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Terrorism concerns were the cause of much uneasiness in 2015, and many law enforcement and Homeland Security professionals approach the new year with guarded optimism.



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...AND NOTHING BUT THE TRUTH

I don't know exactly when or where it started.

Without doing a bunch of research, I'll say it was in the early 1990s when a spate of newsworthy cases caused law enforcement agencies to break out of the norm and embrace a new "transparency" model. (If this column starts to sound like your police department, well...sorry. It's a big sore spot with me.)

Specifically, I remember the Gainesville murders, a series of gruesome killings in and around the University of Florida, and the intense news media pressure which descended upon the Gainesville P.D. and the Alachua County Sheriff's Office. Something – maybe "rookieitis" when it came to major cases – compelled the decision makers at Gainesville P.D. to suddenly start talking about case details and, worse, naming suspects. One in particular was Ed Humphrey, a young man with a history of trouble who had recently beaten his grandmother and exhibited other forms of antisocial behavior. After pursuing and interviewing Humphrey, the police announced that they were confident he was the serial killer. His name and picture



Live from the scene!

were soon all over the media and they even showed officers escorting Humphrey in and out of the police station – the infamous "perp walk." There was only one problem: He wasn't the guy.

It seemed to become an epidemic throughout the country. A high profile case occurred and the police, overeager to please the media and the public, would get information diarrhea.

"We are talking to a person of interest...." you would always hear and then they would sometimes actually go on to discuss who the person was. Other times, they didn't have to. Once the news media

realized that they were onto possible suspects, they camped outside the police station and followed detectives as they left to go out and follow leads. Next thing you know, Ashleigh Banfield (remember her?) would be broadcasting live from the front stoop of some neighbor's house, interviewing some little old lady about her next-door neighbor, asking, "What exactly did the police ask you, Mrs. Farnsworth?"

This is bad because, the more information you send out into the public atmosphere, the greater the potential is for *misinformation* to be exhaled right back at you. I mean, we all know this, don't we? Go public that the subject injured his foot when he left the crime scene and you'll have a thousand jilted girlfriends calling about how their boyfriend came limping into the house that night. You don't do it for the same reason you don't toss a chicken wing to a friendly looking black bear on your camping trip. He'll be back that night for more and he'll only equate the chicken wing with the larger version of the chicken wing which will be you. News media agencies are real big about coming back for more and, moreover, they are very competitive. If you throw a wing to one, you better have a whole plateful to toss to all the others.

Back in the 80s, there was a terrific *Miami Herald* reporter named Jon O'Neill who was about the most honest and trustworthy guy I've ever met. "I want to read you the story," he would call up and say. "If there's anything in here you don't want us to print, tell me and I'll take it out." And he stuck by his word. The result was that all of us felt comfortable giving this guy interviews and snippets of information.

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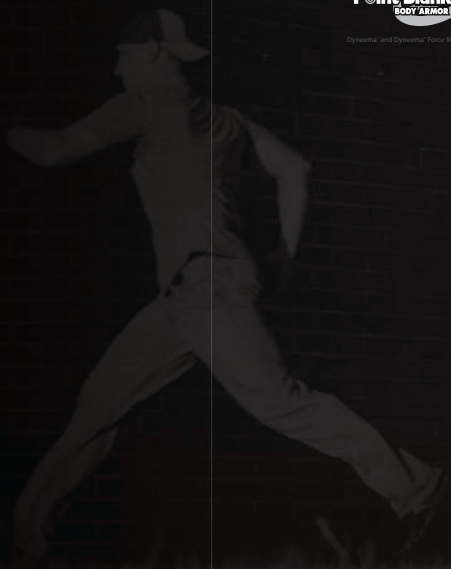
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The other newspeople in town griped loudly about it all the way up to the brass. "We're being scooped!" they cried. So, what do you think we did? Encouraged the other news people to have the integrity O'Neill did? Nope. *We banned O'Neill from the building.* That was brilliant, huh?

But, back to loose lips. Remember the Beltway sniper shootings of 2002 which terrorized the Baltimore/D.C. area? Police officials couldn't shut up about what they were doing, who they were talking to, and to what houses they were serving search warrants. It got ridiculous. In jurisdictions where you have elected sheriffs, it's just politics and what politician would brush off a chance for free airtime?

The public has a "right to know" up until the point where knowing causes problems for investigators and prosecutors. Of what value is it to tell the public that you are investigating Ed Humphrey? In Gainesville's case, it served nothing but to show that their administration was reckless and willing to damage an innocent man's reputation. It's completely *wrong*.

When they did announce that they had the right guy – Danny Rolling – they were

looked at like the agency who cried "wolf."

Now, we have a very high profile case in Chicago in which the prosecutor's office took almost a year to make a decision to charge. Consequently, they didn't release the video of the shooting, prompting deafening cries of "Cover-up!"

I don't know all the details; I have to be honest and say that I've been too busy to really read everything about the case, but on its face, I can tell you this: A video of the shooting is called "evidence" and you don't release evidence before you charge someone – in fact, it shouldn't even be released before the trial. You're not supposed to taint the public (from which your jury is chosen) and, besides, whatever is in the video has to be released to the defense during discovery so no one gets to "cover up" anything. If you stray from that policy, you then create a precedent. I don't think the local prosecutors in Illinois (or anyone else) can afford to reshape their policy so that every public outcry forces them to reveal the evidence they have in a criminal case. I'm not saying they did everything right (there is a lot of discussion about

the many mistakes – or deliberate acts – for which they might be responsible). I'm just saying that, even if they did everything in good faith, they would be vilified for not releasing the video.

In a case like Chicago, the public is already deeply tainted by seeing the video. What if the video had shown that the officer had been clearly justified and that the shooting victim (in this case or any other) had provoked an action of self-defense on the part of the officer? You know exactly what will happen then: The public outcry would be "You're trying to taint the public so the officer gets off!"

Because of recent events nationwide, and the behavior of police departments all the way back to Gainesville, this will forever be a "no-win" situation.

Keep those chicken wings locked up tight, I say. **P&SN**

Ramesh Nyberg retired from law enforcement in November 2006 after 27 years in police work. He now owns his own private investigation agency, Nyberg Security and Investigations, and can be reached at Ramesh@NybergPi.com. He enjoys getting feedback from readers.

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Magnum Research announces the **stainless steel Desert Eagle in .357 and .44 Magnum**. Both are offered with an all stainless steel construction of the frame, slide, barrel, and rail accented with black appointments. Both have a six inch barrel and an integral muzzle brake which offers significant recoil reduction, less muzzle flip, a streamlined appearance, and a Picatinny bottom rail for accessories

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New Premounted Sights



Aimpoint, Inc. has introduced a line of **pre-mounted Micro T-2 and Micro H-2 sights** which are ready for use on AR-15 and M4 carbine style rifles. These **sights** come equipped with Aimpoint's Lever Release Picatinny (LRP) Mount and a 39mm spacer which provides absolute cowitness with backup iron sights. The rail pressure on the LRP is fully adjustable and the mount allows return to zero placement if the **sight** is removed and replaced in the same position on the same rifle.

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New Short Barreled Rifle



Daniel Defense recently announced that it has added the **DDM4 300S** to its offering of short barreled rifles. The **300S** was designed for those demanding a high performance, short barrel rifle chambered in the versatile 300 Blackout cartridge. Built around a 10.3" strength to weight profile barrel, the **300S** uses standard 5.56 bolts and magazines to deliver .30 caliber projectiles with greater muzzle energy than comparable 5.56 mm platforms.

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New Holsters for GLOCK® 43 with a Crimson Trace LG-443



DeSantis Gunhide® recently announced two new holster fits for the GLOCK 43 with a Crimson Trace LG-443 Laserguard®. The **#019 Mini-Scabbard®** has been reduced to the barest of essentials yet offers a secure grip on the handgun. The **#N38 The Nemesis®** will not move out of position in your front pocket. The inside is made of a slick pack cloth for a low friction draw and the core is just the right amount of foam to break up the outline of the gun.

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Supersonic 300 Blackout Elite Performance Ammunition



SIG SAUER, Inc. recently announced its new **300 Blackout Supersonic Elite Performance Ammunition Match Grade Centerfire Cartridges** which feature a 125-gr. Sierra Matchking projectile.

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LAW ENFORCEMENT LEADERSHIP

The Ten Commandments of Managing a Bad Boss: Part I

Michael Carpenter

AFTER YOU'VE BEEN PROMOTED TO SUPERVISOR, IT DOESN'T TAKE TOO LONG TO FIGURE OUT THAT BEING A BOSS ISN'T AN EASY JOB.

Being a police officer was easy. You took care of yourself, handled your calls and could usually avoid the sergeant if you wanted to (especially if he was incompetent). However, being a sergeant is a little more difficult. You still have to take care of yourself, but now you have to take care of your subordinates and your bosses (and it's much more difficult to avoid your boss now).

Think of the supervisors you've worked for during your career. Hopefully, most of them were competent, had good management skills and knew how to take care of themselves and the people who worked for them. If that was the case, you were probably reasonably satisfied and

motivated as an employee. Unfortunately, you may have also worked for some sergeants who were inept, incompetent and did not know how to be a successful supervisor. I'm sure you learned quickly that the best way to handle an incompetent sergeant was to avoid him.

But, now things are different. You're a sergeant and you can't spend eight hours of a shift at the far end of your patrol area trying to avoid your boss. In fact, you often cannot spend any time on the street to get away because of paperwork and administrative tasks. Sergeants are usually deluged in paperwork. In fact, sometimes, the better you are at your job, the more time you'll end up spending in the



office. As a result, you may spend a great deal of time working with your boss. If they are incompetent, you have to learn how to handle or "manage" them. If you don't, then your chances of becoming a successful sergeant are slim and your chances of getting promoted are about as good as winning the lottery.

Ten Commandments

Managing your boss means working with him (or her). You were promoted to be part of the management team and this means management expects you to be a "team player," not an antagonist. Here are some simple rules to follow if you want to have a productive and positive relationship with your boss.

1. Support the boss's decisions – This does not mean that you have to like or, even, agree with every decision which is made; nor does it mean that you cannot tactfully question some of the decisions which are made. However, you need to choose an appropriate time and place to talk to your boss about a decision and then be supportive, not contradictory. If you question a decision your boss made, do it directly (preferably in person), with as little aggression or negatives as possible (which means watch your body language, watch your choice of words and watch the tone of your voice). Inept or insecure bosses don't like to be questioned on the decisions they make. It often makes them overreact and feel threatened by the source – you.

Once a decision is made, then it is a "team" decision. If you present the decision to your officers by saying something like, "I don't know what kind of wacky weed the Captain is smoking, but you guys won't believe the latest stupid idea from up top which we're supposed to follow!" then you will not be supporting a team decision. If you "bad-mouth" your boss to anyone, sooner or later, word will get back (usually exaggerated three or four times). Never talk badly about your boss, especially in front of your subordinates. There is always someone who can't wait to "rat you out" and this will seriously undermine your supervisory abilities.

A better approach would be to say something like this to your subordinates: "There's a new directive which goes into affect next month. Let's go over it so you're all clear on what's going on. Get back to me with any constructive feedback or problems which this might create for you in doing your job."

2. Pick your battles – In working with an incompetent boss, you must develop

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a tactical plan. This involves using a combination of patience, planning and timing to decide which battles you need to fight.

You cannot question every decision he (or she) makes, nor continuously be in his face for every decision. Bad bosses have a low tolerance for subordinates who question their authority and often view even legitimate and reasonable comments as direct criticism or even insubordination.

Decide which battles you must fight, bring in enough ammunition to fight the battle (that means facts, figures, statistics or a good alternative), but realize that bad bosses don't always fight fair. Even if you win the battle, you might lose the war.

For example, you may get your boss to change his mind on a decision today, but he may quietly sabotage your next promotional attempt later on.

3. Bring solutions, not problems – Bad bosses often do not want to be bothered in handling the day-to-day matters they are supposed to handle. This means they usually take two different strategies: a) They postpone making decisions until a crisis develops, then

they blame everyone else and make a frantic decision which is invariably wrong, or b) they wait until after the time passes to make a decision, then claim they were too busy to make it or that they didn't know about it and then claim "...it's too late

now, anyway."

What is really happening is that they avoid making decisions because they are afraid of being wrong. You can often handle this problem by bringing a solution to your boss, not a problem. For example, if the



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problem involves getting his (or her) signature on a form to make a purchase, the solution could be, "Lieutenant, remember the copier that needed replacing? I sent you a memo on it two weeks ago, but, since then, I've done some research and narrowed the choices down to "Brand A" or "Brand B." "Brand A" is cheaper through a catalog, but "Brand B" can be bought locally and offers 24 hour repair and it's only a few dollars more. I think "B" is a better choice. Do you want me to get the paperwork going on it?"

