

**REFLECTIONS ON POLICE SHOOTINGS:
A Look at How Agencies Should React**

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The purpose of this article is not to suggest officer involved shootings can be eliminated. These incidents will continue to occur as officers fulfill their duty and obligation to protect citizens or themselves in a manner that may require the discharge of their firearms. These eventualities, however, enhance the public's right to know why such incidents occur; and necessitate an accounting of the behavior of all involved.

Every day thousands of police officers respond to a variety of requests for service, many of which are inherently dangerous. More often than not, the police use restraint as they resolve encounters in a peaceful manner. For this, they deserve support and respect from the public.

Although the general public supports a majority of police performance; that support does not dismiss interest in those incidents where officer behavior comes under intense public scrutiny. For example, during the past few years, a number of shootings by and of the police have, raised questions and sparked outrage, consternation, and levels of doubt and mistrust of police not seen in our country for several decades. This level of discourse is rooted in an alarming number of questionable shootings where it appears the action taken by the police was not necessary.

Not surprisingly, local community activists and concerned citizens alike have called for more transparency and independence over investigations aimed at police action. Throw in the prevalence and use of cell phone cameras, body cameras, and private security cameras that have captured some events in real time; and it is no

wonder some people have jumped to conclusions and loudly demanded immediate justice for victims.

No one should question the need for each one of these unfortunate and sometimes deplorable outcomes to be fully vetted. How this can best be achieved is open to debate.

Our concern is the apparent lack of discussion about what can be done to help minimize these circumstances from recurring. In some instances, removing the proverbial “rotten apple(s)” who use force unjustifiably may be sufficient. How the heck they came to join the police is hard to fathom; a concern that speaks to the various selection processes and / or how the duration and intensity of police work affects an individual.

And then there are citizens who for whatever reasons refuse to comply with officer directives. While there is some mitigation for individuals who are under the influence of an intoxicant(s) or are mental health consumers experiencing a crisis, there are far too many instances of individuals ignoring officers’ commands leading to an escalation of fear for everyone.

There is no question emotions exist during encounters with the police. Nor should we discount how past personal experiences (direct or indirect) affect citizens’ opinions about the police. But stereotyping of police is no different than by police – both perceptions contribute to making a situation worse than it need be. In all fairness to officers, while it is reasonable to expect them to rise above the complexity of a given situation citizens are not de-obligated from responsibility either.

The officers directly involved in a police shooting are typically committed workers who truly want to serve the public. They do not go out looking for trouble, but it seems when serious trouble finds them, some officers find their response options all too limited leading to outcomes that no one finds desirable. As a result the critical and highly legitimate question being asked by many is: “*Why didn’t they handle the incident differently?*”

In such instances, the bulk of discussions that follow focus on why the shooting occurred and what is to be done with the officer who fired the shot(s). Equal attention however, *should be directed toward identifying the factors that could help minimize these outcomes from occurring in the first place.* Inherent within this premise is the need for officers to adopt a different mindset when handling dangerous incidents.

There is no magic formula that can alleviate these incidents from occurring. Nor am I suggesting that astute police throughout the United States are not already attempting to make improvements in how dangerous incidents are handled. That said, success in the field depends on how well police executives respond to several critical issues, some of which have been missing from the national discussion about police shootings in general. The purpose of this article is to shed some light on what those issues are and what should be done about them.

1. Recognize Justified Shootings Are Not Always Necessary Shootings

There are two levels of accountability officers are subjected to when they use force.

The initial level of accountability asks if the officer's action(s) was in accordance with the law. This decision is originally made by prosecutors or a grand jury – although, in rare cases, may involve members of a jury in a court of law. The attention at this level focuses on an officer's mindset and actions taken when the force in question, especially deadly force, was used.

The claims by some today that police are indiscriminately murdering people, are clearly misinformed about the application of the law. Murder, as with other types of violent crime requires that the mindset and actions of the person must fit within the confines of the criminal statute governing that behavior. For example, in Texas there are four types of criminal homicide: capital murder, murder, manslaughter, or criminally negligent homicide.

The culpable mental states of a person who commits criminal homicide are any one or combination of the following: intentionally, knowingly, recklessly, or with criminal negligence. Charges for any one of the four types of homicide in Texas are in part dependent upon the individual's culpable mental state.

The shooting in Tulsa, Oklahoma is an example of a prosecutor believing the charge of Manslaughter, as opposed to Murder, is consistent with the behavior and mindset of the officer in question.

In making these decisions, prosecutors must equate elements of a statute to facts and circumstances of the situation in question, which makes an investigation of the incident extremely critical.

Of particular importance in cases involving police shootings, are those facts surrounding the actual discharge of the officer's weapon. What was the officer's mindset; was the act of shooting justifiable within the parameters of State and Federal law, as well as within the terms of how the suspect was behaving *the moment the officer's firearm was discharged*; was the suspect armed; was there a belief he or she was armed; or, did the suspect pose an immediate physical threat to the officer, etc.? Not only does the public at large want answers to these questions; so will citizens serving on a grand jury panel or as a jury member in a court of law.

A second form of accountability is administrative and asks if the officer's actions were compliant with department policies and procedures. These efforts are capable of determining if the officer's actions were "necessary." Despite being under the purview of a chief or sheriff, it seldom receives the attention it deserves.

The public should realize policy violations, in and of themselves, might not be violations of the law or one's civil rights. However, violations of the law and one's civil rights should always be policy and procedure violations. For this not to occur, means there are serious flaws within an agency's system of accountability and speak directly to ineptitude on the part of an agency's leader and executive staff.

While I will readily admit there is room for serious discussion regarding who should be responsible for conducting these investigations involving the use of

deadly force; for the purposes of this discussion, I want to focus on clarifying the distinction between a justified shooting from one that may not be necessary.

There is a general inclination to believe if an officer's actions were justified in accordance with the law; then those actions certainly must be consistent with policy and tactically correct. But the question is: "*While a shooting may be legally justified was it necessary?*" Is it possible other tactics could have been used; or, could policies or the training be unclear?

Can officers make an error(s) in judgment prior to having to make a decision to shoot a person? Is it possible an *officer's actions leading up to a fatal encounter were not necessary and were outside the guidelines of policy and training?* Was there time and information sufficient to warrant taking a different approach? Instead of escalating the situation by approaching a suspect too quickly with weapons drawn, was it possible for an officer to de-escalate the matter from behind cover?

