

Recent developments in post-OIS procedures: Tales of 3 cities**1. Chicago officers win right to 24-hr. "grace period"**

An arbitrator has ruled that Chicago officers involved in shootings can wait at least 24 hours before having to give a recorded statement to investigators from the municipal agency that reviews police shootings.

The decision resulted from a grievance filed by Chicago Lodge 7 of the Fraternal Order of Police against the city's Independent Police Review Authority. That civilian agency investigates all Chicago PD shootings, as well as complaints of officer misconduct, and makes recommendations for "appropriate disciplinary action" to the police superintendent if violations of departmental rules and regulations are found.

Late last year the IPRA asserted that under the city's contract with the FOP it had the right to compel an involved officer to give an official recorded interview within 2 hours of a shooting, regardless of the officer's level of stress or sleep deprivation. FOP president Mike Shields characterized this as a "uniquely incorrect position" and pushed the matter to arbitration.

Recently arbitrator Peter Feuille ruled that unless an officer wants to talk sooner the IPRA must wait at least 24 hours after a shooting before its investigators can conduct a detailed interview and that the questioning can occur only between 0600 and 1800. If a shooting occurred at 7 pm, for example, at least 35 hours would then elapse before the interview is required .

FOP attorney Paul Geiger told *Force Science News*: "This gives the officer a chance to rest through 1 sleep cycle, collect himself, and consult with an attorney during reasonable hours in order to give an accurate account of what happened.

"We are not against an officer talking to the IPRA under Garrity protection. We just want him to be able to give an informed, thoughtful statement. Given how hectic and emotional a shooting situation is, we think the rest period is important."

Chicago is on track to nearly double the number of OISs in 2011 if the current rate continues. As of July 21 police have shot 40 suspects this year, nearly as many as in all of 2010. This is a mid-year high compared to the last 4 years. Aggravated assaults and batteries of officers by the end of June had already exceeded the year's total for 2000.

One OIS survivor, Ofcr. Danny O'Toole, who experienced 2 shootings in 2 weeks, told the *Chicago Sun-Times*: "The younger generation is brazen. They just don't care." FOP spokesman Pat Camden agreed. "There's no fear of the police," he said.

The newspaper noted: "No Chicago police officers have been charged with criminal wrongdoing involving shootings in recent memory."

2. OIS hearings in Jacksonville will no longer be public

In Jacksonville, FL, OIS hearing procedures will be changing somewhat because of a recent state Supreme Court ruling.

Police shootings are not uncommon for the Jacksonville Sheriff's Office, which provides protective services for the city and its surrounding county with a sworn force of some 1,700 officers. Across the last decade, OISs there have ranged from 6 to 28 annually.

Investigations are conducted by detectives from the agency's homicide unit. Evidence, including in-person Q & A with involved officers, is heard and assessed for administrative purposes by a 5-person departmental Response to Resistance Board (Jacksonville's term for a use-of-force review body).

Reflecting Sheriff John Rutherford's devotion to transparency and community trust-building, the RTRB hearings have been open affairs. Interested members of the public, the media, and even relatives and supporters of suspects have been welcome to attend.

Undersheriff Dwain Senterfitt, who formerly chaired Board hearings when he was director of investigations, explains that in questioning the involved officer, "the Board gets into the nitty-gritty: what was he thinking, what was he doing, and why. The lead investigator presents witness statements, the medical examiner's findings, and other evidence. The involved officer can sit through the entire hearing, with his attorney present.

...agency practices.

"In the end, the Board's recommendation is for no further action, more training, or referral to IA. Ultimately, the sheriff decides what action is then taken."

Senterfitt feels that having the hearings open has been "absolutely satisfactory" in assuring civilians that "we look at officers' actions and hold them accountable." But the officers' bargaining agent, FOP Lodge 5-30, took issue with the custom.