This is relatively nonthreatening; you're helping the lieutenant by giving him some direction (of course, it's the direction that you want him to take); and you are taking some of the decision making excuses away from him. He may agree with your choice because you have a solution and it's quicker and easier for him to go along with what you've done. He will probably view you as nonthreatening because you are helping him and keeping him in the loop.

4. Bad bosses don't believe that they are bad – I don't think that any inept or

incapable boss gets out of bed in the morning and says, "I'm going to make my subordinates' lives miserable today. I am intentionally going to screw things up, make bad decisions and do everything I

can to lower morale and reduce efficiency."

Even the most incompetent boss doesn't intentionally make wrong decisions. Most honestly believe they are doing the right thing and the only reason

New Organization to Offer Professional Certification in Body-worn Cameras, Aerial Drones and Surveillance Systems

INDUSTRY NEWS

The International Association of Public Safety Camera-based Systems Professionals, a 501 C(3) organization, was recently formed to offer body-worn camera, aerial drone and surveillance system professional certification for public safety managers, technicians and expert witnesses. The Association's programs consist of a rigorous curriculum of study offered by the Association and nationally recognized expert trainers and organizations, followed by an independently evaluated, comprehensive examination leading to certification. Lt. Daniel Zehnder, an officer with a large Nevada law enforcement agency, serves as Executive Director. The Association's programs will launch in June 2016. To host a training program, or for more information, please contact Daniel Zehnder at dzehnder@iapscsp.com.

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things are going bad is because they have incompetent people working for them (like you!). You are the recipient of the decisions from your boss and are responsible for insuring that the goals of your department and/or your boss's goals are met. If you have an incompetent boss, you cannot convince him that he has made a bad decision. He cannot make a bad decision because that would make him a "bad" boss – he cannot be a "bad" boss because he got promoted to lieutenant (and you didn't!). Here is a solution: Your boss doesn't make bad decisions. If you convey any negatives about his actions, you will be quickly labeled as a troublemaker and a threat to him. You need to respond with some "people skills"; you need diplomacy; and you often need a great deal of patience in working with a "bad" boss. Maybe you need to work with him to make a "better" decision, or maybe you need to show him that you are trying to "protect" him by offering him some advice (remember, you are on his team). Go into these situations very low key and supportive and at least he

might listen to reason. Anything else will guarantee that he digs in his heels.

5. Your boss is human – It may be hard to believe, but even the most incompetent boss is a human being. He has emotions, feelings and an ego. Bosses are not infallible and even the most incompetent one realizes that he (or she) needs the support of his (or her) subordinates to get the job done (although he may not know how to get this support).

Your boss may be incompetent for some obvious reasons or he may be incompetent because he is human. Does he feel comfortable and confident in his job? Is he having problems with his boss? Is he having personal problems? Is he loud and pushy because he is "naturally" loud and aggressive and grew up in an environment where only the tough survived? Is he afraid of failure and doesn't know how to overcome this fear?

Perhaps your first response might be, "So what. We've all got problems. He's still incompetent and causing me trouble." Of course, your job is not to play psychiatrist to your boss. Your job is to

accomplish certain goals and, in order to do this, you need to work with your boss. But, in order to work with your boss, it might help if you understand how your boss looks at things.

For the sake of your career; for the sake of the officers who work for you; and for the sake of the good of your department, learn how to manage a bad boss.

In the next issue of *P&SN*, we'll give you five more ways to handle or manage a bad boss in part two of this column. **P&SN**

Mike Carpenter has been working in the field of law enforcement in a number of different positions and assignments for more than 30 years. He has held several supervisory and administrative positions, has written several books on the topic of police leadership and supervision and has had more than 100 articles published. He currently teaches criminal justice full-time at a college in upstate New York and also runs a successful consulting business called Police Management Services (www.policemanagement.com). You can contact Mike at MJCarpenterX2@yahoo.com.

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LEGAL UPDATE

THE SUSPECT HAD TWICE TELEPHONED A POLICE DISPATCHER AND THREATENED TO KILL THE PURSUING OFFICERS.

Immunity for Officer Who Shot at a Fleeing Vehicle



Larry E. Holtz, Esq.

Recently, in *Mullenix v. Luna*, 577 U.S. ___, 136 S.Ct. 305 (2015), the United States Supreme Court granted qualified immunity to a Texas State Trooper who was sued after he fatally shot a man during a high-speed chase.

The Case

On the night in question, "Sergeant Randy Baker of the Tulia, Texas, Police Department followed Israel Leija, Jr., to a drive-in restaurant, with a warrant for his arrest. When Baker approached Leija's car and informed him that he was under

arrest, Leija sped off, headed for Interstate 27. Baker gave chase and was quickly joined by Trooper Gabriel Rodriguez of the Texas Department of Public Safety (DPS)."

"Leija entered the interstate and led the officers on an 18 minute chase at speeds between 85 and 110 miles per hour. Twice during the chase, Leija called the Tulia Police dispatcher, claiming to have a gun and threatening to shoot at police officers if they did not abandon their pursuit. The dispatcher relayed Leija's threats, together with a report that Leija might be intoxicated, to all concerned officers."

During the pursuit, other officers set up tire spikes at three locations. Officer Troy Ducheneaux of the Canyon Police Department manned the spike strip at the first location Leija was expected to reach, beneath the overpass at Cemetery Road."

"DPS Trooper Chadrin Mullenix also responded. He drove to the Cemetery Road overpass, initially intending to set up a spike strip there. Upon learning of the other spike strip positions, however, Mullenix began to consider another tactic: shooting at Leija's car in order to disable it. Mullenix had not received training in this tactic and had not attempted it before, but he radioed the idea to Rodriguez. Rodriguez responded '10-4,' gave Mullenix his position, and said that Leija had slowed to 85 miles per hour. Mullenix then asked the DPS dispatcher to inform his supervisor, Sergeant Byrd, of his plan and ask if Byrd thought it was 'worth doing.' Before receiving Byrd's response, Mullenix exited his vehicle and, armed with his service rifle, took a shooting position on the overpass, 20 feet above I-27."

"As Mullenix waited for Leija to arrive, he and another officer, Randall County Sheriff's Deputy Tom Shipman, discussed whether Mullenix's plan would work and how and where to shoot the vehicle to best carry it out. Shipman also informed Mullenix that another officer was located beneath the overpass."

"Approximately three minutes after Mullenix took up his shooting position, he spotted Leija's vehicle, with Rodriguez in pursuit. As Leija approached the overpass, Mullenix fired six shots. Leija's car

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continued forward beneath the overpass, where it engaged the spike strip, hit the median and rolled two and a half times. It was later determined that Leija had been killed by Mullenix's shots, four of which struck his upper body. There was no evidence that any of Mullenix's shots hit the car's radiator, hood or engine block."

The plaintiff, Beatrice Luna, individually and as representative of the estate of Israel, sued Mullenix under 42 U.S.C. §1983, alleging that the officer violated the Fourth Amendment by using excessive force against Leija. Mullenix moved for summary judgment on the ground of qualified immunity.

The Ruling

Ruling in favor of the officer on the "qualified immunity question," the United States Supreme Court explained that the "doctrine of qualified immunity shields officials from civil liability so long as their conduct 'does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.' * * * A clearly established right is one which is 'sufficiently clear that every reasonable official would have understood that what he is doing violates that right.' " Put simply, "qualified immunity protects 'all but the plainly incompetent or those who knowingly violate the law.' "

In the court below, the Fifth Circuit mistakenly held that Mullenix "violated the clearly established rule that a police officer may not 'use deadly force against a fleeing felon who does not pose a sufficient threat of harm to the officer or others.' " Yet, the United States Supreme Court has previously considered – and rejected – almost that exact formulation of the qualified immunity question in the Fourth Amendment context. In *Brosseau v. Haugen*, 543 U.S. 194, 125 S.Ct. 596 (2004), a case which also involved the shooting of a suspect fleeing by car, the Ninth Circuit denied qualified immunity on the ground that the officer had violated the clearly established rule, set forth in *Tennessee v. Garner*, 471 U.S. 1, 105 S.Ct. 1694 (1985), that "deadly force is only permissible where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others." The United States Supreme Court summarily reversed, holding that use of *Garner's* "general" test for excessive force was "mistaken." Rather, the "correct inquiry," the Court explained, "was whether it was clearly established that the Fourth Amendment prohibited the officer's conduct in the 'situation [she] confronted: whether to shoot a disturbed felon, set on avoiding capture through vehicular flight, when persons in the immediate area are at risk from that flight.' "

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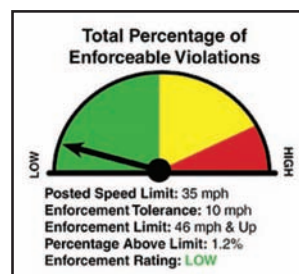
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"In this case, Mullenix confronted a reportedly intoxicated fugitive, set on avoiding capture through high-speed vehicular flight, who twice during his flight had threatened to shoot police officers, and who was moments away from encountering an officer at Cemetery Road. The relevant inquiry is whether existing precedent placed the conclusion that Mullenix acted unreasonably in these circumstances 'beyond debate.'"

"Far from clarifying the issue, excessive force cases involving car chases reveal the hazy legal backdrop against which Mullenix acted. In *Brousseau* itself, the Court held that an officer did not violate clearly established law when she shot a fleeing suspect out of fear that he endangered 'other officers on foot who [she] believed were in the immediate area,' 'the occupied vehicles in [his] path,' and 'any other citizens who might be in the area.' * * The threat Leija posed was at least as immediate as that presented by a suspect who had just begun to drive off and was headed only in the general direction of officers and bystanders. * * * By the time

Mullenix fired, Leija had led police on a 25 mile chase at extremely high speeds, was reportedly intoxicated, had twice threatened to shoot officers, and was racing towards an officer's location."

Since the *Brousseau* decision, the Court has addressed excessive force claims in connection with high-speed chases on two occasions. In *Scott v. Harris*, 550 U.S. 372, 384, 127 S.Ct. 1769 (2007), the Court held that an officer did not violate the Fourth Amendment by ramming the car of a fugitive whose reckless driving 'posed an actual and imminent threat to the lives of any pedestrians who might have been present, to other civilian motorists, and to the officers involved in the chase.' And, in *Plumhoff v. Rickard*, 572 U.S. ___, 134 S.Ct. 2012 (2014), the Court reaffirmed *Scott* by holding that an officer acted reasonably when he fatally shot a fugitive who was 'intent on resuming' a chase that 'pose[d] a deadly threat for others on the road.'" Thus, the Court has "never found the use of deadly force in connection with a dangerous car chase to violate

the Fourth Amendment, let alone to be a basis for denying qualified immunity."

"Leija in his flight did not pass as many cars as the drivers in *Scott* or *Plumhoff*; traffic was light on I-27. At the same time, the fleeing fugitives in *Scott* and *Plumhoff* had not verbally threatened to kill any officers in their path, nor were they about to come upon such officers."

Moreover, the availability of spike strips as an alternative means of terminating the chase does not change the outcome. "Spike strips [can] present dangers of their own, not only to drivers who encounter them at speeds between 85 and 110 miles per hour, but also to officers manning them. * * * Nor are spike strips always successful in ending the chase."

As Mullenix explained, "he feared Leija might attempt to shoot at or run over the officers manning the spike strips. Mullenix also feared that even if Leija hit the spike strips, he might still be able to continue driving in the direction of other officers. * * * In fact, Mullenix hoped his actions would stop the car in a manner that avoided the risks to other officers and

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U.S. Department of Homeland Security Releases Resource Catalog for Law Enforcement

NEWS

The *DHS State and Local Law Enforcement Resource Catalog* summarizes and provides links to training, publications, newsletters, programs and services available from across DHS to law enforcement partners. You can download the catalog at <http://www.dhs.gov/sites/default/files/publications/oslle-resource-catalog-volumeiii-3-19-2015.pdf>.

other drivers that relying on spike strips would entail.”

Reasonable officers could have concluded that Mullenix was justified “in perceiving grave danger and responding accordingly, given that Leija was speeding towards a confrontation with officers he had threatened to kill.” Surely, “in these circumstances, the police were justified in taking Leija at his word when he twice told the dispatcher he had a gun and was prepared to use it.”

