

Chapter 4: Collaborating with Law Enforcement

“Your role is to gather information, support the chief, and stay out of the way during the investigation.”

– Mayor Buddy Dyer, Orlando FL

Chapter Summary

When a mass shooting happens, law enforcement officials—your local police, sheriff, or the FBI—are responsible for the initial response. Their top priorities will be to locate the shooter(s), eliminate the threat, ensure public safety, and identify victims.

In advance of a shooting (the **preparedness** phase), establish a strong, trusting relationship with your chief of police, even if he or she does not report to you. You can familiarize yourself with the jurisdiction and services provided by local, county, and state law enforcement agencies, and the FBI. Police Chief Richard Biehl of Dayton, OH advises that mayors should understand modern policing, including the threat environment and equipment needs. If your role includes police oversight, you can work to ensure the police force has adequate training, funding, and equipment to adequately respond to a public mass shooting. This may include negotiating mutual aid agreements.

While the law enforcement **response** to a mass shooting is taking place, your primary role will be to obtain the information you need from law enforcement to provide the answers the public will demand from you. This may be a challenge. Otherwise, as Orlando Mayor Dyer said, your role with law enforcement is to “stay out of the way.”

During the **recovery** phase, work with your chief of police to ensure that the officers involved in the response receive the mental health services they need, that overtime pay is properly documented, and that police overtime costs are reimbursed. In addition, ensure that your police department has the resources needed to make needed policy or protocol changes recommended in an after-action report.



Preparedness

Partnerships with Law Enforcement

Develop a strong working relationship with your Police Chief.ⁱ Mayors and law enforcement officials told us their strong relationships came from partnering on other initiatives, such as addressing the opioid crisis in their communities, responding to natural disasters, and preventing “everyday gun violence.” These partnerships established relationships built on trust. Mayors and law enforcement leaders later relied on this trust to present unified leadership during a mass shooting crisis.ⁱ

Best Practice Tip



Develop a strong relationship with your Police Chief even if he or she does not report to you.

-- **Dayton Mayor Nan Whaley:** “Imagine going through this kind of crisis if you don’t have a good relationship with your Police Chief. You have to have that trust built-in before this crisis happens.”

Schedule a training or tabletop exercise to define your respective roles during the response. Include the FBI Special Agent in Charge (SAC), U.S. Attorney’s office, local law enforcement agencies to understand their respective jurisdictions and the victims’ services they provide. As discussed in Chapter 1, determine key points of contact and include city and law enforcement PIOs to negotiate a communication protocol for press conferences. For more information about trainings, see Appendix A.

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Mutual Aid Agreements

Law enforcement agencies often have agreements in place to share resources with nearby jurisdictions in the event of a crisis. These “mutual aid agreements” or “interagency agreements” ideally should be in place before a mass shooting occurs.

Mutual aid agreements can be negotiated between local, county, state, and federal law enforcement agencies, as well as with medical centers and other kinds of emergency service providers. If you are mayor of a larger city, your police department may be called upon regularly to provide mutual aid, while in smaller cities your police force may require the assistance of neighboring agencies.

ⁱ Throughout the Mass Shooting Protocol & Playbook, when we refer to Mayors and Police Chiefs, we mean the senior constitutional and law enforcement officers in the jurisdiction. In some jurisdictions these positions may have other titles, but we use those that are most common and familiar to readers.



As explained further in Chapter 8, your legal counsel and “C4 team” should review and update these agreements on an annual basis (at minimum). Participate in the review to ensure your law enforcement agency has access to the resources they will need to respond to, or participate in, a regional police response. According to one police chief, regional responses are becoming more common in the current threat environment, so it is vital that elected officials understand the nuances of mutual aid agreements.

Also, you may need to weigh in on how to resolve issues that could arise if a mutual aid agreement is activated, such as how to resolve different police union policies, police conduct policies and standards, and funding issues.

Key Resource: Mutual Aid Agreements

Department of Justice, Multi-jurisdictional Partnerships for Meeting Regional

Threats: Department of Justice has prepared a resource to use when planning mutual aid agreements called Multi-jurisdictional Partnerships for Meeting Regional Threats.

