

Officer Involved Shooting Investigations

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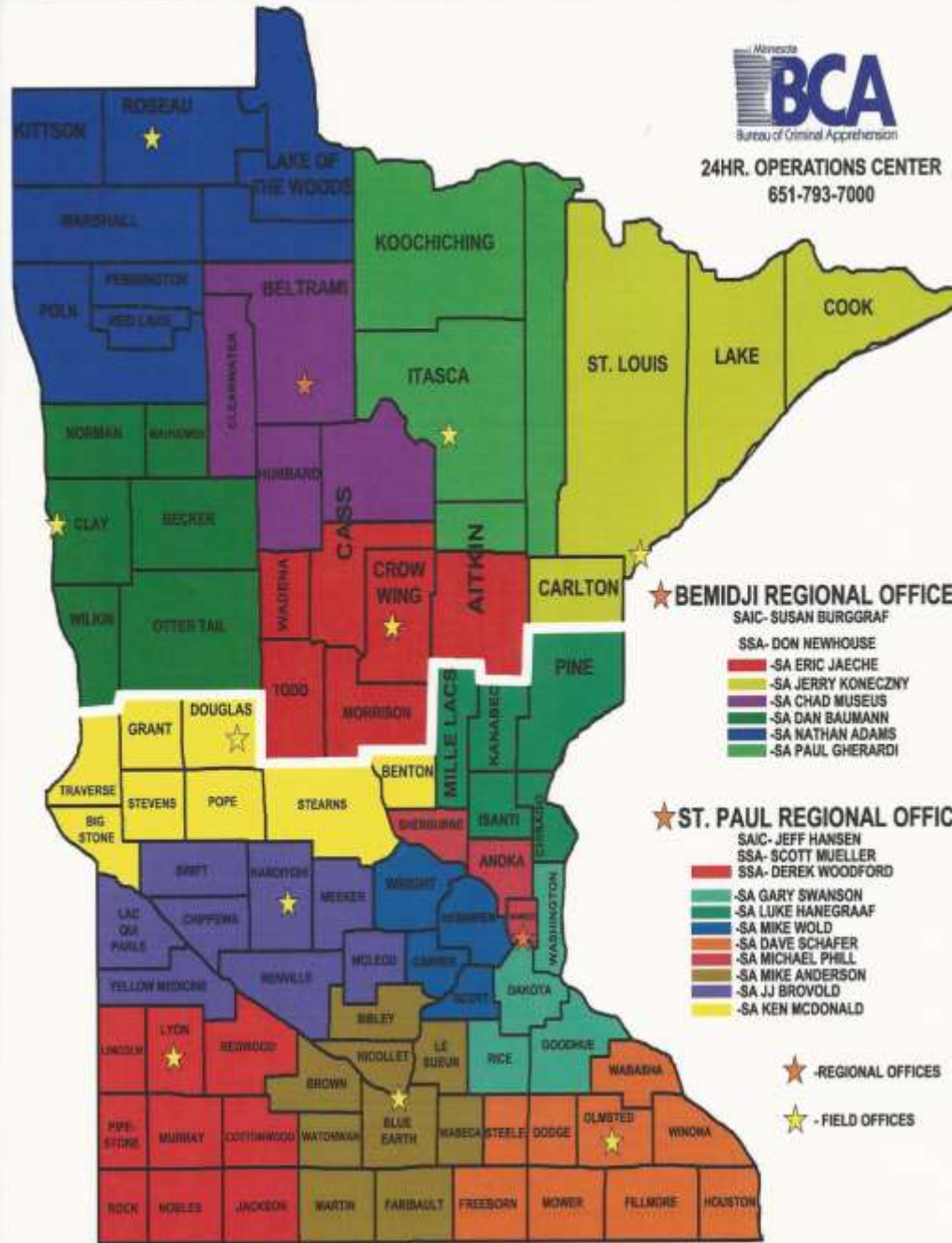
MN Bureau of Criminal Apprehension

BCA Investigations

- Major crimes against people
- Death investigations
- Abductions
- Conflict cases
- Officer involved shootings



