

LAW ENFORCEMENT MANAGEMENT ■ USE OF FORCE ■ HOMELAND SECURITY ■ FUNDING  
NARCOTICS ■ EMERGENCY PREPAREDNESS ■ TECHNOLOGY

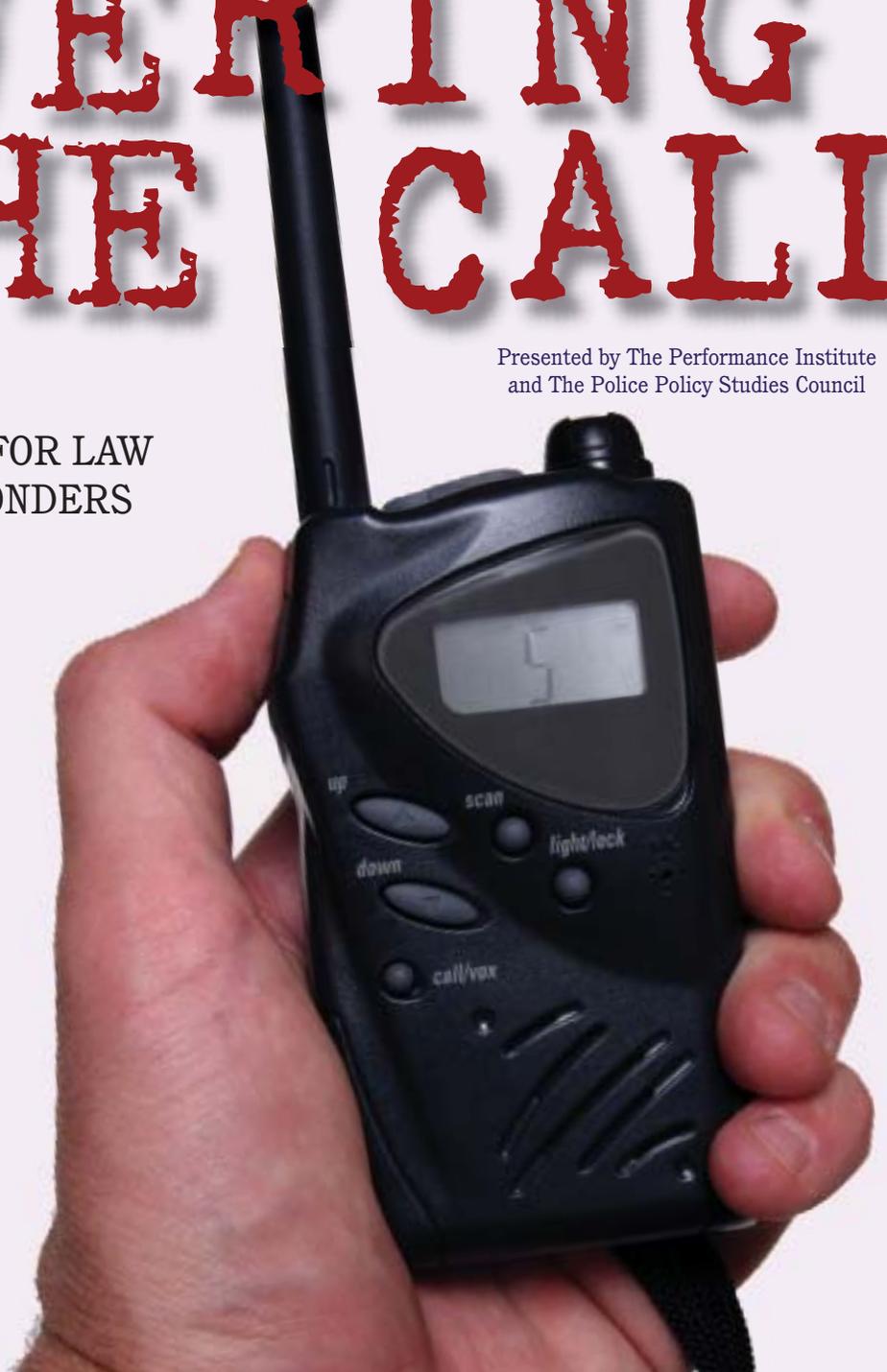
# ANSWERING THE CALL

Presented by The Performance Institute  
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A QUARTERLY JOURNAL FOR LAW  
ENFORCEMENT & FIRST RESPONDERS

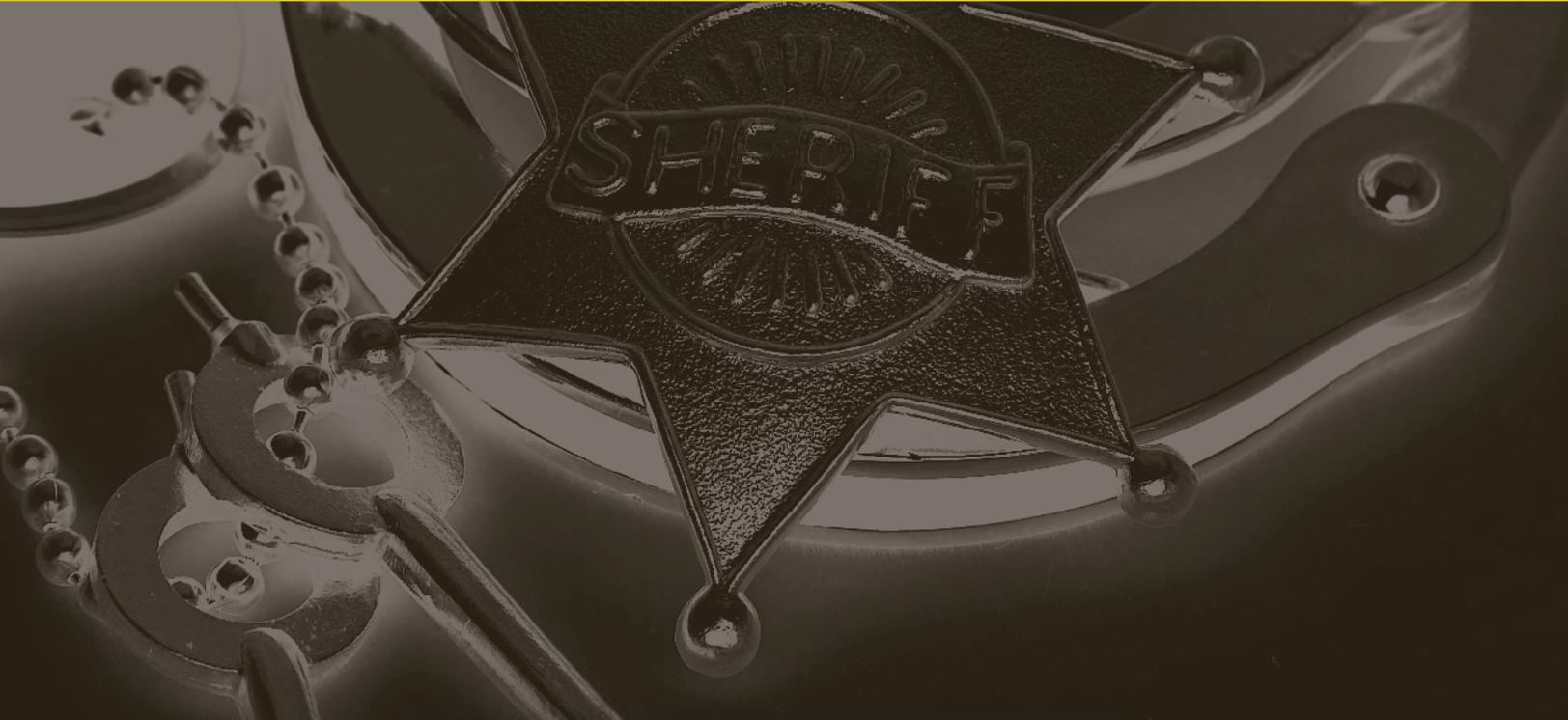
SPRING 2007

**Managing and  
Using Critical  
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Cover Story: Managing and Using Critical Information in the Law Enforcement Environment

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# LETTER FROM THE EDITOR

Dear Colleague,

Do you remember when you told your father, your mother, your brother, your girlfriend, your husband, that you were going into law enforcement, first response, or public service? Do you remember how that person reacted? Was it with pride? Was it with trepidation? Was it with surprise? How many of you had a friend or relative give you an odd look and ask you why you would choose such a path? Many of you have seen that face, been asked that why, and been forced to stand and defend your choice. You've stuttered and waltzed through answers that mention duty, honor, and service. You've reminded people that the job is rewarding and that you want to help people every day you go to work. You've told of the heroic work of others in the field, of the lives they have saved and the catastrophes they have helped avert. Many of you may have mentioned wanting to follow in the footsteps of a role model, and expressed hopes to someday be that role model to another youngster. If you recognize these feelings and desires, you have heard the Call.

After you went through training and began to serve as a public servant, you loved your job because it wasn't just the traditional nine-to-five. Every day at work was different. You met different people, you performed different duties, and you saw very different things. The people you met in the department were kind, genuine, knowledgeable, and fun; you made friends quickly. The atmosphere, the people, the work – everything was interesting, rewarding, and fulfilling. The experience was almost addicting. You had begun to understand the Call.

You unconsciously adopted the firm demeanor that was required of you. The world changed from a black and white picture where good and bad, right and wrong, had been polar opposites into a world where the gray of indecision swirled chaotically around you. You realized that life, with its trials and tribulations, is much more complicated than many people assume or know. Throughout the ups and downs, you've always been there to get back on the roller coaster ride of your career in public service as it rushes forward through the strands of time. You've held on tightly and savored the moments when the view is great and relished feeling as though you were on top of the world. Gritting your teeth, you've stuck through the hard times at the bottom of the gut-wrenching lows. And every day when you step off and head home you know that you'll be back the next morning to strap yourself in and do it all over again. At this point, you have truly answered the Call.

In the end, if you were pressed today to describe why you are in law enforcement, first response, or public service, you would likely give the same answers that you did back when you were first asked: duty, honor, and service. These ideals hold strong throughout the years, and are always what measure against when you consider your career and evaluate your successes. These concepts are powerful, meaningful, and critical to everything you do.

