-car camera.

**2) Camera Mounted on Conducted Energy Weapon (CEW).** This camera records the perspective of the officer when he is looking in the direction of where the CEW is aimed and the safety is turned to power on.

**3) Body-Mounted Camera.** This camera is usually mounted on the officer's uniform facing forward and has a fixed field of view pointing in front of the officer, but does not see what the officer sees since the field of view is quite a bit lower than eye level, which results in obscured views when a firearm or CEW is raised to firing position or when driving a car where the steering wheel and hands on the steering obscure the view or when the officer turns his or her head.

**4) Head-Mounted Camera.** Since the camera is mounted on the officer's head at eye level facing forward on a head band or a pair of glasses, it best records what the officer sees and is the best evidence of the officer's perspective.

**Privacy:** Some states require two-party consent before video recording, and some states allow video recording but not audio recording. In addition to these privacy issues, there is also a concern about first amendment rights and other privacy concerns. The *New York Times* reported that Jay Stanley, a senior policy analyst at the American Civil Liberties Union, said: "We don't like the networks of police-run video cameras that are

being set up in an increasing number of cities. We don't think the government should be watching over the population en masse."<sup>10</sup>

Mr. Stanley states that all parties benefit from officer-worn cameras. They protect the public from police misconduct—and officers from bogus complaints. “There are many police officers who’ve had a cloud fall over them because of an unfounded accusation of abuse,” he said. “Now police officers won’t have to worry so much about that kind of thing.”<sup>11</sup>

### Conclusion

Cities and police chiefs need to equip their police officers with the tools required to protect themselves, the public, and their departments. Police officer videos are the answer to combating negative public perceptions created by partial cellphone videos often showing only an officer’s use of force, and, more importantly, they help courts have the evidence needed to overcome the “he said/she said” situations resulting from a police officer’s need to use force to effectuate an arrest or to protect themselves or others. Therefore, common sense and best practices (**as seen in the Scott decision**) demand that, if at all possible, all departments should equip their officers with body-worn video cameras. To do less is no longer acceptable.

### Notes:

1See Jordan S. Gruber, “Videotape Evidence,” 44 AM. JUR. TRIALS 171, § 74 (2009).

2The Impact of Video Evidence on Modern Policing (Alexandria, Va.: International Association of Chiefs of Police, 2003), [http://www.cops.usdoj.gov/Publications/video\\_evidence.pdf](http://www.cops.usdoj.gov/Publications/video_evidence.pdf) (accessed August 21, 2013).

3Scott v. Harris, 127 S. Ct. 1769 (2007). A link to the video from the case can be found on the U.S. Supreme Court website <http://www.supremecourt.gov/media/media.aspx>. This case marks the first time the Court posted video evidence on its website.

4Id.

52012 WL 832624 (M.D. Tenn. Mar. 12, 2012)

6Randall Stross, “Wearing a Badge, and a Video Camera,” The New York Times, April 6, 2013, [http://www.nytimes.com/2013/04/07/business/wearable-video-cameras-for-police-officers.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/04/07/business/wearable-video-cameras-for-police-officers.html?pagewanted=all&_r=0) (accessed August 21, 2013).

7Nick Kolakowski, “Should Cops Wear Google Glass?” Slashdot, August 15, 2013, <http://slashdot.org/topic/bi/should-cops-wear-google-glass> (accessed August 27, 2013).

8“New Study Measures Impact of Body Cams on Complaints, Force Use,” Force Science News 230, <http://www.forcescience.org/fsnews/230.html> (accessed August 27, 2013).

9Graham v. Connor, 490 U.S. 386, 395 (1989), quoting Tennessee v. Garner, 471 U. S. 1 (1985).

10Stross, “Wearing a Badge, and a Video Camera.”

11Joe Fiumara, "The Future Is Near: Getting Ahead of the Challenges of Body-Worn Video," Technology Talk, The Police Chief 79 (September 2012): 54.

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## Appendix Resources

The following hyperlinks to resources are provided for additional research. If there is any trouble linking to these pdf documents, please use the following landing site provided by Fairfax County Police Department in order to access the documents.

<http://www.fairfaxcounty.gov/police/inside-fcpd/humanresourcesandemergingissuescommittee/2016report/2016project.htm>

# **Human Resources and Emerging Issues Committee**

## **2016 Project - Officer Involved Shootings**

### **Body Worn Cameras - Legal**

[Considering Police Body Cameras in Harvard Law Review](#)  
[Showing Incident Video to Officers Under Investigation](#)

### **Body Worn Cameras - Legislative Initiatives**

[California AB 1940 Peace Officers BWC Policies Procedures](#)  
[California AB 1957 as Amended Public Records BWC](#)

### **Body Worn Cameras - Resource Materials**

[BWC ToolKit Checklist BJA](#)  
[BWC TTA Article](#)

### **Crime Reporting**

[Crime Reporting Joint Position IACP-MCC-NSA-MCSA 082615](#)

### **Officer Involved Shooting Data and Reporting Use of Force**

[MCCA 2016 Fatal Shootings By Police In 2015](#)  
[Nix et al A Birds Eye View Of Civilians Killed By Police In 2015](#)  
[Summary of Focus Group on OIS](#)  
[US DOJ Police Use of Non-Fatal Force 2002-2011](#)  
[Washington Post Wisconsin Trooper](#)

### **Current Policy Samples and Training Recommendations**

[FCPD GO 301 Internal Investigations](#)  
[FCPD GO 540.1 Use Of Force](#)  
[FCPD SOP 12-045 Investigation Deadly Force Deployment](#)  
[Honolulu PD Officer Critical Incident Protocol](#)  
[LAPD Training Bulletin Weapons Other Than Firearms](#)  
[Nassau County Use Of Force Policies Procedures](#)  
[PERF Reengineering Training On Police UOF](#)  
[VA Beach PD Administrative Investigations Field Guide](#)  
[VA Beach PD GO5.01 Use of Force](#)

[VA Beach PD What to Expect After an Officer Involved Shooting](#)  
**Proactive Organizational and Policy Change Processes  
with Community Engagement**

[Community Engagement 52715](#)

[Fairfax County Answers To Subcommittee Questions 06302015](#)

[Fairfax County Answers To Subcommittee Questions 07102015](#)

[Fairfax County Oversight-finalreport-10.2.15](#)

[Fairfax County Summary DOJ Report On Philadelphia Police](#)

[FCPD-Command Staff UOF Presentation](#)

[FCPD GO 540 UseOfForce-DRAFT](#)

[FCPD GO 540 UseOfForce-IndexToDRAFT](#)

[Where to go from the Anger in Charlotte](#)