

Sometimes, noises such as police sirens negatively impact officers' ability to effectively communicate with each other and with subjects. Here, the fact that the officers were not able to hear what the subject was saying may have negatively impacted the ability of the officers to optimally respond. Lessons learned about turning off sirens when they are not needed and interfering with communication could have come out of this review. However, neither this potential scenario nor the potential lesson learned was explored during the DFRB review of the shooting incident.



The Subject Should Not Dictate the Police Response

There are references in the analysis of the incident that the subject created the situation that led to the use of deadly force against him. This conclusion is common among police officers but misses the point of progressive policing. A progressive policing model equips officers with strategies that do not allow subjects to dictate the response. It is the peace officer that must effectuate an effective plan of detention that avoids the use of deadly force if at all possible and still safely takes a dangerous individual into custody. The police should dictate the situation; not the subject, and should approach any tactical situation with that mindset. Any written conclusions about the subject's conduct should also not reinforce any notion that the subject is in charge or able to dictate the police response.

B. Date of incident: March 2010

In this officer-involved shooting, officers responded to a call (from subject's family member) that the subject was outside their home and armed with a firearm. The family had been involved in a dispute over their deceased father's collection of firearms. Officers A and B were the first to arrive at the location and observed the armed subject. Officer B thought he heard Officer A yell something at the subject. The subject then aimed his firearm (with laser light) at the officers and fired. Officer A returned fire. Officer B was "out of position" at the time and did not return fire. Officer A then obtained cover behind a jeep. The subject did not retreat or flee and was observed using the laser light on his firearm to gain target acquisition of the officers and other arriving units. At one point during the incident, both officers entered separate nearby homes in search of better positions. Officer A continued to engage the subject and fired the fatal rounds at the subject. Officer B never gained target acquisition of the subject and therefore did not fire his weapon. There was no formal administrative investigation conducted by SPD. The criminal investigation, which included the officers' voluntary statements, was reviewed by the Deadly Force Review Board and the Administrative Review Panel ("ARP") which addresses issues of policy compliance.

Investigative Issues

Formal Administrative Investigation: As mentioned above, in this case, SPD did not conduct a formal administrative investigation of this incident but simply repackaged the criminal investigation. The involved officers gave voluntary statements to the criminal investigators but