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Criminal Interrogations of Police Officers After Use-of-Force Incidents

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Discussion continues to grow among law enforcement organizations concerning how officers receive treatment different from other citizens after encounters involving physical resistance or force. Despite interrogating civilians soon after violent incidents, agencies increasingly advocate and defend a "cooling off" period to precede interrogations of their own personnel, believing that more accurate statements will result.

Law enforcement policy makers base their support of these delayed interrogations on research concluding that the psychological trauma of critical incidents may create perception and memory distortions and, thus, result in statements that could inadvertently contradict other investigatory evidence.[1] These important findings seem consistent with other research indicating that officers experience such effects during events involving the use of force.[2] Drawing from these conclusions, experts have suggested delaying interviews of police personnel for a few hours to several days after a critical incident to enhance investigators' memory and produce more accurate statements.

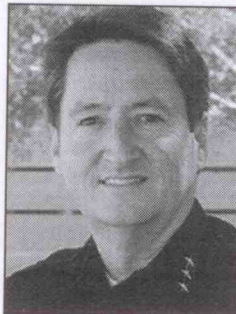
This differs from the practice of immediately questioning civilians. According to conventional wisdom, interviewing or interrogating soon after events produces the most accurate and truthful statements and minimizes the opportunity to fabricate a story. To this end, despite the outcry to delay interviews or interrogations of officers, no similar push exists for other persons, regardless of the research indicating potential perception or memory distortions.

The authors present a review of research suggesting that delaying interviews or interrogations of officers after critical incidents may lead to more accurate statements. Further, they examine the equally important issue—whether law enforcement personnel enjoy special status due to their unique position and responsibilities—possibly overlooked by researchers. If appropriate, a delayed interview or interrogation must serve the best interest of the truth, as well as the community.

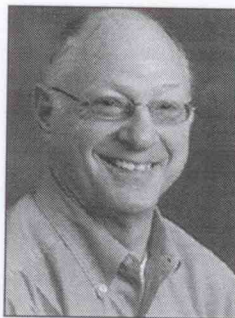
Research

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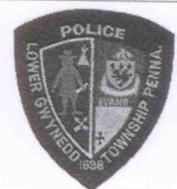
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While much research has examined memory and stress, limited attention has focused on officer-involved shootings or significant uses of force by law enforcement personnel. One notable study used simulation exercises followed by interviews conducted during different time frames to assess the accuracy of officers' memory.[3] The researchers examined a survey sample of 265 police officers from the Midwest who were exposed to three stressful conditions—live-fire simulation; video footage of the training, including the shooting; and a silent video recording of the simulation scene without a shooting. After 12 weeks all participants answered questions about their experiences, but a sample also participated in a rehearsal, which entailed responding to the inquiries immediately after exposure to one of the conditions.

Overall, the researchers concluded that "...stress was related to memories for armed people positively, unrelated to memories of unarmed people, and related to objects negatively...." Interestingly, officers exposed to the rehearsal had better recall after 12 weeks than those not involved in the immediate questioning or debriefing.[4] The findings also confirmed research suggesting that eyewitnesses focus on the source of the threat or stress more intensely than on the peripheral information about a scene or incident.[5]

In another study a researcher surveyed law enforcement personnel over a 6-year period after their involvement in a shooting. She found that more than 60 percent experienced the incident in slow motion, while 17 percent recalled the pace speeding up. Almost 90 percent of the officers reported auditory lockout, and 16 percent heard intensified sounds. Similarly, more than 70 percent reported experiencing heightened clarity of vision and responding to the threat not with conscious thought, but rather, while on "autopilot." Forty percent claimed disassociation—an altered state of consciousness commonly characterized as detachment from one's emotions, body, or immediate surroundings—while 46 percent reported memory loss.

To provide guidance on when to interview law enforcement personnel after incidents, researchers developed a pilot study involving groups of officers responding to active-shooter scenarios, including a school shooting and a terrorist attack.[6] Teams cleared buildings, helped victims and hostages, and secured suspects. Following the simulations, each officer attended a short debriefing. When training concluded for the day, researchers asked a group of officers to write a report of the event. The same group also gave recollections 3 days later. Additionally, researchers had a second group of officers provide their memories only after 3 days had passed. The study focused on determining whether officers had better recollections immediately following a shooting or sometime later.

The researchers recognized that the studies involved simulations that could not completely replicate the stressors of an actual incident and that none of the officers were tired, injured, or otherwise impaired. However, the results offered insight on stress and memory—that the officers reporting on the threat immediately after it occurred had sharper recollections than those who shared their memories only after a few days had passed.

Additionally, the recollections of individuals who shared their memories about the environment immediately after the incident improved slightly when also reporting sometime later. Although differences were not remarkable, evidence indicated that officers had a better recall for threats than for surroundings and that asking them to relay facts immediately after an event may provide the best results for threat-related variables.

These studies hold importance because they showed that law enforcement personnel more likely focus on the threats, rather than peripheral objects or people. In other words, officers' memories function at different levels under stress. If an officer has a vivid or distinct memory of a person with a weapon but lacks a clear recollection of an unarmed individual or some object in the environment, this could reflect how memory functions under stress, rather than planned, conscious deception by the officer. Of course, law enforcement personnel may have a vested interest in the outcome of an investigation, or, perhaps, they cannot answer questions to strengthen their version of an event.[7] However, the research clearly demonstrated that officers' memories after a stressful event can alter their perception of reality, change as a result of the pressure or anxiety of the incident, or reflect exhaustion or other factors.[8]

The research also supported that it remains unclear as to when officers should undergo interviews concerning their observations, actions, and reactions after involvement in a shooting. While not enough research exists to determine best practices for timing officer interviews, many agencies do not question exhausted, injured, or otherwise impaired personnel immediately after a traumatic event. Those departments believe that doing so may pose serious risks to officers' health and well-being and that stress resulting from the incident may cause personnel to inadvertently provide information that contradicts other evidence, thus, proving harmful to both the officer and the agency. Of course, the health and well-being of personnel after a critical incident is important. However, agencies also must seek justice and act transparently and consistently in events involving possible criminal sanctions for the officer or civil actions for both the officer and the agency. Further, they must consider the interests of decision makers who will decide the timing of the interview or interrogation.

Although science currently does not support any specific best practices for timing interrogations, organizations that make policy recommendations have developed guidelines. For example the Police Assessment Resource Center (PARC) suggests that investigators interview personnel who participated in or witnessed an officer-involved shooting no later than a few hours after the incident.

Conversely, the International Association of Chiefs of Police (IACP) suggests giving officers time to
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