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Aftermath of an Officer Involved Shooting: Formal Education, Continuing Education, and Responsibility

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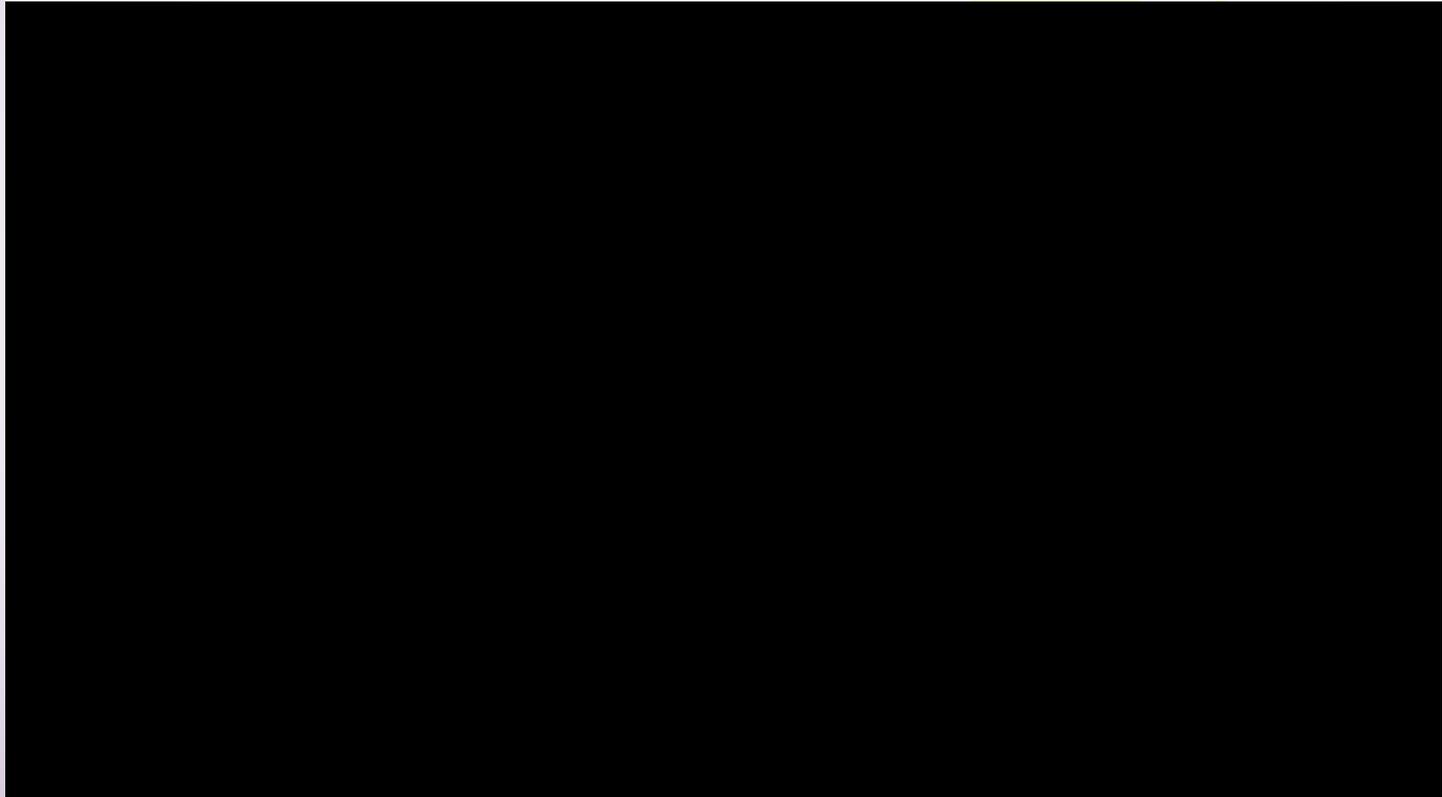
Aftermath of an Officer Involved Shooting:

Formal Education, Continuing Education
and Responsibility

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July 6, 2016



Facts of the Event



- Convenience Store Robbery
- Similar Appearance, Light Out
- Smelt Marijuana, Look Ahead
- Asked for License/Proof of Insurance
- Officer Informed of Gun & Permit
- Told Not to Reach for Gun
- Kept Reaching for Gun/Wallet
- Shot When Gripped Larger than Wallet
- Girlfriend and Child in Car
- Video Starts, Goes Viral



