

# Implementing Checklists to Improve Police Responses to Co-Victims of Gun Violence

*Samuel A. Kuhn and Tracey L. Meares*

## Introduction

Over 12,000 people die of gun homicides in the United States annually, leaving behind loved ones (“co-victims”) burdened by psychological trauma and economic loss. The state has tasked police as the primary responders to gun violence, but police often exacerbate trauma in every interaction with co-victims, from investigative follow-ups to failing to connect them to trauma counseling.<sup>2</sup> Police are intimately involved with gun violence survivors and the families of the deceased for months or even years after the incident. At each juncture, police represent the state in deeply sensitive and delicate interactions that have dramatic implications for the ripple effects of gun violence.

We build on the checklist model that has improved public safety outcomes in other complex, high-intensity professional contexts to propose a checklist for police detectives to follow in the aftermath of gun violence. Although checklists would likely improve police responses to co-victims of non-gun violence, we focus on gun violence because it constitutes a disproportionately harmful share of illegal serious injuries and deaths. To build the checklist, we reviewed the general orders of five police departments to better understand what guidance, if any, is currently given to police personnel regarding how they should interact with gun violence victims. We also interviewed fourteen co-vic-

tims in three of these cities who have lost at least one family member to gun violence, for critical perspectives on police responses to the victimization of their loved ones.

## Implications of the Literature: Procedural and Substantive Fairness in Policing After Gun Violence

Beginning in 2014, organizing associated with the Black Lives Matter movement galvanized renewed nationwide scrutiny of unconstitutional, discriminatory, over-aggressive, and ineffective policing.<sup>3</sup> This attention added to existing research demonstrating that groups receiving disproportionate police attention, victimization, and incarceration — especially among Latinx and Black populations — are more likely than whites to mistrust the police, view the police as illegitimate, and be afraid of police.<sup>4</sup>

Concepts in the literature such as “procedural justice,” “police legitimacy,” “legal cynicism,” and “legal estrangement” have been useful to explaining the theoretical, political, and practical significance of the experience of policing of many in “race-class subjugated” communities. Some of this work has specifically addressed police interactions on the street, but police interactions with the victims of gun violence and co-victims have not similarly been a target of reform strategies. Interactions between police and co-victims of gun violence are numerous, including, but not limited to, investigating the scene, notifying surviving family members of their loved one’s death, facilitating collection of compensatory resources, and communicating information throughout the investigation. Incorporating the expectations and desires of those who receive the most police attention should

**Samuel A. Kuhn** is a third-year law student at Yale Law School in New Haven, CT, where he is an Affiliated Fellow of the Institution for Social and Policy Studies. He received his B.A. from Cornell University (2014) in Ithaca, NY. **Tracey L. Meares, J.D.**, is the Walton Hale Hamilton Professor of Law and Founding Director of the Justice Collaboratory at Yale Law School. She received her J.D. from the University of Chicago Law School and her B.S. from the University of Illinois.

help improve what police do and do not do after gun violence incidents.<sup>5</sup>

Unresponsiveness to the needs of co-victims whose safety — both perceived and actual — has been dramatically compromised by their loved one's shooting likely shapes public perceptions of civic standing and distrust of legal institutions. For example, Jill Leovy connects perceptions of community distrust of police in Los Angeles to their failure to respond quickly and urgently to murder, pointing to police failure to clear homicides as evidence of this problem.<sup>7</sup> Similarly, Lisa Miller argues that “security from violence is an important state obligation,” and that violence and state punishment should be considered together as “social risks” from which the state often fails to protect marginalized communities — “particularly with respect to African-Americans.”<sup>8</sup> Recently, “the dual position of being abandoned and overseen, unprotected and occupied” has been usefully described by the concept of “distorted responsiveness” by the police — a state that is over-vigilant in punishing minor indiscretions like selling loose cigarettes but negligent with respect to serious threats to community safety.<sup>9</sup>

Further, police unresponsiveness to gun violence co-victims entails a special harm in minority communities where police play an outsized role, likely further marginalizing them from state institutions and their potential protections.<sup>10</sup> This phenomenon is described by the related concepts of legal cynicism — a subjective “cultural orientation in which the law and the agents of its enforcement are viewed as illegitimate, unresponsive, and ill-equipped to ensure public safety” — and the objective structural conditions, including police institutions and behaviors, that give rise to this orientation (a concept sometimes referred to as “legal estrangement”).<sup>11</sup>

One way to address legal cynicism is to adopt strategies consistent with what members of the public consider procedurally just.<sup>12</sup> Decades of research concerning the social psychology of procedural justice demonstrates that people are more likely to consider the legal authorities with whom they come into contact as fair, and are more likely to seek help from and cooperate with state authorities and agencies, when members of the public: (1) are given an opportunity to tell their side of the story, offer their point of view or have input on a policy; (2) are treated with dignity, concern and respect; (3) receive decisions they understand as fair in that the decision is transparent, neutral and grounded in fact; (4) and finally, are able to discern that the authority they are dealing with has trustworthy motives and is concerned about their well-being.<sup>13</sup>

Some initial research has shown that procedurally just police interactions with victims of crime can mitigate their fear of crime and feelings of social exclusion,<sup>15</sup> while disregard from justice system actors can result in secondary victimization.<sup>16</sup> Police demeanor and the sense that police cared about the case has been linked with victim satisfaction and reduced post-traumatic stress disorder.<sup>17</sup> Police responses characterized by procedural justice principles can create positive effects in victims' lives: victims given the chance to express their views and who saw those views reflected in police officers' decisions described the experience as “empowering.”<sup>18</sup>

### **Assessments of Police Responses: Perspectives of Gun Violence Victims' Families**

Using online surveys due to the COVID-19 pandemic, we sought to understand gun violence co-victims' experiences with police in the aftermath of their loved one's shooting.<sup>19</sup> Fourteen respondents, almost all African-American women from neighborhoods where gun violence and police contact are high, participated. See Online Appendix 3 for a more comprehensive summary of results.

Respondents' survey responses indicated unfavorable experiences characterized by police disregard, suspicion, and unresponsiveness rather than concern, helpfulness, transparency, or urgency. In their interviews, they described police failures to listen and respond to their concerns, and to provide case updates, their loved ones' belongings, and consistent follow-up. Each expressed a desire for changed police practices in this realm, and provided specific recommendations to that end. Their experiences as co-victims with police exacerbated feelings of unsafety and discredited both police and the justice system more broadly.

### **Existing Police Policies**

We conducted a comprehensive review of police policies in Baltimore, Chicago, Minneapolis, New Haven, and Stockton — larger cities and police departments with relatively high rates of gun violence,<sup>20</sup> where demand and capacity for responding to gun violence co-victims is likely to be higher than in smaller jurisdictions with less violence. Our search was maximally inclusive: we combed through all of each city's general orders and flagged key words and concepts.<sup>21</sup>

General orders do not capture the full set of guidance police officers follow. Police officers are trained, formally in the academy or informally on the job, on practices that are not mandated in departmental general orders.<sup>22</sup> They are also frequently not followed,<sup>23</sup>

Figure 1

City	Responsive Policies
Baltimore	<ul style="list-style-type: none"> <li>• Victim notification of clearance</li> <li>• Witness Assistance Program</li> </ul>
Chicago	<ul style="list-style-type: none"> <li>• Securing the crime scene</li> <li>• Notice of victim’s compensation fund</li> <li>• Victim notification of investigation status by request</li> <li>• Chicago Survivors: trauma treatment for victims of gun violence &amp; families (conducted by non-profit)</li> <li>• Members of public requesting letters of clearance</li> </ul>
Minneapolis	<ul style="list-style-type: none"> <li>• Victim’s family notification of death (usually conducted by Medical Examiner’s Office)</li> <li>• Suspect interviews at hospital beds</li> <li>• Link to victim’s services page</li> </ul>
New Haven	<ul style="list-style-type: none"> <li>• Disclosure of records (not tailored)</li> </ul>
Stockton	<ul style="list-style-type: none"> <li>• Notice of victim’s compensation fund</li> <li>• Documenting reports of death (internal)</li> <li>• Link to victim’s services page</li> </ul>

and are generally not enforceable by courts.<sup>24</sup> Nonetheless, policies are extremely important to police. They are internally enforceable, reflect the department’s understanding of its role, and are more specific and specialized than legal mandates. Failure to follow policy may subject officers to discipline or other employment consequences, including days without pay. Revising policy is a central goal of major reform efforts like consent decrees.<sup>26</sup>

The police departments we examined have very few policies governing their interactions with the victims of gun violence or their families. No department had greater than five policies that were responsive to our exceedingly broad relevancy criteria.<sup>27</sup> The substance of the policies also indicated a high degree of non-responsiveness: among the five police departments, none has a general order pertaining specifically to police interactions with either victims of gun violence or bereaved family members.