“The fact is that, when Mullenix fired, he reasonably understood Leija to be a fugitive fleeing arrest, at speeds over 100 miles per hour, who was armed and possibly intoxicated, who had threatened to kill any officer he saw if the police did not abandon their pursuit, and who was racing towards Officer Ducheneaux’s position.” In light of these events, Mullenix was entitled to the protection of qualified immunity. **P&SN**

Larry E. Holtz has served as a Detective Sergeant with the Atlantic City, New Jersey, Police Department; a Deputy Attorney General for the state of New Jersey; and an Assistant County Prosecutor. Mr. Holtz is a certified police trainer and teaches on a regular basis. He is a member of the bar in New Jersey, Pennsylvania, and the District of Columbia and is admitted to practice before the federal bar in the District of New Jersey and the Third Circuit.



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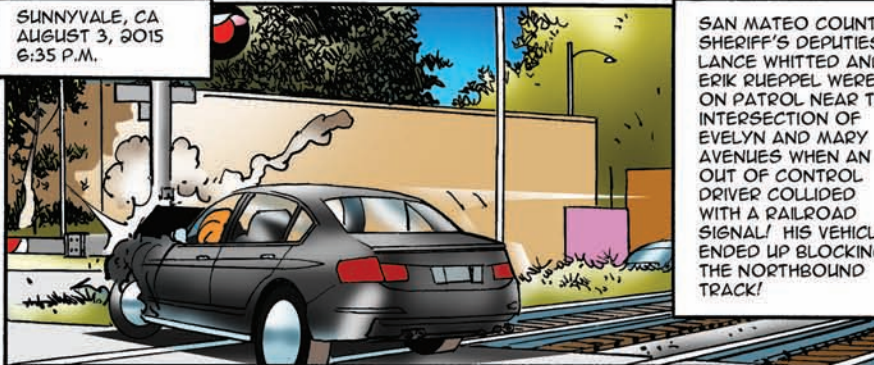
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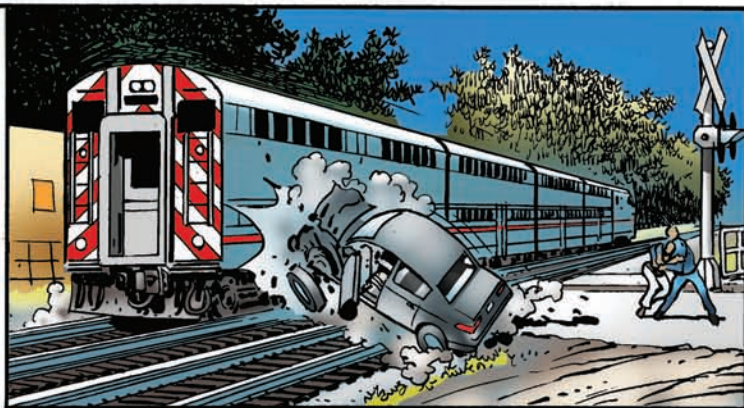
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THROUGH THE SIGHTS

Walt Rauch

After handling and shooting the 9x19mm chambered Range Officer® Compact (ROC) 1911, I felt the ROC was a “just right” gun for self-defense and also for some action shooting sports events. The ROC is neither too small nor too large for both. Looking to its defensive use, the ROC has a number of features which I view as being quite beneficial. It is just compact enough to afford good concealment, yet still large enough to be a competitive gun to run with the full-sized guns.

Specs

The ROC with an empty eight round magazine in it (two are supplied) weighs in at 29.5 ounces. It stands five inches tall, is 7.6 inches in length and has a four inch stainless steel, match grade, bull barrel (no bushing is used) and is ramped with a fully supported chamber for positive feeding and support of the cartridge case. Without a barrel bushing, barrel and slide lockup is done and controlled by how well (or not) the front of the barrel is fitted into the muzzle of the slide. A notch cut into the chamber hood serves as the loaded chamber indicator.

The slide is made from forged carbon steel and has a lowered flared and enlarged ejection port. The slide is Parkerized and a full-length guide rod with captive dual spring is used (more on this later). The slide moves on the full-length rails of the forged aluminum alloy frame. The frame is colored black, hard coated and anodized.

The slide has a rounded top, with a fiber-optic front sight and a low profile, combat rear sight with two white dots on either side of its sight notch. Both sights are mounted in dovetail cuts and can be adjusted for windage or replacement – if needed or desired. Spare fiber-optic inserts (orange and yellow) are supplied for repair of the front sight insert and instructions on how to do so are in the owner's manual.

Ten forward slanting grasping grooves are at the rear of the slide which has markings as follows: The left side is marked

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“COMPACT CAL 9MM” and the right side “SPRINGFIELD ARMORY,” with the Springfield logo. Springfield’s answer to having a drop safety is using a heavier firing pin spring and a lightweight firing pin.

An elongated, enlarged, curved and grooved thumb safety is on the upper left side of the frame. The slightly taller and grooved magazine catch is at the lower rear of the familiarly shaped trigger guard. The horizontally grooved slide stop is in its familiar place above the front of the left grip panel and the rear of the curved trigger guard. The trigger pull weight was an even five pounds and broke cleanly with little take-up and a short reset. Trigger

overtravel was minimal, but can be further adjusted by turning a screw in the trigger face. There is no accessory rail and the rounded front strap is smooth-faced.

Features

The ROC has what was – back in the day – a custom feature which is a thumb safety with its “ledge” lengthened, widened and then curved downward. The safety moves on and off with a satisfying click. In addition to the curve of it now better fitting the arc of your thumb, it also minimizes the front end of the safety from catching on your clothing or you stabbing your thumb on it when manipulating the slide.



Not much muzzle rise while firing the ROC



The installed fiber optic in the front sight is colored orange. Two spare fiber-optic inserts, colored orange and yellow, are supplied. The sight is in a dovetail cut for horizontal windage corrections.

Another safety is the "Safety Stop," which is on the hammer and is explained on page 11 of the owner's manual as follows: The Safety Stop "is a flat, shelf-like surface on the hammer which functions automatically. It will engage the sear in the unlikely event of primary sear notch failure. This will prevent the hammer from falling forward unintentionally and will

insure against uncontrolled automatic fire. It also prevents the hammer from striking the firing pin should your hand slip from the slide or the hammer while cocking the pistol... "Of particular note, it is pointed out in the manual that "the Safety Stop is not a manual safety and should not be engaged by hand."

The frame features a well fitted

beavertail grip safety and wears thin, double diamond rosewood grips which are attractive and offer a good grip as well. Allen screws are used. (Allen wrenches are furnished for both the grip and the trigger overtravel screws.)

Magazines

Now we come to the two (supplied) eight round magazines. A modified follower



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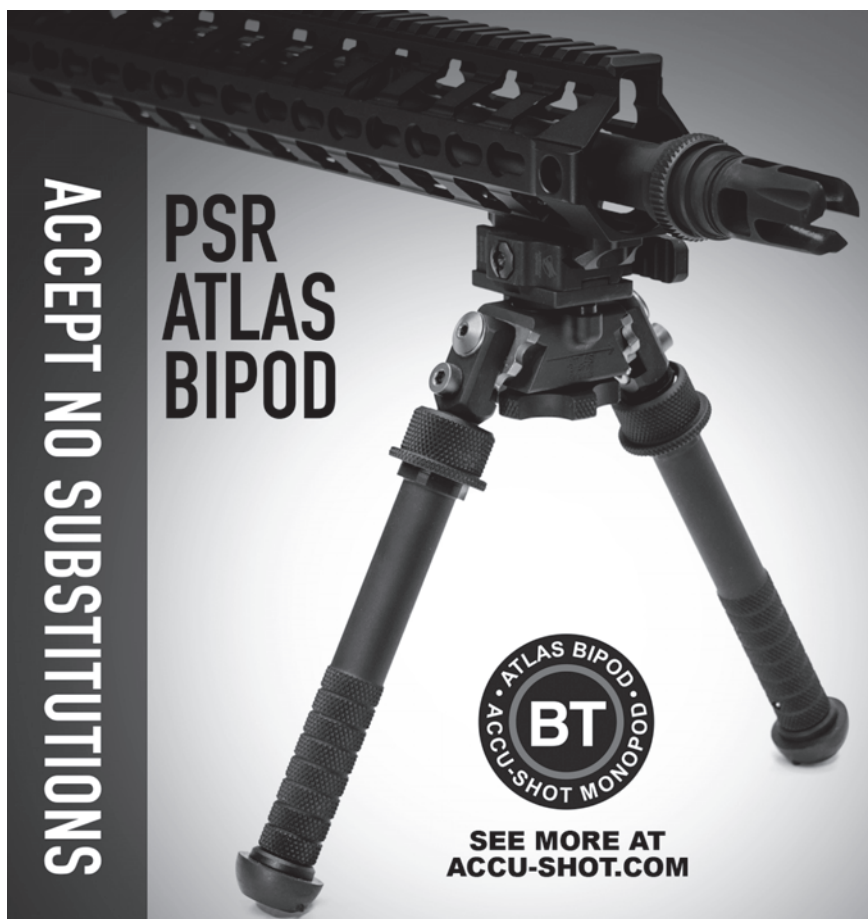
For the first time, threat information which was previously only seen by senior government officials is being made available to the public – without compromising national security. TerrorView, a product from ConteGoView, Inc., uses proprietary technology and on the ground intelligence experts to gather and analyze data from over 100,000 sources, enabling users to track terrorist, cyber and biological threats throughout the world and down the block.

Joshua Katz, a former elite Army Ranger, covert intelligence officer in the CIA and senior adviser to the chairman of the House Homeland Security Committee, is the founder of TerrorView. He started developing TerrorView in 2014 when he became convinced that information about potential terrorist attacks wasn't being accurately or thoughtfully provided to the American public.

TerrorView provides the answers by scanning information and “chatter” found in thousands of public places, giving the user unprecedented access to information, analysis and recommendations on their smartphones. The app provides analyzed data which makes users better informed and prepared, lessening the fear they experience even in their daily routines.

“Terrorism is on the top of everyone's mind every day and it will be for generations to come,” Katz said. “Sadly, there's a lot of misinformation out there. We built TerrorView to be the one place where people can go to get relevant information and a clear understanding of what's taking place and what you should – and *shouldn't* – be concerned about.

A limited data version of TerrorView can be downloaded for free from the App StoreSM and Google PlayTM. Users can get full access for \$4.99 a year through an in-app purchase. To learn more about the app or to download it, visit www.terrorview.com.



is used to allow the magazine to hold one more round. As the 9x19mm round is shorter than a .45ACP round, the 9x19mm rounds do shift and can cause problems in feeding rounds if their size is left unaddressed. The historical fix is inserting a full-length metal spacer to the inside rear of the magazine body which then holds the rounds forward. Here, not only is this done, but Check-Mate (the manufacturer) improved on this by adding two longitudinal grooves on either side of the magazine body to help in positioning the rounds. There are six cartridge witness holes on either side of the body as well.

Its base plate is almost a flush fit to the edges of the magazine well except for a very small “lip” on the base plate which is a good thing; otherwise, it would be all too easy to over insert the magazine, particularly if done vigorously.

Field Stripping

Now, as to disassembling and reassembling the ROC, follow the instructions found in the owner's manual on page 45. In short, since the ROC uses a dual captive recoil spring system on a telescoping guide rod, Springfield supplies a disassembly aid which is a half round piece of plastic the size of the forward part of the guide rod. To use this, after insuring you

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The rear sight is in a dovetail cut and can be adjusted for windage. Its sighting notch has white dots on either side. A nicely fitted beavertail grip safety is used and the hammer is elongated and skeletonized.



CHRONOGRAPH RESULTS

The following data are the results of five shot strings fired over an Oehler chronograph at 25 yards and at an altitude of 300 feet above sea level with an ambient temperature of 70 degrees Fahrenheit. The pistol used was the Springfield Range Officer® Compact (ROC) 1911 in 9x19mm with a barrel length of four inches.

Ammunition	Velocity (fps)	Group Size	Standard Deviation
Liberty Ammunition Civil Defense 50-grain copper hollow point fragmenting	1926	3.75"	36
COR®BON 115-grain +P DPX	1249	2.25"	12
Magtech 115-grain JRN	1088	3.5"	11

have a safe and empty gun, lock the slide back and then snap the "disassembly piece" on the front most portion of the now exposed guide rod. Then, after you remove the slide, you can remove the guide rod, compressing it slightly so that the rod drops down and out, as does the barrel.

