Administrative, Criminal, and Legal Aspects of Use Of Force, Deadly Force and Officer Involved Shootings

Training Goals and Objectives:
There is arguably no single event that can traumatize a police agency more than a police officer involved shooting incident. The criticism and intense scrutiny generated by the media, community activists, the general public, and the criminal justice system itself, can be enormous. The legal ramifications from such cases can debilitate a police agency or organization for years, have an adverse effect on employee morale, and hamper agency effectiveness through the erosion of public confidence. It is, therefore, imperative that every police department prepare in earnest for this inevitable eventuality. It is also essential that the investigator charged with the task of leading a police officer involved investigation become as equally prepared.

Overview:
The purpose of this program is to prepare officers, supervisors, investigators and prosecutors in the important clinical analysis of investigative data concerning serious and non-serious uses of force and officer-involved shootings. What can an agency expect when an officer wounds or takes the life of a person? First, the agency can expect the outpouring of media attention. Second, the agency should expect that a criminal investigation will be conducted by the agency or some outside entity. Third, the agency must recognize its responsibility to conduct an administrative investigation into the shooting or use of force. Finally, the agency that experiences an officer-involved shooting and has any serious use of force should expect that a lawsuit will follow. Throughout all of this, the agency must ensure the well-being of the involved officer.

Scene Response: This session will focus on issues related to the initial response to the scene by supervisors and investigators. It is imperative that evidence and witnesses are secured in a fashion that does not, in any way, taint the investigation or lead to charges or a cover-up by the involved agency. At the same time, critical pieces of evidence that will assist agencies in documenting the event for later use in all of the investigations will be emphasized.

Administrative Investigation: The most important integral investigation that an agency will be faced with an officer-involved shooting. This investigation will be reviewed at multiple levels by persons outside the agency. This investigation, if not properly conducted, will be subject to attack through lawsuits. This session examines the in-house procedure of investigating officer-involved shootings. The session examines the difference between the two necessary investigations: examining investigative techniques and conducting investigations for employees and supervisors.

Agency Review Process: Agencies must have a mechanism in place for reviewing use of force incidents. Low-level uses of force may not result in an investigation. More serious uses of force, including deadly force should be reviewed by a critical incident review panel. This session will focus on the process of use of force review and the options an agency may employ in the review process.

Officer Well-Being: The most important aspect of any police agency is people. The agency must always focus on caring for the well-being of its personnel. Obviously, when an officer is faced with the traumatic event of an involved-shooting his or her well-being may be impacted. This session will examine the best-practices with respect to agency response to officers who have been involved in these critical incidents and focus on psychological issues relating to police shootings.

The Lawsuit: Participants will examine the common issues in a lawsuit involving a police use of deadly force including: failure to train issues, policy issues, and response issues which affect liability; distinguishing agency liability from individual liability, and the concept of qualified immunity in the context of use of force cases.

Policy Development: Participants utilizing the foregoing sessions will identify the best practices in officer-involved shooting events and put those practices into an officer-involved shooting policy which can be tailored for any size agency. The policy will serve as a roadmap for officers, investigators and supervisors who are faced, for the first time, with an officer-involved shooting.

Media Issues During Officer Involved Shootings: An agency’s initial and follow-up response to the media can have a far greater impact on the investigation and to allegations in the expected lawsuit. This session will focus on the best police practices with respect to media response during these critical incidents.

Criminal Investigation: In every police shooting involving injury or death, a criminal investigation should be conducted. This investigation takes a two-faced approach that includes an investigation of the suspect’s acts as well as a determination of whether the officer’s use of force is consistent with the criminal law. The subject officers, supervisors, investigators, and prosecutors are generally cross-trained to handle both civil and criminal investigations, but the Criminal division is generally the lead agency on criminal investigations involving officer shootings.