In a lawsuit, the FOP argued that the RTRB hearings were, in fact, internal investigations and as such should be confidential under Florida law until concluded. The case worked its way to a panel of the state Supreme Court, which agreed. The Sheriff's Office asked for a review by the full court, which was declined last month (June).

Thus, "future Board hearings will still be held but will be closed to the media and the public at the time they occur," Senterfitt told *Force Science News*. After the case is fully concluded, the SO will make a video disk of the Board hearing available to the media and interested public parties.

Except for limited sensitive information--an officer's home address, for example--the disk will contain the full, unedited Board proceeding. This conforms to Florida's open records law, Senterfitt says.

Meanwhile, Jacksonville's other post-shooting practices will remain in place as they have been, Senterfitt says. For example:

- At the scene, the involved officer is expected to supply only "a few basic generalities" to the lead investigator, such as: Are there suspects at large? What evidence needs to be gathered and where should it be sought? What's the scope of the scene? What witnesses should be questioned? The officer meets promptly with an FOP attorney, who decides what additional information, if any, is shared with investigators initially. "The attorney does the talking," Senterfitt says.
- A "buddy officer" is assigned to provide companionship and help tend to personal needs of the involved officer. Personnel trained in critical incident stress management confer with the officer on what potentially to expect physiologically and emotionally in the next 24-48 hours, and an assistant chief briefs the officer on what lies ahead administratively.
- Jacksonville patrol officers work a rotation cycle of 5 days on, 5 days off. After a shooting, the involved officer goes on administrative leave for his next time-off period, plus whatever time is left of his current work period. Besides a mandatory visit with a psychologist during this time, he meets with the FOP attorney and prepares a brief (usually about 1 page, Senterfitt says) written statement about the shooting, which goes to the SO and the state's attorney's office.
- Once the prosecutor decides whether the shooting was legally justified (usually 2-3 months after the event, Senterfitt says), the department then schedules the RTRB hearing. Chaired by the agency's investigations director, the Board includes the director of the training academy, 2 assistant chiefs, and a lieutenant.

"We've had this procedure in place for several years now," Senterfitt says, "and we like what we do. We like to conduct the process so that anyone who looks at it can see that we did things right. But we're not above changing it or stealing good ideas from someone else to improve it."

"Jacksonville has made a commendable effort to maintain continued transparency for the community and still protect the rights and well-being of officers after major force events," says Dr. Bill Lewinski, executive director of the Force Science Institute. "Whenever significant force is used, a delicate balance is required between officer support, accountability, and openness. If any element ultimately is lost, the integrity of the system is damaged."

[For more information on Jacksonville's post-OIS practices, the undersheriff can be reached at: dwain.senterfitt@jaxsheriff.org.]

3. New day in Santa Fe for OIS survivors

It's been a long climb to enlightenment for the Santa Fe (NM) PD since the dark night 5 years ago when officers were left, literally, out in the cold after a shooting.

In *FSN* Transmission #94 [[Click here to read it](#)] we detailed the sorry fate of Ofcr. Shannon Brady, who in 2006 shot and killed a coked-up domestic batterer when he lunged at her and her sergeant with a folding knife.

The officers were kept at the scene for 5 hours, with Brady much of that time sitting "alone on an ice-cold curb" and with even her request for a jacket having to be cleared through the chain of command. Her gun surrendered, she was left with an empty holster in a neighborhood known to be dangerous. When she and the sergeant needed a bathroom break, they were transported, like suspects, in the cage of a marked unit. Except for a catnap, Brady had been awake for more than 46 hours when she faced 2 hours of interrogation for her formal statement. Roughly a year passed then before she was officially exonerated.

"The easiest part was the shooting itself," she says. "The worst was what happened afterward. This department had lost sight of what human beings need. I made a vow to myself that I would do everything in my power to see that no other officer ever had to go through an ordeal like that in the future."