An alternative method is to remove the

entire slide assembly and then manually push the guide rod forward enough to attach the tool. (I found that, while this latter course does work, I also noted the dual springs are indeed strong!) Reassemble in reverse order. Next, while the owner's manual gives no indication of when the unit should be changed out due



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SPECIFICATIONS

Springfield Range Officer® Compact (ROC)

Caliber: 9x19mm

Recoil system: Dual spring with full-length guide rod

Sights: Fiber-optic front and low profile combat rear

Weight: 29.5 oz. (with an empty magazine)

Height: 5"

Slide: Forged carbon steel, Parkerized **Barrel:** 4" stainless steel bull barrel, match grade, fully supported ramp

Length: 7.6"

Grip type: Compact RO double diamond thin line rosewood

Frame: Forged aluminum alloy, blackhard coat anodized

Magazines: Eight round capacity, stainless (two supplied)

MSRP: \$869.99



The flat mainspring housing is closely checkered and a key lock gun safety is installed in the housing. Two keys are supplied. The thinness of the grips is apparent.

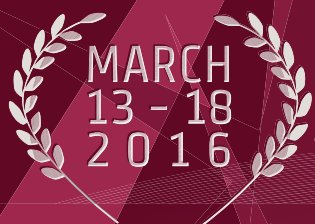
to extensive shooting, my best guess is replacement should be done about every 3,000 rounds or, of course, when functioning problems start to show themselves.

Range Work

At the range, Irv Gill and I set up at 25 yards to chronograph and see what we could get out of the ROC. In short, the ROC shoots quite well and without

malfunction. We used 50-grain Liberty Ammunition Civil Defense, 115-grain COR(r)BON DPX and 115-grain Magtech JRN ammo, but began with some loose Yellow Box Remington® 115-grain JRN

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Irv Gill's 2.25" five shot group from 25 yards using a table as a rest. The Chip McCormick full-sized ten round magazine on the right confirmed that a higher capacity magazine can be used in the shorter length ROC.

rounds for familiarization. After a long run of reviewing small polymer pistols, it was nice that I didn't have to curl a finger under the grip and the three inch slide with full-sized sights simply made for good shooting.

Irv shot the best five shot group at 25 yards which measured 2.25". My efforts were not as good, measuring 3.5" and 3.75". It was no fault of the ROC; just poor shooting on my part this particular day. I like the gun and I am seriously tempted to buy it. However, I already own three Commanders which, by the way, are only 1/4" longer and 1/2" taller than the ROC.

As to holsters to fit the ROC, the padded and lockable traveling and storage gun case from Springfield contains a polymer belt slide and a dual magazine carrier. I also tried it in a few Commander (4 1/4") and full-sized (5") 1911 holsters from DeSantis, Milt Sparks, Galco, Alessi, Del Fatti and the fit of the ROC was acceptable in all of them. **P&SN**

For more information, contact Springfield Armory® at (800)680-6866 or visit their Web site at www.springfield-armory.com.

Circle 1041 for More Information

Upon receiving his BS degree from Carnegie Tech and completing service as a Special Agent in U.S. Army Intelligence, Walt Rauch was a Special Agent with the U.S. Secret Service and an Investigator with the Warrant Unit, First Judicial District, PA.

Rauch is also a writer and lecturer in the firearms field. He is published regularly in national and international publications.

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PRODUCT HIGHLIGHT

Night Vision & Thermal Imaging Equipment

PULSAR



The new **Pulsar Quantum XD38S and XD50S** thermal imaging monoculars feature an advanced OLED display (640x480 pixels) and a high resolution microbolometer sensor (384x288 pixels) with seven different color palette modes for optimal viewing in a variety of scenarios. Users can switch between “white hot” and “black hot,” making targets distinctly visible over 1,000 yards away. The digital zoom provides the advantage of viewing long distance targets and closer targets in greater detail.

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NIGHT OPTICS USA



The **Micro Series Ultra Compact Thermal Monoculars** are available in two models: Micro 1 (19mm fixed focus monocular) and Micro 2 (20mm variable focus monocular). Standard features include two thermal core options (336x256 and 640x480) available for each model; an 800x600 AMOLED display; 9, 30, or 60Hz refresh rate; four polarity options; an accelerometer, video out; external power; an all in one mount for head, helmet, tripod and weapon; 1X, 2X, and 4X magnification; and a sealed, shockproof housing. The **Thermal Monoculars** run on a single three volt CR123 battery.

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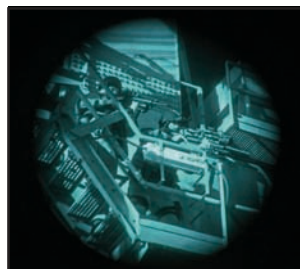
NIGHT OPTICS USA



Night Optics now offers L3 Generation 3 **filmless image intensifier tubes** in most high performance night vision systems. Filmless technology is an evolution of the US military's Generation 4 R&D program. These tubes provide exceptional image clarity and performance over standard thin-filmed Generation 3 tubes. These ultrahigh performance **filmless image tubes** are available in traditional green as well as white phosphor.

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NIGHT VISION DEPOT



Night Vision Depot offers products with **Gen 3 White Phosphor Image Intensifiers** manufactured by Harris/Exelis. While traditional image intensifier tubes use a P-43 phosphor screen output which results in a yellow-green image, **White Phosphor tubes** use a P-45 phosphor screen which yields an alternate coloration closer to black-and-white imagery. This enhances object recognition, while providing contrast sensitivity equivalent to, or better than, traditional green phosphor image tubes.

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NOPTIC®



The **NOPTIC** system mounts to a vehicle's A-pillar spotlight, allowing an officer to pan and tilt the camera using the spotlight's handle from inside. The **NOPTIC** connects to most in-car video monitors and MDTs; has a built-in heater; and is tested to, and operates at, temperature extremes of -40° F to 176° F. The **NOPTIC** thermal imaging camera system is made in America and is the **ONLY** spotlight mounted thermal imager.

While on patrol, officers can scan large areas in complete darkness – all from the safety of their patrol vehicle. The **NOPTIC** system gives officers the edge, allowing them to “see” in the dark.

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NIGHT VISION DEPOT



The **BMNVDG** (Binocular/Monocular Night Vision Device with Gain Control) is two monocular housings attached to the bridge. These monoculars then draw all power directly from the bridge. When a monocular is needed to be used individually, you simply press a button, slide the monocular off the bridge, and then slide the power pack onto the monocular housing. This converts the monocular housing into a fully functional standalone night vision monocular which can be handheld, head, helmet or weapon mounted.

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Developing Antiterrorism



Response Plans

Stephenie Slahor, Ph.D., J.D.

Antiterrorism measures include threat vulnerability assessment, security measures, observation, random antiterrorism measures, and response planning.

Assessing threats, designing effective security measures and developing viable plans to detect and deter terrorist incidents were discussed by Ross Johnson, CPP, Senior Manager for Security and Contingency Planning, Capital Power Corporation as he spoke at the 61st Annual Meeting of ASIS, the world's leading security organization. He explained that antiterrorism planning involves technology, procedures, communication, training and liaison to give protection from terrorism. In essence, an organization's antiterrorism is passive because it is not involved in destroying the terrorist group, but in convincing it to leave the organization alone. On the other hand, counterterrorism uses active

measures which detect, apprehend or destroy terrorists. While terrorism's effects are real, Johnson pointed out that more people in North America are killed by large animals, bees, spiders, do-it-yourself projects, lightning, and car accidents than by acts of terrorism. But, the public perception is important. "People are often far more frightened than they should be," Johnson said. But, acts of terrorism frighten people and they, therefore, demand action from their governmental leaders.

Aftereffects

Terrorism hijacks a government's rightful power and forces a government to divert attention and resources from its own goals to the work of counterterrorism,

Johnson said. He pointed out that terrorists only need firearms, explosives, detonators and radicals to carry out their work, while governments need surveillance, aircraft, expeditionary forces, battle groups or other military and technological resources.

He explained that terrorism is built on a base of passive support from those who support a cause or provide financial assistance for it, but who do not want to risk life or freedom for that cause. The next higher level involves those who lend active support by assisting terrorism in nonviolent ways or by taking higher risks. The next higher level is composed of those who are the active cadre, carrying out attacks and/or training others. At the top is the leader(s) who commits to the cause. "Terrorists do not operate in a vacuum," Johnson said. "They need to gather information on their target in order to increase their probability of success. In antiterrorism planning, we see this need for information on the part of the terrorists as an opportunity to demonstrate to them that we are watching and waiting, and to introduce doubt into their planning cycle."

Countermeasures

Terrorism relies on surprise and the target is selected if success seems assured, Johnson explained. Because terrorists must rely on plans and reconnaissance, there must be identification and disruption of preattack planning and interception of the terrorists' intelligence gathering. That reduces the level of confidence the terrorists might feel, said Johnson. "In antiterrorism planning, we simply want to erode an adversary's confidence in the chances of success to a level where they will choose not to commit the act," he said. "The message must be, 'You will not succeed here.'"

Among the questions to be addressed are: what is the threat; who are the terrorists; what weapons, explosives, tools and tactics do we face; are terrorists engaged in the targeting process right now; what is the threat level (critical, high, medium, low, negligible); what assets need to be protected in land use, facility and system design; what security measures need to be in place (access control, deterrence, detection, delay, response); what measures are appropriate to the threat and its level; how can measures be escalated or de-escalated; and what might be the signs of terrorist activity (results from surveillance or security testing, unusual presence of people who don't "belong" on the premises, dry runs, getting into position or deploying an asset or resource).

Employees and the public must learn

"While watching some 'lone wolf detective' cop show one night, I realized that over the 20 plus years I've viewed cop shows and movies, I've also seen the same tactical errors over and over again. You know the kind I mean."

— Steve Albrecht, *Street Work*

to report suspicious activity and not fear reprisal or ridicule if the report turns out to be innocent activity. "Make a plan for observation," Johnson suggested, adding, "If you wait for something unusual to become suspicious, you're probably too late."

Planning

Create a plan by determining the area(s) to be covered and the persons who watch that area; define the activities or indicators to watch for; decide what should be done if the indicator occurs; and constantly verify that the measure to counteract is being done. For examples, Johnson said security guards can watch for vehicles with occupants remaining inside; mobile patrol guards can look for "watchers" hidden in a tree line or other hiding place; employees can be alert to persons trying to gain information about operations or personnel; and security and other personnel are alert to those having or using faked or stolen identification. Each such situation means setting the activity/item to observe, who should observe, what should be looked for and to whom the report should be made.

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Communication

Johnson said correlating information is vital. For example, is there a suspicious person who looks at a watch when a CEO's vehicle leaves, or who watches a delivery vehicle arriving at a facility? Is someone making notes about shift changes? Is someone watching a facility

or parked near it? Are they different people or the same person or vehicle? Is someone covertly photographing the entrance of a facility? Is someone signaling another person? Is someone seen leaving right after a particular event occurs? Such surveillance means thinking about resources, vantage points for viewing, what to look

for, how to recognize unusual activity, and who should receive that information and decides what needs to be done.

Johnson said random antiterrorism measures are at the heart of good security. "Routine is weakness," he said. Random measures create layers of change, unpredictability, and flexibility which introduce doubt or confusion in the terrorist's plans and remove the possibility of predicting a certain defensive measure on any given day.

He concluded by saying the most important factor in security is communication with employees, executives, law enforcement and intelligence agencies. "Terrorists thrive on certainty," he said. "Don't let them predict what your security plan and measures will look like. Look for the unusual, not just the suspicious." It's the methodology which creates good antiterrorism planning. **P&SN**

Stephenie Slahor, Ph.D., J.D., is a writer in the fields of law enforcement and security. She can be reached at drss12@msn.com.

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Circle 1055 for More Information



The First Motorized Police Patrol Wagon

The town of Akron, Ohio, lays claim to the distinction of having constructed the first motorized police patrol wagon, built in 1899.

Designed by a city electrician, Frank P.

Loomis, and manufactured by Akron's "Collins Buggy Co.," the vehicle was powered by two, four horsepower electric motors, geared in the usual manner with the rear wheels. Current was supplied from an accumulator made up of 40 cells stowed beneath the seats of the vehicle in four sets of ten cells each, and grouped as desired by means of a controller within reach of the driver's left hand. A meter at the driver's right hand indicated the amount of current at his disposal. In March 1900, this was an innovation of great interest.

The steering mechanism consisted of a hand wheel, the shaft of which was connected by a gear with a fifth wheel provided with roller bearings. The braking devices were two sets of friction rollers forced into contact with the tires on the rear wheels by means of a foot lever. A hand brake connected to the gearing of the rear wheels and was controlled by a hand lever beneath the steering wheel in front of the driver.