This Journal is founded upon these same principles. In these pages you will find material that is held to a high standard, both in terms of utility and originality. The content will strive to add tools to your belt to help you fulfill your duties, act with honor, and successfully serve your community. We look forward to being with you on the pages of this publication for many years to come,

Sincerely,



Thomas J. Aveni, MSFP, The Police Policy Studies Council

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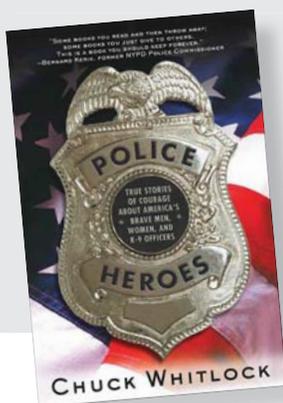
## GANGS IN MID-SIZED US CITIES

Charlotte, NC has seen a slow increase in gang activity over the last 5 years, with a steeper rise over the last year and a half. MS 13, other Latino gangs, some Asian gangs and many home-grown versions are beginning to grace the streets of this southwestern North Carolina town. According to Captain Roslyn Maglione of the Charlotte – Mecklenburg Police Department, the home-grown versions are apt to identify themselves with national groups Bloods or Crips, but are in truth unaffiliated with these organizations. A recent Gang Prevention meeting in Alexandria, VA noted similar trends regarding increasing activity among racially Latino and Asian gangs, as well as the likelihood for neighborhood groups to attempt to affiliate verbally yet not organizationally with nationally recognize criminal gangs. It would be a mistake to assume that this is just talk. Rather, it signifies an expanding “market” for gang activity. Economic principles demonstrate that where there is a market, a supply will materialize. As national gangs begin to branch out from major urban centers, areas such as Charlotte and Alexandria would appear ripe for the taking.

## FEDERAL FUNDING FOR LAW ENFORCEMENT PROGRAMS

Despite much rhetoric to the opposite, the Bush Administration seems to be planning to cut funding to Law Enforcement despite signs that the occurrence of violent crime is rising. The majority of the funding cuts will be from the COPS and Byrne Justice Assistance Grants (JAG) programs. COPS funding began in 1994 as a result of the Violent Crime Control and Law Enforcement Act. COPS dollars are distributed to state, local, and tribal law enforcement departments to finance hiring and training of new officers, procurement of the latest technologies, and to encourage the development of innovative management and tactics. JAG grants are designed to

help state and local governments sustain a multitude of programs to prevent and interdict criminal activity and to enhance the criminal justice system. These cuts are coming as state and local funding from the Department of Homeland Security is also decreasing. In essence, these types of grants are the lifeblood of many law enforcement and first responder agencies in the United States. The major role of local law enforcement and first responders in all aspects of security and crime prevention seems to have been conveniently forgotten in the name of making budget cuts. Everyone wants budget cuts – just don’t cut out the programs that are truly needed.



## BOOK OF THE MONTH:

Investigative reporter Chuck Whitlock “honors and celebrates members of the law enforcement community who have distinguished themselves and their departments by acting in a courageous manner under extraordinary circumstances.” Whitlock recounts the stories of more than 100 police officers involved in diverse and exciting incidents that will make it hard to put the book down.

# ANSWERING THE CALL

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## FACTS AND FIGURES: METHAMPHETAMINE USE, PRODUCTION, AND TRENDS\*

FACT: 2,806

Total Clandestine Meth Labs Found in 1997 (Lowest in the last 10 years)

FACT: 10,199

Total Clandestine Meth Labs Found in 2003 (Highest in the last 10 years)

FACT: 5,249

Total Clandestine Meth Labs Found in 2005 (Most Recent Data Available)

FIGURE: 48.5

Reduction in Meth Labs Found in the USA, 2003 - 2005

FACT: 245

Total Superlabs Found in 2001 Highest in the last 10 years

FACT: 37

Total Superlabs Found in 2005 Lowest in the last 10 years

FIGURE: 84.9%

Reduction in Superlabs Found in the USA, 2001 - 2005

FACT: 1,129.8 kg

Total Meth Seized at US / Mexico Border, 2002

FACT: 1,984.6 kg

Total Meth Seized at US / Mexico Border, 2004

FIGURE: 75.6%

Increase in US / Mexico Border Meth Seizures 2002 - 2004

FACT: 6,218

Total Meth Related Arrests in the United States, 2002

FACT: 5,693

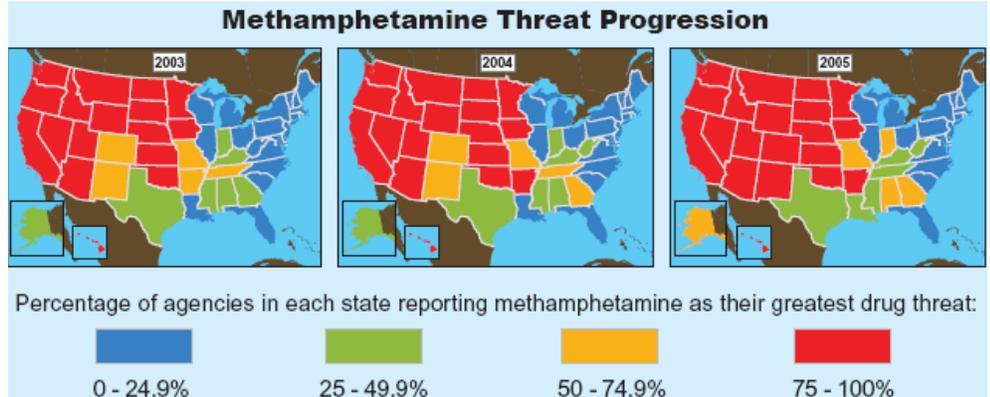
Total Meth Related Arrests in the United States, 2005

FIGURE: 9.4%

Reduction of Meth Arrests Across USA, 2002 - 2005

\*Preliminary data shows that these trends have continued through 2006.

SOURCES: ONDCP DRUG FACTS, METHAMPHETAMINE; NATIONAL DRUG THREAT ASSESSMENT, 2006 <http://www.whitehousedrugpolicy.gov/drug-fact/methamphetamine/index.html> <http://www.usdoj.gov/ndic/pubs11/18862/meth.htm#Top>



## INNOVATION IDENTIFICATION

**RECRUITMENT & RETENTION**  
**LOUISVILLE METRO POLICE DEPARTMENT:** Since 2004, The Louisville (KY) Metro Police Department has been making strides to improve recruitment and retention efforts. By following marketing strategies used by major corporations, LMPD has been able to demonstrate admirable results. Through non-traditional initiatives to promote the department in such areas as billboards, commercials, recruitment posters, magazines, newspapers, and even buses, the candidate pool has grown. With high schools, the department has taken an active role in classroom activities and mentorship programs. Additionally, the department has partnered with a local television station for a program similar to COPS. During the show, recruitment commercials for the department run frequently. In 2004, LMPD had 426 applications. In 2006, the department had

well over 1100 applications: an increase of more than 260%! <http://www.louisvilleky.gov/MetroPolice/>

### USE OF FORCE

**THE LOS ANGELES POLICE DEPARTMENT:** Use of Force investigations and violations are uncomfortable processes for every law enforcement department. It is important to provide support for officers who can feel singled out. However, it is just as important to maintain transparency and accountability with regard to the community at large. The Los Angeles Police Department, always an innovator in use of force regulations, is again leading the charge by hosting a current listing of use of force violations and case numbers on the department website. This transparency establishes a high level of trust and credibility within the Los Angeles citizenry. [www.lapdonline.org](http://www.lapdonline.org)

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FEATURES

# MANAGING AND USING CRITICAL INFORMATION IN THE LAW ENFORCEMENT ENVIRONMENT

by  
Steven D. Ashley, M.S., M.L.S.  
The Police Policy Studies Council

*This article examines current management of critical information by American law enforcement agencies, and considers how legal requirements and existing technology have shaped current practices. Critical information in this context is defined as operational information that results from high-risk law enforcement practices such as use of force, arrest of individuals, or motor vehicle pursuit.*



## PAST PROBLEMS: CRITICAL INFORMATION IN THE HISTORICAL CONTEXT

American law enforcement agencies have historically failed in the collection of data related to high-risk activity. Even in departments where data collection has been attempted, compilation of that data has often been rare and generally disorganized. Two primary reasons are frequently given for this failure: fear of aiding plaintiff's attorneys by providing a ready-made collection of data, and the difficulty of gathering meaningful data from officers within the context of their daily activities.

The first of these reasons is largely based upon a fundamental misunderstanding of the legal system, accompanied by what could uncharitably be called a "herd mentality". Many

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department executives believe that to collect information in one place is to make life easier for the plaintiff's bar. Similarly, to allow information to remain scattered about in individual files is to make life more difficult for attorneys, thereby reducing the likelihood that plaintiffs will be able to access the information. This position is difficult to defend in the current legal climate.

Secondly, collection of critical data has been hampered by the systems in everyday use. In the past, many departments emphasized actual patrol time, relegating "paperwork" to a secondary role. Institutional philosophies ranged from, "...it's not important, as long as the job gets done..." to, "...we don't have time for that, we have to do real police work..."

These philosophies ignore the reality of law enforcement, that the only lasting record of what is accomplished is the paperwork. Without the benefit of accurate documentation, subsequent review by the legal system is often difficult and inaccurate, giving rise to a, "he said, she said" approach to defense of police actions.

Administratively, managerial decision-making has been severely hampered by a lack of adequate information regarding the intricacies of "street" activities and their logical impact on administrative functions such as policy development and training. The danger here is that police managers and supervisors, removed from the daily swirl of routine law enforcement activity, may base decisions not on the reality of law enforcement as it currently exists, but on their memories of their time on the "street".

### *Early Systems for Collection and Use*

The earliest "systems" for tracking critical information involved mere verbal reporting up and down the chain of command. While this method worked

in the short term, particularly in very small agencies, much information was lost or not collected at all. Additionally, little clear institutional memory existed. In essence, this method constituted the ubiquitous "war stories". The potential for selective memory and inaccuracies was great, while analysis of data across incidents was almost impossible.

Law enforcement quickly learned that it was necessary to write things down, giving rise to various report writing systems. In fact, some authors suggest that virtually every improvement in law enforcement has resulted from the study of written records. Still, today, many small, rural departments use a simple report writing system that constitutes little more than file memoranda. These are simple narrative reports, with little, if any, data collection capability.

Of course, once officers began submitting reports, some sort of quality control system was needed. Generally, this involved supervisory review. However, in many departments, the primary emphasis of the review process was grammar and spelling, accuracy of facts, and completeness of detail for prosecutorial purposes. Little attention was paid to minute details regarding the techniques, tactics and tools used to control the suspect. The focus was on the presentability of the report, and the complete reporting of the elements of the offense. All too often, this is still the norm.

