



Overview of the SPD Response to Officer Involved Shootings

Presenters:

Captain Mike Washburn, Professional Standards Section

Lieutenant Steve Wilske, Homicide and CSI Units

Sergeant Bob Vallor, Homicide Unit

Detective Al Cruise, Homicide Unit



History

- 2007: Chief Kerlikowske orders a review and update of OIS policies and procedures.
- The policy team consulted with numerous agencies and conducted in-person research with the LAPD, LASO, Las Vegas Metro PD, and Houston PD.
- The research project was completed and the new SPD Manual Section (8.060) went into effect in July of 2009.
- At their request, we have taught our policy and procedures for OIS incidents to over 50 agencies/investigative teams.

Unit Philosophy

- The Homicide and CSI units philosophy as it pertains to Officer Involved Shootings is that we impartially gather facts and information regarding the incident.
- We do not make decisions or recommendations, but collect, organize and present the information gathered as required for decisions by review boards or juries.
- The quality and credibility of the investigation is paramount.



O.I.S Investigators

Homicide Unit Staffing:

- 15 Detectives (3 Squads)
- 3 Detective-Sergeants
- 1 Lieutenant (Duties include Homicide and CSI)
- 1 Captain (Violent Crimes Section)

Investigative experience for Homicide:

17 yrs Detective 10 yrs Homicide unit

Crime Scene Investigations (CSI) Unit Staffing:

- 7 Full-time, sworn Detectives
- 1 Detective-Sergeant
- 4 Alternate sworn Detectives

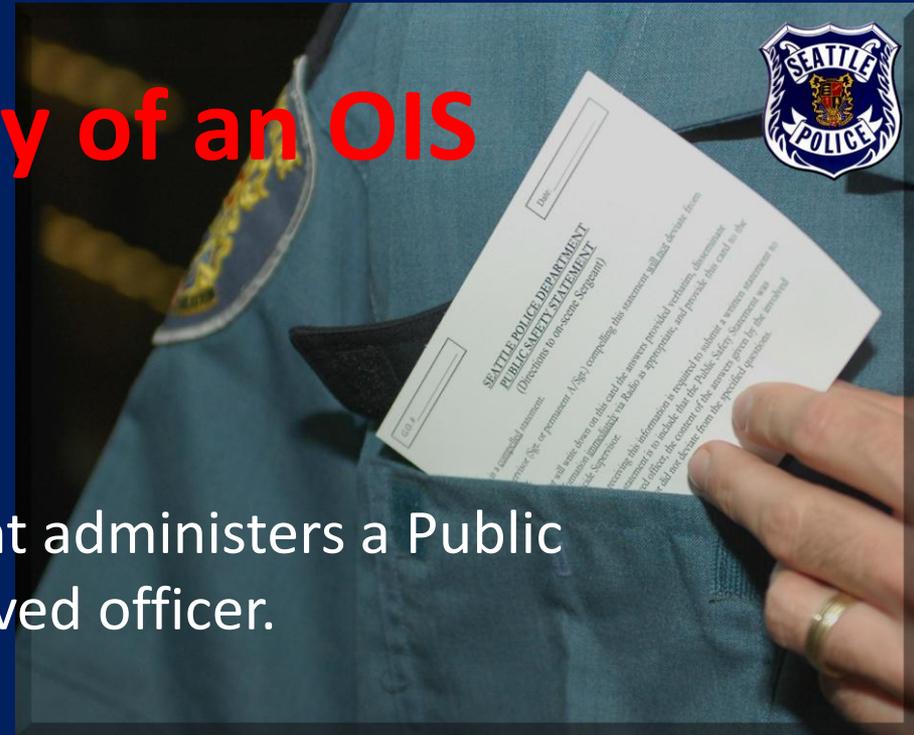
Investigative experience for CSI:

14 yrs Detective 6 yrs CSI unit

General Chronology of an OIS Investigation

Shooting Occurs:

- First arriving patrol sergeant administers a Public Safety Statement to the involved officer.
- Homicide, CSI, Command Staff representative respond .
- Detective teams from Homicide and CSI have an unlimited investigative time commitment. The OIS investigation is their top priority.





General Chronology of a OIS Investigation



- First actions are directed towards crime scene preservation and the prevention of cross-contamination.
- Once fully protected, the CSI unit will then begin the process of documenting the scene.

