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NYPD Training Practices:

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A Missed Opportunity?

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The RAND Study of NYPD Training Practices:

A Missed Opportunity?

This analysis focuses upon the study commissioned by NYPD from the RAND Corporation. Entitled, "Evaluation of the New York City Police Department Firearm Training and Firearm-Discharge Review Process," the study can be purchased from RAND by visiting their website at www.rand.org

In January 2007, in the aftermath of the NYPD Sean Bell shooting, New York City Police Commissioner, Raymond W. Kelly, elected to take measures to assure that NYPD maintain its reputation as the most restrained U.S. metropolitan police department relevant to the use of deadly force. To that end, Commissioner Kelly asked the RAND Corporation to examine the thoroughness and quality of the NYPD's firearm-

training program. In completing that challenging task, RAND was to highlight potential areas for improvement in the design and delivery of training. RAND was also expected to review the tactics and procedures upon which NYPD firearm training is based, as well as evaluate the agency's firearm-discharge review

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RAND found that generally shooting officers are more proactive officers: They receive more medals, more frequently make arrests, and are more frequently injured in the line of duty.

process. A sum reportedly in the amount of \$500,000 was awarded to RAND to conduct this study.

Who or what is the RAND Corporation? Founded in 1948, RAND describes itself as a, “non-profit institution that helps improve policy and decision-making through research and analysis.” An outgrowth of WWII, with its origins in the Douglas Aircraft Company of Santa Monica, California, RAND morphed into a politically-connected, interdisciplinary “think-tank.” RAND has three principal U.S. locations in Santa Monica, CA; Arlington, VA; and Pittsburgh, PA. The RAND Gulf States Policy Institute has offices in Jackson, Mississippi, and New Orleans, Louisiana. RAND Europe is located in Cambridge, UK and Brussels, Belgium.

The RAND-Qatar Policy Institute is in Doha, Qatar. Needless to say, RAND has come a long way in its 60 year history.

When RAND released its NYPD study earlier this year, the reaction was swift from many of the usual assortment of left-wing critics. The New York Civil Liberties Union proclaimed, “Rand Report Glosses Over Racial Disparities in NYPD’s Stop-and-Frisk Practices.”¹ The Center for Constitutional Rights proclaimed; “CCR Calls NYPD Rand Report a Distortion of the Facts: NYPD Still Engaging in Racial Profiling.”² In effect, the gist of the

1 New York Civil Liberties Union, “Rand Report Glosses Over Racial Disparities in NYPD’s Stop-and-Frisk Practices,” November 20, 2007, <http://www.nyclu.org/node/1507>, 27 October 2008

2 Center for Constitutional Rights, “CCR Calls NYPD Rand Report a Distortion of the Facts: NYPD Still Engaging in Racial Profiling,” November 21, 2007, <http://ccrjustice.org/newsroom/press-releases/ccr-calls-nypd-rand->

RAND study was blind-sided by agenda-driven attacks aimed at distracting attention away from crucial findings. But, this outcry probably should’ve been anticipated.

While the New York Times and other New York newspapers attempted to tie the RAND study to the shooting death of Sean Bell, Commissioner Kelly made a public pronouncement from the outset that the study would focus on issues that generally influence the use of firearms by New York City police – not the Sean Bell shooting specifically.

If RAND was to be reasonably second-guessed from the outset for anything, it might have been for the qualifications of the team it structured for this project. One might argue, as we would, that any research team assessing police training doctrine and methodology in detail should have had staff members with demonstrated expertise in such areas. The RAND team, by all outward indications, lacked some of the requisite skills one might have chosen for this task.

In discussions with NYPD members involved with or informed about the RAND investigation process, it appeared as if a great deal of time was initially expended (by RAND researchers) to acquire a basic understanding of police training in general and NYPD training in particular. By all accounts, RAND researchers received a crash-course pertinent to the substance and methodology of police training. This is understandable, given even a cursory glance of the backgrounds of RAND researchers assigned to this study. While RAND did assign one PhD with a criminal justice background to this project, they also assigned a PhD in economics, a PhD in psychology, a PhD in social psychology, a psychiatrist, a military affairs expert and a PhD in statistics. Does this mix of researchers appear a bit illogical? A review of RAND’s website displays very little

[report-distortion-facts:-nypd-still-engaging-racial-prof, 27 October 2008](http://www.rand.org/pubs/press_releases/20071027.html)

practical law enforcement expertise, so, perhaps they felt obligated to go with what they had readily available.