## THE CURRENT LEGAL ENVIRONMENT

There has been much discussion in the legal arena regarding the need for law enforcement to properly direct and supervise the involvement of officers in high-risk activities. In fact, the United States Supreme Court has

made it clear that policymakers have an obligation to review the daily activities of governmental employees in order to assure that those activities likely to result in potential constitutional violations are addressed with training programs (City of Canton, Ohio v. Geraldine Harris, 489 U.S. 378 (1989)). To not do so, according to the Court, is to be deliberately indifferent (and therefore unreasonable) to the potential constitutional violation. This is particularly true as regards the use of force to make an arrest.

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*The danger here is that police managers and supervisors, removed from the daily swirl of routine law enforcement activity, may base decisions not on the reality of law enforcement as it currently exists, but on their memories of their time on the "street".*

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Most cases filed against law enforcement officers and agencies for inappropriate or excessive use of force, and for illegal arrests, are filed in federal court. This is due to the constitutional limitations on such activity, as well as the potential for plaintiff's attorneys to collect their fees from the defendant (Graham v. Connor, 490 U.S. 386 (1989)). Many of the resultant lawsuits contain language regarding the

# FEATURES

obligation for departments to manage officers' selection of force implements or techniques. Additionally, it's common for court opinions to focus on the need for job related training; i.e. training that is commensurate with the duties of officers.

In order for departments to demonstrate the job relatedness of their use of force training programs, they need to collect data regarding use of weapons and techniques, the success rates of various control methods, and the types and numbers of injuries to officers and suspects.

In order for this information to be as useful as possible in this regard, and as an analysis tool for departmental planning and management, it must be both valid and reliable. As such, the information must be as accurate as departmental managers can make it, through development of simple, effective data collection mechanisms. One important aspect of this is that officers must see the collection process, and the planned usage of the data, as

non-threatening. If officers believe that the information they record will be used against them personally in some way, some may be inclined to inaccurately or incorrectly report data. When and if this occurs it undermines the entire reporting process, and indicates a fundamental breakdown in the labor-management relationship.

## *Public Access to Information*

Despite the fact that many in the public believe that police critical data management practices are highly suspect, another area of legal concern, and one that has gained much attention within the past few years, is that of public access to police information and statistics. The federal Freedom of Information Act, as well as various state "sunshine" laws, or open information laws, guarantee citizens access to most public information. While some sensitive information can be protected (e.g. on-going investigations, etc.), other information must be available and released upon demand within a specified time frame. In fact, some state courts have reaffirmed this requirement by ordering departments

to release information.

The need to respond to legal requests for information and records, to demonstrate the job relatedness of policies and training programs, and to comply with the requirements of various "open information" statutes, points to the need to collect, analyze, and maintain accurate databases of critical information.

There are two other dimensions to consider as regards the current legal environment. The first of these is the completeness of critical data, and the second is the ability to ascertain what information should not be released and to act to secure it.

Departments are frequently accused of acting inappropriately in a high-risk incident, leading to the serious injury or death of a citizen. When this accusation is made, it is not uncommon for the public and the news media to examine the elements of the particular incident, without considering the broader context within which it occurred. In order to properly manage its risks, law enforcement must manage its needs and the expenditure of its limited resources based upon a cost-benefit analysis of its most frequent activities. However, law enforcement incidents are examined as individual occurrences, often without heed to the larger context. An excellent example of this is a high-speed pursuit.

The facts of a particular pursuit related incident, despite a tragic outcome, may not support an ultimate finding of liability on the part of the police. However, the media, and the "Court of Public Opinion", may damn the actions of the police, based on the outcome and distorted perceptions of the frequency with which similar outcomes occur. In short, the primary focus may be on the number of catastrophic incidents over the past few years, without regard to the broader context of similar incidents where no catastrophic outcome occurred.



For example, it sounds bad to say that a dozen people have been injured in police pursuits in the last three years. But if a department has accurately collected all the pertinent data, it sounds less bothersome to say that over the past three years, out of 15,000 traffic stops, 12 people have been injured. One can readily see the importance of collecting information on all incidents, regardless of outcome.

Just as important as collecting and presenting available data for release is the identification of information that cannot or should not be released. Court cases have generally held that sensitive information regarding internal practices, on-going investigations, and some personnel information are generally exempt from freedom-of-information requests, and may be protected (*Gifford v. Freedom of Information Commission*, 227 Conn. 641, 631 A. 2d 252 (Conn. 1993)).

In order to effectively achieve this security, systems must be structured so as to allow for the differentiation of various types of information. When considering what we have defined as critical data, security questions generally apply to on-going investigations, or perhaps to the release of information regarding a specific incident. Generally, critical data that is aggregate in nature, and therefore not attributable to a specific occurrence or incident, can and should be released.

## LAW ENFORCEMENT'S CURRENT PRACTICES

Incident reporting and data collection practices have improved significantly over the past 10 to 15 years. Most medium to larger size law enforcement agencies are making use of some sort of computer technology, although many are still working with older systems that are frequently "hand-me-downs" from some other branch of government, or the private sector.



Some departments are connected to an internal mini-mainframe computer operated by the governmental entity, while others have such a system in-house. Still others are working with desktop personal computers (PCs), that are sometimes networked and sometimes not.

There are growing numbers of departments utilizing an Intranet, wherein several police agencies are connected to one another through a private "network". In this way, much information can be shared regarding crime trends, demographic analysis, on-going investigations, and multi-jurisdictional criminal activities. At the same time, law enforcement is increasingly gaining access to the Internet, with all of its advantages, and attendant access security issues.

There are still many small departments that do not have access to computer technology within their own agency. It is not uncommon for such agencies to rely on computers owned by other branches of government, or on personal computers owned by the officers themselves. In these departments, what computer-based paperwork there is usually is centered upon the completion of basic crime reports and routine correspondence, with little time, equipment or resources left over

for data collection and analysis. Still, such departments can and should collect copies of specific types of reports, and file them together for collective review.

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*There are still many small departments that do not have access to computer technology within their own agency.*

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The determinant of the levels of departmental information connectivity does not seem to be size as much as it seems to be the level of sophistication and problem solving capabilities of the decision-makers. With the availability of both state and federal grant money, as well as the proliferation of community oriented policing, many small departments have become quite sophisticated in their use of electronic communications and computing technology.

# FEATURES

One technology that is growing quickly among agencies of all different types and sizes is that of laptop computer use. Many departments have installed laptop computers in patrol vehicles, and some are issuing them to individual officers.

These machines are most typically used for receipt and transmission of mobile data transmissions, through a linkage with the agencies' communications system. They are also used for preparation of written reports in

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*Instead of pursuit driving, efforts should be focused on driving skills in general; instead of deadly force, training efforts should be geared toward overall use of force issues.*

-----

the field, often with online transmission of the completed report to a central processing area, where reports are reviewed and stored.

This technological development does much to provide the framework for the recommended collection of critical information. If an officer can complete an online form quickly and easily, and transmit it to a central collection point, the information so collected will be more timely and more accurate.

Additionally, programs located in the central computer can analyze the data automatically, thereby negating the necessity for manual input of information by a second party. This system enables faster, more accurate collection and analysis of critical information, while reducing the potential for input errors and other problems associated with the human element.

There has been a parallel development of off-site data collection mechanisms geared toward analysis of critical information. The FBI Uniform Crime Report (UCR) system has been in existence for many years, and once involved writing information by hand onto large "rainbow" forms, which were then mailed to a central office for collation and reporting. Now, many agencies are submitting the same information on-line. While only about 80% of agencies in the United States participate in the UCR system, the increasing ease of data submission may lead to greater involvement on the part of non-participating agencies.

This is important, as the UCR reporting system provides much of the background against which individual departments compare and contrast their local critical data. Greater participation by more agencies, with continued emphasis on completeness and accuracy of information, will lead to greater overall validity of critical information.

### *Using the Data*

Several specialized uses of critical data have already been discussed, such as legal defense of local practices, and response to FOIA requests. Beyond these, two broader uses of such data can have a significant impact on the internal practices of an agency. The first of these is the establishment of a

formal review process, while the second involves the enhanced training of officers, supervisors and trainers.

In the past, normal practice in most agencies has been for an initial supervisory review of reports and data, with occasional review by upper management. The most useful approach to such review would result in the establishment of an Incident Review Committee (sometimes referred to as a Safety Committee).

Such a committee would be charged with reviewing all incident reports resulting from high-risk incidents, particularly those wherein an injury to officers or citizens occurs. This review should be geared toward continued development of policies, training and supervisory methods, or perhaps analysis of the efficacy of equipment and techniques. The aim of this process should be to improve these departmental mechanisms, so as to reduce the potential for future harmful outcomes. Any incident review geared toward disciplinary or other outcomes should be a separate process.

Because of the limited training resources available in many departments, maximum utility must be derived from any training effort. Rather than participating in training on a hit-or-miss basis, departments should review critical data to determine the type, quantity, and frequency of training needed to address officers' daily high-risk activities.

In many departments, the tendency is to focus on the types of high-risk activities that have the most severe potential outcomes (e.g. pursuit driving, use of deadly force). While these types of outcomes can be very costly, in both dollars and in public ill will, they are not usually the most frequent of occurrences.

In fact, when the overall frequency and cost of high-risk activity is considered, the greater risk is usually from the more common daily occurrences (any one of which could escalate into one of the infrequent catastrophic incidents). Instead of pursuit driving, efforts should be focused on driving skills in general; instead of deadly force, training efforts should be geared toward overall use of force issues.

In this way, as the more frequent incidents are better managed and controlled, the likelihood of a more costly catastrophic incident is significantly reduced. This is known as the Inverse Frequency/Severity Relationship, and is made possible by the Law of Large Numbers .

## THE NEED FOR FURTHER TECHNOLOGICAL DEVELOPMENTS

The most significant need in the short term is for simpler, more affordable alternatives for incident reporting, data collection and analysis. This should lead to more widespread use of modern technology. Most departments struggle with the affordability of new technology, both in the initial acquisition costs, and in the training and as-

signment of manpower resources to facilitate operation of new systems. So they continue to use older, outdated systems that are incapable of fully utilizing newer, more user-friendly features and equipment. One example of this shortfall in capability is in the attempted use of digital imaging (i.e. scanners and digital cameras) with older computers. The slow speed and low resolution output that older computers manifest when using these new devices frequently leads to frustration on the part of users.

Simpler systems are needed, at least for the immediate future, as many older officers are frequently less computer literate and more computerphobic than their younger counterparts. The more user-friendly systems are, the more likely these older officers are to use them accurately and completely, thereby assuring more comprehensive reporting and collection of critical data.