One must be sensitive to the manner in which the officer acts during these highly stressful encounters. We cannot continue to expect officer responses to be one-dimensional (i.e., always act aggressively) irrespective of the nature of the incident of person(s) involved.

When the officer confronts someone, who is under extraordinary stress, it is doubtful the person and officer will similarly perceive the situation. It is unlikely the person will realize any quick movement he or she takes could have disastrous consequences. For many reasons – fear, obstinacy, naivety, the influence of substances, mental impairment, or simple defiance – many people in distress decline to listen to, let alone cooperate with, an officer.

The convergence of these factors inhibits effective split second decision-making, but they all speak to the issue of “*necessity*.” A shooting may be justifiable, but it may not have been necessary. Are there instances when a dangerous situation could have been resolved other than with deadly force? I would say for some recent high profile police shooting incidents in the United States the answer is yes.

Knowing the possibility always exists that any officer involved shooting could be justified, but also unnecessary means it is incumbent upon chiefs and sheriffs to demonstrate the thoroughness of their policies governing this action.

2. Policy Deficiencies Cannot be Ignored

Any use-of-force policy should be based on Federal and State laws, as well as valid and reliable law enforcement education and training procedures. While it is an acceptable practice for law enforcement agencies to make their use-of-force policy more restrictive than Federal and State law, it must be flexible and understandable enough for officers as they make split second decisions.

The determination as to whether or not a shooting was “necessary” is strictly dependent upon the sufficiency of an agency’s policy governing the use of force. It is unfathomable to think some police chiefs and sheriffs have no policies or procedures governing this aspect of police work. While I would like to believe this is highly unlikely, it is not so unlikely that these types of policies are deficient in their design. Critics might even argue this is intentional as a way of protecting the police.

One could even go a step further and claim elements of union contracts governing how administrative investigations are conducted is yet another obstacle thwarting efforts of transparency and accountability. Conversely, union leadership

would advocate a need to counterbalance unfairness on behalf of how investigations are conducted resulting in a trampling of the officer's right to due process.

Policies are indispensable because they provide the foundation from which standard operating procedures are developed. Together, policies and procedures provide the necessary guidance for officers while minimizing unfettered discretionary decision-making that can hinder an officer's ability to successfully resolve these incidents.

But what if this guidance is unclear? It is one thing for police chiefs and sheriffs to claim the existence of a policy, but what good is it if employees who are expected to conform find it to be cumbersome or confusing? Even worse is the prospect employees have not been adequately informed about the proper protocol; or have not been subjected to any training opportunities where they can actually work with these directives.

So it begs the question of chiefs and sheriffs, do their policies include concise directives and sufficiently practical guidelines governing the use of tactics in use of force situations? Some police representatives would be quick to say one cannot "legislate" tactical applications for all possible use of force scenarios; thus, the best one can do is ensure officers' actions are governed by the "objective reasonableness" premise set forth by Chief Justice Rehnquist of the Supreme Court in *Graham v. Connor* – 490 U. S. 386 (1989).

Objective Reasonableness. That case focused on determining if the use of force was considered reasonable in response to the behavior and actions of a person who was suspected of shoplifting. According to Chief Justice Rehnquist, the test of

reasonableness in determining the appropriate use of force for any given situation is not capable of precise definition or mechanical application; however, its practical application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of officers or others, and whether the person is actively resisting arrest or attempting to evade arrest by flight. To the extent possible, it seems reasonableness should be interpreted in association with the totality of a given situation.

Chief Justice Rehnquist also stated the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. In calculating reasonableness, one must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. Thus, the Supreme Court clearly believes the most suitable perspective in determining the appropriateness of reasonableness is another “reasonable” officer confronted with the same facts and circumstances, whom one would think, may or may not act in the same manner.

So how does this relate to the premise that officers may commit errors that could lead to a justifiable outcome but one that may not be necessary? Chief Justice Rehnquist noted the importance of “careful attention to the facts and circumstances of each particular case.” He also cited four “elements” used to describe reasonableness. One of those elements speaks to the person posing an immediate

threat to the officer or others. Although not specifically addressed by the Supreme Court in this case, how the officer responds to a person posing an immediate threat is an important element in paying careful attention to the facts and circumstances of each particular incident.

Furthermore, one could posit the four elements representing specific examples used to assess reasonableness are the only ones to be considered when examining the facts and circumstances of a case. To the contrary, there is no limiting language in Chief Justice Rehnquist's opinion. Hence, is it *reasonable to assume one could examine the contributory value of tactical errors under the auspice of careful attention to the facts and circumstances as they apply to a person posing an immediate threat to an officer or others* and still be consistent with the context and intent of this opinion?

If yes, then modifying existing, or creating new department policies to guide the performance of operational tactics by officers is an appropriate and necessary executive decision.

While the Supreme Court is spot on in saying the test of reasonableness is not capable of precise definition or mechanical application; the Justices are certainly well aware that some guidance is necessary. While they provide some insight as to what that should be, they have not restricted police chiefs and sheriffs from taking additional steps to ensure the safety of their officers and citizens they serve.

Thus, there is the matter of further clarifying the definition of "reasonableness." Chief Justice Rehnquist was quite clear in removing hindsight

from the equation and focusing on the appropriateness of including the perspective of a “reasonable officer on the scene.”

This is potentially troublesome though as one could debate who represents a “reasonable officer?” For example, would an officer who has been adequately trained in the application of scene assessment and approach tactics, is well versed in communicative skills, and knows when and how to apply de-escalation tactics would handle a situation in the same manner as an officer who has not been subjected to such training and education? The answer is likely to be no.

The belief that all officers handle dangerous situations in a similar manner may have been true in the past. But with the advent of exposure to excellent training and education opportunities all aimed at providing officers with guidance when confronted with different dangerous incidents; the public’s collective expectation as to how some of these situations are handled is changing.

The old adage “one size fits all” is becoming less and less relevant in policing today. We have long since passed the era where we expect officers to be automatons, especially since officers cannot predict how a citizen will react towards them under every stressful situation. The complexity of the work coupled with the frequency of exposure to varying dangerous incidents require officers be flexible in the performance of their work. That does not mean officers should have unrestricted discretion. That is tantamount to officers having minimal or no guidance and direction at all. Hence, one cannot always be sure every officer makes reasonable decisions in addressing highly stressful and dangerous incidents.