To their credit, the RAND team also collected information from a number of other police agencies for comparison purposes. In addition, RAND sponsored a one-day panel discussion of relevant issues which included a number of independent national experts. Though it appears that most of the panel’s experts were academics rather than practitioners, this was a positive step. RAND used the panel discussions as a means of checking their preliminary findings and for identifying other possible areas for further investigation.

RAND has a history steeped in equipment evaluation, albeit primarily military equipment. With the exception of RAND’s preoccupation with TASERS, the equipment focus in this study seemed heavily influenced by anecdotal evidence of effectiveness. For instance, handgun-mounted lasers, and handgun-mounted flashlights have a place in law enforcement, to be sure. However, adoption of such devices requires specialized training and the establishment of policy defining accepted usage parameters. Using a handgun-mounted laser to routinely “intimidate” subjects into compliance may invite unintended consequences. And, pointing handguns at subjects that officers aren’t justified in shooting may be a violation of firearms policy. This concern may also be directed at RAND’s reference to handgun-mounted lighting systems.

“Several members of RAND’s panel of independent experts who reviewed cases suggested that the outcomes of those cases might have been different if officers had been equipped with flashlights mounted on their weapons, because a gun-mounted flashlight would allow the officer to keep the nongun hand free.” (pg. 97)

Firearms trainers almost universally train their officers not to use a handgun-mounted flashlight as their primary lighting device. The reason is simple; we don’t want officers casually “searching” in the dark by pointing

their handgun-mounted light at everything they might wish to illuminate. This is a critical area in which RAND could've benefitted immensely from the input of seasoned firearms trainers.

Another issue that seems to have captured a great deal of RAND's focus was the correlation between cumulative "CPI" points and police shootings. CPI, or "Central Personnel Index" points, generally reflect upon an officer's history of disciplinary problems. Was this worth considering? Well, yes, but it had to be handled deftly by RAND. And, it generally was. Among their findings (pg. 50);

"...though the shooter is more likely to be at the rank of police officer and to have greater rates of accumulating CPI points and of arresting armed suspects. While the remaining characteristics are not statistically different between the groups, the general pattern is that shooting officers are more proactive officers: They receive more medals, more frequently make arrests, and are more fre-

quently injured in the line of duty."

Addressing the sheer volume of recruits that NYPD trains on a yearly basis, RAND offers recommendations aimed at better structuring such an enormous undertaking. RAND suggests that (pg. 17), "...since the NYPD Police Academy trains, on average, approximately 4,000 recruits each year in two classes of about 2,000 recruits each," that recruit classes should be down-sized dramatically and commenced every two weeks. In essence, RAND believes that having new recruit classes every two weeks, throughout fifty training weeks per year, would be a substantial improvement. RAND believes that agency resources might be better utilized this way and that recruits would get more individualized attention through smaller class sizes. My sources inform me that NYPD trains far fewer than 4,000 recruits per year – that the current numbers are perhaps 2,700–3,000 per year. And, recruit

classes are divided up into much more manageable sizes for most training. RAND's recommendation for a format involving twenty-five new recruit classes per year seems predicated on their belief that, for instance, simulators and facilities used for scenario-based training would be better utilized. On the surface, this appears to make sense. However, it might require significantly greater numbers of training staff to employ video-based simulators and simulation-houses on a constant basis, fifty weeks per year.

Interestingly, RAND recommends additional training focus on, "Complex Policing Skills" (pg. 26). This entails greater emphasis upon training that is, "centered on preparing officers for the contextually rich situations that they face in day-to-day policing." This is an excellent recommendation, by anyone's standards, and RAND laments the fact that in many areas in which scenario-based training is utilized for NYPD



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recruits there is often little time allocated for each recruit to do little more than watch others participate in such scenarios. They also find fault with the fact that, “acceptable demonstration (of recruit) performance is not required” in many training scenarios (pg. 31).

RAND’s recommendation for the use of “individual simulation workstations” on laptop computers (pg. 32) seems a bit too simplistic but it may offer some limited utility where situational awareness and/or motor skill enhancement isn’t at issue. For instance, simulation workstations might be used to inculcate recruits with a greater sense of policy awareness and understanding.

You’ll hear the echo of many veteran police firearms trainer’s wishes

in the RAND recommendation (pg. 39) that;

“Given the importance of scenario-based training and the high cost of the instructors and equipment to support it, a full analysis should be undertaken of the costs and benefits of re-sequencing recruit training to provide greater access to it.”

And, the lament of several generations of firearms instructors can be heard when RAND addresses (pg. 39) this observation;

“We are also aware that there is a substantial body of information to suggest that the current requalification paradigms have not enhanced real-world shooting performance.”