Simpler software systems for analysis and reporting of information would lead to greater use of information by first line supervisors, as well as the officers themselves. Generally, what information is currently available is often only accessible by training coordinators and executive level management.

## CONCLUSION

Despite the fact that some law enforcement agencies have moved slowly to develop incident reporting and data collection systems, many are now taking advantage of existing technologies. The current legal environment, and other managerial pressures, clearly indicates the need for continued improvement in both incident reporting systems and data collection, as well as review and use practices.

As this movement toward more widespread collection and reporting of data continues, the need for simpler, more affordable systems becomes more evident. In the short term, simplicity should be emphasized due to the make-up of the work force. Ultimately, this will be less of an issue, as more computer literate officers move upward through the ranks.

Perception of information as a valuable resource, to be accurately and thoroughly collected, and carefully analyzed, is the key element in the continued development of police incident reporting and data collection/analysis systems.

As these systems continue to proliferate and evolve, departments will be better positioned to defend officers' actions, while enhancing officer safety and efficiency through more comprehensive, job-related training.

While adherence to the techniques suggested herein may reduce the likelihood of a catastrophic outcome, it will not eliminate all possibility of an incident. Further, as always, the reader is encouraged to consult with an attorney for specific legal advice.



**Steven Ashley** has served as trainer and consultant with the Police Policy Studies Council since 2001, with expertise in the areas of a police use of force, motor vehicle operations, and arrest techniques. He spent 15 years as a full time, sworn law enforcement officer and over 20 Years as a law enforcement trainer in the areas of high risk law enforcement activity, training and training management. Steve can be reached at [steve@theppsc.org](mailto:steve@theppsc.org)

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# Use of Force Update



## Critical Analysis of Evolving Force and Control Paradigms

By  
Thomas J. Aveni, MSFP  
The Police Policy Studies Council

Few occupations come under as much media and public scrutiny as does the law enforcement profession, and rightfully so. An efficient constabulary, mindful and respectful of individual liberties, is one of the cornerstones of a free society.

Americans, long immersed in cultural imagery of “super cops,” assume that law enforcement officers are properly selected, trained, equipped and assigned. Unfortunately, there is a serious disconnect between what the public assumes to be true, and what is. But, when one considers the challenge that police administrators and

trainers are tasked with, they might better understand why the attainment of such expectations is an almost insurmountable challenge.

Few occupations are analogous to law enforcement, which is why comparisons to virtually any other profession seem tenuous. A brief review of what public expectations are of police may buttress this perspective.

- We expect officers to be fearless, but not reckless.
- We expect officers to be passion-

ate about what they do, yet display no emotion in doing it.

- We expect officers to be decisive and forceful, but not bullies.
- We expect officers to confront brute criminal behavior with finesse and restraint.
- We expect officers to make micro-second decisions regarding life-and-death that judges and juries would deliberate upon for weeks.
- We expect officers to retain the athleticism of their youth while sitting in police cars through ro-

tating 8-12-hour shifts, drinking gallons of coffee to stay awake.

- We expect officers to exude the “Wisdom of Solomon” and the ethics of saints at salary levels commensurate with that of trash collectors.

Given the parsimonious nature of resources allocated for police training, have our expectations ever been attainable? Compounding the degree of difficulty encountered in training police is the fact that police hiring standards have suffered serious erosion over the last thirty years. Cognitive testing standards have been attacked (and lowered) for allegedly being discriminatory. Physical strength and agility standards have been completely eliminated in some jurisdictions, and hang by a thread in many others, also because of perception that such standards have been discriminatory. As a result, there has been increasing pressure on police trainers to transform substandard recruit material into acceptably trained and capable police officers.

## II. The Minimalist Nature of Police Training

The essence of the criminal justice system, search & seizure, judicious use of force, patrol procedures, professional ethics, first aid, etc. must be inculcated in police recruits in an embarrassingly short period of time. For instance, in the state of Texas, police recruits are required to complete 618 hours of academy training. Compare that with many other professions, most of which are far less litigious in nature, and you may come away with an uneasiness regarding the minimal levels of training given to police. In Texas, if someone wishes to become certified as a hairdresser, they need to acquire 1,500 hours of training.

Also in Texas, if someone wanted to become a licensed “Drain Cleaner” he/she would be required to complete at least 4,000 hours of training working under the supervision of a master plumber. Are we to believe that hair dressing and drain cleaning are more demanding than law enforcement duties? Why would state licensing entities show much more apparent concern for hair dressing than they would public safety?

for the role that environmental interaction plays upon scenario resolution. Additionally, they must be given a sense for the proper usage and limitations of issued equipment, especially weaponry.

However, the experiential realm of training is usually given short shrift because it is also the most time-consuming aspect of police training. It is far more time-efficient to utilize one



## III. Purpose and Scope of Police Training

As one might expect, a substantial portion of recruit level police training is information-based. However, almost as much time should be allocated to experiential or task-oriented training. Teaching recruits the essentials of handling domestic disputes, vehicle stops, building searches, alarm activation response, use-of-force decision-making, etc. must go far beyond merely advancing operational theory. Trainees must also be given a sense

instructor to lecture 30-50 trainees in a classroom than it is to have one instructor proctor 1-3 trainees in scenario-based training. And, if your academy curriculum needs to be squeezed into sixteen weeks, quantitative demands tend to take precedence over those that are qualitative.

While most expect that police training should be focused upon preparing police for the myriad of tasks they'll be expected to perform professionally, they often overlook one other critical mandate that is seldom spoken of. Training should always be used as a means to operationalize departmental policy. This is another reason why task-oriented training should be allocated far greater resources than

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what it has been in the past. Scenario-based training provides trainees with a grasp of the operational parameters they'll be expected to work within on the street. Unfortunately, many agencies fail to grasp this imperative. While changes in use-of-force policy should always be interpreted and emphasized through scenario-based training, the most common means in which policy changes are transmitted to officers are through memorandums and briefing notes.

## IV. Paradigm Shift and Paradox

Into the late 1960s, even as ever increasing numbers of policemen were being slain feloniously, police weapons training had been fairly sedate. On April 6, 1970, something happened that would be credited with a paradigm change. On that date, in Newhall, CA, four California Highway Patrolmen were slain by two career criminals in a gun battle that lasted less than five minutes. The law enforcement community was stunned by this tragic loss. As one might expect, after-action analysis was quick, and severe. The four California Highway Patrolman had barely been able to put up a fight before being slain. Both of their assailants fled the scene, virtually unscathed. Poor, unrealistic firearm training was laid squarely to blame for the tragedy. In retrospect, that single event has been universally credited with initiating what became known as the "officer survival movement."

Slowly but surely, police training methodology began to evolve in a way that reflected greater realism. More attention was paid to criminal tendencies in violent encounters. Ironically, just four months before the Newhall tragedy, NYPD had initiated the most ambitious police shooting database ever attempted. The NYPD data, soon offered to an eager post-Newhall law enforcement community, became

the Holy Grail for police trainers. It helped spawn a wildly popular text entitled, "Street Survival," which in turn spawned an equally popular "Street Survival Seminar."

Many of the changes in mindset and methodology that transpired in the years following Newhall were positive, and long overdue. However, perhaps as an outgrowth of watching so many reenactments of how police were being slain, fear had become a pervasive and compelling training and marketing tool. By the late 1980s and into the 1990s, it appeared as though the use of fear as a motivational tool was instilling paranoia in many officers. This created a training paradox. Was there a way in which police trainers could somehow regulate the level of fear being generated by "realistic training" so as not to transform officers into "fear biters"? Unfortunately, that is a question that remains unanswered to this day.

## V. Essential Change and Unintended Consequences

Many professions have undergone radical transformations over the last thirty years. Technology, case law, government regulations, and public expectations have fueled most of that change. Law enforcement has been transformed for many of the same reasons. But, there have also been sweeping cultural changes within the law enforcement profession. In many jurisdictions, physical and cognitive standards have been dramatically altered over the last thirty years for the sake of "inclusiveness."

For better, and for worse, the law enforcement profession is no longer the near-homogenous entity that it was thirty years ago. There are huge disparities in the physical and cognitive

abilities of police recruits. While the police profession continues to attract some candidates who are 6'0 and taller, it has been deluged with candidates who are 5'5" and less. With the complete abandonment of height and weight standards, some agencies are hiring candidates who are under 5' tall and under 100 lbs. There have been many critical training implications associated with this trend.

For better, and for worse, the law enforcement profession is no longer the near-homogenous entity that it was thirty years ago.

At a time when police service handguns are typically girthy, high capacity semi-automatic pistols, the police hands that are expected to shoot them with efficiency often have fingers too small to manage the gun properly. There is often too little hand strength to even pull the trigger repeatedly, a problem that quickly becomes manifest and problematic in training. One large Texas agency (that will remain anonymous) once informed me of having to require "booster seats" for recruits who couldn't see over the steering wheel of the vehicles they were training in.

Lowered cognitive hiring standards

have resulted in widespread complaints (by police trainers) of having to remediate and “nurse” recruits through academy courses they should have been washed out of. What this trend has ultimately translated into is a tendency of barely literate police recruits being allowed to graduate academy classes, only to later churn-out illegible and/or unintelligible police reports that are so vital to both prosecution and defense attorneys. Attempts to mandate that police candidates obtain 2-4 years of college before being hired have often been abandoned in favor of attracting minority candidates in proportion to their representation in the community.

In essence, pervasive cultural countervailance has had unintended consequences for law enforcement agencies. While we have finally achieved some of the overdue proportional ethnic representation of the communities that we serve, we may have paid a steep price for that achievement. As a course of remediation, larger communities may wish to consider using “pre-academies” as preparatory schools for recruits who are deficient in basic cognitive skills. Some city agencies (e.g., LAPD) have already experimented with pre-academy physical fitness preparation. It would certainly seem prudent to provide the same corrective measures for police candidates with cognitive shortcomings.

## VI. The Force Continuum Conundrum

Perhaps few police artifacts reflect paradigm shifts in police training as much as does the evolution seen in the so-called “use of force continuum.” Force continuums are graphical devices used by police trainers to assist trainees in the conceptualization of legal constructs salient to the judicious

use of force. Force Continuums have been evolving in the law enforcement community for more than three decades. They almost universally reflect a logical and reasonable progression of force response to what are usually illogical manifestations of non-compliant and/or aggressive behavior. What police practitioners and trainers often fail to grasp is that almost all force continuums fail to reflect parameters established by relevant case law. They do attempt to reflect an often tenuous relationship between subject resistance and a measured and objectively reasonable officer response. The most ubiquitous example is embodied in the FLETC continuum.