Minnesota Law

- **Section 609.205 (1) Involuntary Manslaughter**
- **Section 609.66 the use of deadly force by a police officer in the line of duty is justified only when necessary: (1) to protect the police officer or another from apparent death or great bodily harm...**
- **Section 609.661 The intentional discharge of a firearm that endangers the safety of another.**
- **In *State v. Engle*, the Minnesota Supreme Court concluded that recklessly discharging a firearm requires proof of “a conscious or intentional act, in connection with the discharge of a firearm, that creates a substantial and unjustifiable risk that the actor is aware of and disregards”**
- ***Graham v. Connor* (Reasonable Officer Standard)**



Legal Implications



- **Prosecutor Choi did not send the case to a special prosecutor, but he did add an independent prosecutor to his team. (Good)**
- **Prosecutor Choi did not use a grand jury. “I know my decision will be difficult for some in our community to accept, but in order to achieve justice we must be willing to do the right thing no matter how hard it may seem.” He said that it would not be right to ask a grand jury to decide if charges should be brought when “I know in my heart what needs to be done”**

Government Involvement



- **MN Governor Dayton commented to reporters that Castile would probably still be alive had he been White. (Not Helpful)**
- **There have been calls for the federal Government to prosecute these cases. (Not As Effective As State)**
- **The Department of Justice's Office of Community Oriented Policing Services is conducting a review of the entire St. Anthony police department.**

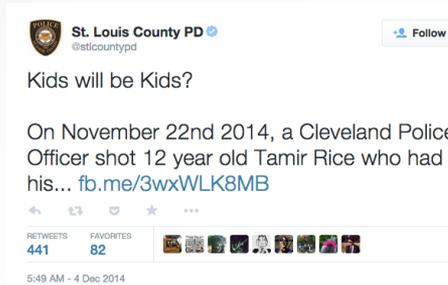


Recommendations



- Choi believes the evidence supports the charges. “No reasonable officer—knowing, seeing and hearing what Officer Yanez did at the time—would have used deadly force under the circumstances.” (This has yet to be proved to a trial jury. We hope the law will be followed including the defense.)
- The training to receive a gun permit in Minnesota may need to be reviewed. Citizens also need to be trained that following officer commands are mandatory, officer commands are not suggestions.
- There have been concerns that implicit racial bias is in play in the Castile case. It was good the independent BCA did the investigation. There should be more communication between departments and communities so problems and fears can be identified and addressed sooner.

Social Media



- Develop shared and meaningful transformations with predominately Black communities building trust by grasping the culturally ingrained differences between white and Black citizens. (police who grasp the concept of white privilege)
 - Making a conscientious drive to change the administration and culture of every department.



Social Media

- Utilize social media by police departments, offering the news on the streets to communities rather than using traditional media intermediaries.
 - Police can teach the public about the job through the use of videos uploaded on their police sites for all to view. Actual police encounters with the license plates and suspects faces blocked. Police must learn to be ‘real’ with the public instead of building a wall of secrecy.
 - Media and IT personnel hired by police to react to events as quickly and honestly as possible.



A Fragmented Response to the Use of Force

- Over 18,000 federal, state, county, and local agencies
 - More than 12,000 police departments
 - The most common agency has fewer than 10 officers (2012)
 - Over 750,000 (2012) officers serving state and local agencies
- A fragmented response to policy
 - No federal mandate for a consistent policy on the use of force
 - Terrill et al (2011) – 123 different permutations in the use of force progression amongst agencies studied