The wagon's body was ten feet long, 4' 4" wide, and was supported on rubber tired wooden wheels carried by roller bearing axles. It came equipped with electric lights, a bell and a stretcher, and it had a seating capacity for 12 prisoners. Its batteries needed to be recharged every 30 miles.

The vehicle had a maximum speed of 20 mph (on level ground);

Photo: Scientific American

TECHNOLOGY FROM THE PAST

however, the average running speed was from eight to ten miles an hour. Its total weight was 5,800 pounds and it cost the city of Akron approximately \$2,270.00.

People who were arrested objected to riding in the electric patrol wagon more so than appearing in police court, undoubtedly because of the attention it attracted. This was thought to have had a great deal to do with the decrease in the number of arrests made after it was put into service.

On August 22, 1900, during an Akron riot, the wagon was stolen and pushed into a ditch by an angry mob. The next day, firemen pulled the vehicle out and it was cleaned and repaired. The country's first motorized wagon was used until 1905. Afterwards, it was sold as scrap for \$25.

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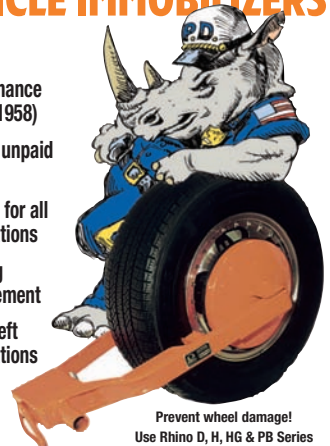
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PRIMARY TO SECONDARY:



Michael T. Rayburn

AN EASY TRANSITION

When forced to switch from primary to secondary, speed is imperative.

Some instructors will tell you to clear the malfunction on your rifle rather than automatically transitioning over to your handgun. Others will tell you to automatically transition over to your handgun and not worry about what's going on with the rifle. They're both right – depending on the circumstances.

Quick Decision

When considering making the switch from your primary weapon system (your rifle) to your secondary weapon system (your handgun), you need to perform a “needs assessment” which is based on the circumstance you're in at the time. If someone is shooting at you from 100

yards away, then automatically transitioning over to your handgun doesn't make a whole lot of sense, unless, of course, you're one heck of a shot with your sidearm. At this distance, keeping your rifle in the fight makes more sense.

However, if you're inside a residential dwelling and your rifle malfunctions while in a gunfight in one of the bedrooms, it makes more sense to transition over to your handgun as quickly as you can. We all know that distance equals time and, at this distance, you have no time, so you need to get your handgun out there as quickly as you can to get some lead on target.

Three Options

There are three different methods of doing this. I'll explain all three of them so that you know the difference, just in case someone tries to tell you differently. I'll also explain all three of them to you so you can determine which one is the fastest to perform, rather than what some instructor tells you is his (or her) “favorite.” Tactics should be based on methods which are the fastest and easiest to perform under stress – not on what someone likes or dislikes.

The first method is simple. Keep the butt stock of the rifle locked into your shoulder with the barrel still up and pointed at the target, and draw and fire your handgun. Bring your handgun right up alongside the rifle's barrel. Don't worry about accidentally hitting your rifle with a round from your sidearm; it's not going to happen. You'd have to deliberately point your handgun at the rifle to even come close.

The second method involves keeping the butt stock of the rifle locked into your shoulder. At the same time as you're drawing your handgun, drop the rifle barrel down and off to your off side, while keeping the butt stock up into your shoulder.

The third method is to allow the butt stock to drop down while you “curl” or bring the fore stock of the rifle into your chest, keeping the barrel of the rifle pointed up and away from you or anyone else. You do this at the same time as drawing your handgun from your holster. You're in a gunfight, so the last thing you want to do is to perform one thing at a time – so bring the rifle into your chest at the same time you're drawing your handgun.

Proceed to the Range

Head out to the range and try all three methods with this simple drill. Load two live rounds into your rifle's magazine and three into your handgun's magazine. Charge both weapons to make them hot at the firing line. Fire two rounds from your rifle, running it dry to simulate either a



***The chances of hitting your long gun
with an errant round from your sidearm are low.***

malfunction or an out of ammo scenario, and then fire three from your handgun.

Try all three methods, but do them one at a time, three or four times each. Doing each method three or four times each

before moving onto the next method will give you an opportunity to see which one you like the most, and therein lies the problem.

This isn't about what you like or dislike.

It's not even about what I like or dislike. It's about which method is the fastest and easiest to perform under stress. If you try all three methods, you'll determine for yourself that the first method of keeping the butt stock locked into your shoulder with the barrel up and just bringing your handgun up alongside the rifle is the fastest and easiest to perform.

Here's the other part which is really important in all of this: With methods two and three, you have to think of two things at once. In method two, you have to drop the barrel down to your off side and draw your handgun. In method three, you have to let the butt stock drop down while you curl the rifle into your chest and draw your handgun.

In the very first method we discussed, all you have to do is draw your handgun. You're in a fight for your life, a gunfight, and you need to get some lead on target as quickly as possible. Having to try and think about two things at once while someone is shooting at you is going to be next to impossible.

What Could Go Wrong?

At this point, some of you may be questioning as to why we just don't let the rifle drop, considering we have a sling to

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"Unlike the pinpoint accuracy that is needed to win a handgun competition, the type of accuracy that is essential for defense is to be able to hit a paper plate-sized target at a room size distance."

– Dave Spalding,
Handgun Combatives



Time and distance will determine if you clear your rifle or transition over to your handgun.

hold it. Have you ever heard of Murphy's Law? What can go wrong will go wrong at the worst possible time. Murphy's Law always seems to be hanging around when cops get into a gunfight.

Having your rifle hit you in the groin while you're trying to draw your handgun is not a good thing. I've seen it happen on the range, so you can bet it's going to happen in real life – and usually at the worst possible time. The other thing is that there's a good chance you're going to be moving, like entering a room, and you

don't want your rifle bouncing around and possibly getting tangled up in it as you try to draw your handgun.

It also goes right back to having to think about two things at once. You have to think about dropping your rifle, letting the sling catch it and drawing your handgun.

In the very first method, we discussed all you have to think about is getting your handgun out to fire it.

Final Consideration

There's one last item to consider. Some of you may be concerned that the first method only allows you to shoot with



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Tactics should be based on methods which are the fastest and easiest to be performed under stress.

one hand. The general feeling among firearms instructors is that you can shoot more accurately with two hands because you have better support. The thinking is that, if you do it right, "it should take no more time to get a two hand grip than a one hand grip."

The problem with that thinking is that, if you look at actual officer involved shootings, the majority of them involve the officer shooting with one hand, not two. Why? Because it's faster and easier to do. Why worry, or THINK, about that off hand – and where to place it – when all

you have to do is draw and fire.

Under stress, the subconscious part of your brain is going to override any tactic you've been trained to do which is either too slow or too complicated, and go with what is the fastest and easiest to perform. It's part of that whole fight or flight thing, so why not train that way? Train the way you fight!

To be fair, try all three methods and even throw in dropping your rifle on its sling. You'll find out for yourself that just keeping the rifle in place while you draw and fire your handgun is the fastest and easiest to perform and you don't have to worry about whacking yourself in the groin – which is always a good thing.

To learn more practical and realistic rifle tactics, pick up a copy of my book, *Tactical Urban Rifle*. The book contains information on this topic, as well as many others. **P&SN**

Michael T. Rayburn has been involved in law enforcement since 1977 and is the author of five books. He is a former Adjunct Instructor for the Smith & Wesson Academy and is the owner of Rayburn Law Enforcement Training. He can be reached at www.combatgunfighting.com.

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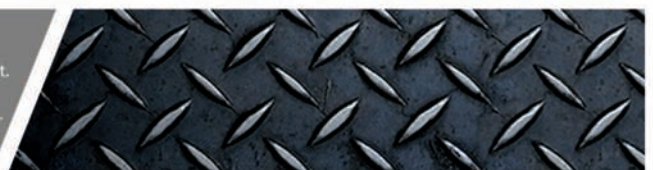
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Appropriate Response to the Active Shooter Threat

Stephenie Slahor, Ph.D., J.D.

In any setting, there must not only be an active shooter plan, but also training in that plan for all who are on-site.

Police and security must plan and integrate policies and procedures for active shooter incidents. But, such policies and procedures must also be appropriate to the setting. Describing such considerations were Kevin T. Doss, CPP, President and CEO of Level 4 Security LLC; C. David Shepherd, CEO of the Readiness Resource Group; and Paul Timm, PSP, President, RETA Security, Inc.

as they presented panel discussions during the 61st Annual Meeting of ASIS, the world's leading security organization.

Characteristics

Active shooter events have occurred in both public and private venues and have involved both hard and soft targets. The shooter is nearly always male, acting alone (although the recent active shooter/terrorist incident which occurred

in San Bernardino involved a husband and wife team). He might be a current or former employee, disgruntled customer, criminal, or even a random person, previously unknown to those at the site of the shooting. If he had former contact with the site, he may know about the presence of security on-site, evacuation routes, exits, position and number of surveillance cameras, reunification sites or other knowledge which could give him an advantage over police or security response.

It is important for business managers and organization administrators to realize that they cannot rely solely on police response. They must, instead, develop a protection scheme for the employees, visitors and property – a scheme which not only plans appropriate response, but includes how, if possible, the business or organization will recover both immediately, and after an incident, in light of all the potential negative publicity which will occur.

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FBI Active Shooter Report Available on JUSTNET

NEWS

In 2014, The Federal Bureau of Investigation (FBI) initiated a study of "active shooter" incidents. The goal of the FBI study was to provide federal, state and local law enforcement with data so they can better understand how to prevent, prepare for, respond to, and recover from these incidents.

Findings

In this study, the FBI identified 160 active shooter incidents, noting they occurred in small and large towns, in urban and rural areas, and in 40 of 50 states and the District of Columbia.

Though the incidents occurred primarily in commerce and educational environments (70.0%), they also occurred on city streets; on military and other government properties; and in private residences, health care facilities, and houses of worship. The shooters victimized young and old; male and female; family members; and people of all races, cultures, and religions.

The findings establish an increasing frequency of incidents annually. During the first seven years included in the study, an average of 6.4 incidents occurred annually. In the last seven years of the study, that average increased to 16.4 incidents annually. This trend reinforces the need to remain vigilant regarding prevention efforts and for law enforcement to aggressively train to better respond to – and help communities recover from – active shooter incidents.

The findings also reflect the damage which can occur in a matter of minutes. In 63 incidents where the duration of the incident could be ascertained, 44 (70%) of 63 incidents ended in five minutes or less, with 23 ending in two minutes or less. Even when law enforcement was present or able to respond within minutes, civilians often had to make life-and-death decisions and, therefore, should be engaged in training and discussion on decisions they may face.

A full copy of the report can be downloaded at https://justnet.org/whats_new.html#Publications

You can also view the FBI's Active Shooter training video, "Run. Hide. Fight.

Surviving an Active Shooter Event" at https://justnet.org/whats_new.html#Publications.

understanding that an active shooter event is foreseeable is key to planning. And even the smallest of details in a plan could be vital to safety and security. Those on-site need to trust their instincts about odd or unusual sights or sounds. There must be a process for reporting such suspicious behavior and no criticism or embarrassment if the report turns out to be unwarranted. Those on-site need to know their roles, duties and responsibilities to help protect themselves, colleagues and visitors through a variety of measures – run, evacuate, leave the immediate area, escape, hide, shelter, barricade, fight back, etc. A response might involve using a phone, but those phones should have written instructions on them or the wall next to the phone about how to reach 911, a security office, another room or office or even how to dial "out" to a open line.

Response

While preserving life is the prime consideration, the appropriate response may vary with such conditions as a teacher who would not leave the students, or a physician or nurse who would not leave a patient, or a military person who cannot leave a post.

For hospitals, it is necessary to consider unique factors, such as campus size; accessibility; which doors lock and which do not; corridor, hallway and elevator traffic and space; information for visiting medical staff who do not work at the hospital; information for visitors or outpatients who are there temporarily; how, and whether, patients would be moved; and response time of security officers who are on the campus.

For schools, there must be consideration of having a wider variety of responses than just a lockdown or ALICE (Alert, Lockdown, Inform, Counter, Evacuate) response. A school's unique factors might include small children; disabled students; a campus containing portable classrooms instead of all classrooms in a large building; how mass notification might be done;

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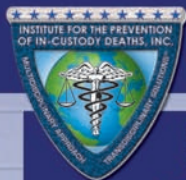
HOSTAGE AND CRISIS NEGOTIATIONS

"All actions are there for a reason," says David Hurley, Head of Operational Security and Risk for Fujitsu, and formerly a member of London's Metropolitan Police in crisis negotiations. Hurley feels that understanding the value of effective negotiations means knowing why negotiations take place and what can be achieved with them. Knowing how to bring about behavioral change is key. Understanding persons in crisis and why they behave in the way they do can make a positive difference in the outcome of a negative situation. He said, "If you understand that, you can develop better success."

