

Recommendation XXX. MPD should develop procedural justice guidelines within its officer-involved critical incident SOP to ensure that officers respond with sensitivity to the emotional and safety needs of witnesses and family members and that, when legally permissible, witnesses and family members are kept advised of the process and procedure related to the incident. [OIR 72]

Discussion: This recommendation was adopted as a modification of OIR Recommendation 72, which stated: “MPD should create guidelines within its officer-involved critical incident SOP to address the concerns of witnesses to the incident.” The MPD responded that it was unaware of any need for an SOP addressing the concerns of witnesses to officer-involved critical incidents, since it has received no complaints about how witnesses to an officer-involved shooting have been handled. However, OIR noted, “In our review, we did hear from community stakeholders about how some of the witnesses were treated in at least one recent officer-involved shooting. Moreover, we are aware of other jurisdictions in which agencies have compounded community tensions after officer-involved shootings by transporting witnesses to the station without clear guidance on whether the witnesses are ‘voluntarily’ agreeing to participate. Some of this upset has even transferred to the civil liability arena, resulting in liability to the jurisdiction for providing insufficient guidance to handling detectives and officers.” The Committee also heard complaints from witnesses and family members in two recent officer-involved critical incidents, concerning MPD treatment of themselves and other witnesses.

As a further example of the concerns that motivated this recommendation, the OIR Group noted that “MPD’s lack of established protocols in this area has proved to be a detriment in some situations. We heard of incidents where there were delays in family members’ access to critically injured individuals who have been transported to the hospital. The inherent tensions and emotions of these situations are clearly challenging, highlighting the importance of clear written guidelines. Law enforcement should do its best to be sensitive in these highly charged scenarios and try to accommodate families’ reasonable requests for access.”

The Committee was convinced that, because such critical incidents can be devastating for witnesses and family members, it is essential that the MPD do all it can to attend to those needs. The Committee therefore adopted this recommendation, but expanded it to clarify the kinds of concerns that the SOP should address. The Committee also specifically included the concept of “procedural justice,” a set of four policing principles (treating people with dignity and respect, giving citizens “voice” during encounters, being neutral in decision making, and conveying trustworthy motives) advocated in progressive policing and emphasized in the recommendations of President Obama’s Task Force on 21st Century Policing.

In any officer-involved critical incident, the MPD’s response to traumatized family members and witnesses is often its first and most important interaction with the community, which can set the tone for future communications and understandings about the event. Careful attention, in a written SOP, is an important step toward ensuring that interaction is managed appropriately and sensitively.