These policies fail to incorporate core components of the policing frameworks that are most responsive to community perceptions of police illegitimacy, legal cynicism, and legal estrangement. This failure is particularly acute given that these police departments do have policies governing police responses to such unusual events as downed airplanes, such specific calls as those involving “parties and loud music,” and describing specific, sensitive procedures for sexual assault and domestic violence investigations.

### Intervention: Developing a Responsive Model Checklist

Although governments should budget for other resources for gun violence survivors and the families of those killed by gun violence,<sup>30</sup> police can substantially improve their practices by turning to a tool deployed in a variety of other fields where stakes are high and processes are increasingly complex: checklists.<sup>31</sup>

Checklists have enhanced public health outcomes in a variety of other professions where human welfare is at risk, based on the recognition that costly errors due to complex and stressful work conditions can be avoided through these adaptable prompts.<sup>32</sup> In his 2009 book *The Checklist Manifesto*, Dr. Atul Gawande brought checklists to a broader audience by describing their applicability to a wide range of processes, including the successful implementation of checklists in hospitals around the world through the World Health Organization Safe Surgery Saves Lives program he directed.<sup>33</sup>

There is substantial reason to believe that checklists could be useful to police officers in this context. Police management literature often differentiates between behaviors requiring official policies, including high-risk, low-frequency activities where potential exposure to liability for failure to adopt an official policy is significant, and situations where it is crucial to allow officers to maintain wide discretion within organizational values and goals defined by structured guidelines and summary guidance.<sup>34</sup> Checklists fall somewhere in between these extremes: they seek to instigate specific actions, triggered here by an incident of gun violence, that police are unlikely to be sued for failing to execute — but which require more direction than a mere prompt but more discretion than a strict protocol.<sup>35</sup> Other police departments with more specific general orders may see checklists as an on-the-ground companion to remind officers of these more comprehensively-outlined procedures.

Indeed, checklists are already used in policing and criminal justice — though often without explicit attention to needs articulated by marginalized communities or the design principles developed by professionals in other fields.<sup>36</sup> Checklists can facilitate better communication, name the issues to be addressed, force professionals to recognize unfamiliar jobs as part of their roles, and create accountability. However, deploying too many checklists risks checklist fatigue, which could lower compliance; we argue that gun violence co-victimization presents an issue of particular importance to police and should therefore take priority over other functions that could be improved by checklists. Further, although the proposed checklists

may be seen as expanding detectives' responsibilities, these are unlike other checklist initiatives that have been derided as unnecessary paperwork that micro-manages core investigatory functions; instead, they convey an expectation that detectives spend more time and departmental resources on their homicide investigations, and provide guidance on a function for which they are unlikely to have preexisting expertise.

Checklists have also proven particularly effective where they govern the activities of professionalized specialists. Here, they would apply primarily to detectives, a group whose function is necessarily circumscribed and particular compared to the generalist responsibilities of patrol officers. Homicide detectives are highly specialized and generally overburdened: despite significant declines in gun violence in major cities, they tend to be assigned more cases than is considered advisable.<sup>37</sup> Further, detectives juggle many responsibilities. The aforementioned Chicago

police trainings can improve police conduct with community members, even in high stress situations.<sup>40</sup> Any checklist should be reviewed and revised by frontline staff, and in consultation with impacted communities, as deficiencies or impracticalities become apparent during implementation. Where they exist, tensions between officer or community input and checklist best practices should be proactively discussed among parties to the development process.

Neither new resources nor new expertise is necessary to address the gaps we identified in existing police policies. Instead, agencies must require careful attention that has not historically been marshaled for this purpose. Detectives may not overtly disregard the families of gun violence victims; indeed, many see themselves as working most directly for victims' interests, though differential police treatment of victims by race is well-documented.<sup>41</sup> As Dr. Gawande writes, checklists are particularly useful where busy

The state can and should do more to invest in robust support for bereaved families of gun violence victims, such as trauma counselors and automatic financial compensation regardless of the victim's criminal history or other means testing. But police can also substantially improve their post-shooting protocols without significant additional investment by adapting the "checklist" model that has proven so effective at enhancing public health in other fields. We think that adopting checklists that are responsive to community desires may also improve community perceptions of police legitimacy as well as implicate more traditional forms of justice.

Police General Order outlines five separate tasks for a detective, each of which require a complex interplay of communication, specialized skill, discretion, and adaptability, all at the scene of the crime — one brief component of an investigation that can last months or even years. Responsibilities requiring this combination of specialization and task proliferation are precisely those where the step-by-step guidance of checklists seems to be particularly helpful.

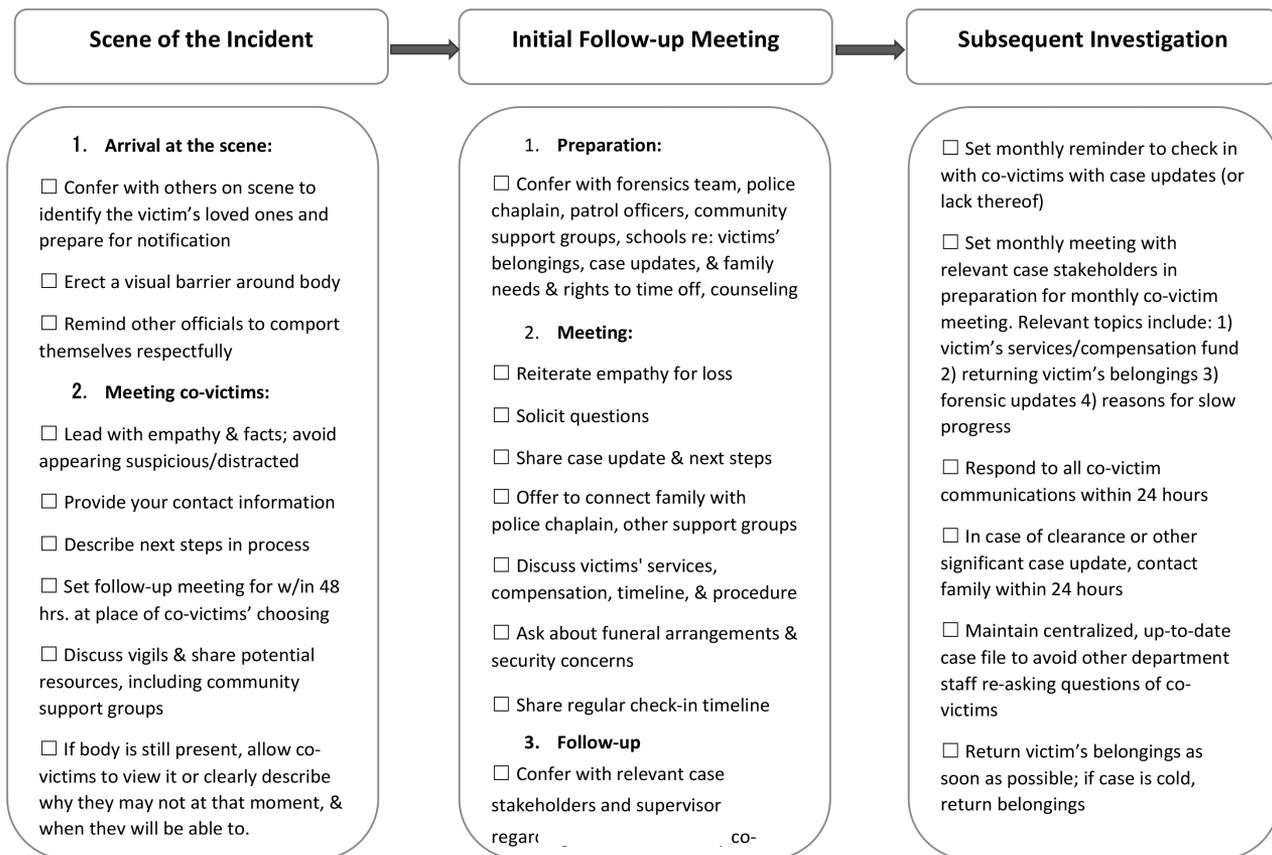
Where police directives are adopted pursuant to "internal procedural justice" — where those whom the directive will govern are consulted on its scope and implementation, and reasons for decisions are given — they are more likely to be seen as internally legitimate and to be followed.<sup>38</sup> Indeed, a study of five hospitals in Washington State found that implementation efficacy hinged on leaders' ability to explain why and how the checklist should be used.<sup>39</sup> Further,

professionals exhibit "a kind of silent disengagement, the consequence of specialized technicians sticking narrowly to their domains. "That's not my problem" is possibly the worst thing people can think" — especially when, as here, others believe that it is your problem.<sup>42</sup>