While officers may bristle at having to be accountable to yet another policy, the firm realization is they need structure via policies and procedures that are practical, concise, and understandable. Police executives have an obligation to provide this structure to help officers avoid unnecessarily exacerbating an incident. Thus, *discretionary judgment must be tempered by requiring officer compliance with tactics rooted in policies governed by basic safety principles.*

Officers must come to understand the purpose of such policies. The commission of any significant errors may have unnecessarily placed the officer and citizen in “harms way.” That does not mean an officer’s mistake prone behavior caused a shooting to occur; but one cannot entirely rule out that scenario.

The more prevalent conclusion officers must draw from the enforcement of such a policy, is the need for them to act differently to enhance their personal safety and indirectly, the safety of the person in question and the public in general. No one wants an officer to unnecessarily risk his or her own life; and one certainly does not want an officer to unnecessarily bring harm to another person if it can be avoided. Acting in a safe manner enhances the probability that harm to all parties will be minimized, and hopefully, avoided entirely.

Officers are putting their lives on the line every day. They are routinely exposed to increased frequencies of dangerous incidents. Police executives need to revisit their policies and procedures to ensure they provide appropriate guidance in how these difficult incidents should be handled. *If one can increase the effectiveness of how dangerous scenes are being handled, the probability of unnecessary consequences should be reduced.*

The use of force does not in and of itself indicate any Constitutional or policy violation. A series of shootings do not in and of themselves indicate bad policy or training. However, they should be reviewed and various questions asked. A policy may be inadequate or the policy may be fine and the training may not mirror the policy. The officer(s) involved may be an issue. Consequently, the situation must be examined from multiple perspectives including everything from policy and training (recruit, field training – does the culture undo what was learned) to supervision. Generally speaking, if problems exist, they will not be isolated to a singular cause. Thus, police executives seeking to remedy a problem must look at the total picture rather than focusing on only one aspect of it.

In doing this, police chiefs and sheriffs are demonstrating efforts to strictly adhere to the concept that the use of deadly force is truly a last resort to protect life. This absolutely cannot be mere lip service but should be reflected in policies, procedures, training, review processes and disciplinary protocols.

3. The Integrity of Administrative Investigations Must Be Enhanced

Lack of integrity can be related to investigators failing to ask critical questions that will reveal specific information about action and behavior exhibited by the officer(s) involved in a shooting incident. As authoritative decision makers, police executives have a duty to publicly account for the thoroughness of these types of investigations!

It is naïve to think officers do not make errors in judgment, especially in highly stressful situations. It is the responsibility of police executives to determine

through their administrative investigations if such errors actually occurred during the course of the incident. How this occurs is extremely important.

One could easily look to the Las Vegas Municipal Police Department's (LVMPD) groundbreaking work with the Office of Community Oriented Policing Services (COPS) in 2012 for guidance in addressing this matter.

Confronted with fact that from 2001 – 2010 the LVMPD ranked third behind Houston and Chicago in officer-involved shootings per capita, they sought to determine what could be done to address this problem. Their efforts focused on a review of their shooting incidents, which in turn revealed the identification of 11 tactical errors officers were inclined to make:

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| 1. Radio Communication | 7. Verbal Commands |
| 2. Officer Approach | 8. Less Lethal Force |
| 3. Coordination | 9. Assessment of Backdrop |
| 4. Cover and Concealment | 10. Use of Deadly Force |
| 5. Firearms Tactics | 11. Medical Response |
| 6. Command and Control | |

Each of these errors was defined and a determination was made as to the frequency with which they had occurred.

The accompanying report from this research was quick to point out these errors did not automatically equate to officer involved shooting incidents being preventable; rather these are areas in need of improvement as noted in the LVMPD's administrative investigations.

While we agree with the supposition these errors do not equate to a "cause and effect" conclusion; they do constitute justification for holding officers (as well as

trainers and supervisors) accountable for their decisions and accompanying actions. There is no guarantee any action taken by the officer, short of shooting someone, will result in a person altering their behavior. But if one can minimize the occurrence of these errors, there is at least a probability that a different outcome could be produced.

It is important to understand the relationship between the concept of “necessary” and officer performance characterized by the presence of tactical errors. First and foremost, even if an officer’s performance is error free, a person could still be shot and injured or killed – and in such a circumstance, the shooting could be both justified and necessary.

However, what about instances when the officer makes one or more errors; or the officer commits a “critical error,” one that has more implications associated with it than others, does this mean the resultant shooting was not justified? The answer can still be no, it can still turn out to be justified; and even if errors were not made, there are no assurances the outcome would have been any different. But, *one must not ignore the possibility that if these errors had not been committed, perhaps the shooting could or should have been prevented.*

What we can be assured of is the commission of these errors may have unnecessarily placed both officer and the person of interest in a precarious situation. An officer’s actions may prompt a citizen to act in an unexpected manner. Conversely, a person’s actions may result in an officer taking unnecessary risks, which could lead to further escalation of tension and stress between the two parties.

Thus, a thorough investigation must move beyond just providing officers an

opportunity to describe what happened and why. If one were to use the Las Vegas Metropolitan Police example, questions should be formulated in accordance with the 11 potential errors made at these scenes. Responses to these inquiries will have significant policy and training implications.

From this, the types of information to determine if circumstances existed that would have allowed officers to act differently – or, justify police actions as they occurred – will logically flow. At the very least, the following questions should be a part of the investigative protocol:

- A. What type of information about the incident did the officer have before arriving at the location where the shooting occurred?

Rationale: was there sufficient (insufficient) information about the impending scene the officer was responding to and how did it effect his or her mental preparation?

- B. Did (or could) the officer wait for support from fellow officers before engaging? If not, was the decision to move forward without assistance “necessary?”

Rationale: the type of incident usually dictates the quickness of the response; but in the “heat of the moment,” is it possible the officer will over react to the “perceived necessity” of a quick response?

- C. Unless circumstances dictated otherwise, did the officer try to assess the situation that could influence his or her decision-making before engaging the suspect?

Rationale: how well did the officer visualize and use information (e.g., physical layout, presence of other people, position of suspect, etc.) available prior to engaging the suspect?

- D. If available, did the officer appropriately use cover and concealment throughout the encounter?

Rationale: cover and concealment reduces vulnerability, buys valuable time and provides the officer with leeway prior to a decision.

- E. Did the officer engage in a verbal exchange with the suspect?

Rationale: this helps the officer determine how well verbal directives can be used to control the situation. In highly stressful situations, how well did the officer listen to what a person said in response to their directives? One might be surprised to learn how often officers cannot recall such responses because in large part, they were not listening!