General Chronology of an OIS Investigation

Initial Investigation

- The Homicide Case Detectives and the Case Sergeant will assess the scene then relocate to the Homicide Office for interviews.
- Standby Homicide Detectives, their Sergeant and the CSI personnel remain on-scene for witness canvassing, video search, evidence collection and documentation efforts.
- We always maintain a team of 1 Sergeant and 4 Detectives who do not respond, they will be the investigating team if the shooting is determined to be potentially criminal.

General Chronology of an OIS Investigation

- **Involved Officer statements**
 - Voluntary statement
Pros-Cons
 - Voluntary statement decline with proffer agreement
Pros-Cons
 - Compelled statement with Garrity warning
Pros-Cons



General Chronology of an OIS Investigation

Officer Interviews:

- The initial interview of the involved officer is focused on guiding the investigation during the first 24 to 48 hrs.
- Witness officers are kept separate from the involved officer and are required to complete all reports and statements prior to going off shift.
- The comprehensive written statement of the involved officer is obtained within 3 days.



General Chronology of an OIS Investigation

Video:

- Immediate efforts are made to collect any available video of the incident, both police (COBAN) and private sector security camera video.
- All officers responding to this incident in a vehicle equipped with DICVS are required to immediately upload the video from their unit.
- To facilitate this we have a COBAN station at the Homicide Office, that will allow us to view patrol car video immediately.



General Chronology of an OIS Investigation

Involved Officer Photographs:

- Minimum 4 photos (front, back, both side views) plus any injuries or uniform damage or soiling.
- Unless conditions are prohibitive (bio-contamination etc), the involved officer is photographed in the exact uniform or clothing that was worn at time of incident.
- Purpose is to show the officer's appearance at the time of the incident.



General Chronology of an OIS Investigation

Involved Officer's Weapon:

- Recovered as evidence with a direct replacement weapon issued. Supplemental magazines are also taken and replaced.
- The weapon is then inspected by the SPD Armorer to ensure that the weapon and ammunition used are consistent with Dept. standards.
- Holsters or other equipment are not taken unless there is evidentiary value.
- An immediate round count is performed, with the results relayed to the scene for assistance with scene processing.



General Chronology of an OIS Investigation

Crime Scene Processing:

CSI Sergeant and Detectives will document the scene using overlapping methods:

- Extensive Photography (overall, evidence detail, perspective, elevated)
- Total Station scene mapping with 3D coordinates
- Laser Trajectory
- Vehicle processing

Investigative meeting will be held no more than 48 hrs after the incident to discuss evidence.

