

Pennsylvania District Attorneys Association

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For Immediate Release
November 29, 2016

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PA District Attorneys Recommend Independent Investigations of Officer Involved Shootings *PDAA Issues First in the Nation Best Practices Guidelines for Police Shootings*

HARRISBURG, PA -- The Pennsylvania District Attorneys Association (PDAA) today recommended that officer-involved shootings should be investigated by an independent agency and that the local District Attorney should provide the public with a written report following the completion of the investigation. The recommendations are part of 16 guidelines established by association's Best Practices Committee dealing with processing, investigating and communicating determinations made in officer-involved shootings.

The Best Practices for Officer-Involved Shootings will provide prosecutors with recommendations to ensure investigations are conducted with independence and objectively. The guidelines are believed to be the first statewide guidelines for prosecutors produced in the United States.

“Officer-involved shootings are traumatic, complex, and highly publicized events,” said PDAA President and Lebanon County District Attorney David Arnold. “As prosecutors, it is our duty to ensure that any police-related shooting is thoroughly reviewed in a manner that is objective and fair for everyone involved. In making these recommendations, our goals are to help law enforcement use best practices to make good decisions, even under incredibly difficult circumstances, and help the public better understand and have greater confidence in the process.”

The guidelines announced today are the culmination of many months of work by the PDAA's Best Practices Committee. Chaired by Chester County District Attorney Tom Hogan, the committee collected and reviewed the responses to police-involved shootings by law enforcement and prosecutors nationwide. The committee also sought the input of community groups, police organizations, and prosecutors in making 16 recommendations.

“As we reviewed the responses to officer-involved shootings across the United States, we saw wide disparities in responses by prosecutors,” said Hogan. “Pennsylvania's law enforcement agencies have the skills and ethics to do these investigations, but engaging an independent agency in the investigation removes any questions or negative perceptions that may come from the community. Having clear procedures based on best practices will not only improve investigations, but enhance community relationships.”

Hogan stressed that Pennsylvania's 67 counties vary widely, with sparsely populated rural areas, suburban counties, and densely populated urban centers. Therefore, each District Attorney must use their discretion to customize the recommended guidelines to fit the needs and resources of individual counties.

The 16 recommendations and guidelines cover the broad spectrum of responses required following an officer-involved shooting, ranging from which agency should investigate and processing the scene to interview best practices and communication with the public. There are also specific measures related to the injured parties.

"We are very pleased with the initiative that the District Attorneys are undertaking here," said Deacon Gary Wattie of St. Paul's Baptist Church in Chester County. "This opens the curtains to the process which hopefully will get better buy-in to the outcome, regardless of what it is."

Highlights of the PDAA Officer-Involved Shooting Investigation Best Practices and the 16 recommendations include:

1. **Investigations Should Be Independent:** To ensure the integrity of the investigation of an officer-involved shooting, investigations should be conducted by an agency separate and independent from the law enforcement agency involved in the shooting. Officer-involved shooting investigations deal with complex and difficult facts that must be dispassionately examined. Utilizing an agency not affiliated with the incident (for example, county detectives, the Pennsylvania State Police, or a neighboring jurisdiction) will reassure the public that the investigation was conducted without bias or direct connection to the officer(s) involved.
2. **District Attorneys Should Direct Investigations:** Under the Commonwealth Attorneys Act, the District Attorney is charged with determining if any shooting is justified or if charges should be filed. Just as the DA must adjudicate and determine charges related to other shootings and violent crimes in their communities, their practical experience and professional responsibilities are vital components in the interviews and evidence-gathering that must take place following an officer-involved shooting. Accordingly, the recommendation is that the DA's office directs officer-involved shooting investigations.
3. **On-Site Safety and Security Is Essential:** The first issue at every officer-involved shooting scene is the safety and security of all those involved and the community. Once the threat is neutralized, officers at the scene must render aid immediately to any and all injured parties. If a person is deceased at the scene, the police should shield the body from public view.
4. **Utilize Best-Available Technology to Process the Scene:** Officer-involved shooting scenes are often large and confusing. Detailed evidentiary review and documentation of the scene is the first and essential step to determining the facts, including the use of 3-D mapping of the entire scene. It also is important to capture and review all possible video recordings of the incident, including police recordings, recordings from nearby businesses or homes, and civilian recordings.

5. Communicate with the Public: The District Attorney may give a preliminary report on the status of the event after it happens, understanding that the detailed investigation may uncover more evidence. Once the full investigation has been completed, the District Attorney should report the findings to the public.

These guidelines do not address use-of-force policies for law enforcement. The use of force laws already have been addressed in detail by Pennsylvania statutes (18 Pa. Cons. Stat. Ann. §501 *et seq.*) and the United States Supreme Court (Graham v. Connor, 490 U.S. 386 (1989)).

Cambria County District Attorney Kelly Callihan stated, “The PDAA guidelines for officer-involved shootings reflect a straightforward, common sense, and balanced approach to these difficult events. Fortunately, many of the counties in Pennsylvania already have adopted these guidelines, so they have been tested and reviewed under the glare of real-life situations, and have been used successfully to reach fair and just outcomes.”

The PDAA’s Best Practices Committee serves as a collaborative, non-partisan network to identify best practices, research, and legal methods to assist in the proper and just evolution of the criminal justice system. Created in 2014, the committee formalized the Association’s long history of identifying and promoting reforms and efficiencies in order to protect the innocent, convict the guilty, and ensure justice for the victims of crime.

The Best Practices Committee will periodically release other proposed best practices addressing important issues. Last spring, it released guidelines regarding eyewitness identification. Other issues currently being reviewed by the Committee are body-worn cameras and recorded interviews.

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