

**IT IS A NEW DAY - RECOMMENDATIONS FOR
PREVENTING A POLICE OFFICER SHOOTING,
AND HOW TO HANDLE ONE IF IT HAPPENS**

Before an incident happens, BE PROACTIVE.

1. Thoroughly screen every hire you make. Do not cut corners. Check all references. Do psychological testing and an in depth interview with the applicant. A key factor - does this officer have compassion?
2. Review the use of force records of all your officers. If there are above average incidences, review them and counsel with the officer. Send him for more training if that is called for.
3. It is a new day. In service training for all officers regarding the use of force should be done. Dealing with mentally ill people is a specialty, and there should be special training for that also.
4. Get body cameras! Most potentially difficult situations can be diffused just by having them. The cameras actually help the officer and you will have a record of every event.
5. Plan ahead. Decide now who is going to do your outside investigation if a police officer shooting occurs. Decide who in your department is going to monitor the investigation.
6. Make sure you have adequate insurance coverage.

If an incident happens, BE TRANSPARENT.

- 1) Make sure the investigation is impartial, not a white wash. Beware of a pro police investigator. Make sure that the investigator(s) know that you demand a complete and impartial investigation, with no shortcuts!
- 2) Make sure that the officer is accorded all of his Garrity rights, and get a complete statement from him, with witnesses ASAP;
- 3) If the investigation warrants a referral to a grand jury, insist on a special prosecutor. Do not let your local district attorney do it. He is too tied to law enforcement to be impartial;
- 4) Participate in the process. Don't tell your chief what to do, but make sure that if there is a decision to discipline the officer that there are no loopholes in the disciplinary proceedings. Know the case law. Review the disciplinary letters personally before they go out;
- 5) Make sure you have competent, experienced trial counsel. If you don't feel comfortable doing the case, hire a good trial lawyer to represent the City; and assist him/her.
- 6) Have a plan about what you are going to do with the officer if he stays on the job. Can you put him back on the street? Can you put him somewhere else? If you suspend him, keep budgeting his salary and benefits. You may well need to use them later.

Work to REFORM the disciplinary system.

- 1) The present system doesn't work. Over half of the fact findings hearings result in a change of the discipline handed out by the chief. The present system is loaded in favor of the officers because the "usual suspects" want to keep on the AAA list and they know to do that they have to keep police officer unions happy by finding for them.
- 2) A better system would be to have the fact finder assigned by an independent body making use of retired judges along with others on the panel;
- 3) Since this is a new day, we may have a window of opportunity to bring about change in the next legislature. The TCEA and the TML should combine with other governmental entities to work for change.

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