<https://www.policefoundation.org/wp-content/uploads/2015/06/Bureau-of-Justice-Assistance-2005-Mutual-Aid-Multijurisdictional-Partnerships-for-Meeting-Regional-Threats.pdf>



Understanding and Activating FBI Resources

It is important to establish a working relationship with your regional FBI Special Agent in Charge (SAC). The FBI may be the lead law enforcement agency if the mass shooting is a violation of federal law, such as in the case of a terrorist attack or hate crime. Even if the FBI does not take the lead, it can provide significant resources for the response and investigation far beyond what could be provided by local law enforcement. Two key FBI resources are the Critical Incident Response Group (CIRG) and the Victim Services Division (VSD).

Critical Incident Response Group (CIRG)

CIRG coordinates FBI assets for the immediate response, including a Hostage Rescue Team, command post vehicles that can be used as Emergency Operations Centers, aircraft for surveillance and transport, and evidence response resources. If the case involves major evidence response, the local field division of the FBI can quickly access and provide resources from around the country to support the effort.

Victim Services Division (FBI-VSD)

FBI-VSD coordinates more than 170 victim specialists located throughout the country. These specialists become liaisons to the victims and families, and they are available to support local and state police whether or not FBI is taking over the investigation. FBI-VSD’s resources are unmatched when it comes to the task of analyzing personal effects and assessing which are evidence and which may be returned to family members.



FBI victim specialists can also help establish the Family Assistance Center, as discussed in Chapter 3. They can coordinate meals, pass information to the families, and activate local victim service providers/partners with whom they already have relationships. They also serve as a buffer between investigators and victims and families so that investigators can focus on the investigation and remain impartial.

While FBI-VSD resources can be invaluable, your staff should be aware of certain limitations. For example, Orlando staff were not permitted to access victim information obtained through intake forms processed by FBI-VSD at the Family Assistance Center due to an FBI protocol intended to protect the privacy of the victims. As a result, the city had to generate a parallel intake process that required families and victims to sign in twice. In some cases, the city was unable to obtain the names of people processed by the FBI, making it impossible to provide follow-up services to them. These bureaucratic pitfalls might be avoided through advance planning with your FBI SAC or victim specialists.

Key Resources: FBI Services



FBI Victim Services Division overview:

<https://www.fbi.gov/resources/victim-services>.

Critical Incident Response Group overview:

<https://www.fbi.gov/services/cirg>.

The Coming Storm, an FBI-produced film to help prepare officials to respond to an active shooter event:

<https://www.youtube.com/watch?v=9jgS7jBXZU4>

Response

Your Role During the Critical Incident Response

Law enforcement agencies will handle the incident response, investigation, and security in accordance with police protocols. As mayor, your role will be to obtain regular law enforcement briefings so that you can keep the families and the public informed. Because law enforcement officials are understandably focused on the incident, it may be difficult to obtain the information you require. Law enforcement officials may also want to hold back information they deem sensitive to the investigation. Therefore, a best practice is to request a designated law enforcement official at the EOC whose sole function is to keep you and elected officials informed. In addition, having a strong relationship with your police chief and SAC in advance of a crisis will pay off through streamlined communication.

As noted in Chapter 1 on Communications, you will need to plan press conferences in collaboration with law enforcement officials. If additional support is needed for victim and family assistance, call the FBI SAC in the field division that covers your jurisdiction. This agent can activate national resources from the FBI's Victim Services Division and support local law enforcement. For more information, see Chapter 3.



Key Resource: Role of Law Enforcement in Assisting Victims of Mass Violence



Police Executive Research Forum, The Role of Police Executives in Assisting Victims of Mass Violence: Lessons from the Field:
<https://www.policeforum.org/assets/AssistingVictimsMassViolence.pdf>

Mayors in Action: Engaging with Law Enforcement

In the case of the **Tree of Life shooting in Pittsburgh**, multiple law enforcement agencies responded within an hour. The FBI Special Agent in Charge (SAC), the local District Attorney (DA), and the U.S. Attorney were all at the scene, and discussed which level of government should lead the investigation. The U.S. Attorney convinced the DA that the incident fit the definition of a federal hate crime. Once a decision was made to prosecute at the federal level, the FBI SAC took charge of the law enforcement response. Establishing the chain of command early on helped to coordinate the law enforcement response.