Designing checklists should be an iterative process guided in large part by those tasked with implementing them. Checklists should be followable, step-by-step guides rather than statements of principles or rules; objectives should be clear and concise, and each step should be critical to the safety objective at hand. Ideally they should comprise ten or fewer steps that are designed to be read aloud, can fit on one page, and are formatted simply, in a way that makes referring to them as easy as possible in the midst of the job.

Traditionally, checklists focus on "pause points," i.e., natural breaks in workflow where it is useful to take stock of what must be done and how to do it.<sup>43</sup>

Figure 2



In responding to gun violence co-victims, some pause points are clear: upon arrival at the crime scene, or just before meeting the victim's loved ones for the first time. Based on our review of relevant police policies and survey responses, other pause points should exist, but generally do not. This latter category could include creating monthly check-ins between the detective and the co-victims, a pause point that could trigger preparatory and follow-up meetings with other state stakeholders. Checklists can help create the expectation that so-called pause points, once identified, will actually result in a process of fruitful deliberation that produces actions responsive to the desires of co-victims.<sup>44</sup>

We have included a model checklist for police detectives responding to gun violence co-victims. It draws on the lessons for developing useful checklists as described in the literature and the helpful diagram included in "The Checklist Manifesto."<sup>45</sup> Police agencies seeking to implement these recommendations are advised to subject this model to frontline officers who will be asked to implement it — as well as to gun violence survivors and co-victims, local bereaved families' support groups, and other members of the police

department and criminal justice system who are likely to come in contact with co-victims after gun violence (including, for example, forensics team members, prosecutors, police chaplains, patrol officers, public health officials, and school administrators for children impacted by the shooting).

## Conclusion

Even where gun violence is an issue of persistent public concern, police policies display disregard for the families of victims — a disregard in line with patterns of police marginalization of lower-income minority communities. The state can and should do more to invest in robust support for bereaved families of gun violence victims, such as trauma counselors and automatic financial compensation regardless of the victim's criminal history or other means testing. But police can also substantially improve their post-shooting protocols without significant additional investment by adapting the "checklist" model that has proven so effective at enhancing public health in other fields. We think that adopting checklists that are responsive to community desires may also improve community per-

ceptions of police legitimacy as well as implicate more traditional forms of justice — for example, homicide clearance rates, which have declined significantly over time even as murder rates have plummeted, may be improved by enhanced victim assistance.<sup>46</sup> Improving clearance rates may interrupt escalating chains of retaliatory gun violence such that co-victims, who are generally at greater risk of gun victimization or using a gun, avoid death or incarceration.

Just as checklists are obviously insufficient to overcome the history of structural oppression underlying biases in medical treatment, even the most responsive and effective policing checklist cannot account or atone for the generations of structural police and state disregard for minority communities. Indeed, checklists should be introduced to police departments with training that explicitly grounds their adoption in an acknowledgment of historical and present racial oppression, consistent with reconciliation frameworks proposed and implemented by some advocates and practitioners.<sup>48</sup> American jurisdictions seeking to situate just police responses to bereaved families of gun violence victims in this frame might look to the Metropolitan Police Service's Family Liaison Officer (FLO) system. FLOs are assigned to bereaved families of those whose deaths are under criminal investigation by the police. They are charged with providing "constant, up-to-date and accurate information" on the investigation, connecting families with governmental services, and "mediating between the full horror of what has happened and the unintentionally insulting routines of the legal process."<sup>49</sup> The modern FLO process stems from an acknowledgment of racialized disregard by the British police; it was substantially reformed as one of more than 70 recommendations made to Parliament in the watershed MacPherson Inquiry into the Met Police's negligent response to the racially-motivated 1993 murder of Stephen Lawrence, a black 19 year old.<sup>50</sup> The relative success of the FLO program indicates that police responses to co-victims could involve police staff other than detectives, including community relations officers or departmental victims' services representatives with whom detectives are required to coordinate regularly.

Professor Monica Bell argues that states should promote safety as a component of social inclusion and solidarity based in a recognition of collective and individual humanity.<sup>51</sup> Checklists have been powerfully embraced in professions that celebrate their life-saving potential, from operating tables to cockpits. We argue that they can also be crucial to preserving public safety, and therefore social inclusion and social solidarity, for gun violence co-victims whose acute loss is often exacerbated by state disregard for their collective and individual humanity.

## Editor's Note

Appendices 1-5 can be found online.

## Note

The authors do not have any conflicts of interest to disclose.

## References

1. Giffords Law Center, *Proven Solutions to Urban Gun Violence*, (2018) available at <<https://lawcenter.giffords.org/wp-content/uploads/2018/11/Giffords-Law-Center-Urban-Gun-Violence-Proven-Solutions.pdf>> (last visited August 18, 2020).
2. See Online Appendix 4: Anecdotes. See also, S. Bastomski and M. Duane, *What We Know about Homicide Co-Victims from Research and Practice Evidence*, Center for Victim Research, (July 2019), available at <[https://ncvc.dspacedirect.org/bitstream/item/1440/CVR%20Research%20Syntheses\\_Homicide%20Covictims\\_Report.pdf?sequence=1](https://ncvc.dspacedirect.org/bitstream/item/1440/CVR%20Research%20Syntheses_Homicide%20Covictims_Report.pdf?sequence=1)> (last visited August 18, 2020).
3. See e.g., President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, Office of Community Oriented Policing Services (May 2015), available at <[https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)> (last visited August 18, 2020).
4. See e.g. J. Fontaine, S. Esthappan, N. G. La Vigne, D. Lawrence, and J. Jannetta, *Updated: Views of the Police and Neighborhood Conditions*, Urban Institute (November 11, 2019), available at <<https://www.urban.org/research/publication/updated-views-police-and-neighborhood-conditions>> (last visited August 18, 2020); T. Tyler and Y. Huo, *Trust in the Law* (The Russell Sage Foundation Series on Trust, 2002): at 141.
5. See, e.g., M. Quattlebaum, T. Meares, and T. Tyler, "Principles of Procedurally Just Policing," Yale Law School Justice Collaboratory and the National Initiative for Building Community Trust and Justice (January 2018), available at <[https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)> (last visited November 7, 2020).
6. D. Tuerkheimer, "Underenforcement as Unequal Protection," *Boston College Law Review* 57, no. 4 (2016): 1287-1336, at 1288; A. Natapoff, "Underenforcement," *Fordham Law Review* 75, no. 3 (2006): 1715-1776, at 1716.
7. J. Leovy, *Ghettoside* (New York: Spiegel & Grau, 2015).
8. L. L. Miller, "What's Violence Got to Do with It? Inequality, Punishment, and State Failure in US Politics," *Punishment and Society* 17, no. 2 (2015): 184-210.
9. G. Prowse, V.M. Weaver, and T.L. Meares, "The State from Below: Distorted Responsiveness in Policed Communities," *Urban Affairs Review* (2019).
10. See, e.g., J. Soss and V. Weaver, "Police are Our Government: Politics, Political Science, and the Police of Race-Class Subjugated Communities," *Annual Review of Political Science* 20 (2017): 565-591.
11. M. Bell, "Police Reform and the Dismantling of Legal Estrangement," *Yale Law Review* 126 (2017): 2054-2150.
12. D.S. Kirk and M. Matsuda, "Legal Cynicism, Collective Efficacy, and the Ecology of Arrest," *Criminology* 49, no. 2 (2011): 443-472 at 446; M.C. Bell, "Police Reform and the Dismantling of Legal Estrangement," *Yale Law Journal* 126, no. (2017): 2054-2150, at 2066.
13. T. Tyler and J. Fagan, "Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities," *Ohio State Journal of Criminal Law* 6 (2008): 231-275.
14. T.L. Meares and T.R. Tyler, "Justice Sotomayor and the Jurisprudence of Procedural Justice," *Yale Law Journal Forum* 123 (2014), available at <<http://yalelawjournal.org/forum/justice-sotomayor-and-the-jurisprudence-of-procedural-justice>> (last visited August 18, 2020).
15. J. Barkworth and K. Murphy, "System Contact and Procedural Justice Policing: Improving Quality of Life Outcomes for Vic-