Use Of Force, Deadly Force and Officer Involved Shootings:

Seminar Agenda

December 9, 10, 11 & 12, 2019•Las Vegas, Nevada

Monday, December 9, 2019
8:00 a.m. — 8:30 a.m. Mark Kollar
 Registration
8:30 a.m. — 9:30 a.m. Course, Instructor and Class Introduction
9:30 a.m. — 11:30 a.m. Investigative Methodology: The "Crime" Scene
11:30 a.m. — 12:30 p.m. Lunch (On Your Own)
12:30 p.m. — 3:30 p.m. Investigative Methodology: Follow-up
3:30 p.m. — 5:00 p.m. Search Warrants

Tuesday, December 10, 2019
8:00 a.m. — 9:00 a.m. Mark Kollar
 Crime Scene Reconstruction
9:00 a.m. — 10:00 a.m. Shooting Reconstruction / Trajectory Analysis
10:00 a.m. — 11:00 a.m. Post-Mortem Examination
11:00 a.m. — 11:30 a.m. Technology in Investigations
11:30 a.m. — 12:30 p.m. Lunch (On Your Own)
12:30 p.m. — 2:00 p.m. Reaction Time & Memory Limitations
2:00 p.m. — 4:00 p.m. Aftermath of a Critical Incident
4:00 p.m. — 5:00 p.m. Case Studies, Summary Discussion

Wednesday, December 11, 2019
8:00 a.m. — 12:00 p.m. Shaun Santos
 Liability for Government Entities
12:00 p.m. — 1:00 p.m. Lunch (On Your Own)
1:00 p.m. — 3:00 p.m. Tort Law and the Police
3:00 p.m. — 5:00 p.m. Qualified Immunity: The First Line of Defense

Thursday, December 12, 2019
8:00 a.m. — 12:00 p.m. Shaun Santos
 Internal Affairs—Litigation and Risk Management
12:00 p.m. — 1:00 p.m. Lunch (On Your Own)
1:00 p.m. — 5:00 p.m. Internal Affairs & Complaints
5:00 p.m.

Certificate Presentation

3 Ways to Register for a Seminar!

1. On-line Registration at www.patc.com — Yellow/Blue link in corner
2. Fax Form to Public Agency Training Council FAX: 1-317-821-5096
3. Mail Form to Public Agency Training Council

Address:
5235 Decatur Blvd
Indianapolis, Indiana 46241

*NEW Federal ID# 47-4078912

Fax:
800-365-0119 (Outside Indianapolis)

Seminar Title: Use Of Force—4 Day
Instructors: Mark Kollar and Shaun Santos
When: December 9, 10, 11 & 12, 2019
Registration Time: 8:00 A.M. (December 9, 2019)

Seminar Location: Palace Station
2411 West Sahara Avenue
Las Vegas, Nevada 89102

Hotel Reservations: 1-855-727-7796
$70.00 S/D Sun.-Thurs., Tower Rooms (Plus $9.99 and Tax)
$95.00 S/D Fr. & Sat., Tower Rooms (Plus $9.99 and Tax)

Note: $9.99 Service Fee Per Night (Includes Scheduled Shuttle to and From Airport; Scheduled Shuttle to Strip; In-Room Internet Access & Work-Out Center.)

Registration Fee: $525.00 Includes Hand-outs, Use Of Force, Deadly Force and Officer Involved Shootings Student Manual, Coffee Breaks, and Certificate of Completion.

Name of Attendees 1. ____________________________
2. ____________________________
3. ____________________________
4. ____________________________

Agency ____________________________

Invoicing To Attn: ____________________________ (Must Be Completed)
Address ____________________________
City ____________________________ State Zip ____________________________
Email ____________________________
Phone ____________________________
Fax ____________________________

Certificate Presentation
Don't Jump The Gun - A Gunshot Wound To A Suspect's Back May Not Indicate A Problem: This session focuses on what every investigator needs to know before drawing any conclusions relative to the appropriateness of an officer-involved shooting. A suspect who has been shot in the back does not always mean that the officer fired a shot after the threat had passed. Numerous studies have lead to the conclusion that reaction time may account for wounds to a suspect's back. Participants will learn how these cases can be applied in a practical manner to an officer-involved shooting investigation.

Overview of the Legal Developments in Liability for Government Entities: The explosion of litigation against law enforcement officers and agencies over the last two decades is the direct result of decisions made by the United States Supreme Court. This segment offers participants, an overview of the liability exposure facing police in today’s society and provides the historical background of the law's development.

Over the last two decades law enforcement agencies and individual law enforcement officers in the United States have been the subject of intense public scrutiny. The litigious condition of American society has been a key factor in this scrutiny. The very nature of police work i.e. use of force, high-speed pursuits; and arrest, lends itself to complaints and lawsuits from those that law enforcement officers have contact with.