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through several changes of command staff, she and allies she's won along the way have doggedly kept to that promise, researching potential new procedures, drafting proposals, meeting with and lobbying shot-callers, and so on. Over time, they've prompted a myriad of new departmental practices that provide immediate and long-term support for critical-incident survivors and help prepare other officers for crises yet to come.

After shootings, involved officers are now "removed from the scene as soon as realistically possible," says Brady, who became a detective last winter. They're transported to a comfortable site for administrative processing, allowed to call family immediately, and can have an officer of their choice at their side for companionship and emotional support. "Formal interviewing is delayed at least 48 hours to permit the officers to get some rest," Brady says, and officers have access to a psychologist for dealing with post-shooting issues. Internal Affairs is said to be "working on expediting" its investigative process.

The core achievement in Santa Fe's reform package, however, extends beyond shooting encounters. It's the establishment of a broad-ranged Peer Support Team, designed to help any officer weather and thrive after "any personal or professional crisis" that adversely affects the officer or his/her family or "any event during which the sights, smells, or sounds are so vivid as to cause an immediate or delayed increase of stress or stress reactions."

Such incidents may include not only shootings and other deadly force attacks, but also serious injuries to an officer or loved one, "an accumulation of stressful calls in a short period of time," "unusual or gruesome injury or death of a child," divorce or child-custody disputes, lawsuits and IA investigations, the death of another officer, thoughts of self-destruction, and "any incident outside our normal range of experience," Brady says.

Family members as well as officers are eligible for the Team's services, which are also available to other law enforcement agencies and fire departments that request help.

Headed by Brady, the Team consists of 12 volunteers with 2 to 22 years on the job and ranks from police officer to captain. All have been trained by the International Critical Incident Stress Foundation and can handle 1-on-1 consultations as well as after-action group "defusings and emotional debriefings."

An on-scene supervisor is expected to notify the Team leader whenever a shooting, line-of-duty death, serious-injury event, or other potentially traumatic happenstance occurs, and the leader then promptly initiates the support actions deemed appropriate. For crisis situations beyond the Team volunteers' expertise (alcohol and substance abuse treatment, for example), they can research and refer officers to outside resources.

After the Team coalesced last year after months of planning, it got its baptism by fire when 2 teenagers were killed in a major DUI pileup. "It was an ugly mess, and several rookies were on the scene," Brady recalls. "We did a group debrief afterward and that went very smoothly. A deputy chief commented that in over 20 years of police work, he'd never attended a debrief for a fatal crash and didn't realize how necessary it was."

Brady, whose husband Sgt. Mark Kmatz is a certified Force Science Analyst with the Bernalillo County (NM) SD, plans to keep expanding the Team's reach. She envisions creating a "comprehensive wellness program" for PD and FD personnel, retirement coaching and financial planning projects, more extensive stress resilience training for recruits, guidance for supervisors on how to identify officers in need of help, annual sessions on emotional survival conducted by Force Science board member Dr. Kevin Gilmartin, and much more.

Having reviewed the practices of dozens of other agencies, she says she's "shocked" to find how little attention most departments are paying to such issues. Too often, she laments, "the law enforcement culture tends to dismiss what ongoing exposure to stress and trauma can do to its people. So few agencies seem to be thinking ahead."

What's been accomplished in Santa Fe "has been a huge, huge thing for me personally," she says. "It has provided a sense of closure on my incident." In the time since her shooting she has also completed most of the requirements for a master's degree in psychology, which she believes will help her achieve the goals that lie ahead.

"Helping other cops is my baby, my pet professional project," she says. "Let's face it--I'm still a squeaky wheel."

Says Dr. Lewinski: "The Santa Fe experience is a striking example of how determined and persistent officers can take misfortune and transform it into profound changes that make a difference not only to themselves but to an entire department. Congratulations on hard work well done!"

[Brady welcomes inquiries from officers interested in establishing Peer Support Teams in their own agencies. She says she can share her research on the subject and help strategize an action plan. She can be reached at: sibradykmatz@santafenm.gov.]