- F. Did the officer issue appropriate directives to the suspect; was the communication conveyed in a manner consistent with bringing the encounter to a successful resolution or did the effort inflame the situation?

Rationale: did the officer issue orders or was there an opportunity to have dialogue to reduce the tension; this speaks to the content and intent of the verbal exchange.

- G. Did the officer use (or attempt to use) appropriate de-escalation techniques while handling the situation?

Rationale: how officers communicate with people who are under tremendous stress, influenced by hallucinogens; mental health consumers experiencing a crisis; or just angry, spiteful or hateful is important. Simply giving a person orders is no guarantee of compliance.

- H. Should (or could) the officer have repositioned him or herself as a means of using time to reassess how to proceed?

Rationale: this is a highly contentious issue in police circles – if you give up ground, you lose control and allow the suspect to reassert his or herself and achieve the upper hand. While understandable, this mindset typically heightens officer vulnerability, which in turn, can cause officers to make quick decisions in response to sudden movements – all of which may or may not result in justifiable action.

- I. Did the officer unnecessarily place him or herself in danger?

Rationale: why did the officer place him or herself in harms way? Was the explanation sufficient to support his or her position?

The purposes of asking these questions are multifaceted. First, it is important to learn lessons from one's experiences, especially if the lessons learned will enhance officer safety while handling dangerous situations. The collective

information gleaned from answers to these questions can be plugged into training protocols.

How else are officers expected to learn from their colleagues' mistakes or replicate successes? Knowing how and when to do so is the essence of providing officers with tactical technique training.

Second, officer actions can be used to enhance policies and procedures. The amount of guidance or implied discretion within a given policy or procedure may require more clarification to help officers with their decision-making process. The practicality and utility of any policy or procedure must be commensurate with the officer's ability to understand the policy or procedure's value in helping him or her resolve an incident successfully.

Third, answers to these questions will assist executives in determining the relationship between the existence of errors (if any) and the eventual outcome of an incident, whether a shooting occurred or not. If the officer decides to use his or her firearm (or other types of force); then it is critically important to acquire information as to why this decision was made. How else is the "necessity" of the weapon's use to be determined?

It is a reasonable expectation for the public to hold their police chief or sheriff accountable for not only asking these questions, but also for using this information to improve officers' abilities to effectively handle dangerous incidents.

4. Aggressively Reduce Self-Imposed Officer Vulnerability

Vulnerability can best be described as the officer inserting him or herself to a dangerous encounter without use of proper tactics, such as cover or concealment, as

a means of protection. Said differently, the officer places him or herself in harms way without considering or using elements at a scene to serve as a barrier of protection prior to interacting with the person.

In far too many instances, officers place themselves in positions of vulnerability by advancing on a known perceived threat to minimize danger by asserting control over someone. There are other times when officer vulnerability is the result of receiving and acting on incorrect or misleading information.

Time after time we find officers stating they were in fear for their life because they saw or thought they saw a person display a weapon in a threatening manner; grab for the officer's weapon during a physical confrontation, or, make an overt movement leading that officer to believe that the person was about to obtain a weapon.

Overt movements are particularly difficult for officers, especially at night when an officer has a more limited view of the person's clothing or vehicle or the person is non-responsive to the officer's directives.

Depending on the officer's proximity to the person, if the officer decides to shoot, he or she will claim self-defense because of the perception risk driven by the perception of the person being armed and posing as a threat to the officer's life or another person's life. By approaching the scene differently, however, to insure less vulnerability, the outcome would likely be different.

While there are no universal protocols, because these situations are fluid and unpredictable much of the risk felt by officers is likely strongly correlated to the vulnerability they feel. As such, rather than focus exclusively on the decision at the

point force was applied, attention should also be directed to the actions of all parties **prior to the deadly force moment.**

In other words, *did officers place themselves in a situation where they felt deadly force was needed as a means of resolving a situation they contributed to creating?* A few examples are worth mentioning to illustrate this point.

- Vehicular pursuits involving high speeds produce enormous stress and a release of adrenaline for all involved.

At their conclusion, officers share a natural tendency to rush the now stopped vehicle with the intent of bringing the driver under control. However, the moment officers make the decision to quickly approach the suspect vehicle; they have increased their vulnerability and jeopardized their own safety.

- Similarly, when officers are called to investigate a suspicious person acting strangely the activity on first contact usually involves attempts to engage that person in conversation – an effort that is often either outright rejected or, at least, met with little cooperation. This, coupled with the original behavior – is usually enough to place the officer in a defensive mode. If the suspect is physically imposing or otherwise threatening the responding officer tends to reach for his or her tools of force to insure compliance.

In this scenario it is important to note the person's non-compliant behavior is not a crime, and without additional provocation, it is doubtful if any further action by the officer is justified. Still, some officers are relentless and may easily see the person being confronted as a personal or community risk that needs to be addressed. Ultimately, the officer could draw his or her weapon simply out of fear of the unknown; and in doing so find him or herself vulnerable to any actions taken by this person.

- Foot pursuits – especially those occurring at night when visibility is impaired – represent a third example of how vulnerability can influence police behavior. Officers may or may not know whom the suspect is they are pursuing and reasons for pursuing vary from known criminal activity to nothing more than suspicious behavior.

The difficulty associated with these instances is the pursuing officer knows that at any moment circumstances may turn and they may find

themselves being confronted by the person they were pursuing. The obvious risk involved makes it likely the officer will perceive vulnerability making him or her hypersensitive to an “overt movement” made by the fleeing person.

These three examples demonstrate how officers can contribute toward the creation of their own vulnerability. This is further exacerbated when officers feel pressured by time to resolve a situation. Time is driven by the perception of impending danger and the need to prevent what is danger from occurring or worsening. Officers need to distinguish when this perception is accurate and when it is not. They must not see time as an enemy; rather time, in many instances, can be an advantageous tool.

Whenever possible the preferred option is for officers to slow down how they process and conduct themselves at a scene, which in turn may allow for interaction to occur, or to assess other ways of handling a person. We believe this is one of the primary reasons most officers successfully diffuse dangerous incidents; they know how to effectively manage time and their responses to a person’s behavior. The removal of vulnerability can buy the officer time, which in turn can help determine if their initial perceptions about a person are accurate.