- tims of Crime,” *International Review of Victimology* 22, no. 2 (2016): 105-122.
16. R. Campbell, “The Community Response to Rape: Victims’ Experiences with the Legal, Medical, and Mental Health Systems,” *American Journal of Community Psychology* 26 (1998): 355-379; L. Madigan and N.C. Gamble, *The Second Rape: Society’s Continual Betrayal of the Victim* (New York: Lexington Books, 1991).
  17. T. Elliott and J. Ogloff, “Procedural Justice in Contacts with the Police: Testing a Relational Model of Authority in a Mixed Methods Study,” *Psychology, Public Policy, and Law* 17, no. 4 (2011): 592-610; J. Wemmers, “Victims’ Experiences in the Criminal Justice System and Their Recovery from Crime,” *International Review of Victimology* 19 (2013): 221-233.
  18. L. Cattaneo and L. Goodman, “Through the Lens of Therapeutic Jurisprudence: The Relationship between empowerment in the Court System and Well-Being for Intimate Partner Violence Victims,” *Journal of Interpersonal Violence* 25, no. 3 (2010): 481-502.
  19. See Online Appendix 1: Focus Group, Questionnaire design.
  20. See Online Appendix 5: City-Specific Information.
  21. *Id.*
  22. Examples of positive version of this (no explicit requirement of racial history training in NI sites’ policies) and negative version of this (Ferguson fines and fees practice not stipulated by policy)
  23. See, e.g. S. Kashiwagi, “CCRB Head Says NYPD Judge Ruled Pantaleo Used a ‘Prohibited Chokehold’ on Eric Garner Which Caused His 2014 Death,” SILive.com, August 14, 2019, *available at* <<https://www.silive.com/news/2019/08/ccrb-head-says-nypd-judge-ruled-pantaleo-used-a-prohibited-chokehold-on-eric-garner-which-caused-his-2014-death.html>> (last visited November 6, 2020); NYC Civilian Complaint Review Board, “A Mutated Rule: Lack of Enforcement in the Face of Persistent Chokehold Complaints in New York City,” October 7, 2014, *available at* <[http://www.nyc.gov/html/ccrb/downloads/pdf/chokehold%20Study\\_20141007.pdf](http://www.nyc.gov/html/ccrb/downloads/pdf/chokehold%20Study_20141007.pdf)> (last visited November 6, 2020).
  24. For policies not enforceable by courts, see <<https://www.policemagazine.org/making-the-most-of-general-orders/>>, <<https://columbialawreview.org/content/police-and-the-limit-of-law/>> (both last visited August 18, 2020).
  25. See Soss and Weaver, *supra* note 11; Urban Institute, *Police and Corrections Expenditures* (2011), *available at* <<https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/police-and-corrections-expenditures>> (last visited August 18, 2020).
  26. *An Interactive Guide to the Civil Rights Division’s Police Reforms: Reforming Specific Policing Practices*, Department of Justice Civil Rights Division, *available at* <<https://www.justice.gov/crt/page/file/922456/download>> (last visited August 18, 2020).
  27. See Online Appendix 5. New Haven (1), Baltimore (2), Stockton (3), Minneapolis (3), Chicago (5). It is unlikely that such policies are too specific or granular to be included in these jurisdictions’ general orders; other general orders listed. For example, Stockton Police have policies for addressing exceedingly rare events including protocols for downed airplanes, stolen boats, and the evacuation of San Joaquin County Court-house and Annex.
  28. J. Jannetta, A. Dwivedi, F. Rejon, S. Lee, S. Esthappan, M. Lynch, and D. Lewiston, *Responding to Homicide and Shooting Scenes: A Review of Procedural Justice Practice in the US* (January 10, 2019), at 4, Urban Institute Website, *available at* <[https://www.urban.org/research/publication/responding-homicide-and-shooting-scenes-review-procedural-justice-practice-us/view/full\\_report](https://www.urban.org/research/publication/responding-homicide-and-shooting-scenes-review-procedural-justice-practice-us/view/full_report)> (last visited August 18, 2020).
  29. See Online Appendix 5 for further examples of existing practices.
  30. See Online Appendix 5.
  31. See e.g. D.J. Boorman, “Reducing Flight Crew Errors and Minimizing New Error Modes with Electronic Checklists,” *Proceedings of the International Conference on Human-Computer Interaction in Aeronautics* (Toulouse: Editions Cepadues, 2000); D.J. Boorman, “Today’s Electronic Checklists Reduce Likelihood of Crew Errors and Help Prevent Mishaps,” *ICAO Journal* 56 (2001); A.B. Haynes and T. G. Weiser, “A Surgical Safety Checklist to Reduce Morbidity and Mortality in a Global Population,” *New England Journal of Medicine* 360, no. 5 (2009): 491-499, *available at* <[https://www.who.int/patientsafety/safesurgery/Surgical\\_Safety\\_Checklist.pdf](https://www.who.int/patientsafety/safesurgery/Surgical_Safety_Checklist.pdf)> (last visited August 18, 2020).
  32. *Id.* See also J. Neily, P.D. Mills, Y. Young-Xu, “Association between Implementation of a Medical Team Training Program and Surgical Mortality,” *JAMA* 304, no. 15 (2010): 1693-1700, *available at* <<https://jamanetwork.com/journals/jama/article-abstract/186748>> (last visited August 18, 2020).
  33. A. Gawande, *The Checklist Manifesto* (New York: Metropolitan Books, 2009): at 34.
  34. G.P. Alpert and W.C. Smith, “Developing Police Policy: An Evaluation of the Control Principle,” *American Journal of Police* 13, no 1 (1994).
  35. B.M. Hales and P.J. Pronovost, “The Checklist — a Tool for Error Management and Performance Improvement,” *Journal of Critical Care* 21, no. 3 (2006): 231-235.
  36. See e.g., *Police Critical Incident Checklist*, U.S. D.O.J. Community Relations Service Toolkit for Policing, *available at* <<https://www.justice.gov/crs/file/836421/download>> (last visited August 18, 2020); H. Belfrage and S. Strand, “Validation of the Stalking Assessment and Management Checklist (SAM) in Law Enforcement: A Prospective Study of 153 Cases of Stalking in Two Swedish Police Counties,” *International Journal of Police Science & Management* 11, no. 1 (2009), *available at* <<https://doi.org/10.1350/ijps.2009.11.1.110>> (last visited August 18, 2020), finding that a checklist implemented in Sweden to assess stalking risk was correlated with findings of actual stalking risk; J.T. Messing, J. Campbell, and J.S. Wilson, “Research Designs in the Real World: Testing the Effectiveness of an IPV Intervention,” *NIJ Journal Issue No. 275* (September 2015), *available at* <<https://nij.ojp.gov/topics/articles/closer-look-lethality-assessment-program>> (last visited August 18, 2020). A. Goldberg, *The Prosecutor’s Role in Addressing Officer-Involved Fatalities and Critical Incidents*, The Institute for Innovation in Prosecution at John Jay College of Criminal Justice (February 2019), *available at* <<http://johnjay.jjay.cuny.edu/documents/Officer-Involved-Fatalities-Toolkit.PDF>> (last visited August 18, 2020).
  37. K. Kelly, W. Lowery, and S. Rich, “Buried Under Bodies,” *The Washington Post*, September 13, 2018, *available at* <<https://www.washingtonpost.com/news/national/wp/2018/09/13/feature/even-with-murder-rates-falling-big-city-detectives-face-daunting-caseloads/>> (last visited August 19, 2020).
  38. M. Quattlebaum, T. Meares, and T. Tyler, *Principles of Procedurally Just Policing*, The Justice Collaboratory at Yale Law School (January 2018), at 10, *available at* <[https://law.yale.edu/sites/default/files/area/center/justice/principles\\_of\\_procedurally\\_just\\_policing\\_report.pdf](https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf)> (last visited August 19, 2020); B. Bradford, P. Quinton, A. Myhill, and G. Porter, “Why Do ‘the Law’ Comply? Procedural Justice, Group Identification and Officer Motivation in Police Organizations,” *European Journal of Criminology* (2013), *available at* <<https://journals.sagepub.com/doi/pdf/10.1177/1477370813491898>> (last visited August 19, 2020); R. Trinkner, T.R. Tyler, and P.A. Goff, “Justice from Within: The Relations between a Procedurally Just Organizational Climate and Police Organizational Efficiency, Endorsement of Democratic Policing, and Officer Well-Being,” *Psychology, Public Policy, and Law* 22, no. 2 (2016): 158-172, *available at* <<https://psycnet.apa.org/buy/2016-13452-001>> (last visited August 19, 2020).
  39. D.M. Conley, S.J. Singer, L. Edmondson, W.R. Berry, and A.A. Gawande, “Effective Surgical Safety Checklist Implementation,” *Journal of the American College of Surgeons* 212, no. 5