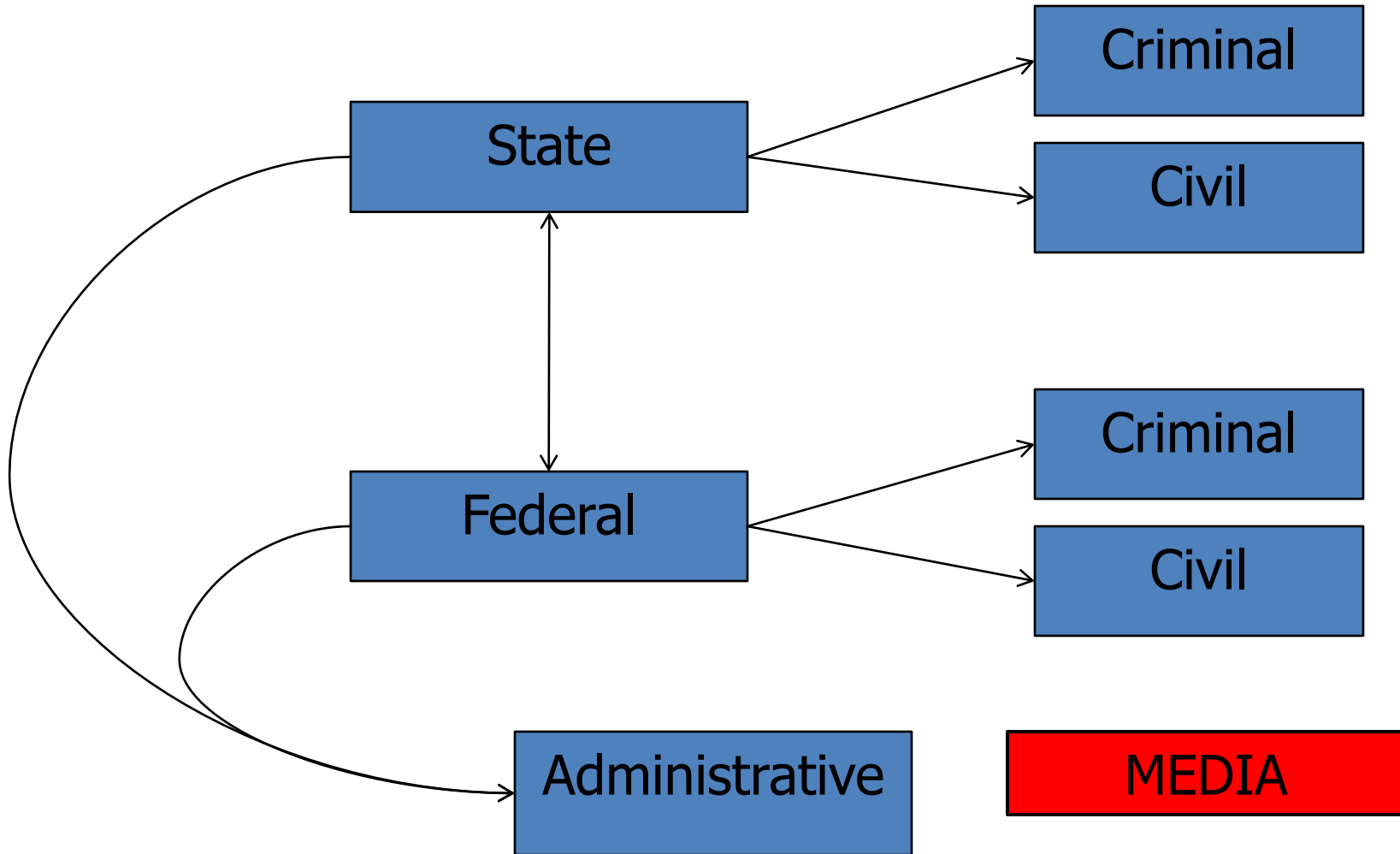
24HR. OPERATIONS CENTER
651-793-7000



Competing Interests

- Involved Officer(s)
- Agency
- Public

Critical Incident Review



Investigation Purpose

- Gathers facts so a decision can be made by a prosecutor whether the officer's acts were justified during the incident.
- If the shooting was the result of an ongoing criminal investigation, the officer involved shooting investigation is separated from the ongoing criminal investigation.

Three types of Investigations

- Criminal (BCA)
- Administrative (Local agency)
- Civil Litigation

Minn. Stat. § 609.066:
Authorized Use of Deadly Force By Peace
Officers

- **SUBDIVISION 1. DEADLY FORCE DEFINED.** For the purposes of this section, “deadly force” means force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm.

Minn. Stat. § 609.066 Cont.

- The Intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

Minn. Stat. § 609.066, Subd. 2

The use of deadly force by a LEO in the line of duty is justified only when necessary:

- (1) To protect the LEO or another from apparent death or great bodily harm
- (2) To effect the arrest or capture, or prevent the escape of a person whom the LEO KNOWS OR HAS REASONAL GROUNDS TO BELIEVE has committed or attempted to commit a felony involving the use or threatened use of deadly force.

Minn. Stat. § 609.066, Subd. 2 Cont.

- (3) To affect the arrest or capture, or prevent the escape, of a person whom the LEO KNOWS OR HAS REASONAL GROUNDS TO BELIEVE has committed or attempted to commit a felony if The LEO REASONABLY BELIEVES that the person will cause death or great bodily harm if the persons apprehension is delayed.