The presence of the officer’s self-induced vulnerability as a factor in any shooting incident should raise a red flag for investigators. While one’s vulnerability does not automatically equate to inappropriate behavior, the probability exists such behavior can be inconsistent with operational and training policies and procedures. This then, becomes a major concern an administrative investigation must address – what is the relationship between the origin of officer vulnerability and the necessity of a shooting?

Whenever officers contribute to being controlled by a situation, they are likely to be vulnerable. Vulnerability affects one's perceptions, which in turn, can adversely affect the officer's tactical decision-making. Officers must seek, whenever possible, to protect themselves first by minimizing their position of vulnerability especially when handling dangerous incidents. Police leadership has an obligation to enforce this mindset with viable policies, procedures, and realistic training protocols.

5. Overcome Serious Officer Safety Training Deficiencies

Having sound policies is one thing, being able to prudently and effectively convey them to police personnel is another entirely different challenge. The primary means of communicating this information is through training and education. Failure to provide timely, reliable, and valid training can be costly in many ways ranging from the loss of life, to sustaining injuries, to being held accountable for acts of vicarious liability (e.g., failure to supervise, failure to train, and negligent retention).

For many years, police chiefs and sheriffs have been cognizant of a landmark United States Supreme Court case that has significantly affected the issues of training and supervision. The decision from *City of Canton v. Harris* (489 U. S. 378 [1989]) basically held that inadequate police training may serve as the basis for municipal liability under Section 1983 "only" if the failure to train amounts to a "deliberate indifference" to the rights of people with whom the police come into contact with and the deficiency in the training program is closely related to the injury suffered.

This threshold of liability is a higher form of negligence than mere indifference but lower than conduct that shocks the conscience and is basically as the courts have explained something which is a deliberate and conscious choice by the policy makers. In other words, as long as a department has tried to address the problem, they will not face liability for a constitutional violation of someone's rights because of their policy.

Thus, it is incumbent upon police executives to take steps to ensure department personnel receive proper training, especially in those high-risk areas such as the use-of-force, mechanics of arrest, search and seizure, and so forth. With the advent of *Davis v. Mason County* 927 F. 2d 1473 (CA9 1991), *police executives were placed on notice that it is not sufficient just to train personnel on how to perform various aspects of their job, but the training must include when the performance should be used.* Herein lies the balancing challenge for police managers, supervisors, and trainers – how much time it takes to teach someone how to perform a skill versus how much time it takes to teach someone, when and under what circumstances that skill should be used.

Nowhere is this more important than when it comes to providing officers with training in tactical decision-making. Police executives must acknowledge while instances exist where the officer's actions are in accordance with the law, there may have been alternative tactics he or she should have used to produce a different outcome. If these tactics are not used and they should have been used, accountability must affix to the appropriate personnel, inclusive of officers, trainers, supervisors, managers, and executives.

The genesis of any tactical decision-making rests with how one is trained to think and act. At the risk of oversimplifying, there are two tactical training approaches being used in police agencies today: foundational and situational.

The foundational approach focuses on teaching a set of techniques that are universally applied to any incident. This makes it easier for trainers to administer and hypothetically easier for officers to remember. In today's climate in which police officers are unsuspecting targets of ambushes, it would not be surprising to see agencies starting to drift toward using this approach exclusively.

Contrast this with a situational approach where officers are taught to match techniques to a given incident. Officers would be expected to differentiate which techniques they would use for various types of traffic stops, working with mentally impaired consumers, searching buildings, interacting with recalcitrant persons and so forth.

Neither of these approaches is necessarily incorrect when used; however, the mindset used by officers and anticipated reactions by targeted persons to the techniques used could be a concern. In other words, not every incident requires an assertive, aggressive approach to reach a successful conclusion. Knowing when to compensate for the uniqueness of situations and people is critical for establishing tactical superiority.

Tactical decision-making is important because it governs how officers conduct themselves at an incident. Determining which tactics to use is predicated on scene conditions, the presence of personnel at the scene, and the behavior of the

person in question. There is no “continuum” or “pre-designated sequence” regulating which tactics officers should use for a given scene.

The intent of tactical superiority is to create a deterrent effect so the officer is in a position of influencing what occurs during an incident. It can also provide the officer a degree of protection depending on the circumstances encountered. It is in no way a foolproof means of bringing any scene to a successful closure, but used properly, it can increase the probability of bringing an incident to a peaceful resolution.

Tactical Techniques. There are several important tactical techniques officers should be using. It is important to note though that once any of these techniques are used officers should constantly be reassessing their situation before moving forward – and this could take only a matter of seconds (or longer depending on the nature of the situation) to be effective. The techniques listed below are not exhaustive but they merit a simple description for purposes of clarity:

A. Assessing the scene

Officers must possess competent situational assessment skills to assess scene conditions (i.e., physical characteristics), identify the number and type of people present, perceive citizen behavior, identify threats, recognize the relevancy of distractions at the scene, and so forth. This skill is crucial as it directly provides criteria affecting decisions on how to use all other tactics.

B. Gauging and maintaining a safe distance

There is no general rule of thumb on what distance one should maintain, but more distance could provide even the slimmest of time for the officer to decide how to react to aggressive behavior. This does negate the fact that at some point the officer may have to physically bring a non-compliant person under control.

C. Use of adequate cover and / or concealment opportunities

One of the most critical pieces of information the officer can obtain during scene assessments is the availability of cover or concealment. Protection reduces vulnerability and provides officers time to observe, assess, and communicate. This tactic more so than others, is the cornerstone of establishing tactical superiority.

D. Maintaining line of sight

Constantly viewing a person is crucial to maintaining officer safety as it can govern officer interaction and determine risk probabilities in approaching the person. This must be balanced with maintaining cover and concealment.

E. Approaching a person

The tried and true method of always quickly confronting a person to assume control is not always the most advantageous tactic. It often results in increasing officer vulnerability. Learning how to require a person to approach an officer enhances officer safety and minimizes the need to use force.

F. Determining the need to tactically reposition oneself

Knowing when to back off and reassess one's situation before moving forward is an essential tactic for maintaining one's safety. This is a very difficult concept for officers to embrace as they have been immersed in the belief that aggressively moving forward to assume control is how one eliminates danger. The officer should not always feel obligated to act in this manner. Since situations are fluid, officers must be comfortable in altering their tactics accordingly. *Repositioning oneself demonstrates patience; it buys time for the officer and allows them to reconsider their options.*

G. Use of time

Buying time can keep officers from making emotionally driven decisions that may jeopardize their safety or the person of interest. Time provides an opportunity for judgment and decisions based on information gleaned from observing someone. It also enhances officer safety by virtue of the officer not overreacting to a person's behavior. The use of time goes hand in hand with repositioning oneself if needed when handling a incident.