- (2011): 873-879, available at <<https://pubmed.ncbi.nlm.nih.gov/21398154/>> (last visited August 19, 2020).
40. G. Wood, T.R. Tyler, and A.V. Papachristos, "Procedural Justice Training Reduces Police Use of Force and Complaints against Officers," *Proceedings of the National Academy of Sciences* 117, no. 18 (2020): 9815-9821, available at <<https://www.pnas.org/content/117/18/9815>> (last visited August 19, 2020).
41. See, e.g., "Report of the Independent Commission on the Los Angeles Police Department (Christopher Commission Report)" (1991), available at <[https://archive.org/stream/ChristopherCommissionLAPD/Christopher%20Commission%20LAPD\\_djvu.txt](https://archive.org/stream/ChristopherCommissionLAPD/Christopher%20Commission%20LAPD_djvu.txt)> (last visited August 19, 2020).
42. *Supra* note 33, at 103.
43. *Id.*, at 111.
44. *Id.*, at 79.
45. See Online Appendix 4: A Checklist for Checklists.
46. A. Braga, B. Turchan, and L. Barao, "The Influence of Investigative Resources on Homicide Clearances," *Journal of Quantitative Criminology* 35, no. 2 (June 2018), available at <[https://www.researchgate.net/publication/325907145\\_The\\_Influence\\_of\\_Investigative\\_Resources\\_on\\_Homicide\\_Clearances](https://www.researchgate.net/publication/325907145_The_Influence_of_Investigative_Resources_on_Homicide_Clearances)> (last visited August 19, 2020).
47. R. Brunson and B.A. Wade, "Oh Hell No, We Don't Talk to Police," *Criminology & Public Policy* 18, no. 3 (August 2019): 623-648, available at <<https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12448>> (last visited August 19, 2020).
48. S. Kuhn and S. Lurie, *Reconciliation between Police and Communities*, Case Studies and Lessons Learned (2018), available at <[https://nnscommunities.org/wp-content/uploads/2019/02/Reconciliation\\_Full\\_Report.pdf](https://nnscommunities.org/wp-content/uploads/2019/02/Reconciliation_Full_Report.pdf)> (last visited August 19, 2020); P. A. Goff, E. Hinton, T.L. Meares, C.N. Sarnoff, and T.R. Tyler, *Re-imagining Public Safety: Prevent Harm and Lead with the Truth* (February 13, 2020), available at <[https://law.yale.edu/sites/default/files/area/center/justice/re-imagining\\_public\\_safety\\_final\\_9.10.19.pdf](https://law.yale.edu/sites/default/files/area/center/justice/re-imagining_public_safety_final_9.10.19.pdf)> (last visited August 19, 2020); T.C. O'Brien, T.L. Meares, and T.R. Tyler, "Reconciling Police and Communities with Apologies, Acknowledgements, or Both: A Controlled Experiment," *The Annals Of the American Academy of Political and Social Science* 687, no. 1 (2020): 202-215, available at <<https://journals.sagepub.com/doi/abs/10.1177/0002716220904659>> (last visited August 19, 2020).
49. L. Doughty, "Sid, My Savior," *The Guardian*, September 18, 2010, available at <<https://www.theguardian.com/lifeandstyle/2010/sep/18/police-family-liaison-officers>> (last visited August 19, 2020).
50. Sir William Macpherson, *The Stephen Lawrence Inquiry*, Report of an Inquiry by Sir William Macpherson of Cluny (February 1999), available at <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)> (last visited August 19, 2020).
51. M.C. Bell, "Safety, Friendship, and Dreams," *Harvard Civil Rights-Civil Liberties Law Review* 54 (2019): 703-739.

# Implementing Checklists to Improve Police Responses to Co-Victims of Gun Violence

Samuel A. Kuhn and Tracey L. Meares

---

## APPENDIX 1 Questionnaire

**Qualtrics Survey:** <[https://yalesurvey.ca1.qualtrics.com/jfe/form/SV\\_9RyIvCVcrsbg3Tn](https://yalesurvey.ca1.qualtrics.com/jfe/form/SV_9RyIvCVcrsbg3Tn)>

### *Biographical information:*

- What is your age?
- What is your gender? (Choose all that apply)
- With which race do you identify? (Choose all that apply)
  - Hispanic or Latinx?
- Education level?
  - Did not graduate high school
  - High school diploma
  - Some college or technical school
  - 4-year bachelor's degree
  - Professional/post-graduate education
- Have you been the victim of gun violence?
- Has a family member been a victim of gun violence? If so, what was their relationship with you, and when did the incident occur?
- How favorably would you rate the way that police interacted with you in the aftermath of your or your loved one's victimization?

### *Substantive questions:*

- Have you ever been stopped by police in your lifetime?
  - If so, what was your age when you were first stopped by police?
  - How recently were you stopped by police?
    - More than 5 years ago?
    - In the last year?
    - In the last month?
    - In the last week?
  - How many times have you been stopped by police in your lifetime?
    - More than 7
    - 4-7
    - 1-3
- I trust the police to do their job well
  - Strongly disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly agree
- I have confidence in the police to do their job well
  - Strongly disagree
  - Disagree
  - Neutral
  - Agree
  - Strongly agree
- Have you ever been incarcerated?
- Have you ever been stopped by police for anything other than a traffic violation?
- Have you ever had an involuntary encounter with the police?
- When you were a victim of the crime, who did you call?

## APPENDIX 1

### Questionnaire (continued)

**Branching question: Are you a facilitator? If no, Branch 1. If yes, Branch 2.**

*(Branch 1) For focus group participants:*

1. What do you remember about the way in which police responded to the shooting of your loved one?
2. How would you describe the police response to the immediate aftermath of your loved one being shot? What, if anything, was good about their response? What do you wish was improved, changed, or eliminated?
3. Were you in contact with the police after the immediate aftermath of the shooting? When and for what purpose (e.g. to collect your loved one's belongings, to receive further investigations updates, to discuss the incident in further detail, or for any other reasons?)
4. Were other state officials in contact with you regarding the shooting? If so, in what capacity (e.g. District Attorney's office, victim's advocates, trauma counselors, others)? What was your impression of these officials?
5. Did you feel as though you were given the opportunity to communicate with or tell your side of the story to state officials? If not, what would you have wanted to communicate?
6. Would you expand, limit, or modify the ways in which government and government officials (including but not limited to police) were involved in your case or cases involving others from your neighborhood?
7. How did the way in which state officials responded to the shooting make you feel?
8. What would you hope the state would do in response to your loved-one's shooting? How does this expectation compare with what the state actually did?

