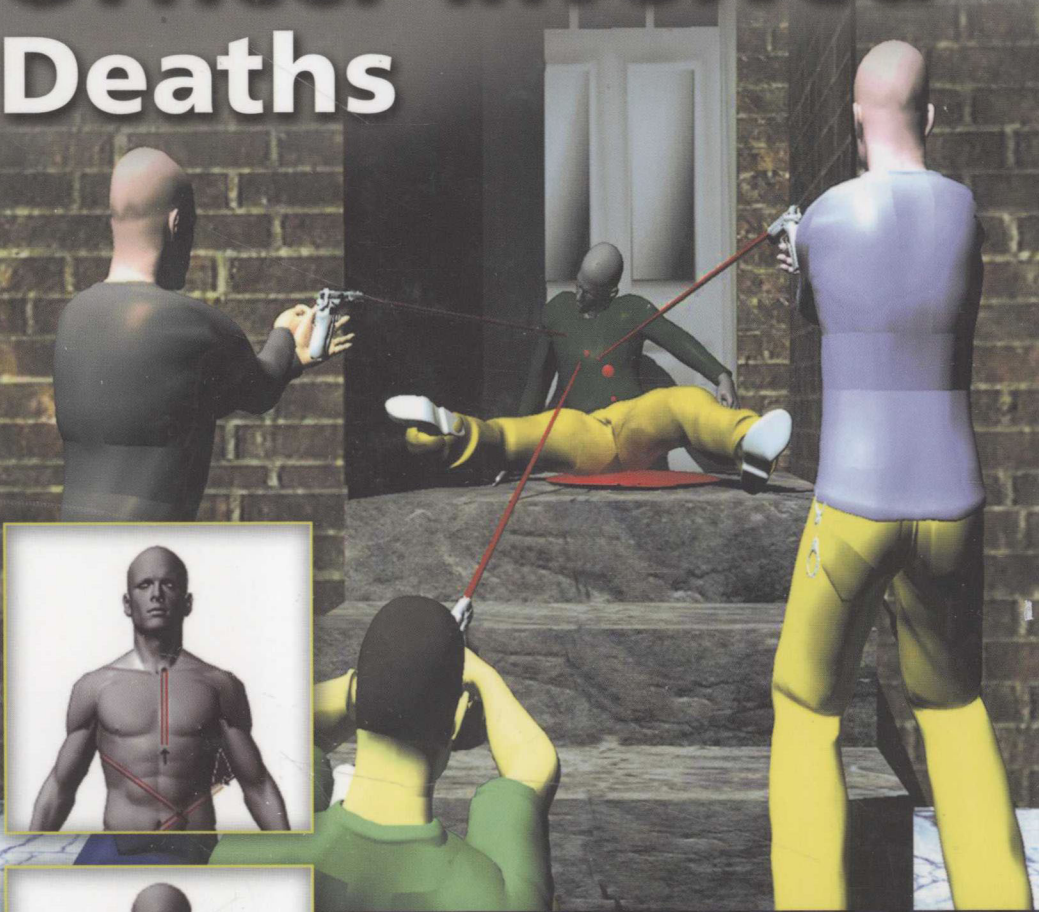


Investigation and Prevention of Officer-Involved Deaths



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Investigation and Prevention of Officer-Involved Deaths

Preface

A great philosopher once stated that he could readily determine the level and extent of any civilization by studying the way in which police officers function and the manner in which penal institutions are conducted. It is with that maxim in mind that the authors undertook to compile the contents of this book.