H. Knowing when and what types of command / directives to issue

Simply barking out orders at someone will not always bring about the desired effect. It surely will not be effective when communicating with a mental health consumer experiencing a crisis. More attention needs to be focused on teaching officers how to communicate with non-compliant people.

I. Using de-escalation protocol

This protocol embraces several of the tactics already mentioned. A sample of techniques include: remaining calm; avoid overreacting; indicate a willingness to understand and help; allowing a person to ventilate; speaking simply and friendly; ask rather than order; do not default to forcing action unless absolutely necessary; etc. Knowing when and how to use this protocol is significantly related to maintaining tactical superiority.

J. Deciding if to terminate a pursuit – foot or vehicle

Pursuits are one of toughest situations to manage. Many agencies have policies governing the management of vehicular pursuits, but we wonder if the same can be said about foot pursuits. Foot pursuits, especially during the nighttime are apt to involve officers losing sight of the person, making an ensuing encounter very dangerous.

Officers must not hesitate to stop pursuing a suspect when danger significantly outweighs their own safety. However, losing sight of the person does not mean an officer should give up. If available, officer could call for reinforcements to cordon off an area or ask for canines as an alternative way of converting a pursuit to a search.

When we look at many police shootings, especially those of late, the tactical techniques used by officers can reasonably be questioned, even those used in situations where a shooting was deemed justifiable.

Furthermore, we suggest the amount of time dedicated to tactical decision-making training in many departments is woefully inadequate. One need look no further than the Police Executive Research Forum's (PERF) 2015 (August) report

entitled: “Re-Engineering Training on Police Use of Force.” PERF conducted a survey of member agencies in the Spring of 2015, of which 280 responded revealing topics such as crisis intervention, use of force policy, de-escalation, communication skills were included in recruit and in-service training programs. *But the presence of these topics provides no assurances the training is either sufficient or properly balanced in association with other courses offered.*

Methods of Learning. The methods used in teaching how to perform these skills are another major concern. Scenario-based training techniques are popular; but are challenging to design, administer and assess participant performance. They are also very resource intensive. Yet, they offer the most realistic way of creating incidents, which can challenge the officer to use his or her situational awareness and de-escalation skills under different conditions. These conditions should equate to diverse types of non-compliant behavior typically encountered by officers.

It is of absolute value that officers, once trained in the use-of-force policy, be given training in realistic scenarios (ones reflecting the true day-to-day activity of a street officer – not restricted to exceptions to the norm).

It is not uncommon practice for trainers to create “no-win” scenarios for recruits, even veteran officers as a way of making a point. These situations typically require officers to demonstrate that under justifiable circumstances, they will be able to defend themselves by using deadly force. What tends to get lost in this approach is the fear being instilled within officers.

These exceptions (i.e., justifiable reasons to use deadly force) can easily be perceived as the norm. In other words, any normal set of circumstances can result

in a worst case scenario, therefore the officer is always thinking first about whether or not deadly force should be used as opposed to other force or non-force options that could minimize deadly force occurrence from happening in the first place. Hence, the need to expose officers to a multitude of practical exercises reflects a realistic norm rather than perpetuating false expectations based on unlikely exceptions.

A successful learning experience for each officer means he or she had an opportunity to participate in relevant training activities. We must not underestimate the value of officers watching their colleagues participate in scenarios different from the ones they were involved in, but the most effective learning comes from personal participation.

Further, participants should know there is seldom one right way to resolve problems within a scenario. *Officers subjected to scenario-based training must walk away from the experience being able to distinguish preferred methods from less preferred methods of resolving non-compliant behavior under a variety of circumstances.*

Equally important is an officer having confidence in their ability to perform and know how this performance meshes with their agency's respective policies and procedures. Officers who can clearly articulate this relationship will diffuse a defense attorney's efforts to take the liberty to interpret for a jury or judge what an officer said.

For scenario-based training to have value, officers must believe they were challenged to perform in a manner designed to enhance and preserve their safety

and the safety of citizens. The question that must be asked is how frequent and intense these types of training are provided to officers during the course of their careers? The answer in many agencies may be far too few.

Firearm training is another core instructional area in need of attention. Firearms instructors have an extraordinarily difficult job of teaching recruits how to handle and shoot their weapons. Still, we must have assurances that if an officer is going to shoot, he or she will do so accurately.

This of course, is why officers in most agencies must qualify with their firearms each year. Unfortunately, a small percentage of officers are known to have difficulty with the qualification requirements, which raises questions as to whether or not those officers are treated differently from their more competent colleagues. The public should be aware of how these individuals are handled within their agencies.

Because of concerns about accurate shooting, it is safe to say in many agencies what gets lost is an emphasis in determining *“when” to shoot and “what” can be done to reduce the necessity of shooting.*

This may be attributed, in part, to the evaporation of a important training sequence in police academies today. Under “normal” circumstances, the officer’s primary response option is to use non-forceful means to resolve conflict. The exception to this approach is to use non-lethal methods, such as a baton, electronic control device, pepper spray, etc. The exception to the exception is using deadly force.

In examining training curricula, one should not be surprised to find more time being spent on the use of deadly force and the least amount of time on non-forceful protocols.

This has the potential of skewing officers into believing they are more apt to encounter situations where they will need to rely on using deadly force than not. This is further compounded when the use of computerized “shoot-don’t-shoot” software programs are incorporated into a curriculum. There are two significant issues with this approach.

First, it is not sufficiently interactive – the subjects projected do not behave spontaneously so the challenge of handling non-compliant behavior is non-existent. *When you exclude spontaneity of a suspect, you automatically reduce opportunities to assess an officer’s decision-making ability.* Situational assessment of a scene coupled with the use of de-escalation tactics is heavily dependent on interacting with people. If this element is missing from the scenario, that scenario immediately becomes unrealistic further inhibiting an officer’s learning opportunity.

Second, computer generated scenarios are predicated on only one primary decision, will the officer shoot or decide not to shoot? All other use of force options are off the table and do not apply; this includes negating an officer’s most effective tool – direct communication with a person.