"My name's Dave and I'm here to help" he says is the way he often introduced himself to someone in crisis. Negotiation is particularly critical in situations in which the person is suicidal or in need of crisis intervention; in domestic and mental health situations in which a person barricades him/herself; when criminals become trapped during the commission of a crime; in hostage taking, kidnapping or crimes in action; with protestors; during high risk warrants/searches; or situations involving high risk missing persons. "Why? To save lives, buy time, gather intelligence and minimize harm to all involved," he said.

Negotiation can begin only when both parties are ready or else it won't achieve anything, he said. To persuade a party to negotiate involves ethical proof of being able to trust what is being said and to believe that someone will listen and is listening. Hurley said it is "getting through" on the emotional level with a sensible, logical approach which applies to the situation. There must be identification of what has driven someone to the crisis which means taking the time to listen and understand. That, in turn, makes the person feel valued and that it is possible to trust and work with people who will do no harm. "If you proactively seek to protect me from harm, I will trust you," Hurley said of the reaction from the person in crisis.

There must be reliability, he said, so, if you do what you say, that makes you predictable which makes the person feel safe. You must manage expectations and always keep your promises, Hurley advised.



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He added that truth is key. "If you always tell the truth, I know I can rely on what you say and I won't have to do any further checking," he said will be the response of the person in crisis.

People in crisis are unable to manage themselves or the situation they are in, Hurley said. It is important to listen. "People all love talking. All we have to do is listen," he stated. Not saying anything could make the situation worse. Instead, ask, "Can I help?" or "What's wrong?" That may be all which is needed to get the person to talk.

Think safety; make contact; work with a partner if you can; reduce risks; understand what is said and not what you think was said; and don't lie, he advised. Don't try to take control of the person's life, set deadlines or put anyone else at risk. Instead, listen carefully, understand the threats and empower the person to make the right decision. Hurley characterized this as a "reciprocity" between the parties. "Give a little, gain a lot. It works even when the exchange is inequitable. In fact, it's stronger when it's not asked for," he said, adding the comment that negotiation can include saying, "I'm listening" and then doing so, building trust and truth.

and open spaces where large numbers of students may be more vulnerable such as a cafeteria, athletic field or reunification site after a fire or evacuation drill. And, there must be plans for immediate medical care, notification of parents and guardians and care for unhurt students until parents can arrive on campus.

Training

In any setting with contract security, considerations arise about whether the armed contract security officer is expected to engage the shooter, or to help the victims escape or shelter. Everyone – guests, visitors and employees – will expect the contract security company to have participated in the active shooter plans and procedures. Those security personnel must know their duties and roles in the plans.

First responders must have the opportunity to examine and assist with the plan. There must be sharing with anyone involved – employees, contractors, volunteers and part-time employees. By law, businesses are accountable for all employees during an emergency and must provide their employees a place of work which is free from recognizable hazards likely to cause death or serious harm. Courts now consider active shooter situations as "recognizable hazards." And, while all that seems logical for a business in a relationship with its employees, it can be easily imagined what business image tarnishing would occur on social media and in the press if a business were found to have ignored or forgotten customers or guests on-site!

Indeed, thorough preparation is a necessity for the prevention, detection, response, mitigation and aftermath of an active shooter event, and now is the time to construct an appropriate response scheme. **P&SN**

Stephenie Slahor, Ph.D., J.D., is a writer in the fields of law enforcement and security. She can be reached at drss12@msn.com.



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HOW TO ADVANCE YOUR EDUCATION AND CAREER - PART 1



Stephenie Slahor, Ph.D., J.D.

Advancing your knowledge translates to personal satisfaction; career achievements; setting an example for others; and, many times, higher

earnings potential. When you make the decision to study toward a degree or certificate, you've already taken the first step toward betterment.

Now you need to answer more specific questions about your education plans:

What are your goals for higher education? Are you seeking advancement in your present job? Are you moving toward specialization in a particular area of your career? How much time can you devote to your studies? How much money will you need to fund your coursework and learning materials? Which colleges or universities best fit your goals? What are your present abilities, skills and interests? If higher education is going to help you qualify for a new position, job or career, is that position, job or career one which fits with your personal profile? Are there existing jobs in the field or level in which you'll be educating yourself? Are those jobs in a geographic area where you want to live? What are the trends for the future in that job or career?

What Kind of Higher Education?

A bachelor's degree is just about akin to a high school diploma these days, especially for professional careers. It focuses on general education, then specialization

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in a particular field, but critical thinking skills, writing skills and the ability to “learn how to learn” are the hallmarks of a successful bachelor’s degree graduate.

A master’s degree is the next level. It will be much more specific than the studies for a bachelor’s degree because it will be within a field of specialization. Generally, the master’s degree curriculum requires about two years to complete. A thesis is usually required, in which you’ll do an in-depth study or research project.

A Ph.D. degree is the pinnacle of college degrees. It lets you lead others in your specialization as you learn how to conduct intensive research and create new methods, processes and transformations. About two years in the making, the doctoral level degree usually requires a specific project which is worthy of publication in professional journals. A committee of professors decides on the noteworthiness of the resulting dissertation and its significance to the field of study. Without that committee’s approval, the Ph.D. is not granted.

For those not pursuing a degree, but seeking other higher education, there are credential and certificate programs offered by many colleges and universities.

These programs focus on professional development through coursework and/or projects which zero in on a particular set of skills or research in a field.

How Do I Fund Higher Education?

Affording education is a major part of your decision making. In essence, you are investing in yourself when you decide to pursue higher education. Higher education can be costly – even at a public college or university. There are financial helps available, most of which depend on your income, the college you choose and the type of coursework you’re pursuing. Personal eligibility for public colleges generally depends on your legal residency within the state or jurisdiction served by the college. Loans, grants and scholarships can help you manage some of the financial side of your education. Such financial help might cover some, or all, of your tuition, lab fees, books, etc. Some programs defer interest on the loan until later, when you’ve attained, or returned to, a job. For many students working toward a degree beyond that of a bachelor’s level, coursework is done part-time while still working an existing job. If you cannot afford to go to school full-time, you have

to learn to juggle your work obligations with your studies.

As political trends come and go, politicians may be promoting increases in student grants, but such grants are often costly in government budgets and may actually prove inefficient for the student receiving the grant. The route more likely in government funds will be an increase in student loans which must be repaid according to income.

So, when you start researching colleges and the programs they offer which match your goals and interest, be sure to also look at the “student financial aid” pages of the catalog or Web site to learn what kinds of financial assistance are available to you and the terms regarding how much the money will cover, repayment and any income tax concessions.

Merit-based aid – mostly scholarships – may be available, based on the criteria of the scholarship. These criteria usually require an excellent grade point average, outstanding work experience, special talent or leadership abilities, and other positive factors. Competition for scholarships is stiff, but worth the effort if you qualify. Also, be sure to research local merit scholarships. They’re often available from your

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community through service clubs, businesses/corporations, religious organizations, and local education groups such as retired teachers associations. There is usually no "rule" against applying for as many scholarships for which you're qualified. (Be wary of any "scholarship" which asks you to pay an application fee or any other fee. It may be a scam.)

Need-based aid might be a grant which is awarded because of financial need, or a loan (program or private) which will have to be repaid at a low interest rate.

Regardless of the source of your financial aid, whatever comes your way requires your discipline to borrow only what you need and to economize on your personal/family budget to keep your personal expenses as low as possible.

"The legality of a stop or search depends less on the actions of the suspect than on the ability of police officers to articulate the legal standards needed to justify their actions."

— Peter Moskos, *Cop in the Hood*

Will I Be Admitted to a Program?

Colleges and universities set mandatory entrance requirements. These can vary with the institution. Determine what the qualifications are for matriculation and whether you can meet them. Be honest in your assessments. If you're rusty in your writing, math or other skills, do some brush-up work which gets you qualified for the coursework and the projects which you'll be required to do in your higher education.

Should I Attend In-class Or Online?

In-class programs carry the benefits

of working closely with professors, meeting like-minded students and establishing a network of contacts which may last years and benefiting from the college atmosphere and its tight focus on study.

Online programs give the option of earning a degree or certificate without missing work — and the income from your work. But, because you're not on a set schedule of class meeting times as you would be on campus, your online program demands your personal discipline in setting aside time for study, following a strict schedule of courses, progressing through a program or curriculum, and overcoming the lack of interaction which in-class programs usually provide quite easily.

On the positive side, though, online programs usually have flexible enrollment



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to let you enter a program at times other than the traditional "September" start-up time of college. You won't be using time in commuting to a campus, so you are adding to the time available for study. And, online programs use innovative technology to deliver the lectures, assignments, group projects, individual research, and contact with professors which are needed to make a course of study "complete" in its presentation. With such flexibility and delivery, you can make the program fit your schedule of work, family commitments, obligations to aging parents or young children, and time for relaxation. Online programs use Internet connected computer delivery of the course, usually at your convenience, and let you "pause" the lecture when you must. You may also be able to listen to lectures downloaded to your MP3, or other device, for study or review.

Does an Online Program or Degree Have Credibility?

Even though the availability and popularity of online programs are growing rapidly, there is still the tradition that in-class and on campus work has more "weight" in the eyes of some colleges or employers. It may make you wonder about the credibility of an online program.

The fact is that the growth of online study has been phenomenal over the past years. And, because the course is usually nearly identical to that done on campus, it still does its job of educating you in the text, materials and teaching experienced by those doing the course on a campus.

Should you prefer, or need, an online program because of your schedule, you do need to find a college or university online program which is accredited. Attending a program or completing a degree from a non-accredited school will likely impact your chances of advancement in your career, and may even impact the quality of the education you receive.

College and program accreditation is actually a voluntary process and is not overseen by any government agencies. Instead, the college pledges to honor the standards set by the accrediting organization and to allow periodic reviews of its curricula, faculty, library, administration, financial status, student services, courses of study, and other aspects. The college must demonstrate its programs and accomplishments and the quality of its curricula. It must undergo in person and document examination reviews by peers and maintain its standards to continue its accreditation. In essence, a college exists to educate its students and those students, in turn, should be able to demonstrate

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INDUSTRY NEWS

Second Annual Public Safety Camera-based Systems Symposium Announced

The second annual Public Safety Camera-based Systems Symposium will be held on June 6-8, 2016, and hosted by the Salt Lake Community College (SLCC). The Utah P.O.S.T. accredited symposium will be held on the SLCC campus, a short drive from the Salt Lake City International Airport. Sponsored jointly by the Institute for the Prevention of In-custody Deaths (IPICD) Center for Excellence in Event Reconstruction (CEER) and the International Association of Public Safety Camera-based Systems Professionals (IAPSCSP), symposium topics include, but are not limited to, legal updates; Body-Worn Camera (BWC) product developments; BWC policy issues; BWC operational and tactical issues; BWC tactical team issues; BWC file storage issues; BWC file tagging issues; BWC public records issues; BWC recording for EMS and emergency departments; developing BWC competency-based training; how to use BWC in recruit and in-service dynamic training; disciplinary issues involving video or audio; drones; plus more. Individual programs will be offered during the three day symposium which can be applied toward professional certification requirements by the IAPSCSP. Various BWC manufacturers will showcase their products and answer questions. To register, or for more information, please visit www.ipicd.com/ceer.

success in their careers and performance. If they do not, the accreditation organization looks at the effectiveness of the school and where, and why, it needs improvement.

The Council for Higher Education Accreditation and the US Department of Education recognize specific accrediting associations including the following: The Middle States Association of Schools and Colleges; the New England Association of Schools and Colleges; The North Central Association of Colleges and Schools; The Northwest Commission on Colleges and Universities; The Southern Association of Colleges and Schools; and The Western Association of Schools and Colleges. Accreditation by these organizations can spell the difference between a quality education and one which lacks quality – whether on campus or online.

In addition to the academic side of a college's credibility, the US Department of Education also looks at its accreditation to determine whether the school is successful enough to qualify for government sponsored student financial assistance programs. If a student needs a federal loan or grant, the student should be enrolled at a college which is accredited. The department also checks the school's recruitment strategies, financial status and student learning outcomes.

