

UNIT ORDER #59 - INTERVIEW OF SHOOTERS IN HIT SHOOTINGS

PURPOSE OF THIS ORDER:

To provide Internal Affairs Bureau (IAB) investigators and Team Lieutenants with the reasons why it may be necessary for IAB to also interview shooters in hit shootings in order to ensure that the IAB shooting investigation is thorough.

SCOPE:

This Unit Order applies to all hit shootings.

DISCUSSION:

Homicide Bureau investigators interview the shooters but their focus is different than ours. In addition, IAB investigators do not sit in on those interviews.

The Executive Force Review Committee (EFRC) not only determines whether or not the shooting itself was within policy, it also determines whether the shooter's actions (tactics, foot pursuit, etc.) complied with Department policy and are consistent with training. In addition, the EFRC evaluates equipment and assesses an incident for risk management purposes. The scope of Homicide's interview is narrow and usually does not cover these issues.

In the event the decision is made to interview the shooter, the purpose of the IAB interview will be solely to address the tactical and policy concerns which will be reviewed by the EFRC. The IAB investigator will refrain from asking the shooter about the entire incident, i.e., "Tell me what happened?" After reviewing the Homicide interview, the IAB investigator should use "surgical" questions to clarify any specific tactical or policy related question which may assist the EFRC in making their decision regarding the use-of-force.

POLICY:

It shall be IAB policy for the IAB investigator to interview the shooter in a hit shooting, only when needed to clarify tactical or policy issues. If the IAB investigator thinks that an interview is necessary, he/she must discuss it with his/her Team Lieutenant.

In the event the decision is made to interview the shooter, the shooter will be provided with a transcription of the Homicide interview prior to the IAB interview.

PROCEDURE:

In the event the shooter is interviewed, the following is a list of issues that the IAB interview should address (not all issues apply to every shooting). Note: these issues shall also be addressed in interviews of shooters in non-hit shootings.

- state of mind (should be addressed in Homicide's interview; if not, it needs to be addressed in IAB's interview)

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- tactics (prior, during, & after the shooting) - explanation for the tactics used
- whether other force options were considered (keeping in mind that it is not necessary to use lesser alternatives or exhaust other options before using deadly force)
- distances
- times
- lighting
- weather
- visibility
- cover/concealment
- containment
- cross fire
- shooting backdrop
- target acquisition
- fire discipline
- field of fire
- designated shooter
- independent action
- foot pursuit
- vehicle pursuit
- communication
- partner splitting
- danger area
- kill zone
- cover fire

In the event the shooter is interviewed, the IAB investigator shall:

- listen to Homicide's taped interview of the shooter prior to interviewing the shooter and keep questions focused on specific areas which relate to tactics and policy.
- either summarize Homicide's interview for IAB's investigative summary or refer the reader to the pages in Homicide's shooting book that contains the supplemental report of Homicide's interview of the shooter if the supplemental report is an accurate account of the taped interview.
- include a summary of the IAB interview of the shooter in the investigative summary.

Transcriptions of both Homicide's interview and IAB's interview of the shooter shall be included in every case.