And third, a high percentage of the scenarios presented are shoot situations, which precondition officers to overestimate the likelihood of the necessity to shoot. In actuality, the probability of the officer becoming involved in a shooting situation is extremely small. That does not diminish the importance of being able to

effectively handle these types of dangerous situations, but it also suggests officers must possess skills that will prevent situations from escalating into the possibility of having to use deadly force.

A “shoot-don’t-shoot” training program has value, but it must be properly balanced with using other conflict resolution techniques. Ignoring this need to strike a balance in how officers are trained to cope with confrontations could be a contributing factor as to why these controversial shootings are occurring.

It is one thing for the officer to be in a position to justifiably use deadly force but not do so because of his or her ability to de-escalate the situation to the point where less-than-lethal force or no force is used to resolve the situation without jeopardizing their own safety or the safety of others.

Police executives are aware of their responsibility to assure the public they have properly prepared their officers to use force only in those instances when such a response is justified. The public is right to expect officers to know how to use such force. However, *it is perhaps more important for each officer to know when that force is appropriate.*

Instructional Competency: When it comes to the matter of teaching safety-related material to officers, police executives should be confident the appropriate people are serving as instructors. This is not a decision that should be left to chance or to one commander’s personal preference. The credibility of instructors is crucial to officers; otherwise doubt begins to surface in the minds of officers (i.e., if this material is so important, why is this instructor so ineffective?).

Police executives must be sensitive to what criteria is used to define a subject matter expert (SME), the process used to select a SME, and the level of commitment made to ensure SMEs maintain their certification (if applicable), enhance their experiences and remain knowledgeable about best practices.

It is enticing to forego these considerations and simply seek out potential instructors who have had military experience. The thinking is they have been exposed to essential survival training tactics that would translate well to the police world. We strongly suggest caution is in order.

The theory of never giving ground is a great military tactic that depends on an aggressive, reactionary orientation by the soldier towards the enemy. For police, however, the environment is different and citizens should not always be viewed as enemies of the police. While there are exceptions to the rule, most police encounters do not require the use of an aggressive military protocol. Aggressive, reactionary responses do not always bode well in traffic stop incidents, handling of mental health consumers, encounters involving a suspicious person, or other prevalent order maintenance duties.

If police executives choose to rely on instructors who have extensive military experience, they need to ensure these trainers recognize and understand differences and adjust their conduct accordingly.

Tactical techniques, methods of learning, and instructional competency are three important areas police executives must be concerned with. One can be assured when “failure to train” or civil lawsuits are filed as a result of a police shooting; these training issues will be examined.

Attention may also be directed toward the existence of a check and balance process for all courses offered within the curriculum, but especially for officer safety related classes. Continuity must exist between what is written and what is actually taught, how it is taught, and by whom, which is critical when a particular topic spans multiple training units (i.e., defensive tactics unit, firearms training unit, mental health unit, etc.). One must not forego the importance of having supervisors monitor each segment of an officer-safety training program, or elements thereof.

It would behoove police executives to be knowledgeable about all aspects of the training their officers, supervisors, and managers receive regarding tactical operation techniques. *It is no longer sufficient to solely focus on how officer mechanics and rationale were used to justify why an officer shot someone; attention must also focus on actions taken by officers prior to having to discharge their firearm – astute officers will use and rely on what they were trained to do!*

Police executives must be prepared to describe and demonstrate what they have done and are doing through their training efforts to help officers handle these types of incidents. If they do not or their efforts are minimal there must be consequences. The more the public knows about these facets of police work, the stronger accountability becomes.

6. Establish and Publicize A Legitimate Post Shooting Intervention Protocol

One of the standard procedures for officers who have shot someone is for them to be temporarily reassigned to an administrative job for a set number of days. There is no standard length of time for the officer to remain away from his or her

field assignment as it varies among departments, typically ranging from 3 – 5 days, some much longer.

There is value to this practice but in most cases it seldom reaches its potential. On the positive, the removal of the officer from a neighborhood, especially when a questionable shooting occurs, places the officer out of harms way and limits his or her potential to be a catalyst for disorder and unrest.

It also provides the officer time to cope with the psychological after effects of having shot another human being. Officers will react differently to this situation, which is the reason many police executives require involved officers to visit with a psychologist. It is incumbent upon the psychologist to determine when or if the officer is “fit for assignment” in his or her previous field duty. As there are multiple assignment options for officers, it should not always be assumed they will work in their previous capacity.

The real issue with any post shooting protocol is: “what are officers doing while on special administrative assignment?” Paper work, answering phones or similar make work assignments are tantamount to wasting a precious opportunity.

Many agencies have post-critical incident protocols that are used in conjunction with major department operations (i.e., huge sporting events, concert events, and the like), special weapons and tactics unit operations, even major undercover operations. These debriefing sessions are invaluable to an agency as they are designed to examine and critique an operation solely to look for ways to improve how future similar events will be handled. A similar approach must be

established for officers who have been involved in incidents where they discharged their firearm.

The goal of this effort must be ensuring the officer has confidence in his or her ability to perform their job. Equally important, they must fully understand how their actions relate to the agency's policy and the training they have been refreshed on.

This can be accomplished by exposing officers to a multitude of activities that will not only help them cope with the effects of a shooting incident, but will also prove beneficial to his or her colleagues. For example, at the very least, this protocol should include the following activities:

- A. Debriefing Session – the officer should have a chance to share his or her perceptions of the incident in question; thoughts about the investigation of the incident; personal critique of how the incident was handled; perception of other officers reaction to the incident; any lessons learned; suggestions for training, etc. Additionally, the involved officer should feel comfortable enough to share his or her mindset and decision-making rationale used throughout the incident.

Determining whom the officer shares this information with is crucial. At the very least, non-judgmental, open-minded, effective trainers should participate, as should officers who have been previously involved in a shooting incident.

- B. Firearms Refresher – officers should be allowed to shoot the agency's qualification course, not so much to determine if they could qualify, but more importantly, to allow range personnel to examine the officer's shooting mechanics and weapon functionality. This protocol should extend to different shooting regimens that are conducted outside in daylight hours and inside where lighting conditions can be modified (i.e., low light). These regimens should incorporate opportunities to shoot from different types of cover and concealment positions. This session is important in determining if the shooting incident has adversely affected the officer's ability to effectively use his weapon under varying degrees of stress.