Yet another benefit of accreditation is transferring credit. Some students must, or choose to, transfer to another college. Usually, if they have successfully completed particular courses at an accredited college, they should not have to repeat a similar course at the new college. To put it another way, most accredited colleges will not accept credits earned at a college which does not have accreditation.

It may be that a particular job or career requires a state license to perform. Accreditation also plays a part in that process. The state may require that the student has completed the required curriculum at an accredited college.

Of course, your education and continued learning will be tools for a better job, a career change or a specialization, but they go far beyond just that. They challenge you and the result of meeting their challenge develops your ability to learn more to expand your knowledge and processes. **P&SN**

Stephenie Slahor, Ph.D., J.D., is a writer in the fields of law enforcement and security. She can be reached at drss12@msn.com.

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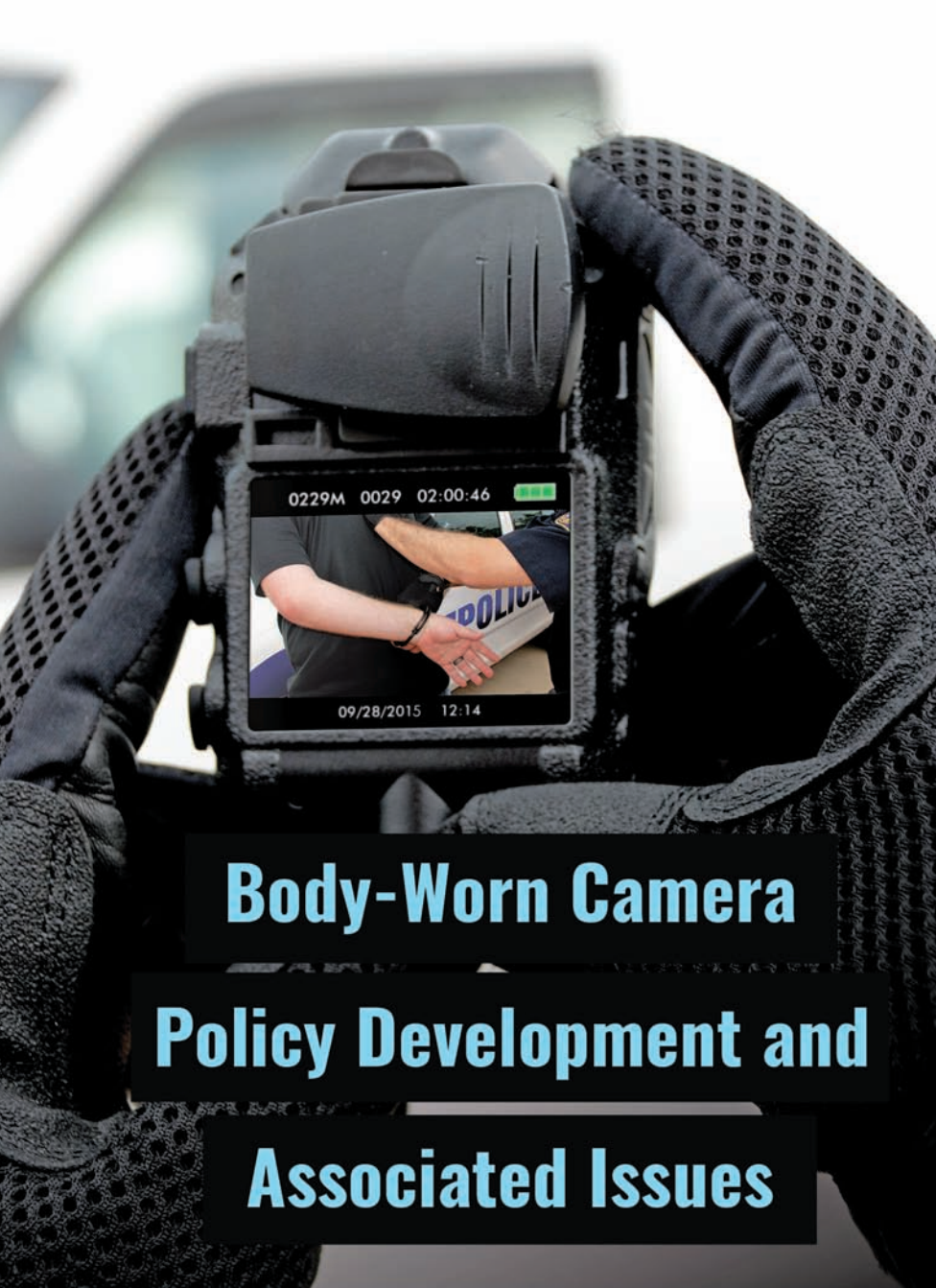


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Body-Worn Camera Policy Development and Associated Issues

John G. Peters, Jr., Ph.D.; Charles Wilhite, J.D.; & Ken Wallentine, J.D.
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“Can I have a copy of your body-worn camera policy?”

This is a common question we hear at conferences and symposia across the United States from public safety administrators and managers. “Why reinvent the wheel” is the usual follow-up “justification” after requesting the policy. Copying a body-worn camera policy, or any policy for that matter, is not a good idea as *no one size fits all*. Each public safety agency is unique and, while there may be some shared issues, each policy must be customized to that agency. There

really are no shortcuts, as often seen at deposition or at trial when a policy of agency “X” is shown to the chief, officer or jury members with a highlight on the name of agency “Y” which had not been deleted prior to the policy being issued. So what exactly is *policy* and does it include *rules* and/or *procedures*?

Policy Defined

The Honorable Emory Plitt, Jr. defined *policy* as “a general statement of philosophy, principles and objectives in a given

area. Policies tell what the department wants to accomplish and why. Policy provides the framework wherein more specific guidance can be provided in the form of procedures and rules.” In short, policy is general in nature and ongoing, such as “All patrol officers will carry departmentally issued body-worn cameras.” This policy is general in nature and does not contain rules and procedures which ordinarily limit officer discretion.

Continuing, the Judge and former Maryland State Police legal counsel defined *rules* as being much more specific. They leave less room for the exercise of discretion and decision making by the rank-and-file officer. Rules spell out what must be done, or not done, in specific situations. Rules are intended to mandate specific behaviors. Rules help to make the department’s response as uniform as possible to specific situations.”

“Procedures spell out a routine to be followed in handling a particular matter. They are typically more detailed than rules and are usually concerned with setting out an orderly manner in which to proceed. They set out the exact actions to be taken.”

What many people clumsily call *policy* actually incorporates *rules* and *procedures*. While there are many written “policies,” recall from Part One of this series that “unwritten ground rules” exist, too, and are often used by plaintiff counsel to show the *actual* custom, practice or policy which is oftentimes different than what was published by agency administrators. Remember: Policy is discoverable. Drafting body-worn camera guidelines is hard work and it does take time. If employees are covered by a Collective Bargaining Agreement (CBA) or a police officer’s Bill of Rights, policy writers must also consider its content.

Considerations

Issues to consider when writing “policy” include, but are not limited to, when to wear the body-worn camera; when it can be “turned off”; when the video and audio must be downloaded; when the video and/or audio file can be deleted; when video and/or audio files may, or may not, be released to the public and/or the media; when people must be told they are being recorded (e.g., two-party state without camera and/or audio exceptions); when a backup officer must download files even though the officer was only checking on the primary officer; when and how to report a body-worn camera which is lost; and when and how to report missing video and/or audio files.

The International Association of Chiefs of Police (IACP) gives several recommendations to those writing law

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enforcement policies. They include ensuring that policies are clearly written, simple to understand and easy to implement; that policies are consistent with the philosophy of the organization; and that the policies incorporate applicable best practices and address the legal environment and administrative requirements of the agency. Several organizations have published draft body-worn camera policies and best practices guides which can serve as a starting point for policy development. Many of those can be found on the IPICD SEER Web site at <http://ipicd.com/ceer/resources.php>. It is imperative, however, that each agency draft and implement policies which fit the agency. Policies that are appropriate for large departments with multiple divisions will not fit a small department which only deploys a small number of cameras, and policies which are legally sound in one state may result in liability if implemented in another.

Must Haves

Although it is not practical to list every possible consideration in drafting a policy, there are several key areas which body-worn camera policies must cover. Many policies do a good job of addressing operational details, such as when a camera must be activated, but do not give adequate consideration to management, logistical and training considerations. Agencies must decide which individual or workgroup will be responsible for developing and updating procedures and rules related to the body camera program, as well as who will be responsible for maintaining the equipment, conducting the training, storing the data, conducting program and policy evaluation and addressing the

myriad of collateral issues raised in this article and the two preceding articles.

Policies must address the who, what, where, when and why of both camera use and the downloading, storage and retrieval of data. Questions include who must wear the cameras and where must they be worn on the body? Consideration must be given to individual assignments, uniforms, the body camera itself and the conditions in which the employee and the camera will be operating. Under what conditions must the body camera be activated and what happens when an officer fails to activate? This can be a contentious issue between agencies, law enforcement labor organizations and public interest groups. Most policies allow for situations where an officer cannot activate the camera due to a sudden unforeseen event or other situation where activating the camera will jeopardize officer or citizen safety. Will the agency require all citizen contacts to be recorded or just certain interactions, such as traffic enforcement stops, arrests, searches, etc.? When must recording start and stop? Who must record – only the primary officer or all officers on scene? Finally, what notifications must be made and what documentation must be submitted when critical incidents are, or are not, recorded?

Legal Issues

Legal requirements regarding recording must also be considered and will often be decided by state or local law. Do officers need permission to record and under what conditions? Must they advise persons that they are being recorded and can a person demand that the recording be stopped? Are there certain persons, places or situations which, as a matter of law, cannot be recorded? Each of these questions must be researched before a comprehensive policy can be written.

The policy must address issues related to the downloading and storing of data. Once again, these policies will need to be molded to each individual agency and the system it is using. Who will be responsible for downloading body-worn camera data and at what intervals? What systems and safeguards are necessary and available to prevent tampering with, deleting or altering recordings? How long will the recordings be maintained and in what form? Often, policies will provide for different retention periods depending on the event, the potential for future litigation and applicable records retention laws.

Access to body-worn camera data must also be addressed. Who will be able to access the data and under what circumstances? Will officers be allowed to view recordings before writing their reports? When will copies be made and to whom can they be released? As discussed in detail below, the answers to all of these questions will likely be heavily influenced by applicable public records laws.

Finally, just because an agency does not issue body cameras does not mean that it does not need a body camera policy. Most agencies which issue body cameras forbid officers from using privately owned cameras on duty. However, in some agencies, personnel purchase and deploy their own body cameras, either because the agency head has decided to allow it or because the agency head has not taken any action to forbid it. Allowing officers to use their own cameras raises several issues which can become problematic if there is a critical incident or other situation where body camera footage might be useful. Can the department order the officer to turn over the video? Who owns the video footage? How will the chain of custody be maintained? If an agency is going to allow private body-worn cameras, these issues – as well as the ones addressed above – have to be considered.



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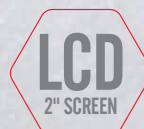


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Overlooked Issues

As the race to roll out body-worn cameras followed the high-profile law enforcement controversies of the past few years, many advocates neglected to consider the immediate and long-term impact of state open records statutes, record retention requirements and the evidentiary issues surrounding body-worn camera video recording.

Many school resource officers may

wear a body-worn camera inside the school. Roman Roberson, the Assistant Chief of the Kilgore, Texas, police department, said such privacy concerns are unfounded. Kilgore's three school resource officers have worn body cameras for about six years, along with many of the department's other officers and, in that time, the district hasn't heard many complaints, he said. The National Association of School Resource Officers currently

takes no position on their use in schools. The Police Executive Research Forum guide for body-worn cameras doesn't mention school police at all.

School resource officers should consult with school district legal counsel about preserving and protecting the video record. Records kept by school police are generally not subject to the *Family Educational Rights and Privacy Act*, a federal student privacy law which shields most student data from public disclosure, according to an opinion by the U.S. Department of Education. However, state open records laws provide varying levels of protection against sharing and disclosure of records related to crimes committed by juveniles.

Public Record

Body-worn camera video is very likely to be considered a "public record" in every state. The definition of a "public record" is fairly broad in most state open records laws. These statutes predate the widespread use of body-worn cameras, though some may have tackled the question of dash camera video. Once a record is deemed to be "public," there is certainly an expectation that it will be disclosable to the media and to the public and there may even be a legal presumption. The Constitution Project has observed that "the use of body-worn cameras worn by law enforcement agencies presents a number of potential benefits as well as risks."