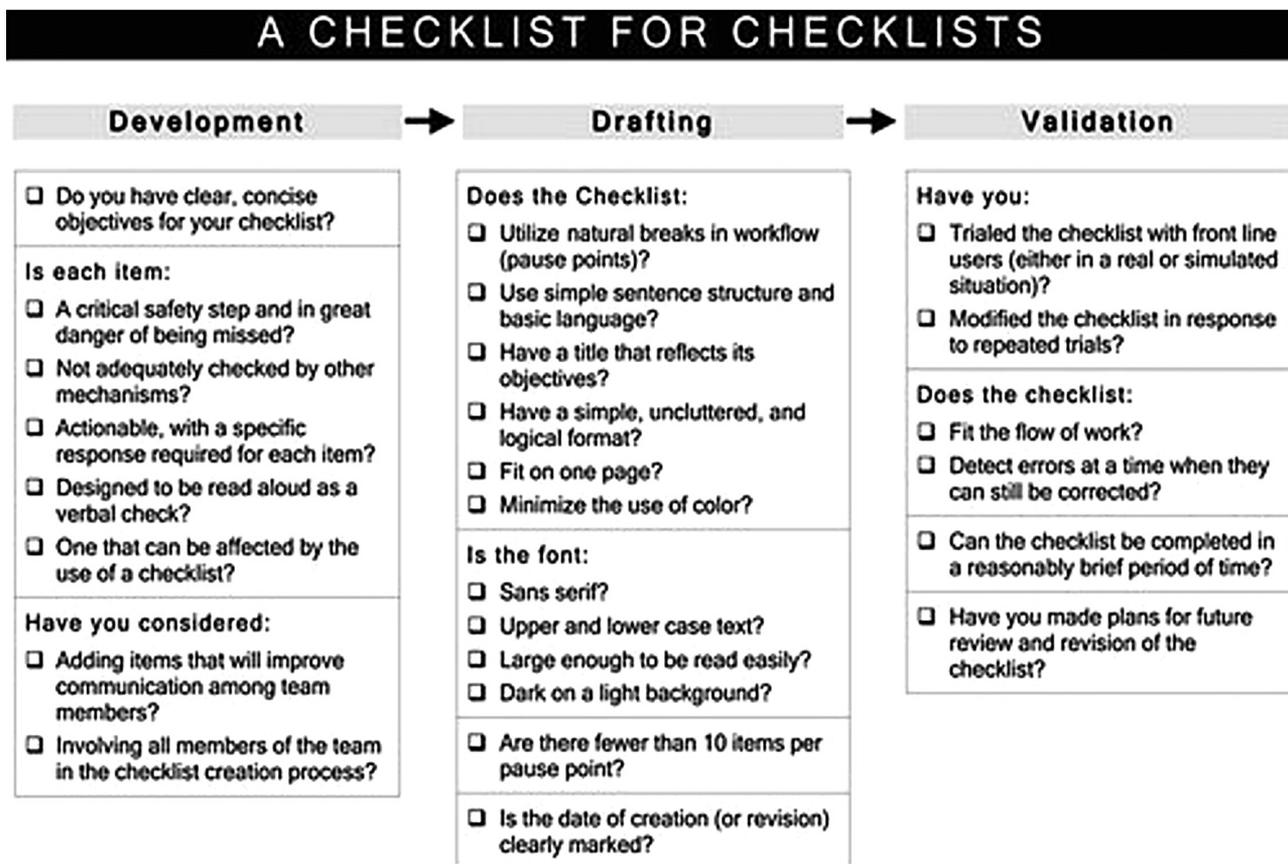
*(Branch 2) For facilitators:*

1. What do you think police believe are the relevant tasks they should carry out after someone is shot?
2. Have you watched police interact with victims of gun violence and their families? What have you observed?
3. Based on your work with those impacted by gun violence, what can you say about what they want or need from the state?
4. Based on your work with those impacted by gun violence, what role(s) should police have, if any, in interacting with the family of a gun violence victim?
5. Based on your work with those impacted by gun violence, what role(s), if any, should police NOT have in interacting with the family of a gun violence victim?
6. Are you aware of any guidance for police officers regarding their interactions with the families of gun violence victims?
7. Do you have any anecdotes you would like to share regarding the ways in which police acted or failed to act in relation to a gun violence victim's family?

## APPENDIX 2

# “A Checklist for Checklists”

From Atul Gawande, “The Checklist Manifesto,” Appendix 4.



## APPENDIX 3

# Survey Results

Below are results from the 14 survey responses we received from homicide co-victims.

Despite the prevalence of gun homicides in cities across America, evidence of the perceptions, desires, and needs of the families of gun violence victims in the aftermath of their loved one’s shooting is extremely sparse, particularly in the black and brown communities at greatest risk of victimization.

We seek to address this gap in the literature by surveying relatives of people slain in urban gun violence. Using online surveys, we sought to understand what these relatives believe to be the most memorable, traumatizing, productive, and significant components of the ways in which police were involved with them in the aftermath of their family member’s death<sup>19</sup> We also solicited their recommendations for alternative approaches, including reducing the role of police in post-incident family contacts. Pursuant to our focus on legal cynicism and estrangement, we interviewed minorities from low-income neighborhoods with high levels of gun violence and police contact — groups most likely to distrust police or believe them to be illegitimate. In each city, we worked with local facilitators — all of whom work with survivors of gun violence in some capacity — to assemble the respondents. Surveys were conducted in the same cities as those assessed in the next section in order to give us a sense of the sufficiency of existing police policies to community perceptions. Although we sought to survey people from race-class subjugated (RCS) backgrounds by coordinating with facilitators who work primarily in low-income communities of color, we did not seek out any specific ethnic, racial, or gender group.

## APPENDIX 3

### Survey Results (continued)

We received 14 survey responses, including eight support group participants and five facilitators, across three cities. Respondents were between 18 and 62 years old; the median respondent was 38. All respondents except one Caucasian/White female identified as African-American/Black females, with one identifying as both African-American and American Indian or Alaska Native. One respondent did not graduate high school, five had some college or technical school, four had completed a four-year bachelor's degree, and three completed professional or post-graduate education. Though most respondents reported one family member killed by gun violence — sons, brothers, cousins, and one brother-in-law — one respondent reported that “six of my cousins got killed” and another reported that gun violence had killed more family members “than I can count but my son & 2 of my cousins.” Four reported that their family member survived the gun violence incident, two with significant, lasting physical repercussions, and two with minimal health repercussions. All respondents had been stopped by police, four as juveniles, six between 18 and 24, and three after turning 25; eleven had been stopped by police within the last five years, including seven within the last year. Three had been stopped by police more than seven times, and all but two had been stopped more than twice. Despite this relatively significant police contact, only one respondent reported having been incarcerated for a conviction.

Respondents reported neutral or low levels of trust and confidence in the police. No respondents rated the way police interacted with them following their loved one's victimization as even moderately favorable. Multiple respondents described feeling as though they were treated as suspects. No respondents reported that anything the police did in the immediate aftermath of their loved one being shot was done well; respondents reported dissatisfaction at how police communicated, their seemingly perfunctory actions at the crime scene, and feelings of being threatened by police for making reasonable requests.

Respondents reported dissatisfaction with slow initial notification of their loved one's victimization and a lack of updates thereafter, even when they sought them directly. In fact, a majority of respondents were never in contact with police again after they met at the crime scene, and only one respondent was contacted by police to discuss the case again; all others were in touch only to receive their loved one's belongings, some of which they still have not received despite numerous attempts to collect them. This lack of police contact was not supplemented by other state officials or justice system actors stepping in. Respondents reported delays and re-questioning caused by a lack of staffing continuity on their loved one's case within the police department, and none of the respondents were connected by police with trauma services or victims' compensation funds. Multiple respondents underscored the importance of facilitating connection to victims' services and trauma support as crucial improvements to the police role.

In addition to police reticence, respondents reported that police were generally unwilling to listen to them.