- C. Crisis Intervention Training Refresher – ideally, this session should be conducted by personnel who have extensive experience with de-escalation techniques in response to non-compliant behavior (e.g., officers working in a mental health assignment, domestic violence specialists). The importance of this session is to review other non-lethal and verbal response options to resolve a potentially volatile incident.
- D. Scenario Participation Session – this session should consist of administering a series of computer simulations (if available) – and most importantly – live, practical field scenarios. In both instances, the emphasis should be on an officer’s decision-making abilities versus his or her marksmanship. For example, officers should be challenged to:
- Handle different types of incidents that cause the officer to use their situational awareness skills to assess scene conditions, perceive citizen behavior, and to determine what type of compliance techniques should be used for a given incident;
 - Confront incidents where officers must use de-escalation techniques under non-stressful and stressful conditions; and
 - When possible, resolve a highly stressful and emotional incident without resorting to using deadly force.

What should be avoided are simulations that result in the officer routinely being killed if any type of mistake is made. Officers do not need to be reminded of this outcome; otherwise they will predominantly be thinking and looking for the proverbial ambush situation, which minimizes using their abilities to focus on applying various tactical techniques. *This may be extraordinarily difficult in some jurisdictions given the recent events where officers have been ambushed and killed.*

- E. Ride Along – at the expense of a veteran officer feeling this would be demeaning to his or her ego and stature in the agency, it would be wise to have the officer ride with a colleague for a few days prior to returning to a regular assignment in a one-officer capacity. This allows the officer to ease back into a field assignment with the presence of a fellow officer. It provides the officer an opportunity to discuss his or her perceptions and reactions to what occurred during the shooting incident. It also provides time for the officer to regain confidence in handling dangerous situations. This is extremely important if the officer is experiencing any signs associated with post traumatic stress syndrome, which, if occurring, should be discussed further with a psychologist to determine what the best course of action would be for the officer’s assignments.

- F. Supervisor Debrief – one must not forget the important responsibility the officer’s supervisor has in helping the officer transition back to his or her assignment. There is an obligation on behalf of management to ensure supervisors know what to look for with respect to officer behavior and what not to do to inhibit one’s recovery attempts. The purpose of this session is impart information that will help the supervisor assist the officer; this would include conducting a discussion about the officer’s incident and learning to identify behavioral symptoms signifying an officer’s difficulty in coping with the prior incident. For this session to be successful, it is imperative supervisors are good listeners.

- G. Follow up Contacts – are in everyone’s best interest to touch base with the officer after having returned to his or her assignment. These should continue for a period of time and should include meeting with a psychologist, a mentor (if a department has a mentor program), or relevant trainers. This contact should be face-to-face rather than by phone call. The agency should not miss an opportunity to obtain insight from the officer, who after becoming comfortable after returning in his or her reassignment has had time to reflect on the incident. This reflection may provide additional information that could be useful to all.

It would be naïve not to acknowledge the importance of aligning this protocol with any legal considerations associated with the incident in question. Officers and their legal representatives will be quick to distance themselves from any requirement in which the officer is “forced” to discuss any aspects of his or her situation (i.e., in a debriefing session) without the presence of legal counsel. This is not insurmountable as debriefing sessions can be similar to peer counseling regimens. It depends on the nature of the questions asked during the session and what the officer feels comfortable in discussing.

Police executives have an obligation to be held accountable for ensuring their agency has a comprehensive and practical post shooting intervention process that focuses on refreshing an officer’s abilities to handle dangerous situations. This should be viewed as a positive opportunity for officers to contribute their

experiences for the benefit of others. Plus, it allows officers to refresh and refine their existing capabilities all for the purpose of enhancing their safety awareness.

Lastly, this protocol should be shared with the public, otherwise they are left to believe the reason an officer was moved was because he or she did something wrong, which may not be the case at all. But this does not mean all of the information shared during the protocol should be made available to the public (i.e., the use of specific police tactics). The public should understand officers would go through a process for specific reasons. This process represents a means of transparency for police executives to demonstrate their accountability to them (or lack thereof).

In Closing...

At this point, one might ask: “How do you make this work?” First and foremost, there is no one right way as every police department is different and every police chief and sheriff have varying opinions as to what they believe should be done. What gives us pause is the tendency to approach this issue on a piecemeal basis.

Adopting use of force principles; or modifying existing policies; or subjecting officers to a de-escalation training class in and of themselves may be legally prudent, but what assurances does one have the behavior of officers, supervisors, and managers will actually improve? *It is important to acknowledge the gap that typically exists between what is said in a policy, what the training actually achieves, and how well officers, supervisors, and managers are able to demonstrate the*

relationship between the two. This would suggest the process of integrating policy with training is crucial.

Simply exposing employees to a “revised or existing policy” and subjecting them to a training class does not automatically equate to needed change. Policies should include perspectives from field personnel; otherwise they may stifle the very behavior targeted for improvement. Tactical decision-making cannot afford to be cumbersome especially in situations where every second may count. Protocols must be practiced repeatedly if officers are expected to perform them naturally, without hesitation.

These elements are key components of an overall process in which policy must be integrated with the design and implementation of training; and then, most importantly, training must be repeated over time. The training method must allow personnel to apply the necessary skill sets, articulate why they did so, and then be subjected to constructive critiques.

Keep in mind, supervisors and managers should be exposed to scenarios (role-play or case reviews) and be required to critique the demonstrated behavior of the officer(s). Just because one promotes to a supervisory or managerial position does not mean they know how to critically assess behavior. If we expect them to supervise behavior and manage events, they must receive adequate training that sets appropriate expectations.

To say police work is challenging is a massive understatement. As much as citizens want their police to be effective and successful, mistakes, based on questionable decision-making and ensuing action will be made. When these

mistakes occur, especially serious ones resulting in the loss of life, accountability must stretch beyond just assessing blame or justifying actions taken.

Police executives must take a hard look at what they are doing to help officers cope with the rigors of recalcitrant behavior under extremely stressful conditions. They must be willing to critically assess officer decisions and resultant behavior during these incidents and not solely focus on if an officer was justified in discharging his or her weapon at someone. Police shootings are often justified, but seldom are police executives asked if the shooting was necessary. *They are just not the same!*

Accountability for police executives must expand beyond how these incidents are investigated. Public discussion must also move beyond arguing who should be responsible for investigating these incidents. These discussions are important but they divert attention away from factors that contribute to the outcome everyone hopes to avoid – unnecessary injury or death.

There is much that can be done to improve how these incidents are handled; but police executives must be willing to make the commitment to act. Failure to do so is not only shortsightedness but should also be considered unacceptable.

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