It is imperative that the Police Department operates in a degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the Department. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by police employees and the conduct of the Police Department. This policy provides members of the Department with the procedures for the acceptance of complaints, the initiation of the administrative investigative process, the process for conducting a fair and reasonable investigation, the proper methods for adjudication of these administrative investigations, and the methods for the administration of fair, reasonable and defensible discipline. It is not required that every agency have a designated person or unit expressly for IA/OPS operations, but every agency must have someone who becomes the most knowledgeable person regarding these practices.

Tort Law and the Police: In addition to civil rights claims against officers, claims alleging a violation of state tort law seeking money damages are often brought against officers and agencies. This portion of the program is designed to give participants a general understanding of the types of claims that are generally brought against officers and agencies.

 Qualified Immunity: The First Line of Defense

- Understanding the “extraordinary circumstances” exception to the doctrine: reliance on the advice of counsel or on statutes
- When is the law “clearly established” in the wake of Saucier v. Katz, Hope v. Pendergast, and Brosseau v. Haugen
- What will be the impact of the Supreme court’s decision in Scott v. Harris on Pelzer, and Brosseau v. Haugen

Internal Affairs—Litigation and Risk Management Pros & Cons

- Case law on the affect of the Internal Affairs process on Liability
- Essential Internal Affairs policies and practices to have in place
- The need to audit the Internal Affairs operation and how to do it
- A professional administrative investigation can more fully describe
- The police encounter and ethically assist in developing the defense
- Are Internal Affairs records discoverable: An On-Going Disputed Area

Internal Affairs & Complaints

- The Administrative Interview
- Transnational Immunity
- Employee Claims
- Search of Officers Text Messages from Department Issued Pager was Reasonable
- Seizure of the Police Officer
- Covert Video Surveillance
- Compelled Substance Abuse Testing
- Financial Disclosure/Obtaining Personal Financial Information
- An Officer’s Right to Privacy And HIPAA
- Due Process Rights of Police Officers
- Law Enforcement Officers’ Bill of Rights
- External Liabilities of Internal Affairs

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National Criminal Justice
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North Las Vegas, Nevada

Training Seminar
Administrative, Criminal and Legal Aspect of Use of Force, Deadly Force and Officer Involved Shootings

Instructors:
Mark Kollar

Mark Kollar currently serves as a special agent supervisor for a state-level criminal investigative agency, in that capacity, he commands the Major Crimes Division, Special Investigations Unit for one quarter of the state. The special agents he supervises conduct high-profile criminal investigations including: officer-involved shootings, homicides, serial crimes, public official corruption, sexual assaults, and large-scale financial crimes. In his over 25 year law enforcement career, he has served in multiple capacities to include: patrol, narcotics, crime scene, detective bureau, and in various supervisory roles. He has an associate degree from Hocking College and a Bachelor of Science Degree from Criminal Justice at Holy Cross University. Additionally, he is an author who has written several books and is a regular contributor to PoliceOne and other Law Enforcement Publications.

The Ohio Peace Officer Training Commission has awarded Mark the designations of “Master Criminal Investigator” and “Master Evidence Technician” based upon the successful completion of specialized courses of study in those areas. He has additionally received multiple commendations and honors for the cases he has been involved with, including the Ohio Attorney General’s Distinguished Law Enforcement Group Service Award on multiple occasions. He has lectured extensively to audiences from 8 countries in the areas of officer-involved shooting and homicide investigation, public corruption, and other topics such as “Management of Multi-Fatal Crime Scenes” during a FBI National Academy Associates retraining.

Shaun Santos, Attorney

Sgt. Santos has been a law enforcement officer for 20 years, with over 15 years experience as a Narcotics Detective. He has extensive experience working with the Drug Enforcement Administration conducting electronic surveillance investigations in to the Drug Trafficking Organizations. Shaun is currently assigned to the DEA’s Financial Investigations Team (FIT), anti-money laundering group, responsible for conducting large international money laundering investigations. He has experience with foreign and domestic money pick-ups, international bank wire transfers, familiarity with Black Market Peso Exchange, and Attorney General Exempt Operations (AGEO), allowing for the laundering of drug proceeds in furtherance of narcotics investigations. Shaun has received his Bachelor Degree in Criminal Justice, University of Massachusetts, Lowell, MA; Masters Degree from Anna Maria College; and Juris Doctorate from Suffolk University Law School.

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Register On-Line At: www.patc.com