The FLETC Use of Force Model is a linear continuum, and tends to inadequately represent a non-linear world of circumstances and alternatives. Subsequently, linear continuums are largely being replaced by non-linear continuums. The Canadian Continuum is perhaps the most advanced of this species.

As one might ascertain from the Canadian continuum, the trend seems to be moving away from telling officers what specific weapon or force option that might be appropriate for a given level of subject resistance, and toward a categorical force response directive. As seductive as the Canadian Continuum is, and while it does reflect policy and procedural guidelines, it fails to reflect any legal standard.

But, there is one additional entry into the mix. And while this latest entry appears more ambiguous, it suggests greater harmony with established case law (e.g., *Graham v. Connor*, 490 US 386 (1989). 490 US 386). The “Totality of Circumstances” device designed by the same person (Greg Connor)

who designed the FLETC Continuum, seems to more accurately portray the standard by which an officer’s use of force might be judged.

## VII. “Stress Inoculation”

In the 1990s, a seductive concept gained widespread attention in the law enforcement community. Through a publication authored by Bruce Siddle, police trainers were led to believe that the situational threshold at which officers might transition from hyper-vigilance (“psyched-up”) to “panic” (“psyched-out”) could be ramped-up through stressful, realistic training. The rationale behind this is that the delineation between “anxiety” and “fear” is the threshold at which people lose the perception of control, and begin to succumb to panic.

Using the “Inverted-U Hypothesis” to assist in conceptualizing this idea, Siddle proffered that stress inoculation would serve to delay the onset of panic in life threatening confrontations. While the goals associated with this stratagem seemed laudable, some questioned whether there was a likely “downside” to immersing officers in a training regimen of high-stress scenarios required for stress inoculation. Specifically, would this training regimen serve to condition officers to shoot with less deliberation? There is empirical evidence that suggests that police continue to shoot unarmed subjects with frequency similar to the years preceding *Tennessee v. Garner*, 471 US 1 (1985). 471 US 1.

## VIII. Questionable Police Shootings

Until recently, all known data pertinent to the frequency in which officers shoot unarmed suspects predates the landmark *Tennessee v. Garner* case. However, given the frequency in which police engage in low-light lethal force events, the pre-Garner studies deserve

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serious consideration. The 25-43% frequency in which those studies suggested that police shot unarmed suspects appears dated due to the more restrictive deadly force parameters established by Garner. Though the Garner decision may have attenuated this phenomenon over the last twenty years, currently available data suggests that it still persists with alarming frequency.

Between 1990 and 2001, the Metro-Dade Police Department reportedly had 22 shootings in which suspects were clearly unarmed, and a dozen others in which the officers claimed they saw guns -- but no guns were found. All told, Miami officers shot and killed 33 people in that period of years -- 11 of which were under questionable circumstances. More recently, an investigative story carried by the Houston Chronicle suggested that 33% of those shot by police in that jurisdiction had been unarmed when shot.

Not all “questionable” police shootings are “mistake-of-fact” (MOF) shootings, but they represent a substantial number of questionable police shootings. A MOF shooting is typically one in which an object in a suspect’s hand, or

Not all “questionable” police shootings are “mistake-of-fact” (MOF) shootings, but they represent a substantial number of questionable police shootings.

within his immediate reach, has been mistaken for a weapon. Given high-risk situational and behavior cues, officers often surmise that objects being held by suspects might be weapons based in part on context. When reviewing Los Angeles County police shooting data (1998-2002) the author discovered some of the most enlightening aspects of this phenomenon. The LAC incidents (148 total) examined during that period, 27 (18%) were identified as likely mistake-of-fact shootings. Not surprisingly, of that total of MOF shootings, 20 (75%) occurred at a time of day (seasonally adjusted) that we’d generally associate with reduced light conditions.

Where the author has been able to examine “questionable” shootings in detail, they are largely attributable to (1) misidentification of threat level due to impaired visual “contrast sensitivity” in low levels of ambient light, (2) precipitating suspect behavior, and (3) context-based expectations relative to the nature of the assignment or call. There are training implications embedded in this issue that are too numerous and complex to elaborate upon in this article. However, it must be noted that while most MOF shootings occur under low light conditions, in the author’s LAC research, only one incident denoted officers using flashlights to better identify possible threats. Police training in low light tactics still has a very long way to progress. But, there are other errors that also seem to contribute to MOF shootings.

Mistake-of-fact shootings may also involve other misleading threat cues. The author has noted a significant number of shootings whereby one or more officers perceive another officer’s weapon discharge or fall as being affirmation that he is under attack. This element was noted in the tragic

NYPD shooting death of Amadou Diallo (1999). It was also noted as an element embedded within the dramatic “contagious fire” incident in Los Angeles County (Compton, May 2005) in which ten sheriff’s deputies fired 120 rounds at an unarmed subject.

Observational study conducted by the author suggests that there is an “associative firing impulse” where multiple officers encounter what they believe to be an imminent lethal threat. Plausible explanations for these occurrences fall into two categories; (1) officers experience an “associative threat assumption” phenomenon, as one or more officers conclude that the officer that initiated fire correctly identified an imminent lethal threat, or (2) one or more officers experiences a “mistaken origin of fire” phenomenon, whereby an officer believes shots being fired by another officer are in fact shots fired by the suspect. In cases examined by the author, this mistake-of-fact occurrence is most common when officers place themselves in a geographical crossfire.

## IX. Trends Likely to Continue

Police training will likely continue to see a continuance of the trends that first emerged in the 1970s, gained momentum in the 1980s and 1990s, and then gained added velocity in the aftermath of September 11th, 2001. Today, the SWAT tactics, weapons and accoutrements that were once compartmentalized within special operational units have permeated into virtually every aspect of policing.

There are essential benefits derived from this trend. First-responders are now better equipped and trained to handle “active-shooter” (e.g., Columbine, Jonesboro, etc.) situations than ever before. In the past, police units

responding to violent crimes-in-progress were ill-equipped or trained to do more than merely establish a security perimeter until SWAT arrived.

In the San Ysidro McDonald's massacre (1984), an unemployed security guard, walked into a McDonald's in San Ysidro, California, and began shooting. Armed with three guns, he killed 21 people and wounded 19 others. His rampage lasted 77 minutes, and finally ended when a SWAT sniper shot and killed him. Throughout most of that shooting rampage, literally dozens of patrol officers were forced to watch the carnage transpire. They lacked the equipment, training and agency authorization to take immediate action that may have saved many of the lives taken. There have been similar tragedies, such as the 1991 Luby's restaurant massacre in Killeen, TX where a man fatally shot 23 people. Even more emphatically and compellingly, the 46-minute Columbine High School massacre (1999) further highlighted how unprepared and disjointed responding law enforcement units were.

In response to the recent history of police ill-preparedness for active-shooter scenarios, many agencies have taken significant remedial steps. The two most notable trends have been (1) the general issuance of "patrol rifles," most commonly of the AR-15 genre, and (2) training geared toward preparing all patrol division personnel to be able to respond with small unit, "SWAT-Lite" tactics.

The public expects a swift and efficient law enforcement response to life-endangering criminal or terrorist behavior. And, they deserve it. However, one might argue that this "militarization" of law enforcement should be counter-balanced by training and policies that might attenuate potential for abuse. It



remains to be seen to what extent and by what means that "balance" will be maintained.

## X. The Police "Prey Drive"

A stubborn bastion of concern in the way police tend to use force against citizens may be attributable to operational imperatives. Police tend to be fixated on the apprehension of suspects, and upon the seizure of contraband. That's their job. An unfortunate outgrowth of this operational focus is apparent in too-frequent "prey-drive" scenarios. Analogous to a dog chasing a stick into a busy highway, oblivious to risk, the officer will often (unwittingly) subjugate his/her own safety concern toward apprehension and/or seizure goals. It is in such scenarios

(e.g., after vehicular or foot pursuits) that we tend to see some of the more questionable police applications of force.

Sometimes this is attributable to the fact that the officer, like the dog who has run into oncoming traffic on a busy street, has found himself in a tactically untenable position. Other times it might be attributable to the heightened emotions of the moment. Regardless of how we tend to view the aftermath of such scenarios, recognition should be given to the nature of potentially troublesome operational imperatives through a combination of better policy and training. Apprehension and seizure objectives should be always be subjugated to concern for officer safety and public safety. What agencies fail to grasp is the direct correlation between the prioritization of occupational safety and the mini-

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mization of liability exposure. When and where reckless police behavior is minimized, so is liability exposure.

## XI. Other Impediments to Progress

If the quality and scope of police training is to progress, it will do so in part by validating (and invalidating) future concepts, techniques and tactics. That process necessitates constant scrutiny of arrest data. That sounds simple enough, until one factors-in the institutional paranoia that is systemic to most law enforcement agencies. While there has been a widespread trend toward stringent use-of-force reporting requirements within most agencies, there is a vehement reluctance to publicize the data that has been collected. Agency administrators seem to believe that such data is inherently ugly, and vulnerable to misuse by litigation attorneys. The reluctance to provide open access to such data often conveys a sense that there is much in the way of “dirty laundry” being hidden. In actuality, arrest and use-of-force data is the truth that might ultimately set agencies free of misunderstanding.

The author recently expended several months assisting in the formulation of an exhaustive and innovative use-of-force reporting mechanism for a California law enforcement agency. The agency (which shall remain anonymous) obsessed for many months about who on the “outside” might readily gain access to the information culled from the use of the data collection device. Ultimately, they agreed to implement the data collection program, but only after having a battery of government attorneys devise ways to obscure the collected data from unauthorized eyes. Pleas for “transparency” fell on seemingly deaf ears. Such paranoia is the norm and not an anomaly. And, as is often the case, paranoia reflects a disconnect from reality.

In a recent 18-month study of the San Antonio Police Department, a pro-

fessor from Northeastern University noted use-of-force research results similar to those yielded in other comparable studies. When comparing the 962 cases in use-of-force data set to the data set of the 54,250 individuals arrested in that period, it was revealed that officers use force in about one of every 56 arrests. Put another way, force is used in less than two percent of arrests (1.8 percent). Also, given the ethnic proportionality of subjects arrested, there was no significant disproportionality of force being used along racial lines. This is yet another indication of why law enforcement agencies must commit to exhaustive data collection and analysis. If not, that which is broken will likely never be identified, let alone get fixed.

## XII. Conclusion

Although major strides have been made over the last thirty years, the law enforcement profession seems unable to come to grips with residual problems associated with the use of force, especially deadly force. Police training has become increasingly aggressive in nature, and has relied upon, disproportionately perhaps, fear as a motivational learning tool.