Each year, approximately 150 law enforcement officers die while performing their duties. For the first part of this century, the majority died when engaged by suspects with firearms. In addition to officer deaths, there are approximately 375 people killed each year by the police. Between 2000 and 2008, there were 3,000 people killed by the police who were classified by the Federal Bureau of Investigation (FBI) as justifiable homicides. Over 98% of those were shot to death with a firearm.¹

In recent years, more officers have died from accidents while on duty than by a felon with a firearm. Approximately 36% of all officer line-of-duty deaths in recent years have been vehicle-related. In addition, hundreds of innocent bystanders die each year when involved in a collision with a police car or fleeing vehicle while operating their vehicle, or when struck by a police car or fleeing vehicle while walking. Although there is no national database, it is estimated by the National Highway Traffic Safety Administration (NHTSA) that the police are involved in about 70,000 police chases each year resulting in the deaths of 400 innocent people.²

Most people would agree that police officers whose daily assignments require them to be directly engaged in various kinds of potentially dangerous situations have a grave responsibility to protect innocent bystanders as well as themselves. In our democratic society, it is also incumbent upon the law enforcement official to utilize only as much potentially lethal force as necessary regarding those individuals who are pursued, arrested, and incarcerated for obvious, alleged, or suspected crimes. A valid and logical argument can be made that there is no dichotomy between these two pragmatic objectives. The physical safety and well-being of the uninvolved third party and the police officer most often flow in a parallel fashion with the nonviolent apprehension of the “actor.”

Of course, there are numerous scenarios in which the police officer has no alternative but to employ the full force of his or her weaponry in pursuing, arresting, and subduing a dangerous, violent individual. Regrettably, these kinds of situations result in the tragic deaths of many law enforcement officers

every year in the United States. Unfortunately, many deaths of completely innocent third parties and potential victims also occur as a consequence of such violent confrontations between police and suspected criminals.

What about the larger number of people whose deaths annually are directly or indirectly related to the actions of law enforcement officials during pursuit, apprehension, arrest, and incarceration? Should our society ignore these deaths and simply attribute all of them to unchallengeable professional decisions and necessary acts of police? Or does it behoove an advanced civilization like ours to objectively review all such police-related deaths in a diligent, thorough, open, and unbiased fashion in order to determine what the circumstances were that ultimately resulted in that individual's death?

Analysis and examination of police-related deaths are not solely undertaken to retrospectively ascertain whether the involved officer acted in a deliberately improper or unintentionally negligent fashion. Such reviews are certainly intended to accomplish that objective, which is necessary for moral, ethical, and legal reasons. However, there is a more overarching purpose for these kinds of postmortem case studies—namely, the continuing, advanced education of all active-duty police officers and other law enforcement officials so that they can better serve themselves and the society in which they function.

The authors created several representative scenarios of officer-involved deaths from their extensive professional experiences. The examples that follow describe circumstances wherein law enforcement officers have had to respond to critical incidents that are outside of their usual experience and have unfortunately resulted in the death of the person they were trying to take into custody. It is the authors' intent to show that an examination of such incidents will serve to better inform law enforcement practitioners on how to thoroughly investigate officer-involved deaths and thereby learn how they might have been prevented.

The major and most frequently occurring kinds of police-related deaths are set forth on a chapter-by-chapter basis. In each category, a hypothetical, quite realistic scenario is presented. With such a background scenario in place, relevant discussions then follow dealing with the important and critical issues that need to be considered and evaluated from the perspective of law enforcement officials, criminalists, forensic pathologists, and other forensic scientific experts.

One of the most important areas in investigation of police-related deaths is the crime scene investigation and the collection and preservation of the relevant forensic evidence to prove or disprove certain issues and hypotheses. We have outlined the appropriate crime scene procedures for each situation and listed the potential categories of forensic evidence that should be searched for, collected, and sent to the forensic (crime) laboratory for analysis. Those laboratory analysis procedures are set forth in many laboratory manuals and textbooks, and therefore are not included in this book.

Postmortem protocols, consisting of autopsy reports, toxicological analyses, and other appropriate investigative findings depicting particular types of police-related deaths are included.

Studies of police-related deaths have shown that restrictive policies in high-risk police activities save lives. Accordingly, we included a chapter dealing with policy and training.

It has also been demonstrated that police use of less-lethal weapons can save lives. Hence, we included a separate chapter that discusses less-lethal weapons.