Homicide

- Homicide by definition:
 - The intentional taking of a human life by another.
 - If you shoot or otherwise kill an individual (intentionally) – it's homicide.
 - Was it “justifiable” under the use of deadly force statute.
 - What protects officers when they have committed a justifiable homicide.

Reasonable Perceptions

- Were the officer's actions reasonable and did they fit within the parameters of the statute based on the officers perceptions at the time of the incident?

Criminal Investigation

- Request for assistance from local agency.
- Determination if BCA will respond.
- Agent talks with crime scene team leader.
- Determine number of Agents needed.
- Fax Requesting Agency the “Requesting Agency Checklist.”

Requesting Agency Checklist

- A person is designated the contact person from the requesting agency to liaison with the BCA. This person should be able to provide the BCA case agent with specific details. This information will assist in determining personnel needs and assignments.
- We ask the local agency to secure the scene and all evidence. Provide protection as required by weather conditions. All evidence to BCA Agent or preferably crime scene team.
- Identify and, if possible, secure all witnesses to the incident.

Involved Officers

- Personnel from local agency are designated to oversee the involved officers. This person should be able to:
 - Remove officers from the scene to the LEC or other secure area.
 - Remove, replace, and secure all duty weapons involved. Do not unload and include magazines carried.
 - Inform the officers about the procedures which will follow.
 - Assist in obtaining any information which may be needed to preserve evidence and witnesses. This information should not be obtained through a formal statement.
 - Preserve officer's clothing and equipment as evidence if necessary.
 - Coordinate legal representation for involved officers
 - Request that the officers do not discuss the incident between themselves prior to BCA interview.

Things we will want/need

- Blood Draw from all involved officers
- Urine Sample from all involved officers
- Clothing from involved officers/suspects
- All involved firearms/magazines/ammunition.
 - Firearms can be “made safe” but should be treated as forensic evidence.
 - Preserve fingerprints, DNA & blood spatter.

Requesting Agency

- Assure that all clothing and evidence at the hospital is preserved.
- Request that hospital personnel draw a blood sample from wounded person(s) prior to any transfusions.
- Begin the preparation of a search warrant as necessary.
- To enhance the process of an independent investigation, we request that the local agency refrains from taking a formal statement from the officers involved. A formal statement will be taken by a BCA agent. The BCA agent will review legal issues with the involved officers regarding providing a statement and giving of blood and urine for the criminal investigation.
- We ask the local agency to refrain from giving any press releases until it can be determined what information should be made public while the case is under investigation.

BCA on Scene

- Agent on Scene
 - Meet with Local Agency and establish liaison.
 - Meet with Officer Involved.
 - Interview and record all witnesses involved.
 - Neighborhood canvas.
 - Request 911 tape and logs.
 - Radio traffic logs.
 - Crime Scene Processing
 - Obtain video recordings

Statement of Officer

- Criminal investigation warning.
- Union/attorney representation.
- Recorded statement.
- Be truthful and complete.
- Articulate your use of deadly force.
- Are the actions of the officer pursuant to Minn. Stat. §609.066?
- What was going through your mind?
- Were you scared for your life or that of another?
- Remember you are likely speaking to a grand jury.



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CRIMINAL INVESTIGATION WARNING

You are hereby advised that you are being interviewed by a Special Agent of the Bureau of Criminal Apprehension as part of an official criminal investigation. This investigation is separate from any internal investigation that may have been conducted by your employer. You may already have been interviewed pursuant to an internal investigation. If so, you may have been told that your statements could not be used against you in any criminal proceeding. It should therefore be clarified that any statements you give to BCA agents as part of this criminal investigation can be used against you in a subsequent criminal proceeding. If any representation has been made to you that you must or should answer to questioning by BCA agents as part of an internal investigation, you should disregard that representation.

ACKNOWLEDGMENT

This statement is given by me voluntarily. I am not making this statement because of threats made or pressure exerted on me by my employer, anyone associated with my employer, or any other individual. No consideration or reward has been promised to me in exchange for my agreement to make a statement.

I HAVE READ THIS DOCUMENT AND FULLY UNDERSTAND ITS CONTENTS.

(SIGNED) _____

(DATE) _____

(WITNESS) _____

(DATE) _____

Criminal Investigation Warning

Statement of Officer cont.

- Request to provide chemical test of blood and urine.
- Request medical information release.
- Request psychological information release.
- Request training record.
- Have your statement act as your report.
- Possible walk through of scene to assist in evidence gathering.

Emerging Issues

- Timing of officer(s) statement
 - Immediately following event
 - 24/48/longer

- Video

Following the Investigation

- Investigative and Lab Reports – Case File
 - Provided to requesting agency/ officer.
 - Case agent meets with county attorney.
 - Provided to county attorney.
 - Decline to pursue charges by letter.
 - Charge officer with a crime.
 - Present case to a grand jury.

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