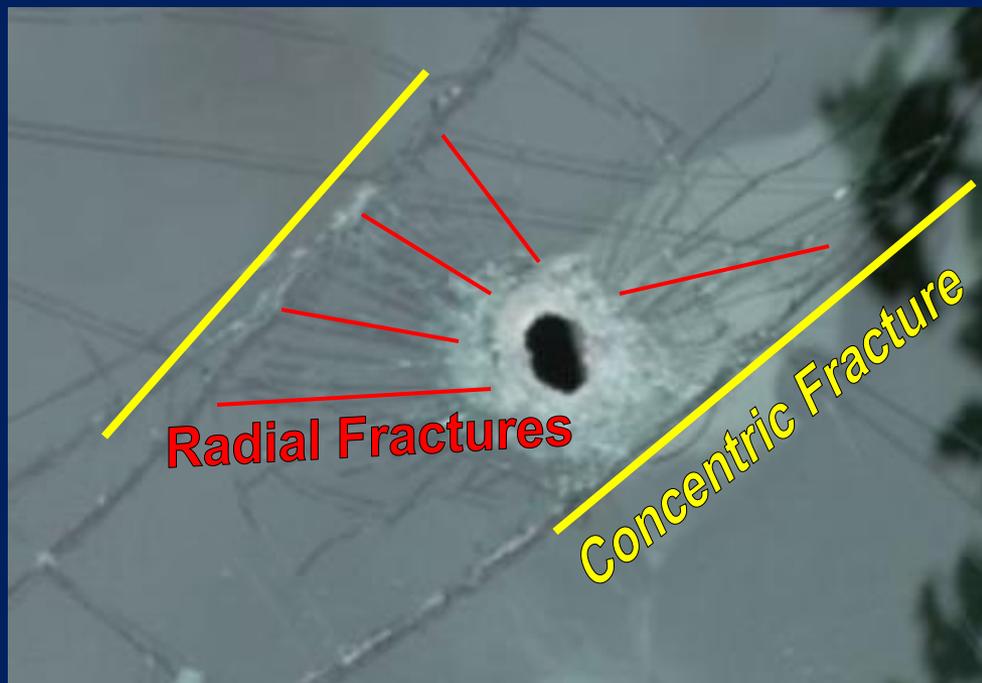


Crime Scene Processing



Detailed Evidence
Photography

Crime Scene Processing



Radial fractures formed by the bullet impact terminate at the concentric fractures formed by the airbag deployment.