Embedded in the basic nature of law enforcement agencies is resistance to change. After all, why should they embrace change? Efficiency, profit, share valuation, and a host of other reasons that motivate private corporations to embrace change, are nebulous concepts to law enforcement administrators. When confronted with a public relations crisis, police administrators will display concern for restoration of public trust and confidence. But,



even when confronted with a crisis of public confidence, it seldom provokes implementation of anything more than a facelift. Everything that remains decrepit and broken beneath the surface seldom gets fixed.

The few times we do see substantive change, it is generally driven by external stimuli. Sometimes, that external impetus for change takes form in a DOJ consent decree. Consent decrees, while fairly uncommon, tend

Most often,  
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to instigate sweeping and expensive changes. For instance, the police departments Los Angeles and Detroit are under DOJ consent decrees, and both estimate compliance costs to reach or exceed \$100 million in their respective cities.

Most often, major change in law enforcement has stemmed from litigation. Although the author knows of no national repository of aggregate data salient to litigation against police, anecdotal evidence suggests that many

large metropolitan agencies expend an average of \$1 to \$4 million per annum in litigation expenses. For instance, Miami, a relatively small city of 362,470 residents, paid out more than \$17.8 million between 1990-2001 to resolve more than 110 federal and state lawsuits alleging brutality, misconduct or unnecessary death inflicted by city police officers. In four recent years (1996-2000), lawsuits against the Detroit Police Department cost the city more than \$46 million, which includes judgments, mediations and arbitrations.

Qualified immunity seems to serve as a double-edged sword; providing insulation to the poorly trained officers who need it most, and also an impediment toward achieving greater agency accountability. City and police administrators aren't fond of public embarrassment or difficult, probative questions, and yet we should anticipate continued resistance to change from law enforcement agencies. Unfortunately, we should also anticipate that the impetus for essential change will remain external.

#### About the Author

Thomas J. Aveni is a staff member of the Police Policy Studies Council ([www.theppsc.org](http://www.theppsc.org)), where he currently serves as a researcher, trainer and forensic consultant. A police trainer since 1983, Mr. Aveni was a member of the Smith & Wesson Academy staff from 1990-2001, where he trained over 12,000 officers from across the U.S., and 23 other countries. Beginning in 1978, Mr. Aveni has also served as a career police officer, having been a sworn officer in three different states. Mr. Aveni's formal education includes undergraduate degrees in Criminal Justice and a Master's degree in Forensic Psychology. He can be reached via e-mail at: [tom@theppsc.org](mailto:tom@theppsc.org).

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## LOCAL FIRST RESPONDERS: AMERICA'S FIRST LINE OF DEFENSE

### 3 Strategies for Improving Local Incident Preparedness & Response

By Benjamin M. Brunjes, Former Director, Law Enforcement Development Center

Recently, responders and academics have trumpeted multiple emergencies as the next big threat to American security. These new threats include avian influenza, massive hurricanes, devastating earthquakes, and many others. Global media produce hundreds of stories that call attention to these looming disasters. It is important, despite the clamor, that first responders and citizens nationwide step back and assess their local preparedness. It is largely forgotten that in all emergency preparedness systems, most of the burden of preparation and response expressly rests with the lowest level of responder.

According to the National Response Plan, "incidents are typically managed at the lowest possible geographic, organizational, and jurisdictional level." This means despite federal government preparedness efforts, local responders must initially manage major disasters. In order to assess community preparedness there are three areas that deserve close attention: first responder training, mutual aid and inter-departmental collaboration, and citizen preparedness.

Since the adoption of the National Incident Management System (NIMS), first responder training has been in the national spotlight. Initially, NIMS was a nebulous set of regulations for incident command, training, resource management, performance tracking, and results reporting. Today NIMS compliance requires taking 4 courses that introduce first responders to the basics of NIMS, the Incident Command System, and the National Response Plan. It is the responsibility of every first responder leader to introduce these basics to all local responders. Basic education beginning at the lowest level will create a comprehensive and functional national system for all preparedness and response activities. If each responder on September 11th, 2001 had operated within the same command structure and functional machine, many mistakes could have been avoided. The same will hold true until every agency is comfortable with NIMS and able to integrate fluidly into the Incident Command structure.

In the past, first responder departments have had difficulty collaborating effectively during response and recovery efforts. While NIMS and ICS will improve this situation, communication and cooperative preparedness must also be enhanced. Law enforcement departments are secretive about their actions and guard information closely. This unwillingness to share information, which is also true of many other first responder groups, creates far more problems than it solves. Something that may seem insignificant to a police officer can potentially be a major discovery for public health. Establishing prior relationships between departments can mitigate this problem. Departments that work closely on preparedness planning, resource acquisition, training development, and other daily activities will be comfortable interacting with one another. Most importantly, cooperation will build trust and an intimate understanding of each other's strengths, weaknesses, procedures, and idiosyncrasies. It is prudent

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to train the ranks of fire departments and law enforcement departments on NIMS and ICS together. Joint education will ensure that all regional first responders receive the same training and become familiar with one another from top to bottom. Breeding trust and understanding is an important aspect of preparedness that must not be forgotten on the local level.

Frank Borden, retired Assistant Chief of the Los Angeles City Fire Department, notes that untrained citizens are often first responders at major incidents. Chief Borden was influential in establishing the first Citizen Emergency Response Team (CERT) in Los Angeles in 1985. CERT programs have since developed in many places around the country. These volunteer organizations train civilians in basic response tactics such as CPR, first aid, and survival skills. According to the White House, "CERT has grown from 100 communities in 27 states in January 2002 to more than 900 communi-

ties in 51 states and territories today." However, despite the rise in popularity, CERT programs are only available to aid one-third of all US communities. In order to best protect citizens, the percentage of communities with CERT programs must be increased. Training citizens will drastically improve preparedness in two ways. First, it will enhance response by decreasing the number of first responders engaged in simple tasks such as triage, first aid, stress reduction, and victim support. Second, it will increase knowledge of potential emergencies among the general public. More of the population will know how to prepare for and respond to critical incidents.

Emergency preparedness begins at the local level. Despite the availability of federal funding, resources, and responders, it is absolutely necessary to organize local resources and train local personnel for major emergencies. A high level of local preparedness will only improve response and

recovery efforts. Integrating NIMS, establishing prior trust and communication between departments, and incorporating CERT and other citizen preparedness initiatives are some simple yet effective methods of improving local efforts. While the national media banter about federal policy and federal action, the most important steps in emergency preparedness are occurring quietly in local first responder departments. Their progress will be closely scrutinized over the next months with the onset of hurricane season and the threatened appearance of the avian flu. Citizens, states, and the federal government can only hope that they are successful.

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## ANSWERING THE CALL

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# Let Them Eat Cake

## Improving Sustenance Planning for Emergency Preparedness

By Benjamin M. Brunjes

With the French monarchy collapsing around her, Queen Marie Antoinette is said to have uttered the infamous and unforgivable phrase “Let them eat cake” when told that the masses could not survive due to a rampant bread shortage. In the months that followed, Marie Antoinette experienced firsthand the intimate connection between people and nourishment. Deprivation of basic needs such as food and water can drive reasonable men to vicious and uncontrolled behavior. The US Department of Homeland Security,

tasked with the daunting and increasingly complex chore of protecting this nation, can learn an important lesson from the French monarchy. Basic needs must retain the highest priority in emergency preparedness and response. By maintaining the humanity innate in the American people, DHS and the Federal Emergency Management Agency can avoid many of the problems associated with incident management. Under the current Homeland Security framework, Sustenance Planning and other proactive initiatives to uphold and promote civility and solidarity are barely mentioned. DHS and FEMA must realize that prior planning for victim response and recovery is crucial to achieving true preparedness and smooth recuperation.

Sustenance Planning refers to proactive steps taken before critical incidents to ensure that persons affected by a disaster receive adequate nourishment. According to Ready.gov, a set of preparedness guidelines written by DHS, it is necessary to possess at least 3 days’ worth of food and water per person per household. However, the onus of preparedness falls upon the private citizen to follow these guidelines. According to the US Census Bureau, nearly 13% of US citizens live at or below the poverty line, and over a 2 year period nearly 35% experience poverty that lasts more than two months. This segment of society was most adversely impacted during Hurricane Katrina. They lack the means to procure the necessary sustenance, often lack transportation to evacuate an affected area, and are the least likely to know of support options available within a community. As a result, first responders and medical professionals must plan to provide long-term care for at least 15% of the population who do not have the means to care for them-

selves during critical incidents. This percentage does not include those who possess greater means but ignore warnings or are trapped by surprise. This scenario is made even worse in many urban areas due to the variety of languages and cultures that are present. As the percentage of non-English speakers rises, so does the difficulty in effectively notifying all residents of impending danger. In order to circumvent these problems, Sustenance Planning is necessary. States and localities must focus on procuring emergency stockpiles of shelf-stable meals, which play an integral role in victim response and recovery. The Florida Emergency Management Association has begun to develop a collaborative relationship with suppliers such as Eversafe in order to handle these needs. By establishing this prior contact, Florida, which is a high-risk area, will be better equipped to provide for citizens in need.

Sustenance Planning can impact evacuees positively by improving their spirits and giving them hope. Easy access to food and water helps people remain calm during an incident. However, Sustenance Planning is a much more in-depth process than buying mass quantities of granola bars and water. It is important to take into account the multi-cultural aspects of the citizenry in question. For example, Miami is demographically nearly 66% Hispano-American. Therefore, it is necessary to have instructions on food and water packages written in Spanish as well as English. A recent study by the Lewin Group found that citizens in California and Florida identified snack foods as the primary comfort food during disasters. Thus, it would also be prudent to include common snacks to the Hispano-American demographic in the Miami Sustenance Plan. While granola bars might appeal to a Caucasian de-

# HOMELAND SECURITY CENTRAL

mographic, planning to include other snacks to put other demographics at ease will reduce tension and stress during an already stressful time.

It is also necessary to take into account the cultural background of a community. Areas with large populations of Jewish residents should be mindful to include kosher items in their Sustenance Plan, while cities with large numbers of Muslim residents should avoid pork when purchasing for disaster nourishment. This process should not be stereotypical, but rather a respectful consideration for the needs of various segments of the diverse American landscape. Considering the multi-cultural needs of an area when assembling and executing a Sustenance Plan will help those who have experienced the great stress of a disaster feel more at ease and at home.