Respondents expressed dismay at pervasive feelings that they or their victimized loved one was under investigation or “just another statistic” rather than the subject of empathy or an urgent investigation to apprehend the shooter. These concerns were often described as related to racial bias by police officials. There was some tension between the sense that police officers should avoid talking to families if they were to act with suspicion or insensitivity, but that it was important for officers to make themselves available to co-victims to discuss the case and answer any questions that they may have.

No respondents said they would not change anything about how the state responded to their loved one's death. Asked to describe how police actions made them feel, the most positive responses were far from glowing: “unsure” and “not sure how I feel.” Others described themselves as “Disappointed disregarded angry shocked,” “unsafe betrayed,” and “upset.”

Ultimately, the survey responses indicate that co-victim respondents have overwhelmingly negative memories of their interactions with police after their loved one was shot. Though they would like for police to act with compassion and urgency, they experienced insensitivity, disregard, suspicion, and a “going through the motions” attitude. Though they wanted to be in consistent communication with one point of contact who would be responsive to their questions and forthcoming with investigation updates, victims' resources, and their loved one's belongings promptly, they received nothing of the sort.

Eight respondents were neutral in response to the question, “I trust police to do their job well,” while three disagreed and one strongly disagreed. Responses to the prompt “I have confidence that the police will do their job” were the same, except for three respondents who moved from “neutral” to “disagree.” Even so, all respondents but three reported having called the police in the past, one with no reservations and two with reservations. One said “The[y] dont (sic) come often due to where i live.”

## APPENDIX 3

### Survey Results (continued)

In response to the question “How would you rate the way police interacted with you in the aftermath of your or your loved one’s gun violence victimization?”, two were neutral, while five rated their treatment moderately unfavorable and six as very unfavorable. Respondents corroborated these ratings in their descriptions of police following the gun violence: “Horrible, it’s very hard to speak about”; “very overtly inconsiderate and insensitive”; “They first treated us like we were the ones who did the shooting”; police acted “[a]s if he [the shooting victim] did something wrong”).

In response to the question, “How would you describe the police response to the immediate aftermath of your loved one being shot? What, if anything, was done well? What do you wish was improved, changed, or eliminated?”

- “They took statements they looked around that was basically it and we still haven’t got any leads at all”
- “Nothing was done well. I was threatened to be arrested simply for asking to verify the deceased was indeed my son.”
- “Nothing. Communicate”
- “I really don’t know”
- “Nothing”

In response to the question, “Did you feel as though you were given the opportunity to tell your side of the story to state officials? If not, what would you have wanted to communicate?”

- “No, I was not. There was no side of the story to tell, but as his mother, as well as his wife, siblings and child deserved the courtesy of informing us he was killed, and what they could either verify or surmise, and was the responsible person in custody.”
- “Nope”
- “No never”
- “And we actually did get to talk to them we got everything we could out and asked all the questions we could just figure out if there’s really being an effort being put forth because after this incident there were four more unrelated to this but similar situations that raise more questions in our minds about our situation because of what we were hearing about how the misconduct Miss appropriation was happening with these other things in the news”
- “No. Who he was become. change”
- “Yes”
- “Yes”
- “No”

In response to the question, “Do you have any anecdotes you would like to share regarding the ways in which police acted or failed to act in relation to a gun violence victim’s family?”

- “My personal experience involves the police department failing to notify my me of my son’s murder. I wasn’t notified until approximately 8 hours later by a close friend of his and received confirmation of his murder only after contacting the county coroner’s office.”
- “In February of 2020 a mother was arrested from the hospital while grieving her murdered daughter.”
- “Yes to many to list”

In response to the question, “What else would you like to add regarding police activity in response to your loved one’s shooting? Please feel free to elaborate as much or as little as you would like.”

- “I feel they had no business informing my pastor not for purposes of comforting my family but for gossip and the pretense the church should be prepared for a large funeral not because we are so well known but because the crowd might be to emotional. My sons funeral had in excess of 1700 people from a diverse crowd.”
- They should of tried a bit harder to find out what happened

## APPENDIX 3

### Survey Results (continued)

- “I have nothing else to add because it doesn’t matter anyway they don’t care they never cared why should I expect anything to be different now I’m sorry that’s just the way I feel and it’s sad that I feel that way this is what happens when you lose faith in the police and justice system”
- “The police would response better and be more compassion”

In response to the question, “What would you hope the state would do in response to your loved one’s shooting?”

- “I wish they treated him more like a human instead of just another statistic because of the color of his skin”
- “Act like they care”
- “They should of tried a bit harder to find out what happened”
- “Act with compassion”

In response to the question, “What do you think police believe to be their job when someone is shot?”

- “paperwork and getting it “taken care of” quickly”
- “Figuring out if it was gang related”
- “To be honest I don’t know what their tasks are besides making sure the body is recovered from the street or wherever the incident has happened making sure pictures get taken statements get taken and that’s about it is there more to it I will never know”
- “Turn off body cams, make a threat or weapon visible on the shooting victim”

In response to the question, “Based on your work with those impacted by gun violence, what role(s), if any, should police NOT have in interacting with the family of a gun violence victim?”

- “Don’t treat everyone of color like a criminal”);
- “Telling them the situation is gang related or anything without facts.”
- “talking to families”
- “They should not avoid discussing the cas[e] if the fa[m]ily needs that”
- “This would also be contingent upon an officers capacity/willingness to offer compassionate support to the family.”
- “That people will respond so much better to police officers in times like this or in general if we see more sympathy when the matter calls for it”

Respondents report dissatisfaction with a lack of updates (“To this date 8 years later, my sons death was not explained to me by detectives.”), as well as overt unresponsiveness to requests for materials taken from their loved ones (“I have asked for my sons phone for 7 years & 6 months for pictures and music sake. The response; someone will get back to you...”).

Nearly half of respondents reported that police never contacted them again after processing the crime scene. Of those who did have subsequent contact, they reported going to the station to collect their loved one’s belongings; only one reported the police wanting to “discuss the incident,” while others described receiving no further information about the progress of the investigation. One respondent reported that rather than receiving follow-up directly, police “went to our family pastor and filled him in with the private matters of my family’s loss without our permission.”

All of the respondents reported there being no consistent follow-up by any one member of the police department, which created delays as department representatives “had to get their paperwork in order” and “re-ask all the same questions.” Underscoring the centrality of police to this process, all respondents reported that no other criminal justice system actors were ever in contact about the case. None of the respondents were connected with victims’ compensation funds or counseling services; one who reached out was told they did not qualify because their son, the homicide victim, “had been arrested one time before.”

Respondents expressed desire for easy access to victims’ services, especially where the deceased was a spouse or parent (and presumably a wage earner) and to cover funeral costs. Also, compassion and connection to trauma services (“a trained grief specialist”; “Come as an empathetic human first. Next ask what could they say or do to

## APPENDIX 3

### Survey Results (continued)

give a clear & succinct answer as best possible to make the family aware of the situation.”; “To not trigger further trauma. To do their due diligence in providing safety and consciously look to obtaining those who have committed the crime”)

“Most definitely, they made us stand within 50 feet of my child’s body and would not give us the courtesy to identify him. I even said to the officers on guard even if it’s not my son dieing I could comfort whoever it was and I was told if I continued to pursue the question I would be arrested for interfering with a crime scene. I never raised my voice or became indignant and I calmed the emerging crowd who were not as decent as I was with the insensitive treatment we received even from the chaplain.”

“Become more aware of the emotions that come from no regard, nor information given & I would hope protocol would be enter an honest conversation with the family and not let them stand around for hours praying it’s not their loved one. I was so hurt be the disregard and constantly calling my sons number in hopes he would answer that my daughters convinced me to go home and wait. I did so only because my heart would not let me believe if it was my son that they would let us stand that close and refuse to answer questions.”

Respondents were more likely to report that they had seen police act with compassion with other people, depending on the officer, incident, family, and location. Still, some said police responses are characterized by “insensitivity” or “it’s always the same spiel.”

## APPENDIX 4

### Anecdotes

On October 22, 2012, Terri McCoy, 31, was murdered with Marco Antonio Garcia, 23, in east Stockton, California. They were two of nine people killed by guns in five separate incidents over a particularly bloody 51-hour span in the Central Valley city of approximately 300,000. McCoy and Garcia’s deaths were reported alongside the seven others in a Stockton Record-Net article titled “Family left grieving,” but the headline referred only to those mourning for Dennis Martin, Jr., another man murdered in Stockton that weekend. The sparse reporting on their murders made no mention of their families, including instead that “Police confirm one victim was a documented gang member and the other was on parole, but they have not released a motive.”