The authors pose the critical question—"What would you do if you were the police officer?"—in each of the scenarios that are presented to challenge the reader.

The authors believe that a serious study of each of the categories presented in this book will enable police officers and other groups of law enforcement officials to more fully comprehend and appreciate the societal significance of such cases. The more aware, sensitive, and well-educated that officers of the law are, the more dignified, humane, and safe the communities that they are sworn to serve will be.

No law enforcement officer wants to be involved in a death that could have been avoided by a better understanding of a particular dynamic with which he or she may be suddenly confronted. Accordingly, a thorough investigation will lead to a better understanding of what has occurred and encourage improved training for future similar events. The authors understand that not all officer-involved deaths can be prevented. However, we believe that some can. The information provided in this book should be helpful in achieving that highly desirable goal.

We greatly respect the difficult duties that our dedicated law enforcement officers perform and hope to make some of their dangerous encounters safer for them.

Endnotes

1. U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States*.
2. Voices Insisting on Pursuit SAFETY (VIPS) (www.pursuitsafety.org).

About the Authors

Cyril H. Wecht, J.D., M.D., is one of this country's leading forensic pathologists. He received his medical degree from the University of Pittsburgh School of Medicine. He also holds a law degree from the University of Maryland School of Law. As a medical expert, he has performed more than 17,000 autopsies and has reviewed or supervised over 36,000 additional postmortem examinations. Dr. Wecht is a former president of the American College of Legal Medicine and the American Academy of Forensic Science. He is a fellow of the College of American Pathologists and the American Society of Clinical Pathologists. He has served as a medical-legal and forensic pathology consultant in civil and criminal trials since 1962.

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Melvin L. Tucker began his law enforcement career as an FBI Agent in 1969 and served as a police chief for four cities in three states before retiring from active law enforcement service as the Chief of Police for the City of Tallahassee, Florida, in 1994. Since his retirement, Tucker has served as a litigation consultant in over 450 law enforcement cases throughout the United States.

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Reducing and Preventing Deaths by Training and Policy Guidance

1

Law enforcement has become a big business. There are now 17,876 state and local law enforcement agencies in the United States employing 731,903 officers.¹ The total direct expenditure for federal, state, and local law enforcement has now reached \$185 billion annually.² Because law enforcement is now a big business and is routinely involved in arresting and detaining people; engaging in vehicle pursuits; using force to overcome resistance to arrest; and searching homes, people, and vehicles, there are officers, suspects, and innocent citizens who suffer injury and death when suspects resist violently or poor tactics and judgment are used by officers. During the past century, over 14,000 federal, state, and local law enforcement officers were killed in the line of duty. Of those killed, 49% were shot to death, making it the single leading cause of officer deaths.³

In addition to officer deaths, approximately 375 people are killed each year by the police. These deaths end up being classified by the Federal Bureau of Investigation (FBI) as justifiable homicides. Over 98% of the justifiable homicides involve people who were shot to death with a police firearm.⁴

Vehicle-related activities (motorcycle or automobile accidents or struck by vehicle) were the second leading cause of death of law enforcement officers over the past century, accounting for approximately 30% of all officer line of duty deaths.

In addition, hundreds of innocent bystanders are killed each year when struck by or involved in a collision with a police car or fleeing vehicle. Although there is no national database, it is estimated by the National Highway Traffic Safety Administration (NHTSA) that the police are involved in about 70,000 police chases each year, resulting in the deaths of 400 innocent people.⁵

High-Risk Business

Police officers wear uniforms and drive cars with emergency lights and agency markings. As a consequence, their activities are noticed by the public. When they make mistakes, they, and their employing agency, are often subjected to lawsuits seeking monetary relief for the harm incurred.

One of the most frequent allegations made against law enforcement officers is that they used unnecessary or excessive force in carrying out their duties. In 2002, there were 22,238 citizen complaints against municipal law enforcement officers alleging unnecessary or excessive force; 2,815 against sheriff's deputies;