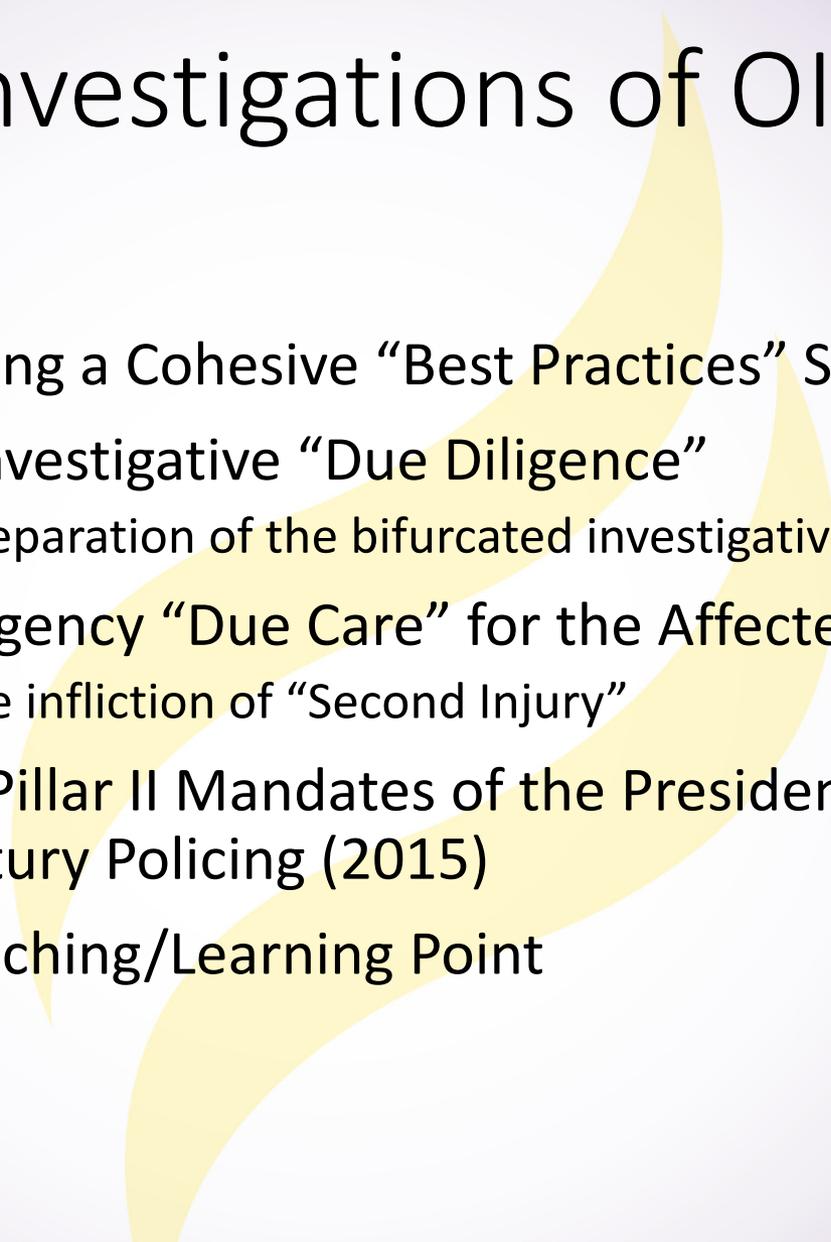
An Uncommon Event

- The use of force is a rare event
 - 1.7% of contacts involve the threat of or use of force
 - The use of deadly force is even less common, but the rate is unknown
- Currently, there is no national database on the use of deadly force
 - May arrive in 2018 according to the FBI Director
- The use of force and deadly force is restricted by the courts
 - Tennessee v. Garner; Graham v. Connor

Need for Consistent Agency Policy

- Although a rare circumstance, it remains the most important policy
- Primary issues
 - Failure to train (Canton v. Harris, 1989) “amounts to deliberate indifference”
 - Failure to supervise
- Need for a consistent and adequate force continuum
 - Adequate less than lethal tools
- Incorporate policy and tactics into training
 - Problem-based learning model
 - Bridge policy into practical application



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External Investigations of OIS Incidents

- Conducive to Being a Cohesive “Best Practices” Standard.
- Better Assures Investigative “Due Diligence”
 - Enhances the separation of the bifurcated investigative process
- Better Assures Agency “Due Care” for the Affected Officer(s)
 - Better limits the infliction of “Second Injury”
- In Keeping with Pillar II Mandates of the President’s Task Force on 21 Century Policing (2015)
- Best Practice Teaching/Learning Point

Professional Police Officer Education

Peace Officer Standards and Training (P.O.S.T.) Mandates in the State of Minnesota

MSU, Mankato's PPOE Program

- Started in 1971...
- Baccalaureate degree in LE
- Degree requirements
 - PPOE learning objectives
 - Physical and psychological evaluations
 - First responder training
 - Ride-along time





Professional Police Officer Education

Questions about Education

- Should police have a college education and/or a college degree?
- Are officers who have a college degree more effective at the job than those who don't hold a degree?
- Two-year or four-year degree?

PPOE Skills Practicum

- Similar to Training Academy
- Offered 9 Community Colleges
- Contracted Services
- Ranges from 8-12 credits



Continuing Education



- Varying requirements across the nation
- Minnesota requires 48 hours over 3 years
- Quality
- Cost
- Time
- Availability

Responsibility and Impact

- Program Level
- Institution Level
 - MSU Mankato
 - Hibbing Community College
- System Level
 - Minnesota State



MINNESOTA STATE



**MINNESOTA STATE
UNIVERSITY**
MANKATO



Hibbing Community College
A TECHNICAL AND COMMUNITY COLLEGE



Recommendations

- Consistency in the application of the law
- Using the “news on the street” through social media along with traditional media outlets
- Expand cultural competency to include immersion into communities
- National Use of Force Database
- Clear, reasonable educational standards
- Continued training and supervision that bridge policy training and practice