Still, the headline applied to McCoy. His sister, Tashante McCoy-Ham, moved by the immense grief she and her mother felt, founded Stockton Angel Mothers, a group dedicated to women whose children have died (primarily, but not exclusively, from gun violence). The group seeks to provide emotional support for the families of victims of violence who they believe have been traumatized twice: once by the premature, violent death of their loved one, and once by the disregard, judgment, and abandonment they feel from the police and state officials.

McCoy-Ham, who has been invited to discuss victim’s perspectives with Stockton Police leaders, was initially surprised at law enforcement’s narrow understanding of its role in the aftermath of gun violence (“They think their only job is securing the crime scene”). Even after she had told the Stockton Police Chief about the department’s initial failure to communicate crucial information about her brother’s case, and he seemed troubled by and responsive to her request for more information, she learned that a suspect in her brother’s killing had been arrested when she happened to hear a report over the car radio.

Accounts of interactions between police and the families of those impacted by gun violence indicates they are rife with acrimony, distrust, and trauma, and are therefore missed opportunities for much-needed relief. For example, Nyisha Beemon’s daughter Jaya, an 18-year-old nursing student, was shot and killed on February 25th; when Nyisha went to view her daughter’s body, she was arrested and charged with battery and resisting arrest after breaking down (“I passed out when I saw my baby and they drug me out the hospital like a dog,” Ms. Beemon said.). She spent the night in jail. Minutes after 12-year old Tamir Rice was shot by Cleveland Police Officer Timothy Loehmann for playing with a toy gun in 2014, Tamir’s 14-year old sister Tajai was tackled to the ground, handcuffed, and detained by police as she ran to reach her dying brother. Soon after, she developed an eating disorder. Less dramatic but still important reports that many officers fail to notify victims about much-needed, existing compensation funds even when they are legally required to do so have demonstrable impacts on material outcomes for victims and their families.

## APPENDIX 5

### City-Specific Information

City	Population	Total Law Enforcement Employees	Law Enforcement Employees/10K Population	Homicide Rate (per 100,000 residents)
Baltimore	639,929	2908	47.0	51.0
Chicago	2,833,649	13135	48.2	20.7
Minneapolis	385,704	1018	24.4	7.2
New Haven	130,512	509	39.0	6.90
Stockton	292,047	532	18.2	10.5

Law enforcement and population data as of 2016, per Governing.com/FBI statistics: <https://www.governing.com/gov-data/safety-justice/police-officers-per-capita-rates-employment-for-city-departments.html>

Homicide data as of 2018, per The Trace: <https://www.thetrace.org/2018/04/highest-murder-rates-us-cities-list/>.

Each of these departments except Stockton has higher than median law enforcement employees per capita. Each of these cities has homicide rates that are higher than the national average (5.0 per 100,000), though it should be noted that Minneapolis, New Haven, and Stockton have each also seen homicide declines that have outpaced national declines in the last decade (Minneapolis: 11.9/100k in 2015, 25.6/100k in 1995; Stockton 24.1/100k in 2012; New Haven 26.2/100k in 2011).

#### Police Policies:

Our search was maximally inclusive: we combed through all of each city’s general orders and flagged key words (victim, families, gun crime, gun violence, homicide, shooting, witness, trauma, critical incident) and concepts (crime scene management, investigations process, clearance notifications, victims’ compensation, chaplains, evidence management, victims’ families).

Baltimore Police Department General Orders: <https://www.baltimorepolice.org/transparency/policies>

Chicago Police Department Directives System: <http://directives.chicagopolice.org/directives/>

Minneapolis Policy & Procedure Manual: <http://www.ci.minneapolis.mn.us/police/policy/index.htm>

New Haven Police Department General Orders: [https://www.newhavenct.gov/depts/nhpd/division/internal\\_affairs/general\\_orders.htm](https://www.newhavenct.gov/depts/nhpd/division/internal_affairs/general_orders.htm)

Stockton Police Department General Orders: <http://ww1.stocktonca.gov/Departments/Police/News-and-Information/General-Orders>

#### Policy Observations:

1. In short, across these five departments, there is very little policy that mandates any particular contact with families of gun violence victims. Further, the policies that do exist are far from exhaustive — they have very little to say regarding the many components of post-incident contact with bereaved families, gun violence survivors, or the concerns expressed by our survey respondents. For example, Chicago’s General Order 4-02, “Information on securing the crime scene,” includes exhaustive direction regarding how to establish a staging area and inner and outer perimeters, who should be allowed within the perimeter, how to handle evidence, and the specific duties of the Bureau of Patrol Supervisors, Bureau of Detectives, Forensic Services Division, and more. No procedure regarding officer contact with the victim’s loved ones at the scene is included, even though such guidance could fit neatly as a fifth task listed under Part IV.E., “a detective assigned to investigate a crime scene.”

## APPENDIX 5

### City-Specific Information (continued)

2. A 2019 Urban Institute report provides some examples of procedurally just homicide scene practices, applying the four components of procedural justice (treating people with dignity and respect, giving voice, neutral and transparent decision-making, and conveying trustworthy motives) to common issues identified over the course of a practice review of the Oakland (CA) Police Department.<sup>28</sup> Many of the practices identified — for example, placing a mobile tent around bodies in respect for the privacy of the deceased and their loved ones, notify family members as soon as possible, or “be mindful of what is being communicated non-verbally” (a prompt that is responsive to community dismay at police laughing at the scene, a commonly-observed practice) is perhaps better-suited for unofficial, norm-creating guidance like the checklists we propose than for a general order.<sup>29</sup>
3. It is unlikely that such gun violence co-victim policies are too specific or granular to be included in these jurisdictions’ general orders. For example, Stockton Police have policies for addressing exceedingly rare events including protocols for downed airplanes, stolen boats, and the evacuation of San Joaquin County Courthouse and Annex.
4. It is possible that not all General Orders posted online are entirely up to date. For example, Stockton Police Chief Eric Jones said: “We have begun to change some of our policies and practices based on the feedback from the sessions. One of the first changes I made was making it routine for us to follow up with victims’ families. It used to be, if a community member has more information, then they had to get a hold of us. Survivors told us, “Let us know you still care and reach back out to us.” Now we are actually intentionally getting back to families. It sounds small, but it’s not. It took recognizing these are impacted humans, and a shooting hits through their whole family. We need to stay connected, whether we have a legal or investigative reason to or not.” E. V. Brocklin, *The Police Chief Who Learned to Listen*, (April 2019), *The Trace*, available at <<https://www.thetrace.org/2019/04/stockton-police-eric-jones-reconciliation/>> (last visited May 26, 2020).
5. Some jurisdictions and national organizations have developed policies that are more responsive to victims of crime or state violence and their families. For example, the Bureau of Justice Assistance, White House Domestic Policy Council, and the International Association of Chiefs of Police recommend that police follow specific trauma-informed protocols when interacting with children at crime scenes where their parents are being arrested. The IACP also publishes model resources regarding police departments’ responsibilities in interacting with victims of violence. Notably, none is tailored to the unique harms posed by gun violence. The Urban Institute report also includes a number of other good examples of procedurally just practices that are specifically responsive to gun violence. For example, Chattanooga (TN) Police established the Enhancing Law Enforcement’s Response to Victims (ELERV) victims services unit, which coordinates victim-centered practices including conducting regular surveys of officers’ attitudes toward victims and of public perceptions of police responses to victims, conducting training on trauma-informed responses to violence, and staffing two full-time victims service providers and victim services coordinator. Other departments have adjusted staffing at crime scenes to ensure that there is capacity for one or more members of the department to speak with co-victims about the incident.

New York City has established Mobile Trauma Units in each borough, staffed by mental health professionals and street outreach workers, that will “provide targeted public education and outreach, therapeutic services for community members impacted by gun violence, trauma response to communities where violent incidents occur ... and will connect victims of violence and families to services and resources.”