Sustenance Planning is an important feature of future emergency preparedness planning for three reasons. Primarily, the federal government will follow a more cost-efficient supply-chain methodology with pre-disaster preparation. Had adequate food supplies been available in New Orleans, out of control spending with debit cards and last ditch efforts to procure Meals Ready to Eat (MREs) would have been cut drastically. The current process of procuring food begins when an imminent disaster is identified. Disaster recognition is invariably late, so supplies must be quickly produced and shipped into a devastated area, all at a much higher cost to the government. It is almost as if the government standard procedure is to use next-day air by FedEx. Businesses and private citizens do not behave in this manner, and neither should government. Secondly, Sustenance Planning will immediately improve the safety of citizens across the nation. Easier access to stockpiles



of food and water will reduce stress on first responders, upgrade morale of displaced citizens, and improve the quality of care that can be given to victims of critical incidents. It will also reduce the burden placed upon critical infrastructures such as transportation routes and communication devices during a time when these elements are crucial to success. Finally, effective prior planning will provide communities with comprehensive, targeted strategies to approach a disaster logically. Sustenance Planning will ensure that all segments of a community are taken into account when preparing for disaster. The needs of all cultural groups and the hard-to-reach will be part of the larger preparedness plan. As a result, tension that has traditionally followed major disasters will be reduced.

According to FEMA, "Local government is responsible for the development of the capability to provide mass care services for its citizens in the event of an emergency and should be prepared, if necessary, to receive

and care for people evacuated from the area directly impacted by a disaster. Local officials must be ready to provide different types of support in response to the unique nature of the situation." While the burden of preparation and response should rest with the states and localities, this approach has proven ineffective. To truly succeed, FEMA and DHS must assume a greater and more visible leadership role. DHS was created to establish a heightened baseline of preparedness nationwide. Victim response and recovery is just one part of heightened preparedness, but perhaps is the most important. After all, the baseline of preparedness was originally designed to protect and support people in need. Homeland Security is about protecting the citizens of this nation. It is time to design and implement preparedness plans that include the basic needs of the population as the primary goal.

**Benjamin M. Brunjes** is the Former Director of The Performance Institute's Law Enforcement Development Center. The Center provides trainings, national conferences, on-site education, and consulting services to law enforcement and first responders nationwide. The Center works to improve management, enhance performance, and promote best-practices on issues including Homeland Security, recruitment, leadership, use of force, grant writing, and many others. If you'd like more information please visit [www.PerformanceWeb.org](http://www.PerformanceWeb.org).

## ANSWERING THE CALL

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## measuring our success with methamphetamine

### Three myths that are holding back interdiction and treatment efforts

#### There is a pandemic sweeping America.

No, I'm not talking about the Bird Flu, though it may well haunt us in the future. It is the rampant production and use of methamphetamine, better known as meth. Chances are, you have worked a few meth cases, have run into a few "tweakers" on your beat, or have seen the disturbing behavior of a meth addict in prison. We've been making great strides in our efforts to battle this drug epidemic. Placing Sudafed and other items containing precursors behind the counter has been incredibly effective. However misperceptions about precursor legislation and meth overall have led to a prevalence of myths regarding this dangerous drug. The following are three very important myths which must be dispelled in order to truly advance the fight against methamphetamine.

#### Myth #1: Meth usage has decreased since the passage of precursor legislation

In order to fully dispel this myth, it is important to establish a baseline of knowledge. Precursor legislation restricts the sale of items which can be used to make meth. These include pseudoephedrine, a key ingredient in cold medicines such as Sudafed; anhydrous ammonia, a common fertilizer similar to that which was used on the Oklahoma City bombings; and red phosphorous, which is found on the ignitable tips of matches. In 2004 Oklahoma was the first state to pass precursor legislation. Since then, nearly every state has followed suit. The laws have been incredibly effective in curbing the occurrence of illicit meth labs. In 2004, there were 659 meth labs discovered in Oklahoma. In 2005 that number dropped to 217. Precursor legislation is largely responsible

for this drastic reduction. While this is very good news, many public officials are taking this as a sign that the meth problem is a thing of the past. This couldn't be further from the truth. Within our borders exists a large community of meth addicts and users. The domestic supply of meth has been diminished by these laws. Does this eliminate the demand? Hardly. Rather, demand is being met by another supplier. Meth is coming in through Canada, Mexico, and East Asia at record breaking speeds. Gangs such as Mara Salvatrucha (MS-13) have quickly moved in to replace the old "Mom and Pop" labs as primary suppliers. Jackie Long, Special Agent in Charge for the California Department of Justice Clandestine Laboratory Enforcement Program, notes that while meth indigenous to the US is becoming scarce, meth and meth ingredients are seeping across the borders every day. Meth usage continues to rise as the drug gains popularity further and further east.

# NARCOTICS & INVESTIGATIONS DEBRIEFING

## Myth #2: Meth addicts are more difficult to reform than addicts of other substances

Judging by TV specials, American jails are filled with meth addicts whose crimes were caused by an addiction from which they will never recover. While it is true that there are many meth users in jail, meth is not even close to being the most abused drug. Nationally, meth was the drug of choice for only 7 percent of people who sought treatment in 2003, according to a federal database published by the U.S. Substance Abuse and Mental Health Services Administration. According to Richard A. Rawson, of the UCLA Integrated Substance Abuse Programs, meth addicts exhibit similar recovery patterns to those with cocaine addictions. According to Kermit Dahlen, of Jackson Recovery Centers in Iowa, meth addicts actually have a better chance of recovery than addicts of other substances. Officials at Jackson Recovery Centers say that 82 percent of meth addicts who complete full treatment programs remain sober after six months. The image of the meth addict as an incurable and hopeless case is an inaccurate portrayal that could lead to inadequate treatment and prevention efforts. In order to reduce meth's impact on society, it is important to attack demand as well as supply. While law enforcement and legislation can seriously diminish the supply of meth, treatment programs and prevention efforts target the demand. Only through a comprehensive effort can a true difference be made in the fight to eradicate this drug.

## Myth #3: Comprehensive federal precursor legislation is not needed

Despite the obvious successes of precursor legislation at the state level, the federal government has been unable to craft a similar package to establish a baseline of compliance

would drive to Texas or Arkansas to buy their components. Now that most states have instituted precursor legislation, this problem has been mitigated to a certain extent. However, due to discrepant policies allowing the purchase of varying amounts of precursors from state to state, there are still incentives for cooks to cross state lines. Federal legislation would

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nationwide. Why does such a baseline matter? First, it would create a mandatory minimum of restriction for states. Dale Woolery, Associate Director of the Governor's Office of Drug Control Policy in Iowa, stresses that differences in precursor restrictions in the states surrounding Iowa are responsible for patterns in clandestine lab occurrences around the state. The interior areas of Iowa have seen a drastic drop in meth lab occurrence since the passage of precursor legislation. However, the eastern side of Iowa, which borders on the Mississippi River and Illinois, initially saw a much smaller drop than the rest of the state. According to Woolery, this occurred primarily due to less stringent precursor restrictions in Illinois. When meth cooks in the eastern part of Iowa discovered they could no longer purchase their ingredients in Iowa they simply drove to Illinois to procure their needs. The same occurred in Oklahoma. Operators of "Mom and Pop" meth labs

create a minimum level of precursor restriction in all states and would immediately help diminish indigenous meth production.

Methamphetamine and its associated problems are incredibly complex. To adequately manage this drug requires collaboration between many organizations, along with a concerted political effort. However, if misperceptions such as those listed above persist, the effort will be much more difficult. Effective response to this threat requires accurate and proactive information sharing coupled with a concerted community-wide response.

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**ANSWERING THE CALL**

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# GOVERNMENT GRANTS AND FUNDING

The Department of Homeland Security (DHS) has announced \$1.7 billion in anti-terrorism grant program allocations for the 2006 fiscal year, a large reduction from last year's total of over \$2.5 billion. Taking especially heavy hits were New York City and Washington, DC, although many smaller urban areas such as Louisville and Omaha received considerably more funds than in the previous year. Instead of making superficial conclusions it is important to analyze the grant totals more closely. After thorough examination it is very clear that the 2006 funding is focused on improving preparedness nationwide rather than throwing money at the largest metropolitan areas.

The disputed funds are Urban Areas Security Initiative (UASI) grants, which are designed to address the unique needs of large urban areas.

UASI funding is a portion of the larger Homeland Security Grant Program (HSGP) which is a compilation of UASI grants, state homeland security allocations, law enforcement and terrorism prevention funding, medical response moneys, and citizen corps allotments. UASI funds can be used for equipment, training, exercises, and planning to improve terrorism preparedness. The money is specifically targeted to improving counterterrorism efforts. However, in many cases funding can be used to enhance overall preparedness. For example, a communication systems upgrade from low frequency VHF to 800 MHz can improve communications reliability during any critical incident.

\$1.7 billion represents the total HSGP funding for the 2006 fiscal year. Of that \$1.7 billion, about \$711 million

are UASI grants, or 42.5%. In 2005, HSGP totaled \$2.5 billion while total UASI grants amounted to \$830 million, or 32.9% of. Thus, the 2006 total of UASI grants is actually a greater percentage of the overall funding than in 2005. While this does little to comfort the cities that feel slighted, it demonstrates DHS' commitment to providing funding to high risk urban areas. HSGP funding has been cut by \$848 million, but UASI cuts only account for 119 million, or 14%, of the total decrease. While urban areas are complaining most loudly, the numbers demonstrate that states, not urban areas, are bearing the brunt of the cuts. In fact, only one state or territory received an increase in HSGP grant funding in 2006: American Samoa, which received \$415,717 more. On average, the 50 states and DC face cuts of \$16.5 million.