The bullet struck the windshield AFTER the airbag had deployed

Crime Scene Processing



Perspective Photography
Human Eye Focal Length Images



Crime Scene Processing



Officer Perspective
Photography



Crime Scene Processing



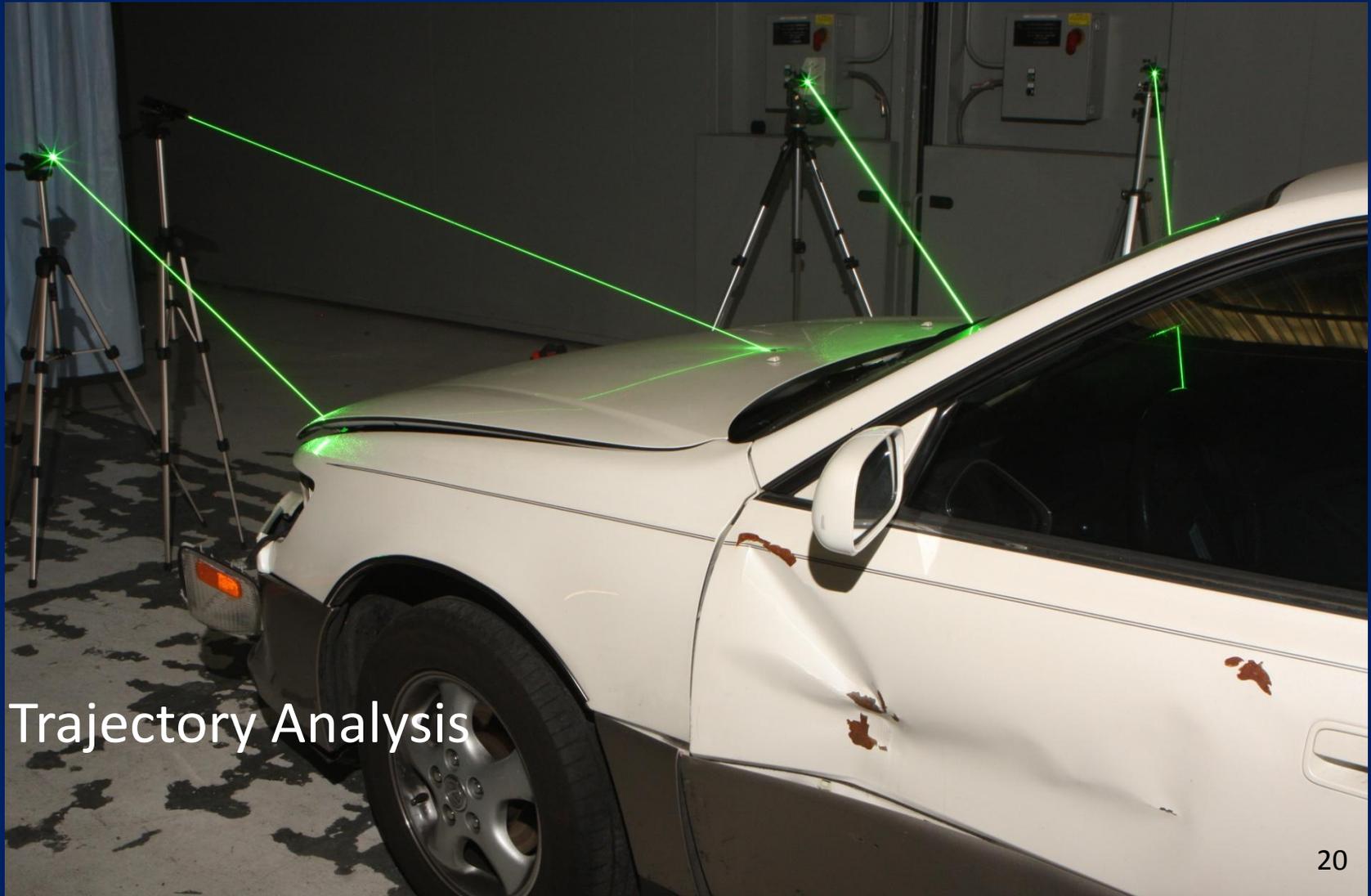
Witness Perspective
Photography

Crime Scene Processing



Witness Perspective Photography

Crime Scene Processing



Trajectory Analysis

General Chronology of an OIS Investigation

Medical Examiners Investigation:

- The Medical Examiner will respond to all fatal OIS incidents to take custody of the body.
- They will do an independent investigation to determine the cause and manner of death.
- We will exchange information as needed with the M.E.'s Office, however, we have no input into their findings or testimony.



General Chronology of an OIS Investigation

Chief's Briefing:

Purposes and Functions:

- To prepare the COP and staff for the forthcoming press conference or other media release.
- First assessment for need to initiate a dual criminal/administrative investigation, if circumstances dictate.

General Chronology of an OIS Investigation

Criminal Investigation:

- If a decision is made to conduct a criminal investigation, we have an established protocol for doing so.
- The 3rd Homicide Sergeant and 2-4 detectives are physically moved into a Task Force Room in the Seattle Justice Center.
- All information gathered to date is screened through a appointed Case Master for potentially inadmissible statements or information.
- The Administrative investigation will continue in order to prepare for the FRB, which will be held at the Chief's direction.



General Chronology of an OIS Investigation

Firearms Review Board:

- An FRB is convened whenever an officer intentionally discharges a firearm at a person or accidentally discharges a firearm resulting in injury or death.
- This presentation will include all information gathered during the investigation, with un-redacted statements and documents provided to the board members the week prior.
- Homicide and CSI personnel present all available information, but do not offer recommendations and are not involved in deliberations or decisions.



General Chronology of an OIS Investigation

Coroner's Inquest:

- When completed, the lead Detectives will present the entire OIS case file to the King County Chief Criminal Deputy Prosecuting Attorney.
- A Coroner's Inquest will then be convened to investigate the causes and circumstances of any death involving a member of a law enforcement agency in the performance of their duties.
- This is a fact finding hearing that is intended to facilitate a public review of the incident and resulting investigation, with any member of the public able to attend.



General Chronology of an OIS Investigation

Coroner's Inquest:

- Once the Jury's responses are certified by the court, they are forwarded to the King County Prosecutor and the Chief of Police.
- The King County Prosecutor will make a charging decision. The Homicide and CSI Units do not offer opinions or input into this decision.

General Chronology of an OIS Investigation

- Investigation timeline averages

Chiefs Brief	18-24 hrs
Investigation	1-3 weeks
Firearms Review Board	3-4 weeks
M.E. final report	3 months
Coroners Inquest	90 days from case submittal
KCPAO charging decision	Post Inquest
Departmental Decisions	Post Inquest

OIS Policy – The Path Forward

We have a proposal in development, that is a response to concerns voiced in the community.

Our proposal would create the new position of OIS Auditor who would review all OIS investigations whenever an officer intentionally discharges a firearm at a person or accidentally discharges a firearm resulting in injury or death.

The OIS Auditor would preferably be a retired or former judge, with a background in inquests or deadly force litigation.

Using a former judge would eliminate any accusations of conflict of interest, as a judge, by definition, is impartial and without ties to law enforcement.

OIS Policy – The Path Forward

The OIS Auditor would receive the case once it is deemed completed by the Homicide Unit and the assigned King County Prosecutor. The Auditor would also have the option of responding to monitor the scene processing.

The purpose of this position would be for an independent review of the investigation focusing on:

- Is the investigation thorough and complete?
- Are we utilizing the best investigative practices?
- Is there any evidence of investigative bias?

To avoid a conflict with the inquest process, no opinion would be rendered on whether the shooting was justified or if a criminal act occurred.



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