



What Should Happen After An Officer-Involved Shooting? Memory Concerns in Police Reporting Procedures[☆]



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Procedures around interviewing a police officer after a shooting have recently come under increased scrutiny. Some argue the officers should be allowed to view available video footage from body cameras and wait two to three days to de-stress before being interviewed. While viewing the video first may increase accuracy for details present in the footage, it may also cause forgetting or distortion for other parts of the situation not captured on camera, including the officer's perception and construal of the situation. Additionally, memory is likely to decay over any delay from a waiting period, with little support for the claim that a long de-stressing period will improve accuracy compared to an immediate report. Though this is a complex policy matter with many considerations, these procedures may do more harm than good when it comes to preserving the most accurate and helpful memory from the police officer.

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In recent years, tensions between civilians and police officers have seemingly escalated. The ubiquitous presence of smart-phones has led to increased documentation of fatal encounters between civilians and police officers, leading to calls for transparency and justice. As a consequence, procedures surrounding reporting practices in police departments – how, when, and under what circumstances officers give their statement on what happened in an officer-involved shooting (OIS)—are under scrutiny. Two key issues have arisen. The first is whether, before making their report, officers should be allowed to view body-worn camera (BWC) footage of the incident. The second is whether officers should wait to give their report until two to three days after the encounter to allow them time to consolidate their memory. Proponents of the “pre-view of body camera footage” and proponents of the “wait two to three days” method argue that the officers' memories will be better. We argue, based on the psychological literature, that the most complete and accurate reports will be obtained soon after an incident, before video footage is reviewed and without a long delay. However, policy considerations from outside the realm of human memory may complicate the real-world decision.

Pre-Viewing of Body Camera Footage

As calls from the public for police use of BWCs increase, more and more police departments will need to decide if they will adopt BWCs and how they will be used. Given the many open questions, such as if officers should be able to turn the cameras off and how long the videos will be stored, police departments need guidelines regarding access to the video. In particular, after a citizen complaint or use of deadly force, some departments allow or require officers to view the video footage before making their written report of the event, while others require officers to make their report first. It may initially make intuitive sense to allow police officers to view the BWC footage if we want them to make the most accurate report. However, decades of research into human memory and cognition make it clear that there can be costs to this approach.

One relevant body of research concerns a topic called retrieval-induced forgetting (RIF; Anderson, Bjork, & Bjork, 1994), which shows that retrieving parts of a memory can reduce access to other parts of related memory which were not retrieved. In a typical RIF study, participants are given some sort of

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material they need to learn, such as pairs of words or faces. Later, they are tested on some elements of the material again. Finally, they are asked to remember as much or the original material that they can. While people are better at remembering the material they got extra retrieval practice on, they are *worse* at remembering related, unpracticed material, as compared to a separate group who never got any extra practice. RIF has been demonstrated not only with word lists, but in many contexts across hundreds of studies, including eyewitness situations (Camp, Wesstein, & Bruin, 2012). A meta-analysis of 512 studies showed this is a robust effect across many different contexts and paradigms, and does not appear to go away over time (Murayama, Miyatsu, Buchli, & Storm, 2014).

RIF is particularly relevant to the situation of allowing officers to view BWC footage before making their report because the camera can never capture the entire situation. It will be missing the victim's perspective, anything outside of the officer's field of vision, anything obstructed by the camera, and, crucially, the internal perception of the officer. When an OIS or other serious incident has occurred, all of these are important, not just the objective visual field directly in front of the officer. However, if officers view the footage before making the report and use it as "practice" in thinking of what they will report, they may be less likely to recall those other aspects that did not get the extra retrieval that happened by watching what the BWC caught. For example, they may be more accurate in recalling the facial features of the civilian, if they saw the face again on the footage, but may be less likely to recall the details of the car nearby outside the field of view. If they had made their report first, they would likely have better accuracy for the relevant peripheral details of a scene. And if their reporting of the central details was not as complete as it could be, the BWC footage could be used later to supplement with accurate information.

Another relevant body of literature comes from decades of research on how post-event information can alter a person's original memory for an event (Loftus, 2005). Although the post-event information—the BWC footage—is true information, it still may contain new or different information from what the officer actually noticed or would have otherwise remembered. Watching the BWC may inadvertently bias their memory against what their original perception of the situation was. If, in a tense situation, a police officer believed that a civilian was holding a gun, that would be an important thing to note in their report. However, if they were allowed to view the footage before making their report and saw it was a crowbar, their report would likely end up confirming the video, as opposed to being their unbiased assessment of what they *thought* had occurred. It would not necessarily be a malicious change in reporting; once the footage is seen, it will contaminate their memory to where they now, looking back on it, sincerely view it as a crowbar, whereas previously they had perceived it as a gun. Even though their report may seem more accurate since it confirms to the objective reality of the situation, it is actually less accurate about the officer's perception of the event, which may be far more relevant when it comes to figuring out what led to the use of force.

Some districts attempt to avoid this problem by asking officers, when they make their report, to specify what parts of their

report came from their own memory and what came from the BWC footage that they viewed prior to making their report. While this method recognizes the importance of distinguishing memory of the event from memory of the video, it is not likely to be effective. Psychologists have documented for years the difficulty people have in remembering the source of information in their memory; mixing up the source of a memory has been called one of the "seven sins of memory" (Schacter & Dodson, 2001). It is one of the processes underlying the misinformation paradigm (Loftus, 2005), where subjects witness some event and then later are given incorrect information about it. Many people are misled into not only believing the new information, but incorporating it into their original memory; when directly asked about the source of the memory, many people specifically claim that they saw it in the original event (e.g., Zhu et al., 2012; Stark, Okado, & Loftus, 2010). While in this case the later new information—the BWC footage—is not inaccurate, it may be misleading or incomplete (e.g., if the camera is shaky or misses important context) or not what they originally perceived, and the same difficulty in accurately remembering the source of new information is likely to apply.

While there is support from psychology literature for not allowing officers to view camera footage before making a report, there are other considerations that complicate the real-world situation, rendering it too nuanced for a simple, universal recommendation. For example, consider the consequences that may arise when an officer's report does not perfectly match video footage, which is inevitable given the fallibility of human memory. Much like eyewitnesses who make honest mistakes in recounting events (and who generally would not have access to video footage), police officers may have sincere errors in their memory that do not necessarily indicate deliberate false reporting. The same factors that can lead eyewitnesses to have poorer memory (such as post-event suggestion, extremely high stress, weapon focus; Fawcett, Peace, & Greve, 2016; Wells & Olson, 2003) can similarly affect police officers. An officer might honestly believe the victim was rushing at him from the side, even if the video later shows that the person was walking. A discrepancy like this may lead to a perception that the officer is lying to protect him or herself, undermining trust from civilians and decreasing the desire to use BWCs at all (see Simon & Bueermann, 2015 for a longer opinion on this). This could happen despite the positive effect that BWCs provide in terms of decreasing negative interactions between police and civilians (Ariel, Farrar, & Sutherland, 2015). But the mistaken officers, like mistaken victims and eyewitnesses, deserve consideration of processes other than deliberate lying that may lead to a report that is contradicted by a video. Of course deliberately lying sometimes occurs, but it is only one possibility, and is not necessarily the mostly likely. Discrepancies should certainly be investigated, and when the officer gives later testimony (either in a trial or follow-up report, etc.), he or she can explain why their report differed from the video footage.

We have described some of the potentially detrimental effects that viewing BWC might have on memory. However, this type of long-term outcome is not something that the psychological literature yet has data to address (Letourneau, 2015). Any

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