



MEMORANDUM

TO: Mr. L. Kimball Payne, City Manager

FROM: Colonel Parks H. Snead, Chief of Police

DATE: July 9, 2013

RE: Report on the LPD's internal investigation of the 4-10-2013 accidental shooting of an LPD officer

The Lynchburg Police Department command staff has completed an internal investigation of the accidental shooting of LPD Officer Gary M. Hilber on April 10, 2013 during service of a drug trafficking search warrant at 2075 Langhorne Road in Lynchburg. The purpose of this report is to provide you with an overview of the internal investigation findings, and to provide you with my assessment of what the LPD has learned from this incident. This report will not, of necessity, provide a level of detail that would compromise LPD operational tactics, or that would disclose work performance management information related to identifiable City employees.

Incident and post incident events On June 25, 2013 the Honorable Michael R. Doucette, Commonwealth's Attorney for the City of Lynchburg, released a report on the events that led to the accidental shooting of Officer Hilber. The sequence of events related by Mr. Doucette in his public report is consistent with LPD internal investigation findings. I therefore see no need to repeat the sequence of events in this report.

Officer Hilber was treated for a pass-through gunshot wound to the upper chest at Lynchburg General Hospital. He was released from the hospital on April 11. He has since recovered from his wound.

Search of the target apartment on April 10 resulted in seizure of items including suspected marijuana, suspected heroin, a 12 gauge shotgun, shotgun and handgun ammunition, and various items of suspected drug paraphernalia.

Based upon the Commonwealth's Attorney's finding that LPD Officer Taylor M. Clark committed no criminal act in this accidental shooting situation, Officer Clark was returned to regular duty status effective July 1, 2013.

LPD command staff investigation, review and assessment of the facts from this April 10 incident can be summarized into three categories: procedural issues, scene control issues, and communication issues.

Report to the City Manager on the 4-10-2013 LPD Officer Shooting Incident

Procedural issues: Law enforcement operations inherently involve unpredictable and potentially dangerous situations: this is particularly true in serving drug and other high risk warrants. Like all law enforcement agencies, the LPD has developed operational policies and procedures that are intended to reduce the risk of harm to officers and citizens alike through controlling situational variables to the greatest extent possible.

- It is LPD policy that plain clothes officers involved in warrant service under circumstances such as those present on April 10, 2013 wear LPD-supplied clothing that prominently displays the identifier POLICE so as to be highly visible from different angles of view. This operational dress code was not followed in the April 10 incident, apparently due to the on-scene situation evolving more rapidly than expected.
- It is LPD policy that drug and other high risk warrant service be conducted by specially trained and equipped Tactical Unit officers. Tactical officers work various assignments, and maintain Tactical certification as an additional duty function: they are called out as needed. Although officers trained in Tactical operations were present at the scene on April 10, delay in calling out a full Tactical Unit deployment group to handle warrant service resulted in that resource not being available on scene when it was needed.
- It is LPD policy that officers assigned to drug and other high risk warrant service participate in a detailed briefing prior to the operation: among the purposes served by these briefings are target identification, suspect identification, identification of all officers involved, assigning officers to specific posts and roles, discussing the tactical plan and contingency plans. Preliminary briefing, communication and task assignment were not adequately accomplished on April 10.
- LPD officers are trained to use sound “officer safety” practices throughout the spectrum of their work activities, and to be mindful of avoiding potentially dangerous situations. This training encompasses the need to be clearly identified as a law enforcement officer while taking enforcement action. This training encompasses the need to avoid placing oneself at risk in suspect pursuit situations.

Scene control issues: Scene control requires just that: managing progression of events to the greatest extent possible. Scene control in situations of this type is a complex and demanding process in which plans and procedures must be activated within uncertain conditions. Pre-planning, effective communication, and the capability to adjust plans as contingencies occur are critical elements of effectively managing an incident scene.

- A number of officers involved in the April 10 situation had limited understanding of what the operational plan was, and had limited understanding of how the situation on scene was evolving.
- Perimeter security officers were not posted behind the apartment building prior to the incident escalating to a point where officers needed to make entry to the target apartment. Had perimeter officers been in place, they would have been in position to immediately apprehend the fleeing suspect, and they would have been in position to observe and communicate the fact that Officer Hilber exited the apartment in the same manner that the suspect had.

Report to the City Manager on the 4-10-2013 LPD Officer Shooting Incident

- Even well trained and highly competent officers – as were all officers involved in the April 10 incident – must be specifically assigned and closely directed in an operation of this type. Among the most complex incident command responsibilities are allocating resources and maintaining detailed situational awareness -- knowing where every officer is, and knowing what every officer is doing. That is why complex operations typically require multiple levels of on-scene supervision. This situation rapidly became too complex for the command structure in place at that point to monitor everything that was occurring.

Communication issues: Communication is obviously a critical component in effective operational planning, assignment, and deployment.

- Communication among on-scene Narcotics Unit detectives, the incident commander, and Street Crimes Unit officers standing by at a remote location conveyed limited information. This limited the level of situational awareness that a number of involved officers had when they arrived on scene. The escalating situation did not allow time for these officers to be briefed after arrival on scene.
- Not all Street Crimes officers had been informed that Officer Hilber was at the scene in plain clothes, working with the Narcotics Unit. Some officers had been informed that Officer Hilber was on scene, but were not aware of his Narcotics Unit assignment: they therefore presumed that Officer Hilber was present in the uniform consistent with Hilber's regular duty patrol assignment. This incomplete information sharing contributed to Officer Clark's not realizing that he might be confronting another police officer in the woods behind the apartment building.

LPD response and future commitment The LPD does not view having a police officer seriously injured as a successful outcome, whatever type of activity the officer was engaged in. In an April press release, I advised the public that *"Key focuses of the incident investigation are to identify and to analyze the chain of events that led to this accidental shooting. The Lynchburg Police Department is carefully reviewing and critiquing what happened in this incident so that we can be better prepared to prevent any such incident from recurring in future."* We have now analyzed what happened in this incident, and we know why events happened as they did. Clearly, the task before us is to apply these hard-learned lessons toward future success.

The fundamental lesson that I see in this analysis is that sound operational policy and procedure are of no use unless they are in actual operational practice -- every day and in every situation. We have learned from our mistakes, we are actively addressing these mistakes, and we will do everything within our power to ensure that mistakes like these do not recur.

- Officers involved in this situation have been debriefed. Their input has been invaluable in reconstructing what happened and why it happened.
- The LPD has re-emphasized existing procedures in drug and other high risk warrant service situations. Plain clothes officers will be clearly identified as police officers through

Report to the City Manager on the 4-10-2013 LPD Officer Shooting Incident

wearing “raid clothing” in every high risk warrant service, without exception. A briefing will be conducted in every high risk warrant service situation to ensure that advance information sharing and task assignment takes place. No officer who has not participated in a preliminary briefing will participate in warrant service.

- The LPD will place even greater emphasis on officer procedural indoctrination and situational response training – to include fundamental skills training, operational discipline, incident command, and communication procedures.

Our officers perform their duties within an unpredictable and often dangerous environment – every member of the Lynchburg Police Department shares the responsibility to ensure that we accomplish our agency’s community service mission, and that we do so in the safest possible manner. As Chief of Police, I bear that responsibility most of all.