**Table 1**

The following metropolitan areas received more UASI funding in 2006 than in 2005:

Urban Area	2006 Funding	2005 Funding	Total Gain
CA - Los Angeles / Long Beach Area	\$80,610,000	\$69,235,692	\$11,374,308
CA - Sacramento Area	\$7,390,000	\$6,085,663	\$1,304,337
FL - Ft. Lauderdale Area	\$9,980,000	\$0	\$9,980,000
FL - Jacksonville Area	\$9,270,000	\$6,882,493	\$2,387,507
FL - Miami Area	\$15,980,000	\$15,828,322	\$151,678
FL - Orlando Area	\$9,440,000	\$0	\$9,440,000
FL - Tampa Area	\$8,800,000	\$7,772,791	\$1,027,209
GA - Atlanta Area	\$18,660,000	\$13,117,499	\$5,542,501
IL - Chicago Area	\$52,260,000	\$45,000,000	\$7,260,000
KY - Louisville Area	\$8,520,000	\$5,000,000	\$3,520,000
MI - Detroit Area	\$18,630,000	\$17,068,580	\$1,561,420
MO - Kansas City Area	\$9,240,000	\$8,213,126	\$1,026,874
MO - St. Louis Area	\$9,200,000	\$7,040,739	\$2,159,261
NC - Charlotte Area	\$8,970,000	\$5,479,243	\$3,490,757
NE - Omaha Area	\$8,330,000	\$5,148,300	\$3,181,700
NJ - Jersey City / Newark Area	\$34,330,000	\$19,172,120	\$15,157,880
TN - Memphis Area	\$4,200,000	\$0	\$4,200,000
WI - Milwaukee Area	\$8,570,000	\$6,325,872	\$2,244,128

# GOVERNMENT GRANTS AND FUNDING

**Table 1 shows three important trends.**

First, Florida cities are receiving more funding. This reflects concerns with the major ports on the coast, increasing attention to immigration and border security, and an interest in improving communications systems that have proven unreliable during recent natural disasters.

Second, regional hub cities such as Chicago, Detroit, Miami, Atlanta, Kansas City, St. Louis, Charlotte, Memphis, Louisville, and Omaha are receiving funding increases. These cities lead their regional economies and are home to many potential targets of terrorism, such as North American Strategic Command just outside Omaha, automobile manufacturers in



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Louis. In the past two years funding has gone in large chunks to East Coast targets Boston, New York, and Washington, DC. In order to achieve overall preparedness, other large urban areas must receive a higher share of funding dollars. Without adequate funding, regional centers would lag behind in preparedness and response capabilities and pose serious threats to United States' security. True preparedness is a nationwide effort to upgrade awareness, strategy, and response.

Third, funding is increasing for cities that neighbor major metropolitan areas, such as Newark / Jersey City, Milwaukee, and Ft. Lauderdale. Major metropolitan areas are dependent on such cities for power, water, housing, and first responder reinforcements. Consistent with the trend of improving overall preparedness, enhanced funding for these cities will improve continuity of services and reduce the impact of a critical incident.

The 2006 UASI and HSGP grant al-

locations are far from perfect. With \$848 million in HSGP cuts, it is very evident that a large portion funding has been cut from state and local responders. However, the new grants demonstrate DHS' commitment to improving overall national preparedness. By providing funding increases to regional centers, Florida cities, and urban areas close to other major metropolitan centers, preparedness levels across the country will begin to homogenize. Improving preparedness nationwide will eliminate many potential weaknesses and dangers. Until all areas achieve an elevated baseline of preparedness no area is truly secure.

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## TASER SHOCKS IN TRAINING

by Bert DuVernay  
Chief of Police, New Braintree, MA

One of the standard features of Taser training is that the student experiences a shock similar to the one that a violent suspect would receive. This is similar to the standard training requirement that officers be sprayed with OC, either passively or during a simulated confrontation. I accepted the validity of this comparison until just a few weeks ago when I became aware of a report of a Massachusetts police officer who damaged the surgically implanted pins in his hip from muscular contractions during a Taser demonstration. I was able to find a newspaper report of another officer in Kansas that injured a vertebra in the same manner. Obviously, these are only two incidents out of thousands of shocks delivered in training, but as professionals we need to periodically re-examine our approaches and these incidents caused me to take another look at this training matter.

It occurred to me that the required exposure to Taser shocks isn't the same as the requirement for OC at all. It would appear that this entire issue may not have been thought through as well as it might have been. One difference is that while it is quite likely that an officer will be exposed to OC inadvertently, that isn't the case with the Taser.

OC, as you know, is largely an area weapon and one that continues to function with a life of its own after being deployed. Nothing else on an officer's belt works like that. With everything else, each person affected by

the weapon is as a result of another purposeful act by the officer. Not so with the OC. As a result, officers must know how to behave when they are inadvertently exposed to a cloud of the chemical that was intended for someone else. The indiscriminate nature of OC leads to a lot of "friendly fire" incidents that we just don't commonly experience with other weapons.

One could argue that it is possible that an officer could be struck with barbs from a Taser intended for another person and therefore must be prepared to deal with the shock. That argument doesn't stand up to examination. While it is true that an officer could be struck with the barbs, it is presumable that the officer holding the Taser wouldn't continue to apply current once the miss was noted, therefore an inadvertent full shock with the Taser isn't a job related danger in the same way that inadvertent exposure to OC is.

Viewed in this light, it's evident that the Taser has a property that no other police weapon has; it is the bullet that can be called back. When an officer realizes that an unintended target has been struck, current application can be interrupted. With everything else; firearm, fist, baton or OC, once the target has been struck the damage is done. It seems that there is less danger from friendly fire with the Taser than with any other police weapon.

Another difference is that officer can fight through an application of OC, while that doesn't seem to be possible with the Taser. The main reason to ap-

ply OC to officers in training is to condition them to continue to fight even while experiencing the discomfort, impaired breathing and impaired vision that goes along with being sprayed with OC. It is well understood by most trainers that officers can resist the effects of OC to one level or another during a fight. That is essentially the same argument that is used for boxing and other forms of high impact DT experiences; we want the officer's first experience with these issues to be in a safe environment so that they can learn that they can continue to function and to win, or at least survive. People that I know to be good fighters have said that they had no ability at to fight back while being Tased, so it isn't the same thing at all.

Since the danger of accidental exposure is the lowest of all our police weapons and the ability to fight through the effects also seems to be less than any other type of attack, there seems to be little training benefit to shocking our students.

An additional argument for applying either OC or a Taser to officers in training is that it lends additional credibility to their testimony during court action arising from a use of force. While that is undoubtedly true, it is no less true of the fist or the baton. No one would think it appropriate to line up officers and methodically punch them in the nose or deliver a full blow with a baton on an unprotected thigh. Those experiences are normally survivable with no lasting injury, just as is the Taser experience. It wouldn't seem that in-

flicting these injuries, albeit minor, just to allow officers to testify about them from experience is a reasonable thing to do. Taken alone, it would not be a good reason to apply OC to a student either.

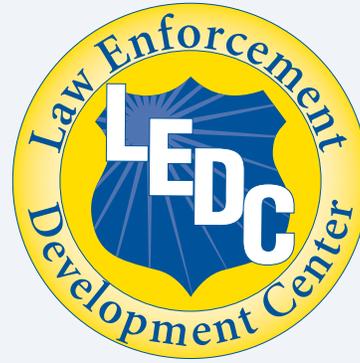
Please don't take any of these comments in the wrong way. I am a firm believer in applying OC to students in dynamic training exercises that require them to fight back immediately after exposure. Naturally, safety precautions must be in place to prevent injury during or after the exercise. I am also a firm believer in the usefulness of the Taser to effectively control violent suspects while minimizing the danger of injury to suspects and officers. But, the idea that students need to be shocked during Taser training needs to be re-examined.

by Bert DuVernay is the Chief of Police for the Town of New Braintree, MA. He is a graduate of the Master of Public Administration Degree program at the University of Massachusetts and a graduate of Ohio University with a Bachelors Degree in Criminal Justice.

His background includes 30 years of police service, both fulltime and part-time, as well as six years of college teaching and security consultation. He is the past Director of Smith & Wesson Academy, where he had been a staff member for 11 years.

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## The Law Enforcement Development Center

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# THE PARTING SHOT

## Dear Law Enforcement Colleague:

Thanks for taking the time to read this quarter's issue of *Answering the Call*. We hope you found the articles insightful and useful to improving your abilities as officers in the field. We strive to bring you the highest quality content each quarter in a number of important issue areas including law enforcement management, use of force innovations, emergency preparedness, homeland security, narcotics and investigations, funding and grants, and the latest technological innovations from around the world.

In an effort to stay abreast of the most current issues affecting law enforcement officers, we want to hear what you have to say in our upcoming "Comments from the Field" section. Please send us success stories, departmental challenges, new technologies, and anything else you feel your colleagues may benefit from or that we may be able to help answer. To submit "Comments from the Field," please email Thomas Engelman at [Engelman@PerformanceWeb.org](mailto:Engelman@PerformanceWeb.org). You may also mail submissions to:

The Performance Institute, attn Thomas Engelman  
1515 N. Courthouse Rd. Suite 600  
Arlington, VA 22201

*Answering the Call* represents a joint publication of the Performance Institute's Law Enforcement Development Center and the Police Policy Studies Council. For more information or to submit an article, please visit The Performance Institute at [www.performanceweb.org](http://www.performanceweb.org) or the Police Policy Studies Council at [www.theppsc.org](http://www.theppsc.org).

If you would like to participate in an in-depth discussion with your peers concerning some of today's most current and significant topics, please feel free to join one of the many outstanding forums provided by the Police Policy Studies Council at <http://www.theppsc.org>. We will periodically highlight relevant forum discussions in the journal.

Be sure to look for "Comments from the Field" in the next issue of *Answering the Call*

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Course	Location	Date
Advanced Force & Control Instructor™	Ann Arbor, MI	Feb. 5-9
Advanced Police Sniper	Albuquerque, NM	April 2-6
National Summit on the Use of Force in Law Enforcement (at The Performance Institute)	Arlington, VA	April 30-May 1
Homicide & OIS Investigation	Kirkland, WA	June 21-22
Scenario-Based Training Instructor™	Albuquerque, NM	July 16-20
Adverse Light Training Instructor	Albuquerque, NM	July 23-27
Advanced Force & Control Instructor™	Albuquerque, NM	Aug. 27-31
Firearms Instructor Update & Recertification	Albuquerque, NM	Sept. 3-7
Homicide & OIS Investigation	Poughkeepsie, NY	T.B.A.
Surviving the Nightshift™	Albuquerque, NM	Oct. 1

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Course	Location	Date
The 2007 Homeland Security Summit	Arlington, VA	March 12-14
The 2007 National Summit on Law Enforcement Diversity Recruitment	Arlington, VA	April 25-27
National Summit on the Use of Force in Law Enforcement (at The Performance Institute)	Arlington, VA	April 30-May 1
Fire-Con 2007	Arlington, VA	May 14-15
The 2007 National Summit on Gang Violence	Arlington, VA	May 16-18
The 2007 National Summit on The Methamphetamine Epidemic	Arlington, VA	June 25-26
The 2007 National Conference on Sex Offender Registration & Management	San Diego, CA	June 25-26

New courses are being added for online registration - please visit [www.PerformanceWeb.org/LE](http://www.PerformanceWeb.org/LE) for the latest schedule