Once Mayor Peduto was informed of the jurisdiction decision, he focused on communications with the public and dignitaries who were visiting Pittsburgh that day. He also ensured that the gathered dignitaries remained “outside the tape” of the crime scene and appropriately distanced from the mobile command unit where law enforcement was engaged in tactical operations.

Recovery

Recovery for Police First Responders

Work with your police chief to ensure that officers who responded to the shooting receive the mental health care they need. According to Dayton Chief Richard Biehl, the lack of mental health resources for first responders is a national problem.

Similarly, in the event of a serious injury or death of an officer, there are concrete actions you can take to ensure that the officer is recognized for his or her heroism. Beyond advocating on behalf of the officer’s family for the services and benefits they will need, you can also use an existing 501(c)(3) charitable entity operated by the city to receive public donations intended for the officer’s family. See Chapter 5 for more information on donations and fund management.



Key Resources: Mental Health Services and Benefits for First Responders

COPS Office resource center, Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies: The COPS Office publishes materials for law enforcement and community stakeholders to address crime and disorder challenges. This link features a book titled *Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies*, which describes agencies' programs that protect the mental and emotional health of law enforcement officers, their nonsworn colleagues, and families. <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P371>



Law Enforcement Mental Health and Wellness Act—Funding opportunities available through the COPS office: <https://cops.usdoj.gov/lemhwaresources>

National Alliance on Mental Illness, Preparing for the Unimaginable: this report describes actions to take within police departments to safeguard officers' mental health, promote resilience, and prevent secondary trauma. <https://www.nami.org/Support-Education/Publications-Reports/Public-Policy-Reports/Preparing-for-the-Unimaginable/Preparing-For-The-Unimaginable>

Public Safety Officers' Benefits Program (PSOB): PSOB provides death and educational benefits to the survivors of fallen law enforcement officers, firefighters, and other first responders, and disability benefits to officers catastrophically injured in the line of duty. <https://psob.bja.ojp.gov/>

NC-PTSD, Psychological First Aid (PFA) Manual: https://www.ptsd.va.gov/professional/treat/type/psych_firstaid_manual.asp

Police Overtime Pay

The cost of overtime pay for police departments that have responded to a public mass shooting can be significant. Overtime will be accrued providing services for the response, investigation, traffic control, and security needs for dignitaries, vigils, funerals, and the Family Reunification and Assistance Centers. For example, in response to the Las Vegas shooting, police overtime costs exceeded \$3.5 million.

During the recovery phase, work with law enforcement to ensure that overtime costs are carefully documented so they can be reimbursed. For information about sources of funding that may cover the cost of police overtime pay, mental health benefits for first responders, and death and educational benefits for the survivors of fallen first responders, see Appendix C.



After-Incident Review

After a mass shooting, review with police leadership the tactical response and lessons learned. While law enforcement will take the lead on developing and submitting an after-action report, your staff should review its contents and determine with law enforcement whether there were resource gaps or unmet needs that hindered the law enforcement response to the shooting. The after-action report should be completed as quickly as possible to ensure the accurate recollections of all participants are included.

In particular, review existing mutual aid agreements and assess whether the agreements met the needs of the incident. Work with your chief of police, legal counsel, and City Council (if needed), to update mutual aid agreements with other jurisdictions to be better prepared in the future.

Endnotes

¹ U.S. CONFERENCE OF MAYORS, 88th Winter Meeting: Lesson Learned - Preventing, Preparing for, and Responding to Mass Shootings, 2020, *available at* <https://www.youtube.com/watch?v=hjqn9q1rQg> (last visited Apr 8, 2021).



LAW ENFORCEMENT CHECKLIST

Preparedness

- With your chief of police, schedule a training or tabletop exercise to define your respective roles during the response.
- Ensure the police force has adequate training, funding, and equipment to adequately respond to a public mass shooting.
- Meet with the FBI SAC, local law enforcement agencies, and community-based organizations to understand the victim services they provide.
- Ensure adequate mutual aid agreements are in place.

Response

- Establish communications channels to obtain regular law enforcement updates.
- If needed, activate FBI resources via the Special Agent in Charge.

Recovery

- Work with your chief of police to ensure first responders get the mental health services and benefits they require.
- Ensure appropriate documentation of police overtime pay; seek reimbursement.
- Determine with law enforcement whether there were resource gaps or unmet needs that hindered the law enforcement response to the shooting.

