

Review of Officer-Involved Shooting of Mark Anthony Barmore

Executive Summary

Background

Independent Assessment & Monitoring, LLP, (IAM) was retained by the City of Rockford to provide an independent assessment of the officer-involved shooting that resulted in the death of Mark Anthony Barmore in August, 2009. Unlike many similar reviews, the request for an outside, independent assessment was voluntary and self-initiated by the City of Rockford, and was not imposed by local ordinance or court order. This independent assessment is not the administrative investigation of this officer-involved shooting; it is instead meant to assist the Rockford Police Department (RPD) in conducting its own formal administrative investigation and resolution of the incident. RPD will determine through its own administrative investigation of this incident whether this police use of deadly force was consistent with agency policy and whether there are any policy, training, or tactical concerns related to the incident.

To conduct our assessment, IAM undertook an extensive review and evaluation of available documents, spoke with police personnel and community members, and conducted a two-day on-site visit in Rockford. Documents reviewed included RPD policy and training materials, and RPD and Illinois State Police (ISP) investigative materials related to this case such as witness statements, laboratory and coroner reports, photographs, video tapes, and dispatch recordings. Individuals with whom we met included RPD police officers, sergeants, lieutenants and deputy chiefs, police union officials, ministers and other community members active in Rockford, and the Rockford Mayor, City Attorney, and Chief of Police. While on site we visited the scene of the officer-involved shooting and observed a community mediation, facilitated by the United States Department of Justice Community Relations Service. This community mediation was attended by community representatives of Rockford's African-American and Latino communities, ministers, peace activists, police union members, a City alderwoman, the Chief of Police, the City Administrator, and the City Attorney.

This report encompasses our findings and recommendations based on the above-described review and evaluation. We worked closely with Michael Graham, retired Assistant Sheriff of the Los Angeles Sheriff's Department, in reaching these findings.¹ Assistant Sheriff Graham reviewed the entirety of the materials provided by the City of Rockford, and informed our evaluation of this incident through a series of discussions. In addition, he provided valuable comments on the draft of this report.

¹ Michael Graham served with the Los Angeles Sheriff's Department for 32 years before retiring as an Assistant Sheriff. Among other activities, he has reviewed officer-involved shootings for a number of jurisdictions, and serves as a police practices expert for the Civil Rights Division of the United States Department of Justice in cases investigating patterns or practices of police misconduct.

Alongside the forensic evidence, we relied heavily on the officers' own statements in reaching our findings and conclusions regarding what transpired during this incident and the related policy, tactical, and training concerns. At the time this report was written, the two officers involved in the shooting had not yet been interviewed as part of the administrative investigation of this incident. They had, however, provided written statements to RPD a few days after the incident. When writing these statements the officers had the opportunity to consult with independent legal counsel, their union representatives and legal counsel, and anyone else, including each other. Subsequent to providing these written statements to the Rockford Police Department, the officers voluntarily met with the Illinois State Police investigators and had the opportunity to provide additional information. The officers provided little additional information to the Illinois State Police investigators, with one officer stating he could not recall anything about the incident beyond what was in his written statement.

The report begins with a discussion of what the evidence tells us about the Barmore officer-involved shooting. Because much of this discussion is based on a review of materials that have not been made publically available, the report provides a more comprehensive and detailed discussion of this incident than was previously available.

Findings

RPD policy authorizes an officer to use deadly force "to protect himself or others from what he reasonably believes to be an imminent threat of death or great bodily harm." We found that a preponderance of the available evidence indicates that *at the moment* deadly force was used by Officers North and Poole, the use of that force was consistent with RPD policy.

However, in addition to providing our assessment of whether the use of deadly force by Officers Stanton North and Oda Poole was consistent with RPD policy, this report documents our assessment of whether the actions of these officers and other RPD personnel immediately preceding, during, and after the incident were tactically sound and complied with RPD policies, practices, procedures and training, as well as current professional policing standards.

Our review indicates that Officers North and Poole violated RPD policy and training and used poor tactics during this incident. Their actions presented unnecessary risks to officer safety and to the safety of others because, based upon the existing evidence, they did not act in accord with their training and with RPD policy. Our findings are based largely on the officers' own descriptions of their actions, alongside consideration of professional policing practices and RPD policy and training requirements. Our

findings also take into account the difficulty of making split-second decisions in circumstances like those facing Officers North and Poole, and of fairly reviewing those decisions after the fact.

As discussed more fully in the report, the evidence indicates that Officers North and/or Poole demonstrated poor tactics and violated RPD policy in how they entered and searched the church; by attempting to immediately remove Barmore from a contained area before evacuating the children and adult day care workers; and in their decision to close the distance on a potentially armed suspect unnecessarily. The report also discusses concerns regarding the supervision of the officers before and during the incident; the apparent misdirection of officers to the wrong location; and, while noting a number of strengths in the initial investigatory response to this incident, some weaknesses in RPD's immediate investigatory response to this officer-involved shooting.

If RPD's administrative investigation similarly concludes that any officer or employee action was tactically unsound or otherwise violated RPD policy or procedure, timely remediation is critical. Remediation may include re-training and, if appropriate, disciplinary action, up to and including termination, even if the use of deadly force itself is found to be in-policy.

Recommendations

Finally, the report discusses potential changes to several RPD systems and practices that would allow the Police Department and City to better prevent and respond to officer-involved shootings and other serious uses of force. The report recommends changes to RPD's use of force review board process and that RPD conduct administrative investigations of all officer-involved shootings to inform the force review process, regardless of whether there is any complaint about the incident. The report further recommends changes to RPD's system for the intake and investigation of complaints about officer conduct, and to RPD's "early warning system."

The twenty-seven recommendations resulting from the above review and assessment are listed as an appendix to the report.