

OpTac International News Bulletin

Criminal Indictments of Law Enforcement Officers

Last month, law enforcement officers were criminally indicted or notified of potential indictments in three separate incidents across the United States. This edition of the **OpTac International News Bulletin** presents the circumstances surrounding the indictments along with thoughts on the current state of policing.

On June 8, 2015, a South Carolina police officer was criminally indicted on the charge of murder and could face a sentence of 30 years to life in prison, if convicted. The state solicitor is considering additional charges against the officer, who shot and killed an unarmed man. The man was stopped because of a broken taillight on his vehicle, and attempted to run away from the scene after a brief struggle with the officer. He is believed to have fled because a bench warrant had been issued for his arrest after failing to pay over \$18,000 in late child support payments. The officer remains incarcerated without bond since the April 5, 2015 incident, which was filmed by a man walking to work.

On June 11, 2015, a judge found probable cause that an Ohio officer should face charges of murder, involuntary manslaughter, reckless homicide, negligent homicide, and dereliction of duty, in the shooting death of a 12-year old boy armed with a replica handgun. A surveillance video camera from a nearby recreation center recorded the incident. The prosecutor's office will now present the case to a grand jury for indictment.

On June 22, 2015, the special prosecutor re-filed criminal charges against two New Mexico police officers (one has since left the department) for second degree murder, voluntary manslaughter, involuntary manslaughter, and aggravated assault, in the shooting death of a homeless man. The first degree murder charge, which had been pending against both officers, was strategically dropped by the prosecutor. A preliminary hearing is scheduled for the first week of August to determine which charges the officers will face in criminal court. The entire incident was filmed by one of the officers who was wearing a camera.

Situational assessments, decision-making under stress, and the presence of recording devices are commonalities among these three cases. Often, an officer's inaccurate situational assessment and poor decision-making skill are directly related to ineffective new hire screening processes and/or insufficient officer preparation, both of which critically impact fundamental policing. Additionally, police, private citizen, and street/building surveillance cameras are now integral parts of our society. These cameras should be used in conjunction with all available evidence to help understand the dynamics of a particular situation. Officers and their agencies should recognize and understand two important elements of contemporary policing:

- 1) Any police incident resulting in a negative outcome, especially the death of a suspect, will be subject to a detailed examination of all involved officers and their agencies. This includes officer actions, statements, history, and training. The officer's agency will also be subject to a comprehensive review of its policies, procedures, selection process, previous handling of similar incidents, along with the training and equipping of its officers.
- 2) Officers must remain focused on an incident as it is occurring, and not on the potential ramifications of their actions. However, a balance of action must be maintained: officer safety is paramount, but unjustified use of force can result in criminal and/or civil charges against officers. Only through the proper selection of officer candidates and their continual training can improved decisions be made under stress and potentially life-threatening circumstances. Otherwise, officers, their agencies, and the public will be unduly exposed to adverse incident outcomes.

OpTac International has developed a five-day, Situational Assessment and Decision-Making Program for supervisors and rank-and-file officers, as a result of the aforementioned and similar incidents, which are occurring globally. This cutting-edge course utilizes classroom instruction and practical exercises to improve officer assessment techniques, decision-making skills, and problem identification/solution-focused strategies designed to increase the likelihood of successful incident outcomes. All programs are customized to address specific agency concerns and are exclusively offered to individual law enforcement agencies.