Where RAND ventures into providing specific training recommen-

dations they manage to score some points in some areas while failing to grasp the broad implications of their recommendations in other related areas. For instance;

“...we recommend that the NYPD modify training to include reflexive-shooting scenarios in which a stimulus, such as the cry, “He’s got a gun!” or the sound of guns going off, is included to sensitize officers to cues that may not be reliable and to teach them that such cues may generate unwanted responses. In addition, the NYPD should have officers practice with the correct decision making process to reduce the use of inappropriate decision making shortcuts...” (pg. 90)

What is the “correct decision-making process,” and how would we

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When RAND recommended a wider adoption of TASERs, video simulators and laptop computers (for addressing more scenario-based training), it resorted to an emphasis on technology rather than an enhancement of practical understanding regarding when, where and why NYPD officers employ deadly force.

teach it? The problem, overlooked entirely by RAND, isn't as easily remedied as the above recommendation might have one believe. Since the most problematic police shootings involve situational awareness that is substantially diminished by low lighting, officers often employ "decision-making shortcuts" as a matter of survival. Under low light conditions, if an officer trips, falls and "accidentally" discharges his firearm while chasing a dangerous suspect, what might his police partner reasonably perceive? That his partner has just been shot by the suspect? This isn't a hypothetical problem – it harkens one back to the (1999) NYPD shooting of Amadou Diallo. Yes, poor tactical choices often compress the deadly force decision-making process. If an officer gets "too close" to a threat he may not have perceived, his decision-making window is often a fraction of a second. But, getting "too close" is often dictated by the nature of some scenarios, especially under low light conditions, where adequate situational awareness is anomalous.

When are "decision-making shortcuts" inappropriate? Often, they are only clearly inappropriate with the luxury of hindsight. But, let's give RAND the benefit of the doubt here. The suggestion that officers be trained to differentiate between reliable and unreliable threat cues is a very good one. This should entail a wide range

of situational and (suspect) behavioral cues. However, we have to concede that this recommendation involves a greater deal of training complexity than one might be led to believe from the statement simplicity of the RAND recommendation.

Summary

Admittedly, this overview of RAND's analysis is much too brief to address all of the recommendations found within their 142-page report. Consequently, this review of the RAND study has deliberately focused on perceived shortcomings of their research findings. To be sure, many worthwhile findings can be found within the RAND study. Many of their recommendations parallel what many police trainers have been pleading many years for, especially where it pertains to greater emphasis on scenario-based training.

Perhaps the most serious shortcoming of this study is that it wasn't prepared with the direct involvement of practitioners and that it wasn't written with practitioners in mind. Certainly, there is a tremendous amount of input from NYPD trainers embedded in this study, otherwise RAND researchers may have been completely clueless regarding what they had been tasked to evaluate. It was, after all, NYPD personnel that provided RAND with an exhaustive orientation into recruit and in-service training practices. However, one could reasonably question whether researchers were then well versed enough (in police training) to draw definitive conclusions about the quality of training.

In the final analysis, research such as this has seldom influenced the day-to-day regimen of policing. There has always been a huge disconnect between the needs of the practitioner (law enforcement officer) and the academic who occasionally delves into law enforcement practices. It has been painful-

ly obvious to many people who straddle both the worlds of the practitioner and the academic that most research money has funded "blue sky research" rather than "applied research." While this study offers some promise that has been referenced herein, it did virtually nothing to explain why "questionable" police shootings occur, let alone address specific training and occupational practices that tend to influence their prevalence. The fact that low light conditions account for the majority of questionable police shootings got virtually no attention from RAND. The fact that poor lighting conditions are also one of the strongest correlates in controversial "reflexive fire" incidents was also overlooked by RAND. One might submit that given the countless hours they invested in examining even the most mundane and often inconsequential aspects of recruit training, they would've also allocated ample time examining when and where problems arise on the street, and then delved into how training might most effectively address those issues.

Suggesting that NYPD embrace a wider street distribution of TASERs (as RAND does) is a positive development. But, it might also suggest that RAND doesn't fully comprehend the nature of the problems routinely faced by law enforcement officers. TASERs would not have averted the shooting death of Sean Bell, or the shootings deaths of most people killed by NYPD gunfire. However, by recommending a wider adoption of TASERs, video simulators and laptop computers (for addressing more scenario-based training), RAND resorted to something one might have expected RAND to resort to; an emphasis on technology rather than an enhancement of practical understanding regarding when, where and why NYPD officers employ deadly force. So, while some substantive value can certainly be derived from this study, overall it appears to have been a golden opportunity (of money and agency access) that ultimately resulted in under-achievement.