Discussing whether a body-worn video recording which caught a citizen at their worst moment or in their most intimate crisis squarely places law enforcement executives in the position of being the guardian of a citizen's most urgent privacy concern. The privacy expectations are particularly high when body-worn cameras capture events inside private homes. Advocacy groups which have consistently pushed for individual privacy protections against government intrusion now find themselves pondering the precarious balance of personal privacy interests in body-worn camera recordings and the interests of "holding police accountable through transparency" and the "public's right to know" what police are doing.

Most state records laws feature some type of a balancing test, weighing individual privacy interests against the public interest in disclosure of government activities. There are generally protections against disclosure of records during the active phase of an investigation and prosecution and, perhaps, even during civil litigation. A number of state legislatures have begun to forge new laws dealing with these issues.

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Redaction

Public disclosure advocates argue that body-worn video recordings may be easily redacted. That is likely to be true in the future, but simple and easy redaction just isn't a reality. The public frequently sees pixilated or fuzzy pictures of suspects' faces on the evening news and assumes that sort of redaction to be an easy task. Police departments don't have the same video editing software, experience and skills as a major television studio. Moreover, the local network affiliate may only need to redact a short video clip once every few days, while a police agency is dealing with a constant stream of newly created video. The Seattle Police Department took an interesting route to redaction by blurring all of the body-worn video it released for Web broadcast. Whether that route would forestall a possible public records disclosure order in other states is doubtful.

The redaction discussion should help shape the agency's policy on when to record. Understand that a policy which requires recording the entire shift generates some unwieldy numbers. A shift of ten officers working an eight hour shift creates 80 hours of video; three shifts of equal numbers generate 240 hours per week, 12,480 hours per year. A records request for all video for two years (the retention period in some states) means reviewing and redacting 24,960 hours, a task which would require 104 FTEs working eight hours a day for 30 days (the general time for a public records request response).

Body-worn camera video evidence can prove to be very useful in court. Eye-witness misidentification is something we believe the "other guy" might do, but not us. We tend to rate our memories as very reliable. An article published in *Scientific American* reported 63% of adults believe that memory is about as good as a video camera. A video record can help avoid misidentification.

Unrealistic Expectations

The "CSI Effect" is a particular concern with body-worn camera video. The CSI Effect suggests that crimes are solved in 42 minutes (one hour minus the time for commercials), always using DNA evidence and generally with the crime captured in Panavision. We've already seen juries unwilling to believe live witnesses because the witness testimony was not supported by high-definition video evidence or the video evidence was interpreted differently by the jurors. As video

"Traffic stops are the great unknown. When you pull a car over, the driver can be your fourth grade viola teacher or some disgruntled employee heading to work to right perceived wrongs at gunpoint. You never know what you're going to get."

— Adam Plantinga, *400 Things Cops Know*

evidence becomes more common, there is a very real danger that jurors will unduly discount competent witness testimony where there is no corroborating video recording.

Police, citizens and legal professionals must be very cautious about overreliance on video evidence. Remember, cameras record, but people process. Courts should expect that an officer's testimony will vary from the video recording. A camera equipped with infrared technology may well "see" in the dark when an officer cannot. Remember, too, that a point of aim camera may not reach peripheral vision; may not quickly transition from light to dark and vice versa; and may not capture images at the same speed as the human eye. What the camera "sees" is merely a piece of evidence.

On the Horizon

Will body-worn camera video evidence lead to another type of expert witness? Will experts be allowed to testify about the limitations of body-worn cameras? Will other experts discuss the bias in interpretation?

Referring to the decision in *Scott v. Harris*, in which the Supreme Court – for the first time ever – considered video evidence as part of its deliberations, one scholar observes, "the Court fell sway to the myth of video evidence as able to speak for itself, as an objective, unambiguous and singularly accurate depiction of real-world events, not subject to any interpretation or subjective analysis. For the majority, there was no need for a fact finder to review the video or to compare the video with the competing testimony of eyewitnesses, because what the majority saw in the video was true. The reality, however, is that video evidence is not so singularly objective or definitive in its meaning and message; instead, video presents one perspective on events and is subject to the interpretation and close analysis reserved for the jury at trial."

Attorneys will undoubtedly endeavor to play a favorable video recording over and over for a jury, or ask the court to exclude the recording if on the other side. There are rules and precedent to guide

courts weighing the authenticity, admissibility and relevance of evidence. Courts also have existing frameworks for addressing potential evidentiary privilege issues, questions of unintentional capture and similar evidentiary rule questions. Body-worn camera video evidence offers fertile ground for conflicts in the area

of discovery mechanics, preservation or spoliation of evidence, application of protective agreements and orders, authentication, foundation and chain of custody issues.

A Group Effort

Agencies purchasing body-worn camera systems should think about the prosecutor's needs and involve the prosecutor and civil counsel in policy formation and review. If video evidence does not favor the defense, the defense will attack the technology (remember the O.J. Simpson trial?). The vendor's system must have an unassailable security suite which ensures confidence in the chain of custody, security and integrity of the evidence. Question potential vendors about the support software available for the criminal discovery process. Also ask about tools which will ease the burden of accommodating public records disclosure requests. **P&SN**

John G. Peters, Jr., Ph.D., serves as President of the internationally recognized training firm, Institute for the Prevention of In-custody Deaths, Inc. (IPICD). A judicially qualified expert witness, he has testified in federal, state and international courts. The author of more than 250 publications, his publications include Defensive Tactics with Flashlights, Tactical Handcuffing for Chain- and Hinged-Style Handcuffs, Official Kubotan® Techniques, and Realistic Defensive Tactics.

Captain Charles Wilhite, J.D., works for a large Southern California sheriff's department. An attorney licensed in California, Captain Wilhite also serves as Director of the IPICD Center for Excellence in Event Reconstruction (CEER).

Special Agent Ken Wallentine, J.D. coordinates use-of-force and cold case training and investigations at the Office of the Utah Attorney General. A former chief, he has been a prosecutor and is the author of numerous books and articles, including the American Bar Association's Street Legal: A Guide to Pretrial Criminal Procedure. Chief Wallentine frequently serves as an expert witness in police shootings and deaths associated with electronic control devices.



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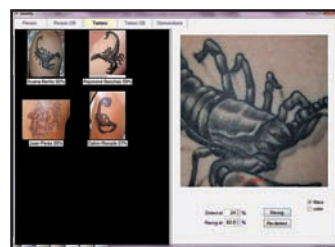
New Alpha Elite Black – Level IIIA Ballistic Package



As the first body armor ever made with the Dyneema® Force Multiplier Technology by DSM, the Alpha Elite system offered by Point Blank Enterprises continues to break ground. The most recent advancement is the substantial reduction in weight of the Level IIIA ballistic package. Referred to as the **Alpha Elite Black**, the enhanced ballistic package weighs in at a remarkable 0.79 pounds per square foot (psf), decreasing from 0.87 psf and surpassing previous levels of comfort in a Level IIIA package. The **Alpha Elite Black** creates an entirely new standard in comfort while continuing to provide extraordinary protection, flexibility, mobility and coverage; high effectiveness against fragmentation; and multihit and special threat performance beyond FBI protocols.

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New Tattoo Recognition System



Face Forensics, Inc. has recently extended its advanced face recognition technology by adding the capability to match images of tattoos against databases containing them. **f2** has the ability to identify a tattoo or other image, even though it's been cropped, reformatted, or is just similar. This capability is fully integrated so that it can connect any scar, mark or tattoo directly back to its associated face and name.

The system includes automatic enrollment of existing tattoo images and automatic detection and encoding of new tattoos which are added to external databases. The software accesses these images in read-only mode so that data integrity is assured.

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MK-9 Aerosol Projector



The **MK-9 Oleoresin Capsicum (OC)** unit, from Guardian Protective Devices, is a perfect solution for crowd management operations, prisoner control, preentry, area denial and other civil disturbances. The **MK-9** provides high volume output and is available in multiple delivery systems and formulations to meet your department's requirements.

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New Casualty Kit



TSSi recently released the **Rolling Mass Casualty Kit** which features shoulder straps for ease of movement on stairways and includes sufficient emergency medical components to treat more than 30 casualties having life threatening injuries. The new kit provides litter transport for six people.

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P&SN Police and Security News

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PUBLISHER: David A. Yaw

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ARTWORK & DESIGN: BCD Company

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Police and Security News is published bimonthly by DAYS Communications, Inc. with corporate offices at 1690 Quarry Road, Kulpville, PA 19443 and sales offices at 1208 Juniper Street, Quakertown, PA 18951-1520.

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Standard Rate Postage Paid at Bellmawr, NJ (permit #1239).

POSTMASTER: Please send form #3579 to DAYS Communications, Inc., P.O. Box 330, Kulpville, PA 19443.

All subscriptions and editorial should be directed to: DAYS Communications, Inc., 1208 Juniper Street, Quakertown, PA 18951-1520.

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BUSTED!

James L. McClinton, Ph.D

Wait a minute...leaves are supposed to fall at this time of the year, not grass!... A woman awoke to what sounded like thunder in the early morning hours, but dismissed it as a typical monsoon storm. Later that morning, she looked in the carport at her home (near the U.S./Mexico border) and saw pieces of wood on the ground. She also found a bulky bundle wrapped in black plastic. Inside was roughly 26 pounds of marijuana – a package which authorities say had likely been accidentally dropped there by a drug smuggler's aircraft. "It just made a perfectly round hole through our carport." The couple said police told them an ultralight aircraft smuggling marijuana from Mexico had probably let part of its load go early by accident before dropping the rest farther north. *(This gives the phrase "getting bombed" a whole new meaning.)*

I'll bet you didn't know that morons have an elite airborne division... In Daytona Beach, Florida, a thief was arrested after his brilliant scheme for picking up a few bucks "fell through." The thief chose the Hibachi Grill and Supreme Buffet as his crime scene. His plan was to crawl through the ceiling and drop into the manager's office, where he would steal the night's receipts. It seems, however, that his plan had a couple of flaws. First, his timing was a little off – he chose to crawl through the ceiling during the 6:00 p.m. rush hour at the restaurant. Second, he failed to consider his own weight. Restaurant patrons complained that they could hear noises coming from above just before he came crashing through, landing on a shocked diner. He also failed to consider the fact that, even if he had made it to the office, the receipts were in a locked safe. *(His defense will be that he got lost on the way to the men's room.)*

Suffering from PMS (PreMeditated Stupidity)... Security cameras showed a burglar robbing the Battery Mart store in Apple Valley, California, while wearing a unique, but ineffective, disguise. A spokesman for the San Bernardino County Sheriff's Office said the disguise "appeared to be a maxi pad on his fore-



Sounds to me like "Hot Sauce" actually won the lottery!...

A woman recently spoke about how the \$88 million Powerball® lump sum she had won would allow her to finish college and help her four kids. But, almost immediately, her boyfriend, nicknamed "Hot Sauce," was charged with drug trafficking and needed three million dollars for bail which she took care of. Then, shortly afterwards, in Brunswick County, NC, "Hot Sauce" was arrested again for selling heroin and reporters surmised that she must have been the one who posted that six million dollar bail. After a lot of criticism, the woman addressed her cynics on Facebook, "What y'all need to be worried about is y'all's money ..." *(Looks like she's already giving a lot of that money right back to the state.)*

head." Unfortunately for the burglar, the disguise didn't do much to cover the man's face and deputies recognized the 51-year-old intruder. They obtained a search warrant and raided his house, arresting him and recovering the stolen goods. *(My guess is that he'll plead insanity!)*

I think local civic groups should nominate this clown for a Crime Stoppers award... A man broke into the local Dollar General store in Metropolis, Illinois, and took a few items before fleeing. The alarm was tripped and the police arrived within minutes. While they were reviewing the video footage of the crime, the officers received a call from the chief of police, who told the officers there was a suspicious looking character on his front porch asking to use the phone. The police described the man seen in the footage and, yep, out of all of the doors in town, the thief had chosen the police chief's to knock on. As he was being led away, the man was overheard saying, "I

knew I should have run." *(And now the little voices in his head are calling him an idiot!)*

There goes his Harvard scholarship!... Authorities say an 18-year-old Florida man drove a stolen car to police headquarters to pick up court papers about a previous auto theft he had been involved in – documents which were found in yet another stolen car. The man now faces charges in three stolen car cases. St. Petersburg police said that officers found a stolen Infiniti. Inside, they found the man's documents related to a June auto theft arrest. Detectives contacted the man who arranged to pick them up. When he arrived at police headquarters, a detective arrested him and found keys to a Hyundai Sonata in his pocket. The car was located a block away and it had also been reported stolen. He was charged and held without bond. *(Transport officers better keep a close eye on this guy when they drive him to court.)* **P&SN**



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